

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**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

## 2

- 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. 1211. Acquisition authorities for Under Secretary for Management of the Department of Homeland Security.
- Sec. 1212. Acquisition authorities for Chief Financial Officer of the Department of Homeland Security.
- 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.

## 3

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. 1304. Department of Homeland Security data framework.
- 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. 1311. Department of Homeland Security Fusion Center Partnership Initiative.
- 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. 1316. Department of Homeland Security classified facility inventory.
- 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.

## 4

- 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. 1502. Reauthorization of Federal Emergency Management Agency.
- Sec. 1503. National Domestic Preparedness Consortium.
- 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. 1701. Authorization of appropriations for Office of Inspector General.
- Sec. 1702. Canine teams.
- Sec. 1703. Report on resource requirements to respond to congressional requests.

### 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

- Sec. 1731. Technical amendments to the Homeland Security Act of 2002.

1 **TITLE I—DEPARTMENT OF**  
 2 **HOMELAND SECURITY HEAD-**  
 3 **QUARTERS**

4 **Subtitle A—Headquarters**  
 5 **Operations**

6 **SEC. 1101. FUNCTIONS AND COMPONENTS OF HEAD-**  
 7 **QUARTERS OF DEPARTMENT OF HOMELAND**  
 8 **SECURITY.**

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

11 (1) in subsection (c), in the matter preceding  
 12 paragraph (1), by striking “through the Office of

1 State and Local Coordination (established under sec-  
2 tion 801)” and inserting “through the Office of  
3 Partnership and Engagement”; and

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

5 “(h) HEADQUARTERS.—

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

8 “(2) COMPONENTS.—The Department Head-  
9 quarters shall include each of the following:

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

12 “(i) the Deputy Secretary;

13 “(ii) the Chief of Staff; and

14 “(iii) the Executive Secretary.

15 “(B) The Management Directorate, includ-  
16 ing the Office of the Chief Financial Officer.

17 “(C) The Science and Technology Direc-  
18 torate.

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

21 “(E) The Office of the General Counsel.

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

24 “(G) The Office for Civil Rights and Civil  
25 Liberties.

1                   “(H) The Office of Operations Coordina-  
2                   tion.

3                   “(I) The Office of Intelligence and Anal-  
4                   ysis.

5                   “(J) The Office of Legislative Affairs.

6                   “(K) The Office of Public Affairs.

7                   “(L) The Office of the Inspector General.

8                   “(M) The Office of the Citizenship and  
9                   Immigration Services Ombudsman.

10                  “(N) The Countering Weapons of Mass  
11                  Destruction Office.

12                  “(O) The Office of Partnership and En-  
13                  gagement.”.

14                  (b) CONFORMING AMENDMENTS RELATING TO AS-  
15                  SISTANT SECRETARIES.—Section 103(a) of the Homeland  
16                  Security Act of 2002 (6 U.S.C. 113(a)) is amended—

17                   (1) in the subsection heading, by inserting “;  
18                   ASSISTANT SECRETARIES AND OTHER OFFICERS”  
19                   after “UNDER SECRETARIES”;

20                   (2) in paragraph (1), by amending subpara-  
21                   graph (I) to read as follows:

22                           “(I) An Administrator of the Transpor-  
23                           tation Security Administration.”;

24                   (3) by amending paragraph (2) to read as fol-  
25                   lows:

1           “(2) ASSISTANT SECRETARIES.—The following  
2 Assistant Secretaries shall be appointed by the  
3 President or the Secretary, as the case may be, with-  
4 out the advice and consent of the Senate:

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

8           “(i) The Assistant Secretary for Pub-  
9 lic Affairs.

10           “(ii) The Assistant Secretary for Leg-  
11 islative Affairs.

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

15           “(iv) The Chief Medical Officer.

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

19           “(i) The Assistant Secretary for Inter-  
20 national Affairs.

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

23           “(iii) The Assistant Secretary for  
24 Border, Immigration, and Trade Policy.

1                   “(iv) The Assistant Secretary for Cy-  
2                   bersecurity, Infrastructure, and Resilience  
3                   Policy.

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

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

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

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

12                   (4) by adding at the end the following:

13                   “(3) LIMITATION ON CREATION OF POSI-  
14                   TIONS.—No Assistant Secretary position may be cre-  
15                   ated in addition to the positions provided for by this  
16                   section unless such position is authorized by a stat-  
17                   ute enacted after the date of the enactment of the  
18                   DHS Authorization Act.”.

19 **SEC. 1102. RESPONSIBILITIES AND FUNCTIONS OF CHIEF**  
20 **PRIVACY AND FOIA OFFICER.**

21                   Section 222(a) of the Homeland Security Act of 2002  
22 (6 U.S.C. 142(a)) is amended—

23                   (1) in the matter preceding paragraph (1)—

1 (A) by inserting “to be the Chief Privacy  
2 and FOIA Officer of the Department,” after  
3 “in the Department,”; and

4 (B) by striking “to the Secretary, to as-  
5 sume” and inserting “to the Secretary. Such of-  
6 ficial shall have”;

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

9 (3) by striking paragraph (6); and

10 (4) by inserting after paragraph (5) the fol-  
11 lowing:

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

15 “(7) establishing a mechanism to ensure such  
16 components are in compliance with Federal, regu-  
17 latory, statutory, and Department privacy require-  
18 ments, mandates, directives, and policies, including  
19 requirements under section 552 of title 5, United  
20 States Code (commonly known as the Freedom of  
21 Information Act);

22 “(8) working with components and offices of  
23 the Department to ensure that information sharing  
24 and policy development activities incorporate privacy  
25 protections;

1           “(9) serving as the Chief FOIA Officer of the  
2 Department for purposes of section 552(j) of title 5,  
3 United States Code (commonly known as the ‘Free-  
4 dom of Information Act’);

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

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

16 **SEC. 1103. RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-**  
17 **CER.**

18           (a) IN GENERAL.—Section 702 of the Homeland Se-  
19 curity Act of 2002 (6 U.S.C. 342) is amended—

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

22           (2) by inserting after subsection (a) the fol-  
23 lowing:

24           “(b) RESPONSIBILITIES.—In carrying out the re-  
25 sponsibilities, authorities, and functions specified in sec-

1 tion 902 of title 31, United States Code, the Chief Finan-  
2 cial Officer shall—

3           “(1) oversee Department budget formulation  
4 and execution;

5           “(2) lead and provide guidance on performance-  
6 based budgeting practices for the Department to en-  
7 sure that the Department and its components are  
8 meeting missions and goals;

9           “(3) lead cost-estimating practices for the De-  
10 partment, including the development of policies on  
11 cost estimating and approval of life cycle cost esti-  
12 mates;

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

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

23           “(6) lead financial system modernization efforts  
24 throughout the Department;

1           “(7) lead the efforts of the Department related  
2 to financial oversight, including identifying ways to  
3 streamline and standardize business processes;

4           “(8) oversee the costs of acquisition programs  
5 and related activities to ensure that actual and  
6 planned costs are in accordance with budget esti-  
7 mates and are affordable, or can be adequately fund-  
8 ed, over the lifecycle of such programs and activities;

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

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

15           “(11) track, approve, oversee, and make public  
16 information on expenditures by components of the  
17 Department for conferences, as appropriate, includ-  
18 ing by requiring each component to—

19           “(A) report to the Inspector General of the  
20 Department the expenditures by such compo-  
21 nent for each conference hosted for which the  
22 total expenditures of the Department exceed  
23 \$100,000, within 15 days after the date of the  
24 conference; and

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

3                   “(i) the information described in sub-  
4                   sections (a), (b), and (c) of section 739 of  
5                   title VII of division E of the Consolidated  
6                   and Further Continuing Appropriations  
7                   Act, 2015 (Public Law 113–235; 128 Stat.  
8                   2389); and

9                   “(ii) documentation of such expendi-  
10                  tures; and

11           “(12) track and make public information on ex-  
12           penditures by components of the Department for  
13           conferences, as appropriate, including by requiring  
14           each component to—

15                   “(A) report to the Inspector General of the  
16                   Department the expenditures by such compo-  
17                   nent for each conference hosted or attended by  
18                   Department employees for which the total ex-  
19                   penditures of the Department are more than  
20                   \$20,000 and less than \$100,000, not later than  
21                   30 days after the date of the conference; and

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

24                   “(i) the information described in sub-  
25                   sections (a), (b), and (c) of section 739 of

1 title VII of division E of the Consolidated  
2 and Further Continuing Appropriations  
3 Act, 2015 (Public Law 113–235; 128 Stat.  
4 2389); and  
5 “(ii) documentation of such expendi-  
6 tures.”.

7 (b) **RULE OF CONSTRUCTION.**—Nothing in the  
8 amendment made by this section may be construed as al-  
9 tering or amending the responsibilities, authorities, and  
10 functions of the Chief Financial Officer of the Department  
11 of Homeland Security under section 902 of title 31,  
12 United States Code.

13 **SEC. 1104. CHIEF INFORMATION OFFICER.**

14 (a) **IN GENERAL.**—Section 703 of the Homeland Se-  
15 curity Act of 2002 (6 U.S.C. 343) is amended—

16 (1) in subsection (a)—

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

20 (B) by adding at the end the following: “In  
21 addition to the functions under section  
22 3506(a)(2) of title 44, United States Code, and  
23 section 11319 of title 40, United States Code,  
24 the Chief Information Officer shall—

1           “(1) serve as the lead technical authority for in-  
2           formation technology programs of the Department  
3           and Department components; and

4           “(2) advise and assist the Secretary, heads of  
5           the components of the Department, and other senior  
6           officers in carrying out the responsibilities of the  
7           Department for all activities relating to the budgets,  
8           programs, security, and operations of the informa-  
9           tion technology functions of the Department.”;

10           (2) by redesignating subsection (b) as sub-  
11           section (c); and

12           (3) by inserting after subsection (a) the fol-  
13           lowing:

14           “(b) STRATEGIC PLANS.—

15           “(1) IN GENERAL.—The Chief Information Of-  
16           ficer shall, in coordination with the Chief Financial  
17           Officer, develop an information technology strategic  
18           plan every 5 years and report to the Committee on  
19           Homeland Security and the Committee on Appro-  
20           priations of the House of Representatives and the  
21           Committee on Homeland Security and Governmental  
22           Affairs and the Committee on Appropriations of the  
23           Senate on the extent to which—

1           “(A) the budget of the Department aligns  
2           with priorities specified in the information tech-  
3           nology strategic plan;

4           “(B) the information technology strategic  
5           plan informs the budget process of the Depart-  
6           ment;

7           “(C) the Department has identifies and  
8           addressed skills gaps needed to implement the  
9           information technology strategic plan;

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

13          “(E) outcome-oriented goals, quantifiable  
14          performance measures, and strategies for  
15          achieving those goals and measures have suc-  
16          ceeded; and

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

19          “(2) INITIAL PLAN.—Not later than 1 year  
20          after the date of enactment of this subsection, the  
21          Chief Information Officer shall complete the first in-  
22          formation technology strategic plan required under  
23          paragraph (1).”.

24          (b) SOFTWARE LICENSING.—

1           (1) IN GENERAL.—Not later than 1 year after  
2 the date of enactment of this Act and each year  
3 thereafter through fiscal year 2021, the Chief Infor-  
4 mation Officer of the Department of Homeland Se-  
5 curity shall submit the comprehensive software li-  
6 cense policy developed to meet the requirements of  
7 section 2 of the MEGABYTE Act of 2016 (40  
8 U.S.C. 11302 note), including any updates provided  
9 to the Director of the Office of Management and  
10 Budget, to—

11                   (A) the Committee on Homeland Security  
12                   and the Committee of Oversight and Govern-  
13                   ment Reform of the House of Representatives;  
14                   and

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

17           (2) DEPARTMENT INVENTORY.—Beginning in  
18 fiscal year 2022, and once every 2 fiscal years there-  
19 after, the Chief Information Officer of the Depart-  
20 ment of Homeland Security, in consultation with the  
21 component chief information officers, shall submit to  
22 the Committee on Homeland Security and the Com-  
23 mittee on Oversight and Government Reform of the  
24 House of Representatives and the Committee on

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

3 (A) a department-wide inventory of all  
4 software licenses held by the Department of  
5 Homeland Security on unclassified and classi-  
6 fied systems, including utilized and unutilized  
7 licenses;

8 (B) an assessment of the needs of the De-  
9 partment of Homeland Security and the compo-  
10 nents of the Department of Homeland Security  
11 for software licenses for the subsequent 2 fiscal  
12 years;

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

17 (D) plans and estimated costs for elimi-  
18 nating unutilized software licenses for the sub-  
19 sequent 2 fiscal years; and

20 (E) a plan to expedite licensing of software  
21 developed for the Department of Homeland Se-  
22 curity to the private sector.

23 (3) PLAN TO REDUCE SOFTWARE LICENSES.—

24 If the Chief Information Officer of the Department  
25 of Homeland Security determines through the inven-

1 tory conducted under paragraph (2) that the number  
2 of software licenses held by the Department of  
3 Homeland Security and the components of the De-  
4 partment of Homeland Security exceeds the needs of  
5 the Department of Homeland Security, not later  
6 than 90 days after the date on which the inventory  
7 is completed, the Secretary of Homeland Security  
8 shall establish a plan for reducing the number of  
9 such software licenses to meet needs of the Depart-  
10 ment of Homeland Security.

11 (c) **COMPTROLLER GENERAL REVIEW.**—Not later  
12 than the end of fiscal year 2019, the Comptroller General  
13 of the United States shall review the extent to which the  
14 Chief Information Officer of the Department of Homeland  
15 Security fulfilled all requirements established in this sec-  
16 tion and the amendments made by this section.

17 **SEC. 1105. QUADRENNIAL HOMELAND SECURITY REVIEW.**

18 (a) **IN GENERAL.**—Section 706 of the Homeland Se-  
19 curity Act of 2002, as so redesignated by section 1141  
20 of this Act, is amended—

21 (1) in subsection (a)(3)—

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

24 (B) by redesignating subparagraph (C) as  
25 subparagraph (D); and

1 (C) by inserting after subparagraph (B)  
2 the following:

3 “(C) representatives from appropriate ad-  
4 visory committees established pursuant to sec-  
5 tion 871, including the Homeland Security Ad-  
6 visory Council and the Homeland Security  
7 Science and Technology Advisory Committee, or  
8 otherwise established, including the Aviation  
9 Security Advisory Committee established pursu-  
10 ant to section 44946 of title 49, United States  
11 Code; and”;

12 (2) in subsection (b)—

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

17 (B) in paragraph (3)—

18 (i) by inserting “, to the extent prac-  
19 ticable,” after “describe”; and

20 (ii) by striking “budget plan” and in-  
21 sserting “resources required”;

22 (C) in paragraph (4)—

23 (i) by inserting “, to the extent prac-  
24 ticable,” after “identify”;

1 (ii) by striking “budget plan required  
2 to provide sufficient resources to success-  
3 fully” and inserting “resources required  
4 to”; and

5 (iii) by striking the semicolon at the  
6 end and inserting “, including any re-  
7 sources identified from redundant, waste-  
8 ful, or unnecessary capabilities and capac-  
9 ities that can be redirected to better sup-  
10 port other existing capabilities and capac-  
11 ities, as the case may be; and”;

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

14 (E) by striking paragraph (6);

15 (3) in subsection (c)—

16 (A) in paragraph (1), by striking “Decem-  
17 ber 31” and inserting “September 30”;

18 (B) in paragraph (2)—

19 (i) in subparagraph (B), by striking  
20 “description of the threats to” and insert-  
21 ing “risk assessment of”;

22 (ii) in subparagraph (C), by inserting  
23 “, as required under subsection (b)(2)” be-  
24 fore the semicolon at the end;

25 (iii) in subparagraph (D)—

## 23

1 (I) by inserting “to the extent  
2 practicable,” before “a description”;  
3 and

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

6 (iv) in subparagraph (F)—

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

10 (II) by striking “the status of”;

11 (v) in subparagraph (G)—

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

14 (II) by striking “the status of”;

15 (III) by inserting “and risks” be-  
16 fore “to national homeland”; and

17 (IV) by inserting “and” after the  
18 semicolon at the end;

19 (vi) by striking subparagraph (H);

20 and

21 (vii) by redesignating subparagraph

22 (I) as subparagraph (H);

23 (C) by redesignating paragraph (3) as  
24 paragraph (4); and

1 (D) by inserting after paragraph (2) the  
2 following:

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

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

9 “(B) information, including data used in  
10 the risk model, utilized to generate the risk as-  
11 sessment; and

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

15 (4) by redesignating subsection (d) as sub-  
16 section (e); and

17 (5) by inserting after subsection (c) the fol-  
18 lowing:

19 “(d) REVIEW.—Not later than 90 days after the sub-  
20 mission of each report required under subsection (c)(1),  
21 the Secretary shall provide to the Committee on Homeland  
22 Security of the House of Representatives and the Com-  
23 mittee on Homeland Security and Governmental Affairs  
24 of the Senate information on the degree to which the find-  
25 ings and recommendations developed in the quadrennial

1 homeland security review covered by the report were inte-  
2 grated into the acquisition strategy and expenditure plans  
3 for the Department.”.

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

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

10 (a) **ABOLISHMENT OF OFFICE OF INTERNATIONAL**  
11 **AFFAIRS.**—

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

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

1           (3) CONFORMING AMENDMENT.—The Home-  
2           land Security Act of 2002 (6 U.S.C. 101 et seq.) is  
3           amended by striking section 879 (6 U.S.C. 459).

4           (4) CLERICAL AMENDMENT.—The table of con-  
5           tents in section 1(b) of the Homeland Security Act  
6           of 2002 (Public Law 107–296; 116 Stat. 2135) is  
7           amended by striking the item relating to section  
8           879.

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

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

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

16           (3) by adding at the end the following:

17           “(4) shall establish a Homeland Security Advi-  
18          sory Council to provide advice and recommendations  
19          on homeland security-related matters, including ad-  
20          vice with respect to the preparation of the quadren-  
21          nial homeland security review under section 706.”.

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

25          “(h) OFFICE OF LEGISLATIVE AFFAIRS.—

1           “(1) IN GENERAL.—Notwithstanding any other  
2           provision of law, any report that the Department or  
3           a component of the Department is required to sub-  
4           mit to the Committee on Appropriations of the Sen-  
5           ate or the Committee on Appropriations of the  
6           House of Representatives under any provision of law  
7           shall be submitted concurrently to the Committee on  
8           Homeland Security and Governmental Affairs of the  
9           Senate and the Committee on Homeland Security of  
10          the House of Representatives.

11          “(2) APPLICABILITY.—Paragraph (1) shall  
12          apply with respect to any report described in para-  
13          graph (1) that is submitted on or after the date of  
14          enactment of the DHS Authorization Act.

15          “(3) NOTICE.—The Secretary shall notify, in  
16          writing, the chairmen and ranking members of the  
17          authorizing and appropriating committees of juris-  
18          diction regarding policy memoranda, management  
19          directives, and reprogramming notifications issued  
20          by the Department.”.

21          (d) OFFICE OF PRIVATE SECTOR.—

22                 (1) IN GENERAL.—Section 103 of the Home-  
23                 land Security Act of 2002 (6 U.S.C. 113), as  
24                 amended, is amended by adding at the end the fol-  
25                 lowing:

1           “(i) OFFICE OF PRIVATE SECTOR.—The Assistant  
2 Secretary for Private Sector shall be responsible for—

3           “(1) creating and fostering strategic commu-  
4 nications with the private sector to enhance the pri-  
5 mary mission of the Department to protect the  
6 American homeland;

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

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

14           “(4) creating and managing private sector advi-  
15 sory councils composed of representatives of indus-  
16 tries and associations designated by the Secretary  
17 to—

18           “(A) advise the Secretary on private sector  
19 products, applications, and solutions as they re-  
20 late to homeland security challenges; and

21           “(B) advise the Secretary on homeland se-  
22 curity policies, regulations, processes, and ac-  
23 tions that affect the participating industries  
24 and associations;

1           “(5) working with Federal laboratories, Feder-  
2 ally funded research and development centers, other  
3 Federally funded organizations, academia, and the  
4 private sector to develop innovative approaches to  
5 address homeland security challenges to produce and  
6 deploy the best available technologies for homeland  
7 security missions;

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

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

15           (2) CONFORMING AMENDMENT.—Section 102(f)  
16 of the Homeland Security Act of 2002 (6 U.S.C.  
17 112(f)) is amended—

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

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

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

1 given those terms under section 2 of the Homeland Secu-  
2 rity Act of 2002 (6 U.S.C. 101).

3 (f) DUPLICATION REVIEW.—

4 (1) REVIEW REQUIRED.—Not later than 1 year  
5 after the date of enactment of this Act, the Sec-  
6 retary of Homeland Security shall complete a review  
7 of the functions and responsibilities of each Depart-  
8 ment of Homeland Security component responsible  
9 for international affairs to identify and eliminate  
10 areas of unnecessary duplication.

11 (2) SUBMISSION TO CONGRESS.—Not later than  
12 30 days after the completion of the review required  
13 under paragraph (1), the Secretary of Homeland Se-  
14 curity shall provide the results of the review to the  
15 Committee on Homeland Security of the House of  
16 Representatives and the Committee on Homeland  
17 Security and Governmental Affairs of the Senate.

18 (3) ACTION PLAN.—Not later than 1 year after  
19 the date of enactment of this Act, the Secretary of  
20 Homeland Security shall submit to the congressional  
21 homeland security committees, as defined in section  
22 2 of the Homeland Security Act of 2002 (6 U.S.C.  
23 101, as amended by this Act, an action plan, includ-  
24 ing corrective steps and an estimated date of com-  
25 pletion, to address areas of duplication, fragmenta-

1       tion, and overlap and opportunities for cost savings  
2       and revenue enhancement, as identified by the Gov-  
3       ernment Accountability Office based on the annual  
4       report of the Government Accountability Office enti-  
5       tled “Additional Opportunities to Reduce Frag-  
6       mentation, Overlap, and Duplication and Achieve  
7       Other Financial Benefits”.

8       **SEC. 1107. CHIEF PROCUREMENT OFFICER.**

9       (a) IN GENERAL.—Title VII of the Homeland Secu-  
10      rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
11      section 1141, is amended by adding at the end the fol-  
12      lowing:

13      **“SEC. 709. CHIEF PROCUREMENT OFFICER.**

14      “(a) IN GENERAL.—There is in the Department a  
15      Chief Procurement Officer, who shall serve as a senior  
16      business advisor to agency officials on procurement-re-  
17      lated matters and report directly to the Under Secretary  
18      for Management. The Chief Procurement Officer is the  
19      senior procurement executive for purposes of subsection  
20      (c) of section 1702 of title 41, United States Code, and  
21      shall perform procurement functions as specified in such  
22      subsection.

23      “(b) RESPONSIBILITIES.—The Chief Procurement  
24      Officer shall—

1           “(1) delegate or retain contracting authority, as  
2           appropriate;

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

6           “(3) serve as the main liaison of the Depart-  
7           ment to industry on procurement-related issues;

8           “(4) account for the integrity, performance, and  
9           oversight of Department procurement and con-  
10          tracting functions;

11          “(5) ensure that procurement contracting strat-  
12          egies and plans are consistent with the intent and  
13          direction of the Acquisition Review Board;

14          “(6) oversee a centralized acquisition workforce  
15          certification and training program using, as appro-  
16          priate, existing best practices and acquisition train-  
17          ing opportunities from the Federal Government, pri-  
18          vate sector, or universities and colleges to include  
19          training on how best to identify actions that warrant  
20          referrals for suspension or debarment;

21          “(7) approve the selection and organizational  
22          placement of each head of contracting activity within  
23          the Department and participate in the periodic per-  
24          formance reviews of each head of contracting activity  
25          of the Department;

1           “(8) ensure that a fair proportion of the value  
2           of Federal contracts and subcontracts are awarded  
3           to small businesses (in accordance with the procure-  
4           ment contract goals under section 15(g) of the Small  
5           Business Act (15 U.S.C. 644(g)), maximize opportu-  
6           nities for small business participation in such con-  
7           tracts, and ensure, to the extent practicable, small  
8           businesses that achieve qualified vendor status for  
9           security-related technologies are provided an oppor-  
10          tunity to compete for contracts for such technology;  
11          and

12           “(9) carry out any other procurement duties  
13          that the Under Secretary for Management may des-  
14          ignate.

15          “(c) HEAD OF CONTRACTING ACTIVITY DEFINED.—  
16          In this section the term ‘head of contracting activity’  
17          means an official who is delegated, by the Chief Procure-  
18          ment Officer and Senior Procurement Executive, the re-  
19          sponsibility for the creation, management, and oversight  
20          of a team of procurement professionals properly trained,  
21          certified, and warranted to accomplish the acquisition of  
22          products and services on behalf of the designated compo-  
23          nents, offices, and organizations of the Department, and  
24          as authorized, other government entities.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002  
3 (Public Law 107–296; 116 Stat. 2135), as amended by  
4 section 1141, is amended by inserting after the item relat-  
5 ing to section 708 the following:

“Sec. 709. Chief Procurement Officer.”.

6 **SEC. 1108. CHIEF SECURITY OFFICER.**

7 (a) IN GENERAL.—Title VII of the Homeland Secu-  
8 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
9 section 1107, is amended by adding at the end the fol-  
10 lowing:

11 **“SEC. 710. CHIEF SECURITY OFFICER.**

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

15 “(b) RESPONSIBILITIES.—The Chief Security Officer  
16 shall—

17 “(1) develop, implement, and oversee compli-  
18 ance with the security policies, programs, and stand-  
19 ards of the Department;

20 “(2) participate in—

21 “(A) the selection and organizational  
22 placement of each senior security official of a  
23 component, and the deputy for each such offi-  
24 cial, and any other senior executives responsible  
25 for security-related matters; and

1                   “(B) the periodic performance planning  
2                   and reviews;

3                   “(3) identify training requirements, standards,  
4                   and oversight of education to Department personnel  
5                   on security-related matters;

6                   “(4) develop security programmatic guidelines;

7                   “(5) review contracts and interagency agree-  
8                   ments associated with major security investments  
9                   within the Department; and

10                  “(6) provide support to Department compo-  
11                  nents on security-related matters.”.

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

                  “Sec. 710. Chief Security Officer.”.

17 **SEC. 1109. OFFICE OF INSPECTOR GENERAL.**

18                  (a) NOTIFICATION.—The heads of offices and compo-  
19 nents of the Department of Homeland Security shall  
20 promptly advise the Inspector General of the Department  
21 of all allegations of misconduct with respect to which the  
22 Inspector General has investigative authority under the  
23 Inspector General Act of 1978 (5 U.S.C. App.).

24                  (b) WAIVER.—The Inspector General may waive the  
25 notification requirement under this subsection with re-

1 spect to any category or subset of allegations of mis-  
2 conduct.

3 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
4 tion may be construed as affecting the authority of the  
5 Secretary of Homeland Security under the Inspector Gen-  
6 eral Act of 1978 (5 U.S.C. App.).

7 **SEC. 1110. OFFICE FOR CIVIL RIGHTS AND CIVIL LIB-**  
8 **ERTIES.**

9 Section 705 of the Homeland Security Act of 2002  
10 (6 U.S.C. 345) is amended—

11 (1) in the section heading, by striking “**ESTAB-**  
12 **LISHMENT OF OFFICER FOR**”;

13 (2) in subsection (a)—

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

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

20 (3) by redesignating subsection (b) as sub-  
21 section (d); and

22 (4) by inserting after subsection (a) the fol-  
23 lowing:

24 “(b) **OFFICE FOR CIVIL RIGHTS AND CIVIL LIB-**  
25 **ERTIES.**—There is in the Department an Office for Civil

1 Rights and Civil Liberties. Under the direction of the  
2 Chief Civil Rights and Civil Liberties Officer, the Office  
3 shall support the Chief Civil Rights and Civil Liberties Of-  
4 ficer in the following:

5           “(1) Integrating civil rights and civil liberties  
6           into activities of the Department by conducting pro-  
7           grams and providing policy advice and other tech-  
8           nical assistance.

9           “(2) Investigating complaints and information  
10          indicating possible abuses of civil rights or civil lib-  
11          erties, unless the Inspector General of the Depart-  
12          ment determines that any such complaint or infor-  
13          mation should be investigated by the Inspector Gen-  
14          eral.

15          “(3) Directing the Department’s equal employ-  
16          ment opportunity and diversity policies and pro-  
17          grams, including complaint management and adju-  
18          dication.

19          “(4) Communicating with individuals and com-  
20          munities whose civil rights and civil liberties may be  
21          affected by Department activities.

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

24          “(c) COMPONENT CIVIL RIGHTS AND CIVIL LIB-  
25          ERTIES OFFICERS.—

1           “(1) IN GENERAL.—In consultation with the  
2 Chief Civil Rights and Civil Liberties Officer, the  
3 Head of each component of the Department shall  
4 appoint a senior level Federal employee with experi-  
5 ence and background in civil rights and civil liberties  
6 as the Civil Rights and Civil Liberties Officer for the  
7 component.

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

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

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

18 **SEC. 1111. SCIENCE AND TECHNOLOGY.**

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

21                   (1) DIRECTORATE FOR SCIENCE AND TECH-  
22 NOLOGY.—Section 302 of the Homeland Security  
23 Act of 2002 (6 U.S.C. 182) is amended—

1 (A) in the matter preceding paragraph (1),  
2 by striking “The Secretary, acting through the  
3 Under” and inserting “The Under”; and

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

7 (2) TECHNICAL AND CONFORMING AMEND-  
8 MENT.—Section 315(a)(2)(A) of the Homeland Se-  
9 curity Act of 2002 (Public Law 107–296; 116 Stat.  
10 2135) is amended by striking “Directorate of  
11 Science and Technology and Homeland Security Ad-  
12 vanced Research Projects Agency” and inserting  
13 “Directorate for Testing and Evaluation of Science  
14 and Technology and the Chief Scientist”.

15 (b) OFFICE OF THE CHIEF SCIENTIST.—

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

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

23 (B) in subsection (a)—

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

25 and

1 (ii) by redesignating paragraphs (2)  
2 and (4) as paragraphs (1) and (2), respec-  
3 tively; and

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

6 “(b) OFFICE OF THE CHIEF SCIENTIST.—

7 “(1) ESTABLISHMENT.—There is established  
8 the Office of the Chief Scientist.

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

12 “(3) QUALIFICATIONS.—The Chief Scientist  
13 shall—

14 “(A) be appointed from among distin-  
15 guished scientists with specialized training or  
16 significant experience in a field related to  
17 counterterrorism, traditional homeland security  
18 missions, or national defense; and

19 “(B) have earned an advanced degree at  
20 an institution of higher education (as defined in  
21 section 101 of the Higher Education Act of  
22 1965 (20 U.S.C. 1001)).

23 “(4) RESPONSIBILITIES.—The Chief Scientist  
24 shall oversee all research and development to—

1           “(A) support basic and applied homeland  
2 security research to promote revolutionary  
3 changes in technologies that would promote  
4 homeland security;

5           “(B) advance the development, testing and  
6 evaluation, standards coordination and develop-  
7 ment, and deployment of critical homeland se-  
8 curity technologies;

9           “(C) accelerate the prototyping and deploy-  
10 ment of technologies that would address home-  
11 land security vulnerabilities;

12           “(D) promote the award of competitive,  
13 merit-reviewed grants, cooperative agreements  
14 or contracts to public or private entities, includ-  
15 ing business, federally funded research and de-  
16 velopment centers, and universities; and

17           “(E) oversee research and development for  
18 the purpose of advancing technology for the in-  
19 vestigation of child exploitation crimes, includ-  
20 ing child victim identification, trafficking in  
21 persons, and child pornography, and for ad-  
22 vanced forensics.

23           “(5) COORDINATION.—The Chief Scientist shall  
24 ensure that the activities of the Directorate for Test-  
25 ing and Evaluation of Science and Technology are

1 coordinated with those of other relevant research  
2 agencies, and may oversee projects jointly with other  
3 agencies.

4 “(6) PERSONNEL.—In hiring personnel for the  
5 Science and Technology Directorate, the Secretary  
6 shall have the hiring and management authorities  
7 described in section 1101 of the Strom Thurmond  
8 National Defense Authorization Act for Fiscal Year  
9 1999 (5 U.S.C. 3104 note; Public Law 105–261).  
10 The term of appointments for employees under sub-  
11 section (c)(1) of that section may not exceed 5 years  
12 before the granting of any extension under sub-  
13 section (c)(2) of that section.

14 “(7) DEMONSTRATIONS.—The Chief Scientist,  
15 periodically, shall hold homeland security technology  
16 demonstrations, pilots, field assessments, and work-  
17 shops to improve contact among technology devel-  
18 opers, vendors, component personnel, State, local,  
19 and tribal first responders, and acquisition per-  
20 sonnel.”.

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

“Sec. 307. Office of the Chief Scientist.”.

1 **SEC. 1112. DEPARTMENT OF HOMELAND SECURITY ROTA-**  
2 **TION PROGRAM.**

3 (a) ENHANCEMENTS TO THE ROTATION PROGRAM.—  
4 Section 844 of the Homeland Security Act of 2002 (6  
5 U.S.C. 414) is amended—

6 (1) by striking “(a) ESTABLISHMENT.—”;

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

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

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

14 (B) by striking “for employees of the De-  
15 partment” and inserting “for certain personnel  
16 within the Department”;

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

18 (A) by redesignating subparagraphs (A)  
19 through (G) as paragraphs (3) through (9), re-  
20 spectively, and adjusting the margins accord-  
21 ingly;

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

24 “(1) seek to foster greater departmental inte-  
25 gration and unity of effort;

1           “(2) seek to help enhance the knowledge, skills,  
2           and abilities of participating personnel with respect  
3           to the programs, policies, and activities of the De-  
4           partment;”;

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

7           (D) in paragraph (7), as so redesignated,  
8           by inserting before “invigorate” the following:  
9           “seek to improve morale and retention through-  
10          out the Department and”;

11          (5) in subsection (c), as redesignated by para-  
12          graph (2)—

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

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

17           (i) by striking clause (iii); and

18           (ii) by redesignating clauses (i), (ii),  
19           and (iv) through (viii) as subparagraphs  
20           (A) through (G), respectively, and adjust-  
21           ing the margins accordingly;

22          (6) by redesignating subsections (d) and (e), as  
23          redesignated by paragraph (2), as subsections (e)  
24          and (f), respectively;

1           (7) by inserting after subsection (c) the fol-  
2           lowing new subsection:

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

5           “(1) before selecting employees for participation  
6           in the Rotation Program, disseminate information  
7           broadly within the Department about the availability  
8           of the Rotation Program, qualifications for partici-  
9           pation in the Rotation Program, including full-time  
10          employment within the employing component or of-  
11          fice not less than 1 year, and the general provisions  
12          of the Rotation Program;

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

15                 “(A) is nominated by the head of the com-  
16                 ponent or office employing the employee; and

17                 “(B) is selected by the Secretary, or the  
18                 Secretary’s designee, solely on the basis of rel-  
19                 ative ability, knowledge, and skills, after fair  
20                 and open competition that assures that all can-  
21                 didates receive equal opportunity;

22          “(3) ensure that each employee participating in  
23 the Rotation Program shall be entitled to return,  
24 within a reasonable period of time after the end of  
25 the period of participation, to the position held by

1 the employee, or a corresponding or higher position,  
2 in the component or office that employed the em-  
3 ployee prior to the participation of the employee in  
4 the Rotation Program;

5 “(4) require that the rights that would be avail-  
6 able to the employee if the employee were detailed  
7 from the employing component or office to another  
8 Federal agency or office remain available to the em-  
9 ployee during the employee participation in the Ro-  
10 tation Program; and

11 “(5) require that, during the period of partici-  
12 pation by an employee in the Rotation Program, per-  
13 formance evaluations for the employee—

14 “(A) shall be conducted by officials in the  
15 office or component employing the employee  
16 with input from the supervisors of the employee  
17 at the component or office in which the em-  
18 ployee is placed during that period; and

19 “(B) shall be provided the same weight  
20 with respect to promotions and other rewards  
21 as performance evaluations for service in the of-  
22 fice or component employing the employee.”;  
23 and

24 (8) by adding at the end the following:

1           “(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PRO-  
2 GRAM.—

3           “(1) ESTABLISHMENT.—The Secretary shall es-  
4 tablish an Intelligence Rotational Assignment Pro-  
5 gram as part of the Rotation Program under sub-  
6 section (a).

7           “(2) ADMINISTRATION.—The Chief Human  
8 Capital Officer, in conjunction with the Chief Intel-  
9 ligence Officer, shall administer the Intelligence Ro-  
10 tational Assignment Program established pursuant  
11 to paragraph (1).

12           “(3) ELIGIBILITY.—The Intelligence Rotational  
13 Assignment Program established pursuant to para-  
14 graph (1) shall be open to employees serving in ex-  
15 isting analyst positions within the Department’s In-  
16 telligence Enterprise and other Department employ-  
17 ees as determined appropriate by the Chief Human  
18 Capital Officer and the Chief Intelligence Officer.

19           “(4) COORDINATION.—The responsibilities  
20 specified in subsection (c)(2) that apply to the Rota-  
21 tion Program under such subsection shall, as appli-  
22 cable, also apply to the Intelligence Rotational As-  
23 signment Program under this subsection.”.

24           “(b) CONGRESSIONAL NOTIFICATION AND OVER-  
25 SIGHT.—Not later than 120 days after the date of the en-

1 actment of this Act, the Secretary of Homeland Security  
2 shall provide to the Committee on Homeland Security and  
3 the Permanent Select Committee on Intelligence of the  
4 House of Representatives and the Committee on Home-  
5 land Security and Governmental Affairs and the Select  
6 Committee on Intelligence of the Senate information about  
7 the status of the Homeland Security Rotation Program  
8 authorized by section 844 of the Homeland Security Act  
9 of 2002, as amended by subsection (a) of this section.

10 **SEC. 1113. FUTURE YEARS HOMELAND SECURITY PRO-**  
11 **GRAM.**

12 (a) IN GENERAL.—Section 874 of the Homeland Se-  
13 curity Act of 2002 (6 U.S.C. 454) is amended—

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

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

18 “(a) IN GENERAL.—Not later than 60 days after the  
19 date on which the budget of the President is submitted  
20 to Congress under section 1105(a) of title 31, United  
21 States Code, the Secretary shall submit to the Committee  
22 on Homeland Security and Governmental Affairs of the  
23 Senate and the Committee on Homeland Security of the  
24 House of Representatives (referred to in this section as  
25 the ‘appropriate committees’) a Future Years Homeland

1 Security Program that covers the fiscal year for which the  
2 budget is submitted and the 4 succeeding fiscal years.”;  
3 and

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

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

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

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

20 “(d) SENSITIVE AND CLASSIFIED INFORMATION.—  
21 The Secretary may include with each Future Years Home-  
22 land Security Program a classified or other appropriately  
23 controlled document containing information required to be  
24 submitted under this section that is restricted from public

1 disclosure in accordance with Federal law or Executive  
2 order.

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

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

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

13 **SEC. 1114. FIELD EFFICIENCIES PLAN.**

14 (a) IN GENERAL.—Not later than 270 days after the  
15 date of enactment of this Act, the Secretary of Homeland  
16 Security shall submit to the Committee on Homeland Se-  
17 curity and the Committee on Transportation and Infra-  
18 structure of the House of Representatives and Committee  
19 on Homeland Security and Governmental Affairs of the  
20 Senate a field efficiencies plan that—

21 (1) examines the facilities and administrative  
22 and logistics functions of components of the Depart-  
23 ment of Homeland Security located within des-  
24 ignated geographic areas; and

1           (2) provides specific recommendations and an  
2 associated cost-benefit analysis for the consolidation  
3 of the facilities and administrative and logistics  
4 functions of components of the Department within  
5 each designated geographic area.

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

8           (1) An accounting of leases held by the Depart-  
9 ment or its components that have expired in the cur-  
10 rent fiscal year or will be expiring in the next fiscal  
11 year, that have begun or been renewed in the cur-  
12 rent fiscal year, or that the Department or its com-  
13 ponents plan to sign or renew in the next fiscal year.

14           (2) For each designated geographic area:

15           (A) An evaluation of specific facilities at  
16 which components, or operational entities of  
17 components, of the Department may be closed  
18 or consolidated, including consideration of when  
19 leases expire or facilities owned by the govern-  
20 ment become available.

21           (B) An evaluation of potential consolida-  
22 tion with facilities of other Federal, State, or  
23 local entities, including—

24                   (i) offices;

25                   (ii) warehouses;

- 1 (iii) training centers;
- 2 (iv) housing;
- 3 (v) ports, shore facilities, and air-
- 4 fields;
- 5 (vi) laboratories;
- 6 (vii) continuity of government facili-
- 7 ties; and
- 8 (viii) other assets as determined by
- 9 the Secretary.

10 (C) An evaluation of the potential for the  
11 consolidation of administrative and logistics  
12 functions, including—

- 13 (i) facility maintenance;
- 14 (ii) fleet vehicle services;
- 15 (iii) mail handling and shipping and
- 16 receiving;
- 17 (iv) facility security;
- 18 (v) procurement of goods and services;
- 19 (vi) information technology and tele-
- 20 communications services and support; and
- 21 (vii) additional ways to improve unity
- 22 of effort and cost savings for field oper-
- 23 ations and related support activities as de-
- 24 termined by the Secretary.

25 (3) An implementation plan, including—

1 (A) near-term actions that can co-locate,  
2 consolidate, or dispose of property within 24  
3 months;

4 (B) identifying long-term occupancy agree-  
5 ments or leases that cannot be changed without  
6 a significant cost to the Government; and

7 (C) how the Department can ensure it has  
8 the capacity, in both personnel and funds, need-  
9 ed to cover up-front costs to achieve consolida-  
10 tion and efficiencies.

11 (4) An accounting of any consolidation of the  
12 real estate footprint of the Department or any com-  
13 ponent of the Department, including the co-location  
14 of personnel from different components, offices, and  
15 agencies within the Department.

16 **SEC. 1115. MANAGEMENT.**

17 (a) SUBMISSION TO CONGRESS OF INFORMATION RE-  
18 GARDING REPROGRAMMING OR TRANSFER OF DEPART-  
19 MENT OF HOMELAND SECURITY RESOURCES TO RE-  
20 SPOND TO OPERATIONAL SURGES.—Title VII of the  
21 Homeland Security Act of 2002 (6 U.S.C. 341 et seq.),  
22 as amended by section 1108, is amended by adding at the  
23 end the following:

1 **“SEC. 711. ANNUAL SUBMITTAL TO CONGRESS OF INFOR-**  
2 **MATION ON REPROGRAMMING OR TRANS-**  
3 **FERS OF FUNDS TO RESPOND TO OPER-**  
4 **ATIONAL SURGES.**

5 “For each fiscal year until fiscal year 2023, the Sec-  
6 retary shall provide to the Committee on Homeland Secu-  
7 rity of the House of Representatives and the Committee  
8 on Homeland Security and Governmental Affairs of the  
9 Senate, together with the annual budget request for the  
10 Department, information on—

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

16 “(2) any circumstance in which any limitation  
17 on the transfer or reprogramming of funds affected  
18 the ability of the Secretary to address such unfore-  
19 seen costs.”.

20 (b) **LONG TERM REAL PROPERTY STRATEGIES.—**  
21 Title VII of the Homeland Security Act of 2002 (6 U.S.C.  
22 341 et seq.), as amended by subsection (a), is amended  
23 by adding at the end the following:

24 **“SEC. 712. CHIEF FACILITIES AND LOGISTICS OFFICER.**

25 “(a) **IN GENERAL.—**There is a Chief Facilities and  
26 Logistics Officer of the Department who shall report di-

1 rectly to the Under Secretary for Management. The Chief  
2 Facilities and Logistics Officer shall be career reserved for  
3 a member of the senior executive service.

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

6 “(1) develop policies and procedures and pro-  
7 vide program oversight to manage real property, fa-  
8 cilities, environmental and energy programs, per-  
9 sonal property, mobile assets, equipment, and other  
10 material resources of the Department;

11 “(2) manage and execute, in consultation with  
12 the component heads, mission support services with-  
13 in the National Capital Region for real property, fa-  
14 cilities, environmental and energy programs, and  
15 other common headquarters and field activities for  
16 the Department; and

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

21 **“SEC. 713. LONG TERM REAL PROPERTY STRATEGIES.**

22 “(a) IN GENERAL.—

23 “(1) FIRST STRATEGY.—Not later than 180  
24 days after the date of enactment of this section, the  
25 Under Secretary for Management shall develop an

1 initial 5-year regional real property strategy for the  
2 Department that covers the 5-fiscal-year period im-  
3 mediately following such date of enactment. Such  
4 strategy shall be geographically organized, as des-  
5 ignated by the Under Secretary for Management.

6 “(2) SECOND STRATEGY.—Not later than the  
7 first day of the fourth fiscal year covered by the first  
8 strategy under paragraph (1), the Under Secretary  
9 for Management shall develop a second 5-year real  
10 property strategy for the Department that covers the  
11 5 fiscal years immediately following the conclusion of  
12 the first strategy.

13 “(b) REQUIREMENTS.—

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

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

22 “(B) provide alternate housing and consoli-  
23 dation plans to increase efficiency through joint  
24 use of Department spaces while decreasing the  
25 cost of leased space;

1           “(C) concentrate on geographical areas  
2 with a significant Department presence, as  
3 identified by the Under Secretary for Manage-  
4 ment;

5           “(D) examine the establishment of central  
6 Department locations in each such geographical  
7 region and the co-location of Department com-  
8 ponents based on the mission sets and respon-  
9 sibilities of such components;

10          “(E) identify opportunities to reduce over-  
11 head costs through co-location or consolidation  
12 of real property interests or mission support ac-  
13 tivities, such as shared mail screening and proc-  
14 essing, centralized transportation and shuttle  
15 services, regional transit benefit programs, com-  
16 mon contracting for custodial and other serv-  
17 ices, and leveraging strategic sourcing contracts  
18 and sharing of specialized facilities, such as  
19 training facilities and resources;

20          “(F) manage the current Department  
21 Workspace Standard for Office Space in accord-  
22 ance with the Department office workspace de-  
23 sign process to develop the most efficient and  
24 effective spaces within the workspace standard  
25 usable square foot ranges for all leased for of-

1            fice space entered into on or after the date of  
2            the enactment of this section, including the re-  
3            newal of any leases for office space existing as  
4            of such date;

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

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

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

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

23          “(A) the impact of such implementation on  
24          departmental operations and costs; and

1           “(B) the degree to which the Department  
2           established central Department locations and  
3           co-located Department components pursuant to  
4           the results of the examination required by para-  
5           graph (1)(D).

6           “(c) IMPLEMENTATION POLICIES.—Not later than  
7           90 days after the development of each of the regional real  
8           property strategies developed in accordance with sub-  
9           section (a), the Under Secretary for Management shall de-  
10          velop or update, as applicable, a Department-wide policy  
11          implementing such strategies.

12          “(d) CERTIFICATIONS.—Subject to subsection (g)(3),  
13          the implementation policies developed pursuant to sub-  
14          section (c) shall require component heads to certify to the  
15          Under Secretary for Management that such heads have  
16          complied with the requirements specified in subsection (b)  
17          before making any major real property decision or rec-  
18          ommendation, as defined by the Under Secretary, includ-  
19          ing matters related to new leased space, renewing any ex-  
20          isting leases, or agreeing to extend or newly occupy any  
21          Federal space or new construction, in accordance with the  
22          applicable regional real property strategy developed in ac-  
23          cordance with subsection (a).

24          “(e) UNDERUTILIZED SPACE.—

1           “(1) IN GENERAL.—The implementation poli-  
2           cies developed pursuant to subsection (c) shall re-  
3           quire component heads, acting through regional  
4           property managers under subsection (f), to annually  
5           report to the Under Secretary for Management on  
6           underutilized space and identify space that may be  
7           made available for use, as applicable, by other com-  
8           ponents or Federal agencies.

9           “(2) EXCEPTION.—The Under Secretary for  
10          Management may grant an exception to the work-  
11          space standard usable square foot ranges described  
12          in subsection (b)(1)(F) for specific office locations at  
13          which a reduction or elimination of otherwise under-  
14          utilized space would negatively impact a component’s  
15          ability to execute its mission based on readiness per-  
16          formance measures or would increase the cost of  
17          such space.

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

23          “(f) COMPONENT RESPONSIBILITIES.—

24          “(1) REGIONAL PROPERTY MANAGERS.—Each  
25          component head shall identify a senior career em-

1 ployee of each such component for each geographic  
2 region included in the regional real property strate-  
3 gies developed in accordance with subsection (a) to  
4 serve as each such component's regional property  
5 manager. Each such regional property manager shall  
6 serve as a single point of contact for Department  
7 headquarters and other Department components for  
8 all real property matters relating to each such com-  
9 ponent within the region in which each such compo-  
10 nent is located, and provide data and any other sup-  
11 port necessary for the Department of Homeland Se-  
12 curity Regional Mission Support Coordinator stra-  
13 tegic asset and portfolio planning and execution.

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

1 “(g) ONGOING OVERSIGHT.—

2 “(1) IN GENERAL.—The Under Secretary for  
3 Management shall monitor components’ adherence to  
4 the regional real property strategies developed in ac-  
5 cordance with subsection (a) and the implementation  
6 policies developed pursuant to subsection (c).

7 “(2) ANNUAL REVIEW.—The Under Secretary  
8 for Management shall annually review the data sub-  
9 mitted pursuant to subsection (f)(2) to ensure all  
10 underutilized space (as such term is defined in sub-  
11 section (e)) is properly identified.

12 “(3) CERTIFICATION REVIEW.—The Under Sec-  
13 retary for Management shall review, and if appro-  
14 priate, approve, component certifications under sub-  
15 section (d) before such components may make any  
16 major real property decision, including matters re-  
17 lated to new leased space, renewing any existing  
18 leases, or agreeing to extend or newly occupy any  
19 Federal space or new construction, in accordance  
20 with the applicable regional real property strategy  
21 developed in accordance with subsection (a).

22 “(4) CONGRESSIONAL REPORTING.—The Under  
23 Secretary for Management shall annually provide in-  
24 formation to the Committee on Homeland Security  
25 and Committee on Transportation and Infrastruc-

1           ture of the House of Representatives, the Committee  
2           on Homeland Security and Governmental Affairs of  
3           the Senate, and the Inspector General of the De-  
4           partment on the real property portfolio of the De-  
5           partment, including information relating to the fol-  
6           lowing:

7                   “(A) A summary of the Department’s real  
8                   property holdings in each region described in  
9                   the regional strategies developed in accordance  
10                  with subsection (a), and for each such property,  
11                  information including the total square footage  
12                  leased, the total cost, the total number of staff  
13                  at each such property, and the square foot per  
14                  person utilization rate for office space (and  
15                  whether or not such conforms with the work-  
16                  space standard usable square foot ranges estab-  
17                  lished pursuant to subsection (b)(1)(F)).

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

21                   “(C) An accounting of all instances in  
22                  which the Department or its components con-  
23                  solidated their real property holdings or co-lo-  
24                  cated with another entity within the Depart-  
25                  ment.

1           “(D) A list of all certifications provided  
2           pursuant to subsection (d) and all such certifi-  
3           cations approved pursuant to paragraph (3) of  
4           this subsection.

5           “(5) INSPECTOR GENERAL REVIEW.—Not later  
6           than 120 days after the last day of the fifth fiscal  
7           year covered in each of the initial and second re-  
8           gional real property strategies developed in accord-  
9           ance with subsection (a), the Inspector General of  
10          the Department shall review the information sub-  
11          mitted pursuant to paragraph (4) and issue findings  
12          regarding the effectiveness of the implementation of  
13          the Department-wide policy and oversight efforts of  
14          the management of real property facilities, personal  
15          property, mobile assets, equipment and the Depart-  
16          ment’s other material resources as required under  
17          this section.”.

18          (c) REPORTING.—The Secretary of Homeland Secu-  
19          rity shall submit to the Committee on Homeland Security  
20          of the House of Representatives and the Committee on  
21          Homeland Security and Governmental Affairs of the Sen-  
22          ate copies of the regional strategies developed in accord-  
23          ance with section 713(a) of the Homeland Security Act  
24          of 2002, as added by this Act, not later than 90 days after  
25          the date of the development of each such strategy.

1 (d) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002  
3 (Public Law 107–296; 116 Stat. 2135), as amended by  
4 section 1108, is amended by inserting after the item relat-  
5 ing 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.”.

6 **SEC. 1116. REPORT TO CONGRESS ON COST SAVINGS AND**  
7 **EFFICIENCY.**

8 (a) IN GENERAL.—Not later than 2 years after the  
9 date of the enactment of this Act, the Secretary of Home-  
10 land Security shall submit to the congressional homeland  
11 security committees a report that includes each of the fol-  
12 lowing:

13 (1) A detailed accounting of the management  
14 and administrative expenditures and activities of  
15 each component of the Department of Homeland Se-  
16 curity and identifies potential cost savings,  
17 avoidances, and efficiencies for those expenditures  
18 and activities.

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



1           “(1) ASSISTANT SECRETARY.—The term ‘As-  
2           sistant Secretary’ means the Assistant Secretary for  
3           the Countering Weapons of Mass Destruction Office.

4           “(2) OFFICE.—The term ‘Office’ means the  
5           Countering Weapons of Mass Destruction Office es-  
6           tablished under section 1901(a).

7           “(3) WEAPON OF MASS DESTRUCTION.—The  
8           term ‘weapon of mass destruction’ has the meaning  
9           given the term in section 101 of the Foreign Intel-  
10          ligence Surveillance Act of 1978 (50 U.S.C. 1801).

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

13          **“SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUC-**  
14          **TION OFFICE.**

15          “(a) ESTABLISHMENT.—There is established in the  
16          Department a Countering Weapons of Mass Destruction  
17          Office.

18          “(b) ASSISTANT SECRETARY.—The Office shall be  
19          headed by an Assistant Secretary for the Countering  
20          Weapons of Mass Destruction Office, who shall be ap-  
21          pointed by the President.

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

24                  “(1) weapons of mass destruction matters and  
25                  strategies; and



1       “(b) FEDERAL EMERGENCY MANAGEMENT AGEN-  
2 CY.—Nothing in this title or any other provision of law  
3 may be construed to affect or reduce the responsibilities  
4 of the Federal Emergency Management Agency or the Ad-  
5 ministrator or the Agency, including the diversion of any  
6 asset, function, or mission of the Agency or the Adminis-  
7 trator of the Agency.”;

8           (4) by striking section 1905;

9           (5) by redesignating sections 1902, 1903, 1904,  
10       1906, and 1907 as sections 1923, 1924, 1925, 1926,  
11       and 1927, respectively, and transferring such sec-  
12       tions to appear after section 1922, as added by  
13       paragraph (3); and

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

17       (b) REFERENCES AND CONSTRUCTION.—

18           (1) IN GENERAL.—For purposes of sections  
19       1923 through 1927 of the Homeland Security Act of  
20       2002, as so redesignated by subsection (a), any ref-  
21       erence to—

22           (A) the Domestic Nuclear Detection Office  
23       shall be deemed to be a reference to the Coun-  
24       tering Weapons of Mass Destruction Office; and

1                   (B) the Director for Domestic Nuclear De-  
2                   tection shall be deemed to be a reference to the  
3                   Assistant Secretary for the Countering Weap-  
4                   ons of Mass Destruction Office.

5                   (2) CONSTRUCTION.—Sections 1923 through  
6                   1927 of the Homeland Security Act of 2002, as so  
7                   redesignated by subsection (a), shall be construed to  
8                   cover the chemical and biological responsibilities of  
9                   the Assistant Secretary for the Countering Weapons  
10                  of Mass Destruction Office.

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

18                  (c) CHIEF MEDICAL OFFICER.—

19                  (1) REPEAL.—Title V of the Homeland Secu-  
20                  rity Act of 2002 (6 U.S.C. 311 et seq.) is amended  
21                  by striking section 516.

22                  (2) AMENDMENT.—Title XIX of the Homeland  
23                  Security Act of 2002 (6 U.S.C. 591 et seq.), as  
24                  amended by subsection (a), is amended by adding at  
25                  the end the following:

1    **“Subtitle C—Chief Medical Officer**

2    **“SEC. 1931. CHIEF MEDICAL OFFICER.**

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

7           “(b) QUALIFICATIONS.—The individual appointed as  
8 Chief Medical Officer shall be a licensed physician pos-  
9 sessed a demonstrated ability in and knowledge of medi-  
10 cine and public health.

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

15                 “(1) serving as the principal advisor to the Sec-  
16 retary, the Assistant Secretary, and other Depart-  
17 ment officials on medical and public health issues;

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

20                 “(3) as appropriate provide medical liaisons to  
21 the components of the Department, on a reimburs-  
22 able basis, to provide subject matter expertise on  
23 operational medical issues;

24                 “(4) coordinating with State, local, and tribal  
25 governments, the medical community, and others

1 within and outside the Department, including the  
2 Department of Health and Human Services Centers  
3 for Disease Control, with respect to medical and  
4 public health matters; and

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

7 (3) CLERICAL AMENDMENT.—The table of con-  
8 tents in section 1(b) of the Homeland Security Act  
9 of 2002 (Public Law 107–296; 116 Stat. 2135) is  
10 amended by striking the item relating to section  
11 516.

12 (d) WORKFORCE HEALTH AND MEDICAL SUPPORT  
13 .—

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

18 **“SEC. 714. WORKFORCE HEALTH AND MEDICAL SUPPORT.**

19 “(a) IN GENERAL.—The Under Secretary for Man-  
20 agement shall be responsible for workforce-focused health  
21 and medical activities of the Department. The Under Sec-  
22 retary for Management may further delegate these respon-  
23 sibilities as appropriate.

1           “(b) RESPONSIBILITIES.—The Under Secretary for  
2 Management, in coordination with the Chief Medical Offi-  
3 cer, shall—

4           “(1) provide oversight and coordinate the med-  
5 ical and health activities of the Department for the  
6 human and animal personnel of the Department;

7           “(2) establish medical, health, veterinary, and  
8 occupational health exposure policy, guidance, strat-  
9 egies, and initiatives for the human and animal per-  
10 sonnel of the Department;

11           “(3) as deemed appropriate by the Under Sec-  
12 retary, provide medical liaisons to the components of  
13 the Department, on a reimbursable basis, to provide  
14 subject matter expertise on occupational medical and  
15 public health issues;

16           “(4) serve as the primary representative for the  
17 Department on agreements regarding the detail of  
18 Department for Health and Human Services Public  
19 Health Service Commissioned Corps Officers to the  
20 Department, except that components and offices of  
21 the Department shall retain authority for funding,  
22 determination of specific duties, and supervision of  
23 Commissioned Corps officers detailed to a Depart-  
24 ment component; and

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

3 (e) TRANSFERS; ABOLISHMENT.—

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

6           (A) to the Countering Weapons of Mass  
7 Destruction Office all personnel, budget author-  
8 ity, and assets of—

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

12           (ii) the Office of Health Affairs, as in  
13 existence on the day before the date of en-  
14 actment of this Act, other than the per-  
15 sonnel, budget authority, and assets of  
16 such office necessary to perform the func-  
17 tions of section 714 of the Homeland Secu-  
18 rity Act of 2002, as added by this Act; and

19           (B) to the Directorate of Management all  
20 personnel, budget authority, and assets of the  
21 Office of Health Affairs, as in existence on the  
22 day before the date of enactment of this Act,  
23 that are necessary to perform the functions of  
24 section 714 of the Homeland Security Act of  
25 2002, as added by this Act.

1           (2) ABOLISHMENT.—Upon completion of all  
2 transfers pursuant to paragraph (1)—

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

7           (B) the positions of Assistant Secretary for  
8 Health Affairs and Director for Domestic Nu-  
9 clear Detection are abolished.

10 (f) CONFORMING AMENDMENTS.—

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

14           (A) by striking paragraph (4); and

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

17           (2) NATIONAL BIOSURVEILLANCE INTEGRATION  
18 CENTER.—Section 316(a) of the Homeland Security  
19 Act of 2002 (6 U.S.C. 195b(a)) is amended by strik-  
20 ing “Secretary shall” and inserting “Secretary, act-  
21 ing through the Assistant Secretary for Countering  
22 Weapons of Mass Destruction, shall”.

23           (3) INTERNATIONAL COOPERATION.—Section  
24 317(f) of the Homeland Security Act of 2002 (6  
25 U.S.C. 195c(f)) is amended by striking “the Chief

1 Medical Officer,” and inserting “the Assistant Sec-  
2 retary for the Countering Weapons of Mass Destruc-  
3 tion,”.

4 (4) FUNCTIONS TRANSFERRED.—Section  
5 505(b) of the Homeland Security Act of 2002 (6  
6 U.S.C. 315(b)) is amended—

7 (A) by striking paragraph (4);

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

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

13 (5) COORDINATION OF DEPARTMENT OF HOME-  
14 LAND SECURITY EFFORTS RELATED TO FOOD, AGRI-  
15 CULTURE, AND VETERINARY DEFENSE AGAINST  
16 TERRORISM.—Section 528(a) of the Homeland Secu-  
17 rity Act of 2002 (6 U.S.C. 321q(a)) is amended by  
18 striking “Health Affairs,” and inserting “Countering  
19 Weapons of Mass Destruction,”.

20 (g) DEPARTMENT OF HOMELAND SECURITY CHEM-  
21 ICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR AC-  
22 TIVITIES.—Not later than 1 year after the date of enact-  
23 ment of this Act and once every year thereafter, the Sec-  
24 retary of Homeland Security shall provide a briefing and  
25 report to the appropriate congressional committees (as de-

1 fined in section 2 of the Homeland Security Act of 2002  
2 (6 U.S.C. 101) on—

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

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

20           (3) information relating to how the organiza-  
21 tional structure of the Countering Weapons of Mass  
22 Destruction Office will enhance the development of  
23 chemical, biological, radiological, and nuclear prior-  
24 ities and capabilities across the Department of  
25 Homeland Security;

1           (4) a discussion of any resulting cost savings  
2           and efficiencies gained through activities described  
3           in paragraphs (1) and (2); and

4           (5) recommendations for any necessary statu-  
5           tory changes, or, if no statutory changes are nec-  
6           essary, an explanation of why no statutory or orga-  
7           nizational changes are necessary.

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

12           (1) by inserting after the item relating to sec-  
13          tion 713 the following:

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

14          and

15           (2) by striking the item relating to title XIX  
16          (including items relating to section 1901 through  
17          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

“Sec. 1901. 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.”.

1 (i) SUNSET.—

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

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

11 **SEC. 1118. ACTIVITIES RELATED TO INTERNATIONAL**  
12 **AGREEMENTS; ACTIVITIES RELATED TO**  
13 **CHILDREN.**

14 Section 708(c) of the Homeland Security Act of  
15 2002, as so redesignated by section 1141 of this Act, is  
16 amended—

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

19 (2) by inserting after paragraph (5) the fol-  
20 lowing:

21 “(6) enter into agreements with governments of  
22 other countries, in consultation with the Secretary of  
23 State or the head of another agency, as appropriate,

1 international organizations, and international non-  
2 governmental organizations in order to achieve the  
3 missions of the Department;” and

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

## 8 **Subtitle B—Human Resources and** 9 **Other Matters**

### 10 **SEC. 1131. CHIEF HUMAN CAPITAL OFFICER RESPONSIBIL-** 11 **ITIES.**

12 Section 704 of the Homeland Security Act of 2002  
13 (6 U.S.C. 344) is amended—

14 (1) in subsection (b)—

15 (A) in paragraph (1)—

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

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

22 (B) in paragraph (2), by striking “develop  
23 performance measures to provide a basis for  
24 monitoring and evaluating” and inserting “de-

1           develop performance measures to monitor and  
2           evaluate on an ongoing basis,”;

3           (C) in paragraph (4), by inserting “includ-  
4           ing leader development and employee engage-  
5           ment programs,” before “in coordination”;

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

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

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

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

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

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

24          “(10) maintain a catalogue of available em-  
25          ployee development opportunities easily accessible to

1 employees of the Department, including depart-  
2 mental leadership development programs, inter-  
3 agency development programs, and rotational pro-  
4 grams;

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

10 **SEC. 1132. EMPLOYEE ENGAGEMENT ACTION PLAN.**

11 (a) IN GENERAL.—Title VII of the Homeland Secu-  
12 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
13 section 1117, is amended by adding at the end the fol-  
14 lowing:

15 **“SEC. 715. EMPLOYEE ENGAGEMENT ACTION PLAN.**

16 “(a) IN GENERAL.—The Secretary shall—

17 “(1) not later than 180 days after the date of  
18 enactment of this section, and not later than Sep-  
19 tember 30 of each fiscal year thereafter, issue a De-  
20 partment-wide employee engagement action plan to  
21 inform and execute strategies for improving em-  
22 ployee engagement, Department management and  
23 leadership, diversity and inclusion efforts, employee  
24 morale, training and development opportunities, and

1       communications within the Department, which shall  
2       reflect—

3               “(A) input from representatives from oper-  
4               ational components, headquarters, and field  
5               personnel, including supervisory and non-super-  
6               visory personnel, and employee labor organiza-  
7               tions that represent employees of the Depart-  
8               ment;

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

12              “(C) performance measures, milestones,  
13              and objectives that reflect the priorities and  
14              strategies of the action plan to improve em-  
15              ployee engagement; and

16              “(2) require the head of each operational com-  
17              ponent of the Department to—

18                      “(A) develop and implement a component-  
19                      specific employee engagement plan to advance  
20                      the action plan required under paragraph (1)  
21                      that includes performance measures and objec-  
22                      tives, is informed by employee feedback pro-  
23                      vided through annual employee surveys, ques-  
24                      tionnaires, and other communications, as appro-  
25                      priate, and sets forth how employees and, if ap-

1           plicable, their labor representatives are to be in-  
2           tegrated in developing programs and initiatives;

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

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

8           “(b) RULE OF CONSTRUCTION.—Nothing in this sec-  
9           tion shall be construed to limit the ability of the depart-  
10          mental or component leadership from developing innova-  
11          tive approaches and strategies to employee engagement  
12          not specifically required under this section.

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

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

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

21          (c) SUBMISSIONS TO CONGRESS.—

22                 (1) DEPARTMENT-WIDE EMPLOYEE ENGAGE-  
23                 MENT ACTION PLAN.—Not later than 2 years after  
24                 the date of enactment of this Act, and once every 2  
25                 years thereafter, the Secretary of Homeland Security

1 shall submit to the Committee on Homeland Secu-  
2 rity of the House of Representatives and the Com-  
3 mittee on Homeland Security and Governmental Af-  
4 fairs of the Senate the Department-wide employee  
5 engagement action plan required under section 715  
6 of the Homeland Security Act of 2002, as added by  
7 subsection (a).

8 (2) COMPONENT-SPECIFIC EMPLOYEE ENGAGE-  
9 MENT PLANS.—Each head of a component of the  
10 Department of Homeland Security shall submit to  
11 the Committee on Homeland Security of the House  
12 of Representatives and the Committee on Homeland  
13 Security and Governmental Affairs of the Senate the  
14 component-specific employee engagement plan of  
15 each such component required under section  
16 715(a)(2) of the Homeland Security Act of 2002 (as  
17 added by subsection (a)) not later than 30 days  
18 after the issuance of each such plan under such sec-  
19 tion 715(a)(2).

20 **SEC. 1133. REPORT DISCUSSING SECRETARY'S RESPON-**  
21 **SIBILITIES, PRIORITIES, AND AN ACCOUNT-**  
22 **ING OF THE DEPARTMENT'S WORK REGARD-**  
23 **ING ELECTION INFRASTRUCTURE.**

24 (a) IN GENERAL.—The Secretary of Homeland Secu-  
25 rity shall continue to prioritize the provision of assistance,

1 as appropriate and on a voluntary basis, to State and local  
2 election officials in recognition of the importance of elec-  
3 tion infrastructure to the United States.

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

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

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

18 (3) a summary of the election infrastructure  
19 work of the Department with each State, unit of  
20 local government, and tribal and territorial govern-  
21 ment, as well as with the Government Coordinating  
22 Council and the Sector Coordinating Council, and  
23 interaction with other Federal departments and  
24 agencies.

1 (c) FORM OF REPORTS.—Each report submitted  
2 under subsection (b) shall be unclassified, but may be ac-  
3 companied by a classified annex, if necessary.

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

## 7 **Subtitle C—Other Matters**

### 8 **SEC. 1141. TECHNICAL AND CONFORMING AMENDMENTS.**

9 (a) REPEAL OF DIRECTOR OF SHARED SERVICES  
10 AND OFFICE OF COUNTERNARCOTICS ENFORCEMENT OF  
11 DEPARTMENT OF HOMELAND SECURITY.—

12 (1) ABOLISHMENT OF DIRECTOR OF SHARED  
13 SERVICES.—

14 (A) ABOLISHMENT.—The position of Di-  
15 rector of Shared Services of the Department of  
16 Homeland Security is abolished.

17 (B) CONFORMING AMENDMENT.—The  
18 Homeland Security Act of 2002 (6 U.S.C. 101  
19 et seq.) is amended by striking section 475 (6  
20 U.S.C. 295).

21 (C) CLERICAL AMENDMENT.—The table of  
22 contents in section 1(b) of the Homeland Secu-  
23 rity Act of 2002 (Public Law 107–296; 116  
24 Stat. 2135) is amended by striking the item re-  
25 lating to section 475.

1           (2) ABOLISHMENT OF THE OFFICE OF COUN-  
2           TERNARCOTICS ENFORCEMENT.—

3           (A) ABOLISHMENT.—The Office of Coun-  
4           ternarcotics Enforcement is abolished.

5           (B) CONFORMING AMENDMENTS.—The  
6           Homeland Security Act of 2002 (6 U.S.C. 101  
7           et seq.) is amended—

8           (i) in subparagraph (B) of section  
9           843(b)(1) (6 U.S.C. 413(b)(1)), by strik-  
10          ing “by—” and all that follows through  
11          the end of that subparagraph and inserting  
12          “by the Secretary; and”;

13          (ii) by striking section 878 (6 U.S.C.  
14          458).

15          (C) CLERICAL AMENDMENT.—The table of  
16          contents in section 1(b) of the Homeland Secu-  
17          rity Act of 2002 (Public Law 107–296; 116  
18          Stat. 2135) is amended by striking the item re-  
19          lating to section 878.

20       (b) OTHER TECHNICAL AND CONFORMING AMEND-  
21       MENTS.—

22       (1) TITLE I.—Section 103 of the Homeland Se-  
23       curity Act of 2002 (6 U.S.C. 113), as amended by  
24       this Act, is further amended—

1 (A) in subsection (a)(1)(E)— by striking  
2 “the Bureau of” and inserting “United States”;  
3 and

4 (B) in subsection (d)(5), by striking “sec-  
5 tion 708” and inserting “section 707”.

6 (2) TITLE VII.—Title VII of the Homeland Se-  
7 curity Act of 2002 (6 U.S.C. 341 et seq.) is amend-  
8 ed—

9 (A) by striking section 706 (6 U.S.C. 346);

10 (B) by redesignating sections 707, 708,  
11 and 709 as sections 706, 707, and 708, respec-  
12 tively; and

13 (C) in section 708(c)(3), as so redesign-  
14 ated, by striking “section 707” and inserting  
15 “section 706”.

16 (3) TITLE VIII.—Title VIII of the Homeland  
17 Security Act of 2002 (6 U.S.C. 361 et seq.) is  
18 amended—

19 (A) by striking section 857 (6 U.S.C. 427);

20 (B) by redesignating section 858 as section  
21 857;

22 (C) by striking section 872 (6 U.S.C. 452);

23 and

24 (D) by striking section 881 (6 U.S.C.  
25 461).

1           (4) TITLE XVI.—Section 1611(d)(1) of the  
2 Homeland Security Act of 2002 (6 U.S.C.  
3 563(d)(1)) is amended by striking “section 707”  
4 and inserting “section 706”.

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

9           (A) by striking the items relating to sec-  
10 tions 706 through 709 and inserting the fol-  
11 lowing:

“Sec. 706. Quadrennial homeland security review.

“Sec. 707. Joint task forces.

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

12           (B) by striking the items relating to sec-  
13 tions 811 and 812 and inserting the following:

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

14           (C) by striking the items relating to sec-  
15 tions 857 and 858 and inserting the following:

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

16           (D) by striking the item relating to section  
17 872; and

18           (E) by striking the item relating to section  
19 881.

1 **TITLE II—DEPARTMENT OF**  
2 **HOMELAND SECURITY ACQUI-**  
3 **SITION ACCOUNTABILITY**  
4 **AND EFFICIENCY**

5 **SEC. 1201. DEFINITIONS.**

6 (a) IN GENERAL.—Section 2 of the Homeland Secu-  
7 rity Act of 2002 (6 U.S.C. 101) is amended—

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

10 (2) by redesignating paragraph (13) as para-  
11 graph (26);

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

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

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

18 (6) by inserting before paragraph (7), as so re-  
19 designated, the following:

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

23 “(2) The term ‘acquisition decision authority’  
24 means the authority held by the Secretary, acting  
25 through the Under Secretary for Management, to—

1           “(A) ensure compliance with Federal law,  
2           the Federal Acquisition Regulation, and De-  
3           partment acquisition management directives;

4           “(B) review, including approving, pausing,  
5           modifying, or canceling, an acquisition through-  
6           out the life cycle of the acquisition;

7           “(C) ensure that acquisition program man-  
8           agers have the resources necessary to success-  
9           fully execute an approved acquisition program;

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

16          “(E) ensure that acquisition program man-  
17          agers, on an ongoing basis, monitor cost, sched-  
18          ule, and performance against established base-  
19          lines and use tools to assess risks to an acquisi-  
20          tion program at all phases of the life cycle of  
21          the acquisition program to avoid and mitigate  
22          acquisition program baseline breaches.

23          “(3) The term ‘acquisition decision event’  
24          means, with respect to an acquisition program, a  
25          predetermined point within each of the acquisition

1 phases at which the acquisition decision authority  
2 determines whether the acquisition program shall  
3 proceed to the next phase.

4 “(4) The term ‘acquisition decision memo-  
5 randum’ means, with respect to an acquisition, the  
6 official acquisition decision event record that in-  
7 cludes a documented record of decisions and as-  
8 signed actions for the acquisition, as determined by  
9 the person exercising acquisition decision authority  
10 for the acquisition.

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

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

17 “(B) have multiple projects to obtain spe-  
18 cific capability requirements or capital assets.

19 “(6) The term ‘acquisition program baseline’,  
20 with respect to an acquisition program, means a  
21 summary of the cost, schedule, and performance pa-  
22 rameters, expressed in standard, measurable, quan-  
23 titative terms, which must be met in order to accom-  
24 plish the goals of the program.”;

1           (7) by inserting after paragraph (9), as so re-  
2 designated, the following:

3           “(10) The term ‘best practices’, with respect to  
4 acquisition, means a knowledge-based approach to  
5 capability development that includes, at a min-  
6 imum—

7           “(A) identifying and validating needs;

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

10          “(C) establishing requirements;

11          “(D) developing cost estimates and sched-  
12 ules that consider the work necessary to de-  
13 velop, plan, support, and install a program or  
14 solution;

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

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

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

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

24          “(I) ensuring an adequate, well-trained,  
25 and diverse workforce that is qualified and suf-

1           efficient in number to perform necessary func-  
2           tions;

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

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

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

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

16          “(12) The term ‘congressional homeland secu-  
17          rity committees’ means—

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

22                 “(B) the Committee on Appropriations of  
23                 the House of Representatives and the Com-  
24                 mittee on Appropriations of the Senate.

1           “(13) The term ‘Component Acquisition Execu-  
2           tive’ means the senior acquisition official within a  
3           component who is designated in writing by the  
4           Under Secretary for Management, in consultation  
5           with the component head, with authority and re-  
6           sponsibility for leading a process and staff to provide  
7           acquisition and program management oversight, pol-  
8           icy, and guidance to ensure that statutory, regu-  
9           latory, and higher level policy requirements are ful-  
10          filled, including compliance with Federal law, the  
11          Federal Acquisition Regulation, and Department ac-  
12          quisition management directives established by the  
13          Under Secretary for Management.

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

16                   “(A) provides for payment of allowable in-  
17                   curred costs, to the extent prescribed in the  
18                   contract; and

19                   “(B) establishes an estimate of total cost  
20                   for the purpose of obligating funds and estab-  
21                   lishing a ceiling that the contractor may not ex-  
22                   ceed, except at the risk of the contractor, with-  
23                   out the approval of the contracting officer.”;

24           (8) by inserting after paragraph (19), as so re-  
25          designated, the following:

1           “(20) The term ‘fixed-price contract’ means a  
2 contract that provides for a firm price or, in appro-  
3 priate cases, an adjustable price.”;

4           (9) by inserting after paragraph (24), as so re-  
5 designated, the following:

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

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

13           “(27) The term ‘major acquisition program’  
14 means a Department acquisition program that is es-  
15 timated by the Secretary or a designee of the Sec-  
16 retary to require an eventual total expenditure of not  
17 less than \$300,000,000 (based on fiscal year 2017  
18 constant dollars) over the life cycle cost of the pro-  
19 gram.”.

20           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
21 Section 501(13) of the Homeland Security Act of 2002  
22 (6 U.S.C. 311(13)) is amended by striking “section  
23 2(13)(B)” and inserting “section 2(26)(B)”.

1 **Subtitle A—Acquisition Authorities**

2 **SEC. 1211. ACQUISITION AUTHORITIES FOR UNDER SEC-**  
3 **RETARY FOR MANAGEMENT OF THE DEPART-**  
4 **MENT OF HOMELAND SECURITY.**

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

7 (1) in subsection (a)(2), by inserting “and ac-  
8 quisition management” after “Procurement”;

9 (2) by redesignating subsection (d), the first  
10 subsection (e) (relating to the system for award  
11 management consultation), and the second sub-  
12 section (e) (relating to the definition of interoperable  
13 communications) as subsections (e), (f), and (g) re-  
14 spectively; and

15 (3) by inserting after subsection (c) the fol-  
16 lowing:

17 “(d) ACQUISITION AND RELATED RESPONSIBIL-  
18 ITIES.—

19 “(1) IN GENERAL.—Notwithstanding subsection  
20 (a) of section 1702 of title 41, United States Code,  
21 the Under Secretary for Management—

22 “(A) is the Chief Acquisition Officer of the  
23 Department;

1           “(B) shall have the authorities and per-  
2           form the functions specified in subsection (b) of  
3           such section; and

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

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

13                 “(A) Advising the Secretary regarding ac-  
14                 quisition management activities, taking into ac-  
15                 count risks of failure to achieve cost, schedule,  
16                 or performance parameters, to ensure that the  
17                 Department achieves the mission of the Depart-  
18                 ment through the adoption of widely accepted  
19                 program management best practices and stand-  
20                 ards and, where appropriate, acquisition innova-  
21                 tion best practices.

22                 “(B) Leading the acquisition oversight  
23                 body of the Department, the Acquisition Review  
24                 Board, and exercising the acquisition decision  
25                 authority to approve, pause, modify, including

1 the rescission of approvals of program mile-  
2 stones, or cancel major acquisition programs,  
3 unless the Under Secretary delegates that au-  
4 thority to a Component Acquisition Executive  
5 pursuant to paragraph (3).

6 “(C) Establishing policies for acquisition  
7 that implement an approach that takes into ac-  
8 count risks of failure to achieve cost, schedule,  
9 or performance parameters that all components  
10 of the Department shall comply with, including  
11 outlining relevant authorities for program man-  
12 agers to effectively manage acquisition pro-  
13 grams.

14 “(D) Ensuring that each major acquisition  
15 program has a Department-approved acquisi-  
16 tion program baseline pursuant to the acquisi-  
17 tion management policy of the Department.

18 “(E) Ensuring that the heads of compo-  
19 nents and Component Acquisition Executives  
20 comply with Federal law, the Federal Acquisi-  
21 tion Regulation, and Department acquisition  
22 management directives.

23 “(F) Providing additional scrutiny and  
24 oversight for an acquisition that is not a major  
25 acquisition if—

1                   “(i) the acquisition is for a program  
2                   that is important to departmental strategic  
3                   and performance plans;

4                   “(ii) the acquisition is for a program  
5                   with significant program or policy implica-  
6                   tions; and

7                   “(iii) the Secretary determines that  
8                   the scrutiny and oversight for the acquisi-  
9                   tion is proper and necessary.

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

14                  “(H) Distributing guidance throughout the  
15                  Department to ensure that contractors involved  
16                  in acquisitions, particularly contractors that ac-  
17                  cess the information systems and technologies  
18                  of the Department, adhere to relevant Depart-  
19                  ment policies related to physical and informa-  
20                  tion security as identified by the Under Sec-  
21                  retary for Management.

22                  “(I) Overseeing the Component Acquisition  
23                  Executive organizational structure to ensure  
24                  Component Acquisition Executives have suffi-

1           cient capabilities and comply with Department  
2           acquisition policies.

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

10           “(3) DELEGATION OF ACQUISITION DECISION  
11           AUTHORITY.—

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

18           “(B) LEVEL 2 ACQUISITIONS.—The Under  
19           Secretary for Management may delegate acqui-  
20           sition decision authority in writing to the rel-  
21           evant Component Acquisition Executive for a  
22           major acquisition program that has a life cycle  
23           cost estimate of not less than \$300,000,000 but  
24           not more than \$1,000,000,000 if all of the fol-  
25           lowing requirements are met:

1           “(i) The component concerned pos-  
2           sesses working policies, processes, and pro-  
3           cedures that are consistent with Depart-  
4           ment-level acquisition policy.

5           “(ii) The Component Acquisition Ex-  
6           ecutive concerned has a well-trained and  
7           experienced workforce, commensurate with  
8           the size of the acquisition program and re-  
9           lated activities delegated to the Component  
10          Acquisition Executive by the Under Sec-  
11          retary for Management.

12          “(iii) Each major acquisition con-  
13          cerned has written documentation showing  
14          that the acquisition has a Department-ap-  
15          proved acquisition program baseline and  
16          the acquisition is meeting agreed-upon  
17          cost, schedule, and performance thresholds.

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

20          “(A) IN GENERAL.—Nothing in this sub-  
21          section shall diminish the authority granted to  
22          the Under Secretary for Science and Tech-  
23          nology under this Act. The Under Secretary for  
24          Management and the Under Secretary for  
25          Science and Technology shall cooperate in mat-

1           ters related to the coordination of acquisitions  
2           across the Department so that investments of  
3           the Directorate of Science and Technology are  
4           able to support current and future requirements  
5           of the components of the Department.

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

9                   “(i) ensure, in coordination with rel-  
10                  evant component heads, that all relevant  
11                  acquisition programs—

12                           “(I) complete reviews of oper-  
13                           ational requirements to ensure the re-  
14                           quirements are measurable, testable,  
15                           and achievable within the constraints  
16                           of cost and schedule;

17                           “(II) integrate applicable stand-  
18                           ards into development specifications;

19                           “(III) complete systems engineer-  
20                           ing reviews and technical assessments  
21                           during development to inform produc-  
22                           tion and deployment decisions;

23                           “(IV) complete independent test-  
24                           ing and evaluation of technologies and  
25                           systems;

1                   “(V) use independent verification  
2                   and validation of operational test and  
3                   evaluation implementation and re-  
4                   sults; and

5                   “(VI) document whether such  
6                   programs meet all performance re-  
7                   quirements included in their acquisi-  
8                   tion program baselines;

9                   “(ii) ensure that such operational  
10                  testing and evaluation includes all system  
11                  components and incorporates operators  
12                  into the testing to ensure that systems per-  
13                  form as intended in the appropriate oper-  
14                  ational setting; and

15                  “(iii) determine if testing conducted  
16                  by other Federal agencies and private enti-  
17                  ties is relevant and sufficient in deter-  
18                  mining whether systems perform as in-  
19                  tended in the operational setting.”.

20 **SEC. 1212. ACQUISITION AUTHORITIES FOR CHIEF FINAN-**  
21 **CIAL OFFICER OF THE DEPARTMENT OF**  
22 **HOMELAND SECURITY.**

23                  Section 702(a) of the Homeland Security Act of 2002  
24 (6 U.S.C. 342(a)) is amended—

1           (1) by striking “The Chief” and inserting the  
2 following:

3           “(1) FUNCTIONS.—The Chief”; and

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

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

13 **SEC. 1213. ACQUISITION AUTHORITIES FOR CHIEF INFOR-**  
14 **MATION OFFICER OF THE DEPARTMENT OF**  
15 **HOMELAND SECURITY.**

16           Section 703 of the Homeland Security Act of 2002  
17 (6 U.S.C. 343), as amended by section 1104, is amended  
18 by adding at the end the following:

19           “(d) ACQUISITION RESPONSIBILITIES.—The acquisi-  
20 tion responsibilities of the Chief Information Officer shall  
21 include—

22           “(1) overseeing the management of the Home-  
23 land Security Enterprise Architecture and ensuring  
24 that, before each acquisition decision event, ap-  
25 proved information technology acquisitions comply

1 with departmental information technology manage-  
2 ment processes, technical requirements, and the  
3 Homeland Security Enterprise Architecture, and in  
4 any case in which information technology acquisi-  
5 tions do not comply with the management directives  
6 of the Department, making recommendations to the  
7 Acquisition Review Board regarding that noncompli-  
8 ance; and

9 “(2) being responsible for—

10 “(A) providing recommendations to the Ac-  
11 quisition Review Board regarding information  
12 technology programs; and

13 “(B) developing information technology ac-  
14 quisition strategic guidance.”.

15 **SEC. 1214. ACQUISITION AUTHORITIES FOR PROGRAM AC-**  
16 **COUNTABILITY AND RISK MANAGEMENT.**

17 (a) IN GENERAL.—Title VII of the Homeland Secu-  
18 rity Act of 2002 (6 U.S.C. 341 et seq.), as amended by  
19 section 1132, is amended by adding at the end the fol-  
20 lowing:

21 **“SEC. 716. ACQUISITION AUTHORITIES FOR PROGRAM AC-**  
22 **COUNTABILITY AND RISK MANAGEMENT.**

23 “(a) ESTABLISHMENT OF OFFICE.—There is in the  
24 Management Directorate of the Department an office to

1 be known as ‘Program Accountability and Risk Manage-  
2 ment’, which shall—

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

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

8 “(b) RESPONSIBILITIES OF EXECUTIVE DIREC-  
9 TOR.—The Program Accountability and Risk Management  
10 shall be led by an Executive Director to oversee the re-  
11 quirement under subsection (a), who shall report directly  
12 to the Under Secretary for Management, serve as the exec-  
13 utive secretary for the Acquisition Review Board, and  
14 carry out the following responsibilities:

15 “(1) Monitor the performance of Department  
16 acquisition programs between acquisition decision  
17 events to identify problems with cost, performance,  
18 or schedule that components may need to address to  
19 prevent cost overruns, performance issues, or sched-  
20 ule delays.

21 “(2) Assist the Under Secretary for Manage-  
22 ment in managing the acquisition programs and re-  
23 lated activities of the Department.

24 “(3) Conduct oversight of individual acquisition  
25 programs to implement Department acquisition pro-

1       gram policy, procedures, and guidance with a pri-  
2       ority on ensuring the data the office collects and  
3       maintains from Department components is accurate  
4       and reliable.

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

7               “(5) Advise the persons having acquisition deci-  
8       sion authority in making acquisition decisions con-  
9       sistent with all applicable laws and in establishing  
10      lines of authority, accountability, and responsibility  
11      for acquisition decision making within the Depart-  
12      ment.

13              “(6) Support the Chief Procurement Officer in  
14      developing strategies and specific plans for hiring,  
15      training, and professional development in order to  
16      improve the acquisition workforce of the Depart-  
17      ment.

18              “(7) In consultation with Component Acquisi-  
19      tion Executives—

20                      “(A) develop standards for the designation  
21                      of key acquisition positions with major acquisi-  
22                      tion program management offices and on the  
23                      Component Acquisition Executive support staff;  
24                      and

1           “(B) provide requirements and support to  
2           the Chief Procurement Officer in the planning,  
3           development, and maintenance of the Acquisi-  
4           tion Career Management Program of the De-  
5           partment.

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

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

19          “(c) RESPONSIBILITIES OF COMPONENTS.—Each  
20          head of a component shall—

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

25                 “(2) for each major acquisition program—

1           “(A) define baseline requirements and doc-  
2           ument changes to such requirements, as appro-  
3           priate;

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

10          “(C) verify each life cycle cost estimate  
11          against independent cost estimates, and rec-  
12          oncile any differences;

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

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

20          “(F) ensure that all acquisition program  
21          information provided by the component is com-  
22          plete, accurate, timely, and valid.

23 **“SEC. 717. ACQUISITION DOCUMENTATION.**

24          “(a) IN GENERAL.—For each major acquisition pro-  
25          gram, the Secretary, acting through the Under Secretary

1 for Management, shall require the head of a relevant com-  
2 ponent or office to—

3 “(1) maintain acquisition documentation that is  
4 complete, accurate, timely, and valid, and that in-  
5 cludes, at a minimum—

6 “(A) operational requirements that are  
7 validated consistent with departmental policy  
8 and changes to those requirements, as appro-  
9 priate;

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

12 “(C) verification of the life cycle cost esti-  
13 mate against independent cost estimates, and  
14 reconciliation of any differences;

15 “(D) a cost-benefit analysis with sup-  
16 porting documentation; and

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

19 “(2) prepare cost estimates and schedules for  
20 major acquisition programs under subparagraphs  
21 (B) and (E) of paragraph (1) in a manner con-  
22 sistent with best practices as identified by the Comp-  
23 troller General of the United States; and

24 “(3) submit certain acquisition documentation  
25 to the Secretary to produce a semi-annual Acquisi-

1           tion Program Health Assessment of departmental  
2           acquisitions for submission to Congress.

3           “(b) WAIVER.—The Secretary may waive the require-  
4           ment under subsection (a)(3) on a case-by-case basis with  
5           respect to any major acquisition program under this sec-  
6           tion for a fiscal year if—

7                   “(1) the major acquisition program has not—

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

10                           “(B) had a reasonable cost estimate estab-  
11                           lished; and

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

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

17           “(c) CONGRESSIONAL OVERSIGHT.—At the same  
18           time the budget of the President is submitted for a fiscal  
19           year under section 1105(a) of title 31, United States  
20           Code, the Secretary shall make information available, as  
21           applicable, to the congressional homeland security commit-  
22           tees regarding the requirement described in subsection (a)  
23           in the prior fiscal year that includes, with respect to each  
24           major acquisition program for which the Secretary has  
25           issued a waiver under subsection (b)—

1 “(1) the grounds for granting a waiver for the  
2 program;

3 “(2) the projected cost of the program;

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

7 “(4) information on the significance of the pro-  
8 gram with respect to the operations and the execu-  
9 tion of the mission of each component or office de-  
10 scribed in paragraph (3).”.

11 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
12 The table of contents in section 1(b) of the Homeland Se-  
13 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
14 as amended by section 1132, is amended by inserting after  
15 the item relating to section 715 the following:

“Sec. 716. Acquisition authorities for program accountability and risk manage-  
ment.

“Sec. 717. Acquisition documentation.”.

16 **SEC. 1215. ACQUISITION INNOVATION.**

17 (a) **IN GENERAL.**—Title VII of the Homeland Secu-  
18 rity Act of 2002 (6 U.S.C. 341 et seq.) as amended by  
19 section 1214, is amended by adding at the end the fol-  
20 lowing:

21 **“SEC. 718. ACQUISITION INNOVATION.**

22 “The Under Secretary for Management shall—

23 “(1) encourage each of the officers under the  
24 direction of the Under Secretary for Management to

1 promote innovation and shall designate an individual  
2 to promote innovation;

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

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

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

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

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

23 “(A) engaging with the private sector, in-  
24 cluding small- and medium-sized businesses, to  
25 provide information and obtain feedback on

1 procurement practices and acquisition innova-  
2 tion efforts of the Department;

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

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

10 (b) TECHNICAL AND CONFORMING AMENDMENT.—

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

“Sec. 718. Acquisition innovation.”.

15 (c) INFORMATION.—

16 (1) DEFINITIONS.—In this subsection—

17 (A) the term “congressional homeland se-  
18 curity committees” means—

19 (i) the Committee on Homeland Secu-  
20 rity of the House of Representatives and  
21 the Committee on Homeland Security and  
22 Governmental Affairs of the Senate; and

23 (ii) the Committee on Appropriations  
24 of the House of Representatives and the

1                   Committee on Appropriations of the Sen-  
2                   ate; and

3                   (B) the term “Department” means the De-  
4                   partment of Homeland Security.

5                   (2) REQUIREMENT.—Not later than 90 days  
6                   after the date on which the Secretary of Homeland  
7                   Security submits the annual budget justification for  
8                   the Department for fiscal year 2020 and every fiscal  
9                   year thereafter through fiscal year 2025, the officers  
10                  under the director of the Under Secretary for Man-  
11                  agement of the Department shall provide a briefing  
12                  to the congressional homeland security committees  
13                  on the activities undertaken in the previous fiscal  
14                  year in furtherance of section 718 of the Homeland  
15                  Security Act of 2002, as added by subsection (a),  
16                  which shall include:

17                         (A) Emerging and existing acquisition best  
18                         practices that were tested within the Depart-  
19                         ment during that fiscal year.

20                         (B) Efforts to distribute best practices and  
21                         lessons learned within the Department, includ-  
22                         ing through web-based seminars, training, and  
23                         forums, during that fiscal year.

1           (C) Metrics captured by the Department  
2 and aggregate performance information for in-  
3 novation efforts.

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

7           (E) Outcomes of efforts to distribute best  
8 practices and lessons learned within the Depart-  
9 ment, including through web-based seminars,  
10 training, and forums.

11           (F) A description of outreach and engage-  
12 ment efforts with the private sector and any im-  
13 pacts of innovative acquisition mechanisms on  
14 the private sector, including small- and me-  
15 dium-sized businesses.

16           (G) The criteria used to identify specific  
17 acquisition programs or activities to be included  
18 in acquisition innovation efforts and the out-  
19 comes of those programs or activities.

20           (H) Recommendations, as necessary, to en-  
21 hance acquisition innovation in the Department.

1     **Subtitle B—Acquisition Program**  
2             **Management Discipline**

3     **SEC. 1221. ACQUISITION REVIEW BOARD.**

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

7     **“SEC. 836. ACQUISITION REVIEW BOARD.**

8             “(a) IN GENERAL.—The Secretary shall establish an  
9 Acquisition Review Board (in this section referred to as  
10 the ‘Board’) to—

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

13             “(2) review major acquisition programs; and

14             “(3) review the use of best practices.

15             “(b) COMPOSITION.—

16             “(1) CHAIRPERSON.—The Under Secretary for  
17 Management shall serve as chairperson of the  
18 Board.

19             “(2) OTHER MEMBERS.—The Secretary shall  
20 ensure participation by other relevant Department  
21 officials.

22             “(c) MEETINGS.—

23             “(1) REGULAR MEETINGS.—The Board shall  
24 meet regularly for purposes of ensuring all acquisi-

1           tion programs proceed in a timely fashion to achieve  
2           mission readiness.

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

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

7                   “(B) at any time—

8                           “(i) a major acquisition program—

9                                   “(I) requires authorization to  
10                                   proceed from one acquisition decision  
11                                   event to another throughout the ac-  
12                                   quisition life cycle;

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

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

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

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

24                   “(1) Determine whether a proposed acquisition  
25                   program has met the requirements of phases of the

1 acquisition life cycle framework and is able to pro-  
2 ceed to the next phase and eventual full production  
3 and deployment.

4 “(2) Oversee whether the business strategy, re-  
5 sources, management, and accountability of a pro-  
6 posed acquisition is executable and is aligned to  
7 strategic initiatives.

8 “(3) Support the person with acquisition deci-  
9 sion authority for an acquisition program in deter-  
10 mining the appropriate direction for the acquisition  
11 at key acquisition decision events.

12 “(4) Conduct reviews of acquisitions to ensure  
13 that the acquisitions are progressing in compliance  
14 with the approved documents for their current acqui-  
15 sition phases.

16 “(5) Review the acquisition program documents  
17 of each major acquisition program, including the ac-  
18 quisition program baseline and documentation re-  
19 flecting consideration of tradeoffs among cost,  
20 schedule, and performance objectives, to ensure the  
21 reliability of underlying data.

22 “(6) Ensure that practices are adopted and im-  
23 plemented to require consideration of trade-offs  
24 among cost, schedule, and performance objectives as  
25 part of the process for developing requirements for

1 major acquisition programs prior to the initiation of  
2 the second acquisition decision event, including, at a  
3 minimum, the following practices:

4 “(A) Department officials responsible for  
5 acquisition, budget, and cost estimating func-  
6 tions are provided with the appropriate oppor-  
7 tunity to develop estimates and raise cost and  
8 schedule matters before performance objectives  
9 are established for capabilities when feasible.

10 “(B) Full consideration is given to possible  
11 trade-offs among cost, schedule, and perform-  
12 ance objectives for each alternative.

13 “(e) ACQUISITION PROGRAM BASELINE REPORT RE-  
14 QUIREMENT.—If the person exercising acquisition decision  
15 authority over a major acquisition program approves the  
16 major acquisition program to proceed before the major ac-  
17 quisition program has a Department-approved acquisition  
18 program baseline, as required by Department policy—

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

22 “(2) the Secretary shall—

23 “(A) not later than 7 days after the date  
24 on which the acquisition decision memorandum

1 is signed, provide written notice of the decision  
2 to the appropriate committees of Congress; and

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

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

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

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

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

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

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
23 The table of contents in section 1(b) of the Homeland Se-  
24 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)

1 is amended by inserting after the item relating to section  
2 835 the following:

“Sec. 836. Acquisition Review Board.”.

3 **SEC. 1222. DEPARTMENT LEADERSHIP COUNCILS.**

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

7 **“SEC. 890B. DEPARTMENT LEADERSHIP COUNCILS.**

8 “(a) DEPARTMENT LEADERSHIP COUNCILS.—

9 “(1) ESTABLISHMENT.—The Secretary may es-  
10 tablish Department leadership councils as the Sec-  
11 retary determines necessary to ensure coordination  
12 and improve programs and activities of the Depart-  
13 ment.

14 “(2) FUNCTION.—A Department leadership  
15 council shall—

16 “(A) serve as a coordinating forum;

17 “(B) advise the Secretary and Deputy Sec-  
18 retary on Department strategy, operations, and  
19 guidance;

20 “(C) establish policies to reduce duplica-  
21 tion in acquisition programs; and

22 “(D) consider and report on such other  
23 matters as the Secretary or Deputy Secretary  
24 may direct.

1           “(3) RELATIONSHIP TO OTHER FORUMS.—The  
2 Secretary or Deputy Secretary may delegate the au-  
3 thority to direct the implementation of any decision  
4 or guidance resulting from the action of a Depart-  
5 ment leadership council to any office, component, co-  
6 ordinator, or other senior official of the Department.

7           “(b) JOINT REQUIREMENTS COUNCIL.—

8           “(1) DEFINITION OF JOINT REQUIREMENT.—In  
9 this subsection, the term ‘joint requirement’ means  
10 a condition or capability of multiple operating com-  
11 ponents of the Department that is required to be  
12 met or possessed by a system, product, service, re-  
13 sult, or component to satisfy a contract, standard,  
14 specification, or other formally imposed document.

15           “(2) ESTABLISHMENT.—The Secretary shall es-  
16 tablish within the Department a Joint Requirements  
17 Council.

18           “(3) MISSION.—In addition to other matters  
19 assigned to the Joint Requirements Council by the  
20 Secretary and Deputy Secretary, the Joint Require-  
21 ments Council shall—

22           “(A) identify, assess, and validate joint re-  
23 quirements, including existing systems and as-  
24 sociated capability gaps, to meet mission needs  
25 of the Department;

1           “(B) ensure that appropriate efficiencies  
2           are made among life cycle cost, schedule, and  
3           performance objectives, and procurement quan-  
4           tity objectives, in the establishment and ap-  
5           proval of joint requirements; and

6           “(C) make prioritized capability rec-  
7           ommendations for the joint requirements vali-  
8           dated under subparagraph (A) to the Secretary,  
9           the Deputy Secretary, or the chairperson of a  
10          Department leadership council designated by  
11          the Secretary to review decisions of the Joint  
12          Requirements Council.

13          “(4) CHAIRPERSON.—The Secretary shall ap-  
14          point a chairperson of the Joint Requirements Coun-  
15          cil, for a term of not more than 2 years, from among  
16          senior officials of the Department as designated by  
17          the Secretary.

18          “(5) COMPOSITION.—The Joint Requirements  
19          Council shall be composed of senior officials rep-  
20          resenting components of the Department and other  
21          senior officials as designated by the Secretary.

22          “(6) RELATIONSHIP TO FUTURE YEARS HOME-  
23          LAND SECURITY PROGRAM.—The Secretary shall en-  
24          sure that the Future Years Homeland Security Pro-  
25          gram required under section 874 is consistent with

1 the recommendations of the Joint Requirements  
2 Council required under paragraph (2)(C), as af-  
3 firmed by the Secretary, the Deputy Secretary, or  
4 the chairperson of a Department leadership council  
5 designated by the Secretary under that paragraph.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
7 The table of contents in section 1(b) of the Homeland Se-  
8 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)  
9 is amended by inserting after the item relating to section  
10 890A the following:

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

11 **SEC. 1223. EXCLUDED PARTY LIST SYSTEM WAIVERS.**

12 Not later than 5 days after the date on which the  
13 Chief Procurement Officer or Chief Financial Officer of  
14 the Department of Homeland Security issues a waiver of  
15 the requirement that an agency not engage in business  
16 with a contractor or other recipient of funds listed in the  
17 System for Award Management, or a successor system, as  
18 maintained by the General Services Administration, the  
19 Office of Legislative Affairs of the Department of Home-  
20 land Security shall submit to Congress notice of such waiv-  
21 er and an explanation for a finding by the Under Sec-  
22 retary for Management that a compelling reason exists for  
23 issuing the waiver.

1 **SEC. 1224. INSPECTOR GENERAL OVERSIGHT OF SUSPEN-**  
2 **SION AND DEBARMENT.**

3 The Inspector General of the Department of Home-  
4 land Security shall—

5 (1) conduct audits as determined necessary by  
6 the Inspector General regarding grant and procure-  
7 ment awards to identify instances in which a con-  
8 tract or grant was improperly awarded to a sus-  
9 pended or debarred entity and whether corrective ac-  
10 tions were taken to prevent recurrence; and

11 (2) review the suspension and debarment pro-  
12 gram throughout the Department of Homeland Se-  
13 curity to assess whether suspension and debarment  
14 criteria are consistently applied throughout the De-  
15 partment of Homeland Security and whether dis-  
16 parities exist in the application of such criteria, par-  
17 ticularly with respect to business size and categories.

18 **Subtitle C—Acquisition Program**  
19 **Management Accountability and**  
20 **Transparency**

21 **SEC. 1231. CONGRESSIONAL NOTIFICATION FOR MAJOR AC-**  
22 **QUISITION PROGRAMS.**

23 (a) IN GENERAL.—Subtitle D of title VIII of the  
24 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.),  
25 as amended by section 1221, is amended by adding at the  
26 end the following:

1 **“SEC. 837. CONGRESSIONAL NOTIFICATION AND OTHER RE-**  
2 **QUIREMENTS FOR MAJOR ACQUISITION PRO-**  
3 **GRAM BREACH.**

4 “(a) DEFINITION OF APPROPRIATE COMMITTEES OF  
5 CONGRESS.—The term ‘appropriate committees of Con-  
6 gress’ means—

7 “(1) the Committee on Homeland Security and  
8 the Committee on Appropriations of the House of  
9 Representatives and the Committee on Homeland  
10 Security and Governmental Affairs and the Com-  
11 mittee on Appropriations of the Senate; and

12 “(2) in the case of notice or a report relating  
13 to the Coast Guard or the Transportation Security  
14 Administration, the committees described in para-  
15 graph (1) and the Committee on Transportation and  
16 Infrastructure of the House of Representatives and  
17 the Committee on Commerce, Science, and Trans-  
18 portation of the Senate.

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

21 “(1) NOTIFICATIONS.—

22 “(A) NOTIFICATION OF BREACH.—If a  
23 breach occurs in a major acquisition program,  
24 the program manager for the program shall no-  
25 tify the Component Acquisition Executive for  
26 the program, the head of the component con-

1           cerned, the Executive Director of the Program  
2           Accountability and Risk Management division,  
3           the Under Secretary for Management, and the  
4           Deputy Secretary not later than 30 calendar  
5           days after the date on which the breach is iden-  
6           tified.

7           “(B) NOTIFICATION TO SECRETARY.—If a  
8           breach occurs in a major acquisition program  
9           and the breach results in a cost overrun greater  
10          than 15 percent, a schedule delay greater than  
11          180 days, or a failure to meet any of the per-  
12          formance thresholds from the cost, schedule, or  
13          performance parameters specified in the most  
14          recently approved acquisition program baseline  
15          for the program, the Component Acquisition  
16          Executive for the program shall notify the Sec-  
17          retary and the Inspector General of the Depart-  
18          ment not later than 5 business days after the  
19          date on which the Component Acquisition Exec-  
20          utive for the program, the head of the compo-  
21          nent concerned, the Executive Director of the  
22          Program Accountability and Risk Management  
23          Division, the Under Secretary for Management,  
24          and the Deputy Secretary are notified of the  
25          breach under subparagraph (A).

1           “(2) REMEDIATION PLAN AND ROOT CAUSE  
2 ANALYSIS.—

3           “(A) IN GENERAL.—If a breach occurs in  
4 a major acquisition program, the program man-  
5 ager for the program shall submit in writing to  
6 the head of the component concerned, the Exec-  
7utive Director of the Program Accountability  
8 and Risk Management division, and the Under  
9 Secretary for Management, at a date estab-  
10 lished by the Under Secretary for Management,  
11 a remediation plan and root cause analysis re-  
12 lating to the breach and program.

13           “(B) REMEDIATION PLAN.—The remedi-  
14 ation plan required under subparagraph (A)  
15 shall—

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

18           “(ii) provide prior cost estimating in-  
19 formation;

20           “(iii) include a root cause analysis  
21 that determines the underlying cause or  
22 causes of shortcomings in cost, schedule,  
23 or performance of the major acquisition  
24 program with respect to which the breach

1 has occurred, including the role, if any,  
2 of—

3 “(I) unrealistic performance ex-  
4 pectations;

5 “(II) unrealistic baseline esti-  
6 mates for cost or schedule or changes  
7 in program requirements;

8 “(III) immature technologies or  
9 excessive manufacturing or integra-  
10 tion risk;

11 “(IV) unanticipated design, engi-  
12 neering, manufacturing, or technology  
13 integration issues arising during pro-  
14 gram performance;

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

17 “(VI) inadequate program fund-  
18 ing or changes in planned out-year  
19 funding from one 5-year funding plan  
20 to the next 5-year funding plan as  
21 outlined in the Future Years Home-  
22 land Security Program required under  
23 section 874;

24 “(VII) legislative, legal, or regu-  
25 latory changes; or



1                   be reduced to cover the cost growth of  
2                   the program.

3           “(3) REVIEW OF CORRECTIVE ACTIONS.—

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

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

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

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

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

21                  “(1) NOTIFICATION TO CONGRESS.—If a notifi-  
22                  cation to the Secretary is made under subsection  
23                  (b)(1)(B) relating to a breach in a major acquisition  
24                  program, the Under Secretary for Management shall  
25                  notify the appropriate committees of Congress of the

1 breach in the next semi-annual Acquisition Program  
2 Health Assessment described in section 717(a)(3)  
3 after receipt by the Under Secretary for Manage-  
4 ment of the notification under subsection (b)(1)(B).

5 “(2) SIGNIFICANT VARIANCES IN COSTS OR  
6 SCHEDULE.—If a likely cost overrun is greater than  
7 20 percent or a likely delay is greater than 12  
8 months from the costs and schedule specified in the  
9 acquisition program baseline for a major acquisition  
10 program, the Under Secretary for Management shall  
11 include in the notification required under paragraph  
12 (1) a written certification, with supporting expla-  
13 nation, that—

14 “(A) the program is essential to the ac-  
15 complishment of the mission of the Depart-  
16 ment;

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

21 “(C) the management structure for the  
22 program is adequate to manage and control  
23 cost, schedule, and performance; and

1           “(D) includes the date on which the new  
2           acquisition schedule and estimates for total ac-  
3           quisition cost will completed.”.

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

          “Sec. 837. Congressional notification and other requirements for major acquisi-  
          tion program breach.”.

9           **SEC. 1232. MULTIYEAR ACQUISITION STRATEGY.**

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

14          **“SEC. 838. MULTIYEAR ACQUISITION STRATEGY.**

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

19                 “(1) guide the overall direction of the acquisi-  
20                 tions of the Department while allowing flexibility to  
21                 deal with ever-changing threats and risks;

22                 “(2) keep pace with changes in technology that  
23                 could impact deliverables; and

1           “(3) help industry better understand, plan, and  
2 align resources to meet the future acquisition needs  
3 of the Department.

4           “(b) UPDATES.—The strategy required under sub-  
5 section (a) shall be updated and included in each Future  
6 Years Homeland Security Program required under section  
7 874.

8           “(c) CONSULTATION.—In developing the strategy re-  
9 quired under subsection (a), the Secretary shall, as the  
10 Secretary determines appropriate, consult with head-  
11 quarters, components, employees in the field, and individ-  
12 uals from industry and the academic community.”.

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

“Sec. 838. Multiyear acquisition strategy.”.

18 **SEC. 1233. REPORT ON BID PROTESTS.**

19           (a) DEFINITIONS.—In this section—

20           (1) the term “appropriate committees of Con-  
21 gress” has the meaning given the term in section  
22 837(a) of the Homeland Security Act of 2002, as  
23 added by section 1231(a); and

24           (2) the term “Department” means the Depart-  
25 ment of Homeland Security.

1           (b) STUDY AND REPORT.—Not later than 1 year  
2 after the date of enactment of this Act, the Inspector Gen-  
3 eral of the Department shall conduct a study, in consulta-  
4 tion with the Government Accountability Office when nec-  
5 essary, and submit to the appropriate committees of Con-  
6 gress a report on the prevalence and impact of bid protests  
7 on the acquisition process of the Department, in particular  
8 bid protests filed with the Government Accountability Of-  
9 fice and the United States Court of Federal Claims.

10          (c) CONTENTS.—The report required under sub-  
11 section (b) shall include—

12           (1) with respect to contracts with the Depart-  
13           ment—

14                   (A) trends in the number of bid protests  
15                   filed with Federal agencies, the Government Ac-  
16                   countability Office, and Federal courts and the  
17                   rate of those bid protests compared to contract  
18                   obligations and the number of contracts;

19                   (B) an analysis of bid protests filed by in-  
20                   cumbent contractors, including the rate at  
21                   which those contractors are awarded bridge  
22                   contracts or contract extensions over the period  
23                   during which the bid protest remains unre-  
24                   solved;

1 (C) a comparison of the number of bid  
2 protests and the outcome of bid protests for—

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

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

8 (iii) protests filed pre-award to chal-  
9 lenge the solicitation compared to those  
10 filed post-award;

11 (iv) contracts or awards with single  
12 protestors compared to multiple protestors;  
13 and

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

16 (E) a description of trends in the number  
17 of bid protests filed as a percentage of con-  
18 tracts and as a percentage of task or delivery  
19 orders by the value of the contract or order  
20 with respect to—

21 (i) contracts valued at more than  
22 \$300,000,000;

23 (ii) contracts valued at not less than  
24 \$50,000,000 and not more than  
25 \$300,000,000;

1 (iii) contracts valued at not less than  
2 \$10,000,000 and not more than  
3 \$50,000,000; and

4 (iv) contracts valued at less than  
5 \$10,000,000;

6 (F) an assessment of the cost and schedule  
7 impact of successful and unsuccessful bid pro-  
8 tests, as well as delineation of litigation costs,  
9 filed on major acquisitions with more than  
10 \$100,000,000 in annual expenditures or  
11 \$300,000,000 in life cycle costs;

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

15 (H) a summary of the results of bid pro-  
16 tests in which the Department took unilateral  
17 corrective action, including the average time for  
18 remedial action to be completed;

19 (I) the time it takes the Department to im-  
20 plement corrective actions after a ruling or de-  
21 cision with respect to a bid protest, and the  
22 percentage of those corrective actions that are  
23 subsequently protested, including the outcome  
24 of any subsequent bid protest;

1 (J) an analysis of those contracts with re-  
2 spect to which a company files a bid protest  
3 and later files a subsequent bid protest; and

4 (K) an assessment of the overall time  
5 spent on preventing and responding to bid pro-  
6 tests as it relates to the procurement process;  
7 and

8 (2) any recommendations by the Inspector Gen-  
9 eral of the Department relating to the study con-  
10 ducted under this section.

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

13 (a) DEFINITIONS.—In this section—

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

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

20 (b) PROHIBITION.—Not later than 120 days after the  
21 date of enactment of this Act, the Secretary of Homeland  
22 Security shall modify the acquisition regulations of the  
23 Department to prohibit the use of cost-type contracts, un-  
24 less the head of contracting activity determines in writing  
25 that—

1           (1) a cost-type contract is required by the level  
2 of program risk; and

3           (2) appropriate steps will be taken as soon as  
4 practicable to reduce that risk so that follow-on con-  
5 tracts for the same product or service can be award-  
6 ed on a fixed-price basis, and delineates those steps  
7 in writing.

8 (c) MAJOR ACQUISITION PROGRAMS.—

9           (1) PROHIBITION.—The Department shall pro-  
10 hibit the use of cost-plus contracts with respect to  
11 procurements for the production of major acquisition  
12 programs.

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

21           (A) the major acquisition program is so  
22 complex and technically challenging that it is  
23 not practicable to use a contract type other  
24 than a cost-plus reimbursable contract for the  
25 development of the major acquisition program;

1 (B) all reasonable efforts have been made  
2 to define the requirements sufficiently to allow  
3 for the use of a contract type other than a cost-  
4 plus reimbursable contract for the development  
5 of the major acquisition program; and

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

12 **SEC. 1235. BRIDGE CONTRACTS.**

13 (a) DEFINITIONS.—In this section—

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

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

21 (3) the term “Executive agency” has the mean-  
22 ing given the term in section 105 of title 5, United  
23 States Code.

1 (b) POLICIES AND PROCEDURES.—The Chief Pro-  
2 curement Officer of the Department shall develop, in con-  
3 sultation with the Office of Federal Procurement Policy—

4 (1) a common definition of a bridge contract;  
5 and

6 (2) policies and procedures for the Department  
7 that, to the greatest extent practicable, seek to—

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

11 (B) ensure appropriate planning by con-  
12 tracting officials.

13 (c) REQUIRED ELEMENTS.—The policies and proce-  
14 dures developed under subsection (b) shall include the fol-  
15 lowing elements:

16 (1) Sufficient time and planning to review con-  
17 tract requirements, compete contracts as appro-  
18 priate, enter into contracts, and consider the possi-  
19 bility of bid protests.

20 (2) For contracts that do not meet timeliness  
21 standards or that require entering into bridge con-  
22 tracts, contracting officials shall notify the Chief  
23 Procurement Officer of the Department and the  
24 head of the component agency of the Department.

1           (3) The Chief Procurement Officer of the De-  
2           partment shall approve any bridge contract that  
3           lasts longer than 6 months, and the head of the  
4           component agency of the Department shall approve  
5           any bridge contract that lasts longer than 1 year.

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

11          (e) EXCEPTIONS.—The policies and procedures devel-  
12          oped under subsection (b) shall not apply to—

13               (1) service contracts in support of contingency  
14               operations, humanitarian assistance, or disaster re-  
15               lief;

16               (2) service contracts in support of national se-  
17               curity emergencies declared with respect to named  
18               operations; or

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

21          (f) REPORTS.—Not later than September 30, 2020,  
22          and by September 30 of each subsequent year thereafter  
23          until 2025, the Chief Procurement Officer of the Depart-  
24          ment shall submit to the congressional homeland security  
25          committees and make publicly available on the website of

1 the Department a report on the use of bridge contracts  
2 for all acquisition programs, which shall include—

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

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

8           (3) the estimated value of each contract that re-  
9 quired the use of a bridge contract and the cost of  
10 each such bridge contract;

11           (4) the reasons for and cost of each bridge con-  
12 tract;

13           (5) the types of services or goods being ac-  
14 quired under each bridge contract;

15           (6) the length of the initial contract that re-  
16 quired the use of a bridge contract, including the  
17 base and any exercised option years, and the cumu-  
18 lative length of any bridge contract or contracts re-  
19 lated to the initial contract;

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

23           (8) a description of existing statutory, regu-  
24 latory, or agency guidance that the Department fol-  
25 lowed to execute each bridge contract; and

1           (9) any other matters determined to be relevant  
2           by the Chief Procurement Officer of the Depart-  
3           ment.

4 **SEC. 1236. ACQUISITION REPORTS.**

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

9 **“SEC. 839. ACQUISITION POLICIES AND GUIDANCE.**

10          “(a) PROGRAM ACCOUNTABILITY REPORT.—The  
11 Under Secretary for Management shall prepare and sub-  
12 mit to the congressional homeland security committees a  
13 semi-annual program accountability report to meet the  
14 mandate of the Department to perform program health  
15 assessments and improve program execution and govern-  
16 ance.

17          “(b) LEVEL 3 ACQUISITION PROGRAMS OF COMPO-  
18 NENTS OF THE DEPARTMENT.—

19               “(1) IDENTIFICATION.—Not later than 60 days  
20 after the date of enactment of this section, compo-  
21 nent heads of the Department shall identify to the  
22 Under Secretary for Management all level 3 acquisi-  
23 tion programs of each respective component.

24               “(2) CERTIFICATION.—Not later than 30 days  
25 after receipt of the information under paragraph (1),

1 the Under Secretary for Management shall certify in  
2 writing to the congressional homeland security com-  
3 mittees whether the heads of the components of the  
4 Department have properly identified the programs  
5 described in that paragraph.

6 “(3) METHODOLOGY.—To carry out this sub-  
7 section, the Under Secretary shall establish a proc-  
8 ess with a repeatable methodology to continually  
9 identify level 3 acquisition programs.

10 “(c) POLICIES AND GUIDANCE.—

11 “(1) SUBMISSION.—Not later than 180 days  
12 after the date of enactment of this section, the Com-  
13 ponent Acquisition Executives shall submit to the  
14 Under Secretary for Management the policies and  
15 relevant guidance for the level 3 acquisition pro-  
16 grams of each component.

17 “(2) CERTIFICATION.—Not later than 90 days  
18 after receipt of the policies and guidance under sub-  
19 paragraph (A), the Under Secretary shall certify in  
20 writing to the congressional homeland security com-  
21 mittees that the policies and guidance of each com-  
22 ponent adhere to Department-wide acquisition poli-  
23 cies.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENT.—

25 The table of contents in section 1(b) of the Homeland Se-

1 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
2 as amended by section 1232, is amended by inserting after  
3 the item relating to section 838 the following:

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

4 **TITLE III—INTELLIGENCE AND**  
5 **INFORMATION SHARING**  
6 **Subtitle A—Department of Home-**  
7 **land Security Intelligence En-**  
8 **terprise**

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

10 (a) IN GENERAL.—Subtitle A of title II of the Home-  
11 land Security Act of 2002 (6 U.S.C. 121 et seq.), as  
12 amended by section 1601(g) of this Act, is amended by  
13 adding at the end the following new section:

14 **“SEC. 210F. HOMELAND INTELLIGENCE DOCTRINE.**

15 “(a) IN GENERAL.—Not later than 180 days after  
16 the date of the enactment of this section, the Secretary,  
17 acting through the Chief Intelligence Officer of the De-  
18 partment, in coordination with intelligence components of  
19 the Department, the Office of the General Counsel, the  
20 Privacy Office, and the Office for Civil Rights and Civil  
21 Liberties, shall develop and disseminate written Depart-  
22 ment-wide guidance for the processing, analysis, produc-  
23 tion, and dissemination of homeland security information  
24 (as such term is defined in section 892) and terrorism in-  
25 formation (as such term is defined in section 1016 of the

1 Intelligence Reform and Terrorism Prevention Act of  
2 2004 (6 U.S.C. 485)).

3 “(b) CONTENTS.—The guidance required under sub-  
4 section (a) shall, at a minimum, include the following:

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

7 “(2) A summary of the roles and responsibil-  
8 ities, if any, of each intelligence component of the  
9 Department and programs of the intelligence compo-  
10 nents of the Department in the processing, analysis,  
11 production, and dissemination of homeland security  
12 information and terrorism information, including rel-  
13 evant authorities and restrictions applicable to each  
14 intelligence component of the Department and pro-  
15 grams of each such intelligence component.

16 “(3) Guidance for the processing, analysis, and  
17 production of such information, including descrip-  
18 tions of component or program specific datasets that  
19 facilitate the processing, analysis, and production.

20 “(4) Guidance for the dissemination of such in-  
21 formation, including within the Department, among  
22 and between Federal departments and agencies,  
23 among and between State, local, tribal, and terri-  
24 torial governments, including law enforcement agen-

1       cies, and with foreign partners and the private sec-  
2       tor.

3           “(5) A statement of intent regarding how the  
4       dissemination of homeland security information and  
5       terrorism information to the intelligence community  
6       (as such term is defined in section 3(4) of the Na-  
7       tional Security Act of 1947 (50 U.S.C. 3003(4)))  
8       and Federal law enforcement agencies should assist  
9       the intelligence community and Federal law enforce-  
10      ment agencies in carrying out their respective mis-  
11      sions.

12          “(6) A statement of intent regarding how the  
13      dissemination of homeland security information and  
14      terrorism information to State, local, tribal, and ter-  
15      ritorial government agencies, including law enforce-  
16      ment agencies, should assist the agencies in carrying  
17      out their respective missions.

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

21          “(d) ANNUAL REVIEW.—For each of the 5 fiscal  
22 years beginning with the first fiscal year that begins after  
23 the date of the enactment of this section, the Secretary  
24 shall conduct a review of the guidance required under sub-  
25 section (a) and, as appropriate, revise such guidance.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 in section 1(b) of the Homeland Security Act of 2002  
3 (Public Law 107–296; 116 Stat. 2135), as amended by  
4 section 1601(i) of this Act, is amended by inserting after  
5 the item relating to section 210E the following new item:  
“Sec. 210F. Homeland intelligence doctrine.”.

6 **SEC. 1302. PERSONNEL FOR THE CHIEF INTELLIGENCE OF-**  
7 **FICER.**

8 Section 201(e)(1) of the Homeland Security Act of  
9 2002 (6 U.S.C. 121(e)(1)) is amended by adding at the  
10 end the following: “The Secretary shall also provide the  
11 Chief Intelligence Officer with a staff having appropriate  
12 component intelligence program expertise and experience  
13 to assist the Chief Intelligence Officer.”.

14 **SEC. 1303. ANNUAL HOMELAND TERRORIST THREAT AS-**  
15 **SESSMENTS.**

16 (a) IN GENERAL.—Subtitle A of title II of the Home-  
17 land Security Act of 2002 (6 U.S.C. 121 et seq.), as  
18 amended by this Act, is further amended by adding at the  
19 end the following new section:

20 **“SEC. 210G. HOMELAND TERRORIST THREAT ASSESS-**  
21 **MENTS.**

22 “(a) IN GENERAL.—Not later than 180 days after  
23 the date of the enactment of this section and for each of  
24 the following 5 fiscal years (beginning in the first fiscal  
25 year that begins after the date of the enactment of this

1 section) the Secretary, acting through the Under Sec-  
2 retary for Intelligence and Analysis, and using depart-  
3 mental information, including component information co-  
4 ordinated with each intelligence component of the Depart-  
5 ment and programs of each such intelligence component,  
6 and information provided through State and major urban  
7 area fusion centers, shall conduct an assessment of the  
8 terrorist threat to the homeland.

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

11 “(1) Empirical data assessing terrorist activi-  
12 ties and incidents over time in the United States, in-  
13 cluding terrorist activities and incidents planned or  
14 supported by foreign or domestic terrorists or per-  
15 sons outside of the United States to occur in the  
16 homeland.

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

20 “(3) An assessment of criminal activity encoun-  
21 tered or observed by officers or employees of compo-  
22 nents which is suspected of financing terrorist activ-  
23 ity.

1           “(4) Detailed information on all individuals sus-  
2           pected of involvement in terrorist activity and subse-  
3           quently—

4                   “(A) prosecuted for a Federal criminal of-  
5                   fense, including details of the criminal charges  
6                   involved;

7                   “(B) placed into removal proceedings, in-  
8                   cluding details of the removal processes and  
9                   charges used;

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

12                   “(D) subjected to civil proceedings for rev-  
13                   ocation of naturalization.

14                   “(5) The efficacy and reach of foreign and do-  
15                   mestic terrorist organization propaganda, messaging,  
16                   or recruitment, including details of any specific  
17                   propaganda, messaging, or recruitment that contrib-  
18                   uted to terrorist activities identified pursuant to  
19                   paragraph (1).

20                   “(6) An assessment of threats, including cyber  
21                   threats, to the homeland, including to critical infra-  
22                   structure and Federal civilian networks.

23                   “(7) An assessment of current and potential  
24                   terrorism and criminal threats posed by individuals

1 and organized groups seeking to unlawfully enter the  
2 United States.

3 “(8) An assessment of threats to the transpor-  
4 tation sector, including surface and aviation trans-  
5 portation systems.

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

8 “(1) shall, to the extent practicable, utilize ex-  
9 isting component data collected and existing compo-  
10 nent threat assessments; and

11 “(2) may incorporate relevant information and  
12 analysis from other agencies of the Federal Govern-  
13 ment, agencies of State and local governments (in-  
14 cluding law enforcement agencies), as well as the  
15 private sector, disseminated in accordance with  
16 standard information sharing procedures and poli-  
17 cies.

18 “(d) FORM.—The assessments required under sub-  
19 section (a) shall be shared with the appropriate congres-  
20 sional committees and submitted in unclassified form, but  
21 may include separate classified annexes, if appropriate.”.

22 (b) CONFORMING AMENDMENT.—Section 201(d) of  
23 the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is  
24 amended by adding at the end the following new para-  
25 graph:



1           tion sharing environment, including homeland  
2           security information, terrorism information,  
3           weapons of mass destruction information, and  
4           national intelligence.

5           (B) Any information or intelligence rel-  
6           evant to priority mission needs and capability  
7           requirements of the homeland security enter-  
8           prise, as determined appropriate by the Sec-  
9           retary.

10       (b) DATA FRAMEWORK ACCESS.—

11           (1) IN GENERAL.—The Secretary of Homeland  
12       Security shall ensure that the data framework re-  
13       quired under this section is accessible to employees  
14       of the Department of Homeland Security who the  
15       Secretary determines—

16           (A) have an appropriate security clearance;

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

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

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

24           (A) issue guidance for Department of  
25       Homeland Security employees authorized to ac-

1           cess and contribute to the data framework pur-  
2           suant to paragraph (1); and

3           (B) ensure that such guidance enforces a  
4           duty to share between offices and components  
5           of the Department when accessing or contrib-  
6           uting to such framework for mission needs.

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

14          (c) EXCLUSION OF INFORMATION.—The Secretary of  
15          Homeland Security may exclude information from the  
16          data framework if the Secretary determines inclusion of  
17          such information may—

18               (1) jeopardize the protection of sources, meth-  
19               ods, or activities;

20               (2) compromise a criminal or national security  
21               investigation;

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

24               (4) be duplicative or not serve an operational  
25               purpose if included in such framework.

1           (d) SAFEGUARDS.—The Secretary of Homeland Se-  
2           curity shall incorporate into the data framework systems  
3           capabilities for auditing and ensuring the security of infor-  
4           mation included in such framework. Such capabilities shall  
5           include the following:

6                   (1) Mechanisms for identifying insider threats.

7                   (2) Mechanisms for identifying security risks.

8                   (3) Safeguards for privacy, civil rights, and civil  
9           liberties.

10          (e) DEADLINE FOR IMPLEMENTATION.—Not later  
11          than 2 years after the date of the enactment of this Act,  
12          the Secretary of Homeland Security shall ensure the data  
13          framework required under this section has the ability to  
14          include the information described in subsection (a).

15          (f) NOTICE TO CONGRESS.—

16                   (1) STATUS UPDATES.—The Secretary of  
17                   Homeland Security shall submit to the appropriate  
18                   congressional committees regular updates on the sta-  
19                   tus of the data framework until such framework is  
20                   fully operational.

21                   (2) OPERATIONAL NOTIFICATION.—Not later  
22                   than 60 days after the date on which the data  
23                   framework required under this section is fully oper-  
24                   ational, the Secretary of Homeland Security shall

1 provide notice to the appropriate congressional com-  
2 mittees that the data framework is fully operational.

3 (3) VALUE ADDED.—The Secretary of Home-  
4 land Security shall include in each assessment re-  
5 quired under section 210G(a) of the Homeland Se-  
6 curity Act of 2002, as added by this Act, if applica-  
7 ble, a description of the use of the data framework  
8 required under this section to support operations  
9 that disrupt terrorist activities and incidents in the  
10 homeland.

11 (g) DEFINITIONS.—In this section:

12 (1) APPROPRIATE CONGRESSIONAL COMMITTEE;  
13 HOMELAND.—The terms “appropriate congressional  
14 committee” and “homeland” have the meaning given  
15 those terms in section 2 of the Homeland Security  
16 Act of 2002 (6 U.S.C. 101).

17 (2) HOMELAND SECURITY INFORMATION.—The  
18 term “homeland security information” has the  
19 meaning given such term in section 892 of the  
20 Homeland Security Act of 2002 (6 U.S.C. 482).

21 (3) INSIDER THREAT.—The term “insider  
22 threat” has the meaning given such term in section  
23 104 of the Homeland Security Act, as added by sec-  
24 tion 1305.

1           (4) NATIONAL INTELLIGENCE.—The term “na-  
2           tional intelligence” has the meaning given such term  
3           in section 3(5) of the National Security Act of 1947  
4           (50 U.S.C. 3003(5)).

5           (5) TERRORISM INFORMATION.—The term “ter-  
6           rorism information” has the meaning given such  
7           term in section 1016 of the Intelligence Reform and  
8           Terrorism Prevention Act of 2004 (6 U.S.C. 485).

9   **SEC. 1305. ESTABLISHMENT OF INSIDER THREAT PRO-**  
10                                   **GRAM.**

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

14   **“SEC. 104. INSIDER THREAT PROGRAM.**

15           “(a) ESTABLISHMENT.—The Secretary shall estab-  
16           lish an Insider Threat Program within the Department,  
17           which shall—

18                   “(1) provide training and education for employ-  
19                   ees of the Department to identify, prevent, mitigate,  
20                   and respond to insider threat risks to the Depart-  
21                   ment’s critical assets;

22                   “(2) provide investigative support regarding po-  
23                   tential insider threats that may pose a risk to the  
24                   Department’s critical assets; and

1           “(3) conduct risk mitigation activities for in-  
2           sider threats.

3           “(b) STEERING COMMITTEE.—

4           “(1) IN GENERAL.—

5           “(A) ESTABLISHMENT.—The Secretary  
6           shall establish a Steering Committee within the  
7           Department.

8           “(B) MEMBERSHIP.—The membership of  
9           the Steering Committee shall be as follows:

10           “(i) The Under Secretary for Manage-  
11           ment and the Under Secretary for Intel-  
12           ligence and Analysis shall serve as the Co-  
13           Chairpersons of the Steering Committee.

14           “(ii) The Chief Security Officer, as  
15           the designated Senior Insider Threat Offi-  
16           cial, shall serve as the Vice Chairperson of  
17           the Steering Committee.

18           “(iii) The other members of the Steer-  
19           ing Committee shall be comprised of rep-  
20           resentatives of—

21           “(I) the Office of Intelligence and  
22           Analysis;

23           “(II) the Office of the Chief In-  
24           formation Officer;

1                   “(III) the Office of the General  
2                   Counsel;

3                   “(IV) the Office for Civil Rights  
4                   and Civil Liberties;

5                   “(V) the Privacy Office;

6                   “(VI) the Office of the Chief  
7                   Human Capital Officer;

8                   “(VII) the Office of the Chief Fi-  
9                   nancial Officer;

10                  “(VIII) the Federal Protective  
11                  Service;

12                  “(IX) the Office of the Chief  
13                  Procurement Officer;

14                  “(X) the Science and Technology  
15                  Directorate; and

16                  “(XI) other components or of-  
17                  fices of the Department as appro-  
18                  priate.

19                  “(C) MEETINGS.—The members of the  
20                  Steering Committee shall meet on a regular  
21                  basis to discuss cases and issues related to in-  
22                  sider threats to the Department’s critical as-  
23                  sets, in accordance with subsection (a).

24                  “(2) RESPONSIBILITIES.—Not later than 1 year  
25                  after the date of the enactment of this section, the

1 Under Secretary for Management, the Under Sec-  
2 retary for Intelligence and Analysis, and the Chief  
3 Security Officer, in coordination with the Steering  
4 Committee, shall—

5 “(A) develop a holistic strategy for Depart-  
6 ment-wide efforts to identify, prevent, mitigate,  
7 and respond to insider threats to the Depart-  
8 ment’s critical assets;

9 “(B) develop a plan to implement the in-  
10 sider threat measures identified in the strategy  
11 developed under subparagraph (A) across the  
12 components and offices of the Department;

13 “(C) document insider threat policies and  
14 controls;

15 “(D) conduct a baseline risk assessment of  
16 insider threats posed to the Department’s crit-  
17 ical assets;

18 “(E) examine programmatic and tech-  
19 nology best practices adopted by the Federal  
20 Government, industry, and research institutions  
21 to implement solutions that are validated and  
22 cost-effective;

23 “(F) develop a timeline for deploying work-  
24 place monitoring technologies, employee aware-  
25 ness campaigns, and education and training

1 programs related to identifying, preventing,  
2 mitigating, and responding to potential insider  
3 threats to the Department's critical assets;

4 “(G) consult with the Under Secretary for  
5 Science and Technology and other appropriate  
6 stakeholders to ensure the Insider Threat Pro-  
7 gram is informed, on an ongoing basis, by cur-  
8 rent information regarding threats, best prac-  
9 tices, and available technology; and

10 “(H) develop, collect, and report metrics  
11 on the effectiveness of the Department's insider  
12 threat mitigation efforts.

13 “(c) PRESERVATION OF MERIT SYSTEM RIGHTS.—

14 “(1) IN GENERAL.—The Steering Committee  
15 shall not seek to, and the authorities provided under  
16 this section shall not be used to, deter, detect, or  
17 mitigate disclosures of information by Government  
18 employees or contractors that are lawful under and  
19 protected by section 17(d)(5) of the Central Intel-  
20 ligence Agency Act of 1949 (50 U.S.C. 3517(d)(5))  
21 (commonly known as the ‘Intelligence Community  
22 Whistleblower Protection Act of 1998’), chapter 12  
23 or 23 of title 5, United States Code, the Inspector  
24 General Act of 1978 (5 U.S.C. App.), or any other  
25 whistleblower statute, regulation, or policy.

1 “(2) IMPLEMENTATION.—

2 “(A) IN GENERAL.—Any activity carried  
3 out under this section shall be subject to section  
4 115 of the Whistleblower Protection Enhance-  
5 ment Act of 2012 (5 U.S.C. 2302 note).

6 “(B) REQUIRED STATEMENT.—Any activ-  
7 ity to implement or enforce any insider threat  
8 activity or authority under this section or Exec-  
9 utive Order 13587 (50 U.S.C. 3161 note) shall  
10 include the statement required by section 115  
11 of the Whistleblower Protection Enhancement  
12 Act of 2012 (5 U.S.C. 2302 note) that pre-  
13 serves rights under whistleblower laws and sec-  
14 tion 7211 of title 5, United States Code, pro-  
15 tecting communications with Congress.

16 “(d) DEFINITIONS.—In this section:

17 “(1) CRITICAL ASSETS.—The term ‘critical as-  
18 sets’ means the resources, including personnel, facili-  
19 ties, information, equipment, networks, or systems  
20 necessary for the Department to fulfill its mission.

21 “(2) EMPLOYEE.—The term ‘employee’ has the  
22 meaning given the term in section 2105 of title 5,  
23 United States Code.

24 “(3) INSIDER.—The term ‘insider’ means—

1           “(A) any person who has or had author-  
2           ized access to Department facilities, informa-  
3           tion, equipment, networks, or systems and is  
4           employed by, detailed to, or assigned to the De-  
5           partment, including members of the Armed  
6           Forces, experts or consultants to the Depart-  
7           ment, industrial or commercial contractors, li-  
8           censees, certificate holders, or grantees of the  
9           Department, including all subcontractors, per-  
10          sonal services contractors, or any other category  
11          of person who acts for or on behalf of the De-  
12          partment, as determined by the Secretary; or

13           “(B) State, local, tribal, territorial, and  
14          private sector personnel who possess security  
15          clearances granted by the Department.

16          “(4) INSIDER THREAT.—The term ‘insider  
17          threat’ means the threat that an insider will use his  
18          or her authorized access, wittingly or unwittingly, to  
19          do harm to the security of the United States, includ-  
20          ing damage to the United States through espionage,  
21          terrorism, the unauthorized disclosure of classified  
22          national security information, or through the loss or  
23          degradation of departmental resources or capabili-  
24          ties.

1           “(5) STEERING COMMITTEE.—The term ‘Steer-  
2           ing Committee’ means the Steering Committee es-  
3           tablished under subsection (b)(1)(A).”.

4           (b) REPORT.—

5           (1) IN GENERAL.—Not later than 2 years after  
6           the date of the enactment of this Act, and once  
7           every 2 years thereafter for the following 4-year pe-  
8           riod, the Secretary of Homeland Security shall sub-  
9           mit to the Committee on Homeland Security and the  
10          Permanent Select Committee on Intelligence of the  
11          House of Representatives and the Committee on  
12          Homeland Security and Governmental Affairs and  
13          the Select Committee on Intelligence of the Senate  
14          a report on—

15                 (A) how the Department of Homeland Se-  
16                 curity, including the components and offices of  
17                 the Department of Homeland Security, have  
18                 implemented the strategy developed under sec-  
19                 tion 104(b)(2)(A) of the Homeland Security  
20                 Act of 2002, as added by this Act;

21                 (B) the status of the risk assessment of  
22                 critical assets being conducted by the Depart-  
23                 ment of Homeland Security;

24                 (C) the types of insider threat training  
25                 conducted;

1 (D) the number of employees of the De-  
2 partment of Homeland Security who have re-  
3 ceived insider threat training; and

4 (E) information on the effectiveness of the  
5 Insider Threat Program (established under sec-  
6 tion 104(a) of the Homeland Security Act of  
7 2002, as added by this Act), based on metrics  
8 developed, collected, and reported pursuant to  
9 subsection (b)(2)(H) of such section 104.

10 (2) DEFINITIONS.—In this subsection, the  
11 terms “critical assets”, “insider”, and “insider  
12 threat” have the meanings given the terms in section  
13 104 of the Homeland Security Act of 2002 (as  
14 added by this Act).

15 (c) CLERICAL AMENDMENT.—The table of contents  
16 in section 1(b) of the Homeland Security Act of 2002  
17 (Public Law 107–296; 116 Stat. 2135) is amended by in-  
18 serting after the item relating to section 103 the following:  
“Sec. 104. Insider Threat Program.”.

19 **SEC. 1306. THREAT ASSESSMENT ON TERRORIST USE OF**  
20 **VIRTUAL CURRENCY.**

21 (a) IN GENERAL.—Not later than 120 days after the  
22 date of the enactment of this Act, the Under Secretary  
23 for Intelligence and Analysis shall, in coordination with  
24 appropriate Federal partners, including the Department  
25 of the Treasury, the Department of State, and the Federal

1 Bureau of Investigation, develop and disseminate a threat  
2 assessment, as well as recommendations to mitigate the  
3 threat, regarding the actual and potential threat posed by  
4 individuals and state sponsors of terrorism using virtual  
5 currency and other emerging financial technological capa-  
6 bilities to carry out activities in furtherance of an act of  
7 terrorism, including the provision of material support or  
8 resources to a foreign terrorist organization.

9 (b) DISTRIBUTION.—Consistent with the protection  
10 of classified and confidential unclassified information, the  
11 Under Secretary shall share the threat assessment devel-  
12 oped under this section with State, local, and tribal law  
13 enforcement officials, including officials that operate with-  
14 in fusion centers in the National Network of Fusion Cen-  
15 ters.

16 (c) DEFINITIONS.—In this section:

17 (1) FOREIGN TERRORIST ORGANIZATION.—The  
18 term “foreign terrorist organization” means an or-  
19 ganization designated as a foreign terrorist organiza-  
20 tion under section 219 of the Immigration and Na-  
21 tionality Act (8 U.S.C. 1189).

22 (2) STATE SPONSOR OF TERRORISM.—The term  
23 “state sponsor of terrorism” means a country the  
24 government of which the Secretary of State has de-  
25 termined to be a government that has repeatedly

1 provided support for acts of international terrorism  
2 for purposes of—

3 (A) section 6(j)(1)(A) of the Export Ad-  
4 ministration Act of 1979 (50 U.S.C.  
5 4605(j)(1)(A)) (as continued in effect pursuant  
6 to the International Emergency Economic Pow-  
7 ers Act (50 U.S.C. 1701 et seq.);

8 (B) section 620A(a) of the Foreign Assist-  
9 ance Act of 1961 (22 U.S.C. 2371(a));

10 (C) section 40(d) of the Arms Export Con-  
11 trol Act (22 U.S.C. 2780(d)); or

12 (D) any other provision of law.

13 **SEC. 1307. TRANSNATIONAL CRIMINAL ORGANIZATIONS**  
14 **THREAT ASSESSMENT.**

15 (a) **IN GENERAL.**—Not later than 90 days after the  
16 date of the enactment of this Act, the Under Secretary  
17 for Intelligence Analysis shall, in coordination with appro-  
18 priate Federal partners, develop and disseminate a threat  
19 assessment on whether transnational criminal organiza-  
20 tions are exploiting United States border security  
21 vulnerabilities in border security screening programs to  
22 gain access to the United States and threaten the United  
23 States or border security.

24 (b) **RECOMMENDATIONS.**—Upon completion of the  
25 threat assessment required under subsection (a), the Sec-

1   retary of Homeland Security shall make a determination  
2   if any changes are required to address security  
3   vulnerabilities identified in such assessment.

4       (c) DISTRIBUTION.—Consistent with the protection  
5   of classified and confidential unclassified information, the  
6   Under Secretary for Intelligence and Analysis shall share  
7   the threat assessment developed under this section with  
8   State, local, and tribal law enforcement officials, including  
9   officials that operate within fusion centers in the National  
10  Network of Fusion Centers.

11 **SEC. 1308. DEPARTMENT OF HOMELAND SECURITY**  
12 **COUNTER THREATS ADVISORY BOARD.**

13       (a) IN GENERAL.—Subtitle A of title II of the Home-  
14  land Security Act of 2002 (6 U.S.C. 121 et seq.), as  
15  amended by this Act, is amended by adding at the end  
16  the following:

17 **“SEC. 210H. DEPARTMENTAL COORDINATION ON COUNTER**  
18 **THREATS.**

19       “(a) ESTABLISHMENT.—There is authorized in the  
20  Department, for a period of 2 years beginning after the  
21  date of enactment of this section, a Counter Threats Advi-  
22  sory Board (in this section referred to as the ‘Board’)  
23  which shall—

1           “(1) be composed of senior representatives of  
2 departmental operational components and head-  
3 quarters elements; and

4           “(2) coordinate departmental intelligence activi-  
5 ties and policy and information related to the mis-  
6 sion and functions of the Department that counter  
7 threats.

8           “(b) CHARTER.—There shall be a charter to govern  
9 the structure and mission of the Board, which charter  
10 shall—

11           “(1) direct the Board to focus on the current  
12 threat environment and the importance of aligning  
13 departmental activities to counter threats under the  
14 guidance of the Secretary; and

15           “(2) be reviewed and updated as appropriate.

16           “(c) MEMBERS.—

17           “(1) IN GENERAL.—The Board shall be com-  
18 posed of senior representatives of departmental oper-  
19 ational components and headquarters elements.

20           “(2) CHAIR.—The Under Secretary for Intel-  
21 ligence and Analysis shall serve as the Chair of the  
22 Board.

23           “(3) MEMBERS.—The Secretary shall appoint  
24 additional members of the Board from among the  
25 following:

1           “(A) The Transportation Security Admin-  
2           istration.

3           “(B) United States Customs and Border  
4           Protection.

5           “(C) United States Immigration and Cus-  
6           toms Enforcement.

7           “(D) The Federal Emergency Management  
8           Agency.

9           “(E) The Coast Guard.

10          “(F) United States Citizenship and Immi-  
11          gration Services.

12          “(G) The United States Secret Service.

13          “(H) The National Protection and Pro-  
14          grams Directorate.

15          “(I) The Office of Operations Coordina-  
16          tion.

17          “(J) The Office of the General Counsel.

18          “(K) The Office of Intelligence and Anal-  
19          ysis.

20          “(L) The Office of Strategy, Policy, and  
21          Plans.

22          “(M) The Science and Technology Direc-  
23          torate.

24          “(N) The Office for State and Local Law  
25          Enforcement.

1                   “(O) The Privacy Office.

2                   “(P) The Office for Civil Rights and Civil  
3                   Liberties.

4                   “(Q) Other departmental offices and pro-  
5                   grams as determined appropriate by the Sec-  
6                   retary.

7                   “(d) MEETINGS.—The Board shall—

8                   “(1) meet on a regular basis to discuss intel-  
9                   ligence and coordinate ongoing threat mitigation ef-  
10                  forts and departmental activities, including coordina-  
11                  tion with other Federal, State, local, tribal, terri-  
12                  torial, and private sector partners; and

13                  “(2) make recommendations to the Secretary.

14                  “(e) TERRORISM ALERTS.—The Board shall advise  
15                  the Secretary on the issuance of terrorism alerts under  
16                  section 203.

17                  “(f) PROHIBITION ON ADDITIONAL FUNDS.—No ad-  
18                  ditional funds are authorized to carry out this section.”.

19                  (b) TECHNICAL AND CONFORMING AMENDMENT.—  
20                  The table of contents in section 1(b) of the Homeland Se-  
21                  curity Act of 2002 (Public Law 107–296; 116 Stat. 2135),  
22                  as amended by section 1303, is amended by inserting after  
23                  the item relating to section 210H the following:

                  “Sec. 210H. Departmental coordination to counter threats.”.

24                  (c) REPORT.—Not later than 90 days after the date  
25                  of enactment of this Act, the Secretary of Homeland Secu-

1 rity, acting through the Chair of the Counter Threats Ad-  
2 visory Board established under section 210H of the Home-  
3 land Security Act of 2002, as added by subsection (a),  
4 shall submit to the Committee on Homeland Security and  
5 Governmental Affairs of the Senate and the Committee  
6 on Homeland Security of the House of Representatives a  
7 report on the status and activities of the Counter Threats  
8 Advisory Board.

9 (d) NOTICE.—The Department shall provide written  
10 notification to and brief the Committee on Homeland Se-  
11 curity and Governmental Affairs of the Senate and the  
12 Committee on Homeland Security of the House of Rep-  
13 resentatives on any changes to or introductions of new  
14 mechanisms to coordinate threats across the Department.

## 15 **Subtitle B—Stakeholder**

### 16 **Information Sharing**

#### 17 **SEC. 1311. DEPARTMENT OF HOMELAND SECURITY FUSION**

#### 18 **CENTER PARTNERSHIP INITIATIVE.**

19 (a) IN GENERAL.—Section 210A of the Homeland  
20 Security Act of 2002 (6 U.S.C. 124h) is amended—

21 (1) by amending the section heading to read as  
22 follows:

1 **“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FU-**  
2 **SION CENTER PARTNERSHIP INITIATIVE.”;**

3 (2) in subsection (a), by adding at the end the  
4 following: “Beginning on the date of enactment of  
5 the Department of Homeland Security Authorization  
6 Act, such Initiative shall be known as the ‘Depart-  
7 ment of Homeland Security Fusion Center Partner-  
8 ship Initiative’.”;

9 (3) by amending subsection (b) to read as fol-  
10 lows:

11 “(b) INTERAGENCY SUPPORT AND COORDINATION.—  
12 Through the Department of Homeland Security Fusion  
13 Center Partnership Initiative, in coordination with prin-  
14 cipal officials of fusion centers in the National Network  
15 of Fusion Centers and the officers designated as the  
16 Homeland Security Advisors of the States, the Secretary  
17 shall—

18 “(1) coordinate with the heads of other Federal  
19 departments and agencies to provide operational,  
20 analytic, and reporting intelligence advice and assist-  
21 ance to the National Network of Fusion Centers and  
22 to align homeland security intelligence activities with  
23 other field based intelligence activities;

24 “(2) support the integration of fusion centers  
25 into the information sharing environment, including  
26 by—

1           “(A) providing for the effective dissemina-  
2           tion of information within the scope of the in-  
3           formation sharing environment to the National  
4           Network of Fusion Centers;

5           “(B) conducting outreach to such fusion  
6           centers to identify any gaps in information  
7           sharing;

8           “(C) consulting with other Federal agen-  
9           cies to develop methods to—

10           “(i) address any such gaps identified  
11           under subparagraph (B), as appropriate;  
12           and

13           “(ii) deploy or access such databases  
14           and datasets, as appropriate; and

15           “(D) review information that is gathered  
16           by the National Network of Fusion Centers to  
17           identify that which is within the scope of the in-  
18           formation sharing environment, including home-  
19           land security information (as defined in section  
20           892), terrorism information, and weapons of  
21           mass destruction information and incorporate  
22           such information, as appropriate, into the De-  
23           partment’s own such information;

24           “(3) facilitate close communication and coordi-  
25           nation between the National Network of Fusion

1 Centers and the Department and other Federal de-  
2 partments and agencies;

3 “(4) facilitate information sharing and expertise  
4 from the national cybersecurity and communications  
5 integration center under section 2209 to the Na-  
6 tional Network of Fusion Centers;

7 “(5) coordinate the provision of training and  
8 technical assistance, including training on the use of  
9 Federal databases and datasets described in para-  
10 graph (2), to the National Network of Fusion Cen-  
11 ters and encourage participating fusion centers to  
12 take part in terrorism threat-related exercises con-  
13 ducted by the Department;

14 “(6) ensure the dissemination of cyber threat  
15 indicators and information about cybersecurity risks  
16 and incidents to State, local, and regional fusion  
17 centers;

18 “(7) ensure that each fusion center in the Na-  
19 tional Network of Fusion Centers has a privacy poli-  
20 cy approved by the Chief Privacy Officer of the De-  
21 partment and a civil rights and civil liberties policy  
22 approved by the Officer for Civil Rights and Civil  
23 Liberties of the Department;

24 “(8) develop and disseminate best practices on  
25 the appropriate levels for staffing at fusion centers

1 in the National Network of Fusion Centers of quali-  
2 fied representatives from State, local, tribal, and ter-  
3 ritorial law enforcement, fire, emergency medical,  
4 and emergency management services, and public  
5 health disciplines, as well as the private sector; and

6 “(9) carry out such other duties as the Sec-  
7 retary determines appropriate.”;

8 (4) in subsection (c)—

9 (A) in the heading, by striking “PER-  
10 SONNEL ASSIGNMENT” and inserting “RE-  
11 SOURCE ALLOCATION”;

12 (B) by striking paragraphs (1) and (2) and  
13 inserting the following:

14 “(1) INFORMATION SHARING AND PERSONNEL  
15 ASSIGNMENT.—

16 “(A) INFORMATION SHARING.—The Under  
17 Secretary for Intelligence and Analysis shall en-  
18 sure that, as appropriate—

19 “(i) fusion centers in the National  
20 Network of Fusion Centers have access to  
21 homeland security information sharing sys-  
22 tems; and

23 “(ii) Department personnel are de-  
24 ployed to support fusion centers in the Na-  
25 tional Network of Fusion Centers in a

1 manner consistent with the mission of the  
2 Department.

3 “(B) PERSONNEL ASSIGNMENT.—Depart-  
4 ment personnel referred to in subparagraph  
5 (A)(ii) may include the following:

6 “(i) Intelligence officers.

7 “(ii) Intelligence analysts.

8 “(iii) Other liaisons from components  
9 and offices of the Department, as appro-  
10 priate.

11 “(C) MEMORANDA OF UNDERSTANDING.—  
12 The Under Secretary for Intelligence and Anal-  
13 ysis shall negotiate memoranda of under-  
14 standing between the Department and a State  
15 or local government, in coordination with the  
16 appropriate representatives from fusion centers  
17 in the National Network of Fusion Centers, re-  
18 garding the exchange of information between  
19 the Department and such fusion centers. Such  
20 memoranda shall include the following:

21 “(i) The categories of information to  
22 be provided by each entity to the other en-  
23 tity that are parties to any such memo-  
24 randa.



1           “(E) U.S. Immigration and Customs En-  
2           forcement.

3           “(F) The Coast Guard.

4           “(G) The national cybersecurity and com-  
5           munications integration center under section  
6           2209.

7           “(H) Other components or offices of the  
8           Department, as determined by the Secretary.”;

9           (C) in paragraph (3)—

10           (i) in the heading, by striking  
11           “QUALIFYING CRITERIA” and inserting  
12           “RESOURCE ALLOCATION CRITERIA”; and

13           (ii) by striking subparagraph (A) and  
14           inserting the following:

15           “(A) IN GENERAL.—The Secretary shall  
16           make available criteria for sharing information  
17           and deploying personnel to support a fusion  
18           center in the National Network of Fusion Cen-  
19           ters in a manner consistent with the Depart-  
20           ment’s mission and existing statutory limits.”;  
21           and

22           (D) in paragraph (4)(B), in the matter  
23           preceding clause (i), by inserting “in which  
24           such fusion center is located” after “region”;

25           (5) in subsection (d)—

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

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

5 (C) by inserting after paragraph (3) the  
6 following:

7 “(4) assist, in coordination with the national  
8 cybersecurity and communications integration center  
9 under section 2209, fusion centers in using informa-  
10 tion relating to cybersecurity risks to develop a com-  
11 prehensive and accurate threat picture;”;

12 (D) in paragraph (5), as so redesignated—

13 (i) by striking “government” and in-  
14 serting “governments”; and

15 (ii) by striking the period at the end  
16 and inserting “; and”; and

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

18 “(6) use Department information, including in-  
19 formation held by components and offices, to develop  
20 analysis focused on the mission of the Department  
21 under section 101(b).”;

22 (6) in subsection (e)—

23 (A) by amending paragraph (1) to read as  
24 follows:

1           “(1) IN GENERAL.—To the greatest extent  
2           practicable, the Secretary shall make it a priority to  
3           allocate resources, including Departmental compo-  
4           nent personnel with relevant expertise, to support  
5           the efforts of fusion centers along land or maritime  
6           borders of the United States to facilitate law en-  
7           forcement agency identification, investigation, and  
8           interdiction of persons, weapons, and related contra-  
9           band that pose a threat to homeland security.”; and

10           (B) in paragraph (2), in the matter pre-  
11           ceding subparagraph (A), by striking “partici-  
12           pating State, local, and regional fusion centers”  
13           and inserting “fusion centers in the National  
14           Network of Fusion Centers”;

15           (7) in subsection (j)—

16           (A) by redesignating paragraph (5) as  
17           paragraph (7);

18           (B) by redesignating paragraphs (1)  
19           through (4) as paragraphs (2) through (5), re-  
20           spectively;

21           (C) by inserting before paragraph (2) the  
22           following:

23           “(1) the term ‘cybersecurity risk’ has the mean-  
24           ing given such term in section 2209;”.

1 (D) in paragraph (5), as so redesignated,  
2 by striking “and” at the end; and

3 (E) by inserting after such paragraph (5)  
4 the following new paragraph:

5 “(6) the term ‘National Network of Fusion  
6 Centers’ means a decentralized arrangement of fu-  
7 sion centers intended to enhance individual State  
8 and urban area fusion centers’ ability to leverage the  
9 capabilities and expertise of all fusion centers for the  
10 purpose of enhancing analysis and homeland secu-  
11 rity information sharing nationally; and”;

12 (8) by striking subsection (k).

13 (b) REPORT.—Not later than 1 year after the date  
14 of the enactment of this Act and annually thereafter  
15 through 2024, the Under Secretary for Intelligence and  
16 Analysis of the Department of Homeland Security shall  
17 report to the Committee on Homeland Security and the  
18 Permanent Select Committee on Intelligence of the House  
19 of Representatives and the Committee on Homeland Secu-  
20 rity and Governmental Affairs and the Select Committee  
21 on Intelligence of the Senate on the value of fusion center  
22 intelligence products and the expenditure of authorized  
23 funds for the support and coordination of State, local, or  
24 regional fusion centers as specified in section 210A of the

1 Homeland Security Act of 2002 (6 U.S.C. 124h), as  
2 amended by subsection (a).

3 (c) REPORT ON FEDERAL DATABASES.—Not later  
4 than 180 days after the date of enactment of the Depart-  
5 ment of Homeland Security Authorization Act, the Comp-  
6 troller General of the United States shall submit a report  
7 to Congress on the Federal databases and datasets that  
8 address any gaps identified pursuant to section  
9 210A(b)(2)(B) of the Homeland Security Act of 2002, as  
10 amended by subsection (a), including databases and  
11 datasets used, operated, or managed by Department com-  
12 ponents, the Department of Justice, including the Federal  
13 Bureau of Investigation and the Drug Enforcement Ad-  
14 ministration, and the Department of the Treasury, that  
15 are appropriate, in accordance with Federal laws and poli-  
16 cies, for inclusion in the information sharing environment.

17 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) Section 2103(c)(1) of the Homeland Secu-  
19 rity Act of 2002 (6 U.S.C.623(c)(1)) is amended by  
20 striking “210A(j)(1)” and inserting “210A(j)”.

21 (2) The table of contents in section 1(b) of the  
22 Homeland Security Act of 2002 (Public Law 107–  
23 296; 116 Stat. 2135) is amended by striking the  
24 item relating to section 210A and inserting the fol-  
25 lowing:

“Sec. 210A. Department of Homeland Security Fusion Center Partnership Initiative.”.

1           (e) REFERENCE.—Any reference in any law, rule, or  
2 regulation to the “Department of Homeland Security  
3 State, Local, and Regional Fusion Center Initiative” shall  
4 be deemed to be a reference to the “Department of Home-  
5 land Security Fusion Center Partnership Initiative”.

6 **SEC. 1312. FUSION CENTER PERSONNEL NEEDS ASSESS-**  
7 **MENT.**

8           (a) ASSESSMENT.—

9           (1) IN GENERAL.—Not later than 240 days  
10 after the date of the enactment of this Act, the  
11 Comptroller General of the United States shall con-  
12 duct an assessment of Department of Homeland Se-  
13 curity personnel assigned to fusion centers pursuant  
14 to section 210A(c) of the Homeland Security Act of  
15 2002 (6 U.S.C. 124h(c)), as amended by this Act,  
16 including an assessment of whether deploying addi-  
17 tional Department personnel to such fusion centers  
18 would enhance the Department’s mission under sec-  
19 tion 101(b) of such Act and the National Network  
20 of Fusion Centers.

21           (2) CONTENTS.—The assessment required  
22 under this subsection shall include the following:

1 (A) Information on the current deployment  
2 of the Department's personnel to each fusion  
3 center.

4 (B) Information on the roles and respon-  
5 sibilities of the Department's Office of Intel-  
6 ligence and Analysis intelligence officers, intel-  
7 ligence analysts, senior reports officers, reports  
8 officers, and regional directors deployed to fu-  
9 sion centers.

10 (C) Information on Federal resources, in  
11 addition to personnel, provided to each fusion  
12 center.

13 (D) An assessment of fusion centers lo-  
14 cated in jurisdictions along land and maritime  
15 borders of the United States, and the degree to  
16 which deploying personnel, as appropriate, from  
17 U.S. Customs and Border Protection, U.S. Im-  
18 migration and Customs Enforcement, and the  
19 Coast Guard to such fusion centers would en-  
20 hance the integrity and security at such borders  
21 by helping Federal, State, local, tribal, and ter-  
22 ritorial law enforcement authorities to identify,  
23 investigate, and interdict persons, weapons, and  
24 related contraband that pose a threat to home-  
25 land security.

1 (b) DEFINITIONS.—In this section, the terms “fusion  
2 center” and “National Network of Fusion Centers” have  
3 the meanings given those terms in section 210A(j) of the  
4 Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as  
5 amended by this Act.

6 **SEC. 1313. STRATEGY FOR FUSION CENTERS SUPPORTING**  
7 **COUNTERNARCOTICS INITIATIVES THROUGH**  
8 **INTELLIGENCE INFORMATION SHARING AND**  
9 **ANALYSIS.**

10 Not later than 180 days after the date of enactment  
11 of this Act, the Under Secretary for Intelligence and Anal-  
12 ysis shall submit to Congress a strategy for how State and  
13 local fusion centers will support law enforcement counter-  
14 narcotics activities and investigations through intelligence  
15 information sharing and analysis, including providing  
16 guidelines and best practices to fusion center leadership  
17 and personnel.

18 **SEC. 1314. PROGRAM FOR STATE AND LOCAL ANALYST**  
19 **CLEARANCES.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-  
21 gress that any program established by the Under Sec-  
22 retary for Intelligence and Analysis of the Department of  
23 Homeland Security to provide eligibility for access to in-  
24 formation classified as Top Secret for State, local, tribal,  
25 and territorial analysts located in fusion centers shall be

1 consistent with the need to know requirements pursuant  
2 to Executive Order No. 13526 (50 U.S.C. 3161 note).

3 (b) REPORT.—Not later than 2 years after the date  
4 of the enactment of this Act, the Under Secretary of Intel-  
5 ligence and Analysis of the Department of Homeland Se-  
6 curity, in consultation with the Director of National Intel-  
7 ligence, shall submit to the Committee on Homeland Secu-  
8 rity and the Permanent Select Committee on Intelligence  
9 of the House of Representatives and the Committee on  
10 Homeland Security and Governmental Affairs and the Se-  
11 lect Committee on Intelligence of the Senate a report on  
12 the following:

13 (1) The process by which the Under Secretary  
14 of Intelligence and Analysis determines a need to  
15 know pursuant to Executive Order No. 13526 to  
16 sponsor Top Secret clearances for appropriate State,  
17 local, tribal, and territorial analysts located in fusion  
18 centers.

19 (2) The effects of such Top Secret clearances  
20 on enhancing information sharing with State, local,  
21 tribal, and territorial partners.

22 (3) The cost for providing such Top Secret  
23 clearances for State, local, tribal, and territorial ana-  
24 lysts located in fusion centers, including training  
25 and background investigations.

1           (4) The operational security protocols, training,  
2           management, and risks associated with providing  
3           such Top Secret clearances for State, local, tribal,  
4           and territorial analysts located in fusion centers.

5           (c) DEFINITION.—In this section, the term “fusion  
6           center” has the meaning given the term in section 210A(j)  
7           of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)).

8           **SEC. 1315. INFORMATION TECHNOLOGY ASSESSMENT.**

9           (a) IN GENERAL.—The Under Secretary for Intel-  
10          ligence and Analysis of the Department of Homeland Se-  
11          curity, in collaboration with the Chief Information Officer  
12          of the Department and representatives from the National  
13          Network of Fusion Centers, shall conduct an assessment  
14          of information systems (as such term is defined in section  
15          3502 of title 44, United States Code) used to share home-  
16          land security information (as defined in section 892 of the  
17          Homeland Security Act of 2002 (6 U.S.C. 482) between  
18          the Department of Homeland Security and fusion centers  
19          in the National Network of Fusion Centers and make up-  
20          grades to such systems, as appropriate. Such assessment  
21          shall include the following:

22                 (1) An evaluation of the security, accessibility,  
23                 and ease of use of such systems by fusion centers in  
24                 the National Network of Fusion Centers.



1           (3) share part or all of such inventory with per-  
2           sonnel as determined appropriate by the Secretary of  
3           Homeland Security.

4           (b) INVENTORY.—The inventory of facilities de-  
5           scribed in subsection (a) may include—

6           (1) the location of such facilities;

7           (2) the attributes and capabilities of such facili-  
8           ties (including the clearance level of the facility,  
9           square footage of, the total capacity of, the number  
10          of workstations in, document storage, and the num-  
11          ber of conference rooms in, such facilities);

12          (3) the entities that operate such facilities; and

13          (4) the date of establishment of such facilities.

14 **SEC. 1317. TERROR INMATE INFORMATION SHARING.**

15          (a) IN GENERAL.—The Secretary of Homeland Secu-  
16          rity, in coordination with the Attorney General and in con-  
17          sultation with other appropriate Federal officials, shall, as  
18          appropriate, share with State, local, and regional fusion  
19          centers through the Department of Homeland Security  
20          Fusion Center Partnership Initiative under section 210A  
21          of the Homeland Security Act of 2002 (6 U.S.C. 124h),  
22          as amended by this Act, as well as other relevant law en-  
23          forcement entities, release information from a Federal cor-  
24          rectional facility, including the name, charging date, and

1 expected place and date of release, of certain individuals  
2 who may pose a terrorist threat.

3 (b) SCOPE.—The information shared under sub-  
4 section (a) shall be—

5 (1) for homeland security purposes; and

6 (2) regarding individuals convicted of a Federal  
7 crime of terrorism (as defined in section 2332b of  
8 title 18, United States Code).

9 (c) PERIODIC THREAT ASSESSMENTS.—Consistent  
10 with the protection of classified information and controlled  
11 unclassified information, the Secretary of Homeland Secu-  
12 rity shall coordinate with appropriate Federal officials to  
13 provide State, local, and regional fusion centers described  
14 in subsection (a) with periodic assessments regarding the  
15 overall threat from known or suspected terrorists currently  
16 incarcerated in a Federal correctional facility, including  
17 the assessed risks of such populations engaging in ter-  
18 rorist activity upon release.

19 (d) PRIVACY PROTECTIONS.—Prior to implementing  
20 subsection (a), the Secretary shall receive input and advice  
21 from the Officer for Civil Rights and Civil Liberties, the  
22 Officer for Privacy and the Chief Intelligence Officer of  
23 the Department.

1 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion may be construed as requiring the establishment of  
3 a list or registry of individuals convicted of terrorism.

4 **SEC. 1318. ANNUAL REPORT ON OFFICE FOR STATE AND**  
5 **LOCAL LAW ENFORCEMENT.**

6 Section 2006(b) of the Homeland Security Act of  
7 2002 (6 U.S.C. 607(b)) is amended—

8 (1) by redesignating paragraph (5) as para-  
9 graph (6); and

10 (2) by inserting after paragraph (4) the fol-  
11 lowing new paragraph:

12 “(5) REPORT.—For each of fiscal years 2019  
13 through 2023, the Assistant Secretary for State and  
14 Local Law Enforcement shall submit to the Com-  
15 mittee on Homeland Security of the House of Rep-  
16 resentatives and the Committee on Homeland Secu-  
17 rity and Governmental Affairs of the Senate a report  
18 on the activities of the Office for State and Local  
19 Law Enforcement. Each such report shall include,  
20 for the fiscal year covered by the report, a descrip-  
21 tion of each of the following:

22 “(A) Efforts to coordinate and share infor-  
23 mation regarding Department and component  
24 agency programs with State, local, and tribal  
25 law enforcement agencies.

1           “(B) Efforts to improve information shar-  
2           ing through the Homeland Security Information  
3           Network by appropriate component agencies of  
4           the Department and by State, local, and tribal  
5           law enforcement agencies.

6           “(C) The status of performance metrics  
7           within the Office of State and Local Law En-  
8           forcement to evaluate the effectiveness of ef-  
9           forts to carry out responsibilities set forth with-  
10          in the subsection.

11          “(D) Any feedback from State, local, and  
12          tribal law enforcement agencies about the Of-  
13          fice, including the mechanisms utilized to collect  
14          such feedback.

15          “(E) Efforts to carry out all other respon-  
16          sibilities of the Office of State and Local Law  
17          Enforcement.”.

18 **SEC. 1319. ANNUAL CATALOG ON DEPARTMENT OF HOME-**  
19 **LAND SECURITY TRAINING, PUBLICATIONS,**  
20 **PROGRAMS, AND SERVICES FOR STATE,**  
21 **LOCAL, TRIBAL, AND TERRITORIAL LAW EN-**  
22 **FORCEMENT AGENCIES.**

23          Section 2006(b)(4) of the Homeland Security Act of  
24          2002 (6 U.S.C. 607(b)(4)) is amended—



1 House of Representatives and the Com-  
2 mittee on Homeland Security and Govern-  
3 mental Affairs of the Senate; and

4 “(H) in coordination with appropriate com-  
5 ponents and offices of the Department and  
6 other Federal agencies, develop, maintain, and  
7 make available information on Federal re-  
8 sources intended to support fusion center access  
9 to Federal information and resources.”.

10 **SEC. 1320. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND**  
11 **NUCLEAR INTELLIGENCE AND INFORMATION**  
12 **SHARING.**

13 (a) IN GENERAL.—Subtitle A of title II of the Home-  
14 land Security Act of 2002 (6 U.S.C. 121 et seq.), as  
15 amended by subtitle A of this Act, is amended by adding  
16 at the end the following:

17 **“SEC. 210I. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND**  
18 **NUCLEAR INTELLIGENCE AND INFORMATION**  
19 **SHARING.**

20 “(a) IN GENERAL.—The Office of Intelligence and  
21 Analysis of the Department shall—

22 “(1) support homeland security-focused intel-  
23 ligence analysis of terrorist actors, their claims, and  
24 their plans to conduct attacks involving chemical, bi-

1       ological, radiological, or nuclear materials against  
2       the United States;

3               “(2) support homeland security-focused intel-  
4       ligence analysis of global infectious disease, public  
5       health, food, agricultural, and veterinary issues;

6               “(3) support homeland security-focused risk  
7       analysis and risk assessments of the homeland secu-  
8       rity hazards described in paragraphs (1) and (2), in-  
9       cluding the transportation of chemical, biological,  
10      nuclear, and radiological materials, by providing rel-  
11      evant quantitative and nonquantitative threat infor-  
12      mation;

13              “(4) leverage existing and emerging homeland  
14      security intelligence capabilities and structures to  
15      enhance prevention, protection, response, and recov-  
16      ery efforts with respect to a chemical, biological, ra-  
17      diological, or nuclear attack;

18              “(5) share information and provide tailored an-  
19      alytical support on these threats to State, local, and  
20      tribal authorities, other Federal agencies, as well as  
21      relevant national biosecurity and biodefense stake-  
22      holders, as appropriate; and

23              “(6) perform other responsibilities, as assigned  
24      by the Secretary.

1           “(b) COORDINATION.—Where appropriate, the Office  
2 of Intelligence and Analysis shall coordinate with other  
3 relevant Department components, including the Coun-  
4 tering Weapons of Mass Destruction Office, the National  
5 Biosurveillance Integration Center, other agencies within  
6 the intelligence community, including the National  
7 Counter Proliferation Center, and other Federal, State,  
8 local, and tribal authorities, including officials from high-  
9 threat urban areas, State and major urban area fusion  
10 centers, and local public health departments, as appro-  
11 priate, and enable such entities to provide recommenda-  
12 tions on optimal information sharing mechanisms, includ-  
13 ing expeditious sharing of classified information, and on  
14 how such entities can provide information to the Depart-  
15 ment.

16           “(c) DEFINITIONS.—In this section:

17           “(1) FUSION CENTER.—The term ‘fusion cen-  
18 ter’ has the meaning given the term in section 210A.

19           “(2) INTELLIGENCE COMMUNITY.—The term  
20 ‘intelligence community’ has the meaning given such  
21 term in section 3(4) of the National Security Act of  
22 1947 (50 U.S.C. 401a(4)).

23           “(3) NATIONAL BIOSECURITY AND BIODEFENSE  
24 STAKEHOLDERS.—The term ‘national biosecurity  
25 and biodefense stakeholders’ means officials from

1 Federal, State, local, and tribal authorities and indi-  
2 viduals from the private sector who are involved in  
3 efforts to prevent, protect against, respond to, and  
4 recover from a biological attack or other phenomena  
5 that may have serious health consequences for the  
6 United States, including infectious disease out-  
7 breaks.”.

8 (b) CLERICAL AMENDMENT.—The table of contents  
9 in section 1(b) of the Homeland Security Act of 2002  
10 (Public Law 107–296; 116 Stat. 2135), as amended by  
11 subtitle A of this Act, is amended by inserting after the  
12 item relating to section 210H the following:

“Sec. 210I. Chemical, biological, radiological, and nuclear intelligence and in-  
formation sharing.”.

13 (c) REPORT.—

14 (1) IN GENERAL.—Not later than 1 year after  
15 the date of enactment of this Act and annually  
16 thereafter, the Secretary of Homeland Security shall  
17 report to the appropriate congressional committees  
18 on—

19 (A) the intelligence and information shar-  
20 ing activities under section 210I of the Home-  
21 land Security Act of 2002 (as added by sub-  
22 section (a) of this section) and of all relevant  
23 entities within the Department of Homeland  
24 Security to counter the threat from attacks

1 using chemical, biological, radiological, or nu-  
2 clear materials; and

3 (B) the Department's activities in accord-  
4 ance with relevant intelligence strategies.

5 (2) ASSESSMENT OF IMPLEMENTATION.—The  
6 reports required under paragraph (1) shall include—

7 (A) an assessment of the progress of the  
8 Office of Intelligence and Analysis of the De-  
9 partment of Homeland Security in imple-  
10 menting such section 210I; and

11 (B) a description of the methods estab-  
12 lished to carry out such assessment.

13 (3) TERMINATION.—This subsection shall ter-  
14minate on the date that is 5 years after the date of  
15 enactment of this Act.

16 (4) DEFINITION.—In this subsection, the term  
17 “appropriate congressional committees” means the  
18 Committee on Homeland Security of the House of  
19 Representatives and the Committee on Homeland  
20 Security and Governmental Affairs of the Senate  
21 and any committee of the House of Representatives  
22 or the Senate having legislative jurisdiction under  
23 the rules of the House of Representatives or Senate,  
24 respectively, over the matter concerned.

1 (d) DISSEMINATION OF INFORMATION ANALYZED BY  
2 THE DEPARTMENT TO STATE, LOCAL, TRIBAL, AND PRI-  
3 VATE ENTITIES WITH RESPONSIBILITIES RELATING TO  
4 HOMELAND SECURITY.—Section 201(d)(8) of the Home-  
5 land Security Act of 2002 (6 U.S.C. 121(d)(8)) is amend-  
6 ed by striking “and to agencies of State” and all that fol-  
7 lows through the period at the end and inserting “to State,  
8 local, and tribal governments and private entities with  
9 such responsibilities, and, as appropriate, to the public,  
10 in order to assist in preventing, deterring, or responding  
11 to acts of terrorism against the United States.”.

12 **SEC. 1321. DUTY TO REPORT.**

13 (a) DUTY IMPOSED.—Except as provided in sub-  
14 section (c), whenever an act of terrorism occurs in the  
15 United States, it shall be the duty of the primary Govern-  
16 ment agency investigating such act to submit, in collabora-  
17 tion with the Secretary of Homeland Security, the Attor-  
18 ney General, the Director of the Federal Bureau of Inves-  
19 tigation, and, as appropriate, the Director of the National  
20 Counterterrorism Center, an unclassified report (which  
21 may be accompanied by a classified annex) to Congress  
22 concerning such act not later than 1 year after the comple-  
23 tion of the investigation. Reports required under this sub-  
24 section may be combined into a quarterly report to Con-  
25 gress.

1 (b) CONTENT OF REPORTS.—Each report under this  
2 section shall include—

3 (1) a statement of the facts of the act of ter-  
4 rorism referred to in subsection (a), as known at the  
5 time of the report;

6 (2) an explanation of any gaps in national secu-  
7 rity that could be addressed to prevent future acts  
8 of terrorism;

9 (3) any recommendations for additional meas-  
10 ures that could be taken to improve homeland secu-  
11 rity, including potential changes in law enforcement  
12 practices or changes in law, with particular attention  
13 to changes that could help prevent future acts of ter-  
14 rorism; and

15 (4) a summary of the report for public distribu-  
16 tion.

17 (c) EXCEPTION.—The duty established under sub-  
18 section (a) shall not apply in instances in which the Sec-  
19 retary of Homeland Security, the Attorney General, the  
20 Director of the Federal Bureau of Investigation, or the  
21 head of the National Counterterrorism Center determines  
22 that the information required to be reported could jeop-  
23 ardize an ongoing investigation or prosecution. In such in-  
24 stances, the principal making such determination shall no-  
25 tify Congress of such determination before the first anni-

1 versary of the completion of the investigation described in  
2 such subsection.

3 (d) DEFINED TERM.—In this section, the term “act  
4 of terrorism” has the meaning given the term in section  
5 3077 of title 18, United States Code.

6 **TITLE IV—EMERGENCY PRE-**  
7 **PAREDNESS, RESPONSE, AND**  
8 **COMMUNICATIONS**  
9 **Subtitle A—Grants, Training,**  
10 **Exercises, and Coordination**

11 **SEC. 1401. URBAN AREA SECURITY INITIATIVE.**

12 Section 2003 of the Homeland Security Act of 2002  
13 (6 U.S.C. 604) is amended—

14 (1) in subsection (b)(2)(A), in the matter pre-  
15 ceding clause (i), by inserting “, using the most up-  
16 to-date data available,” after “assessment”;

17 (2) in subsection (d)(2), by amending subpara-  
18 graph (B) to read as follows:

19 “(B) FUNDS RETAINED.—To ensure trans-  
20 parency and avoid duplication, a State shall  
21 provide each relevant high-risk urban area with  
22 a detailed accounting of the items, services, or  
23 activities on which any funds retained by the  
24 State under subparagraph (A) are to be ex-  
25 pended. Such accounting shall be provided not

1 later than 90 days after the date on which such  
2 funds are retained.”; and

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

5 “(e) **THREAT AND HAZARD IDENTIFICATION RISK**  
6 **ASSESSMENT AND CAPABILITY ASSESSMENT.**—As a con-  
7 dition of receiving a grant under this section, each high-  
8 risk urban area shall submit to the Administrator a threat  
9 and hazard identification and risk assessment and capa-  
10 bility assessment—

11 “(1) at such time and in such form as is re-  
12 quired by the Administrator; and

13 “(2) consistent with the Federal Emergency  
14 Management Agency’s Comprehensive Preparedness  
15 Guide 201, Second Edition, or such successor docu-  
16 ment or guidance as is issued by the Administrator.

17 “(f) **PERIOD OF PERFORMANCE.**—The Administrator  
18 shall make funds provided under this section available for  
19 use by a recipient of a grant for a period of not less than  
20 36 months.”.

21 **SEC. 1402. STATE HOMELAND SECURITY GRANT PROGRAM.**

22 Section 2004 of the Homeland Security Act of 2002  
23 (6 U.S.C. 605) is amended by striking subsection (f) and  
24 inserting the following new subsections:

1       “(f) THREAT AND HAZARD IDENTIFICATION AND  
2 RISK ASSESSMENT AND CAPABILITY ASSESSMENT.—

3           “(1) IN GENERAL.—As a condition of receiving  
4 a grant under this section, each State shall submit  
5 to the Administrator a threat and hazard identifica-  
6 tion and risk assessment and capability assess-  
7 ment—

8           “(A) at such time and in such form as is  
9 required by the Administrator; and

10          “(B) consistent with the Federal Emer-  
11 gency Management Agency’s Comprehensive  
12 Preparedness Guide 201, Second Edition, or  
13 such successor document or guidance as is  
14 issued by the Administrator.

15          “(2) COLLABORATION.—In developing the  
16 threat and hazard identification and risk assessment  
17 under paragraph (1), a State shall solicit input from  
18 local and tribal governments, including first respond-  
19 ers, and, as appropriate, non-governmental and pri-  
20 vate sector stakeholders.

21          “(3) FIRST RESPONDERS DEFINED.—In this  
22 subsection, the term ‘first responders’—

23           “(A) means an emergency response pro-  
24 vider, as defined under section 2 of this Act;  
25 and

1           “(B) includes representatives of local gov-  
2           ernmental and nongovernmental fire, law en-  
3           forcement, emergency management, and emer-  
4           gency medical personnel.

5           “(g) PERIOD OF PERFORMANCE.—The Adminis-  
6           trator shall make funds provided under this section avail-  
7           able for use by a recipient of a grant for a period of not  
8           less than 36 months.”.

9           **SEC. 1403. GRANTS TO DIRECTLY ELIGIBLE TRIBES.**

10          Section 2005 of the Homeland Security Act of 2002  
11          (6 U.S.C. 606) is amended by—

12                 (1) redesignating subsections (h) through (k) as  
13                 subsections (i) through (l), respectively; and

14                 (2) inserting after subsection (g) the following  
15                 new subsection:

16                 “(h) PERIOD OF PERFORMANCE.—The Secretary  
17                 shall make funds provided under this section available for  
18                 use by a recipient of a grant for a period of not less than  
19                 36 months.”.

20           **SEC. 1404. LAW ENFORCEMENT TERRORISM PREVENTION.**

21                 (a) LAW ENFORCEMENT TERRORISM PREVENTION  
22                 PROGRAM.—Section 2006(a) of the Homeland Security  
23                 Act of 2002 (6 U.S.C. 607(a)) is amended—

24                         (1) in paragraph (1)—

1 (A) by inserting “States and high-risk  
2 urban areas expend” after “that”; and

3 (B) by striking “is used”;

4 (2) in paragraph (2), by amending subpara-  
5 graph (I) to read as follows:

6 “(I) activities as determined appropriate  
7 by the Administrator, in coordination with the  
8 Assistant Secretary for State and Local Law  
9 Enforcement within the Office of Partnership  
10 and Engagement of the Department, through  
11 outreach to relevant stakeholder organizations;  
12 and”; and

13 (3) by adding at the end the following new  
14 paragraph:

15 “(4) ANNUAL REPORT.—The Administrator, in  
16 coordination with the Assistant Secretary for State  
17 and Local Law Enforcement, shall report annually  
18 from fiscal year 2018 through fiscal year 2022 on  
19 the use of grants under sections 2003 and 2004 for  
20 law enforcement terrorism prevention activities au-  
21 thorized under this section, including the percentage  
22 and dollar amount of funds used for such activities  
23 and the types of projects funded.”.

1 (b) OFFICE FOR STATE AND LOCAL LAW ENFORCE-  
2 MENT.—Section 2006(b) of the Homeland Security Act of  
3 2002 (6 U.S.C. 607(b)) is amended—

4 (1) in paragraph (1), by striking “Policy Direc-  
5 torate” and inserting “Office of Partnership and  
6 Engagement”; and

7 (2) in paragraph (4)—

8 (A) in subparagraph (B), by inserting “,  
9 including through consultation with such agen-  
10 cies regarding Department programs that may  
11 impact such agencies” before the semicolon at  
12 the end; and

13 (B) in subparagraph (D), by striking “en-  
14 sure” and inserting “verify”.

15 **SEC. 1405. PRIORITIZATION.**

16 Section 2007(a) of the Homeland Security Act of  
17 2002 (6 U.S.C. 608(a)) is amended—

18 (1) in paragraph (1)—

19 (A) by amending subparagraph (A) to read  
20 as follows:

21 “(A) its population, including consideration  
22 of domestic and international tourists, com-  
23 muters, and military populations, including  
24 military populations residing in communities  
25 outside military installations;”;

1 (B) in subparagraph (E), by inserting “,  
2 including threat information from other rel-  
3 evant Federal agencies and field offices, as ap-  
4 propriate” before the semicolon at the end; and

5 (C) in subparagraph (I), by striking “tar-  
6 get” and inserting “core”; and

7 (2) in paragraph (2), by striking “target” and  
8 inserting “core”.

9 **SEC. 1406. ALLOWABLE USES.**

10 Section 2008 of the Homeland Security Act of 2002  
11 (6 U.S.C. 609) is amended—

12 (1) in subsection (a)—

13 (A) in the matter preceding paragraph (1),  
14 by striking “target” and inserting “core”;

15 (B) by redesignating paragraphs (6)  
16 through (14) as paragraphs (8) through (16),  
17 respectively;

18 (C) in paragraph (5), by inserting before  
19 the semicolon at the end the following: “, pro-  
20 vided such emergency communications align  
21 with the Statewide Communication Interoper-  
22 ability Plan and are coordinated with the State-  
23 wide Interoperability Coordinator or Statewide  
24 interoperability governance body of the State of  
25 the recipient”; and

1 (D) by inserting after paragraph (5) the  
2 following new paragraphs:

3 “(6) enhancing medical preparedness, medical  
4 surge capacity, and mass prophylaxis capabilities, in-  
5 cluding the development and maintenance of an ini-  
6 tial pharmaceutical stockpile, including medical kits  
7 and diagnostics sufficient to protect first responders  
8 (as defined in section 2004(f)), their families, imme-  
9 diate victims, and vulnerable populations from a  
10 chemical or biological event;

11 “(7) enhancing cybersecurity, including pre-  
12 paring for and responding to cybersecurity risks and  
13 incidents (as such terms are defined in section 2209)  
14 and developing statewide cyber threat information  
15 analysis and dissemination activities;”;

16 (E) in paragraph (8), as so redesignated,  
17 by striking “Homeland Security Advisory Sys-  
18 tem” and inserting “National Terrorism Advi-  
19 sory System”; and

20 (F) in paragraph (14), as so redesignated,  
21 by striking “3” and inserting “5”;

22 (2) in subsection (b)—

23 (A) in paragraph (3)(B), by striking  
24 “(a)(10)” and inserting “(a)(12)”; and

1 (B) in paragraph (4)(B)(i), by striking  
2 “target” and inserting “core”; and  
3 (3) in subsection (c), by striking “target” and  
4 inserting “core”.

5 **SEC. 1407. APPROVAL OF CERTAIN EQUIPMENT.**

6 (a) IN GENERAL.—Section 2008 of the Homeland  
7 Security Act of 2002 (6 U.S.C. 609) is amended—

8 (1) in subsection (f)—

9 (A) by striking “If an applicant” and in-  
10 sserting the following:

11 “(1) APPLICATION REQUIREMENT.—If an appli-  
12 cant”; and

13 (B) by adding at the end the following:

14 “(2) REVIEW PROCESS.—The Administrator  
15 shall implement a uniform process for reviewing ap-  
16 plications that, in accordance with paragraph (1),  
17 contain explanations for a proposal to use grants  
18 provided under section 2003 or 2004 to purchase  
19 equipment or systems that do not meet or exceed  
20 any applicable national voluntary consensus stand-  
21 ards developed under section 647 of the Post-  
22 Katrina Emergency Management Reform Act of  
23 2006 (6 U.S.C. 747).

1           “(3) FACTORS.—In carrying out the review  
2 process under paragraph (2), the Administrator  
3 shall consider the following:

4           “(A) Current or past use of proposed  
5 equipment or systems by Federal agencies or  
6 the Armed Forces.

7           “(B) The absence of a national voluntary  
8 consensus standard for such equipment or sys-  
9 tems.

10           “(C) The existence of an international con-  
11 sensus standard for such equipment or systems,  
12 and whether such equipment or systems meets  
13 such standard.

14           “(D) The nature of the capability gap  
15 identified by the applicant, and how such equip-  
16 ment or systems will address such gap.

17           “(E) The degree to which such equipment  
18 or systems will serve the needs of the applicant  
19 better than equipment or systems that meet or  
20 exceed existing consensus standards.

21           “(F) Any other factor determined appro-  
22 priate by the Administrator.”; and

23           (2) by adding at the end the following new sub-  
24 section:

1           “(g) REVIEW PROCESS.—The Administrator shall  
2 implement a uniform process for reviewing applications to  
3 use grants provided under section 2003 or 2004 to pur-  
4 chase equipment or systems not included on the Author-  
5 ized Equipment List maintained by the Administrator.”.

6           (b) INSPECTOR GENERAL REPORT.—Not later than  
7 3 years after the date of enactment of this Act, the Inspec-  
8 tor General of the Department of Homeland Security shall  
9 submit to the Committee on Homeland Security of the  
10 House of Representatives and the Committee on Home-  
11 land Security and Governmental Affairs of the Senate a  
12 report assessing the implementation of the review process  
13 established under paragraph (2) of subsection (f) of sec-  
14 tion 2008 of the Homeland Security Act of 2002 (as added  
15 by subsection (a) of this section), including information  
16 on the following:

17           (1) The number of requests to purchase equip-  
18 ment or systems that do not meet or exceed any ap-  
19 plicable national voluntary consensus standard eval-  
20 uated under such review process.

21           (2) The capability gaps identified by applicants  
22 and the number of such requests granted or denied.

23           (3) The processing time for the review of such  
24 requests.

1 **SEC. 1408. AUTHORITY FOR EXPLOSIVE ORDNANCE DIS-**  
2 **POSAL UNITS TO ACQUIRE NEW OR EMERG-**  
3 **ING TECHNOLOGIES AND CAPABILITIES.**

4 The Secretary of Homeland Security may authorize  
5 an explosive ordnance disposal unit to acquire new or  
6 emerging technologies and capabilities that are not specifi-  
7 cally provided for in the authorized equipment allowance  
8 for the unit, as such allowance is set forth in the Author-  
9 ized Equipment List maintained by the Administrator of  
10 the Federal Emergency Management Agency.

11 **SEC. 1409. MEMORANDA OF UNDERSTANDING.**

12 (a) IN GENERAL.—Subtitle B of title XX of the  
13 Homeland Security Act of 2002 (6 U.S.C. 611 et seq.)  
14 is amended by adding at the end the following new section:

15 **“SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DE-**  
16 **PARTMENTAL COMPONENTS AND OFFICES**  
17 **REGARDING THE POLICY AND GUIDANCE.**

18 “The Administrator shall enter into memoranda of  
19 understanding with the heads of the following depart-  
20 mental components and offices delineating the roles and  
21 responsibilities of such components and offices regarding  
22 the policy and guidance for grants under section 1406 of  
23 the Implementing Recommendations of the 9/11 Commis-  
24 sion Act of 2007 (6 U.S.C. 1135), sections 2003 and 2004  
25 of this Act, and section 70107 of title 46, United States  
26 Code, as appropriate:

1           “(1) The Commissioner of U.S. Customs and  
2 Border Protection.

3           “(2) The Administrator of the Transportation  
4 Security Administration.

5           “(3) The Commandant of the Coast Guard.

6           “(4) The Under Secretary for Intelligence and  
7 Analysis.

8           “(5) The Assistant Director for Emergency  
9 Communications.

10          “(6) The Assistant Secretary for State and  
11 Local Law Enforcement.

12          “(7) The Countering Violent Extremism Coor-  
13 dinator.

14          “(8) The Officer for Civil Rights and Civil Lib-  
15 erties.

16          “(9) The Chief Medical Officer.

17          “(10) The heads of other components or offices  
18 of the Department, as determined by the Sec-  
19 retary.”.

20          (b) CLERICAL AMENDMENT.—The table of contents  
21 in section 1(b) of the Homeland Security Act of 2002  
22 (Public Law 107–296; 116 Stat. 2135) is amended by in-  
23 serting after the item relating to section 2023 the fol-  
24 lowing new item:

“Sec. 2024. Memoranda of understanding with departmental components and  
offices regarding the policy and guidance.”.

1 **SEC. 1410. GRANTS METRICS.**

2 (a) IN GENERAL.—To determine the extent to which  
3 grants under sections 2003 and 2004 of the Homeland  
4 Security Act of 2002 (6 U.S.C. 603 and 604) have closed  
5 capability gaps identified in State Preparedness Reports  
6 required under subsection (c) of section 652 of the Post-  
7 Katrina Emergency Management Reform Act of 2006 (6  
8 U.S.C. 752; title VI of the Department of Homeland Secu-  
9 rity Appropriations Act, 2007; Public Law 109–295) and  
10 Threat and Hazard Identification and Risk Assessments  
11 required under subsections (e) and (f) of such sections  
12 2003 and 2004, respectively, as added by this Act, from  
13 each State and high-risk urban area, the Administrator  
14 of the Federal Emergency Management Agency shall con-  
15 duct and submit to the Committee on Homeland Security  
16 and the Committee on Transportation and Infrastructure  
17 of the House of Representatives and the Committee on  
18 Homeland Security and Governmental Affairs of the Sen-  
19 ate an assessment of information provided in such Reports  
20 and Assessments.

21 (b) ASSESSMENT REQUIREMENTS.—The assessment  
22 required under subsection (a) shall include a comparison  
23 of successive State Preparedness Reports and Threat and  
24 Hazard Identification and Risk Assessments that aggre-  
25 gates results across the States and high-risk urban areas.

1 (c) INSPECTOR GENERAL EVALUATION.—The In-  
2 spector General of the Department of Homeland Security  
3 shall submit to the Committee on Homeland Security and  
4 the Committee on Transportation and Infrastructure of  
5 the House of Representatives and the Committee on  
6 Homeland Security and Governmental Affairs of the Sen-  
7 ate a report evaluating the assessment conducted by the  
8 Administrator of the Federal Emergency Management  
9 Agency under subsection (a).

10 **SEC. 1411. GRANT MANAGEMENT BEST PRACTICES.**

11 The Administrator of the Federal Emergency Man-  
12 agement Agency shall include on the website of the Fed-  
13 eral Emergency Management Agency the following:

14 (1) A summary of findings identified by the Of-  
15 fice of the Inspector General of the Department of  
16 Homeland Security in audits of such grants and  
17 methods to address areas identified for improve-  
18 ment, including opportunities for technical assist-  
19 ance.

20 (2) Innovative projects and best practices insti-  
21 tuted by grant recipients.

22 **SEC. 1412. PROHIBITION ON CONSOLIDATION.**

23 (a) IN GENERAL.—The Secretary of Homeland Secu-  
24 rity may not implement the National Preparedness Grant  
25 Program or any successor consolidated grant program un-

1 less the Secretary receives prior authorization from Con-  
2 gress permitting such implementation.

3 (b) STUDY.—Not later than 1 year after the date of  
4 enactment of this Act, the Secretary of Homeland Security  
5 shall conduct a study of consolidating preparedness grant  
6 programs to—

7 (1) determine if the consolidated grant program  
8 would be more efficient, effective, and cost effective;  
9 and

10 (2) assess whether the responsibility for man-  
11 aging the preparedness grant programs should be re-  
12 located within the Department of Homeland Secu-  
13 rity.

14 **SEC. 1413. MAINTENANCE OF GRANT INVESTMENTS.**

15 Section 2008 of the Homeland Security Act of 2002  
16 (6 U.S.C. 609), as amended by section 1407, is amended  
17 by adding at the end the following new subsection:

18 “(h) MAINTENANCE OF EQUIPMENT.—Any applicant  
19 for a grant under section 2003 or 2004 seeking to use  
20 funds to purchase equipment, including pursuant to para-  
21 graphs (3), (4), (5), or (12) of subsection (a) of this sec-  
22 tion, shall by the time of the receipt of such grant develop  
23 a plan for the maintenance of such equipment over its life-  
24 cycle that includes information identifying which entity is  
25 responsible for such maintenance.”.

1 **SEC. 1414. TRANSIT SECURITY GRANT PROGRAM.**

2 Section 1406 of the Implementing Recommendations  
3 of the 9/11 Commission Act of 2007 (6 U.S.C. 1135) is  
4 amended—

5 (1) in subsection (b)(2)(A), by inserting “and  
6 costs associated with filling the positions of employ-  
7 ees receiving training during their absence” after  
8 “security training”; and

9 (2) by striking subsection (m) and inserting the  
10 following new subsections:

11 “(m) PERIODS OF PERFORMANCE.—Funds provided  
12 pursuant to a grant awarded under this section for a use  
13 specified in subsection (b) shall remain available for use  
14 by a grant recipient for a period of not fewer than 36  
15 months.”.

16 **SEC. 1415. PORT SECURITY GRANT PROGRAM.**

17 Section 70107 of title 46, United States Code, is  
18 amended by—

19 (1) striking subsection (l);

20 (2) redesignating subsection (m) as subsection  
21 (l); and

22 (3) by adding at the end the following new sub-  
23 sections:

24 “(m) PERIOD OF PERFORMANCE.—The Secretary  
25 shall make funds provided under this section available for

1 use by a recipient of a grant for a period of not less than  
2 36 months.”.

3 **SEC. 1416. CYBER PREPAREDNESS.**

4 (a) IN GENERAL.—Section 2209 of the Homeland  
5 Security Act of 2002, as so redesignated by section  
6 1601(g), is amended—

7 (1) in subsection (c)—

8 (A) in paragraph (5)(B), by inserting “,  
9 including State, local, and regional fusion cen-  
10 ters, as appropriate” before the semicolon at  
11 the end;

12 (B) in paragraph (7), in the matter pre-  
13 ceding subparagraph (A), by striking “informa-  
14 tion and recommendations” each place it ap-  
15 pears and inserting “information, recommenda-  
16 tions, and best practices”; and

17 (C) in paragraph (9), by inserting “best  
18 practices,” after “defensive measures,”; and

19 (2) in subsection (d)(1)(B)(ii), by inserting  
20 “and State, local, and regional fusion centers, as ap-  
21 propriate” before the semicolon at the end.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-  
23 gress that to facilitate the timely dissemination to appro-  
24 priate State, local, and private sector stakeholders of  
25 homeland security information related to cyber threats,

1 the Secretary of Homeland Security should, to the great-  
2 est extent practicable, work to share actionable informa-  
3 tion in an unclassified form related to such threats.

4 **SEC. 1417. OPERATION STONEGARDEN.**

5 (a) IN GENERAL.—Subtitle A of title XX of the  
6 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.)  
7 is amended by adding at the end the following:

8 **“SEC. 2009. OPERATION STONEGARDEN.**

9 “(a) ESTABLISHMENT.—There is established in the  
10 Department a program to be known as ‘Operation  
11 Stonegarden’. Under such program, the Secretary, acting  
12 through the Administrator, shall make grants to eligible  
13 law enforcement agencies, through the State Administra-  
14 tive Agency, to enhance border security in accordance with  
15 this section.

16 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-  
17 ceive a grant under this section, a law enforcement agency  
18 shall—

19 “(1) be located in—

20 “(A) a State bordering either Canada or  
21 Mexico; or

22 “(B) a State or territory with a maritime  
23 border; and

1           “(2) be involved in an active, ongoing U.S. Cus-  
2           toms and Border Protection operation coordinated  
3           through a sector office.

4           “(c) PERMITTED USES.—The recipient of a grant  
5           under this section may use such grant for any of the fol-  
6           lowing:

7           “(1) Equipment, including maintenance and  
8           sustainment costs.

9           “(2) Personnel costs, including overtime and  
10          backfill, directly incurred in support of enhanced  
11          border law enforcement activities.

12          “(3) Any activity permitted for Operation  
13          Stonegarden under the Department of Homeland  
14          Security’s Fiscal Year 2016 Homeland Security  
15          Grant Program Notice of Funding Opportunity.

16          “(4) Any other appropriate activity, as deter-  
17          mined by the Administrator, in consultation with the  
18          Commissioner of U.S. Customs and Border Protec-  
19          tion.

20          “(d) PERIOD OF PERFORMANCE.—The Secretary  
21          shall make funds provided under this section available for  
22          use by a recipient of a grant for a period of not less than  
23          36 months.

24          “(e) REPORT.—The Administrator shall annually for  
25          each of fiscal years 2018 through 2022 submit to the

1 Committee on Homeland Security of the House of Rep-  
2 resentatives and the Committee on Homeland Security  
3 and Governmental Affairs of the Senate a report con-  
4 taining information on the expenditure of grants made  
5 under this section by each grant recipient.”.

6 (b) CLERICAL AMENDMENT.—The table of contents  
7 in section 1(b) of the Homeland Security Act of 2002  
8 (Public Law 107–296; 116 Stat. 2135) is amended by in-  
9 serting after the item relating to section 2008 the fol-  
10 lowing:

“Sec. 2009. Operation Stonegarden.”.

11 **SEC. 1418. NON-PROFIT SECURITY GRANT PROGRAM.**

12 (a) IN GENERAL.—Subtitle A of title XX of the  
13 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.),  
14 as amended by section 1417 of this Act, is amended by  
15 adding at the end the following:

16 **“SEC. 2010. NON-PROFIT SECURITY GRANT PROGRAM.**

17 “(a) ESTABLISHMENT.—There is established in the  
18 Department a program to be known as the ‘Non-Profit  
19 Security Grant Program’ (in this section referred to as  
20 the ‘Program’). Under the Program, the Secretary, acting  
21 through the Administrator, shall make grants to eligible  
22 nonprofit organizations described in subsection (b),  
23 through the State in which such organizations are located,  
24 for target hardening and other security enhancements to  
25 protect against terrorist attacks.

1       “(b) ELIGIBLE RECIPIENTS.—Eligible nonprofit or-  
2 ganizations described in this subsection (a) are organiza-  
3 tions that are—

4               “(1) described in section 501(c)(3) of the Inter-  
5 nal Revenue Code of 1986 and exempt from tax  
6 under section 501(a) of such Code; and

7               “(2) determined to be at risk of a terrorist at-  
8 tack by the Administrator.

9       “(c) PERMITTED USES.—The recipient of a grant  
10 under this section may use such grant for any of the fol-  
11 lowing:

12               “(1) Target hardening activities, including  
13 physical security enhancement equipment and in-  
14 spection and screening systems.

15               “(2) Fees for security training relating to phys-  
16 ical security and cybersecurity, target hardening,  
17 terrorism awareness, and employee awareness.

18               “(3) Any other appropriate activity related to  
19 security or security training, as determined by the  
20 Administrator.

21       “(d) PERIOD OF PERFORMANCE.—The Adminis-  
22 trator shall make funds provided under this section avail-  
23 able for use by a recipient of a grant for a period of not  
24 less than 36 months.

1       “(e) REPORT.—The Administrator shall annually for  
2 each of fiscal years 2018 through 2022 submit to the  
3 Committee on Homeland Security of the House of Rep-  
4 resentatives and the Committee on Homeland Security  
5 and Governmental Affairs of the Senate a report con-  
6 taining information on the expenditure by each grant re-  
7 cipient of grant funds made under this section.”.

8       (b) CONFORMING AMENDMENT.—Subsection (a) of  
9 section 2002 of the Homeland Security Act of 2002 (6  
10 U.S.C. 603) is amended by striking “sections 2003 and  
11 2004” and inserting “sections 2003, 2004, and 2010”.

12       (c) CLERICAL AMENDMENT.—The table of contents  
13 in section 1(b) of the Homeland Security Act of 2002  
14 (Public Law 107–296; 116 Stat. 2135), as amended by  
15 section 1417(b), is amended by inserting after the item  
16 relating to section 2009 the following:

“Sec. 2010. Non-Profit Security Grant Program.”.

17 **SEC. 1419. STUDY OF THE USE OF GRANT FUNDS FOR CY-**  
18 **BERSECURITY.**

19       Not later than 120 days after the date of enactment  
20 of this Act, the Comptroller General of the United States  
21 shall conduct a study on the use of grant funds awarded  
22 pursuant to section 2003 and section 2004 of the Home-  
23 land Security Act of 2002 (6 U.S.C. 604 and 605), includ-  
24 ing information on the following:

1           (1) The amount of grant funds invested or obli-  
2           gated annually during fiscal years 2006 through  
3           2016 to support efforts to prepare for and respond  
4           to cybersecurity risks and incidents (as such terms  
5           are defined in section 2209 of such Act, as so reded-  
6           ignated by section 1601(g) of this Act.

7           (2) The degree to which grantees identify cyber-  
8           security as a capability gap in the Threat and Haz-  
9           ard Identification and Risk Assessment carried out  
10          pursuant to the amendment made by sections 1401  
11          and 1402 of this title.

12          (3) Obstacles and challenges related to using  
13          grant funds to improve cybersecurity.

14          (4) Plans for future efforts to encourage grant-  
15          ees to use grant funds to improve cybersecurity ca-  
16          pabilities.

17 **SEC. 1420. JOINT COUNTERTERRORISM AWARENESS WORK-**  
18 **SHOP SERIES.**

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

22 **“SEC. 529. JOINT COUNTERTERRORISM AWARENESS WORK-**  
23 **SHOP SERIES.**

24          “(a) IN GENERAL.—The Administrator, in consulta-  
25          tion with the Director of the National Counterterrorism

1 Center and the Director of the Federal Bureau of Inves-  
2 tigation, shall establish a Joint Counterterrorism Aware-  
3 ness Workshop Series (in this section referred to as the  
4 ‘Workshop Series’) to—

5 “(1) address emerging terrorist threats; and

6 “(2) enhance the ability of State and local ju-  
7 risdictions to prevent, protect against, respond to,  
8 and recover from terrorist attacks.

9 “(b) PURPOSE.—The Workshop Series established  
10 under subsection (a) shall include—

11 “(1) reviewing existing preparedness, response,  
12 and interdiction plans, policies, and procedures re-  
13 lated to terrorist attacks of the participating juris-  
14 dictions and identifying gaps in those plans, oper-  
15 ational capabilities, response resources, and authori-  
16 ties;

17 “(2) identifying Federal, State, and local re-  
18 sources available to address the gaps identified  
19 under paragraph (1);

20 “(3) providing assistance, through training, ex-  
21 ercises, and other means, to build or sustain, as ap-  
22 propriate, the capabilities to close those identified  
23 gaps;

1           “(4) examining the roles and responsibilities of  
2 participating agencies and respective communities in  
3 the event of a terrorist attack;

4           “(5) improving situational awareness and infor-  
5 mation sharing among all participating agencies in  
6 the event of a terrorist attack; and

7           “(6) identifying and sharing best practices and  
8 lessons learned from the Workshop Series.

9           “(c) DESIGNATION OF PARTICIPATING CITIES.—The  
10 Administrator shall select jurisdictions to host a Workshop  
11 Series from those cities that—

12           “(1) are currently receiving, or that previously  
13 received, funding under section 2003; and

14           “(2) have requested to be considered.

15           “(d) WORKSHOP SERIES PARTICIPANTS.—Individ-  
16 uals from State and local jurisdictions and emergency re-  
17 sponse providers in cities designated under subsection (c)  
18 shall be eligible to participate in the Workshop Series, in-  
19 cluding—

20           “(1) senior elected and appointed officials;

21           “(2) law enforcement;

22           “(3) fire and rescue;

23           “(4) emergency management;

24           “(5) emergency medical services;

25           “(6) public health officials;

1           “(7) private sector representatives; and

2           “(8) other participants as deemed appropriate  
3 by the Administrator.

4           “(e) REPORTS.—

5           “(1) WORKSHOP SERIES REPORT.—The Admin-  
6 istrator, in consultation with the Director of the Na-  
7 tional Counterterrorism Center, the Director of the  
8 Federal Bureau of Investigation, and officials from  
9 the city in which a Workshop Series is held, shall de-  
10 velop and submit to all of the agencies participating  
11 in the Workshop Series a report after the conclusion  
12 of the Workshop Series that addresses—

13           “(A) key findings about lessons learned  
14 and best practices from the Workshop Series;  
15 and

16           “(B) potential mitigation strategies and re-  
17 sources to address gaps identified during the  
18 Workshop Series.

19           “(2) ANNUAL REPORTS.—Not later than 1 year  
20 after the date of enactment of this section and annu-  
21 ally thereafter for 5 years, the Administrator, in  
22 consultation with the Director of the National  
23 Counterterrorism Center and the Director of the  
24 Federal Bureau of Investigation, shall submit to the  
25 Committee on Homeland Security and Governmental

1 Affairs of the Senate and the Committee on Home-  
2 land Security of the House of Representatives a  
3 comprehensive summary report of the key themes,  
4 lessons learned, and best practices identified during  
5 the Workshop Series held during the previous year.

6 “(f) AUTHORIZATION.—There is authorized to be ap-  
7 propriated \$1,000,000 for each of fiscal years 2018  
8 through 2022 to carry out this section.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
10 The table of contents in section 1(b) of the Homeland Se-  
11 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)  
12 is amended by inserting after the item relating to section  
13 528 the following:

“Sec. 529. Joint Counterterrorism Awareness Workshop Series.”.

14 **SEC. 1421. EXERCISE ON TERRORIST AND FOREIGN FIGHT-**  
15 **ER TRAVEL; NATIONAL EXERCISE PROGRAM.**

16 (a) EXERCISE ON TERRORIST AND FOREIGN FIGHT-  
17 ER TRAVEL.—

18 (1) IN GENERAL.—In addition to, or as part of  
19 exercise programs carried out by the Department of  
20 Homeland Security as of the date of enactment of  
21 this Act, to enhance domestic preparedness for and  
22 collective response to terrorism, promote the dissemi-  
23 nation of homeland security information, and test  
24 the security posture of the United States, the Sec-  
25 retary of Homeland Security, through appropriate

1 offices and components of the Department and in  
2 coordination with the relevant Federal departments  
3 and agencies, shall, not later than 1 year after the  
4 date of enactment of this Act, develop and conduct  
5 an exercise related to the terrorist and foreign fight-  
6 er threat.

7 (2) EXERCISE REQUIREMENTS.—The exercise  
8 required under paragraph (1) shall include—

9 (A) a scenario involving—

10 (i) persons traveling from the United  
11 States to join or provide material support  
12 or resources to a terrorist organization  
13 abroad; and

14 (ii) terrorist infiltration into the  
15 United States, including United States citi-  
16 zens and foreign nationals; and

17 (B) coordination with relevant Federal de-  
18 partments and agencies, foreign governments,  
19 and State, local, tribal, territorial, and private  
20 sector stakeholders.

21 (3) REPORT.—

22 (A) IN GENERAL.—Not later than 60 days  
23 after the completion of the exercise required  
24 under paragraph (1), the Secretary of Home-  
25 land Security shall, consistent with the protec-



1 terrorist organizations abroad or terrorist  
2 infiltration into the United States, includ-  
3 ing United States citizens and foreign na-  
4 tionals; and”.

5 (c) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-  
6 tional funds are authorized to carry out the requirements  
7 of this section and the amendments made by this section.  
8 The requirements of this section and the amendments  
9 made by this section shall be carried out using amounts  
10 otherwise authorized.

11 **SEC. 1422. GRANTS ACCOUNTABILITY.**

12 Section 2022 of the Homeland Security Act of 2002  
13 (6. U.S.C. 612) is amended—

14 (1) in subsection (a)(1)(B)—

15 (A) by striking “The Department” and in-  
16 sserting the following:

17 “(i) IN GENERAL.—The Department”;

18 and

19 (B) by adding at the end the following:

20 “(ii) INSPECTOR GENERAL REVIEW.—

21 With respect to each grant awarded, the  
22 Inspector General of the Department,  
23 may—

24 “(I) examine any records of the  
25 contractor or grantee, any of its sub-

1 contractors or subgrantees, or any  
2 State or local agency or other entity  
3 in receipt of or administering any  
4 grant awarded, that pertain to, and  
5 involve transactions relating to the  
6 contract, subcontract, grant, or  
7 subgrant; and

8 “(II) interview any officer or em-  
9 ployee of the contractor or grantee,  
10 any of its subcontractors or sub-  
11 grantees, or any State or local agency  
12 or other entity in receipt of or admin-  
13 istering any grant awarded, regarding  
14 transactions relating to the contract,  
15 subcontract, grant, or subgrant.

16 “(iii) RULE OF CONSTRUCTION.—  
17 Nothing in clause (ii) may be construed to  
18 limit or restrict the authority of the In-  
19 spector General of the Department.”;

20 (2) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A)—

23 (I) by striking “a grant under  
24 section 2003 or 2004” and inserting

1 “a covered grant, any recipient includ-  
2 ing”;

3 (II) by inserting a comma after  
4 “tribe”; and

5 (III) by inserting “or the Sec-  
6 retary, as appropriate under the cov-  
7 ered grant,” after “Administrator”;

8 (ii) in subparagraph (B)—

9 (I) in the matter preceding clause  
10 (i), by inserting “recipient, including  
11 any” after “for the applicable”;

12 (II) in clause (i), by striking  
13 “section 2003 or 2004” and inserting  
14 “the covered grant”;

15 (III) in clause (ii)—

16 (aa) by striking “section  
17 2003 or 2004” and inserting  
18 “the covered grant”; and

19 (bb) by striking “and” at  
20 the end;

21 (IV) in clause (iii)—

22 (aa) by striking “summary”  
23 and inserting “detailed”; and

24 (bb) by striking “such  
25 funds” and all that follows

1 through the period at the end  
2 and inserting the following:

3 “such funds, including—

4 “(I) the name of the recipient  
5 and the project or activity;

6 “(II) a detailed description of the  
7 project or activity;

8 “(III) an evaluation of the com-  
9 pletion status of the project or activ-  
10 ity;

11 “(IV) in the case of an infra-  
12 structure investment—

13 “(aa) the purpose, total ex-  
14 pected cost, and rationale for  
15 funding the infrastructure invest-  
16 ment with funds made available;  
17 and

18 “(bb) the name of the point  
19 of contact for the recipient if  
20 there are questions concerning  
21 the infrastructure investment;  
22 and

23 “(V) detailed information from  
24 each subgrantee, including the infor-  
25 mation described in subparagraphs (I)

1 through (IV), on any subgrant award-  
2 ed by the recipient; and”;

3 (V) by adding at the end the fol-  
4 lowing:

5 “(iv) the total amount of funds re-  
6 ceived to date under each covered grant.”;

7 (iii) in subparagraph (C)—

8 (I) in the matter preceding clause

9 (i)—

10 (aa) by inserting “any re-  
11 cipient, including any” after  
12 “subparagraph (A) by”;

13 (bb) by inserting a comma  
14 after “tribe”; and

15 (cc) by inserting “, in addi-  
16 tion to the contents required  
17 under subparagraph (B)” after  
18 “shall include”;

19 (II) in clause (ii)—

20 (aa) by inserting “total” be-  
21 fore “amount”; and

22 (bb) by adding “and” at the  
23 end;

24 (III) in clause (iii)—

1 (aa) by striking “apply with-  
2 in” and inserting “apply to or  
3 within any recipient, including”;  
4 and

5 (bb) by striking “; and” and  
6 inserting a period; and

7 (IV) by striking clause (iv); and  
8 (B) by adding at the end the following:

9 “(3) REQUIRED REPORTING FOR PRIOR AWARD-  
10 ED GRANTS.—Not later than 180 days after the end  
11 of the quarter following the date of enactment of  
12 this paragraph, each recipient of a covered grant  
13 awarded before the date of enactment of this para-  
14 graph shall provide the information required under  
15 this subsection and thereafter comply with the re-  
16 quirements of this subsection.

17 “(4) ASSISTANCE IN REPORTING.—The Admin-  
18 istrator or the Secretary, as appropriate under the  
19 covered grant, in coordination with the Director of  
20 the Office of Management and Budget, shall provide  
21 for user-friendly means for grant recipients to com-  
22 ply with the reporting requirements of this sub-  
23 section.

24 “(5) SUBGRANTEE REPORTING.—Each grant  
25 recipient required to report information under para-

1 graph (1)(B)(iii)(V) shall register with the Central  
2 Contractor Registration database or complete other  
3 registration requirements as determined necessary  
4 by the Director of the Office of Management and  
5 Budget.

6 “(6) PUBLICATION OF INFORMATION.—Not  
7 later than 7 days after the date on which the Ad-  
8 ministrator or the Secretary, as the case may be, re-  
9 ceives the reports required to be submitted under  
10 this subsection, the Administrator and the Secretary  
11 shall make the information in the reports publicly  
12 available, in a searchable database, on the website of  
13 the Federal Emergency Management Agency or De-  
14 partment, as appropriate.

15 “(7) COVERED GRANT DEFINED.—In this sub-  
16 section, the term ‘covered grant’ means a grant  
17 awarded under—

18 “(A) this Act; or

19 “(B) a program described in paragraphs  
20 (1) through (6) of section 2002(b) that is ad-  
21 ministered by the Department.”; and

22 (3) by adding at the end the following:

23 “(d) SUNSET AND DISPOSITION OF UNEXPENDED  
24 GRANT AMOUNTS.—

1           “(1) IN GENERAL.—Except as may be other-  
2           wise provided in the authorizing statute of a grant  
3           program, effective on the date that is 5 years after  
4           the date on which grant funds are distributed by the  
5           Administrator or the Secretary, as appropriate,  
6           under a covered grant (as defined in subsection  
7           (b)(7)), the authority of a covered grant recipient,  
8           including any grantee or subgrantee, to obligate,  
9           provide, make available, or otherwise expend those  
10          funds is terminated.

11          “(2) RETURN OF UNEXPENDED GRANT  
12          AMOUNTS.—Upon the termination of authority  
13          under paragraph (1), any grant amounts that have  
14          not been expended shall be returned to the Adminis-  
15          trator or the Secretary, as the case may be. The Ad-  
16          ministrator or the Secretary, as the case may be,  
17          shall deposit any grant amounts returned under this  
18          paragraph in the General Fund of the Treasury in  
19          accordance with section 3302 of title 31, United  
20          States Code.

21          “(3) AWARDS TO RECIPIENTS RETURNING  
22          GRANT FUNDS.—On and after the date on which the  
23          authority of a covered grant recipient is terminated  
24          under paragraph (1) with respect to a grant under  
25          a covered grant program, the Administrator or the

1 Secretary, as appropriate, may award a grant under  
2 the covered grant program to the covered grant re-  
3 cipient, only pursuant to the submission of a new  
4 grant application, in accordance with the require-  
5 ments of the grant program.

6 “(4) APPLICABILITY.—This subsection shall  
7 apply to any grant awarded under a covered grant  
8 program on or after the date of enactment of this  
9 subsection.”.

## 10 **Subtitle B—Communications**

### 11 **SEC. 1431. RESPONSIBILITIES OF ASSISTANT DIRECTOR** 12 **FOR EMERGENCY COMMUNICATIONS.**

13 (a) IN GENERAL.—Section 1801(c) of the Homeland  
14 Security Act of 2002 (6 U.S.C. 571(c)) is amended—

15 (1) by striking paragraph (3);

16 (2) by redesignating paragraphs (4) through  
17 (14) as paragraphs (3) through (13), respectively;

18 (3) by redesignating paragraph (15) as para-  
19 graph (16);

20 (4) in paragraph (8), as so redesignated, by  
21 striking “, in cooperation with the National Commu-  
22 nications System,”;

23 (5) in paragraph (11), as so redesignated, by  
24 striking “Assistant Secretary for Grants and Train-

1 ing” and inserting “Administrator of the Federal  
2 Emergency Management Agency”;

3 (6) in paragraph (13), as so redesignated, by  
4 striking “and” at the end; and

5 (7) by inserting after paragraph (13) the fol-  
6 lowing:

7 “(14) administer the Government Emergency  
8 Telecommunications Service (GETS) and Wireless  
9 Priority Service (WPS) programs, or successor pro-  
10 grams;

11 “(15) assess the impact of emerging tech-  
12 nologies on interoperable emergency communica-  
13 tions; and”.

14 (b) PERFORMANCE OF PREVIOUSLY TRANSFERRED  
15 FUNCTIONS.—Section 1801(d) of the Homeland Security  
16 Act of 2002 (6 U.S.C. 571(d)) is amended by—

17 (1) striking paragraph (2); and

18 (2) redesignating paragraph (3) as paragraph  
19 (2).

20 **SEC. 1432. ANNUAL REPORTING ON ACTIVITIES OF THE**  
21 **EMERGENCY COMMUNICATIONS DIVISION.**

22 Section 1801(f) of the Homeland Security Act of  
23 2002 (6 U.S.C. 571(f)) is amended to read as follows:

24 “(f) ANNUAL REPORTING OF DIVISION ACTIVI-  
25 TIES.—The Assistant Director for Emergency Commu-

1 nications shall, not later than 1 year after the date of the  
2 enactment of this subsection and annually thereafter for  
3 each of the next 4 years, report to the Committee on  
4 Homeland Security and the Committee on Energy and  
5 Commerce of the House of Representatives and the Com-  
6 mittee on Homeland Security and Governmental Affairs  
7 of the Senate on the activities and programs of the Emer-  
8 gency Communications Division, including specific infor-  
9 mation on efforts to carry out paragraphs (3), (4), and  
10 (5) of subsection (e).”.

11 **SEC. 1433. NATIONAL EMERGENCY COMMUNICATIONS**  
12 **PLAN.**

13 Section 1802 of the Homeland Security Act of 2002  
14 (6 U.S.C. 572) is amended—

15 (1) in subsection (a), in the matter preceding  
16 paragraph (1)—

17 (A) by striking “, and in cooperation with  
18 the Department of National Communications  
19 System (as appropriate),”; and

20 (B) by inserting “, but not less than once  
21 every 5 years,” after “periodically”; and

22 (2) in subsection (c)—

23 (A) by redesignating paragraphs (3)  
24 through (10) as paragraphs (4) through (11),  
25 respectively; and

1 (B) by inserting after paragraph (2) the  
2 following new paragraph:

3 “(3) consider the impact of emerging tech-  
4 nologies on the attainment of interoperable emer-  
5 gency communications;”.

6 **SEC. 1434. TECHNICAL EDIT.**

7 Section 1804(b)(1) of the Homeland Security Act of  
8 2002 (6 U.S.C. 574(b)(1)) is amended, in the matter pre-  
9 ceding subparagraph (A), by striking “Assistant Secretary  
10 for Grants and Planning” and inserting “Administrator  
11 of the Federal Emergency Management Agency”.

12 **SEC. 1435. COMMUNICATIONS TRAINING.**

13 The Under Secretary for Management of the Depart-  
14 ment of Homeland Security, in coordination with the ap-  
15 propriate component heads, shall develop a mechanism,  
16 consistent with the strategy required pursuant to section  
17 4 of the Department of Homeland Security Interoperable  
18 Communications Act (Public Law 114–29; 6 U.S.C. 194  
19 note), to verify that radio users within the Department  
20 receive initial and ongoing training on the use of the radio  
21 systems of such components, including interagency radio  
22 use protocols.

## 1                   **Subtitle C—Other Matters**

### 2   **SEC. 1451. TECHNICAL AND CONFORMING AMENDMENTS.**

3           (a) TITLE V.—Title V of the Homeland Security Act  
4 of 2002 (6 U.S.C. 311 et seq.) is amended as follows:

5           (1) In section 501 (6 U.S.C. 311)—

6                   (A) by redesignating paragraphs (9)  
7 through (14) as paragraphs (10) through (15),  
8 respectively; and

9                   (B) by inserting after paragraph (8) the  
10 following new paragraph:

11           “(9) the term ‘Nuclear Incident Response  
12 Team’ means a resource that includes—

13                   “(A) those entities of the Department of  
14 Energy that perform nuclear or radiological  
15 emergency support functions (including accident  
16 response, search response, advisory, and tech-  
17 nical operations functions), radiation exposure  
18 functions at the medical assistance facility  
19 known as the Radiation Emergency Assistance  
20 Center/Training Site (REAC/TS), radiological  
21 assistance functions, and related functions; and

22                   “(B) those entities of the Environmental  
23 Protection Agency that perform such support  
24 functions (including radiological emergency re-  
25 sponse functions) and related functions.”.

1 (2) By striking section 502 (6 U.S.C. 312).

2 (3) In section 504(a)(3)(B) (6 U.S.C.  
3 314(a)(3)(B)), by striking “, the National Disaster  
4 Medical System,”.

5 (4) In section 506(c) (6 U.S.C. 316(c)), by  
6 striking “section 708” each place it appears and in-  
7 serting “section 707”.

8 (5) In section 509(c)(2) (6 U.S.C. 319(c)(2)),  
9 in the matter preceding subparagraph (A), by strik-  
10 ing “section 708” and inserting “section 707”.

11 (b) TITLE XX.—Title XX of the Homeland Security  
12 Act of 2002 (6 U.S.C. 601 et seq.) is amended—

13 (1) in section 2001 (6 U.S.C. 601)—

14 (A) by striking paragraph (13);

15 (B) by redesignating paragraphs (3)  
16 through (12) as paragraphs (4) through (13),  
17 respectively; and

18 (C) by inserting after paragraph (2) the  
19 following:

20 “(3) CORE CAPABILITIES.—The term ‘core ca-  
21 pabilities’ means the capabilities for Federal, State,  
22 local, and tribal government preparedness for which  
23 guidelines are required to be established under sec-  
24 tion 646(a) of the Post-Katrina Emergency Manage-  
25 ment Reform Act of 2006 (6 U.S.C. 746(a)).”;

1           (2) in section 2005(j)(1) (6 U.S.C. 606(j)(1)),  
2           by striking “target” and inserting “core”; and

3           (3) in section 2021(d)(3) (6 U.S.C. 611(d)(3)),  
4           by striking “target” each place it appears and in-  
5           serting “core”.

6           (c) IMPLEMENTING RECOMMENDATIONS OF THE 9/  
7 11 COMMISSION ACT OF 2007.—Section 1204 of the Im-  
8 plementing Recommendations of the 9/11 Commission Act  
9 of 2007 (6 U.S.C. 1102) is amended—

10           (1) in subsection (b)(4), by striking “Rescue”  
11           and inserting “Recovery”;

12           (2) in subsection (d)(2), by striking “Rescue”  
13           and inserting “Recovery”; and

14           (3) in subsection (e)(4), by striking “Rescue”  
15           and inserting “Recovery”.

16       **TITLE V—FEDERAL EMERGENCY**  
17       **MANAGEMENT AGENCY**

18       **SEC. 1501. SHORT TITLE.**

19           This title may be cited as the “FEMA Reauthoriza-  
20 tion Act of 2018”.

21       **SEC. 1502. REAUTHORIZATION OF FEDERAL EMERGENCY**  
22       **MANAGEMENT AGENCY.**

23           Section 699 of the Post-Katrina Emergency Manage-  
24 ment Reform Act of 2006 (6 U.S.C. 811) is amended—



1 “(C) \$66,001,416 for fiscal year 2020; and

2 “(2) for the members of the National Domestic

3 Preparedness Consortium described in paragraphs

4 (2) through (7) of subsection (b)—

5 “(A) \$101,000,000 for fiscal year 2018;

6 “(B) \$102,606,000 for fiscal year 2019;

7 and

8 “(C) \$104,247,856 for fiscal year 2020.”;

9 and

10 (3) in subsection (e)—

11 (A) by striking “each of the following enti-

12 ties” and inserting “members of the National

13 Domestic Preparedness Consortium enumerated

14 in subsection (b)”;

15 (B) by striking “2007—” and inserting

16 “2015.” and

17 (C) by striking paragraphs (1) through

18 (5).

19 **SEC. 1504. RURAL DOMESTIC PREPAREDNESS CONSOR-**  
20 **TIUM.**

21 (a) IN GENERAL.—The Secretary of Homeland Secu-

22 rity is authorized to establish a Rural Domestic Prepared-

23 ness Consortium within the Department of Homeland Se-

24 curity consisting of universities and nonprofit organiza-

25 tions qualified to provide training to emergency response

1 providers (as defined in section 2 of the Homeland Secu-  
2 rity Act of 2002 (6 U.S.C. 101)) from rural communities  
3 (as defined by the Federal Emergency Management Agen-  
4 cy).

5 (b) DUTIES.—The Rural Domestic Preparedness  
6 Consortium authorized under subsection (a) shall identify,  
7 develop, test, and deliver training to State, local, and trib-  
8 al emergency response providers from rural communities,  
9 provide on-site and mobile training, and facilitate the de-  
10 livery of training by the training partners of the Depart-  
11 ment of Homeland Security.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—Of  
13 amounts appropriated for Continuing Training Grants of  
14 the Department of Homeland Security, \$5,000,000 is au-  
15 thorized to be used for the Rural Domestic Preparedness  
16 Consortium authorized under subsection (a).

17 **SEC. 1505. CENTER FOR FAITH-BASED AND NEIGHBOR-**  
18 **HOOD PARTNERSHIPS.**

19 (a) IN GENERAL.—Title V of the Homeland Security  
20 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
21 1420 of this Act, is amended by adding at the end the  
22 following:

1 **“SEC. 530. CENTER FOR FAITH-BASED AND NEIGHBORHOOD**  
2 **PARTNERSHIPS.**

3 “(a) IN GENERAL.—There is established in the Agen-  
4 cy a Center for Faith-Based and Neighborhood Partner-  
5 ships, headed by a Director appointed by the Secretary.

6 “(b) MISSION.—The mission of the Center shall be  
7 to develop and coordinate departmental outreach efforts  
8 with faith-based and community organizations and serve  
9 as a liaison between those organizations and components  
10 of the Department for activities related to securing facili-  
11 ties, emergency preparedness and response, and com-  
12 bating human trafficking.

13 “(c) RESPONSIBILITIES.—In support of the mission  
14 of the Center for Faith-Based and Neighborhood Partner-  
15 ships, the Director shall—

16 “(1) develop exercises that engage faith-based  
17 and community organizations to test capabilities for  
18 all hazards, including active shooter incidents;

19 “(2) coordinate the delivery of guidance and  
20 training to faith-based and community organizations  
21 related to securing their facilities against natural  
22 disasters, acts of terrorism, and other man-made  
23 disasters;

24 “(3) conduct outreach to faith-based and com-  
25 munity organizations regarding guidance, training,  
26 and exercises and departmental capabilities available

1 to assist faith-based and community organizations to  
2 secure their facilities against natural disasters, acts  
3 of terrorism, and other man-made disasters;

4 “(4) facilitate engagement and coordination  
5 among the emergency management community and  
6 faith-based and community organizations;

7 “(5) deliver training and technical assistance to  
8 faith-based and community organizations and pro-  
9 vide subject-matter expertise related to anti-human  
10 trafficking efforts to help communities successfully  
11 partner with other components of the Blue Cam-  
12 paign of the Department; and

13 “(6) perform any other duties as assigned by  
14 the Administrator.”.

15 (b) CLERICAL AMENDMENT.—The table of contents  
16 in section 1(b) of the Homeland Security Act of 2002  
17 (Public Law 107–296; 116 Stat. 2135), as amended by  
18 section 1420, is amended by inserting after the item relat-  
19 ing to section 529 the following:

“Sec. 530. Center For Faith-Based And Neighborhood Partnerships.”.

20 **SEC. 1506. EMERGENCY SUPPORT FUNCTIONS.**

21 (a) UPDATE.—Section 504(a)(13) of the Homeland  
22 Security Act of 2002 (6 U.S.C. 314(a)(13)) is amended  
23 by inserting “, periodically updating (but not less often  
24 than once every 5 years),” after “administering”.

1 (b) EMERGENCY SUPPORT FUNCTIONS.—Section  
2 653 of the Post-Katrina Emergency Management Reform  
3 Act of 2006 (6 U.S.C. 753) is amended—

4 (1) by redesignating subsections (d) and (e) as  
5 subsections (e) and (f), respectively; and

6 (2) by inserting after subsection (c) the fol-  
7 lowing:

8 “(d) COORDINATION.—The President, acting through  
9 the Administrator, shall develop and provide to Federal  
10 departments and agencies with coordinating, primary, or  
11 supporting responsibilities under the National Response  
12 Framework performance metrics to ensure readiness to  
13 execute responsibilities under the emergency support func-  
14 tions of the National Response Framework.”.

15 **SEC. 1507. REVIEW OF NATIONAL INCIDENT MANAGEMENT**  
16 **SYSTEM.**

17 Section 509(b)(2) of the Homeland Security Act of  
18 2002 (6 U.S.C. 319(b)(2)) is amended, in the matter pre-  
19 ceding subparagraph (A), by inserting “, but not less often  
20 than once every 5 years,” after “periodically”.

21 **SEC. 1508. REMEDIAL ACTION MANAGEMENT PROGRAM.**

22 Section 650 of the Post-Katrina Emergency Manage-  
23 ment Reform Act of 2006 (6 U.S.C. 750) is amended to  
24 read as follows:

1 **“SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

2 “(a) IN GENERAL.—The Administrator, in coordina-  
3 tion with the National Council on Disability and the Na-  
4 tional Advisory Council, shall establish a remedial action  
5 management program to—

6 “(1) analyze training, exercises, and real world  
7 events to identify lessons learned, corrective actions,  
8 and best practices;

9 “(2) generate and disseminate, as appropriate,  
10 the lessons learned, corrective actions, and best  
11 practices described in paragraph (1); and

12 “(3) conduct remedial action tracking and long-  
13 term trend analysis.

14 “(b) FEDERAL CORRECTIVE ACTIONS.—The Admin-  
15 istrator, in coordination with the heads of appropriate  
16 Federal departments and agencies, shall—

17 “(1) utilize the program established under sub-  
18 section (a) to collect information on corrective ac-  
19 tions identified by such Federal departments and  
20 agencies during exercises and the response to nat-  
21 ural disasters, acts of terrorism, and other man-  
22 made disasters; and

23 “(2) not later than 1 year after the date of the  
24 enactment of the FEMA Reauthorization Act of  
25 2018 and annually thereafter for each of the next 4

1 years, submit to Congress a report on the status of  
2 those corrective actions.

3 “(c) DISSEMINATION OF AFTER ACTION REPORTS.—  
4 The Administrator shall provide electronically, to the max-  
5 imum extent practicable, to Congress and Federal, State,  
6 local, tribal, and private sector officials after-action re-  
7 ports and information on lessons learned and best prac-  
8 tices from responses to acts of terrorism, natural disas-  
9 ters, capstone exercises conducted under the national exer-  
10 cise program under section 648(b), and other emergencies  
11 or exercises.”.

12 **SEC. 1509. CENTER FOR DOMESTIC PREPAREDNESS.**

13 The Administrator of the Federal Emergency Man-  
14 agement Agency shall—

15 (1) develop an implementation plan, including  
16 benchmarks and milestones, to address the findings  
17 and recommendations of the 2017 Management Re-  
18 view Team that issued a report on May 8, 2017, re-  
19 garding live agent training at the Chemical, Ord-  
20 nance, Biological and Radiological Training Facility;  
21 and

22 (2) provide to the Committee on Homeland Se-  
23 curity and the Committee on Transportation and In-  
24 frastructure of the House of Representatives and the  
25 Committee on Homeland Security and Governmental

1 Affairs of the Senate updates and information on ef-  
2 ferts to implement recommendations related to the  
3 management review of the Chemical, Ordnance, Bio-  
4 logical, and Radiological Training Facility of the  
5 Center for Domestic Preparedness of the Federal  
6 Emergency Management Agency, including, as nec-  
7 essary, information on additional resources or au-  
8 thority needed to implement such recommendations.

9 **SEC. 1510. FEMA SENIOR LAW ENFORCEMENT ADVISOR.**

10 (a) IN GENERAL.—Title V of the Homeland Security  
11 Act of 2002 (6 U.S.C. 311 et seq.), as amended by section  
12 1505 of this Act, is amended by adding at the end the  
13 following:

14 **“SEC. 531. SENIOR LAW ENFORCEMENT ADVISOR.**

15 “(a) ESTABLISHMENT.—The Administrator shall ap-  
16 point a Senior Law Enforcement Advisor to serve as a  
17 qualified expert to the Administrator for the purpose of  
18 strengthening the Agency’s coordination among State,  
19 local, and tribal law enforcement.

20 “(b) QUALIFICATIONS.—The Senior Law Enforce-  
21 ment Advisor shall have an appropriate background with  
22 experience in law enforcement, information sharing, and  
23 other emergency response functions.

24 “(c) RESPONSIBILITIES.—The Senior Law Enforce-  
25 ment Advisor shall—

1           “(1) coordinate on behalf of the Administrator  
2 with the Office for State and Local Law Enforce-  
3 ment under section 2006 for the purpose of ensuring  
4 State, local, and tribal law enforcement receive con-  
5 sistent and appropriate consideration in policies,  
6 guidance, training, and exercises related to pre-  
7 venting, preparing for, protecting against, and re-  
8 sponding to natural disasters, acts of terrorism, and  
9 other man-made disasters within the United States;

10           “(2) work with the Administrator and the Of-  
11 fice for State and Local Law Enforcement under  
12 section 2006 to ensure grants to State, local, and  
13 tribal government agencies, including programs  
14 under sections 2003, 2004, and 2006(a), appro-  
15 priately focus on terrorism prevention activities; and

16           “(3) serve other appropriate functions as deter-  
17 mined by the Administrator.”.

18           (b) CLERICAL AMENDMENT.—The table of contents  
19 in section 1(b) of the Homeland Security Act of 2002  
20 (Public Law 107–296; 116 Stat. 2135), as amended by  
21 section 1505, is amended by inserting after the item relat-  
22 ing to section 530 the following:

“Sec. 531. Senior Law Enforcement Advisor.”.

23 **SEC. 1511. TECHNICAL EXPERT AUTHORIZED.**

24           Section 503(b)(2) of the Homeland Security Act of  
25 2002 (6 U.S.C. 313(b)(2)) is amended—

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

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

5           (3) by adding at the end the following:

6                   “(I) identify and integrate the needs of  
7           children into activities to prepare for, protect  
8           against, respond to, recover from, and mitigate  
9           against natural disasters, acts of terrorism, and  
10          other man-made disasters, including cata-  
11          strophic incidents, including by appointing a  
12          technical expert, who may consult with relevant  
13          outside organizations and experts, as necessary,  
14          to coordinate such activities, as necessary.”.

15   **SEC. 1512. MISSION SUPPORT.**

16          (a) **ESTABLISHMENT.**—The Administrator of the  
17          Federal Emergency Management Agency shall designate  
18          an individual to serve as the chief management official and  
19          principal advisor to the Administrator on matters related  
20          to the management of the Federal Emergency Manage-  
21          ment Agency, including management integration in sup-  
22          port of emergency management operations and programs.

23          (b) **MISSION AND RESPONSIBILITIES.**—The Adminis-  
24          trator of the Federal Emergency Management Agency,  
25          acting through the official designated pursuant to sub-

1 section (a), shall be responsible for the management and  
2 administration of the Federal Emergency Management  
3 Agency, including with respect to the following:

4 (1) Procurement.

5 (2) Human resources and personnel.

6 (3) Information technology and communications  
7 systems.

8 (4) Real property investment and planning, fa-  
9 cilities, accountable personal property (including  
10 fleet and other material resources), records and dis-  
11 closure, privacy, safety and health, and sustain-  
12 ability and environmental management.

13 (5) Security for personnel, information tech-  
14 nology and communications systems, facilities, prop-  
15 erty, equipment, and other material resources.

16 (6) Any other management duties that the Ad-  
17 ministrator may designate.

18 (c) MOUNT WEATHER EMERGENCY OPERATIONS  
19 AND ASSOCIATED FACILITIES.—Nothing in this section  
20 shall be construed as limiting or otherwise affecting the  
21 role or responsibility of the Assistant Administrator for  
22 National Continuity Programs with respect to the matters  
23 described in subsection (b) as such matters relate to the  
24 Mount Weather Emergency Operations Center and associ-  
25 ated facilities. The management and administration of the

1 Mount Weather Emergency Operations Center and associ-  
2 ated facilities remain the responsibility of the Assistant  
3 Administrator for National Continuity Programs.

4 (d) REPORT.—Not later than 270 days after the date  
5 of enactment of this Act, the Administrator of the Federal  
6 Emergency Management Agency shall submit to the Com-  
7 mittee on Homeland Security and the Committee on  
8 Transportation and Infrastructure of the House of Rep-  
9 resentatives and the Committee on Homeland Security  
10 and Governmental Affairs of the Senate a report that in-  
11 cludes—

12 (1) a review of financial, human capital, infor-  
13 mation technology, real property planning, and ac-  
14 quisition management of headquarters and all re-  
15 gional offices of the Federal Emergency Manage-  
16 ment Agency; and

17 (2) a strategy for capturing financial, human  
18 capital, information technology, real property plan-  
19 ning, and acquisition data.

20 **SEC. 1513. STRATEGIC HUMAN CAPITAL PLAN.**

21 Section 10102(c) of title 5, United States Code, is  
22 amended by striking “2007” and inserting “2018”.

1 **SEC. 1514. OFFICE OF DISABILITY INTEGRATION AND CO-**  
2 **ORDINATION OF DEPARTMENT OF HOME-**  
3 **LAND SECURITY.**

4 (a) OFFICE OF DISABILITY INTEGRATION AND CO-  
5 ORDINATION.—

6 (1) IN GENERAL.—Section 513 of the Home-  
7 land Security Act of 2002 (6 U.S.C. 321b) is  
8 amended to read as follows:

9 **“SEC. 513. OFFICE OF DISABILITY INTEGRATION AND CO-**  
10 **ORDINATION.**

11 “(a) IN GENERAL.—There is established within the  
12 Agency an Office of Disability Integration and Coordina-  
13 tion (in this section referred to as the ‘Office’), which shall  
14 be headed by a Director.

15 “(b) MISSION.—The mission of the Office is to en-  
16 sure that individuals with disabilities and other access and  
17 functional needs are included in emergency management  
18 activities throughout the Agency by providing guidance,  
19 tools, methods, and strategies for the purpose of equal  
20 physical program and effective communication access.

21 “(c) RESPONSIBILITIES.—In support of the mission  
22 of the Office, the Director shall—

23 “(1) provide guidance and coordination on mat-  
24 ters related to individuals with disabilities in emer-  
25 gency planning requirements and relief efforts in the

1 event of a natural disaster, act of terrorism, or other  
2 man-made disaster;

3 “(2) oversee Office employees responsible for  
4 disability integration in each regional office with re-  
5 spect to carrying out the mission of the Office;

6 “(3) liaise with other employees of the Agency,  
7 including nonpermanent employees, organizations  
8 representing individuals with disabilities, other agen-  
9 cies of the Federal Government, and State, local,  
10 and tribal government authorities regarding the  
11 needs of individuals with disabilities in emergency  
12 planning requirements and relief efforts in the event  
13 of a natural disaster, act of terrorism, or other man-  
14 made disaster;

15 “(4) coordinate with the technical expert on the  
16 needs of children within the Agency to provide guid-  
17 ance and coordination on matters related to children  
18 with disabilities in emergency planning requirements  
19 and relief efforts in the event of a natural disaster,  
20 act of terrorism, or other man-made disaster;

21 “(5) consult with organizations representing in-  
22 dividuals with disabilities about access and func-  
23 tional needs in emergency planning requirements  
24 and relief efforts in the event of a natural disaster,  
25 act of terrorism, or other man-made disaster;

1           “(6) ensure the coordination and dissemination  
2 of best practices and model evacuation plans for in-  
3 dividuals with disabilities;

4           “(7) collaborate with Agency leadership respon-  
5 sible for training to ensure that qualified experts de-  
6 velop easily accessible training materials and a cur-  
7 riculum for the training of emergency response pro-  
8 viders, State, local, and tribal government officials,  
9 and others on the needs of individuals with disabili-  
10 ties;

11           “(8) coordinate with the Emergency Manage-  
12 ment Institute, the Center for Domestic Prepared-  
13 ness, Center for Homeland Defense and Security,  
14 the United States Fire Administration, the national  
15 exercise program described in section 648(b) of the  
16 Post-Katrina Emergency Management Reform Act  
17 of 2006 (6 U.S.C. 748(b)), and the National Domes-  
18 tic Preparedness Consortium to ensure that content  
19 related to persons with disabilities, access and func-  
20 tional needs, and children are integrated into exist-  
21 ing and future emergency management trainings;

22           “(9) promote the accessibility of telephone hot-  
23 lines and websites regarding emergency prepared-  
24 ness, evacuations, and disaster relief;

1           “(10) work to ensure that video programming  
2           distributors, including broadcasters, cable operators,  
3           and satellite television services, make emergency in-  
4           formation accessible to individuals with hearing and  
5           vision disabilities;

6           “(11) ensure the availability of accessible trans-  
7           portation options for individuals with disabilities in  
8           the event of an evacuation;

9           “(12) provide guidance and implement policies  
10          to ensure that the rights and feedback of individuals  
11          with disabilities regarding post-evacuation residency  
12          and relocation are respected;

13          “(13) ensure that meeting the needs of individ-  
14          uals with disabilities are included in the components  
15          of the national preparedness system established  
16          under section 644 of the Post-Katrina Emergency  
17          Management Reform Act of 2006 (6 U.S.C. 744);  
18          and

19          “(14) perform any other duties as assigned by  
20          the Administrator.

21          “(d) DIRECTOR.—After consultation with organiza-  
22          tions representing individuals with disabilities, the Admin-  
23          istrator shall appoint a Director. The Director shall report  
24          directly to the Administrator, in order to ensure that the

1 needs of individuals with disabilities are being properly ad-  
2 dressed in emergency preparedness and disaster relief.

3 “(e) ORGANIZATIONS REPRESENTING INDIVIDUALS  
4 WITH DISABILITIES DEFINED.—For purposes of this sec-  
5 tion, the term ‘organizations representing individuals with  
6 disabilities’ means the National Council on Disabilities,  
7 the Interagency Coordinating Council on Preparedness  
8 and Individuals with Disabilities, and other appropriate  
9 disability organizations.”.

10 (2) CLERICAL AMENDMENT.—The table of con-  
11 tents in section 1(b) of the Homeland Security Act  
12 of 2002 (Public Law 107–296; 116 Stat. 2135) is  
13 amended by striking the item relating to section 513  
14 and inserting the following:

“513. Office of Disability Integration and Coordination.”.

15 (b) REPORT TO CONGRESS.—Not later than 120 days  
16 after the date of the enactment of this Act, the Adminis-  
17 trator of the Federal Emergency Management Agency  
18 shall submit to Congress a report on the funding and  
19 staffing needs of the Office of Disability Integration and  
20 Coordination under section 513 of the Homeland Security  
21 Act of 2002, as amended by subsection (a).

22 **SEC. 1515. MANAGEMENT COSTS.**

23 Section 324 of the Robert T. Stafford Disaster Relief  
24 and Emergency Assistance Act (42 U.S.C. 5165b) is  
25 amended—

1           (1) in subsection (a), by striking “any adminis-  
2           trative expense, and any other expense not directly  
3           chargeable to” and inserting “direct administrative  
4           cost, and any other administrative expense associ-  
5           ated with”; and

6           (2) in subsection (b)—

7                 (A) by striking “Notwithstanding” and in-  
8                 serting the following:

9                 “(1) IN GENERAL.—Notwithstanding”;

10                (B) in paragraph (1), as so designated, by  
11                striking “establish” and inserting “implement”;  
12                and

13                (C) by adding at the end the following:

14                “(2) SPECIFIC MANAGEMENT COSTS.—The Ad-  
15                ministrator shall provide for management costs, in  
16                addition to the eligible project costs, to cover direct  
17                and indirect costs of administering the following pro-  
18                grams:

19                         “(A) HAZARD MITIGATION.—A grantee  
20                         under section 404 may be reimbursed for direct  
21                         and indirect administrative costs in a total  
22                         amount of not more than 15 percent of the  
23                         total amount of the grant award under such  
24                         section of which not more than 10 percent may

1 be used by the grantee and 5 percent by the  
2 subgrantee for such costs.

3 “(B) PUBLIC ASSISTANCE.—A grantee  
4 under sections 403, 406, 407, and 502 may be  
5 reimbursed direct and indirect administrative  
6 costs in a total amount of not more than 12  
7 percent of the total award amount under such  
8 sections, of which not more than 7 percent may  
9 be used by the grantee and 5 percent by the  
10 subgrantee for such costs.”.

11 **SEC. 1516. PERFORMANCE OF SERVICES.**

12 Section 306 of the Robert T. Stafford Disaster Relief  
13 and Emergency Assistance Act (42 U.S.C. 5149) is  
14 amended by adding at the end the following:

15 “(c) The Administrator of the Federal Emergency  
16 Management Agency may appoint temporary personnel,  
17 after serving continuously for 3 years, to positions in the  
18 Federal Emergency Management Agency in the same  
19 manner that competitive service employees with competi-  
20 tive status are considered for transfer, reassignment, or  
21 promotion to such positions. An individual appointed  
22 under this subsection shall become a career-conditional  
23 employee, unless the employee has already completed the  
24 service requirements for career tenure.”.

1 **SEC. 1517. STUDY TO STREAMLINE AND CONSOLIDATE IN-**  
2 **FORMATION COLLECTION.**

3 Not later than 1 year after the date of enactment  
4 of this Act, the Administrator of the Federal Emergency  
5 Management Agency shall—

6 (1) in coordination with the Small Business Ad-  
7 ministration, the Department of Housing and Urban  
8 Development, and other appropriate agencies, con-  
9 duct a study and develop a plan, consistent with law,  
10 under which the collection of information from dis-  
11 aster assistance applicants and grantees will be  
12 modified, streamlined, expedited, efficient, flexible,  
13 consolidated, and simplified to be less burdensome,  
14 duplicative, and time consuming for applicants and  
15 grantees;

16 (2) in coordination with the Small Business Ad-  
17 ministration, the Department of Housing and Urban  
18 Development, and other appropriate agencies, de-  
19 velop a plan for the regular collection and reporting  
20 of information on Federal disaster assistance award-  
21 ed, including the establishment and maintenance of  
22 a website for presenting the information to the pub-  
23 lic; and

24 (3) submit to the Committee on Transportation  
25 and Infrastructure of the House of Representatives

1 and the Committee on Homeland Security and Gov-  
2 ernmental Affairs of the Senate—

3 (A) the plans developed under paragraphs  
4 (1) and (2); and

5 (B) recommendations, if any, of the Ad-  
6 ministrator for legislative changes to streamline  
7 or consolidate the collection or reporting of in-  
8 formation, as described in paragraphs (1) and  
9 (2).

10 **SEC. 1518. AGENCY ACCOUNTABILITY.**

11 Title IV of the Robert T. Stafford Disaster Relief and  
12 Emergency Assistance Act (42 U.S.C. 5170 et seq.) is  
13 amended by adding at the end the following:

14 **“SEC. 430. AGENCY ACCOUNTABILITY.**

15 “(a) PUBLIC ASSISTANCE.—Not later than 5 days  
16 after the date on which an award of a public assistance  
17 grant is made under section 406 that is in excess of  
18 \$1,000,000, the Administrator of the Federal Emergency  
19 Management Agency (referred to in this section as the  
20 ‘Administrator’) shall publish on the website of the Fed-  
21 eral Emergency Management Agency (referred to in this  
22 section as the ‘Agency’) the specifics of each such grant  
23 award, including identifying—

24 “(1) the Federal Emergency Management  
25 Agency Region;

1           “(2) the major disaster or emergency declara-  
2           tion number;

3           “(3) the State, county, and applicant name;

4           “(4) if the applicant is a private nonprofit orga-  
5           nization;

6           “(5) the damage category code;

7           “(6) the amount of the Federal share obligated;  
8           and

9           “(7) the date of the award.

10          “(b) MISSION ASSIGNMENTS.—

11           “(1) IN GENERAL.—Not later than 5 days after  
12           the date on which a mission assignment or mission  
13           assignment task order is issued under section 402(1)  
14           or section 502(a)(1), the Administrator shall publish  
15           on the website of the Agency any mission assign-  
16           ment or mission assignment task order to another  
17           Federal department or agency regarding a major  
18           disaster in excess of \$1,000,000, including—

19           “(A) the name of the impacted State or  
20           Indian tribe;

21           “(B) the major disaster declaration for  
22           such State or Indian tribe;

23           “(C) the assigned agency;

24           “(D) the assistance requested;

25           “(E) a description of the major disaster;

1                   “(F) the total cost estimate;

2                   “(G) the amount obligated;

3                   “(H) the State or tribal cost share, if ap-  
4                   plicable;

5                   “(I) the authority under which the mission  
6                   assignment or mission assignment task order  
7                   was directed; and

8                   “(J) if applicable, the date on which a  
9                   State or Indian tribe requested the mission as-  
10                  signment.

11                  “(2) RECORDING CHANGES.—Not later than 10  
12                  days after the last day of each month until a mission  
13                  assignment or mission assignment task order de-  
14                  scribed in paragraph (1) is completed and closed  
15                  out, the Administrator shall update any changes to  
16                  the total cost estimate and the amount obligated.

17                  “(c) DISASTER RELIEF MONTHLY REPORT.—Not  
18                  later than 10 days after the first day of each month, the  
19                  Administrator shall publish reports on the website of the  
20                  Agency, including a specific description of the method-  
21                  ology and the source data used in developing such reports,  
22                  including—

23                         “(1) an estimate of the amounts for the fiscal  
24                         year covered by the President’s most recent budget

1       pursuant to section 1105(a) of title 31, United  
2       States Code, including—

3               “(A) the unobligated balance of funds to  
4               be carried over from the prior fiscal year to the  
5               budget year;

6               “(B) the unobligated balance of funds to  
7               be carried over from the budget year to the  
8               year after the budget year;

9               “(C) the amount of obligations for non-  
10              catastrophic events for the budget year;

11              “(D) the amount of obligations for the  
12              budget year for catastrophic events, as defined  
13              under the National Response Framework, delin-  
14              eated by event and by State;

15              “(E) the total amount that has been pre-  
16              viously obligated or will be required for cata-  
17              strophic events delineated by event and by State  
18              for all prior years, the current fiscal year, the  
19              budget year, and each fiscal year thereafter;

20              “(F) the amount of previously obligated  
21              funds that will be recovered for the budget  
22              year;

23              “(G) the amount that will be required for  
24              obligations for emergencies, major disasters,  
25              fire management assistance grants, as described

1 in section 420, surge activities, and disaster  
2 readiness and support activities; and

3 “(H) the amount required for activities not  
4 covered under section 251(b)(2)(D)(iii) of the  
5 Balanced Budget and Emergency Deficit Con-  
6 trol Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii));

7 “(2) a summary of the amount for disaster re-  
8 lief of—

9 “(A) appropriations made available by  
10 source;

11 “(B) the transfers executed;

12 “(C) the previously allocated funds recov-  
13 ered; and

14 “(D) the commitments, allocations, and ob-  
15 ligations made;

16 “(3) a table of disaster relief activity delineated  
17 by month, including—

18 “(A) the beginning and ending balances;

19 “(B) the total obligations to include  
20 amounts obligated for fire assistance, emer-  
21 gencies, surge, and disaster support activities;

22 “(C) the obligations for catastrophic events  
23 delineated by event and by State; and

24 “(D) the amount of previously obligated  
25 funds that are recovered;

1           “(4) a summary of allocations, obligations, and  
2 expenditures for catastrophic events delineated by  
3 event;

4           “(5) the cost with respect to—

5                 “(A) public assistance;

6                 “(B) individual assistance;

7                 “(C) mitigation;

8                 “(D) administrative activities;

9                 “(E) operations; and

10                “(F) any other relevant category (including  
11 emergency measures and disaster resources) de-  
12 lined by major disaster; and

13           “(6) the date on which funds appropriated will  
14 be exhausted.

15           “(d) CONTRACTS.—

16                “(1) INFORMATION.—

17                   “(A) IN GENERAL.—Not later than 10  
18 days after the first day of each month, the Ad-  
19 ministrator shall publish on the website of the  
20 Agency the specifics of each contract in excess  
21 of \$1,000,000 that the Agency enters into dur-  
22 ing the previous month, including—

23                         “(i) the name of the party;

24                         “(ii) the date the contract was award-  
25 ed;

1                   “(iii) the amount and scope of the  
2                   contract;

3                   “(iv) if the contract was awarded  
4                   through competitive bidding process;

5                   “(v) if no competitive bidding process  
6                   was used, the reason why competitive bid-  
7                   ding was not used; and

8                   “(vi) the authority used to bypass the  
9                   competitive bidding process.

10                  “(B) REQUIREMENT.—The information re-  
11                  quired to be published under subparagraph (A)  
12                  shall be delineated by major disaster, if applica-  
13                  ble, and specify the damage category code, if  
14                  applicable.

15                  “(2) REPORT.—Not later than 10 days after  
16                  the last day of the fiscal year, the Administrator  
17                  shall provide a report to the Committee on Home-  
18                  land Security and Governmental Affairs of the Sen-  
19                  ate and the Committee on Transportation and Infra-  
20                  structure of the House of Representatives summa-  
21                  rizing the following information for the preceding  
22                  fiscal year:

23                         “(A) The number of contracts awarded  
24                         without competitive bidding.

1           “(B) The reasons why a competitive bid-  
2           ding process was not used.

3           “(C) The total amount of contracts award-  
4           ed with no competitive bidding.

5           “(D) The damage category codes, if appli-  
6           cable, for contracts awarded without competi-  
7           tive bidding.”.

8 **SEC. 1519. NATIONAL PUBLIC INFRASTRUCTURE**  
9           **PREDISASTER HAZARD MITIGATION.**

10          (a) PREDISASTER HAZARD MITIGATION.—Section  
11 203 of the Robert T. Stafford Disaster Relief and Emer-  
12 gency Assistance Act (42 U.S.C. 5133) is amended—

13           (1) in subsection (c) by inserting “Public Infra-  
14           structure” after “the National”;

15           (2) in subsection (e)(1)(B)—

16                (A) in clause (ii), by striking “or” at the  
17                end;

18                (B) in clause (iii), by striking the period  
19                and inserting “; or”; and

20                (C) by adding at the end the following:

21                    “(iv) to establish and carry out en-  
22                    forcement activities to implement the latest  
23                    published editions of relevant consensus-  
24                    based codes, specifications, and standards  
25                    that incorporate the latest hazard-resistant

1 designs and establish minimum acceptable  
2 criteria for the design, construction, and  
3 maintenance of residential structures and  
4 facilities that may be eligible for assistance  
5 under this Act for the purpose of pro-  
6 tecting the health, safety, and general wel-  
7 fare of the buildings' users against disas-  
8 ters.”;

9 (3) in subsection (f)—

10 (A) in paragraph (1) by inserting “for  
11 mitigation activities that are cost effective”  
12 after “competitive basis”; and

13 (B) by adding at the end the following:

14 “(3) REDISTRIBUTION OF UNOBLIGATED  
15 AMOUNTS.—The President may—

16 “(A) withdraw amounts of financial assist-  
17 ance made available to a State (including  
18 amounts made available to local governments of  
19 a State) under this subsection that remain un-  
20 obligated by the end of the third fiscal year  
21 after the fiscal year for which the amounts were  
22 allocated; and

23 “(B) in the fiscal year following a fiscal  
24 year in which amounts were withdrawn under  
25 subparagraph (A), add the amounts to any

1 other amounts available to be awarded on a  
2 competitive basis pursuant to paragraph (1).”;

3 (4) in subsection (g), in the matter preceding  
4 paragraph (1), by inserting “provide financial assist-  
5 ance only in States that have received a major dis-  
6 aster declaration during the previous 7-year period  
7 and” after “President shall”;

8 (5) by striking subsection (i) and inserting the  
9 following:

10 “(i) NATIONAL PUBLIC INFRASTRUCTURE  
11 PREDISASTER MITIGATION ASSISTANCE.—

12 “(1) IN GENERAL.—The President may set  
13 aside from the Disaster Relief Fund, with respect to  
14 each major disaster, an amount equal to 6 percent  
15 of the estimated aggregate amount of the grants to  
16 be made pursuant to sections 403, 406, 407, 408,  
17 410, and 416 for the major disaster in order to pro-  
18 vide technical and financial assistance under this  
19 section.

20 “(2) ESTIMATED AGGREGATE AMOUNT.—Not  
21 later than 180 days after each major disaster dec-  
22 laration pursuant to this Act, the estimated aggre-  
23 gate amount of grants for purposes of paragraph (1)  
24 shall be determined by the President and such esti-

1 mated amount need not be reduced, increased, or  
2 changed due to variations in estimates.

3 “(3) NO REDUCTION IN AMOUNTS.—The  
4 amount set aside pursuant to paragraph (1) shall  
5 not reduce the amounts otherwise made available for  
6 sections 403, 404, 406, 407, 408, 410, and 416  
7 under this Act.”;

8 (6) by striking subsections (j) and (m); and

9 (7) by redesignating subsections (k), (l), and  
10 (n) as subsections (j), (k), and (l), respectively.

11 (b) APPLICABILITY.—The amendments made to sec-  
12 tion 203 of the Robert T. Stafford Disaster Relief and  
13 Emergency Assistance Act (42 U.S.C. 5133) by para-  
14 graphs (3) and (5) of subsection (a) of this Act shall apply  
15 to funds appropriated after the date of enactment of this  
16 Act.

17 **SEC. 1520. TECHNICAL AMENDMENTS TO NATIONAL EMER-**  
18 **GENCY MANAGEMENT.**

19 (a) HOMELAND SECURITY ACT OF 2002.—Title V of  
20 the Homeland Security Act of 2002 (6 U.S.C. 501 et seq.)  
21 is amended—

22 (1) in section 501(8) (6 U.S.C. 311(8))—

23 (A) by striking “National Response Plan”  
24 each place the term appears and inserting “Na-  
25 tional Response Framework”; and

1 (B) by striking “502(a)(6)” and inserting  
2 “504(a)(6)”;

3 (2) in section 503(b)(2)(A) (6 U.S.C.  
4 313(b)(2)(A)) by inserting “and incidents impacting  
5 critical infrastructure” before the semicolon;

6 (3) in section 504(a) (6 U.S.C. 314(a))—

7 (A) in paragraph (3) by striking “, includ-  
8 ing—” and inserting “(which shall include inci-  
9 dents impacting critical infrastructure), includ-  
10 ing—”;

11 (B) in paragraph (4) by inserting “, in-  
12 cluding incidents impacting critical infrastruc-  
13 ture” before the semicolon;

14 (C) in paragraph (5) by striking “and  
15 local” and inserting “local, and tribal”;

16 (D) in paragraph (6) by striking “national  
17 response plan” and inserting “national response  
18 framework, which shall be reviewed and up-  
19 dated as required but not less than every 5  
20 years”;

21 (E) by redesignating paragraphs (7)  
22 through (21) as paragraphs (8) through (22),  
23 respectively;

24 (F) by inserting after paragraph (6) the  
25 following:

1           “(7) developing integrated frameworks, to in-  
2           clude consolidating existing Government plans ad-  
3           dressing prevention, protection, mitigation, and re-  
4           covery with such frameworks reviewed and updated  
5           as required, but not less than every 5 years;”;

6                   (G) in paragraph (14), as redesignated, by  
7           striking “National Response Plan” each place  
8           the term appears and inserting “National Re-  
9           sponse Framework”;

10           (4) in section 507 (6 U.S.C. 317)—

11                   (A) in subsection (c)—

12                           (i) in paragraph (2)(E), by striking  
13                           “National Response Plan” and inserting  
14                           “National Response Framework”; and

15                           (ii) in paragraph (3)(A), by striking  
16                           “National Response Plan” and inserting  
17                           “National Response Framework”; and

18                   (B) in subsection (f)(1)(G), by striking  
19           “National Response Plan” and inserting “Na-  
20           tional Response Framework”;

21           (5) in section 508 (6 U.S.C. 318)—

22                   (A) in subsection (b)(1), by striking “Na-  
23           tional Response Plan” and inserting “National  
24           Response Framework”; and

1 (B) in subsection (d)(2)(A), by striking  
2 “The Deputy Administrator, Protection and  
3 National Preparedness” and inserting “A Dep-  
4 uty Administrator”;  
5 (6) in section 509 (6 U.S.C. 319)—

6 (A) in subsection (b)—

7 (i) in paragraph (1)—

8 (I) by striking “National Re-  
9 sponse Plan” and inserting “National  
10 Response Framework, National Pro-  
11 tection Framework, National Preven-  
12 tion Framework, National Mitigation  
13 Framework, National Recovery  
14 Framework”;

15 (II) by striking “successor” and  
16 inserting “successors”; and

17 (III) by striking “plan” at the  
18 end of that paragraph and inserting  
19 “framework”; and

20 (ii) in paragraph (2), by striking “Na-  
21 tional Response Plan” each place the term  
22 appears and inserting “National Response  
23 Framework”; and

24 (B) in subsection (c)(1)—

25 (i) in subparagraph (A)—

1 (I) in the subparagraph heading,  
2 by striking “NATIONAL RESPONSE  
3 PLAN” and inserting “NATIONAL RE-  
4 SPONSE FRAMEWORK”; and

5 (II) by striking “National Re-  
6 sponse Plan” and inserting “National  
7 Response Framework”; and

8 (ii) in subparagraph (B), by striking  
9 “National Response Plan” and inserting  
10 “National Response Framework”;

11 (7) in section 510 (6 U.S.C. 320)—

12 (A) in subsection (a), by striking “enter  
13 into a memorandum of understanding” and in-  
14 sserting “partner”;

15 (B) in subsection (b)(1)(A), by striking  
16 “National Response Plan” and inserting “Na-  
17 tional Response Framework”; and

18 (C) in subsection (c), by striking “National  
19 Response Plan” and inserting “National Re-  
20 sponse Framework”;

21 (8) in section 515(c)(1) (6 U.S.C. 321d(c)(1)),  
22 by striking “and local” each place the term appears  
23 and inserting “, local, and tribal”;

24 (9) by striking section 524 (6 U.S.C. 321m);  
25 and

1           (10) in section 525 (6 U.S.C. 321n), by striking  
2           “Secretary” each place it appears and inserting  
3           “Administrator”.

4           (b) CONFORMING AMENDMENT.—The table of con-  
5 tents in section 1(b) of the Homeland Security Act of  
6 2002 (Public Law 107–296; 116 Stat. 2135) is amended  
7 by striking the item relating to section 524.

8           (c) POST-KATRINA EMERGENCY MANAGEMENT RE-  
9 FORM ACT OF 2006.—

10           (1) CITATION CORRECTION.—Section 602(13)  
11 of the Post-Katrina Emergency Management Reform  
12 Act of 2006 (6 U.S.C. 701(13)) is amended—

13                   (A) by striking “National Response Plan”  
14 each place the term appears and inserting “Na-  
15 tional Response Framework”; and

16                   (B) by striking “502(a)(6)” and inserting  
17 “504(a)(6)”.

18           (2) CHANGE OF REFERENCE.—Chapter 1 of  
19 subtitle C of title VI of the Post-Katrina Emergency  
20 Management Reform Act of 2006 (Public Law 109–  
21 295) is amended by striking “National Response  
22 Plan” each place the term appears and inserting  
23 “National Response Framework”.

24           (d) PUBLIC HEALTH SERVICE ACT.—Section  
25 2801(a) of the Public Health Service Act (42 U.S.C.

1 300hh(a)) is amended by striking “the National Response  
2 Plan developed pursuant to section 502(6) of the Home-  
3 land Security Act of 2002” and inserting “the National  
4 Response Framework developed pursuant to section  
5 504(a)(6) of the Homeland Security Act of 2002 (2  
6 U.S.C. 314(a)(6))”.

7 (e) DEFENSE AGAINST WEAPONS OF MASS DE-  
8 STRUCTION ACT OF 1996.—Section 1414(b) of the De-  
9 fense Against Weapons of Mass Destruction Act of 1996  
10 (50 U.S.C. 2314(b)) is amended, in the first sentence, by  
11 striking “National Response Plan prepared pursuant to  
12 section 502(6) of the Homeland Security Act of 2002 (6  
13 U.S.C. 312(6))” and inserting “National Response  
14 Framework prepared pursuant to section 504(a)(6) of the  
15 Homeland Security Act of 2002 (6 U.S.C. 314(a)(6))”

16 (f) SAVINGS CLAUSE.—The amendments made by  
17 subsection (a) to section 503(b)(2)(A) and paragraphs (3)  
18 and (4) of section 504(a) of the Homeland Security Act  
19 of 2002 shall not be construed as affecting the authority,  
20 existing on the day before the date of enactment of this  
21 Act, of any other component of the Department of Home-  
22 land Security or any other Federal department or agency.

1 **TITLE VI—CYBERSECURITY AND**  
2 **INFRASTRUCTURE SECURITY**  
3 **AGENCY**

4 **SEC. 1601. CYBERSECURITY AND INFRASTRUCTURE SECUR-**  
5 **RITY AGENCY.**

6 (a) IN GENERAL.—The Homeland Security Act of  
7 2002 (6 U.S.C. 101 et seq.) is amended by adding at the  
8 end the following:

9 **“TITLE XXII—CYBERSECURITY**  
10 **AND INFRASTRUCTURE SECUR-**  
11 **RITY AGENCY**

12 **“Subtitle A—Cybersecurity and**  
13 **Infrastructure Security**

14 **“SEC. 2201. DEFINITIONS.**

15 “In this subtitle:

16 “(1) CRITICAL INFRASTRUCTURE INFORMA-  
17 TION.—The term ‘critical infrastructure information’  
18 has the meaning given the term in section 2222.

19 “(2) CYBERSECURITY RISK.—The term ‘cyber-  
20 security risk’ has the meaning given the term in sec-  
21 tion 2209.

22 “(3) CYBERSECURITY THREAT.—The term ‘cy-  
23 bersecurity threat’ has the meaning given the term  
24 in section 102(5) of the Cybersecurity Act of 2015  
25 (contained in division N of the Consolidated Appro-

1        priations Act, 2016 (Public Law 114–113; 6 U.S.C.  
2        1501)).

3            “(4) NATIONAL CYBERSECURITY ASSET RE-  
4        SPONSE ACTIVITIES.—The term ‘national cybersecu-  
5        rity asset response activities’ means—

6            “(A) furnishing cybersecurity technical as-  
7        sistance to entities affected by cybersecurity  
8        risks to protect assets, mitigate vulnerabilities,  
9        and reduce impacts of cyber incidents;

10           “(B) identifying other entities that may be  
11        at risk of an incident and assessing risk to the  
12        same or similar vulnerabilities;

13           “(C) assessing potential cybersecurity risks  
14        to a sector or region, including potential cas-  
15        cading effects, and developing courses of action  
16        to mitigate such risks;

17           “(D) facilitating information sharing and  
18        operational coordination with threat response;  
19        and

20           “(E) providing guidance on how best to  
21        utilize Federal resources and capabilities in a  
22        timely, effective manner to speed recovery from  
23        cybersecurity risks.

24           “(5) SECTOR-SPECIFIC AGENCY.—The term  
25        ‘Sector-Specific Agency’ means a Federal depart-

1       ment or agency, designated by law or presidential di-  
2       rective, with responsibility for providing institutional  
3       knowledge and specialized expertise of a sector, as  
4       well as leading, facilitating, or supporting programs  
5       and associated activities of its designated critical in-  
6       frastructure sector in the all hazards environment in  
7       coordination with the Department.

8               “(6) SHARING.—The term ‘sharing’ has the  
9       meaning given the term in section 2209.

10   **“SEC. 2202. CYBERSECURITY AND INFRASTRUCTURE SECU-**  
11               **RITY AGENCY.**

12       “(a) REDESIGNATION.—

13               “(1) IN GENERAL.—The National Protection  
14       and Programs Directorate of the Department shall,  
15       on and after the date of the enactment of this sub-  
16       title, be known as the ‘Cybersecurity and Infrastruc-  
17       ture Security Agency’ (in this subtitle referred to as  
18       the ‘Agency’).

19               “(2) REFERENCES.—Any reference to the Na-  
20       tional Protection and Programs Directorate of the  
21       Department in any law, regulation, map, document,  
22       record, or other paper of the United States shall be  
23       deemed to be a reference to the Cybersecurity and  
24       Infrastructure Security Agency of the Department.

25       “(b) DIRECTOR.—

1           “(1) IN GENERAL.—The Agency shall be head-  
2           ed by a Director of Cybersecurity and Infrastructure  
3           Security (in this subtitle referred to as the ‘Direc-  
4           tor’), who shall report to the Secretary.

5           “(2) REFERENCE.—Any reference to an Under  
6           Secretary responsible for overseeing critical infra-  
7           structure protection, cybersecurity, and any other re-  
8           lated program of the Department as described in  
9           section 103(a)(1)(H) as in effect on the day before  
10          the date of enactment of this subtitle in any law,  
11          regulation, map, document, record, or other paper of  
12          the United States shall be deemed to be a reference  
13          to the Director of Cybersecurity and Infrastructure  
14          Security of the Department.

15          “(c) RESPONSIBILITIES.—The Director shall—

16               “(1) lead cybersecurity and critical infrastruc-  
17               ture security programs, operations, and associated  
18               policy for the Agency, including national cybersecu-  
19               rity asset response activities;

20               “(2) coordinate with Federal entities, including  
21               Sector-Specific Agencies, and non-Federal entities,  
22               including international entities, to carry out the cy-  
23               bersecurity and critical infrastructure activities of  
24               the Agency, as appropriate;

1           “(3) carry out the responsibilities of the Sec-  
2           retary to secure Federal information and informa-  
3           tion systems consistent with law, including sub-  
4           chapter II of chapter 35 of title 44, United States  
5           Code, and the Cybersecurity Act of 2015 (contained  
6           in division N of the Consolidated Appropriations  
7           Act, 2016 (Public Law 114–113));

8           “(4) coordinate a national effort to secure and  
9           protect against critical infrastructure risks, con-  
10          sistent with subsection (e)(1)(E);

11          “(5) oversee the EMP and GMD planning and  
12          protection and preparedness activities of the Agency;

13          “(6) upon request, provide analyses, expertise,  
14          and other technical assistance to critical infrastruc-  
15          ture owners and operators and, where appropriate,  
16          provide those analyses, expertise, and other technical  
17          assistance in coordination with Sector-Specific Agen-  
18          cies and other Federal departments and agencies;

19          “(7) develop and utilize mechanisms for active  
20          and frequent collaboration between the Agency and  
21          Sector-Specific Agencies to ensure appropriate co-  
22          ordination, situational awareness, and communica-  
23          tions with Sector-Specific Agencies;

24          “(8) maintain and utilize mechanisms for the  
25          regular and ongoing consultation and collaboration

1 among the Divisions of the Agency to further oper-  
2 ational coordination, integrated situational aware-  
3 ness, and improved integration across the Agency in  
4 accordance with this Act;

5 “(9) develop, coordinate, and implement—

6 “(A) comprehensive strategic plans for the  
7 activities of the Agency; and

8 “(B) risk assessments by and for the  
9 Agency;

10 “(10) carry out emergency communications re-  
11 sponsibilities, in accordance with title XVIII;

12 “(11) carry out cybersecurity, infrastructure se-  
13 curity, and emergency communications stakeholder  
14 outreach and engagement and coordinate that out-  
15 reach and engagement with critical infrastructure  
16 Sector-Specific Agencies, as appropriate;

17 “(12) oversee an integrated analytical approach  
18 to physical and cyber infrastructure analysis; and

19 “(13) carry out such other duties and powers  
20 prescribed by law or delegated by the Secretary.

21 “(d) DEPUTY DIRECTOR.—There shall be in the  
22 Agency a Deputy Director of Cybersecurity and Infra-  
23 structure Security who shall—

24 “(1) assist the Director in the management of  
25 the Agency; and

1           “(2) report to the Director.

2           “(e) CYBERSECURITY AND INFRASTRUCTURE SECUR-  
3 RITY AUTHORITIES OF THE SECRETARY.—

4           “(1) IN GENERAL.—The responsibilities of the  
5 Secretary relating to cybersecurity and infrastruc-  
6 ture security shall include the following:

7           “(A) To access, receive, and analyze law  
8 enforcement information, intelligence informa-  
9 tion, and other information from Federal Gov-  
10 ernment agencies, State, local, tribal, and terri-  
11 torial government agencies, including law en-  
12 forcement agencies, and private sector entities,  
13 and to integrate that information, in support of  
14 the mission responsibilities of the Department,  
15 in order to—

16           “(i) identify and assess the nature  
17 and scope of terrorist threats to the home-  
18 land;

19           “(ii) detect and identify threats of ter-  
20 rorism against the United States; and

21           “(iii) understand those threats in light  
22 of actual and potential vulnerabilities of  
23 the homeland.

24           “(B) To carry out comprehensive assess-  
25 ments of the vulnerabilities of the key resources

1 and critical infrastructure of the United States,  
2 including the performance of risk assessments  
3 to determine the risks posed by particular types  
4 of terrorist attacks within the United States,  
5 including an assessment of the probability of  
6 success of those attacks and the feasibility and  
7 potential efficacy of various countermeasures to  
8 those attacks. At the discretion of the Sec-  
9 retary, such assessments may be carried out in  
10 coordination with Sector-Specific Agencies.

11 “(C) To integrate relevant information,  
12 analysis, and vulnerability assessments, regard-  
13 less of whether the information, analysis, or as-  
14 sessments are provided or produced by the De-  
15 partment, in order to make recommendations,  
16 including prioritization, for protective and sup-  
17 port measures by the Department, other Fed-  
18 eral Government agencies, State, local, tribal,  
19 and territorial government agencies and au-  
20 thorities, the private sector, and other entities  
21 regarding terrorist and other threats to home-  
22 land security.

23 “(D) To ensure, pursuant to section 202,  
24 the timely and efficient access by the Depart-  
25 ment to all information necessary to discharge

1 the responsibilities under this title, including  
2 obtaining that information from other Federal  
3 Government agencies.

4 “(E) To develop, in coordination with the  
5 Sector-Specific Agencies with available exper-  
6 tise, a comprehensive national plan for securing  
7 the key resources and critical infrastructure of  
8 the United States, including power production,  
9 generation, and distribution systems, informa-  
10 tion technology and telecommunications systems  
11 (including satellites), electronic financial and  
12 property record storage and transmission sys-  
13 tems, emergency communications systems, and  
14 the physical and technological assets that sup-  
15 port those systems.

16 “(F) To recommend measures necessary to  
17 protect the key resources and critical infra-  
18 structure of the United States in coordination  
19 with other Federal Government agencies, in-  
20 cluding Sector-Specific Agencies, and in co-  
21 operation with State, local, tribal, and terri-  
22 torial government agencies and authorities, the  
23 private sector, and other entities.

24 “(G) To review, analyze, and make rec-  
25 ommendations for improvements to the policies

1 and procedures governing the sharing of infor-  
2 mation relating to homeland security within the  
3 Federal Government and between Federal Gov-  
4 ernment agencies and State, local, tribal, and  
5 territorial government agencies and authorities.

6 “(H) To disseminate, as appropriate, infor-  
7 mation analyzed by the Department within the  
8 Department, to other Federal Government  
9 agencies with responsibilities relating to home-  
10 land security, and to State, local, tribal, and  
11 territorial government agencies and private sec-  
12 tor entities with those responsibilities in order  
13 to assist in the deterrence, prevention, preemp-  
14 tion of, or response to, terrorist attacks against  
15 the United States.

16 “(I) To consult with State, local, tribal,  
17 and territorial government agencies and private  
18 sector entities to ensure appropriate exchanges  
19 of information, including law enforcement-re-  
20 lated information, relating to threats of ter-  
21 rorism against the United States.

22 “(J) To ensure that any material received  
23 pursuant to this Act is protected from unau-  
24 thorized disclosure and handled and used only  
25 for the performance of official duties.

1           “(K) To request additional information  
2           from other Federal Government agencies, State,  
3           local, tribal, and territorial government agen-  
4           cies, and the private sector relating to threats  
5           of terrorism in the United States, or relating to  
6           other areas of responsibility assigned by the  
7           Secretary, including the entry into cooperative  
8           agreements through the Secretary to obtain  
9           that information.

10           “(L) To establish and utilize, in conjunc-  
11           tion with the Chief Information Officer of the  
12           Department, a secure communications and in-  
13           formation technology infrastructure, including  
14           data-mining and other advanced analytical  
15           tools, in order to access, receive, and analyze  
16           data and information in furtherance of the re-  
17           sponsibilities under this section, and to dissemi-  
18           nate information acquired and analyzed by the  
19           Department, as appropriate.

20           “(M) To coordinate training and other  
21           support to the elements and personnel of the  
22           Department, other Federal Government agen-  
23           cies, and State, local, tribal, and territorial gov-  
24           ernment agencies that provide information to  
25           the Department, or are consumers of informa-

1           tion provided by the Department, in order to  
2           facilitate the identification and sharing of infor-  
3           mation revealed in their ordinary duties and the  
4           optimal utilization of information received from  
5           the Department.

6           “(N) To coordinate with Federal, State,  
7           local, tribal, and territorial law enforcement  
8           agencies, and the private sector, as appropriate.

9           “(O) To exercise the authorities and over-  
10          sight of the functions, personnel, assets, and li-  
11          abilities of those components transferred to the  
12          Department pursuant to section 201(g).

13          “(P) To carry out the functions of the na-  
14          tional cybersecurity and communications inte-  
15          gration center under section 2209.

16          “(Q) To carry out requirements of the  
17          Chemical Facility Anti-Terrorism Standards  
18          Program established under title XXI and the  
19          responsibilities relating to the secure handling  
20          of ammonium nitrate under subtitle J of title  
21          VIII.

22          “(2) REALLOCATION.—The Secretary may re-  
23          allocate within the Agency the functions specified in  
24          sections 2203(b) and 2204(b), consistent with the  
25          responsibilities provided in paragraph (1), upon cer-

1       tifying to and briefing the appropriate congressional  
2       committees, and making available to the public, not  
3       less than 60 days before the reallocation that the re-  
4       allocation is necessary for carrying out the activities  
5       of the Agency.

6           “(3) STAFF.—

7           “(A) IN GENERAL.—The Secretary shall  
8       provide the Agency with a staff of analysts hav-  
9       ing appropriate expertise and experience to as-  
10      sist the Agency in discharging the responsibil-  
11      ities of the Agency under this section.

12          “(B) PRIVATE SECTOR ANALYSTS.—Ana-  
13      lysts under this subsection may include analysts  
14      from the private sector.

15          “(C) SECURITY CLEARANCES.—Analysts  
16      under this subsection shall possess security  
17      clearances appropriate for their work under this  
18      section.

19          “(4) DETAIL OF PERSONNEL.—

20          “(A) IN GENERAL.—In order to assist the  
21      Agency in discharging the responsibilities of the  
22      Agency under this section, employees of the  
23      Federal agencies described in subparagraph (B)  
24      may be detailed to the Agency for the perform-  
25      ance of analytic functions and related duties.

1                   “(B) AGENCIES.—The Federal agencies  
2 described in this subparagraph are—

3                   “(i) the Department of State;

4                   “(ii) the Central Intelligence Agency;

5                   “(iii) the Federal Bureau of Investiga-  
6 tion;

7                   “(iv) the National Security Agency;

8                   “(v) the National Geospatial-Intel-  
9 ligence Agency;

10                  “(vi) the Defense Intelligence Agency;

11                  “(vii) Sector-Specific Agencies; and

12                  “(viii) any other agency of the Fed-  
13 eral Government that the President con-  
14 siderers appropriate.

15                  “(C) INTERAGENCY AGREEMENTS.—The  
16 Secretary and the head of a Federal agency de-  
17 scribed in subparagraph (B) may enter into  
18 agreements for the purpose of detailing employ-  
19 ees under this paragraph.

20                  “(D) BASIS.—The detail of employees  
21 under this paragraph may be on a reimbursable  
22 or non-reimbursable basis.

23                  “(f) COMPOSITION.—The Agency shall be composed  
24 of the following divisions:

1           “(1) The Cybersecurity Division, headed by an  
2 Assistant Director.

3           “(2) The Infrastructure Security Division,  
4 headed by an Assistant Director.

5           “(3) The Emergency Communications Division  
6 under title XVIII, headed by an Assistant Director.

7           “(g) CO-LOCATION.—

8           “(1) IN GENERAL.—To the maximum extent  
9 practicable, the Director shall examine the establish-  
10 ment of central locations in geographical regions  
11 with a significant Agency presence.

12           “(2) COORDINATION.—When establishing the  
13 central locations described in paragraph (1), the Di-  
14 rector shall coordinate with component heads and  
15 the Under Secretary for Management to co-locate or  
16 partner on any new real property leases, renewing  
17 any occupancy agreements for existing leases, or  
18 agreeing to extend or newly occupy any Federal  
19 space or new construction.

20           “(h) PRIVACY.—

21           “(1) IN GENERAL.—There shall be a Privacy  
22 Officer of the Agency with primary responsibility for  
23 privacy policy and compliance for the Agency.

24           “(2) RESPONSIBILITIES.—The responsibilities  
25 of the Privacy Officer of the Agency shall include—

1           “(A) ensuring that the use of technologies  
2           by the Agency sustain, and do not erode, pri-  
3           vacy protections relating to the use, collection,  
4           and disclosure of personal information;

5           “(B) ensuring that personal information  
6           contained in systems of records of the Agency  
7           is handled in full compliance as specified in sec-  
8           tion 552a of title 5, United States Code (com-  
9           monly known as the ‘Privacy Act of 1974’);

10           “(C) evaluating legislative and regulatory  
11           proposals involving collection, use, and disclo-  
12           sure of personal information by the Agency;  
13           and

14           “(D) conducting a privacy impact assess-  
15           ment of proposed rules of the Agency on the  
16           privacy of personal information, including the  
17           type of personal information collected and the  
18           number of people affected.

19           “(i) SAVINGS.—Nothing in this title may be con-  
20           strued as affecting in any manner the authority, existing  
21           on the day before the date of enactment of this title, of  
22           any other component of the Department or any other Fed-  
23           eral department or agency.

24           **“SEC. 2203. CYBERSECURITY DIVISION.**

25           “(a) ESTABLISHMENT.—

1           “(1) IN GENERAL.—There is established in the  
2 Agency a Cybersecurity Division.

3           “(2) ASSISTANT DIRECTOR.—The Cybersecurity  
4 Division shall be headed by an Assistant Director for  
5 Cybersecurity (in this section referred to as the ‘As-  
6 sistant Director’), who shall—

7                   “(A) be at the level of Assistant Secretary  
8 within the Department;

9                   “(B) be appointed by the President with-  
10 out the advice and consent of the Senate; and

11                   “(C) report to the Director.

12           “(3) REFERENCE.—Any reference to the Assist-  
13 ant Secretary for Cybersecurity and Communica-  
14 tions in any law, regulation, map, document, record,  
15 or other paper of the United States shall be deemed  
16 to be a reference to the Assistant Director for Cy-  
17 bersecurity.

18           “(b) FUNCTIONS.—The Assistant Director shall—

19                   “(1) direct the cybersecurity efforts of the  
20 Agency;

21                   “(2) carry out activities, at the direction of the  
22 Director, related to the security of Federal informa-  
23 tion and Federal information systems consistent  
24 with law, including subchapter II of chapter 35 of  
25 title 44, United States Code, and the Cybersecurity

1 Act of 2015 (contained in division N of the Consoli-  
2 dated Appropriations Act, 2016 (Public Law 114-  
3 113));

4 “(3) fully participate in the mechanisms re-  
5 quired under section 2202(c)(7); and

6 “(4) carry out such other duties and powers as  
7 prescribed by the Director.

8 **“SEC. 2204. INFRASTRUCTURE SECURITY DIVISION.**

9 “(a) ESTABLISHMENT.—

10 “(1) IN GENERAL.—There is established in the  
11 Agency an Infrastructure Security Division.

12 “(2) ASSISTANT DIRECTOR.—The Infrastruc-  
13 ture Security Division shall be headed by an Assist-  
14 ant Director for Infrastructure Security (in this sec-  
15 tion referred to as the ‘Assistant Director’), who  
16 shall—

17 “(A) be at the level of Assistant Secretary  
18 within the Department;

19 “(B) be appointed by the President with-  
20 out the advice and consent of the Senate; and

21 “(C) report to the Director.

22 “(3) REFERENCE.—Any reference to the Assist-  
23 ant Secretary for Infrastructure Protection in any  
24 law, regulation, map, document, record, or other  
25 paper of the United States shall be deemed to be a

1 reference to the Assistant Director for Infrastruc-  
2 ture Security.

3 “(b) FUNCTIONS.—The Assistant Director shall—

4 “(1) direct the critical infrastructure security  
5 efforts of the Agency;

6 “(2) carry out, at the direction of the Director,  
7 the Chemical Facilities Anti-Terrorism Standards  
8 Program established under title XXI and the re-  
9 sponsibilities relating to the secure handling of am-  
10 monium nitrate under subtitle J of title VIII;

11 “(3) fully participate in the mechanisms re-  
12 quired under section 2202(c)(7); and

13 “(4) carry out such other duties and powers as  
14 prescribed by the Director.”.

15 (b) TREATMENT OF CERTAIN POSITIONS.—

16 (1) UNDER SECRETARY.—The individual serv-  
17 ing as the Under Secretary appointed pursuant to  
18 section 103(a)(1)(H) of the Homeland Security Act  
19 of 2002 (6 U.S.C. 113(a)(1)(H)) of the Department  
20 of Homeland Security on the day before the date of  
21 enactment of this Act may continue to serve as the  
22 Director of Cybersecurity and Infrastructure Secu-  
23 rity of the Department on and after such date.

24 (2) DIRECTOR FOR EMERGENCY COMMUNICA-  
25 TIONS.—The individual serving as the Director for

1       Emergency Communications of the Department of  
2       Homeland Security on the day before the date of en-  
3       actment of this Act may continue to serve as the As-  
4       sistant Director for Emergency Communications of  
5       the Department on and after such date.

6               (3) ASSISTANT SECRETARY FOR CYBERSECURITY AND COMMUNICATIONS.—The individual serv-  
7       ing as the Assistant Secretary for Cybersecurity and  
8       Communications on the day before the date of enact-  
9       ment of this Act may continue to serve as the As-  
10      sistant Director for Cybersecurity on and after such  
11      date.  
12

13              (4) ASSISTANT SECRETARY FOR INFRASTRUC-  
14      TURE PROTECTION.—The individual serving as the  
15      Assistant Secretary for Infrastructure Protection on  
16      the day before the date of enactment of this Act may  
17      continue to serve as the Assistant Director for Infra-  
18      structure Security on and after such date.

19      (c) REFERENCE.—Any reference to—

20              (1) the Office of Emergency Communications in  
21      any law, regulation, map, document, record, or other  
22      paper of the United States shall be deemed to be a  
23      reference to the Emergency Communications Divi-  
24      sion; and

1           (2) the Director for Emergency Communica-  
2           tions in any law, regulation, map, document, record,  
3           or other paper of the United States shall be deemed  
4           to be a reference to the Assistant Director for Emer-  
5           gency Communications.

6           (d) OVERSIGHT.—The Director of the Cybersecurity  
7           and Infrastructure Security Agency of the Department of  
8           Homeland Security shall provide to Congress, in accord-  
9           ance with the deadlines specified in paragraphs (1)  
10          through (6), information on the following:

11           (1) Not later than 60 days after the date of en-  
12          actment of this Act, a briefing on the activities of  
13          the Agency relating to the development and use of  
14          the mechanisms required pursuant to section  
15          2202(c)(7) of the Homeland Security Act of 2002  
16          (as added by subsection (a)).

17           (2) Not later than 1 year after the date of the  
18          enactment of this Act, a briefing on the activities of  
19          the Agency relating to the use and improvement by  
20          the Agency of the mechanisms required pursuant to  
21          section 2202(c)(7) of the Homeland Security Act of  
22          2002 and how such activities have impacted coordi-  
23          nation, situational awareness, and communications  
24          with Sector-Specific Agencies.

1           (3) Not later than 90 days after the date of the  
2           enactment of this Act, information on the mecha-  
3           nisms of the Agency for regular and ongoing con-  
4           sultation and collaboration, as required pursuant to  
5           section 2202(c)(8) of the Homeland Security Act of  
6           2002 (as added by subsection (a)).

7           (4) Not later than 1 year after the date of the  
8           enactment of this Act, information on the activities  
9           of the consultation and collaboration mechanisms of  
10          the Agency as required pursuant to section  
11          2202(c)(8) of the Homeland Security Act of 2002,  
12          and how such mechanisms have impacted oper-  
13          ational coordination, situational awareness, and inte-  
14          gration across the Agency.

15          (5) Not later than 180 days after the date of  
16          enactment of this Act, information, which shall be  
17          made publicly available and updated as appropriate,  
18          on the mechanisms and structures of the Agency re-  
19          sponsible for stakeholder outreach and engagement,  
20          as required under section 2202(c)(11) of the Home-  
21          land Security Act of 2002 (as added by subsection  
22          (a)).

23          (6) Not later than 1 year after the date of en-  
24          actment of this Act, and annually thereafter, infor-  
25          mation on EMP and GMD (as defined in section 2

1 of the Homeland Security Act (6 U.S.C. 101)),  
2 which shall include—

3 (A) a summary of the threats and con-  
4 sequences, as of the date of the information, of  
5 electromagnetic events to the critical infrastruc-  
6 ture of the United States;

7 (B) Department of Homeland Security ef-  
8 forts as of the date of the information, includ-  
9 ing with respect to—

10 (i) risk assessments;

11 (ii) mitigation actions;

12 (iii) coordinating with the Department  
13 of Energy to identify critical electric infra-  
14 structure assets subject to EMP or GMD  
15 risk; and

16 (iv) current and future plans for en-  
17 gagement with the Department of Energy,  
18 the Department of Defense, the National  
19 Oceanic and Atmospheric Administration,  
20 and other relevant Federal departments  
21 and agencies.

22 (C) as of the date of the information, cur-  
23 rent collaboration, and plans for future engage-  
24 ment, with critical infrastructure owners and  
25 operators.

1           (D) an identification of internal roles to  
2           address electromagnetic risks to critical infra-  
3           structure; and

4           (E) plans for implementation and pro-  
5           tecting and preparing United States critical in-  
6           frastructure against electromagnetic threats.

7           (e) CYBER WORKFORCE.—Not later than 90 days  
8           after the date of enactment of this Act, the Director of  
9           the Cybersecurity and Infrastructure Security Agency of  
10          the Department of Homeland Security, in coordination  
11          with the Director of the Office of Personnel Management,  
12          shall submit to Congress a report detailing how the Agen-  
13          cy is meeting the requirements under the Cybersecurity  
14          Workforce Assessment Act (Public Law 113–246; 6  
15          U.S.C. 146) and the Homeland Security Cybersecurity  
16          Workforce Assessment Act (6 U.S.C. 146 note) to address  
17          cyber workforce needs.

18          (f) FACILITY.—Not later than 180 days after the  
19          date of enactment of this Act, the Director of the Cyberse-  
20          curity and Infrastructure Security Agency of the Depart-  
21          ment of Homeland Security shall report to Congress on  
22          the most efficient and effective methods of consolidating  
23          Agency facilities, personnel, and programs to most effec-  
24          tively carry out the mission of the Agency.

1 (g) TECHNICAL AND CONFORMING AMENDMENTS TO  
2 THE HOMELAND SECURITY ACT OF 2002.—The Home-  
3 land Security Act of 2002 (6 U.S.C. 101 et seq.) is amend-  
4 ed—

5 (1) by amending section 103(a)(1)(H) (6  
6 U.S.C. 113(a)(1)(H)) to read as follows:

7 “(H) A Director of the Cybersecurity and  
8 Infrastructure Security Agency.”;

9 (2) in title II (6 U.S.C. 121 et seq.)—

10 (A) in the title heading, by striking “**AND**  
11 **INFRASTRUCTURE PROTECTION**”;

12 (B) in the subtitle A heading, by striking  
13 “**and Infrastructure Protection**”;

14 (C) in section 201 (6 U.S.C. 121)—

15 (i) in the section heading, by striking  
16 “**AND INFRASTRUCTURE PROTEC-**  
17 **TION**”;

18 (ii) in subsection (a)—

19 (I) in the subsection heading, by  
20 striking “**AND INFRASTRUCTURE PRO-**  
21 **TECTION**”; and

22 (II) by striking “and an Office of  
23 Infrastructure Protection”;

24 (iii) in subsection (b)—

1 (I) in the subsection heading, by  
2 striking “AND ASSISTANT SECRETARY  
3 FOR INFRASTRUCTURE PROTECTION”;  
4 and

5 (II) by striking paragraph (3);  
6 (iv) in subsection (c)—

7 (I) by striking “and infrastruc-  
8 ture protection”; and

9 (II) by striking “or the Assistant  
10 Secretary for Infrastructure Protec-  
11 tion, as appropriate”;  
12 (v) in subsection (d)—

13 (I) in the subsection heading, by  
14 striking “AND INFRASTRUCTURE PRO-  
15 TECTION”;

16 (II) in the matter preceding  
17 paragraph (1), by striking “and infra-  
18 structure protection”;

19 (III) by striking paragraphs (5),  
20 (6), and (25);

21 (IV) by redesignating paragraphs  
22 (7) through (24) as paragraphs (5)  
23 through (22), respectively;

24 (V) by redesignating paragraph  
25 (26) as paragraph (23); and

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1 (VI) in paragraph (23)(B)(i), as  
2 so redesignated, by striking “section  
3 319” and inserting “section 320”;

4 (vi) in subsection (e)(1), by striking  
5 “and the Office of Infrastructure Protec-  
6 tion”; and

7 (vii) in subsection (f)(1), by striking  
8 “and the Office of Infrastructure Protec-  
9 tion”;

10 (D) in section 202 (6 U.S.C. 122)—

11 (i) in subsection (c), in the matter  
12 preceding paragraph (1), by striking “Di-  
13 rector of Central Intelligence” and insert-  
14 ing “Director of National Intelligence”;  
15 and

16 (ii) in subsection (d)(2), by striking  
17 “Director of Central Intelligence” and in-  
18 serting “Director of National Intelligence”;

19 (E) in section 204 (6 U.S.C. 124a)—

20 (i) in subsection (c)(1), in the matter  
21 preceding subparagraph (A), by striking  
22 “Assistant Secretary for Infrastructure  
23 Protection” and inserting “Director of the  
24 Cybersecurity and Infrastructure Security  
25 Agency”; and

1 (ii) in subsection (d)(1), in the matter  
2 preceding subparagraph (A), by striking  
3 “Assistant Secretary for Infrastructure  
4 Protection” and inserting “Director of the  
5 Cybersecurity and Infrastructure Security  
6 Agency”;

7 (F) in section 210A(c)(2)(B) (6 U.S.C.  
8 124h(c)(2)(B)), by striking “Office of Infra-  
9 structure Protection” and inserting “Cybersecu-  
10 rity and Infrastructure Security Agency”;

11 (G) by redesignating section 210E (6  
12 U.S.C. 124l) as section 2214 and transferring  
13 such section to appear after section 2213 (as  
14 redesignated by subparagraph (I));

15 (H) in subtitle B, by redesignating sections  
16 211 through 215 (6 U.S.C. 101 note, and 131  
17 through 134) as sections 2221 through 2225,  
18 respectively, and transferring such subtitle, in-  
19 cluding the enumerator and heading of subtitle  
20 B and such sections, to appear after section  
21 2214 (as redesignated by subparagraph (G));

22 (I) by redesignating sections 223 through  
23 230 (6 U.S.C. 143 through 151) as sections  
24 2205 through 2213, respectively, and transfer-

1 ring such sections to appear after section 2204,  
2 as added by this Act;

3 (J) by redesignating section 210F as sec-  
4 tion 210E; and

5 (K) by redesignating subtitles C and D as  
6 subtitles B and C, respectively;

7 (3) in title III (6 U.S.C. 181 et seq.)—

8 (A) in section 302 (6 U.S.C. 182)—

9 (i) by striking “biological,,” each  
10 place that term appears and inserting “bi-  
11 ological,,”; and

12 (ii) in paragraph (3), by striking “As-  
13 sistant Secretary for Infrastructure Protec-  
14 tion” and inserting “Director of the Cyber-  
15 security and Infrastructure Security Agen-  
16 cy”;

17 (B) by redesignating the second section  
18 319 (6 U.S.C. 195f) (relating to EMP and  
19 GMD mitigation research and development) as  
20 section 320; and

21 (C) in section 320(e)(1), as so redesi-  
22 gnated, by striking “Section 214” and inserting  
23 “Section 2224”;

24 (4) in title V (6 U.S.C. 311 et seq.)—

1 (A) in section 508(d)(2)(D) (6 U.S.C.  
2 318(d)(2)(D)), by striking “The Director of the  
3 Office of Emergency Communications of the  
4 Department of Homeland Security” and insert-  
5 ing “The Assistant Director for Emergency  
6 Communications”;

7 (B) in section 514 (6 U.S.C. 321c)—

8 (i) by striking subsection (b); and

9 (ii) by redesignating subsection (c) as  
10 subsection (b); and

11 (C) in section 523 (6 U.S.C. 3211)—

12 (i) in subsection (a), in the matter  
13 preceding paragraph (1), by striking “As-  
14 sistant Secretary for Infrastructure Protec-  
15 tion” and inserting “Director of Cyberse-  
16 curity and Infrastructure Security”; and

17 (ii) in subsection (c), by striking “As-  
18 sistant Secretary for Infrastructure Protec-  
19 tion” and inserting “Director of Cyberse-  
20 curity and Infrastructure Security”;

21 (5) in title VIII (6 U.S.C. 361 et seq.)—

22 (A) in section 884(d)(4)(A)(ii) (6 U.S.C.  
23 464(d)(4)(A)(ii)), by striking “Under Secretary  
24 responsible for overseeing critical infrastructure  
25 protection, cybersecurity, and other related pro-

1           grams of the Department” and inserting “Di-  
2           rector of Cybersecurity and Infrastructure Se-  
3           curity”; and

4                   (B) in section 899B(a) (6 U.S.C. 488a(a)),  
5           by adding at the end the following: “Such regu-  
6           lations shall be carried out by the Cybersecurity  
7           and Infrastructure Security Agency.”;

8           (6) in title XVIII (6 U.S.C. 571 et seq.)—

9                   (A) in section 1801 (6 U.S.C. 571)—

10                   (i) in the section heading, by striking

11                   **“OFFICE OF EMERGENCY COMMU-**  
12                   **NICATIONS”** and inserting **“EMERGENCY**  
13                   **COMMUNICATIONS DIVISION”**;

14                   (ii) in subsection (a)—

15                           (I) by striking “Office of Emer-  
16                           gency Communications” and inserting  
17                           “Emergency Communications Divi-  
18                           sion”; and

19                           (II) by adding at the end the fol-  
20                           lowing: “The Division shall be located  
21                           in the Cybersecurity and Infrastruc-  
22                           ture Security Agency.”;

23                   (iii) by amending subsection (b) to  
24           read as follows:



1 (vi) in subsection (e), in the matter  
2 preceding paragraph (1), by inserting “As-  
3 sistant” before “Director”;

4 (B) in sections 1802 through 1805 (6  
5 U.S.C. 572 through 575), by striking “Director  
6 for Emergency Communications” each place  
7 that term appears and inserting “Assistant Di-  
8 rector for Emergency Communications”;

9 (C) in section 1809 (6 U.S.C. 579)—

10 (i) by striking “Director of Emer-  
11 gency Communications” each place that  
12 term appears and inserting “Assistant Di-  
13 rector for Emergency Communications”;

14 (ii) in subsection (b)—

15 (I) by striking “Director for  
16 Emergency Communications” and in-  
17 serting “Assistant Director for Emer-  
18 gency Communications”; and

19 (II) by striking “Office of Emer-  
20 gency Communications” and inserting  
21 “Emergency Communications Divi-  
22 sion”;

23 (iii) in subsection (e)(3), by striking  
24 “the Director” and inserting “the Assist-  
25 ant Director”; and

- 1 (iv) in subsection (m)(1)—
- 2 (I) by striking “The Director”
- 3 and inserting “The Assistant Direc-
- 4 tor”;
- 5 (II) by striking “the Director de-
- 6 termines” and inserting “the Assist-
- 7 ant Director determines”; and
- 8 (III) by striking “Office of Emer-
- 9 gency Communications” and inserting
- 10 “Cybersecurity and Infrastructure Se-
- 11 curity Agency”;
- 12 (D) in section 1810 (6 U.S.C. 580)—
- 13 (i) in subsection (a)(1), by striking
- 14 “Director of the Office of Emergency Com-
- 15 munications (referred to in this section as
- 16 the ‘Director’)” and inserting “Assistant
- 17 Director for Emergency Communications
- 18 (referred to in this section as the ‘Assist-
- 19 ant Director’)”;
- 20 (ii) in subsection (c), by striking “Of-
- 21 fice of Emergency Communications” and
- 22 inserting “Emergency Communications Di-
- 23 vision”; and

1 (iii) by striking “Director” each place  
2 that term appears and inserting “Assistant  
3 Director”;

4 (7) in title XX (6 U.S.C. 601 et seq.)—

5 (A) in paragraph (5)(A)(iii)(II) of section  
6 2001 (6 U.S.C. 601), as so redesignated by sec-  
7 tion 1451(b), by striking “section 210E(a)(2)”  
8 and inserting “section 2214(a)(2)”;

9 (B) in section 2008(a)(3) (6 U.S.C.  
10 609(a)(3)), by striking “section 210E(a)(2)”  
11 and inserting “section 2214(a)(2)”;

12 (C) in section 2021 (6 U.S.C. 611)—

13 (i) by striking subsection (e); and

14 (ii) by redesignating subsection (d) as  
15 subsection (e);

16 (8) in title XXI (6 U.S.C. 621 et seq.)—

17 (A) in section 2102(a)(1) (6 U.S.C.  
18 622(a)(1)), by inserting “, which shall be lo-  
19 cated in the Cybersecurity and Infrastructure  
20 Security Agency” before the period at the end;  
21 and

22 (B) in section 2104(c)(2) (6 U.S.C.  
23 624(c)(2)), by striking “Under Secretary re-  
24 sponsible for overseeing critical infrastructure  
25 protection, cybersecurity, and other related pro-

1           grams of the Department appointed under sec-  
2           tion 103(a)(1)(H)” and inserting “Director of  
3           Cybersecurity and Infrastructure Security”; and  
4           (9) in title XXII, as added by this Act—

5                   (A) in subtitle A—

6                           (i) in section 2205, as so redesign-  
7                           nated—

8                                   (I) in the matter preceding para-  
9                                   graph (1)—

10   (aa) by striking “section  
11   201” and inserting “section  
12   2202”; and

13   (bb) by striking “Under Sec-  
14   retary appointed under section  
15   103(a)(1)(H)” and inserting “Di-  
16   rector”; and

17   (II) in paragraph (1)(B), by  
18   striking “and” at the end;

19   (ii) in section 2206, as so redesign-  
20   nated, by striking “Assistant Secretary for  
21   Infrastructure Protection” and inserting  
22   “Director of the Cybersecurity and Infra-  
23   structure Security Agency”;

24   (iii) in section 2209, as so redesign-  
25   nated—

1 (I) by striking “Under Secretary  
2 appointed under section  
3 103(a)(1)(H)” each place that term  
4 appears and inserting “Director”;

5 (II) in subsection (a)(4), by  
6 striking “section 212(5)” and insert-  
7 ing “section 2222(5)”;

8 (III) in subsection (b), by adding  
9 at the end the following: “The Center  
10 shall be located in the Cybersecurity  
11 and Infrastructure Security Agency.  
12 The head of the Center shall report to  
13 the Assistant Director for Cybersecu-  
14 rity.”; and

15 (IV) in subsection (c)(11), by  
16 striking “Office of Emergency Com-  
17 munications” and inserting “Emer-  
18 gency Communications Division”;

19 (iv) in section 2210, as so redesign-  
20 nated—

21 (I) by striking “section 227”  
22 each place that term appears and in-  
23 serting “section 2209”; and

24 (II) in subsection (c)—

1 (aa) by striking “Under Sec-  
2 retary appointed under section  
3 103(a)(1)(H)” and inserting “Di-  
4 rector”; and

5 (bb) by striking “section  
6 212(5)” and inserting “section  
7 2222(5)”;

8 (v) in section 2211, as so redesi-  
9 gnated—

10 (I) in subsection (b)(2)(A), by  
11 striking “section 227” and inserting  
12 “section 2209”; and

13 (II) in subsection (c)(1)(C), by  
14 striking “section 707” and inserting  
15 “section 706”;

16 (vi) in section 2212, as so redesi-  
17 gnated, by striking “section 212(5)” and in-  
18 serting “section 2222(5)”;

19 (vii) in section 2213(a), as so redesi-  
20 gnated—

21 (I) in paragraph (3), by striking  
22 “section 228” and inserting “section  
23 2210”; and

1 (II) in paragraph (4), by striking  
2 “section 227” and inserting “section  
3 2209”; and

4 (viii) in section 2214, as so redesign-  
5 nated—

6 (I) by striking subsection (e);  
7 and

8 (II) by redesignating subsection  
9 (f) as subsection (e); and

10 (B) in subtitle B—

11 (i) in section 2222(8), as so redesign-  
12 nated, by striking “section 227” and in-  
13 serting “section 2209”; and

14 (ii) in section 2224(h), as so redesign-  
15 nated, by striking “section 213” and in-  
16 serting “section 2223”;

17 (h) TECHNICAL AND CONFORMING AMENDMENTS TO  
18 OTHER LAWS.—

19 (1) CYBERSECURITY ACT OF 2015.—The Cyber-  
20 security Act of 2015 (contained in division N of the  
21 Consolidated Appropriations Act, 2016 (Public Law  
22 114–113)) is amended—

23 (A) in section 202(2) (6 U.S.C. 131  
24 note)—

1 (i) by striking “section 227” and in-  
2 serting “section 2209”; and

3 (ii) by striking “, as so redesignated  
4 by section 223(a)(3) of this division”;

5 (B) in section 207(2) (Public Law 114–  
6 113; 129 Stat. 2962)—

7 (i) by striking “section 227” and in-  
8 serting “section 2209”; and

9 (ii) by striking “, as redesignated by  
10 section 223(a) of this division,”;

11 (C) in section 208 (Public Law 114–113;  
12 129 Stat. 2962), by striking “Under Secretary  
13 appointed under section 103(a)(1)(H) of the  
14 Homeland Security Act of 2002 (6 U.S.C.  
15 113(a)(1)(H))” and inserting “Director of Cy-  
16 bersecurity and Infrastructure Security of the  
17 Department”;

18 (D) in section 222 (6 U.S.C. 1521)—

19 (i) in paragraph (2)—

20 (I) by striking “section 228” and  
21 inserting “section 2210”; and

22 (II) by striking “, as added by  
23 section 223(a)(4) of this division”;

24 and

25 (ii) in paragraph (4)—

1 (I) by striking “section 227” and  
2 inserting “section 2209”; and

3 (II) by striking “, as so redesign-  
4 dated by section 223(a)(3) of this di-  
5 vision”;

6 (E) in section 223(b) (6 U.S.C. 151  
7 note)—

8 (i) by striking “section 230(b)(1) of  
9 the Homeland Security Act of 2002, as  
10 added by subsection (a)” each place that  
11 term appears and inserting “section  
12 2213(b)(1) of the Homeland Security Act  
13 of 2002”; and

14 (ii) in paragraph (1)(B), by striking  
15 “section 230(b)(2) of the Homeland Secu-  
16 rity Act of 2002, as added by subsection  
17 (a)” and inserting “section 2213(b)(2) of  
18 the Homeland Security Act of 2002”;

19 (F) in section 226 (6 U.S.C. 1524)—

20 (i) in subsection (a)—

21 (I) in paragraph (1)—

22 (aa) by striking “section  
23 230” and inserting “section  
24 2213”; and

1 (bb) by striking “, as added  
2 by section 223(a)(6) of this divi-  
3 sion”;

4 (II) in paragraph (4)—

5 (aa) by striking “section  
6 228(b)(1)” and inserting “section  
7 2210(b)(1)”; and

8 (bb) by striking “, as added  
9 by section 223(a)(4) of this divi-  
10 sion”; and

11 (III) in paragraph (5)—

12 (aa) by striking “section  
13 230(b)” and inserting “section  
14 2213(b)”; and

15 (bb) by striking “, as added  
16 by section 223(a)(6) of this divi-  
17 sion”; and

18 (ii) in subsection (c)(1)(A)(vi)—

19 (I) by striking “section  
20 230(c)(5)” and inserting “section  
21 2213(c)(5)”; and

22 (II) by striking “, as added by  
23 section 223(a)(6) of this division”;

24 (G) in section 227 (6 U.S.C. 1525)—

25 (i) in subsection (a)—

1 (I) by striking “section 230” and  
2 inserting “section 2213”; and

3 (II) by striking “, as added by  
4 section 223(a)(6) of this division,”;  
5 and

6 (ii) in subsection (b)—

7 (I) by striking “section  
8 230(d)(2)” and inserting “section  
9 2213(d)(2)”; and

10 (II) by striking “, as added by  
11 section 223(a)(6) of this division,”;  
12 and

13 (H) in section 404 (6 U.S.C. 1532)—

14 (i) by striking “Director for Emer-  
15 gency Communications” each place that  
16 term appears and inserting “Assistant Di-  
17 rector for Emergency Communications”;  
18 and

19 (ii) in subsection (a)—

20 (I) by striking “section 227” and  
21 inserting “section 2209”; and

22 (II) by striking “, as redesign-  
23 nated by section 223(a)(3) of this di-  
24 vision,”.

1           (2) SMALL BUSINESS ACT.—Section  
2           21(a)(8)(B) of the Small Business Act (15 U.S.C.  
3           648(a)(8)(B)) is amended by striking “section  
4           227(a) of the Homeland Security Act of 2002 (6  
5           U.S.C. 148(a))” and inserting “section 2209(a) of  
6           the Homeland Security Act of 2002”.

7           (3) TITLE 5.—Subchapter II of chapter 53 of  
8           title 5, United States Code, is amended—

9                   (A) in section 5314, by inserting after  
10           “Under Secretaries, Department of Homeland  
11           Security.” the following:

12           “Director, Cybersecurity and Infrastructure Se-  
13           curity Agency.”; and

14                   (B) in section 5315, by inserting after  
15           “Assistant Secretaries, Department of Home-  
16           land Security.” the following:

17           “Assistant Director for Cybersecurity, Cyberse-  
18           curity and Infrastructure Security Agency.

19           “Assistant Director for Infrastructure Security,  
20           Cybersecurity and Infrastructure Security Agency.”.

21           (i) TABLE OF CONTENTS AMENDMENTS.—The table  
22           of contents in section 1(b) of the Homeland Security Act  
23           of 2002 (Public Law 107–296; 116 Stat. 2135) is amend-  
24           ed—

1           (1) by striking the item relating to title II and  
2           inserting the following:

                  “TITLE II—INFORMATION ANALYSIS”.

3           (2) by striking the item relating to subtitle A  
4           and inserting the following:

                  “Subtitle A—Information and Analysis; Access to Information”.

5           (3) by striking the item relating to section 201  
6           and inserting the following:

                  “Sec. 201. Information and Analysis.”.

7           (4) by striking the item relating to section  
8           210E;

9           (5) by striking the items relating to subtitle B  
10          of title II and sections 211 through 215; and

11          (6) by striking the items relating to section 223  
12          through section 230;

13          (7) by striking the item relating to subtitle C  
14          and inserting the following:

                  “Subtitle B—Information Security”;

15          (8) by striking the item relating to subtitle D  
16          and inserting the following:

                  “Subtitle C—Office of Science and Technology”;

17          (9) by striking the items relating to sections  
18          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.”;

1           (10) by striking the item relating to section  
2           1801 and inserting the following:

“Sec. 1801. Emergency Communications Division.”; and

3           (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. 2205. Enhancement of Federal and non-Federal cybersecurity.

“Sec. 2206. Net guard.

“Sec. 2207. Cyber Security Enhancement Act of 2002.

“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.”.

4   **SEC. 1602. TRANSFER OF OTHER ENTITIES.**

5           (a) OFFICE OF BIOMETRIC IDENTITY MANAGE-  
6           MENT.—The Office of Biometric Identity Management of  
7           the Department of Homeland Security located in the Na-  
8           tional Protection and Programs Directorate of the Depart-  
9           ment of Homeland Security on the day before the date  
10          of enactment of this Act is hereby transferred to the Man-  
11          agement Directorate of the Department.

12          (b) FEDERAL PROTECTIVE SERVICE.—

1           (1) IN GENERAL.—Not later than 90 days fol-  
2           lowing the completion of the Government Account-  
3           ability Office review of the organizational placement  
4           of the Federal Protective Service, as requested by  
5           Congress, the Secretary of Homeland Security shall  
6           submit to the Director of the Office of Management  
7           and Budget and the appropriate committees of Con-  
8           gress a recommendation regarding the appropriate  
9           placement of the Federal Protective Service within  
10          the executive branch of the Federal Government.

11          (2) CONSULTATION AND ASSESSMENT.—The  
12          recommendation described in paragraph (1) shall—

13                (A) be developed after consultation with  
14                the head of any executive branch entity that the  
15                Secretary intends to recommend for the place-  
16                ment of the Federal Protective Service; and

17                (B) include—

18                    (i) an assessment of the how the De-  
19                    partment of Homeland Security considered  
20                    the Government Accountability Office re-  
21                    view described in paragraph (1) and any  
22                    other relevant analysis; and

23                    (ii) an explanation of any statutory  
24                    changes that may be necessary to effec-  
25                    tuate the recommendation.

1 **SEC. 1603. DHS REPORT ON CLOUD-BASED CYBERSECURITY.**  
2 **RITY.**

3 (a) DEFINITION.—In this section, the term “Depart-  
4 ment” means the Department of Homeland Security.

5 (b) REPORT.—Not later than 120 days after the date  
6 of enactment of this Act, the Secretary of Homeland Secu-  
7 rity, in coordination with the Director of the Office of  
8 Management and Budget and the Administrator of Gen-  
9 eral Services, shall submit to the Committee on Homeland  
10 Security and Governmental Affairs of the Senate and the  
11 Committee on Oversight and Government Reform and the  
12 Committee on Homeland Security of the House of Rep-  
13 resentatives a report on the leadership role of the Depart-  
14 ment in cloud-based cybersecurity deployments for civilian  
15 Federal departments and agencies, which shall include—

16 (1) information on the plan of the Department  
17 for offering automated, software-based Security Op-  
18 erations Center as a service capabilities in accord-  
19 ance with the December 2017 Report to the Presi-  
20 dent on Federal IT Modernization issued by the  
21 American Technology Council;

22 (2) information on what capabilities the De-  
23 partment will prioritize for those service capabilities,  
24 including—

1           (A) criteria the Department will use to  
2 evaluate capabilities offered by the private sec-  
3 tor; and

4           (B) information on how government- and  
5 private sector-provided capabilities will be inte-  
6 grated to enable visibility and consistency of se-  
7 curity capabilities across all cloud and on  
8 premise environments, as called for in the re-  
9 port described in paragraph (1); and

10          (3) information on how the Department will  
11 adapt the current capabilities of, and future en-  
12 hancements to, the intrusion detection and preven-  
13 tion system of the Department and the Continuous  
14 Diagnostics and Mitigation Program of the Depart-  
15 ment to secure civilian government networks in a  
16 cloud environment.

17 **SEC. 1604. RULE OF CONSTRUCTION.**

18          Nothing in this title or an amendment made by this  
19 title may be construed as—

20           (1) conferring new authorities to the Secretary  
21 of Homeland Security, including programmatic, reg-  
22 ulatory, or enforcement authorities, outside of the  
23 authorities in existence on the day before the date  
24 of enactment of this Act;

1           (2) reducing or limiting the programmatic, reg-  
2           ulatory, or enforcement authority vested in any  
3           other Federal agency by statute; or

4           (3) affecting in any manner the authority, exist-  
5           ing on the day before the date of enactment of this  
6           Act, of any other Federal agency or component of  
7           the Department of Homeland Security.

8   **SEC. 1605. PROHIBITION ON ADDITIONAL FUNDING.**

9           No additional funds are authorized to be appro-  
10          priated to carry out this title or the amendments made  
11          by this title. This title and the amendments made by this  
12          title shall be carried out using amounts otherwise author-  
13          ized.

14           **TITLE VII—OTHER MATTERS**

15                   **Subtitle A—Miscellaneous**

16   **SEC. 1701. AUTHORIZATION OF APPROPRIATIONS FOR OF-**  
17                   **FICE OF INSPECTOR GENERAL.**

18           There is authorized to be appropriated for the Office  
19          of the Inspector General of the Department of Homeland  
20          Security \$175,000,000 for each of fiscal years 2018 and  
21          2019.

22   **SEC. 1702. CANINE TEAMS.**

23           Components of the Department of Homeland Secu-  
24          rity may request additional canine teams when there is  
25          a justified and documented shortage and such additional

1 canine teams would be effective for drug detection or to  
2 enhance security.

3 **SEC. 1703. REPORT ON RESOURCE REQUIREMENTS TO RE-**  
4 **SPOND TO CONGRESSIONAL REQUESTS.**

5 (a) DEFINITIONS.—In this section—

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

8 (2) the term “Secretary” means the Secretary  
9 of Homeland Security.

10 (b) REPORT.—Not later than 60 days after the date  
11 of enactment of this Act, and every year thereafter, the  
12 Secretary shall submit to Congress a report on requests  
13 made by Congress to the Department that shall include,  
14 with respect to the fiscal year preceding the report or, if  
15 available, the preceding 5 fiscal years—

16 (1) the total number of congressional requests  
17 to the Department, including a breakdown of the  
18 number of requests made by committees, subcommit-  
19 tees, and caucuses;

20 (2) the total number of congressional responses  
21 for which the Department was required to prepare,  
22 including a breakdown of the number of hearings,  
23 briefings, and outreach events for the Department  
24 and each component of the Department;

1           (3) the total number of requests for similar or  
2           duplicative briefings, hearings, and other events that  
3           were made by multiple committees of Congress, in-  
4           cluding—

5                   (A) a breakdown of the number of requests  
6                   for the Department and each component of the  
7                   Department; and

8                   (B) a breakdown of the number of requests  
9                   for hearings by topic and by the requesting  
10                  committees and subcommittees of Congress;

11           (4) the total number of committee questions for  
12           the record, written testimony before committees, and  
13           reports that the Department had to prepare for or  
14           respond to, including—

15                   (A) a breakdown of the number of com-  
16                   mittee questions for the record, written testi-  
17                   mony before committees, and reports that the  
18                   Department and each component of the Depart-  
19                   ment had to prepare for or respond to; and

20                   (B) a breakdown of the number of com-  
21                   mittee questions for the record, written testi-  
22                   mony before committees, and reports that the  
23                   Department and each component of the Depart-  
24                   ment had to prepare for or respond to by topic,  
25                   as determined by the Secretary; and

1           (5) any additional information as determined by  
2           the Secretary.

3           (c) **TERMINATION.**—This section shall terminate on  
4           the date that is 5 years after the date of enactment of  
5           this Act.

6           **Subtitle B—Commission to Review**  
7           **the Congressional Oversight of**  
8           **the Department of Homeland**  
9           **Security**

10          **SEC. 1711. SHORT TITLE.**

11           This subtitle may be cited as the “Congressional  
12          Commission to Review the Congressional Oversight of the  
13          Department of Homeland Security Act of 2018”.

14          **SEC. 1712. ESTABLISHMENT.**

15           There is established in the legislative branch a com-  
16          mission to be known as the “Congressional Commission  
17          to Review Congressional Oversight of the Department of  
18          Homeland Security” (in this subtitle referred to as the  
19          “Commission”).

20          **SEC. 1713. MEMBERS OF THE COMMISSION.**

21           (a) **MEMBERS.**—The Commission shall be composed  
22          of 6 members, of whom—

23                   (1) 1 member shall be appointed by the Major-  
24                  ity Leader of the Senate, in consultation with the  
25                  leader of the House of Representatives who is a

1 member of the political party of which the Majority  
2 Leader is a member, who shall serve as chairperson  
3 of the Commission;

4 (2) 1 member shall be appointed by the Minor-  
5 ity Leader of the Senate, in consultation with the  
6 leader of the House of Representatives who is a  
7 member of the political party of which the Minority  
8 Leader is a member, who shall serve as vice chair-  
9 person of the Commission;

10 (3) 1 member shall be appointed by the Major-  
11 ity Leader of the Senate;

12 (4) 1 member shall be appointed by the Minor-  
13 ity Leader of the Senate;

14 (5) 1 member shall be appointed by the Major-  
15 ity Leader of the House of Representatives; and

16 (6) 1 member shall be appointed by the Minor-  
17 ity Leader of the House of Representatives.

18 (b) EXPERTISE.—In making appointments under this  
19 section, the individual making the appointment shall give  
20 consideration to—

21 (1) individuals with expertise in homeland secu-  
22 rity and congressional oversight; and

23 (2) individuals with prior senior leadership ex-  
24 perience in the executive or legislative branch.

1           (c) TIMING OF APPOINTMENTS.—Appointments to  
2 the Commission shall be made not later than 45 days after  
3 the date of enactment of this Act.

4           (d) TERMS; VACANCIES.—Each member shall be ap-  
5 pointed for the duration of the Commission. Any vacancy  
6 in the Commission shall not affect its powers, and shall  
7 be filled in the manner in which the original appointment  
8 was made.

9           (e) COMPENSATION.—Members of the Commission  
10 shall serve without pay.

11           (f) TRAVEL EXPENSES.—Each member of the Com-  
12 mission shall be allowed travel expenses, including per  
13 diem in lieu of subsistence, at rates authorized for employ-  
14 ees of agencies under subchapter I of chapter 57 of title  
15 5, United States Code, while away from their homes or  
16 regular places of business in the performance of services  
17 for the Commission.

18           (g) SECURITY CLEARANCES.—The appropriate Fed-  
19 eral agencies or departments shall cooperate with the  
20 Commission in expeditiously providing to the members and  
21 employees of the Commission appropriate security clear-  
22 ances to the extent possible, pursuant to existing proce-  
23 dures and requirements, except that no person shall be  
24 provided with access to classified information under this  
25 subtitle without the appropriate security clearances.

1 **SEC. 1714. DUTIES OF THE COMMISSION.**

2 (a) **STUDY OF THE DEPARTMENT OF HOMELAND SE-**  
3 **CURITY.**—The Commission shall conduct a comprehensive  
4 study of the congressional oversight of the Department of  
5 Homeland Security, including its components, subcompo-  
6 nents, directorates, agencies, and any other entities within  
7 the Department to—

8 (1) review the congressional oversight of the  
9 Department of Homeland Security; and

10 (2) make recommendations on how congres-  
11 sional committee jurisdictions in the Senate and  
12 House of Representatives could be modified to pro-  
13 mote homeland security and the efficiency and con-  
14 gressional oversight of the Department.

15 (b) **REPORT.**—Upon the affirmative vote of at least  
16 4 of the members of the Commission, the Commission  
17 shall submit to the President and Congress a detailed  
18 statement of its findings and conclusions based on the  
19 study carried out under subsection (a), together with its  
20 recommendations for such legislation or administrative ac-  
21 tions as the Commission considers appropriate in light of  
22 the results of the study.

23 (c) **DEADLINE.**—The Commission shall submit the  
24 report under subsection (b) not later than 9 months after  
25 the date on which a majority of the members of the Com-  
26 mission are appointed.

1 **SEC. 1715. OPERATION AND POWERS OF THE COMMISSION.**

2 (a) EXECUTIVE BRANCH ASSISTANCE.—The heads of  
3 the following agencies shall advise and consult with the  
4 Commission on matters within their respective areas of re-  
5 sponsibility:

6 (1) The Department of Homeland Security.

7 (2) The Department of Justice.

8 (3) The Department of State.

9 (4) The Office of Management and Budget.

10 (5) Any other agency, as determined by the  
11 Commission.

12 (b) MEETINGS.—The Commission shall meet—

13 (1) not later than 30 days after the date on  
14 which a majority of the members of the Commission  
15 have been appointed; and

16 (2) at such times thereafter, at the call of the  
17 chairperson or vice chairperson.

18 (c) RULES OF PROCEDURE.—The chairperson and  
19 vice chairperson shall, with the approval of a majority of  
20 the members of the Commission, establish written rules  
21 of procedure for the Commission, which shall include a  
22 quorum requirement to conduct the business of the Com-  
23 mission.

24 (d) HEARINGS.—The Commission may, for the pur-  
25 pose of carrying out this subtitle, hold hearings, sit, and

1 act at times and places, take testimony, and receive evi-  
2 dence as the Commission considers appropriate.

3 (e) CONTRACTS.—The Commission may contract  
4 with and compensate government and private agencies or  
5 persons for any purpose necessary to enable it to carry  
6 out this subtitle.

7 (f) MAILS.—The Commission may use the United  
8 States mails in the same manner and under the same con-  
9 ditions as other agencies of the Federal Government.

10 (g) GIFTS.—The Commission may accept, use, and  
11 dispose of gifts or donations of services or property.

12 (h) ASSISTANCE FROM FEDERAL AGENCIES.—

13 (1) GENERAL SERVICES ADMINISTRATION.—

14 The Administrator of General Services shall provide  
15 to the Commission on a reimbursable basis adminis-  
16 trative support and other services for the perform-  
17 ance of the Commission's functions.

18 (2) OTHER DEPARTMENTS AND AGENCIES.—In

19 addition to the assistance under paragraph (1), de-  
20 partments and agencies of the United States may  
21 provide to the Commission such services, funds, fa-  
22 cilities, staff, and other support services as they may  
23 determine advisable and as may be authorized by  
24 law.

1 **SEC. 1716. FUNDING.**

2 (a) IN GENERAL.—Subject to subsection (b) and the  
3 availability of appropriations, at the request of the chair-  
4 person of the Commission, the Secretary of Homeland Se-  
5 curity shall transfer funds, as specified in advance in ap-  
6 propriations Acts and in a total amount not to exceed  
7 \$1,000,000, to the Commission for purposes of carrying  
8 out the activities of the Commission as provided in this  
9 subtitle.

10 (b) DURATION OF AVAILABILITY.—Amounts trans-  
11 ferred to the Commission under subsection (a) shall re-  
12 main available until the date on which the Commission  
13 terminates.

14 (c) PROHIBITION ON NEW FUNDING.—No additional  
15 funds are authorized to be appropriated to carry out this  
16 Act. This Act shall be carried out using amounts otherwise  
17 available for the Department of Homeland Security and  
18 transferred under subsection (a).

19 **SEC. 1717. PERSONNEL.**

20 (a) EXECUTIVE DIRECTOR.—The Commission shall  
21 have an Executive Director who shall be appointed by the  
22 chairperson with the concurrence of the vice chairperson.  
23 The Director shall be paid at a rate of pay established  
24 by the chairperson and vice chairperson, not to exceed the  
25 annual rate of basic pay payable for level V of the Execu-

1 tive Schedule under section 5316 of title 5, United States  
2 Code.

3 (b) STAFF OF THE COMMISSION.—The Executive Di-  
4 rector of the Commission may appoint and fix the pay of  
5 additional staff as the Executive Director considers appro-  
6 priate.

7 (c) DETAILEES.—Any Federal Government employee  
8 may be detailed to the Commission without reimbursement  
9 from the Commission, and such detailee shall retain the  
10 rights, status, and privileges of his or her regular employ-  
11 ment without interruption.

12 (d) CONSULTANT SERVICES.—The Commission is au-  
13 thorized to procure the services of experts and consultants  
14 in accordance with section 3109 of title 5, United States  
15 Code, but at rates not to exceed the daily rate paid a per-  
16 son occupying a position at level IV of the Executive  
17 Schedule under section 5315 of title 5, United States  
18 Code.

19 **SEC. 1718. TERMINATION.**

20 The Commission shall terminate not later than 1 year  
21 after the date of enactment of this Act.

1                   **Subtitle C—Technical and**  
2                   **Conforming Amendments**

3   **SEC. 1731. TECHNICAL AMENDMENTS TO THE HOMELAND**  
4                   **SECURITY ACT OF 2002.**

5           (a) TITLE IV.—Title IV of the Homeland Security  
6 Act of 2002 (6 U.S.C. 201 et seq.) is amended as follows:

7           (1) In section 427 (6 U.S.C. 235), by striking  
8 subsection (c).

9           (2) By striking section 431 (6 U.S.C. 239).

10          (3) In section 476 (6 U.S.C. 296)—

11           (A) by striking “the Bureau of Citizenship  
12 and Immigration Services” each place the term  
13 appears and inserting “United States Citizen-  
14 ship and Immigration Services”; and

15           (B) by striking “the Bureau of Border Se-  
16 curity” each place the term appears and insert-  
17 ing “U.S. Immigration and Customs Enforce-  
18 ment”.

19          (4) In section 478 (6 U.S.C. 298)—

20           (A) in the section heading, by inserting  
21 “**ANNUAL REPORT ON**” before “**IMMIGRA-**  
22 **TION**”;

23           (B) by striking subsection (b); and

24           (C) in subsection (a)—

1 (i) by striking “REPORT.—” and all  
2 that follows through “One year” and in-  
3 serting “REPORT.—One year”; and

4 (ii) by redesignating paragraph (2) as  
5 subsection (b) and adjusting the margin  
6 accordingly; and

7 (D) in subsection (b), as so redesignated—

8 (i) in the heading, by striking “MAT-  
9 TER INCLUDED” and inserting “MATTER  
10 INCLUDED”; and

11 (ii) by redesignating subparagraphs  
12 (A) through (H) as paragraphs (1)  
13 through (8), respectively, and adjusting the  
14 margin accordingly.

15 (b) TITLE VIII.—Section 812 of the Homeland Secu-  
16 rity Act of 2002 (Public Law 107–296; 116 Stat. 2222;  
17 5 U.S.C. App., note to section 6 of Public Law 95–452)  
18 is amended as follows:

19 (1) By redesignating such section 812 as sec-  
20 tion 811.

21 (2) By striking subsections (a) and (c).

22 (3) In subsection (b)—

23 (A) by striking “(as added by subsection  
24 (a) of this section)” each place it appears;

1 (B) by redesignating paragraphs (2), (3),  
2 and (4) as subsections (b), (c), and (d), respec-  
3 tively, and adjusting the margin accordingly;

4 (C) in paragraph (1), by redesignating  
5 subparagraphs (A) and (B) as paragraphs (1)  
6 and (2), respectively, and adjusting the margin  
7 accordingly; and

8 (D) by striking “(b) PROMULGATION OF  
9 INITIAL GUIDELINES.—” and all that follows  
10 through “In this subsection” and inserting the  
11 following:

12 “(a) DEFINITION.—In this section”.

13 (4) In subsection (b), as so redesignated, by  
14 striking “IN GENERAL” and inserting “IN GEN-  
15 ERAL”.

16 (5) In subsection (c), as so redesignated, by  
17 striking “MINIMUM REQUIREMENTS” and inserting  
18 “MINIMUM REQUIREMENTS”.

19 (6) In subsection (d), as so redesignated, by  
20 striking “NO LAPSE OF AUTHORITY” and inserting  
21 “NO LAPSE OF AUTHORITY”.

22 (c) TITLE IX.—Section 903(a) of the Homeland Se-  
23 curity Act of 2002 (6 U.S.C. 493(a)) is amended in the  
24 subsection heading by striking “MEMBERS—” and insert-  
25 ing “MEMBERS.—”.

1 (d) TABLE OF CONTENTS.—The table of contents in  
2 section 1(b) of the Homeland Security Act of 2002 is  
3 amended as follows:

4 (1) By striking the item relating to section 478  
5 and inserting the following:

“Sec. 478. Annual report on immigration functions.”.

6 (2) By striking the items relating to sections  
7 811 and 812 and inserting the following:

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

8 (3) By striking the items relating to sections  
9 1502 and 1503 and inserting the following:

“Sec. 1502. Review of congressional committee structures.”.