

110TH CONGRESS
1ST SESSION

H. R. 1684

To authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2007

Mr. THOMPSON of Mississippi (for himself, Mr. KING of New York, Mr. CARNEY, Mr. ROGERS of Alabama, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. CUELLAR, Ms. CLARKE, and Ms. LORETTA SANCHEZ of California) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Home-
5 land Security Authorization Act for Fiscal Year 2008”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 101. Department of Homeland Security.

TITLE II—POLICY AND MANAGEMENT IMPROVEMENTS

- Sec. 201. Establishment of Directorate for Policy.
- Sec. 202. Direct line authority for Chief Operating Officers.
- Sec. 203. Comprehensive Homeland Security Review.
- Sec. 204. Qualifications for the Under Secretary for Management.

TITLE III—OVERSIGHT IMPROVEMENTS

- Sec. 301. Secure border initiative financial accountability.
- Sec. 302. Authorization Liaison Officer.
- Sec. 303. Office of the Inspector General.
- Sec. 304. Congressional notification requirement.
- Sec. 305. Sense of Congress regarding oversight of homeland security.

TITLE IV—PROCUREMENT POLICY AND RESOURCES IMPROVEMENTS

- Sec. 401. Homeland security procurement training.
- Sec. 402. Authority to appoint and maintain a cadre of Federal annuitants for procurement offices.
- Sec. 403. Additional requirement to review past performance of contractors.
- Sec. 404. Requirement to disclose foreign ownership or control of contractors and subcontractors.
- Sec. 405. Integrity in contracting.
- Sec. 406. Small business utilization report.
- Sec. 407. Requirement that uniforms, protective gear, badges, and identification cards of Homeland Security personnel be manufactured in the United States.
- Sec. 408. Department of Homeland Security Mentor-Protégé Program.

TITLE V—WORKFORCE AND TRAINING IMPROVEMENTS

- Sec. 501. Customs and Border Protection Officer pay equity.
- Sec. 502. Plan to improve representation of minorities in various categories of employment.
- Sec. 503. Continuation of authority for Federal law enforcement training center to appoint and maintain a cadre of Federal annuitants.
- Sec. 504. Authority to appoint and maintain a cadre of Federal annuitants for Customs and Border Protection.
- Sec. 505. Strengthening Border Patrol recruitment and retention.
- Sec. 506. Limitation on reimbursements relating to certain detailees.
- Sec. 507. Integrity in post-employment.
- Sec. 508. Increased security screening of Homeland Security Officials.
- Sec. 509. Authorities of Chief Security Officer.
- Sec. 510. Departmental culture improvement.
- Sec. 511. Homeland security education program enhancements.

TITLE VI—BIOPREPAREDNESS IMPROVEMENTS

- Sec. 601. Chief Medical Officer and Office of Health Affairs.
- Sec. 602. Improving the material threats process.
- Sec. 603. Study on national biodefense training.
- Sec. 604. National Biosurveillance Integration Center.
- Sec. 605. Risk analysis process and integrated CBRN risk assessment.

TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS

- Sec. 701. Cybersecurity and Telecommunications.
- Sec. 702. Cybersecurity research and development.

TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS

- Sec. 801. Report to Congress on strategic plan.
- Sec. 802. Centers of Excellence Program.
- Sec. 803. National research council study of university programs.
- Sec. 804. Streamlining of SAFETY Act and antiterrorism technology procurement processes.
- Sec. 805. Promoting antiterrorism through International Cooperation Act.

TITLE IX—BORDER SECURITY IMPROVEMENTS

- Sec. 901. US-VISIT.
- Sec. 902. Shadow Wolves program.
- Sec. 903. Cost-effective training for border patrol agents.
- Sec. 904. Comprehensive strategy for full implementation of US-VISIT.
- Sec. 905. Assessment of resources necessary to reduce crossing times at land ports of entry.

TITLE X—INFORMATION SHARING IMPROVEMENTS

- Sec. 1001. State and local fusion center program.
- Sec. 1002. Fusion Center Privacy and Civil Liberties Training Program.
- Sec. 1003. Authority to appoint and maintain a cadre of Federal annuitants for the fusion center program.

TITLE XI—MISCELLANEOUS PROVISIONS

- Sec. 1101. Eligible uses for interoperability grants.
- Sec. 1102. Rural homeland security training initiative.
- Sec. 1103. Critical infrastructure study.
- Sec. 1104. Terrorist watch list and immigration status review at high-risk critical infrastructure.
- Sec. 1105. Authorized use of surplus military vehicles.
- Sec. 1106. Computer capabilities to support real-time incident management.
- Sec. 1107. Expenditure reports as a condition of homeland security grants.
- Sec. 1108. Encouraging use of computerized training aids.
- Sec. 1109. Protection of name, initials, insignia, and departmental seal.
- Sec. 1110. Report on United States Secret Service approach to sharing unclassified, law enforcement sensitive information with Federal, State, and local partners.
- Sec. 1111. Report on United States Secret Service James J. Rowley Training Center.
- Sec. 1112. Metropolitan Medical Response System Program.
- Sec. 1113. Technical corrections.

1 **TITLE I—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 101. DEPARTMENT OF HOMELAND SECURITY.**

4 There is authorized to be appropriated to the Sec-
5 retary of Homeland Security for the necessary expenses
6 of the Department of Homeland Security for fiscal year
7 2008, \$39,863,000,000.

8 **TITLE II—POLICY AND**
9 **MANAGEMENT IMPROVEMENTS**

10 **SEC. 201. ESTABLISHMENT OF DIRECTORATE FOR POLICY.**

11 (a) IN GENERAL.—The Homeland Security Act of
12 2002 (6 U.S.C. 101 et seq.) is amended by striking sec-
13 tions 401 through 403 and inserting the following:

14 **“SEC. 401. DIRECTORATE FOR POLICY.**

15 “(a) ESTABLISHMENT.—There is in the Department
16 a Directorate for Policy. The Directorate for Policy shall
17 contain each of the following:

18 “(1) The Office of the Private Sector, which
19 shall be administered by an Assistant Secretary for
20 the Private Sector.

21 “(2) The Victim Assistance Officer.

22 “(3) The Tribal Security Officer.

23 “(4) The Border Community Liaison Officer.

24 “(5) Such other offices as considered necessary
25 by the Under Secretary for Policy.

1 “(b) UNDER SECRETARY FOR POLICY.—

2 “(1) IN GENERAL.—The head of the Direc-
3 torate is the Under Secretary for Policy, who shall
4 be appointed by the President, with the advice and
5 consent of the Senate.

6 “(2) QUALIFICATIONS.—No individual shall be
7 appointed to the position of Under Secretary for
8 Policy under paragraph (1) unless the individual
9 has, by education and experience, demonstrated
10 knowledge, ability, and skill in the fields of policy
11 and strategic planning.

12 “(3) RESPONSIBILITIES.—Subject to the direc-
13 tion and control of the Secretary, the responsibilities
14 of the Under Secretary for Policy shall be as follows:

15 “(A) To serve as the principal policy advi-
16 sor to the Secretary.

17 “(B) To provide overall direction and su-
18 pervision of policy development for the pro-
19 grams, offices, and activities of the Depart-
20 ment.

21 “(C) To ensure that the budget of the De-
22 partment (including the development of future
23 year budgets and interaction with the Office of
24 Management and Budget and with Congress) is
25 compatible with the statutory and regulatory re-

sponsibilities of the Department and with the Secretary's priorities, strategic plans, and policies.

“(D) To conduct long-range, strategic planning for the Department, including overseeing the Comprehensive Homeland Security Review established in section 203.

“(E) To carry out such other responsibilities as the Secretary may determine are appropriate.”

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) by striking the heading for title IV and inserting the following:

**“TITLE IV—DIRECTORATE FOR
POLICY”;**

(2) by striking the heading for subtitle A of title IV and inserting the following:

**“Subtitle A—Under Secretary for
Policy”;**

(3) in section 103(a)(3), by striking “for Border and Transportation Security” and inserting “for Policy”;

(4) in section 102(f)(9), by striking “the Directorate of Border and Transportation Security” and

1 inserting “United States Customs and Border Pro-
2 tection”;

3 (5) in section 411(a), by striking “under the
4 authority of the Under Secretary for Border and
5 Transportation Security,”;

6 (6) in section 430—

7 (A) in subsection (a)—

8 (i) by striking “The” and inserting
9 “There is in the Department an”; and

10 (ii) by striking “shall be” and all that
11 follows through “Security”;

12 (B) in subsection (b), by striking the sec-
13 ond sentence; and

14 (C) by striking subsection (d).

15 (7) in section 441, by striking “Under Sec-
16 retary for Border Transportation Security” and in-
17 serting “Secretary”;

18 (8) in section 442(a)—

19 (A) in paragraph (2), by striking
20 “who—” and all that follows through “(B)
21 shall” and inserting “who shall”; and

22 (B) in paragraph (3)—

23 (i) in subparagraph (A), by striking
24 “Under Secretary for Border and Trans-

1 portation Security” each place it appears
 2 and inserting “Secretary”; and

3 (ii) in subparagraph (C), by striking
 4 “Border and Transportation Security” and
 5 inserting “Policy”;

6 (9) in section 443, by striking “The Under Sec-
 7 retary for Border and Transportation Security” and
 8 inserting “Subject to the direction and control of the
 9 Secretary, the Deputy Secretary”;

10 (10) in section 444, by striking “The Under
 11 Secretary for Border and Transportation Security”
 12 and inserting “Subject to the direction and control
 13 of the Secretary, the Deputy Secretary”;

14 (11) in section 472(e), by striking “or the
 15 Under Secretary for Border and Transportation Se-
 16 curity”; and

17 (12) in section 878(f), by striking “the Direc-
 18 torate of Border and Transportation Security” and
 19 inserting “United States Customs and Border Pro-
 20 tection, Immigration and Customs Enforcement”.

21 (c) CLERICAL AMENDMENTS.—The table of contents
 22 in section 1(b) of such Act is amended—

23 (1) by striking the item relating to title IV and
 24 inserting the following:

“TITLE IV—DIRECTORATE FOR POLICY”;

25 and

1 (2) by striking the items relating to subtitle A
 2 of title IV and inserting the following:

“Subtitle A—Under Secretary for Policy
 “Sec. 401. Directorate for Policy.”.

3 **SEC. 202. DIRECT LINE AUTHORITY FOR CHIEF OPERATING**
 4 **OFFICERS.**

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

8 **“SEC. 707. CHIEF OPERATING OFFICERS.**

9 “(a) IN GENERAL.—The Chief Operating Officers of
 10 the Department include the following officials of the De-
 11 partment:

12 “(1) The Chief Financial Officer.

13 “(2) The Chief Procurement Officer.

14 “(3) The Chief Information Officer.

15 “(4) The Chief Human Capital Officer.

16 “(5) The Chief Administrative Officer.

17 “(6) The Chief Security Officer.

18 “(b) DELEGATION.—The Secretary shall delegate to
 19 each Chief Operating Officer direct authority over that Of-
 20 ficer’s counterparts in component agencies to ensure that
 21 the component agencies adhere to the laws, rules, regula-
 22 tions, and departmental policies for which such Officer is
 23 responsible for implementing. In coordination with the
 24 head of the relevant component agency, such authorities

1 shall include, with respect to the Officer's counterparts
2 within component agencies of the Department, the fol-
3 lowing:

4 “(1) The authority to direct the activities of
5 personnel.

6 “(2) The authority to direct planning, oper-
7 ations, and training.

8 “(3) The authority to direct the budget and
9 other financial resources.

10 “(c) COORDINATION WITH HEADS OF COMPONENT
11 AGENCIES.—In reporting to a Chief Operating Officer of
12 the Department as required under subsection (b), a Chief
13 Operating Officer of a component agency shall coordinate
14 with the head of that component agency.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of such Act is amended by inserting after
17 the item relating to section 706 the following:

“Sec. 707. Chief Operating Officers.”.

18 **SEC. 203. COMPREHENSIVE HOMELAND SECURITY REVIEW.**

19 (a) COMPREHENSIVE HOMELAND SECURITY RE-
20 VIEW.—Subtitle A of title IV of the Homeland Security
21 Act of 2002 is further amended by adding at the end the
22 following:

1 **“SEC. 402. COMPREHENSIVE HOMELAND SECURITY RE-**
2 **VIEW.**

3 “(a) REQUIREMENT TO CONDUCT REVIEWS.—The
4 Secretary shall conduct a comprehensive examination of
5 the Department, to be known as the Comprehensive
6 Homeland Security Review. The Secretary shall conduct
7 the first such review in fiscal year 2009, and shall conduct
8 a subsequent review in the first fiscal year in which there
9 begins the first presidential term of a new presidential ad-
10 ministration.

11 “(b) PURPOSE OF REVIEW.—In each Comprehensive
12 Homeland Security Review the Secretary shall—

13 “(1) include a Department of Homeland Secu-
14 rity Strategy that is consistent with the most recent
15 National Strategy for Homeland Security prescribed
16 by the President;

17 “(2) define sufficient personnel and necessary
18 organizational structure and other requirements nec-
19 essary for the successful execution of the full range
20 of missions called for in the Department of Home-
21 land Security Strategy; and

22 “(3) identify a budget plan, acquisition strat-
23 egy, procurement process, and any other resources,
24 that are necessary to provide sufficient resources for
25 the successful execution of the full range of missions

1 called for in the Department of Homeland Security
2 Strategy.

3 “(c) CONDUCT OF REVIEW.—

4 “(1) CONSULTATION REQUIRED.—The Sec-
5 retary shall conduct each review required under sub-
6 section (a) in consultation with key officials of the
7 Department, including the Assistant Secretary of the
8 Transportation Security Administration, the Com-
9 missioner of United States Customs and Border
10 Protection, the Director of United States Citizenship
11 and Immigration Services, the Assistant Secretary
12 for Immigration and Customs Enforcement, the Di-
13 rector of the United States Secret Service, the Ad-
14 ministrator of the Federal Emergency Management
15 Agency, the Director of the Federal Law Enforce-
16 ment Training Center, and the Commandant of the
17 Coast Guard.

18 “(2) RELATIONSHIP WITH FUTURE YEARS
19 HOMELAND SECURITY PROGRAM.—The Secretary
20 shall ensure that each review conducted under this
21 section is consistent with the Future Years Home-
22 land Security Program required under section 874.

23 “(d) REPORT TO CONGRESS AND THE PRESIDENT.—

24 “(1) REPORT.—The Secretary shall submit to
25 the Committee on Homeland Security of the House

1 of Representatives, to the Committee on Homeland
2 Security and Governmental Affairs of the Senate,
3 and to the President a report on each Comprehen-
4 sive Homeland Security Review. Each such report
5 shall be submitted during the fiscal year following
6 the fiscal year in which the review is conducted, but
7 not later than the date on which the President sub-
8 mits to Congress the budget under section 1105(a)
9 of title 31, United States Code, for the fiscal year
10 following the fiscal year in which the report is to be
11 submitted.

12 “(2) CONTENTS.—Each such report shall in-
13 clude the following, with a focus on reducing and
14 managing risk and in preparing for, mitigating
15 against, responding to, and recovering from acts of
16 terrorism, natural disasters, and other emergencies:

17 “(A) A comprehensive assessment of the
18 level of alignment between the Department of
19 Homeland Security Strategy and the human re-
20 sources, infrastructure, assets, and organiza-
21 tional structure of the Department.

22 “(B) An explanation of any and all under-
23 lying assumptions used in conducting the Re-
24 view.

1 “(C) The human resources requirements
2 and response capabilities of the Department as
3 they relate to conventional, nuclear, biological,
4 chemical, radiological, and agricultural risks.

5 “(D) The strategic and tactical air, border
6 sea, and land capabilities and requirements to
7 support the Department of Homeland Security
8 Strategy.

9 “(E) The nature and appropriateness of
10 homeland security operational capabilities, in-
11 cluding operational scientific and technical re-
12 sources and capabilities and the anticipated ef-
13 fects on the human resources capabilities, costs,
14 efficiencies, resources, and planning of the De-
15 partment of any technology or operational capa-
16 bilities anticipated to be available during the
17 years subsequent to the Review.

18 “(F) Any other matter the Secretary con-
19 siders appropriate to include in the Review.

20 “(3) DEADLINE FOR INITIAL REPORT.—Not-
21 withstanding paragraph (1), the Secretary shall sub-
22 mit the first Report required under subsection (a)
23 not later than September 30, 2010.

24 “(e) PREPARATIONS FOR FISCAL YEAR 2008 RE-
25 VIEW.—In fiscal year 2008, the Under Secretary for Pol-

1 icy shall make all preparations for the conduct of the first
 2 Comprehensive Homeland Security Review in fiscal year
 3 2009, including—

4 “(1) determining the tasks to be performed;

5 “(2) estimating the human, financial, and other
 6 resources required to perform each task;

7 “(3) establishing the schedule for the execution
 8 of all project tasks;

9 “(4) ensuring that these resources will be avail-
 10 able as needed; and

11 “(5) all other preparations considered necessary
 12 by the Under Secretary.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
 14 in section 1(b) of such Act is amended by inserting after
 15 the item relating to section 401 the following:

“Sec. 402. Comprehensive Homeland Security Review.”.

16 **SEC. 204. QUALIFICATIONS FOR THE UNDER SECRETARY**
 17 **FOR MANAGEMENT.**

18 (a) QUALIFICATIONS.—Section 701 of the Homeland
 19 Security Act of 2002 (6 U.S.C. 341) is amended by adding
 20 at the end the following:

21 “(c) QUALIFICATIONS.—The Under Secretary for
 22 Management shall have the following qualifications:

23 “(1) Extensive executive level leadership and
 24 management experience in the public or private sec-
 25 tor.

1 “(2) Strong leadership skills.

2 “(3) A demonstrated ability to manage large
3 and complex organizations.

4 “(4) A proven record of achieving positive oper-
5 ational results.”.

6 (b) DEADLINE FOR APPOINTMENT; INCUMBENT.—
7 Not later than 90 days after the date of the enactment
8 of this Act, the Secretary of Homeland Security shall
9 name an individual who meets the qualifications of section
10 341 of the Homeland Security Act (6 U.S.C. 341), as
11 amended by subsection (a), to serve as the Under Sec-
12 retary for Management. The Secretary may submit the
13 name of the individual who serves in the position of Under
14 Secretary for Management of the Department of Home-
15 land Security on the date of enactment of this Act to-
16 gether with a statement the informs the Congress that the
17 individual meets the qualifications of such section as so
18 amended.

19 **TITLE III—OVERSIGHT**
20 **IMPROVEMENTS**

21 **SEC. 301. SECURE BORDER INITIATIVE FINANCIAL AC-**
22 **COUNTABILITY.**

23 (a) IN GENERAL.—The Inspector General of the De-
24 partment of Homeland Security shall review each contract
25 action related to the Department’s Secure Border Initia-

1 tive having a value greater than \$20,000,000, to deter-
2 mine whether each such action fully complies with applica-
3 ble cost requirements, performance objectives, program
4 milestones, inclusion of small, minority, and women-owned
5 business, and timelines. The Inspector General shall com-
6 plete a review under this subsection with respect to a con-
7 tract action—

8 (1) not later than 60 days after the date of the
9 initiation of the action; and

10 (2) upon the conclusion of the performance of
11 the contract.

12 (b) REPORT BY INSPECTOR GENERAL.—Upon com-
13 pletion of each review required under subsection (a), the
14 Inspector General shall submit to the Secretary of Home-
15 land Security a report containing the findings of the re-
16 view, including findings regarding any cost overruns, sig-
17 nificant delays in contract execution, lack of rigorous de-
18 partmental contract management, insufficient depart-
19 mental financial oversight, bundling that limits the ability
20 of small business to compete, or other high risk business
21 practices.

22 (c) REPORT BY SECRETARY.—Not later than 30 days
23 after the receipt of each report required under subsection
24 (b), the Secretary of Homeland Security shall submit to
25 the Committee on Homeland Security of the House of

1 Representatives and the Committee on Homeland Security
2 and Governmental Affairs of the Senate a report on the
3 findings of the report by the Inspector General and the
4 steps the Secretary has taken, or plans to take, to address
5 the findings in such report.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
7 tion to amounts that are otherwise authorized to be appro-
8 priated for the Office of the Inspector General of the De-
9 partment of Homeland Security, there are authorized to
10 be appropriated for such Office to carry out enhanced
11 oversight of the Secure Border Initiative—

12 (1) for fiscal year 2008, \$5,500,000;

13 (2) for fiscal year 2009, at least six percent of
14 the overall budget of the Office for that fiscal year;
15 and

16 (3) for fiscal year 2010, at least seven percent
17 of the overall budget of the Office for that fiscal
18 year.

19 (e) ACTION BY INSPECTOR GENERAL.—In the event
20 the Inspector General becomes aware of any improper con-
21 duct or wrongdoing in accordance with the contract review
22 required under subsection (a), the Inspector General shall,
23 as expeditiously as practicable, refer to the Secretary of
24 Homeland Security or other appropriate official in the De-
25 partment of Homeland Security information related to

1 such improper conduct or wrongdoing for purposes of eval-
2 uating whether to suspend or debar the contractor.

3 **SEC. 302. AUTHORIZATION LIAISON OFFICER.**

4 Section 702 of the Homeland Security Act of 2002
5 (6 U.S.C. 342) is amended by adding at the end the fol-
6 lowing:

7 “(d) AUTHORIZATION LIAISON OFFICER.—

8 “(1) IN GENERAL.—The Chief Financial Officer
9 shall establish the position of Authorization Liaison
10 Officer to provide timely budget and other financial
11 information to the Committee on Homeland Security
12 of the House of Representatives and the Committee
13 on Homeland Security and Governmental Affairs of
14 the Senate. The Authorization Liaison Officer shall
15 report directly to the Chief Financial Officer.

16 “(2) SUBMISSION OF REPORTS TO CONGRESS.—

17 The Authorization Liaison Officer shall coordinate
18 with the Appropriations Liaison Officer within the
19 Office of the Chief Financial Officer to ensure, to
20 the greatest extent possible, that all reports pre-
21 pared for the Committees on Appropriations of the
22 House of Representatives and the Senate are sub-
23 mitted concurrently to the Committee on Homeland
24 Security of the House of Representatives and the

1 Committee on Homeland Security and Governmental
2 Affairs of the Senate.”.

3 **SEC. 303. OFFICE OF THE INSPECTOR GENERAL.**

4 Of the amount authorized by section 101, there is
5 authorized to be appropriated to the Secretary of Home-
6 land Security \$108,500,000 for fiscal year 2008 for oper-
7 ations of the Office of the Inspector General of the De-
8 partment of Homeland Security.

9 **SEC. 304. CONGRESSIONAL NOTIFICATION REQUIREMENT.**

10 (a) IN GENERAL.—Title I of the Homeland Security
11 Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding
12 at the end the following:

13 **“SEC. 105. CONGRESSIONAL NOTIFICATION.**

14 “(a) IN GENERAL.—The Secretary shall actively con-
15 sult with the congressional homeland security committees,
16 and shall keep such committees fully and currently in-
17 formed with respect to all activities and responsibilities
18 within the jurisdictions of these committees.

19 “(b) RELATIONSHIP TO OTHER LAW.—Nothing in
20 this section affects the requirements of section 872. The
21 requirements of this section supplement, and do not re-
22 place, the requirements of that section.

23 “(c) CLASSIFIED NOTIFICATION.—The Secretary
24 may submit any information required by this section in

1 classified form if the information is classified pursuant to
2 applicable national security standards.

3 “(d) SAVINGS CLAUSE.—This section shall not be
4 construed to limit or otherwise affect the congressional no-
5 tification requirements of title V of the National Security
6 Act of 1947 (50 U.S.C. 413 et seq.), insofar as they apply
7 to the Department.

8 “(e) DEFINITION.—As used in this section, the term
9 ‘congressional homeland security committees’ means the
10 Committee on Homeland Security and the Committee on
11 Appropriations of the House of Representatives and the
12 Committee on Homeland Security and Governmental Af-
13 fairs and the Committee on Appropriations of the Sen-
14 ate.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents in Section 1(a) of such Act is amended by inserting
17 after the item relating to section 103 the following:

“Sec. 104. Congressional notification.”.

18 (c) COAST GUARD MISSION REVIEW REPORT.—Sec-
19 tion 888(f)(2) of the Homeland Security Act of 2002 (6
20 U.S.C. 468(f)(2)) is amended—

21 (1) by redesignating subparagraphs (B)
22 through (E) as subparagraphs (C) through (F) re-
23 spectively; and

24 (2) by striking subparagraph (A) and inserting
25 the following:

1 “(A) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 “(B) the Committee on Homeland Security
4 of the House of Representatives;”.

5 **SEC. 305. SENSE OF CONGRESS REGARDING OVERSIGHT OF**
6 **HOMELAND SECURITY.**

7 It is the sense of the Congress that the House of Rep-
8 resentatives and the Senate should implement the rec-
9 ommendation of the National Commission on Terrorist At-
10 tacks Upon the United States to designate a committee
11 in each body to serve as the single, principal point of over-
12 sight and review for homeland security and to authorize
13 the activities of the Department of Homeland Security.

14 **TITLE IV—PROCUREMENT POL-**
15 **ICY AND RESOURCES IM-**
16 **PROVEMENTS**

17 **SEC. 401. HOMELAND SECURITY PROCUREMENT TRAINING.**

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

21 **“SEC. 836. HOMELAND SECURITY PROCUREMENT TRAIN-**
22 **ING.**

23 “(a) PROVISION OF TRAINING.—The Chief Procure-
24 ment Officer shall provide homeland security procurement
25 training to acquisition employees.

1 “(b) RESPONSIBILITIES OF CHIEF PROCUREMENT
2 OFFICER.—The Chief Procurement Officer shall carry out
3 the following responsibilities:

4 “(1) Establish objectives to achieve the efficient
5 and effective use of available acquisition resources
6 by coordinating the acquisition education and train-
7 ing programs of the Department and tailoring them
8 to support the careers of acquisition employees.

9 “(2) Develop, in consultation with the Council
10 on Procurement Training established under sub-
11 section (d), the curriculum of the homeland security
12 procurement training to be provided.

13 “(3) Establish, in consultation with the Council
14 on Procurement Training, training standards, re-
15 quirements, and courses to be required for acquisi-
16 tion employees.

17 “(4) Establish an appropriate centralized mech-
18 anism to control the allocation of resources for con-
19 ducting such required courses and other training
20 and education.

21 “(5) Select course providers and certify courses
22 to ensure that the procurement training curriculum
23 supports a coherent framework for the educational
24 development of acquisition employees, including the

1 provision of basic, intermediate, and advanced
2 courses.

3 “(6) Publish an annual catalog that includes a
4 list of the acquisition education and training
5 courses.

6 “(7) Develop a system of maintaining records
7 of student enrollment, and other data related to stu-
8 dents and courses conducted pursuant to this sec-
9 tion.

10 “(c) ELIGIBILITY FOR TRAINING.—An acquisition
11 employee of any entity under subsection (d)(3) may re-
12 ceive training provided under this section. The appropriate
13 member of the Council on Procurement Training may di-
14 rect such an employee to receive procurement training.

15 “(d) COUNCIL ON PROCUREMENT TRAINING.—

16 “(1) ESTABLISHMENT.—The Secretary shall es-
17 tablish a Council on Procurement Training to advise
18 and make policy and curriculum recommendations to
19 the Chief Procurement Officer.

20 “(2) CHAIR OF COUNCIL.—The chair of the
21 Council on Procurement Training shall be the Dep-
22 uty Chief Procurement Officer.

23 “(3) MEMBERS.—The members of the Council
24 on Procurement Training are the chief procurement
25 officers of each of the following:

1 “(A) United States Customs and Border
2 Protection.

3 “(B) The Transportation Security Admin-
4 istration.

5 “(C) The Office of Procurement Oper-
6 ations.

7 “(D) The Bureau of Immigration and Cus-
8 toms Enforcement.

9 “(E) The Federal Emergency Management
10 Agency.

11 “(F) The Coast Guard.

12 “(G) The Federal Law Enforcement
13 Training Center.

14 “(H) The United States Secret Service.

15 “(I) Such other entity as the Secretary de-
16 termines appropriate.

17 “(e) ACQUISITION EMPLOYEE DEFINED.—For pur-
18 poses of this section, the term ‘acquisition employee’
19 means an employee serving under a career or career-condi-
20 tional appointment in the competitive service or appoint-
21 ment of equivalent tenure in the excepted service of the
22 Federal Government, at least 50 percent of whose as-
23 signed duties include acquisitions, procurement-related
24 program management, or procurement-related oversight
25 functions.

1 “(f) REPORT REQUIRED.—Not later than March 1
 2 of each year, the Chief Procurement Officer shall submit
 3 to the Secretary a report on the procurement training pro-
 4 vided under this section, which shall include information
 5 about student enrollment, students who enroll but do not
 6 attend courses, graduates, certifications, and other rel-
 7 evant information.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
 9 in section 1(b) of such Act is amended by adding at the
 10 end of the items relating to such subtitle the following:
 “Sec. 890A. Homeland security procurement training.”.

11 **SEC. 402. AUTHORITY TO APPOINT AND MAINTAIN A CADRE**
 12 **OF FEDERAL ANNUITANTS FOR PROCURE-**
 13 **MENT OFFICES.**

14 (a) DEFINITIONS.—For purposes of this section—

15 (1) the term “procurement office” means the
 16 Office of Procurement Operations and any other
 17 procurement office within any agency or other com-
 18 ponent of the Department;

19 (2) the term “annuitant” means an annuitant
 20 under a Government retirement system;

21 (3) the term “Government retirement system”
 22 has the meaning given such term by section 501(a);
 23 and

1 (4) the term “employee” has the meaning given
2 such term by section 2105 of title 5, United States
3 Code.

4 (b) APPOINTMENT AUTHORITY.—The Secretary (act-
5 ing through the Chief Procurement Officer) may, for the
6 purpose of supporting the Department’s acquisition capa-
7 bilities and enhancing contract management throughout
8 the Department, appoint annuitants to positions in pro-
9 curement offices in accordance with succeeding provisions
10 of this section.

11 (c) NONCOMPETITIVE PROCEDURES; EXEMPTION
12 FROM OFFSET.—An appointment made under subsection
13 (b) shall not be subject to the provisions of title 5, United
14 States Code, governing appointments in the competitive
15 service, and any annuitant serving pursuant to such an
16 appointment shall be exempt from sections 8344 and 8468
17 of such title 5 (relating to annuities and pay on reemploy-
18 ment) and any other similar provision of law under a Gov-
19 ernment retirement system.

20 (d) LIMITATIONS.—No appointment under subsection
21 (b) may be made if such appointment would result in the
22 displacement of any employee or would cause the total
23 number of positions filled by annuitants appointed under
24 such subsection to exceed 250 as of any time (determined
25 on a full-time equivalent basis).

1 (e) RULE OF CONSTRUCTION.—An annuitant as to
 2 whom an exemption under subsection (c) is in effect shall
 3 not be considered an employee for purposes of any Govern-
 4 ment retirement system.

5 (f) TERMINATION.—Upon the expiration of the 5-
 6 year period beginning on the date of the enactment of this
 7 Act—

8 (1) any authority to make appointments under
 9 subsection (b) shall cease to be available; and

10 (2) all exemptions under subsection (c) shall
 11 cease to be effective.

12 **SEC. 403. ADDITIONAL REQUIREMENT TO REVIEW PAST**
 13 **PERFORMANCE OF CONTRACTORS.**

14 (a) IN GENERAL.—Such subtitle is further amended
 15 by adding at the end the following new section:

16 **“SEC. 837. REVIEW OF CONTRACTOR PAST PERFORMANCE.**

17 “(a) CONSIDERATION OF CONTRACTOR PAST PER-
 18 FORMANCE.—In awarding a contract to a contractor, the
 19 Secretary shall consider the past performance of that con-
 20 tractor based on the review conducted under subsection
 21 (b).

22 “(b) REVIEW REQUIRED.—Before awarding to a con-
 23 tractor (including a contractor that has previously pro-
 24 vided goods or services to the Department) a contract to
 25 provide goods or services to the Department, the Sec-

1 retary, acting through the appropriate contracting officer
 2 of the Department, shall require the contractor to submit
 3 information regarding the contractor's performance of
 4 Federal, State, and local government and private sector
 5 contracts.

6 “(c) CONTACT OF RELEVANT OFFICIALS.—As part
 7 of any review of a contractor conducted under subsection
 8 (b), the Secretary, acting through an appropriate con-
 9 tracting officer of the Department, shall contact the rel-
 10 evant official who administered or oversaw each contract
 11 performed by that contractor during the five-year period
 12 preceding the date on which the review begins.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
 14 in section 1(b) of such Act is amended by adding at the
 15 end of the items relating to such subtitle the following:

“Sec. 838. Review of contractor past performance.”.

16 **SEC. 404. REQUIREMENT TO DISCLOSE FOREIGN OWNER-**
 17 **SHIP OR CONTROL OF CONTRACTORS AND**
 18 **SUBCONTRACTORS.**

19 (a) COMPLIANCE WITH BUY AMERICAN ACT.—With
 20 respect to any procurement of goods or services by the
 21 Department of Homeland Security, the Chief Procurement
 22 Officer of the Department shall conduct an independent
 23 review of the procurement to ensure that it complies with
 24 all relevant provisions of the Buy American Act (41
 25 U.S.C. 10a et seq.).

1 (b) FOREIGN OWNERSHIP OR CONTROL OF CON-
2 TRACTORS AND SUBCONTRACTORS.—

3 (1) DISCLOSURE OF INFORMATION.—With re-
4 spect to any procurement of goods or services by the
5 Department of Homeland Security, the Secretary of
6 Homeland Security shall require an offeror or pro-
7 spective offeror to disclose whether the offeror or
8 any prospective subcontractor (at any tier) is owned
9 or controlled by a foreign person. The Secretary
10 shall require all offerors, prospective offerors, and
11 contractors to update the disclosure at any time be-
12 fore award of the contract or during performance of
13 the contract, if the information provided becomes in-
14 correct because of a change of ownership, a change
15 in subcontractors, or for any other reason.

16 (2) FOREIGN OWNERSHIP OR CONTROL.—In
17 this subsection:

18 (A) The term “owned or controlled by a
19 foreign person”, with respect to an offeror, con-
20 tractor, or subcontractor, means that a foreign
21 person owns or controls, directly or indirectly,
22 50 percent or more of the voting stock or other
23 ownership interest in the offeror, contractor, or
24 subcontractor.

1 (B) The term “foreign person” means any
2 of the following:

3 (i) A foreign government.

4 (ii) A corporation organized under the
5 laws of a foreign country.

6 (iii) An individual who is not a citizen
7 of the United States.

8 (3) REGULATIONS.—Not later than 180 days
9 after the date of the enactment of this Act, the Sec-
10 retary of Homeland Security shall promulgate regu-
11 lations to carry out this subsection.

12 **SEC. 405. INTEGRITY IN CONTRACTING.**

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. INTEGRITY IN CONTRACTING.**

17 “(a) ATTESTATION REQUIRED.—The Secretary shall
18 require any offeror for any contract to provide goods or
19 services to the Department to submit as part of the
20 offeror’s bid for such contract an attestation that affirma-
21 tively discloses any substantial role the offeror, the em-
22 ployees of the offeror, or any corporate parent or sub-
23 sidiary of the offeror may have played in creating a solici-
24 tation, request for proposal, statement of work, or state-

1 ment of objectives (as those terms are defined in the Fed-
2 eral Acquisition Regulation) for the Department.

3 “(b) ADDITIONAL REQUIREMENTS FOR CERTAIN
4 OFFERORS.—If an offeror submits an attestation under
5 subsection (a) that discloses that the offeror, an employee
6 of the offeror, or any corporate parent or subsidiary of
7 the offeror played a substantial role in creating a solicita-
8 tion, request for proposal, statement of work, or statement
9 of objectives for the Department, the Secretary shall re-
10 quire the offeror to submit to the Secretary a description
11 of the safeguards used to ensure that precautions were
12 in place to prevent the offeror from receiving information
13 through such role that could be used to provide the offeror
14 an undue advantage in submitting an offer for a contract.

15 “(c) CERTIFICATION REQUIREMENTS.—

16 “(1) IN GENERAL.—The Secretary shall require
17 any offeror for any contract to provide goods or
18 services to the Department to submit to the Sec-
19 retary as part of the offeror’s bid for such contract
20 a certification in writing whether, as of the date on
21 which the certification is submitted, the offeror—

22 “(A) is in default on any payment of any
23 tax to the Federal Government; or

24 “(B) owes the Federal Government for any
25 payment of any delinquent tax.

1 “(2) FAILURE OF CERTIFICATION.—Nothing in
 2 this section shall prevent the Department from
 3 awarding a contract to an offeror based solely on the
 4 offeror’s certification.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
 6 in section 1(b) of such Act is further amended by adding
 7 at the end of the items relating to such subtitle the fol-
 8 lowing:

 “Sec. 836. Integrity in contracting.”.

9 **SEC. 406. SMALL BUSINESS UTILIZATION REPORT.**

10 (a) REPORT.—Not later than 360 days after the date
 11 of the enactment of this Act, the Chief Procurement Offi-
 12 cer of the Department of Homeland Security shall submit
 13 to the Secretary of Homeland Security, the Committee on
 14 Homeland Security of the House of Representatives, and
 15 the Committee on Homeland Security and Governmental
 16 Affairs of the Senate a report that—

17 (1) identifies each component of the Depart-
 18 ment for which the aggregate value of contracts
 19 awarded in fiscal year 2006 by the component to
 20 qualified HUBZone small business concerns and
 21 small business concerns owned and controlled by
 22 service-disabled veterans was less than 3 percent of
 23 the total value of all contracts awarded under the
 24 component for that fiscal year; and

1 (2) identifies each component of the Depart-
2 ment for which the aggregate value of contracts
3 awarded in fiscal year 2006 by the component to so-
4 cially or economically disadvantaged small business
5 concerns, including 8(a) small business concerns,
6 and small business concerns owned and controlled by
7 women was less than 5 percent of the total value of
8 all contracts awarded by the component for that fis-
9 cal year.

10 (b) ACTION PLAN.—

11 (1) ACTION PLAN REQUIRED.—Not later than
12 90 days after the date of the submission of the re-
13 port required under subsection (a), the Chief Pro-
14 curement Officer, in consultation with Office of
15 Small and Disadvantaged Businesses Utilization of
16 the Department, shall for each component identified
17 under subsection (a)(1) and (a)(2), develop, submit
18 to the Committees referred to in subsection (a), and
19 begin implementing an action plan for achieving the
20 objective described in subsection (b)(2). An action
21 plan is not required if the component meets or ex-
22 ceeds is meeting or exceeding the objective described
23 in subsection (b)(2).

24 (2) IDENTIFICATION OF BARRIERS.—Each ac-
25 tion plan shall identify and describe any barriers to

1 achieving the objective of awarding by the compo-
2 nent for a fiscal year contracts having an aggregate
3 value of at least 3 percent of the total value of all
4 contracts awarded by the component for the fiscal
5 year to small business concerns identified under sub-
6 section (a)(1) and 5 percent of the total value of all
7 contracts awarded by the component for the fiscal
8 year to small business concerns identified under sub-
9 section (a)(2).

10 (3) PERFORMANCE MEASURES AND TIME-
11 TABLE.—Each action plan submitted under para-
12 graph (1) shall include performance measures and a
13 timetable for compliance and achievement of the ob-
14 jective described in paragraph (2).

15 (c) PRIORITY CONSIDERATION.—

16 (1) IN GENERAL.—The Chief Procurement Offi-
17 cer may give priority to small business concerns for
18 all open market procurements exceeding the sim-
19 plified acquisition threshold prior to initiating full
20 and open, or unrestricted, competition.

21 (2) ORDER OF PRIORITY.—In proceeding with
22 priority consideration under paragraph (1), the
23 Chief Procurement Officer shall consider contracting
24 proposals in the following order:

1 (A) Proposals submitted by 8(a) small
2 business concerns or HUBZone small business
3 concerns; service-disabled veteran owned small
4 business concerns; or women owned small busi-
5 ness concerns.

6 (B) Proposals submitted by other shall
7 business concerns.

8 (C) Proposals submitted under full and
9 open competition.

10 (3) For purposes of carrying out paragraph (2)
11 with respect to proposals submitted by small busi-
12 ness concerns described in the same subparagraph of
13 paragraph (2), the Chief Procurement Officer shall
14 select the appropriate category of concern based on
15 market research, historical data, and progress to-
16 ward achieving the objective described in subsection
17 (b)(2).

18 (d) DEFINITIONS.—For purposes of this section, the
19 terms “small business concern”, “socially or economically
20 disadvantaged small business concern”, “women owned
21 small business concern”, “small business concern owned
22 and controlled by service-disabled veterans”, “8(a) small
23 business concerns”, and “qualified HUBZone small busi-
24 ness concern” have the meanings given such terms under
25 the Small Business Act (15 U.S.C. 631 et seq.).

1 **SEC. 407. REQUIREMENT THAT UNIFORMS, PROTECTIVE**
2 **GEAR, BADGES, AND IDENTIFICATION CARDS**
3 **OF HOMELAND SECURITY PERSONNEL BE**
4 **MANUFACTURED IN THE UNITED STATES.**

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

8 **“SEC. 836. REQUIREMENT THAT CERTAIN ARTICLES PRO-**
9 **CURED FOR DEPARTMENT PERSONNEL BE**
10 **MANUFACTURED IN THE UNITED STATES.**

11 “(a) REQUIREMENT.—Except as provided in section
12 (c), funds appropriated or otherwise available to the De-
13 partment may not be used for the procurement of an arti-
14 cle described in section (b) if the item is not manufactured
15 in the United States.

16 “(b) COVERED ARTICLES.—An article referred to in
17 subsection (a) is any of the following articles procured for
18 personnel of the Department:

19 “(1) Uniforms.

20 “(2) Protective gear.

21 “(3) Badges or other insignia indicating the
22 rank, office, or position of personnel.

23 “(4) Identification cards.

24 “(c) AVAILABILITY EXCEPTION.—Subsection (a)
25 does not apply to the extent that the Secretary determines
26 that satisfactory quality and sufficient quantity of the ar-

1 tiele cannot be procured as and when needed at United
2 States market prices. If such a determination is made with
3 respect to an article, the Secretary shall—

4 “(1) notify the Committee on Homeland Secu-
5 rity of the House of Representatives and the Com-
6 mittee on Homeland Security and Governmental Af-
7 fairs of the Senate within 7 days after making the
8 determination; and

9 “(2) include in that notification a certification
10 that manufacturing the article outside the United
11 States does not pose a risk to the national security
12 of the United States, as well as a detailed expla-
13 nation of the steps any facility outside the United
14 States that is manufacturing the article will be re-
15 quired to take to ensure that the materials, patterns,
16 logos, designs, or any other element used in or for
17 the article are not misappropriated.

18 “(d) OTHER EXCEPTIONS.—Subsection (a) does not
19 apply—

20 “(1) to acquisitions at or below the micro-pur-
21 chase threshold (as defined in section 32 of the Of-
22 fice of Federal Procurement Policy Act (41 U.S.C.
23 428)); and

24 “(2) to acquisitions outside the United States
25 for use outside of the United States.

1 “(e) RELATIONSHIP TO WAIVER UNDER TRADE
2 AGREEMENTS ACT OF 1979.—Subsection (a) shall apply
3 notwithstanding any waiver under section 301 of the
4 Trade Agreements Act of 1979 (19 U.S.C. 2511).”.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents of the Homeland Security Act of 2002 is amended
7 by adding after the item relating to section 835 the fol-
8 lowing new item:

“Sec. 836. Requirement that certain articles procured for Department per-
sonnel be manufactured in the United States.”.

9 (c) APPLICABILITY.—The amendments made by this
10 section take effect 120 days after the date of the enact-
11 ment of this Act and apply to any contract entered into
12 on or after that date for the procurement of items to which
13 such amendments apply.

14 **SEC. 408. DEPARTMENT OF HOMELAND SECURITY MENTOR-**
15 **PROTÉGÉ PROGRAM.**

16 (a) ESTABLISHMENT.—The Secretary of Homeland
17 Security shall establish within the Department of Home-
18 land Security’s Office of Small Business and Disadvan-
19 taged Business Utilization a Mentor-Protégé Program.

20 (b) PARTICIPATION BY CONTRACTORS AND
21 OFFERORS.—The Secretary shall take affirmative steps to
22 publicize and to ensure that Department contractors and
23 offerors are fully aware of and are participating in the
24 Mentor-Protégé Program, including the fact that their ef-

1 forts to seek and develop a formal Mentor-Protégé rela-
2 tionship will be a factor in the evaluation of bids or offers
3 for Department contracts.

4 (c) FACTOR IN EVALUATION OF OFFERS.—When
5 evaluating the offer of a contractor, the Department of
6 Homeland Security shall consider that offeror’s efforts to
7 seek and develop a formal Mentor-Protégé relationship
8 under the Mentor-Protégé Program.

9 (d) REVIEW BY INSPECTOR GENERAL.—The Inspec-
10 tor General of the Department of Homeland Security shall
11 conduct a review of the Mentor-Protégé Program. Such
12 review shall include—

13 (1) an assessment of the program’s effective-
14 ness;

15 (2) identification of any barriers that restrict
16 contractors from participating in the program;

17 (3) a comparison of the program with the De-
18 partment of Defense Mentor-Protégé Program; and

19 (4) development of recommendations to
20 strengthen the program to include the maximum
21 number of contractors as possible.

1 **TITLE V—WORKFORCE AND**
2 **TRAINING IMPROVEMENTS**

3 **SEC. 501. CUSTOMS AND BORDER PROTECTION OFFICER**
4 **PAY EQUITY.**

5 (a) DEFINITIONS.—For purposes of this section:

6 (1) The term “Government retirement system”
7 means a retirement system established by law for
8 employees of the Government of the United States.

9 (2) The term “Customs and Border Protection
10 Officer position” refers to any Customs and Border
11 Protection Officer position—

12 (A) which is within the Department of
13 Homeland Security, and

14 (B) the primary duties of which consist of
15 enforcing the border, customs, or agriculture
16 laws of the United States;

17 such term includes a supervisory or administrative
18 position within the Department of Homeland Secu-
19 rity to which an individual transfers directly from a
20 position described in the preceding provisions of this
21 paragraph in which such individual served for at
22 least three years.

23 (3) The term “law enforcement officer” has the
24 meaning given such term under the Government re-
25 tirement system involved.

1 (4) The term “Executive agency” or “agency”
2 has the meaning given under section 105 of title 5,
3 United States Code.

4 (5) The term “prior qualified service” means
5 service as a Customs and Border Protection Officer
6 within the Department of Homeland Security, since
7 its creation in March 2003.

8 (b) TREATMENT AS A LAW ENFORCEMENT OFFI-
9 CER.—In the administration of any Government retire-
10 ment system, service in a Customs and Border Protection
11 Officer position shall be treated in the same way as service
12 performed in a law enforcement officer position, subject
13 to succeeding provisions of this section.

14 (c) APPLICABILITY.—Subsection (b) shall apply in
15 the case of—

16 (1) any individual first appointed to a Customs
17 and Border Protection Officer position on or after
18 the date of the enactment of this Act; and

19 (2) any individual who—

20 (A) holds a Customs and Border Protec-
21 tion Officer position on the date of the enact-
22 ment of this Act pursuant to an appointment
23 made before such date; and

24 (B) who submits to the agency admin-
25 istering the retirement system involved an ap-

1 appropriate election under this section, not later
2 than five years after the date of the enactment
3 of this Act or before separation from Govern-
4 ment service, whichever is earlier.

5 (d) INDIVIDUAL CONTRIBUTIONS FOR PRIOR QUALI-
6 FIED SERVICE.—

7 (1) IN GENERAL.—An individual described in
8 subsection (c)(2)(B) may, with respect to prior
9 qualified service performed by such individual, con-
10 tribute to the Government retirement system by
11 which such individual is covered (for deposit in the
12 appropriate fund within the Treasury) the difference
13 between the individual contributions that were actu-
14 ally made for such service and the individual con-
15 tributions that should have been made for such serv-
16 ice if subsection (b) had then been in effect (with in-
17 terest).

18 (2) EFFECT OF NOT CONTRIBUTING.—If less
19 than the full contribution under paragraph (1) is
20 made, all prior qualified service of the individual
21 shall remain fully creditable as law enforcement offi-
22 cer service, but the resulting annuity (before cost-of-
23 living adjustments) shall be reduced in a manner
24 such that, when combined with the unpaid amount,
25 would result in the present value of the total being

1 actuarially equivalent to the present value of the an-
2 nuity that would otherwise have been payable if the
3 full contribution had been made.

4 (e) GOVERNMENT CONTRIBUTIONS FOR PRIOR
5 QUALIFIED SERVICE.—

6 (1) IN GENERAL.—If an individual makes an
7 election under subsection (c)(2)(B), the Department
8 of Homeland Security shall remit, with respect to
9 any prior qualified service, the total amount of addi-
10 tional Government contributions that would have
11 been required for such service under the retirement
12 system involved if subsection (b) had then been in
13 effect (with interest).

14 (2) CONTRIBUTIONS TO BE MADE RATABLY.—
15 Government contributions under this subsection on
16 behalf of an individual shall be made ratably (on at
17 least an annual basis) over the ten-year period be-
18 ginning on the date an individual's retirement de-
19 ductions begin to be made.

20 (f) EXEMPTION FROM MANDATORY SEPARATION.—
21 Effective during the three-year period beginning on the
22 date of the enactment of this Act, nothing in this section
23 shall result in any individual being involuntarily separated
24 on account of the provisions of any retirement system re-

1 lating to the mandatory separation of a law enforcement
2 officer on account of age or age and service combined.

3 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be considered to apply in the case of a reem-
5 ployed annuitant.

6 (h) REGULATIONS.—Any regulations necessary to
7 carry out this section shall be prescribed in consultation
8 with the Secretary of Homeland Security.

9 **SEC. 502. PLAN TO IMPROVE REPRESENTATION OF MINORI-**
10 **TIES IN VARIOUS CATEGORIES OF EMPLOY-**
11 **MENT.**

12 (a) PLAN FOR IMPROVING REPRESENTATION OF MI-
13 NORITIES.—Not later than 90 days after the date of the
14 enactment of this Act, the Chief Human Capital Officer
15 of the Department of Homeland Security shall prepare
16 and transmit to the Committee on Homeland Security and
17 Governmental Affairs of the Senate, the Committee on
18 Homeland Security of the House of Representatives, and
19 the Government Comptroller General of the United States
20 a plan to achieve the objective of addressing any under
21 representation of minorities in the various categories of
22 civil service employment within such Department. Such
23 plan shall identify and describe any barriers to achieving
24 the objective described in the preceding sentence and the

1 strategies and measures included in the plan to overcome
2 them.

3 (b) ASSESSMENTS.—Not later than 1 year after re-
4 ceiving the plan, the Comptroller General of the United
5 States shall assess—

6 (1) any programs and other measures currently
7 being implemented to achieve the objective described
8 in the first sentence of subsection (a); and

9 (2) the likelihood that the plan will allow the
10 Department to achieve such objective.

11 (c) DEFINITIONS.—For purposes of this section—

12 (1) the term “under representation” means a
13 situation in which the members of a minority group
14 within a category of Federal civil service employment
15 constitutes a lower percentage of the total number of
16 employees within the employment category than the
17 percentage that the minority constituted within the
18 labor force of the Federal Government, according to
19 statistics issued by the Office of Personnel Manage-
20 ment;

21 (2) the term “minority groups” or “minorities”
22 means—

23 (A) racial and ethnic minorities;

24 (B) women; and

25 (C) individuals with disabilities; and

1 (3) the term “category of civil service employ-
2 ment” means—

3 (A) each pay grade, pay band, or other
4 classification of every pay schedule and all other
5 levels of pay applicable to the Department of
6 Homeland Security; and

7 (B) such occupational, professional, or
8 other groupings (including occupational series)
9 as the Chief Human Capital Officer of the De-
10 partment of Homeland Security may specify, in
11 the plan described in subsection (a), in order to
12 carry out the purposes of this section.

13 **SEC. 503. CONTINUATION OF AUTHORITY FOR FEDERAL**
14 **LAW ENFORCEMENT TRAINING CENTER TO**
15 **APPOINT AND MAINTAIN A CADRE OF FED-**
16 **ERAL ANNUITANTS.**

17 Section 1202(a) of the 2002 Supplemental Appro-
18 priations Act for Further Recovery From and Response
19 To Terrorist Attacks on the United States (42 U.S.C.
20 3771 note) is amended in the first sentence by striking
21 “December 31, 2007” and inserting “December 31,
22 2008”.

1 **SEC. 504. AUTHORITY TO APPOINT AND MAINTAIN A CADRE**
2 **OF FEDERAL ANNUITANTS FOR CUSTOMS**
3 **AND BORDER PROTECTION.**

4 (a) DEFINITIONS.—For purposes of this section—

5 (1) the term “CBP” means the United States
6 Customs and Border Protection;

7 (2) the term “annuitant” means an annuitant
8 under a Government retirement system;

9 (3) the term “Government retirement system”
10 has the meaning given such term by section 501(a);
11 and

12 (4) the term “employee” has the meaning given
13 such term by section 2105 of title 5, United States
14 Code.

15 (b) APPOINTMENT AUTHORITY.—The Secretary (act-
16 ing through the Commissioner of the United States Cus-
17 toms and Border Protection) may, for the purpose of ac-
18 celerating the ability of the CBP to secure the borders
19 of the United States, appoint annuitants to positions in
20 the CBP in accordance with succeeding provisions of this
21 section.

22 (c) NONCOMPETITIVE PROCEDURES; EXEMPTION
23 FROM OFFSET.—An appointment made under subsection
24 (b) shall not be subject to the provisions of title 5, United
25 States Code, governing appointments in the competitive
26 service, and any annuitant serving pursuant to such an

1 appointment shall be exempt from sections 8344 and 8468
2 of such title 5 (relating to annuities and pay on reemploy-
3 ment) and any other similar provision of law under a Gov-
4 ernment retirement system.

5 (d) LIMITATIONS.—No appointment under subsection
6 (b) may be made if such appointment would result in the
7 displacement of any employee or would cause the total
8 number of positions filled by annuitants appointed under
9 such subsection to exceed 500 as of any time (determined
10 on a full-time equivalent basis).

11 (e) RULE OF CONSTRUCTION.—An annuitant as to
12 whom an exemption under subsection (c) is in effect shall
13 not be considered an employee for purposes of any Govern-
14 ment retirement system.

15 (f) TERMINATION.—Upon the expiration of the 5-
16 year period beginning on the date of the enactment of this
17 Act—

18 (1) any authority to make appointments under
19 subsection (b) shall cease to be available; and

20 (2) all exemptions under subsection (c) shall
21 cease to be effective.

22 **SEC. 505. STRENGTHENING BORDER PATROL RECRUIT-**
23 **MENT AND RETENTION.**

24 In order to address the recruitment and retention
25 challenges faced by United States Customs and Border

1 Protection, the Secretary of Homeland Security shall es-
2 tablish a plan, consistent with existing Federal statutes
3 applicable to pay, recruitment, relocation, and retention
4 of Federal law enforcement officers. Such plan shall in-
5 clude the following components:

6 (1) The establishment of a recruitment incen-
7 tive for Border Patrol agents, including the estab-
8 lishment of a foreign language incentive award.

9 (2) The establishment of a retention plan, in-
10 cluding the payment of bonuses to Border Patrol
11 agents for every year of service after the first two
12 years of service.

13 (3) An increase in the pay percentage differen-
14 tials to Border Patrol agents in certain high-cost
15 areas, as determined by the Secretary, consistent
16 with entry-level pay to other Federal, State, and
17 local law enforcement agencies.

18 (4) The establishment of a mechanism whereby
19 Border Patrol agents can transfer from one location
20 to another after the first two years of service in
21 their initial duty location.

22 **SEC. 506. LIMITATION ON REIMBURSEMENTS RELATING TO**
23 **CERTAIN DETAILEES.**

24 In the case of an individual assigned to the Depart-
25 ment of Homeland Security as a detailee under an ar-

1 rangement described in subchapter VI of chapter 33 of
2 title 5, United States Code, the maximum reimbursement
3 by the Department of Homeland Security which may be
4 made under section 3374(c) of such title with respect to
5 such individual for the period of the assignment (including
6 for any employee benefits) may not exceed the total
7 amount of basic pay that would have been payable for such
8 period if such individual had been paid, at the highest rate
9 allowable under section 5382 of such title, as a member
10 of the Senior Executive Service.

11 **SEC. 507. INTEGRITY IN POST-EMPLOYMENT.**

12 (a) DESIGNATIONS AS SEPARATE AGENCIES AND BU-
13 REAUS BARRED.—No agency, bureau, or other entity of
14 the Department of Homeland Security may be designated
15 under section 207(h)(1) of title 18, United States Code,
16 as a separate agency or bureau.

17 (b) EFFECTIVE DATE.—

18 (1) IN GENERAL.—This section takes effect on
19 the later of June 6, 2007, or the date of the enact-
20 ment of this Act.

21 (2) APPLICABILITY TO DESIGNATIONS.—The
22 following shall cease to be effective on the later of
23 June 6, 2007, or the date of the enactment of this
24 Act:

1 (A) Any waiver of restrictions made under
2 section 207(c)(2)(C) of title 18, United States
3 Code, before the enactment of this Act, with re-
4 spect to any position, or category of positions,
5 in the Department of Homeland Security.

6 (B) Any designation of an agency, bureau,
7 or other entity in the Department of Homeland
8 Security, before the enactment of this Act,
9 under section 207(h)(1) of title 18, United
10 States Code, as a separate agency or bureau.

11 **SEC. 508. INCREASED SECURITY SCREENING OF HOME-**
12 **LAND SECURITY OFFICIALS.**

13 (a) REVIEW REQUIRED.—Not later than 90 days
14 after the date of enactment of this Act, the Secretary of
15 Homeland Security shall conduct a Department-wide re-
16 view of Department of Homeland Security security clear-
17 ance and suitability review procedures for Department em-
18 ployees and contractors, as well as individuals in state and
19 local government agencies and private sector entities with
20 a need to receive classified information.

21 (b) STRENGTHENING OF SECURITY SCREENING
22 POLICIES.—

23 (1) IN GENERAL.—Based on the findings of the
24 review conducted under subsection (a), the Secretary
25 shall, as appropriate, take all necessary steps to

1 strengthen the Department's security screening poli-
2 cies, including consolidating the security clearance
3 investigative authority at the headquarters of the
4 Department.

5 (2) ELEMENTS.—In strengthening security
6 screening policies under paragraph (1), the Sec-
7 retary shall consider whether and where appropriate
8 ensure that—

9 (A) all components of the Department of
10 Homeland Security meet or exceed Federal and
11 Departmental standards for security clearance
12 investigations, adjudications, and suitability re-
13 views;

14 (B) the Department has a cadre of well-
15 trained adjudicators; and that the Department
16 has in place a program to train and oversee ad-
17 judicators; and

18 (C) suitability reviews are conducted for all
19 Department of Homeland Security employees
20 who transfer from a component of the Depart-
21 ment to the headquarters of the Departmental.

22 **SEC. 509. AUTHORITIES OF CHIEF SECURITY OFFICER.**

23 (a) ESTABLISHMENT.—Title VII of the Homeland
24 Security Act of 2002 (6 U.S.C. 341 et seq.) is amended
25 by adding at the end the following:

1 **“SEC. 707. CHIEF SECURITY OFFICER.**

2 “(a) ESTABLISHMENT.—There is in the Department
3 a Chief Security Officer.

4 “(b) RESPONSIBILITIES.—The Chief Security Officer
5 shall—

6 “(1) have responsibility for personnel security,
7 facility access, security awareness, and related train-
8 ing;

9 “(2) ensure that each component of the Depart-
10 ment complies with Federal standards for security
11 clearances and background investigations;

12 “(3) ensure, to the greatest extent practicable,
13 that individuals in state and local government agen-
14 cies and private sector entities with a need to receive
15 classified information, receive the appropriate clear-
16 ances in a timely fashion; and

17 “(4) perform all other functions as determined
18 by the Secretary.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 in section 1(b) of such Act is amended by inserting after
21 the items relating to title VII the following new item:

“Sec. 707. Chief Security Officer.”.

22 **SEC. 510. DEPARTMENTAL CULTURE IMPROVEMENT.**

23 (a) CONSIDERATION REQUIRED.—The Secretary of
24 Homeland Security, acting through the Chief Human Cap-
25 ital Officer, shall consider implementing recommendations

1 set forth in the Homeland Security Advisory Council Cul-
2 ture Task Force Report of January 2007.

3 (b) IDENTIFICATION OF TERMS.—As part of this
4 consideration, the Secretary, acting through the Chief
5 Human Capital Officer, shall identify an appropriate term,
6 as among “workforce”, “personnel”, and “employee”, to
7 replace “human capital” and integrate its use throughout
8 the operations, policies, and programs of the Department
9 of Homeland Security.

10 **SEC. 511. HOMELAND SECURITY EDUCATION PROGRAM EN-**
11 **HANCEMENTS.**

12 Section 845(b) of the Homeland Security Act of 2002
13 (6 U.S.C. 415(b)) is amended to read as follows:

14 “(b) LEVERAGING OF EXISTING RESOURCES.—To
15 maximize efficiency and effectiveness in carrying out the
16 Program, the Administrator shall use curricula modeled
17 on existing Department-reviewed Master’s Degree cur-
18 ricula in homeland security, including curricula pending
19 accreditation, together with associated learning materials,
20 quality assessment tools, digital libraries, asynchronous
21 distance learning, video conferencing, exercise systems,
22 and other educational facilities, including the National Do-
23 mestic Preparedness Consortium, the National Fire Acad-
24 emy, and the Emergency Management Institute. The Ad-

1 administrator may develop additional educational programs,
 2 as appropriate.”.

3 **TITLE VI—BIOPREPAREDNESS** 4 **IMPROVEMENTS**

5 **SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF** 6 **HEALTH AFFAIRS.**

7 Section 516 of the Homeland Security Act of 2002
 8 (6 U.S.C. 321e) is amended to read as follows:

9 **“SEC. 516. CHIEF MEDICAL OFFICER.**

10 “(a) IN GENERAL.—There is in the Department a
 11 Chief Medical Officer, who shall be appointed by the Presi-
 12 dent, by and with the advice and consent of the Senate,
 13 and shall have the rank and title of Assistant Secretary
 14 for Health Affairs and Chief Medical Officer (in this sec-
 15 tion referred to as the ‘Chief Medical Officer’).

16 “(b) OFFICE OF HEALTH AFFAIRS.—There is in the
 17 Department an Office of Health Affairs, which shall be
 18 headed by the Chief Medical Officer.

19 “(c) QUALIFICATIONS.—The individual appointed as
 20 the Chief Medical Officer shall possess a demonstrated
 21 ability in and knowledge of medicine and public health.

22 “(d) RESPONSIBILITIES.—The Chief Medical Officer
 23 shall have the primary responsibility within the Depart-
 24 ment for medical and health issues related to the general
 25 roles, responsibilities, and operations of the Department,

1 and natural disasters, acts of terrorism, and other man-
2 made disasters, including—

3 “(1) serving as the principal advisor to the Sec-
4 retary and leading the Department’s medical care,
5 public health, food, water, veterinary care, and agro-
6 security and defense responsibilities;

7 “(2) providing oversight for all medically-re-
8 lated actions and protocols of the Department’s
9 medical personnel;

10 “(3) administering the Department’s respon-
11 sibilities for medical readiness, including—

12 “(A) planning and guidance to support im-
13 provements in local training, equipment, and
14 exercises funded by the Department; and

15 “(B) consistent with the National Re-
16 sponse Plan established pursuant to Homeland
17 Security Presidential Directive 8, assisting in
18 fulfilling the Department’s roles in related
19 emergency support functions;

20 “(4) serving as the Department’s primary point
21 of contact with the Department of Agriculture, the
22 Department of Defense, the Department of Health
23 and Human Services, the Department of Transpor-
24 tation, the Department of Veterans Affairs, and
25 other Federal departments and agencies, on all mat-

1 ters of medical and public health to ensure coordina-
2 tion consistent with the National Response Plan;

3 “(5) serving as the Department’s primary point
4 of contact for State, local, tribal, and territorial gov-
5 ernments, the medical community, and the private
6 sector, to ensure that medical readiness and re-
7 sponse activities are coordinated and consistent with
8 the National Response Plan and the Secretary’s inci-
9 dent management requirements;

10 “(6) managing the Department’s biodefense
11 and biosurveillance activities including the National
12 Biosurveillance Integration System, and the Depart-
13 ments responsibilities under Project BioShield in co-
14 ordination with the Under Secretary of Science and
15 Technology as appropriate;

16 “(7) assuring that the Department’s workforce
17 has science-based policy, standards, requirements,
18 and metrics for occupational safety and health;

19 “(8) supporting the operational requirements of
20 the Department’s components with respect to protec-
21 tive medicine and tactical medical support;

22 “(9) developing, in coordination with appro-
23 priate Department entities, end-to-end plans for pre-
24 vention, readiness, protection, response, and recovery

1 from catastrophic events with human, animal, agri-
2 cultural, or environmental health consequences;

3 “(10) integrating into the end-to-end plans de-
4 veloped under paragraph (9), Department of Health
5 and Human Services’ efforts to identify and deploy
6 medical assets (including human, fixed, and material
7 assets) used in preparation for or response to na-
8 tional disasters and catastrophes, and to enable ac-
9 cess by medical personnel patient electronic medical
10 records to aid treatment of displaced persons in such
11 circumstance, in order to assure that actions of both
12 Departments are combined for maximum effective-
13 ness during an emergency consistent with the Na-
14 tional Response Plan and applicable emergency sup-
15 port functions;

16 “(11) performing other duties relating to such
17 responsibilities as the Secretary may require; and

18 “(12) directing and maintaining a coordinated
19 system for medical support of the Department’s
20 operational activities.”.

21 **SEC. 602. IMPROVING THE MATERIAL THREATS PROCESS.**

22 (a) IN GENERAL.—Section 319F–2(c)(2)(A) of the
23 Public Health Service Act (42 U.S.C. 247d–6b(c)(2)(A))
24 is amended—

1 (1) by redesignating clauses (i) and (ii) as sub-
2 clauses (I) and (II), respectively;

3 (2) by moving each of such subclauses two ems
4 to the right;

5 (3) by striking “(A) MATERIAL THREAT.—The
6 Homeland Security Secretary” and inserting the fol-
7 lowing:

8 “(A) MATERIAL THREAT.—

9 “(i) IN GENERAL.—The Secretary of
10 Homeland Security”; and

11 (4) by adding at the end the following clauses:

12 “(ii) USE OF EXISTING RISK ASSESS-
13 MENTS.—For the purpose of satisfying the
14 requirements of clause (i) as expeditiously
15 as possible, the Secretary of Homeland Se-
16 curity shall, as practicable, utilize existing
17 risk assessments that such Secretary con-
18 siders credible.

19 “(iii) ORDER OF ASSESSMENTS.—

20 “(I) GROUPINGS TO FACILITATE
21 ASSESSMENT OF COUNTER-
22 MEASURES.—In conducting threat as-
23 sessments and determinations under
24 clause (i) of chemical, biological, radi-
25 ological, and nuclear agents, the Sec-

1 retary of Homeland Security shall, to
2 the extent practicable and appro-
3 priate, consider the completion of such
4 assessments and determinations for
5 groups of agents toward the goal of
6 facilitating the assessment of counter-
7 measures under paragraph (3) by the
8 Secretary of Health and Human Serv-
9 ices.

10 “(II) CATEGORIES OF COUNTER-
11 MEASURES.—The grouping of agents
12 under subclause (I) by the Secretary
13 of Homeland Security shall be de-
14 signed to facilitate assessments under
15 paragraph (3) by the Secretary of
16 Health and Human Services regarding
17 the following two categories of coun-
18 termeasures:

19 “(aa) Countermeasures that
20 may address more than one
21 agent identified under clause
22 (i)(II).

23 “(bb) Countermeasures that
24 may address adverse health con-

1 sequences that are common to
2 exposure to different agents.

3 “(III) RULE OF CONSTRU-
4 TION.—A particular grouping of
5 agents pursuant to subclause (II) is
6 not required under such subclause to
7 facilitate assessments of both cat-
8 egories of countermeasures described
9 in such subclause. A grouping may
10 concern one category and not the
11 other.

12 “(iv) DEADLINE FOR COMPLETION OF
13 CERTAIN MATERIAL THREAT DETERMINA-
14 TIONS.—With respect to chemical, biologi-
15 cal, radiological, and nuclear agents known
16 to the Secretary of Homeland Security as
17 of the day before the date of the enactment
18 of this clause, and which such Secretary
19 considers to be capable of significantly af-
20 fecting national security, such Secretary
21 shall complete the determinations under
22 clause (i)(II) not later than December 31,
23 2007.

24 “(v) REPORT TO CONGRESS.—Not
25 later than 30 days after the date on which

1 the Secretary of Homeland Security com-
2 pletes a material threat assessment under
3 clause (i), the Secretary shall submit to
4 Congress a report containing the results of
5 such assessment.

6 “(vi) DEFINITION.—For purposes of
7 this subparagraph, the term ‘risk assess-
8 ment’ means a scientific, technically-based
9 analysis of agents that incorporates threat,
10 vulnerability, and consequence informa-
11 tion.”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
13 521(d) of the Homeland Security Act of 2002 (6 U.S.C.
14 321–j(d)) is amended—

15 (1) in paragraph (1), by striking “2006,” and
16 inserting “2009,”; and

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

18 “(3) ADDITIONAL AUTHORIZATION OF APPRO-
19 PRIATIONS REGARDING CERTAIN THREAT ASSESS-
20 MENTS.—For the purpose of providing an additional
21 amount to the Secretary to assist the Secretary in
22 meeting the requirements of clause (iv) of section
23 319F–2(c)(2)(A)) of the Public Health Service Act
24 (relating to time frames), there are authorized to be
25 appropriated such sums as may be necessary for fis-

1 cal year 2008, in addition to the authorization of ap-
2 propriations established in paragraph (1). The pur-
3 poses for which such additional amount may be ex-
4 pended include conducting risk assessments regard-
5 ing clause (i)(II) of such section when there are no
6 existing risk assessments that the Secretary con-
7 siders credible.”.

8 **SEC. 603. STUDY ON NATIONAL BIODEFENSE TRAINING.**

9 (a) STUDY REQUIRED.—The Secretary of Homeland
10 Security shall, in consultation with the Secretary of De-
11 fense and the Secretary for Health and Human Services,
12 conduct a study to determine the staffing and training re-
13 quirements for pending capital programs to construct bio-
14 defense laboratories (including agriculture and animal lab-
15 oratories) at Biosafety Level 3 and Biosafety Level 4 or
16 to expand current biodefense laboratories to such biosafety
17 levels.

18 (b) ELEMENTS.—In conducting the study, the Sec-
19 retary of Homeland Security shall address the following:

20 (1) The number of trained personnel, by dis-
21 cipline and qualification level, required for existing
22 biodefense laboratories at Biosafety Level 3 and Bio-
23 safety Level 4, including the number trained in
24 Good Laboratory Practices (GLP).

1 (2) The number of research and support staff,
2 including researchers, laboratory technicians, animal
3 handlers, facility managers, facility or equipment
4 maintainers, safety and security personnel (including
5 biosafety, physical security, and cybersecurity per-
6 sonnel), and other safety personnel required to man-
7 age biodefense research efforts to combat bioter-
8 rorism at the planned biodefense laboratories de-
9 scribed in subsection (a).

10 (3) The training required to provide the per-
11 sonnel described by paragraphs (1) and (2), includ-
12 ing the type of training (whether classroom, labora-
13 tory, or field training) required, the length of train-
14 ing required by discipline, and the curriculum re-
15 quired to be developed for such training.

16 (4) Training schedules necessary to meet the
17 scheduled openings of the biodefense laboratories de-
18 scribed in subsection (a), including schedules for re-
19 fresher training and continuing education that may
20 be necessary for that purpose.

21 (c) REPORT.—Not later than December 31, 2007, the
22 Secretary of Homeland Security shall submit to Congress
23 a report setting forth the results of the study conducted
24 under this section.

1 **SEC. 604. NATIONAL BIOSURVEILLANCE INTEGRATION**
2 **CENTER.**

3 (a) IN GENERAL.—Title III of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
5 adding at the end the following new section:

6 **“SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION**
7 **CENTER.**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish a National Biosurveillance Integration Center (re-
10 ferred to in this section as the ‘NBIC’) to enhance the
11 capability of the Federal Government to rapidly identify,
12 characterize, and localize a biological event by integrating
13 and analyzing data related to human health, animals,
14 plants, food, and the environment. The NBIC shall be
15 headed by a Director.

16 “(b) INTEGRATED BIOSURVEILLANCE NETWORK.—
17 As part of the NBIC, the Director shall develop, operate,
18 and maintain an integrated network to detect, as early as
19 possible, a biological event that presents a risk to the
20 United States or the infrastructure or key assets of the
21 United States. The network shall—

22 “(1) consolidate data from all relevant surveil-
23 lance systems maintained by the Department and
24 other governmental and private sources, both foreign
25 and domestic, to the extent practicable; and

1 “(2) use an information technology system that
2 uses the best available statistical and other analyt-
3 ical tools to identify and characterize biological
4 events in as close to real-time as possible.

5 “(c) RESPONSIBILITIES.—

6 “(1) IN GENERAL.—The Director shall—

7 “(A) monitor on an ongoing basis the
8 availability and appropriateness of candidate
9 data feeds and solicit new surveillance systems
10 with data that would enhance biological situa-
11 tional awareness or overall performance of the
12 NBIC;

13 “(B) review and seek to improve on an on-
14 going basis the statistical and other analytical
15 methods used by the NBIC;

16 “(C) establish a procedure to enable Fed-
17 eral, State and local government, and private
18 sector entities to report suspicious events that
19 could warrant further assessments by the
20 NBIC;

21 “(D) receive and consider all relevant
22 homeland security information; and

23 “(E) provide technical assistance, as ap-
24 propriate, to all Federal, State, and local gov-
25 ernment entities and private sector entities that

1 contribute data relevant to the operation of the
2 NBIC.

3 “(2) ASSESSMENTS.—The Director shall—

4 “(A) continuously evaluate available data
5 for evidence of a biological event; and

6 “(B) integrate homeland security informa-
7 tion with NBIC data to provide overall biologi-
8 cal situational awareness and determine wheth-
9 er a biological event has occurred.

10 “(3) INFORMATION SHARING.—The Director
11 shall—

12 “(A) establish a mechanism for real-time
13 communication with the National Operations
14 Center;

15 “(B) provide integrated information to the
16 heads of the departments and agencies with
17 which the Director has entered into an agree-
18 ment under subsection (d);

19 “(C) notify the Secretary, the head of the
20 National Operations Center, and the heads of
21 appropriate Federal, State, tribal, and local en-
22 tities of any significant biological event identi-
23 fied by the NBIC;

24 “(D) provide reports on NBIC assessments
25 to Federal, State, and local government entities,

1 including departments and agencies with which
2 the Director has entered into an agreement
3 under subsection (d), and any private sector en-
4 tities, as considered appropriate by the Direc-
5 tor; and

6 “(E) use information sharing networks
7 available to the Department for distributing
8 NBIC incident or situational awareness reports.

9 “(d) INTERAGENCY AGREEMENTS.—

10 “(1) IN GENERAL.—The Secretary shall seek to
11 enter into agreements with the heads of appropriate
12 Federal departments and agencies, including the De-
13 partment of Health and Human Services, Depart-
14 ment of Defense, the Department of Agriculture, the
15 Department of State, the Department of Interior,
16 and the Intelligence Community.

17 “(2) CONTENT OF AGREEMENTS.—Under an
18 agreement entered into under paragraph (1), the
19 head of a Federal department or agency shall agree
20 to—

21 “(A) use the best efforts of the department
22 or agency to integrate biosurveillance informa-
23 tion capabilities through NBIC;

24 “(B) provide timely, evaluated information
25 to assist the NBIC in maintaining biological sit-

1 uational awareness for timely and accurate de-
2 tection and response purposes;

3 “(C) provide connectivity for the bio-
4 surveillance data systems of the department or
5 agency to the NBIC network under mutually
6 agreed protocols;

7 “(D) detail, if practicable, to the NBIC de-
8 partment or agency personnel with relevant ex-
9 pertise in human, animal, plant, food, or envi-
10 ronmental disease analysis and interpretation;

11 “(E) retain responsibility for the surveil-
12 lance and intelligence systems of that depart-
13 ment or agency, if applicable; and

14 “(F) participate in forming the strategy
15 and policy for the operation and information
16 sharing practices of the NBIC.

17 “(e) NOTIFICATION OF DIRECTOR.—The Secretary
18 shall ensure that the Director is notified of homeland secu-
19 rity information relating to any significant biological
20 threat and receives all classified and unclassified reports
21 related to such a threat in a timely manner.

22 “(f) ADMINISTRATIVE AUTHORITIES.—

23 “(1) PRIVACY.—The Secretary shall—

24 “(A) designate the NBIC as a public
25 health authority;

1 “(B) ensure that the NBIC complies with
2 any applicable requirements of the Health In-
3 surance Portability and Accountability Act of
4 1996; and

5 “(C) ensure that all applicable privacy reg-
6 ulations are strictly adhered to in the operation
7 of the NBIC and the sharing of any informa-
8 tion related to the NBIC.

9 “(2) COLLECTION OF INFORMATION.—The
10 NBIC, as a public health authority with a public
11 health mission, is authorized to collect or receive
12 health information, including such information pro-
13 tected under the Health Insurance Portability and
14 Accountability Act of 1996, for the purpose of pre-
15 venting or controlling disease, injury, or disability.

16 “(g) NBIC INTERAGENCY WORKING GROUP.—The
17 Director shall—

18 “(1) establish an interagency working group to
19 facilitate interagency cooperation to advise the Di-
20 rector on recommendations to enhance the bio-
21 surveillance capabilities of the Department; and

22 “(2) invite officials of Federal agencies that
23 conduct biosurveillance programs, including officials
24 of the departments and agencies with which the Sec-

1 retary has entered into an agreement under sub-
2 section (d), to participate in the working group.

3 “(h) ANNUAL REPORT REQUIRED.—Not later than
4 December 31 of each year, the Secretary shall submit to
5 Congress a report that contains each of the following:

6 “(1) A list of departments, agencies, and pri-
7 vate or nonprofit entities participating in the NBIC
8 and a description of the data that each entity has
9 contributed to the NBIC during the preceding fiscal
10 year.

11 “(2) The schedule for obtaining access to any
12 relevant biosurveillance information not received by
13 the NBIC as of the date on which the report is sub-
14 mitted.

15 “(3) A list of Federal, State, and local govern-
16 ment entities and private sector entities that have
17 direct or indirect access to the information that is
18 integrated by the NBIC.

19 “(4) For any year before the NBIC is fully im-
20 plemented or any year in which any major structural
21 or institutional change is made to the NBIC, an im-
22 plementation plan for the NBIC that includes cost,
23 schedule, key milestones, and the status of such
24 milestones.

1 “(i) RELATIONSHIP TO OTHER DEPARTMENTS AND
2 AGENCIES.—The authority of the Secretary under this
3 section shall not affect an authority or responsibility of
4 any other Federal department or agency with respect to
5 biosurveillance activities under any program administered
6 by that department or agency.

7 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 such sums as may be necessary for each fiscal year.

10 “(k) BIOLOGICAL EVENT.—For purposes of this sec-
11 tion, the term ‘biological event’ means—

12 “(1) an act of terrorism involving biological
13 agents or toxins of known or unknown origin; or

14 “(2) a naturally occurring outbreak of an infec-
15 tious disease that may be of potential national sig-
16 nificance.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of such Act is amended by inserting after
19 the items relating to such title the following:

“Sec. 316. National Biosurveillance Integration Center.”.

20 (c) DEADLINE FOR IMPLEMENTATION.—The Na-
21 tional Biosurveillance Integration Center required under
22 section 316 of the Homeland Security Act of 2002, as
23 added by subsection (a), shall be fully operational by not
24 later than September 30, 2008.

1 **SEC. 605. RISK ANALYSIS PROCESS AND INTEGRATED CBRN**
2 **RISK ASSESSMENT.**

3 (a) IN GENERAL.—Title III of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
5 adding at the end the following:

6 **“SEC. 316. RISK ANALYSIS PROCESS AND INTEGRATED**
7 **CBRN RISK ASSESSMENT.**

8 “(a) RISK ANALYSIS PROCESS.—The Secretary shall
9 develop a risk analysis process that utilizes a scientific,
10 quantitative methodology to assess and manage risks
11 posed by chemical, biological, radiological, and nuclear
12 (CBRN) agents.

13 “(b) INTEGRATED CBRN RISK ASSESSMENT.—The
14 Secretary shall use the process developed under subsection
15 (a) to conduct a risk assessment that shall support the
16 integration of chemical, biological, radiological, and nu-
17 clear agents.

18 “(c) PURPOSE.—The purpose of the risk analysis
19 process developed under subsection (a) and the integrated
20 risk assessment conducted under subsection (b) shall be
21 to identify high risk agents, determine how best to miti-
22 gate those risks, and guide resource allocation. Such risk
23 analysis shall—

24 “(1) facilitate satisfaction of the requirements
25 of section 602;

1 “(2) guide research, development, acquisition,
2 and deployment of applicable countermeasures, in-
3 cluding detection systems;

4 “(3) identify key knowledge gaps or
5 vulnerabilities in the CBRN defense posture of the
6 Department;

7 “(4) enable rebalancing and refining of invest-
8 ments within individual classes of threat agents as
9 well as across such classes; and

10 “(5) support end-to-end assessments of the
11 overall CBRN defense policy of the Department,
12 taking into account the full spectrum of counter-
13 measures available, including prevention, prepared-
14 ness, planning, response and recovery activities, to
15 better steer investments to strategies with the great-
16 est potential for mitigating identified risks.

17 “(d) RISK INFORMATION.—

18 “(1) CLASSES OF THREAT AGENTS.—In devel-
19 oping the risk analysis process under subsection (a)
20 and conducting the risk assessment under subsection
21 (b), the Secretary shall consider risks posed by the
22 following classes of threats:

23 “(A) Chemical threats, including—

24 “(i) toxic industrial materials and
25 chemicals;

1 “(ii) traditional chemical warfare
2 agents; and

3 “(iii) non-traditional agents, which
4 are defined as novel chemical threat agents
5 or toxicants requiring adapted counter-
6 measures.

7 “(B) Biological threats, including—

8 “(i) traditional agents listed by the
9 Centers of Disease Control and Prevention
10 as Category A, B, and C pathogens and
11 toxins;

12 “(ii) enhanced agents, which are de-
13 fined as traditional agents that have been
14 modified or selected to enhance their abil-
15 ity to harm human populations or cir-
16 cumvent current countermeasures;

17 “(iii) emerging agents, which are de-
18 fined as previously unrecognized pathogens
19 that may be naturally occurring and
20 present a serious risk to human popu-
21 lations; and

22 “(iv) advanced or engineered agents,
23 which are defined as novel pathogens or
24 other materials of biological nature that
25 have been artificially engineered in the lab-

1 oratory to bypass traditional counter-
2 measures or produce a more severe or oth-
3 erwise enhanced spectrum of disease.

4 “(C) Nuclear and radiological threats, in-
5 cluding fissile and other radiological material
6 that could be incorporated into an improvised
7 nuclear device or a radiological dispersal device
8 or released into a wide geographic area by dam-
9 age to a nuclear reactor.

10 “(D) Threats to the agriculture sector and
11 food and water supplies.

12 “(E) Other threat agents the Secretary de-
13 termines appropriate.

14 “(2) SOURCES.—The risk analysis process de-
15 veloped under subsection (a) shall be informed by
16 findings of the intelligence and law enforcement
17 communities and integrated with expert input from
18 the scientific, medical, and public health commu-
19 nities, including from relevant components of the
20 Department and other Federal agencies.

21 “(3) DATA QUALITY, SPECIFICITY, AND CON-
22 FIDENCE.—In developing the risk analysis process
23 under subsection (a), the Secretary shall consider
24 the degree of uncertainty and variability in the avail-
25 able scientific information and other information

1 about the classes of threat agents under paragraph
2 (1). An external review shall be conducted to assess
3 the ability of the risk analysis process developed by
4 the Secretary to address areas of large degrees of
5 uncertainty.

6 “(4) NEW INFORMATION.—The Secretary shall
7 frequently and systematically update the risk assess-
8 ment conducted under subsection (b), as needed, to
9 incorporate emerging intelligence information or
10 technological changes in order to keep pace with
11 evolving threats and rapid scientific advances.

12 “(e) METHODOLOGY.—The risk analysis process de-
13 veloped by the Secretary under subsection (a) shall—

14 “(1) consider, as variables—

15 “(A) threat, or the likelihood that a type
16 of attack that might be attempted;

17 “(B) vulnerability, or the likelihood that an
18 attacker would succeed; and

19 “(C) consequence, or the likely impact of
20 an attack;

21 “(2) evaluate the consequence component of
22 risk as it relates to mortality, morbidity, and eco-
23 nomic effects;

24 “(3) allow for changes in assumptions to evalu-
25 ate a full range of factors, including technological,

1 economic, and social trends, which may alter the fu-
2 ture security environment;

3 “(4) contain a well-designed sensitivity analysis
4 to address high degrees of uncertainty associated
5 with the risk analyses of certain CBRN agents;

6 “(5) utilize red teaming analysis to identify
7 vulnerabilities an adversary may discover and exploit
8 in technology, training, and operational procedures
9 and to identify open-source information that could
10 be used by those attempting to defeat the counter-
11 measures; and

12 “(6) incorporate an interactive interface that
13 makes results and limitations transparent and useful
14 to decision makers for identifying appropriate risk
15 management activities.

16 “(f) COORDINATION.—The Secretary shall ensure
17 that all risk analysis activities with respect to radiological
18 or nuclear materials shall be conducted in coordination
19 with the Domestic Nuclear Detection Office.

20 “(g) TIMEFRAME; REPORTS TO CONGRESS.—

21 “(1) INITIAL REPORT.—By not later than June
22 2008, the Secretary shall complete the first formal,
23 integrated, CBRN risk assessment required under
24 subsection (b) and shall submit to Congress a report
25 summarizing the findings of such assessment and

1 identifying improvements that could be made to en-
 2 hance the transparency and usability of the risk
 3 analysis process developed under subsection (a).

4 “(2) UPDATES TO REPORT.—The Secretary
 5 shall submit to Congress updates to the findings and
 6 report in paragraph (1), when appropriate, but by
 7 not later than two years after the date on which the
 8 initial report is submitted. Such updates shall reflect
 9 improvements in the risk analysis process developed
 10 under subsection (a).”.

11 (b) CLERICAL AMENDMENT.—The table of contents
 12 in section 1(b) of such Act is amended by inserting after
 13 the items relating to title III the following:

“Sec. 316. Risk analysis process and integrated CBRN risk assessment.”.

14 **TITLE VII—HOMELAND SECU-**
 15 **RITY CYBERSECURITY IM-**
 16 **PROVEMENTS**

17 **SEC. 701. CYBERSECURITY AND TELECOMMUNICATIONS.**

18 (a) IN GENERAL.—Subtitle C of title II of the Home-
 19 land Security Act of 2002 (6 U.S.C. 141 et seq.) is amend-
 20 ed by adding at the end the following new section:

21 **“SEC. 226. OFFICE OF CYBERSECURITY AND TELE-**
 22 **COMMUNICATIONS.**

23 “(a) IN GENERAL.—There shall be within the De-
 24 partment of Homeland Security an Office of Cybersecurity
 25 and Telecommunications, which shall be headed by the As-

1 sistant Secretary for Cybersecurity and Telecommuni-
2 cations.

3 “(b) DUTY OF THE ASSISTANT SECRETARY.—The
4 Assistant Secretary shall assist the Secretary in carrying
5 out the responsibilities of the Department regarding
6 cybersecurity and telecommunications.

7 “(c) RESPONSIBILITIES.—The Assistant Secretary
8 shall be responsible for overseeing preparation, situational
9 awareness, response, reconstitution, and mitigation nec-
10 essary for cyber security and to protect telecommuni-
11 cations from acts of terrorism and other large scale dis-
12 ruptions, and shall conduct the following activities to exe-
13 cute those responsibilities:

14 “(1) PREPARATION AND SITUATIONAL AWARE-
15 NESS.—

16 “(A) Establish and maintain a capability
17 within the Department to monitor critical infor-
18 mation infrastructure to aid in detection of
19 vulnerabilities and warning of potential acts of
20 terrorism and other attacks.

21 “(B) Conduct risk assessments on critical
22 information infrastructure with respect to acts
23 of terrorism and other large-scale disruptions,
24 identify and prioritize vulnerabilities in critical

1 information infrastructure, and coordinate the
2 mitigation of such vulnerabilities.

3 “(C) Develop a plan for the continuation
4 of critical information operations in the event of
5 a cyber attack or other large-scale disruption of
6 the information infrastructure of the United
7 States.

8 “(D) Oversee an emergency communica-
9 tions system in the event of an act of terrorism
10 or other large-scale disruption of the informa-
11 tion infrastructure of the United States.

12 “(2) RESPONSE AND RECONSTITUTION.—

13 “(A) Define what qualifies as a cyber inci-
14 dent of national significance for purposes of the
15 National Response Plan.

16 “(B) Ensure that the Department’s prior-
17 ities, procedures, and resources are in place to
18 reconstitute critical information infrastructures
19 in the event of an act of terrorism or other
20 large-scale disruption.

21 “(3) MITIGATION.—

22 “(A) Develop a national cybersecurity
23 awareness, training, and education program
24 that promotes cybersecurity awareness within

1 the Federal Government and throughout the
2 Nation.

3 “(B) Consult and coordinate with the
4 Under Secretary for Science and Technology on
5 cybersecurity research and development to
6 strengthen critical information infrastructure
7 against acts of terrorism and other large-scale
8 disruptions.

9 “(d) DEFINITION.—In this section the term ‘critical
10 information infrastructure’ means systems and assets,
11 whether physical or virtual, used in processing, transfer-
12 ring, and storing information so vital to the United States
13 that the incapacity or destruction of such systems and as-
14 sets would have a debilitating impact on security, national
15 economic security, national public health or safety, or any
16 combination of those matters.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of such Act is amended by inserting at the
19 end of the items relating to subtitle C of title II the fol-
20 lowing:

“Sec. 226. Office of Cybersecurity and Telecommunications.”.

21 **SEC. 702. CYBERSECURITY RESEARCH AND DEVELOPMENT.**

22 (a) IN GENERAL.—The Under Secretary for Science
23 and Technology shall support research, development, test-
24 ing, evaluation, and transition of cybersecurity technology
25 including fundamental, long-term research in

1 cybersecurity, to improve the ability of the United States
2 to prevent, protect against, detect, respond to, and recover
3 from cyber attacks, with emphasis on research and devel-
4 opment relevant to large-scale, high-impact attacks.

5 (b) ACTIVITIES.—The research and development sup-
6 ported under subsection (a) shall include work to—

7 (1) advance the development and accelerate the
8 deployment of more secure versions of fundamental
9 Internet protocols and architectures, including for
10 the domain name system and routing protocols;

11 (2) improve and create technologies for detect-
12 ing attacks or intrusions, including monitoring tech-
13 nologies;

14 (3) improve and create mitigation and recovery
15 methodologies, including techniques for containment
16 of attacks and development of resilient networks and
17 systems that degrade gracefully;

18 (4) develop and support infrastructure and tools
19 to support cybersecurity research and development
20 efforts, including modeling, testbeds, and data sets
21 for assessment of new cybersecurity technologies;

22 (5) assist the development and support of tech-
23 nologies to reduce vulnerabilities in process control
24 systems (PCS); and

1 (6) test, evaluate, and facilitate the transfer of
2 technologies associated with the engineering of less
3 vulnerable software and securing the IT software de-
4 velopment lifecycle.

5 (c) COORDINATION.—In carrying out this section, the
6 Under Secretary for Science and Technology shall coordi-
7 nate activities with—

8 (1) the Assistant Secretary for Cybersecurity
9 and Telecommunications; and

10 (2) other Federal agencies, including the Na-
11 tional Science Foundation, the Defense Advanced
12 Research Projects Agency, the Information Assur-
13 ance Directorate of the National Security Agency,
14 the National Institute of Standards and Technology,
15 and other appropriate working groups established by
16 the President to identify unmet needs and coopera-
17 tively support activities, as appropriate.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—Of the
19 amount authorized by section 101, there are authorized
20 to be appropriated for the Department of Homeland Secu-
21 rity for fiscal year 2008, \$50,000,000, for the
22 cybersecurity research and development activities of the
23 Directorate for Science and Technology to prevent, detect,
24 and respond to acts of terrorism and other large-scale dis-
25 ruptions to information infrastructure.

TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS

SEC. 801. REPORT TO CONGRESS ON STRATEGIC PLAN.

Not later than 120 days after the date of enactment of this Act, the Under Secretary for Science and Technology shall transmit to Congress the strategic plan described in section 302(2) of the Homeland Security Act of 2002 (6 U.S.C. 182(2)). In addition to the requirements described in that section 302(2), the strategic plan transmitted under this section shall include—

(1) a strategy to enhance the Directorate for Science and Technology workforce, including education and training programs, improving morale, minimizing turnover, strengthening workforce recruitment, and securing institutional memory;

(2) the Department policy describing the procedures by which the Directorate for Science and Technology hires and administers assignments to individuals assigned to the Department as detailees under an arrangement described in subchapter VI of chapter 33 of title 5, United States Code;

(3) the Department policy governing the responsibilities of the Under Secretary for Science and Technology, the Assistant Secretary for Policy, and the Under Secretary for Management, and the oper-

1 ational components of the Department regarding re-
2 search, development, testing, evaluation, and pro-
3 curement of homeland security technologies;

4 (4) a description of the methodology by which
5 research, development, testing, and evaluation is
6 prioritized and funded by the Directorate for Science
7 and Technology;

8 (5) a description of the performance measure-
9 ments to be used or a plan to develop performance
10 measurements that can be used to annually evaluate
11 the Directorate for Science and Technology's activi-
12 ties, mission performance, and stewardship of re-
13 sources;

14 (6) a plan for domestic and international co-
15 ordination of all related programs and activities
16 within the Department and throughout Federal
17 agencies, State, local, and tribal governments, the
18 emergency responder community, industry, and aca-
19 demia;

20 (7) a plan for leveraging the expertise of the
21 National Laboratories and the process for allocating
22 funding to the National Laboratories; and

23 (8) a strategy for the Homeland Security Ad-
24 vanced Research Projects Agency that includes—

25 (A) a mission statement;

1 (B) a description of the Department's high
2 risk and high payoff research, development,
3 test, and evaluation strategy; and

4 (C) internal policies designed to encourage
5 innovative solutions.

6 **SEC. 802. CENTERS OF EXCELLENCE PROGRAM.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Of the
8 amount authorized by section 101, there is authorized to
9 be appropriated to the Secretary of Homeland Security for
10 carrying out the Centers of Excellence Program
11 \$31,000,000 for fiscal year 2008 such that each center
12 that received funding in fiscal year 2007 shall receive, at
13 a minimum, the same amount it received in fiscal year
14 2007.

15 (b) MINORITY SERVING INSTITUTIONS PROGRAM.—
16 Of the amount authorized by section 101, there is author-
17 ized to be appropriated to the Secretary of Homeland Se-
18 curity for carrying out the Minority Serving Institutions
19 Program \$8,000,000 for fiscal year 2008.

20 (c) CENTERS OF EXCELLENCE PROGRAM PARTICIPA-
21 TION.—

22 (1) REQUIREMENT.—If, by the date of the en-
23 actment of this Act, the Secretary of Homeland Se-
24 curity has not selected a Minority Serving Institu-
25 tion to participate as a Center of Excellence under

1 the Department of Homeland Security Centers of
 2 Excellence Program, at least one of the next four
 3 Centers of Excellence selected after the date of en-
 4 actment of this Act shall be an otherwise eligible ap-
 5 plicant that is a Minority Serving Institution.

6 (2) MINORITY SERVING INSTITUTION DE-
 7 FINED.—In this subsection the term “Minority Serv-
 8 ing Institution” means—

9 (A) an historically black college or univer-
 10 sity that receives assistance under part B of
 11 title III of the Higher Education Act of 1965
 12 (20 U.S.C. 106 et seq);

13 (B) an hispanic-serving institution (as that
 14 term is defined in section 502 of the Higher
 15 Education Act of 1965 (20 U.S.C. 1101a); or

16 (C) a tribally controlled college or univer-
 17 sity (as that term is defined in section 2 of the
 18 Tribally Controlled College or University Assist-
 19 ance Act of 1978 (25 U.S.C. 1801).

20 **SEC. 803. NATIONAL RESEARCH COUNCIL STUDY OF UNI-**
 21 **VERSITY PROGRAMS.**

22 (a) STUDY.—Not later than 3 months after the date
 23 of enactment of this Act, the Under Secretary for Science
 24 and Technology of the Department of Homeland Security
 25 shall seek to enter into an arrangement with the National

1 Research Council of the National Academy of Sciences to
2 conduct a study to assess the University Programs of the
3 Department, with an emphasis on the Centers of Excel-
4 lence Program and the future plans for these programs,
5 and make recommendations for appropriate improve-
6 ments.

7 (b) SUBJECTS.—The study shall include—

8 (1) a review of key areas of study needed to
9 support the homeland security mission, and criteria
10 that should be utilized to determine those key areas
11 for which the Department should maintain or estab-
12 lish Centers of Excellence;

13 (2) a review of selection criteria and weighting
14 of such criteria for Centers of Excellence;

15 (3) an examination of the optimal role of Cen-
16 ters of Excellence in supporting the mission of the
17 Directorate of Science and Technology and the most
18 advantageous relationship between the Centers of
19 Excellence and the Directorate and the Department
20 components the Directorate serves;

21 (4) an examination of the length of time the
22 Centers of Excellence should be awarded funding
23 and the frequency of the review cycle in order to
24 maintain such funding, particularly given their focus
25 on basic, long term research;

1 (5) identification of the most appropriate review
2 criteria and metrics to measure demonstrable
3 progress, and mechanisms for delivering and dis-
4 seminating the research results of established Cen-
5 ters of Excellence within the Department, and to
6 other Federal, State, and local agencies;

7 (6) an examination of the means by which aca-
8 demic institutions that are not designated or associ-
9 ated with Centers of Excellence can optimally con-
10 tribute to the research mission of the Directorate;

11 (7) an assessment of the interrelationship be-
12 tween the different University Programs; and

13 (8) a review of any other essential elements of
14 the University Programs to be determined in the
15 conduct of the study.

16 (c) REPORT.—The Under Secretary for Science and
17 Technology shall transmit a report containing the results
18 of the study and recommendations required by subsection
19 (a) and the Under Secretary’s response to the rec-
20 ommendations, to the appropriate Congressional commit-
21 tees not later than 24 months after the date of enactment
22 of this Act

23 (d) AUTHORIZATION OF APPROPRIATIONS.—Of the
24 amount authorized in section 101, there is authorized to
25 be appropriated to carry out this section \$500,000.

1 **SEC. 804. STREAMLINING OF SAFETY ACT AND**
2 **ANTITERRORISM TECHNOLOGY PROCURE-**
3 **MENT PROCESSES.**

4 (a) **PERSONNEL.**—The Secretary of Homeland Secu-
5 rity shall ensure that, in addition to any personnel en-
6 gaged in technical evaluations that may be appropriate,
7 a sufficient number of full-time equivalent personnel, who
8 are properly trained and qualified to apply legal, economic,
9 and risk analyses, are involved in the review and
10 prioritization of antiterrorism technologies for the purpose
11 of determining whether such technologies may be des-
12 ignated by the Secretary as qualified antiterrorism tech-
13 nologies under section 862(b) of the **SAFETY Act** (6
14 U.S.C. 441(b)) or certified by the Secretary under section
15 863(d) of such Act (6 U.S.C. 442(d)).

16 (b) **COORDINATION WITHIN DEPARTMENT OF HOME-**
17 **LAND SECURITY.**—The Secretary of Homeland Security
18 shall—

19 (1) establish a formal coordination process that
20 includes the official of the Department of Homeland
21 Security with primary responsibility for the imple-
22 mentation of the **SAFETY Act**, the Chief Procure-
23 ment Officer of the Department, the Under Sec-
24 retary for Science and Technology, the Under Sec-
25 retary for Policy, and the Department of Homeland
26 Security General Counsel to ensure the maximum

1 application of the litigation and risk management
2 provisions of the SAFETY Act to antiterrorism
3 technologies procured by the Department; and

4 (2) promote awareness and utilization of the
5 litigation and risk management provisions of the
6 SAFETY Act in the procurement of antiterrorism
7 technologies.

8 (c) ISSUANCE OF DEPARTMENTAL DIRECTIVE.—The
9 Secretary of Homeland Security shall, in accordance with
10 the final rule implementing the SAFETY Act, issue a De-
11 partmental management directive providing for coordina-
12 tion between Department procurement officials and any
13 other Department official responsible for implementing
14 the SAFETY Act in advance of any Department procure-
15 ment of an antiterrorism technology, as required under
16 subsection (b).

17 **SEC. 805. PROMOTING ANTITERRORISM THROUGH INTER-**
18 **NATIONAL COOPERATION ACT.**

19 (a) IN GENERAL.—The Homeland Security Act of
20 2002 is amended by inserting after section 313 (6 U.S.C.
21 193) the following:

22 **“SEC. 314. PROMOTING ANTITERRORISM THROUGH INTER-**
23 **NATIONAL COOPERATION PROGRAM.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) DIRECTOR.—The term ‘Director’ means
2 the Director selected under subsection (b)(2).

3 “(2) INTERNATIONAL COOPERATIVE ACTIV-
4 ITY.—The term ‘international cooperative activity’
5 includes—

6 “(A) coordinated research projects, joint
7 research projects, or joint ventures;

8 “(B) joint studies or technical demonstra-
9 tions;

10 “(C) coordinated field exercises, scientific
11 seminars, conferences, symposia, and work-
12 shops;

13 “(D) training of scientists and engineers;

14 “(E) visits and exchanges of scientists, en-
15 gineers, or other appropriate personnel;

16 “(F) exchanges or sharing of scientific and
17 technological information; and

18 “(G) joint use of laboratory facilities and
19 equipment.

20 “(b) SCIENCE AND TECHNOLOGY HOMELAND SECU-
21 RITY INTERNATIONAL COOPERATIVE PROGRAMS OF-
22 FICE.—

23 “(1) ESTABLISHMENT.—The Under Secretary
24 shall establish the Science and Technology Home-

1 land Security International Cooperative Programs
2 Office.

3 “(2) DIRECTOR.—The Office shall be headed by
4 a Director, who—

5 “(A) shall be selected by and shall report
6 to the Under Secretary; and

7 “(B) may be an officer of the Department
8 serving in another position.

9 “(3) RESPONSIBILITIES.—

10 “(A) DEVELOPMENT OF MECHANISMS.—
11 The Director shall be responsible for devel-
12 oping, in consultation with the Department of
13 State, understandings or agreements that allow
14 and support international cooperative activity in
15 support of homeland security research, develop-
16 ment, and comparative testing.

17 “(B) PRIORITIES.—The Director shall be
18 responsible for developing, in coordination with
19 the Directorate of Science and Technology, the
20 other components of the Department of Home-
21 land Security, and other Federal agencies, stra-
22 tegic priorities for international cooperative ac-
23 tivity in support of homeland security research,
24 development, and comparative testing.

1 “(C) ACTIVITIES.—The Director shall fa-
2 cilitate the planning, development, and imple-
3 mentation of international cooperative activity
4 to address the strategic priorities developed
5 under subparagraph (B) through mechanisms
6 the Under Secretary considers appropriate, in-
7 cluding grants, cooperative agreements, or con-
8 tracts to or with foreign public or private enti-
9 ties, governmental organizations, businesses,
10 federally funded research and development cen-
11 ters, and universities.

12 “(D) IDENTIFICATION OF PARTNERS.—
13 The Director shall facilitate the matching of
14 United States entities engaged in homeland se-
15 curity research with non-United States entities
16 engaged in homeland security research so that
17 they may partner in homeland security research
18 activities.

19 “(4) COORDINATION.—The Director shall en-
20 sure that the activities under this subsection are co-
21 ordinated with those of other relevant research agen-
22 cies, and may run projects jointly with other agen-
23 cies.

24 “(5) CONFERENCES AND WORKSHOPS.—The
25 Director may hold international homeland security

1 technology workshops and conferences to improve
2 contact among the international community of tech-
3 nology developers and to help establish direction for
4 future technology goals.

5 “(c) INTERNATIONAL COOPERATIVE ACTIVITIES.—

6 “(1) AUTHORIZATION.—The Under Secretary is
7 authorized to carry out international cooperative ac-
8 tivities to support the responsibilities specified under
9 section 302.

10 “(2) MECHANISMS AND EQUITABILITY.—In car-
11 rying out this section, the Under Secretary may
12 award grants to and enter into cooperative agree-
13 ments or contracts with United States governmental
14 organizations, businesses (including small businesses
15 and small and disadvantaged businesses), federally
16 funded research and development centers, institu-
17 tions of higher education, and foreign public or pri-
18 vate entities. The Under Secretary shall ensure that
19 funding and resources expended in international co-
20 operative activities will be equitably matched by the
21 foreign partner organization through direct funding
22 or funding of complementary activities, or through
23 provision of staff, facilities, materials, or equipment.

24 “(3) LOANS OF EQUIPMENT.—The Under Sec-
25 retary may make or accept loans of equipment for

1 research and development and comparative testing
2 purposes.

3 “(4) COOPERATION.—The Under Secretary is
4 authorized to conduct international cooperative ac-
5 tivities jointly with other agencies.

6 “(5) FOREIGN PARTNERS.—Partners may in-
7 clude Israel, the United Kingdom, Canada, Aus-
8 tralia, Singapore, and other allies in the global war
9 on terrorism, as appropriate.

10 “(6) EXOTIC DISEASES.—As part of the inter-
11 national cooperative activities authorized in this sec-
12 tion, the Under Secretary, in coordination with the
13 Chief Medical Officer, may facilitate the develop-
14 ment of information sharing and other types of co-
15 operative mechanisms with foreign countries, includ-
16 ing nations in Africa, to strengthen American pre-
17 paredness against threats to the Nation’s agricul-
18 tural and public health sectors from exotic diseases.

19 “(d) BUDGET ALLOCATION.—There are authorized
20 to be appropriated to the Secretary, to be derived from
21 amounts otherwise authorized for the Directorate of
22 Science and Technology, \$25,000,000 for each of the fis-
23 cal years 2008 through 2011 for activities under this sec-
24 tion.

1 “(e) FOREIGN REIMBURSEMENTS.—Whenever the
 2 Science and Technology Homeland Security International
 3 Cooperative Programs Office participates in an inter-
 4 national cooperative activity with a foreign country on a
 5 cost-sharing basis, any reimbursements or contributions
 6 received from that foreign country to meet its share of
 7 the project may be credited to appropriate current appro-
 8 priations accounts of the Directorate of Science and Tech-
 9 nology.

10 “(f) REPORT TO CONGRESS ON INTERNATIONAL CO-
 11 OPERATIVE ACTIVITIES.—

12 “(1) INITIAL REPORT.—Not later than 180
 13 days after the date of enactment of this section, the
 14 Under Secretary, acting through the Director, shall
 15 transmit to the Congress a report containing—

16 “(A) a brief description of each partner-
 17 ship formed under subsection (b)(4), including
 18 the participants, goals, and amount and sources
 19 of funding; and

20 “(B) a list of international cooperative ac-
 21 tivities underway, including the participants,
 22 goals, expected duration, and amount and
 23 sources of funding, including resources provided
 24 to support the activities in lieu of direct fund-
 25 ing.

1 “(2) UPDATES.—At the end of the fiscal year
 2 that occurs 5 years after the transmittal of the re-
 3 port under subsection (a), and every 5 years there-
 4 after, the Under Secretary, acting through the Di-
 5 rector, shall transmit to the Congress an update of
 6 the report required under subsection (a).”.

7 (b) CLERICAL AMENDMENT.—The table of contents
 8 for the Homeland Security Act of 2002 is amended by
 9 adding after the item relating to section 313 the following
 10 new item:

 “Sec. 314. Promoting antiterrorism through international cooperation pro-
 gram.”.

11 **TITLE IX—BORDER SECURITY** 12 **IMPROVEMENTS**

13 **SEC. 901. US-VISIT.**

14 (a) IN GENERAL.—Not later than 7 days after the
 15 date of the enactment of this Act, the Secretary of Home-
 16 land Security shall submit to the Committee on Homeland
 17 Security of the House of Representatives and the Com-
 18 mittee on Homeland Security and Governmental Affairs
 19 of the Senate, the comprehensive strategy required by sec-
 20 tion 7208 of the Intelligence Reform and Terrorism Pre-
 21 vention Act of 2004 for the biometric entry and exit data
 22 system (commonly referred to as the United States Visitor
 23 and Immigrant Status Indicator Technology program or
 24 US-VISIT) established under the section and other laws

1 described in subsection (b) of such section. The com-
2 prehensive strategy shall include an action plan for full
3 implementation of the biometric exit component of US-
4 VISIT, as required under subsection (c) of section 7208
5 of such Act.

6 (b) CONTENTS.—The comprehensive strategy and ac-
7 tion plan referred to in subsection (a) shall, at a minimum,
8 include the following:

9 (1) An explanation of how US-VISIT will allow
10 law enforcement officials to identify individuals who
11 overstay their visas.

12 (2) A description of biometric pilot projects, in-
13 cluding the schedule for testing, locations, cost esti-
14 mates, resources needed, and performance measures.

15 (3) An implementation schedule for deploying
16 future biometric exit capabilities at all air, land, and
17 sea ports of entry.

18 (4) The actions the Secretary plans to take to
19 accelerate the full implementation of the biometric
20 exit component of US-VISIT at all air, land, and
21 sea ports of entry.

22 (c) AIRPORT AND SEAPORT EXIT IMPLEMENTA-
23 TION.—Not later than December 31, 2008, the Secretary
24 of Homeland Security shall complete the exit portion of
25 the biometric entry and exit data system referred to in

1 subsection (a) for aliens arriving in or departing from the
2 United States at an airport or seaport.

3 **SEC. 902. SHADOW WOLVES PROGRAM.**

4 Of the amount authorized by section 101, there is au-
5 thorized to be appropriated \$4,100,000 for fiscal year
6 2008 for the Shadow Wolves program.

7 **SEC. 903. COST-EFFECTIVE TRAINING FOR BORDER PA-**
8 **TROL AGENTS.**

9 (a) IN GENERAL.—The Secretary of Homeland Secu-
10 rity shall take such steps as may be necessary to control
11 the costs of hiring, training, and deploying new Border
12 Patrol agents, including—

13 (1) permitting individuals who are in training
14 to become Border Patrol agents to waive certain
15 course requirements of such training if such individ-
16 uals have earlier satisfied such requirements in a
17 similar or comparable manner as determined by the
18 Secretary; and

19 (2) directing the Office of Inspector General to
20 conduct a review of the costs and feasibility of train-
21 ing new Border Patrol agents at Federal training
22 centers, including the Federal Law Enforcement
23 Training Center facility in Charleston, South Caro-
24 lina, and the HAMMER facility in Hanford, Wash-
25 ington, and at training facilities operated by State

1 and local law enforcement academies, non-profit en-
2 tities, and private entities, including institutions in
3 the southwest border region, as well as the use of all
4 of the above to conduct portions of such training.

5 (b) LIMITATION ON PER-AGENT COST OF TRAIN-
6 ING.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the Secretary shall take such steps as
9 may be necessary to ensure that the fiscal year 2008
10 per-agent cost of hiring, training, and deploying
11 each new Border Patrol agent does not exceed
12 \$150,000.

13 (2) EXCEPTION AND CERTIFICATION.—

14 (A) IN GENERAL.—If the Secretary deter-
15 mines that the per-agent cost referred to in
16 paragraph (1) exceeds \$150,000, the Secretary
17 shall promptly submit to the Committee on
18 Homeland Security of the House of Representa-
19 tives and the Committee on Homeland Security
20 and Governmental Affairs of the Senate a cer-
21 tification explaining why such per-agent cost ex-
22 ceeds such amount.

23 (B) TEMPORARY SUSPENSION OF TRAIN-
24 ING.—Until the Secretary receives from the
25 committees specified in subparagraph (A) an

1 approval with respect to such increased per-
2 agent cost, the Secretary shall suspend any new
3 hiring, training, and deploying of Border Patrol
4 agents.

5 **SEC. 904. COMPREHENSIVE STRATEGY FOR FULL IMPE-**
6 **MENTATION OF US-VISIT.**

7 (a) IN GENERAL.—The Secretary of Homeland Secu-
8 rity shall submit to the Committee on Homeland Security
9 of the House of Representatives and the Committee on
10 Homeland Security and Governmental Affairs of the Sen-
11 ate the comprehensive strategy required by subsection (c)
12 of section 7208 of the Intelligence Reform and Terrorism
13 Prevention Act of 2004 (Public Law 108–458) for the bio-
14 metric entry and exit data system (commonly referred to
15 as the United States Visitor and Immigrant Status Indi-
16 cator Technology program or US–VISIT) required under
17 such section and applicable sections of the Acts specified
18 in subsection (b) of such section. The comprehensive strat-
19 egy shall include an action plan for full implementation
20 of the biometric exit component of US–VISIT, as required
21 under subsection (d) of such section.

22 (b) CONTENTS.—The comprehensive strategy and ac-
23 tion plan referred to in subsection (a) of this section shall,
24 at a minimum, include the following:

1 (1) An explanation of how US–VISIT will allow
2 law enforcement officials to identify individuals who
3 overstay their visas.

4 (2) A description of biometric pilot projects, in-
5 cluding testing schedules, locations, cost estimates,
6 resources needed, and performance measures.

7 (3) An implementation schedule for deploying
8 future biometric exit capabilities at all air, land, and
9 sea ports of entry.

10 (4) The actions the Secretary plans to take to
11 accelerate the full implementation of the biometric
12 exit component of US–VISIT at all air, land, and
13 sea ports of entry.

14 (c) AIRPORT AND SEAPORT EXIT IMPLEMENTA-
15 TION.—Not later than December 31, 2008, the Secretary
16 shall complete the implementation of US–VISIT for aliens
17 arriving in or departing from the United States at an air-
18 port or seaport.

19 **SEC. 905. ASSESSMENT OF RESOURCES NECESSARY TO RE-**
20 **DUCE CROSSING TIMES AT LAND PORTS OF**
21 **ENTRY.**

22 The Secretary of Homeland Security shall, not later
23 than 180 days after the date of the enactment of this Act,
24 conduct an assessment, and submit a report to the Con-
25 gress, on the personnel, infrastructure, and technology re-

1 quired to reduce border crossing wait times for pedestrian,
2 commercial, and non-commercial vehicular traffic at land
3 ports of entry into the United States to wait times com-
4 parable to prior to September 11, 2001, while ensuring
5 appropriate security checks continue to be conducted.

6 **TITLE X—INFORMATION** 7 **SHARING IMPROVEMENTS**

8 **SEC. 1001. STATE AND LOCAL FUSION CENTER PROGRAM.**

9 (a) IN GENERAL.—Subtitle I of title VIII of the
10 Homeland Security Act of 2002 (6 U.S.C. 481 et seq.)
11 is amended by striking sections 895 through 899 and in-
12 serting the following:

13 **“SEC. 895. STATE AND LOCAL FUSION CENTER PROGRAM.**

14 “(a) ESTABLISHMENT.—The Secretary shall estab-
15 lish within the Department a State and Local Fusion Cen-
16 ter Program. The program shall be overseen by the compo-
17 nent charged with overseeing information sharing of
18 homeland security information with State, local and tribal
19 law enforcement. The purpose of the State and Local Fu-
20 sion Center Program is to facilitate information sharing
21 between the Department and local law enforcement.

22 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to the Secretary such
24 sums as are necessary for the Secretary to carry out the

1 purpose of the State and Local Fusion Center Program,
2 including for—

3 “(1) deploying Department personnel with intel-
4 ligence and operational skills to State and local fu-
5 sion centers participating in the Program;

6 “(2) hiring and maintaining individuals with
7 substantial law enforcement experience who have re-
8 tired from public service and deploying such individ-
9 uals to State and local fusion centers participating
10 in the Program (with the consent of such centers);
11 and

12 “(3) maintaining an adequate number of staff
13 at the headquarters of the Department to sustain
14 and manage the portion of the Program carried out
15 at the headquarters and to otherwise fill positions
16 vacated by Department staff deployed to State and
17 local fusion centers participating in the Program.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of such Act is amended by striking the
20 items relating to sections 895 through 899 and inserting
21 the following:

“Sec. 895. State and Local Fusion Center Program.”.

22 (c) PRIOR AMENDMENTS NOT AFFECTED.—This sec-
23 tion shall not be construed to affect the application of sec-
24 tions 895 through 899 of the Homeland Security Act of
25 2002 (including provisions enacted by the amendments

1 made by those sections), as in effect before the effective
2 date of this section.

3 **SEC. 1002. FUSION CENTER PRIVACY AND CIVIL LIBERTIES**

4 **TRAINING PROGRAM.**

5 (a) IN GENERAL.—Subtitle A of title II of the Home-
6 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
7 ed by adding at the end the following new section:

8 **“SEC. 203. FUSION CENTER PRIVACY AND CIVIL LIBERTIES**

9 **TRAINING PROGRAM.**

10 “(a) ESTABLISHMENT.—The Secretary, through the
11 Assistant Secretary for Information Analysis, the Privacy
12 Officer, and the Officer for Civil Rights and Civil Lib-
13 erties, shall establish a program within the Office of Civil
14 Rights and Civil Liberties to provide privacy, civil liberties,
15 and civil rights protection training for appropriate Depart-
16 ment employees and State, local, tribal employees serving
17 in State and local fusion centers participating in the Pro-
18 gram.

19 “(b) MANDATORY TRAINING.—

20 “(1) DEPARTMENT EMPLOYEES.—The Sec-
21 retary shall require each employee of the Depart-
22 ment who is embedded at a State or local fusion cen-
23 ter and has access to United States citizens and
24 legal permanent residents personally identifiable in-

1 formation to successfully complete training under
2 the program established under subsection (a).

3 “(2) FUSION CENTER REPRESENTATIVES.—As
4 a condition of receiving a grant from the Depart-
5 ment, a fusion center shall require each State, local,
6 tribal, or private sector representative of the fusion
7 center to successfully complete training under the
8 program established under subsection (a).

9 “(c) CONTENTS OF TRAINING.—Training provided
10 under the program established under subsection (a) shall
11 include Federal training in each of the following:

12 “(1) Privacy, civil liberties, and civil rights poli-
13 cies, procedures, and protocols that can provide or
14 control access to information at a State or local fu-
15 sion center.

16 “(2) Privacy awareness training based on sec-
17 tion 552a of title 5, United States Code, popularly
18 known as the Privacy Act of 1974.

19 “(3) The handling of personally identifiable in-
20 formation in a responsible and appropriate manner.

21 “(4) Appropriate procedures for the destruction
22 of information that is no longer needed.

23 “(5) The consequences of failing to provide ade-
24 quate privacy and civil liberties protections.

1 “(6) Compliance with Federal regulations set-
2 ting standards for multijurisdictional criminal intel-
3 ligence systems, including 28 CFR 23 (as in effect
4 on the date of the enactment of this section).

5 “(7) The use of immutable auditing mecha-
6 nisms designed to track access to information at a
7 State or local fusion center.

8 “(d) CERTIFICATION OF TRAINING.—The Secretary,
9 acting through the head of the Office of Civil Rights and
10 Civil Liberties, shall issue a certificate to each person who
11 completes the training under this section and performs
12 successfully in a written examination administered by the
13 Office of Civil Rights and Civil Liberties. A copy of each
14 such certificate issued to an individual working at a par-
15 ticipating fusion center shall be kept on file at that fusion
16 center.

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—In ad-
18 dition to the amounts authorized by section 101, there are
19 authorized to be appropriate to carry out this section—

20 “(1) \$3,000,000 for each of fiscal years 2008
21 through 2013; and

22 “(2) such sums as may be necessary for each
23 subsequent fiscal year.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) of such Act is amended by adding at the
3 end of the items relating to such subtitle the following:

“Sec. 203. Fusion center privacy and civil liberties training program.”.

4 **SEC. 1003. AUTHORITY TO APPOINT AND MAINTAIN A**
5 **CADRE OF FEDERAL ANNUITANTS FOR THE**
6 **FUSION CENTER PROGRAM.**

7 (a) DEFINITIONS.—For purposes of this section—

8 (1) the term “fusion center program” means
9 the State and local fusion center program;

10 (2) the term “annuitant” means an annuitant
11 under a Government retirement system;

12 (3) the term “Government retirement system”
13 has the meaning given such term by section 501(a);
14 and

15 (4) the term “employee” has the meaning given
16 such term by section 2105 of title 5, United States
17 Code.

18 (b) APPOINTMENT AUTHORITY.—The Secretary (act-
19 ing through the Chief Intelligence Officer) may, for the
20 purpose of facilitating information sharing between the
21 Department and State, local, and tribal law enforcement
22 agencies in order to prevent, detect, and respond to ter-
23 rorism, appoint annuitants to positions in the fusion cen-
24 ter program in accordance with succeeding provisions of
25 this section.

1 (c) NONCOMPETITIVE PROCEDURES; EXEMPTION
2 FROM OFFSET.—An appointment made under subsection
3 (b) shall not be subject to the provisions of title 5, United
4 States Code, governing appointments in the competitive
5 service, and any annuitant serving pursuant to such an
6 appointment shall be exempt from sections 8344 and 8468
7 of such title 5 (relating to annuities and pay on reemploy-
8 ment) and any other similar provision of law under a Gov-
9 ernment retirement system.

10 (d) LIMITATIONS.—No appointment under subsection
11 (b) may be made if such appointment would result in the
12 displacement of any employee or would cause the total
13 number of positions filled by annuitants appointed under
14 such subsection to exceed 50 as of any time (determined
15 on a full-time equivalent basis).

16 (e) RULE OF CONSTRUCTION.—An annuitant as to
17 whom an exemption under subsection (c) is in effect shall
18 not be considered an employee for purposes of any Govern-
19 ment retirement system.

20 (f) TERMINATION.—Upon the expiration of the 5-
21 year period beginning on the date of the enactment of this
22 Act—

23 (1) any authority to make appointments under
24 subsection (b) shall cease to be available; and

1 (2) all exemptions under subsection (c) shall
2 cease to be effective.

3 **TITLE XI—MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY**
6 **GRANTS.**

7 The Secretary of Homeland Security shall ensure
8 that all funds administered by the Department of Home-
9 land Security to support the interoperable communications
10 needs of State, local, and tribal agencies, including funds
11 administered pursuant to a Memorandum of Under-
12 standing or other agreement, may be used to support the
13 standards outlined in the SAFECOM interoperability con-
14 tinuum, including governance, standard of operating pro-
15 cedures, technology, training and exercises, and usage.

16 **SEC. 1102. RURAL HOMELAND SECURITY TRAINING INITIA-**
17 **TIVE.**

18 (a) ESTABLISHMENT.—The Secretary of Homeland
19 Security shall establish a program to be administered by
20 the Director of the Federal Law Enforcement Training
21 Center of the Department of Homeland Security to ex-
22 pand homeland security training to units of local and trib-
23 al governments located in rural areas. The Secretary shall
24 take the following actions:

1 (1) EVALUATION OF NEEDS OF RURAL
2 AREAS.—Secretary shall evaluate the needs of such
3 areas.

4 (2) DEVELOPMENT OF TRAINING PROGRAMS.—
5 Secretary shall develop expert training programs de-
6 signed to respond to the needs of such areas, includ-
7 ing, but not limited to, those pertaining to rural
8 homeland security responses including protections
9 for privacy, and civil rights and civil liberties.

10 (3) PROVISION OF TRAINING PROGRAMS.—Sec-
11 retary shall provide to such areas the training pro-
12 grams developed under paragraph (2).

13 (4) OUTREACH EFFORTS.—Secretary shall con-
14 duct outreach efforts to ensure that such areas are
15 aware of the training programs developed under
16 paragraph (2) so that such programs are made
17 available to units of local government and tribal gov-
18 ernments located in rural areas.

19 (b) NO DUPLICATION OR DISPLACEMENT OF CUR-
20 RENT PROGRAMS.—Any training program developed
21 under paragraph (2) of subsection (a) and any training
22 provided by the program pursuant to such subsection shall
23 be developed or provided, respectively, in a manner so as
24 to not duplicate or displace any program in existence on
25 the date of the enactment of this section.

1 (c) **PRIORITIZED LOCATIONS FOR RURAL HOMELAND**
2 **SECURITY TRAINING.**—In designating sites for the provi-
3 sion of training under this section, the Secretary shall, to
4 the maximum extent possible and as appropriate, give pri-
5 ority to facilities of the Department of Homeland Security
6 in existence as of the date of the enactment of this Act
7 and to closed military installations, and to the extent pos-
8 sible, shall conduct training onsite, at facilities operated
9 by participants.

10 (d) **RURAL DEFINED.**—In this section, the term
11 “rural” means an area that is not located in a metropoli-
12 tan statistical area, as defined by the Office of Manage-
13 ment and Budget.

14 **SEC. 1103. CRITICAL INFRASTRUCTURE STUDY.**

15 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
16 rity shall work with the Center for Risk and Economic
17 Analysis of Terrorism Events (CREATE), led by the Uni-
18 versity of Southern California, to evaluate the feasibility
19 and practicality of creating further incentives for private
20 sector stakeholders to share with the Department Pro-
21 tected Critical Infrastructure Information.

22 (b) **INCLUDED INCENTIVES.**—Incentives evaluated
23 under this section shall include, but not be limited to, tax
24 incentives, grant eligibility incentives, and certificates of
25 compliance and other non-monetary incentives.

1 (c) RECOMMENDATIONS.—The evaluation shall also
2 include recommendations on the structure and thresholds
3 of any incentive program.

4 **SEC. 1104. TERRORIST WATCH LIST AND IMMIGRATION**
5 **STATUS REVIEW AT HIGH-RISK CRITICAL IN-**
6 **FRAStructure.**

7 From amounts authorized under section 101, there
8 are authorized such sums as are necessary for the Sec-
9 retary of Homeland Security to require each owner or op-
10 erator of a Tier I or Tier II critical infrastructure site
11 as selected for the Buffer Zone Protection Program, to
12 conduct checks of their employees against available ter-
13 rorist watch lists and immigration status databases.

14 **SEC. 1105. AUTHORIZED USE OF SURPLUS MILITARY VEHI-**
15 **CLES.**

16 The Secretary of Homeland Security shall include
17 United States military surplus vehicles having dem-
18 onstrated utility for responding to acts of terrorism, emer-
19 gencies, and other disasters on the Authorized Equipment
20 List in order to allow States and localities to purchase,
21 modify, upgrade, and maintain such vehicles using home-
22 land security assistance administered by the Department
23 of Homeland Security.

1 **SEC. 1106. COMPUTER CAPABILITIES TO SUPPORT REAL-**
2 **TIME INCIDENT MANAGEMENT.**

3 From amounts authorized under section 101, there
4 are authorized such sums as may be necessary for the Sec-
5 retary of Homeland Security to encourage the develop-
6 ment and use of software- or Internet-based computer ca-
7 pabilities to support real-time incident management by
8 Federal, State, local, and tribal agencies. Such software-
9 based capabilities shall be scalable and not be based on
10 proprietary systems to ensure the compatibility of Federal,
11 State, local, and tribal first responder agency incident
12 management systems. In the development and implemen-
13 tation of such computer capabilities, the Secretary shall
14 consider the feasibility and desirability of including the fol-
15 lowing capabilities:

- 16 (1) Geographic information system data.
- 17 (2) Personnel, vehicle, and equipment tracking
18 and monitoring.
- 19 (3) Commodity tracking and other logistics
20 management.
- 21 (4) Evacuation center and shelter status track-
22 ing.
- 23 (5) Such other capabilities as determined ap-
24 propriate by the Secretary.

1 **SEC. 1107. EXPENDITURE REPORTS AS A CONDITION OF**
2 **HOMELAND SECURITY GRANTS.**

3 (a) IN GENERAL.—Subtitle H of title VIII of the
4 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
5 is amended by adding at the end the following new section:

6 **“SEC. 890A. EXPENDITURE REPORTS AS A CONDITION OF**
7 **HOMELAND SECURITY GRANTS.**

8 “(a) QUARTERLY REPORTS REQUIRED AS A CONDI-
9 TION OF HOMELAND SECURITY GRANTS.—

10 “(1) EXPENDITURE REPORTS REQUIRED.—As a
11 condition of receiving a grant administered by the
12 Secretary, the Secretary shall require the grant re-
13 cipient to submit quarterly reports to the Secretary
14 describing the nature and amount of each expendi-
15 ture made by the recipient using grant funds.

16 “(2) DEADLINE FOR REPORTS.—Each report
17 required under paragraph (1) shall be submitted not
18 later than 30 days after the last day of a fiscal quar-
19 ter and shall cover expenditures made during that
20 fiscal quarter.

21 “(b) PUBLICATION OF EXPENDITURES.—Not later
22 than 30 days after receiving a report under subsection (a),
23 the Secretary shall publish and make publicly available on
24 the Internet website of the Department a description of
25 the nature and amount of each expenditure covered by the
26 report.

1 “(c) PROTECTION OF SENSITIVE INFORMATION.—In
 2 meeting the requirements of this section, the Secretary
 3 shall take appropriate action to ensure that sensitive infor-
 4 mation is not disclosed.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
 6 in section 1(b) of such Act is amended by adding at the
 7 end of the items relating to such subtitle the following:
 “Sec. 890A. Expenditure reports as a condition of homeland security grants.”.

8 **SEC. 1108. ENCOURAGING USE OF COMPUTERIZED TRAIN-**
 9 **ING AIDS.**

10 The Under Secretary for Science and Technology of
 11 the Department of Homeland Security shall use and make
 12 available to State and local agencies computer simulations
 13 to help strengthen the ability of municipalities to prepare
 14 for and respond to a chemical, biological, or other terrorist
 15 attack, and to standardize response training.

16 **SEC. 1109. PROTECTION OF NAME, INITIALS, INSIGNIA, AND**
 17 **DEPARTMENTAL SEAL.**

18 Section 875 of the Homeland Security Act of 2002
 19 (6 U.S.C. 455) is amended by adding at the end the fol-
 20 lowing new subsection:

21 “(d) PROTECTION OF NAME, INITIALS, INSIGNIA,
 22 AND SEAL.—

23 “(1) IN GENERAL.—Except with the written
 24 permission of the Secretary, no person may know-
 25 ingly use, in connection with any advertisement,

1 commercial activity, audiovisual production (includ-
2 ing film or television production), impersonation,
3 Internet domain name, Internet e-mail address, or
4 Internet Web site, merchandise, retail product, or
5 solicitation in a manner reasonably calculated to
6 convey the impression that the Department or any
7 organizational element of the Department has ap-
8 proved, endorsed, or authorized such use, any of the
9 following (or any colorable imitation thereof):

10 “(A) The words ‘Department of Homeland
11 Security’, the initials ‘DHS’, the insignia or
12 seal of the Department, or the title ‘Secretary
13 of Homeland Security’.

14 “(B) The name, initials, insignia, or seal of
15 any organizational element (including any
16 former such element) of the Department, or the
17 title of any other officer or employee of the De-
18 partment, notice of which has been published by
19 the Secretary in accordance with paragraph (3).

20 “(2) CIVIL ACTION.—Whenever it appears to
21 the Attorney General that any person is engaged or
22 is about to engage in an act or practice that con-
23 stitutes or will constitute conduct prohibited by
24 paragraph (1) the Attorney General may initiate a
25 civil proceeding in a district court of the United

1 States to enjoin such act or practice. Such court
2 shall proceed as soon as practicable to the hearing
3 and determination of such action and may, at any
4 time before final determination, enter such restrain-
5 ing orders or prohibitions, or take such other actions
6 as is warranted, to prevent injury to the United
7 States or to any person or class of persons for whose
8 protection the action is brought.

9 “(3) NOTICE AND PUBLICATION.—The notice
10 and publication to which paragraph (1)(B) refers is
11 a notice published in the Federal Register including
12 the name, initials, seal, or class of titles protected
13 under paragraph (1)(B) and a statement that they
14 are protected under that provision. The Secretary
15 may amend such notice from time to time as the
16 Secretary determines appropriate in the public inter-
17 est and shall publish such amendments in the Fed-
18 eral Register.

19 “(4) AUDIOVISUAL PRODUCTION.—For the pur-
20 pose of this subsection, the term ‘audiovisual pro-
21 duction’ means the production of a work that con-
22 sists of a series of related images that are intrinsi-
23 cally intended to be shown by the use of machines
24 or devices such as projectors, viewers, or electronic
25 equipment, together with accompanying sounds, if

1 any, regardless of the nature of the material objects,
2 such as films or tapes, in which the work is em-
3 bodied.”.

4 **SEC. 1110. REPORT ON UNITED STATES SECRET SERVICE**
5 **APPROACH TO SHARING UNCLASSIFIED, LAW**
6 **ENFORCEMENT SENSITIVE INFORMATION**
7 **WITH FEDERAL, STATE, AND LOCAL PART-**
8 **NERS.**

9 (a) REPORT BY DIRECTOR OF UNITED STATES SE-
10 CRET SERVICE.—Not later than 240 days after the date
11 of the enactment of this Act, the Director of the United
12 States Secret Service shall submit to Committee on Home-
13 land Security of the House of Representatives, the Com-
14 mittee on Homeland Security and Governmental Affairs
15 of the Senate, and the Inspector General of the Depart-
16 ment of Homeland Security a report describing the ap-
17 proach of the Secret Service to sharing unclassified, law
18 enforcement sensitive information with Federal, State,
19 and local law enforcement.

20 (b) REPORT BY INSPECTOR GENERAL.—The Inspec-
21 tor General of the Department of Homeland Security shall
22 conduct a review of the report submitted by the Director
23 of the United States Secret Service under subsection (a),
24 including recommendations on whether and how such ap-
25 proach could be incorporated throughout the Department,

1 and submit a report on such review to Congress within
2 240 days after receiving the report of the Director of the
3 United States Secret Service under subsection (a).

4 **SEC. 1111. REPORT ON UNITED STATES SECRET SERVICE**
5 **JAMES J. ROWLEY TRAINING CENTER.**

6 Within 240 days after the date of the enactment of
7 this Act, the Inspector General of the Department of
8 Homeland Security shall provide to the appropriate con-
9 gressional committees, including the Committees on
10 Homeland Security and Appropriations of the House of
11 Representatives and the Committees on Homeland Secu-
12 rity and Governmental Affairs and Appropriations of the
13 Senate, a report describing the following:

14 (1) The mission and training capabilities of the
15 United States Secret Service James J. Rowley
16 Training Center.

17 (2) Current Secret Service personnel through-
18 put capacity of the James J. Rowley Training Cen-
19 ter.

20 (3) Maximum Secret Service personnel through-
21 put capacity of the James J. Rowley Training Cen-
22 ter.

23 (4) An assessment of what departmental com-
24 ponents engage in similar training activities as those
25 conducted at the James J. Rowley Training Center.

1 (5) An assessment of the infrastructure en-
2 hancements needed to support the mission and
3 training capabilities of the James J. Rowley Train-
4 ing Center.

5 (6) An assessment of the actual and expected
6 total throughput capacity at the James J. Rowley
7 Training Center, including outside entity partici-
8 pants.

9 **SEC. 1112. METROPOLITAN MEDICAL RESPONSE SYSTEM**
10 **PROGRAM.**

11 (a) IN GENERAL.—Title V of the Homeland Security
12 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
13 at the end the following:

14 **“SEC. 522. METROPOLITAN MEDICAL RESPONSE SYSTEM**
15 **PROGRAM.**

16 “(a) IN GENERAL.—There is a Metropolitan Medical
17 Response System Program (in this section referred to as
18 the ‘program’).

19 “(b) PURPOSE.—The purpose of the program shall
20 be to support local jurisdictions in enhancing and main-
21 taining all-hazards response capabilities to manage mass
22 casualty incidents (including terrorist acts using chemical,
23 biological, radiological, nuclear agents, or explosives, large
24 scale hazardous materials incidents, epidemic disease out-
25 breaks, and natural disasters) by systematically enhancing

1 and integrating first responders, public health personnel,
2 emergency management personnel, business representa-
3 tives, and volunteers.

4 “(c) PROGRAM ADMINISTRATION.—The Assistant
5 Secretary for Health Affairs shall develop the pro-
6 grammatic and policy guidance for the program in coordi-
7 nation with the Administrator of the Federal Emergency
8 Management Agency.

9 “(d) PERSONNEL COSTS.—The program shall not be
10 subject to an administrative cap on the hiring of personnel
11 to conduct program activities.

12 “(e) FINANCIAL ASSISTANCE.—

13 “(1) ADMINISTRATION.—The Administrator of
14 the Federal Emergency Management Agency shall
15 administer financial assistance provided to State and
16 local jurisdictions under the program.

17 “(2) ASSISTANCE TO LOCAL JURISDICTIONS.—
18 In providing financial assistance to a State under
19 the program, the Administrator shall ensure that
20 100 percent of the amount of such assistance is allo-
21 cated by the State to local jurisdictions, except that
22 a State may retain up to 20 percent of the amount
23 of such assistance to facilitate integration between
24 the State and the local jurisdiction pursuant to a

1 written agreement between the State and the local
2 jurisdiction.

3 “(3) MUTUAL AID.—

4 “(A) AGREEMENTS.—Local jurisdictions
5 receiving assistance under the program are en-
6 couraged to develop and maintain memoranda
7 of understanding and agreement with neigh-
8 boring jurisdictions to support a system of mu-
9 tual aid among the jurisdictions.

10 “(B) CONTENTS.—A memorandum re-
11 ferred to in subparagraph (A) shall include, at
12 a minimum, policies and procedures to—

13 “(i) enable the timely deployment of
14 program personnel and equipment across
15 jurisdictions and, if relevant, across State
16 boundaries;

17 “(ii) share information in a consistent
18 and timely manner; and

19 “(iii) notify State authorities of the
20 deployment of program resources in a
21 manner that ensures coordination with
22 State agencies without impeding the ability
23 of program personnel and equipment to re-
24 spond rapidly to emergencies in other ju-
25 risdictions.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out the program
3 \$63,000,000 for each of the fiscal years 2008 through
4 2011.”.

5 (b) PROGRAM REVIEW.—

6 (1) IN GENERAL.—The Assistant Secretary for
7 Health Affairs shall conduct a review of the Metro-
8 politan Medical Response System Program.

9 (2) CONTENT OF REVIEW.—In conducting the
10 review of the program, the Assistant Secretary shall
11 examine—

12 (A) strategic goals;

13 (B) objectives;

14 (C) operational capabilities;

15 (D) resource requirements;

16 (E) performance metrics;

17 (F) administration;

18 (G) whether the program would be more
19 effective if it were managed as a contractual
20 agreement;

21 (H) the degree to which the program’s
22 strategic goals, objectives, and capabilities are
23 incorporated in State and local homeland secu-
24 rity plans; and

1 (I) challenges in the coordination among
 2 public health, public safety, and other stake-
 3 holder groups to prepare for and respond to
 4 mass casualty incidents.

5 (3) REPORT.—Not later than 9 months after
 6 the date of enactment of this subsection, the Assist-
 7 ant Secretary shall submit to the Committee on
 8 Homeland Security of the House of Representatives
 9 and the Committee on Homeland Security and Gov-
 10 ernmental Affairs of the Senate a report on the re-
 11 sults of the review.

12 (c) CONFORMING AMENDMENTS.—

13 (1) REPEAL.—Section 635 of the Post-Katrina
 14 Management Reform Act of 2006 (6 U.S.C. 723) is
 15 repealed.

16 (2) TABLE OF CONTENTS.—The table of con-
 17 tents contained in section 1(b) of the Homeland Se-
 18 curity Act of 2002 is amended by inserting after the
 19 item relating to section 521 the following:

“Sec. 522. Metropolitan Medical Response System Program.”.

20 **SEC. 1113. TECHNICAL CORRECTIONS.**

21 The Homeland Security Act of 2002 (Public Law
 22 107–296; 6 U.S.C. 361 et seq.) is amended—

23 (1) in section 1(b) in the table of contents by
 24 striking the items relating to the second title XVIII,

1 as added by section 501(b)(3) of Public Law 109–
 2 347, and inserting the following:

“TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

“Sec. 1901. Domestic Nuclear Detection Office.

“Sec. 1902. Mission of Office.

“Sec. 1904. Testing authority.

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

“Sec. 1906. Contracting and grant making authorities.”.

3 (2) by redesignating the second title XVIII, as
 4 added by section 501(a) of Public Law 109–347, as
 5 title XIX;

6 (3) in title XIX (as so redesignated)—

7 (A) by redesignating sections 1801
 8 through 1806 as sections 1901 through 1906,
 9 respectively;

10 (B) in section 1904(a) (6 U.S.C. 594(a)),
 11 as so redesignated, by striking “section 1802”
 12 and inserting “section 1902”; and

13 (C) in section 1906 (6 U.S.C. 596), as so
 14 redesignated, by striking “section 1802(a)”
 15 each place it appears and inserting “section
 16 1902(a)”.

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