

115TH CONGRESS
1ST SESSION

H. R. 2825

IN THE SENATE OF THE UNITED STATES

JULY 20, 2017

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Department of Homeland Security Authorization Act” or
 4 the “DHS Authorization Act”.

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. References.

DIVISION A—HOMELAND SECURITY

TITLE I—DEPARTMENT OF HOMELAND SECURITY
 HEADQUARTERS

Sec. 1001. Short title.

Subtitle A—Headquarters Operations

Sec. 1101. Homeland security enterprise defined.

Sec. 1102. Functions and components of Headquarters of Department of
 Homeland Security.

Sec. 1103. Repeal of Director of Shared Services and Office of Counter-
 narcotics Enforcement of Department of Homeland Security.

Sec. 1104. Responsibilities and functions of Chief Privacy Officer.

Sec. 1105. Responsibilities of Chief Financial Officer.

Sec. 1106. Chief Information Officer.

Sec. 1107. Quadrennial Homeland Security review.

Sec. 1108. Office of Strategy, Policy, and Plans.

Sec. 1109. Office of External Affairs.

Sec. 1110. Chief Procurement Officer.

Sec. 1111. Chief Security Officer.

Sec. 1112. Office of Inspector General.

Sec. 1113. Office for Civil Rights and Civil Liberties.

Sec. 1114. Department of Homeland Security Rotation Program.

Sec. 1115. Future Years Homeland Security Program.

Sec. 1116. Field efficiencies plan.

Sec. 1117. Submission to Congress of information regarding reprogramming or
 transfer of Department of Homeland Security resources to re-
 spond to operational surges.

Sec. 1118. Report to Congress on cost savings and efficiency.

Sec. 1119. Research and development and CBRNE organizational review.

Sec. 1120. Activities related to children.

Subtitle B—Human Resources and Other Matters

Sec. 1131. Chief Human Capital Officer responsibilities.

Sec. 1132. Employee engagement steering committee and action plan.

Sec. 1133. Annual employee award program.

Sec. 1134. Independent investigation and implementation plan.

Sec. 1135. Timely guidance to DHS personnel regarding Executive orders.

Sec. 1136. Secretary's responsibilities regarding election infrastructure.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION
ACCOUNTABILITY AND EFFICIENCY

Sec. 1201. Definitions.

Subtitle A—Acquisition Authorities

Sec. 1211. Acquisition authorities for Under Secretary for Management of the Department of Homeland Security.

Sec. 1212. Acquisition authorities for Chief Financial Officer of the Department of Homeland Security.

Sec. 1213. Acquisition authorities for Chief Information Officer of the Department of Homeland Security.

Sec. 1214. Acquisition authorities for Program Accountability and Risk Management.

Sec. 1215. Acquisition innovation.

Subtitle B—Acquisition Program Management Discipline

Sec. 1221. Acquisition Review Board.

Sec. 1222. Requirements to reduce duplication in acquisition programs.

Sec. 1223. Department leadership council.

Sec. 1224. Government Accountability Office review of Board and of requirements to reduce duplication in acquisition programs.

Sec. 1225. Excluded party list system waivers.

Sec. 1226. Inspector General oversight of suspension and debarment.

Subtitle C—Acquisition Program Management Accountability and
Transparency

Sec. 1231. Congressional notification for major acquisition programs.

Sec. 1232. Multiyear Acquisition Strategy.

Sec. 1233. Acquisition reports.

TITLE III—INTELLIGENCE AND INFORMATION SHARING

Subtitle A—Department of Homeland Security Intelligence Enterprise

Sec. 1301. Homeland intelligence doctrine.

Sec. 1302. Analysts for the Chief Intelligence Officer.

Sec. 1303. Annual homeland terrorist threat assessments.

Sec. 1304. Department of Homeland Security data framework.

Sec. 1305. Establishment of Insider Threat Program.

Sec. 1306. Threat assessment on terrorist use of virtual currency.

Sec. 1307. Department of Homeland Security counterterrorism advisory board.

Sec. 1308. Border and gang threat assessment.

Sec. 1309. Security clearance management and administration.

Subtitle B—Stakeholder Information Sharing

Sec. 1311. Department of Homeland Security Fusion Center Partnership Initiative.

Sec. 1312. Fusion center personnel needs assessment.

Sec. 1313. Program for State and local analyst clearances.

Sec. 1314. Information technology assessment.

- Sec. 1315. Department of Homeland Security classified facility inventory and dissemination.
- Sec. 1316. Terror inmate information sharing.
- Sec. 1317. Annual report on Office for State and Local Law Enforcement.
- Sec. 1318. Annual catalog on Department of Homeland Security training, publications, programs, and services for State, local, and tribal law enforcement agencies.

TITLE IV—MARITIME SECURITY

- Sec. 1401. Strategic plan to enhance the security of the international supply chain.
- Sec. 1402. Container Security Initiative.
- Sec. 1403. Cyber at ports.
- Sec. 1404. Facility inspection intervals.
- Sec. 1405. Updates of maritime operations coordination plan.
- Sec. 1406. Evaluation of Coast Guard Deployable Specialized Forces.
- Sec. 1407. Cost benefit analysis of co-locating DHS assets.
- Sec. 1408. Repeal of interagency operational centers for port security and secure systems of transportation.
- Sec. 1409. Maritime security capabilities assessments.
- Sec. 1410. Conforming and clerical amendments.

TITLE V—TRANSPORTATION SECURITY ADMINISTRATION

Subtitle A—Administration

- Sec. 1501. Amendments to the Homeland Security Act of 2002 and title 5, United States Code.
- Sec. 1502. Amendments to title 49, United States Code.
- Sec. 1503. Amendments to the Aviation and Transportation Security Act.
- Sec. 1504. Information required to be submitted to Congress under the strategic 5-year technology investment plan of the Transportation Security Administration.
- Sec. 1505. Maintenance of security-related technology.
- Sec. 1506. Transportation Security Administration efficiency.
- Sec. 1507. Transportation senior executive service accountability.

Subtitle B—Passenger Security and Screening

- Sec. 1511. Department of Homeland Security trusted traveler program collaboration.
- Sec. 1512. PreCheck Biometric pilot project.
- Sec. 1513. Identity and travel document verification.
- Sec. 1514. Computed tomography pilot project.
- Sec. 1515. Explosives detection canine teams for aviation.
- Sec. 1516. Standard operating procedures at airport checkpoints.
- Sec. 1517. Traveler redress improvement.
- Sec. 1518. Screening in areas other than passenger terminals.
- Sec. 1519. Federal Air Marshal Service agreements.
- Sec. 1520. Federal Air Marshal mission scheduling automation.
- Sec. 1521. Canine detection research and development.
- Sec. 1522. International Civil Aviation Organization.
- Sec. 1523. Passenger security fee.
- Sec. 1524. Last point of departure airport certification.
- Sec. 1525. Security incident response at airports and surface transportation hubs.

- Sec. 1526. Airport security screening opt-out program.
- Sec. 1527. Personnel management system review.
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Subtitle C—Transportation Security Screening Personnel Training and
Accountability

- Sec. 1531. Transportation security training programs.
- Sec. 1532. Alternate new security screening personnel training program cost and feasibility study.
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Subtitle D—Airport Access Controls and Perimeter Security

- Sec. 1541. Reformation of certain programs of the Transportation Security Administration.
- Sec. 1542. Airport perimeter and access control security.
- Sec. 1543. Exit lane security.
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Subtitle E—Air Cargo Security

- Sec. 1551. Air cargo advance screening program.
- Sec. 1552. Explosives detection canine teams for air cargo security.

Subtitle F—Information Sharing and Cybersecurity

- Sec. 1561. Information sharing and cybersecurity.

Subtitle G—Surface Transportation Security

- Sec. 1571. Definitions.
- Sec. 1572. Surface transportation security assessment and implementation of risk-based strategy.
- Sec. 1573. Risk-based budgeting and resource allocation.
- Sec. 1574. Surface transportation security management and interagency coordination review.
- Sec. 1575. Transparency.
- Sec. 1576. TSA counterterrorism asset deployment.
- Sec. 1577. Surface transportation security advisory committee.
- Sec. 1578. Review of the explosives detection canine team program.
- Sec. 1579. Expansion of national explosives detection canine team program.
- Sec. 1580. Explosive detection technology.
- Sec. 1581. Study on security standards and best practices for United States and foreign passenger transportation systems.
- Sec. 1582. Amtrak security upgrades.
- Sec. 1583. Study on surface transportation inspectors.
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- Sec. 1585. Voluntary use of credentialing.
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Subtitle H—Security Enhancements in Public Areas of Transportation
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- Sec. 1591. Working group.
- Sec. 1592. Technical assistance; Vulnerability assessment tools.
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- Sec. 1594. Review of regulations.
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TITLE VI—EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

Subtitle A—Grants, Training, Exercises, and Coordination

- Sec. 1601. Urban Area Security Initiative.
- Sec. 1602. State Homeland Security Grant Program.
- Sec. 1603. Grants to directly eligible tribes.
- Sec. 1604. Law enforcement terrorism prevention.
- Sec. 1605. Prioritization.
- Sec. 1606. Allowable uses.
- Sec. 1607. Approval of certain equipment.
- Sec. 1608. Memoranda of understanding.
- Sec. 1609. Grants metrics.
- Sec. 1610. Grant management best practices.
- Sec. 1611. Prohibition on consolidation.
- Sec. 1612. Maintenance of grant investments.
- Sec. 1613. Transit security grant program.
- Sec. 1614. Port security grant program.
- Sec. 1615. Cyber preparedness.
- Sec. 1616. Major metropolitan area counterterrorism training and exercise grant program.
- Sec. 1617. Operation Stonegarden.
- Sec. 1618. Non-Profit Security Grant Program.
- Sec. 1619. Study of the use of grant funds for cybersecurity.

Subtitle B—Communications

- Sec. 1631. Office of Emergency Communications.
- Sec. 1632. Responsibilities of Office of Emergency Communications Director.
- Sec. 1633. Annual reporting on activities of the Office of Emergency Communications.
- Sec. 1634. National Emergency Communications Plan.
- Sec. 1635. Technical edit.
- Sec. 1636. Public Safety Broadband Network.
- Sec. 1637. Communications training.

Subtitle C—Medical Preparedness

- Sec. 1641. Chief Medical Officer.
- Sec. 1642. Medical Countermeasures Program.

TITLE VII—OTHER MATTERS

- Sec. 1701. Decision regarding certain executive memoranda.
- Sec. 1702. Permanent authorization for Asia-Pacific Economic Cooperation Business Travel Card Program.
- Sec. 1703. Authorization of appropriations for Office of Inspector General.
- Sec. 1704. Canine teams.
- Sec. 1705. Technical amendments to the Homeland Security Act of 2002.
- Sec. 1706. Savings clause.

DIVISION B—U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

- Sec. 2001. Short title.
 Sec. 2002. Establishment of U.S. Immigration and Customs Enforcement.

DIVISION C—UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

- Sec. 3001. Short title.
 Sec. 3002. Establishment of United States Citizenship and Immigration Services.

DIVISION D—UNITED STATES SECRET SERVICE

- Sec. 4001. Short title.
 Sec. 4002. Presidential appointment of Director of the Secret Service.
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 Sec. 4005. Increased training.
 Sec. 4006. Training facilities.
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 Sec. 4008. Evaluation of use of technology.
 Sec. 4009. Evaluation of use of additional weaponry.
 Sec. 4010. Security costs for secondary residences.
 Sec. 4011. Establishment of Ethics Program Office.
 Sec. 4012. Secret Service protection at polling places.
 Sec. 4013. Sense of Congress.

DIVISION E—COAST GUARD

- Sec. 5001. Short title.

TITLE I—AUTHORIZATIONS

- Sec. 5101. Authorizations of appropriations.
 Sec. 5102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

- Sec. 5201. Training; public safety personnel.
 Sec. 5202. Commissioned service retirement.
 Sec. 5203. Officer promotion zones.
 Sec. 5204. Cross reference.
 Sec. 5205. Repeal.
 Sec. 5206. Unmanned aircraft system.
 Sec. 5207. Coast Guard health-care professionals; licensure portability.
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 Sec. 5210. Congressional affairs; Director.
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 Sec. 5213. Radar refresher training.
 Sec. 5214. Repeal.
 Sec. 5215. Extension of authority.
 Sec. 5216. Authorization of amounts for Fast Response Cutters.
 Sec. 5217. Authorization of amounts for ice trials of icebreaker vessels.
 Sec. 5218. Shoreside infrastructure.

- Sec. 5219. Aircraft improvements.
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- Sec. 5221. Report on sexual assault victim recovery in the Coast Guard.

TITLE III—PORTS AND WATERWAYS SAFETY

- Sec. 5301. Codification of Ports and Waterways Safety Act.
- Sec. 5302. Conforming amendments.
- Sec. 5303. Transitional and savings provisions.
- Sec. 5304. Rule of construction.
- Sec. 5305. Advisory Committee: Repeal.
- Sec. 5306. Regattas and marine parades.
- Sec. 5307. Regulation of vessels in territorial waters of United States.

TITLE IV—MARITIME TRANSPORTATION SAFETY

- Sec. 5401. Clarification of logbook entries.
- Sec. 5402. Technical corrections: licenses, certifications of registry, and merchant mariner documents.
- Sec. 5403. Numbering for undocumented barges.
- Sec. 5404. Drawbridge deviation exemption.
- Sec. 5405. Deadline for compliance with alternate safety compliance programs.
- Sec. 5406. Authorization for marine debris program.
- Sec. 5407. Alternative distress signals.
- Sec. 5408. Atlantic Coast Port Access Route Study recommendations.
- Sec. 5409. Documentation of recreational vessels.
- Sec. 5410. Certificates of documentation for recreational vessels.
- Sec. 5411. Backup global positioning system.
- Sec. 5412. Waters deemed not navigable waters of the United States for certain purposes.
- Sec. 5413. Uninspected passenger vessels in St. Louis County, Minnesota.
- Sec. 5414. Engine cut-off switch requirements.
- Sec. 5415. Analysis of commercial fishing vessel classification requirements.

TITLE V—MISCELLANEOUS

- Sec. 5501. Repeal.
- Sec. 5502. Reimbursements for non-Federal construction costs of certain aids to navigation.
- Sec. 5503. Corrections to provisions enacted by Coast Guard Authorization Acts.
- Sec. 5504. Ship Shoal Lighthouse transfer: Repeal.
- Sec. 5505. Coast Guard maritime domain awareness.
- Sec. 5506. Towing safety management system fees.
- Sec. 5507. Oil spill disbursements auditing and report.
- Sec. 5508. Land exchange, Ayakulik Island, Alaska.
- Sec. 5509. Vessel response plans in the Arctic Report.
- Sec. 5510. Assessment of public comments on additional anchorages on the Hudson River.
- Sec. 5511. Public safety answering points and maritime search and rescue coordination.
- Sec. 5512. Documentation of “America’s Finest”.

DIVISION F—FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

- Sec. 6001. Short title.
- Sec. 6002. Reauthorization of Federal Emergency Management Agency.
- Sec. 6003. Comprehensive study of disaster costs and losses.
- Sec. 6004. National Domestic Preparedness Consortium.
- Sec. 6005. Rural Domestic Preparedness Consortium.
- Sec. 6006. National preparation and response efforts relating to earthquakes and tsunamis.
- Sec. 6007. Authorities.
- Sec. 6008. Center for faith-based and neighborhood partnerships.
- Sec. 6009. Emergency support functions.
- Sec. 6010. Review of National Incident Management System.
- Sec. 6011. Remedial action management program.
- Sec. 6012. Center for Domestic Preparedness.
- Sec. 6013. FEMA Senior Law Enforcement Advisor.
- Sec. 6014. Technical expert authorized.
- Sec. 6015. Mission support.
- Sec. 6016. Systems modernization.
- Sec. 6017. Strategic human capital plan.
- Sec. 6018. Office of Disability Integration and Coordination of Department of Homeland Security.
- Sec. 6019. Technical amendments to National Emergency Management.

1 **SEC. 2. REFERENCES.**

2 Except as expressly provided otherwise, any reference
 3 to “this Act” contained in any division of this Act shall
 4 be treated as referring only to the provisions of that divi-
 5 sion.

6 **DIVISION A—HOMELAND**
 7 **SECURITY**
 8 **TITLE I—DEPARTMENT OF**
 9 **HOMELAND SECURITY HEAD-**
 10 **QUARTERS**

11 **SEC. 1001. SHORT TITLE.**

12 This division may be cited as the “Department of
 13 Homeland Security Authorization Act for Fiscal Years
 14 2018 and 2019”.

1 **Subtitle A—Headquarters**
2 **Operations**

3 **SEC. 1101. HOMELAND SECURITY ENTERPRISE DEFINED.**

4 Section 2 of the Homeland Security Act of 2002 (6
5 U.S.C. 101) is amended—

6 (1) by redesignating paragraphs (9) through
7 (20) as paragraphs (10) through (21), respectively;
8 and

9 (2) by inserting after paragraph (8) the fol-
10 lowing new paragraph (9):

11 “(9) The term ‘homeland security enterprise’
12 means any relevant governmental or nongovern-
13 mental entity involved in homeland security, includ-
14 ing a Federal, State, or local government official,
15 private sector representative, academic, or other pol-
16 icy expert.”.

17 **SEC. 1102. FUNCTIONS AND COMPONENTS OF HEAD-**
18 **QUARTERS OF DEPARTMENT OF HOMELAND**
19 **SECURITY.**

20 Section 102 of the Homeland Security Act of 2002
21 (6 U.S.C. 112) is amended—

22 (1) in subsection (c)—

23 (A) in the matter preceding paragraph (1),
24 by striking “through the Office of State and
25 Local Coordination (established under section

1 801)” and inserting “through the Office of
2 Partnership and Engagement”;

3 (B) in paragraph (2), by striking “and”
4 after the semicolon at the end;

5 (C) in paragraph (3), by striking the pe-
6 riod and inserting “; and”; and

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

8 “(4) entering into agreements with governments
9 of other countries, in consultation with the Secretary
10 of State, and international nongovernmental organi-
11 zations in order to achieve the missions of the De-
12 partment.”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(h) HEADQUARTERS.—

16 “(1) COMPONENTS.—There is in the Depart-
17 ment a Headquarters. The Department Head-
18 quarters shall include each of the following:

19 “(A) The Office of the Secretary.

20 “(B) The Office of the Deputy Secretary.

21 “(C) The Executive Secretary.

22 “(D) The Management Directorate, includ-
23 ing the Office of the Chief Financial Officer.

24 “(E) The Office of Strategy, Policy, and
25 Plans.

1 “(F) The Office of the General Counsel.

2 “(G) The Office of the Chief Privacy Offi-
3 cer.

4 “(H) The Office for Civil Rights and Civil
5 Liberties.

6 “(I) The Office of Operations Coordina-
7 tion.

8 “(J) The Office of Intelligence and Anal-
9 ysis.

10 “(K) The Office of Legislative Affairs.

11 “(L) The Office of Public Affairs.

12 “(M) The Office of the Inspector General.

13 “(N) The Office of the Citizenship and Im-
14 migration Services Ombudsman.

15 “(O) The Office of Partnership and En-
16 gagement.

17 “(2) FUNCTIONS.—The Secretary, acting
18 through the appropriate official of the Headquarters,
19 shall—

20 “(A) establish an overall strategy to suc-
21 cessfully further the mission of the Department;

22 “(B) establish initiatives that improve De-
23 partment-wide operational performance;

24 “(C) establish mechanisms to—

1 “(i) ensure that components of the
2 Department comply with Department poli-
3 cies and fully implement the strategies and
4 initiatives of the Secretary; and

5 “(ii) require the head of each compo-
6 nent of the Department and component
7 chief officers to comply with such policies
8 and implement such strategies and initia-
9 tives;

10 “(D) establish annual operational and
11 management objectives to evaluate the perform-
12 ance of the Department;

13 “(E) ensure that the Department success-
14 fully meets operational and management per-
15 formance objectives through conducting over-
16 sight of component agencies;

17 “(F) ensure that the strategies, priorities,
18 investments, and workforce of Department com-
19 ponents align with Department objectives;

20 “(G) establish and implement policies re-
21 lated to Department ethics and compliance
22 standards;

23 “(H) establish and implement, in consulta-
24 tion with the Office of Civil Rights and Civil

1 Liberties, policies which preserve individual lib-
2 erty, fairness, and equality under the law;

3 “(I) manage and encourage shared services
4 across Department components;

5 “(J) lead and coordinate interaction with
6 Congress and other external organizations; and

7 “(K) carry out other such functions as the
8 Secretary determines are appropriate.”.

9 **SEC. 1103. REPEAL OF DIRECTOR OF SHARED SERVICES**
10 **AND OFFICE OF COUNTERNARCOTICS EN-**
11 **FORCEMENT OF DEPARTMENT OF HOME-**
12 **LAND SECURITY.**

13 (a) ABOLISHMENT OF DIRECTOR OF SHARED SERV-
14 ICES.—

15 (1) ABOLISHMENT.—The position of Director of
16 Shared Services of the Department of Homeland Se-
17 curity is abolished.

18 (2) CONFORMING AMENDMENT.—The Home-
19 land Security Act of 2002 is amended by striking
20 section 475 (6 U.S.C. 295).

21 (3) CLERICAL AMENDMENT.—The table of con-
22 tents in section 1(b) of such Act is amended by
23 striking the item relating to section 475.

24 (b) ABOLISHMENT OF THE OFFICE OF COUNTER-
25 NARCOTICS ENFORCEMENT.—

1 (1) ABOLISHMENT.—The Office of Counter-
2 narcotics Enforcement is abolished.

3 (2) CONFORMING AMENDMENTS.—The Home-
4 land Security Act of 2002 is amended—

5 (A) in subparagraph (B) of section
6 843(b)(1) (6 U.S.C. 413(b)(1)), by striking
7 “by—” and all that follows through the end of
8 that subparagraph and inserting “by the Sec-
9 retary; and”;

10 (B) by striking section 878 (6 U.S.C.
11 112).

12 (3) CLERICAL AMENDMENT.—The table of con-
13 tents in section 1(b) of such Act is amended by
14 striking the item relating to section 878.

15 **SEC. 1104. RESPONSIBILITIES AND FUNCTIONS OF CHIEF**
16 **PRIVACY OFFICER.**

17 (a) IN GENERAL.—Section 222 of the Homeland Se-
18 curity Act of 2002 (6 U.S.C. 142) is amended—

19 (1) in subsection (a)—

20 (A) in the matter preceding paragraph

21 (1)—

22 (i) by inserting “to be the Chief Pri-
23 vacy Officer of the Department,” after “in
24 the Department,”; and

1 (ii) by striking “to the Secretary, to
2 assume” and inserting “to the Secretary.
3 Such official shall have”;

4 (B) in paragraph (5), by striking “and” at
5 the end;

6 (C) by striking paragraph (6); and

7 (D) by inserting after paragraph (5) the
8 following new paragraphs:

9 “(6) developing guidance to assist components
10 of the Department in developing privacy policies and
11 practices;

12 “(7) establishing a mechanism to ensure such
13 components are in compliance with Federal, regu-
14 latory, statutory, and Department privacy require-
15 ments, mandates, directives, and policies;

16 “(8) working with the Chief Information Officer
17 of the Department to identify methods for managing
18 and overseeing the records, management policies,
19 and procedures of the Department;

20 “(9) working with components and offices of
21 the Department to ensure that information sharing
22 activities incorporate privacy protections;

23 “(10) serving as the Chief FOIA Officer of the
24 Department for purposes of subsection (j) of section
25 552 of title 5, United States Code (popularly known

1 as the Freedom of Information Act), to manage and
2 process requests related to such section;

3 “(11) developing guidance on procedures to be
4 followed by individuals making requests for informa-
5 tion under section 552 of title 5, United States
6 Code;

7 “(12) overseeing the management and proc-
8 essing of requests for information under section 552
9 of title 5, United States Code, within Department
10 Headquarters and relevant Department component
11 offices;

12 “(13) identifying and eliminating unnecessary
13 and duplicative actions taken by the Department in
14 the course of processing requests for information
15 under section 552 of title 5, United States Code;

16 “(14) preparing an annual report to Congress
17 that includes—

18 “(A) a description of the activities of the
19 Department that affect privacy during the fiscal
20 year covered by the report, including complaints
21 of privacy violations, implementation of section
22 552a of title 5, United States Code (popularly
23 known as the Privacy Act of 1974), internal
24 controls, and other matters; and

1 “(B) the number of new technology pro-
2 grams implemented in the Department during
3 the fiscal year covered by the report, the num-
4 ber of such programs that the Chief Privacy Of-
5 ficer has evaluated to ensure that privacy pro-
6 tections are considered and implemented, the
7 number of such programs that effectively imple-
8 mented privacy protections into new technology
9 programs, and an explanation of why any new
10 programs did not effectively implement privacy
11 protections; and

12 “(15) carrying out such other responsibilities as
13 the Secretary determines are appropriate, consistent
14 with this section.”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(f) REASSIGNMENT OF FUNCTIONS.—Notwith-
18 standing subsection (a)(10), the Secretary may reassign
19 the functions related to managing and processing requests
20 for information under section 552 of title 5, United States
21 Code, to another officer within the Department, consistent
22 with requirements of that section.”.

1 **SEC. 1105. RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-**
2 **CER.**

3 (a) IN GENERAL.—Section 702 of the Homeland Se-
4 curity Act of 2002 (6 U.S.C. 342) is amended—

5 (1) by redesignating subsections (b) and (c) as
6 subsections (c) and (d), respectively; and

7 (2) by inserting after subsection (a) the fol-
8 lowing new subsection (b):

9 “(b) RESPONSIBILITIES.—In carrying out the re-
10 sponsibilities, authorities, and functions specified in sec-
11 tion 902 of title 31, United States Code, the Chief Finan-
12 cial Officer shall—

13 “(1) oversee Department budget formulation
14 and execution;

15 “(2) lead and provide guidance on performance-
16 based budgeting practices for the Department to en-
17 sure that the Department and its components are
18 meeting missions and goals;

19 “(3) lead cost-estimating practices for the De-
20 partment, including the development of policies on
21 cost estimating and approval of life cycle cost esti-
22 mates;

23 “(4) coordinate with the Office of Strategy,
24 Policy, and Plans to ensure that the development of
25 the budget for the Department is compatible with

1 the long-term strategic plans, priorities, and policies
2 of the Secretary;

3 “(5) develop financial management policy for
4 the Department and oversee the implementation of
5 such policy, including the establishment of effective
6 internal controls over financial reporting systems
7 and processes throughout the Department;

8 “(6) provide guidance for and over financial
9 system modernization efforts throughout the Depart-
10 ment;

11 “(7) lead the efforts of the Department related
12 to financial oversight, including identifying ways to
13 streamline and standardize business processes;

14 “(8) oversee the costs of acquisition programs
15 and related activities to ensure that actual and
16 planned costs are in accordance with budget esti-
17 mates and are affordable, or can be adequately fund-
18 ed, over the lifecycle of such programs and activities;

19 “(9) fully implement a common accounting
20 structure to be used across the entire Department
21 by fiscal year 2020; and

22 “(10) track, approve, oversee, and make public
23 information on expenditures by components of the
24 Department for conferences, as appropriate, includ-
25 ing by requiring each component to—

1 “(A) report to the Inspector General of the
2 Department the expenditures by such compo-
3 nent for each conference hosted or attended by
4 Department employees for which the total ex-
5 penditures of the Department exceed \$20,000,
6 within 15 days after the date of the conference;
7 and

8 “(B) with respect to such expenditures,
9 provide to the Inspector General—

10 “(i) the information described in sub-
11 sections (a), (b), and (c) of section 739 of
12 title VII of division E of the Consolidated
13 and Further Continuing Appropriations
14 Act, 2015 (Public Law 113–235); and

15 “(ii) documentation of such expendi-
16 tures.”.

17 (b) **RULE OF CONSTRUCTION.**—Nothing in the
18 amendment made by this section may be construed as al-
19 tering or amending the responsibilities, authorities, and
20 functions of the Chief Financial Officer of the Department
21 of Homeland Security under section 902 of title 31,
22 United States Code.

23 **SEC. 1106. CHIEF INFORMATION OFFICER.**

24 (a) **IN GENERAL.**—Section 703 of the Homeland Se-
25 curity Act of 2002 (6 U.S.C. 343) is amended—

1 (1) in subsection (a), by adding at the end the
2 following new sentence: “In addition to the functions
3 under section 3506(a)(2) of title 44, United States
4 Code, the Chief Information Officer shall perform
5 the functions set forth in this section and such other
6 functions as may be assigned by the Secretary.”;

7 (2) by redesignating subsection (b) as sub-
8 section (d); and

9 (3) by inserting after subsection (a) the fol-
10 lowing new subsections:

11 “(b) RESPONSIBILITIES.—In addition to performing
12 the functions under section 3506 of title 44, United States
13 Code, the Chief Information Officer shall serve as the lead
14 technical authority for information technology programs
15 of the Department and Department components, and
16 shall—

17 “(1) advise and assist the Secretary, heads of
18 the components of the Department, and other senior
19 officers in carrying out the responsibilities of the
20 Department for all activities relating to the budgets,
21 programs, security, and operations of the informa-
22 tion technology functions of the Department;

23 “(2) to the extent delegated by the Secretary,
24 exercise leadership and authority over Department
25 information technology management and establish

1 the information technology priorities, policies, pro-
2 cesses, standards, guidelines, and procedures of the
3 Department to ensure interoperability and standard-
4 ization of information technology;

5 “(3) maintain a consolidated inventory of the
6 mission critical and mission essential information
7 systems of the Department, and develop and main-
8 tain contingency plans for responding to a disrup-
9 tion in the operation of any of those information sys-
10 tems;

11 “(4) maintain the security, visibility, reliability,
12 integrity, and availability of data and information
13 technology of the Department;

14 “(5) establish and implement policies and pro-
15 cedures to effectively monitor and manage
16 vulnerabilities in the supply chain for purchases of
17 information technology, in consultation with the
18 Chief Procurement Officer of the Department;

19 “(6) review contracts and interagency agree-
20 ments associated with major information technology
21 investments and information technology investments
22 that have had cost, schedule, or performance chal-
23 lenges in the past;

1 “(7) assess the risk of all major information
2 technology investments and publically report the risk
3 rating to the Office of Management and Budget; and

4 “(8) carry out any other responsibilities dele-
5 gated by the Secretary consistent with an effective
6 information system management function.

7 “(c) STRATEGIC PLANS.—In coordination with the
8 Chief Financial Officer, the Chief Information Officer
9 shall develop an information technology strategic plan
10 every five years and report to the Committee on Homeland
11 Security and the Committee on Appropriations of the
12 House of Representatives and the Committee on Home-
13 land Security and Governmental Affairs and the Com-
14 mittee on Appropriations of the Senate on the extent to
15 which—

16 “(1) the budget of the Department aligns with
17 priorities specified in the information technology
18 strategic plan;

19 “(2) the information technology strategic plan
20 informs the budget process of the Department;

21 “(3) information technology priorities were or
22 were not funded and the reasons for not funding all
23 priorities in a given fiscal year;

1 “(4) the Department has identified and ad-
2 dressed skills gaps needed to implement the informa-
3 tion technology strategic plan; and

4 “(5) unnecessary duplicate information tech-
5 nology within and across the components of the De-
6 partment has been eliminated.”.

7 (b) SOFTWARE LICENSING.—

8 (1) SOFTWARE INVENTORY.—Not later than
9 180 days after the date of the enactment of this Act
10 and every two years thereafter until 2022, the Chief
11 Information Officer of the Department of Homeland
12 Security, in consultation with Department compo-
13 nent chief information officers, shall—

14 (A) conduct a Department-wide inventory
15 of all existing software licenses held by the De-
16 partment, including utilized and unutilized li-
17 censes;

18 (B) assess the needs of the Department
19 and the components of the Department for soft-
20 ware licenses for the subsequent two fiscal
21 years;

22 (C) examine how the Department can
23 achieve the greatest possible economies of scale
24 and cost savings in the procurement of software
25 licenses;

1 (D) determine how the use of shared
2 cloud-computing services will impact the needs
3 for software licenses for the subsequent two fis-
4 cal years;

5 (E) establish plans and estimated costs for
6 eliminating unutilized software licenses for the
7 subsequent two fiscal years; and

8 (F) submit a copy of each inventory con-
9 ducted under subparagraph (A) to the Com-
10 mittee on Homeland Security of the House of
11 Representatives and the Committee on Home-
12 land Security and Governmental Affairs of the
13 Senate.

14 (2) PLAN TO REDUCE SOFTWARE LICENSES.—

15 If the Chief Information Officer determines through
16 the inventory conducted under paragraph (1) that
17 the number of software licenses held by the Depart-
18 ment and the components of the Department exceed
19 the needs of the Department, not later than 90 days
20 after the date on which the inventory is completed,
21 the Secretary of Homeland Security shall establish a
22 plan for reducing the number of such software li-
23 censes to meet needs of the Department.

24 (3) PROHIBITION ON PROCUREMENT OF NEW
25 SOFTWARE LICENSES.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), upon completion of a plan
3 under paragraph (2), no additional resources
4 may be obligated for the procurement of new
5 software licenses for the Department until such
6 time as the need of the Department exceeds the
7 number of used and unused licenses held by the
8 Department.

9 (B) EXCEPTION.—The Chief Information
10 Officer may authorize the purchase of addi-
11 tional licenses and amend the number of needed
12 licenses as necessary.

13 (c) COMPTROLLER GENERAL REVIEW.—Not later
14 than fiscal year 2019, the Comptroller General of the
15 United States shall review the extent to which the Chief
16 Information Officer fulfilled all requirements established
17 in this section and the amendment made by this section.

18 (d) COMPLETION OF FIRST DEFINITION OF CAPA-
19 BILITIES.—Not later than one year after the date of the
20 enactment of this Act, the Chief Information Officer shall
21 complete the first information technology strategic plan
22 required under subsection (c) of section 701 of the Home-
23 land Security Act of 2002, as added by subsection (a) of
24 this section.

1 **SEC. 1107. QUADRENNIAL HOMELAND SECURITY REVIEW.**

2 (a) IN GENERAL.—Section 707 of the Homeland Se-
3 curity Act of 2002 (6 U.S.C. 347) is amended—

4 (1) in subsection (a)(3)—

5 (A) in subparagraph (B), by striking
6 “and” at the end;

7 (B) by redesignating subparagraph (C) as
8 subparagraph (D); and

9 (C) by inserting after subparagraph (B)
10 the following new subparagraph (C):

11 “(C) representatives from appropriate ad-
12 visory committees established pursuant to sec-
13 tion 871, including the Homeland Security Ad-
14 visory Council and the Homeland Security
15 Science and Technology Advisory Committee, or
16 otherwise established, including the Aviation
17 Security Advisory Committee established pursu-
18 ant to section 44946 of title 49, United States
19 Code; and”;

20 (2) in subsection (b)—

21 (A) in paragraph (2), by inserting before
22 the semicolon at the end the following: “based
23 on the risk assessment required pursuant to
24 subsection (c)(2)(B)”;

25 (B) in paragraph (3)—

1 (i) by inserting “, to the extent prac-
2 ticable,” after “describe”; and

3 (ii) by striking “budget plan” and in-
4 serting “resources required”;

5 (C) in paragraph (4)—

6 (i) by inserting “, to the extent prac-
7 ticable,” after “identify”;

8 (ii) by striking “budget plan required
9 to provide sufficient resources to success-
10 fully” and inserting “resources required
11 to”; and

12 (iii) by striking the semicolon at the
13 end and inserting “, including any re-
14 sources identified from redundant, waste-
15 ful, or unnecessary capabilities and capac-
16 ities that can be redirected to better sup-
17 port other existing capabilities and capac-
18 ities, as the case may be; and”;

19 (D) in paragraph (5), by striking “; and”
20 and inserting a period; and

21 (E) by striking paragraph (6);

22 (3) in subsection (c)—

23 (A) in paragraph (1), by striking “Decem-
24 ber 31 of the year” and inserting “60 days
25 after the date of the submittal of the Presi-

1 dent’s budget for the fiscal year after the fiscal
2 year”;

3 (B) in paragraph (2)—

4 (i) in subparagraph (B), by striking
5 “description of the threats to” and insert-
6 ing “risk assessment of”;

7 (ii) in subparagraph (C), by inserting
8 “, as required under subsection (b)(2)” be-
9 fore the semicolon at the end;

10 (iii) in subparagraph (D)—

11 (I) by inserting “to the extent
12 practicable,” before “a description”;
13 and

14 (II) by striking “budget plan”
15 and inserting “resources required”;

16 (iv) in subparagraph (F)—

17 (I) by inserting “to the extent
18 practicable,” before “a discussion”;
19 and

20 (II) by striking “the status of”;

21 (v) in subparagraph (G)—

22 (I) by inserting “to the extent
23 practicable,” before “a discussion”;

24 (II) by striking “the status of”;

1 (III) by inserting “and risks” be-
2 fore “to national homeland”; and

3 (IV) by inserting “and” after the
4 semicolon at the end;

5 (vi) by striking subparagraph (H);

6 and

7 (vii) by redesignating subparagraph
8 (I) as subparagraph (H);

9 (C) by redesignating paragraph (3) as
10 paragraph (4); and

11 (D) by inserting after paragraph (2) the
12 following new paragraph (3):

13 “(3) DOCUMENTATION.—The Secretary shall
14 retain the following documentation regarding the
15 quadrennial homeland security review:

16 “(A) Records regarding the consultation
17 carried out the pursuant to subsection (a)(3),
18 including—

19 “(i) all written communications, in-
20 cluding communications sent out by the
21 Secretary and feedback submitted to the
22 Secretary through technology, online com-
23 munications tools, in-person discussions,
24 and the interagency process; and

1 “(ii) information on how feedback re-
2 ceived by the Secretary informed the quad-
3 rennial homeland security review.

4 “(B) Information regarding the risk as-
5 sessment, as required under subsection
6 (c)(2)(B), including—

7 “(i) the risk model utilized to generate
8 the risk assessment;

9 “(ii) information, including data used
10 in the risk model, utilized to generate the
11 risk assessment;

12 “(iii) sources of information, including
13 other risk assessments, utilized to generate
14 the risk assessment; and

15 “(iv) information on assumptions,
16 weighing factors, and subjective judgments
17 utilized to generate the risk assessment,
18 together with information on the rationale
19 or basis thereof.”; and

20 (4) by redesignating subsection (d) as sub-
21 section (e); and

22 (5) by inserting after subsection (c) the fol-
23 lowing new subsection (d):

24 “(d) REVIEW.—Not later than 90 days after the sub-
25 mission of each report required under subsection (c)(1),

1 the Secretary shall provide to the Committee on Homeland
2 Security of the House of Representatives and the Com-
3 mittee on Homeland Security and Governmental Affairs
4 of the Senate information on the degree to which the find-
5 ings and recommendations developed in the quadrennial
6 homeland security review covered by the report were inte-
7 grated into the acquisition strategy and expenditure plans
8 for the Department.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply with respect to a quadrennial
11 homeland security review conducted after December 31,
12 2017.

13 **SEC. 1108. OFFICE OF STRATEGY, POLICY, AND PLANS.**

14 (a) IN GENERAL.—Section 708 of the Homeland Se-
15 curity Act of 2002 (as redesignated pursuant to section
16 1705(g) of this Act; relating to the Office of Strategy, Pol-
17 icy, and Plans of the Department of Homeland Security)
18 is amended—

19 (1) in subsection (a), by adding at the end the
20 following: “The Office of Strategy, Policy, and Plans
21 shall include the following components:

22 “(1) The Office of International Affairs.

23 “(2) The Office of Cyber, Infrastructure, and
24 Resilience Policy.

1 “(3) The Office of Strategy, Planning, Analysis,
2 and Risk.

3 “(4) The Office of Threat Prevention and Secu-
4 rity Policy.

5 “(5) The Office of Border, Immigration, and
6 Trade Policy.”;

7 (2) by redesignating subsections (e) through (g)
8 as subsections (f) through (h), respectively; and

9 (3) by inserting after subsection (d) the fol-
10 lowing new subsection:

11 “(e) ASSISTANT SECRETARY FOR INTERNATIONAL
12 AFFAIRS.—The Office of International Affairs shall be led
13 by an Assistant Secretary for International Affairs ap-
14 pointed by the Secretary. The Assistant Secretary shall—

15 “(1) coordinate international activities within
16 the Department, including activities carried out by
17 the components of the Department, in consultation
18 with other Federal officials with responsibility for
19 counterterrorism and homeland security matters;

20 “(2) advise, inform, and assist the Secretary
21 with respect to the development and implementation
22 of the policy priorities of the Department, including
23 strategic priorities for the deployment of assets, in-
24 cluding personnel, outside the United States;

1 “(3) develop, in consultation with the Under
2 Secretary for Management, guidance for selecting,
3 assigning, training, and monitoring overseas deploy-
4 ments of Department personnel, including minimum
5 standards for pre-deployment training;

6 “(4) maintain awareness regarding the inter-
7 national travel of senior officers of the Department
8 and their intent to pursue negotiations with foreign
9 government officials, and review resulting draft
10 agreements; and

11 “(5) perform such other functions as are estab-
12 lished by law or delegated by the Under Secretary
13 for Policy.”.

14 (b) ABOLISHMENT OF OFFICE OF INTERNATIONAL
15 AFFAIRS.—

16 (1) IN GENERAL.—The Office of International
17 Affairs within the Office of the Secretary of Home-
18 land Security is abolished.

19 (2) TRANSFER OF ASSETS AND PERSONNEL.—
20 The functions authorized to be performed by such
21 office as of the day before the date of the enactment
22 of this Act, and the assets and personnel associated
23 with such functions, are transferred to the head of
24 the Office of International Affairs provided for by

1 section 708 of the Homeland Security Act of 2002,
2 as amended by this section.

3 (3) CONFORMING AMENDMENT.—The Home-
4 land Security Act of 2002 is amended by striking
5 section 879 (6 U.S.C. 459).

6 (4) CLERICAL AMENDMENT.—The table of con-
7 tents in section 1(b) of such Act is amended by
8 striking the item relating to section 879.

9 (c) CONFORMING AMENDMENTS RELATING TO AS-
10 SISTANT SECRETARIES.—Subsection (a) of section 103 of
11 the Homeland Security Act of 2002 (6 U.S.C. 113) is
12 amended—

13 (1) in the subsection heading, by inserting “;
14 ASSISTANT SECRETARIES AND OTHER OFFICERS”
15 after “UNDER SECRETARIES”;

16 (2) in paragraph (1), by amending subpara-
17 graph (I) to read as follows:

18 “(I) An Administrator of the Transpor-
19 tation Security Administration.”;

20 (3) by amending paragraph (2) to read as fol-
21 lows:

22 “(2) ASSISTANT SECRETARIES.—The following
23 Assistant Secretaries shall be appointed by the
24 President or the Secretary, as the case may be, with-
25 out the advice and consent of the Senate:

1 “(A) PRESIDENTIAL APPOINTMENTS.—The
2 Department shall have the following Assistant
3 Secretaries appointed by the President:

4 “(i) The Assistant Secretary, Infra-
5 structure Protection.

6 “(ii) The Assistant Secretary for Pub-
7 lic Affairs.

8 “(iii) The Assistant Secretary for
9 Legislative Affairs.

10 “(B) SECRETARIAL APPOINTMENTS.—The
11 Department shall have the following Assistant
12 Secretaries appointed by the Secretary:

13 “(i) The Principal Assistant Secretary
14 for External Affairs.

15 “(ii) The Assistant Secretary, Office
16 of Cybersecurity and Communications.

17 “(iii) The Assistant Secretary for
18 International Affairs.

19 “(iv) The Assistant Secretary for
20 Partnership and Engagement.

21 “(v) The Assistant Secretary for
22 Threat Prevention and Security Policy.

23 “(vi) The Assistant Secretary for Bor-
24 der, Immigration, and Trade Policy.

1 “(vii) The Assistant Secretary for
2 Cyber, Infrastructure, and Resilience Pol-
3 icy.

4 “(viii) The Assistant Secretary for
5 Strategy, Planning, Analysis, and Risk.

6 “(ix) The Assistant Secretary for
7 State and Local Law Enforcement.”; and

8 (4) by adding at the end the following new
9 paragraphs:

10 “(3) ASSISTANT SECRETARY FOR LEGISLATIVE
11 AFFAIRS.—The Assistant Secretary for Legislative
12 Affairs shall oversee one internal reporting structure
13 for engaging with authorizing and appropriating
14 congressional committees.

15 “(4) LIMITATION ON CREATION OF POSI-
16 TIONS.—No Assistant Secretary position may be cre-
17 ated in addition to the positions provided for by this
18 section unless such position is authorized by a stat-
19 ute enacted after the date of the enactment of the
20 Department of Homeland Security Authorization
21 Act for Fiscal Years 2018 and 2019.”.

22 (d) HOMELAND SECURITY ADVISORY COUNCIL.—
23 Subsection (b) of section 102 of the Homeland Security
24 Act of 2002 (6 U.S.C. 112) is amended—

1 (1) in paragraph (2), by striking “and” at the
2 end;

3 (2) in paragraph (3), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(4) shall establish a Homeland Security Advi-
8 sory Council to provide advice and recommendations
9 on homeland security-related matters, including ad-
10 vice with respect to the preparation of the Quadren-
11 nial Homeland Security Review.”.

12 (e) PROHIBITION ON NEW OFFICES.—No new office
13 may be created to perform functions transferred by this
14 section, other than as provided in section 709 of the
15 Homeland Security Act of 2002, as amended by this Act.

16 (f) DEFINITIONS.—In this section each of the terms
17 “functions”, “assets”, and “personnel” has the meaning
18 given each such term under section 2 of the Homeland
19 Security Act of 2002 (6 U.S.C. 101).

20 (g) DUPLICATION REVIEW.—

21 (1) REVIEW REQUIRED.—Not later than one
22 year after the date of the enactment of this Act, the
23 Secretary of Homeland Security shall complete a re-
24 view of the functions and responsibilities of each De-
25 partment of Homeland Security component respon-

1 sible for international affairs to identify and elimi-
2 nate areas of unnecessary duplication.

3 (2) SUBMISSION TO CONGRESS.—Not later than
4 30 days after the completion of the review required
5 under paragraph (1), the Secretary shall provide the
6 results of the review to the Committee on Homeland
7 Security of the House of Representatives and the
8 Committee on Homeland Security and Governmental
9 Affairs of the Senate.

10 (3) ACTION PLAN.—Not later than one year
11 after the date of the enactment of this Act, the Sec-
12 retary shall submit to the congressional homeland
13 security committees an action plan, including correc-
14 tive steps and an estimated date of completion, to
15 address areas of duplication, fragmentation, and
16 overlap and opportunities for cost savings and rev-
17 enue enhancement, as identified by the Government
18 Accountability Office based on the annual report of
19 the Government Accountability Office entitled “Ad-
20 ditional Opportunities to Reduce Fragmentation,
21 Overlap, and Duplication and Achieve Other Finan-
22 cial Benefits”.

1 **SEC. 1109. OFFICE OF EXTERNAL AFFAIRS.**

2 (a) IN GENERAL.—Title VII of the Homeland Secu-
3 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
4 adding at the end the following new section:

5 **“SEC. 709. OFFICE OF EXTERNAL AFFAIRS.**

6 “(a) IN GENERAL.—There is established in the De-
7 partment an Office of External Affairs.

8 “(b) HEAD OF THE OFFICE.—The Office of External
9 Affairs shall be headed by a Principal Assistant Secretary
10 for External Affairs, who shall be appointed by the Sec-
11 retary. The Principal Assistant Secretary shall report to
12 the Secretary.

13 “(c) COMPOSITION.—The Office of External Affairs
14 shall include the following components:

15 “(1) The Office of Legislative Affairs, led by
16 the Assistant Secretary for Legislative Affairs who
17 shall report to the Principal Assistant Secretary for
18 External Affairs.

19 “(2) The Office of Public Affairs, led by the As-
20 sistant Secretary for Public Affairs who shall report
21 to the Principal Assistant Secretary for External Af-
22 fairs.

23 “(3) The Office of Partnership and Engage-
24 ment, led by the Assistant Secretary for Partnership
25 and Engagement who shall report to the Principal
26 Assistant Secretary for External Affairs.

1 “(d) ASSISTANT SECRETARY FOR PARTNERSHIP AND
2 ENGAGEMENT.—The Assistant Secretary for Partnership
3 and Engagement shall be appointed by the Secretary and
4 shall—

5 “(1) lead the efforts of the Department to in-
6 corporate external feedback from stakeholders into
7 policy and strategic planning efforts, as appropriate,
8 in consultation with the Office for Civil Rights and
9 Civil Liberties;

10 “(2) conduct the activities specified in section
11 2006(b);

12 “(3) advise the Secretary on the effects of the
13 policies, regulations, processes, and actions of the
14 Department on the private sector and create and
15 foster strategic communications with the private sec-
16 tor to enhance the primary mission of the Depart-
17 ment to protect the homeland;

18 “(4) coordinate the activities of the Department
19 relating to State and local government;

20 “(5) provide State and local governments with
21 regular information, research, and technical support
22 to assist local efforts at securing the homeland; and

23 “(6) perform such other functions as are estab-
24 lished by law or delegated by the Secretary.”.

1 (b) TRANSFER OF FUNCTIONS, ASSETS, AND PER-
2 SONNEL OF OFFICE FOR STATE AND LOCAL LAW EN-
3 FORCEMENT.—The functions authorized to be performed
4 by the Office for State and Local Law Enforcement of
5 the Department of Homeland Security as of the day before
6 the date of the enactment of this Act, and the assets and
7 personnel associated with such functions, are transferred
8 to the Office of Partnership and Engagement under sec-
9 tion 709 of the Homeland Security Act of 2002, as added
10 by this section.

11 (c) ABOLISHMENT OF OFFICE FOR STATE AND
12 LOCAL GOVERNMENT COORDINATION.—

13 (1) IN GENERAL.—The Office for State and
14 Local Government Coordination of the Department
15 of Homeland Security is abolished.

16 (2) TRANSFER OF FUNCTIONS AND ASSETS.—
17 The functions authorized to be performed by such
18 Office for State and Local Government Coordination
19 immediately on the day before the date of the enact-
20 ment of this Act, and the assets and personnel asso-
21 ciated with such functions, are transferred to the Of-
22 fice of Partnership and Engagement under section
23 709 of the Homeland Security Act of 2002, as
24 added by this section.

1 (3) CONFORMING AMENDMENT.—The Home-
2 land Security Act of 2002 is amended by striking
3 section 801 (6 U.S.C. 631).

4 (4) CLERICAL AMENDMENT.—The table of con-
5 tents in section 1(b) of such Act is amended by
6 striking the item relating to section 801.

7 (d) ABOLISHMENT OF SPECIAL ASSISTANT TO SEC-
8 RETARY OF HOMELAND SECURITY.—

9 (1) IN GENERAL.—The Special Assistant to the
10 Secretary authorized by section 102(f) of the Home-
11 land Security Act of 2002 (6 U.S.C. 112(f)), as in
12 effect on the day before the date of the enactment
13 of this Act, is abolished.

14 (2) TRANSFER OF FUNCTIONS AND ASSETS.—
15 The functions authorized to be performed by such
16 Special Assistant to the Secretary immediately be-
17 fore the enactment of this Act, and the assets and
18 personnel associated with such functions, are trans-
19 ferred to the Office of Partnership and Engagement
20 under section 709 of the Homeland Security Act of
21 2002, as added by this section.

22 (3) CONFORMING AMENDMENT.—Section 102
23 of the Homeland Security Act of 2002 (6 U.S.C.
24 112) is amended by striking subsection (f).

1 (e) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 708 (as redesignated pursuant to section 1705(o) of this
5 Act) the following new item:

“Sec. 709. Office of External Affairs.”.

6 **SEC. 1110. CHIEF PROCUREMENT OFFICER.**

7 (a) IN GENERAL.—Title VII of the Homeland Secu-
8 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by
9 this Act, is further amended by adding at the end the fol-
10 lowing new section:

11 **“SEC. 710. CHIEF PROCUREMENT OFFICER.**

12 “(a) IN GENERAL.—There is in the Department a
13 Chief Procurement Officer, who shall serve as a senior
14 business advisor to agency officials on procurement-re-
15 lated matters and report directly to the Under Secretary
16 for Management. The Chief Procurement Officer is the
17 senior procurement executive for purposes of subsection
18 (c) of section 1702 of title 41, United States Code, and
19 shall perform procurement functions as specified in such
20 subsection.

21 “(b) RESPONSIBILITIES.—The Chief Procurement
22 Officer shall—

23 “(1) delegate or retain contracting authority, as
24 appropriate;

1 “(2) issue procurement policies and oversee the
2 heads of contracting activity of the Department to
3 ensure compliance with those policies;

4 “(3) serve as the main liaison of the Depart-
5 ment to industry on procurement-related issues;

6 “(4) account for the integrity, performance, and
7 oversight of Department procurement and con-
8 tracting functions;

9 “(5) ensure that procurement contracting strat-
10 egies and plans are consistent with the intent and
11 direction of the Acquisition Review Board;

12 “(6) oversee a centralized acquisition workforce
13 certification and training program using, as appro-
14 priate, existing best practices and acquisition train-
15 ing opportunities from the Federal Government, pri-
16 vate sector, or universities and colleges to include
17 training on how best to identify actions that warrant
18 referrals for suspension or debarment;

19 “(7) provide input on the periodic performance
20 reviews of each head of contracting activity of the
21 Department;

22 “(8) collect baseline data and use such data to
23 establish performance measures on the impact of
24 strategic sourcing initiatives on the private sector,
25 including small businesses;

1 “(9) establish and implement policies and pro-
2 cedures to effectively monitor and manage
3 vulnerabilities in the supply chain for all Depart-
4 ment purchases;

5 “(10) ensure that a fair proportion of the value
6 of Federal contracts and subcontracts are awarded
7 to small businesses (in accordance with the procure-
8 ment contract goals under section 15(g) of the Small
9 Business Act (15 U.S.C. 644(g)), maximize opportu-
10 nities for small business participation in such con-
11 tracts, and ensure, to the extent practicable, small
12 businesses that achieve qualified vendor status for
13 security-related technologies are provided an oppor-
14 tunity to compete for contracts for such technology;

15 “(11) conduct oversight of implementation of
16 administrative agreements to resolve suspension or
17 debarment proceedings; and

18 “(12) carry out any other procurement duties
19 that the Under Secretary for Management may des-
20 ignate.

21 “(c) HEAD OF CONTRACTING ACTIVITY DEFINED.—
22 In this section the term ‘head of contracting activity’
23 means an official responsible for the creation, manage-
24 ment, and oversight of a team of procurement profes-
25 sionals properly trained, certified, and warranted to ac-

1 accomplish the acquisition of products and services on behalf
2 of the designated components, offices, and organizations
3 of the Department, and as authorized, other government
4 entities.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of the Homeland Security Act of 2002, as
7 amended by this Act, is further amended by inserting after
8 the item relating to section 709 the following new item:
“Sec. 710. Chief Procurement Officer.”.

9 **SEC. 1111. CHIEF SECURITY OFFICER.**

10 (a) IN GENERAL.—Title VII of the Homeland Secu-
11 rity Act of 2002 (6 U.S.C. 341 et seq.) is further amended
12 by inserting after the item relating to section 710, as
13 added by this Act, the following new section:

14 **“SEC. 711. CHIEF SECURITY OFFICER.**

15 “(a) IN GENERAL.—There is in the Department a
16 Chief Security Officer, who shall report directly to the
17 Under Secretary for Management.

18 “(b) RESPONSIBILITIES.—The Chief Security Officer
19 shall—

20 “(1) develop and implement the security poli-
21 cies, programs, and standards of the Department;

22 “(2) identify training and provide education to
23 Department personnel on security-related matters;
24 and

1 “(3) provide support to Department compo-
2 nents on security-related matters.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of such Act is further amended by inserting
5 after the item relating to section 710, as added by this
6 Act, the following new item:

 “Sec. 711. Chief Security Officer.”.

7 **SEC. 1112. OFFICE OF INSPECTOR GENERAL.**

8 (a) SENSE OF CONGRESS.—

9 (1) FINDINGS.—Congress finds the following:

10 (A) The Inspector General Act of 1978
11 mandates that Inspectors General are to con-
12 duct audits and investigations relating to the
13 programs and operations of Federal depart-
14 ments to promote economy, efficiency, and ef-
15 fectiveness in the administration of programs
16 and operations, and to prevent and detect fraud
17 and abuse in such programs and operations.

18 (B) The Inspector General Act of 1978
19 mandates that Inspectors General are to pro-
20 vide a means for keeping Federal departments
21 and the Congress fully and currently informed
22 about problems and deficiencies relating to the
23 administration of such programs and operations
24 and the necessity for and progress of corrective
25 action.

1 (C) The Office of the Inspector General of
2 the Department of Homeland Security detects,
3 investigates, and prevents instances of waste,
4 fraud, abuse, and mismanagement within the
5 Department, and offers solutions for response.

6 (D) The Office of the Inspector General of
7 the Department of Homeland Security consist-
8 ently produces high-value, high-impact work
9 that enhances the security and safety of the
10 homeland.

11 (E) The Inspector General of the Depart-
12 ment of Homeland Security provides the leader-
13 ship and accountability within the Office of the
14 Inspector General to oversee a cabinet-level
15 agency.

16 (F) The Inspector General of the Depart-
17 ment of Homeland Security stands as a leader
18 within the Inspector General community
19 through consistent exemplary service.

20 (G) The Office of Inspector General of the
21 Department of Homeland Security offers the
22 Federal Government and American taxpayers
23 an impressive return on investment, measured
24 in dollars spent versus dollars saved.

1 (H) The Office of the Inspector General of
2 the Department of Homeland Security enhances
3 the Department's ability to effectively and effi-
4 ciently administer laws.

5 (2) SENSE OF CONGRESS.—It is the sense of
6 Congress that the Inspector General of the Depart-
7 ment of Homeland Security plays a vital role in ful-
8 filling the Department's daily missions.

9 (b) NOTIFICATION.—The heads of offices and compo-
10 nents of the Department of Homeland Security shall
11 promptly advise the Inspector General of the Department
12 of all allegations of misconduct with respect to which the
13 Inspector General has investigative authority under the
14 Inspector General Act of 1978. The Inspector General
15 may waive the notification requirement under this sub-
16 section with respect to any category or subset of allega-
17 tions of misconduct.

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion may be construed as affecting the authority of the
20 Secretary of Homeland Security under subsection (a) of
21 section 8I of the Inspector General Act of 1978 (5 U.S.C.
22 App. 8I).

1 **SEC. 1113. OFFICE FOR CIVIL RIGHTS AND CIVIL LIB-**
2 **ERTIES.**

3 (a) IN GENERAL.—Section 705 of the Homeland Se-
4 curity Act of 2002 (6 U.S.C. 345) is amended—

5 (1) in the section heading, by striking “**ESTAB-**
6 **LISHMENT OF OFFICER FOR**”;

7 (2) by redesignating subsection (b) as sub-
8 section (c); and

9 (3) by inserting after subsection (a) the fol-
10 lowing new subsection:

11 “(b) OFFICE FOR CIVIL RIGHTS AND CIVIL LIB-
12 ERTIES.—There is in the Department an Office for Civil
13 Rights and Civil Liberties. Under the direction of the Offi-
14 cer for Civil Rights and Civil Liberties, the Office shall
15 support the Officer in the following:

16 “(1) Integrating civil rights and civil liberties
17 into activities of the Department by conducting pro-
18 grams and providing policy advice and other tech-
19 nical assistance.

20 “(2) Investigating complaints and information
21 indicating possible abuses of civil rights or civil lib-
22 erties, unless the Inspector General of the Depart-
23 ment determines that any such complaint or infor-
24 mation should be investigated by the Inspector Gen-
25 eral.

1 “(3) Carrying out the Department’s equal em-
 2 ployment opportunity and diversity policies and pro-
 3 grams, including complaint management and adju-
 4 dication.

5 “(4) Communicating with individuals and com-
 6 munities whose civil rights and civil liberties may be
 7 affected by Department activities.

8 “(5) Any other activities as assigned by the Of-
 9 ficer.”.

10 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
 11 authorized to be appropriated \$22,571,000 for each of fis-
 12 cal years 2018 and 2019 to carry out section 705 of the
 13 Homeland Security Act of 2002, as amended by subsection
 14 (a) of this section.

15 **SEC. 1114. DEPARTMENT OF HOMELAND SECURITY ROTA-**
 16 **TION PROGRAM.**

17 (a) **ENHANCEMENTS TO THE ROTATION PROGRAM.**—
 18 Section 844 of the Homeland Security Act of 2002 (6)
 19 U.S.C. 414) is amended—

20 (1) by striking “(a) **ESTABLISHMENT.**—”;

21 (2) by redesignating paragraphs (1) through
 22 (5) as subsections (a) through (e), respectively, and
 23 adjusting the margins accordingly;

24 (3) in subsection (a), as so redesignated—

1 (A) by striking “Not later than 180 days
2 after the date of enactment of this section, the”
3 and inserting “The”; and

4 (B) by striking “for employees of the De-
5 partment” and inserting “for certain personnel
6 within the Department”;

7 (4) in subsection (b), as so redesignated—

8 (A) by redesignating subparagraphs (A)
9 through (G) as paragraphs (3) through (9), re-
10 spectively, and adjusting the margins accord-
11 ingly;

12 (B) by inserting before paragraph (3), as
13 so redesignated, the following new paragraphs:

14 “(1) seek to foster greater departmental inte-
15 gration and unity of effort;

16 “(2) seek to help enhance the knowledge, skills,
17 and abilities of participating personnel with respect
18 to the programs, policies, and activities of the De-
19 partment;”;

20 (C) in paragraph (4), as so redesignated,
21 by striking “middle and senior level”; and

22 (D) in paragraph (7), as so redesignated,
23 by inserting before “invigorate” the following:
24 “seek to improve morale and retention through-
25 out the Department and”;

1 (5) in subsection (c), as redesignated by para-
2 graph (2)—

3 (A) by redesignating subparagraphs (A)
4 and (B) as paragraphs (1) and (2), respectively,
5 and adjusting the margins accordingly; and

6 (B) in paragraph (2), as so redesignated—

7 (i) by striking clause (iii); and

8 (ii) by redesignating clauses (i), (ii),
9 and (iv) through (viii) as subparagraphs
10 (A) through (G), respectively, and adjust-
11 ing the margins accordingly;

12 (6) by redesignating subsections (d) and (e), as
13 redesignated by paragraph (2), as subsections (e)
14 and (f), respectively;

15 (7) by inserting after subsection (c) the fol-
16 lowing new subsection:

17 “(d) ADMINISTRATIVE MATTERS.—In carrying out
18 the Rotation Program the Secretary shall—

19 “(1) before selecting employees for participation
20 in the Rotation Program, disseminate information
21 broadly within the Department about the availability
22 of the Rotation Program, qualifications for partici-
23 pation in the Rotation Program, including full-time
24 employment within the employing component or of-

1 fice not less than one year, and the general provi-
2 sions of the Rotation Program;

3 “(2) require as a condition of participation in
4 the Rotation Program that an employee—

5 “(A) is nominated by the head of the com-
6 ponent or office employing the employee; and

7 “(B) is selected by the Secretary, or the
8 Secretary’s designee, solely on the basis of rel-
9 ative ability, knowledge, and skills, after fair
10 and open competition that assures that all can-
11 didates receive equal opportunity;

12 “(3) ensure that each employee participating in
13 the Rotation Program shall be entitled to return,
14 within a reasonable period of time after the end of
15 the period of participation, to the position held by
16 the employee, or a corresponding or higher position,
17 in the component or office that employed the em-
18 ployee prior to the participation of the employee in
19 the Rotation Program;

20 “(4) require that the rights that would be avail-
21 able to the employee if the employee were detailed
22 from the employing component or office to another
23 Federal agency or office remain available to the em-
24 ployee during the employee participation in the Ro-
25 tation Program; and

1 “(5) require that, during the period of partici-
2 pation by an employee in the Rotation Program, per-
3 formance evaluations for the employee—

4 “(A) shall be conducted by officials in the
5 office or component employing the employee
6 with input from the supervisors of the employee
7 at the component or office in which the em-
8 ployee is placed during that period; and

9 “(B) shall be provided the same weight
10 with respect to promotions and other rewards
11 as performance evaluations for service in the of-
12 fice or component employing the employee.”;
13 and

14 (8) by adding at the end the following new sub-
15 section:

16 “(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PRO-
17 GRAM.—

18 “(1) ESTABLISHMENT.—The Secretary shall es-
19 tablish an Intelligence Rotational Assignment Pro-
20 gram as part of the Rotation Program under sub-
21 section (a).

22 “(2) ADMINISTRATION.—The Chief Human
23 Capital Officer, in conjunction with the Chief Intel-
24 ligence Officer, shall administer the Intelligence Ro-

1 tational Assignment Program established pursuant
2 to paragraph (1).

3 “(3) ELIGIBILITY.—The Intelligence Rotational
4 Assignment Program established pursuant to para-
5 graph (1) shall be open to employees serving in ex-
6 isting analyst positions within the Department’s In-
7 telligence Enterprise and other Department employ-
8 ees as determined appropriate by the Chief Human
9 Capital Officer and the Chief Intelligence Officer.

10 “(4) COORDINATION.—The responsibilities
11 specified in subsection (c)(2) that apply to the Rota-
12 tion Program under such subsection shall, as appli-
13 cable, also apply to the Intelligence Rotational As-
14 signment Program under this subsection.”.

15 (b) CONGRESSIONAL NOTIFICATION AND OVER-
16 SIGHT.—Not later than 120 days after the date of the en-
17 actment of this Act, the Secretary of Homeland Security
18 shall provide to the Committee on Homeland Security and
19 the Permanent Select Committee on Intelligence of the
20 House of Representatives and the Committee on Home-
21 land Security and Governmental Affairs of the Senate in-
22 formation about the status of the Homeland Security Ro-
23 tation Program authorized by section 844 of the Home-
24 land Security Act of 2002, as amended by subsection (a)
25 of this section.

1 **SEC. 1115. FUTURE YEARS HOMELAND SECURITY PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Section 874 of the Homeland Se-
4 curity Act of 2002 (6 U.S.C. 454) is amended—

5 (1) in the section heading, by striking “**YEAR**”
6 and inserting “**YEARS**”;

7 (2) by striking subsection (a) and inserting the
8 following:

9 “(a) IN GENERAL.—Not later than 60 days after the
10 date on which the budget of the President is submitted
11 to Congress under section 1105(a) of title 31, United
12 States Code, the Secretary shall submit to the Committee
13 on Homeland Security and Governmental Affairs of the
14 Senate and the Committee on Homeland Security of the
15 House of Representatives (referred to in this section as
16 the ‘appropriate committees’) a Future Years Homeland
17 Security Program that covers the fiscal year for which the
18 budget is submitted and the 4 succeeding fiscal years.”;
19 and

20 (3) by striking subsection (c) and inserting the
21 following new subsections:

22 “(c) PROJECTION OF ACQUISITION ESTIMATES.—On
23 and after February 1, 2018, each Future Years Homeland
24 Security Program shall project—

25 “(1) acquisition estimates for the fiscal year for
26 which the budget is submitted and the four suc-

1 ceeding fiscal years, with specified estimates for each
2 fiscal year, for all major acquisitions by the Depart-
3 ment and each component of the Department; and

4 “(2) estimated annual deployment schedules for
5 all physical asset major acquisitions over the five-fis-
6 cal-year period described in paragraph (1) and the
7 full operating capability for all information tech-
8 nology major acquisitions.

9 “(d) SENSITIVE AND CLASSIFIED INFORMATION.—
10 The Secretary may include with each Future Years Home-
11 land Security Program a classified or other appropriately
12 controlled document containing any information required
13 to be submitted under this section that is restricted from
14 public disclosure in accordance with Federal law or any
15 Executive order.

16 “(e) AVAILABILITY OF INFORMATION TO THE PUB-
17 LIC.—The Secretary shall make available to the public in
18 electronic form the information required to be submitted
19 to the appropriate committees under this section, other
20 than information described in subsection (d).”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of such Act is further amended by striking
23 the item relating to section 874 and inserting the following
24 new item:

“874. Future Years Homeland Security Program.”.

1 **SEC. 1116. FIELD EFFICIENCIES PLAN.**

2 (1) IN GENERAL.—Not later than 270 days
3 after the date of the enactment of this Act, the Sec-
4 retary of Homeland Security shall submit to the
5 Committee on Homeland Security and the Com-
6 mittee on Transportation and Infrastructure of the
7 House of Representatives and Committee on Home-
8 land Security and Governmental Affairs of the Sen-
9 ate a field efficiencies plan that—

10 (A) examines the facilities and administra-
11 tive and logistics functions of components of the
12 Department of Homeland Security located with-
13 in designated geographic areas; and

14 (B) provides specific recommendations and
15 an associated cost-benefit analysis for the con-
16 solidation of the facilities and administrative
17 and logistics functions of components of the De-
18 partment within each designated geographic
19 area.

20 (2) CONTENTS.—The field efficiencies plan sub-
21 mitted under paragraph (1) shall include the fol-
22 lowing:

23 (A) An accounting of leases held by the
24 Department or its components that have ex-
25 pired in the current fiscal year or will be expir-
26 ing in the next fiscal year, that have begun or

1 been renewed in the current fiscal year, or that
2 the Department or its components plan to sign
3 or renew in the next fiscal year.

4 (B) For each designated geographic area—

5 (i) An evaluation of specific facilities
6 at which components, or operational enti-
7 ties of components, of the Department may
8 be closed or consolidated, including consid-
9 eration of when leases expire or facilities
10 owned by the government become available.

11 (ii) An evaluation of potential consoli-
12 dation with facilities of other Federal,
13 State, or local entities, including—

14 (I) offices;

15 (II) warehouses;

16 (III) training centers;

17 (IV) housing;

18 (V) ports, shore facilities, and
19 airfields;

20 (VI) laboratories; and

21 (VII) other assets as determined
22 by the Secretary.

23 (iii) An evaluation of the potential for
24 the consolidation of administrative and lo-
25 gistics functions, including—

- 1 (I) facility maintenance;
2 (II) fleet vehicle services;
3 (III) mail handling and shipping
4 and receiving;
5 (IV) facility security;
6 (V) procurement of goods and
7 services;
8 (VI) information technology and
9 telecommunications services and sup-
10 port; and
11 (VII) additional ways to improve
12 unity of effort and cost savings for
13 field operations and related support
14 activities as determined by the Sec-
15 retary.

- 16 (C) An implementation plan, including—
17 (i) near-term actions that can co-lo-
18 cate, consolidate, or dispose of property
19 within 24 months;
20 (ii) identifying long-term occupancy
21 agreements or leases that cannot be
22 changed without a significant cost to the
23 Government; and
24 (iii) how the Department can ensure
25 it has the capacity, in both personnel and

1 funds, needed to cover up-front costs to
2 achieve consolidation and efficiencies.

3 (D) An accounting of any consolidation of
4 the real estate footprint of the Department or
5 any component of the Department, including
6 the co-location of personnel from different com-
7 ponents, offices, and agencies within the De-
8 partment.

9 **SEC. 1117. SUBMISSION TO CONGRESS OF INFORMATION**
10 **REGARDING REPROGRAMMING OR TRANS-**
11 **FER OF DEPARTMENT OF HOMELAND SECU-**
12 **RITY RESOURCES TO RESPOND TO OPER-**
13 **ATIONAL SURGES.**

14 (a) IN GENERAL.—Title VII of the Homeland Secu-
15 rity Act of 2002 is further amended by adding at the end
16 the following new section:

17 **“SEC. 712. ANNUAL SUBMITTAL TO CONGRESS OF INFOR-**
18 **MATION ON REPROGRAMMING OR TRANS-**
19 **FERS OF FUNDS TO RESPOND TO OPER-**
20 **ATIONAL SURGES.**

21 “For each fiscal year until fiscal year 2023, the Sec-
22 retary of Homeland Security shall provide to the Com-
23 mittee on Homeland Security of the House of Representa-
24 tives and the Committee on Homeland Security and Gov-

1 ernmental Affairs of the Senate, together with the annual
2 budget request for the Department, information on—

3 “(1) any circumstance during the year covered
4 by the report in which the Secretary exercised the
5 authority to reprogram or transfer funds to address
6 unforeseen costs, including costs associated with
7 operational surges; and

8 “(2) any circumstance in which any limitation
9 on the transfer or reprogramming of funds affected
10 the ability of the Secretary to address such unfore-
11 seen costs.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of such Act is further amended by inserting
14 after the item relating to section 711, as added by this
15 Act, the following new item:

“712. Annual submittal to Congress of information on reprogramming or trans-
fers of funds to respond to operational surges.”.

16 **SEC. 1118. REPORT TO CONGRESS ON COST SAVINGS AND**
17 **EFFICIENCY.**

18 (a) IN GENERAL.—Not later than two years after the
19 date of the enactment of this Act, the Secretary of Home-
20 land Security, acting through the Under Secretary of
21 Homeland Security for Management, shall submit to the
22 congressional homeland security committees a report that
23 includes each of the following:

1 (1) A detailed accounting of the management
2 and administrative expenditures and activities of
3 each component of the Department of Homeland Se-
4 curity and identifies potential cost savings,
5 avoidances, and efficiencies for those expenditures
6 and activities.

7 (2) An examination of major physical assets of
8 the Department, as defined by the Secretary;

9 (3) A review of the size, experience level, and
10 geographic distribution of the operational personnel
11 of the Department.

12 (4) Recommendations for adjustments in the
13 management and administration of the Department
14 that would reduce deficiencies in the capabilities of
15 the Department, reduce costs, and enhance effi-
16 ciencies.

17 (b) FORM OF REPORT.—The report required under
18 subsection (a) shall be submitted in unclassified form but
19 may include a classified annex.

20 **SEC. 1119. RESEARCH AND DEVELOPMENT AND CBRNE OR-**
21 **GANIZATIONAL REVIEW.**

22 (a) DEPARTMENT OF HOMELAND SECURITY RE-
23 SEARCH AND DEVELOPMENT ACTIVITIES.—

24 (1) IN GENERAL.—The Secretary of Homeland
25 Security shall assess the organization and manage-

1 ment of the Department of Homeland Security’s re-
2 search and development activities, and shall develop
3 and submit to the Committee on Homeland Security
4 and the Committee on Science, Space, and Tech-
5 nology of the House of Representatives and the
6 Committee on Homeland Security and Governmental
7 Affairs of the Senate, not later than six months
8 after the date of the enactment of this Act, a pro-
9 posed organizational structure for the efficient and
10 effective management of such research and develop-
11 ment activities.

12 (2) ORGANIZATIONAL JUSTIFICATION.—The
13 proposed organizational structure for the manage-
14 ment of the Department of Homeland Security’s re-
15 search and development activities included in the as-
16 sessment required under paragraph (1) shall include
17 the following:

18 (A) A discussion of the methodology for
19 determining such proposed organizational struc-
20 ture.

21 (B) A comprehensive inventory of research
22 and development activities of the Department,
23 and the proposed location of each activity under
24 such proposed organizational structure, includ-
25 ing a description of the effects on specific direc-

1 torates and offices based on any proposed relo-
2 cation of their activities.

3 (C) Information relating to how such pro-
4 posed organizational structure will facilitate and
5 promote enhanced coordination and better col-
6 laboration between the research and develop-
7 ment activities of the Department and the of-
8 fices and components of the Department, in-
9 cluding a specific description of operational
10 challenges resulting from the current organiza-
11 tional structure and a detailed explanation of
12 how the proposed organizational structure will
13 address such challenges.

14 (D) Information relating to how such pro-
15 posed organizational structure will support the
16 development of research and development prior-
17 ities and capabilities across the Department.

18 (E) A discussion of any resulting cost sav-
19 ings and efficiencies from such proposed organi-
20 zational structure.

21 (F) Recommendations for any necessary
22 statutory changes, an explanation of why no
23 statutory or organizational changes are nec-
24 essary, or a request for additional time to com-
25 plete the organizational justification.

1 (b) DEPARTMENT OF HOMELAND SECURITY CHEM-
2 ICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND EX-
3 PLOSIVES ACTIVITIES.—

4 (1) IN GENERAL.—The Secretary of Homeland
5 Security shall—

6 (A) assess the organization and manage-
7 ment of the Department of Homeland Secu-
8 rity’s chemical, biological, radiological, nuclear,
9 and explosives activities, including the activities
10 of the Office of Health Affairs, the Domestic
11 Nuclear Detection Office, and the Office for
12 Bombing Prevention; and

13 (B) by not later than six months after the
14 date of the enactment of this Act, develop and
15 submit to the Committee on Homeland Security
16 and the Committee on Science, Space, and
17 Technology of the House of Representatives
18 and the Committee on Homeland Security and
19 Governmental Affairs of the Senate a proposed
20 organizational structure to ensure enhanced co-
21 ordination, effectiveness, and efficiency by pro-
22 viding strengthened chemical, biological, radio-
23 logical, nuclear, and explosives capabilities in
24 support of homeland security.

1 (2) ORGANIZATIONAL JUSTIFICATION.—The
2 proposed organizational structure for the manage-
3 ment of the Department of Homeland Security’s
4 chemical, biological, radiological, nuclear, and explo-
5 sives activities included in the assessment required
6 under paragraph (1) shall include the following:

7 (A) A discussion of the methodology for
8 determining such proposed organizational struc-
9 ture.

10 (B) A comprehensive inventory of chem-
11 ical, biological, radiological, nuclear, and explo-
12 sives activities of the Department, and the pro-
13 posed location of each activity under such pro-
14 posed organizational structure.

15 (C) Information relating to how such pro-
16 posed organizational structure will enhance the
17 development of chemical, biological, radiological,
18 nuclear, and explosives priorities and capabili-
19 ties across the Department, including a specific
20 description of operational challenges resulting
21 from the current organizational structure and a
22 detailed explanation of how the proposed orga-
23 nizational structure will address such chal-
24 lenges.

1 (D) A discussion of any resulting cost sav-
2 ings and efficiencies from such proposed organi-
3 zational structure.

4 (E) Recommendations for any necessary
5 statutory changes, an explanation of why no
6 statutory or organizational changes are nec-
7 essary, or a request for additional time to com-
8 plete the organizational justification.

9 (c) REVIEW REQUIRED.—Not later than three
10 months after the submission of the proposed organiza-
11 tional justifications required under subsections (a)(1) and
12 (b)(1), the Comptroller General of the United States shall
13 submit to the Committee on Homeland Security and the
14 Committee on Science, Space, and Technology of the
15 House of Representatives and the Committee on Home-
16 land Security and Governmental Affairs of the Senate a
17 review of the organizational justifications. The review shall
18 consider how the proposed organizational realignment, or
19 lack thereof, of research and development activities and
20 chemical, biological, radiological, nuclear, and explosives
21 activities will improve or impede the Department’s ongo-
22 ing efforts in such mission areas, including an assessment
23 of—

1 (1) any potential cost savings or additional
2 costs incurred as a result of any proposed organiza-
3 tional realignment;

4 (2) an assessment of the comparison of benefits
5 and costs of the proposed organizational structure;

6 (3) the extent to which the organizational jus-
7 tification submitted pursuant to subsections (a)(1)
8 and (b)(1) fully assesses, documents, and addresses
9 any potential problems that could result from any
10 proposed organizational realignment;

11 (4) the extent to which the organizational jus-
12 tification identifies specific deficiencies in operations
13 resulting from the existing organizational structure
14 of the Department and an explanation of how any
15 proposed realignment will address such deficiencies;

16 (5) the extent to which the Department solie-
17 ited and incorporated the feedback of its workforce
18 in the proposed organizational structure; and

19 (6) the extent to which the Department con-
20 ducted and incorporated stakeholder outreach in de-
21 veloping the proposed organizational structure.

22 **SEC. 1120. ACTIVITIES RELATED TO CHILDREN.**

23 Paragraph (6) of subsection (c) of section 708 of the
24 Homeland Security Act of 2002 (6 U.S.C. 349(c)), as re-
25 designated by section 410 of this Act, is amended by in-

1 sserting “, including feedback from organizations rep-
2 resenting the needs of children,” after “stakeholder feed-
3 back”.

4 **Subtitle B—Human Resources and** 5 **Other Matters**

6 **SEC. 1131. CHIEF HUMAN CAPITAL OFFICER RESPONSIBIL-** 7 **ITIES.**

8 Section 704 of the Homeland Security Act of 2002
9 (6 U.S.C. 344) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1)—

12 (i) by inserting “, including with re-
13 spect to leader development and employee
14 engagement,” after “policies”;

15 (ii) by striking “and in line” and in-
16 sserting “, in line”; and

17 (iii) by inserting “and informed by
18 best practices within the Federal govern-
19 ment and the private sector,” after “prior-
20 ities,”;

21 (B) in paragraph (2), by striking “develop
22 performance measures to provide a basis for
23 monitoring and evaluating” and inserting
24 “evaluate, on an ongoing basis,”;

1 (C) in paragraph (3), by inserting “that,
2 to the extent practicable, are informed by em-
3 ployee feedback,” after “policies”;

4 (D) in paragraph (4), by inserting “includ-
5 ing leader development and employee engage-
6 ment programs,” before “in coordination”;

7 (E) in paragraph (5), by inserting before
8 the semicolon at the end the following: “that is
9 informed by an assessment, carried out by the
10 Chief Human Capital Officer, of the learning
11 and developmental needs of employees in super-
12 visory and non-supervisory roles across the De-
13 partment and appropriate workforce planning
14 initiatives”;

15 (F) by redesignating paragraphs (9) and
16 (10) as paragraphs (11) and (12), respectively;
17 and

18 (G) by inserting after paragraph (8) the
19 following new paragraphs:

20 “(9) maintain a catalogue of available employee
21 development opportunities, including the Homeland
22 Security Rotation Program pursuant to section 844,
23 departmental leadership development programs,
24 interagency development programs, and other rota-
25 tional programs;

1 “(10) ensure that employee discipline and ad-
2 verse action programs comply with the requirements
3 of all pertinent laws, rules, regulations, and Federal
4 guidance, and ensure due process for employees;”;

5 (2) by redesignating subsections (d) and (e) as
6 subsections (e) and (f), respectively;

7 (3) by inserting after subsection (c) the fol-
8 lowing new subsection:

9 “(d) CHIEF LEARNING AND ENGAGEMENT OFFI-
10 CER.—The Chief Human Capital Officer may designate
11 an employee of the Department to serve as a Chief Learn-
12 ing and Engagement Officer to assist the Chief Human
13 Capital Officer in carrying out this section.”; and

14 (4) in subsection (e), as so redesignated—

15 (A) by redesignating paragraphs (2), (3),
16 and (4) as paragraphs (5), (6), and (7), respec-
17 tively; and

18 (B) by inserting after paragraph (1) the
19 following new paragraphs:

20 “(2) information on employee development op-
21 portunities catalogued pursuant to paragraph (9) of
22 subsection (b) and any available data on participa-
23 tion rates, attrition rates, and impacts on retention
24 and employee satisfaction;

1 “(3) information on the progress of Depart-
2 ment-wide strategic workforce planning efforts as
3 determined under paragraph (2) of subsection (b);

4 “(4) information on the activities of the steer-
5 ing committee established pursuant to section
6 710(a), including the number of meeting, types of
7 materials developed and distributed, and rec-
8 ommendations made to the Secretary;”.

9 **SEC. 1132. EMPLOYEE ENGAGEMENT STEERING COM-**
10 **MITTEE AND ACTION PLAN.**

11 (a) IN GENERAL.—Title VII of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
13 adding at the end the following new section:

14 **“SEC. 714. EMPLOYEE ENGAGEMENT.**

15 “(a) STEERING COMMITTEE.—Not later than 120
16 days after the date of the enactment of this section, the
17 Secretary shall establish an employee engagement steering
18 committee, including representatives from operational
19 components, headquarters, and field personnel, including
20 supervisory and non-supervisory personnel, and employee
21 labor organizations that represent Department employees,
22 and chaired by the Under Secretary for Management, to
23 carry out the following activities:

24 “(1) Identify factors that have a negative im-
25 pact on employee engagement, morale, and commu-

1 nications within the Department, such as percep-
2 tions about limitations on career progression, mobil-
3 ity, or development opportunities, collected through
4 employee feedback platforms, including through an-
5 nual employee surveys, questionnaires, and other
6 communications, as appropriate.

7 “(2) Identify, develop, and distribute initiatives
8 and best practices to improve employee engagement,
9 morale, and communications within the Department,
10 including through annual employee surveys, ques-
11 tionnaires, and other communications, as appro-
12 priate.

13 “(3) Monitor efforts of each component to ad-
14 dress employee engagement, morale, and commu-
15 nications based on employee feedback provided
16 through annual employee surveys, questionnaires,
17 and other communications, as appropriate.

18 “(4) Advise the Secretary on efforts to improve
19 employee engagement, morale, and communications
20 within specific components and across the Depart-
21 ment.

22 “(5) Conduct regular meetings and report, not
23 less than once per quarter, to the Under Secretary
24 for Management, the head of each component, and

1 the Secretary on Department-wide efforts to improve
2 employee engagement, morale, and communications.

3 “(b) ACTION PLAN; REPORTING.—The Secretary,
4 acting through the Chief Human Capital Officer, shall—

5 “(1) not later than 120 days after the date of
6 the establishment of the steering committee under
7 subsection (a), issue a Department-wide employee
8 engagement action plan, reflecting input from the
9 employee engagement steering committee established
10 pursuant to subsection (a) and employee feedback
11 provided through annual employee surveys, question-
12 naires, and other communications in accordance with
13 paragraph (1) of such subsection, to execute strate-
14 gies to improve employee engagement, morale, and
15 communications within the Department; and

16 “(2) require the head of each component to—

17 “(A) develop and implement a component-
18 specific employee engagement plan to advance
19 the action plan required under paragraph (1)
20 that includes performance measures and objec-
21 tives, is informed by employee feedback pro-
22 vided through annual employee surveys, ques-
23 tionnaires, and other communications, as appro-
24 priate, and sets forth how employees and, where
25 applicable, their labor representatives are to be

1 integrated in developing programs and initia-
2 tives;

3 “(B) monitor progress on implementation
4 of such action plan; and

5 “(C) provide to the Chief Human Capital
6 Officer and the steering committee quarterly re-
7 ports on actions planned and progress made
8 under this paragraph.

9 “(c) TERMINATION.—This section shall terminate on
10 the date that is five years after the date of the enactment
11 of this section.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by inserting after the item related to section 713,
15 as added by this Act, the following new item:

“Sec. 714. Employee engagement.”.

16 (c) SUBMISSIONS TO CONGRESS.—

17 (1) DEPARTMENT-WIDE EMPLOYEE ENGAGE-
18 MENT ACTION PLAN.—The Secretary of Homeland
19 Security, acting through the Chief Human Capital
20 Officer of the Department of Homeland Security,
21 shall submit to the Committee on Homeland Secu-
22 rity of the House of Representatives and the Com-
23 mittee on Homeland Security and Governmental Af-
24 fairs of the Senate the Department-wide employee
25 engagement action plan required under subsection

1 (b)(1) of section 714 of the Homeland Security Act
2 of 2002 (as added by subsection (a) of this section)
3 not later than 30 days after the issuance of such
4 plan under such subsection (b)(1).

5 (2) COMPONENT-SPECIFIC EMPLOYEE ENGAGE-
6 MENT PLANS.—Each head of a component of the
7 Department of Homeland Security shall submit to
8 the Committee on Homeland Security of the House
9 of Representatives and the Committee on Homeland
10 Security and Governmental Affairs of the Senate the
11 component-specific employee engagement plan of
12 each such component required under subsection
13 (b)(2) of section 714 of the Homeland Security Act
14 of 2002 (as added by subsection (a) of this section)
15 not later than 30 days after the issuance of each
16 such plan under such subsection (b)(2).

17 **SEC. 1133. ANNUAL EMPLOYEE AWARD PROGRAM.**

18 (a) IN GENERAL.—Title VII of the Homeland Secu-
19 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by
20 this Act, is further amended by adding at the end the fol-
21 lowing new section:

22 **“SEC. 715. ANNUAL EMPLOYEE AWARD PROGRAM.**

23 “(a) IN GENERAL.—The Secretary may establish an
24 annual employee award program to recognize Department
25 employees or groups of employees for significant contribu-

1 tions to the achievement of the Department’s goals and
2 missions. If such a program is established, the Secretary
3 shall—

4 “(1) establish within such program categories
5 of awards, each with specific criteria, that empha-
6 sizes honoring employees who are at the non-super-
7 visory level;

8 “(2) publicize within the Department how any
9 employee or group of employees may be nominated
10 for an award;

11 “(3) establish an internal review board com-
12 prised of representatives from Department compo-
13 nents, headquarters, and field personnel to submit to
14 the Secretary award recommendations regarding
15 specific employees or groups of employees;

16 “(4) select recipients from the pool of nominees
17 submitted by the internal review board under para-
18 graph (3) and convene a ceremony at which employ-
19 ees or groups of employees receive such awards from
20 the Secretary; and

21 “(5) publicize such program within the Depart-
22 ment.

23 “(b) INTERNAL REVIEW BOARD.—The internal re-
24 view board described in subsection (a)(3) shall, when car-
25 rying out its function under such subsection, consult with

1 representatives from operational components and head-
2 quarters, including supervisory and non-supervisory per-
3 sonnel, and employee labor organizations that represent
4 Department employees.

5 “(c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
6 tion may be construed to authorize additional funds to
7 carry out the requirements of this section or to require
8 the Secretary to provide monetary bonuses to recipients
9 of an award under this section.”.

10 (b) **CLERICAL AMENDMENT.**—The table of contents
11 in section 1(b) of the Homeland Security Act of 2002, as
12 amended this Act, is further amended by inserting after
13 the item relating to section 714 the following new item:

“Sec. 715. Annual employee award program.”.

14 **SEC. 1134. INDEPENDENT INVESTIGATION AND IMPLEMEN-**
15 **TATION PLAN.**

16 (a) **IN GENERAL.**—Not later than 120 days after the
17 date of the enactment of this Act or the issuance of a
18 report by the Inspector General of the Department of
19 Homeland Security on the extent to which the Department
20 has an equitable and consistent disciplinary process,
21 whichever is later, but in no case later than one year after
22 such date of enactment, the Comptroller General of the
23 United States shall utilize, if available, such report and
24 investigate whether the application of discipline and ad-
25 verse actions are administered in an equitable and con-

1 sistent manner that results in the same or substantially
2 similar disciplinary outcomes across the Department for
3 misconduct by a non-supervisory or supervisor employee
4 who engaged in the same or substantially similar mis-
5 conduct.

6 (b) CONSULTATION.—In carrying out the investiga-
7 tion described in subsection (a), the Comptroller General
8 of the United States shall consult with the employee en-
9 gagement steering committee established pursuant to sub-
10 section (b)(1) of section 714 of the Homeland Security
11 Act of 2002 (as added by this Act).

12 (c) ACTION BY UNDER SECRETARY FOR MANAGE-
13 MENT.—Upon completion of the investigation described in
14 subsection (a), the Under Secretary for Management of
15 the Department of Homeland Security shall review the
16 findings and recommendations of such investigation and
17 implement a plan, in consultation with the employee en-
18 gagement steering committee established pursuant to sub-
19 section (b)(1) of section 714 of the Homeland Security
20 Act of 2002, to correct any relevant deficiencies identified
21 by the Comptroller General of the United States. The
22 Under Secretary for Management shall direct the em-
23 ployee engagement steering committee to review such plan
24 to inform committee activities and action plans authorized
25 under such section 714.

1 **SEC. 1135. TIMELY GUIDANCE TO DHS PERSONNEL RE-**
2 **GARDING EXECUTIVE ORDERS.**

3 (a) IN GENERAL.—Title VII of the Homeland Secu-
4 rity Act of 2002 is further amended by adding at the end
5 the following new section:

6 **“SEC. 716. TIMELY GUIDANCE TO PERSONNEL REGARDING**
7 **EXECUTIVE ORDERS.**

8 “To the maximum extent practicable, before any Ex-
9 ecutive order affecting Department functions, programs,
10 or operations takes effect, the Secretary, in coordination
11 with the heads of relevant Department components and
12 offices, shall make every effort to, as expeditiously as pos-
13 sible, provide to relevant Department personnel written
14 guidance regarding how such Executive order is to be im-
15 plemented.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 in section 1(b) of such Act is further amended by inserting
18 after the item relating to section 715, as added by this
19 Act, the following new item:

“Sec. 716. Timely guidance to personnel regarding Executive orders.”.

20 **SEC. 1136. SECRETARY’S RESPONSIBILITIES REGARDING**
21 **ELECTION INFRASTRUCTURE.**

22 The Secretary of Homeland Security shall continue
23 to prioritize the provision of assistance, on a voluntary
24 basis, to State and local election officials in recognition
25 of the importance of election infrastructure to the United

1 States and that its incapacity or destruction would have
2 a debilitating impact on national security, and that state
3 and non-state adversaries should not compromise election
4 infrastructure.

5 **TITLE II—DEPARTMENT OF**
6 **HOMELAND SECURITY ACQUI-**
7 **SITION ACCOUNTABILITY**
8 **AND EFFICIENCY**

9 **SEC. 1201. DEFINITIONS.**

10 (a) IN GENERAL.—Subtitle D of title VIII of the
11 Homeland Security Act of 2002 is amended by inserting
12 before section 831 the following new section:

13 **“SEC. 830. DEFINITIONS.**

14 “In this subtitle:

15 “(1) The term ‘acquisition’ has the meaning
16 given such term in section 131 of title 41, United
17 States Code.

18 “(2) The term ‘acquisition decision authority’
19 means the authority, held by the Secretary acting
20 through the Deputy Secretary or Under Secretary
21 for Management to—

22 “(A) ensure compliance with Federal law,
23 the Federal Acquisition Regulation, and De-
24 partment acquisition management directives;

1 “(B) review (including approving, pausing,
2 modifying, or canceling) an acquisition program
3 through the life cycle of such program;

4 “(C) ensure that acquisition program man-
5 agers have the resources necessary to success-
6 fully execute an approved acquisition program;

7 “(D) ensure good acquisition program
8 management of cost, schedule, risk, and system
9 performance of the acquisition program at
10 issue, including assessing acquisition program
11 baseline breaches and directing any corrective
12 action for such breaches; and

13 “(E) ensure that acquisition program man-
14 agers, on an ongoing basis, monitor cost, sched-
15 ule, and performance against established base-
16 lines and use tools to assess risks to an acquisi-
17 tion program at all phases of the life cycle of
18 such program to avoid and mitigate acquisition
19 program baseline breaches.

20 “(3) The term ‘acquisition decision event’
21 means, with respect to an acquisition program, a
22 predetermined point within each of the acquisition
23 phases at which the acquisition decision authority
24 determines whether such acquisition program shall
25 proceed to the next acquisition phase.

1 “(4) The term ‘acquisition decision memo-
2 randum’ means, with respect to an acquisition, the
3 official acquisition decision event record that in-
4 cludes a documented record of decisions, exit cri-
5 teria, and assigned actions for such acquisition, as
6 determined by the person exercising acquisition deci-
7 sion authority for such acquisition.

8 “(5) The term ‘acquisition program’ means the
9 process by which the Department acquires, with any
10 appropriated amounts, by contract for purchase or
11 lease, property or services (including construction)
12 that support the missions and goals of the Depart-
13 ment.

14 “(6) The term ‘acquisition program baseline’,
15 with respect to an acquisition program, means a
16 summary of the cost, schedule, and performance pa-
17 rameters, expressed in standard, measurable, quan-
18 titative terms, which must be met in order to accom-
19 plish the goals of such program.

20 “(7) The term ‘best practices’, with respect to
21 acquisition, means a knowledge-based approach to
22 capability development that includes—

23 “(A) identifying and validating needs;

24 “(B) assessing alternatives to select the
25 most appropriate solution;

1 “(C) clearly establishing well-defined re-
2 quirements;

3 “(D) developing realistic cost assessments
4 and schedules;

5 “(E) securing stable funding that matches
6 resources to requirements;

7 “(F) demonstrating technology, design,
8 and manufacturing maturity;

9 “(G) using milestones and exit criteria or
10 specific accomplishments that demonstrate
11 progress;

12 “(H) adopting and executing standardized
13 processes with known success across programs;

14 “(I) establishing an adequate workforce
15 that is qualified and sufficient to perform nec-
16 essary functions; and

17 “(J) integrating the capabilities described
18 in subparagraphs (A) through (I) into the De-
19 partment’s mission and business operations.

20 “(8) The term ‘breach’, with respect to a major
21 acquisition program, means a failure to meet any
22 cost, schedule, or performance threshold specified in
23 the most recently approved acquisition program
24 baseline.

1 “(9) The term ‘congressional homeland security
2 committees’ means—

3 “(A) the Committee on Homeland Security
4 of the House of Representatives and the Com-
5 mittee on Homeland Security and Govern-
6 mental Affairs of the Senate; and

7 “(B) the Committee on Appropriations of
8 the House of Representatives and of the Sen-
9 ate.

10 “(10) The term ‘Component Acquisition Execu-
11 tive’ means the senior acquisition official within a
12 component who is designated in writing by the
13 Under Secretary for Management, in consultation
14 with the component head, with authority and re-
15 sponsibility for leading a process and staff to provide
16 acquisition and program management oversight, pol-
17 icy, and guidance to ensure that statutory, regu-
18 latory, and higher level policy requirements are ful-
19 filled, including compliance with Federal law, the
20 Federal Acquisition Regulation, and Department ac-
21 quisition management directives established by the
22 Under Secretary for Management.

23 “(11) The term ‘life cycle cost’ means the total
24 ownership cost of an acquisition, including all rel-
25 evant costs related to acquiring, owning, operating,

1 maintaining, and disposing of the system, project, or
 2 product over a specified period of time.

3 “(12) The term ‘major acquisition program’
 4 means a Department acquisition program that is es-
 5 timated by the Secretary to require an eventual total
 6 expenditure of at least \$300,000,000 (based on fis-
 7 cal year 2017 constant dollars) over its life cycle
 8 cost.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
 10 in section 1(b) of such Act is further amended by inserting
 11 before the item relating to section 831 the following new
 12 item:

“830. Definitions.”.

13 **Subtitle A—Acquisition Authorities**

14 **SEC. 1211. ACQUISITION AUTHORITIES FOR UNDER SEC-** 15 **RETARY FOR MANAGEMENT OF THE DEPART-** 16 **MENT OF HOMELAND SECURITY.**

17 Section 701 of the Homeland Security Act of 2002
 18 (6 U.S.C. 341) is amended—

19 (1) in subsection (a)(2), by inserting “and ac-
 20 quisition management” after “procurement”;

21 (2) by redesignating subsections (d) and (e) as
 22 subsections (e) and (f), respectively; and

23 (3) by inserting after subsection (c) the fol-
 24 lowing new subsection:

1 “(d) ACQUISITION AND RELATED RESPONSIBIL-
2 ITIES.—

3 “(1) IN GENERAL.—Notwithstanding subsection
4 (a) of section 1702 of title 41, United States Code,
5 the Under Secretary for Management is the Chief
6 Acquisition Officer of the Department. As Chief Ac-
7 quisition Officer, the Under Secretary shall have the
8 authorities and perform the functions specified in
9 subsection (b) of such section and shall perform all
10 other functions and responsibilities delegated by the
11 Secretary or described in this subsection.

12 “(2) FUNCTIONS AND RESPONSIBILITIES.—In
13 addition to the authorities and functions specified in
14 section 1702(b) of title 41, United States Code, the
15 functions and responsibilities of the Under Secretary
16 for Management related to acquisition include the
17 following:

18 “(A) Advising the Secretary regarding ac-
19 quisition management activities, taking into ac-
20 count risks of failure to achieve cost, schedule,
21 or performance parameters, to ensure that the
22 Department achieves its mission through the
23 adoption of widely accepted program manage-
24 ment best practices and standards and, where

1 appropriate, acquisition innovation best prac-
2 tices.

3 “(B) Leading the acquisition oversight
4 body of the Department, the Acquisition Review
5 Board, and exercising the acquisition decision
6 authority to approve, pause, modify (including
7 the rescission of approvals of program mile-
8 stones), or cancel major acquisition programs,
9 unless the Under Secretary delegates such au-
10 thority to a Component Acquisition Executive
11 pursuant to paragraph (3).

12 “(C) Establishing policies for acquisition
13 that implement an approach that takes into ac-
14 count risks of failure to achieve cost, schedule,
15 or performance parameters that all components
16 of the Department shall comply with, including
17 outlining relevant authorities for program man-
18 agers to effectively manage acquisition pro-
19 grams.

20 “(D) Ensuring that each major acquisition
21 program has a Department-approved acquisi-
22 tion program baseline, pursuant to the Depart-
23 ment’s acquisition management policy.

24 “(E) Ensuring that the heads of compo-
25 nents and Component Acquisition Executives

1 comply with Federal law, the Federal Acquisi-
2 tion Regulation, and Department acquisition
3 management directives.

4 “(F) Providing additional scrutiny and
5 oversight for an acquisition that is not a major
6 acquisition if—

7 “(i) the acquisition is for a program
8 that is important to departmental strategic
9 and performance plans;

10 “(ii) the acquisition is for a program
11 with significant program or policy implica-
12 tions; and

13 “(iii) the Secretary determines that
14 such scrutiny and oversight for the acquisi-
15 tion is proper and necessary.

16 “(G) Ensuring that grants and financial
17 assistance are provided only to individuals and
18 organizations that are not suspended or
19 debarred.

20 “(H) Distributing guidance throughout the
21 Department to ensure that contractors involved
22 in acquisitions, particularly contractors that ac-
23 cess the Department’s information systems and
24 technologies, adhere to relevant Department
25 policies related to physical and information se-

1 curity as identified by the Under Secretary for
2 Management.

3 “(I) Overseeing the Component Acquisition
4 Executive organizational structure to ensure
5 Component Acquisition Executives have suffi-
6 cient capabilities and comply with Department
7 acquisition policies.

8 “(J) Ensuring acquisition decision memo-
9 randa adequately document decisions made at
10 acquisition decision events, including any af-
11 firmative determination of contractor responsi-
12 bility at the down selection phase and any other
13 significant procurement decisions related to the
14 acquisition at issue.

15 “(3) DELEGATION OF ACQUISITION DECISION
16 AUTHORITY.—

17 “(A) LEVEL 3 ACQUISITIONS.—The Under
18 Secretary for Management may delegate acqui-
19 sition decision authority in writing to the rel-
20 evant Component Acquisition Executive for an
21 acquisition program that has a life cycle cost
22 estimate of less than \$300,000,000.

23 “(B) LEVEL 2 ACQUISITIONS.—The Under
24 Secretary for Management may delegate acqui-
25 sition decision authority in writing to the rel-

1 evant Component Acquisition Executive for a
2 major acquisition program that has a life cycle
3 cost estimate of at least \$300,000,000 but not
4 more than \$1,000,000,000 if all of the following
5 requirements are met:

6 “(i) The component concerned pos-
7 sesses working policies, processes, and pro-
8 cedures that are consistent with Depart-
9 ment-level acquisition policy.

10 “(ii) The Component Acquisition Ex-
11 ecutive concerned has adequate, experi-
12 enced, and dedicated professional employ-
13 ees with program management training, as
14 applicable, commensurate with the size of
15 the acquisition programs and related ac-
16 tivities delegated to such Component Ac-
17 quisition Executive by the Under Secretary
18 for Management.

19 “(iii) Each major acquisition program
20 concerned has written documentation
21 showing that it has a Department-ap-
22 proved acquisition program baseline and it
23 is meeting agreed-upon cost, schedule, and
24 performance thresholds.

1 “(4) RELATIONSHIP TO UNDER SECRETARY
2 FOR SCIENCE AND TECHNOLOGY.—

3 “(A) IN GENERAL.—Nothing in this sub-
4 section shall diminish the authority granted to
5 the Under Secretary for Science and Tech-
6 nology under this Act. The Under Secretary for
7 Management and the Under Secretary for
8 Science and Technology shall cooperate in mat-
9 ters related to the coordination of acquisitions
10 across the Department so that investments of
11 the Directorate of Science and Technology are
12 able to support current and future requirements
13 of the components of the Department.

14 “(B) OPERATIONAL TESTING AND EVALUA-
15 TION.—The Under Secretary for Science and
16 Technology shall—

17 “(i) ensure, in coordination with rel-
18 evant component heads, that major acqui-
19 sition programs—

20 “(I) complete operational testing
21 and evaluation of technologies and
22 systems;

23 “(II) use independent verification
24 and validation of operational test and

1 evaluation implementation and re-
2 sults; and

3 “(III) document whether such
4 programs meet all performance re-
5 quirements included in their acquisi-
6 tion program baselines;

7 “(ii) ensure that such operational
8 testing and evaluation includes all system
9 components and incorporates operators
10 into the testing to ensure that systems per-
11 form as intended in the appropriate oper-
12 ational setting; and

13 “(iii) determine if testing conducted
14 by other Federal agencies and private enti-
15 ties is relevant and sufficient in deter-
16 mining whether systems perform as in-
17 tended in the operational setting.

18 “(5) DEFINITIONS.—In this subsection, the
19 terms ‘acquisition’, ‘best practices’, ‘acquisition deci-
20 sion authority’, ‘major acquisition program’, ‘acqui-
21 sition program baseline’, and ‘Component Acquisi-
22 tion Executive’ have the meanings given such terms
23 in section 830.”.

1 **SEC. 1212. ACQUISITION AUTHORITIES FOR CHIEF FINAN-**
2 **CIAL OFFICER OF THE DEPARTMENT OF**
3 **HOMELAND SECURITY.**

4 Paragraph (2) of section 702(b) of the Homeland Se-
5 curity Act of 2002 (6 U.S.C. 342(b)) is amended by add-
6 ing at the end the following new subparagraph:

7 “(J) Oversee the costs of acquisition pro-
8 grams and related activities to ensure that ac-
9 tual and planned costs are in accordance with
10 budget estimates and are affordable, or can be
11 adequately funded, over the life cycle of such
12 programs and activities.”.

13 **SEC. 1213. ACQUISITION AUTHORITIES FOR CHIEF INFOR-**
14 **MATION OFFICER OF THE DEPARTMENT OF**
15 **HOMELAND SECURITY.**

16 Section 703 of the Homeland Security Act of 2002
17 (6 U.S.C. 343), as amended by this Act, is further amend-
18 ed by adding at the end the following new subsection:

19 “(e) ACQUISITION RESPONSIBILITIES.—The acquisi-
20 tion responsibilities of the Chief Information Officer shall
21 include the following:

22 “(1) Oversee the management of the Homeland
23 Security Enterprise Architecture and ensure that,
24 before each acquisition decision event (as such term
25 is defined in section 830), approved information
26 technology acquisitions comply with departmental in-

1 formation technology management processes, tech-
2 nical requirements, and the Homeland Security En-
3 terprise Architecture, and in any case in which infor-
4 mation technology acquisitions do not comply with
5 the Department’s management directives, make rec-
6 ommendations to the Acquisition Review Board re-
7 garding such noncompliance.

8 “(2) Be responsible for providing recommenda-
9 tions to the Acquisition Review Board regarding in-
10 formation technology programs, and be responsible
11 for developing information technology acquisition
12 strategic guidance.”.

13 **SEC. 1214. ACQUISITION AUTHORITIES FOR PROGRAM AC-**
14 **COUNTABILITY AND RISK MANAGEMENT.**

15 (a) IN GENERAL.—Title VII of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 341 et seq.) is further amended
17 by adding at the end the following:

18 **“SEC. 717. ACQUISITION AUTHORITIES FOR PROGRAM AC-**
19 **COUNTABILITY AND RISK MANAGEMENT.**

20 “(a) ESTABLISHMENT OF OFFICE.—There is in the
21 Management Directorate of the Department an office to
22 be known as ‘Program Accountability and Risk Manage-
23 ment’. The purpose of the office is to—

1 “(1) provide consistent accountability, stand-
2 ardization, and transparency of major acquisition
3 programs of the Department; and

4 “(2) serve as the central oversight function for
5 all Department acquisition programs.

6 “(b) RESPONSIBILITIES OF EXECUTIVE DIREC-
7 TOR.—The Program Accountability and Risk Management
8 shall be led by an Executive Director to oversee the re-
9 quirement under subsection (a). The Executive Director
10 shall report directly to the Under Secretary for Manage-
11 ment, and shall carry out the following responsibilities:

12 “(1) Monitor regularly the performance of De-
13 partment acquisition programs between acquisition
14 decision events to identify problems with cost, per-
15 formance, or schedule that components may need to
16 address to prevent cost overruns, performance
17 issues, or schedule delays.

18 “(2) Assist the Under Secretary for Manage-
19 ment in managing the acquisition programs and re-
20 lated activities of the Department.

21 “(3) Conduct oversight of individual acquisition
22 programs to implement Department acquisition pro-
23 gram policy, procedures, and guidance with a pri-
24 ority on ensuring the data the office collects and

1 maintains from Department components is accurate
2 and reliable.

3 “(4) Serve as the focal point and coordinator
4 for the acquisition life cycle review process and as
5 the executive secretariat for the Acquisition Review
6 Board.

7 “(5) Advise the persons having acquisition deci-
8 sion authority in making acquisition decisions con-
9 sistent with all applicable laws and in establishing
10 clear lines of authority, accountability, and responsi-
11 bility for acquisition decision making within the De-
12 partment.

13 “(6) Engage in the strategic planning and per-
14 formance evaluation process required under section
15 306 of title 5, United States Code, and sections
16 1105(a)(28), 1115, 1116, and 9703 of title 31,
17 United States Code, by supporting the Chief Pro-
18 curement Officer in developing strategies and spe-
19 cific plans for hiring, training, and professional de-
20 velopment in order to rectify any deficiency within
21 the Department’s acquisition workforce.

22 “(7) Develop standardized certification stand-
23 ards in consultation with the Component Acquisition
24 Executives for all acquisition program managers.

1 “(8) In the event that a certification or action
2 of an acquisition program manager needs review for
3 purposes of promotion or removal, provide input, in
4 consultation with the relevant Component Acquisition
5 Executive, into the performance evaluation of
6 the relevant acquisition program manager and report
7 positive or negative experiences to the relevant certi-
8 fying authority.

9 “(9) Provide technical support and assistance
10 to Department acquisitions and acquisition per-
11 sonnel in conjunction with the Chief Procurement
12 Officer.

13 “(10) Prepare the Comprehensive Acquisition
14 Status Report for the Department, as required by
15 title I of division D of the Consolidated Appropria-
16 tions Act, 2016 (Public Law 114–113), and make
17 such report available to the congressional homeland
18 security committees.

19 “(c) RESPONSIBILITIES OF COMPONENTS.—Each
20 head of a component shall comply with Federal law, the
21 Federal Acquisition Regulation, and Department acquisi-
22 tion management directives established by the Under Sec-
23 retary for Management. For each major acquisition pro-
24 gram, each head of a component shall—

1 “(1) define baseline requirements and document
2 changes to such requirements, as appropriate;

3 “(2) establish a complete life cycle cost estimate
4 with supporting documentation, including an acquisi-
5 tion program baseline;

6 “(3) verify each life cycle cost estimate against
7 independent cost estimates, and reconcile any dif-
8 ferences;

9 “(4) complete a cost-benefit analysis with sup-
10 porting documentation;

11 “(5) develop and maintain a schedule that is
12 consistent with scheduling best practices as identi-
13 fied by the Comptroller General of the United
14 States, including, in appropriate cases, an integrated
15 master schedule; and

16 “(6) ensure that all acquisition program infor-
17 mation provided by the component is complete, accu-
18 rate, timely, and valid.

19 “(d) CONGRESSIONAL HOMELAND SECURITY COM-
20 MITTEES DEFINED.—In this section, the term ‘congres-
21 sional homeland security committees’ means—

22 “(1) the Committee on Homeland Security of
23 the House of Representatives and the Committee on
24 Homeland Security and Governmental Affairs of the
25 Senate; and

1 “(2) the Committee on Appropriations of the
2 House of Representatives and the Committee on Ap-
3 propriations of the Senate.

4 **“SEC. 718. ACQUISITION DOCUMENTATION.**

5 “(a) IN GENERAL.—For each major acquisition pro-
6 gram, the Executive Director responsible for the prepara-
7 tion of the Comprehensive Acquisition Status Report, pur-
8 suant to paragraph (11) of section 710(b), shall require
9 certain acquisition documentation to be submitted by De-
10 partment components or offices.

11 “(b) WAIVER.—The Secretary may waive the require-
12 ment for submission under subsection (a) for a program
13 for a fiscal year if either—

14 “(1) the program has not—

15 “(A) entered the full rate production phase
16 in the acquisition life cycle;

17 “(B) had a reasonable cost estimate estab-
18 lished; and

19 “(C) had a system configuration defined
20 fully; or

21 “(2) the program does not meet the definition
22 of ‘capital asset’, as defined by the Director of the
23 Office of Management and Budget.

24 “(c) CONGRESSIONAL OVERSIGHT.—At the same
25 time the President’s budget is submitted for a fiscal year

1 under section 1105(a) of title 31, United States Code, the
2 Secretary shall submit to the Committee on Homeland Se-
3 curity of the House of Representatives and Committee on
4 Homeland Security and Governmental Affairs of the Sen-
5 ate information on the exercise of authority under sub-
6 section (b) in the prior fiscal year that includes the fol-
7 lowing specific information regarding each program for
8 which a waiver is issued under subsection (b):

9 “(1) The grounds for granting a waiver for that
10 program.

11 “(2) The projected cost of that program.

12 “(3) The proportion of a component’s annual
13 acquisition budget attributed to that program, as
14 available.

15 “(4) Information on the significance of the pro-
16 gram with respect to the component’s operations and
17 execution of its mission.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of the Homeland Security Act of 2002 is
20 further amended by inserting after the item relating to
21 section 716, as added by this Act, the following new items:

“Sec. 717. Acquisition authorities for Program Accountability and Risk Man-
agement.

“Sec. 718. Acquisition documentation.”.

22 **SEC. 1215. ACQUISITION INNOVATION.**

23 (a) IN GENERAL.—Title VII of the Homeland Secu-
24 rity Act of 2002 (6 U.S.C. 341 et seq.) as amended by

1 this Act, is further amended by adding at the end the fol-
2 lowing new section:

3 **“SEC. 719. ACQUISITION INNOVATION.**

4 “The Under Secretary for Management may—

5 “(1) designate an individual within the Depart-
6 ment to manage acquisition innovation efforts of the
7 Department;

8 “(2) test emerging acquisition best practices to
9 carrying out acquisitions, consistent with the Fed-
10 eral Acquisition Regulation and Department acquisi-
11 tion management directives, as appropriate;

12 “(3) develop and distribute best practices and
13 lessons learned regarding acquisition innovation
14 throughout the Department;

15 “(4) establish metrics to measure the effective-
16 ness of acquisition innovation efforts with respect to
17 cost, operational efficiency of the acquisition pro-
18 gram (including timeframes for executing contracts),
19 and collaboration with the private sector, including
20 small businesses; and

21 “(5) determine impacts of acquisition innova-
22 tion efforts on the private sector by—

23 “(A) engaging with the private sector, in-
24 cluding small businesses, to provide information
25 and obtain feedback on procurement practices

1 and acquisition innovation efforts of the De-
2 partment;

3 “(B) obtaining feedback from the private
4 sector on the impact of acquisition innovation
5 efforts of the Department; and

6 “(C) incorporating such feedback, as ap-
7 propriate, into future acquisition innovation ef-
8 forts of the Department.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 in section 1(b) of the Homeland Security Act of 2002 is
11 amended by inserting after the item relating to section
12 718, as added by this Act, the following new item:

“Sec. 719. Acquisition innovation.”.

13 (c) INFORMATION.—Not later than 90 days after the
14 date on which the Secretary of Homeland Security sub-
15 mits the annual budget justification for the Department
16 of Homeland Security for each of fiscal years 2019
17 through 2023, the Secretary shall, if appropriate, provide
18 information to the Committee on Homeland Security of
19 the House of Representatives and the Committee on
20 Homeland Security and Governmental Affairs of the Sen-
21 ate on the activities undertaken in the previous fiscal year
22 in furtherance of section 719 of the Homeland Security
23 Act of 2002, as added by subsection (a), on the following:

1 (1) Emerging acquisition best practices that
2 were tested within the Department during such fis-
3 cal year.

4 (2) Efforts to distribute best practices and les-
5 sons learned within the Department, including
6 through web-based seminars, training, and forums,
7 during such fiscal year.

8 (3) Utilization by components throughout the
9 Department of best practices distributed by the
10 Under Secretary of Management pursuant to para-
11 graph (3) of such section 719.

12 (4) Performance as measured by the metrics es-
13 tablished under paragraph (4) of such section 719.

14 (5) Outcomes of efforts to distribute best prac-
15 tices and lessons learned within the Department, in-
16 cluding through web-based seminars, training, and
17 forums.

18 (6) Any impacts of the utilization of innovative
19 acquisition mechanisms by the Department on the
20 private sector, including small businesses.

21 (7) The criteria used to identify specific acquisi-
22 tion programs or activities to be included in acquisi-
23 tion innovation efforts and the outcomes of such
24 programs or activities.

1 (8) Recommendations, as necessary, to enhance
2 acquisition innovation in the Department.

3 **Subtitle B—Acquisition Program**
4 **Management Discipline**

5 **SEC. 1221. ACQUISITION REVIEW BOARD.**

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

9 **“SEC. 836. ACQUISITION REVIEW BOARD.**

10 “(a) IN GENERAL.—The Secretary shall establish an
11 Acquisition Review Board (in this section referred to as
12 the ‘Board’) to—

13 “(1) strengthen accountability and uniformity
14 within the Department acquisition review process;

15 “(2) review major acquisition programs; and

16 “(3) review the use of best practices.

17 “(b) COMPOSITION.—The Under Secretary for Man-
18 agement shall serve as chair of the Board. The Secretary
19 shall also ensure participation by other relevant Depart-
20 ment officials, including at least two component heads or
21 their designees, as permanent members of the Board.

22 “(c) MEETINGS.—The Board shall meet regularly for
23 purposes of ensuring all acquisitions processes proceed in
24 a timely fashion to achieve mission readiness. The Board

1 shall convene at the discretion of the Secretary and at any
2 time—

3 “(1) a major acquisition program—

4 “(A) requires authorization to proceed
5 from one acquisition decision event to another
6 throughout the acquisition life cycle;

7 “(B) is in breach of its approved require-
8 ments; or

9 “(C) requires additional review, as deter-
10 mined by the Under Secretary for Management;
11 or

12 “(2) a non-major acquisition program requires
13 review, as determined by the Under Secretary for
14 Management.

15 “(d) RESPONSIBILITIES.—The responsibilities of the
16 Board are as follows:

17 “(1) Determine whether a proposed acquisition
18 has met the requirements of key phases of the acqui-
19 sition life cycle framework and is able to proceed to
20 the next phase and eventual full production and de-
21 ployment.

22 “(2) Oversee whether a proposed acquisition’s
23 business strategy, resources, management, and ac-
24 countability is executable and is aligned to strategic
25 initiatives.

1 “(3) Support the person with acquisition deci-
2 sion authority for an acquisition in determining the
3 appropriate direction for such acquisition at key ac-
4 quisition decision events.

5 “(4) Conduct systematic reviews of acquisitions
6 to ensure that such acquisitions are progressing in
7 compliance with the approved documents for their
8 current acquisition phases.

9 “(5) Review the acquisition documents of each
10 major acquisition program, including the acquisition
11 program baseline and documentation reflecting con-
12 sideration of tradeoffs among cost, schedule, and
13 performance objectives, to ensure the reliability of
14 underlying data.

15 “(6) Ensure that practices are adopted and im-
16 plemented to require consideration of trade-offs
17 among cost, schedule, and performance objectives as
18 part of the process for developing requirements for
19 major acquisition programs prior to the initiation of
20 the second acquisition decision event, including, at a
21 minimum, the following practices:

22 “(A) Department officials responsible for
23 acquisition, budget, and cost estimating func-
24 tions are provided with the appropriate oppor-
25 tunity to develop estimates and raise cost and

1 schedule matters before performance objectives
2 are established for capabilities when feasible.

3 “(B) Full consideration is given to possible
4 trade-offs among cost, schedule, and perform-
5 ance objectives for each alternative.

6 “(e) ACQUISITION PROGRAM BASELINE REPORT RE-
7 QUIREMENT.—If the person exercising acquisition decision
8 authority over a major acquisition program approves such
9 program to proceed into the planning phase before such
10 program has a Department-approved acquisition program
11 baseline, the Under Secretary for Management shall cre-
12 ate and approve an acquisition program baseline report
13 regarding such approval, and the Secretary shall—

14 “(1) within seven days after an acquisition deci-
15 sion memorandum is signed, notify in writing the
16 Committee on Homeland Security of the House of
17 Representatives and the Committee on Homeland
18 Security and Governmental Affairs of the Senate of
19 such decision; and

20 “(2) within 60 days after the acquisition deci-
21 sion memorandum is signed, submit to such commit-
22 tees a report stating the rationale for such decision
23 and a plan of action to require an acquisition pro-
24 gram baseline for such program.

1 “(f) REPORT.—The Under Secretary for Manage-
2 ment shall provide information to the Committee on
3 Homeland Security of the House of Representatives and
4 the Committee on Homeland Security and Governmental
5 Affairs of the Senate on an annual basis through fiscal
6 year 2022 on the activities of the Board for the prior fiscal
7 year that includes information relating to the following:

8 “(1) For each meeting of the Board, any acqui-
9 sition decision memoranda.

10 “(2) Results of the systematic reviews con-
11 ducted pursuant to paragraph (4) of subsection (d).

12 “(3) Results of acquisition document reviews re-
13 quired pursuant to paragraph (5) of subsection (d).

14 “(4) Activities to ensure that practices are
15 adopted and implemented throughout the Depart-
16 ment pursuant to paragraph (6) of subsection (d).”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of the Homeland Security Act of 2002 (6
19 U.S.C. 101 et seq.) is further amended by adding after
20 the item relating to section 835 the following new item:

“Sec. 836. Acquisition Review Board.”.

21 **SEC. 1222. REQUIREMENTS TO REDUCE DUPLICATION IN**
22 **ACQUISITION PROGRAMS.**

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

1 is further amended by adding at the end the following new
2 section:

3 **“SEC. 837. REQUIREMENTS TO REDUCE DUPLICATION IN**
4 **ACQUISITION PROGRAMS.**

5 “(a) REQUIREMENT TO ESTABLISH POLICIES.—In
6 an effort to reduce unnecessary duplication and ineffi-
7 ciency for all Department investments, including major ac-
8 quisition programs, the Deputy Secretary, in consultation
9 with the Under Secretary for Management, shall establish
10 Department-wide policies to integrate all phases of the in-
11 vestment life cycle and help the Department identify, vali-
12 date, and prioritize common component requirements for
13 major acquisition programs in order to increase opportuni-
14 ties for effectiveness and efficiencies. The policies shall
15 also include strategic alternatives for developing and facili-
16 tating a Department component-driven requirements proc-
17 ess that includes oversight of a development test and eval-
18 uation capability; identification of priority gaps and over-
19 laps in Department capability needs; and provision of fea-
20 sible technical alternatives, including innovative commer-
21 cially available alternatives, to meet capability needs.

22 “(b) MECHANISMS TO CARRY OUT REQUIREMENT.—
23 The Under Secretary for Management shall coordinate the
24 actions necessary to carry out subsection (a), using such
25 mechanisms as considered necessary by the Secretary to

1 help the Department reduce unnecessary duplication and
2 inefficiency for all Department investments, including
3 major acquisition programs.

4 “(c) COORDINATION.—In coordinating the actions
5 necessary to carry out subsection (a), the Deputy Sec-
6 retary shall consult with the Under Secretary for Manage-
7 ment, Component Acquisition Executives, and any other
8 Department officials, including the Under Secretary for
9 Science and Technology or his designee, with specific
10 knowledge of Department or component acquisition capa-
11 bilities to prevent unnecessary duplication of require-
12 ments.

13 “(d) ADVISORS.—The Deputy Secretary, in consulta-
14 tion with the Under Secretary for Management, shall seek
15 and consider input within legal and ethical boundaries
16 from members of Federal, State, local, and tribal govern-
17 ments, nonprofit organizations, and the private sector, as
18 appropriate, on matters within their authority and exper-
19 tise in carrying out the Department’s mission.

20 “(e) MEETINGS.—The Deputy Secretary, in consulta-
21 tion with the Under Secretary for Management, shall meet
22 at least quarterly and communicate with components often
23 to ensure that components do not overlap or duplicate
24 spending or activities on major investments and acquisi-
25 tion programs within their areas of responsibility.

1 “(f) RESPONSIBILITIES.—In carrying out this sec-
2 tion, the responsibilities of the Deputy Secretary, in con-
3 sultation with the Under Secretary for Management, are
4 as follows:

5 “(1) To review and validate the requirements
6 documents of major investments and acquisition pro-
7 grams prior to acquisition decision events of the in-
8 vestments or programs.

9 “(2) To ensure the requirements and scope of
10 a major investment or acquisition program are sta-
11 ble, measurable, achievable, at an acceptable risk
12 level, and match the resources planned to be avail-
13 able.

14 “(3) Before any entity of the Department
15 issues a solicitation for a new contract, coordinate
16 with other Department entities as appropriate to
17 prevent unnecessary duplication and inefficiency
18 and—

19 “(A) to implement portfolio reviews to
20 identify common mission requirements and
21 crosscutting opportunities among components
22 to harmonize investments and requirements and
23 prevent unnecessary overlap and duplication
24 among components; and

1 “(B) to the extent practicable, to stand-
2 ardize equipment purchases, streamline the ac-
3 quisition process, improve efficiencies, and con-
4 duct best practices for strategic sourcing.

5 “(4) To ensure program managers of major in-
6 vestments and acquisition programs conduct anal-
7 yses, giving particular attention to factors such as
8 cost, schedule, risk, performance, and operational ef-
9 ficiency in order to determine that programs work as
10 intended within cost and budget expectations.

11 “(5) To propose schedules for delivery of the
12 operational capability needed to meet each Depart-
13 ment investment and major acquisition program.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Homeland Security Act of 2002 (6
16 U.S.C. 101 et seq.) is further amended by adding after
17 the item relating to section 836, as added by this Act,
18 the following new item:

 “Sec. 837. Requirements to reduce duplication in acquisition programs.”.

19 **SEC. 1223. DEPARTMENT LEADERSHIP COUNCIL.**

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

23 **“SEC. 890B. DEPARTMENT LEADERSHIP COUNCIL.**

24 “(a) DEPARTMENT LEADERSHIP COUNCIL.—

1 “(1) ESTABLISHMENT.—The Secretary may es-
2 tablish a Department leadership council as the Sec-
3 retary determines necessary to ensure coordination
4 and improve programs and activities of the Depart-
5 ment.

6 “(2) FUNCTION.—A Department leadership
7 council shall—

8 “(A) serve as coordinating forums;

9 “(B) advise the Secretary and Deputy Sec-
10 retary on Department strategy, operations, and
11 guidance; and

12 “(C) consider and report on such other
13 matters as the Secretary or Deputy Secretary
14 may direct.

15 “(3) RELATIONSHIP TO OTHER FORUMS.—The
16 Secretary or Deputy Secretary may delegate the au-
17 thority to direct the implementation of any decision
18 or guidance resulting from the action of a Depart-
19 ment leadership council to any office, component, co-
20 ordinator, or other senior official of the Department.

21 “(4) MISSION.—In addition to other matters
22 assigned to it by the Secretary and Deputy Sec-
23 retary, a leadership council shall—

24 “(A) identify, assess, and validate joint re-
25 quirements (including existing systems and as-

1 sociated capability gaps) to meet mission needs
2 of the Department;

3 “(B) ensure that appropriate efficiencies
4 are made among life-cycle cost, schedule, and
5 performance objectives, and procurement quan-
6 tity objectives, in the establishment and ap-
7 proval of joint requirements; and

8 “(C) make prioritized capability rec-
9 ommendations for the joint requirements vali-
10 dated under subparagraph (A) to the Secretary,
11 the Deputy Secretary, or the chairperson of a
12 Department leadership council designated by
13 the Secretary to review decisions of the leader-
14 ship council.

15 “(5) CHAIRPERSON.—The Secretary shall ap-
16 point a chairperson of a leadership council, for a
17 term of not more than 2 years, from among senior
18 officials from components of the Department or
19 other senior officials as designated by the Secretary.

20 “(6) COMPOSITION.—A leadership council shall
21 be composed of senior officials representing compo-
22 nents of the Department and other senior officials
23 as designated by the Secretary.

24 “(7) RELATIONSHIP TO FUTURE YEARS HOME-
25 LAND SECURITY PROGRAM.—The Secretary shall en-

1 sure that the Future Years Homeland Security Pro-
2 gram required under section 874 is consistent with
3 any recommendations of a leadership council re-
4 quired under paragraph (2)(C), as affirmed by the
5 Secretary, the Deputy Secretary, or the chairperson
6 of a Department leadership council designated by
7 the Secretary under that paragraph.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of such Act is amended by inserting after
10 the item relating to section 890A the following new item:

 “Sec. 890B. Department leadership council.”.

11 **SEC. 1224. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
12 **VIEW OF BOARD AND OF REQUIREMENTS TO**
13 **REDUCE DUPLICATION IN ACQUISITION PRO-**
14 **GRAMS.**

15 (a) REVIEW REQUIRED.—The Comptroller General
16 of the United States shall conduct a review of the effec-
17 tiveness of the Acquisition Review Board established
18 under section 836 of the Homeland Security Act of 2002
19 (as added by this Act) and the requirements to reduce un-
20 necessary duplication in acquisition programs established
21 under section 837 of such Act (as added by this Act) in
22 improving the Department’s acquisition management
23 process.

24 (b) SCOPE OF REPORT.—The review shall include the
25 following:

1 (1) An assessment of the effectiveness of the
2 Board in increasing program management oversight,
3 best practices and standards, and discipline among
4 the components of the Department, including in
5 working together and in preventing overlap and un-
6 necessary duplication.

7 (2) An assessment of the effectiveness of the
8 Board in instilling program management discipline.

9 (3) A statement of how regularly each major
10 acquisition program is reviewed by the Board, how
11 often the Board stops major acquisition programs
12 from moving forward in the phases of the acquisition
13 life cycle process, and the number of major acquisi-
14 tion programs that have been halted because of
15 problems with operational effectiveness, schedule
16 delays, or cost overruns.

17 (4) An assessment of the effectiveness of the
18 Board in impacting acquisition decisionmaking with-
19 in the Department, including the degree to which
20 the Board impacts decision making within other
21 headquarters mechanisms and bodies involved in the
22 administration of acquisition activities.

23 (c) REPORT REQUIRED.—Not later than one year
24 after the date of the enactment of this Act, the Comp-
25 troller General shall submit to the congressional homeland

1 security committees a report on the review required by this
2 section. The report shall be submitted in unclassified form
3 but may include a classified annex.

4 **SEC. 1225. EXCLUDED PARTY LIST SYSTEM WAIVERS.**

5 Not later than five days after the issuance of a waiver
6 by the Secretary of Homeland Security of Federal require-
7 ments that an agency not engage in business with a con-
8 tractor in the Excluded Party List System (or successor
9 system) as maintained by the General Services Adminis-
10 tration, the Secretary shall submit to Congress notice of
11 such waiver and an explanation for a finding by the Sec-
12 retary that a compelling reason exists for issuing such
13 waiver.

14 **SEC. 1226. INSPECTOR GENERAL OVERSIGHT OF SUSPEN-**
15 **SION AND DEBARMENT.**

16 The Inspector General of the Department of Home-
17 land Security shall—

18 (1) conduct audits as determined necessary by
19 the Inspector General regarding grant and procure-
20 ment awards to identify instances in which a con-
21 tract or grant was improperly awarded to a sus-
22 pended or debarred entity and whether corrective ac-
23 tions were taken to prevent recurrence; and

24 (2) review the suspension and debarment pro-
25 gram throughout the Department to assess whether

1 suspension and debarment criteria are consistently
2 applied throughout the Department and whether dis-
3 parities exist in the application of such criteria, par-
4 ticularly with respect to business size and categories.

5 **Subtitle C—Acquisition Program**
6 **Management Accountability and**
7 **Transparency**

8 **SEC. 1231. CONGRESSIONAL NOTIFICATION FOR MAJOR AC-**
9 **QUISITION PROGRAMS.**

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

14 **“SEC. 838. CONGRESSIONAL NOTIFICATION AND OTHER RE-**
15 **QUIREMENTS FOR MAJOR ACQUISITION PRO-**
16 **GRAM BREACH.**

17 **“(a) REQUIREMENTS WITHIN DEPARTMENT IN**
18 **EVENT OF BREACH.—**

19 **“(1) NOTIFICATIONS.—**

20 **“(A) NOTIFICATION OF BREACH.—**If a
21 breach occurs in a major acquisition program,
22 the program manager for such program shall
23 notify the Component Acquisition Executive for
24 such program, the head of the component con-
25 cerned, the Executive Director of the Program

1 Accountability and Risk Management division,
2 the Under Secretary for Management, and the
3 Deputy Secretary not later than 30 calendar
4 days after such breach is identified.

5 “(B) NOTIFICATION TO SECRETARY.—If a
6 breach occurs in a major acquisition program
7 and such breach results in a cost overrun great-
8 er than 15 percent, a schedule delay greater
9 than 180 days, or a failure to meet any of the
10 performance thresholds from the cost, schedule,
11 or performance parameters specified in the
12 most recently approved acquisition program
13 baseline for such program, the Component Ac-
14 quisition Executive for such program shall no-
15 tify the Secretary and the Inspector General of
16 the Department not later than five business
17 days after the Component Acquisition Executive
18 for such program, the head of the component
19 concerned, the Executive Director of the Pro-
20 gram Accountability and Risk Management Di-
21 vision, the Under Secretary for Management,
22 and the Deputy Secretary are notified of the
23 breach pursuant to subparagraph (A).

24 “(2) REMEDIATION PLAN AND ROOT CAUSE
25 ANALYSIS.—

1 “(A) IN GENERAL.—If a breach occurs in
2 a major acquisition program, the program man-
3 ager for such program shall submit to the head
4 of the component concerned, the Executive Di-
5 rector of the Program Accountability and Risk
6 Management division, and the Under Secretary
7 for Management in writing a remediation plan
8 and root cause analysis relating to such breach
9 and program. Such plan and analysis shall be
10 submitted at a date established at the discretion
11 of the Under Secretary for Management.

12 “(B) REMEDIATION PLAN.—The remedi-
13 ation plan required under this subparagraph
14 (A) shall—

15 “(i) explain the circumstances of the
16 breach at issue;

17 “(ii) provide prior cost estimating in-
18 formation;

19 “(iii) include a root cause analysis
20 that determines the underlying cause or
21 causes of shortcomings in cost, schedule,
22 or performance of the major acquisition
23 program with respect to which such breach
24 has occurred, including the role, if any,
25 of—

1 “(I) unrealistic performance ex-
2 pectations;

3 “(II) unrealistic baseline esti-
4 mates for cost or schedule or changes
5 in program requirements;

6 “(III) immature technologies or
7 excessive manufacturing or integra-
8 tion risk;

9 “(IV) unanticipated design, engi-
10 neering, manufacturing, or technology
11 integration issues arising during pro-
12 gram performance;

13 “(V) changes to the scope of such
14 program;

15 “(VI) inadequate program fund-
16 ing or changes in planned out-year
17 funding from one 5-year funding plan
18 to the next 5-year funding plan as
19 outlined in the Future Years Home-
20 land Security Program required under
21 section 874;

22 “(VII) legislative, legal, or regu-
23 latory changes; or

24 “(VIII) inadequate program
25 management personnel, including lack

1 of sufficient number of staff, training,
2 credentials, certifications, or use of
3 best practices;

4 “(iv) propose corrective action to ad-
5 dress cost growth, schedule delays, or per-
6 formance issues;

7 “(v) explain the rationale for why a
8 proposed corrective action is recommended;
9 and

10 “(vi) in coordination with the Compo-
11 nent Acquisition Executive for such pro-
12 gram, discuss all options considered, in-
13 cluding the estimated impact on cost,
14 schedule, or performance of such program
15 if no changes are made to current require-
16 ments, the estimated cost of such program
17 if requirements are modified, and the ex-
18 tent to which funding from other programs
19 will need to be reduced to cover the cost
20 growth of such program.

21 “(3) REVIEW OF CORRECTIVE ACTIONS.—

22 “(A) IN GENERAL.—The Under Secretary
23 for Management shall review the remediation
24 plan required under paragraph (2). The Under
25 Secretary may approve such plan or provide an

1 alternative proposed corrective action within 30
2 days of the submission of such plan under such
3 paragraph.

4 “(B) SUBMISSION TO CONGRESS.—Not
5 later than 30 days after the review required
6 under subparagraph (A) is completed, the
7 Under Secretary for Management shall submit
8 to the congressional homeland security commit-
9 tees the following:

10 “(i) A copy of the remediation plan
11 and the root cause analysis required under
12 paragraph (2).

13 “(ii) A statement describing the cor-
14 rective action or actions that have occurred
15 pursuant to paragraph (2)(b)(iv) for the
16 major acquisition program at issue, with a
17 justification for such action or actions.

18 “(b) REQUIREMENTS RELATING TO CONGRESSIONAL
19 NOTIFICATION IF BREACH OCCURS.—

20 “(1) NOTIFICATION TO CONGRESS.—If a notifi-
21 cation to the Secretary is made under subsection
22 (a)(1)(B) relating to a breach in a major acquisition
23 program, the Under Secretary for Management shall
24 notify the congressional homeland security commit-
25 tees of such breach in the next quarterly Com-

1 prehensive Acquisition Status Report, as required by
2 title I of division D of the Consolidated Appropria-
3 tions Act, 2016, (Public Law 114–113) following re-
4 ceipt by the Under Secretary of notification under
5 such subsection.

6 “(2) SIGNIFICANT VARIANCES IN COSTS OR
7 SCHEDULE.—If a likely cost overrun is greater than
8 20 percent or a likely delay is greater than 12
9 months from the costs and schedule specified in the
10 acquisition program baseline for a major acquisition
11 program, the Under Secretary for Management shall
12 include in the notification required in paragraph (1)
13 a written certification, with supporting explanation,
14 that—

15 “(A) such program is essential to the ac-
16 complishment of the Department’s mission;

17 “(B) there are no alternatives to the capa-
18 bility or asset provided by such program that
19 will provide equal or greater capability in both
20 a more cost-effective and timely manner;

21 “(C) the new acquisition schedule and esti-
22 mates for total acquisition cost are reasonable;
23 and

1 “(D) the management structure for such
2 program is adequate to manage and control
3 cost, schedule, and performance.

4 “(c) CONGRESSIONAL HOMELAND SECURITY COM-
5 MITTEES DEFINED.—In this section, the term ‘congres-
6 sional homeland security committees’ means—

7 “(1) the Committee on Homeland Security of
8 the House of Representatives and the Committee on
9 Homeland Security and Governmental Affairs of the
10 Senate; and

11 “(2) the Committee on Appropriations of the
12 House of Representatives and the Committee on Ap-
13 propriations of the Senate.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Homeland Security Act of 2002 is
16 amended by inserting after the item relating to section
17 837, as added by this Act, the following new item:

 “Sec. 838. Congressional notification and other requirements for major acquisi-
 tion program breach.”.

18 **SEC. 1232. MULTIYEAR ACQUISITION STRATEGY.**

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

1 **“SEC. 839. MULTIYEAR ACQUISITION STRATEGY.**

2 “(a) MULTIYEAR ACQUISITION STRATEGY RE-
3 QUIRED.—

4 “(1) IN GENERAL.—Not later than one year
5 after the date of the enactment of this section, the
6 Secretary shall submit to the appropriate congress-
7 sional committees and the Comptroller General of
8 the United States a multiyear acquisition strategy to
9 guide the overall direction of the acquisitions of the
10 Department while allowing flexibility to deal with
11 ever-changing threats and risks, to keep pace with
12 changes in technology that could impact deliverables,
13 and to help industry better understand, plan, and
14 align resources to meet the future acquisition needs
15 of the Department. Such strategy shall be updated
16 and included in each Future Years Homeland Secu-
17 rity Program required under section 874.

18 “(2) FORM.—The strategy required under para-
19 graph (1) shall be submitted in unclassified form but
20 may include a classified annex for any sensitive or
21 classified information if necessary. The Secretary
22 shall publish such strategy in an unclassified format
23 that is publicly available.

24 “(b) CONSULTATION.—In developing the strategy re-
25 quired under subsection (a), the Secretary shall, as the
26 Secretary determines appropriate, consult with head-

1 quarters, components, employees in the field, and individ-
2 uals from industry and the academic community.

3 “(c) CONTENTS OF STRATEGY.—The strategy shall
4 include the following:

5 “(1) PRIORITIZED LIST.—A systematic and in-
6 tegrated prioritized list developed by the Under Sec-
7 retary for Management in coordination with all of
8 the Component Acquisition Executives of Depart-
9 ment major acquisition programs that Department
10 and component acquisition investments seek to ad-
11 dress, including the expected security and economic
12 benefit of the program or system that is the subject
13 of acquisition and an analysis of how the security
14 and economic benefit derived from such program or
15 system will be measured.

16 “(2) INVENTORY.—A plan to develop a reliable
17 Department-wide inventory of investments and real
18 property assets to help the Department—

19 “(A) plan, budget, schedule, and acquire
20 upgrades of its systems and equipment; and

21 “(B) plan for the acquisition and manage-
22 ment of future systems and equipment.

23 “(3) FUNDING GAPS.—A plan to address fund-
24 ing gaps between funding requirements for major ac-
25 quisition programs and known available resources,

1 including, to the maximum extent practicable, ways
2 of leveraging best practices to identify and eliminate
3 overpayment for items to—

4 “(A) prevent wasteful purchasing;

5 “(B) achieve the greatest level of efficiency
6 and cost savings by rationalizing purchases;

7 “(C) align pricing for similar items; and

8 “(D) utilize purchase timing and econo-
9 mies of scale.

10 “(4) IDENTIFICATION OF CAPABILITIES.—An
11 identification of test, evaluation, modeling, and sim-
12 ulation capabilities that will be required to—

13 “(A) support the acquisition of tech-
14 nologies to meet the needs of such strategy;

15 “(B) leverage to the greatest extent pos-
16 sible emerging technological trends and re-
17 search and development trends within the pub-
18 lic and private sectors; and

19 “(C) identify ways to ensure that appro-
20 priate technology is acquired and integrated
21 into the Department’s operating doctrine to im-
22 prove mission performance.

23 “(5) FOCUS ON FLEXIBLE SOLUTIONS.—An as-
24 sessment of ways the Department can improve its
25 ability to test and acquire innovative solutions to

1 allow needed incentives and protections for appro-
2 priate risk-taking in order to meet its acquisition
3 needs with resiliency, agility, and responsiveness to
4 assure homeland security and facilitate trade.

5 “(6) FOCUS ON INCENTIVES TO SAVE TAX-
6 PAYER DOLLARS.—An assessment of ways the De-
7 partment can develop incentives for program man-
8 agers and senior Department acquisition officials
9 to—

10 “(A) prevent cost overruns;

11 “(B) avoid schedule delays; and

12 “(C) achieve cost savings in major acquisi-
13 tion programs.

14 “(7) FOCUS ON ADDRESSING DELAYS AND BID
15 PROTESTS.—An assessment of ways the Department
16 can improve the acquisition process to minimize cost
17 overruns in—

18 “(A) requirements development;

19 “(B) procurement announcements;

20 “(C) requests for proposals;

21 “(D) evaluation of proposals;

22 “(E) protests of decisions and awards; and

23 “(F) the use of best practices.

24 “(8) FOCUS ON IMPROVING OUTREACH.—An
25 identification and assessment of ways to increase op-

1 opportunities for communication and collaboration with
2 industry, small and disadvantaged businesses, intra-
3 government entities, university centers of excellence,
4 accredited certification and standards development
5 organizations, and national laboratories to ensure
6 that the Department understands the market for
7 technologies, products, and innovation that is avail-
8 able to meet its mission needs and to inform the De-
9 partment’s requirements-setting process before en-
10 gaging in an acquisition, including—

11 “(A) methods designed especially to engage
12 small and disadvantaged businesses, a cost-ben-
13 efit analysis of the tradeoffs that small and dis-
14 advantaged businesses provide, information re-
15 lating to barriers to entry for small and dis-
16 advantaged businesses, and information relating
17 to unique requirements for small and disadvan-
18 taged businesses; and

19 “(B) within the Department Vendor Com-
20 munication Plan and Market Research Guide,
21 instructions for interaction by acquisition pro-
22 gram managers with such entities to—

23 “(i) prevent misinterpretation of ac-
24 quisition regulations; and

1 “(ii) permit, within legal and ethical
2 boundaries, interacting with such entities
3 with transparency.

4 “(9) COMPETITION.—A plan regarding competi-
5 tion under subsection (d).

6 “(10) ACQUISITION WORKFORCE.—A plan re-
7 garding the Department acquisition workforce under
8 subsection (e).

9 “(d) COMPETITION PLAN.—The strategy required
10 under subsection (a) shall also include a plan to address
11 actions to ensure competition, or the option of competi-
12 tion, for major acquisition programs. Such plan may in-
13 clude assessments of the following measures in appro-
14 priate cases if such measures are cost effective:

15 “(1) Competitive prototyping.

16 “(2) Dual-sourcing.

17 “(3) Unbundling of contracts.

18 “(4) Funding of next-generation prototype sys-
19 tems or subsystems.

20 “(5) Use of modular, open architectures to en-
21 able competition for upgrades.

22 “(6) Acquisition of complete technical data
23 packages.

24 “(7) Periodic competitions for subsystem up-
25 grades.

1 “(8) Licensing of additional suppliers, including
2 small businesses.

3 “(9) Periodic system or program reviews to ad-
4 dress long-term competitive effects of program deci-
5 sions.

6 “(e) ACQUISITION WORKFORCE PLAN.—

7 “(1) ACQUISITION WORKFORCE.—The strategy
8 required under subsection (a) shall also include a
9 plan to address Department acquisition workforce
10 accountability and talent management that identifies
11 the acquisition workforce needs of each component
12 performing acquisition functions and develops op-
13 tions for filling such needs with qualified individuals,
14 including a cost-benefit analysis of contracting for
15 acquisition assistance.

16 “(2) ADDITIONAL MATTERS COVERED.—The
17 acquisition workforce plan under this subsection
18 shall address ways to—

19 “(A) improve the recruitment, hiring,
20 training, and retention of Department acquisi-
21 tion workforce personnel, including contracting
22 officer’s representatives, in order to retain high-
23 ly qualified individuals who have experience in
24 the acquisition life cycle, complex procurements,
25 and management of large programs;

1 “(B) empower program managers to have
2 the authority to manage their programs in an
3 accountable and transparent manner as such
4 managers work with the acquisition workforce;

5 “(C) prevent duplication within Depart-
6 ment acquisition workforce training and certifi-
7 cation requirements through leveraging already-
8 existing training within the Federal Govern-
9 ment, academic community, or private industry;

10 “(D) achieve integration and consistency
11 with Government-wide training and accredita-
12 tion standards, acquisition training tools, and
13 training facilities;

14 “(E) designate the acquisition positions
15 that will be necessary to support the Depart-
16 ment acquisition requirements, including in the
17 fields of—

18 “(i) program management;

19 “(ii) systems engineering;

20 “(iii) procurement, including con-
21 tracting;

22 “(iv) test and evaluation;

23 “(v) life cycle logistics;

24 “(vi) cost estimating and program fi-
25 nancial management; and

1 “(vii) additional disciplines appro-
2 priate to Department mission needs;

3 “(F) strengthen the performance of con-
4 tracting officers’ representatives (as defined in
5 subpart 1.602–2 and subpart 2.101 of the Fed-
6 eral Acquisition Regulation), including by—

7 “(i) assessing the extent to which
8 such representatives are certified and re-
9 ceive training that is appropriate;

10 “(ii) assessing what training is most
11 effective with respect to the type and com-
12 plexity of assignment; and

13 “(iii) implementing actions to improve
14 training based on such assessments; and

15 “(G) identify ways to increase training for
16 relevant investigators and auditors of the De-
17 partment to examine fraud in major acquisition
18 programs, including identifying opportunities to
19 leverage existing Government and private sector
20 resources in coordination with the Inspector
21 General of the Department.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002 is
24 amended by inserting after the item relating to section
25 838, as added by this Act, the following new item:

“Sec. 839. Multiyear acquisition strategy.”.

1 (c) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW
2 OF MULTI-YEAR ACQUISITION STRATEGY.—

3 (1) REVIEW.—After submission of the first
4 multiyear acquisition strategy in accordance with
5 section 839 of the Homeland Security Act of 2002,
6 as added by subsection (a), after the date of the en-
7 actment of this Act, the Comptroller General of the
8 United States shall conduct a review of such plan
9 within 180 days to analyze the viability of such
10 plan’s effectiveness in the following:

11 (A) Complying with the requirements of
12 such section 839.

13 (B) Establishing clear connections between
14 Department of Homeland Security objectives
15 and acquisition priorities.

16 (C) Demonstrating that Department acqui-
17 sition policy reflects program management best
18 practices and standards.

19 (D) Ensuring competition or the option of
20 competition for major acquisition programs.

21 (E) Considering potential cost savings
22 through using already-existing technologies
23 when developing acquisition program require-
24 ments.

1 (F) Preventing duplication within Depart-
2 ment acquisition workforce training require-
3 ments through leveraging already-existing train-
4 ing within the Federal Government, academic
5 community, or private industry.

6 (G) Providing incentives for acquisition
7 program managers to reduce acquisition and
8 procurement costs through the use of best prac-
9 tices and disciplined program management.

10 (2) DEFINITIONS.—The terms “acquisition”,
11 “best practices”, and “major acquisition programs”
12 have the meaning given such terms in section 830
13 of the Homeland Security Act of 2002, as added by
14 this Act.

15 (3) REPORT.—Not later than 180 days after
16 the completion of the review required by subsection
17 (a), the Comptroller General of the United States
18 shall submit to the Committee on Homeland Secu-
19 rity and the Committee on Appropriations of the
20 House of Representatives and the Committee on
21 Homeland Security and Governmental Affairs and
22 the Committee on Appropriations of the Senate a re-
23 port on the review. Such report shall be submitted
24 in unclassified form but may include a classified
25 annex.

1 **SEC. 1233. ACQUISITION REPORTS.**

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

6 **“SEC. 840. ACQUISITION REPORTS.**

7 “(a) COMPREHENSIVE ACQUISITION STATUS RE-
8 PORT.—

9 “(1) IN GENERAL.—At the same time as the
10 President’s budget is submitted for a fiscal year
11 under section 1105(a) of title 31, United States
12 Code, the Under Secretary for Management shall
13 submit to the congressional homeland security com-
14 mittees an annual comprehensive acquisition status
15 report. The report shall include the following:

16 “(A) The information required under the
17 heading ‘Office of the Under Secretary for
18 Management’ under title I of division D of the
19 Consolidated Appropriations Act, 2012 (Public
20 Law 112–74) (as required under the Depart-
21 ment of Homeland Security Appropriations Act,
22 2013 (Public Law 113–6)).

23 “(B) A listing of programs that have been
24 cancelled, modified, paused, or referred to the
25 Under Secretary for Management or Deputy
26 Secretary for additional oversight or action by

1 the Board, Department Office of Inspector
2 General, or the Comptroller General.

3 “(C) A listing of established Executive
4 Steering Committees, which provide governance
5 of a program or related set of programs and
6 lower-tiered oversight, and support between ac-
7 quisition decision events and component re-
8 views, including the mission and membership
9 for each.

10 “(2) INFORMATION FOR MAJOR ACQUISITION
11 PROGRAMS.—For each major acquisition program,
12 the report shall include the following:

13 “(A) A narrative description, including
14 current gaps and shortfalls, the capabilities to
15 be fielded, and the number of planned incre-
16 ments or units.

17 “(B) Acquisition Review Board (or other
18 board designated to review the acquisition) sta-
19 tus of each acquisition, including the current
20 acquisition phase, the date of the last review,
21 and a listing of the required documents that
22 have been reviewed with the dates reviewed or
23 approved.

1 “(C) The most current, approved acquisi-
2 tion program baseline (including project sched-
3 ules and events).

4 “(D) A comparison of the original acquisi-
5 tion program baseline, the current acquisition
6 program baseline, and the current estimate.

7 “(E) Whether or not an independent
8 verification and validation has been imple-
9 mented, with an explanation for the decision
10 and a summary of any findings.

11 “(F) A rating of cost risk, schedule risk,
12 and technical risk associated with the program
13 (including narrative descriptions and mitigation
14 actions).

15 “(G) Contract status (including earned
16 value management data as applicable).

17 “(H) A lifecycle cost of the acquisition,
18 and time basis for the estimate.

19 “(3) UPDATES.—The Under Secretary shall
20 submit quarterly updates to such report not later
21 than 45 days after the completion of each quarter.

22 “(b) QUARTERLY PROGRAM ACCOUNTABILITY RE-
23 PORT.—The Under Secretary for Management shall pre-
24 pare a quarterly program accountability report to meet the
25 mandate of the Department to perform program health

1 assessments and improve program execution and govern-
2 ance. The report shall be submitted to the congressional
3 homeland security committees.

4 “(c) CONGRESSIONAL HOMELAND SECURITY COM-
5 MITTEES DEFINED.—In this section, the term ‘congres-
6 sional homeland security committees’ means—

7 “(1) the Committee on Homeland Security of
8 the House of Representatives and the Committee on
9 Homeland Security and Governmental Affairs of the
10 Senate; and

11 “(2) the Committee on Appropriations of the
12 House of Representatives and the Committee on Ap-
13 propriations of the Senate.”.

14 (b) LEVEL 3 ACQUISITION PROGRAMS OF COMPO-
15 NENTS OF THE DEPARTMENT.—

16 (1) IN GENERAL.—Not later than 60 days after
17 the date of the enactment of this Act, component
18 heads of the Department of Homeland Security shall
19 identify to the Under Secretary for Management of
20 the Department all level 3 acquisition programs of
21 each respective component. Not later than 30 days
22 after receipt of such information, the Under Sec-
23 retary shall certify in writing to the congressional
24 homeland security committees whether such compo-
25 nent heads have properly identified such programs.

1 To carry out this paragraph, the Under Secretary
2 shall establish a process with a repeatable method-
3 ology to continually identify level 3 acquisition pro-
4 grams.

5 (2) POLICIES AND GUIDANCE.—Not later than
6 180 days after the date of the enactment of this Act,
7 component heads of the Department of Homeland
8 Security shall submit to the Under Secretary for
9 Management of the Department their respective
10 policies and relevant guidance for level 3 acquisition
11 programs of each respective component. Not later
12 than 90 days after receipt of such policies and guid-
13 ance, the Under Secretary for Management shall
14 certify to the congressional homeland security com-
15 mittees that each component’s respective policies
16 and guidance adhere to Department-wide acquisition
17 policies.

18 (c) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of such Act is further amended by inserting
20 after the item relating to section 839 the following new
21 item:

“840. Acquisition reports.”.

1 **TITLE III—INTELLIGENCE AND**
2 **INFORMATION SHARING**
3 **Subtitle A—Department of Home-**
4 **land Security Intelligence En-**
5 **terprise**

6 **SEC. 1301. HOMELAND INTELLIGENCE DOCTRINE.**

7 (a) IN GENERAL.—Subtitle A of title II of the Home-
8 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
9 ed by adding at the end the following new section:

10 **“SEC. 210G. HOMELAND INTELLIGENCE DOCTRINE.**

11 “(a) IN GENERAL.—Not later than 180 days after
12 the date of the enactment of this section, the Secretary,
13 acting through the Chief Intelligence Officer of the De-
14 partment, in coordination with intelligence components of
15 the Department, the Office of the General Counsel, the
16 Privacy Office, and the Office for Civil Rights and Civil
17 Liberties, shall develop and disseminate written Depart-
18 ment-wide guidance for the processing, analysis, produc-
19 tion, and dissemination of homeland security information
20 (as such term is defined in section 892) and terrorism in-
21 formation (as such term is defined in section 1016 of the
22 Intelligence Reform and Terrorism Prevention Act of
23 2004 (6 U.S.C. 485)).

24 “(b) CONTENTS.—The guidance required under sub-
25 section (a) shall, at a minimum, include the following:

1 “(1) A description of guiding principles and
2 purposes of the Department’s intelligence enterprise.

3 “(2) A summary of the roles and responsibil-
4 ities of each intelligence component of the Depart-
5 ment and programs of the intelligence components of
6 the Department in the processing, analysis, produc-
7 tion, or dissemination of homeland security informa-
8 tion and terrorism information, including relevant
9 authorities and restrictions applicable to each intel-
10 ligence component of the Department and programs
11 of each such intelligence components.

12 “(3) Guidance for the processing, analysis, and
13 production of such information.

14 “(4) Guidance for the dissemination of such in-
15 formation, including within the Department, among
16 and between Federal departments and agencies,
17 among and between State, local, tribal, and terri-
18 torial governments, including law enforcement, and
19 with foreign partners and the private sector.

20 “(5) An assessment and description of how the
21 dissemination to the intelligence community (as such
22 term is defined in section 3(4) of the National Secu-
23 rity Act of 1947 (50 U.S.C. 3003(4))) and Federal
24 law enforcement of homeland security information

1 and terrorism information assists such entities in
2 carrying out their respective missions.

3 “(c) FORM.—The guidance required under subsection
4 (a) shall be submitted in unclassified form, but may in-
5 clude a classified annex.

6 “(d) ANNUAL REVIEW.—For each of the five fiscal
7 years beginning with the fiscal year that begins after the
8 date of the enactment of this section, the Secretary shall
9 conduct a review of the guidance required under sub-
10 section (a) and, as appropriate, revise such guidance.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 in section 1(b) of the Homeland Security Act of 2002 is
13 amended by inserting after the item relating to section
14 210F the following new item:

“Sec. 210G. Homeland intelligence doctrine.”.

15 **SEC. 1302. ANALYSTS FOR THE CHIEF INTELLIGENCE OFFI-**
16 **CER.**

17 Paragraph (1) of section 201(e) of the Homeland Se-
18 curity Act of 2002 (6 U.S.C. 121(e)) is amended by add-
19 ing at the end the following new sentence: “The Secretary
20 shall also provide the Chief Intelligence Officer with a
21 staff having appropriate expertise and experience to assist
22 the Chief Intelligence Officer.”.

1 **SEC. 1303. ANNUAL HOMELAND TERRORIST THREAT AS-**
2 **SESSMENTS.**

3 (a) IN GENERAL.—Subtitle A of title II of the Home-
4 land Security Act of 2002 (6 U.S.C. 121 et seq.), as
5 amended by this Act, is further amended by adding at the
6 end the following new section:

7 **“SEC. 210H. HOMELAND TERRORIST THREAT ASSESS-**
8 **MENTS.**

9 “(a) IN GENERAL.—Not later than 180 days after
10 the date of the enactment of this section and for each of
11 the next five fiscal years (beginning in the fiscal year that
12 begins after the date of the enactment of this section) the
13 Secretary, acting through the Under Secretary for Intel-
14 ligence and Analysis, and using departmental information,
15 including component information, and information pro-
16 vided through State and major urban area fusion centers,
17 shall conduct an assessment of the terrorist threat to the
18 homeland.

19 “(b) CONTENTS.—Each assessment under subsection
20 (a) shall include the following:

21 “(1) Empirical data assessing terrorist activi-
22 ties and incidents over time in the United States, in-
23 cluding terrorist activities and incidents planned or
24 supported by persons outside of the United States
25 targeting the homeland.

1 “(2) An evaluation of current terrorist tactics,
2 as well as ongoing and possible future changes in
3 terrorist tactics.

4 “(3) An assessment of criminal activity encoun-
5 tered or observed by officers or employees of compo-
6 nents in the field which is suspected of financing ter-
7 rorist activity.

8 “(4) Detailed information on all individuals de-
9 nied entry to or removed from the United States as
10 a result of material support provided to a foreign
11 terrorist organization (as such term is used in sec-
12 tion 219 of the Immigration and Nationality Act (8
13 U.S.C. 1189)).

14 “(5) The efficacy and spread of foreign ter-
15 rorist organization propaganda, messaging, or re-
16 cruitment.

17 “(6) An assessment of threats, including cyber
18 threats, to the homeland, including to critical infra-
19 structure and Federal civilian networks.

20 “(7) An assessment of current and potential
21 terrorism and criminal threats posed by individuals
22 and organized groups seeking to unlawfully enter the
23 United States.

1 “(8) An assessment of threats to the transpor-
2 tation sector, including surface and aviation trans-
3 portation systems.

4 “(c) ADDITIONAL INFORMATION.—The assessments
5 required under subsection (a)—

6 “(1) shall, to the extent practicable, utilize ex-
7 isting component data collected from the field; and

8 “(2) may incorporate relevant information and
9 analysis from other agencies of the Federal Govern-
10 ment, agencies of State and local governments (in-
11 cluding law enforcement agencies), as well as the
12 private sector, disseminated in accordance with
13 standard information sharing procedures and poli-
14 cies.

15 “(d) FORM.—The assessments required under sub-
16 section (a) shall be shared with the appropriate congres-
17 sional committees and submitted in classified form, but—

18 “(1) shall include unclassified summaries; and

19 “(2) may include unclassified annexes, if appro-
20 priate.”.

21 (b) CONFORMING AMENDMENT.—Subsection (d) of
22 section 201 of the Homeland Security Act of 2002 (6
23 U.S.C. 121) is amended by adding at the end the following
24 new paragraph:

1 “(27) To carry out section 210H (relating to
2 homeland terrorist threat assessments).”.

3 (c) CLERICAL AMENDMENT.—The table of contents
4 of the Homeland Security Act of 2002 is amended by in-
5 serting after the item relating to section 210G, as added
6 by this Act, the following new item:

“Sec. 210H. Homeland terrorist threat assessments.”.

7 **SEC. 1304. DEPARTMENT OF HOMELAND SECURITY DATA**
8 **FRAMEWORK.**

9 (a) IN GENERAL.—The Secretary of Homeland Secu-
10 rity shall develop a data framework to integrate existing
11 Department of Homeland Security datasets and systems,
12 as appropriate, for access by authorized personnel in a
13 manner consistent with relevant legal authorities and pri-
14 vacy, civil rights, and civil liberties policies and protec-
15 tions. In developing such framework, the Secretary shall
16 ensure, in accordance with all applicable statutory and
17 regulatory requirements, the following information is in-
18 cluded:

19 (1) All information acquired, held, or obtained
20 by an office or component of the Department that
21 falls within the scope of the information sharing en-
22 vironment, including homeland security information,
23 terrorism information, weapons of mass destruction
24 information, and national intelligence.

1 (2) Any information or intelligence relevant to
2 priority mission needs and capability requirements of
3 the homeland security enterprise, as determined ap-
4 propriate by the Secretary.

5 (b) DATA FRAMEWORK ACCESS.—

6 (1) IN GENERAL.—The Secretary of Homeland
7 Security shall ensure that the data framework re-
8 quired under this section is accessible to employees
9 of the Department of Homeland Security who the
10 Secretary determines—

11 (A) have an appropriate security clearance;

12 (B) are assigned to perform a function
13 that requires access to information in such
14 framework; and

15 (C) are trained in applicable standards for
16 safeguarding and using such information.

17 (2) GUIDANCE.—The Secretary of Homeland
18 Security shall—

19 (A) issue guidance for Department of
20 Homeland Security employees authorized to ac-
21 cess and contribute to the data framework pur-
22 suant to paragraph (1); and

23 (B) ensure that such guidance enforces a
24 duty to share between offices and components

1 of the Department when accessing or contrib-
2 uting to such framework for mission needs.

3 (3) EFFICIENCY.—The Secretary of Homeland
4 Security shall promulgate data standards and in-
5 struct components of the Department of Homeland
6 Security to make available information through the
7 data framework under this section in a machine-
8 readable standard format, to the greatest extent
9 practicable.

10 (c) EXCLUSION OF INFORMATION.—The Secretary of
11 Homeland Security may exclude from the data framework
12 information that the Secretary determines access to or the
13 confirmation of the existence of could—

14 (1) jeopardize the protection of sources, meth-
15 ods, or activities;

16 (2) compromise a criminal or national security
17 investigation;

18 (3) be inconsistent with the other Federal laws
19 or regulations; or

20 (4) be duplicative or not serve an operational
21 purpose if included in such framework.

22 (d) SAFEGUARDS.—The Secretary of Homeland Se-
23 curity shall incorporate into the date framework systems
24 capabilities for auditing and ensuring the security of infor-

1 mation included in such framework. Such capabilities shall
2 include the following:

3 (1) Mechanisms for identifying insider threats.

4 (2) Mechanisms for identifying security risks.

5 (3) Safeguards for privacy, civil rights, and civil
6 liberties.

7 (e) DEADLINE FOR IMPLEMENTATION.—Not later
8 than two years after the date of the enactment of this Act,
9 the Secretary of Homeland Security shall ensure the data
10 framework required under this section has the ability to
11 include appropriate information in existence within the
12 Department of Homeland Security to meet its critical mis-
13 sion operations.

14 (f) NOTICE TO CONGRESS.—

15 (1) OPERATIONAL NOTIFICATION.—Not later
16 than 60 days after the date on which the data
17 framework required under this section is fully oper-
18 ational, the Secretary of Homeland Security shall
19 provide notice to the appropriate congressional com-
20 mittees of such.

21 (2) REGULAR STATUS.—The Secretary shall
22 submit to the appropriate congressional committees
23 regular updates on the status of the data framework
24 required under this section, including, when applica-

1 ble, the use of such data framework to support clas-
2 sified operations.

3 (g) DEFINITIONS.—In this section:

4 (1) NATIONAL INTELLIGENCE.—The term “na-
5 tional intelligence” has the meaning given such term
6 in section 3(5) of the National Security Act of 1947
7 (50 U.S.C. 3003(5)).

8 (2) APPROPRIATE CONGRESSIONAL COM-
9 MITTEE.—The term “appropriate congressional com-
10 mittee” has the meaning given such term in section
11 2(2) of the Homeland Security Act of 2002 (6
12 U.S.C. 101(11)).

13 **SEC. 1305. ESTABLISHMENT OF INSIDER THREAT PRO-**
14 **GRAM.**

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

18 **“SEC. 104. INSIDER THREAT PROGRAM.**

19 “(a) ESTABLISHMENT.—The Secretary shall estab-
20 lish an Insider Threat Program within the Department.
21 Such Program shall—

22 “(1) provide training and education for Depart-
23 ment personnel to identify, prevent, mitigate, and re-
24 spond to insider threat risks to the Department’s
25 critical assets;

1 “(2) provide investigative support regarding po-
2 tential insider threats that may pose a risk to the
3 Department’s critical assets; and

4 “(3) conduct risk mitigation activities for in-
5 sider threats.

6 “(b) STEERING COMMITTEE.—

7 “(1) IN GENERAL.—The Secretary shall estab-
8 lish a Steering Committee within the Department.
9 The Under Secretary for Intelligence and Analysis
10 shall serve as the Chair of the Steering Committee.
11 The Chief Security Officer shall serve as the Vice
12 Chair. The Steering Committee shall be comprised
13 of representatives of the Office of Intelligence and
14 Analysis, the Office of the Chief Information Officer,
15 the Office of the General Counsel, the Office for
16 Civil Rights and Civil Liberties, the Privacy Office,
17 the Office of the Chief Human Capital Officer, the
18 Office of the Chief Financial Officer, the Federal
19 Protective Service, the Office of the Chief Procure-
20 ment Officer, the Science and Technology Direc-
21 torate, and other components or offices of the De-
22 partment as appropriate. Such representatives shall
23 meet on a regular basis to discuss cases and issues
24 related to insider threats to the Department’s crit-
25 ical assets, in accordance with subsection (a).

1 “(2) RESPONSIBILITIES.—Not later than one
2 year after the date of the enactment of this section,
3 the Under Secretary for Intelligence and Analysis
4 and the Chief Security Officer, in coordination with
5 the Steering Committee established pursuant to
6 paragraph (1), shall—

7 “(A) develop a holistic strategy for Depart-
8 ment-wide efforts to identify, prevent, mitigate,
9 and respond to insider threats to the Depart-
10 ment’s critical assets;

11 “(B) develop a plan to implement the in-
12 sider threat measures identified in the strategy
13 developed under subparagraph (A) across the
14 components and offices of the Department;

15 “(C) document insider threat policies and
16 controls;

17 “(D) conduct a baseline risk assessment of
18 insider threats posed to the Department’s crit-
19 ical assets;

20 “(E) examine existing programmatic and
21 technology best practices adopted by the Fed-
22 eral Government, industry, and research insti-
23 tutions to implement solutions that are vali-
24 dated and cost-effective;

1 “(F) develop a timeline for deploying work-
2 place monitoring technologies, employee aware-
3 ness campaigns, and education and training
4 programs related to identifying, preventing,
5 mitigating, and responding to potential insider
6 threats to the Department’s critical assets;

7 “(G) require the Chair and Vice Chair of
8 the Steering Committee to consult with the
9 Under Secretary for Science and Technology
10 and other appropriate stakeholders to ensure
11 the Insider Threat Program is informed, on an
12 ongoing basis, by current information regarding
13 threats, beset practices, and available tech-
14 nology; and

15 “(H) develop, collect, and report metrics
16 on the effectiveness of the Department’s insider
17 threat mitigation efforts.

18 “(c) DEFINITIONS.—In this section:

19 “(1) CRITICAL ASSETS.—The term ‘critical as-
20 sets’ means the people, facilities, information, and
21 technology required for the Department to fulfill its
22 mission.

23 “(2) INSIDER.—The term ‘insider’ means—

24 “(A) any person who has access to classi-
25 fied national security information and is em-

1 employed by, detailed to, or assigned to the De-
2 partment, including members of the Armed
3 Forces, experts or consultants to the Depart-
4 ment, industrial or commercial contractors, li-
5 censees, certificate holders, or grantees of the
6 Department, including all subcontractors, per-
7 sonal services contractors, or any other category
8 of person who acts for or on behalf of the De-
9 partment, as determined by the Secretary; or

10 “(B) State, local, tribal, territorial, and
11 private sector personnel who possess security
12 clearances granted by the Department.

13 “(3) INSIDER THREAT.—The term ‘insider
14 threat’ means the threat that an insider will use his
15 or her authorized access, wittingly or unwittingly, to
16 do harm to the security of the United States, includ-
17 ing damage to the United States through espionage,
18 terrorism, the unauthorized disclosure of classified
19 national security information, or through the loss or
20 degradation of departmental resources or capabili-
21 ties.”.

22 (b) REPORTING.—

23 (1) IN GENERAL.—Not later than two years
24 after the date of the enactment of section 104 of the
25 Homeland Security Act of 2002 (as added by sub-

1 section (a) of this section) and the biennially there-
2 after for the next four years, the Secretary of Home-
3 land Security shall submit to the Committee on
4 Homeland Security and the Permanent Select Com-
5 mittee on Intelligence of the House of Representa-
6 tives and the Committee on Homeland Security and
7 Governmental Affairs and the Select Committee on
8 Intelligence of the Senate a report on how the De-
9 partment of Homeland Security and its components
10 and offices have implemented the strategy developed
11 pursuant to subsection (b)(2)(A) of such section
12 104, the status of the Department’s risk assessment
13 of critical assets, the types of insider threat training
14 conducted, the number of Department employees
15 who have received such training, and information on
16 the effectiveness of the Insider Threat Program (es-
17 tablished pursuant to subsection (a) of such section
18 104), based on metrics developed, collected, and re-
19 ported pursuant to subsection (b)(2)(H) of such sec-
20 tion 104.

21 (2) DEFINITIONS.—In this subsection, the
22 terms “critical assets”, “insider”, and “insider
23 threat” have the meanings given such terms in sec-
24 tion 104 of the Homeland Security Act of 2002 (as
25 added by subsection (a) of this section).

1 (c) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 103 the following new item:

“Sec. 104. Insider Threat Program.”.

5 **SEC. 1306. THREAT ASSESSMENT ON TERRORIST USE OF**
6 **VIRTUAL CURRENCY.**

7 (a) IN GENERAL.—Not later than 120 days after the
8 date of the enactment of this Act, the Under Secretary
9 of Homeland Security for Intelligence and Analysis, as au-
10 thorized by section 201(b)(1) of the Homeland Security
11 Act of 2002 (6 U.S.C. 121), shall, in coordination with
12 appropriate Federal partners, develop and disseminate a
13 threat assessment regarding the actual and potential
14 threat posed by individuals using virtual currency to carry
15 out activities in furtherance of an act of terrorism, includ-
16 ing the provision of material support or resources to a for-
17 eign terrorist organization. Consistent with the protection
18 of classified and confidential unclassified information, the
19 Under Secretary shall share the threat assessment devel-
20 oped under this section with State, local, and tribal law
21 enforcement officials, including officials that operate with-
22 in State, local, and regional fusion centers through the De-
23 partment of Homeland Security State, Local, and Re-
24 gional Fusion Center Initiative established in section 210A
25 of the Homeland Security Act of 2002 (6 U.S.C. 124h).

1 (b) DEFINITIONS.—In this section:

2 (1) FOREIGN TERRORIST ORGANIZATION.—The
3 term “foreign terrorist organization” means an or-
4 ganization designated as a foreign terrorist organiza-
5 tion under section 219 of the Immigration and Na-
6 tionality Act (8 U.S.C. 1189).

7 (2) VIRTUAL CURRENCY.—The term “virtual
8 currency” means a digital representation of value
9 that functions as a medium of exchange, a unit of
10 account, or a store of value.

11 **SEC. 1307. DEPARTMENT OF HOMELAND SECURITY**
12 **COUNTERTERRORISM ADVISORY BOARD.**

13 (a) IN GENERAL.—Subtitle A of title II of the Home-
14 land Security Act of 2002 (6 U.S.C. 121 et seq.), as
15 amended by this Act, is further amended by adding at the
16 end the following new section:

17 **“SEC. 210I. DEPARTMENTAL COORDINATION ON COUNTER-**
18 **TERRORISM.**

19 “(a) ESTABLISHMENT.—There is in the Department
20 a board to be composed of senior representatives of de-
21 partmental operational components and headquarters ele-
22 ments. The purpose of the board shall be to coordinate
23 and integrate departmental intelligence, activities, and
24 policy related to the counterterrorism mission and func-
25 tions of the Department.

1 “(b) CHARTER.—There shall be a charter to govern
2 the structure and mission of the board. Such charter shall
3 direct the board to focus on the current threat environ-
4 ment and the importance of aligning departmental
5 counterterrorism activities under the Secretary’s guidance.
6 The charter shall be reviewed and updated every four
7 years, as appropriate.

8 “(c) MEMBERS.—

9 “(1) CHAIR.—The Secretary shall appoint a
10 Coordinator for Counterterrorism within the Depart-
11 ment who will serve as the chair of the board.

12 “(2) ADDITIONAL MEMBERS.—The Secretary
13 shall appoint additional members of the board from
14 among the following:

15 “(A) The Transportation Security Admin-
16 istration.

17 “(B) U.S. Customs and Border Protection.

18 “(C) U.S. Immigration and Customs En-
19 forcement.

20 “(D) The Federal Emergency Management
21 Agency.

22 “(E) The Coast Guard.

23 “(F) United States Citizenship and Immi-
24 gration Services.

25 “(G) The United States Secret Service.

1 “(H) The National Protection and Pro-
2 grams Directorate.

3 “(I) The Office of Operations Coordina-
4 tion.

5 “(J) The Office of the General Counsel.

6 “(K) The Office of Intelligence and Anal-
7 ysis.

8 “(L) The Office of Policy.

9 “(M) The Science and Technology Direc-
10 torate.

11 “(N) Other departmental offices and pro-
12 grams as determined appropriate by the Sec-
13 retary.

14 “(d) MEETINGS.—The board shall meet on a regular
15 basis to discuss intelligence and coordinate ongoing threat
16 mitigation efforts and departmental activities, including
17 coordination with other Federal, State, local, tribal, terri-
18 torial, and private sector partners, and shall make rec-
19 ommendations to the Secretary.

20 “(e) TERRORISM ALERTS.—The board shall advise
21 the Secretary on the issuance of terrorism alerts pursuant
22 to section 203 of this Act.

23 “(f) PROHIBITION ON ADDITIONAL FUNDS.—No ad-
24 ditional funds are authorized to carry out this section.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 210H, as added by this Act, the following new item:

“Sec. 210I. Departmental coordination on counterterrorism.”.

5 (c) REPORT.—Not later than 90 days after the date
6 of the enactment of this Act, the Secretary of Homeland
7 Security, acting through the Coordinator for Counterter-
8 rorism, shall submit to the Committee on Homeland Secu-
9 rity of the House of Representatives and the Committee
10 on Homeland Security and Governmental Affairs of the
11 Senate a report on the status and activities of the board
12 established under section 210I of the Homeland Security
13 Act of 2002, as added by subsection (a) of this section.

14 **SEC. 1308. BORDER AND GANG THREAT ASSESSMENT.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of the enactment of this Act, the Secretary of Home-
17 land Security shall conduct a threat assessment on wheth-
18 er human smuggling organizations and transnational
19 gangs are exploiting vulnerabilities in border security
20 screening programs to gain access to the United States
21 and threaten the United States or border security.

22 (b) RECOMMENDATIONS.—Upon completion of the
23 threat assessment required under subsection (a), the Sec-
24 retary of Homeland Security shall make a determination

1 if any changes are required to address security
2 vulnerabilities identified in such assessment.

3 **SEC. 1309. SECURITY CLEARANCE MANAGEMENT AND AD-**
4 **MINISTRATION.**

5 (a) IN GENERAL.—Title VII of the Homeland Secu-
6 rity Act of 2002 is amended—

7 (1) by inserting before section 701 (6 U.S.C.
8 341) the following:

9 **“Subtitle A—Headquarters**
10 **Activities”;**

11 and

12 (2) by adding at the end the following new sub-
13 title:

14 **“Subtitle B—Security Clearances**

15 **“SEC. 731. DESIGNATION OF NATIONAL SECURITY SEN-**
16 **SITIVE AND PUBLIC TRUST POSITIONS.**

17 “(a) IN GENERAL.—The Secretary shall require the
18 designation of the sensitivity level of national security po-
19 sitions (pursuant to part 1400 of title 5, Code of Federal
20 Regulations, or similar successor regulation) be conducted
21 in a consistent manner with respect to all components and
22 offices of the Department, and consistent with Federal
23 guidelines.

24 “(b) IMPLEMENTATION.—In carrying out subsection
25 (a), the Secretary shall require the utilization of uniform

1 designation tools throughout the Department and provide
2 training to appropriate staff of the Department on such
3 utilization. Such training shall include guidance on factors
4 for determining eligibility for access to classified informa-
5 tion and eligibility to hold a national security position.

6 **“SEC. 732. REVIEW OF POSITION DESIGNATIONS.**

7 “(a) IN GENERAL.—Not later than one year after the
8 date of the enactment of this subtitle, and every five years
9 thereafter, the Secretary shall review all sensitivity level
10 designations of national security positions (pursuant to
11 part 1400 of title 5, Code of Federal Regulations, or simi-
12 lar successor regulation) at the Department.

13 “(b) DETERMINATION.—If during the course of a re-
14 view required under subsection (a), the Secretary deter-
15 mines that a change in the sensitivity level of a position
16 that affects the need for an individual to obtain access
17 to classified information is warranted, such access shall
18 be administratively adjusted and an appropriate level peri-
19 odic reinvestigation completed, as necessary.

20 “(c) CONGRESSIONAL REPORTING.—Upon comple-
21 tion of each review required under subsection (a), the Sec-
22 retary shall report to the Committee on Homeland Secu-
23 rity of the House of Representatives and the Committee
24 on Homeland Security and Governmental Affairs of the
25 Senate on the findings of each such review, including the

1 number of positions by classification level and by compo-
2 nent and office of the Department in which the Secretary
3 made a determination in accordance with subsection (b)
4 to—

5 “(1) require access to classified information;

6 “(2) no longer require access to classified infor-
7 mation; or

8 “(3) otherwise require a different level of access
9 to classified information.

10 **“SEC. 733. AUDITS.**

11 “Beginning not later than 180 days after the date
12 of the enactment of this section, the Inspector General of
13 the Department shall conduct regular audits of compliance
14 of the Department with part 1400 of title 5, Code of Fed-
15 eral Regulations, or similar successor regulation.

16 **“SEC. 734. REPORTING.**

17 “(a) IN GENERAL.—The Secretary shall annually
18 through fiscal year 2022 submit to the Committee on
19 Homeland Security and the Committee on Oversight and
20 Government Reform of the House of Representatives and
21 the Committee on Homeland Security and Governmental
22 Affairs of the Senate a report on the following:

23 “(1) The number of denials, suspensions, rev-
24 ocations, and appeals of the eligibility for access to

1 classified information of an individual throughout
2 the Department.

3 “(2) The date and status or disposition of each
4 reported action under paragraph (1).

5 “(3) The identification of the sponsoring entity,
6 whether by a component, office, or headquarters of
7 the Department, of each action under paragraph (1),
8 and description of the grounds for each such action.

9 “(4) Demographic data, including data relating
10 to race, sex, national origin, and disability, of each
11 individual for whom eligibility for access to classified
12 information was denied, suspended, revoked, or ap-
13 pealed, and the number of years that each such indi-
14 vidual was eligible for access to such information.

15 “(5) In the case of a suspension in excess of
16 180 days, an explanation for such duration.

17 “(b) FORM.—The report required under subsection
18 (a) shall be submitted in unclassified form and be made
19 publicly available, but may include a classified annex for
20 any sensitive or classified information if necessary.

21 **“SEC. 735. UNIFORM ADJUDICATION, SUSPENSION, DENIAL,
22 AND REVOCATION.**

23 “Not later than one year after the date of the enact-
24 ment of this section, the Secretary, in consultation with
25 the Homeland Security Advisory Committee, shall develop

1 a plan to achieve greater uniformity within the Depart-
2 ment with respect to the adjudication of eligibility of an
3 individual for access to classified information that are con-
4 sistent with the Adjudicative Guidelines for Determining
5 Access to Classified Information published on December
6 29, 2005, or similar successor regulation. The Secretary
7 shall submit to the Committee on Homeland Security of
8 the House of Representatives and the Committee on
9 Homeland Security and Governmental Affairs of the Sen-
10 ate the plan. The plan shall consider the following:

11 “(1) Mechanisms to foster greater compliance
12 with the uniform Department adjudication, suspen-
13 sion, denial, and revocation standards by the head of
14 each component and office of the Department with
15 the authority to adjudicate access to classified infor-
16 mation.

17 “(2) The establishment of an internal appeals
18 panel responsible for final national security clear-
19 ance denial and revocation determinations that is
20 comprised of designees who are career, supervisory
21 employees from components and offices of the De-
22 partment with the authority to adjudicate access to
23 classified information and headquarters, as appro-
24 priate.

1 **“SEC. 736. DATA PROTECTION.**

2 “The Secretary shall ensure that all information re-
3 ceived for the adjudication of eligibility of an individual
4 for access to classified information is consistent with the
5 Adjudicative Guidelines for Determining Access to Classi-
6 fied Information published on December 29, 2005, or
7 similar successor regulation, and is protected against mis-
8 appropriation.

9 **“SEC. 737. REFERENCE.**

10 “Except as otherwise provided, for purposes of this
11 subtitle, any reference to the ‘Department’ includes all
12 components and offices of the Department.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 of the Homeland Security Act of 2002 is amended—

15 (1) by inserting before the item relating to sec-
16 tion 701 the following new item:

“Subtitle A—Headquarters Activities”;

17 and

18 (2) by inserting after the final item relating to
19 title VII the following new items:

“Subtitle B—Security Clearances

“Sec. 731. Designation of national security sensitive and public trust positions.

“Sec. 732. Review of position designations.

“Sec. 733. Audits.

“Sec. 734. Reporting.

“Sec. 735. Uniform adjudication, suspension, denial, and revocation.

“Sec. 736. Data protection.

“Sec. 737. Reference.”.

1 **Subtitle B—Stakeholder**
2 **Information Sharing**

3 **SEC. 1311. DEPARTMENT OF HOMELAND SECURITY FUSION**
4 **CENTER PARTNERSHIP INITIATIVE.**

5 (a) IN GENERAL.—Section 210A of the Homeland
6 Security Act of 2002 (6 U.S.C. 124h) is amended—

7 (1) by amending the section heading to read as
8 follows:

9 **“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FU-**
10 **SION CENTER PARTNERSHIP INITIATIVE.”;**

11 (2) in subsection (a), by adding at the end the
12 following new sentence: “Beginning on the date of
13 the enactment of the Department of Homeland Se-
14 curity Authorization Act of 2017, such Initiative
15 shall be known as the ‘Department of Homeland Se-
16 curity Fusion Center Partnership Initiative’.”;

17 (3) by amending subsection (b) to read as fol-
18 lows:

19 “(b) INTERAGENCY SUPPORT AND COORDINATION.—
20 Through the Department of Homeland Security Fusion
21 Center Partnership Initiative, in coordination with prin-
22 cipal officials of fusion centers in the National Network
23 of Fusion Centers and the officers designated as the
24 Homeland Security Advisors of the States, the Secretary
25 shall—

1 “(1) coordinate with the heads of other Federal
2 departments and agencies to provide operational and
3 intelligence advice and assistance to the National
4 Network of Fusion Centers;

5 “(2)(A) support the integration of fusion cen-
6 ters into the information sharing environment;

7 “(B) conduct outreach to such fusion centers to
8 identify any gaps in information sharing; and

9 “(C) consult with other Federal agencies to de-
10 velop methods to address any such gaps, as appro-
11 priate;

12 “(3)(A) identify Federal databases and
13 datasets, including databases and datasets used, op-
14 erated, or managed by Department components, the
15 Federal Bureau of Investigation, and the Depart-
16 ment of the Treasury, that are appropriate, in ac-
17 cordance with Federal laws and policies, to address
18 any gaps identified pursuant to paragraph (2), for
19 inclusion in the information sharing environment;
20 and

21 “(B) coordinate with the appropriate Federal
22 agency to deploy or access such databases and
23 datasets;

24 “(4) support the maturation and sustainment
25 of the National Network of Fusion Centers;

1 “(5) reduce inefficiencies and maximize the ef-
2 fectiveness of Federal resource support to the Na-
3 tional Network of Fusion Centers;

4 “(6) provide analytic and reporting advice and
5 assistance to the National Network of Fusion Cen-
6 ters;

7 “(7) review information within the scope of the
8 information sharing environment, including home-
9 land security information, terrorism information,
10 and weapons of mass destruction information, that
11 is gathered by the National Network of Fusion Cen-
12 ters and incorporate such information, as appro-
13 priate, into the Department’s own such information;

14 “(8) provide for the effective dissemination of
15 information within the scope of the information
16 sharing environment to the National Network of Fu-
17 sion Centers;

18 “(9) facilitate close communication and coordi-
19 nation between the National Network of Fusion
20 Centers and the Department and other Federal de-
21 partments and agencies;

22 “(10) provide the National Network of Fusion
23 Centers with expertise on Department resources and
24 operations, including, in coordination with the na-
25 tional cybersecurity and communications integration

1 center under section 227, access to timely technical
2 assistance, risk management support, and incident
3 response capabilities with respect to cyber threat in-
4 dicators, defensive measures, cybersecurity risks,
5 and incidents (as such terms are defined in such sec-
6 tion), which may include attribution, mitigation, and
7 remediation, and the provision of information and
8 recommendations on security and resilience, includ-
9 ing implications of cybersecurity risks to equipment
10 and technology related to the electoral process;

11 “(11) coordinate the provision of training and
12 technical assistance to the National Network of Fu-
13 sion Centers and encourage participating fusion cen-
14 ters to take part in terrorism threat-related exercises
15 conducted by the Department;

16 “(12) review information relating to cybersecu-
17 rity risks that is gathered by State, local, and re-
18 gional fusion centers, and incorporate such informa-
19 tion, as appropriate, into the Department’s own in-
20 formation relating to cybersecurity risks;

21 “(13) ensure the dissemination to State, local,
22 and regional fusion centers of the information de-
23 scribed in paragraph (12);

24 “(14) ensure, to the greatest extent practicable,
25 that support for the National Network of Fusion

1 Centers is included as a national priority in applica-
2 ble homeland security grant guidance;

3 “(15) ensure that each fusion center in the Na-
4 tional Network of Fusion Centers has a privacy poli-
5 cy approved by the Chief Privacy Officer of the De-
6 partment and a civil rights and civil liberties policy
7 approved by the Officer for Civil Rights and Civil
8 Liberties of the Department;

9 “(16) coordinate the nationwide suspicious ac-
10 tivity report initiative to ensure information gath-
11 ered by the National Network of Fusion Centers is
12 incorporated as appropriate;

13 “(17) promote and facilitate, to the greatest ex-
14 tent practicable, nationwide suspicious activity re-
15 port training of fire, emergency medical services,
16 emergency management, and public health personnel;

17 “(18) lead Department efforts to ensure fusion
18 centers in the National Network of Fusion Centers
19 are the primary focal points for the sharing of home-
20 land security information, terrorism information,
21 and weapons of mass destruction information with
22 State, local, tribal, and territorial entities to the
23 greatest extent practicable;

24 “(19) develop and disseminate best practices on
25 the appropriate levels for staffing at fusion centers

1 in the National Network of Fusion Centers of quali-
2 fied representatives from State, local, tribal, and ter-
3 ritorial law enforcement, fire, emergency medical,
4 and emergency management services, and public
5 health disciplines, as well as the private sector; and

6 “(20) carry out such other duties as the Sec-
7 retary determines appropriate.”;

8 (4) in subsection (c)—

9 (A) by striking so much as precedes para-
10 graph (3)(B) and inserting the following:

11 “(c) RESOURCE ALLOCATION.—

12 “(1) INFORMATION SHARING AND PERSONNEL
13 ASSIGNMENT.—

14 “(A) INFORMATION SHARING.—The Under
15 Secretary for Intelligence and Analysis shall en-
16 sure that, as appropriate—

17 “(i) fusion centers in the National
18 Network of Fusion Centers have access to
19 homeland security information sharing sys-
20 tems; and

21 “(ii) Department personnel are de-
22 ployed to support fusion centers in the Na-
23 tional Network of Fusion Centers in a
24 manner consistent with the Department’s
25 mission and existing statutory limits.

1 “(B) PERSONNEL ASSIGNMENT.—Depart-
2 ment personnel referred to in subparagraph
3 (A)(ii) may include the following:

4 “(i) Intelligence officers.

5 “(ii) Intelligence analysts.

6 “(iii) Other liaisons from components
7 and offices of the Department, as appro-
8 priate.

9 “(C) MEMORANDA OF UNDERSTANDING.—

10 The Under Secretary for Intelligence and Anal-
11 ysis shall negotiate memoranda of under-
12 standing between the Department and a State
13 or local government, in coordination with the
14 appropriate representatives from fusion centers
15 in the National Network of Fusion Centers, re-
16 garding the exchange of information between
17 the Department and such fusion centers. Such
18 memoranda shall include the following:

19 “(i) The categories of information to
20 be provided by each entity to the other en-
21 tity that are parties to any such memo-
22 randa.

23 “(ii) The contemplated uses of the ex-
24 changed information that is the subject of
25 any such memoranda.

1 “(iii) The procedures for developing
2 joint products.

3 “(iv) The information sharing dispute
4 resolution processes.

5 “(v) Any protections necessary to en-
6 sure the exchange of information accords
7 with applicable law and policies.

8 “(2) SOURCES OF SUPPORT.—

9 “(A) IN GENERAL.—Information shared
10 and personnel assigned pursuant to paragraph
11 (1) may be shared or provided, as the case may
12 be, by the following Department components
13 and offices, in coordination with the respective
14 component or office head and in consultation
15 with the principal officials of fusion centers in
16 the National Network of Fusion Centers:

17 “(i) The Office of Intelligence and
18 Analysis.

19 “(ii) The Office of Infrastructure Pro-
20 tection.

21 “(iii) The Transportation Security
22 Administration.

23 “(iv) U.S. Customs and Border Pro-
24 tection.

1 “(v) U.S. Immigration and Customs
2 Enforcement.

3 “(vi) The Coast Guard.

4 “(vii) The national cybersecurity and
5 communications integration center under
6 section 227.

7 “(viii) Other components or offices of
8 the Department, as determined by the Sec-
9 retary.

10 “(B) COORDINATION WITH OTHER FED-
11 ERAL AGENCIES.—The Under Secretary for In-
12 telligence and Analysis shall coordinate with ap-
13 propriate officials throughout the Federal Gov-
14 ernment to ensure the deployment to fusion
15 centers in the National Network of Fusion Cen-
16 ters of representatives with relevant expertise of
17 other Federal departments and agencies.

18 “(3) RESOURCE ALLOCATION CRITERIA.—

19 “(A) IN GENERAL.—The Secretary shall
20 make available criteria for sharing information
21 and deploying personnel to support a fusion
22 center in the National Network of Fusion Cen-
23 ters in a manner consistent with the Depart-
24 ment’s mission and existing statutory limits.”;
25 and

1 (B) in paragraph (4)(B), in the matter
2 preceding clause (i), by inserting “in which
3 such fusion center is located” after “region”;

4 (5) in subsection (d)—

5 (A) in paragraph (3), by striking “and” at
6 the end;

7 (B) by redesignating paragraph (4) as
8 paragraph (5);

9 (C) by inserting after paragraph (3) the
10 following new paragraph:

11 “(4) assist, in coordination with the national
12 cybersecurity and communications integration center
13 under section 227, fusion centers in using informa-
14 tion relating to cybersecurity risks to develop a com-
15 prehensive and accurate threat picture;”.

16 (D) in paragraph (5), as so redesignated—

17 (i) by striking “government” and in-
18 serting “governments”; and

19 (ii) by striking the period at the end
20 and inserting “; and”; and

21 (E) by adding at the end the following new
22 paragraph:

23 “(6) utilize Department information, including
24 information held by components and offices, to de-

1 velop analysis focused on the mission of the Depart-
2 ment under section 101(b).”;

3 (6) in subsection (e)—

4 (A) by amending paragraph (1) to read as
5 follows:

6 “(1) IN GENERAL.—To the greatest extent
7 practicable, the Secretary shall make it a priority to
8 allocate resources, including deployed personnel,
9 under this section from U.S. Customs and Border
10 Protection, U.S. Immigration and Customs Enforce-
11 ment, and the Coast Guard to support fusion centers
12 in the National Network of Fusion Centers located
13 in jurisdictions along land or maritime borders of
14 the United States in order to enhance the integrity
15 of and security at such borders by helping Federal,
16 State, local, tribal, and territorial law enforcement
17 authorities to identify, investigate, and otherwise
18 interdict persons, weapons, and related contraband
19 that pose a threat to homeland security.”; and

20 (B) in paragraph (2), in the matter pre-
21 ceding subparagraph (A), by striking “partici-
22 pating State, local, and regional fusion centers”
23 and inserting “fusion centers in the National
24 Network of Fusion Centers”;

25 (7) in subsection (j)—

1 (A) by redesignating paragraph (5) as
2 paragraph (7);

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

6 (C) by inserting before paragraph (2) the
7 following new paragraph:

8 “(1) the term ‘cybersecurity risk’ has the mean-
9 ing given such term in section 227;”.

10 (D) in paragraph (5), as so redesignated,
11 by striking “and” at the end; and

12 (E) by inserting after such paragraph (5)
13 the following new paragraph:

14 “(6) the term ‘National Network of Fusion
15 Centers’ means a decentralized arrangement of fu-
16 sion centers intended to enhance individual State
17 and urban area fusion centers’ ability to leverage the
18 capabilities and expertise of all fusion centers for the
19 purpose of enhancing analysis and homeland secu-
20 rity information sharing nationally; and”;

21 (8) by striking subsection (k).

22 (b) ACCOUNTABILITY REPORT.—Not later than one
23 year after the date of the enactment of this Act and annu-
24 ally thereafter through 2024, the Under Secretary for In-
25 telligence and Analysis of the Department of Homeland

1 Security shall report to the Committee on Homeland Secu-
2 rity and the Permanent Select Committee on Intelligence
3 of the House of Representatives and the Committee on
4 Homeland Security and Governmental Affairs and the Se-
5 lect Committee on Intelligence of the Senate on the efforts
6 of the Office of Intelligence and Analysis of the Depart-
7 ment and other relevant components and offices of the De-
8 partment to enhance support provided to fusion centers
9 in the National Network of Fusion Centers, including
10 meeting the requirements specified in section 210A of the
11 Homeland Security Act of 2002 (6 U.S.C. 124h), as
12 amended by subsection (a) of this section.

13 (c) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) of the Homeland Security Act of 2002 is
15 amended by striking the item relating to section 210A and
16 inserting the following new item:

“Sec. 210A. Department of Homeland Security Fusion Center Partnership Initiative.”.

17 (d) REFERENCE.—Any reference in any law, rule, or
18 regulation to the “Department of Homeland Security
19 State, Local, and Regional Fusion Center Initiative” shall
20 be deemed to be a reference to the “Department of Home-
21 land Security Fusion Center Partnership Initiative”.

1 **SEC. 1312. FUSION CENTER PERSONNEL NEEDS ASSESS-**
2 **MENT.**

3 (a) IN GENERAL.—Not later than 120 days after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall conduct an assessment of De-
6 partment of Homeland Security personnel assigned to fu-
7 sion centers pursuant to subsection (c) of section 210A
8 of the Homeland Security Act of 2002 (6 U.S.C. 124h),
9 as amended by this Act, including an assessment of wheth-
10 er deploying additional Department personnel to such fu-
11 sion centers would enhance the Department’s mission
12 under section 101(b) of such Act and the National Net-
13 work of Fusion Centers. The assessment required under
14 this subsection shall include the following:

15 (1) Information on the current deployment of
16 the Department’s personnel to each fusion center.

17 (2) Information on the roles and responsibilities
18 of the Department’s Office of Intelligence and Anal-
19 ysis intelligence officers, intelligence analysts, senior
20 reports officers, reports officers, and regional direc-
21 tors deployed to fusion centers.

22 (3) Information on Federal resources, in addi-
23 tion to personnel, provided to each fusion center.

24 (4) An analysis of the optimal number of per-
25 sonnel the Office of Intelligence and Analysis should
26 deploy to fusion centers, including a cost-benefit

1 analysis comparing deployed personnel with techno-
2 logical solutions to support information sharing.

3 (5) An assessment of fusion centers located in
4 jurisdictions along land and maritime borders of the
5 United States, and the degree to which deploying
6 personnel, as appropriate, from U.S. Customs and
7 Border Protection, U.S. Immigration and Customs
8 Enforcement, and the Coast Guard to such fusion
9 centers would enhance the integrity and security at
10 such borders by helping Federal, State, local, tribal,
11 and territorial law enforcement authorities to iden-
12 tify, investigate, and interdict persons, weapons, and
13 related contraband that pose a threat to homeland
14 security.

15 (6) An assessment of fusion centers located in
16 jurisdictions with large and medium hub airports,
17 and the degree to which deploying, as appropriate,
18 personnel from the Transportation Security Admin-
19 istration to such fusion centers would enhance the
20 integrity and security of aviation security.

21 (b) DEFINITIONS.—In this section:

22 (1) FUSION CENTER.—The term “fusion cen-
23 ter” has the meaning given such term in subsection
24 (j) of section 210A of the Homeland Security Act of
25 2002 (6 U.S.C. 124h).

1 (2) NATIONAL NETWORK OF FUSION CEN-
2 TERS.—The term “National Network of Fusion Cen-
3 ters” has the meaning given such term in subsection
4 (j) of section 210A of the Homeland Security Act of
5 2002 (6 U.S.C. 124h), as amended by this Act.

6 **SEC. 1313. PROGRAM FOR STATE AND LOCAL ANALYST**
7 **CLEARANCES.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that any program established by the Under Sec-
10 retary for Intelligence and Analysis of the Department of
11 Homeland Security to provide eligibility for access to in-
12 formation classified as Top Secret for State, local, tribal,
13 and territorial analysts located in fusion centers shall be
14 consistent with the need to know requirements pursuant
15 to Executive Order No. 13526 (50 U.S.C. 3161 note).

16 (b) REPORT.—Not later than two years after the date
17 of the enactment of this Act, the Under Secretary of Intel-
18 ligence and Analysis of the Department of Homeland Se-
19 curity, in consultation with the Director of National Intel-
20 ligence, shall submit to the Committee on Homeland Secu-
21 rity and the Permanent Select Committee on Intelligence
22 of the House of Representatives and the Committee on
23 Homeland Security and Governmental Affairs and the Se-
24 lect Committee on Intelligence of the Senate a report on
25 the following:

1 (1) The process by which the Under Secretary
2 of Intelligence and Analysis determines a need to
3 know pursuant to Executive Order No. 13526 to
4 sponsor Top Secret clearances for appropriate State,
5 local, tribal, and territorial analysts located in fusion
6 centers.

7 (2) The effects of such Top Secret clearances
8 on enhancing information sharing with State, local,
9 tribal, and territorial partners.

10 (3) The cost for providing such Top Secret
11 clearances for State, local, tribal, and territorial ana-
12 lysts located in fusion centers, including training
13 and background investigations.

14 (4) The operational security protocols, training,
15 management, and risks associated with providing
16 such Top Secret clearances for State, local, tribal,
17 and territorial analysts located in fusion centers.

18 (c) DEFINITION.—In this section, the term “fusion
19 center” has the meaning given such term in subsection
20 (j) of section 210A of the Homeland Security Act of 2002
21 (6 U.S.C. 124h).

22 **SEC. 1314. INFORMATION TECHNOLOGY ASSESSMENT.**

23 (a) IN GENERAL.—The Under Secretary of Intel-
24 ligence and Analysis of the Department of Homeland Se-
25 curity, in collaboration with the Chief Information Officer

1 of the Department and representatives from the National
2 Network of Fusion Centers, shall conduct an assessment
3 of information systems (as such term is defined in section
4 3502 of title 44, United States Code) used to share home-
5 land security information between the Department and fu-
6 sion centers in the National Network of Fusion Centers
7 and make upgrades to such systems, as appropriate. Such
8 assessment shall include the following:

9 (1) An evaluation of the accessibility and ease
10 of use of such systems by fusion centers in the Na-
11 tional Network of Fusion Centers.

12 (2) A review to determine how to establish im-
13 proved interoperability of departmental information
14 systems with existing information systems used by
15 fusion centers in the National Network of Fusion
16 Centers.

17 (3) An evaluation of participation levels of de-
18 partmental components and offices of information
19 systems used to share homeland security information
20 with fusion centers in the National Network of Fu-
21 sion Centers.

22 (b) DEFINITIONS.—In this section:

23 (1) FUSION CENTER.—The term “fusion cen-
24 ter” has the meaning given such term in subsection

1 (j) of section 210A of the Homeland Security Act of
2 2002 (6 U.S.C. 124h).

3 (2) NATIONAL NETWORK OF FUSION CEN-
4 TERS.—The term “National Network of Fusion Cen-
5 ters” has the meaning given such term in subsection
6 (j) of section 210A of the Homeland Security Act of
7 2002 (6 U.S.C. 124h), as amended by this Act.

8 **SEC. 1315. DEPARTMENT OF HOMELAND SECURITY CLASSI-**
9 **FIED FACILITY INVENTORY AND DISSEMINA-**
10 **TION.**

11 (a) IN GENERAL.—The Secretary of Homeland Secu-
12 rity shall, to the extent practicable—

13 (1) maintain an inventory of those Department
14 of Homeland Security facilities that the Department
15 certifies to house classified infrastructure or systems
16 at the secret level and above;

17 (2) update such inventory on a regular basis;
18 and

19 (3) share part or all of such inventory with—

20 (A) Department personnel who have been
21 granted the appropriate security clearance;

22 (B) non-Federal governmental personnel
23 who have been granted a Top Secret security
24 clearance; and

1 (C) other personnel as determined appro-
2 priate by the Secretary.

3 (b) INVENTORY.—The inventory of facilities de-
4 scribed in subsection (a) may include—

5 (1) the location of such facilities;

6 (2) the attributes of such facilities (including
7 the square footage of, the total capacity of, the num-
8 ber of workstations in, and the number of conference
9 rooms in, such facilities);

10 (3) the entities that operate such facilities; and

11 (4) the date of establishment of such facilities.

12 **SEC. 1316. TERROR INMATE INFORMATION SHARING.**

13 (a) IN GENERAL.—The Secretary of Homeland Secu-
14 rity, in coordination with the Attorney General and in con-
15 sultation with other appropriate Federal officials, shall, as
16 appropriate, share with State, local, and regional fusion
17 centers through the Department of Homeland Security
18 Fusion Center Partnership Initiative under section 210A
19 of the Homeland Security Act of 2002 (6 U.S.C. 124h),
20 as amended by this Act, as well as other relevant law en-
21 forcement entities, release information from a Federal cor-
22 rectional facility, including the name, charging date, and
23 expected place and date of release, of certain individuals
24 who may pose a terrorist threat.

1 (b) SCOPE.—The information shared pursuant to
2 subsection (a) shall be—

3 (1) for homeland security purposes; and

4 (2) regarding individuals convicted of a Federal
5 crime of terrorism (as such term is defined in sec-
6 tion 2332b of title 18, United States Code).

7 (c) PERIODIC THREAT ASSESSMENTS.—Consistent
8 with the protection of classified information and controlled
9 unclassified information, the Secretary of Homeland Secu-
10 rity shall coordinate with appropriate Federal officials to
11 provide State, local, and regional fusion centers described
12 in subsection (a) with periodic assessments regarding the
13 overall threat from known or suspected terrorists currently
14 incarcerated in a Federal correctional facility, including
15 the assessed risks of such populations engaging in ter-
16 rorist activity upon release.

17 (d) PRIVACY PROTECTIONS.—Prior to affecting the
18 information sharing described in subsection (a), the Sec-
19 retary shall receive input and advice from the Officer for
20 Civil Rights and Civil Liberties, the Officer for Privacy
21 and the Chief Intelligence Officer of the Department.

22 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed as requiring the establishment of
24 a list or registry of individuals convicted of terrorism.

1 **SEC. 1317. ANNUAL REPORT ON OFFICE FOR STATE AND**
2 **LOCAL LAW ENFORCEMENT.**

3 Subsection (b) of section 2006 of the Homeland Se-
4 curity Act of 2002 (6 U.S.C. 607) is amended—

5 (1) by redesignating paragraph (5) as para-
6 graph (6); and

7 (2) by inserting after paragraph (4) the fol-
8 lowing new paragraph:

9 “(5) ANNUAL REPORT.—For each of fiscal
10 years 2018 through 2022, the Assistant Secretary
11 for State and Local Law Enforcement shall submit
12 to the Committee on Homeland Security of the
13 House of Representatives and the Committee on
14 Homeland Security and Governmental Affairs of the
15 Senate a report on the activities of the Office for
16 State and Local Law Enforcement. Each such re-
17 port shall include, for the fiscal year covered by the
18 report, a description of each of the following:

19 “(A) Efforts to coordinate and share infor-
20 mation regarding Department and component
21 agency programs with State, local, and tribal
22 law enforcement agencies.

23 “(B) Efforts to improve information shar-
24 ing through the Homeland Security Information
25 Network by appropriate component agencies of

1 the Department and by State, local, and tribal
2 law enforcement agencies.

3 “(C) The status of performance metrics
4 within the Office of State and Local Law En-
5 forcement to evaluate the effectiveness of ef-
6 forts to carry out responsibilities set forth with-
7 in the subsection.

8 “(D) Any feedback from State, local, and
9 tribal law enforcement agencies about the Of-
10 fice, including the mechanisms utilized to collect
11 such feedback.

12 “(E) Efforts to carry out all other respon-
13 sibilities of the Office of State and Local Law
14 Enforcement.”.

15 **SEC. 1318. ANNUAL CATALOG ON DEPARTMENT OF HOME-**
16 **LAND SECURITY TRAINING, PUBLICATIONS,**
17 **PROGRAMS, AND SERVICES FOR STATE,**
18 **LOCAL, AND TRIBAL LAW ENFORCEMENT**
19 **AGENCIES.**

20 Paragraph (4) of section 2006(b) of the Homeland
21 Security Act of 2002 (6 U.S.C. 607(b)) is amended—

22 (1) in subparagraph (E), by striking “and” at
23 the end;

24 (2) in subparagraph (F), by striking the period
25 and inserting a semicolon; and

1 (3) by adding at the end the following new sub-
2 paragraphs:

3 “(G) produce an annual catalog that sum-
4 marizes opportunities for training, publications,
5 programs, and services available to State, local,
6 and tribal law enforcement agencies from the
7 Department and from each component and of-
8 fice within the Department and, not later than
9 30 days after the date of such production, dis-
10 seminate the catalog, including by—

11 “(i) making such catalog available to
12 State, local, and tribal law enforcement
13 agencies, including by posting the catalog
14 on the website of the Department and co-
15 operating with national organizations that
16 represent such agencies;

17 “(ii) making such catalog available
18 through the Homeland Security Informa-
19 tion Network; and

20 “(iii) submitting such catalog to the
21 Committee on Homeland Security of the
22 House of Representatives and the Com-
23 mittee on Homeland Security and Govern-
24 mental Affairs of the Senate; and

1 “(H) in coordination with appropriate com-
2 ponents and offices of the Department and
3 other Federal agencies, develop, maintain, and
4 make available information on Federal re-
5 sources intended to support fusion center access
6 to Federal information and resources.”.

7 **TITLE IV—MARITIME SECURITY**

8 **SEC. 1401. STRATEGIC PLAN TO ENHANCE THE SECURITY** 9 **OF THE INTERNATIONAL SUPPLY CHAIN.**

10 Paragraph (2) of section 201(g) of the Security and
11 Accountability for Every Port Act of 2006 (6 U.S.C.
12 941(g)) is amended to read as follows:

13 “(2) **UPDATES.**—Not later than 270 days after
14 the date of the enactment of this paragraph and
15 every three years thereafter, the Secretary shall sub-
16 mit to the appropriate congressional committees a
17 report that contains an update of the strategic plan
18 required by subsection (a).”.

19 **SEC. 1402. CONTAINER SECURITY INITIATIVE.**

20 Subsection (l) of section 205 of the Security and Ac-
21 countability for Every Port Act of 2006 (6 U.S.C. 945)
22 is amended—

23 (1) by striking “(1) **IN GENERAL.**—Not later
24 than September 30, 2007,” and inserting “Not later
25 than 270 days after the date of the enactment of the

1 Border and Maritime Security Coordination Im-
2 provement Act,”;

3 (2) by redesignating subparagraphs (A) through
4 (H) as paragraphs (1) through (8), respectively, and
5 by moving the margins of such paragraphs (as so re-
6 designated) two ems to the left; and

7 (3) by striking paragraph (2).

8 **SEC. 1403. CYBER AT PORTS.**

9 (a) CYBERSECURITY ENHANCEMENTS TO MARITIME
10 SECURITY ACTIVITIES.—Subparagraph (B) of section
11 70112(a)(2) of title 46, United States Code, is amended—

12 (1) by redesignating clauses (i) through (iii) as
13 clauses (ii) and (iv), respectively; and

14 (2) by inserting before clause (ii) the following
15 new clause:

16 “(i) shall facilitate the sharing of information
17 relating to cybersecurity risks and incidents (as such
18 terms are defined in section 227 of the Homeland
19 Security Act of 2002 (6 U.S.C. 148)) to address
20 port-specific cybersecurity risks and incidents, which
21 may include the establishment of a working group of
22 members of such committees to address such port-
23 specific cybersecurity risks and incidents;”.

24 (b) VULNERABILITY ASSESSMENTS AND SECURITY
25 PLANS.—Title 46, United States Code, is amended—

1 (1) in subparagraph (C) of section 70102(b)(1),
2 by inserting “cybersecurity,” after “physical secu-
3 rity,”; and

4 (2) in subparagraph (C) of section
5 70103(c)(3)—

6 (A) in clause (i), by inserting “cybersecu-
7 rity,” after “physical security,”;

8 (B) in clause (iv), by striking “and” after
9 the semicolon at the end;

10 (C) by redesignating clause (v) as clause
11 (vi); and

12 (D) by inserting after clause (iv) the fol-
13 lowing new clause:

14 “(v) prevention, management, and response to cyber-
15 security risks and incidents (as such terms are defined in
16 section 227 of the Homeland Security Act of 2002 (6
17 U.S.C. 148)); and”.

18 **SEC. 1404. FACILITY INSPECTION INTERVALS.**

19 Subparagraph (D) of section 70103(c)(4) of title 46,
20 United States Code, is amended to read as follows:

21 “(D) subject to the availability of appro-
22 priations, verify the effectiveness of each such
23 facility security plan periodically, but not less
24 than one time per year without notice, and
25 more frequently as determined necessary, in a

1 risk based manner, with or without notice to
2 the facility.”.

3 **SEC. 1405. UPDATES OF MARITIME OPERATIONS COORDI-**
4 **NATION PLAN.**

5 (a) IN GENERAL.—Subtitle C of title IV of the
6 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
7 is amended by adding at the end the following new section:

8 **“SEC. 434. UPDATES OF MARITIME OPERATIONS COORDI-**
9 **NATION PLAN.**

10 “Not later than 180 days after the date of the enact-
11 ment of this section and biennially thereafter, the Sec-
12 retary shall submit to the Committee on Homeland Secu-
13 rity and the Committee on Transportation and Infrastruc-
14 ture of the House of Representatives and the Committee
15 on Homeland Security and Governmental Affairs of the
16 Senate a maritime operations coordination plan for the co-
17 ordination and cooperation of maritime operations under-
18 taken by components and offices of the Department with
19 responsibility for maritime security missions. Such plan
20 shall update the maritime operations coordination plan re-
21 leased by the Department in July 2011, and shall address
22 the following:

23 “(1) Coordination of planning, integration of
24 maritime operations, and development of joint mari-
25 time domain awareness efforts of any component or

1 office of the Department with responsibility for mar-
2 itime homeland security missions.

3 “(2) Maintaining effective information sharing
4 and, as appropriate, intelligence integration, with
5 Federal, State, and local officials and the private
6 sector, regarding threats to maritime security.

7 “(3) Cooperation and coordination with other
8 departments and agencies of the Federal Govern-
9 ment, and State and local agencies, in the maritime
10 environment, in support of maritime homeland secu-
11 rity missions.

12 “(4) Work conducted within the context of
13 other national and Department maritime security
14 strategic guidance.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of the Homeland Security Act of 2002 is
17 amended by adding after the item relating to section 433
18 the following new item:

“Sec. 434. Updates of maritime operations coordination plan.”.

19 **SEC. 1406. EVALUATION OF COAST GUARD DEPLOYABLE**
20 **SPECIALIZED FORCES.**

21 (a) IN GENERAL.—Not later than one year after the
22 date of the enactment of this Act, the Comptroller General
23 of the United States shall submit to the Committee on
24 Homeland Security and the Committee on Transportation
25 and Infrastructure of the House of Representatives and

1 the Committee on Homeland Security and Governmental
2 Affairs and the Committee on Commerce, Science, and
3 Transportation of the Senate a report that describes and
4 assesses the state of the Coast Guard's Deployable Spe-
5 cialized Forces (in this section referred to as the "DSF").
6 Such report shall include, at a minimum, the following ele-
7 ments:

8 (1) For each of the past three fiscal years, and
9 for each type of DSF, the following:

10 (A) A cost analysis, including training, op-
11 erating, and travel costs.

12 (B) The number of personnel assigned.

13 (C) The total number of units.

14 (D) The total number of operations con-
15 ducted.

16 (E) The number of operations requested by
17 each of the following:

18 (i) The Coast Guard.

19 (ii) Other components or offices of the
20 Department of Homeland Security.

21 (iii) Other Federal departments or
22 agencies.

23 (iv) State agencies.

24 (v) Local agencies.

1 (F) The number of operations fulfilled by
2 the entities specified in subparagraph (E).

3 (2) An examination of alternative distributions
4 of DSFs, including the feasibility, cost (including
5 cost savings), and impact on mission capability of
6 such distributions, including at a minimum the fol-
7 lowing:

8 (A) Combining DSFs, primarily focused on
9 counterdrug operations, under one centralized
10 command.

11 (B) Distributing counter-terrorism and
12 anti-terrorism capabilities to DSFs in each
13 major United States port.

14 (b) DEPLOYABLE SPECIALIZED FORCE DEFINED.—
15 In this section, the term “Deployable Specialized Force”
16 means a unit of the Coast Guard that serves as a quick
17 reaction force designed to be deployed to handle counter-
18 drug, counter-terrorism, and anti-terrorism operations or
19 other maritime threats to the United States.

20 **SEC. 1407. COST BENEFIT ANALYSIS OF CO-LOCATING DHS**
21 **ASSETS.**

22 (a) IN GENERAL.—For any location in which U.S.
23 Customs and Border Protection’s Office of Air and Marine
24 Operations is based within 45 miles of locations where any
25 other Department of Homeland Security agency also oper-

1 ates air and marine assets, the Secretary of Homeland Se-
2 curity shall conduct a cost-benefit analysis to consider the
3 potential cost of and savings derived from co-locating avia-
4 tion and maritime operational assets of the Office of Air
5 and Marine Operations at facilities where other agencies
6 of the Department operate such assets. In analyzing such
7 potential cost savings achieved by sharing aviation and
8 maritime facilities, such analysis shall consider, at a min-
9 imum, the following factors:

10 (1) Potential enhanced cooperation derived
11 from Department personnel being co-located.

12 (2) Potential costs of, and savings derived
13 through, shared maintenance and logistics facilities
14 and activities.

15 (3) Joint use of base and facility infrastructure,
16 such as runways, hangars, control towers, operations
17 centers, piers and docks, boathouses, and fuel de-
18 pots.

19 (4) Potential operational costs of co-locating
20 aviation and maritime assets and personnel.

21 (5) Short term moving costs required in order
22 to co-locate facilities.

23 (6) Acquisition and infrastructure costs for en-
24 larging current facilities, as needed.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary of Homeland
3 Security shall submit to the Committee on Homeland Se-
4 curity and the Committee on Transportation and Infra-
5 structure of the House of Representatives and the Com-
6 mittee on Homeland Security and Governmental Affairs
7 of the Senate a report summarizing the results of the cost-
8 benefit analysis required under subsection (a) and any
9 planned actions based upon such results.

10 **SEC. 1408. REPEAL OF INTERAGENCY OPERATIONAL CEN-**
11 **TERS FOR PORT SECURITY AND SECURE SYS-**
12 **TEMS OF TRANSPORTATION.**

13 Sections 70107A and 70116 of title 46, United
14 States Code, are repealed.

15 **SEC. 1409. MARITIME SECURITY CAPABILITIES ASSESS-**
16 **MENTS.**

17 (a) IN GENERAL.—Subtitle C of title IV of the
18 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.),
19 as amended by this Act, is further amended by adding
20 at the end the following new section:

21 **“SEC. 435. MARITIME SECURITY CAPABILITIES ASSESS-**
22 **MENTS.**

23 “Not later than 180 days after the date of the enact-
24 ment of this section and annually thereafter, the Secretary
25 shall submit to the Committee on Homeland Security of

1 the House of Representatives and the Committee on
2 Homeland Security and Governmental Affairs of the Sen-
3 ate an assessment of the number and type of maritime
4 assets and the number of personnel required to increase
5 the Department's maritime response rate pursuant to sec-
6 tion 1092 of the National Defense Authorization Act for
7 Fiscal Year 2017 (6 U.S.C. 223; Public Law 114–328).”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of the Homeland Security Act of 2002, as
10 amended by this Act, is further amended by inserting after
11 the item relating to section 434 the following new item:
“Sec. 435. Maritime security capabilities assessments.”.

12 **SEC. 1410. CONFORMING AND CLERICAL AMENDMENTS.**

13 (a) SECTIONS.—The following provisions of the Secu-
14 rity and Accountability for Every Port Act of 2006 (Public
15 Law 109–347) are amended as follows:

16 (1) By striking section 105.

17 (2) By redesignating sections 106 and 107 as
18 sections 105 and 106, respectively.

19 (3) By striking section 108.

20 (4) By redesignating sections 109 and 110 as
21 sections 107 and 108, respectively.

22 (5) In section 121 (6 U.S.C. 921)—

23 (A) by striking subsections (c), (d), and
24 (e); and

1 (B) redesignating subsections (f), (g), (h),
2 and (i) as subsections (c), (d), (e), and (f), re-
3 spectively.

4 (6) By striking sections 122 and 127 (6 U.S.C.
5 922 and).

6 (7) By redesignating sections 123, 124, 125,
7 126, and 128 as sections 122, 123, 124, 125, and
8 126, respectively.

9 (8) In section 233 (6 U.S.C. 983), by striking
10 subsection (c).

11 (9) By striking section 235 (6 U.S.C. 984).

12 (10) By redesignating section 236 as section
13 235.

14 (11) By striking sections 701 and 708 (and the
15 item relating to such section in the table of contents
16 of such Act).

17 (12) By redesignating sections 702, 703, 704,
18 705, 706, 707, and 709 as sections 701, 702, 703,
19 704, 705, 706, and 707, respectively.

20 (b) TABLE OF CONTENTS.—

21 (1) SECURITY AND ACCOUNTABILITY FOR
22 EVERY PORT ACT OF 2006.—The table of contents of
23 the Security and Accountability for Every Port Act
24 of 2006 (Public Law 109–347) is amended as fol-
25 lows:

1 (A) In the list of items relating to subtitle
2 A of title I, by striking the items relating to
3 sections 105 through 110 and inserting the fol-
4 lowing new items:

“Sec. 105. Prohibition of issuance of transportation security cards to persons convicted of certain felonies.

“Sec. 106. Long-range vessel tracking.

“Sec. 107. Notice of arrival for foreign vessels on the Outer Continental Shelf.

“Sec. 108. Enhanced crewmember identification.”.

5 (B) In the list of items relating to subtitle
6 C of title I, by striking the items relating to
7 sections 122 through 128 and inserting the fol-
8 lowing new items:

“Sec. 122. Random searches of containers.

“Sec. 123. Work stoppages and employee-employer disputes.

“Sec. 124. Threat assessment screening of port truck drivers.

“Sec. 125. Border Patrol unit for United States Virgin Islands.

“Sec. 126. Center of Excellence for Maritime Domain Awareness.”.

9 (C) In the list of items relating to subtitle
10 C of title II, by striking the items relating to
11 sections 235 and 236 and inserting the fol-
12 lowing new item:

“Sec. 235. Information sharing relating to supply chain security cooperation.”.

13 (D) In the list of items relating to title
14 VII, by striking the items relating to sections
15 701 through 709 and inserting the following
16 new items:

“Sec. 701. Disclosures regarding homeland security grants.

“Sec. 702. Trucking security.

“Sec. 703. Air and Marine Operations of the Northern Border Air Wing.

“Sec. 704. Phaseout of vessels supporting oil and gas development.

“Sec. 705. Coast Guard property in Portland, Maine.

“Sec. 706. Methamphetamine and methamphetamine precursor chemicals.

“Sec. 707. Protection of health and safety during disasters.”.

1 (2) TITLE 46.—In the list of items relating to
2 the analysis for chapter 701 of title 46, United
3 States Code, by striking the items relating to sec-
4 tions 70107A and 70116.

5 **TITLE V—TRANSPORTATION**
6 **SECURITY ADMINISTRATION**

7 **Subtitle A—Administration**

8 **SEC. 1501. AMENDMENTS TO THE HOMELAND SECURITY**
9 **ACT OF 2002 AND TITLE 5, UNITED STATES**
10 **CODE.**

11 (a) HOMELAND SECURITY ACT OF 2002.—Para-
12 graph (1) of section 103(a) of the Homeland Security Act
13 of 2002, as amended by this Act, is further amended by
14 adding at the end the following new subparagraph:

15 “(K) An Administrator of the Transpor-
16 tation Security Administration, in accordance
17 with section 114 of title 49, United States
18 Code.”.

19 (b) INCLUSION IN EXECUTIVE SCHEDULE.—Section
20 5315 of title 5, United States Code, is amended by adding
21 at the end the following:

22 “Administrator of the Transportation Security Ad-
23 ministration, Department of Homeland Security.”.

1 **SEC. 1502. AMENDMENTS TO TITLE 49, UNITED STATES**
2 **CODE.**

3 (a) AMENDMENTS.—Section 114 of title 49, United
4 States Code, is amended—

5 (1) in subsection (a), by striking “Department
6 of Transportation” and inserting “Department of
7 Homeland Security”;

8 (2) in subsection (b)(1), by striking “Under
9 Secretary of Transportation for Security” and in-
10 sserting “Administrator of the Transportation Secu-
11 rity Administration”;

12 (3) by striking “Under Secretary” each place it
13 appears and inserting “Administrator”;

14 (4) in subsection (b), in the heading, by strik-
15 ing “UNDER SECRETARY” and inserting “ADMINIS-
16 TRATOR”;

17 (5) in subsection (e)(4), by striking “Secretary
18 of Transportation” and inserting “Secretary of
19 Homeland Security”;

20 (6) in subsection (f)—

21 (A) in paragraph (6), by striking “Man-
22 agers” and inserting “Directors”; and

23 (B) in paragraph (14), by inserting “air
24 carriers or” before “foreign air carriers”;

25 (7) in subsection (g)—

1 (A) by striking “the Secretary” each place
2 it appears and inserting “the Secretary of
3 Homeland Security”; and

4 (B) in paragraph (3), by striking “The
5 Secretary” and inserting “The Secretary of
6 Homeland Security”;

7 (8) in subsection (j)(1)(D), by striking “the
8 Secretary” and inserting “the Secretary of Home-
9 land Security”;

10 (9) in subsection (l)—

11 (A) in paragraph (2)(A), by striking “the
12 Secretary” and inserting “the Secretary of
13 Homeland Security”; and

14 (B) in paragraph (4)(B), by striking “the
15 Administrator under subparagraph (A)” and in-
16 serting “the Administrator of the Federal Avia-
17 tion Administration under subparagraph (A)”;

18 (10) in subsection (m)—

19 (A) in the heading, by striking “UNDER
20 SECRETARY” and inserting “ADMINISTRATOR”;
21 and

22 (B) in paragraph (1), in the heading, by
23 striking “UNDER SECRETARY” and inserting
24 “ADMINISTRATOR”;

1 (11) in subsection (n), by striking “Department
2 of Transportation” and inserting “Department of
3 Homeland Security”;

4 (12) in subsection (o), by striking “Department
5 of Transportation” and inserting “Department of
6 Homeland Security”;

7 (13) in subsection (p)(4), by striking “Sec-
8 retary of Transportation” and inserting “Secretary
9 of Homeland Security”;

10 (14) by redesignating subsections (u), (v), and
11 (w) as subsections (t), (cc), and (dd), respectively;
12 and

13 (15) by inserting after subsection (t), as so re-
14 designated, the following new subsections:

15 “(u) DEPUTY ADMINISTRATOR.—There is established
16 in the Transportation Security Administration a Deputy
17 Administrator, who shall assist the Administrator in the
18 management of the Transportation Security Administra-
19 tion.

20 “(v) OFFICE OF PUBLIC AFFAIRS.—

21 “(1) ESTABLISHMENT.—There is established in
22 the Transportation Security Administration an Of-
23 fice of Public Affairs (in this subsection referred to
24 as the ‘Office’).

1 “(2) ASSISTANT ADMINISTRATOR.—The head of
2 the Office shall be the Assistant Administrator for
3 Public Affairs, who shall report to the Administrator
4 of the Transportation Security Administration or the
5 Administrator’s designee.

6 “(3) FUNCTIONS.—The Office shall be respon-
7 sible for facilitating understanding of the Transpor-
8 tation Security Administration’s mission by commu-
9 nicating with internal and external audiences in a
10 timely, accurate, and transparent manner.

11 “(w) OFFICE OF CIVIL RIGHTS AND LIBERTIES, OM-
12 BUDSMAN, AND TRAVELER ENGAGEMENT.—

13 “(1) ESTABLISHMENT.—There is established in
14 the Transportation Security Administration an Of-
15 fice of Civil Rights and Liberties, Ombudsman, and
16 Traveler Engagement (in this subsection referred to
17 as the ‘Office’).

18 “(2) ASSISTANT ADMINISTRATOR.—The head of
19 the Office shall be the Assistant Administrator for
20 Civil Rights and Liberties, Ombudsman, and Trav-
21 eler Engagement, who shall report to the Adminis-
22 trator of the Transportation Security Administration
23 or the Administrator’s designee.

24 “(3) FUNCTIONS.—The Office shall be respon-
25 sible for managing allegations of violations of civil

1 rights and civil liberties from the public, carrying
2 out the Administration’s equal employment oppor-
3 tunity and diversity policies and programs, including
4 complaint management and adjudication, and help-
5 ing to ensure that employees and the traveling pub-
6 lic are treated in a fair and lawful manner.

7 “(x) OFFICE OF LEGISLATIVE AFFAIRS.—

8 “(1) ESTABLISHMENT.—There is established in
9 the Transportation Security Administration an Of-
10 fice of Legislative Affairs (in this subsection referred
11 to as the ‘Office’).

12 “(2) ASSISTANT ADMINISTRATOR.—The head of
13 the Office shall be the Assistant Administrator for
14 Legislative Affairs, who shall report to the Adminis-
15 trator of the Transportation Security Administration
16 or the Administrator’s designee.

17 “(3) FUNCTIONS.—The Office shall be respon-
18 sible for developing and implementing strategies
19 within the Transportation Security Administration
20 to achieve congressional approval or authorization of
21 the Administration’s programs and policies.

22 “(y) OFFICE OF FINANCE AND ADMINISTRATION.—

23 “(1) ESTABLISHMENT.—There is established in
24 the Transportation Security Administration an Of-

1 fice of Finance and Administration (in this sub-
2 section referred to as the ‘Office’).

3 “(2) CHIEF FINANCIAL OFFICER.—The head of
4 the Office shall be the Chief Financial Officer, who
5 shall report to the Administrator of the Transpor-
6 tation Security Administration or the Administra-
7 tor’s designee.

8 “(3) FUNCTIONS.—The Office shall be respon-
9 sible for financial, budgetary, and administrative ac-
10 activities that support the mission of the Transpor-
11 tation Security Administration.

12 “(z) OFFICE OF THE CHIEF OF OPERATIONS.—

13 “(1) ESTABLISHMENT.—There is established in
14 the Transportation Security Administration an Of-
15 fice of the Chief of Operations (in this subsection re-
16 ferred to as the ‘Office’).

17 “(2) CHIEF OF OPERATIONS.—The head of the
18 Office shall be the Chief of Operations, who shall re-
19 port to the Administrator of the Transportation Se-
20 curity Administration or the Administrator’s des-
21 ignee.

22 “(3) FUNCTIONS.—The Office shall be respon-
23 sible for the following:

24 “(A) Conducting protection, response, de-
25 tection, assessment, and investigation activities

1 in airports and other transportation facilities
2 and deploying Federal Air Marshals on United
3 States aircraft traveling domestically and inter-
4 nationally.

5 “(B) Identifying, analyzing, and mitigating
6 risk by assessing vulnerabilities at international
7 locations to determine risk, evaluating risk im-
8 pacts to determine mitigation activities, and
9 executing mitigation activities to reduce risk to
10 the United States.

11 “(C) Providing security and intelligence
12 professionals with timely information in order
13 to prevent a terrorist attack against the trans-
14 portation systems of the United States.

15 “(D) Developing security policies and plans
16 that reduce the risk of catastrophic terrorist at-
17 tacks.

18 “(E) Providing risk-based, adaptive secu-
19 rity that includes airport checkpoint and bag-
20 gage screening operations, regulatory compli-
21 ance, cargo inspections, and other specialized
22 programs designed to secure transportation.

23 “(F) Safeguarding the transportation sys-
24 tems of the United States through the qualifica-

1 tion and delivery of innovative security capabili-
2 ties.

3 “(aa) OFFICE OF THE CHIEF OF MISSION SUP-
4 PORT.—

5 “(1) ESTABLISHMENT.—There is established in
6 the Transportation Security Administration an Of-
7 fice of the Chief of Mission Support (in this sub-
8 section referred to as the ‘Office’).

9 “(2) CHIEF OF MISSION SUPPORT.—The head
10 of the Office shall be the Chief of Mission Support,
11 who shall report to the Administrator of the Trans-
12 portation Security Administration or the Adminis-
13 trator’s designee.

14 “(3) FUNCTIONS.—The Office shall be respon-
15 sible for the following:

16 “(A) Negotiating and awarding contracts
17 and other procurement vehicles that improve
18 the Transportation Security Administration’s
19 capabilities.

20 “(B) Providing strategic, sustainable, and
21 comprehensive programs and services that at-
22 tract, build, and inspire a talented workforce.

23 “(C) Overseeing the development, delivery,
24 and evaluation of training programs for Trans-
25 portation Security Administration employees.

1 “(D) Providing information technologies
2 and services that enable global transportation
3 security.

4 “(E) Ensuring the integrity, efficiency,
5 and effectiveness of the Transportation Security
6 Administration’s workforce, operations, and
7 programs through objective audits, covert test-
8 ing, inspections, and criminal investigations.

9 “(F) Ensuring consistency in misconduct
10 penalty determinations and an expeditious and
11 fair adjudication process.

12 “(G) Building the Transportation Security
13 Administration’s capabilities by managing the
14 acquisition, testing, deployment, and
15 sustainment of security technology and other
16 acquisition programs.

17 “(bb) OFFICE OF THE CHIEF COUNSEL.—

18 “(1) ESTABLISHMENT.—There is established in
19 the Transportation Security Administration an Of-
20 fice of the Chief Counsel (in this subsection referred
21 to as the ‘Office’).

22 “(2) CHIEF COUNSEL.—The head of the Office
23 shall be the Chief Counsel for the Transportation
24 Security Administration, who shall report to the

1 General Counsel of the Department of Homeland
2 Security.

3 “(3) FUNCTIONS.—The Office shall be respon-
4 sible for providing legal advice and services across
5 the Transportation Security Administration.”.

6 (b) SECTION 115.—Subsection (c) of section 115 of
7 title 49, United States Code, is amended—

8 (1) in paragraph (1), by striking “Under Sec-
9 retary of Transportation for security” and inserting
10 “Administrator of the Transportation Security Ad-
11 ministration”; and

12 (2) in paragraph (6), by striking “Under Sec-
13 retary” and inserting “Administrator of the Trans-
14 portation Security Administration”.

15 (c) SECTION 40119.—Section 40119 of title 49,
16 United States Code, is amended—

17 (1) in subsection (a), by striking “Under Sec-
18 retary of Transportation for Security” and inserting
19 “Administrator of the Transportation Security Ad-
20 ministration”;

21 (2) in subsection (b)(4)—

22 (A) by inserting “of the Federal Aviation
23 Administration” after “Administrator”; and

24 (B) by inserting “Federal Aviation” before
25 “Administration”; and

1 (3) in subsection (c), by striking “Under Sec-
2 retary” and inserting “Administrator of the Trans-
3 portation Security Administration”.

4 (d) SECTION 44901.—Section 44901 of title 49,
5 United States Code, is amended—

6 (1) by striking “Under Secretary of Transpor-
7 tation for Security” each place it appears and insert-
8 ing “Administrator of the Transportation Security
9 Administration”;

10 (2) by striking “Under Secretary” each place it
11 appears and inserting “Administrator of the Trans-
12 portation Security Administration”;

13 (3) by striking “Assistant Secretary (Transpor-
14 tation Security Administration)” each place it ap-
15 pears and inserting “Administrator of the Transpor-
16 tation Security Administration”;

17 (4) by striking “Assistant Secretary” each place
18 it appears and inserting “Administrator of the
19 Transportation Security Administration”; and

20 (5) in subsection (d), by striking “Senate Com-
21 mittee on Commerce, Science, and Transportation
22 and the House of Representatives Committee on
23 Transportation” each place it appears and inserting
24 “the Committee on Commerce, Science, and Trans-
25 portation and the Committee on Homeland Security

1 and Governmental Affairs of the Senate and the
2 Committee on Transportation and Infrastructure
3 and the Committee on Homeland Security of the
4 House of Representatives”.

5 (e) SECTION 44902.—Section 44902 of title 49,
6 United States Code, is amended—

7 (1) in subsection (a), by striking “Under Sec-
8 retary of Transportation for Security” and inserting
9 “Administrator of the Transportation Security Ad-
10 ministration”; and

11 (2) in subsection (b), by striking “Under Sec-
12 retary” and inserting “Administrator of the Trans-
13 portation Security Administration”.

14 (f) SECTION 44903.—Section 44903 of title 49,
15 United States Code, is amended—

16 (1) in subsection (b)(1), by inserting “the Sec-
17 retary of Homeland Security,” before “the Secretary
18 of Transportation”;

19 (2) in subsection (c)(2)(C), by striking “Sec-
20 retary of Transportation” and inserting “Secretary
21 of Homeland Security”;

22 (3) in subsection (d), in the matter preceding
23 paragraph (1), by striking “Secretary of Transpor-
24 tation” and inserting “Secretary of Homeland Secu-
25 rity”;

1 (4) in subsection (g)—

2 (A) in paragraph (1)(A), in the heading,
3 by striking “UNDER SECRETARY” and inserting
4 “ADMINISTRATOR”; and

5 (B) in paragraph (2), by striking “Under
6 Secretary’s” each place it appears and inserting
7 “Transportation Security Administration Ad-
8 ministrator’s”;

9 (5) in subsection (h)—

10 (A) in paragraph (3), by inserting “of
11 Homeland Security” after “Secretary”;

12 (B) in paragraph (6)(C), in the matter
13 preceding clause (i), by inserting “of Homeland
14 Security” after “Secretary”;

15 (6) in subsection (i)(l), by striking “, after re-
16 ceiving the recommendations of the National Insti-
17 tute of Justice,”;

18 (7) in subsection (j)—

19 (A) in paragraph (1)—

20 (i) in the matter preceding subpara-
21 graph (A), by striking “Under Secretary
22 for Transportation Security” and inserting
23 “Administrator of the Transportation Se-
24 curity Administration”; and

1 (ii) in the matter following subpara-
2 graph (E), by striking “Secretary of
3 Transportation” and inserting “Secretary
4 of Homeland Security”; and

5 (B) in paragraph (2), by striking “Sec-
6 retary of Transportation” each place it appears
7 and inserting “Secretary of Homeland Secu-
8 rity”;

9 (8) in subsection (l)(1), by striking “Under Sec-
10 retary for Border and Transportation Security of
11 the Department of Homeland Security” and insert-
12 ing “Administrator of the Transportation Security
13 Administration”;

14 (9) by striking “Under Secretary of Transpor-
15 tation for Security” each place it appears and insert-
16 ing “Administrator of the Transportation Security
17 Administration”;

18 (10) by striking “Under Secretary” each place
19 it appears and inserting “Administrator of the
20 Transportation Security Administration”;

21 (11) by striking “Assistant Secretary of Home-
22 land Security (Transportation Security Administra-
23 tion)” each place it appears and inserting “Adminis-
24 trator of the Transportation Security Administra-
25 tion”; and

1 (12) by striking “Assistant Secretary” each
2 place it appears and inserting “Administrator of the
3 Transportation Security Administration”.

4 (g) SECTION 44904.—Section 44904 of title 49,
5 United States Code, is amended—

6 (1) in subsection (a), by striking “Under Sec-
7 retary of Transportation for Security” and inserting
8 “Administrator of the Transportation Security Ad-
9 ministration”;

10 (2) by striking “Under Secretary” each place it
11 appears and inserting “Administrator of the Trans-
12 portation Security Administration”; and

13 (3) in subsection (d) by striking “Assistant Sec-
14 retary of Homeland Security (Transportation Secu-
15 rity Administration)” and inserting “Administrator
16 of the Transportation Security Administration”.

17 (h) SECTION 44905.—Section 44905 of title 49,
18 United States Code, is amended—

19 (1) in subsection (a), by striking “Secretary of
20 Transportation” and inserting “Secretary of Home-
21 land Security”;

22 (2) in subsection (b), by striking “Under Sec-
23 retary of Transportation for Security” and inserting
24 “Administrator of the Transportation Security Ad-
25 ministration”; and

1 (3) by striking “Under Secretary” each place it
2 appears and inserting “Administrator of the Trans-
3 portation Security Administration”.

4 (i) SECTION 44906.—Section 44906 of title 49,
5 United States Code, is amended—

6 (1) by striking “Under Secretary of Transpor-
7 tation for Security” and inserting “Administrator of
8 the Transportation Security Administration”; and

9 (2) by striking “Under Secretary” each place it
10 appears and inserting “Administrator”.

11 (j) SECTION 44908.—Section 44908 of title 49,
12 United States Code, is amended by striking “Secretary of
13 Transportation” each place it appears and inserting “Sec-
14 retary of Homeland Security”.

15 (k) SECTION 44909.—Section 44909 of title 49,
16 United States Code, is amended—

17 (1) by striking “Under Secretary” each place it
18 appears and inserting “Administrator of the Trans-
19 portation Security Administration”; and

20 (2) by striking “the Customs Service” each
21 place it appears and inserting “U.S. Customs and
22 Border Protection”.

23 (l) SECTION 44911.—Section 44911 of title 49,
24 United States Code, is amended—

25 (1) in subsection (a)—

1 (A) in paragraphs (1) through (10), by
2 striking “the” each place it appears and insert-
3 ing “The”; and

4 (B) by inserting the following at the end
5 the following new paragraphs:

6 “(11) The Coast Guard.

7 “(12) The Department of Homeland Security.

8 “(13) The National Geospatial-Intelligence
9 Agency.

10 “(14) The National Reconnaissance Office.”;

11 (2) in subsection (b)—

12 (A) by striking “Secretary of Transpor-
13 tation” and inserting “Secretary of Homeland
14 Security”; and

15 (B) by striking “Under Secretary of
16 Transportation for Security” and inserting
17 “Administrator of the Transportation Security
18 Administration”;

19 (3) in subsection (d), by striking “the Sec-
20 retary” and inserting “the Secretary of Homeland
21 Security”; and

22 (4) in subsection (e)—

23 (A) by striking “the Secretary” and insert-
24 ing “the Secretary of Homeland Security”; and

1 (B) by striking “Under Secretary” each
2 place it appears and inserting “Administrator
3 of the Transportation Security Administration”.

4 (m) SECTION 44912.—Section 44912 of title 49,
5 United States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “Under
8 Secretary of Transportation for Security” and
9 inserting “Administrator of the Transportation
10 Security Administration”; and

11 (B) in paragraph (3), by striking “Sec-
12 retary of Transportation” and inserting “Sec-
13 retary of Homeland Security”;

14 (2) by striking “Under Secretary” each place it
15 appears and inserting “Administrator of the Trans-
16 portation Security Administration”.

17 (n) SECTION 44913.—Section 44913 of title 49,
18 United States Code, is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by striking “Under
21 Secretary of Transportation for Security” and
22 inserting “Administrator of the Transportation
23 Security Administration”; and

24 (B) in paragraph (2), by striking “the
25 Committee on Transportation and Infrastruc-

1 ture” and inserting “the Committee on Home-
2 land Security”;

3 (2) in subsection (b), by striking “Secretary of
4 Transportation” and inserting “Secretary of Home-
5 land Security”; and

6 (3) by striking “Under Secretary” each place it
7 appears and inserting “Administrator of the Trans-
8 portation Security Administration”.

9 (o) SECTION 44914.—Section 44914 of title 49,
10 United States Code, is amended—

11 (1) by striking “Under Secretary of Transpor-
12 tation for Security” and inserting “Administrator of
13 the Transportation Security Administration”; and

14 (2) by striking “Under Secretary” each place it
15 appears and inserting “Administrator of the Trans-
16 portation Security Administration”.

17 (p) SECTION 44915.—Section 44915 of title 49,
18 United States Code, is amended by striking “Under Sec-
19 retary of Transportation for Security” and inserting “Ad-
20 ministrator of the Transportation Security Administra-
21 tion”.

22 (q) SECTION 44916.—Section 44916 of title 49,
23 United States Code, is amended—

24 (1) in subsection (a), by striking “Under Sec-
25 retary of Transportation for Security” and inserting

1 “Administrator of the Transportation Security Ad-
2 ministration”; and

3 (2) in subsection (b), by striking “Under Sec-
4 retary” and inserting “Administrator of the Trans-
5 portation Security Administration”.

6 (r) SECTION 44917.—Section 44917 of title 49,
7 United States Code, is amended—

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph (1),
10 by striking “Under Secretary of Transportation
11 for Security” and inserting “Administrator of
12 the Transportation Security Administration”;
13 and

14 (B) in paragraph (2), by inserting “of
15 Homeland Security, utilizing a risk-based secu-
16 rity methodology,” after “Secretary”;

17 (2) by striking subsections (b) and (c);

18 (3) redesignating subsection (d) as subsection
19 (b); and

20 (4) in subsection (b), as so redesignated—

21 (A) in paragraph (1), by striking “Assist-
22 ant Secretary for Immigration and Customs
23 Enforcement” and inserting “Administrator of
24 the Transportation Security Administration”;
25 and

1 (B) in paragraph (3), by striking “Assist-
2 ant Secretary” each place it appears and insert-
3 ing “Administrator”.

4 (s) SECTION 44918.—Section 44918 of title 49,
5 United States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2)(E), by striking “the
8 Under Secretary for Border and Transportation
9 Security of the Department of Homeland Secu-
10 rity” and inserting “the Administrator of the
11 Transportation Security Administration”; and

12 (B) in paragraphs (5), (6), and (7), by
13 striking “the Administrator” each place it ap-
14 pears and inserting “the Administrator of the
15 Federal Aviation Administration”; and

16 (2) by striking “Under Secretary” each place it
17 appears and inserting “Administrator of the Trans-
18 portation Security Administration”.

19 (t) SECTION 44919.—Section 44919 of title 49,
20 United States Code, is amended by striking “Under Sec-
21 retary” each place it appears and inserting “Adminis-
22 trator of the Transportation Security Administration”.

23 (u) SECTION 44920.—Section 44920 of title 49,
24 United States Code, is amended by striking “Under Sec-

1 retary” each place it appears and inserting “Adminis-
2 trator of the Transportation Security Administration”.

3 (v) SECTION 44921.—Section 44921 of title 49,
4 United States Code, is amended—

5 (1) in subsection (a), by striking “Under Sec-
6 retary of Transportation for Security” and inserting
7 “Administrator of the Transportation Security Ad-
8 ministration”; and

9 (2) in subsection (b)(6)—

10 (A) by inserting “the Committee on Home-
11 land Security and” before “the Committee on
12 Transportation and Infrastructure”; and

13 (B) by inserting “the Committee on Home-
14 land Security and Governmental Affairs” before
15 “the Committee on Commerce, Science, and
16 Transportation”;

17 (3) in subsection (d)(4), by striking “may,” and
18 inserting “may”;

19 (4) in subsection (i)(2), by striking “the Under
20 Secretary” before “may”;

21 (5) by striking “Under Secretary” each place it
22 appears and inserting “Administrator of the Trans-
23 portation Security Administration”; and

1 (6) by striking “Under Secretary’s” each place
2 it appears and inserting “Transportation Security
3 Administration Administrator’s”.

4 (w) SECTION 44922.—Section 44922 of title 49,
5 United States Code, is amended—

6 (1) in subsection (a), by striking “Under Sec-
7 retary of Transportation for Security” and inserting
8 “Administrator of the Transportation Security Ad-
9 ministration”; and

10 (2) by striking “Under Secretary” each place it
11 appears and inserting “Administrator of the Trans-
12 portation Security Administration”.

13 (x) SECTION 44923.—Section 44923 of title 49,
14 United States Code, is amended—

15 (1) in subsection (a), in the matter preceding
16 paragraph (1), by striking “the Under Secretary for
17 Border and Transportation Security of the Depart-
18 ment of Homeland Security” and inserting “the Ad-
19 ministrator of the Transportation Security Adminis-
20 tration”;

21 (2) in subsection (c), by striking “Secretary of
22 Transportation” and inserting “Secretary of Home-
23 land Security”; and

24 (3) in subsection (d)—

1 (A) in paragraph (3), in the heading, by
2 striking “UNDER SECRETARY” and inserting
3 “ADMINISTRATOR”; and

4 (B) in paragraph (4), by inserting “,
5 Homeland Security,” before “and Transpor-
6 tation and Infrastructure”; and

7 (4) by striking “Under Secretary” each place it
8 appears and inserting “Administrator of the Trans-
9 portation Security Administration”.

10 (y) SECTION 44924.—Section 44924 of title 49,
11 United States Code, is amended—

12 (1) in subsection (a)—

13 (A) by striking “Under Secretary for Bor-
14 der and Transportation for Security of the De-
15 partment of Homeland Security” and inserting
16 “Administrator of the Transportation Security
17 Administration”; and

18 (B) by striking “Administrator under” and
19 inserting “Administrator of the Federal Avia-
20 tion Administration under”;

21 (2) in each of subsections (b) through (f), by
22 inserting “of the Federal Aviation Administration”
23 after “Administrator” each place it appears;

1 (3) in subsection (g), by inserting “the Com-
2 mittee on Homeland Security and” before “the Com-
3 mittee on Transportation and Infrastructure”; and

4 (4) by striking “Under Secretary” each place it
5 appears and inserting “Administrator of the Trans-
6 portation Security Administration”.

7 (z) SECTION 44925.—Section 44925 of title 49,
8 United States Code, is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1), by striking “Assist-
11 ant Security of Homeland Security (Transpor-
12 tation Security Administration)” and inserting
13 “Administrator of the Transportation Security
14 Administration”; and

15 (B) in paragraph (3), by inserting “of
16 Homeland Security” after “Secretary”; and

17 (2) in subsection (d), by striking “Assistant
18 Secretary” each place it appears and inserting “Ad-
19 ministrator of the Transportation Security Adminis-
20 tration”.

21 (aa) SECTION 44926.—Section 44926 of title 49,
22 United States Code, is amended—

23 (1) in subsection (a), by striking “United
24 States” and inserting “U.S.”; and

25 (2) in subsection (b)(3)—

1 (A) in the matter preceding subparagraph

2 (A), by striking “an” and inserting “a”; and

3 (B) in subparagraph (B), by striking

4 “United States” and inserting “U.S.”.

5 (bb) SECTION 44927.—Section 44927 of title 49,

6 United States Code, is amended—

7 (1) in subsection (a), in the first sentence, by

8 striking “Veteran” and inserting “Veterans”; and

9 (2) by striking “Assistant Secretary” each place

10 it appears and inserting “Administrator of the

11 Transportation Security Administration”.

12 (cc) SECTION 44933.—Section 44933 of title 49,

13 United States Code, is amended—

14 (1) in the heading, by striking “**MANAGERS**”

15 and inserting “**DIRECTORS**”;

16 (2) in subsection (a)—

17 (A) in the first sentence—

18 (i) by striking “Under Secretary of

19 Transportation for Security” and inserting

20 “Administrator of the Transportation Se-

21 curity Administration”; and

22 (ii) by striking “Manager” and insert-

23 ing “Director”;

24 (B) in the second sentence—

1 (i) by striking “Under Secretary” and
2 inserting “Administrator of the Transpor-
3 tation Security Administration”; and

4 (ii) by striking the term “Managers”
5 each place it appears and inserting “Direc-
6 tors”; and

7 (3) in subsection (b)—

8 (A) in the matter preceding paragraph (1),
9 by striking “Manager” and inserting “Direc-
10 tor”; and

11 (B) in paragraph (2), by striking “Under
12 Secretary” and inserting “the Administrator of
13 the Transportation Security Administration”.

14 (dd) SECTION 44934.—Section 44934 of title 49,
15 United States Code, is amended—

16 (1) in subsection (a), by striking “Under Sec-
17 retary of Transportation for Security” and inserting
18 “Administrator of the Transportation Security Ad-
19 ministration”; and

20 (2) by striking “Under Secretary” each place it
21 appears and inserting “Administrator of the Trans-
22 portation Security Administration”.

23 (ee) SECTION 44935.—Section 44935 of title 49,
24 United States Code, is amended—

1 (1) by striking “Under Secretary of Transpor-
2 tation for Security” each place it appears and insert-
3 ing “Administrator of the Transportation Security
4 Administration”;

5 (2) by striking “Under Secretary” each place it
6 appears and inserting “Administrator of the Trans-
7 portation Security Administration”;

8 (3) in subsection (e)(2)(A)(ii), by striking “sec-
9 tion 1101(a)(22) of the Immigration and Nationality
10 Act” and inserting “section 101(a)(22) of the Immi-
11 gration and Nationality Act”; and

12 (4) by redesignating the second subsection (i)
13 (relating to accessibility of computer-based training
14 facilities) as subsection (k).

15 (ff) SECTION 44936.—Section 44936 of title 49,
16 United States Code, is amended—

17 (1) in subsection (a)(1)—

18 (A) in subparagraph (A)—

19 (i) by striking “Under Secretary of
20 Transportation for Security” and inserting
21 “Administrator of the Transportation Se-
22 curity Administration”; and

23 (ii) by striking “Under Secretary of
24 Transportation for Transportation Secu-
25 rity,,” and inserting “Administrator of the

1 Transportation Security Administration,”;

2 and

3 (B) in subparagraphs (B) and (C), by
4 striking “Under Secretary of Transportation for
5 Transportation Security” each place it appears
6 and inserting “Administrator of the Transpor-
7 tation Security Administration”;

8 (2) in subsection (c)(1), by striking “Under
9 Secretary’s” and inserting “Transportation Security
10 Administration Administrator’s”; and

11 (3) by striking “Under Secretary” each place it
12 appears and inserting “Administrator of the Trans-
13 portation Security Administration”.

14 (gg) SECTION 44937.—Section 44937 of title 49,
15 United States Code, is amended by striking “Under Sec-
16 retary of Transportation for Security” and inserting “Ad-
17 ministrator of the Transportation Security Administra-
18 tion”.

19 (hh) SECTION 44938.—Section 44938 of title 49,
20 United States Code, is amended—

21 (1) in subsection (a), in the matter preceding
22 paragraph (1)—

23 (A) by striking “Secretary of Transpor-
24 tation” and inserting “Secretary of Homeland
25 Security”;

1 (B) by striking “the Secretary considers”
2 and inserting “the Secretary of Homeland Se-
3 curity considers”;

4 (C) by striking “The Secretary” and in-
5 serting “The Secretary of Homeland Security”;
6 and

7 (D) by striking “Under Secretary of
8 Transportation Security” and inserting “Ad-
9 ministrator of the Transportation Security Ad-
10 ministration”; and

11 (2) by striking “Under Secretary” each place it
12 appears and inserting “Administrator of the Trans-
13 portation Security Administration”.

14 (ii) SECTION 44940.—Section 44940 of title 49,
15 United States Code, is amended—

16 (1) in subsection (a)(1)—

17 (A) in the matter preceding paragraph (1),
18 by striking “Under Secretary of Transportation
19 for Security” and inserting “Administrator of
20 the Transportation Security Administration”;
21 and

22 (B) in subparagraph (F) by striking “
23 Managers” and inserting “Directors”;

1 (2) in subsection (e)(1), in the heading, by
2 striking “UNDER SECRETARY” and inserting “AD-
3 MINISTRATOR”; and

4 (3) by striking “Under Secretary” each place it
5 appears and inserting “Administrator of the Trans-
6 portation Security Administration”.

7 (jj) SECTION 44941.—Section 44941 of title 49,
8 United States Code, is amended by inserting “the Depart-
9 ment of Homeland Security,” before “the Department of
10 Transportation”.

11 (kk) SECTION 44942.—Section 44942 of title 49,
12 United States Code, is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) by redesignating paragraph (1) as
16 subsection (c) and moving such subsection,
17 as so redesignated, two ems to the left;
18 and

19 (ii) by redesignating subparagraphs
20 (A) and (B) as subsections (d) and (e), re-
21 spectively, and moving such subsections, as
22 so redesignated, four ems to the left;

23 (2) by striking subsections (a) and (b);

24 (3) by striking subsection (c), as so redesign-
25 nated;

1 (4) by redesignating subsections (d) and (e), as
2 so redesignated, as subsections (a) and (b), respec-
3 tively;

4 (5) by striking the term “the Secretary” each
5 place it appears and inserting “the Secretary of
6 Homeland Security”;

7 (6) by striking “Under Secretary for Transpor-
8 tation Security” each place it appears and inserting
9 “Administrator of the Transportation Security Ad-
10 ministration”; and

11 (7) by striking “Congress” and inserting “the
12 Committee on Homeland Security of the House of
13 Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate”.

15 (II) SECTION 44943.—Section 44943 of title 49,
16 United States Code, is amended—

17 (1) in subsection (a), by striking “The Under
18 Secretary for Transportation Security” and inserting
19 “‘The Administrator of the Transportation Security
20 Administration”;

21 (2) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) by striking “the Secretary” and in-
24 serting “the Secretary of Homeland Secu-
25 rity”; and

1 (ii) by striking “Under Secretary of
2 Transportation for Security” and inserting
3 “Administrator of the Transportation Se-
4 curity Administration”; and

5 (B) by striking “the Under Secretary”
6 each place it appears and inserting “the Admin-
7 istrator of the Transportation Security Admin-
8 istration”; and

9 (3) in subsection (c), by striking “the Under
10 Secretary for Transportation Security” and inserting
11 “the Administrator of the Transportation Security
12 Administration”.

13 (mm) SECTION 44944.—Section 44944 of title 49,
14 United States Code, is amended—

15 (1) in subsection (a)(1), by striking “Under
16 Secretary of Transportation for Transportation Se-
17 curity” and inserting “Administrator of the Trans-
18 portation Security Administration”; and

19 (2) by striking “Under Secretary” each place it
20 appears and inserting “Administrator of the Trans-
21 portation Security Administration”.

22 (nn) SECTION 44945.—Section 44945 of title 49,
23 United States Code, is amended by striking “Assistant
24 Secretary” each place it appears and inserting “Adminis-
25 trator of the Transportation Security Administration”.

1 (oo) SECTION 44946.—Section 44946 of title 49,
2 United States Code, is amended—

3 (1) in subsection (e)(2)(A), by striking “, but a
4 member may continue to serve until a successor is
5 appointed” and inserting “but may continue until
6 such time as a successor member begins serving on
7 the Advisory Committee”;

8 (2) in subsection (g)—

9 (A) by striking paragraph (2); and

10 (B) redesignating paragraph (3) as para-
11 graph (2); and

12 (3) by striking “Assistant Secretary” each place
13 it appears and inserting “Administrator of the
14 Transportation Security Administration”.

15 (pp) SECTION 45107.—Section 45107 of title 49,
16 United States Code, is amended—

17 (1) in subsection (a), by striking “Under Sec-
18 retary of Transportation for Security” and inserting
19 “Administrator of the Transportation Security Ad-
20 ministration”; and

21 (2) in subsection (b), by striking the second
22 sentence.

23 (qq) CLERICAL AMENDMENTS.—The analysis for
24 chapter 449 of title 49, United States Code, is amended

1 by striking the item relating to section 44933 and insert-
2 ing the following new item:

“44933. Federal Security Directors.”.

3 **SEC. 1503. AMENDMENTS TO THE AVIATION AND TRANS-**
4 **PORTATION SECURITY ACT.**

5 (a) SECTION 101.—Section 101 of the Aviation and
6 Transportation Security Act (Public Law 107–71) is
7 amended—

8 (1) in subsection (c) (5 U.S.C. 5313 note)—

9 (A) by striking paragraph (1);

10 (B) by redesignating paragraphs (2) and

11 (3) as paragraph (1) and (2), respectively; and

12 (C) in paragraph (1), as so redesignated—

13 (i) by striking “Under Secretary” and
14 inserting “Administrator of the Transpor-
15 tation Security Administration”;

16 (ii) by striking “30 percent” and in-
17 sserting “15 percent”;

18 (iii) by striking “the Secretary’s” and
19 inserting “the Secretary of Homeland Se-
20 curity’s”; and

21 (iv) by striking “Under Secretary’s”
22 and inserting “Transportation Security
23 Administration Administrator’s”; and

24 (2) by striking subsection (g) (49 U.S.C. 44901
25 note).

1 (b) SECTION 106.—Section 106 of the Aviation and
2 Transportation Security Act (49 U.S.C. 44903 note) is
3 amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1), in the matter pre-
6 ceding subparagraph (A), by striking “Under
7 Secretary of Transportation for Security” and
8 inserting “Administrator of the Transportation
9 Security Administration”;

10 (B) in paragraph (2)(A), by striking
11 “Under Secretary” each place it appears and
12 inserting “Administrator”; and

13 (C) in paragraph (2)(B), in the matter
14 preceding clause (i), by striking “Secretary”
15 and inserting “Secretary of Homeland Secu-
16 rity”; and

17 (2) in subsection (e), by striking “Under Sec-
18 retary of Transportation for Security” and inserting
19 “Administrator of the Transportation Security Ad-
20 ministration”.

21 (c) SECTION 109.—Section 109 of the Aviation and
22 Transportation Security Act (49 U.S.C. 114 note) is
23 amended—

24 (1) in subsection (a)—

1 (A) by striking “(a) IN GENERAL.—The
2 Under Secretary of Transportation for Secu-
3 rity” and inserting “The Administrator of the
4 Transportation Security Administration”;

5 (B) in paragraph (4), by—

6 (i) striking “medical product” and in-
7 serting “liquid or gel medical product or
8 nourishment and nutrition for infants and
9 toddlers, including formula, breast milk,
10 and juice,”; and

11 (ii) by striking “the product” and in-
12 serting “such product or nourishment or
13 nutrition”; and

14 (C) in paragraph (7), by striking “voice
15 stress analysis, biometric,” and inserting “bio-
16 metric”; and

17 (2) by striking subsection (b).

18 (d) SECTION 110.—Section 110 of the Aviation and
19 Transportation Security Act is amended by striking sub-
20 sections (c) and (d).

21 (e) SECTION 111.—Section 111 of the Aviation and
22 Transportation Security Act (49 U.S.C. 44935 note) is
23 amended—

24 (1) in subsection (c)—

1 (A) by striking “Under Secretary of
2 Transportation for Security” and inserting
3 “Administrator of the Transportation Security
4 Administration”; and

5 (B) by striking “Under Secretary” each
6 place it appears and inserting “Administrator
7 of the Transportation Security Administration”;
8 (2) in subsection (d)—

9 (A) in paragraph (1)—

10 (i) by striking “Under Secretary of
11 Transportation for Security” and inserting
12 “Administrator of the Transportation Se-
13 curity Administration”; and

14 (ii) by striking “Under Secretary”
15 each place it appears and inserting “Ad-
16 ministrator”; and

17 (B) in paragraph (2), by striking “Under
18 Secretary” and inserting “Administrator of the
19 Transportation Security Administration”.

20 (f) SECTION 117.—Section 117 of the Aviation and
21 Transportation Security Act (49 U.S.C. 44903 note) is
22 amended by inserting “the Secretary of Homeland Secu-
23 rity in consultation with” before “the Secretary of Trans-
24 portation”.

1 (g) SECTION 132.—Section 132 of the Aviation and
2 Transportation Security Act is repealed.

3 (h) SECTION 135.—Section 135 of the Aviation and
4 Transportation Security Act is repealed.

5 (i) SECTION 137.—Section 137 of the Aviation and
6 Transportation Security Act (49 U.S.C. 44912 note) is re-
7 pealed.

8 (j) REDESIGNATIONS.—Sections 133, 134, 136, 138,
9 139, 140, 141, 142, 143, 144, 145, 146, and 147 of the
10 Aviation and Transportation Security Act are amended by
11 redesignating such sections as sections 132, 133, 134,
12 135, 136, 137, 138, 139, 140, 141, 142, 143, and 144,
13 respectively.

14 **SEC. 1504. INFORMATION REQUIRED TO BE SUBMITTED TO**
15 **CONGRESS UNDER THE STRATEGIC 5-YEAR**
16 **TECHNOLOGY INVESTMENT PLAN OF THE**
17 **TRANSPORTATION SECURITY ADMINISTRA-**
18 **TION.**

19 (a) ADDITIONAL INFORMATION REQUIRED.—Section
20 1611 of the Homeland Security Act of 2002 (6 U.S.C.
21 563) is amended—

22 (1) in subsection (g)—

23 (A) in the matter preceding paragraph (1),
24 by striking “biennially” and inserting “annu-
25 ally”;

1 (B) in paragraph (1), by striking “and”;

2 (C) in paragraph (2), by striking the pe-
3 riod and inserting “; and”;

4 (D) by adding at the end the following new
5 paragraph:

6 “(3) information about acquisitions completed
7 during the fiscal year preceding the fiscal year dur-
8 ing which the report is submitted.”; and

9 (2) by adding at the end the following new sub-
10 sections:

11 “(h) NOTICE OF COVERED CHANGES TO PLAN.—

12 “(1) NOTICE REQUIRED.—The Administrator
13 shall submit to the Committee on Commerce,
14 Science, and Transportation of the Senate and the
15 Committee on Homeland Security of the House of
16 Representatives notice of any covered change to the
17 Plan by not later than 90 days after the date on
18 which the change is made.

19 “(2) DEFINITION OF CHANGE.—In this sub-
20 section, the term ‘covered change’ means an increase
21 or decrease in the dollar amount allocated to the
22 procurement of a technology or an increase or de-
23 crease in the number of a technology.”.

24 (b) REPORT ON EQUIPMENT IN OPERATION POST-
25 LIFE-CYCLE.—Not later than 90 days after the date of

1 the enactment of this Act, the Administrator of the Trans-
2 portation Security Administration shall submit to the
3 Committee on Commerce, Science, and Transportation of
4 the Senate and the Committee on Homeland Security of
5 the House of Representatives a report describing any
6 equipment of the Transportation Security Administration
7 that is in operation after—

8 (1) the end of the life-cycle of the equipment
9 specified by the manufacturer of the equipment; or

10 (2) the end of the useful life projection for the
11 equipment under the strategic 5-year technology in-
12 vestment plan of the Transportation Security Ad-
13 ministration, as required by section 1611 of the
14 Homeland Security Act of 2002 (6 U.S.C. 563).

15 (c) NOTICE TO AIRPORTS AND AIRLINES.—Upon the
16 enactment of this Act, the Administrator of the Transpor-
17 tation Security Administration shall notify airports and
18 airlines of any changes to the 5-year technology invest-
19 ment plan of the Transportation Security Administration.

20 **SEC. 1505. MAINTENANCE OF SECURITY-RELATED TECH-**
21 **NOLOGY.**

22 (a) IN GENERAL.—Title XVI of the Homeland Secu-
23 rity Act of 2002 (6 U.S.C. 561 et seq.) is amended by
24 adding at the end the following new subtitle:

1 **“Subtitle C—Maintenance of**
2 **Security-Related Technology**

3 **“SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.**

4 “(a) IN GENERAL.—Not later than 180 days after
5 the date of the enactment of this subtitle, the Adminis-
6 trator shall develop and implement a preventive mainte-
7 nance validation process for security-related technology
8 deployed to airports.

9 “(b) MAINTENANCE BY ADMINISTRATION PER-
10 SONNEL AT AIRPORTS.—For maintenance to be carried
11 out by Administration personnel at airports, the process
12 referred to in subsection (a) shall include the following:

13 “(1) Guidance to Administration personnel at
14 airports specifying how to conduct and document
15 preventive maintenance actions.

16 “(2) Mechanisms for the Administrator to
17 verify compliance with the guidance issued pursuant
18 to paragraph (1).

19 “(c) MAINTENANCE BY CONTRACTORS AT AIR-
20 PORTS.—For maintenance to be carried by a contractor
21 at airports, the process referred to in subsection (a) shall
22 require the following:

23 “(1) Provision of monthly preventative mainte-
24 nance schedules to appropriate Administration per-

1 sonnel at each airport that includes information on
2 each action to be completed by contractor.

3 “(2) Notification to appropriate Administration
4 personnel at each airport when maintenance action
5 is completed by a contractor.

6 “(3) A process for independent validation by a
7 third party of contractor maintenance.

8 “(d) PENALTIES FOR NONCOMPLIANCE.—The Ad-
9 ministrators shall require maintenance contracts for secu-
10 rity-related technology deployed to airports to include pen-
11 alties for noncompliance when it is determined that either
12 preventive or corrective maintenance has not been com-
13 pleted according to contractual requirements and manu-
14 facturers’ specifications.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 of the Homeland Security Act of 2002 is amended by in-
17 serting after the item relating to section 1616 the fol-
18 lowing:

 “Subtitle C—Maintenance of Security-Related Technology

 “Sec. 1621. Maintenance validation and oversight.”.

19 **SEC. 1506. TRANSPORTATION SECURITY ADMINISTRATION**
20 **EFFICIENCY.**

21 (a) EFFICIENCY REVIEW.—Not later than 270 days
22 after the date of the enactment of this Act, the Adminis-
23 trator of the Transportation Security Administration shall
24 conduct and complete a comprehensive, agency-wide effi-

1 ciency review of the Administration to identify and effec-
2 tuate spending reductions and administrative savings
3 through the streamlining or restructuring of Administra-
4 tion divisions to make the Administration more efficient.
5 In carrying out the review under this section, the Adminis-
6 trator shall consider each of the following:

7 (1) The elimination of any unnecessarily dupli-
8 cative or overlapping programs and initiatives that
9 can be streamlined.

10 (2) The elimination of any unnecessary or obso-
11 lete rules, regulations, directives, or procedures.

12 (3) The reduction in overall operating expenses
13 of the Administration, including costs associated
14 with the number of personnel, as a direct result of
15 efficiencies gained through the implementation of
16 risk-based screening or through any other means as
17 determined by the Administrator.

18 (4) Any other matters the Administrator deter-
19 mines are appropriate.

20 (b) REPORT TO CONGRESS.—Not later than 30 days
21 after the completion of the efficiency review required
22 under subsection (a), the Administrator of the Transpor-
23 tation Security Administration shall report to the Com-
24 mittee on Homeland Security of the House of Representa-
25 tives and the Committee on Commerce, Science, and

1 Transportation of the Senate on the results and cost sav-
2 ings expected to be achieved through such efficiency re-
3 view.

4 **SEC. 1507. TRANSPORTATION SENIOR EXECUTIVE SERVICE**
5 **ACCOUNTABILITY.**

6 (a) **REDUCTION PLAN.**—Not later than 270 days
7 after the date of the enactment of this Act, the Secretary
8 of Homeland Security, acting through the Administrator
9 of the Transportation Security Administration, shall de-
10 velop a strategic plan, including a timeline, to reduce by
11 20 percent by June 30, 2019, the number of positions at
12 the Senior Executive Service level at the Administration.

13 (b) **CONGRESSIONAL REVIEW.**—Not later than 30
14 days after the completion of the Senior Executive Service
15 reduction plan required under subsection (a), the Adminis-
16 trator of the Transportation Security Administration shall
17 submit to the Committee on Homeland Security of the
18 House of Representatives and the Committee on Com-
19 merce, Science, and Transportation of the Senate a copy
20 of such plan.

1 **Subtitle B—Passenger Security and**
2 **Screening**

3 **SEC. 1511. DEPARTMENT OF HOMELAND SECURITY TRUST-**
4 **ED TRAVELER PROGRAM COLLABORATION.**

5 The Secretary of Homeland Security shall continue
6 the review of all trusted traveler vetting programs carried
7 out by the Department of Homeland Security using rep-
8 resentatives from such programs to make recommenda-
9 tions on possible efficiencies that could be gained by inte-
10 grating requirements and operations and increasing infor-
11 mation and data sharing across programs.

12 **SEC. 1512. PRECHECK BIOMETRIC PILOT PROJECT.**

13 Not later than one year after the date of the enact-
14 ment of this Act, the Administrator of the Transportation
15 Security Administration (TSA) shall conduct a pilot
16 project to test a secure, automated, and biometric-based
17 system at airports to verify the identity of individuals who
18 are members of TSA PreCheck or another Department of
19 Homeland Security trusted traveler program that affords
20 TSA expedited screening. Such system shall be designed
21 to—

22 (1) improve security while also reducing the
23 need for security screening personnel to perform
24 identity and travel document verification for such in-
25 dividuals;

1 (2) reduce the average wait time of such indi-
2 viduals;

3 (3) reduce overall operating expenses of the Ad-
4 ministration;

5 (4) be integrated with the Department’s watch
6 list and trusted traveler matching programs; and

7 (5) be integrated with other technologies to fur-
8 ther facilitate risk-based passenger screening at
9 checkpoints, to the extent practicable and consistent
10 with security standards.

11 **SEC. 1513. IDENTITY AND TRAVEL DOCUMENT**
12 **VERIFICATION.**

13 Section 44901 of title 49, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(m) ESTABLISHMENT OF SCREENING SYSTEM FOR
17 CERTAIN PERSONS.—Not later than December 31, 2018,
18 the Administrator of the Transportation Security Admin-
19 istration shall, subject to the availability of appropriations,
20 implement an identity and travel document verification
21 system designed to establish a secure, automated system
22 at all airports for verifying identity and travel documents
23 of persons seeking entry into the sterile area of an airport.
24 Such system shall—

1 “(1) assess the need for security screening per-
2 sonnel to perform identity and travel document
3 verification for such passengers, thereby assessing
4 the overall number of such screening personnel;

5 “(2) reduce the average wait time of such pas-
6 sengers;

7 “(3) reduce overall operating expenses of the
8 Administration;

9 “(4) be integrated with the Administration’s
10 watch list matching program; and

11 “(5) be integrated with other technologies to
12 further facilitate risk-based passenger screening at
13 checkpoints, to the extent practicable and consistent
14 with security standards.”.

15 **SEC. 1514. COMPUTED TOMOGRAPHY PILOT PROJECT.**

16 Not later than 90 days after the date of the enact-
17 ment of this Act, the Administrator of the Transportation
18 Security Administration shall conduct a pilot project to
19 test the use of screening equipment using computed to-
20 mography technology to screen baggage at passenger
21 checkpoints.

22 **SEC. 1515. EXPLOSIVES DETECTION CANINE TEAMS FOR**
23 **AVIATION.**

24 (a) PASSENGER SCREENING TEAMS.—The Adminis-
25 trator of the Transportation Security Administration shall

1 ensure that by December 31, 2018, at least 300 explosives
2 detection canine teams are dedicated to passenger screen-
3 ing purposes at airports in the United States at which the
4 Administration performs, or oversees the implementation
5 and performance of, security measures, including screen-
6 ing responsibilities.

7 (b) **USE OF CANINES TO DETECT SCREENING ANOM-**
8 **ALIES.**—At airports in the United States at which—

9 (1) canine teams trained to screen passengers
10 are available, and

11 (2) the Transportation Security Administration
12 has passenger screening responsibilities,

13 the Administrator of the Transportation Security Admin-
14 istration may use such teams to detect screening anoma-
15 lies.

16 **SEC. 1516. STANDARD OPERATING PROCEDURES AT AIR-**
17 **PORT CHECKPOINTS.**

18 (a) **STANDARDIZATION.**—The Administrator of the
19 Transportation Security Administration shall require, to
20 the extent practicable, that standard operating procedures
21 at airport checkpoints for passengers and carry-on bag-
22 gage are carried out in a uniform manner among similarly
23 situated airports.

24 (b) **REPORT TO CONGRESS.**—Not later than 270 days
25 after the date of the enactment of this Act, the Adminis-

1 trator of the Transportation Security Administration shall
2 submit to the Committee on Homeland Security of the
3 House of Representatives and the Committee on Com-
4 merce, Science, and Transportation of the Senate a report
5 on how standard operating procedures were made uniform
6 in accordance with subsection (a).

7 (c) AUDITS.—Beginning one year after the date of
8 the enactment of this Act, the Inspector General of the
9 Department of Homeland Security shall conduct periodic
10 audits of adherence to the standard operating procedures,
11 as established by the Administrator of the Transportation
12 Security Administration, under this section of screening
13 personnel at large, medium, and small airports in diverse
14 geographical areas.

15 **SEC. 1517. TRAVELER REDRESS IMPROVEMENT.**

16 (a) REDRESS PROCESS.—

17 (1) IN GENERAL.—Not later than 30 days after
18 the date of the enactment of this Act, the Adminis-
19 trator of the Transportation Security Administration
20 shall, using existing resources, systems, and proc-
21 esses, ensure the availability of the Department of
22 Homeland Security Traveler Redress Inquiry Pro-
23 gram (DHS TRIP) redress process to adjudicate in-
24 quiries for individuals who—

1 (A) are citizens of the United States or
2 aliens lawfully admitted for permanent resi-
3 dence;

4 (B) have filed an inquiry with DHS TRIP
5 after receiving enhanced screening at an airport
6 passenger security checkpoint more than three
7 times in any 60-day period; and

8 (C) believe they have been wrongly identi-
9 fied as being a threat to aviation security.

10 (2) REPORT.—Not later than 180 days after
11 the date of the enactment of this Act, the Adminis-
12 trator of the Transportation Security Administration
13 shall submit to the Committee on Homeland Secu-
14 rity of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of
16 the Senate a report on the implementation of the re-
17 dress process required under paragraph (1).

18 (b) PRIVACY IMPACT REVIEW AND UPDATE.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Ad-
21 ministrators of the Transportation Security Adminis-
22 tration shall review and update the Privacy Impact
23 Assessment for the Secure Flight programs to en-
24 sure such Assessment accurately reflects the oper-
25 ation of such programs.

1 (2) PUBLIC DISSEMINATION; FORM.—The Se-
2 cure Flight Privacy Impact Assessment review and
3 update required under paragraph (1) shall be pub-
4 lished on a publically-accessible internet webpage of
5 the Transportation Security Administration and sub-
6 mitted to the Committee on Homeland Security of
7 the House of Representatives and the Committee on
8 Commerce, Science, and Transportation of the Sen-
9 ate.

10 (c) TRANSPORTATION SECURITY ADMINISTRATION
11 RULE REVIEW AND NOTIFICATION PROCESS.—

12 (1) RULE REVIEW.—Not later than 60 days
13 after the date of the enactment of this Act and every
14 120 days thereafter, the Assistant Administrator of
15 the Office of Intelligence and Analysis of the Trans-
16 portation Security Administration, in coordination
17 with the entities specified in paragraph (2), shall
18 conduct a comprehensive review of the Transpor-
19 tation Security Administration’s intelligence-based
20 screening rules.

21 (2) NOTIFICATION PROCESS.—Not later than
22 48 hours after changing, updating, implementing, or
23 suspending a Transportation Security Administra-
24 tion intelligence-based screening rule, the Assistant
25 Administrator of the Office of Intelligence and Anal-

1 ysis of the Transportation Security Administration
2 shall notify the following entities of any such
3 change, update, implementation, or suspension, as
4 the case may be:

5 (A) The Office of Civil Rights and Lib-
6 erties, Ombudsman, and Traveler Engagement
7 of the Transportation Security Administration.

8 (B) The Office of Civil Rights and Lib-
9 erties of the Department of Homeland Security.

10 (C) The Office of Chief Counsel of the Ad-
11 ministration.

12 (D) The Office of General Counsel of the
13 Department.

14 (E) The Privacy Office of the Administra-
15 tion.

16 (F) The Privacy Office of the Department.

17 (G) The Federal Air Marshal Service.

18 (H) The Traveler Redress Inquiry Pro-
19 gram of the Department.

20 (d) FEDERAL AIR MARSHAL SERVICE COORDINA-
21 TION.—

22 (1) IN GENERAL.—The Administrator of the
23 Transportation Security Administration shall ensure
24 that the Transportation Security Administration’s

1 intelligence-based screening rules are taken into ac-
2 count for Federal Air Marshal mission scheduling.

3 (2) REPORT.—Not later than 180 days after
4 the date of the enactment of this Act, the Adminis-
5 trator of the Transportation Security Administration
6 shall submit to the Committee on Homeland Secu-
7 rity of the House of Representatives and the Com-
8 mittee on Commerce, Science, and Transportation of
9 the Senate a report on how the Transportation Se-
10 curity Administration’s intelligence-based screening
11 rules are incorporated in the risk analysis conducted
12 during the Federal Air Marshal mission scheduling
13 process.

14 (e) GAO REPORT.—Not later than one year after the
15 date of the enactment of this Act, the Comptroller General
16 of the United States shall submit to the Committee on
17 Homeland Security of the House of Representatives and
18 the Committee on Commerce, Science, and Transportation
19 of the Senate a study on the Transportation Security Ad-
20 ministration’s intelligence-based screening rules and the
21 effectiveness of such rules in identifying and mitigating
22 potential threats to aviation security. Such study shall also
23 examine coordination between the Transportation Security
24 Administration, the Department of Homeland Security,

1 and other relevant partners relating to changing, updat-
2 ing, implementing, or suspending such rules as necessary.

3 **SEC. 1518. SCREENING IN AREAS OTHER THAN PASSENGER**
4 **TERMINALS.**

5 The Administrator of the Transportation Security
6 Administration is authorized to provide screening services
7 to a commercial charter air carrier in areas other than
8 primary passenger terminals upon the request of such car-
9 rier. A commercial charter air carrier shall direct any such
10 request to the Federal Security Director for the airport
11 where such services are requested. A Federal Security Di-
12 rector may elect to provide screening services if such serv-
13 ices are available. The Administrator shall enter into an
14 agreement with a commercial charter air carrier for com-
15 pensation from such carrier requesting the use of screen-
16 ing services for all reasonable costs in addition to overtime
17 costs that are incurred in the provision of screening serv-
18 ices under this section.

19 **SEC. 1519. FEDERAL AIR MARSHAL SERVICE AGREEMENTS.**

20 (a) STANDARDIZATION.—Not later than 60 days
21 after the date of the enactment of the Act, the Adminis-
22 trator of the Transportation Security Administration shall
23 develop a standard working document that shall be the
24 basis of all negotiations and agreements that begin after
25 the date of the enactment of this Act between the United

1 States and foreign governments or partners regarding
2 Federal Air Marshal coverage of flights to and from the
3 United States.

4 (b) WRITTEN AGREEMENTS.—All agreements be-
5 tween the United States and foreign governments or part-
6 ners regarding the presence of Federal Air Marshals on
7 flights to and from the United States must be written and
8 signed by the Secretary of Homeland Security or the Sec-
9 retary’s designee.

10 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
11 of Homeland Security shall transmit to the relevant Con-
12 gressional committees any agreements described in sub-
13 section (b) within 30 days of such agreement being signed.

14 **SEC. 1520. FEDERAL AIR MARSHAL MISSION SCHEDULING**
15 **AUTOMATION.**

16 The Administrator of the Transportation Security
17 Administration shall seek to acquire an automated soft-
18 ware capability for the scheduling of Federal Air Marshal
19 Service missions based on current risk modeling.

20 **SEC. 1521. CANINE DETECTION RESEARCH AND DEVELOP-**
21 **MENT.**

22 (a) IN GENERAL.—The Secretary of Homeland Secu-
23 rity shall conduct an audit of all canine training programs
24 of the Department of Homeland Security and convene a
25 working group of representatives from all such programs

1 to make recommendations on possible efficiencies that
2 could be gained by integrating training standards and fa-
3 cilities.

4 (b) CANINE STAFFING ALLOCATION MODEL.—The
5 Administrator of the Transportation Security Administra-
6 tion shall develop a staffing allocation model for canines
7 to determine the optimal number of passenger screening
8 canines at airports in the United States.

9 (c) REPORT TO CONGRESS.—Not later than 180 days
10 after the date of the enactment of this Act, the Secretary
11 of Homeland Security shall submit to the Committee on
12 Homeland Security of the House of Representatives and
13 the Committee on Commerce, Science, and Transportation
14 of the Senate a report on the recommendations required
15 by subsection (a).

16 (d) BRIEFING TO CONGRESS.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Ad-
19 ministrator of the Transportation Security Adminis-
20 tration shall brief the Committee on Homeland Se-
21 curity of the House of Representatives and the Com-
22 mittee on Homeland Security and Governmental Af-
23 fairs and the Committee on Commerce, Science, and
24 Transportation of the Senate on the state of explo-

1 sives detection canine production and training in the
2 United States.

3 (2) CONTENTS.—The briefing required under
4 paragraph (1) shall include the following:

5 (A) An analysis of the steps the Transpor-
6 tation Security Administration may take to fos-
7 ter additional production of explosives detection
8 canines in the United States by the private sec-
9 tor.

10 (B) Perspectives from current explosives
11 detection canine industry stakeholders regard-
12 ing the impact of the Administration’s procure-
13 ment model on business considerations.

14 (C) An analysis regarding whether the Ad-
15 ministration effectively communicates canine
16 training guidelines and testing methodology to
17 the private sector.

18 (D) The extent to which physical capacity
19 limitations at current Administration-operated
20 sites hinder the operations of either the Admin-
21 istration or industry.

22 **SEC. 1522. INTERNATIONAL CIVIL AVIATION ORGANIZA-**
23 **TION.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date of the enactment of this Act, the United States Am-

1 bassador or the Chargé d’Affaires to the United States
2 Mission to the International Civil Aviation Organization
3 shall pursue improvements to airport security, including
4 if practicable, introducing a resolution to raise minimum
5 standards for airport security.

6 (b) REPORT TO CONGRESS.—Not later than 180 days
7 after the date of the enactment of this Act, the United
8 States Ambassador or the Chargé d’Affaires to the United
9 States Mission to the International Civil Aviation Organi-
10 zation shall report to the Committee on Homeland Secu-
11 rity and the Committee on Foreign Affairs of the House
12 of Representatives and the Committee on Homeland Secu-
13 rity and Governmental Affairs, the Committee on Foreign
14 Relations, and the Committee on Commerce, Science, and
15 Transportation of the Senate on the implementation of
16 subsection (a).

17 **SEC. 1523. PASSENGER SECURITY FEE.**

18 The Secretary of Homeland Security is prohibited
19 from incorporating an increase in the passenger security
20 fee under section 44940 of title 49, United States Code,
21 beyond what is authorized at the time the annual budget
22 proposal for the Department of Homeland Security is
23 transmitted to Congress.

1 **SEC. 1524. LAST POINT OF DEPARTURE AIRPORT CERTIFI-**
2 **CATION.**

3 Subparagraph (B) of section 44907(a)(2) of title 49,
4 United States Code, is amended by inserting “, including
5 the screening and vetting of airport workers” before the
6 semicolon at the end.

7 **SEC. 1525. SECURITY INCIDENT RESPONSE AT AIRPORTS**
8 **AND SURFACE TRANSPORTATION HUBS.**

9 The Gerardo Hernandez Airport Security Act of 2015
10 (Public Law 114–50; 49 U.S.C. 44903 note) is amend-
11 ed—

12 (1) in section 3—

13 (A) in subsection (b), in the matter pre-
14 ceding paragraph (1), by striking “may” each
15 place it appears and inserting “shall”;

16 (B) by redesignating subsection (c) as sub-
17 section (d); and

18 (C) by inserting after subsection (b) the
19 following new subsection:

20 “(c) REVIEW.—The Administrator of the Transpor-
21 tation Security Administration shall review the active
22 shooter response guidelines specified for Department of
23 Homeland Security personnel under this section and make
24 a recommendation to the Secretary of Homeland Security
25 to modify such guidelines for personnel who are certified

1 Federal law enforcement officials and for personnel who
2 are uniformed but unarmed security officials.”; and

3 (2) in section 7—

4 (A) in subsection (b), in the matter pre-
5 ceeding paragraph (1), by striking “may” each
6 place it appears and inserting “shall”;

7 (B) by redesignating subsections (c) and
8 (d) as subsections (d) and (e), respectively; and

9 (C) by inserting after subsection (b) the
10 following new subsection:

11 “(c) REVIEW.—The Administrator of the Transpor-
12 tation Security Administration shall review the active
13 shooter response guidelines specified for Department of
14 Homeland Security personnel under this section and make
15 a recommendation to the Secretary of Homeland Security
16 to modify such guidelines for personnel who are certified
17 Federal law enforcement officials and for personnel who
18 are uniformed but unarmed security officials.”.

19 **SEC. 1526. AIRPORT SECURITY SCREENING OPT-OUT PRO-**
20 **GRAM.**

21 Section 44920 of title 49, United States Code, is
22 amended—

23 (1) in subsection (b)—

24 (A) in paragraph (1), by striking “120”
25 and inserting “90”;

1 (B) by redesignating paragraph (3) as
2 paragraph (4);

3 (C) by inserting after paragraph (2) the
4 following new paragraph:

5 “(3) ENTRANCE INTO CONTRACT.—The
6 Administrator of the Transportation Security
7 Administration shall make best efforts to enter
8 into a contract with a private screening com-
9 pany to provide screening services at an airport
10 not later than 180 days after the date of ap-
11 proval of an application submitted by the oper-
12 ator of such airport under subsection (a).”; and

13 (D) in subparagraph (A) of paragraph (4),
14 as so redesignated, in the matter preceding
15 clause (i), by striking “not later than 60 days
16 following the date of the denial” and inserting
17 “immediately upon issuing the denial”; and

18 (2) by striking subsection (h) and inserting the
19 following new subsections:

20 “(h) EVALUATION OF SCREENING COMPANY PRO-
21 POSALS FOR AWARD.—Notwithstanding any other provi-
22 sion of law, including title 48 of the Code of Federal Regu-
23 lations and the Federal Advisory Committee Act (5 U.S.C.
24 App.), an airport operator that has applied and been ap-
25 proved to have security screening services carried out by

1 a qualified private screening company under contract with
2 the Administrator of the Transportation Security Admin-
3 istration may nominate to the head of the contracting ac-
4 tivity an individual to participate in the evaluation of pro-
5 posals for the award of such contract. Any such participa-
6 tion on a proposal evaluation committee shall be conducted
7 in accordance with the provisions and restrictions of chap-
8 ter 21 of title 41, United States Code.

9 “(i) INNOVATIVE SCREENING APPROACHES AND
10 TECHNOLOGIES.—The operator of an airport at which
11 screening services are provided under this section is en-
12 couraged to recommend to the Administrator of the
13 Transportation Security Administration innovative screen-
14 ing approaches and technologies. Upon receipt of any such
15 recommendations, the Administrator, shall review and, if
16 appropriate, test, conduct a pilot project, and, if appro-
17 priate, deploy such approaches and technologies.”.

18 **SEC. 1527. PERSONNEL MANAGEMENT SYSTEM REVIEW.**

19 (a) IN GENERAL.—Notwithstanding subsection (d) of
20 section 111 of the Aviation and Transportation Security
21 Act (49 U.S.C. 44935 note), not later than 30 days after
22 the date of the enactment of this Act, the Administrator
23 of the Transportation Security Administration shall con-
24 vene a working group consisting of representatives of the
25 Administration and representatives of the labor organiza-

1 tion representing security screening personnel to discuss
2 reforms to the Administration's personnel management
3 system, including appeals to the Merit Systems Protection
4 Board and grievance procedures.

5 (b) REPORT.—Not later than one year after the date
6 of the enactment of this Act, the working group convened
7 under subsection (a) shall terminate and shall submit to
8 the Administrator of the Transportation Security Admin-
9 istration and the Committee on Homeland Security of the
10 House of Representatives and the Committee on Com-
11 merce, Science, and Transportation of the Senate a report
12 containing agreed-upon reforms to the Administration's
13 personnel management system. The Administrator may
14 implement associated recommendations mutually agreed
15 to by the parties to such working group before the end
16 of such one year period.

17 **SEC. 1528. INNOVATION TASK FORCE.**

18 (a) IN GENERAL.—The Administrator of the Trans-
19 portation Security Administration may establish a task
20 force to collaborate with air carriers, airport operators,
21 and other aviation security stakeholders to foster the pur-
22 suit of innovations in aviation security prior to the acqui-
23 sition process.

24 (b) ACTIVITIES.—The task force authorized under
25 subsection (a) may conduct activities designed to identify

1 and develop an innovative technology or capability with the
2 potential of enhancing aviation security, including—

3 (1) conducting a field demonstration of such a
4 technology or capability in the airport environment;

5 (2) gathering performance data from such a
6 demonstration to inform the acquisition process; and

7 (3) providing funding and promoting efforts to
8 enable participation in a demonstration by a small
9 business that has an innovative technology but does
10 not have adequate resources to participate.

11 (c) COMPOSITION.—The task force authorized under
12 subsection (a) shall be—

13 (1) chaired by the Administrator of the Trans-
14 portation Security Administration’s designee; and

15 (2) comprised of representatives appointed by
16 the Administrator, in consultation with the Chair-
17 person of the Aviation Security Advisory Committee
18 (established pursuant to section 44936 of title 49,
19 United States Code), from appropriate stakeholders
20 from—

21 (A) within the Administration;

22 (B) air carriers;

23 (C) airport operators;

24 (D) other aviation security stakeholders;

25 and

1 (E) as appropriate, the Science and Tech-
2 nology Directorate of the Department of Home-
3 land Security and any other appropriate compo-
4 nent of the Department.

5 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
6 tion shall require the Administrator of the Transportation
7 Security Administration to acquire an innovative tech-
8 nology or emerging security capability.

9 (e) **NON-APPLICABILITY OF FACA.**—The Federal
10 Advisory Committee Act (5 U.S.C. App.) shall not apply
11 to the task force authorized under subsection (a).

12 **SEC. 1529. AIRPORT LAW ENFORCEMENT REIMBURSEMENT.**

13 Not later than 120 days after the date of the enact-
14 ment of this Act, the Administrator of the Transportation
15 Security Administration shall submit to the Committee on
16 Homeland Security of the House of Representatives and
17 the Committee on Commerce, Science, and Transportation
18 of the Senate a report on the Transportation Security Ad-
19 ministration’s law enforcement officer reimbursement pro-
20 gram, which shall include information relating to the fol-
21 lowing:

22 (1) The current structure of the program, in-
23 cluding how funding disbursement decisions are
24 made.

1 (2) An assessment of threats requiring law en-
2 forcement officer response at airports.

3 (3) The scope of current law enforcement ac-
4 tivities covered under the program, and an assess-
5 ment of whether such covered activities should be ex-
6 panded to reflect emerging threats.

7 (4) The annual costs to airport authorities for
8 providing law enforcement for such covered activities
9 at security checkpoints.

10 (5) Proposed methodology for funding alloca-
11 tions.

12 **Subtitle C—Transportation Secu-**
13 **rity Screening Personnel Train-**
14 **ing and Accountability**

15 **SEC. 1531. TRANSPORTATION SECURITY TRAINING PRO-**
16 **GRAMS.**

17 (a) IN GENERAL.—Section 44935 of title 49, United
18 States Code, as amended by this Act, is further amended
19 by adding at the end the following new subsection:

20 “(1) INITIAL AND RECURRING TRAINING.—

21 “(1) IN GENERAL.—The Administrator of the
22 Transportation Security Administration shall estab-
23 lish a training program for new security screening
24 personnel located at the Federal Law Enforcement
25 Training Center in Glynco, Georgia.

1 “(2) RECURRING TRAINING.—Not later than
2 180 days after the date of the enactment of this
3 subsection, the Administrator of the Transportation
4 Security Administration shall establish recurring
5 training of security screening personnel regarding
6 updates to screening procedures and technologies,
7 including methods to identify the verification of false
8 or fraudulent travel documents, as well as training
9 on emerging threats, in response to weaknesses iden-
10 tified in covert tests at airports. The training shall
11 include—

12 “(A) internal controls for monitoring and
13 documenting compliance of transportation secu-
14 rity officers with such training requirements;
15 and

16 “(B) such other matters as identified by
17 the Administrator with regard to such train-
18 ing.”.

19 (b) GAO STUDY.—Not later than one year after the
20 date of the enactment of this Act, the Comptroller General
21 of the United States shall report to Congress on the effec-
22 tiveness of the new security screening personnel training
23 at Glynco, Georgia, required under subsection (l) of sec-
24 tion 44935 of title 49, United States Code, as amended
25 by this section.

1 **SEC. 1532. ALTERNATE NEW SECURITY SCREENING PER-**
2 **SONNEL TRAINING PROGRAM COST AND FEA-**
3 **SIBILITY STUDY.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Administrator of the Transportation
6 Security Administration shall conduct a cost and feasi-
7 bility study of developing a training program for security
8 screening personnel that will provide such personnel with
9 an equal level of training as is provided in the training
10 program for new security screening personnel located at
11 the Federal Law Enforcement Training Center in Glynco,
12 Georgia, that could be conducted at or within 50 miles
13 of such security screening personnel's duty station. Such
14 study should examine the use of online seminar and train-
15 ing platforms for portions of the training curriculum that
16 are conducive to such an outcome.

17 **SEC. 1533. PROHIBITION OF ADVANCE NOTICE OF COVERT**
18 **TESTING TO SECURITY SCREENERS.**

19 Section 44935 of title 49, United States Code, as
20 amended by this Act, is further amended by adding at the
21 end the following new subsection:

22 “(m) PROHIBITION OF ADVANCE NOTICE TO SECUR-
23 RITY SCREENERS OF COVERT TESTING AND EVALUA-
24 TION.—

25 “(1) IN GENERAL.—The Administrator of the
26 Transportation Security Administration shall ensure,

1 to the greatest extent practicable, that information
2 concerning a covert test of a transportation security
3 system to be conducted by a covert testing office, the
4 Inspector General of the Department of Homeland
5 Security, or the Government Accountability Office is
6 not provided to any individual involved in such test
7 prior to the completion of such test.

8 “(2) EXCEPTIONS.—Notwithstanding para-
9 graph (1)—

10 “(A) an authorized individual involved in a
11 covert test of a transportation security system
12 may provide information concerning such covert
13 test to—

14 “(i) employees, officers, and contrac-
15 tors of the Federal Government (including
16 military personnel);

17 “(ii) employees and officers of State
18 and local governments; and

19 “(iii) law enforcement officials who
20 are authorized to receive or directed to be
21 provided such information by the Adminis-
22 trator of the Transportation Security Ad-
23 ministration, the Inspector General of the
24 Department of Homeland Security, or the

1 Comptroller General of the United States,
2 as the case may be; and

3 “(B) for the purpose of ensuring the secu-
4 rity of any individual in the vicinity of a site at
5 which a covert test of a transportation security
6 system is being conducted, an individual con-
7 ducting such test may disclose his or her status
8 as an individual conducting such test to any ap-
9 propriate individual if a security screener or
10 other individual who is not a covered employee
11 identifies the individual conducting such test as
12 a potential threat.

13 “(3) SPECIAL RULES FOR TSA.—

14 “(A) MONITORING AND SECURITY OF
15 TESTING PERSONNEL.—The head of each covert
16 testing office shall ensure that a person or
17 group of persons conducting a covert test of a
18 transportation security system for a covert test-
19 ing office is accompanied at the site of such test
20 by a cover team composed of one or more em-
21 ployees of such covert testing office for the pur-
22 pose of monitoring such test and confirming the
23 identity of personnel involved in such test under
24 subparagraph (B).

1 “(B) RESPONSIBILITY OF COVER TEAM.—

2 Under this paragraph, a cover team for a covert
3 test of a transportation security system shall—

4 “(i) monitor such test; and

5 “(ii) for the purpose of ensuring the
6 security of any individual in the vicinity of
7 a site at which such test is being con-
8 ducted, confirm, notwithstanding para-
9 graph (1), the identity of any individual
10 conducting such test to any appropriate in-
11 dividual if a security screener or other in-
12 dividual who is not a covered employee
13 identifies the individual conducting such
14 test as a potential threat.

15 “(C) AVIATION SCREENING.—Notwith-
16 standing subparagraph (A), the Transportation
17 Security Administration is not required to have
18 a cover team present during a test of the
19 screening of persons, carry-on items, or checked
20 baggage at an aviation security checkpoint at or
21 serving an airport if such test—

22 “(i) is approved, in coordination with
23 the designated security official for the air-
24 port operator by the Federal Security Di-
25 rector for such airport; and

1 “(ii) is carried out under an aviation
2 screening assessment program of the De-
3 partment of Homeland Security.

4 “(D) USE OF OTHER PERSONNEL.—The
5 Transportation Security Administration may
6 use employees, officers, and contractors of the
7 Federal Government (including military per-
8 sonnel) and employees and officers of State and
9 local governments or any personnel authorized
10 by the Federal Security Director to conduct
11 covert tests.

12 “(4) DEFINITIONS.—In this subsection, the fol-
13 lowing definitions apply:

14 “(A) APPROPRIATE INDIVIDUAL.—The
15 term ‘appropriate individual’, as used with re-
16 spect to—

17 “(i) a covert test under paragraph
18 (2)(B) of a transportation security system,
19 means any individual who the individual
20 conducting such test determines needs to
21 know his or her status as an individual
22 conducting such test; or

23 “(ii) a covert test under paragraph
24 (3)(B)(i), means any individual who the
25 cover team monitoring such test deter-

1 mines needs to know the identity of such
2 cover team.

3 “(B) COVERED EMPLOYEE.—The term
4 ‘covered employee’ means any individual who
5 receives notice of a covert test before the com-
6 pletion of a test under paragraph (2)(B).

7 “(C) COVERT TEST.—

8 “(i) IN GENERAL.—The term ‘covert
9 test’ means an exercise or activity con-
10 ducted by a covert testing office, the In-
11 spector General of the Department of
12 Homeland Security, or the Government Ac-
13 countability Office to intentionally test,
14 compromise, or circumvent transportation
15 security systems to identify vulnerabilities
16 in such systems.

17 “(ii) LIMITATION.—Notwithstanding
18 clause (i), the term ‘covert test’ does not
19 mean an exercise or activity by an em-
20 ployee or contractor of the Transportation
21 Security Administration to test or assess
22 compliance with relevant regulations.

23 “(D) COVERT TESTING OFFICE.—The term
24 ‘covert testing office’ means any office of the
25 Transportation Security Administration des-

1 ignated by the Administrator of the Transpor-
2 tation Security Administration to conduct cov-
3 ert tests of transportation security systems.

4 “(E) EMPLOYEE OF A COVERT TESTING
5 OFFICE.—The term ‘employee of a covert test-
6 ing office’ means an individual who is an em-
7 ployee of a covert testing office or a contractor
8 or an employee of a contractor of a covert test-
9 ing office.”.

10 **Subtitle D—Airport Access** 11 **Controls and Perimeter Security**

12 **SEC. 1541. REFORMATION OF CERTAIN PROGRAMS OF THE** 13 **TRANSPORTATION SECURITY ADMINISTRA-** 14 **TION.**

15 (a) DEFINITIONS.—In this subtitle:

16 (1) AIR CARRIER.—The term “air carrier” has
17 the meaning given such term in section 40102 of
18 title 49, United States Code.

19 (2) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means the Committee on Homeland Secu-
22 rity of the House of Representatives and the Com-
23 mittee on Homeland Security and Governmental Af-
24 fairs and the Committee on Commerce, Science, and
25 Transportation of the Senate.

1 (3) FOREIGN AIR CARRIER.—The term “foreign
2 air carrier” has the meaning given such term in sec-
3 tion 40102 of title 49, United States Code.

4 (4) INTELLIGENCE COMMUNITY.—The term
5 “intelligence community” has the meaning given
6 such term in section 3(4) of the National Security
7 Act of 1947 (50 U.S.C. 3003(4)).

8 (5) SECURED AREA.—The term “secured area”
9 has the meaning given such term in section 1540.5
10 of title 49, Code of Federal Regulations.

11 (6) SECURITY IDENTIFICATION DISPLAY
12 AREA.—The term “Security Identification Display
13 Area” has the meaning given such term in section
14 1540.5 of title 49, Code of Federal Regulations.

15 (7) STERILE AREA.—The term “sterile area”
16 has the meaning given such term in section 1540.5
17 of title 49, Code of Federal Regulations.

18 (b) COST AND FEASIBILITY STUDY.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Ad-
21 ministrator of the Transportation Security Adminis-
22 tration, in consultation with the Aviation Security
23 Advisory Committee (established under section
24 44946 of title 49, United States Code), shall submit
25 to the appropriate congressional committees and the

1 Comptroller General of the United States a cost and
2 feasibility study of a statistically significant number
3 of Category I, II, III, IV, and X airports assessing
4 the impact if all employee access points from non-
5 secured areas to secured areas of such airports are
6 comprised of the following:

7 (A) A secure door utilizing card and pin
8 entry or biometric technology.

9 (B) Surveillance video recording, capable
10 of storing video data for at least 30 days.

11 (C) Advanced screening technologies, in-
12 cluding at least one of the following:

13 (i) Magnetometer (walk-through or
14 hand-held).

15 (ii) Explosives detection canines.

16 (iii) Explosives trace detection.

17 (iv) Advanced imaging technology.

18 (v) X-ray bag screening technology.

19 (2) CONTENTS.—The study required under
20 paragraph (1) shall include information related to
21 the employee screening costs of those category I, II,
22 III, IV, and X airports which have already imple-
23 mented practices of screening 100 percent of em-
24 ployees accessing secured areas of airports, including
25 the following:

1 (A) Costs associated with establishing an
2 operational minimum number of employee entry
3 and exit points.

4 (B) A comparison of estimated costs and
5 effectiveness associated with implementing the
6 security features specified in paragraph (1)
7 to—

8 (i) the Federal Government; and
9 (ii) airports and the aviation commu-
10 nity.

11 (3) COMPTROLLER GENERAL ASSESSMENT.—

12 (A) IN GENERAL.—Upon completion of the
13 study required under paragraph (1), the Comp-
14 troller General of the United States shall review
15 such study to assess the quality and reliability
16 of such study.

17 (B) ASSESSMENT.—Not later than 90 days
18 after the receipt of the study required under
19 paragraph (1), the Comptroller General of the
20 United States shall report to the appropriate
21 congressional committees on the results of the
22 review required under subparagraph (A).

23 (c) AIRPORT WORKER EDUCATION AND SECURITY
24 AWARENESS.—

1 (1) COOPERATIVE EFFORTS TO ENHANCE AIR-
2 PORT SECURITY AWARENESS.—Not later than 180
3 days after the date of the enactment of this Act, the
4 Administrator of the Transportation Security Ad-
5 ministration shall work with air carriers, foreign air
6 carriers, airport operators, labor unions representing
7 credentialed employees, and the Aviation Security
8 Advisory Committee to enhance security awareness
9 of credentialed airport populations regarding insider
10 threats to aviation security and recognized practices
11 related to airport access controls.

12 (2) CREDENTIALING STANDARDS.—

13 (A) IN GENERAL.—Not later than 180
14 days after the date of the enactment of this
15 Act, the Administrator of the Transportation
16 Security Administration shall, in consultation
17 with air carriers, foreign air carriers, airport
18 operators, labor unions representing
19 credentialed employees, and the Aviation Secu-
20 rity Advisory Committee, assess credentialing
21 standards, policies, and practices to ensure that
22 insider threats to aviation security are ade-
23 quately addressed.

24 (B) REPORT.—Not later than 30 days
25 after completion of the assessment required

1 under subparagraph (A), the Administrator of
2 the Transportation Security Administration
3 shall report to the appropriate congressional
4 committees on the results of such assessment.

5 (3) SIDA, STERILE AREA, AND AOA APPLICA-
6 TIONS.—

7 (A) SOCIAL SECURITY NUMBERS RE-
8 QUIRED.—Not later than 60 days after the date
9 of the enactment of this Act, the Administrator
10 of the Transportation Security Administration
11 shall require the submission of a social security
12 number for each individual applying for a Secu-
13 rity Identification Display Area, Sterile Area, or
14 Air Operations Area airport credential to
15 strengthen security vetting effectiveness. An ap-
16 plicant who does not provide such applicant's
17 social security number may be denied such a
18 credential.

19 (B) SCREENING NOTICE.—The Adminis-
20 trator of the Transportation Security Adminis-
21 tration shall issue requirements for airport op-
22 erators to include in applications for access to
23 a Security Identification Display Area, Sterile
24 Area, or Air Operations Area a notice informing
25 applicants that an employee holding a creden-

1 tial granting access to such an area may be
2 screened at any time while gaining access to,
3 working in, or leaving such an area.

4 (d) SECURING AIRPORT WORKER ACCESS.—

5 (1) IN GENERAL.—The Administrator of the
6 Transportation Security Administration shall work
7 with airport operators and the Aviation Security Ad-
8 visory Committee to identify advanced technologies,
9 including biometric identification technologies, for
10 securing employee access to the secured areas and
11 sterile areas of airports.

12 (2) RAP BACK VETTING.—Not later than 180
13 days after the date of the enactment of this Act, the
14 Administrator of the Transportation Security Ad-
15 ministration shall ensure that all credentialed avia-
16 tion worker populations currently requiring a finger-
17 print-based criminal record history check are con-
18 tinuously vetted through the Federal Bureau of In-
19 vestigation’s Rap Back Service, in order to more
20 rapidly detect and mitigate insider threats to avia-
21 tion security.

22 (3) INSIDER THREAT EDUCATION AND MITIGA-
23 TION.—Not later than 180 days after the date of the
24 enactment of this Act, the Administrator of the
25 Transportation Security Administration shall iden-

1 tify means of enhancing the Transportation Security
2 Administration’s ability to leverage the resources of
3 the Department of Homeland Security and the intel-
4 ligence community to educate Administration per-
5 sonnel on insider threats to aviation security and
6 how the Administration can better mitigate such in-
7 sider threats.

8 (4) PLAYBOOK OPERATIONS.—The Adminis-
9 trator of the Transportation Security Administration
10 shall ensure that Transportation Security Adminis-
11 tration-led employee physical inspection efforts of
12 aviation workers, known as Playbook operations, are
13 targeted, strategic, and focused on providing the
14 greatest level of security effectiveness.

15 (5) COVERT TESTING.—

16 (A) IN GENERAL.—The Administrator
17 shall conduct covert testing of Transportation
18 Security Administration-led employee inspection
19 operations at airports and measure existing lev-
20 els of security effectiveness. The Administrator
21 of the Transportation Security Administration
22 shall provide—

23 (i) the results of such testing to the
24 airport operator for the airport that is the
25 subject of any such testing, and, as appro-

1 appropriate, to air carriers and foreign air car-
2 riers that operate at the airport that is the
3 subject of such testing; and

4 (ii) recommendations and technical
5 assistance for air carriers, foreign air car-
6 riers, and airport operators to conduct
7 their own employee inspections, as needed.

8 (B) ANNUAL REPORTING.—The Adminis-
9 trator of the Transportation Security Adminis-
10 tration shall annually, for each of fiscal years
11 2018 through 2022, submit to the appropriate
12 congressional committees report on the fre-
13 quency, methodology, strategy, and effectiveness
14 of employee inspection operations at airports.

15 (6) CENTRALIZED DATABASE.—Not later than
16 180 days after the date of the enactment of this Act,
17 the Administrator of the Transportation Security
18 Administration, in consultation with the Aviation Se-
19 curity Advisory Committee, shall—

20 (A) establish a national database of indi-
21 viduals who have had either their airport or air-
22 port operator-issued badge revoked for failure
23 to comply with aviation security requirements;

1 (B) determine the appropriate reporting
2 mechanisms for air carriers, foreign air car-
3 riers, and airport operators to—

4 (i) submit to the Administrator data
5 regarding individuals described in subpara-
6 graph (A); and

7 (ii) access the database established
8 pursuant to such subparagraph; and

9 (C) establish a process to allow individuals
10 whose names were mistakenly entered into such
11 database to correct the record and have their
12 names removed from such database.

13 (e) INSIDER THREAT COORDINATION EFFORTS.—
14 The Department of Homeland Security is the lead inter-
15 agency coordinator pertaining to insider threat investiga-
16 tions and mitigation efforts at airports. The Department
17 shall make every practicable effort to coordinate with
18 other relevant Government entities, as well as the security
19 representatives of air carriers, foreign air carriers, and
20 airport operators, as appropriate, when undertaking such
21 investigations and efforts.

22 (f) AIRPORT TASK FORCES.—The Secretary of
23 Homeland Security is authorized, through the Director of
24 U.S. Immigration and Customs Enforcement, to form air-
25 port task forces using Homeland Security Investigations

1 personnel and any other Department of Homeland Secu-
2 rity personnel the Secretary determines necessary. Such
3 airport task forces shall investigate and mitigate insider
4 threats to aviation security, in coordination with Federal,
5 State, local, tribal, and territorial law enforcement part-
6 ners, as appropriate.

7 (g) INFORMATION TECHNOLOGY SECURITY.—Not
8 later than 90 days after the date of the enactment of this
9 Act, the Administrator of the Transportation Security Ad-
10 ministration shall submit to the appropriate congressional
11 committees a plan to conduct recurring reviews of the
12 operational, technical, and management security controls
13 for Administration information technology systems at air-
14 ports.

15 **SEC. 1542. AIRPORT PERIMETER AND ACCESS CONTROL SE-**
16 **CURITY.**

17 (a) RISK ASSESSMENTS OF AIRPORT SECURITY.—

18 (1) IN GENERAL.—The Administrator of the
19 Transportation Security Administration shall—

20 (A) not later than 120 days after the date
21 of the enactment of this Act, update the Trans-
22 portation Sector Security Risk Assessment
23 (TSSRA) for the aviation sector; and

24 (B) not later than 180 days after such
25 date—

1 (i) update with the latest and most
2 currently available intelligence information
3 the Comprehensive Risk Assessment of Pe-
4 rimeter and Access Control Security (in
5 this section referred to as the “Risk As-
6 sessment of Airport Security”) and deter-
7 mine a regular timeframe and schedule for
8 further updates to such Risk Assessment
9 of Airport Security; and

10 (ii) conduct a system-wide assessment
11 of airport access control points and airport
12 perimeter security, including cargo facili-
13 ties.

14 (2) CONTENTS.—The security risk assessments
15 required under paragraph (1)(B) shall

16 (A) include updates reflected in the
17 TSSRA and Joint Vulnerability Assessment
18 (JVA) findings;

19 (B) reflect changes to the risk environment
20 relating to airport access control points and air-
21 port perimeters;

22 (C) use security breach data for specific
23 analysis of system-wide trends related to airport
24 access control points and airport perimeter se-

1 security to better inform risk management deci-
2 sions; and

3 (D) take into consideration the unique ge-
4 ography of and current recognized practices
5 used by airports to mitigate potential
6 vulnerabilities.

7 (3) REPORT.—The Administrator of the Trans-
8 portation Security Administration shall report to the
9 appropriate congressional committees, relevant Fed-
10 eral departments and agencies, and airport operators
11 on the results of the security risk assessments re-
12 quired under paragraph (1).

13 (b) AIRPORT SECURITY STRATEGY DEVELOP-
14 MENT.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, the Ad-
17 ministrator of the Transportation Security Adminis-
18 tration shall update the 2012 National Strategy for
19 Airport Perimeter and Access Control Security (in
20 this section referred to as the “National Strategy”).

21 (2) CONTENTS.—The update to the National
22 Strategy required under paragraph (1) shall include

23 (A) information from the Risk Assessment
24 of Airport Security; and

25 (B) information on—

- 1 (i) airport security-related activities;
- 2 (ii) the status of efforts by the Trans-
3 portation Security Administration to ad-
4 dress the goals and objectives referred to
5 in subsection (a);
- 6 (iii) finalized outcome-based perform-
7 ance measures and performance levels for
8 each relevant activity and goal and objec-
9 tive under subparagraphs (A) and (B); and
- 10 (iv) input from airport operators.

11 (3) UPDATES.—Not later than 90 days after
12 the update is completed under paragraph (1), the
13 Administrator of the Transportation Security Ad-
14 ministration shall implement a process for deter-
15 mining when additional updates to the strategy re-
16 ferred to in such subsection are needed.

17 **SEC. 1543. EXIT LANE SECURITY.**

18 There is authorized \$77,000,000 for each of fiscal
19 years 2018 and 2019 to carry out subsection (n)(1) of
20 section 44903 of title 49, United States Code.

1 **SEC. 1544. REIMBURSEMENT FOR DEPLOYMENT OF ARMED**
2 **LAW ENFORCEMENT PERSONNEL AT AIR-**
3 **PORTS.**

4 There is authorized \$45,000,000 for each of fiscal
5 years 2018 and 2019 to carry out subsection (h) of section
6 44901 of title 49, United States Code.

7 **Subtitle E—Air Cargo Security**

8 **SEC. 1551. AIR CARGO ADVANCE SCREENING PROGRAM.**

9 (a) IN GENERAL.—Subtitle B of title IV of the
10 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)
11 is amended by adding at the end the following new section:

12 **“SEC. 420. AIR CARGO ADVANCE SCREENING PROGRAM.**

13 “(a) IN GENERAL.—The Secretary, consistent with
14 the requirements of the Trade Act of 2002 (Public Law
15 107–210) shall—

16 “(1) establish an air cargo advance screening
17 program (in this section referred to as the ‘ACAS
18 Program’) for the collection by U.S. Customs and
19 Border Protection of advance electronic information
20 from air carriers and other persons within the sup-
21 ply chain regarding cargo being transported to the
22 United States by air;

23 “(2) under such program, require that such in-
24 formation be transmitted by such air carriers and
25 other persons at the earliest point practicable prior

1 to loading of such cargo onto an aircraft destined to
2 or transiting through the United States;

3 “(3) establish appropriate communications sys-
4 tems with freight forwarders, shippers, and air car-
5 riers;

6 “(4) establish a system that will allow freight
7 forwarders, shippers, and air carriers to provide
8 shipment level data for air cargo, departing from
9 any location that is inbound to the United States;
10 and

11 “(5) coordinate with the Administrator of the
12 Transportation Security Administration to identify
13 opportunities in which the information furnished in
14 compliance with the ACAS Program could be used
15 by the Administrator.

16 “(b) INSPECTION OF HIGH-RISK CARGO.—Under the
17 ACAS Program, the Secretary shall ensure that all cargo
18 that has been identified as high-risk is inspected—

19 “(1) prior to the loading of such cargo onto air-
20 craft at the last point of departure, or

21 “(2) at an earlier point in the supply chain,
22 before departing for the United States.

23 “(c) CONSULTATION.—In carrying out the ACAS
24 Program, the Secretary shall consult with relevant stake-

1 holders, as appropriate, to ensure that an operationally
2 feasible and practical approach to—

3 “(1) the collection of advance information with
4 respect to cargo on aircraft departing for the United
5 States, and

6 “(2) the inspection of high-risk cargo,
7 recognizes the significant differences among air cargo
8 business models and modes of transportation.

9 “(d) ANALYSIS.—The Secretary may analyze the in-
10 formation referred to in subsection (a) in the Depart-
11 ment’s automated targeting system and integrate such in-
12 formation with other intelligence to enhance the accuracy
13 of the risk assessment process under the ACAS Program.

14 “(e) NO DUPLICATION.—The Secretary shall carry
15 out this section in a manner that, after the ACAS Pro-
16 gram is fully in effect, ensures, to the greatest extent prac-
17 ticable, that the ACAS Program does not duplicate other
18 Department programs or requirements relating to the sub-
19 mission of air cargo data or the inspection of high-risk
20 cargo.

21 “(f) CONSIDERATION OF INDUSTRY.—In carrying out
22 the ACAS Program, the Secretary shall—

23 “(1) take into consideration that the content
24 and timeliness of the available data may vary among
25 entities in the air cargo industry and among coun-

1 tries, and shall explore procedures to accommodate
2 such variations while maximizing the contribution of
3 such data to the risk assessment process under the
4 ACAS Program;

5 “(2) test the business processes, technologies,
6 and operational procedures required to provide ad-
7 vance information with respect to cargo on aircraft
8 departing for the United States and carry out re-
9 lated inspection of high-risk cargo, while ensuring
10 delays and other negative impacts on vital supply
11 chains are minimized; and

12 “(3) consider the cost, benefit, and feasibility
13 before establishing any set time period for submis-
14 sion of certain elements of the data for air cargo
15 under this section in line with the regulatory guide-
16 lines specified in Executive Order No. 13563, and
17 any successor Executive order or regulation.

18 “(g) GUIDANCE.—The Secretary shall provide guid-
19 ance for participants in the ACAS Program regarding the
20 requirements for participation, including requirements for
21 transmitting shipment level data.

22 “(h) USE OF DATA.—The Secretary shall use the
23 data provided under the ACAS Program for targeting
24 shipments for screening and aviation security purposes
25 only.”.

1 (b) FINAL RULE.—Not later than 180 days after the
2 date of the enactment of this Act, the Secretary of Home-
3 land Security shall issue a final regulation to implement
4 the ACAS Program under section 420 of the Homeland
5 Security Act of 2002 (as added by subsection (a) of this
6 section) to include the electronic transmission to U.S. Cus-
7 toms and Border Protection of data elements for targeting
8 cargo, including appropriate security elements of shipment
9 level data, as determined by the Secretary.

10 (c) REPORT.—Not later than 180 days after the date
11 of the commencement of the ACAS Program under section
12 420 of the Homeland Security Act of 2002 (as added by
13 subsection (a) of this section), the Secretary of Homeland
14 Security shall submit to the Committee on Homeland Se-
15 curity of the House of Representatives and the Committee
16 on Homeland Security and Governmental Affairs and the
17 Committee on Commerce, Science, and Transportation of
18 the Senate a report detailing the operational implementa-
19 tion of providing advance information under the ACAS
20 Program and the value of such information in targeting
21 cargo.

22 (d) CLERICAL AMENDMENT.—The table of contents
23 in section 1(b) of the Homeland Security Act of 2002 is
24 amended by inserting after the item relating to section
25 419 the following new item:

“Sec. 420. Air cargo advance screening program.”.

1 **SEC. 1552. EXPLOSIVES DETECTION CANINE TEAMS FOR**
2 **AIR CARGO SECURITY.**

3 Section 1307 of the Implementing Recommendations
4 of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is
5 amended by adding at the end the following new sub-
6 section:

7 “(h) EXPLOSIVES DETECTION CANINE TEAMS FOR
8 AIR CARGO SECURITY.—

9 “(1) IN GENERAL.—In order to enhance the
10 screening of air cargo and ensure that third-party
11 explosives detection canine assets are leveraged for
12 such purpose, the Administrator shall, not later than
13 180 days after the date of the enactment of this
14 subsection—

15 “(A) develop and issue standards for the
16 use of such third-party explosives detection ca-
17 nine assets for the primary screening of air
18 cargo;

19 “(B) develop a process to identify qualified
20 non-Federal entities that will certify canine as-
21 sets that meet the standards established by the
22 Administrator pursuant to subparagraph (A);

23 “(C) ensure that entities qualified to cer-
24 tify canine assets shall be independent from en-
25 tities that will train and provide canines to end
26 users of such canine assets;

1 “(D) establish a system of Transportation
2 Security Administration audits of the process
3 developed pursuant to subparagraph (B); and

4 “(E) provide that canines certified for the
5 primary screening of air cargo can be used by
6 air carriers, foreign air carriers, freight for-
7 warders, and shippers.

8 “(2) IMPLEMENTATION.—Upon completion of
9 the development of the process under subsection (a),
10 the Administrator shall—

11 “(A) facilitate the deployment of such as-
12 sets that meet the certification standards of the
13 Administration, as determined by the Adminis-
14 trator;

15 “(B) make such standards available to
16 vendors seeking to train and deploy third-party
17 explosives detection canine assets; and

18 “(C) ensure that all costs for the training
19 and certification of canines, and for the use of
20 supplied canines, are borne by private industry
21 and not the Federal Government.

22 “(3) DEFINITIONS.—In this subsection:

23 “(A) AIR CARRIER.—The term ‘air carrier’
24 has the meaning given such term in section
25 40102 of title 49, United States Code.

1 resolution of screening anomalies at passenger
2 screening checkpoints; and

3 “(2) require each Federal Security Director at
4 an airport to inform, consult, and coordinate, as ap-
5 propriate, with the respective airport security coordi-
6 nator in a timely manner on security matters im-
7 pacting airport operations and to establish and
8 maintain operational protocols with such airport op-
9 erators to ensure coordinated responses to security
10 matters.”.

11 (b) PLAN TO IMPROVE INFORMATION SHARING.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary of Homeland Security, acting through the Ad-
15 ministrator of the Transportation Security Adminis-
16 tration, shall develop a plan to improve intelligence
17 information sharing with State and local transpor-
18 tation entities that includes best practices to ensure
19 that the information shared is actionable, useful,
20 and not redundant.

21 (2) CONTENTS.—The plan required under sub-
22 section (a) shall include the following:

23 (A) The incorporation of best practices for
24 information sharing.

1 (B) The identification of areas of overlap
2 and redundancy.

3 (C) An evaluation and incorporation of
4 stakeholder input in the development of such
5 plan.

6 (D) The integration of recommendations of
7 the Comptroller General of the United States
8 on information sharing.

9 (3) SOLICITATION.—The Administrator shall
10 solicit on an annual basis input from appropriate
11 stakeholders, including State and local transpor-
12 tation entities, on the quality and quantity of intel-
13 ligence received by such stakeholders relating to in-
14 formation sharing.

15 (c) BEST PRACTICES SHARING.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Homeland Security, acting through the Ad-
19 ministrators of the Transportation Security Adminis-
20 tration, shall establish a mechanism to share with
21 State and local transportation entities best practices
22 from across the law enforcement spectrum, including
23 Federal, State, local, and tribal entities, that relate
24 to employee training, employee professional develop-
25 ment, technology development and deployment, hard-

1 ening tactics, and passenger and employee aware-
2 ness programs.

3 (2) CONSULTATION.—The Administrator of the
4 Transportation Security Administration shall solicit
5 and incorporate stakeholder input—

6 (A) in developing the mechanism for shar-
7 ing best practices as required under paragraph
8 (1); and

9 (B) not less frequently than once each year
10 on the quality and quantity of information such
11 stakeholders receive through the mechanism es-
12 tablished under such subsection.

13 (d) CYBERSECURITY.—

14 (1) IN GENERAL.—The Secretary of Homeland
15 Security shall—

16 (A) not later than 120 days after the date
17 of the enactment of this Act, develop and imple-
18 ment a cybersecurity risk assessment model for
19 aviation security, consistent with the National
20 Institute of Standards and Technology Frame-
21 work for Improvement Critical Infrastructure
22 Cybersecurity and any update to such Frame-
23 work pursuant to section 2 of the National In-
24 stitute of Standards and Technology Act (15

1 U.S.C. 272), to evaluate current and future cy-
2 bersecurity risks;

3 (B) evaluate, on a periodic basis, but not
4 less often than once every two years, the effec-
5 tiveness of the cybersecurity risk assessment
6 model under subparagraph (A);

7 (C) seek to ensure participation of at least
8 one information sharing and analysis organiza-
9 tion (as such term is defined in section 212 of
10 the Homeland Security Act of 2002 (6 U.S.C.
11 131)) representing the aviation community in
12 the national cybersecurity and communications
13 integration center, pursuant to subsection
14 (d)(1)(B) of section 227 of the Homeland Secu-
15 rity Act of 2002 (6 U.S.C. 148);

16 (D) establish guidelines for voluntary re-
17 porting of aviation-related cybersecurity risks
18 and incidents to the national cybersecurity and
19 communications integration center under sec-
20 tion 227 of the Homeland Security Act of 2002,
21 and other appropriate Federal agencies; and

22 (E) request the Aviation Security Advisory
23 Committee established pursuant to section
24 44946 of title 49, United States Code, to report
25 and make recommendations to the Secretary on

1 enhancing the sharing of information related to
2 aviation-related cybersecurity risks and inci-
3 dents between relevant Federal, state, local,
4 tribal, and territorial entities and the aviation
5 stakeholder community.

6 (2) CYBERSECURITY ENHANCEMENTS TO AVIA-
7 TION SECURITY ACTIVITIES.—The Secretary of
8 Homeland Security, in consultation with the Sec-
9 retary of Transportation, shall—

10 (A) direct the sharing of information con-
11 cerning cybersecurity risks and incidents to ad-
12 dress aviation-specific risks; and

13 (B) upon request, conduct cybersecurity
14 vulnerability assessments for airports and air
15 carriers.

16 (3) TSA DATABASE CYBER ASSESSMENT.—

17 (A) ASSESSMENT REQUIRED.—Not later
18 than 120 days after the date of the enactment
19 of this Act, the Secretary of Homeland Security
20 shall evaluate the cybersecurity of the Trans-
21 portation Security Administration databases for
22 trusted traveler and credentialing programs
23 that contain personal information of specific in-
24 dividuals or information that identifies specific
25 individuals, including the Transportation Work-

1 er Identification Credential and Pre-Check
2 trusted traveler programs, and the means for
3 transmission of data to and from such data-
4 bases and develop information on any identified
5 cybersecurity vulnerabilities and remediation
6 plans to address such vulnerabilities;

7 (B) SUBMISSION TO CONGRESS.—Not later
8 than 30 days after the completion of the evalua-
9 tion required under subparagraph (A), the Sec-
10 retary shall submit to the Committee on Home-
11 land Security of the House of Representatives
12 and the Committee on Commerce, Science, and
13 Transportation of the Senate information relat-
14 ing to such evaluation. Such submission shall be
15 provided in a classified form.

16 (C) SUBMISSION OF SUPPLEMENTARY IN-
17 FORMATION.—Not later than 90 days after the
18 completion of such evaluation, the Secretary
19 shall submit to the Committee on Homeland
20 Security of the House of Representatives and
21 the Committee on Commerce, Science, and
22 Transportation of the Senate supplementary in-
23 formation relating to such evaluation, including
24 information relating to any identified cybersecu-
25 rity vulnerabilities and remediation plans to ad-

1 dress such vulnerabilities. Such submission shall
2 be provided in a classified form.

3 (4) DEFINITIONS.—In this subsection, the
4 terms “cybersecurity risk” and “incident” have the
5 meanings given such terms in section 227 of the
6 Homeland Security Act of 2002.

7 **Subtitle G—Surface Transportation** 8 **Security**

9 **SEC. 1571. DEFINITIONS.**

10 In this subtitle:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means the Committee on Homeland Secu-
14 rity and the Committee on Transportation and In-
15 frastructure of the House of Representatives and the
16 Committee on Commerce, Science, and Transpor-
17 tation of the Senate.

18 (2) EXPLOSIVES DETECTION CANINE TEAM.—
19 The term “explosives detection canine team” means
20 a canine and a canine handler trained to detect ex-
21 plosives and other threats as determined by the Sec-
22 retary.

23 (3) RISK.—The term “risk” means the poten-
24 tial for an unwanted outcome resulting from an acci-

1 dent, event, or occurrence, as determined by its like-
2 lihood and the associated consequences.

3 (4) THREAT.—The term “threat” means an in-
4 dividual, entity, action, or natural or manmade oc-
5 currence that has or indicates the potential to harm
6 life, information, operations, the environment, or
7 property.

8 (5) VULNERABILITY.—The term “vulnerability”
9 means a physical feature or operational attribute
10 that renders an entity open to exploitation or sus-
11 ceptible to a given hazard.

12 **SEC. 1572. SURFACE TRANSPORTATION SECURITY ASSESS-**
13 **MENT AND IMPLEMENTATION OF RISK-**
14 **BASED STRATEGY.**

15 (a) SECURITY ASSESSMENT.—

16 (1) IN GENERAL.—Not later than one year
17 after the date of the enactment of this Act, the Sec-
18 retary of Homeland Security shall complete an as-
19 sessment of the vulnerabilities of and risks to sur-
20 face transportation systems, including findings from
21 similar vulnerability analyses completed within three
22 years of the date of the enactment of this Act.

23 (2) CONSIDERATIONS.—In conducting the secu-
24 rity assessment under paragraph (1), the Secretary
25 of Homeland Security shall, at a minimum—

1 (A) consider appropriate intelligence;

2 (B) consider security breaches and attacks
3 at domestic and international transportation fa-
4 cilities;

5 (C) consider the vulnerabilities and risks
6 associated with specific modes of surface trans-
7 portation systems;

8 (D) evaluate the vetting and security train-
9 ing of—

10 (i) employees in surface transpor-
11 tation systems; and

12 (ii) other individuals with access to
13 sensitive or secure areas of transportation
14 systems; and

15 (E) consider input from—

16 (i) representatives of different modes
17 of surface transportation systems;

18 (ii) subject to paragraph (3)—

19 (I) critical infrastructure entities;
20 and

21 (II) the Transportation Systems
22 Sector Coordinating Council; and

23 (iii) the heads of other relevant Fed-
24 eral departments or agencies.

25 (b) RISK-BASED SECURITY STRATEGY.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date the security assessment under sub-
3 section (a) is complete, the Secretary of Homeland
4 Security shall use the results of such assessment—

5 (A) to develop and implement a cross-cut-
6 ting, risk-based security strategy that in-
7 cludes—

8 (i) all surface transportation systems;

9 (ii) a mitigating strategy that aligns
10 with each vulnerability and risk identified
11 in subsection (a);

12 (iii) a planning process to inform re-
13 source allocation;

14 (iv) priorities, milestones, and per-
15 formance metrics to measure the effective-
16 ness of such risk-based security strategy;
17 and

18 (v) processes for sharing relevant and
19 timely intelligence threat information with
20 appropriate stakeholders;

21 (B) to develop a management oversight
22 strategy that—

23 (i) identifies the parties responsible
24 for the implementation, management, and

1 oversight of the risk-based security strat-
2 egy under subparagraph (A); and

3 (ii) includes a plan for implementing
4 such risk-based security strategy; and

5 (C) to modify the risk-based budget and
6 resource allocations, in accordance with section
7 573(c), for the Transportation Security Admin-
8 istration.

9 (2) COORDINATED APPROACH.—In developing
10 and implementing the risk-based security strategy
11 under paragraph (1)(A), the Secretary of Homeland
12 Security shall coordinate with the heads of other rel-
13 evant Federal departments or agencies, and stake-
14 holders, as appropriate—

15 (A) to evaluate existing surface transpor-
16 tation security programs, policies, and initia-
17 tives, including the explosives detection canine
18 teams, for consistency with the risk-based secu-
19 rity strategy and, to the extent practicable,
20 avoid any unnecessary duplication of effort;

21 (B) to determine the extent to which stake-
22 holder security programs, policies, and initia-
23 tives address the vulnerabilities and risks to
24 surface transportation systems identified in
25 subsection (a); and

1 (C) subject to subparagraph (B), to miti-
2 gate each such vulnerability and risk.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than one year
5 after the date the security assessment under sub-
6 section (a) is complete, the Secretary of Homeland
7 Security shall submit to the appropriate congress-
8 sional committees and the Inspector General of the
9 Department of Homeland Security a report that—

10 (A) describes the process used to complete
11 such security assessment;

12 (B) describes the process used to develop
13 the risk-based security strategy under sub-
14 section (b)(1)(A);

15 (C) describes such risk-based security
16 strategy;

17 (D) includes the management oversight
18 strategy under subsection (b)(1)(B);

19 (E) includes—

20 (i) the findings of such security as-
21 sessment;

22 (ii) a description of the actions rec-
23 ommended or taken by the Department or
24 another Federal department or agency to

1 mitigate the vulnerabilities and risks iden-
2 tified in subsection (a);

3 (iii) any recommendations for improv-
4 ing the coordinated approach to mitigating
5 vulnerabilities and risks to surface trans-
6 portation systems; and

7 (iv) any recommended changes to the
8 National Infrastructure Protection Plan
9 developed pursuant to Homeland Security
10 Presidential Directive–7, the modal an-
11 nexes to such plan, or relevant surface
12 transportation security programs, policies,
13 or initiatives; and

14 (F) may contain a classified annex.

15 (2) PROTECTIONS.—In preparing the report re-
16 quired under paragraph (1), the Secretary of Home-
17 land Security shall take appropriate actions to safe-
18 guard information described by section 552(b) of
19 title 5, United States Code, or protected from disclo-
20 sure by any other law of the United States.

21 (d) UPDATES.—Not less frequently than semiannu-
22 ally, the Secretary of Homeland Security shall report to
23 or brief the appropriate congressional committees on the
24 vulnerabilities of and risks to surface transportation sys-

1 tems and how such vulnerabilities and risks affect the
2 risk-based security strategy under subsection (b)(1)(A).

3 **SEC. 1573. RISK-BASED BUDGETING AND RESOURCE ALLO-**
4 **CATION.**

5 (a) REPORT.—In conjunction with the submission of
6 the Department’s annual budget request to the Office of
7 Management and Budget, the Administrator of the Trans-
8 portation Security Administration shall submit to the ap-
9 propriate congressional committees a report that describes
10 a risk-based budget and resource allocation plan for sur-
11 face transportation sectors, within and across modes,
12 that—

13 (1) reflects the risk-based security strategy
14 under section 572(b)(1)(A); and

15 (2) is organized by appropriations account, pro-
16 gram, project, and initiative.

17 (b) BUDGET TRANSPARENCY.—Subsection (a) of sec-
18 tion 1105 of title 31, United States Code, is amended by
19 adding at the end the following new paragraph:

20 “(40) a separate statement clearly distin-
21 guishing the resources requested for surface trans-
22 portation security from the resources requested for
23 aviation security.”.

24 (c) RESOURCE REALLOCATION.—

1 (1) IN GENERAL.—Not later than 15 days after
2 the date on which the Transportation Security Ad-
3 ministration allocates any resources or personnel, in-
4 cluding personnel sharing, detailing, or assignment,
5 or the use of facilities, technology systems, or vet-
6 ting resources, for a non-transportation security pur-
7 pose or National Special Security Event (as defined
8 in section 2001 of Homeland Security Act of 2002
9 (6 U.S.C. 601)), the Secretary of Homeland Secu-
10 rity shall provide to the appropriate congressional
11 committees the notification described in paragraph
12 (2).

13 (2) NOTIFICATION.—A notification described in
14 this paragraph shall include—

15 (A) the reason for and a justification of
16 the resource or personnel allocation at issue;

17 (B) the expected end date of such resource
18 or personnel allocation; and

19 (C) the projected cost to the Transpor-
20 tation Security Administration of such per-
21 sonnel or resource allocation.

1 **SEC. 1574. SURFACE TRANSPORTATION SECURITY MANAGE-**
2 **MENT AND INTERAGENCY COORDINATION**
3 **REVIEW.**

4 (a) REVIEW.—Not later than one year after the date
5 of the enactment of this Act, the Comptroller General of
6 the United States shall—

7 (1) review the staffing, budget, resource, and
8 personnel allocation, and management oversight
9 strategy of the Transportation Security Administra-
10 tion’s surface transportation security programs;

11 (2) review the coordination between relevant en-
12 tities of leadership, planning, policy, inspections, and
13 implementation of security programs relating to sur-
14 face transportation to reduce redundancy and regu-
15 latory burden; and

16 (3) submit to the appropriate congressional
17 committees a report on the findings of the reviews
18 under paragraphs (1) and (2), including any rec-
19 ommendations for improving coordination between
20 relevant entities and reducing redundancy and regu-
21 latory burden.

22 (b) RELEVANT ENTITIES DEFINED.—In this section,
23 the term “relevant entities” means—

24 (1) the Transportation Security Administration;

1 (2) other Federal, State, or local departments
2 or agencies with jurisdiction over a mode of surface
3 transportation;

4 (3) critical infrastructure entities;

5 (4) the Transportation Systems Sector Coordinating Council; and

7 (5) relevant stakeholders.

8 **SEC. 1575. TRANSPARENCY.**

9 (a) REGULATIONS.—Not later than 180 days after
10 the date of the enactment of this Act and every 180 days
11 thereafter, the Administrator of the Transportation Security Administration shall make available through a public
12 website information regarding the status of each regulation relating to surface transportation security that is directed by law to be issued but that has not been issued
13 if more than two years have passed since the date of enactment of each such law.

18 (b) INSPECTOR GENERAL REVIEW.—Not later than
19 180 days after the date of the enactment of this Act and
20 every two years thereafter until all of the requirements
21 under titles XIII, XIV, and XV of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6
22 U.S.C. 1111 et seq.) and under this Act have been fully
23 implemented, the Inspector General of the Department of
24

1 Homeland Security shall submit to the appropriate con-
2 gressional committees a report that—

3 (1) identifies the requirements under such titles
4 of such Act and under this Act that have not been
5 fully implemented;

6 (2) describes what, if any, additional action is
7 necessary; and

8 (3) includes recommendations regarding wheth-
9 er any of such requirements should be amended or
10 repealed.

11 **SEC. 1576. TSA COUNTERTERRORISM ASSET DEPLOYMENT.**

12 (a) IN GENERAL.—The Administrator of the Trans-
13 portation Security Administration is authorized to main-
14 tain 30 Visible Intermodal Prevention and Response
15 (VIPR) teams for deployment, at the request of and in
16 collaboration with Federal, State, and local transportation
17 stakeholders, to prevent and deter acts of terrorism
18 against United States transportation systems and for
19 other counterterrorism purposes. Starting in January
20 2019 and for five years thereafter, the Administrator shall
21 annually assess whether the number of VIPR teams is
22 adequate to respond to requests for collaboration from
23 Federal, State, and local transportation stakeholders and
24 to carry out counterterrorism activities with respect to
25 United States transportation systems.

1 (b) CONGRESSIONAL NOTIFICATION.—If the Admin-
2 istrator of the Transportation Security Administration de-
3 termines that the number of VIPR teams should be re-
4 duced below 30, the Administrator shall notify the Com-
5 mittee on Homeland Security of the House of Representa-
6 tives and the Committee on Commerce, Science, and
7 Transportation of the Senate not later than 90 days prior
8 to such a determination.

9 (c) REPORT TO CONGRESS.—Not later than 60 days
10 after the development and implementation of the perform-
11 ance measures and objectives required under subsection
12 (f), the Administrator of the Transportation Security Ad-
13 ministration shall report to the Committee on Homeland
14 Security of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate on the appropriate number of VIPR teams needed
17 by the Administration.

18 (d) STAKEHOLDER NOTIFICATION.—If the Transpor-
19 tation Security Administration deploys any counterter-
20 rorism personnel or resource, such as explosive detection
21 assets, property inspections, or patrols by VIPR teams,
22 to enhance security at a surface transportation system or
23 surface transportation facility for a period of not less than
24 180 consecutive days, the Administrator shall provide suf-
25 ficient notification to the system or facility operator, as

1 applicable, not less than 14 days prior to terminating the
2 deployment.

3 (e) EXCEPTION.—Subsection (d) shall not apply if
4 the Administrator of the Transportation Security Admin-
5 istration—

6 (1) determines there is an urgent security need
7 for the personnel or resource described in such sub-
8 section; and

9 (2) notifies the Committee on Homeland Secu-
10 rity of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of
12 the Senate.

13 (f) VIPR TEAMS.—Section 1303 of the Implementing
14 Recommendations of the 9/11 Commission Act of 2007 (6
15 U.S.C. 1112) is amended—

16 (1) in subsection (a)(4), by striking “team,”
17 and inserting “team as to specific locations and
18 times within the facilities of such entities at which
19 VIPR teams are to be deployed to maximize the ef-
20 fectiveness of such deployment,”; and

21 (2) by striking subsection (b) and inserting the
22 following new subsections:

23 “(b) PERFORMANCE MEASURES.—Not later than one
24 year after the date of the enactment of this subsection,
25 the Administrator shall develop and implement a system

1 of qualitative performance measures and objectives by
2 which to assess the roles, activities, and effectiveness of
3 VIPR team operations on an ongoing basis, including a
4 mechanism through which the transportation entities re-
5 ferred to in subsection (a)(4) may submit feedback on
6 VIPR team operations involving their systems or facilities.

7 “(c) PLAN.—Not later than one year after the date
8 of the enactment of this section, the Administrator shall
9 develop and implement a plan for ensuring the interoper-
10 ability of communications among VIPR team participants
11 and between VIPR teams and any transportation entities
12 with systems or facilities that are involved in VIPR team
13 operations. Such plan shall include an analysis of the costs
14 and resources required to carry out such plan.”.

15 **SEC. 1577. SURFACE TRANSPORTATION SECURITY ADVI-**
16 **SORY COMMITTEE.**

17 (a) IN GENERAL.—Subchapter II of chapter 449 of
18 title 49, United States Code, is amended by adding at the
19 end the following new section:

20 **“§ 44947. Surface Transportation Security Advisory**
21 **Committee**

22 “(a) ESTABLISHMENT.—The Administrator of the
23 Transportation Security Administration (referred to in
24 this section as the ‘Administrator’) shall establish within
25 the Transportation Security Administration the Surface

1 Transportation Security Advisory Committee (referred to
2 in this section as the ‘Advisory Committee’).

3 “(b) DUTIES.—

4 “(1) IN GENERAL.—The Advisory Committee
5 may advise, consult with, report to, and make rec-
6 ommendations to the Administrator on surface
7 transportation security matters, including the devel-
8 opment, refinement, and implementation of policies,
9 programs, initiatives, rulemakings, and security di-
10 rectives pertaining to surface transportation secu-
11 rity.

12 “(2) RISK-BASED SECURITY.—The Advisory
13 Committee shall consider risk-based security ap-
14 proaches in the performance of its duties.

15 “(c) MEMBERSHIP.—

16 “(1) COMPOSITION.—The Advisory Committee
17 shall be composed of—

18 “(A) voting members appointed by the Ad-
19 ministrator under paragraph (2); and

20 “(B) nonvoting members, serving in an ad-
21 visory capacity, who shall be designated by—

22 “(i) the Transportation Security Ad-
23 ministration;

24 “(ii) the Department of Transpor-
25 tation; and

1 “(iii) such other Federal department
2 or agency as the Administrator considers
3 appropriate.

4 “(2) APPOINTMENT.—The Administrator shall
5 appoint voting members from among stakeholders
6 representing each mode of surface transportation,
7 such as passenger rail, freight rail, mass transit,
8 pipelines, highways, over-the-road bus, and trucking,
9 including representatives from—

10 “(A) associations representing such modes
11 of surface transportation;

12 “(B) labor organizations representing such
13 modes of surface transportation;

14 “(C) groups representing the users of such
15 modes of surface transportation, including asset
16 manufacturers, as appropriate;

17 “(D) relevant law enforcement, first re-
18 sponders, and security experts; and

19 “(E) such other groups as the Adminis-
20 trator considers appropriate.

21 “(3) CHAIRPERSON.—The Advisory Committee
22 shall select a chairperson from among its voting
23 members.

24 “(4) TERM OF OFFICE.—

25 “(A) TERMS.—

1 “(i) IN GENERAL.—The term of each
2 voting member of the Advisory Committee
3 shall be two years, but a voting member
4 may continue to serve until the Adminis-
5 trator appoints a successor.

6 “(ii) REAPPOINTMENT.—A voting
7 member of the Advisory Committee may be
8 reappointed.

9 “(B) REMOVAL.—

10 “(i) IN GENERAL.—The Administrator
11 may review the participation of a member
12 of the Advisory Committee and remove
13 such member for cause at any time.

14 “(ii) ACCESS TO CERTAIN INFORMA-
15 TION.—The Administrator may remove
16 any member of the Advisory Committee
17 who the Administrator determines should
18 be restricted from reviewing, discussing, or
19 possessing classified information or sen-
20 sitive security information.

21 “(5) PROHIBITION ON COMPENSATION.—The
22 members of the Advisory Committee may not receive
23 any compensation from the Government by reason of
24 their service on the Advisory Committee.

25 “(6) MEETINGS.—

1 “(A) IN GENERAL.—The Advisory Com-
2 mittee shall meet at least semiannually in per-
3 son or through web conferencing, and may con-
4 vene additional meetings as necessary.

5 “(B) PUBLIC MEETINGS.—At least one of
6 the meetings of the Advisory Committee each
7 year shall be—

8 “(i) announced in the Federal Reg-
9 ister;

10 “(ii) announced on a public website;
11 and

12 “(iii) open to the public.

13 “(C) ATTENDANCE.—The Advisory Com-
14 mittee shall maintain a record of the persons
15 present at each meeting.

16 “(D) MINUTES.—

17 “(i) IN GENERAL.—Unless otherwise
18 prohibited by Federal law, minutes of the
19 meetings of the Advisory Committee shall
20 be published on the public website under
21 subsection (e)(5).

22 “(ii) PROTECTION OF CLASSIFIED
23 AND SENSITIVE INFORMATION.—The Advi-
24 sory Committee may redact or summarize,
25 as necessary, minutes of the meetings to

1 protect classified information or sensitive
2 security information in accordance with
3 law.

4 “(7) VOTING MEMBER ACCESS TO CLASSIFIED
5 INFORMATION AND SENSITIVE SECURITY INFORMA-
6 TION.—

7 “(A) DETERMINATIONS.—Not later than
8 60 days after the date on which a voting mem-
9 ber is appointed to the Advisory Committee but
10 before such voting member may be granted any
11 access to classified information or sensitive se-
12 curity information, the Administrator shall de-
13 termine if such voting member should be re-
14 stricted from reviewing, discussing, or pos-
15 sessing classified information or sensitive secu-
16 rity information.

17 “(B) ACCESS.—

18 “(i) SENSITIVE SECURITY INFORMA-
19 TION.—If a voting member is not re-
20 stricted from reviewing, discussing, or pos-
21 sessing sensitive security information
22 under subparagraph (A) and voluntarily
23 signs a nondisclosure agreement, such vot-
24 ing member may be granted access to sen-
25 sitive security information that is relevant

1 to such voting member’s service on the Ad-
2 visory Committee.

3 “(ii) CLASSIFIED INFORMATION.—Ac-
4 cess to classified materials shall be man-
5 aged in accordance with Executive Order
6 No. 13526 of December 29, 2009 (75 Fed.
7 Reg. 707), or any subsequent cor-
8 responding Executive order.

9 “(C) PROTECTIONS.—

10 “(i) SENSITIVE SECURITY INFORMA-
11 TION.—Voting members shall protect sen-
12 sitive security information in accordance
13 with part 1520 of title 49, Code of Federal
14 Regulations.

15 “(ii) CLASSIFIED INFORMATION.—
16 Voting members shall protect classified in-
17 formation in accordance with the applica-
18 ble requirements for the particular level of
19 classification of such information.

20 “(8) JOINT COMMITTEE MEETINGS.—The Advi-
21 sory Committee may meet with one or more of the
22 following advisory committees to discuss multimodal
23 security issues and other security-related issues of
24 common concern:

1 “(A) Aviation Security Advisory Com-
2 mittee, established under section 44946 of title
3 49, United States Code.

4 “(B) Maritime Security Advisory Com-
5 mittee, established under section 70112 of title
6 46, United States Code.

7 “(C) Railroad Safety Advisory Committee,
8 established by the Federal Railroad Administra-
9 tion.

10 “(9) SUBJECT MATTER EXPERTS.—The Advi-
11 sory Committee may request the assistance of sub-
12 ject matter experts with expertise related to the ju-
13 risdiction of the Advisory Committee.

14 “(d) REPORTS.—

15 “(1) PERIODIC REPORTS.—The Advisory Com-
16 mittee shall periodically submit to the Administrator
17 reports on matters requested by the Administrator
18 or by a majority of the members of the Advisory
19 Committee.

20 “(2) ANNUAL REPORT.—

21 “(A) SUBMISSION.—The Advisory Com-
22 mittee shall submit to the Administrator and
23 the Committee on Homeland Security and the
24 Committee on Transportation and Infrastruc-
25 ture of the House of Representatives and the

1 Committee on Homeland Security and Govern-
2 mental Affairs and the Committee on Com-
3 merce, Science, and Transportation of the Sen-
4 ate an annual report that provides information
5 on the activities, findings, and recommendations
6 of the Advisory Committee during the preceding
7 year.

8 “(B) PUBLICATION.—Not later than six
9 months after the date that the Administrator
10 receives an annual report under subparagraph
11 (A), the Administrator shall publish a public
12 version of such report, in accordance with sec-
13 tion 552a(b) of title 5, United States Code.

14 “(e) ADMINISTRATION RESPONSE.—

15 “(1) CONSIDERATION.—The Administrator
16 shall consider the information, advice, and rec-
17 ommendations of the Advisory Committee in formu-
18 lating policies, programs, initiatives, rulemakings,
19 and security directives pertaining to surface trans-
20 portation security efforts.

21 “(2) FEEDBACK.—Not later than 90 days after
22 the date that the Administrator receives a rec-
23 ommendation from the Advisory Committee under
24 subsection (d)(2), the Administrator shall submit to

1 the Advisory Committee written feedback on such
2 recommendation, including—

3 “(A) if the Administrator agrees with such
4 recommendation, a plan describing the actions
5 that the Administrator has taken, will take, or
6 recommends that the head of another Federal
7 department or agency take to implement such
8 recommendation; or

9 “(B) if the Administrator disagrees with
10 such recommendation, a justification for such
11 disagreement.

12 “(3) NOTICES.—Not later than 30 days after
13 the date the Administrator submits feedback under
14 paragraph (2), the Administrator shall—

15 “(A) notify the Committee on Homeland
16 Security and the Committee on Transportation
17 and Infrastructure of the House of Representa-
18 tives and the Committee on Homeland Security
19 and Governmental Affairs and the Committee
20 on Commerce, Science, and Transportation of
21 the Senate of such feedback, including the
22 agreement or disagreement under subparagraph
23 (A) or subparagraph (B) of such paragraph, as
24 applicable; and

1 “(B) provide the committees specified in
2 subparagraph (A) with a briefing upon request.

3 “(4) UPDATES.—Not later than 90 days after
4 the date the Administrator receives a recommenda-
5 tion from the Advisory Committee under subsection
6 (d)(2) that the Administrator agrees with, and quar-
7 terly thereafter until such recommendation is fully
8 implemented, the Administrator shall submit to the
9 Committee on Homeland Security and the Com-
10 mittee on Transportation and Infrastructure of the
11 House of Representatives and the Committee on
12 Homeland Security and Governmental Affairs and
13 the Committee on Commerce, Science, and Trans-
14 portation of the Senate a report or post on the pub-
15 lic website under paragraph (5) an update on the
16 status of such recommendation.

17 “(5) WEBSITE.—The Administrator shall main-
18 tain a public website that—

19 “(A) lists the members of the Advisory
20 Committee;

21 “(B) provides the contact information for
22 the Advisory Committee; and

23 “(C) information relating to meetings,
24 minutes, annual reports, and the implementa-
25 tion of recommendations under this section.

1 “(f) NONAPPLICABILITY OF FACA.—The Federal
2 Advisory Committee Act (5 U.S.C. App.) shall not apply
3 to the Advisory Committee or any subcommittee estab-
4 lished under this section.”.

5 (b) ADVISORY COMMITTEE MEMBERS.—

6 (1) VOTING MEMBERS.—Not later than 180
7 days after the date of the enactment of this Act, the
8 Administrator of the Transportation Security Ad-
9 ministration shall appoint the voting members of the
10 Surface Transportation Security Advisory Com-
11 mittee established under section 44947 of title 49,
12 United States Code, as added by subsection (a) of
13 this section.

14 (2) NONVOTING MEMBERS.—Not later than 90
15 days after the date of the enactment of this Act,
16 each Federal Government department and agency
17 with regulatory authority over a mode of surface
18 transportation, as the Administrator of the Trans-
19 portation Security Administration considers appro-
20 priate, shall designate an appropriate representative
21 to serve as a nonvoting member of the Surface
22 Transportation Security Advisory Committee.

23 (c) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 449 of title 49, United States Code, is amended by

1 inserting after the item relating to section 44946 the fol-
2 lowing new item:

“44947. Surface Transportation Security Advisory Committee.”.

3 **SEC. 1578. REVIEW OF THE EXPLOSIVES DETECTION CA-**
4 **NINE TEAM PROGRAM.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date that the Inspector General of the Department of
7 Homeland Security receives the report under section
8 572(c), the Inspector General shall—

9 (1) review the explosives detection canine team
10 program of the Department, including—

11 (A) the development by the Transportation
12 Security Administration of a deployment strat-
13 egy for explosives detection canine teams;

14 (B) the national explosives detection canine
15 team training program, including canine train-
16 ing, handler training, refresher training, and
17 updates to such training; and

18 (C) the use of the canine assets during an
19 urgent security need, including the reallocation
20 of such program resources outside the transpor-
21 tation systems sector during an urgent security
22 need; and

23 (2) submit to the appropriate congressional
24 committees a report on such review, including any
25 recommendations.

1 (b) CONSIDERATIONS.—In conducting the review of
2 the deployment strategy under subsection (a)(1)(A), the
3 Inspector General of the Department of Homeland Secu-
4 rity shall consider whether the Transportation Security
5 Administration’s method to analyze the risk to transpor-
6 tation facilities and transportation systems is appropriate.

7 **SEC. 1579. EXPANSION OF NATIONAL EXPLOSIVES DETEC-**
8 **TION CANINE TEAM PROGRAM.**

9 (a) IN GENERAL.—The Secretary of Homeland Secu-
10 rity, where appropriate, shall encourage State, local, and
11 tribal governments and private owners of high-risk trans-
12 portation facilities to strengthen security through the use
13 of explosives detection canine teams.

14 (b) INCREASED CAPACITY.—

15 (1) IN GENERAL.—Before the date the Inspec-
16 tor General of the Department of Homeland Secu-
17 rity submits the report under section 578, the Ad-
18 ministratoer of the Transportation Security Adminis-
19 tration may increase the number of State and local
20 surface and maritime transportation explosives de-
21 tection canine teams by not more than 70 such
22 teams.

23 (2) ADDITIONAL TEAMS.—Beginning on the
24 date the Inspector General of the Department of
25 Homeland Security submits the report under section

1 578, the Secretary of Homeland Security may in-
2 crease the State and local surface and maritime
3 transportation explosives detection canine teams by
4 not more than 200 such teams unless more of such
5 teams are needed as identified in the risk-based se-
6 curity strategy under section 572(b)(1)(A), con-
7 sistent with section 573 or with the President's most
8 recent budget submitted under section 1105 of title
9 31, United States Code.

10 (3) RECOMMENDATIONS.—Before initiating any
11 increase in the number of explosives detection teams
12 under paragraph (2), the Secretary of Homeland Se-
13 curity shall consider any recommendations in the re-
14 port under section 578 on the efficacy and manage-
15 ment of the explosives detection canine program of
16 the Department of Homeland Security.

17 (c) DEPLOYMENT.—The Secretary of Homeland Se-
18 curity shall—

19 (1) use any additional explosives detection ca-
20 nine teams, as described in subsection (b)(1), as
21 part of the Department of Homeland Security's ef-
22 forts to strengthen security across the Nation's sur-
23 face and maritime transportation systems;

24 (2) make available explosives detection canine
25 teams to all modes of transportation, subject to the

1 requirements under section 576, to address specific
2 vulnerabilities or risks, on an as-needed basis and as
3 otherwise determined appropriate by the Secretary;
4 and

5 (3) consider specific needs and training require-
6 ments for explosives detection canine teams to be de-
7 ployed across the Nation's surface and maritime
8 transportation systems, including in venues of mul-
9 tiple modes of transportation, as the Secretary con-
10 siders appropriate.

11 **SEC. 1580. EXPLOSIVE DETECTION TECHNOLOGY.**

12 The Secretary of Homeland Security shall prioritize
13 the research and facilitation of next generation tech-
14 nologies to detect explosives in the Nation's surface trans-
15 portation systems.

16 **SEC. 1581. STUDY ON SECURITY STANDARDS AND BEST**
17 **PRACTICES FOR UNITED STATES AND FOR-**
18 **EIGN PASSENGER TRANSPORTATION SYS-**
19 **TEMS.**

20 (a) IN GENERAL.—The Comptroller General of the
21 United States shall conduct a study of how the Transpor-
22 tation Security Administration—

23 (1) identifies and compares—

24 (A) United States and foreign passenger
25 transportation system security standards; and

1 (B) best practices for protecting passenger
2 transportation systems, including shared ter-
3 minal facilities, and cyber systems; and

4 (2) disseminates to stakeholders the findings
5 under paragraph (1).

6 (b) REPORT.—Not later than 18 months after the
7 date of the enactment of this Act, the Comptroller General
8 of the United States shall issue a report that contains—

9 (1) the findings of the study conducted under
10 subsection (a); and

11 (2) any recommendations for improving rel-
12 evant processes or procedures.

13 **SEC. 1582. AMTRAK SECURITY UPGRADES.**

14 (a) RAILROAD SECURITY ASSISTANCE.—Subsection
15 (b) of section 1513 of the Implementing Recommendations
16 of the 9/11 Commission Act of 2007 (6 U.S.C. 1163) is
17 amended—

18 (1) in paragraph (1), by inserting before the pe-
19 riod at the end the following: “, including commu-
20 nications interoperability where appropriate with rel-
21 evant outside agencies and entities”;

22 (2) in paragraph (5), by striking “security of”
23 and inserting “security and preparedness of”;

24 (3) in paragraph (7), by striking “security
25 threats” and inserting “security threats and pre-

1 paredness, including connectivity to the National
2 Terrorist Screening Center”; and

3 (4) in paragraph (9), by striking “and security
4 officers” and inserting “, security, and preparedness
5 officers”.

6 (b) SPECIFIC PROJECTS.—Subsection (a)(3) of sec-
7 tion 1514 of the Implementing Recommendations of the
8 9/11 Commission Act of 2007 (6 U.S.C. 1164) is amend-
9 ed—

10 (1) in subparagraph (D) by inserting before the
11 semicolon at the end the following: “, or to connect
12 to the National Terrorism Screening Center
13 watchlist”;

14 (2) in subparagraph (G), by striking “and”
15 after the semicolon;

16 (3) in subparagraph (H) by striking the period
17 at the end and inserting a semicolon; and

18 (4) by adding at the end the following new sub-
19 paragraphs:

20 “(I) for improvements to passenger
21 verification systems;

22 “(J) for improvements to employee and
23 contractor verification systems, including iden-
24 tity verification technology; or

1 “(K) for improvements to the security of
2 Amtrak computer systems, including cybersecu-
3 rity assessments and programs.”.

4 **SEC. 1583. STUDY ON SURFACE TRANSPORTATION INSPEC-**
5 **TORS.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Comptroller General of the United
8 States shall submit to the appropriate congressional com-
9 mittees a report that—

10 (1) identifies any duplication or redundancy be-
11 tween the Transportation Security Administration
12 and the Department of Transportation relating to
13 surface transportation security inspections or over-
14 sight; and

15 (2) provides recommendations, if any, relating
16 to—

17 (A) improvements to the surface transpor-
18 tation security inspectors program, including—

19 (i) changes in organizational and su-
20 pervisory structures;

21 (ii) coordination procedures to en-
22 hance consistency; and

23 (iii) effectiveness in inspection and
24 compliance activities; and

1 (B) whether each transportation mode
2 needs inspectors trained and qualified for each
3 such specific mode.

4 **SEC. 1584. SECURITY AWARENESS PROGRAM.**

5 (a) ESTABLISHMENT.—The Administrator of the
6 Transportation Security Administration shall establish a
7 program to promote surface transportation security
8 through the training of surface transportation operators
9 and frontline employees on each of the skills identified in
10 subsection (c).

11 (b) APPLICATION.—The program established under
12 subsection (a) shall apply to all modes of surface transpor-
13 tation, including public transportation, rail, highway,
14 motor carrier, and pipeline.

15 (c) TRAINING.—The program established under sub-
16 section (a) shall cover, at a minimum, the skills necessary
17 to observe, assess, and respond to suspicious items or ac-
18 tions that could indicate a threat to transportation.

19 (d) ASSESSMENT.—

20 (1) IN GENERAL.—The Administrator of the
21 Transportation Security Administration shall con-
22 duct an assessment of current training programs for
23 surface transportation operators and frontline em-
24 ployees.

1 (2) CONTENTS.—The assessment under para-
2 graph (1) shall identify—

3 (A) whether other training is being pro-
4 vided, either voluntarily or in response to other
5 Federal requirements; and

6 (B) whether there are any gaps in existing
7 training.

8 (e) UPDATES.—The Administrator of the Transpor-
9 tation Security Administration shall ensure the program
10 established under subsection (a) is updated as necessary
11 to address changes in risk and terrorist methods and to
12 close any gaps identified in the assessment under sub-
13 section (d).

14 (f) SUSPICIOUS ACTIVITY REPORTING.—

15 (1) IN GENERAL.—The Secretary of Homeland
16 Security shall ensure there exists a national mecha-
17 nism for an individual to use to report to the De-
18 partment of Homeland Security suspicious activity
19 in transportation systems.

20 (2) PROCEDURES.—The Secretary of Homeland
21 Security shall establish procedures for the Depart-
22 ment of Homeland Security—

23 (A) to review and follow-up, as necessary,
24 on each report received under paragraph (1);
25 and

1 (B) to share, as necessary and in accord-
2 ance with law, such reports with appropriate
3 Federal, State, local, and tribal entities.

4 (3) RULE OF CONSTRUCTION.—Nothing in this
5 section may be construed to—

6 (A) replace or affect in any way the use of
7 9-1-1 services in an emergency; or

8 (B) replace or affect in any way the secu-
9 rity training program requirements specified in
10 sections 1408, 1517, and 1534 of the Imple-
11 menting Recommendations of the 9/11 Commis-
12 sion Act of 2007 (6 U.S.C. 1137, 1167, and
13 1184; Public Law 110–53).

14 (g) FRONTLINE EMPLOYEE DEFINED.—In this sec-
15 tion, the term “frontline employee” includes—

16 (1) an employee of a public transportation
17 agency who is a transit vehicle driver or operator,
18 dispatcher, maintenance and maintenance support
19 employee, station attendant, customer service em-
20 ployee, security employee, or transit police, or any
21 other employee who has direct contact with riders on
22 a regular basis, and any other employee of a public
23 transportation agency that the Administrator of the
24 Transportation Security Administration determines

1 should receive security training under this section or
2 who is receiving security training under other law;

3 (2) over-the-road bus drivers, security per-
4 sonnel, dispatchers, maintenance and maintenance
5 support personnel, ticket agents, other terminal em-
6 ployees, and other employees of an over-the-road bus
7 operator or terminal owner or operator who the Ad-
8 ministrator determines should receive security train-
9 ing under this section or who is receiving security
10 training under other law; or

11 (3) security personnel, dispatchers, locomotive
12 engineers, conductors, trainmen, other onboard em-
13 ployees, maintenance and maintenance support per-
14 sonnel, bridge tenders, and any other employees of
15 railroad carriers who the Administrator determines
16 should receive security training under this section or
17 who is receiving security training under other law.

18 **SEC. 1585. VOLUNTARY USE OF CREDENTIALING.**

19 (a) IN GENERAL.—An individual who is subject to
20 credentialing or a background investigation under section
21 5103a of title 49, United States Code, may satisfy such
22 requirement by obtaining a valid transportation security
23 card issued under section 70105 of title 46, United States
24 Code.

1 (b) FEES.—The Secretary of Homeland Security may
2 charge reasonable fees, in accordance with section 520(a)
3 of the Department of Homeland Security Appropriations
4 Act, 2004 (6 U.S.C. 469(a)), for providing the necessary
5 credentialing and background investigation under this sec-
6 tion.

7 (c) DEFINITIONS.—In this section:

8 (1) INDIVIDUAL WHO IS SUBJECT TO
9 CREDENTIALING OR A BACKGROUND INVESTIGA-
10 TION.—The term “individual who is subject to
11 credentialing or a background investigation” means
12 an individual who—

13 (A) because of employment is regulated by
14 the Transportation Security Administration,
15 Department of Transportation, or Coast Guard
16 and is required to have a background records
17 check to obtain a hazardous materials endorse-
18 ment on a commercial driver’s license issued by
19 a State under section 5103a of title 49, United
20 States Code; or

21 (B) is required to have a credential and
22 background records check under section
23 2102(d)(2) of the Homeland Security Act of
24 2002 (6 U.S.C. 622(d)(2)) at a facility with ac-
25 tivities that are regulated by the Transportation

1 Security Administration, Department of Trans-
2 portation, or Coast Guard.

3 (2) VALID TRANSPORTATION SECURITY CARD
4 ISSUED UNDER SECTION 70105 OF TITLE 46, UNITED
5 STATES CODE.—The term “valid transportation se-
6 curity card issued under section 70105 of title 46,
7 United States Code” means a transportation secu-
8 rity card issued under section 70105 of title 46,
9 United States Code, that is—

10 (A) not expired;

11 (B) shows no signs of tampering; and

12 (C) bears a photograph of the individual
13 representing such card.

14 **SEC. 1586. BACKGROUND RECORDS CHECKS FOR ISSUANCE**
15 **OF HAZMAT LICENSES.**

16 (a) ISSUANCE OF LICENSES.—Paragraph (1) of sec-
17 tion 5103a(a) of title 49, United States Code, is amend-
18 ed—

19 (1) by striking “unless” and inserting “un-
20 less—”;

21 (2) by striking “the Secretary of Homeland Se-
22 curity” and inserting the following:

23 “(A) the Secretary of Homeland Security”;

1 capabilities for individuals holding valid transpor-
2 tation security cards under this section.

3 “(2) EXEMPTION.—Individuals holding valid
4 transportation security cards under this section who
5 are subject to recurrent vetting under the plan to
6 utilize the Rap Back Service referred to in para-
7 graph (1) shall be exempt from any recurrent deter-
8 minations or background checks under this section
9 to which such individuals would otherwise be subject
10 every five years in the absence of such utilization.”.

11 **SEC. 1588. PIPELINE SECURITY STUDY.**

12 (a) STUDY.—The Comptroller General of the United
13 States shall conduct a study regarding the roles and re-
14 sponsibilities of the Department of Homeland Security
15 and the Department of Transportation with respect to
16 pipeline security. Such study shall address whether—

17 (1) the Annex to the Memorandum of Under-
18 standing executed on August 9, 2006, between the
19 Department of Homeland Security and the Depart-
20 ment of Transportation adequately delineates stra-
21 tegic and operational responsibilities for pipeline se-
22 curity, including whether it is clear which depart-
23 ment is responsible for—

24 (A) protecting against intentional pipeline
25 breaches and cyber attacks;

1 (B) responding to intentional pipeline
2 breaches and cyber attacks; and

3 (C) planning to recover from the impact of
4 intentional pipeline breaches and cyber attacks;

5 (2) the respective roles and responsibilities of
6 each department are adequately conveyed to relevant
7 stakeholders and to the public; and

8 (3) the processes and procedures for deter-
9 mining whether a particular pipeline breach is a ter-
10 rorist incident are clear and effective.

11 (b) REPORT ON STUDY.—Not later than 180 days
12 after the date of the enactment of this section, the Comp-
13 troller General of the United States shall submit to the
14 Secretary of Homeland Security and the Committee on
15 Homeland Security and the Committee on Transportation
16 and Infrastructure of the House of Representatives and
17 the Committee on Commerce, Science, and Transportation
18 of the Senate a report containing the findings of the study
19 conducted under subsection (a).

20 (c) REPORT TO CONGRESS.—Not later than 90 days
21 after the submission of the report under subsection (b),
22 the Secretary of Homeland Security shall review and ana-
23 lyze the study and submit to the Committee on Homeland
24 Security and the Committee on Transportation and Infra-
25 structure of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation of the
2 Senate a report on such review and analysis, including any
3 recommendations for—

4 (1) changes to the Annex to the Memorandum
5 of Understanding referred to in subsection (a)(1);
6 and

7 (2) other improvements to pipeline security ac-
8 tivities at the Department.

9 **Subtitle H—Security Enhance-**
10 **ments in Public Areas of Trans-**
11 **portation Facilities**

12 **SEC. 1591. WORKING GROUP.**

13 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
14 rity may establish a working group to promote collabo-
15 rative engagement between the Department of Homeland
16 Security and public and private stakeholders to develop
17 non-binding recommendations for enhancing the security
18 in public areas of transportation facilities.

19 (b) **ANNUAL REPORT.**—If the Secretary of Homeland
20 Security establishes a working group pursuant to sub-
21 section (a), not later than one year after such establish-
22 ment and annually thereafter for five years, the Secretary
23 shall report on the working group’s organization, partici-
24 pation, activities, findings, and non-binding recommenda-
25 tions for the immediately preceding 12 month period. The

1 Secretary may publish a public version describing the
2 working group's activities and such related matters as
3 would be informative to the public, consistent with section
4 552(b) of title 5, United States Code.

5 (c) INAPPLICABILITY OF THE FEDERAL ADVISORY
6 COMMITTEE ACT.—The Federal Advisory Committee Act
7 (5 U.S.C. App.) shall not apply to the working group or
8 any subsidiary thereof.

9 **SEC. 1592. TECHNICAL ASSISTANCE; VULNERABILITY AS-**
10 **SESSMENT TOOLS.**

11 (a) IN GENERAL.—The Secretary of Homeland Secu-
12 rity shall—

13 (1) inform public and private sector stake-
14 holders regarding the availability of Department of
15 Homeland Security technical assistance, including
16 vulnerability assessment tools, to help enhance the
17 security in public areas of transportation facilities;
18 and

19 (2) subject to availability of appropriations,
20 provide such technical assistance, upon request, to
21 such a stakeholder.

22 (b) BEST PRACTICES.—Not later than one year after
23 the date of the enactment of this Act, the Secretary of
24 Homeland Security shall publish and widely disseminate
25 best practices for protecting and enhancing the resilience

1 of public areas of transportation facilities, including asso-
2 ciated frameworks or templates for implementation. As
3 appropriate, such best practices shall be updated periodi-
4 cally.

5 **SEC. 1593. OPERATIONS CENTERS.**

6 Not later than 120 days after the date of the enact-
7 ment of this Act, the Administrator of the Transportation
8 Security Administration, in consultation with the heads of
9 other appropriate offices or components of the Depart-
10 ment of Homeland Security, shall make available to public
11 and private stakeholders a framework for establishing an
12 operations center within a transportation facility to pro-
13 mote interagency response and coordination.

14 **SEC. 1594. REVIEW OF REGULATIONS.**

15 (a) REVIEW.—Not later than one year after the date
16 of the enactment of this Act, the Administrator of the
17 Transportation Security Administration shall submit to
18 the Committee on Homeland Security of the House and
19 the Committee on Commerce, Science, and Transportation
20 of the Senate a report that includes a review of regula-
21 tions, directives, policies, and procedures issued by the Ad-
22 ministrator regarding the transportation of a firearm and
23 ammunition by an aircraft passenger, and, as appropriate,
24 information on plans to modify any such regulation, direc-
25 tive, policy, or procedure based on such review.

1 (b) CONSULTATION.—In preparing the report re-
2 quired under subsection (a), the Administrator of the
3 Transportation Security Administration shall consult with
4 the Aviation Security Advisory Committee (established
5 pursuant to section 44946 of title 49, United States Code)
6 and appropriate public and private sector stakeholders.

7 **SEC. 1595. DEFINITION.**

8 In this subtitle, the term “public and private sector
9 stakeholders” has the meaning given such term in section
10 114(u)(1)(C) of title 49, United States Code.

11 **TITLE VI—EMERGENCY PRE-**
12 **PAREDNESS, RESPONSE, AND**
13 **COMMUNICATIONS**

14 **Subtitle A—Grants, Training,**
15 **Exercises, and Coordination**

16 **SEC. 1601. URBAN AREA SECURITY INITIATIVE.**

17 Section 2003 of the Homeland Security Act of 2002
18 (6 U.S.C. 604) is amended—

19 (1) in subsection (b)(2)(A), in the matter pre-
20 ceding clause (i), by inserting “, using the most up-
21 to-date data available,” after “assessment”;

22 (2) in subsection (d)(2), by amending subpara-
23 graph (B) to read as follows:

24 “(B) FUNDS RETAINED.—To ensure trans-
25 parency and avoid duplication, a State shall

1 provide each relevant high-risk urban area with
2 a detailed accounting of the items, services, or
3 activities on which any funds retained by the
4 State under subparagraph (A) are to be ex-
5 pended. Such accounting shall be provided not
6 later than 90 days after the date of which such
7 funds are retained.”; and

8 (3) by striking subsection (e) and inserting the
9 following new subsections:

10 “(e) THREAT AND HAZARD IDENTIFICATION RISK
11 ASSESSMENT AND CAPABILITY ASSESSMENT.—As a con-
12 dition of receiving a grant under this section, each high-
13 risk urban area shall submit to the Administrator a threat
14 and hazard identification and risk assessment and capa-
15 bility assessment—

16 “(1) at such time and in such form as is re-
17 quired by the Administrator; and

18 “(2) consistent with the Federal Emergency
19 Management Agency’s Comprehensive Preparedness
20 Guide 201, Second Edition, or such successor docu-
21 ment or guidance as is issued by the Administrator.

22 “(f) PERIOD OF PERFORMANCE.—The Administrator
23 shall make funds provided under this section available for
24 use by a recipient of a grant for a period of not less than
25 36 months.

1 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated for grants under this sec-
3 tion \$800,000,000 for each of fiscal years 2018 through
4 2022.”.

5 **SEC. 1602. STATE HOMELAND SECURITY GRANT PROGRAM.**

6 Section 2004 of the Homeland Security Act of 2002
7 (6 U.S.C. 605) is amended by striking subsection (f) and
8 inserting the following new subsections:

9 “(f) THREAT AND HAZARD IDENTIFICATION AND
10 RISK ASSESSMENT AND CAPABILITY ASSESSMENT.—

11 “(1) IN GENERAL.—As a condition of receiving
12 a grant under this section, each State shall submit
13 to the Administrator a threat and hazard identifica-
14 tion and risk assessment and capability assess-
15 ment—

16 “(A) at such time and in such form as is
17 required by the Administrator; and

18 “(B) consistent with the Federal Emer-
19 gency Management Agency’s Comprehensive
20 Preparedness Guide 201, Second Edition, or
21 such successor document or guidance as is
22 issued by the Administrator.

23 “(2) COLLABORATION.—In developing the
24 threat and hazard identification and risk assessment
25 under paragraph (1), a State shall solicit input from

1 local and tribal governments, including first respond-
2 ers, and, as appropriate, non-governmental and pri-
3 vate sector stakeholders.

4 “(3) FIRST RESPONDERS DEFINED.—In this
5 subsection, the term ‘first responders’ includes rep-
6 resentatives of local governmental and nongovern-
7 mental fire, law enforcement, emergency manage-
8 ment, and emergency medical personnel.

9 “(g) PERIOD OF PERFORMANCE.—The Adminis-
10 trator shall make funds provided under this section avail-
11 able for use by a recipient of a grant for a period of not
12 less than 36 months.

13 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated for grants under this sec-
15 tion \$600,000,000 for each of fiscal years 2018 through
16 2022.”.

17 **SEC. 1603. GRANTS TO DIRECTLY ELIGIBLE TRIBES.**

18 Section 2005 of the Homeland Security Act of 2002
19 (6 U.S.C. 606) is amended by—

20 (1) redesignating subsections (h) through (k) as
21 subsections (i) through (l), respectively; and

22 (2) inserting after subsection (g) the following
23 new subsection:

24 “(h) PERIOD OF PERFORMANCE.—The Secretary
25 shall make funds provided under this section available for

1 use by a recipient of a grant for a period of not less than
2 36 months.”.

3 **SEC. 1604. LAW ENFORCEMENT TERRORISM PREVENTION.**

4 (a) LAW ENFORCEMENT TERRORISM PREVENTION
5 PROGRAM.—Subsection (a) of section 2006 of the Home-
6 land Security Act of 2002 (6 U.S.C. 607) is amended—

7 (1) in paragraph (1)—

8 (A) by inserting “States and high-risk
9 urban areas expend” after “that”; and

10 (B) by striking “is used”;

11 (2) in paragraph (2), by amending subpara-
12 graph (I) to read as follows:

13 “(I) activities as determined appropriate
14 by the Administrator, in coordination with the
15 Assistant Secretary for State and Local Law
16 Enforcement within the Office of Partnership
17 and Engagement of the Department, through
18 outreach to relevant stakeholder organizations;
19 and”;

20 (3) by adding at the end the following new
21 paragraph:

22 “(4) ANNUAL REPORT.—The Administrator, in
23 coordination with the Assistant Secretary for State
24 and Local Law Enforcement, shall report annually
25 from fiscal year 2018 through fiscal year 2022 on

1 the use of grants under sections 2003 and 2004 for
2 law enforcement terrorism prevention activities au-
3 thorized under this section, including the percentage
4 and dollar amount of funds used for such activities
5 and the types of projects funded.”.

6 (b) OFFICE FOR STATE AND LOCAL LAW ENFORCE-
7 MENT.—Subsection (b) section 2006 of the Homeland Se-
8 curity Act of 2002 (6 U.S.C. 607) is amended—

9 (1) in paragraph (1), by striking “Policy Direc-
10 torate” and inserting “Office of Partnership and
11 Engagement”

12 (2) in paragraph (4)—

13 (A) in subparagraph (B), by inserting “,
14 including through consultation with such agen-
15 cies regarding Department programs that may
16 impact such agencies” before the semicolon at
17 the end; and

18 (B) in subparagraph (D), by striking “en-
19 sure” and inserting “certify”.

20 **SEC. 1605. PRIORITIZATION.**

21 (a) IN GENERAL.—Subsection (a) of section 2007 of
22 the Homeland Security Act of 2002 (6 U.S.C. 608) is
23 amended—

24 (1) in paragraph (1)—

1 (A) by amending subparagraph (A) to read
2 as follows:

3 “(A) its population, including consideration
4 of domestic and international tourists, com-
5 muters, and military populations, including
6 military populations residing in communities
7 outside military installations;”;

8 (B) in subparagraph (E), by inserting “,
9 including threat information from other rel-
10 evant Federal agencies and field offices, as ap-
11 propriate” before the semicolon at the end; and

12 (C) in subparagraph (I), by striking “tar-
13 get” and inserting “core”; and

14 (2) in paragraph (2), by striking “target” and
15 inserting “core”.

16 (b) REVIEW.—Not later than 90 days after the date
17 of the enactment of this Act, the Secretary of Homeland
18 Security, through the Administrator of the Federal Emer-
19 gency Management Agency, shall review and report to the
20 Committee on Homeland Security and the Committee on
21 Appropriations of the House of Representatives and the
22 Committee on Homeland Security and Governmental Af-
23 fairs and the Committee on Appropriations of the Senate
24 on the risk formula and methodology used to award grants
25 under sections 2003 and 2004 of the Homeland Security

1 Act of 2002 (6 U.S.C. 604 and 605), including a discus-
2 sion of any necessary changes to such formula to ensure
3 grant awards are appropriately based on risk.

4 (c) COMPTROLLER GENERAL REVIEW.—Not later
5 than 180 days after the date of enactment of this Act,
6 the Comptroller General of the United States shall review
7 and assess the risk formula and methodology used to
8 award grants under sections 2003 and 2004 of the Home-
9 land Security Act of 2002, including—

10 (1) the process utilized by the Department of
11 Homeland Security to gather threat information for
12 each potential State and high-risk urban area;

13 (2) the extent to which such risk formula and
14 methodology considers the factors specified in sec-
15 tion 2007 of the Homeland Security Act of 2002 (6
16 U.S.C. 608), in particular—

17 (A) the extent to which the jurisdiction has
18 unmet core capabilities due to resource con-
19 straints;

20 (B) the degree to which a jurisdiction has
21 been able to address capability gaps with pre-
22 vious grant awards; and

23 (C) in the case of a high-risk urban area,
24 the extent to which such high-risk urban area
25 includes—

1 (i) incorporated municipalities, coun-
2 ties, parishes, and Indian tribes within the
3 relevant eligible metropolitan area the in-
4 clusion of which will enhance regional ef-
5 forts to prevent, prepare for, protect
6 against, and respond to acts of terrorism;
7 and

8 (ii) other local and tribal governments
9 in the surrounding area that are likely to
10 be called upon to respond to acts of ter-
11 rorism within the high-risk urban area;
12 and

13 (3) how grant award amounts are determined.

14 **SEC. 1606. ALLOWABLE USES.**

15 Section 2008 of the Homeland Security Act of 2002
16 (6 U.S.C. 609) is amended—

17 (1) in subsection (a)—

18 (A) in the matter preceding paragraph (1),
19 by striking “target” and inserting “core”;

20 (B) by redesignating paragraphs (6)
21 through (14) as paragraphs (8) through (16),
22 respectively;

23 (C) in paragraph (5), by inserting before
24 the semicolon at the end the following: “, pro-
25 vided such purchases align with the Statewide

1 Communication Interoperability Plan and are
2 coordinated with the Statewide Interoperability
3 Coordinator or Statewide interoperability gov-
4 ernance body of the State of the recipient”;

5 (D) by inserting after paragraph (5) the
6 following new paragraphs:

7 “(6) enhancing medical preparedness, medical
8 surge capacity, and mass prophylaxis capabilities, in-
9 cluding the development and maintenance of an ini-
10 tial pharmaceutical stockpile, including medical kits
11 and diagnostics sufficient to protect first responders,
12 their families, immediate victims, and vulnerable
13 populations from a chemical or biological event;

14 “(7) enhancing cybersecurity, including pre-
15 paring for and responding to cybersecurity risks and
16 incidents (as such terms are defined in section 227)
17 and developing statewide cyber threat information
18 analysis and dissemination activities;”;

19 (E) in paragraph (8), as so redesignated,
20 by striking “Homeland Security Advisory Sys-
21 tem” and inserting “National Terrorism Advi-
22 sory System”; and

23 (F) in paragraph (14), as so redesignated,
24 by striking “3” and inserting “5”;

25 (2) in subsection (b)—

1 (A) in paragraph (3)(B), by striking
2 “(a)(10)” and inserting “(a)(12)”; and
3 (B) in paragraph (4)(B)(i), by striking
4 “target” and inserting “core”; and
5 (3) in subsection (c), by striking “target” and
6 “core”.

7 **SEC. 1607. APPROVAL OF CERTAIN EQUIPMENT.**

8 (a) IN GENERAL.—Section 2008 of the Homeland
9 Security Act of 2002 (6 U.S.C. 609), as amended by this
10 Act, is further amended—

11 (1) in subsection (f)—

12 (A) by striking “If an applicant” and in-
13 serting the following:

14 “(1) APPLICATION REQUIREMENT.—If an appli-
15 cant”; and

16 (B) by adding at the end the following new
17 paragraphs:

18 “(2) REVIEW PROCESS.—The Administrator
19 shall implement a uniform process for reviewing ap-
20 plications that, in accordance with paragraph (1),
21 contain explanations to use grants provided under
22 section 2003 or 2004 to purchase equipment or sys-
23 tems that do not meet or exceed any applicable na-
24 tional voluntary consensus standards developed

1 under section 647 of the Post-Katrina Emergency
2 Management Reform Act of 2006 (6 U.S.C. 747).

3 “(3) FACTORS.—In carrying out the review
4 process under paragraph (2), the Administrator
5 shall consider the following:

6 “(A) Current or past use of proposed
7 equipment or systems by Federal agencies or
8 the Armed Forces.

9 “(B) The absence of a national voluntary
10 consensus standard for such equipment or sys-
11 tems.

12 “(C) The existence of an international con-
13 sensus standard for such equipment or systems,
14 and whether such equipment or systems meets
15 such standard.

16 “(D) The nature of the capability gap
17 identified by the applicant, and how such equip-
18 ment or systems will address such gap.

19 “(E) The degree to which such equipment
20 or systems will serve the needs of the applicant
21 better than equipment or systems that meet or
22 exceed existing consensus standards.

23 “(F) Any other factor determined appro-
24 priate by the Administrator.”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(g) REVIEW PROCESS.—The Administrator shall
4 implement a uniform process for reviewing applications to
5 use grants provided under section 2003 or 2004 to pur-
6 chase equipment or systems not included on the Author-
7 ized Equipment List maintained by the Administrator.”.

8 (b) INSPECTOR GENERAL REPORT.—Not later than
9 three years after the date of the enactment of this Act,
10 the Inspector General of the Department of Homeland Se-
11 curity shall submit to the Committee on Homeland Secu-
12 rity of the House of Representatives and the Committee
13 on Homeland Security and Governmental Affairs of the
14 Senate a report assessing the implementation of the review
15 process established under paragraph (2) of subsection (f)
16 of section 2008 of the Homeland Security Act of 2002
17 (as added by subsection (a) of this section), including in-
18 formation on the following:

19 (1) The number of requests to purchase equip-
20 ment or systems that do not meet or exceed any ap-
21 plicable consensus standard evaluated under such re-
22 view process.

23 (2) The capability gaps identified by applicants
24 and the number of such requests granted or denied.

1 (3) The processing time for the review of such
2 requests.

3 **SEC. 1608. MEMORANDA OF UNDERSTANDING.**

4 (a) IN GENERAL.—Subtitle B of title XX of the
5 Homeland Security Act of 2002 (6 U.S.C. 611 et seq.)
6 is amended by adding at the end the following new section:

7 **“SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DE-**
8 **PARTMENTAL COMPONENTS AND OFFICES.**

9 “The Administrator shall enter into memoranda of
10 understanding with the heads of the following depart-
11 mental components and offices delineating the roles and
12 responsibilities of such components and offices regarding
13 the policy and guidance for grants under section 1406 of
14 the Implementing Recommendations of the 9/11 Commis-
15 sion Act of 2007 (6 U.S.C. 1135), sections 2003 and 2004
16 of this Act, and section 70107 of title 46, United States
17 Code, as appropriate:

18 “(1) The Commissioner of U.S. Customs and
19 Border Protection.

20 “(2) The Administrator of the Transportation
21 Security Administration.

22 “(3) The Commandant of the Coast Guard.

23 “(4) The Under Secretary for Intelligence and
24 Analysis.

1 “(5) The Director of the Office of Emergency
2 Communications.

3 “(6) The Assistant Secretary for State and
4 Local Law Enforcement.

5 “(7) The Countering Violent Extremism Coor-
6 dinator.

7 “(8) The Officer for Civil Rights and Civil Lib-
8 erties.

9 “(9) The Chief Medical Officer.

10 “(10) The heads of other components or offices
11 of the Department, as determined by the Sec-
12 retary.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) of the Homeland Security Act of 2002 is
15 amended by inserting after the item relating to section
16 2023 the following new item:

 “Sec. 2024. Memoranda of understanding with departmental components and
 offices.”.

17 **SEC. 1609. GRANTS METRICS.**

18 (a) IN GENERAL.—To determine the extent to which
19 grants under sections 2003 and 2004 of the Homeland
20 Security Act of 2002 (6 U.S.C. 603 and 604) have closed
21 capability gaps identified in State Preparedness Reports
22 required under subsection (c) of section 652 of the Post-
23 Katrina Emergency Management Reform Act of 2006 (6
24 U.S.C. 752; title VI of the Department of Homeland Secu-

1 rity Appropriations Act, 2007; Public Law 109–295) and
2 Threat and Hazard Identification and Risk Assessments
3 required under subsections (e) and (f) of such sections
4 2003 and 2004, respectively, as added by this Act, from
5 each State and high-risk urban area, the Administrator
6 of the Federal Emergency Management Agency shall con-
7 duct and submit to the Committee on Homeland Security
8 and the Committee on Transportation and Infrastructure
9 of the House of Representatives and the Committee on
10 Homeland Security and Governmental Affairs of the Sen-
11 ate an assessment of information provided in such Reports
12 and Assessments.

13 (b) ASSESSMENT REQUIREMENTS.—The assessment
14 required under subsection (a) shall include a comparison
15 of successive State Preparedness Reports and Threat and
16 Hazard Identification and Risk Assessments that aggre-
17 gates results across the States and high-risk urban areas.

18 **SEC. 1610. GRANT MANAGEMENT BEST PRACTICES.**

19 The Administrator of the Federal Emergency Man-
20 agement Agency shall include in the annual Notice of
21 Funding Opportunity relating to grants under sections
22 2003 and 2004 of the Homeland Security Act of 2002
23 (6 U.S.C. 604 and 605) an appendix that includes the fol-
24 lowing:

1 (1) A summary of findings identified by the Of-
2 fice of the Inspector General of the Department of
3 Homeland Security in audits of such grants and
4 methods to address areas identified for improve-
5 ment, including opportunities for technical assist-
6 ance.

7 (2) Innovative projects and best practices insti-
8 tuted by grant recipients.

9 **SEC. 1611. PROHIBITION ON CONSOLIDATION.**

10 The Secretary of Homeland Security may not imple-
11 ment the National Preparedness Grant Program or any
12 successor consolidated grant program unless the Secretary
13 receives prior authorization from Congress permitting
14 such implementation.

15 **SEC. 1612. MAINTENANCE OF GRANT INVESTMENTS.**

16 Section 2008 of the Homeland Security Act of 2002
17 (6 U.S.C. 609), as amended by this Act, is further amend-
18 ed by adding at the end the following new subsection:

19 “(h) MAINTENANCE OF EQUIPMENT.—Any applicant
20 for a grant under section 2003 or 2004 seeking to use
21 funds to purchase equipment, including pursuant to para-
22 graphs (3), (4), (5), or (12) of subsection (a) of this sec-
23 tion, shall by the time of the receipt of such grant develop
24 a plan for the maintenance of such equipment over its life-

1 cycle that includes information identifying which entity is
2 responsible for such maintenance.”.

3 **SEC. 1613. TRANSIT SECURITY GRANT PROGRAM.**

4 Section 1406 of the Implementing Recommendations
5 of the 9/11 Commission Act of 2007 (6 U.S.C. 1135) is
6 amended—

7 (1) in subsection (b)(2)(A), by inserting “and
8 associated backfill” after “security training”; and

9 (2) by striking subsection (m) and inserting the
10 following new subsections:

11 “(m) PERIODS OF PERFORMANCE.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), funds provided pursuant to a grant
14 awarded under this section for a use specified in
15 subsection (b) shall remain available for use by a
16 grant recipient for a period of not fewer than 36
17 months.

18 “(2) EXCEPTION.—Funds provided pursuant to
19 a grant awarded under this section for a use speci-
20 fied in subparagraph (M) or (N) of subsection (b)(1)
21 shall remain available for use by a grant recipient
22 for a period of not fewer than 55 months.

23 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated for grants under this sec-

1 tion \$200,000,000 for each of fiscal years 2018 through
2 2022.”.

3 **SEC. 1614. PORT SECURITY GRANT PROGRAM.**

4 Section 70107 of title 46, United States Code, is
5 amended by—

6 (1) striking subsection (l);

7 (2) redesignating subsection (m) as subsection
8 (l); and

9 (3) by adding at the end the following new sub-
10 sections:

11 “(n) PERIOD OF PERFORMANCE.—The Secretary
12 shall make funds provided under this section available for
13 use by a recipient of a grant for a period of not less than
14 36 months.

15 “(o) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated for grants under this sec-
17 tion \$200,000,000 for each of the fiscal years 2018
18 through 2022.”.

19 **SEC. 1615. CYBER PREPAREDNESS.**

20 (a) IN GENERAL.—Section 227 of the Homeland Se-
21 curity Act of 2002 (6 U.S.C. 148) is amended—

22 (1) in subsection (c)—

23 (A) in paragraph (5)(B), by inserting “,
24 including State, local, and regional fusion cen-

1 **“SEC. 2009. MAJOR METROPOLITAN AREA COUNTERTER-**
2 **RORISM TRAINING AND EXERCISE GRANT**
3 **PROGRAM.**

4 “(a) ESTABLISHMENT.—

5 “(1) IN GENERAL.—The Secretary, acting
6 through the Administrator and the heads of other
7 relevant components of the Department, shall carry
8 out a program to make grants to emergency re-
9 sponse providers to prevent, prepare for, and re-
10 spond to emerging terrorist attack scenarios, includ-
11 ing complex, coordinated terrorist attacks and active
12 shooters, as determined by the Secretary, against
13 major metropolitan areas.

14 “(2) INFORMATION.—In establishing the pro-
15 gram pursuant to paragraph (1), the Secretary shall
16 provide to eligible applicants—

17 “(A) information, in an unclassified for-
18 mat, on emerging terrorist attack scenarios, in-
19 cluding complex, coordinated terrorist attacks
20 and active shooters, which grants under such
21 program are intended to address; and

22 “(B) information on training and exercises
23 best practices.

24 “(b) ELIGIBLE APPLICANTS.—

25 “(1) IN GENERAL.—Only jurisdictions that
26 have previously received, but are no longer eligible

1 for, funding under section 2003 may apply for a
2 grant under the program established pursuant to
3 subsection (a).

4 “(2) ADDITIONAL JURISDICTIONS.—Eligible ap-
5 plicants receiving funding under the program estab-
6 lished pursuant to subsection (a) may include in ac-
7 tivities funded by such program neighboring jurisdic-
8 tions that would be likely to provide mutual aid in
9 response to emerging terrorist attack scenarios, in-
10 cluding complex, coordinated terrorist attacks and
11 active shooters.

12 “(c) PERMITTED USES.—The recipient of a grant
13 under the program established pursuant to subsection (a)
14 may use such grant to—

15 “(1) identify capability gaps related to pre-
16 paring for, preventing, and responding to emerging
17 terrorist attack scenarios, including complex, coordi-
18 nated terrorist attacks and active shooters;

19 “(2) develop or update plans, annexes, and
20 processes to address any capability gaps identified
21 pursuant to paragraph (1);

22 “(3) conduct training to address such identified
23 capability gaps;

24 “(4) conduct exercises, including at locations
25 such as mass gathering venues, places of worship, or

1 educational institutions, as appropriate, to validate
2 capabilities;

3 “(5) pay for backfill associated with personnel
4 participating in training and exercises under para-
5 graphs (3) and (4); and

6 “(6) pay for other permitted uses under section
7 2008.

8 “(d) PERIOD OF PERFORMANCE.—The Adminis-
9 trator shall make funds provided under this section avail-
10 able for use by a recipient of a grant for a period of not
11 fewer than 36 months.

12 “(e) INFORMATION SHARING.—The Administrator
13 shall, to the extent practicable, aggregate, analyze, and
14 share with relevant emergency response providers informa-
15 tion on best practices and lessons learned from—

16 “(1) the planning, training, and exercises con-
17 ducted using grants authorized under the program
18 established pursuant to subsection (a); and

19 “(2) responses to actual terrorist attacks
20 around the world.

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated for grants under this
23 section \$39,000,000 for each of fiscal years 2018 through
24 2022.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of the Homeland Security Act of 2002 is
3 amended by inserting after the item relating to section
4 2008 the following new item:

“Sec. 2009. Major metropolitan area counterterrorism training and exercise
grant program.”.

5 **SEC. 1617. OPERATION STONEGARDEN.**

6 (a) IN GENERAL.—Subtitle A of title XX of the
7 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.),
8 as amended by this Act, is further amended by adding
9 at the end the following new section:

10 **“SEC. 2010. OPERATION STONEGARDEN.**

11 “(a) ESTABLISHMENT.—There is established in the
12 Department a program to be known as ‘Operation
13 Stonegarden’. Under such program, the Secretary, acting
14 through the Administrator, shall make grants to eligible
15 law enforcement agencies, through the State Administra-
16 tive Agency, to enhance border security in accordance with
17 this section.

18 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-
19 ceive a grant under this section, a law enforcement agency
20 shall—

21 “(1) be located in—

22 “(A) a State bordering either Canada or
23 Mexico; or

1 “(B) a State or territory with a maritime
2 border; and

3 “(2) be involved in an active, ongoing U.S. Cus-
4 toms and Border Protection operation coordinated
5 through a sector office.

6 “(c) PERMITTED USES.—The recipient of a grant
7 under this section may use such grant for any of the fol-
8 lowing:

9 “(1) Equipment, including maintenance and
10 sustainment costs.

11 “(2) Personnel, including overtime and backfill,
12 in support of enhanced border law enforcement ac-
13 tivities.

14 “(3) Any activity permitted for Operation
15 Stonegarden under the Department of Homeland
16 Security’s Fiscal Year 2016 Homeland Security
17 Grant Program Notice of Funding Opportunity.

18 “(4) Any other appropriate activity, as deter-
19 mined by the Administrator, in consultation with the
20 Commissioner of U.S. Customs and Border Protec-
21 tion.

22 “(d) PERIOD OF PERFORMANCE.—The Secretary
23 shall make funds provided under this section available for
24 use by a recipient of a grant for a period of not less than
25 36 months.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated \$110,000,000 for each
3 of fiscal years 2018 through 2022 for grants under this
4 section.

5 “(e) REPORT.—The Administrator shall annually for
6 each of the fiscal years specified in subsection (d) submit
7 to the Committee on Homeland Security of the House of
8 Representatives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate a report con-
10 taining information on the expenditure of grants made
11 under this section by each grant recipient.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002, as
14 amended by this Act, is further amended by inserting after
15 the item relating to section 2009 the following new item:
“Sec. 2010. Operation Stonegarden.”.

16 **SEC. 1618. NON-PROFIT SECURITY GRANT PROGRAM.**

17 (a) IN GENERAL.—Subtitle A of title XX of the
18 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.),
19 as amended by this Act, is further amended by adding
20 at the end the following new section:

21 **“SEC. 2011. NON-PROFIT SECURITY GRANT PROGRAM.**

22 “(a) ESTABLISHMENT.—There is established in the
23 Department a program to be known as the ‘Non-Profit
24 Security Grant Program’ (in this section referred to as
25 the ‘Program’). Under the Program, the Secretary, acting

1 through the Administrator, shall make grants to eligible
2 nonprofit organizations described in subsection (b),
3 through the State in which such organizations are located,
4 for target hardening and other security enhancements to
5 protect against terrorist attacks.

6 “(b) ELIGIBLE RECIPIENTS.—Eligible nonprofit or-
7 ganizations described in this subsection (a) are organiza-
8 tions that are—

9 “(1) described in section 501(c)(3) of the Inter-
10 nal Revenue Code of 1986 and exempt from tax
11 under section 501(a) of such Code; and

12 “(2) determined to be at risk of a terrorist at-
13 tack by the Administrator.

14 “(c) PERMITTED USES.—The recipient of a grant
15 under this section may use such grant for any of the fol-
16 lowing uses:

17 “(1) Target hardening activities, including
18 physical security enhancement equipment and in-
19 spection and screening systems.

20 “(2) Fees for security training relating to phys-
21 ical security and cybersecurity, target hardening,
22 terrorism awareness, and employee awareness.

23 “(3) Any other appropriate activity, as deter-
24 mined by the Administrator.

1 “(d) PERIOD OF PERFORMANCE.—The Adminis-
2 trator shall make funds provided under this section avail-
3 able for use by a recipient of a grant for a period of not
4 less than 36 months.

5 “(e) REPORT.—The Administrator shall annually for
6 each of fiscal years 2018 through 2022 submit to the
7 Committee on Homeland Security of the House of Rep-
8 resentatives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate a report con-
10 taining information on the expenditure by each grant re-
11 cipient of grant funds made under this section.

12 “(f) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—There is authorized to be
14 appropriated \$50,000,000 for each of fiscal years
15 2018 through 2022 to carry out this section.

16 “(2) SPECIFICATION.—Of the amounts author-
17 ized to be appropriated pursuant to paragraph (1)—

18 “(A) \$35,000,000 is authorized for eligible
19 recipients located in jurisdictions that receive
20 funding under section 2003; and

21 “(B) \$15,000,000 is authorized for eligible
22 recipients in jurisdictions not receiving funding
23 under section 2003.”.

24 (b) CONFORMING AMENDMENT.—Subsection (a) of
25 section 2002 of the Homeland Security Act of 2002 (6

1 U.S.C. 603) is amended by striking “sections 2003 and
2 2004” and inserting “sections 2003, 2004, and 2011”.

3 (c) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended by inserting after the item relating to section
6 2008 the following new item:

“Sec. 2011. Non-Profit Security Grant Program.”.

7 **SEC. 1619. STUDY OF THE USE OF GRANT FUNDS FOR CY-**
8 **BERSECURITY.**

9 Not later than 120 days after the enactment of this
10 section, the Administrator, in consultation with relevant
11 components of the Department, shall conduct a study on
12 the use of grant funds awarded pursuant to section 2003
13 and section 2004 of the Homeland Security Act of 2002
14 (6 U.S.C. 604 and 605), including information on the fol-
15 lowing:

16 (1) The amount of grant funds invested or obli-
17 gated annually during fiscal years 2006 through
18 2016 to support efforts to prepare for and respond
19 to cybersecurity risks and incidents (as such terms
20 are defined in section 227 of such Act (6 U.S.C.
21 148).

22 (2) The degree to which grantees identify cyber-
23 security as a capability gap in the Threat and Haz-
24 ard Identification and Risk Assessment carried out

1 pursuant to the amendment made by sections 601
2 and 602 of this title.

3 (3) Obstacles and challenges related to using
4 grant funds to improve cybersecurity.

5 (4) Plans for future efforts to encourage grant-
6 ees to use grant funds to improve cybersecurity ca-
7 pabilities.

8 **Subtitle B—Communications**

9 **SEC. 1631. OFFICE OF EMERGENCY COMMUNICATIONS.**

10 The Secretary of Homeland Security may not change
11 the location or reporting structure of the Office of Emer-
12 gency Communications of the Department of Homeland
13 Security unless the Secretary receives prior authorization
14 from the Committee on Homeland Security of the House
15 of Representatives and the Committee on Homeland Secu-
16 rity and Governmental Affairs of the Senate permitting
17 such change.

18 **SEC. 1632. RESPONSIBILITIES OF OFFICE OF EMERGENCY** 19 **COMMUNICATIONS DIRECTOR.**

20 (a) IN GENERAL.—Subsection (c) of section 1801 of
21 the Homeland Security Act of 2002 (6 U.S.C. 571) is
22 amended—

23 (1) by striking paragraph (3);

24 (2) by redesignating paragraphs (4) through
25 (15) as paragraphs (3) through (14), respectively;

1 (3) in paragraph (8), as so redesignated, by
2 striking “, in cooperation with the National Commu-
3 nications System,”;

4 (4) in paragraph (12) by striking “Assistant
5 Secretary for Grants and Training” and inserting
6 “Administrator of the Federal Emergency Manage-
7 ment Agency”;

8 (5) in paragraph (13), as so redesignated, by
9 striking “and” at the end;

10 (6) in paragraph (14), as so redesignated, by
11 striking the period at the end and inserting a semi-
12 colon; and

13 (7) by adding at the end the following new
14 paragraphs:

15 “(15) administer the Government Emergency
16 Telecommunications Service (GETS) and Wireless
17 Priority Service (WPS) programs, or successor pro-
18 grams; and

19 “(16) assess the impact of emerging tech-
20 nologies on interoperable emergency communica-
21 tions.”.

22 (b) PERFORMANCE OF PREVIOUSLY TRANSFERRED
23 FUNCTIONS.—Subsection (d) of section 1801 of the
24 Homeland Security Act of 2002 is amended by—

25 (1) striking paragraph (2); and

1 (2) redesignating paragraph (3) as paragraph
2 (2).

3 **SEC. 1633. ANNUAL REPORTING ON ACTIVITIES OF THE OF-**
4 **FICE OF EMERGENCY COMMUNICATIONS.**

5 Subsection (f) of section 1801 of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 571) is amended to read as
7 follows:

8 “(f) ANNUAL REPORTING OF OFFICE ACTIVITIES.—
9 The Director of the Office of Emergency Communications
10 shall, not later than one year after the date of the enact-
11 ment of this subsection and annually thereafter for each
12 of the next four years, report to the Committee on Home-
13 land Security and the Committee on Energy and Com-
14 merce of the House of Representatives and the Committee
15 on Homeland Security and Governmental Affairs of the
16 Senate on the activities and programs of the Office, in-
17 cluding specific information on efforts to carry out para-
18 graphs (4), (5), and (6) of subsection (c).”.

19 **SEC. 1634. NATIONAL EMERGENCY COMMUNICATIONS**
20 **PLAN.**

21 Section 1802 of the Homeland Security Act of 2002
22 (6 U.S.C. 572) is amended—

23 (1) in subsection (a), in the matter preceding
24 paragraph (1)—

1 (A) by striking “, and in cooperation with
2 the Department of National Communications
3 System (as appropriate),”; and

4 (B) by inserting “, but not less than once
5 every five years,” after “periodically”; and

6 (2) in subsection (c)—

7 (A) by redesignating paragraphs (3)
8 through (10) as paragraphs (4) through (11),
9 respectively; and

10 (B) by inserting after paragraph (2) the
11 following new paragraph:

12 “(3) consider the impact of emerging tech-
13 nologies on the attainment of interoperable emer-
14 gency communications;”.

15 **SEC. 1635. TECHNICAL EDIT.**

16 Paragraph (1) of section 1804(b) of the Homeland
17 Security Act of 2002 (6 U.S.C. 574(b)), in the matter pre-
18 ceding subparagraph (A), by striking “Assistant Secretary
19 for Grants and Planning” and inserting “Administrator
20 of the Federal Emergency Management Agency”.

21 **SEC. 1636. PUBLIC SAFETY BROADBAND NETWORK.**

22 The Undersecretary of the National Protection and
23 Programs Directorate of the Department of Homeland Se-
24 curity shall provide to the Committee on Homeland Secu-
25 rity and the Committee on Energy and Commerce of the

1 House of Representatives and the Committee on Home-
2 land Security and Governmental Affairs of the Senate in-
3 formation on the Department of Homeland Security's re-
4 sponsibilities related to the development of the nationwide
5 Public Safety Broadband Network authorized in section
6 6202 of the Middle Class Tax Relief and Job Creation
7 Act of 2012 (47 U.S.C. 1422; Public Law 112-96), in-
8 cluding information on efforts by the Department to work
9 with the First Responder Network Authority of the De-
10 partment of Commerce to identify and address cyber risks
11 that could impact the near term or long term availability
12 and operations of such network and recommendations to
13 mitigate such risks.

14 **SEC. 1637. COMMUNICATIONS TRAINING.**

15 The Under Secretary for Management of the Depart-
16 ment of Homeland Security, in coordination with the ap-
17 propriate component heads, shall develop a mechanism,
18 consistent with the strategy required pursuant to section
19 4 of the Department of Homeland Security Interoperable
20 Communications Act (Public Law 114-29; 6 U.S.C. 194
21 note), to verify that radio users within the Department
22 receive initial and ongoing training on the use of the radio
23 systems of such components, including interagency radio
24 use protocols.

1 **Subtitle C—Medical Preparedness**

2 **SEC. 1641. CHIEF MEDICAL OFFICER.**

3 Section 516 of the Homeland Security Act of 2002
4 (6 U.S.C. 321e) is amended—

5 (1) in subsection (c)—

6 (A) in the matter preceding paragraph (1),
7 by inserting “and shall establish medical and
8 human, animal, and occupational health expo-
9 sure policy, guidance, strategies, and initia-
10 tives,” before “including—”;

11 (B) in paragraph (1), by inserting before
12 the semicolon at the end the following: “, in-
13 cluding advice on how to prepare for, protect
14 against, respond to, recover from, and mitigate
15 against the medical effects of terrorist attacks
16 or other high consequence events utilizing
17 chemical, biological, radiological, or nuclear
18 agents or explosives”;

19 (C) in paragraph (2), by inserting before
20 the semicolon at the end the following: “, in-
21 cluding coordinating the Department’s policy,
22 strategy and preparedness for pandemics and
23 emerging infectious diseases”;

24 (D) in paragraph (5), by inserting “emer-
25 gency medical services and medical first re-

1 sponder stakeholders,” after “the medical com-
2 munity,”;

3 (E) in paragraph (6), by striking “and” at
4 the end;

5 (F) in paragraph (7), by striking the pe-
6 riod and inserting a semicolon; and

7 (G) by adding at the end the following new
8 paragraphs:

9 “(8) ensuring that the workforce of the Depart-
10 ment has evidence-based policy, standards, require-
11 ments, and metrics for occupational health and oper-
12 ational medicine programs;

13 “(9) directing and maintaining a coordinated
14 system for medical support for the Department’s
15 operational activities;

16 “(10) providing oversight of the Department’s
17 medical programs and providers, including—

18 “(A) reviewing and maintaining
19 verification of the accreditation of the Depart-
20 ment’s health provider workforce;

21 “(B) developing quality assurance and clin-
22 ical policy, requirements, standards, and
23 metrics for all medical and health activities of
24 the Department;

1 “(C) providing oversight of medical records
2 systems for employees and individuals in the
3 Department’s care and custody; and

4 “(D) providing medical direction for emer-
5 gency medical services activities of the Depart-
6 ment; and

7 “(11) as established under section 528, main-
8 taining a medical countermeasures stockpile and dis-
9 pensing system, as necessary, to facilitate personnel
10 readiness, and protection for the Department’s em-
11 ployees and working animals and individuals in the
12 Department’s care and custody in the event of a
13 chemical, biological, radiological, nuclear, or explo-
14 sives attack, naturally occurring disease outbreak, or
15 pandemic.”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(d) **MEDICAL LIAISONS.**—The Chief Medical Officer
19 may provide medical liaisons to the components of the De-
20 partment to provide subject matter expertise on medical
21 and public health issues and a direct link to the Chief
22 Medical Officer. Such expertise may include the following:

23 “(1) Providing guidance on health and medical
24 aspects of policy, planning, operations, and work-
25 force health protection.

1 “(2) Identifying and resolving component med-
2 ical issues.

3 “(3) Supporting the development and alignment
4 of medical and health systems.

5 “(4) Identifying common gaps in medical and
6 health standards, policy, and guidance, and enter-
7 prise solutions to bridge such gaps.”.

8 **SEC. 1642. MEDICAL COUNTERMEASURES PROGRAM.**

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

12 **“SEC. 528. MEDICAL COUNTERMEASURES.**

13 “(a) IN GENERAL.—The Secretary shall establish a
14 medical countermeasures program to facilitate personnel
15 readiness, and protection for the Department’s employees
16 and working animals and individuals in the Department’s
17 care and custody, in the event of a chemical, biological,
18 radiological, nuclear, or explosives attack, naturally occur-
19 ring disease outbreak, or pandemic, and to support De-
20 partment mission continuity.

21 “(b) OVERSIGHT.—The Chief Medical Officer of the
22 Department shall provide programmatic oversight of the
23 medical countermeasures program established pursuant to
24 subsection (a), and shall—

1 “(1) develop Department-wide standards for
2 medical countermeasure storage, security, dis-
3 pensing, and documentation;

4 “(2) maintain a stockpile of medical counter-
5 measures, including antibiotics, antivirals, and radio-
6 logical countermeasures, as appropriate;

7 “(3) preposition appropriate medical counter-
8 measures in strategic locations nationwide, based on
9 threat and employee density, in accordance with ap-
10 plicable Federal statutes and regulations;

11 “(4) provide oversight and guidance on dis-
12 pensing of stockpiled medical countermeasures;

13 “(5) ensure rapid deployment and dispensing of
14 medical countermeasures in a chemical, biological,
15 radiological, nuclear, or explosives attack, naturally
16 occurring disease outbreak, or pandemic;

17 “(6) provide training to Department employees
18 on medical countermeasure dispensing; and

19 “(7) support dispensing exercises.

20 “(c) MEDICAL COUNTERMEASURES WORKING
21 GROUP.—The Chief Medical Officer shall establish a med-
22 ical countermeasures working group comprised of rep-
23 resentatives from appropriate components and offices of
24 the Department to ensure that medical countermeasures
25 standards are maintained and guidance is consistent.

1 “(d) MEDICAL COUNTERMEASURES MANAGE-
2 MENT.—Not later than 180 days after the date of the en-
3 actment of this section, the Chief Medical Officer shall de-
4 velop and submit to the Secretary an integrated logistics
5 support plan for medical countermeasures, including—

6 “(1) a methodology for determining the ideal
7 types and quantities of medical countermeasures to
8 stockpile and how frequently such methodology shall
9 be reevaluated;

10 “(2) a replenishment plan; and

11 “(3) inventory tracking, reporting, and rec-
12 onciliation procedures for existing stockpiles and
13 new medical countermeasure purchases.

14 “(e) STOCKPILE ELEMENTS.—In determining the
15 types and quantities of medical countermeasures to stock-
16 pile under subsection (d), the Chief Medical Officer shall
17 utilize, if available—

18 “(1) Department chemical, biological, radio-
19 logical, and nuclear risk assessments; and

20 “(2) Centers for Disease Control and Preven-
21 tion guidance on medical countermeasures.

22 “(f) REPORT.—Not later than 180 days after the
23 date of the enactment of this section, the Chief Medical
24 Officer shall report to the Committee on Homeland Secu-
25 rity of the House of Representatives and the Committee

1 on Homeland Security and Governmental Affairs of the
2 Senate on progress in achieving the requirements of this
3 section.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002 is
6 amended by adding after the item relating to section 527
7 the following new item:

“Sec. 528. Medical countermeasures.”.

8 **TITLE VII—OTHER MATTERS**

9 **SEC. 1701. DECISION REGARDING CERTAIN EXECUTIVE** 10 **MEMORANDA.**

11 Not later than 120 days after the date of the enact-
12 ment of this Act, the Secretary of Homeland Security shall
13 review existing Department of Homeland Security policy
14 memoranda, including memoranda approved by prior Sec-
15 retaries that remain in effect, to determine whether such
16 memoranda should remain in effect and, if so, whether
17 any of such memoranda should be modified.

18 **SEC. 1702. PERMANENT AUTHORIZATION FOR ASIA-PACIFIC** 19 **ECONOMIC COOPERATION BUSINESS TRAVEL** 20 **CARD PROGRAM.**

21 Section 2(a) of the Asia-Pacific Economic Coopera-
22 tion Business Travel Cards Act of 2011 (Public Law 112–
23 54; 8 U.S.C. 1185 note) is amended by striking “During
24 the 7-year period ending on September 30, 2018, the Sec-
25 retary” and inserting “The Secretary”.

1 **SEC. 1703. AUTHORIZATION OF APPROPRIATIONS FOR OF-**
2 ****OFFICE OF INSPECTOR GENERAL.****

3 There is authorized to be appropriated for the Office
4 of the Inspector General of the Department of Homeland
5 Security \$175,000,000 for each of fiscal years 2018 and
6 2019.

7 **SEC. 1704. CANINE TEAMS.**

8 The Commissioner of U.S. Customs and Border Pro-
9 tection may request additional canine teams when there
10 is a justified and documented shortage and such additional
11 canine teams would be effective for drug detection at the
12 border.

13 **SEC. 1705. TECHNICAL AMENDMENTS TO THE HOMELAND**
14 ****SECURITY ACT OF 2002.****

15 (a) TITLE I.—Section 103 of the Homeland Security
16 Act of 2002 (6 U.S.C. 113), as amended by this Act, is
17 further amended as follows:

18 (1) In subsection (a)(1)—

19 (A) in subparagraph (E), by striking “the
20 Bureau of” and inserting “United States”; and

21 (B) by adding at the end the following new
22 subparagraph:

23 “(L) An Administrator of the Transpor-
24 tation Security Administration.”.

25 (2) In subsection (d)(5), by striking “section
26 708” and inserting “section 707”.

1 (b) TITLE II.—Title II of the Homeland Security Act
2 of 2002 (6 U.S.C. 121 et seq.) is amended as follows:

3 (1) In section 202 (6 U.S.C. 122)—

4 (A) in subsection (c), in the matter pre-
5 ceeding paragraph (1), by striking “Director of
6 Central Intelligence” and inserting “Director of
7 National Intelligence”; and

8 (B) in subsection (d)(2), by striking “Di-
9 rector of Central Intelligence” and inserting
10 “Director of National Intelligence”.

11 (2) In section 210E (6 U.S.C. 124l)—

12 (A) by striking subsection (e); and

13 (B) by redesignating subsection (f) as sub-
14 section (e).

15 (3) In section 223(1)(B) (6 U.S.C. 143(1)(B)),
16 by striking “and” after the semicolon at the end.

17 (4) In section 225 (6 U.S.C. 145), by striking
18 subsections (c) and (d).

19 (5) In section 228A(c)(1)(C), by striking “sec-
20 tion 707” and inserting “section 706”.

21 (c) TITLE III.—Title III of the Homeland Security
22 Act of 2002 (6 U.S.C. 181 et seq.) is amended as follows:

23 (1) In section 302 (6 U.S.C. 182), by striking
24 “biological,,” each places it appears and inserting
25 “biological,”.

1 (2) By redesignating the second section 319
2 (relating to EMP and GMD mitigation research and
3 development) as section 320.

4 (d) TITLE IV.—Title IV of the Homeland Security
5 Act of 2002 (6 U.S.C. 201 et seq.) is amended as follows:

6 (1) By redesignating section 402 (6 U.S.C.
7 202) as section 401.

8 (2) In section 401(4), as so redesignated, by
9 striking “section 428” and inserting “section 426”.

10 (3) By redesignating section 417 as section
11 416.

12 (4) By redesignating section 427 (6 U.S.C.
13 235) as section 425.

14 (5) In section 425, as so redesignated, by strik-
15 ing subsection (c).

16 (6) By redesignating section 428 (6 U.S.C.
17 236) as section 426.

18 (7) In section 426, as so redesignated, in—

19 (A) in subsection (e), by striking para-
20 graphs (7) and (8);

21 (B) by striking subsections (g) and (h);
22 and

23 (C) by redesignating subsection (i) as sub-
24 section (g).

1 (8) By redesignating section 429 (6 U.S.C.
2 237) as section 427.

3 (9) By redesignating section 430 (6 U.S.C.
4 238) as section 428.

5 (10) By striking section 431 (6 U.S.C. 239).

6 (11) By redesignating section 432 (6 U.S.C.
7 240) as section 429.

8 (12) By redesignating section 433 (6 U.S.C.
9 241) as section 430.

10 (13) By amending the subtitle D heading to
11 read as follows: “**U.S. Immigration and Cus-**
12 **toms Enforcement**”.

13 (14) By striking section 445 (6 U.S.C. 255).

14 (15) By striking section 446 (6 U.S.C. 256).

15 (16) In the subtitle E heading, by inserting
16 “**United States**” before “**Citizenship and**
17 **Immigration Services**”.

18 (17) In section 452 (6 U.S.C. 272)—

19 (A) by striking “the Bureau of” each place
20 it appears and inserting “United States”; and

21 (B) in subsection (f), in the subsection
22 heading, by striking “BUREAU OF” and insert-
23 ing “UNITED STATES”.

24 (18) By striking section 453 (6 U.S.C. 273).

1 (19) By striking section 455 (6 U.S.C. 271
2 note).

3 (20) By striking section 456 (6 U.S.C. 275).

4 (21) By striking section 459 (6 U.S.C. 276).

5 (22) By striking section 460 (6 U.S.C. 277).

6 (23) By striking section 461 (6 U.S.C. 278).

7 (24) By redesignating section 462 (6 U.S.C.
8 279) as section 455.

9 (25) In section 455, as so redesignated, in sub-
10 section (b)(2)(A), in the matter preceding clause
11 (i)—

12 (A) by striking “the Bureau of Citizenship
13 and Immigration Services” and inserting
14 “United States Citizenship and Immigration
15 Services”; and

16 (B) by striking “Assistant Secretary of the
17 Bureau of Border Security” and inserting “Di-
18 rector of U.S. Immigration and Customs En-
19 forcement”.

20 (26) By striking section 472 (6 U.S.C. 292).

21 (27) By striking section 473 (6 U.S.C. 293).

22 (28) By striking section 474 (6 U.S.C. 294).

23 (29) By redesignating section 476 (6 U.S.C.
24 296) as section 472.

25 (30) In section 472, as so redesignated—

1 (A) by striking “the Bureau of Citizenship
2 and Immigration Services” each place it ap-
3 pears and inserting “United States Citizenship
4 and Immigration Services”; and

5 (B) by striking “the Bureau of Border Se-
6 curity” each place it appears and inserting
7 “U.S. Immigration and Customs Enforcement”.

8 (31) By striking section 477 (6 U.S.C. 297).

9 (32) By redesignating section 478 (6 U.S.C.
10 298) as section 473.

11 (33) In section 473, as so redesignated—

12 (A) in the section heading, by inserting
13 “**ANNUAL REPORT ON**” before “**IMMIGRA-**
14 **TION**”;

15 (B) by striking subsection (b); and

16 (C) in subsection (a)—

17 (i) by striking “REPORT.—” and all
18 that follows through “One year” and in-
19 serting “REPORT.—One year”;

20 (ii) by redesignating paragraph (2) as
21 subsection (b) and moving such subsection
22 two ems to left; and

23 (iii) in subsection (b), as so redesi-
24 gnated—

1 (I) in the heading, by striking
2 “INCLUDED” and inserting “IN-
3 CLUDED”; and

4 (II) by redesignating subpara-
5 graphs (A) through (H) as para-
6 graphs (1) through (8), respectively,
7 and moving such paragraphs two ems
8 to the left.

9 (e) TITLE V.—Title V of the Homeland Security Act
10 of 2002 (6 U.S.C. 311 et seq.) is amended as follows:

11 (1) In section 501 (6 U.S.C. 311)—

12 (A) in paragraph (8), by striking “section
13 502(a)(6)” and inserting “section 504(a)(6)”;

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

17 (C) by inserting after paragraph (8) the
18 following new paragraph:

19 “(9) the term ‘Nuclear Incident Response
20 Team’ means a resource that includes—

21 “(A) those entities of the Department of
22 Energy that perform nuclear or radiological
23 emergency support functions (including accident
24 response, search response, advisory, and tech-
25 nical operations functions), radiation exposure

1 functions at the medical assistance facility
2 known as the Radiation Emergency Assistance
3 Center/Training Site (REAC/TS), radiological
4 assistance functions, and related functions; and

5 “(B) those entities of the Environmental
6 Protection Agency that perform such support
7 functions (including radiological emergency re-
8 sponse functions) and related functions.”.

9 (2) By striking section 502 (6 U.S.C. 312).

10 (3) In section 504(a)(3)(B) (6 U.S.C.
11 314(a)(3)(B)), by striking “, the National Disaster
12 Medical System,”.

13 (4) In section 506(c) (6 U.S.C. 316(c)), by
14 striking “section 708” each place it appears and in-
15 sserting “section 707”.

16 (5) In section 509(c)(2) (6 U.S.C. 319(c)(2)),
17 in the matter preceding subparagraph (A), by strik-
18 ing “section 708” and inserting “section 707”.

19 (f) TITLE VI.—Section 601 of the Homeland Secu-
20 rity Act of 2002 (6 U.S.C. 331) is amended by striking
21 “Director of Central Intelligence” each place it appears
22 and inserting “Director of National Intelligence”.

23 (g) TITLE VII.—Title VII of the Homeland Security
24 Act of 2002 (6 U.S.C. 341 et seq.) is amended as follows:

25 (1) By striking section 706 (6 U.S.C. 346).

1 (2) By redesignating section 707 (6 U.S.C.
2 347) as section 706.

3 (3) By redesignating section 708 as section
4 707.

5 (4) By redesignating section 709 (relating to
6 the Office of Strategy, Policy, and Plans) as section
7 708.

8 (5) In section 708, as so redesignated, in sub-
9 section (c)(3), by striking “section 707” and insert-
10 ing “section 706”.

11 (h) TITLE VIII.—Title VIII of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 361 et seq.) is amended as
13 follows:

14 (1) By redesignating section 812 as section
15 811.

16 (2) In section 811, as so redesignated—

17 (A) by striking subsections (a) and (c);

18 and

19 (B) in subsection (b)—

20 (i) by striking “(as added by sub-
21 section (a) of this section)” each place it
22 appears;

23 (ii) by redesignating paragraphs (2)
24 through (4) as subsections (b) through (d),
25 respectively, and by moving such sub-

1 sections, as so redesignated, two ems to
2 the left;

3 (iii) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by
4 moving such paragraphs, as so redesignated, two ems to the left; and
5
6

7
8 (iv) by striking “(b) PROMULGATION
9 OF INITIAL GUIDELINES.—” and all that
10 follows through “In this subsection” and
11 inserting the following:

12 “(a) DEFINITION.—In this section”;

13 (C) in subsection (b), as so redesignated,
14 by striking “IN GENERAL” and inserting “IN
15 GENERAL”;

16 (D) in subsection (c), as so redesignated,
17 by striking “MINIMUM REQUIREMENTS” and inserting “MINIMUM REQUIREMENTS”; and
18

19 (E) in subsection (d), as so redesignated,
20 by striking “NO LAPSE OF AUTHORITY” and inserting “NO LAPSE OF AUTHORITY”.

21
22 (3) In section 843(b)(1)(B) (6 U.S.C.
23 413(b)(1)(B)), by striking “as determined by” and
24 all that follows through “; and” and inserting “as
25 determined by the Secretary; and”.

1 (4) By striking section 857 (6 U.S.C. 427).

2 (5) By redesignating section 858 (6 U.S.C.
3 428) as section 857.

4 (6) By striking section 872 (6 U.S.C. 452).

5 (7) By striking section 881 (6 U.S.C. 461).

6 (8) In section 892 (6 U.S.C. 482)—

7 (A) in subsection (b)(7), by striking “Di-
8 rector of Central Intelligence” and inserting
9 “Director of National Intelligence”; and

10 (B) in subsection (c)(3)(D), by striking
11 “Director of Central Intelligence” and inserting
12 “Director of National Intelligence”.

13 (9) By striking section 893 (6 U.S.C. 483).

14 (10) By redesignating section 894 (6 U.S.C.
15 484) as section 893.

16 (i) TITLE IX.—Section 903(a) of the Homeland Se-
17 curity Act of 2002 (6 U.S.C. 493(a)) is amended in the
18 subsection heading by striking “MEMBERS—” and insert-
19 ing “MEMBERS.—”.

20 (j) TITLE X.—Section 1001(c)(1) of the Homeland
21 Security Act of 2002 (6 U.S.C. 511(c)(1)) is amended by
22 striking “Director of Central Intelligence” and inserting
23 “Director of National Intelligence”.

24 (k) TITLE XV.—Title XV of the Homeland Security
25 Act of 2002 (6 U.S.C. 541 et seq.) is amended as follows:

1 (1) By striking section 1502 (6 U.S.C. 542).

2 (2) By redesignating section 1503 (6 U.S.C.
3 543) as section 1502.

4 (l) TITLE XVI.—Section 1611(d)(1) of the Homeland
5 Security Act of 2002 (6 U.S.C. 563(d)(1)) is amended by
6 striking “section 707” and inserting “section 706”.

7 (m) TITLE XIX.—Section 1902(b)(3) of the Home-
8 land Security Act of 2002 (6 U.S.C. 592(b)(3)) is amend-
9 ed—

10 (1) in the paragraph heading, by striking “HA-
11 WAIAN NATIVE-SERVING” and inserting “NATIVE
12 HAWAIIAN-SERVING”; and

13 (2) by striking “Hawaiian native-serving” and
14 inserting “Native Hawaiian-serving”.

15 (n) TITLE XX.—Section 2021 of the Homeland Se-
16 curity Act of 2002 (6 U.S.C. 611) is amended—

17 (1) by striking subsection (c); and

18 (2) by redesignating subsection (d) as sub-
19 section (c).

20 (o) TABLE OF CONTENTS.—The table of contents in
21 section 1(b) of the Homeland Security Act of 2002 (6
22 U.S.C. 101 note) is amended as follows:

23 (1) By striking the items relating to sections
24 317, 319, 318, and 319 and inserting the following
25 new items:

“Sec. 317. Promoting antiterrorism through international cooperation program.

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

“Sec. 320. EMP and GMD mitigation research and development.”.

1 (2) By striking the items relating to sections
2 401 and 402 and inserting the following new item:

“Sec. 401. Border, maritime, and transportation responsibilities.”.

3 (3) By striking the item relating to section 417
4 and inserting the following new item:

“Sec. 416. Allocation of resources by the Secretary.”.

5 (4) By striking the items relating to sections
6 427 through 433 and inserting the following new
7 items:

“Sec. 425. Coordination of information and information technology.

“Sec. 426. Visa issuance.

“Sec. 427. Information on visa denials required to be entered into electronic
data system.

“Sec. 428. Office for Domestic Preparedness.

“Sec. 429. Border Enforcement Security Task Force.

“Sec. 430. Prevention of international child abduction.”.

8 (5) By striking the items relating to sections
9 445 and 446.

10 (6) By amending the item relating to subtitle E
11 of title IV to read as follows:

“Subtitle E—United States Citizenship and Immigration Services”.

12 (7) By amending the item relating to section
13 451 to read as follows:

“Sec. 451. Establishment of United States Citizenship and Immigration Serv-
ices.”.

14 (8) By striking the items relating to sections
15 455, 456, 459, 460, and 461 and inserting before

1 the item relating to section 457 the following new
2 item:

“Sec. 455. Children’s affairs.”.

3 (9) By striking the items relating to sections
4 472 through 478 and inserting the following new
5 items:

“Sec. 472. Separation of funding.

“Sec. 473. Annual report on immigration functions.”.

6 (10) By striking the item relating to section
7 502.

8 (11) By striking the item relating to section
9 524.

10 (12) By striking the items relating to sections
11 706 through 709 and inserting the following new
12 items:

“Sec. 706. Quadrennial Homeland Security Review.

“Sec. 707. Joint Task Forces.

“Sec. 708. Office of Strategy, Policy, and Plans.”.

13 (13) By striking the items relating to sections
14 811 and 812 and inserting the following new item:

“Sec. 811. Law enforcement powers of Inspector General agents.”.

15 (14) By striking the items relating to sections
16 857 and 858 and inserting the following new item:

“Sec. 857. Identification of new entrants into the Federal marketplace.”.

17 (15) By striking the item relating to section
18 872.

19 (16) By striking the item relating to section
20 881.

1 (17) By striking the items relating to sections
2 893 and 894 and inserting the following new item:

“Sec. 893. Authorization of appropriations.”.

3 (18) By striking the items relating to sections
4 1502 and 1503 and inserting the following new
5 item:

“Sec. 1502. Review of congressional committee structures.”.

6 **SEC. 1706. SAVINGS CLAUSE.**

7 Nothing in this Act shall be construed as providing
8 the Department of Homeland Security or any of its com-
9 ponents, agencies, or programs with real property author-
10 ity, including with respect to leases, construction, or other
11 acquisitions and disposals.

12 **DIVISION B—U.S. IMMIGRATION**
13 **AND CUSTOMS ENFORCEMENT**

14 **SEC. 2001. SHORT TITLE.**

15 This division may be cited as the “Immigration and
16 Customs Enforcement Authorization Act of 2017”.

17 **SEC. 2002. ESTABLISHMENT OF U.S. IMMIGRATION AND**
18 **CUSTOMS ENFORCEMENT.**

19 (a) IN GENERAL.—Section 442 of the Homeland Se-
20 curity Act of 2002 (6 U.S.C. 252) is amended to read
21 as follows:

1 **“SEC. 442. ESTABLISHMENT OF U.S. IMMIGRATION AND**
2 **CUSTOMS ENFORCEMENT.**

3 “(a) ESTABLISHMENT.—There is established within
4 the Department an agency to be known as ‘U.S. Immigra-
5 tion and Customs Enforcement’.

6 “(b) DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS
7 ENFORCEMENT.—There shall be at the head of U.S. Im-
8 migration and Customs Enforcement a Director of U.S.
9 Immigration and Customs Enforcement (in this section re-
10 ferred to as the ‘Director’).

11 “(c) DUTIES AND QUALIFICATIONS.—The Director
12 shall—

13 “(1) have a minimum five years—

14 “(A) professional experience in law en-
15 forcement (which may include enforcement of
16 the immigration laws, as defined in section
17 101(a)(17) of the Immigration and Nationality
18 Act (8 U.S.C. 1101(a)(17)) or the customs and
19 trade laws of the United States, as defined in
20 section 2 of the Trade Facilitation and Trade
21 Enforcement Act of 2015 (19 U.S.C. 4301));
22 and

23 “(B) management experience;

24 “(2) identify, arrest, detain and seek the re-
25 moval of inadmissible and deportable aliens and oth-
26 erwise enforce the immigration laws (as defined in

1 section 101(a)(17) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1101(a)(17))), other than
3 through criminal prosecutions;

4 “(3) investigate and, where appropriate, refer
5 for prosecution, any criminal or civil violation of
6 Federal law relating to or involving—

7 “(A) the immigration laws (as defined in
8 section 101(a)(17) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1101(a)(17)));

10 “(B) border control and security, including
11 the prevention of the entry or residence of ter-
12 rorists, criminals, and human rights violators;

13 “(C) the customs and trade laws of the
14 United States, as defined in section 2 of the
15 Trade Facilitation and Trade Enforcement Act
16 of 2015 (19 U.S.C. 4301);

17 “(D) the import or export of merchandise,
18 including the illicit possession, movement of, or
19 trade in goods, services, property, arms, instru-
20 ments of terrorism, items controlled or prohib-
21 ited from export, child exploitation, intellectual
22 property, or currency or other monetary instru-
23 ments;

1 “(E) bulk cash smuggling or other finan-
2 cial crimes with a cross border or international
3 nexus;

4 “(F) transnational gang activity;

5 “(G) chapter 40 or 44 of title 18, United
6 States Code, or other violation relating to fire-
7 arms, explosives, or other destructive devices in-
8 volving an alien;

9 “(H) severe forms of trafficking in per-
10 sons, as defined in section 103 of the Traf-
11 ficking Victims Protection Act of 2000 (22
12 U.S.C. 7102);

13 “(I) the production, procurement, counter-
14 feiting, alteration, or use of fraudulent immi-
15 gration documents or fraudulently obtaining im-
16 migration benefits;

17 “(J) unlawful use of personal information,
18 including immigration document fraud, when
19 such use relates to or affects border security,
20 terrorism, customs, immigration, naturalization,
21 trade, travel, or transportation security;

22 “(K) drug laws, as specified in the Con-
23 trolled Substance Act and the Controlled Sub-
24 stance Import and Export Act in the context of
25 cross-border criminal activity; or

1 “(L) fraud or false statements relating to
2 or involving any matter specified in this para-
3 graph.

4 “(4) administer the National Intellectual Prop-
5 erty Rights Coordination Center established in sec-
6 tion 305 of the Trade Facilitation and Trade En-
7 forcement Act of 2015 (Public Law 114–125; 19
8 U.S.C. 4344);

9 “(5) jointly with the Commissioner of U.S. Cus-
10 toms and Border Protection, develop and submit the
11 joint strategic plan required under section 105 of
12 the Trade Facilitation and Trade Enforcement Act
13 of 2015 (Public Law 114–125; 19 U.S.C. 4314);

14 “(6) coordinate with Federal, State, local, trib-
15 al, and foreign agencies in carrying out the duties
16 described in paragraphs (2) and (3);

17 “(7) in coordination with the Department of
18 State and the Office of International Affairs of the
19 Department, establish staff liaison offices and vetted
20 units in appropriate foreign countries to support the
21 counterterrorism efforts and other international ac-
22 tivities including investigations and repatriation ef-
23 forts;

1 “(8) assign employees of the Department to
2 diplomatic and consular posts, in coordination with
3 the Secretary, pursuant to section 426(e);

4 “(9) establish, maintain, and administer appro-
5 priate interagency law enforcement centers in fur-
6 therance of the Director’s statutory duties, including
7 interagency centers, in accordance with applicable
8 law, or as prescribed by the Secretary;

9 “(10) administer the Border Enforcement Secu-
10 rity Task Force established under section 429;

11 “(11) operate the Cyber Crimes Center estab-
12 lished in section 890A;

13 “(12) in carrying out paragraph (3), administer
14 internal conspiracy investigations at United States
15 ports of entry; and

16 “(13) carry out other duties and powers pre-
17 scribed by law, or delegated by the Secretary.

18 “(d) GENERAL ENFORCEMENT POWERS.—The Di-
19 rector may authorize agents and officers of U.S. Immigra-
20 tion and Customs Enforcement to—

21 “(1) carry out the duties and responsibilities
22 authorized under sections 287 and 274A of the Im-
23 migration and Nationality Act (8 U.S.C. 1357 and
24 8 U.S.C. 1324(a)) and section 589 of the Tariff Act
25 of 1930 (19 U.S.C. 1589a);

1 “(2) offer and pay rewards for services and in-
2 formation leading to the apprehension of persons in-
3 volved in the violation or attempted violation of
4 those provisions of law which United States Immi-
5 gration and Customs Enforcement is authorized by
6 statute to enforce;

7 “(3) conduct undercover investigative oper-
8 ations pursuant to section 294 of the Immigration
9 and Nationality Act (8 U.S.C. 1363a), and section
10 3131 of the Customs Enforcement Act of 1986 (19
11 U.S.C. 2081; enacted as part of the Anti-Drug
12 Abuse Act of 1986); and

13 “(4) carry out other duties and responsibilities
14 provided under the laws of the United States.

15 “(e) DEPUTY DIRECTOR.—There shall be a Deputy
16 Director of United States U.S. Immigration and Customs
17 Enforcement who shall assist the Director in managing
18 U.S. Immigration and Customs Enforcement and who
19 shall assist the Director in carrying out the Directors du-
20 ties.

21 “(f) OFFICE OF HOMELAND SECURITY INVESTIGA-
22 TIONS.—

23 “(1) IN GENERAL.—There is established in
24 U.S. Immigration and Customs Enforcement an Of-
25 fice of Homeland Security Investigations.

1 “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There
2 shall be at the head of the Office of Homeland Secu-
3 rity Investigations an Executive Associate Director,
4 who shall report to the Director.

5 “(3) DUTIES.—The Office of Homeland Secu-
6 rity Investigations shall—

7 “(A) serve as the law enforcement office of
8 U.S. Immigration and Customs Enforcement
9 with a primary responsibility to conduct inves-
10 tigation of terrorist organizations and other
11 criminal organizations that threaten homeland
12 or border security;

13 “(B) serve as the law enforcement office of
14 U.S. Immigration and Customs Enforcement
15 with responsibility to conduct investigations of,
16 and, where appropriate, refer for prosecution,
17 any criminal or civil violation of Federal law,
18 including—

19 “(i) money laundering offenses with a
20 cross-border nexus;

21 “(ii) bulk cash smuggling with a
22 cross-border nexus;

23 “(iii) commercial fraud with a cross-
24 border nexus and intellectual property
25 theft;

1 “(iv) cybercrimes;

2 “(v) human smuggling and human
3 trafficking as defined in section 103 of the
4 Trafficking Victims Protection Act of 2000
5 (22 U.S.C. 7102) , and human rights vio-
6 lations as defined by 28 U.S.C. 509B(e);

7 “(vi) narcotics and weapons smug-
8 gling and trafficking;

9 “(vii) export violations;

10 “(viii) international art and antiquity
11 theft;

12 “(ix) identity and benefits fraud, as
13 those terms are defined in title 8 and title
14 18, United States Code, relating to or in-
15 volving any matter specified in this sub-
16 paragraph; and

17 “(x) any other criminal or civil viola-
18 tion prescribed by law or delegated by the
19 Director;

20 “(C) administer the program to collect in-
21 formation relating to nonimmigrant foreign stu-
22 dents and other exchange program participants
23 described in section 641 of the Illegal Immigra-
24 tion Reform and Immigrant Responsibility Act
25 of 1996 (8 U.S.C. 1372), including the Student

1 and Exchange Visitor Information System es-
2 tablished under such section, and use such in-
3 formation to carry out the enforcement func-
4 tions of United States Immigration and Cus-
5 toms Enforcement;

6 “(D) administer a National Export En-
7 forcement Coordination Center, which shall
8 serve as the primary information sharing forum
9 within the Federal Government to coordinate,
10 promote, and assist Federal and international
11 investigations of export control offenses;

12 “(E) conduct investigations of alleged vio-
13 lations of, and make arrests under, section
14 274A of the Immigration and Nationality Act
15 (8 U.S.C. 1324a), including referring for pros-
16 ecution, or levying monetary penalties against,
17 an employer found to be in violation of such
18 section, and administratively arresting, and ini-
19 tiating removal proceeding against, an alien un-
20 lawfully employed;

21 “(F) administer a Human Smuggling and
22 Trafficking Center, which shall serve as the pri-
23 mary information sharing forum within the
24 Federal Government to coordinate, promote,
25 and assist Federal and international investiga-

1 tions in human smuggling and trafficking inves-
2 tigations;

3 “(G) administer the Bulk Cash Smuggling
4 Center, which shall serve to investigate domes-
5 tic and international bulk cash smuggling ac-
6 tivities and support law enforcement in efforts
7 to investigate and restrict bulk cash smuggling;

8 “(H) investigate and refer for prosecution
9 public safety matters involving (to the extent
10 provided in subsection (b)(4))—

11 “(i) large-scale operations prosecuted
12 pursuant to chapter 96 (relating to rack-
13 eteer influenced and corrupt organizations)
14 of title 18, United States Code; and

15 “(ii) the smuggling into, and sale
16 within, the United States of weapons; and

17 “(I) carry out other duties and powers pre-
18 scribed by the Director.

19 “(g) OFFICE OF ENFORCEMENT AND REMOVAL OP-
20 ERATIONS.—

21 “(1) IN GENERAL.—There is established in
22 U.S. Immigration and Customs Enforcement an Of-
23 fice of Enforcement and Removal Operations.

24 “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There
25 shall be at the head of the Office of Enforcement

1 and Removal Operations an Executive Associate Di-
2 rector, who shall report to the Director.

3 “(3) DUTIES.—The Office of Enforcement and
4 Removal Operations shall—

5 “(A) serve as the law enforcement office of
6 U.S. Immigration and Customs Enforcement
7 with primary responsibility to enforce the civil
8 immigration and nationality laws of the United
9 States;

10 “(B) identify, locate, arrest, detain, and
11 seek the removal of aliens in custodial settings
12 or at-large, and remove aliens ordered removed,
13 who—

14 “(i) are inadmissible or deportable
15 under sections 212(a)(3) or 237(a)(4) of
16 the Immigration and Nationality Act (8
17 U.S.C. 1182(a)(3) or 1227(a)(4)), or oth-
18 erwise present a national security risk to
19 the United States;

20 “(ii) are inadmissible or deportable
21 under sections 212(a)(2) or 237(a)(2) of
22 the Immigration and Nationality Act (8
23 U.S.C. 1182(a)(2) or 1227(a)(2));

1 “(iii) undermine the border security
2 efforts and operations of the United
3 States;

4 “(iv) enter the United States in viola-
5 tion of Federal law;

6 “(v) are unlawfully present in the
7 United States;

8 “(vi) are members of a criminal gang
9 or participate in gang-related crimes, ex-
10 cept as described in subsection (f)(3);

11 “(vii) constitute threats to the public
12 safety; or

13 “(viii) are otherwise subject to exclu-
14 sion, deportation, or removal from the
15 United States.

16 “(C) refer for prosecution aliens described
17 in subparagraph (B) or section 922(g)(5) of
18 title 18, United States Code;

19 “(D) have custody (and the authority to
20 release) over aliens detained for potential exclu-
21 sion, deportation, or removal from the United
22 States, manage the administrative immigration
23 detention operations of U.S. Immigration and
24 Customs Enforcement, and provide necessary,

1 and appropriate medical care to detained aliens
2 in the custody of the agency;

3 “(E) plan, coordinate, and manage the
4 execution of exclusion, deportation, and removal
5 orders issued to aliens;

6 “(F) investigate and refer for prosecution
7 a civil or criminal violation of the immigration
8 laws or an offense described in section
9 287(a)(5) of the Immigration and Nationality
10 Act (8 U.S.C. 1357(a)(5)); and

11 “(G) carry out other duties and powers as
12 prescribed by the Director.

13 “(h) OFFICE OF THE PRINCIPAL LEGAL ADVISOR.—

14 “(1) IN GENERAL.—There is established in
15 U.S. Immigration and Customs Enforcement an Of-
16 fice of the Principal Legal Advisor.

17 “(2) PRINCIPAL LEGAL ADVISOR.—There shall
18 be at the head of the Office the Principal Legal Ad-
19 visor a Principal Legal Advisor.

20 “(3) DUTIES.—The office of the Principal
21 Legal Advisor shall—

22 “(A) provide specialized legal advice and
23 policy guidance to the Director;

24 “(B) represent the Department in all ex-
25 clusion, deportation, and removal proceedings

1 before the Executive Office for Immigration Re-
2 view;

3 “(C) represent U.S. Immigration and Cus-
4 toms Enforcement in venues and fora as au-
5 thorized by the Director or General Counsel of
6 the Department of Homeland Security, or oth-
7 erwise permitted by law; and

8 “(D) carry out other duties and powers as
9 prescribed by the Director.

10 “(i) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

11 “(1) IN GENERAL.—There is established in
12 U.S. Immigration and Customs Enforcement an Of-
13 fice of Professional Responsibility.

14 “(2) ASSISTANT DIRECTOR.—There shall be at
15 the head of the Office of Professional Responsibility
16 an Assistant Director, who shall report to the Direc-
17 tor.

18 “(3) DUTIES.—The Office of Professional Re-
19 sponsibility shall—

20 “(A) investigate allegations of administra-
21 tive, civil, and criminal misconduct involving
22 any employee or contractor of U.S. Immigration
23 and Customs Enforcement;

24 “(B) inspect and review United States Im-
25 migration and Customs Enforcement’s offices,

1 operations, and processes, including detention
2 facilities operated or used by U.S. Immigration
3 and Customs Enforcement, and provide an
4 independent review of United States Immigra-
5 tion and Custom Enforcement’s organizational
6 health, effectiveness, and efficiency of mission;

7 “(C) provide and manage the security pro-
8 grams and operations for U.S. Immigration and
9 Customs Enforcement; and

10 “(D) carry out other duties and powers as
11 prescribed by the Director.

12 “(j) OFFICE OF MANAGEMENT AND ADMINISTRA-
13 TION.—

14 “(1) IN GENERAL.—There is established in
15 U.S. Immigration and Customs Enforcement an Of-
16 fice of Management and Administration.

17 “(2) EXECUTIVE ASSOCIATE DIRECTOR.—There
18 shall be at the head of the Office of Management
19 and Administration an Executive Associate Director,
20 who shall report to the Director.

21 “(3) DUTIES.—The Office of Management and
22 Administration shall—

23 “(A) administer the Office of Human Cap-
24 ital to provide guidance to the agency and en-

1 sure compliance with human resources policies
2 and practices;

3 “(B) administer the Office of Chief Finan-
4 cial Officer;

5 “(C) administer the Office of Policy to de-
6 velop and communicate the agency policies and
7 priorities;

8 “(D) create best practices to efficiently re-
9 spond to all Freedom of Information Act re-
10 quests received by the agency;

11 “(E) manage all information technology
12 systems within the agency; and

13 “(F) carry out additional duties as as-
14 signed or delegated by the Director.

15 “(k) DEPARTMENTAL EVIDENCE DATABASES.—Not-
16 withstanding any other provision of this Act, any officer
17 within the Office of Enforcement and Removal Operations
18 engaged in the duties of that office under subsection
19 (f)(3)(C) or (f)(3)(F) shall be provided access, in connec-
20 tion to such duties, to databases necessary for the proper
21 collection, recordation, and retention of any evidence col-
22 lected.

23 “(l) OTHER AUTHORITIES.—

24 “(1) IN GENERAL.—The Secretary may estab-
25 lish such other Executive Associate Directors, or

1 other similar positions or officials, as the secretary
2 determines necessary to carry out the missions, du-
3 ties, functions, and authorities of U.S. Immigration
4 and Customs Enforcement.

5 “(2) NOTIFICATION.—If the Secretary exercises
6 the authority provided pursuant to paragraph (1),
7 the Secretary shall notify the Committee on the Ju-
8 diciary and the Committee on Homeland Security of
9 the House of Representatives and the Committee on
10 the Judiciary and the Committee on Homeland Se-
11 curity and Governmental Affairs of the Senate not
12 later than 30 days before exercising such authority.

13 “(m) OTHER FEDERAL AGENCIES.—Nothing in this
14 section may be construed as affecting or limiting in any
15 manner the authority, as in existence on the day before
16 the date of the enactment of this section, of any other
17 Federal agency or other component of the Department.”.

18 (b) SPECIAL RULES.—

19 (1) TREATMENT.—Section 442 of the Home-
20 land Security Act of 2002, as amended by subsection
21 (a) of this section, shall be treated as if included in
22 such Act as of the date of the enactment of such
23 Act. In addition to the functions, missions, duties,
24 and authorities specified in such amended section
25 442, U.S. Immigration and Customs Enforcement

1 shall continue to perform and carry out the func-
2 tions, missions, duties, and authorities under section
3 442 of such Act as in existence on the day before
4 such date of enactment (notwithstanding the treat-
5 ment described in this paragraph).

6 (2) RULES OF CONSTRUCTION.—

7 (A) RULES AND REGULATIONS.—Notwith-
8 standing the treatment described in paragraph
9 (1), nothing in this division may be construed
10 as affecting in any manner any rule or regula-
11 tion issued or promulgated pursuant to any
12 provision of law, including section 442 of the
13 Homeland Security Act of 2002, as in existence
14 on the day before the date of the enactment of
15 this division, and any such rule or regulation
16 shall continue to have full force and effect on
17 and after such date.

18 (B) OTHER ACTIONS.—Notwithstanding
19 the treatment described in paragraph (1), noth-
20 ing in this division may be construed as affect-
21 ing in any manner any action, determination,
22 policy, or decision pursuant to section 442 of
23 the Homeland Security Act of 2002 as in exist-
24 ence on the day before the date of the enact-
25 ment of this division, and any such action, de-

1 termination, policy, or decision shall continue to
2 have full force and effect on and after such
3 date.

4 (c) CONTINUATION IN OFFICE.—

5 (1) DIRECTOR.—The individual serving as the
6 Director of U.S. Immigration and Customs Enforce-
7 ment on the day before the date of the enactment
8 of this division (notwithstanding the treatment de-
9 scribed in subsection (b)(1)) may serve as the Direc-
10 tor of U.S. Immigration and Customs Enforcement
11 in accordance with section 442 of the Homeland Se-
12 curity Act of 2002, as amended by subsection (a),
13 until the earlier of—

14 (A) the date on which such individual is no
15 longer eligible to serve as Director; or

16 (B) the date on which a person nominated
17 by the President to be the Director is confirmed
18 by the Senate in accordance with such section
19 441.

20 (2) OTHER POSITIONS.—The individuals serv-
21 ing as the Deputy Director, Executive Associate Di-
22 rectors, Deputy Executive Associate Directors, or
23 similar officers or officials of U.S. Immigration and
24 Customs Enforcement under section 442 of the
25 Homeland Security Act of 2002 on the day before

1 the date of the enactment of this division (notwith-
2 standing the treatment described in subsection
3 (b)(1)) may serve as the appropriate Deputy Direc-
4 tor, Executive Associate Directors, Deputy Executive
5 Associate Directors, Associate Directors, Deputy As-
6 sociate Directors, Assistant Directors, and other of-
7 ficers and officials under section 442 of such Act, as
8 amended by subsection (a), unless the Director of
9 U.S. Immigration and Customs Enforcement deter-
10 mines that another individual should hold such posi-
11 tion.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by striking the item relating to section 442 and
15 inserting the following:

“Sec. 442. Establishment of U.S. Immigration and Customs Enforcement.”.

16 (d) TRANSPORTATION.—Section 1344(b)(6) of title
17 31, United States Code, is amended by inserting “the Di-
18 rector of U.S. Immigration and Customs Enforcement, the
19 Commissioner of U.S. Customs and Border Protection,”
20 after “the Administrator of the Drug Enforcement Admin-
21 istration,”.

22 (e) RULE OF CONSTRUCTION.—Nothing in this Act
23 or the amendments made by this Act may be construed
24 as creating any new ground for removal under the immi-
25 gration laws (as such term is defined in section 101(a)(17)

1 of the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(17))).

3 (f) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that a primary mission of U.S. Immigration and
5 Customs Enforcement is to enforce the full range of immi-
6 gration laws within the interior of the United States.

7 (g) CONFORMING AMENDMENTS.—

8 (1) TITLE 5.—Section 5314 of title 5, United
9 States Code, is amended by inserting after “Director
10 of the Bureau of Citizenship and Immigration Serv-
11 ices.” the following new item: “Director of U.S. Im-
12 migration and Customs Enforcement.”.

13 (2) INSPECTOR GENERAL ACT OF 1978.—Sec-
14 tion 8I(e) of the Inspector General Act of 1978 (5
15 U.S.C. App.) is amended by striking “the Bureau of
16 Border Security,” and inserting “United States Im-
17 migration and Customs Enforcement,”.

18 (3) TRADE FACILITATION AND TRADE EN-
19 FORCEMENT ACT OF 2015.—Paragraph (2) of section
20 802(d) of the Trade Facilitation and Trade Enforce-
21 ment Act of 2015 (Public Law 114–125) is amended
22 by inserting before the period at the end of the fol-
23 lowing: “or the Director of U.S. Immigration and
24 Customs Enforcement, as determined by the Sec-
25 retary of Homeland Security”.

1 (4) HOMELAND SECURITY ACT OF 2002.—Title
2 IV of the Homeland Security Act of 2002 is amend-
3 ed—

4 (A) in subtitle C—

5 (i) in subsection (e) of section 426 (as
6 redesignated in section 1705 of this Act),
7 by adding at the end the following new
8 paragraph:

9 “(9) DELEGATED AUTHORITY.—For purposes
10 of this subsection, the Secretary shall act through
11 the Director of U.S. Immigration and Customs En-
12 forcement.”; and

13 (ii) in section 429 (as redesignated in
14 section 1705 of this Act)—

15 (I) by redesignating subsection
16 (e) as subsection (f); and

17 (II) by inserting after subsection
18 (d) the following new subsection:

19 “(e) ADMINISTRATION.—The Director of U.S. Immi-
20 gration and Customs Enforcement shall administer BEST
21 units established under this section.”; and

22 (B) in subtitle E, in subsection (a)(2)(C)
23 of section 451 (6 U.S.C. 271), by striking “at
24 the same level as the Assistant Secretary of the
25 Bureau of Border Security” and inserting “in

1 accordance with section 5314 of title 5, United
2 States Code”; and

3 (h) CLERICAL AMENDMENTS.—The table of contents
4 in section 1(b) of such Act is amended by striking the
5 item relating to subtitle D of title IV and inserting the
6 following new item:

 “Subtitle D—U.S. Immigration and Customs Enforcement”.

7 **DIVISION C—UNITED STATES**
8 **CITIZENSHIP AND IMMIGRA-**
9 **TION SERVICES**

10 **SEC. 3001. SHORT TITLE.**

11 This division may be cited as the “United States Citi-
12 zenship and Immigration Services Authorization Act”.

13 **SEC. 3002. ESTABLISHMENT OF UNITED STATES CITIZEN-**
14 **SHIP AND IMMIGRATION SERVICES.**

15 (a) IN GENERAL.—Section 451 of the Homeland Se-
16 curity Act of 2002 (6 U.S.C. 271) is amended to read
17 as follows:

18 **“SEC. 451. ESTABLISHMENT OF UNITED STATES CITIZEN-**
19 **SHIP AND IMMIGRATION SERVICES.**

20 “(a) ESTABLISHMENT.—There is established within
21 the Department an agency to be known as ‘United States
22 Citizenship and Immigration Services’.

23 “(b) DIRECTOR OF UNITED STATES CITIZENSHIP
24 AND IMMIGRATION SERVICES.—There shall be at the head
25 of United States Citizenship and Immigration Services a

1 Director of United States Citizenship and Immigration
2 Services (in this section referred to as the ‘Director’).

3 “(c) QUALIFICATIONS AND DUTIES.—The Director
4 shall—

5 “(1) have at least 5 years of management expe-
6 rience;

7 “(2) establish the policies and priorities of
8 United States Citizenship and Immigration Services;

9 “(3) advise the Secretary of any policy or oper-
10 ation that affects, in a significant manner, the mis-
11 sion of another Department component;

12 “(4) meet regularly with the U.S. Citizenship
13 and Immigration Services Ombudsman (established
14 in section 452).

15 “(5) carry out—

16 “(A) the adjudication of immigrant and
17 nonimmigrant visa applications and petitions;

18 “(B) the adjudication of naturalization ap-
19 plications;

20 “(C) the adjudication of asylum and ref-
21 ugee applications;

22 “(D) adjudications performed at service
23 centers; and

24 “(E) all other adjudications formerly per-
25 formed pursuant to this section by the Immi-

1 gration and Naturalization Service or the Bu-
2 reau of Citizenship and Immigration Services,
3 on the day before the date of the enactment of
4 the United States Citizenship and Immigration
5 Services Authorization Act; and

6 “(6) carry out other duties and powers pre-
7 scribed by law or delegated by the Secretary.

8 “(d) DEPUTY DIRECTOR.—There shall be a Deputy
9 Director of United States Citizenship and Immigration
10 Services who shall assist the Director in managing United
11 States Citizenship and Immigration Services and who
12 shall assist the Director in carrying out the Directors du-
13 ties.

14 “(e) OFFICE OF THE CHIEF COUNSEL.—

15 “(1) IN GENERAL.—There is established within
16 United States Citizenship and Immigration Services
17 an Office of the Chief Counsel.

18 “(2) CHIEF COUNSEL.—There shall be at the
19 head of the Office of the Chief Counsel a Chief
20 Counsel.

21 “(3) DUTIES.—The Office of the Chief Counsel
22 shall—

23 “(A) provide specialized legal advice, opin-
24 ions, determinations, and other assistance to
25 the Director with respect to legal matters af-

1 fecting United States Citizenship and Immigra-
2 tion Services;

3 “(B) represent United States Citizenship
4 and Immigration Services in visa petition ap-
5 peal proceedings when applicable; and

6 “(C) carry out other duties and powers
7 prescribed by law or delegated by the Director.

8 “(f) OFFICE OF POLICY AND STRATEGY.—

9 “(1) IN GENERAL.—There is established within
10 United States Citizenship and Immigration Services
11 an Office of Policy and Strategy.

12 “(2) CHIEF.—There shall be at the head of the
13 Office of Policy and Strategy a Chief.

14 “(3) DUTIES.—The Office of Policy and Strat-
15 egy shall—

16 “(A) develop policy recommendations for
17 the Director;

18 “(B) coordinate strategy for policy imple-
19 mentation; and

20 “(C) carry out other duties and powers
21 prescribed by law or delegated by the Director.

22 “(g) OFFICE OF CITIZENSHIP.—

23 “(1) IN GENERAL.—There is established within
24 United States Citizenship and Immigration Services
25 an Office of Citizenship.

1 “(2) CHIEF.—There shall be at the head of the
2 Office of Citizenship a Chief.

3 “(3) DUTIES.—The Office of Citizenship
4 shall—

5 “(A) promote instruction and training on
6 citizenship responsibilities, as well as assimila-
7 tion and civic integration, for eligible aliens who
8 are interested in becoming naturalized citizens
9 of the United States; and

10 “(B) carry out other duties and powers
11 prescribed by law or delegated by the Director.

12 “(h) FRAUD DETECTION AND NATIONAL SECURITY
13 DIRECTORATE.—

14 “(1) IN GENERAL.—There is established within
15 United States Citizenship and Immigration Services
16 a Fraud Detection and National Security Direc-
17 torate.

18 “(2) ASSOCIATE DIRECTOR.—There shall be at
19 the head of the Fraud Detection and National Secu-
20 rity Directorate an Associate Director who shall re-
21 port to the Director.

22 “(3) DUTIES.—The Fraud Detection and Na-
23 tional Security Directorate Office of Citizenship
24 shall in a manner that is consistent with the immi-
25 gration laws (as such term is defined in section

1 101(a)(17) of the Immigration and Nationality Act
2 (8 U.S.C. 1101(a)(17))—

3 “(A) seek to prevent immigration benefits
4 from being granted to individuals who pose a
5 threat to national security or public safety;

6 “(B) seek to prevent immigration benefits
7 from being granted to individuals who defraud
8 the immigration system;

9 “(C) conduct security and background in-
10 vestigations of applicants for immigration bene-
11 fits and develop systems and techniques for
12 identifying and preventing immigration benefits
13 fraud;

14 “(D) investigate and refer to U.S. Immi-
15 gration and Customs Enforcement, where ap-
16 propriate, incidents of known or suspected
17 fraud; and

18 “(E) carry out other duties and powers
19 prescribed by law or delegated by the Director.

20 “(i) IMMIGRATION RECORDS AND IDENTITY SERV-
21 ICES DIRECTORATE.—

22 “(1) IN GENERAL.—There is established within
23 United States Citizenship and Immigration Services
24 an Immigration Records and Identity Services Di-
25 rectorate.

1 “(2) ASSOCIATE DIRECTOR.—There shall be at
2 the head of the Immigration Records and Identity
3 Services Directorate an Associate Director who shall
4 report to the Director.

5 “(3) DUTIES.—The Immigration Records and
6 Identity Services Directorate shall—

7 “(A) manage the operation of an employ-
8 ment eligibility verification system as provided
9 for by section 404 of the Illegal Immigration
10 and Immigrant Responsibility Act of 1996
11 (U.S.C. 1324a note) or any successor provision;

12 “(B) manage the operation of the System-
13 atic Alien Verification for Entitlements Pro-
14 gram, or its successor program, designed to as-
15 sist Federal, State, and local benefit-issuing
16 agencies, institutions, and licensing agencies in
17 determining the immigration status of benefit
18 applicants so only those legally entitled to bene-
19 fits receive them;

20 “(C) manage the biometric services, includ-
21 ing the collection and dissemination of biomet-
22 ric information, provided to United States Citi-
23 zenship and Immigration Services components;

1 “(D) manage immigration records and pro-
2 vide information regarding such records to
3 stakeholders; and

4 “(E) carry out other duties and powers
5 prescribed by law or delegated by the Director.

6 “(j) FIELD OPERATIONS DIRECTORATE.—

7 “(1) IN GENERAL.—There is established within
8 United States Citizenship and Immigration Services
9 a Field Operations Directorate.

10 “(2) ASSOCIATE DIRECTOR.—There shall be at
11 the head of the Field Operations Directorate an As-
12 sociate Director who shall report to the Director.

13 “(3) DUTIES.—The Field Operations Direc-
14 torate shall—

15 “(A) oversee all field offices;

16 “(B) oversee the adjudication of immigra-
17 tion benefits applications and petitions, and
18 naturalization applications;

19 “(C) conduct interviews for pending immi-
20 gration benefits applications and petitions;

21 “(D) conduct naturalization ceremonies;

22 “(E) conduct required security and back-
23 ground security checks for pending applications
24 and petitions;

1 “(F) ensure the integrity of immigration
2 benefit processing that occurs at the field of-
3 fices; and

4 “(G) carry out other duties and powers
5 prescribed by law or delegated by the Director.

6 “(k) REFUGEE, ASYLUM, AND INTERNATIONAL OP-
7 ERATIONS DIRECTORATE.—

8 “(1) IN GENERAL.—There is established within
9 United States Citizenship and Immigration Services
10 a Refugee, Asylum, and International Operations
11 Directorate.

12 “(2) ASSOCIATE DIRECTOR.—There shall be at
13 the head of the Refugee, Asylum, and International
14 Operations Directorate an Associate Director who
15 shall report to the Director.

16 “(3) DUTIES.—The Refugee, Asylum, and
17 International Operations Directorate shall—

18 “(A) oversee refugee application adjudica-
19 tion and interviews;

20 “(B) oversee asylum application adjudica-
21 tion and interviews;

22 “(C) seek to ensure the integrity of appli-
23 cation processing that occurs under the Ref-
24 ugee, Asylum and International Operations Di-
25 rectorate’s authority;

1 “(D) perform other authorized functions of
2 United States Citizenship and Immigration
3 Services outside of the United States, such as
4 those associated with international adoptions
5 and naturalization of members the Armed
6 Forces; and

7 “(E) carry out other duties and powers
8 prescribed by law or delegated by the Director.

9 “(1) SERVICE CENTER OPERATIONS DIREC-
10 TORATE.—

11 “(1) IN GENERAL.—There is established within
12 United States Citizenship and Immigration Services
13 a Service Center Operations Directorate.

14 “(2) ASSOCIATE DIRECTOR.—There shall be at
15 the head of the Service Center Operations Direc-
16 torate an Associate Director who shall report to the
17 Director.

18 “(3) DUTIES.—The Service Center Operations
19 Directorate shall—

20 “(A) oversee and manage all Service Cen-
21 ters;

22 “(B) oversee the adjudication of immigra-
23 tion benefit applications and petitions that
24 occur at Service Centers;

1 “(C) seek to ensure the integrity of immi-
2 gration benefits processing that occurs at the
3 Service Centers; and

4 “(D) carry out other duties and powers
5 prescribed by law or delegated by the Director.

6 “(m) MANAGEMENT DIRECTORATE.—

7 “(1) IN GENERAL.—There is established within
8 United States Citizenship and Immigration Services
9 a Management Directorate.

10 “(2) ASSOCIATE DIRECTOR.—There shall be at
11 the head of the Management Directorate an Asso-
12 ciate Director who shall report to the Director.

13 “(3) DUTIES.—The Management Directorate
14 shall carry out management duties and powers pre-
15 scribed by law or delegated by the Director.

16 “(n) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

17 “(1) IN GENERAL.—There is established within
18 United States Citizenship and Immigration Services
19 an Office of Professional Responsibility.

20 “(2) CHIEF.—There shall be at the head of the
21 Office of Professional Responsibility a Chief who
22 shall report to the Director.

23 “(3) DUTIES.—The Office of Professional Re-
24 sponsibility shall—

1 “(A) seek to ensure compliance with all
2 United States Citizenship and Immigration
3 Services programs and policies relating to cor-
4 ruption, misconduct, or mismanagement;

5 “(B) investigate allegations of administra-
6 tive, civil, and criminal misconduct involving
7 any employee or contractor of United States
8 Citizenship and Immigration Services; and

9 “(C) carry out other duties and powers
10 prescribed by law or delegated by the Director.

11 “(o) OTHER AUTHORITIES.—

12 “(1) IN GENERAL.—The Secretary may estab-
13 lish such other Associate Directors, or other similar
14 positions or officials, as the Secretary determines
15 necessary to carry out the missions, duties, func-
16 tions, and authorities of United States Citizenship
17 and Immigration Services.

18 “(2) NOTIFICATION.—If the Secretary exercises
19 the authority provided pursuant to paragraph (1),
20 the Secretary shall notify the Committee on the Ju-
21 diciary and the Committee on Homeland Security of
22 the House of Representatives and the Committee on
23 the Judiciary and the Committee on Homeland Se-
24 curity and Governmental Affairs of the Senate not

1 later than 30 days prior to the exercise of such au-
2 thority.”.

3 (b) SPECIAL RULES.—

4 (1) TREATMENT.—Section 451 of the Home-
5 land Security Act of 2002 (6 U.S.C. 271), as
6 amended by subsection (a) of this section, shall be
7 treated as if included in such Act as of the date of
8 the enactment of such Act. In addition to the func-
9 tions, missions, duties, and authorities specified in
10 such amended section 451, United States Citizen-
11 ship and Immigration Services shall continue to per-
12 form and carry out the functions, missions, duties,
13 and authorities under section 451 of such Act as in
14 existence on the day before such date of enactment
15 (notwithstanding the treatment described in this
16 paragraph).

17 (2) RULES OF CONSTRUCTION.—

18 (A) RULES AND REGULATIONS.—Notwith-
19 standing the treatment described in paragraph
20 (1), nothing in this division may be construed
21 as affecting in any manner any rule or regula-
22 tion issued or promulgated pursuant to any
23 provision of law, including section 451 of the
24 Homeland Security Act of 2002 (6 U.S.C. 271),
25 as in existence on the day before the date of the

1 enactment of this division, and any such rule or
2 regulation shall continue to have full force and
3 effect on and after such date.

4 (B) OTHER ACTIONS.—Notwithstanding
5 the treatment described in paragraph (1), noth-
6 ing in this division may be construed as affect-
7 ing in any manner any action, determination,
8 policy, or decision pursuant to section 451 of
9 the Homeland Security Act of 2002 (6 U.S.C.
10 271) as in existence on the day before the date
11 of the enactment of this division, and any such
12 action, determination, policy, or decision shall
13 continue to have full force and effect on and
14 after such date.

15 (c) CONTINUATION IN OFFICE.—

16 (1) DIRECTOR.—The individual serving as Di-
17 rector of United States Citizenship and Immigration
18 Services on the day before the date of the enactment
19 of this division may, notwithstanding the treatment
20 provision under paragraph (1) of subsection (b),
21 continue to serve as the Director of United States
22 Citizenship and Immigration Services on and after
23 such date of enactment in accordance with section
24 451 of the Homeland Security Act of 2002 (6

1 U.S.C. 271), as amended by subsection (a) of this
2 section, until the earlier of—

3 (A) the date on which such individual is no
4 longer eligible to serve as Director; or

5 (B) the date on which a person nominated
6 by the President to be the Director is confirmed
7 by the Senate in accordance with such amended
8 section 451.

9 (2) OTHER POSITIONS.—The individuals serv-
10 ing as Chiefs, Associate Directors and other officers
11 and officials under section 451 of the Homeland Se-
12 curity Act of 2002 (6 U.S.C. 271) on the day before
13 the date of the enactment of this division may, not-
14 withstanding the treatment provision under para-
15 graph (1) of subsection (b), serve as the appropriate
16 Chiefs, Assistant Directors and other officers and of-
17 ficials under such section 451 as amended by sub-
18 section (a) of this section unless the Director of
19 United States Citizenship and Immigration Services
20 determines that another individual should hold such
21 position.

22 (d) REFERENCES.—

23 (1) TITLE 5.—Section 5314 of title 5, United
24 States Code, is amended by striking “Director of the
25 Bureau of Citizenship and Immigration Services”

1 and inserting “Director of United States Citizenship
2 and Immigration Services, Department of Homeland
3 Security”.

4 (2) OTHER REFERENCES.—On and after the
5 date of the enactment of this division, any reference
6 in any other Federal law, Executive order, rule, reg-
7 ulation, or delegation of authority to the “Director
8 of the Bureau of Citizenship and Immigration Serv-
9 ices” or the “Bureau of Citizenship and Immigration
10 Services” shall be deemed to be a reference to the
11 Director of United States Citizenship and Immigra-
12 tion Services or United States Citizenship and Immi-
13 gration Services, respectively.

14 (e) EMPLOYEE DISCIPLINE.—Section 454 of the
15 Homeland Security Act of 2002 is amended to read as
16 follows:

17 **“SEC. 454. EMPLOYEE DISCIPLINE.**

18 “Notwithstanding any other provision of law, the Sec-
19 retary may impose disciplinary action on any employee of
20 United States Citizenship and Immigration Services who
21 knowingly deceives Congress or agency leadership on any
22 matter.”.

23 (f) COMBINATION PROHIBITION.—

1 (1) IN GENERAL.—Section 471 of the Home-
2 land Security Act of 2002 is amended to read as fol-
3 lows:

4 **“SEC. 471. COMBINATION PROHIBITION.**

5 “‘The authority provided by section 1502 may be used
6 to reorganize functions or organizational units within U.S.
7 Immigration and Customs Enforcement or United States
8 Citizenship and Immigration Services, but may not be
9 used to combine the two components into a single agency
10 or otherwise to combine, join, or consolidate functions or
11 organizational units of the two components with each
12 other.’”.

13 (2) CLERICAL AMENDMENT.—The table of con-
14 tents in section 1(b) of the Homeland Security Act
15 of 2002 is amended by amending the item relating
16 to section 471 to read as follows:

“Sec. 471. Combination prohibition.”.

17 **DIVISION D—UNITED STATES**
18 **SECRET SERVICE**

19 **SEC. 4001. SHORT TITLE.**

20 This division may be cited as the “Secret Service Re-
21 authorization Act of 2017”.

22 **SEC. 4002. PRESIDENTIAL APPOINTMENT OF DIRECTOR OF**
23 **THE SECRET SERVICE.**

24 Section 3056 of title 18, United States Code, is
25 amended by adding at the end:

1 “(h) The Director of the Secret Service shall be ap-
2 pointed by the President, by and with the advice and con-
3 sent of the Senate. The Director of the Secret Service is
4 the head of the Secret Service.”.

5 **SEC. 4003. RESTRICTED BUILDING OR GROUNDS.**

6 Section 1752(a) of title 18, United States Code, is
7 amended—

8 (1) in paragraph (3), by striking “or” at the
9 end;

10 (2) in paragraph (4), by inserting “or” at the
11 end; and

12 (3) by inserting after paragraph (4) the fol-
13 lowing:

14 “(5) knowingly, and with the intent to enter a
15 restricted building or grounds, causes any object to
16 enter any restricted building or grounds, when, or so
17 that, such object, in fact, impedes or disrupts the or-
18 derly conduct of government business or official
19 functions;”.

20 **SEC. 4004. THREATS AGAINST FORMER VICE PRESIDENTS.**

21 Section 879(a) of title 18, United States Code, is
22 amended—

23 (1) in paragraph (4), by striking “section
24 3056(a)(6);” and inserting “paragraph (6) or (8) of
25 section 3056(a); or”; and

1 (2) by inserting after paragraph (4) the fol-
2 lowing:

3 “(5) a person protected by the Secret Service
4 under a Presidential memorandum;”.

5 **SEC. 4005. INCREASED TRAINING.**

6 Beginning in the first full fiscal year after the date
7 of enactment of this Act, the Director of the Secret Service
8 shall increase the annual number of hours spent training
9 by officers and agents of the Secret Service, including offi-
10 cers of the United States Secret Service Uniformed Divi-
11 sion established under section 3056A of title 18, United
12 States Code and agents operating pursuant to section
13 3056 of title 18, United States Code, including joint train-
14 ing between the two.

15 **SEC. 4006. TRAINING FACILITIES.**

16 The Director of the Secret Service is authorized to
17 construct facilities at the Rowley Training Center nec-
18 essary to improve the training of officers of the United
19 States Secret Service Uniformed Division established
20 under section 3056A of title 18, United States Code and
21 agents of the United States Secret Service, operating pur-
22 suant to section 3056 of title 18, United States Code.

1 **SEC. 4007. EVALUATION OF VULNERABILITIES AND**
2 **THREATS.**

3 (a) IN GENERAL.—The Director of the Secret Service
4 shall devise and adopt improved procedures for evaluating
5 vulnerabilities in the security of the White House and
6 threats to persons protected by the Secret Service, includ-
7 ing threats posed by unmanned aerial systems or explosive
8 devices.

9 (b) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Director of the Secret Service
11 shall report on the implementation of subsection (a) to—

12 (1) the Committee on the Judiciary of the
13 House of Representatives;

14 (2) the Committee on the Judiciary of the Sen-
15 ate;

16 (3) the Committee on Homeland Security of the
17 House of Representatives;

18 (4) the Committee on Homeland Security and
19 Governmental Affairs of the Senate; and

20 (5) the Committee on Oversight and Govern-
21 ment Reform of the House of Representatives.

22 **SEC. 4008. EVALUATION OF USE OF TECHNOLOGY.**

23 (a) IN GENERAL.—The Director of the Secret Serv-
24 ice, in consultation with the Under Secretary for Science
25 and Technology of the Department of Homeland Security,

1 and other experts, shall devise and adopt improved proce-
2 dures for—

3 (1) evaluating the ways in which technology
4 may be used to improve the security of the White
5 House and the response to threats to persons pro-
6 tected by the Secret Service; and

7 (2) retaining evidence pertaining to the duties
8 referred to in paragraph (1) for an extended period
9 of time.

10 (b) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Director of the Secret Service
12 shall report on the implementation of subsection (a) to—

13 (1) the Committee on the Judiciary of the
14 House of Representatives;

15 (2) the Committee on the Judiciary of the Sen-
16 ate;

17 (3) the Committee on Homeland Security of the
18 House of Representatives;

19 (4) the Committee on Homeland Security and
20 Governmental Affairs of the Senate; and

21 (5) the Committee on Oversight and Govern-
22 ment Reform of the House of Representatives.

1 **SEC. 4009. EVALUATION OF USE OF ADDITIONAL WEAP-**
2 **ONRY.**

3 The Director of the Secret Service shall evaluate the
4 practicability of equipping agents and officers with weap-
5 ons other than those provided to officers and agents of
6 the Secret Service as of the date of enactment of this Act,
7 including nonlethal weapons.

8 **SEC. 4010. SECURITY COSTS FOR SECONDARY RESIDENCES.**

9 (a) IN GENERAL.—The Presidential Protection As-
10 sistance Act of 1976 (18 U.S.C. 3056 note) is amended
11 by striking section 4 and inserting the following:

12 **“SEC. 4. NOTIFICATION REGARDING EXPENDITURES ON**
13 **NON-GOVERNMENTAL PROPERTIES.**

14 “The Secret Service shall notify the Committees on
15 Appropriations of the House and Senate of any expendi-
16 tures for permanent facilities, equipment, and services to
17 secure any non-Governmental property in addition to the
18 one non-Governmental property designated by each
19 protectee under subsection (a) or (b) of section 3.”.

20 (b) CONFORMING AMENDMENTS.—The Presidential
21 Protection Assistance Act of 1976 (18 U.S.C. 3056 note),
22 as amended by this Act, is further amended—

23 (1) in section 3(b), by striking “any expendi-
24 tures by the Secret Service” and all that follows
25 through “imposed under section 4” and inserting
26 “any expenditures by the Secret Service for perma-

1 nent facilities, equipment, and services to secure the
2 non-Governmental property previously designated
3 under subsection (a) are subject to the requirements
4 set forth in section 4”; and

5 (2) in section 5(c), by striking “within the limi-
6 tations imposed under section 4”.

7 **SEC. 4011. ESTABLISHMENT OF ETHICS PROGRAM OFFICE.**

8 Subject to the oversight of the Office of Chief Counsel
9 of the United States Secret Service, the Director of the
10 Secret Service shall establish an Ethics Program Office,
11 consisting of a minimum of two employees, to administer
12 the provisions of the Ethics in Government Act of 1978,
13 as amended, and to provide increased training to employ-
14 ees of the United States Secret Service.

15 **SEC. 4012. SECRET SERVICE PROTECTION AT POLLING**
16 **PLACES.**

17 Section 592 of title 18, United States Code, is
18 amended by adding at the end the following:

19 “This section shall not prevent any officer or agent
20 of the United States Secret Service from providing armed
21 protective services authorized under section 3056 or pur-
22 suant to a Presidential memorandum at any place where
23 a general or special election is held.”.

1 **SEC. 4013. SENSE OF CONGRESS.**

2 It is the sense of Congress that an assessment made
3 by the Secretary of Homeland Security or the Director
4 of the Secret Service with regard to physical security of
5 the White House and attendant grounds, and any secu-
6 rity-related enhancements thereto should be accorded sub-
7 stantial deference by the National Capital Planning Com-
8 mission, the Commission of Fine Arts, and any other rel-
9 evant entities.

10 **DIVISION E—COAST GUARD**

11 **SEC. 5001. SHORT TITLE.**

12 This Act may be cited as the “Coast Guard Author-
13 ization Act of 2017”.

14 **TITLE I—AUTHORIZATIONS**

15 **SEC. 5101. AUTHORIZATIONS OF APPROPRIATIONS.**

16 Section 2702 of title 14, United States Code, is
17 amended:

18 (1) in the matter preceding paragraph (1), by
19 striking “fiscal years 2016 and 2017” and inserting
20 “fiscal years 2018 and 2019”;

21 (2) in paragraph (1), by striking subparagraphs
22 (A) and (B) and inserting the following:

23 “(A) \$7,263,698,328 for fiscal year 2018;

24 and

25 “(B) \$7,452,554,484 for fiscal year
26 2019.”;

1 (3) in paragraph (2), by striking subparagraphs
2 (A) and (B) and inserting the following:

3 “(A) \$1,945,000,000 for fiscal year 2018;

4 and

5 “(B) \$1,945,000,000 for fiscal year
6 2019.”;

7 (4) in paragraph (3), by striking subparagraphs
8 (A) and (B) and inserting the following:

9 “(A) \$134,237,000 for fiscal year 2018;

10 and

11 “(B) \$134,237,000 for fiscal year 2019.”;

12 (5) in paragraph (4), by striking subparagraphs
13 (A) and (B) and inserting the following:

14 “(A) \$16,701,000 for fiscal year 2018; and

15 “(B) \$16,701,000 for fiscal year 2019.”;

16 and

17 (6) in paragraph (5), by striking subparagraphs
18 (A) and (B) and inserting the following:

19 “(A) \$37,263,294 for fiscal year 2018; and

20 “(B) \$38,232,140 for fiscal year 2019.”.

21 **SEC. 5102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
22 **AND TRAINING.**

23 Section 2704 of title 14, United States Code, is
24 amended—

1 (1) in subsection (a), by striking “for each of
2 fiscal years 2016 and 2017” and inserting “for fis-
3 cal year 2018 and an end-of-year strength for such
4 personnel of 44,500 for fiscal year 2019”; and

5 (2) in subsection (b), by striking “fiscal years
6 2016 and 2017” and inserting “fiscal years 2018
7 and 2019”.

8 **TITLE II—COAST GUARD**

9 **SEC. 5201. TRAINING; PUBLIC SAFETY PERSONNEL.**

10 (a) IN GENERAL.—Chapter 7 of title 14, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 155. Training; public safety personnel**

14 “(a) IN GENERAL.—The Commandant may, on a re-
15 imbursable or a non-reimbursable basis, make training
16 available to public safety personnel whenever the Com-
17 mandant determines that—

18 “(1) a member of the Coast Guard, who is
19 scheduled to participate in such training, is unable
20 or unavailable to participate in such training;

21 “(2) no other member of the Coast Guard, who
22 is assigned to the unit to which the member of the
23 Coast Guard who is unable or unavailable to partici-
24 pate in such training is assigned, is able or available
25 to participate in such training; and

1 “(3) such training, if made available to such
2 public safety personnel, would further the goal of
3 interoperability among Federal agencies, non-Fed-
4 eral governmental agencies, or both.

5 “(b) DEFINITION.—For the purposes of this section,
6 the term ‘public safety personnel’ includes any Federal,
7 State (or political subdivision thereof), territorial, or tribal
8 law enforcement officer, firefighter, or emergency response
9 provider.

10 “(c) TREATMENT OF REIMBURSEMENT.—Any reim-
11 bursements for training that the Coast Guard receives
12 under this section shall be credited to the appropriation
13 used to pay the costs for such training.

14 “(d) STATUS OF TRAINED PERSONNEL; LIMITATION
15 ON LIABILITY.—

16 “(1) STATUS.—Any public safety personnel to
17 whom training is made available under this section
18 who is not otherwise a Federal employee shall not,
19 because of that training, be considered a Federal
20 employee for any purpose (including the purposes of
21 chapter 81 of title 5 (relating to compensation for
22 injury)) and sections 2671 through 2680 of title 28
23 (relating to tort claims).

24 “(2) LIMITATION ON LIABILITY.—The United
25 States shall not be liable for actions taken by such

1 personnel in the course of training made available
2 under this section.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 7 of such title is amended by inserting at the end the
5 following:

“155. Training; public safety personnel.”.

6 **SEC. 5202. COMMISSIONED SERVICE RETIREMENT.**

7 For Coast Guard officers who retire in fiscal year
8 2017 or 2018, the President may reduce the period of ac-
9 tive commissioned service required under section 291 of
10 title 14, United States Code, to a period of not less than
11 eight years.

12 **SEC. 5203. OFFICER PROMOTION ZONES.**

13 Section 256(a) of title 14, United States Code, is
14 amended by striking “six-tenths.” and inserting “one-
15 half.”.

16 **SEC. 5204. CROSS REFERENCE.**

17 Section 373(a) of title 14, United States Code, is
18 amended by inserting “designated under section 371”
19 after “cadet”.

20 **SEC. 5205. REPEAL.**

21 Section 482 of title 14, United States Code, and the
22 item relating to that section in the analysis for chapter
23 13 of that title, are repealed.

1 **SEC. 5206. UNMANNED AIRCRAFT SYSTEM.**

2 (a) IN GENERAL.—Chapter 3 of title 14, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 61. Unmanned aircraft system**

6 “(a) IN GENERAL.—Subject to the availability of ap-
7 propriations and to subsection (b), the Secretary of the
8 department in which the Coast Guard is operating shall
9 establish a land-based unmanned aircraft system program
10 under the control of the Commandant of the Coast Guard.

11 “(b) LIMITATIONS.—

12 “(1) IN GENERAL.—During any fiscal year for
13 which funds are appropriated for the design or con-
14 struction of the Offshore Patrol Cutter, the Com-
15 mandant—

16 “(A) may not award a contract for design
17 of an unmanned aircraft system for use by the
18 Coast Guard; and

19 “(B) may acquire an unmanned aircraft
20 system only if such a system—

21 “(i) has been part of a program of
22 record, procured by, or used by, the De-
23 partment of Defense or the Department of
24 Homeland Security, or a component there-
25 of, before the date on which the Com-
26 mandant acquires the system; and

1 “(ii) is acquired by the Commandant
2 through an agreement with such a depart-
3 ment or component, unless the unmanned
4 aircraft system can be obtained at less cost
5 through independent contract action.

6 “(2) LIMITATIONS ON APPLICATION.—

7 “(A) SMALL UNMANNED AIRCRAFT.—
8 Paragraph (1)(B) does not apply to small un-
9 manned aircraft.

10 “(B) PREVIOUSLY FUNDED SYSTEMS.—
11 Subsection (b) does not apply to the design or
12 acquisition of an unmanned aircraft system for
13 which funds for research, development, test,
14 and evaluation have been received from the De-
15 partment of Defense or the Department of
16 Homeland Security.

17 “(c) DEFINITIONS.—In this section each of the terms
18 ‘small unmanned aircraft’ and ‘unmanned aircraft system’
19 has the meaning that term has in section 331 of the FAA
20 Modernization and Reform Act of 2012 (49 U.S.C. 40101
21 note).”.

22 (b) CLERICAL AMENDMENT.—The analysis at the be-
23 ginning of such chapter is amended by adding at the end
24 the following:

“61. Unmanned aircraft system.”.

1 (c) CONFORMING AMENDMENT.—Subsection (c) of
2 section 564 of title 14, United States Code, is repealed.

3 **SEC. 5207. COAST GUARD HEALTH-CARE PROFESSIONALS;**
4 **LICENSURE PORTABILITY.**

5 (a) IN GENERAL.—Chapter 5 of title 14, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 104. Coast Guard health-care professionals; licen-**
9 **sure portability**

10 “(a) Notwithstanding any law regarding the licensure
11 of health-care providers, a health-care professional de-
12 scribed in subsection (b) may practice the health profes-
13 sion or professions of the health-care professional at any
14 location in any State, the District of Columbia, or a Com-
15 monwealth, territory, or possession of the United States,
16 regardless of where such health-care professional or the
17 patient are located, if the practice is within the scope of
18 the authorized Federal duties of such health-care profes-
19 sional.

20 “(b) A health-care professional described in this sub-
21 section is an individual—

22 “(1) who is—

23 “(A) a member of the Coast Guard;

24 “(B) a civilian employee of the Coast
25 Guard;

1 “(C) a member of the Public Health Serv-
2 vice who is assigned to the Coast Guard;

3 “(D) a personal services contractor under
4 section 1091 of title 10; or

5 “(E) any other health-care professional
6 credentialed and privileged at a Federal health-
7 care institution or location specially designated
8 by the Secretary; and

9 “(2) who—

10 “(A) has a current license to practice med-
11 icine, osteopathic medicine, dentistry, or an-
12 other health profession; and

13 “(B) is performing authorized duties for
14 the Coast Guard.

15 “(c) In this section each of the terms ‘license’ and
16 ‘health-care professional’ has the meaning that term has
17 in section 1094(e) of title 10.”.

18 (b) CLERICAL AMENDMENT.—The analysis for such
19 chapter is amended by adding at the end the following:

 “104. Coast Guard health-care professionals; licensure portability.”.

20 **SEC. 5208. INCENTIVE CONTRACTS FOR COAST GUARD**
21 **YARD AND INDUSTRIAL ESTABLISHMENTS.**

22 Section 648 of title 14, United States Code, is
23 amended—

24 (1) by inserting before the text the following:

25 “(a) IN GENERAL.—”;

1 (2) in subsection (a), as designated by the
2 amendment made by paragraph (1) of this section,
3 by striking the period at the end of the last sentence
4 and inserting “or in accordance with subsection
5 (b).”; and

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

7 “(b) INCENTIVE CONTRACTS.—

8 “(1) The parties to an order for industrial work
9 to be performed by the Coast Guard Yard or a
10 Coast Guard industrial establishment designated
11 under subsection (a) may enter into an order or a
12 cost-plus-incentive-fee order in accordance with this
13 subsection.

14 “(2) If such parties enter into such an order or
15 a cost-plus-incentive-fee order, an agreed-upon
16 amount of any adjustment described in subsection
17 (a) may be distributed as an incentive to the wage-
18 grade industrial employees who complete the order.

19 “(3) Before entering into such an order or cost-
20 plus-incentive-fee order such parties must agree that
21 the wage-grade employees of the Coast Guard Yard
22 or Coast Guard industrial establishment will take ac-
23 tion to improve the delivery schedule or technical
24 performance agreed to in the order for industrial
25 work to which such parties initially agreed.

1 “(4) Notwithstanding any other provision of
2 law, if the industrial workforce of the Coast Guard
3 Yard or such Coast Guard industrial establishment
4 satisfies the performance target established in such
5 an order or cost-plus-incentive-fee order—

6 “(A) the adjustment to be made pursuant
7 to this subsection shall be reduced by such
8 agreed-upon amount and distributed to such
9 wage-grade industrial employees; and

10 “(B) the remainder of the adjustment shall
11 be credited to the appropriation for such order
12 current at that time.”.

13 **SEC. 5209. MAINTAINING CUTTERS IN CLASS.**

14 Section 573(c)(3)(A) of title 14, United States Code,
15 is amended—

16 (1) by striking “(A) IN GENERAL.—”; and

17 (2) by inserting “and shall maintain such cutter
18 in class” before the period at the end.

19 **SEC. 5210. CONGRESSIONAL AFFAIRS; DIRECTOR.**

20 (a) IN GENERAL.—Chapter 3 of title 14, United
21 States Code, as amended by section 206 of this Act, is
22 further amended by adding at the end the following:

1 **“§ 62. Congressional affairs; director**

2 “The Commandant shall appoint a Director of Con-
3 gressional Affairs from among officers of the Coast Guard
4 who are in a grade above captain.”.

5 (b) CLERICAL AMENDMENT.—The analysis for such
6 chapter is amended by adding at the end the following:

“62. Congressional Affairs; Director.”.

7 **SEC. 5211. CONTRACTING FOR MAJOR ACQUISITIONS PRO-**
8 **GRAMS.**

9 (a) IN GENERAL.—Subchapter II of chapter 15 of
10 title 14, United States Code, is amended by adding at the
11 end the following:

12 **“§ 580. Contracting for major acquisitions programs**

13 “(a) IN GENERAL.—The Commandant of the Coast
14 Guard , or the head of an integrated program office estab-
15 lished for major acquisitions, may enter into contracts for
16 major acquisition programs.

17 “(b) AUTHORIZED METHODS.—Such contracts—

18 “(1) may be block buy contracts;

19 “(2) may be incrementally funded;

20 “(3) may include combined purchases, also
21 known as economic order quantity purchases, of—

22 “(A) materials and components; and

23 “(B) long lead time materials; and

24 “(4) may be multiyear contracts that comply
25 with section 2306b of title 10.

1 “(c) SUBJECT TO APPROPRIATIONS.—Any contract
2 entered into under subsection (a) shall provide that any
3 obligation of the United States to make a payment under
4 the contract is subject to the availability of amounts spe-
5 cifically provided in advance for that purpose in subse-
6 quent appropriations Acts.”.

7 (b) CLERICAL AMENDMENT.—The analysis at the be-
8 ginning of such chapter is amended by adding at the end
9 of the items relating to such subchapter the following:

“580. Contracting for major acquisitions programs.”.

10 (c) CONFORMING AMENDMENTS.—The following pro-
11 visions are repealed:

12 (1) Section 223 of Public Law 113–281 (14
13 U.S.C. 577 note), and the item relating to that sec-
14 tion in the table of contents in section 2 of such Act.

15 (2) Section 221(a) of Public Law 112–213 (14
16 U.S.C. 573 note).

17 (3) Section 207(a) of Public Law 114–120 (14
18 U.S.C. 87 note).

19 **SEC. 5212. NATIONAL SECURITY CUTTER.**

20 (a) STANDARD METHOD FOR TRACKING.—The Com-
21 mandant of the Coast Guard may not certify an eighth
22 National Security Cutter as Ready for Operations before
23 the date on which the Commandant provides to the Com-
24 mittee on Transportation and Infrastructure of the House

1 of Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate—

3 (1) a notification of a new standard method for
4 tracking operational employment of Coast Guard
5 major cutters that does not include time during
6 which such a cutter is away from its homeport for
7 maintenance or repair; and

8 (2) a report analyzing cost and performance for
9 different approaches to achieving varied levels of
10 operational employment using the standard method
11 required by paragraph (1) that, at a minimum—

12 (A) compares over a 30-year period the av-
13 erage annualized baseline cost and perform-
14 ances for a certified National Security Cutter
15 that operated for 185 days away from homeport
16 or an equivalent alternative measure of oper-
17 ational tempo—

18 (i) against the cost of a 15 percent in-
19 crease in days away from homeport or an
20 equivalent alternative measure of oper-
21 ational tempo for a National Security Cut-
22 ter; and

23 (ii) against the cost of the acquisition
24 and operation of an additional National
25 Security Cutter; and

1 (B) examines the optimal level of oper-
2 ational employment of National Security Cut-
3 ters to balance National Security Cutter cost
4 and mission performance.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 221(b) of the Coast Guard and
7 Maritime Transportation Act of 2012 (14 U.S.C.
8 573 note) is repealed.

9 (2) Section 204(c)(1) of the Coast Guard Au-
10 thorization Act of 2016 (130 Stat. 35) is repealed.

11 **SEC. 5213. RADAR REFRESHER TRAINING.**

12 Not later than 60 days after the date of the enact-
13 ment of this Act, the Secretary of the department in which
14 the Coast Guard is operating shall prescribe a final rule
15 eliminating the requirement that a mariner complete an
16 approved refresher or recertification course to maintain a
17 radar observer endorsement. The rulemaking shall be ex-
18 empt from the requirements of chapters 5 and 6 of title
19 5, United States Code, and Executive Order Nos. 12866
20 and 13563.

21 **SEC. 5214. REPEAL.**

22 Section 676a(a) of title 14, United States Code, is
23 amended—

24 (1) by striking paragraph (2);

25 (2) by striking “(1) IN GENERAL.—”;

1 (3) by redesignating subparagraphs (A) and
2 (B) as paragraphs (1) and (2), respectively; and
3 (4) in paragraph (2), as so redesignated, by
4 striking “subparagraph (A)” and inserting “para-
5 graph (1)”.

6 **SEC. 5215. EXTENSION OF AUTHORITY.**

7 Section 404 of the Coast Guard Authorization Act
8 of 2010 (Public Law 111–281; 124 Stat. 2950) is amend-
9 ed—

10 (1) in subsection (a), in the text preceding
11 paragraph (1), by striking “sections 3304, 5333,
12 and 5753” and inserting “section 3304”; and

13 (2) in subsection (b), by striking “2017.” and
14 inserting “2021.”.

15 **SEC. 5216. AUTHORIZATION OF AMOUNTS FOR FAST RE-**
16 **SPONSE CUTTERS.**

17 (a) **IN GENERAL.**—Of the amounts authorized for
18 each fiscal year 2018 and 2019 under section 2702(2) of
19 title 14, United States Code, as amended by this Act,
20 \$165,000,000 is authorized for the acquisition of three
21 Fast Response Cutters in each such fiscal year.

22 (b) **TREATMENT OF ACQUIRED CUTTERS.**—Any cut-
23 ters acquired under subsection (a) shall be in addition to
24 the 58 cutters approved under the existing acquisition
25 baseline.

1 **SEC. 5217. AUTHORIZATION OF AMOUNTS FOR ICE TRIALS**
2 **OF ICEBREAKER VESSELS.**

3 (a) IN GENERAL.—Of the amounts authorized for fis-
4 cal year 2018 under paragraphs (1) and (5) of section
5 2702 of title 14, United States Code, as amended by this
6 Act, up to \$3,000,000 is authorized for the Commandant
7 of the Coast Guard to carry out ice trials of icebreaker
8 vessels documented under section 12111 of title 46,
9 United States Code.

10 (b) ASSESSMENTS.—Ice trials referred to in sub-
11 section (a) shall—

12 (1) assess the ability of an icebreaker vessel to
13 carry out the missions of the Coast Guard enumer-
14 ated in section 2 of title 14, United States Code; or

15 (2) conduct operational tests to produce infor-
16 mation that could be used in the design and acquisi-
17 tion of icebreaker vessels by the Coast Guard to
18 carry out such missions.

19 **SEC. 5218. SHORESIDE INFRASTRUCTURE.**

20 Of the amounts authorized under section 2702(2) of
21 title 14, United States Code, as amended by this Act, for
22 each of fiscal years 2018 and 2019 there is authorized
23 to be appropriated \$165,000,000 to the Secretary of the
24 department in which the Coast Guard is operating to fund
25 the acquisition, construction, rebuilding or improvement

1 of Coast Guard shoreside infrastructure and facilities nec-
2 essary to support Coast Guard operations and readiness.

3 **SEC. 5219. AIRCRAFT IMPROVEMENTS.**

4 Of the amounts authorized under section 2702(2) of
5 title 14, United States Code, as amended by this Act, for
6 each of fiscal years 2018 and 2019 there is authorized
7 to be appropriated up to \$3,500,000 to the Secretary of
8 the department in which the Coast Guard is operating to
9 fund analysis and program development for improvements
10 for Coast Guard MH-65 aircraft.

11 **SEC. 5220. ACQUISITION PLAN FOR INLAND WATERWAY**
12 **AND RIVER TENDERS AND BAY-CLASS ICE-**
13 **BREAKERS.**

14 (a) ACQUISITION PLAN.—Not later than 270 days
15 after the date of the enactment of this Act, the Com-
16 mandant of the Coast Guard shall submit to the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate and the Committee on Transportation and Infra-
19 structure of the House of Representatives a plan to re-
20 place or extend the life of the Coast Guard fleet of inland
21 waterway and river tenders, and the Bay-class icebreakers.

22 (b) CONTENTS.—The plan under subsection (a) shall
23 include—

24 (1) an analysis of the work required to extend
25 the life of vessels described in subsection (a);

1 (2) recommendations for which, if any, such
2 vessels it is cost effective to undertake a ship-life ex-
3 tension or enhanced maintenance program;

4 (3) an analysis of the aids to navigation pro-
5 gram to determine if advances in navigation tech-
6 nology may reduce the needs for physical aids to
7 navigation;

8 (4) recommendations for changes to physical
9 aids to navigation and the distribution of such aids
10 that reduce the need for the acquisition of vessels to
11 replace the vessels described in subsection (a);

12 (5) a schedule for the acquisition of vessels to
13 replace the vessels described in subsection (a), in-
14 cluding the date on which the first vessel will be de-
15 livered;

16 (6) an estimate of the cost per vessel and of the
17 total cost of the acquisition program of record; and

18 (7) a description of the order in which vessels
19 to replace the vessels described in subsection (a) will
20 be built, and the homeports of each such vessel upon
21 its commissioning.

22 **SEC. 5221. REPORT ON SEXUAL ASSAULT VICTIM RECOV-**
23 **ERY IN THE COAST GUARD.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, the Commandant of

1 the Coast Guard shall submit to the Committee on Trans-
2 portation and Infrastructure of the House of Representa-
3 tives and the Committee on Commerce, Science, and
4 Transportation of the Senate a report on sexual assault
5 prevention and response policies of the Coast Guard and
6 strategic goals related to sexual assault victim recovery.

7 (b) CONTENTS.—The report shall—

8 (1) describe Coast Guard strategic goals relat-
9 ing to sexual assault climate, prevention, response,
10 and accountability, and actions taken by the Coast
11 Guard to promote sexual assault victim recovery;

12 (2) explain how victim recovery is being incor-
13 porated into Coast Guard strategic and pro-
14 grammatic guidance related to sexual assault pre-
15 vention and response;

16 (3) examine current Coast Guard sexual assault
17 prevention and response policy with respect to—

18 (A) Coast Guard criteria for what com-
19 prises sexual assault victim recovery;

20 (B) alignment of Coast Guard personnel
21 policies to enhance—

22 (i) an approach to sexual assault re-
23 sponse that gives priority to victim recov-
24 ery;

1 (ii) upholding individual privacy and
2 dignity; and

3 (iii) the opportunity for the continu-
4 ation of Coast Guard service by sexual as-
5 sault victims; and

6 (C) sexual harassment response, including
7 a description of the circumstances under which
8 sexual harassment is considered a criminal of-
9 fense; and

10 (4) to ensure victims and supervisors under-
11 stand the full scope of resources available to aid in
12 long-term recovery, explain how the Coast Guard in-
13 forms its workforce about changes to sexual assault
14 prevention and response policies related to victim re-
15 covery.

16 **TITLE III—PORTS AND**
17 **WATERWAYS SAFETY**

18 **SEC. 5301. CODIFICATION OF PORTS AND WATERWAYS**
19 **SAFETY ACT.**

20 (a) CODIFICATION.—Subtitle VII of title 46, United
21 States Code, is amended by inserting before chapter 701
22 the following:

23 **“CHAPTER 700—PORTS AND WATERWAYS**
24 **SAFETY**

“SUBCHAPTER A—VESSEL OPERATIONS

“Sec.

- “70001. Vessel traffic services.
- “70002. Special powers.
- “70003. Port access routes.
- “70004. Considerations by Secretary.
- “70005. International agreements.

“SUBCHAPTER B—PORTS AND WATERWAYS SAFETY

- “70011. Waterfront safety.
- “70012. Navigational hazards.
- “70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.

“SUBCHAPTER C—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

- “70021. Conditions for entry to ports in the United States.

“SUBCHAPTER D—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

- “70031. Definitions.
- “70032. Saint Lawrence Seaway.
- “70033. Limitation on application to foreign vessels.
- “70034. Regulations.
- “70035. Investigatory powers.
- “70036. Enforcement.

1 “SUBCHAPTER A—VESSEL OPERATIONS

2 **“§ 70001. Vessel traffic services**

3 “(a) Subject to the requirements of section 70004,
4 the Secretary—

5 “(1) in any port or place under the jurisdiction
6 of the United States, in the navigable waters of the
7 United States, or in any area covered by an inter-
8 national agreement negotiated pursuant to section
9 70005, may construct, operate, maintain, improve,
10 or expand vessel traffic services, that consist of
11 measures for controlling or supervising vessel traffic
12 or for protecting navigation and the marine environ-
13 ment and that may include one or more of reporting

1 and operating requirements, surveillance and com-
2 munications systems, routing systems, and fairways;

3 “(2) shall require appropriate vessels that oper-
4 ate in an area of a vessel traffic service to utilize or
5 comply with that service;

6 “(3)(A) may require vessels to install and use
7 specified navigation equipment, communications
8 equipment, electronic relative motion analyzer equip-
9 ment, or any electronic or other device necessary to
10 comply with a vessel traffic service or that is nec-
11 essary in the interests of vessel safety.

12 “(B) Notwithstanding subparagraph (A), the
13 Secretary shall not require fishing vessels under 300
14 gross tons as measured under section 14502, or an
15 alternate tonnage measured under section 14302 as
16 prescribed by the Secretary under section 14104, or
17 recreational vessels 65 feet or less to possess or use
18 the equipment or devices required by this subsection
19 solely under the authority of this chapter;

20 “(4) may control vessel traffic in areas subject
21 to the jurisdiction of the United States that the Sec-
22 retary determines to be hazardous, or under condi-
23 tions of reduced visibility, adverse weather, vessel
24 congestion, or other hazardous circumstances, by—

1 “(A) specifying times of entry, movement,
2 or departure;

3 “(B) establishing vessel traffic routing
4 schemes;

5 “(C) establishing vessel size, speed, or
6 draft limitations and vessel operating condi-
7 tions; and

8 “(D) restricting operation, in any haz-
9 ardous area or under hazardous conditions, to
10 vessels that have particular operating character-
11 istics or capabilities that the Secretary con-
12 siders necessary for safe operation under the
13 circumstances;

14 “(5) may require the receipt of prearrival mes-
15 sages from any vessel, destined for a port or place
16 subject to the jurisdiction of the United States, in
17 sufficient time to permit advance vessel traffic plan-
18 ning before port entry, which shall include any infor-
19 mation that is not already a matter of record and
20 that the Secretary determines necessary for the con-
21 trol of the vessel and the safety of the port or the
22 marine environment; and

23 “(6) may prohibit the use on vessels of elec-
24 tronic or other devices that interfere with commu-
25 nication and navigation equipment, except that such

1 authority shall not apply to electronic or other de-
2 vices certified to transmit in the maritime services
3 by the Federal Communications Commission and
4 used within the frequency bands 157.1875–157.4375
5 MHz and 161.7875–162.0375 MHz.

6 “(b) COOPERATIVE AGREEMENTS.—

7 “(1) IN GENERAL.—The Secretary may enter
8 into cooperative agreements with public or private
9 agencies, authorities, associations, institutions, cor-
10 porations, organizations, or other persons to carry
11 out the functions under subsection (a)(1).

12 “(2) LIMITATION.—

13 “(A) A nongovernmental entity may not
14 under this subsection carry out an inherently
15 governmental function.

16 “(B) As used in this paragraph, the term
17 ‘inherently governmental function’ means any
18 activity that is so intimately related to the pub-
19 lic interest as to mandate performance by an
20 officer or employee of the Federal Government,
21 including an activity that requires either the ex-
22 ercise of discretion in applying the authority of
23 the Government or the use of judgment in mak-
24 ing a decision for the Government.

1 “(c) LIMITATION OF LIABILITY FOR COAST GUARD
2 VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL
3 VESSEL TRAFFIC SERVICE OPERATORS.—

4 “(1) COAST GUARD VESSEL TRAFFIC SERVICE
5 PILOTS.—Any pilot, acting in the course and scope
6 of his or her duties while at a Coast Guard Vessel
7 Traffic Service, who provides information, advice, or
8 communication assistance while under the super-
9 vision of a Coast Guard officer, member, or em-
10 ployee shall not be liable for damages caused by or
11 related to such assistance unless the acts or omis-
12 sions of such pilot constitute gross negligence or
13 willful misconduct.

14 “(2) NON-FEDERAL VESSEL TRAFFIC SERVICE
15 OPERATORS.—An entity operating a non-Federal
16 vessel traffic information service or advisory service
17 pursuant to a duly executed written agreement with
18 the Coast Guard, and any pilot acting on behalf of
19 such entity, is not liable for damages caused by or
20 related to information, advice, or communication as-
21 sistance provided by such entity or pilot while so op-
22 erating or acting unless the acts or omissions of
23 such entity or pilot constitute gross negligence or
24 willful misconduct.

1 **“§ 70002. Special powers**

2 “The Secretary may order any vessel, in a port or
3 place subject to the jurisdiction of the United States or
4 in the navigable waters of the United States, to operate
5 or anchor in a manner the Secretary directs if—

6 “(1) the Secretary has reasonable cause to be-
7 lieve such vessel does not comply with any regulation
8 issued under section 70034 or any other applicable
9 law or treaty;

10 “(2) the Secretary determines such vessel does
11 not satisfy the conditions for port entry set forth in
12 section 70021 of this title; or

13 “(3) by reason of weather, visibility, sea condi-
14 tions, port congestion, other hazardous cir-
15 cumstances, or the condition of such vessel, the Sec-
16 retary is satisfied such direction is justified in the
17 interest of safety.

18 **“§ 70003. Port access routes**

19 “(a) AUTHORITY TO DESIGNATE.—Except as pro-
20 vided in subsection (b) and subject to the requirements
21 of subsection (c), in order to provide safe access routes
22 for the movement of vessel traffic proceeding to or from
23 ports or places subject to the jurisdiction of the United
24 States, the Secretary shall designate necessary fairways
25 and traffic separation schemes for vessels operating in the
26 territorial sea of the United States and in high seas ap-

1 proaches, outside the territorial sea, to such ports or
2 places. Such a designation shall recognize, within the des-
3 ignated area, the paramount right of navigation over all
4 other uses.

5 “(b) LIMITATION.—

6 “(1) IN GENERAL.—No designation may be
7 made by the Secretary under this section if—

8 “(A) the Secretary determines such a des-
9 ignation, as implemented, would deprive any
10 person of the effective exercise of a right grant-
11 ed by a lease or permit executed or issued
12 under other applicable provisions of law; and

13 “(B) such right has become vested before
14 the time of publication of the notice required by
15 paragraph (1) of subsection (c).

16 “(2) CONSULTATION REQUIRED.—The Sec-
17 retary shall make the determination under para-
18 graph (1)(A) after consultation with the head of the
19 agency responsible for executing the lease or issuing
20 the permit.

21 “(c) CONSIDERATION OF OTHER USES.—Before
22 making a designation under subsection (a), and in accord-
23 ance with the requirements of section 70004, the Sec-
24 retary shall—

1 “(1) undertake a study of the potential traffic
2 density and the need for safe access routes for ves-
3 sels in any area for which fairways or traffic separa-
4 tion schemes are proposed or that may otherwise be
5 considered and publish notice of such undertaking in
6 the Federal Register;

7 “(2) in consultation with the Secretary of State,
8 the Secretary of the Interior, the Secretary of Com-
9 merce, the Secretary of the Army, and the Gov-
10 ernors of affected States, as their responsibilities
11 may require, take into account all other uses of the
12 area under consideration, including, as appropriate,
13 the exploration for, or exploitation of, oil, gas, or
14 other mineral resources, the construction or oper-
15 ation of deepwater ports or other structures on or
16 above the seabed or subsoil of the submerged lands
17 or the Outer Continental Shelf of the United States,
18 the establishment or operation of marine or estua-
19 rine sanctuaries, and activities involving recreational
20 or commercial fishing; and

21 “(3) to the extent practicable, reconcile the
22 need for safe access routes with the needs of all
23 other reasonable uses of the area involved.

24 “(d) STUDY.—In carrying out the Secretary’s respon-
25 sibilities under subsection (c), the Secretary shall—

1 “(1) proceed expeditiously to complete any
2 study undertaken; and

3 “(2) after completion of such a study, promptly—
4

5 “(A) issue a notice of proposed rulemaking
6 for the designation contemplated; or

7 “(B) publish in the Federal Register a notice
8 that no designation is contemplated as a result of the study and the reason for such determination.
9
10

11 “(e) IMPLEMENTATION OF DESIGNATION.—In connection with a designation made under this section, the
12 Secretary—
13

14 “(1) shall issue reasonable rules and regulations
15 governing the use of such designated areas, including rules and regulations regarding the applicability
16 of rules 9 and 10 of the International Regulations for Preventing Collisions at Sea, 1972, relating to
17 narrow channels and traffic separation schemes, respectively, in waters where such regulations apply;
18
19

20 “(2) to the extent that the Secretary finds reasonable and necessary to effectuate the purposes of
21 the designation, make the use of designated fairways and traffic separation schemes mandatory for specific
22 types and sizes of vessels, foreign and domestic,
23
24
25

1 operating in the territorial sea of the United States
2 and for specific types and sizes of vessels of the
3 United States operating on the high seas beyond the
4 territorial sea of the United States;

5 “(3) may, from time to time, as necessary, ad-
6 just the location or limits of designated fairways or
7 traffic separation schemes in order to accommodate
8 the needs of other uses that cannot be reasonably
9 accommodated otherwise, except that such an ad-
10 justment may not, in the judgment of the Secretary,
11 unacceptably adversely affect the purpose for which
12 the existing designation was made and the need for
13 which continues; and

14 “(4) shall, through appropriate channels—

15 “(A) notify cognizant international organi-
16 zations of any designation, or adjustment there-
17 of; and

18 “(B) take action to seek the cooperation of
19 foreign States in making it mandatory for ves-
20 sels under their control to use, to the same ex-
21 tent as required by the Secretary for vessels of
22 the United States, any fairway or traffic sepa-
23 ration scheme designated under this section in
24 any area of the high seas.

1 **“§ 70004. Considerations by Secretary**

2 “In carrying out the duties of the Secretary under
3 sections 70001, 70002, and 70003, the Secretary shall—

4 “(1) take into account all relevant factors con-
5 cerning navigation and vessel safety, protection of
6 the marine environment, and the safety and security
7 of United States ports and waterways, including—

8 “(A) the scope and degree of the risk or
9 hazard involved;

10 “(B) vessel traffic characteristics and
11 trends, including traffic volume, the sizes and
12 types of vessels involved, potential interference
13 with the flow of commercial traffic, the presence
14 of any unusual cargoes, and other similar fac-
15 tors;

16 “(C) port and waterway configurations and
17 variations in local conditions of geography, cli-
18 mate, and other similar factors;

19 “(D) the need for granting exemptions for
20 the installation and use of equipment or devices
21 for use with vessel traffic services for certain
22 classes of small vessels, such as self-propelled
23 fishing vessels and recreational vessels;

24 “(E) the proximity of fishing grounds, oil
25 and gas drilling and production operations, or

1 any other potential or actual conflicting activ-
2 ity;

3 “(F) environmental factors;

4 “(G) economic impact and effects;

5 “(H) existing vessel traffic services; and

6 “(I) local practices and customs, including
7 voluntary arrangements and agreements within
8 the maritime community; and

9 “(2) at the earliest possible time, consult with
10 and receive and consider the views of representatives
11 of the maritime community, ports and harbor au-
12 thorities or associations, environmental groups, and
13 other persons who may be affected by the proposed
14 actions.

15 **“§ 70005. International agreements**

16 “(a) TRANSMITTAL OF REGULATIONS.—The Sec-
17 retary shall transmit, via the Secretary of State, to appro-
18 priate international bodies or forums, any regulations
19 issued under this subchapter, for consideration as inter-
20 national standards.

21 “(b) AGREEMENTS.—The President is authorized
22 and encouraged to—

23 “(1) enter into negotiations and conclude and
24 execute agreements with neighboring nations, to es-
25 tablish compatible vessel standards and vessel traffic

1 services, and to establish, operate, and maintain
2 international vessel traffic services, in areas and
3 under circumstances of mutual concern; and

4 “(2) enter into negotiations, through appro-
5 priate international bodies, and conclude and execute
6 agreements to establish vessel traffic services in ap-
7 propriate areas of the high seas.

8 “(c) OPERATIONS.—The Secretary, pursuant to any
9 agreement negotiated under subsection (b) that is binding
10 upon the United States in accordance with constitutional
11 requirements, may—

12 “(1) require vessels operating in an area of a
13 vessel traffic service to utilize or to comply with the
14 vessel traffic service, including the carrying or in-
15 stallation of equipment and devices as necessary for
16 the use of the service; and

17 “(2) waive, by order or regulation, the applica-
18 tion of any United States law or regulation con-
19 cerning the design, construction, operation, equip-
20 ment, personnel qualifications, and manning stand-
21 ards for vessels operating in waters over which the
22 United States exercises jurisdiction if such vessel is
23 not en route to or from a United States port or
24 place, and if vessels en route to or from a United
25 States port or place are accorded equivalent waivers

1 of laws and regulations of the neighboring nation,
2 when operating in waters over which that nation ex-
3 ercises jurisdiction.

4 “(d) SHIP REPORTING SYSTEMS.—The Secretary, in
5 cooperation with the International Maritime Organization,
6 may implement and enforce two mandatory ship reporting
7 systems, consistent with international law, with respect to
8 vessels subject to such reporting systems entering the fol-
9 lowing areas of the Atlantic Ocean:

10 “(1) Cape Cod Bay, Massachusetts Bay, and
11 Great South Channel (in the area generally bounded
12 by a line starting from a point on Cape Ann, Massa-
13 chusetts at 42 deg. 39′ N., 70 deg. 37′ W; then
14 northeast to 42 deg. 45′ N., 70 deg. 13′ W; then
15 southeast to 42 deg. 10′ N., 68 deg. 31′ W, then
16 south to 41 deg. 00′ N., 68 deg. 31′ W; then west
17 to 41 deg. 00′ N., 69 deg. 17′ W; then northeast to
18 42 deg. 05′ N., 70 deg. 02′ W, then west to 42 deg.
19 04′ N., 70 deg. 10′ W; and then along the Massa-
20 chusetts shoreline of Cape Cod Bay and Massachu-
21 setts Bay back to the point on Cape Ann at 42 deg.
22 39′ N., 70 deg. 37′ W).

23 “(2) In the coastal waters of the Southeastern
24 United States within about 25 nm along a 90 nm
25 stretch of the Atlantic seaboard (in an area gen-

1 erally extending from the shoreline east to longitude
2 80 deg. 51.6' W with the southern and northern
3 boundary at latitudes 30 deg. 00' N., 31 deg. 27'
4 N., respectively).

5 “SUBCHAPTER B—PORTS AND WATERWAYS
6 SAFETY

7 “§ 70011. **Waterfront safety**

8 “(a) IN GENERAL.—The Secretary may take such ac-
9 tion as is necessary to—

10 “(1) prevent damage to, or the destruction of,
11 any bridge or other structure on or in the navigable
12 waters of the United States, or any land structure
13 or shore area immediately adjacent to such waters;
14 and

15 “(2) protect the navigable waters and the re-
16 sources therein from harm resulting from vessel or
17 structure damage, destruction, or loss.

18 “(b) ACTIONS AUTHORIZED.—Actions authorized by
19 subsection (a) include—

20 “(1) establishing procedures, measures, and
21 standards for the handling, loading, unloading, stor-
22 age, stowage, and movement on a structure (includ-
23 ing the emergency removal, control, and disposition)
24 of explosives or other dangerous articles and sub-

1 stances, including oil or hazardous material as those
2 terms are defined in section 2101;

3 “(2) prescribing minimum safety equipment re-
4 quirements for a structure to assure adequate pro-
5 tection from fire, explosion, natural disaster, and
6 other serious accidents or casualties;

7 “(3) establishing water or waterfront safety
8 zones, or other measures, for limited, controlled, or
9 conditional access and activity when necessary for
10 the protection of any vessel, structure, waters, or
11 shore area; and

12 “(4) establishing procedures for examination to
13 assure compliance with the requirements prescribed
14 under this section.

15 “(c) STATE LAW.—Nothing in this section, with re-
16 spect to structures, prohibits a State or political subdivi-
17 sion thereof from prescribing higher safety equipment re-
18 quirements or safety standards than those that may be
19 prescribed by regulations under this section.

20 **“§ 70012. Navigational hazards**

21 “(a) REPORTING PROCEDURE.—The Secretary shall
22 establish a program to encourage fishermen and other ves-
23 sel operators to report potential or existing navigational
24 hazards involving pipelines to the Secretary through Coast
25 Guard field offices.

1 “(b) SECRETARY’S RESPONSE.—

2 “(1) NOTIFICATION BY THE OPERATOR OF A
3 PIPELINE.—Upon notification by the operator of a
4 pipeline of a hazard to navigation with respect to
5 that pipeline, the Secretary shall immediately notify
6 Coast Guard headquarters, the Pipeline and Haz-
7 ardous Materials Safety Administration, other af-
8 fected Federal and State agencies, and vessel owners
9 and operators in the pipeline’s vicinity.

10 “(2) NOTIFICATION BY OTHER PERSONS.—

11 Upon notification by any other person of a hazard
12 or potential hazard to navigation with respect to a
13 pipeline, the Secretary shall promptly determine
14 whether a hazard exists, and if so shall immediately
15 notify Coast Guard headquarters, the Pipeline and
16 Hazardous Materials Safety Administration, other
17 affected Federal and State agencies, vessel owners
18 and operators in the pipeline’s vicinity, and the
19 owner and operator of the pipeline.

20 “(c) PIPELINE DEFINED.—For purposes of this sec-

21 tion, the term ‘pipeline’ has the meaning given the term
22 ‘pipeline facility’ in section 60101(a)(18) of title 49.

1 **“§ 70013. Requirement to notify Coast Guard of re-**
2 **lease of objects into the navigable waters**
3 **of the United States**

4 “(a) REQUIREMENT.—As soon as a person has
5 knowledge of any release from a vessel or facility into the
6 navigable waters of the United States of any object that
7 creates an obstruction prohibited under section 10 of the
8 Act of March 3, 1899, popularly known as the Rivers and
9 Harbors Appropriations Act of 1899 (33 U.S.C. 403),
10 such person shall notify the Secretary and the Secretary
11 of the Army of such release.

12 “(b) RESTRICTION ON USE OF NOTIFICATION.—Any
13 notification provided by an individual in accordance with
14 subsection (a) may not be used against such individual
15 in any criminal case, except a prosecution for perjury or
16 for giving a false statement.

17 **“SUBCHAPTER C—CONDITION FOR ENTRY INTO**
18 **PORTS IN THE UNITED STATES**

19 **“§ 70021. Conditions for entry to ports in the United**
20 **States**

21 “(a) IN GENERAL.—No vessel that is subject to chap-
22 ter 37 shall operate in the navigable waters of the United
23 States or transfer cargo or residue in any port or place
24 under the jurisdiction of the United States, if such ves-
25 sel—

1 “(1) has a history of accidents, pollution inci-
2 dents, or serious repair problems that, as determined
3 by the Secretary, creates reason to believe that such
4 vessel may be unsafe or may create a threat to the
5 marine environment;

6 “(2) fails to comply with any applicable regula-
7 tion issued under section 70034, chapter 37, or any
8 other applicable law or treaty;

9 “(3) discharges oil or hazardous material in vio-
10 lation of any law of the United States or in a man-
11 ner or quantities inconsistent with any treaty to
12 which the United States is a party;

13 “(4) does not comply with any applicable vessel
14 traffic service requirements;

15 “(5) is manned by one or more officers who are
16 licensed by a certifying State that the Secretary
17 has determined, pursuant to section 9101 of title 46,
18 does not have standards for licensing and certifi-
19 cation of seafarers that are comparable to or more
20 stringent than United States standards or inter-
21 national standards that are accepted by the United
22 States;

23 “(6) is not manned in compliance with manning
24 levels as determined by the Secretary to be necessary
25 to insure the safe navigation of the vessel; or

1 “(7) while underway, does not have at least one
2 licensed deck officer on the navigation bridge who is
3 capable of clearly understanding English.

4 “(b) EXCEPTIONS.—

5 “(1) IN GENERAL.—The Secretary may allow
6 provisional entry of a vessel that is not in compli-
7 ance with subsection (a), if the owner or operator of
8 such vessel proves, to the satisfaction of the Sec-
9 retary, that such vessel is not unsafe or a threat to
10 the marine environment, and if such entry is nec-
11 essary for the safety of the vessel or persons aboard.

12 “(2) PROVISIONS NOT APPLICABLE.—Para-
13 graphs (1), (2), (3), and (4) of subsection (a) of this
14 section shall not apply to a vessel allowed provisional
15 entry under paragraph (1) if the owner or operator
16 of such vessel proves, to the satisfaction of the Sec-
17 retary, that such vessel is no longer unsafe or a
18 threat to the marine environment, and is no longer
19 in violation of any applicable law, treaty, regulation
20 or condition, as appropriate.

1 “SUBCHAPTER D—DEFINITIONS, REGULA-
2 TIONS, ENFORCEMENT, INVESTIGATORY
3 POWERS, APPLICABILITY

4 “§ 70031. Definitions

5 “As used in subchapters A through C and this sub-
6 chapter, unless the context otherwise requires:

7 “(1) The term ‘marine environment’ means—

8 “(A) the navigable waters of the United
9 States and the land and resources therein and
10 thereunder;

11 “(B) the waters and fishery resources of
12 any area over which the United States asserts
13 exclusive fishery management authority;

14 “(C) the seabed and subsoil of the Outer
15 Continental Shelf of the United States, the re-
16 sources thereof, and the waters superjacent
17 thereto; and

18 “(D) the recreational, economic, and scenic
19 values of such waters and resources.

20 “(2) The term ‘Secretary’ means the Secretary
21 of the department in which the Coast Guard is oper-
22 ating, except that such term means the Secretary of
23 Transportation with respect to the application of
24 this chapter to the Saint Lawrence Seaway.

1 “(3) The term ‘navigable waters of the United
2 States’ includes all waters of the territorial sea of
3 the United States as described in Presidential Pro-
4 clamation No. 5928 of December 27, 1988.

5 **“§ 70032. Saint Lawrence Seaway**

6 “The authority granted to the Secretary under sec-
7 tions 70001, 70002, 70003, 7004, and 70011 may not be
8 delegated with respect to the Saint Lawrence Seaway to
9 any agency other than the Saint Lawrence Seaway Devel-
10 opment Corporation. Any other authority granted the Sec-
11 retary under subchapters A through C and this subchapter
12 shall be delegated by the Secretary to the Saint Lawrence
13 Seaway Development Corporation to the extent the Sec-
14 retary determines such delegation is necessary for the
15 proper operation of the Saint Lawrence Seaway.

16 **“§ 70033. Limitation on application to foreign vessels**

17 “Except pursuant to international treaty, convention,
18 or agreement, to which the United States is a party, sub-
19 chapters A through C and this subchapter shall not apply
20 to any foreign vessel that is not destined for, or departing
21 from, a port or place subject to the jurisdiction of the
22 United States and that is in—

23 “(1) innocent passage through the territorial
24 sea of the United States; or

1 “(2) transit through the navigable waters of the
2 United States that form a part of an international
3 strait.

4 **“§ 70034. Regulations**

5 “(a) IN GENERAL.—In accordance with section 553
6 of title 5, the Secretary shall issue, and may from time
7 to time amend or repeal, regulations necessary to imple-
8 ment subchapters A through C and this subchapter.

9 “(b) CONSULTATION.—In the exercise of the regu-
10 latory authority under subchapters A through C and this
11 subchapter, the Secretary shall consult with, and receive
12 and consider the views of all interested persons, includ-
13 ing—

14 “(1) interested Federal departments and agen-
15 cies;

16 “(2) officials of State and local governments;

17 “(3) representatives of the maritime commu-
18 nity;

19 “(4) representatives of port and harbor authori-
20 ties or associations;

21 “(5) representatives of environmental groups;

22 “(6) any other interested persons who are
23 knowledgeable or experienced in dealing with prob-
24 lems involving vessel safety, port and waterways

1 safety, and protection of the marine environment;
2 and

3 “(7) advisory committees consisting of all inter-
4 ested segments of the public when the establishment
5 of such committees is considered necessary because
6 the issues involved are highly complex or controver-
7 sial.

8 **“§ 70035. Investigatory powers**

9 “(a) SECRETARY.—The Secretary may investigate
10 any incident, accident, or act involving the loss or destruc-
11 tion of, or damage to, any structure subject to subchapters
12 A through C and this subchapter, or that affects or may
13 affect the safety or environmental quality of the ports,
14 harbors, or navigable waters of the United States.

15 “(b) POWERS.—In an investigation under this sec-
16 tion, the Secretary may issue subpoenas to require the at-
17 tendance of witnesses and the production of documents or
18 other evidence relating to such incident, accident, or act.
19 If any person refuses to obey a subpoena, the Secretary
20 may request the Attorney General to invoke the aid of the
21 appropriate district court of the United States to compel
22 compliance with the subpoena. Any district court of the
23 United States may, in the case of refusal to obey a sub-
24 poena, issue an order requiring compliance with the sub-
25 poena, and failure to obey the order may be punished by

1 the court as contempt. Witnesses may be paid fees for
2 travel and attendance at rates not exceeding those allowed
3 in a district court of the United States.

4 **“§ 70036. Enforcement**

5 “(a) CIVIL PENALTY.—

6 “(1) IN GENERAL.—Any person who is found
7 by the Secretary, after notice and an opportunity for
8 a hearing, to have violated subchapters A through C
9 or this subchapter or a regulation issued under sub-
10 chapters A through C or this subchapter shall be lia-
11 ble to the United States for a civil penalty, not to
12 exceed \$25,000 for each violation. Each day of a
13 continuing violation shall constitute a separate viola-
14 tion. The amount of such civil penalty shall be as-
15 sessed by the Secretary, or the Secretary’s designee,
16 by written notice. In determining the amount of
17 such penalty, the Secretary shall take into account
18 the nature, circumstances, extent, and gravity of the
19 prohibited acts committed and, with respect to the
20 violator, the degree of culpability, any history of
21 prior offenses, ability to pay, and such other matters
22 as justice may require.

23 “(2) COMPROMISE, MODIFICATION, OR REMIS-
24 SION.—The Secretary may compromise, modify, or
25 remit, with or without conditions, any civil penalty

1 that is subject to imposition or that has been im-
2 posed under this section.

3 “(3) FAILURE TO PAY PENALTY.—If any per-
4 son fails to pay an assessment of a civil penalty
5 after it has become final, the Secretary may refer
6 the matter to the Attorney General of the United
7 States, for collection in any appropriate district
8 court of the United States.

9 “(b) CRIMINAL PENALTY.—

10 “(1) CLASS D FELONY.—Any person who will-
11 fully and knowingly violates subchapters A through
12 C or this subchapter or any regulation issued there-
13 under commits a class D felony.

14 “(2) CLASS C FELONY.—Any person who, in
15 the willful and knowing violation of subchapters A
16 through C or this subchapter or of any regulation
17 issued thereunder, uses a dangerous weapon, or en-
18 gages in conduct that causes bodily injury or fear of
19 imminent bodily injury to any officer authorized to
20 enforce the provisions of such a subchapter or the
21 regulations issued under such subchapter, commits a
22 class C felony.

23 “(c) IN REM LIABILITY.—Any vessel that is used in
24 violation of subchapters A, B, or C or this subchapter,
25 or any regulations issued under such subchapter, shall be

1 liable in rem for any civil penalty assessed pursuant to
2 subsection (a) and may be proceeded against in the United
3 States district court for any district in which such vessel
4 may be found.

5 “(d) INJUNCTION.—The United States district courts
6 shall have jurisdiction to restrain violations of subchapter
7 A, B, or C or this subchapter or of regulations issued
8 under such subchapter, for cause shown.

9 “(e) DENIAL OF ENTRY.—Except as provided in sec-
10 tion 70021, the Secretary may, subject to recognized prin-
11 ciples of international law, deny entry by any vessel that
12 is not in compliance with subchapter A, B, or C or this
13 subchapter or the regulations issued under such sub-
14 chapter—

15 “(1) into the navigable waters of the United
16 States; or

17 “(2) to any port or place under the jurisdiction
18 of the United States.

19 “(f) WITHHOLDING OF CLEARANCE.—

20 “(1) IN GENERAL.—If any owner, operator, or
21 individual in charge of a vessel is liable for a penalty
22 or fine under this section, or if reasonable cause ex-
23 ists to believe that the owner, operator, or individual
24 in charge may be subject to a penalty or fine under
25 this section, the Secretary of the Treasury, upon the

1 request of the Secretary, shall with respect to such
 2 vessel refuse or revoke any clearance required by
 3 section 60105 of title 46.

4 “(2) GRANTING CLEARANCE REFUSED OR RE-
 5 VOKED.—Clearance refused or revoked under this
 6 subsection may be granted upon filing of a bond or
 7 other surety satisfactory to the Secretary.”.

8 (b) CLERICAL AMENDMENT.—The analysis at the be-
 9 ginning of such subtitle is amended by inserting before
 10 the item relating to chapter 701 the following:

“700. Ports and Waterways Safety70001.”.

11 **SEC. 5302. CONFORMING AMENDMENTS.**

12 (a) ELECTRONIC CHARTS.—

13 (1) TRANSFER OF PROVISION.—Section 4A of
 14 the Ports and Waterways Safety Act (33 U.S.C.
 15 1223a)—

16 (A) is redesignated as section 3105 of title
 17 46, United States Code, and transferred to ap-
 18 pear after section 3104 of that title; and

19 (B) is amended by striking subsection (b)
 20 and inserting the following:

21 “(b) LIMITATION ON APPLICATION.—Except pursu-
 22 ant to an international treaty, convention, or agreement,
 23 to which the United States is a party, this section shall
 24 not apply to any foreign vessel that is not destined for,

1 or departing from, a port or place subject to the jurisdic-
2 tion of the United States and that is in—

3 “(1) innocent passage through the territorial
4 sea of the United States; or

5 “(2) transit through the navigable waters of the
6 United States that form a part of an international
7 strait.”.

8 (2) CLERICAL AMENDMENT.—The analysis at
9 the beginning of chapter 31 of such title is amended
10 by adding at the end the following:

“3105. Electronic charts.”.

11 (b) PORT, HARBOR, AND COASTAL FACILITY SECUR-
12 RITY.—

13 (1) TRANSFER OF PROVISIONS.—So much of
14 section 7 of the Ports and Waterways Safety Act
15 (33 U.S.C. 1226) as precedes subsection (c) of that
16 section is redesignated as section 70116 of title 46,
17 United States Code, and transferred so as to replace
18 section 70116 of that title, as in effect before the
19 enactment of this Act.

20 (2) DEFINITIONS, ADMINISTRATION, AND EN-
21 FORCEMENT.—Section 70116 of title 46, United
22 States Code, as amended by paragraph (1) of this
23 subsection, is amended by adding at the end the fol-
24 lowing:

1 “(c) DEFINITIONS, ADMINISTRATION, AND EN-
2 FORCEMENT.—This section shall be treated as part of
3 chapter 700 for purposes of sections 70031, 70032,
4 70034, 70035, and 70036.”.

5 (3) CLERICAL AMENDMENT.—The analysis at
6 the beginning of chapter 701 of such title is amend-
7 ed by striking the item relating to section 70116 and
8 inserting the following:

“70116. Port, harbor, and coastal facility security.”.

9 (c) NONDISCLOSURE OF PORT SECURITY PLANS.—
10 Subsection (c) of section 7 of the Ports and Waterways
11 Safety Act (33 U.S.C. 1226), as so designated before the
12 application of subsection (b)(1) of this section—

13 (1) is redesignated as subsection (f) of section
14 70103 of title 46, United States Code, and trans-
15 ferred so as to appear after subsection (e) of such
16 section; and

17 (2) is amended by striking “this Act” and in-
18 serting “this chapter”.

19 (d) REPEAL.—Section 2307 of title 46, United States
20 Code, and the item relating to that section in the analysis
21 at the beginning of chapter 23 of that title, are repealed.

22 (e) REPEAL.—The Ports and Waterways Safety Act
23 (33 U.S.C. 1221–1231, 1232–1232b), as amended by this
24 Act, is repealed.

1 **SEC. 5303. TRANSITIONAL AND SAVINGS PROVISIONS.**

2 (a) **DEFINITIONS.**—In this section:

3 (1) **SOURCE PROVISION.**—The term “source
4 provision” means a provision of law that is replaced
5 by a title 46 provision under this title.

6 (2) **TITLE 46 PROVISION.**—The term “title 46
7 provision” means a provision of title 46, United
8 States Code, that is enacted by section 5302.

9 (b) **CUTOFF DATE.**—The title 46 provisions replace
10 certain provisions of law enacted before the date of the
11 enactment of this Act. If a law enacted after that date
12 amends or repeals a source provision, that law is deemed
13 to amend or repeal, as the case may be, the corresponding
14 title 46 provision. If a law enacted after that date is other-
15 wise inconsistent with a title 46 provision or a provision
16 of this title, that law supersedes the title 46 provision or
17 provision of this title to the extent of the inconsistency.

18 (c) **ORIGINAL DATE OF ENACTMENT UNCHANGED.**—
19 For purposes of determining whether one provision of law
20 supersedes another based on enactment later in time, a
21 title 46 provision is deemed to have been enacted on the
22 date of enactment of the source provision that the title
23 46 provision replaces.

24 (d) **REFERENCES TO TITLE 46 PROVISIONS.**—A ref-
25 erence to a title 46 provision, including a reference in a

1 regulation, order, or other law, is deemed to refer to the
2 corresponding source provision.

3 (e) REFERENCES TO SOURCE PROVISIONS.—A ref-
4 erence to a source provision, including a reference in a
5 regulation, order, or other law, is deemed to refer to the
6 corresponding title 46 provision.

7 (f) REGULATIONS, ORDERS, AND OTHER ADMINIS-
8 TRATIVE ACTIONS.—A regulation, order, or other admin-
9 istrative action in effect under a source provision con-
10 tinues in effect under the corresponding title 46 provision.

11 (g) ACTIONS TAKEN AND OFFENSES COMMITTED.—
12 An action taken or an offense committed under a source
13 provision is deemed to have been taken or committed
14 under the corresponding title 46 provision.

15 **SEC. 5304. RULE OF CONSTRUCTION.**

16 This title, including the amendments made by this
17 title, is intended only to transfer provisions of the Ports
18 and Waterways Safety Act to title 46, United States Code,
19 and may not be construed to alter—

20 (1) the effect of a provision of the Ports and
21 Waterways Safety Act, including any authority or
22 requirement therein;

23 (2) a department or agency interpretation with
24 respect to the Ports and Waterways Safety Act; or

1 vessel of such department and any private vessel
2 tendered gratuitously for that purpose.

3 “(c) TRANSFER OF AUTHORITY.—The authority of
4 the Commandant under this section may be transferred
5 by the President for any special occasion to the head of
6 another Federal department or agency whenever in the
7 President’s judgment such transfer is desirable.

8 “(d) PENALTIES.—

9 “(1) IN GENERAL.—For any violation of regula-
10 tions issued pursuant to this section the following
11 penalties shall be incurred:

12 “(A) A licensed officer shall be liable to
13 suspension or revocation of license in the man-
14 ner prescribed by law for incompetency or mis-
15 conduct.

16 “(B) Any person in charge of the naviga-
17 tion of a vessel other than a licensed officer
18 shall be liable to a penalty of \$5,000.

19 “(C) The owner of a vessel (including any
20 corporate officer of a corporation owning the
21 vessel) actually on board shall be liable to a
22 penalty of \$5,000, unless the violation of regu-
23 lations occurred without the owner’s knowledge.

24 “(D) Any other person shall be liable to a
25 penalty of \$2,500.

1 or insular, subject to the jurisdiction of the United
2 States.

3 “(2) TERRITORIAL WATERS.—The term ‘terri-
4 torial waters of the United States’ includes all
5 waters of the territorial sea of the United States as
6 described in Presidential Proclamation 5928 of De-
7 cember 27, 1988.”.

8 (b) REGULATION OF ANCHORAGE AND MOVEMENT
9 OF VESSELS DURING NATIONAL EMERGENCY.—Section 1
10 of title II of the Act of June 15, 1917 (40 Stat. 220, chap-
11 ter 30; 50 U.S.C. 191), is amended—

12 (1) by striking the section designation and all
13 that follows before “by proclamation” and inserting
14 the following:

15 **“§ 70051. Regulation of anchorage and movement of**
16 **vessels during national emergency**

17 “Whenever the President”;

18 (2) by striking “of the Treasury”;

19 (3) by striking “of the department in which the
20 Coast Guard is operating”;

21 (4) by striking “this title” and inserting “this
22 subchapter”; and

23 (5) by transferring the section so that the sec-
24 tion appears before section 70054 of title 46, United

1 States Code (as added by subsection (a) of this sec-
2 tion).

3 (c) SEIZURE AND FORFEITURE OF VESSEL; FINE
4 AND IMPRISONMENT.—Section 2 of title II of the Act of
5 June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 192),
6 is amended—

7 (1) by striking the section designation and all
8 that follows before “agent,” and inserting the fol-
9 lowing:

10 **“§ 70052. Seizure and forfeiture of vessel; fine and im-
11 prisonment**

12 “(a) IN GENERAL.—If any owner,”;

13 (2) by striking “this title” each place it appears
14 and inserting “this subchapter”; and

15 (3) by transferring the section so that the sec-
16 tion appears after section 70051 of title 46, United
17 States Code (as transferred by subsection (b) of this
18 section).

19 (d) ENFORCEMENT PROVISIONS.—Section 4 of title
20 II of the Act of June 15, 1917 (40 Stat. 220, chapter
21 30; 50 U.S.C. 194), is amended—

22 (1) by striking all before “may employ” and in-
23 serting the following:

24 **“§ 70053. Enforcement provisions**

25 “The President”;

1 (2) by striking “the purpose of this title” and
 2 inserting “this subchapter”; and

3 (3) by transferring the section so that the sec-
 4 tion appears after section 70052 of title 46, United
 5 States Code (as transferred by subsection (c) of this
 6 section).

7 (e) CLERICAL AMENDMENT.—The analysis for chap-
 8 ter 700 of title 46, United States Code, as established by
 9 section 5301 of this Act, is amended by adding at the end
 10 the following:

“SUBCHAPTER F—REGULATION OF VESSELS IN TERRITORIAL WATERS OF
 UNITED STATES

“70051. Regulation of anchorage and movement of vessels during national emer-
 gency.

“70052. Seizure and forfeiture of vessel; fine and imprisonment.

“70053. Enforcement provisions.

“70054. Definitions.”.

11 **TITLE IV—MARITIME**
 12 **TRANSPORTATION SAFETY**

13 **SEC. 5401. CLARIFICATION OF LOGBOOK ENTRIES.**

14 (a) IN GENERAL.—Section 11304 of title 46, United
 15 States Code, is amended—

16 (1) in subsection (a), by striking “an official”
 17 and inserting “a”; and

18 (2) in subsection (b), by amending paragraph
 19 (3) to read as follows:

20 “(3) Each illness of, and injury to, a seaman of
 21 the vessel, the nature of the illness or injury, and

1 the medical treatment provided for the injury or ill-
2 ness.”.

3 (b) TECHNICAL AMENDMENT.—Section 11304(b) is
4 amended by striking “log book” and inserting “logbook”.

5 **SEC. 5402. TECHNICAL CORRECTIONS: LICENSES, CERTIFI-**
6 **CATIONS OF REGISTRY, AND MERCHANT**
7 **MARINER DOCUMENTS.**

8 Title 46, United States Code, is amended—

9 (1) in section 7106(b), by striking “merchant
10 mariner’s document,” and inserting “license,”;

11 (2) in section 7107(b), by striking “merchant
12 mariner’s document,” and inserting “certificate of
13 registry,”;

14 (3) in section 7507(b)(1), by striking “licenses
15 or certificates of registry” and inserting “merchant
16 mariner documents”; and

17 (4) in section 7507(b)(2) by striking “merchant
18 mariner’s document.” and inserting “license or cer-
19 tificate of registry.”.

20 **SEC. 5403. NUMBERING FOR UNDOCUMENTED BARGES.**

21 Section 12301(b) of title 46, United States Code, is
22 amended—

23 (1) by striking “shall” and inserting “may”;
24 and

25 (2) by inserting “of” after “barge”.

1 **SEC. 5404. DRAWBRIDGE DEVIATION EXEMPTION.**

2 Section 5 of the Act entitled “An Act making appro-
3 priations for the construction, repair, and preservation of
4 certain public works on rivers and harbors, and for other
5 purposes”, approved August 18, 1894 (33 U.S.C. 499),
6 is amended by adding at the end the following new sub-
7 section:

8 “(d) EXEMPTION.—

9 “(1) IN GENERAL.—A change to a schedule
10 that governs the opening of a drawbridge that will
11 be in effect for less than 6 months shall not be sub-
12 ject to the rule making requirements of section 553
13 of title 5, United States Code.

14 “(2) ALTERNATE REQUIREMENTS.—

15 “(A) DUTIES OF SECRETARY.—The Sec-
16 retary of the department in which the Coast
17 Guard is operating shall provide notice of each
18 such change through—

19 “(i) a local notice to mariners;

20 “(ii) a Coast Guard broadcast notice
21 to mariners; or

22 “(iii) another method of notice that
23 the Secretary considers appropriate.

24 “(B) OWNER AND OPERATOR DUTIES.—

25 With respect to any drawbridge other than a
26 railroad drawbridge, the owner or operator of

1 such drawbridge shall provide notice of such a
2 change to—

3 “(i) the general public, through publi-
4 cation in a newspaper of general circula-
5 tion;

6 “(ii) the Department of Transpor-
7 tation or other public agency with adminis-
8 trative jurisdiction over the roadway that
9 abuts the approach to such bridge; and

10 “(iii) the law enforcement organiza-
11 tion with jurisdiction over the roadway
12 that abuts the approach to such bridge.”.

13 **SEC. 5405. DEADLINE FOR COMPLIANCE WITH ALTERNATE**
14 **SAFETY COMPLIANCE PROGRAMS.**

15 (a) DEADLINE.—Section 4503(d) of title 46, United
16 States Code, is amended by striking so much as precedes
17 paragraph (3) and inserting the following:

18 “(d)(1) The Secretary, in cooperation with the com-
19 mercial fishing industry, may prescribe an alternative
20 safety compliance program that shall apply in lieu of re-
21 quirements under section 4502(b), for any category of
22 fishing vessels, fish processing vessels, or fish tender ves-
23 sels that are—

24 “(A) at least 50 feet overall in length;

25 “(B) built before July 1, 2013; and

1 “(C) 25 years of age or older.

2 “(2) An alternative safety compliance program pre-
3 scribed under paragraph (1) shall apply to a vessel—

4 “(A) except as provided in subparagraph (B),
5 after the later of January 1, 2020, or the end of the
6 3-year period beginning on the date on which the
7 Secretary prescribes the program; and

8 “(B) in the case of a vessel that undergoes a
9 major conversion completed after the later of July 1,
10 2013, or the date the Secretary establishes stand-
11 ards for the alternate safety compliance program,
12 upon the completion of such conversion.”.

13 (b) CONFORMING AMENDMENT.—Section 4502(b) of
14 title 46, United States Code, is amended by inserting “and
15 subject to section 4503(d),” after “In addition to the re-
16 quirements of subsection (a) of this section,”.

17 **SEC. 5406. AUTHORIZATION FOR MARINE DEBRIS PRO-**
18 **GRAM.**

19 The Marine Debris Research, Prevention, and Reduc-
20 tion Act is amended—

21 (1) in section 9 (33 U.S.C. 1958)—

22 (A) by striking the em-dash and all that
23 follows through “(1)”; and

1 (B) by striking “; and” and all that follows
2 through the end of the section and inserting a
3 period; and

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

5 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

6 “Of the amounts authorized for each fiscal year
7 under section 2702(1) of title 14, United States Code, up
8 to \$2,000,000 are authorized for the Commandant to
9 carry out section 4 of this Act, of which not more than
10 10 percent may be used for administrative costs.”.

11 **SEC. 5407. ALTERNATIVE DISTRESS SIGNALS.**

12 (a) PERFORMANCE STANDARD.—Not later than one
13 year after the date of the enactment of this Act, the Sec-
14 retary of the department in which the Coast Guard is op-
15 erating shall issue a rule that establishes a performance
16 standard for distress signals, including for maritime visual
17 distress signals, that may be used as an alternative to the
18 distress signals required by section 175.110 of title 33,
19 Code of Federal Regulations..

20 (b) AUTHORIZATION OF USE.—Not later than 180
21 days after the date of the issuance of a rule under sub-
22 section (a), the Secretary shall issue a rule amending part
23 175 of title 33, Code of Federal Regulations, to authorize
24 use of distress signals in accordance with such perform-
25 ance standard.

1 **SEC. 5408. ATLANTIC COAST PORT ACCESS ROUTE STUDY**
2 **RECOMMENDATIONS.**

3 Not later than 30 days after the date of the enact-
4 ment of the Act, the Commandant of the Coast Guard
5 shall notify the Committee on Transportation and Infra-
6 structure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate of action taken to carry out the recommendations
9 contained in the final report issued by the Atlantic Coast
10 Port Access Route Study (ACPARS) workgroup for which
11 notice of availability was published March 14, 2016 (81
12 Fed. Reg. 13307).

13 **SEC. 5409. DOCUMENTATION OF RECREATIONAL VESSELS.**

14 Coast Guard personnel performing nonrecreational
15 vessel documentation functions under subchapter II of
16 chapter 121 of title 46, United States Code, may perform
17 recreational vessel documentation under section 12114 of
18 such title in any fiscal year in which—

19 (1) funds available for Coast Guard operating
20 expenses may not be used for expenses incurred for
21 recreational vessel documentation;

22 (2) fees collected from owners of yachts and
23 credited to such use are insufficient to pay expenses
24 of recreational vessel documentation; and

25 (3) there is a backlog of applications for rec-
26 reational vessel documentation.

1 **SEC. 5410. CERTIFICATES OF DOCUMENTATION FOR REC-**
2 **REATIONAL VESSELS.**

3 Section 12114 of title 46, United States Code, is
4 amended by adding at the end the following:

5 “(d) **EFFECTIVE PERIOD.**—A recreational endorse-
6 ment for a vessel—

7 “(1) except as provided in paragraph (3), shall
8 be effective for 5 years;

9 “(2) shall require the owner of the vessel to no-
10 tify the Coast Guard of each change in the informa-
11 tion on which the issuance of the certificate of docu-
12 mentation is based that occurs before the expiration
13 of the certificate under this subsection, by not later
14 than 30 days after such change; and

15 “(3) shall terminate upon the expiration of such
16 30-day period if the owner has not notified the
17 Coast Guard of such change before the end of such
18 period.

19 “(e) **STATE AND LOCAL AUTHORITY TO REMOVE**
20 **ABANDONED AND DERELICT VESSELS.**—Nothing in this
21 section shall be construed to limit the authority of a State
22 or local authority from taking action to remove an aban-
23 doned or derelict vessel.

24 “(f) **AUTHORITY.**—

25 “(1) **REQUIREMENT.**—The Secretary shall as-
26 sess and collect a fee for the issuance or renewal of

1 a recreational endorsement, that is equivalent to the
 2 fee established for the issuance or renewal, respec-
 3 tively, of a fishery endorsement pursuant to section
 4 2110.

5 “(2) TREATMENT.—Fees collected under this
 6 subsection—

7 “(A) shall be credited to the account from
 8 which the costs of such issuance or renewal
 9 were paid; and

10 “(B) may remain available until ex-
 11 pended.”.

12 **SEC. 5411. BACKUP GLOBAL POSITIONING SYSTEM.**

13 (a) IN GENERAL.—Subtitle VIII of title 46, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing:

16 **“CHAPTER 807—POSITION, NAVIGATION,**
 17 **AND TIMING**

“Sec.

“80701. Land-based complementary and backup positioning, navigation, and
 timing system.

18 **“§ 80701. Land-based complementary and backup po-**
 19 **sitioning, navigation, and timing system**

20 “(a) ELORAN.—Subject to the availability of appro-
 21 priations, the Secretary shall provide for the establish-
 22 ment, sustainment, and operation of a reliable land-based
 23 enhanced LORAN, or eLORAN, positioning, navigation,
 24 and timing system.

1 “(b) PURPOSE.—The purpose of the system estab-
2 lished under subsection (a) is to provide a complement to,
3 and backup for, the Global Positioning System (in this
4 section referred to as ‘GPS’) to ensure the availability of
5 uncorrupted and nondegraded positioning, navigation, and
6 timing signals for military and civilian users in the event
7 that GPS signals are corrupted, degraded, unreliable, or
8 otherwise unavailable.

9 “(c) REQUIREMENTS.—The system established under
10 subsection (a) shall—

11 “(1) be wireless;

12 “(2) be terrestrial;

13 “(3) provide wide-area coverage;

14 “(4) transmit a precise, high-power signal in
15 the 100 kilohertz spectrum and meet the one micro-
16 second accuracy requirement specified in the Federal
17 Radio Navigation Plan;

18 “(5) be synchronized with coordinated universal
19 time;

20 “(6) be resilient and extremely difficult to dis-
21 rupt or degrade;

22 “(7) be able to penetrate underground and in-
23 side buildings;

24 “(8) be capable of deployment to remote loca-
25 tions;

1 “(9) take full advantage of the infrastructure of
2 the existing, unused Coast Guard long-range naviga-
3 tion system (commonly known as ‘LORAN-C’), and
4 subject to the concurrence and agreement of other
5 agencies, unused facilities associated with the
6 Ground Wave Emergency Network and Nationwide
7 Differential GPS systems;

8 “(10) utilize and leverage the capabilities of the
9 entity for development, building, and operation of
10 the system;

11 “(11) function in an interoperable and com-
12 plementary manner with other similar positioning,
13 navigation, and timing systems;

14 “(12) be made available by the Secretary for
15 use by other Federal agencies for public purposes at
16 no cost; and

17 “(13) incorporate such other requirements de-
18 termined necessary by the Secretary with respect to
19 such agencies.

20 “(d) SECRETARY DEFINED.—In this section the term
21 ‘Secretary’ means the Secretary of Transportation, acting
22 through the Commandant of the Coast Guard.”.

23 (b) CLERICAL AMENDMENT.—The analysis for sub-
24 title VIII of title 46, United States Code, is amended by

1 adding after the item relating to chapter 805 the fol-
 2 lowing:

“**807. Position, navigation, and timing****80701.**”.

3 (c) IMPLEMENTATION PLAN.—Not later than 180
 4 days after the date of the enactment of this Act, the Sec-
 5 retary, as that term is defined in the amendments made
 6 by this section, shall provide to the Committee on Trans-
 7 portation and Infrastructure of the House of Representa-
 8 tives and the Committee on Commerce, Science, and
 9 Transportation of the Senate, a plan to ensure that the
 10 system required under such amendments is fully oper-
 11 ational by not later than 3 years after such date of enact-
 12 ment.

13 **SEC. 5412. WATERS DEEMED NOT NAVIGABLE WATERS OF**
 14 **THE UNITED STATES FOR CERTAIN PUR-**
 15 **POSES.**

16 For purposes of the application of subtitle II of title
 17 46, United States Code, to the Volunteer (Hull Number
 18 CCA4108), the Illinois and Michigan Canal is deemed to
 19 not be navigable waters of the United States.

20 **SEC. 5413. UNINSPECTED PASSENGER VESSELS IN ST.**
 21 **LOUIS COUNTY, MINNESOTA.**

22 Section 4105 of title 46, United States Code, is
 23 amended—

24 (1) by redesignating subsection (c) as sub-
 25 section (d); and

1 (2) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) In applying this title with respect to an
4 uninspected vessel of less than 25 feet overall in length
5 that carries passengers on Crane Lake or waters contig-
6 uous to such lake in St. Louis County, Minnesota, the Sec-
7 retary shall substitute ‘12 passengers’ for ‘6 passengers’
8 each place it appears in section 2101(42).”.

9 **SEC. 5414. ENGINE CUT-OFF SWITCH REQUIREMENTS.**

10 (a) **INSTALLATION REQUIREMENT.**—

11 (1) **IN GENERAL.**—Not later than 1 year after
12 the date of the enactment of this Act, the Secretary
13 of the department in which the Coast Guard is oper-
14 ating shall issue a regulation amending part 183 of
15 title 33, Code of Federal Regulations, that requires
16 associated equipment manufacturers, distributors,
17 and dealers installing propulsion machinery and as-
18 sociated starting controls on a recreational vessel
19 less than 26 feet overall in length and capable of de-
20 veloping at least 115 pounds of static thrust or 3
21 horsepower to install an engine cut-off switch in
22 compliance with American Boat and Yacht Standard
23 A-33.

1 (2) EFFECTIVE DATE.—The regulation shall
2 take effect at the end of the 1-year period beginning
3 on the date of the issuance of such regulation.

4 (b) DEFINITIONS.—Not later than 1 year after the
5 date of the enactment of this Act, the Secretary of the
6 department in which the Coast Guard is operating shall
7 issue a regulation amending part 175 and part 183 of title
8 33, Code of Federal Regulations, that—

9 (1) defines the term “engine cut-off switch” for
10 purposes of that part to mean a mechanical or elec-
11 tronic device that is connected to propulsion machin-
12 ery of a recreational vessel less than 26 feet overall
13 in length that will stop propulsion if—

14 (A) the switch is not properly connected to
15 the propulsion machinery; or

16 (B) the switch components are—

17 (i) submerged in water; or

18 (ii) separated from the propulsion ma-
19 chinery by a predetermined distance; and

20 (2) defines the term “engine cut-off switch
21 link” for purposes of that part to mean equipment
22 that—

23 (A) is attached to as recreational vessel op-
24 erator; and

25 (B) activates the engine cut-off switch.

1 (c) EDUCATION ON CUT-OFF SWITCHES.—The Com-
2 mandant of the Coast Guard, through the National Boat-
3 ing Safety Advisory Council established under section
4 13110 of title 46, United States Code, may initiate a boat-
5 ing safety program on the use and benefits of cut-off
6 switches for recreational vessels.

7 **SEC. 5415. ANALYSIS OF COMMERCIAL FISHING VESSEL**
8 **CLASSIFICATION REQUIREMENTS.**

9 (a) ANALYSIS.—Not later than 180 days after the
10 date of the enactment of this Act, the Commandant of
11 the Coast Guard shall notify the Committee on Transpor-
12 tation and Infrastructure of the House of Representatives
13 and the Committee on Commerce, Science, and Transpor-
14 tation of the Senate on the status of the implementation
15 of the survey and classification requirements referred to
16 in section 4503 of title 46, United States Code.

17 (b) CONTENTS.—The analysis required under sub-
18 section (a) shall include information on—

19 (1) the average costs to vessel owners to comply
20 with such section; and

21 (2) the impact such section is having on com-
22 mercial fishing vessel safety.

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 5501. REPEAL.**

3 Subsection (h) of section 888 of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 468) is repealed.

5 **SEC. 5502. REIMBURSEMENTS FOR NON-FEDERAL CON-**
6 **STRUCTION COSTS OF CERTAIN AIDS TO**
7 **NAVIGATION.**

8 (a) **IN GENERAL.**—Subject to the availability of
9 amounts specifically provided in advance in subsequent ap-
10 propriations Acts and in accordance with this section, the
11 Commandant of the Coast Guard may reimburse a non-
12 Federal entity for costs incurred by the entity for a cov-
13 ered project.

14 (b) **CONDITIONS.**—The Commandant may not pro-
15 vide reimbursement under subsection (a) with respect to
16 a covered project unless—

17 (1) the need for the project is a result of the
18 completion of construction with respect to a federally
19 authorized navigation channel;

20 (2) the Commandant determines, through an
21 appropriate navigation safety analysis, that the
22 project is necessary to ensure safe marine transpor-
23 tation;

24 (3) the Commandant approves the design of the
25 project to ensure that it meets all applicable Coast

1 Guard aids-to-navigation standards and require-
2 ments;

3 (4) the non-Federal entity agrees to transfer
4 the project upon completion to the Coast Guard for
5 operation and maintenance by the Coast Guard as a
6 Federal aid to navigation;

7 (5) the non-Federal entity carries out the
8 project in accordance with the same laws and regula-
9 tions that would apply to the Coast Guard if the
10 Coast Guard carried out the project, including ob-
11 taining all permits required for the project under
12 Federal and State law; and

13 (6) the Commandant determines that the
14 project satisfies such additional requirements as may
15 be established by the Commandant.

16 (c) LIMITATIONS.—Reimbursements under sub-
17 section (a) may not exceed the following:

18 (1) For a single covered project, \$5,000,000.

19 (2) For all covered projects in a single fiscal
20 year, \$5,000,000.

21 (d) EXPIRATION.—The authority granted under this
22 section shall expire on the date that is 4 years after the
23 date of enactment of this section.

24 (e) COVERED PROJECT DEFINED.—In this section,
25 the term “covered project” means a project carried out

1 by a non-Federal entity to construct and establish an aid
2 to navigation that facilitates safe and efficient marine
3 transportation on a Federal navigation project authorized
4 by title I of the Water Resources Development Act of 2007
5 (Public Law 110–114).

6 **SEC. 5503. CORRECTIONS TO PROVISIONS ENACTED BY**
7 **COAST GUARD AUTHORIZATION ACTS.**

8 Section 604(b) of the Howard Coble Coast Guard and
9 Maritime Transportation Act of 2014 (Public Law 113–
10 281; 128 Stat. 3061) is amended by inserting “and fishery
11 endorsement” after “endorsement”.

12 **SEC. 5504. SHIP SHOAL LIGHTHOUSE TRANSFER: REPEAL.**

13 Effective January 1, 2021, section 27 of the Coast
14 Guard Authorization Act of 1991 (Public Law 102–241;
15 105 Stat. 2218) is repealed.

16 **SEC. 5505. COAST GUARD MARITIME DOMAIN AWARENESS.**

17 (a) IN GENERAL.—The Secretary of the department
18 in which the Coast Guard is operating shall seek to enter
19 into an arrangement with the National Academy of
20 Sciences not later than 60 days after the date of the enact-
21 ment of this Act under which the Academy shall prepare
22 an assessment of available unmanned, autonomous, or re-
23 motely controlled maritime domain awareness technologies
24 for use by the Coast Guard.

25 (b) ASSESSMENT.—The assessment shall—

1 (1) describe the potential limitations of current
2 and emerging unmanned technologies used in the
3 maritime domain for—

4 (A) ocean observation;

5 (B) vessel monitoring and identification;

6 (C) weather observation;

7 (D) to the extent practicable for consider-
8 ation by the Academy, intelligence gathering,
9 surveillance, and reconnaissance; and

10 (E) communications;

11 (2) examine how technologies described in para-
12 graph (1) can help prioritize Federal investment by
13 examining;

14 (A) affordability, including acquisition, op-
15 erations, and maintenance;

16 (B) reliability;

17 (C) versatility;

18 (D) efficiency; and

19 (E) estimated service life and persistence
20 of effort; and

21 (3) analyze whether the use of new and emerg-
22 ing maritime domain awareness technologies can be
23 used to—

24 (A) carry out Coast Guard missions at
25 lower costs;

1 (B) expand the scope and range of Coast
2 Guard maritime domain awareness;

3 (C) allow the Coast Guard to more effi-
4 ciently and effectively allocate Coast Guard ves-
5 sels, aircraft, and personnel; and

6 (D) identify adjustments that would be
7 necessary in Coast Guard policies, procedures,
8 and protocols to incorporate unmanned tech-
9 nologies to enhance efficiency.

10 (c) REPORT TO CONGRESS.—Not later than 1 year
11 after entering into an arrangement with the Secretary
12 under subsection (a), the National Academy of Sciences
13 shall submit the assessment prepared under this section
14 to the Committees on Transportation and Infrastructure
15 and Homeland Security of the House of Representatives
16 and the Committee on Commerce, Science, and Transpor-
17 tation of the Senate.

18 (d) USE OF INFORMATION.—In formulating costs
19 pursuant to subsection (b), the National Academy of
20 Sciences may utilize information from other Coast Guard
21 reports, assessments, or analyses regarding existing Coast
22 Guard manpower requirements or other reports, assess-
23 ments, or analyses for the acquisition of unmanned, auton-
24 omous, or remotely controlled technologies by the Federal
25 Government.

1 **SEC. 5506. TOWING SAFETY MANAGEMENT SYSTEM FEES.**

2 (a) REVIEW.—The Commandant of the Coast Guard
3 shall—

4 (1) review and compare the costs to the Govern-
5 ment of—

6 (A) towing vessel inspections performed by
7 the Coast Guard; and

8 (B) such inspections performed by a third
9 party; and

10 (2) based on such review and comparison, de-
11 termine whether the costs to the Government of
12 such inspections performed by a third party are dif-
13 ferent than the costs to the Government of such in-
14 spections performed by the Coast Guard.

15 (b) REVISION OF FEES.—If the Commandant deter-
16 mines under subsection (a) that the costs to the Govern-
17 ment of such inspections performed by a third party are
18 different than the costs to the Government of such inspec-
19 tions performed by the Coast Guard, then the Com-
20 mandant shall revise the fee assessed by the Coast Guard
21 for such inspections as necessary to conform to the re-
22 quirements under section 9701 of title 31, United States
23 Code, that such fee be based on the cost to the Govern-
24 ment of such inspections and accurately reflect such costs.

1 **SEC. 5507. OIL SPILL DISBURSEMENTS AUDITING AND RE-**
2 **PORT.**

3 Section 1012 of the Oil Pollution Act of 1990 (33
4 U.S.C. 2712) is amended—

5 (1) by repealing subsection (g);

6 (2) in subsection (l)(1), by striking “Within one
7 year after the date of enactment of the Coast Guard
8 Authorization Act of 2010, and annually thereafter,”
9 and inserting “Each year, on the date on which the
10 President submits to Congress a budget under sec-
11 tion 1105 of title 31, United States Code,”; and

12 (3) by amending subsection (l)(2) to read as
13 follows:

14 “(2) CONTENTS.—The report shall include—

15 “(A) a list of each incident that—

16 “(i) occurred in the preceding fiscal
17 year; and

18 “(ii) resulted in disbursements from
19 the Fund, for removal costs and damages,
20 totaling \$500,000 or more;

21 “(B) a list of each incident that—

22 “(i) occurred in the fiscal year pre-
23 ceding the preceding fiscal year; and

24 “(ii) resulted in disbursements from
25 the Fund, for removal costs and damages,
26 totaling \$500,000 or more; and

1 “(C) an accounting of any amounts reim-
2 bursed to the Fund in the preceding fiscal year
3 that were recovered from a responsible party
4 for an incident that resulted in disbursements
5 from the Fund, for removal costs and damages,
6 totaling \$500,000 or more.”.

7 **SEC. 5508. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.**

8 (a) **LAND EXCHANGE.**—If the owner of Ayakulik Is-
9 land, Alaska, offers to exchange the Island for the Tract—

10 (1) within 30 days after receiving such offer,
11 the Secretary shall provide notice of the offer to the
12 Commandant;

13 (2) within 90 days after receiving the notice
14 under paragraph (1), the Commandant shall develop
15 and transmit to the Secretary proposed operational
16 restrictions on commercial activity conducted on the
17 Tract, including the right of the Commandant to—

18 (A) order the immediate termination, for a
19 period of up to 72 hours, of any activity occur-
20 ring on or from the Tract that violates or
21 threatens to violate one or more of such restric-
22 tions; or

23 (B) commence a civil action for appro-
24 priate relief, including a permanent or tem-
25 porary injunction enjoining the activity that vio-

1 lates or threatens to violate such restrictions;
2 and

3 (3) within 90 days after receiving the proposed
4 operational restrictions from the Commandant, the
5 Secretary shall transmit such restrictions to the
6 owner of Ayakulik Island; and

7 (4) within 30 days after transmitting the pro-
8 posed operational restrictions to the owner of
9 Ayakulik Island, and if the owner agrees to such re-
10 strictions, the Secretary shall convey all right, title
11 and interest of the United States in and to the
12 Tract to the owner, subject to an easement granted
13 to the Commandant to enforce such restrictions, in
14 exchange for all right, title and interest of such
15 owner in and to Ayakulik Island.

16 (b) BOUNDARY REVISIONS.—The Secretary may
17 make technical and conforming revisions to the boundaries
18 of the Tract before the date of the exchange.

19 (c) PUBLIC LAND ORDER.—Effective on the date of
20 an exchange under subsection (a), Public Land Order
21 5550 shall have no force or effect with respect to sub-
22 merged lands that are part of the Tract.

23 (d) FAILURE TO TIMELY RESPOND TO NOTICE.—If
24 the Commandant does not transmit proposed operational
25 restrictions to the Secretary within 30 days after receiving

1 the notice under subsection (a)(1), the Secretary shall, by
2 not later than 60 days after transmitting such notice, con-
3 vey all right, title, and interest of the United States in
4 and to the Tract to the owner of Ayakulik Island in ex-
5 change for all right, title, and interest of such owner in
6 and to Ayakulik Island.

7 (e) CERCLA NOT AFFECTED.—This section and an
8 exchange under this section shall not be construed to limit
9 the application of or otherwise affect section 120(h) of the
10 Comprehensive Environmental Response, Compensation,
11 and Liability Act of 1980 (42 U.S.C. 9620(h)).

12 (f) DEFINITIONS.—In this section:

13 (1) COMMANDANT.—The term “Commandant”
14 means the Secretary of the department in which the
15 Coast Guard is operating, acting through the Com-
16 mandant of the Coast Guard.

17 (2) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (3) TRACT.—The term “Tract” means the land
20 (including submerged land) depicted as “PRO-
21 POSED PROPERTY EXCHANGE AREA” on the
22 survey titled “PROPOSED PROPERTY EX-
23 CHANGE PARCEL” and dated 3/22/17.

1 **SEC. 5509. VESSEL RESPONSE PLANS IN THE ARCTIC RE-**
2 **PORT.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Commandant of the Coast Guard shall
5 submit to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives a report on the oil spill prevention and re-
9 sponse capabilities available for the area covered by the
10 Captain of the Port Zone, as established by the Secretary,
11 that includes the Arctic (as defined in section 112 of the
12 Arctic Research and Policy Act of 1984 (15 U.S.C.
13 4111)). The report shall include—

14 (1) a description of equipment and assets avail-
15 able for response under the vessel response plans ap-
16 proved for vessels operating in the area covered by
17 such Captain of the Port Zone;

18 (2) a description of the locations of such equip-
19 ment and assets, including an estimate of the time
20 necessary to deploy such equipment and assets;

21 (3) a determination regarding how effectively
22 such equipment and assets are distributed through-
23 out such Captain of the Port Zone;

24 (4) a determination regarding whether the abil-
25 ity to deploy such equipment and assets is taken

1 into account when measuring the equipment and as-
2 sets available;

3 (5) a validation of the port assessment visit
4 process and a verification of the response resource
5 inventory; and

6 (6) a description of the resources needed by the
7 Coast Guard to conduct port assessments, exercises,
8 response plan review, and spill responses in such
9 Captain of the Port Zone.

10 **SEC. 5510. ASSESSMENT OF PUBLIC COMMENTS ON ADDI-**
11 **TIONAL ANCHORAGES ON THE HUDSON**
12 **RIVER.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of the enactment of this Act, the Commandant of
15 the Coast Guard shall—

16 (1) assess the public comments received by the
17 Coast Guard on proposals to establish additional an-
18 chorages on the Hudson River between Yonkers,
19 New York, and Kingston, New York; and

20 (2) submit to the Committee on Transportation
21 and Infrastructure of the House of Representatives
22 and the Committee on Commerce, Science, and
23 Transportation of the Senate a report on such as-
24 sessment, including—

1 (A) a detailed summary of concerns raised
2 in such comments about the economic, safety,
3 and environmental impacts of such additional
4 anchorages on the communities bordering the
5 Hudson River between Yonkers, New York, and
6 Kingston, New York, including impacts of such
7 anchorage grounds to sites listed on the Na-
8 tional Priorities List under the Comprehensive
9 Environmental Response, Compensation, and
10 Liability Act of 1980 (42 U.S.C. 9601 et seq.)
11 and areas designated as critical habitat of spe-
12 cies listed as endangered species under the En-
13 dangered Species Act of 1973 (16 U.S.C. 1531
14 et seq.); and

15 (B) the response of the Coast Guard to
16 such concerns.

17 (b) RESTRICTION.—The Commandant may not es-
18 tablish any of the anchorages described in subsection (a)
19 before the end of the 180-day period beginning on the date
20 of the submission of the report under subsection (a)(2).

21 **SEC. 5511. PUBLIC SAFETY ANSWERING POINTS AND MARI-**
22 **TIME SEARCH AND RESCUE COORDINATION.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act—

1 (1) the Secretary of the department in which
2 the Coast Guard is operating acting through the
3 Commandant of the Coast Guard shall review Coast
4 Guard policies and procedures for public safety an-
5 swering points and search-and-rescue coordination
6 with State and local law enforcement entities in
7 order to—

8 (A) further minimize the possibility of
9 maritime 911 calls being improperly routed;
10 and

11 (B) assure the Coast Guard is able to ef-
12 fectively carry out the Coast Guard’s maritime
13 search and rescue mission; and

14 (2) the Commandant shall formulate a national
15 maritime public safety answering points policy and
16 submit a report to the Congress on that subject.

17 **SEC. 5512. DOCUMENTATION OF “AMERICA’S FINEST”.**

18 Notwithstanding sections 12112 and 12113 of title
19 46, United States Code, the Secretary of the department
20 in which the Coast Guard is operating may issue a certifi-
21 cate of documentation with a coastwise and a fishery en-
22 dorsement for the vessel America’s Finest (United States
23 official number 1276760).

1 **DIVISION F—FEDERAL EMER-**
2 **GENCY MANAGEMENT AGEN-**
3 **CY (FEMA)**

4 **SEC. 6001. SHORT TITLE.**

5 This division may be cited as the “FEMA Reauthor-
6 ization Act of 2017”.

7 **SEC. 6002. REAUTHORIZATION OF FEDERAL EMERGENCY**
8 **MANAGEMENT AGENCY.**

9 Section 699 of the Post-Katrina Emergency Manage-
10 ment Reform Act of 2006 (Public Law 109–295; 6 U.S.C.
11 811) is amended—

12 (1) by striking “administration and operations”
13 each place it appears and inserting “management
14 and administration”;

15 (2) in paragraph (2), by striking “; and”;

16 (3) in paragraph (3), by striking the period and
17 inserting “; and”; and

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

19 “(4) for fiscal year 2018, \$1,049,000,000;

20 “(5) for fiscal year 2019, \$1,065,784,000; and

21 “(6) for fiscal year 2020, \$1,082,836,544.”.

22 **SEC. 6003. COMPREHENSIVE STUDY OF DISASTER COSTS**
23 **AND LOSSES.**

24 (a) ESTABLISHMENT.—Not later than 30 days after
25 the date of enactment of this Act, the Administrator shall

1 begin, acting through the National Advisory Council, a
2 comprehensive study relating to disaster costs and losses
3 and Federal disaster assistance.

4 (b) ADDITIONAL MEMBERSHIP.—For the purposes of
5 the comprehensive study required under subsection (a), as
6 soon as practicable after the date of enactment of this Act,
7 the Administrator shall appoint the following members to
8 the National Advisory Council:

9 (1) Individuals who have the requisite technical
10 knowledge and expertise on issues related to disaster
11 costs and losses.

12 (2) Representatives of the insurance industry.

13 (3) Experts in and representatives of the con-
14 struction and building industry.

15 (4) Individuals nominated by national organiza-
16 tions representing State, local, and Tribal govern-
17 ments and personnel.

18 (5) Academic experts.

19 (6) Representatives of the private industry,
20 such as vendors, developers, and manufacturers of
21 systems, facilities, equipment, and capabilities for
22 emergency management services.

23 (7) Other members, as the Administrator con-
24 siders appropriate.

1 (c) CONSULTATION WITH NONMEMBERS.—For the
2 purposes of the comprehensive study required under sub-
3 section (a), the National Advisory Council shall consult
4 with other relevant agencies and entities that are not rep-
5 resented on the National Advisory Council to consider re-
6 search, data, findings, recommendations, innovative tech-
7 nologies, and developments, including—

8 (1) entities engaged in federally funded re-
9 search; and

10 (2) academic institutions engaged in relevant
11 work and research.

12 (d) STUDY REQUIREMENTS.—Not later than 120
13 days after the date of enactment of this Act, the National
14 Advisory Council shall convene to evaluate disaster costs
15 and losses and Federal disaster assistance, including con-
16 sideration of the following:

17 (1) TRENDS AND CONTRIBUTING FACTORS.—

18 An assessment of trends, and factors contributing to
19 such trends (such as shifting demographics and
20 aging infrastructure), in disaster costs and losses
21 and Federal disaster assistance, including the fol-
22 lowing:

23 (A) Loss of life and injury.

1 (B) Property damage and other costs to
2 individuals, the private sector, and each level of
3 government.

4 (C) Presidentially declared disasters.

5 (D) Disaster assistance available from all
6 Federal sources.

7 (2) DISASTER ROLES AND RESPONSIBILITY.—
8 Fundamental principles that drive national disaster
9 assistance decision making, including the appro-
10 priate roles for each level of government, the private
11 sector, and individuals.

12 (e) RECOMMENDATIONS.—The National Advisory
13 Council shall develop recommendations to reduce disaster
14 costs and losses in the United States and to more effi-
15 ciently and effectively deliver Federal disaster assistance,
16 including consideration of the following:

17 (1) Actions to enhance national disaster assist-
18 ance decision making.

19 (2) Incentives, including tax incentives, to re-
20 duce disaster costs and losses and promote a more
21 efficient and effective use of Federal disaster assist-
22 ance.

23 (3) Mechanisms to promote disaster cost and
24 loss reduction, mitigation, and resiliency.

1 (4) Legislative proposals, including proposals
2 for implementing the recommendations in the report
3 compiled pursuant to the requirement in section
4 1111 of the Sandy Recovery Improvement Act of
5 2013 (Public Law 113–2; 127 Stat. 49).

6 (5) Legal, societal, geographic, technological,
7 and other challenges to implementation of rec-
8 ommendations.

9 (6) Projected dollar savings and efficiencies, in-
10 cluding measures of effectiveness, from recommenda-
11 tions.

12 (f) REPORT TO ADMINISTRATOR AND CONGRESS.—
13 Not later than 1 year after the National Advisory Council
14 convenes under subsection (d), the National Advisory
15 Council shall submit a report containing the data, anal-
16 ysis, and recommendations developed under subsections
17 (d) and (e) to—

18 (1) the Administrator;

19 (2) the Committee on Transportation and In-
20 frastructure of the House of Representatives; and

21 (3) the Committee on Homeland Security and
22 Governmental Affairs of the Senate.

23 (g) AVAILABILITY OF INFORMATION.—The Adminis-
24 trator shall make the data collected pursuant to this sec-
25 tion publicly available on the website of the Agency.

1 **SEC. 6004. NATIONAL DOMESTIC PREPAREDNESS CONSOR-**
2 **TIUM.**

3 Section 1204 of the Implementing Recommendations
4 of the 9/11 Commission Act (6 U.S.C. 1102) is amend-
5 ed—

6 (1) in subsection (c), by inserting “to the extent
7 practicable, provide training in settings that simu-
8 late real response environments, such as urban
9 areas,” after “levels,”;

10 (2) in subsection (d), by striking paragraphs
11 (1) and (2) and inserting the following:

12 “(1) for the Center for Domestic Prepared-
13 ness—

14 “(A) \$63,939,000 for fiscal year 2018;

15 “(B) \$64,962,024 for fiscal year 2019; and

16 “(C) \$66,001,416 for fiscal year 2020; and

17 “(2) for the members referred to in paragraphs
18 (2) through (7) of subsection (b)—

19 “(A) \$101,000,000 for fiscal year 2018;

20 “(B) \$102,606,000 for fiscal year 2019;

21 and

22 “(C) \$104,247,856 for fiscal year 2020.”;

23 and

24 (3) in subsection (e) by striking—

25 (A) “each of the following entities” and in-
26 serting “members enumerated in section (b)”;

1 (B) “2007—” and inserting “2015.” and
2 (C) paragraphs (1) through (5).

3 **SEC. 6005. RURAL DOMESTIC PREPAREDNESS CONSOR-**
4 **TIUM.**

5 (a) IN GENERAL.—The Secretary of Homeland Secu-
6 rity is authorized to establish a Rural Domestic Prepared-
7 ness Consortium within the Department of Homeland Se-
8 curity consisting of universities and nonprofit organiza-
9 tions qualified to provide training to emergency response
10 providers from rural communities.

11 (b) DUTIES.—The Rural Domestic Preparedness
12 Consortium authorized under subsection (a) shall identify,
13 develop, test, and deliver training to State, local, and Trib-
14 al emergency response providers from rural communities,
15 provide on-site and mobile training, and facilitate the de-
16 livery of training by the training partners of the Depart-
17 ment of Homeland Security.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—Of
19 amounts appropriated for Continuing Training Grants of
20 the Department of Homeland Security, \$5,000,000 is au-
21 thorized to be used for the Rural Domestic Preparedness
22 Consortium authorized under subsection (a).

1 **SEC. 6006. NATIONAL PREPARATION AND RESPONSE EF-**
2 **FORTS RELATING TO EARTHQUAKES AND**
3 **TSUNAMIS.**

4 The Administrator of the Federal Emergency Man-
5 agement Agency shall be responsible for the Nation's ef-
6 forts to reduce the loss of life and property, and to protect
7 the Nation, from an earthquake, tsunami, or combined
8 earthquake and tsunami event by developing the ability
9 to prepare and plan for, mitigate against, respond to, re-
10 cover from, and more successfully adapt to such an event.

11 **SEC. 6007. AUTHORITIES.**

12 Notwithstanding any other provision of law, the non-
13 federally funded actions of private parties, State, local, or
14 Tribal governments, on State, local, Tribal, and private
15 land, and the effects of those actions, shall not be attrib-
16 uted to the Federal Emergency Management Agency's ac-
17 tions under the National Flood Insurance Act of 1968 (42
18 U.S.C. 4001 et seq.), the Flood Disaster Protection Act
19 of 1973 (42 U.S.C. 4002 et seq.), the Biggert-Waters
20 Flood Insurance Reform Act of 2012 (subtitle A of title
21 II of division F of Public Law 112–141; 126 Stat. 916),
22 and the Homeowner Flood Insurance Affordability Act of
23 2014 (Public Law 113–89; 128 Stat. 1020) for the pur-
24 poses of section 7 (16 U.S.C. 1536) and section 9 (16
25 U.S.C. 1538) of the Endangered Species Act. Actions
26 taken under the National Flood Insurance Act of 1968,

1 the Flood Disaster Protection Act of 1973, the Biggert
2 Waters Flood Insurance Reform Act of 2012, and the
3 Homeowner Flood Insurance Affordability Act of 2014,
4 that may influence private actions do not create a Federal
5 nexus for the purpose of applying the requirements of sec-
6 tion 7 of the Endangered Species Act of 1973 (16 U.S.C.
7 1536).

8 **SEC. 6008. CENTER FOR FAITH-BASED AND NEIGHBOR-**
9 **HOOD PARTNERSHIPS.**

10 (a) IN GENERAL.—Title V of the Homeland Security
11 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
12 at the end the following new section:

13 **“SEC. 529. CENTER FOR FAITH-BASED AND NEIGHBORHOOD**
14 **PARTNERSHIPS.**

15 “(a) IN GENERAL.—There is established in the Agen-
16 cy a Center for Faith-Based and Neighborhood Partner-
17 ships, headed by a Director appointed by the Secretary.

18 “(b) MISSION.—The mission of the Center shall be
19 to develop and coordinate Departmental outreach efforts
20 with faith-based and community organizations and serve
21 as a liaison between such organizations and components
22 of the Department for activities related to securing facili-
23 ties, emergency preparedness and response, and com-
24 bating human trafficking.

1 “(c) RESPONSIBILITIES.—In support of the mission
2 of the Center for Faith-Based and Neighborhood Partner-
3 ships, the Director shall—

4 “(1) develop exercises that engage faith-based
5 and community organizations to test capabilities for
6 all hazards, including active shooter incidents;

7 “(2) coordinate the delivery of guidance and
8 training to faith-based and community organizations
9 related to securing their facilities against natural
10 disasters, acts of terrorism, and other man-made
11 disasters;

12 “(3) conduct outreach to faith-based and com-
13 munity organizations regarding guidance, training,
14 and exercises and Departmental capabilities avail-
15 able to assist faith-based and community organiza-
16 tions to secure their facilities against natural disas-
17 ters, acts of terrorism, and other man-made disas-
18 ters;

19 “(4) facilitate engagement and coordination
20 among the emergency management community and
21 faith-based and community organizations;

22 “(5) deliver training and technical assistance to
23 faith-based and community-based organizations and
24 provide subject-matter expertise related to anti-
25 human trafficking efforts to help communities suc-

1 cessfully partner with other Blue Campaign compo-
2 nents; and

3 “(6) perform any other duties as assigned by
4 the Administrator.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of such Act is further amended by inserting
7 after the item relating to section 528 the following:

“Sec. 529. Center For Faith-Based And Neighborhood Partnerships.”.

8 **SEC. 6009. EMERGENCY SUPPORT FUNCTIONS.**

9 (a) UPDATE.—Paragraph (13) of section 504(a) of
10 the Homeland Security Act of 2002 (6 U.S.C. 314(a)) is
11 amended by inserting “, periodically updating (but not less
12 often than once every five years),” after “administering”.

13 (b) EMERGENCY SUPPORT FUNCTIONS.—Section
14 653 of the Post-Katrina Emergency Management Reform
15 Act of 2006 (6 U.S.C. 753; title VI of the Department
16 of Homeland Security Appropriations Act, 2007; Public
17 Law 109–295) is amended—

18 (1) by redesignating subsections (d) and (e) as
19 subsections (e) and (f), respectively; and

20 (2) by inserting after subsection (c) the fol-
21 lowing new subsection:

22 “(d) COORDINATION.—The President, acting through
23 the Administrator, shall develop and provide to Federal
24 departments and agencies with coordinating, primary, or
25 supporting responsibilities under the National Response

1 Framework performance metrics to ensure readiness to
2 execute responsibilities under the emergency support func-
3 tions of such Framework.”.

4 **SEC. 6010. REVIEW OF NATIONAL INCIDENT MANAGEMENT**
5 **SYSTEM.**

6 Paragraph (2) of section 509(b) of the Homeland Se-
7 curity Act of 2002 (6 U.S.C. 319(b)) is amended, in the
8 matter preceding subparagraph (A), by inserting “, but
9 not less often than once every five years,” after “periodi-
10 cally”.

11 **SEC. 6011. REMEDIAL ACTION MANAGEMENT PROGRAM.**

12 Section 650 of the Post-Katrina Emergency Manage-
13 ment Reform Act of 2006 (6 U.S.C. 750; title VI of the
14 Department of Homeland Security Appropriations Act,
15 2007; Public Law 109–295) is amended to read as follows:

16 **“SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

17 “(a) IN GENERAL.—The Administrator, in coordina-
18 tion with the National Council on Disability and the Na-
19 tional Advisory Council, shall establish a remedial action
20 management program to—

21 “(1) analyze training, exercises, and real world
22 events to identify lessons learned, corrective actions,
23 and best practices;

1 “(2) generate and disseminate, as appropriate,
2 the lessons learned, corrective actions, and best
3 practices referred to in paragraph (1); and

4 “(3) conduct remedial action tracking and long-
5 term trend analysis.

6 “(b) FEDERAL CORRECTIVE ACTIONS.—The Admin-
7 istrator, in coordination with the heads of appropriate
8 Federal departments and agencies, shall utilize the pro-
9 gram established pursuant to subsection (a) to collect in-
10 formation on corrective actions identified by such Federal
11 departments and agencies during exercises and the re-
12 sponse to natural disasters, acts of terrorism, and other
13 man-made disasters, and shall, not later than one year
14 after the date of the enactment of this section and annu-
15 ally thereafter for each of the next four years, submit to
16 Congress a report on the status of such corrective actions.

17 “(c) DISSEMINATION OF AFTER ACTION REPORTS.—
18 The Administrator shall provide electronically, to the max-
19 imum extent practicable, to Congress and Federal, State,
20 local, Tribal, and private sector officials after-action re-
21 ports and information on lessons learned and best prac-
22 tices from responses to acts of terrorism, natural disas-
23 ters, capstone exercises conducted under the national exer-
24 cise program under section 648(b), and other emergencies
25 or exercises.”.

1 **SEC. 6012. CENTER FOR DOMESTIC PREPAREDNESS.**

2 (a) IMPLEMENTATION PLAN.—The Administrator of
3 the Federal Emergency Management Agency shall develop
4 an implementation plan, including benchmarks and mile-
5 stones, to address the findings and recommendations of
6 the 2017 Management Review Team that issued a report
7 on May 8, 2017, regarding live agent training at the
8 Chemical, Ordnance, Biological and Radiological Training
9 Facility and provide to the Committee on Homeland Secu-
10 rity and the Committee on Transportation and Infrastruc-
11 ture of the House of Representatives and the Committee
12 on Homeland Security and Governmental Affairs of the
13 Senate updates and information on efforts to implement
14 recommendations related to the management review of the
15 Chemical, Ordnance, Biological, and Radiological Training
16 Facility of the Center for Domestic Preparedness of the
17 Federal Emergency Management Agency, including, as
18 necessary, information on additional resources or author-
19 ity needed to implement such recommendations.

20 (b) COMPTROLLER GENERAL REVIEW.—Not later
21 than one year after the date of the enactment of this sec-
22 tion, the Comptroller General of the United States shall
23 review and report to Congress on the status of the imple-
24 mentation plan required by subsection (a) and the govern-
25 ance structure at the Chemical, Ordnance, Biological and
26 Radiological Training Facility of the Center for Domestic

1 Preparedness of the Federal Emergency Management
2 Agency.

3 **SEC. 6013. FEMA SENIOR LAW ENFORCEMENT ADVISOR.**

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

8 **“SEC. 530. SENIOR LAW ENFORCEMENT ADVISOR.**

9 “(a) ESTABLISHMENT.—There is established in the
10 Agency a Senior Law Enforcement Advisor to serve as a
11 qualified expert to the Administrator for the purpose of
12 strengthening the Agency’s coordination among State,
13 local, and Tribal law enforcement.

14 “(b) QUALIFICATIONS.—The Senior Law Enforce-
15 ment Advisor shall have an appropriate background with
16 experience in law enforcement, intelligence, information
17 sharing, and other emergency response functions.

18 “(c) RESPONSIBILITIES.—The Senior Law Enforce-
19 ment Advisor shall—

20 “(1) coordinate on behalf of the Administrator
21 with the Office for State and Local Law Enforce-
22 ment under section 2006 for the purpose of ensuring
23 State, local, and Tribal law enforcement receive con-
24 sistent and appropriate consideration in policies,
25 guidance, training, and exercises related to pre-

1 venting, preparing for, protecting against, and re-
2 sponding to natural disasters, acts of terrorism, and
3 other man-made disasters within the United States;

4 “(2) work with the Administrator and the Of-
5 fice for State and Local Law Enforcement under
6 section 2006 to ensure grants to State, local, and
7 Tribal government agencies, including programs
8 under sections 2003, 2004, and 2006(a), appro-
9 priately focus on terrorism prevention activities; and

10 “(3) serve other appropriate functions as deter-
11 mined by the Administrator.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002, as
14 amended by this Act, is further amended by inserting after
15 the item relating to section 529 the following new item:

“Sec. 530. Senior Law Enforcement Advisor.”.

16 **SEC. 6014. TECHNICAL EXPERT AUTHORIZED.**

17 Paragraph (2) of section 503(b) of the Homeland Se-
18 curity Act of 2002 (6 U.S.C. 313(b)) is amended—

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

21 (2) in subparagraph (H), by striking the period
22 at the end and inserting “; and”; and

23 (3) by adding at the end the following new sub-
24 paragraph:

1 “(I) identify and integrate the needs of
2 children into activities to prepare for, protect
3 against, respond to, recover from, and mitigate
4 against natural disasters, acts of terrorism, and
5 other man-made disasters, including cata-
6 strophic incidents, including by appointing a
7 technical expert, who may consult with relevant
8 outside organizations and experts, as necessary,
9 to coordinate such activities, as necessary.”.

10 **SEC. 6015. MISSION SUPPORT.**

11 (a) ESTABLISHMENT.—The Administrator of the
12 Federal Emergency Management Agency shall designate
13 an individual to serve as the chief management official and
14 principal advisor to the Administrator on matters related
15 to the management of the Federal Emergency Manage-
16 ment Agency, including management integration in sup-
17 port of emergency management operations and programs.

18 (b) MISSION AND RESPONSIBILITIES.—The Adminis-
19 trator of the Federal Emergency Management Agency,
20 acting through the official designated pursuant to sub-
21 section (a), shall be responsible for the management and
22 administration of the Federal Emergency Management
23 Agency, including with respect to the following:

- 24 (1) Procurement.
- 25 (2) Human resources and personnel.

1 (3) Information technology and communications
2 systems.

3 (4) Real property investment and planning, fa-
4 cilities, accountable personal property (including
5 fleet and other material resources), records and dis-
6 closure, privacy, safety and health, and sustain-
7 ability and environmental management.

8 (5) Security for personnel, information tech-
9 nology and communications systems, facilities, prop-
10 erty, equipment, and other material resources.

11 (6) Any other management duties that the Ad-
12 ministrator may designate.

13 (c) MOUNT WEATHER EMERGENCY OPERATIONS
14 AND ASSOCIATED FACILITIES.—Nothing in this section
15 shall be construed as limiting or otherwise affecting the
16 role or responsibility of the Assistant Administrator for
17 National Continuity Programs with respect to the matters
18 described in subsection (b) as such matters relate to the
19 Mount Weather Emergency Operations Center and associ-
20 ated facilities. The management and administration of the
21 Mount Weather Emergency Operations Center and associ-
22 ated facilities remain the responsibility of the Assistant
23 Administrator for National Continuity Programs.

24 (d) REPORT.—Not later than 270 days after the date
25 of the enactment of this Act, the Administrator of the

1 Federal Emergency Management Agency shall submit to
2 the Committee on Homeland Security and the Committee
3 on Transportation and Infrastructure of the House of
4 Representatives and the Committee on Homeland Security
5 and Governmental Affairs of the Senate a report that in-
6 cludes—

7 (1) a review of financial, human capital, infor-
8 mation technology, real property planning, and ac-
9 quisition management of headquarters and all re-
10 gional offices of the Federal Emergency Manage-
11 ment Agency; and

12 (2) a strategy for capturing financial, human
13 capital, information technology, real property plan-
14 ning, and acquisition data.

15 **SEC. 6016. SYSTEMS MODERNIZATION.**

16 Not later than 180 days after the date of the enact-
17 ment of this Act, the Administrator of the Federal Emer-
18 gency Management Agency shall submit to the Committee
19 on Homeland Security and the Committee on Transpor-
20 tation and Infrastructure of the House of Representatives
21 and the Committee on Homeland Security and Govern-
22 mental Affairs of the Senate a report on the Federal
23 Emergency Management Agency's efforts to modernize its
24 grants and financial information technology systems, in-
25 cluding the following:

1 (1) A summary of all previous efforts to mod-
2 ernize such systems.

3 (2) An assessment of long-term cost savings
4 and efficiencies gained through such modernization
5 effort.

6 (3) A capability needs assessment.

7 (4) Estimated quarterly costs.

8 (5) Estimated acquisition life-cycle dates, in-
9 cluding acquisition decision events.

10 **SEC. 6017. STRATEGIC HUMAN CAPITAL PLAN.**

11 Subsection (c) of section 10102 of title 5, United
12 States Code, is amended by striking “2007” and inserting
13 “2018”.

14 **SEC. 6018. OFFICE OF DISABILITY INTEGRATION AND CO-**
15 **ORDINATION OF DEPARTMENT OF HOME-**
16 **LAND SECURITY.**

17 (a) OFFICE OF DISABILITY INTEGRATION AND CO-
18 ORDINATION.—

19 (1) IN GENERAL.—Section 513 of the Home-
20 land Security Act of 2002 (6 U.S.C. 321b) is
21 amended to read as follows:

22 **“SEC. 513. OFFICE OF DISABILITY INTEGRATION AND CO-**
23 **ORDINATION.**

24 “(a) IN GENERAL.—There is established within the
25 Federal Emergency Management Agency an Office of Dis-

1 ability Integration and Coordination, which shall be head-
2 ed by a Director.

3 “(b) MISSION.—The mission of the Office is to en-
4 sure that individuals with disabilities and other access and
5 functional needs are included in emergency management
6 activities throughout the Agency by providing guidance,
7 tools, methods, and strategies for the purpose of equal
8 physical program and effective communication access.

9 “(c) RESPONSIBILITIES.—In support of the mission
10 of the Office, the Director shall—

11 “(1) provide guidance and coordination on mat-
12 ters related to individuals with disabilities in emer-
13 gency planning requirements and relief efforts in the
14 event of a natural disaster, act of terrorism, or other
15 man-made disaster;

16 “(2) oversee Office staff and personnel respon-
17 sible for disability integration in each regional office
18 with respect to carrying out the mission of the Of-
19 fice;

20 “(3) liaise with the staff of the Agency includ-
21 ing nonpermanent employees, organizations rep-
22 resenting individuals with disabilities, other agencies
23 of the Federal Government, and State, local, and
24 Tribal government authorities regarding the needs of
25 individuals with disabilities in emergency planning

1 requirements and relief efforts in the event of a nat-
2 ural disaster, act of terrorism, or other man-made
3 disaster;

4 “(4) coordinate with the technical expert on the
5 needs of children within the Agency to provide guid-
6 ance and coordination on matters related to children
7 with disabilities in emergency planning requirements
8 and relief efforts in the event of a natural disaster,
9 act of terrorism, or other man-made disaster;

10 “(5) consult with organizations representing in-
11 dividuals with disabilities about access and func-
12 tional needs in emergency planning requirements
13 and relief efforts in the event of a natural disaster,
14 act of terrorism, or other man-made disaster;

15 “(6) ensure the coordination and dissemination
16 of best practices and model evacuation plans for in-
17 dividuals with disabilities;

18 “(7) collaborate with Agency leadership respon-
19 sible for training to ensure that qualified experts de-
20 velop easily accessible training materials and a cur-
21 riculum for the training of emergency response pro-
22 viders, State, local, and Tribal government officials,
23 and others on the needs of individuals with disabili-
24 ties;

1 “(8) coordinate with the Emergency Manage-
2 ment Institute, Center for Domestic Preparedness,
3 Center for Homeland Defense and Security, U.S.
4 Fire Administration, National Exercise Program,
5 and National Domestic Preparedness Consortium to
6 ensure that content related to persons with disabil-
7 ities, access and functional needs, and children are
8 integrated into existing and future emergency man-
9 agement trainings;

10 “(9) promote the accessibility of telephone hot-
11 lines and websites regarding emergency prepared-
12 ness, evacuations, and disaster relief;

13 “(10) work to ensure that video programming
14 distributors, including broadcasters, cable operators,
15 and satellite television services, make emergency in-
16 formation accessible to individuals with hearing and
17 vision disabilities;

18 “(11) ensure the availability of accessible trans-
19 portation options for individuals with disabilities in
20 the event of an evacuation;

21 “(12) provide guidance and implement policies
22 to ensure that the rights and feedback of individuals
23 with disabilities regarding post-evacuation residency
24 and relocation are respected;

1 “(13) ensure that meeting the needs of individ-
2 uals with disabilities are included in the components
3 of the national preparedness system established
4 under section 644 of the Post-Katrina Emergency
5 Management Reform Act of 2006 (Public Law 109–
6 295; 120 Stat. 1425; 6 U.S.C. 744); and

7 “(14) perform any other duties as assigned by
8 the Administrator.

9 “(d) DIRECTOR.—After consultation with organiza-
10 tions representing individuals with disabilities, the Admin-
11 istrator shall appoint a Director. The Director shall report
12 directly to the Administrator, in order to ensure that the
13 needs of individuals with disabilities are being properly ad-
14 dressed in emergency preparedness and disaster relief.

15 “(e) ORGANIZATIONS REPRESENTING INDIVIDUALS
16 WITH DISABILITIES DEFINED.—For purposes of this sec-
17 tion, ‘organizations representing individuals with disabil-
18 ities’ shall mean the National Council on Disabilities and
19 the Interagency Coordinating Council on Preparedness
20 and Individuals with Disabilities, among other appropriate
21 disability organizations.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents in section 1(b) of such Act is amended by
24 striking the item relating to section 513 and insert-
25 ing the following new item:

“513. Office of Disability Integration and Coordination.”.

1 (b) REPORTING.—

2 (1) REPORT TO CONGRESS.—Not later than
3 120 days after the date of the enactment of this sec-
4 tion, the Administrator shall submit to Congress a
5 report on the funding and staffing needs of the Of-
6 fice of Disability Integration and Coordination under
7 section 513 of the Homeland Security Act of 2002,
8 as amended by subsection (a).

9 (2) COMPTROLLER GENERAL REVIEW.—Not
10 later than 120 days after the date of the submittal
11 of the report under paragraph (1), the Comptroller
12 General of the United States shall review the report
13 to evaluate whether the funding and staffing needs
14 described in the report are sufficient to support the
15 activities of the Office of Disability Integration and
16 Coordination.

17 **SEC. 6019. TECHNICAL AMENDMENTS TO NATIONAL EMER-**
18 **GENCY MANAGEMENT.**

19 (a) HOMELAND SECURITY ACT OF 2002.—Title V of
20 the Homeland Security Act of 2002 (6 U.S.C. 501 et seq.)
21 is amended—

22 (1) in section 501(8) (6 U.S.C. 311(8))—

23 (A) by striking “National Response Plan”
24 each place it appears and inserting “National
25 Response Framework”; and

1 (B) by striking “502(a)(6)” and inserting
2 “504(a)(6)”;

3 (2) in section 503(b)(2)(A) (6 U.S.C. 313) by
4 inserting “and incidents impacting critical infra-
5 structure” before the semicolon;

6 (3) in section 504(a) (6 U.S.C. 314(a))—

7 (A) in paragraph (3) by striking “, includ-
8 ing—” and inserting “(that includes incidents
9 impacting critical infrastructure), including—”;

10 (B) in paragraph (4) by inserting “, in-
11 cluding incidents impacting critical infrastruc-
12 ture” before the semicolon;

13 (C) in paragraph (5) by striking “and
14 local” and inserting “local, and Tribal”;

15 (D) in paragraph (6) by striking “national
16 response plan” and inserting “national response
17 framework, which shall be reviewed and up-
18 dated as required but not less than every 5
19 years”;

20 (E) by redesignating paragraphs (7)
21 through (21) as paragraphs (8) through (22),
22 respectively;

23 (F) by inserting after paragraph (6) the
24 following:

1 “(7) developing integrated frameworks, to in-
2 clude consolidating existing Government plans ad-
3 dressing prevention, protection, mitigation, and re-
4 covery with such frameworks reviewed and updated
5 as required, but not less than every 5 years;”;

6 (G) in paragraph (14), as redesignated, by
7 striking “National Response Plan” each place it
8 appears and inserting “National Response
9 Framework”;

10 (4) in section 507 (6 U.S.C. 317)—

11 (A) in subsection (c)—

12 (i) in paragraph (2)(E), by striking
13 “National Response Plan” and inserting
14 “National Response Framework”; and

15 (ii) in paragraph (3)(A), by striking
16 “National Response Plan” and inserting
17 “National Response Framework”; and

18 (B) in subsection (f)(1)(G), by striking
19 “National Response Plan” and inserting “Na-
20 tional Response Framework”;

21 (5) in section 508 (6 U.S.C. 318)—

22 (A) in subsection (b)(1), by striking “Na-
23 tional Response Plan” and inserting “National
24 Response Framework”; and

1 (B) in subsection (d)(2)(A), by striking
2 “The Deputy Administrator, Protection and
3 National Preparedness” and inserting “A Dep-
4 uty Administrator”;

5 (6) in section 509 (6 U.S.C. 319)—

6 (A) in subsection (b)—

7 (i) in paragraph (1)—

8 (I) by striking “National Re-
9 sponse Plan” and inserting “National
10 Response Framework, National Pro-
11 tection Framework, National Preven-
12 tion Framework, National Mitigation
13 Framework, National Recovery
14 Framework”;

15 (II) by striking “successor” and
16 inserting “successors”; and

17 (III) by striking “plan” at the
18 end of that paragraph and inserting
19 “framework”; and

20 (ii) in paragraph (2), by striking “Na-
21 tional Response Plan” each place it ap-
22 pears and inserting “National Response
23 Framework”; and

24 (B) in subsection (c)(1)—

25 (i) in subparagraph (A)—

1 (I) by striking “NATIONAL RE-
2 SPONSE PLAN” in the header and in-
3 serting “NATIONAL RESPONSE
4 FRAMEWORK”; and

5 (II) by striking “National Re-
6 sponse Plan” in the text and inserting
7 “National Response Framework”; and

8 (ii) in subparagraph (B), by striking
9 “National Response Plan” and inserting
10 “National Response Framework”;

11 (7) in section 510 (6 U.S.C. 320)—

12 (A) in subsection (a), by striking “enter
13 into a memorandum of understanding” and in-
14 serting “partner”;

15 (B) in subsection (b)(1)(A), by striking
16 “National Response Plan” and inserting “Na-
17 tional Response Framework”; and

18 (C) in subsection (c), by striking “National
19 Response Plan” and inserting “National Re-
20 sponse Framework”;

21 (8) in section 515(c)(1) (6 U.S.C. 321d(c)(1)),
22 by striking “and local” each place it appears and in-
23 serting “, local, and Tribal”;

24 (9) by striking section 524 (6 U.S.C. 321m);
25 and

1 (10) in section 525(a) (6 U.S.C. 321n), by
2 striking “Secretary” and inserting “Administrator”.

3 (b) POST-KATRINA EMERGENCY MANAGEMENT RE-
4 FORM ACT OF 2006.—

5 (1) CITATION CORRECTION.—Section 602(13)
6 of the Post-Katrina Emergency Management Reform
7 Act of 2006 (6 U.S.C. 701(13)) is amended by strik-
8 ing “502(a)(6)” and inserting “504(a)(6)”.

9 (2) CHANGE OF REFERENCE.—Chapter 1 of
10 subtitle C of title VI of the Post-Katrina Emergency
11 Management Reform Act of 2006 (Public Law 109–
12 295) is amended by striking “National Response
13 Plan” each place it appears and inserting “National
14 Response Framework”.

15 (c) SAVINGS CLAUSE.—The amendments made by
16 subsection (a) to section 503(b)(2)(A) and paragraphs (3)
17 and (4) of section 504(a) of the Homeland Security Act
18 of 2002 shall not be construed as affecting the authority,
19 existing on the day before the date of enactment of this
20 division, of any other component of the Department of

1 Homeland Security or any other Federal department or
2 agency.

Passed the House of Representatives July 20, 2017.

Attest:

KAREN L. HAAS,

Clerk.