## Union Calendar No. 72

110TH CONGRESS 1ST SESSION

# H. R. 1684

[Report No. 110-122]

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

May 4, 2007

Additional sponsors: Ms. Jackson-Lee of Texas and Mr. Perlmutter

May 4, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on March 26, 2007]

### 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,

#### SECTION 1. SHORT TITLE.

- 2 This Act may be cited as the "Department of Home-
- 3 land Security Authorization Act for Fiscal Year 2008".
- 4 SEC. 2. TABLE OF CONTENTS.
- 5 The table of contents for this Act is as follows:
  - Sec. 1. Short title.
  - Sec. 2. Table of contents.

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS

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.
- Sec. 205. Sense of Congress regarding consolidation of Department headquarters.
- Sec. 206. Required budget line item for office of counternarcotics enforcement.
- Sec. 207. Designation of Office of Counternarcotics Enforcement as primary Department counternarcotics enforcement representative.
- Sec. 208. Granting line authority to the Assistant Secretary for Legislative Affairs.

#### 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.
- Sec. 409. Prohibition on award of contracts and grants to educational institutions not supporting Coast Guard efforts.
- Sec. 410. Report on source of shortfalls at Federal Protective Service.

#### 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.
- Sec. 512. Repeal of chapter 97 of title 5, United States Code.
- Sec. 513. Utilization of non-law enforcement Federal employees as instructors for non-law enforcement classes at the Border Patrol Training Academy.

#### 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.
- Sec. 606. National Bio and Agro-defense Facility.

#### TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS

- Sec. 701. Cybersecurity and Communications.
- 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. Student and Exchange Visitor Program.
- Sec. 905. Assessment of resources necessary to reduce crossing times at land ports of entry.
- Sec. 906. Biometric identification of unauthorized aliens.
- Sec. 907. Report by Government Accountability Office regarding policies and procedures of the Border Patrol.

#### 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 Office of Information Analysis.

#### 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. Identity fraud prevention grant program.
- Sec. 1114. Technical corrections.
- Sec. 1115. Citizen Corps.
- Sec. 1116. Report regarding Department of Homeland Security implementation of Comptroller General and Inspector General recommendations regarding protection of agriculture.
- Sec. 1117. Report regarding levee system.
- Sec. 1118. Report on Force Multiplier Program.
- Sec. 1119. Eligibility of State judicial facilities for State homeland security grants.
- Sec. 1120. Authorization of Homeland Security Functions of the United States Secret Service.
- Sec. 1121. Data sharing.

#### TITLE XII—MARITIME ALIEN SMUGGLING

- Sec. 1201. Short title.
- Sec. 1202. Congressional declaration of findings.
- Sec. 1203. Definitions.
- Sec. 1204. Maritime alien smuggling.
- Sec. 1205. Seizure or forfeiture of property.

# 1 TITLE I—AUTHORIZATION OF 2 APPROPRIATIONS

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3	SEC. 101. DEPARTMENT OF HOMELAND SECURITY.
4	There is authorized to be appropriated to the Secretary
5	of Homeland Security for the necessary expenses of the De-
6	partment of Homeland Security for fiscal year 2008,
7	\$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 sections
13	401 through 403 and inserting the following:
14	"SEC. 401. DIRECTORATE FOR POLICY.
15	"(a) Establishment.—There is in the Department a
16	Directorate for Policy. The Directorate for Policy shall con-
17	tain each of the following:
18	"(1) The Office of the Private Sector, which shall
19	be administered by an Assistant Secretary for the
20	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 by
25	the Under Secretary for Policy.

1	"(b) Under Secretary for Policy.—
2	"(1) In general.—The head of the Directorate
3	is the Under Secretary for Policy, who shall be ap-
4	pointed by the President, with the advice and consent
5	of the Senate.
6	"(2) Qualifications.—No individual shall be
7	appointed to the position of Under Secretary for Pol-
8	icy under paragraph (1) unless the individual has, by
9	education and experience, demonstrated knowledge,
10	ability, and skill in the fields of policy and strategic
11	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 programs,
19	offices, and activities of the Department.
20	"(C) To ensure that the budget of the De-
21	partment (including the development of future
22	year budgets and interaction with the Office of
23	Management and Budget and with Congress) is
24	compatible with the statutory and regulatory re-
25	sponsibilities of the Department and with the

1	Secretary's priorities, strategic plans, and poli-
2	cies.
3	"(D) To conduct long-range, strategic plan-
4	ning for the Department, including overseeing
5	the Comprehensive Homeland Security Review
6	established in section 203.
7	"(E) To carry out such other responsibil-
8	ities as the Secretary may determine are appro-
9	priate.".
10	(b) Ensuring Consideration of the Needs of
11	CHILDREN.—
12	(1) In general.—The Under Secretary for Pol-
13	icy of the Department of Homeland Security, acting
14	through the Assistant Secretary for the Office of Pol-
15	icy and Development, shall ensure that all depart-
16	mental policies, programs, and activities appro-
17	priately consider the needs of and impact upon chil-
18	dren.
19	(2) Specific functions.—The Under Secretary
20	for Policy shall—
21	(A) coordinate with other Federal Depart-
22	ments and agencies to ensure that the needs of
23	children, schools, and other child-centered facili-
24	ties are sufficiently understood and incorporated
25	into Federal, State, local, and tribal prepared-

- ness, response, and recovery plans and activities for terrorist attacks, major disasters, and other emergencies (including those involving chemical, biological, radiological, nuclear, or other explosive weapons), or other manmade disasters;
  - (B) coordinate with the Office of Grants within the Federal Emergency Management Agency to monitor the use of homeland security grants by State, local, or tribal agencies to support emergency preparedness activities for children, schools, and other child-centered facilities, and make recommendations to improve the effectiveness of such funding;
  - (C) review public awareness programs and screening policies by departmental entities, including security screening at airports, and ensure that such policies consider the needs and well-being of children; and
  - (D) ensure that all other departmental activities that affect children include consideration of the needs of children and that relevant agencies of the Department coordinate on this matter where appropriate.
  - (3) REPORT TO CONGRESS.—One year after the date of the enactment of this subsection and on an an-

1	nual basis thereafter, the Under Secretary for Policy
2	shall report to the Committee on Homeland Security
3	of the House of Representatives and to the Committee
4	on Homeland Security and Governmental Affairs of
5	the Senate on activities undertaken pursuant to this
6	subsection and the resulting improvement in security
7	for children, schools, and other child-centered facili-
8	ties.
9	(c) Conforming Amendments.—Such Act is further
10	amended—
11	(1) by striking the heading for title IV and in-
12	serting the following:
13	"TITLE IV—DIRECTORATE FOR
14	POLICY";
15	(2) by striking the heading for subtitle A of title
16	IV and inserting the following:
17	"Subtitle A—Under Secretary for
18	Policy";
19	(3) in section $103(a)(3)$ , by striking "for Border
20	and Transportation Security" and inserting "for Pol-
21	icy";
22	(4) in section 102(f)(9), by striking "the Direc-
23	torate of Border and Transportation Security" and
24	inserting "United States Customs and Border Protec-
25	tion";

1	(5) in section 411(a), by striking "under the au-
2	thority of the Under Secretary for Border and Trans-
3	portation Security,";
4	(6) in section 430—
5	(A) in subsection (a)—
6	(i) by striking "The" and inserting
7	"There is in the Department an"; and
8	(ii) by striking "shall be" and all that
9	follows through "Security";
10	(B) in subsection (b), by striking the second
11	sentence; and
12	(C) by striking subsection (d).
13	(7) in section 441, by striking "Under Secretary
14	for Border and Transportation Security" and insert-
15	ing "Secretary";
16	(8) in section 442(a)—
17	(A) in paragraph (2), by striking
18	"who—" and all that follows through "(B) shall"
19	and inserting "who shall"; and
20	(B) in paragraph (3)—
21	(i) in subparagraph (A), by striking
22	"Under Secretary for Border and Transpor-
23	tation Security" each place it appears and
24	inserting "Secretary"; and

1	(ii) in subparagraph (C), by striking
2	"Border and Transportation Security" and
3	inserting "Policy";
4	(9) in section 443, by striking "The Under Sec-
5	retary for Border and Transportation Security" and
6	inserting "Subject to the direction and control of the
7	Secretary, the Deputy Secretary";
8	(10) in section 444, by striking "The Under Sec-
9	retary for Border and Transportation Security" and
10	inserting "Subject to the direction and control of the
11	Secretary, the Deputy Secretary";
12	(11) in section 472(e), by striking "or the Under
13	Secretary for Border and Transportation Security";
14	and
15	(12) in section 878(e), by striking "the Direc-
16	torate of Border and Transportation Security" and
17	inserting "United States Customs and Border Protec-
18	tion, Immigration and Customs Enforcement".
19	(d) Clerical Amendments.—The table of contents in
20	section 1(b) of such Act is amended—
21	(1) by striking the item relating to title IV and
22	inserting the following:
	"TITLE IV—DIRECTORATE FOR POLICY";
23	and
24	(2) by striking the items relating to subtitle A of
25	title IV and inserting the following:

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

"Sec. 401. Directorate for Policy.".

1	SEC. 202. DIRECT LINE AUTHORITY FOR CHIEF OPERATING
2	OFFICERS.
3	(a) In General.—Title VII of the Homeland Security
4	Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding
5	at the end the following new section:
6	"SEC. 707. CHIEF OPERATING OFFICERS.
7	"(a) In General.—The Chief Operating Officers of
8	the Department include the following officials of the Depart-
9	ment:
10	"(1) The Chief Financial Officer.
11	"(2) The Chief Procurement Officer.
12	"(3) The Chief Information Officer.
13	"(4) The Chief Human Capital Officer.
14	"(5) The Chief Administrative Officer.
15	"(6) The Chief Security Officer.
16	"(b) Delegation.—The Secretary shall delegate to
17	each Chief Operating Officer direct authority over that Offi-
18	cer's counterparts in component agencies to ensure that the
19	component agencies adhere to the laws, rules, regulations,
20	and departmental policies for which such Officer is respon-
21	sible for implementing. In coordination with the head of
22	the relevant component agency, such authorities shall in-
23	clude, with respect to the Officer's counterparts within com-
24	ponent agencies of the Department, the following:

1	"(1) The authority to direct the activities of per-
2	sonnel.
3	"(2) The authority to direct planning, oper-
4	ations, and training.
5	"(3) The authority to direct the budget and other
6	financial resources.
7	"(c) Coordination With Heads of Component
8	AGENCIES.—In reporting to a Chief Operating Officer of
9	the Department as required under subsection (b), a Chief
10	Operating Officer of a component agency shall coordinate
11	with the head of that component agency.".
12	(b) Clerical Amendment.—The table of contents in
13	section 1(b) of such Act is amended by inserting after the
14	item relating to section 706 the following:
	"Sec. 707. Chief Operating Officers.".
15	SEC. 203. COMPREHENSIVE HOMELAND SECURITY REVIEW.
16	(a) Comprehensive Homeland Security Re-
17	VIEW.—Subtitle A of title IV of the Homeland Security Act
18	of 2002 is further amended by adding at the end the fol-
19	lowing:
20	"SEC. 402. COMPREHENSIVE HOMELAND SECURITY REVIEW.
21	"(a) Requirement To Conduct Reviews.—The
22	Secretary, acting through the Under Secretary for Policy,
23	shall conduct a comprehensive examination of the Depart-
24	ment to be known as the Comprehensive Homeland Secu-

25 rity Review. The Secretary shall conduct the first such re-

1	view in fiscal year 2009, and shall conduct a subsequent
2	review in the first fiscal year in which there begins the first
3	presidential term of a new presidential administration.
4	"(b) Purpose of Review.—In each Comprehensive
5	Homeland Security Review, the Secretary shall—
6	"(1) include a Department of Homeland Secu-
7	rity Strategy that is consistent with the most recent
8	National Strategy for Homeland Security prescribed
9	by the President;
10	"(2) define sufficient personnel and appropriate
11	organizational structure and other requirements nec-
12	essary for the successful execution of the full range of
13	missions called for in the Department of Homeland
14	Security Strategy; and
15	"(3) identify a budget plan, acquisition strategy,
16	procurement process, and any other resources, that
17	are necessary to provide sufficient resources for the
18	successful execution of the full range of missions called
19	for in the Department of Homeland Security Strat-
20	egy.
21	"(c) Conduct of Review.—
22	"(1) Consultation required.—The Secretary
23	shall conduct each review required under subsection
24	(a) in consultation with key officials of the Depart-

ment, including the Assistant Secretary of the Trans-

1 portation Security Administration, the Commissioner 2 of United States Customs and Border Protection, the Director of United States Citizenship and Immigra-3 tion Services, the Assistant Secretary for Immigration and Customs Enforcement, the Director of the United 5 6 States Secret Service, the Administrator of the Fed-7 eral Emergency Management Agency, the Director of 8 the Federal Law Enforcement Training Center, and 9 the Commandant of the Coast Guard.

> "(2) Relationship with future years home-Land Security Program.—The Secretary shall ensure that each review conducted under this section is consistent with the Future Years Homeland Security Program required under section 874.

> "(d) Report to Congress and the President.—

"(1) REPORT.—The Secretary shall submit to the Committee on Homeland Security of the House of Representatives, to the Committee on Homeland Security and Governmental Affairs of the Senate, and to the President a report on each Comprehensive Homeland Security Review. Each such report shall be submitted during the fiscal year following the fiscal year in which the review is conducted, but not later than the date on which the President submits to Congress the budget under section 1105(a) of title 31, United

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1	States Code, for the fiscal year following the fiscal
2	year in which the report is to be submitted.
3	"(2) Contents.—Each such report shall include
4	the following, with a focus on reducing and managing
5	risk and in preparing for, mitigating against, re-
6	sponding to, and recovering from terrorist attacks,
7	major disasters, and other emergencies:
8	"(A) A comprehensive assessment of the level
9	of alignment between the Department of Home-
10	land Security Strategy and the human resources,
11	infrastructure, assets, and organizational struc-
12	ture of the Department.
13	"(B) An explanation of any and all under-
14	lying assumptions used in conducting the Re-
15	view.
16	"(C) The human resources requirements and
17	response capabilities of the Department as they
18	relate to the risks of terrorist attacks, major dis-
19	asters, and other emergencies.
20	"(D) The strategic and tactical air, border
21	sea, and land capabilities and requirements to
22	support the Department of Homeland Security
23	Strategy.
24	"(E) The nature and appropriateness of
25	homeland security operational capabilities in-

1	cluding operational scientific and technical re-
2	sources and capabilities and the anticipated ef-
3	fects on the human resources capabilities, costs,
4	efficiencies, resources, and planning of the De-
5	partment of any technology or operational capa-
6	bilities anticipated to be available during the
7	years subsequent to the Review.
8	"(F) Any other matter the Secretary con-
9	siders appropriate to include in the Review.
10	"(3) Deadline for initial report.—Notwith-
11	standing paragraph (1), the Secretary shall submit
12	the first Report required under subsection (a) not
13	later than September 30, 2010.
14	"(e) Preparations for Fiscal Year 2008 Re-
15	VIEW.—In fiscal year 2008, the Under Secretary for Policy
16	shall make all preparations for the conduct of the first Com-
17	prehensive Homeland Security Review in fiscal year 2009,
18	including—
19	"(1) determining the tasks to be performed;
20	"(2) estimating the human, financial, and other
21	resources required to perform each task;
22	"(3) establishing the schedule for the execution of
23	all project tasks;
24	"(4) ensuring that these resources will be avail-
25	able as needed; and

1	"(5) all other preparations considered necessary
2	by the Under Secretary.".
3	(b) Clerical Amendment.—The table of contents in
4	section 1(b) of such Act is amended by inserting after the
5	item relating to section 401 the following:
	"Sec. 402. Comprehensive Homeland Security Review.".
6	SEC. 204. QUALIFICATIONS FOR THE UNDER SECRETARY
7	FOR MANAGEMENT.
8	(a) QUALIFICATIONS.—Section 701 of the Homeland
9	Security Act of 2002 (6 U.S.C. 341) is amended by adding
10	at the end the following:
11	"(c) Qualifications.—The Under Secretary for Man-
12	agement shall have all of the following qualifications:
13	"(1) Extensive executive level leadership and
14	management experience in the public or private sec-
15	tor.
16	"(2) Strong leadership skills.
17	"(3) $A$ demonstrated ability to manage large and
18	complex organizations.
19	"(4) A proven record of achieving positive oper-
20	ational results.".
21	(b) Deadline for Appointment; Incumbent.—Not
22	later than 90 days after the date of the enactment of this
23	Act, the Secretary of Homeland Security shall name an in-
24	dividual who meets the qualifications of section 701 of the
25	Homeland Security Act (6 U.S.C. 341), as amended by sub-

1	section (a), to serve as the Under Secretary for Manage-
2	ment. The Secretary may submit the name of the individual
3	who serves in the position of Under Secretary for Manage-
4	ment of the Department of Homeland Security on the date
5	of enactment of this Act together with a statement the in-
6	forms the Congress that the individual meets the qualifica-
7	tions of such section as so amended.
8	SEC. 205. SENSE OF CONGRESS REGARDING CONSOLIDA-
9	TION OF DEPARTMENT HEADQUARTERS.
10	(a) FINDINGS.—Congress finds that—
11	(1) the Department of Homeland Security and
12	its component headquarters facilities are currently
13	scattered widely throughout the National Capital Re-
14	gion (NCR);
15	(2) this geographic dispersal disrupts the De-
16	partment's ability to operate in an efficient manner,
17	and could impair its ability to prevent, deter, prepare
18	for, and respond to a terrorist attack, major disaster,
19	or other emergencies;
20	(3) the Government Accountability Office con-
21	tinues to list "Implementing and Transforming the
22	Department of Homeland Security" on its "High
23	Risk list";
24	(4) consolidating the Department's headquarters
25	and component facilities, to the greatest extent prac-

- ticable, would be an important step in facilitating the
   transformation and integration of the Department;
   and
- (5) the President has provided funding for De-5 partment consolidation in the fiscal year 2008 budget, 6 and has determined that the only site under the con-7 trol of the Federal Government and in the NCR with 8 the size, capacity, and security features to meet the 9 Department of Homeland Security's minimum con-10 solidation needs as identified in the Department of Homeland Security NCR Housing Master Plan sub-11 12 mitted to Congress on October 24, 2006, is the West 13 Campus of St. Elizabeths Hospital in the District of 14 Columbia.
- 15 (b) SENSE OF CONGRESS.—It is the sense of Congress
  16 that the consolidation of the Department and its key compo17 nent headquarters on the West Campus of St. Elizabeths
  18 Hospital, to the maximum extent practicable consistent
  19 with the Department's Housing Plan as submitted to Con20 gress in October 2006, should move forward as expeditiously
  21 as possible with all the agencies involved in this effort bear22 ing those costs for which they are responsible.

1	SEC. 206. REQUIRED BUDGET LINE ITEM FOR OFFICE OF
2	COUNTERNARCOTICS ENFORCEMENT.
3	In each fiscal year budget request for the Department
4	of Homeland Security, the Secretary of Homeland Security
5	shall include a separate line item for the fiscal year for
6	expenditures by the Office of Counternarcotics Enforcement
7	of the Department of Homeland Security.
8	SEC. 207. DESIGNATION OF OFFICE OF COUNTER-
9	NARCOTICS ENFORCEMENT AS PRIMARY DE-
10	PARTMENT COUNTERNARCOTICS ENFORCE-
11	MENT REPRESENTATIVE.
12	Section 878(d)(5) of the Homeland Security Act of
13	2002 (6 U.S.C. $458(d)(5)$ ) is amended by striking "to be
14	a representative" and inserting "to be the primary rep-
15	resentative".
16	SEC. 208. GRANTING LINE AUTHORITY TO THE ASSISTANT
17	SECRETARY FOR LEGISLATIVE AFFAIRS.
18	Section 701 of the Homeland Security Act of 2002 (6
19	U.S.C. 341) is further amended by adding at the end the
20	following:
21	"(d) Authority of the Assistant Secretary for
22	Legislative Affairs Over Departmental Counter-
23	PARTS.—
24	"(1) In General.—The Secretary for the De-
25	partment shall ensure that the Assistant Secretary for
26	Legislative Affairs has adequate authority over his or

1	her respective counterparts in component agencies of
2	the Department to ensure that such component agen-
3	cies adhere to the laws, rules, regulations, and depart-
4	mental policies that the Assistant Secretary for Legis-
5	lative Affairs is responsible for implementing.
6	"(2) Included authorities.—The authorities
7	of the Assistant Secretary for Legislative Affairs shall
8	include, with respect to the counterparts in compo-
9	nent agencies of the Department, the following:
10	"(A) The authority to direct the activities of
11	personnel responsible for any of the following:
12	"(i) Making recommendations regard-
13	ing the hiring, termination, and reassign-
14	ment of individuals.
15	"(ii) Developing performance meas-
16	ures.
17	"(iii) Submitting written performance
18	evaluations during the performance evalua-
19	tion process that shall be considered in per-
20	formance reviews, including recommenda-
21	tions for bonuses, pay raises, and pro-
22	motions.
23	"(iv) Withholding funds from the rel-
24	evant component agency that would other-
25	wise be available for a particular purpose

1	until the relevant component agency com-
2	plies with the directions of the Assistant
3	Secretary for Legislative Affairs or makes
4	substantial progress towards meeting the
5	$specified\ goal.$
6	"(B) The authority to direct planning, op-
7	erations, and training.
8	"(C) The authority to direct the budget and
9	other financial resources.".
10	TITLE III—OVERSIGHT
11	<i>IMPROVEMENTS</i>
12	SEC. 301. SECURE BORDER INITIATIVE FINANCIAL AC-
13	COUNTABILITY.
14	(a) In General.—The Inspector General of the De-
15	partment of Homeland Security shall review each contract
16	action related to the Department's Secure Border Initiative
17	having a value greater than \$20,000,000, to determine
18	whether each such action fully complies with applicable cost
19	requirements, performance objectives, program milestones,
20	inclusion of small, minority, and women-owned business,
21	and timelines. The Inspector General shall complete a re-
22	view under this subsection with respect to a contract ac-
23	tion—
24	(1) not later than 60 days after the date of the
25	initiation of the action; and

- 1 (2) upon the conclusion of the performance of the
- 2 contract.
- 3 (b) Report by Inspector General.—Upon comple-
- 4 tion of each review required under subsection (a), the In-
- 5 spector General shall submit to the Secretary of Homeland
- 6 Security a report containing the findings of the review, in-
- 7 cluding findings regarding any cost overruns, significant
- 8 delays in contract execution, lack of rigorous departmental
- 9 contract management, insufficient departmental financial
- 10 oversight, bundling that limits the ability of small business
- 11 to compete, or other high risk business practices.
- 12 (c) Report by Secretary.—Not later than 30 days
- 13 after the receipt of each report required under subsection
- 14 (b), the Secretary of Homeland Security shall submit to the
- 15 Committee on Homeland Security of the House of Rep-
- 16 resentatives and the Committee on Homeland Security and
- 17 Governmental Affairs of the Senate a report on the findings
- 18 of the report by the Inspector General and the steps the Sec-
- 19 retary has taken, or plans to take, to address the findings
- 20 in such report.
- 21 (d) Authorization of Appropriations.—There are
- 22 authorized to be appropriated for the Office of the Inspector
- 23 General of the Department of Homeland Security to carry
- 24 out enhanced oversight of the Secure Border Initiative—

1	(1) for fiscal year 2008, of the amount author-
2	ized by section 101 and in addition to the amount
3	authorized by section 303, \$5,500,000;
4	(2) for fiscal year 2009, at least 6 percent of the
5	overall budget of the Office for that fiscal year; and
6	(3) for fiscal year 2010, at least 7 percent of the
7	overall budget of the Office for that fiscal year.
8	(e) Action by Inspector General.—In the event the
9	Inspector General becomes aware of any improper conduct
10	or wrongdoing in accordance with the contract review re-
11	quired under subsection (a), the Inspector General shall, as
12	expeditiously as practicable, refer to the Secretary of Home-
13	land Security or other appropriate official in the Depart-
14	ment of Homeland Security information related to such im-
15	proper conduct or wrongdoing for purposes of evaluating
16	whether to suspend or debar the contractor.
17	SEC. 302. AUTHORIZATION LIAISON OFFICER.
18	Section 702 of the Homeland Security Act of 2002 (6
19	U.S.C. 342) is amended by adding at the end the following:
20	"(d) Authorization Liaison Officer.—
21	"(1) In General.—The Chief Financial Officer
22	shall establish the position of Authorization Liaison
23	Officer to provide timely budget and other financial
24	information to the Committee on Homeland Security
25	of the House of Representatives and the Committee on

- 1 Homeland Security and Governmental Affairs of the
- 2 Senate. The Authorization Liaison Officer shall report
- 3 directly to the Chief Financial Officer.
- 4 "(2) Submission of Reports to Congress.—
- 5 The Authorization Liaison Officer shall coordinate
- 6 with the Appropriations Liaison Officer within the
- 7 Office of the Chief Financial Officer to ensure, to the
- 8 greatest extent possible, that all reports prepared for
- 9 the Committees on Appropriations of the House of
- 10 Representatives and the Senate are submitted concur-
- 11 rently to the Committee on Homeland Security of the
- 12 House of Representatives and the Committee on
- 13 Homeland Security and Governmental Affairs of the
- 14 Senate.".
- 15 SEC. 303. OFFICE OF THE INSPECTOR GENERAL.
- 16 Of the amount authorized by section 101, there is au-
- 17 thorized to be appropriated to the Secretary of Homeland
- 18 Security \$108,500,000 for fiscal year 2008 for operations
- 19 of the Office of the Inspector General of the Department of
- 20 Homeland Security.
- 21 SEC. 304. CONGRESSIONAL NOTIFICATION REQUIREMENT.
- 22 (a) In General.—Title I of the Homeland Security
- 23 Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding
- 24 at the end the following:

#### 1 "SEC. 104. CONGRESSIONAL NOTIFICATION.

- 2 "(a) In General.—The Secretary shall actively con-
- 3 sult with the congressional homeland security committees,
- 4 and shall keep such committees fully and currently in-
- 5 formed with respect to all activities and responsibilities
- 6 within the jurisdictions of these committees.
- 7 "(b) Relationship to Other Law.—Nothing in this
- 8 section affects the requirements of section 872. The require-
- 9 ments of this section supplement, and do not replace, the
- 10 requirements of that section.
- 11 "(c) Classified Notification.—The Secretary may
- 12 submit any information required by this section in classi-
- 13 fied form if the information is classified pursuant to appli-
- 14 cable national security standards.
- 15 "(d) Savings Clause.—This section shall not be con-
- 16 strued to limit or otherwise affect the congressional notifica-
- 17 tion requirements of title V of the National Security Act
- 18 of 1947 (50 U.S.C. 413 et seq.), insofar as they apply to
- 19 the Department.
- 20 "(e) Definition.—As used in this section, the term
- 21 'congressional homeland security committees' means the
- 22 Committee on Homeland Security and the Committee on
- 23 Appropriations of the House of Representatives and the
- 24 Committee on Homeland Security and Governmental Af-
- 25 fairs and the Committee on Appropriations of the Senate.".

1	(b) Conforming 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 title the following:
	"Sec. 104. Congressional notification.".
4	(c) Coast Guard Mission Review Report.—Sec-
5	tion 888(f)(2) of the Homeland Security Act of 2002 (6
6	U.S.C. 468(f)(2)) is amended—
7	(1) by redesignating subparagraphs (B) through
8	(E) as subparagraphs (C) through (F) respectively;
9	and
10	(2) by striking subparagraph (A) and inserting
11	the following:
12	"(A) the Committee on Homeland Security
13	and Governmental Affairs of the Senate;
14	"(B) the Committee on Homeland Security
15	of the House of Representatives;".
16	SEC. 305. SENSE OF CONGRESS REGARDING OVERSIGHT OF
17	HOMELAND SECURITY.
18	It is the sense of the Congress that the House of Rep-
19	resentatives and the Senate should implement the rec-
20	ommendation of the National Commission on Terrorist At-
21	tacks Upon the United States to designate a committee in
22	each body to serve as the single, principal point of oversight
23	and review for homeland security and to authorize the ac-
24	tivities of the Department of Homeland Security.

1	TITLE IV—PROCUREMENT POL-
2	ICY AND RESOURCES IM-
3	PROVEMENTS
4	SEC. 401. HOMELAND SECURITY PROCUREMENT TRAINING.
5	(a) In General.—Subtitle D of title VIII of the
6	Homeland Security Act of 2002 is amended by adding at
7	the end the following new section:
8	"SEC. 836. HOMELAND SECURITY PROCUREMENT TRAINING.
9	"(a) Provision of Training.—The Chief Procure-
10	ment Officer shall provide homeland security procurement
11	training to acquisition employees.
12	"(b) Responsibilities of Chief Procurement Of-
13	FICER.—The Chief Procurement Officer shall carry out the
14	following responsibilities:
15	"(1) Establish objectives to achieve the efficient
16	and effective use of available acquisition resources by
17	coordinating the acquisition education and training
18	programs of the Department and tailoring them to
19	support the careers of acquisition employees.
20	"(2) Develop, in consultation with the Council
21	on Procurement Training established under subsection
22	(d), the curriculum of the homeland security procure-
23	ment training to be provided.
24	"(3) Establish, in consultation with the Council
25	on Procurement Training, training standards, re-

1	quirements, and courses to be required for acquisition
2	employees.
3	"(4) Establish an appropriate centralized mecha-
4	nism to control the allocation of resources for con-
5	ducting such required courses and other training and
6	education.
7	"(5) Select course providers and certify courses
8	to ensure that the procurement training curriculum
9	supports a coherent framework for the educational de-
10	velopment of acquisition employees, including the pro-
11	vision of basic, intermediate, and advanced courses.
12	"(6) Publish an annual catalog that includes a
13	list of the acquisition education and training courses.
14	"(7) Develop a system of maintaining records of
15	student enrollment, and other data related to students
16	and courses conducted pursuant to this section.
17	"(c) Eligibility for Training.—An acquisition em-
18	ployee of any entity under subsection (d)(3) may receive
19	training provided under this section. The appropriate mem-
20	ber of the Council on Procurement Training may direct
21	such an employee to receive procurement training.
22	"(d) Council on Procurement Training.—
23	"(1) Establishment.—The Secretary shall es-
24	tablish a Council on Procurement Training to advise

1	and make policy and curriculum recommendations to
2	the Chief Procurement Officer.
3	"(2) Chair of council.—The chair of the
4	Council on Procurement Training shall be the Deputy
5	Chief Procurement Officer.
6	"(3) Members.—The members of the Council on
7	Procurement Training are the chief procurement offi-
8	cers of each of the following:
9	"(A) United States Customs and Border
10	Protection.
11	"(B) The Transportation Security Adminis-
12	tration.
13	"(C) The Office of Procurement Operations.
14	"(D) The Bureau of Immigration and Cus-
15	$toms\ Enforcement.$
16	"(E) The Federal Emergency Management
17	Agency.
18	"(F) The Coast Guard.
19	"(G) The Federal Law Enforcement Train-
20	ing Center.
21	"(H) The United States Secret Service.
22	"(I) Such other entity as the Secretary de-
23	termines appropriate.
24	"(e) Acquisition Employee Defined.—For pur-
25	poses of this section, the term 'acquisition employee' means

1	an employee serving under a career or career-conditional
2	appointment in the competitive service or appointment of
3	equivalent tenure in the excepted service of the Federal Gov-
4	ernment, at least 50 percent of whose assigned duties in-
5	clude acquisitions, procurement-related program manage-
6	ment, or procurement-related oversight functions.
7	"(f) Report Required.—Not later than March 1 of
8	each year, the Chief Procurement Officer shall submit to
9	the Secretary a report on the procurement training pro-
10	vided under this section, which shall include information
11	about student enrollment, students who enroll but do not
12	attend courses, graduates, certifications, and other relevant
13	information.".
14	(b) Clerical Amendment.—The table of contents in
15	section 1(b) of such Act is amended by adding at the end
16	of the items relating to such subtitle the following:
	"Sec. 836. Homeland security procurement training.".
17	SEC. 402. AUTHORITY TO APPOINT AND MAINTAIN A CADRE
18	OF FEDERAL ANNUITANTS FOR PROCURE-
19	MENT OFFICES.
20	(a) Definitions.—For purposes of this section—
21	(1) the term "procurement office" means the Of-
22	fice of Procurement Operations and any other pro-
23	curement office within any agency or other compo-
24	nent of the Department;

1	(2) the term "annuitant" means an annuitant
2	under a Government retirement system;
3	(3) the term "Government retirement system"
4	has the meaning given such term by section 501(a);
5	and
6	(4) the term "employee" has the meaning given
7	such term by section 2105 of title 5, United States
8	Code.
9	(b) Appointment Authority.—The Secretary (act-
10	ing through the Chief Procurement Officer) may, for the
11	purpose of supporting the Department's acquisition capa-
12	bilities and enhancing contract management throughout the
13	Department, appoint annuitants to positions in procure-
14	ment offices in accordance with succeeding provisions of
15	this section.
16	(c) Noncompetitive Procedures; Exemption
17	From Offset.—An appointment made under subsection
18	(b) shall not be subject to the provisions of title 5, United
19	States Code, governing appointments in the competitive
20	service, and any annuitant serving pursuant to such an
21	appointment shall be exempt from sections 8344 and 8468
22	of such title 5 (relating to annuities and pay on reemploy-
23	ment) and any other similar provision of law under a Gov-

 $24\ \ ernment\ retirement\ system.$ 

- 1 (d) Limitations.—No appointment under subsection
- 2 (b) may be made if such appointment would result in the
- 3 displacement of any employee or would cause the total num-
- 4 ber of positions filled by annuitants appointed under such
- 5 subsection to exceed 250 as of any time (determined on a
- 6 full-time equivalent basis).
- 7 (e) Rule of Construction.—An annuitant as to
- 8 whom an exemption under subsection (c) is in effect shall
- 9 not be considered an employee for purposes of any Govern-
- 10 ment retirement system.
- 11 (f) TERMINATION.—Upon the expiration of the 5-year
- 12 period beginning on the date of the enactment of this Act—
- 13 (1) any authority to make appointments under
- subsection (b) shall cease to be available; and
- 15 (2) all exemptions under subsection (c) shall
- 16 cease to be effective.
- 17 SEC. 403. ADDITIONAL REQUIREMENT TO REVIEW PAST
- 18 **PERFORMANCE OF CONTRACTORS.**
- 19 (a) In General.—Such subtitle is further amended
- 20 by adding at the end the following new section:
- 21 "SEC. 837. REVIEW OF CONTRACTOR PAST PERFORMANCE.
- 22 "(a) Consideration of Contractor Past Per-
- 23 FORMANCE.—In awarding a contract to a contractor, the
- 24 Secretary shall consider the past performance of that con-
- 25 tractor based on the review conducted under subsection (b).

- 1 "(b) Review Required.—Before awarding to a con-
- 2 tractor (including a contractor that has previously provided
- 3 goods or services to the Department) a contract to provide
- 4 goods or services to the Department, the Secretary, acting
- 5 through the appropriate contracting officer of the Depart-
- 6 ment, shall require the contractor to submit information re-
- 7 garding the contractor's performance of Federal, State, and
- 8 local government and private sector contracts.
- 9 "(c) Contact of Relevant Officials.—As part of
- 10 any review of a contractor conducted under subsection (b),
- 11 the Secretary, acting through an appropriate contracting
- 12 officer of the Department, shall contact the relevant official
- 13 who administered or oversaw each contract performed by
- 14 that contractor during the five-year period preceding the
- 15 date on which the review begins.".
- 16 (b) Clerical Amendment.—The table of contents in
- 17 section 1(b) of such Act is amended by adding at the end
- 18 of the items relating to such subtitle the following:

"Sec. 837. Review of contractor past performance.".

- 19 SEC. 404. REQUIREMENT TO DISCLOSE FOREIGN OWNER-
- 20 SHIP OR CONTROL OF CONTRACTORS AND
- 21 SUBCONTRACTORS.
- 22 (a) Compliance With Buy American Act.—With
- 23 respect to any procurement of goods or services by the De-
- 24 partment of Homeland Security, the Chief Procurement Of-
- 25 ficer of the Department shall conduct an independent re-

1	view of the procurement to ensure that it complies with all
2	relevant provisions of the Buy American Act (41 U.S.C. 10a
3	$et \ seq.$ ).
4	(b) Foreign Ownership or Control of Contrac-
5	Tors and Subcontractors.—
6	(1) Disclosure of information.—With re-
7	spect to any procurement of goods or services by the
8	Department of Homeland Security, the Secretary of
9	Homeland Security shall require an offeror or pro-
10	spective offeror to disclose whether the offeror or any
11	prospective subcontractor (at any tier) is owned or
12	controlled by a foreign person. The Secretary shall re-
13	quire all offerors, prospective offerors, and contractors
14	to update the disclosure at any time before award of
15	the contract or during performance of the contract, if
16	the information provided becomes incorrect because of
17	a change of ownership, a change in subcontractors, or
18	for any other reason.
19	(2) Foreign ownership or control.—In this
20	subsection:
21	(A) The term "owned or controlled by a for-
22	eign person", with respect to an offeror, con-
23	tractor, or subcontractor, means that a foreign
24	person owns or controls, directly or indirectly,

percent or more of the voting stock or other

1	ownership interest in the offeror, contractor, or
2	subcontractor.
3	(B) The term "foreign person" means any
4	of the following:
5	(i) A foreign government.
6	(ii) A corporation organized under the
7	laws of a foreign country.
8	(iii) An individual who is not a cit-
9	izen of the United States.
10	(3) Regulations.—Not later than 180 days
11	after the date of the enactment of this Act, the Sec-
12	retary of Homeland Security shall promulgate regula-
13	tions to carry out this subsection.
14	SEC. 405. INTEGRITY IN CONTRACTING.
15	(a) In General.—Subtitle D of title VIII of the
16	Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is
17	further amended by adding at the end the following:
18	"SEC. 838. INTEGRITY IN CONTRACTING.
19	"(a) Attestation Required.—The Secretary shall
20	require any offeror for any contract to provide goods or
21	services to the Department to submit as part of the offeror's
22	bid for such contract an attestation that affirmatively dis-
23	closes any substantial role the offeror, the employees of the
24	offeror, or any corporate parent or subsidiary of the offeror
25	may have played in creating a solicitation, request for pro-

1	posal, statement of work, or statement of objectives (as those
2	terms are defined in the Federal Acquisition Regulation,
3	for the Department.
4	"(b) Additional Requirements for Certain
5	Offeror submits an attestation under
6	subsection (a) that discloses that the offeror, an employee
7	of the offeror, or any corporate parent or subsidiary of the
8	offeror played a substantial role in creating a solicitation,
9	request for proposal, statement of work, or statement of ob-
10	jectives for the Department, the Secretary shall require the
11	offeror to submit to the Secretary a description of the safe-
12	guards used to ensure that precautions were in place to pre-
13	vent the offeror from receiving information through such
14	role that could be used to provide the offeror an undue ad-
15	vantage in submitting an offer for a contract.
16	"(c) Certification Requirements.—
17	"(1) In General.—The Secretary shall require
18	any offeror for any contract to provide goods or serv-
19	ices to the Department to submit to the Secretary as
20	part of the offeror's bid for such contract a certifi-
21	cation in writing whether, as of the date on which the
22	certification is submitted, the offeror—
23	"(A) is in default on any payment of any
24	tax to the Federal Government; or

1	"(B) owes the Federal Government for any
2	payment of any delinquent tax.
3	"(2) Failure of Certification.—Nothing in
4	this section shall prevent the Department from
5	awarding a contract to an offeror based solely on the
6	offeror's certification.".
7	(b) Clerical Amendment.—The table of contents in
8	section 1(b) of such Act is further amended by adding at
9	the end of the items relating to such subtitle the following:
	"Sec. 838. Integrity in contracting.".
10	SEC. 406. SMALL BUSINESS UTILIZATION REPORT.
11	(a) Report.—Not later than 360 days after the date
12	of the enactment of this Act, the Chief Procurement Officer
13	of the Department of Homeland Security shall submit to
14	the Secretary of Homeland Security, the Committee on
15	Homeland Security of the House of Representatives, and
16	the Committee on Homeland Security and Governmental
17	Affairs of the Senate a report that—
18	(1) identifies each component of the Department
19	for which the aggregate value of contracts awarded in
20	fiscal year 2006 by the component to qualified
21	HUBZone small business concerns and small business
22	concerns owned and controlled by service-disabled vet-
23	erans was less than 3 percent of the total value of all
24	contracts awarded under the component for that fiscal

year; and

(2) identifies each component of the Department for which the aggregate value of contracts awarded in fiscal year 2006 by the component to socially or economically disadvantaged small business concerns, including 8(a) small business concerns, and small business concerns owned and controlled by women was less than 5 percent of the total value of all contracts awarded by the component for that fiscal year.

## (b) ACTION PLAN.—

- (1) ACTION PLAN REQUIRED.—Not later than 90 days after the date of the submission of the report required under subsection (a), the Chief Procurement Officer, in consultation with Office of Small and Disadvantaged Businesses Utilization of the Department, shall for each component identified under subsection (a)(1) and (a)(2), develop, submit to the Committees referred to in subsection (a), and begin implementing an action plan for achieving the objective described in subsection (b)(2). An action plan is not required if the component meets or exceeds the objective described in subsection (b)(2).
- (2) IDENTIFICATION OF BARRIERS.—Each action plan shall identify and describe any barriers to achieving the objectives of awarding by the component, for a fiscal year, contracts having an aggregate

- value of at least 3 percent of the total value of all contracts awarded by the component for the fiscal year to small business concerns identified under subsection (a)(1) and 5 percent of the total value of all contracts awarded by the component for the fiscal year to small business concerns identified under subsection (a)(2).
  - (3) PERFORMANCE MEASURES AND TIME-TABLE.—Each action plan submitted under paragraph (1) shall include performance measures and a timetable for compliance and achievement of the objectives described in paragraph (2).

## (c) Priority Consideration.—

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- (1) In General.—The Chief Procurement Officer may give priority consideration to small business concerns for all open market procurements exceeding the simplified acquisition threshold prior to initiating full and open, or unrestricted, competition.
- (2) ORDER OF PRIORITY.—In proceeding with priority consideration under paragraph (1), the Chief Procurement Officer shall consider contracting proposals in the following order:
- 22 (A) Proposals submitted by 8(a) small busi-23 ness concerns or HUBZone small business con-24 cerns; service-disabled veteran owned small busi-

1	ness concerns; or women owned small business
2	concerns.
3	(B) Proposals submitted by other small
4	business concerns.
5	(C) Proposals submitted under full and
6	$open\ competition.$
7	(3) For purposes of carrying out paragraph (2)
8	with respect to proposals submitted by small business
9	concerns described in the same subparagraph of para-
10	graph (2), the Chief Procurement Officer shall select
11	the appropriate category of concern based on market
12	research, historical data, and progress toward achiev-
13	ing the objective described in subsection $(b)(2)$ .
14	(d) Definitions.—For purposes of this section, the
15	terms "small business concern", "socially or economically
16	disadvantaged small business concern", "women owned
17	small business concern", "small business concern owned and
18	controlled by service-disabled veterans", "8(a) small busi-
19	ness concerns", and "qualified HUBZone small business
20	concern" have the meanings given such terms under the
21	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.) is
7	further amended by adding at the end the following new
8	section:
9	"SEC. 839. REQUIREMENT THAT CERTAIN ARTICLES PRO-
10	CURED FOR DEPARTMENT PERSONNEL BE
11	MANUFACTURED IN THE UNITED STATES.
12	"(a) Requirement.—Except as provided in section
13	(c), funds appropriated or otherwise available to the De-
14	partment may not be used for the procurement of an article
15	described in section (b) if the item is not manufactured in
16	the United States.
17	"(b) Covered Articles.—An article referred to in
18	subsection (a) is any of the following articles procured for
19	personnel of the Department:
20	"(1) Uniforms.
21	"(2) Protective gear.
22	"(3) Badges or other insignia indicating the
23	rank, office, or position of personnel.
24	"(4) Identification cards.
25	"(c) Availability Exception.—Subsection (a) does
26	not apply to the extent that the Secretary determines that

satisfactory quality and sufficient quantity of the article cannot be procured as and when needed at United States 3 market prices. If such a determination is made with respect to an article, the Secretary shall— 4 5 "(1) notify the Committee on Homeland Security 6 of the House of Representatives and the Committee on 7 Homeland Security and Governmental Affairs of the 8 Senate within 7 days after making the determination; 9 and 10 "(2) include in that notification a certification 11 that manufacturing the article outside the United 12 States does not pose a risk to the national security of 13 the United States, as well as a detailed explanation 14 of the steps any facility outside the United States that 15 is manufacturing the article will be required to take 16 to ensure that the materials, patterns, logos, designs, 17 or any other element used in or for the article are not 18 misappropriated. 19 "(d) Other Exceptions.—Subsection (a) does not apply— 20 21 "(1) to acquisitions at or below the micro-pur-22 chase threshold (as defined in section 32 of the Office 23 of Federal Procurement Policy Act (41 U.S.C. 428));

and

- 1 "(2) to acquisitions outside the United States for
- 2 use outside of the United States.
- 3 "(e) Use of Domestic Textiles.—For fiscal year
- 4 2008 and each subsequent fiscal year, the Secretary shall
- 5 take all available steps to ensure that, to the maximum ex-
- 6 tent practicable, the items described in subsection (b) pro-
- 7 cured by the Department are manufactured using domestic
- 8 textiles.
- 9 "(f) Relationship to Waiver Under Trade
- 10 AGREEMENTS ACT OF 1979.—Subsection (a) shall apply
- 11 notwithstanding any waiver under section 301 of the Trade
- 12 Agreements Act of 1979 (19 U.S.C. 2511).".
- 13 (b) Conforming Amendment.—The table of contents
- 14 in section 1(b) of the Homeland Security Act of 2002 is
- 15 amended by adding at the end of the items relating to such
- 16 subtitle the following new item:
  - "Sec. 839. Requirement that certain articles procured for Department personnel be manufactured in the United States.".
- 17 (c) APPLICABILITY.—The amendments made by this
- 18 section take effect 120 days after the date of the enactment
- 19 of this Act and apply to any contract entered into on or
- 20 after that date for the procurement of items to which such
- 21 amendments apply.

#### 1 SEC. 408. DEPARTMENT OF HOMELAND SECURITY MENTOR-

•	, ,
,	PROTEGE PROGRAM.
∠	FINITION FINITION

- 3 (a) Establishment.—The Secretary of Homeland
- 4 Security shall establish within the Department of Home-
- 5 land Security's Office of Small and Disadvantaged Busi-
- 6 ness Utilization a Mentor-Protégé Program, which shall
- 7 motivate and encourage prime contractors that are large
- 8 businesses to provide developmental assistance to small
- 9 business concerns, small business concerns owned and con-
- 10 trolled by veterans, small business concerns owned and con-
- 11 trolled by service-disabled veterans, HUBZone small busi-
- 12 ness concerns, small business concerns owned by socially
- 13 and economically disadvantaged individuals, and small
- 14 business concerns owned and controlled by women.
- 15 (b) Participation by Contractors and
- 16 Offerors.—The Secretary shall take affirmative steps to
- 17 publicize and to ensure that Department contractors and
- 18 offerors are fully aware of and are participating in the
- 19 Mentor-Protégé Program, including that their efforts to seek
- 20 and develop a formal Mentor-Protégé relationship will be
- 21 a factor in the evaluation of bids or offers for Department
- 22 contracts.
- 23 (c) Factor in Evaluation of Offers.—When evalu-
- 24 ating the offer of a contractor, the Department of Homeland
- 25 Security shall consider that offeror's efforts to seek and de-

1	velop a formal Mentor-Protégé relationship under the Men-
2	tor-Protégé Program.
3	(d) Review by Inspector General.—The Inspector
4	General of the Department of Homeland Security shall con-
5	duct a review of the Mentor-Protégé Program. Such review
6	shall include—
7	(1) an assessment of the program's effectiveness;
8	(2) identification of any barriers that restrict
9	contractors from participating in the program;
10	(3) a comparison of the program with the De-
11	partment of Defense Mentor-Protégé Program; and
12	(4) development of recommendations to strength-
13	en the program to include the maximum number of
14	contractors as possible.
15	SEC. 409. PROHIBITION ON AWARD OF CONTRACTS AND
16	GRANTS TO EDUCATIONAL INSTITUTIONS
17	NOT SUPPORTING COAST GUARD EFFORTS.
18	(a) Prohibition.—The Secretary of Homeland Secu-
19	rity may not award a contract or grant to an institution
20	of higher education (including any subelement of that insti-
21	tution) if that institution (or any subelement of that insti-
22	tution) has a policy or practice (regardless of when imple-
23	mented) that prohibits, or in effect prevents, the Com-
24	mandant of the Coast Guard from gaining access to cam-
25	puses of the institution, or access to students (who are 17

1	years of age or older) on such campuses, for purposes of
2	recruiting, in a manner that is at least equal in quality
3	and scope to the access to campuses and to students that
4	is provided to any other employer.
5	(b) Institution of Higher Education Defined.—
6	For purposes of this section, the term "institution of higher
7	education" has the meaning provided in section 101 of the
8	Higher Education Act of 1965 (20 U.S.C. 1001).
9	(c) Limitation on Application.—The prohibition in
10	this section shall not apply to an institution of higher edu-
11	cation (or any subelement of that institution) if the Sec-
12	retary of Homeland Security determines that the institu-
13	tion of higher education has a longstanding policy of paci-
14	fism based on historical religious affiliation.
15	SEC. 410. REPORT ON SOURCE OF SHORTFALLS AT FED-
16	ERAL PROTECTIVE SERVICE.
17	The Secretary of Homeland Security may not conduct
18	a reduction in force or furlough of the workforce of the Fed-
19	eral Protective Service until—
20	(1) the Comptroller General of the United States
21	submits to the Committees on Homeland Security and
22	Transportation and Infrastructure of the House of
23	Representatives and the Committee on Homeland Se-

curity and Governmental Affairs of the Senate the re-

port on the source of shortfalls at the Federal Protec-

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1	tive Service that was requested by the Committee on
2	Homeland Security and Governmental Affairs of the
3	Senate; and
4	(2) the Committee on Homeland Security and
5	Governmental Affairs of the Senate and the Commit-
6	tees on Homeland Security and Transportation and
7	Infrastructure of the House of Representatives have
8	conducted hearings on such report.
9	TITLE V—WORKFORCE AND
10	TRAINING IMPROVEMENTS
11	SEC. 501. CUSTOMS AND BORDER PROTECTION OFFICER
12	PAY EQUITY.
13	(a) Definitions.—For purposes of this section:
14	(1) The term "Government retirement system"
15	means a retirement system established by law for em-
16	ployees of the Government of the United States.
17	(2) The term "Customs and Border Protection
18	Officer position" refers to any Customs and Border
19	Protection Officer position—
20	(A) which is within the Department of
21	Homeland Security, and
22	(B) the primary duties of which consist of
23	enforcing the border, customs, or agriculture laws
24	of the United States;

- such term includes a supervisory or administrative position within the Department of Homeland Security to which an individual transfers directly from a position described in the preceding provisions of this paragraph in which such individual served for at least three years.
  - (3) The term 'law enforcement officer' has the meaning given such term under the Government retirement system involved.
- 10 (4) The term "Executive agency" or "agency" 11 has the meaning given under section 105 of title 5, 12 United States Code.
- 13 (5) The term "prior qualified service" means 14 service as a Customs and Border Protection Officer 15 within the Department of Homeland Security, since 16 its establishment in March 2003.
- 17 (b) Treatment as a Law Enforcement Officer.—
- 18 In the administration of any Government retirement sys-
- 19 tem, service in a Customs and Border Protection Officer
- 20 position shall be treated in the same way as service per-
- 21 formed in a law enforcement officer position, subject to suc-
- 22 ceeding provisions of this section.
- 23 (c) Applicability.—Subsection (b) shall apply in the
- 24 case of—

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1	(1) any individual first appointed to a Customs
2	and Border Protection Officer position on or after the
3	date of the enactment of this Act; and
4	(2) any individual who—
5	(A) holds a Customs and Border Protection
6	Officer position on the date of the enactment of
7	this Act pursuant to an appointment made be-
8	fore such date; and
9	(B) who submits to the agency admin-
10	istering the retirement system involved an ap-
11	propriate election under this section, not later
12	than five years after the date of the enactment of
13	this Act or before separation from Government
14	service, whichever is earlier.
15	(d) Individual Contributions for Prior Quali-
16	fied Service.—
17	(1) In general.—An individual described in
18	subsection $(c)(2)(B)$ may, with respect to prior quali-
19	fied service performed by such individual, contribute
20	to the Government retirement system by which such
21	individual is covered (for deposit in the appropriate
22	fund within the Treasury) the difference between the
23	individual contributions that were actually made for
24	such service and the individual contributions that

- should have been made for such service if subsection
  (b) had then been in effect (with interest).
- 3 (2) Effect of not contributing.—If less than the full contribution under paragraph (1) is made, all 4 5 prior qualified service of the individual shall remain 6 fully creditable as law enforcement officer service, but 7 the resulting annuity (before cost-of-living adjust-8 ments) shall be reduced in a manner such that, when 9 combined with the unpaid amount, would result in 10 the present value of the total being actuarially equiva-11 lent to the present value of the annuity that would 12 otherwise have been payable if the full contribution 13 had been made.
- 14 (e) Government Contributions for Prior Quali-15 fied Service.—
  - (1) In General.—If an individual makes an election under subsection (c)(2)(B), the Department of Homeland Security shall remit, with respect to any prior qualified service, the total amount of additional Government contributions that would have been required for such service under the retirement system involved if subsection (b) had then been in effect (with interest).
- 24 (2) Contributions to be made ratably.—
  25 Government contributions under this subsection on

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- 1 behalf of an individual shall be made ratably (on at
- 2 least an annual basis) over the ten-year period begin-
- 3 ning on the date an individual's retirement deduc-
- 4 tions begin to be made.
- 5 (f) Exemption From Mandatory Separation.—Ef-
- 6 fective during the three-year period beginning on the date
- 7 of the enactment of this Act, nothing in this section shall
- 8 result in any individual being involuntarily separated on
- 9 account of the provisions of any retirement system relating
- 10 to the mandatory separation of a law enforcement officer
- 11 on account of age or age and service combined.
- 12 (g) Rule of Construction.—Nothing in this section
- 13 shall be considered to apply in the case of a reemployed
- 14 annuitant.
- 15 (h) Regulations.—Any regulations necessary to
- 16 carry out this section shall be prescribed in consultation
- 17 with the Secretary of Homeland Security.
- 18 SEC. 502. PLAN TO IMPROVE REPRESENTATION OF MINORI-
- 19 TIES IN VARIOUS CATEGORIES OF EMPLOY-
- 20 **MENT**.
- 21 (a) Plan for Improving Representation of Mi-
- 22 NORITIES.—Not later than 90 days after the date of the en-
- 23 actment of this Act, the Chief Human Capital Officer of
- 24 the Department of Homeland Security shall prepare and
- 25 transmit to the Committee on Homeland Security of the

1	House of Representatives, the Committee on Homeland Se-
2	curity and Governmental Affairs of the Senate, and the
3	Comptroller General of the United States a plan to achieve
4	the objective of addressing any under representation of mi-
5	norities in the various categories of civil service employ-
6	ment within such Department. Such plan shall identify and
7	describe any barriers to achieving the objective described in
8	the preceding sentence and the strategies and measures in-
9	cluded in the plan to overcome them.
10	(b) Assessments.—Not later than 1 year after receiv-
11	ing the plan, the Comptroller General of the United States
12	shall assess—
13	(1) any programs and other measures currently
14	being implemented to achieve the objective described
15	in the first sentence of subsection (a); and
16	(2) the likelihood that the plan will allow the De-
17	partment to achieve such objective.
18	(c) Definitions.—For purposes of this section—
19	(1) the term "under representation" means when
20	the members of a minority group within a category
21	of Federal civil service employment constitute a lower
22	percentage of the total number of employees within
23	the employment category than the percentage that the

minority constitutes within the labor force of the Fed-

1	eral Government, according to statistics issued by the
2	Office of Personnel Management;
3	(2) the term "minority groups" or "minorities"
4	means—
5	(A) racial and ethnic minorities;
6	(B) women; and
7	(C) individuals with disabilities; and
8	(3) the term "category of civil service employ-
9	ment" means—
10	(A) each pay grade, pay band, or other clas-
11	sification of every pay schedule and all other lev-
12	els of pay applicable to the Department of
13	Homeland Security; and
14	(B) such occupational, professional, or other
15	groupings (including occupational series) as the
16	Chief Human Capital Officer of the Department
17	of Homeland Security may specify, in the plan
18	described in subsection (a), in order to carry our
19	the purposes of this section.
20	SEC. 503. CONTINUATION OF AUTHORITY FOR FEDERAL
21	LAW ENFORCEMENT TRAINING CENTER TO
22	APPOINT AND MAINTAIN A CADRE OF FED
23	ERAL ANNUITANTS.
24	Section 1202(a) of the 2002 Supplemental Appropria-
25	tions Act for Further Recovery From and Response To Ter-

1	rorist Attacks on the United States (42 U.S.C. 3771 note)
2	is amended in the first sentence by striking "December 31,
3	2007" and inserting "December 31, 2008".
4	SEC. 504. AUTHORITY TO APPOINT AND MAINTAIN A CADRE
5	OF FEDERAL ANNUITANTS FOR CUSTOMS
6	AND BORDER PROTECTION.
7	(a) Definitions.—For purposes of this section—
8	(1) the term "CBP" means the United States
9	Customs and Border Protection;
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 Commissioner of the United States Customs
20	and Border Protection) may, for the purpose of accelerating
21	the ability of the CBP to secure the borders of the United
22	States, appoint annuitants to positions in the CBP in ac-
23	cordance with succeeding provisions of this section.
24	(c) Noncompetitive Procedures; Exemption
25	From Offset.—An appointment made under subsection

- 1 (b) shall not be subject to the provisions of title 5, United
- 2 States Code, governing appointments in the competitive
- 3 service, and any annuitant serving pursuant to such an
- 4 appointment shall be exempt from sections 8344 and 8468
- 5 of such title 5 (relating to annuities and pay on reemploy-
- 6 ment) and any other similar provision of law under a Gov-
- 7 ernment retirement system.
- 8 (d) Limitations.—No appointment under subsection
- 9 (b) may be made if such appointment would result in the
- 10 displacement of any employee or would cause the total num-
- 11 ber of positions filled by annuitants appointed under such
- 12 subsection to exceed 500 as of any time (determined on a
- 13 full-time equivalent basis).
- 14 (e) Rule of Construction.—An annuitant as to
- 15 whom an exemption under subsection (c) is in effect shall
- 16 not be considered an employee for purposes of any Govern-
- 17 ment retirement system.
- 18 (f) Termination.—Upon the expiration of the 5-year
- 19 period beginning on the date of the enactment of this Act—
- 20 (1) any authority to make appointments under
- 21 subsection (b) shall cease to be available; and
- 22 (2) all exemptions under subsection (c) shall
- cease to be effective.

1	SEC. 505. STRENGTHENING BORDER PATROL RECRUIT-
2	MENT AND RETENTION.
3	(a) In General.—In order to address the recruitment
4	and retention challenges faced by United States Customs
5	and Border Protection, the Secretary of Homeland Security
6	shall establish a plan, consistent with existing Federal stat-
7	utes applicable to pay, recruitment, relocation, and reten-
8	tion of Federal law enforcement officers. Such plan shall
9	include the following components:
10	(1) The establishment of a recruitment incentive
11	for Border Patrol agents, including the establishment
12	of a foreign language incentive award.
13	(2) The establishment of a retention plan, in-
14	cluding the payment of bonuses to Border Patrol
15	agents for every year of service after the first two
16	years of service.
17	(3) An increase in the pay percentage differen-
18	tials to Border Patrol agents in certain high-cost
19	areas, as determined by the Secretary, consistent with
20	entry-level pay to other Federal, State, and local law
21	enforcement agencies.
22	(4) The establishment of a mechanism whereby
23	Border Patrol agents can transfer from one location
24	to another after the first two years of service in their
25	initial duty location.

(5) The establishment of quarterly goals for the recruitment of new Border Patrol agents, including goals for the number of recruits entering Border Patrol training, and the number of recruits who successfully complete such training and become Border Patrol agents.

# (b) Report.—

- endar quarter after the date of the enactment of this Act and every calendar quarter thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report identifying whether the quarterly goals for the recruitment of new Border Patrol agents established under subsection (a)(5) were met, and an update on the status of recruitment efforts and attrition rates among Border Patrol agents.
- (2) CONTENTS OF REPORT.—The report required under paragraph (1) shall contain, at a minimum, the following with respect to each calendar quarter:
- 23 (A) The number of recruits who enter Bor-24 der Patrol training.

1	(B) The number of recruits who successfully
2	complete such training and become Border Pa-
3	trol agents.
4	(C) The number of Border Patrol agents
5	who are lost to attrition.
6	SEC. 506. LIMITATION ON REIMBURSEMENTS RELATING TO
7	CERTAIN DETAILEES.
8	In the case of an individual assigned to the Depart-
9	ment of Homeland Security as a detailee under an arrange-
10	ment described in subchapter VI of chapter 33 of title 5,
11	United States Code, the maximum reimbursement by the
12	Department of Homeland Security which may be made
13	under section 3374(c) of such title with respect to such indi-
14	vidual for the period of the assignment (including for any
15	employee benefits) may not exceed the total amount of basic
16	pay that would have been payable for such period if such
17	individual had been paid, at the highest rate allowable
18	under section 5382 of such title, as a member of the Senior
19	Executive Service.
20	SEC. 507. INTEGRITY IN POST-EMPLOYMENT.
21	(a) Designations as Separate Agencies and Bu-
22	REAUS BARRED.—No agency, bureau, or other entity of the
23	Department of Homeland Security may be designated
24	under section 207(h)(1) of title 18, United States Code, as
25	a separate agency or bureay.

1	(b) Effective Date.—
2	(1) In General.—This section takes effect on the
3	later of—
4	(A) June 6, 2007; or
5	(B) the date of the enactment of this Act.
6	(2) Applicability to designations.—The fol-
7	lowing shall cease to be effective on the date this sec-
8	tion takes effect under paragraph (1):
9	(A) Any waiver of restrictions made under
10	section $207(c)(2)(C)$ of title 18, United States
11	Code, before the enactment of this Act, with re-
12	spect to any position, or category of positions, in
13	the Department of Homeland Security.
14	(B) Any designation of an agency, bureau,
15	or other entity in the Department of Homeland
16	Security, before the enactment of this Act, under
17	section 207(h)(1) of title 18, United States Code,
18	as a separate agency or bureau.
19	SEC. 508. INCREASED SECURITY SCREENING OF HOMELAND
20	SECURITY OFFICIALS.
21	(a) Review Required.—Not later than 90 days after
22	the date of enactment of this Act, the Secretary of Homeland
23	Security shall conduct a Department-wide review of the De-
24	partment of Homeland Security security clearance and
25	suitability review procedures for Department employees

1	and contractors, as well as individuals in State and local
2	government agencies and private sector entities with a need
3	to receive classified information.
4	(b) Strengthening of Security Screening Poli-
5	CIES.—
6	(1) In general.—Based on the findings of the
7	review conducted under subsection (a), the Secretary
8	shall, as appropriate, take all necessary steps to
9	strengthen the Department's security screening poli-
10	cies, including consolidating the security clearance in-
11	vestigative authority at the headquarters of the De-
12	partment.
13	(2) Elements.—In strengthening security
14	screening policies under paragraph (1), the Secretary
15	shall consider whether and where appropriate ensure
16	that—
17	(A) all components of the Department of
18	Homeland Security meet or exceed Federal and
19	Departmental standards for security clearance
20	investigations, adjudications, and suitability re-
21	views;
22	(B) the Department has a cadre of well-
23	trained adjudicators and the Department has in
24	place a program to train and oversee adjudica-
25	tors; and

1	(C) suitability reviews are conducted for all
2	Department of Homeland Security employees
3	who transfer from a component of the Depart-
4	ment to the headquarters of the Departmental.
5	SEC. 509. AUTHORITIES OF CHIEF SECURITY OFFICER.
6	(a) Establishment.—Title VII of the Homeland Se-
7	curity Act of 2002 (6 U.S.C. 341 et seq.) is further amended
8	by adding at the end the following:
9	"SEC. 708. CHIEF SECURITY OFFICER.
10	"(a) Establishment.—There is in the Department a
11	Chief Security Officer.
12	"(b) Responsibilities.—The Chief Security Officer
13	shall—
14	"(1) have responsibility for personnel security,
15	facility access, security awareness, and related train-
16	ing;
17	"(2) ensure that each component of the Depart-
18	ment complies with Federal standards for security
19	clearances and background investigations;
20	"(3) ensure, to the greatest extent practicable,
21	that individuals in State and local government agen-
22	cies and private sector entities with a need to receive
23	classified information, receive the appropriate clear-
24	ances in a timely fashion: and

- 1 "(4) perform all other functions as determined
- 2 by the Secretary.".
- 3 (b) Clerical Amendment.—The table of contents in
- 4 section 1(b) of such Act is amended by inserting after the
- 5 items relating to such title the following new item: "Sec. 708. Chief Security Officer.".

#### 6 SEC. 510. DEPARTMENTAL CULTURE IMPROVEMENT.

- 7 (a) Consideration Required.—The Secretary of
- 8 Homeland Security, acting through the Chief Human Cap-
- 9 ital Officer, shall consider implementing recommendations
- 10 set forth in the Homeland Security Advisory Council Cul-
- 11 ture Task Force Report of January 2007.
- 12 (b) Identification of Terms.—As part of this con-
- 13 sideration, the Secretary, acting through the Chief Human
- 14 Capital Officer, shall identify an appropriate term, as
- 15 among "workforce", "personnel", and "employee", to re-
- 16 place "human capital" and integrate its use throughout the
- 17 operations, policies, and programs of the Department of
- 18 Homeland Security.

# 19 SEC. 511. HOMELAND SECURITY EDUCATION PROGRAM EN-

- 20 HANCEMENTS.
- 21 Section 845(b) of the Homeland Security Act of 2002
- 22 (6 U.S.C. 415(b)) is amended to read as follows:
- 23 "(b) Leveraging of Existing Resources.—To
- 24 maximize efficiency and effectiveness in carrying out the
- 25 Program, the Administrator shall use curricula modeled on

- 1 existing Department-reviewed Master's Degree curricula in
- 2 homeland security, including curricula pending accredita-
- 3 tion, together with associated learning materials, quality
- 4 assessment tools, digital libraries, asynchronous distance
- 5 learning, video conferencing, exercise systems, and other
- 6 educational facilities, including the National Domestic Pre-
- 7 paredness Consortium, the National Fire Academy, and the
- 8 Emergency Management Institute. The Administrator may
- 9 develop additional educational programs, as appropriate.".
- 10 SEC. 512. REPEAL OF CHAPTER 97 OF TITLE 5, UNITED
- 11 STATES CODE.
- 12 (a) REPEAL.—
- 13 (1) In General.—Effective as of the date speci-
- 14 fied in section 4 of the Homeland Security Act of
- 15 2002 (6 U.S.C. 101 note), chapter 97 of title 5,
- 16 United States Code (as added by section 841(a)(2) of
- 17 such Act), section 841(b)(3) of such Act, and sub-
- sections (c) and (e) of section 842 of such Act are re-
- 19 pealed.
- 20 (2) Regulations.—Any regulations prescribed
- 21 under authority of chapter 97 of title 5, United States
- 22 Code, are void ab initio.
- 23 (b) CLERICAL AMENDMENT.—The table of chapters for
- 24 part III of title 5, United States Code, is amended by strik-
- 25 ing the item relating to chapter 97.

1	SEC. 513. UTILIZATION OF NON-LAW ENFORCEMENT FED-	
2	ERAL EMPLOYEES AS INSTRUCTORS FOR	
3	NON-LAW ENFORCEMENT CLASSES AT THE	
4	BORDER PATROL TRAINING ACADEMY.	
5	The Director of the Federal Law Enforcement Train-	
6	ing Center (FLETC) of the Department of Homeland Secu-	
7	rity, in consultation with the Chief of the Border Patrol,	
8	is authorized to select appropriate employees of the Federal	
9	Government other than law enforcement officers (as defined	
10	in section 8401(17) of title 5, United States Code) to serve	
11	as instructors of non-law enforcement classes.	
12	TITLE VI—BIOPREPAREDNESS	
12	IIILE VI—DIOI REI AREDNESS	
13	IMPROVEMENTS	
13	IMPROVEMENTS	
13 14	IMPROVEMENTS SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH	
13 14 15	IMPROVEMENTS  SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH  AFFAIRS.	
13 14 15 16	IMPROVEMENTS  SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH  AFFAIRS.  Section 516 of the Homeland Security Act of 2002 (6)	
13 14 15 16	IMPROVEMENTS  SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH  AFFAIRS.  Section 516 of the Homeland Security Act of 2002 (6)  U.S.C. 321e) is amended to read as follows:	
113 114 115 116 117 118 119	IMPROVEMENTS  SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH  AFFAIRS.  Section 516 of the Homeland Security Act of 2002 (6)  U.S.C. 321e) is amended to read as follows:  "SEC. 516. CHIEF MEDICAL OFFICER.	
13 14 15 16 17 18 19 20	IMPROVEMENTS  SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH  AFFAIRS.  Section 516 of the Homeland Security Act of 2002 (6)  U.S.C. 321e) is amended to read as follows:  "SEC. 516. CHIEF MEDICAL OFFICER.  "(a) IN GENERAL.—There is in the Department of	
13 14 15 16 17 18 19 20 21	IMPROVEMENTS  SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH  AFFAIRS.  Section 516 of the Homeland Security Act of 2002 (6)  U.S.C. 321e) is amended to read as follows:  "SEC. 516. CHIEF MEDICAL OFFICER.  "(a) In General.—There is in the Department of Chief Medical Officer, who shall be appointed by the Presi-	
13 14 15 16 17 18 19 20 21	IMPROVEMENTS  SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH AFFAIRS.  Section 516 of the Homeland Security Act of 2002 (6)  U.S.C. 321e) is amended to read as follows:  "SEC. 516. CHIEF MEDICAL OFFICER.  "(a) IN GENERAL.—There is in the Department of Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate,	

1	"(b) Office of Health Affairs.—There is in the
2	Department an Office of Health Affairs, which shall be
3	headed by the Chief Medical Officer.
4	"(c) Qualifications.—The individual appointed as
5	the Chief Medical Officer shall possess a demonstrated abil-
6	ity in and knowledge of medicine, public health, and the
7	treatment of illnesses caused by chemical, biological, nu-
8	clear, and radiological agents.
9	"(d) Responsibilities.—The Chief Medical Officer
10	shall have the primary responsibility within the Depart-
11	ment for medical and health issues related to the general
12	roles, responsibilities, and operations of the Department,
13	and terrorist attacks, major disasters, and other emer-
14	gencies, including—
15	"(1) serving as the principal advisor to the Sec-
16	retary and leading the Department's medical care,
17	public health, food, water, veterinary care, and agro-
18	security and defense responsibilities;
19	"(2) providing oversight for all medically-related
20	actions and protocols of the Department's medical
21	personnel;
22	"(3) administering the Department's responsibil-
23	ities for medical readiness, including—

1	"(A) planning and guidance to support im-
2	provements in local training, equipment, and ex-
3	ercises funded by the Department; and
4	"(B) consistent with the National Response
5	Plan established pursuant to Homeland Security
6	Presidential Directive 8, assisting in fulfilling
7	the Department's roles in related emergency sup-
8	port functions;
9	"(4) serving as the Department's primary point
10	of contact with the Department of Agriculture, the
11	Department of Defense, the Department of Health and
12	Human Services, the Department of Transportation,
13	the Department of Veterans Affairs, and other Federal
14	departments and agencies, on all matters of medical
15	and public health to ensure coordination consistent
16	with the National Response Plan;
17	"(5) serving as the Department's primary point
18	of contact for State, local, tribal, and territorial gov-
19	ernments, the medical community, and the private
20	sector, to ensure that medical readiness and response
21	activities are coordinated and consistent with the Na-
22	tional Response Plan and the Secretary's incident
23	management requirements;
24	"(6) managing the Department's biodefense and
25	biosurveillance activities including the National Bio-

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- surveillance Integration System, and the Departments
  responsibilities under Project BioShield in coordination with the Under Secretary of Science and Technology as appropriate;
  - "(7) assuring that the Department's workforce has science-based policy, standards, requirements, and metrics for occupational safety and health;
  - "(8) supporting the operational requirements of the Department's components with respect to protective medicine and tactical medical support;
  - "(9) developing, in coordination with appropriate Department entities and other appropriate Federal agencies, end-to-end plans for prevention, readiness, protection, response, and recovery from catastrophic events with human, animal, agricultural, or environmental health consequences;
  - "(10) integrating into the end-to-end plans developed under paragraph (9), Department of Health and Human Services' efforts to identify and deploy medical assets (including human, fixed, and material assets) used in preparation for or response to national disasters and catastrophes, and to enable access to patient electronic medical records by medical personnel to aid treatment of displaced persons in such circumstance, in order to assure that actions of both De-

1	partments are combined for maximum effectiveness
2	during an emergency consistent with the National Re-
3	sponse Plan and applicable emergency support func-
4	tions;
5	"(11) performing other duties relating to such re-
6	sponsibilities as the Secretary may require; and
7	"(12) directing and maintaining a coordinated
8	system for medical support of the Department's oper-
9	ational activities.".
10	SEC. 602. IMPROVING THE MATERIAL THREATS PROCESS.
11	(a) In General.—Section $319F-2(c)(2)(A)$ of the
12	Public Health Service Act (42 U.S.C. $247d-6b(c)(2)(A)$ ) is
13	amended—
14	(1) by redesignating clauses (i) and (ii) as sub-
15	clauses (I) and (II), respectively;
16	(2) by moving each of such subclauses two ems
17	to the right;
18	(3) by striking "(A) Material threat.—The
19	Homeland Security Secretary" and inserting the fol-
20	lowing:
21	"(A) Material threat.—
22	"(i) In general.—The Secretary of
23	Homeland Security"; and
24	(4) by adding at the end the following clauses:

1 "(ii) Use of existing risk assess-MENTS.—For the purpose of satisfying the 2 requirements of clause (i) as expeditiously 3 4 as possible, the Secretary of Homeland Security shall, as practicable, utilize existing 6 risk assessments that the Secretary of 7 Homeland Security, in consultation with 8 the Secretaries of Health and Human Serv-9 ices, Defense, and Agriculture, and the 10 heads of other appropriate Federal agencies, 11 considers credible. 12 "(iii) Order of assessments.—

> "(I) Groupings to facilitate ASSESSMENT OFCOUNTER-MEASURES.—In conducting threat assessments and determinations under clause (i) of chemical, biological, radiological, and nuclear agents, the Secretary of Homeland Security shall, to the extent practicable and appropriate, consider the completion of such assessments and determinations for groups of agents toward the goal of facilitating of countermeasures theassessment

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1	under paragraph (3) by the Secretary
2	of Health and Human Services.
3	"(II) Categories of counter-
4	MEASURES.—The grouping of agents
5	under subclause (I) by the Secretary of
6	Homeland Security shall be designed to
7	facilitate assessments under paragraph
8	(3) by the Secretary of Health and
9	Human Services regarding the fol-
10	lowing two categories of counter-
11	measures:
12	"(aa) Countermeasures that
13	may address more than one agent
14	$identified\ under\ clause\ (i)(II).$
15	"(bb) Countermeasures that
16	may address adverse health con-
17	sequences that are common to ex-
18	posure to different agents.
19	"(III) Rule of construction.—
20	A particular grouping of agents pursu-
21	ant to subclause (II) is not required
22	under such subclause to facilitate as-
23	sessments of both categories of counter-
24	measures described in such subclause.

1	A grouping may concern one category
2	and not the other.
3	"(iv) Deadline for completion of
4	CERTAIN MATERIAL THREAT DETERMINA-
5	tions.—With respect to chemical, biologi-
6	cal, radiological, and nuclear agents known
7	to the Secretary of Homeland Security as of
8	the day before the date of the enactment of
9	this clause, and which such Secretary con-
10	siders to be capable of significantly affecting
11	national security, such Secretary shall com-
12	plete the determinations under clause (i)(II)
13	not later than December 31, 2007.
14	"(v) Report to congress.—Not later
15	than 30 days after the date on which the
16	Secretary of Homeland Security completes a
17	material threat assessment under clause (i),
18	the Secretary shall submit to Congress a re-
19	port containing the results of such assess-
20	ment.
21	"(vi) Definition.—For purposes of
22	this subparagraph, the term 'risk assess-
23	ment' means a scientific, technically-based
24	analysis of agents that incorporates threat,

1	vulnerability, and consequence informa-
2	tion.".
3	(b) Authorization of Appropriations.—Section
4	521(d) of the Homeland Security Act of 2002 (6 U.S.C.
5	321j(d)) is amended—
6	(1) in paragraph (1), by striking "2006," and
7	inserting "2009,"; and
8	(2) by adding at the end the following:
9	"(3) Additional authorization of appro-
10	PRIATIONS REGARDING CERTAIN THREAT ASSESS-
11	MENTS.—For the purpose of providing an additional
12	amount to the Secretary to assist the Secretary in
13	meeting the requirements of clause (iv) of section
14	319F– $2(c)(2)(A)$ of the Public Health Service Act (re-
15	lating to time frames), there are authorized to be ap-
16	propriated such sums as may be necessary for fiscal
17	year 2008, in addition to the authorization of appro-
18	priations established in paragraph (1). The purposes
19	for which such additional amount may be expended
20	include conducting risk assessments regarding clause
21	(i)(II) of such section when there are no existing risk
22	assessments that the Secretary considers credible.".
23	SEC. 603. STUDY ON NATIONAL BIODEFENSE TRAINING.
24	(a) Study Required.—The Secretary of Homeland
25	Security shall, in consultation with the Secretary of Defense

- 1 and the Secretary for Health and Human Services, conduct
- 2 a joint study to determine the staffing and training require-
- 3 ments for pending capital programs to construct biodefense
- 4 laboratories (including agriculture and animal labora-
- 5 tories) at Biosafety Level 3 and Biosafety Level 4 or to ex-
- 6 pand current biodefense laboratories to such biosafety levels.
- 7 (b) Elements.—In conducting the study, the Secre-
- 8 taries shall address the following:
- 9 (1) The number of trained personnel, by dis-
- 10 cipline and qualification level, required for existing
- 11 biodefense laboratories at Biosafety Level 3 and Bio-
- 12 safety Level 4, including the number trained in Good
- 13 Laboratory Practices (GLP).
- 14 (2) The number of research and support staff, in-
- 15 cluding researchers, laboratory technicians, animal
- handlers, facility managers, facility or equipment
- 17 maintainers, safety and security personnel (including
- 18 biosafety, physical security, and cybersecurity per-
- sonnel), and other safety personnel required to man-
- age biodefense research efforts to combat bioterrorism
- 21 at the planned biodefense laboratories described in
- subsection (a).
- 23 (3) The training required to provide the per-
- sonnel described by paragraphs (1) and (2), including
- 25 the type of training (whether classroom, laboratory,

- 1 or field training) required, the length of training re-
- 2 quired by discipline, and the curriculum required to
- 3 be developed for such training.
- 4 (4) Training schedules necessary to meet the
- 5 scheduled openings of the biodefense laboratories de-
- 6 scribed in subsection (a), including schedules for re-
- 7 fresher training and continuing education that may
- 8 be necessary for that purpose.
- 9 (c) Report.—Not later than December 31, 2007, the
- 10 Secretaries shall submit to Congress a report setting forth
- 11 the results of the study conducted under this section.
- 12 SEC. 604. NATIONAL BIOSURVEILLANCE INTEGRATION CEN-
- 13 **TER.**
- 14 (a) In General.—Title III of the Homeland Security
- 15 Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding
- 16 at the end the following new section:
- 17 "SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION
- 18 **CENTER.**
- 19 "(a) Establishment.—The Secretary shall establish
- 20 a National Biosurveillance Integration Center (referred to
- 21 in this section as the 'NBIC') to enhance the capability of
- 22 the Federal Government to rapidly identify, characterize,
- 23 and localize a biological event by integrating and analyzing
- 24 data related to human health, animals, plants, food, and
- 25 the environment. The NBIC shall be headed by a Director.

1	"(b) Integrated Biosurveillance Network.—As
2	part of the NBIC, the Director shall develop, operate, and
3	maintain an integrated network to detect, as early as pos-
4	sible, a biological event that presents a risk to the United
5	States or the infrastructure or key assets of the United
6	States. The network shall—
7	"(1) consolidate data from all relevant surveil-
8	lance systems maintained by the Department and
9	other governmental and private sources, both foreign
10	and domestic, to the extent practicable; and
11	"(2) use an information technology system that
12	uses the best available statistical and other analytical
13	tools to identify and characterize biological events in
14	as close to real-time as possible.
15	"(c) Responsibilities.—
16	"(1) In general.—The Director shall—
17	"(A) monitor on an ongoing basis the avail-
18	ability and appropriateness of candidate data
19	feeds and solicit new surveillance systems with
20	data that would enhance biological situational
21	awareness or overall performance of the NBIC;
22	"(B) review and seek to improve on an on-
23	going basis the statistical and other analytical
24	methods used by the NBIC:

1	"(C) establish a procedure to enable Fed-
2	eral, State and local government, and private
3	sector entities to report suspicious events that
4	could warrant further assessments by the NBIC;
5	"(D) receive and consider all relevant home-
6	land security information; and
7	"(E) provide technical assistance, as appro-
8	priate, to all Federal, State, and local govern-
9	ment entities and private sector entities that
10	contribute data relevant to the operation of the
11	NBIC.
12	"(2) Assessments.—The Director shall—
13	"(A) continuously evaluate available data
14	for evidence of a biological event; and
15	"(B) integrate homeland security informa-
16	tion with NBIC data to provide overall biologi-
17	cal situational awareness and determine whether
18	a biological event has occurred.
19	"(3) Information sharing.—The Director
20	shall—
21	"(A) establish a mechanism for real-time
22	communication with the National Operations
23	Center;
24	"(B) provide integrated information to the
25	heads of the departments and agencies with

1	which the Director has entered into an agree-
2	ment under subsection (d);
3	"(C) notify the Secretary, the head of the
4	National Operations Center, and the heads of
5	appropriate Federal, State, tribal, and local en-
6	tities of any significant biological event identi-
7	fied by the NBIC;
8	"(D) provide reports on NBIC assessments
9	to Federal, State, and local government entities,
10	including departments and agencies with which
11	the Director has entered into an agreement under
12	subsection (d), and any private sector entities, as
13	considered appropriate by the Director; and
14	"(E) use information sharing networks
15	available to the Department for distributing
16	NBIC incident or situational awareness reports.
17	"(d) Interagency Agreements.—
18	"(1) In general.—The Secretary shall, where
19	feasible, enter into agreements with the heads of ap-
20	propriate Federal departments and agencies, includ-
21	ing the Department of Health and Human Services,
22	Department of Defense, the Department of Agri-
23	culture, the Department of State, the Department of
24	Interior, and the Intelligence Community.

1	"(2) Content of agreements.—Under an
2	agreement entered into under paragraph (1), the head
3	of a Federal department or agency shall agree to—
4	"(A) use the best efforts of the department
5	or agency to integrate biosurveillance informa-
6	$tion\ capabilities\ through\ NBIC;$
7	"(B) provide timely, evaluated information
8	to assist the NBIC in maintaining biological sit-
9	uational awareness for timely and accurate de-
10	tection and response purposes;
11	"(C) provide connectivity for the biosurveil-
12	lance data systems of the department or agency
13	to the NBIC network under mutually agreed pro-
14	tocols;
15	"(D) detail, if practicable, to the NBIC de-
16	partment or agency personnel with relevant ex-
17	pertise in human, animal, plant, food, or envi-
18	ronmental disease analysis and interpretation;
19	"(E) retain responsibility for the surveil-
20	lance and intelligence systems of that department
21	or agency, if applicable; and
22	"(F) participate in forming the strategy
23	and policy for the operation and information
24	sharing practices of the NBIC.

1	"(e) Notification of Director.—The Secretary
2	shall ensure that the Director is notified of homeland secu-
3	rity information relating to any significant biological
4	threat and receives all classified and unclassified reports
5	related to such a threat in a timely manner.
6	"(f) Administrative Authorities.—
7	"(1) Privacy.—The Secretary shall—
8	"(A) designate the NBIC as a public health
9	authority;
10	"(B) ensure that the NBIC complies with
11	any applicable requirements of the Health Insur-
12	ance Portability and Accountability Act of 1996;
13	and
14	"(C) ensure that all applicable privacy reg-
15	ulations are strictly adhered to in the operation
16	of the NBIC and the sharing of any information
17	related to the NBIC.
18	"(2) Collection of Information.—The NBIC,
19	as a public health authority with a public health mis-
20	sion, is authorized to collect or receive health informa-
21	tion, including such information protected under the
22	Health Insurance Portability and Accountability Act
23	of 1996, for the purpose of preventing or controlling
24	disease, injuru, or disabilitu.

1	"(g) NBIC Interagency Working Group.—The Di-
2	rector shall—
3	"(1) establish an interagency working group to
4	facilitate interagency cooperation to advise the Direc-
5	tor on recommendations to enhance the biosurveil-
6	lance capabilities of the Department; and
7	"(2) invite officials of Federal agencies that con-
8	duct biosurveillance programs, including officials of
9	the departments and agencies with which the Sec-
10	retary has entered into an agreement under subsection
11	(d), to participate in the working group.
12	"(h) Annual Report Required.—Not later than De-
13	cember 31 of each year, the Secretary shall submit to Con-
14	gress a report that contains each of the following:
15	"(1) A list of departments, agencies, and private
16	or nonprofit entities participating in the NBIC and
17	a description of the data that each entity has contrib-
18	uted to the NBIC during the preceding fiscal year.
19	"(2) The schedule for obtaining access to any rel-
20	evant biosurveillance information not received by the
21	NBIC as of the date on which the report is submitted.
22	"(3) A list of Federal, State, and local govern-
23	ment entities and private sector entities that have di-
24	rect or indirect access to the information that is inte-
25	grated by the NBIC.

1	"(4) For any year before the NBIC is fully im-
2	plemented or any year in which any major structura
3	or institutional change is made to the NBIC, an im-
4	plementation plan for the NBIC that includes cost
5	schedule, key milestones, and the status of such mile
6	stones.
7	"(i) Relationship to Other Departments and
8	AGENCIES.—The authority of the Secretary under this sec-
9	tion shall not affect an authority or responsibility of any
10	other Federal department or agency with respect to bio-
11	surveillance activities under any program administered by
12	that department or agency.
13	"(j) Authorization of Appropriations.—There are
14	authorized to be appropriated to carry out this section such
15	sums as may be necessary for each fiscal year.
16	"(k) Biological Event.—For purposes of this sec-
17	tion, the term 'biological event' means—
18	"(1) an act of terrorism involving biologica
19	agents or toxins of known or unknown origin; or
20	"(2) a naturally occurring outbreak of an infec-
21	tious disease that may be of potential national sig-
22	nificance.".
23	(b) Clerical Amendment.—The table of contents in
24	section 1(b) of such Act is amended by inserting after the
25	items relating to such title the following:

<sup>&</sup>quot;Sec. 316. National Biosurveillance Integration Center.".

- 1 (c) Deadline for Implementation.—The National
- 2 Biosurveillance Integration Center required under section
- 3 316 of the Homeland Security Act of 2002, as added by
- 4 subsection (a), shall be fully operational by not later than
- 5 September 30, 2008.
- 6 SEC. 605. RISK ANALYSIS PROCESS AND INTEGRATED CBRN
- 7 RISK ASSESSMENT.
- 8 (a) In General.—Title III of the Homeland Security
- 9 Act of 2002 (6 U.S.C. 181 et seq.) is further amended by
- 10 adding at the end the following:
- 11 "SEC. 317. RISK ANALYSIS PROCESS AND INTEGRATED
- 12 CBRN RISK ASSESSMENT.
- 13 "(a) RISK ANALYSIS PROCESS.—The Secretary shall
- 14 develop a risk analysis process that utilizes a scientific,
- 15 quantitative methodology to assess and manage risks posed
- 16 by chemical, biological, radiological, and nuclear (CBRN)
- 17 agents.
- 18 "(b) Integrated CBRN Risk Assessment.—The
- 19 Secretary shall use the process developed under subsection
- 20 (a) to conduct a risk assessment that shall support the inte-
- 21 gration of chemical, biological, radiological, and nuclear
- 22 agents.
- 23 "(c) Purpose.—The purpose of the risk analysis proc-
- 24 ess developed under subsection (a) and the integrated risk
- 25 assessment conducted under subsection (b) shall be to iden-

1	tify high risk agents, determine how best to mitigate those
2	risks, and guide resource allocation. Such risk analysis
3	shall—
4	"(1) facilitate satisfaction of the requirements of
5	section 602;
6	"(2) guide research, development, acquisition,
7	and deployment of applicable countermeasures, in-
8	cluding detection systems;
9	"(3) identify key knowledge gaps or
10	vulnerabilities in the CBRN defense posture of the De-
11	partment;
12	"(4) enable rebalancing and refining of invest-
13	ments within individual classes of threat agents as
14	well as across such classes; and
15	"(5) support end-to-end assessments of the over-
16	all CBRN defense policy of the Department, taking
17	into account the full spectrum of countermeasures
18	available, including prevention, preparedness, plan-
19	ning, response and recovery activities, to better steer
20	investments to strategies with the greatest potential
21	for mitigating identified risks.
22	"(d) Risk Information.—
23	"(1) Classes of threat agents.—In devel-
24	oping the risk analysis process under subsection (a)
25	and conducting the risk assessment under subsection

1	(b), the Secretary shall consider risks posed by the fol-
2	lowing classes of threats:
3	"(A) Chemical threats, including—
4	"(i) toxic industrial materials and
5	chemicals;
6	"(ii) traditional chemical warfare
7	agents; and
8	"(iii) non-traditional agents, which
9	are defined as novel chemical threat agents
10	or toxicants requiring adapted counter-
11	measures.
12	"(B) Biological threats, including—
13	"(i) traditional agents listed by the
14	Centers of Disease Control and Prevention
15	as Category A, B, and C pathogens and tox-
16	ins;
17	"(ii) enhanced agents, which are de-
18	fined as traditional agents that have been
19	modified or selected to enhance their ability
20	to harm human populations or circumvent
21	$current\ countermeasures;$
22	"(iii) emerging agents, which are de-
23	fined as previously unrecognized pathogens
24	that may be naturally occurring and

1	present a serious risk to human popu-
2	lations; and
3	"(iv) advanced or engineered agents,
4	which are defined as novel pathogens or
5	other materials of biological nature that
6	have been artificially engineered in the lab-
7	oratory to bypass traditional counter-
8	measures or produce a more severe or other-
9	wise enhanced spectrum of disease.
10	"(C) Nuclear and radiological threats, in-
11	cluding fissile and other radiological material
12	that could be incorporated into an improvised
13	nuclear device or a radiological dispersal device
14	or released into a wide geographic area by dam-
15	age to a nuclear reactor.
16	"(D) Threats to the agriculture sector and
17	food and water supplies.
18	"(E) Other threat agents the Secretary de-
19	termines appropriate.
20	"(2) Sources.—The risk analysis process devel-
21	oped under subsection (a) shall be informed by find-
22	ings of the intelligence and law enforcement commu-
23	nities and integrated with expert input from the sci-
24	entific, medical, and public health communities, in-

1	cluding from relevant components of the Department
2	and other Federal agencies.
3	"(3) Data quality, specificity, and con-
4	FIDENCE.—In developing the risk analysis process
5	under subsection (a), the Secretary shall consider the
6	degree of uncertainty and variability in the available
7	scientific information and other information about
8	the classes of threat agents under paragraph (1). An
9	external review shall be conducted to assess the ability
10	of the risk analysis process developed by the Secretary
11	to address areas of large degrees of uncertainty.
12	"(4) New information.—The Secretary shall
13	frequently and systematically update the risk assess-
14	ment conducted under subsection (b), as needed, to in-
15	corporate emerging intelligence information or techno-
16	logical changes in order to keep pace with evolving
17	threats and rapid scientific advances.
18	"(e) Methodology.—The risk analysis process devel-
19	oped by the Secretary under subsection (a) shall—
20	"(1) consider, as variables—
21	"(A) threat, or the likelihood that a type of
22	attack that might be attempted;
23	"(B) vulnerability, or the likelihood that an
24	attacker would succeed; and

1	"(C) consequence, or the likely impact of an
2	attack;
3	"(2) evaluate the consequence component of risk
4	as it relates to mortality, morbidity, and economic ef-
5	fects;
6	"(3) allow for changes in assumptions to evalu-
7	ate a full range of factors, including technological,
8	economic, and social trends, which may alter the fu-
9	ture security environment;
10	"(4) contain a well-designed sensitivity analysis
11	to address high degrees of uncertainty associated with
12	the risk analyses of certain CBRN agents;
13	"(5) utilize red teaming analysis to identify
14	vulnerabilities an adversary may discover and exploit
15	in technology, training, and operational procedures
16	and to identify open-source information that could be
17	used by those attempting to defeat the counter-
18	measures; and
19	"(6) incorporate an interactive interface that
20	makes results and limitations transparent and useful
21	to decision makers for identifying appropriate risk
22	management activities.
23	"(f) Coordination.—The Secretary shall ensure that
24	all risk analysis activities with respect to radiological or

- 1 nuclear materials shall be conducted in coordination with
- 2 the Domestic Nuclear Detection Office.
- 3 "(g) Timeframe; Reports to Congress.—
- 4 "(1) Initial report.—By not later than June
- 5 2008, the Secretary shall complete the first formal, in-
- 6 tegrated, CBRN risk assessment required under sub-
- 7 section (b) and shall submit to Congress a report
- 8 summarizing the findings of such assessment and
- 9 identifying improvements that could be made to en-
- hance the transparency and usability of the risk anal-
- 11 ysis process developed under subsection (a).
- 12 "(2) UPDATES TO REPORT.—The Secretary shall
- submit to Congress updates to the findings and report
- in paragraph (1), when appropriate, but by not later
- than two years after the date on which the initial re-
- 16 port is submitted. Such updates shall reflect improve-
- 17 ments in the risk analysis process developed under
- subsection (a).".
- 19 (b) Clerical Amendment.—The table of contents in
- 20 section 1(b) of such Act is amended by inserting after the
- 21 items relating to such title the following:
  - "Sec. 317. Risk analysis process and integrated CBRN risk assessment.".
- 22 SEC. 606. NATIONAL BIO AND AGRO-DEFENSE FACILITY.
- 23 (a) In General.—Title III of the Homeland Security
- 24 Act of 2002 (6. U.S.C. 181 et seq.) is further amended by
- 25 adding at the end the following new section:

## 1 "SEC. 318. NATIONAL BIO AND AGRO-DEFENSE FACILITY.

- 2 "(a) Establishment.—There is in the Department a
- 3 National Bio and Agro-defense Facility (referred to in this
- 4 section as the 'NBAF'), which shall be headed by a Director
- 5 who shall be appointed by the Secretary.
- 6 "(b) Purposes.—
- 7 "(1) In general.—The NBAF shall be an inte-8 grated human, foreign-animal, and zoonotic disease 9 research, development, testing, and evaluation facility 10 with the purpose of supporting the complementary 11 missions of the Department, the Department of Agri-12 culture, and the Department of Health and Human 13 Services in defending against the threat of potential 14 acts of agroterrorism and natural-occurring incidents 15 related to agriculture with the potential to adversely impact public health, animal health, and the econ-16 17 omy, or may otherwise impact homeland security.
  - "(2) Knowledge production and share knowledge and technology for the purpose of reducing economic losses caused by foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases of livestock and poultry, and preventing human suffering and death caused by diseases existing or emerging in the agricultural sector.

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1	"(c) Responsibilities of Director.—The Secretary
2	shall vest in the Director primary responsibility for each
3	of the following:
4	"(1) Directing basic, applied, and advanced re-
5	search, development, testing, and evaluation relating
6	to foreign-animal, zoonotic, and, as appropriate,
7	other endemic animal diseases, including foot and
8	mouth disease, and performing related activities, in-
9	cluding—
10	"(A) developing countermeasures for for-
11	eign-animal, zoonotic, and, as appropriate, other
12	endemic animal diseases, including diagnostics,
13	vaccines and therapeutics;
14	"(B) providing advanced test and evalua-
15	tion capability for threat detection, vulner-
16	ability, and countermeasure assessment for for-
17	eign-animal, zoonotic, and, as appropriate, other
18	endemic animal diseases;
19	"(C) conducting nonclinical, animal model
20	testing and evaluation under the Food and Drug
21	Administration's Animal Rule as defined in
22	parts 314 and 601 of title 22, Code of Federal
23	Regulations, to support the development of
24	human medical countermeasures by the Depart-

1	ment of Human Services under the Public
2	Health Service Act (42 U.S.C. 201 et seq);
3	"(D) establishing NBAF information-shar-
4	ing mechanisms to share information with rel-
5	evant stakeholders, including the National Ani-
6	mal Health Laboratory Network; and
7	"(E) identifying and promoting uniform
8	national standards for animal disease
9	diagnostics.
10	"(2) Facilitating the coordination of Federal,
11	State, and local governmental research and develop-
12	ment efforts and resources relating to protecting pub-
13	lic health and animal health from foreign-animal,
14	zoonotic, and, as appropriate, other endemic animal
15	diseases.
16	"(3) Ensuring public safety during an emer-
17	gency by developing an emergency response plan
18	under which emergency response providers in the
19	community are sufficiently prepared or trained to re-
20	spond effectively and given sufficient notice to allow
21	for an effective response.
22	"(4) Ensuring NBAF site and facility security.
23	"(5) Providing training to develop skilled re-
24	search and technical staff with the needed expertise in

1	operations conducted at biological and agricultural
2	research facilities.
3	"(6) Leveraging the expertise of academic insti-
4	tutions, industry, the Department of Energy National
5	Laboratories, State and local governmental resources,
6	and professional organizations involved in veterinary,
7	medical and public health, and agriculture issues to
8	carry out functions describes in (1) and (2).
9	"(d) Requirements.—The Secretary, in designing
10	and constructing the NBAF, shall ensure that the facility
11	meets the following requirements:
12	"(1) The NBAF shall consist of state-of-the-art
13	biocontainment laboratories capable of performing re-
14	search and activities at Biosafety Level 3 and 4, as
15	designated by the Centers for Disease Control and
16	Prevention and the National Institutes of Health.
17	"(2) The NBAF facility shall be located on a site
18	of at least 30 acres that can be readily secured by
19	physical measure.
20	"(3) The NBAF facility shall be at least 500,000
21	square feet with a capacity of housing a minimum of
22	80 large animals for research, testing and evaluation;
23	"(4) The NBAF shall be located at a site with
24	a preexisting utility infrastructure, or a utility infra-
25	structure that can be easily built.

1	"(5) The NBAF shall be located at a site that
2	has been subject to an Environmental Impact State-
3	ment under the National Environmental Policy Act of
4	1969.
5	"(6) The NBAF shall be located within a reason-
6	able proximity to a national or regional airport and
7	to major roadways.
8	"(e) Authorization To Procure Real Property
9	AND ACCEPT IN KIND DONATIONS FOR THE NBAF SITE.—
10	The Secretary may accept and use donations of real prop-
11	erty for the NBAF site and may accept and use in-kind
12	donations of real property, personal property, laboratory
13	and office space, utility services, and infrastructure up-
14	grades for the purpose of assisting the Director in carrying
15	out the responsibilities of the Director under this section.
16	"(f) Applicability of Other Laws.—
17	"(1) Public buildings act.—The NBAF shall
18	not be considered a "public building" for purposes of
19	the Public Buildings Act of 1959 (40 U.S.C. 3301 et
20	seq.).
21	"(2) Live virus of foot and mouth disease
22	RESEARCH.—The Secretary shall enable the study of
23	live virus of foot and mouth disease at the NBAF,
24	wherever it is sited, notwithstanding section 113a of
25	title 91 United States Code

1	"(g) Coordination.—
2	"(1) Interagency agreements.—
3	"(A) In General.—The Secretary shall
4	enter into understandings or agreements with the
5	heads of appropriate Federal departments and
6	agencies, including the Secretary of Agriculture
7	and the Secretary of Health and Human Serv-
8	ices, to define the respective roles and respon-
9	sibilities of each Department in carrying out for-
10	eign-animal, zoonotic, and other endemic animal
11	disease research and development at the NBAF
12	to protect public health and animal health.
13	"(B) Department of agriculture.—The
14	understanding or agreement entered into with
15	the Secretary of Agriculture shall include a pro-
16	vision describing research programs and func-
17	tions of the Department of Agriculture and the
18	Department of Homeland Security, including
19	those research programs and functions carried
20	out at the Plum Island Animal Disease Center
21	and those research programs and functions that
22	will be transferred to the NBAF.
23	"(C) Department of health and human
24	SERVICES.—The understanding or agreement en-

tered into with the Department of Health and

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1	Human Services shall describe research pro-
2	grams of the Department of Health and Human
3	Services that may relate to work conducted at
4	NBAF.
5	"(2) Cooperative relationships.—The Direc-
6	tor shall form cooperative relationships with the Na-
7	tional Animal Health Laboratory Network and Amer-
8	ican Association of Veterinary Laboratory Diagnosti-
9	cians to connect with the network of Federal and
10	State resources intended to enable an integrated,
11	rapid, and sufficient response to animal health emer-
12	gencies.".
13	(b) Clerical Amendment.—The table of contents in
14	section 1(b) of such Act is further amended by adding at
15	the end of the items relating to such title the following:
	"Sec. 318. National Bio and Agro-defense Facility.".
16	TITLE VII—HOMELAND SECU-
17	RITY CYBERSECURITY IM-
18	<b>PROVEMENTS</b>
19	SEC. 701. CYBERSECURITY AND COMMUNICATIONS.
20	(a) In General.—Subtitle C of title II of the Home-
21	land Security Act of 2002 (6 U.S.C. 141 et seq.) is amended

22 by adding at the end the following new section:

1	"SEC. 226. OFFICE OF CYBERSECURITY AND COMMUNICA-
2	TIONS.
3	"(a) In General.—There shall be within the Depart-
4	ment of Homeland Security an Office of Cybersecurity and
5	Communications, which shall be headed by the Assistant
6	Secretary for Cybersecurity and Communications.
7	"(b) Duty of the Assistant Secretary.—The As-
8	sistant Secretary shall assist the Secretary in carrying out
9	the responsibilities of the Department regarding
10	cybersecurity and communications.
11	"(c) Responsibilities.—The Assistant Secretary
12	shall be responsible for overseeing preparation, situational
13	awareness, response, reconstitution, and mitigation nec-
14	essary for cybersecurity and to protect communications
15	from terrorist attacks, major disasters, and other emer-
16	gencies, including large-scale disruptions, and shall conduct
17	the following activities to execute those responsibilities:
18	"(1) Preparation and situational aware-
19	NESS.—
20	"(A) Establish and maintain a capability
21	within the Department to monitor critical infor-
22	mation infrastructure to aid in detection of
23	vulnerabilities and warning of potential acts of
24	terrorism and other attacks.
25	"(B) Conduct risk assessments on critical
26	information infrastructure with respect to acts of

1	terrorism and other large-scale disruptions, iden
2	tify and prioritize vulnerabilities in critical in
3	formation infrastructure, and coordinate the
4	mitigation of such vulnerabilities.
5	"(C) Develop a plan for the continuation of
6	critical information operations in the event of a
7	cyber attack or other large-scale disruption of the
8	information infrastructure of the United States
9	"(D) Oversee an emergency communications
10	system in the event of an act of terrorism or
11	other large-scale disruption of the information
12	infrastructure of the United States.
13	"(2) Response and reconstitution.—
14	"(A) Define what qualifies as a cyber inci
15	dent of national significance for purposes of the
16	National Response Plan.
17	"(B) Ensure that the Department's prior
18	ities, procedures, and resources are in place to
19	reconstitute critical information infrastructures
20	in the event of an act of terrorism or other large
21	$scale\ disruption.$
22	"(3) Mitigation.—
23	"(A) Develop a national cybersecurity
24	awareness, training, and education program that

1	promotes	cybersecurity	awareness	within	the
2	Federal (	Government and	throughout	the Nat	ion.

- 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 assets
- 14 would have a debilitating impact on security, national eco-
- 15 nomic security, national public health or safety, or any
- 16 combination of those matters.".
- 17 (b) Clerical Amendment.—The table of contents in
- 18 section 1(b) of such Act is amended by inserting at the end
- 19 of the items relating to subtitle C of title II the following: "Sec. 226. Office of Cybersecurity and Communications.".
- 20 SEC. 702. CYBERSECURITY RESEARCH AND DEVELOPMENT.
- 21 (a) In General.—The Under Secretary for Science
- 22 and Technology shall support research, development, test-
- 23 ing, evaluation, and transition of cybersecurity technology,
- 24 including fundamental, long-term research to improve the
- 25 ability of the United States to prevent, protect against, de-

1	tect, respond to, and recover from acts of terrorism and
2	cyber attacks, with emphasis on research and development
3	relevant to large-scale, high-impact attacks.
4	(b) Activities.—The research and development sup-
5	ported under subsection (a) shall include work to—
6	(1) advance the development and accelerate the
7	deployment of more secure versions of fundamental
8	Internet protocols and architectures, including for the
9	domain name system and routing protocols;
10	(2) improve and create technologies for detecting
11	attacks or intrusions, including monitoring tech-
12	nologies;
13	(3) improve and create mitigation and recovery
14	methodologies, including techniques for containment
15	of attacks and development of resilient networks and
16	systems that degrade gracefully;
17	(4) develop and support infrastructure and tools
18	to support cybersecurity research and development ef-
19	forts, including modeling, testbeds, and data sets for
20	assessment of new cybersecurity technologies;
21	(5) assist the development and support of tech-
22	nologies to reduce vulnerabilities in process control
23	systems (PCS); and
24	(6) test, evaluate, and facilitate the transfer of
25	technologies associated with the engineering of less

1	vulnerable software and securing the IT software de-
2	velopment lifecycle.
3	(c) Coordination.—In carrying out this section, the

- 4 Under Secretary for Science and Technology shall coordi-
- 5 nate activities with—
- (1) the Assistant Secretary for Cybersecurity and
   Communications; and
- 8 (2) other Federal agencies, including the Na-9 tional Science Foundation, the Defense Advanced Re-10 search Projects Agency, the Information Assurance Directorate of the National Security Agency, the Na-11 12 tional Institute of Standards and Technology, and other appropriate working groups established by the 13 14 President to identify unmet needs and cooperatively 15 support activities, as appropriate.
- (d) Authorization of Appropriations.—Of the amount authorized by section 101, there is authorized to be appropriated for the Department of Homeland Security for fiscal year 2008, \$50,000,000, for the cybersecurity research and development activities of the Directorate for Science and Technology to prevent, detect, and respond to acts of terrorism and other large-scale disruptions to information infrastructure.

## 1 TITLE VIII—SCIENCE AND 2 TECHNOLOGY IMPROVEMENTS

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3	SEC. 801. REPORT TO CONGRESS ON STRATEGIC PLAN.
4	Not later than 120 days after the date of enactment
5	of this Act, the Under Secretary for Science and Technology
6	shall transmit to Congress the strategic plan described in
7	section 302(2) of the Homeland Security Act of 2002 (6
8	U.S.C. 182(2)). In addition to the requirements described
9	in that section 302(2), the strategic plan transmitted under
10	this section shall include—
11	(1) a strategy to enhance the Directorate for
12	Science and Technology workforce, including edu-
13	cation and training programs, improving morale,
14	minimizing turnover, strengthening workforce recruit-
15	$ment,\ and\ securing\ institutional\ knowledge;$
16	(2) the Department policy describing the proce-
17	dures by which the Directorate for Science and Tech-
18	nology hires and administers assignments to individ-
19	uals assigned to the Department as detailees under an
20	arrangement described in subchapter VI of chapter 33
21	of title 5, United States Code;
22	(3) the Department policy governing the respon-
23	sibilities of the Under Secretary for Science and Tech-
24	nology, the Under Secretary for Policy, and the

Under Secretary for Management, and the oper-

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1	ational components of the Department regarding re-
2	search, development, testing, evaluation, and procure-
3	ment of homeland security technologies;
4	(4) a description of the methodology by which re-
5	search, 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 coordi-
15	nation of all related programs and activities within
16	the Department and throughout Federal agencies,
17	State, local, and tribal governments, the emergency
18	responder community, industry, and academia;
19	(7) a plan for leveraging the expertise of the Na-
20	tional Laboratories and the process for allocating
21	funding to the National Laboratories; and
22	(8) a strategy for the Homeland Security Ad-
23	vanced Research Projects Agency that includes—
24	(A) a mission statement;

1	(B) a description of the Department's high
2	risk and high payoff research, development, test,
3	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 \$31,000,000
11	for fiscal year 2008 such that each center that received fund-
12	ing in fiscal year 2007 shall receive, at a minimum, the
13	same amount it received in fiscal year 2007.
14	(b) Minority Serving Institutions Program.—Of
15	the amount authorized by section 101, there is authorized
16	to be appropriated to the Secretary of Homeland Security
17	for carrying out the Minority Serving Institutions Program
18	\$8,000,000 for fiscal year 2008.
19	(c) Centers of Excellence Program Participa-
20	TION.—
21	(1) Requirement.—If, by the date of the enact-
22	ment of this Act, the Secretary of Homeland Security
23	has not selected a Minority Serving Institution to
24	participate as a Center of Excellence under the De-
25	partment of Homeland Security Centers of Excellence

1	Program, at least one of the next four Centers of Ex-
2	cellence selected after the date of enactment of this Act
3	shall be an otherwise eligible applicant that is a Mi-
4	nority Serving Institution.
5	(2) Minority serving institution defined.—
6	In this subsection the term "Minority Serving Insti-
7	tution" means—
8	(A) an historically black college or univer-
9	sity that receives assistance under part B of title
10	III of the Higher Education Act of 1965 (20
11	$U.S.C.\ 106\ et\ seq);$
12	(B) an Hispanic-serving institution (as
13	that term is defined in section 502 of the Higher
14	Education Act of 1965 (20 U.S.C. 1101a); or
15	(C) a tribally controlled college or univer-
16	sity (as that term is defined in section 2 of the
17	Tribally Controlled College or University Assist-
18	ance Act of 1978 (25 U.S.C. 1801)).
19	SEC. 803. NATIONAL RESEARCH COUNCIL STUDY OF UNI-
20	VERSITY PROGRAMS.
21	(a) STUDY.—Not later than 3 months after the date
22	of enactment of this Act, the Under Secretary for Science
23	and Technology of the Department of Homeland Security
24	shall seek to enter into an agreement with the National Re-
25	search Council of the National Academy of Sciences to con-

1	duct a study to assess the University Programs of the De-
2	partment, with an emphasis on the Centers of Excellence
3	Program and the future plans for these programs, and make
4	$recommendations\ for\ appropriate\ improvements.$
5	(b) Subjects.—The study shall include—
6	(1) a review of key areas of study needed to sup-
7	port the homeland security mission, and criteria that
8	should be utilized to determine those key areas for
9	which the Department should maintain or establish
10	$Centers\ of\ Excellence;$
11	(2) a review of selection criteria and weighting
12	of such criteria for Centers of Excellence;
13	(3) an examination of the optimal role of Centers
14	of Excellence in supporting the mission of the Direc-
15	torate of Science and Technology and the most advan-
16	tageous relationship between the Centers of Excellence
17	and the Directorate and the Department components
18	the Directorate serves;
19	(4) an examination of the length of time the Cen-
20	ters of Excellence should be awarded funding and the
21	frequency of the review cycle in order to maintain
22	such funding, particularly given their focus on basic,
23	long term research;
24	(5) identification of the most appropriate review
25	criteria and metrics to measure demonstrable

1	progress, and mechanisms for delivering and dissemi-
2	nating the research results of established Centers of
3	Excellence within the Department, and to other Fed-
4	eral, State, and local agencies;
5	(6) an examination of the means by which aca-
6	demic institutions that are not designated or associ-
7	ated with Centers of Excellence can optimally con-
8	tribute to the research mission of the Directorate;
9	(7) an assessment of the interrelationship be-
10	tween the different University Programs; and
11	(8) a review of any other essential elements of
12	the University Programs to be determined in the con-
13	duct of the study.
14	(c) Report.—The Under Secretary for Science and
15	Technology shall transmit a report containing the results
16	of the study and recommendations required by subsection
17	(a) and the Under Secretary's response to the recommenda-
18	tions, to the appropriate Congressional committees not later

20 (d) AUTHORIZATION OF APPROPRIATIONS.—Of the 21 amount authorized in section 101, there is authorized to 22 be appropriated to carry out this section \$500,000.

19 than 24 months after the date of enactment of this Act.

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 engaged
6	in technical evaluations that may be appropriate, a suffi-
7	cient number of full-time equivalent personnel, who are
8	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 designated
12	by the Secretary as qualified antiterrorism technologies
13	under section 862(b) of the SAFETY Act (6 U.S.C. 441(b))
14	or certified by the Secretary under section 863(d) of such
15	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 Procurement
23	Officer of the Department, the Under Secretary for
24	Science and Technology, the Under Secretary for Pol-
25	icy, and the Department of Homeland Security Gen-
26	eral Counsel to ensure the maximum application of

1	the litigation and risk management provisions of the
2	SAFETY Act to antiterrorism technologies procured
3	by the Department; and
4	(2) promote awareness and utilization of the liti-
5	gation and risk management provisions of the SAFE-
6	TY Act in the procurement of antiterrorism tech-
7	nologies.
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 the
14	SAFETY Act in advance of any Department procurement
15	of an antiterrorism technology, as required under subsection
16	<i>(b)</i> .
17	SEC. 805. PROMOTING ANTITERRORISM THROUGH INTER-
18	NATIONAL COOPERATION ACT.
19	(a) In General.—Title III of the Homeland Security
20	Act of 2002 (6 U.S.C. 181 et seq.) is further amended by
21	adding at the end the following:
22	"SEC. 319. PROMOTING ANTITERRORISM THROUGH INTER-
23	NATIONAL COOPERATION PROGRAM.
24	"(a) DEFINITIONS.—In this section:

1	"(1) Director.—The term 'Director' means the
2	Director selected under subsection $(b)(2)$ .
3	"(2) International cooperative activity.—
4	The term 'international cooperative activity' in-
5	cludes—
6	"(A) coordinated research projects, joint re-
7	search projects, or joint ventures;
8	"(B) joint studies or technical demonstra-
9	tions;
10	"(C) coordinated field exercises, scientific
11	seminars, conferences, symposia, and workshops;
12	"(D) training of scientists and engineers;
13	"(E) visits and exchanges of scientists, engi-
14	neers, or other appropriate personnel;
15	"(F) exchanges or sharing of scientific and
16	technological information; and
17	"(G) joint use of laboratory facilities and
18	equipment.
19	"(b) Science and Technology Homeland Secu-
20	RITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—
21	"(1) Establishment.—The Under Secretary
22	shall establish the Science and Technology Homeland
23	Security International Cooperative Programs Office.
24	"(2) DIRECTOR.—The Office shall be headed by
25	a Director, who—

1	"(A) shall be selected by and shall report to
2	the Under Secretary; and
3	"(B) may be an officer of the Department
4	serving in another position.
5	"(3) Responsibilities.—
6	"(A) Development of mechanisms.—The
7	Director shall be responsible for developing, in
8	consultation with the Department of State, un-
9	derstandings or agreements that allow and sup-
10	port international cooperative activity in sup-
11	port of homeland security research, development,
12	and comparative testing.
13	"(B) Priorities.—The Director shall be re-
14	sponsible for developing, in coordination with the
15	Directorate of Science and Technology, the other
16	components of the Department of Homeland Se-
17	curity, and other Federal agencies, strategic pri-
18	orities for international cooperative activity in
19	support of homeland security research, develop-
20	ment, and comparative testing.
21	"(C) Activities.—The Director shall facili-
22	tate the planning, development, and implementa-
23	tion of international cooperative activity to ad-
24	dress the strategic priorities developed under sub-
25	paragraph (B) through mechanisms the Under

1	Secretary considers appropriate, including
2	grants, cooperative agreements, or contracts to or
3	with foreign public or private entities, govern-
4	mental organizations, businesses, federally fund-
5	ed research and development centers, and univer-
6	sities.
7	"(D) Identification of partners.—The
8	Director shall facilitate the matching of United
9	States entities engaged in homeland security re-
10	search with non-United States entities engaged
11	in homeland security research so that they may
12	partner in homeland security research activities.
13	"(4) Coordination.—The Director shall ensure
14	that the activities under this subsection are coordi-
15	nated with those of other relevant research agencies,
16	and may run projects jointly with other agencies.
17	"(5) Conferences and workshops.—The Di-
18	rector may hold international homeland security tech-
19	nology workshops and conferences to improve contact
20	among the international community of technology de-
21	velopers and to help establish direction for future
22	technology goals.
23	"(c) International Cooperative Activities.—
24	"(1) Authorization.—The Under Secretary is

authorized to carry out international cooperative ac-

- 1 tivities to support the responsibilities specified under 2 section 302.
- 3 "(2) Mechanisms and equitability.—In car-4 rying out this section, the Under Secretary may 5 award grants to and enter into cooperative agree-6 ments or contracts with United States governmental 7 organizations, businesses (including small businesses 8 and small and disadvantaged businesses), federally 9 funded research and development centers, institutions 10 of higher education, and foreign public or private en-11 tities. The Under Secretary shall ensure that funding 12 and resources expended in international cooperative 13 activities will be equitably matched by the foreign 14 partner organization through direct funding or fund-15 ing of complementary activities, or through provision 16 of staff, facilities, materials, or equipment.
  - "(3) Loans of equipment.—The Under Secretary may make or accept loans of equipment for research and development and comparative testing purposes.
  - "(4) Cooperation.—The Under Secretary is authorized to conduct international cooperative activities jointly with other agencies.
- "(5) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia.

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- 1 Singapore, and other allies in the global war on ter-2 rorism, as appropriate.
- "(6) Exotic diseases.—As part of the inter-3 4 national cooperative activities authorized in this section, the Under Secretary, in coordination with the 5 6 Chief Medical Officer, may facilitate the development 7 of information sharing and other types of cooperative 8 mechanisms with foreign countries, including nations 9 in Africa, to strengthen American preparedness 10 against threats to the Nation's agricultural and pub-11 lic health sectors from exotic diseases.
- "(d) BUDGET ALLOCATION.—There is authorized to be appropriated to the Secretary, to be derived from amounts otherwise authorized for the Directorate of Science and Technology, \$25,000,000 for each of the fiscal years 2008 through 2011 for activities under this section.
- "(e) Foreign Reimbursements.—Whenever the Science and Technology Homeland Security International Ocoperative Programs Office participates in an international cooperative activity with a foreign country on a cost-sharing basis, any reimbursements or contributions received from that foreign country to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.

1	"(f) Report to Congress on International Coop-
2	ERATIVE ACTIVITIES.—
3	"(1) Initial report.—Not later than 180 days
4	after the date of enactment of this section, the Under
5	Secretary, acting through the Director, shall transmit
6	to the Congress a report containing—
7	"(A) a brief description of each partnership
8	formed under subsection (b)(4), including the
9	participants, goals, and amount and sources of
10	funding; and
11	"(B) a list of international cooperative ac-
12	tivities underway, including the participants,
13	goals, expected duration, and amount and
14	sources of funding, including resources provided
15	to support the activities in lieu of direct funding.
16	"(2) UPDATES.—At the end of the fiscal year
17	that occurs 5 years after the transmittal of the report
18	under subsection (a), and every 5 years thereafter, the
19	Under Secretary, acting through the Director, shall
20	transmit to the Congress an update of the report re-
21	quired under subsection (a).".
22	(b) Clerical Amendment.—The table of contents for
23	the Homeland Security Act of 2002 is further amended by
24	adding at the end of the items relating to such title the fol-
25	lowing new item:

<sup>&</sup>quot;Sec. 319. Promoting antiterrorism through international cooperation program.".

## 1 TITLE IX—BORDER SECURITY 2 IMPROVEMENTS

3	SEC. 901. US-VISIT.
4	(a) In General.—Not later than 7 days after the date
5	of the enactment of this Act, the Secretary of Homeland Se-
6	curity shall submit to the Committee on Homeland Security
7	of the House of Representatives and the Committee on
8	Homeland Security and Governmental Affairs of the Sen-
9	ate, the comprehensive strategy required by section 7208 of
10	the Intelligence Reform and Terrorism Prevention Act of
11	2004 for the biometric entry and exit data system (com-
12	monly referred to as the United States Visitor and Immi-
13	grant Status Indicator Technology program or US-VISIT)
14	established under the section and other laws described in
15	subsection (b) of such section. The comprehensive strategy
16	shall include an action plan for full implementation of the
17	biometric exit component of US-VISIT, as required under
18	subsection (d) of section 7208 of such Act.
19	(b) Contents.—The comprehensive strategy and ac-
20	tion plan referred to in subsection (a) shall, at a minimum,
21	include the following:
22	(1) An explanation of how US-VISIT will allow
23	law enforcement officials to identify individuals who
24	overstay their visas.

1	(2) A description of biometric pilot projects, in-
2	cluding the schedule for testing, locations, cost esti-
3	mates, resources needed, and performance measures.
4	(3) An implementation schedule for deploying fu-
5	ture biometric exit capabilities at all air, land, and
6	sea ports of entry.
7	(4) The actions the Secretary plans to take to ac-
8	celerate the full implementation of the biometric exit
9	component of US-VISIT at all air, land, and sea
10	ports of entry.
11	(c) Airport and Seaport Exit Implementation.—
12	Not later than December 31, 2008, the Secretary of Home-
13	land Security shall complete the exit portion of the biomet-
14	ric entry and exit data system referred to in subsection (a)
15	for aliens arriving in or departing from the United States
16	at an airport or seaport.
17	(d) Prohibition on Transfer.—The Secretary of
18	Homeland Security shall not transfer to the National Pro-
19	tection and Programs Directorate of the Department of
20	Homeland Security the office of the Department that carries
21	out the biometric entry and exit data system referred to
22	in subsection (a) until the Secretary submits to the commit-
23	tees specified in such subsection the action plan referred to
24	in such subsection for full implementation of the biometric

 $25 \ \ exit\ component\ of\ US\text{-}VISIT\ at\ all\ ports\ of\ entry.$ 

## 1 SEC. 902. SHADOW WOLVES PROGRAM.

2	Of the amount authorized by section 101, there is au-
3	thorized to be appropriated \$4,100,000 for fiscal year 2008
4	for the Shadow Wolves program.
5	SEC. 903. COST-EFFECTIVE TRAINING FOR BORDER PATROL
6	AGENTS.
7	(a) In General.—The Secretary of Homeland Secu-
8	rity shall take such steps as may be necessary to control
9	the costs of hiring, training, and deploying new Border Pa-
10	trol agents, including—
11	(1) permitting individuals who are in training
12	to become Border Patrol agents to waive certain
13	course requirements of such training if such individ-
14	uals have earlier satisfied such requirements in a
15	similar or comparable manner as determined by the
16	Secretary; and
17	(2) directing the Office of Inspector General to
18	conduct a review of the costs and feasibility of train-
19	ing new Border Patrol agents at Federal training
20	centers, including the Federal Law Enforcement
21	Training Center facility in Charleston, South Caro-
22	lina, and the HAMMER facility in Hanford, Wash-
23	ington, and at training facilities operated by State
24	and local law enforcement academies, non-profit enti-
25	ties, and private entities, including institutions in the

1	southwest border region, as well as the use of all of
2	the above to conduct portions of such training.
3	(b) Limitation on Per-Agent Cost of Training.—
4	(1) In general.—Except as provided in para-
5	graph (2), the Secretary shall take such steps as may
6	be necessary to ensure that the fiscal year 2008 per-
7	agent cost of hiring, training, and deploying each
8	new Border Patrol agent does not exceed \$150,000.
9	(2) Exception and Certification.—If the Sec-
10	retary determines that the per-agent cost referred to
11	in paragraph (1) exceeds \$150,000, the Secretary
12	shall promptly submit to the Committee on Homeland
13	Security of the House of Representatives and the
14	Committee on Homeland Security and Governmental
15	Affairs of the Senate a certification explaining why
16	such per-agent cost exceeds such amount.
17	SEC. 904. STUDENT AND EXCHANGE VISITOR PROGRAM.
18	(a) In General.—Section 442 of the Homeland Secu-
19	rity Act of 2002 (6 U.S.C. 252) is amended—
20	(1) in subsection (a)—
21	(A) by redesignating paragraph (5) as
22	paragraph (10); and
23	(B) by inserting after paragraph (4) the fol-
24	lowing:

1	"(5) Student and exchange visitor pro-
2	GRAM.—In administering the program under para-
3	graph (4), the Secretary shall—
4	"(A) prescribe regulations to require an in-
5	stitution or exchange visitor program sponsor
6	participating in the Student and Exchange Vis-
7	itor Program to ensure that each covered student
8	or exchange visitor enrolled at the institution or
9	attending the exchange visitor program—
10	"(i) is an active participant in the
11	program for which the covered student or
12	exchange visitor was issued a visa to enter
13	the United States;
14	"(ii) is not unobserved for any pe-
15	riod—
16	"(I) exceeding 30 days during
17	any academic term or program in
18	which the covered student or exchange
19	visitor is enrolled; or
20	"(II) exceeding 60 days during
21	any period not described in subclause
22	(I); and
23	"(iii) is reported to the Department if
24	within 21 days of—

1	"(I) transferring to another insti-
2	tution or program; or
3	"(II) being hospitalized or other-
4	wise incapacitated necessitating a pro-
5	longed absence from the academic in-
6	stitution or exchange visitor program;
7	and
8	"(B) notwithstanding subparagraph (A), re-
9	quire each covered student or exchange visitor to
10	be observed at least once every 60 days.
11	"(6) Enhanced access.—The Secretary shall
12	provide access to the Student and Exchange Visitor
13	Information System (hereinafter in this subsection re-
14	ferred to as the 'SEVIS'), or other equivalent program
15	or system, to appropriate employees of an institution
16	or exchange visitor program sponsor participating in
17	the Student and Exchange Visitor Program if—
18	"(A) at least two authorized users are iden-
19	tified at each participating institution or ex-
20	change visitor sponsor;
21	"(B) at least one additional authorized user
22	is identified at each such institution or sponsor
23	for every 200 covered students or exchange visi-
24	tors enrolled at the institution or sponsor; and

1	"(C) each authorized user is certified by the
2	Secretary as having completed an appropriate
3	training course provided by the Department for
4	the program or system.
5	"(7) Program support.—The Secretary shall
6	provide appropriate technical support options to fa-
7	cilitate use of the program or system described in
8	paragraph (4) by authorized users.
9	"(8) Upgrades to sevis or equivalent
10	DATA.—The Secretary shall update the program or
11	system described in paragraph (4) to incorporate new
12	data fields that include—
13	"(A) verification that a covered student's
14	performance meets the minimum academic
15	standards of the institution in which such stu-
16	dent is enrolled; and
17	"(B) timely entry of academic majors, in-
18	cluding changes to majors, of covered students
19	and exchange visitors enrolled at institutions or
20	exchange program sponsors participating in the
21	Student and Exchange Visitor Program.
22	"(9) Savings clause.— Nothing in this section
23	shall prohibit the Secretary or any institution or ex-
24	change program sponsor participating in the Student
25	Exchange Visitor Program from requiring more fre-

1	quent observations of covered students or exchange
2	visitors."; and
3	(2) by adding at the end the following:
4	$"(d)\ DEFINITIONS.$ —For purposes of this section:
5	"(1) The term 'covered student' means a student
6	who is a nonimmigrant pursuant to section
7	101(1)(15)(F), $101(1)(15)(J)$ , or $101(1)(15)(M)$ of the
8	Immigration and Nationality Act of 1952.
9	"(2) The term 'observed' means positively identi-
10	fied by physical or electronic means.
11	"(3) The term 'authorized user' means an indi-
12	vidual nominated by an institution participating in
13	the Student Exchange Visitor Program and confirmed
14	by the Secretary as not appearing on any terrorist
15	watch list.
16	"(e) Authorization of Appropriations.—Of the
17	amount authorized by section 101 of the Department of
18	$Homeland\ Security\ Authorization\ Act\ for\ Fiscal\ Year\ 2008,$
19	there are authorized to be appropriated to the Secretary
20	such sums as may be necessary to carry out this section.".
21	(b) Comptroller General Review.—The Comp-
22	troller General shall conduct a review of the fees for the Stu-
23	dent and Exchange Visitor Program of the Department of
24	Homeland Security. The Comptroller General shall include
25	in such review data from fiscal years 2004 through 2007

- 1 and shall consider fees collected by the Department and all
- 2 expenses associated with the review, issuance, maintenance,
- 3 data collection, and enforcement functions of the Student
- 4 and Exchange Visitor Program.
- 5 SEC. 905. ASSESSMENT OF RESOURCES NECESSARY TO RE-
- 6 DUCE CROSSING TIMES AT LAND PORTS OF
- 7 ENTRY.
- 8 The Secretary of Homeland Security shall, not later
- 9 than 180 days after the date of the enactment of this Act,
- 10 conduct an assessment, and submit a report to the Congress,
- 11 on the personnel, infrastructure, and technology required to
- 12 reduce border crossing wait times for pedestrian, commer-
- 13 cial, and non-commercial vehicular traffic at land ports of
- 14 entry into the United States to wait times less than prior
- 15 to September 11, 2001, while ensuring appropriate security
- 16 checks continue to be conducted.
- 17 SEC. 906. BIOMETRIC IDENTIFICATION OF UNAUTHORIZED
- 18 ALIENS.
- 19 (a) In General.—The Secretary of Homeland Secu-
- 20 rity shall conduct a pilot program for the mobile biometric
- 21 identification in the maritime environment of aliens un-
- 22 lawfully present in the United States.
- 23 (b) Requirements.—The Secretary shall ensure that
- 24 the pilot program is coordinated with other biometric iden-
- 25 tification programs within the Department of Homeland

1	Security and shall evaluate the costs and feasibility of ex-
2	panding the capability to all appropriate Department of
3	Homeland Security maritime vessels.
4	(c) Authorization of Appropriations.—Of the
5	amounts authorized in section 101, there is authorized to
6	be appropriated \$10,000,000 to carry out this section.
7	SEC. 907. REPORT BY GOVERNMENT ACCOUNTABILITY OF-
8	FICE REGARDING POLICIES AND PROCE-
9	DURES OF THE BORDER PATROL.
10	(a) In General.—Not later than 180 days after the
11	date of the enactment of this Act, the Comptroller General
12	of the United States shall submit to the Committee on
13	Homeland Security of the House of Representatives and the
14	Committee on Homeland Security and Governmental Af-
15	fairs of the Senate a report regarding the policies and pro-
16	cedures of the Border Patrol pertaining to the use of lethal
17	and non-lethal force and the pursuit of fleeing vehicles, in-
18	cluding data on the number of incidents in which lethal
19	or non-lethal force was used and any penalties that were
20	imposed on Border Patrol agents as a result of such use.
21	(b) Consultation.—
22	(1) Requirement.—In complying with this sec-
23	tion, the Comptroller General shall consult with Cus-
24	toms and Border Protection and with representatives
25	of the following:

1	(A) State and local law enforcement agen-
2	cies located along the northern and southern
3	international borders of the United States.
4	(B) The National Border Patrol Council.
5	(C) The National Association of Former
6	Border Patrol Officers.
7	(D) Human rights groups with experience
8	regarding aliens who cross the international
9	land borders of the United States.
10	(E) Any other group that the Comptroller
11	General determines would be appropriate.
12	(2) Inclusion of opinions.—The Comptroller
13	General shall attach written opinions provided by
14	groups referenced to in paragraph (1) as appendices
15	to the report.
16	TITLE X—INFORMATION
17	SHARING IMPROVEMENTS
18	SEC. 1001. STATE AND LOCAL FUSION CENTER PROGRAM.
19	(a) In General.—Subtitle I of title VIII of the Home-
20	land Security Act of 2002 (6 U.S.C. 481 et seq.) is amended
21	by striking sections 895 through 899 and inserting the fol-
22	lowing:
23	"SEC. 895. STATE AND LOCAL FUSION CENTER PROGRAM.
24	"(a) Establishment.—The Secretary shall establish
25	within the Department a State and Local Fusion Center

1	Program. The program shall be overseen by the component
2	charged with overseeing information sharing of homeland
3	security information with State, local and tribal law en-
4	forcement. The purpose of the State and Local Fusion Cen-
5	ter Program is to facilitate information sharing between the
6	Department and State, local, and tribal law enforcement
7	for homeland security and other purposes.
8	"(b) Authorization of Appropriations.—There is
9	authorized to be appropriated to the Secretary such sums
10	as are necessary for the Secretary to carry out the purpose
11	of the State and Local Fusion Center Program, including
12	for—
13	"(1) deploying Department personnel with intel-
14	ligence and operational skills to State and local fu-
15	sion centers participating in the Program;
16	"(2) hiring and maintaining individuals with
17	substantial law enforcement experience who have re-
18	tired from public service and deploying such individ-
19	uals to State and local fusion centers participating in
20	the Program (with the consent of such centers); and
21	"(3) maintaining an adequate number of staff at
22	the headquarters of the Department to sustain and
23	manage the portion of the Program carried out at the
24	headquarters and to otherwise fill positions vacated

- 1 by Department staff deployed to State and local fu-
- 2 sion centers participating in the Program.".
- 3 (b) Clerical Amendment.—The table of contents in
- 4 section 1(b) of such Act is amended by striking the items
- 5 relating to sections 895 through 899 and inserting the fol-
- 6 *lowing*:

"Sec. 895. State and Local Fusion Center Program.".

- 7 (c) Prior Amendments Not Affected.—This sec-
- 8 tion shall not be construed to affect the application of sec-
- 9 tions 895 through 899 of the Homeland Security Act of
- 10 2002 (including provisions enacted by the amendments
- 11 made by those sections), as in effect before the effective date
- 12 of this section.
- 13 SEC. 1002. FUSION CENTER PRIVACY AND CIVIL LIBERTIES
- 14 TRAINING PROGRAM.
- 15 (a) In General.—Subtitle A of title II of the Home-
- 16 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended
- 17 by adding at the end the following new section:
- 18 "SEC. 203. FUSION CENTER PRIVACY AND CIVIL LIBERTIES
- 19 TRAINING PROGRAM.
- 20 "(a) ESTABLISHMENT.—The Secretary, through the
- 21 Assistant Secretary for Information Analysis, the Privacy
- 22 Officer, and the Officer for Civil Rights and Civil Liberties,
- 23 shall establish a program within the Office of Civil Rights
- 24 and Civil Liberties to provide privacy, civil liberties, and
- 25 civil rights protection training for appropriate Department

- 1 employees and State, local, tribal employees serving in
- 2 State and local fusion centers participating in the State
- 3 and Local Fusion Center Program.
- 4 "(b) Mandatory Training.—
- 5 "(1) DEPARTMENT EMPLOYEES.—The Secretary
  6 shall require each employee of the Department who is
  7 embedded at a State or local fusion center and has ac8 cess to United States citizens and legal permanent
  9 residents personally identifiable information to suc10 cessfully complete training under the program estab11 lished under subsection (a).
- "(2) Fusion center representatives.—As a 12 13 condition of receiving a grant from the Department, 14 a fusion center shall require each State, local, tribal, 15 or private sector representative of the fusion center to 16 successfully complete training under the program es-17 tablished under subsection (a) not later than six 18 months after the date on which the State or local fu-19 sion center at which the employee is embedded re-20 ceives a grant from the Department.
- 21 "(c) Contents of Training provided 22 under the program established under subsection (a) shall 23 include training in Federal law in each of the following:
- 24 "(1) Privacy, civil liberties, and civil rights poli-25 cies, procedures, and protocols that can provide or

1	control access to information at a State or local fu-
2	sion center.
3	"(2) Privacy awareness training based on sec-
4	tion 552a of title 5, United States Code, popularly
5	known as the Privacy Act of 1974.
6	"(3) The handling of personally identifiable in-
7	formation in a responsible and appropriate manner.
8	"(4) Appropriate procedures for the destruction
9	of information that is no longer needed.
10	"(5) The consequences of failing to provide ade-
11	quate privacy and civil liberties protections.
12	"(6) Compliance with Federal regulations setting
13	$standards\ for\ multijuris dictional\ criminal\ intelligence$
14	systems, including 28 CFR 23 (as in effect on the
15	date of the enactment of this section).
16	"(7) The use of immutable auditing mechanisms
17	designed to track access to information at a State or
18	local fusion center.
19	"(d) Certification of Training.—The Secretary,
20	acting through the head of the Office of Civil Rights and
21	Civil Liberties, shall issue a certificate to each person who
22	completes the training under this section and performs suc-
23	cessfully in a written examination administered by the Of-
24	fice of Civil Rights and Civil Liberties. A copy of each such
25	certificate issued to an individual working at a partici-

1	pating fusion center shall be kept on file at that fusion cen-
2	ter.
3	"(e) Authorization of Appropriations.—Of the
4	amounts authorized by section 101, there are authorized to
5	be appropriate to carry out this section—
6	"(1) \$3,000,000 for each of fiscal years 2008
7	through 2013; and
8	"(2) such sums as may be necessary for each sub-
9	sequent fiscal year.".
10	(b) Clerical Amendment.—The table of contents in
11	section 1(b) of such Act is amended by adding at the end
12	of the items relating to such subtitle the following:
	"Sec. 203. Fusion center privacy and civil liberties training program.".
13	SEC. 1003. AUTHORITY TO APPOINT AND MAINTAIN A
14	CADRE OF FEDERAL ANNUITANTS FOR THE
15	OFFICE OF INFORMATION ANALYSIS.
16	(a) Definitions.—For purposes of this section—
17	(1) the term "IA" means the Office of Informa-
18	tion Analysis;
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 Assistant Secretary for Information Anal-
- 6 ysis) may, for the purpose of accelerating the ability of IA
- 7 to perform its statutory duties under the Homeland Secu-
- 8 rity Act of 2002, appoint annuitants to positions in IA in
- 9 accordance with succeeding provisions of this section.
- 10 (c) Noncompetitive Procedures; Exemption
- 11 From Offset.—An appointment made under subsection
- 12 (b) shall not be subject to the provisions of title 5, United
- 13 States Code, governing appointments in the competitive
- 14 service, and any annuitant serving pursuant to such an
- 15 appointment shall be exempt from sections 8344 and 8468
- 16 of such title 5 (relating to annuities and pay on reemploy-
- 17 ment) and any other similar provision of law under a Gov-
- $18\ \ {\it ernment\ retirement\ system}.$
- 19 (d) Limitations.—No appointment under subsection
- 20 (b) may be made if such appointment would result in the
- 21 displacement of any employee or would cause the total num-
- 22 ber of positions filled by annuitants appointed under such
- 23 subsection to exceed 100 as of any time (determined on a
- 24 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-year
6	period beginning on the date of the enactment of this Act—
7	(1) any authority to make appointments under
8	subsection (b) shall cease to be available; and
9	(2) all exemptions under subsection (c) shall
10	cease to be effective.
11	TITLE XI—MISCELLANEOUS
1.0	PROVISIONS
12	THOVISIONS
13	SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY
13	SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY
13 14	SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY  GRANTS.
13 14 15	SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY  GRANTS.  The Secretary of Homeland Security shall ensure that
13 14 15 16	SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY  GRANTS.  The Secretary of Homeland Security shall ensure that all funds administered by the Department of Homeland Se-
13 14 15 16	SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY  GRANTS.  The Secretary of Homeland Security shall ensure that all funds administered by the Department of Homeland Security to support the interoperable communications needs
13 14 15 16 17 18	SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY  GRANTS.  The Secretary of Homeland Security shall ensure that all funds administered by the Department of Homeland Security to support the interoperable communications needs of State, local, and tribal agencies, including funds admin-
13 14 15 16 17 18	SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY  GRANTS.  The Secretary of Homeland Security shall ensure that all funds administered by the Department of Homeland Security to support the interoperable communications needs of State, local, and tribal agencies, including funds administered pursuant to a Memorandum of Understanding or
13 14 15 16 17 18 19 20 21	SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY  GRANTS.  The Secretary of Homeland Security shall ensure that all funds administered by the Department of Homeland Security to support the interoperable communications needs of State, local, and tribal agencies, including funds administered pursuant to a Memorandum of Understanding or other agreement, may be used to support the standards out-

1	SEC. 1102. RURAL HOMELAND SECURITY TRAINING INITIA-
2	TIVE.
3	(a) Establishment.—The Secretary of Homeland
4	Security shall establish a program to be administered by
5	the Director of the Federal Law Enforcement Training Cen-
6	ter of the Department of Homeland Security to expand
7	homeland security training to units of local and tribal gov-
8	ernments located in rural areas. The Secretary shall take
9	the following actions:
10	(1) Evaluation of needs of rural areas.—
11	The Secretary shall evaluate the needs of such areas.
12	(2) Development of training programs.—
13	The Secretary shall develop expert training programs
14	designed to respond to the needs of such areas, includ-
15	ing, but not limited to, those pertaining to rural
16	homeland security responses including protections for
17	privacy, and civil rights and civil liberties.
18	(3) Provision of training programs.—The
19	Secretary shall provide to such areas the training
20	programs developed under paragraph (2).
21	(4) Outreach efforts.—The Secretary shall
22	conduct outreach efforts to ensure that such areas are
23	aware of the training programs developed under
24	paragraph (2) so that such programs are made avail-
25	able to units of local government and tribal govern-

ments located in rural areas.

- 1 (b) No Duplication or Displacement of Current
- 2 Programs.—Any training program developed under para-
- 3 graph (2) of subsection (a) and any training provided by
- 4 the program pursuant to such subsection shall be developed
- 5 or provided, respectively, in a manner so as to not duplicate
- 6 or displace any program in existence on the date of the en-
- 7 actment of this section.
- 8 (c) Prioritized Locations for Rural Homeland
- 9 Security Training.—In designating sites for the provi-
- 10 sion of training under this section, the Secretary shall, to
- 11 the maximum extent possible and as appropriate, give pri-
- 12 ority to facilities of the Department of Homeland Security
- 13 in existence as of the date of the enactment of this Act and
- 14 to closed military installations, and to the extent possible,
- 15 shall conduct training onsite, at facilities operated by par-
- 16 ticipants.
- 17 (d) Rural Defined.—In this section, the term
- 18 "rural" means an area that is not located in a metropolitan
- 19 statistical area, as defined by the Office of Management and
- 20 Budget.
- 21 SEC. 1103. CRITICAL INFRASTRUCTURE STUDY.
- 22 (a) In General.—The Secretary of Homeland Secu-
- 23 rity shall work with the Center for Risk and Economic
- 24 Analysis of Terrorism Events (CREATE), led by the Uni-
- 25 versity of Southern California, to evaluate the feasibility

- 1 and practicality of creating further incentives for private
- 2 sector stakeholders to share protected critical infrastructure
- 3 information with the Department for homeland security
- 4 and other purposes.
- 5 (b) Included Incentives.—Incentives evaluated
- 6 under this section shall include, but not be limited to, tax
- 7 incentives, grant eligibility incentives, and certificates of
- 8 compliance and other non-monetary incentives.
- 9 (c) Recommendations.—The evaluation shall also in-
- 10 clude recommendations on the structure and thresholds of
- 11 any incentive program.
- 12 SEC. 1104. TERRORIST WATCH LIST AND IMMIGRATION STA-
- 13 TUS REVIEW AT HIGH-RISK CRITICAL INFRA-
- 14 STRUCTURE.
- 15 From amounts authorized under section 101, there
- 16 may be appropriated such sums as are necessary for the
- 17 Secretary of Homeland Security to require each owner or
- 18 operator of a Tier I or Tier II critical infrastructure site
- 19 as selected for the Buffer Zone Protection Program, to con-
- 20 duct checks of their employees against available terrorist
- 21 watch lists and immigration status databases.
- 22 SEC. 1105. AUTHORIZED USE OF SURPLUS MILITARY VEHI-
- 23 *CLES*.
- 24 The Secretary of Homeland Security shall include
- 25 United States military surplus vehicles having dem-

1	onstrated utility for responding to terrorist attacks, major
2	disasters, and other emergencies on the Authorized Equip-
3	ment List in order to allow State, local, and tribal agencies
4	to purchase, modify, upgrade, and maintain such vehicles
5	using homeland security assistance administered by the De-
6	partment of Homeland Security.
7	SEC. 1106. COMPUTER CAPABILITIES TO SUPPORT REAL
8	TIME INCIDENT MANAGEMENT.
9	From amounts authorized under section 101, there are
10	authorized such sums as may be necessary for the Secretary
11	of Homeland Security to encourage the development and use
12	of software- or Internet-based computer capabilities to sup-
13	port real-time incident management by Federal, State,
14	local, and tribal agencies. Such software-based capabilities
15	shall be scalable and not be based on proprietary systems
16	to ensure the compatibility of Federal, State, local, and
17	tribal first responder agency incident management systems.
18	In the development and implementation of such computer
19	capabilities, the Secretary shall consider the feasibility and
20	desirability of including the following capabilities:
21	(1) Geographic information system data.
22	(2) Personnel, vehicle, and equipment tracking
23	and monitoring.
24	(3) Commodity tracking and other logistics man-
25	aaement

1	(4) Evacuation center and shelter status track-
2	ing.
3	(5) Such other capabilities as determined appro-
4	priate by the Secretary.
5	SEC. 1107. EXPENDITURE REPORTS AS A CONDITION OF
6	HOMELAND SECURITY GRANTS.
7	(a) In General.—Subtitle H of title VIII of the
8	Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is
9	amended by adding at the end the following new section:
10	"SEC. 890A. EXPENDITURE REPORTS AS A CONDITION OF
11	HOMELAND SECURITY GRANTS.
12	"(a) Quarterly Reports Required as a Condi-
13	TION OF HOMELAND SECURITY GRANTS.—
14	"(1) Expenditure reports required.—As a
15	condition of receiving a grant administered by the
16	Secretary, the Secretary shall require the grant re-
17	cipient to submit quarterly reports to the Secretary
18	describing the nature and amount of each expenditure
19	made by the recipient using grant funds.
20	"(2) Deadline for reports.—Each report re-
21	quired under paragraph (1) shall be submitted not
22	later than 30 days after the last day of a fiscal quar-
23	ter and shall cover expenditures made during that fis-
24	cal quarter.

- 1 "(b) Publication of Expenditures.—Not later
- 2 than 30 days after receiving a report under subsection (a),
- 3 the Secretary shall publish and make publicly available on
- 4 the Internet website of the Department a description of the
- 5 nature and amount of each expenditure covered by the re-
- 6 port.
- 7 "(c) Protection of Sensitive Information.—In
- 8 meeting the requirements of this section, the Secretary shall
- 9 take appropriate action to ensure that sensitive information
- 10 is not disclosed.".
- 11 (b) Clerical Amendment.—The table of contents in
- 12 section 1(b) of such Act is amended by adding at the end
- 13 of the items relating to such subtitle the following:

"Sec. 890A. Expenditure reports as a condition of homeland security grants.".

- 14 SEC. 1108. ENCOURAGING USE OF COMPUTERIZED TRAIN-
- 15 *ING AIDS*.
- 16 The Under Secretary for Science and Technology of the
- 17 Department of Homeland Security shall use and make
- 18 available to State and local agencies computer simulations
- 19 to help strengthen the ability of municipalities to prepare
- 20 for and respond to a chemical, biological, or other terrorist
- 21 attack, and to standardize response training.

1	SEC. 1109. PROTECTION OF NAME, INITIALS, INSIGNIA, AND
2	DEPARTMENTAL SEAL.
3	Section 875 of the Homeland Security Act of 2002 (6
4	U.S.C. 455) is amended by adding at the end the following
5	new subsection:
6	"(d) Protection of Name, Initials, Insignia, and
7	SEAL.—
8	"(1) In general.—Except with the written per-
9	mission of the Secretary, no person may knowingly
10	use, in connection with any advertisement, commer-
11	cial activity, audiovisual production (including film
12	or television production), impersonation, Internet do-
13	main name, Internet e-mail address, or Internet Web
14	site, merchandise, retail product, or solicitation in a
15	manner reasonably calculated to convey the impres-
16	sion that the Department or any organizational ele-
17	ment of the Department has approved, endorsed, or
18	authorized such use, any of the following (or any
19	$colorable\ imitation\ thereof):$
20	"(A) The words 'Department of Homeland
21	Security', the initials 'DHS', the insignia or seal
22	of the Department, or the title 'Secretary of
23	Homeland Security'.
24	"(B) The name, initials, insignia, or seal of
25	any organizational element (including any
26	former such element) of the Department, or the

title of any other officer or employee of the Department, notice of which has been published by the Secretary in accordance with paragraph (3).

"(2) CIVIL ACTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice that constitutes or will constitute conduct prohibited by paragraph (1) the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

"(3) Notice and Publication.—The notice and publication to which paragraph (1)(B) refers is a notice published in the Federal Register including the name, initials, seal, or class of titles protected under paragraph (1)(B) and a statement that they are protected under that provision. The Secretary may amend such notice from time to time as the Secretary determines appropriate in the public interest and

shall publish such amendments in the Federal Register.

"(4) Audiovisual production.—For the purpose of this subsection, the term 'audiovisual production' means the production of a work that consists of a series of related images that are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the work is embodied."

12 SEC. 1110. REPORT ON UNITED STATES SECRET SERVICE

13 APPROACH TO SHARING UNCLASSIFIED, LAW

14 ENFORCEMENT SENSITIVE INFORMATION

15 WITH FEDERAL, STATE, AND LOCAL PART-

16 *NERS*.

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17 (a) REPORT BY DIRECTOR OF UNITED STATES SE18 CRET SERVICE.—Not later than 240 days after the date of
19 the enactment of this Act, the Director of the United States
20 Secret Service shall submit to the Committee on Homeland
21 Security of the House of Representatives, the Committee on
22 Homeland Security and Governmental Affairs of the Sen23 ate, and the Inspector General of the Department of Home-

land Security a report describing the approach of the Secret

Service to sharing unclassified, law enforcement sensitive

1	information	with Federal,	State, and	local $l$	law enforcement
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- 2 agencies for homeland security and other purposes.
- 3 (b) Report by Inspector General.—The Inspector
- 4 General of the Department of Homeland Security shall con-
- 5 duct a review of the report submitted by the Director of
- 6 the United States Secret Service under subsection (a), and
- 7 submit a report with recommendations on whether and how
- 8 such approach could be incorporated throughout the Depart-
- 9 ment to Congress within 240 days after receiving the report
- 10 of the Director of the United States Secret Service under
- 11 subsection (a).
- 12 SEC. 1111. REPORT ON UNITED STATES SECRET SERVICE
- 13 JAMES J. ROWLEY TRAINING CENTER.
- Within 240 days after the date of the enactment of this
- 15 Act, the Inspector General of the Department of Homeland
- 16 Security shall provide to the appropriate congressional
- 17 committees, including the Committees on Homeland Secu-
- 18 rity and Appropriations of the House of Representatives
- 19 and the Committees on Homeland Security and Govern-
- 20 mental Affairs and Appropriations of the Senate, a report
- 21 describing the following:
- 22 (1) The mission and training capabilities of the
- 23 United States Secret Service James J. Rowley Train-
- 24 ing Center.

1	(2) Current Secret Service personnel throughput
2	capacity of the James J. Rowley Training Center.
3	(3) Maximum Secret Service personnel through-
4	put capacity of the James J. Rowley Training Cen-
5	ter.
6	(4) An assessment of what departmental compo-
7	nents engage in similar training activities as those
8	conducted at the James J. Rowley Training Center.
9	(5) An assessment of the infrastructure enhance-
10	ments needed to support the mission and training ca-
11	pabilities of the James J. Rowley Training Center.
12	(6) An assessment of the actual and expected
13	total throughput capacity at the James J. Rowley
14	Training Center, including outside entity partici-
15	pants.
16	SEC. 1112. METROPOLITAN MEDICAL RESPONSE SYSTEM
17	PROGRAM.
18	(a) In General.—Title V of the Homeland Security
19	Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
20	at the end the following:
21	"SEC. 522. METROPOLITAN MEDICAL RESPONSE SYSTEM
22	PROGRAM.
23	"(a) In General.—There is a Metropolitan Medical
24	Response System Program (in this section referred to as
25	the 'program').

1	"(b) Purpose.—The purpose of the program shall be
2	to support local jurisdictions in enhancing and maintain-
3	ing all-hazards response capabilities to manage mass cas-
4	ualty incidents (including terrorist acts using chemical, bi-
5	ological, radiological, nuclear agents, or explosives, large-
6	scale hazardous materials incidents, epidemic disease out-
7	breaks, and natural disasters) by systematically enhancing
8	and integrating first responders, public health personnel,
9	emergency management personnel, business representatives,
10	and volunteers.
11	"(c) Program Administration.—The Assistant Sec-
12	retary for Health Affairs shall develop the programmatic
13	and policy guidance for the program in coordination with
14	the Administrator of the Federal Emergency Management
15	Agency.
16	"(d) Personnel Costs.—The program shall not be
17	subject to an administrative cap on the hiring of personne
18	to conduct program activities.
19	"(e) Financial Assistance.—
20	"(1) Administrator of
21	the Federal Emergency Management Agency shall ad-
22	minister financial assistance provided to State and
23	local jurisdictions under the program.
24	"(2) Assistance to local jurisdictions.—In
25	providing financial assistance to a State under the

1	program, the Administrator shall ensure that 100
2	percent of the amount of such assistance is allocated
3	by the State to local jurisdictions, except that a State
4	may retain up to 20 percent of the amount of such
5	assistance to facilitate integration between the State
6	and the local jurisdiction pursuant to a written
7	agreement between the State and the chair of the Met-
8	ropolitan Medical Response System steering com-
9	mittee.
10	"(3) Mutual aid.—
11	"(A) AGREEMENTS.—Local jurisdictions re-
12	ceiving assistance under the program are encour-
13	aged to develop and maintain memoranda of un-
14	derstanding and agreement with neighboring ju-
15	risdictions to support a system of mutual aid
16	among the jurisdictions.
17	"(B) Contents.—A memorandum referred
18	to in subparagraph (A) shall include, at a min-
19	imum, policies and procedures to—
20	"(i) enable the timely deployment of
21	program personnel and equipment across
22	jurisdictions and, if relevant, across State
23	boundaries;
24	"(ii) share information in a consistent
25	and timely manner; and

1	"(iii) notify State authorities of the de-
2	ployment of program resources in a manner
3	that ensures coordination with State agen-
4	cies without impeding the ability of pro-
5	gram personnel and equipment to respond
6	rapidly to emergencies in other jurisdic-
7	tions.
8	"(f) Authorization of Appropriations.—Of the
9	amounts authorized by section 101 there is authorized to
10	be appropriated to carry out the program \$63,000,000 for
11	each of the fiscal years 2008 through 2011.".
12	(b) Program Review.—
13	(1) In General.—The Assistant Secretary for
14	Health Affairs shall conduct a review of the Metro-
15	politan Medical Response System Program.
16	(2) Content of Review.—In conducting the re-
17	view of the program, the Assistant Secretary shall ex-
18	amine—
19	(A) strategic goals;
20	(B) objectives;
21	$(C)\ operational\ capabilities;$
22	$(D)\ resource\ requirements;$
23	(E) performance metrics;
24	(F) administration:

1	(G) whether the program would be more ef-
2	fective if it were managed as a contractual
3	agreement;
4	(H) the degree to which the program's stra-
5	tegic goals, objectives, and capabilities are incor-
6	porated in State and local homeland security
7	plans; and
8	(I) challenges in the coordination among
9	public health, public safety, and other stake-
10	holder groups to prepare for and respond to mass
11	casualty incidents.
12	(3) Report.—Not later than 9 months after the
13	date of enactment of this subsection, the Assistant
14	Secretary shall submit to the Committee on Home-
15	land Security of the House of Representatives and the
16	Committee on Homeland Security and Governmental
17	Affairs of the Senate a report on the results of the re-
18	view.
19	(c) Conforming Amendments.—
20	(1) Repeal.—Section 635 of the Post-Katrina
21	Management Reform Act of 2006 (6 U.S.C. 723) is re-
22	pealed.
23	(2) Table of contents.—The table of contents
24	contained in section 1(b) of the Homeland Security

1	Act of 2002 is amended by inserting after the item re-
2	lating to section 521 the following:
	"Sec. 522. Metropolitan Medical Response System Program.".
3	SEC. 1113. IDENTITY FRAUD PREVENTION GRANT PRO-
4	GRAM.
5	(a) Findings.—Congress finds the following:
6	(1) The National Commission on Terrorist At-
7	tacks Upon the United States found that the 19 hi-
8	jackers had been issued 16 State driver's licenses
9	(from Arizona, California, Florida, and Virginia)
10	and 14 State identification cards (from Florida,
11	Maryland and Virginia).
12	(2) The Commission concluded that "[s]ecure
13	identification should begin in the United States. The
14	Federal Government should set standards for the
15	issuance of birth certificates and sources of identifica-
16	tion, such as driver's licenses. Fraud in identification
17	is no longer just a problem of theft. At many entry
18	points to vulnerable facilities, including gates for
19	boarding aircraft, sources of identification are the last
20	opportunity to ensure that people are who they say
21	they are and to check whether they are terrorists."
22	(b) Grant Program.—Subtitle D of title IV of the
23	Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is

24 amended by adding at the end the following:

1	"SEC. 447. DOCUMENT FRAUD PREVENTION GRANT PRO-
2	GRAM.
3	"(a) In General.—The Secretary shall establish a
4	program to make grants available to States to be used to
5	prevent terrorists and other individuals from fraudulently
6	obtaining and using State-issued identification cards and
7	to develop more secure State-issued documents to be used
8	for official Federal purposes.
9	"(b) Use of Funds.—A recipient of a grant under
10	this section may use the grant for any of the following pur-
11	poses:
12	"(1) To develop machine readable technology,
13	encryption methods, or other means of protecting
14	against unauthorized access of information appearing
15	on licenses or identification.
16	"(2) To establish a system for a State-to-State
17	data exchange that allows electronic access to States
18	to information contained in a State department of
19	motor vehicles database.
20	"(3) To develop or implement a security plan de-
21	signed to safeguard the privacy of personal informa-
22	tion collected, maintained, and used by State motor
23	vehicles offices from unauthorized access, misuse,
24	fraud, and identity theft.
25	"(4) To develop a querying service that allows
26	access to Federal databases in a timely, secure, and

1	cost-effective manner, in order to verify the issuance,
2	validity, content, and completeness of source docu-
3	ments provided by applicants for identity documents
4	issued by State agencies, including departments of
5	motor vehicles.
6	"(5) To develop a system for States to capture
7	and store digital images of identity source documents
8	and photographs of applicants in electronic format.
9	"(6) To design systems or establish procedures
10	that would reduce the number of in-person visits re-
11	quired to State departments of motor vehicles to ob-
12	tain State-issued identity documents used for Federal
13	official purposes.
14	"(c) Priority in Awarding Grants.—In awarding
15	grants under this section the Secretary shall give priority
16	to a State that demonstrates that—
17	"(1) the grant will assist the State in complying
18	with any regulation issued by the Department to pre-
19	vent the fraudulent issuance of identification docu-
20	ments to be used for official Federal purposes; and
21	"(2) such compliance will facilitate the ability of
22	other States to comply with such regulations.
23	"(d) Limitation on Source of Funding.—The Sec-

24 retary may not use amounts made available under this sec-

25 tion for any other grant program of the Department to pro-

- vide funding for expenses related to the REAL ID Act of 2005 (Public Law 109–13). 3 "(e) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized by section 101 there are authorized to be appropriated to the Secretary for making grants under 6 this section— 7 "(1) 120,000,000 for fiscal year 2008; 8 "(2) \$100,000,000 for fiscal year 2009; and 9 "(3) \$80,000,000 for fiscal year 2010.". 10 (c) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such subtitle the following: "Sec. 447. Document fraud prevention grant program.". SEC. 1114. TECHNICAL CORRECTIONS. 14 The Homeland Security Act of 2002 (Public Law 107– 296; 6 U.S.C. 361 et seq.) is amended— 16 (1) in section 1(b) in the table of contents by 17 striking the items relating to the second title XVIII,
- 19 and inserting the following:

as added by section 501(b)(3) of Public Law 109-347,

"TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1901. Domestic Nuclear Detection Office.

<sup>&</sup>quot;Sec. 1902. Mission of Office.

<sup>&</sup>quot;Sec. 1903. Hiring authority.

<sup>&</sup>quot;Sec. 1904. Testing authority.

<sup>&</sup>quot;Sec. 1905. Relationship to other Department entities and Federal agencies.

<sup>&</sup>quot;Sec. 1906. Contracting and grant making authorities.".

1	(2) by redesignating the second title XVIII, as
2	added by section 501(a) of Public Law 109-347, as
3	title XIX;
4	(3) in title XIX (as so redesignated)—
5	(A) by redesignating sections 1801 through
6	1806 as sections 1901 through 1906, respectively;
7	(B) in section 1904(a) (6 U.S.C. 594(a)), as
8	so redesignated, by striking "section 1802" and
9	inserting "section 1902"; and
10	(C) in section 1906 (6 U.S.C. 596), as so re-
11	designated, by striking "section 1802(a)" each
12	place it appears and inserting "section 1902(a)".
13	SEC. 1115. CITIZEN CORPS.
14	Of the amount authorized to be appropriated under
15	section 101, such sums as may be necessary shall be avail-
16	able to the Secretary of Homeland Security to encourage
17	the use of Citizen Corps funding and local Citizen Corps
18	Councils to provide education and training for populations
19	located around critical infrastructure on preparing for and
20	responding to terrorist attacks, major disasters, and other
21	emergencies.

1	SEC. 1116. REPORT REGARDING DEPARTMENT OF HOME-
2	LAND SECURITY IMPLEMENTATION OF COMP-
3	TROLLER GENERAL AND INSPECTOR GEN-
4	ERAL RECOMMENDATIONS REGARDING PRO-
5	TECTION OF AGRICULTURE.
6	(a) Report Required.—The Secretary of Homeland
7	Security shall prepare a report describing how the Depart-
8	ment of Homeland Security will implement the applicable
9	recommendations of the following reports:
10	(1) Comptroller General report entitled "Home-
11	land Security: How Much is Being Done to Protect
12	Agriculture from a Terrorist Attack, but Important
13	Challenges Remain" (GAO-05-214).
14	(2) Department of Homeland Security Office of
15	Inspector General report entitled "The Department of
16	Homeland Security's Role in Food Defense and Crit-
17	$ical\ Infrastructure\ Protection"\ (OIG ext{-}07 ext{-}33).$
18	(b) Submission of Report.—Not later than 120 days
19	after the date of the enactment of this Act, the Secretary
20	shall submit the report to the Committee on Homeland Se-
21	curity of the House of Representatives and the Committee
22	on Homeland Security and Governmental Affairs of the
23	Senate. If the Secretary determines that a specific rec-
24	ommendation will not be implemented or will not be fully
25	implemented, the Secretary shall include in the report a

1	description of the reasoning or justification for the deter-
2	mination.
3	SEC. 1117. REPORT REGARDING LEVEE SYSTEM.
4	(a) In General.—Not later than 6 months after the
5	date of the enactment of this Act, the Secretary of Homeland
6	Security shall submit to the appropriate congressional com-
7	mittees a report analyzing the threat, vulnerability, and
8	consequence of a terrorist attack on the levee system of the
9	United States.
10	(b) Existing Reports.—In implementing this sec-
11	tion, the Secretary may build upon existing reports as nec-
12	essary.
13	SEC. 1118. REPORT ON FORCE MULTIPLIER PROGRAM.
14	Not later than 60 days after the date of the enactment
15	of this Act, the Secretary of Homeland Security shall sub-
16	mit to the appropriate congressional committees a report
17	on the progress of the Secretary—
18	(1) in establishing procedures to ensure compli-
19	ance with section 44917(a)(7) of title 49, United
20	States Code; and
21	(2) in accomplishing the operational aspects of
22	the Force Multiplier Program, as required pursuant
23	to the Department of Homeland Security Appropria-

 $tions\ Act,\ 2007\ (Public\ Law\ 109–295).$ 

1	SEC. 1119. ELIGIBILITY OF STATE JUDICIAL FACILITIES FOR
2	STATE HOMELAND SECURITY GRANTS.
3	(a) In General.—States may utilize covered grants
4	for the purpose of providing funds to State and local judi-
5	cial facilities for security at those facilities.
6	(b) Covered Grants.—For the purposes of this sec-
7	tion, the term "covered grant" means a grant under any
8	of the following programs of the Department of Homeland
9	Security:
10	(1) The State Homeland Security Grant Pro-
11	gram.
12	(2) The Urban Area Security Initiative.
13	SEC. 1120. AUTHORIZATION OF HOMELAND SECURITY
14	FUNCTIONS OF THE UNITED STATES SECRET
15	SERVICE.
16	(a) Authorized Funding.—Of the amounts author-
17	ized by section 101, there is authorized to be appropriated
18	for fiscal year 2008 for necessary expenses of the United
19	States Secret Service, \$1,641,432,000.
20	
20	(b) Authorized Personnel Strength.—The
21	(b) AUTHORIZED PERSONNEL STRENGTH.—The United States Secret Service is authorized to provide 6,822
21	
21	United States Secret Service is authorized to provide 6,822
21 22	United States Secret Service is authorized to provide 6,822 full-time equivalent positions.
<ul><li>21</li><li>22</li><li>23</li><li>24</li></ul>	United States Secret Service is authorized to provide 6,822 full-time equivalent positions.  SEC. 1121. DATA SHARING.

1	gency, to Federal, State, or local law enforcement entities					
2	to assist in the location of a missing child or registered sex					
3	offender. In providing such information, the Secretary shall					
4	take reasonable steps to protect the privacy of individuals.					
5	TITLE XII—MARITIME ALIEN					
6	<b>SMUGGLING</b>					
7	SEC. 1201. SHORT TITLE.					
8	This title may be cited as the "Maritime Alien Smug-					
9	gling Law Enforcement Act".					
10	SEC. 1202. CONGRESSIONAL DECLARATION OF FINDINGS.					
11	The Congress finds and declares that maritime alien					
12	smuggling violates the national sovereignty of the United					
13	States, places the country at risk of terrorist activity, com-					
14	promises the country's border security, contravenes the rule					
15	of law, and compels an unnecessary risk to life among those					
16	who enforce the Nation's laws. Moreover, such maritime					
17	alien smuggling creates a condition of human suffering					
18	among those who seek to enter the United States without					
19	official permission or lawful authority that is to be univer-					
20	sally condemned and vigorously opposed.					
21	SEC. 1203. DEFINITIONS.					
22	In this title:					
23	(1) The term "alien" has the same meaning					
24	given that term in section 101 of the Immigration					
25	and Nationality Act (8 U.S.C. 1101).					

- 1 (2) The term "lawful authority" means permis-2 sion, authorization, or waiver that is expressly pro-3 vided for in the immigration laws of the United 4 States or the regulations prescribed thereunder and 5 does not include any such authority secured by fraud 6 or otherwise obtained in violation of law or authority 7 that has been sought but not approved.
  - (3) The term "serious bodily injury" has the same meaning given that term in section 1365 of title 18, United States Code, including any conduct that would violate sections 2241 or 2242 of such title, if the conduct occurred in the special maritime and territorial jurisdiction of the United States.
  - (4) The term "State" has the same meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).
  - (5) The term "terrorist activity" has the same meaning given that term in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)).
  - (6) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of

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- 1 the Northern Mariana Islands, and any other terri-
- 2 tory or possession of the United States.
- 3 (7) The term "vessel of the United States" and
- 4 "vessel subject to the jurisdiction of the United
- 5 States" have the same meanings given those terms in
- 6 section 2 of the Maritime Drug Law Enforcement Act
- 7 (46 U.S.C. App. 1903).

### 8 SEC. 1204. MARITIME ALIEN SMUGGLING.

- 9 (a) Offense.—For purposes of enforcing Federal
- 10 laws, including those that pertain to port, maritime, or
- 11 land border security, no person on board a vessel of the
- 12 United States or a vessel subject to the jurisdiction of the
- 13 United States, or who is a citizen or national of the United
- 14 States or an alien who is paroled into or is a resident of
- 15 the United States on board any vessel, shall assist, encour-
- 16 age, direct, induce, transport, move, harbor, conceal, or
- 17 shield from detection an individual in transit from one
- 18 country to another on the high seas, knowing or in reckless
- 19 disregard of the fact that such individual is an alien,
- 20 known, or suspected terrorist, or an individual seeking to
- 21 commit terrorist activity, seeking to enter the United States
- 22 without official permission or lawful authority.
- 23 (b) Attempt or Conspiracy.—Any person who at-
- 24 tempts or conspires to commit a violation of this title shall
- 25 be subject to the same penalties as those prescribed for the

violation, the commission of which was the object of the at-2 tempt or conspiracy. 3 (c) Jurisdiction and Scope.— (1) In General.—Jurisdiction of the United 5 States with respect to vessels and persons subject to 6 this section is not an element of any offense. All juris-7 dictional issues arising under this section are pre-8 liminary questions of law to be determined solely by 9 the trial judge. 10 (2) Extraterritorial jurisdiction.—There is 11 extraterritorial Federal jurisdiction over the offenses 12 described in this section. 13 Nonapplicability to LAWFUL14 TIES.—Nothing in this title shall apply to otherwise 15 lawful activities carried out by or at the direction of the United States Government. 16 17 (d) Claim of Failure To Comply With Inter-NATIONAL LAW; JURISDICTION OF COURT.—Any person 18 charged with a violation of this title shall not have standing 19 to raise the claim of failure to comply with international law as a basis for a defense. A claim of failure to comply with international law in the enforcement of this title may

be invoked solely by a foreign nation, and a failure to com-

ply with international law shall not divest a court of juris-

- 1 diction or otherwise constitute a defense to any proceeding
- 2 under this title.
- 3 (e) Affirmative Defense.—It shall be an affirma-
- 4 tive defense to a violation of this section, as to which the
- 5 defendant has the burden of proof by a preponderance of
- 6 the evidence, that prior to the alleged violation the defend-
- 7 ant rescued the alien at sea, if the defendant—
- 8 (1) immediately reported to the Coast Guard the 9 circumstances of the rescue, and the name, descrip-10 tion, registry number, and location of the rescuing
- 11 vessel; and
- 12 (2) did not bring or attempt to bring the alien 13 into the land territory of the United States without 14 official permission or lawful authority, unless exigent 15 circumstances existed that placed the life of the alien 16 in danger, in which case the defendant must have re-17 ported to the Coast Guard the information required 18 by paragraph (1) of this subsection immediately upon 19 delivering that alien to emergency medical personnel
- 21 (f) Admissibility of Evidence.—Notwithstanding
- 22 any provision of the Federal Rules of Evidence, the testi-
- 23 mony of Coast Guard personnel and official records of the
- 24 Coast Guard, offered to show either that the defendant did
- 25 not report immediately the information required by sub-

ashore.

- 1 section (e) or the absence of any such report by the defend-
- 2 ant, shall be admissible, and the jury shall be instructed,
- 3 upon request of the United States, that it may draw an
- 4 inference from such records or testimony in deciding wheth-
- 5 er the defendant reported as required by subsection (e).
- 6 (g) Admissibility of Videotaped Witness Testi-
- 7 MONY.—Notwithstanding any provision of the Federal
- 8 Rules of Evidence, the videotaped (or otherwise audio-
- 9 visually or electronically preserved) deposition of a witness
- 10 to any alleged violation of subsection (a) of this section who
- 11 has been repatriated, removed, extradited, or otherwise ex-
- 12 pelled from or denied admission to the United States or
- 13 who is otherwise unable to testify may be admitted into evi-
- 14 dence in an action brought for that violation if the witness
- 15 was available for cross examination at the deposition and
- 16 the deposition otherwise complies with the Federal Rules of
- 17 Evidence.
- 18 (h) Penalties.—A person who commits any violation
- 19 under this section shall—
- 20 (1) be imprisoned for not less than 3 years and
- 21 not more than 20 years, fined not more than
- 22 \$100,000, or both;
- 23 (2) in a case in which the violation furthers or
- 24 aids the commission of any other criminal offense
- 25 against the United States or any State for which the

- offense is punishable by imprisonment for more than

  year, be imprisoned for not less than 5 years and

  not more than 20 years, fined not more than

  \$100,000, or both;
  - (3) in a case in which any participant in the violation created a substantial risk of death or serious bodily injury to another person (including, but not limited to, transporting a person in a shipping container, storage compartment, or other confined space or at a speed in excess of the rated capacity of the vessel), be imprisoned for not less than 5 years and not more than 20 years, fined not more than \$100,000, or both;
    - (4) in a case in which the violation caused serious bodily injury to any person, regardless of where the injury occurred, be imprisoned for not less than 7 years and not more than 30 years, fined not more than \$500,000, or both;
    - (5) in a case in which the violation involved an alien who the offender knew or had reason to believe was an alien engaged in terrorist activity or intending to engage in terrorist activity, be imprisoned for not less than 10 years and not more than 30 years, fined not more than \$500,000, or both; and

- 1 (6) in the case where the violation caused or re-2 sulted in the death of any person regardless of where 3 the death occurred, be punished by death or impris-
- 4 oned for not less than 10 years and up to a life sen-
- 5 tence, fined not more than \$1,000,000, or both.

### 6 SEC. 1205. SEIZURE OR FORFEITURE OF PROPERTY.

- 7 (a) In General.—Any conveyance (including any
- 8 vessel, vehicle, or aircraft) that has been or is being used
- 9 in the commission of any violation of this title), the gross
- 10 proceeds of such violation, and any property traceable to
- 11 such conveyance or proceeds shall be seized and subject to
- 12 forfeiture in the same manner as property seized or forfeited
- 13 under section 274 of the Immigration and Nationality Act
- 14 (8 U.S.C. 1324).
- 15 (b) Prima Facie Evidence of Violations of the
- 16 Title.—Practices commonly recognized as alien smuggling
- 17 tactics may provide prima facie evidence of intent to use
- 18 a vessel to commit, or to facilitate the commission of, a vio-
- 19 lation of this title and may support seizure and forfeiture
- 20 of the vessel, even in the absence aboard the vessel of an
- 21 alien in unlawful transit. The following indicia may be
- 22 considered, in the totality of the circumstances, to be prima
- 23 facie evidence that a vessel is intended to be used to commit,
- 24 or to facilitate the commission of, a violation of this title:

1	(1) The construction or adaptation of the vessel
2	in a manner that facilitates smuggling, including—
3	(A) the configuration of the vessel to avoid
4	being detected visually or by radar;
5	(B) the presence of any compartment or
6	equipment that is built or fitted out for smug-
7	gling (excluding items reasonably used for the
8	storage of personal valuables);
9	(C) the presence of an auxiliary fuel, oil, or
10	water tank not installed in accordance with ap-
11	plicable law or installed in such a manner as to
12	enhance the vessel's smuggling capability;
13	(D) the presence of engines, the power of
14	which exceeds the design specifications or size of
15	$the \ vessel;$
16	(E) the presence of materials used to reduce
17	or alter the heat or radar signature of the vessel
18	or avoid detection;
19	(F) the presence of a camouflaging paint
20	scheme or materials used to camouflage the ves-
21	sel; and
22	(G) the display of false vessel registration
23	numbers, false indicia of vessel nationality, false
24	vessel name, or false vessel homeport.

- 1 (2) The presence or absence of equipment, per-2 sonnel, or cargo inconsistent with the type or declared 3 purpose of the vessel.
  - (3) The presence of fuel, lube oil, food, water, or spare parts inconsistent with legitimate operation of the vessel, the construction or equipment of the vessel, or the character of the vessel.
  - (4) The operation of the vessel without lights during times lights are required to be displayed under applicable law or regulation or in a manner of navigation.
  - (5) The failure of the vessel to stop, respond, or heave to when hailed by an official of the Federal Government, including conducting evasive maneuvers.
  - (6) The declaration to the Federal Government of apparently false information about the vessel, crew, or voyage or the failure to identify the vessel by name or country of registration when requested to do so by a Government official.
- 20 (c) PRIMA FACIE EVIDENCE OF THE ABSENCE OF
  21 LAWFUL AUTHORITY TO ENTER.—Notwithstanding any
  22 provision of the Federal Rules of Evidence, in determining
  23 whether a violation of this title has occurred, any of the
  24 following shall be prima facie evidence in an action for sei25 zure or forfeiture pursuant to this section that an alien in-

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- 2 permission or legal authorization to come to, enter, or reside
- 3 in the United States or that such alien had come to, entered,
- 4 or remained in the United States in violation of law:
- 5 (1) Any order, finding, or determination con-6 cerning the alien's status or lack thereof made by a 7 Federal judge or administrative adjudicator (includ-8 ing an immigration judge or an immigration officer) 9 during any judicial or administrative proceeding au-10 thorized under the immigration laws or regulations 11 prescribed thereunder.
  - (2) Official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack thereof.
- 16 (3) Testimony by an immigration officer having 17 personal knowledge of the facts concerning the alien's 18 status or lack thereof.

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## Union Calendar No. 72

# 110TH CONGRESS H. R. 1684

[Report No. 110-122]

## A BILL

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

### May 4, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed