

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1684

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## AN ACT

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,*

1 **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.

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- Sec. 509. Departmental culture improvement.
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- Sec. 601. Chief Medical Officer and Office of Health Affairs.
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#### TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS

- Sec. 701. Cybersecurity and Communications.
- Sec. 702. Cybersecurity research and development.
- Sec. 703. Collaboration.

#### TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS

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- Sec. 904. Report on implementation of the student and exchange visitor program.
- Sec. 905. Assessment of resources necessary to reduce crossing times at land ports of entry.
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Sec. 1116. Data sharing.

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Sec. 1119. Study of foreign rail security practices.

Sec. 1120. FEMA recovery office in Florida.

Sec. 1121. Requirement to consult States regarding grant awards.

Sec. 1122. Comptroller General report on critical infrastructure.

Sec. 1123. Improving the nexus and fast registered traveler programs.

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Sec. 1128. Automated targeting system for persons entering or departing the United States.

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

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

4           There is authorized to be appropriated to the Sec-  
5     retary of Homeland Security for the necessary expenses

1 of the Department of Homeland Security for fiscal year  
2 2008, \$39,863,000,000.

3 **TITLE II—POLICY AND**  
4 **MANAGEMENT IMPROVEMENTS**

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

6 (a) IN GENERAL.—The Homeland Security Act of  
7 2002 (6 U.S.C. 101 et seq.) is amended by striking sec-  
8 tions 401 through 403 and inserting the following:

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

10 “(a) ESTABLISHMENT.—There is in the Department  
11 a Directorate for Policy. The Directorate for Policy shall  
12 contain each of the following:

13 “(1) The Office of the Private Sector, which  
14 shall be administered by an Assistant Secretary for  
15 the Private Sector.

16 “(2) The Victim Assistance Officer.

17 “(3) The Tribal Security Officer.

18 “(4) The Border Community Liaison Officer.

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

21 “(b) UNDER SECRETARY FOR POLICY.—

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

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

7           “(3) RESPONSIBILITIES.—Subject to the direc-  
8 tion and control of the Secretary, the responsibilities  
9 of the Under Secretary for Policy 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, excluding each agency that is a distinct  
16 entity within the Department.

17           “(C) To ensure that the budget of the De-  
18 partment (including the development of future  
19 year budgets and interaction with the Office of  
20 Management and Budget and with Congress) is  
21 compatible with the statutory and regulatory re-  
22 sponsibilities of the Department and with the  
23 Secretary’s priorities, strategic plans, and poli-  
24 cies.

1           “(D) To conduct long-range, strategic  
2           planning for the Department, including over-  
3           seeing the Comprehensive Homeland Security  
4           Review established in section 203.

5           “(E) To carry out such other responsibil-  
6           ities as the Secretary may determine are appro-  
7           priate, consistent with this section.”.

8           (b) ENSURING CONSIDERATION OF THE NEEDS OF  
9           CHILDREN.—

10           (1) IN GENERAL.—The Under Secretary for  
11           Policy of the Department of Homeland Security, act-  
12           ing through the Assistant Secretary for the Office of  
13           Policy and Development, shall ensure that all de-  
14           partmental policies, programs, and activities appro-  
15           priately consider the needs of and impact upon chil-  
16           dren.

17           (2) SPECIFIC FUNCTIONS.—The Under Sec-  
18           retary for Policy shall—

19           (A) coordinate with other Federal Depart-  
20           ments and agencies to ensure that the needs of  
21           children, schools, and other child-centered facili-  
22           ties are sufficiently understood and incor-  
23           porated into Federal, State, local, and tribal  
24           preparedness, response, and recovery plans and  
25           activities for terrorist attacks, major disasters,

1 and other emergencies (including those involv-  
2 ing chemical, biological, radiological, nuclear, or  
3 other explosive weapons), or other manmade  
4 disasters;

5 (B) coordinate with the Office of Grants  
6 within the Federal Emergency Management  
7 Agency to monitor the use of homeland security  
8 grants by State, local, or tribal agencies to sup-  
9 port emergency preparedness activities for chil-  
10 dren, schools, and other child-centered facilities,  
11 and make recommendations to improve the ef-  
12 fectiveness of such funding;

13 (C) review public awareness programs and  
14 screening policies by departmental entities, in-  
15 cluding security screening at airports, and en-  
16 sure that such policies consider the needs and  
17 well-being of children; and

18 (D) ensure that all other departmental ac-  
19 tivities that affect children include consideration  
20 of the needs of children and that relevant agen-  
21 cies of the Department coordinate on this mat-  
22 ter where appropriate.

23 (3) REPORT TO CONGRESS.—One year after the  
24 date of the enactment of this subsection and on an  
25 annual basis thereafter, the Under Secretary for

1 Policy shall report to the Committee on Homeland  
2 Security of the House of Representatives and to the  
3 Committee on Homeland Security and Governmental  
4 Affairs of the Senate on activities undertaken pursu-  
5 ant to this subsection and the resulting improvement  
6 in security for children, schools, and other child-cen-  
7 tered facilities.

8 (c) CONFORMING AMENDMENTS.—Such Act is fur-  
9 ther amended—

10 (1) by striking the heading for title IV and in-  
11 sserting the following:

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

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

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

18 (3) in section 103(a)(3), by striking “for Bor-  
19 der and Transportation Security” and inserting “for  
20 Policy”;

21 (4) in section 102(f)(9), by striking “the Direc-  
22 torate of Border and Transportation Security” and  
23 inserting “United States Customs and Border Pro-  
24 tection”;

1 (5) in section 411(a), by striking “under the  
2 authority of the Under Secretary for Border and  
3 Transportation 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 sec-  
11 ond sentence; and

12 (C) by striking subsection (d).

13 (7) in section 441, by striking “Under Sec-  
14 retary for Border and Transportation Security” and  
15 inserting “Secretary”;

16 (8) in section 442(a)—

17 (A) “who—”in paragraph (2), by striking  
18 and all that follows through “(B) shall” and in-  
19 serting “who shall”; and

20 (B) in paragraph (3)—

21 (i) in subparagraph (A), by striking  
22 “Under Secretary for Border and Trans-  
23 portation Security” each place it appears  
24 and 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  
9 Secretary for Border and Transportation Security”  
10 and inserting “Subject to the direction and control  
11 of the Secretary, the Deputy Secretary”;

12 (11) in section 472(e), by striking “or the  
13 Under Secretary for Border and Transportation Se-  
14 curity”; 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 Pro-  
18 tection, Immigration and Customs Enforcement”.

19 (d) CLERICAL AMENDMENTS.—The table of contents  
20 in 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  
25 of 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 Secu-  
4 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by  
5 adding 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 De-  
9 partment:

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) COORDINATION.—The Secretary shall direct the  
17 Chief Operating Officer of each component agency to co-  
18 ordinate with that Officer’s respective Chief Operating Of-  
19 ficer of the Department to ensure that the component  
20 agency adheres to Government-wide laws, rules, regula-  
21 tions, and policies to which the Department is subject and  
22 which the Chief Operating Officer is responsible for imple-  
23 menting.



1       “(b) PURPOSE OF REVIEW.—In each Comprehensive  
2 Homeland Security Review, the Secretary shall—

3           “(1) include a Department of Homeland Secu-  
4 rity Strategy that is consistent with the most recent  
5 National Strategy for Homeland Security prescribed  
6 by the President;

7           “(2) define sufficient personnel and appropriate  
8 organizational structure and other requirements nec-  
9 essary for the successful execution of the full range  
10 of missions called for in the Department of Home-  
11 land Security Strategy; and

12           “(3) identify a budget plan, acquisition strat-  
13 egy, procurement process, and any other resources,  
14 that are necessary to provide sufficient resources for  
15 the successful execution of the full range of missions  
16 called for in the Department of Homeland Security  
17 Strategy.

18       “(c) CONDUCT OF REVIEW.—

19           “(1) CONSULTATION REQUIRED.—The Sec-  
20 retary shall conduct each review required under sub-  
21 section (a) in consultation with key officials of the  
22 Department, including the Assistant Secretary of the  
23 Transportation Security Administration, the Com-  
24 missioner of United States Customs and Border  
25 Protection, the Director of United States Citizenship

1 and Immigration Services, the Assistant Secretary  
2 for Immigration and Customs Enforcement, the Di-  
3 rector of the United States Secret Service, the Ad-  
4 ministrator of the Federal Emergency Management  
5 Agency, the Director of the Federal Law Enforce-  
6 ment Training Center, and the Commandant of the  
7 Coast Guard.

8 “(2) RELATIONSHIP WITH FUTURE YEARS  
9 HOMELAND SECURITY PROGRAM.—The Secretary  
10 shall ensure that each review conducted under this  
11 section is consistent with the Future Years Home-  
12 land Security Program required under section 874.

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

14 “(1) REPORT.—The Secretary shall submit to  
15 the Committee on Homeland Security and the Com-  
16 mittee on Transportation and Infrastructure of the  
17 House of Representatives, to the Committee on  
18 Homeland Security and Governmental Affairs of the  
19 Senate, and to the President a report on each Com-  
20 prehensive Homeland Security Review. Each such  
21 report shall be submitted during the fiscal year fol-  
22 lowing the fiscal year in which the review is con-  
23 ducted, but not later than the date on which the  
24 President submits to Congress the budget under sec-  
25 tion 1105(a) of title 31, United States Code, for the

1 fiscal year following the fiscal year in which the re-  
2 port is to be submitted.

3 “(2) CONTENTS.—Each such report shall in-  
4 clude the following, with a focus on reducing and  
5 managing risk and in preparing for, mitigating  
6 against, responding to, and recovering from terrorist  
7 attacks, major disasters, and other emergencies:

8 “(A) A comprehensive assessment of the  
9 level of alignment between the Department of  
10 Homeland Security Strategy and the human re-  
11 sources, infrastructure, assets, and organiza-  
12 tional structure 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  
17 and response capabilities of the Department as  
18 they relate to the risks of terrorist attacks,  
19 major disasters, 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 including 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.—Not-  
11 withstanding paragraph (1), the Secretary shall sub-  
12 mit the first Report required under subsection (a)  
13 not later than September 30, 2010.

14 “(e) PREPARATIONS FOR FISCAL YEAR 2008 RE-  
15 VIEW.—In fiscal year 2008, the Under Secretary for Pol-  
16 icy shall make all preparations for the conduct of the first  
17 Comprehensive Homeland Security Review in fiscal year  
18 2009, 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  
23 of 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  
4           in section 1(b) of such Act is amended by inserting after  
5           the 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  
12          Management 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  
18                 and complex organizations.

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

21          (b) DEADLINE FOR APPOINTMENT; INCUMBENT.—  
22          Not later than 90 days after the date of the enactment  
23          of this Act, the Secretary of Homeland Security shall  
24          name an individual who meets the qualifications of section  
25          701 of the Homeland Security Act (6 U.S.C. 341), as

1 amended by subsection (a), to serve as the Under Sec-  
2 retary for Management. The Secretary may submit the  
3 name of the individual who serves in the position of Under  
4 Secretary for Management of the Department of Home-  
5 land Security on the date of enactment of this Act to-  
6 gether with a statement that informs the Congress that the  
7 individual meets the qualifications of such section as so  
8 amended.

9 **SEC. 205. SENSE OF CONGRESS REGARDING CONSOLIDA-**  
10 **TION OF DEPARTMENT HEADQUARTERS.**

11 (a) FINDINGS.—Congress finds that—

12 (1) the Department of Homeland Security and  
13 its component headquarters facilities are currently  
14 scattered widely throughout the National Capital  
15 Region (NCR);

16 (2) this geographic dispersal disrupts the De-  
17 partment’s ability to operate in an efficient manner,  
18 and could impair its ability to prevent, deter, pre-  
19 pare for, and respond to a terrorist attack, major  
20 disaster, or other emergencies;

21 (3) the Government Accountability Office con-  
22 tinues to list “Implementing and Transforming the  
23 Department of Homeland Security” on its “High  
24 Risk list”;

1           (4) consolidating the Department's head-  
2           quarters and component facilities, to the greatest ex-  
3           tent practicable, would be an important step in fa-  
4           cilitating the transformation and integration of the  
5           Department; and

6           (5) the President has provided funding for De-  
7           partment consolidation in the fiscal year 2008 budg-  
8           et, and has determined that the only site under the  
9           control of the Federal Government and in the NCR  
10          with the size, capacity, and security features to meet  
11          the Department of Homeland Security's minimum  
12          consolidation needs as identified in the Department  
13          of Homeland Security NCR Housing Master Plan  
14          submitted to Congress on October 24, 2006, is the  
15          West Campus of St. Elizabeths Hospital in the Dis-  
16          trict of Columbia.

17          (b) SENSE OF CONGRESS.—It is the sense of Con-  
18          gress that the consolidation of the Department and its key  
19          component headquarters on the West Campus of St. Eliza-  
20          beths Hospital, to the maximum extent practicable con-  
21          sistent with the Department's Housing Plan as submitted  
22          to Congress in October 2006, should move forward as ex-  
23          peditiously as possible with all the agencies involved in this  
24          effort bearing 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 shall include a separate line item for the fiscal year  
5 for expenditures by the Office of Counternarcotics Enforcement of the Department of Homeland Security.

8 **SEC. 207. DESIGNATION OF OFFICE OF COUNTERNARCOTICS ENFORCEMENT AS PRIMARY DEPARTMENT COUNTERNARCOTICS ENFORCEMENT REPRESENTATIVE.**

12 Section 878(d)(5) of the Homeland Security Act of 2002 (6 U.S.C. 458(d)(5)) is amended by striking “to be  
13 a representative” and inserting “to be the primary representative”.

16 **SEC. 208. GRANTING LINE AUTHORITY TO THE ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS.**

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

21 “(d) AUTHORITY OF ASSISTANT SECRETARY FOR  
22 LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.—The Secretary for the Department shall ensure  
23 that the Assistant Secretary for Legislative Affairs has  
24 adequate authority or the Assistant Secretary’s respective  
25 counterparts in component agencies of the Department to

1 ensure that such component agencies adhere to the laws,  
2 rules, and regulations to which the Department is subject  
3 and the departmental policies that the Assistant Secretary  
4 for Legislative Affairs is responsible for implementing.”.

## 5 **TITLE III—OVERSIGHT** 6 **IMPROVEMENTS**

### 7 **SEC. 301. SECURE BORDER INITIATIVE FINANCIAL AC-** 8 **COUNTABILITY.**

9 (a) IN GENERAL.—The Inspector General of the De-  
10 partment of Homeland Security shall review each contract  
11 action related to the Department’s Secure Border Initia-  
12 tive having a value greater than \$20,000,000, to deter-  
13 mine whether each such action fully complies with applica-  
14 ble cost requirements, performance objectives, program  
15 milestones, inclusion of small, minority, and women-owned  
16 business, and timelines. The Inspector General shall com-  
17 plete a review under this subsection with respect to a con-  
18 tract action—

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

21 (2) upon the conclusion of the performance of  
22 the contract.

23 (b) REPORT BY INSPECTOR GENERAL.—Upon com-  
24 pletion of each review required under subsection (a), the  
25 Inspector General shall submit to the Secretary of Home-

1 land Security a report containing the findings of the re-  
2 view, including findings regarding any cost overruns, sig-  
3 nificant delays in contract execution, lack of rigorous de-  
4 partmental contract management, insufficient depart-  
5 mental financial oversight, bundling that limits the ability  
6 of small business to compete, or other high risk business  
7 practices.

8 (c) REPORT BY SECRETARY.—Not later than 30 days  
9 after the receipt of each report required under subsection  
10 (b), the Secretary of Homeland Security shall submit to  
11 the Committee on Homeland Security and the Committee  
12 on Oversight and Government Reform of the House of  
13 Representatives and the Committee on Homeland Security  
14 and Governmental Affairs of the Senate a report on the  
15 findings of the report by the Inspector General and the  
16 steps the Secretary has taken, or plans to take, to address  
17 the findings in such report.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated for the Office of the In-  
20 spector General of the Department of Homeland Security  
21 to carry out enhanced oversight of the Secure Border Ini-  
22 tiative—

23 (1) for fiscal year 2008, of the amount author-  
24 ized by section 101 and in addition to the amount  
25 authorized by section 303, \$5,500,000;

1           (2) for fiscal year 2009, at least 6 percent of  
2           the overall budget of the Office for that fiscal year;  
3           and

4           (3) for fiscal year 2010, at least 7 percent of  
5           the overall budget of the Office for that fiscal year.

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

15       **SEC. 302. AUTHORIZATION LIAISON OFFICER.**

16          Section 702 of the Homeland Security Act of 2002  
17          (6 U.S.C. 342) is amended by adding at the end the fol-  
18          lowing:

19          “(d) AUTHORIZATION LIAISON OFFICER.—

20                 “(1) IN GENERAL.—The Chief Financial Officer  
21                 shall establish the position of Authorization Liaison  
22                 Officer to provide timely budget and other financial  
23                 information to the Committee on Homeland Security  
24                 of the House of Representatives, the Committee on  
25                 Homeland Security and Governmental Affairs of the

1 Senate, and other appropriate congressional commit-  
2 tees. 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  
8 the greatest extent possible, that all reports pre-  
9 pared for the Committees on Appropriations of the  
10 House of Representatives and the Senate are sub-  
11 mitted concurrently to the Committee on Homeland  
12 Security of the House of Representatives, the Com-  
13 mittee on Homeland Security and Governmental Af-  
14 fairs of the Senate, and other appropriate congres-  
15 sional committees.”.

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

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Of the  
18 amount authorized by section 101, there is authorized to  
19 be appropriated to the Secretary of Homeland Security  
20 \$108,500,000 for fiscal year 2008 for operations of the  
21 Office of the Inspector General of the Department of  
22 Homeland Security.

23 (b) ASSISTING THE NATIONAL CENTER FOR MISSING  
24 AND EXPLOITED CHILDREN.—

1           (1) IN GENERAL.—An Inspector General of the  
2 Department of Homeland Security appointed under  
3 section 3 or 8G of the Inspector General Act of  
4 1978 (5 U.S.C. App.) may authorize staff to use  
5 funds authorized under subsection (a) to assist the  
6 National Center for Missing and Exploited Children,  
7 upon request by the Center—

8           (A) by conducting reviews of inactive case  
9 files that the Inspector General has reason to  
10 believe involve a child or possible offender lo-  
11 cated outside the United States, and to develop  
12 recommendations for further investigations; and

13           (B) by engaging in similar activities.

14           (2) LIMITATIONS.—

15           (A) PRIORITY.—An Inspector General may  
16 not permit staff to engage in activities de-  
17 scribed in paragraph (1) if such activities will  
18 interfere with the duties of the Inspector Gen-  
19 eral under the Inspector General Act of 1978 (5  
20 U.S.C. App.).

21           (B) FUNDING.—No additional funds are  
22 authorized to be appropriated to carry out this  
23 paragraph.

1 **SEC. 304. CONGRESSIONAL NOTIFICATION REQUIREMENT.**

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

5 **“SEC. 104. CONGRESSIONAL NOTIFICATION.**

6 “(a) IN GENERAL.—The Secretary shall actively con-  
7 sult with the congressional homeland security committees  
8 and other appropriate congressional committees, and shall  
9 keep such committees fully and currently informed with  
10 respect to all activities and responsibilities within the ju-  
11 risdictions of these committees.

12 “(b) RELATIONSHIP TO OTHER LAW.—Nothing in  
13 this section affects the requirements of section 872. The  
14 requirements of this section supplement, and do not re-  
15 place, the requirements of that section.

16 “(c) CLASSIFIED NOTIFICATION.—The Secretary  
17 may submit any information required by this section in  
18 classified form if the information is classified pursuant to  
19 applicable national security standards.

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

25 “(e) DEFINITION.—As used in this section, the term  
26 ‘congressional homeland security committees’ means the

1 Committee on Homeland Security and the Committee on  
2 Appropriations of the House of Representatives and the  
3 Committee on Homeland Security and Governmental Af-  
4 fairs and the Committee on Appropriations of the Sen-  
5 ate.”.

6 (b) CONFORMING AMENDMENT.—The table of con-  
7 tents in section 1(b) of such Act is amended by adding  
8 at the end of the items relating to such title the following:  
“Sec. 104. Congressional notification.”.

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

12 (1) by redesignating subparagraphs (B)  
13 through (E) as subparagraphs (C) through (F) re-  
14 spectively; and

15 (2) by striking subparagraph (A) and inserting  
16 the following:

17 “(A) the Committee on Homeland Security  
18 and Governmental Affairs of the Senate;

19 “(B) the Committee on Homeland Security  
20 of the House of Representatives;”.

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 TRAIN-**  
9 **ING.**

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

13 “(b) RESPONSIBILITIES OF CHIEF PROCUREMENT  
14 OFFICER.—The Chief Procurement Officer shall carry out  
15 the following responsibilities:

16 “(1) Establish objectives to achieve the efficient  
17 and effective use of available acquisition resources  
18 by coordinating the acquisition education and train-  
19 ing programs of the Department and tailoring them  
20 to support the careers of acquisition employees.

21 “(2) Develop, in consultation with the Council  
22 on Procurement Training established under sub-  
23 section (d), the curriculum of the homeland security  
24 procurement training to be provided.

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

5           “(4) Establish an appropriate centralized mech-  
6           anism to control the allocation of resources for con-  
7           ducting such required courses and other training  
8           and education.

9           “(5) Select course providers and certify courses  
10          to ensure that the procurement training curriculum  
11          supports a coherent framework for the educational  
12          development of acquisition employees, including the  
13          provision of basic, intermediate, and advanced  
14          courses.

15          “(6) Publish an annual catalog that includes a  
16          list of the acquisition education and training  
17          courses.

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

22          “(c) ELIGIBILITY FOR TRAINING.—An acquisition  
23          employee of any entity under subsection (d)(3) may re-  
24          ceive training provided under this section. The appropriate

1 member of the Council on Procurement Training may di-  
2 rect such an employee to receive procurement training.

3 “(d) COUNCIL ON PROCUREMENT TRAINING.—

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

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

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

14 “(A) United States Customs and Border  
15 Protection.

16 “(B) The Transportation Security Admin-  
17 istration.

18 “(C) The Office of Procurement Oper-  
19 ations.

20 “(D) The Bureau of Immigration and Cus-  
21 toms Enforcement.

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

24 “(F) The Coast Guard.

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

3           “(H) The United States Secret Service.

4           “(I) Such other entity as the Secretary de-  
5           termines appropriate.

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

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

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

“Sec. 836. Homeland security procurement training.”.

1 **SEC. 402. AUTHORITY TO APPOINT AND MAINTAIN A CADRE**  
2 **OF FEDERAL ANNUITANTS FOR PROCURE-**  
3 **MENT OFFICES.**

4 (a) DEFINITIONS.—For purposes of this section—  
5 (1) the term “procurement office” means the  
6 Office of Procurement Operations and any other  
7 procurement office within any agency or other com-  
8 ponent of the Department;  
9 (2) the term “annuitant” means an annuitant  
10 under a Government retirement system;  
11 (3) the term “Government retirement system”  
12 has the meaning given such term by section 501(a);  
13 and  
14 (4) the term “employee” has the meaning given  
15 such term by section 2105 of title 5, United States  
16 Code.  
17 (b) APPOINTMENT AUTHORITY.—The Secretary (act-  
18 ing through the Chief Procurement Officer) may, for the  
19 purpose of supporting the Department’s acquisition capa-  
20 bilities and enhancing contract management throughout  
21 the Department, appoint annuitants to positions in pro-  
22 curement offices in accordance with succeeding provisions  
23 of this section, except that no authority under this sub-  
24 section shall be available unless the Secretary provides to  
25 Congress a certification that—

1           (1) the Secretary has submitted a request  
2           under section 8344(i) or 8468(f) of title 5, United  
3           States Code, on or after the date of the enactment  
4           of this Act, with respect to positions in procurement  
5           offices;

6           (2) the request described in paragraph (1) was  
7           properly filed; and

8           (3) the Office of Personnel Management has  
9           not responded to the request described in paragraph  
10          (1), by either approving, denying, or seeking more  
11          information regarding such request, within 90 days  
12          after the date on which such request was filed.

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

22          (d) **LIMITATIONS.**—No appointment under subsection  
23 (b) may be made if such appointment would result in the  
24 displacement of any employee or would cause the total  
25 number of positions filled by annuitants appointed under

1 such subsection to exceed 250 as of any time (determined  
2 on a full-time equivalent basis).

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

7 (f) **TERMINATION OF AUTHORITY.**—Effective 2 years  
8 after the date of the enactment of this Act—

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

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

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

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

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

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

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

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

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

14       (b) CLERICAL AMENDMENT.—The table of contents  
15 in section 1(b) of such Act is amended by adding at the  
16 end of the items relating to such subtitle the following:  
“Sec. 837. Review of contractor past performance.”.

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

20       (a) COMPLIANCE WITH BUY AMERICAN ACT.—With  
21 respect to any procurement of goods or services by the  
22 Department of Homeland Security, the Chief Procurement  
23 Officer of the Department shall conduct an independent  
24 review of the procurement to ensure that it complies with

1 all relevant provisions of the Buy American Act (41  
2 U.S.C. 10a et seq.).

3 (b) FOREIGN OWNERSHIP OR CONTROL OF CON-  
4 TRACTORS AND SUBCONTRACTORS.—

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

18 (2) FOREIGN OWNERSHIP OR CONTROL.—In  
19 this subsection:

20 (A) The term “owned or controlled by a  
21 foreign person”, with respect to an offeror, con-  
22 tractor, or subcontractor, means that a foreign  
23 person owns or controls, directly or indirectly,  
24 50 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 citizen  
9 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 regu-  
13 lations 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.)  
17 is 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  
22 offeror’s bid for such contract an attestation that affirma-  
23 tively discloses any substantial role the offeror, the em-  
24 ployees of the offeror, or any corporate parent or sub-  
25 sidiary of the offeror may have played in creating a solici-

1 tation, request for proposal, statement of work, or state-  
2 ment of objectives (as those terms are defined in the Fed-  
3 eral Acquisition Regulation) for the Department.

4 “(b) ADDITIONAL REQUIREMENTS FOR CERTAIN  
5 OFFERORS.—If an 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  
8 the offeror played a substantial role in creating a solicita-  
9 tion, request for proposal, statement of work, or statement  
10 of objectives for the Department, the Secretary shall re-  
11 quire the offeror to submit to the Secretary a description  
12 of the safeguards used to ensure that precautions were  
13 in place to prevent the offeror from receiving information  
14 through such role that could be used to provide the offeror  
15 an undue advantage 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  
19 services to the Department to submit to the Sec-  
20 retary as part of the offeror’s bid for such contract  
21 a certification in writing whether, as of the date on  
22 which the 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  
8           in section 1(b) of such Act is further amended by adding  
9           at the end of the items relating to such subtitle the fol-  
10          lowing:

          “Sec. 838. Integrity in contracting.”.

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

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

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

1 the total value of all contracts awarded under the  
2 component for that fiscal year; and

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

12 (b) ACTION PLAN.—

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

1           (2) IDENTIFICATION OF BARRIERS.—Each ac-  
2           tion plan shall identify and describe any barriers to  
3           achieving the objectives of awarding by the compo-  
4           nent, for a fiscal year, contracts having an aggregate  
5           value of at least 3 percent of the total value of all  
6           contracts awarded by the component for the fiscal  
7           year to small business concerns identified under sub-  
8           section (a)(1) and 5 percent of the total value of all  
9           contracts awarded by the component for the fiscal  
10          year to small business concerns identified under sub-  
11          section (a)(2).

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

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

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

5 (a) IN GENERAL.—Subtitle D of title VIII of the  
6 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)  
7 is 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 arti-  
15 cle described in section (b) if the item is not manufactured  
16 in 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 “(c) AVAILABILITY EXCEPTION.—Subsection (a)  
25 does not apply to the extent that the Secretary determines  
26 that satisfactory quality and sufficient quantity of the ar-

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

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

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

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

20           “(1) to acquisitions at or below the simplified  
21 acquisition threshold (as defined in section 4 of the  
22 Office of Federal Procurement Policy Act (41 U.S.C.  
23 403)); and

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

1       “(e) USE OF DOMESTIC TEXTILES.—For fiscal year  
2 2008 and each subsequent fiscal year, the Secretary shall  
3 take all available steps to ensure that, to the maximum  
4 extent practicable, the items described in subsection (b)  
5 procured by the Department are manufactured using do-  
6 mestic textiles.”.

7       (b) CONFORMING AMENDMENT.—The table of con-  
8 tents in section 1(b) of the Homeland Security Act of  
9 2002 is amended by adding at the end of the items relat-  
10 ing to such subtitle the following new item:

“Sec. 839. Requirement that certain articles procured for Department per-  
sonnel be manufactured in the United States.”.

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

16 **SEC. 408. DEPARTMENT OF HOMELAND SECURITY MENTOR-**  
17 **PROTÉGÉ PROGRAM.**

18       (a) ESTABLISHMENT.—The Secretary of Homeland  
19 Security shall establish within the Department of Home-  
20 land Security’s Office of Small and Disadvantaged Busi-  
21 ness Utilization a Mentor-Protégé Program, which shall  
22 motivate and encourage prime contractors that are large  
23 businesses to provide developmental assistance to small  
24 business concerns, small business concerns owned and con-

1 trolled by veterans, small business concerns owned and  
2 controlled by service-disabled veterans, HUBZone small  
3 business concerns, small business concerns owned by so-  
4 cially and economically disadvantaged individuals, and  
5 small business concerns owned and controlled by women.

6 (b) PARTICIPATION BY CONTRACTORS AND  
7 OFFERORS.—The Secretary shall take affirmative steps to  
8 publicize and to ensure that Department contractors and  
9 offerors are fully aware of and are participating in the  
10 Mentor-Protégé Program, including that their efforts to  
11 seek and develop a formal Mentor-Protégé relationship will  
12 be a factor in the evaluation of bids or offers for Depart-  
13 ment contracts.

14 (c) FACTOR IN EVALUATION OF OFFERS.—When  
15 evaluating the offer of a contractor, the Secretary of  
16 Homeland Security shall consider, among the other factors  
17 the Secretary deems relevant, that offeror’s efforts to seek  
18 and develop a formal Mentor-Protégé relationship under  
19 the Mentor-Protégé Program.

20 (d) REVIEW BY INSPECTOR GENERAL.—The Inspec-  
21 tor General of the Department of Homeland Security shall  
22 conduct a review of the Mentor-Protégé Program. Such  
23 review shall include—

24 (1) an assessment of the program’s effective-  
25 ness;

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

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

5           (4) development of recommendations to  
6 strengthen the program to include the maximum  
7 number of contractors as possible.

8 **SEC. 409. REPORT ON SOURCE OF SHORTFALLS AT FED-**  
9 **ERAL PROTECTIVE SERVICE.**

10         Consistent with any applicable law, the Secretary of  
11 Homeland Security may not conduct a reduction in force  
12 or furlough of the workforce of the Federal Protective  
13 Service until—

14           (1) the Comptroller General of the United  
15 States submits to the Committees on Homeland Se-  
16 curity and Transportation and Infrastructure of the  
17 House of Representatives and the Committee on  
18 Homeland Security and Governmental Affairs of the  
19 Senate the report on the source of shortfalls at the  
20 Federal Protective Service that was requested by the  
21 Committee on Homeland Security and Governmental  
22 Affairs of the Senate; and

23           (2) the Committee on Homeland Security and  
24 Governmental Affairs of the Senate and the Com-  
25 mittees on Homeland Security and Transportation

1 and Infrastructure of the House of Representatives  
2 have conducted hearings on such report.

3 **TITLE V—WORKFORCE AND**  
4 **TRAINING IMPROVEMENTS**

5 **SEC. 501. CUSTOMS AND BORDER PROTECTION OFFICER**  
6 **PAY EQUITY.**

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

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

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

14 (A) which is within the Department of  
15 Homeland Security, and

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

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

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

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

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

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

17       (c) APPLICABILITY.—Subsection (b) shall apply in  
18 the case of—

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

22           (2) any individual who—

23               (A) holds a Customs and Border Protec-  
24 tion Officer position on the date of the enact-

1           ment of this Act pursuant to an appointment  
2           made before such date; and

3                   (B) who submits to the agency admin-  
4           istering the retirement system involved an ap-  
5           propriate election under this section, not later  
6           than five years after the date of the enactment  
7           of this Act or before separation from Govern-  
8           ment service, whichever is earlier.

9           (d) INDIVIDUAL CONTRIBUTIONS FOR PRIOR QUALI-  
10          FIED SERVICE.—

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

22                   (2) EFFECT OF NOT CONTRIBUTING.—If less  
23          than the full contribution under paragraph (1) is  
24          made, all prior qualified service of the individual  
25          shall remain fully creditable as law enforcement offi-

1 cer service, but the resulting annuity (before cost-of-  
2 living adjustments) shall be reduced in a manner  
3 such that, when combined with the unpaid amount,  
4 would result in the present value of the total being  
5 actuarially equivalent to the present value of the an-  
6 nuity that would otherwise have been payable if the  
7 full contribution had been made.

8 (e) GOVERNMENT CONTRIBUTIONS FOR PRIOR  
9 QUALIFIED SERVICE.—

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

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

24 (f) EXEMPTION FROM MANDATORY SEPARATION.—  
25 Effective during the three-year period beginning on the

1 date of the enactment of this Act, nothing in this section  
2 shall result in any individual being involuntarily separated  
3 on account of the provisions of any retirement system re-  
4 lating to the mandatory separation of a law enforcement  
5 officer on account of age or age and service combined.

6 (g) COMPTROLLER GENERAL REPORT.—The Comp-  
7 troller General shall conduct a comprehensive review of the  
8 retirement system for law enforcement officers employed  
9 by the Federal Government. The review shall include all  
10 employees categorized as law enforcement officers for pur-  
11 poses of retirement and any other Federal employee per-  
12 forming law enforcement officer duties not so categorized.  
13 In carrying out the review, the Comptroller General shall  
14 review legislative proposals introduced over the 10 years  
15 preceding the date of the enactment of this Act that are  
16 relevant to the issue law enforcement retirement and con-  
17 sult with law enforcement agencies and law enforcement  
18 employee representatives. Not later than August 1, 2007,  
19 the Comptroller General shall submit to Congress a report  
20 on the findings of such review. The report shall include  
21 each of the following:

22 (1) An assessment of the reasons and goals for  
23 the establishment of the separate retirement system  
24 for law enforcement officers, as defined in section  
25 8331 of title 5, United States Code, including the

1 need for young and vigorous law enforcement offi-  
2 cers, and whether such reasons and goals are cur-  
3 rently appropriate.

4 (2) An assessment of the more recent reasons  
5 given for including additional groups of employees in  
6 such system, including recruitment and retention,  
7 and whether such reasons and goals are currently  
8 appropriate.

9 (3) A determination as to whether the system  
10 is achieving the goals in (1) and (2).

11 (4) A summary of potential alternatives to the  
12 system, including increased use of bonuses, in-  
13 creased pay, and raising the mandatory retirement  
14 age, and a recommendation as to which alternatives  
15 would best meet each goal defined in (1) and (2), in-  
16 cluding legislative recommendations if necessary.

17 (5) A recommendation for the definition of law  
18 enforcement officer.

19 (6) An detailed review of the current system in-  
20 cluding its mandatory retirement age and benefit ac-  
21 crual.

22 (7) A recommendation as to whether the law  
23 enforcement officer category should be made at the  
24 employee, function and duty, job classification, agen-  
25 cy or other level, and by whom.

1           (8) Any other relevant information.

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

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

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

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

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

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

7 (2) the likelihood that the plan will allow the  
8 Department to achieve such objective.

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

10 (1) the term “under representation” means  
11 when the members of a minority group within a cat-  
12 egory of Federal civil service employment constitute  
13 a lower percentage of the total number of employees  
14 within the employment category than the percentage  
15 that the minority constitutes within the labor force  
16 of the Federal Government, according to statistics  
17 issued by the Office of Personnel Management;

18 (2) the term “minority groups” or “minorities”  
19 means—

20 (A) racial and ethnic minorities;

21 (B) women; and

22 (C) individuals with disabilities; and

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

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

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

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

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

21 **SEC. 504. AUTHORITY TO APPOINT AND MAINTAIN A CADRE**  
22 **OF FEDERAL ANNUITANTS FOR CUSTOMS**  
23 **AND BORDER PROTECTION.**

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

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

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

5           (3) the term “Government retirement system”  
6 has the meaning given such term by section 501(a);  
7 and

8           (4) the term “employee” has the meaning given  
9 such term by section 2105 of title 5, United States  
10 Code.

11       (b) APPOINTMENT AUTHORITY.—The Secretary (act-  
12 ing through the Commissioner of the United States Cus-  
13 toms and Border Protection) may, for the purpose of ac-  
14 celerating the ability of the CBP to secure the borders  
15 of the United States, appoint annuitants to positions in  
16 the CBP in accordance with succeeding provisions of this  
17 section, except that no authority under this subsection  
18 shall be available unless the Secretary provides to Con-  
19 gress a certification that—

20           (1) the Secretary has submitted a request  
21 under section 8344(i) or 8468(f) of title 5, United  
22 States Code, on or after the date of the enactment  
23 of this Act, with respect to positions in the CBP;

24           (2) the request described in paragraph (1) was  
25 properly filed; and

1           (3) the Office of Personnel Management has  
2 not responded to the request described in paragraph  
3 (1), by either approving, denying, or seeking more  
4 information regarding such request, within 90 days  
5 after the date on which such request was filed.

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

15           (d) LIMITATIONS.—No appointment under subsection  
16 (b) may be made if such appointment would result in the  
17 displacement of any employee or would cause the total  
18 number of positions filled by annuitants appointed under  
19 such subsection to exceed 500 as of any time (determined  
20 on a full-time equivalent basis).

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

1 (f) TERMINATION OF AUTHORITY.—Effective 2 years  
2 after the date of the enactment of this Act—

3 (1) all authority to make appointments under  
4 subsection (b) shall cease to be available; and

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

7 **SEC. 505. STRENGTHENING BORDER PATROL RECRUIT-**  
8 **MENT AND RETENTION.**

9 (a) IN GENERAL.—In order to address the recruit-  
10 ment and retention challenges faced by United States Cus-  
11 toms and Border Protection, the Secretary of Homeland  
12 Security shall establish a plan, consistent with existing  
13 Federal statutes and Office of Personnel Management  
14 Regulations and Guidelines applicable to pay, recruitment,  
15 relocation, and retention of Federal law enforcement offi-  
16 cers. Such plan shall include the following components:

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

20 (2) The establishment of a retention plan, in-  
21 cluding the payment of bonuses to Border Patrol  
22 agents for every year of service after the first two  
23 years of service.

24 (3) An increase in the pay percentage differen-  
25 tials to Border Patrol agents in certain high-cost

1 areas, as determined by the Secretary, consistent  
2 with entry-level pay to other Federal, State, and  
3 local law enforcement agencies.

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

8 (5) The establishment of quarterly goals for the  
9 recruitment of new Border Patrol agents, including  
10 goals for the number of recruits entering Border Pa-  
11 trol training, and the number of recruits who suc-  
12 cessfully complete such training and become Border  
13 Patrol agents.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than the first cal-  
16 endar quarter after the date of the enactment of this  
17 Act and every calendar quarter thereafter, the Sec-  
18 retary of Homeland Security shall submit to the  
19 Committee on Homeland Security of the House of  
20 Representatives and the Committee on Homeland  
21 Security and Governmental Affairs of the Senate a  
22 report identifying whether the quarterly goals for  
23 the recruitment of new Border Patrol agents estab-  
24 lished under subsection (a)(5) were met, and an up-

1 date on the status of recruitment efforts and attri-  
2 tion rates among Border Patrol agents.

3 (2) CONTENTS OF REPORT.—The report re-  
4 quired under paragraph (1) shall contain, at a min-  
5 imum, the following with respect to each calendar  
6 quarter:

7 (A) The number of recruits who enter Bor-  
8 der Patrol training.

9 (B) The number of recruits who success-  
10 fully complete such training and become Border  
11 Patrol agents.

12 (C) The number of Border Patrol agents  
13 who are lost to attrition.

14 **SEC. 506. LIMITATION ON REIMBURSEMENTS RELATING TO**  
15 **CERTAIN DETAILEES.**

16 In the case of an individual assigned to the Depart-  
17 ment of Homeland Security as a detailee under an ar-  
18 rangement described in subchapter VI of chapter 33 of  
19 title 5, United States Code, the maximum reimbursement  
20 by the Department of Homeland Security which may be  
21 made under section 3374(c) of such title with respect to  
22 such individual for the period of the assignment (including  
23 for any employee benefits) may not exceed the total  
24 amount of basic pay that would have been payable for such  
25 period if such individual had been paid, at the highest rate

1 allowable under section 5382 of such title, as a member  
2 of the Senior Executive Service.

3 **SEC. 507. INCREASED SECURITY SCREENING OF HOME-**  
4 **LAND SECURITY OFFICIALS.**

5 (a) REVIEW REQUIRED.—Not later than 90 days  
6 after the date of enactment of this Act, the Secretary of  
7 Homeland Security shall conduct a Department-wide re-  
8 view of the Department of Homeland Security security  
9 clearance and suitability review procedures for Depart-  
10 ment employees and contractors, as well as individuals in  
11 State and local government agencies and private sector en-  
12 tities with a need to receive classified information.

13 (b) STRENGTHENING OF SECURITY SCREENING  
14 POLICIES.—

15 (1) IN GENERAL.—Based on the findings of the  
16 review conducted under subsection (a), the Secretary  
17 shall, as appropriate, take all necessary steps to  
18 strengthen the Department’s security screening poli-  
19 cies, including consolidating the security clearance  
20 investigative authority at the headquarters of the  
21 Department.

22 (2) ELEMENTS.—In strengthening security  
23 screening policies under paragraph (1), the Sec-  
24 retary shall consider whether and where appropriate  
25 ensure that—

1 (A) all components of the Department of  
2 Homeland Security meet or exceed Federal and  
3 Departmental standards for security clearance  
4 investigations, adjudications, and suitability re-  
5 views;

6 (B) the Department has a cadre of well-  
7 trained adjudicators and the Department has in  
8 place a program to train and oversee adjudica-  
9 tors; and

10 (C) suitability reviews are conducted for all  
11 Department of Homeland Security employees  
12 who transfer from a component of the Depart-  
13 ment to the headquarters of the Departmental.

14 **SEC. 508. AUTHORITIES OF CHIEF SECURITY OFFICER.**

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

18 **“SEC. 708. CHIEF SECURITY OFFICER.**

19 “(a) ESTABLISHMENT.—There is in the Department  
20 a Chief Security Officer.

21 “(b) RESPONSIBILITIES.—The Chief Security Officer  
22 shall—

23 “(1) have responsibility for overall Department-  
24 wide security activities, including issuing and confis-  
25 cating credentials, controlling access to and dis-

1 posing of classified and sensitive but unclassified  
2 materials, controlling access to sensitive areas and  
3 Secured Compartmentalized Intelligence Facilities,  
4 and communicating with other government agencies  
5 on the status of security clearances and security  
6 clearance applications;

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

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

15 “(4) perform all other functions as determined  
16 by the Secretary.”.

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

“Sec. 708. Chief Security Officer.”.

20 **SEC. 509. DEPARTMENTAL CULTURE IMPROVEMENT.**

21 (a) CONSIDERATION REQUIRED.—The Secretary of  
22 Homeland Security, acting through the Chief Human Cap-  
23 ital Officer, shall consider implementing recommendations  
24 set forth in the Homeland Security Advisory Council Cul-  
25 ture Task Force Report of January 2007.

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

8 **SEC. 510. HOMELAND SECURITY EDUCATION PROGRAM EN-**  
9 **HANCEMENTS.**

10 Section 845(b) of the Homeland Security Act of 2002  
11 (6 U.S.C. 415(b)) is amended to read as follows:

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

1 **SEC. 511. REPEAL OF CHAPTER 97 OF TITLE 5, UNITED**  
2 **STATES CODE.**

3 (a) REPEAL.—

4 (1) IN GENERAL.—Effective as of the date  
5 specified in section 4 of the Homeland Security Act  
6 of 2002 (6 U.S.C. 101 note), chapter 97 of title 5,  
7 United States Code (as added by section 841(a)(2)  
8 of such Act), section 841(b)(3) of such Act, and sub-  
9 sections (c) and (e) of section 842 of such Act are  
10 repealed.

11 (2) REGULATIONS.—Any regulations prescribed  
12 under authority of chapter 97 of title 5, United  
13 States Code, are void ab initio.

14 (b) CLERICAL AMENDMENT.—The table of chapters  
15 for part III of title 5, United States Code, is amended  
16 by striking the item relating to chapter 97.

17 **SEC. 512. UTILIZATION OF NON-LAW ENFORCEMENT FED-**  
18 **ERAL EMPLOYEES AS INSTRUCTORS FOR**  
19 **NON-LAW ENFORCEMENT CLASSES AT THE**  
20 **BORDER PATROL TRAINING ACADEMY.**

21 The Director of the Federal Law Enforcement Train-  
22 ing Center (FLETC) of the Department of Homeland Se-  
23 curity, in consultation with the Chief of the Border Patrol,  
24 is authorized to select appropriate employees of the Fed-  
25 eral Government other than law enforcement officers (as

1 defined in section 8401(17) of title 5, United States Code)  
2 to serve as instructors of non-law enforcement classes.

3 **SEC. 513. TERMINATION OF EMPLOYMENT OF VOLUNTEER**  
4 **FIREFIGHTERS AND EMERGENCY MEDICAL**  
5 **PERSONNEL PROHIBITED.**

6 (a) TERMINATION PROHIBITED.—

7 (1) IN GENERAL.—No employee may be termi-  
8 nated, demoted, or in any other manner discrimi-  
9 nated against in the terms and conditions of employ-  
10 ment because such employee is absent from or late  
11 to the employee's employment for the purpose of  
12 serving as a volunteer firefighter or providing volun-  
13 teer emergency medical services as part of a re-  
14 sponse to an emergency or major disaster.

15 (2) DEPLOYMENT.—The prohibition in para-  
16 graph (1) shall apply to an employee serving as a  
17 volunteer firefighter or providing volunteer emer-  
18 gency medical services if such employee—

19 (A) is specifically deployed to respond to  
20 the emergency or major disaster in accordance  
21 with a coordinated national deployment system  
22 such as the Emergency Management Assistance  
23 Compact or a pre-existing mutual aid agree-  
24 ment; or

25 (B) is a volunteer firefighter who—

1 (i) is a member of a qualified volun-  
2 teer fire department that is located in the  
3 State in which the emergency or major dis-  
4 aster occurred;

5 (ii) is not a member of a qualified fire  
6 department that has a mutual aid agree-  
7 ment with a community affected by such  
8 emergency or major disaster; and

9 (iii) has been deployed by the emer-  
10 gency management agency of such State to  
11 respond to such emergency or major dis-  
12 aster.

13 (3) LIMITATIONS.—The prohibition in para-  
14 graph (1) shall not apply to an employee who—

15 (A) is absent from the employee's employ-  
16 ment for the purpose described in paragraph  
17 (1) for more than 14 days per calendar year;

18 (B) responds to the emergency or major  
19 disaster without being officially deployed as de-  
20 scribed in paragraph (2); or

21 (C) fails to provide the written verification  
22 described in paragraph (5) within a reasonable  
23 period of time.

24 (4) WITHHOLDING OF PAY.—An employer may  
25 reduce an employee's regular pay for any time that

1 the employee is absent from the employee's employ-  
2 ment for the purpose described in paragraph (1).

3 (5) VERIFICATION.—An employer may require  
4 an employee to provide a written verification from  
5 the official of the Federal Emergency Management  
6 Agency supervising the Federal response to the  
7 emergency or major disaster or a local or State offi-  
8 cial managing the local or State response to the  
9 emergency or major disaster that states—

10 (A) the employee responded to the emer-  
11 gency or major disaster in an official capacity;  
12 and

13 (B) the schedule and dates of the employ-  
14 ee's participation in such response.

15 (6) REASONABLE NOTICE REQUIRED.—An em-  
16 ployee who may be absent from or late to the em-  
17 ployee's employment for the purpose described in  
18 paragraph (1) shall—

19 (A) make a reasonable effort to notify the  
20 employee's employer of such absence; and

21 (B) continue to provide reasonable notifi-  
22 cations over the course of such absence.

23 (b) RIGHT OF ACTION.—

24 (1) RIGHT OF ACTION.—An individual who has  
25 been terminated, demoted, or in any other manner

1 discriminated against in the terms and conditions of  
2 employment in violation of the prohibition described  
3 in subsection (a) may bring, in a district court of  
4 the United States of appropriate jurisdiction, a civil  
5 action against individual's employer seeking—

6 (A) reinstatement of the individual's  
7 former employment;

8 (B) payment of back wages;

9 (C) reinstatement of benefits; and

10 (D) if the employment granted seniority  
11 rights, reinstatement of seniority rights.

12 (2) LIMITATION.—The individual shall com-  
13 mence a civil action under this section not later than  
14 1 year after the date of the violation of the prohibi-  
15 tion described in subsection (a).

16 (c) STUDY AND REPORT.—

17 (1) STUDY.—The Secretary of Labor shall con-  
18 duct a study on the impact that the requirements of  
19 this section could have on the employers of volunteer  
20 firefighters or individuals who provide volunteer  
21 emergency medical services and who may be called  
22 on to respond to an emergency or major disaster.

23 (2) REPORT.—Not later than 12 months after  
24 the date of the enactment of this Act, the Secretary  
25 of Labor shall submit a report of the study con-

1 ducted under paragraph (1) to the Committee on  
2 Health, Education, Labor, and Pensions and the  
3 Committee on Small Business and Entrepreneurship  
4 of the Senate and the Committee on Education and  
5 the Workforce and the Committee on Small Business  
6 of the House of Representatives.

7 (d) DEFINITIONS.—In this section—

8 (1) the term “emergency” has the meaning  
9 given such term in section 102 of the Robert T.  
10 Stafford Disaster Relief and Emergency Assistance  
11 Act (42 U.S.C. 5122);

12 (2) the term “major disaster” has the meanings  
13 given such term in section 102 of the Robert T.  
14 Stafford Disaster Relief and Emergency Assistance  
15 Act (42 U.S.C. 5122);

16 (3) the term “qualified volunteer fire depart-  
17 ment” has the meaning given such term in section  
18 150(e) of the Internal Revenue Code of 1986;

19 (4) the term “volunteer emergency medical  
20 services” means emergency medical services per-  
21 formed on a voluntary basis for a fire department or  
22 other emergency organization; and

23 (5) the term “volunteer firefighter” means an  
24 individual who is a member in good standing of a  
25 qualified volunteer fire department.

1     **TITLE VI—BIOPREPAREDNESS**  
2                     **IMPROVEMENTS**

3     **SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF**  
4                     **HEALTH AFFAIRS.**

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

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

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

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

17             “(c) **QUALIFICATIONS.**—The individual appointed as  
18 the Chief Medical Officer shall possess a demonstrated  
19 ability in and knowledge of medicine, public health, and  
20 the treatment of illnesses caused by chemical, biological,  
21 nuclear, and radiological agents.

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

1 and terrorist attacks, major disasters, and other emer-  
2 gencies, including—

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

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

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

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

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

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

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

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

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

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

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

22          “(9) developing, in coordination with appro-  
23       priate Department entities and other appropriate  
24       Federal agencies, end-to-end plans for prevention,  
25       readiness, protection, response, and recovery from

1 catastrophic events with human, animal, agricul-  
2 tural, or environmental health consequences;

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

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

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

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

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

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

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

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

8                   “(A) MATERIAL THREAT.—

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

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

12                           “(ii) USE OF EXISTING RISK ASSESS-  
13 MENTS.—For the purpose of satisfying the  
14 requirements of clause (i) as expeditiously  
15 as possible, the Secretary of Homeland Se-  
16 curity shall, as practicable, utilize existing  
17 risk assessments that the Secretary of  
18 Homeland Security, in consultation with  
19 the Secretaries of Health and Human  
20 Services, Defense, and Agriculture, and the  
21 heads of other appropriate Federal agen-  
22 cies, considers credible.

23                           “(iii) ORDER OF ASSESSMENTS.—

24                                   “(I) GROUPINGS TO FACILITATE  
25 ASSESSMENT           OF           COUNTER-

1 MEASURES.—In conducting threat as-  
2 sements and determinations under  
3 clause (i) of chemical, biological, radi-  
4 ological, and nuclear agents, the Sec-  
5 retary of Homeland Security shall, to  
6 the extent practicable and appro-  
7 priate, consider the completion of such  
8 assessments and determinations for  
9 groups of agents toward the goal of  
10 facilitating the assessment of counter-  
11 measures under paragraph (3) by the  
12 Secretary of Health and Human Serv-  
13 ices.

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

23 “(aa) Countermeasures that  
24 may address more than one

1 agent identified under clause  
2 (i)(II).

3 “(bb) Countermeasures that  
4 may address adverse health con-  
5 sequences that are common to  
6 exposure to different agents.

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

16 “(iv) DEADLINE FOR COMPLETION OF  
17 CERTAIN MATERIAL THREAT DETERMINA-  
18 TIONS.—With respect to chemical, biologi-  
19 cal, radiological, and nuclear agents known  
20 to the Secretary of Homeland Security as  
21 of the day before the date of the enactment  
22 of this clause, and which such Secretary  
23 considers to be capable of significantly af-  
24 fecting national security, such Secretary  
25 shall complete the determinations under

1 clause (i)(II) not later than December 31,  
2 2007.

3 “(v) REPORT TO CONGRESS.—Not  
4 later than 30 days after the date on which  
5 the Secretary of Homeland Security com-  
6 pletes a material threat assessment under  
7 clause (i), the Secretary shall submit to  
8 Congress a report containing the results of  
9 such assessment.

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

16 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
17 521(d) of the Homeland Security Act of 2002 (6 U.S.C.  
18 321j(d)) is amended—

19 (1) in paragraph (1), by striking “2006,” and  
20 inserting “2009,”; and

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

22 “(3) ADDITIONAL AUTHORIZATION OF APPRO-  
23 PRIATIONS REGARDING CERTAIN THREAT ASSESS-  
24 MENTS.—For the purpose of providing an additional  
25 amount to the Secretary to assist the Secretary in

1 meeting the requirements of clause (iv) of section  
2 319F–2(c)(2)(A) of the Public Health Service Act  
3 (relating to time frames), there are authorized to be  
4 appropriated such sums as may be necessary for fis-  
5 cal year 2008, in addition to the authorization of ap-  
6 propriations established in paragraph (1). The pur-  
7 poses for which such additional amount may be ex-  
8 pended include conducting risk assessments regard-  
9 ing clause (i)(II) of such section when there are no  
10 existing risk assessments that the Secretary con-  
11 siders credible.”.

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

13 (a) **STUDY REQUIRED.**—The Secretary of Homeland  
14 Security shall, in consultation with the Secretary of De-  
15 fense and the Secretary for Health and Human Services,  
16 conduct a joint study to determine the staffing and train-  
17 ing requirements for pending capital programs to con-  
18 struct biodefense laboratories (including agriculture and  
19 animal laboratories) at Biosafety Level 3 and Biosafety  
20 Level 4 or to expand current biodefense laboratories to  
21 such biosafety levels.

22 (b) **ELEMENTS.**—In conducting the study, the Secre-  
23 taries shall address the following:

24 (1) The number of trained personnel, by dis-  
25 cipline and qualification level, required for existing

1 biodefense laboratories at Biosafety Level 3 and Bio-  
2 safety Level 4, including the number trained in  
3 Good Laboratory Practices (GLP).

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

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

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

1 (c) REPORT.—Not later than December 31, 2007, the  
2 Secretaries shall submit to Congress a report setting forth  
3 the results of the study conducted under this section.

4 **SEC. 604. NATIONAL BIOSURVEILLANCE INTEGRATION**  
5 **CENTER.**

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

9 **“SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION**  
10 **CENTER.**

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

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

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

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

9           “(c) RESPONSIBILITIES.—

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

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

17           “(B) review and seek to improve on an on-  
18           going basis the statistical and other analytical  
19           methods used by the NBIC;

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

1           “(D) receive and consider all relevant  
2 homeland security information; and

3           “(E) provide technical assistance, as ap-  
4 propriate, to all Federal, State, and local gov-  
5 ernment entities and private sector entities that  
6 contribute data relevant to the operation of the  
7 NBIC.

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

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

11           “(B) integrate homeland security informa-  
12 tion with NBIC data to provide overall biologi-  
13 cal situational awareness and determine wheth-  
14 er a biological event has occurred.

15           “(3) INFORMATION SHARING.—The Director  
16 shall—

17           “(A) establish a mechanism for real-time  
18 communication with the National Operations  
19 Center;

20           “(B) provide integrated information to the  
21 heads of the departments and agencies with  
22 which the Director has entered into an agree-  
23 ment under subsection (d);

24           “(C) notify the Secretary, the head of the  
25 National Operations Center, and the heads of

1 appropriate Federal, State, tribal, and local en-  
2 tities of any significant biological event identi-  
3 fied by the NBIC;

4 “(D) provide reports on NBIC assessments  
5 to Federal, State, and local government entities,  
6 including departments and agencies with which  
7 the Director has entered into an agreement  
8 under subsection (d), and any private sector en-  
9 tities, as considered appropriate by the Direc-  
10 tor; and

11 “(E) use information sharing networks  
12 available to the Department for distributing  
13 NBIC incident or situational awareness reports.

14 “(d) INTERAGENCY AGREEMENTS.—

15 “(1) IN GENERAL.—The Secretary shall, where  
16 feasible, enter into agreements with the heads of ap-  
17 propriate Federal departments and agencies, includ-  
18 ing the Department of Health and Human Services,  
19 Department of Defense, the Department of Agri-  
20 culture, the Department of State, the Department of  
21 Interior, and the Intelligence Community.

22 “(2) CONTENT OF AGREEMENTS.—Under an  
23 agreement entered into under paragraph (1), the  
24 head of a Federal department or agency shall agree  
25 to—

1           “(A) use the best efforts of the department  
2 or agency to integrate biosurveillance informa-  
3 tion capabilities through NBIC;

4           “(B) provide timely, evaluated information  
5 to assist the NBIC in maintaining biological sit-  
6 uational awareness for timely and accurate de-  
7 tection and response purposes;

8           “(C) provide connectivity for the bio-  
9 surveillance data systems of the department or  
10 agency to the NBIC network under mutually  
11 agreed protocols;

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

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

19           “(F) participate in forming the strategy  
20 and policy for the operation and information  
21 sharing practices of the NBIC.

22           “(e) NOTIFICATION OF DIRECTOR.—The Secretary  
23 shall ensure that the Director is notified of homeland secu-  
24 rity information relating to any significant biological

1 threat and receives all classified and unclassified reports  
2 related to such a threat in a timely manner.

3 “(f) ADMINISTRATIVE AUTHORITIES.—

4 “(1) PRIVACY.—The Secretary shall—

5 “(A) designate the NBIC as a public  
6 health authority;

7 “(B) ensure that the NBIC complies with  
8 any applicable requirements of the Health In-  
9 surance Portability and Accountability Act of  
10 1996; and

11 “(C) ensure that all applicable privacy reg-  
12 ulations are strictly adhered to in the operation  
13 of the NBIC and the sharing of any informa-  
14 tion related to the NBIC.

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

22 “(g) NBIC INTERAGENCY WORKING GROUP.—The  
23 Director shall—

24 “(1) establish an interagency working group to  
25 facilitate interagency cooperation to advise the Di-

1 rector on recommendations to enhance the bio-  
2 surveillance capabilities of the Department; and

3 “(2) invite officials of Federal agencies that  
4 conduct biosurveillance programs, including officials  
5 of the departments and agencies with which the Sec-  
6 retary has entered into an agreement under sub-  
7 section (d), to participate in the working group.

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

11 “(1) A list of departments, agencies, and pri-  
12 vate or nonprofit entities participating in the NBIC  
13 and a description of the data that each entity has  
14 contributed to the NBIC during the preceding fiscal  
15 year.

16 “(2) The schedule for obtaining access to any  
17 relevant biosurveillance information not received by  
18 the NBIC as of the date on which the report is sub-  
19 mitted.

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

24 “(4) For any year before the NBIC is fully im-  
25 plemented or any year in which any major structural

1 or institutional change is made to the NBIC, an im-  
2 plementation plan for the NBIC that includes cost,  
3 schedule, key milestones, and the status of such  
4 milestones.

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

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

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

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

18 “(2) a naturally occurring outbreak of an infec-  
19 tious disease that may be of potential national sig-  
20 nificance.”.

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

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

24 (c) DEADLINE FOR IMPLEMENTATION.—The Na-  
25 tional Biosurveillance Integration Center required under

1 section 316 of the Homeland Security Act of 2002, as  
2 added by subsection (a), shall be fully operational by not  
3 later than September 30, 2008.

4 **SEC. 605. RISK ANALYSIS PROCESS AND INTEGRATED CBRN**  
5 **RISK ASSESSMENT.**

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

9 **“SEC. 317. RISK ANALYSIS PROCESS AND INTEGRATED**  
10 **CBRN RISK ASSESSMENT.**

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

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

21 “(c) PURPOSE.—The purpose of the risk analysis  
22 process developed under subsection (a) and the integrated  
23 risk assessment conducted under subsection (b) shall be  
24 to identify high risk agents, determine how best to miti-

1 gate those risks, and guide resource allocation. Such risk  
2 analysis shall—

3 “(1) facilitate satisfaction of the requirements  
4 of section 602;

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

8 “(3) identify key knowledge gaps or  
9 vulnerabilities in the CBRN defense posture of the  
10 Department;

11 “(4) enable rebalancing and refining of invest-  
12 ments within individual classes of threat agents as  
13 well as across such classes; and

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

21 “(d) RISK INFORMATION.—

22 “(1) CLASSES OF THREAT AGENTS.—In devel-  
23 oping the risk analysis process under subsection (a)  
24 and conducting the risk assessment under subsection

1 (b), the Secretary shall consider risks posed by the  
2 following 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  
16 toxins;

17 “(ii) enhanced agents, which are de-  
18 fined as traditional agents that have been  
19 modified or selected to enhance their abil-  
20 ity to harm human populations or cir-  
21 cumvent 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 oth-  
9 erwise 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 de-  
21 veloped under subsection (a) shall be informed by  
22 findings of the intelligence and law enforcement  
23 communities and integrated with expert input from  
24 the scientific, medical, and public health commu-

1 nities, including from relevant components of the  
2 Department 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  
6 the degree of uncertainty and variability in the avail-  
7 able scientific information and other information  
8 about the classes of threat agents under paragraph  
9 (1). An external review shall be conducted to assess  
10 the ability of the risk analysis process developed by  
11 the Secretary to address areas of large degrees of  
12 uncertainty.

13 “(4) NEW INFORMATION.—The Secretary shall  
14 frequently and systematically update the risk assess-  
15 ment conducted under subsection (b), as needed, to  
16 incorporate emerging intelligence information or  
17 technological changes in order to keep pace with  
18 evolving threats and rapid scientific advances.

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

21 “(1) consider, as variables—

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

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

1           “(C) consequence, or the likely impact of  
2           an attack;

3           “(2) evaluate the consequence component of  
4           risk as it relates to mortality, morbidity, and eco-  
5           nomic effects;

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  
12          with 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  
17          be 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  
24          that all risk analysis activities with respect to radiological

1 or nuclear materials shall be conducted in coordination  
2 with 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,  
6 integrated, CBRN risk assessment required under  
7 subsection (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-  
10 hance the transparency and usability of the risk  
11 analysis process developed under subsection (a).

12 “(2) UPDATES TO REPORT.—The Secretary  
13 shall submit to Congress updates to the findings and  
14 report in paragraph (1), when appropriate, but by  
15 not later than two years after the date on which the  
16 initial report is submitted. Such updates shall reflect  
17 improvements in the risk analysis process developed  
18 under subsection (a).”.

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

“Sec. 317. Risk analysis process and integrated CBRN risk assessment.”.

1 **TITLE VII—HOMELAND SECUR-**  
2 **RITY CYBERSECURITY IM-**  
3 **PROVEMENTS**

4 **SEC. 701. CYBERSECURITY AND COMMUNICATIONS.**

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

8 **“SEC. 226. OFFICE OF CYBERSECURITY AND COMMUNICA-**  
9 **TIONS.**

10 “(a) IN GENERAL.—There shall be within the De-  
11 partment of Homeland Security an Office of Cybersecurity  
12 and Communications, which shall be headed by the Assist-  
13 ant Secretary for Cybersecurity and Communications.

14 “(b) DUTY OF THE ASSISTANT SECRETARY.—The  
15 Assistant Secretary shall assist the Secretary in carrying  
16 out the responsibilities of the Department regarding  
17 cybersecurity and communications.

18 “(c) RESPONSIBILITIES.—The Assistant Secretary  
19 shall be responsible for overseeing preparation, situational  
20 awareness, response, reconstitution, and mitigation nec-  
21 essary for cybersecurity and to protect communications  
22 from terrorist attacks, major disasters, and other emer-  
23 gencies, including large-scale disruptions, and shall con-  
24 duct the following activities to execute those responsibil-  
25 ities:

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

3           “(A) Establish and maintain a capability  
4           within the Department for ongoing activities to  
5           identify threats to critical information infra-  
6           structure to aid in detection of vulnerabilities  
7           and warning of potential acts of terrorism and  
8           other attacks.

9           “(B) Conduct risk assessments on critical  
10          information infrastructure with respect to acts  
11          of terrorism and other large-scale disruptions,  
12          identify and prioritize vulnerabilities in critical  
13          information infrastructure, and coordinate the  
14          mitigation of such vulnerabilities.

15          “(C) Develop a plan for the continuation  
16          of critical information operations in the event of  
17          a cyber attack or other large-scale disruption of  
18          the information infrastructure of the United  
19          States.

20          “(D) Oversee an emergency communica-  
21          tions system in the event of an act of terrorism  
22          or other large-scale disruption of the informa-  
23          tion infrastructure of the United States.

24          “(2) RESPONSE AND RECONSTITUTION.—

1           “(A) Define what qualifies as a cyber inci-  
2           dent of national significance for purposes of the  
3           National Response Plan.

4           “(B) Ensure that the Department’s prior-  
5           ities, procedures, and resources are in place to  
6           reconstitute critical information infrastructures  
7           in the event of an act of terrorism or other  
8           large-scale disruption.

9           “(3) MITIGATION.—

10           “(A) Develop a national cybersecurity  
11           awareness, training, and education program  
12           that promotes cybersecurity awareness within  
13           the Federal Government and throughout the  
14           Nation.

15           “(B) Consult and coordinate with the  
16           Under Secretary for Science and Technology on  
17           cybersecurity research and development to  
18           strengthen critical information infrastructure  
19           against acts of terrorism and other large-scale  
20           disruptions.

21           “(d) DEFINITION.—In this section the term ‘critical  
22           information infrastructure’ means systems and assets,  
23           whether physical or virtual, used in processing, transfer-  
24           ring, and storing information so vital to the United States  
25           that the incapacity or destruction of such systems and as-

1 sets would have a debilitating impact on security, national  
2 economic security, national public health or safety, or any  
3 combination of those matters.”.

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

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

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

9 (a) IN GENERAL.—The Under Secretary for Science  
10 and Technology shall support research, development, test-  
11 ing, evaluation, and transition of cybersecurity technology,  
12 including fundamental, long-term research to improve the  
13 ability of the United States to prevent, protect against,  
14 detect, respond to, and recover from acts of terrorism and  
15 cyber attacks, with emphasis on research and development  
16 relevant to large-scale, high-impact attacks.

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

19 (1) advance the development and accelerate the  
20 deployment of more secure versions of fundamental  
21 Internet protocols and architectures, including for  
22 the domain name system and routing protocols;

23 (2) improve and create technologies for detect-  
24 ing attacks or intrusions, including monitoring tech-  
25 nologies;

1           (3) improve and create mitigation and recovery  
2 methodologies, including techniques for containment  
3 of attacks and development of resilient networks and  
4 systems that degrade gracefully;

5           (4) develop and support infrastructure and tools  
6 to support cybersecurity research and development  
7 efforts, including modeling, testbeds, and data sets  
8 for assessment of new cybersecurity technologies;

9           (5) assist the development and support of tech-  
10 nologies to reduce vulnerabilities in process control  
11 systems (PCS); and

12           (6) test, evaluate, and facilitate the transfer of  
13 technologies associated with the engineering of less  
14 vulnerable software and securing the IT software de-  
15 velopment lifecycle.

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

19           (1) the Assistant Secretary for Cybersecurity  
20 and Communications; and

21           (2) other Federal agencies, including the Na-  
22 tional Science Foundation, the Defense Advanced  
23 Research Projects Agency, the Information Assur-  
24 ance Directorate of the National Security Agency,  
25 the National Institute of Standards and Technology,

1 the Department of Commerce, and other appropriate  
2 working groups established by the President to identify  
3 unmet needs and cooperatively support activities,  
4 as appropriate.

5 (d) **AUTHORIZATION OF APPROPRIATIONS.**—Of the  
6 amount authorized by section 101, there is authorized to  
7 be appropriated for the Department of Homeland Security  
8 for fiscal year 2008, \$50,000,000, for the cybersecurity  
9 research and development activities of the Directorate for  
10 Science and Technology to prevent, detect, and respond  
11 to acts of terrorism and other large-scale disruptions to  
12 information infrastructure.

13 **SEC. 703. COLLABORATION.**

14 In carrying out this title, the Assistant Secretary of  
15 Homeland Security for Cybersecurity and Communica-  
16 tions shall collaborate with any Federal entity that, under  
17 law, has authority over the activities set forth in this title.

18 **TITLE VIII—SCIENCE AND**  
19 **TECHNOLOGY IMPROVEMENTS**

20 **SEC. 801. REPORT TO CONGRESS ON STRATEGIC PLAN.**

21 Not later than 120 days after the date of enactment  
22 of this Act, the Under Secretary for Science and Tech-  
23 nology shall transmit to Congress the strategic plan de-  
24 scribed in section 302(2) of the Homeland Security Act  
25 of 2002 (6 U.S.C. 182(2)). In addition to the require-

1 ments described in that section 302(2), the strategic plan  
2 transmitted under this section shall include—

3           (1) a strategy to enhance the Directorate for  
4           Science and Technology workforce, including edu-  
5           cation and training programs, improving morale,  
6           minimizing turnover, strengthening workforce re-  
7           cruitment, and securing institutional knowledge;

8           (2) the Department policy describing the proce-  
9           dures by which the Directorate for Science and  
10          Technology hires and administers assignments to in-  
11          dividuals assigned to the Department as detailees  
12          under an arrangement described in subchapter VI of  
13          chapter 33 of title 5, United States Code;

14          (3) the Department policy governing the re-  
15          sponsibilities of the Under Secretary for Science and  
16          Technology, the Under Secretary for Policy, and the  
17          Under Secretary for Management, and the oper-  
18          ational components of the Department regarding re-  
19          search, development, testing, evaluation, and pro-  
20          curement of homeland security technologies;

21          (4) a description of the methodology by which  
22          research, development, testing, and evaluation is  
23          prioritized and funded by the Directorate for Science  
24          and Technology;

1           (5) a description of the performance measure-  
2           ments to be used or a plan to develop performance  
3           measurements that can be used to annually evaluate  
4           the Directorate for Science and Technology's activi-  
5           ties, mission performance, and stewardship of re-  
6           sources;

7           (6) a plan for domestic and international co-  
8           ordination of all related programs and activities  
9           within the Department and throughout Federal  
10          agencies, State, local, and tribal governments, the  
11          emergency responder community, industry, and aca-  
12          demia;

13          (7) a plan for leveraging the expertise of the  
14          National Laboratories, the process for allocating  
15          funding to the National Laboratories, and a plan for  
16          fulfilling existing National Laboratory infrastructure  
17          commitments to maintain current capabilities and  
18          meet mission needs; and

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

21                 (A) a mission statement;

22                 (B) a description of the Department's high  
23                 risk and high payoff research, development,  
24                 test, and evaluation strategy; and

1 (C) internal policies designed to encourage  
2 innovative solutions.

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

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

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

17 (c) CENTERS OF EXCELLENCE PROGRAM PARTICIPA-  
18 TION.—

19 (1) REQUIREMENT.—If, by the date of the en-  
20 actment of this Act, the Secretary of Homeland Se-  
21 curity has not selected a Minority Serving Institu-  
22 tion to participate as a Center of Excellence under  
23 the Department of Homeland Security Centers of  
24 Excellence Program, at least one of the next four  
25 Centers of Excellence selected after the date of en-

1 actment of this Act shall be an otherwise eligible ap-  
2 plicant that is a Minority Serving Institution.

3 (2) MINORITY SERVING INSTITUTION DE-  
4 FINED.—In this subsection the term “Minority Serv-  
5 ing Institution” means—

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

10 (B) an Hispanic-serving institution (as  
11 that term is defined in section 502 of the High-  
12 er Education Act of 1965 (20 U.S.C. 1101a);  
13 or

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

18 **SEC. 803. NATIONAL RESEARCH COUNCIL STUDY OF UNI-**  
19 **VERSITY PROGRAMS.**

20 (a) STUDY.—Not later than 3 months after the date  
21 of enactment of this Act, the Under Secretary for Science  
22 and Technology of the Department of Homeland Security  
23 shall seek to enter into an agreement with the National  
24 Research Council of the National Academy of Sciences to  
25 conduct a study to assess the University Programs of the

1 Department, with an emphasis on the Centers of Excel-  
2 lence Program and the future plans for these programs,  
3 and make recommendations for appropriate improve-  
4 ments.

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

6 (1) a review of key areas of study needed to  
7 support the homeland security mission, and criteria  
8 that should be utilized to determine those key areas  
9 for which the Department should maintain or estab-  
10 lish 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 Cen-  
14 ters of Excellence in supporting the mission of the  
15 Directorate of Science and Technology and the most  
16 advantageous relationship between the Centers of  
17 Excellence and the Directorate and the Department  
18 components the Directorate serves;

19 (4) an examination of the length of time the  
20 Centers of Excellence should be awarded funding  
21 and the frequency of the review cycle in order to  
22 maintain such funding, particularly given their focus  
23 on basic, 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 dis-  
2 seminating the research results of established Cen-  
3 ters of Excellence within the Department, and to  
4 other Federal, 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  
13 conduct 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 rec-  
18 ommendations, to the appropriate Congressional commit-  
19 tees not later than 24 months after the date of enactment  
20 of this Act.

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

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

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

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

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

1 of the litigation and risk management provisions of  
2 the SAFETY Act to antiterrorism technologies pro-  
3 cured by the Department; and

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

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

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

19 (a) IN GENERAL.—Title III of the Homeland Secu-  
20 rity Act of 2002 (6 U.S.C. 181 et seq.) is further amended  
21 by 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  
2 the Director selected under subsection (b)(2).

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

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

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

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

13           “(D) training of scientists and engineers;

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

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

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

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

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

1 land Security International Cooperative Programs  
2 Office.

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

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

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

9 “(3) RESPONSIBILITIES.—

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

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

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

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

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

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

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

5 “(c) INTERNATIONAL COOPERATIVE ACTIVITIES.—

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

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

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

1 research and development and comparative testing  
2 purposes.

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

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

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

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

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

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

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

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

21                       “(B) a list of international cooperative ac-  
22 tivities underway, including the participants,  
23 goals, expected duration, and amount and  
24 sources of funding, including resources provided

1 to support the activities in lieu of direct fund-  
2 ing.

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

9 (b) CLERICAL AMENDMENT.—The table of contents  
10 for the Homeland Security Act of 2002 is further amended  
11 by adding at the end of the items relating to such title  
12 the following new item:

“Sec. 319. Promoting antiterrorism through international cooperation pro-  
gram.”.

13 **SEC. 806. AVAILABILITY OF TESTING FACILITIES AND**  
14 **EQUIPMENT.**

15 (a) AUTHORITY.—The Under Secretary for Science  
16 and Technology or his designee may make available to any  
17 person or entity, for an appropriate fee, the services of  
18 any Department of Homeland Security owned and oper-  
19 ated center, or other testing facility for the testing of ma-  
20 terials, equipment, models, computer software, and other  
21 items designed to advance the homeland security mission.

22 (b) INTERFERENCE WITH FEDERAL PROGRAMS.—  
23 The Under Secretary for Science and Technology shall en-  
24 sure that the testing of materiel and other items not

1 owned by the Government shall not cause government per-  
2 sonnel or other government resources to be diverted from  
3 scheduled tests of Government materiel or otherwise inter-  
4 fere with Government mission requirements.

5 (c) CONFIDENTIALITY OF TEST RESULTS.—The re-  
6 sults of tests performed with services made available under  
7 subsection (a) and any associated data provided by the  
8 person or entity for the conduct of such tests are trade  
9 secrets or commercial or financial information that is priv-  
10 ileged or confidential within the meaning of section  
11 552b(4) of title 5, United States Code, and may not be  
12 disclosed outside the Federal Government without the con-  
13 sent of the person or entity for whom the tests are per-  
14 formed.

15 (d) FEES.—The fees for exercising the authorities  
16 under subsection (a) may not exceed the amount necessary  
17 to recoup the direct and indirect costs involved, such as  
18 direct costs of utilities, contractor support, and salaries  
19 of personnel that are incurred by the United States to pro-  
20 vide for the testing.

21 (e) USE OF FEES.—The fees for exercising the au-  
22 thorities under subsection (a) shall be credited to the ap-  
23 propriations or other funds of the Directorate of Science  
24 and Technology.

1       (f) OPERATIONAL PLAN.—Not later than 90 days  
2 after the date of the enactment of this Act, the Under  
3 Secretary for Science and Technology shall submit to Con-  
4 gress a report detailing a plan for operating a program  
5 that would allow any person or entity, for an appropriate  
6 fee, to use any center or testing facility owned and oper-  
7 ated by the Department of Homeland Security for testing  
8 of materials, equipment, models, computer software, and  
9 other items designed to advance the homeland security  
10 mission. The plan shall include—

11           (1) a list of the facilities and equipment that  
12       could be made available to such persons or entities;

13           (2) a five-year budget plan, including the costs  
14       for facility construction, staff training, contract and  
15       legal fees, equipment maintenance and operation,  
16       and any incidental costs associated with the pro-  
17       gram;

18           (3) A five-year estimate of the number of users  
19       and fees to be collected;

20           (4) a list of criteria for selecting private-sector  
21       users from a pool of applicants, including any spe-  
22       cial requirements for foreign applicants; and

23           (5) an assessment of the effect the program  
24       would have on the ability of a center or testing facil-

1       ity to meet its obligations under other Federal pro-  
2       grams.

3       (g) REPORT TO CONGRESS.—The Under Secretary  
4 for Science and Technology shall submit to Congress an  
5 annual report containing a list of the centers and testing  
6 facilities that have collected fees under this section, the  
7 amount of fees collected, a brief description of each part-  
8 nership formed under this section, and the purpose for  
9 which the testing was conducted.

10       (h) GAO.—Not later than two years after the date  
11 of the enactment of this Act, the Comptroller General shall  
12 submit to Congress an assessment of the implementation  
13 of this section.

## 14       **TITLE IX—BORDER SECURITY** 15       **IMPROVEMENTS**

### 16       **SEC. 901. US-VISIT.**

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

1 and Immigrant Status Indicator Technology program or  
2 US–VISIT) established under the section and other laws  
3 described in subsection (b) of such section. The com-  
4 prehensive strategy shall include an action plan for full  
5 implementation of the biometric exit component of US–  
6 VISIT, as required under subsection (d) of section 7208  
7 of such Act.

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

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

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

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

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

24 (c) AIRPORT AND SEAPORT EXIT IMPLEMENTA-  
25 TION.—Not later than December 31, 2008, the Secretary

1 of Homeland Security shall complete the exit portion of  
2 the biometric entry and exit data system referred to in  
3 subsection (a) for aliens arriving in or departing from the  
4 United States at an airport or seaport.

5 (d) PROHIBITION ON TRANSFER.—The Secretary of  
6 Homeland Security shall not transfer to the National Pro-  
7 tection and Programs Directorate of the Department of  
8 Homeland Security the office of the Department that car-  
9 ries out the biometric entry and exit data system referred  
10 to in subsection (a) until the Secretary submits to the  
11 committees specified in such subsection the action plan re-  
12 ferred to in such subsection for full implementation of the  
13 biometric exit component of US-VISIT at all ports of  
14 entry.

15 **SEC. 902. SHADOW WOLVES PROGRAM.**

16 Of the amount authorized by section 101, there is  
17 authorized to be appropriated \$4,100,000 for fiscal year  
18 2008 for the Shadow Wolves program.

19 **SEC. 903. COST-EFFECTIVE TRAINING FOR BORDER PA-**  
20 **TROL AGENTS.**

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

1           (1) permitting individuals who are in training  
2 to become Border Patrol agents to waive certain  
3 course requirements of such training if such individ-  
4 uals have earlier satisfied such requirements in a  
5 similar or comparable manner as determined by the  
6 Secretary; and

7           (2) directing the Office of Inspector General to  
8 conduct a review of the costs and feasibility of train-  
9 ing new Border Patrol agents at Federal training  
10 centers, including the Federal Law Enforcement  
11 Training Center facility in Charleston, South Caro-  
12 lina, and the HAMMER facility in Hanford, Wash-  
13 ington, and at training facilities operated by State  
14 and local law enforcement academies, non-profit en-  
15 tities, and private entities, including institutions in  
16 the southwest border region, as well as the use of all  
17 of the above to conduct 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 2008  
23 per-agent cost of hiring, training, and deploying  
24 each new Border Patrol agent does not exceed  
25 \$150,000.

1           (2) EXCEPTION AND CERTIFICATION.—If the  
2 Secretary determines that the per-agent cost re-  
3 ferred to in paragraph (1) exceeds \$150,000, the  
4 Secretary shall promptly submit to the Committee  
5 on Homeland Security of the House of Representa-  
6 tives and the Committee on Homeland Security and  
7 Governmental Affairs of the Senate a certification  
8 explaining why such per-agent cost exceeds such  
9 amount.

10 **SEC. 904. REPORT ON IMPLEMENTATION OF THE STUDENT**  
11 **AND EXCHANGE VISITOR PROGRAM.**

12       Not later than 180 days after the date of the enact-  
13 ment of this Act, the Comptroller General shall submit  
14 to the appropriate congressional committees a report to  
15 update the Government Accountability Office report of  
16 June 18, 2004, GAO-04-690, on the Student and Ex-  
17 change Visitor Program (referred to in this section as  
18 “SEVP”) and specifically the Student and Exchange Vis-  
19 itor Information System (referred to in this section as  
20 “SEVIS”). The report shall include the following informa-  
21 tion:

22           (1) The rate of compliance with the current  
23 SEVIS requirements by program sponsors and edu-  
24 cational institutions, including non-academic institu-  
25 tions authorized to admit students under SEVIS.

1           (2) Whether there are differences in compliance  
2 rates among different types and sizes of institutions  
3 participating in SEVIS.

4           (3) Whether SEVIS adequately ensures that  
5 each covered foreign student or exchange visitor in  
6 nonimmigrant status is, in fact, actively partici-  
7 pating in the program for which admission to the  
8 United States was granted.

9           (4) Whether SEVIS includes data fields to en-  
10 sure that each covered foreign student or exchange  
11 visitor in nonimmigrant status is meeting minimum  
12 academic or program standards and that major  
13 courses of study are recorded, especially those that  
14 may be of national security concern.

15           (5) Whether the Secretary of Homeland Secu-  
16 rity provides adequate access, training, and technical  
17 support to authorized users from the sponsoring pro-  
18 grams and educational institutions in which covered  
19 foreign students and exchange visitors in a non-  
20 immigrant status are enrolled.

21           (6) Whether each sponsoring program or edu-  
22 cational institution participating in SEVP has des-  
23 ignated enough authorized users to comply with  
24 SEVIS requirements.

1           (7) Whether authorized users at program spon-  
2 sors or educational institutions are adequately vetted  
3 and trained.

4           (8) Whether the fees collected are adequate to  
5 support SEVIS.

6           (9) Whether there any new authorities, capabili-  
7 ties, or resources needed for SEVP and SEVIS to  
8 fully perform.

9 **SEC. 905. ASSESSMENT OF RESOURCES NECESSARY TO RE-**  
10 **DUCE CROSSING TIMES AT LAND PORTS OF**  
11 **ENTRY.**

12       The Secretary of Homeland Security shall, not later  
13 than 180 days after the date of the enactment of this Act,  
14 conduct an assessment, and submit a report to the Con-  
15 gress, on the personnel, infrastructure, and technology re-  
16 quired to reduce border crossing wait times for pedestrian,  
17 commercial, and non-commercial vehicular traffic at land  
18 ports of entry into the United States to wait times less  
19 than prior to September 11, 2001, while ensuring appro-  
20 priate security checks continue to be conducted.

21 **SEC. 906. REPORT BY GOVERNMENT ACCOUNTABILITY OF-**  
22 **FICE REGARDING POLICIES AND PROCE-**  
23 **DURES OF THE BORDER PATROL.**

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

1 of the United States shall submit to the Committee on  
2 Homeland Security of the House of Representatives and  
3 the Committee on Homeland Security and Governmental  
4 Affairs of the Senate a report regarding the policies and  
5 procedures of the Border Patrol pertaining to the use of  
6 lethal and non-lethal force and the pursuit of fleeing vehi-  
7 cles, including data on the number of incidents in which  
8 lethal or non-lethal force was used and any penalties that  
9 were imposed on Border Patrol agents as a result of such  
10 use.

11 (b) CONSULTATION.—

12 (1) REQUIREMENT.—In complying with this  
13 section, the Comptroller General shall consult with  
14 Customs and Border Protection and with represent-  
15 atives of the following:

16 (A) State and local law enforcement agen-  
17 cies located along the northern and southern  
18 international borders of the United States.

19 (B) The National Border Patrol Council.

20 (C) The National Association of Former  
21 Border Patrol Officers.

22 (D) Human rights groups with experience  
23 regarding aliens who cross the international  
24 land borders of the United States.

1           (E) Any other group that the Comptroller  
2           General determines would be appropriate.

3           (2) INCLUSION OF OPINIONS.—The Comptroller  
4           General shall attach written opinions provided by  
5           groups referenced to in paragraph (1) as appendices  
6           to the report.

7 **SEC. 907. REPORT ON INTEGRATED BORDER ENFORCE-**  
8 **MENT TEAM INITIATIVE.**

9           Not later than 1 year after the date of the enactment  
10          of this Act, the Secretary of Homeland Security shall sub-  
11          mit a report to the Congress on the status of the Inte-  
12          grated Border Enforcement Team (IBET) initiative. The  
13          report should include an analysis of current resources allo-  
14          cated to IBETs, an evaluation of progress made since the  
15          inception of the program, and recommendations as to the  
16          level of resources that would be required to improve the  
17          program's effectiveness in the future.

18 **SEC. 908. STOLEN AND LOST TRAVEL DOCUMENT DATA-**  
19 **BASE.**

20          (a) IN GENERAL.—The Secretary of Homeland Secu-  
21          rity, acting through the Commissioner of United States  
22          Customs and Border Protection, shall, as expeditiously as  
23          possible, implement at primary inspection points at United  
24          States ports of entry the Stolen and Lost Travel Docu-  
25          ment database managed by Interpol.

1 (b) REPORT.—Not later than one year after the date  
2 of the enactment of this Act, the Secretary shall submit  
3 to the appropriate congressional committees (as defined  
4 in section 2 of the Homeland Security Act of 2002 (6  
5 U.S.C. 101)) a report on the implementation required  
6 under subsection (a).

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

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

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

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

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

24 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
25 is authorized to be appropriated to the Secretary such

1 sums as are necessary for the Secretary to carry out the  
2 purpose of the State and Local Fusion Center Program,  
3 including for—

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

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

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

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

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

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

1 2002 (including provisions enacted by the amendments  
2 made by those sections), as in effect before the effective  
3 date of this section.

4 **SEC. 1002. FUSION CENTER PRIVACY AND CIVIL LIBERTIES**  
5 **TRAINING PROGRAM.**

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

9 **“SEC. 203. FUSION CENTER PRIVACY AND CIVIL LIBERTIES**  
10 **TRAINING PROGRAM.**

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

20 “(b) MANDATORY TRAINING.—

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

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

3 “(2) FUSION CENTER REPRESENTATIVES.—As  
4 a condition of receiving a grant from the Depart-  
5 ment, a fusion center shall require each State, local,  
6 tribal, or private sector representative of the fusion  
7 center to successfully complete training under the  
8 program established under subsection (a) not later  
9 than six months after the date on which the State  
10 or local fusion center at which the employee is em-  
11 bedded receives a grant from the Department.

12 “(c) CONTENTS OF TRAINING.—Training provided  
13 under the program established under subsection (a) shall  
14 include training in Federal law in each of the following:

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

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

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

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

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

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

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

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

19          “(e) AUTHORIZATION OF APPROPRIATIONS.—Of the  
20          amounts authorized by section 101, there are authorized  
21          to be appropriate to carry out this section—

22                 “(1) \$3,000,000 for each of fiscal years 2008  
23                 through 2013; and

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

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

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

4 **SEC. 1003. AUTHORITY TO APPOINT AND MAINTAIN A**  
5 **CADRE OF FEDERAL ANNUITANTS FOR THE**  
6 **OFFICE OF INFORMATION ANALYSIS.**

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

8 (1) the term “IA” means the Office of Informa-  
9 tion Analysis;

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 Assistant Secretary for Information Anal-  
20 ysis) may, for the purpose of accelerating the ability of  
21 the IA to perform its statutory duties under the Homeland  
22 Security Act of 2002, appoint annuitants to positions in  
23 the IA in accordance with succeeding provisions of this  
24 section, except that no authority under this subsection

1 shall be available unless the Secretary provides to Con-  
2 gress a certification that—

3           (1) the Secretary has submitted a request  
4           under section 8344(i) or 8468(f) of title 5, United  
5           States Code, on or after the date of the enactment  
6           of this Act, with respect to positions in the IA;

7           (2) the request described in paragraph (1) was  
8           properly filed; and

9           (3) the Office of Personnel Management has  
10          not responded to the request described in paragraph  
11          (1), by either approving, denying, or seeking more  
12          information regarding such request, within 90 days  
13          after the date on which such request was filed.

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

23          (d) **LIMITATIONS.**—No appointment under subsection  
24 (b) may be made if such appointment would result in the  
25 displacement of any employee or would cause the total

1 number of positions filled by annuitants appointed under  
2 such subsection to exceed 100 as of any time (determined  
3 on a full-time equivalent basis).

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

8 (f) TERMINATION OF AUTHORITY.—Effective 2 years  
9 after the date of the enactment of this Act—

10 (1) all authority to make appointments under  
11 subsection (b) shall cease to be available; and

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

14 **TITLE XI—MISCELLANEOUS**  
15 **PROVISIONS**

16 **SEC. 1101. RURAL HOMELAND SECURITY TRAINING INITIA-**  
17 **TIVE.**

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

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

4           (2) DEVELOPMENT OF TRAINING PROGRAMS.—  
5 The Secretary shall develop expert training pro-  
6 grams designed to respond to the needs of such  
7 areas, including, but not limited to, those pertaining  
8 to rural homeland security responses including pro-  
9 tections for privacy, and civil rights and civil lib-  
10 erties.

11          (3) PROVISION OF TRAINING PROGRAMS.—The  
12 Secretary shall provide to such areas the training  
13 programs developed under paragraph (2).

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

20          (b) NO DUPLICATION OR DISPLACEMENT OF CUR-  
21 RENT PROGRAMS.—Any training program developed  
22 under paragraph (2) of subsection (a) and any training  
23 provided by the program pursuant to such subsection shall  
24 be developed or provided, respectively, in a manner so as

1 to not duplicate or displace any program in existence on  
2 the date of the enactment of this section.

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

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

16 **SEC. 1102. CRITICAL INFRASTRUCTURE STUDY.**

17 The Secretary of Homeland Security shall work with  
18 the Center for Risk and Economic Analysis of Terrorism  
19 Events (CREATE), led by the University of Southern  
20 California, to evaluate the feasibility and practicality of  
21 creating further incentives for private sector stakeholders  
22 to share protected critical infrastructure information with  
23 the Department for homeland security and other purposes.

1 **SEC. 1103. TERRORIST WATCH LIST AT HIGH-RISK CRIT-**  
2 **ICAL INFRASTRUCTURE.**

3 From amounts authorized under section 101, there  
4 may be appropriated such sums as are necessary for the  
5 Secretary of Homeland Security to require each owner or  
6 operator of a Tier I or Tier II critical infrastructure site  
7 as selected for the Buffer Zone Protection Program, to  
8 conduct checks of their employees against available ter-  
9 rorist watch lists.

10 **SEC. 1104. AUTHORIZED USE OF SURPLUS MILITARY VEHI-**  
11 **CLES.**

12 The Secretary of Homeland Security shall include  
13 United States military surplus vehicles having dem-  
14 onstrated utility for responding to terrorist attacks, major  
15 disasters, and other emergencies on the Authorized Equip-  
16 ment List in order to allow State, local, and tribal agencies  
17 to purchase, modify, upgrade, and maintain such vehicles  
18 using homeland security assistance administered by the  
19 Department of Homeland Security.

20 **SEC. 1105. COMPUTER CAPABILITIES TO SUPPORT REAL-**  
21 **TIME INCIDENT MANAGEMENT.**

22 From amounts authorized under section 101, there  
23 are authorized such sums as may be necessary for the Sec-  
24 retary of Homeland Security to encourage the develop-  
25 ment and use of software- or Internet-based computer ca-  
26 pabilities to support real-time incident management by

1 Federal, State, local, and tribal agencies. Such software-  
2 based capabilities shall be scalable and not be based on  
3 proprietary systems to ensure the compatibility of Federal,  
4 State, local, and tribal first responder agency incident  
5 management systems. In the development and implemen-  
6 tation of such computer capabilities, the Secretary shall  
7 consider the feasibility and desirability of including the fol-  
8 lowing capabilities:

- 9 (1) Geographic information system data.
- 10 (2) Personnel, vehicle, and equipment tracking  
11 and monitoring.
- 12 (3) Commodity tracking and other logistics  
13 management.
- 14 (4) Evacuation center and shelter status track-  
15 ing.
- 16 (5) Such other capabilities as determined ap-  
17 propriate by the Secretary.

18 **SEC. 1106. EXPENDITURE REPORTS AS A CONDITION OF**  
19 **HOMELAND SECURITY GRANTS.**

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

1 **“SEC. 890A. EXPENDITURE REPORTS AS A CONDITION OF**  
2 **HOMELAND SECURITY GRANTS.**

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

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

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

16 “(3) EXCLUDED PROGRAMS.—This section shall  
17 not apply to or otherwise affect any grant issued  
18 under the Robert T. Stafford Disaster Relief and  
19 Emergency Assistance Act (42 U.S.C. 5121 et seq.)  
20 or the Federal Fire Prevention and Control Act of  
21 1974 (15 U.S.C. 2201 et seq.).

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

1 the nature and amount of each expenditure covered by the  
2 report.

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

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

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

10 **SEC. 1107. ENCOURAGING USE OF COMPUTERIZED TRAIN-**  
11 **ING AIDS.**

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

18 **SEC. 1108. METROPOLITAN MEDICAL RESPONSE SYSTEM**  
19 **PROGRAM.**

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

1 **“SEC. 522. METROPOLITAN MEDICAL RESPONSE SYSTEM**  
2 **PROGRAM.**

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

6 “(b) PURPOSE.—The purpose of the program shall  
7 be to support local jurisdictions in enhancing and main-  
8 taining all-hazards response capabilities to manage mass  
9 casualty incidents (including terrorist acts using chemical,  
10 biological, radiological, nuclear agents, or explosives,  
11 large-scale hazardous materials incidents, epidemic disease  
12 outbreaks, and natural disasters) by systematically en-  
13 hancing and integrating first responders, public health  
14 personnel, emergency management personnel, business  
15 representatives, and volunteers.

16 “(c) PROGRAM ADMINISTRATION.—The Assistant  
17 Secretary for Health Affairs shall develop the pro-  
18 grammatic and policy guidance for the program in coordi-  
19 nation with the Administrator of the Federal Emergency  
20 Management Agency.

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

24 “(e) FINANCIAL ASSISTANCE.—

25 “(1) ADMINISTRATION.—The Administrator of  
26 the Federal Emergency Management Agency shall

1 administer financial assistance provided to State and  
2 local jurisdictions under the program.

3 “(2) ASSISTANCE TO LOCAL JURISDICTIONS.—

4 In providing financial assistance to a State under  
5 the program, the Administrator shall ensure that  
6 100 percent of the amount of such assistance is allo-  
7 cated by the State to local jurisdictions, except that  
8 a State may retain up to 20 percent of the amount  
9 of such assistance to facilitate integration between  
10 the State and the local jurisdiction pursuant to a  
11 written agreement between the State and the chair  
12 of the Metropolitan Medical Response System steer-  
13 ing committee.

14 “(3) MUTUAL AID.—

15 “(A) AGREEMENTS.—Local jurisdictions  
16 receiving assistance under the program are en-  
17 couraged to develop and maintain memoranda  
18 of understanding and agreement with neigh-  
19 boring jurisdictions to support a system of mu-  
20 tual aid among the jurisdictions.

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

24 “(i) enable the timely deployment of  
25 program personnel and equipment across

1 jurisdictions and, if relevant, across State  
2 boundaries;

3 “(ii) share information in a consistent  
4 and timely manner; and

5 “(iii) notify State authorities of the  
6 deployment of program resources in a  
7 manner that ensures coordination with  
8 State agencies without impeding the ability  
9 of program personnel and equipment to re-  
10 spond rapidly to emergencies in other ju-  
11 risdictions.

12 “(f) AUTHORIZATION OF APPROPRIATIONS.—Of the  
13 amounts authorized by section 101 there is authorized to  
14 be appropriated to carry out the program \$63,000,000 for  
15 each of the fiscal years 2008 through 2011.”.

16 (b) PROGRAM REVIEW.—

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

20 (2) CONTENT OF REVIEW.—In conducting the  
21 review of the program, the Assistant Secretary shall  
22 examine—

23 (A) strategic goals;

24 (B) objectives;

25 (C) operational capabilities;

1 (D) resource requirements;

2 (E) performance metrics;

3 (F) administration;

4 (G) whether the program would be more  
5 effective if it were managed as a contractual  
6 agreement;

7 (H) the degree to which the program's  
8 strategic goals, objectives, and capabilities are  
9 incorporated in State and local homeland secu-  
10 rity plans; and

11 (I) challenges in the coordination among  
12 public health, public safety, and other stake-  
13 holder groups to prepare for and respond to  
14 mass casualty incidents.

15 (3) REPORT.—Not later than 9 months after  
16 the date of enactment of this subsection, the Assist-  
17 ant Secretary shall submit to the Committee on  
18 Homeland Security of the House of Representatives  
19 and the Committee on Homeland Security and Gov-  
20 ernmental Affairs of the Senate a report on the re-  
21 sults of the review.

22 (c) CONFORMING AMENDMENTS.—

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

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

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

5 **SEC. 1109. IDENTITY FRAUD PREVENTION GRANT PRO-**  
6 **GRAM.**

7           (a) FINDINGS.—Congress finds the following:

8           (1) The National Commission on Terrorist At-  
9           tacks Upon the United States found that the 19 hi-  
10          jackers had been issued 16 State driver’s licenses  
11          (from Arizona, California, Florida, and Virginia)  
12          and 14 State identification cards (from Florida,  
13          Maryland and Virginia).

14          (2) The Commission concluded that “[s]ecure  
15          identification should begin in the United States. The  
16          Federal Government should set standards for the  
17          issuance of birth certificates and sources of identi-  
18          fication, such as driver’s licenses. Fraud in identi-  
19          fication is no longer just a problem of theft. At  
20          many entry points to vulnerable facilities, including  
21          gates for boarding aircraft, sources of identification  
22          are the last opportunity to ensure that people are  
23          who they say they are and to check whether they are  
24          terrorists.”.

1 (b) GRANT PROGRAM.—Subtitle D of title IV of the  
2 Homeland Security Act of 2002 (6 U.S.C. 251 et seq.)  
3 is amended by adding at the end the following:

4 **“SEC. 447. DOCUMENT FRAUD PREVENTION GRANT PRO-**  
5 **GRAM.**

6 “(a) IN GENERAL.—The Secretary shall establish a  
7 program to make grants available to States to be used  
8 to prevent terrorists and other individuals from fraudu-  
9 lently obtaining and using State-issued identification cards  
10 and to develop more secure State-issued documents to be  
11 used for official Federal purposes.

12 “(b) USE OF FUNDS.—A recipient of a grant under  
13 this section may use the grant for any of the following  
14 purposes:

15 “(1) To develop machine readable technology,  
16 encryption methods, or other means of protecting  
17 against unauthorized access of information appear-  
18 ing on licenses or identification.

19 “(2) To establish a system for a State-to-State  
20 data exchange that allows electronic access to States  
21 to information contained in a State department of  
22 motor vehicles database.

23 “(3) To develop or implement a security plan  
24 designed to safeguard the privacy of personal infor-  
25 mation collected, maintained, and used by State

1 motor vehicles offices from unauthorized access, mis-  
2 use, fraud, and identity theft.

3 “(4) To develop a querying service that allows  
4 access to Federal databases in a timely, secure, and  
5 cost-effective manner, in order to verify the issuance,  
6 validity, content, and completeness of source docu-  
7 ments provided by applicants for identity documents  
8 issued by State agencies, including departments of  
9 motor vehicles.

10 “(5) To develop a system for States to capture  
11 and store digital images of identity source docu-  
12 ments and photographs of applicants in electronic  
13 format.

14 “(6) To design systems or establish procedures  
15 that would reduce the number of in-person visits re-  
16 quired to State departments of motor vehicles to ob-  
17 tain State-issued identity documents used for Fed-  
18 eral official purposes.

19 “(c) PRIORITY IN AWARDING GRANTS.—In awarding  
20 grants under this section the Secretary shall give priority  
21 to a State that demonstrates that—

22 “(1) the grant will assist the State in complying  
23 with any regulation issued by the Department to  
24 prevent the fraudulent issuance of identification docu-  
25 ments to be used for official Federal purposes; and

1           “(2) such compliance will facilitate the ability of  
2           other States to comply with such regulations.

3           “(d) LIMITATION ON SOURCE OF FUNDING.—The  
4           Secretary may not use amounts made available under this  
5           section for any other grant program of the Department  
6           to provide funding for expenses related to the REAL ID  
7           Act of 2005 (Public Law 109–13).

8           “(e) AUTHORIZATION OF APPROPRIATIONS.—Of the  
9           amounts authorized by section 101 there are authorized  
10          to be appropriated to the Secretary for making grants  
11          under this section—

12                 “(1) \$120,000,000 for fiscal year 2008;

13                 “(2) \$100,000,000 for fiscal year 2009; and

14                 “(3) \$80,000,000 for fiscal year 2010.”.

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

                  “Sec. 447. Document fraud prevention grant program.”.

18         **SEC. 1110. TECHNICAL CORRECTIONS.**

19          The Homeland Security Act of 2002 (Public Law  
20          107–296; 6 U.S.C. 361 et seq.) is amended—

21                 (1) in section 1(b) in the table of contents by  
22                 striking the items relating to the second title XVIII,  
23                 as added by section 501(b)(3) of Public Law 109–  
24                 347, and inserting the following:

                  “TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

“Sec. 1901. Domestic Nuclear Detection Office.

“Sec. 1902. Mission of Office.

“Sec. 1903. Hiring authority.

“Sec. 1904. Testing authority.

“Sec. 1905. Relationship to other Department entities and Federal agencies.

“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  
6                   through 1806 as sections 1901 through 1906,  
7                   respectively;

8                   (B) in section 1904(a) (6 U.S.C. 594(a)),  
9                   as so redesignated, by striking “section 1802”  
10                  and inserting “section 1902”; and

11                  (C) in section 1906 (6 U.S.C. 596), as so  
12                  redesignated, by striking “section 1802(a)”  
13                  each place it appears and inserting “section  
14                  1902(a)”.

15 **SEC. 1111. CITIZEN CORPS.**

16           Of the amount authorized to be appropriated under  
17           section 101, such sums as may be necessary shall be avail-  
18           able to the Secretary of Homeland Security to encourage  
19           the use of Citizen Corps funding and local Citizen Corps  
20           Councils to provide education and training for populations  
21           located around critical infrastructure on preparing for and

1 responding to terrorist attacks, major disasters, and other  
2 emergencies.

3 **SEC. 1112. REPORT REGARDING DEPARTMENT OF HOME-**  
4 **LAND SECURITY IMPLEMENTATION OF COMP-**  
5 **TROLLER GENERAL AND INSPECTOR GEN-**  
6 **ERAL RECOMMENDATIONS REGARDING PRO-**  
7 **TECTION OF AGRICULTURE.**

8 (a) REPORT REQUIRED.—The Secretary of Home-  
9 land Security shall prepare a report describing how the  
10 Department of Homeland Security will implement the ap-  
11 plicable recommendations of the following reports:

12 (1) Comptroller General report entitled “Home-  
13 land Security: How Much is Being Done to Protect  
14 Agriculture from a Terrorist Attack, but Important  
15 Challenges Remain” (GAO–05–214).

16 (2) Department of Homeland Security Office of  
17 Inspector General report entitled “The Department  
18 of Homeland Security’s Role in Food Defense and  
19 Critical Infrastructure Protection” (OIG–07–33).

20 (b) SUBMISSION OF REPORT.—Not later than 120  
21 days after the date of the enactment of this Act, the Sec-  
22 retary shall submit the report to the Committee on Home-  
23 land Security of the House of Representatives and the  
24 Committee on Homeland Security and Governmental Af-  
25 fairs of the Senate. If the Secretary determines that a spe-

1 cific recommendation will not be implemented or will not  
2 be fully implemented, the Secretary shall include in the  
3 report a description of the reasoning or justification for  
4 the determination.

5 **SEC. 1113. REPORT REGARDING LEVEE SYSTEM.**

6 (a) IN GENERAL.—Not later than 6 months after the  
7 date of the enactment of this Act, the Secretary of Home-  
8 land Security shall submit to the appropriate congres-  
9 sional committees a report analyzing the threat, vulner-  
10 ability, and consequence of a terrorist attack on the levee  
11 system of the United States.

12 (b) EXISTING REPORTS.—In implementing this sec-  
13 tion, the Secretary may build upon existing reports as nec-  
14 essary.

15 **SEC. 1114. REPORT ON FORCE MULTIPLIER PROGRAM.**

16 Not later than 60 days after the date of the enact-  
17 ment of this Act, the Secretary of Homeland Security shall  
18 submit to the appropriate congressional committees a re-  
19 port on the progress of the Secretary—

20 (1) in establishing procedures to ensure compli-  
21 ance with section 44917(a)(7) of title 49, United  
22 States Code; and

23 (2) in accomplishing the operational aspects of  
24 the Force Multiplier Program, as required pursuant

1 to the Department of Homeland Security Appropria-  
2 tions Act, 2007 (Public Law 109–295).

3 **SEC. 1115. ELIGIBILITY OF STATE JUDICIAL FACILITIES**  
4 **FOR STATE HOMELAND SECURITY GRANTS.**

5 (a) IN GENERAL.—States may utilize covered grants  
6 for the purpose of providing funds to State and local judi-  
7 cial facilities for security at those facilities.

8 (b) COVERED GRANTS.—For the purposes of this sec-  
9 tion, the term “covered grant” means a grant under any  
10 of the following programs of the Department of Homeland  
11 Security:

12 (1) The State Homeland Security Grant Pro-  
13 gram.

14 (2) The Urban Area Security Initiative.

15 **SEC. 1116. DATA SHARING.**

16 The Secretary of Homeland Security shall provide in-  
17 formation relating to assistance requested or provided in  
18 response to a terrorist attack, major disaster, or other  
19 emergency, to Federal, State, or local law enforcement en-  
20 tities to assist in the location of a missing child or reg-  
21 istered sex offender. In providing such information, the  
22 Secretary shall take reasonable steps to protect the pri-  
23 vacy of individuals.

1 **SEC. 1117. COOPERATIVE AGREEMENT WITH NATIONAL OR-**  
2 **GANIZATION ON DISABILITY TO CARRY OUT**  
3 **EMERGENCY PREPAREDNESS INITIATIVE.**

4 The Administrator of the Federal Emergency Man-  
5 agement Agency, in coordination with the Disability Coor-  
6 dinator of the Department of Homeland Security and the  
7 Office for Civil Rights and Civil Liberties of the Depart-  
8 ment, shall use amounts authorized under section 101 to  
9 enter into a cooperative agreement with the National Or-  
10 ganization on Disability to carry out the Emergency Pre-  
11 paredness Initiative of such organization.

12 **SEC. 1118. CONSIDERATION OF TOURISM IN AWARDING**  
13 **URBAN AREA SECURITY INITIATIVE GRANTS.**

14 In awarding grants under the Urban Area Security  
15 Initiative, the Secretary of Homeland Security shall take  
16 into consideration the number of tourists that have visited  
17 an urban area in the two years preceding the year during  
18 which the Secretary awards the grant.

19 **SEC. 1119. STUDY OF FOREIGN RAIL SECURITY PRACTICES.**

20 The Secretary shall—

21 (1) study select foreign rail security practices,  
22 and the cost and feasibility of implementing selected  
23 best practices that are not currently used in the  
24 United States, including—

1 (A) implementing covert testing processes  
2 to evaluate the effectiveness of rail system secu-  
3 rity personnel;

4 (B) implementing practices used by foreign  
5 rail operators that integrate security into infra-  
6 structure design;

7 (C) implementing random searches or  
8 screening of passengers and their baggage; and

9 (D) establishing and maintaining an infor-  
10 mation clearinghouse on existing and emergency  
11 security technologies and security best practices  
12 used in the passenger rail industry both in the  
13 United States and abroad; and

14 (2) report the results of the study, together  
15 with any recommendations that the Secretary may  
16 have for implementing covert testing, practices for  
17 integrating security in infrastructure design, random  
18 searches or screenings, and an information clearing-  
19 house to the Committee on Homeland Security and  
20 Governmental Affairs of the Senate, the Committee  
21 on Homeland Security of the House of Representa-  
22 tives, the Committee on Commerce, Science, and  
23 Transportation of the Senate, and the Committee on  
24 Transportation and Infrastructure of the House of

1       Representatives not later than 1 year after the date  
2       of enactment of this Act.

3       **SEC. 1120. FEMA RECOVERY OFFICE IN FLORIDA.**

4       (a) ESTABLISHMENT.—To provide eligible Federal  
5       assistance to individuals and State, local, and tribal gov-  
6       ernments affected by Hurricanes Charley, Frances, Ivan,  
7       Jeanne, Wilma, Tropical Storm Bonnie, and other future  
8       declared emergencies and major disasters, in a customer-  
9       focused, expeditious, effective, and consistent manner, the  
10      Administrator of the Federal Emergency Management Ad-  
11      ministration shall maintain a recovery office in the State  
12      of Florida for a period of not less than three years after  
13      the date of enactment of this Act.

14      (b) STRUCTURE.—The recovery office shall have an  
15      executive director, appointed by the Administrator, who  
16      possesses a demonstrated ability and knowledge of emer-  
17      gency management and homeland security, and a senior  
18      management team.

19      (c) RESPONSIBILITIES.—The executive director, in  
20      coordination with State, local, and tribal governments,  
21      non-profit organizations, including disaster relief organi-  
22      zations, shall—

23              (1) work cooperatively with local governments  
24              to mitigate the impact of a declared emergency or  
25              major disaster; and

1           (2) provide assistance in a timely and effective  
2           manner to residents of Florida and other States as  
3           determined appropriate by the Administrator for re-  
4           covery from previous and future declared emer-  
5           gencies and major disasters.

6           (d) STAFFING.—Staffing levels of the recovery office  
7           shall be commensurate with the current and projected  
8           workload as determined by the Administrator.

9           (e) PERFORMANCE MEASURES.—To ensure that the  
10          recovery office is meeting its objectives, the Administrator  
11          shall identify performance measures that are specific,  
12          measurable, achievable, relevant, and timed, including—

13               (1) public assistance program project worksheet  
14               completion rates; and

15               (2) the length of time taken to reimburse recipi-  
16               ents for public assistance.

17          (f) EVALUATION.—The Administrator shall evaluate  
18          the effectiveness and efficiency of the recovery office in  
19          the State of Florida in meeting the requirements of this  
20          section. Not later than three years after the date of enact-  
21          ment of this Act, the Administrator shall report to the  
22          Committee on Transportation and Infrastructure of the  
23          House of Representatives on whether continuing to oper-  
24          ate such office is necessary.

1 **SEC. 1121. REQUIREMENT TO CONSULT STATES REGARD-**  
2 **ING GRANT AWARDS.**

3 Before the release by the Department of Homeland  
4 Security of any information regarding the award of any  
5 grant to a State with amounts authorized under section  
6 101, including before submitting to Congress any list of  
7 such grant awards, the Secretary of Homeland Security  
8 shall consult with States.

9 **SEC. 1122. COMPTROLLER GENERAL REPORT ON CRITICAL**  
10 **INFRASTRUCTURE.**

11 (a) **REQUIREMENT.**—The Comptroller General of the  
12 United States shall conduct a study to—

13 (1) determine the extent to which architecture,  
14 engineering, surveying, and mapping activities re-  
15 lated to the critical infrastructure of the United  
16 States are being sent to offshore locations;

17 (2) assess whether any vulnerabilities or threats  
18 exist with respect to terrorism; and

19 (3) recommend policies, regulations, or legisla-  
20 tion, as appropriate, that may be necessary to pro-  
21 tect the national and homeland security interests of  
22 the United States.

23 (b) **CONSULTATION.**—In carrying out the study au-  
24 thorized by this section, the Comptroller General shall con-  
25 sult with—

1           (1) such other agencies of the Government of  
2 the United States as are appropriate; and

3           (2) national organizations representing the ar-  
4 chitecture, engineering, surveying, and mapping pro-  
5 fessions.

6       (c) REPORT.—The Comptroller General shall submit  
7 to the Committees on Transportation and Infrastructure,  
8 Energy and Commerce, and Homeland Security of the  
9 House of Representatives, and to the Senate, by not later  
10 than 6 months after the date of the enactment of this Act  
11 a report on the findings, conclusions, and recommenda-  
12 tions of the study under this section.

13       (d) DEFINITIONS.—As used in this section—

14           (1) each of the terms “architectural”, “engi-  
15 neering”, “surveying”, and “mapping”—

16               (A) subject to subparagraph (B), has the  
17 same meaning such term has under section  
18 1102 of title 40, United States Code; and

19               (B) includes services performed by profes-  
20 sionals such as surveyors, photogrammetrists,  
21 hydrographers, geodesists, or cartographers in  
22 the collection, storage, retrieval, or dissemina-  
23 tion of graphical or digital data to depict nat-  
24 ural or man-made physical features, phe-  
25 nomena, or boundaries of the earth and any in-

1 formation related to such data, including any  
2 such data that comprises the processing of a  
3 survey, map, chart, geographic information sys-  
4 tem, remotely sensed image or data, or aerial  
5 photograph; and

6 (2) the term “critical infrastructure”—

7 (A) means systems and assets, whether  
8 physical or virtual, so vital to the United States  
9 that the incapacity or destruction of such sys-  
10 tems and assets would have a debilitating im-  
11 pact on security, national economic security, na-  
12 tional public health or safety, or any combina-  
13 tion of those matters; and

14 (B) includes the basic facilities, structures,  
15 and installations needed for the functioning of  
16 a community or society, including transpor-  
17 tation and communications systems, water and  
18 power lines, power plants, and the built envi-  
19 ronment of private and public institutions of  
20 the United States.

21 **SEC. 1123. IMPROVING THE NEXUS AND FAST REGISTERED**  
22 **TRAVELER PROGRAMS.**

23 (a) MERGING REQUIREMENTS OF NEXUS AND  
24 FAST.—

1           (1) IN GENERAL.—The Secretary of Homeland  
2 Security shall merge the procedures for the pro-  
3 grams described in subsection (j) into a single proce-  
4 dure, with common eligibility and security screening  
5 requirements, enrollment processes, and sanctions  
6 regimes.

7           (2) SPECIFIC REQUIREMENTS.—In carrying out  
8 paragraph (1), the Secretary shall ensure that the  
9 procedures for the programs known as “NEXUS  
10 Highway”, “NEXUS Marine”, and “NEXUS Air”  
11 are integrated into such a single procedure.

12          (b) INTEGRATING NEXUS AND FAST INFORMATION  
13 SYSTEMS.—The Secretary of Homeland Security shall in-  
14 tegrate all databases and information systems for the pro-  
15 grams described in subsection (j) in a manner that will  
16 permit any identification card issued to a participant to  
17 operate in all locations where a program described in such  
18 subsection is operating.

19          (c) CREATION OF NEXUS CONVERTIBLE LANES.—In  
20 order to expand the NEXUS program described in sub-  
21 section (j)(2) to major northern border crossings, the Sec-  
22 retary of Homeland Security, in consultation with appro-  
23 priate representatives of the Government of Canada, shall  
24 equip not fewer than six new northern border crossings  
25 with NEXUS technology.

1       (d) CREATION OF REMOTE ENROLLMENT CEN-  
2 TERS.—The Secretary of Homeland Security, in consulta-  
3 tion with appropriate representatives of the Government  
4 of Canada, shall create a minimum of two remote enroll-  
5 ment centers for the programs described in subsection (j).  
6 Such a remote enrollment center shall be established at  
7 each of the border crossings described in subsection (c).

8       (e) CREATION OF MOBILE ENROLLMENT CEN-  
9 TERS.—The Secretary of Homeland Security, in consulta-  
10 tion with appropriate representatives of the Government  
11 of Canada, shall create a minimum of two mobile enroll-  
12 ment centers for the programs described in subsection (j).  
13 Such mobile enrollment centers shall be used to accept and  
14 process applications in areas currently underserved by  
15 such programs. The Secretary shall work with State and  
16 local authorities in determining the locations of such mo-  
17 bile enrollment centers.

18       (f) ON-LINE APPLICATION PROCESS.—The Secretary  
19 of Homeland Security shall design an on-line application  
20 process for the programs described in subsection (j). Such  
21 process shall permit individuals to securely submit their  
22 applications on-line and schedule a security interview at  
23 the nearest enrollment center.

24       (g) PROMOTING ENROLLMENT.—

1           (1) CREATING INCENTIVES FOR ENROLL-  
2           MENT.—In order to encourage applications for the  
3           programs described in subsection (j), the Secretary  
4           of Homeland Security shall develop a plan to admit  
5           participants in an amount that is as inexpensive as  
6           possible per card issued for each of such programs.

7           (2) CUSTOMER SERVICE PHONE NUMBER.—In  
8           order to provide potential applicants with timely in-  
9           formation for the programs described in subsection  
10          (j), the Secretary of Homeland Security shall create  
11          a customer service telephone number for such pro-  
12          grams.

13          (3) PUBLICITY CAMPAIGN.—The Secretary shall  
14          carry out a program to educate the public regarding  
15          the benefits of the programs described in subsection  
16          (j).

17          (h) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED  
18          STATES.—For purposes of the plan required under section  
19          7209(b) of the Intelligence Reform and Terrorism Preven-  
20          tion Act of 2004, an identification card issued to a partici-  
21          pant in a program described in subsection (j) shall be con-  
22          sidered a document sufficient on its own when produced  
23          to denote identity and citizenship for travel into the  
24          United States by United States citizens and by categories  
25          of individuals for whom documentation requirements have

1 previously been waived under section 212(d)(4)(B) of the  
2 Immigration and Nationality Act (8 U.S.C.  
3 1182(d)(4)(B)).

4 (i) REPORT.—Not later than 120 days after the date  
5 of the enactment of this Act, the Secretary of Homeland  
6 Security shall submit to the appropriate congressional  
7 committees (as defined in section 2 of the Homeland Secu-  
8 rity Act of 2002 (6 U.S.C. 101)) a report on the imple-  
9 mentation of subsections (a) through (g).

10 (j) PROGRAMS.—The programs described in this sub-  
11 section are the following:

12 (1) The FAST program authorized under sub-  
13 part B of title IV of the Tariff Act of 1930 (19  
14 U.S.C. 1411 et seq.).

15 (2) The NEXUS program authorized under sec-  
16 tion 286(q) of the Immigration and Nationality Act  
17 (U.S.C. 1356(q)).

18 **SEC. 1124. TRAVEL DOCUMENTS.**

19 (a) TRAVEL TO CANADA AND MEXICO.—Section  
20 7209(b) of the Intelligence Reform and Terrorism Preven-  
21 tion Act of 2004 is amended by adding at the end the  
22 following new paragraphs:

23 “(3) PASS CARD INFRASTRUCTURE.—The Sec-  
24 retary of Homeland Security shall conduct not less  
25 than one trial on the usability, reliability, and effec-

1       tiveness of the technology that the Secretary deter-  
2       mines appropriate to implement the documentary re-  
3       quirements of this subsection. The Secretary may  
4       not issue a final rule implementing the requirements  
5       of this subsection until such time as the Secretary  
6       has submitted to the appropriate congressional com-  
7       mittees (as defined in section 2 of the Homeland Se-  
8       curity Act of 2002 (6 U.S.C. 101)) a report on the  
9       results and outcome of such trial or trials. The re-  
10      port shall include data and evidence that dem-  
11      onstrates that the technology utilized in such trial or  
12      trials is operationally superior to other alternative  
13      technology infrastructures.

14           “(4) FLEXIBLE IMPLEMENTATION PERIOD.—In  
15      order to provide flexibility upon implementation of  
16      the plan developed under paragraph (1), the Sec-  
17      retary of Homeland Security shall establish a special  
18      procedure to permit an individual who does not pos-  
19      sess a passport or other document, or combination  
20      of documents, as required under paragraph (1), but  
21      who the Secretary determines to be a citizen of the  
22      United States, to re-enter the United States at an  
23      international land or maritime border of the United  
24      States. The special procedure referred to in this  
25      paragraph shall terminate on the date that is 180

1 days after the date of the implementation of the  
2 plan described in paragraph (1)(A).

3 “(5) SPECIAL RULE FOR CERTAIN MINORS.—  
4 Except as provided in paragraph (6), citizens of the  
5 United States or Canada who are less than 16 years  
6 of age shall not be required to present to an immi-  
7 gration officer a passport or other document, or  
8 combination of documents, as required under para-  
9 graph (1), when returning or traveling to the United  
10 States from Canada, Mexico, Bermuda, or the  
11 Carribean at any port of entry along the inter-  
12 national land or maritime border of the United  
13 States.

14 “(6) SPECIAL RULE FOR CERTAIN STUDENT MI-  
15 NORS TRAVELING AS PART OF AN AUTHORIZED AND  
16 SUPERVISED SCHOOL TRIP.—Notwithstanding the  
17 special rule described in paragraph (5), the Sec-  
18 retary of Homeland Security is authorized to con-  
19 sider expanding the special rule for certain minors  
20 described in such paragraph to a citizen of the  
21 United States or Canada who is less than 19 years  
22 of age but is 16 years of age or older and who is  
23 traveling between the United States and Canada at  
24 any port of entry along the international or mari-  
25 time border between the two countries if such citizen

1 is so traveling as a student as part of an authorized  
2 and supervised school trip.

3 “(7) PUBLIC OUTREACH.—To promote travel  
4 and trade across the United States border, the Sec-  
5 retary of Homeland Security shall develop a public  
6 communications plan to promote to United States  
7 citizens, representatives of the travel and trade in-  
8 dustries, and local government officials information  
9 relating to the implementation of this subsection.  
10 The Secretary of Homeland Security shall coordinate  
11 with representatives of the travel and trade indus-  
12 tries in the development of such public communica-  
13 tions plan.

14 “(8) COST-BENEFIT ANALYSIS.—The Secretary  
15 of Homeland Security shall prepare an extensive reg-  
16 ulatory impact analysis that is fully compliant with  
17 Executive Order No. 12866 and Office of Manage-  
18 ment and Budget Circular A-4 for an economically  
19 significant regulatory action before publishing a rule  
20 with respect to the implementation of the require-  
21 ments of this subsection.”.

22 (b) REPORT.—Not later than 120 days after the date  
23 of the enactment of this Act and every 120 days there-  
24 after, the Secretary of Homeland Security shall submit to  
25 the appropriate congressional committees (as defined in

1 section 2 of the Homeland Security Act of 2002 (6 U.S.C.  
2 101)) a report on the implementation of paragraphs (3)  
3 through (8) of section 7209(b) of the Intelligence Reform  
4 and Terrorism Prevention Act of 2004.

5 **SEC. 1125. SENSE OF THE CONGRESS ON INTEROPER-**  
6 **ABILITY.**

7 It is the sense of the Congress that efforts to achieve  
8 local, regional, and national interoperable emergency com-  
9 munications in the near term should be supported and are  
10 critical in assisting communities with their local and re-  
11 gional efforts to properly coordinate and execute their  
12 interoperability plans.

13 **SEC. 1126. TRAVELERS REDRESS INQUIRY PROGRAM.**

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 take all nec-  
17 essary actions to protect the security of personal informa-  
18 tion submitted electronically to the Internet website of the  
19 Department of Homeland Security established for the  
20 Travelers Redress Inquiry Program and other websites of  
21 the Department related to that program.

22 **SEC. 1127. TRANSPORTATION WORKER IDENTIFICATION**  
23 **CREDENTIAL PROGRAM.**

24 The Secretary of Homeland Security shall work with  
25 the State of Florida and other States, as appropriate, to

1 resolve the differences between the Transportation Worker  
2 Identification Credential and existing access control cre-  
3 dentials.

4 **SEC. 1128. AUTOMATED TARGETING SYSTEM FOR PERSONS**  
5 **ENTERING OR DEPARTING THE UNITED**  
6 **STATES.**

7 (a) FINDINGS OF THE 9/11 COMMISSION.—Congress  
8 finds that the National Commission on Terrorist Attacks  
9 Upon the United States (commonly referred to as the 9/  
10 11 Commission) concluded that—

11 (1) “The small terrorist travel intelligence col-  
12 lection and analysis program currently in place has  
13 produced disproportionately useful results. It should  
14 be expanded. Since officials at the border encounter  
15 travelers and their documents first and investigate  
16 travel facilitators, they must work closely with intel-  
17 ligence officials.”;

18 (2) “Information systems able to authenticate  
19 travel documents and detect potential terrorist indi-  
20 cators should be used at consulates, at primary bor-  
21 der inspection lines, in immigration service offices,  
22 and intelligence and enforcement units.”;

23 (3) “The President should direct the Depart-  
24 ment of Homeland Security to lead the effort to de-  
25 sign a comprehensive screening system, addressing

1 common problems and setting common standards  
2 with systemwide goals in mind.”;

3 (4) “A screening system looks for particular,  
4 identifiable suspects or indicators of risk. It does not  
5 involve guesswork about who might be dangerous. It  
6 requires frontline border officials who have the tools  
7 and resources to establish that people are who they  
8 say they are, intercept identifiable suspects, and dis-  
9 rupt terrorist operations.”; and

10 (5) “Inspectors adjudicating entries of the 9/11  
11 hijackers lacked adequate information and knowl-  
12 edge of the rules. A modern border and immigration  
13 system should combine a biometric entry-exit system  
14 with accessible files on visitors and immigrants,  
15 along with intelligence on indicators of terrorist  
16 travel.”.

17 (b) AUTOMATED TARGETING SYSTEM FOR PERSONS  
18 ENTERING OR DEPARTING THE UNITED STATES.—The  
19 Secretary of Homeland Security, acting through the Com-  
20 missioner of Customs and Border Protection, may estab-  
21 lish an automated system for the purpose of the enforce-  
22 ment of United States law, including laws relating to anti-  
23 terrorism and border security, to assist in the screening  
24 of persons seeking to enter or depart the United States  
25 (in this section referred to as the “system”).

1       (c) ADMINISTRATIVE PROCESS TO CORRECT INFOR-  
2 MATION.—The Secretary, acting through the Commis-  
3 sioner, shall ensure that an administrative process is es-  
4 tablished, or application of an existing administrative  
5 process is extended, pursuant to which any individual may  
6 apply to correct any information retained by the system  
7 established under subsection (b). Nothing in this section  
8 shall be construed as creating a private right of action for  
9 any case or claim arising from the application of the sys-  
10 tem or the corrective administrative process established or  
11 applied under this section.

12       (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
13 tion shall be construed as abrogating, diminishing, or  
14 weakening the provisions of any Federal or State law that  
15 prevents or protects against the unauthorized collection or  
16 release of personal records.

Passed the House of Representatives May 9, 2007.

Attest:

*Clerk.*



110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 1684**

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**AN ACT**

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