

117TH CONGRESS  
1ST SESSION

# H. R. 4357

To amend the Homeland Security Act of 2002 to make certain reforms to the Department of Homeland Security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2021

Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON LEE, Mr. LANGEVIN, Mr. PAYNE, Mr. CORREA, Mr. CLEAVER, Mr. GREEN of Texas, Ms. CLARKE of New York, Mr. SWALWELL, Ms. TITUS, Mrs. WATSON COLEMAN, Miss RICE of New York, Mrs. DEMINGS, Ms. BARRAGÁN, Mr. MALINOWSKI, and Mr. TORRES of New York) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Homeland Security Act of 2002 to make certain reforms to the Department of Homeland Security, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Department of Homeland Security Reform Act of 2021”  
6 or the “DHS Reform Act of 2021”.

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

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

TITLE I—LEADERSHIP REFORMS

- Sec. 101. Headquarters operations.  
 Sec. 102. Associate Secretary; succession reforms; Assistant Secretaries and other officers.  
 Sec. 103. Enhanced integration.

TITLE II—INTELLIGENCE AND ANALYSIS REFORMS

- Sec. 201. Enhanced departmental oversight of certain intelligence matters.  
 Sec. 202. Department of Homeland Security support for the national network of fusion centers.  
 Sec. 203. Domestic terrorism analytic unit.  
 Sec. 204. Report relating to foreign white supremacist extremist organizations.

TITLE III—OFFICERS, OFFICES, AND POLICIES

Subtitle A—Officers, Integration, and Policymaking

- Sec. 301. Chief Privacy Officer.  
 Sec. 302. Under Secretary for Management.  
 Sec. 303. Chief Financial Officer.  
 Sec. 304. Chief Information Officer.  
 Sec. 305. Chief Human Capital Officer.  
 Sec. 306. Officer for Civil Rights and Civil Liberties.  
 Sec. 307. Quadrennial homeland security review.  
 Sec. 308. Office of Strategy, Policy, and Plans.  
 Sec. 309. Office of Partnership and Engagement.  
 Sec. 310. Chief Procurement Officer.  
 Sec. 311. Chief Security Officer.  
 Sec. 312. School Security Coordinating Council.  
 Sec. 313. Office of Program Accountability and Risk Management.  
 Sec. 314. Children’s technical expert.  
 Sec. 315. Abolishment of Office for State and Local Government Coordination.  
 Sec. 316. Biometric enterprise management.  
 Sec. 317. Counterterrorism and targeted violence strategy.  
 Sec. 318. Activities related to children report.

Subtitle B—Law Enforcement Reforms

- Sec. 321. De-escalation, use of force, and body-worn camera policy.  
 Sec. 322. Department of Homeland Security component insignia required.  
 Sec. 323. Report relating to compliance with mandatory Department-wide reporting policy directive.  
 Sec. 324. De-escalation training and continuing education to promote officer safety and professionalism.  
 Sec. 325. Less lethal force tactics assessment.  
 Sec. 326. Best practices to reduce incidents of excessive or unauthorized force.  
 Sec. 327. Safeguarding firearms and sensitive assets.

Sec. 328. Reporting on basic training programs of the Department of Homeland Security.

#### Subtitle C—Workforce Engagement and Development Reforms

Sec. 331. Employee Engagement Steering Committee and action plan.  
 Sec. 332. Annual employee award program.  
 Sec. 333. Acquisition workforce.  
 Sec. 334. Acquisition professional career program.  
 Sec. 335. Department of Homeland Security rotation program.  
 Sec. 336. Cyber talent management system reporting.  
 Sec. 337. Independent investigation of disciplinary outcomes.

### TITLE IV—ACQUISITION REFORMS

Sec. 401. Definitions.  
 Sec. 402. Acquisition authorities for technical support offices.  
 Sec. 403. Acquisition documentation.  
 Sec. 404. Acquisition review board.  
 Sec. 405. Congressional notification for major acquisition programs.  
 Sec. 406. Acquisition reports.  
 Sec. 407. Modification of reorganization authority of the Secretary.  
 Sec. 408. Abolishment of Office of International Affairs.  
 Sec. 409. Joint Requirements Council.  
 Sec. 410. Mentor-protégé program.  
 Sec. 411. Fitness information transparency.  
 Sec. 412. Requirements to buy certain items related to national security interests according to certain criteria.  
 Sec. 413. Prohibition on operation or procurement of foreign-made unmanned aircraft systems.  
 Sec. 414. Historically black colleges and universities (HBCUS) homeland security partnerships.

### TITLE V—OTHER REFORMS

#### Subtitle A—Frontline Operational Reforms

Sec. 501. Limitations relating to secretarial authorities associated with the protection of public property.  
 Sec. 502. Requests relating to Department of Homeland Security personnel or equipment.

#### Subtitle B—Accountability and Integrity Reforms and Miscellaneous Matters

Sec. 511. Privacy, civil rights, and civil liberties coordination required.  
 Sec. 512. Office of Public Affairs.  
 Sec. 513. Department-wide social media policy.  
 Sec. 514. Propaganda prohibited.  
 Sec. 515. Office of Inspector General.  
 Sec. 516. Limits on expenses for a swearing-in ceremony.  
 Sec. 517. Conflict of interest awareness and reporting.  
 Sec. 518. Suspension and debarment program.  
 Sec. 519. Countering Weapons of Mass Destruction Office.  
 Sec. 520. Annual catalog on Department of Homeland Security training, publications, programs, and services for State and local law enforcement and annual reporting requirements.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ASSETS.**—The term “assets” has the mean-  
4 ing given the term in section 2(3) of the Homeland  
5 Security Act of 2002 (6 U.S.C. 101(3)).

6 (2) **COMMISSIONER.**—The term “Commis-  
7 sioner” means the Commissioner of U.S. Customs  
8 and Border Protection.

9 (3) **COMPTROLLER GENERAL.**—The term  
10 “Comptroller General” means the Comptroller Gen-  
11 eral of the United States.

12 (4) **DEPARTMENT.**—The term “Department”  
13 means the Department of Homeland Security.

14 (5) **FUNCTIONS.**—The term “functions” has the  
15 meaning given the term in section 2(9) of the Home-  
16 land Security Act of 2002 (6 U.S.C. 101(9)).

17 (6) **HISTORICALLY BLACK COLLEGE OR UNI-**  
18 **VERSITY.**—The term “historically Black college or  
19 university” has the meaning given the term “part B  
20 institution” in section 322 of the Higher Education  
21 Act of 1965 (20 U.S.C. 1061).

22 (7) **LOST.**—The term “lost” includes loss by  
23 theft.

24 (8) **MINORITY-SERVING INSTITUTION.**—The  
25 term “minority-serving institution” means an insti-  
26 tution of higher education described in section

1 371(a) of the Higher Education Act of 1965 (20  
2 U.S.C. 1067q(a)).

3 (9) PERSONNEL.—The term “personnel” has  
4 the meaning given the term in section 2(15) of the  
5 Homeland Security Act of 2002 (6 U.S.C. 101(15)).

6 (10) PUBLIC-FACING MATERIALS.—The term  
7 “public-facing materials” means any written, audio,  
8 or video materials used to inform the public, includ-  
9 ing press releases, speeches, talking points, fact  
10 sheets, testimony, letters, reports, billboards, and so-  
11 cial media.

12 (11) SECRETARY.—The term “Secretary”  
13 means the Secretary of Homeland Security.

14 (12) SENSITIVE ASSETS.—The term “sensitive  
15 assets” has the meaning given such term in section  
16 701 of the Homeland Security Act of 2002 (6  
17 U.S.C. 341), as amended by section 222 of this Act.

18 (13) TARGETED VIOLENCE.—The term “tar-  
19 geted violence” means any incident of violence in  
20 which an attacker selected a particular target in  
21 order to inflict mass injury or death without a clear-  
22 ly discernible political or ideological motivation be-  
23 yond mass injury or death.

# 1 **TITLE I—LEADERSHIP REFORMS**

## 2 **SEC. 101. HEADQUARTERS OPERATIONS.**

3 (a) IN GENERAL.—Section 102 of the Homeland Se-  
4 curity Act of 2002 (6 U.S.C. 112) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (2), by striking “and” at  
7 the end;

8 (B) in paragraph (3), by striking the pe-  
9 riod at the end and inserting a semicolon; and

10 (C) by adding at the end the following new  
11 paragraphs:

12 “(4) shall establish a Homeland Security Advi-  
13 sory Council that—

14 “(A) includes—

15 “(i) not more than 40 representatives  
16 with expertise or experience with respect to  
17 homeland security; and

18 “(ii) not fewer than two representa-  
19 tives with expertise or experience with re-  
20 spect to protecting privacy and civil rights;  
21 and

22 “(B) provide advice and recommendations  
23 on homeland security-related matters, including  
24 advice with respect to the preparation of the  
25 Quadrennial Homeland Security Review; and

1           “(5) shall provide to the Committee on Home-  
2           land Security of the House of Representatives and  
3           the Committee on Homeland Security and Govern-  
4           mental Affairs of the Senate an annual report that  
5           includes—

6                   “(A) a list of each member of the Home-  
7                   land Security Advisory Council and the sub-  
8                   committee assignments of each such member;

9                   “(B) a summary of all recommendations  
10                  made by the Homeland Security Advisory Coun-  
11                  cil, including any subcommittees; and

12                  “(C) a description of any action the De-  
13                  partment took in response to such recommenda-  
14                  tions.”;

15           (2) in subsection (c), in the matter preceding  
16           paragraph (1), by striking “through the Office of  
17           State and Local Coordination (established under sec-  
18           tion 801)” and inserting “through the Office of  
19           Partnership and Engagement”;

20           (3) by striking subsection (f);

21           (4) by redesignating subsection (g) as sub-  
22           section (f); and

23           (5) by adding at the end the following new sub-  
24           sections:

1       “(g) CONFLICTS OF INTEREST.—No member of the  
2 Homeland Security Advisory Council established pursuant  
3 to subsection (b)(4) may participate in developing any ad-  
4 vice or recommendation regarding any matter which di-  
5 rectly benefits such member or pertains specifically to any  
6 firm or organization with which such member has been  
7 associated at any time during the immediately preceding  
8 three years.

9       “(h) HEADQUARTERS.—

10           “(1) IN GENERAL.—There is in the Department  
11 a Headquarters.

12           “(2) COMPONENTS.—The Headquarters shall  
13 include each of the following:

14                   “(A) The Office of the Secretary, which  
15 shall include—

16                           “(i) the Deputy Secretary;

17                           “(ii) the Associate Secretary;

18                           “(iii) the Chief of Staff; and

19                           “(iv) the Executive Secretary.

20                   “(B) The Management Directorate, includ-  
21 ing the Office of the Chief Financial Officer,  
22 Federal Protective Service, and Office of Bio-  
23 metric Identity Management.

24                   “(C) The Science and Technology Direc-  
25 torate.



1           “(D) The Office of Strategy, Policy, and  
2 Plans.

3           “(E) The Office of the General Counsel.

4           “(F) The Office of the Chief Privacy and  
5 FOIA Officer.

6           “(G) The Office for Civil Rights and Civil  
7 Liberties.

8           “(H) The Office of Operations Coordina-  
9 tion.

10          “(I) The Office of Intelligence and Anal-  
11 ysis.

12          “(J) The Office of Legislative Affairs.

13          “(K) The Office of Public Affairs.

14          “(L) The Office of the Inspector General.

15          “(M) The Office of the Citizenship and  
16 Immigration Services Ombudsman.

17          “(N) The Countering Weapons of Mass  
18 Destruction Office.

19          “(O) The Office of Partnership and En-  
20 gagement.

21          “(P) The Ombudsman for Border and Im-  
22 migration Enforcement Related Concerns.”.

23       (b) CONFLICTS OF INTEREST POLICY.—Not later  
24 than 90 days after the date of the enactment of this Act,  
25 the Secretary, acting through the Under Secretary for

1 Strategy, Policy, and Plans of the Department, shall issue  
2 a written policy to members of the Homeland Security Ad-  
3 visory Committee regarding the conflicts of interests re-  
4 quirement set forth in subsection (g) of section 102 of the  
5 Homeland Security Act of 2002, as added by this section.

6 (c) **TRANSFER OF FUNCTIONS AND ASSETS.**—The  
7 functions authorized to be performed by the Special As-  
8 sistant to the Secretary (referred to in subsection (f) of  
9 section 102 of the Homeland Security Act of 2002) on  
10 the day before the date of the enactment of this Act, and  
11 the assets and personnel associated with such functions,  
12 are transferred to the Assistant Secretary for Partnership  
13 and Engagement under section 711 of the Homeland Se-  
14 curity Act of 2002, as added by section 309 of this Act.

15 **SEC. 102. ASSOCIATE SECRETARY; SUCCESSION REFORMS;**  
16 **ASSISTANT SECRETARIES AND OTHER OFFI-**  
17 **CERS.**

18 Section 103 of the Homeland Security Act of 2002  
19 (6 U.S.C. 113) is amended—

20 (1) in subsection (a)—

21 (A) in the subsection heading, by inserting  
22 “; ASSISTANT SECRETARIES AND OTHER OFFI-  
23 CERS” after “UNDER SECRETARIES”;

24 (B) in paragraph (1)—

1 (i) by redesignating subparagraphs  
2 (B) through (K) as (C) through (L), re-  
3 spectively;

4 (ii) by inserting after subparagraph  
5 (A) the following new subparagraph:

6 “(B) An Associate Secretary of Homeland  
7 Security, who shall be the second assistant of  
8 the Secretary for purposes of subchapter III of  
9 chapter 33 of title 5, United States Code, and  
10 shall exercise the duties of the Secretary with  
11 respect to U.S. Customs and Border Protection,  
12 U.S. Immigration and Customs Enforcement,  
13 the United States Secret Service, and the Fed-  
14 eral Protective Service, and, in consultation  
15 with the Deputy Secretary, the law enforcement  
16 activities of other Department components.”;  
17 and

18 (iii) in subparagraph (J), as so redес-  
19 igned, by striking “Not more than 12  
20 Assistant Secretaries.” and inserting “The  
21 Administrator of the Transportation Secu-  
22 rity Administration.”;

23 (C) by amending paragraph (2) to read as  
24 follows:

1           “(2) APPOINTMENTS.—The following Assistant  
2 Secretaries shall be appointed by the President or  
3 the Secretary, as the case may be, without the ad-  
4 vice and consent of the Senate:

5           “(A) PRESIDENTIAL APPOINTMENTS.—The  
6 Department shall have the following positions  
7 appointed by the President:

8           “(i) The Assistant Secretary for Pub-  
9 lic Affairs.

10           “(ii) The Assistant Secretary for Leg-  
11 islative Affairs.

12           “(iii) The Assistant Secretary for the  
13 Countering Weapons of Mass Destruction  
14 Office.

15           “(iv) The Chief Medical Officer.

16           “(B) SECRETARIAL APPOINTMENTS.—The  
17 Secretary shall appoint an Assistant Secretary  
18 for Partnership and Engagement and, within  
19 the Office of Strategy, Policy, and Plans, an  
20 Assistant Secretary for International Affairs  
21 and not more than five additional Assistant  
22 Secretaries with divided responsibility for the  
23 following areas:

1                   “(i) Counterterrorism, threat preven-  
2                   tion, and screening and vetting, including  
3                   biometrics.

4                   “(ii) Border security and immigration.

5                   “(iii) Cybersecurity and infrastructure  
6                   security.

7                   “(iv) Law enforcement.

8                   “(v) Trade and economic security.”;

9                   and

10                  (D) by adding at the end the following new  
11                  paragraphs:

12                  “(3) LIMITATION ON ESTABLISHMENT OF AS-  
13                  SISTANT SECRETARY POSITIONS.—No Assistant Sec-  
14                  retary position may be established in addition to the  
15                  positions provided for by this section unless such po-  
16                  sition is authorized by a statute enacted after the  
17                  date of the enactment of this paragraph.

18                  “(4) UNDER SECRETARY FOR MANAGEMENT.—  
19                  The Under Secretary for Management shall serve a  
20                  five-year term.”;

21                  (2) in subsection (g)—

22                         (A) in paragraph (1), by striking “or va-  
23                         cancy in office, neither the Secretary nor Dep-  
24                         uty Secretary is” and inserting “vacancy in of-

1            fice, or if the Secretary, Deputy Secretary, or  
2            Associate Secretary are not”; and

3            (B) by amending paragraph (2) to read as  
4            follows:

5            “(2) FURTHER ORDER OF SUCCESSION.—Not-  
6            withstanding chapter 33 of title 5, United States  
7            Code, the Secretary may designate such other offi-  
8            cial of the Department—

9            “(A) in further order of succession, to  
10            serve as Acting Secretary, in a manner that re-  
11            quires such official to have served in the De-  
12            partment for at least 90 days prior to such des-  
13            ignation in either the position of the head of a  
14            component or in another position by and with  
15            the advice and consent of the Senate, or in the  
16            event that an official meeting this criteria is not  
17            available, in a manner that requires such offi-  
18            cial to have served for at least 90 days prior to  
19            such designation in the Senior Executive Serv-  
20            ice within the Department; and

21            “(B) to serve as the acting head of a com-  
22            ponent, in the event that the head of a compo-  
23            nent vacates the position, in a manner that re-  
24            quires such official to have served for at least

1           90 days prior to such designation in the Senior  
2           Executive Service.”; and

3           (3) by adding at the end the following new sub-  
4           sections:

5           “(h) INTRA-DEPARTMENTAL DISPUTES.—On behalf  
6 of the Secretary, the Deputy Secretary shall have author-  
7 ity to resolve any intra-departmental disputes that may  
8 arise between two or more components where one compo-  
9 nent is under the purview of the Associate Secretary. The  
10 Associate Secretary may appeal a resolution issued by the  
11 Deputy Secretary to the Secretary.

12          “(i) ASSISTANT SECRETARY FOR LEGISLATIVE AF-  
13 FAIRS.—

14           “(1) IN GENERAL.—The Assistant Secretary for  
15           Legislative Affairs shall—

16                   “(A) serve as the primary liaison to Con-  
17                   gress; and

18                   “(B) maintain one internal reporting  
19                   structure for engaging with authorizing and ap-  
20                   propriating congressional committees.

21          “(2) LIMITATION ON DEPUTY ASSISTANT SEC-  
22           RETARY FOR LEGISLATIVE AFFAIRS POSITIONS.—  
23           There shall be within the Office of Legislative Af-  
24           fairs at the Department not more than two, Deputy

1 Assistant Secretary for Legislative Affairs positions,  
2 one for each chamber of Congress.

3 “(j) DEPARTMENT REPORTS.—

4 “(1) IN GENERAL.—Notwithstanding any other  
5 provision of law, any report that the Department or  
6 a component of the Department is required to sub-  
7 mit to the Committee on Appropriations of the  
8 House of Representatives or the Committee on Ap-  
9 propriations of the Senate under any provision of  
10 law shall be submitted concurrently to the Com-  
11 mittee on Homeland Security of the House of Rep-  
12 resentatives and the Committee on Homeland Secu-  
13 rity and Governmental Affairs of the Senate.

14 “(2) APPLICABILITY.—Paragraph (1) shall  
15 apply with respect to any report described in such  
16 paragraph that is submitted on or after the date of  
17 the enactment of this subsection.

18 “(3) NOTICE.—The Secretary shall notify, in  
19 writing, the chairmen and ranking members of the  
20 authorizing and appropriating congressional commit-  
21 tees of jurisdiction regarding policy memoranda,  
22 management directives, and reprogramming notifica-  
23 tions issued by the Department.”.

24 **SEC. 103. ENHANCED INTEGRATION.**

25 (a) INTEGRATION INITIATIVE.—



1           (1) IN GENERAL.—Not later than 90 days after  
2 the date of the enactment of this Act, the Under  
3 Secretary for Management of the Department, in co-  
4 ordination with the heads of components of the De-  
5 partment, shall establish an initiative to identify op-  
6 portunities to enhance integration of management  
7 and operational functions across the components and  
8 offices of the Department.

9           (2) SUBMISSION OF INFORMATION.—The Under  
10 Secretary for Management shall submit to the Sec-  
11 retary information relating to opportunities identi-  
12 fied pursuant to paragraph (1) before implementa-  
13 tion of activities intended to leverage such opportu-  
14 nities.

15 (b) REPORTS.—

16           (1) INITIATIVE REPORT.—

17           (A) IN GENERAL.—Not later than one year  
18 after the date of the enactment of this Act and  
19 annually thereafter through 2025, the Secretary  
20 shall submit to the Committee on Homeland  
21 Security of the House of Representatives and  
22 the Committee on Homeland Security and Gov-  
23 ernmental Affairs of the Senate a report relat-  
24 ing to the initiative established pursuant to sub-  
25 section (a).

1 (B) ELEMENTS.—Each report required  
2 under subparagraph (A) shall include informa-  
3 tion relating to each opportunity identified by  
4 the Secretary pursuant to subsection (a)(1) that  
5 includes—

6 (i) the goal of each such opportunity;

7 (ii) the estimated timeline for imple-  
8 mentation of each such opportunity; and

9 (iii) estimated costs or cost avoidances  
10 associated with the implementation of each  
11 such opportunity.

12 (2) INTEGRATION REPORT.—Not later than one  
13 year after the date of the enactment of this Act and  
14 annually thereafter through 2025, the Secretary  
15 shall submit to the Committee on Homeland Secu-  
16 rity of the House of Representatives and the Com-  
17 mittee on Homeland Security and Governmental Af-  
18 fairs of the Senate a report that includes—

19 (A) information relating to plans to ad-  
20 dress any unresolved management challenges  
21 identified by the Comptroller General in the  
22 most recent biennial High-Risk List or suc-  
23 cessor report;

24 (B) information relating to any joint task  
25 forces in operation or planned to be established

1           pursuant to section 708 of the Homeland Secu-  
2           rity Act of 2002 (6 U.S.C. 348), including the  
3           level of participation by offices and components  
4           of the Department in each such joint task force;

5           (C) a list of common capability gaps or  
6           mission needs among offices and components of  
7           the Department identified by the Joint Require-  
8           ments Council established pursuant to section  
9           890D of the Homeland Security Act of 2002,  
10          as added by this Act;

11          (D) information relating to any proposed  
12          changes with respect to the organization of the  
13          Department that would be subject to section  
14          872 of the Homeland Security Act of 2002 (6  
15          U.S.C. 452), including specific information re-  
16          lating to the purpose and expected benefits of  
17          such changes; and

18          (E) any other information relevant to the  
19          efforts of the Secretary to enhance integration  
20          of management and operational functions  
21          across the components and offices of the De-  
22          partment.

1     **TITLE II—INTELLIGENCE AND**  
2                   **ANALYSIS REFORMS**

3     **SEC. 201. ENHANCED DEPARTMENTAL OVERSIGHT OF CER-**  
4                   **TAIN INTELLIGENCE MATTERS.**

5           Paragraph (9) of section 201(d) of the Homeland Se-  
6     curity Act of 2002 (6 U.S.C. 121(d)) is amended—

7           (1) in subparagraph (A), by striking “and”  
8     after the semicolon;

9           (2) in subparagraph (B), by striking the period  
10    at the end and inserting “; and”; and

11          (3) by adding at the end the following new sub-  
12    paragraph:

13                 “(C) any intelligence information under  
14                 this Act is, to the extent practicable, shared, re-  
15                 tained, and disseminated consistent with the  
16                 protection of privacy rights, civil rights, and  
17                 civil liberties, as determined, respectively, by  
18                 the Chief Privacy Officer and the Officer for  
19                 Civil Rights and Civil Liberties.”.

20     **SEC. 202. DEPARTMENT OF HOMELAND SECURITY SUP-**  
21                   **PORT FOR THE NATIONAL NETWORK OF FU-**  
22                   **SION CENTERS.**

23           Section 210A of the Homeland Security Act of 2002  
24     (6 U.S.C. 124h) is amended—

1           (1) in subsection (b)(1), by inserting “, includ-  
2           ing such advice and assistance relating to privacy,  
3           civil rights, and civil liberties training,” after “advice  
4           and assistance”;

5           (2) in subsection (c), by adding at the end the  
6           following new paragraph:

7           “(7) PRIVACY, CIVIL RIGHTS, AND CIVIL LIB-  
8           ERTIES ADVISORS.—The Chief Privacy Officer of the  
9           Department and the Officer for Civil Rights and  
10          Civil Liberties of the Department, in coordination  
11          with the Under Secretary for Intelligence and Anal-  
12          ysis shall, to the extent practicable, assign personnel  
13          to assist the fusion centers that participate in the  
14          State, Local, and Regional Fusion Center Initiative,  
15          including employees of such fusion centers who are  
16          responsible for privacy, civil rights, and civil liberties  
17          efforts within such fusion centers.”;

18          (3) by redesignating subsections (k) and (l) as  
19          subsections (n) and (o), respectively; and

20          (4) by inserting after subsection (j) the fol-  
21          lowing new subsections:

22          “(k) SELF-ASSESSMENT.—

23                  “(1) IN GENERAL.—

24                          “(A) DISSEMINATION.—Not later than one  
25                          year after the date of the enactment of this

1 subsection, the Secretary shall disseminate to  
2 each fusion center participating in the State,  
3 Local, and Regional Fusion Center Initiative  
4 and receiving a grant from the Department,  
5 guidance with respect to—

6 “(i) conducting a self-assessment re-  
7 lating to adherence to privacy, civil rights,  
8 and civil liberties protections and policies;  
9 and

10 “(ii) applicable training relating to  
11 such protections and policies.

12 “(B) RETURN.—Not later than August 31,  
13 2022, and annually thereafter, such fusion cen-  
14 ters shall submit to the Secretary the self-as-  
15 sements required under clause (i) of subpara-  
16 graph (A).

17 “(2) INSPECTOR GENERAL REVIEW.—

18 “(A) SUBMISSION OF SELF-ASSESS-  
19 MENTS.—Not later than September 30, 2022,  
20 and annually thereafter, the Under Secretary  
21 for Intelligence and Analysis shall submit to the  
22 Inspector General of the Department the self-  
23 assessments submitted to the Under Secretary  
24 pursuant to paragraph (1)(B).

1           “(B) REVIEW.—Not later than 90 days  
2 after the receipt of the self-assessments re-  
3 quired under subparagraph (A) and annually  
4 thereafter, the Inspector General shall—

5           “(i) review a representative sampling,  
6 as determined by the Inspector General, of  
7 the policies, practices, and performance  
8 with respect to privacy, civil rights, and  
9 civil liberties of the fusion centers partici-  
10 pating in the State, Local, and Regional  
11 Fusion Center Initiative to determine the  
12 adherence to privacy, civil rights, and civil  
13 liberties polices, including training of such  
14 centers; and

15           “(ii) annually rotate the fusion cen-  
16 ters subject to such sampling and review  
17 diverse fusion centers with respect to the  
18 metropolitan areas, States, or regions in  
19 which such fusion centers operate.

20           “(1) COMPTROLLER GENERAL.—Beginning on the  
21 date that is one year after the date of the enactment of  
22 this subsection and triennially thereafter, the Comptroller  
23 General of the United States shall submit to the Com-  
24 mittee on Homeland Security of the House of Representa-  
25 tives and the Committee on Homeland Security and Gov-

1 ernmental Affairs of the Senate a review of the use of  
2 emerging technologies, including facial recognition, artifi-  
3 cial intelligence, and machine learning, by fusion centers  
4 participating in the State, Local, and Regional Fusion  
5 Center Initiative, and the effects of such technologies on  
6 the privacy, civil rights, and civil liberties of the American  
7 public. Each such review shall evaluate not fewer than—

8           “(1) three such fusion centers that serve high-  
9           risk urban areas (as such term is defined in section  
10          2003); and

11          “(2) two State fusion centers.”.

12 **SEC. 203. DOMESTIC TERRORISM ANALYTIC UNIT.**

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.) is amend-  
15 ed by adding at the end the following new section:

16 **“SEC. 211. ANALYTIC UNIT TO DEVELOP INTELLIGENCE**  
17                   **PRODUCTS RELATING TO DOMESTIC TER-**  
18                   **RORISM.**

19       “(a) ESTABLISHMENT.—There is established within  
20 the Office of Intelligence and Analysis of the Department  
21 an analytic unit (in this section to be referred to as the  
22 ‘analytic unit’) to serve as a focal point within the Depart-  
23 ment for intelligence and analysis of domestic terrorism  
24 threats.

25       “(b) PERSONNEL.—



1           “(1) COMPOSITION.—The analytic unit shall  
2       be—

3           “(A) headed by a Director appointed by  
4       the Under Secretary; and

5           “(B) composed of—

6           “(i) not fewer than five full-time  
7       equivalent staff members; and

8           “(ii) any additional staff detailed from  
9       Federal agencies.

10          “(2) TRAINING REQUIREMENTS.—Each member  
11       of the analytic unit shall complete—

12          “(A) annual training relating to intel-  
13       ligence, analysis, and information sharing prac-  
14       tices (as such practices relate to open source in-  
15       formation);

16          “(B) annual privacy and civil liberties  
17       training that is developed, supported, or spon-  
18       sored by the Privacy Officer of the Department  
19       appointed under section 222 and the Officer for  
20       Civil Rights and Civil Liberties of the Depart-  
21       ment, in consultation with the Privacy and Civil  
22       Liberties Oversight Board established under  
23       section 1061 of the Intelligence Reform and  
24       Terrorism Prevention Act of 2004 (42 U.S.C.  
25       2000ee); and

1                   “(C) such other training prescribed by the  
2                   Under Secretary.

3                   “(c) RESPONSIBILITIES.—The responsibilities of the  
4 analytic unit shall include:

5                   “(1) Producing—

6                   “(A) in classified and unclassified formats,  
7                   and

8                   “(B) by integrating open source informa-  
9                   tion in a manner consistent with the privacy  
10                   and civil liberties training provided pursuant to  
11                   subsection (b)(2)(B),

12                   intelligence products relating to domestic terrorism  
13                   threats.

14                   “(2) Disseminating such products and con-  
15                   ducting briefings relating to such products for—

16                   “(A) Federal, State, Tribal, territorial, and  
17                   local agencies;

18                   “(B) State, local, and regional fusion cen-  
19                   ters; and

20                   “(C) private sector stakeholders, as appro-  
21                   priate.

22                   “(3) Improving understanding within the De-  
23                   partment and among the entities receiving dissemi-  
24                   nated products and briefings pursuant to paragraph  
25                   (2) with respect to—

1           “(A) the degree to which threats identified  
2           in such products may have a nexus to foreign  
3           terrorist organizations, transnational criminal  
4           organizations, foreign countries, or other for-  
5           eign non-state actors engaged in malign foreign  
6           influence campaigns; and

7           “(B) trend analysis relating to—

8                   “(i) whether such threats are identi-  
9                   fied in the physical domain or cyberspace;  
10                  and

11                   “(ii) the degree to which such threats  
12                  may impact or reinforce each other; and

13           “(C) information relating to any relations  
14           between such threats and targeted violence.

15           “(d) BRIEFINGS.—Not later than 180 days after the  
16           date of the enactment of this section and biannually there-  
17           after through 2026, the Under Secretary shall provide to  
18           the appropriate congressional committees a briefing relat-  
19           ing to the implementation of this section.

20           “(e) REPORTS.—

21                   “(1) IN GENERAL.—Not later than one year  
22                   after the date of the enactment of this section and  
23                   annually thereafter through 2026, the Under Sec-  
24                   retary shall submit to the appropriate congressional  
25                   committees a report relating to the annual operation

1 of the analytic unit. Each such report shall include  
2 the following:

3 “(A) A summary of each product produced  
4 or disseminated pursuant to paragraphs (1) or  
5 (2), respectively, of subsection (c).

6 “(B) Information relating to each briefing  
7 pursuant to subsection (c)(2), including—

8 “(i) the number of such briefings con-  
9 ducted;

10 “(ii) a summary of each such briefing;  
11 and

12 “(iii) the name of the entity specified  
13 in such subsection that received such a  
14 briefing.

15 “(C) Information relating to personnel  
16 within the analytic unit, including—

17 “(i) the number of full-time equivalent  
18 staff and personnel detailed from Federal  
19 agencies;

20 “(ii) any memoranda of under-  
21 standing to facilitate the detailing of such  
22 personnel from other Federal agencies; and

23 “(iii) information relating to activities  
24 to attract and retain a diverse workforce  
25 within the analytic unit.

1 “(D) Information relating to—

2 “(i) the provision of training pursuant  
3 to subsection (b)(2); and

4 “(ii) activities carried out pursuant to  
5 subsection (c)(3).

6 “(2) GAO REPORT.—Not later than one year  
7 after the date on which the initial report required  
8 under subsection (e)(1) is submitted to the appro-  
9 priate congressional committees and annually there-  
10 after through 2026, the Comptroller General of the  
11 United States shall submit to the appropriate con-  
12 gressional committees a review of the implementa-  
13 tion of this section that includes an evaluation of  
14 such report for the corresponding year.

15 “(f) DEFINITIONS.—In this section:

16 “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
17 TEES.—The term ‘appropriate congressional com-  
18 mittees’ means—

19 “(A) the Committee on Homeland Secu-  
20 rity, the Committee on the Judiciary, and the  
21 Permanent Select Committee on Intelligence of  
22 the House of Representatives; and

23 “(B) the Committee on Homeland Security  
24 and Governmental Affairs, the Committee on

1           the Judiciary, and the Select Committee on In-  
2           telligence of the Senate.

3           “(2) CYBERSPACE.—The term ‘cyberspace’  
4           means the interdependent network of information  
5           technology infrastructures, that includes the inter-  
6           net, telecommunications networks, computer sys-  
7           tems, and embedded processors and controllers.

8           “(3) DOMESTIC TERRORISM.—The term ‘do-  
9           mestic terrorism’ has the meaning given the term in  
10          section 2331(5) of title 18, United States Code.

11          “(4) FOREIGN TERRORIST ORGANIZATION.—  
12          The term ‘foreign terrorist organization’ means an  
13          organization designated pursuant to section 219 of  
14          the Immigration and Nationality Act (8 U.S.C.  
15          1189).

16          “(5) FUSION CENTER.—The term ‘fusion cen-  
17          ter’ has the meaning given the term in section  
18          210A(k)(1).

19          “(6) INFORMATION TECHNOLOGY.—The term  
20          ‘information technology’ has the meaning given the  
21          term in section 11101 of title 40, United States  
22          Code.

23          “(7) MALIGN FOREIGN INFLUENCE CAM-  
24          PAIGNS.—The term ‘malign foreign influence cam-  
25          paigns’ means the coordinated application of state

1 diplomatic, informational, military, economic, busi-  
2 ness, corruption, educational, or other capability by  
3 foreign state actors or foreign non-state actors to  
4 the United States to affect elections in the United  
5 States.

6 “(8) PERSONALLY IDENTIFIABLE INFORMA-  
7 TION.—The term ‘personally identifiable informa-  
8 tion’ means any information about an individual elic-  
9 ited, collected, stored, or maintained by an agency,  
10 including the following:

11 “(A) Any information that can be used to  
12 distinguish or trace the identity of an indi-  
13 vidual, such as a name, a social security num-  
14 ber, a date and place of birth, a mother’s maid-  
15 en name, or biometric records.

16 “(B) Any other information that is linked  
17 or linkable to an individual, such as medical,  
18 educational, financial, or employment informa-  
19 tion.

20 “(9) TARGETED VIOLENCE.—The term ‘tar-  
21 geted violence’ means any incident of violence in  
22 which an attacker selected a particular target in  
23 order to inflict mass injury or death without a clear-  
24 ly discernible political or ideological motivation be-  
25 yond mass injury or death.

1           “(10) UNDER SECRETARY.—The term ‘Under  
2           Secretary’ means the Under Secretary for Intel-  
3           ligence and Analysis of the Department.”.

4           (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
5           tion or the amendments made by this section may be con-  
6           strued to—

7           (1) confer any additional authority, including  
8           law enforcement and surveillance authority, beyond  
9           that which is authorized under existing law to the  
10          Under Secretary for Intelligence and Analysis; or

11          (2) abrogate, diminish, or weaken the provisions  
12          of any Federal or State law that prevents or protects  
13          against the unauthorized collection or release of per-  
14          sonal records or personally identifiable information  
15          (as such term is defined in section 211(f)(8) of the  
16          Homeland Security Act of 2002, as added by this  
17          section).

18          (c) CLERICAL AMENDMENT.—The table of contents  
19          in section 1(b) of the Homeland Security Act of 2002 is  
20          amended by inserting after the item relating to section  
21          210G the following new item:

“Sec. 211. Analytic unit to develop intelligence products relating to domestic  
terrorism.”.



1 **SEC. 204. REPORT RELATING TO FOREIGN WHITE SU-**  
2 **PREMACIST EXTREMIST ORGANIZATIONS.**

3 (a) REPORT.—Not later than 180 days after the date  
4 of the enactment of this Act, the Chair of the Counter  
5 Threats Advisory Board, established pursuant to section  
6 210F(a) of the Homeland Security Act of 2002 (6 U.S.C.  
7 124m–1(a)), shall submit to the appropriate congressional  
8 committees a report relating to current efforts with re-  
9 spect to combating violence by foreign white supremacist  
10 extremist organizations—

11 (1) inside the United States; and

12 (2) against individuals and interests of the  
13 United States abroad.

14 (b) FORM.—The report required under subsection (a)  
15 shall be submitted in unclassified form, but may include  
16 a classified annex.

17 (c) DEFINITIONS.—In this section:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
19 TEES.—The term “appropriate congressional com-  
20 mittees” means—

21 (A) the Committee on Homeland Security  
22 of the House of Representatives; and

23 (B) the Committee on Homeland Security  
24 and Governmental Affairs of the Senate.

25 (2) FOREIGN WHITE SUPREMACIST EXTREMIST  
26 ORGANIZATION.—The term “foreign white suprema-

1 cist extremist organization” means an organization  
2 based outside of the United States that seeks, in  
3 whole or in part, through unlawful acts of force or  
4 violence, to further the belief in the intellectual and  
5 moral superiority of the white race over other races.

6 **TITLE III—OFFICERS, OFFICES,**  
7 **AND POLICIES**

8 **Subtitle A—Officers, Integration,**  
9 **and Policymaking**

10 **SEC. 301. CHIEF PRIVACY OFFICER.**

11 Section 222 of the Homeland Security Act of 2002  
12 (6 U.S.C. 142) is amended—

13 (1) in subsection (a)—

14 (A) in the matter preceding paragraph

15 (1)—

16 (i) by inserting “to be the Chief Pri-  
17 vacy Officer of the Department” after “in  
18 the Department”; and

19 (ii) by striking “to the Secretary, to  
20 assume” and inserting “to the Secretary.  
21 Such official shall have”;

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

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

1 (D) by inserting after paragraph (5) the  
2 following new paragraphs:

3 “(6) developing guidance to assist components  
4 and offices of the Department in developing privacy  
5 policies and practices;

6 “(7) establishing a process to ensure compo-  
7 nents and offices of the Department are in compli-  
8 ance with Federal, regulatory, statutory, and De-  
9 partment privacy requirements, mandates, directives,  
10 and policies;

11 “(8) working with the Chief Information Officer  
12 of the Department to identify methods for managing  
13 the records, management policies, and procedures of  
14 the Department;

15 “(9) working with components and offices of  
16 the Department to ensure information sharing ac-  
17 tivities incorporate privacy protection procedures;

18 “(10) serving as the Chief FOIA Officer of the  
19 Department for purposes of subsection (j) of section  
20 552 of title 5, United States Code (popularly known  
21 as the ‘Freedom of Information Act’), to manage  
22 and process requests related to such section;

23 “(11) developing guidance on procedures to be  
24 followed by individuals making requests for informa-

1       tion under section 552 of title 5, United States  
2       Code;

3               “(12) overseeing in the Department the man-  
4       agement and processing of requests for information  
5       under section 552 of title 5, United States Code;

6               “(13) providing component heads with input on  
7       the management of their respective FOIA offices, in-  
8       cluding recruiting and hiring component FOIA offi-  
9       cers, budget formulation, and organizational place-  
10      ment within each such component;

11              “(14) issuing guidance to relevant components  
12      and offices of the Department to ensure compliance  
13      with unified disclosure, processing, and training poli-  
14      cies in accordance with section 552 of title 5, United  
15      States Code;

16              “(15) identifying and eliminating unnecessary  
17      and duplicative actions taken by the Department  
18      with respect to processing requests for information  
19      under section 552 of title 5, United States Code;

20              “(16) preparing an annual report to Congress  
21      that includes—

22                      “(A) a description of the activities of the  
23                      Department that affect privacy during the fiscal  
24                      year covered by each such report, including  
25                      complaints of privacy violations, implementation

1 of section 552a of title 5, United States Code  
2 (popularly known as the ‘Privacy Act of 1974’),  
3 internal controls, and other matters; and

4 “(B) the number of new technology pro-  
5 grams implemented in the Department during  
6 the fiscal year covered by each such report, the  
7 number of such programs that the Chief Pri-  
8 vacy Officer has evaluated to ensure that pri-  
9 vacy protections are considered and imple-  
10 mented, the number of such programs that ef-  
11 fectively implemented privacy protections into  
12 new technology programs, and an explanation  
13 of why any new programs did not effectively im-  
14 plement privacy protections;

15 “(17) coordinate with the Under Secretary for  
16 Intelligence and Analysis to—

17 “(A) ensure that any information under  
18 this Act is, to the extent practicable, shared, re-  
19 tained, and disseminated in a manner con-  
20 sistent with the protection of privacy rights;  
21 and

22 “(B) provide to intelligence personnel  
23 training relating to privacy rights, regulations,  
24 and information practices as specified in section

1           552a of title 5, United States Code, and other  
2           relevant laws, focusing on personnel who have—

3                   “(i) the authority to disseminate in-  
4                   formation analyzed by the Department  
5                   pursuant to paragraph (6) of section  
6                   201(d); or

7                   “(ii) the responsibility to review infor-  
8                   mation to be disseminated pursuant to  
9                   such paragraph; and

10           “(18) carrying out other responsibilities as the  
11           Secretary determines appropriate.”; and

12           (2) by adding at the end the following new sub-  
13           sections:

14           “(f) REASSIGNMENT OF FUNCTIONS.—Notwith-  
15           standing subsection (a)(10), the Secretary may reassign  
16           the functions related to managing and processing requests  
17           for information under section 552 of title 5, United States  
18           Code, to another official within the Department, con-  
19           sistent with the requirements of such section.

20           “(g) PRIVACY WORKING GROUP.—

21                   “(1) IN GENERAL.—The Chief Privacy Officer,  
22                   or, if the Secretary determines appropriate, an indi-  
23                   vidual designated by the Secretary as the Chief  
24                   FOIA Officer, shall establish and serve as the Chair  
25                   of a working group comprised of personnel from

1 across the Department who are involved in executing  
2 disclosure policies and processes relating to the ad-  
3 ministration of section 552 of title 5, United States  
4 Code, in furtherance of improving the compliance of  
5 the Department with such section 552.

6 “(2) PURPOSE.—The working group established  
7 in accordance with paragraph (1) shall be a forum—

8 “(A) for the sharing of information and  
9 best practices; and

10 “(B) to develop solutions to challenges re-  
11 lating to disclosure policies and processes, re-  
12 ferred to in such paragraph, encountered within  
13 components and offices of the Department.

14 “(3) RESPONSIBILITIES.—Members of the  
15 working group shall meet not less than once every  
16 quarter to advise the Chair on matters concerning  
17 disclosure policies and processes relating to the ad-  
18 ministration of section 552 of title 5, United States  
19 Code, including the following matters:

20 “(A) The development of guidance for uni-  
21 form disclosure policies and processes, in ac-  
22 cordance with paragraph (14) of subsection (a).

23 “(B) Ways to reduce unnecessary  
24 redundancies that may undermine the respon-

1           sive and efficient processing of requests for in-  
2           formation under such section 552.”.

3 **SEC. 302. UNDER SECRETARY FOR MANAGEMENT.**

4           Section 701 of the Homeland Security Act of 2002  
5 (6 U.S.C. 341) is amended—

6           (1) in subsection (a)—

7                   (A) in paragraph (2), by inserting “and ac-  
8           quisition management” after “Procurement”;  
9           and

10                   (B) in paragraph (6), by inserting “(in-  
11           cluding firearms and other sensitive assets)”  
12           after “equipment”;

13           (2) by redesignating subsection (d), the first  
14           subsection (e) (relating to the system for award  
15           management consultation), and the second sub-  
16           section (e) (relating to the definition of interoperable  
17           communications) as subsections (e), (f), and (g), re-  
18           spectively;

19           (3) by inserting after subsection (c) the fol-  
20           lowing new subsection:

21           “(d) ACQUISITION AND RELATED RESPONSIBIL-  
22           ITIES.—

23                   “(1) IN GENERAL.—Notwithstanding section  
24           1702(a) of title 41, United States Code, the Under  
25           Secretary for Management shall be Chief Acquisition



1 Officer of the Department. As Chief Acquisition Of-  
2 ficer, the Under Secretary shall have the authorities  
3 and perform the functions specified in section  
4 1702(b) of such title, and perform all other func-  
5 tions and responsibilities delegated by the Secretary  
6 or described in this subsection.

7 “(2) FUNCTIONS AND RESPONSIBILITIES.—In  
8 addition to the authorities and functions specified in  
9 section 1702(b) of title 41, United States Code, the  
10 functions and responsibilities of the Under Secretary  
11 for Management related to acquisition (as such term  
12 is defined in section 830) shall include the following:

13 “(A) Advising the Secretary with respect  
14 to acquisition management activities, includ-  
15 ing—

16 “(i) accounting for risks of failure to  
17 achieve cost, schedule, or performance pa-  
18 rameters; and

19 “(ii) ensuring the Department  
20 achieves its mission through the adoption  
21 of widely accepted program management  
22 best practices (as such term is defined in  
23 section 830) and standards.

24 “(B) Leading the Acquisition Review  
25 Board established pursuant to section 838.

1           “(C) Synchronizing interagency coordina-  
2           tion relating to acquisition programs and acqui-  
3           sition management efforts of the Department.

4           “(D) Exercising the acquisition decision  
5           authority (as such term is defined in section  
6           830) to approve, pause, modify (including the  
7           rescission of approvals of program milestones),  
8           or cancel major acquisition programs (as such  
9           term is defined in section 830), unless the  
10          Under Secretary delegates such authority to a  
11          Component Acquisition Executive (as such term  
12          is defined in section 830) pursuant to para-  
13          graph (3).

14          “(E) Providing additional scrutiny and  
15          oversight for an acquisition that is not a major  
16          acquisition if—

17                 “(i) the acquisition is for a program  
18                 that is important to the strategic and per-  
19                 formance plans of the Department;

20                 “(ii) the acquisition is for a program  
21                 with significant program or policy implica-  
22                 tions; and

23                 “(iii) the Secretary determines that  
24                 such scrutiny and oversight for the acquisi-  
25                 tion is proper and necessary.

1           “(F) Establishing policies for managing  
2           acquisitions across the Department that pro-  
3           mote best practices (as such term is defined in  
4           section 830).

5           “(G) Ensuring each major acquisition pro-  
6           gram has a Department-approved acquisition  
7           program baseline (as such term is defined in  
8           section 830), pursuant to the acquisition man-  
9           agement policy of the Department, that is  
10          traceable to the life-cycle cost estimate of the  
11          program, integrated master schedule, and oper-  
12          ational requirements.

13          “(H) Assisting the heads of components  
14          and Component Acquisition Executives in ef-  
15          forts to comply with Federal law, the Federal  
16          Acquisition Regulation, and Department acqui-  
17          sition management directives.

18          “(I) Ensuring contracts, grants, and finan-  
19          cial assistance are provided only to individuals  
20          and organizations that are not suspended or  
21          debarred.

22          “(J) Distributing guidance throughout the  
23          Department to ensure that contractors involved  
24          in acquisitions, including contractors that ac-  
25          cess the information systems and technologies

1 of the Department, adhere to relevant Depart-  
2 ment policies related to physical and informa-  
3 tion security as identified by the Under Sec-  
4 retary for Management.

5 “(K) Overseeing the Component Acquisi-  
6 tion Executive organizational structure to en-  
7 sure Component Acquisition Executives have  
8 sufficient capabilities and comply with Depart-  
9 ment acquisition policies.

10 “(L) Developing and managing a profes-  
11 sional acquisition workforce to ensure the goods  
12 and services acquired by the Department meet  
13 the needs of the mission and are at the best  
14 value for the expenditure of public resources.

15 “(3) DELEGATION OF CERTAIN ACQUISITION  
16 DECISION AUTHORITY.—The Under Secretary for  
17 Management may delegate acquisition decision au-  
18 thority, in writing, to the relevant Component Acqui-  
19 sition Executive for a major capital asset, service, or  
20 hybrid acquisition program that has a life-cycle cost  
21 estimate of at least \$300,000,000 but not more than  
22 \$1,000,000,000, based on fiscal year 2021 constant  
23 dollars, if—

1           “(A) the component has in place policies,  
2 processes, and procedures that are consistent  
3 with the acquisition policy of the Department;

4           “(B) the Component Acquisition Executive  
5 has an adequate staff of experienced employees  
6 with applicable program management training;  
7 and

8           “(C) each major acquisition program con-  
9 cerned has a Department-approved acquisition  
10 program baseline and it is meeting agreed-upon  
11 cost, schedule, and performance thresholds.

12           “(4) RELATIONSHIP TO UNDER SECRETARY  
13 FOR SCIENCE AND TECHNOLOGY.—The Under Sec-  
14 retary for Management and the Under Secretary for  
15 Science and Technology shall coordinate in matters  
16 related to Department-wide acquisitions.”; and

17           (4) by amending subsection (f), as so redesign-  
18 nated, to read as follows:

19           “(f) SENSITIVE ASSETS DEFINED.—In this section,  
20 the term ‘sensitive assets’ means any asset, regardless of  
21 value—

22           “(1) that the Department issues to a Depart-  
23 ment employee; and

1           “(2) that either the Under Secretary for Man-  
2           agement or a head of a component determines such  
3           asset requires special control and accounting.”.

4 **SEC. 303. CHIEF FINANCIAL OFFICER.**

5           Section 702 of the Homeland Security Act of 2002  
6 (6 U.S.C. 342) is amended—

7           (1) by redesignating subsections (b) and (c) as  
8           subsection (c) and (d), respectively; and

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

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

15                 “(1) oversee Department budget formulation  
16                 and execution;

17                 “(2) provide guidance with respect to perform-  
18                 ance-based budgeting practices for the Department;

19                 “(3) develop cost-estimating practices for the  
20                 Department, including policies relating to cost-esti-  
21                 mating and approval of life-cycle cost estimates;

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

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

3 “(5) develop and manage the financial manage-  
4 ment policy of the Department, including effective  
5 internal controls with respect to financial reporting  
6 systems and processes;

7 “(6) provide guidance relating to financial sys-  
8 tem modernization efforts throughout the Depart-  
9 ment;

10 “(7) develop and lead the efforts of the Depart-  
11 ment with respect to financial oversight, including  
12 identifying ways to streamline and standardize busi-  
13 ness processes;

14 “(8) oversee the costs of acquisition programs  
15 and related activities to ensure—

16 “(A) that actual and planned costs are in  
17 accordance with budget estimates; or

18 “(B) adequate funding throughout the life-  
19 cycle of such programs and activities;

20 “(9) implement, by fiscal year 2022, a Depart-  
21 ment-wide common accounting structure;

22 “(10) track, approve (where appropriate), over-  
23 see, and make public information relating to expend-  
24 itures by components and offices of the Department

1 for conferences, as appropriate, including by requir-  
2 ing each component and office to—

3 “(A) submit to the Inspector General of  
4 the Department, the Committee on Homeland  
5 Security of the House of Representatives, and  
6 the Committee on Homeland Security and Gov-  
7 ernmental Affairs of the Senate a report relat-  
8 ing to the expenditures by such component or  
9 office for each conference hosted or attended by  
10 Department employees for which the total ex-  
11 penditures exceeded \$50,000, based on fiscal  
12 year 2021 constant dollars, not later than 15  
13 days after the day on which the conference  
14 ends; and

15 “(B) with respect to such expenditures,  
16 provide—

17 “(i) the information described in sub-  
18 sections (a), (b), and (c) of section 739 of  
19 title VII of division E of the Consolidated  
20 and Further Continuing Appropriations  
21 Act, 2015 (Public Law 113–235); and

22 “(ii) documentation of such expendi-  
23 tures; and

24 “(11) submit to the Committee on Homeland  
25 Security of the House of Representatives and the



1 Committee on Homeland Security and Governmental  
2 Affairs of the Senate any report delivered to any  
3 other committee of the House of Representatives or  
4 Senate relating to the financial functions of the De-  
5 partment.”.

6 **SEC. 304. CHIEF INFORMATION OFFICER.**

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

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

15 (2) by redesignating subsection (b) as sub-  
16 section (f);

17 (3) by inserting after subsection (a) the fol-  
18 lowing new subsections:

19 “(b) RESPONSIBILITIES.—The Chief Information Of-  
20 ficer shall—

21 “(1) serve as the lead technical authority for in-  
22 formation technology programs of the Department;

23 “(2) advise and assist the Secretary, heads of  
24 the components of the Department, and other senior  
25 officials in carrying out the responsibilities of the

1 Department with respect to information technology  
2 for all activities relating to the budget, programs, se-  
3 curity, and operations;

4 “(3) to the extent delegated by the Secretary,  
5 exercise authority over Department information  
6 technology management and establish the informa-  
7 tion technology priorities, policies, processes, stand-  
8 ards, guidelines, and procedures of the Department  
9 to ensure interoperability and standardization of in-  
10 formation technology;

11 “(4) establish criteria for—

12 “(A) identifying mission critical and mis-  
13 sion essential information systems of the De-  
14 partment;

15 “(B) maintaining a consolidated inventory  
16 of such systems; and

17 “(C) developing and maintaining contin-  
18 gency plans for responding to a disruption in  
19 the operation of any of such systems;

20 “(5) maintain the security, visibility, reliability,  
21 integrity, and availability of data and information  
22 technology of the Department;

23 “(6) in consultation with the Chief Procure-  
24 ment Officer of the Department, establish and im-  
25 plement policies and procedures to identify and man-

1 age vulnerabilities in the supply chain relating to the  
2 purchase of information technology;

3 “(7) review contracts and interagency agree-  
4 ments associated with major information technology  
5 investments and information technology investments  
6 that have had cost, schedule, or performance chal-  
7 lenges in the past;

8 “(8) assess the risk of all major information  
9 technology investments and publicly report the risk  
10 rating to the Office of Management and Budget; and

11 “(9) carry out any other responsibilities dele-  
12 gated by the Secretary consistent with an effective  
13 information system management function.

14 “(c) INFORMATION TECHNOLOGY STRATEGIC  
15 PLAN.—

16 “(1) STRATEGIC PLAN.—Not later than October  
17 1, 2023, and every five years thereafter, the Chief  
18 Information Officer, in coordination with the Chief  
19 Financial Officer, shall submit to the appropriate  
20 congressional committees a successor information  
21 technology strategic plan.

22 “(2) ELEMENTS.—The strategic plan required  
23 under paragraph (1) shall include the following:

24 “(A) An analysis to determine if the budg-  
25 et of the Department aligns with priorities spec-

1           ified in the information technology strategic  
2           plan required under paragraph (1).

3           “(B) Information relating to—

4                   “(i) the information technology prior-  
5                   ities of the Department;

6                   “(ii) whether such priorities were  
7                   funded by the Department; and

8                   “(iii) if such priorities were not so  
9                   funded, the reasons relating thereto.

10           “(C) Information relating to the Depart-  
11           ment identifying and addressing skills gaps  
12           needed to implement the information technology  
13           strategic plan.

14           “(D) Information relating to the identifica-  
15           tion of duplicate information technology within  
16           the components of the Department and the re-  
17           moval of such technology.

18           “(d) ACQUISITION RESPONSIBILITIES.—In addition  
19           to the responsibilities specified in section 11315 of title  
20           40, United States Code, the Chief Information Officer, in  
21           consultation with the Under Secretary for Management,  
22           shall—

23                   “(1) oversee the management of the Homeland  
24           Security Enterprise Architecture;

1           “(2) ensure that before each acquisition deci-  
2           sion event (as such term is defined in section 830),  
3           information technology aspects of acquisition pro-  
4           grams comply with any departmental information  
5           technology management requirements, security pro-  
6           tocols, and the Homeland Security Enterprise Archi-  
7           tecture; and

8           “(3) provide recommendations relating to infor-  
9           mation technology programs and developing informa-  
10          tion technology acquisitions strategic guidance to the  
11          Acquisition Review Board of the Department.

12          “(e) APPROPRIATE CONGRESSIONAL COMMITTEES  
13          DEFINED.—In this section, the term ‘appropriate congres-  
14          sional committees’ means—

15                 “(1) the Committee on Homeland Security and  
16                 the Committee on Appropriations of the House of  
17                 Representatives; and

18                 “(2) the Committee on Homeland Security and  
19                 Governmental Affairs and the Committee on Appro-  
20                 priations of the Senate.”; and

21                 (4) by adding at the end the following new sub-  
22                 section:

23          “(g) CHIEF DATA OFFICER.—

24                 “(1) IN GENERAL.—The Secretary, in consulta-  
25                 tion with the Chief Information Officer, shall des-

1       ignite a career appointee of the Department as the  
2       Chief Data Officer of the Department.

3               “(2) QUALIFICATIONS.—The Chief Data Officer  
4       shall possess training and experience with respect to  
5       management, governance, generation, collection, pro-  
6       tection, analysis, use, and sharing of data, including  
7       the protection and de-identification of personally  
8       identifiable information.

9               “(3) FUNCTIONS.—The Chief Data Officer, in  
10       addition to carrying out the functions set forth in  
11       section 3520 of title 44, United States Code, shall  
12       be responsible for the following:

13               “(A) Ensuring the Department conforms  
14       with data management best practices recog-  
15       nized across the private sector and the Federal  
16       Government.

17               “(B) Coordinating the organization and in-  
18       tegration of data across the Department for im-  
19       proved interoperability, analysis, and decision-  
20       making.

21               “(C) Reviewing the impact of the infra-  
22       structure of the Department regarding data in-  
23       tegrity and interoperability.

24               “(D) Coordinating the release of data for  
25       public use following appropriate privacy reviews

1 within the Department, as coordinated with the  
2 Chief Privacy Officer of the Department.

3 “(E) Promoting innovation in the use of  
4 data by the Department to improve Department  
5 management and operations.

6 “(F) Coordinating the storage of Depart-  
7 ment records in accordance with the General  
8 Records Schedules of the National Archives and  
9 Records Administration.

10 “(G) Publishing guidance for revising  
11 record schedule proposals, including guidelines  
12 for keeping a written record of justification for  
13 such revisions.

14 “(H) Overseeing, in consultation with the  
15 Chief Privacy Officer, as appropriate, the com-  
16 pliance of the Department with respect to—

17 “(i) issuing guidelines ensuring the  
18 quality, objectivity, utility, and integrity of  
19 information, including statistical informa-  
20 tion;

21 “(ii) establishing administrative mech-  
22 anisms that allow affected persons to seek  
23 and obtain correction of information main-  
24 tained and disseminated by relevant com-  
25 ponents of the Department that does not

1           comply with the guidelines of the Depart-  
2           ment; and

3           “(iii) reporting to the Director of the  
4           Office of Management and Budget the  
5           number and nature of complaints received  
6           by relevant components of the Department  
7           relating to the accuracy of information dis-  
8           seminated and the handling of such com-  
9           plaints by such components.

10          “(I) Coordinating with appropriate officials  
11          of the Department, including the Chief Privacy  
12          Officer, component privacy officers, component  
13          Chief Data Officers, and program managers,  
14          regarding the use of data within their respective  
15          components and under their authorities.

16          “(J) Serving as the liaison to the Office of  
17          Management and Budget and other Federal  
18          agencies with respect to using existing Depart-  
19          ment data for statistical purposes.

20          “(4) COMPONENT CHIEF DATA OFFICERS.—The  
21          heads of each operational component of the Depart-  
22          ment, in consultation with the Chief Data Officer of  
23          the Department and the Chief Information Officer  
24          of such component, shall designate a career ap-  
25          pointee from each such component as the Chief Data



1 Officer of such component. Each such component  
2 Chief Data Officer shall—

3 “(A) possess the qualifications described in  
4 paragraph (2); and

5 “(B) coordinate with and assist the Chief  
6 Data Officer of the Department in the imple-  
7 mentation of the functions specified in subpara-  
8 graphs (A) through (F) of paragraph (3) for  
9 their respective component.

10 “(5) REPORTS.—Not later than 180 days after  
11 the date of the enactment of this subsection and an-  
12 nually thereafter, the Secretary shall submit to the  
13 Committee on Homeland Security of the House of  
14 Representatives and the Committee on Homeland  
15 Security and Governmental Affairs of the Senate a  
16 report relating to the implementation of this sub-  
17 section and any concerns regarding such implemen-  
18 tation.

19 “(6) DEFINITION.—In this subsection, the term  
20 ‘career appointee’ has the meaning given such term  
21 in section 3132 of title 5, United States Code.”.

22 (b) SOFTWARE LICENSING.—

23 (1) REPORT.—

24 (A) IN GENERAL.—Not later than 180  
25 days after the date of the enactment of this Act

1 and every two years thereafter until 2025, the  
2 Chief Information Officer of the Department, in  
3 consultation with Department component chief  
4 information officers, shall submit to the Sec-  
5 retary, the Committee on Homeland Security of  
6 the House of Representatives, and the Com-  
7 mittee on Homeland Security and Govern-  
8 mental Affairs of the Senate a report relating  
9 to the software licenses of the Department.

10 (B) ELEMENTS.—The report required  
11 under subparagraph (A) shall include—

12 (i) a Department-wide inventory of all  
13 existing software licenses held by the De-  
14 partment;

15 (ii) an assessment of—

16 (I) the needs of the Department  
17 and the components of the Depart-  
18 ment with respect to software licenses  
19 for the subsequent two fiscal years;

20 (II) how the Department can  
21 achieve the greatest possible econo-  
22 mies of scale and cost savings in the  
23 procurement of software licenses; and

24 (III) how the use of shared  
25 cloud-computing services will impact

1 the needs for software licenses for the  
2 subsequent two fiscal years; and  
3 (iii) plans for eliminating unutilized  
4 software licenses for the subsequent two  
5 fiscal years.

6 (2) PLAN TO REDUCE SOFTWARE LICENSES.—  
7 Not later than 90 days after the date on which the  
8 report required under paragraph (1) is submitted, if  
9 the Chief Information Officer of the Department de-  
10 termines the number of software licenses held by the  
11 Department and the components of the Department  
12 exceed the needs of the Department pursuant to the  
13 findings of such report, the Secretary shall establish  
14 a plan for reducing the number of such software li-  
15 censes to meet the needs of the Department.

16 (3) COMPTROLLER GENERAL REVIEW.—Not  
17 later than December 30, 2023, the Comptroller Gen-  
18 eral shall report on the extent to which the Chief In-  
19 formation Officer of the Department has fulfilled all  
20 requirements established by this section and the  
21 amendments made by this section.

22 (4) COMPLETION OF FIRST DEFINITION OF CA-  
23 PABILITIES.—Not later than one year after the date  
24 of the enactment of this Act, the Chief Information  
25 Officer of the Department shall complete the first

1 information technology strategic plan required under  
2 subsection (c) of section 701 of the Homeland Security  
3 Act of 2002, as added by subsection (a) of this  
4 section.

5 **SEC. 305. CHIEF HUMAN CAPITAL OFFICER.**

6 Section 704 of the Homeland Security Act of 2002  
7 (6 U.S.C. 344) is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) by inserting “, including with re-  
11 spect to leadership development and em-  
12 ployee engagement,” after “policies”;

13 (ii) by striking “and in line” and in-  
14 serting “, in line”; and

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

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

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

1 (D) in paragraph (4), by inserting “includ-  
2 ing internship, leadership development, and em-  
3 ployee engagement programs,” before “in co-  
4 ordination”;

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

13 (F) by redesignating paragraphs (9) and  
14 (10) as paragraphs (12) and (13), respectively;

15 (G) by inserting after paragraph (8) the  
16 following new paragraphs:

17 “(9) maintain a catalogue of available intern-  
18 ship and employee development opportunities, in-  
19 cluding the Homeland Security Rotation Program  
20 pursuant to section 844, departmental leadership de-  
21 velopment programs, interagency development pro-  
22 grams, and other rotational programs;

23 “(10) ensure that employee discipline and ad-  
24 verse action programs comply with the requirements

1 of all pertinent laws, rules, regulations, and Federal  
2 guidance, and ensure due process for employees;

3 “(11) analyze each Department or Government-  
4 wide Federal workforce satisfaction or morale survey  
5 within 90 days of the publication of any such survey  
6 and submit to the Secretary such analysis and, as  
7 appropriate, any recommendations to improve work-  
8 force satisfaction or morale within the Depart-  
9 ment;”;

10 (H) in paragraph (12), as so redesignated,  
11 by striking “and” after the semicolon at the  
12 end;

13 (I) in paragraph (13), as so redesignated,  
14 by striking the period at the end and inserting  
15 “; and”; and

16 (J) by adding at the end the following new  
17 paragraph:

18 “(14) oversee the consolidation, integration,  
19 and modernization of the human capital information  
20 technology infrastructure of the Department, includ-  
21 ing systems to manage employee and contractor  
22 training records and employee performance  
23 records.”;

24 (2) by redesignating subsections (d) and (e) as  
25 subsections (f) and (g), respectively;

1           (3) by inserting after subsection (c) the fol-  
2           lowing new subsections:

3           “(d) CHIEF LEARNING AND ENGAGEMENT OFFI-  
4 CER.—The Chief Human Capital Officer may designate  
5 an employee of the Department to serve as a Chief Learn-  
6 ing and Engagement Officer to assist the Chief Human  
7 Capital Officer in carrying out this section.

8           “(e) INTERNSHIP PROGRAMS.—

9           “(1) IN GENERAL.—In carrying out the respon-  
10           sibilities identified in subsections (b)(4) and (b)(9),  
11           the Chief Human Capital Officer shall, in coordina-  
12           tion with all the components of the Department—

13                   “(A) regularly review the catalogue of in-  
14                   ternships to—

15                           “(i) ensure each purpose, structure,  
16                           and eligibility requirements of the program  
17                           align with Department and component  
18                           workforce strategies; and

19                           “(ii) eliminate unnecessary or duplica-  
20                           tive programs;

21                           “(B) maintain data relating to the number  
22                           of participants, including attrition and gradua-  
23                           tion rates, for each internship program by each  
24                           fiscal year;

1           “(C) identify opportunities and processes  
2           to hire internship participants that satisfac-  
3           torily complete program requirements to perma-  
4           nent positions;

5           “(D) track the hiring rates of internship  
6           participants to permanent positions within the  
7           Department or components by program; and

8           “(E) share lessons learned and opportuni-  
9           ties for improving the management and admin-  
10          istration of internship programs within the De-  
11          partment and components of the Department.

12          “(2) DEFINITIONS.—In this subsection, the  
13          term ‘internship’ means any program that provides  
14          temporary employment or work experience to partici-  
15          pants, including current students and recent grad-  
16          uates.”; and

17          (4) in subsection (f), as so redesignated—

18                 (A) by redesignating paragraphs (2), (3),  
19                 and (4) as paragraphs (3), (4), and (5), respec-  
20                 tively; and

21                 (B) by inserting after paragraph (1) the  
22                 following new paragraph:

23                 “(2) information relating to—

24                         “(A) employee development opportunities  
25                         catalogued pursuant to subsection (b)(9) and



1 any available data with respect to participation  
2 rates, attrition rates, retention, and employee  
3 satisfaction;

4 “(B) the progress of Department-wide  
5 strategic workforce planning efforts as deter-  
6 mined pursuant to subsection (b)(2);

7 “(C) the activities of the Employee En-  
8 gagement Steering Committee established pur-  
9 suant to section 721, including the number of  
10 meetings, types of materials developed and dis-  
11 tributed, and recommendations to the Sec-  
12 retary; and

13 “(D) the implementation status of any cy-  
14 bersecurity-focused personnel systems used to  
15 recruit, retain, and manage mission critical cy-  
16 bersecurity talent authorized pursuant to the  
17 authority of the Secretary;”.

18 **SEC. 306. OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-**  
19 **ERTIES.**

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

22 (1) in the section heading, by striking “**ESTAB-**  
23 **LISHMENT OF**”; and

24 (2) by striking subsections (a) and (b) and in-  
25 serting the following new subsections:

1       “(a) IN GENERAL.—There is established within the  
2 Department an Office for Civil Rights and Civil Liberties.  
3 The head of such Office is the Officer for Civil Rights  
4 and Civil Liberties, who shall report directly to the Sec-  
5 retary.

6       “(b) RESPONSIBILITIES.—The Officer for Civil  
7 Rights and Civil Liberties shall carry out the following re-  
8 sponsibilities:

9           “(1) Oversee compliance with constitutional,  
10 statutory, regulatory, policy, and other requirements  
11 relating to the civil rights and civil liberties of indi-  
12 viduals affected by the programs and activities of  
13 the Department.

14           “(2) Integrate civil rights and civil liberties pro-  
15 tections into all programs and activities of the De-  
16 partment.

17           “(3) Conduct civil rights and civil liberties im-  
18 pact assessments, as appropriate, including prior to  
19 the implementation of new Department regulations,  
20 initiatives, programs, or policies.

21           “(4) Conduct periodic reviews of policies, proce-  
22 dures, and activities of the Department relating to  
23 civil rights and civil liberties.

24           “(5) Provide policy advice, recommendations,  
25 and other technical assistance relating to civil rights

1 and civil liberties to the Secretary and to heads of  
2 components, directorates, and offices and other per-  
3 sonnel within the Department.

4 “(6) Review, assess, and investigate complaints,  
5 including complaints filed by members of the public,  
6 and information indicating possible abuses of civil  
7 rights or civil liberties at the Department, unless the  
8 Inspector General of the Department determines  
9 that any such complaint should be investigated by  
10 the Inspector General.

11 “(7) Initiate reviews, investigations, and assess-  
12 ments of the administration of the programs and ac-  
13 tivities by the Department relating to civil rights  
14 and civil liberties, as the Officer determines nec-  
15 essary.

16 “(8) Coordinate with the Privacy Officer to en-  
17 sure that—

18 “(A) programs, policies, and procedures in-  
19 volving civil rights, civil liberties, and privacy  
20 considerations are addressed in an integrated  
21 and comprehensive manner; and

22 “(B) Congress receives appropriate reports  
23 regarding such programs, policies, and proce-  
24 dures.

1           “(9) Lead the equal employment opportunity  
2 programs of the Department, including complaint  
3 management and adjudication, workforce diversity,  
4 and promotion of the merit system principles.

5           “(10) Make publicly available through acces-  
6 sible communications channels, including the website  
7 of the Department—

8                 “(A) information on the responsibilities  
9 and functions of, and how to contact, the Of-  
10 fice;

11               “(B) summary of reports of investigations  
12 that result in final recommendations that are  
13 issued by the Officer upon completion of inves-  
14 tigation carried out pursuant to paragraph (6);  
15 and

16               “(C) summaries of impact assessments  
17 issued by the Officer and carried out pursuant  
18 to paragraph (3) or (7).

19           “(11) Engage with individuals and communities  
20 whose civil rights and civil liberties may be affected  
21 by programs and activities of the Department, in-  
22 cluding by informing such individuals and commu-  
23 nities about report and redress processes and advis-  
24 ing the Secretary and heads of components, direc-  
25 torates, offices, and other personnel within the De-

1       partment of concerns raised by such individuals and  
2       communities.

3       “(c) COORDINATION WITH INSPECTOR GENERAL.—

4               “(1) AUTHORITY TO INVESTIGATE POSSIBLE  
5       ABUSES.—The Officer for Civil Rights and Civil Lib-  
6       erties may investigate any matter referred to in  
7       paragraph (6) or (7) of subsection (b) after fulfilling  
8       the coordination requirements under paragraph (2)  
9       with respect to such matter.

10              “(2) COORDINATION REQUIREMENTS.—

11                      “(A) REFERRAL OF MATTERS TO INSPEC-  
12       TOR GENERAL.—Before initiating any investiga-  
13       tion described under paragraph (1), the Officer  
14       for Civil Rights and Civil Liberties shall refer  
15       the matter and all related complaints to the In-  
16       specter General of the Department.

17                      “(B) INSPECTOR GENERAL RESPONSIBIL-  
18       ITIES.—

19                              “(i) DETERMINATION AND NOTIFICA-  
20       TION.—Not later than five business days  
21       after the receipt of a matter referred under  
22       subparagraph (A), the Inspector General  
23       shall—

24                                      “(I) make a determination re-  
25       garding whether the Inspector Gen-

1           eral intends to initiate an audit or in-  
2           vestigation of the matter referred  
3           under subparagraph (A); and

4                   “(II) notify the Officer of such  
5           determination.

6                   “(ii) AUDITS AND INVESTIGATIONS.—

7           If the Inspector General notifies the Offi-  
8           cer for Civil Rights and Civil Liberties that  
9           the Inspector General intends to initiate an  
10          audit or investigation, the Inspector Gen-  
11          eral shall—

12                   “(I) initiate such audit or inves-  
13          tigate by not later than 90 days after  
14          providing such notification; or

15                   “(II) not later than three days  
16          after the end of the 90-day period  
17          specified in subclause (I), notify the  
18          Officer that such audit or investiga-  
19          tion was not initiated.

20                   “(C) PROVISION OF ASSISTANCE.—At the  
21          request of the Inspector General, the Officer for  
22          Civil Rights and Civil Liberties may provide as-  
23          sistance to the Inspector General on any inves-  
24          tigation or audit initiated by the Inspector Gen-

1           eral based on a referral under subparagraph  
2           (A).

3           “(D) INVESTIGATION BY OFFICER.—The  
4           Officer for Civil Rights and Civil Liberties may  
5           investigate a matter referred to the Inspector  
6           General under subparagraph (A) only if—

7                   “(i) the Inspector General notifies the  
8                   Officer for Civil Rights and Civil Liberties  
9                   that the Inspector General does not intend  
10                  to initiate an audit or investigation relat-  
11                  ing to that matter; or

12                   “(ii) the Inspector General provides  
13                   notification under subparagraph (B)(ii)(II)  
14                   that an audit or investigation was not initi-  
15                  ated.

16          “(d) TRANSPARENCY.—

17                  “(1) COMPLAINTS.—In the case of a complaint  
18                  made concerning complaints of abuses of civil rights  
19                  and civil liberties under paragraph (6) of subsection  
20                  (b), the Officer for Civil Rights and Civil Liberties  
21                  shall—

22                   “(A) provide to the individual who made  
23                   the complaint notice of the receipt of such com-  
24                   plaint within 30 days of receiving such com-  
25                   plaint; and

1           “(B) inform the complainant of the deter-  
2           mination of the Officer regarding the initiation  
3           of a review, assessment, or investigation within  
4           the Office, a referral to the Inspector General  
5           of the Department, or any other action taken.

6           “(2) INVESTIGATIONS.—In the case of an inves-  
7           tigation initiated by the Officer pursuant to para-  
8           graph (6) or (7) of subsection (b), upon the conclu-  
9           sion of the investigation, the Officer shall produce a  
10          report on the investigation which—

11           “(A) shall include the findings and rec-  
12          ommendations of the Officer;

13           “(B) a summary of which shall be made  
14          publicly available;

15           “(C) shall not include any personally iden-  
16          tifiable information related to any individual in-  
17          volved in such investigation; and

18           “(D) may include a classified appendix, as  
19          the Officer determines appropriate.

20          “(3) SUBMITTAL TO HEADS OF OPERATIONAL  
21          COMPONENTS.—The Officer shall transmit to the  
22          Secretary and the relevant head of each relevant  
23          operational component of the Department a copy of  
24          each report produced under paragraph (2).



1           “(4) REPORTS TO CONGRESS.—Upon the con-  
2           clusion of any investigation conducted by the Officer  
3           for Civil Rights and Civil Liberties under paragraph  
4           (6) or (7) of subsection (b), the Officer shall submit  
5           to the Committee on Homeland Security of the  
6           House of Representatives and the Committee on  
7           Homeland Security and Governmental Affairs of the  
8           Senate a report on the investigation, which shall be  
9           prepared and submitted without any prior comment  
10          or amendment by the Secretary, Deputy Secretary,  
11          or any other officer or employee of the Department,  
12          unless the Officer seeks such comment.

13          “(e) COMPONENT CIVIL RIGHTS AND CIVIL LIB-  
14          ERTIES OFFICER.—The head of each of the operational  
15          components of the Department shall designate a career  
16          appointee (as such term is defined in section 3132 of title  
17          5, United States Code) from such component as the Offi-  
18          cer for Civil Rights and Civil Liberties of such component.  
19          Each such component Officer for Civil Rights and Civil  
20          Liberties shall coordinate with and provide information to  
21          the Officer for Civil Rights and Civil Liberties of the De-  
22          partment on matters related to civil rights and civil lib-  
23          erties within each respective component.

24          “(f) ACCESS TO INFORMATION.—The Officer for Civil  
25          Rights and Civil Liberties of the Department—

1           “(1) shall have access to all records, reports,  
2           audits, reviews, documents, papers, recommenda-  
3           tions, and other materials available to the Depart-  
4           ment that relate to programs and operations with  
5           respect to the responsibilities of the Officer under  
6           subsection (b); and

7           “(2) may, to the extent the Officer determines  
8           necessary, and subject to the approval of the Sec-  
9           retary—

10                   “(A) issue a subpoena to require the pro-  
11                   duction, by any person other than a Federal  
12                   agency, of all information, documents, reports,  
13                   answers, records, accounts, papers, and other  
14                   documentary evidence necessary in the perform-  
15                   ance of the responsibilities of the Officer under  
16                   this section; and

17                   “(B) administer to or take from any per-  
18                   son an oath, affirmation, or affidavit, whenever  
19                   necessary in the performance of the responsibil-  
20                   ities of the Officer under this section.

21           “(g) ANNUAL REPORT.—Not later than March 31 of  
22           each year, the Officer for Civil Rights and Civil Liberties  
23           of the Department shall submit directly to the President,  
24           the President of the Senate, the Speaker of the House of  
25           Representatives, and the appropriate committees and sub-

1 committees of Congress, a report on the implementation  
2 of this section during the year preceding the year during  
3 which the report is submitted. Each such report shall in-  
4 clude, for the year covered by the report—

5           “(1) any complaints of abuse described under  
6 subsection (b)(6) and any actions by the Depart-  
7 ment or a component, directorate, or office of the  
8 Department that the Officer identifies as responsive  
9 to such complaints;

10           “(2) a list of Department programs and activi-  
11 ties for which civil rights and civil liberties impact  
12 assessments were conducted, or policy advice, rec-  
13 ommendations, or other technical assistance was  
14 provided;

15           “(3) any recommendations issued by the Officer  
16 to the Secretary or the head of a component, direc-  
17 torate, or office, together with information on the  
18 status of the implementation of such recommenda-  
19 tions;

20           “(4) information on the diversity and equal em-  
21 ployment opportunity activities of the Department,  
22 including information on complaint management and  
23 adjudication of equal employment opportunity com-  
24 plaints and efforts to ensure compliance throughout

1 the Department with equal employment opportunity  
2 requirements;

3 “(5) a description of any efforts to engage with  
4 individuals and communities whose civil rights and  
5 civil liberties may be affected by activities carried  
6 out by the Department, including public meetings;  
7 and

8 “(6) information on total staffing for the Office  
9 of Civil Rights and Civil Liberties, including—

10 “(A) the number of full-time, part-time  
11 and contract support personnel; and

12 “(B) information on the number of em-  
13 ployees whose primary responsibilities include  
14 supporting the Officer in carrying out para-  
15 graph (9) of subsection (b).”.

16 (b) REPORTING TO CONGRESS.—Section  
17 1062(f)(1)(A)(i) of the National Security Intelligence Re-  
18 form Act of 2004 (42 U.S.C. 2000ee-1(f)(1)(A)(i)) is  
19 amended by inserting “the Committee on Homeland Secu-  
20 rity of the House of Representatives,” after “Affairs of  
21 the Senate,”.

22 (c) COMPTROLLER GENERAL REVIEW.—Not later  
23 than 180 days after the date of the enactment of this Act,  
24 the Comptroller General of the United States shall submit  
25 to the Committee on Homeland Security of the House of

1 Representatives and the Committee on Homeland Security  
2 and Governmental Affairs of the Senate a report on sub-  
3 section (b)(11) of section 705 of the Homeland Security  
4 Act of 2002 (6 U.S.C. 345), as amended by subsection  
5 (a).

6 (d) CLERICAL AMENDMENT.—The table of contents  
7 in section 1(b) of the Homeland Security Act of 2002, as  
8 amended by this Act, is further amended by striking the  
9 item relating to section 705 and inserting the following  
10 new item:

“Sec. 705. Officer for Civil Rights and Civil Liberties.”.

11 **SEC. 307. QUADRENNIAL HOMELAND SECURITY REVIEW.**

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

14 (1) in subsection (a)(3)—

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

17 (B) by redesignating subparagraph (C) as  
18 subparagraph (D); and

19 (C) by inserting after subparagraph (B)  
20 the following new subparagraph:

21 “(C) representatives from appropriate ad-  
22 visory committees established pursuant to sec-  
23 tion 871, the Homeland Security Advisory  
24 Council, and the Homeland Security Science  
25 and Technology Advisory Committee, or other-

1 wise established, including the Aviation Security  
2 Advisory Committee established pursuant to  
3 section 44946 of title 49, United States Code;  
4 and”;

5 (2) in subsection (b)—

6 (A) in paragraph (2), by inserting before  
7 the semicolon at the end the following: “based  
8 on the risk assessment required pursuant to  
9 subsection (c)(2)(B)”;

10 (B) in paragraph (3)—

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

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

15 (C) in paragraph (4)—

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

18 (ii) by striking “budget plan required  
19 to provide sufficient resources to success-  
20 fully” and inserting “resources required  
21 to”; and

22 (iii) by striking the semicolon at the  
23 end and inserting “, including any re-  
24 sources identified from redundant, waste-  
25 ful, or unnecessary capabilities and capaci-

1           ities that can be redirected to better sup-  
2           port other existing capabilities and capaci-  
3           ties, as the case may be; and”;

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

6           (E) by striking paragraph (6);

7           (3) in subsection (c)—

8           (A) in paragraph (1), by striking—

9           (i) “December 31 of the year” and in-  
10          serting “60 days after the date of the sub-  
11          mission of the budget of the President”;  
12          and

13          (ii) “conducted” and inserting “com-  
14          pleted”;

15          (B) in paragraph (2)—

16          (i) in subparagraph (B), by striking  
17          “description of the threats to” and insert-  
18          ing “risk assessment of”;

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

22          (iii) in subparagraph (D)—

23                 (I) by inserting “to the extent  
24                 practicable,” before “a description”;  
25                 and

1 (II) by striking “budget plan”  
2 and inserting “resources required”;

3 (iv) in subparagraph (F)—

4 (I) by inserting “to the extent  
5 practicable,” before “a discussion”;  
6 and

7 (II) by striking “the status of”;

8 (v) in subparagraph (G)—

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

11 (II) by striking “the status of”;

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

14 (IV) by inserting “and” after the  
15 semicolon at the end;

16 (vi) by striking subparagraph (H);

17 and

18 (vii) by redesignating subparagraph

19 (I) as subparagraph (H);

20 (C) by redesignating paragraph (3) as  
21 paragraph (4); and

22 (D) by inserting after paragraph (2) the  
23 following new paragraph:

24 “(3) DOCUMENTATION.—The Secretary shall  
25 retain and, upon request, provide to Congress the



1 following documentation regarding each quadrennial  
2 homeland security review:

3 “(A) Records relating to the consultation  
4 carried out pursuant to subsection (a)(3), in-  
5 cluding—

6 “(i) all written communications, in-  
7 cluding communications sent out by the  
8 Secretary and feedback submitted to the  
9 Secretary through technology, online com-  
10 munications tools, in-person discussions,  
11 and the interagency process; and

12 “(ii) information relating to whether  
13 feedback received by the Secretary in-  
14 formed the quadrennial homeland security  
15 review.

16 “(B) Information relating to the risk as-  
17 sessment required under subsection (e)(2)(B),  
18 including—

19 “(i) the type of risk model;

20 “(ii) the information used to generate  
21 the risk assessment;

22 “(iii) the sources of information, in-  
23 cluding other risk assessments; and

24 “(iv) information relating to—

1                   “(I) assumptions, weighing fac-  
2                   tors, and subjective judgments; and

3                   “(II) the rationale or basis for  
4                   such assumptions, factors, and judg-  
5                   ments identified pursuant to sub-  
6                   clause (I).”;

7                   (4) by redesignating subsection (d) as sub-  
8                   section (e); and

9                   (5) by inserting after subsection (c) the fol-  
10                  lowing new subsection:

11                 “(d) REVIEW.—Not later than 90 days after the sub-  
12                 mission of each report required under subsection (c)(1),  
13                 the Secretary shall submit to the Committee on Homeland  
14                 Security of the House of Representatives and the Com-  
15                 mittee on Homeland Security and Governmental Affairs  
16                 of the Senate a report that includes information relating  
17                 to the degree to which the findings and recommendations  
18                 developed in the quadrennial homeland security review  
19                 covered by each such report were integrated into the ac-  
20                 quisition strategy and expenditure plans for the Depart-  
21                 ment.”.

22                 (b) EFFECTIVE DATE.—The amendments made by  
23                 this section shall apply with respect to a quadrennial  
24                 homeland security review conducted after December 31,  
25                 2021.

1 **SEC. 308. OFFICE OF STRATEGY, POLICY, AND PLANS.**

2 Section 709 of the Homeland Security Act of 2002  
3 (6 U.S.C. 349) is amended—

4 (1) in subsection (a), by adding at the end the  
5 following: “The Office of Strategy, Policy, and Plans  
6 shall include an Assistant Secretary for Inter-  
7 national Affairs and no more than five Assistant  
8 Secretaries within the Office of Strategy, Policy, and  
9 Plans with divided responsibility for the following  
10 areas:

11 (i) Counterterrorism, threat preven-  
12 tion, and screening and vetting, including  
13 biometrics.

14 (ii) Border security and immigration.

15 (iii) Cybersecurity and infrastructure  
16 security.

17 (iv) Law enforcement.

18 (v) Trade and economic security.”;

19 (2) in subsection (c)—

20 (A) in paragraph (1), by inserting “, in-  
21 cluding for activities that cross multiple De-  
22 partment components” before the semicolon at  
23 the end;

24 (B) by redesignating paragraphs (4)  
25 through (7) as paragraphs (5) through (8), re-  
26 spectively;

1 (C) by inserting after paragraph (3) the  
2 following new paragraph:

3 “(4) ensure acquisition programs (as such term  
4 is defined in section 830) support the quadrennial  
5 homeland security review required under section  
6 707, the DHS Strategic Plan pursuant to section  
7 306 of title 5, United States Code, and other appro-  
8 priate successor documents;” and

9 (D) in such redesignated paragraph (7), by  
10 inserting “, including feedback from organiza-  
11 tions representing the needs of children,” after  
12 “stakeholder feedback”;

13 (3) by redesignating subsections (e) through (g)  
14 as subsections (f) through (h), respectively; and

15 (4) by inserting after subsection (d) the fol-  
16 lowing new subsection:

17 “(e) ASSISTANT SECRETARY FOR INTERNATIONAL  
18 AFFAIRS.—The Office of International Affairs shall be led  
19 by an Assistant Secretary for International Affairs. The  
20 Assistant Secretary shall—

21 “(1) in consultation with other Federal officials  
22 responsible for counterterrorism and homeland secu-  
23 rity matters, coordinate international activities with-  
24 in the Department, including activities carried out  
25 by components of the Department;

1           “(2) advise, inform, and assist the Secretary  
2 with respect to the development and implementation  
3 of the international policy priorities of the Depart-  
4 ment outside of the United States, including stra-  
5 tegic priorities for the deployment of assets such as  
6 personnel;

7           “(3) develop, in consultation with the Under  
8 Secretary for Management, guidance for selecting,  
9 assigning, training, and monitoring overseas deploy-  
10 ments of Department personnel, including minimum  
11 standards for pre-deployment training;

12           “(4) maintain awareness regarding the inter-  
13 national travel of senior officers of the Department  
14 and their intent to pursue negotiations with foreign  
15 government officials, and review resulting draft  
16 agreements;

17           “(5) coordinate with any departmental official  
18 engaged in negotiations with a representative of a  
19 foreign government relating to an agreement and, as  
20 appropriate, by supporting such official in the nego-  
21 tiation of such agreement; and

22           “(6) perform such other functions as are estab-  
23 lished by law or delegated by the Under Secretary  
24 for Strategy, Policy, and Plans.”.

1 **SEC. 309. OFFICE OF PARTNERSHIP AND ENGAGEMENT.**

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. 711. OFFICE OF PARTNERSHIP AND ENGAGEMENT.**

6 “(a) IN GENERAL.—There is an Office of Partner-  
7 ship and Engagement in the Department led by the As-  
8 sistant Secretary for Partnership and Engagement.

9 “(b) DUTIES OF THE ASSISTANT SECRETARY.—The  
10 Assistant Secretary for Partnership and Engagement  
11 shall—

12 “(1) in consultation with the Office for Civil  
13 Rights and Civil Liberties of the Department, lead  
14 the efforts of the Department to incorporate external  
15 feedback from stakeholders within the Homeland Se-  
16 curity Enterprise with respect to policy and strategic  
17 planning efforts;

18 “(2) modernize the engagement of the Depart-  
19 ment with respect to stakeholders in the Homeland  
20 Security Enterprise to ensure continuous and col-  
21 laborative communication and address current and  
22 emerging threats in a manner that—

23 “(A) increases trust between the Depart-  
24 ment and such stakeholders; and

25 “(B) ensures timely information sharing  
26 between the Department and such stakeholders;

1           “(3) carry out the activities specified in section  
2           2006(b);

3           “(4) advise the Secretary—

4                   “(A) of the effects of policies, regulations,  
5                   processes, and actions of the Department with  
6                   respect to the private sector; and

7                   “(B) on creating and fostering strategic  
8                   communication with the private sector to carry  
9                   out the primary mission of the Department;

10           “(5) strengthen and expand relationships  
11           with—

12                   “(A) institutions of higher education (as  
13                   such term is defined in section 101(a) of the  
14                   Higher Education Act of 1965 (20 U.S.C.  
15                   1001(a))), including historically Black colleges  
16                   or universities (which has the meaning given  
17                   the term ‘part B institution’ in section 322 of  
18                   the Higher Education Act of 1965 (20 U.S.C.  
19                   1061)), and the private sector, including  
20                   through the Homeland Security Advisory Coun-  
21                   cil; and

22                   “(B) State, local, Tribal, and territorial  
23                   governments; and

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

1       “(c) DEPUTY ASSISTANT SECRETARIES.—There  
2 shall be a Deputy Assistant Secretary for State and Local  
3 Law Enforcement and a Deputy Assistant Secretary for  
4 Private Sector Engagement within the Office of Partner-  
5 ship and Engagement.”.

6       (b) TRANSFER OF FUNCTIONS, ASSETS, AND PER-  
7 SONNEL OF OFFICE FOR STATE AND LOCAL LAW EN-  
8 FORCEMENT.—The functions authorized to be performed  
9 by the Office for State and Local Law Enforcement of  
10 the Department (pursuant to section 2006(b) of the  
11 Homeland Security Act of 2002 (6 U.S.C. 607(b))) as of  
12 the day before the date of the enactment of this Act, and  
13 the assets and personnel associated with such functions,  
14 are transferred to the Office of Partnership and Engage-  
15 ment under section 711 of the Homeland Security Act of  
16 2002, as added by this section.

17       (c) ANNUAL REPORT.—

18           (1) IN GENERAL.—Not later than 90 days after  
19 the first day of fiscal year 2022 and annually there-  
20 after through 2027, the Assistant Secretary for  
21 Partnership and Engagement of the Department  
22 shall submit to the Committee on Homeland Secu-  
23 rity of the House of Representatives and the Com-  
24 mittee on Homeland Security and Governmental Af-  
25 fairs of the Senate a report on the activities of the



1 Office of Partnership and Engagement of the De-  
2 partment with respect to a description of all pro-  
3 grams, events, activities, and outreach conducted by  
4 the sub-offices and campaigns of the Office identi-  
5 fied in paragraph (2).

6 (2) ELEMENTS.—Each report required under  
7 paragraph (1), for the fiscal year covered by such re-  
8 port, shall include information relating to the fol-  
9 lowing:

10 (A) Faith Initiatives.

11 (B) The Blue Campaign.

12 (C) The Committee Management Office.

13 (D) The “If You See Something, Say  
14 Something®” Public Awareness Campaign.

15 (E) The Loaned Executive Program.

16 (F) The Office of Academic Engagement.

17 (G) The Office of Intergovernmental Af-  
18 fairs.

19 (H) The Private Sector Office.

20 (d) CLERICAL AMENDMENT.—The table of contents  
21 in section 1(b) of the Homeland Security Act of 2002, as  
22 amended by this Act, is further amended by inserting after  
23 the item relating to section 710 the following new item:

“Sec. 711. Office of Partnership and Engagement.”.

1 **SEC. 310. CHIEF PROCUREMENT OFFICER.**

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

6 **“SEC. 712. CHIEF PROCUREMENT OFFICER.**

7 “(a) IN GENERAL.—There is in the Department a  
8 Chief Procurement Officer, who shall report directly to the  
9 Under Secretary for Management.

10 “(b) RESPONSIBILITIES.—The Chief Procurement  
11 Officer shall—

12 “(1) serve as a senior business advisor to agen-  
13 cy officials with respect to procurement-related mat-  
14 ters;

15 “(2) be the senior procurement executive for  
16 purposes of subsection (c) of section 1702 of title  
17 41, United States Code, and shall perform procure-  
18 ment functions as specified in such subsection;

19 “(3) delegate or retain contracting authority, as  
20 appropriate;

21 “(4) issue procurement policies and oversee the  
22 heads of contracting activity of the Department to  
23 ensure compliance with such policies;

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

1           “(6) account for the integrity, performance, and  
2 oversight of Department procurement and con-  
3 tracting functions;

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

7           “(8) oversee a centralized procurement work-  
8 force certification and training program using, as  
9 appropriate, existing best practices and contracting  
10 training opportunities from the Federal Government,  
11 private sector, or institutions of higher education (as  
12 such term is defined in section 101(a) of the Higher  
13 Education Act of 1965 (20 U.S.C. 1001(a))), includ-  
14 ing training relating to identifying actions that war-  
15 rant referrals for suspension or debarment;

16           “(9) provide input to the heads of the compo-  
17 nents of the Department to be included in the per-  
18 formance reviews for the heads of contracting activ-  
19 ity within such components;

20           “(10) collect and use data to establish perform-  
21 ance measures with respect to the impact of stra-  
22 tegic sourcing initiatives on the private sector, in-  
23 cluding small businesses;

1           “(11) establish policies and procedures to effec-  
2           tively identify and manage vulnerabilities in the sup-  
3           ply chain for all Department purchases;

4           “(12) ensure the awarding of contracts and  
5           subcontracts complies with section 15(g) of the  
6           Small Business Act (15 U.S.C. 644(g)) to maximize  
7           opportunities for small business participation in such  
8           contracts;

9           “(13) conduct oversight of implementation of  
10          administrative agreements to resolve suspension or  
11          debarment proceedings; and

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

15          “(c) HEAD OF CONTRACTING ACTIVITY DEFINED.—  
16          In this section, the term ‘head of contracting activity’  
17          means an official responsible for the establishment, man-  
18          agement, and oversight of a team of procurement profes-  
19          sionals properly trained, certified, and warranted to ac-  
20          complish the acquisition of products and services on behalf  
21          of the designated components, offices, and organizations  
22          of the Department, and as authorized, other Government  
23          entities.”.

24          (b) CLERICAL AMENDMENT.—The table of contents  
25          in section 1(b) of the Homeland Security Act of 2002, as

1 amended by this Act, is further amended by inserting after  
2 the item relating to section 711 the following new item:

“Sec. 712. Chief Procurement Officer.”.

3 **SEC. 311. CHIEF SECURITY OFFICER.**

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

8 **“SEC. 713. CHIEF SECURITY OFFICER.**

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

12 “(b) RESPONSIBILITIES.—The Chief Security Officer  
13 shall—

14 “(1) develop and implement the security poli-  
15 cies, programs, and standards of the Department to  
16 protect the workforce and information;

17 “(2) identify training and provide education to  
18 Department personnel on security-related matters;  
19 and

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

22 (b) CLERICAL AMENDMENT.—The table of contents  
23 in section 1(b) of the Homeland Security Act of 2002, as

1 amended by this Act, is further amended by inserting after  
2 the item relating to section 712 the following new item:

“Sec. 713. Chief Security Officer.”.

3 **SEC. 312. SCHOOL SECURITY COORDINATING COUNCIL.**

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

8 **“SEC. 714. SCHOOL SECURITY COORDINATING COUNCIL.**

9 “(a) IN GENERAL.—The Secretary shall establish a  
10 council to be known as the ‘School Security Coordinating  
11 Council’ (referred to in this section as the ‘Council’).

12 “(b) DUTIES.—The Council shall—

13 “(1) provide advice and recommendations to the  
14 Secretary on matters relating to activities, plans,  
15 and policies to enhance the security of an early  
16 childhood education program, elementary school,  
17 high school, or secondary school with respect to an  
18 act of terrorism or targeted violence; and

19 “(2) ensure, to the extent practicable, that the  
20 efforts described in paragraph (1) are coordinated  
21 within the Department.

22 “(c) MEMBERSHIP.—

23 “(1) IN GENERAL.—The Council shall be com-  
24 posed of the following:

1           “(A) The Administrator of the Federal  
2           Emergency Management Agency.

3           “(B) The Assistant Secretary for Public  
4           Affairs.

5           “(C) The Chief Medical Officer.

6           “(D) The Civil Rights and Civil Liberties  
7           Officer.

8           “(E) The Director of the Cybersecurity  
9           and Infrastructure Security.

10          “(F) The Director of the Secret Service.

11          “(G) The Executive Director of the Office  
12          of Academic Engagement.

13          “(H) The Privacy Officer.

14          “(I) The Under Secretary for Strategy,  
15          Policy, and Plans.

16          “(J) Any other official of the Department  
17          the Secretary determines appropriate.

18          “(2) CHAIRPERSON.—The Secretary shall des-  
19          ignate a member of the Council to serve as chair-  
20          person of the Council.

21          “(d) COMPENSATION.—

22                 “(1) PROHIBITION ON COMPENSATION.—Except  
23          as provided in paragraph (2), members of the Coun-  
24          cil may not receive additional pay, allowances, or  
25          benefits by reason of their service on the Council.

1           “(2) TRAVEL EXPENSES.—Each member shall  
2           receive travel expenses, including per diem in lieu of  
3           subsistence, in accordance with applicable provisions  
4           under subchapter I of chapter 57 of title 5, United  
5           States Code.

6           “(e) REPORTS.—Not later than 180 days after the  
7           date of the enactment of this section and annually there-  
8           after, the Secretary shall submit to the Committee on  
9           Homeland Security of the House of Representatives and  
10          the Committee on Homeland Security and Governmental  
11          Affairs of the Senate a report relating to the activities of  
12          the Council during the prior year, including information  
13          relating to—

14                 “(1) the efficacy of such activities; and

15                 “(2) engagement with stakeholders outside of  
16          the Federal Government.

17          “(f) DEFINITIONS.—In this section:

18                 “(1) EARLY CHILDHOOD EDUCATION PRO-  
19          GRAM.—The term ‘early childhood education pro-  
20          gram’ has the meaning given the term in section  
21          103(8) of the Higher Education Act of 1965 (20  
22          U.S.C. 1003(8)).

23                 “(2) ELEMENTARY SCHOOL.—The term ‘ele-  
24          mentary school’ has the meaning given the term in



1 section 8101(19) of the Elementary and Secondary  
2 Education Act of 1965 (20 U.S.C. 7801(19)).

3 “(3) HIGH SCHOOL.—The term ‘high school’  
4 has the meaning given the term in section 8101(28)  
5 of the Elementary and Secondary Education Act of  
6 1965 (20 U.S.C. 7801(28)).

7 “(4) SECONDARY SCHOOL.—The term ‘sec-  
8 ondary school’ has the meaning given the term in  
9 section 8101(45) of the Elementary and Secondary  
10 Education Act of 1965 (20 U.S.C. 7801(45)).

11 “(5) TARGETED VIOLENCE.—The term ‘tar-  
12 geted violence’ means any incident of violence in  
13 which an attacker selected a particular target in  
14 order to inflict mass injury or death without a clear-  
15 ly discernible political or ideological motivation be-  
16 yond mass injury or death.”.

17 (b) CLERICAL AMENDMENT.—The table of contents  
18 in section 1(b) of the Homeland Security Act of 2002, as  
19 amended by this Act, is further amended by inserting after  
20 the item relating to section 713 the following new item:

“Sec. 714. School Security Coordinating Council.”.

21 **SEC. 313. OFFICE OF PROGRAM ACCOUNTABILITY AND**  
22 **RISK MANAGEMENT.**

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. 715. OFFICE OF PROGRAM ACCOUNTABILITY AND**  
4 **RISK MANAGEMENT.**

5 “(a) ESTABLISHMENT OF OFFICE.—Within the Man-  
6 agement Directorate, there shall be a Program Account-  
7 ability and Risk Management office to—

8 “(1) provide consistent accountability, stand-  
9 ardization, and transparency of acquisition programs  
10 of the Department;

11 “(2) serve as the central oversight function for  
12 the acquisition portfolio of the Department; and

13 “(3) provide review and analysis of Department  
14 acquisition programs, as appropriate.

15 “(b) EXECUTIVE DIRECTOR.—The Program Ac-  
16 countability and Risk Management office shall be led by  
17 an Executive Director who shall report directly to the  
18 Under Secretary for Management.

19 “(c) RESPONSIBILITIES OF EXECUTIVE DIRECTOR.—  
20 The Executive Director shall carry out the following re-  
21 sponsibilities:

22 “(1) Monitor the progress of Department major  
23 acquisition programs between acquisition decision  
24 events to identify problems with cost, performance,  
25 or schedule that components of the Department may

1 need to address to prevent cost overruns, perform-  
2 ance issues, or schedule delays.

3 “(2) Assist the Under Secretary for Manage-  
4 ment in managing the acquisition programs, acquisi-  
5 tion workforce, and related activities of the Depart-  
6 ment.

7 “(3) Conduct oversight of individual acquisition  
8 programs to implement Department acquisition pro-  
9 gram policy, procedures, and guidance with priority  
10 given to ensuring the data the collected by the Pro-  
11 gram Accountability and Risk Management office  
12 from components of the Department is accurate and  
13 reliable.

14 “(4) Serve as—

15 “(A) the coordinator for the acquisition  
16 life-cycle review process; and

17 “(B) the Executive Secretariat for the Ac-  
18 quisition Review Board of the Department.

19 “(5) Advise the individuals with acquisition de-  
20 cision authority in—

21 “(A) making acquisition decisions con-  
22 sistent with all applicable laws; and

23 “(B) establishing clear lines of authority,  
24 accountability, and responsibility for acquisition  
25 decision making within the Department.

1           “(6) Assess the results of post-implementation  
2 reviews of major acquisition programs.

3           “(7) Identify opportunities to improve perform-  
4 ance throughout the acquisition process and across  
5 the acquisition portfolio of the Department.

6           “(8) Provide technical support and assistance  
7 to Department acquisition programs and acquisition  
8 personnel.

9           “(9) Assist, as appropriate, with the prepara-  
10 tion of the Future Years Homeland Security Pro-  
11 gram.

12           “(10) Prepare and submit the Congressional  
13 Acquisition Progress Report for the Department, as  
14 required under section 839A.

15           “(11) In coordination with the Component Ac-  
16 quisition Executives, maintain the Master Acquisi-  
17 tion Oversight List, updated quarterly, that shall  
18 serve as an inventory of all major and non-major ac-  
19 quisition programs within the Department, including  
20 for each such program the—

21                   “(A) component sponsoring the acquisition;

22                   “(B) name of the acquisition;

23                   “(C) acquisition level as determined by the  
24 anticipated life-cycle cost (as such term is de-  
25 fined in section 830) of the program and other

1 criteria pursuant to the Department-level acqui-  
2 sition policy;

3 “(D) acquisition decision authority for the  
4 acquisition; and

5 “(E) current acquisition phase.

6 “(d) RESPONSIBILITIES OF COMPONENTS.—Each  
7 head of a component shall—

8 “(1) comply with Federal law, the Federal Ac-  
9 quisition Regulation, and Department acquisition  
10 management directives established by the Under  
11 Secretary for Management;

12 “(2) establish an organizational structure for  
13 conducting acquisitions within the component, to be  
14 managed by a Component Acquisition Executive;

15 “(3) obtain the resources necessary to operate  
16 such an organizational structure that are aligned  
17 with the number, type, size, and complexity of the  
18 acquisition programs of the component; and

19 “(4) oversee sustainment of capabilities de-  
20 ployed by major and non-major acquisition programs  
21 once all planned deployments are completed until  
22 such capabilities are retired or replaced.

23 “(e) RESPONSIBILITIES OF COMPONENT ACQUI-  
24 SITION EXECUTIVES.—Each Component Acquisition Execu-  
25 tive shall—

1           “(1) establish and implement policies and guid-  
2           ance for managing and conducting oversight for  
3           major and non-major acquisition programs within  
4           the component at issue that comply with Federal  
5           law, the Federal Acquisition Regulation, and De-  
6           partment acquisition management directives estab-  
7           lished by the Under Secretary for Management;

8           “(2) ensure acquisition documentation is com-  
9           plete and demonstrates the knowledge required for  
10          successful program execution prior to final approval;

11          “(3) exercise the acquisition decision authority  
12          (as such term is defined in section 830) to approve,  
13          pause, modify (including the rescission of approvals  
14          of program milestones), or cancel non-major acquisi-  
15          tion programs and major acquisition programs when  
16          delegated by the Under Secretary for Management  
17          pursuant to section 701(d)(3); and

18          “(4) review, oversee, and direct activities be-  
19          tween acquisition decision events for major acquisi-  
20          tion programs within the component for which the  
21          Under Secretary for Management is the acquisition  
22          decision authority.”.

23          (b) CLERICAL AMENDMENT.—The table of contents  
24          in section 1(b) of the Homeland Security Act of 2002, as

1 amended by this Act, is further amended by inserting after  
2 the item relating to section 714 the following new item:

“Sec. 715. Office of Program Accountability and Risk Management.”.

3 **SEC. 314. CHILDREN’S TECHNICAL EXPERT.**

4 Section 503(b)(2) of the Homeland Security Act of  
5 2002 (6 U.S.C. 313(b)(2)) is amended—

6 (1) in subparagraph (G), by striking “and” at  
7 the end;

8 (2) in subparagraph (H), by striking the period  
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following new sub-  
11 paragraph:

12 “(I) identify and integrate the needs of  
13 children into activities to prepare for, protect  
14 against, respond to, recover from, and mitigate  
15 against the risk of natural disasters, acts of ter-  
16 rorism, and other manmade disasters, including  
17 catastrophic incidents, by appointing a technical  
18 expert, who may, as necessary, consult with rel-  
19 evant outside organizations and experts to co-  
20 ordinate integration.”.

21 **SEC. 315. ABOLISHMENT OF OFFICE FOR STATE AND LOCAL**  
22 **GOVERNMENT COORDINATION.**

23 The functions authorized to be performed by the Of-  
24 fice for State and Local Government Coordination of the  
25 Department on the day before the date of the enactment

1 of this Act, and the assets and personnel associated with  
2 such functions, are transferred to the Assistant Secretary  
3 for Partnership and Engagement of the Department  
4 under section 711 of the Homeland Security Act of 2002,  
5 as added by section 309 of this Act.

6 **SEC. 316. BIOMETRIC ENTERPRISE MANAGEMENT.**

7 (a) IN GENERAL.—Subtitle A of title VIII of the  
8 Homeland Security Act of 2002 (6 U.S.C. 801 et seq.)  
9 is amended to read as follows:

10 **“Subtitle A—Department-Wide**  
11 **Policies and Strategies**

12 **“SEC. 801. BIOMETRIC ENTERPRISE MANAGEMENT.**

13 “(a) BIOMETRICS AND IDENTITY MANAGEMENT DE-  
14 VELOPMENT AND STRATEGY.—

15 “(1) IN GENERAL.—Not later than one year  
16 after the date of the enactment of this Act, the Sec-  
17 retary of Homeland Security, working through the  
18 Under Secretary for Strategy, Policy, and Plans of  
19 the Department, in coordination with the Privacy  
20 Officer of the Department, the Civil Rights and Civil  
21 Liberties Officer of the Department, and the appro-  
22 priate heads of components or offices of the Depart-  
23 ment, shall develop and disseminate a strategy with  
24 respect to biometric technology and identity manage-  
25 ment enterprise pilot programs and programs.



1           “(2) STRATEGY.—The strategy required under  
2 paragraph (1) shall include guidance and require-  
3 ments with respect to—

4                   “(A) the front-end collection, use, reten-  
5 tion, sharing, and disposal of biometric infor-  
6 mation;

7                   “(B) privacy protections for individuals  
8 whose biometric information is collected, includ-  
9 ing through the United States VISIT program  
10 or any other such passenger facilitation pro-  
11 gram; and

12                   “(C) prioritizing voluntary consent, to the  
13 extent practicable, for the capture of biometrics  
14 from individuals through an opt-in approach  
15 rather than an opt-out approach.

16           “(3) PROHIBITION.—Beginning on the date  
17 that the strategy required under paragraph (1) is  
18 disseminated pursuant to such paragraph, the Sec-  
19 retary shall—

20                   “(A) assess each biometric technology and  
21 identity management enterprise pilot program  
22 or program contemplated in such strategy for  
23 consistency with such strategy; and

24                   “(B) prohibit the head of a component of  
25 the Department from initiating or expanding

1           such a pilot program or program that includes  
2           biometric technology or identity management  
3           enterprise without the Secretary first deter-  
4           mining if such a pilot program or program is  
5           not consistent with such strategy.

6           “(b) COMPLIANCE WITH STRATEGY.—

7           “(1) PROGRAM REVIEW.—Not later than 180  
8           days after the date on which the strategy required  
9           under paragraph (1) of subsection (a) is dissemi-  
10          nated pursuant to paragraph (2) of such subsection,  
11          the Under Secretary for Management of the Depart-  
12          ment shall issue a determination with respect to  
13          each biometric technology and identity management  
14          enterprise program of the Department regarding  
15          whether such pilot program or program complies  
16          with such strategy.

17          “(2) CORRECTIVE ACTION.—If a pilot program  
18          or program described in paragraph (1) is determined  
19          pursuant to such paragraph to not be in compliance  
20          with the strategy required under paragraph (1) of  
21          subsection (a) and disseminated pursuant to para-  
22          graph (2) of such subsection, the Under Secretary  
23          for Management of the Department shall—

24                  “(A) issue a corrective action plan to en-  
25                  sure such a pilot program or program becomes

1 compliant with such strategy by not later than  
2 one year after the date the Under Secretary  
3 issues a determination pursuant to paragraph  
4 (1) with respect to such a pilot program or pro-  
5 gram; and

6 “(B) submit to the appropriate congres-  
7 sional committees each such corrective action  
8 plan.

9 “(3) CERTIFICATION OF PROGRAMS.—Not later  
10 than two years after the date of the enactment of  
11 this section, the Secretary, acting through the Under  
12 Secretary for Management of the Department, shall  
13 submit to the appropriate congressional committees  
14 a report that identifies each biometric technology  
15 and identity management pilot program or program  
16 of the Department that—

17 “(A) complies with the strategy required  
18 under paragraph (1) of subsection (a) and dis-  
19 seminated pursuant to paragraph (2) of such  
20 subsection; or

21 “(B) is suspended or cancelled for non-  
22 compliance with such strategy.

23 “(c) BIOMETRIC AND IDENTITY MANAGEMENT EN-  
24 TERPRISE PROGRAM REPORT.—

1           “(1) IN GENERAL.—Not later than 90 days  
2 after completion of the review required under sub-  
3 section (b) and annually thereafter through fiscal  
4 year 2027, shall submit to the appropriate congress-  
5 sional committees a report with respect to each bio-  
6 metric technology and identity management pilot  
7 program or program of the Department described in  
8 subsection (b).

9           “(2) ELEMENTS.—Each report required under  
10 paragraph (1) shall include for each biometric tech-  
11 nology and identity management pilot program or  
12 program in development, in operation, that was sus-  
13 pended, or that was terminated during the year  
14 prior to such report information relating to the fol-  
15 lowing:

16                   “(A) The identification of the components  
17 or offices of the Department, including roles  
18 and responsibilities, that carry out each such  
19 pilot program or program.

20                   “(B) The purpose, including the reason for  
21 using biometric technology or identity manage-  
22 ment tools.

23                   “(C) An overview of the biometric tech-  
24 nology or identity management tools used to  
25 capture, share, or match biometric information.

1           “(D) A timeline of key events, including  
2           the actual or planned initiation, completion  
3           dates for test activities, and the deployment of  
4           biometric technology or identify management  
5           tools.

6           “(E) The total cost and the sources of  
7           funding.

8           “(F) Any existing contracts or agreements.

9           “(G) Any plans relating to the transition  
10          or expansion.

11          “(H) Plans relating to rulemaking or pri-  
12          vacy impact assessments.

13          “(d) ASSESSMENT.—

14           “(1) IN GENERAL.—Not later than one year  
15          after the date on which the strategy required under  
16          paragraph (1) of subsection (a) is disseminated pur-  
17          suant to paragraph (2) of such subsection, the  
18          Under Secretary for Science and Technology of the  
19          Department shall submit to the appropriate congress-  
20          sional committees a report that includes an assess-  
21          ment of all biometric technology and identity man-  
22          agement pilot programs or programs of the Depart-  
23          ment relating to the use of facial recognition or iris  
24          scanning.

1           “(2) ELEMENTS.—The report required under  
2 paragraph (1) shall include information relating to  
3 the following:

4           “(A) The impact of device specifications  
5 and installation factors, such as camera quality,  
6 lighting, and internet connectivity, of biometric  
7 collection technologies with respect to the ability  
8 of the Department to capture accurate data  
9 across all demographic groups.

10           “(B) Proposed or implemented biometric  
11 collection methods to capture accurate data  
12 across all demographic groups.

13           “(C) Information security with respect to  
14 such biometric technology and identity manage-  
15 ment tools, including lessons learned to improve  
16 resiliency with respect to cybersecurity threats.

17           “(D) Independent testing results of bio-  
18 metric matching algorithms to verify accuracy  
19 across all demographic groups.

20           “(3) DEMOGRAPHIC GROUP DESCRIBED.—In  
21 this subsection, the term ‘demographic group’ in-  
22 cludes age, sex, skin tone, and disability status or  
23 any combination thereof.

24           “(e) DEFINITION.—In this section:

1           “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term ‘appropriate congressional com-  
3           mittees’ means—

4                   “(A) the Committee on Homeland Security  
5                   of the House of Representatives; and

6                   “(B) the Committee on Homeland Security  
7                   and Governmental Affairs of the Senate.

8           “(2) BIOMETRIC TECHNOLOGY.—The term ‘bio-  
9           metric technology’ means any device or system used  
10           to collect biometric data or information.

11           “(3) IDENTITY MANAGEMENT.—The term ‘iden-  
12           tity management’ means the policies, processes, and  
13           procedures used to identify or verify the identity of  
14           individuals using biometric, biographic, or other data  
15           and information.”.

16           (b) CLERICAL AMENDMENT.—The table of contents  
17           in section 1(b) of the Homeland Security Act of 2002, as  
18           amended by this Act, is further amended by striking the  
19           items related to subtitle A of title VIII and inserting the  
20           following new items:

                  “Subtitle A—Department-Wide Policies and Strategies

                  “Sec. 801. Biometric enterprise management.”.

21           **SEC. 317. COUNTERTERRORISM AND TARGETED VIOLENCE**  
22                                   **STRATEGY.**

23           (a) STRATEGIC FRAMEWORK.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of the enactment of this Act, the Sec-  
3 retary, acting through the Under Secretary for  
4 Strategy, Policy, and Plans of the Department, shall  
5 develop, disseminate, and implement a Department-  
6 wide directive to update or replace the strategic  
7 framework relating to countering terrorism and tar-  
8 geted violence, as issued by the Department in Sep-  
9 tember 2019, and associated implementation plans.

10           (2) ELEMENTS.—The strategic framework re-  
11 quired under paragraph (1) shall—

12                   (A) address the current threat environment  
13 for domestic terrorism, international terrorism,  
14 targeted violence, and emerging threats, includ-  
15 ing violent white supremacist extremism; and

16                   (B) specify how the prevention and pre-  
17 paredness activities of the Department address  
18 such threat environment.

19           (b) REVIEW.—Not later than two years after the date  
20 of the implementation of the directive required under sub-  
21 section (a), the Under Secretary for Strategy, Policy, and  
22 Plans of the Department shall review the effectiveness of  
23 such directive relating to the associated strategic frame-  
24 work and implementation plans.

25           (c) DEFINITIONS.—In this section:



1           (1) TARGETED VIOLENCE.—The term “targeted  
2 violence” means any incident of violence in which an  
3 attacker selected a particular target in order to in-  
4 flict mass injury or death without a clearly discern-  
5 ible political or ideological motivation beyond mass  
6 injury or death.

7           (2) VIOLENT WHITE SUPREMACIST EXTRE-  
8 MISM.—The term “white supremacist extremism”  
9 means an ideology that seeks, wholly or in part,  
10 through unlawful acts of force or violence, to sup-  
11 port a belief in the intellectual or moral superiority  
12 of the white race over other races.

13 **SEC. 318. ACTIVITIES RELATED TO CHILDREN REPORT.**

14       (a) IN GENERAL.—Not later than one year after the  
15 date of the enactment of this Act and annually thereafter  
16 for five years, the Under Secretary for Strategy, Policy,  
17 and Plans of the Department shall submit to the Com-  
18 mittee on Homeland Security and the Committee on  
19 Transportation and Infrastructure of the House of Rep-  
20 resentatives and the Committee on Homeland Security  
21 and Governmental Affairs of the Senate a report relating  
22 to the efforts of the Department with respect to incor-  
23 porating feedback from organizations representing the  
24 needs of children into Department policy in accordance

1 with section 709(c)(7) of the Homeland Security Act of  
2 2002, as amended by this Act.

3 (b) ELEMENTS.—Each report required under sub-  
4 section (a) shall include the following:

5 (1) The designation of any individual respon-  
6 sible for carrying out section 709(c)(7) of the Home-  
7 land Security Act of 2002, as amended by this Act.

8 (2) Any review, formal or informal, of Depart-  
9 ment policies, programs, or activities to assess the  
10 suitability of such policies, programs, or activities  
11 for children and where feedback from organizations  
12 representing the needs of children should be re-  
13 viewed and incorporated.

14 (3) Any review, change, modification, or pro-  
15 mulgation of Department policies, programs, or ac-  
16 tivities to ensure that such policies, programs, or ac-  
17 tivities are appropriate for children.

18 (4) Coordination with organizations or experts  
19 outside the Department pursuant to such section  
20 709(c)(7) conducted to inform any such review,  
21 change, modification, or promulgation of such poli-  
22 cies, programs, or activities.

1           **Subtitle B—Law Enforcement**  
2                           **Reforms**

3   **SEC. 321. DE-ESCALATION, USE OF FORCE, AND BODY-**  
4                           **WORN CAMERA POLICY.**

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

9   **“SEC. 716. DE-ESCALATION AND USE OF FORCE.**

10           “(a) POLICY.—Not later than 180 days after the date  
11 of the enactment of this section, the Associate Secretary,  
12 acting through the Under Secretary for Management,  
13 shall—

14                   “(1) update the Department-wide policy issued  
15 on September 7, 2018, on the use of force by law  
16 enforcement officers of the Department to ensure  
17 that such officers use only the amount of force—

18                           “(A) that is objectively reasonable in con-  
19 sideration of the facts and circumstances at  
20 issue to bring incidents under control effec-  
21 tively; and

22                           “(B) to ensure the safety of such officers  
23 and other individuals; and

24                   “(2) set forth in a clear and consistent manner  
25 that de-escalation is preferred.

1       “(b) REQUIREMENTS.—The Department-wide policy  
2 updated pursuant to subsection (a) shall—

3           “(1) require law enforcement officers of the De-  
4 partment to complete initial and recurrent training  
5 in the full range of use of force tactics, including de-  
6 escalation;

7           “(2) require the head of each component of the  
8 Department with such officers to—

9           “(A) designate an individual, having sub-  
10 ject matter expertise relating to the use of force  
11 policy, training, and the application of use of  
12 force tactics, including de-escalation tactics, to  
13 be responsible for ensuring compliance with  
14 such updated policy; and

15           “(B) maintain a use of force review council  
16 or committee, the members of which shall have  
17 subject matter expertise described in subpara-  
18 graph (A) to perform internal analysis of use of  
19 force incidents to—

20           “(i) inform training and tactics and  
21 develop recommendations for improvements  
22 to policies and procedures; and

23           “(ii) identify trends and lessons  
24 learned to be shared within the component  
25 and across the Department;

1           “(3) include recommendations relating to, or re-  
2           port deficiencies in, training, policies, or procedures;  
3           and

4           “(4) maintain data relating to the use of force  
5           within each such component in accordance with sub-  
6           section (c).

7           “(c) REPORTING.—

8           “(1) IN GENERAL.—The Associate Secretary  
9           shall—

10           “(A) issue requirements for the head of  
11           each component of the Department to collect  
12           and maintain data relating to the use of force  
13           within each such component necessary to pub-  
14           lish the report required under subparagraph  
15           (B);

16           “(B) publish, every six months, a report on  
17           the website of the Department that includes—

18           “(i) data relating to each incident  
19           during the previous six-month period in  
20           which lethal force was used by law enforce-  
21           ment officers of the Department that—

22           “(I) is disaggregated by compo-  
23           nent; and

24           “(II) describes—

1                   “(aa) specific information on  
2                   the region or jurisdiction in  
3                   which each such incident oc-  
4                   curred; and

5                   “(bb) the circumstances sur-  
6                   rounding each such incident; and

7                   “(ii) a specification of whether a De-  
8                   partment officer or other individual was in-  
9                   jured or killed in each such incident;

10                  “(C) in conjunction with the report re-  
11                  quired under subparagraph (B), publish a sum-  
12                  mary of any reviews with respect to which, dur-  
13                  ing the previous six-month period, final action  
14                  was taken, including—

15                         “(i) a summary of the findings result-  
16                         ing from any such reviews; and

17                         “(ii) any findings relating to whether  
18                         the uses of force contemplated by any such  
19                         reviews complied with Federal law and De-  
20                         partment-wide policy; and

21                  “(D) not later than 24 hours after any  
22                  use-of-force incident that results in the hos-  
23                  pitalization or death of an officer, agent, or  
24                  member of the public, inform the public with  
25                  respect to the facts relating to such incident.

1           “(2) PRIVACY PROTECTION.—Any information  
2           published pursuant to this subsection shall be pre-  
3           sented in a manner that protects individual privacy.

4           “(d) OFFICE OF INSPECTOR GENERAL.—The Inspec-  
5           tor General of the Department shall, on an ongoing basis,  
6           review compliance with respect to subsections (a) and (c).

7           “(e) DE-ESCALATION AND USE OF FORCE COUN-  
8           CIL.—

9           “(1) IN GENERAL.—The Secretary, acting  
10           through the Associate Secretary, shall establish and  
11           maintain an intra-departmental council, chaired by  
12           the Under Secretary for Strategy, Policy, and Plans,  
13           at which representatives from the following compo-  
14           nents and entities may share lessons learned, best  
15           practices, and trends regarding de-escalation and  
16           use of force policies, training, and oversight:

17                   “(A) Federal Law Enforcement Training  
18                   Centers.

19                   “(B) The Coast Guard.

20                   “(C) The Cybersecurity and Infrastructure  
21                   Security Agency.

22                   “(D) The Federal Emergency Management  
23                   Agency.

24                   “(E) The Office of Civil Rights and Civil  
25                   Liberties.

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

2 “(G) The Office of the Under Secretary for  
3 Management.

4 “(H) The Privacy Office.

5 “(I) The Secret Service.

6 “(J) The Transportation Security Admin-  
7 istration.

8 “(K) U.S. Customs and Border Protection.

9 “(L) U.S. Immigration and Customs En-  
10 forcement.

11 “(2) FEEDBACK.—The Secretary shall develop  
12 a process for the intra-departmental council to re-  
13 ceive on an ongoing basis, feedback relating to the  
14 sharing of lessons learned, best practices, and trends  
15 with respect to de-escalation and use of force from  
16 appropriate stakeholders, including labor organiza-  
17 tions.

18 **“SEC. 717. BODY-WORN CAMERA AND DASHBOARD CAM-**

19 **ERAS.**

20 “(a) STRATEGY.—

21 “(1) IN GENERAL.—Not later than 180 days  
22 after the date of the enactment of this section, the  
23 Secretary, acting through the Associate Secretary,  
24 shall develop and disseminate a Department-wide di-



1       rective requiring by December 31, 2022, the use  
2       of—

3               “(A) body-worn cameras by all uniformed  
4       law enforcement officers of the Department;  
5       and

6               “(B) dashboard cameras for all marked ve-  
7       hicles of the Department and associated record-  
8       ing protocols.

9               “(2) PRINCIPLES.—The Department-wide direc-  
10      tive required under paragraph (1) shall consider  
11      principles published by major civil and human rights  
12      organizations relating to the use of body-worn cam-  
13      eras and dashboard cameras to include the following:

14              “(A) Benchmarks for implementation of  
15      the use of body-worn cameras by uniformed law  
16      enforcement officers and dashboard cameras for  
17      marked vehicles of the Department.

18              “(B) Training requirements, procedures,  
19      and best practices for the use of body-worn  
20      cameras and dashboard cameras.

21              “(C) Plans to publicize the directive and  
22      the requirements set forth in this section to in-  
23      form law enforcement officers and other im-  
24      pacted individuals are notified of new policies,

1 in particular, those regarding the retention and  
2 right to inspect body-worn camera footage.

3 “(3) LIMITED EXCEPTION.—The directive re-  
4 quired under paragraph (1) shall not apply—

5 “(A) to any personnel who operate in a lo-  
6 cation where the Secretary carries out redun-  
7 dant video-monitoring or video-surveillance that  
8 is maintained in good working order and that  
9 provides video footage of a quality that is the  
10 same or better than that which would be cap-  
11 tured by a body-worn camera or dashboard  
12 camera;

13 “(B) to any vehicle that serves as a mobile  
14 command vehicle, and to any personnel therein;

15 “(C) to any vehicle, including any Federal,  
16 State, local, or rented vehicle, that the Sec-  
17 retary deploys in support of protective oper-  
18 ations and to any law enforcement personnel  
19 therein while such personnel are engaged in  
20 such protective operations; and

21 “(D) in instances with respect to which an  
22 immediate threat to the life or safety of a uni-  
23 formed law enforcement officer of the Depart-  
24 ment makes activating a body-worn camera or  
25 dashboard camera impossible or dangerous, ex-

1           cept that in such an instance such officer shall  
2           activate any such camera at the first reasonable  
3           opportunity to do so.

4           “(b) RETENTION OF FOOTAGE.—

5           “(1) IN GENERAL.—Body camera and dash-  
6           board camera video footage shall be retained by the  
7           law enforcement agency that employs the law en-  
8           forcement officer whose camera captured the foot-  
9           age, or an authorized agent thereof, for six months  
10          after the date on which it was recorded, after which  
11          time such footage shall be permanently deleted.

12          “(2) ADDITIONAL RETENTION REQUIRE-  
13          MENTS.—Notwithstanding the retention and deletion  
14          requirements in paragraph (1)—

15                 “(A) such video footage shall be automati-  
16                 cally retained for not less than three years if  
17                 the video footage captures an interaction or  
18                 event involving—

19                         “(i) any use of force; or

20                         “(ii) an encounter involving a reg-  
21                         istered complaint by a subject of the video  
22                         footage; or

23                 “(B) such video footage shall be retained  
24                 for not less than three years if a longer reten-  
25                 tion period is voluntarily requested by—

1           “(i) the uniformed law enforcement  
2 officer—

3                   “(I) whose body camera recorded  
4 the video footage, if that officer rea-  
5 sonably asserts the video footage has  
6 evidentiary or exculpatory value in an  
7 ongoing investigation; or

8                   “(II) who is a subject of the  
9 video footage, if that officer reason-  
10 ably asserts the video footage has evi-  
11 dentiary or exculpatory value;

12           “(ii) any superior officer of a uni-  
13 formed law enforcement officer whose body  
14 camera recorded the video footage or who  
15 is a subject of the video footage, if that su-  
16 perior officer reasonably asserts the video  
17 footage has evidentiary or exculpatory  
18 value;

19           “(iii) any uniformed law enforcement  
20 officer, if the video footage is being re-  
21 tained solely and exclusively for police  
22 training purposes;

23           “(iv) any member of the public who is  
24 a subject of the video footage;

1                   “(v) any parent or legal guardian of a  
2                   minor who is a subject of the video foot-  
3                   age; or

4                   “(vi) a spouse of a deceased subject,  
5                   next of kin, or legally authorized designee.

6                   “(3) RIGHT TO INSPECT.—During the retention  
7                   periods described in paragraphs (1) and (2), the fol-  
8                   lowing individuals shall have the right to inspect, but  
9                   not retain or in any matter alter, the body camera  
10                  footage:

11                  “(A) Any individual who is a subject of  
12                  body camera video footage, and their designated  
13                  legal counsel.

14                  “(B) A parent of a minor subject of body  
15                  camera video footage, and their designated legal  
16                  counsel.

17                  “(C) The spouse, next of kin, or legally au-  
18                  thorized designee of a deceased subject of body  
19                  camera video footage, and their designated legal  
20                  counsel.

21                  “(D) A uniformed law enforcement officer  
22                  whose body camera recorded the video footage,  
23                  and their designated legal counsel, subject to  
24                  the limitations and restrictions in this part.

1           “(E) The superior officer of a uniformed  
2           officer whose body camera recorded the video  
3           footage, subject to the limitations and restric-  
4           tions in this part.

5           “(F) Any defense counsel who claims, pur-  
6           suant to a written affidavit, to have a reason-  
7           able basis for believing a video may contain evi-  
8           dence that exculpates a client.

9           “(c) PERIODIC REPORTING.—

10           “(1) IN GENERAL.—Not later than 180 days  
11           after the date of the enactment of this section and  
12           every 180 days thereafter until the Secretary sub-  
13           mits the certification described in paragraph (2), the  
14           Under Secretary for Management shall submit to  
15           the Committee on Homeland Security of the House  
16           of Representatives and the Committee on Homeland  
17           Security and Governmental Affairs of the Senate a  
18           report relating to the progress of the implementation  
19           of the Department-wide directive described in sub-  
20           section (a).

21           “(2) CERTIFICATION.—A certification described  
22           in this paragraph is a certification submitted by the  
23           Secretary to the Committee on Homeland Security  
24           of the House of Representatives and the Committee  
25           on Homeland Security and Governmental Affairs of

1 the Senate that the Department has fully imple-  
2 mented the directive described in subsection (a).

3 **“SEC. 718. PROHIBITED USE OF FORCE.**

4 “(a) IN GENERAL.—Beginning on the date that is 90  
5 days after the date of the enactment of this section, a law  
6 enforcement officer of the Department who intentionally  
7 uses a chokehold or carotid hold on an individual—

8 “(1) shall be subject to disciplinary review; and

9 “(2) may be subject to disciplinary action, con-  
10 sistent with chapter 75 of title 5, United States  
11 Code, including termination.

12 “(b) EXCEPTION.—The requirement under sub-  
13 section (a) shall not apply in the case of a law enforcement  
14 officer of the Department or a component of the Depart-  
15 ment if the Secretary or Associate Secretary determine the  
16 use of a chokehold or carotid hold on an individual to be  
17 objectively reasonable under the circumstances.

18 “(c) DEFINITION.—In this section, the terms  
19 ‘chokehold’ and ‘carotid hold’ mean the application of any  
20 pressure to the throat or windpipe, the use of maneuvers  
21 that restrict blood or oxygen flow to the brain, or carotid  
22 artery restraints that prevent or hinder breathing or re-  
23 duce intake of air of an individual.”.

24 (b) CLERICAL AMENDMENTS.—The table of contents  
25 in section 1(b) of the Homeland Security Act of 2002, as

1 amended by this Act, is further amended by inserting after  
2 the item relating to section 715 the following new items:

“Sec. 716. De-escalation and use of force.

“Sec. 717. Body-worn camera and dashboard cameras.

“Sec. 718. Prohibited use of force.”.

3 **SEC. 322. DEPARTMENT OF HOMELAND SECURITY COMPO-**  
4 **NENT INSIGNIA REQUIRED.**

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

9 **“SEC. 719. DEPARTMENT COMPONENT INSIGNIA REQUIRED.**

10 “(a) IN GENERAL.—All uniformed law enforcement  
11 officers of the Department who are required to display or  
12 wear the official insignia or uniform (as such term is de-  
13 fined in section 716(c)(3) of title 18, United States Code)  
14 of the Department or component, as the case may be, to  
15 perform the duties of such officer shall display or wear  
16 such official insignia or uniform in a manner that is visible  
17 to others when carrying out such duties, including when  
18 deployed to augment State or local law enforcement capa-  
19 bilities.

20 “(b) EXCEPTION.—The requirement under sub-  
21 section (a) shall not apply in the case of a law enforcement  
22 officer of the Department or component, as the case may  
23 be, who is engaged in undercover or covert operations.”.



1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002, as  
3 amended by this Act, is further amended by inserting after  
4 the item relating to section 718 the following new item:  
“Sec. 719. Department component insignia required.”.

5 **SEC. 323. REPORT RELATING TO COMPLIANCE WITH MAN-**  
6 **DATORY DEPARTMENT-WIDE REPORTING**  
7 **POLICY DIRECTIVE.**

8 (a) REPORT.—Not later than 180 days after the date  
9 of the enactment of this Act and annually thereafter, the  
10 Associate Secretary of Homeland Security shall submit to  
11 the appropriate congressional committees a report on the  
12 status of efforts to implement recommendations issued by  
13 the Office of the Inspector General of the Department in  
14 November 2020 relating to compliance with a Depart-  
15 ment-wide policy directive, issued on January 10, 2017  
16 (requiring the reporting of off-duty contact with law en-  
17 forcement by Department law enforcement personnel and  
18 the suspension or revocation of authority to carry a fire-  
19 arm or other weapon under certain circumstances).

20 (b) APPROPRIATE CONGRESSIONAL COMMITTEES  
21 DEFINED.—In this section, the term “appropriate con-  
22 gressional committees” means—

23 (1) the Committee on Homeland Security of the  
24 House of Representatives; and

1           (2) the Committee on Homeland Security and  
2           Governmental Affairs of the Senate.

3 **SEC. 324. DE-ESCALATION TRAINING AND CONTINUING**  
4                   **EDUCATION TO PROMOTE OFFICER SAFETY**  
5                   **AND PROFESSIONALISM.**

6           (a) IN GENERAL.—Subtitle H of title VIII of the  
7 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)  
8 is amended by adding at the end the following new sec-  
9 tions:

10 **“SEC. 890B. DE-ESCALATION TRAINING.**

11           “(a) DEPARTMENT TRAINING.—Not later than 90  
12 days after the issuance of the updated Department-wide  
13 policy pursuant to section 717, the Associate Secretary of  
14 the Department shall ensure training relating to the use  
15 of force provided to law enforcement officers of the De-  
16 partment appropriately emphasizes de-escalation tactics  
17 and techniques.

18           “(b) STATE AND LOCAL LAW ENFORCEMENT TRAIN-  
19 ING.—The Associate Secretary, acting through the Direc-  
20 tor of the Federal Law Enforcement Training Center, in  
21 consultation with the Deputy Assistant Secretary for State  
22 and Local Law Enforcement, shall, to the extent prac-  
23 ticable, increase the availability of training relating to the  
24 use of force, including de-escalation, in the training cur-

1 rriculum made available to State, local, Tribal, and terri-  
2 torial law enforcement officers.

3 **“SEC. 890C. TRAINING AND CONTINUING EDUCATION TO**  
4 **PROMOTE OFFICER SAFETY AND PROFES-**  
5 **SIONALISM.**

6 “(a) IN GENERAL.—The Associate Secretary of the  
7 Department shall establish policies and guidelines to en-  
8 sure that all law enforcement officers of the Department  
9 receive training upon on-boarding regarding account-  
10 ability, standards for professional and ethical conduct.

11 “(b) CURRICULUM.—The training required under  
12 subsection (a) shall include—

13 “(1) best practices in community policing, cul-  
14 tural awareness, and carrying out enforcement ac-  
15 tions near sensitive locations, responding to griev-  
16 ances, and how to refer complaints to the Immigra-  
17 tion Detention Ombudsman;

18 “(2) interaction with vulnerable populations;  
19 and

20 “(3) standards of professional and ethical con-  
21 duct.

22 “(c) CONTINUING EDUCATION.—The Associate Sec-  
23 retary shall require all law enforcement officers of the De-  
24 partment to participate in continuing education, including  
25 relating to—

1           “(1) the protection of the civil, constitutional,  
2           human, and privacy rights of individuals; and

3           “(2) use of force policies.

4           “(d) ADMINISTRATION.—Courses offered as part of  
5 continuing education under subsection (c) shall be admin-  
6 istered in coordination with the Federal Law Enforcement  
7 Training Centers.”.

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 890A the following new items:

“Sec. 890B. De-escalation training.

“Sec. 890C. Training and continuing education to promote officer safety and  
professionalism.”.

12 **SEC. 325. LESS LETHAL FORCE TACTICS ASSESSMENT.**

13           (a) IN GENERAL.—Not later than 120 days after the  
14 date of the enactment of this Act, the Associate Secretary  
15 of Homeland Security shall enter into a contract with a  
16 nonprofit research institution with expertise in homeland  
17 security, including border security and law enforcement,  
18 for such institution to assess the written policies, training,  
19 and instances of the use of less lethal force tactics utilized  
20 by the Department within the past three years.

21           (b) ELEMENTS.—The assessment required under  
22 subsection (a) shall include information relating to the use  
23 of the following:

1           (1) Oleoresin capsicum spray, irritant dis-  
2           pensors, or any other fog for the purposes of crowd  
3           control or disbursement.

4           (2) Electronic control weapons that discharge  
5           electrical energy.

6           (3) Compressed air launchers, such as com-  
7           pressed-air powered, shoulder-fired launchers that  
8           deliver less lethal projectiles.

9           (4) Munition launchers that deliver an airburst  
10          flash bang effect.

11          (5) Less-lethal specialty impact chemical muni-  
12          tions.

13          (6) Controlled tire deflation devices.

14          (7) Long range acoustic devices.

15          (8) Other crowd control and disbursement tac-  
16          tics.

17          (c) ASSESSMENT.—Not later than one year after the  
18          date of the commencement of the assessment required  
19          under subsection (a), the nonprofit research institution de-  
20          scribed in such subsection shall submit to the Secretary  
21          such assessment.

22          (d) REPORT TO CONGRESS.—Not later than 90 days  
23          after the receipt of the assessment pursuant to subsection  
24          (c), the Secretary shall submit to the Committee on Home-  
25          land Security of the House of Representatives and the

1 Committee on Homeland Security and Governmental Af-  
2 fairs of the Senate a report on such assessment and in-  
3 cluding any feedback by the Secretary relating thereto.

4 **SEC. 326. BEST PRACTICES TO REDUCE INCIDENTS OF EX-**  
5 **CESSIVE OR UNAUTHORIZED FORCE.**

6 (a) IN GENERAL.—The Associate Secretary of Home-  
7 land Security, acting through the Under Secretary for  
8 Science and Technology of the Department, shall research  
9 and recommend the adoption of evidence-based practices  
10 that, when utilized by law enforcement officers of the De-  
11 partment, have the potential to reduce incidents of exces-  
12 sive or unauthorized force. Such practices shall be based  
13 on research that takes into account the degree to which  
14 the following factors potentially contribute to such inci-  
15 dents:

16 (1) Gaps in training or staffing, including gaps  
17 that may contribute to the delayed deployment of  
18 backup resources in the field.

19 (2) Unconscious bias regarding race, gender,  
20 ethnicity, or national origin or other psychological  
21 triggers.

22 (3) The level of racial, gender, and ethnic diver-  
23 sity within the workforce in which such law enforce-  
24 ment officer serves.

1           (4) Stress or fatigue, and related underlying  
2       causes.

3           (b) REPORT.—Not later than one year after com-  
4       mencing the research described in subsection (a), the  
5       Under Secretary for Science and Technology of the De-  
6       partment shall submit to the Secretary and the Committee  
7       on Homeland Security of the House of Representatives  
8       and the Committee on Homeland Security and Govern-  
9       mental Affairs of the Senate a report containing findings  
10      regarding evidence-based practices described in such sub-  
11      section.

12          (c) RESEARCH PARTNERSHIPS.—To carry out sub-  
13      section (a), the Under Secretary for Science and Tech-  
14      nology of the Department shall seek research partnerships  
15      with historically Black colleges or universities and minor-  
16      ity-serving institutions and other university-based centers  
17      for homeland security pursuant to section 308(b)(2) of the  
18      Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)).

19      **SEC. 327. SAFEGUARDING FIREARMS AND SENSITIVE AS-**  
20                                      **SETS.**

21          (a) SAFEGUARDING FIREARMS AND SENSITIVE AS-  
22      SETS DIRECTIVE.—

23              (1) IN GENERAL.—Not later than 120 days  
24      after the date of the enactment of this Act, the  
25      Under Secretary for Management of the Department

1 shall develop and disseminate a Department-wide di-  
2 rective for achieving adequate security over firearms  
3 and other sensitive assets across the Department.

4 (2) CONTENTS.—The Department-wide direc-  
5 tive required under subsection (a) shall, at a min-  
6 imum, include the following:

7 (A) Descriptions of what equipment, in ad-  
8 dition to firearms, is classified as a sensitive  
9 asset for the purpose of carrying out this sec-  
10 tion.

11 (B) Requirements for securing Depart-  
12 ment-issued firearms and other sensitive assets.

13 (C) A classification system for all cat-  
14 egories of Department-issued badges and cor-  
15 responding requirements for safeguarding such  
16 assets.

17 (D) Reporting requirements for lost fire-  
18 arms and other sensitive assets, including  
19 timelines for such reporting, to supervisors,  
20 local law enforcement, the National Crime In-  
21 formation Center of the Federal Bureau of In-  
22 vestigation, and Department headquarters.

23 (E) Recordkeeping requirements for lost  
24 firearms and other sensitive assets in inventory



1 systems, including a timeline for recording such  
2 losses.

3 (3) REVIEW AND UPDATE OF DIRECTIVE.—Not  
4 later than one year after the issuance of the direc-  
5 tive required under subsection (a), the Under Sec-  
6 retary for Management of the Department shall re-  
7 view and update, as necessary, such directive, includ-  
8 ing adding a requirement relating to recording in  
9 the inventory systems maintained by each compo-  
10 nent of the Department the acceptance or transfer  
11 of a firearm or other sensitive asset by such compo-  
12 nent.

13 (b) PERSONAL PROPERTY ASSET MANAGEMENT  
14 PROGRAM MANUAL.—Together with the issuance of the  
15 directive required under subsection (a), the Under Sec-  
16 retary for Management of the Department shall dissemi-  
17 nate a revised version of the Personal Property Asset  
18 Management Program Manual that includes the following:

19 (1) Requirements for component heads to de-  
20 velop procedures to safeguard firearms and other  
21 sensitive assets during on and off-duty time.

22 (2) Requirements for the issuance of safety  
23 locking devices and policies on the use of such as-  
24 sets, as applicable.

1           (3) Requirements for initial, recurrent, and re-  
2           medial training on safeguarding such assets.

3           (4) Examples, with detail, of how to report and  
4           record lost sensitive assets across components of the  
5           Department, and an enforcement mechanism to en-  
6           sure supervisors maintain such records.

7           (5) A requirement that the file maintained on  
8           a lost firearm or other sensitive asset contains both  
9           the corresponding police report and the Department  
10          report detailing the circumstances surrounding such  
11          loss, including information on adherence to safe-  
12          guarding procedures.

13          (c) COMPONENT RESPONSIBILITIES.—Heads of com-  
14          ponents of the Department shall—

15               (1) comply with Federal law, Federal regula-  
16               tions, executive branch guidance, and Department  
17               policy, including directives required by this section,  
18               relating to the management and oversight of secur-  
19               ing firearms and other sensitive assets;

20               (2) review the need for non-law enforcement  
21               badges;

22               (3) require component personnel to—

23                       (A) safeguard firearms and other sensitive  
24                       assets in accordance with the directive required  
25                       under subsection (a); and

1 (B) adhere to the procedures and timelines  
2 for properly reporting to supervisors lost fire-  
3 arms and other sensitive assets; and

4 (4) require that lost firearms and other sen-  
5 sitive assets are—

6 (A) reported to local law enforcement, the  
7 National Crime Information Center of the Fed-  
8 eral Bureau of Investigation, and Department  
9 headquarters in the timeframe established in  
10 such directive; and

11 (B) recorded in inventory systems in the  
12 timeframe established by such directive.

13 (d) INSPECTOR GENERAL REVIEW.—Not later than  
14 180 days after the date on which the Department-wide  
15 directive is issued pursuant to subsection (a), the Inspec-  
16 tor General of the Department shall submit to the Com-  
17 mittee on Homeland Security of the House of Representa-  
18 tives and the Committee on Homeland Security and Gov-  
19 ernmental Affairs of the Senate a report relating to the  
20 progress and effectiveness of such directive, including an  
21 assessment of the adequacy of such directive and the level  
22 of compliance among the components of the Department  
23 to achieve adequate security of sensitive assets.

1 **SEC. 328. REPORTING ON BASIC TRAINING PROGRAMS OF**  
2 **THE DEPARTMENT OF HOMELAND SECURITY.**

3 (a) ANNUAL REPORTING.—

4 (1) IN GENERAL.—Not later than 90 days after  
5 the date of the enactment of this Act and annually  
6 thereafter, the Secretary, acting through the Under  
7 Secretary for Management of the Department, shall  
8 submit to the Committee on Homeland Security of  
9 the House of Representatives and the Committee on  
10 Homeland Security and Governmental Affairs of the  
11 Senate a report relating to the accreditation status  
12 for each basic training program of the Department,  
13 including information relating to the following:

14 (A) The date on which each such program  
15 achieved initial accreditation, or in the case of  
16 a program that is not currently accredited, the  
17 reasons for not obtaining or maintaining ac-  
18 creditation, the activities, if any, taken to  
19 achieve accreditation, and an anticipated  
20 timeline for accreditation of such program.

21 (B) The date each such program most re-  
22 cently received accreditation or reaccreditation,  
23 if applicable.

24 (C) The anticipated accreditation or next  
25 reaccreditation date of each such program.

1           (D) The name of the accreditation man-  
2           ager for each such program.

3           (2) TERMINATION OF REPORTING REQUIRE-  
4           MENT.—Annual reports under paragraph (1) shall  
5           terminate when all basic training programs of the  
6           Department are accredited.

7           (b) LAPSE IN ACCREDITATION.—

8           (1) IN GENERAL.—If a basic training program  
9           of the Department loses accreditation, the head of  
10          the relevant component of the Department shall no-  
11          tify the Under Secretary for Management of the De-  
12          partment not later than 30 days after such loss.

13          (2) NOTICE TO CONGRESS.—Not later than 60  
14          days after receiving a notification pursuant to sub-  
15          section (a), the Under Secretary for Management of  
16          the Department shall notify the Committee on  
17          Homeland Security of the House of Representatives  
18          and the Committee on Homeland Security and Gov-  
19          ernmental Affairs of the Senate of the lapse in ac-  
20          creditation, the reason for such lapse, and the activi-  
21          ties underway and planned to regain accreditation.

22          (c) DEFINITIONS.—In this section:

23          (1) ACCREDITATION.—The term “accredita-  
24          tion” means the recognition by a board that a basic

1 training program is administered, developed, and de-  
2 livered according to an applicable set of standards.

3 (2) ACCREDITATION MANAGER.—The term “ac-  
4 creditation manager” means the individual assigned  
5 by the component of the Department to manage ac-  
6 creditation activities for a basic training program.

7 (3) BASIC TRAINING PROGRAM.—The term  
8 “basic training program” means an entry level pro-  
9 gram that is transitional to law enforcement service,  
10 provides training on critical competencies and re-  
11 sponsibilities, and is typically a requirement for ap-  
12 pointment to a law enforcement service job or job se-  
13 ries.

14 (4) REACCREDITATION.—The term “reaccredi-  
15 tation” means the assessment of a basic training  
16 program after initial accreditation to ensure the con-  
17 tinued compliance with an applicable set of stand-  
18 ards.

## 19 **Subtitle C—Workforce Engagement** 20 **and Development Reforms**

### 21 **SEC. 331. EMPLOYEE ENGAGEMENT STEERING COMMITTEE** 22 **AND ACTION PLAN.**

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. 720. EMPLOYEE ENGAGEMENT STEERING COM-  
4 MITTEE AND ACTION PLAN.**

5 “(a) STEERING COMMITTEE.—

6 “(1) IN GENERAL.—Not later than 120 days  
7 after the date of the enactment of this section, the  
8 Secretary shall establish a steering committee to be  
9 known as the ‘Employee Engagement Steering Com-  
10 mittee’ (referred to in this section as the ‘Steering  
11 Committee’).

12 “(2) DUTIES OF STEERING COMMITTEE.—The  
13 Steering Committee shall—

14 “(A) identify factors that have a negative  
15 impact on employee engagement, morale, and  
16 communications within the Department, such  
17 as perceptions about limitations on career pro-  
18 gression, mobility, or development opportuni-  
19 ties, collected through employee feedback plat-  
20 forms, including through annual employee sur-  
21 veys, questionnaires, and other communications,  
22 as appropriate;

23 “(B) identify, develop, and distribute ini-  
24 tiatives and best practices to improve employee  
25 engagement, morale, and communications with-

1 in the Department, including through annual  
2 employee surveys, questionnaires, and other  
3 communications, as appropriate;

4 “(C) monitor efforts of each component to  
5 address employee engagement, morale, and  
6 communications based on employee feedback  
7 provided through annual employee surveys,  
8 questionnaires, and other communications, as  
9 appropriate;

10 “(D) advise the Secretary on efforts to im-  
11 prove employee engagement, morale, and com-  
12 munications within specific components and  
13 across the Department; and

14 “(E) conduct regular meetings and report,  
15 not fewer than once per quarter, to the Under  
16 Secretary for Management, the head of each  
17 component, and the Secretary on Department-  
18 wide efforts to improve employee engagement,  
19 morale, and communications.

20 “(3) MEMBERSHIP.—

21 “(A) IN GENERAL.—The Steering Com-  
22 mittee shall be composed of representatives  
23 from each operational component of the Depart-  
24 ment, including—



1 “(i) supervisory and non-supervisory  
2 field personnel;

3 “(ii) Department Headquarters; and

4 “(iii) employee labor organizations  
5 that represent Department employees.

6 “(B) CHAIRPERSON.—The Under Sec-  
7 retary for Management of the Department shall  
8 be the chairperson of the Steering Committee.

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

11 “(1) not later than 120 days after the date of  
12 the establishment of the Steering Committee, issue  
13 a Department-wide employee engagement action  
14 plan, reflecting input from the Steering Committee  
15 and employee feedback provided through annual em-  
16 ployee surveys, questionnaires, and other commu-  
17 nications in accordance with subsection (a)(2), to  
18 execute strategies to improve employee engagement,  
19 morale, and communications within the Department;  
20 and

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

22 “(A) develop and implement a component-  
23 specific employee engagement plan to advance  
24 the action plan required under paragraph (1)  
25 that includes performance measures and objec-

1           tives, is informed by employee feedback pro-  
2           vided through annual employee surveys, ques-  
3           tionnaires, and other communications, as appro-  
4           priate, and sets forth how employees and, where  
5           applicable, their labor representatives, are to be  
6           integrated in developing programs and initia-  
7           tives;

8           “(B) monitor progress on implementation  
9           of such action plan; and

10           “(C) provide to the Chief Human Capital  
11           Officer and the Steering Committee quarterly  
12           reports on actions planned and progress made  
13           under this paragraph.

14           “(c) TERMINATION.—This section shall terminate on  
15           the date that is five years after the date of the enactment  
16           of this section.”.

17           (b) CLERICAL AMENDMENT.—The table of contents  
18           in section 1(b) of the Homeland Security Act of 2002, as  
19           amended by this Act, is further amended by inserting after  
20           the item relating to section 719 the following new item:

          “Sec. 720. Employee Engagement Steering Committee and action plan.”.

21           (c) SUBMISSIONS TO CONGRESS.—

22           (1) DEPARTMENT-WIDE EMPLOYEE ENGAGE-  
23           MENT ACTION PLAN.—The Secretary, acting through  
24           the Chief Human Capital Officer of the Department,  
25           shall submit to the Committee on Homeland Secu-

1 rity of the House of Representatives and the Com-  
2 mittee on Homeland Security and Governmental Af-  
3 fairs of the Senate the Department of Homeland Se-  
4 curity-wide employee engagement action plan re-  
5 quired under subsection (b)(1) of section 721 of the  
6 Homeland Security Act of 2002 (as added by sub-  
7 section (a) of this section) not later than 30 days  
8 after the issuance of such plan.

9 (2) COMPONENT-SPECIFIC EMPLOYEE ENGAGE-  
10 MENT PLANS.—Each head of a component of the  
11 Department shall submit to the Committee on  
12 Homeland Security of the House of Representatives  
13 and the Committee on Homeland Security and Gov-  
14 ernmental Affairs of the Senate the component-spe-  
15 cific employee engagement plan of each such compo-  
16 nent required under subsection (b)(2) of section 721  
17 of the Homeland Security Act of 2002 (as added by  
18 subsection (a) of this section) not later than 30 days  
19 after the issuance of each such plan.

20 **SEC. 332. ANNUAL EMPLOYEE AWARD PROGRAM.**

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

1 **“SEC. 721. ANNUAL EMPLOYEE AWARD PROGRAM.**

2 “(a) IN GENERAL.—The Secretary may establish  
3 within the Department an annual employee award pro-  
4 gram to recognize significant contributions by employees  
5 of the Department to the achievement of the mission of  
6 the Department. If such a program is established, the Sec-  
7 retary shall—

8 “(1) designate categories of awards within such  
9 program, each with specific criteria, that recognizes  
10 the contributions of non-Senior Executive Service  
11 level employees;

12 “(2) publicize within the Department the an-  
13 nual employee award program and the process to  
14 nominate an employee for such an award;

15 “(3) establish an internal review board com-  
16 posed of representatives from components of the De-  
17 partment, including field personnel and Department  
18 Headquarters, and to submit to the Secretary award  
19 recommendations; and

20 “(4) select recipients for such an award from  
21 the pool of nominees submitted by the internal re-  
22 view board and convene a ceremony at which em-  
23 ployees may receive such awards from the Secretary.

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

1 representatives from components of the Department and  
2 Department Headquarters, including—

3 “(1) supervisory and non-supervisory personnel;  
4 and

5 “(2) employee labor organizations that rep-  
6 resent Department employees.

7 “(c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
8 tion may be construed to authorize additional funds to—

9 “(1) carry out the requirements of this section;  
10 or

11 “(2) require the Secretary to provide monetary  
12 bonuses to recipients of an award under this sec-  
13 tion.”.

14 (b) **CLERICAL AMENDMENT.**—The table of contents  
15 in section 1(b) of the Homeland Security Act of 2002, as  
16 amended by this Act, is further amended by inserting after  
17 the item relating to section 720 the following new item:

“Sec. 721. Annual employee award program.”.

18 **SEC. 333. ACQUISITION WORKFORCE.**

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

23 **“SEC. 722. ACQUISITION WORKFORCE.**

24 “(a) **POLICIES.**—The Under Secretary for Manage-  
25 ment shall—

1           “(1) establish policies and procedures for the  
2 effective management (including accession, edu-  
3 cation, training, and career development) of individ-  
4 uals serving in the acquisition workforce within the  
5 Department; and

6           “(2) to the extent practicable, ensure such poli-  
7 cies and procedures are implemented uniformly  
8 throughout the Department.

9           “(b) DESIGNATION.—

10           “(1) ACQUISITION CAREER FIELDS.—The  
11 Under Secretary for Management shall, for the pur-  
12 poses of this section, identify career fields in the De-  
13 partment that are related to acquisition. Such career  
14 fields shall, at a minimum, include—

15                   “(A) program management;

16                   “(B) systems planning, development, and  
17 engineering;

18                   “(C) test and evaluation;

19                   “(D) procurement, including contracting;

20                   “(E) life-cycle logistics;

21                   “(F) information technology;

22                   “(G) cybersecurity;

23                   “(H) cost estimating and financial man-  
24 agement;

1           “(I) production, quality assurance, and  
2           manufacturing; and

3           “(J) property management.

4           “(2) CRITICAL POSITIONS.—The Under Sec-  
5           retary for Management shall—

6           “(A) within each career field specified in  
7           paragraph (1), designate a position as critical if  
8           such position requires significant responsibility  
9           and the duties of such position are either pri-  
10          marily supervisory or managerial; and

11          “(B) require any such position to be filled  
12          by a full-time employee of the Department.

13          “(c) CAREER PATHS.—

14          “(1) REQUIREMENTS.—For each acquisition ca-  
15          reer field designated under subsection (b), the Under  
16          Secretary for Management shall—

17          “(A) establish the education, training, and  
18          experience requirements based on the level of  
19          complexity of duties carried out in the position;  
20          and

21          “(B) identify course work and on-the-job  
22          training requirements that demonstrate quali-  
23          fications at specified levels in each career field.

1           “(2) DELEGATION.—The Under Secretary for  
2 Management shall identify a lead office with subject  
3 matter expertise for each career field to—

4                   “(A) determine the qualification and cer-  
5 tification requirements required under para-  
6 graph (1) for each specified level;

7                   “(B) outline procedures and timeframes  
8 for maintaining and renewing certifications;

9                   “(C) regularly review certification require-  
10 ments to make updates, as needed, relating to  
11 advancements in each career field; and

12                   “(D) disseminate information on qualifica-  
13 tion and certification requirements, including  
14 any updates pursuant to subparagraph (C), at  
15 least annually.”.

16           (b) CLERICAL AMENDMENT.—The table of contents  
17 in section 1(b) of the Homeland Security Act of 2002, as  
18 amended by this Act, is further amended by inserting after  
19 the item relating to section 721 the following new item:

“Sec. 722. Acquisition workforce.”.

20           (c) WORKFORCE PLAN.—Not later than one year  
21 after the date of the enactment of this Act, the Under  
22 Secretary for Management of the Department shall submit  
23 to the appropriate congressional committees and the  
24 Comptroller General of the United States an acquisition  
25 workforce plan.



1 (d) CONTENTS.—The workforce plan required under  
2 subsection (c) shall include—

3 (1) a comparison of the number of needed and  
4 actual positions in each career field of the acquisi-  
5 tion workforce of the Department by component and  
6 by certification level, including positions filled by  
7 contractors;

8 (2) a strategy for addressing any gaps identi-  
9 fied in the comparison conducted pursuant to para-  
10 graph (1), including efforts to recruit and train  
11 qualified individuals and a cost-benefit analysis of  
12 filling positions with contractors or government em-  
13 ployees; and

14 (3) any risks or challenges the Department  
15 faces in recruiting, training, or maintaining a quali-  
16 fied acquisition workforce and strategies for miti-  
17 gating such risks or challenges.

18 (e) CONSULTATION.—In developing the workforce  
19 plan required under subsection (c), the Under Secretary  
20 for Management of the Department may consult with per-  
21 sonnel from the components of the Department, Depart-  
22 ment Headquarters, field personnel, and individuals from  
23 the Homeland Security Enterprise.

24 (f) REVIEW.—Not later than one year after the date  
25 the workforce plan is submitted pursuant to subsection

1 (c), the Comptroller General of the United States shall  
2 submit to the appropriate congressional committees a re-  
3 view of such plan, including—

4 (1) an assessment of the reliability of data re-  
5 ported in such plan;

6 (2) an evaluation of the strategies of the De-  
7 partment with respect to addressing identified work-  
8 force gaps, risks, or challenges identified pursuant to  
9 such plan; and

10 (3) any other recommendations for improving  
11 the acquisition workforce of the Department.

12 (g) APPROPRIATE CONGRESSIONAL COMMITTEES  
13 DEFINED.—In this section, the term “appropriate con-  
14 gressional committees” means—

15 (1) the Committee on Homeland Security of the  
16 House of Representatives; and

17 (2) the Committee on Homeland Security and  
18 Governmental Affairs of the Senate.

19 **SEC. 334. ACQUISITION PROFESSIONAL CAREER PROGRAM.**

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

1 **“SEC. 723. ACQUISITION PROFESSIONAL CAREER PRO-**  
2 **GRAM.**

3 “(a) ESTABLISHMENT.—There is established in the  
4 Department an acquisition professional career program  
5 (in this section referred to as the ‘Program’) to develop  
6 within the Department.

7 “(b) ADMINISTRATION.—The Under Secretary for  
8 Management shall administer the Program.

9 “(c) PROGRAM REQUIREMENTS.—The Under Sec-  
10 retary for Management shall carry out the following with  
11 respect to the Program:

12 “(1) Designate the occupational series, grades,  
13 and number of acquisition positions throughout the  
14 Department to be included in the Program and man-  
15 age centrally such positions.

16 “(2) Establish and publish on the website of the  
17 Department eligibility criteria for candidates to par-  
18 ticipate in the Program.

19 “(3) Carry out recruitment efforts to attract  
20 candidates—

21 “(A) from institutions of higher education,  
22 including such institutions with established ac-  
23 quisition specialties and courses of study, his-  
24 torically Black colleges and universities, and  
25 Hispanic-serving institutions;

1           “(B) with diverse work experience outside  
2           of the Federal Government; or

3           “(C) with military service.

4           “(4) Hire eligible candidates for designated po-  
5           sitions under the Program.

6           “(5) Develop a structured program comprised  
7           of acquisition training, on-the-job experience, De-  
8           partment-wide rotations, mentorship, and other ca-  
9           reer development opportunities for participants of  
10          the Program.

11          “(6) Provide, beyond required training estab-  
12          lished for participants of the Program, additional  
13          specialized acquisition training, including small busi-  
14          ness contracting and innovative acquisition tech-  
15          niques training.

16          “(d) REPORTS.—

17               “(1) IN GENERAL.—Not later than 180 days  
18               after the date of the enactment of this section and  
19               annually thereafter for five years, the Secretary shall  
20               submit to the Committee on Homeland Security of  
21               the House of Representatives and the Committee on  
22               Homeland Security and Governmental Affairs of the  
23               Senate a report on the Program.

24               “(2) ELEMENTS.—Each such report required  
25               under paragraph (1) shall include the following:

1           “(A) Information relating to the number of  
2 candidates—

3                   “(i) approved for the Program; and

4                   “(ii) who commenced participation in  
5 the Program, including generalized infor-  
6 mation on the background of each such  
7 candidate with respect to education and  
8 prior work experience, but not including  
9 personally identifiable information.

10           “(B) A disaggregated list identifying the  
11 number of participants by each type of acquisi-  
12 tion position.

13           “(C) A list of Department components and  
14 offices that participated in the program and in-  
15 formation regarding length of time of each pro-  
16 gram participant in each rotation at such com-  
17 ponents or offices.

18           “(D) Information related to the attrition  
19 rates of the Program and post-Program grad-  
20 uation retention data, including a comparison of  
21 such data with the previous year.

22           “(E) Information relating to the—

23                   “(i) recruiting efforts of the Depart-  
24 ment for the Program; and

1 “(ii) efforts of the Department to pro-  
2 mote retention of Program participants.

3 “(e) DEFINITIONS.—In this section:

4 “(1) HISPANIC-SERVING INSTITUTION.—The  
5 term ‘Hispanic-serving institution’ has the meaning  
6 given such term in section 502 of the Higher Edu-  
7 cation Act of 1965 (20 U.S.C. 1101a).

8 “(2) HISTORICALLY BLACK COLLEGES AND  
9 UNIVERSITIES.—The term ‘historically Black col-  
10 leges and universities’ has the meaning given the  
11 term ‘part B institution’ in section 322(2) of Higher  
12 Education Act of 1965 (20 U.S.C. 1061(2)).

13 “(3) INSTITUTION OF HIGHER EDUCATION.—  
14 The term ‘institution of higher education’ has the  
15 meaning given such term in section 101 of the High-  
16 er Education Act of 1965 (20 U.S.C. 1001).”.

17 (b) CLERICAL AMENDMENT.—The table of contents  
18 in section 1(b) of the Homeland Security Act of 2002, as  
19 amended by this Act, is further amended by inserting after  
20 the item relating to section 722 the following new item:

“Sec. 723. Acquisition professional career program.”.

21 **SEC. 335. DEPARTMENT OF HOMELAND SECURITY ROTA-**  
22 **TION PROGRAM.**

23 (a) ENHANCEMENTS TO THE ROTATION PROGRAM.—  
24 Section 844 of the Homeland Security Act of 2002 (6  
25 U.S.C. 414) is amended—

1 (1) in subsection (a)—

2 (A) by striking “(a) ESTABLISHMENT.—”;

3 (B) by redesignating paragraphs (1)  
4 through (3) as subsections (a) through (c), re-  
5 spectively, and adjusting the margins accord-  
6 ingly; and

7 (C) by redesignating paragraphs (4) and  
8 (5) as subsections (e) and (f), respectively, and  
9 adjusting the margins accordingly;

10 (2) in subsection (a), as so redesignated, in the  
11 first sentence—

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

15 (B) by striking “for employees of the De-  
16 partment” and inserting “for certain personnel  
17 within the Department”;

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

19 (A) by redesignating subparagraphs (A)  
20 through (G) as paragraphs (3) through (9), re-  
21 spectively, and adjusting the margins accord-  
22 ingly;

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

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

3           “(2) seek to help enhance the knowledge, skills,  
4           and abilities of participating personnel with respect  
5           to the programs, policies, and activities of the De-  
6           partment;”;

7           (C) in paragraph (4), as so redesignated,  
8           by striking “middle and senior level employees”  
9           and inserting “personnel”; and

10          (D) in paragraph (7), as so redesignated,  
11          by inserting “seek to improve morale and reten-  
12          tion throughout the Department and” before  
13          “invigorate”;

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

15               (A) by redesignating subparagraphs (A)  
16               and (B) as paragraphs (1) and (2), respectively,  
17               and adjusting the margins accordingly; and

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

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

20                       (ii) by redesignating clauses (i), (ii),  
21                       and (iv) through (viii) as subparagraphs  
22                       (A) through (G), respectively, and adjust-  
23                       ing the margins accordingly;

24          (5) by inserting after subsection (c), as so re-  
25          designated, the following new subsection:



1       “(d) ADMINISTRATIVE MATTERS.—In carrying out  
2 the Rotation Program, the Secretary shall—

3               “(1) prior to selecting employees for participa-  
4 tion in the Rotation Program, disseminate informa-  
5 tion relating to—

6                       “(A) how to participate in the Rotation  
7 Program;

8                       “(B) the qualifications for participation in  
9 the Rotation Program, including at least one  
10 year of full-time employment within the employ-  
11 ing component or office; and

12                      “(C) the general provisions of the Rotation  
13 Program;

14               “(2) require an employee to be—

15                      “(A) nominated by the head of the employ-  
16 ing component or office; and

17                      “(B) selected by the Secretary, or the des-  
18 ignee of the Secretary, on the basis of relative  
19 ability, knowledge, and skills;

20               “(3) ensure each employee participating in the  
21 Rotation Program to return, within a reasonable pe-  
22 riod of time after the end of the period of participa-  
23 tion in the Rotation Program, to the position held  
24 by the employee, a corresponding position, or a high-  
25 er position, in the employing component or office;

1           “(4) require that the rights that would be avail-  
2           able to the employee if such employee were detailed  
3           from the employing component or office to another  
4           Federal agency or office remain available to such  
5           employee during the participation of such employee  
6           in the Rotation Program; and

7           “(5) require that, during the period of partici-  
8           pation by an employee in the Rotation Program, per-  
9           formance evaluations for the employee shall be—

10                   “(A) conducted by officials in the employ-  
11                   ing office or component employing with input  
12                   from the supervisors of the employee at the  
13                   component or office in which the employee is  
14                   placed during such period; and

15                   “(B) provided the same opportunities with  
16                   respect to promotions and other recognition for  
17                   performance in the employing office or compo-  
18                   nent.”; and

19           (6) by adding at the end the following new sub-  
20           section:

21           “(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PRO-  
22           GRAM.—

23                   “(1) ESTABLISHMENT.—The Secretary shall es-  
24                   tablish the Intelligence Rotational Assignment Pro-

1       gram as part of the Rotation Program established  
2       under subsection (a).

3               “(2) ADMINISTRATION.—The Chief Human  
4       Capital Officer, in coordination with the Chief Intel-  
5       ligence Officer, shall administer the Intelligence Ro-  
6       tational Assignment Program.

7               “(3) ELIGIBILITY.—The Intelligence Rotational  
8       Assignment Program shall be available to—

9                       “(A) employees serving in existing analyst  
10       positions within the Intelligence Enterprise of  
11       the Department; and

12                      “(B) other Department employees as de-  
13       termined appropriate by the Chief Human Cap-  
14       ital Officer and the Chief Intelligence Officer.

15               “(4) COORDINATION.—The responsibilities  
16       specified in subsection (c)(2) that apply to the Rota-  
17       tion Program under such subsection shall, as appli-  
18       cable, also apply to the Intelligence Rotational As-  
19       signment Program under this subsection.”.

20       (b) REPORT.—Not later than 120 days after the date  
21       of the enactment of this Act, the Secretary shall submit  
22       to the Committee on Homeland Security and the Perma-  
23       nent Select Committee on Intelligence of the House of  
24       Representatives and the Committee on Homeland Security  
25       and Governmental Affairs and the Select Committee on

1 Intelligence of the Senate a report including information  
2 relating to the status of the Homeland Security Rotation  
3 Program authorized by section 844 of the Homeland Secu-  
4 rity Act of 2002, as amended by subsection (a) of this  
5 section.

6 **SEC. 336. CYBER TALENT MANAGEMENT SYSTEM REPORT-**  
7 **ING.**

8 Section 2208(c) of the Homeland Security Act of  
9 2002 (6 U.S.C. 658(c)) is amended—

10 (1) in the matter preceding paragraph (1), by  
11 striking “for 4 years”;

12 (2) in paragraph (2)(B), by inserting “com-  
13 pared against the performance in the prior year”  
14 after “progress”; and

15 (3) in paragraph (4)—

16 (A) by redesignating subparagraphs (A),  
17 (B), (C), (D), (E), and (F) as paragraphs (B),  
18 (C), (D), (E), (F), and (G), respectively; and

19 (B) by inserting the following new sub-  
20 paragraph:

21 “(A) the total number of qualified posi-  
22 tions to be filled by occupation, grade, and  
23 level, or pay band;”.

1 **SEC. 337. INDEPENDENT INVESTIGATION OF DISCIPLINARY**  
2 **OUTCOMES.**

3 (a) INVESTIGATION.—Not later than one year after  
4 the date of the enactment of this Act, the Comptroller  
5 General of the United States shall submit to the Com-  
6 mittee on Homeland Security of the House of Representa-  
7 tives and the Committee on Homeland Security and Gov-  
8 ernmental Affairs of the Senate a report relating to the  
9 degree to which the application of discipline and adverse  
10 actions are administered by the Department in an equi-  
11 table and consistent manner that results in the same or  
12 substantially similar disciplinary outcomes across the De-  
13 partment for misconduct by a non-supervisory employee  
14 as compared to supervisor employee who engaged in the  
15 same or substantially similar misconduct.

16 (b) CONSULTATION.—In carrying out the investiga-  
17 tion described in subsection (a), the Comptroller General  
18 of the United States shall consult with the Employee En-  
19 gagement Steering Committee established pursuant to sec-  
20 tion 721 of the Homeland Security Act of 2002 (as added  
21 by this Act).

22 (c) ACTIONS BY UNDER SECRETARY FOR MANAGE-  
23 MENT.—Not later than 60 days after receiving the report  
24 required under subsection (a), the Under Secretary for  
25 Management of the Department shall—

1 (1) review the findings and recommendations of  
2 such investigation and implement a plan, in con-  
3 sultation with the Employee Engagement Steering  
4 Committee, to correct any relevant deficiencies iden-  
5 tified by the Comptroller General of the United  
6 States pursuant to such investigation; and

7 (2) direct the Employee Engagement Steering  
8 Committee to review such plan to inform activities  
9 and action plans of such Committee.

## 10 **TITLE IV—ACQUISITION** 11 **REFORMS**

### 12 **SEC. 401. DEFINITIONS.**

13 (a) IN GENERAL.—Title VIII of the Homeland Secu-  
14 rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by  
15 inserting before section 831 inserting the following new  
16 section:

### 17 **“SEC. 830. DEFINITIONS.**

18 “In this subtitle:

19 “(1) ACQUISITION.—The term ‘acquisition’ has  
20 the meaning given such term in section 131 of title  
21 41, United States Code.

22 “(2) ACQUISITION DECISION AUTHORITY.—The  
23 term ‘acquisition decision authority’ means the au-  
24 thority, held by the Secretary acting through the  
25 Under Secretary for Management to—

1           “(A) ensure compliance with Federal law,  
2           the Federal Acquisition Regulation, and De-  
3           partment acquisition management directives;

4           “(B) review (including approving, pausing,  
5           modifying, or canceling) an acquisition program  
6           through the life-cycle of such program;

7           “(C) ensure that acquisition program man-  
8           agers have the resources necessary to success-  
9           fully execute an approved acquisition program;

10          “(D) ensure appropriate acquisition pro-  
11          gram management of cost, schedule, risk, and  
12          system performance of the acquisition program  
13          at issue, including assessing acquisition pro-  
14          gram baseline breaches and directing any cor-  
15          rective action for such breaches; and

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

23          “(3) ACQUISITION DECISION EVENT.—The term  
24          ‘acquisition decision event’, with respect to an acqui-  
25          sition program, means a predetermined point within

1 the acquisition life-cycle at which the acquisition de-  
2 cision authority determines whether such acquisition  
3 program shall proceed to the next acquisition phase.

4 “(4) ACQUISITION DECISION MEMORANDUM.—

5 The term ‘acquisition decision memorandum’, with  
6 respect to an acquisition, means the official docu-  
7 mented record of decisions, including the rationale  
8 for the decisions and any assigned actions for such  
9 acquisition, as determined by the person exercising  
10 acquisition decision authority for such acquisition.

11 “(5) ACQUISITION PROGRAM.—The term ‘acqui-

12 sition program’ means the process by which the De-  
13 partment acquires, with any appropriated amounts  
14 or fee funding, by contract for purchase or lease,  
15 property or services (including construction) that  
16 support the missions and goals of the Department.

17 “(6) ACQUISITION PROGRAM BASELINE.—The

18 term ‘acquisition program baseline’, with respect to  
19 an acquisition program, means a summary of the  
20 cost, schedule, and performance parameters, ex-  
21 pressed in standard, measurable, quantitative terms,  
22 which must be met in order to accomplish the goals  
23 of such program.



1           “(7) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term ‘appropriate congressional com-  
3           mittees’ means—

4                   “(A) the Committee on Homeland Security  
5                   and the Committee on Appropriations of the  
6                   House of Representatives; and

7                   “(B) the Committee on Homeland Security  
8                   and Governmental Affairs and the Committee  
9                   on Appropriations of the Senate.

10           “(8) BEST PRACTICES.—The term ‘best prac-  
11           tices’, with respect to acquisition, means a knowl-  
12           edge-based approach to capability development that  
13           includes the following:

14                   “(A) Identifying and validating needs.

15                   “(B) Assessing alternatives to select the  
16                   most appropriate solution.

17                   “(C) Establishing well-defined require-  
18                   ments.

19                   “(D) Developing realistic cost estimates  
20                   and schedules that account for the entire life-  
21                   cycle of an acquisition.

22                   “(E) Securing stable funding that matches  
23                   resources to requirements before initiating de-  
24                   velopment.

1           “(F) Demonstrating technology, design,  
2           and manufacturing maturity before initiating  
3           production.

4           “(G) Using milestones and exit criteria or  
5           specific accomplishments that demonstrate the  
6           attainment of knowledge to support progress.

7           “(H) Regularly assessing and managing  
8           risks to achieving requirements and cost and  
9           schedule goals.

10          “(I) Adopting and executing standardized  
11          processes with known success across programs.

12          “(J) Establishing an adequate workforce  
13          that is qualified and sufficient to perform nec-  
14          essary functions.

15          “(K) Integrating the capabilities described  
16          in subparagraphs (A) through (J) into the De-  
17          partment’s mission and business operations.

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

23          “(10) COMPONENT ACQUISITION EXECUTIVE.—  
24          The term ‘Component Acquisition Executive’ means  
25          the senior acquisition official within a component

1 who is designated in writing by the Under Secretary  
2 for Management, in consultation with the component  
3 head.

4 “(11) LIFE-CYCLE COST.—The term ‘life-cycle  
5 cost’ means the total ownership cost of an acquisi-  
6 tion, including all relevant costs related to acquiring,  
7 deploying, operating, maintaining, and disposing of  
8 the system, project, or product over a specified pe-  
9 riod of time.

10 “(12) MAJOR ACQUISITION PROGRAM.—The  
11 term ‘major acquisition program’ means a Depart-  
12 ment capital asset, services, or hybrid acquisition  
13 program that is estimated by the Secretary to re-  
14 quire an eventual total expenditure of at least  
15 \$300,000,000 (based on fiscal year 2021 constant  
16 dollars) over its life-cycle or a program identified by  
17 the Chief Acquisition Officer as a program of special  
18 interest.

19 “(13) NON-MAJOR ACQUISITION PROGRAM.—  
20 The term ‘non-major acquisition program’ means a  
21 Department capital asset, services, or hybrid acquisi-  
22 tion program that is estimated by the Secretary to  
23 require an eventual total expenditure of less than  
24 \$300,000,000 (based on fiscal year 2021 constant  
25 dollars) over its life-cycle.”

1 (b) CLERICAL AMENDMENT.—The table of contents  
 2 in section 1(b) of the Homeland Security Act of 2002, as  
 3 amended by this Act, is further amended by inserting be-  
 4 fore the item relating to section 831 the following new  
 5 item:

“830. Definitions.”.

6 **SEC. 402. ACQUISITION AUTHORITIES FOR TECHNICAL SUP-**  
 7 **PORT OFFICES.**

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

11 **“SEC. 836. TECHNICAL SUPPORT OFFICES.**

12 “(a) OFFICE OF TEST AND EVALUATION.—

13 “(1) ESTABLISHMENT OF OFFICE.—Within the  
 14 Department, there shall be an Office of Test and  
 15 Evaluation to—

16 “(A) serve as the principal advisor for test  
 17 and evaluation support across the Department;  
 18 and

19 “(B) serve as the liaison with—

20 “(i) Federal agencies, foreign, Tribal,  
 21 State, and local governments;

22 “(ii) the private sector;

23 “(iii) institutions of higher education;

24 and

25 “(iv) other relevant entities.

1           “(2) RESPONSIBILITIES OF DIRECTOR.—The  
2 Office of Test and Evaluation shall be led by a Di-  
3 rector to oversee the requirements specified in para-  
4 graph (1) and to carry out the following responsibil-  
5 ities:

6           “(A) Establish and update, as necessary,  
7 test and evaluation policies, procedures, and  
8 guidance for the Department.

9           “(B) Ensure, in coordination with the  
10 Chief Acquisition Officer, Joint Requirements  
11 Council, and relevant component heads, that  
12 major acquisition programs—

13           “(i) complete reviews of operational  
14 requirements to ensure such require-  
15 ments—

16           “(I) are informed by threats, in-  
17 cluding physical and cybersecurity  
18 threats;

19           “(II) are operationally relevant;  
20 and

21           “(III) are measurable, testable,  
22 and achievable within the constraints  
23 of cost and schedule;

1           “(ii) complete independent testing and  
2           evaluation of technologies and systems  
3           throughout development;

4           “(iii) complete operational testing and  
5           evaluation that includes all system compo-  
6           nents and incorporates operators into the  
7           testing to ensure that systems meet the  
8           mission need as intended in the appro-  
9           priate operational setting;

10          “(iv) use independent verification and  
11          validation of test and evaluation implemen-  
12          tation and results, as appropriate; and

13          “(v) document whether such programs  
14          meet all operational requirements.

15          “(C) Provide oversight of test and evalua-  
16          tion for the major acquisition programs of the  
17          Department throughout the acquisition life-  
18          cycle by—

19               “(i) approving program test and eval-  
20               uation master plans, plans for individual  
21               test and evaluation events, and other re-  
22               lated documentation, determined appro-  
23               priate by the Director;

1           “(ii) approving the independent test  
2           and evaluation agent or third party tester  
3           selected for each program; and

4           “(iii) providing an independent assess-  
5           ment to the acquisition decision authority  
6           that assesses a program’s progress in  
7           meeting operational requirements and  
8           operational effectiveness, suitability, and  
9           resilience to inform production and deploy-  
10          ment decisions.

11          “(D) Determine if testing conducted by  
12          other Federal agencies, entities, and institutions  
13          of higher education are relevant and sufficient  
14          in determining whether systems perform as in-  
15          tended.

16          “(3) ANNUAL REPORT.—

17          “(A) IN GENERAL.—Not later than one  
18          year after the date of the enactment of this sec-  
19          tion and annually thereafter, the Director of the  
20          Office of Test and Evaluation shall submit to  
21          the Secretary, the Under Secretary for Manage-  
22          ment, the component heads, and the appro-  
23          priate congressional committees a report relat-  
24          ing to the test and evaluation activities of the

1 major acquisition programs of the Department  
2 for the previous fiscal year.

3 “(B) ELEMENTS.—Each report required  
4 under subparagraph (A) shall include the fol-  
5 lowing:

6 “(i) An assessment of—

7 “(I) test and evaluation activities  
8 conducted for each major acquisition  
9 program in the previous fiscal year,  
10 including progress with respect to  
11 demonstrating operational require-  
12 ments and operational effectiveness,  
13 suitability, and resilience for each pro-  
14 gram;

15 “(II) any waivers of, and devi-  
16 ations from, program test and evalua-  
17 tion plans that occurred during the  
18 previous fiscal year;

19 “(III) any concerns raised by  
20 such waivers or deviations; and

21 “(IV) the actions that have been  
22 taken or are planned to be taken to  
23 address the concerns.

24 “(ii) Recommendations with respect to  
25 resources, facilities, and levels of funding



1           made available for test and evaluation ac-  
2           tivities.

3           “(C) FORM.—Each report required under  
4           subparagraph (A) shall be submitted in unclas-  
5           sified form, but may include a classified annex.

6           “(e) OFFICE OF SYSTEMS ENGINEERING AND  
7 STANDARDS.—

8           “(1) ESTABLISHMENT OF OFFICE.—Within the  
9           Department, there shall be an Office of Systems En-  
10          gineering and Standards to—

11           “(A) provide systems engineering, stand-  
12          ards, and human systems integration support  
13          across the Department; and

14           “(B) serve as the liaison, with respect to  
15          such engineering, standards, and systems,  
16          with—

17           “(i) Federal agencies, foreign, Tribal,  
18          State, and local governments;

19           “(ii) the private sector;

20           “(iii) institutions of higher education;

21          and

22           “(iv) other relevant entities.

23           “(2) RESPONSIBILITIES OF DIRECTOR.—The  
24          Office of Systems Engineering and Standards shall  
25          be led by a Director. The Director shall—

1           “(A) establish and update systems engi-  
2           neering, standards, and human systems integra-  
3           tion policies, procedures, and guidance for the  
4           Department;

5           “(B) ensure, in coordination with relevant  
6           component heads, major acquisition programs—

7                   “(i) integrate applicable standards  
8                   into development specifications; and

9                   “(ii) complete systems engineering re-  
10                  views and technical assessments during de-  
11                  velopment to inform production and de-  
12                  ployment decisions; and

13           “(C) provide oversight of systems engineer-  
14           ing, standards, and human systems integration  
15           for the major acquisition programs of the De-  
16           partment throughout the acquisition life-cycle  
17           by—

18                   “(i) approving the systems engineer-  
19                   ing life-cycle tailoring plans of a program;

20                   “(ii) providing independent assess-  
21                   ments, in coordination with the Office of  
22                   the Chief Information Officer—

23                           “(I) of the technical approach of  
24                           a program; and

1                   “(II) of any significant changes  
2                   to the technical approach of a pro-  
3                   gram, to inform key acquisition deci-  
4                   sions, such as initiating development;  
5                   and

6                   “(iii) participating in program sys-  
7                   tems engineering life-cycle technical re-  
8                   views.

9           “(f) INSTITUTION OF HIGHER EDUCATION DE-  
10 FINED.—In this section, the term ‘institution of higher  
11 education’ has the meaning given the term in section  
12 101(a) of the Higher Education Act of 1965 (20 U.S.C.  
13 1001(a)).”.

14           (b) REPORT RELATING TO FEDERALLY FUNDED RE-  
15 SEARCH AND DEVELOPMENT CENTERS.—Not later than  
16 one year after the date of the enactment of this Act and  
17 annually thereafter, the Secretary shall submit to the  
18 Committee on Homeland Security of the House of Rep-  
19 resentatives and the Committee on Homeland Security  
20 and Governmental Affairs of the Senate a report list of  
21 ongoing and completed projects by Federally funded re-  
22 search and development centers within the Department for  
23 the previous year.

24           (c) CLERICAL AMENDMENT.—The table of contents  
25 in section 1(b) of the Homeland Security Act of 2002, as

1 amended by this Act, is further amended by inserting after  
2 the item relating to section 835 the following new item:

“Sec. 836. Technical Support Offices.”.

3 **SEC. 403. ACQUISITION DOCUMENTATION.**

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

8 **“SEC. 837. ACQUISITION DOCUMENTATION.**

9 “(a) IN GENERAL.—For each major acquisition pro-  
10 gram, the Secretary, acting through the Under Secretary  
11 for Management, shall require the head of each relevant  
12 component or office of the Department to—

13 “(1) maintain acquisition documentation that is  
14 complete, accurate, timely, valid, and includes—

15 “(A) operational requirements that are  
16 validated consistent with departmental policy;

17 “(B) a complete life-cycle cost estimate  
18 with supporting documentation;

19 “(C) verification of such life-cycle cost esti-  
20 mate against independent cost estimates, and  
21 reconciliation of any differences;

22 “(D) a cost-benefit analysis with sup-  
23 porting documentation;

24 “(E) an integrated master schedule with  
25 supporting documentation;

1           “(F) plans for conducting systems engi-  
2           neering reviews and test and evaluation activi-  
3           ties throughout development to support produc-  
4           tion and deployment decisions;

5           “(G) an acquisition plan that outlines the  
6           procurement approach, including planned con-  
7           tracting vehicles;

8           “(H) a logistics and support plan for oper-  
9           ating and maintaining deployed capabilities  
10          until such capabilities are disposed of or retired;  
11          and

12          “(I) an acquisition program baseline that  
13          is traceable to the operational requirements of  
14          the program required under subparagraphs (A),  
15          (B), and (E);

16          “(2) prepare cost estimates and schedules for  
17          major acquisition programs pursuant to subpara-  
18          graphs (B) and (E) of paragraph (1) in a manner  
19          consistent with best practices as identified by the  
20          Comptroller General of the United States; and

21          “(3) ensure any revisions to the acquisition doc-  
22          umentation maintained pursuant to subsection  
23          (a)(1) are reviewed and approved in accordance with  
24          departmental policy.

1       “(b) MAJOR ACQUISITION PROGRAM DEFINED.—In  
2 this section, the term ‘major acquisition program’ means  
3 a Department capital asset, services, or hybrid acquisition  
4 program that is estimated by the Secretary to require an  
5 eventual total expenditure of at least \$300 million (based  
6 on fiscal year 2021 constant dollars) over its life-cycle or  
7 a program identified by the Chief Acquisition Officer as  
8 a program of special interest.”.

9       (b) CLERICAL AMENDMENT.—The table of contents  
10 in section 1(b) of the Homeland Security Act of 2002, as  
11 amended by this Act, is further amended by adding after  
12 the item relating to section 836 the following new item:

“Sec. 837. Acquisition Documentation.”.

13 **SEC. 404. ACQUISITION REVIEW BOARD.**

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

18 **“SEC. 838. ACQUISITION REVIEW BOARD.**

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

22               “(1) strengthen accountability and uniformity  
23       within the Department acquisition review process;  
24       and

25               “(2) review—

1           “(A) acquisition programs; and

2           “(B) the use of best practices.

3           “(b) MEMBERSHIP.—

4           “(1) MEMBERS.—The Board shall be composed  
5 of the following members:

6           “(A) The Chair of the Joint Requirements  
7 Council.

8           “(B) The Chief Financial Officer.

9           “(C) The Chief Human Capital Officer.

10          “(D) The Chief Information Officer.

11          “(E) The Chief Procurement Officer.

12          “(F) The Chief Readiness Support Officer.

13          “(G) The Chief Security Officer.

14          “(H) The Director of the Office of Test  
15 and Evaluation.

16          “(I) Other relevant senior Department offi-  
17 cials, as designated by the Under Secretary for  
18 Management.

19          “(2) CHAIR.—The Under Secretary for Man-  
20 agement shall serve as chair of the Board.

21          “(c) RESPONSIBILITIES.—The responsibilities of the  
22 Board are as follows:

23           “(1) Determine the appropriate acquisition level  
24 and acquisition decision authority for new acquisi-  
25 tion programs based on the estimated eventual total

1 expenditure to meet the mission need over the life-  
2 cycle of the acquisition regardless of funding source.

3 “(2) Determine whether a proposed acquisition  
4 has met the requirements of key phases of the acqui-  
5 sition life-cycle framework and is able to proceed to  
6 the next phase and eventual full production and de-  
7 ployment.

8 “(3) Oversee whether the business strategy, re-  
9 sources, management, and accountability of a pro-  
10 posed acquisition is executable and aligned with the  
11 mission and strategic goals of the Department.

12 “(4) Support the person with acquisition deci-  
13 sion authority for an acquisition in determining the  
14 appropriate direction for such acquisition at key ac-  
15 quisition decision events.

16 “(5) Conduct systematic reviews of acquisitions  
17 to ensure that such acquisitions are progressing in  
18 compliance with the most recently approved docu-  
19 ments for their current acquisition phases.

20 “(6) Review the acquisition documents of each  
21 major acquisition program, including the acquisition  
22 program baseline and documentation reflecting con-  
23 sideration of tradeoffs among cost, schedule, and  
24 performance objectives, to ensure the reliability of  
25 underlying data.



1           “(7) Ensure that practices are adopted and im-  
2           plemented to require consideration of trade-offs  
3           among cost, schedule, and performance objectives as  
4           part of the process for developing operational re-  
5           quirements for major acquisition programs prior to  
6           the initiation of the second acquisition decision  
7           event, including—

8                   “(A) ensuring Department officials respon-  
9                   sible for acquisition, performance, budget, and  
10                  cost estimating functions—

11                          “(i) are provided with the appropriate  
12                          opportunity to develop estimates; and

13                          “(ii) raise concerns, where appro-  
14                          priate, related to cost, schedule, and per-  
15                          formance before operational requirements  
16                          are established for capabilities when fea-  
17                          sible; and

18                   “(B) considering possible trade-offs among  
19                   cost, schedule, and performance objectives for  
20                   each alternative.

21           “(d) MEETINGS.—The Board shall meet regularly for  
22           purposes of ensuring all acquisitions proceed in a timely  
23           fashion to achieve mission readiness. The Board shall con-  
24           vene at the discretion of the Under Secretary for Manage-  
25           ment and at any time—

1 “(1) a new acquisition program is initiated;

2 “(2) a major acquisition program—

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

6 “(B) is in breach; or

7 “(C) requires additional review, as deter-  
8 mined by the Under Secretary for Management;

9 or

10 “(3) a non-major acquisition program requires  
11 review, as determined by the Under Secretary for  
12 Management.

13 “(e) DOCUMENTATION.—

14 “(1) IN GENERAL.—The chair of the Board  
15 shall ensure that all activities and decisions made  
16 pursuant to the responsibilities of the Board re-  
17 quired under subsection (c) are documented in an  
18 acquisition decision memorandum that includes—

19 “(A) a summary of the activity or purpose  
20 for convening a meeting;

21 “(B) the decision with respect to activities  
22 discussed during such meeting;

23 “(C) the rationale for such a decision, in-  
24 cluding justifications for any decision made to  
25 allow acquisition programs to deviate from the

1 acquisition management policy of the Depart-  
2 ment;

3 “(D) any assigned items for further action;  
4 and

5 “(E) the signature of the chair verifying  
6 the contents of such memorandum.

7 “(2) SUBMISSION OF MEMORANDUM.—Not later  
8 than seven days after the date on which the acquisi-  
9 tion decision memorandum is signed by the chair  
10 pursuant to paragraph (1)(E), the chair shall submit  
11 to the Secretary, the Committee on Homeland Secu-  
12 rity of the House of Representatives, and the Com-  
13 mittee on Homeland Security and Governmental Af-  
14 fairs of the Senate a copy of such memorandum.”.

15 (b) CLERICAL AMENDMENT.—The table of contents  
16 in section 1(b) of the Homeland Security Act of 2002 (6  
17 U.S.C. 101 et seq.), as amended by this Act, is further  
18 amended by adding after the item relating to section 837  
19 the following new item:

“Sec. 838. Acquisition Review Board.”.

20 **SEC. 405. CONGRESSIONAL NOTIFICATION FOR MAJOR AC-**  
21 **QUISITION PROGRAMS.**

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

1 **“SEC. 839. CONGRESSIONAL NOTIFICATION AND OTHER RE-**  
2 **QUIREMENTS FOR MAJOR ACQUISITION PRO-**  
3 **GRAM BREACH.**

4 “(a) NOTIFICATIONS WITHIN DEPARTMENT IN  
5 EVENT OF BREACH.—

6 “(1) NOTIFICATION OF BREACH.—If a breach  
7 occurs, or is expected to occur, in a major acquisi-  
8 tion program, the program manager for such pro-  
9 gram shall notify the Component Acquisition Execu-  
10 tive for such program, the head of the component  
11 concerned, the Executive Director of the Program  
12 Accountability and Risk Management office, and the  
13 Under Secretary for Management (in this section re-  
14 ferred to as the ‘Under Secretary’) in writing not  
15 later than 30 days after such breach is identified.

16 “(2) NOTIFICATION TO SECRETARY.—

17 “(A) IN GENERAL.—If such a breach oc-  
18 curs, or is expected to occur, with respect to a  
19 major acquisition program and such breach re-  
20 sults in an increase greater than 15 percent of  
21 a cost threshold, a delay greater than 180 days  
22 of a schedule threshold, or a failure to meet any  
23 of the performance thresholds specified in the  
24 most recently approved acquisition program  
25 baseline for such program, the Component Ac-  
26 quisition Executive for such program shall no-

1           tify the Secretary in writing not later than five  
2           days after the Component Acquisition Executive  
3           for such program is notified of the breach pur-  
4           suant to subsection (a).

5           “(B) PAUSING ACTIVITIES.—Upon notifi-  
6           cation to the Secretary under subparagraph  
7           (A), such program shall pause all activities ex-  
8           cept those activities necessary to develop the re-  
9           mediation plan required under subsection (b)  
10          until the Under Secretary approves such a plan  
11          or provides alternative corrective actions for the  
12          program pursuant to subsection (c).

13          “(3) NOTIFICATION TO CONGRESS.—Not later  
14          than 30 days after the date on which the Secretary  
15          receives a notification under paragraph (2)(A), the  
16          Secretary, acting through the Under Secretary, shall  
17          submit to the Committee on Homeland Security of  
18          the House of Representatives and the Committee on  
19          Homeland Security and Governmental Affairs of the  
20          Senate such notification.

21          “(b) REMEDIATION PLAN.—

22                 “(1) IN GENERAL.—If a breach occurs, or is ex-  
23                 pected to occur, in a major acquisition program, the  
24                 program manager for such program shall, in coordi-  
25                 nation with the Component Acquisition Executive for

1 such a program, submit to the head of the compo-  
2 nent concerned, the Executive Director of the Pro-  
3 gram Accountability and Risk Management office,  
4 and the Under Secretary a remediation plan relating  
5 to such a breach. Such plan shall be submitted at  
6 a date established at the discretion of the Under  
7 Secretary.

8 “(2) REMEDIATION PLAN.—The remediation  
9 plan required under paragraph (1) shall—

10 “(A) explain the circumstances of the  
11 breach at issue;

12 “(B) include a root cause analysis that de-  
13 termines the underlying cause of such a breach,  
14 including—

15 “(i) unrealistic performance expecta-  
16 tions;

17 “(ii) unrealistic baseline estimates for  
18 cost or schedule or changes in program re-  
19 quirements;

20 “(iii) immature technologies or exces-  
21 sive manufacturing or integration risk;

22 “(iv) unanticipated design, engineer-  
23 ing, manufacturing, or technology integra-  
24 tion issues arising during program per-  
25 formance;

1 “(v) changes to the scope of such pro-  
2 gram;

3 “(vi) inadequate program funding or  
4 changes in planned out-year funding from  
5 one 5-year funding plan to the next 5-year  
6 funding plan as outlined in the Future  
7 Years Homeland Security Program re-  
8 quired under section 874;

9 “(vii) legislative, legal, or regulatory  
10 changes;

11 “(viii) inadequate program manage-  
12 ment personnel, including lack of sufficient  
13 number of staff, training, credentials, cer-  
14 tifications; or

15 “(ix) inadequate assessment or miti-  
16 gation of program risk;

17 “(C) propose corrective action to address  
18 the underlying cause or causes of the breach as  
19 identified in subparagraph (B);

20 “(D) explain the rationale for why a pro-  
21 posed corrective action is recommended com-  
22 pared to other options considered; and

23 “(E) identify the estimated impact on pro-  
24 gram cost, schedule, and performance goals of  
25 implementing the proposed corrective action,

1           and the extent to which funding from other pro-  
2           grams will need to be reduced to cover the cost  
3           growth of such program.

4           “(c) REVIEW OF REMEDIATION PLANS.—

5           “(1) IN GENERAL.—Not later than 30 days  
6           after the date on which the Under Secretary receives  
7           a remediation plan pursuant to subsection (b)(1),  
8           the Under Secretary shall review such plan and ei-  
9           ther approve such plan or provide an alternative pro-  
10          posed corrective action, including cancelling the pro-  
11          gram at issue.

12          “(2) DOCUMENTATION.—

13           “(A) ACQUISITION DECISION MEMO-  
14          RANDUM.—The Under Secretary shall docu-  
15          ment the review under paragraph (1) in an ac-  
16          quisition decision memorandum.

17           “(B) PROGRAM CONTINUATION AP-  
18          PROVAL.—If the Under Secretary approves a  
19          program pursuant to paragraph (1) for continu-  
20          ation, the Under Secretary shall certify in the  
21          acquisition decision memorandum required  
22          under subparagraph (A) that—

23           “(i) such program is essential to the  
24           accomplishment of the mission of the De-  
25           partment;



1           “(ii) there are no alternatives to the  
2           capability or asset provided by such pro-  
3           gram that will provide equal or greater ca-  
4           pability in both a more cost-effective and  
5           timely manner;

6           “(iii) the estimated impact on pro-  
7           gram cost, schedule, and performance  
8           goals of implementing the proposed correc-  
9           tive action are reasonable; and

10           “(iv) the management structure for  
11           such program is adequate to manage and  
12           control cost, schedule, and performance.

13           “(d) SUBMISSION TO CONGRESS.—Not later than 30  
14           days after the date on which the Under Secretary com-  
15           pletes the review required under subsection (c), the Under  
16           Secretary shall submit to the Committee on Homeland Se-  
17           curity of the House of Representatives and the Committee  
18           on Homeland Security and Governmental Affairs of the  
19           Senate a copy of the remediation plan required under sub-  
20           section (b) and the acquisition decision memorandum re-  
21           quired under subsection (c).”.

22           (b) CLERICAL AMENDMENT.—The table of contents  
23           in section 1(b) of such Act, as amended by this Act, is  
24           further amended by inserting after the item relating to  
25           section 838 the following new item:

“Sec. 839. Congressional notification and other requirements for major acquisition program breach.”.

1 **SEC. 406. 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 as amended by this Act, is further amended by adding  
5 at the end the following new section:

6 **“SEC. 839A. ACQUISITION REPORTS.**

7 “(a) CONGRESSIONAL ACQUISITION PROGRESS RE-  
8 PORT.—

9 “(1) IN GENERAL.—Not later than the day on  
10 which the budget of the President is submitted to  
11 Congress pursuant to section 1105(a) of title 31,  
12 United States Code, the Under Secretary for Man-  
13 agement shall submit to the appropriate congres-  
14 sional committees and the Comptroller General of  
15 the United States an acquisition report that includes  
16 the following:

17 “(A) A listing of programs that have been  
18 cancelled, paused, or are in breach pursuant to  
19 section 839.

20 “(B) A listing of programs being tracked  
21 on the Master Acquisition Oversight List pursu-  
22 ant to section 715(c)(11) that have not yet es-  
23 tablished an initial Department-approved acqui-  
24 sition program baseline.

1           “(C) A listing of established Executive  
2           Steering Committees, which provide governance  
3           of a program or related set of programs and  
4           lower-tiered oversight, and support between ac-  
5           quisition decision events and component re-  
6           views, including the mission and membership  
7           for each.

8           “(D) The information described in para-  
9           graph (2), if appropriate.

10          “(2) INFORMATION FOR MAJOR ACQUISITION  
11          PROGRAMS.—For each major acquisition program  
12          tracked on the Master Acquisition Oversight List  
13          pursuant to section 715(c)(11) that has at least one  
14          Department-approved acquisition program baseline  
15          and has not yet fully deployed all planned capabili-  
16          ties, each report required under paragraph (1) shall  
17          include the following:

18               “(A) A narrative describing the purpose of  
19               the program, including the capabilities being ac-  
20               quired and the component sponsoring the acqui-  
21               sition.

22               “(B) Information relating to the status of  
23               each acquisition program, including—

1           “(i) the current acquisition phase, in-  
2           cluding the phase for each subproject, as  
3           applicable;

4           “(ii) the date of the last review con-  
5           ducted by the Acquisition Review Board;  
6           and

7           “(iii) a listing of the required docu-  
8           ments that have been completed with ap-  
9           proval dates.

10          “(C) A comparison of the cost, schedule,  
11          and performance goals between the first De-  
12          partment-approved acquisition program base-  
13          line, the current Department-approved acquisi-  
14          tion program baseline, and the current plan, in-  
15          cluding a justification for any changes between  
16          the approved goals and current plan.

17          “(D) A description of key test and evalua-  
18          tion events, including the dates of when such  
19          test and events are planned or have occurred.

20          “(E) An identification of the top five risks  
21          associated with the program, including nar-  
22          rative descriptions and mitigation actions.

23          “(F) Information relating to the status of  
24          the contract associated with the program, in-  
25          cluding earned value management data.

1           “(G) Information relating to the total  
2           number of increments or units to be acquired,  
3           including a schedule outlining the quantity of  
4           increments or units to be procured annually  
5           until procurement is complete.

6           “(H) Information relating to the funding  
7           for the current year and the next five years for  
8           each program, including actual or estimated ap-  
9           propriations or fees, disaggregated by account.

10          “(3) UPDATES.—Not later than 45 days after  
11          the date on which each fiscal quarter ends, the  
12          Under Secretary for Management shall submit to  
13          the appropriate congressional committees a report  
14          relating to the information that is required under  
15          paragraphs (1) and (2) that—

16                 “(A) has been newly established since the  
17                 annual report was submitted; or

18                 “(B) has received approval for a revised  
19                 acquisition program baseline.

20          “(b) COMPTROLLER GENERAL REVIEWS.—

21                 “(1) BRIEFING.—Not later than 90 days after  
22                 the date on which each annual report required under  
23                 subsection (a) is submitted, the Comptroller General  
24                 of the United States shall submit to the appropriate  
25                 congressional committees a brief relating to the con-

1 tents of each such report, including observations  
2 with respect to the accuracy of the information pre-  
3 sented and any other risks or challenges the Depart-  
4 ment faces in managing its acquisition portfolio.

5 “(2) REVIEW.—Not later than three years after  
6 submission of the first annual report under sub-  
7 section (a), the Comptroller General of the United  
8 States shall evaluate and submit to the appropriate  
9 congressional committees a report relating to the re-  
10 liability of the data used to prepare such reports.

11 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES  
12 DEFINED.—In this section, the term ‘appropriate congres-  
13 sional committees’ means—

14 “(1) the Committee on Homeland Security and  
15 the Committee on Appropriations of the House of  
16 Representatives; and

17 “(2) the Committee on Homeland Security and  
18 Governmental Affairs and the Committee on Appro-  
19 priations of the Senate.”.

20 (b) CLERICAL AMENDMENT.—The table of contents  
21 in section 1(b) of the Homeland Security Act of 2002, as  
22 amended by this Act, is further amended by inserting after  
23 the item relating to section 839 the following new item:

“Sec. 839A. Acquisition reports.”.

1 **SEC. 407. MODIFICATION OF REORGANIZATION AUTHORITY**  
2 **OF THE SECRETARY.**

3 Section 872(a) of the Homeland Security Act of 2002  
4 (6 U.S.C. 452(a)) is amended by striking “, but” and all  
5 that follows through “rational for the action” and insert-  
6 ing “pursuant to section 1502”.

7 **SEC. 408. ABOLISHMENT OF OFFICE OF INTERNATIONAL**  
8 **AFFAIRS.**

9 (a) **IN GENERAL.**—The Homeland Security Act of  
10 2002 (6 U.S.C. 459) is amended by striking section 879.

11 (b) **TRANSFER OF ASSETS AND PERSONNEL.**—The  
12 functions authorized to be performed by the Office of  
13 International Affairs as of the day before the date of the  
14 enactment of this Act, and the assets and personnel asso-  
15 ciated with such functions, are transferred to the head of  
16 the Office of International Affairs of the Office of Strat-  
17 egy, Policy, and Plans of the Department.

18 (c) **CLERICAL AMENDMENT.**—The table of contents  
19 in section 1(b) of the Homeland Security Act of 2002, as  
20 amended by this Act, is further amended by striking the  
21 item relating to section 879.

22 **SEC. 409. JOINT REQUIREMENTS COUNCIL.**

23 (a) **IN GENERAL.**—Subtitle H of title VIII of the  
24 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.),  
25 as amended by this Act, is further amended by adding  
26 at the end the following new section:

1 **“SEC. 890D. JOINT REQUIREMENTS COUNCIL.**

2       “(a) ESTABLISHMENT.—The Secretary shall estab-  
3 lish a council to be known as the ‘Joint Requirements  
4 Council’ within the Department (referred to in this section  
5 as the ‘Joint Requirements Council’).

6       “(b) RESPONSIBILITIES.—The Joint Requirements  
7 Council shall—

8           “(1) develop Department-wide policies relating  
9 to identifying, validating, and prioritizing capability  
10 gaps and requirements that reduce duplication and  
11 increase opportunities for efficiencies in meeting  
12 mission needs of the Department;

13           “(2) assess and validate documentation out-  
14 lining proposed capability gaps and requirements for  
15 all acquisition programs to ensure—

16           “(A) alignment with the strategic goals of  
17 the Department; and

18           “(B) requirements are operationally rel-  
19 evant, well-defined, measurable, achievable, and  
20 cost-informed;

21           “(3) implement portfolio reviews to identify  
22 common capability gaps or mission needs among of-  
23 fices and components of the Department to har-  
24 monize investments and prevent unnecessary overlap  
25 and duplication;



1           “(4) assist with developing joint requirements  
2 for any common capability gaps or mission needs  
3 identified pursuant to paragraph (3);

4           “(5) prioritize new and existing requirements  
5 identified pursuant to paragraph (4) to make rec-  
6 ommendations with respect to the annual budget de-  
7 velopment process of the Department to the Sec-  
8 retary, Deputy Secretary, or Associate Secretary;

9           “(6) track any changes to existing require-  
10 ments, including the reasons for the changes, to  
11 identify opportunities to improve the requirements  
12 generation process across the Department; and

13           “(7) provide technical support and assistance to  
14 components, including reviewing component-level  
15 policies for identifying, validating, and prioritizing  
16 capability gaps and requirements to ensure align-  
17 ment with the Department-wide policies established  
18 under paragraph (2)(A).

19           “(c) COMPOSITION.—

20           “(1) CHAIRPERSON.—The Secretary shall ap-  
21 point a chairperson of the Joint Requirements Coun-  
22 cil, for a term of not more than four years, from  
23 among senior officials from components of the De-  
24 partment or other senior officials as designated by  
25 the Secretary.

1           “(2) PARTICIPATION.—The Secretary shall en-  
2           sure participation of relevant senior officials rep-  
3           resenting components of the Department and other  
4           senior officials as designated by the Secretary.

5           “(3) ADMINISTRATION.—The Secretary shall  
6           designate a full-time employee of the Department to  
7           serve as the executive secretariat of the Council.

8           “(4) RELATIONSHIP TO FUTURE YEARS HOME-  
9           LAND SECURITY PROGRAM.—The Secretary shall en-  
10          sure that the Future Years Homeland Security Pro-  
11          gram required under section 874 is consistent with  
12          any recommendations of the Joint Requirements  
13          Council required under subsection (b)(5).

14          “(d) ANNUAL REPORT.—

15               “(1) IN GENERAL.—Not later than one year  
16               after the date of the enactment of this section and  
17               annually thereafter, the chairperson of the Joint Re-  
18               quirements Council shall submit to the appropriate  
19               congressional committees a report relating to the ac-  
20               tivities of the Joint Requirements Council for the  
21               previous fiscal year.

22               “(2) ELEMENTS.—Each report required under  
23               paragraph (1) shall include a list of documents vali-  
24               dated by the Council that identifies—

25                       “(A) the type of document validated;

1           “(B) the relevant components that sub-  
2           mitted such document;

3           “(C) the document version, if previously  
4           validated, and reason for revision; and

5           “(D) the dates of initial submission and  
6           final validation.

7           “(e) DEFINITION.—In this subsection, the term ‘joint  
8           requirement’ means a condition or need of more than one  
9           office or component of the Department that is required  
10          to be met or possessed by a system, product, or service  
11          to satisfy an operational mission.”.

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 890C the following new item:

        “Sec. 890D. Joint Requirements Council.”.

16       **SEC. 410. MENTOR-PROTÉGÉ PROGRAM.**

17          (a) IN GENERAL.—Subtitle H of title VIII of the  
18          Homeland Security Act of 2002 (6 U.S.C. 451 et seq.),  
19          as amended by this Act, is further amended by adding  
20          at the end the following new section:

21       **“SEC. 890E. MENTOR-PROTÉGÉ PROGRAM.**

22          “(a) ESTABLISHMENT.—There is established in the  
23          Department a mentor-protégé program (in this section re-  
24          ferred to as the ‘Program’) under which a mentor firm  
25          enters into an agreement with a protégé firm for the pur-

1 pose of assisting the protégé firm to compete for prime  
2 contracts and subcontracts of the Department.

3 “(b) ELIGIBILITY.—The Secretary shall establish cri-  
4 teria for mentor firms and protégé firms to be eligible to  
5 participate in the Program, including a requirement that  
6 a firm is not included on any list maintained by the Fed-  
7 eral Government of contractors that have been suspended  
8 or debarred.

9 “(c) PROGRAM APPLICATION AND APPROVAL.—

10 “(1) APPLICATION.—The Secretary, acting  
11 through the Office of Small and Disadvantaged  
12 Business Utilization of the Department, shall estab-  
13 lish a process for submission of an application joint-  
14 ly by a mentor firm and the protégé firm selected by  
15 the mentor firm. The application shall include each  
16 of the following:

17 “(A) A description of the assistance to be  
18 provided by the mentor firm, including, to the  
19 extent available, the number and a brief de-  
20 scription of each anticipated subcontract to be  
21 awarded to the protégé firm.

22 “(B) A schedule with milestones for  
23 achieving the assistance to be provided over the  
24 period of participation in the Program.

1           “(C) An estimate of the costs to be in-  
2           curred by the mentor firm for providing assist-  
3           ance under the Program.

4           “(D) Attestation that Program partici-  
5           pants will submit to the Secretary reports at  
6           times specified by the Secretary to assist the  
7           Secretary in evaluating the developmental  
8           progress of the protégé firm.

9           “(E) Attestations that Program partici-  
10          pants will inform the Secretary in the event of  
11          change in eligibility or voluntary withdrawal  
12          from the Program.

13          “(2) APPROVAL.—Not later than 60 days after  
14          receipt of an application pursuant to paragraph (1),  
15          the head of the Office of Small and Disadvantaged  
16          Business Utilization shall notify applicants of ap-  
17          proval or, in the case of disapproval, the process for  
18          resubmitting an application for reconsideration.

19          “(3) RESCISSION.—The head of the Office of  
20          Small and Disadvantaged Business Utilization may  
21          rescind the approval of an application under this  
22          subsection if it determines that such action is in the  
23          best interest of the Department.

24          “(d) PROGRAM DURATION.—A mentor firm and  
25          protégé firm approved pursuant to subsection (c) shall

1 enter into an agreement to participate in the Program for  
2 a period of not less than 36 months.

3 “(e) PROGRAM BENEFITS.—A mentor firm and  
4 protégé firm that enter into an agreement under sub-  
5 section (d) may receive the following Program benefits:

6 “(1) With respect to an award of a contract  
7 that requires a subcontracting plan, a mentor firm  
8 may receive evaluation credit for participating in the  
9 Program.

10 “(2) With respect to an award of a contract  
11 that requires a subcontracting plan, a mentor firm  
12 may receive credit for a protégé firm performing as  
13 a first tier subcontractor or a subcontractor at any  
14 tier in an amount equal to the total dollar value of  
15 any subcontracts awarded to such protégé firm.

16 “(3) A protégé firm may receive technical, man-  
17 agerial, financial, or any other mutually agreed upon  
18 benefit from a mentor firm, including a subcontract  
19 award.

20 “(f) REPORTS.—

21 “(1) IN GENERAL.—Not later than one year  
22 after the date of the enactment of this section and  
23 annually thereafter, the head of the Office of Small  
24 and Disadvantaged Business Utilization shall submit

1 to the appropriate congressional committees a report  
2 on the progress of carrying out this section.

3 “(2) ELEMENTS.—Each report required under  
4 paragraph (1) shall include the following:

5 “(A) Identification of each agreement be-  
6 tween a mentor firm and a protégé firm entered  
7 into under this section, including the number of  
8 protégé firm participants that are—

9 “(i) small business concerns;

10 “(ii) small business concerns owned  
11 and controlled by veterans;

12 “(iii) small business concerns owned  
13 and controlled by service-disabled veterans;

14 “(iv) qualified HUBZone small busi-  
15 ness concerns;

16 “(v) small business concerns owned  
17 and controlled by socially and economically  
18 disadvantaged individuals;

19 “(vi) women-owned small business  
20 concerns;

21 “(vii) historically Black colleges and  
22 universities; and

23 “(viii) minority institution of higher  
24 education.

1           “(B) Identification of contracts within the  
2           Department in which a mentor firm serving as  
3           the prime contractor provided subcontracts to a  
4           protégé firm under the Program.

5           “(C) A description of the type of assist-  
6           ance provided by a mentor firm to a protégé  
7           firm.

8           “(D) An assessment of—

9                   “(i) the increase, if any, in the tech-  
10                  nical capabilities of each protégé firm; and

11                   “(ii) the number and value of prime  
12                  contract and subcontract awards to  
13                  protégé firms.

14           “(g) RULE OF CONSTRUCTION.—Nothing in this sec-  
15           tion may be construed to limit, diminish, impair, or other-  
16           wise affect the authority of the Department to participate  
17           in any program carried out by or requiring approval of  
18           the Small Business Administration or adopt or follow any  
19           regulation or policy that the Administrator of the Small  
20           Business Administration may promulgate.

21           “(h) DEFINITIONS.—In this section:

22                   “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
23                  TEES.—The term ‘appropriate congressional com-  
24                  mittees’ means—



1           “(A) the Committee on Homeland Security  
2           and the Committee on Small Business of the  
3           House of Representatives; and

4           “(B) the Committee on Homeland Security  
5           and Governmental Affairs and the Committee  
6           on Small Business and Entrepreneurship of the  
7           Senate.

8           “(2) HISTORICALLY BLACK COLLEGE OR UNI-  
9           VERSITY.—The term ‘historically Black college or  
10          university’ means any of the historically Black col-  
11          leges and universities referred to in section 2323 of  
12          title 10, United States Code, as in effect on March  
13          1, 2018.

14          “(3) MENTOR FIRM.—The term ‘mentor firm’  
15          means a for-profit business concern that is not a  
16          small business concern that—

17                 “(A) has the ability to assist and commits  
18                 to assisting a protégé to compete for Federal  
19                 prime contracts and subcontracts; and

20                 “(B) satisfies any other requirements im-  
21                 posed by the Secretary.

22          “(4) MINORITY INSTITUTION OF HIGHER EDU-  
23          CATION.—The term ‘minority institution of higher  
24          education’ means an institution of higher education  
25          with a student body that reflects the composition

1 specified in section 312(b) of the Higher Education  
2 Act of 1965 (20 U.S.C. 1058(b)).

3 “(5) PROTÉGÉ FIRM.—The term ‘protégé firm’  
4 means a small business concern, a historically Black  
5 college or university, or a minority institution of  
6 higher education that—

7 “(A) is eligible to enter into a prime con-  
8 tract or subcontract with the Department; and

9 “(B) satisfies any other requirements im-  
10 posed by the Secretary.

11 “(6) SMALL BUSINESS CONCERN.—The term  
12 ‘small business concern’ has meaning given the term  
13 in section 3(a) of the Small Business Act (15 U.S.C.  
14 632(a)).

15 “(7) SMALL BUSINESS CONCERN OWNED AND  
16 CONTROLLED BY SERVICE-DISABLED VETERANS.—  
17 The term ‘small business concern owned and con-  
18 trolled by service-disabled veterans’ has the meaning  
19 given the term in section 3(q)(2) of the Small Busi-  
20 ness Act (15 U.S.C. 632(q)(2)).

21 “(8) SMALL BUSINESS CONCERN OWNED AND  
22 CONTROLLED BY VETERANS.—The term ‘small busi-  
23 ness concern owned and controlled by veterans’ has  
24 the meaning given the term in section 3(q)(3) of the  
25 Small Business Act (15 U.S.C. 632(q)(3)).

1           “(9) SMALL BUSINESS CONCERN OWNED AND  
2 CONTROLLED BY WOMEN.—The term ‘small business  
3 concern owned and controlled by women’ has the  
4 meaning given the term in section 3(n) of the Small  
5 Business Act (15 U.S.C. 632(n)).

6           “(10) QUALIFIED HUBZONE SMALL BUSINESS  
7 CONCERN.—The term ‘qualified HUBZone small  
8 business concern’ has the meaning given the term in  
9 section 3(p) of the Small Business Act (15 U.S.C.  
10 632(p)).

11           “(11) SMALL BUSINESS CONCERN OWNED AND  
12 CONTROLLED BY SOCIALLY AND ECONOMICALLY DIS-  
13 ADVANTAGED INDIVIDUALS.—The term ‘small busi-  
14 ness concern owned and controlled by socially and  
15 economically disadvantaged individuals’ has the  
16 meaning given such term in section 8(d)(3)(C) of  
17 the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

18           (b) CLERICAL AMENDMENT.—The table of contents  
19 in section 1(b) of the Homeland Security Act of 2002, as  
20 amended by this Act, is further amended by inserting after  
21 the item relating to section 890D the following new item:

“Sec. 890E. Mentor-protégé program.”.

22 **SEC. 411. FITNESS INFORMATION TRANSPARENCY.**

23           (a) CONSOLIDATION OF FITNESS STANDARDS.—Not  
24 later than 180 days after the date of the enactment of

1 this Act, the Secretary, acting through the Chief Security  
2 Officer of the Department, shall—

3           (1) coordinate with the heads of components of  
4 the Department to review and consolidate all Fed-  
5 eral contractor fitness standards used by the De-  
6 partment and its components in order to issue a uni-  
7 form set of fitness standards that reflect public trust  
8 concerns which correspond to each position risk  
9 level;

10           (2) require the Department and the heads of its  
11 components to use such uniform fitness standards  
12 that correspond to the relevant position risk level as  
13 the basis for fitness determinations for a contractor  
14 employee; and

15           (3) publish such uniform fitness standards that  
16 correspond to each such position risk level on the  
17 public website of the Department and cause the  
18 same to be printed in the Federal Register.

19           (b) DEVIATION FROM UNIFORM FITNESS STAND-  
20 ARDS.—The Secretary, acting through the Chief Security  
21 Officer of the Department, may authorize the Department  
22 or a component of the Department to deviate from the  
23 uniform fitness standards issued pursuant to subsection  
24 (a) on a position-by-position basis if—

1           (1) the Secretary publishes in writing on the  
2 public website of the Department and causes the  
3 same to be printed in the Federal Register a certifi-  
4 cation that contains—

5           (A) a determination that such uniform fit-  
6 ness standards are not sufficient to protect in-  
7 formation, systems, or facilities of the Depart-  
8 ment the unauthorized disclosure of which or  
9 unauthorized access to which could reasonably  
10 be expected to cause substantial damage to the  
11 integrity and efficiency of the Department; and

12           (B) a description of approved additional  
13 fitness standards and a list to which positions  
14 such deviation applies; or

15           (2) exigent circumstances created by a Presi-  
16 dential declaration of a major disaster issued pursu-  
17 ant to section 401 of the Robert T. Stafford Dis-  
18 aster Relief and Emergency Assistance Act (42  
19 U.S.C. 5170) require such deviation to mitigate  
20 staffing shortages for the duration of such declara-  
21 tion.

22 (c) RECIPROCITY.—

23           (1) IN GENERAL.—The Chief Security Officer  
24 of the Department shall implement a process to en-  
25 sure fitness determinations made by the Department

1 are uniformly accepted throughout the Department  
2 and its components.

3 (2) SUFFICIENCY.—The Secretary, acting  
4 through the Chief Security Officer of the Depart-  
5 ment, may, as appropriate, deem a favorably adju-  
6 dicated personnel security investigation sufficient to  
7 satisfy a requirement to complete a contractor fit-  
8 ness determination under this section.

9 (d) IMPLEMENTATION OF UNIFORM PROCESS RE-  
10 GARDING FITNESS ADJUDICATION STATUS UPDATES.—  
11 Not later than one year after the date of the enactment  
12 of this Act, the Secretary, acting through the Chief Secu-  
13 rity Officer of the Department and in coordination with  
14 heads of the components of the Department, shall imple-  
15 ment a uniform process to—

16 (1) provide, not less frequently than monthly,  
17 contractor representatives certified pursuant to sub-  
18 section (e)(1) access to information regarding the  
19 status of fitness determinations for Department con-  
20 tractor employees relevant to such contractor rep-  
21 resentatives; and

22 (2) collect each fiscal quarter data to allow the  
23 Department and its components and contractor rep-  
24 resentatives to assess average fitness investigation,  
25 adjudication, and determination processing times for

1 each component of the Department, including infor-  
2 mation regarding the parameters used to calculate  
3 each such average.

4 (e) CERTIFICATION.—Before the implementation of  
5 the uniform process described in subsection (d), the Sec-  
6 retary, acting through the Chief Security Officer of the  
7 Department, shall—

8 (1) certify that each contractor representative  
9 receiving information from such process has received  
10 information regarding practices relating to the ade-  
11 quate protection of personally identifiable informa-  
12 tion and has acknowledged in writing to adhere to  
13 such practices; and

14 (2) consult with the Director of the Office of  
15 Personnel Management to ensure that such process  
16 is consistent with current best practices across the  
17 Federal Government.

18 (f) APPLICABILITY OF SECTION 44936 OF TITLE 49,  
19 UNITED STATES CODE.—No authority or policy created  
20 by or issued pursuant to this section shall apply to employ-  
21 ees or contractors of an air carrier, foreign air carrier,  
22 or airport operator subject to employment investigations  
23 pursuant to section 44936 of title 49, United States Code.

24 (g) REPORTS TO CONGRESS.—Not later than 180  
25 days after the publication of uniform fitness standards de-

1 scribed in subsection (a) and annually thereafter for four  
2 years, the Secretary shall submit to the Committee on  
3 Homeland Security and the Committee on Oversight and  
4 Government Reform of the House of Representatives and  
5 the Committee on Homeland Security and Governmental  
6 Affairs of the Senate a report that includes—

7 (1) information relating to—

8 (A) the number of deviation requests under  
9 subsection (b) made to the Chief Security Offi-  
10 cer of the Department, including—

11 (i) the number of deviation requests  
12 approved and the corresponding justifica-  
13 tion for each such deviation from such fit-  
14 ness standards; and

15 (ii) the number of deviation requests  
16 denied and the corresponding justification  
17 for each such denial;

18 (B) the number and average duration of  
19 Federal contractor fitness determinations for  
20 each component of the Department; and

21 (C) the use of programs or policies that  
22 allow contractors to begin work prior to the  
23 completion of a fitness determination;

24 (2) to the extent practicable, information relat-  
25 ing to the number of individuals who, during the



1 preceding calendar year, received from the Depart-  
2 ment, by reason of an affiliation with or membership  
3 in an organization dedicated to terrorism—

4 (A) an unfavorable fitness determination;

5 and

6 (B) a favorable fitness determination;

7 (3) information relating to the degree to which  
8 fitness determinations made by the Department and  
9 its components or other Federal agencies are recog-  
10 nized on a reciprocal basis by the Department and  
11 its components pursuant to subsection (c)(1);

12 (4) information relating to the degree to which  
13 suitability and fitness determinations for Federal ap-  
14 plicants and appointees made by the Department  
15 and its components or other Federal agencies are  
16 recognized on a reciprocal basis by the Department  
17 and its components; and

18 (5) information relating to the degree to which  
19 the Secretary, acting through the Chief Security Of-  
20 ficer of the Department, uses the authority author-  
21 ized under subsection (c)(2).

22 (h) SUITABILITY STATUS UPDATES.—Not later than  
23 one year after the date of the enactment of this Act, the  
24 Chief Security Officer of the Department, in consultation  
25 with the Chief Human Capital Officer of the Department,

1 shall develop a plan to provide suitability and fitness de-  
2 termination status updates to Federal applicants and ap-  
3 pointees in a manner similar to such updates provided to  
4 contractor representatives pursuant to subsection (d).

5 (i) EXIGENT CIRCUMSTANCES FITNESS DETERMINA-  
6 TION REVIEW.—The Chief Security Officer of the Depart-  
7 ment may conduct an immediate review of a fitness deter-  
8 mination of a contractor employee when such a contractor  
9 employee has engaged in violent acts against individuals,  
10 property, or public spaces based on the association of such  
11 a contractor employee with persons or organizations that  
12 advocate, threaten, or use force or violence, or any other  
13 illegal or unconstitutional means, in an effort to prevent  
14 others from exercising their rights under the Constitution  
15 or laws of the United States or of any State, based on  
16 factors including, at a minimum, race, religion, national  
17 origin, or disability.

18 (j) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-  
19 tional funds are authorized to be obligated or expended  
20 to carry out this section.

21 (k) DEFINITIONS.—In this section:

22 (1) CONTRACTOR.—The term “contractor” has  
23 the meaning given such term in section 7101 of title  
24 41, United States Code.

1           (2) CONTRACTS.—The term “contracts” in-  
2       cludes—

3           (A) personal services contracts;

4           (B) contracts between any non-Federal en-  
5       tity and the Department; and

6           (C) subcontracts between any non-Federal  
7       entity and another non-Federal entity to per-  
8       form work related to the primary contract with  
9       the Department.

10          (3) CONTRACTOR EMPLOYEE.—The term “con-  
11       tractor employee” means an individual who—

12           (A) performs work for, or on behalf of, any  
13       Federal agency under a contract;

14           (B) in order to perform the work specified  
15       under such contract, will require access to fa-  
16       cilities, information, information technology sys-  
17       tems, staff, or other assets of the Department;  
18       and

19           (C) by the nature of the access or duties  
20       of such individual, adversely affect the integrity  
21       or efficiency of the Department.

22          (4) CONTRACTOR REPRESENTATIVE.—The term  
23       “contractor representative” means a person em-  
24       ployed by a contractor who is designated in writing  
25       by an authorized official of a contractor as respon-

1       sible for managing and communicating with the De-  
2       partment or its components on behalf of such con-  
3       tractor on matters relating to fitness determinations,  
4       and is certified pursuant to subsection (e)(1) regard-  
5       ing the adequate protection of personally identifiable  
6       information.

7               (5) EXCEPTED SERVICE.—The term “excepted  
8       service” has the meaning given such term in section  
9       2103 of title 5, United States Code.

10              (6) FITNESS.—The term “fitness” means the  
11       level of character and conduct necessary for an indi-  
12       vidual to perform work for, or on behalf of, a Fed-  
13       eral agency in the excepted service, other than a po-  
14       sition subject to a suitability determination or as a  
15       nonappropriated fund instrumentality employee.

16              (7) FITNESS DETERMINATION.—The term “fit-  
17       ness determination” means a decision by a Federal  
18       agency that an individual does or does not have the  
19       required level of character and conduct necessary to  
20       perform work for or on behalf of a Federal agency  
21       in the excepted service, other than a position subject  
22       to a suitability determination, as a contractor em-  
23       ployee, or as a nonappropriated fund instrumentality  
24       employee.

1           (8) INFORMATION TECHNOLOGY.—The term  
2 “information technology” has the meaning given  
3 such term in section 11101 of title 40, United  
4 States Code.

5           (9) PERSONNEL SECURITY INVESTIGATION.—  
6 The term “personnel security investigation” has the  
7 meaning given such term in subsection (a) of section  
8 3001 of the Intelligence Reform and Terrorism Pre-  
9 vention Act of 2004 (50 U.S.C. 3341).

10           (10) SUITABILITY DETERMINATION.—The term  
11 “suitability determination” has the meaning given  
12 such term in section 731.101 of title 5, Code of Fed-  
13 eral Regulations.

14 **SEC. 412. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**  
15 **LATED TO NATIONAL SECURITY INTERESTS**  
16 **ACCORDING TO CERTAIN CRITERIA.**

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

1 **“SEC. 839B. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**  
2 **LATED TO NATIONAL SECURITY INTERESTS**  
3 **ACCORDING TO CERTAIN CRITERIA.**

4 “(a) REQUIREMENT.—The Secretary shall ensure  
5 that any procurement of covered items for a frontline  
6 operational component satisfies the following criteria:

7 “(1) To the extent practicable, not less than  
8 one-third of funds obligated in a specific fiscal year  
9 for the procurement of such covered items shall be  
10 covered items that are manufactured in, at least in  
11 part, the United States by entities that qualify as  
12 small business concerns.

13 “(2) Each prime contractor, with respect to the  
14 procurement of such covered items shall ensure—

15 “(A) each first-tier subcontractor and end  
16 item manufacturer is in compliance with the  
17 Federal Acquisition Regulations;

18 “(B) each first-tier subcontractor and end-  
19 item manufacturer is in compliance with a  
20 standard identified by the Secretary as appro-  
21 priate for quality, such as ISO 9001:2015 of  
22 the International Organization for Standardiza-  
23 tion; and

24 “(C) the ability of a first-tier subcon-  
25 tractor to fulfill the terms of the contract is  
26 verified.

1           “(3) Each supplier of such a covered item with  
2           an insignia (such as any patch, badge, or emblem)  
3           and each supplier of such an insignia, if such cov-  
4           ered item with such insignia or such insignia, as the  
5           case may be, is not produced, applied, or assembled  
6           in the United States, shall—

7                   “(A) store such covered item with such in-  
8                   signia or such insignia in a locked area;

9                   “(B) report any pilferage or theft of such  
10                  covered item with such insignia or such insignia  
11                  occurring at any stage before delivery of such  
12                  covered item with such insignia or such insig-  
13                  nia; and

14                  “(C) destroy any defective or unusable cov-  
15                  ered item with insignia or insignia in a manner  
16                  established by the Secretary, and maintain  
17                  records, for three years after the creation of  
18                  such records, of such destruction that include  
19                  the date of such destruction, a description of  
20                  the covered item with insignia or insignia de-  
21                  stroyed, the quantity of the covered item with  
22                  insignia or insignia destroyed, and the method  
23                  of destruction.

24           “(b) PRICING.—The Secretary shall ensure that cov-  
25           ered items are purchased at a fair and reasonable price,

1 consistent with the procedures and guidelines specified in  
2 the Federal Acquisition Regulation.

3 “(c) REPORT.—Not later than 180 days after the  
4 date of the enactment of this section and annually there-  
5 after, the Secretary shall submit to the Committee on  
6 Homeland Security, the Committee on Oversight and Re-  
7 form, and the Committee on Appropriations of the House  
8 of Representatives, and the Committee on Homeland Se-  
9 curity and Governmental Affairs and the Committee on  
10 Appropriations of the Senate a report that includes infor-  
11 mation relating to the following:

12 “(1) Instances in which vendors have failed to  
13 meet deadlines for delivery of covered items and cor-  
14 rective actions taken by the Department in response  
15 to such instances.

16 “(2) The status of efforts to carry out para-  
17 graph (1) of subsection (a).

18 “(3) A description of how the Department en-  
19 sures the compliance of each prime contractor with  
20 the requirements of paragraph (2) of subsection (a)  
21 and any instances of non-compliance.

22 “(d) DETERMINATION.—If the Secretary determines  
23 that compliance with paragraph (1) of subsection (a) is  
24 impractical, the Secretary shall, not later than 15 days  
25 after making such determination, submit to the to the



1 Committee on Homeland Security of the House of Rep-  
2 resentatives and Committee on Homeland Security and  
3 Governmental Affairs of the Senate an explanation relat-  
4 ing to such determination and specifics with respect to the  
5 percentage of covered items procured by small business  
6 concerns.

7 “(e) EXCEPTION.—This section shall not apply to the  
8 purchase of covered items by the Department to be used  
9 by the Department for training purposes.

10 “(f) UNIFORM ALLOWANCE REPORT.—

11 “(1) IN GENERAL.—Not later than one year  
12 after the date of the enactment of this section, the  
13 Secretary shall submit to the appropriate congress-  
14 sional committees a report relating to the adequacy  
15 of uniform allowances provided to employees of De-  
16 partment frontline operational components.

17 “(2) ELEMENTS.—The report required under  
18 paragraph (1) shall—

19 “(A) be informed by a Department-wide  
20 survey of employees from across the Depart-  
21 ment who received uniform allowances to iden-  
22 tify—

23 “(i) improvements, if any, with re-  
24 spect to uniform allowances; and

1                   “(ii) impacts, if any, on the relation-  
2                   ship between such allowances and employee  
3                   morale and retention; and

4                   “(B) make recommendations with respect  
5                   to increasing uniform allowances by—

6                   “(i) at least 25 percent for first year  
7                   employees; and

8                   “(ii) at least 50 percent for all other  
9                   employees.

10                  “(g) EFFECTIVE DATE.—This section shall apply to  
11 a contract entered into by the Department or any of its  
12 frontline operational components on the day that is 120  
13 days after the date of the enactment of this section.

14                  “(h) DEFINITIONS.—In this section:

15                   “(1) COVERED ITEM.—The term ‘covered item’  
16                   refers to any of the following with respect to a De-  
17                   partment frontline operational component:

18                   “(A) Body armor components intended to  
19                   provide ballistic protection for an individual,  
20                   consisting of—

21                   “(i) soft ballistic panels;

22                   “(ii) hard ballistic plates;

23                   “(iii) concealed armor carriers worn  
24                   under a uniform; and

1                   “(iv) external armor carriers worn  
2                   over a uniform.

3                   “(B) Helmets that provide ballistic protec-  
4                   tion and other head protection and components.

5                   “(C) Protective eyewear.

6                   “(D) Rain gear, cold weather gear, other  
7                   environmental and flame-resistant clothing.

8                   “(E) Footwear.

9                   “(F) Uniforms.

10                  “(G) Bags and packs.

11                  “(H) Holsters and tactical pouches.

12                  “(I) Patches, insignia, and embellishments.

13                  “(J) Respiratory or medical-grade protec-  
14                  tive masks.

15                  “(K) Chemical, biological, radiological, and  
16                  nuclear protective gear.

17                  “(L) Hearing protection equipment.

18                  “(M) Any other item or personal protective  
19                  equipment as determined appropriate by the  
20                  Secretary.

21                  “(2) DEPARTMENT FRONTLINE OPERATIONAL  
22                  COMPONENT.—The term ‘Department frontline oper-  
23                  ational component’ refers to any of the following  
24                  components of the Department:

1                   “(A) The Cybersecurity and Infrastructure  
2 Security Agency.

3                   “(B) The Federal Emergency Management  
4 Agency.

5                   “(C) The Federal Law Enforcement Train-  
6 ing Centers.

7                   “(D) The Federal Protective Service.

8                   “(E) The Transportation Security Admin-  
9 istration.

10                  “(F) The United States Secret Service.

11                  “(G) U.S. Customs and Border Protection.

12                  “(H) U.S. Immigration and Customs En-  
13 forcement.

14                  “(3) SMALL BUSINESS CONCERN.—The term  
15 ‘small business concern’ has the meaning given the  
16 term in section 3(a) of the Small Business Act (15  
17 U.S.C. 632(a)).”.

18                  (b) CLERICAL AMENDMENT.—The table of contents  
19 in section 1(b) of the Homeland Security Act of 2002, as  
20 amended by this Act, is further amended by inserting after  
21 the item relating to section 839A the following new item:

“Sec. 839B. Requirements to buy certain items related to national security in-  
terests according to certain criteria.”.

1 **SEC. 413. PROHIBITION ON OPERATION OR PROCUREMENT**  
2 **OF FOREIGN-MADE UNMANNED AIRCRAFT**  
3 **SYSTEMS.**

4 (a) **IN GENERAL.**—The Secretary may not operate,  
5 provide financial assistance for, or enter into or renew a  
6 contract for the procurement of—

7 (1) a covered unmanned aircraft system; or

8 (2) a system manufactured in a covered foreign  
9 country or by a covered foreign entity to detect or  
10 identify unmanned aircraft systems.

11 (b) **WAIVER.**—The Secretary may waive the prohibi-  
12 tion under subsection (a), on a case by case basis, by certi-  
13 fying, in writing, to the Committee on Homeland Security  
14 of the House of Representatives and the Committee on  
15 Homeland Security and Governmental Affairs of the Sen-  
16 ate that such a waiver is required—

17 (1) in the national interest of the United  
18 States;

19 (2) for counter-unmanned aircraft system sur-  
20rogate testing and training; or

21 (3) for intelligence, electronic warfare, or infor-  
22 mation warfare operations, testing, analysis, and or  
23 training.

24 (c) **DEFINITIONS.**—In this section:

1           (1) COVERED FOREIGN ENTITY.—The term  
2 “covered foreign entity” means an entity located or  
3 incorporated in a covered foreign country.

4           (2) COVERED FOREIGN COUNTRY.—The term  
5 “covered foreign country” means a country des-  
6 ignated as a strategic competitor in the “Summary  
7 of the 2018 National Defense Strategy of the United  
8 States of America: Sharpening the American Mili-  
9 tary’s Competitive Edge” issued by the Department  
10 of Defense pursuant to section 113 of title 10,  
11 United States Code.

12           (3) COVERED UNMANNED AIRCRAFT SYSTEM.—  
13 The term “covered unmanned aircraft system”  
14 means an unmanned aircraft system that—

15                   (A) is manufactured in a covered foreign  
16 country or by a covered foreign entity;

17                   (B) uses flight controllers, radios, data  
18 transmission devices, cameras, or gimbals man-  
19 ufactured by such a country or such an entity;

20                   (C) uses a ground control system or oper-  
21 ating software developed in such a country or  
22 by such an entity; or

23                   (D) uses network connectivity or data stor-  
24 age located in such a country or administered  
25 by such an entity.

1           (4) UNMANNED AIRCRAFT SYSTEM.—The term  
2           “unmanned aircraft system” has the meaning given  
3           such term in section 44801 of title 49, United  
4           States Code.

5 **SEC. 414. HISTORICALLY BLACK COLLEGES AND UNIVER-**  
6                           **SITIES (HBCUS) HOMELAND SECURITY PART-**  
7                           **NERSHIPS.**

8           (a) DEPARTMENT-WIDE STRATEGY FOR ENHANCED  
9 PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES  
10 AND UNIVERSITIES AND MINORITY-SERVING INSTITU-  
11 TIONS.—Not later than 90 days after the date of the en-  
12 actment of this Act, the Secretary, acting through the  
13 Under Secretary for Strategy, Policy, and Plans of the De-  
14 partment, shall—

15           (1) issue a Department-wide strategy to en-  
16           hance partnerships with historically Black colleges  
17           and universities and minority-serving institutions  
18           that includes yearly goals, including goals related to  
19           improving recruitment and hiring, research and de-  
20           velopment, and acquisition opportunities at such in-  
21           stitutions, through fiscal year 2026; and

22           (2) require the head of each component of the  
23           Department to—

24                           (A) not later than 150 days after the date  
25                           of the issuance under paragraph (1) of the De-

1           department-wide strategy, develop a component-  
2           specific action plan to implement such strategy;

3           (B) monitor progress on such implementa-  
4           tion; and

5           (C) not later than one year after the date  
6           of such issuance, report to the Secretary re-  
7           garding progress on such implementation.

8           (b) ENHANCEMENT OF RESEARCH AND DEVELOP-  
9           MENT PARTNERSHIPS.—The Secretary shall seek to en-  
10          hance partnerships with historically Black colleges and  
11          universities and minority-serving institutions with respect  
12          to administering the research and development activities  
13          of the Department by, among other things—

14               (1) encouraging the participation of such col-  
15               leges, universities, and institutions in the research,  
16               development, testing, and evaluation programs and  
17               activities of the Department;

18               (2) facilitating partnerships between such col-  
19               leges, universities, and institutions and private sec-  
20               tor stakeholders, national laboratories, and other  
21               academic institutions in areas important to home-  
22               land security, including cybersecurity, emergency  
23               management, and counterterrorism; and

24               (3) distributing funds through Science and  
25               Technology Directorate grants, cooperative agree-



1       ments, and contracts to such colleges, universities,  
2       and institutions for enhancements in areas impor-  
3       tant to homeland security, including cybersecurity,  
4       emergency management, and counterterrorism.

5       (c) CAREER OPPORTUNITIES PARTNERSHIPS.—Not  
6       later than 120 days after the date of the enactment of  
7       this Act, the Secretary, acting through the Chief Human  
8       Capitol Officer of the Department, shall make available  
9       to historically Black colleges and universities and minor-  
10      ity-serving institutions a current list of internship, fellow-  
11      ship, scholarship, and recruitment opportunities within the  
12      Department for students and recent graduates of such col-  
13      leges, universities, and institutions.

14      (d) ACQUISITION PARTNERSHIPS.—Not later than  
15      120 days after the date of the enactment of this Act, the  
16      Secretary, acting through the Chief Procurement Officer  
17      of the Department, shall—

18           (1) identify how to increase the participation of  
19      historically Black colleges and universities and mi-  
20      nority-serving institutions in Department acquisi-  
21      tions, including identifying existing opportunities for  
22      historically Black colleges and universities and mi-  
23      nority-serving institutions to participate in the con-  
24      tracting program of the Small Business Administra-  
25      tion for minorities; and

1           (2) disseminate to such colleges, universities,  
2           and institutions—

3                   (A) information identified in accordance  
4                   with paragraph (1); and

5                   (B) current and future opportunities to  
6                   participate in Department acquisitions.

7           (e) ANNUAL REPORT.—

8                   (1) IN GENERAL.—Not later than one year  
9                   after enactment of this Act and annually thereafter  
10                  through 2026, the Secretary shall submit to the  
11                  Committee on Homeland Security of the House of  
12                  Representatives and the Committee on Homeland  
13                  Security and Governmental Affairs of the Senate a  
14                  report on the efforts of the Department to partner  
15                  with historically Black colleges and universities and  
16                  minority-serving institutions to carry out this sec-  
17                  tion.

18                  (2) REPORTING REQUIREMENTS.—The annual  
19                  reports required under subsection (a) shall include  
20                  the following:

21                          (A) A list of awards, including the cor-  
22                          responding monetary value for each such  
23                          award, to historically Black colleges and univer-  
24                          sities and minority-serving institutions,  
25                          disaggregated by grant, contract, cooperative

1 agreement, and other research development test  
2 and evaluation activity, initiative, and program.

3 (B) A description of how the Department  
4 is partnering with historically Black colleges  
5 and universities and minority-serving institu-  
6 tions under the partnerships, programs, and ac-  
7 tivities referred to in subsections (b), (c), and  
8 (d), and how such partnerships, programs, and  
9 activities have helped such colleges, universities,  
10 and institutions participate in acquisitions with  
11 the Department.

12 (C) A summary of outreach efforts to his-  
13 torically Black colleges and universities and mi-  
14 nority-serving institutions, and an identification  
15 of any Department programs and initiatives in  
16 which such colleges, universities, and institu-  
17 tions are under-represented among institutions  
18 of higher education.

19 (D) A description of the status of efforts  
20 made by the Department pursuant to sub-  
21 sections (a) through (d), including—

22 (i) for subsection (a), Department-  
23 wide goals pursuant to the Department-  
24 wide strategy to enhance partnerships with  
25 historically Black colleges and universities

1           and minority-serving institutions under  
2           such subsection, and the status of efforts  
3           to implement action plans throughout the  
4           Department to carry out such strategy;  
5           and

6                   (ii) for subsection (c), participation  
7           rates in each internship, fellowship, schol-  
8           arship, and recruitment opportunity re-  
9           ferred to in such subsection, listed by his-  
10          torically Black college and university and  
11          minority-serving institution so partici-  
12          pating.

13                   (E) A list of memoranda of understanding  
14          entered into by the Department with histori-  
15          cally Black colleges and universities and minor-  
16          ity-serving institutions and information on the  
17          parties and scope of each such memorandum of  
18          understanding.

1           **TITLE V—OTHER REFORMS**  
2           **Subtitle A—Frontline Operational**  
3           **Reforms**

4   **SEC. 501. LIMITATIONS RELATING TO SECRETARIAL AU-**  
5                   **THORITIES ASSOCIATED WITH THE PROTEC-**  
6                   **TION OF PUBLIC PROPERTY.**

7           Section 1315 of title 40, United States Code, is  
8 amended—

9                   (1) in subsection (b)(1)—

10                           (A) by striking “of the Department of  
11 Homeland Security, including employees trans-  
12 ferred to the Department” and insert “trans-  
13 ferred to the Department”; and

14                           (B) by striking “2002,” and inserting  
15 “2002”;

16                   (2) in subsection (b)(2)—

17                           (A) in the matter preceding subparagraph  
18 (A), by striking “While engaged in the perform-  
19 ance of official duties,” and inserting “To the  
20 extent necessary to protect the property de-  
21 scribed in subsection (a) and persons on such  
22 property,”;

23                           (B) in subparagraph (B) by striking “fire-  
24 arms” and inserting “a firearm”;

1 (C) in subparagraph (C) by striking “if the  
2 officer or agent has reasonable grounds to be-  
3 lieve that the person to be arrested has com-  
4 mitted or is committing a felony;” and inserting  
5 the following: “if—

6 “(i) the officer or agent has probable  
7 cause to believe that the person to be ar-  
8 rested has committed, is committing, or is  
9 about to commit a felony on or related to  
10 property owned or occupied by the Federal  
11 Government;

12 “(ii) the arrest—

13 “(I) occurs on the Federal prop-  
14 erty or an area in the immediate vi-  
15 cinity of the property and does not ex-  
16 tend beyond any adjacent sidewalk,  
17 public street, or other adjacent areas;

18 “(II) in the case of an agreement  
19 under subsection (e), occurs in an  
20 area in which arrests are permitted  
21 under the parameters established in  
22 such agreement; or

23 “(III) is carried out in an area  
24 not covered under subclause (I) or  
25 (II) only if—

1                   “(aa) the officer or agent is  
2                   in active pursuit of a person who  
3                   is otherwise subject to arrest  
4                   under this subparagraph; and

5                   “(bb) such person exits the  
6                   area covered by subclause (I) or  
7                   (II), as applicable, during such  
8                   pursuit; and

9                   “(iii) there are specific and articulable  
10                  facts to support a reasonable belief that  
11                  the person may—

12                  “(I) escape before a warrant can  
13                  be obtained for his or her arrest;

14                  “(II) destroy evidence; or

15                  “(III) continue the commission of  
16                  a felony on or related to property  
17                  owned or occupied by the Federal  
18                  Government;”;

19                  (D) in subparagraph (E) by inserting be-  
20                  fore the semicolon the following: “, except that  
21                  such investigations and any associated surveil-  
22                  lance shall be restricted solely to offenses that  
23                  may have been committed against property  
24                  owned or occupied by the Federal Government;  
25                  and”; and

1 (E) by amending subparagraph (F) to read  
2 as follows:

3 “(F) carry out such other activities nec-  
4 essary to protect the property described in sub-  
5 section (a) and persons on such property as the  
6 Secretary may prescribe.”;

7 (3) in subsection (e)—

8 (A) by striking “the Secretary may enter  
9 into agreements” and inserting “the Secretary  
10 shall enter into agreements, including memo-  
11 randa of understanding,”; and

12 (B) by adding at the end the following new  
13 sentence: “Any such agreement, including  
14 memoranda of understanding, entered into  
15 under this subsection shall include a require-  
16 ment that all officers and agents designated  
17 under this subsection and subject to such agree-  
18 ment wear body cameras while on duty.”;

19 (4) by redesignating subsections (f) and (g) as  
20 subsections (h) and (i), respectively; and

21 (5) by inserting after subsection (e) the fol-  
22 lowing new subsections:

23 “(f) IDENTIFICATION AS FEDERAL OFFICER.—An of-  
24 ficer or agent designated under this section shall, while  
25 engaged in the performance of official duties, display—



1           “(1) appropriate insignia identifying the compo-  
2           nent of the Department from which such officer or  
3           agent has been designated; and

4           “(2) the full name of the officer or agent.

5           “(g) LIMITATION ON ARRESTS.—With respect to any  
6           arrest carried out under subsection (b)(2)(C), the officer  
7           or agent shall—

8           “(1) identify himself or herself and the compo-  
9           nent of the Department with which such officer or  
10          agent is employed;

11          “(2) inform the individual being arrested of the  
12          cause for such arrest;

13          “(3) in the case of an arrest carried out pursu-  
14          ant to an agreement under subsection (e), notify any  
15          State or local government that is party to such  
16          agreement of the arrest; and

17          “(4) document the details of the arrest and the  
18          cause for such arrest.”.

19   **SEC. 502. REQUESTS RELATING TO DEPARTMENT OF HOME-**  
20                   **LAND SECURITY PERSONNEL OR EQUIP-**  
21                   **MENT.**

22          (a) IN GENERAL.—Subtitle H of title VIII of the  
23          Homeland Security Act of 2002 (6 U.S.C. 451 et seq.),  
24          as amended by this Act, is further amended by adding  
25          at the end the following new section:

1 **“SEC. 890F. REQUESTS RELATING TO PERSONNEL OR**  
2 **EQUIPMENT.**

3 “(a) **IN GENERAL.**—The Secretary shall provide noti-  
4 fication to the Committee on Homeland Security of the  
5 House of Representatives and the Committee on Home-  
6 land Security and Governmental Affairs of the Senate of  
7 the acceptance of a request by the Secretary to augment  
8 local law enforcement capabilities with the deployment of  
9 Department personnel, including law enforcement per-  
10 sonnel, unmanned aerial system operations, or other  
11 equipment within 24 hours of such acceptance.

12 “(b) **EXCEPTION.**—The notification required under  
13 subsection (a) shall not apply to ongoing or routine joint  
14 operations or assignments authorized under law, including  
15 section 1303 of the Implementing Recommendations of  
16 the 9/11 Commission Act of 2007 (6 U.S.C. 1112).”.

17 (b) **CLERICAL AMENDMENT.**—The table of contents  
18 in section 1(b) of the Homeland Security Act of 2002, as  
19 amended by this Act, is further amended by inserting after  
20 the item relating to section 890E the following new item:

“Sec. 890F. Requests relating to personnel or equipment.”.

1 **Subtitle B—Accountability and In-**  
2 **tegrity Reforms and Miscella-**  
3 **neous Matters**

4 **SEC. 511. PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES**  
5 **COORDINATION REQUIRED.**

6 (a) IN GENERAL.—No head of a component or office  
7 of the Department may initiate, modify, or expand a pro-  
8 gram that may substantially impact the privacy, civil  
9 rights, or civil liberties of an individual or include the col-  
10 lection of personally identifiable information.

11 (b) EXCEPTION.—The prohibition under subsection  
12 (a) shall not apply if the head of the component or office  
13 of the Department at issue coordinates with the Chief Pri-  
14 vacy Officer and the Officer for Civil Rights and Civil Lib-  
15 erties of the Department prior to the initiation, modifica-  
16 tion, or expansion referred to in such subsection.

17 **SEC. 512. OFFICE OF PUBLIC AFFAIRS.**

18 (a) IN GENERAL.—Not later than 120 days after the  
19 date of the enactment of this Act, the Under Secretary  
20 for Management of the Department, in coordination with  
21 the Assistant Secretary for Public Affairs of the Depart-  
22 ment and the General Counsel of the Department, shall—

23 (1) issue a code of conduct for all personnel in-  
24 volved in the public affairs operations of the Depart-  
25 ment and require certifications of receipt by such

1 personnel of such code within 30 days of receipt;  
2 and

3 (2) publish and disseminate a Department-wide  
4 management directive and associated guidelines for  
5 internal review of all public-facing materials to maxi-  
6 mize the quality, objectivity, utility, and integrity of  
7 information (including statistical information) that  
8 includes information with respect to reviews of such  
9 materials by the Office of General Counsel of the  
10 Department for—

11 (A) legal sufficiency; and

12 (B) compliance with section 515 of the  
13 Consolidated Appropriations Act, 2001 (Public  
14 Law 106–554) (otherwise referred to as the  
15 “Data Quality Act” or the “Information Qual-  
16 ity Act”) and any other relevant Federal data  
17 integrity requirements.

18 (b) REVIEW.—Not later than one year after the date  
19 of the enactment of this Act, the Inspector General of the  
20 Department shall—

21 (1) submit to the Committee on Homeland Se-  
22 curity of the House of Representatives and the Com-  
23 mittee on Homeland Security and Governmental Af-  
24 fairs of the Senate an audit of the public affairs of-  
25 fices throughout the Department that reviews com-

1       pliance with the requirements specified in subsection  
2       (a); and

3               (2) issue, as appropriate, recommendations to  
4       the Department to improve the quality, objectivity,  
5       utility, and integrity of public-facing materials dis-  
6       seminated by the public affairs offices throughout  
7       the Department.

8       **SEC. 513. DEPARTMENT-WIDE SOCIAL MEDIA POLICY.**

9       (a) IN GENERAL.—Not later than 180 days after the  
10      date of the enactment of this Act, the Secretary, acting  
11      through the Under Secretary for Management of the De-  
12      partment, shall issue a Department-wide management di-  
13      rective with respect to social media activity on official de-  
14      partmental accounts.

15      (b) ELEMENTS.— The directive required under sub-  
16      section (a) shall include—

17               (1) information relating to—

18                       (A) the roles and responsibilities of offices  
19                       within the Department with respect to moni-  
20                       toring the compliance of the social media policy  
21                       of the Department, including the Office of the  
22                       General Counsel and Privacy Office; and

23                       (B) applicable Federal laws, regulations,  
24                       and requirements that apply to social media  
25                       use, including those related to information qual-

1           ity, ethical conduct, protecting individual pri-  
2           vacy, and records management;

3           (2) the process for authorizing an official, De-  
4           partment-branded social media account;

5           (3) training requirements, including mass com-  
6           munication and ethics training, for authorizing agen-  
7           cy officials to use Department accounts to commu-  
8           nicate in their official capacity; and

9           (4) guidance with respect to the use of personal  
10          social media accounts.

11          (c) PUBLICATION.—The Secretary shall maintain a  
12          list of all current official social media accounts of the De-  
13          partment on the website of the Department.

14          (d) SOCIAL MEDIA DEFINED.—The term “social  
15          media” means tools and technology to share communica-  
16          tions, postings, or information on a public-facing website,  
17          web application, or digital application.

18          **SEC. 514. PROPAGANDA PROHIBITED.**

19          (a) IN GENERAL.—Not later than 90 days after the  
20          date of the enactment of this Act, the Secretary, acting  
21          through the Under Secretary for Management of the De-  
22          partment, shall—

23                  (1) issue a Department-wide directive prohib-  
24          iting personnel from engaging in propaganda wheth-

1 er internally or externally, including with respect to  
2 public-facing materials; and

3 (2) establish a process to enforce the directive  
4 required under paragraph (1).

5 (b) INSPECTOR GENERAL REVIEW.—

6 (1) IN GENERAL.—Not later than September  
7 30, 2022, the Inspector General of the Department  
8 shall review—

9 (A) the internal and external communica-  
10 tions within the Department to determine if  
11 there is evidence of the Department engaging in  
12 propaganda with respect to—

13 (i) the August 2020 Kenosha, Wis-  
14 consin, shooting;

15 (ii) the 2020 protests in Portland, Or-  
16 egon; or

17 (iii) the issuance of Executive Order  
18 13769; and

19 (B) the implementation of the Depart-  
20 ment-wide directive and oversight process re-  
21 quired under subsection (a).

22 (2) REPORT.—After the completion of the re-  
23 view required under paragraph (1), the Inspector  
24 General of the Department shall issue recommenda-  
25 tions, as appropriate, to strengthen protections

1       against the engagement of propaganda within the  
2       Department.

3       (c) PROPAGANDA DEFINED.—In this section, the  
4 term “propaganda” means information originated or dis-  
5 seminated through the use of Departmental resources with  
6 the intent to promote or publicize a particular political  
7 cause or point of view, including—

8           (1) materials designed to support or defeat the  
9       enactment of legislation before Congress or any  
10      State or local legislature or legislative body;

11          (2) materials designed to support or defeat pro-  
12      posed or pending regulation, administrative action,  
13      or order issued by the executive branch, including  
14      any State or local government;

15          (3) materials self-aggrandizing or overly publi-  
16      cizing and emphasizing the importance of the agency  
17      of the Department or departmental activity at issue;

18          (4) materials that are prepared by the agency  
19      at issue or its contractors at the behest of the agen-  
20      cy and circulated as the ostensible position of parties  
21      outside the agency without disclosure that the infor-  
22      mation originated with the Department; and

23          (5) purely partisan materials, including mate-  
24      rials designed to aid a particular political party or



1 candidate subject to Federal prohibitions with re-  
2 spect to Federal employees.

3 **SEC. 515. OFFICE OF INSPECTOR GENERAL.**

4 (a) IN GENERAL.—Subtitle B of title VIII of the  
5 Homeland Security Act of 2002 (6 U.S.C. 361 et seq.)  
6 is amended by inserting before section 812 the following  
7 new section:

8 **“SEC. 811. OFFICE OF INSPECTOR GENERAL.**

9 “(a) TRANSPARENCY.—

10 “(1) PUBLICATION OF REPORTS.—The Office of  
11 Inspector General of the Department shall, in ac-  
12 cordance with section 4(a)(5) of the Inspector Gen-  
13 eral Act of 1978, provide to the Committee on  
14 Homeland Security of the House of Representatives  
15 and the Committee on Homeland Security and Gov-  
16 ernmental Affairs of the Senate and publish on the  
17 website of the Inspector General, the following, irre-  
18 spective of whether the record contains recommenda-  
19 tions or whether the Department concurs with in-  
20 cluded recommendations:

21 “(A) Any report that substantiates an alle-  
22 gation of whistleblower retaliation pursuant to  
23 the Whistleblower Protection Act of 1989 (5  
24 U.S.C. 5509 note), Military Whistleblower Pro-

1           tection Act (10 U.S.C. 1034), or Presidential  
2           Personnel Directive–19.

3           “(B) Any report that substantiates an alle-  
4           gation of misconduct, waste, fraud, abuse, or  
5           violation of Department policy against a mem-  
6           ber of the Senior Executive Service or politically  
7           appointed official.

8           “(C) Any other programmatic report, re-  
9           view, inspection, or audit.

10          “(2) CONGRESSIONAL REPORTING.—Beginning  
11          with the first semiannual report transmitted to the  
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 pursuant to section 5(b) of the Inspector  
16          General Act of 1978 that is transmitted after the  
17          date of the enactment of this Act, each such report  
18          shall be accompanied by a list of ongoing pro-  
19          grammatic audits or inspections that include the fol-  
20          lowing:

21                 “(A) A description of each audit or inspec-  
22                 tion, including the office or component under  
23                 review.

24                 “(B) Information relating to the source of  
25                 each audit or inspection.

1           “(C) Information relating to the actual or  
2 proposed dates for—

3           “(i) initiating each audit or inspec-  
4 tion;

5           “(ii) submitting a draft report to the  
6 Department for review; and

7           “(iii) publishing the final report to the  
8 website of the Inspector General pursuant  
9 to paragraph (1).

10          “(D) An explanation for any significant  
11 changes to the description of an audit or in-  
12 spection, including the office or component  
13 under review, or a delay of more than 30 days  
14 in the actual or proposed date for submitting a  
15 draft report to the Department for review or  
16 publishing the final report to the website of the  
17 Inspector General of the Department.

18          “(b) NOTIFICATION REGARDING MISCONDUCT ALLE-  
19 GATIONS.—

20           “(1) IN GENERAL.—The heads of offices and  
21 components of the Department shall promptly notify  
22 the Inspector General of the Department of all alle-  
23 gations of misconduct with respect to which the In-  
24 spector General has investigative authority under the  
25 Inspector General Act of 1978.

1           “(2) WAIVER.—The Inspector General of the  
2           Department may waive the notification requirement  
3           under this subsection with respect to any category or  
4           subset of allegations of misconduct.

5           “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
6           tion may be construed as affecting the authority of the  
7           Secretary under subsection (a) of section 8I of the Inspec-  
8           tor General Act of 1978.”.

9           (b) CLERICAL AMENDMENT.—The table of contents  
10          in section 1(b) of the Homeland Security Act of 2002, as  
11          amended by this Act, is further amended by inserting be-  
12          fore the item relating to section 812 the following new  
13          item:

          “Sec. 811. Office of Inspector General.”.

14       **SEC. 516. LIMITS ON EXPENSES FOR A SWEARING-IN CERE-**  
15                                       **MONY.**

16          (a) IN GENERAL.—Notwithstanding any other provi-  
17          sion of law, the Secretary may not obligate or expend any  
18          Federal funds or use any Government property for a re-  
19          ception or gathering after a swearing-in ceremony.

20          (b) EXCEPTION.—The requirement under subsection  
21          (a) shall not apply if—

22                  (1) it is the swearing-in ceremony for a Presi-  
23                  dential appointee;

24                  (2) the reception or gathering is located at  
25                  space owned or leased by the Department;



1           (1) disseminate existing laws, regulations, and  
2 agency policies relating to—

3           (A) the avoidance of personal conflicts of  
4 interest and improper business practices to all  
5 Department contracting and grant officials; and

6           (B) protections for such officials that re-  
7 port any attempt or actual interference by an  
8 official of the Department, an elected official,  
9 or a private individual with a conflict of interest  
10 relating to or an intent to unfairly influence the  
11 procurement process; and

12           (2) require all Department contracting and  
13 grant officials to certify receipt and review of the in-  
14 formation disseminated pursuant to paragraph (1).

15 **SEC. 518. SUSPENSION AND DEBARMENT PROGRAM.**

16           (a) **ESTABLISHMENT.**—The Secretary shall establish  
17 a suspension and debarment program that ensures the De-  
18 partment and each of the components of the Department  
19 complies with the laws, regulations, and guidance related  
20 to the suspension, debarment, and ineligibility of contrac-  
21 tors.

22           (b) **REQUIREMENTS.**—The program required to be  
23 established under subsection (a) shall—

24           (1) require that any referral made by a con-  
25 tracting official for consideration of actions to pro-

1        tect the interests of the Federal Government be eval-  
2        uated, in writing, by an individual designated within  
3        the Department as a suspension and debarment offi-  
4        cial in accordance with the program established  
5        under subsection (a) and other applicable Federal  
6        regulations;

7            (2) develop and require training for—

8                    (A) all contracting officials of the Depart-  
9                    ment on the causes for suspension and debar-  
10                    ment; and

11                    (B) compliance with the program estab-  
12                    lished under subsection (a) and other applicable  
13                    Federal regulations; and

14            (3) include policies and processes for—

15                    (A) tracking, reviewing, and documenting  
16                    suspension and debarment decisions, including  
17                    those related to poor performance, fraud, na-  
18                    tional security considerations, and other criteria  
19                    determined appropriate by the Secretary;

20                    (B) ensuring consideration of and referral  
21                    for suspension, debarment, or other necessary  
22                    actions that protect the interests of the Federal  
23                    Government;

1 (C) managing and sharing relevant docu-  
2 ments and information on contractors for use  
3 across the Department;

4 (D) requiring timely reporting into a cen-  
5 tralized departmental and Government-wide  
6 databases by the suspension and debarment of-  
7 ficials to capture suspension and debarment ac-  
8 tivities, document justifications for decisions, or  
9 other relevant information;

10 (E) issuing guidance to implement such  
11 policies and processes that is regularly updated  
12 and includes definitions for all relevant terms  
13 related to the program; and

14 (F) timely implementation of agreed upon  
15 recommendations from the Inspector General of  
16 the Department or the Comptroller General of  
17 the United States.

18 (c) INSPECTOR GENERAL REVIEW.—Not later than  
19 one year after the date of the enactment of this Act and  
20 every three years thereafter, the Inspector General of the  
21 Department shall—

22 (1) conduct audits relating to grant and pro-  
23 curement awards to identify—

24 (A) improperly awarded contracts or  
25 grants to a suspended or debarred entity; and



1 (B) whether corrective actions were taken  
2 to prevent recurrence; and

3 (2) review the suspension and debarment pro-  
4 gram established pursuant to subsection (a)  
5 throughout the Department to assess if—

6 (A) suspension and debarment criteria are  
7 consistently applied; and

8 (B) disparities exist in the application of  
9 such criteria, particularly with respect to busi-  
10 ness size and categories.

11 **SEC. 519. COUNTERING WEAPONS OF MASS DESTRUCTION**

12 **OFFICE.**

13 (a) **QUALIFICATIONS FOR THE ASSISTANT SEC-**  
14 **RETARY.**—Subsection (b) of section 1901 of the Homeland  
15 Security Act of 2002 (6 U.S.C. 591) is amended to read  
16 as follows:

17 “(b) **ASSISTANT SECRETARY.**—The Countering  
18 Weapons of Mass Destruction Office shall be headed by  
19 an Assistant Secretary who shall—

20 “(1) be appointed by the President;

21 “(2) have experience and expertise with respect  
22 to chemical, biological, radiological, or nuclear mate-  
23 rials, devices, or agents; and

24 “(3) have experience successfully managing a  
25 workforce that includes scientists.”.

1           (b) TRANSITION FOR ASSISTANT SECRETARY.—If the  
2 incumbent serving in the position of the Assistant Sec-  
3 retary for Countering Weapons of Mass Destruction of the  
4 Department on the date of the enactment of this Act does  
5 not satisfy the requirements of subsection (b) of section  
6 1901 of the Homeland Security Act of 2002, as amended  
7 by subsection (a), such incumbent may retain such posi-  
8 tion until the appointment of a qualified individual to such  
9 position or six months after the date of enactment of this  
10 Act, whichever is earlier.

11           (c) WORKFORCE MORALE AND RETENTION.—Not  
12 later than 90 days after the date of the enactment of this  
13 Act, the Assistant Secretary for Countering Weapons of  
14 Mass Destruction of the Department, in coordination with  
15 the Chief Human Capital Officer of the Department, shall  
16 submit to the appropriate congressional committees a re-  
17 port relating to morale and employee retention challenges  
18 with respect to the Countering Weapons of Mass Destruc-  
19 tion Office of the Department.

20           (d) ESTABLISHMENT OF CERTAIN CENTER AND PRO-  
21 GRAM.—Not later than 120 days after the date of the en-  
22 actment of this Act, the Assistant Secretary for Coun-  
23 tering Weapons of Mass Destruction of the Department  
24 shall submit to the appropriate congressional committees  
25 a report relating to the establishment of the National

1 Technical Nuclear Forensics Center and the National Nu-  
2 clear Forensics Expertise Development Program pursuant  
3 to paragraphs (11) and (12) of section 1923(a) of the  
4 Homeland Security Act of 2002 (6 U.S.C. 592(a)).

5 (e) NOTICE OF DELAY.—If the Secretary does not  
6 submit a briefing and a report required pursuant to sec-  
7 tion 2(g) of the Countering Weapons of Mass Destruction  
8 Act of 2018 (Public Law 115–387; 6 U.S.C. 591 note)  
9 by the deadline required by such Act, the Secretary  
10 shall—

11 (1) not later than one week from the date of  
12 such deadline, provide written notice specifying rea-  
13 sons for not submitting such briefing and report;  
14 and

15 (2) not later than two weeks from the date of  
16 such deadline, submit such briefing and report.

17 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
18 FINED.—In this section, the term “appropriate congres-  
19 sional committees” means—

20 (1) the Committee on Homeland Security of the  
21 House of Representatives; and

22 (2) the Committee on Homeland Security and  
23 Governmental Affairs of the Senate.

1 **SEC. 520. ANNUAL CATALOG ON DEPARTMENT OF HOME-**  
2 **LAND SECURITY TRAINING, PUBLICATIONS,**  
3 **PROGRAMS, AND SERVICES FOR STATE AND**  
4 **LOCAL LAW ENFORCEMENT AND ANNUAL RE-**  
5 **PORTING REQUIREMENTS.**

6 Section 2006(b) of the Homeland Security Act of  
7 2002 (6 U.S.C. 607(b)) is amended—

8 (1) in paragraph (4)—

9 (A) in subparagraph (E), by striking  
10 “and” at the end;

11 (B) in subparagraph (F), by striking the  
12 period and inserting “; and”; and

13 (C) by adding after subparagraph (F) the  
14 following new subparagraph:

15 “(G) produce an annual catalog that sum-  
16 marizes opportunities for training, publications,  
17 programs, and services available to State, local,  
18 and Tribal law enforcement agencies from each  
19 component and office of the Department and,  
20 not later than 30 days after the date of such  
21 production, disseminate such catalog, including  
22 by—

23 “(i) making such catalog available to  
24 State, local, and Tribal law enforcement  
25 agencies, including by posting such catalog  
26 on the website of the Department and co-

1 operating with national organizations that  
2 represent such agencies;

3 “(ii) making such catalog available  
4 through the Homeland Security Informa-  
5 tion Network; and

6 “(iii) submitting such catalog to the  
7 Committee on Homeland Security and the  
8 Committee on the Judiciary of the House  
9 of Representatives and the Committee on  
10 Homeland Security and Governmental Af-  
11 fairs and the Committee on the Judiciary  
12 of the Senate.”;

13 (2) by redesignating paragraph (5) as para-  
14 graph (6); and

15 (3) by inserting after paragraph (4) the fol-  
16 lowing new paragraph:

17 “(5) ANNUAL REPORT.—

18 “(A) IN GENERAL.—Not later than 90  
19 days after the conclusion of the fiscal year and  
20 annually thereafter through 2026, the Deputy  
21 Assistant Secretary for State and Local Law  
22 Enforcement of the Department shall submit to  
23 the Committee on Homeland Security and the  
24 Committee on the Judiciary of the House of  
25 Representatives and the Committee on Home-

1 land Security and Governmental Affairs and the  
2 Committee on the Judiciary of the Senate a re-  
3 port relating to the activities of the Deputy As-  
4 sistant Secretary for the immediately preceding  
5 fiscal year.

6 “(B) ELEMENTS.—Each such report re-  
7 quired under subparagraph (A) shall include,  
8 for the fiscal year covered by such report, a de-  
9 scription of each of the following:

10 “(i) Efforts to coordinate and share  
11 information regarding Department and  
12 component agency programs with State,  
13 local, and Tribal law enforcement agencies.

14 “(ii) Efforts to improve information  
15 sharing through the Homeland Security  
16 Information Network by appropriate com-  
17 ponent agencies of the Department and by  
18 State, local, and Tribal law enforcement  
19 agencies.

20 “(iii) The status of performance  
21 metrics to evaluate the effectiveness of ef-  
22 forts to carry out responsibilities specified  
23 in this subsection.

24 “(iv) Any feedback from State, local,  
25 and Tribal law enforcement agencies about

1 the Office, including the mechanisms uti-  
2 lized to collect such feedback.”.

○