
H. R. 2825

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

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. JOHNSON (for himself and Mrs. McCASKILL)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:
3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
4 (a) Short Title.—This Act may be cited as the
5 “Department of Homeland Security Authorization Act” or
6 the “DHS Authorization Act”.
7 (b) Table of Contents.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEPARTMENT OF HOMELAND SECURITY
HEADQUARTERS

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

Subtitle B—Human Resources and Other Matters

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

Subtitle C—Other Matters

Sec. 1141. Technical and conforming amendments.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION ACCOUNTABILITY AND EFFICIENCY

Sec. 1201. Definitions.

Subtitle A—Acquisition Authorities

Sec. 1213. Acquisition authorities for Chief Information Officer of the Department of Homeland Security.
Sec. 1214. Acquisition authorities for Program Accountability and Risk Management.
Sec. 1215. Acquisition innovation.

Subtitle B—Acquisition Program Management Discipline

Sec. 1221. Acquisition Review Board.
Sec. 1222. Department leadership councils.
Sec. 1223. Excluded party list system waivers.
Sec. 1224. Inspector General oversight of suspension and debarment.
Subtitle C—Acquisition Program Management Accountability and Transparency

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

TITLE III—INTELLIGENCE AND INFORMATION SHARING

Subtitle A—Department of Homeland Security Intelligence Enterprise

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

Subtitle B—Stakeholder Information Sharing

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

TITLE IV—EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

Subtitle A—Grants, Training, Exercises, and Coordination

Sec. 1401. Urban Area Security Initiative.
Sec. 1402. State Homeland Security Grant Program.
Sec. 1403. Grants to directly eligible tribes.
Sec. 1404. Law enforcement terrorism prevention.
Sec. 1405. Prioritization.
Sec. 1406. Allowable uses.
Sec. 1407. Approval of certain equipment.
Sec. 1408. Authority for explosive ordnance disposal units to acquire new or emerging technologies and capabilities.
Sec. 1409. Memoranda of understanding.
Sec. 1410. Grants metrics.
Sec. 1411. Grant management best practices.
Sec. 1412. Prohibition on consolidation.
Sec. 1413. Maintenance of grant investments.
Sec. 1414. Transit security grant program.
Sec. 1415. Port security grant program.
Sec. 1416. Cyber preparedness.
Sec. 1417. Operation Stonegarden.
Sec. 1418. Non-Profit Security Grant Program.
Sec. 1419. Study of the use of grant funds for cybersecurity.
Sec. 1420. Joint counterterrorism awareness workshop series.
Sec. 1421. Exercise on terrorist and foreign fighter travel; national exercise program.
Sec. 1422. Grants accountability.

Subtitle B—Communications

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

Subtitle C—Other Matters

Sec. 1451. Technical and conforming amendments.

TITLE V—FEDERAL EMERGENCY MANAGEMENT AGENCY

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

TITLE VI—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

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

TITLE VII—OTHER MATTERS

Subtitle A—Miscellaneous

Sec. 1702. Canine teams.
Sec. 1703. Report on resource requirements to respond to congressional re-
quests.

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

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

Subtitle C—Technical and Conforming Amendments


TITLE I—DEPARTMENT OF
HOMELAND SECURITY HEAD-
QUARTERS

Subtitle A—Headquarters

Operations

SEC. 1101. FUNCTIONS AND COMPONENTS OF HEAD-
QUARTERS OF DEPARTMENT OF HOMELAND
SECURITY.

(a) IN GENERAL.—Section 102 of the Homeland Se-
curity Act of 2002 (6 U.S.C. 112) is amended—

(1) in subsection (c), in the matter preceding
paragraph (1), by striking “through the Office of
State and Local Coordination (established under section 801)” and inserting “through the Office of Partnership and Engagement”; and

(2) by adding at the end the following:

“(h) HEADQUARTERS.—

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

“(2) COMPONENTS.—The Department Headquarters shall include each of the following:

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

“(i) the Deputy Secretary;

“(ii) the Chief of Staff; and

“(iii) the Executive Secretary.

“(B) The Management Directorate, including the Office of the Chief Financial Officer.

“(C) The Science and Technology Directorate.

“(D) The Office of Strategy, Policy, and Plans.

“(E) The Office of the General Counsel.

“(F) The Office of the Chief Privacy and FOIA Officer.

“(G) The Office for Civil Rights and Civil Liberties.
“(H) The Office of Operations Coordination.

“(I) The Office of Intelligence and Analysis.

“(J) The Office of Legislative Affairs.

“(K) The Office of Public Affairs.


“(O) The Office of Partnership and Engagement.”.

(b) CONFORMING AMENDMENTS RELATING TO ASSISTANT SECRETARIES.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) in the subsection heading, by inserting “;
Assistant Secretaries and Other Officers”

after “Under Secretaries”;

(2) in paragraph (1), by amending subparagraph (I) to read as follows:

“(I) An Administrator of the Transportation Security Administration.”;

(3) by amending paragraph (2) to read as follows:
“(2) ASSISTANT SECRETARIES.—The following Assistant Secretaries shall be appointed by the President or the Secretary, as the case may be, without the advice and consent of the Senate:

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

“(i) The Assistant Secretary for Public Affairs.

“(ii) The Assistant Secretary for Legislative Affairs.

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

“(iv) The Chief Medical Officer.

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

“(i) The Assistant Secretary for International Affairs.

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

“(iii) The Assistant Secretary for Border, Immigration, and Trade Policy.
“(iv) The Assistant Secretary for Cybersecurity, Infrastructure, and Resilience Policy.

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

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

“(vii) The Assistant Secretary for Partnership and Engagement.

“(viii) The Assistant Secretary for Private Sector.”; and

(4) by adding at the end the following:

“(3) LIMITATION ON CREATION OF POSITIONS.—No Assistant Secretary position may be created in addition to the positions provided for by this section unless such position is authorized by a statute enacted after the date of the enactment of the DHS Authorization Act.”.

SEC. 1102. RESPONSIBILITIES AND FUNCTIONS OF CHIEF PRIVACY AND FOIA OFFICER.

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

(1) in the matter preceding paragraph (1)—
(A) by inserting “to be the Chief Privacy and FOIA Officer of the Department,” after “in the Department,”; and

(B) by striking “to the Secretary, to assume” and inserting “to the Secretary. Such official shall have”;

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

(3) by striking paragraph (6); and

(4) by inserting after paragraph (5) the following:

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

“(7) establishing a mechanism to ensure such components are in compliance with Federal, regulatory, statutory, and Department privacy requirements, mandates, directives, and policies, including requirements under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act);

“(8) working with components and offices of the Department to ensure that information sharing and policy development activities incorporate privacy protections;
“(9) serving as the Chief FOIA Officer of the Department for purposes of section 552(j) of title 5, United States Code (commonly known as the ‘Freedom of Information Act’);

“(10) preparing an annual report to Congress that includes a description of the activities of the Department that affect privacy during the fiscal year covered by the report, including complaints of privacy violations, implementation of section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’), internal controls, and other matters; and

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

SEC. 1103. RESPONSIBILITIES OF CHIEF FINANCIAL OFFICER.

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

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

(2) by inserting after subsection (a) the following:

“(b) RESPONSIBILITIES.—In carrying out the responsibilities, authorities, and functions specified in sec-
section 902 of title 31, United States Code, the Chief Financial Officer shall—

“(1) oversee Department budget formulation and execution;

“(2) lead and provide guidance on performance-based budgeting practices for the Department to ensure that the Department and its components are meeting missions and goals;

“(3) lead cost-estimating practices for the Department, including the development of policies on cost estimating and approval of life cycle cost estimates;

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

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

“(6) lead financial system modernization efforts throughout the Department;
“(7) lead the efforts of the Department related to financial oversight, including identifying ways to streamline and standardize business processes;

“(8) oversee the costs of acquisition programs and related activities to ensure that actual and planned costs are in accordance with budget estimates and are affordable, or can be adequately funded, over the lifecycle of such programs and activities;

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

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

“(11) track, approve, oversee, and make public information on expenditures by components of the Department for conferences, as appropriate, including by requiring each component to—

“(A) report to the Inspector General of the Department the expenditures by such component for each conference hosted for which the total expenditures of the Department exceed $100,000, within 15 days after the date of the conference; and
“(B) with respect to such expenditures, provide to the Inspector General—

“(i) the information described in subsections (a), (b), and (c) of section 739 of title VII of division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2389); and

“(ii) documentation of such expenditures; and

“(12) track and make public information on expenditures by components of the Department for conferences, as appropriate, including by requiring each component to—

“(A) report to the Inspector General of the Department the expenditures by such component for each conference hosted or attended by Department employees for which the total expenditures of the Department are more than $20,000 and less than $100,000, not later than 30 days after the date of the conference; and

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

“(i) the information described in subsections (a), (b), and (c) of section 739 of
title VII of division E of the Consolidated
and Further Continuing Appropriations
2389); and
“(ii) documentation of such expendi-
tures.”.

(b) Rule of Construction.—Nothing in the
amendment made by this section may be construed as al-
tering or amending the responsibilities, authorities, and
functions of the Chief Financial Officer of the Department
of Homeland Security under section 902 of title 31,
United States Code.

SEC. 1104. CHIEF INFORMATION OFFICER.

(a) In General.—Section 703 of the Homeland Se-
curity Act of 2002 (6 U.S.C. 343) is amended—

(1) in subsection (a)—

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

(B) by adding at the end the following: “In
addition to the functions under section
3506(a)(2) of title 44, United States Code, and
section 11319 of title 40, United States Code,
the Chief Information Officer shall—
“(1) serve as the lead technical authority for information technology programs of the Department and Department components; and

“(2) advise and assist the Secretary, heads of the components of the Department, and other senior officers in carrying out the responsibilities of the Department for all activities relating to the budgets, programs, security, and operations of the information technology functions of the Department.”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) STRATEGIC PLANS.—

“(1) IN GENERAL.—The Chief Information Officer shall, in coordination with the Chief Financial Officer, develop an information technology strategic plan every 5 years and report to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate on the extent to which—
“(A) the budget of the Department aligns with priorities specified in the information technology strategic plan;

“(B) the information technology strategic plan informs the budget process of the Department;

“(C) the Department has identified and addressed skills gaps needed to implement the information technology strategic plan;

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

“(E) outcome-oriented goals, quantifiable performance measures, and strategies for achieving those goals and measures have succeeded; and

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

“(2) INITIAL PLAN.—Not later than 1 year after the date of enactment of this subsection, the Chief Information Officer shall complete the first information technology strategic plan required under paragraph (1).”.

(b) SOFTWARE LICENSING.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and each year thereafter through fiscal year 2021, the Chief Information Officer of the Department of Homeland Security shall submit the comprehensive software license policy developed to meet the requirements of section 2 of the MEGABYTE Act of 2016 (40 U.S.C. 11302 note), including any updates provided to the Director of the Office of Management and Budget, to—

(A) the Committee on Homeland Security and the Committee of Oversight and Government Reform of the House of Representatives; and

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

(2) DEPARTMENT INVENTORY.—Beginning in fiscal year 2022, and once every 2 fiscal years thereafter, the Chief Information Officer of the Department of Homeland Security, in consultation with the component chief information officers, shall submit to the Committee on Homeland Security and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on

...
Homeland Security and Governmental Affairs of the Senate a report containing—

(A) a department-wide inventory of all software licenses held by the Department of Homeland Security on unclassified and classified systems, including utilized and unutilized licenses;

(B) an assessment of the needs of the Department of Homeland Security and the components of the Department of Homeland Security for software licenses for the subsequent 2 fiscal years;

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

(D) plans and estimated costs for eliminating unutilized software licenses for the subsequent 2 fiscal years; and

(E) a plan to expedite licensing of software developed for the Department of Homeland Security to the private sector.

(3) PLAN TO REDUCE SOFTWARE LICENSES.—

If the Chief Information Officer of the Department of Homeland Security determines through the inven-
tory conducted under paragraph (2) that the number of software licenses held by the Department of Homeland Security and the components of the Department of Homeland Security exceeds the needs of the Department of Homeland Security, not later than 90 days after the date on which the inventory is completed, the Secretary of Homeland Security shall establish a plan for reducing the number of such software licenses to meet needs of the Department of Homeland Security.

(c) Comptroller General Review.—Not later than the end of fiscal year 2019, the Comptroller General of the United States shall review the extent to which the Chief Information Officer of the Department of Homeland Security fulfilled all requirements established in this section and the amendments made by this section.

SEC. 1105. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) In General.—Section 706 of the Homeland Security Act of 2002, as so redesignated by section 1141 of this Act, is amended—

(1) in subsection (a)(3)—

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

(B) by redesignating subparagraph (C) as subparagraph (D); and
(C) by inserting after subparagraph (B) the following:

“(C) representatives from appropriate advisory committees established pursuant to section 871, including the Homeland Security Advisory Council and the Homeland Security Science and Technology Advisory Committee, or otherwise established, including the Aviation Security Advisory Committee established pursuant to section 44946 of title 49, United States Code; and”;

(2) in subsection (b)—

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

(B) in paragraph (3)—

(i) by inserting “, to the extent practicable,” after “describe”; and

(ii) by striking “budget plan” and inserting “resources required”;

(C) in paragraph (4)—

(i) by inserting “, to the extent practicable,” after “identify”;
(ii) by striking “budget plan required to provide sufficient resources to successfully” and inserting “resources required to”; and

(iii) by striking the semicolon at the end and inserting “, including any resources identified from redundant, wasteful, or unnecessary capabilities and capacities that can be redirected to better support other existing capabilities and capacities, as the case may be; and”;

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

(E) by striking paragraph (6);

(3) in subsection (e)—

(A) in paragraph (1), by striking “December 31” and inserting “September 30”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “description of the threats to” and inserting “risk assessment of”;

(ii) in subparagraph (C), by inserting “, as required under subsection (b)(2)” before the semicolon at the end;

(iii) in subparagraph (D)—
(I) by inserting “to the extent practicable,” before “a description”; and

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

(iv) in subparagraph (F)—

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

(II) by striking “the status of”;

(v) in subparagraph (G)—

(I) by inserting “to the extent practicable,” before “a discussion”; (II) by striking “the status of”; (III) by inserting “and risks” before “to national homeland”; and (IV) by inserting “and” after the semicolon at the end;

(vi) by striking subparagraph (H); and

(vii) by redesignating subparagraph (I) as subparagraph (H); (C) by redesignating paragraph (3) as paragraph (4); and
(D) by inserting after paragraph (2) the following:

“(3) DOCUMENTATION.—The Secretary shall retain, from each quadrennial homeland security review, all information regarding the risk assessment, as required under subsection (c)(2)(B), including—

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

“(B) information, including data used in the risk model, utilized to generate the risk assessment; and

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

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (e) the following:

“(d) REVIEW.—Not later than 90 days after the submission of each report required under subsection (c)(1), the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the degree to which the findings and recommendations developed in the quadrennial
homeland security review covered by the report were inte-
grated into the acquisition strategy and expenditure plans
for the Department.”.

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

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

(a) ABOLISHMENT OF OFFICE OF INTERNATIONAL
AFFAIRS.—

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

(2) TRANSFER OF ASSETS AND PERSONNEL.—
The functions authorized to be performed by the of-
office described in paragraph (1) as of the day before
the date of enactment of this Act, and the assets
and personnel associated with such functions, are
transferred to the Under Secretary for Strategy,
Policy, and Plans of the Department of Homeland
Security under section 708 of the Homeland Secu-
rity Act of 2002, as so redesignated by section 1141
of this Act.

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

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

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

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

(3) by adding at the end the following:

“(4) shall establish a Homeland Security Advisory Council to provide advice and recommendations on homeland security-related matters, including advice with respect to the preparation of the quadrennial homeland security review under section 706.”.

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

“(h) OFFICE OF LEGISLATIVE AFFAIRS.—
“(1) IN GENERAL.—Notwithstanding any other provision of law, any report that the Department or a component of the Department is required to submit to the Committee on Appropriations of the Senate or the Committee on Appropriations of the House of Representatives under any provision of law shall be submitted concurrently to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

“(2) APPLICABILITY.—Paragraph (1) shall apply with respect to any report described in paragraph (1) that is submitted on or after the date of enactment of the DHS Authorization Act.

“(3) NOTICE.—The Secretary shall notify, in writing, the chairmen and ranking members of the authorizing and appropriating committees of jurisdiction regarding policy memoranda, management directives, and reprogramming notifications issued by the Department.”.

(d) OFFICE OF PRIVATE SECTOR.—

(1) IN GENERAL.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), as amended, is amended by adding at the end the following:
“(i) Office of Private Sector.—The Assistant Secretary for Private Sector shall be responsible for—

“(1) creating and fostering strategic communications with the private sector to enhance the primary mission of the Department to protect the American homeland;

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

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

“(4) creating and managing private sector advisory councils composed of representatives of industries and associations designated by the Secretary to—

“(A) advise the Secretary on private sector products, applications, and solutions as they relate to homeland security challenges; and

“(B) advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations;
“(5) working with Federal laboratories, Feder-
ally funded research and development centers, other
Federally funded organizations, academia, and the
private sector to develop innovative approaches to
address homeland security challenges to produce and
deploy the best available technologies for homeland
security missions;

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

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

(2) CONFORMING AMENDMENT.—Section 102(f)
112(f)) is amended—

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

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

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

(f) Duplication Review.—

(1) Review Required.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall complete a review of the functions and responsibilities of each Department of Homeland Security component responsible for international affairs to identify and eliminate areas of unnecessary duplication.

(2) Submission to Congress.—Not later than 30 days after the completion of the review required under paragraph (1), the Secretary of Homeland Security shall provide the results of the review to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) Action Plan.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the congressional homeland security committees, as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101, as amended by this Act, an action plan, including corrective steps and an estimated date of completion, to address areas of duplication, fragmenta-
tion, and overlap and opportunities for cost savings and revenue enhancement, as identified by the Government Accountability Office based on the annual report of the Government Accountability Office entitled “Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits”.

SEC. 1107. CHIEF PROCUREMENT OFFICER.

(a) In General.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1141, is amended by adding at the end the following:

“SEC. 709. CHIEF PROCUREMENT OFFICER.

“(a) In General.—There is in the Department a Chief Procurement Officer, who shall serve as a senior business advisor to agency officials on procurement-related matters and report directly to the Under Secretary for Management. The Chief Procurement Officer is the senior procurement executive for purposes of subsection (c) of section 1702 of title 41, United States Code, and shall perform procurement functions as specified in such subsection.

“(b) Responsibilities.—The Chief Procurement Officer shall—
“(1) delegate or retain contracting authority, as appropriate;

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

“(3) serve as the main liaison of the Department to industry on procurement-related issues;

“(4) account for the integrity, performance, and oversight of Department procurement and contracting functions;

“(5) ensure that procurement contracting strategies and plans are consistent with the intent and direction of the Acquisition Review Board;

“(6) oversee a centralized acquisition workforce certification and training program using, as appropriate, existing best practices and acquisition training opportunities from the Federal Government, private sector, or universities and colleges to include training on how best to identify actions that warrant referrals for suspension or debarment;

“(7) approve the selection and organizational placement of each head of contracting activity within the Department and participate in the periodic performance reviews of each head of contracting activity of the Department;
“(8) ensure that a fair proportion of the value of Federal contracts and subcontracts are awarded to small businesses (in accordance with the procurement contract goals under section 15(g) of the Small Business Act (15 U.S.C. 644(g)), maximize opportunities for small business participation in such contracts, and ensure, to the extent practicable, small businesses that achieve qualified vendor status for security-related technologies are provided an opportunity to compete for contracts for such technology; and

“(9) carry out any other procurement duties that the Under Secretary for Management may designate.

“(c) HEAD OF CONTRACTING ACTIVITY DEFINED.—
In this section the term ‘head of contracting activity’ means an official who is delegated, by the Chief Procurement Officer and Senior Procurement Executive, the responsibility for the creation, management, and oversight of a team of procurement professionals properly trained, certified, and warranted to accomplish the acquisition of products and services on behalf of the designated components, offices, and organizations of the Department, and as authorized, other government entities.”.
(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1141, is amended by inserting after the item relating to section 708 the following:

"Sec. 709. Chief Procurement Officer."

SEC. 1108. CHIEF SECURITY OFFICER.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1107, is amended by adding at the end the following:

SEC. 710. CHIEF SECURITY OFFICER.

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

"(b) RESPONSIBILITIES.—The Chief Security Officer shall—

"(1) develop, implement, and oversee compliance with the security policies, programs, and standards of the Department;

"(2) participate in—

"(A) the selection and organizational placement of each senior security official of a component, and the deputy for each such official, and any other senior executives responsible for security-related matters; and
“(B) the periodic performance planning
and reviews;
“(3) identify training requirements, standards,
and oversight of education to Department personnel
on security-related matters;
“(4) develop security programmatic guidelines;
“(5) review contracts and interagency agree-
ments associated with major security investments
within the Department; and
“(6) provide support to Department compo-
nents on security-related matters.”.

(b) CLERICAL AMENDMENT.—The table of contents
in section 1(b) of the Homeland Security Act of 2002
(Public Law 107–296; 116 Stat. 2135) is amended, as
amended by section 1107, by inserting after the item relat-
ing to section 709 the following:
“Sec. 710. Chief Security Officer.”.

SEC. 1109. OFFICE OF INSPECTOR GENERAL.

(a) NOTIFICATION.—The heads of offices and compo-
nents of the Department of Homeland Security shall
promptly advise the Inspector General of the Department
of all allegations of misconduct with respect to which the
Inspector General has investigative authority under the

(b) WAIVER.—The Inspector General may waive the
notification requirement under this subsection with re-
spect to any category or subset of allegations of misconduct.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Secretary of Homeland Security under the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 1110. OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES.


(1) in the section heading, by striking “ESTABLISHMENT OF OFFICER FOR”;

(2) in subsection (a)—

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

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

(3) by redesignating subsection (b) as subsection (d); and

(4) by inserting after subsection (a) the following:

“(b) OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES.—There is in the Department an Office for Civil
Rights and Civil Liberties. Under the direction of the Chief Civil Rights and Civil Liberties Officer, the Office shall support the Chief Civil Rights and Civil Liberties Officer in the following:

“(1) Integrating civil rights and civil liberties into activities of the Department by conducting programs and providing policy advice and other technical assistance.

“(2) Investigating complaints and information indicating possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General.

“(3) Directing the Department’s equal employment opportunity and diversity policies and programs, including complaint management and adjudication.

“(4) Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities.

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

“(c) COMPONENT CIVIL RIGHTS AND CIVIL LIBERTIES OFFICERS.—
“(1) IN GENERAL.—In consultation with the
Chief Civil Rights and Civil Liberties Officer, the
Head of each component of the Department shall
appoint a senior level Federal employee with experi-
ence and background in civil rights and civil liberties
as the Civil Rights and Civil Liberties Officer for the
component.

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

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

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

SEC. 1111. SCIENCE AND TECHNOLOGY.

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

(1) DIRECTORATE FOR SCIENCE AND TECH-
NOLOGY.—Section 302 of the Homeland Security
Act of 2002 (6 U.S.C. 182) is amended—
(A) in the matter preceding paragraph (1),
by striking “The Secretary, acting through the
Under” and inserting “The Under”; and

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

(2) TECHNICAL AND CONFORMING AMEND-
MENT.—Section 315(a)(2)(A) of the Homeland Se-
2135) is amended by striking “Directorate of
Science and Technology and Homeland Security Ad-
vanced Research Projects Agency” and inserting
“Directorate for Testing and Evaluation of Science
and Technology and the Chief Scientist”.

(b) OFFICE OF THE CHIEF SCIENTIST.—

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

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

(B) in subsection (a)—

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

and
(ii) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

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

"(b) OFFICE OF THE CHIEF SCIENTIST.—

"(1) ESTABLISHMENT.—There is established the Office of the Chief Scientist.

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

"(3) QUALIFICATIONS.—The Chief Scientist shall—

"(A) be appointed from among distinguished scientists with specialized training or significant experience in a field related to counterterrorism, traditional homeland security missions, or national defense; and

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

"(4) RESPONSIBILITIES.—The Chief Scientist shall oversee all research and development to—"
“(A) support basic and applied homeland security research to promote revolutionary changes in technologies that would promote homeland security;

“(B) advance the development, testing and evaluation, standards coordination and development, and deployment of critical homeland security technologies;

“(C) accelerate the prototyping and deployment of technologies that would address homeland security vulnerabilities;

“(D) promote the award of competitive, merit-reviewed grants, cooperative agreements or contracts to public or private entities, including business, federally funded research and development centers, and universities; and

“(E) oversee research and development for the purpose of advancing technology for the investigation of child exploitation crimes, including child victim identification, trafficking in persons, and child pornography, and for advanced forensics.

“(5) COORDINATION.—The Chief Scientist shall ensure that the activities of the Directorate for Testing and Evaluation of Science and Technology are
coordinated with those of other relevant research agencies, and may oversee projects jointly with other agencies.

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

“(7) DEMONSTRATIONS.—The Chief Scientist, periodically, shall hold homeland security technology demonstrations, pilots, field assessments, and workshops to improve contact among technology developers, vendors, component personnel, State, local, and tribal first responders, and acquisition personnel.”.

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

“Sec. 307. Office of the Chief Scientist.”.
SEC. 1112. DEPARTMENT OF HOMELAND SECURITY ROTATION PROGRAM.

(a) Enhancements to the Rotation Program.—Section 844 of the Homeland Security Act of 2002 (6 U.S.C. 414) is amended—

(1) by striking “(a) Establishment.—”;

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

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

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

(B) by striking “for employees of the Department” and inserting “for certain personnel within the Department”;

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

(A) by redesignating subparagraphs (A) through (G) as paragraphs (3) through (9), respectively, and adjusting the margins accordingly;

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

“(1) seek to foster greater departmental integration and unity of effort;
“(2) seek to help enhance the knowledge, skills, and abilities of participating personnel with respect to the programs, policies, and activities of the Department;”;

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

(D) in paragraph (7), as so redesignated, by inserting before “invigorate” the following: “seek to improve morale and retention throughout the Department and”;

(5) in subsection (c), as redesignated by paragraph (2)—

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

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

(i) by striking clause (iii); and

(ii) by redesignating clauses (i), (ii), and (iv) through (viii) as subparagraphs (A) through (G), respectively, and adjusting the margins accordingly;

(6) by redesignating subsections (d) and (e), as redesignated by paragraph (2), as subsections (e) and (f), respectively;
(7) by inserting after subsection (e) the following new subsection:

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

“(1) before selecting employees for participation in the Rotation Program, disseminate information broadly within the Department about the availability of the Rotation Program, qualifications for participation in the Rotation Program, including full-time employment within the employing component or office not less than 1 year, and the general provisions of the Rotation Program;

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

“(A) is nominated by the head of the component or office employing the employee; and

“(B) is selected by the Secretary, or the Secretary’s designee, solely on the basis of relative ability, knowledge, and skills, after fair and open competition that assures that all candidates receive equal opportunity;

“(3) ensure that each employee participating in the Rotation Program shall be entitled to return, within a reasonable period of time after the end of the period of participation, to the position held by
the employee, or a corresponding or higher position, in the component or office that employed the employee prior to the participation of the employee in the Rotation Program;

“(4) require that the rights that would be available to the employee if the employee were detailed from the employing component or office to another Federal agency or office remain available to the employee during the employee participation in the Rotation Program; and

“(5) require that, during the period of participation by an employee in the Rotation Program, performance evaluations for the employee—

“(A) shall be conducted by officials in the office or component employing the employee with input from the supervisors of the employee at the component or office in which the employee is placed during that period; and

“(B) shall be provided the same weight with respect to promotions and other rewards as performance evaluations for service in the office or component employing the employee.”;

and

(8) by adding at the end the following:
“(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish an Intelligence Rotational Assignment Program as part of the Rotation Program under subsection (a).

“(2) ADMINISTRATION.—The Chief Human Capital Officer, in conjunction with the Chief Intelligence Officer, shall administer the Intelligence Rotational Assignment Program established pursuant to paragraph (1).

“(3) ELIGIBILITY.—The Intelligence Rotational Assignment Program established pursuant to paragraph (1) shall be open to employees serving in existing analyst positions within the Department’s Intelligence Enterprise and other Department employees as determined appropriate by the Chief Human Capital Officer and the Chief Intelligence Officer.

“(4) COORDINATION.—The responsibilities specified in subsection (c)(2) that apply to the Rotation Program under such subsection shall, as applicable, also apply to the Intelligence Rotational Assignment Program under this subsection.”.

(b) CONGRESSIONAL NOTIFICATION AND OVERSIGHT.—Not later than 120 days after the date of the en-
actment of this Act, the Secretary of Homeland Security shall provide to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate information about the status of the Homeland Security Rotation Program authorized by section 844 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

SEC. 1113. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) In General.—Section 874 of the Homeland Security Act of 2002 (6 U.S.C. 454) is amended—

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

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

“(a) In General.—Not later than 60 days after the date on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives (referred to in this section as the ‘appropriate committees’) a Future Years Homeland
Security Program that covers the fiscal year for which the budget is submitted and the 4 succeeding fiscal years.”;

and

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

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

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

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

“(d) SENSITIVE AND CLASSIFIED INFORMATION.—The Secretary may include with each Future Years Homeland Security Program a classified or other appropriately controlled document containing information required to be submitted under this section that is restricted from public
disclosure in accordance with Federal law or Executive order.

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

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

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

SEC. 1114. FIELD EFFICIENCIES PLAN.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Homeland Security and Governmental Affairs of the Senate a field efficiencies plan that—

(1) examines the facilities and administrative and logistics functions of components of the Department of Homeland Security located within designated geographic areas; and
(2) provides specific recommendations and an associated cost-benefit analysis for the consolidation of the facilities and administrative and logistics functions of components of the Department within each designated geographic area.

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

(1) An accounting of leases held by the Department or its components that have expired in the current fiscal year or will be expiring in the next fiscal year, that have begun or been renewed in the current fiscal year, or that the Department or its components plan to sign or renew in the next fiscal year.

(2) For each designated geographic area:

(A) An evaluation of specific facilities at which components, or operational entities of components, of the Department may be closed or consolidated, including consideration of when leases expire or facilities owned by the government become available.

(B) An evaluation of potential consolidation with facilities of other Federal, State, or local entities, including—

(i) offices;

(ii) warehouses;
(iii) training centers;
(iv) housing;
(v) ports, shore facilities, and airfields;
(vi) laboratories;
(vii) continuity of government facilities; and
(viii) other assets as determined by the Secretary.

(C) An evaluation of the potential for the consolidation of administrative and logistics functions, including—
(i) facility maintenance;
(ii) fleet vehicle services;
(iii) mail handling and shipping and receiving;
(iv) facility security;
(v) procurement of goods and services;
(vi) information technology and telecommunications services and support; and
(vii) additional ways to improve unity of effort and cost savings for field operations and related support activities as determined by the Secretary.

(3) An implementation plan, including—
(A) near-term actions that can co-locate, consolidate, or dispose of property within 24 months;

(B) identifying long-term occupancy agreements or leases that cannot be changed without a significant cost to the Government; and

(C) how the Department can ensure it has the capacity, in both personnel and funds, needed to cover up-front costs to achieve consolidation and efficiencies.

(4) An accounting of any consolidation of the real estate footprint of the Department or any component of the Department, including the co-location of personnel from different components, offices, and agencies within the Department.

SEC. 1115. MANAGEMENT.

(a) Submission to Congress of Information Regarding Reprogramming or Transfer of Department of Homeland Security Resources to Respond to Operational Surges.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1108, is amended by adding at the end the following:
“SEC. 711. ANNUAL SUBMITTAL TO CONGRESS OF INFORMATION ON REPROGRAMMING OR TRANSFERS OF FUNDS TO RESPOND TO OPERATIONAL SURGES.

“For each fiscal year until fiscal year 2023, the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, together with the annual budget request for the Department, information on—

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

“(2) any circumstance in which any limitation on the transfer or reprogramming of funds affected the ability of the Secretary to address such unforeseen costs.”.

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

“SEC. 712. CHIEF FACILITIES AND LOGISTICS OFFICER.

“(a) IN GENERAL.—There is a Chief Facilities and Logistics Officer of the Department who shall report di-
rectly to the Under Secretary for Management. The Chief Facilities and Logistics Officer shall be career reserved for a member of the senior executive service.

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

“(1) develop policies and procedures and provide program oversight to manage real property, facilities, environmental and energy programs, personal property, mobile assets, equipment, and other material resources of the Department;

“(2) manage and execute, in consultation with the component heads, mission support services within the National Capital Region for real property, facilities, environmental and energy programs, and other common headquarters and field activities for the Department; and

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

“SEC. 713. LONG TERM REAL PROPERTY STRATEGIES.

“(a) IN GENERAL.—

“(1) FIRST STRATEGY.—Not later than 180 days after the date of enactment of this section, the Under Secretary for Management shall develop an
initial 5-year regional real property strategy for the
Department that covers the 5-fiscal-year period im-
mediately following such date of enactment. Such
strategy shall be geographically organized, as des-
ignated by the Under Secretary for Management.

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

“(b) REQUIREMENTS.—

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

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

“(B) provide alternate housing and consoli-
dation plans to increase efficiency through joint
use of Department spaces while decreasing the
cost of leased space;
“(C) concentrate on geographical areas with a significant Department presence, as identified by the Under Secretary for Management;

“(D) examine the establishment of central Department locations in each such geographical region and the co-location of Department components based on the mission sets and responsibilities of such components;

“(E) identify opportunities to reduce overhead costs through co-location or consolidation of real property interests or mission support activities, such as shared mail screening and processing, centralized transportation and shuttle services, regional transit benefit programs, common contracting for custodial and other services, and leveraging strategic sourcing contracts and sharing of specialized facilities, such as training facilities and resources;

“(F) manage the current Department Workspace Standard for Office Space in accordance with the Department office workspace design process to develop the most efficient and effective spaces within the workspace standard usable square foot ranges for all leased for of-
office space entered into on or after the date of
the enactment of this section, including the re-
newal of any leases for office space existing as
of such date;

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

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

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

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

“(A) the impact of such implementation on
departmental operations and costs; and
“(B) the degree to which the Department established central Department locations and co-located Department components pursuant to the results of the examination required by paragraph (1)(D).

“(c) IMPLEMENTATION POLICIES.—Not later than 90 days after the development of each of the regional real property strategies developed in accordance with subsection (a), the Under Secretary for Management shall develop or update, as applicable, a Department-wide policy implementing such strategies.

“(d) CERTIFICATIONS.—Subject to subsection (g)(3), the implementation policies developed pursuant to subsection (c) shall require component heads to certify to the Under Secretary for Management that such heads have complied with the requirements specified in subsection (b) before making any major real property decision or recommendation, as defined by the Under Secretary, including matters related to new leased space, renewing any existing leases, or agreeing to extend or newly occupy any Federal space or new construction, in accordance with the applicable regional real property strategy developed in accordance with subsection (a).

“(e) UNDERUTILIZED SPACE.—
“(1) IN GENERAL.—The implementation policies developed pursuant to subsection (e) shall require component heads, acting through regional property managers under subsection (f), to annually report to the Under Secretary for Management on underutilized space and identify space that may be made available for use, as applicable, by other components or Federal agencies.

“(2) EXCEPTION.—The Under Secretary for Management may grant an exception to the workspace standard usable square foot ranges described in subsection (b)(1)(F) for specific office locations at which a reduction or elimination of otherwise underutilized space would negatively impact a component’s ability to execute its mission based on readiness performance measures or would increase the cost of such space.

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

“(f) COMPONENT RESPONSIBILITIES.—

“(1) REGIONAL PROPERTY MANAGERS.—Each component head shall identify a senior career em-
ployee of each such component for each geographic
region included in the regional real property strate-
gies developed in accordance with subsection (a) to
serve as each such component’s regional property
manager. Each such regional property manager shall
serve as a single point of contact for Department
headquarters and other Department components for
all real property matters relating to each such com-
ponent within the region in which each such compo-
nent is located, and provide data and any other sup-
port necessary for the Department of Homeland Se-
curity Regional Mission Support Coordinator stra-
tegic asset and portfolio planning and execution.

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

“(1) IN GENERAL.—The Under Secretary for Management shall monitor components’ adherence to the regional real property strategies developed in accordance with subsection (a) and the implementation policies developed pursuant to subsection (c).

“(2) ANNUAL REVIEW.—The Under Secretary for Management shall annually review the data submitted pursuant to subsection (f)(2) to ensure all underutilized space (as such term is defined in subsection (e)) is properly identified.

“(3) CERTIFICATION REVIEW.—The Under Secretary for Management shall review, and if appropriate, approve, component certifications under subsection (d) before such components may make any major real property decision, including matters related to new leased space, renewing any existing leases, or agreeing to extend or newly occupy any Federal space or new construction, in accordance with the applicable regional real property strategy developed in accordance with subsection (a).

“(4) CONGRESSIONAL REPORTING.—The Under Secretary for Management shall annually provide information to the Committee on Homeland Security and Committee on Transportation and Infrastruc-
ture of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Inspector General of the Department on the real property portfolio of the Department, including information relating to the following:

“(A) A summary of the Department’s real property holdings in each region described in the regional strategies developed in accordance with subsection (a), and for each such property, information including the total square footage leased, the total cost, the total number of staff at each such property, and the square foot per person utilization rate for office space (and whether or not such conforms with the workspace standard usable square foot ranges established pursuant to subsection (b)(1)(F)).

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

“(C) An accounting of all instances in which the Department or its components consolidated their real property holdings or co-located with another entity within the Department.
“(D) A list of all certifications provided pursuant to subsection (d) and all such certifications approved pursuant to paragraph (3) of this subsection.

“(5) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the last day of the fifth fiscal year covered in each of the initial and second regional real property strategies developed in accordance with subsection (a), the Inspector General of the Department shall review the information submitted pursuant to paragraph (4) and issue findings regarding the effectiveness of the implementation of the Department-wide policy and oversight efforts of the management of real property facilities, personal property, mobile assets, equipment and the Department's other material resources as required under this section.”.

(c) REPORTING.—The Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate copies of the regional strategies developed in accordance with section 713(a) of the Homeland Security Act of 2002, as added by this Act, not later than 90 days after the date of the development of each such strategy.
(d) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1108, is amended by inserting after the item relating to section 710 the following:

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

"Sec. 712. Chief Facilities and Logistics Officer.

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

SEC. 1116. REPORT TO CONGRESS ON COST SAVINGS AND EFFICIENCY.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the congressional homeland security committees a report that includes each of the following:

(1) A detailed accounting of the management and administrative expenditures and activities of each component of the Department of Homeland Security and identifies potential cost savings, avoidances, and efficiencies for those expenditures and activities.

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


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

SEC. 1117. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended—

(1) in the title heading, by striking “DOMESTIC NUCLEAR DETECTION OFFICE” and inserting “COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE”; and

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

“SEC. 1900. DEFINITIONS.

“In this title:
“(1) Assistant Secretary.—The term ‘Assistant Secretary’ means the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

“(2) Office.—The term ‘Office’ means the Countering Weapons of Mass Destruction Office established under section 1901(a).

“(3) Weapon of Mass Destruction.—The term ‘weapon of mass destruction’ has the meaning given the term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

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

“SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

“(a) Establishment.—There is established in the Department a Countering Weapons of Mass Destruction Office.

“(b) Assistant Secretary.—The Office shall be headed by an Assistant Secretary for the Countering Weapons of Mass Destruction Office, who shall be appointed by the President.

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

“(1) weapons of mass destruction matters and strategies; and
“(2) coordinating the efforts to counter weapons of mass destruction.”;

(3) by adding at the end the following:

“Subtitle B—Mission of the Office

“SEC. 1921. MISSION OF THE OFFICE.

“The Office shall be responsible for coordinating with other Federal efforts and developing Departmental strategy and policy to plan, detect, or protect against the importation, possession, storage, transportation, development, or use of unauthorized chemical, biological, radiological, or nuclear materials, devices, or agents, in the United States and to protect against an attack using such materials, devices, or agents against the people, territory, or interests of the United States.

“SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

“(a) In General.—The authority of the Assistant Secretary under this title shall neither affect nor diminish the authority or the responsibility of any officer of the Department or of any officer of any other department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department or any Federal department or agency.
“(b) **Federal Emergency Management Agency.**—Nothing in this title or any other provision of law may be construed to affect or reduce the responsibilities of the Federal Emergency Management Agency or the Administrator or the Agency, including the diversion of any asset, function, or mission of the Agency or the Administrator of the Agency.”;

(4) by striking section 1905;

(5) by redesignating sections 1902, 1903, 1904, 1906, and 1907 as sections 1923, 1924, 1925, 1926, and 1927, respectively, and transferring such sections to appear after section 1922, as added by paragraph (3); and

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

(b) **References and Construction.**—

(1) **In general.**—For purposes of sections 1923 through 1927 of the Homeland Security Act of 2002, as so redesignated by subsection (a), any reference to—

(A) the Domestic Nuclear Detection Office shall be deemed to be a reference to the Countering Weapons of Mass Destruction Office; and
(B) the Director for Domestic Nuclear Detection shall be deemed to be a reference to the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

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

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

(c) CHIEF MEDICAL OFFICER.—


(2) AMENDMENT.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), as amended by subsection (a), is amended by adding at the end the following:
“Subtitle C—Chief Medical Officer

“SEC. 1931. CHIEF MEDICAL OFFICER.

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

“(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health.

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

“(1) serving as the principal advisor to the Secretary, the Assistant Secretary, and other Department officials on medical and public health issues;

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

“(3) as appropriate provide medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on operational medical issues;

“(4) coordinating with State, local, and tribal governments, the medical community, and others
within and outside the Department, including the
Department of Health and Human Services Centers
for Disease Control, with respect to medical and
public health matters; and

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

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

(d) WORKFORCE HEALTH AND MEDICAL SUPPORT

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

“SEC. 714. WORKFORCE HEALTH AND MEDICAL SUPPORT.

“(a) IN GENERAL.—The Under Secretary for Man-
agement shall be responsible for workforce-focused health
and medical activities of the Department. The Under Sec-
retary for Management may further delegate these respon-
sibilities as appropriate.
“(b) RESPONSIBILITIES.—The Under Secretary for Management, in coordination with the Chief Medical Officer, shall—

“(1) provide oversight and coordinate the medical and health activities of the Department for the human and animal personnel of the Department;

“(2) establish medical, health, veterinary, and occupational health exposure policy, guidance, strategies, and initiatives for the human and animal personnel of the Department;

“(3) as deemed appropriate by the Under Secretary, provide medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on occupational medical and public health issues;

“(4) serve as the primary representative for the Department on agreements regarding the detail of Department for Health and Human Services Public Health Service Commissioned Corps Officers to the Department, except that components and offices of the Department shall retain authority for funding, determination of specific duties, and supervision of Commissioned Corps officers detailed to a Department component; and
“(5) perform such other duties relating to such responsibilities as the Secretary may require.”.

(c) TRANSFERS; ABOLISHMENT.—

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

(A) to the Countering Weapons of Mass Destruction Office all personnel, budget authority, and assets of—

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

(ii) the Office of Health Affairs, as in existence on the day before the date of enactment of this Act, other than the personnel, budget authority, and assets of such office necessary to perform the functions of section 714 of the Homeland Security Act of 2002, as added by this Act; and

(B) to the Directorate of Management all personnel, budget authority, and assets of the Office of Health Affairs, as in existence on the day before the date of enactment of this Act, that are necessary to perform the functions of section 714 of the Homeland Security Act of 2002, as added by this Act.
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(2) ABOLISHMENT.—Upon completion of all transfers pursuant to paragraph (1)—

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

(B) the positions of Assistant Secretary for Health Affairs and Director for Domestic Nuclear Detection are abolished.

(f) CONFORMING AMENDMENTS.—

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

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(2) NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.—Section 316(a) of the Homeland Security Act of 2002 (6 U.S.C. 195b(a)) is amended by striking "Secretary shall" and inserting "Secretary, acting through the Assistant Secretary for Countering Weapons of Mass Destruction, shall".

(3) INTERNATIONAL COOPERATION.—Section 317(f) of the Homeland Security Act of 2002 (6 U.S.C. 195c(f)) is amended by striking "the Chief
Medical Officer,” and inserting “the Assistant Secretary for the Countering Weapons of Mass Destruction,”.

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

(A) by striking paragraph (4);

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

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

(5) **COORDINATION OF DEPARTMENT OF HOMELAND SECURITY EFFORTS RELATED TO FOOD, AGRICULTURE, AND VETERINARY DEFENSE AGAINST TERRORISM.**—Section 528(a) of the Homeland Security Act of 2002 (6 U.S.C. 321q(a)) is amended by striking “Health Affairs,” and inserting “Countering Weapons of Mass Destruction,”.

(g) **DEPARTMENT OF Homeland Security Chemical, Biological, Radiological, and Nuclear Activities.**—Not later than 1 year after the date of enactment of this Act and once every year thereafter, the Secretary of Homeland Security shall provide a briefing and report to the appropriate congressional committees (as de-
fined in section 2 of the Homeland Security Act of 2002
(6 U.S.C. 101) on—

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

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

(3) information relating to how the organiza-
tional structure of the Countering Weapons of Mass
Destruction Office will enhance the development of
chemical, biological, radiological, and nuclear prior-
ities and capabilities across the Department of
Homeland Security;
(4) a discussion of any resulting cost savings and efficiencies gained through activities described in paragraphs (1) and (2); and

(5) recommendations for any necessary statutory changes, or, if no statutory changes are necessary, an explanation of why no statutory or organizational changes are necessary.

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

(1) by inserting after the item relating to section 713 the following:

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

and

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

“TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

“Sec. 1900. Definitions.

“Subtitle A—Countering Weapons of Mass Destruction Office


“Subtitle B—Mission of the Office

“Sec. 1921. Mission of the Office.

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

“Sec. 1923. Responsibilities.

“Sec. 1924. Hiring authority.

“Sec. 1925. Testing authority.

“Sec. 1926. Contracting and grant making authorities.
“Sec. 1927. Joint annual interagency review of global nuclear detection architecture.

“Subtitle C—Chief Medical Officer

“Sec. 1931. Chief Medical Officer.”.

(i) **SUNSET.—**

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

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

**SEC. 1118. ACTIVITIES RELATED TO INTERNATIONAL AGREEMENTS; ACTIVITIES RELATED TO CHILDREN.**

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

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

(2) by inserting after paragraph (5) the following:

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

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

Subtitle B—Human Resources and
Other Matters

SEC. 1131. CHIEF HUMAN CAPITAL OFFICER RESPONSIBIL-
ITIES.

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

(1) in subsection (b)—

(A) in paragraph (1)—

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

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

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

(C) in paragraph (4), by inserting “including
leader development and employee engagement programs,” before “in coordination”;

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

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

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

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

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

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

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

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

SEC. 1132. EMPLOYEE ENGAGEMENT ACTION PLAN.

(a) IN GENERAL.—Title VII of the Homeland Secu-

rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by
section 1117, is amended by adding at the end the fol-
lowing:

“SEC. 715. EMPLOYEE ENGAGEMENT ACTION PLAN.

“(a) IN GENERAL.—The Secretary shall—

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

“(A) input from representatives from operational components, headquarters, and field personnel, including supervisory and non-supervisory personnel, and employee labor organizations that represent employees of the Department;

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

“(C) performance measures, milestones, and objectives that reflect the priorities and strategies of the action plan to improve employee engagement; and

“(2) require the head of each operational component of the Department to—

“(A) develop and implement a component-specific employee engagement plan to advance the action plan required under paragraph (1) that includes performance measures and objectives, is informed by employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate, and sets forth how employees and, if ap-
applicable, their labor representatives are to be integrated in developing programs and initiatives;

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

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

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the departmental or component leadership from developing innovative approaches and strategies to employee engagement not specifically required under this section.

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

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1117, is amended by inserting after the item related to section 714 the following:

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

(c) SUBMISSIONS TO CONGRESS.—

(1) DEPARTMENT-WIDE EMPLOYEE ENGAGEMENT ACTION PLAN.—Not later than 2 years after the date of enactment of this Act, and once every 2 years thereafter, the Secretary of Homeland Security
shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the Department-wide employee engagement action plan required under section 715 of the Homeland Security Act of 2002, as added by subsection (a).

(2) COMPONENT-SPECIFIC EMPLOYEE ENGAGEMENT PLANS.—Each head of a component of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the component-specific employee engagement plan of each such component required under section 715(a)(2) of the Homeland Security Act of 2002 (as added by subsection (a)) not later than 30 days after the issuance of each such plan under such section 715(a)(2).

SEC. 1133. REPORT DISCUSSING SECRETARY'S RESPONSIBILITIES, PRIORITIES, AND AN ACCOUNTING OF THE DEPARTMENT'S WORK REGARDING ELECTION INFRASTRUCTURE.

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

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

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

(2) the priorities of the Secretary of Homeland
Security for enhancing the security of election infra-
structure over the next 1- and 5-year periods that
incorporates lessons learned, best practices, and ob-
stacles from the previous year; and

(3) a summary of the election infrastructure
work of the Department with each State, unit of
local government, and tribal and territorial govern-
ment, as well as with the Government Coordinating
Council and the Sector Coordinating Council, and
interaction with other Federal departments and
agencies.
(c) Form of Reports.—Each report submitted under subsection (b) shall be unclassified, but may be accompanied by a classified annex, if necessary.

(d) Initial Report.—The first report submitted under subsection (b) shall examine the period beginning on January 6, 2017 through the required reporting period.

Subtitle C—Other Matters

SEC. 1141. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Repeal of Director of Shared Services and Office of Counternarcotics Enforcement of Department of Homeland Security.—

(1) Abolishment of Director of Shared Services.—

(A) Abolishment.—The position of Director of Shared Services of the Department of Homeland Security is abolished.


(C) Clerical Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 475.
(2) Abolishment of the Office of Counternarcotics Enforcement.—

(A) Abolishment.—The Office of Counternarcotics Enforcement is abolished.

(B) Conforming Amendments.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(i) in subparagraph (B) of section 843(b)(1) (6 U.S.C. 413(b)(1)), by striking “by—” and all that follows through the end of that subparagraph and inserting “by the Secretary; and”; and

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

(C) Clerical Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 878.

(b) Other Technical and Conforming Amendments.—

(1) Title I.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), as amended by this Act, is further amended—
(A) in subsection (a)(1)(E)—by striking “the Bureau of” and inserting “United States”; and
(B) in subsection (d)(5), by striking “section 708” and inserting “section 707”.

(2) Title VII.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended—
(A) by striking section 706 (6 U.S.C. 346); (B) by redesignating sections 707, 708, and 709 as sections 706, 707, and 708, respectively; and
(C) in section 708(c)(3), as so redesignated, by striking “section 707” and inserting “section 706”.

(3) Title VIII.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended—
(A) by striking section 857 (6 U.S.C. 427); (B) by redesignating section 858 as section 857;
(C) by striking section 872 (6 U.S.C. 452); and
(D) by striking section 881 (6 U.S.C. 461).
(4) **TITLE XVI.**—Section 1611(d)(1) of the Homeland Security Act of 2002 (6 U.S.C. 563(d)(1)) is amended by striking “section 707” and inserting “section 706”.

(5) **TABLE OF CONTENTS.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1132, is amended—

(A) by striking the items relating to sections 706 through 709 and inserting the following:

“Sec. 706. Quadrennial homeland security review.

Sec. 707. Joint task forces.

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

(B) by striking the items relating to sections 811 and 812 and inserting the following:

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

(C) by striking the items relating to sections 857 and 858 and inserting the following:

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

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

(E) by striking the item relating to section 881.
TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION ACCOUNTABILITY AND EFFICIENCY

SEC. 1201. DEFINITIONS.

(a) In General.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

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

(2) by redesignating paragraph (13) as paragraph (26);

(3) by redesignating paragraphs (9) through (12) as paragraphs (21) through (24), respectively;

(4) by redesignating paragraphs (4) through (8) as paragraphs (15) through (19), respectively;

(5) by redesignating paragraphs (1), (2), and (3) as paragraphs (7), (8), and (9), respectively;

(6) by inserting before paragraph (7), as so redesignated, the following:

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

“(2) The term ‘acquisition decision authority’ means the authority held by the Secretary, acting through the Under Secretary for Management, to—
“(A) ensure compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives;

“(B) review, including approving, pausing, modifying, or canceling, an acquisition throughout the life cycle of the acquisition;

“(C) ensure that acquisition program managers have the resources necessary to successfully execute an approved acquisition program;

“(D) ensure good acquisition program management of cost, schedule, risk, and system performance of the acquisition program at issue, including assessing acquisition program baseline breaches and directing any corrective action for those breaches; and

“(E) ensure that acquisition program managers, on an ongoing basis, monitor cost, schedule, and performance against established baselines and use tools to assess risks to an acquisition program at all phases of the life cycle of the acquisition program to avoid and mitigate acquisition program baseline breaches.

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

“(4) The term ‘acquisition decision memorandum’ means, with respect to an acquisition, the official acquisition decision event record that includes a documented record of decisions and assigned actions for the acquisition, as determined by the person exercising acquisition decision authority for the acquisition.

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

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

“(B) have multiple projects to obtain specific capability requirements or capital assets.

“(6) The term ‘acquisition program baseline’, with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which must be met in order to accomplish the goals of the program.”;}
(7) by inserting after paragraph (9), as so re-designated, the following:

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

“(A) identifying and validating needs;

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

“(C) establishing requirements;

“(D) developing cost estimates and schedules that consider the work necessary to develop, plan, support, and install a program or solution;

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

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

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

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

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

tions;

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

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

“(L) integrating the capabilities described
in subparagraphs (A) through (K) into the mis-
sion and business operations of the Depart-
ment.

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

“(12) The term ‘congressional homeland secu-

Rity committees’ means—

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

“(B) the Committee on Appropriations of
the House of Representatives and the Com-
mittee on Appropriations of the Senate.
“(13) The term ‘Component Acquisition Executive’ means the senior acquisition official within a component who is designated in writing by the Under Secretary for Management, in consultation with the component head, with authority and responsibility for leading a process and staff to provide acquisition and program management oversight, policy, and guidance to ensure that statutory, regulatory, and higher level policy requirements are fulfilled, including compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives established by the Under Secretary for Management.

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

“(A) provides for payment of allowable incurred costs, to the extent prescribed in the contract; and

“(B) establishes an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the contractor may not exceed, except at the risk of the contractor, without the approval of the contracting officer.”;

(8) by inserting after paragraph (19), as so redesignated, the following:
“(20) The term ‘fixed-price contract’ means a contract that provides for a firm price or, in appropriate cases, an adjustable price.”;

(9) by inserting after paragraph (24), as so redesignated, the following:

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

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

“(27) The term ‘major acquisition program’ means a Department acquisition program that is estimated by the Secretary or a designee of the Secretary to require an eventual total expenditure of not less than $300,000,000 (based on fiscal year 2017 constant dollars) over the life cycle cost of the program.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

Subtitle A—Acquisition Authorities

SEC. 1211. ACQUISITION AUTHORITIES FOR UNDER SECRETARY FOR MANAGEMENT OF THE DEPARTMENT OF HOMELAND SECURITY.


(1) in subsection (a)(2), by inserting “and acquisition management” after “Procurement”;

(2) by redesignating subsection (d), the first subsection (e) (relating to the system for award management consultation), and the second subsection (e) (relating to the definition of interoperable communications) as subsections (e), (f), and (g) respectively; and

(3) by inserting after subsection (e) the following:

“(d) Acquisition and Related Responsibilities.—

“(1) In general.—Notwithstanding subsection (a) of section 1702 of title 41, United States Code, the Under Secretary for Management—

“(A) is the Chief Acquisition Officer of the Department;
“(B) shall have the authorities and perform the functions specified in subsection (b) of such section; and

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

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

“(A) Advising the Secretary regarding acquisition management activities, taking into account risks of failure to achieve cost, schedule, or performance parameters, to ensure that the Department achieves the mission of the Department through the adoption of widely accepted program management best practices and standards and, where appropriate, acquisition innovation best practices.

“(B) Leading the acquisition oversight body of the Department, the Acquisition Review Board, and exercising the acquisition decision authority to approve, pause, modify, including
the rescission of approvals of program milestones, or cancel major acquisition programs, unless the Under Secretary delegates that authority to a Component Acquisition Executive pursuant to paragraph (3).

“(C) Establishing policies for acquisition that implement an approach that takes into account risks of failure to achieve cost, schedule, or performance parameters that all components of the Department shall comply with, including outlining relevant authorities for program managers to effectively manage acquisition programs.

“(D) Ensuring that each major acquisition program has a Department-approved acquisition program baseline pursuant to the acquisition management policy of the Department.

“(E) Ensuring that the heads of components and Component Acquisition Executives comply with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives.

“(F) Providing additional scrutiny and oversight for an acquisition that is not a major acquisition if—
“(i) the acquisition is for a program that is important to departmental strategic and performance plans;

“(ii) the acquisition is for a program with significant program or policy implications; and

“(iii) the Secretary determines that the scrutiny and oversight for the acquisition is proper and necessary.

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

“(H) Distributing guidance throughout the Department to ensure that contractors involved in acquisitions, particularly contractors that access the information systems and technologies of the Department, adhere to relevant Department policies related to physical and information security as identified by the Under Secretary for Management.

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

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

“(3) DELEGATION OF ACQUISITION DECISION
AUTHORITY.—

“(A) LEVEL 3 ACQUISITIONS.—The Under
Secretary for Management may delegate acqui-
sition decision authority in writing to the rel-
evant Component Acquisition Executive for an
acquisition program that has a life cycle cost
estimate of less than $300,000,000.

“(B) LEVEL 2 ACQUISITIONS.—The Under
Secretary for Management may delegate acqui-
sition decision authority in writing to the rel-
evant Component Acquisition Executive for a
major acquisition program that has a life cycle
cost estimate of not less than $300,000,000 but
not more than $1,000,000,000 if all of the fol-
lowing requirements are met:
“(i) The component concerned possesses working policies, processes, and procedures that are consistent with Department-level acquisition policy.

“(ii) The Component Acquisition Executive concerned has a well-trained and experienced workforce, commensurate with the size of the acquisition program and related activities delegated to the Component Acquisition Executive by the Under Secretary for Management.

“(iii) Each major acquisition concerned has written documentation showing that the acquisition has a Department-approved acquisition program baseline and the acquisition is meeting agreed-upon cost, schedule, and performance thresholds.

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

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

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

“(i) ensure, in coordination with relevant component heads, that all relevant acquisition programs—

“(I) complete reviews of operational requirements to ensure the requirements are measurable, testable, and achievable within the constraints of cost and schedule;

“(II) integrate applicable standards into development specifications;

“(III) complete systems engineering reviews and technical assessments during development to inform production and deployment decisions;

“(IV) complete independent testing and evaluation of technologies and systems;
“(V) use independent verification and validation of operational test and evaluation implementation and results; and

“(VI) document whether such programs meet all performance requirements included in their acquisition program baselines;

“(ii) ensure that such operational testing and evaluation includes all system components and incorporates operators into the testing to ensure that systems perform as intended in the appropriate operational setting; and

“(iii) determine if testing conducted by other Federal agencies and private entities is relevant and sufficient in determining whether systems perform as intended in the operational setting.”.

SEC. 1212. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended—
(1) by striking “The Chief” and inserting the following:

“(1) FUNCTIONS.—The Chief”; and

(2) by adding at the end the following:

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

SEC. 1213. ACQUISITION AUTHORITIES FOR CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343), as amended by section 1104, is amended by adding at the end the following:

“(d) ACQUISITION RESPONSIBILITIES.—The acquisition responsibilities of the Chief Information Officer shall include—

“(1) overseeing the management of the Homeland Security Enterprise Architecture and ensuring that, before each acquisition decision event, approved information technology acquisitions comply
with departmental information technology management processes, technical requirements, and the Homeland Security Enterprise Architecture, and in any case in which information technology acquisitions do not comply with the management directives of the Department, making recommendations to the Acquisition Review Board regarding that noncompliance; and

“(2) being responsible for—

“(A) providing recommendations to the Acquisition Review Board regarding information technology programs; and

“(B) developing information technology acquisition strategic guidance.”.

SEC. 1214. ACQUISITION AUTHORITIES FOR PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1132, is amended by adding at the end the following:

“SEC. 716. ACQUISITION AUTHORITIES FOR PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT.

“(a) Establishment of Office.—There is in the Management Directorate of the Department an office to
be known as ‘Program Accountability and Risk Management’, which shall—

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

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

“(b) Responsibilities of Executive Director.—The Program Accountability and Risk Management shall be led by an Executive Director to oversee the requirement under subsection (a), who shall report directly to the Under Secretary for Management, serve as the executive secretary for the Acquisition Review Board, and carry out the following responsibilities:

“(1) Monitor the performance of Department acquisition programs between acquisition decision events to identify problems with cost, performance, or schedule that components may need to address to prevent cost overruns, performance issues, or schedule delays.

“(2) Assist the Under Secretary for Management in managing the acquisition programs and related activities of the Department.

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

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

“(5) Advise the persons having acquisition decision authority in making acquisition decisions consistent with all applicable laws and in establishing lines of authority, accountability, and responsibility for acquisition decision making within the Department.

“(6) Support the Chief Procurement Officer in developing strategies and specific plans for hiring, training, and professional development in order to improve the acquisition workforce of the Department.

“(7) In consultation with Component Acquisition Executives—

“(A) develop standards for the designation of key acquisition positions with major acquisition program management offices and on the Component Acquisition Executive support staff; and
“(B) provide requirements and support to
the Chief Procurement Officer in the planning,
development, and maintenance of the Acquisi-
tion Career Management Program of the De-
partment.

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

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

“(c) Responsibilities of Components.—Each
head of a component shall—

“(1) comply with Federal law, the Federal Ac-
quision Regulation, and Department acquisition
management directives established by the Under
Secretary for Management; and

“(2) for each major acquisition program—
“(A) define baseline requirements and document changes to such requirements, as appropriate;

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

“(C) verify each life cycle cost estimate against independent cost estimates, and reconcile any differences;

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

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

“(F) ensure that all acquisition program information provided by the component is complete, accurate, timely, and valid.

“SEC. 717. ACQUISITION DOCUMENTATION.

“(a) IN GENERAL.—For each major acquisition program, the Secretary, acting through the Under Secretary
for Management, shall require the head of a relevant component or office to—

“(1) maintain acquisition documentation that is complete, accurate, timely, and valid, and that includes, at a minimum—

“(A) operational requirements that are validated consistent with departmental policy and changes to those requirements, as appropriate;

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

“(C) verification of the life cycle cost estimate against independent cost estimates, and reconciliation of any differences;

“(D) a cost-benefit analysis with supporting documentation; and

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

“(2) prepare cost estimates and schedules for major acquisition programs under subparagraphs (B) and (E) of paragraph (1) in a manner consistent with best practices as identified by the Comptroller General of the United States; and

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

“(b) WAIVER.—The Secretary may waive the requirement under subsection (a)(3) on a case-by-case basis with respect to any major acquisition program under this section for a fiscal year if—

“(1) the major acquisition program has not—

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

“(B) had a reasonable cost estimate established; and

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

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

“(c) CONGRESSIONAL OVERSIGHT.—At the same time the budget of the President is submitted for a fiscal year under section 1105(a) of title 31, United States Code, the Secretary shall make information available, as applicable, to the congressional homeland security committees regarding the requirement described in subsection (a) in the prior fiscal year that includes, with respect to each major acquisition program for which the Secretary has issued a waiver under subsection (b)—
“(1) the grounds for granting a waiver for the program;

“(2) the projected cost of the program;

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

“(4) information on the significance of the program with respect to the operations and the execution of the mission of each component or office described in paragraph (3).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1132, is amended by inserting after the item relating to section 715 the following:

“Sec. 716. Acquisition authorities for program accountability and risk management.

“Sec. 717. Acquisition documentation.”.

SEC. 1215. ACQUISITION INNOVATION.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) as amended by section 1214, is amended by adding at the end the following:

“SEC. 718. ACQUISITION INNOVATION.

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

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

“(3) test emerging and established acquisition
best practices to carrying out acquisitions, consistent
with applicable laws, regulations, and Department
directives, as appropriate;

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

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

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

“(A) engaging with the private sector, in-
cluding small- and medium-sized businesses, to
provide information and obtain feedback on
procurement practices and acquisition innovation efforts of the Department;

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

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—

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

“Sec. 718. Acquisition innovation.”.

(c) INFORMATION.—

(1) DEFINITIONS.—In this subsection—

(A) the term “congressional homeland security committees” means—

(i) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Appropriations of the House of Representatives and the
Committee on Appropriations of the Senate; and

(B) the term “Department” means the Department of Homeland Security.

(2) **REQUIREMENT.**—Not later than 90 days after the date on which the Secretary of Homeland Security submits the annual budget justification for the Department for fiscal year 2020 and every fiscal year thereafter through fiscal year 2025, the officers under the director of the Under Secretary for Management of the Department shall provide a briefing to the congressional homeland security committees on the activities undertaken in the previous fiscal year in furtherance of section 718 of the Homeland Security Act of 2002, as added by subsection (a), which shall include:

(A) Emerging and existing acquisition best practices that were tested within the Department during that fiscal year.

(B) Efforts to distribute best practices and lessons learned within the Department, including through web-based seminars, training, and forums, during that fiscal year.
(C) Metrics captured by the Department and aggregate performance information for innovation efforts.

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

(E) Outcomes of efforts to distribute best practices and lessons learned within the Department, including through web-based seminars, training, and forums.

(F) A description of outreach and engagement efforts with the private sector and any impacts of innovative acquisition mechanisms on the private sector, including small- and medium-sized businesses.

(G) The criteria used to identify specific acquisition programs or activities to be included in acquisition innovation efforts and the outcomes of those programs or activities.

(H) Recommendations, as necessary, to enhance acquisition innovation in the Department.
Subtitle B—Acquisition Program
Management Discipline

SEC. 1221. ACQUISITION REVIEW BOARD.

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

“SEC. 836. ACQUISITION REVIEW BOARD.

“(a) In general.—The Secretary shall establish an Acquisition Review Board (in this section referred to as the ‘Board’) to—

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

“(2) review major acquisition programs; and

“(3) review the use of best practices.

“(b) Composition.—

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

“(2) Other members.—The Secretary shall ensure participation by other relevant Department officials.

“(c) Meetings.—

“(1) Regular meetings.—The Board shall meet regularly for purposes of ensuring all acquisi-
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tion programs proceed in a timely fashion to achieve
mission readiness.

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

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

“(B) at any time—

“(i) a major acquisition program—

“(I) requires authorization to
proceed from one acquisition decision
event to another throughout the ac-
quision life cycle;

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

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

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

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

“(1) Determine whether a proposed acquisition
program has met the requirements of phases of the
acquisition life cycle framework and is able to proceed to the next phase and eventual full production and deployment.

“(2) Oversee whether the business strategy, resources, management, and accountability of a proposed acquisition is executable and is aligned to strategic initiatives.

“(3) Support the person with acquisition decision authority for an acquisition program in determining the appropriate direction for the acquisition at key acquisition decision events.

“(4) Conduct reviews of acquisitions to ensure that the acquisitions are progressing in compliance with the approved documents for their current acquisition phases.

“(5) Review the acquisition program documents of each major acquisition program, including the acquisition program baseline and documentation reflecting consideration of tradeoffs among cost, schedule, and performance objectives, to ensure the reliability of underlying data.

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

“(A) Department officials responsible for acquisition, budget, and cost estimating functions are provided with the appropriate opportunity to develop estimates and raise cost and schedule matters before performance objectives are established for capabilities when feasible.

“(B) Full consideration is given to possible trade-offs among cost, schedule, and performance objectives for each alternative.

“(e) ACQUISITION PROGRAM BASELINE REPORT REQUIREMENT.—If the person exercising acquisition decision authority over a major acquisition program approves the major acquisition program to proceed before the major acquisition program has a Department-approved acquisition program baseline, as required by Department policy—

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

“(2) the Secretary shall—

“(A) not later than 7 days after the date on which the acquisition decision memorandum
is signed, provide written notice of the decision
to the appropriate committees of Congress; and

“(B) not later than 60 days after the date
on which the acquisition decision memorandum
is signed, provide the memorandum and a brief-
ing to the appropriate committees of Congress.

“(f) REPORT.—Not later than 1 year after the date
of enactment of this section and every year thereafter
through fiscal year 2022, the Under Secretary for Man-
agement shall provide information to the appropriate com-
mittees of Congress on the activities of the Board for the
prior fiscal year that includes information relating to—

“(1) for each meeting of the Board, any acqui-
sition decision memoranda;

“(2) the results of the systematic reviews con-
ducted under subsection (d)(4);

“(3) the results of acquisition document reviews
required under subsection (d)(5); and

“(4) activities to ensure that practices are
adopted and implemented throughout the Depart-
ment under subsection (d)(6).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—
The table of contents in section 1(b) of the Homeland Se-
curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)
is amended by inserting after the item relating to section 835 the following:

"Sec. 836. Acquisition Review Board."

SEC. 1222. DEPARTMENT LEADERSHIP COUNCILS.

(a) In General.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

"SEC. 890B. DEPARTMENT LEADERSHIP COUNCILS.

“(a) Department Leadership Councils.—

“(1) Establishment.—The Secretary may establish Department leadership councils as the Secretary determines necessary to ensure coordination and improve programs and activities of the Department.

“(2) Function.—A Department leadership council shall—

“(A) serve as a coordinating forum;

“(B) advise the Secretary and Deputy Secretary on Department strategy, operations, and guidance;

“(C) establish policies to reduce duplication in acquisition programs; and

“(D) consider and report on such other matters as the Secretary or Deputy Secretary may direct."
“(3) Relationship to other forums.—The Secretary or Deputy Secretary may delegate the authority to direct the implementation of any decision or guidance resulting from the action of a Department leadership council to any office, component, coordinator, or other senior official of the Department.

“(b) Joint Requirements Council.—

“(1) Definition of joint requirement.—In this subsection, the term ‘joint requirement’ means a condition or capability of multiple operating components of the Department that is required to be met or possessed by a system, product, service, result, or component to satisfy a contract, standard, specification, or other formally imposed document.

“(2) Establishment.—The Secretary shall establish within the Department a Joint Requirements Council.

“(3) Mission.—In addition to other matters assigned to the Joint Requirements Council by the Secretary and Deputy Secretary, the Joint Requirements Council shall—

“(A) identify, assess, and validate joint requirements, including existing systems and associated capability gaps, to meet mission needs of the Department;
“(B) ensure that appropriate efficiencies are made among life cycle cost, schedule, and performance objectives, and procurement quantity objectives, in the establishment and approval of joint requirements; and

“(C) make prioritized capability recommendations for the joint requirements validated under subparagraph (A) to the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary to review decisions of the Joint Requirements Council.

“(4) CHAIRPERSON.—The Secretary shall appoint a chairperson of the Joint Requirements Council, for a term of not more than 2 years, from among senior officials of the Department as designated by the Secretary.

“(5) COMPOSITION.—The Joint Requirements Council shall be composed of senior officials representing components of the Department and other senior officials as designated by the Secretary.

“(6) RELATIONSHIP TO FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that the Future Years Homeland Security Program required under section 874 is consistent with
the recommendations of the Joint Requirements Council required under paragraph (2)(C), as affirmed by the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary under that paragraph.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 890A the following:

“Sec. 890B. Department joint requirements council.”.

SEC. 1223. EXCLUDED PARTY LIST SYSTEM WAIVERS.

Not later than 5 days after the date on which the Chief Procurement Officer or Chief Financial Officer of the Department of Homeland Security issues a waiver of the requirement that an agency not engage in business with a contractor or other recipient of funds listed in the System for Award Management, or a successor system, as maintained by the General Services Administration, the Office of Legislative Affairs of the Department of Homeland Security shall submit to Congress notice of such waiver and an explanation for a finding by the Under Secretary for Management that a compelling reason exists for issuing the waiver.
SEC. 1224. INSPECTOR GENERAL OVERSIGHT OF SUSPENSION AND DEBARMENT.

The Inspector General of the Department of Homeland Security shall—

(1) conduct audits as determined necessary by the Inspector General regarding grant and procurement awards to identify instances in which a contract or grant was improperly awarded to a suspended or debarred entity and whether corrective actions were taken to prevent recurrence; and

(2) review the suspension and debarment program throughout the Department of Homeland Security to assess whether suspension and debarment criteria are consistently applied throughout the Department of Homeland Security and whether disparities exist in the application of such criteria, particularly with respect to business size and categories.

Subtitle C—Acquisition Program Management Accountability and Transparency

SEC. 1231. CONGRESSIONAL NOTIFICATION FOR MAJOR ACQUISITION PROGRAMS.

(a) In General.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 1221, is amended by adding at the end the following:
“SEC. 837. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.

“(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(1) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

“(2) in the case of notice or a report relating to the Coast Guard or the Transportation Security Administration, the committees described in paragraph (1) and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) REQUIREMENTS WITHIN DEPARTMENT IN EVENT OF BREACH.—

“(1) NOTIFICATIONS.—

“(A) NOTIFICATION OF BREACH.—If a breach occurs in a major acquisition program, the program manager for the program shall notify the Component Acquisition Executive for the program, the head of the component con-
cerned, the Executive Director of the Program Accountability and Risk Management division, the Under Secretary for Management, and the Deputy Secretary not later than 30 calendar days after the date on which the breach is identified.

“(B) Notification to Secretary.—If a breach occurs in a major acquisition program and the breach results in a cost overrun greater than 15 percent, a schedule delay greater than 180 days, or a failure to meet any of the performance thresholds from the cost, schedule, or performance parameters specified in the most recently approved acquisition program baseline for the program, the Component Acquisition Executive for the program shall notify the Secretary and the Inspector General of the Department not later than 5 business days after the date on which the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management Division, the Under Secretary for Management, and the Deputy Secretary are notified of the breach under subparagraph (A).
“(2) REMEDIATION PLAN AND ROOT CAUSE ANALYSIS.—

“(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, and the Under Secretary for Management, at a date established by the Under Secretary for Management, a remediation plan and root cause analysis relating to the breach and program.

“(B) REMEDIATION PLAN.—The remediation plan required under subparagraph (A) shall—

“(i) explain the circumstances of the breach at issue;

“(ii) provide prior cost estimating information;

“(iii) include a root cause analysis that determines the underlying cause or causes of shortcomings in cost, schedule, or performance of the major acquisition program with respect to which the breach
has occurred, including the role, if any, of—

“(I) unrealistic performance expectations;

“(II) unrealistic baseline estimates for cost or schedule or changes in program requirements;

“(III) immature technologies or excessive manufacturing or integration risk;

“(IV) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;

“(V) changes to the scope of the program;

“(VI) inadequate program funding or changes in planned out-year funding from one 5-year funding plan to the next 5-year funding plan as outlined in the Future Years Homeland Security Program required under section 874;

“(VII) legislative, legal, or regulatory changes; or
“(VIII) inadequate program management personnel, including lack of sufficient number of staff, training, credentials, certifications, or use of best practices;

“(iv) propose corrective action to address cost growth, schedule delays, or performance issues;

“(v) explain the rationale for why a proposed corrective action is recommended; and

“(vi) in coordination with the Component Acquisition Executive for the program, discuss all options considered, including—

“(I) the estimated impact on cost, schedule, or performance of the program if no changes are made to current requirements;

“(II) the estimated cost of the program if requirements are modified; and

“(III) the extent to which funding from other programs will need to
be reduced to cover the cost growth of
the program.

“(3) REVIEW OF CORRECTIVE ACTIONS.—

“(A) IN GENERAL.—The Under Secretary
for Management—

“(i) shall review each remediation
plan required under paragraph (2); and

“(ii) not later than 30 days after sub-
mission of a remediation plan under para-
graph (2), may approve the plan or provide
an alternative proposed corrective action.

“(B) SUBMISSION TO CONGRESS.—Not
later than 30 days after the date on which the
Under Secretary for Management completes a
review of a remediation plan under subpara-
graph (A), the Under Secretary for Manage-
ment shall submit to the appropriate commit-
tees of Congress a copy of the remediation plan.

“(c) REQUIREMENTS RELATING TO CONGRESSIONAL
NOTIFICATION IF BREACH OCCURS.—

“(1) NOTIFICATION TO CONGRESS.—If a notifi-
cation to the Secretary is made under subsection
(b)(1)(B) relating to a breach in a major acquisition
program, the Under Secretary for Management shall
notify the appropriate committees of Congress of the
breach in the next semi-annual Acquisition Program Health Assessment described in section 717(a)(3) after receipt by the Under Secretary for Management of the notification under subsection (b)(1)(B).

“(2) **Significant Variance in Costs or Schedule.**—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule specified in the acquisition program baseline for a major acquisition program, the Under Secretary for Management shall include in the notification required under paragraph (1) a written certification, with supporting explanation, that—

“(A) the program is essential to the accomplishment of the mission of the Department;

“(B) there are no alternatives to the capability or asset provided by the program that will provide equal or greater capability in a more cost-effective and timely manner;

“(C) the management structure for the program is adequate to manage and control cost, schedule, and performance; and
“(D) includes the date on which the new acquisition schedule and estimates for total acquisition cost will completed.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.— The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1221, is amended by inserting after the item relating to section 836 the following:

“Sec. 837. Congressional notification and other requirements for major acquisition program breach.”.

SEC. 1232. MULTIYEAR ACQUISITION STRATEGY.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 1231, is amended by adding at the end the following:

“SEC. 838. MULTIYEAR ACQUISITION STRATEGY.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Under Secretary for Management shall brief the appropriate congressional committees on a multiyear acquisition strategy to—

“(1) guide the overall direction of the acquisitions of the Department while allowing flexibility to deal with ever-changing threats and risks;

“(2) keep pace with changes in technology that could impact deliverables; and
“(3) help industry better understand, plan, and align resources to meet the future acquisition needs of the Department.

“(b) UPDATES.—The strategy required under subsection (a) shall be updated and included in each Future Years Homeland Security Program required under section 874.

“(c) CONSULTATION.—In developing the strategy required under subsection (a), the Secretary shall, as the Secretary determines appropriate, consult with headquarters, components, employees in the field, and individuals from industry and the academic community.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1231, is amended by inserting after the item relating to section 837 the following:

“Sec. 838. Multiyear acquisition strategy.”.

SEC. 1233. REPORT ON BID PROTESTS.

(a) DEFINITIONS.—In this section—

(1) the term “appropriate committees of Congress” has the meaning given the term in section 837(a) of the Homeland Security Act of 2002, as added by section 1231(a); and

(2) the term “Department” means the Department of Homeland Security.
(b) **Study and Report.**—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall conduct a study, in consultation with the Government Accountability Office when necessary, and submit to the appropriate committees of Congress a report on the prevalence and impact of bid protests on the acquisition process of the Department, in particular bid protests filed with the Government Accountability Office and the United States Court of Federal Claims.

(c) **Contents.**—The report required under subsection (b) shall include—

(1) with respect to contracts with the Department—

   (A) trends in the number of bid protests filed with Federal agencies, the Government Accountability Office, and Federal courts and the rate of those bid protests compared to contract obligations and the number of contracts;

   (B) an analysis of bid protests filed by incumbent contractors, including the rate at which those contractors are awarded bridge contracts or contract extensions over the period during which the bid protest remains unresolved;
(C) a comparison of the number of bid protests and the outcome of bid protests for—

(i) awards of contracts compared to awards of task or delivery orders;

(ii) contracts or orders primarily for products compared to contracts or orders primarily for services;

(iii) protests filed pre-award to challenge the solicitation compared to those filed post-award;

(iv) contracts or awards with single protestors compared to multiple protestors;

and

(D) contracts with single awards compared to multiple award contracts;

(E) a description of trends in the number of bid protests filed as a percentage of contracts and as a percentage of task or delivery orders by the value of the contract or order with respect to—

(i) contracts valued at more than $300,000,000;

(ii) contracts valued at not less than $50,000,000 and not more than $300,000,000;
(iii) contracts valued at not less than $10,000,000 and not more than $50,000,000; and

(iv) contracts valued at less than $10,000,000;

(F) an assessment of the cost and schedule impact of successful and unsuccessful bid protests, as well as delineation of litigation costs, filed on major acquisitions with more than $100,000,000 in annual expenditures or $300,000,000 in life cycle costs;

(G) an analysis of how often bid protestors are awarded the contract that was the subject of the bid protest;

(H) a summary of the results of bid protests in which the Department took unilateral corrective action, including the average time for remedial action to be completed;

(I) the time it takes the Department to implement corrective actions after a ruling or decision with respect to a bid protest, and the percentage of those corrective actions that are subsequently protested, including the outcome of any subsequent bid protest;
(J) an analysis of those contracts with respect to which a company files a bid protest and later files a subsequent bid protest; and

(K) an assessment of the overall time spent on preventing and responding to bid protests as it relates to the procurement process; and

(2) any recommendations by the Inspector General of the Department relating to the study conducted under this section.

SEC. 1234. PROHIBITION AND LIMITATIONS ON USE OF COST-PLUS CONTRACTS.

(a) DEFINITIONS.—In this section—

(1) the term “Department” means the Department of Homeland Security; and

(2) the term “major acquisition program” has the meaning given the term in section 2 of the Homeland Security Act of 2002, as amended by this Act.

(b) PROHIBITION.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall modify the acquisition regulations of the Department to prohibit the use of cost-type contracts, unless the head of contracting activity determines in writing that—
(1) a cost-type contract is required by the level of program risk; and

(2) appropriate steps will be taken as soon as practicable to reduce that risk so that follow-on contracts for the same product or service can be awarded on a fixed-price basis, and delineates those steps in writing.

(c) MAJOR ACQUISITION PROGRAMS.—

(1) PROHIBITION.—The Department shall prohibit the use of cost-plus contracts with respect to procurements for the production of major acquisition programs.

(2) LIMITATION ON AUTHORIZING OF COST-TYPE CONTRACTS.—The Chief Procurement Officer of the Department, in consultation with the Acquisition Review Board required to be established under section 836 of the Homeland Security Act of 2002, as added by section 1221(a), may authorize the use of a cost-type contract for a major acquisition program only upon a written determination that—

(A) the major acquisition program is so complex and technically challenging that it is not practicable to use a contract type other than a cost-plus reimbursable contract for the development of the major acquisition program;
(B) all reasonable efforts have been made
to define the requirements sufficiently to allow
for the use of a contract type other than a cost-
plus reimbursable contract for the development
of the major acquisition program; and

(C) despite the efforts described in sub-
paragraph (B), the Department cannot define
requirements sufficiently to allow for the use of
a contract type other than a cost-plus reimburs-
able contract for the development of the major
acquisition program.

SEC. 1235. BRIDGE CONTRACTS.

(a) DEFINITIONS.—In this section—

(1) the terms “acquisition program” and “con-
gressional homeland security committees” have the
meanings given those terms in section 2 of the
Homeland Security Act of 2002, as amended by this
Act;

(2) the term “Department” means the Depart-
ment of Homeland Security; and

(3) the term “Executive agency” has the mean-
ing given the term in section 105 of title 5, United
States Code.
(b) **POLICIES AND PROCEDURES.**—The Chief Procurement Officer of the Department shall develop, in consultation with the Office of Federal Procurement Policy—

1. a common definition of a bridge contract; and

2. policies and procedures for the Department that, to the greatest extent practicable, seek to—

   (A) minimize the use of bridge contracts while providing for continuation of services to be performed through contracts; and

   (B) ensure appropriate planning by contracting officials.

(c) **REQUIRED ELEMENTS.**—The policies and procedures developed under subsection (b) shall include the following elements:

1. Sufficient time and planning to review contract requirements, compete contracts as appropriate, enter into contracts, and consider the possibility of bid protests.

2. For contracts that do not meet timeliness standards or that require entering into bridge contracts, contracting officials shall notify the Chief Procurement Officer of the Department and the head of the component agency of the Department.
(3) The Chief Procurement Officer of the Department shall approve any bridge contract that lasts longer than 6 months, and the head of the component agency of the Department shall approve any bridge contract that lasts longer than 1 year.

(d) **PUBLIC NOTICE.**—The Chief Procurement Officer of the Department shall provide public notice not later than 30 days after entering into a bridge contract, which shall include the notice required under subsection (c)(2) to the extent that information is available.

(e) **EXCEPTIONS.**—The policies and procedures developed under subsection (b) shall not apply to—

(1) service contracts in support of contingency operations, humanitarian assistance, or disaster relief;

(2) service contracts in support of national security emergencies declared with respect to named operations; or

(3) service contracts entered into pursuant to international agreements.

(f) **REPORTS.**—Not later than September 30, 2020, and by September 30 of each subsequent year thereafter until 2025, the Chief Procurement Officer of the Department shall submit to the congressional homeland security committees and make publicly available on the website of
the Department a report on the use of bridge contracts for all acquisition programs, which shall include—

(1) a common definition for a bridge contract, if in existence, that is used by contracting offices of Executive agencies;

(2) the total number of bridge contracts entered into during the previous fiscal year;

(3) the estimated value of each contract that required the use of a bridge contract and the cost of each such bridge contract;

(4) the reasons for and cost of each bridge contract;

(5) the types of services or goods being acquired under each bridge contract;

(6) the length of the initial contract that required the use of a bridge contract, including the base and any exercised option years, and the cumulative length of any bridge contract or contracts related to the initial contract;

(7) a description of how many of the contracts that required bridge contracts were the result of bid protests;

(8) a description of existing statutory, regulatory, or agency guidance that the Department followed to execute each bridge contract; and
(9) any other matters determined to be relevant by the Chief Procurement Officer of the Department.

SEC. 1236. ACQUISITION REPORTS.

(a) In General.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 1232, is amended by adding at the end the following:

"SEC. 839. ACQUISITION POLICIES AND GUIDANCE.

"(a) Program Accountability Report.—The Under Secretary for Management shall prepare and submit to the congressional homeland security committees a semi-annual program accountability report to meet the mandate of the Department to perform program health assessments and improve program execution and governance.

"(b) Level 3 Acquisition Programs of Components of the Department.—

"(1) Identification.—Not later than 60 days after the date of enactment of this section, component heads of the Department shall identify to the Under Secretary for Management all level 3 acquisition programs of each respective component.

"(2) Certification.—Not later than 30 days after receipt of the information under paragraph (1),
the Under Secretary for Management shall certify in writing to the congressional homeland security committees whether the heads of the components of the Department have properly identified the programs described in that paragraph.

"(3) METHODOLOGY.—To carry out this subsection, the Under Secretary shall establish a process with a repeatable methodology to continually identify level 3 acquisition programs.

"(c) POLICIES AND GUIDANCE.—

"(1) SUBMISSION.—Not later than 180 days after the date of enactment of this section, the Component Acquisition Executives shall submit to the Under Secretary for Management the policies and relevant guidance for the level 3 acquisition programs of each component.

"(2) CERTIFICATION.—Not later than 90 days after receipt of the policies and guidance under subparagraph (A), the Under Secretary shall certify in writing to the congressional homeland security committees that the policies and guidance of each component adhere to Department-wide acquisition policies.’’.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of contents in section 1(b) of the Homeland Se-
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curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),
as amended by section 1232, is amended by inserting after
the item relating to section 838 the following:

“Sec. 839. Acquisition policies and guidance.”.

**TITLE III—INTELLIGENCE AND**
**INFORMATION SHARING**

**Subtitle A—Department of Homeland Security Intelligence Enterprise**

**SEC. 1301. HOMELAND INTELLIGENCE DOCTRINE.**

(a) In general.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by section 1601(g) of this Act, is amended by adding at the end the following new section:

“SEC. 210F. HOMELAND INTELLIGENCE DOCTRINE.

“(a) In general.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Chief Intelligence Officer of the Department, in coordination with intelligence components of the Department, the Office of the General Counsel, the Privacy Office, and the Office for Civil Rights and Civil Liberties, shall develop and disseminate written Department-wide guidance for the processing, analysis, production, and dissemination of homeland security information (as such term is defined in section 892) and terrorism information (as such term is defined in section 1016 of the
Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485)).

“(b) CONTENTS.—The guidance required under subsection (a) shall, at a minimum, include the following:

“(1) A description of guiding principles and purposes of the Department’s intelligence enterprise.

“(2) A summary of the roles and responsibilities, if any, of each intelligence component of the Department and programs of the intelligence components of the Department in the processing, analysis, production, and dissemination of homeland security information and terrorism information, including relevant authorities and restrictions applicable to each intelligence component of the Department and programs of each such intelligence component.

“(3) Guidance for the processing, analysis, and production of such information, including descriptions of component or program specific datasets that facilitate the processing, analysis, and production.

“(4) Guidance for the dissemination of such information, including within the Department, among and between Federal departments and agencies, among and between State, local, tribal, and territorial governments, including law enforcement agen-
cies, and with foreign partners and the private sector.

“(5) A statement of intent regarding how the dissemination of homeland security information and terrorism information to the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) and Federal law enforcement agencies should assist the intelligence community and Federal law enforcement agencies in carrying out their respective missions.

“(6) A statement of intent regarding how the dissemination of homeland security information and terrorism information to State, local, tribal, and territorial government agencies, including law enforcement agencies, should assist the agencies in carrying out their respective missions.

“(c) FORM.—The guidance required under subsection (a) shall be disseminated in unclassified form, but may include a classified annex.

“(d) ANNUAL REVIEW.—For each of the 5 fiscal years beginning with the first fiscal year that begins after the date of the enactment of this section, the Secretary shall conduct a review of the guidance required under subsection (a) and, as appropriate, revise such guidance.”.
(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1601(i) of this Act, is amended by inserting after the item relating to section 210E the following new item:

“Sec. 210F. Homeland intelligence doctrine.”.

SEC. 1302. **PERSONNEL FOR THE CHIEF INTELLIGENCE OFFICER.**

Section 201(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 121(e)(1)) is amended by adding at the end the following: “The Secretary shall also provide the Chief Intelligence Officer with a staff having appropriate component intelligence program expertise and experience to assist the Chief Intelligence Officer.”.

SEC. 1303. **ANNUAL HOMELAND TERRORIST THREAT ASSESSMENTS.**

(a) In General.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

“SEC. 210G. HOMELAND TERRORIST THREAT ASSESSMENTS.

“(a) In General.—Not later than 180 days after the date of the enactment of this section and for each of the following 5 fiscal years (beginning in the first fiscal year that begins after the date of the enactment of this
section) the Secretary, acting through the Under Secretary for Intelligence and Analysis, and using departmental information, including component information coordinated with each intelligence component of the Department and programs of each such intelligence component, and information provided through State and major urban area fusion centers, shall conduct an assessment of the terrorist threat to the homeland.

“(b) CONTENTS.—Each assessment under subsection (a) shall include the following:

“(1) Empirical data assessing terrorist activities and incidents over time in the United States, including terrorist activities and incidents planned or supported by foreign or domestic terrorists or persons outside of the United States to occur in the homeland.

“(2) An evaluation of current terrorist tactics, as well as ongoing and possible future changes in terrorist tactics.

“(3) An assessment of criminal activity encountered or observed by officers or employees of components which is suspected of financing terrorist activity.
“(4) Detailed information on all individuals suspected of involvement in terrorist activity and subsequently—

“(A) prosecuted for a Federal criminal offense, including details of the criminal charges involved;

“(B) placed into removal proceedings, including details of the removal processes and charges used;

“(C) denied entry into the United States, including details of the denial processes used; or

“(D) subjected to civil proceedings for revocation of naturalization.

“(5) The efficacy and reach of foreign and domestic terrorist organization propaganda, messaging, or recruitment, including details of any specific propaganda, messaging, or recruitment that contributed to terrorist activities identified pursuant to paragraph (1).

“(6) An assessment of threats, including cyber threats, to the homeland, including to critical infrastructure and Federal civilian networks.

“(7) An assessment of current and potential terrorism and criminal threats posed by individuals
and organized groups seeking to unlawfully enter the
United States.

“(8) An assessment of threats to the transportation sector, including surface and aviation transportation systems.

“(c) ADDITIONAL INFORMATION.—The assessments required under subsection (a)—

“(1) shall, to the extent practicable, utilize existing component data collected and existing component threat assessments; and

“(2) may incorporate relevant information and analysis from other agencies of the Federal Government, agencies of State and local governments (including law enforcement agencies), as well as the private sector, disseminated in accordance with standard information sharing procedures and policies.

“(d) FORM.—The assessments required under subsection (a) shall be shared with the appropriate congressional committees and submitted in unclassified form, but may include separate classified annexes, if appropriate.”.

(b) CONFORMING AMENDMENT.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended by adding at the end the following new paragraph:
“(27) To carry out section 210G (relating to homeland terrorist threat assessments).”.

(c) Clerical Amendment.—The table of contents of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1301, is amended by inserting after the item relating to section 210F the following:

“Sec. 210G. Homeland terrorist threat assessments.”.

SEC. 1304. DEPARTMENT OF HOMELAND SECURITY DATA FRAMEWORK.

(a) In General.—

(1) Development.—The Secretary of Homeland Security shall develop a data framework to integrate existing Department of Homeland Security datasets and systems, as appropriate, for access by authorized personnel in a manner consistent with relevant legal authorities and privacy, civil rights, and civil liberties policies and protections.

(2) Requirements.—In developing the framework required under paragraph (1), the Secretary shall ensure, in accordance with all applicable statutory and regulatory requirements, the following information is included:

(A) All information acquired, held, or obtained by an office or component of the Department that falls within the scope of the inform-
tion sharing environment, including homeland security information, terrorism information, weapons of mass destruction information, and national intelligence.

(B) Any information or intelligence relevant to priority mission needs and capability requirements of the homeland security enterprise, as determined appropriate by the Secretary.

(b) DATA FRAMEWORK ACCESS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the data framework required under this section is accessible to employees of the Department of Homeland Security who the Secretary determines—

(A) have an appropriate security clearance; 

(B) are assigned to perform a function that requires access to information in such framework; and 

(C) are trained in applicable standards for safeguarding and using such information.

(2) GUIDANCE.—The Secretary of Homeland Security shall—

(A) issue guidance for Department of Homeland Security employees authorized to ac-
cess and contribute to the data framework pursuant to paragraph (1); and

(B) ensure that such guidance enforces a duty to share between offices and components of the Department when accessing or contributing to such framework for mission needs.

(3) EFFICIENCY.—The Secretary of Homeland Security shall promulgate data standards and instruct components of the Department of Homeland Security to make available information through the data framework under this section in a machine-readable standard format, to the greatest extent practicable.

(e) EXCLUSION OF INFORMATION.—The Secretary of Homeland Security may exclude information from the data framework if the Secretary determines inclusion of such information may—

(1) jeopardize the protection of sources, methods, or activities;

(2) compromise a criminal or national security investigation;

(3) be inconsistent with other Federal laws or regulations; or

(4) be duplicative or not serve an operational purpose if included in such framework.
(d) SAFEGUARDS.—The Secretary of Homeland Security shall incorporate into the data framework systems capabilities for auditing and ensuring the security of information included in such framework. Such capabilities shall include the following:

(1) Mechanisms for identifying insider threats.

(2) Mechanisms for identifying security risks.

(3) Safeguards for privacy, civil rights, and civil liberties.

(e) DEADLINE FOR IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure the data framework required under this section has the ability to include the information described in subsection (a).

(f) NOTICE TO CONGRESS.—

(1) STATUS UPDATES.—The Secretary of Homeland Security shall submit to the appropriate congressional committees regular updates on the status of the data framework until such framework is fully operational.

(2) OPERATIONAL NOTIFICATION.—Not later than 60 days after the date on which the data framework required under this section is fully operational, the Secretary of Homeland Security shall
provide notice to the appropriate congressional committees that the data framework is fully operational.

(3) VALUE ADDED.—The Secretary of Homeland Security shall include in each assessment required under section 210G(a) of the Homeland Security Act of 2002, as added by this Act, if applicable, a description of the use of the data framework required under this section to support operations that disrupt terrorist activities and incidents in the homeland.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE; HOMELAND.—The terms “appropriate congressional committee” and “homeland” have the meaning given those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(2) HOMELAND SECURITY INFORMATION.—The term “homeland security information” has the meaning given such term in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482).

(3) INSIDER THREAT.—The term “insider threat” has the meaning given such term in section 104 of the Homeland Security Act, as added by section 1305.
(4) NATIONAL INTELLIGENCE.—The term “national intelligence” has the meaning given such term in section 3(5) of the National Security Act of 1947 (50 U.S.C. 3003(5)).

(5) TERRORISM INFORMATION.—The term “terrorism information” has the meaning given such term in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

SEC. 1305. ESTABLISHMENT OF INSIDER THREAT PROGRAM.

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

“SEC. 104. INSIDER THREAT PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish an Insider Threat Program within the Department, which shall—

“(1) provide training and education for employees of the Department to identify, prevent, mitigate, and respond to insider threat risks to the Department’s critical assets;

“(2) provide investigative support regarding potential insider threats that may pose a risk to the Department’s critical assets; and
“(3) conduct risk mitigation activities for insider threats.

“(b) STEERING COMMITTEE.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT.—The Secretary shall establish a Steering Committee within the Department.

“(B) MEMBERSHIP.—The membership of the Steering Committee shall be as follows:

“(i) The Under Secretary for Management and the Under Secretary for Intelligence and Analysis shall serve as the Co-Chairpersons of the Steering Committee.

“(ii) The Chief Security Officer, as the designated Senior Insider Threat Official, shall serve as the Vice Chairperson of the Steering Committee.

“(iii) The other members of the Steering Committee shall be comprised of representatives of—

“(I) the Office of Intelligence and Analysis;

“(II) the Office of the Chief Information Officer;
“(III) the Office of the General Counsel;

“(IV) the Office for Civil Rights and Civil Liberties;

“(V) the Privacy Office;

“(VI) the Office of the Chief Human Capital Officer;

“(VII) the Office of the Chief Financial Officer;

“(VIII) the Federal Protective Service;

“(IX) the Office of the Chief Procurement Officer;

“(X) the Science and Technology Directorate; and

“(XI) other components or offices of the Department as appropriate.

“(C) MEETINGS.—The members of the Steering Committee shall meet on a regular basis to discuss cases and issues related to insider threats to the Department’s critical assets, in accordance with subsection (a).

“(2) RESPONSIBILITIES.—Not later than 1 year after the date of the enactment of this section, the
Under Secretary for Management, the Under Secretary for Intelligence and Analysis, and the Chief Security Officer, in coordination with the Steering Committee, shall—

“(A) develop a holistic strategy for Department-wide efforts to identify, prevent, mitigate, and respond to insider threats to the Department’s critical assets;

“(B) develop a plan to implement the insider threat measures identified in the strategy developed under subparagraph (A) across the components and offices of the Department;

“(C) document insider threat policies and controls;

“(D) conduct a baseline risk assessment of insider threats posed to the Department’s critical assets;

“(E) examine programmatic and technology best practices adopted by the Federal Government, industry, and research institutions to implement solutions that are validated and cost-effective;

“(F) develop a timeline for deploying workplace monitoring technologies, employee awareness campaigns, and education and training
programs related to identifying, preventing, mitigating, and responding to potential insider threats to the Department’s critical assets;

“(G) consult with the Under Secretary for Science and Technology and other appropriate stakeholders to ensure the Insider Threat Program is informed, on an ongoing basis, by current information regarding threats, best practices, and available technology; and

“(H) develop, collect, and report metrics on the effectiveness of the Department’s insider threat mitigation efforts.

“(c) PRESERVATION OF MERIT SYSTEM RIGHTS.—

“(1) IN GENERAL.—The Steering Committee shall not seek to, and the authorities provided under this section shall not be used to, deter, detect, or mitigate disclosures of information by Government employees or contractors that are lawful under and protected by section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) (commonly known as the ‘Intelligence Community Whistleblower Protection Act of 1998’), chapter 12 or 23 of title 5, United States Code, the Inspector General Act of 1978 (5 U.S.C. App.), or any other whistleblower statute, regulation, or policy.
“(2) IMPLEMENTATION.—

“(A) IN GENERAL.—Any activity carried out under this section shall be subject to section 115 of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note).

“(B) REQUIRED STATEMENT.—Any activity to implement or enforce any insider threat activity or authority under this section or Executive Order 13587 (50 U.S.C. 3161 note) shall include the statement required by section 115 of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note) that preserves rights under whistleblower laws and section 7211 of title 5, United States Code, protecting communications with Congress.

“(d) DEFINITIONS.—In this section:

“(1) CRITICAL ASSETS.—The term ‘critical assets’ means the resources, including personnel, facilities, information, equipment, networks, or systems necessary for the Department to fulfill its mission.

“(2) EMPLOYEE.—The term ‘employee’ has the meaning given the term in section 2105 of title 5, United States Code.

“(3) INSIDER.—The term ‘insider’ means—
“(A) any person who has or had authorized access to Department facilities, information, equipment, networks, or systems and is employed by, detailed to, or assigned to the Department, including members of the Armed Forces, experts or consultants to the Department, industrial or commercial contractors, licensees, certificate holders, or grantees of the Department, including all subcontractors, personal services contractors, or any other category of person who acts for or on behalf of the Department, as determined by the Secretary; or

“(B) State, local, tribal, territorial, and private sector personnel who possess security clearances granted by the Department.

“(4) INSIDER THREAT.—The term ‘insider threat’ means the threat that an insider will use his or her authorized access, wittingly or unwittingly, to do harm to the security of the United States, including damage to the United States through espionage, terrorism, the unauthorized disclosure of classified national security information, or through the loss or degradation of departmental resources or capabilities.
“(5) **Steering committee.**—The term ‘Steering Committee’ means the Steering Committee established under subsection (b)(1)(A).”.

(b) **Report.**—

(1) **In general.**—Not later than 2 years after the date of the enactment of this Act, and once every 2 years thereafter for the following 4-year period, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate a report on—

(A) how the Department of Homeland Security, including the components and offices of the Department of Homeland Security, have implemented the strategy developed under section 104(b)(2)(A) of the Homeland Security Act of 2002, as added by this Act;

(B) the status of the risk assessment of critical assets being conducted by the Department of Homeland Security;

(C) the types of insider threat training conducted;
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(D) the number of employees of the Department of Homeland Security who have received insider threat training; and

(E) information on the effectiveness of the Insider Threat Program (established under section 104(a) of the Homeland Security Act of 2002, as added by this Act), based on metrics developed, collected, and reported pursuant to subsection (b)(2)(H) of such section 104.

(2) DEFINITIONS.—In this subsection, the terms “critical assets”, “insider”, and “insider threat” have the meanings given the terms in section 104 of the Homeland Security Act of 2002 (as added by this Act).

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 103 the following:

“Sec. 104. Insider Threat Program.”.

SEC. 1306. THREAT ASSESSMENT ON TERRORIST USE OF VIRTUAL CURRENCY.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary for Intelligence and Analysis shall, in coordination with appropriate Federal partners, including the Department of the Treasury, the Department of State, and the Federal
Bureau of Investigation, develop and disseminate a threat assessment, as well as recommendations to mitigate the threat, regarding the actual and potential threat posed by individuals and state sponsors of terrorism using virtual currency and other emerging financial technological capabilities to carry out activities in furtherance of an act of terrorism, including the provision of material support or resources to a foreign terrorist organization.

(b) DISTRIBUTION.—Consistent with the protection of classified and confidential unclassified information, the Under Secretary shall share the threat assessment developed under this section with State, local, and tribal law enforcement officials, including officials that operate within fusion centers in the National Network of Fusion Centers.

(e) DEFINITIONS.—In this section:

(1) FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” means an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(2) STATE SPONSOR OF TERRORISM.—The term “state sponsor of terrorism” means a country the government of which the Secretary of State has determined to be a government that has repeatedly
provided support for acts of international terrorism for purposes of—

(A) section 6(j)(1)(A) of the Export Administra-

(B) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(C) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(D) any other provision of law.

SEC. 1307. TRANSNATIONAL CRIMINAL ORGANIZATIONS

THREAT ASSESSMENT.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Intelligence Analysis shall, in coordination with appropriate Federal partners, develop and disseminate a threat assessment on whether transnational criminal organizations are exploiting United States border security vulnerabilities in border security screening programs to gain access to the United States and threaten the United States or border security.

(b) Recommendations.—Upon completion of the threat assessment required under subsection (a), the Sec-
Secretary of Homeland Security shall make a determination if any changes are required to address security vulnerabilities identified in such assessment.

(c) DISTRIBUTION.—Consistent with the protection of classified and confidential unclassified information, the Under Secretary for Intelligence and Analysis shall share the threat assessment developed under this section with State, local, and tribal law enforcement officials, including officials that operate within fusion centers in the National Network of Fusion Centers.

SEC. 1308. DEPARTMENT OF HOMELAND SECURITY COUNTER THREATS ADVISORY BOARD.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

“SEC. 210H. DEPARTMENTAL COORDINATION ON COUNTER THREATS.

“(a) Establishment.—There is authorized in the Department, for a period of 2 years beginning after the date of enactment of this section, a Counter Threats Advisory Board (in this section referred to as the ‘Board’) which shall—
“(1) be composed of senior representatives of departmental operational components and headquarters elements; and

“(2) coordinate departmental intelligence activities and policy and information related to the mission and functions of the Department that counter threats.

“(b) CHARTER.—There shall be a charter to govern the structure and mission of the Board, which charter shall—

“(1) direct the Board to focus on the current threat environment and the importance of aligning departmental activities to counter threats under the guidance of the Secretary; and

“(2) be reviewed and updated as appropriate.

“(c) MEMBERS.—

“(1) IN GENERAL.—The Board shall be composed of senior representatives of departmental operational components and headquarters elements.

“(2) CHAIR.—The Under Secretary for Intelligence and Analysis shall serve as the Chair of the Board.

“(3) MEMBERS.—The Secretary shall appoint additional members of the Board from among the following:
“(A) The Transportation Security Administration.

“(B) United States Customs and Border Protection.

“(C) United States Immigration and Customs Enforcement.


“(E) The Coast Guard.


“(G) The United States Secret Service.

“(H) The National Protection and Programs Directorate.

“(I) The Office of Operations Coordination.


“(K) The Office of Intelligence and Analysis.

“(L) The Office of Strategy, Policy, and Plans.

“(M) The Science and Technology Directorate.

“(N) The Office for State and Local Law Enforcement.
“(O) The Privacy Office.

“(P) The Office for Civil Rights and Civil Liberties.

“(Q) Other departmental offices and programs as determined appropriate by the Secretary.

“(d) MEETINGS.—The Board shall—

“(1) meet on a regular basis to discuss intelligence and coordinate ongoing threat mitigation efforts and departmental activities, including coordination with other Federal, State, local, tribal, territorial, and private sector partners; and

“(2) make recommendations to the Secretary.

“(e) TERRORISM ALERTS.—The Board shall advise the Secretary on the issuance of terrorism alerts under section 203.

“(f) PROHIBITION ON ADDITIONAL FUNDS.—No additional funds are authorized to carry out this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1303, is amended by inserting after the item relating to section 210H the following:

“Sec. 210H. Departmental coordination to counter threats.”.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Secu-
rity, acting through the Chair of the Counter Threats Ad-
visory Board established under section 210H of the Home-
land Security Act of 2002, as added by subsection (a),
shall submit to the Committee on Homeland Security and
Governmental Affairs of the Senate and the Committee
on Homeland Security of the House of Representatives a
report on the status and activities of the Counter Threats
Advisory Board.

(d) NOTICE.—The Department shall provide written
notification to and brief the Committee on Homeland Se-
curity and Governmental Affairs of the Senate and the
Committee on Homeland Security of the House of Rep-
resentatives on any changes to or introductions of new
mechanisms to coordinate threats across the Department.

Subtitle B—Stakeholder Information Sharing

SEC. 1311. DEPARTMENT OF HOMELAND SECURITY FUSION CENTER PARTNERSHIP INITIATIVE.

(a) IN GENERAL.—Section 210A of the Homeland
Security Act of 2002 (6 U.S.C. 124h) is amended—

(1) by amending the section heading to read as
follows:
“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FUSION CENTER PARTNERSHIP INITIATIVE.”;

(2) in subsection (a), by adding at the end the following: “Beginning on the date of enactment of the Department of Homeland Security Authorization Act, such Initiative shall be known as the ‘Department of Homeland Security Fusion Center Partnership Initiative’.”;

(3) by amending subsection (b) to read as follows:

“(b) INTERAGENCY SUPPORT AND COORDINATION.—

Through the Department of Homeland Security Fusion Center Partnership Initiative, in coordination with principal officials of fusion centers in the National Network of Fusion Centers and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

“(1) coordinate with the heads of other Federal departments and agencies to provide operational, analytic, and reporting intelligence advice and assistance to the National Network of Fusion Centers and to align homeland security intelligence activities with other field based intelligence activities;

“(2) support the integration of fusion centers into the information sharing environment, including by—
“(A) providing for the effective dissemination of information within the scope of the information sharing environment to the National Network of Fusion Centers;

“(B) conducting outreach to such fusion centers to identify any gaps in information sharing;

“(C) consulting with other Federal agencies to develop methods to—

“(i) address any such gaps identified under subparagraph (B), as appropriate; and

“(ii) deploy or access such databases and datasets, as appropriate; and

“(D) review information that is gathered by the National Network of Fusion Centers to identify that which is within the scope of the information sharing environment, including homeland security information (as defined in section 892), terrorism information, and weapons of mass destruction information and incorporate such information, as appropriate, into the Department’s own such information;

“(3) facilitate close communication and coordination between the National Network of Fusion
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Centers and the Department and other Federal departments and agencies;

“(4) facilitate information sharing and expertise from the national cybersecurity and communications integration center under section 2209 to the National Network of Fusion Centers;

“(5) coordinate the provision of training and technical assistance, including training on the use of Federal databases and datasets described in paragraph (2), to the National Network of Fusion Centers and encourage participating fusion centers to take part in terrorism threat-related exercises conducted by the Department;

“(6) ensure the dissemination of cyber threat indicators and information about cybersecurity risks and incidents to State, local, and regional fusion centers;

“(7) ensure that each fusion center in the National Network of Fusion Centers has a privacy policy approved by the Chief Privacy Officer of the Department and a civil rights and civil liberties policy approved by the Officer for Civil Rights and Civil Liberties of the Department;

“(8) develop and disseminate best practices on the appropriate levels for staffing at fusion centers
in the National Network of Fusion Centers of qualified representatives from State, local, tribal, and territorial law enforcement, fire, emergency medical, and emergency management services, and public health disciplines, as well as the private sector; and “(9) carry out such other duties as the Secretary determines appropriate.”;

(4) in subsection (c)—

(A) in the heading, by striking “PERSONNEL ASSIGNMENT” and inserting “RESOURCE ALLOCATION”;

(B) by striking paragraphs (1) and (2) and inserting the following:

“(1) INFORMATION SHARING AND PERSONNEL ASSIGNMENT.—

“(A) INFORMATION SHARING.—The Under Secretary for Intelligence and Analysis shall ensure that, as appropriate—

“(i) fusion centers in the National Network of Fusion Centers have access to homeland security information sharing systems; and

“(ii) Department personnel are deployed to support fusion centers in the National Network of Fusion Centers in a
manner consistent with the mission of the Department.

“(B) Personnel Assignment.—Department personnel referred to in subparagraph (A)(ii) may include the following:

“(i) Intelligence officers.

“(ii) Intelligence analysts.

“(iii) Other liaisons from components and offices of the Department, as appropriate.

“(C) Memoranda of Understanding.—The Under Secretary for Intelligence and Analysis shall negotiate memoranda of understanding between the Department and a State or local government, in coordination with the appropriate representatives from fusion centers in the National Network of Fusion Centers, regarding the exchange of information between the Department and such fusion centers. Such memoranda shall include the following:

“(i) The categories of information to be provided by each entity to the other entity that are parties to any such memoranda.
“(ii) The contemplated uses of the exchanged information that is the subject of any such memoranda.

“(iii) The procedures for developing joint products.

“(iv) The information sharing dispute resolution processes.

“(v) Any protections necessary to ensure the exchange of information accords with applicable law and policies.

“(2) SOURCES OF SUPPORT.—Information shared and personnel assigned pursuant to paragraph (1) may be shared or provided, as the case may be, by the following Department components and offices, in coordination with the respective component or office head and in consultation with the principal officials of fusion centers in the National Network of Fusion Centers:

“(A) The Office of Intelligence and Analysis.

“(B) Cybersecurity and Infrastructure Security Agency.

“(C) The Transportation Security Administration.

“(D) U.S. Customs and Border Protection.
“(E) U.S. Immigration and Customs Enforcement.

“(F) The Coast Guard.

“(G) The national cybersecurity and communications integration center under section 2209.

“(H) Other components or offices of the Department, as determined by the Secretary.”;

(C) in paragraph (3)—

(i) in the heading, by striking “QUALIFYING CRITERIA” and inserting “RESOURCE ALLOCATION CRITERIA”;

(ii) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The Secretary shall make available criteria for sharing information and deploying personnel to support a fusion center in the National Network of Fusion Centers in a manner consistent with the Department’s mission and existing statutory limits.”;

and

(D) in paragraph (4)(B), in the matter preceding clause (i), by inserting “in which such fusion center is located” after “region”;

(5) in subsection (d)—
(A) in paragraph (3), by striking “and” at the end;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after paragraph (3) the following:

“(4) assist, in coordination with the national cybersecurity and communications integration center under section 2209, fusion centers in using information relating to cybersecurity risks to develop a comprehensive and accurate threat picture;”;

(D) in paragraph (5), as so redesignated—

(i) by striking “government” and inserting “governments”; and

(ii) by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(6) use Department information, including information held by components and offices, to develop analysis focused on the mission of the Department under section 101(b).”;

(6) in subsection (e)—

(A) by amending paragraph (1) to read as follows:
“(1) IN GENERAL.—To the greatest extent practicable, the Secretary shall make it a priority to allocate resources, including Departmental component personnel with relevant expertise, to support the efforts of fusion centers along land or maritime borders of the United States to facilitate law enforcement agency identification, investigation, and interdiction of persons, weapons, and related contraband that pose a threat to homeland security.”; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “participating State, local, and regional fusion centers” and inserting “fusion centers in the National Network of Fusion Centers”;

(7) in subsection (j)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(C) by inserting before paragraph (2) the following:

“(1) the term ‘cybersecurity risk’ has the meaning given such term in section 2209;”.

(D) in paragraph (5), as so redesignated, by striking “and” at the end; and

(E) by inserting after such paragraph (5) the following new paragraph:

“(6) the term ‘National Network of Fusion Centers’ means a decentralized arrangement of fusion centers intended to enhance individual State and urban area fusion centers’ ability to leverage the capabilities and expertise of all fusion centers for the purpose of enhancing analysis and homeland security information sharing nationally; and”; and

(8) by striking subsection (k).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act and annually thereafter through 2024, the Under Secretary for Intelligence and Analysis of the Department of Homeland Security shall report to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate on the value of fusion center intelligence products and the expenditure of authorized funds for the support and coordination of State, local, or regional fusion centers as specified in section 210A of the
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1 Homeland Security Act of 2002 (6 U.S.C. 124h), as
2 amended by subsection (a).
3
4 (c) REPORT ON FEDERAL DATABASES.—Not later
5 than 180 days after the date of enactment of the Depart-
6 ment of Homeland Security Authorization Act, the Com-
7 troller General of the United States shall submit a report
to Congress on the Federal databases and datasets that
address any gaps identified pursuant to section
9 210A(b)(2)(B) of the Homeland Security Act of 2002, as
amended by subsection (a), including databases and
datasets used, operated, or managed by Department com-
ponents, the Department of Justice, including the Federal
Bureau of Investigation and the Drug Enforcement Ad-
ministration, and the Department of the Treasury, that
are appropriate, in accordance with Federal laws and poli-
cies, for inclusion in the information sharing environment.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 2103(c)(1) of the Homeland Secu-

rity Act of 2002 (6 U.S.C.623(c)(1)) is amended by

striking “210A(j)(1)” and inserting “210A(j)”.

(2) The table of contents in section 1(b) of the

Homeland Security Act of 2002 (Public Law 107–
296; 116 Stat. 2135) is amended by striking the
item relating to section 210A and inserting the fol-

lowing:
(e) REFERENCE.—Any reference in any law, rule, or regulation to the “Department of Homeland Security State, Local, and Regional Fusion Center Initiative” shall be deemed to be a reference to the “Department of Homeland Security Fusion Center Partnership Initiative”.

SEC. 1312. FUSION CENTER PERSONNEL NEEDS ASSESSMENT.

(a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an assessment of Department of Homeland Security personnel assigned to fusion centers pursuant to section 210A(c) of the Homeland Security Act of 2002 (6 U.S.C. 124h(c)), as amended by this Act, including an assessment of whether deploying additional Department personnel to such fusion centers would enhance the Department’s mission under section 101(b) of such Act and the National Network of Fusion Centers.

(2) CONTENTS.—The assessment required under this subsection shall include the following:
(A) Information on the current deployment of the Department’s personnel to each fusion center.

(B) Information on the roles and responsibilities of the Department’s Office of Intelligence and Analysis intelligence officers, intelligence analysts, senior reports officers, reports officers, and regional directors deployed to fusion centers.

(C) Information on Federal resources, in addition to personnel, provided to each fusion center.

(D) An assessment of fusion centers located in jurisdictions along land and maritime borders of the United States, and the degree to which deploying personnel, as appropriate, from U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Coast Guard to such fusion centers would enhance the integrity and security at such borders by helping Federal, State, local, tribal, and territorial law enforcement authorities to identify, investigate, and interdict persons, weapons, and related contraband that pose a threat to homeland security.
(b) DEFINITIONS.—In this section, the terms “fusion center” and “National Network of Fusion Centers” have the meanings given those terms in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as amended by this Act.

SEC. 1313. STRATEGY FOR FUSION CENTERS SUPPORTING COUNTERNARCOTICS INITIATIVES THROUGH INTELLIGENCE INFORMATION SHARING AND ANALYSIS.

Not later than 180 days after the date of enactment of this Act, the Under Secretary for Intelligence and Analysis shall submit to Congress a strategy for how State and local fusion centers will support law enforcement counter-narcotics activities and investigations through intelligence information sharing and analysis, including providing guidelines and best practices to fusion center leadership and personnel.

SEC. 1314. PROGRAM FOR STATE AND LOCAL ANALYST CLEARANCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any program established by the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to provide eligibility for access to information classified as Top Secret for State, local, tribal, and territorial analysts located in fusion centers shall be
consistent with the need to know requirements pursuant to Executive Order No. 13526 (50 U.S.C. 3161 note).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Under Secretary of Intelligence and Analysis of the Department of Homeland Security, in consultation with the Director of National Intelligence, shall submit to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate a report on the following:

(1) The process by which the Under Secretary of Intelligence and Analysis determines a need to know pursuant to Executive Order No. 13526 to sponsor Top Secret clearances for appropriate State, local, tribal, and territorial analysts located in fusion centers.

(2) The effects of such Top Secret clearances on enhancing information sharing with State, local, tribal, and territorial partners.

(3) The cost for providing such Top Secret clearances for State, local, tribal, and territorial analysts located in fusion centers, including training and background investigations.
(4) The operational security protocols, training, management, and risks associated with providing such Top Secret clearances for State, local, tribal, and territorial analysts located in fusion centers.

(c) Definition.—In this section, the term “fusion center” has the meaning given the term in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)).

SEC. 1315. INFORMATION TECHNOLOGY ASSESSMENT.

(a) In General.—The Under Secretary for Intelligence and Analysis of the Department of Homeland Security, in collaboration with the Chief Information Officer of the Department and representatives from the National Network of Fusion Centers, shall conduct an assessment of information systems (as such term is defined in section 3502 of title 44, United States Code) used to share homeland security information (as defined in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482) between the Department of Homeland Security and fusion centers in the National Network of Fusion Centers and make upgrades to such systems, as appropriate. Such assessment shall include the following:

(1) An evaluation of the security, accessibility, and ease of use of such systems by fusion centers in the National Network of Fusion Centers.
(2) A review to determine how to establish improved interoperability of departmental information systems with existing information systems used by fusion centers in the National Network of Fusion Centers.

(3) An evaluation of participation levels of departmental components and offices of information systems used to share homeland security information with fusion centers in the National Network of Fusion Centers.

(b) DEFINITIONS.—In this section, the terms "fusion center" and "National Network of Fusion Centers" have the meanings given those terms in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as amended by this Act.

SEC. 1316. DEPARTMENT OF HOMELAND SECURITY CLASSIFIED FACILITY INVENTORY.

(a) IN GENERAL.—The Secretary of Homeland Security shall, to the extent practicable—

(1) maintain an inventory of those Department of Homeland Security facilities that the Department certifies to house classified infrastructure or systems at the secret level and above;

(2) update such inventory on a regular basis; and
(3) share part or all of such inventory with personnel as determined appropriate by the Secretary of Homeland Security.

(b) INVENTORY.—The inventory of facilities described in subsection (a) may include—

(1) the location of such facilities;

(2) the attributes and capabilities of such facilities (including the clearance level of the facility, square footage of, the total capacity of, the number of workstations in, document storage, and the number of conference rooms in, such facilities);

(3) the entities that operate such facilities; and

(4) the date of establishment of such facilities.

SEC. 1317. TERROR INMATE INFORMATION SHARING.

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Attorney General and in consultation with other appropriate Federal officials, shall, as appropriate, share with State, local, and regional fusion centers through the Department of Homeland Security Fusion Center Partnership Initiative under section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h), as amended by this Act, as well as other relevant law enforcement entities, release information from a Federal correctional facility, including the name, charging date, and
expected place and date of release, of certain individuals who may pose a terrorist threat.

(b) Scope.—The information shared under subsection (a) shall be—

(1) for homeland security purposes; and

(2) regarding individuals convicted of a Federal crime of terrorism (as defined in section 2332b of title 18, United States Code).

(e) Periodic Threat Assessments.—Consistent with the protection of classified information and controlled unclassified information, the Secretary of Homeland Security shall coordinate with appropriate Federal officials to provide State, local, and regional fusion centers described in subsection (a) with periodic assessments regarding the overall threat from known or suspected terrorists currently incarcerated in a Federal correctional facility, including the assessed risks of such populations engaging in terrorist activity upon release.

(d) Privacy Protections.—Prior to implementing subsection (a), the Secretary shall receive input and advice from the Officer for Civil Rights and Civil Liberties, the Officer for Privacy and the Chief Intelligence Officer of the Department.
(c) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed as requiring the establishment of a list or registry of individuals convicted of terrorism.

**SEC. 1318. ANNUAL REPORT ON OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.**

Section 2006(b) of the Homeland Security Act of 2002 (6 U.S.C. 607(b)) is amended—

1. by redesignating paragraph (5) as paragraph (6); and
2. by inserting after paragraph (4) the following new paragraph:

“(5) **REPORT.**—For each of fiscal years 2019 through 2023, the Assistant Secretary for State and Local Law Enforcement shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the activities of the Office for State and Local Law Enforcement. Each such report shall include, for the fiscal year covered by the report, a description of each of the following:

“(A) Efforts to coordinate and share information regarding Department and component agency programs with State, local, and tribal law enforcement agencies.”
“(B) Efforts to improve information sharing through the Homeland Security Information Network by appropriate component agencies of the Department and by State, local, and tribal law enforcement agencies.

“(C) The status of performance metrics within the Office of State and Local Law Enforcement to evaluate the effectiveness of efforts to carry out responsibilities set forth within the subsection.

“(D) Any feedback from State, local, and tribal law enforcement agencies about the Office, including the mechanisms utilized to collect such feedback.

“(E) Efforts to carry out all other responsibilities of the Office of State and Local Law Enforcement.”.

SEC. 1319. ANNUAL CATALOG ON DEPARTMENT OF HOME- LAND SECURITY TRAINING, PUBLICATIONS, PROGRAMS, AND SERVICES FOR STATE, LOCAL, TRIBAL, AND TERRITORIAL LAW ENFORCEMENT AGENCIES.

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new sub-
paragraphs:

“(G) produce an annual catalog that sum-
marizes opportunities for training, publications,
programs, and services available to State, local,
tribal, and territorial law enforcement agencies
from the Department and from each component
and office within the Department and, not later
than 30 days after the date of such production,
disseminate the catalog, including by—

“(i) making such catalog available to
State, local, tribal, and territorial law en-
forcement agencies, including by posting
the catalog on the website of the Depart-
ment and cooperating with national organi-
zations that represent such agencies;

“(ii) making such catalog available
through the Homeland Security Informa-
tion Network; and

“(iii) submitting such catalog to the
Committee on Homeland Security of the
House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(II) in coordination with appropriate components and offices of the Department and other Federal agencies, develop, maintain, and make available information on Federal resources intended to support fusion center access to Federal information and resources.”.

SEC. 1320. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR INTELLIGENCE AND INFORMATION SHARING.

(a) In general.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by subtitle A of this Act, is amended by adding at the end the following:

“SEC. 210I. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR INTELLIGENCE AND INFORMATION SHARING.

“(a) In general.—The Office of Intelligence and Analysis of the Department shall—

“(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, bi-
ological, radiological, or nuclear materials against
the United States;

“(2) support homeland security-focused intel-
ligence analysis of global infectious disease, public
health, food, agricultural, and veterinary issues;

“(3) support homeland security-focused risk
analysis and risk assessments of the homeland secu-
ritv hazards described in paragraphs (1) and (2), in-
cluding the transportation of chemical, biological,
nuclear, and radiological materials, by providing rel-
evant quantitative and nonquantitative threat infor-
mation;

“(4) leverage existing and emerging homeland
security intelligence capabilities and structures to
enhance prevention, protection, response, and recov-
ery efforts with respect to a chemical, biological, ra-
diological, or nuclear attack;

“(5) share information and provide tailored an-
alytical support on these threats to State, local, and
tribal authorities, other Federal agencies, as well as
relevant national biosecurity and biodefense stake-
holders, as appropriate; and

“(6) perform other responsibilities, as assigned
by the Secretary.
“(b) COORDINATION.—Where appropriate, the Office of Intelligence and Analysis shall coordinate with other relevant Department components, including the Countering Weapons of Mass Destruction Office, the National Biosurveillance Integration Center, other agencies within the intelligence community, including the National Counter Proliferation Center, and other Federal, State, local, and tribal authorities, including officials from high-threat urban areas, State and major urban area fusion centers, and local public health departments, as appropriate, and enable such entities to provide recommendations on optimal information sharing mechanisms, including expeditious sharing of classified information, and on how such entities can provide information to the Department.

“(c) DEFINITIONS.—In this section:

“(1) FUSION CENTER.—The term ‘fusion center’ has the meaning given the term in section 210A.

“(2) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(3) NATIONAL BIOSECURITY AND BIODEFENSE STAKEHOLDERS.—The term ‘national biosecurity and biodefense stakeholders’ means officials from
Federal, State, local, and tribal authorities and individuals from the private sector who are involved in efforts to prevent, protect against, respond to, and recover from a biological attack or other phenomena that may have serious health consequences for the United States, including infectious disease outbreaks.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by subtitle A of this Act, is amended by inserting after the item relating to section 210H the following:

“Sec. 210I. Chemical, biological, radiological, and nuclear intelligence and information sharing.”.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary of Homeland Security shall report to the appropriate congressional committees on—

(A) the intelligence and information sharing activities under section 210I of the Homeland Security Act of 2002 (as added by subsection (a) of this section) and of all relevant entities within the Department of Homeland Security to counter the threat from attacks
using chemical, biological, radiological, or nu-
clear materials; and

(B) the Department's activities in accord-
ance with relevant intelligence strategies.

(2) ASSESSMENT OF IMPLEMENTATION.—The
reports required under paragraph (1) shall include—

(A) an assessment of the progress of the
Office of Intelligence and Analysis of the De-
partment of Homeland Security in imple-
menting such section 210I; and

(B) a description of the methods estab-
lished to carry out such assessment.

(3) TERMINATION.—This subsection shall ter-
minate on the date that is 5 years after the date of
enactment of this Act.

(4) DEFINITION.—In this subsection, the term
“appropriate congressional committees” means the
Committee on Homeland Security of the House of
Representatives and the Committee on Homeland
Security and Governmental Affairs of the Senate
and any committee of the House of Representatives
or the Senate having legislative jurisdiction under
the rules of the House of Representatives or Senate,
respectively, over the matter concerned.
(d) Dissemination of Information Analyzed by the Department to State, Local, Tribal, and Private Entities With Responsibilities Relating to Homeland Security.—Section 201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)(8)) is amended by striking “and to agencies of State” and all that follows through the period at the end and inserting “to State, local, and tribal governments and private entities with such responsibilities, and, as appropriate, to the public, in order to assist in preventing, deterring, or responding to acts of terrorism against the United States.”.

SEC. 1321. DUTY TO REPORT.

(a) Duty Imposed.—Except as provided in subsection (c), whenever an act of terrorism occurs in the United States, it shall be the duty of the primary Government agency investigating such act to submit, in collaboration with the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, and, as appropriate, the Director of the National Counterterrorism Center, an unclassified report (which may be accompanied by a classified annex) to Congress concerning such act not later than 1 year after the completion of the investigation. Reports required under this subsection may be combined into a quarterly report to Congress.
(b) CONTENT OF REPORTS.—Each report under this section shall include—

(1) a statement of the facts of the act of terrorism referred to in subsection (a), as known at the time of the report;

(2) an explanation of any gaps in national security that could be addressed to prevent future acts of terrorism;

(3) any recommendations for additional measures that could be taken to improve homeland security, including potential changes in law enforcement practices or changes in law, with particular attention to changes that could help prevent future acts of terrorism; and

(4) a summary of the report for public distribution.

(c) EXCEPTION.—The duty established under subsection (a) shall not apply in instances in which the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, or the head of the National Counterterrorism Center determines that the information required to be reported could jeopardize an ongoing investigation or prosecution. In such instances, the principal making such determination shall notify Congress of such determination before the first anni-
versary of the completion of the investigation described in such subsection.

(d) DEFINED TERM.—In this section, the term “act of terrorism” has the meaning given the term in section 3077 of title 18, United States Code.

TITLE IV—EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

Subtitle A—Grants, Training, Exercises, and Coordination

SEC. 1401. URBAN AREA SECURITY INITIATIVE.


(1) in subsection (b)(2)(A), in the matter preceding clause (i), by inserting “, using the most up-to-date data available,” after “assessment”;

(2) in subsection (d)(2), by amending subparagraph (B) to read as follows:

“(B) FUNDS RETAINED.—To ensure transparency and avoid duplication, a State shall provide each relevant high-risk urban area with a detailed accounting of the items, services, or activities on which any funds retained by the State under subparagraph (A) are to be expended. Such accounting shall be provided not
later than 90 days after the date on which such funds are retained.”; and

(3) by striking subsection (e) and inserting the following new subsections:

“(e) THREAT AND HAZARD IDENTIFICATION RISK ASSESSMENT AND CAPABILITY ASSESSMENT.—As a condition of receiving a grant under this section, each high-risk urban area shall submit to the Administrator a threat and hazard identification and risk assessment and capability assessment—

“(1) at such time and in such form as is required by the Administrator; and

“(2) consistent with the Federal Emergency Management Agency’s Comprehensive Preparedness Guide 201, Second Edition, or such successor document or guidance as is issued by the Administrator.

“(f) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.”.

SEC. 1402. STATE HOMELAND SECURITY GRANT PROGRAM.

Section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) is amended by striking subsection (f) and inserting the following new subsections:
“(f) Threat and Hazard Identification and Risk Assessment and Capability Assessment.—

“(1) In General.—As a condition of receiving a grant under this section, each State shall submit to the Administrator a threat and hazard identification and risk assessment and capability assessment—

“(A) at such time and in such form as is required by the Administrator; and

“(B) consistent with the Federal Emergency Management Agency’s Comprehensive Preparedness Guide 201, Second Edition, or such successor document or guidance as is issued by the Administrator.

“(2) Collaboration.—In developing the threat and hazard identification and risk assessment under paragraph (1), a State shall solicit input from local and tribal governments, including first responders, and, as appropriate, non-governmental and private sector stakeholders.

“(3) First Responders Defined.—In this subsection, the term ‘first responders’—

“(A) means an emergency response provider, as defined under section 2 of this Act; and
“(B) includes representatives of local governmental and nongovernmental fire, law enforcement, emergency management, and emergency medical personnel.

“(g) Period of Performance.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.”.

SEC. 1403. GRANTS TO DIRECTLY ELIGIBLE TRIBES.


(1) redesignating subsections (h) through (k) as subsections (i) through (l), respectively; and

(2) inserting after subsection (g) the following new subsection:

“(h) Period of Performance.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.”.

SEC. 1404. LAW ENFORCEMENT TERRORISM PREVENTION.

(a) Law Enforcement Terrorism Prevention Program.—Section 2006(a) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)) is amended—

(1) in paragraph (1)—
(A) by inserting “States and high-risk urban areas expend” after “that”; and

(B) by striking “is used”;

(2) in paragraph (2), by amending subparagraph (I) to read as follows:

“(I) activities as determined appropriate by the Administrator, in coordination with the Assistant Secretary for State and Local Law Enforcement within the Office of Partnership and Engagement of the Department, through outreach to relevant stakeholder organizations; and

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

“(4) ANNUAL REPORT.—The Administrator, in coordination with the Assistant Secretary for State and Local Law Enforcement, shall report annually from fiscal year 2018 through fiscal year 2022 on the use of grants under sections 2003 and 2004 for law enforcement terrorism prevention activities authorized under this section, including the percentage and dollar amount of funds used for such activities and the types of projects funded.”.
(b) Office for State and Local Law Enforcement.—Section 2006(b) of the Homeland Security Act of 2002 (6 U.S.C. 607(b)) is amended—

(1) in paragraph (1), by striking “Policy Directorate” and inserting “Office of Partnership and Engagement”; and

(2) in paragraph (4)—

(A) in subparagraph (B), by inserting “, including through consultation with such agencies regarding Department programs that may impact such agencies” before the semicolon at the end; and

(B) in subparagraph (D), by striking “ensure” and inserting “verify”.

SEC. 1405. PRIORITIZATION.

Section 2007(a) of the Homeland Security Act of 2002 (6 U.S.C. 608(a)) is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

“(A) its population, including consideration of domestic and international tourists, commuters, and military populations, including military populations residing in communities outside military installations;”;

...
(B) in subparagraph (E), by inserting “,
including threat information from other rel-
evant Federal agencies and field offices, as ap-
propriate” before the semicolon at the end; and

(C) in subparagraph (I), by striking “tar-
get” and inserting “core”; and

(2) in paragraph (2), by striking “target” and
inserting “core”.

SEC. 1406. ALLOWABLE USES.

Section 2008 of the Homeland Security Act of 2002
(6 U.S.C. 609) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1),
by striking “target” and inserting “core”; 

(B) by redesignating paragraphs (6) 
through (14) as paragraphs (8) through (16), 
respectively;

(C) in paragraph (5), by inserting before 
the semicolon at the end the following: “, pro-
vided such emergency communications align 
with the Statewide Communication Interoper-
ability Plan and are coordinated with the State-
wide Interoperability Coordinator or Statewide 
interoperability governance body of the State of 
the recipient”; and
(D) by inserting after paragraph (5) the following new paragraphs:

“(6) enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities, including the development and maintenance of an initial pharmaceutical stockpile, including medical kits and diagnostics sufficient to protect first responders (as defined in section 2004(f)), their families, immediate victims, and vulnerable populations from a chemical or biological event;

“(7) enhancing cybersecurity, including preparing for and responding to cybersecurity risks and incidents (as such terms are defined in section 2209) and developing statewide cyber threat information analysis and dissemination activities;”;

(E) in paragraph (8), as so redesignated, by striking “Homeland Security Advisory System” and inserting “National Terrorism Advisory System”; and

(F) in paragraph (14), as so redesignated, by striking “3” and inserting “5”;

(2) in subsection (b)—

(A) in paragraph (3)(B), by striking “(a)(10)” and inserting “(a)(12)”; and
(B) in paragraph (4)(B)(i), by striking “target” and inserting “core”; and
(3) in subsection (c), by striking “target” and inserting “core”.

SEC. 1407. APPROVAL OF CERTAIN EQUIPMENT.

(a) In General.—Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) in subsection (f)—

(A) by striking “If an applicant” and inserting the following:

“(1) APPLICATION REQUIREMENT.—If an applicant”; and

(B) by adding at the end the following:

“(2) REVIEW PROCESS.—The Administrator shall implement a uniform process for reviewing applications that, in accordance with paragraph (1), contain explanations for a proposal to use grants provided under section 2003 or 2004 to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747).
“(3) FACTORS.—In carrying out the review process under paragraph (2), the Administrator shall consider the following:

“(A) Current or past use of proposed equipment or systems by Federal agencies or the Armed Forces.

“(B) The absence of a national voluntary consensus standard for such equipment or systems.

“(C) The existence of an international consensus standard for such equipment or systems, and whether such equipment or systems meets such standard.

“(D) The nature of the capability gap identified by the applicant, and how such equipment or systems will address such gap.

“(E) The degree to which such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed existing consensus standards.

“(F) Any other factor determined appropriate by the Administrator.”; and

(2) by adding at the end the following new subsection:
“(g) REVIEW PROCESS.—The Administrator shall implement a uniform process for reviewing applications to use grants provided under section 2003 or 2004 to purchase equipment or systems not included on the Authorized Equipment List maintained by the Administrator.”.

(b) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report assessing the implementation of the review process established under paragraph (2) of subsection (f) of section 2008 of the Homeland Security Act of 2002 (as added by subsection (a) of this section), including information on the following:

(1) The number of requests to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standard evaluated under such review process.

(2) The capability gaps identified by applicants and the number of such requests granted or denied.

(3) The processing time for the review of such requests.
SEC. 1408. AUTHORITY FOR EXPLOSIVE ORDNANCE DISPOSAL UNITS TO ACQUIRE NEW OR EMERGING TECHNOLOGIES AND CAPABILITIES.

The Secretary of Homeland Security may authorize an explosive ordnance disposal unit to acquire new or emerging technologies and capabilities that are not specifically provided for in the authorized equipment allowance for the unit, as such allowance is set forth in the Authorized Equipment List maintained by the Administrator of the Federal Emergency Management Agency.

SEC. 1409. MEMORANDA OF UNDERSTANDING.

(a) In general.—Subtitle B of title XX of the Homeland Security Act of 2002 (6 U.S.C. 611 et seq.) is amended by adding at the end the following new section:

"SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DEPARTMENTAL COMPONENTS AND OFFICES REGARDING THE POLICY AND GUIDANCE.

"The Administrator shall enter into memoranda of understanding with the heads of the following departmental components and offices delineating the roles and responsibilities of such components and offices regarding the policy and guidance for grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135), sections 2003 and 2004 of this Act, and section 70107 of title 46, United States Code, as appropriate:"
“(1) The Commissioner of U.S. Customs and Border Protection.

“(2) The Administrator of the Transportation Security Administration.

“(3) The Commandant of the Coast Guard.

“(4) The Under Secretary for Intelligence and Analysis.

“(5) The Assistant Director for Emergency Communications.

“(6) The Assistant Secretary for State and Local Law Enforcement.

“(7) The Countering Violent Extremism Coordinator.

“(8) The Officer for Civil Rights and Civil Liberties.

“(9) The Chief Medical Officer.

“(10) The heads of other components or offices of the Department, as determined by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2023 the following new item:

“Sec. 2024. Memoranda of understanding with departmental components and offices regarding the policy and guidance.”.
SEC. 1410. GRANTS METRICS.

(a) IN GENERAL.—To determine the extent to which grants under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 603 and 604) have closed capability gaps identified in State Preparedness Reports required under subsection (c) of section 652 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752; title VI of the Department of Homeland Security Appropriations Act, 2007; Public Law 109–295) and Threat and Hazard Identification and Risk Assessments required under subsections (e) and (f) of such sections 2003 and 2004, respectively, as added by this Act, from each State and high-risk urban area, the Administrator of the Federal Emergency Management Agency shall conduct and submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of information provided in such Reports and Assessments.

(b) ASSESSMENT REQUIREMENTS.—The assessment required under subsection (a) shall include a comparison of successive State Preparedness Reports and Threat and Hazard Identification and Risk Assessments that aggregates results across the States and high-risk urban areas.
(c) INSPECTOR GENERAL EVALUATION.—The Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report evaluating the assessment conducted by the Administrator of the Federal Emergency Management Agency under subsection (a).

SEC. 1411. GRANT MANAGEMENT BEST PRACTICES.

The Administrator of the Federal Emergency Management Agency shall include on the website of the Federal Emergency Management Agency the following:

(1) A summary of findings identified by the Office of the Inspector General of the Department of Homeland Security in audits of such grants and methods to address areas identified for improvement, including opportunities for technical assistance.

(2) Innovative projects and best practices instituted by grant recipients.

SEC. 1412. PROHIBITION ON CONSOLIDATION.

(a) IN GENERAL.—The Secretary of Homeland Security may not implement the National Preparedness Grant Program or any successor consolidated grant program un-
less the Secretary receives prior authorization from Con-
gress permitting such implementation.

(b) STUDY.—Not later than 1 year after the date of
enactment of this Act, the Secretary of Homeland Security
shall conduct a study of consolidating preparedness grant
programs to—

(1) determine if the consolidated grant program
would be more efficient, effective, and cost effective;
and

(2) assess whether the responsibility for man-
aging the preparedness grant programs should be re-
located within the Department of Homeland Secu-
ity.

SEC. 1413. MAINTENANCE OF GRANT INVESTMENTS.

Section 2008 of the Homeland Security Act of 2002
(6 U.S.C. 609), as amended by section 1407, is amended
by adding at the end the following new subsection:

“(h) MAINTENANCE OF EQUIPMENT.—Any applicant
for a grant under section 2003 or 2004 seeking to use
funds to purchase equipment, including pursuant to para-
graphs (3), (4), (5), or (12) of subsection (a) of this sec-
tion, shall by the time of the receipt of such grant develop
a plan for the maintenance of such equipment over its life-
cycle that includes information identifying which entity is
responsible for such maintenance.”.
SEC. 1414. TRANSIT SECURITY GRANT PROGRAM.  
(1) in subsection (b)(2)(A), by inserting “and costs associated with filling the positions of employees receiving training during their absence” after “security training”; and
(2) by striking subsection (m) and inserting the following new subsections:
“(m) Periods of Performance.—Funds provided pursuant to a grant awarded under this section for a use specified in subsection (b) shall remain available for use by a grant recipient for a period of not fewer than 36 months.”.

SEC. 1415. PORT SECURITY GRANT PROGRAM.  
Section 70107 of title 46, United States Code, is amended by—
(1) striking subsection (l);
(2) redesignating subsection (m) as subsection (l); and
(3) by adding at the end the following new subsections:
“(m) Period of Performance.—The Secretary shall make funds provided under this section available for
use by a recipient of a grant for a period of not less than
36 months.”.

3 SEC. 1416. CYBER PREPAREDNESS.

(a) In General.—Section 2209 of the Homeland Security Act of 2002, as so redesignated by section 1601(g), is amended—

(1) in subsection (e)—

(A) in paragraph (5)(B), by inserting “, including State, local, and regional fusion centers, as appropriate” before the semicolon at the end;

(B) in paragraph (7), in the matter preceding subparagraph (A), by striking “information and recommendations” each place it appears and inserting “information, recommendations, and best practices”; and

(C) in paragraph (9), by inserting “best practices,” after “defensive measures,”; and

(2) in subsection (d)(1)(B)(ii), by inserting “and State, local, and regional fusion centers, as appropriate” before the semicolon at the end.

(b) Sense of Congress.—It is the sense of Congress that to facilitate the timely dissemination to appropriate State, local, and private sector stakeholders of homeland security information related to cyber threats,
the Secretary of Homeland Security should, to the greatest extent practicable, work to share actionable information in an unclassified form related to such threats.

SEC. 1417. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

“SEC. 2009. OPERATION STONEGARDEN.

“(a) ESTABLISHMENT.—There is established in the Department a program to be known as ‘Operation Stonegarden’. Under such program, the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State Administrative Agency, to enhance border security in accordance with this section.

“(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency shall—

“(1) be located in—

“(A) a State bordering either Canada or Mexico; or

“(B) a State or territory with a maritime border; and
“(2) be involved in an active, ongoing U.S. Customs and Border Protection operation coordinated through a sector office.

“(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for any of the following:

“(1) Equipment, including maintenance and sustainment costs.

“(2) Personnel costs, including overtime and backfill, directly incurred in support of enhanced border law enforcement activities.


“(4) Any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

“(d) PERIOD OF PERFORMANCE.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

“(e) REPORT.—The Administrator shall annually for each of fiscal years 2018 through 2022 submit to the
Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing information on the expenditure of grants made under this section by each grant recipient.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2008 the following:

“Sec. 2009. Operation Stonegarden.”.

SEC. 1418. NON-PROFIT SECURITY GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.), as amended by section 1417 of this Act, is amended by adding at the end the following:

“(a) ESTABLISHMENT.—There is established in the Department a program to be known as the ‘Non-Profit Security Grant Program’ (in this section referred to as the ‘Program’). Under the Program, the Secretary, acting through the Administrator, shall make grants to eligible nonprofit organizations described in subsection (b), through the State in which such organizations are located, for target hardening and other security enhancements to protect against terrorist attacks.
“(b) ELIGIBLE RECIPIENTS.—Eligible nonprofit organizations described in this subsection (a) are organizations that are—

“(1) described in section 501(e)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

“(2) determined to be at risk of a terrorist attack by the Administrator.

“(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for any of the following:

“(1) Target hardening activities, including physical security enhancement equipment and inspection and screening systems.

“(2) Fees for security training relating to physical security and cybersecurity, target hardening, terrorism awareness, and employee awareness.

“(3) Any other appropriate activity related to security or security training, as determined by the Administrator.

“(d) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.
“(e) REPORT.—The Administrator shall annually for each of fiscal years 2018 through 2022 submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing information on the expenditure by each grant recipient of grant funds made under this section.”.


(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1417(b), is amended by inserting after the item relating to section 2009 the following:

“Sec. 2010. Non-Profit Security Grant Program.”.

SEC. 1419. STUDY OF THE USE OF GRANT FUNDS FOR CYBERSECURITY.

Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the use of grant funds awarded pursuant to section 2003 and section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605), including information on the following:
(1) The amount of grant funds invested or obligated annually during fiscal years 2006 through 2016 to support efforts to prepare for and respond to cybersecurity risks and incidents (as such terms are defined in section 2209 of such Act, as so redesignated by section 1601(g) of this Act.

(2) The degree to which grantees identify cybersecurity as a capability gap in the Threat and Hazard Identification and Risk Assessment carried out pursuant to the amendment made by sections 1401 and 1402 of this title.

(3) Obstacles and challenges related to using grant funds to improve cybersecurity.

(4) Plans for future efforts to encourage grantees to use grant funds to improve cybersecurity capabilities.

SEC. 1420. JOINT COUNTERTERRORISM AWARENESS WORKSHOP SERIES.

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

“SEC. 529. JOINT COUNTERTERRORISM AWARENESS WORKSHOP SERIES.

“(a) In General.—The Administrator, in consultation with the Director of the National Counterterrorism
Center and the Director of the Federal Bureau of Investigation, shall establish a Joint Counterterrorism Awareness Workshop Series (in this section referred to as the ‘Workshop Series’) to—

“(1) address emerging terrorist threats; and

“(2) enhance the ability of State and local jurisdictions to prevent, protect against, respond to, and recover from terrorist attacks.

“(b) PURPOSE.—The Workshop Series established under subsection (a) shall include—

“(1) reviewing existing preparedness, response, and interdiction plans, policies, and procedures related to terrorist attacks of the participating jurisdictions and identifying gaps in those plans, operational capabilities, response resources, and authorities;

“(2) identifying Federal, State, and local resources available to address the gaps identified under paragraph (1);

“(3) providing assistance, through training, exercises, and other means, to build or sustain, as appropriate, the capabilities to close those identified gaps;
“(4) examining the roles and responsibilities of participating agencies and respective communities in the event of a terrorist attack;

“(5) improving situational awareness and information sharing among all participating agencies in the event of a terrorist attack; and

“(6) identifying and sharing best practices and lessons learned from the Workshop Series.

“(c) DESIGNATION OF PARTICIPATING CITIES.—The Administrator shall select jurisdictions to host a Workshop Series from those cities that—

“(1) are currently receiving, or that previously received, funding under section 2003; and

“(2) have requested to be considered.

“(d) WORKSHOP SERIES PARTICIPANTS.—Individuals from State and local jurisdictions and emergency response providers in cities designated under subsection (c) shall be eligible to participate in the Workshop Series, including—

“(1) senior elected and appointed officials;

“(2) law enforcement;

“(3) fire and rescue;

“(4) emergency management;

“(5) emergency medical services;

“(6) public health officials;
“(7) private sector representatives; and

“(8) other participants as deemed appropriate by the Administrator.

“(e) REPORTS.—

“(1) WORKSHOP SERIES REPORT.—The Administrator, in consultation with the Director of the National Counterterrorism Center, the Director of the Federal Bureau of Investigation, and officials from the city in which a Workshop Series is held, shall develop and submit to all of the agencies participating in the Workshop Series a report after the conclusion of the Workshop Series that addresses—

“(A) key findings about lessons learned and best practices from the Workshop Series; and

“(B) potential mitigation strategies and resources to address gaps identified during the Workshop Series.

“(2) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this section and annually thereafter for 5 years, the Administrator, in consultation with the Director of the National Counterterrorism Center and the Director of the Federal Bureau of Investigation, shall submit to the Committee on Homeland Security and Governmental
Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a comprehensive summary report of the key themes, lessons learned, and best practices identified during the Workshop Series held during the previous year.

“(f) AUTHORIZATION.—There is authorized to be appropriated $1,000,000 for each of fiscal years 2018 through 2022 to carry out this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.— The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 528 the following:

“Sec. 529. Joint Counterterrorism Awareness Workshop Series.”.

SEC. 1421. EXERCISE ON TERRORIST AND FOREIGN FIGHTER TRAVEL; NATIONAL EXERCISE PROGRAM.

(a) EXERCISE ON TERRORIST AND FOREIGN FIGHTER TRAVEL.—

(1) IN GENERAL.—In addition to, or as part of exercise programs carried out by the Department of Homeland Security as of the date of enactment of this Act, to enhance domestic preparedness for and collective response to terrorism, promote the dissemination of homeland security information, and test the security posture of the United States, the Secretary of Homeland Security, through appropriate
offices and components of the Department and in coordination with the relevant Federal departments and agencies, shall, not later than 1 year after the date of enactment of this Act, develop and conduct an exercise related to the terrorist and foreign fighter threat.

(2) Exercise Requirements.—The exercise required under paragraph (1) shall include—

(A) a scenario involving—

(i) persons traveling from the United States to join or provide material support or resources to a terrorist organization abroad; and

(ii) terrorist infiltration into the United States, including United States citizens and foreign nationals; and

(B) coordination with relevant Federal departments and agencies, foreign governments, and State, local, tribal, territorial, and private sector stakeholders.

(3) Report.—

(A) In General.—Not later than 60 days after the completion of the exercise required under paragraph (1), the Secretary of Homeland Security shall, consistent with the protec-
tion of classified information, submit to the
Committee on Homeland Security and Govern-
mental Affairs of the Senate and the Committee
on Homeland Security of the House of Rep-
resentatives an after-action report presenting
the initial findings of the exercise, including any
identified or potential vulnerabilities in United
States defenses and any legislative changes re-
quested in light of the findings.

(B) FORM.—The report required under
subparagraph (A) shall be submitted in unclas-
sified form, but may include a classified annex.

(b) EMERGING THREATS IN THE NATIONAL EXER-
CISE PROGRAM.—Section 648(b)(2)(A) of the Post-
Katrina Emergency Management Reform Act of 2006 (6
U.S.C. 748(b)(2)(A)) is amended—

(1) in clause (v), by striking “and” at the end;
and

(2) by adding after clause (vi) the following:

“(vii) designed, to the extent prac-
ticable, to include exercises addressing
emerging terrorist threats, such as sce-
narios involving United States citizens de-
parting the United States to enlist with or
provide material support or resources to
terrorist organizations abroad or terrorist infiltration into the United States, including United States citizens and foreign nationals; and”.

(c) No Additional Funds Authorized.—No additional funds are authorized to carry out the requirements of this section and the amendments made by this section. The requirements of this section and the amendments made by this section shall be carried out using amounts otherwise authorized.

SEC. 1422. GRANTS ACCOUNTABILITY.


(1) in subsection (a)(1)(B)—

(A) by striking “The Department” and inserting the following:

“(i) IN GENERAL.—The Department”;

and

(B) by adding at the end the following:

“(ii) INSPECTOR GENERAL REVIEW.—With respect to each grant awarded, the Inspector General of the Department, may—

“(I) examine any records of the contractor or grantee, any of its sub-
contractors or subgrantees, or any
State or local agency or other entity
in receipt of or administering any
grant awarded, that pertain to, and
involve transactions relating to the
contract, subcontract, grant, or
subgrant; and

“(II) interview any officer or em-
ployee of the contractor or grantee,
any of its subcontractors or sub-
grantees, or any State or local agency
or other entity in receipt of or admin-
istering any grant awarded, regarding
transactions relating to the contract,
subcontract, grant, or subgrant.

“(iii) Rule of Construction.—
Nothing in clause (ii) may be construed to
limit or restrict the authority of the In-
spector General of the Department.”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “a grant under
section 2003 or 2004” and inserting
“a covered grant, any recipient including’’;

(II) by inserting a comma after “tribe”; and

(III) by inserting “or the Secretary, as appropriate under the covered grant,” after “Administrator”;

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting “recipient, including any” after “for the applicable”;

(II) in clause (i), by striking “section 2003 or 2004” and inserting “the covered grant”;

(III) in clause (ii)—

(aa) by striking “section 2003 or 2004” and inserting “the covered grant”; and

(bb) by striking “and” at the end;

(IV) in clause (iii)—

(aa) by striking “summary” and inserting “detailed”; and

(bb) by striking “such funds” and all that follows
through the period at the end
and inserting the following:

“such funds, including—

“(I) the name of the recipient
and the project or activity;

“(II) a detailed description of the
project or activity;

“(III) an evaluation of the comple-
tion status of the project or activ-

ty;

“(IV) in the case of an infra-
structure investment—

“(aa) the purpose, total ex-
pected cost, and rationale for
funding the infrastructure invest-
ment with funds made available;

and

“(bb) the name of the point
of contact for the recipient if
there are questions concerning
the infrastructure investment;

and

“(V) detailed information from
each subgrantee, including the infor-
mation described in subparagraphs (I)
through (IV), on any subgrant awarded by the recipient; and”;

(V) by adding at the end the following:

“(iv) the total amount of funds received to date under each covered grant.”;

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i)—

(aa) by inserting “any recipient, including any” after “subparagraph (A) by”;

(bb) by inserting a comma after “tribe”; and

(cc) by inserting “, in addition to the contents required under subparagraph (B)” after “shall include”;

(II) in clause (ii)—

(aa) by inserting “total” before “amount”; and

(bb) by adding “and” at the end;

(III) in clause (iii)—
(aa) by striking “apply within” and inserting “apply to or within any recipient, including”; and

(bb) by striking “; and” and inserting a period; and

(IV) by striking clause (iv); and

(B) by adding at the end the following:

“(3) REQUIRED REPORTING FOR PRIOR AWARDED GRANTS.—Not later than 180 days after the end of the quarter following the date of enactment of this paragraph, each recipient of a covered grant awarded before the date of enactment of this paragraph shall provide the information required under this subsection and thereafter comply with the requirements of this subsection.

“(4) ASSISTANCE IN REPORTING.—The Administrator or the Secretary, as appropriate under the covered grant, in coordination with the Director of the Office of Management and Budget, shall provide for user-friendly means for grant recipients to comply with the reporting requirements of this subsection.

“(5) SUBGRANTEE REPORTING.—Each grant recipient required to report information under para-
graph (1)(B)(iii)(V) shall register with the Central Contractor Registration database or complete other registration requirements as determined necessary by the Director of the Office of Management and Budget.

“(6) Publication of Information.—Not later than 7 days after the date on which the Administrator or the Secretary, as the case may be, receives the reports required to be submitted under this subsection, the Administrator and the Secretary shall make the information in the reports publicly available, in a searchable database, on the website of the Federal Emergency Management Agency or Department, as appropriate.

“(7) Covered Grant Defined.—In this subsection, the term ‘covered grant’ means a grant awarded under—

“(A) this Act; or

“(B) a program described in paragraphs (1) through (6) of section 2002(b) that is administered by the Department.”; and

(3) by adding at the end the following:

“(d) Sunset and Disposition of Unexpended Grant Amounts.—
“(1) IN GENERAL.—Except as may be otherwise provided in the authorizing statute of a grant program, effective on the date that is 5 years after the date on which grant funds are distributed by the Administrator or the Secretary, as appropriate, under a covered grant (as defined in subsection (b)(7)), the authority of a covered grant recipient, including any grantee or subgrantee, to obligate, provide, make available, or otherwise expend those funds is terminated.

“(2) RETURN OF UNEXPENDED GRANT AMOUNTS.—Upon the termination of authority under paragraph (1), any grant amounts that have not been expended shall be returned to the Administrator or the Secretary, as the case may be. The Administrator or the Secretary, as the case may be, shall deposit any grant amounts returned under this paragraph in the General Fund of the Treasury in accordance with section 3302 of title 31, United States Code.

“(3) AWARDS TO RECIPIENTS RETURNING GRANT FUNDS.—On and after the date on which the authority of a covered grant recipient is terminated under paragraph (1) with respect to a grant under a covered grant program, the Administrator or the
Secretary, as appropriate, may award a grant under the covered grant program to the covered grant recipient, only pursuant to the submission of a new grant application, in accordance with the requirements of the grant program.

“(4) APPLICABILITY.—This subsection shall apply to any grant awarded under a covered grant program on or after the date of enactment of this subsection.”.

Subtitle B—Communications

SEC. 1431. RESPONSIBILITIES OF ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS.

(a) In General.—Section 1801(e) of the Homeland Security Act of 2002 (6 U.S.C. 571(e)) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively;

(3) by redesignating paragraph (15) as paragraph (16);

(4) in paragraph (8), as so redesignated, by striking “, in cooperation with the National Communications System,”;

(5) in paragraph (11), as so redesignated, by striking “Assistant Secretary for Grants and Train-
ing” and inserting “Administrator of the Federal Emergency Management Agency”;

(6) in paragraph (13), as so redesignated, by striking “and” at the end; and

(7) by inserting after paragraph (13) the following:

“(14) administer the Government Emergency Telecommunications Service (GETS) and Wireless Priority Service (WPS) programs, or successor programs;

“(15) assess the impact of emerging technologies on interoperable emergency communications; and”.

(b) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—Section 1801(d) of the Homeland Security Act of 2002 (6 U.S.C. 571(d)) is amended by—

(1) striking paragraph (2); and

(2) redesignating paragraph (3) as paragraph (2).

SEC. 1432. ANNUAL REPORTING ON ACTIVITIES OF THE EMERGENCY COMMUNICATIONS DIVISION.

Section 1801(f) of the Homeland Security Act of 2002 (6 U.S.C. 571(f)) is amended to read as follows:

“(f) ANNUAL REPORTING OF DIVISION ACTIVITIES.—The Assistant Director for Emergency Commu-
nications shall, not later than 1 year after the date of the enactment of this subsection and annually thereafter for each of the next 4 years, report to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the activities and programs of the Emergency Communications Division, including specific information on efforts to carry out paragraphs (3), (4), and (5) of subsection (c).”.

SEC. 1433. NATIONAL EMERGENCY COMMUNICATIONS PLAN.

Section 1802 of the Homeland Security Act of 2002 (6 U.S.C. 572) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “, and in cooperation with the Department of National Communications System (as appropriate),”; and

(B) by inserting “, but not less than once every 5 years,” after “periodically”; and

(2) in subsection (c)—

(A) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively; and
(B) by inserting after paragraph (2) the following new paragraph:

“(3) consider the impact of emerging technologies on the attainment of interoperable emergency communications;”.

**SEC. 1434. TECHNICAL EDIT.**


**SEC. 1435. COMMUNICATIONS TRAINING.**

The Under Secretary for Management of the Department of Homeland Security, in coordination with the appropriate component heads, shall develop a mechanism, consistent with the strategy required pursuant to section 4 of the Department of Homeland Security Interoperable Communications Act (Public Law 114–29; 6 U.S.C. 194 note), to verify that radio users within the Department receive initial and ongoing training on the use of the radio systems of such components, including interagency radio use protocols.
Subtitle C—Other Matters

SEC. 1451. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Title V.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended as follows:

(1) In section 501 (6 U.S.C. 311)—

(A) by redesignating paragraphs (9) through (14) as paragraphs (10) through (15), respectively; and

(B) by inserting after paragraph (8) the following new paragraph:

“(9) the term ‘Nuclear Incident Response Team’ means a resource that includes—

“(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

“(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions.”.
(2) By striking section 502 (6 U.S.C. 312).

(3) In section 504(a)(3)(B) (6 U.S.C. 314(a)(3)(B)), by striking “, the National Disaster Medical System,”.

(4) In section 506(c) (6 U.S.C. 316(c)), by striking “section 708” each place it appears and inserting “section 707”.

(5) In section 509(c)(2) (6 U.S.C. 319(c)(2)), in the matter preceding subparagraph (A), by striking “section 708” and inserting “section 707”.

(b) TITLE XX.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended—

(1) in section 2001 (6 U.S.C. 601)—

(A) by striking paragraph (13);

(B) by redesignating paragraphs (3) through (12) as paragraphs (4) through (13), respectively; and

(C) by inserting after paragraph (2) the following:

“(3) CORE CAPABILITIES.—The term ‘core capabilities’ means the capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).”;
(2) in section 2005(j)(1) (6 U.S.C. 606(j)(1)), by striking “target” and inserting “core”; and

(3) in section 2021(d)(3) (6 U.S.C. 611(d)(3)), by striking “target” each place it appears and inserting “core”.

(c) IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007.—Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is amended—

(1) in subsection (b)(4), by striking “Rescue” and inserting “Recovery”; 

(2) in subsection (d)(2), by striking “Rescue” and inserting “Recovery”; and 

(3) in subsection (e)(4), by striking “Rescue” and inserting “Recovery”.

TITLE V—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 1501. SHORT TITLE.

This title may be cited as the “FEMA Reauthorization Act of 2018”.

SEC. 1502. REAUTHORIZATION OF FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 699 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 811) is amended—
(1) by striking “administration and operations” each place the term appears and inserting “management and administration”;
(2) in paragraph (2), by striking “; and”;
(3) in paragraph (3), by striking the period at the end and inserting “; and”; and
(4) by adding at the end the following:
“(4) for fiscal year 2018, $1,049,000,000;
“(5) for fiscal year 2019, $1,065,784,000; and
“(6) for fiscal year 2020, $1,082,836,544.”.

SEC. 1503. NATIONAL DOMESTIC PREPAREDNESS CONSOR-
TIUM.

Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is amended—
(1) in subsection (e), by inserting “to the extent practicable, provide training in settings that simulate real response environments, such as urban areas,” after “levels,”;
(2) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:
“(1) for the Center for Domestic Preparedness—
“(A) $63,939,000 for fiscal year 2018;
“(B) $64,962,024 for fiscal year 2019; and
“(C) $66,001,416 for fiscal year 2020; and
“(2) for the members of the National Domestic
Preparedness Consortium described in paragraphs
(2) through (7) of subsection (b)—
“(A) $101,000,000 for fiscal year 2018;
“(B) $102,606,000 for fiscal year 2019;
and
“(C) $104,247,856 for fiscal year 2020.”;
and
(3) in subsection (e)—
(A) by striking “each of the following enti-
ties” and inserting “members of the National
Domestic Preparedness Consortium enumerated
in subsection (b)”;
(B) by striking “2007—” and inserting
“2015.” and
(C) by striking paragraphs (1) through
(5).

SEC. 1504. RURAL DOMESTIC PREPAREDNESS CONSOR-
tium.
(a) In General.—The Secretary of Homeland Secu-
ritv is authorized to establish a Rural Domestic Prepared-
ness Consortium within the Department of Homeland Se-
curity consisting of universities and nonprofit organiza-
tions qualified to provide training to emergency response

(b) DUTIES.—The Rural Domestic Preparedness Consortium authorized under subsection (a) shall identify, develop, test, and deliver training to State, local, and tribal emergency response providers from rural communities, provide on-site and mobile training, and facilitate the delivery of training by the training partners of the Department of Homeland Security.

c) AUTHORIZATION OF APPROPRIATIONS.—Of amounts appropriated for Continuing Training Grants of the Department of Homeland Security, $5,000,000 is authorized to be used for the Rural Domestic Preparedness Consortium authorized under subsection (a).

SEC. 1505. CENTER FOR FAITH-BASED AND NEIGHBORHOOD PARTNERSHIPS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 1420 of this Act, is amended by adding at the end the following:
“SEC. 530. CENTER FOR FAITH-BASED AND NEIGHBORHOOD PARTNERSHIPS.

“(a) In General.—There is established in the Agency a Center for Faith-Based and Neighborhood Partnerships, headed by a Director appointed by the Secretary.

“(b) Mission.—The mission of the Center shall be to develop and coordinate departmental outreach efforts with faith-based and community organizations and serve as a liaison between those organizations and components of the Department for activities related to securing facilities, emergency preparedness and response, and combating human trafficking.

“(c) Responsibilities.—In support of the mission of the Center for Faith-Based and Neighborhood Partnerships, the Director shall—

“(1) develop exercises that engage faith-based and community organizations to test capabilities for all hazards, including active shooter incidents;

“(2) coordinate the delivery of guidance and training to faith-based and community organizations related to securing their facilities against natural disasters, acts of terrorism, and other man-made disasters;

“(3) conduct outreach to faith-based and community organizations regarding guidance, training, and exercises and departmental capabilities available
to assist faith-based and community organizations to secure their facilities against natural disasters, acts of terrorism, and other man-made disasters;

“(4) facilitate engagement and coordination among the emergency management community and faith-based and community organizations;

“(5) deliver training and technical assistance to faith-based and community organizations and provide subject-matter expertise related to anti-human trafficking efforts to help communities successfully partner with other components of the Blue Campaign of the Department; and

“(6) perform any other duties as assigned by the Administrator.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1420, is amended by inserting after the item relating to section 529 the following:

“Sec. 530. Center For Faith-Based And Neighborhood Partnerships.”.

SEC. 1506. EMERGENCY SUPPORT FUNCTIONS.

(a) UPDATE.—Section 504(a)(13) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)(13)) is amended by inserting “, periodically updating (but not less often than once every 5 years),” after “administering”.
(b) EMERGENCY SUPPORT FUNCTIONS.—Section 653 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

“(d) COORDINATION.—The President, acting through the Administrator, shall develop and provide to Federal departments and agencies with coordinating, primary, or supporting responsibilities under the National Response Framework performance metrics to ensure readiness to execute responsibilities under the emergency support functions of the National Response Framework.”.

SEC. 1507. REVIEW OF NATIONAL INCIDENT MANAGEMENT SYSTEM.

Section 509(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 319(b)(2)) is amended, in the matter preceding subparagraph (A), by inserting “, but not less often than once every 5 years,” after “periodically”.

SEC. 1508. REMEDIAL ACTION MANAGEMENT PROGRAM.

Section 650 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 750) is amended to read as follows:
"SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a remedial action management program to—

“(1) analyze training, exercises, and real world events to identify lessons learned, corrective actions, and best practices;

“(2) generate and disseminate, as appropriate, the lessons learned, corrective actions, and best practices described in paragraph (1); and

“(3) conduct remedial action tracking and long-term trend analysis.

(b) FEDERAL CORRECTIVE ACTIONS.—The Administrator, in coordination with the heads of appropriate Federal departments and agencies, shall—

“(1) utilize the program established under subsection (a) to collect information on corrective actions identified by such Federal departments and agencies during exercises and the response to natural disasters, acts of terrorism, and other man-made disasters; and

“(2) not later than 1 year after the date of the enactment of the FEMA Reauthorization Act of 2018 and annually thereafter for each of the next 4
years, submit to Congress a report on the status of those corrective actions.

“(c) DISSEMINATION OF AFTER ACTION REPORTS.—

The Administrator shall provide electronically, to the maximum extent practicable, to Congress and Federal, State, local, tribal, and private sector officials after-action reports and information on lessons learned and best practices from responses to acts of terrorism, natural disasters, capstone exercises conducted under the national exercise program under section 648(b), and other emergencies or exercises.”.

SEC. 1509. CENTER FOR DOMESTIC PREPAREDNESS.

The Administrator of the Federal Emergency Management Agency shall—

(1) develop an implementation plan, including benchmarks and milestones, to address the findings and recommendations of the 2017 Management Review Team that issued a report on May 8, 2017, regarding live agent training at the Chemical, Ordnance, Biological and Radiological Training Facility; and

(2) provide to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental
Affairs of the Senate updates and information on efforts to implement recommendations related to the management review of the Chemical, Ordnance, Biological, and Radiological Training Facility of the Center for Domestic Preparedness of the Federal Emergency Management Agency, including, as necessary, information on additional resources or authority needed to implement such recommendations.

SEC. 1510. FEMA SENIOR LAW ENFORCEMENT ADVISOR.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 1505 of this Act, is amended by adding at the end the following:

“SEC. 531. SENIOR LAW ENFORCEMENT ADVISOR.

“(a) ESTABLISHMENT.—The Administrator shall appoint a Senior Law Enforcement Advisor to serve as a qualified expert to the Administrator for the purpose of strengthening the Agency’s coordination among State, local, and tribal law enforcement.

“(b) QUALIFICATIONS.—The Senior Law Enforcement Advisor shall have an appropriate background with experience in law enforcement, information sharing, and other emergency response functions.

“(c) RESPONSIBILITIES.—The Senior Law Enforcement Advisor shall—
“(1) coordinate on behalf of the Administrator with the Office for State and Local Law Enforcement under section 2006 for the purpose of ensuring State, local, and tribal law enforcement receive consistent and appropriate consideration in policies, guidance, training, and exercises related to preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

“(2) work with the Administrator and the Office for State and Local Law Enforcement under section 2006 to ensure grants to State, local, and tribal government agencies, including programs under sections 2003, 2004, and 2006(a), appropriately focus on terrorism prevention activities; and

“(3) serve other appropriate functions as determined by the Administrator.”.

(b) Clerical Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1505, is amended by inserting after the item relating to section 530 the following:

“Sec. 531. Senior Law Enforcement Advisor.”.

SEC. 1511. TECHNICAL EXPERT AUTHORIZED.

Section 503(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 313(b)(2)) is amended—
(1) in subparagraph (G), by striking “and” at the end;
(2) in subparagraph (H), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following:
“(I) identify and integrate the needs of children into activities to prepare for, protect against, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents, including by appointing a technical expert, who may consult with relevant outside organizations and experts, as necessary, to coordinate such activities, as necessary.”.

SEC. 1512. MISSION SUPPORT.

(a) E STABLISHMENT.—The Administrator of the Federal Emergency Management Agency shall designate an individual to serve as the chief management official and principal advisor to the Administrator on matters related to the management of the Federal Emergency Management Agency, including management integration in support of emergency management operations and programs.

(b) MISSION AND RESPONSIBILITIES.—The Administrator of the Federal Emergency Management Agency, acting through the official designated pursuant to sub-
section (a), shall be responsible for the management and administration of the Federal Emergency Management Agency, including with respect to the following:

(1) Procurement.

(2) Human resources and personnel.

(3) Information technology and communications systems.

(4) Real property investment and planning, facilities, accountable personal property (including fleet and other material resources), records and disclosure, privacy, safety and health, and sustainability and environmental management.

(5) Security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources.

(6) Any other management duties that the Administrator may designate.

(c) MOUNT WEATHER EMERGENCY OPERATIONS AND ASSOCIATED FACILITIES.—Nothing in this section shall be construed as limiting or otherwise affecting the role or responsibility of the Assistant Administrator for National Continuity Programs with respect to the matters described in subsection (b) as such matters relate to the Mount Weather Emergency Operations Center and associated facilities. The management and administration of the
(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes—

(1) a review of financial, human capital, information technology, real property planning, and acquisition management of headquarters and all regional offices of the Federal Emergency Management Agency; and

(2) a strategy for capturing financial, human capital, information technology, real property planning, and acquisition data.

SEC. 1513. STRATEGIC HUMAN CAPITAL PLAN.

Section 10102(c) of title 5, United States Code, is amended by striking “2007” and inserting “2018”.
SEC. 1514. OFFICE OF DISABILITY INTEGRATION AND CO-

ORDINATION OF DEPARTMENT OF HOME-

LAND SECURITY.

(a) Office of Disability Integration and Co-

ordination.—

(1) In General.—Section 513 of the Hom-

eland Security Act of 2002 (6 U.S.C. 321b) is

amended to read as follows:

“SEC. 513. OFFICE OF DISABILITY INTEGRATION AND CO-

ORDINATION.

“(a) In General.—There is established within the

Agency an Office of Disability Integration and Coordina-

tion (in this section referred to as the ‘Office’), which shall

be headed by a Director.

“(b) Mission.—The mission of the Office is to en-

sure that individuals with disabilities and other access and

functional needs are included in emergency management

activities throughout the Agency by providing guidance,

tools, methods, and strategies for the purpose of equal

physical program and effective communication access.

“(c) Responsibilities.—In support of the mission

of the Office, the Director shall—

“(1) provide guidance and coordination on mat-

ters related to individuals with disabilities in emer-

gency planning requirements and relief efforts in the
event of a natural disaster, act of terrorism, or other man-made disaster;

“(2) oversee Office employees responsible for disability integration in each regional office with respect to carrying out the mission of the Office;

“(3) liaise with other employees of the Agency, including nonpermanent employees, organizations representing individuals with disabilities, other agencies of the Federal Government, and State, local, and tribal government authorities regarding the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

“(4) coordinate with the technical expert on the needs of children within the Agency to provide guidance and coordination on matters related to children with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

“(5) consult with organizations representing individuals with disabilities about access and functional needs in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;
“(6) ensure the coordination and dissemination of best practices and model evacuation plans for individuals with disabilities;

“(7) collaborate with Agency leadership responsible for training to ensure that qualified experts develop easily accessible training materials and a curriculum for the training of emergency response providers, State, local, and tribal government officials, and others on the needs of individuals with disabilities;

“(8) coordinate with the Emergency Management Institute, the Center for Domestic Preparedness, Center for Homeland Defense and Security, the United States Fire Administration, the national exercise program described in section 648(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)), and the National Domestic Preparedness Consortium to ensure that content related to persons with disabilities, access and functional needs, and children are integrated into existing and future emergency management trainings;

“(9) promote the accessibility of telephone hotlines and websites regarding emergency preparedness, evacuations, and disaster relief;
“(10) work to ensure that video programming distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible to individuals with hearing and vision disabilities;

“(11) ensure the availability of accessible transportation options for individuals with disabilities in the event of an evacuation;

“(12) provide guidance and implement policies to ensure that the rights and feedback of individuals with disabilities regarding post-evacuation residency and relocation are respected;

“(13) ensure that meeting the needs of individuals with disabilities are included in the components of the national preparedness system established under section 644 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 744); and

“(14) perform any other duties as assigned by the Administrator.

“(d) DIRECTOR.—After consultation with organizations representing individuals with disabilities, the Administrator shall appoint a Director. The Director shall report directly to the Administrator, in order to ensure that the
needs of individuals with disabilities are being properly ad-
dressed in emergency preparedness and disaster relief.

“(e) ORGANIZATIONS REPRESENTING INDIVIDUALS
WITH DISABILITIES DEFINED.—For purposes of this sec-
tion, the term ‘organizations representing individuals with
disabilities’ means the National Council on Disabilities,
the Interagency Coordinating Council on Preparedness
and Individuals with Disabilities, and other appropriate
disability organizations.”.

(2) CLERICAL AMENDMENT.—The table of con-
tents in section 1(b) of the Homeland Security Act
of 2002 (Public Law 107–296; 116 Stat. 2135) is
amended by striking the item relating to section 513
and inserting the following:

“513. Office of Disability Integration and Coordination.”.

(b) REPORT TO CONGRESS.—Not later than 120 days
after the date of the enactment of this Act, the Adminis-
trator of the Federal Emergency Management Agency
shall submit to Congress a report on the funding and
staffing needs of the Office of Disability Integration and
Coordination under section 513 of the Homeland Security
Act of 2002, as amended by subsection (a).

SEC. 1515. MANAGEMENT COSTS.

Section 324 of the Robert T. Stafford Disaster Relief
and Emergency Assistance Act (42 U.S.C. 5165b) is
amended—
(1) in subsection (a), by striking “any administra-
tive expense, and any other expense not directly
chargeable to” and inserting “direct administrative
cost, and any other administrative expense associ-
ated with”; and

(2) in subsection (b)—
(A) by striking “Notwithstanding” and in-
serting the following:
“(1) IN GENERAL.—Notwithstanding”;

(B) in paragraph (1), as so designated, by
striking “establish” and inserting “implement”; and

(C) by adding at the end the following:
“(2) SPECIFIC MANAGEMENT COSTS.—The Ad-
ministrator shall provide for management costs, in
addition to the eligible project costs, to cover direct
and indirect costs of administering the following pro-
grams:

“(A) HAZARD MITIGATION.—A grantee
under section 404 may be reimbursed for direct
and indirect administrative costs in a total
amount of not more than 15 percent of the
total amount of the grant award under such
section of which not more than 10 percent may
be used by the grantee and 5 percent by the
subgrantee for such costs.

“(B) Public Assistance.—A grantee
under sections 403, 406, 407, and 502 may be
reimbursed direct and indirect administrative
costs in a total amount of not more than 12
percent of the total award amount under such
sections, of which not more than 7 percent may
be used by the grantee and 5 percent by the
subgrantee for such costs.”.

SEC. 1516. PERFORMANCE OF SERVICES.

Section 306 of the Robert T. Stafford Disaster Relief
and Emergency Assistance Act (42 U.S.C. 5149) is
amended by adding at the end the following:

“(c) The Administrator of the Federal Emergency
Management Agency may appoint temporary personnel,
after serving continuously for 3 years, to positions in the
Federal Emergency Management Agency in the same
manner that competitive service employees with competi-
tive status are considered for transfer, reassignment, or
promotion to such positions. An individual appointed
under this subsection shall become a career-conditional
employee, unless the employee has already completed the
service requirements for career tenure.”.
SEC. 1517. STUDY TO STREAMLINE AND CONSOLIDATE INFORMATION COLLECTION.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall—

(1) in coordination with the Small Business Administration, the Department of Housing and Urban Development, and other appropriate agencies, conduct a study and develop a plan, consistent with law, under which the collection of information from disaster assistance applicants and grantees will be modified, streamlined, expedited, efficient, flexible, consolidated, and simplified to be less burdensome, duplicative, and time consuming for applicants and grantees;

(2) in coordination with the Small Business Administration, the Department of Housing and Urban Development, and other appropriate agencies, develop a plan for the regular collection and reporting of information on Federal disaster assistance awarded, including the establishment and maintenance of a website for presenting the information to the public; and

(3) submit to the Committee on Transportation and Infrastructure of the House of Representatives
and the Committee on Homeland Security and Governmental Affairs of the Senate—

(A) the plans developed under paragraphs (1) and (2); and

(B) recommendations, if any, of the Administrator for legislative changes to streamline or consolidate the collection or reporting of information, as described in paragraphs (1) and (2).

SEC. 1518. AGENCY ACCOUNTABILITY.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

“SEC. 430. AGENCY ACCOUNTABILITY.

“(a) PUBLIC ASSISTANCE.—Not later than 5 days after the date on which an award of a public assistance grant is made under section 406 that is in excess of $1,000,000, the Administrator of the Federal Emergency Management Agency (referred to in this section as the ‘Administrator’) shall publish on the website of the Federal Emergency Management Agency (referred to in this section as the ‘Agency’) the specifics of each such grant award, including identifying—

“(1) the Federal Emergency Management Agency Region;
“(2) the major disaster or emergency declaration number;

“(3) the State, county, and applicant name;

“(4) if the applicant is a private nonprofit organization;

“(5) the damage category code;

“(6) the amount of the Federal share obligated; and

“(7) the date of the award.

“(b) MISSION ASSIGNMENTS.—

“(1) IN GENERAL.—Not later than 5 days after the date on which a mission assignment or mission assignment task order is issued under section 402(1) or section 502(a)(1), the Administrator shall publish on the website of the Agency any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster in excess of $1,000,000, including—

“(A) the name of the impacted State or Indian tribe;

“(B) the major disaster declaration for such State or Indian tribe;

“(C) the assigned agency;

“(D) the assistance requested;

“(E) a description of the major disaster;
“(F) the total cost estimate;
“(G) the amount obligated;
“(H) the State or tribal cost share, if applicable;
“(I) the authority under which the mission assignment or mission assignment task order was directed; and
“(J) if applicable, the date on which a State or Indian tribe requested the mission assignment.

“(2) RECORDING CHANGES.—Not later than 10 days after the last day of each month until a mission assignment or mission assignment task order described in paragraph (1) is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated.

“(c) DISASTER RELIEF MONTHLY REPORT.—Not later than 10 days after the first day of each month, the Administrator shall publish reports on the website of the Agency, including a specific description of the methodology and the source data used in developing such reports, including—

“(1) an estimate of the amounts for the fiscal year covered by the President’s most recent budget
pursuant to section 1105(a) of title 31, United States Code, including—

“(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

“(B) the unobligated balance of funds to be carried over from the budget year to the year after the budget year;

“(C) the amount of obligations for non-catastrophic events for the budget year;

“(D) the amount of obligations for the budget year for catastrophic events, as defined under the National Response Framework, delineated by event and by State;

“(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current fiscal year, the budget year, and each fiscal year thereafter;

“(F) the amount of previously obligated funds that will be recovered for the budget year;

“(G) the amount that will be required for obligations for emergencies, major disasters, fire management assistance grants, as described
in section 420, surge activities, and disaster readiness and support activities; and

“(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii));

“(2) a summary of the amount for disaster relief of—

“(A) appropriations made available by source;

“(B) the transfers executed;

“(C) the previously allocated funds recovered; and

“(D) the commitments, allocations, and obligations made;

“(3) a table of disaster relief activity delineated by month, including—

“(A) the beginning and ending balances;

“(B) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

“(C) the obligations for catastrophic events delineated by event and by State; and

“(D) the amount of previously obligated funds that are recovered;
“(4) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event;

“(5) the cost with respect to—

“(A) public assistance;
“(B) individual assistance;
“(C) mitigation;
“(D) administrative activities;
“(E) operations; and
“(F) any other relevant category (including emergency measures and disaster resources) delineated by major disaster; and

“(6) the date on which funds appropriated will be exhausted.

“(d) CONTRACTS.—

“(1) INFORMATION.—

“(A) IN GENERAL.—Not later than 10 days after the first day of each month, the Administrator shall publish on the website of the Agency the specifics of each contract in excess of $1,000,000 that the Agency enters into during the previous month, including—

“(i) the name of the party;
“(ii) the date the contract was awarded;
“(iii) the amount and scope of the contract;

“(iv) if the contract was awarded through competitive bidding process;

“(v) if no competitive bidding process was used, the reason why competitive bidding was not used; and

“(vi) the authority used to bypass the competitive bidding process.

“(B) REQUIREMENT.—The information required to be published under subparagraph (A) shall be delineated by major disaster, if applicable, and specify the damage category code, if applicable.

“(2) REPORT.—Not later than 10 days after the last day of the fiscal year, the Administrator shall provide a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives summarizing the following information for the preceding fiscal year:

“(A) The number of contracts awarded without competitive bidding.
“(B) The reasons why a competitive bidding process was not used.

“(C) The total amount of contracts awarded with no competitive bidding.

“(D) The damage category codes, if applicable, for contracts awarded without competitive bidding.”.

SEC. 1519. NATIONAL PUBLIC INFRASTRUCTURE PREDISASTER HAZARD MITIGATION.

(a) PREDISASTER HAZARD MITIGATION.—Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended—

(1) in subsection (c) by inserting “Public Infrastructure” after “the National”;

(2) in subsection (e)(1)(B)—

(A) in clause (ii), by striking “or” at the end;

(B) in clause (iii), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(iv) to establish and carry out enforcement activities to implement the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant
designs and establish minimum acceptable
criteria for the design, construction, and
maintenance of residential structures and
facilities that may be eligible for assistance
under this Act for the purpose of pro-
tecting the health, safety, and general wel-
fare of the buildings’ users against disas-
ters.”;

(3) in subsection (f)—

(A) in paragraph (1) by inserting “for
mitigation activities that are cost effective”
after “competitive basis”; and

(B) by adding at the end the following:

“(3) REDISTRIBUTION OF UNOBLIGATED
AMOUNTS.—The President may—

“(A) withdraw amounts of financial assist-
ance made available to a State (including
amounts made available to local governments of
a State) under this subsection that remain un-
obligated by the end of the third fiscal year
after the fiscal year for which the amounts were
allocated; and

“(B) in the fiscal year following a fiscal
year in which amounts were withdrawn under
subsection (A), add the amounts to any
other amounts available to be awarded on a competitive basis pursuant to paragraph (1).”;

(4) in subsection (g), in the matter preceding paragraph (1), by inserting “provide financial assistance only in States that have received a major disaster declaration during the previous 7-year period and” after “President shall”;

(5) by striking subsection (i) and inserting the following:

“(i) NATIONAL PUBLIC INFRASTRUCTURE PREDISASTER MITIGATION ASSISTANCE.—

“(1) IN GENERAL.—The President may set aside from the Disaster Relief Fund, with respect to each major disaster, an amount equal to 6 percent of the estimated aggregate amount of the grants to be made pursuant to sections 403, 406, 407, 408, 410, and 416 for the major disaster in order to provide technical and financial assistance under this section.

“(2) ESTIMATED AGGREGATE AMOUNT.—Not later than 180 days after each major disaster declaration pursuant to this Act, the estimated aggregate amount of grants for purposes of paragraph (1) shall be determined by the President and such esti-
mated amount need not be reduced, increased, or changed due to variations in estimates.

“(3) NO REDUCTION IN AMOUNTS.—The amount set aside pursuant to paragraph (1) shall not reduce the amounts otherwise made available for sections 403, 404, 406, 407, 408, 410, and 416 under this Act.”;

(6) by striking subsections (j) and (m); and

(7) by redesignating subsections (k), (l), and (n) as subsections (j), (k), and (l), respectively.

(b) APPLICABILITY.—The amendments made to section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) by paragraphs (3) and (5) of subsection (a) of this Act shall apply to funds appropriated after the date of enactment of this Act.

SEC. 1520. TECHNICAL AMENDMENTS TO NATIONAL EMERGENCY MANAGEMENT.


(1) in section 501(8) (6 U.S.C. 311(8))—

(A) by striking “National Response Plan” each place the term appears and inserting “Na-

ional Response Framework”; and
(B) by striking “502(a)(6)” and inserting “504(a)(6)”;

(2) in section 503(b)(2)(A) (6 U.S.C. 313(b)(2)(A)) by inserting “and incidents impacting critical infrastructure” before the semicolon;

(3) in section 504(a) (6 U.S.C. 314(a))—

(A) in paragraph (3) by striking “, including—” and inserting “(which shall include incidents impacting critical infrastructure), including—”;

(B) in paragraph (4) by inserting “, including incidents impacting critical infrastructure” before the semicolon;

(C) in paragraph (5) by striking “and local” and inserting “local, and tribal”;

(D) in paragraph (6) by striking “national response plan” and inserting “national response framework, which shall be reviewed and updated as required but not less than every 5 years”;

(E) by redesignating paragraphs (7) through (21) as paragraphs (8) through (22), respectively;

(F) by inserting after paragraph (6) the following:
“(7) developing integrated frameworks, to include consolidating existing Government plans addressing prevention, protection, mitigation, and recovery with such frameworks reviewed and updated as required, but not less than every 5 years;”; and

(G) in paragraph (14), as redesignated, by striking “National Response Plan” each place the term appears and inserting “National Response Framework”;

(4) in section 507 (6 U.S.C. 317)—

(A) in subsection (e)—

(i) in paragraph (2)(E), by striking “National Response Plan” and inserting “National Response Framework”; and

(ii) in paragraph (3)(A), by striking “National Response Plan” and inserting “National Response Framework”; and

(B) in subsection (f)(1)(G), by striking “National Response Plan” and inserting “National Response Framework”;

(5) in section 508 (6 U.S.C. 318)—

(A) in subsection (b)(1), by striking “National Response Plan” and inserting “National Response Framework”; and
(B) in subsection (d)(2)(A), by striking “The Deputy Administrator, Protection and National Preparedness” and inserting “A Deputy Administrator”; 

(6) in section 509 (6 U.S.C. 319)— 

(A) in subsection (b)— 

(i) in paragraph (1)— 


(II) by striking “successor” and inserting “successors”; and 

(III) by striking “plan” at the end of that paragraph and inserting “framework”; and 

(ii) in paragraph (2), by striking “National Response Plan” each place the term appears and inserting “National Response Framework”; and 

(B) in subsection (c)(1)— 

(i) in subparagraph (A)—
(I) in the subparagraph heading, by striking “NATIONAL RESPONSE PLAN” and inserting “NATIONAL RESPONSE FRAMEWORK”; and

(II) by striking “National Response Plan” and inserting “National Response Framework”; and

(ii) in subparagraph (B), by striking “National Response Plan” and inserting “National Response Framework”;

(7) in section 510 (6 U.S.C. 320)—

(A) in subsection (a), by striking “enter into a memorandum of understanding” and inserting “partner”;

(B) in subsection (b)(1)(A), by striking “National Response Plan” and inserting “National Response Framework”; and

(C) in subsection (c), by striking “National Response Plan” and inserting “National Response Framework”;

(8) in section 515(c)(1) (6 U.S.C. 321d(c)(1)), by striking “and local” each place the term appears and inserting “, local, and tribal”;

(9) by striking section 524 (6 U.S.C. 321m); and
in section 525 (6 U.S.C. 321n), by striking
“Secretary” each place it appears and inserting
“Administrator”.

(b) CONFORMING AMENDMENT.—The table of con-
tents in section 1(b) of the Homeland Security Act of
2002 (Public Law 107–296; 116 Stat. 2135) is amended
by striking the item relating to section 524.

(c) POST-KATRINA EMERGENCY MANAGEMENT RE-
FORM ACT OF 2006.—

(1) Citation correction.—Section 602(13)
of the Post-Katrina Emergency Management Reform
Act of 2006 (6 U.S.C. 701(13)) is amended—

(A) by striking “National Response Plan”
each place the term appears and inserting “Na-
tional Response Framework”; and

(B) by striking “502(a)(6)” and inserting
“504(a)(6)”.

(2) Change of reference.—Chapter 1 of
subtitle C of title VI of the Post-Katrina Emergency
Management Reform Act of 2006 (Public Law 109–
295) is amended by striking “National Response
Plan” each place the term appears and inserting
“National Response Framework”.

(d) PUBLIC HEALTH SERVICE ACT.—Section
2801(a) of the Public Health Service Act (42 U.S.C.
300hh(a)) is amended by striking “the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002” and inserting “the National Response Framework developed pursuant to section 504(a)(6) of the Homeland Security Act of 2002 (2 U.S.C. 314(a)(6))”.


(f) Savings Clause.—The amendments made by subsection (a) to section 503(b)(2)(A) and paragraphs (3) and (4) of section 504(a) of the Homeland Security Act of 2002 shall not be construed as affecting the authority, existing on the day before the date of enactment of this Act, of any other component of the Department of Homeland Security or any other Federal department or agency.
TITLE VI—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

SEC. 1601. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) In General.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

"Subtitle A—Cybersecurity and Infrastructure Security

"SEC. 2201. DEFINITIONS.

"In this subtitle:

"(1) Critical infrastructure information.—The term ‘critical infrastructure information’ has the meaning given the term in section 2222.

"(2) Cybersecurity risk.—The term ‘cybersecurity risk’ has the meaning given the term in section 2209.

"(3) Cybersecurity threat.—The term ‘cybersecurity threat’ has the meaning given the term in section 102(5) of the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appro-
priations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501)).

“(4) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term ‘national cybersecurity asset response activities’ means—

“(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

“(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

“(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

“(D) facilitating information sharing and operational coordination with threat response; and

“(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

“(5) SECTOR-SPECIFIC AGENCY.—The term ‘Sector-Specific Agency’ means a Federal depart-
ment or agency, designated by law or presidential di-
rective, with responsibility for providing institutional
knowledge and specialized expertise of a sector, as
well as leading, facilitating, or supporting programs
and associated activities of its designated critical in-
fracure sector in the all hazards environment in
coordination with the Department.

“(6) Sharing.—The term ‘sharing’ has the
meaning given the term in section 2209.

“SEC. 2202. CYBERSECURITY AND INFRASTRUCTURE SECU-
RITY AGENCY.

“(a) Redesignation.—

“(1) In general.—The National Protection
and Programs Directorate of the Department shall,
on and after the date of the enactment of this sub-
title, be known as the ‘Cybersecurity and Infrastruc-
ture Security Agency’ (in this subtitle referred to as
the ‘Agency’).

“(2) References.—Any reference to the Na-
tional Protection and Programs Directorate of the
Department in any law, regulation, map, document,
record, or other paper of the United States shall be
deemed to be a reference to the Cybersecurity and
Infrastructure Security Agency of the Department.

“(b) Director.—
“(1) IN GENERAL.—The Agency shall be headed by a Director of Cybersecurity and Infrastructure Security (in this subtitle referred to as the ‘Director’), who shall report to the Secretary.

“(2) REFERENCE.—Any reference to an Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and any other related program of the Department as described in section 103(a)(1)(H) as in effect on the day before the date of enactment of this subtitle in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Director of Cybersecurity and Infrastructure Security of the Department.

“(c) RESPONSIBILITIES.—The Director shall—

“(1) lead cybersecurity and critical infrastructure security programs, operations, and associated policy for the Agency, including national cybersecurity asset response activities;

“(2) coordinate with Federal entities, including Sector-Specific Agencies, and non-Federal entities, including international entities, to carry out the cybersecurity and critical infrastructure activities of the Agency, as appropriate;
“(3) carry out the responsibilities of the Secretary to secure Federal information and information systems consistent with law, including subchapter II of chapter 35 of title 44, United States Code, and the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113));

“(4) coordinate a national effort to secure and protect against critical infrastructure risks, consistent with subsection (e)(1)(E);

“(5) oversee the EMP and GMD planning and protection and preparedness activities of the Agency;

“(6) upon request, provide analyses, expertise, and other technical assistance to critical infrastructure owners and operators and, where appropriate, provide those analyses, expertise, and other technical assistance in coordination with Sector-Specific Agencies and other Federal departments and agencies;

“(7) develop and utilize mechanisms for active and frequent collaboration between the Agency and Sector-Specific Agencies to ensure appropriate coordination, situational awareness, and communications with Sector-Specific Agencies;

“(8) maintain and utilize mechanisms for the regular and ongoing consultation and collaboration
among the Divisions of the Agency to further operational coordination, integrated situational awareness, and improved integration across the Agency in accordance with this Act;

“(9) develop, coordinate, and implement—

“(A) comprehensive strategic plans for the activities of the Agency; and

“(B) risk assessments by and for the Agency;

“(10) carry out emergency communications responsibilities, in accordance with title XVIII;

“(11) carry out cybersecurity, infrastructure security, and emergency communications stakeholder outreach and engagement and coordinate that outreach and engagement with critical infrastructure Sector-Specific Agencies, as appropriate;

“(12) oversee an integrated analytical approach to physical and cyber infrastructure analysis; and

“(13) carry out such other duties and powers prescribed by law or delegated by the Secretary.

“(d) DEPUTY DIRECTOR.—There shall be in the Agency a Deputy Director of Cybersecurity and Infrastructure Security who shall—

“(1) assist the Director in the management of the Agency; and
“(2) report to the Director.

“(e) CYBERSECURITY AND INFRASTRUCTURE SECURITY AUTHORITIES OF THE SECRETARY.—

“(1) IN GENERAL.—The responsibilities of the Secretary relating to cybersecurity and infrastructure security shall include the following:

“(A) To access, receive, and analyze law enforcement information, intelligence information, and other information from Federal Government agencies, State, local, tribal, and territorial government agencies, including law enforcement agencies, and private sector entities, and to integrate that information, in support of the mission responsibilities of the Department, in order to—

“(i) identify and assess the nature and scope of terrorist threats to the homeland;

“(ii) detect and identify threats of terrorism against the United States; and

“(iii) understand those threats in light of actual and potential vulnerabilities of the homeland.

“(B) To carry out comprehensive assessments of the vulnerabilities of the key resources
and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States, including an assessment of the probability of success of those attacks and the feasibility and potential efficacy of various countermeasures to those attacks. At the discretion of the Secretary, such assessments may be carried out in coordination with Sector-Specific Agencies.

“(C) To integrate relevant information, analysis, and vulnerability assessments, regardless of whether the information, analysis, or assessments are provided or produced by the Department, in order to make recommendations, including prioritization, for protective and support measures by the Department, other Federal Government agencies, State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities regarding terrorist and other threats to homeland security.

“(D) To ensure, pursuant to section 202, the timely and efficient access by the Department to all information necessary to discharge
the responsibilities under this title, including obtaining that information from other Federal Government agencies.

“(E) To develop, in coordination with the Sector-Specific Agencies with available expertise, a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency communications systems, and the physical and technological assets that support those systems.

“(F) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other Federal Government agencies, including Sector-Specific Agencies, and in cooperation with State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities.

“(G) To review, analyze, and make recommendations for improvements to the policies...
and procedures governing the sharing of information relating to homeland security within the Federal Government and between Federal Government agencies and State, local, tribal, and territorial government agencies and authorities.

“(H) To disseminate, as appropriate, information analyzed by the Department within the Department, to other Federal Government agencies with responsibilities relating to homeland security, and to State, local, tribal, and territorial government agencies and private sector entities with those responsibilities in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States.

“(I) To consult with State, local, tribal, and territorial government agencies and private sector entities to ensure appropriate exchanges of information, including law enforcement-related information, relating to threats of terrorism against the United States.

“(J) To ensure that any material received pursuant to this Act is protected from unauthorized disclosure and handled and used only for the performance of official duties.
“(K) To request additional information from other Federal Government agencies, State, local, tribal, and territorial government agencies, and the private sector relating to threats of terrorism in the United States, or relating to other areas of responsibility assigned by the Secretary, including the entry into cooperative agreements through the Secretary to obtain that information.

“(L) To establish and utilize, in conjunction with the Chief Information Officer of the Department, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section, and to disseminate information acquired and analyzed by the Department, as appropriate.

“(M) To coordinate training and other support to the elements and personnel of the Department, other Federal Government agencies, and State, local, tribal, and territorial government agencies that provide information to the Department, or are consumers of informa-
tion provided by the Department, in order to facilitate the identification and sharing of information revealed in their ordinary duties and the optimal utilization of information received from the Department.

“(N) To coordinate with Federal, State, local, tribal, and territorial law enforcement agencies, and the private sector, as appropriate.

“(O) To exercise the authorities and oversight of the functions, personnel, assets, and liabilities of those components transferred to the Department pursuant to section 201(g).

“(P) To carry out the functions of the national cybersecurity and communications integration center under section 2209.

“(Q) To carry out requirements of the Chemical Facility Anti-Terrorism Standards Program established under title XXI and the responsibilities relating to the secure handling of ammonium nitrate under subtitle J of title VIII.

“(2) REALLOCATION.—The Secretary may reallocate within the Agency the functions specified in sections 2203(b) and 2204(b), consistent with the responsibilities provided in paragraph (1), upon cer-
tifying to and briefing the appropriate congressional committees, and making available to the public, not less than 60 days before the reallocation that the reallocation is necessary for carrying out the activities of the Agency.

“(3) STAFF.—

“(A) IN GENERAL.—The Secretary shall provide the Agency with a staff of analysts having appropriate expertise and experience to assist the Agency in discharging the responsibilities of the Agency under this section.

“(B) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

“(C) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

“(4) DETAIL OF PERSONNEL.—

“(A) IN GENERAL.—In order to assist the Agency in discharging the responsibilities of the Agency under this section, employees of the Federal agencies described in subparagraph (B) may be detailed to the Agency for the performance of analytic functions and related duties.
“(B) AGENCIES.—The Federal agencies described in this subparagraph are—

“(i) the Department of State;
“(ii) the Central Intelligence Agency;
“(iii) the Federal Bureau of Investigation;
“(iv) the National Security Agency;
“(v) the National Geospatial-Intelligence Agency;
“(vi) the Defense Intelligence Agency;
“(vii) Sector-Specific Agencies; and
“(viii) any other agency of the Federal Government that the President considers appropriate.

“(C) INTERAGENCY AGREEMENTS.—The Secretary and the head of a Federal agency described in subparagraph (B) may enter into agreements for the purpose of detailing employees under this paragraph.

“(D) BASIS.—The detail of employees under this paragraph may be on a reimbursable or non-reimbursable basis.

“(f) COMPOSITION.—The Agency shall be composed of the following divisions:
“(1) The Cybersecurity Division, headed by an Assistant Director.

“(2) The Infrastructure Security Division, headed by an Assistant Director.

“(3) The Emergency Communications Division under title XVIII, headed by an Assistant Director.

“(g) CO-LOCATION.—

“(1) IN GENERAL.—To the maximum extent practicable, the Director shall examine the establishment of central locations in geographical regions with a significant Agency presence.

“(2) COORDINATION.—When establishing the central locations described in paragraph (1), the Director shall coordinate with component heads and the Under Secretary for Management to co-locate or partner on any new real property leases, renewing any occupancy agreements for existing leases, or agreeing to extend or newly occupy any Federal space or new construction.

“(h) PRIVACY.—

“(1) IN GENERAL.—There shall be a Privacy Officer of the Agency with primary responsibility for privacy policy and compliance for the Agency.

“(2) RESPONSIBILITIES.—The responsibilities of the Privacy Officer of the Agency shall include—
“(A) ensuring that the use of technologies by the Agency sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

“(B) ensuring that personal information contained in systems of records of the Agency is handled in full compliance as specified in section 552a of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’);

“(C) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Agency; and

“(D) conducting a privacy impact assessment of proposed rules of the Agency on the privacy of personal information, including the type of personal information collected and the number of people affected.

“(i) SAVINGS.—Nothing in this title may be construed as affecting in any manner the authority, existing on the day before the date of enactment of this title, of any other component of the Department or any other Federal department or agency.

“SEC. 2203. CYBERSECURITY DIVISION.

“(a) ESTABLISHMENT.—
“(1) IN GENERAL.—There is established in the Agency a Cybersecurity Division.

“(2) ASSISTANT DIRECTOR.—The Cybersecurity Division shall be headed by an Assistant Director for Cybersecurity (in this section referred to as the ‘Assistant Director’), who shall—

“(A) be at the level of Assistant Secretary within the Department;

“(B) be appointed by the President without the advice and consent of the Senate; and

“(C) report to the Director.

“(3) REFERENCE.—Any reference to the Assistant Secretary for Cybersecurity and Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Cybersecurity.

“(b) FUNCTIONS.—The Assistant Director shall—

“(1) direct the cybersecurity efforts of the Agency;

“(2) carry out activities, at the direction of the Director, related to the security of Federal information and Federal information systems consistent with law, including subchapter II of chapter 35 of title 44, United States Code, and the Cybersecurity
Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113));

“(3) fully participate in the mechanisms required under section 2202(c)(7); and

“(4) carry out such other duties and powers as prescribed by the Director.

“SEC. 2204. INFRASTRUCTURE SECURITY DIVISION.

“(a) Establishment.—

“(1) In general.—There is established in the Agency an Infrastructure Security Division.

“(2) Assistant Director.—The Infrastructure Security Division shall be headed by an Assistant Director for Infrastructure Security (in this section referred to as the ‘Assistant Director’), who shall—

“(A) be at the level of Assistant Secretary within the Department;

“(B) be appointed by the President without the advice and consent of the Senate; and

“(C) report to the Director.

“(3) Reference.—Any reference to the Assistant Secretary for Infrastructure Protection in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a
reference to the Assistant Director for Infrastructure Security.

“(b) FUNCTIONS.—The Assistant Director shall—

“(1) direct the critical infrastructure security efforts of the Agency;

“(2) carry out, at the direction of the Director, the Chemical Facilities Anti-Terrorism Standards Program established under title XXI and the responsibilities relating to the secure handling of ammonium nitrate under subtitle J of title VIII;

“(3) fully participate in the mechanisms required under section 2202(e)(7); and

“(4) carry out such other duties and powers as prescribed by the Director.”.

(b) TREATMENT OF CERTAIN POSITIONS.—

(1) UNDER SECRETARY.—The individual serving as the Under Secretary appointed pursuant to section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)) of the Department of Homeland Security on the day before the date of enactment of this Act may continue to serve as the Director of Cybersecurity and Infrastructure Security of the Department on and after such date.

(2) DIRECTOR FOR EMERGENCY COMMUNICATIONS.—The individual serving as the Director for
Emergency Communications of the Department of Homeland Security on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Emergency Communications of the Department on and after such date.

(3) Assistant Secretary for Cybersecurity and Communications.—The individual serving as the Assistant Secretary for Cybersecurity and Communications on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Cybersecurity on and after such date.

(4) Assistant Secretary for Infrastructure Protection.—The individual serving as the Assistant Secretary for Infrastructure Protection on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Infrastructure Security on and after such date.

(c) Reference.—Any reference to—

(1) the Office of Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Emergency Communications Division; and
(2) the Director for Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Emergency Communications.

(d) OVERSIGHT.—The Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall provide to Congress, in accordance with the deadlines specified in paragraphs (1) through (6), information on the following:

(1) Not later than 60 days after the date of enactment of this Act, a briefing on the activities of the Agency relating to the development and use of the mechanisms required pursuant to section 2202(c)(7) of the Homeland Security Act of 2002 (as added by subsection (a)).

(2) Not later than 1 year after the date of the enactment of this Act, a briefing on the activities of the Agency relating to the use and improvement by the Agency of the mechanisms required pursuant to section 2202(c)(7) of the Homeland Security Act of 2002 and how such activities have impacted coordination, situational awareness, and communications with Sector-Specific Agencies.
(3) Not later than 90 days after the date of the enactment of this Act, information on the mechanisms of the Agency for regular and ongoing consultation and collaboration, as required pursuant to section 2202(c)(8) of the Homeland Security Act of 2002 (as added by subsection (a)).

(4) Not later than 1 year after the date of the enactment of this Act, information on the activities of the consultation and collaboration mechanisms of the Agency as required pursuant to section 2202(c)(8) of the Homeland Security Act of 2002, and how such mechanisms have impacted operational coordination, situational awareness, and integration across the Agency.

(5) Not later than 180 days after the date of enactment of this Act, information, which shall be made publicly available and updated as appropriate, on the mechanisms and structures of the Agency responsible for stakeholder outreach and engagement, as required under section 2202(c)(11) of the Homeland Security Act of 2002 (as added by subsection (a)).

(6) Not later than 1 year after the date of enactment of this Act, and annually thereafter, information on EMP and GMD (as defined in section 2
of the Homeland Security Act (6 U.S.C. 101)),
which shall include—

(A) a summary of the threats and con-
sequences, as of the date of the information, of
electromagnetic events to the critical infrastruc-
ture of the United States;

(B) Department of Homeland Security ef-
forts as of the date of the information, includ-
ing with respect to—

(i) risk assessments;

(ii) mitigation actions;

(iii) coordinating with the Department
of Energy to identify critical electric infra-
structure assets subject to EMP or GMD
risk; and

(iv) current and future plans for en-

gagement with the Department of Energy,
the Department of Defense, the National
Oceanic and Atmospheric Administration,
and other relevant Federal departments
and agencies.

(C) as of the date of the information, cur-
rent collaboration, and plans for future engage-
ment, with critical infrastructure owners and
operators.
(D) an identification of internal roles to address electromagnetic risks to critical infrastructure; and

(E) plans for implementation and protecting and preparing United States critical infrastructure against electromagnetic threats.

(e) CYBER WORKFORCE.—Not later than 90 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, in coordination with the Director of the Office of Personnel Management, shall submit to Congress a report detailing how the Agency is meeting the requirements under the Cybersecurity Workforce Assessment Act (Public Law 113–246; 6 U.S.C. 146) and the Homeland Security Cybersecurity Workforce Assessment Act (6 U.S.C. 146 note) to address cyber workforce needs.

(f) FACILITY.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall report to Congress on the most efficient and effective methods of consolidating Agency facilities, personnel, and programs to most effectively carry out the mission of the Agency.

(1) by amending section 103(a)(1)(H) (6 U.S.C. 113(a)(1)(H)) to read as follows:

“(H) A Director of the Cybersecurity and Infrastructure Security Agency.”;

(2) in title II (6 U.S.C. 121 et seq.)—

(A) in the title heading, by striking “AND INFRASTRUCTURE PROTECTION”;

(B) in the subtitle A heading, by striking “and Infrastructure Protection”;

(C) in section 201 (6 U.S.C. 121)—

(i) in the section heading, by striking “AND INFRASTRUCTURE PROTECTION”;

(ii) in subsection (a)—

(I) in the subsection heading, by striking “AND INFRASTRUCTURE PROTECTION”; and

(II) by striking “and an Office of Infrastructure Protection”;

(iii) in subsection (b)—
(I) by striking “AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION”;

and

(II) by striking paragraph (3);

(iv) in subsection (c)—

(I) by striking “and infrastructure protection”; and

(II) by striking “or the Assistant Secretary for Infrastructure Protection, as appropriate”;-

(v) in subsection (d)—

(I) in the subsection heading, by striking “AND INFRASTRUCTURE PROTECTION”;

(II) in the matter preceding paragraph (1), by striking “and infrastructure protection”;

(III) by striking paragraphs (5), (6), and (25);

(IV) by redesignating paragraphs (7) through (24) as paragraphs (5) through (22), respectively;

(V) by redesignating paragraph (26) as paragraph (23); and
(VI) in paragraph (23)(B)(i), as so redesignated, by striking “section 319” and inserting “section 320”; (vi) in subsection (e)(1), by striking “and the Office of Infrastructure Protection”; and (vii) in subsection (f)(1), by striking “and the Office of Infrastructure Protection”; (D) in section 202 (6 U.S.C. 122)— (i) in subsection (c), in the matter preceding paragraph (1), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and (ii) in subsection (d)(2), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; (E) in section 204 (6 U.S.C. 124a)— (i) in subsection (c)(1), in the matter preceding subparagraph (A), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”; and
(ii) in subsection (d)(1), in the matter preceding subparagraph (A), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”;

(F) in section 210A(c)(2)(B) (6 U.S.C. 124h(c)(2)(B)), by striking “Office of Infrastructure Protection” and inserting “Cybersecurity and Infrastructure Security Agency”;

(G) by redesignating section 210E (6 U.S.C. 124l) as section 2214 and transferring such section to appear after section 2213 (as redesignated by subparagraph (I));

(H) in subtitle B, by redesignating sections 211 through 215 (6 U.S.C. 101 note, and 131 through 134) as sections 2221 through 2225, respectively, and transferring such subtitle, including the enumerator and heading of subtitle B and such sections, to appear after section 2214 (as redesignated by subparagraph (G));

(I) by redesignating sections 223 through 230 (6 U.S.C. 143 through 151) as sections 2205 through 2213, respectively, and transfer-
ring such sections to appear after section 2204, as added by this Act;

(J) by redesignating section 210F as section 210E; and

(K) by redesignating subtitles C and D as subtitles B and C, respectively;

(3) in title III (6 U.S.C. 181 et seq.)—

(A) in section 302 (6 U.S.C. 182)—

(i) by striking “biological,” each place that term appears and inserting “biological,”; and

(ii) in paragraph (3), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”;

(B) by redesignating the second section 319 (6 U.S.C. 195f) (relating to EMP and GMD mitigation research and development) as section 320; and

(C) in section 320(c)(1), as so redesignated, by striking “Section 214” and inserting “Section 2224”;

(4) in title V (6 U.S.C. 311 et seq.)—

(B) in section 514 (6 U.S.C. 321c)—
(i) by striking subsection (b); and
(ii) by redesignating subsection (c) as subsection (b); and

(C) in section 523 (6 U.S.C. 321l)—
(i) in subsection (a), in the matter preceding paragraph (1), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of Cybersecurity and Infrastructure Security”; and
(ii) in subsection (c), by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of Cybersecurity and Infrastructure Security”;

(5) in title VIII (6 U.S.C. 361 et seq.)—
(A) in section 884(d)(4)(A)(ii) (6 U.S.C. 464(d)(4)(A)(ii)), by striking “Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related pro-
grams of the Department” and inserting “Director of Cybersecurity and Infrastructure Security”; and

(B) in section 899B(a) (6 U.S.C. 488a(a)), by adding at the end the following: “Such regulations shall be carried out by the Cybersecurity and Infrastructure Security Agency.”;

(6) in title XVIII (6 U.S.C. 571 et seq.)—

(A) in section 1801 (6 U.S.C. 571)—

(i) in the section heading, by striking “OFFICE OF EMERGENCY COMMUNICATIONS” and inserting “EMERGENCY COMMUNICATIONS DIVISION”; 

(ii) in subsection (a)—

(I) by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”; and

(II) by adding at the end the following: “The Division shall be located in the Cybersecurity and Infrastructure Security Agency.”;

(iii) by amending subsection (b) to read as follows:
“(b) ASSISTANT DIRECTOR.—The head of the Division shall be the Assistant Director for Emergency Communications. The Assistant Director shall report to the Director of Cybersecurity and Infrastructure Security. All decisions of the Assistant Director that entail the exercise of significant authority shall be subject to the approval of the Director of Cybersecurity and Infrastructure Security.”;

(iv) in subsection (e)—

(I) in the matter preceding paragraph (1), by inserting “Assistant” before “Director”;

(II) in paragraph (15), as added by section 1431(a)(7), by striking “and” at the end;

(III) by redesignating paragraph (16), as so redesignated by section 1431(a)(3), as paragraph (17); and

(IV) by inserting after paragraph (15) the following:

“(16) fully participate in the mechanisms required under section 2202(e)(8); and”;

(v) in subsection (d), by inserting “Assistant” before “Director”; and
(vi) in subsection (e), in the matter preceding paragraph (1), by inserting “Assistant” before “Director”; 
(B) in sections 1802 through 1805 (6 U.S.C. 572 through 575), by striking “Director for Emergency Communications” each place that term appears and inserting “Assistant Director for Emergency Communications”; 
(C) in section 1809 (6 U.S.C. 579)—
   (i) by striking “Director of Emergency Communications” each place that term appears and inserting “Assistant Director for Emergency Communications”; 
   (ii) in subsection (b)—
      (I) by striking “Director for Emergency Communications” and inserting “Assistant Director for Emergency Communications”; and 
      (II) by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”; 
   (iii) in subsection (e)(3), by striking “the Director” and inserting “the Assistant Director”; and
(iv) in subsection (m)(1)—

(I) by striking “The Director” and inserting “The Assistant Director”;

(II) by striking “the Director determines” and inserting “the Assistant Director determines”; and

(III) by striking “Office of Emergency Communications” and inserting “Cybersecurity and Infrastructure Security Agency”;

(D) in section 1810 (6 U.S.C. 580)—

(i) in subsection (a)(1), by striking “Director of the Office of Emergency Communications (referred to in this section as the ‘Director’)” and inserting “Assistant Director for Emergency Communications (referred to in this section as the ‘Assistant Director’)”; and

(ii) in subsection (e), by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”; and
(iii) by striking “Director” each place that term appears and inserting “Assistant Director”;

(7) in title XX (6 U.S.C. 601 et seq.)—

(A) in paragraph (5)(A)(iii)(II) of section 2001 (6 U.S.C. 601), as so redesignated by section 1451(b), by striking “section 210E(a)(2)” and inserting “section 2214(a)(2)”;

(B) in section 2008(a)(3) (6 U.S.C. 609(a)(3)), by striking “section 210E(a)(2)” and inserting “section 2214(a)(2)”; and

(C) in section 2021 (6 U.S.C. 611)—

(i) by striking subsection (c); and

(ii) by redesignating subsection (d) as subsection (c);

(8) in title XXI (6 U.S.C. 621 et seq.)—

(A) in section 2102(a)(1) (6 U.S.C. 622(a)(1)), by inserting “, which shall be located in the Cybersecurity and Infrastructure Security Agency” before the period at the end; and

(B) in section 2104(c)(2) (6 U.S.C. 624(c)(2)), by striking “Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related pro-
grams of the Department appointed under section 103(a)(1)(H)” and inserting “Director of Cybersecurity and Infrastructure Security”; and

(9) in title XXII, as added by this Act—

(A) in subtitle A—

(i) in section 2205, as so redesignated—

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

(aa) by striking “section 201” and inserting “section 2202”; and

(bb) by striking “Under Secretary appointed under section 103(a)(1)(H)” and inserting “Director”; and

(II) in paragraph (1)(B), by striking “and” at the end;

(ii) in section 2206, as so redesignated, by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of the Cybersecurity and Infrastructure Security Agency”;

(iii) in section 2209, as so redesignated—
(I) by striking “Under Secretary appointed under section 103(a)(1)(H)” each place that term appears and inserting “Director”; 
(II) in subsection (a)(4), by striking “section 212(5)” and inserting “section 2222(5)”; 
(III) in subsection (b), by adding at the end the following: “The Center shall be located in the Cybersecurity and Infrastructure Security Agency. The head of the Center shall report to the Assistant Director for Cybersecurity.”; and 
(IV) in subsection (c)(11), by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”; 
(iv) in section 2210, as so redesignated— 
(I) by striking “section 227” each place that term appears and inserting “section 2209”; and 
(II) in subsection (c)—
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(aa) by striking “Under Secretary appointed under section 103(a)(1)(H)” and inserting “Director”; and

(bb) by striking “section 212(5)” and inserting “section 2222(5)”;

(v) in section 2211, as so redesignated—

(I) in subsection (b)(2)(A), by striking “section 227” and inserting “section 2209”; and

(II) in subsection (c)(1)(C), by striking “section 707” and inserting “section 706”; and

(vi) in section 2212, as so redesignated, by striking “section 212(5)” and inserting “section 2222(5)”;

(vii) in section 2213(a), as so redesignated—

(I) in paragraph (3), by striking “section 228” and inserting “section 2210”; and
(II) in paragraph (4), by striking “section 227” and inserting “section 2209”; and

(viii) in section 2214, as so redesignated—

(I) by striking subsection (e); and

(II) by redesignating subsection (f) as subsection (e); and

(B) in subtitle B—

(i) in section 2222(8), as so redesignated, by striking “section 227” and inserting “section 2209”; and

(ii) in section 2224(h), as so redesignated, by striking “section 213” and inserting “section 2223”;

(h) TECHNICAL AND CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) CYBERSECURITY ACT OF 2015.—The Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113)) is amended—

(A) in section 202(2) (6 U.S.C. 131 note)—
(i) by striking “section 227” and inserting “section 2209”; and

(ii) by striking “, as so redesignated by section 223(a)(3) of this division”;  

(B) in section 207(2) (Public Law 114–113; 129 Stat. 2962)—

(i) by striking “section 227” and inserting “section 2209”; and

(ii) by striking “, as redesignated by section 223(a) of this division,”;


(D) in section 222 (6 U.S.C. 1521)—

(i) in paragraph (2)—

(I) by striking “section 228” and inserting “section 2210”; and

(II) by striking “, as added by section 223(a)(4) of this division”; and

(ii) in paragraph (4)—
(I) by striking “section 227” and
inserting “section 2209”; and

(II) by striking “‘‘as so redesignated by section 223(a)(3) of this di-
vision’’;

(E) in section 223(b) (6 U.S.C. 151
note)—

(i) by striking “section 230(b)(1) of
the Homeland Security Act of 2002, as
added by subsection (a)” each place that
term appears and inserting “section
2213(b)(1) of the Homeland Security Act
of 2002”; and

(ii) in paragraph (1)(B), by striking
“section 230(b)(2) of the Homeland Secu-
ritv Act of 2002, as added by subsection
(a)” and inserting “section 2213(b)(2) of
the Homeland Security Act of 2002”;

(F) in section 226 (6 U.S.C. 1524)—

(i) in subsection (a)—

(I) in paragraph (1)—

(aa) by striking “section
230” and inserting “section
2213”; and
(bb) by striking ‘‘, as added by section 223(a)(6) of this division’’;

(II) in paragraph (4)—

(aa) by striking ‘‘section 228(b)(1)’’ and inserting ‘‘section 2210(b)(1)’’; and

(bb) by striking ‘‘, as added by section 223(a)(4) of this division’’; and

(III) in paragraph (5)—

(aa) by striking ‘‘section 230(b)’’ and inserting ‘‘section 2213(b)’’; and

(bb) by striking ‘‘, as added by section 223(a)(6) of this division’’; and

(ii) in subsection (c)(1)(A)(vi)—

(I) by striking ‘‘section 230(c)(5)’’ and inserting ‘‘section 2213(c)(5)’’; and

(II) by striking ‘‘, as added by section 223(a)(6) of this division’’;

(G) in section 227 (6 U.S.C. 1525)—

(i) in subsection (a)—
(I) by striking “section 230” and inserting “section 2213”; and
(II) by striking “, as added by section 223(a)(6) of this division,”;
and
(ii) in subsection (b)—
(I) by striking “section 230(d)(2)” and inserting “section 2213(d)(2)”;
and
(II) by striking “, as added by section 223(a)(6) of this division,”;
and
(H) in section 404 (6 U.S.C. 1532)—
(i) by striking “Director for Emergency Communications” each place that
term appears and inserting “Assistant Director for Emergency Communications”;
and
(ii) in subsection (a)—
(I) by striking “section 227” and inserting “section 2209”; and
(II) by striking “, as reDesignated by section 223(a)(3) of this di-
vision,”.

(3) Title 5.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(A) in section 5314, by inserting after “Under Secretaries, Department of Homeland Security.” the following:

“Director, Cybersecurity and Infrastructure Security Agency.”; and

(B) in section 5315, by inserting after “Assistant Secretaries, Department of Homeland Security.” the following:

“Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency.

“Assistant Director for Infrastructure Security, Cybersecurity and Infrastructure Security Agency.”.

(i) Table of Contents Amendments.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—
(1) by striking the item relating to title II and inserting the following:

“TITLE II—INFORMATION ANALYSIS”.

(2) by striking the item relating to subtitle A and inserting the following:

“Subtitle A—Information and Analysis; Access to Information”.

(3) by striking the item relating to section 201 and inserting the following:

“Sec. 201. Information and Analysis.”.

(4) by striking the item relating to section 210E;

(5) by striking the items relating to subtitle B of title II and sections 211 through 215; and

(6) by striking the items relating to section 223 through section 230;

(7) by striking the item relating to subtitle C and inserting the following:

“Subtitle B—Information Security”;

(8) by striking the item relating to subtitle D and inserting the following:

“Subtitle C—Office of Science and Technology”;

(9) by striking the items relating to sections 317, 319, 318, and 319 and inserting the following:

“Sec. 317. Promoting antiterrorism through international cooperation program.
“Sec. 318. Social media working group.
“Sec. 319. Transparency in research and development.
“Sec. 320. EMP and GMD mitigation research and development.”;
(10) by striking the item relating to section 1801 and inserting the following:

"Sec. 1801. Emergency Communications Division."; and

(11) by adding at the end the following:

"TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY"

"Subtitle A—Cybersecurity and Infrastructure Security

"Sec. 2201. Definitions.
"Sec. 2202. Cybersecurity and Infrastructure Security Agency.
"Sec. 2203. Cybersecurity Division.
"Sec. 2204. Infrastructure Security Division.
"Sec. 2206. Net guard.
"Sec. 2208. Cybersecurity recruitment and retention.
"Sec. 2209. National cybersecurity and communications integration center.
"Sec. 2210. Cybersecurity plans.
"Sec. 2211. Cybersecurity strategy.
"Sec. 2212. Clearances.
"Sec. 2213. Federal intrusion detection and prevention system.
"Sec. 2214. National Asset Database.

"Subtitle B—Critical Infrastructure Information

"Sec. 2221. Short title.
"Sec. 2222. Definitions.
"Sec. 2223. Designation of critical infrastructure protection program.
"Sec. 2224. Protection of voluntarily shared critical infrastructure information.
"Sec. 2225. No private right of action.".

SEC. 1602. TRANSFER OF OTHER ENTITIES.

(a) OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.—The Office of Biometric Identity Management of the Department of Homeland Security located in the National Protection and Programs Directorate of the Department of Homeland Security on the day before the date of enactment of this Act is hereby transferred to the Management Directorate of the Department.

(b) FEDERAL PROTECTIVE SERVICE.—
(1) IN GENERAL.—Not later than 90 days fol-
lowing the completion of the Government Accountability Office review of the organizational placement of the Federal Protective Service, as requested by Congress, the Secretary of Homeland Security shall submit to the Director of the Office of Management and Budget and the appropriate committees of Con-
gress a recommendation regarding the appropriate placement of the Federal Protective Service within the executive branch of the Federal Government.

(2) CONSULTATION AND ASSESSMENT.—The recommendation described in paragraph (1) shall—

(A) be developed after consultation with the head of any executive branch entity that the Secretary intends to recommend for the place-
ment of the Federal Protective Service; and

(B) include—

(i) an assessment of the how the De-
partment of Homeland Security considered the Government Accountability Office re-
view described in paragraph (1) and any other relevant analysis; and

(ii) an explanation of any statutory changes that may be necessary to effec-
tuate the recommendation.
SEC. 1603. DHS REPORT ON CLOUD-BASED CYBERSECURITY.

(a) DEFINITION.—In this section, the term “Department” means the Department of Homeland Security.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Director of the Office of Management and Budget and the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Homeland Security of the House of Representatives a report on the leadership role of the Department in cloud-based cybersecurity deployments for civilian Federal departments and agencies, which shall include—

(1) information on the plan of the Department for offering automated, software-based Security Operations Center as a service capabilities in accordance with the December 2017 Report to the President on Federal IT Modernization issued by the American Technology Council;

(2) information on what capabilities the Department will prioritize for those service capabilities, including—
(A) criteria the Department will use to evaluate capabilities offered by the private sector; and

(B) information on how government- and private sector-provided capabilities will be integrated to enable visibility and consistency of security capabilities across all cloud and on-premise environments, as called for in the report described in paragraph (1); and

(3) information on how the Department will adapt the current capabilities of, and future enhancements to, the intrusion detection and prevention system of the Department and the Continuous Diagnostics and Mitigation Program of the Department to secure civilian government networks in a cloud environment.

SEC. 1604. RULE OF CONSTRUCTION.

Nothing in this title or an amendment made by this title may be construed as—

(1) conferring new authorities to the Secretary of Homeland Security, including programmatic, regulatory, or enforcement authorities, outside of the authorities in existence on the day before the date of enactment of this Act;
(2) reducing or limiting the programmatic, regulatory, or enforcement authority vested in any other Federal agency by statute; or

(3) affecting in any manner the authority, existing on the day before the date of enactment of this Act, of any other Federal agency or component of the Department of Homeland Security.

SEC. 1605. PROHIBITION ON ADDITIONAL FUNDING.

No additional funds are authorized to be appropriated to carry out this title or the amendments made by this title. This title and the amendments made by this title shall be carried out using amounts otherwise authorized.

TITLE VII—OTHER MATTERS

Subtitle A—Miscellaneous

SEC. 1701. AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF INSPECTOR GENERAL.

There is authorized to be appropriated for the Office of the Inspector General of the Department of Homeland Security $175,000,000 for each of fiscal years 2018 and 2019.

SEC. 1702. CANINE TEAMS.

Components of the Department of Homeland Security may request additional canine teams when there is a justified and documented shortage and such additional
canine teams would be effective for drug detection or to enhance security.

SEC. 1703. REPORT ON RESOURCE REQUIREMENTS TO RESPOND TO CONGRESSIONAL REQUESTS.

(a) DEFINITIONS.—In this section—

(1) the term “Department” means the Department of Homeland Security; and

(2) the term “Secretary” means the Secretary of Homeland Security.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, and every year thereafter, the Secretary shall submit to Congress a report on requests made by Congress to the Department that shall include, with respect to the fiscal year preceding the report or, if available, the preceding 5 fiscal years—

(1) the total number of congressional requests to the Department, including a breakdown of the number of requests made by committees, subcommittees, and caucuses;

(2) the total number of congressional responses for which the Department was required to prepare, including a breakdown of the number of hearings, briefings, and outreach events for the Department and each component of the Department;
(3) the total number of requests for similar or duplicative briefings, hearings, and other events that were made by multiple committees of Congress, including—

(A) a breakdown of the number of requests for the Department and each component of the Department; and

(B) a breakdown of the number of requests for hearings by topic and by the requesting committees and subcommittees of Congress;

(4) the total number of committee questions for the record, written testimony before committees, and reports that the Department had to prepare for or respond to, including—

(A) a breakdown of the number of committee questions for the record, written testimony before committees, and reports that the Department and each component of the Department had to prepare for or respond to; and

(B) a breakdown of the number of committee questions for the record, written testimony before committees, and reports that the Department and each component of the Department had to prepare for or respond to by topic, as determined by the Secretary; and
(5) any additional information as determined by
the Secretary.

(c) TERMINATION.—This section shall terminate on
the date that is 5 years after the date of enactment of
this Act.

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

SEC. 1711. SHORT TITLE.

This subtitle may be cited as the “Congressional
Commission to Review the Congressional Oversight of the
Department of Homeland Security Act of 2018”.

SEC. 1712. ESTABLISHMENT.

There is established in the legislative branch a com-
mmission to be known as the “Congressional Commission
to Review Congressional Oversight of the Department of
Homeland Security” (in this subtitle referred to as the
“Commission”).

SEC. 1713. MEMBERS OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed
of 6 members, of whom—

(1) 1 member shall be appointed by the Major-
ity Leader of the Senate, in consultation with the
leader of the House of Representatives who is a
member of the political party of which the Majority Leader is a member, who shall serve as chairperson of the Commission;

(2) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the leader of the House of Representatives who is a member of the political party of which the Minority Leader is a member, who shall serve as vice chairperson of the Commission;

(3) 1 member shall be appointed by the Majority Leader of the Senate;

(4) 1 member shall be appointed by the Minority Leader of the Senate;

(5) 1 member shall be appointed by the Majority Leader of the House of Representatives; and

(6) 1 member shall be appointed by the Minority Leader of the House of Representatives.

(b) EXPERTISE.—In making appointments under this section, the individual making the appointment shall give consideration to—

(1) individuals with expertise in homeland security and congressional oversight; and

(2) individuals with prior senior leadership experience in the executive or legislative branch.
(c) TIMING OF APPOINTMENTS.—Appointments to the Commission shall be made not later than 45 days after the date of enactment of this Act.

(d) TERMS; VACANCIES.—Each member shall be appointed for the duration of the Commission. Any vacancy in the Commission shall not affect its powers, and shall be filled in the manner in which the original appointment was made.

(e) COMPENSATION.—Members of the Commission shall serve without pay.

(f) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(g) SECURITY CLEARANCES.—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the members and employees of the Commission appropriate security clearances to the extent possible, pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.
SEC. 1714. DUTIES OF THE COMMISSION.

(a) Study of the Department of Homeland Security.—The Commission shall conduct a comprehensive study of the congressional oversight of the Department of Homeland Security, including its components, subcomponents, directorates, agencies, and any other entities within the Department to—

(1) review the congressional oversight of the Department of Homeland Security; and

(2) make recommendations on how congressional committee jurisdictions in the Senate and House of Representatives could be modified to promote homeland security and the efficiency and congressional oversight of the Department.

(b) Report.—Upon the affirmative vote of at least 4 of the members of the Commission, the Commission shall submit to the President and Congress a detailed statement of its findings and conclusions based on the study carried out under subsection (a), together with its recommendations for such legislation or administrative actions as the Commission considers appropriate in light of the results of the study.

(c) Deadline.—The Commission shall submit the report under subsection (b) not later than 9 months after the date on which a majority of the members of the Commission are appointed.
SEC. 1715. OPERATION AND POWERS OF THE COMMISSION.

(a) Executive Branch Assistance.—The heads of the following agencies shall advise and consult with the Commission on matters within their respective areas of responsibility:

(2) The Department of Justice.
(3) The Department of State.
(4) The Office of Management and Budget.
(5) Any other agency, as determined by the Commission.

(b) Meetings.—The Commission shall meet—

(1) not later than 30 days after the date on which a majority of the members of the Commission have been appointed; and
(2) at such times thereafter, at the call of the chairperson or vice chairperson.

(c) Rules of Procedure.—The chairperson and vice chairperson shall, with the approval of a majority of the members of the Commission, establish written rules of procedure for the Commission, which shall include a quorum requirement to conduct the business of the Commission.

(d) Hearings.—The Commission may, for the purpose of carrying out this subtitle, hold hearings, sit, and
act at times and places, take testimony, and receive evi-
dence as the Commission considers appropriate.

(c) CONTRACTS.—The Commission may contract
with and compensate government and private agencies or
persons for any purpose necessary to enable it to carry
out this subtitle.

(f) MAILS.—The Commission may use the United
States mails in the same manner and under the same con-
ditions as other agencies of the Federal Government.

(g) GIFTS.—The Commission may accept, use, and
dispose of gifts or donations of services or property.

(h) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—
The Administrator of General Services shall provide
to the Commission on a reimbursable basis adminis-
trative support and other services for the perform-
ance of the Commission’s functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In
addition to the assistance under paragraph (1), de-
partments and agencies of the United States may
provide to the Commission such services, funds, fa-
cilities, staff, and other support services as they may
determine advisable and as may be authorized by
law.
SEC. 1716. FUNDING.

(a) IN GENERAL.—Subject to subsection (b) and the availability of appropriations, at the request of the chairperson of the Commission, the Secretary of Homeland Security shall transfer funds, as specified in advance in appropriations Acts and in a total amount not to exceed $1,000,000, to the Commission for purposes of carrying out the activities of the Commission as provided in this subtitle.

(b) DURATION OF AVAILABILITY.—Amounts transferred to the Commission under subsection (a) shall remain available until the date on which the Commission terminates.

(c) PROHIBITION ON NEW FUNDING.—No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using amounts otherwise available for the Department of Homeland Security and transferred under subsection (a).

SEC. 1717. PERSONNEL.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director who shall be appointed by the chairperson with the concurrence of the vice chairperson. The Director shall be paid at a rate of pay established by the chairperson and vice chairperson, not to exceed the annual rate of basic pay payable for level V of the Execu-


(b) STAFF OF THE COMMISSION.—The Executive Director of the Commission may appoint and fix the pay of additional staff as the Executive Director considers appropriate.

c) DETAILLES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

d) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 1718. TERMINATION.

The Commission shall terminate not later than 1 year after the date of enactment of this Act.
Subtitle C—Technical and Conforming Amendments

SEC. 1731. TECHNICAL AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

(a) TITLE IV.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended as follows:

(1) In section 427 (6 U.S.C. 235), by striking subsection (c).

(2) By striking section 431 (6 U.S.C. 239).

(3) In section 476 (6 U.S.C. 296)—

(A) by striking “the Bureau of Citizenship and Immigration Services” each place the term appears and inserting “United States Citizenship and Immigration Services”; and

(B) by striking “the Bureau of Border Security” each place the term appears and inserting “U.S. Immigration and Customs Enforcement”.

(4) In section 478 (6 U.S.C. 298)—

(A) in the section heading, by inserting “ANNUAL REPORT ON” before “IMMIGRATION”;

(B) by striking subsection (b); and

(C) in subsection (a)—
(i) by striking “REPORT.—” and all
that follows through “One year” and in-
serting “REPORT.—One year”; and
(ii) by redesignating paragraph (2) as
subsection (b) and adjusting the margin
accordingly; and
(D) in subsection (b), as so redesignated—
(i) in the heading, by striking “MAT-
TER INCLUDED” and inserting “MATTER
INCLUDED”; and
(ii) by redesignating subparagraphs
(A) through (H) as paragraphs (1)
through (8), respectively, and adjusting the
margin accordingly.
(b) TITLE VIII.—Section 812 of the Homeland Secu-
rity Act of 2002 (Public Law 107–296; 116 Stat. 2222;
5 U.S.C. App., note to section 6 of Public Law 95–452)
is amended as follows:
(1) By redesignating such section 812 as sec-
tion 811.
(2) By striking subsections (a) and (c).
(3) In subsection (b)—
(A) by striking “(as added by subsection
(a) of this section)” each place it appears;
(B) by redesignating paragraphs (2), (3), and (4) as subsections (b), (c), and (d), respectively, and adjusting the margin accordingly;

(C) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and adjusting the margin accordingly; and

(D) by striking “(b) PROMULGATION OF INITIAL GUIDELINES.—” and all that follows through “In this subsection” and inserting the following:

“(a) DEFINITION.—In this section”.

(4) In subsection (b), as so redesignated, by striking “IN GENERAL” and inserting “IN GENERAL”.

(5) In subsection (c), as so redesignated, by striking “MINIMUM REQUIREMENTS” and inserting “MINIMUM REQUIREMENTS”.

(6) In subsection (d), as so redesignated, by striking “NO LAPSE OF AUTHORITY” and inserting “NO LAPSE OF AUTHORITY”.

(c) Title IX.—Section 903(a) of the Homeland Security Act of 2002 (6 U.S.C. 493(a)) is amended in the subsection heading by striking “MEMBERS—” and inserting “MEMBERS.—”.
(d) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended as follows:

(1) By striking the item relating to section 478 and inserting the following:

“Sec. 478. Annual report on immigration functions.”.

(2) By striking the items relating to sections 811 and 812 and inserting the following:

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

(3) By striking the items relating to sections 1502 and 1503 and inserting the following:

“Sec. 1502. Review of congressional committee structures.”.