

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**H. R. 2825**

To amend the Homeland Security Act of 2002 to make certain improvements in the laws administered by the Secretary of Homeland Security, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—DEPARTMENT OF HOMELAND SECURITY  
HEADQUARTERS

Subtitle A—Headquarters Operations

## 2

- Sec. 1101. Functions and components of Headquarters of Department of Homeland Security.
- Sec. 1102. Responsibilities and functions of Chief Privacy and FOIA Officer.
- Sec. 1103. Responsibilities of Chief Financial Officer.
- Sec. 1104. Chief Information Officer.
- Sec. 1105. Quadrennial Homeland Security review.
- Sec. 1106. Office of Strategy, Policy, and Plans.
- Sec. 1107. Chief Procurement Officer.
- Sec. 1108. Chief Security Officer.
- Sec. 1109. Office of Inspector General.
- Sec. 1110. Office for Civil Rights and Civil Liberties.
- Sec. 1111. Science and Technology.
- Sec. 1112. Department of Homeland Security Rotation Program.
- Sec. 1113. Future Years Homeland Security Program.
- Sec. 1114. Field efficiencies plan.
- Sec. 1115. Management.
- Sec. 1116. Report to Congress on cost savings and efficiency.
- Sec. 1117. Countering weapons of mass destruction office.
- Sec. 1118. Activities related to international agreements; activities related to children; .

## Subtitle B—Human Resources and Other Matters

- Sec. 1131. Chief Human Capital Officer responsibilities.
- Sec. 1132. Employee engagement action plan.
- Sec. 1133. Report discussing Secretary's responsibilities, priorities, and an accounting of the Department's work regarding election infrastructure.

## Subtitle C—Other Matters

- Sec. 1141. Technical and conforming amendments.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION  
ACCOUNTABILITY AND EFFICIENCY

- Sec. 1201. Definitions.

## Subtitle A—Acquisition Authorities

- Sec. 1211. Acquisition authorities for Under Secretary for Management of the Department of Homeland Security.
- Sec. 1212. Acquisition authorities for Chief Financial Officer of the Department of Homeland Security.
- Sec. 1213. Acquisition authorities for Chief Information Officer of the Department of Homeland Security.
- Sec. 1214. Acquisition authorities for Program Accountability and Risk Management.
- Sec. 1215. Acquisition innovation.

## Subtitle B—Acquisition Program Management Discipline

- Sec. 1221. Acquisition Review Board.
- Sec. 1222. Department leadership councils.
- Sec. 1223. Excluded party list system waivers.
- Sec. 1224. Inspector General oversight of suspension and debarment.

## 3

## Subtitle C—Acquisition Program Management Accountability and Transparency

- Sec. 1231. Congressional notification for major acquisition programs.
- Sec. 1232. Multiyear acquisition strategy.
- Sec. 1233. Report on bid protests.
- Sec. 1234. Prohibition and limitations on use of cost-plus contracts.
- Sec. 1235. Bridge contracts.
- Sec. 1236. Acquisition reports.

## TITLE III—INTELLIGENCE AND INFORMATION SHARING

## Subtitle A—Department of Homeland Security Intelligence Enterprise

- Sec. 1301. Homeland intelligence doctrine.
- Sec. 1302. Personnel for the Chief Intelligence Officer.
- Sec. 1303. Annual homeland terrorist threat assessments.
- Sec. 1304. Department of Homeland Security data framework.
- Sec. 1305. Establishment of Insider Threat Program.
- Sec. 1306. Threat assessment on terrorist use of virtual currency.
- Sec. 1307. Transnational criminal organizations threat assessment.
- Sec. 1308. Department of Homeland Security Counter Threats Advisory Board.

## Subtitle B—Stakeholder Information Sharing

- Sec. 1311. Department of Homeland Security Fusion Center Partnership Initiative.
- Sec. 1312. Fusion center personnel needs assessment.
- Sec. 1313. Strategy for fusion centers supporting counternarcotics initiatives through intelligence information sharing and analysis.
- Sec. 1314. Program for State and local analyst clearances.
- Sec. 1315. Information technology assessment.
- Sec. 1316. Department of Homeland Security classified facility inventory.
- Sec. 1317. Terror inmate information sharing.
- Sec. 1318. Annual report on Office for State and Local Law Enforcement.
- Sec. 1319. Annual catalog on Department of Homeland Security training, publications, programs, and services for State, local, tribal, and territorial law enforcement agencies.
- Sec. 1320. Chemical, biological, radiological, and nuclear intelligence and information sharing.
- Sec. 1321. Duty to report.

## TITLE IV—EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

## Subtitle A—Grants, Training, Exercises, and Coordination

- Sec. 1401. Urban Area Security Initiative.
- Sec. 1402. State Homeland Security Grant Program.
- Sec. 1403. Grants to directly eligible tribes.
- Sec. 1404. Law enforcement terrorism prevention.
- Sec. 1405. Prioritization.
- Sec. 1406. Allowable uses.
- Sec. 1407. Approval of certain equipment.
- Sec. 1408. Authority for explosive ordnance disposal units to acquire new or emerging technologies and capabilities.
- Sec. 1409. Memoranda of understanding.

## 4

- Sec. 1410. Grants metrics.
- Sec. 1411. Grant management best practices.
- Sec. 1412. Prohibition on consolidation.
- Sec. 1413. Maintenance of grant investments.
- Sec. 1414. Transit security grant program.
- Sec. 1415. Port security grant program.
- Sec. 1416. Cyber preparedness.
- Sec. 1417. Operation Stonegarden.
- Sec. 1418. Non-Profit Security Grant Program.
- Sec. 1419. Study of the use of grant funds for cybersecurity.
- Sec. 1420. Joint counterterrorism awareness workshop series.
- Sec. 1421. Exercise on terrorist and foreign fighter travel; national exercise program.
- Sec. 1422. Grants accountability.

## Subtitle B—Communications

- Sec. 1431. Responsibilities of Assistant Director for Emergency Communications.
- Sec. 1432. Annual reporting on activities of the Emergency Communications Division.
- Sec. 1433. National Emergency Communications Plan.
- Sec. 1434. Technical edit.
- Sec. 1435. Communications training.

## Subtitle C—Other Matters

- Sec. 1451. Technical and conforming amendments.

## TITLE V—FEDERAL EMERGENCY MANAGEMENT AGENCY

- Sec. 1501. Short title.
- Sec. 1502. Reauthorization of Federal Emergency Management Agency.
- Sec. 1503. National Domestic Preparedness Consortium.
- Sec. 1504. Rural Domestic Preparedness Consortium.
- Sec. 1505. Authorities.
- Sec. 1506. Center for faith-based and neighborhood partnerships.
- Sec. 1507. Emergency support functions.
- Sec. 1508. Review of National Incident Management System.
- Sec. 1509. Remedial action management program.
- Sec. 1510. Center for Domestic Preparedness.
- Sec. 1511. FEMA Senior Law Enforcement Advisor.
- Sec. 1512. Technical expert authorized.
- Sec. 1513. Mission support.
- Sec. 1514. Strategic human capital plan.
- Sec. 1515. Office of Disability Integration and Coordination of Department of Homeland Security.
- Sec. 1516. Management costs.
- Sec. 1517. Performance of services.
- Sec. 1518. Study to streamline and consolidate information collection.
- Sec. 1519. Agency accountability.
- Sec. 1520. National public infrastructure predisaster hazard mitigation.
- Sec. 1521. Technical amendments to National Emergency Management.

TITLE VI—CYBERSECURITY AND INFRASTRUCTURE SECURITY  
AGENCY

- Sec. 1601. Cybersecurity and Infrastructure Security Agency.
- Sec. 1602. Transfer of other entities.
- Sec. 1603. DHS report on cloud-based cybersecurity.
- Sec. 1604. Rule of construction.
- Sec. 1605. Prohibition on additional funding.

## TITLE VII—OTHER MATTERS

### Subtitle A—Miscellaneous

- Sec. 1701. Authorization of appropriations for Office of Inspector General.
- Sec. 1702. Canine teams.
- Sec. 1703. Report on resource requirements to respond to congressional requests.

### Subtitle B—Commission to Review the Congressional Oversight of the Department of Homeland Security

- Sec. 1711. Short title.
- Sec. 1712. Establishment.
- Sec. 1713. Members of the Commission.
- Sec. 1714. Duties of the Commission.
- Sec. 1715. Operation and powers of the Commission.
- Sec. 1716. Funding.
- Sec. 1717. Personnel.
- Sec. 1718. Termination.

### Subtitle C—Technical and Conforming Amendments

- Sec. 1731. Technical amendments to the Homeland Security Act of 2002.

# 1 **TITLE I—DEPARTMENT OF** 2 **HOMELAND SECURITY HEAD-** 3 **QUARTERS**

## 4 **Subtitle A—Headquarters** 5 **Operations**

### 6 **SEC. 1101. FUNCTIONS AND COMPONENTS OF HEAD-** 7 **QUARTERS OF DEPARTMENT OF HOMELAND** 8 **SECURITY.**

9 Section 102 of the Homeland Security Act of 2002  
10 (6 U.S.C. 112) is amended—

11 (1) in subsection (c), in the matter preceding  
12 paragraph (1), by striking “through the Office of

1 State and Local Coordination (established under sec-  
2 tion 801)” and inserting “through the Office of  
3 Partnership and Engagement”; and

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

5 “(h) HEADQUARTERS.—

6 “(1) IN GENERAL.—There is in the Department  
7 a Headquarters.

8 “(2) COMPONENTS.—The Department Head-  
9 quarters shall include each of the following:

10 “(A) The Office of the Secretary, which  
11 shall include—

12 “(i) the Deputy Secretary;

13 “(ii) the Chief of Staff; and

14 “(iii) the Executive Secretary.

15 “(B) The Management Directorate, includ-  
16 ing the Office of the Chief Financial Officer.

17 “(C) The Office of Strategy, Policy, and  
18 Plans.

19 “(D) The Office of the General Counsel.

20 “(E) The Office of the Chief Privacy and  
21 FOIA Officer.

22 “(F) The Office for Civil Rights and Civil  
23 Liberties.

24 “(G) The Office of Operations Coordina-  
25 tion.

1 “(H) The Office of Intelligence and Anal-  
2 ysis.

3 “(I) The Office of Legislative Affairs.

4 “(J) The Office of Public Affairs.

5 “(K) The Office of the Inspector General.

6 “(L) The Office of the Citizenship and Im-  
7 migration Services Ombudsman.

8 “(M) The Countering Weapons of Mass  
9 Destruction Office.”.

10 **SEC. 1102. RESPONSIBILITIES AND FUNCTIONS OF CHIEF**  
11 **PRIVACY AND FOIA OFFICER.**

12 Section 222(a) of the Homeland Security Act of 2002  
13 (6 U.S.C. 142(a)) is amended—

14 (1) in the matter preceding paragraph (1)—

15 (A) by inserting “to be the Chief Privacy  
16 and FOIA Officer of the Department,” after  
17 “in the Department,”; and

18 (B) by striking “to the Secretary, to as-  
19 sume” and inserting “to the Secretary. Such of-  
20 ficial shall have”;

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

23 (3) by striking paragraph (6); and

24 (4) by inserting after paragraph (5) the fol-  
25 lowing:

1           “(6) developing guidance to assist components  
2           of the Department in developing privacy policies and  
3           practices;

4           “(7) establishing a mechanism to ensure such  
5           components are in compliance with Federal, regu-  
6           latory, statutory, and Department privacy require-  
7           ments, mandates, directives, and policies, including  
8           requirements under section 552 of title 5, United  
9           States Code (commonly known as the Freedom of  
10          Information Act);

11          “(8) working with components and offices of  
12          the Department to ensure that information sharing  
13          and policy development activities incorporate privacy  
14          protections;

15          “(9) serving as the Chief FOIA Officer of the  
16          Department for purposes of section 552(j) of title 5,  
17          United States Code (commonly known as the ‘Free-  
18          dom of Information Act’);

19          “(10) preparing an annual report to Congress  
20          that includes a description of the activities of the  
21          Department that affect privacy during the fiscal  
22          year covered by the report, including complaints of  
23          privacy violations, implementation of section 552a of  
24          title 5, United States Code (commonly known as the



1       ‘Privacy Act of 1974’), internal controls, and other  
2       matters; and

3               “(11) carrying out such other responsibilities as  
4       the Secretary determines are appropriate, consistent  
5       with this section.”.

6   **SEC. 1103. RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-**  
7               **CER.**

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

10           (1) by redesignating subsections (b) and (c) as  
11       subsections (c) and (d), respectively; and

12           (2) by inserting after subsection (a) the fol-  
13       lowing:

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

18           “(1) oversee Department budget formulation  
19       and execution;

20           “(2) lead and provide guidance on performance-  
21       based budgeting practices for the Department to en-  
22       sure that the Department and its components are  
23       meeting missions and goals;

24           “(3) lead cost-estimating practices for the De-  
25       partment, including the development of policies on

1 cost estimating and approval of life cycle cost esti-  
2 mates;

3 “(4) coordinate with the Office of Strategy,  
4 Policy, and Plans to ensure that the development of  
5 the budget for the Department is compatible with  
6 the long-term strategic plans, priorities, and policies  
7 of the Secretary;

8 “(5) develop financial management policy for  
9 the Department and oversee the implementation of  
10 such policy, including the establishment of effective  
11 internal controls over financial reporting systems  
12 and processes throughout the Department;

13 “(6) lead financial system modernization efforts  
14 throughout the Department;

15 “(7) lead the efforts of the Department related  
16 to financial oversight, including identifying ways to  
17 streamline and standardize business processes;

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

23 “(9) fully implement a common accounting  
24 structure to be used across the entire Department  
25 by fiscal year 2020;

1           “(10) participate in the selection, performance  
2           planning, and review of cost estimating positions  
3           with the Department;

4           “(11) track, approve, oversee, and make public  
5           information on expenditures by components of the  
6           Department for conferences, as appropriate, includ-  
7           ing by requiring each component to—

8                   “(A) report to the Inspector General of the  
9           Department the expenditures by such compo-  
10          nent for each conference hosted for which the  
11          total expenditures of the Department exceed  
12          \$100,000, within 15 days after the date of the  
13          conference; and

14                   “(B) with respect to such expenditures,  
15          provide to the Inspector General—

16                           “(i) the information described in sub-  
17                           sections (a), (b), and (c) of section 739 of  
18                           title VII of division E of the Consolidated  
19                           and Further Continuing Appropriations  
20                           Act, 2015 (Public Law 113–235; 128 Stat.  
21                           2389); and

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

24           “(12) track and make public information on ex-  
25          penditures by components of the Department for

1 conferences, as appropriate, including by requiring  
2 each component to—

3 “(A) report to the Inspector General of the  
4 Department the expenditures by such compo-  
5 nent for each conference hosted or attended by  
6 Department employees for which the total ex-  
7 penditures of the Department are more than  
8 \$20,000 and less than \$100,000, not later than  
9 30 days after the date of the conference; and

10 “(B) with respect to such expenditures,  
11 provide to the Inspector General—

12 “(i) the information described in sub-  
13 sections (a), (b), and (c) of section 739 of  
14 title VII of division E of the Consolidated  
15 and Further Continuing Appropriations  
16 Act, 2015 (Public Law 113–235; 128 Stat.  
17 2389); and

18 “(ii) documentation of such expendi-  
19 tures.”.

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

1   **SEC. 1104. CHIEF INFORMATION OFFICER.**

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

4           (1) in subsection (a)—

5                 (A) by striking “, or to another official of  
6           the Department, as the Secretary may direct”;  
7           and

8                 (B) by adding at the end the following: “In  
9           addition to the functions under section  
10          3506(a)(2) of title 44, United States Code, and  
11          section 11319 of title 40, United States Code,  
12          the Chief Information Officer shall—

13                 “(1) serve as the lead technical authority for in-  
14          formation technology programs of the Department  
15          and Department components; and

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

22                 (2) by redesignating subsection (b) as sub-  
23          section (c); and

24                 (3) by inserting after subsection (a) the fol-  
25          lowing:

26          “(b) STRATEGIC PLANS.—

1           “(1) IN GENERAL.—The Chief Information Of-  
2       ficer shall, in coordination with the Chief Financial  
3       Officer, develop an information technology strategic  
4       plan every 5 years and report to the Committee on  
5       Homeland Security and the Committee on Appro-  
6       priations of the House of Representatives and the  
7       Committee on Homeland Security and Governmental  
8       Affairs and the Committee on Appropriations of the  
9       Senate on the extent to which—

10           “(A) the budget of the Department aligns  
11       with priorities specified in the information tech-  
12       nology strategic plan;

13           “(B) the information technology strategic  
14       plan informs the budget process of the Depart-  
15       ment;

16           “(C) the Department has identifies and  
17       addressed skills gaps needed to implement the  
18       information technology strategic plan;

19           “(D) unnecessary duplicative information  
20       technology within and across the components of  
21       the Department has been eliminated;

22           “(E) outcome-oriented goals, quantifiable  
23       performance measures, and strategies for  
24       achieving those goals and measures have suc-  
25       ceeded; and

1                   “(F) internal control weaknesses and how  
2                   the Department will address those weaknesses.

3                   “(2) INITIAL PLAN.—Not later than 1 year  
4                   after the date of enactment of this subsection, the  
5                   Chief Information Officer shall complete the first in-  
6                   formation technology strategic plan required under  
7                   paragraph (1).”.

8                   (b) SOFTWARE LICENSING.—

9                   (1) IN GENERAL.—Not later than 1 year after  
10                  the date of enactment of this Act and each year  
11                  thereafter through fiscal year 2021, the Chief Infor-  
12                  mation Officer of the Department of Homeland Se-  
13                  curity shall submit the comprehensive software li-  
14                  cense policy developed to meet the requirements of  
15                  section 2 of the MEGABYTE Act of 2016 (40  
16                  U.S.C. 11302 note), including any updates provided  
17                  to the Director of the Office of Management and  
18                  Budget, to—

19                  (A) the Committee on Homeland Security  
20                  and the Committee of Oversight and Govern-  
21                  ment Reform of the House of Representatives;  
22                  and

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

1           (2) DEPARTMENT INVENTORY.—Beginning in  
2       fiscal year 2022, and once every 2 fiscal years there-  
3       after, the Chief Information Officer of the Depart-  
4       ment of Homeland Security, in consultation with the  
5       component chief information officers, shall submit to  
6       the Committee on Homeland Security and the Com-  
7       mittee on Oversight and Government Reform of the  
8       House of Representatives and the Committee on  
9       Homeland Security and Governmental Affairs of the  
10      Senate a report containing—

11           (A) a department-wide inventory of all  
12      software licenses held by the Department of  
13      Homeland Security on unclassified and classi-  
14      fied systems, including utilized and unutilized  
15      licenses;

16           (B) an assessment of the needs of the De-  
17      partment of Homeland Security and the compo-  
18      nents of the Department of Homeland Security  
19      for software licenses for the subsequent 2 fiscal  
20      years;

21           (C) an explanation as to how the use of  
22      shared cloud-computing services or other new  
23      technologies will impact the needs for software  
24      licenses for the subsequent 2 fiscal years; and



1 (D) plans and estimated costs for elimi-  
2 nating unutilized software licenses for the sub-  
3 sequent 2 fiscal years; and

4 (E) a plan to expedite licensing of software  
5 developed for the Department of Homeland Se-  
6 curity to the private sector.

7 (3) PLAN TO REDUCE SOFTWARE LICENSES.—

8 If the Chief Information Officer of the Department  
9 of Homeland Security determines through the inven-  
10 tory conducted under paragraph (2) that the number  
11 of software licenses held by the Department of  
12 Homeland Security and the components of the De-  
13 partment of Homeland Security exceeds the needs of  
14 the Department of Homeland Security, not later  
15 than 90 days after the date on which the inventory  
16 is completed, the Secretary of Homeland Security  
17 shall establish a plan for reducing the number of  
18 such software licenses to meet needs of the Depart-  
19 ment of Homeland Security.

20 (c) COMPTROLLER GENERAL REVIEW.—Not later  
21 than the end of fiscal year 2019, the Comptroller General  
22 of the United States shall review the extent to which the  
23 Chief Information Officer of the Department of Homeland  
24 Security fulfilled all requirements established in this sec-  
25 tion and the amendments made by this section.

1 **SEC. 1105. QUADRENNIAL HOMELAND SECURITY REVIEW.**

2 (a) IN GENERAL.—Section 706 of the Homeland Se-  
3 curity Act of 2002, as so redesignated by section 1141  
4 of this Act, is amended—

5 (1) in subsection (a)(3)—

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

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

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

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

21 (2) in subsection (b)—

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

26 (B) in paragraph (3)—

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

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

5 (C) in paragraph (4)—

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

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

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

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

21 (E) by striking paragraph (6);

22 (3) in subsection (c)—

23 (A) in paragraph (1), by striking “Decem-  
24 ber 31” and inserting “September 30”;

25 (B) in paragraph (2)—

1 (i) in subparagraph (B), by striking  
2 “description of the threats to” and insert-  
3 ing “risk assessment of”;

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

7 (iii) in subparagraph (D)—

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

11 (II) by striking “budget plan”  
12 and inserting “resources required”;

13 (iv) in subparagraph (F)—

14 (I) by inserting “to the extent  
15 practicable,” before “a discussion”;  
16 and

17 (II) by striking “the status of”;

18 (v) in subparagraph (G)—

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

21 (II) by striking “the status of”;

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

24 (IV) by inserting “and” after the  
25 semicolon at the end;

1 (vi) by striking subparagraph (H);

2 and

3 (vii) by redesignating subparagraph

4 (I) as subparagraph (H);

5 (C) by redesignating paragraph (3) as

6 paragraph (4); and

7 (D) by inserting after paragraph (2) the

8 following:

9 “(3) DOCUMENTATION.—The Secretary shall  
10 retain, from each quadrennial homeland security re-  
11 view, all information regarding the risk assessment,  
12 as required under subsection (c)(2)(B), including—

13 “(A) the risk model utilized to generate  
14 the risk assessment;

15 “(B) information, including data used in  
16 the risk model, utilized to generate the risk as-  
17 sessment; and

18 “(C) sources of information, including  
19 other risk assessments, utilized to generate the  
20 risk assessment.”;

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

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

1       “(d) REVIEW.—Not later than 90 days after the sub-  
2 mission of each report required under subsection (c)(1),  
3 the Secretary shall provide to the Committee on Homeland  
4 Security of the House of Representatives and the Com-  
5 mittee on Homeland Security and Governmental Affairs  
6 of the Senate information on the degree to which the find-  
7 ings and recommendations developed in the quadrennial  
8 homeland security review covered by the report were inte-  
9 grated into the acquisition strategy and expenditure plans  
10 for the Department.”.

11       (b) EFFECTIVE DATE.—The amendments made by  
12 this section shall apply with respect to a quadrennial  
13 homeland security review conducted under section 706 of  
14 the Homeland Security Act of 2002, as so redesignated,  
15 after December 31, 2017.

16 **SEC. 1106. OFFICE OF STRATEGY, POLICY, AND PLANS.**

17       (a) ABOLISHMENT OF OFFICE OF INTERNATIONAL  
18 AFFAIRS.—

19           (1) IN GENERAL.—The Office of International  
20 Affairs within the Office of the Secretary of Home-  
21 land Security is abolished.

22           (2) TRANSFER OF ASSETS AND PERSONNEL.—  
23 The functions authorized to be performed by the of-  
24 fice described in paragraph (1) as of the day before  
25 the date of enactment of this Act, and the assets

1       and personnel associated with such functions, are  
2       transferred to the Under Secretary for Strategy,  
3       Policy, and Plans of the Department of Homeland  
4       Security under section 708 of the Homeland Secu-  
5       rity Act of 2002, as so redesignated by section 1141  
6       of this Act.

7               (3) CONFORMING AMENDMENT.—The Home-  
8       land Security Act of 2002 (6 U.S.C. 101 et seq.) is  
9       amended by striking section 879 (6 U.S.C. 459).

10              (4) CLERICAL AMENDMENT.—The table of con-  
11       tents in section 1(b) of the Homeland Security Act  
12       of 2002 (Public Law 107–296; 116 Stat. 2135) is  
13       amended by striking the item relating to section  
14       879.

15       (b) CONFORMING AMENDMENTS RELATING TO AS-  
16       SISTANT SECRETARIES.—Section 103(a) of the Homeland  
17       Security Act of 2002 (6 U.S.C. 113(a)) is amended—

18              (1) in the subsection heading, by inserting “;  
19       ASSISTANT SECRETARIES AND OTHER OFFICERS”  
20       after “UNDER SECRETARIES”;

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

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

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

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

7           “(A) PRESIDENTIAL APPOINTMENTS.—The  
8       Department shall have the following Assistant  
9       Secretaries appointed by the President:

10           “(i) The Assistant Secretary for Pub-  
11       lic Affairs.

12           “(ii) The Assistant Secretary for Leg-  
13       islative Affairs.

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

17           “(iv) The Chief Medical Officer.

18           “(B) SECRETARIAL APPOINTMENTS.—The  
19       Department shall have the following Assistant  
20       Secretaries appointed by the Secretary:

21           “(i) The Assistant Secretary for Inter-  
22       national Affairs.

23           “(ii) The Assistant Secretary for  
24       Threat Prevention and Security Policy.



1 “(iii) The Assistant Secretary for  
2 Border, Immigration, and Trade Policy.

3 “(iv) The Assistant Secretary for Cy-  
4 bersecurity, Infrastructure, and Resilience  
5 Policy.

6 “(v) The Assistant Secretary for  
7 Strategy, Planning, Analysis, and Risk.

8 “(vi) The Assistant Secretary for  
9 State and Local Law Enforcement.

10 “(vii) The Assistant Secretary for Pri-  
11 vate Sector.”; and

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

13 “(3) LIMITATION ON CREATION OF POSI-  
14 TIONS.—No Assistant Secretary position may be cre-  
15 ated in addition to the positions provided for by this  
16 section unless such position is authorized by a stat-  
17 ute enacted after the date of the enactment of the  
18 DHS Authorization Act.”.

19 (c) HOMELAND SECURITY ADVISORY COUNCIL.—  
20 Section 102(b) of the Homeland Security Act of 2002 (6  
21 U.S.C. 112(b)) is amended—

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

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

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

2           “(4) shall establish a Homeland Security Advi-  
3       sory Council to provide advice and recommendations  
4       on homeland security-related matters, including ad-  
5       vice with respect to the preparation of the quadren-  
6       nial homeland security review under section 706.”.

7       (d) OFFICE OF LEGISLATIVE AFFAIRS.—Section 103  
8   of the Homeland Security Act of 2002 (6 U.S.C. 113) is  
9   amended by adding at the end the following:

10       “(h) OFFICE OF LEGISLATIVE AFFAIRS.—

11           “(1) IN GENERAL.—The head of each office of  
12       legislative affairs of a component of the Department  
13       shall report to the Assistant Secretary for Legisla-  
14       tive Affairs.

15           “(2) CONGRESSIONAL COMMITTEES.—The As-  
16       sistant Secretary for Legislative Affairs shall oversee  
17       an internal reporting structure for engaging with au-  
18       thorizing and appropriating congressional commit-  
19       tees.”.

20       (e) OFFICE OF PRIVATE SECTOR.—

21           “(1) IN GENERAL.—Section 103 of the Home-  
22       land Security Act of 2002 (6 U.S.C. 113), as  
23       amended, is amended by adding at the end the fol-  
24       lowing:

1       “(i) OFFICE OF PRIVATE SECTOR.—The Assistant  
2 Secretary for Private Sector shall be responsible for—

3           “(1) creating and fostering strategic commu-  
4 nications with the private sector to enhance the pri-  
5 mary mission of the Department to protect the  
6 American homeland;

7           “(2) advising the Secretary on the impact of  
8 the Department’s policies, regulations, processes,  
9 and actions on the private sector;

10          “(3) interfacing with other relevant Federal  
11 agencies with homeland security missions to assess  
12 the impact of these agencies’ actions on the private  
13 sector;

14          “(4) creating and managing private sector advi-  
15 sory councils composed of representatives of indus-  
16 tries and associations designated by the Secretary  
17 to—

18           “(A) advise the Secretary on private sector  
19 products, applications, and solutions as they re-  
20 late to homeland security challenges; and

21           “(B) advise the Secretary on homeland se-  
22 curity policies, regulations, processes, and ac-  
23 tions that affect the participating industries  
24 and associations;

1 “(5) working with Federal laboratories, Feder-  
2 ally funded research and development centers, other  
3 Federally funded organizations, academia, and the  
4 private sector to develop innovative approaches to  
5 address homeland security challenges to produce and  
6 deploy the best available technologies for homeland  
7 security missions;

8 “(6) promoting existing public-private partner-  
9 ships and developing new public-private partnerships  
10 to provide for collaboration and mutual support to  
11 address homeland security challenges; and

12 “(7) assisting in the development and pro-  
13 motion of private sector best practices to secure crit-  
14 ical infrastructure.”.

15 (2) CONFORMING AMENDMENT.—Section 102(f)  
16 of the Homeland Security Act of 2002 (6 U.S.C.  
17 112(f)) is amended—

18 (A) by striking paragraphs (1) through  
19 (7); and

20 (B) by redesignating paragraphs (8), (9),  
21 (10), and (11) as paragraphs (1), (2), (3), and  
22 (4), respectively.

23 (f) DEFINITIONS.—In this section each of the terms  
24 “assets”, “functions”, and “personnel” have the meanings

1 given those terms under section 2 of the Homeland Secu-  
2 rity Act of 2002 (6 U.S.C. 101).

3 (g) DUPLICATION REVIEW.—

4 (1) REVIEW REQUIRED.—Not later than 1 year  
5 after the date of enactment of this Act, the Sec-  
6 retary of Homeland Security shall complete a review  
7 of the functions and responsibilities of each Depart-  
8 ment of Homeland Security component responsible  
9 for international affairs to identify and eliminate  
10 areas of unnecessary duplication.

11 (2) SUBMISSION TO CONGRESS.—Not later than  
12 30 days after the completion of the review required  
13 under paragraph (1), the Secretary of Homeland Se-  
14 curity shall provide the results of the review to the  
15 Committee on Homeland Security of the House of  
16 Representatives and the Committee on Homeland  
17 Security and Governmental Affairs of the Senate.

18 (3) ACTION PLAN.—Not later than 1 year after  
19 the date of enactment of this Act, the Secretary of  
20 Homeland Security shall submit to the congressional  
21 homeland security committees, as defined in section  
22 2 of the Homeland Security Act of 2002 (6 U.S.C.  
23 101, as amended by this Act, an action plan, includ-  
24 ing corrective steps and an estimated date of com-  
25 pletion, to address areas of duplication, fragmenta-

1       tion, and overlap and opportunities for cost savings  
2       and revenue enhancement, as identified by the Gov-  
3       ernment Accountability Office based on the annual  
4       report of the Government Accountability Office enti-  
5       tled “Additional Opportunities to Reduce Frag-  
6       mentation, Overlap, and Duplication and Achieve  
7       Other Financial Benefits”.

8       **SEC. 1107. CHIEF PROCUREMENT OFFICER.**

9       (a) IN GENERAL.—Title VII of the Homeland Secu-  
10      rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
11      section 1141, is amended by adding at the end the fol-  
12      lowing:

13      **“SEC. 709. CHIEF PROCUREMENT OFFICER.**

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

23      “(b) RESPONSIBILITIES.—The Chief Procurement  
24      Officer shall—

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

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

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

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

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

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

21          “(7) approve the selection and organizational  
22          placement of each head of contracting activity within  
23          the Department and participate in the periodic per-  
24          formance reviews of each head of contracting activity  
25          of the Department;

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

12           “(9) 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 who is delegated, by the Chief Procure-  
18          ment Officer and Senior Procurement Executive, the re-  
19          sponsibility for the creation, management, and oversight  
20          of a team of procurement professionals properly trained,  
21          certified, and warranted to accomplish the acquisition of  
22          products and services on behalf of the designated compo-  
23          nents, offices, and organizations of the Department, and  
24          as authorized, other government entities.”.



1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002  
3 (Public Law 107–296; 116 Stat. 2135), as amended by  
4 section 1141, is amended by inserting after the item relat-  
5 ing to section 708 the following:

“Sec. 709. Chief Procurement Officer.”.

6 **SEC. 1108. CHIEF SECURITY OFFICER.**

7 (a) IN GENERAL.—Title VII of the Homeland Secu-  
8 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
9 section 1107, is amended by adding at the end the fol-  
10 lowing:

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

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

15 “(b) RESPONSIBILITIES.—The Chief Security Officer  
16 shall—

17 “(1) develop, implement, and oversee compli-  
18 ance with the security policies, programs, and stand-  
19 ards of the Department;

20 “(2) participate in—

21 “(A) the selection and organizational  
22 placement of each senior security official of a  
23 component, and the deputy for each such offi-  
24 cial, and any other senior executives responsible  
25 for security-related matters; and

1                   “(B) the periodic performance planning  
2                   and reviews;

3                   “(3) identify training requirements, standards,  
4                   and oversight of education to Department personnel  
5                   on security-related matters;

6                   “(4) develop security programmatic guidelines;

7                   “(5) review contracts and interagency agree-  
8                   ments associated with major security investments  
9                   within the Department; and

10                  “(6) provide support to Department compo-  
11                  nents on security-related matters.”.

12                  (b) CLERICAL AMENDMENT.—The table of contents  
13 in section 1(b) of the Homeland Security Act of 2002  
14 (Public Law 107–296; 116 Stat. 2135) is amended, as  
15 amended by section 1107, by inserting after the item relat-  
16 ing to section 709 the following:

                  “Sec. 710. Chief Security Officer.”.

17 **SEC. 1109. OFFICE OF INSPECTOR GENERAL.**

18                  (a) NOTIFICATION.—The heads of offices and compo-  
19 nents of the Department of Homeland Security shall  
20 promptly advise the Inspector General of the Department  
21 of all allegations of misconduct with respect to which the  
22 Inspector General has investigative authority under the  
23 Inspector General Act of 1978 (5 U.S.C. App.).

24                  (b) WAIVER.—The Inspector General may waive the  
25 notification requirement under this subsection with re-

1 spect to any category or subset of allegations of mis-  
2 conduct.

3 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
4 tion may be construed as affecting the authority of the  
5 Secretary of Homeland Security under the Inspector Gen-  
6 eral Act of 1978 (5 U.S.C. App.).

7 **SEC. 1110. OFFICE FOR CIVIL RIGHTS AND CIVIL LIB-**  
8 **ERTIES.**

9 Section 705 of the Homeland Security Act of 2002  
10 (6 U.S.C. 345) is amended—

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

13 (2) in subsection (a)—

14 (A) in the matter preceding paragraph (1),  
15 by striking “Officer for Civil Rights and Civil  
16 Liberties” and inserting “Chief Civil Rights  
17 and Civil Liberties Officer”; and

18 (B) in paragraph (2), by inserting “Chief”  
19 before “Officer”;

20 (3) by redesignating subsection (b) as sub-  
21 section (d); and

22 (4) by inserting after subsection (a) the fol-  
23 lowing:

24 “(b) OFFICE FOR CIVIL RIGHTS AND CIVIL LIB-  
25 ERTIES.—There is in the Department an Office for Civil

1 Rights and Civil Liberties. Under the direction of the  
2 Chief Civil Rights and Civil Liberties Officer, the Office  
3 shall support the Chief Civil Rights and Civil Liberties Of-  
4 ficer in the following:

5           “(1) Integrating civil rights and civil liberties  
6           into activities of the Department by conducting pro-  
7           grams and providing policy advice and other tech-  
8           nical assistance.

9           “(2) Investigating complaints and information  
10          indicating possible abuses of civil rights or civil lib-  
11          erties, unless the Inspector General of the Depart-  
12          ment determines that any such complaint or infor-  
13          mation should be investigated by the Inspector Gen-  
14          eral.

15          “(3) Directing the Department’s equal employ-  
16          ment opportunity and diversity policies and pro-  
17          grams, including complaint management and adju-  
18          dication.

19          “(4) Communicating with individuals and com-  
20          munities whose civil rights and civil liberties may be  
21          affected by Department activities.

22          “(5) Any other activities as assigned by the  
23          Chief Civil Rights and Civil Liberties Officer.

24          “(c) COMPONENT CIVIL RIGHTS AND CIVIL LIB-  
25          ERTIES OFFICERS.—

1           “(1) IN GENERAL.—In consultation with the  
2           Chief Civil Rights and Civil Liberties Officer, the  
3           Head of each component of the Department shall  
4           appoint a senior level Federal employee with experi-  
5           ence and background in civil rights and civil liberties  
6           as the Civil Rights and Civil Liberties Officer for the  
7           component.

8           “(2) RESPONSIBILITIES.—Each Civil Rights  
9           and Civil Liberties Officer appointed under para-  
10          graph (1) shall—

11                   “(A) serve as the main point of contact for  
12                   the Chief Civil Rights and Civil Liberties Offi-  
13                   cer; and

14                   “(B) coordinate with the Chief Civil Rights  
15                   and Civil Liberties Officer to oversee the inte-  
16                   gration of civil rights and civil liberties into the  
17                   activities of the component.”.

18 **SEC. 1111. SCIENCE AND TECHNOLOGY.**

19           (a) RESPONSIBILITIES OF THE UNDER SECRETARY  
20           FOR SCIENCE AND TECHNOLOGY.—

21                   (1) DIRECTORATE FOR SCIENCE AND TECH-  
22                   NOLOGY.—Section 302 of the Homeland Security  
23                   Act of 2002 (6 U.S.C. 182) is amended—

1 (A) in the matter preceding paragraph (1),  
2 by striking “The Secretary, acting through the  
3 Under” and inserting “The Under”; and

4 (B) in paragraph (4), by striking “and  
5 evaluation” and inserting “evaluation, and  
6 standards coordination and development”.

7 (2) TECHNICAL AND CONFORMING AMEND-  
8 MENT.—Section 315(a)(2)(A) of the Homeland Se-  
9 curity Act of 2002 (Public Law 107–296; 116 Stat.  
10 2135) is amended by striking “Directorate of  
11 Science and Technology and Homeland Security Ad-  
12 vanced Research Projects Agency” and inserting  
13 “Directorate for Testing and Evaluation of Science  
14 and Technology and the Chief Scientist”.

15 (b) OFFICE OF THE CHIEF SCIENTIST.—

16 (1) IN GENERAL.—Section 307 of the Home-  
17 land Security Act of 2002 (6 U.S.C. 187) is amend-  
18 ed—

19 (A) in the section heading, by striking  
20 “**HOMELAND SECURITY ADVANCED RE-**  
21 **SEARCH PROJECTS AGENCY**” and inserting  
22 “**OFFICE OF THE CHIEF SCIENTIST**”;

23 (B) in subsection (a)—

24 (i) by striking paragraphs (1) and (3);

25 and

1 (ii) by redesignating paragraphs (2)  
2 and (4) as paragraphs (1) and (2), respec-  
3 tively; and

4 (C) by striking subsections (b) and (c) and  
5 inserting the following:

6 “(b) OFFICE OF THE CHIEF SCIENTIST.—

7 “(1) ESTABLISHMENT.—There is established  
8 the Office of the Chief Scientist.

9 “(2) CHIEF SCIENTIST.—The Office of the  
10 Chief Scientist shall be headed by a Chief Scientist,  
11 who shall be appointed by the Under Secretary.

12 “(3) QUALIFICATIONS.—The Chief Scientist  
13 shall—

14 “(A) be appointed from among distin-  
15 guished scientists with specialized training or  
16 significant experience in a field related to  
17 counterterrorism, traditional homeland security  
18 missions, or national defense; and

19 “(B) have earned an advanced degree at  
20 an institution of higher education (as defined in  
21 section 101 of the Higher Education Act of  
22 1965 (20 U.S.C. 1001)).

23 “(4) RESPONSIBILITIES.—The Chief Scientist  
24 shall oversee all research and development to—

1           “(A) support basic and applied homeland  
2 security research to promote revolutionary  
3 changes in technologies that would promote  
4 homeland security;

5           “(B) advance the development, testing and  
6 evaluation, standards coordination and develop-  
7 ment, and deployment of critical homeland se-  
8 curity technologies;

9           “(C) accelerate the prototyping and deploy-  
10 ment of technologies that would address home-  
11 land security vulnerabilities;

12           “(D) promote the award of competitive,  
13 merit-reviewed grants, cooperative agreements  
14 or contracts to public or private entities, includ-  
15 ing business, federally funded research and de-  
16 velopment centers, and universities; and

17           “(E) oversee research and development for  
18 the purpose of advancing technology for the in-  
19 vestigation of child exploitation crimes, includ-  
20 ing child victim identification, trafficking in  
21 persons, and child pornography, and for ad-  
22 vanced forensics.

23           “(5) COORDINATION.—The Chief Scientist shall  
24 ensure that the activities of the Directorate for Test-  
25 ing and Evaluation of Science and Technology are



1 coordinated with those of other relevant research  
2 agencies, and may oversee projects jointly with other  
3 agencies.

4 “(6) PERSONNEL.—In hiring personnel for the  
5 Science and Technology Directorate, the Secretary  
6 shall have the hiring and management authorities  
7 described in section 1101 of the Strom Thurmond  
8 National Defense Authorization Act for Fiscal Year  
9 1999 (5 U.S.C. 3104 note; Public Law 105–261).  
10 The term of appointments for employees under sub-  
11 section (c)(1) of that section may not exceed 5 years  
12 before the granting of any extension under sub-  
13 section (c)(2) of that section.

14 “(7) DEMONSTRATIONS.—The Chief Scientist,  
15 periodically, shall hold homeland security technology  
16 demonstrations, pilots, field assessments, and work-  
17 shops to improve contact among technology devel-  
18 opers, vendors, component personnel, State, local,  
19 and tribal first responders, and acquisition per-  
20 sonnel.”.

21 (2) CLERICAL AMENDMENT.—The table of con-  
22 tents in section 1(b) of the Homeland Security Act  
23 of 2002 (Public Law 107–296; 116 Stat. 2135) is  
24 amended by striking the item relating to section 307  
25 and inserting the following:

“Sec. 307. Office of the Chief Scientist.”.

1 **SEC. 1112. DEPARTMENT OF HOMELAND SECURITY ROTA-**  
2 **TION PROGRAM.**

3 (a) ENHANCEMENTS TO THE ROTATION PROGRAM.—  
4 Section 844 of the Homeland Security Act of 2002 (6  
5 U.S.C. 414) is amended—

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

7 (2) by redesignating paragraphs (1) through  
8 (5) as subsections (a) through (e), respectively, and  
9 adjusting the margins accordingly;

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

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

14 (B) by striking “for employees of the De-  
15 partment” and inserting “for certain personnel  
16 within the Department”;

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

18 (A) by redesignating subparagraphs (A)  
19 through (G) as paragraphs (3) through (9), re-  
20 spectively, and adjusting the margins accord-  
21 ingly;

22 (B) by inserting before paragraph (3), as  
23 so redesignated, the following:

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

1           “(2) seek to help enhance the knowledge, skills,  
2           and abilities of participating personnel with respect  
3           to the programs, policies, and activities of the De-  
4           partment;”;

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

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

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

13           (A) by redesignating subparagraphs (A)  
14           and (B) as paragraphs (1) and (2), respectively,  
15           and adjusting the margins accordingly; and

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

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

18           (ii) by redesignating clauses (i), (ii),  
19           and (iv) through (viii) as subparagraphs

20           (A) through (G), respectively, and adjust-  
21           ing the margins accordingly;

22          (6) by redesignating subsections (d) and (e), as  
23          redesignated by paragraph (2), as subsections (e)  
24          and (f), respectively;

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

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

5           “(1) before selecting employees for participation  
6       in the Rotation Program, disseminate information  
7       broadly within the Department about the availability  
8       of the Rotation Program, qualifications for partici-  
9       pation in the Rotation Program, including full-time  
10      employment within the employing component or of-  
11      fice not less than 1 year, and the general provisions  
12      of the Rotation Program;

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

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

17               “(B) is selected by the Secretary, or the  
18              Secretary’s designee, solely on the basis of rel-  
19              ative ability, knowledge, and skills, after fair  
20              and open competition that assures that all can-  
21              didates receive equal opportunity;

22          “(3) ensure that each employee participating in  
23 the Rotation Program shall be entitled to return,  
24 within a reasonable period of time after the end of  
25 the period of participation, to the position held by

1 the employee, or a corresponding or higher position,  
2 in the component or office that employed the em-  
3 ployee prior to the participation of the employee in  
4 the Rotation Program;

5 “(4) require that the rights that would be avail-  
6 able to the employee if the employee were detailed  
7 from the employing component or office to another  
8 Federal agency or office remain available to the em-  
9 ployee during the employee participation in the Ro-  
10 tation Program; and

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

14 “(A) shall be conducted by officials in the  
15 office or component employing the employee  
16 with input from the supervisors of the employee  
17 at the component or office in which the em-  
18 ployee is placed during that period; and

19 “(B) shall be provided the same weight  
20 with respect to promotions and other rewards  
21 as performance evaluations for service in the of-  
22 fice or component employing the employee.”;  
23 and

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

1 “(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PRO-  
2 GRAM.—

3 “(1) ESTABLISHMENT.—The Secretary shall es-  
4 tablish an Intelligence Rotational Assignment Pro-  
5 gram as part of the Rotation Program under sub-  
6 section (a).

7 “(2) ADMINISTRATION.—The Chief Human  
8 Capital Officer, in conjunction with the Chief Intel-  
9 ligence Officer, shall administer the Intelligence Ro-  
10 tational Assignment Program established pursuant  
11 to paragraph (1).

12 “(3) ELIGIBILITY.—The Intelligence Rotational  
13 Assignment Program established pursuant to para-  
14 graph (1) shall be open to employees serving in ex-  
15 isting analyst positions within the Department’s In-  
16 telligence Enterprise and other Department employ-  
17 ees as determined appropriate by the Chief Human  
18 Capital Officer and the Chief Intelligence Officer.

19 “(4) COORDINATION.—The responsibilities  
20 specified in subsection (c)(2) that apply to the Rota-  
21 tion Program under such subsection shall, as appli-  
22 cable, also apply to the Intelligence Rotational As-  
23 signment Program under this subsection.”.

24 (b) CONGRESSIONAL NOTIFICATION AND OVER-  
25 SIGHT.—Not later than 120 days after the date of the en-

1 actment of this Act, the Secretary of Homeland Security  
2 shall provide to the Committee on Homeland Security and  
3 the Permanent Select Committee on Intelligence of the  
4 House of Representatives and the Committee on Home-  
5 land Security and Governmental Affairs and the Select  
6 Committee on Intelligence of the Senate information about  
7 the status of the Homeland Security Rotation Program  
8 authorized by section 844 of the Homeland Security Act  
9 of 2002, as amended by subsection (a) of this section.

10 **SEC. 1113. FUTURE YEARS HOMELAND SECURITY PRO-**  
11 **GRAM.**

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

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

16 (2) by striking subsection (a) and inserting the  
17 following:

18 “(a) IN GENERAL.—Not later than 60 days after the  
19 date on which the budget of the President is submitted  
20 to Congress under section 1105(a) of title 31, United  
21 States Code, the Secretary shall submit to the Committee  
22 on Homeland Security and Governmental Affairs of the  
23 Senate and the Committee on Homeland Security of the  
24 House of Representatives (referred to in this section as  
25 the ‘appropriate committees’) a Future Years Homeland

1 Security Program that covers the fiscal year for which the  
2 budget is submitted and the 4 succeeding fiscal years.”;  
3 and

4 (3) by striking subsection (c) and inserting the  
5 following new subsections:

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

9 “(1) acquisition estimates for the fiscal year for  
10 which the budget is submitted and the 4 succeeding  
11 fiscal years, with specified estimates for each fiscal  
12 year, for all major acquisitions by the Department  
13 and each component of the Department; and

14 “(2) estimated annual deployment schedules for  
15 all physical asset major acquisitions over the 5-fis-  
16 cal-year period described in paragraph (1), estimated  
17 costs and number of service contracts, and the full  
18 operating capability for all information technology  
19 major acquisitions.

20 “(d) SENSITIVE AND CLASSIFIED INFORMATION.—  
21 The Secretary may include with each Future Years Home-  
22 land Security Program a classified or other appropriately  
23 controlled document containing information required to be  
24 submitted under this section that is restricted from public



1 disclosure in accordance with Federal law or Executive  
2 order.

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

8 (b) CLERICAL AMENDMENT.—The table of contents  
9 in section 1(b) of the Homeland Security Act of 2002  
10 (Public Law 107–296; 116 Stat. 2135) is amended by  
11 striking the item relating to section 874 and inserting the  
12 following:

“Sec. 874. Future Years Homeland Security Program.”.

13 **SEC. 1114. FIELD EFFICIENCIES PLAN.**

14 (a) IN GENERAL.—Not later than 270 days after the  
15 date of enactment of this Act, the Secretary of Homeland  
16 Security shall submit to the Committee on Homeland Se-  
17 curity and the Committee on Transportation and Infra-  
18 structure of the House of Representatives and Committee  
19 on Homeland Security and Governmental Affairs of the  
20 Senate a field efficiencies plan that—

21 (1) examines the facilities and administrative  
22 and logistics functions of components of the Depart-  
23 ment of Homeland Security located within des-  
24 ignated geographic areas; and

1           (2) provides specific recommendations and an  
2           associated cost-benefit analysis for the consolidation  
3           of the facilities and administrative and logistics  
4           functions of components of the Department within  
5           each designated geographic area.

6           (b) CONTENTS.—The field efficiencies plan submitted  
7           under subsection (a) shall include the following:

8           (1) An accounting of leases held by the Depart-  
9           ment or its components that have expired in the cur-  
10          rent fiscal year or will be expiring in the next fiscal  
11          year, that have begun or been renewed in the cur-  
12          rent fiscal year, or that the Department or its com-  
13          ponents plan to sign or renew in the next fiscal year.

14          (2) For each designated geographic area:

15                (A) An evaluation of specific facilities at  
16                which components, or operational entities of  
17                components, of the Department may be closed  
18                or consolidated, including consideration of when  
19                leases expire or facilities owned by the govern-  
20                ment become available.

21                (B) An evaluation of potential consolida-  
22                tion with facilities of other Federal, State, or  
23                local entities, including—

24                       (i) offices;

25                       (ii) warehouses;

- 1 (iii) training centers;
- 2 (iv) housing;
- 3 (v) ports, shore facilities, and air-
- 4 fields;
- 5 (vi) laboratories;
- 6 (vii) continuity of government facili-
- 7 ties; and
- 8 (viii) other assets as determined by
- 9 the Secretary.

10 (C) An evaluation of the potential for the  
11 consolidation of administrative and logistics  
12 functions, including—

- 13 (i) facility maintenance;
- 14 (ii) fleet vehicle services;
- 15 (iii) mail handling and shipping and
- 16 receiving;
- 17 (iv) facility security;
- 18 (v) procurement of goods and services;
- 19 (vi) information technology and tele-
- 20 communications services and support; and
- 21 (vii) additional ways to improve unity
- 22 of effort and cost savings for field oper-
- 23 ations and related support activities as de-
- 24 termined by the Secretary.

25 (3) An implementation plan, including—

1 (A) near-term actions that can co-locate,  
2 consolidate, or dispose of property within 24  
3 months;

4 (B) identifying long-term occupancy agree-  
5 ments or leases that cannot be changed without  
6 a significant cost to the Government; and

7 (C) how the Department can ensure it has  
8 the capacity, in both personnel and funds, need-  
9 ed to cover up-front costs to achieve consolida-  
10 tion and efficiencies.

11 (4) An accounting of any consolidation of the  
12 real estate footprint of the Department or any com-  
13 ponent of the Department, including the co-location  
14 of personnel from different components, offices, and  
15 agencies within the Department.

16 **SEC. 1115. MANAGEMENT.**

17 (a) SUBMISSION TO CONGRESS OF INFORMATION RE-  
18 GARDING REPROGRAMMING OR TRANSFER OF DEPART-  
19 MENT OF HOMELAND SECURITY RESOURCES TO RE-  
20 SPOND TO OPERATIONAL SURGES.—Title VII of the  
21 Homeland Security Act of 2002 (6 U.S.C. 341 et seq.),  
22 as amended by section 1108, is amended by adding at the  
23 end the following:

1   **“SEC. 711. ANNUAL SUBMITTAL TO CONGRESS OF INFOR-**  
2                   **MATION ON REPROGRAMMING OR TRANS-**  
3                   **FERS OF FUNDS TO RESPOND TO OPER-**  
4                   **ATIONAL SURGES.**

5           “For each fiscal year until fiscal year 2023, the Sec-  
6   retary shall provide to the Committee on Homeland Secu-  
7   rity of the House of Representatives and the Committee  
8   on Homeland Security and Governmental Affairs of the  
9   Senate, together with the annual budget request for the  
10   Department, information on—

11           “(1) any circumstance during the year covered  
12   by the report in which the Secretary exercised the  
13   authority to reprogram or transfer funds to address  
14   unforeseen costs, including costs associated with  
15   operational surges; and

16           “(2) any circumstance in which any limitation  
17   on the transfer or reprogramming of funds affected  
18   the ability of the Secretary to address such unfore-  
19   seen costs.”.

20           (b) LONG TERM REAL PROPERTY STRATEGIES.—  
21   Title VII of the Homeland Security Act of 2002 (6 U.S.C.  
22   341 et seq.), as amended by subsection (a), is amended  
23   by adding at the end the following:

24   **“SEC. 712. CHIEF FACILITIES AND LOGISTICS OFFICER.**

25           “(a) IN GENERAL.—There is a Chief Facilities and  
26   Logistics Officer of the Department who shall report di-

1 rectly to the Under Secretary for Management. The Chief  
2 Facilities and Logistics Officer shall be career reserved for  
3 a member of the senior executive service.

4 “(b) RESPONSIBILITIES.—The Chief Facilities and  
5 Logistics Officer shall—

6 “(1) develop policies and procedures and pro-  
7 vide program oversight to manage real property, fa-  
8 cilities, environmental and energy programs, per-  
9 sonal property, mobile assets, equipment, and other  
10 material resources of the Department;

11 “(2) manage and execute, in consultation with  
12 the component heads, mission support services with-  
13 in the National Capital Region for real property, fa-  
14 cilities, environmental and energy programs, and  
15 other common headquarters and field activities for  
16 the Department; and

17 “(3) provide tactical and transactional services  
18 for the Department in the National Capital Region,  
19 including transportation, facility operations, and  
20 maintenance.

21 **“SEC. 713. LONG TERM REAL PROPERTY STRATEGIES.**

22 “(a) IN GENERAL.—

23 “(1) FIRST STRATEGY.—Not later than 180  
24 days after the date of enactment of this section, the  
25 Under Secretary for Management shall develop an

1 initial 5-year regional real property strategy for the  
2 Department that covers the 5-fiscal-year period im-  
3 mediately following such date of enactment. Such  
4 strategy shall be geographically organized, as des-  
5 ignated by the Under Secretary for Management.

6 “(2) SECOND STRATEGY.—Not later than the  
7 first day of the fourth fiscal year covered by the first  
8 strategy under paragraph (1), the Under Secretary  
9 for Management shall develop a second 5-year real  
10 property strategy for the Department that covers the  
11 5 fiscal years immediately following the conclusion of  
12 the first strategy.

13 “(b) REQUIREMENTS.—

14 “(1) INITIAL STRATEGY.—The initial 5-year  
15 strategy developed in accordance with subsection  
16 (a)(1) shall—

17 “(A) identify opportunities to consolidate  
18 real property, optimize the usage of Federal as-  
19 sets, and decrease the number of commercial  
20 leases and square footage within the Depart-  
21 ment’s real property portfolio;

22 “(B) provide alternate housing and consoli-  
23 dation plans to increase efficiency through joint  
24 use of Department spaces while decreasing the  
25 cost of leased space;

1           “(C) concentrate on geographical areas  
2           with a significant Department presence, as  
3           identified by the Under Secretary for Manage-  
4           ment;

5           “(D) examine the establishment of central  
6           Department locations in each such geographical  
7           region and the co-location of Department com-  
8           ponents based on the mission sets and respon-  
9           sibilities of such components;

10          “(E) identify opportunities to reduce over-  
11          head costs through co-location or consolidation  
12          of real property interests or mission support ac-  
13          tivities, such as shared mail screening and proc-  
14          essing, centralized transportation and shuttle  
15          services, regional transit benefit programs, com-  
16          mon contracting for custodial and other serv-  
17          ices, and leveraging strategic sourcing contracts  
18          and sharing of specialized facilities, such as  
19          training facilities and resources;

20          “(F) manage the current Department  
21          Workspace Standard for Office Space in accord-  
22          ance with the Department office workspace de-  
23          sign process to develop the most efficient and  
24          effective spaces within the workspace standard  
25          usable square foot ranges for all leased for of-



1           fice space entered into on or after the date of  
2           the enactment of this section, including the re-  
3           newal of any leases for office space existing as  
4           of such date;

5           “(G) define, based on square footage, what  
6           constitutes a major real property acquisition;

7           “(H) prioritize actions to be taken to im-  
8           prove the operations and management of the  
9           Department’s real property inventory, based on  
10          life-cycle cost estimations, in consultation with  
11          component heads; and

12          “(I) include any additional information de-  
13          termined appropriate or relevant by the Under  
14          Secretary for Management.

15          “(2) SECOND STRATEGY.—The second 5-year  
16          strategy developed in accordance with subsection  
17          (a)(2) shall include information required in subpara-  
18          graphs (A), (B), (C), (E), (F), (G), (H), and (I) of  
19          paragraph (1) and information on the effectiveness  
20          of implementation efforts pursuant to the Depart-  
21          ment-wide policy required in accordance with sub-  
22          section (c), including—

23                 “(A) the impact of such implementation on  
24                 departmental operations and costs; and

1                   “(B) the degree to which the Department  
2                   established central Department locations and  
3                   co-located Department components pursuant to  
4                   the results of the examination required by para-  
5                   graph (1)(D).

6           “(c) IMPLEMENTATION POLICIES.—Not later than  
7   90 days after the development of each of the regional real  
8   property strategies developed in accordance with sub-  
9   section (a), the Under Secretary for Management shall de-  
10   velop or update, as applicable, a Department-wide policy  
11   implementing such strategies.

12          “(d) CERTIFICATIONS.—Subject to subsection (g)(3),  
13   the implementation policies developed pursuant to sub-  
14   section (c) shall require component heads to certify to the  
15   Under Secretary for Management that such heads have  
16   complied with the requirements specified in subsection (b)  
17   before making any major real property decision or rec-  
18   ommendation, as defined by the Under Secretary, includ-  
19   ing matters related to new leased space, renewing any ex-  
20   isting leases, or agreeing to extend or newly occupy any  
21   Federal space or new construction, in accordance with the  
22   applicable regional real property strategy developed in ac-  
23   cordance with subsection (a).

24          “(e) UNDERUTILIZED SPACE.—

1           “(1) IN GENERAL.—The implementation poli-  
2           cies developed pursuant to subsection (c) shall re-  
3           quire component heads, acting through regional  
4           property managers under subsection (f), to annually  
5           report to the Under Secretary for Management on  
6           underutilized space and identify space that may be  
7           made available for use, as applicable, by other com-  
8           ponents or Federal agencies.

9           “(2) EXCEPTION.—The Under Secretary for  
10          Management may grant an exception to the work-  
11          space standard usable square foot ranges described  
12          in subsection (b)(1)(F) for specific office locations at  
13          which a reduction or elimination of otherwise under-  
14          utilized space would negatively impact a component’s  
15          ability to execute its mission based on readiness per-  
16          formance measures or would increase the cost of  
17          such space.

18          “(3) UNDERUTILIZED SPACE DEFINED.—In  
19          this subsection, the term ‘underutilized space’ means  
20          any space with respect to which utilization is greater  
21          than the workplace standard usable square foot  
22          ranges pursuant to subsection (b)(1)(F).

23          “(f) COMPONENT RESPONSIBILITIES.—

24                 “(1) REGIONAL PROPERTY MANAGERS.—Each  
25                 component head shall identify a senior career em-

1        ployee of each such component for each geographic  
2        region included in the regional real property strate-  
3        gies developed in accordance with subsection (a) to  
4        serve as each such component's regional property  
5        manager. Each such regional property manager shall  
6        serve as a single point of contact for Department  
7        headquarters and other Department components for  
8        all real property matters relating to each such com-  
9        ponent within the region in which each such compo-  
10       nent is located, and provide data and any other sup-  
11       port necessary for the Department of Homeland Se-  
12       curity Regional Mission Support Coordinator stra-  
13       tegic asset and portfolio planning and execution.

14       “(2) DATA.—Regional property managers  
15       under paragraph (1) shall provide annually to the  
16       Under Secretary for Management, via a standard-  
17       ized and centralized system, data on each compo-  
18       nent's real property holdings, as specified by the Un-  
19       dersecretary for Management, including relating to  
20       underutilized space under subsection (e) (as such  
21       term is defined in such subsection), total square  
22       footage leased, annual cost, and total number of  
23       staff, for each geographic region included in the re-  
24       gional real property strategies developed in accord-  
25       ance with subsection (a).

1 “(g) ONGOING OVERSIGHT.—

2 “(1) IN GENERAL.—The Under Secretary for  
3 Management shall monitor components’ adherence to  
4 the regional real property strategies developed in ac-  
5 cordance with subsection (a) and the implementation  
6 policies developed pursuant to subsection (c).

7 “(2) ANNUAL REVIEW.—The Under Secretary  
8 for Management shall annually review the data sub-  
9 mitted pursuant to subsection (f)(2) to ensure all  
10 underutilized space (as such term is defined in sub-  
11 section (e)) is properly identified.

12 “(3) CERTIFICATION REVIEW.—The Under Sec-  
13 retary for Management shall review, and if appro-  
14 priate, approve, component certifications under sub-  
15 section (d) before such components may make any  
16 major real property decision, including matters re-  
17 lated to new leased space, renewing any existing  
18 leases, or agreeing to extend or newly occupy any  
19 Federal space or new construction, in accordance  
20 with the applicable regional real property strategy  
21 developed in accordance with subsection (a).

22 “(4) CONGRESSIONAL REPORTING.—The Under  
23 Secretary for Management shall annually provide in-  
24 formation to the Committee on Homeland Security  
25 and Committee on Transportation and Infrastruc-

1       ture of the House of Representatives, the Committee  
2       on Homeland Security and Governmental Affairs of  
3       the Senate, and the Inspector General of the De-  
4       partment on the real property portfolio of the De-  
5       partment, including information relating to the fol-  
6       lowing:

7               “(A) A summary of the Department’s real  
8               property holdings in each region described in  
9               the regional strategies developed in accordance  
10              with subsection (a), and for each such property,  
11              information including the total square footage  
12              leased, the total cost, the total number of staff  
13              at each such property, and the square foot per  
14              person utilization rate for office space (and  
15              whether or not such conforms with the work-  
16              space standard usable square foot ranges estab-  
17              lished pursuant to subsection (b)(1)(F)).

18              “(B) An accounting of all underutilized  
19              space (as such term is defined in subsection  
20              (e)).

21              “(C) An accounting of all instances in  
22              which the Department or its components con-  
23              solidated their real property holdings or co-lo-  
24              cated with another entity within the Depart-  
25              ment.

1                   “(D) A list of all certifications provided  
2                   pursuant to subsection (d) and all such certifi-  
3                   cations approved pursuant to paragraph (3) of  
4                   this subsection.

5                   “(5) INSPECTOR GENERAL REVIEW.—Not later  
6                   than 120 days after the last day of the fifth fiscal  
7                   year covered in each of the initial and second re-  
8                   gional real property strategies developed in accord-  
9                   ance with subsection (a), the Inspector General of  
10                  the Department shall review the information sub-  
11                  mitted pursuant to paragraph (4) and issue findings  
12                  regarding the effectiveness of the implementation of  
13                  the Department-wide policy and oversight efforts of  
14                  the management of real property facilities, personal  
15                  property, mobile assets, equipment and the Depart-  
16                  ment’s other material resources as required under  
17                  this section.”.

18                  (c) REPORTING.—The Secretary of Homeland Secu-  
19                  rity shall submit to the Committee on Homeland Security  
20                  of the House of Representatives and the Committee on  
21                  Homeland Security and Governmental Affairs of the Sen-  
22                  ate copies of the regional strategies developed in accord-  
23                  ance with section 713(a) of the Homeland Security Act  
24                  of 2002, as added by this Act, not later than 90 days after  
25                  the date of the development of each such strategy.

1 (d) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002  
3 (Public Law 107–296; 116 Stat. 2135), as amended by  
4 section 1108, is amended by inserting after the item relat-  
5 ing to section 710 the following:

“Sec. 711. Annual submittal to Congress of information on reprogramming or  
transfers of funds to respond to operational surges.

“Sec. 712. Chief Facilities and Logistics Officer.

“Sec. 713. Long term real property strategies.”.

6 **SEC. 1116. REPORT TO CONGRESS ON COST SAVINGS AND**  
7 **EFFICIENCY.**

8 (a) IN GENERAL.—Not later than 2 years after the  
9 date of the enactment of this Act, the Secretary of Home-  
10 land Security shall submit to the congressional homeland  
11 security committees a report that includes each of the fol-  
12 lowing:

13 (1) A detailed accounting of the management  
14 and administrative expenditures and activities of  
15 each component of the Department of Homeland Se-  
16 curity and identifies potential cost savings,  
17 avoidances, and efficiencies for those expenditures  
18 and activities.

19 (2) An examination of major physical assets of  
20 the Department of Homeland Security, as defined by  
21 the Secretary of Homeland Security.



1           (3) A review of the size, experience level, and  
2           geographic distribution of the operational personnel  
3           of the Department of Homeland Security.

4           (4) Recommendations for adjustments in the  
5           management and administration of the Department  
6           of Homeland Security that would reduce deficiencies  
7           in the capabilities of the Department of Homeland  
8           Security, reduce costs, and enhance efficiencies.

9           (b) FORM OF REPORT.—The report required under  
10          subsection (a) shall be submitted in unclassified form, but  
11          may include a classified annex.

12   **SEC. 1117. COUNTERING WEAPONS OF MASS DESTRUCTION**  
13                           **OFFICE.**

14          (a) IN GENERAL.—Title XIX of the Homeland Secu-  
15          rity Act of 2002 (6 U.S.C. 591 et seq.) is amended—

16               (1) in the title heading, by striking “**DOMES-**  
17               **TIC NUCLEAR DETECTION OFFICE**” and  
18               inserting “**COUNTERING WEAPONS OF**  
19               **MASS DESTRUCTION OFFICE**”;

20               (2) by striking section 1901 and inserting the  
21          following:

22   **“SEC. 1900. DEFINITIONS.**

23          “In this title:

1           “(1) ASSISTANT SECRETARY.—The term ‘As-  
2           sistant Secretary’ means the Assistant Secretary for  
3           the Countering Weapons of Mass Destruction Office.

4           “(2) OFFICE.—The term ‘Office’ means the  
5           Countering Weapons of Mass Destruction Office es-  
6           tablished under section 1901(a).

7           “(3) WEAPON OF MASS DESTRUCTION.—The  
8           term ‘weapon of mass destruction’ has the meaning  
9           given the term in section 101 of the Foreign Intel-  
10          ligence Surveillance Act of 1978 (50 U.S.C. 1801).

11       **“Subtitle A—Countering Weapons**  
12       **of Mass Destruction Office”;**

13       **“SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUC-**  
14       **TION OFFICE.**

15       “(a) ESTABLISHMENT.—There is established in the  
16       Department a Countering Weapons of Mass Destruction  
17       Office.

18       “(b) ASSISTANT SECRETARY.—The Office shall be  
19       headed by an Assistant Secretary for the Countering  
20       Weapons of Mass Destruction Office, who shall be ap-  
21       pointed by the President.

22       “(c) RESPONSIBILITIES.—The Assistant Secretary  
23       shall serve as the Secretary’s principal advisor on—

24               “(1) weapons of mass destruction matters and  
25               strategies; and

1           “(2) coordinating the efforts to counter weap-  
2           ons of mass destruction.”;

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

4       **“Subtitle B—Mission of the Office**

5       **“SEC. 1921. MISSION OF THE OFFICE.**

6           “The Office shall be responsible for coordinating with  
7       other Federal efforts and developing Departmental strat-  
8       egy and policy to plan, detect, or protect against the im-  
9       portation, possession, storage, transportation, develop-  
10      ment, or use of unauthorized chemical, biological, radio-  
11      logical, or nuclear materials, devices, or agents, in the  
12      United States and to protect against an attack using such  
13      materials, devices, or agents against the people, territory,  
14      or interests of the United States.

15      **“SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT ENTI-**  
16                           **TIES AND FEDERAL AGENCIES.**

17           “(a) IN GENERAL.—The authority of the Assistant  
18      Secretary under this title shall neither affect nor diminish  
19      the authority or the responsibility of any officer of the De-  
20      partment or of any officer of any other department or  
21      agency of the United States with respect to the command,  
22      control, or direction of the functions, personnel, funds, as-  
23      sets, and liabilities of any entity within the Department  
24      or any Federal department or agency.

1       “(b) FEDERAL EMERGENCY MANAGEMENT AGEN-  
2 CY.—Nothing in this title or any other provision of law  
3 may be construed to affect or reduce the responsibilities  
4 of the Federal Emergency Management Agency or the Ad-  
5 ministrator or the Agency, including the diversion of any  
6 asset, function, or mission of the Agency or the Adminis-  
7 trator of the Agency.”;

8               (4) by striking section 1905;

9               (5) by redesignating sections 1902, 1903, 1904,  
10       1906, and 1907 as sections 1923, 1924, 1925, 1926,  
11       and 1927, respectively, and transferring such sec-  
12       tions to appear after section 1922, as added by  
13       paragraph (3); and

14               (6) in section 1923, as so redesignated, in the  
15       section heading by striking “**MISSION OF OFFICE**”  
16       and inserting “**RESPONSIBILITIES**”.

17       (b) REFERENCES AND CONSTRUCTION.—

18               (1) IN GENERAL.—For purposes of sections  
19       1923 through 1927 of the Homeland Security Act of  
20       2002, as so redesignated by subsection (a), any ref-  
21       erence to—

22               (A) the Domestic Nuclear Detection Office  
23       shall be deemed to be a reference to the Coun-  
24       tering Weapons of Mass Destruction Office; and

1 (B) the Director for Domestic Nuclear De-  
2 tection shall be deemed to be a reference to the  
3 Assistant Secretary for the Countering Weap-  
4 ons of Mass Destruction Office.

5 (2) CONSTRUCTION.—Sections 1923 through  
6 1927 of the Homeland Security Act of 2002, as so  
7 redesignated by subsection (a), shall be construed to  
8 cover the chemical and biological responsibilities of  
9 the Assistant Secretary for the Countering Weapons  
10 of Mass Destruction Office.

11 (3) AUTHORITY.—The authority of the Director  
12 of the Domestic Nuclear Detection Office to make  
13 grants is transferred to the Assistant Secretary for  
14 the Countering Weapons of Mass Destruction, and  
15 such authority shall be construed to include grants  
16 for all purposes of title XIX of the Homeland Secu-  
17 rity Act of 2002, as amended by this Act.

18 (c) CHIEF MEDICAL OFFICER.—

19 (1) REPEAL.—Title V of the Homeland Secu-  
20 rity Act of 2002 (6 U.S.C. 311 et seq.) is amended  
21 by striking section 516.

22 (2) AMENDMENT.—Title XIX of the Homeland  
23 Security Act of 2002 (6 U.S.C. 591 et seq.), as  
24 amended by subsection (a), is amended by adding at  
25 the end the following:

1    **“Subtitle C—Chief Medical Officer**

2    **“SEC. 1931. CHIEF MEDICAL OFFICER.**

3           “(a) IN GENERAL.—There is in the Office a Chief  
4 Medical Officer, who shall be appointed by the Secretary.  
5 The Chief Medical Officer shall report to the Assistant  
6 Secretary.

7           “(b) QUALIFICATIONS.—The individual appointed as  
8 Chief Medical Officer shall be a licensed physician pos-  
9 sessing a demonstrated ability in and knowledge of medi-  
10 cine and public health.

11          “(c) RESPONSIBILITIES.—The Chief Medical Officer  
12 shall have the responsibility within the Department for  
13 medical issues related to natural disasters, acts of ter-  
14 rorism, and other man-made disasters including—

15               “(1) serving as the principal advisor to the Sec-  
16 retary, the Assistant Secretary, and other Depart-  
17 ment officials on medical and public health issues;

18               “(2) providing operational medical support to  
19 all components of the Department;

20               “(3) as appropriate provide medical liaisons to  
21 the components of the Department, on a reimburs-  
22 able basis, to provide subject matter expertise on  
23 operational medical issues;

24               “(4) coordinating with State, local, and tribal  
25 governments, the medical community, and others

1 within and outside the Department, including the  
2 Department of Health and Human Services Centers  
3 for Disease Control, with respect to medical and  
4 public health matters; and

5 “(5) performing such other duties relating to  
6 such responsibilities as the Secretary may require.”.

7 (3) CLERICAL AMENDMENT.—The table of con-  
8 tents in section 1(b) of the Homeland Security Act  
9 of 2002 (Public Law 107–296; 116 Stat. 2135) is  
10 amended by striking the item relating to section  
11 516.

12 (d) WORKFORCE HEALTH AND MEDICAL SUPPORT  
13 .—

14 (1) IN GENERAL.—Title VII of the Homeland  
15 Security Act of 2002 (6 U.S.C. 341 et seq.), as  
16 amended by section 1115, is amended by adding at  
17 the end the following:

18 **“SEC. 714. WORKFORCE HEALTH AND MEDICAL SUPPORT.**

19 “(a) IN GENERAL.—The Under Secretary for Man-  
20 agement shall be responsible for workforce-focused health  
21 and medical activities of the Department. The Under Sec-  
22 retary for Management may further delegate these respon-  
23 sibilities as appropriate.

1       “(b) RESPONSIBILITIES.—The Under Secretary for  
2 Management, in coordination with the Chief Medical Offi-  
3 cer, shall—

4           “(1) provide oversight and coordinate the med-  
5 ical and health activities of the Department for the  
6 human and animal personnel of the Department;

7           “(2) establish medical, health, veterinary, and  
8 occupational health exposure policy, guidance, strat-  
9 egies, and initiatives for the human and animal per-  
10 sonnel of the Department;

11          “(3) as deemed appropriate by the Under Sec-  
12 retary, provide medical liaisons to the components of  
13 the Department, on a reimbursable basis, to provide  
14 subject matter expertise on occupational medical and  
15 public health issues;

16          “(4) serve as the primary representative for the  
17 Department on agreements regarding the detail of  
18 Department for Health and Human Services Public  
19 Health Service Commissioned Corps Officers to the  
20 Department, except that components and offices of  
21 the Department shall retain authority for funding,  
22 determination of specific duties, and supervision of  
23 Commissioned Corps officers detailed to a Depart-  
24 ment component; and



1 “(5) perform such other duties relating to such  
2 responsibilities as the Secretary may require.”.

3 (e) TRANSFERS; ABOLISHMENT.—

4 (1) TRANSFERS.—The Secretary of Homeland  
5 Security shall transfer—

6 (A) to the Countering Weapons of Mass  
7 Destruction Office all personnel, budget author-  
8 ity, and assets of—

9 (i) the Domestic Nuclear Detection  
10 Office, as in existence on the day before  
11 the date of enactment of this Act; and

12 (ii) the Office of Health Affairs, as in  
13 existence on the day before the date of en-  
14 actment of this Act, other than the per-  
15 sonnel, budget authority, and assets of  
16 such office necessary to perform the func-  
17 tions of section 714 of the Homeland Secu-  
18 rity Act of 2002, as added by this Act; and

19 (B) to the Directorate of Management all  
20 personnel, budget authority, and assets of the  
21 Office of Health Affairs, as in existence on the  
22 day before the date of enactment of this Act,  
23 that are necessary to perform the functions of  
24 section 714 of the Homeland Security Act of  
25 2002, as added by this Act.

1           (2) ABOLISHMENT.—Upon completion of all  
2 transfers pursuant to paragraph (1)—

3           (A) the Domestic Nuclear Detection Office  
4 of the Department of Homeland Security and  
5 the Office of Health Affairs of the Department  
6 of Homeland Security are abolished;

7           (B) the positions of Assistant Secretary for  
8 Health Affairs and Director for Domestic Nu-  
9 clear Detection are abolished.

10       (f) CONFORMING AMENDMENTS.—

11           (1) OTHER OFFICERS.—Section 103 of the  
12 Homeland Security Act of 2002 (6 U.S.C. 113) is  
13 amended—

14           (A) in subsection (a)(2), by striking  
15 “Health Affairs,” and inserting “Countering  
16 Weapons of Mass Destruction,”; and

17           (B) in subsection (d)—

18                   (i) by striking paragraph (4); and

19                   (ii) by redesignating paragraph (5) as  
20 paragraph (4).

21       (2) NATIONAL BIOSURVEILLANCE INTEGRATION  
22 CENTER.—Section 316(a) of the Homeland Security  
23 Act of 2002 (6 U.S.C. 195b(a)) is amended by strik-  
24 ing “Secretary shall” and inserting “Secretary, act-

1       ing through the Assistant Secretary for Countering  
2       Weapons of Mass Destruction, shall”.

3           (3)   INTERNATIONAL   COOPERATION.—Section  
4       317(f) of the Homeland Security Act of 2002 (6  
5       U.S.C. 195c(f)) is amended by striking “the Chief  
6       Medical Officer,” and inserting “the Assistant Sec-  
7       retary for the Countering Weapons of Mass Destruc-  
8       tion,”.

9           (4)   FUNCTIONS       TRANSFERRED.—Section  
10      505(b) of the Homeland Security Act of 2002 (6  
11      U.S.C. 315(b)) is amended—

12                   (A) by striking paragraph (4);

13                   (B) by redesignating paragraph (5) as  
14      paragraph (4); and

15                   (C) in paragraph (4), as so redesignated,  
16      by striking “through (4)” and inserting  
17      “through (3)”.

18           (5) COORDINATION OF DEPARTMENT OF HOME-  
19      LAND SECURITY EFFORTS RELATED TO FOOD, AGRI-  
20      CULTURE, AND VETERINARY DEFENSE AGAINST  
21      TERRORISM.—Section 528(a) of the Homeland Secu-  
22      rity Act of 2002 (6 U.S.C. 321q(a)) is amended by  
23      striking “Health Affairs,” and inserting “Countering  
24      Weapons of Mass Destruction,”.

1 (g) DEPARTMENT OF HOMELAND SECURITY CHEM-  
2 ICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR AC-  
3 TIVITIES.—Not later than 1 year after the date of enact-  
4 ment of this Act and once every year thereafter, the Sec-  
5 retary of Homeland Security shall provide a briefing and  
6 report to the appropriate congressional committees (as de-  
7 fined in section 2 of the Homeland Security Act of 2002  
8 (6 U.S.C. 101) on—

9 (1) the organization and management of the  
10 chemical, biological, radiological, and nuclear activi-  
11 ties of the Department of Homeland Security, in-  
12 cluding research and development activities, and the  
13 location of each activity under the organizational  
14 structure of the Countering Weapons of Mass De-  
15 struction Office;

16 (2) a comprehensive inventory of chemical, bio-  
17 logical, radiological, and nuclear activities, including  
18 research and development activities, of the Depart-  
19 ment of Homeland Security, highlighting areas of  
20 collaboration between components, coordination with  
21 other agencies, and the effectiveness and accomplish-  
22 ments of consolidated chemical, biological, radio-  
23 logical, and nuclear activities of the Department of  
24 Homeland Security, including research and develop-  
25 ment activities;

1           (3) information relating to how the organiza-  
2           tional structure of the Countering Weapons of Mass  
3           Destruction Office will enhance the development of  
4           chemical, biological, radiological, and nuclear prior-  
5           ities and capabilities across the Department of  
6           Homeland Security;

7           (4) a discussion of any resulting cost savings  
8           and efficiencies gained through activities described  
9           in paragraphs (1) and (2); and

10          (5) recommendations for any necessary statu-  
11          tory changes, or, if no statutory changes are nec-  
12          essary, an explanation of why no statutory or orga-  
13          nizational changes are necessary.

14          (h) CLERICAL AMENDMENT.—The table of contents  
15          in section 1(b) of the Homeland Security Act of 2002  
16          (Public Law 107–296; 116 Stat. 2135), as amended by  
17          subsection (b), is amended—

18               (1) by inserting after the item relating to sec-  
19               tion 713 the following:

“Sec. 714. Workforce health and medical support.”;

20               and

21               (2) by striking the item relating to title XIX  
22               (including items relating to section 1901 through  
23               section 1907) and inserting the following:

“TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION  
OFFICE

“Sec. 1900. Definitions.

“Subtitle A—Countering Weapons of Mass Destruction Office

“Sec. 1901. Countering Weapons of Mass Destruction Office.

“Subtitle B—Mission of the Office

“Sec. 1921. Mission of the Office.

“Sec. 1922. Relationship to other department entities and Federal agencies.

“Sec. 1923. Responsibilities.

“Sec. 1924. Hiring authority.

“Sec. 1925. Testing authority.

“Sec. 1926. Contracting and grant making authorities.

“Sec. 1927. Joint annual interagency review of global nuclear detection architecture.

“Subtitle C—Chief Medical Officer

“Sec. 1931. Chief Medical Officer.”.

1 (i) SUNSET.—

2 (1) IN GENERAL.—This section, and the  
3 amendments made by this section, shall expire on  
4 the date that is 5 years after the date of enactment  
5 of this Act.

6 (2) REPEAL OF AMENDMENTS.—Effective on  
7 the date that is 5 years after the date of enactment  
8 of this Act, the provisions of law amended by this  
9 section shall read as they did on the day before the  
10 date of enactment of this Act.

11 **SEC. 1118. ACTIVITIES RELATED TO INTERNATIONAL**  
12 **AGREEMENTS; ACTIVITIES RELATED TO**  
13 **CHILDREN; .**

14 Section 708(c) of the Homeland Security Act of  
15 2002, as so redesignated by section 1141 of this Act, is  
16 amended—

1 (1) by redesignating paragraphs (6) and (7) as  
2 paragraphs (7) and (8), respectively;

3 (2) by inserting after paragraph (5) the fol-  
4 lowing:

5 “(6) enter into agreements with governments of  
6 other countries, in consultation with the Secretary of  
7 State or the head of another agency, as appropriate,  
8 international organizations, and international non-  
9 governmental organizations in order to achieve the  
10 missions of the Department;”; and

11 (3) in paragraph (7), as so redesignated, by in-  
12 serting “, including feedback from organizations rep-  
13 resenting the needs of children,” after “stakeholder  
14 feedback”.

15 **Subtitle B—Human Resources and**  
16 **Other Matters**

17 **SEC. 1131. CHIEF HUMAN CAPITAL OFFICER RESPONSIBIL-**  
18 **ITIES.**

19 Section 704 of the Homeland Security Act of 2002  
20 (6 U.S.C. 344) is amended—

21 (1) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) by striking “and in line” and in-  
24 serting “, in line”; and

1 (ii) by inserting “and informed by  
2 successful practices within the Federal  
3 Government and the private sector,” after  
4 “priorities,”;

5 (B) in paragraph (2), by striking “develop  
6 performance measures to provide a basis for  
7 monitoring and evaluating” and inserting “de-  
8 velop performance measures to monitor and  
9 evaluate on an ongoing basis,”;

10 (C) in paragraph (4), by inserting “includ-  
11 ing leader development and employee engage-  
12 ment programs,” before “in coordination”;

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

15 (E) by redesignating paragraphs (3)  
16 through (8) as paragraphs (4) through (9), re-  
17 spectively;

18 (F) by inserting after paragraph (2) the  
19 following:

20 “(3) assess the need of administrative and mis-  
21 sion support staff across the Department, to identify  
22 and eliminate the unnecessary use of mission-critical  
23 staff for administrative and mission support posi-  
24 tions;”;



1 (G) in paragraph (6), as so redesignated,  
2 by inserting before the semicolon at the end the  
3 following: “that is informed by appropriate  
4 workforce planning initiatives”; and

5 (H) by inserting after paragraph (9), as so  
6 redesignated, the following:

7 “(10) maintain a catalogue of available em-  
8 ployee development opportunities easily accessible to  
9 employees of the Department, including depart-  
10 mental leadership development programs, inter-  
11 agency development programs, and rotational pro-  
12 grams;

13 “(11) approve the selection and organizational  
14 placement of each senior human capital official of  
15 each component of the Department and participate  
16 in the periodic performance reviews of each such  
17 senior human capital official.”.

18 **SEC. 1132. EMPLOYEE ENGAGEMENT ACTION PLAN.**

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 section 1117, is amended by adding at the end the fol-  
22 lowing:

23 **“SEC. 715. EMPLOYEE ENGAGEMENT ACTION PLAN.**

24 “(a) IN GENERAL.—The Secretary, acting through  
25 the Chief Human Capital Officer, shall—

1           “(1) not later than 180 days after the date of  
2           enactment of this section, and not later than Sep-  
3           tember 30 of each fiscal year thereafter, issue a De-  
4           partment-wide employee engagement action plan to  
5           inform and execute strategies for improving em-  
6           ployee engagement, Department management and  
7           leadership, diversity and inclusion efforts, employee  
8           morale, training and development opportunities, and  
9           communications within the Department, which shall  
10          reflect—

11                 “(A) input from representatives from oper-  
12                 ational components, headquarters, and field  
13                 personnel, including supervisory and non-super-  
14                 visory personnel, and employee labor organiza-  
15                 tions that represent employees of the Depart-  
16                 ment;

17                 “(B) employee feedback provided through  
18                 annual employee surveys, questionnaires, and  
19                 other communications; and

20                 “(C) performance measures, milestones,  
21                 and objectives that reflect the priorities and  
22                 strategies of the action plan to improve em-  
23                 ployee engagement; and

24           “(2) require the head of each operational com-  
25          ponent of the Department to—

1           “(A) develop and implement a component-  
2           specific employee engagement plan to advance  
3           the action plan required under paragraph (1)  
4           that includes performance measures and objec-  
5           tives, is informed by employee feedback pro-  
6           vided through annual employee surveys, ques-  
7           tionnaires, and other communications, as appro-  
8           priate, and sets forth how employees and, if ap-  
9           plicable, their labor representatives are to be in-  
10          tegrated in developing programs and initiatives;

11          “(B) monitor progress on implementation  
12          of such action plan; and

13          “(C) provide to the Chief Human Capital  
14          Officer quarterly reports on actions planned  
15          and progress made under this paragraph.

16          “(b) RULE OF CONSTRUCTION.—Nothing in this sec-  
17          tion shall be construed to limit the ability of the depart-  
18          mental or component leadership from developing innova-  
19          tive approaches and strategies to employee engagement  
20          not specifically required under this section.

21          “(c) TERMINATION.—This section shall terminate on  
22          the date that is 5 years after the date of enactment of  
23          this section.”.

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

1 (Public Law 107–296; 116 Stat. 2135), as amended by  
2 section 1117, is amended by inserting after the item re-  
3 lated to section 714 the following:

“Sec. 715. Employee engagement action plan.”.

4 (c) SUBMISSIONS TO CONGRESS.—

5 (1) DEPARTMENT-WIDE EMPLOYEE ENGAGE-  
6 MENT ACTION PLAN.—Not later than 2 years after  
7 the date of enactment of this Act, and once every 2  
8 years thereafter, the Secretary of Homeland Secu-  
9 rity, acting through the Chief Human Capital Offi-  
10 cer of the Department of Homeland Security, shall  
11 submit to the Committee on Homeland Security of  
12 the House of Representatives and the Committee on  
13 Homeland Security and Governmental Affairs of the  
14 Senate the Department-wide employee engagement  
15 action plan required under section 715 of the Home-  
16 land Security Act of 2002, as added by subsection  
17 (a).

18 (2) COMPONENT-SPECIFIC EMPLOYEE ENGAGE-  
19 MENT PLANS.—Each head of a component of the  
20 Department of Homeland Security shall submit to  
21 the Committee on Homeland Security of the House  
22 of Representatives and the Committee on Homeland  
23 Security and Governmental Affairs of the Senate the  
24 component-specific employee engagement plan of  
25 each such component required under section

1       715(a)(2) of the Homeland Security Act of 2002 (as  
2       added by subsection (a)) not later than 30 days  
3       after the issuance of each such plan under such sec-  
4       tion 715(a)(2).

5       **SEC. 1133. REPORT DISCUSSING SECRETARY'S RESPON-**  
6               **SIBILITIES, PRIORITIES, AND AN ACCOUNT-**  
7               **ING OF THE DEPARTMENT'S WORK REGARD-**  
8               **ING ELECTION INFRASTRUCTURE.**

9       (a) IN GENERAL.—The Secretary of Homeland Secu-  
10      rity shall continue to prioritize the provision of assistance,  
11      as appropriate and on a voluntary basis, to State and local  
12      election officials in recognition of the importance of elec-  
13      tion infrastructure to the United States.

14      (b) REPORTS.—Not later than 1 year after the date  
15      of enactment of this Act, and once each year thereafter,  
16      the Secretary of Homeland Security shall submit to the  
17      Committee on Homeland Security and Governmental Af-  
18      fairs of the Senate and the Homeland Security Committee  
19      of the House of Representatives a report detailing—

20              (1) the responsibilities of the Secretary of  
21      Homeland Security for coordinating the election in-  
22      frastructure critical infrastructure subsector;

23              (2) the priorities of the Secretary of Homeland  
24      Security for enhancing the security of election infra-  
25      structure over the next 1- and 5-year periods that

1 incorporates lessons learned, best practices, and ob-  
2 stacles from the previous year; and

3 (3) a summary of the election infrastructure  
4 work of the Department with each State, unit of  
5 local government, and tribal and territorial govern-  
6 ment, as well as with the Government Coordinating  
7 Council and the Sector Coordinating Council, and  
8 interaction with other Federal departments and  
9 agencies.

10 (c) FORM OF REPORTS.—Each report submitted  
11 under subsection (b) shall be unclassified, but may be ac-  
12 companied by a classified annex, if necessary.

13 (d) INITIAL REPORT.—The first report submitted  
14 under subsection (b) shall examine the period beginning  
15 on January 6, 2017 through the required reporting period.

## 16 **Subtitle C—Other Matters**

### 17 **SEC. 1141. TECHNICAL AND CONFORMING AMENDMENTS.**

18 (a) REPEAL OF DIRECTOR OF SHARED SERVICES  
19 AND OFFICE OF COUNTERNARCOTICS ENFORCEMENT OF  
20 DEPARTMENT OF HOMELAND SECURITY.—

21 (1) ABOLISHMENT OF DIRECTOR OF SHARED  
22 SERVICES.—

23 (A) ABOLISHMENT.—The position of Di-  
24 rector of Shared Services of the Department of  
25 Homeland Security is abolished.

1 (B) CONFORMING AMENDMENT.—The  
2 Homeland Security Act of 2002 (6 U.S.C. 101  
3 et seq.) is amended by striking section 475 (6  
4 U.S.C. 295).

5 (C) CLERICAL AMENDMENT.—The table of  
6 contents in section 1(b) of the Homeland Secu-  
7 rity Act of 2002 (Public Law 107–296; 116  
8 Stat. 2135) is amended by striking the item re-  
9 lating to section 475.

10 (2) ABOLISHMENT OF THE OFFICE OF COUN-  
11 TERNARCOTICS ENFORCEMENT.—

12 (A) ABOLISHMENT.—The Office of Coun-  
13 ternarcotics Enforcement is abolished.

14 (B) CONFORMING AMENDMENTS.—The  
15 Homeland Security Act of 2002 (6 U.S.C. 101  
16 et seq.) is amended—

17 (i) in subparagraph (B) of section  
18 843(b)(1) (6 U.S.C. 413(b)(1)), by strik-  
19 ing “by—” and all that follows through  
20 the end of that subparagraph and inserting  
21 “by the Secretary; and”; and

22 (ii) by striking section 878 (6 U.S.C.  
23 458).

24 (C) CLERICAL AMENDMENT.—The table of  
25 contents in section 1(b) of the Homeland Secu-

1           rity Act of 2002 (Public Law 107–296; 116  
2           Stat. 2135) is amended by striking the item re-  
3           lating to section 878.

4           (b) OTHER TECHNICAL AND CONFORMING AMEND-  
5   MENTS.—

6           (1) TITLE I.—Section 103 of the Homeland Se-  
7           curity Act of 2002 (6 U.S.C. 113), as amended by  
8           this Act, is further amended—

9                   (A) in subsection (a)(1)—

10                          (i) in subparagraph (E), by striking  
11                          “the Bureau of” and inserting “United  
12                          States”; and

13                          (ii) by adding at the end the fol-  
14                          lowing:

15                               “(L) An Administrator of the  
16                               Transportation Security Administra-  
17                               tion.”; and

18                   (B) in subsection (d)(5), by striking “sec-  
19                   tion 708” and inserting “section 707”.

20           (2) TITLE VII.—Title VII of the Homeland Se-  
21           curity Act of 2002 (6 U.S.C. 341 et seq.) is amend-  
22           ed—

23                   (A) by striking section 706 (6 U.S.C. 346);



1 (B) by redesignating sections 707, 708,  
2 and 709 as sections 706, 707, and 708, respec-  
3 tively; and

4 (C) in section 708(c)(3), as so redesign-  
5 nated, by striking “section 707” and inserting  
6 “section 706”.

7 (3) TITLE VIII.—Title VIII of the Homeland  
8 Security Act of 2002 (6 U.S.C. 361 et seq.) is  
9 amended—

10 (A) by striking section 857 (6 U.S.C. 427);

11 (B) by redesignating section 858 as section  
12 857;

13 (C) by striking section 872 (6 U.S.C. 452);  
14 and

15 (D) by striking section 881 (6 U.S.C.  
16 461).

17 (4) TITLE XVI.—Section 1611(d)(1) of the  
18 Homeland Security Act of 2002 (6 U.S.C.  
19 563(d)(1)) is amended by striking “section 707”  
20 and inserting “section 706”.

21 (5) TABLE OF CONTENTS.—The table of con-  
22 tents in section 1(b) of the Homeland Security Act  
23 of 2002 (Public Law 107–296; 116 Stat. 2135), as  
24 amended by section 1132, is amended—

1 (A) by striking the items relating to sec-  
2 tions 706 through 709 and inserting the fol-  
3 lowing:

“Sec. 706. Quadrennial homeland security review.

“Sec. 707. Joint task forces.

“Sec. 708. Office of Strategy, Policy, and Plans.”;

4 (B) by striking the items relating to sec-  
5 tions 811 and 812 and inserting the following:

“Sec. 811. Law enforcement powers of Inspector General agents.”;

6 (C) by striking the items relating to sec-  
7 tions 857 and 858 and inserting the following:

“Sec. 857. Identification of new entrants into the Federal marketplace.”;

8 (D) by striking the item relating to section  
9 872; and

10 (E) by striking the item relating to section  
11 881.

12 **TITLE II—DEPARTMENT OF**  
13 **HOMELAND SECURITY ACQUI-**  
14 **SITION ACCOUNTABILITY**  
15 **AND EFFICIENCY**

16 **SEC. 1201. DEFINITIONS.**

17 (a) IN GENERAL.—Section 2 of the Homeland Secu-  
18 rity Act of 2002 (6 U.S.C. 101) is amended—

19 (1) by redesignating paragraphs (14) through  
20 (20) as paragraphs (28) through (34), respectively;

21 (2) by redesignating paragraph (13) as para-  
22 graph (26);

1           (3) by redesignating paragraphs (9) through  
2           (12) as paragraphs (21) through (24), respectively;  
3           (4) by redesignating paragraphs (4) through  
4           (8) as paragraphs (15) through (19), respectively;  
5           (5) by redesignating paragraphs (1), (2), and  
6           (3) as paragraphs (7), (8), and (9), respectively;  
7           (6) by inserting before paragraph (7), as so re-  
8           designated, the following:

9           “(1) The term ‘acquisition’ has the meaning  
10          given the term in section 131 of title 41, United  
11          States Code.

12          “(2) The term ‘acquisition decision authority’  
13          means the authority held by the Secretary, acting  
14          through the Under Secretary for Management, to—

15               “(A) ensure compliance with Federal law,  
16               the Federal Acquisition Regulation, and De-  
17               partment acquisition management directives;

18               “(B) review, including approving, pausing,  
19               modifying, or canceling, an acquisition through-  
20               out the life cycle of the acquisition;

21               “(C) ensure that acquisition program man-  
22               agers have the resources necessary to success-  
23               fully execute an approved acquisition program;

24               “(D) ensure good acquisition program  
25               management of cost, schedule, risk, and system

1 performance of the acquisition program at  
2 issue, including assessing acquisition program  
3 baseline breaches and directing any corrective  
4 action for those breaches; and

5 “(E) ensure that acquisition program man-  
6 agers, on an ongoing basis, monitor cost, sched-  
7 ule, and performance against established base-  
8 lines and use tools to assess risks to an acquisi-  
9 tion program at all phases of the life cycle of  
10 the acquisition program to avoid and mitigate  
11 acquisition program baseline breaches.

12 “(3) The term ‘acquisition decision event’  
13 means, with respect to an acquisition program, a  
14 predetermined point within each of the acquisition  
15 phases at which the acquisition decision authority  
16 determines whether the acquisition program shall  
17 proceed to the next phase.

18 “(4) The term ‘acquisition decision memo-  
19 randum’ means, with respect to an acquisition, the  
20 official acquisition decision event record that in-  
21 cludes a documented record of decisions and as-  
22 signed actions for the acquisition, as determined by  
23 the person exercising acquisition decision authority  
24 for the acquisition.

“(5) The term ‘acquisition program’ means the totality of activities directed to accomplish specific goals and objectives, which may—

4 “(A) provide new or improved capabilities  
5 in response to approved requirements or sustain  
6 existing capabilities; and

7 “(B) have multiple projects to obtain spe-  
8 cific capability requirements or capital assets.

9 “(6) The term ‘acquisition program baseline’,  
10 with respect to an acquisition program, means a  
11 summary of the cost, schedule, and performance pa-  
12 rameters, expressed in standard, measurable, quan-  
13 titative terms, which must be met in order to accom-  
14 plish the goals of the program.”;

15 (7) by inserting after paragraph (9), as so re-

16 designated, the following:

“(10) The term ‘best practices’, with respect to acquisition, means a knowledge-based approach to capability development that includes, at a minimum—

21 “(A) identifying and validating needs;

22 “(B) assessing alternatives to select the  
23 most appropriate solution;

24 “(C) establishing requirements;

1           “(D) developing cost estimates and sched-  
2           ules that consider the work necessary to de-  
3           velop, plan, support, and install a program or  
4           solution;

5           “(E) identifying sources of funding that  
6           match resources to requirements;

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

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

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

14          “(I) ensuring an adequate, well-trained,  
15          and diverse workforce that is qualified and suf-  
16          ficient in number to perform necessary func-  
17          tions;

18          “(J) developing innovative, effective, and  
19          efficient processes and strategies;

20          “(K) integrating risk management and  
21          mitigation techniques for national security con-  
22          siderations; and

23          “(L) integrating the capabilities described  
24          in subparagraphs (A) through (K) into the mis-

1           sion and business operations of the Depart-  
2           ment.

3           “(11) The term ‘breach’ means a failure to  
4           meet any cost, schedule, or performance threshold  
5           specified in the most recently approved acquisition  
6           program baseline.

7           “(12) The term ‘congressional homeland secu-  
8           rity committees’ means—

9                   “(A) the Committee on Homeland Security  
10                  of the House of Representatives and the Com-  
11                  mittee on Homeland Security and Govern-  
12                  mental Affairs of the Senate; and

13                   “(B) the Committee on Appropriations of  
14                  the House of Representatives and the Com-  
15                  mittee on Appropriations of the Senate.

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

1 Federal Acquisition Regulation, and Department ac-  
2 quisition management directives established by the  
3 Under Secretary for Management.

4 “(14) The term ‘cost-type contract’ means a  
5 contract that—

6 “(A) provides for payment of allowable in-  
7 curred costs, to the extent prescribed in the  
8 contract; and

9 “(B) establishes an estimate of total cost  
10 for the purpose of obligating funds and estab-  
11 lishing a ceiling that the contractor may not ex-  
12 ceed, except at the risk of the contractor, with-  
13 out the approval of the contracting officer.”;

14 (8) by inserting after paragraph (19), as so re-  
15 designated, the following:

16 “(20) The term ‘fixed-price contract’ means a  
17 contract that provides for a firm price or, in appro-  
18 priate cases, an adjustable price.”;

19 (9) by inserting after paragraph (24), as so re-  
20 designated, the following:

21 “(25) The term ‘life cycle cost’ means the total  
22 cost of an acquisition, including all relevant costs re-  
23 lated to acquiring, owning, operating, maintaining,  
24 and disposing of the system, project, service, or  
25 product over a specified period of time.”; and



1 (10) by inserting after paragraph (26), as so  
2 redesignated, the following:

3 “(27) The term ‘major acquisition program’  
4 means a Department acquisition program that is es-  
5 timated by the Secretary or a designee of the Sec-  
6 retary to require an eventual total expenditure of not  
7 less than \$300,000,000 (based on fiscal year 2017  
8 constant dollars) over the life cycle cost of the pro-  
9 gram.”.

10 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
11 Section 501(13) of the Homeland Security Act of 2002  
12 (6 U.S.C. 311(13)) is amended by striking “section  
13 2(13)(B)” and inserting “section 2(26)(B)”.

14 **Subtitle A—Acquisition Authorities**

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

18 Section 701 of the Homeland Security Act of 2002  
19 (6 U.S.C. 341) is amended—

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

22 (2) by redesignating subsection (d), the first  
23 subsection (e) (relating to the system for award  
24 management consultation), and the second sub-  
25 section (e) (relating to the definition of interoperable

1       communications) as subsections (e), (f), and (g) re-  
2       spectively; and

3               (3) by inserting after subsection (c) the fol-  
4       lowing:

5       “(d) ACQUISITION AND RELATED RESPONSIBIL-  
6       ITIES.—

7               “(1) IN GENERAL.—Notwithstanding subsection  
8       (a) of section 1702 of title 41, United States Code,  
9       the Under Secretary for Management—

10              “(A) is the Chief Acquisition Officer of the  
11       Department;

12              “(B) shall have the authorities and per-  
13       form the functions specified in subsection (b) of  
14       such section; and

15              “(C) shall perform all other functions and  
16       responsibilities delegated by the Secretary or  
17       described in this subsection.

18              “(2) FUNCTIONS AND RESPONSIBILITIES.—In  
19       addition to the authorities and functions specified in  
20       section 1702(b) of title 41, United States Code, the  
21       functions and responsibilities of the Under Secretary  
22       for Management related to acquisition include the  
23       following:

24              “(A) Advising the Secretary regarding ac-  
25       quisition management activities, taking into ac-

1 count risks of failure to achieve cost, schedule,  
2 or performance parameters, to ensure that the  
3 Department achieves the mission of the Depart-  
4 ment through the adoption of widely accepted  
5 program management best practices and stand-  
6 ards and, where appropriate, acquisition innova-  
7 tion best practices.

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

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

1           “(D) Ensuring that each major acquisition  
2           program has a Department-approved acquisi-  
3           tion program baseline pursuant to the acquisi-  
4           tion management policy of the Department.

5           “(E) Ensuring that the heads of compo-  
6           nents and Component Acquisition Executives  
7           comply with Federal law, the Federal Acquisi-  
8           tion Regulation, and Department acquisition  
9           management directives.

10          “(F) Providing additional scrutiny and  
11          oversight for an acquisition that is not a major  
12          acquisition if—

13               “(i) the acquisition is for a program  
14               that is important to departmental strategic  
15               and performance plans;

16               “(ii) the acquisition is for a program  
17               with significant program or policy implica-  
18               tions; and

19               “(iii) the Secretary determines that  
20               the scrutiny and oversight for the acquisi-  
21               tion is proper and necessary.

22          “(G) Ensuring that grants and financial  
23          assistance are provided only to individuals and  
24          organizations that are not suspended or  
25          debarred.

1           “(H) Distributing guidance throughout the  
2           Department to ensure that contractors involved  
3           in acquisitions, particularly contractors that ac-  
4           cess the information systems and technologies  
5           of the Department, adhere to relevant Depart-  
6           ment policies related to physical and informa-  
7           tion security as identified by the Under Sec-  
8           retary for Management.

9           “(I) Overseeing the Component Acquisition  
10          Executive organizational structure to ensure  
11          Component Acquisition Executives have suffi-  
12          cient capabilities and comply with Department  
13          acquisition policies.

14          “(J) Ensuring acquisition decision memo-  
15          randa adequately document decisions made at  
16          acquisition decision events, including the ration-  
17          ale for decisions made to allow programs to de-  
18          viate from the requirement to obtain approval  
19          by the Department for certain documents at ac-  
20          quisition decision events.

21          “(3) DELEGATION OF ACQUISITION DECISION  
22          AUTHORITY.—

23          “(A) LEVEL 3 ACQUISITIONS.—The Under  
24          Secretary for Management may delegate acqui-  
25          sition decision authority in writing to the rel-

1           evant Component Acquisition Executive for an  
2           acquisition program that has a life cycle cost  
3           estimate of less than \$300,000,000.

4                   “(B) LEVEL 2 ACQUISITIONS.—The Under  
5           Secretary for Management may delegate acqui-  
6           sition decision authority in writing to the rel-  
7           evant Component Acquisition Executive for a  
8           major acquisition program that has a life cycle  
9           cost estimate of not less than \$300,000,000 but  
10          not more than \$1,000,000,000 if all of the fol-  
11         lowing requirements are met:

12                   “(i) The component concerned pos-  
13           sesses working policies, processes, and pro-  
14           cedures that are consistent with Depart-  
15           ment-level acquisition policy.

16                   “(ii) The Component Acquisition Ex-  
17           ecutive concerned has a well-trained and  
18           experienced workforce, commensurate with  
19           the size of the acquisition program and re-  
20           lated activities delegated to the Component  
21           Acquisition Executive by the Under Sec-  
22           retary for Management.

23                   “(iii) Each major acquisition con-  
24           cerned has written documentation showing  
25           that the acquisition has a Department-ap-

proved acquisition program baseline and the acquisition is meeting agreed-upon cost, schedule, and performance thresholds.

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

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

17 “(B) TESTING AND EVALUATION ACQUISITION SUPPORT.—The Under Secretary for  
18 Science and Technology shall—  
19

20 “(i) ensure, in coordination with rel-  
21 evant component heads, that all relevant  
22 acquisition programs—

“(I) complete reviews of operational requirements to ensure the requirements are measurable, testable,

1 and achievable within the constraints  
2 of cost and schedule;

3 “(II) integrate applicable stand-  
4 ards into development specifications;

5 “(III) complete systems engineer-  
6 ing reviews and technical assessments  
7 during development to inform produc-  
8 tion and deployment decisions;

9 “(IV) complete independent test-  
10 ing and evaluation of technologies and  
11 systems;

12 “(V) use independent verification  
13 and validation of operational test and  
14 evaluation implementation and re-  
15 sults; and

16 “(VI) document whether such  
17 programs meet all performance re-  
18 quirements included in their acquisi-  
19 tion program baselines;

20 “(ii) ensure that such operational  
21 testing and evaluation includes all system  
22 components and incorporates operators  
23 into the testing to ensure that systems per-  
24 form as intended in the appropriate oper-  
25 ational setting; and



1 “(iii) determine if testing conducted  
2 by other Federal agencies and private enti-  
3 ties is relevant and sufficient in deter-  
4 mining whether systems perform as in-  
5 tended in the operational setting.”.

6 **SEC. 1212. ACQUISITION AUTHORITIES FOR CHIEF FINAN-**  
7 **CIAL OFFICER OF THE DEPARTMENT OF**  
8 **HOMELAND SECURITY.**

9 Section 702(a) of the Homeland Security Act of 2002  
10 (6 U.S.C. 342(a)) is amended—

11 (1) by striking “The Chief” and inserting the  
12 following:

13 “(1) FUNCTIONS.—The Chief”; and

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

15 “(2) ACQUISITION AUTHORITIES.—The Chief  
16 Financial Officer, in coordination with the Under  
17 Secretary for Management, shall oversee the costs of  
18 acquisition programs and related activities to ensure  
19 that actual and planned costs are in accordance with  
20 budget estimates and are affordable, or can be ade-  
21 quately funded, over the life cycle of such programs  
22 and activities.”.

1 **SEC. 1213. ACQUISITION AUTHORITIES FOR CHIEF INFOR-**  
2 **MATION OFFICER OF THE DEPARTMENT OF**  
3 **HOMELAND SECURITY.**

4 Section 703 of the Homeland Security Act of 2002  
5 (6 U.S.C. 343), as amended by section 1105, is amended  
6 by adding at the end the following:

7 “(d) ACQUISITION RESPONSIBILITIES.—The acquisi-  
8 tion responsibilities of the Chief Information Officer shall  
9 include—

10 “(1) overseeing the management of the Home-  
11 land Security Enterprise Architecture and ensuring  
12 that, before each acquisition decision event, ap-  
13 proved information technology acquisitions comply  
14 with departmental information technology manage-  
15 ment processes, technical requirements, and the  
16 Homeland Security Enterprise Architecture, and in  
17 any case in which information technology acquisi-  
18 tions do not comply with the management directives  
19 of the Department, making recommendations to the  
20 Acquisition Review Board regarding that noncompli-  
21 ance; and

22 “(2) being responsible for—

23 “(A) providing recommendations to the Ac-  
24 quisition Review Board regarding information  
25 technology programs; and

1 “(B) developing information technology ac-  
2 quisition strategic guidance.”.

3 **SEC. 1214. ACQUISITION AUTHORITIES FOR PROGRAM AC-**  
4 **COUNTABILITY AND RISK MANAGEMENT.**

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 section 1132, is amended by adding at the end the fol-  
8 lowing:

9 **“SEC. 716. ACQUISITION AUTHORITIES FOR PROGRAM AC-**  
10 **COUNTABILITY AND RISK MANAGEMENT.**

11 “(a) ESTABLISHMENT OF OFFICE.—There is in the  
12 Management Directorate of the Department an office to  
13 be known as ‘Program Accountability and Risk Manage-  
14 ment’, which shall—

15 “(1) provide accountability, standardization,  
16 and transparency of major acquisition programs of  
17 the Department; and

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

20 “(b) RESPONSIBILITIES OF EXECUTIVE DIREC-  
21 TOR.—The Program Accountability and Risk Management  
22 shall be led by an Executive Director to oversee the re-  
23 quirement under subsection (a), who shall report directly  
24 to the Under Secretary for Management, serve as the exec-

1     utive secretary for the Acquisition Review Board, and  
2     carry out the following responsibilities:

3             “(1) Monitor the performance of Department  
4     acquisition programs between acquisition decision  
5     events to identify problems with cost, performance,  
6     or schedule that components may need to address to  
7     prevent cost overruns, performance issues, or sched-  
8     ule delays.

9             “(2) Assist the Under Secretary for Manage-  
10    ment in managing the acquisition programs and re-  
11    lated activities of the Department.

12            “(3) Conduct oversight of individual acquisition  
13    programs to implement Department acquisition pro-  
14    gram policy, procedures, and guidance with a pri-  
15    ority on ensuring the data the office collects and  
16    maintains from Department components is accurate  
17    and reliable.

18            “(4) Coordinate the acquisition life cycle review  
19    process for the Acquisition Review Board.

20            “(5) Advise the persons having acquisition deci-  
21    sion authority in making acquisition decisions con-  
22    sistent with all applicable laws and in establishing  
23    lines of authority, accountability, and responsibility  
24    for acquisition decision making within the Depart-  
25    ment.

1           “(6) Support the Chief Procurement Officer in  
2           developing strategies and specific plans for hiring,  
3           training, and professional development in order to  
4           improve the acquisition workforce of the Depart-  
5           ment.

6           “(7) In consultation with Component Acquisi-  
7           tion Executives—

8                   “(A) develop standards for the designation  
9                   of key acquisition positions with major acquisi-  
10                  tion program management offices and on the  
11                  Component Acquisition Executive support staff;  
12                  and

13                   “(B) provide requirements and support to  
14                  the Chief Procurement Officer in the planning,  
15                  development, and maintenance of the Acquisi-  
16                  tion Career Management Program of the De-  
17                  partment.

18           “(8) In the event that a certification or action  
19           of an acquisition program manager needs review for  
20           purposes of promotion or removal, provide input, in  
21           consultation with the relevant Component Acquisi-  
22           tion Executive, into the performance evaluation of  
23           the relevant acquisition program manager and report  
24           positive or negative experiences to the relevant certi-  
25           fying authority.

1           “(9) Provide technical support and assistance  
2           to Department acquisition programs and acquisition  
3           personnel and coordinate with the Chief Procure-  
4           ment Officer on workforce training and development  
5           activities.

6           “(c) 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; and

12          “(2) for each major acquisition program—

13               “(A) define baseline requirements and doc-  
14               ument changes to such requirements, as appro-  
15               priate;

16               “(B) develop a life cycle cost estimate that  
17               is consistent with best practices identified by  
18               the Comptroller General of the United States  
19               and establish a complete life cycle cost estimate  
20               with supporting documentation, including an  
21               acquisition program baseline;

22               “(C) verify each life cycle cost estimate  
23               against independent cost estimates, and rec-  
24               oncile any differences;

1           “(D) complete a cost-benefit analysis with  
2           supporting documentation;

3           “(E) develop and maintain a schedule that  
4           is consistent with scheduling best practices as  
5           identified by the Comptroller General of the  
6           United States, including, in appropriate cases,  
7           an integrated master schedule; and

8           “(F) ensure that all acquisition program  
9           information provided by the component is com-  
10          plete, accurate, timely, and valid.

11   **“SEC. 717. ACQUISITION DOCUMENTATION.**

12          “(a) IN GENERAL.—For each major acquisition pro-  
13   gram, the Secretary, acting through the Under Secretary  
14   for Management, shall require the head of a relevant com-  
15   ponent or office to—

16          “(1) maintain acquisition documentation that is  
17          complete, accurate, timely, and valid, and that in-  
18          cludes, at a minimum—

19               “(A) operational requirements that are  
20               validated consistent with departmental policy  
21               and changes to those requirements, as appro-  
22               priate;

23               “(B) a complete life cycle cost estimate  
24               with supporting documentation;

1           “(C) verification of the life cycle cost esti-  
2           mate against independent cost estimates, and  
3           reconciliation of any differences;

4           “(D) a cost-benefit analysis with sup-  
5           porting documentation; and

6           “(E) a schedule, including, as appropriate,  
7           an integrated master schedule;

8           “(2) prepare cost estimates and schedules for  
9           major acquisition programs under subparagraphs  
10          (B) and (E) of paragraph (1) in a manner con-  
11          sistent with best practices as identified by the Comp-  
12          troller General of the United States; and

13          “(3) submit certain acquisition documentation  
14          to the Secretary to produce a semi-annual Acquisi-  
15          tion Program Health Assessment of departmental  
16          acquisitions for submission to Congress.

17          “(b) WAIVER.—The Secretary may waive the require-  
18          ment under subsection (a)(3) on a case-by-case basis with  
19          respect to any major acquisition program under this sec-  
20          tion for a fiscal year if—

21                 “(1) the major acquisition program has not—

22                         “(A) entered the full rate production phase  
23                         in the acquisition life cycle;

24                         “(B) had a reasonable cost estimate estab-  
25                         lished; and



1                   “(C) had a system configuration defined  
2                   fully; or

3                   “(2) the major acquisition program does not  
4                   meet the definition of capital asset, as defined by the  
5                   Director of the Office of Management and Budget.

6                   “(c) CONGRESSIONAL OVERSIGHT.—At the same  
7                   time the budget of the President is submitted for a fiscal  
8                   year under section 1105(a) of title 31, United States  
9                   Code, the Secretary shall make information available, as  
10                  applicable, to the congressional homeland security commit-  
11                  tees regarding the requirement described in subsection (a)  
12                  in the prior fiscal year that includes, with respect to each  
13                  major acquisition program for which the Secretary has  
14                  issued a waiver under subsection (b)—

15                  “(1) the grounds for granting a waiver for the  
16                  program;

17                  “(2) the projected cost of the program;

18                  “(3) the proportion of the annual acquisition  
19                  budget of each component or office attributed to the  
20                  program, as available; and

21                  “(4) information on the significance of the pro-  
22                  gram with respect to the operations and the execu-  
23                  tion of the mission of each component or office de-  
24                  scribed in paragraph (3).”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
2 The table of contents in section 1(b) of the Homeland Se-  
3 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
4 as amended by section 1132, is amended by inserting after  
5 the item relating to section 715 the following:

“Sec. 716. Acquisition authorities for program accountability and risk manage-  
ment.

“Sec. 717. Acquisition documentation.”.

6 **SEC. 1215. ACQUISITION INNOVATION.**

7 (a) IN GENERAL.—Title VII of the Homeland Secu-  
8 rity Act of 2002 (6 U.S.C. 341 et seq.) as amended by  
9 section 1214, is amended by adding at the end the fol-  
10 lowing:

11 **“SEC. 718. ACQUISITION INNOVATION.**

12 “The Under Secretary for Management shall—

13 “(1) encourage each of the officers under the  
14 direction of the Under Secretary for Management to  
15 promote innovation and shall designate an individual  
16 to promote innovation;

17 “(2) establish an acquisition innovation lab or  
18 similar mechanism to improve the acquisition pro-  
19 grams, acquisition workforce training, and existing  
20 practices of the Department through methods identi-  
21 fied in this section;

22 “(3) test emerging and established acquisition  
23 best practices to carrying out acquisitions, consistent

1 with applicable laws, regulations, and Department  
2 directives, as appropriate;

3 “(4) develop and distribute best practices and  
4 lessons learned regarding acquisition innovation  
5 throughout the Department;

6 “(5) establish metrics to measure the effective-  
7 ness of acquisition innovation efforts with respect to  
8 cost, operational efficiency of the acquisition pro-  
9 gram, including timeframes for executing contracts,  
10 and collaboration with the private sector, including  
11 small- and medium-sized businesses; and

12 “(6) determine impacts of acquisition innova-  
13 tion efforts on the private sector by—

14 “(A) engaging with the private sector, in-  
15 cluding small- and medium-sized businesses, to  
16 provide information and obtain feedback on  
17 procurement practices and acquisition innova-  
18 tion efforts of the Department;

19 “(B) obtaining feedback from the private  
20 sector on the impact of acquisition innovation  
21 efforts of the Department; and

22 “(C) incorporating the feedback described  
23 in subparagraphs (A) and (B), as appropriate,  
24 into future acquisition innovation efforts of the  
25 Department.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The table of contents in section 1(b) of the Homeland Se-  
3 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
4 as amended by section 1214, is amended by inserting after  
5 the item relating to section 717 the following:

“Sec. 718. Acquisition innovation.”.

6 (c) INFORMATION.—

7 (1) DEFINITIONS.—In this subsection—

8 (A) the term “congressional homeland se-  
9 curity committees” means—

10 (i) the Committee on Homeland Secu-  
11 rity of the House of Representatives and  
12 the Committee on Homeland Security and  
13 Governmental Affairs of the Senate; and

14 (ii) the Committee on Appropriations  
15 of the House of Representatives and the  
16 Committee on Appropriations of the Sen-  
17 ate; and

18 (B) the term “Department” means the De-  
19 partment of Homeland Security.

20 (2) REQUIREMENT.—Not later than 90 days  
21 after the date on which the Secretary of Homeland  
22 Security submits the annual budget justification for  
23 the Department for fiscal year 2020 and every fiscal  
24 year thereafter through fiscal year 2025, the officers  
25 under the director of the Under Secretary for Man-

1       agement of the Department shall provide a briefing  
2       to the congressional homeland security committees  
3       on the activities undertaken in the previous fiscal  
4       year in furtherance of section 718 of the Homeland  
5       Security Act of 2002, as added by subsection (a),  
6       which shall include:

7               (A) Emerging and existing acquisition best  
8               practices that were tested within the Depart-  
9               ment during that fiscal year.

10              (B) Efforts to distribute best practices and  
11              lessons learned within the Department, includ-  
12              ing through web-based seminars, training, and  
13              forums, during that fiscal year.

14              (C) Metrics captured by the Department  
15              and aggregate performance information for in-  
16              novation efforts.

17              (D) Performance as measured by the  
18              metrics established under paragraph (4) of such  
19              section 718.

20              (E) Outcomes of efforts to distribute best  
21              practices and lessons learned within the Depart-  
22              ment, including through web-based seminars,  
23              training, and forums.

24              (F) A description of outreach and engage-  
25              ment efforts with the private sector and any im-

1           pacts of innovative acquisition mechanisms on  
2           the private sector, including small- and me-  
3           dium-sized businesses.

4           (G) The criteria used to identify specific  
5           acquisition programs or activities to be included  
6           in acquisition innovation efforts and the out-  
7           comes of those programs or activities.

8           (H) Recommendations, as necessary, to en-  
9           hance acquisition innovation in the Department.

## 10       **Subtitle B—Acquisition Program** 11       **Management Discipline**

### 12       **SEC. 1221. ACQUISITION REVIEW BOARD.**

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

#### 16       **“SEC. 836. ACQUISITION REVIEW BOARD.**

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

20               “(1) strengthen accountability and uniformity  
21       within the Department acquisition review process;

22               “(2) review major acquisition programs; and

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

24       “(b) COMPOSITION.—

1                   “(1) CHAIRPERSON.—The Under Secretary for  
2       Management shall serve as chairperson of the  
3       Board.

4                   “(2) OTHER MEMBERS.—The Secretary shall  
5           ensure participation by other relevant Department  
6           officials.

7           “(c) MEETINGS.—

8                   “(1) REGULAR MEETINGS.—The Board shall  
9           meet regularly for purposes of ensuring all acquisi-  
10          tion programs proceed in a timely fashion to achieve  
11          mission readiness.

12 “(2) OTHER MEETINGS.—The Board shall con-  
13 vene—

14                   “(A) at the discretion of the Secretary;  
15                   and

16 “(B) at any time—

17 “(i) a major acquisition program—

18 “(I) requires authorization to  
19 proceed from one acquisition decision  
20 event to another throughout the ac-  
21 quisition life cycle;

“(II) is in breach of the approved acquisition program baseline of the major acquisition program; or

1 “(III) requires additional review,  
2 as determined by the Under Secretary  
3 for Management; or

4 “(ii) a non-major acquisition program  
5 requires review, as determined by the  
6 Under Secretary for Management.

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

9 “(1) Determine whether a proposed acquisition  
10 program has met the requirements of phases of the  
11 acquisition life cycle framework and is able to pro-  
12 ceed to the next phase and eventual full production  
13 and deployment.

14 “(2) Oversee whether the business strategy, re-  
15 sources, management, and accountability of a pro-  
16 posed acquisition is executable and is aligned to  
17 strategic initiatives.

18 “(3) Support the person with acquisition deci-  
19 sion authority for an acquisition program in deter-  
20 mining the appropriate direction for the acquisition  
21 at key acquisition decision events.

22 “(4) Conduct reviews of acquisitions to ensure  
23 that the acquisitions are progressing in compliance  
24 with the approved documents for their current acqui-  
25 sition phases.



1           “(5) Review the acquisition program documents  
2           of each major acquisition program, including the ac-  
3           quisition program baseline and documentation re-  
4           flecting consideration of tradeoffs among cost,  
5           schedule, and performance objectives, to ensure the  
6           reliability of underlying data.

7           “(6) Ensure that practices are adopted and im-  
8           plemented to require consideration of trade-offs  
9           among cost, schedule, and performance objectives as  
10          part of the process for developing requirements for  
11          major acquisition programs prior to the initiation of  
12          the second acquisition decision event, including, at a  
13          minimum, the following practices:

14               “(A) Department officials responsible for  
15               acquisition, budget, and cost estimating func-  
16               tions are provided with the appropriate oppor-  
17               tunity to develop estimates and raise cost and  
18               schedule matters before performance objectives  
19               are established for capabilities when feasible.

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

23          “(e) ACQUISITION PROGRAM BASELINE REPORT RE-  
24          QUIREMENT.—If the person exercising acquisition decision  
25          authority over a major acquisition program approves the

1 major acquisition program to proceed before the major ac-  
2 quisition program has a Department-approved acquisition  
3 program baseline, as required by Department policy—

4 “(1) the Under Secretary for Management shall  
5 create and approve an acquisition program baseline  
6 report regarding such approval; and

7 “(2) the Secretary shall—

8 “(A) not later than 7 days after the date  
9 on which the acquisition decision memorandum  
10 is signed, provide written notice of the decision  
11 to the appropriate committees of Congress; and

12 “(B) not later than 60 days after the date  
13 on which the acquisition decision memorandum  
14 is signed, provide the memorandum and a brief-  
15 ing to the appropriate committees of Congress.

16 “(f) REPORT.—Not later than 1 year after the date  
17 of enactment of this section and every year thereafter  
18 through fiscal year 2022, the Under Secretary for Man-  
19 agement shall provide information to the appropriate com-  
20 mittees of Congress on the activities of the Board for the  
21 prior fiscal year that includes information relating to—

22 “(1) for each meeting of the Board, any acqui-  
23 sition decision memoranda;

24 “(2) the results of the systematic reviews con-  
25 ducted under subsection (d)(4);

1 “(3) the results of acquisition document reviews  
2 required under subsection (d)(5); and

3 “(4) activities to ensure that practices are  
4 adopted and implemented throughout the Depart-  
5 ment under subsection (d)(6).”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
7 The table of contents in section 1(b) of the Homeland Se-  
8 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)  
9 is amended by inserting after the item relating to section  
10 835 the following:

“Sec. 836. Acquisition Review Board.”.

11 **SEC. 1222. DEPARTMENT LEADERSHIP COUNCILS.**

12 (a) IN GENERAL.—Subtitle H of title VIII of the  
13 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)  
14 is amended by adding at the end the following:

15 **“SEC. 890B. DEPARTMENT LEADERSHIP COUNCILS.**

16 “(a) DEPARTMENT LEADERSHIP COUNCILS.—

17 “(1) ESTABLISHMENT.—The Secretary may es-  
18 tablish Department leadership councils as the Sec-  
19 retary determines necessary to ensure coordination  
20 and improve programs and activities of the Depart-  
21 ment.

22 “(2) FUNCTION.—A Department leadership  
23 council shall—

24 “(A) serve as a coordinating forum;

1                   “(B) advise the Secretary and Deputy Sec-  
2                   retary on Department strategy, operations, and  
3                   guidance;

4                   “(C) establish policies to reduce duplica-  
5                   tion in acquisition programs; and

6                   “(D) consider and report on such other  
7                   matters as the Secretary or Deputy Secretary  
8                   may direct.

9                   “(3) RELATIONSHIP TO OTHER FORUMS.—The  
10                  Secretary or Deputy Secretary may delegate the au-  
11                  thority to direct the implementation of any decision  
12                  or guidance resulting from the action of a Depart-  
13                  ment leadership council to any office, component, co-  
14                  ordinator, or other senior official of the Department.

15               “(b) JOINT REQUIREMENTS COUNCIL.—

16               “(1) DEFINITION OF JOINT REQUIREMENT.—In  
17               this subsection, the term ‘joint requirement’ means  
18               a condition or capability of multiple operating com-  
19               ponents of the Department that is required to be  
20               met or possessed by a system, product, service, re-  
21               sult, or component to satisfy a contract, standard,  
22               specification, or other formally imposed document.

23               “(2) ESTABLISHMENT.—The Secretary shall es-  
24               tablish within the Department a Joint Requirements  
25               Council.

1           “(3) MISSION.—In addition to other matters  
2           assigned to the Joint Requirements Council by the  
3           Secretary and Deputy Secretary, the Joint Require-  
4           ments Council shall—

5                   “(A) identify, assess, and validate joint re-  
6                   quirements, including existing systems and as-  
7                   sociated capability gaps, to meet mission needs  
8                   of the Department;

9                   “(B) ensure that appropriate efficiencies  
10                  are made among life cycle cost, schedule, and  
11                  performance objectives, and procurement quan-  
12                  tity objectives, in the establishment and ap-  
13                  proval of joint requirements; and

14                  “(C) make prioritized capability rec-  
15                  ommendations for the joint requirements vali-  
16                  dated under subparagraph (A) to the Secretary,  
17                  the Deputy Secretary, or the chairperson of a  
18                  Department leadership council designated by  
19                  the Secretary to review decisions of the Joint  
20                  Requirements Council.

21           “(4) CHAIRPERSON.—The Secretary shall ap-  
22           point a chairperson of the Joint Requirements Coun-  
23           cil, for a term of not more than 2 years, from among  
24           senior officials of the Department as designated by  
25           the Secretary.

1           “(5) COMPOSITION.—The Joint Requirements  
2       Council shall be composed of senior officials rep-  
3       resenting components of the Department and other  
4       senior officials as designated by the Secretary.

5           “(6) RELATIONSHIP TO FUTURE YEARS HOME-  
6       LAND SECURITY PROGRAM.—The Secretary shall en-  
7       sure that the Future Years Homeland Security Pro-  
8       gram required under section 874 is consistent with  
9       the recommendations of the Joint Requirements  
10      Council required under paragraph (2)(C), as af-  
11      firmed by the Secretary, the Deputy Secretary, or  
12      the chairperson of a Department leadership council  
13      designated by the Secretary under that paragraph.”.

14      (b) TECHNICAL AND CONFORMING AMENDMENT.—  
15   The table of contents in section 1(b) of the Homeland Se-  
16   curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)  
17   is amended by inserting after the item relating to section  
18   890A the following:

          “Sec. 890B. Department joint requirements council.”.

19   **SEC. 1223. EXCLUDED PARTY LIST SYSTEM WAIVERS.**

20       Not later than 5 days after the date on which the  
21   Chief Procurement Officer or Chief Financial Officer of  
22   the Department of Homeland Security issues a waiver of  
23   the requirement that an agency not engage in business  
24   with a contractor or other recipient of funds listed in the  
25   System for Award Management, or a successor system, as

1 maintained by the General Services Administration, the  
2 Office of Legislative Affairs of the Department of Home-  
3 land Security shall submit to Congress notice of such waiv-  
4 er and an explanation for a finding by the Under Sec-  
5 retary for Management that a compelling reason exists for  
6 issuing the waiver.

7 **SEC. 1224. INSPECTOR GENERAL OVERSIGHT OF SUSPEN-**  
8 **SION AND DEBARMENT.**

9 The Inspector General of the Department of Home-  
10 land Security shall—

11 (1) conduct audits as determined necessary by  
12 the Inspector General regarding grant and procure-  
13 ment awards to identify instances in which a con-  
14 tract or grant was improperly awarded to a sus-  
15 pended or debarred entity and whether corrective ac-  
16 tions were taken to prevent recurrence; and

17 (2) review the suspension and debarment pro-  
18 gram throughout the Department of Homeland Se-  
19 curity to assess whether suspension and debarment  
20 criteria are consistently applied throughout the De-  
21 partment of Homeland Security and whether dis-  
22 parities exist in the application of such criteria, par-  
23 ticularly with respect to business size and categories.

1 **Subtitle C—Acquisition Program**  
2 **Management Accountability and**  
3 **Transparency**

4 **SEC. 1231. CONGRESSIONAL NOTIFICATION FOR MAJOR AC-**  
5 **QUISITION PROGRAMS.**

6 (a) IN GENERAL.—Subtitle D of title VIII of the  
7 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.),  
8 as amended by section 1221, is amended by adding at the  
9 end the following:

10 **“SEC. 837. CONGRESSIONAL NOTIFICATION AND OTHER RE-**  
11 **QUIREMENTS FOR MAJOR ACQUISITION PRO-**  
12 **GRAM BREACH.**

13 “(a) DEFINITION OF APPROPRIATE COMMITTEES OF  
14 CONGRESS.—The term ‘appropriate committees of Con-  
15 gress’ means—

16 “(1) the Committee on Homeland Security and  
17 the Committee on Appropriations of the House of  
18 Representatives and the Committee on Homeland  
19 Security and Governmental Affairs and the Com-  
20 mittee on Appropriations of the Senate; and

21 “(2) in the case of notice or a report relating  
22 to the Coast Guard or the Transportation Security  
23 Administration, the committees described in para-  
24 graph (1) and the Committee on Transportation and  
25 Infrastructure of the House of Representatives and



1 the Committee on Commerce, Science, and Trans-  
2 portation of the Senate.

3 “(b) REQUIREMENTS WITHIN DEPARTMENT IN  
4 EVENT OF BREACH.—

5 “(1) NOTIFICATIONS.—

6 “(A) NOTIFICATION OF BREACH.—If a  
7 breach occurs in a major acquisition program,  
8 the program manager for the program shall no-  
9 tify the Component Acquisition Executive for  
10 the program, the head of the component con-  
11 cerned, the Executive Director of the Program  
12 Accountability and Risk Management division,  
13 the Under Secretary for Management, and the  
14 Deputy Secretary not later than 30 calendar  
15 days after the date on which the breach is iden-  
16 tified.

17 “(B) NOTIFICATION TO SECRETARY.—If a  
18 breach occurs in a major acquisition program  
19 and the breach results in a cost overrun greater  
20 than 15 percent, a schedule delay greater than  
21 180 days, or a failure to meet any of the per-  
22 formance thresholds from the cost, schedule, or  
23 performance parameters specified in the most  
24 recently approved acquisition program baseline  
25 for the program, the Component Acquisition

1 Executive for the program shall notify the Sec-  
2 retary and the Inspector General of the Depart-  
3 ment not later than 5 business days after the  
4 date on which the Component Acquisition Exec-  
5 utive for the program, the head of the compo-  
6 nent concerned, the Executive Director of the  
7 Program Accountability and Risk Management  
8 Division, the Under Secretary for Management,  
9 and the Deputy Secretary are notified of the  
10 breach under subparagraph (A).

11 “(2) REMEDIATION PLAN AND ROOT CAUSE  
12 ANALYSIS.—

13 “(A) IN GENERAL.—If a breach occurs in  
14 a major acquisition program, the program man-  
15 ager for the program shall submit in writing to  
16 the head of the component concerned, the Exec-  
17 utive Director of the Program Accountability  
18 and Risk Management division, and the Under  
19 Secretary for Management, at a date estab-  
20 lished by the Under Secretary for Management,  
21 a remediation plan and root cause analysis re-  
22 lating to the breach and program.

23 “(B) REMEDIATION PLAN.—The remedi-  
24 ation plan required under subparagraph (A)  
25 shall—

## 131

1 “(i) explain the circumstances of the  
2 breach at issue;

3 “(ii) provide prior cost estimating in-  
4 formation;

5 “(iii) include a root cause analysis  
6 that determines the underlying cause or  
7 causes of shortcomings in cost, schedule,  
8 or performance of the major acquisition  
9 program with respect to which the breach  
10 has occurred, including the role, if any,  
11 of—

12 “(I) unrealistic performance ex-  
13 pectations;

14 “(II) unrealistic baseline esti-  
15 mates for cost or schedule or changes  
16 in program requirements;

17 “(III) immature technologies or  
18 excessive manufacturing or integra-  
19 tion risk;

20 “(IV) unanticipated design, engi-  
21 neering, manufacturing, or technology  
22 integration issues arising during pro-  
23 gram performance;

24 “(V) changes to the scope of the  
25 program;

1 “(VI) inadequate program fund-  
2 ing or changes in planned out-year  
3 funding from one 5-year funding plan  
4 to the next 5-year funding plan as  
5 outlined in the Future Years Home-  
6 land Security Program required under  
7 section 874;

8 “(VII) legislative, legal, or regu-  
9 latory changes; or

10 “(VIII) inadequate program  
11 management personnel, including lack  
12 of sufficient number of staff, training,  
13 credentials, certifications, or use of  
14 best practices;

15 “(iv) propose corrective action to ad-  
16 dress cost growth, schedule delays, or per-  
17 formance issues;

18 “(v) explain the rationale for why a  
19 proposed corrective action is recommended;  
20 and

21 “(vi) in coordination with the Compo-  
22 nent Acquisition Executive for the pro-  
23 gram, discuss all options considered, in-  
24 cluding—

1                   “(I) the estimated impact on  
2                   cost, schedule, or performance of the  
3                   program if no changes are made to  
4                   current requirements;

5                   “(II) the estimated cost of the  
6                   program if requirements are modified;  
7                   and

8                   “(III) the extent to which fund-  
9                   ing from other programs will need to  
10                  be reduced to cover the cost growth of  
11                  the program.

12               “(3) REVIEW OF CORRECTIVE ACTIONS.—

13               “(A) IN GENERAL.—The Under Secretary  
14               for Management—

15               “(i) shall review each remediation  
16               plan required under paragraph (2); and

17               “(ii) not later than 30 days after sub-  
18               mission of a remediation plan under para-  
19               graph (2), may approve the plan or provide  
20               an alternative proposed corrective action.

21               “(B) SUBMISSION TO CONGRESS.—Not  
22               later than 30 days after the date on which the  
23               Under Secretary for Management completes a  
24               review of a remediation plan under subpara-  
25               graph (A), the Under Secretary for Manage-

1           ment shall submit to the appropriate commit-  
2           tees of Congress a copy of the remediation plan.

3           “(c) REQUIREMENTS RELATING TO CONGRESSIONAL  
4 NOTIFICATION IF BREACH OCCURS.—

5           “(1) NOTIFICATION TO CONGRESS.—If a notifi-  
6 cation to the Secretary is made under subsection  
7 (b)(1)(B) relating to a breach in a major acquisition  
8 program, the Under Secretary for Management shall  
9 notify the appropriate committees of Congress of the  
10 breach in the next semi-annual Acquisition Program  
11 Health Assessment described in section 717(a)(3)  
12 after receipt by the Under Secretary for Manage-  
13 ment of the notification under subsection (b)(1)(B).

14           “(2) SIGNIFICANT VARIANCES IN COSTS OR  
15 SCHEDULE.—If a likely cost overrun is greater than  
16 20 percent or a likely delay is greater than 12  
17 months from the costs and schedule specified in the  
18 acquisition program baseline for a major acquisition  
19 program, the Under Secretary for Management shall  
20 include in the notification required under paragraph  
21 (1) a written certification, with supporting expla-  
22 nation, that—

23           “(A) the program is essential to the ac-  
24 complishment of the mission of the Depart-  
25 ment;

1           “(B) there are no alternatives to the capa-  
2           bility or asset provided by the program that will  
3           provide equal or greater capability in a more  
4           cost-effective and timely manner;

5           “(C) the management structure for the  
6           program is adequate to manage and control  
7           cost, schedule, and performance; and

8           “(D) includes the date on which the new  
9           acquisition schedule and estimates for total ac-  
10          quisition cost will completed.”.

11       (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
12       The table of contents in section 1(b) of the Homeland Se-  
13       curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
14       as amended by section 1221, is amended by inserting after  
15       the item relating to section 836 the following:

          “Sec. 837. Congressional notification and other requirements for major acquisi-  
          tion program breach.”.

16       **SEC. 1232. MULTIYEAR ACQUISITION STRATEGY.**

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 section 1231, is amended by adding at the  
20       end the following:

21       **“SEC. 838. MULTIYEAR ACQUISITION STRATEGY.**

22       “(a) **IN GENERAL.**—Not later than 1 year after the  
23       date of enactment of this section, the Under Secretary for

1 Management shall brief the appropriate congressional  
2 committees on a multiyear acquisition strategy to—

3 “(1) guide the overall direction of the acquisi-  
4 tions of the Department while allowing flexibility to  
5 deal with ever-changing threats and risks;

6 “(2) keep pace with changes in technology that  
7 could impact deliverables; and

8 “(3) help industry better understand, plan, and  
9 align resources to meet the future acquisition needs  
10 of the Department.

11 “(b) UPDATES.—The strategy required under sub-  
12 section (a) shall be updated and included in each Future  
13 Years Homeland Security Program required under section  
14 874.

15 “(c) CONSULTATION.—In developing the strategy re-  
16 quired under subsection (a), the Secretary shall, as the  
17 Secretary determines appropriate, consult with head-  
18 quarters, components, employees in the field, and individ-  
19 uals from industry and the academic community.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
21 The table of contents in section 1(b) of the Homeland Se-  
22 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
23 as amended by section 1231, is amended by inserting after  
24 the item relating to section 837 the following:

“Sec. 838. Multiyear acquisition strategy.”.



1   **SEC. 1233. REPORT ON BID PROTESTS.**

2       (a) DEFINITIONS.—In this section—

3           (1) the term “appropriate committees of Con-  
4       gress” has the meaning given the term in section  
5       837(a) of the Homeland Security Act of 2002, as  
6       added by section 1231(a); and

7           (2) the term “Department” means the Depart-  
8       ment of Homeland Security.

9       (b) STUDY AND REPORT.—Not later than 1 year  
10   after the date of enactment of this Act, the Inspector Gen-  
11   eral of the Department shall conduct a study, in consulta-  
12   tion with the Government Accountability Office when nec-  
13   essary, and submit to the appropriate committees of Con-  
14   gress a report on the prevalence and impact of bid protests  
15   on the acquisition process of the Department, in particular  
16   bid protests filed with the Government Accountability Of-  
17   fice and the United States Court of Federal Claims.

18       (c) CONTENTS.—The report required under sub-  
19   section (b) shall include—

20           (1) with respect to contracts with the Depart-  
21       ment—

22           (A) trends in the number of bid protests  
23       filed with Federal agencies, the Government Ac-  
24       countability Office, and Federal courts and the  
25       rate of those bid protests compared to contract  
26       obligations and the number of contracts;

1 (B) an analysis of bid protests filed by in-  
2 cumbent contractors, including the rate at  
3 which those contractors are awarded bridge  
4 contracts or contract extensions over the period  
5 during which the bid protest remains unre-  
6 solved;

7 (C) a comparison of the number of bid  
8 protests and the outcome of bid protests for—

9 (i) awards of contracts compared to  
10 awards of task or delivery orders;

11 (ii) contracts or orders primarily for  
12 products compared to contracts or orders  
13 primarily for services;

14 (iii) protests filed pre-award to chal-  
15 lenge the solicitation compared to those  
16 filed post-award;

17 (iv) contracts or awards with single  
18 protestors compared to multiple protestors;

19 and

20 (D) contracts with single awards compared  
21 to multiple award contracts;

22 (E) a description of trends in the number  
23 of bid protests filed as a percentage of con-  
24 tracts and as a percentage of task or delivery

1 orders by the value of the contract or order  
2 with respect to—

3 (i) contracts valued at more than  
4 \$300,000,000;

5 (ii) contracts valued at not less than  
6 \$50,000,000 and not more than  
7 \$300,000,000;

8 (iii) contracts valued at not less than  
9 \$10,000,000 and not more than  
10 \$50,000,000; and

11 (iv) contracts valued at less than  
12 \$10,000,000;

13 (F) an assessment of the cost and schedule  
14 impact of successful and unsuccessful bid pro-  
15 tests, as well as delineation of litigation costs,  
16 filed on major acquisitions with more than  
17 \$100,000,000 in annual expenditures or  
18 \$300,000,000 in life cycle costs;

19 (G) an analysis of how often bid protestors  
20 are awarded the contract that was the subject  
21 of the bid protest;

22 (H) a summary of the results of bid pro-  
23 tests in which the Department took unilateral  
24 corrective action, including the average time for  
25 remedial action to be completed;

1 (I) the time it takes the Department to im-  
2 plement corrective actions after a ruling or de-  
3 cision with respect to a bid protest, and the  
4 percentage of those corrective actions that are  
5 subsequently protested, including the outcome  
6 of any subsequent bid protest;

7 (J) an analysis of those contracts with re-  
8 spect to which a company files a bid protest  
9 and later files a subsequent bid protest; and

10 (K) an assessment of the overall time  
11 spent on preventing and responding to bid pro-  
12 tests as it relates to the procurement process;  
13 and

14 (2) any recommendations by the Inspector Gen-  
15 eral of the Department relating to the study con-  
16 ducted under this section.

17 **SEC. 1234. PROHIBITION AND LIMITATIONS ON USE OF**  
18 **COST-PLUS CONTRACTS.**

19 (a) DEFINITIONS.—In this section—

20 (1) the term “Department” means the Depart-  
21 ment of Homeland Security; and

22 (2) the term “major acquisition program” has  
23 the meaning given the term in section 2 of the  
24 Homeland Security Act of 2002, as amended by this  
25 Act.

1       (b) PROHIBITION.—Not later than 120 days after the  
2 date of enactment of this Act, the Secretary of Homeland  
3 Security shall modify the acquisition regulations of the  
4 Department to prohibit the use of cost-type contracts, un-  
5 less the head of contracting activity determines in writing  
6 that—

7           (1) a cost-type contract is required by the level  
8 of program risk; and

9           (2) appropriate steps will be taken as soon as  
10 practicable to reduce that risk so that follow-on con-  
11 tracts for the same product or service can be award-  
12 ed on a fixed-price basis, and delineates those steps  
13 in writing.

14       (c) MAJOR ACQUISITION PROGRAMS.—

15           (1) PROHIBITION.—The Department shall pro-  
16 hibit the use of cost-plus contracts with respect to  
17 procurements for the production of major acquisition  
18 programs.

19           (2) LIMITATION ON AUTHORIZING OF COST-  
20 TYPE CONTRACTS.—The Chief Procurement Officer  
21 of the Department, in consultation with the Acquisi-  
22 tion Review Board required to be established under  
23 section 836 of the Homeland Security Act of 2002,  
24 as added by section 1221(a), may authorize the use

1 of a cost-type contract for a major acquisition pro-  
2 gram only upon a written determination that—

3 (A) the major acquisition program is so  
4 complex and technically challenging that it is  
5 not practicable to use a contract type other  
6 than a cost-plus reimbursable contract for the  
7 development of the major acquisition program;

8 (B) all reasonable efforts have been made  
9 to define the requirements sufficiently to allow  
10 for the use of a contract type other than a cost-  
11 plus reimbursable contract for the development  
12 of the major acquisition program; and

13 (C) despite the efforts described in sub-  
14 paragraph (B), the Department cannot define  
15 requirements sufficiently to allow for the use of  
16 a contract type other than a cost-plus reimburs-  
17 able contract for the development of the major  
18 acquisition program.

19 **SEC. 1235. BRIDGE CONTRACTS.**

20 (a) **DEFINITIONS.**—In this section—

21 (1) the terms “acquisition program” and “con-  
22 gressional homeland security committees” have the  
23 meanings given those terms in section 2 of the  
24 Homeland Security Act of 2002, as amended by this  
25 Act;

1           (2) the term “Department” means the Depart-  
2           ment of Homeland Security; and

3           (3) the term “Executive agency” has the mean-  
4           ing given the term in section 105 of title 5, United  
5           States Code.

6           (b) POLICIES AND PROCEDURES.—The Chief Pro-  
7           curement Officer of the Department shall develop, in con-  
8           sultation with the Office of Federal Procurement Policy—

9           (1) a common definition of a bridge contract;  
10          and

11          (2) policies and procedures for the Department  
12          that, to the greatest extent practicable, seek to—

13                (A) minimize the use of bridge contracts  
14                while providing for continuation of services to  
15                be performed through contracts; and

16                (B) ensure appropriate planning by con-  
17                tracting officials.

18          (c) REQUIRED ELEMENTS.—The policies and proce-  
19          dures developed under subsection (b) shall include the fol-  
20          lowing elements:

21                (1) Sufficient time and planning to review con-  
22                tract requirements, compete contracts as appro-  
23                priate, enter into contracts, and consider the possi-  
24                bility of bid protests.

1           (2) For contracts that do not meet timeliness  
2 standards or that require entering into bridge con-  
3 tracts, contracting officials shall notify the Chief  
4 Procurement Officer of the Department and the  
5 head of the component agency of the Department.

6           (3) The Chief Procurement Officer of the De-  
7 partment shall approve any bridge contract that  
8 lasts longer than 6 months, and the head of the  
9 component agency of the Department shall approve  
10 any bridge contract that lasts longer than 1 year.

11       (d) PUBLIC NOTICE.—The Chief Procurement Offi-  
12 cer of the Department shall provide public notice not later  
13 than 30 days after entering into a bridge contract, which  
14 shall include the notice required under subsection (c)(2)  
15 to the extent that information is available.

16       (e) EXCEPTIONS.—The policies and procedures devel-  
17 oped under subsection (b) shall not apply to—

18           (1) service contracts in support of contingency  
19 operations, humanitarian assistance, or disaster re-  
20 lief;

21           (2) service contracts in support of national se-  
22 curity emergencies declared with respect to named  
23 operations; or

24           (3) service contracts entered into pursuant to  
25 international agreements.



1       (f) REPORTS.—Not later than September 30, 2020,  
2 and by September 30 of each subsequent year thereafter  
3 until 2025, the Chief Procurement Officer of the Depart-  
4 ment shall submit to the congressional homeland security  
5 committees and make publicly available on the website of  
6 the Department a report on the use of bridge contracts  
7 for all acquisition programs, which shall include—

8           (1) a common definition for a bridge contract,  
9 if in existence, that is used by contracting offices of  
10 Executive agencies;

11          (2) the total number of bridge contracts entered  
12 into during the previous fiscal year;

13          (3) the estimated value of each contract that re-  
14 quired the use of a bridge contract and the cost of  
15 each such bridge contract;

16          (4) the reasons for and cost of each bridge con-  
17 tract;

18          (5) the types of services or goods being ac-  
19 quired under each bridge contract;

20          (6) the length of the initial contract that re-  
21 quired the use of a bridge contract, including the  
22 base and any exercised option years, and the cumu-  
23 lative length of any bridge contract or contracts re-  
24 lated to the initial contract;

1           (7) a description of how many of the contracts  
2           that required bridge contracts were the result of bid  
3           protests;

4           (8) a description of existing statutory, regu-  
5           latory, or agency guidance that the Department fol-  
6           lowed to execute each bridge contract; and

7           (9) any other matters determined to be relevant  
8           by the Chief Procurement Officer of the Depart-  
9           ment.

10 **SEC. 1236. ACQUISITION REPORTS.**

11       (a) IN GENERAL.—Subtitle D of title VIII of the  
12 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.),  
13 as amended by section 1232, is amended by adding at the  
14 end the following:

15 **“SEC. 839. ACQUISITION POLICIES AND GUIDANCE.**

16       “(a) PROGRAM ACCOUNTABILITY REPORT.—The  
17 Under Secretary for Management shall prepare and sub-  
18 mit to the congressional homeland security committees a  
19 semi-annual program accountability report to meet the  
20 mandate of the Department to perform program health  
21 assessments and improve program execution and govern-  
22 ance.

23       “(b) LEVEL 3 ACQUISITION PROGRAMS OF COMPO-  
24 NENTS OF THE DEPARTMENT.—

1           “(1) IDENTIFICATION.—Not later than 60 days  
2           after the date of enactment of this section, compo-  
3           nent heads of the Department shall identify to the  
4           Under Secretary for Management all level 3 acquisi-  
5           tion programs of each respective component.

6           “(2) CERTIFICATION.—Not later than 30 days  
7           after receipt of the information under paragraph (1),  
8           the Under Secretary for Management shall certify in  
9           writing to the congressional homeland security com-  
10          mittees whether the heads of the components of the  
11          Department have properly identified the programs  
12          described in that paragraph.

13          “(3) METHODOLOGY.—To carry out this sub-  
14          section, the Under Secretary shall establish a proc-  
15          ess with a repeatable methodology to continually  
16          identify level 3 acquisition programs.

17          “(c) POLICIES AND GUIDANCE.—

18                 “(1) SUBMISSION.—Not later than 180 days  
19                 after the date of enactment of this section, the Com-  
20                 ponent Acquisition Executives shall submit to the  
21                 Under Secretary for Management the policies and  
22                 relevant guidance for the level 3 acquisition pro-  
23                 grams of each component.

24                 “(2) CERTIFICATION.—Not later than 90 days  
25                 after receipt of the policies and guidance under sub-

1 paragraph (A), the Under Secretary shall certify in  
2 writing to the congressional homeland security com-  
3 mittees that the policies and guidance of each com-  
4 ponent adhere to Department-wide acquisition poli-  
5 cies.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
7 The table of contents in section 1(b) of the Homeland Se-  
8 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
9 as amended by section 1232, is amended by inserting after  
10 the item relating to section 838 the following:

“Sec. 839. Acquisition policies and guidance.”.

11 **TITLE III—INTELLIGENCE AND**  
12 **INFORMATION SHARING**  
13 **Subtitle A—Department of Home-**  
14 **land Security Intelligence En-**  
15 **terprise**

16 **SEC. 1301. HOMELAND INTELLIGENCE DOCTRINE.**

17 (a) IN GENERAL.—Subtitle A of title II of the Home-  
18 land Security Act of 2002 (6 U.S.C. 121 et seq.), as  
19 amended by section 1601(g) of this Act, is amended by  
20 adding at the end the following new section:

21 **“SEC. 210F. HOMELAND INTELLIGENCE DOCTRINE.**

22 “(a) IN GENERAL.—Not later than 180 days after  
23 the date of the enactment of this section, the Secretary,  
24 acting through the Chief Intelligence Officer of the De-  
25 partment, in coordination with intelligence components of

1 the Department, the Office of the General Counsel, the  
2 Privacy Office, and the Office for Civil Rights and Civil  
3 Liberties, shall develop and disseminate written Depart-  
4 ment-wide guidance for the processing, analysis, produc-  
5 tion, and dissemination of homeland security information  
6 (as such term is defined in section 892) and terrorism in-  
7 formation (as such term is defined in section 1016 of the  
8 Intelligence Reform and Terrorism Prevention Act of  
9 2004 (6 U.S.C. 485)).

10 “(b) CONTENTS.—The guidance required under sub-  
11 section (a) shall, at a minimum, include the following:

12 “(1) A description of guiding principles and  
13 purposes of the Department’s intelligence enterprise.

14 “(2) A summary of the roles and responsibil-  
15 ities, if any, of each intelligence component of the  
16 Department and programs of the intelligence compo-  
17 nents of the Department in the processing, analysis,  
18 production, and dissemination of homeland security  
19 information and terrorism information, including rel-  
20 evant authorities and restrictions applicable to each  
21 intelligence component of the Department and pro-  
22 grams of each such intelligence component.

23 “(3) Guidance for the processing, analysis, and  
24 production of such information, including descrip-

1        tions of component or program specific datasets that  
2        facilitate the processing, analysis, and production.

3            “(4) Guidance for the dissemination of such in-  
4        formation, including within the Department, among  
5        and between Federal departments and agencies,  
6        among and between State, local, tribal, and terri-  
7        torial governments, including law enforcement agen-  
8        cies, and with foreign partners and the private sec-  
9        tor.

10           “(5) A statement of intent regarding how the  
11        dissemination of homeland security information and  
12        terrorism information to the intelligence community  
13        (as such term is defined in section 3(4) of the Na-  
14        tional Security Act of 1947 (50 U.S.C. 3003(4)))  
15        and Federal law enforcement agencies should assist  
16        the intelligence community and Federal law enforce-  
17        ment agencies in carrying out their respective mis-  
18        sions.

19           “(6) A statement of intent regarding how the  
20        dissemination of homeland security information and  
21        terrorism information to State, local, tribal, and ter-  
22        ritorial government agencies, including law enforce-  
23        ment agencies, should assist the agencies in carrying  
24        out their respective missions.

1       “(c) FORM.—The guidance required under subsection  
2 (a) shall be disseminated in unclassified form, but may  
3 include a classified annex.

4       “(d) ANNUAL REVIEW.—For each of the 5 fiscal  
5 years beginning with the first fiscal year that begins after  
6 the date of the enactment of this section, the Secretary  
7 shall conduct a review of the guidance required under sub-  
8 section (a) and, as appropriate, revise such guidance.”.

9       (b) CLERICAL AMENDMENT.—The table of contents  
10 in section 1(b) of the Homeland Security Act of 2002  
11 (Public Law 107–296; 116 Stat. 2135), as amended by  
12 section 1601(i) of this Act, is amended by inserting after  
13 the item relating to section 210E the following new item:  
“Sec. 210F. Homeland intelligence doctrine.”.

14 **SEC. 1302. PERSONNEL FOR THE CHIEF INTELLIGENCE OF-**  
15 **FICER.**

16       Section 201(e)(1) of the Homeland Security Act of  
17 2002 (6 U.S.C. 121(e)(1)) is amended by adding at the  
18 end the following: “The Secretary shall also provide the  
19 Chief Intelligence Officer with a staff having appropriate  
20 component intelligence program expertise and experience  
21 to assist the Chief Intelligence Officer.”.

22 **SEC. 1303. ANNUAL HOMELAND TERRORIST THREAT AS-**  
23 **SESSMENTS.**

24       (a) IN GENERAL.—Subtitle A of title II of the Home-  
25 land Security Act of 2002 (6 U.S.C. 121 et seq.), as

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

3 **“SEC. 210G. HOMELAND TERRORIST THREAT ASSESS-**  
4 **MENTS.**

5 “(a) IN GENERAL.—Not later than 180 days after  
6 the date of the enactment of this section and for each of  
7 the following 5 fiscal years (beginning in the first fiscal  
8 year that begins after the date of the enactment of this  
9 section) the Secretary, acting through the Under Sec-  
10 retary for Intelligence and Analysis, and using depart-  
11 mental information, including component information co-  
12 ordinated with each intelligence component of the Depart-  
13 ment and programs of each such intelligence component,  
14 and information provided through State and major urban  
15 area fusion centers, shall conduct an assessment of the  
16 terrorist threat to the homeland.

17 “(b) CONTENTS.—Each assessment under subsection  
18 (a) shall include the following:

19 “(1) Empirical data assessing terrorist activi-  
20 ties and incidents over time in the United States, in-  
21 cluding terrorist activities and incidents planned or  
22 supported by foreign or domestic terrorists or per-  
23 sons outside of the United States to occur in the  
24 homeland.



1           “(2) An evaluation of current terrorist tactics,  
2           as well as ongoing and possible future changes in  
3           terrorist tactics.

4           “(3) An assessment of criminal activity encoun-  
5           tered or observed by officers or employees of compo-  
6           nents which is suspected of financing terrorist activ-  
7           ity.

8           “(4) Detailed information on all individuals sus-  
9           pected of involvement in terrorist activity and subse-  
10          quently—

11               “(A) prosecuted for a Federal criminal of-  
12               fense, including details of the criminal charges  
13               involved;

14               “(B) placed into removal proceedings, in-  
15               cluding details of the removal processes and  
16               charges used;

17               “(C) denied entry into the United States,  
18               including details of the denial processes used; or

19               “(D) subjected to civil proceedings for rev-  
20               ocation of naturalization.

21           “(5) The efficacy and reach of foreign and do-  
22           mestic terrorist organization propaganda, messaging,  
23           or recruitment, including details of any specific  
24           propaganda, messaging, or recruitment that contrib-

1       uted to terrorist activities identified pursuant to  
2       paragraph (1).

3           “(6) An assessment of threats, including cyber  
4       threats, to the homeland, including to critical infra-  
5       structure and Federal civilian networks.

6           “(7) An assessment of current and potential  
7       terrorism and criminal threats posed by individuals  
8       and organized groups seeking to unlawfully enter the  
9       United States.

10          “(8) An assessment of threats to the transpor-  
11       tation sector, including surface and aviation trans-  
12       portation systems.

13          “(c) ADDITIONAL INFORMATION.—The assessments  
14       required under subsection (a)—

15           “(1) shall, to the extent practicable, utilize ex-  
16       isting component data collected and existing compo-  
17       nent threat assessments; and

18           “(2) may incorporate relevant information and  
19       analysis from other agencies of the Federal Govern-  
20       ment, agencies of State and local governments (in-  
21       cluding law enforcement agencies), as well as the  
22       private sector, disseminated in accordance with  
23       standard information sharing procedures and poli-  
24       cies.

1       “(d) FORM.—The assessments required under sub-  
2 section (a) shall be shared with the appropriate congres-  
3 sional committees and submitted in unclassified form, but  
4 may include separate classified annexes, if appropriate.”.

5       (b) CONFORMING AMENDMENT.—Section 201(d) of  
6 the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is  
7 amended by adding at the end the following new para-  
8 graph:

9               “(27) To carry out section 210H (relating to  
10 homeland terrorist threat assessments).”.

11       (c) CLERICAL AMENDMENT.—The table of contents  
12 of the Homeland Security Act of 2002 (Public Law 107–  
13 296; 116 Stat. 2135), as amended by section 1301, is  
14 amended by inserting after the item relating to section  
15 210F the following:

“Sec. 210G. Homeland terrorist threat assessments.”.

16 **SEC. 1304. DEPARTMENT OF HOMELAND SECURITY DATA**  
17 **FRAMEWORK.**

18       (a) IN GENERAL.—

19               (1) DEVELOPMENT.—The Secretary of Home-  
20 land Security shall develop a data framework to in-  
21 tegrate existing Department of Homeland Security  
22 datasets and systems, as appropriate, for access by  
23 authorized personnel in a manner consistent with  
24 relevant legal authorities and privacy, civil rights,  
25 and civil liberties policies and protections.

1           (2) REQUIREMENTS.—In developing the frame-  
2       work required under paragraph (1), the Secretary  
3       shall ensure, in accordance with all applicable statu-  
4       tory and regulatory requirements, the following in-  
5       formation is included:

6           (A) All information acquired, held, or ob-  
7       tained by an office or component of the Depart-  
8       ment that falls within the scope of the informa-  
9       tion sharing environment, including homeland  
10      security information, terrorism information,  
11      weapons of mass destruction information, and  
12      national intelligence.

13          (B) Any information or intelligence rel-  
14      evant to priority mission needs and capability  
15      requirements of the homeland security enter-  
16      prise, as determined appropriate by the Sec-  
17      retary.

18      (b) DATA FRAMEWORK ACCESS.—

19          (1) IN GENERAL.—The Secretary of Homeland  
20      Security shall ensure that the data framework re-  
21      quired under this section is accessible to employees  
22      of the Department of Homeland Security who the  
23      Secretary determines—

24          (A) have an appropriate security clearance;

1 (B) are assigned to perform a function  
2 that requires access to information in such  
3 framework; and

4 (C) are trained in applicable standards for  
5 safeguarding and using such information.

6 (2) GUIDANCE.—The Secretary of Homeland  
7 Security shall—

8 (A) issue guidance for Department of  
9 Homeland Security employees authorized to ac-  
10 cess and contribute to the data framework pur-  
11 suant to paragraph (1); and

12 (B) ensure that such guidance enforces a  
13 duty to share between offices and components  
14 of the Department when accessing or contrib-  
15 uting to such framework for mission needs.

16 (3) EFFICIENCY.—The Secretary of Homeland  
17 Security shall promulgate data standards and in-  
18 struct components of the Department of Homeland  
19 Security to make available information through the  
20 data framework under this section in a machine-  
21 readable standard format, to the greatest extent  
22 practicable.

23 (c) EXCLUSION OF INFORMATION.—The Secretary of  
24 Homeland Security may exclude information from the

1 data framework if the Secretary determines inclusion of  
2 such information may—

3 (1) jeopardize the protection of sources, meth-  
4 ods, or activities;

5 (2) compromise a criminal or national security  
6 investigation;

7 (3) be inconsistent with other Federal laws or  
8 regulations; or

9 (4) be duplicative or not serve an operational  
10 purpose if included in such framework.

11 (d) SAFEGUARDS.—The Secretary of Homeland Se-  
12 curity shall incorporate into the data framework systems  
13 capabilities for auditing and ensuring the security of infor-  
14 mation included in such framework. Such capabilities shall  
15 include the following:

16 (1) Mechanisms for identifying insider threats.

17 (2) Mechanisms for identifying security risks.

18 (3) Safeguards for privacy, civil rights, and civil  
19 liberties.

20 (e) DEADLINE FOR IMPLEMENTATION.—Not later  
21 than 2 years after the date of the enactment of this Act,  
22 the Secretary of Homeland Security shall ensure the data  
23 framework required under this section has the ability to  
24 include the information described in subsection (a).

25 (f) NOTICE TO CONGRESS.—

1           (1) STATUS UPDATES.—The Secretary of  
2     Homeland Security shall submit to the appropriate  
3     congressional committees regular updates on the sta-  
4     tus of the data framework until such framework is  
5     fully operational.

6           (2) OPERATIONAL NOTIFICATION.—Not later  
7     than 60 days after the date on which the data  
8     framework required under this section is fully oper-  
9     ational, the Secretary of Homeland Security shall  
10    provide notice to the appropriate congressional com-  
11    mittees that the data framework is fully operational.

12          (3) VALUE ADDED.—The Secretary of Home-  
13    land Security shall include in each assessment re-  
14    quired under section 210H(a) of the Homeland Se-  
15    curity Act of 2002, as added by this Act, if applica-  
16    ble, a description of the use of the data framework  
17    required under this section to support operations  
18    that disrupt terrorist activities and incidents in the  
19    homeland.

20    (g) DEFINITIONS.—In this section:

21          (1) APPROPRIATE CONGRESSIONAL COMMITTEE;  
22    HOMELAND.—The terms “appropriate congressional  
23    committee” and “homeland” have the meaning given  
24    those terms in section 2 of the Homeland Security  
25    Act of 2002 (6 U.S.C. 101).

1           (2) HOMELAND SECURITY INFORMATION.—The  
2       term “homeland security information” has the  
3       meaning given such term in section 892 of the  
4       Homeland Security Act of 2002 (6 U.S.C. 482).

5           (3) INSIDER THREAT.—The term “insider  
6       threat” has the meaning given such term in section  
7       104 of the Homeland Security Act, as added by sec-  
8       tion 1305.

9           (4) NATIONAL INTELLIGENCE.—The term “na-  
10      tional intelligence” has the meaning given such term  
11      in section 3(5) of the National Security Act of 1947  
12      (50 U.S.C. 3003(5)).

13          (5) TERRORISM INFORMATION.—The term “ter-  
14      rorism information” has the meaning given such  
15      term in section 1016 of the Intelligence Reform and  
16      Terrorism Prevention Act of 2004 (6 U.S.C. 485).

17 **SEC. 1305. ESTABLISHMENT OF INSIDER THREAT PRO-**  
18 **GRAM.**

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

22 **“SEC. 104. INSIDER THREAT PROGRAM.**

23          “(a) ESTABLISHMENT.—The Secretary shall estab-  
24      lish an Insider Threat Program within the Department,  
25      which shall—



1           “(1) provide training and education for employ-  
2           ees of the Department to identify, prevent, mitigate,  
3           and respond to insider threat risks to the Depart-  
4           ment’s critical assets;

5           “(2) provide investigative support regarding po-  
6           tential insider threats that may pose a risk to the  
7           Department’s critical assets; and

8           “(3) conduct risk mitigation activities for in-  
9           sider threats.

10          “(b) STEERING COMMITTEE.—

11           “(1) IN GENERAL.—

12           “(A) ESTABLISHMENT.—The Secretary  
13           shall establish a Steering Committee within the  
14           Department.

15           “(B) MEMBERSHIP.—The membership of  
16           the Steering Committee shall be as follows:

17           “(i) The Under Secretary for Manage-  
18           ment and the Under Secretary for Intel-  
19           ligence and Analysis shall serve as the Co-  
20           Chairpersons of the Steering Committee.

21           “(ii) The Chief Security Officer, as  
22           the designated Senior Insider Threat Offi-  
23           cial, shall serve as the Vice Chairperson of  
24           the Steering Committee.

1 “(iii) The other members of the Steer-  
2 ing Committee shall be comprised of rep-  
3 resentatives of—

4 “(I) the Office of Intelligence and  
5 Analysis;

6 “(II) the Office of the Chief In-  
7 formation Officer;

8 “(III) the Office of the General  
9 Counsel;

10 “(IV) the Office for Civil Rights  
11 and Civil Liberties;

12 “(V) the Privacy Office;

13 “(VI) the Office of the Chief  
14 Human Capital Officer;

15 “(VII) the Office of the Chief Fi-  
16 nancial Officer;

17 “(VIII) the Federal Protective  
18 Service;

19 “(IX) the Office of the Chief  
20 Procurement Officer;

21 “(X) the Science and Technology  
22 Directorate; and

23 “(XI) other components or of-  
24 fices of the Department as appro-  
25 priate.

1           “(C) MEETINGS.—The members of the  
2           Steering Committee shall meet on a regular  
3           basis to discuss cases and issues related to in-  
4           sider threats to the Department’s critical as-  
5           sets, in accordance with subsection (a).

6           “(2) RESPONSIBILITIES.—Not later than 1 year  
7           after the date of the enactment of this section, the  
8           Under Secretary for Management, the Under Sec-  
9           retary for Intelligence and Analysis, and the Chief  
10          Security Officer, in coordination with the Steering  
11          Committee, shall—

12               “(A) develop a holistic strategy for Depart-  
13               ment-wide efforts to identify, prevent, mitigate,  
14               and respond to insider threats to the Depart-  
15               ment’s critical assets;

16               “(B) develop a plan to implement the in-  
17               sider threat measures identified in the strategy  
18               developed under subparagraph (A) across the  
19               components and offices of the Department;

20               “(C) document insider threat policies and  
21               controls;

22               “(D) conduct a baseline risk assessment of  
23               insider threats posed to the Department’s crit-  
24               ical assets;

1           “(E) examine programmatic and tech-  
2 nology best practices adopted by the Federal  
3 Government, industry, and research institutions  
4 to implement solutions that are validated and  
5 cost-effective;

6           “(F) develop a timeline for deploying work-  
7 place monitoring technologies, employee aware-  
8 ness campaigns, and education and training  
9 programs related to identifying, preventing,  
10 mitigating, and responding to potential insider  
11 threats to the Department’s critical assets;

12           “(G) consult with the Under Secretary for  
13 Science and Technology and other appropriate  
14 stakeholders to ensure the Insider Threat Pro-  
15 gram is informed, on an ongoing basis, by cur-  
16 rent information regarding threats, best prac-  
17 tices, and available technology; and

18           “(H) develop, collect, and report metrics  
19 on the effectiveness of the Department’s insider  
20 threat mitigation efforts.

21       “(c) PRESERVATION OF MERIT SYSTEM RIGHTS.—

22           “(1) IN GENERAL.—The Steering Committee  
23 shall not seek to, and the authorities provided under  
24 this section shall not be used to, deter, detect, or  
25 mitigate disclosures of information by Government

1 employees or contractors that are lawful under and  
2 protected by section 17(d)(5) of the Central Intel-  
3 ligence Agency Act of 1949 (50 U.S.C. 3517(d)(5))  
4 (commonly known as the ‘Intelligence Community  
5 Whistleblower Protection Act of 1998’), chapter 12  
6 or 23 of title 5, United States Code, the Inspector  
7 General Act of 1978 (5 U.S.C. App.), or any other  
8 whistleblower statute, regulation, or policy.

9 “(2) IMPLEMENTATION.—

10 “(A) IN GENERAL.—Any activity carried  
11 out under this section shall be subject to section  
12 115 of the Whistleblower Protection Enhance-  
13 ment Act of 2012 (5 U.S.C. 2302 note).

14 “(B) REQUIRED STATEMENT.—Any activ-  
15 ity to implement or enforce any insider threat  
16 activity or authority under this section or Exec-  
17 utive Order 13587 (50 U.S.C. 3161 note) shall  
18 include the statement required by section 115  
19 of the Whistleblower Protection Enhancement  
20 Act of 2012 (5 U.S.C. 2302 note) that pre-  
21 serves rights under whistleblower laws and sec-  
22 tion 7211 of title 5, United States Code, pro-  
23 tecting communications with Congress.

24 “(d) DEFINITIONS.—In this section:

1           “(1) CRITICAL ASSETS.—The term ‘critical as-  
2       sets’ means the resources, including personnel, facili-  
3       ties, information, equipment, networks, or systems  
4       necessary for the Department to fulfill its mission.

5           “(2) EMPLOYEE.—The term ‘employee’ has the  
6       meaning given the term in section 2105 of title 5,  
7       United States Code.

8           “(3) INSIDER.—The term ‘insider’ means—

9               “(A) any person who has or had author-  
10       ized access to Department facilities, informa-  
11       tion, equipment, networks, or systems and is  
12       employed by, detailed to, or assigned to the De-  
13       partment, including members of the Armed  
14       Forces, experts or consultants to the Depart-  
15       ment, industrial or commercial contractors, li-  
16       censees, certificate holders, or grantees of the  
17       Department, including all subcontractors, per-  
18       sonal services contractors, or any other category  
19       of person who acts for or on behalf of the De-  
20       partment, as determined by the Secretary; or

21               “(B) State, local, tribal, territorial, and  
22       private sector personnel who possess security  
23       clearances granted by the Department.

24           “(4) INSIDER THREAT.—The term ‘insider  
25       threat’ means the threat that an insider will use his

1 or her authorized access, wittingly or unwittingly, to  
2 do harm to the security of the United States, includ-  
3 ing damage to the United States through espionage,  
4 terrorism, the unauthorized disclosure of classified  
5 national security information, or through the loss or  
6 degradation of departmental resources or capabili-  
7 ties.

8 “(5) STEERING COMMITTEE.—The term ‘Steer-  
9 ing Committee’ means the Steering Committee es-  
10 tablished under subsection (b)(1)(A).”.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later than 2 years after  
13 the date of the enactment of this Act, and once  
14 every 2 years thereafter for the following 4-year pe-  
15 riod, the Secretary of Homeland Security shall sub-  
16 mit to the Committee on Homeland Security and the  
17 Permanent Select Committee on Intelligence of the  
18 House of Representatives and the Committee on  
19 Homeland Security and Governmental Affairs and  
20 the Select Committee on Intelligence of the Senate  
21 a report on—

22 (A) how the Department of Homeland Se-  
23 curity, including the components and offices of  
24 the Department of Homeland Security, have  
25 implemented the strategy developed under sec-

1           tion 104(b)(2)(A) of the Homeland Security  
2           Act of 2002, as added by this Act;

3           (B) the status of the risk assessment of  
4           critical assets being conducted by the Depart-  
5           ment of Homeland Security;

6           (C) the types of insider threat training  
7           conducted;

8           (D) the number of employees of the De-  
9           partment of Homeland Security who have re-  
10          ceived insider threat training; and

11          (E) information on the effectiveness of the  
12          Insider Threat Program (established under sec-  
13          tion 104(a) of the Homeland Security Act of  
14          2002, as added by this Act), based on metrics  
15          developed, collected, and reported pursuant to  
16          subsection (b)(2)(H) of such section 104.

17          (2) DEFINITIONS.—In this subsection, the  
18          terms “critical assets”, “insider”, and “insider  
19          threat” have the meanings given the terms in section  
20          104 of the Homeland Security Act of 2002 (as  
21          added by this Act).

22          (c) CLERICAL AMENDMENT.—The table of contents  
23          in section 1(b) of the Homeland Security Act of 2002  
24          (Public Law 107–296; 116 Stat. 2135) is amended by in-  
25          serting after the item relating to section 103 the following:

“Sec. 104. Insider Threat Program.”.



1   **SEC. 1306. THREAT ASSESSMENT ON TERRORIST USE OF**  
2                   **VIRTUAL CURRENCY.**

3           (a) IN GENERAL.—Not later than 120 days after the  
4   date of the enactment of this Act, the Under Secretary  
5   for Intelligence and Analysis shall, in coordination with  
6   appropriate Federal partners, including the Department  
7   of the Treasury, the Department of State, and the Federal  
8   Bureau of Investigation, develop and disseminate a threat  
9   assessment, as well as recommendations to mitigate the  
10   threat, regarding the actual and potential threat posed by  
11   individuals and state sponsors of terrorism using virtual  
12   currency and other emerging financial technological capa-  
13   bilities to carry out activities in furtherance of an act of  
14   terrorism, including the provision of material support or  
15   resources to a foreign terrorist organization.

16          (b) DISTRIBUTION.—Consistent with the protection  
17   of classified and confidential unclassified information, the  
18   Under Secretary shall share the threat assessment devel-  
19   oped under this section with State, local, and tribal law  
20   enforcement officials, including officials that operate with-  
21   in fusion centers in the National Network of Fusion Cen-  
22   ters.

23          (c) DEFINITIONS.—In this section:

24               (1) FOREIGN TERRORIST ORGANIZATION.—The  
25               term “foreign terrorist organization” means an or-  
26               ganization designated as a foreign terrorist organiza-

1       tion under section 219 of the Immigration and Na-  
2       tionality Act (8 U.S.C. 1189).

3               (2) STATE SPONSOR OF TERRORISM.—The term  
4       “state sponsor of terrorism” means a country the  
5       government of which the Secretary of State has de-  
6       termined to be a government that has repeatedly  
7       provided support for acts of international terrorism  
8       for purposes of—

9               (A) section 6(j)(1)(A) of the Export Ad-  
10       ministration Act of 1979 (50 U.S.C.  
11       4605(j)(1)(A)) (as continued in effect pursuant  
12       to the International Emergency Economic Pow-  
13       ers Act (50 U.S.C. 1701 et seq.));

14              (B) section 620A(a) of the Foreign Assist-  
15       ance Act of 1961 (22 U.S.C. 2371(a));

16              (C) section 40(d) of the Arms Export Con-  
17       trol Act (22 U.S.C. 2780(d)); or

18              (D) any other provision of law.

19   **SEC. 1307. TRANSNATIONAL CRIMINAL ORGANIZATIONS**  
20               **THREAT ASSESSMENT.**

21       (a) IN GENERAL.—Not later than 90 days after the  
22       date of the enactment of this Act, the Under Secretary  
23       for Intelligence Analysis shall, in coordination with appro-  
24       priate Federal partners, develop and disseminate a threat  
25       assessment on whether transnational criminal organiza-

1 tions are exploiting United States border security  
2 vulnerabilities in border security screening programs to  
3 gain access to the United States and threaten the United  
4 States or border security.

5 (b) RECOMMENDATIONS.—Upon completion of the  
6 threat assessment required under subsection (a), the Sec-  
7 retary of Homeland Security shall make a determination  
8 if any changes are required to address security  
9 vulnerabilities identified in such assessment.

10 (c) DISTRIBUTION.—Consistent with the protection  
11 of classified and confidential unclassified information, the  
12 Under Secretary for Intelligence and Analysis shall share  
13 the threat assessment developed under this section with  
14 State, local, and tribal law enforcement officials, including  
15 officials that operate within fusion centers in the National  
16 Network of Fusion Centers.

17 **SEC. 1308. DEPARTMENT OF HOMELAND SECURITY**  
18 **COUNTER THREATS ADVISORY BOARD.**

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

1   **“SEC. 210H. DEPARTMENTAL COORDINATION ON COUNTER**  
2                   **THREATS.**

3           “(a) ESTABLISHMENT.—There is authorized in the  
4 Department, for a period of 2 years beginning after the  
5 date of enactment of this section, a Counter Threats Advi-  
6 sory Board (in this section referred to as the ‘Board’)  
7 which shall—

8                   “(1) be composed of senior representatives of  
9 departmental operational components and head-  
10 quarters elements; and

11                   “(2) coordinate departmental intelligence activi-  
12 ties and policy and information related to the mis-  
13 sion and functions of the Department that counter  
14 threats.

15           “(b) CHARTER.—There shall be a charter to govern  
16 the structure and mission of the Board, which charter  
17 shall—

18                   “(1) direct the Board to focus on the current  
19 threat environment and the importance of aligning  
20 departmental activities to counter threats under the  
21 guidance of the Secretary; and

22                   “(2) be reviewed and updated as appropriate.

23           “(c) MEMBERS.—

24                   “(1) IN GENERAL.—The Board shall be com-  
25 posed of senior representatives of departmental oper-  
26 ational components and headquarters elements.

1           “(2) CHAIR.—The Under Secretary for Intel-  
2           ligence and Analysis shall serve as the Chair of the  
3           Board.

4           “(3) MEMBERS.—The Secretary shall appoint  
5           additional members of the Board from among the  
6           following:

7                   “(A) The Transportation Security Admin-  
8                   istration.

9                   “(B) United States Customs and Border  
10                  Protection.

11                  “(C) United States Immigration and Cus-  
12                  toms Enforcement.

13                  “(D) The Federal Emergency Management  
14                  Agency.

15                  “(E) The Coast Guard.

16                  “(F) United States Citizenship and Immi-  
17                  gration Services.

18                  “(G) The United States Secret Service.

19                  “(H) The National Protection and Pro-  
20                  grams Directorate.

21                  “(I) The Office of Operations Coordina-  
22                  tion.

23                  “(J) The Office of the General Counsel.

24                  “(K) The Office of Intelligence and Anal-  
25                  ysis.

1 “(L) The Office of Policy.

2 “(M) The Science and Technology Direc-  
3 torate.

4 “(N) The Office for State and Local Law  
5 Enforcement.

6 “(O) The Privacy Office.

7 “(P) The Office for Civil Rights and Civil  
8 Liberties.

9 “(Q) Other departmental offices and pro-  
10 grams as determined appropriate by the Sec-  
11 retary.

12 “(d) MEETINGS.—The Board shall—

13 “(1) meet on a regular basis to discuss intel-  
14 ligence and coordinate ongoing threat mitigation ef-  
15 forts and departmental activities, including coordina-  
16 tion with other Federal, State, local, tribal, terri-  
17 torial, and private sector partners; and

18 “(2) make recommendations to the Secretary.

19 “(e) TERRORISM ALERTS.—The Board shall advise  
20 the Secretary on the issuance of terrorism alerts under  
21 section 203.

22 “(f) PROHIBITION ON ADDITIONAL FUNDS.—No ad-  
23 ditional funds are authorized to carry out this section.”.

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

1   curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
2   as amended by section 1303, is amended by inserting after  
3   the item relating to section 210H the following:

“Sec. 210H. Departmental coordination to counter threats.”.

4       (c) REPORT.—Not later than 90 days after the date  
5   of enactment of this Act, the Secretary of Homeland Secu-  
6   rity, acting through the Chair of the Counter Threats Ad-  
7   visory Board established under section 210H of the Home-  
8   land Security Act of 2002, as added by subsection (a),  
9   shall submit to the Committee on Homeland Security and  
10  Governmental Affairs of the Senate and the Committee  
11  on Homeland Security of the House of Representatives a  
12  report on the status and activities of the Counter Threats  
13  Advisory Board.

14       (d) NOTICE.—The Department shall provide written  
15  notification to and brief the Committee on Homeland Se-  
16  curity and Governmental Affairs of the Senate and the  
17  Committee on Homeland Security of the House of Rep-  
18  resentatives on any changes to or introductions of new  
19  mechanisms to coordinate threats across the Department.

## 20                   **Subtitle B—Stakeholder** 21                   **Information Sharing**

### 22   **SEC. 1311. DEPARTMENT OF HOMELAND SECURITY FUSION** 23                   **CENTER PARTNERSHIP INITIATIVE.**

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

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

3 **“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FU-**  
4 **SION CENTER PARTNERSHIP INITIATIVE.”;**

5           (2) in subsection (a), by adding at the end the  
6 following: “Beginning on the date of enactment of  
7 the Department of Homeland Security Authorization  
8 Act, such Initiative shall be known as the ‘Depart-  
9 ment of Homeland Security Fusion Center Partner-  
10 ship Initiative’.”;

11           (3) by amending subsection (b) to read as fol-  
12 lows:

13       “(b) INTERAGENCY SUPPORT AND COORDINATION.—  
14 Through the Department of Homeland Security Fusion  
15 Center Partnership Initiative, in coordination with prin-  
16 cipal officials of fusion centers in the National Network  
17 of Fusion Centers and the officers designated as the  
18 Homeland Security Advisors of the States, the Secretary  
19 shall—

20           “(1) coordinate with the heads of other Federal  
21 departments and agencies to provide operational,  
22 analytic, and reporting intelligence advice and assist-  
23 ance to the National Network of Fusion Centers and  
24 to align homeland security intelligence activities with  
25 other field based intelligence activities;



1           “(2) support the integration of fusion centers  
2       into the information sharing environment, including  
3       by—

4           “(A) providing for the effective dissemina-  
5       tion of information within the scope of the in-  
6       formation sharing environment to the National  
7       Network of Fusion Centers;

8           “(B) conducting outreach to such fusion  
9       centers to identify any gaps in information  
10      sharing;

11          “(C) consulting with other Federal agen-  
12      cies to develop methods to—

13           “(i) address any such gaps identified  
14          under subparagraph (B), as appropriate;  
15          and

16           “(ii) deploy or access such databases  
17          and datasets, as appropriate; and

18          “(D) review information that is gathered  
19      by the National Network of Fusion Centers to  
20      identify that which is within the scope of the in-  
21      formation sharing environment, including home-  
22      land security information (as defined in section  
23      892), terrorism information, and weapons of  
24      mass destruction information and incorporate

1           such information, as appropriate, into the De-  
2           partment's own such information;

3           “(3) facilitate close communication and coordi-  
4           nation between the National Network of Fusion  
5           Centers and the Department and other Federal de-  
6           partments and agencies;

7           “(4) facilitate information sharing and expertise  
8           from the national cybersecurity and communications  
9           integration center under section 2209 to the Na-  
10          tional Network of Fusion Centers;

11          “(5) coordinate the provision of training and  
12          technical assistance, including training on the use of  
13          Federal databases and datasets described in para-  
14          graph (2), to the National Network of Fusion Cen-  
15          ters and encourage participating fusion centers to  
16          take part in terrorism threat-related exercises con-  
17          ducted by the Department;

18          “(6) ensure the dissemination of cyber threat  
19          indicators and information about cybersecurity risks  
20          and incidents to State, local, and regional fusion  
21          centers;

22          “(7) ensure that each fusion center in the Na-  
23          tional Network of Fusion Centers has a privacy pol-  
24          icy approved by the Chief Privacy Officer of the De-  
25          partment and a civil rights and civil liberties policy

1 approved by the Officer for Civil Rights and Civil  
2 Liberties of the Department;

3 “(8) develop and disseminate best practices on  
4 the appropriate levels for staffing at fusion centers  
5 in the National Network of Fusion Centers of quali-  
6 fied representatives from State, local, tribal, and ter-  
7 ritorial law enforcement, fire, emergency medical,  
8 and emergency management services, and public  
9 health disciplines, as well as the private sector; and

10 “(9) carry out such other duties as the Sec-  
11 retary determines appropriate.”;

12 (4) in subsection (c)—

13 (A) in the heading, by striking “PER-  
14 SONNEL ASSIGNMENT” and inserting “RE-  
15 SOURCE ALLOCATION”;

16 (B) by striking paragraphs (1) and (2) and  
17 inserting the following:

18 “(1) INFORMATION SHARING AND PERSONNEL  
19 ASSIGNMENT.—

20 “(A) INFORMATION SHARING.—The Under  
21 Secretary for Intelligence and Analysis shall en-  
22 sure that, as appropriate—

23 “(i) fusion centers in the National  
24 Network of Fusion Centers have access to

1 homeland security information sharing sys-  
2 tems; and

3 “(ii) Department personnel are de-  
4 ployed to support fusion centers in the Na-  
5 tional Network of Fusion Centers in a  
6 manner consistent with the mission of the  
7 Department.

8 “(B) PERSONNEL ASSIGNMENT.—Depart-  
9 ment personnel referred to in subparagraph  
10 (A)(ii) may include the following:

11 “(i) Intelligence officers.

12 “(ii) Intelligence analysts.

13 “(iii) Other liaisons from components  
14 and offices of the Department, as appro-  
15 priate.

16 “(C) MEMORANDA OF UNDERSTANDING.—  
17 The Under Secretary for Intelligence and Anal-  
18 ysis shall negotiate memoranda of under-  
19 standing between the Department and a State  
20 or local government, in coordination with the  
21 appropriate representatives from fusion centers  
22 in the National Network of Fusion Centers, re-  
23 garding the exchange of information between  
24 the Department and such fusion centers. Such  
25 memoranda shall include the following:

1 “(i) The categories of information to  
2 be provided by each entity to the other en-  
3 tity that are parties to any such memo-  
4 randa.

5 “(ii) The contemplated uses of the ex-  
6 changed information that is the subject of  
7 any such memoranda.

8 “(iii) The procedures for developing  
9 joint products.

10 “(iv) The information sharing dispute  
11 resolution processes.

12 “(v) Any protections necessary to en-  
13 sure the exchange of information accords  
14 with applicable law and policies.

15 “(2) SOURCES OF SUPPORT.—Information  
16 shared and personnel assigned pursuant to para-  
17 graph (1) may be shared or provided, as the case  
18 may be, by the following Department components  
19 and offices, in coordination with the respective com-  
20 ponent or office head and in consultation with the  
21 principal officials of fusion centers in the National  
22 Network of Fusion Centers:

23 “(A) The Office of Intelligence and Anal-  
24 ysis.

1           “(B) Cybersecurity and Infrastructure Se-  
2           curity Agency.

3           “(C) The Transportation Security Admin-  
4           istration.

5           “(D) U.S. Customs and Border Protection.

6           “(E) U.S. Immigration and Customs En-  
7           forcement.

8           “(F) The Coast Guard.

9           “(G) The national cybersecurity and com-  
10          munications integration center under section  
11          2209.

12          “(H) Other components or offices of the  
13          Department, as determined by the Secretary.”;

14          (C) in paragraph (3)—

15               (i) in the heading, by striking  
16               “QUALIFYING CRITERIA” and inserting  
17               “RESOURCE ALLOCATION CRITERIA”; and

18               (ii) by striking subparagraph (A) and  
19               inserting the following:

20               “(A) IN GENERAL.—The Secretary shall  
21               make available criteria for sharing information  
22               and deploying personnel to support a fusion  
23               center in the National Network of Fusion Cen-  
24               ters in a manner consistent with the Depart-

1           ment’s mission and existing statutory limits.”;  
2           and

3                 (D) in paragraph (4)(B), in the matter  
4           preceding clause (i), by inserting “in which  
5           such fusion center is located” after “region”;  
6           (5) in subsection (d)—

7                 (A) in paragraph (3), by striking “and” at  
8           the end;

9                 (B) by redesignating paragraph (4) as  
10          paragraph (5);

11                (C) by inserting after paragraph (3) the  
12          following:

13                “(4) assist, in coordination with the national  
14          cybersecurity and communications integration center  
15          under section 2209, fusion centers in using informa-  
16          tion relating to cybersecurity risks to develop a com-  
17          prehensive and accurate threat picture;”;

18                (D) in paragraph (5), as so redesignated—

19                   (i) by striking “government” and in-  
20                  serting “governments”; and

21                   (ii) by striking the period at the end  
22                  and inserting “; and”; and

23                (E) by adding at the end the following:

24                “(6) use Department information, including in-  
25          formation held by components and offices, to develop

1 analysis focused on the mission of the Department  
2 under section 101(b).”;

3 (6) in subsection (e)—

4 (A) by amending paragraph (1) to read as  
5 follows:

6 “(1) IN GENERAL.—To the greatest extent  
7 practicable, the Secretary shall make it a priority to  
8 allocate resources, including Departmental compo-  
9 nent personnel with relevant expertise, to support  
10 the efforts of fusion centers along land or maritime  
11 borders of the United States to facilitate law en-  
12 forcement agency identification, investigation, and  
13 interdiction of persons, weapons, and related contra-  
14 band that pose a threat to homeland security.”; and

15 (B) in paragraph (2), in the matter pre-  
16 ceding subparagraph (A), by striking “partici-  
17 pating State, local, and regional fusion centers”  
18 and inserting “fusion centers in the National  
19 Network of Fusion Centers”;

20 (7) in subsection (j)—

21 (A) by redesignating paragraph (5) as  
22 paragraph (7);

23 (B) by redesignating paragraphs (1)  
24 through (4) as paragraphs (2) through (5), re-  
25 spectively;



1 (C) by inserting before paragraph (2) the  
2 following:

3 “(1) the term ‘cybersecurity risk’ has the mean-  
4 ing given such term in section 2209;”.

5 (D) in paragraph (5), as so redesignated,  
6 by striking “and” at the end; and

7 (E) by inserting after such paragraph (5)  
8 the following new paragraph:

9 “(6) the term ‘National Network of Fusion  
10 Centers’ means a decentralized arrangement of fu-  
11 sion centers intended to enhance individual State  
12 and urban area fusion centers’ ability to leverage the  
13 capabilities and expertise of all fusion centers for the  
14 purpose of enhancing analysis and homeland secu-  
15 rity information sharing nationally; and”; and

16 (8) by striking subsection (k).

17 (b) REPORT.—Not later than 1 year after the date  
18 of the enactment of this Act and annually thereafter  
19 through 2024, the Under Secretary for Intelligence and  
20 Analysis of the Department of Homeland Security shall  
21 report to the Committee on Homeland Security and the  
22 Permanent Select Committee on Intelligence of the House  
23 of Representatives and the Committee on Homeland Secu-  
24 rity and Governmental Affairs and the Select Committee  
25 on Intelligence of the Senate on the value of fusion center

1 intelligence products and the expenditure of authorized  
2 funds for the support and coordination of State, local, or  
3 regional fusion centers as specified in section 210A of the  
4 Homeland Security Act of 2002 (6 U.S.C. 124h), as  
5 amended by subsection (a).

6 (c) REPORT ON FEDERAL DATABASES.—Not later  
7 than 180 days after the date of enactment of the Depart-  
8 ment of Homeland Security Authorization Act, the Comp-  
9 troller General of the United States shall submit a report  
10 to Congress on the Federal databases and datasets that  
11 address any gaps identified pursuant to section  
12 210A(b)(2)(B) of the Homeland Security Act of 2002, as  
13 amended by subsection (a), including databases and  
14 datasets used, operated, or managed by Department com-  
15 ponents, the Department of Justice, including the Federal  
16 Bureau of Investigation and the Drug Enforcement Ad-  
17 ministration, and the Department of the Treasury, that  
18 are appropriate, in accordance with Federal laws and poli-  
19 cies, for inclusion in the information sharing environment.

20 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) Section 2103(c)(1) of the Homeland Secu-  
22 rity Act of 2002 (6 U.S.C.623(c)(1)) is amended by  
23 striking “210A(j)(1)” and inserting “210A(j)”.

24 (2) The table of contents in section 1(b) of the  
25 Homeland Security Act of 2002 (Public Law 107–

1       296; 116 Stat. 2135) is amended by striking the  
2       item relating to section 210A and inserting the fol-  
3       lowing:

“Sec. 210A. Department of Homeland Security Fusion Center Partnership Initiative.”.

4       (e) REFERENCE.—Any reference in any law, rule, or  
5       regulation to the “Department of Homeland Security  
6       State, Local, and Regional Fusion Center Initiative” shall  
7       be deemed to be a reference to the “Department of Home-  
8       land Security Fusion Center Partnership Initiative”.

9       **SEC. 1312. FUSION CENTER PERSONNEL NEEDS ASSESS-**  
10       **MENT.**

11       (a) ASSESSMENT.—

12           (1) IN GENERAL.—Not later than 240 days  
13       after the date of the enactment of this Act, the  
14       Comptroller General of the United States shall con-  
15       duct an assessment of Department of Homeland Se-  
16       curity personnel assigned to fusion centers pursuant  
17       to section 210A(c) of the Homeland Security Act of  
18       2002 (6 U.S.C. 124h(c)), as amended by this Act,  
19       including an assessment of whether deploying addi-  
20       tional Department personnel to such fusion centers  
21       would enhance the Department’s mission under sec-  
22       tion 101(b) of such Act and the National Network  
23       of Fusion Centers.

1           (2) CONTENTS.—The assessment required  
2 under this subsection shall include the following:

3           (A) Information on the current deployment  
4 of the Department's personnel to each fusion  
5 center.

6           (B) Information on the roles and respon-  
7 sibilities of the Department's Office of Intel-  
8 ligence and Analysis intelligence officers, intel-  
9 ligence analysts, senior reports officers, reports  
10 officers, and regional directors deployed to fu-  
11 sion centers.

12           (C) Information on Federal resources, in  
13 addition to personnel, provided to each fusion  
14 center.

15           (D) An assessment of fusion centers lo-  
16 cated in jurisdictions along land and maritime  
17 borders of the United States, and the degree to  
18 which deploying personnel, as appropriate, from  
19 U.S. Customs and Border Protection, U.S. Im-  
20 migration and Customs Enforcement, and the  
21 Coast Guard to such fusion centers would en-  
22 hance the integrity and security at such borders  
23 by helping Federal, State, local, tribal, and ter-  
24 ritorial law enforcement authorities to identify,  
25 investigate, and interdict persons, weapons, and

1           related contraband that pose a threat to home-  
2           land security.

3           (b) DEFINITIONS.—In this section, the terms “fusion  
4 center” and “National Network of Fusion Centers” have  
5 the meanings given those terms in section 210A(j) of the  
6 Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as  
7 amended by this Act.

8   **SEC. 1313. STRATEGY FOR FUSION CENTERS SUPPORTING**  
9                   **COUNTERNARCOTICS INITIATIVES THROUGH**  
10                  **INTELLIGENCE INFORMATION SHARING AND**  
11                  **ANALYSIS.**

12       Not later than 180 days after the date of enactment  
13 of this Act, the Under Secretary for Intelligence and Anal-  
14 ysis shall submit to Congress a strategy for how State and  
15 local fusion centers will support law enforcement counter-  
16 narcotics activities and investigations through intelligence  
17 information sharing and analysis, including providing  
18 guidelines and best practices to fusion center leadership  
19 and personnel.

20   **SEC. 1314. PROGRAM FOR STATE AND LOCAL ANALYST**  
21                   **CLEARANCES.**

22       (a) SENSE OF CONGRESS.—It is the sense of Con-  
23 gress that any program established by the Under Sec-  
24 retary for Intelligence and Analysis of the Department of  
25 Homeland Security to provide eligibility for access to in-

1 formation classified as Top Secret for State, local, tribal,  
2 and territorial analysts located in fusion centers shall be  
3 consistent with the need to know requirements pursuant  
4 to Executive Order No. 13526 (50 U.S.C. 3161 note).

5 (b) REPORT.—Not later than 2 years after the date  
6 of the enactment of this Act, the Under Secretary of Intel-  
7 ligence and Analysis of the Department of Homeland Se-  
8 curity, in consultation with the Director of National Intel-  
9 ligence, shall submit to the Committee on Homeland Secu-  
10 rity and the Permanent Select Committee on Intelligence  
11 of the House of Representatives and the Committee on  
12 Homeland Security and Governmental Affairs and the Se-  
13 lect Committee on Intelligence of the Senate a report on  
14 the following:

15 (1) The process by which the Under Secretary  
16 of Intelligence and Analysis determines a need to  
17 know pursuant to Executive Order No. 13526 to  
18 sponsor Top Secret clearances for appropriate State,  
19 local, tribal, and territorial analysts located in fusion  
20 centers.

21 (2) The effects of such Top Secret clearances  
22 on enhancing information sharing with State, local,  
23 tribal, and territorial partners.

24 (3) The cost for providing such Top Secret  
25 clearances for State, local, tribal, and territorial ana-

1       lysts located in fusion centers, including training  
2       and background investigations.

3           (4) The operational security protocols, training,  
4       management, and risks associated with providing  
5       such Top Secret clearances for State, local, tribal,  
6       and territorial analysts located in fusion centers.

7       (c) DEFINITION.—In this section, the term “fusion  
8       center” has the meaning given the term in section 210A(j)  
9       of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)).

10   **SEC. 1315. INFORMATION TECHNOLOGY ASSESSMENT.**

11       (a) IN GENERAL.—The Under Secretary for Intel-  
12       ligence and Analysis of the Department of Homeland Se-  
13       curity, in collaboration with the Chief Information Officer  
14       of the Department and representatives from the National  
15       Network of Fusion Centers, shall conduct an assessment  
16       of information systems (as such term is defined in section  
17       3502 of title 44, United States Code) used to share home-  
18       land security information (as defined in section 892 of the  
19       Homeland Security Act of 2002 (6 U.S.C. 482) between  
20       the Department of Homeland Security and fusion centers  
21       in the National Network of Fusion Centers and make up-  
22       grades to such systems, as appropriate. Such assessment  
23       shall include the following:

(1) An evaluation of the security, accessibility, and ease of use of such systems by fusion centers in the National Network of Fusion Centers.

(2) A review to determine how to establish improved interoperability of departmental information systems with existing information systems used by fusion centers in the National Network of Fusion Centers.

(3) An evaluation of participation levels of departmental components and offices of information systems used to share homeland security information with fusion centers in the National Network of Fusion Centers.

(b) DEFINITIONS.—In this section, the terms “fusion center” and “National Network of Fusion Centers” have the meanings given those terms in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as amended by this Act.

19 SEC. 1316. DEPARTMENT OF HOMELAND SECURITY CLASSI-  
20 FIED FACILITY INVENTORY.

21 (a) IN GENERAL.—The Secretary of Homeland Secu-  
22 rity shall, to the extent practicable—

(1) maintain an inventory of those Department  
of Homeland Security facilities that the Department



1 certifies to house classified infrastructure or systems  
2 at the secret level and above;

3 (2) update such inventory on a regular basis;  
4 and

5 (3) share part or all of such inventory with per-  
6 sonnel as determined appropriate by the Secretary of  
7 Homeland Security.

8 (b) INVENTORY.—The inventory of facilities de-  
9 scribed in subsection (a) may include—

10 (1) the location of such facilities;

11 (2) the attributes and capabilities of such facili-  
12 ties (including the clearance level of the facility,  
13 square footage of, the total capacity of, the number  
14 of workstations in, document storage, and the num-  
15 ber of conference rooms in, such facilities);

16 (3) the entities that operate such facilities; and

17 (4) the date of establishment of such facilities.

18 **SEC. 1317. TERROR INMATE INFORMATION SHARING.**

19 (a) IN GENERAL.—The Secretary of Homeland Secu-  
20 rity, in coordination with the Attorney General and in con-  
21 sultation with other appropriate Federal officials, shall, as  
22 appropriate, share with State, local, and regional fusion  
23 centers through the Department of Homeland Security  
24 Fusion Center Partnership Initiative under section 210A  
25 of the Homeland Security Act of 2002 (6 U.S.C. 124h),

1 as amended by this Act, as well as other relevant law en-  
2 forcement entities, release information from a Federal cor-  
3 rectional facility, including the name, charging date, and  
4 expected place and date of release, of certain individuals  
5 who may pose a terrorist threat.

6 (b) SCOPE.—The information shared under sub-  
7 section (a) shall be—

8 (1) for homeland security purposes; and

9 (2) regarding individuals convicted of a Federal  
10 crime of terrorism (as defined in section 2332b of  
11 title 18, United States Code).

12 (c) PERIODIC THREAT ASSESSMENTS.—Consistent  
13 with the protection of classified information and controlled  
14 unclassified information, the Secretary of Homeland Secu-  
15 rity shall coordinate with appropriate Federal officials to  
16 provide State, local, and regional fusion centers described  
17 in subsection (a) with periodic assessments regarding the  
18 overall threat from known or suspected terrorists currently  
19 incarcerated in a Federal correctional facility, including  
20 the assessed risks of such populations engaging in ter-  
21 rorist activity upon release.

22 (d) PRIVACY PROTECTIONS.—Prior to implementing  
23 subsection (a), the Secretary shall receive input and advice  
24 from the Officer for Civil Rights and Civil Liberties, the

1 Officer for Privacy and the Chief Intelligence Officer of  
2 the Department.

3 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
4 tion may be construed as requiring the establishment of  
5 a list or registry of individuals convicted of terrorism.

6 **SEC. 1318. ANNUAL REPORT ON OFFICE FOR STATE AND**  
7 **LOCAL LAW ENFORCEMENT.**

8 Section 2006(b) of the Homeland Security Act of  
9 2002 (6 U.S.C. 607(b)) is amended—

10 (1) by redesignating paragraph (5) as para-  
11 graph (6); and

12 (2) by inserting after paragraph (4) the fol-  
13 lowing new paragraph:

14 “(5) REPORT.—For each of fiscal years 2019  
15 through 2023, the Assistant Secretary for State and  
16 Local Law Enforcement shall submit to the Com-  
17 mittee on Homeland Security of the House of Rep-  
18 resentatives and the Committee on Homeland Secu-  
19 rity and Governmental Affairs of the Senate a report  
20 on the activities of the Office for State and Local  
21 Law Enforcement. Each such report shall include,  
22 for the fiscal year covered by the report, a descrip-  
23 tion of each of the following:

24 “(A) Efforts to coordinate and share infor-  
25 mation regarding Department and component

1 agency programs with State, local, and tribal  
2 law enforcement agencies.

3 “(B) Efforts to improve information shar-  
4 ing through the Homeland Security Information  
5 Network by appropriate component agencies of  
6 the Department and by State, local, and tribal  
7 law enforcement agencies.

8 “(C) The status of performance metrics  
9 within the Office of State and Local Law En-  
10 forcement to evaluate the effectiveness of ef-  
11 forts to carry out responsibilities set forth with-  
12 in the subsection.

13 “(D) Any feedback from State, local, and  
14 tribal law enforcement agencies about the Of-  
15 fice, including the mechanisms utilized to collect  
16 such feedback.

17 “(E) Efforts to carry out all other respon-  
18 sibilities of the Office of State and Local Law  
19 Enforcement.”.

1 **SEC. 1319. ANNUAL CATALOG ON DEPARTMENT OF HOME-**  
2 **LAND SECURITY TRAINING, PUBLICATIONS,**  
3 **PROGRAMS, AND SERVICES FOR STATE,**  
4 **LOCAL, TRIBAL, AND TERRITORIAL LAW EN-**  
5 **FORCEMENT AGENCIES.**

6 Section 2006(b)(4) of the Homeland Security Act of  
7 2002 (6 U.S.C. 607(b)(4)) is amended—

8 (1) in subparagraph (E), by striking “and” at  
9 the end;

10 (2) in subparagraph (F), by striking the period  
11 and inserting a semicolon; and

12 (3) by adding at the end the following new sub-  
13 paragraphs:

14 “(G) produce an annual catalog that sum-  
15 marizes opportunities for training, publications,  
16 programs, and services available to State, local,  
17 tribal, and territorial law enforcement agencies  
18 from the Department and from each component  
19 and office within the Department and, not later  
20 than 30 days after the date of such production,  
21 disseminate the catalog, including by—

22 “(i) making such catalog available to  
23 State, local, tribal, and territorial law en-  
24 forcement agencies, including by posting  
25 the catalog on the website of the Depart-

1                   ment and cooperating with national organi-  
2                   zations that 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 of the  
8                   House of Representatives and the Com-  
9                   mittee on Homeland Security and Govern-  
10                  mental Affairs of the Senate; and

11                  “(H) in coordination with appropriate com-  
12                  ponents and offices of the Department and  
13                  other Federal agencies, develop, maintain, and  
14                  make available information on Federal re-  
15                  sources intended to support fusion center access  
16                  to Federal information and resources.”.

17 **SEC. 1320. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND**  
18 **NUCLEAR INTELLIGENCE AND INFORMATION**  
19 **SHARING.**

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

1   **“SEC. 210I. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND**  
2                   **NUCLEAR INTELLIGENCE AND INFORMATION**  
3                   **SHARING.**

4           “(a) IN GENERAL.—The Office of Intelligence and  
5 Analysis of the Department shall—

6                   “(1) support homeland security-focused intel-  
7           ligence analysis of terrorist actors, their claims, and  
8           their plans to conduct attacks involving chemical, bi-  
9           ological, radiological, or nuclear materials against  
10          the United States;

11                   “(2) support homeland security-focused intel-  
12          ligence analysis of global infectious disease, public  
13          health, food, agricultural, and veterinary issues;

14                   “(3) support homeland security-focused risk  
15          analysis and risk assessments of the homeland secu-  
16          rity hazards described in paragraphs (1) and (2), in-  
17          cluding the transportation of chemical, biological,  
18          nuclear, and radiological materials, by providing rel-  
19          evant quantitative and nonquantitative threat infor-  
20          mation;

21                   “(4) leverage existing and emerging homeland  
22          security intelligence capabilities and structures to  
23          enhance prevention, protection, response, and recov-  
24          ery efforts with respect to a chemical, biological, ra-  
25          diological, or nuclear attack;

1           “(5) share information and provide tailored an-  
2           alytical support on these threats to State, local, and  
3           tribal authorities, other Federal agencies, as well as  
4           relevant national biosecurity and biodefense stake-  
5           holders, as appropriate; and

6           “(6) perform other responsibilities, as assigned  
7           by the Secretary.

8           “(b) COORDINATION.—Where appropriate, the Office  
9           of Intelligence and Analysis shall coordinate with other  
10          relevant Department components, including the Coun-  
11          tering Weapons of Mass Destruction Office, the National  
12          Biosurveillance Integration Center, other agencies within  
13          in the intelligence community, including the National  
14          Counter Proliferation Center, and other Federal, State,  
15          local, and tribal authorities, including officials from high-  
16          threat urban areas, State and major urban area fusion  
17          centers, and local public health departments, as appro-  
18          priate, and enable such entities to provide recommenda-  
19          tions on optimal information sharing mechanisms, includ-  
20          ing expeditious sharing of classified information, and on  
21          how such entities can provide information to the Depart-  
22          ment.

23          “(c) DEFINITIONS.—In this section:

24                 “(1) FUSION CENTER.—The term ‘fusion cen-  
25                 ter’ has the meaning given the term in section 210A.



1           “(2) INTELLIGENCE COMMUNITY.—The term  
2           ‘intelligence community’ has the meaning given such  
3           term in section 3(4) of the National Security Act of  
4           1947 (50 U.S.C. 401a(4)).

5           “(3) NATIONAL BIOSECURITY AND BIODEFENSE  
6           STAKEHOLDERS.—The term ‘national biosecurity  
7           and biodefense stakeholders’ means officials from  
8           Federal, State, local, and tribal authorities and indi-  
9           viduals from the private sector who are involved in  
10          efforts to prevent, protect against, respond to, and  
11          recover from a biological attack or other phenomena  
12          that may have serious health consequences for the  
13          United States, including infectious disease out-  
14          breaks.”.

15          (b) CLERICAL AMENDMENT.—The table of contents  
16          in section 1(b) of the Homeland Security Act of 2002  
17          (Public Law 107–296; 116 Stat. 2135), as amended by  
18          subtitle A of this Act, is amended by inserting after the  
19          item relating to section 210H the following:

            “Sec. 210I. Chemical, biological, radiological, and nuclear intelligence and in-  
                formation sharing.”.

20          (c) REPORT.—

21                 (1) IN GENERAL.—Not later than 1 year after  
22                 the date of enactment of this Act and annually  
23                 thereafter, the Secretary of Homeland Security shall

1 report to the appropriate congressional committees  
2 on—

3 (A) the intelligence and information shar-  
4 ing activities under section 210I of the Home-  
5 land Security Act of 2002 (as added by sub-  
6 section (a) of this section) and of all relevant  
7 entities within the Department of Homeland  
8 Security to counter the threat from attacks  
9 using chemical, biological, radiological, or nu-  
10 clear materials; and

11 (B) the Department’s activities in accord-  
12 ance with relevant intelligence strategies.

13 (2) ASSESSMENT OF IMPLEMENTATION.—The  
14 reports required under paragraph (1) shall include—

15 (A) an assessment of the progress of the  
16 Office of Intelligence and Analysis of the De-  
17 partment of Homeland Security in imple-  
18 menting such section 210I; and

19 (B) a description of the methods estab-  
20 lished to carry out such assessment.

21 (3) TERMINATION.—This subsection shall ter-  
22minate on the date that is 5 years after the date of  
23 enactment of this Act.

24 (4) DEFINITION.—In this subsection, the term  
25 “appropriate congressional committees” means the

1 Committee on Homeland Security of the House of  
2 Representatives and the Committee on Homeland  
3 Security and Governmental Affairs of the Senate  
4 and any committee of the House of Representatives  
5 or the Senate having legislative jurisdiction under  
6 the rules of the House of Representatives or Senate,  
7 respectively, over the matter concerned.

8 (d) DISSEMINATION OF INFORMATION ANALYZED BY  
9 THE DEPARTMENT TO STATE, LOCAL, TRIBAL, AND PRI-  
10 VATE ENTITIES WITH RESPONSIBILITIES RELATING TO  
11 HOMELAND SECURITY.—Section 201(d)(8) of the Home-  
12 land Security Act of 2002 (6 U.S.C. 121(d)(8)) is amend-  
13 ed by striking “and to agencies of State” and all that fol-  
14 lows through the period at the end and inserting “to State,  
15 local, and tribal governments and private entities with  
16 such responsibilities, and, as appropriate, to the public,  
17 in order to assist in preventing, deterring, or responding  
18 to acts of terrorism against the United States.”.

19 **SEC. 1321. DUTY TO REPORT.**

20 (a) DUTY IMPOSED.—Except as provided in sub-  
21 section (c), whenever an act of terrorism occurs in the  
22 United States, it shall be the duty of the primary Govern-  
23 ment agency investigating such act to submit, in collabora-  
24 tion with the Secretary of Homeland Security, the Attor-  
25 ney General, the Director of the Federal Bureau of Inves-

1 tigation, and, as appropriate, the Director of the National  
2 Counterterrorism Center, an unclassified report (which  
3 may be accompanied by a classified annex) to Congress  
4 concerning such act not later than 1 year after the comple-  
5 tion of the investigation. Reports required under this sub-  
6 section may be combined into a quarterly report to Con-  
7 gress.

8 (b) CONTENT OF REPORTS.—Each report under this  
9 section shall include—

10 (1) a statement of the facts of the act of ter-  
11 rorism referred to in subsection (a), as known at the  
12 time of the report;

13 (2) an explanation of any gaps in national secu-  
14 rity that could be addressed to prevent future acts  
15 of terrorism;

16 (3) any recommendations for additional meas-  
17 ures that could be taken to improve homeland secu-  
18 rity, including potential changes in law enforcement  
19 practices or changes in law, with particular attention  
20 to changes that could help prevent future acts of ter-  
21 rorism; and

22 (4) a summary of the report for public distribu-  
23 tion.

24 (c) EXCEPTION.—The duty established under sub-  
25 section (a) shall not apply in instances in which the Sec-

1   retary of Homeland Security, the Attorney General, the  
2   Director of the Federal Bureau of Investigation, or the  
3   head of the National Counterterrorism Center determines  
4   that the information required to be reported could jeop-  
5   ardize an ongoing investigation or prosecution. In such in-  
6   stances, the principal making such determination shall no-  
7   tify Congress of such determination before the first anni-  
8   versary of the completion of the investigation described in  
9   such subsection.

10       (d) DEFINED TERM.—In this section, the term “act  
11   of terrorism” has the meaning given the term in section  
12   3077 of title 18, United States Code.

13   **TITLE     IV—EMERGENCY     PRE-**  
14       **PAREDNESS, RESPONSE, AND**  
15       **COMMUNICATIONS**

16       **Subtitle A—Grants, Training,**  
17       **Exercises, and Coordination**

18   **SEC. 1401. URBAN AREA SECURITY INITIATIVE.**

19       Section 2003 of the Homeland Security Act of 2002  
20   (6 U.S.C. 604) is amended—

21           (1) in subsection (b)(2)(A), in the matter pre-  
22       ceding clause (i), by inserting “, using the most up-  
23       to-date data available,” after “assessment”;

24           (2) in subsection (d)(2), by amending subpara-  
25       graph (B) to read as follows:

1                   “(B) FUNDS RETAINED.—To ensure trans-  
2                   parency and avoid duplication, a State shall  
3                   provide each relevant high-risk urban area with  
4                   a detailed accounting of the items, services, or  
5                   activities on which any funds retained by the  
6                   State under subparagraph (A) are to be ex-  
7                   pended. Such accounting shall be provided not  
8                   later than 90 days after the date on which such  
9                   funds are retained.”; and

10                  (3) by striking subsection (e) and inserting the  
11                  following new subsections:

12                  “(e) THREAT AND HAZARD IDENTIFICATION RISK  
13                  ASSESSMENT AND CAPABILITY ASSESSMENT.—As a con-  
14                  dition of receiving a grant under this section, each high-  
15                  risk urban area shall submit to the Administrator a threat  
16                  and hazard identification and risk assessment and capa-  
17                  bility assessment—

18                         “(1) at such time and in such form as is re-  
19                         quired by the Administrator; and

20                         “(2) consistent with the Federal Emergency  
21                         Management Agency’s Comprehensive Preparedness  
22                         Guide 201, Second Edition, or such successor docu-  
23                         ment or guidance as is issued by the Administrator.

24                  “(f) PERIOD OF PERFORMANCE.—The Administrator  
25                  shall make funds provided under this section available for

1 use by a recipient of a grant for a period of not less than  
2 36 months.”.

3 **SEC. 1402. STATE HOMELAND SECURITY GRANT PROGRAM.**

4 Section 2004 of the Homeland Security Act of 2002  
5 (6 U.S.C. 605) is amended by striking subsection (f) and  
6 inserting the following new subsections:

7 “(f) **THREAT AND HAZARD IDENTIFICATION AND**  
8 **RISK ASSESSMENT AND CAPABILITY ASSESSMENT.—**

9 “(1) **IN GENERAL.—**As a condition of receiving  
10 a grant under this section, each State shall submit  
11 to the Administrator a threat and hazard identifica-  
12 tion and risk assessment and capability assess-  
13 ment—

14 “(A) at such time and in such form as is  
15 required by the Administrator; and

16 “(B) consistent with the Federal Emer-  
17 gency Management Agency’s Comprehensive  
18 Preparedness Guide 201, Second Edition, or  
19 such successor document or guidance as is  
20 issued by the Administrator.

21 “(2) **COLLABORATION.—**In developing the  
22 threat and hazard identification and risk assessment  
23 under paragraph (1), a State shall solicit input from  
24 local and tribal governments, including first respond-

1       ers, and, as appropriate, non-governmental and pri-  
2       vate sector stakeholders.

3           “(3) FIRST RESPONDERS DEFINED.—In this  
4       subsection, the term ‘first responders’—

5           “(A) means an emergency response pro-  
6       vider, as defined under section 2 of this Act;  
7       and

8           “(B) includes representatives of local gov-  
9       ernmental and nongovernmental fire, law en-  
10      forcement, emergency management, and emer-  
11      gency medical personnel.

12      “(g) PERIOD OF PERFORMANCE.—The Adminis-  
13     trator shall make funds provided under this section avail-  
14     able for use by a recipient of a grant for a period of not  
15     less than 36 months.”.

16     **SEC. 1403. GRANTS TO DIRECTLY ELIGIBLE TRIBES.**

17       Section 2005 of the Homeland Security Act of 2002  
18     (6 U.S.C. 606) is amended by—

19           (1) redesignating subsections (h) through (k) as  
20       subsections (i) through (l), respectively; and

21           (2) inserting after subsection (g) the following  
22       new subsection:

23      “(h) PERIOD OF PERFORMANCE.—The Secretary  
24     shall make funds provided under this section available for



1 use by a recipient of a grant for a period of not less than  
2 36 months.”.

3 **SEC. 1404. LAW ENFORCEMENT TERRORISM PREVENTION.**

4 (a) LAW ENFORCEMENT TERRORISM PREVENTION  
5 PROGRAM.—Section 2006(a) of the Homeland Security  
6 Act of 2002 (6 U.S.C. 607(a)) is amended—

7 (1) in paragraph (1)—

8 (A) by inserting “States and high-risk  
9 urban areas expend” after “that”; and

10 (B) by striking “is used”;

11 (2) in paragraph (2), by amending subpara-  
12 graph (I) to read as follows:

13 “(I) activities as determined appropriate  
14 by the Administrator, in coordination with the  
15 Assistant Secretary for State and Local Law  
16 Enforcement within the Office of Partnership  
17 and Engagement of the Department, through  
18 outreach to relevant stakeholder organizations;  
19 and”; and

20 (3) by adding at the end the following new  
21 paragraph:

22 “(4) ANNUAL REPORT.—The Administrator, in  
23 coordination with the Assistant Secretary for State  
24 and Local Law Enforcement, shall report annually  
25 from fiscal year 2018 through fiscal year 2022 on

1       the use of grants under sections 2003 and 2004 for  
2       law enforcement terrorism prevention activities au-  
3       thorized under this section, including the percentage  
4       and dollar amount of funds used for such activities  
5       and the types of projects funded.”.

6       (b) OFFICE FOR STATE AND LOCAL LAW ENFORCE-  
7       MENT.—Section 2006(b) of the Homeland Security Act of  
8       2002 (6 U.S.C. 607(b)) is amended—

9               (1) in paragraph (1), by striking “Policy Direc-  
10       torate” and inserting “Office of Partnership and  
11       Engagement”; and

12              (2) in paragraph (4)—

13                      (A) in subparagraph (B), by inserting “,  
14       including through consultation with such agen-  
15       cies regarding Department programs that may  
16       impact such agencies” before the semicolon at  
17       the end; and

18                      (B) in subparagraph (D), by striking “en-  
19       sure” and inserting “verify”.

20       **SEC. 1405. PRIORITIZATION.**

21       Section 2007(a) of the Homeland Security Act of  
22       2002 (6 U.S.C. 608(a)) is amended—

23              (1) in paragraph (1)—

24                      (A) by amending subparagraph (A) to read  
25       as follows:

1           “(A) its population, including consideration  
2           of domestic and international tourists, com-  
3           muters, and military populations, including  
4           military populations residing in communities  
5           outside military installations;”;

6           (B) in subparagraph (E), by inserting “,  
7           including threat information from other rel-  
8           evant Federal agencies and field offices, as ap-  
9           propriate” before the semicolon at the end; and

10          (C) in subparagraph (I), by striking “tar-  
11          get” and inserting “core”; and

12          (2) in paragraph (2), by striking “target” and  
13          inserting “core”.

14   **SEC. 1406. ALLOWABLE USES.**

15          Section 2008 of the Homeland Security Act of 2002  
16   (6 U.S.C. 609) is amended—

17          (1) in subsection (a)—

18               (A) in the matter preceding paragraph (1),  
19               by striking “target” and inserting “core”;

20               (B) by redesignating paragraphs (6)  
21               through (14) as paragraphs (8) through (16),  
22               respectively;

23               (C) in paragraph (5), by inserting before  
24               the semicolon at the end the following: “, pro-  
25               vided such emergency communications align

1 with the Statewide Communication Interoper-  
2 ability Plan and are coordinated with the State-  
3 wide Interoperability Coordinator or Statewide  
4 interoperability governance body of the State of  
5 the recipient”; and

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

8 “(6) enhancing medical preparedness, medical  
9 surge capacity, and mass prophylaxis capabilities, in-  
10 cluding the development and maintenance of an ini-  
11 tial pharmaceutical stockpile, including medical kits  
12 and diagnostics sufficient to protect first responders  
13 (as defined in section 2004(f)), their families, imme-  
14 diate victims, and vulnerable populations from a  
15 chemical or biological event;

16 “(7) enhancing cybersecurity, including pre-  
17 paring for and responding to cybersecurity risks and  
18 incidents (as such terms are defined in section 2209)  
19 and developing statewide cyber threat information  
20 analysis and dissemination activities;”;

21 (E) in paragraph (8), as so redesignated,  
22 by striking “Homeland Security Advisory Sys-  
23 tem” and inserting “National Terrorism Advi-  
24 sory System”; and

1 (F) in paragraph (14), as so redesignated,  
2 by striking “3” and inserting “5”;  
3 (2) in subsection (b)—  
4 (A) in paragraph (3)(B), by striking  
5 “(a)(10)” and inserting “(a)(12)”; and  
6 (B) in paragraph (4)(B)(i), by striking  
7 “target” and inserting “core”; and  
8 (3) in subsection (c), by striking “target” and  
9 “core”.

10 **SEC. 1407. APPROVAL OF CERTAIN EQUIPMENT.**

11 (a) IN GENERAL.—Section 2008 of the Homeland  
12 Security Act of 2002 (6 U.S.C. 609) is amended—

13 (1) in subsection (f)—

14 (A) by striking “If an applicant” and in-  
15 serting the following:

16 “(1) APPLICATION REQUIREMENT.—If an appli-  
17 cant”; and

18 (B) by adding at the end the following:

19 “(2) REVIEW PROCESS.—The Administrator  
20 shall implement a uniform process for reviewing ap-  
21 plications that, in accordance with paragraph (1),  
22 contain explanations for a proposal to use grants  
23 provided under section 2003 or 2004 to purchase  
24 equipment or systems that do not meet or exceed  
25 any applicable national voluntary consensus stand-

1       ards developed under section 647 of the Post-  
2       Katrina Emergency Management Reform Act of  
3       2006 (6 U.S.C. 747).

4           “(3) FACTORS.—In carrying out the review  
5       process under paragraph (2), the Administrator  
6       shall consider the following:

7           “(A) Current or past use of proposed  
8       equipment or systems by Federal agencies or  
9       the Armed Forces.

10          “(B) The absence of a national voluntary  
11       consensus standard for such equipment or sys-  
12       tems.

13          “(C) The existence of an international con-  
14       sensus standard for such equipment or systems,  
15       and whether such equipment or systems meets  
16       such standard.

17          “(D) The nature of the capability gap  
18       identified by the applicant, and how such equip-  
19       ment or systems will address such gap.

20          “(E) The degree to which such equipment  
21       or systems will serve the needs of the applicant  
22       better than equipment or systems that meet or  
23       exceed existing consensus standards.

24          “(F) Any other factor determined appro-  
25       priate by the Administrator.”; and

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

3           “(g) REVIEW PROCESS.—The Administrator shall  
4           implement a uniform process for reviewing applications to  
5           use grants provided under section 2003 or 2004 to pur-  
6           chase equipment or systems not included on the Author-  
7           ized Equipment List maintained by the Administrator.”.

8           (b) INSPECTOR GENERAL REPORT.—Not later than  
9           3 years after the date of enactment of this Act, the Inspec-  
10          tor General of the Department of Homeland Security shall  
11          submit to the Committee on Homeland Security of the  
12          House of Representatives and the Committee on Home-  
13          land Security and Governmental Affairs of the Senate a  
14          report assessing the implementation of the review process  
15          established under paragraph (2) of subsection (f) of sec-  
16          tion 2008 of the Homeland Security Act of 2002 (as added  
17          by subsection (a) of this section), including information  
18          on the following:

19               (1) The number of requests to purchase equip-  
20               ment or systems that do not meet or exceed any ap-  
21               plicable national voluntary consensus standard eval-  
22               uated under such review process.

23               (2) The capability gaps identified by applicants  
24               and the number of such requests granted or denied.

1           (3) The processing time for the review of such  
2       requests.

3   **SEC. 1408. AUTHORITY FOR EXPLOSIVE ORDNANCE DIS-**  
4                   **POSAL UNITS TO ACQUIRE NEW OR EMERG-**  
5                   **ING TECHNOLOGIES AND CAPABILITIES.**

6       The Secretary of Homeland Security may authorize  
7   an explosive ordnance disposal unit to acquire new or  
8   emerging technologies and capabilities that are not specifi-  
9   cally provided for in the authorized equipment allowance  
10  for the unit, as such allowance is set forth in the Author-  
11  ized Equipment List maintained by the Administrator of  
12  the Federal Emergency Management Agency.

13   **SEC. 1409. MEMORANDA OF UNDERSTANDING.**

14       (a) IN GENERAL.—Subtitle B of title XX of the  
15  Homeland Security Act of 2002 (6 U.S.C. 611 et seq.)  
16  is amended by adding at the end the following new section:

17   **“SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DE-**  
18                   **PARTMENTAL COMPONENTS AND OFFICES**  
19                   **REGARDING THE POLICY AND GUIDANCE.**

20       “The Administrator shall enter into memoranda of  
21  understanding with the heads of the following depart-  
22  mental components and offices delineating the roles and  
23  responsibilities of such components and offices regarding  
24  the policy and guidance for grants under section 1406 of  
25  the Implementing Recommendations of the 9/11 Commis-



1 sion Act of 2007 (6 U.S.C. 1135), sections 2003 and 2004  
2 of this Act, and section 70107 of title 46, United States  
3 Code, as appropriate:

4 “(1) The Commissioner of U.S. Customs and  
5 Border Protection.

6 “(2) The Administrator of the Transportation  
7 Security Administration.

8 “(3) The Commandant of the Coast Guard.

9 “(4) The Under Secretary for Intelligence and  
10 Analysis.

11 “(5) The Assistant Director for Emergency  
12 Communications.

13 “(6) The Assistant Secretary for State and  
14 Local Law Enforcement.

15 “(7) The Countering Violent Extremism Coor-  
16 dinator.

17 “(8) The Officer for Civil Rights and Civil Lib-  
18 erties.

19 “(9) The Chief Medical Officer.

20 “(10) The heads of other components or offices  
21 of the Department, as determined by the Sec-  
22 retary.”.

23 (b) CLERICAL AMENDMENT.—The table of contents  
24 in section 1(b) of the Homeland Security Act of 2002  
25 (Public Law 107–296; 116 Stat. 2135) is amended by in-

1   serting after the item relating to section 2023 the fol-  
2   lowing new item:

“Sec. 2024. Memoranda of understanding with departmental components and  
offices regarding the policy and guidance.”.

3   **SEC. 1410. GRANTS METRICS.**

4       (a) IN GENERAL.—To determine the extent to which  
5   grants under sections 2003 and 2004 of the Homeland  
6   Security Act of 2002 (6 U.S.C. 603 and 604) have closed  
7   capability gaps identified in State Preparedness Reports  
8   required under subsection (c) of section 652 of the Post-  
9   Katrina Emergency Management Reform Act of 2006 (6  
10   U.S.C. 752; title VI of the Department of Homeland Secu-  
11   rity Appropriations Act, 2007; Public Law 109–295) and  
12   Threat and Hazard Identification and Risk Assessments  
13   required under subsections (e) and (f) of such sections  
14   2003 and 2004, respectively, as added by this Act, from  
15   each State and high-risk urban area, the Administrator  
16   of the Federal Emergency Management Agency shall con-  
17   duct and submit to the Committee on Homeland Security  
18   and the Committee on Transportation and Infrastructure  
19   of the House of Representatives and the Committee on  
20   Homeland Security and Governmental Affairs of the Sen-  
21   ate an assessment of information provided in such Reports  
22   and Assessments.

23       (b) ASSESSMENT REQUIREMENTS.—The assessment  
24   required under subsection (a) shall include a comparison

1 of successive State Preparedness Reports and Threat and  
2 Hazard Identification and Risk Assessments that aggre-  
3 gates results across the States and high-risk urban areas.

4 (c) INSPECTOR GENERAL EVALUATION.—The In-  
5 spector General of the Department of Homeland Security  
6 shall submit to the Committee on Homeland Security and  
7 the Committee on Transportation and Infrastructure of  
8 the House of Representatives and the Committee on  
9 Homeland Security and Governmental Affairs of the Sen-  
10 ate a report evaluating the assessment conducted by the  
11 Administrator of the Federal Emergency Management  
12 Agency under subsection (a).

13 **SEC. 1411. GRANT MANAGEMENT BEST PRACTICES.**

14 The Administrator of the Federal Emergency Man-  
15 agement Agency shall include on the website of the Fed-  
16 eral Emergency Management Agency the following:

17 (1) A summary of findings identified by the Of-  
18 fice of the Inspector General of the Department of  
19 Homeland Security in audits of such grants and  
20 methods to address areas identified for improve-  
21 ment, including opportunities for technical assist-  
22 ance.

23 (2) Innovative projects and best practices insti-  
24 tuted by grant recipients.

1 **SEC. 1412. PROHIBITION ON CONSOLIDATION.**

2 (a) IN GENERAL.—The Secretary of Homeland Secu-  
3 rity may not implement the National Preparedness Grant  
4 Program or any successor consolidated grant program un-  
5 less the Secretary receives prior authorization from Con-  
6 gress permitting such implementation.

7 (b) STUDY.—Not later than 1 year after the date of  
8 enactment of this Act, the Secretary of Homeland Security  
9 shall conduct a study of consolidating preparedness grant  
10 programs to—

11 (1) determine if the consolidated grant program  
12 would be more efficient, effective, and cost effective;  
13 and

14 (2) assess whether the responsibility for man-  
15 aging the preparedness grant programs should be re-  
16 located within the Department of Homeland Secu-  
17 rity.

18 **SEC. 1413. MAINTENANCE OF GRANT INVESTMENTS.**

19 Section 2008 of the Homeland Security Act of 2002  
20 (6 U.S.C. 609), as amended by section 1407, is amended  
21 by adding at the end the following new subsection:

22 “(h) MAINTENANCE OF EQUIPMENT.—Any applicant  
23 for a grant under section 2003 or 2004 seeking to use  
24 funds to purchase equipment, including pursuant to para-  
25 graphs (3), (4), (5), or (12) of subsection (a) of this sec-  
26 tion, shall by the time of the receipt of such grant develop

1 a plan for the maintenance of such equipment over its life-  
2 cycle that includes information identifying which entity is  
3 responsible for such maintenance.”.

4 **SEC. 1414. TRANSIT SECURITY GRANT PROGRAM.**

5 Section 1406 of the Implementing Recommendations  
6 of the 9/11 Commission Act of 2007 (6 U.S.C. 1135) is  
7 amended—

8 (1) in subsection (b)(2)(A), by inserting “and  
9 costs associated with filling the positions of employ-  
10 ees receiving training during their absence” after  
11 “security training”; and

12 (2) by striking subsection (m) and inserting the  
13 following new subsections:

14 “(m) PERIODS OF PERFORMANCE.—Funds provided  
15 pursuant to a grant awarded under this section for a use  
16 specified in subsection (b) shall remain available for use  
17 by a grant recipient for a period of not fewer than 36  
18 months.”.

19 **SEC. 1415. PORT SECURITY GRANT PROGRAM.**

20 Section 70107 of title 46, United States Code, is  
21 amended by—

22 (1) striking subsection (l);

23 (2) redesignating subsection (m) as subsection  
24 (l); and

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

3       “(m) PERIOD OF PERFORMANCE.—The Secretary  
4       shall make funds provided under this section available for  
5       use by a recipient of a grant for a period of not less than  
6       36 months.”.

7       **SEC. 1416. CYBER PREPAREDNESS.**

8       (a) IN GENERAL.—Section 2209 of the Homeland  
9       Security Act of 2002, as so redesignated by section  
10      1601(g), is amended—

11           (1) in subsection (c)—

12               (A) in paragraph (5)(B), by inserting “,  
13               including State, local, and regional fusion cen-  
14               ters, as appropriate” before the semicolon at  
15               the end;

16               (B) in paragraph (7), in the matter pre-  
17               ceding subparagraph (A), by striking “informa-  
18               tion and recommendations” each place it ap-  
19               pears and inserting “information, recommenda-  
20               tions, and best practices”; and

21               (C) in paragraph (9), by inserting “best  
22               practices,” after “defensive measures,”; and

23           (2) in subsection (d)(1)(B)(ii), by inserting  
24       “and State, local, and regional fusion centers, as ap-  
25       propriate” before the semicolon at the end.

1       (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that to facilitate the timely dissemination to appro-  
3 priate State, local, and private sector stakeholders of  
4 homeland security information related to cyber threats,  
5 the Secretary of Homeland Security should, to the great-  
6 est extent practicable, work to share actionable informa-  
7 tion in an unclassified form related to such threats.

8       **SEC. 1417. OPERATION STONEGARDEN.**

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

12       **“SEC. 2009. OPERATION STONEGARDEN.**

13       “(a) ESTABLISHMENT.—There is established in the  
14 Department a program to be known as ‘Operation  
15 Stonegarden’. Under such program, the Secretary, acting  
16 through the Administrator, shall make grants to eligible  
17 law enforcement agencies, through the State Administra-  
18 tive Agency, to enhance border security in accordance with  
19 this section.

20       “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-  
21 ceive a grant under this section, a law enforcement agency  
22 shall—

23               “(1) be located in—

24                       “(A) a State bordering either Canada or  
25                       Mexico; or

1                   “(B) a State or territory with a maritime  
2                   border; and

3                   “(2) be involved in an active, ongoing U.S. Cus-  
4                   toms and Border Protection operation coordinated  
5                   through a sector office.

6                   “(c) PERMITTED USES.—The recipient of a grant  
7                   under this section may use such grant for any of the fol-  
8                   lowing:

9                   “(1) Equipment, including maintenance and  
10                  sustainment costs.

11                  “(2) Personnel costs, including overtime and  
12                  backfill, directly incurred in support of enhanced  
13                  border law enforcement activities.

14                  “(3) Any activity permitted for Operation  
15                  Stonegarden under the Department of Homeland  
16                  Security’s Fiscal Year 2016 Homeland Security  
17                  Grant Program Notice of Funding Opportunity.

18                  “(4) Any other appropriate activity, as deter-  
19                  mined by the Administrator, in consultation with the  
20                  Commissioner of U.S. Customs and Border Protec-  
21                  tion.

22                  “(d) PERIOD OF PERFORMANCE.—The Secretary  
23                  shall make funds provided under this section available for  
24                  use by a recipient of a grant for a period of not less than  
25                  36 months.



1       “(e) REPORT.—The Administrator shall annually for  
2 each of fiscal years 2018 through 2022 submit to the  
3 Committee on Homeland Security of the House of Rep-  
4 resentatives and the Committee on Homeland Security  
5 and Governmental Affairs of the Senate a report con-  
6 taining information on the expenditure of grants made  
7 under this section by each grant recipient.”.

8       (b) CLERICAL AMENDMENT.—The table of contents  
9 in section 1(b) of the Homeland Security Act of 2002  
10 (Public Law 107–296; 116 Stat. 2135) is amended by in-  
11 serting after the item relating to section 2008 the fol-  
12 lowing:

“Sec. 2009. Operation Stonegarden.”.

13 **SEC. 1418. NON-PROFIT SECURITY GRANT PROGRAM.**

14       (a) IN GENERAL.—Subtitle A of title XX of the  
15 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.),  
16 as amended by section 1417 of this Act, is amended by  
17 adding at the end the following:

18 **“SEC. 2010. NON-PROFIT SECURITY GRANT PROGRAM.**

19       “(a) ESTABLISHMENT.—There is established in the  
20 Department a program to be known as the ‘Non-Profit  
21 Security Grant Program’ (in this section referred to as  
22 the ‘Program’). Under the Program, the Secretary, acting  
23 through the Administrator, shall make grants to eligible  
24 nonprofit organizations described in subsection (b),  
25 through the State in which such organizations are located,

1 for target hardening and other security enhancements to  
2 protect against terrorist attacks.

3 “(b) ELIGIBLE RECIPIENTS.—Eligible nonprofit or-  
4 ganizations described in this subsection (a) are organiza-  
5 tions that are—

6 “(1) described in section 501(c)(3) of the Inter-  
7 nal Revenue Code of 1986 and exempt from tax  
8 under section 501(a) of such Code; and

9 “(2) determined to be at risk of a terrorist at-  
10 tack by the Administrator.

11 “(c) PERMITTED USES.—The recipient of a grant  
12 under this section may use such grant for any of the fol-  
13 lowing:

14 “(1) Target hardening activities, including  
15 physical security enhancement equipment and in-  
16 spection and screening systems.

17 “(2) Fees for security training relating to phys-  
18 ical security and cybersecurity, target hardening,  
19 terrorism awareness, and employee awareness.

20 “(3) Any other appropriate activity related to  
21 security or security training, as determined by the  
22 Administrator.

23 “(d) PERIOD OF PERFORMANCE.—The Adminis-  
24 trator shall make funds provided under this section avail-

1 able for use by a recipient of a grant for a period of not  
2 less than 36 months.

3 “(e) REPORT.—The Administrator shall annually for  
4 each of fiscal years 2018 through 2022 submit to the  
5 Committee on Homeland Security of the House of Rep-  
6 resentatives and the Committee on Homeland Security  
7 and Governmental Affairs of the Senate a report con-  
8 taining information on the expenditure by each grant re-  
9 cipient of grant funds made under this section.”.

10 (b) CONFORMING AMENDMENT.—Subsection (a) of  
11 section 2002 of the Homeland Security Act of 2002 (6  
12 U.S.C. 603) is amended by striking “sections 2003 and  
13 2004” and inserting “sections 2003, 2004, and 2010”.

14 (c) CLERICAL AMENDMENT.—The table of contents  
15 in section 1(b) of the Homeland Security Act of 2002  
16 (Public Law 107–296; 116 Stat. 2135), as amended by  
17 section 1417(b), is amended by inserting after the item  
18 relating to section 2009 the following:

“Sec. 2010. Non-Profit Security Grant Program.”.

19 **SEC. 1419. STUDY OF THE USE OF GRANT FUNDS FOR CY-**  
20 **BERSECURITY.**

21 Not later than 120 days after the date of enactment  
22 of this Act, the Comptroller General of the United States  
23 shall conduct a study on the use of grant funds awarded  
24 pursuant to section 2003 and section 2004 of the Home-

1 land Security Act of 2002 (6 U.S.C. 604 and 605), includ-  
2 ing information on the following:

3 (1) The amount of grant funds invested or obli-  
4 gated annually during fiscal years 2006 through  
5 2016 to support efforts to prepare for and respond  
6 to cybersecurity risks and incidents (as such terms  
7 are defined in section 2209 of such Act, as so redes-  
8 igned by section 1601(g) of this Act.

9 (2) The degree to which grantees identify cyber-  
10 security as a capability gap in the Threat and Haz-  
11 ard Identification and Risk Assessment carried out  
12 pursuant to the amendment made by sections 1401  
13 and 1402 of this title.

14 (3) Obstacles and challenges related to using  
15 grant funds to improve cybersecurity.

16 (4) Plans for future efforts to encourage grant-  
17 ees to use grant funds to improve cybersecurity ca-  
18 pabilities.

19 **SEC. 1420. JOINT COUNTERTERRORISM AWARENESS WORK-**  
20 **SHOP SERIES.**

21 (a) IN GENERAL.—Title V of the Homeland Security  
22 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding  
23 at the end the following:

1   **“SEC. 529. JOINT COUNTERTERRORISM AWARENESS WORK-**  
2                   **SHOP SERIES.**

3           “(a) IN GENERAL.—The Administrator, in consulta-  
4   tion with the Director of the National Counterterrorism  
5   Center and the Director of the Federal Bureau of Inves-  
6   tigation, shall establish a Joint Counterterrorism Aware-  
7   ness Workshop Series (in this section referred to as the  
8   ‘Workshop Series’) to—

9           “(1) address emerging terrorist threats; and

10          “(2) enhance the ability of State and local ju-  
11   risdictions to prevent, protect against, respond to,  
12   and recover from terrorist attacks.

13          “(b) PURPOSE.—The Workshop Series established  
14   under subsection (a) shall include—

15          “(1) reviewing existing preparedness, response,  
16   and interdiction plans, policies, and procedures re-  
17   lated to terrorist attacks of the participating juris-  
18   dictions and identifying gaps in those plans, oper-  
19   ational capabilities, response resources, and authori-  
20   ties;

21          “(2) identifying Federal, State, and local re-  
22   sources available to address the gaps identified  
23   under paragraph (1);

24          “(3) providing assistance, through training, ex-  
25   ercises, and other means, to build or sustain, as ap-

1       appropriate, the capabilities to close those identified  
2       gaps;

3               “(4) examining the roles and responsibilities of  
4       participating agencies and respective communities in  
5       the event of a terrorist attack;

6               “(5) improving situational awareness and infor-  
7       mation sharing among all participating agencies in  
8       the event of a terrorist attack; and

9               “(6) identifying and sharing best practices and  
10      lessons learned from the Workshop Series.

11      “(c) DESIGNATION OF PARTICIPATING CITIES.—The  
12      Administrator shall select jurisdictions to host a Workshop  
13      Series from those cities that—

14              “(1) are currently receiving, or that previously  
15      received, funding under section 2003; and

16              “(2) have requested to be considered.

17      “(d) WORKSHOP SERIES PARTICIPANTS.—Individ-  
18      uals from State and local jurisdictions and emergency re-  
19      sponse providers in cities designated under subsection (c)  
20      shall be eligible to participate in the Workshop Series, in-  
21      cluding—

22              “(1) senior elected and appointed officials;

23              “(2) law enforcement;

24              “(3) fire and rescue;

25              “(4) emergency management;

1           “(5) emergency medical services;  
2           “(6) public health officials;  
3           “(7) private sector representatives; and  
4           “(8) other participants as deemed appropriate  
5 by the Administrator.

6           “(e) REPORTS.—

7           “(1) WORKSHOP SERIES REPORT.—The Admin-  
8 istrator, in consultation with the Director of the Na-  
9 tional Counterterrorism Center, the Director of the  
10 Federal Bureau of Investigation, and officials from  
11 the city in which a Workshop Series is held, shall de-  
12 velop and submit to all of the agencies participating  
13 in the Workshop Series a report after the conclusion  
14 of the Workshop Series that addresses—

15           “(A) key findings about lessons learned  
16 and best practices from the Workshop Series;  
17 and

18           “(B) potential mitigation strategies and re-  
19 sources to address gaps identified during the  
20 Workshop Series.

21           “(2) ANNUAL REPORTS.—Not later than 1 year  
22 after the date of enactment of this section and annu-  
23 ally thereafter for 5 years, the Administrator, in  
24 consultation with the Director of the National  
25 Counterterrorism Center and the Director of the

1 Federal Bureau of Investigation, shall submit to the  
2 Committee on Homeland Security and Governmental  
3 Affairs of the Senate and the Committee on Home-  
4 land Security of the House of Representatives a  
5 comprehensive summary report of the key themes,  
6 lessons learned, and best practices identified during  
7 the Workshop Series held during the previous year.

8 “(f) AUTHORIZATION.—There is authorized to be ap-  
9 propriated \$1,000,000 for each of fiscal years 2018  
10 through 2022 to carry out this section.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
12 The table of contents in section 1(b) of the Homeland Se-  
13 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)  
14 is amended by inserting after the item relating to section  
15 528 the following:

“Sec. 529. Joint Counterterrorism Awareness Workshop Series.”.

16 **SEC. 1421. EXERCISE ON TERRORIST AND FOREIGN FIGHT-**  
17 **ER TRAVEL; NATIONAL EXERCISE PROGRAM.**

18 (a) EXERCISE ON TERRORIST AND FOREIGN FIGHT-  
19 ER TRAVEL.—

20 (1) IN GENERAL.—In addition to, or as part of  
21 exercise programs carried out by the Department of  
22 Homeland Security as of the date of enactment of  
23 this Act, to enhance domestic preparedness for and  
24 collective response to terrorism, promote the dissemi-  
25 nation of homeland security information, and test



1 the security posture of the United States, the Sec-  
2 retary of Homeland Security, through appropriate  
3 offices and components of the Department and in  
4 coordination with the relevant Federal departments  
5 and agencies, shall, not later than 1 year after the  
6 date of enactment of this Act, develop and conduct  
7 an exercise related to the terrorist and foreign fight-  
8 er threat.

9 (2) EXERCISE REQUIREMENTS.—The exercise  
10 required under paragraph (1) shall include—

11 (A) a scenario involving—

12 (i) persons traveling from the United  
13 States to join or provide material support  
14 or resources to a terrorist organization  
15 abroad; and

16 (ii) terrorist infiltration into the  
17 United States, including United States citi-  
18 zens and foreign nationals; and

19 (B) coordination with relevant Federal de-  
20 partments and agencies, foreign governments,  
21 and State, local, tribal, territorial, and private  
22 sector stakeholders.

23 (3) REPORT.—

24 (A) IN GENERAL.—Not later than 60 days  
25 after the completion of the exercise required

1 under paragraph (1), the Secretary of Home-  
2 land Security shall, consistent with the protec-  
3 tion of classified information, submit to the  
4 Committee on Homeland Security and Govern-  
5 mental Affairs of the Senate and the Committee  
6 on Homeland Security of the House of Rep-  
7 resentatives an after-action report presenting  
8 the initial findings of the exercise, including any  
9 identified or potential vulnerabilities in United  
10 States defenses and any legislative changes re-  
11 quested in light of the findings.

12 (B) FORM.—The report required under  
13 subparagraph (A) shall be submitted in unclas-  
14 sified form, but may include a classified annex.

15 (b) EMERGING THREATS IN THE NATIONAL EXER-  
16 CISE PROGRAM.—Section 648(b)(2)(A) of the Post-  
17 Katrina Emergency Management Reform Act of 2006 (6  
18 U.S.C. 748(b)(2)(A)) is amended—

19 (1) in clause (v), by striking “and” at the end;

20 and

21 (2) by adding after clause (vi) the following:

22 “(vii) designed, to the extent prac-  
23 ticable, to include exercises addressing  
24 emerging terrorist threats, such as sce-  
25 narios involving United States citizens de-

1           parting the United States to enlist with or  
2           provide material support or resources to  
3           terrorist organizations abroad or terrorist  
4           infiltration into the United States, includ-  
5           ing United States citizens and foreign na-  
6           tionals; and”.

7           (c) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-  
8           tional funds are authorized to carry out the requirements  
9           of this section and the amendments made by this section.  
10          The requirements of this section and the amendments  
11          made by this section shall be carried out using amounts  
12          otherwise authorized.

13       **SEC. 1422. GRANTS ACCOUNTABILITY.**

14          Section 2022 of the Homeland Security Act of 2002  
15          (6. U.S.C. 612) is amended—

16               (1) in subsection (a)(1)(B)—

17                       (A) by striking “The Department” and in-  
18                       serting the following:

19                               “(i) IN GENERAL.—The Department”;

20                               and

21                               (B) by adding at the end the following:

22                               “(ii) INSPECTOR GENERAL REVIEW.—

23                               With respect to each grant awarded, the  
24                               Inspector General of the Department,  
25                               may—

1                   “(I) examine any records of the  
2                   contractor or grantee, any of its sub-  
3                   contractors or subgrantees, or any  
4                   State or local agency or other entity  
5                   in receipt of or administering any  
6                   grant awarded, that pertain to, and  
7                   involve transactions relating to the  
8                   contract, subcontract, grant, or  
9                   subgrant; and

10                   “(II) interview any officer or em-  
11                   ployee of the contractor or grantee,  
12                   any of its subcontractors or sub-  
13                   grantees, or any State or local agency  
14                   or other entity in receipt of or admin-  
15                   istering any grant awarded, regarding  
16                   transactions relating to the contract,  
17                   subcontract, grant, or subgrant.

18                   “(iii) RULE OF CONSTRUCTION.—  
19                   Nothing in clause (ii) may be construed to  
20                   limit or restrict the authority of the In-  
21                   specter General of the Department.”;

22                   (2) in subsection (b)—

23                   (A) in paragraph (1)—

24                   (i) in subparagraph (A)—

1 (I) by striking “a grant under  
2 section 2003 or 2004” and inserting  
3 “a covered grant, any recipient includ-  
4 ing”;

5 (II) by inserting a comma after  
6 “tribe”; and

7 (III) by inserting “or the Sec-  
8 retary, as appropriate under the cov-  
9 ered grant,” after “Administrator”;  
10 (ii) in subparagraph (B)—

11 (I) in the matter preceding clause  
12 (i), by inserting “recipient, including  
13 any” after “for the applicable”;

14 (II) in clause (i), by striking  
15 “section 2003 or 2004” and inserting  
16 “the covered grant”;

17 (III) in clause (ii)—

18 (aa) by striking “section  
19 2003 or 2004” and inserting  
20 “the covered grant”; and

21 (bb) by striking “and” at  
22 the end;

23 (IV) in clause (iii)—

24 (aa) by striking “summary”  
25 and inserting “detailed”; and

1 (bb) by striking “such  
2 funds” and all that follows  
3 through the period at the end  
4 and inserting the following:  
5 “such funds, including—  
6 “(I) the name of the recipient  
7 and the project or activity;  
8 “(II) a detailed description of the  
9 project or activity;  
10 “(III) an evaluation of the com-  
11 pletion status of the project or activ-  
12 ity;  
13 “(IV) in the case of an infra-  
14 structure investment—  
15 “(aa) the purpose, total ex-  
16 pected cost, and rationale for  
17 funding the infrastructure invest-  
18 ment with funds made available;  
19 and  
20 “(bb) the name of the point  
21 of contact for the recipient if  
22 there are questions concerning  
23 the infrastructure investment;  
24 and

1 “(V) detailed information from  
2 each subgrantee, including the infor-  
3 mation described in subparagraphs (I)  
4 through (IV), on any subgrant award-  
5 ed by the recipient; and”; and

6 (V) by adding at the end the fol-  
7 lowing:

8 “(iv) the total amount of funds re-  
9 ceived to date under each covered grant.”;

10 (iii) in subparagraph (C)—

11 (I) in the matter preceding clause

12 (i)—

13 (aa) by inserting “any re-  
14 cipient, including any” after  
15 “subparagraph (A) by”;

16 (bb) by inserting a comma  
17 after “tribe”; and

18 (cc) by inserting “, in addi-  
19 tion to the contents required  
20 under subparagraph (B)” after  
21 “shall include”;

22 (II) in clause (ii)—

23 (aa) by inserting “total” be-  
24 fore “amount”; and

1 (bb) by adding “and” at the  
2 end;

3 (III) in clause (iii)—

4 (aa) by striking “apply with-  
5 in” and inserting “apply to or  
6 within any recipient, including”;  
7 and

8 (bb) by striking “; and” and  
9 inserting a period; and

10 (IV) by striking clause (iv); and

11 (B) by adding at the end the following:

12 “(3) REQUIRED REPORTING FOR PRIOR AWARD-  
13 ED GRANTS.—Not later than 180 days after the end  
14 of the quarter following the date of enactment of  
15 this paragraph, each recipient of a covered grant  
16 awarded before the date of enactment of this para-  
17 graph shall provide the information required under  
18 this subsection and thereafter comply with the re-  
19 quirements of this subsection.

20 “(4) ASSISTANCE IN REPORTING.—The Admin-  
21 istrator or the Secretary, as appropriate under the  
22 covered grant, in coordination with the Director of  
23 the Office of Management and Budget, shall provide  
24 for user-friendly means for grant recipients to com-



1       ply with the reporting requirements of this sub-  
2       section.

3               “(5) SUBGRANTEE REPORTING.—Each grant  
4       recipient required to report information under para-  
5       graph (1)(B)(iii)(V) shall register with the Central  
6       Contractor Registration database or complete other  
7       registration requirements as determined necessary  
8       by the Director of the Office of Management and  
9       Budget.

10              “(6) PUBLICATION OF INFORMATION.—Not  
11       later than 7 days after the date on which the Ad-  
12       ministrator or the Secretary, as the case may be, re-  
13       ceives the reports required to be submitted under  
14       this subsection, the Administrator and the Secretary  
15       shall make the information in the reports publicly  
16       available, in a searchable database, on the website of  
17       the Federal Emergency Management Agency or De-  
18       partment, as appropriate.

19              “(7) COVERED GRANT DEFINED.—In this sub-  
20       section, the term ‘covered grant’ means a grant  
21       awarded under—

22                      “(A) this Act; or

23                      “(B) a program described in paragraphs  
24                      (1) through (6) of section 2002(b) that is ad-  
25                      ministered by the Department.”; and

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

2           “(d) SUNSET AND DISPOSITION OF UNEXPENDED  
3 GRANT AMOUNTS.—

4           “(1) IN GENERAL.—Except as may be other-  
5 wise provided in the authorizing statute of a grant  
6 program, effective on the date that is 5 years after  
7 the date on which grant funds are distributed by the  
8 Administrator or the Secretary, as appropriate,  
9 under a covered grant (as defined in subsection  
10 (b)(7)), the authority of a covered grant recipient,  
11 including any grantee or subgrantee, to obligate,  
12 provide, make available, or otherwise expend those  
13 funds is terminated.

14           “(2) RETURN OF UNEXPENDED GRANT  
15 AMOUNTS.—Upon the termination of authority  
16 under paragraph (1), any grant amounts that have  
17 not been expended shall be returned to the Adminis-  
18 trator or the Secretary, as the case may be. The Ad-  
19 ministrator or the Secretary, as the case may be,  
20 shall deposit any grant amounts returned under this  
21 paragraph in the General Fund of the Treasury in  
22 accordance with section 3302 of title 31, United  
23 States Code.

24           “(3) AWARDS TO RECIPIENTS RETURNING  
25 GRANT FUNDS.—On and after the date on which the

1 authority of a covered grant recipient is terminated  
2 under paragraph (1) with respect to a grant under  
3 a covered grant program, the Administrator or the  
4 Secretary, as appropriate, may award a grant under  
5 the covered grant program to the covered grant re-  
6 cipient, only pursuant to the submission of a new  
7 grant application, in accordance with the require-  
8 ments of the grant program.

9 “(4) APPLICABILITY.—This subsection shall  
10 apply to any grant awarded under a covered grant  
11 program on or after the date of enactment of this  
12 subsection.”.

## 13 **Subtitle B—Communications**

### 14 **SEC. 1431. RESPONSIBILITIES OF ASSISTANT DIRECTOR** 15 **FOR EMERGENCY COMMUNICATIONS.**

16 (a) IN GENERAL.—Section 1801(c) of the Homeland  
17 Security Act of 2002 (6 U.S.C. 571(c)) is amended—

18 (1) by striking paragraph (3);

19 (2) by redesignating paragraphs (4) through  
20 (14) as paragraphs (3) through (13), respectively;

21 (3) by redesignating paragraph (15) as para-  
22 graph (16);

23 (4) in paragraph (8), as so redesignated, by  
24 striking “, in cooperation with the National Commu-  
25 nications System,”;

1           (5) in paragraph (11), as so redesignated, by  
2           striking “Assistant Secretary for Grants and Train-  
3           ing” and inserting “Administrator of the Federal  
4           Emergency Management Agency”;

5           (6) in paragraph (13), as so redesignated, by  
6           striking “and” at the end; and

7           (7) by inserting after paragraph (13) the fol-  
8           lowing:

9           “(14) administer the Government Emergency  
10          Telecommunications Service (GETS) and Wireless  
11          Priority Service (WPS) programs, or successor pro-  
12          grams;

13          “(15) assess the impact of emerging tech-  
14          nologies on interoperable emergency communica-  
15          tions; and”.

16          (b) PERFORMANCE OF PREVIOUSLY TRANSFERRED  
17          FUNCTIONS.—Section 1801(d) of the Homeland Security  
18          Act of 2002 (6 U.S.C. 571(d)) is amended by—

19               (1) striking paragraph (2); and

20               (2) redesignating paragraph (3) as paragraph  
21               (2).

22          **SEC. 1432. ANNUAL REPORTING ON ACTIVITIES OF THE**  
23                       **EMERGENCY COMMUNICATIONS DIVISION.**

24          Section 1801(f) of the Homeland Security Act of  
25          2002 (6 U.S.C. 571(f)) is amended to read as follows:

1       “(f) ANNUAL REPORTING OF DIVISION ACTIVI-  
2 TIES.—The Assistant Director for Emergency Commu-  
3 nications shall, not later than 1 year after the date of the  
4 enactment of this subsection and annually thereafter for  
5 each of the next 4 years, report to the Committee on  
6 Homeland Security and the Committee on Energy and  
7 Commerce of the House of Representatives and the Com-  
8 mittee on Homeland Security and Governmental Affairs  
9 of the Senate on the activities and programs of the Emer-  
10 gency Communications Division, including specific infor-  
11 mation on efforts to carry out paragraphs (3), (4), and  
12 (5) of subsection (c).”.

13 **SEC. 1433. NATIONAL EMERGENCY COMMUNICATIONS**  
14 **PLAN.**

15       Section 1802 of the Homeland Security Act of 2002  
16 (6 U.S.C. 572) is amended—

17           (1) in subsection (a), in the matter preceding  
18 paragraph (1)—

19               (A) by striking “, and in cooperation with  
20 the Department of National Communications  
21 System (as appropriate),”; and

22               (B) by inserting “, but not less than once  
23 every 5 years,” after “periodically”; and

24           (2) in subsection (c)—

1 (A) by redesignating paragraphs (3)  
2 through (10) as paragraphs (4) through (11),  
3 respectively; and

4 (B) by inserting after paragraph (2) the  
5 following new paragraph:

6 “(3) consider the impact of emerging tech-  
7 nologies on the attainment of interoperable emer-  
8 gency communications;”.

9 **SEC. 1434. TECHNICAL EDIT.**

10 Section 1804(b)(1) of the Homeland Security Act of  
11 2002 (6 U.S.C. 574(b)(1)) is amended, in the matter pre-  
12 ceding subparagraph (A), by striking “Assistant Secretary  
13 for Grants and Planning” and inserting “Administrator  
14 of the Federal Emergency Management Agency”.

15 **SEC. 1435. COMMUNICATIONS TRAINING.**

16 The Under Secretary for Management of the Depart-  
17 ment of Homeland Security, in coordination with the ap-  
18 propriate component heads, shall develop a mechanism,  
19 consistent with the strategy required pursuant to section  
20 4 of the Department of Homeland Security Interoperable  
21 Communications Act (Public Law 114–29; 6 U.S.C. 194  
22 note), to verify that radio users within the Department  
23 receive initial and ongoing training on the use of the radio  
24 systems of such components, including interagency radio  
25 use protocols.

1           **Subtitle C—Other Matters**

2   **SEC. 1451. TECHNICAL AND CONFORMING AMENDMENTS.**

3           (a) TITLE V.—Title V of the Homeland Security Act  
4 of 2002 (6 U.S.C. 311 et seq.) is amended as follows:

5           (1) In section 501 (6 U.S.C. 311)—

6                   (A) by redesignating paragraphs (9)  
7 through (14) as paragraphs (10) through (15),  
8 respectively; and

9                   (B) by inserting after paragraph (8) the  
10 following new paragraph:

11           “(9) the term ‘Nuclear Incident Response  
12 Team’ means a resource that includes—

13                   “(A) those entities of the Department of  
14 Energy that perform nuclear or radiological  
15 emergency support functions (including accident  
16 response, search response, advisory, and tech-  
17 nical operations functions), radiation exposure  
18 functions at the medical assistance facility  
19 known as the Radiation Emergency Assistance  
20 Center/Training Site (REAC/TS), radiological  
21 assistance functions, and related functions; and

22                   “(B) those entities of the Environmental  
23 Protection Agency that perform such support  
24 functions (including radiological emergency re-  
25 sponse functions) and related functions.”.

1           (2) By striking section 502 (6 U.S.C. 312).

2           (3) In section 504(a)(3)(B) (6 U.S.C.  
3       314(a)(3)(B)), by striking “, the National Disaster  
4       Medical System,”.

5           (4) In section 506(c) (6 U.S.C. 316(c)), by  
6       striking “section 708” each place it appears and in-  
7       serting “section 707”.

8           (5) In section 509(c)(2) (6 U.S.C. 319(c)(2)),  
9       in the matter preceding subparagraph (A), by strik-  
10      ing “section 708” and inserting “section 707”.

11       (b) TITLE XX.—Title XX of the Homeland Security  
12      Act of 2002 (6 U.S.C. 601 et seq.) is amended—

13           (1) in section 2001 (6 U.S.C. 601)—

14               (A) by striking paragraph (13);

15               (B) by redesignating paragraphs (3)  
16       through (12) as paragraphs (4) through (13),  
17       respectively; and

18               (C) by inserting after paragraph (2) the  
19       following:

20           “(3) CORE CAPABILITIES.—The term ‘core ca-  
21       pabilities’ means the capabilities for Federal, State,  
22       local, and tribal government preparedness for which  
23       guidelines are required to be established under sec-  
24       tion 646(a) of the Post-Katrina Emergency Manage-  
25       ment Reform Act of 2006 (6 U.S.C. 746(a)).”;



1           (2) in section 2005(j)(1) (6 U.S.C. 606(j)(1)),  
2       by striking “target” and inserting “core”; and  
3           (3) in section 2021(d)(3) (6 U.S.C. 611(d)(3)),  
4       by striking “target” each place it appears and in-  
5       serting “core”.

6       **TITLE V—FEDERAL EMERGENCY**  
7           **MANAGEMENT AGENCY**

8       **SEC. 1501. SHORT TITLE.**

9       This title may be cited as the “FEMA Reauthoriza-  
10   tion Act of 2018”.

11   **SEC. 1502. REAUTHORIZATION OF FEDERAL EMERGENCY**  
12           **MANAGEMENT AGENCY.**

13       Section 699 of the Post-Katrina Emergency Manage-  
14   ment Reform Act of 2006 (6 U.S.C. 811) is amended—

15           (1) by striking “administration and operations”  
16       each place the term appears and inserting “manage-  
17       ment and administration”;

18           (2) in paragraph (2), by striking “; and”;

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

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

22           “(4) for fiscal year 2018, \$1,049,000,000;

23           “(5) for fiscal year 2019, \$1,065,784,000; and

24           “(6) for fiscal year 2020, \$1,082,836,544.”.

1 **SEC. 1503. NATIONAL DOMESTIC PREPAREDNESS CONSOR-**  
2 **TIUM.**

3 Section 1204 of the Implementing Recommendations  
4 of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is  
5 amended—

6 (1) in subsection (c), by inserting “to the extent  
7 practicable, provide training in settings that simu-  
8 late real response environments, such as urban  
9 areas,” after “levels,”;

10 (2) in subsection (d), by striking paragraphs  
11 (1) and (2) and inserting the following:

12 “(1) for the Center for Domestic Prepared-  
13 ness—

14 “(A) \$63,939,000 for fiscal year 2018;

15 “(B) \$64,962,024 for fiscal year 2019; and

16 “(C) \$66,001,416 for fiscal year 2020; and

17 “(2) for the members of the National Domestic  
18 Preparedness Consortium described in paragraphs  
19 (2) through (7) of subsection (b)—

20 “(A) \$101,000,000 for fiscal year 2018;

21 “(B) \$102,606,000 for fiscal year 2019;

22 and

23 “(C) \$104,247,856 for fiscal year 2020.”;

24 and

25 (3) in subsection (e)—

1 (A) by striking “each of the following enti-  
2 ties” and inserting “members of the National  
3 Domestic Preparedness Consortium enumerated  
4 in subsection (b)”;

5 (B) by striking “2007—” and inserting  
6 “2015.” and

7 (C) by striking paragraphs (1) through  
8 (5).

9 **SEC. 1504. RURAL DOMESTIC PREPAREDNESS CONSOR-**  
10 **TIUM.**

11 (a) IN GENERAL.—The Secretary of Homeland Secu-  
12 rity is authorized to establish a Rural Domestic Prepared-  
13 ness Consortium within the Department of Homeland Se-  
14 curity consisting of universities and nonprofit organiza-  
15 tions qualified to provide training to emergency response  
16 providers (as defined in section 2 of the Homeland Secu-  
17 rity Act of 2002 (6 U.S.C. 101)) from rural communities  
18 (as defined by the Federal Emergency Management Agen-  
19 cy).

20 (b) DUTIES.—The Rural Domestic Preparedness  
21 Consortium authorized under subsection (a) shall identify,  
22 develop, test, and deliver training to State, local, and trib-  
23 al emergency response providers from rural communities,  
24 provide on-site and mobile training, and facilitate the de-

1 livery of training by the training partners of the Depart-  
2 ment of Homeland Security.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—Of  
4 amounts appropriated for Continuing Training Grants of  
5 the Department of Homeland Security, \$5,000,000 is au-  
6 thorized to be used for the Rural Domestic Preparedness  
7 Consortium authorized under subsection (a).

8 **SEC. 1505. AUTHORITIES.**

9 (a) DEFINITIONS.—In this section:

10 (1) AGENCY ACTION.—The term “agency ac-  
11 tion” has the meaning given that term in section  
12 7(a)(2) of the Endangered Species Act of 1973 (16  
13 U.S.C. 1536(a)(2)).

14 (2) PRIVATE ACTION.—The term “private ac-  
15 tion” means a non-Federally funded action of a pri-  
16 vate party or a unit of State, local, or tribal govern-  
17 ment on private, State, local, or tribal land, and the  
18 effects of those actions.

19 (b) TREATMENT OF PRIVATE ACTIONS.—Notwith-  
20 standing any other provision of law, a private action shall  
21 not be considered to be an agency action attributable to  
22 the Federal Emergency Management Agency that is taken  
23 under the National Flood Insurance Act of 1968 (42  
24 U.S.C. 4001 et seq.), the Flood Disaster Protection Act  
25 of 1973 (42 U.S.C. 4002 et seq.), the Biggert-Waters

1 Flood Insurance Reform Act of 2012 (subtitle A of title  
2 II of division F of Public Law 112–141; 126 Stat. 916),  
3 or the Homeowner Flood Insurance Affordability Act of  
4 2014 (Public Law 113–89; 128 Stat. 1020) for purposes  
5 of section 7 or 9 of the Endangered Species Act of 1973  
6 (16 U.S.C. 1536, 1538).

7 (c) NO FEDERAL NEXUS.—An action carried out  
8 pursuant to the National Flood Insurance Act of 1968 (42  
9 U.S.C. 4001 et seq.), the Flood Disaster Protection Act  
10 of 1973 (42 U.S.C. 4002 et seq.), the Biggert-Waters  
11 Flood Insurance Reform Act of 2012 (subtitle A of title  
12 II of division F of Public Law 112–141; 126 Stat. 916,  
13 or the Homeowner Flood Insurance Affordability Act of  
14 2014 (Public Law 113–89; 128 Stat. 1020) that may in-  
15 fluence a private action shall not be considered to establish  
16 a Federal nexus with respect to the consideration of that  
17 private action as an agency action for purposes of section  
18 7 of the Endangered Species Act of 1973 (16 U.S.C.  
19 1536).

20 **SEC. 1506. CENTER FOR FAITH-BASED AND NEIGHBOR-**  
21 **HOOD PARTNERSHIPS.**

22 (a) IN GENERAL.—Title V of the Homeland Security  
23 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
24 1442 of this Act, is amended by adding at the end the  
25 following:

1   **“SEC. 531. CENTER FOR FAITH-BASED AND NEIGHBORHOOD**  
2                   **PARTNERSHIPS.**

3           “(a) IN GENERAL.—There is established in the Agen-  
4   cy a Center for Faith-Based and Neighborhood Partner-  
5   ships, headed by a Director appointed by the Secretary.

6           “(b) MISSION.—The mission of the Center shall be  
7   to develop and coordinate departmental outreach efforts  
8   with faith-based and community organizations and serve  
9   as a liaison between those organizations and components  
10  of the Department for activities related to securing facili-  
11  ties, emergency preparedness and response, and com-  
12  bating human trafficking.

13          “(c) RESPONSIBILITIES.—In support of the mission  
14  of the Center for Faith-Based and Neighborhood Partner-  
15  ships, the Director shall—

16           “(1) develop exercises that engage faith-based  
17       and community organizations to test capabilities for  
18       all hazards, including active shooter incidents;

19           “(2) coordinate the delivery of guidance and  
20       training to faith-based and community organizations  
21       related to securing their facilities against natural  
22       disasters, acts of terrorism, and other man-made  
23       disasters;

24           “(3) conduct outreach to faith-based and com-  
25       munity organizations regarding guidance, training,  
26       and exercises and departmental capabilities available

1 to assist faith-based and community organizations to  
2 secure their facilities against natural disasters, acts  
3 of terrorism, and other man-made disasters;

4 “(4) facilitate engagement and coordination  
5 among the emergency management community and  
6 faith-based and community organizations;

7 “(5) deliver training and technical assistance to  
8 faith-based and community organizations and pro-  
9 vide subject-matter expertise related to anti-human  
10 trafficking efforts to help communities successfully  
11 partner with other components of the Blue Cam-  
12 paign of the Department; and

13 “(6) perform any other duties as assigned by  
14 the Administrator.”.

15 (b) CLERICAL AMENDMENT.—The table of contents  
16 in section 1(b) of the Homeland Security Act of 2002  
17 (Public Law 107–296; 116 Stat. 2135), as amended by  
18 section 1442, is amended by inserting after the item relat-  
19 ing to section 530 the following:

“Sec. 531. Center For Faith-Based And Neighborhood Partnerships.”.

20 **SEC. 1507. EMERGENCY SUPPORT FUNCTIONS.**

21 (a) UPDATE.—Section 504(a)(13) of the Homeland  
22 Security Act of 2002 (6 U.S.C. 314(a)(13)) is amended  
23 by inserting “, periodically updating (but not less often  
24 than once every 5 years),” after “administering”.

1 (b) EMERGENCY SUPPORT FUNCTIONS.—Section  
2 653 of the Post-Katrina Emergency Management Reform  
3 Act of 2006 (6 U.S.C. 753) is amended—

4 (1) by redesignating subsections (d) and (e) as  
5 subsections (e) and (f), respectively; and

6 (2) by inserting after subsection (c) the fol-  
7 lowing:

8 “(d) COORDINATION.—The President, acting through  
9 the Administrator, shall develop and provide to Federal  
10 departments and agencies with coordinating, primary, or  
11 supporting responsibilities under the National Response  
12 Framework performance metrics to ensure readiness to  
13 execute responsibilities under the emergency support func-  
14 tions of the National Response Framework.”.

15 **SEC. 1508. REVIEW OF NATIONAL INCIDENT MANAGEMENT**  
16 **SYSTEM.**

17 Section 509(b)(2) of the Homeland Security Act of  
18 2002 (6 U.S.C. 319(b)(2)) is amended, in the matter pre-  
19 ceding subparagraph (A), by inserting “, but not less often  
20 than once every 5 years,” after “periodically”.

21 **SEC. 1509. REMEDIAL ACTION MANAGEMENT PROGRAM.**

22 Section 650 of the Post-Katrina Emergency Manage-  
23 ment Reform Act of 2006 (6 U.S.C. 750) is amended to  
24 read as follows:



1   **“SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

2           “(a) IN GENERAL.—The Administrator, in coordina-  
3   tion with the National Council on Disability and the Na-  
4   tional Advisory Council, shall establish a remedial action  
5   management program to—

6           “(1) analyze training, exercises, and real world  
7   events to identify lessons learned, corrective actions,  
8   and best practices;

9           “(2) generate and disseminate, as appropriate,  
10   the lessons learned, corrective actions, and best  
11   practices described in paragraph (1); and

12           “(3) conduct remedial action tracking and long-  
13   term trend analysis.

14           “(b) FEDERAL CORRECTIVE ACTIONS.—The Admin-  
15   istrator, in coordination with the heads of appropriate  
16   Federal departments and agencies, shall—

17           “(1) utilize the program established under sub-  
18   section (a) to collect information on corrective ac-  
19   tions identified by such Federal departments and  
20   agencies during exercises and the response to nat-  
21   ural disasters, acts of terrorism, and other man-  
22   made disasters; and

23           “(2) not later than 1 year after the date of the  
24   enactment of the FEMA Reauthorization Act of  
25   2018 and annually thereafter for each of the next 4

1       years, submit to Congress a report on the status of  
2       those corrective actions.

3       “(c) DISSEMINATION OF AFTER ACTION REPORTS.—  
4       The Administrator shall provide electronically, to the max-  
5       imum extent practicable, to Congress and Federal, State,  
6       local, tribal, and private sector officials after-action re-  
7       ports and information on lessons learned and best prac-  
8       tices from responses to acts of terrorism, natural disas-  
9       ters, capstone exercises conducted under the national exer-  
10      cise program under section 648(b), and other emergencies  
11      or exercises.”.

12   **SEC. 1510. CENTER FOR DOMESTIC PREPAREDNESS.**

13       The Administrator of the Federal Emergency Man-  
14      agement Agency shall—

15           (1) develop an implementation plan, including  
16      benchmarks and milestones, to address the findings  
17      and recommendations of the 2017 Management Re-  
18      view Team that issued a report on May 8, 2017, re-  
19      garding live agent training at the Chemical, Ord-  
20      nance, Biological and Radiological Training Facility;  
21      and

22           (2) provide to the Committee on Homeland Se-  
23      curity and the Committee on Transportation and In-  
24      frastructure of the House of Representatives and the  
25      Committee on Homeland Security and Governmental

1       Affairs of the Senate updates and information on ef-  
2       forts to implement recommendations related to the  
3       management review of the Chemical, Ordnance, Bio-  
4       logical, and Radiological Training Facility of the  
5       Center for Domestic Preparedness of the Federal  
6       Emergency Management Agency, including, as nec-  
7       essary, information on additional resources or au-  
8       thority needed to implement such recommendations.

9   **SEC. 1511. FEMA SENIOR LAW ENFORCEMENT ADVISOR.**

10       (a) IN GENERAL.—Title V of the Homeland Security  
11   Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
12   1506 of this Act, is amended by adding at the end the  
13   following:

14   **“SEC. 532. SENIOR LAW ENFORCEMENT ADVISOR.**

15       “(a) ESTABLISHMENT.—The Administrator shall ap-  
16   point a Senior Law Enforcement Advisor to serve as a  
17   qualified expert to the Administrator for the purpose of  
18   strengthening the Agency’s coordination among State,  
19   local, and tribal law enforcement.

20       “(b) QUALIFICATIONS.—The Senior Law Enforce-  
21   ment Advisor shall have an appropriate background with  
22   experience in law enforcement, information sharing, and  
23   other emergency response functions.

24       “(c) RESPONSIBILITIES.—The Senior Law Enforce-  
25   ment Advisor shall—

1           “(1) coordinate on behalf of the Administrator  
2           with the Office for State and Local Law Enforce-  
3           ment under section 2006 for the purpose of ensuring  
4           State, local, and tribal law enforcement receive con-  
5           sistent and appropriate consideration in policies,  
6           guidance, training, and exercises related to pre-  
7           venting, preparing for, protecting against, and re-  
8           sponding to natural disasters, acts of terrorism, and  
9           other man-made disasters within the United States;

10           “(2) work with the Administrator and the Of-  
11           fice for State and Local Law Enforcement under  
12           section 2006 to ensure grants to State, local, and  
13           tribal government agencies, including programs  
14           under sections 2003, 2004, and 2006(a), appro-  
15           priately focus on terrorism prevention activities; and

16           “(3) serve other appropriate functions as deter-  
17           mined by the Administrator.”.

18           (b) CLERICAL AMENDMENT.—The table of contents  
19           in section 1(b) of the Homeland Security Act of 2002  
20           (Public Law 107–296; 116 Stat. 2135), as amended by  
21           section 1506, is amended by inserting after the item relat-  
22           ing to section 531 the following:

          “Sec. 532. Senior Law Enforcement Advisor.”.

23   **SEC. 1512. TECHNICAL EXPERT AUTHORIZED.**

24           Section 503(b)(2) of the Homeland Security Act of  
25           2002 (6 U.S.C. 313(b)(2)) is amended—

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

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

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

6           “(I) identify and integrate the needs of  
7     children into activities to prepare for, protect  
8     against, respond to, recover from, and mitigate  
9     against natural disasters, acts of terrorism, and  
10    other man-made disasters, including cata-  
11    strophic incidents, including by appointing a  
12    technical expert, who may consult with relevant  
13    outside organizations and experts, as necessary,  
14    to coordinate such activities, as necessary.”.

15 **SEC. 1513. MISSION SUPPORT.**

16       (a) ESTABLISHMENT.—The Administrator of the  
17    Federal Emergency Management Agency shall designate  
18    an individual to serve as the chief management official and  
19    principal advisor to the Administrator on matters related  
20    to the management of the Federal Emergency Manage-  
21    ment Agency, including management integration in sup-  
22    port of emergency management operations and programs.

23       (b) MISSION AND RESPONSIBILITIES.—The Adminis-  
24    trator of the Federal Emergency Management Agency,  
25    acting through the official designated pursuant to sub-

1 section (a), shall be responsible for the management and  
2 administration of the Federal Emergency Management  
3 Agency, including with respect to the following:

4 (1) Procurement.

5 (2) Human resources and personnel.

6 (3) Information technology and communications  
7 systems.

8 (4) Real property investment and planning, fa-  
9 cilities, accountable personal property (including  
10 fleet and other material resources), records and dis-  
11 closure, privacy, safety and health, and sustain-  
12 ability and environmental management.

13 (5) Security for personnel, information tech-  
14 nology and communications systems, facilities, prop-  
15 erty, equipment, and other material resources.

16 (6) Any other management duties that the Ad-  
17 ministrator may designate.

18 (c) MOUNT WEATHER EMERGENCY OPERATIONS  
19 AND ASSOCIATED FACILITIES.—Nothing in this section  
20 shall be construed as limiting or otherwise affecting the  
21 role or responsibility of the Assistant Administrator for  
22 National Continuity Programs with respect to the matters  
23 described in subsection (b) as such matters relate to the  
24 Mount Weather Emergency Operations Center and associ-  
25 ated facilities. The management and administration of the

1 Mount Weather Emergency Operations Center and associ-  
2 ated facilities remain the responsibility of the Assistant  
3 Administrator for National Continuity Programs.

4 (d) REPORT.—Not later than 270 days after the date  
5 of enactment of this Act, the Administrator of the Federal  
6 Emergency Management Agency shall submit to the Com-  
7 mittee on Homeland Security and the Committee on  
8 Transportation and Infrastructure of the House of Rep-  
9 resentatives and the Committee on Homeland Security  
10 and Governmental Affairs of the Senate a report that in-  
11 cludes—

12 (1) a review of financial, human capital, infor-  
13 mation technology, real property planning, and ac-  
14 quisition management of headquarters and all re-  
15 gional offices of the Federal Emergency Manage-  
16 ment Agency; and

17 (2) a strategy for capturing financial, human  
18 capital, information technology, real property plan-  
19 ning, and acquisition data.

20 **SEC. 1514. STRATEGIC HUMAN CAPITAL PLAN.**

21 Section 10102(c) of title 5, United States Code, is  
22 amended by striking “2007” and inserting “2018”.

1 **SEC. 1515. OFFICE OF DISABILITY INTEGRATION AND CO-**  
2 **ORDINATION OF DEPARTMENT OF HOME-**  
3 **LAND SECURITY.**

4 (a) OFFICE OF DISABILITY INTEGRATION AND CO-  
5 ORDINATION.—

6 (1) IN GENERAL.—Section 513 of the Home-  
7 land Security Act of 2002 (6 U.S.C. 321b) is  
8 amended to read as follows:

9 **“SEC. 513. OFFICE OF DISABILITY INTEGRATION AND CO-**  
10 **ORDINATION.**

11 “(a) IN GENERAL.—There is established within the  
12 Agency an Office of Disability Integration and Coordina-  
13 tion (in this section referred to as the ‘Office’), which shall  
14 be headed by a Director.

15 “(b) MISSION.—The mission of the Office is to en-  
16 sure that individuals with disabilities and other access and  
17 functional needs are included in emergency management  
18 activities throughout the Agency by providing guidance,  
19 tools, methods, and strategies for the purpose of equal  
20 physical program and effective communication access.

21 “(c) RESPONSIBILITIES.—In support of the mission  
22 of the Office, the Director shall—

23 “(1) provide guidance and coordination on mat-  
24 ters related to individuals with disabilities in emer-  
25 gency planning requirements and relief efforts in the



1 event of a natural disaster, act of terrorism, or other  
2 man-made disaster;

3 “(2) oversee Office employees responsible for  
4 disability integration in each regional office with re-  
5 spect to carrying out the mission of the Office;

6 “(3) liaise with other employees of the Agency,  
7 including nonpermanent employees, organizations  
8 representing individuals with disabilities, other agen-  
9 cies of the Federal Government, and State, local,  
10 and tribal government authorities regarding the  
11 needs of individuals with disabilities in emergency  
12 planning requirements and relief efforts in the event  
13 of a natural disaster, act of terrorism, or other man-  
14 made disaster;

15 “(4) coordinate with the technical expert on the  
16 needs of children within the Agency to provide guid-  
17 ance and coordination on matters related to children  
18 with disabilities in emergency planning requirements  
19 and relief efforts in the event of a natural disaster,  
20 act of terrorism, or other man-made disaster;

21 “(5) consult with organizations representing in-  
22 dividuals with disabilities about access and func-  
23 tional needs in emergency planning requirements  
24 and relief efforts in the event of a natural disaster,  
25 act of terrorism, or other man-made disaster;

1           “(6) ensure the coordination and dissemination  
2           of best practices and model evacuation plans for in-  
3           dividuals with disabilities;

4           “(7) collaborate with Agency leadership respon-  
5           sible for training to ensure that qualified experts de-  
6           velop easily accessible training materials and a cur-  
7           riculum for the training of emergency response pro-  
8           viders, State, local, and tribal government officials,  
9           and others on the needs of individuals with disabili-  
10          ties;

11          “(8) coordinate with the Emergency Manage-  
12          ment Institute, the Center for Domestic Prepared-  
13          ness, Center for Homeland Defense and Security,  
14          the United States Fire Administration, the national  
15          exercise program described in section 648(b) of the  
16          Post-Katrina Emergency Management Reform Act  
17          of 2006 (6 U.S.C. 748(b)), and the National Domes-  
18          tic Preparedness Consortium to ensure that content  
19          related to persons with disabilities, access and func-  
20          tional needs, and children are integrated into exist-  
21          ing and future emergency management trainings;

22          “(9) promote the accessibility of telephone hot-  
23          lines and websites regarding emergency prepared-  
24          ness, evacuations, and disaster relief;

1           “(10) work to ensure that video programming  
2           distributors, including broadcasters, cable operators,  
3           and satellite television services, make emergency in-  
4           formation accessible to individuals with hearing and  
5           vision disabilities;

6           “(11) ensure the availability of accessible trans-  
7           portation options for individuals with disabilities in  
8           the event of an evacuation;

9           “(12) provide guidance and implement policies  
10          to ensure that the rights and feedback of individuals  
11          with disabilities regarding post-evacuation residency  
12          and relocation are respected;

13          “(13) ensure that meeting the needs of individ-  
14          uals with disabilities are included in the components  
15          of the national preparedness system established  
16          under section 644 of the Post-Katrina Emergency  
17          Management Reform Act of 2006 (6 U.S.C. 744);  
18          and

19          “(14) perform any other duties as assigned by  
20          the Administrator.

21          “(d) DIRECTOR.—After consultation with organiza-  
22          tions representing individuals with disabilities, the Admin-  
23          istrator shall appoint a Director. The Director shall report  
24          directly to the Administrator, in order to ensure that the

1 needs of individuals with disabilities are being properly ad-  
2 dressed in emergency preparedness and disaster relief.

3 “(e) ORGANIZATIONS REPRESENTING INDIVIDUALS  
4 WITH DISABILITIES DEFINED.—For purposes of this sec-  
5 tion, the term ‘organizations representing individuals with  
6 disabilities’ means the National Council on Disabilities,  
7 the Interagency Coordinating Council on Preparedness  
8 and Individuals with Disabilities, and other appropriate  
9 disability organizations.”.

10 (2) CLERICAL AMENDMENT.—The table of con-  
11 tents in section 1(b) of the Homeland Security Act  
12 of 2002 (Public Law 107–296; 116 Stat. 2135), as  
13 amended by section 1511, is amended by striking  
14 the item relating to section 513 and inserting the  
15 following:

“513. Office of Disability Integration and Coordination.”.

16 (b) REPORT TO CONGRESS.—Not later than 120 days  
17 after the date of the enactment of this Act, the Adminis-  
18 trator of the Federal Emergency Management Agency  
19 shall submit to Congress a report on the funding and  
20 staffing needs of the Office of Disability Integration and  
21 Coordination under section 513 of the Homeland Security  
22 Act of 2002, as amended by subsection (a).

1   **SEC. 1516. MANAGEMENT COSTS.**

2           Section 324 of the Robert T. Stafford Disaster Relief  
3   and Emergency Assistance Act (42 U.S.C. 5165b) is  
4   amended—

5           (1) in subsection (a), by striking “any adminis-  
6   trative expense, and any other expense not directly  
7   chargeable to” and inserting “direct administrative  
8   cost, and any other administrative expense associ-  
9   ated with”; and

10          (2) in subsection (b)—

11           (A) by striking “Notwithstanding” and in-  
12   serting the following:

13           “(1) IN GENERAL.—Notwithstanding”;

14           (B) in paragraph (1), as so designated, by  
15   striking “establish” and inserting “implement”;  
16   and

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

18           “(2) SPECIFIC MANAGEMENT COSTS.—The Ad-  
19   ministrator shall provide for management costs, in  
20   addition to the eligible project costs, to cover direct  
21   and indirect costs of administering the following pro-  
22   grams:

23           “(A) HAZARD MITIGATION.—A grantee  
24   under section 404 may be reimbursed for direct  
25   and indirect administrative costs in a total  
26   amount of not more than 15 percent of the

1           total amount of the grant award under such  
2           section of which not more than 10 percent may  
3           be used by the grantee and 5 percent by the  
4           subgrantee for such costs.

5           “(B) PUBLIC ASSISTANCE.—A grantee  
6           under sections 403, 406, 407, and 502 may be  
7           reimbursed direct and indirect administrative  
8           costs in a total amount of not more than 12  
9           percent of the total award amount under such  
10          sections, of which not more than 7 percent may  
11          be used by the grantee and 5 percent by the  
12          subgrantee for such costs.”.

13 **SEC. 1517. PERFORMANCE OF SERVICES.**

14          Section 306 of the Robert T. Stafford Disaster Relief  
15          and Emergency Assistance Act (42 U.S.C. 5149) is  
16          amended by adding at the end the following:

17          “(c) The Administrator of the Federal Emergency  
18          Management Agency may appoint temporary personnel,  
19          after serving continuously for 3 years, to positions in the  
20          Federal Emergency Management Agency in the same  
21          manner that competitive service employees with competi-  
22          tive status are considered for transfer, reassignment, or  
23          promotion to such positions. An individual appointed  
24          under this subsection shall become a career-conditional

1 employee, unless the employee has already completed the  
2 service requirements for career tenure.”.

3 **SEC. 1518. STUDY TO STREAMLINE AND CONSOLIDATE IN-**  
4 **FORMATION COLLECTION.**

5 Not later than 1 year after the date of enactment  
6 of this Act, the Administrator of the Federal Emergency  
7 Management Agency shall—

8 (1) in coordination with the Small Business Ad-  
9 ministration, the Department of Housing and Urban  
10 Development, and other appropriate agencies, con-  
11 duct a study and develop a plan, consistent with law,  
12 under which the collection of information from dis-  
13 aster assistance applicants and grantees will be  
14 modified, streamlined, expedited, efficient, flexible,  
15 consolidated, and simplified to be less burdensome,  
16 duplicative, and time consuming for applicants and  
17 grantees;

18 (2) in coordination with the Small Business Ad-  
19 ministration, the Department of Housing and Urban  
20 Development, and other appropriate agencies, de-  
21 velop a plan for the regular collection and reporting  
22 of information on Federal disaster assistance award-  
23 ed, including the establishment and maintenance of  
24 a website for presenting the information to the pub-  
25 lic; and

1           (3) submit to the Committee on Transportation  
2           and Infrastructure of the House of Representatives  
3           and the Committee on Homeland Security and Gov-  
4           ernmental Affairs of the Senate—

5                   (A) the plans developed under paragraphs  
6           (1) and (2); and

7                   (B) recommendations, if any, of the Ad-  
8           ministrator for legislative changes to streamline  
9           or consolidate the collection or reporting of in-  
10          formation, as described in paragraphs (1) and  
11          (2).

12 **SEC. 1519. AGENCY ACCOUNTABILITY.**

13          Title IV of the Robert T. Stafford Disaster Relief and  
14          Emergency Assistance Act (42 U.S.C. 5170 et seq.) is  
15          amended by adding at the end the following:

16 **“SEC. 430. AGENCY ACCOUNTABILITY.**

17          “(a) PUBLIC ASSISTANCE.—Not later than 5 days  
18          after the date on which an award of a public assistance  
19          grant is made under section 406 that is in excess of  
20          \$1,000,000, the Administrator of the Federal Emergency  
21          Management Agency (referred to in this section as the  
22          ‘Administrator’) shall publish on the website of the Fed-  
23          eral Emergency Management Agency (referred to in this  
24          section as the ‘Agency’) the specifics of each such grant  
25          award, including identifying—



1           “(1) the Federal Emergency Management  
2     Agency Region;

3           “(2) the major disaster or emergency declara-  
4     tion number;

5           “(3) the State, county, and applicant name;

6           “(4) if the applicant is a private nonprofit orga-  
7     nization;

8           “(5) the damage category code;

9           “(6) the amount of the Federal share obligated;  
10    and

11           “(7) the date of the award.

12    “(b) MISSION ASSIGNMENTS.—

13           “(1) IN GENERAL.—Not later than 5 days after  
14    the date on which a mission assignment or mission  
15    assignment task order is issued under section 402(1)  
16    or section 502(a)(1), the Administrator shall publish  
17    on the website of the Agency any mission assign-  
18    ment or mission assignment task order to another  
19    Federal department or agency regarding a major  
20    disaster in excess of \$1,000,000, including—

21           “(A) the name of the impacted State or  
22    Indian tribe;

23           “(B) the major disaster declaration for  
24    such State or Indian tribe;

25           “(C) the assigned agency;

1 “(D) the assistance requested;

2 “(E) a description of the major disaster;

3 “(F) the total cost estimate;

4 “(G) the amount obligated;

5 “(H) the State or tribal cost share, if ap-  
6 plicable;

7 “(I) the authority under which the mission  
8 assignment or mission assignment task order  
9 was directed; and

10 “(J) if applicable, the date on which a  
11 State or Indian tribe requested the mission as-  
12 signment.

13 “(2) RECORDING CHANGES.—Not later than 10  
14 days after the last day of each month until a mission  
15 assignment or mission assignment task order de-  
16 scribed in paragraph (1) is completed and closed  
17 out, the Administrator shall update any changes to  
18 the total cost estimate and the amount obligated.

19 “(c) DISASTER RELIEF MONTHLY REPORT.—Not  
20 later than 10 days after the first day of each month, the  
21 Administrator shall publish reports on the website of the  
22 Agency, including a specific description of the method-  
23 ology and the source data used in developing such reports,  
24 including—

1           “(1) an estimate of the amounts for the fiscal  
2           year covered by the President’s most recent budget  
3           pursuant to section 1105(a) of title 31, United  
4           States Code, including—

5                   “(A) the unobligated balance of funds to  
6                   be carried over from the prior fiscal year to the  
7                   budget year;

8                   “(B) the unobligated balance of funds to  
9                   be carried over from the budget year to the  
10                  year after the budget year;

11                  “(C) the amount of obligations for non-  
12                  catastrophic events for the budget year;

13                  “(D) the amount of obligations for the  
14                  budget year for catastrophic events, as defined  
15                  under the National Response Framework, delin-  
16                  eated by event and by State;

17                  “(E) the total amount that has been pre-  
18                  viously obligated or will be required for cata-  
19                  strophic events delineated by event and by State  
20                  for all prior years, the current fiscal year, the  
21                  budget year, and each fiscal year thereafter;

22                  “(F) the amount of previously obligated  
23                  funds that will be recovered for the budget  
24                  year;

1           “(G) the amount that will be required for  
2 obligations for emergencies, major disasters,  
3 fire management assistance grants, as described  
4 in section 420, surge activities, and disaster  
5 readiness and support activities; and

6           “(H) the amount required for activities not  
7 covered under section 251(b)(2)(D)(iii) of the  
8 Balanced Budget and Emergency Deficit Con-  
9 trol Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii));

10          “(2) a summary of the amount for disaster re-  
11 lief of—

12           “(A) appropriations made available by  
13 source;

14           “(B) the transfers executed;

15           “(C) the previously allocated funds recov-  
16 ered; and

17           “(D) the commitments, allocations, and ob-  
18 ligations made;

19          “(3) a table of disaster relief activity delineated  
20 by month, including—

21           “(A) the beginning and ending balances;

22           “(B) the total obligations to include  
23 amounts obligated for fire assistance, emer-  
24 gencies, surge, and disaster support activities;

1                   “(C) the obligations for catastrophic events  
2                   delineated by event and by State; and

3                   “(D) the amount of previously obligated  
4                   funds that are recovered;

5                   “(4) a summary of allocations, obligations, and  
6                   expenditures for catastrophic events delineated by  
7                   event;

8                   “(5) the cost with respect to—

9                   “(A) public assistance;

10                  “(B) individual assistance;

11                  “(C) mitigation;

12                  “(D) administrative activities;

13                  “(E) operations; and

14                  “(F) any other relevant category (including  
15                  emergency measures and disaster resources) de-  
16                  lineated by major disaster; and

17                  “(6) the date on which funds appropriated will  
18                  be exhausted.

19                  “(d) CONTRACTS.—

20                  “(1) INFORMATION.—

21                  “(A) IN GENERAL.—Not later than 10  
22                  days after the first day of each month, the Ad-  
23                  ministrators shall publish on the website of the  
24                  Agency the specifics of each contract in excess

1 of \$1,000,000 that the Agency enters into dur-  
2 ing the previous month, including—

3 “(i) the name of the party;

4 “(ii) the date the contract was award-  
5 ed;

6 “(iii) the amount and scope of the  
7 contract;

8 “(iv) if the contract was awarded  
9 through competitive bidding process;

10 “(v) if no competitive bidding process  
11 was used, the reason why competitive bid-  
12 ding was not used; and

13 “(vi) the authority used to bypass the  
14 competitive bidding process.

15 “(B) REQUIREMENT.—The information re-  
16 quired to be published under subparagraph (A)  
17 shall be delineated by major disaster, if applica-  
18 ble, and specify the damage category code, if  
19 applicable.

20 “(2) REPORT.—Not later than 10 days after  
21 the last day of the fiscal year, the Administrator  
22 shall provide a report to the Committee on Home-  
23 land Security and Governmental Affairs of the Sen-  
24 ate and the Committee on Transportation and Infra-  
25 structure of the House of Representatives summa-

1 rizing the following information for the preceding  
2 fiscal year:

3 “(A) The number of contracts awarded  
4 without competitive bidding.

5 “(B) The reasons why a competitive bid-  
6 ding process was not used.

7 “(C) The total amount of contracts award-  
8 ed with no competitive bidding.

9 “(D) The damage category codes, if appli-  
10 cable, for contracts awarded without competi-  
11 tive bidding.”.

12 **SEC. 1520. NATIONAL PUBLIC INFRASTRUCTURE**  
13 **PREDISASTER HAZARD MITIGATION.**

14 (a) PREDISASTER HAZARD MITIGATION.—Section  
15 203 of the Robert T. Stafford Disaster Relief and Emer-  
16 gency Assistance Act (42 U.S.C. 5133) is amended—

17 (1) in subsection (c) by inserting “Public Infra-  
18 structure” after “the National”;

19 (2) in subsection (e)(1)(B)—

20 (A) in clause (ii), by striking “or” at the  
21 end;

22 (B) in clause (iii), by striking the period  
23 and inserting “; or”; and

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

1 “(iv) to establish and carry out en-  
2 forcement activities to implement the latest  
3 published editions of relevant consensus-  
4 based codes, specifications, and standards  
5 that incorporate the latest hazard-resistant  
6 designs and establish minimum acceptable  
7 criteria for the design, construction, and  
8 maintenance of residential structures and  
9 facilities that may be eligible for assistance  
10 under this Act for the purpose of pro-  
11 tecting the health, safety, and general wel-  
12 fare of the buildings’ users against disas-  
13 ters.”;

14 (3) in subsection (f)—

15 (A) in paragraph (1) by inserting “for  
16 mitigation activities that are cost effective”  
17 after “competitive basis”; and

18 (B) by adding at the end the following:

19 “(3) REDISTRIBUTION OF UNOBLIGATED  
20 AMOUNTS.—The President may—

21 “(A) withdraw amounts of financial assist-  
22 ance made available to a State (including  
23 amounts made available to local governments of  
24 a State) under this subsection that remain un-  
25 obligated by the end of the third fiscal year



1 after the fiscal year for which the amounts were  
2 allocated; and

3 “(B) in the fiscal year following a fiscal  
4 year in which amounts were withdrawn under  
5 subparagraph (A), add the amounts to any  
6 other amounts available to be awarded on a  
7 competitive basis pursuant to paragraph (1).”;

8 (4) in subsection (g), in the matter preceding  
9 paragraph (1), by inserting “provide financial assist-  
10 ance only in States that have received a major dis-  
11 aster declaration during the previous 7-year period  
12 and” after “President shall”;

13 (5) by striking subsection (i) and inserting the  
14 following:

15 “(i) NATIONAL PUBLIC INFRASTRUCTURE  
16 PREDISASTER MITIGATION ASSISTANCE.—

17 “(1) IN GENERAL.—The President may set  
18 aside from the Disaster Relief Fund, with respect to  
19 each major disaster, an amount equal to 6 percent  
20 of the estimated aggregate amount of the grants to  
21 be made pursuant to sections 403, 406, 407, 408,  
22 410, and 416 for the major disaster in order to pro-  
23 vide technical and financial assistance under this  
24 section.

1           “(2) ESTIMATED AGGREGATE AMOUNT.—Not  
2           later than 180 days after each major disaster dec-  
3           laration pursuant to this Act, the estimated aggre-  
4           gate amount of grants for purposes of paragraph (1)  
5           shall be determined by the President and such esti-  
6           mated amount need not be reduced, increased, or  
7           changed due to variations in estimates.

8           “(3) NO REDUCTION IN AMOUNTS.—The  
9           amount set aside pursuant to paragraph (1) shall  
10          not reduce the amounts otherwise made available for  
11          sections 403, 404, 406, 407, 408, 410, and 416  
12          under this Act.”;

13                 (6) by striking subsections (j) and (m); and

14                 (7) by redesignating subsections (k), (l), and  
15                 (n) as subsections (j), (k), and (l), respectively.

16          (b) APPLICABILITY.—The amendments made to sec-  
17          tion 203 of the Robert T. Stafford Disaster Relief and  
18          Emergency Assistance Act (42 U.S.C. 5133) by para-  
19          graphs (3) and (5) of subsection (a) of this Act shall apply  
20          to funds appropriated after the date of enactment of this  
21          Act.

1   **SEC. 1521. TECHNICAL AMENDMENTS TO NATIONAL EMER-**  
2                   **GENCY MANAGEMENT.**

3           (a) HOMELAND SECURITY ACT OF 2002.—Title V of  
4   the Homeland Security Act of 2002 (6 U.S.C. 501 et seq.)  
5   is amended—

6           (1) in section 501(8) (6 U.S.C. 311(8))—

7                   (A) by striking “National Response Plan”  
8           each place the term appears and inserting “Na-  
9           tional Response Framework”; and

10                  (B) by striking “502(a)(6)” and inserting  
11           “504(a)(6)”;

12           (2) in section 503(b)(2)(A) (6 U.S.C.  
13   313(b)(2)(A)) by inserting “and incidents impacting  
14   critical infrastructure” before the semicolon;

15           (3) in section 504(a) (6 U.S.C. 314(a))—

16                   (A) in paragraph (3) by striking “, includ-  
17           ing—” and inserting “(which shall include inci-  
18           dents impacting critical infrastructure), includ-  
19           ing—”;

20                   (B) in paragraph (4) by inserting “, in-  
21           cluding incidents impacting critical infrastruc-  
22           ture” before the semicolon;

23                   (C) in paragraph (5) by striking “and  
24           local” and inserting “local, and tribal”;

25                   (D) in paragraph (6) by striking “national  
26           response plan” and inserting “national response

1 framework, which shall be reviewed and up-  
2 dated as required but not less than every 5  
3 years”;

4 (E) by redesignating paragraphs (7)  
5 through (21) as paragraphs (8) through (22),  
6 respectively;

7 (F) by inserting after paragraph (6) the  
8 following:

9 “(7) developing integrated frameworks, to in-  
10 clude consolidating existing Government plans ad-  
11 dressing prevention, protection, mitigation, and re-  
12 covery with such frameworks reviewed and updated  
13 as required, but not less than every 5 years;” and

14 (G) in paragraph (14), as redesignated, by  
15 striking “National Response Plan” each place  
16 the term appears and inserting “National Re-  
17 sponse Framework”;

18 (4) in section 507 (6 U.S.C. 317)—

19 (A) in subsection (c)—

20 (i) in paragraph (2)(E), by striking  
21 “National Response Plan” and inserting  
22 “National Response Framework”; and

23 (ii) in paragraph (3)(A), by striking  
24 “National Response Plan” and inserting  
25 “National Response Framework”; and

1 (B) in subsection (f)(1)(G), by striking  
2 “National Response Plan” and inserting “Na-  
3 tional Response Framework”;

4 (5) in section 508 (6 U.S.C. 318)—

5 (A) in subsection (b)(1), by striking “Na-  
6 tional Response Plan” and inserting “National  
7 Response Framework”; and

8 (B) in subsection (d)(2)(A), by striking  
9 “The Deputy Administrator, Protection and  
10 National Preparedness” and inserting “A Dep-  
11 uty Administrator”;

12 (6) in section 509 (6 U.S.C. 319)—

13 (A) in subsection (b)—

14 (i) in paragraph (1)—

15 (I) by striking “National Re-  
16 sponse Plan” and inserting “National  
17 Response Framework, National Pro-  
18 tection Framework, National Preven-  
19 tion Framework, National Mitigation  
20 Framework, National Recovery  
21 Framework”;

22 (II) by striking “successor” and  
23 inserting “successors”; and

1 (III) by striking “plan” at the  
2 end of that paragraph and inserting  
3 “framework”; and

4 (ii) in paragraph (2), by striking “Na-  
5 tional Response Plan” each place the term  
6 appears and inserting “National Response  
7 Framework”; and

8 (B) in subsection (c)(1)—

9 (i) in subparagraph (A)—

10 (I) in the subparagraph heading,  
11 by striking “NATIONAL RESPONSE  
12 PLAN” and inserting “NATIONAL RE-  
13 SPONSE FRAMEWORK”; and

14 (II) by striking “National Re-  
15 sponse Plan” and inserting “National  
16 Response Framework”; and

17 (ii) in subparagraph (B), by striking  
18 “National Response Plan” and inserting  
19 “National Response Framework”;

20 (7) in section 510 (6 U.S.C. 320)—

21 (A) in subsection (a), by striking “enter  
22 into a memorandum of understanding” and in-  
23 serting “partner”;

1 (B) in subsection (b)(1)(A), by striking  
2 “National Response Plan” and inserting “Na-  
3 tional Response Framework”; and

4 (C) in subsection (c), by striking “National  
5 Response Plan” and inserting “National Re-  
6 sponse Framework”;

7 (8) in section 515(c)(1) (6 U.S.C. 321d(c)(1)),  
8 by striking “and local” each place the term appears  
9 and inserting “, local, and tribal”;

10 (9) by striking section 524 (6 U.S.C. 321m);  
11 and

12 (10) in section 525 (6 U.S.C. 321n), by striking  
13 “Secretary” each place it appears and inserting  
14 “Administrator”.

15 (b) CONFORMING AMENDMENT.—The table of con-  
16 tents in section 1(b) of the Homeland Security Act of  
17 2002 (Public Law 107–296; 116 Stat. 2135) is amended  
18 by striking the item relating to section 524.

19 (c) POST-KATRINA EMERGENCY MANAGEMENT RE-  
20 FORM ACT OF 2006.—

21 (1) CITATION CORRECTION.—Section 602(13)  
22 of the Post-Katrina Emergency Management Reform  
23 Act of 2006 (6 U.S.C. 701(13)) is amended—

1 (A) by striking “National Response Plan”  
2 each place the term appears and inserting “Na-  
3 tional Response Framework”; and  
4 (B) by striking “502(a)(6)” and inserting  
5 “504(a)(6)”.

6 (2) CHANGE OF REFERENCE.—Chapter 1 of  
7 subtitle C of title VI of the Post-Katrina Emergency  
8 Management Reform Act of 2006 (Public Law 109–  
9 295) is amended by striking “National Response  
10 Plan” each place the term appears and inserting  
11 “National Response Framework”.

12 (d) PUBLIC HEALTH SERVICE ACT.—Section  
13 2801(a) of the Public Health Service Act (42 U.S.C.  
14 300hh(a)) is amended by striking “the National Response  
15 Plan developed pursuant to section 502(6) of the Home-  
16 land Security Act of 2002” and inserting “the National  
17 Response Framework developed pursuant to section  
18 504(a)(6) of the Homeland Security Act of 2002 (2  
19 U.S.C. 314(a)(6))”.

20 (e) DEFENSE AGAINST WEAPONS OF MASS DE-  
21 STRUCTION ACT OF 1996.—Section 1414(b) of the De-  
22 fense Against Weapons of Mass Destruction Act of 1996  
23 (50 U.S.C. 2314(b)) is amended, in the first sentence, by  
24 striking “National Response Plan prepared pursuant to  
25 section 502(6) of the Homeland Security Act of 2002 (6



1 U.S.C. 312(6))” and inserting “National Response  
2 Framework prepared pursuant to section 504(a)(6) of the  
3 Homeland Security Act of 2002 (6 U.S.C. 314(a)(6))”

4 (f) SAVINGS CLAUSE.—The amendments made by  
5 subsection (a) to section 503(b)(2)(A) and paragraphs (3)  
6 and (4) of section 504(a) of the Homeland Security Act  
7 of 2002 shall not be construed as affecting the authority,  
8 existing on the day before the date of enactment of this  
9 Act, of any other component of the Department of Home-  
10 land Security or any other Federal department or agency.

11 **TITLE VI—CYBERSECURITY AND**  
12 **INFRASTRUCTURE SECURITY**  
13 **AGENCY**

14 **SEC. 1601. CYBERSECURITY AND INFRASTRUCTURE SECU-**  
15 **RITY AGENCY.**

16 (a) IN GENERAL.—The Homeland Security Act of  
17 2002 (6 U.S.C. 101 et seq.) is amended by adding at the  
18 end the following:

19 **“TITLE XXII—CYBERSECURITY**  
20 **AND INFRASTRUCTURE SECU-**  
21 **RITY AGENCY**

22 **“Subtitle A—Cybersecurity and**  
23 **Infrastructure Security**

24 **“SEC. 2201. DEFINITIONS.**

25 “In this subtitle:

1           “(1) CRITICAL INFRASTRUCTURE INFORMA-  
2           TION.—The term ‘critical infrastructure information’  
3           has the meaning given the term in section 2222.

4           “(2) CYBERSECURITY RISK.—The term ‘cyber-  
5           security risk’ has the meaning given the term in sec-  
6           tion 2209.

7           “(3) CYBERSECURITY THREAT.—The term ‘cy-  
8           bersecurity threat’ has the meaning given the term  
9           in section 102(5) of the Cybersecurity Act of 2015  
10          (contained in division N of the Consolidated Appro-  
11          priations Act, 2016 (Public Law 114–113; 6 U.S.C.  
12          1501)).

13          “(4) NATIONAL CYBERSECURITY ASSET RE-  
14          SPONSE ACTIVITIES.—The term ‘national cybersecu-  
15          rity asset response activities’ means—

16               “(A) furnishing cybersecurity technical as-  
17               sistance to entities affected by cybersecurity  
18               risks to protect assets, mitigate vulnerabilities,  
19               and reduce impacts of cyber incidents;

20               “(B) identifying other entities that may be  
21               at risk of an incident and assessing risk to the  
22               same or similar vulnerabilities;

23               “(C) assessing potential cybersecurity risks  
24               to a sector or region, including potential cas-

1 cading effects, and developing courses of action  
2 to mitigate such risks;

3 “(D) facilitating information sharing and  
4 operational coordination with threat response;  
5 and

6 “(E) providing guidance on how best to  
7 utilize Federal resources and capabilities in a  
8 timely, effective manner to speed recovery from  
9 cybersecurity risks.

10 “(5) SECTOR-SPECIFIC AGENCY.—The term  
11 ‘Sector-Specific Agency’ means a Federal depart-  
12 ment or agency, designated by law or presidential di-  
13 rective, with responsibility for providing institutional  
14 knowledge and specialized expertise of a sector, as  
15 well as leading, facilitating, or supporting programs  
16 and associated activities of its designated critical in-  
17 frastructure sector in the all hazards environment in  
18 coordination with the Department.

19 “(6) SHARING.—The term ‘sharing’ has the  
20 meaning given the term in section 2209.

21 **“SEC. 2202. CYBERSECURITY AND INFRASTRUCTURE SECU-**  
22 **RITY AGENCY.**

23 “(a) REDESIGNATION.—

24 “(1) IN GENERAL.—The National Protection  
25 and Programs Directorate of the Department shall,

1 on and after the date of the enactment of this sub-  
2 title, be known as the ‘Cybersecurity and Infrastruc-  
3 ture Security Agency’ (in this subtitle referred to as  
4 the ‘Agency’).

5 “(2) REFERENCES.—Any reference to the Na-  
6 tional Protection and Programs Directorate of the  
7 Department in any law, regulation, map, document,  
8 record, or other paper of the United States shall be  
9 deemed to be a reference to the Cybersecurity and  
10 Infrastructure Security Agency of the Department.

11 “(b) DIRECTOR.—

12 “(1) IN GENERAL.—The Agency shall be head-  
13 ed by a Director of Cybersecurity and Infrastructure  
14 Security (in this subtitle referred to as the ‘Direc-  
15 tor’), who shall report to the Secretary.

16 “(2) REFERENCE.—Any reference to an Under  
17 Secretary responsible for overseeing critical infra-  
18 structure protection, cybersecurity, and any other re-  
19 lated program of the Department as described in  
20 section 103(a)(1)(H) as in effect on the day before  
21 the date of enactment of this subtitle in any law,  
22 regulation, map, document, record, or other paper of  
23 the United States shall be deemed to be a reference  
24 to the Director of Cybersecurity and Infrastructure  
25 Security of the Department.

1       “(c) RESPONSIBILITIES.—The Director shall—

2               “(1) lead cybersecurity and critical infrastruc-  
3       ture security programs, operations, and associated  
4       policy for the Agency, including national cybersecu-  
5       rity asset response activities;

6               “(2) coordinate with Federal entities, including  
7       Sector-Specific Agencies, and non-Federal entities,  
8       including international entities, to carry out the cy-  
9       bersecurity and critical infrastructure activities of  
10      the Agency, as appropriate;

11              “(3) carry out the responsibilities of the Sec-  
12      retary to secure Federal information and informa-  
13      tion systems consistent with law, including sub-  
14      chapter II of chapter 35 of title 44, United States  
15      Code, and the Cybersecurity Act of 2015 (contained  
16      in division N of the Consolidated Appropriations  
17      Act, 2016 (Public Law 114–113));

18              “(4) coordinate a national effort to secure and  
19      protect against critical infrastructure risks, con-  
20      sistent with subsection (e)(1)(E);

21              “(5) oversee the EMP and GMD planning and  
22      protection and preparedness activities of the Agency;

23              “(6) upon request, provide analyses, expertise,  
24      and other technical assistance to critical infrastruc-  
25      ture owners and operators and, where appropriate,

1 provide those analyses, expertise, and other technical  
2 assistance in coordination with Sector-Specific Agen-  
3 cies and other Federal departments and agencies;

4 “(7) develop and utilize mechanisms for active  
5 and frequent collaboration between the Agency and  
6 Sector-Specific Agencies to ensure appropriate co-  
7 ordination, situational awareness, and communica-  
8 tions with Sector-Specific Agencies;

9 “(8) maintain and utilize mechanisms for the  
10 regular and ongoing consultation and collaboration  
11 among the Divisions of the Agency to further oper-  
12 ational coordination, integrated situational aware-  
13 ness, and improved integration across the Agency in  
14 accordance with this Act;

15 “(9) develop, coordinate, and implement—

16 “(A) comprehensive strategic plans for the  
17 activities of the Agency; and

18 “(B) risk assessments by and for the  
19 Agency;

20 “(10) carry out emergency communications re-  
21 sponsibilities, in accordance with title XVIII;

22 “(11) carry out cybersecurity, infrastructure se-  
23 curity, and emergency communications stakeholder  
24 outreach and engagement and coordinate that out-

1 reach and engagement with critical infrastructure  
2 Sector-Specific Agencies, as appropriate;

3 “(12) oversee an integrated analytical approach  
4 to physical and cyber infrastructure analysis; and

5 “(13) carry out such other duties and powers  
6 prescribed by law or delegated by the Secretary.

7 “(d) DEPUTY DIRECTOR.—There shall be in the  
8 Agency a Deputy Director of Cybersecurity and Infra-  
9 structure Security who shall—

10 “(1) assist the Director in the management of  
11 the Agency; and

12 “(2) report to the Director.

13 “(e) CYBERSECURITY AND INFRASTRUCTURE SECU-  
14 RITY AUTHORITIES OF THE SECRETARY.—

15 “(1) IN GENERAL.—The responsibilities of the  
16 Secretary relating to cybersecurity and infrastruc-  
17 ture security shall include the following:

18 “(A) To access, receive, and analyze law  
19 enforcement information, intelligence informa-  
20 tion, and other information from Federal Gov-  
21 ernment agencies, State, local, tribal, and terri-  
22 torial government agencies, including law en-  
23 forcement agencies, and private sector entities,  
24 and to integrate that information, in support of

1 the mission responsibilities of the Department,  
2 in order to—

3 “(i) identify and assess the nature  
4 and scope of terrorist threats to the home-  
5 land;

6 “(ii) detect and identify threats of ter-  
7 rorism against the United States; and

8 “(iii) understand those threats in light  
9 of actual and potential vulnerabilities of  
10 the homeland.

11 “(B) To carry out comprehensive assess-  
12 ments of the vulnerabilities of the key resources  
13 and critical infrastructure of the United States,  
14 including the performance of risk assessments  
15 to determine the risks posed by particular types  
16 of terrorist attacks within the United States,  
17 including an assessment of the probability of  
18 success of those attacks and the feasibility and  
19 potential efficacy of various countermeasures to  
20 those attacks. At the discretion of the Sec-  
21 retary, such assessments may be carried out in  
22 coordination with Sector-Specific Agencies.

23 “(C) To integrate relevant information,  
24 analysis, and vulnerability assessments, regard-  
25 less of whether the information, analysis, or as-



1            assessments are provided or produced by the De-  
2            partment, in order to make recommendations,  
3            including prioritization, for protective and sup-  
4            port measures by the Department, other Fed-  
5            eral Government agencies, State, local, tribal,  
6            and territorial government agencies and au-  
7            thorities, the private sector, and other entities  
8            regarding terrorist and other threats to home-  
9            land security.

10           “(D) To ensure, pursuant to section 202,  
11           the timely and efficient access by the Depart-  
12           ment to all information necessary to discharge  
13           the responsibilities under this title, including  
14           obtaining that information from other Federal  
15           Government agencies.

16           “(E) To develop, in coordination with the  
17           Sector-Specific Agencies with available exper-  
18           tise, a comprehensive national plan for securing  
19           the key resources and critical infrastructure of  
20           the United States, including power production,  
21           generation, and distribution systems, informa-  
22           tion technology and telecommunications systems  
23           (including satellites), electronic financial and  
24           property record storage and transmission sys-  
25           tems, emergency communications systems, and

1 the physical and technological assets that sup-  
2 port those systems.

3 “(F) To recommend measures necessary to  
4 protect the key resources and critical infra-  
5 structure of the United States in coordination  
6 with other Federal Government agencies, in-  
7 cluding Sector-Specific Agencies, and in co-  
8 operation with State, local, tribal, and terri-  
9 torial government agencies and authorities, the  
10 private sector, and other entities.

11 “(G) To review, analyze, and make rec-  
12 ommendations for improvements to the policies  
13 and procedures governing the sharing of infor-  
14 mation relating to homeland security within the  
15 Federal Government and between Federal Gov-  
16 ernment agencies and State, local, tribal, and  
17 territorial government agencies and authorities.

18 “(H) To disseminate, as appropriate, infor-  
19 mation analyzed by the Department within the  
20 Department, to other Federal Government  
21 agencies with responsibilities relating to home-  
22 land security, and to State, local, tribal, and  
23 territorial government agencies and private sec-  
24 tor entities with those responsibilities in order  
25 to assist in the deterrence, prevention, preemp-

1           tion of, or response to, terrorist attacks against  
2           the United States.

3           “(I) To consult with State, local, tribal,  
4           and territorial government agencies and private  
5           sector entities to ensure appropriate exchanges  
6           of information, including law enforcement-re-  
7           lated information, relating to threats of ter-  
8           rorism against the United States.

9           “(J) To ensure that any material received  
10          pursuant to this Act is protected from unau-  
11          thorized disclosure and handled and used only  
12          for the performance of official duties.

13          “(K) To request additional information  
14          from other Federal Government agencies, State,  
15          local, tribal, and territorial government agen-  
16          cies, and the private sector relating to threats  
17          of terrorism in the United States, or relating to  
18          other areas of responsibility assigned by the  
19          Secretary, including the entry into cooperative  
20          agreements through the Secretary to obtain  
21          that information.

22          “(L) To establish and utilize, in conjunc-  
23          tion with the Chief Information Officer of the  
24          Department, a secure communications and in-  
25          formation technology infrastructure, including

1 data-mining and other advanced analytical  
2 tools, in order to access, receive, and analyze  
3 data and information in furtherance of the re-  
4 sponsibilities under this section, and to dissemi-  
5 nate information acquired and analyzed by the  
6 Department, as appropriate.

7 “(M) To coordinate training and other  
8 support to the elements and personnel of the  
9 Department, other Federal Government agen-  
10 cies, and State, local, tribal, and territorial gov-  
11 ernment agencies that provide information to  
12 the Department, or are consumers of informa-  
13 tion provided by the Department, in order to  
14 facilitate the identification and sharing of infor-  
15 mation revealed in their ordinary duties and the  
16 optimal utilization of information received from  
17 the Department.

18 “(N) To coordinate with Federal, State,  
19 local, tribal, and territorial law enforcement  
20 agencies, and the private sector, as appropriate.

21 “(O) To exercise the authorities and over-  
22 sight of the functions, personnel, assets, and li-  
23 abilities of those components transferred to the  
24 Department pursuant to section 201(g).

1                   “(P) To carry out the functions of the na-  
2                   tional cybersecurity and communications inte-  
3                   gration center under section 2209.

4                   “(Q) To carry out requirements of the  
5                   Chemical Facility Anti-Terrorism Standards  
6                   Program established under title XXI and the  
7                   responsibilities relating to the secure handling  
8                   of ammonium nitrate under subtitle J of title  
9                   VIII.

10                  “(2) REALLOCATION.—The Secretary may re-  
11                  allocate within the Agency the functions specified in  
12                  sections 2203(b) and 2204(b), consistent with the  
13                  responsibilities provided in paragraph (1), upon cer-  
14                  tifying to and briefing the appropriate congressional  
15                  committees, and making available to the public, not  
16                  less than 60 days before the reallocation that the re-  
17                  allocation is necessary for carrying out the activities  
18                  of the Agency.

19                  “(3) STAFF.—

20                  “(A) IN GENERAL.—The Secretary shall  
21                  provide the Agency with a staff of analysts hav-  
22                  ing appropriate expertise and experience to as-  
23                  sist the Agency in discharging the responsibil-  
24                  ities of the Agency under this section.

1           “(B) PRIVATE SECTOR ANALYSTS.—Ana-  
2           lysts under this subsection may include analysts  
3           from the private sector.

4           “(C) SECURITY CLEARANCES.—Analysts  
5           under this subsection shall possess security  
6           clearances appropriate for their work under this  
7           section.

8           “(4) DETAIL OF PERSONNEL.—

9           “(A) IN GENERAL.—In order to assist the  
10          Agency in discharging the responsibilities of the  
11          Agency under this section, employees of the  
12          Federal agencies described in subparagraph (B)  
13          may be detailed to the Agency for the perform-  
14          ance of analytic functions and related duties.

15          “(B) AGENCIES.—The Federal agencies  
16          described in this subparagraph are—

17                 “(i) the Department of State;

18                 “(ii) the Central Intelligence Agency;

19                 “(iii) the Federal Bureau of Investiga-  
20          tion;

21                 “(iv) the National Security Agency;

22                 “(v) the National Geospatial-Intel-  
23          ligence Agency;

24                 “(vi) the Defense Intelligence Agency;

25                 “(vii) Sector-Specific Agencies; and

1                   “(viii) any other agency of the Fed-  
2                   eral Government that the President con-  
3                   siders appropriate.

4                   “(C) INTERAGENCY AGREEMENTS.—The  
5                   Secretary and the head of a Federal agency de-  
6                   scribed in subparagraph (B) may enter into  
7                   agreements for the purpose of detailing employ-  
8                   ees under this paragraph.

9                   “(D) BASIS.—The detail of employees  
10                  under this paragraph may be on a reimbursable  
11                  or non-reimbursable basis.

12                  “(f) COMPOSITION.—The Agency shall be composed  
13                  of the following divisions:

14                  “(1) The Cybersecurity Division, headed by an  
15                  Assistant Director.

16                  “(2) The Infrastructure Security Division,  
17                  headed by an Assistant Director.

18                  “(3) The Emergency Communications Division  
19                  under title XVIII, headed by an Assistant Director.

20                  “(g) CO-LOCATION.—

21                  “(1) IN GENERAL.—To the maximum extent  
22                  practicable, the Director shall examine the establish-  
23                  ment of central locations in geographical regions  
24                  with a significant Agency presence.

1           “(2) COORDINATION.—When establishing the  
2           central locations described in paragraph (1), the Di-  
3           rector shall coordinate with component heads and  
4           the Under Secretary for Management to co-locate or  
5           partner on any new real property leases, renewing  
6           any occupancy agreements for existing leases, or  
7           agreeing to extend or newly occupy any Federal  
8           space or new construction.

9           “(h) PRIVACY.—

10           “(1) IN GENERAL.—There shall be a Privacy  
11           Officer of the Agency with primary responsibility for  
12           privacy policy and compliance for the Agency.

13           “(2) RESPONSIBILITIES.—The responsibilities  
14           of the Privacy Officer of the Agency shall include—

15                   “(A) ensuring that the use of technologies  
16                   by the Agency sustain, and do not erode, pri-  
17                   vacy protections relating to the use, collection,  
18                   and disclosure of personal information;

19                   “(B) ensuring that personal information  
20                   contained in systems of records of the Agency  
21                   is handled in full compliance as specified in sec-  
22                   tion 552a of title 5, United States Code (com-  
23                   monly known as the ‘Privacy Act of 1974’);

24                   “(C) evaluating legislative and regulatory  
25                   proposals involving collection, use, and disclo-



1           sure of personal information by the Agency;  
2           and

3           “(D) conducting a privacy impact assess-  
4           ment of proposed rules of the Agency on the  
5           privacy of personal information, including the  
6           type of personal information collected and the  
7           number of people affected.

8           “(i) SAVINGS.—Nothing in this title may be con-  
9           strued as affecting in any manner the authority, existing  
10          on the day before the date of enactment of this title, of  
11          any other component of the Department or any other Fed-  
12          eral department or agency.

13       **“SEC. 2203. CYBERSECURITY DIVISION.**

14           “(a) ESTABLISHMENT.—

15           “(1) IN GENERAL.—There is established in the  
16          Agency a Cybersecurity Division.

17           “(2) ASSISTANT DIRECTOR.—The Cybersecurity  
18          Division shall be headed by an Assistant Director for  
19          Cybersecurity (in this section referred to as the ‘As-  
20          sistant Director’), who shall—

21           “(A) be at the level of Assistant Secretary  
22          within the Department;

23           “(B) be appointed by the President with-  
24          out the advice and consent of the Senate; and

25           “(C) report to the Director.

1           “(3) REFERENCE.—Any reference to the Assist-  
2           ant Secretary for Cybersecurity and Communica-  
3           tions in any law, regulation, map, document, record,  
4           or other paper of the United States shall be deemed  
5           to be a reference to the Assistant Director for Cy-  
6           bersecurity.

7           “(b) FUNCTIONS.—The Assistant Director shall—

8                 “(1) direct the cybersecurity efforts of the  
9           Agency;

10                “(2) carry out activities, at the direction of the  
11           Director, related to the security of Federal informa-  
12           tion and Federal information systems consistent  
13           with law, including subchapter II of chapter 35 of  
14           title 44, United States Code, and the Cybersecurity  
15           Act of 2015 (contained in division N of the Consoli-  
16           dated Appropriations Act, 2016 (Public Law 114–  
17           113));

18                “(3) fully participate in the mechanisms re-  
19           quired under section 2202(c)(7); and

20                “(4) carry out such other duties and powers as  
21           prescribed by the Director.

22   **“SEC. 2204. INFRASTRUCTURE SECURITY DIVISION.**

23           “(a) ESTABLISHMENT.—

24                “(1) IN GENERAL.—There is established in the  
25           Agency an Infrastructure Security Division.

1           “(2) ASSISTANT DIRECTOR.—The Infrastruc-  
2           ture Security Division shall be headed by an Assist-  
3           ant Director for Infrastructure Security (in this sec-  
4           tion referred to as the ‘Assistant Director’), who  
5           shall—

6                   “(A) be at the level of Assistant Secretary  
7                   within the Department;

8                   “(B) be appointed by the President with-  
9                   out the advice and consent of the Senate; and

10                   “(C) report to the Director.

11           “(3) REFERENCE.—Any reference to the Assist-  
12           ant Secretary for Infrastructure Protection in any  
13           law, regulation, map, document, record, or other  
14           paper of the United States shall be deemed to be a  
15           reference to the Assistant Director for Infrastruc-  
16           ture Security.

17           “(b) FUNCTIONS.—The Assistant Director shall—

18                   “(1) direct the critical infrastructure security  
19                   efforts of the Agency;

20                   “(2) carry out, at the direction of the Director,  
21                   the Chemical Facilities Anti-Terrorism Standards  
22                   Program established under title XXI and the re-  
23                   sponsibilities relating to the secure handling of am-  
24                   monium nitrate under subtitle J of title VIII;

1           “(3) fully participate in the mechanisms re-  
2           quired under section 2202(c)(7); and

3           “(4) carry out such other duties and powers as  
4           prescribed by the Director.”.

5           (b) TREATMENT OF CERTAIN POSITIONS.—

6           (1) UNDER SECRETARY.—The individual serv-  
7           ing as the Under Secretary appointed pursuant to  
8           section 103(a)(1)(H) of the Homeland Security Act  
9           of 2002 (6 U.S.C. 113(a)(1)(H)) of the Department  
10          of Homeland Security on the day before the date of  
11          enactment of this Act may continue to serve as the  
12          Director of Cybersecurity and Infrastructure Secu-  
13          rity of the Department on and after such date.

14          (2) DIRECTOR FOR EMERGENCY COMMUNICA-  
15          TIONS.—The individual serving as the Director for  
16          Emergency Communications of the Department of  
17          Homeland Security on the day before the date of en-  
18          actment of this Act may continue to serve as the As-  
19          sistant Director for Emergency Communications of  
20          the Department on and after such date.

21          (3) ASSISTANT SECRETARY FOR CYBERSECU-  
22          RITY AND COMMUNICATIONS.—The individual serv-  
23          ing as the Assistant Secretary for Cybersecurity and  
24          Communications on the day before the date of enact-  
25          ment of this Act may continue to serve as the As-

1       sistant Director for Cybersecurity on and after such  
2       date.

3               (4) ASSISTANT SECRETARY FOR INFRASTRUC-  
4       TURE PROTECTION.—The individual serving as the  
5       Assistant Secretary for Infrastructure Protection on  
6       the day before the date of enactment of this Act may  
7       continue to serve as the Assistant Director for Infra-  
8       structure Security on and after such date.

9       (c) REFERENCE.—Any reference to—

10              (1) the Office of Emergency Communications in  
11       any law, regulation, map, document, record, or other  
12       paper of the United States shall be deemed to be a  
13       reference to the Emergency Communications Divi-  
14       sion; and

15              (2) the Director for Emergency Communica-  
16       tions in any law, regulation, map, document, record,  
17       or other paper of the United States shall be deemed  
18       to be a reference to the Assistant Director for Emer-  
19       gency Communications.

20       (d) OVERSIGHT.—The Director of the Cybersecurity  
21       and Infrastructure Security Agency of the Department of  
22       Homeland Security shall provide to Congress, in accord-  
23       ance with the deadlines specified in paragraphs (1)  
24       through (6), information on the following:

1           (1) Not later than 60 days after the date of en-  
2           actment of this Act, a briefing on the activities of  
3           the Agency relating to the development and use of  
4           the mechanisms required pursuant to section  
5           2202(c)(7) of the Homeland Security Act of 2002  
6           (as added by subsection (a)).

7           (2) Not later than 1 year after the date of the  
8           enactment of this Act, a briefing on the activities of  
9           the Agency relating to the use and improvement by  
10          the Agency of the mechanisms required pursuant to  
11          section 2202(c)(7) of the Homeland Security Act of  
12          2002 and how such activities have impacted coordi-  
13          nation, situational awareness, and communications  
14          with Sector-Specific Agencies.

15          (3) Not later than 90 days after the date of the  
16          enactment of this Act, information on the mecha-  
17          nisms of the Agency for regular and ongoing con-  
18          sultation and collaboration, as required pursuant to  
19          section 2202(c)(8) of the Homeland Security Act of  
20          2002 (as added by subsection (a)).

21          (4) Not later than 1 year after the date of the  
22          enactment of this Act, information on the activities  
23          of the consultation and collaboration mechanisms of  
24          the Agency as required pursuant to section  
25          2202(c)(8) of the Homeland Security Act of 2002,

1       and how such mechanisms have impacted oper-  
2       ational coordination, situational awareness, and inte-  
3       gration across the Agency.

4           (5) Not later than 180 days after the date of  
5       enactment of this Act, information, which shall be  
6       made publicly available and updated as appropriate,  
7       on the mechanisms and structures of the Agency re-  
8       sponsible for stakeholder outreach and engagement,  
9       as required under section 2202(c)(11) of the Home-  
10      land Security Act of 2002 (as added by subsection  
11      (a)).

12          (6) Not later than 1 year after the date of en-  
13      actment of this Act, and annually thereafter, infor-  
14      mation on EMP and GMD (as defined in section 2  
15      of the Homeland Security Act (6 U.S.C. 101)),  
16      which shall include—

17           (A) a summary of the threats and con-  
18           sequences, as of the date of the information, of  
19           electromagnetic events to the critical infrastruc-  
20           ture of the United States;

21           (B) Department of Homeland Security ef-  
22           forts as of the date of the information, includ-  
23           ing with respect to—

24                   (i) risk assessments;

25                   (ii) mitigation actions;

1 (iii) coordinating with the Department  
2 of Energy to identify critical electric infra-  
3 structure assets subject to EMP or GMD  
4 risk; and

5 (iv) current and future plans for en-  
6 gagement with the Department of Energy,  
7 the Department of Defense, the National  
8 Oceanic and Atmospheric Administration,  
9 and other relevant Federal departments  
10 and agencies.

11 (C) as of the date of the information, cur-  
12 rent collaboration, and plans for future engage-  
13 ment, with critical infrastructure owners and  
14 operators.

15 (D) an identification of internal roles to  
16 address electromagnetic risks to critical infra-  
17 structure; and

18 (E) plans for implementation and pro-  
19 tecting and preparing United States critical in-  
20 frastructure against electromagnetic threats.

21 (e) CYBER WORKFORCE.—Not later than 90 days  
22 after the date of enactment of this Act, the Director of  
23 the Cybersecurity and Infrastructure Security Agency of  
24 the Department of Homeland Security, in coordination  
25 with the Director of the Office of Personnel Management,



1 shall submit to Congress a report detailing how the Agen-  
2 cy is meeting the requirements under the Cybersecurity  
3 Workforce Assessment Act (Public Law 113–246; 6  
4 U.S.C. 146) and the Homeland Security Cybersecurity  
5 Workforce Assessment Act (6 U.S.C. 146 note) to address  
6 cyber workforce needs.

7 (f) FACILITY.—Not later than 180 days after the  
8 date of enactment of this Act, the Director of the Cyberse-  
9 curity and Infrastructure Security Agency of the Depart-  
10 ment of Homeland Security shall report to Congress on  
11 the most efficient and effective methods of consolidating  
12 Agency facilities, personnel, and programs to most effec-  
13 tively carry out the mission of the Agency.

14 (g) TECHNICAL AND CONFORMING AMENDMENTS TO  
15 THE HOMELAND SECURITY ACT OF 2002.—The Home-  
16 land Security Act of 2002 (6 U.S.C. 101 et seq.) is amend-  
17 ed—

18 (1) by amending section 103(a)(1)(H) (6  
19 U.S.C. 113(a)(1)(H)) to read as follows:

20 “(H) A Director of the Cybersecurity and  
21 Infrastructure Security Agency.”;

22 (2) in title II (6 U.S.C. 121 et seq.)—

23 (A) in the title heading, by striking “**AND**  
24 **INFRASTRUCTURE PROTECTION**”;

1 (B) in the subtitle A heading, by striking  
2 **“and Infrastructure Protection”**;

3 (C) in section 201 (6 U.S.C. 121)—

4 (i) in the section heading, by striking  
5 **“AND INFRASTRUCTURE PROTEC-**  
6 **TION”**;

7 (ii) in subsection (a)—

8 (I) in the subsection heading, by  
9 striking **“AND INFRASTRUCTURE PRO-**  
10 **TECTION”**; and

11 (II) by striking **“and an Office of**  
12 **Infrastructure Protection”**;

13 (iii) in subsection (b)—

14 (I) in the subsection heading, by  
15 striking **“AND ASSISTANT SECRETARY**  
16 **FOR INFRASTRUCTURE PROTECTION”**;  
17 and

18 (II) by striking paragraph (3);

19 (iv) in subsection (c)—

20 (I) by striking **“and infrastruc-**  
21 **ture protection”**; and

22 (II) by striking **“or the Assistant**  
23 **Secretary for Infrastructure Protec-**  
24 **tion, as appropriate”**;

25 (v) in subsection (d)—

## 315

1 (I) in the subsection heading, by  
2 striking “AND INFRASTRUCTURE PRO-  
3 TECTION”;

4 (II) in the matter preceding  
5 paragraph (1), by striking “and infra-  
6 structure protection”;

7 (III) by striking paragraphs (5),  
8 (6), and (25);

9 (IV) by redesignating paragraphs  
10 (7) through (24) as paragraphs (5)  
11 through (22), respectively;

12 (V) by redesignating paragraph  
13 (26) as paragraph (23); and

14 (VI) in paragraph (23)(B)(i), as  
15 so redesignated, by striking “section  
16 319” and inserting “section 320”;

17 (vi) in subsection (e)(1), by striking  
18 “and the Office of Infrastructure Protec-  
19 tion”; and

20 (vii) in subsection (f)(1), by striking  
21 “and the Office of Infrastructure Protec-  
22 tion”;

23 (D) in section 202 (6 U.S.C. 122)—

24 (i) in subsection (c), in the matter  
25 preceding paragraph (1), by striking “Di-

1           rector of Central Intelligence” and insert-  
2           ing “Director of National Intelligence”;  
3           and

4                 (ii) in subsection (d)(2), by striking  
5           “Director of Central Intelligence” and in-  
6           serting “Director of National Intelligence”;  
7           (E) in section 204 (6 U.S.C. 124a)—

8                 (i) in subsection (c)(1), in the matter  
9           preceding subparagraph (A), by striking  
10          “Assistant Secretary for Infrastructure  
11          Protection” and inserting “Director of the  
12          Cybersecurity and Infrastructure Security  
13          Agency”; and

14                (ii) in subsection (d)(1), in the matter  
15          preceding subparagraph (A), by striking  
16          “Assistant Secretary for Infrastructure  
17          Protection” and inserting “Director of the  
18          Cybersecurity and Infrastructure Security  
19          Agency”;

20                (F) in section 210A(c)(2)(B) (6 U.S.C.  
21          124h(c)(2)(B)), by striking “Office of Infra-  
22          structure Protection” and inserting “Cybersecu-  
23          rity and Infrastructure Security Agency”;

24                (G) by redesignating section 210E (6  
25          U.S.C. 124l) as section 2214 and transferring

1 such section to appear after section 2213 (as  
2 redesignated by subparagraph (I));

3 (H) in subtitle B, by redesignating sections  
4 211 through 215 (6 U.S.C. 101 note, and 131  
5 through 134) as sections 2221 through 2225,  
6 respectively, and transferring such subtitle, in-  
7 cluding the enumerator and heading of subtitle  
8 B and such sections, to appear after section  
9 2214 (as redesignated by subparagraph (G));

10 (I) by redesignating sections 223 through  
11 230 (6 U.S.C. 143 through 151) as sections  
12 2205 through 2213, respectively, and transfer-  
13 ring such sections to appear after section 2204,  
14 as added by this Act;

15 (J) by redesignating section 210F as sec-  
16 tion 210E; and

17 (K) by redesignating subtitles C and D as  
18 subtitles B and C, respectively;

19 (3) in title III (6 U.S.C. 181 et seq.)—

20 (A) in section 302 (6 U.S.C. 182)—

21 (i) by striking “biological,,” each  
22 place that term appears and inserting “bi-  
23 ological,”; and

24 (ii) in paragraph (3), by striking “As-  
25 sistant Secretary for Infrastructure Protec-

1                   tion” and inserting “Director of the Cyber-  
2                   security and Infrastructure Security Agen-  
3                   cy”;

4                   (B) by redesignating the second section  
5                   319 (6 U.S.C. 195f) (relating to EMP and  
6                   GMD mitigation research and development) as  
7                   section 320; and

8                   (C) in section 320(c)(1), as so redesign-  
9                   ated, by striking “Section 214” and inserting  
10                  “Section 2224”;

11                  (4) in title V (6 U.S.C. 311 et seq.)—

12                  (A) in section 508(d)(2)(D) (6 U.S.C.  
13                  318(d)(2)(D)), by striking “The Director of the  
14                  Office of Emergency Communications of the  
15                  Department of Homeland Security” and insert-  
16                  ing “The Assistant Director for Emergency  
17                  Communications”;

18                  (B) in section 514 (6 U.S.C. 321c)—

19                   (i) by striking subsection (b); and

20                   (ii) by redesignating subsection (c) as  
21                   subsection (b);

22                  (C) in section 523 (6 U.S.C. 321l)—

23                   (i) in subsection (a), in the matter  
24                   preceding paragraph (1), by striking “As-  
25                   sistant Secretary for Infrastructure Protec-

1                   tion” and inserting “Director of Cyberse-  
2                   curity and Infrastructure Security”; and

3                   (ii) in subsection (c), by striking “As-  
4                   sistant Secretary for Infrastructure Protec-  
5                   tion” and inserting “Director of Cyberse-  
6                   curity and Infrastructure Security”; and

7                   (D) in section 524(a)(2)(B) (6 U.S.C.  
8                   321m(a)(2)(B)), in the matter preceding clause  
9                   (i)—

10                   (i) by striking “Assistant Secretary  
11                   for Infrastructure Protection” and insert-  
12                   ing “Director of Cybersecurity and Infra-  
13                   structure Security”; and

14                   (ii) by striking “of the Assistant Sec-  
15                   retary” and inserting “of the Director”;

16                   (5) in title VIII (6 U.S.C. 361 et seq.)—

17                   (A) in section 884(d)(4)(A)(ii) (6 U.S.C.  
18                   464(d)(4)(A)(ii)), by striking “Under Secretary  
19                   responsible for overseeing critical infrastructure  
20                   protection, cybersecurity, and other related pro-  
21                   grams of the Department” and inserting “Di-  
22                   rector of Cybersecurity and Infrastructure Se-  
23                   curity”; and

24                   (B) in section 899B(a) (6 U.S.C. 488a(a)),  
25                   by adding at the end the following: “Such regu-

1           lations shall be carried out by the Cybersecurity  
2           and Infrastructure Security Agency.”;

3           (6) in title XVIII (6 U.S.C. 571 et seq.)—

4                 (A) in section 1801 (6 U.S.C. 571)—

5                     (i) in the section heading, by striking

6                     **“OFFICE OF EMERGENCY COMMU-**

7                     **NICATIONS”** and inserting **“EMERGENCY**

8                     **COMMUNICATIONS DIVISION”**;

9                     (ii) in subsection (a)—

10                         (I) by striking “Office of Emer-

11                         gency Communications” and inserting

12                         “Emergency Communications Divi-

13                         sion”; and

14                         (II) by adding at the end the fol-

15                         lowing: “The Division shall be located

16                         in the Cybersecurity and Infrastruc-

17                         ture Security Agency.”;

18                         (iii) by amending subsection (b) to

19                         read as follows:

20           “(b) ASSISTANT DIRECTOR.—The head of the Divi-

21           sion shall be the Assistant Director for Emergency Com-

22           munications. The Assistant Director shall report to the

23           Director of Cybersecurity and Infrastructure Security. All

24           decisions of the Assistant Director that entail the exercise

25           of significant authority shall be subject to the approval



1 of the Director of Cybersecurity and Infrastructure Secu-  
2 rity.”;

3 (iv) in subsection (c)—

4 (I) in the matter preceding para-  
5 graph (1), by inserting “Assistant”  
6 before “Director”;

7 (II) in paragraph (15), as added  
8 by section 1431(a)(7), by striking  
9 “and” at the end;

10 (III) by redesignating paragraph  
11 (16), as so redesignated by section  
12 1431(a)(3), as paragraph (17); and

13 (IV) by inserting after paragraph  
14 (15) the following:

15 “(16) fully participate in the mechanisms re-  
16 quired under section 2202(c)(8); and”;

17 (v) in subsection (d), by inserting  
18 “Assistant” before “Director”; and

19 (vi) in subsection (e), in the matter  
20 preceding paragraph (1), by inserting “As-  
21 sistant” before “Director”;

22 (B) in sections 1802 through 1805 (6  
23 U.S.C. 572 through 575), by striking “Director  
24 for Emergency Communications” each place

1           that term appears and inserting “Assistant Di-  
2           rector for Emergency Communications”;

3           (C) in section 1809 (6 U.S.C. 579)—

4           (i) by striking “Director of Emer-  
5           gency Communications” each place that  
6           term appears and inserting “Assistant Di-  
7           rector for Emergency Communications”;

8           (ii) in subsection (b)—

9           (I) by striking “Director for  
10          Emergency Communications” and in-  
11          serting “Assistant Director for Emer-  
12          gency Communications”; and

13          (II) by striking “Office of Emer-  
14          gency Communications” and inserting  
15          “Emergency Communications Divi-  
16          sion”;

17          (iii) in subsection (e)(3), by striking  
18          “the Director” and inserting “the Assist-  
19          ant Director”; and

20          (iv) in subsection (m)(1)—

21          (I) by striking “The Director”  
22          and inserting “The Assistant Direc-  
23          tor”;

1 (II) by striking “the Director de-  
2 termines” and inserting “the Assist-  
3 ant Director determines”; and

4 (III) by striking “Office of Emer-  
5 gency Communications” and inserting  
6 “Cybersecurity and Infrastructure Se-  
7 curity Agency”;

8 (D) in section 1810 (6 U.S.C. 580)—

9 (i) in subsection (a)(1), by striking  
10 “Director of the Office of Emergency Com-  
11 munications (referred to in this section as  
12 the ‘Director’)” and inserting “Assistant  
13 Director for Emergency Communications  
14 (referred to in this section as the ‘Assist-  
15 ant Director’)”;

16 (ii) in subsection (c), by striking “Of-  
17 fice of Emergency Communications” and  
18 inserting “Emergency Communications Di-  
19 vision”; and

20 (iii) by striking “Director” each place  
21 that term appears and inserting “Assistant  
22 Director”;

23 (7) in title XX (6 U.S.C. 601 et seq.)—

24 (A) in paragraph (5)(A)(iii)(II) of section  
25 2001 (6 U.S.C. 601), as so redesignated by sec-

1           tion 1451(b), by striking “section 210E(a)(2)”  
2           and inserting “section 2214(a)(2)”;

3                 (B) in section 2008(a)(3) (6 U.S.C.  
4           609(a)(3)), by striking “section 210E(a)(2)”  
5           and inserting “section 2214(a)(2)”;

6                 (C) in section 2021 (6 U.S.C. 611)—  
7                         (i) by striking subsection (c); and  
8                         (ii) by redesignating subsection (d) as  
9           subsection (c);

10           (8) in title XXI (6 U.S.C. 621 et seq.)—

11                 (A) in section 2102(a)(1) (6 U.S.C.  
12           622(a)(1)), by inserting “, which shall be lo-  
13           cated in the Cybersecurity and Infrastructure  
14           Security Agency” before the period at the end;  
15           and

16                 (B) in section 2104(c)(2) (6 U.S.C.  
17           624(c)(2)), by striking “Under Secretary re-  
18           sponsible for overseeing critical infrastructure  
19           protection, cybersecurity, and other related pro-  
20           grams of the Department appointed under sec-  
21           tion 103(a)(1)(H)” and inserting “Director of  
22           Cybersecurity and Infrastructure Security”; and  
23           (9) in title XXII, as added by this Act—

24                 (A) in subtitle A—

1 (i) in section 2205, as so redesign-  
2 nated—

3 (I) in the matter preceding para-  
4 graph (1)—

5 (aa) by striking “section  
6 201” and inserting “section  
7 2202”; and

8 (bb) by striking “Under Sec-  
9 retary appointed under section  
10 103(a)(1)(H)” and inserting “Di-  
11 rector”; and

12 (II) in paragraph (1)(B), by  
13 striking “and” at the end;

14 (ii) in section 2206, as so redesign-  
15 nated, by striking “Assistant Secretary for  
16 Infrastructure Protection” and inserting  
17 “Director of the Cybersecurity and Infra-  
18 structure Security Agency”;

19 (iii) in section 2209, as so redesign-  
20 nated—

21 (I) by striking “Under Secretary  
22 appointed under section  
23 103(a)(1)(H)” each place that term  
24 appears and inserting “Director”;

1 (II) in subsection (a)(4), by  
2 striking “section 212(5)” and insert-  
3 ing “section 2222(5)”;

4 (III) in subsection (b), by adding  
5 at the end the following: “The Center  
6 shall be located in the Cybersecurity  
7 and Infrastructure Security Agency.  
8 The head of the Center shall report to  
9 the Assistant Director for Cybersecu-  
10 rity.”; and

11 (IV) in subsection (c)(11), by  
12 striking “Office of Emergency Com-  
13 munications” and inserting “Emer-  
14 gency Communications Division”;

15 (iv) in section 2210, as so redesign-  
16 nated—

17 (I) by striking “section 227”  
18 each place that term appears and in-  
19 serting “section 2209”; and

20 (II) in subsection (c)—

21 (aa) by striking “Under Sec-  
22 retary appointed under section  
23 103(a)(1)(H)” and inserting “Di-  
24 rector”; and

## 327

1 (bb) by striking “section  
2 212(5)” and inserting “section  
3 2222(5)”;

4 (v) in section 2211, as so redesign-  
5 nated—

6 (I) in subsection (b)(2)(A), by  
7 striking “section 227” and inserting  
8 “section 2209”; and

9 (II) in subsection (c)(1)(C), by  
10 striking “section 707” and inserting  
11 “section 706”;

12 (vi) in section 2212, as so redesign-  
13 nated, by striking “section 212(5)” and in-  
14 serting “section 2222(5)”;

15 (vii) in section 2213(a), as so redesign-  
16 nated—

17 (I) in paragraph (3), by striking  
18 “section 228” and inserting “section  
19 2210”; and

20 (II) in paragraph (4), by striking  
21 “section 227” and inserting “section  
22 2209”; and

23 (viii) in section 2214, as so redesign-  
24 nated—

1 (I) by striking subsection (e);

2 and

3 (II) by redesignating subsection

4 (f) as subsection (e); and

5 (B) in subtitle B—

6 (i) in section 2222(8), as so redesign-  
7 nated, by striking “section 227” and in-  
8 serting “section 2209”; and

9 (ii) in section 2224(h), as so redesign-  
10 nated, by striking “section 213” and in-  
11 serting “section 2223”;

12 (h) TECHNICAL AND CONFORMING AMENDMENTS TO  
13 OTHER LAWS.—

14 (1) CYBERSECURITY ACT OF 2015.—The Cyber-  
15 security Act of 2015 (contained in division N of the  
16 Consolidated Appropriations Act, 2016 (Public Law  
17 114–113)) is amended—

18 (A) in section 202(2) (6 U.S.C. 131  
19 note)—

20 (i) by striking “section 227” and in-  
21 serting “section 2209”; and

22 (ii) by striking “, as so redesignated  
23 by section 223(a)(3) of this division”;

24 (B) in section 207(2) (Public Law 114–  
25 113; 129 Stat. 2962)—



1 (i) by striking “section 227” and in-  
2 serting “section 2209”; and

3 (ii) by striking “, as redesignated by  
4 section 223(a) of this division,”;

5 (C) in section 208 (Public Law 114–113;  
6 129 Stat. 2962), by striking “Under Secretary  
7 appointed under section 103(a)(1)(H) of the  
8 Homeland Security Act of 2002 (6 U.S.C.  
9 113(a)(1)(H))” and inserting “Director of Cy-  
10 bersecurity and Infrastructure Security of the  
11 Department”;

12 (D) in section 222 (6 U.S.C. 1521)—

13 (i) in paragraph (2)—

14 (I) by striking “section 228” and  
15 inserting “section 2210”; and

16 (II) by striking “, as added by  
17 section 223(a)(4) of this division”;  
18 and

19 (ii) in paragraph (4)—

20 (I) by striking “section 227” and  
21 inserting “section 2209”; and

22 (II) by striking “, as so redesign-  
23 dated by section 223(a)(3) of this di-  
24 vision”;

1 (E) in section 223(b) (6 U.S.C. 151  
2 note)—

3 (i) by striking “section 230(b)(1) of  
4 the Homeland Security Act of 2002, as  
5 added by subsection (a)” each place that  
6 term appears and inserting “section  
7 2213(b)(1) of the Homeland Security Act  
8 of 2002”; and

9 (ii) in paragraph (1)(B), by striking  
10 “section 230(b)(2) of the Homeland Secu-  
11 rity Act of 2002, as added by subsection  
12 (a)” and inserting “section 2213(b)(2) of  
13 the Homeland Security Act of 2002”;

14 (F) in section 226 (6 U.S.C. 1524)—

15 (i) in subsection (a)—

16 (I) in paragraph (1)—

17 (aa) by striking “section  
18 230” and inserting “section  
19 2213”; and

20 (bb) by striking “, as added  
21 by section 223(a)(6) of this divi-  
22 sion”;

23 (II) in paragraph (4)—

331

1 (aa) by striking “section  
2 228(b)(1)” and inserting “section  
3 2210(b)(1)”; and

4 (bb) by striking “, as added  
5 by section 223(a)(4) of this divi-  
6 sion”; and

7 (III) in paragraph (5)—

8 (aa) by striking “section  
9 230(b)” and inserting “section  
10 2213(b)”; and

11 (bb) by striking “, as added  
12 by section 223(a)(6) of this divi-  
13 sion”; and

14 (ii) in subsection (c)(1)(A)(vi)—

15 (I) by striking “section  
16 230(c)(5)” and inserting “section  
17 2213(c)(5)”; and

18 (II) by striking “, as added by  
19 section 223(a)(6) of this division”;

20 (G) in section 227 (6 U.S.C. 1525)—

21 (i) in subsection (a)—

22 (I) by striking “section 230” and  
23 inserting “section 2213”; and

1 (II) by striking “, as added by  
2 section 223(a)(6) of this division,”;  
3 and

4 (ii) in subsection (b)—

5 (I) by striking “section  
6 230(d)(2)” and inserting “section  
7 2213(d)(2)”; and

8 (II) by striking “, as added by  
9 section 223(a)(6) of this division,”;  
10 and

11 (H) in section 404 (6 U.S.C. 1532)—

12 (i) by striking “Director for Emer-  
13 gency Communications” each place that  
14 term appears and inserting “Assistant Di-  
15 rector for Emergency Communications”;  
16 and

17 (ii) in subsection (a)—

18 (I) by striking “section 227” and  
19 inserting “section 2209”; and

20 (II) by striking “, as redesign-  
21 nated by section 223(a)(3) of this di-  
22 vision,”.

23 (2) SMALL BUSINESS ACT.—Section  
24 21(a)(8)(B) of the Small Business Act (15 U.S.C.  
25 648(a)(8)(B)) is amended by striking “section

1       227(a) of the Homeland Security Act of 2002 (6  
2       U.S.C. 148(a))” and inserting “section 2209(a) of  
3       the Homeland Security Act of 2002”.

4           (3) TITLE 5.—Subchapter II of chapter 53 of  
5       title 5, United States Code, is amended—

6           (A) in section 5314, by inserting after  
7       “Under Secretaries, Department of Homeland  
8       Security.” the following:

9       “Director, Cybersecurity and Infrastructure Se-  
10      curity Agency.”; and

11          (B) in section 5315, by inserting after  
12      “Assistant Secretaries, Department of Home-  
13      land Security.” the following:

14      “Assistant Director for Cybersecurity, Cyberse-  
15      curity and Infrastructure Security Agency.

16      “Assistant Director for Infrastructure Security,  
17      Cybersecurity and Infrastructure Security Agency.”.

18      (i) TABLE OF CONTENTS AMENDMENTS.—The table  
19      of contents in section 1(b) of the Homeland Security Act  
20      of 2002 (Public Law 107–296; 116 Stat. 2135) is amend-  
21      ed—

22          (1) by striking the item relating to title II and  
23      inserting the following:

“TITLE II—INFORMATION ANALYSIS”.

1           (2) by striking the item relating to subtitle A  
2           and inserting the following:

          “Subtitle A—Information and Analysis; Access to Information”.

3           (3) by striking the item relating to section 201  
4           and inserting the following:

          “Sec. 201. Information and Analysis.”.

5           (4) by striking the item relating to section  
6           210E;

7           (5) by striking the items relating to subtitle B  
8           of title II and sections 211 through 215; and

9           (6) by striking the items relating to section 223  
10          through section 230;

11          (7) by striking the item relating to subtitle C  
12          and inserting the following:

          “Subtitle B—Information Security”;

13          (8) by striking the item relating to subtitle D  
14          and inserting the following:

          “Subtitle C—Office of Science and Technology”;

15          (9) by striking the items relating to sections  
16          317, 319, 318, and 319 and inserting the following:

          “Sec. 317. Promoting antiterrorism through international cooperation program.

          “Sec. 318. Social media working group.

          “Sec. 319. Transparency in research and development.

          “Sec. 320. EMP and GMD mitigation research and development.”;

17          (10) by striking the item relating to section  
18          1801 and inserting the following:

          “Sec. 1801. Emergency Communications Division.”; and

19          (11) by adding at the end the following:

“TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY  
AGENCY

“Subtitle A—Cybersecurity and Infrastructure Security

- “Sec. 2201. Definitions.
- “Sec. 2202. Cybersecurity and Infrastructure Security Agency.
- “Sec. 2203. Cybersecurity Division.
- “Sec. 2204. Infrastructure Security Division.
- “Sec. 2205. Enhancement of Federal and non-Federal cybersecurity.
- “Sec. 2206. Net guard.
- “Sec. 2207. Cyber Security Enhancement Act of 2002.
- “Sec. 2208. Cybersecurity recruitment and retention.
- “Sec. 2209. National cybersecurity and communications integration center.
- “Sec. 2210. Cybersecurity plans.
- “Sec. 2211. Cybersecurity strategy.
- “Sec. 2212. Clearances.
- “Sec. 2213. Federal intrusion detection and prevention system.
- “Sec. 2214. National Asset Database.

“Subtitle B—Critical Infrastructure Information

- “Sec. 2221. Short title.
- “Sec. 2222. Definitions.
- “Sec. 2223. Designation of critical infrastructure protection program.
- “Sec. 2224. Protection of voluntarily shared critical infrastructure information.
- “Sec. 2225. No private right of action.”.

1 **SEC. 1602. TRANSFER OF OTHER ENTITIES.**

2 (a) OFFICE OF BIOMETRIC IDENTITY MANAGE-  
3 MENT.—The Office of Biometric Identity Management of  
4 the Department of Homeland Security located in the Na-  
5 tional Protection and Programs Directorate of the Depart-  
6 ment of Homeland Security on the day before the date  
7 of enactment of this Act is hereby transferred to the Man-  
8 agement Directorate of the Department.

9 (b) FEDERAL PROTECTIVE SERVICE.—

10 (1) IN GENERAL.—Not later than 90 days fol-  
11 lowing the completion of the Government Account-  
12 ability Office review of the organizational placement  
13 of the Federal Protective Service, as requested by

1 Congress, the Secretary of Homeland Security shall  
2 submit to the Director of the Office of Management  
3 and Budget and the appropriate committees of Con-  
4 gress a recommendation regarding the appropriate  
5 placement of the Federal Protective Service within  
6 the executive branch of the Federal Government.

7 (2) CONSULTATION AND ASSESSMENT.—The  
8 recommendation described in paragraph (1) shall—

9 (A) be developed after consultation with  
10 the head of any executive branch entity that the  
11 Secretary intends to recommend for the place-  
12 ment of the Federal Protective Service; and

13 (B) include—

14 (i) an assessment of the how the De-  
15 partment of Homeland Security considered  
16 the Government Accountability Office re-  
17 view described in paragraph (1) and any  
18 other relevant analysis; and

19 (ii) an explanation of any statutory  
20 changes that may be necessary to effec-  
21 tuate the recommendation.

22 **SEC. 1603. DHS REPORT ON CLOUD-BASED CYBERSECU-**  
23 **RITY.**

24 (a) DEFINITION.—In this section, the term “Depart-  
25 ment” means the Department of Homeland Security.



1       (b) REPORT.—Not later than 120 days after the date  
2 of enactment of this Act, the Secretary of Homeland Secu-  
3 rity, in coordination with the Director of the Office of  
4 Management and Budget and the Administrator of Gen-  
5 eral Services, shall submit to the Committee on Homeland  
6 Security and Governmental Affairs of the Senate and the  
7 Committee on Oversight and Government Reform and the  
8 Committee on Homeland Security of the House of Rep-  
9 resentatives a report on the leadership role of the Depart-  
10 ment in cloud-based cybersecurity deployments for civilian  
11 Federal departments and agencies, which shall include—

12           (1) information on the plan of the Department  
13 for offering automated, software-based Security Op-  
14 erations Center as a service capabilities in accord-  
15 ance with the December 2017 Report to the Presi-  
16 dent on Federal IT Modernization issued by the  
17 American Technology Council;

18           (2) information on what capabilities the De-  
19 partment will prioritize for those service capabilities,  
20 including—

21           (A) criteria the Department will use to  
22 evaluate capabilities offered by the private sec-  
23 tor; and

24           (B) information on how government- and  
25 private sector-provided capabilities will be inte-

1           grated to enable visibility and consistency of se-  
2           curity capabilities across all cloud and on  
3           premise environments, as called for in the re-  
4           port described in paragraph (1); and

5           (3) information on how the Department will  
6           adapt the current capabilities of, and future en-  
7           hancements to, the intrusion detection and preven-  
8           tion system of the Department and the Continuous  
9           Diagnostics and Mitigation Program of the Depart-  
10          ment to secure civilian government networks in a  
11          cloud environment.

12   **SEC. 1604. RULE OF CONSTRUCTION.**

13          Nothing in this title or an amendment made by this  
14   title may be construed as—

15           (1) conferring new authorities to the Secretary  
16           of Homeland Security, including programmatic, reg-  
17           ulatory, or enforcement authorities, outside of the  
18           authorities in existence on the day before the date  
19           of enactment of this Act;

20           (2) reducing or limiting the programmatic, reg-  
21           ulatory, or enforcement authority vested in any  
22           other Federal agency by statute; or

23           (3) affecting in any manner the authority, exist-  
24           ing on the day before the date of enactment of this

1 Act, of any other Federal agency or component of  
2 the Department of Homeland Security.

3 **SEC. 1605. PROHIBITION ON ADDITIONAL FUNDING.**

4 No additional funds are authorized to be appro-  
5 priated to carry out this title or the amendments made  
6 by this title. This title and the amendments made by this  
7 title shall be carried out using amounts otherwise author-  
8 ized.

9 **TITLE VII—OTHER MATTERS**

10 **Subtitle A—Miscellaneous**

11 **SEC. 1701. AUTHORIZATION OF APPROPRIATIONS FOR OF-**  
12 **FICE OF INSPECTOR GENERAL.**

13 There is authorized to be appropriated for the Office  
14 of the Inspector General of the Department of Homeland  
15 Security \$175,000,000 for each of fiscal years 2018 and  
16 2019.

17 **SEC. 1702. CANINE TEAMS.**

18 Components of the Department of Homeland Secu-  
19 rity may request additional canine teams when there is  
20 a justified and documented shortage and such additional  
21 canine teams would be effective for drug detection or to  
22 enhance security.

23 **SEC. 1703. REPORT ON RESOURCE REQUIREMENTS TO RE-**  
24 **SPOND TO CONGRESSIONAL REQUESTS.**

25 (a) DEFINITIONS.—In this section—

1           (1) the term “Department” means the Depart-  
2           ment of Homeland Security; and

3           (2) the term “Secretary” means the Secretary  
4           of Homeland Security.

5           (b) REPORT.—Not later than 60 days after the date  
6           of enactment of this Act, and every year thereafter, the  
7           Secretary shall submit to Congress a report on requests  
8           made by Congress to the Department that shall include,  
9           with respect to the fiscal year preceding the report or, if  
10          available, the preceding 5 fiscal years—

11          (1) the total number of congressional requests  
12          to the Department, including a breakdown of the  
13          number of requests made by committees, subcommit-  
14          tees, and caucuses;

15          (2) the total number of congressional responses  
16          for which the Department was required to prepare,  
17          including a breakdown of the number of hearings,  
18          briefings, and outreach events for the Department  
19          and each component of the Department;

20          (3) the total number of requests for similar or  
21          duplicative briefings, hearings, and other events that  
22          were made by multiple committees of Congress, in-  
23          cluding—

1 (A) a breakdown of the number of requests  
2 for the Department and each component of the  
3 Department; and

4 (B) a breakdown of the number of requests  
5 for hearings by topic and by the requesting  
6 committees and subcommittees of Congress;

7 (4) the total number of committee questions for  
8 the record, written testimony before committees, and  
9 reports that the Department had to prepare for or  
10 respond to, including—

11 (A) a breakdown of the number of com-  
12 mittee questions for the record, written testi-  
13 mony before committees, and reports that the  
14 Department and each component of the Depart-  
15 ment had to prepare for or respond to; and

16 (B) a breakdown of the number of com-  
17 mittee questions for the record, written testi-  
18 mony before committees, and reports that the  
19 Department and each component of the Depart-  
20 ment had to prepare for or respond to by topic,  
21 as determined by the Secretary; and

22 (5) any additional information as determined by  
23 the Secretary.

1 (c) TERMINATION.—This section shall terminate on  
2 the date that is 5 years after the date of enactment of  
3 this Act.

4 **Subtitle B—Commission to Review**  
5 **the Congressional Oversight of**  
6 **the Department of Homeland**  
7 **Security**

8 **SEC. 1711. SHORT TITLE.**

9 This subtitle may be cited as the “Congressional  
10 Commission to Review the Congressional Oversight of the  
11 Department of Homeland Security Act of 2018”.

12 **SEC. 1712. ESTABLISHMENT.**

13 There is established in the legislative branch a com-  
14 mission to be known as the “Congressional Commission  
15 to Review Congressional Oversight of the Department of  
16 Homeland Security” (in this subtitle referred to as the  
17 “Commission”).

18 **SEC. 1713. MEMBERS OF THE COMMISSION.**

19 (a) MEMBERS.—The Commission shall be composed  
20 of 6 members, of whom—

21 (1) 1 member shall be appointed by the Major-  
22 ity Leader of the Senate, in consultation with the  
23 leader of the House of Representatives who is a  
24 member of the political party of which the Majority

1 Leader is a member, who shall serve as chairperson  
2 of the Commission;

3 (2) 1 member shall be appointed by the Minor-  
4 ity Leader of the Senate, in consultation with the  
5 leader of the House of Representatives who is a  
6 member of the political party of which the Minority  
7 Leader is a member, who shall serve as vice chair-  
8 person of the Commission;

9 (3) 1 member shall be appointed by the Major-  
10 ity Leader of the Senate;

11 (4) 1 member shall be appointed by the Minor-  
12 ity Leader of the Senate;

13 (5) 1 member shall be appointed by the Major-  
14 ity Leader of the House of Representatives; and

15 (6) 1 member shall be appointed by the Minor-  
16 ity Leader of the House of Representatives.

17 (b) EXPERTISE.—In making appointments under this  
18 section, the individual making the appointment shall give  
19 consideration to—

20 (1) individuals with expertise in homeland secu-  
21 rity and congressional oversight; and

22 (2) individuals with prior senior leadership ex-  
23 perience in the executive or legislative branch.

1       (c) TIMING OF APPOINTMENTS.—Appointments to  
2 the Commission shall be made not later than 45 days after  
3 the date of enactment of this Act.

4       (d) TERMS; VACANCIES.—Each member shall be ap-  
5 pointed for the duration of the Commission. Any vacancy  
6 in the Commission shall not affect its powers, and shall  
7 be filled in the manner in which the original appointment  
8 was made.

9       (e) COMPENSATION.—Members of the Commission  
10 shall serve without pay.

11       (f) TRAVEL EXPENSES.—Each member of the Com-  
12 mission shall be allowed travel expenses, including per  
13 diem in lieu of subsistence, at rates authorized for employ-  
14 ees of agencies under subchapter I of chapter 57 of title  
15 5, United States Code, while away from their homes or  
16 regular places of business in the performance of services  
17 for the Commission.

18       (g) SECURITY CLEARANCES.—The appropriate Fed-  
19 eral agencies or departments shall cooperate with the  
20 Commission in expeditiously providing to the members and  
21 employees of the Commission appropriate security clear-  
22 ances to the extent possible, pursuant to existing proce-  
23 dures and requirements, except that no person shall be  
24 provided with access to classified information under this  
25 subtitle without the appropriate security clearances.



1   **SEC. 1714. DUTIES OF THE COMMISSION.**

2           (a) STUDY OF THE DEPARTMENT OF HOMELAND SE-  
3   CURITY.—The Commission shall conduct a comprehensive  
4   study of the congressional oversight of the Department of  
5   Homeland Security, including its components, subcompo-  
6   nents, directorates, agencies, and any other entities within  
7   the Department to—

8           (1) review the congressional oversight of the  
9   Department of Homeland Security; and

10          (2) make recommendations on how congres-  
11   sional committee jurisdictions in the Senate and  
12   House of Representatives could be modified to pro-  
13   mote homeland security and the efficiency and con-  
14   gressional oversight of the Department.

15          (b) REPORT.—Upon the affirmative vote of at least  
16   4 of the members of the Commission, the Commission  
17   shall submit to the President and Congress a detailed  
18   statement of its findings and conclusions based on the  
19   study carried out under subsection (a), together with its  
20   recommendations for such legislation or administrative ac-  
21   tions as the Commission considers appropriate in light of  
22   the results of the study.

23          (c) DEADLINE.—The Commission shall submit the  
24   report under subsection (b) not later than 1 year after  
25   the date on which a majority of the members of the Com-  
26   mission are appointed.

1   **SEC. 1715. OPERATION AND POWERS OF THE COMMISSION.**

2           (a) EXECUTIVE BRANCH ASSISTANCE.—The heads of  
3 the following agencies shall advise and consult with the  
4 Commission on matters within their respective areas of re-  
5 sponsibility:

6           (1) The Department of Homeland Security.

7           (2) The Department of Justice.

8           (3) The Department of State.

9           (4) The Office of Management and Budget.

10          (5) Any other agency, as determined by the  
11 Commission.

12          (b) MEETINGS.—The Commission shall meet—

13           (1) not later than 30 days after the date on  
14 which a majority of the members of the Commission  
15 have been appointed; and

16           (2) at such times thereafter, at the call of the  
17 chairperson or vice chairperson.

18          (c) RULES OF PROCEDURE.—The chairperson and  
19 vice chairperson shall, with the approval of a majority of  
20 the members of the Commission, establish written rules  
21 of procedure for the Commission, which shall include a  
22 quorum requirement to conduct the business of the Com-  
23 mission.

24          (d) HEARINGS.—The Commission may, for the pur-  
25 pose of carrying out this subtitle, hold hearings, sit, and

1 act at times and places, take testimony, and receive evi-  
2 dence as the Commission considers appropriate.

3 (e) CONTRACTS.—The Commission may contract  
4 with and compensate government and private agencies or  
5 persons for any purpose necessary to enable it to carry  
6 out this subtitle.

7 (f) MAILS.—The Commission may use the United  
8 States mails in the same manner and under the same con-  
9 ditions as other agencies of the Federal Government.

10 (g) GIFTS.—The Commission may accept, use, and  
11 dispose of gifts or donations of services or property.

12 (h) ASSISTANCE FROM FEDERAL AGENCIES.—

13 (1) GENERAL SERVICES ADMINISTRATION.—  
14 The Administrator of General Services shall provide  
15 to the Commission on a reimbursable basis adminis-  
16 trative support and other services for the perform-  
17 ance of the Commission's functions.

18 (2) OTHER DEPARTMENTS AND AGENCIES.—In  
19 addition to the assistance under paragraph (1), de-  
20 partments and agencies of the United States may  
21 provide to the Commission such services, funds, fa-  
22 cilities, staff, and other support services as they may  
23 determine advisable and as may be authorized by  
24 law.

1   **SEC. 1716. FUNDING.**

2           (a) IN GENERAL.—Subject to subsection (b) and the  
3 availability of appropriations, at the request of the chair-  
4 person of the Commission, the Secretary of Homeland Se-  
5 curity shall transfer funds, as specified in advance in ap-  
6 propriations Acts and in a total amount not to exceed  
7 \$1,000,000, to the Commission for purposes of carrying  
8 out the activities of the Commission as provided in this  
9 subtitle.

10          (b) DURATION OF AVAILABILITY.—Amounts trans-  
11 ferred to the Commission under subsection (a) shall re-  
12 main available until the date on which the Commission  
13 terminates.

14          (c) PROHIBITION ON NEW FUNDING.—No additional  
15 funds are authorized to be appropriated to carry out this  
16 Act. This Act shall be carried out using amounts otherwise  
17 available for the Department of Homeland Security and  
18 transferred under subsection (a).

19   **SEC. 1717. PERSONNEL.**

20          (a) EXECUTIVE DIRECTOR.—The Commission shall  
21 have an Executive Director who shall be appointed by the  
22 chairperson with the concurrence of the vice chairperson.  
23 The Director shall be paid at a rate of pay established  
24 by the chairperson and vice chairperson, not to exceed the  
25 annual rate of basic pay payable for level V of the Execu-

1 tive Schedule under section 5316 of title 5, United States  
2 Code.

3 (b) STAFF OF THE COMMISSION.—The Executive Di-  
4 rector of the Commission may appoint and fix the pay of  
5 additional staff as the Executive Director considers appro-  
6 priate.

7 (c) DETAILEES.—Any Federal Government employee  
8 may be detailed to the Commission without reimbursement  
9 from the Commission, and such detailee shall retain the  
10 rights, status, and privileges of his or her regular employ-  
11 ment without interruption.

12 (d) CONSULTANT SERVICES.—The Commission is au-  
13 thorized to procure the services of experts and consultants  
14 in accordance with section 3109 of title 5, United States  
15 Code, but at rates not to exceed the daily rate paid a per-  
16 son occupying a position at level IV of the Executive  
17 Schedule under section 5315 of title 5, United States  
18 Code.

19 **SEC. 1718. TERMINATION.**

20 The Commission shall terminate not later than 18  
21 months after the date of enactment of this Act.

1           **Subtitle C—Technical and**  
2           **Conforming Amendments**

3   **SEC. 1731. TECHNICAL AMENDMENTS TO THE HOMELAND**  
4           **SECURITY ACT OF 2002.**

5           (a) TITLE IV.—Title IV of the Homeland Security  
6 Act of 2002 (6 U.S.C. 201 et seq.) is amended as follows:

7           (1) In section 427 (6 U.S.C. 235), by striking  
8 subsection (c).

9           (2) By striking section 431 (6 U.S.C. 239).

10          (3) In section 476 (6 U.S.C. 296)—

11           (A) by striking “the Bureau of Citizenship  
12 and Immigration Services” each place the term  
13 appears and inserting “United States Citizen-  
14 ship and Immigration Services”; and

15           (B) by striking “the Bureau of Border Se-  
16 curity” each place the term appears and insert-  
17 ing “U.S. Immigration and Customs Enforce-  
18 ment”.

19          (4) In section 478 (6 U.S.C. 298)—

20           (A) in the section heading, by inserting  
21 “**ANNUAL REPORT ON**” before “**IMMIGRA-**  
22 **TION**”;

23           (B) by striking subsection (b); and

24           (C) in subsection (a)—

1 (i) by striking “REPORT.—” and all  
2 that follows through “One year” and in-  
3 serting “REPORT.—One year”; and

4 (ii) by redesignating paragraph (2) as  
5 subsection (b) and adjusting the margin  
6 accordingly; and

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

8 (i) in the heading, by striking “MAT-  
9 TER INCLUDED” and inserting “MATTER  
10 INCLUDED”; and

11 (ii) by redesignating subparagraphs  
12 (A) through (H) as paragraphs (1)  
13 through (8), respectively, and adjusting the  
14 margin accordingly.

15 (b) TITLE VIII.—Section 812 of the Homeland Secu-  
16 rity Act of 2002 (Public Law 107–296; 116 Stat. 2222;  
17 5 U.S.C. App., note to section 6 of Public Law 95–452)  
18 is amended as follows:

19 (1) By redesignating such section 812 as sec-  
20 tion 811.

21 (2) By striking subsections (a) and (c).

22 (3) In subsection (b)—

23 (A) by striking “(as added by subsection  
24 (a) of this section)” each place it appears;

1 (B) by redesignating paragraphs (2), (3),  
2 and (4) as subsections (b), (c), and (d), respec-  
3 tively, and adjusting the margin accordingly;

4 (C) in paragraph (1), by redesignating  
5 subparagraphs (A) and (B) as paragraphs (1)  
6 and (2), respectively, and adjusting the margin  
7 accordingly; and

8 (D) by striking “(b) PROMULGATION OF  
9 INITIAL GUIDELINES.—” and all that follows  
10 through “In this subsection” and inserting the  
11 following:

12 “(a) DEFINITION.—In this section”.

13 (4) In subsection (b), as so redesignated, by  
14 striking “IN GENERAL” and inserting “IN GEN-  
15 ERAL”.

16 (5) In subsection (c), as so redesignated, by  
17 striking “MINIMUM REQUIREMENTS” and inserting  
18 “MINIMUM REQUIREMENTS”.

19 (6) In subsection (d), as so redesignated, by  
20 striking “NO LAPSE OF AUTHORITY” and inserting  
21 “NO LAPSE OF AUTHORITY”.

22 (c) TITLE IX.—Section 903(a) of the Homeland Se-  
23 curity Act of 2002 (6 U.S.C. 493(a)) is amended in the  
24 subsection heading by striking “MEMBERS—” and insert-  
25 ing “MEMBERS.—”.



1           (d) TABLE OF CONTENTS.—The table of contents in  
2 section 1(b) of the Homeland Security Act of 2002 is  
3 amended as follows:

4           (1) By striking the item relating to section 478  
5 and inserting the following:

“Sec. 478. Annual report on immigration functions.”.

6           (2) By striking the items relating to sections  
7 811 and 812 and inserting the following:

“Sec. 811. Law enforcement powers of Inspector General agents.”.

8           (3) By striking the items relating to sections  
9 1502 and 1503 and inserting the following:

“Sec. 1502. Review of congressional committee structures.”.