

109TH CONGRESS
2^D SESSION

H. R. 5813

To amend the Homeland Security Act of 2002 to provide for improvements in the management and operations of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2006

Mr. ROGERS of Alabama (for himself and Mr. MEEK of Florida) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Homeland Security Act of 2002 to provide for improvements in the management and operations of the Department of Homeland Security, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This title may be cited as the “Department of Home-
5 land Security Management and Operations Improvement
6 Act of 2006”.

1 **SEC. 2. COST-EFFECTIVE ENHANCEMENTS TO BORDER SE-**
2 **CURITY.**

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

7 (1) permitting individuals who are in training
8 to become Border Patrol agents to waive certain
9 course requirements of such training if such individ-
10 uals have earlier satisfied such requirements in a
11 similar or comparable manner as determined by the
12 Secretary; and

13 (2) conducting a competitive sourcing study to
14 compare the costs of training new Border Patrol
15 agents at a non-profit or private training facility, in-
16 cluding the use of private training facilities to con-
17 duct portions of such training.

18 (b) LIMITATION ON PER-AGENT COST OF TRAIN-
19 ING.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the Secretary shall take such steps as
22 may be necessary to ensure that the fiscal year 2007
23 per-agent cost of hiring, training, and deploying
24 each new Border Patrol agent does not exceed
25 \$150,000.

26 (2) EXCEPTION AND CERTIFICATION.—

1 (A) IN GENERAL.—If the Secretary deter-
2 mines that the per-agent cost referred to in
3 paragraph (1) exceeds \$150,000, the Secretary
4 shall promptly submit to the Committee on
5 Homeland Security of the House of Representa-
6 tives and the Committee on Homeland Security
7 and Governmental Affairs of the Senate a cer-
8 tification explaining why such per-agent cost ex-
9 ceeds such amount.

10 (B) TEMPORARY SUSPENSION OF TRAIN-
11 ING.—Until the Secretary receives from the
12 committees specified in subparagraph (A) an
13 approval with respect to such increased per-
14 agent cost, the Secretary shall suspend any new
15 hiring, training, and deploying of Border Patrol
16 agents.

17 **SEC. 3. CONGRESSIONAL NOTIFICATION REQUIREMENTS.**

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

21 **“SEC. 104. CONGRESSIONAL NOTIFICATION.**

22 “(a) IN GENERAL.—The Secretary shall actively con-
23 sult with the congressional homeland security committees,
24 and shall keep such committees fully and currently in-

1 formed with respect to all activities and responsibilities
2 within the jurisdictions of these committees.

3 “(b) RELATIONSHIP TO OTHER LAW.—Nothing in
4 this section affects the requirements of section 872. The
5 requirements of this section supplement, and do not re-
6 place, the requirements of that section.

7 “(c) INSPECTOR GENERAL.—The Inspector General
8 of the Department shall be responsible, independently of
9 the responsibility of the Secretary under subsection (a),
10 for keeping the congressional homeland security commit-
11 tees fully and currently informed of the Department’s ac-
12 tivities, including informing the congressional homeland
13 security committees of major audits, investigations, or
14 other activities of the Inspector General by no later than
15 72 hours prior to the release of, or at any time upon the
16 request by such a committee for, the findings of major
17 audits, investigations, or other activities. Additionally, the
18 Inspector General shall provide to such a committee a
19 written notification and summary of the contents of its
20 semiannual and annual reports by no later than 72 hours
21 prior to the release of such reports.

22 “(d) CLASSIFIED NOTIFICATION.—The Secretary
23 may submit any information required by this section in
24 classified form if the information is classified pursuant to
25 applicable national security standards.

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

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

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

“Sec. 104. Congressional notification.”.

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

19 (1) by redesignating subparagraphs (B)
20 through (E) in order as subparagraphs (C) through
21 (F); and

22 (2) by striking subparagraph (A) and inserting
23 the following:

24 “(A) the Committee on Homeland Security
25 and Governmental Affairs of the Senate;

1 “(B) the Committee on Homeland Security
2 of the House of Representatives;”.

3 **SEC. 4. ESTABLISHMENT OF DIRECTORATE FOR POLICY,**
4 **PLANNING, AND INTERNATIONAL AFFAIRS.**

5 (a) ESTABLISHMENT OF DIRECTORATE.—The Home-
6 land Security Act of 2002 (6 U.S.C. 101 et seq.) is amend-
7 ed—

8 (1) by redesignating title VI as title XVIII, and
9 moving such title so as to appear after title XVII;

10 (2) by striking the heading for such title and
11 inserting the following:

12 **“TITLE XVIII—MISCELLANEOUS**
13 **PROVISIONS”;**

14 (3) by redesignating section 601 as section
15 1801; and

16 (4) by inserting after title V the following new
17 title:

18 **“TITLE VI—POLICY, PLANNING,**
19 **AND INTERNATIONAL AFFAIRS**

20 **“SEC. 601. DIRECTORATE FOR POLICY, PLANNING, AND**
21 **INTERNATIONAL AFFAIRS.**

22 “(a) ESTABLISHMENT.—There shall be in the De-
23 partment a Directorate for Policy, Planning, and Inter-
24 national Affairs.

1 “(b) UNDER SECRETARY FOR POLICY.—The head of
2 the Directorate shall be the Under Secretary for Policy,
3 who shall be appointed by the President, by and with the
4 consent of the Senate.

5 “(c) RESPONSIBILITIES OF UNDER SECRETARY.—

6 “(1) POLICY RESPONSIBILITIES.—Subject to
7 the direction and control of the Secretary, the policy
8 responsibilities of the Under Secretary for Policy
9 shall be as follows:

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

12 “(B) To provide overall direction and su-
13 pervision of policy development for the pro-
14 grams, offices, and activities of the Depart-
15 ment.

16 “(C) To establish and implement a formal
17 policymaking process for the Department.

18 “(D) To analyze, evaluate, and review the
19 completed, ongoing, and proposed programs of
20 the Department to ensure they are compatible
21 with the statutory and regulatory responsibil-
22 ities of the Department and with the Sec-
23 retary’s priorities, strategic plans, and policies.

24 “(E) To ensure that the budget of the De-
25 partment (including the development of future

1 year budgets and interaction with the Office of
2 Management and Budget and with Congress) is
3 compatible with the statutory and regulatory re-
4 sponsibilities of the Department and with the
5 Secretary's priorities, strategic plans, and poli-
6 cies.

7 “(F) To represent the Department in any
8 development of policy that requires the Depart-
9 ment to consult with another Federal agency,
10 the Office of the President, a foreign govern-
11 ment, or any other governmental or private sec-
12 tor entity.

13 “(G) To supervise and oversee policy devel-
14 opment undertaken by the component agencies
15 and offices of the Department.

16 “(2) STRATEGIC PLANNING RESPONSIBIL-
17 ITIES.—Subject to the direction and control of the
18 Secretary, the strategic planning responsibilities of
19 the Under Secretary for Policy shall be as follows:

20 “(A) To conduct long-range, strategic
21 planning for the Department.

22 “(B) To prepare national and Department
23 strategies, as appropriate.

24 “(C) To conduct net assessments of issues
25 facing the Department.

1 “(3) INTERNATIONAL RESPONSIBILITIES.—Sub-
2 ject to the direction and control of the Secretary, the
3 international responsibilities of the Under Secretary
4 for Policy shall be as follows:

5 “(A) To promote the exchange of informa-
6 tion and the sharing of best practices and tech-
7 nology relating to homeland security with na-
8 tions friendly to the United States, including—

9 “(i) the exchange of information on
10 research and development on homeland se-
11 curity technologies;

12 “(ii) joint training exercises of first
13 responders in coordination with the Assist-
14 ant Secretary for Grants and Training;
15 and

16 “(iii) exchanging expertise and infor-
17 mation on terrorism prevention, response,
18 and crisis management.

19 “(B) To identify any homeland security-re-
20 lated area in which the United States and other
21 nations and appropriate international organiza-
22 tions could collaborate to improve capabilities
23 and to encourage the exchange of information
24 or sharing of best practices and technology re-
25 lating to that area.

1 “(C) To plan and participate in inter-
2 national conferences, exchange programs (in-
3 cluding the exchange of scientists, engineers,
4 and other experts), and other training activities
5 with friendly nations

6 “(D) To manage international activities
7 within the Department in coordination with
8 other Federal officials with responsibility for
9 counterterrorism matters.

10 “(E) To oversee the activities of Depart-
11 ment personnel operating in other countries or
12 traveling to other countries,

13 “(F) To represent the Department in
14 international negotiations, working groups, and
15 standards-setting bodies.

16 “(4) PRIVATE SECTOR.—

17 “(A) To create and foster strategic com-
18 munications with the private sector to enhance
19 the primary mission of the Department to pro-
20 tect the United States.

21 “(B) To advise the Secretary on the im-
22 pact on the private sector of the policies, regu-
23 lations, processes, and actions of the Depart-
24 ment.

1 “(C) To coordinate with other relevant
2 Federal agencies with missions related to home-
3 land security to assess the impact of the actions
4 of such agencies on the private sector.

5 “(D) To create and manage private sector
6 advisory councils composed of representatives of
7 industries and associations designated by the
8 Secretary—

9 “(i) to advise the Secretary on private
10 sector products, applications, and solutions
11 as they relate to homeland security chal-
12 lenges; and

13 “(ii) to advise the Secretary on home-
14 land security policies, regulations, proc-
15 esses, and actions that affect the partici-
16 pating industries and associations.

17 “(E) To promote existing public-private
18 partnerships and develop new public-private
19 partnerships to provide for collaboration and
20 mutual support to address homeland security
21 challenges.

22 “(F) To coordinate industry efforts, with
23 respect to functions of the Department, to iden-
24 tify private sector resources and capabilities
25 that could be effective in supplementing Fed-

1 eral, State, and local government agency efforts
2 to prevent or respond to acts of terrorism.

3 “(G) To coordinate among the Depart-
4 ment’s operating entities and with the Assistant
5 Secretary for Trade Development of the De-
6 partment of Commerce on issues related to the
7 travel and tourism industries.

8 **“SEC. 602. OFFICE OF INTERNATIONAL AFFAIRS.**

9 “(a) ESTABLISHMENT.—There is established within
10 the Directorate of Policy, Planning, and International Af-
11 fairs an Office of International Affairs. The Office shall
12 be headed by an Assistant Secretary, who shall be ap-
13 pointed by the Secretary.

14 “(b) DUTIES OF THE ASSISTANT SECRETARY.—The
15 Assistant Secretary shall have the following duties:

16 “(1) To promote information and education ex-
17 change with nations friendly to the United States in
18 order to promote sharing of best practices and tech-
19 nologies relating to homeland security. Such ex-
20 change shall include the following:

21 “(A) Exchange of information on research
22 and development on homeland security tech-
23 nologies.

24 “(B) Joint training exercises of first re-
25 sponders.

1 “(C) Exchange of expertise on terrorism
2 prevention, response, and crisis management.

3 “(2) To identify areas for homeland security in-
4 formation and training exchange where the United
5 States has a demonstrated weakness and another
6 friendly nation or nations have a demonstrated ex-
7 pertise.

8 “(3) To plan and undertake international con-
9 ferences, exchange programs, and training activities.

10 “(4) To manage international activities within
11 the Department in coordination with other Federal
12 officials with responsibility for counter-terrorism
13 matters.

14 **“SEC. 603. OTHER OFFICES AND OFFICIALS.**

15 “The Under Secretary for Policy shall establish the
16 following offices in the Directorate for Policy, Planning,
17 and International Affairs:

18 “(1) The Office of Policy, which shall—

19 “(A) be administered by an Assistant Sec-
20 retary for Policy; and

21 “(B) shall consist of—

22 “(i) an Office of Strategic Plans;

23 “(ii) a Secure Border Initiative Pro-
24 gram Office;

1 “(iii) a Screening Coordination and
2 Operations Office; and

3 “(iv) such other offices as are consid-
4 ered appropriate by the Secretary.

5 “(2) The Office of the Private Sector.

6 “(3) The Victim Assistance Officer.

7 “(4) The Tribal Security Officer.

8 “(5) Such other offices as considered necessary
9 by the Under Secretary for Policy.”.

10 (b) CONFORMING AMENDMENTS.—Section 879 of the
11 Homeland Security Act of 2002 (6 U.S.C. 459) is re-
12 pealed.

13 (c) CLERICAL AMENDMENTS.—The table of contents
14 in section 1(a) of such Act is amended—

15 (1) by striking the item relating to section 879;

16 (2) by striking the items relating to title VI and
17 inserting the following:

“TITLE VI—POLICY, PLANNING, AND INTERNATIONAL AFFAIRS

“Sec. 601. Directorate for Policy, Planning, and International Affairs.

“Sec. 602. Office of International Affairs.

“Sec. 603. Other offices and officials.”;

18 and

19 (3) by inserting after the items relating to title
20 XVII the following:

“TITLE XVIII—MISCELLANEOUS PROVISIONS

“Sec. 1801. Treatment of charitable trusts for members of the armed forces of
the United States and other governmental organizations.”.

1 **SEC. 5. STRENGTHENING LINES OF AUTHORITY FOR MAN-**
2 **AGEMENT DIRECTORATE OPERATING OFFI-**
3 **CERS.**

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

6 (1) in subsection (a) by redesignating para-
7 graph (11) as paragraph (12), and by inserting after
8 paragraph (10) the following:

9 “(11) The integration and consolidation of the
10 Department’s business and other management sys-
11 tems, including—

12 “(A) financial management and accounting
13 systems;

14 “(B) procurement systems;

15 “(C) information technology; and

16 “(D) human resources programs and train-
17 ing systems.”; and

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

19 “(c) **AUTHORITY OF CHIEF OPERATING OFFICERS**
20 **OVER DEPARTMENTAL COUNTERPARTS.—**

21 “(1) **IN GENERAL.—**The Under Secretary for
22 Management shall ensure that chief operating offi-
23 cers of the Department, including the Chief Finan-
24 cial Officer, the Chief Procurement Officer, the
25 Chief Information Officer, and the Chief Human
26 Capital Officer, have adequate authority over their

1 respective counterparts in component agencies of the
2 Department to ensure that such component agencies
3 adhere to the laws, rules, regulations, and depart-
4 mental policies which the chief operating officers are
5 responsible for implementing.

6 “(2) INCLUDED AUTHORITIES.—The authorities
7 of a chief operating officer pursuant to paragraph
8 (1) shall include, with respect to the officer’s coun-
9 terparts in component agencies of the Department,
10 the following:

11 “(A) Making recommendations regarding
12 the hiring and termination of individuals.

13 “(B) Developing performance measures.

14 “(C) Submitting written performance eval-
15 uations during the performance evaluation proc-
16 ess that shall be considered in performance re-
17 views, including recommendations for bonuses,
18 pay raises, and promotions.

19 “(D) Withholding funds from the relevant
20 component agency that would otherwise be
21 available for a particular purpose until the rel-
22 evant component agency complies with the di-
23 rections of the chief operating officer or makes
24 substantial progress towards meeting the speci-
25 fied goal.”.

1 **SEC. 6. HOMELAND SECURITY SMALL BUSINESS DATABASE.**

2 (a) ESTABLISHMENT AND CONSULTATION.—Title V
3 of the Homeland Security Act of 2002 (6 U.S.C. 311 et
4 seq.) is amended—

5 (1) by redesignating the second section 510 as
6 section 511; and

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

8 **“SEC. 512. SMALL BUSINESS DATABASE FOR FEDERAL CON-**
9 **TRACTING RELATED TO MAJOR DISASTERS**
10 **AND EMERGENCY ASSISTANCE ACTIVITIES:**
11 **ESTABLISHMENT AND CONSULTATION.**

12 “(a) ESTABLISHMENT OF DATABASE.—The Sec-
13 retary shall establish and maintain a database of small
14 business concerns.

15 “(b) INCLUDED INFORMATION.—The database under
16 subsection (a) shall include the following information
17 about each small business concern:

18 “(1) The name of the small business concern.

19 “(2) The location of the small business concern.

20 “(3) The area served by the small business con-
21 cern.

22 “(4) The type of good or service provided by
23 the small business concern.

24 “(5) Whether the small business concern is—

1 “(A) a small business concern owned and
2 controlled by socially and economically dis-
3 advantaged individuals;

4 “(B) a small business concern owned and
5 controlled by women; or

6 “(C) a small business concern owned and
7 controlled by service-disabled veterans.

8 “(c) SOURCE OF INFORMATION.—

9 “(1) SUBMISSION.—Information maintained in
10 the database shall be submitted on a voluntary basis
11 by small business concerns.

12 “(2) ATTESTATION.—Each small business con-
13 cern submitting information to the database shall
14 submit—

15 “(A) an attestation that the information
16 submitted is true; and

17 “(B) documentation supporting such attes-
18 tation.

19 “(3) VERIFICATION.—The Secretary shall verify
20 only that the documentation submitted by each small
21 business concern supports the information submitted
22 by that small business concern.

23 “(4) ENFORCEMENT PENALTIES FOR MIS-
24 REPRESENTATION.—Any concern that is determined
25 by the Secretary to have misrepresented the status

1 of that concern as a small business concern owned
2 and controlled by socially and economically disadvan-
3 tagged individuals, a small business concern owned
4 and controlled by women, or a small business con-
5 cern owned and controlled by service-disabled vet-
6 erans for purposes of this subsection shall be subject
7 to—

8 “(A) section 1001 of title 18, United
9 States Code; and

10 “(B) sections 3729 through 3733 of title
11 31, United States Code.

12 “(d) AVAILABILITY OF DATABASE.—The database
13 shall be made generally available on the Internet website
14 of the Department.

15 “(e) CONSULTATION OF DATABASE.—Before award-
16 ing a Federal contract for a disaster-related activity, agen-
17 cies in the Department shall consult the database estab-
18 lished under this section.

19 “(f) DATABASE INTEGRATION.—The database estab-
20 lished under this section shall be integrated into any pro-
21 curement-related database developed by the Department.

22 “(g) DEFINITIONS.—For purposes of this section, the
23 terms ‘small business concern’, ‘small business concern
24 owned and controlled by socially and economically dis-
25 advantaged individuals’, ‘small business concern owned

1 and controlled by women’, and ‘small business concern
2 owned and controlled by service-disabled veterans’ shall
3 have the meanings given those terms under the Small
4 Business Act (15 U.S.C. 631 et seq.).”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of the Homeland Security Act of 2002 is
7 amended by adding after the items relating to section 509
8 the following:

“Sec. 510. Procurement of security countermeasures for strategic national
stockpile.

“Sec. 511. Urban and other high risk area communications capabilities.

“Sec. 512. Small business database for Federal contracting related to declared
emergencies: establishment and consultation.”.

9 (c) EFFECTIVE DATE.—The Secretary shall establish
10 the database required under section 512 of the Homeland
11 Security Act of 2002 (as added by subsection (a)) not later
12 than the date that is 60 days after the date of the enact-
13 ment of this Act.

14 **SEC. 7. SECURE BORDER INITIATIVE FINANCIAL ACCOUNT-**
15 **ABILITY.**

16 (a) IN GENERAL.—The Inspector General of the De-
17 partment of Homeland Security shall review each contract
18 action related to the Department’s Secure Border Initia-
19 tive having a value greater than \$20,000,000, to deter-
20 mine whether each such action fully complies with applica-
21 ble cost requirements, performance objectives, program
22 milestones, inclusion of small, minority, and women-owned
23 business, and timelines. The Inspector General shall com-

1 plete a review under this subsection with respect to a con-
2 tract action—

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

5 (2) upon the conclusion of the performance of
6 the contract.

7 (b) REPORT BY INSPECTOR GENERAL.—Upon com-
8 pletion of each review described in subsection (a), the In-
9 spector General shall submit to the Secretary of Homeland
10 Security a report containing the findings of the review,
11 including findings regarding any cost overruns, significant
12 delays in contract execution, lack of rigorous departmental
13 contract management, insufficient departmental financial
14 oversight, bundling that limits the ability of small business
15 to compete, or other high risk business practices.

16 (c) REPORT BY SECRETARY.—Not later than 30 days
17 after the receipt of each report required under subsection
18 (b), the Secretary of Homeland Security shall submit to
19 the Committee on Homeland Security of the House of
20 Representatives and the Committee on Homeland Security
21 and Governmental Affairs of the Senate a report on the
22 findings of the report by the Inspector General and the
23 steps the Secretary has taken, or plans to take, to address
24 the problems identified in such report.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
2 tion to amounts that are otherwise authorized to be appro-
3 priated to the Office of the Inspector General, an addi-
4 tional amount equal to at least five percent for fiscal year
5 2007, at least six percent for fiscal year 2008, and at least
6 seven percent for fiscal year 2009 of the overall budget
7 of the Office for each such fiscal year is authorized to be
8 appropriated to the Office to enable the Office to carry
9 out this section.

10 (e) ACTION BY INSPECTOR GENERAL.—In the event
11 the Inspector General becomes aware of any improper con-
12 duct or wrongdoing in accordance with the contract review
13 required under subsection (a), the Inspector General shall,
14 as expeditiously as practicable, refer information related
15 to such improper conduct or wrongdoing to the Secretary
16 of Homeland Security or other appropriate official in the
17 Department of Homeland Security for purposes of evalu-
18 ating whether to suspend or debar the contractor.

19 **SEC. 8. AUTHORIZATION LIAISON OFFICER.**

20 Section 702 of the Homeland Security Act of 2002
21 (6 U.S.C. 342) is amended by adding at the end the fol-
22 lowing:

23 “(d) AUTHORIZATION LIAISON OFFICER.—The Chief
24 Financial Officer shall establish the position of Authoriza-
25 tion Liaison Officer to provide timely budget and other

1 financial information to the Committee on Homeland Se-
2 curity of the House of Representatives and the Committee
3 on Homeland Security and Governmental Affairs of the
4 Senate. The Authorization Liaison Officer shall report di-
5 rectly to the Chief Financial Officer.”.

6 **SEC. 9. REQUIRED BUDGET LINE ITEM REGARDING OFFICE**
7 **OF COUNTERNARCOTICS ENFORCEMENT.**

8 Section 1105(a) of title 31, United States Code, is
9 amended—

10 (1) by redesignating the second paragraph (33)
11 as paragraph (35); and

12 (2) in paragraph (35), as so redesignated, in
13 subparagraph (A) by striking “and” after the semi-
14 colon at the end of clause (ii), by striking the period
15 at the end of clause (iii) and inserting “; and”, and
16 by adding at the end the following:

17 “(iv) a separate line item for each such fiscal
18 year for expenditures by the Office of Counter-
19 narcotics Enforcement of the Department of Home-
20 land Security.”.

1 **SEC. 10. CONTINUATION OF AUTHORITY TO APPOINT AND**
2 **MAINTAIN A CADRE OF FEDERAL ANNU-**
3 **ITANTS TO SUPPORT TRAINING FOR BORDER**
4 **SECURITY PURPOSES.**

5 Section 1202(a) of the 2002 Supplemental Appro-
6 priations Act for Further Recovery From and Response
7 To Terrorist Attacks on the United States (42 U.S.C.
8 3771 note) is amended in the first sentence—

9 (1) by striking “enactment of this Act” and in-
10 sserting “enactment of the Department of Homeland
11 Security Management and Operations Improvement
12 Act of 2006”; and

13 (2) by striking “250” and inserting “350”.

14 **SEC. 11. EMERGENCY PLANNING AND RESPONSE FOR INDI-**
15 **VIDUALS WITH DISABILITIES.**

16 (a) OFFICER FOR CIVIL RIGHTS AND CIVIL LIB-
17 ERTIES AS COORDINATOR FOR THE SECRETARY.—Section
18 705(a) of the Homeland Security Act of 2002 (6 U.S.C.
19 345(a)) is amended by striking “and” after the semicolon
20 at the end of paragraph (5), by striking the period at the
21 end of paragraph (6) and inserting “; and”, and by adding
22 at the end the following:

23 “(7) serve as the Secretary’s coordinator for
24 issues relating to individuals with disabilities and
25 emergency mitigation, preparedness, response, and
26 recovery, by assisting the Secretary and directorates

1 and offices of the Department to develop, imple-
2 ment, and periodically review relevant policies and
3 procedures.”.

4 (b) COORDINATOR FOR DIRECTOR OF FEMA.—Sec-
5 tion 507 of the Homeland Security Act of 2002 (6 U.S.C.
6 317) is amended by adding at the end the following:

7 “(c) COORDINATOR FOR ISSUES RELATING TO INDI-
8 VIDUALS WITH DISABILITIES.—The Director of the Fed-
9 eral Emergency Management Agency shall appoint an in-
10 dividual to serve as the Director’s coordinator for issues
11 relating to individuals with disabilities. Such individual
12 shall report to the Director and to the Officer for Civil
13 Rights and Civil Liberties.”.

14 (c) COORDINATOR FOR UNDER SECRETARY FOR
15 PREPAREDNESS.—Section 502 of the Homeland Security
16 Act of 2002 (6 U.S.C. 312) is amended by inserting “(a)
17 IN GENERAL.—” before “The Secretary”, and by adding
18 at the end the following:

19 “(b) COORDINATOR FOR ISSUES RELATING TO INDI-
20 VIDUALS WITH DISABILITIES.—The Under Secretary for
21 Preparedness shall appoint a coordinator for issues relat-
22 ing to individuals with disabilities. Such individual shall
23 report to the Under Secretary and to the Officer for Civil
24 Rights and Civil Liberties.”.

1 **SEC. 12. GAO STUDY ON ACCESSIBILITY OF EMERGENCY**
2 **SHELTERS.**

3 (a) IN GENERAL.—The Comptroller General of the
4 United States shall conduct a national study regarding
5 whether, and, if so, to what extent, emergency shelters for
6 use in response to a major disaster, as that term is defined
7 in section 102(2) of the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act (42 U.S.C. 5122(2)), are
9 accessible to, and usable by, individuals with disabilities.

10 (b) REPORT.—Not later than 12 months after the
11 date of enactment of this Act, the Comptroller General
12 shall submit a report summarizing the results of this study
13 to the Committee on Homeland Security and Govern-
14 mental Affairs and the Committee on Health, Education,
15 Labor, and Pensions of the Senate and the Committee on
16 Homeland Security and the Committee on Education and
17 the Workforce of the House of Representatives.

18 **SEC. 13. PROTECTION OF NAME, INITIALS, INSIGNIA, AND**
19 **SEAL.**

20 Section 875 of the Homeland Security Act of 2002
21 (6 U.S.C. 455) is amended by adding at the end the fol-
22 lowing new subsection:

23 “(d) PROTECTION OF NAME, INITIALS, INSIGNIA,
24 AND SEAL.—

25 “(1) IN GENERAL.—Except with the written
26 permission of the Secretary, no person may know-

1 ingly use, in connection with any advertisement,
2 commercial activity, audiovisual production (includ-
3 ing, but not limited to, film or television production),
4 impersonation, Internet domain name, Internet e-
5 mail address, or Internet web site, merchandise, re-
6 tail product, or solicitation in a manner reasonably
7 calculated to convey the impression that the Depart-
8 ment or any organizational element of the Depart-
9 ment has approved, endorsed, or authorized such
10 use, any of the following (or any colorable imitation
11 thereof):

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

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

23 “(2) CIVIL ACTION.—Whenever it appears to
24 the Attorney General that any person is engaged or
25 is about to engage in an act or practice which con-

1 stitutes or will constitute conduct prohibited by sub-
2 section (d)(1), the Attorney General may initiate a
3 civil proceeding in a district court of the United
4 States to enjoin such act or practice. Such court
5 shall proceed as soon as practicable to the hearing
6 and determination of such action and may, at any
7 time before final determination, enter such restrain-
8 ing orders or prohibitions, or take such other actions
9 as is warranted, to prevent injury to the United
10 States or to any person or class of persons for whose
11 protection the action is brought.

12 “(3) NOTICE AND PUBLICATION.—The notice
13 and publication to which paragraph (d)(1)(B) refers
14 is a notice published in the Federal Register includ-
15 ing the name, initials, seal or class of titles protected
16 under paragraph (d)(1)(B) and a statement that
17 they are protected under that provision. The Sec-
18 retary may amend such notices from time to time as
19 the Secretary determines appropriate in the public
20 interest and shall publish such amendments in the
21 Federal Register.

22 “(4) AUDIOVISUAL PRODUCTION.—or the pur-
23 pose of this subsection, ‘audiovisual production’
24 means the production of a work that consists of a
25 series of related images which are intrinsically in-

1 tended to be shown by the use of machines or de-
2 vices such as projectors, viewers, or electronic equip-
3 ment, together with accompanying sounds, if any,
4 regardless of the nature of the material objects, such
5 as films or tapes, in which the work is embodied.”.

6 **SEC. 14. HOMELAND SECURITY PROCUREMENT TRAINING.**

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

10 **“SEC. 890A. HOMELAND SECURITY PROCUREMENT TRAIN-**
11 **ING.**

12 “(a) ESTABLISHMENT.—The Under Secretary for
13 Management shall provide homeland security procurement
14 training to acquisition employees.

15 “(b) RESPONSIBILITIES OF UNDER SECRETARY FOR
16 MANAGEMENT.—The Under Secretary for Management
17 shall carry out the following responsibilities:

18 “(1) To establish objectives to achieve the effi-
19 cient and effective use of available acquisition re-
20 sources by coordinating the acquisition education
21 and training programs of the Department and tai-
22 loring them to support the careers of acquisition em-
23 ployees.

24 “(2) To develop, in consultation with the Coun-
25 cil on Procurement Training, the curriculum of the

1 homeland security procurement training to be pro-
2 vided.

3 “(3) To establish, in consultation with the
4 Council on Procurement Training, training stand-
5 ards, requirements, and courses to be required for
6 acquisition employees.

7 “(4) To establish an appropriate centralized
8 mechanism to control the allocation of resources for
9 conducting such required courses and other training
10 and education.

11 “(5) To select course providers and certify
12 courses to ensure that the procurement training cur-
13 riculum supports a coherent framework for the edu-
14 cational development of acquisition employees, in-
15 cluding the provision of basic, intermediate, and ad-
16 vanced courses.

17 “(6) To publish an annual catalog that includes
18 a list of the acquisition education and training
19 courses.

20 “(7) To develop a system of maintaining
21 records of student enrollment, and other data re-
22 lated to students and courses conducted pursuant to
23 this section.

24 “(c) PROVISION OF INSTRUCTION.—The Under Sec-
25 retary shall provide procurement training to acquisition

1 employees of any office under subsection (d)(3). The ap-
2 propriate member of the Council on Procurement Training
3 may direct such an employee to receive procurement train-
4 ing.

5 “(d) COUNCIL ON PROCUREMENT TRAINING.—

6 “(1) ESTABLISHMENT.—The Secretary shall es-
7 tablish a Council on Procurement Training to advise
8 and make policy and curriculum recommendations to
9 the Under Secretary.

10 “(2) CHAIR OF COUNCIL.—The chair of the
11 Council on Procurement Training shall be the Under
12 Secretary for Management.

13 “(3) MEMBERS.—The members of the Council
14 on Procurement Training are the chief procurement
15 officers of each of the following:

16 “(A) The Customs and Border Protec-
17 torate

18 “(B) The Transportation Security Admin-
19 istration.

20 “(C) The Office of Procurement Oper-
21 ations.

22 “(D) The Bureau of Immigration and Cus-
23 toms Enforcement.

24 “(E) The Federal Emergency Management
25 Agency.

1 “(F) The Coast Guard.

2 “(G) The Federal Law Enforcement
3 Training Center.

4 “(H) The United States Secret Service.

5 “(I) Such other entity as the Under Sec-
6 retary for Management determines is appro-
7 priate.

8 “(e) ACQUISITION EMPLOYEE DEFINED.—For pur-
9 poses of this section, the term ‘acquisition employee’
10 means an employee serving under a career or career-condi-
11 tional appointment in the competitive service or appoint-
12 ment of equivalent tenure in the excepted service of the
13 Federal Government, at least 50 percent of whose as-
14 signed duties include acquisitions, procurement-related
15 program management, or procurement-related oversight
16 functions.

17 “(f) REPORT REQUIRED.—Not later than March 1
18 of each year, the Under Secretary for Management shall
19 submit to the Secretary a report on the procurement train-
20 ing provided under this section, which shall include infor-
21 mation about student enrollment, students who enroll but
22 do not attend courses, graduates, certifications, and other
23 relevant information.”.

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

4 **SEC. 15. GAO STUDY OF INTEGRATION AND ADEQUACY OF**
5 **TRAINING PROGRAMS RELATED TO ASYLUM**
6 **AT PORTS OF ENTRY.**

7 (a) IN GENERAL.—The Comptroller General of the
8 United States shall conduct a study of the integration and
9 adequacy of training for Department of Homeland Secu-
10 rity personnel who interdict, interview, and process asylum
11 seekers ports of entry, including at airports, in the United
12 States.

13 (b) CONTENTS OF STUDY.—The study shall in-
14 clude—

15 (1) an assessment of whether such training pro-
16 vides such personnel with adequate and clear guid-
17 ance on the standards for handling asylum seekers;

18 (2) an assessment of whether such personnel
19 coordinate appropriately to ensure that relevant
20 United States laws are fully enforced; and

21 (3) recommendations, as appropriate, for steps
22 that the Secretary of Homeland Security should take
23 to provide better integration and adequacy of such
24 training to such personnel in order to better secure
25 the borders of the United States while ensuring that

1 asylum seekers are properly processed and their
2 claims are fully evaluated.

3 (c) REPORT.—Not later than 12 months after the
4 date of the enactment of this Act, the Comptroller General
5 shall submit a report summarizing the results of the study
6 to the Committee on Homeland Security of the House of
7 Representatives and the Committee on Homeland Security
8 and Governmental Affairs of the Senate.

9 **SEC. 16. NATIONAL HOMELAND SECURITY UNIVERSITY.**

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

13 **“SEC. 890B. NATIONAL HOMELAND SECURITY UNIVERSITY.**

14 “(a) ESTABLISHMENT.—The Secretary of Homeland
15 Security shall establish a National Homeland Security
16 University for senior officials that serves as a capstone
17 to other educational and training opportunities in the Na-
18 tional Capital Region.

19 “(b) MISSION.—The University shall conduct a grad-
20 uate-level curriculum to prepare government officials for
21 senior homeland security and counterterrorism assign-
22 ments in Federal, State, tribal, and local governments.

23 “(c) CURRICULUM CONTENT.—

24 “(1) IN GENERAL.—The curriculum of the Uni-
25 versity shall—

1 “(A) provide senior government officials
2 with a strategic perspective of homeland secu-
3 rity and counterterrorism that transcends orga-
4 nizations, levels of government, and response
5 disciplines, and includes private sector perspec-
6 tives;

7 “(B) focus on all hazards and all phases of
8 emergency preparedness and response; and

9 “(C) expand students’ understanding of
10 the strategic aspects of homeland security and
11 counterterrorism planning, policy development,
12 incident management, support functions, and
13 related topics.

14 “(2) SPECIFICATION OF REQUIREMENTS.—The
15 Under Secretary for Preparedness shall specify cur-
16 riculum requirements to accomplish the mission of
17 the University.

18 “(3) LEVERAGING OF EXISTING COURSES.—The
19 development of the University curriculum shall lever-
20 age existing Masters Degree courses in homeland se-
21 curity that are approved by the Secretary, learning
22 materials, quality assessment tools, digital libraries,
23 exercise systems, and other curriculum components
24 already being delivered by universities and training

1 facilities, such as the Center for Domestic Prepared-
2 ness.

3 “(d) STUDENT ENROLLMENT.—

4 “(1) SOURCES.—The student body of the Uni-
5 versity shall include officials from Federal, State,
6 tribal, and local governments, and from other
7 sources as designated by the Under Secretary for
8 Preparedness.

9 “(2) ENROLLMENT PRIORITIES AND SELECTION
10 CRITERIA.—The Under Secretary for Preparedness
11 shall establish policies governing student enrollment
12 priorities and selection criteria, consistent with the
13 mission of the University.

14 “(3) DIVERSITY.—The Secretary shall take rea-
15 sonable steps to ensure that the student body rep-
16 resents racial, gender, and ethnic diversity.

17 “(e) SERVICE COMMITMENT.—

18 “(1) IN GENERAL.—An employee selected for
19 training shall agree in writing with the Government
20 before assignment to training to do the following—

21 “(A) continue in the service of the spon-
22 soring agency after the end of the training pe-
23 riod for a period not less than two years after
24 the completion of the training unless he is in-
25 voluntarily separated from the service of his

1 agency for reasons other than reduction in
2 force; and

3 “(B) pay to the Government the amount of
4 the additional expenses incurred by the Govern-
5 ment in connection with this training if the em-
6 ployee is voluntarily separated from the service
7 to the agency before the end of the period for
8 which the employee has agreed to continue in
9 the service of the agency.

10 “(2) PAYMENT OF EXPENSES.—

11 “(A) EXEMPTION.—The payment agreed
12 to under subsection (1)(b) of this section may
13 not be required of an employee who leaves the
14 service of the sponsoring agency to enter into
15 the service of another agency in any branch of
16 the Government unless the head of the agency
17 that authorized the training notifies the em-
18 ployee before the effective date of his entrance
19 into the service of the other agency that pay-
20 ment will be required under this section.

21 “(B) AMOUNT OF PAYMENT.—If payment
22 is required, the sponsoring agency shall deter-
23 mine a payment amount which is not greater
24 than a pro rata share of the expenses incurred
25 for the time remaining in the two-year period.

1 “(3) RECOVERY OF PAYMENT.—If an employee,
2 except an employee relieved of liability under sub-
3 section (2) of this section fails to fulfill the agree-
4 ment to pay to the Government the additional ex-
5 penses incurred by the Government in connection
6 with his training, a sum equal to the amount of the
7 additional expenses of training is recoverable by the
8 Government from the employee or his estate by—

9 “(A) setoff against accrued pay, compensa-
10 tion, amount of retirement credit, or other
11 amount due the employee from the Government;
12 and

13 “(B) such other method as is provided by
14 law for the recovery of amounts owing to the
15 Government.

16 “(f) UNIVERSITY GOVERNANCE, MANAGEMENT, AND
17 STAFFING.—

18 “(1) IN GENERAL.—The Under Secretary for
19 Preparedness shall establish policies governing the
20 recruitment and governance of the faculty of the
21 University, shall identify such leadership positions
22 within the University as necessary for its manage-
23 ment, and shall establish policies governing the se-
24 lection of personnel to fill those leadership positions.

1 “(2) BOARD OF ADVISORS.—The Under Sec-
2 retary shall appoint a Board of Advisors for the
3 University to oversee the governance of the Univer-
4 sity, consistent with requirements for curriculum ac-
5 creditation.

6 “(3) LEVERAGE THE FACULTY AND COLLABO-
7 RATIVE GOVERNANCE ARRANGEMENTS.—In estab-
8 lishing University staffing and governance policies,
9 the Under Secretary shall, to the maximum extent
10 possible, leverage the faculty and collaborative gov-
11 ernance arrangements already established between
12 existing Department-sponsored graduate education
13 and training programs.

14 “(g) PROGRAM STRUCTURE.—The Under Secretary
15 for Preparedness shall ensure that the programs of the
16 University—

17 “(1) are scalable and portable in order to reach
18 the widest audiences;

19 “(2) include traditional in-residence courses in
20 the District of Columbia;

21 “(3) offer regional, web-enabled, and virtual
22 educational programs; and

23 “(4) utilize innovative educational methodolo-
24 gies, such as simulation centers, for use by faculty,
25 students, and government officials.”.

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

“Sec. 890B. National Homeland Security University.”.

4 **SEC. 17. CANINE DETECTION TEAM AUGMENTATION AND**
5 **CERTIFICATION.**

6 (a) INCREASING THE NUMBER OF TRAINED CANINE
7 DETECTION TEAMS.—

8 (1) INCREASE.—In each of fiscal years 2007
9 through 2011, the Secretary of Homeland Security
10 shall, subject to the availability of appropriations for
11 such purpose, increase the number of trained canine
12 detection teams of the Department over the number
13 of such teams deployed or available on the last day
14 of the preceding fiscal year as follows:

15 (A) CUSTOMS AND BORDER PROTEC-
16 TION.—An increase of not less than 25 percent
17 the number of trained canine detection teams
18 deployed at and between the Nation’s ports of
19 entry.

20 (B) TRANSPORTATION SECURITY ADMINIS-
21 TRATION.—Increase by not less than 25 percent
22 the number of trained detection canines de-
23 ployed at the Nation’s airports and mass tran-
24 sit systems.

1 (C) COAST GUARD, UNITED STATES SE-
2 CRET SERVICE, FEDERAL PROTECTIVE SERVICE,
3 AND FEDERAL EMERGENCY MANAGEMENT
4 AGENCY.—Increase by not less than 25 percent
5 the number of trained canine detection teams
6 available to Coast Guard stations, Secret Serv-
7 ice operations, and Federal Protective Service
8 operations across the country, and to the Fed-
9 eral Emergency Management Agency to ensure
10 their availability as needed in emergencies.

11 (2) NOTIFICATION OF CONGRESS.—If the Sec-
12 retary determines that an agency referred to in sub-
13 section (a) is unable to achieve the increase required
14 under subsection (a) for such reasons as cost or
15 availability, the Secretary shall notify the Committee
16 on Homeland Security of the House of Representa-
17 tives and the Committee on Homeland Security and
18 Governmental Affairs of the Senate, describing the
19 reasons why the agency is unable to achieve the in-
20 crease.

21 (b) COORDINATION, ENHANCEMENT, AND IMPROVE-
22 MENT OF CANINE DETECTION TEAMS.—

23 (1) IN GENERAL.—The Homeland Security Act
24 of 2002 is amended by adding at the end the fol-
25 lowing:

1 **“TITLE XIX—MISCELLANEOUS**
2 **PROVISIONS**
3 **“Subtitle A—Canine Detection**
4 **Teams**

5 **“SEC. 1901. COORDINATION AND ENHANCEMENT OF CA-**
6 **NINE PROTECTION TEAM TRAINING.**

7 “The Secretary shall—

8 “(1) fully coordinate the canine training pro-
9 grams of the Department that support the Depart-
10 ment’s counter-terrorism, counter-smuggling, trans-
11 portation security, and border security missions and
12 other missions of the Department, including, with
13 respect to the research and development of new ca-
14 nine training methods, the optimum number and
15 type of training aids, and measurements for effi-
16 ciency and effectiveness;

17 “(2) ensure that the Department is maximizing
18 its use of existing training facilities and resources to
19 train canines throughout the year; and

20 “(3) coordinate the use of detection canines
21 trained by other Federal agencies, nonprofit organi-
22 zations, universities, and private training facilities in
23 order to increase the number of trained detection ca-
24 nines available to Federal, State, and local law en-
25 forcement agencies.

1 **“SEC. 1902. CANINE PROCUREMENT.**

2 “The Secretary shall—

3 “(1) make it a priority to increase the number
4 of domestically bred canines used by the Department
5 to assist in its counter-terrorism mission, including
6 the protection of ports of entry and along the United
7 States border;

8 “(2) increase the utilization of domestically
9 bred canines from universities and private and non-
10 profit sources in the United States; and

11 “(3) consult with other Federal, State, and
12 local agencies, nonprofit organizations, universities,
13 and private entities that use detection canines, such
14 as those participating in the Scientific Working
15 Group on Dog and Orthogonal Detectors (popularly
16 known as ‘SWGDOG’), as well as the Office of Man-
17 agement and Budget, to encourage domestic breed-
18 ing of canines and consolidate canine procurement,
19 where possible, across the Federal Government to
20 reduce the cost of purchasing canines.

21 **“SEC. 1903. DOMESTIC CANINE BREEDING GRANT PRO-**
22 **GRAM.**

23 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
24 shall establish a competitive grant program for domestic
25 breeders of canines. The purpose of the grant program
26 shall be to encourage the development and growth of ca-

1 nine breeds that are best suited for detection training pur-
2 poses within the United States.

3 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section
5 \$3,000,000 for each of fiscal years 2007 through 2011.

6 **“SEC. 1904. HOMELAND SECURITY CANINE DETECTION AC-
7 CREDITATION BOARD.**

8 “(a) ESTABLISHMENT OF ACCREDITATION BOARD.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date on which the national voluntary con-
11 sensus standards referred to in subsection (b)(1) are
12 issued, the Secretary, in consultation with the Sec-
13 retary of Defense, the Secretary of State, and the
14 Attorney General, shall establish a Homeland Secu-
15 rity Canine Detection Accreditation Board to de-
16 velop and implement a process for certifying compli-
17 ance with such standards.

18 “(2) MEMBERSHIP.—The membership of the
19 Accreditation Board shall consist of experts in the
20 fields of canine training and explosives detection
21 from Federal and State agencies, universities, other
22 research institutions, and the private sector, such as
23 those represented on the Executive Board of
24 SWGDOG.

1 “(b) ACCREDITATION PROCESS.—The Accreditation
2 Board shall establish and implement a voluntary accredi-
3 tation process to—

4 “(1) certify that persons conducting certifi-
5 cation of canine detection teams appropriately en-
6 sure that the canine detection teams meet the na-
7 tional voluntary consensus standards developed by
8 SWGDOG;

9 “(2) ensure that canine detection teams do not
10 put public safety and the safety of law enforcement
11 personnel at risk due to fraud or weaknesses in the
12 initial or maintenance training curriculum; and

13 “(3) maintain and update a public list of enti-
14 ties accredited by the Department to certify canine
15 detection teams.

16 “(c) COMPLIANCE WITH STANDARDS.—Beginning
17 not later than the date that is 180 days after the date
18 on which the standards referred to in subsection (b)(1)
19 are issued, the Secretary shall require that grant funds
20 administered by the Department may not be used to ac-
21 quire a canine detection team unless—

22 “(1) the canine detection team is certified
23 under the process established under subsection (b);
24 or

1 “(2) the Secretary determines that the appli-
 2 cant has shown special circumstances that justify
 3 the acquisition of canines that are not certified
 4 under the process established under subsection (b).

5 **“SEC. 1905. DEFINITIONS.**

6 “In this subtitle:

7 “(1) CANINE DETECTION TEAM.—The term ‘ca-
 8 nine detection team’ means a canine and a canine
 9 handler.

10 “(2) CERTIFYING ENTITY.—The term ‘certi-
 11 fying entity’ means an entity that oversees the proc-
 12 esses and procedures used to train and test canine
 13 detection teams.

14 “(3) SWGDOG.—The term ‘SWGDOG’ means
 15 the Scientific Working Group of Dog and Orthog-
 16 onal Detectors.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-
 18 tions in section 1(b) of such Act is amended by add-
 19 ing at the end the following:

 “TITLE XIX—MISCELLANEOUS PROVISIONS

 “Subtitle A—Canine Detection Teams

 “Sec. 1901. Coordination and enhancement of canine protection team training.

 “Sec. 1902. Canine procurement.

 “Sec. 1903. Domestic canine breeding grant program.

 “Sec. 1904. Homeland Security Canine Detection Accreditation Board.

 “Sec. 1905. Definitions.”.

20 (3) REPORT.—Not later than 120 days after
 21 the date of the enactment of this Act, the Secretary

1 of Homeland Security shall report to the Committee
2 on Homeland Security of the House of Representa-
3 tives and the Committee on Homeland Security and
4 Governmental Affairs of the Senate on the plan of
5 the Secretary to coordinate and consolidate the ca-
6 nine training programs of the Department of Home-
7 land Security in accordance with section 1901 of the
8 Homeland Security Act of 2002, as added by para-
9 graph (1).

10 **SEC. 18. SHADOW WOLVES TRANSFER.**

11 (a) **TRANSFER OF EXISTING UNIT.**—Not later than
12 90 days after the date of the enactment of this Act, the
13 Secretary of Homeland Security shall transfer to United
14 States Immigration and Customs Enforcement all func-
15 tions (including the personnel, assets, and liabilities attrib-
16 utable to such functions) of the Customs Patrol Officer
17 unit operating on the Tohono O’odham Indian reservation
18 (commonly known as the “Shadow Wolves” unit).

19 (b) **ESTABLISHMENT OF NEW UNITS.**—The Sec-
20 retary is authorized to establish within United States Im-
21 migration and Customs Enforcement additional units of
22 Customs Patrol Officers in accordance with this section,
23 as appropriate.

24 (c) **DUTIES.**—The Customs Patrol Officer unit trans-
25 ferred pursuant to subsection (a), and additional units es-

1 tablished pursuant to subsection (b), shall operate on In-
2 dian lands by preventing the entry into the United States
3 of terrorists, other unlawful aliens, instruments of ter-
4 rorism, narcotics, and other contraband.

5 (d) BASIC PAY FOR JOURNEYMAN OFFICERS.—A
6 Customs Patrol Officer in a unit described in this section
7 shall receive equivalent pay as a special agent with similar
8 competencies within United States Immigration and Cus-
9 toms Enforcement pursuant to the Department of Home-
10 land Security’s Human Resources Management System
11 established under section 841 of the Homeland Security
12 Act (6 U.S.C. 411).

13 (e) SUPERVISORS.—Each unit described in this sec-
14 tion shall be supervised by a Chief Customs Patrol Officer,
15 who shall have the same rank as a resident agent-in-
16 charge of the Office of Investigations within United States
17 Immigration and Customs Enforcement.

○