

## Union Calendar No.

110TH CONGRESS  
1ST SESSION**H. R. 1684****[Report No. 110-]**

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2007

Mr. THOMPSON of Mississippi (for himself, Mr. KING of New York, Mr. CARNEY, Mr. ROGERS of Alabama, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. CUELLAR, Ms. CLARKE, and Ms. LORETTA SANCHEZ of California) introduced the following bill; which was referred to the Committee on Homeland Security

APRIL --, 2007

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

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

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

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**A BILL**

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

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

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Department of Home-*  
3 *land Security Authorization Act for Fiscal Year 2008”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5       *The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

**TITLE I—AUTHORIZATION OF APPROPRIATIONS**

*Sec. 101. Department of Homeland Security.*

**TITLE II—POLICY AND MANAGEMENT IMPROVEMENTS**

*Sec. 201. Establishment of Directorate for Policy.*

*Sec. 202. Direct line authority for Chief Operating Officers.*

*Sec. 203. Comprehensive Homeland Security Review.*

*Sec. 204. Qualifications for the Under Secretary for Management.*

*Sec. 205. Sense of Congress regarding consolidation of Department headquarters.*

*Sec. 206. Required budget line item for office of counternarcotics enforcement.*

*Sec. 207. Designation of Office of Counternarcotics Enforcement as primary De-*  
*partment counternarcotics enforcement representative.*

*Sec. 208. Granting line authority to the Assistant Secretary for Legislative Af-*  
*airs.*

**TITLE III—OVERSIGHT IMPROVEMENTS**

*Sec. 301. Secure border initiative financial accountability.*

*Sec. 302. Authorization Liaison Officer.*

*Sec. 303. Office of the Inspector General.*

*Sec. 304. Congressional notification requirement.*

*Sec. 305. Sense of Congress regarding oversight of homeland security.*

**TITLE IV—PROCUREMENT POLICY AND RESOURCES  
IMPROVEMENTS**

*Sec. 401. Homeland security procurement training.*

*Sec. 402. Authority to appoint and maintain a cadre of Federal annuitants for*  
*procurement offices.*

*Sec. 403. Additional requirement to review past performance of contractors.*

*Sec. 404. Requirement to disclose foreign ownership or control of contractors and*  
*subcontractors.*

*Sec. 405. Integrity in contracting.*

*Sec. 406. Small business utilization report.*

*Sec. 407. Requirement that uniforms, protective gear, badges, and identification*  
*cards of Homeland Security personnel be manufactured in the*  
*United States.*

*Sec. 408. Department of Homeland Security Mentor-Protégé Program.*

*Sec. 409. Prohibition on award of contracts and grants to educational institu-*  
*tions not supporting Coast Guard efforts.*

*Sec. 410. Report on source of shortfalls at Federal Protective Service.*

## 3

*TITLE V—WORKFORCE AND TRAINING IMPROVEMENTS*

- Sec. 501. Customs and Border Protection Officer pay equity.*  
*Sec. 502. Plan to improve representation of minorities in various categories of employment.*  
*Sec. 503. Continuation of authority for Federal law enforcement training center to appoint and maintain a cadre of Federal annuitants.*  
*Sec. 504. Authority to appoint and maintain a cadre of Federal annuitants for Customs and Border Protection.*  
*Sec. 505. Strengthening Border Patrol recruitment and retention.*  
*Sec. 506. Limitation on reimbursements relating to certain detailees.*  
*Sec. 507. Integrity in post-employment.*  
*Sec. 508. Increased security screening of Homeland Security Officials.*  
*Sec. 509. Authorities of Chief Security Officer.*  
*Sec. 510. Departmental culture improvement.*  
*Sec. 511. Homeland security education program enhancements.*  
*Sec. 512. Repeal of chapter 97 of title 5, United States Code.*  
*Sec. 513. Utilization of non-law enforcement Federal employees as instructors for non-law enforcement classes at the Border Patrol Training Academy.*

*TITLE VI—BIOPREPAREDNESS IMPROVEMENTS*

- Sec. 601. Chief Medical Officer and Office of Health Affairs.*  
*Sec. 602. Improving the material threats process.*  
*Sec. 603. Study on national biodefense training.*  
*Sec. 604. National Biosurveillance Integration Center.*  
*Sec. 605. Risk analysis process and integrated CBRN risk assessment.*  
*Sec. 606. National Bio and Agro-defense Facility.*

*TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS*

- Sec. 701. Cybersecurity and Communications.*  
*Sec. 702. Cybersecurity research and development.*

*TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS*

- Sec. 801. Report to Congress on strategic plan.*  
*Sec. 802. Centers of Excellence Program.*  
*Sec. 803. National research council study of university programs.*  
*Sec. 804. Streamlining of SAFETY Act and antiterrorism technology procurement processes.*  
*Sec. 805. Promoting antiterrorism through International Cooperation Act.*

*TITLE IX—BORDER SECURITY IMPROVEMENTS*

- Sec. 901. US-VISIT.*  
*Sec. 902. Shadow Wolves program.*  
*Sec. 903. Cost-effective training for border patrol agents.*  
*Sec. 904. Student and Exchange Visitor Program.*  
*Sec. 905. Assessment of resources necessary to reduce crossing times at land ports of entry.*  
*Sec. 906. Biometric identification of unauthorized aliens.*  
*Sec. 907. Report by Government Accountability Office regarding policies and procedures of the Border Patrol.*

*TITLE X—INFORMATION SHARING IMPROVEMENTS*

- Sec. 1001. State and local fusion center program.*  
*Sec. 1002. Fusion Center Privacy and Civil Liberties Training Program.*  
*Sec. 1003. Authority to appoint and maintain a cadre of Federal annuitants for the Office of Information Analysis.*

*TITLE XI—MISCELLANEOUS PROVISIONS*

- Sec. 1101. Eligible uses for interoperability grants.*  
*Sec. 1102. Rural homeland security training initiative.*  
*Sec. 1103. Critical infrastructure study.*  
*Sec. 1104. Terrorist watch list and immigration status review at high-risk critical infrastructure.*  
*Sec. 1105. Authorized use of surplus military vehicles.*  
*Sec. 1106. Computer capabilities to support real-time incident management.*  
*Sec. 1107. Expenditure reports as a condition of homeland security grants.*  
*Sec. 1108. Encouraging use of computerized training aids.*  
*Sec. 1109. Protection of name, initials, insignia, and departmental seal.*  
*Sec. 1110. Report on United States Secret Service approach to sharing unclassified, law enforcement sensitive information with Federal, State, and local partners.*  
*Sec. 1111. Report on United States Secret Service James J. Rowley Training Center.*  
*Sec. 1112. Metropolitan Medical Response System Program.*  
*Sec. 1113. Identity fraud prevention grant program.*  
*Sec. 1114. Technical corrections.*  
*Sec. 1115. Citizen Corps.*  
*Sec. 1116. Report regarding Department of Homeland Security implementation of Comptroller General and Inspector General recommendations regarding protection of agriculture.*  
*Sec. 1117. Report regarding levee system.*  
*Sec. 1118. Report on Force Multiplier Program.*  
*Sec. 1119. Eligibility of State judicial facilities for State homeland security grants.*  
*Sec. 1120. Authorization of Homeland Security Functions of the United States Secret Service.*  
*Sec. 1121. Data sharing.*

*TITLE XII—MARITIME ALIEN SMUGGLING*

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

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

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

4           *There is authorized to be appropriated to the Secretary*  
5       *of Homeland Security for the necessary expenses of the De-*  
6       *partment of Homeland Security for fiscal year 2008,*  
7       *\$39,863,000,000.*

8                   ***TITLE II—POLICY AND***  
9       ***MANAGEMENT IMPROVEMENTS***

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

11           *(a) IN GENERAL.—The Homeland Security Act of*  
12       *2002 (6 U.S.C. 101 et seq.) is amended by striking sections*  
13       *401 through 403 and inserting the following:*

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

15           *“(a) ESTABLISHMENT.—There is in the Department a*  
16       *Directorate for Policy. The Directorate for Policy shall con-*  
17       *tain each of the following:*

18                   *“(1) The Office of the Private Sector, which shall*  
19       *be administered by an Assistant Secretary for the*  
20       *Private Sector.*

21                   *“(2) The Victim Assistance Officer.*

22                   *“(3) The Tribal Security Officer.*

23                   *“(4) The Border Community Liaison Officer.*

24                   *“(5) Such other offices as considered necessary by*  
25       *the Under Secretary for Policy.*

1       “(b) *UNDER SECRETARY FOR POLICY.*—

2               “(1) *IN GENERAL.*—*The head of the Directorate*  
3       *is the Under Secretary for Policy, who shall be ap-*  
4       *pointed by the President, with the advice and consent*  
5       *of the Senate.*

6               “(2) *QUALIFICATIONS.*—*No individual shall be*  
7       *appointed to the position of Under Secretary for Pol-*  
8       *icy under paragraph (1) unless the individual has, by*  
9       *education and experience, demonstrated knowledge,*  
10       *ability, and skill in the fields of policy and strategic*  
11       *planning.*

12               “(3) *RESPONSIBILITIES.*—*Subject to the direc-*  
13       *tion and control of the Secretary, the responsibilities*  
14       *of the Under Secretary for Policy shall be as follows:*

15               “(A) *To serve as the principal policy advi-*  
16       *sor to the Secretary.*

17               “(B) *To provide overall direction and su-*  
18       *pervision of policy development for the programs,*  
19       *offices, and activities of the Department.*

20               “(C) *To ensure that the budget of the De-*  
21       *partment (including the development of future*  
22       *year budgets and interaction with the Office of*  
23       *Management and Budget and with Congress) is*  
24       *compatible with the statutory and regulatory re-*  
25       *sponsibilities of the Department and with the*

1           *Secretary's priorities, strategic plans, and poli-*  
2           *cies.*

3           “(D) *To conduct long-range, strategic plan-*  
4           *ning for the Department, including overseeing*  
5           *the Comprehensive Homeland Security Review*  
6           *established in section 203.*

7           “(E) *To carry out such other responsibil-*  
8           *ities as the Secretary may determine are appro-*  
9           *priate.*”.

10        ***(b) ENSURING CONSIDERATION OF THE NEEDS OF***  
11        ***CHILDREN.—***

12           ***(1) IN GENERAL.—****The Under Secretary for Pol-*  
13           *icy of the Department of Homeland Security, acting*  
14           *through the Assistant Secretary for the Office of Pol-*  
15           *icy and Development, shall ensure that all depart-*  
16           *mental policies, programs, and activities appro-*  
17           *priately consider the needs of and impact upon chil-*  
18           *dren.*

19           ***(2) SPECIFIC FUNCTIONS.—****The Under Secretary*  
20           *for Policy shall—*

21           ***(A)*** *coordinate with other Federal Depart-*  
22           *ments and agencies to ensure that the needs of*  
23           *children, schools, and other child-centered facili-*  
24           *ties are sufficiently understood and incorporated*  
25           *into Federal, State, local, and tribal prepared-*

1           ness, response, and recovery plans and activities  
2           for terrorist attacks, major disasters, and other  
3           emergencies (including those involving chemical,  
4           biological, radiological, nuclear, or other explo-  
5           sive weapons), or other manmade disasters;

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

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

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

24          (3) *REPORT TO CONGRESS.*—One year after the  
25          date of the enactment of this subsection and on an an-

1        *nual basis thereafter, the Under Secretary for Policy*  
2        *shall report to the Committee on Homeland Security*  
3        *of the House of Representatives and to the Committee*  
4        *on Homeland Security and Governmental Affairs of*  
5        *the Senate on activities undertaken pursuant to this*  
6        *subsection and the resulting improvement in security*  
7        *for children, schools, and other child-centered facili-*  
8        *ties.*

9        (c) *CONFORMING AMENDMENTS.—Such Act is further*  
10       *amended—*

11                (1) *by striking the heading for title IV and in-*  
12        *serting the following:*

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

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

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

19                (3) *in section 103(a)(3), by striking “for Border*  
20        *and Transportation Security” and inserting “for Pol-*  
21        *icy”;*

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

1           (5) *in section 411(a), by striking “under the au-*  
2           *thority of the Under Secretary for Border and Trans-*  
3           *portation Security,”;*

4           (6) *in section 430—*

5                 (A) *in subsection (a)—*

6                     (i) *by striking “The” and inserting*  
7                     *“There is in the Department an”; and*

8                     (ii) *by striking “shall be” and all that*  
9                     *follows through “Security”;*

10                 (B) *in subsection (b), by striking the second*  
11                 *sentence; and*

12                 (C) *by striking subsection (d).*

13           (7) *in section 441, by striking “Under Secretary*  
14           *for Border and Transportation Security” and insert-*  
15           *ing “Secretary”;*

16           (8) *in section 442(a)—*

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

20                 (B) *in paragraph (3)—*

21                     (i) *in subparagraph (A), by striking*  
22                     *“Under Secretary for Border and Transpor-*  
23                     *tation Security” each place it appears and*  
24                     *inserting “Secretary”; and*

1                   (ii) in subparagraph (C), by striking  
2                   “Border and Transportation Security” and  
3                   inserting “Policy”;

4                   (9) in section 443, by striking “The Under Sec-  
5                   retary for Border and Transportation Security” and  
6                   inserting “Subject to the direction and control of the  
7                   Secretary, the Deputy Secretary”;

8                   (10) in section 444, by striking “The Under Sec-  
9                   retary for Border and Transportation Security” and  
10                  inserting “Subject to the direction and control of the  
11                  Secretary, the Deputy Secretary”;

12                  (11) in section 472(e), by striking “or the Under  
13                  Secretary for Border and Transportation Security”;  
14                  and

15                  (12) in section 878(e), by striking “the Direc-  
16                  torate of Border and Transportation Security” and  
17                  inserting “United States Customs and Border Protec-  
18                  tion, Immigration and Customs Enforcement”.

19                  (d) CLERICAL AMENDMENTS.—The table of contents in  
20                  section 1(b) of such Act is amended—

21                   (1) by striking the item relating to title IV and  
22                   inserting the following:

                  “TITLE IV—DIRECTORATE FOR POLICY”;

23                  and

24                   (2) by striking the items relating to subtitle A of  
25                   title IV and inserting the following:

*“Subtitle A—Under Secretary for Policy*

*“Sec. 401. Directorate for Policy.”*

1 **SEC. 202. DIRECT LINE AUTHORITY FOR CHIEF OPERATING**  
2 **OFFICERS.**

3 *(a) IN GENERAL.—Title VII of the Homeland Security*  
4 *Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding*  
5 *at the end the following new section:*

6 **“SEC. 707. CHIEF OPERATING OFFICERS.**

7 *“(a) IN GENERAL.—The Chief Operating Officers of*  
8 *the Department include the following officials of the Depart-*  
9 *ment:*

10 *“(1) The Chief Financial Officer.*

11 *“(2) The Chief Procurement Officer.*

12 *“(3) The Chief Information Officer.*

13 *“(4) The Chief Human Capital Officer.*

14 *“(5) The Chief Administrative Officer.*

15 *“(6) The Chief Security Officer.*

16 *“(b) DELEGATION.—The Secretary shall delegate to*  
17 *each Chief Operating Officer direct authority over that Offi-*  
18 *cer’s counterparts in component agencies to ensure that the*  
19 *component agencies adhere to the laws, rules, regulations,*  
20 *and departmental policies for which such Officer is respon-*  
21 *sible for implementing. In coordination with the head of*  
22 *the relevant component agency, such authorities shall in-*  
23 *clude, with respect to the Officer’s counterparts within com-*  
24 *ponent agencies of the Department, the following:*

1           “(1) *The authority to direct the activities of per-*  
2       *sonnel.*

3           “(2) *The authority to direct planning, oper-*  
4       *ations, and training.*

5           “(3) *The authority to direct the budget and other*  
6       *financial resources.*

7       “(c) *COORDINATION WITH HEADS OF COMPONENT*  
8       *AGENCIES.—In reporting to a Chief Operating Officer of*  
9       *the Department as required under subsection (b), a Chief*  
10       *Operating Officer of a component agency shall coordinate*  
11       *with the head of that component agency.”.*

12       (b) *CLERICAL AMENDMENT.—The table of contents in*  
13       *section 1(b) of such Act is amended by inserting after the*  
14       *item relating to section 706 the following:*

*“Sec. 707. Chief Operating Officers.”.*

15       **SEC. 203. COMPREHENSIVE HOMELAND SECURITY REVIEW.**

16       (a) *COMPREHENSIVE HOMELAND SECURITY RE-*  
17       *VIEW.—Subtitle A of title IV of the Homeland Security Act*  
18       *of 2002 is further amended by adding at the end the fol-*  
19       *lowing:*

20       **“SEC. 402. COMPREHENSIVE HOMELAND SECURITY REVIEW.**

21       “(a) *REQUIREMENT TO CONDUCT REVIEWS.—The*  
22       *Secretary, acting through the Under Secretary for Policy,*  
23       *shall conduct a comprehensive examination of the Depart-*  
24       *ment, to be known as the Comprehensive Homeland Secu-*  
25       *rity Review. The Secretary shall conduct the first such re-*

1 *view in fiscal year 2009, and shall conduct a subsequent*  
2 *review in the first fiscal year in which there begins the first*  
3 *presidential term of a new presidential administration.*

4 “(b) *PURPOSE OF REVIEW.—In each Comprehensive*  
5 *Homeland Security Review, the Secretary shall—*

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

10 “(2) *define sufficient personnel and appropriate*  
11 *organizational structure and other requirements nec-*  
12 *essary for the successful execution of the full range of*  
13 *missions called for in the Department of Homeland*  
14 *Security Strategy; and*

15 “(3) *identify a budget plan, acquisition strategy,*  
16 *procurement process, and any other resources, that*  
17 *are necessary to provide sufficient resources for the*  
18 *successful execution of the full range of missions called*  
19 *for in the Department of Homeland Security Strat-*  
20 *egy.*

21 “(c) *CONDUCT OF REVIEW.—*

22 “(1) *CONSULTATION REQUIRED.—The Secretary*  
23 *shall conduct each review required under subsection*  
24 *(a) in consultation with key officials of the Depart-*  
25 *ment, including the Assistant Secretary of the Trans-*

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

10        “(2) *RELATIONSHIP WITH FUTURE YEARS HOME-*  
11        *LAND SECURITY PROGRAM.—The Secretary shall en-*  
12        *sure that each review conducted under this section is*  
13        *consistent with the Future Years Homeland Security*  
14        *Program required under section 874.*

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

16        “(1) *REPORT.—The Secretary shall submit to the*  
17        *Committee on Homeland Security of the House of*  
18        *Representatives, to the Committee on Homeland Secu-*  
19        *rity and Governmental Affairs of the Senate, and to*  
20        *the President a report on each Comprehensive Home-*  
21        *land Security Review. Each such report shall be sub-*  
22        *mitted during the fiscal year following the fiscal year*  
23        *in which the review is conducted, but not later than*  
24        *the date on which the President submits to Congress*  
25        *the budget under section 1105(a) of title 31, United*

1       *States Code, for the fiscal year following the fiscal*  
2       *year in which the report is to be submitted.*

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

8               “(A) *A comprehensive assessment of the level*  
9       *of alignment between the Department of Home-*  
10       *land Security Strategy and the human resources,*  
11       *infrastructure, assets, and organizational struc-*  
12       *ture of the Department.*

13               “(B) *An explanation of any and all under-*  
14       *lying assumptions used in conducting the Re-*  
15       *view.*

16               “(C) *The human resources requirements and*  
17       *response capabilities of the Department as they*  
18       *relate to the risks of terrorist attacks, major dis-*  
19       *asters, and other emergencies.*

20               “(D) *The strategic and tactical air, border*  
21       *sea, and land capabilities and requirements to*  
22       *support the Department of Homeland Security*  
23       *Strategy.*

24               “(E) *The nature and appropriateness of*  
25       *homeland security operational capabilities, in-*

1           *cluding operational scientific and technical re-*  
2           *sources and capabilities and the anticipated ef-*  
3           *fects on the human resources capabilities, costs,*  
4           *efficiencies, resources, and planning of the De-*  
5           *partment of any technology or operational capa-*  
6           *bilities anticipated to be available during the*  
7           *years subsequent to the Review.*

8           *“(F) Any other matter the Secretary con-*  
9           *siders appropriate to include in the Review.*

10          *“(3) DEADLINE FOR INITIAL REPORT.—Notwith-*  
11         *standing paragraph (1), the Secretary shall submit*  
12         *the first Report required under subsection (a) not*  
13         *later than September 30, 2010.*

14          *“(e) PREPARATIONS FOR FISCAL YEAR 2008 RE-*  
15         *VIEW.—In fiscal year 2008, the Under Secretary for Policy*  
16         *shall make all preparations for the conduct of the first Com-*  
17         *prehensive Homeland Security Review in fiscal year 2009,*  
18         *including—*

19                 *“(1) determining the tasks to be performed;*

20                 *“(2) estimating the human, financial, and other*  
21         *resources required to perform each task;*

22                 *“(3) establishing the schedule for the execution of*  
23         *all project tasks;*

24                 *“(4) ensuring that these resources will be avail-*  
25         *able as needed; and*

1           “(5) *all other preparations considered necessary*  
2           *by the Under Secretary.*”.

3           (b) *CLERICAL AMENDMENT.*—*The table of contents in*  
4           *section 1(b) of such Act is amended by inserting after the*  
5           *item relating to section 401 the following:*

          “*Sec. 402. Comprehensive Homeland Security Review.*”.

6   **SEC. 204. QUALIFICATIONS FOR THE UNDER SECRETARY**  
7           **FOR MANAGEMENT.**

8           (a) *QUALIFICATIONS.*—*Section 701 of the Homeland*  
9           *Security Act of 2002 (6 U.S.C. 341) is amended by adding*  
10          *at the end the following:*

11          “(c) *QUALIFICATIONS.*—*The Under Secretary for Man-*  
12          *agement shall have all of the following qualifications:*

13               “(1) *Extensive executive level leadership and*  
14               *management experience in the public or private sec-*  
15               *tor.*

16               “(2) *Strong leadership skills.*

17               “(3) *A demonstrated ability to manage large and*  
18               *complex organizations.*

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

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

1 *section (a), to serve as the Under Secretary for Manage-*  
2 *ment. The Secretary may submit the name of the individual*  
3 *who serves in the position of Under Secretary for Manage-*  
4 *ment of the Department of Homeland Security on the date*  
5 *of enactment of this Act together with a statement the in-*  
6 *forms the Congress that the individual meets the qualifica-*  
7 *tions of such section as so amended.*

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

10 *(a) FINDINGS.—Congress finds that—*

11 *(1) the Department of Homeland Security and*  
12 *its component headquarters facilities are currently*  
13 *scattered widely throughout the National Capital Re-*  
14 *gion (NCR);*

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

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

24 *(4) consolidating the Department's headquarters*  
25 *and component facilities, to the greatest extent prac-*

1        *ticable, would be an important step in facilitating the*  
2        *transformation and integration of the Department;*  
3        *and*

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

15       *(b) SENSE OF CONGRESS.—It is the sense of Congress*  
16       *that the consolidation of the Department and its key compo-*  
17       *nent headquarters on the West Campus of St. Elizabeths*  
18       *Hospital, to the maximum extent practicable consistent*  
19       *with the Department's Housing Plan as submitted to Con-*  
20       *gress in October 2006, should move forward as expeditiously*  
21       *as possible with all the agencies involved in this effort bear-*  
22       *ing those costs for which they are responsible.*

1 **SEC. 206. REQUIRED BUDGET LINE ITEM FOR OFFICE OF**  
2 **COUNTERNARCOTICS ENFORCEMENT.**

3 *In each fiscal year budget request for the Department*  
4 *of Homeland Security, the Secretary of Homeland Security*  
5 *shall include a separate line item for the fiscal year for*  
6 *expenditures by the Office of Counternarcotics Enforcement*  
7 *of the Department of Homeland Security.*

8 **SEC. 207. DESIGNATION OF OFFICE OF COUNTER-**  
9 **NARCOTICS ENFORCEMENT AS PRIMARY DE-**  
10 **PARTMENT COUNTERNARCOTICS ENFORCE-**  
11 **MENT REPRESENTATIVE.**

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

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

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

21 *“(d) AUTHORITY OF THE ASSISTANT SECRETARY FOR*  
22 *LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTER-*  
23 *PARTS.—*

24 *“(1) IN GENERAL.—The Secretary for the De-*  
25 *partment shall ensure that the Assistant Secretary for*  
26 *Legislative Affairs has adequate authority over his or*

1        *her respective counterparts in component agencies of*  
2        *the Department to ensure that such component agen-*  
3        *cies adhere to the laws, rules, regulations, and depart-*  
4        *mental policies that the Assistant Secretary for Legis-*  
5        *lative Affairs is responsible for implementing.*

6                *“(2) INCLUDED AUTHORITIES.—The authorities*  
7        *of the Assistant Secretary for Legislative Affairs shall*  
8        *include, with respect to the counterparts in compo-*  
9        *nent agencies of the Department, the following:*

10                *“(A) The authority to direct the activities of*  
11        *personnel responsible for any of the following:*

12                *“(i) Making recommendations regard-*  
13        *ing the hiring, termination, and reassign-*  
14        *ment of individuals.*

15                *“(ii) Developing performance meas-*  
16        *ures.*

17                *“(iii) Submitting written performance*  
18        *evaluations during the performance evalua-*  
19        *tion process that shall be considered in per-*  
20        *formance reviews, including recommenda-*  
21        *tions for bonuses, pay raises, and pro-*  
22        *motions.*

23                *“(iv) Withholding funds from the rel-*  
24        *evant component agency that would other-*  
25        *wise be available for a particular purpose*

1                   *until the relevant component agency com-*  
2                   *plies with the directions of the Assistant*  
3                   *Secretary for Legislative Affairs or makes*  
4                   *substantial progress towards meeting the*  
5                   *specified goal.*

6                   *“(B) The authority to direct planning, op-*  
7                   *erations, and training.*

8                   *“(C) The authority to direct the budget and*  
9                   *other financial resources.”.*

10                   ***TITLE III—OVERSIGHT***  
11                   ***IMPROVEMENTS***

12                   ***SEC. 301. SECURE BORDER INITIATIVE FINANCIAL AC-***  
13                   ***COUNTABILITY.***

14                   *(a) IN GENERAL.—The Inspector General of the De-*  
15                   *partment of Homeland Security shall review each contract*  
16                   *action related to the Department’s Secure Border Initiative*  
17                   *having a value greater than \$20,000,000, to determine*  
18                   *whether each such action fully complies with applicable cost*  
19                   *requirements, performance objectives, program milestones,*  
20                   *inclusion of small, minority, and women-owned business,*  
21                   *and timelines. The Inspector General shall complete a re-*  
22                   *view under this subsection with respect to a contract ac-*  
23                   *tion—*

24                   *(1) not later than 60 days after the date of the*  
25                   *initiation of the action; and*

1           (2) *upon the conclusion of the performance of the*  
2       *contract.*

3       (b) *REPORT BY INSPECTOR GENERAL.*—Upon comple-  
4       tion of each review required under subsection (a), the In-  
5       specter General shall submit to the Secretary of Homeland  
6       Security a report containing the findings of the review, in-  
7       cluding findings regarding any cost overruns, significant  
8       delays in contract execution, lack of rigorous departmental  
9       contract management, insufficient departmental financial  
10      oversight, bundling that limits the ability of small business  
11      to compete, or other high risk business practices.

12      (c) *REPORT BY SECRETARY.*—Not later than 30 days  
13      after the receipt of each report required under subsection  
14      (b), the Secretary of Homeland Security shall submit to the  
15      Committee on Homeland Security of the House of Rep-  
16      resentatives and the Committee on Homeland Security and  
17      Governmental Affairs of the Senate a report on the findings  
18      of the report by the Inspector General and the steps the Sec-  
19      retary has taken, or plans to take, to address the findings  
20      in such report.

21      (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
22      authorized to be appropriated for the Office of the Inspector  
23      General of the Department of Homeland Security to carry  
24      out enhanced oversight of the Secure Border Initiative—

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

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

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

8           (e) *ACTION BY INSPECTOR GENERAL.—In the event the*  
9           *Inspector General becomes aware of any improper conduct*  
10          *or wrongdoing in accordance with the contract review re-*  
11          *quired under subsection (a), the Inspector General shall, as*  
12          *expeditiously as practicable, refer to the Secretary of Home-*  
13          *land Security or other appropriate official in the Depart-*  
14          *ment of Homeland Security information related to such im-*  
15          *proper conduct or wrongdoing for purposes of evaluating*  
16          *whether to suspend or debar the contractor.*

17       **SEC. 302. AUTHORIZATION LIAISON OFFICER.**

18          *Section 702 of the Homeland Security Act of 2002 (6*  
19          *U.S.C. 342) is amended by adding at the end the following:*

20          “(d) *AUTHORIZATION LIAISON OFFICER.—*

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

1       *Homeland Security and Governmental Affairs of the*  
2       *Senate. The Authorization Liaison Officer shall report*  
3       *directly to the Chief Financial Officer.*

4               “(2) *SUBMISSION OF REPORTS TO CONGRESS.—*  
5       *The Authorization Liaison Officer shall coordinate*  
6       *with the Appropriations Liaison Officer within the*  
7       *Office of the Chief Financial Officer to ensure, to the*  
8       *greatest extent possible, that all reports prepared for*  
9       *the Committees on Appropriations of the House of*  
10       *Representatives and the Senate are submitted concur-*  
11       *rently to the Committee on Homeland Security of the*  
12       *House of Representatives and the Committee on*  
13       *Homeland Security and Governmental Affairs of the*  
14       *Senate.”.*

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

16       *Of the amount authorized by section 101, there is au-*  
17       *thorized to be appropriated to the Secretary of Homeland*  
18       *Security \$108,500,000 for fiscal year 2008 for operations*  
19       *of the Office of the Inspector General of the Department of*  
20       *Homeland Security.*

21   **SEC. 304. CONGRESSIONAL NOTIFICATION REQUIREMENT.**

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

1   **“SEC. 104. CONGRESSIONAL NOTIFICATION.**

2           “(a) *IN GENERAL.*—*The Secretary shall actively con-*  
3 *sult with the congressional homeland security committees,*  
4 *and shall keep such committees fully and currently in-*  
5 *formed with respect to all activities and responsibilities*  
6 *within the jurisdictions of these committees.*

7           “(b) *RELATIONSHIP TO OTHER LAW.*—*Nothing in this*  
8 *section affects the requirements of section 872. The require-*  
9 *ments of this section supplement, and do not replace, the*  
10 *requirements of that section.*

11          “(c) *CLASSIFIED NOTIFICATION.*—*The Secretary may*  
12 *submit any information required by this section in classi-*  
13 *fied form if the information is classified pursuant to appli-*  
14 *cable national security standards.*

15          “(d) *SAVINGS CLAUSE.*—*This section shall not be con-*  
16 *strued to limit or otherwise affect the congressional notifica-*  
17 *tion requirements of title V of the National Security Act*  
18 *of 1947 (50 U.S.C. 413 et seq.), insofar as they apply to*  
19 *the Department.*

20          “(e) *DEFINITION.*—*As used in this section, the term*  
21 *‘congressional homeland security committees’ means the*  
22 *Committee on Homeland Security and the Committee on*  
23 *Appropriations of the House of Representatives and the*  
24 *Committee on Homeland Security and Governmental Af-*  
25 *fairs and the Committee on Appropriations of the Senate.’.*

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

      “*Sec. 104. Congressional notification.*”.

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

7             (1) *by redesignating subparagraphs (B) through*  
8             *(E) as subparagraphs (C) through (F) respectively;*  
9             *and*

10            (2) *by striking subparagraph (A) and inserting*  
11            *the following:*

12                     “(A) *the Committee on Homeland Security*  
13                     *and Governmental Affairs of the Senate;*

14                     “(B) *the Committee on Homeland Security*  
15                     *of the House of Representatives;*”.

16   **SEC. 305. SENSE OF CONGRESS REGARDING OVERSIGHT OF**  
17                     **HOMELAND SECURITY.**

18       *It is the sense of the Congress that the House of Rep-*  
19 *resentatives and the Senate should implement the rec-*  
20 *ommendation of the National Commission on Terrorist At-*  
21 *tacks Upon the United States to designate a committee in*  
22 *each body to serve as the single, principal point of oversight*  
23 *and review for homeland security and to authorize the ac-*  
24 *tivities of the Department of Homeland Security.*

1 ***TITLE IV—PROCUREMENT POL-***  
2 ***ICY AND RESOURCES IM-***  
3 ***PROVEMENTS***

4 ***SEC. 401. HOMELAND SECURITY PROCUREMENT TRAINING.***

5 *(a) IN GENERAL.—Subtitle D of title VIII of the*  
6 *Homeland Security Act of 2002 is amended by adding at*  
7 *the end the following new section:*

8 ***“SEC. 836. HOMELAND SECURITY PROCUREMENT TRAINING.***

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

12 *“(b) RESPONSIBILITIES OF CHIEF PROCUREMENT OF-*  
13 *FICER.—The Chief Procurement Officer shall carry out the*  
14 *following responsibilities:*

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

20 *“(2) Develop, in consultation with the Council*  
21 *on Procurement Training established under subsection*  
22 *(d), the curriculum of the homeland security procure-*  
23 *ment training to be provided.*

24 *“(3) Establish, in consultation with the Council*  
25 *on Procurement Training, training standards, re-*

1        *quirements, and courses to be required for acquisition*  
2        *employees.*

3            *“(4) Establish an appropriate centralized mecha-*  
4        *nism to control the allocation of resources for con-*  
5        *ducting such required courses and other training and*  
6        *education.*

7            *“(5) Select course providers and certify courses*  
8        *to ensure that the procurement training curriculum*  
9        *supports a coherent framework for the educational de-*  
10       *velopment of acquisition employees, including the pro-*  
11       *vision of basic, intermediate, and advanced courses.*

12           *“(6) Publish an annual catalog that includes a*  
13        *list of the acquisition education and training courses.*

14           *“(7) Develop a system of maintaining records of*  
15        *student enrollment, and other data related to students*  
16        *and courses conducted pursuant to this section.*

17        *“(c) ELIGIBILITY FOR TRAINING.—An acquisition em-*  
18       *ployee of any entity under subsection (d)(3) may receive*  
19       *training provided under this section. The appropriate mem-*  
20       *ber of the Council on Procurement Training may direct*  
21       *such an employee to receive procurement training.*

22        *“(d) COUNCIL ON PROCUREMENT TRAINING.—*

23           *“(1) ESTABLISHMENT.—The Secretary shall es-*  
24        *tablish a Council on Procurement Training to advise*

1       *and make policy and curriculum recommendations to*  
2       *the Chief Procurement Officer.*

3               “(2) *CHAIR OF COUNCIL.—The chair of the*  
4       *Council on Procurement Training shall be the Deputy*  
5       *Chief Procurement Officer.*

6               “(3) *MEMBERS.—The members of the Council on*  
7       *Procurement Training are the chief procurement offi-*  
8       *cers of each of the following:*

9                       “(A) *United States Customs and Border*  
10       *Protection.*

11                      “(B) *The Transportation Security Adminis-*  
12       *tration.*

13                      “(C) *The Office of Procurement Operations.*

14                      “(D) *The Bureau of Immigration and Cus-*  
15       *toms Enforcement.*

16                      “(E) *The Federal Emergency Management*  
17       *Agency.*

18                      “(F) *The Coast Guard.*

19                      “(G) *The Federal Law Enforcement Train-*  
20       *ing Center.*

21                      “(H) *The United States Secret Service.*

22                      “(I) *Such other entity as the Secretary de-*  
23       *termines appropriate.*

24               “(e) *ACQUISITION EMPLOYEE DEFINED.—For pur-*  
25       *poses of this section, the term ‘acquisition employee’ means*

1 *an employee serving under a career or career-conditional*  
2 *appointment in the competitive service or appointment of*  
3 *equivalent tenure in the excepted service of the Federal Gov-*  
4 *ernment, at least 50 percent of whose assigned duties in-*  
5 *clude acquisitions, procurement-related program manage-*  
6 *ment, or procurement-related oversight functions.*

7       “(f) *REPORT REQUIRED.*—Not later than March 1 of  
8 *each year, the Chief Procurement Officer shall submit to*  
9 *the Secretary a report on the procurement training pro-*  
10 *vided under this section, which shall include information*  
11 *about student enrollment, students who enroll but do not*  
12 *attend courses, graduates, certifications, and other relevant*  
13 *information.”.*

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

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

17 **SEC. 402. AUTHORITY TO APPOINT AND MAINTAIN A CADRE**  
18 **OF FEDERAL ANNUITANTS FOR PROCURE-**  
19 **MENT OFFICES.**

20       “(a) *DEFINITIONS.*—For purposes of this section—

21           “(1) the term “procurement office” means the Of-  
22 *fice of Procurement Operations and any other pro-*  
23 *curement office within any agency or other compo-*  
24 *nent of the Department;*

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

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

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

9           (b) *APPOINTMENT AUTHORITY.—The Secretary (act-*  
10          *ing through the Chief Procurement Officer) may, for the*  
11          *purpose of supporting the Department’s acquisition capa-*  
12          *bilities and enhancing contract management throughout the*  
13          *Department, appoint annuitants to positions in procure-*  
14          *ment offices in accordance with succeeding provisions of*  
15          *this section.*

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

1       (d) *LIMITATIONS.*—No appointment under subsection  
2 (b) may be made if such appointment would result in the  
3 displacement of any employee or would cause the total num-  
4 ber of positions filled by annuitants appointed under such  
5 subsection to exceed 250 as of any time (determined on a  
6 full-time equivalent basis).

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

11       (f) *TERMINATION.*—Upon the expiration of the 5-year  
12 period beginning on the date of the enactment of this Act—

13           (1) any authority to make appointments under  
14 subsection (b) shall cease to be available; and

15           (2) all exemptions under subsection (c) shall  
16 cease to be effective.

17 **SEC. 403. ADDITIONAL REQUIREMENT TO REVIEW PAST**  
18 **PERFORMANCE OF CONTRACTORS.**

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

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

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

1       “(b) *REVIEW REQUIRED.*—Before awarding to a con-  
2 tractor (including a contractor that has previously provided  
3 goods or services to the Department) a contract to provide  
4 goods or services to the Department, the Secretary, acting  
5 through the appropriate contracting officer of the Depart-  
6 ment, shall require the contractor to submit information re-  
7 garding the contractor’s performance of Federal, State, and  
8 local government and private sector contracts.

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

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

“Sec. 837. Review of contractor past performance.”.

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

22       (a) *COMPLIANCE WITH BUY AMERICAN ACT.*—With  
23 respect to any procurement of goods or services by the De-  
24 partment of Homeland Security, the Chief Procurement Of-  
25 ficer of the Department shall conduct an independent re-

1 *view of the procurement to ensure that it complies with all*  
2 *relevant provisions of the Buy American Act (41 U.S.C. 10a*  
3 *et seq.).*

4 (b) *FOREIGN OWNERSHIP OR CONTROL OF CONTRAC-*  
5 *TORS AND SUBCONTRACTORS.—*

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

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

21 (A) The term “owned or controlled by a for-  
22 eign person”, with respect to an offeror, con-  
23 tractor, or subcontractor, means that a foreign  
24 person owns or controls, directly or indirectly,  
25 50 percent or more of the voting stock or other

1           *ownership interest in the offeror, contractor, or*  
2           *subcontractor.*

3           *(B) The term “foreign person” means any*  
4           *of the following:*

5                     *(i) A foreign government.*

6                     *(ii) A corporation organized under the*  
7                     *laws of a foreign country.*

8                     *(iii) An individual who is not a cit-*  
9                     *izen of the United States.*

10           *(3) REGULATIONS.—Not later than 180 days*  
11           *after the date of the enactment of this Act, the Sec-*  
12           *retary of Homeland Security shall promulgate regula-*  
13           *tions to carry out this subsection.*

14   **SEC. 405. INTEGRITY IN CONTRACTING.**

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

18   **“SEC. 838. INTEGRITY IN CONTRACTING.**

19           *“(a) ATTESTATION REQUIRED.—The Secretary shall*  
20           *require any offeror for any contract to provide goods or*  
21           *services to the Department to submit as part of the offeror’s*  
22           *bid for such contract an attestation that affirmatively dis-*  
23           *closes any substantial role the offeror, the employees of the*  
24           *offeror, or any corporate parent or subsidiary of the offeror*  
25           *may have played in creating a solicitation, request for pro-*

1 *posal, statement of work, or statement of objectives (as those*  
2 *terms are defined in the Federal Acquisition Regulation)*  
3 *for the Department.*

4       “(b) *ADDITIONAL REQUIREMENTS FOR CERTAIN*  
5 *OFFERORS.—If an offeror submits an attestation under*  
6 *subsection (a) that discloses that the offeror, an employee*  
7 *of the offeror, or any corporate parent or subsidiary of the*  
8 *offeror played a substantial role in creating a solicitation,*  
9 *request for proposal, statement of work, or statement of ob-*  
10 *jectives for the Department, the Secretary shall require the*  
11 *offeror to submit to the Secretary a description of the safe-*  
12 *guards used to ensure that precautions were in place to pre-*  
13 *vent the offeror from receiving information through such*  
14 *role that could be used to provide the offeror an undue ad-*  
15 *vantage in submitting an offer for a contract.*

16       “(c) *CERTIFICATION REQUIREMENTS.—*

17               “(1) *IN GENERAL.—The Secretary shall require*  
18 *any offeror for any contract to provide goods or serv-*  
19 *ices to the Department to submit to the Secretary as*  
20 *part of the offeror’s bid for such contract a certifi-*  
21 *cation in writing whether, as of the date on which the*  
22 *certification is submitted, the offeror—*

23                       “(A) *is in default on any payment of any*  
24 *tax to the Federal Government; or*

1                   “(B) owes the Federal Government for any  
2                   payment of any delinquent tax.

3                   “(2) *FAILURE OF CERTIFICATION.*—Nothing in  
4                   this section shall prevent the Department from  
5                   awarding a contract to an offeror based solely on the  
6                   offeror’s certification.”.

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

                  “Sec. 838. *Integrity in contracting.*”.

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

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

18                   (1) identifies each component of the Department  
19                   for which the aggregate value of contracts awarded in  
20                   fiscal year 2006 by the component to qualified  
21                   HUBZone small business concerns and small business  
22                   concerns owned and controlled by service-disabled vet-  
23                   erans was less than 3 percent of the total value of all  
24                   contracts awarded under the component for that fiscal  
25                   year; and

1           (2) *identifies each component of the Department*  
2           *for which the aggregate value of contracts awarded in*  
3           *fiscal year 2006 by the component to socially or eco-*  
4           *nomically disadvantaged small business concerns, in-*  
5           *cluding 8(a) small business concerns, and small busi-*  
6           *ness concerns owned and controlled by women was*  
7           *less than 5 percent of the total value of all contracts*  
8           *awarded by the component for that fiscal year.*

9           (b) *ACTION PLAN.—*

10           (1) *ACTION PLAN REQUIRED.—Not later than 90*  
11           *days after the date of the submission of the report re-*  
12           *quired under subsection (a), the Chief Procurement*  
13           *Officer, in consultation with Office of Small and Dis-*  
14           *advantaged Businesses Utilization of the Department,*  
15           *shall for each component identified under subsection*  
16           *(a)(1) and (a)(2), develop, submit to the Committees*  
17           *referred to in subsection (a), and begin implementing*  
18           *an action plan for achieving the objective described in*  
19           *subsection (b)(2). An action plan is not required if*  
20           *the component meets or exceeds the objective described*  
21           *in subsection (b)(2).*

22           (2) *IDENTIFICATION OF BARRIERS.—Each action*  
23           *plan shall identify and describe any barriers to*  
24           *achieving the objectives of awarding by the compo-*  
25           *nent, for a fiscal year, contracts having an aggregate*

1        *value of at least 3 percent of the total value of all con-*  
2        *tracts awarded by the component for the fiscal year*  
3        *to small business concerns identified under subsection*  
4        *(a)(1) and 5 percent of the total value of all contracts*  
5        *awarded by the component for the fiscal year to small*  
6        *business concerns identified under subsection (a)(2).*

7            (3) *PERFORMANCE MEASURES AND TIME-*  
8        *TABLE.—Each action plan submitted under para-*  
9        *graph (1) shall include performance measures and a*  
10       *timetable for compliance and achievement of the objec-*  
11       *tives described in paragraph (2).*

12       (c) *PRIORITY CONSIDERATION.—*

13            (1) *IN GENERAL.—The Chief Procurement Offi-*  
14        *cer may give priority consideration to small business*  
15        *concerns for all open market procurements exceeding*  
16        *the simplified acquisition threshold prior to initiating*  
17        *full and open, or unrestricted, competition.*

18            (2) *ORDER OF PRIORITY.—In proceeding with*  
19        *priority consideration under paragraph (1), the Chief*  
20        *Procurement Officer shall consider contracting pro-*  
21        *posals in the following order:*

22            (A) *Proposals submitted by 8(a) small busi-*  
23        *ness concerns or HUBZone small business con-*  
24        *cerns; service-disabled veteran owned small busi-*

1            *ness concerns; or women owned small business*  
2            *concerns.*

3            *(B) Proposals submitted by other small*  
4            *business concerns.*

5            *(C) Proposals submitted under full and*  
6            *open competition.*

7            *(3) For purposes of carrying out paragraph (2)*  
8            *with respect to proposals submitted by small business*  
9            *concerns described in the same subparagraph of para-*  
10           *graph (2), the Chief Procurement Officer shall select*  
11           *the appropriate category of concern based on market*  
12           *research, historical data, and progress toward achiev-*  
13           *ing the objective described in subsection (b)(2).*

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

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

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

9 **“SEC. 839. REQUIREMENT THAT CERTAIN ARTICLES PRO-**  
10 **CURED FOR DEPARTMENT PERSONNEL BE**  
11 **MANUFACTURED IN THE UNITED STATES.**

12 “(a) *REQUIREMENT.*—Except as provided in section  
13 (c), funds appropriated or otherwise available to the De-  
14 partment may not be used for the procurement of an article  
15 described in section (b) if the item is not manufactured in  
16 the United States.

17 “(b) *COVERED ARTICLES.*—An article referred to in  
18 subsection (a) is any of the following articles procured for  
19 personnel of the Department:

20 “(1) *Uniforms.*

21 “(2) *Protective gear.*

22 “(3) *Badges or other insignia indicating the*  
23 *rank, office, or position of personnel.*

24 “(4) *Identification cards.*

25 “(c) *AVAILABILITY EXCEPTION.*—Subsection (a) does  
26 not apply to the extent that the Secretary determines that

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

5           “(1) *notify the Committee on Homeland Security*  
6           *of the House of Representatives and the Committee on*  
7           *Homeland Security and Governmental Affairs of the*  
8           *Senate within 7 days after making the determination;*  
9           *and*

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

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

21           “(1) *to acquisitions at or below the micro-pur-*  
22           *chase threshold (as defined in section 32 of the Office*  
23           *of Federal Procurement Policy Act (41 U.S.C. 428));*  
24           *and*

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

3           “(e) *USE OF DOMESTIC TEXTILES.*—For fiscal year  
4 2008 and each subsequent fiscal year, the Secretary shall  
5 take all available steps to ensure that, to the maximum ex-  
6 tent practicable, the items described in subsection (b) pro-  
7 cured by the Department are manufactured using domestic  
8 textiles.

9           “(f) *RELATIONSHIP TO WAIVER UNDER TRADE*  
10 *AGREEMENTS ACT OF 1979.*—Subsection (a) shall apply  
11 notwithstanding any waiver under section 301 of the Trade  
12 Agreements Act of 1979 (19 U.S.C. 2511).”.

13           “(b) *CONFORMING AMENDMENT.*—The table of contents  
14 in section 1(b) of the Homeland Security Act of 2002 is  
15 amended by adding at the end of the items relating to such  
16 subtitle the following new item:

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

17           “(c) *APPLICABILITY.*—The amendments made by this  
18 section take effect 120 days after the date of the enactment  
19 of this Act and apply to any contract entered into on or  
20 after that date for the procurement of items to which such  
21 amendments apply.

1 **SEC. 408. DEPARTMENT OF HOMELAND SECURITY MENTOR-**  
2 **PROTÉGÉ PROGRAM.**

3 (a) *ESTABLISHMENT.*—*The Secretary of Homeland*  
4 *Security shall establish within the Department of Home-*  
5 *land Security's Office of Small and Disadvantaged Busi-*  
6 *ness Utilization a Mentor-Protégé Program, which shall*  
7 *motivate and encourage prime contractors that are large*  
8 *businesses to provide developmental assistance to small*  
9 *business concerns, small business concerns owned and con-*  
10 *trolled by veterans, small business concerns owned and con-*  
11 *trolled by service-disabled veterans, HUBZone small busi-*  
12 *ness concerns, small business concerns owned by socially*  
13 *and economically disadvantaged individuals, and small*  
14 *business concerns owned and controlled by women.*

15 (b) *PARTICIPATION BY CONTRACTORS AND*  
16 *OFFERORS.*—*The Secretary shall take affirmative steps to*  
17 *publicize and to ensure that Department contractors and*  
18 *offerors are fully aware of and are participating in the*  
19 *Mentor-Protégé Program, including that their efforts to seek*  
20 *and develop a formal Mentor-Protégé relationship will be*  
21 *a factor in the evaluation of bids or offers for Department*  
22 *contracts.*

23 (c) *FACTOR IN EVALUATION OF OFFERS.*—*When evalu-*  
24 *ating the offer of a contractor, the Department of Homeland*  
25 *Security shall consider that offeror's efforts to seek and de-*

1 *velop a formal Mentor-Protégé relationship under the Men-*  
2 *tor-Protégé Program.*

3 (d) *REVIEW BY INSPECTOR GENERAL.—The Inspector*  
4 *General of the Department of Homeland Security shall con-*  
5 *duct a review of the Mentor-Protégé Program. Such review*  
6 *shall include—*

7 (1) *an assessment of the program’s effectiveness;*

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

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

12 (4) *development of recommendations to strength-*  
13 *en the program to include the maximum number of*  
14 *contractors as possible.*

15 **SEC. 409. PROHIBITION ON AWARD OF CONTRACTS AND**  
16 **GRANTS TO EDUCATIONAL INSTITUTIONS**  
17 **NOT SUPPORTING COAST GUARD EFFORTS.**

18 (a) *PROHIBITION.—The Secretary of Homeland Secu-*  
19 *riety may not award a contract or grant to an institution*  
20 *of higher education (including any subelement of that insti-*  
21 *tution) if that institution (or any subelement of that insti-*  
22 *tution) has a policy or practice (regardless of when imple-*  
23 *mented) that prohibits, or in effect prevents, the Com-*  
24 *mandant of the Coast Guard from gaining access to cam-*  
25 *puses of the institution, or access to students (who are 17*

1 *years of age or older) on such campuses, for purposes of*  
2 *recruiting, in a manner that is at least equal in quality*  
3 *and scope to the access to campuses and to students that*  
4 *is provided to any other employer.*

5 *(b) INSTITUTION OF HIGHER EDUCATION DEFINED.—*  
6 *For purposes of this section, the term “institution of higher*  
7 *education” has the meaning provided in section 101 of the*  
8 *Higher Education Act of 1965 (20 U.S.C. 1001).*

9 *(c) LIMITATION ON APPLICATION.—The prohibition in*  
10 *this section shall not apply to an institution of higher edu-*  
11 *cation (or any subelement of that institution) if the Sec-*  
12 *retary of Homeland Security determines that the institu-*  
13 *tion of higher education has a longstanding policy of paci-*  
14 *fism based on historical religious affiliation.*

15 **SEC. 410. REPORT ON SOURCE OF SHORTFALLS AT FED-**  
16 **ERAL PROTECTIVE SERVICE.**

17 *The Secretary of Homeland Security may not conduct*  
18 *a reduction in force or furlough of the workforce of the Fed-*  
19 *eral Protective Service until—*

20 *(1) the Comptroller General of the United States*  
21 *submits to the Committees on Homeland Security and*  
22 *Transportation and Infrastructure of the House of*  
23 *Representatives and the Committee on Homeland Se-*  
24 *curity and Governmental Affairs of the Senate the re-*  
25 *port on the source of shortfalls at the Federal Protec-*

1        *tive Service that was requested by the Committee on*  
2        *Homeland Security and Governmental Affairs of the*  
3        *Senate; and*

4            *(2) the Committee on Homeland Security and*  
5        *Governmental Affairs of the Senate and the Commit-*  
6        *tees on Homeland Security and Transportation and*  
7        *Infrastructure of the House of Representatives have*  
8        *conducted hearings on such report.*

9        ***TITLE V—WORKFORCE AND***  
10       ***TRAINING IMPROVEMENTS***

11   ***SEC. 501. CUSTOMS AND BORDER PROTECTION OFFICER***  
12        ***PAY EQUITY.***

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

14            *(1) The term “Government retirement system”*  
15        *means a retirement system established by law for em-*  
16        *ployees of the Government of the United States.*

17            *(2) The term “Customs and Border Protection*  
18        *Officer position” refers to any Customs and Border*  
19        *Protection Officer position—*

20            *(A) which is within the Department of*  
21        *Homeland Security, and*

22            *(B) the primary duties of which consist of*  
23        *enforcing the border, customs, or agriculture laws*  
24        *of the United States;*

1        *such term includes a supervisory or administrative*  
2        *position within the Department of Homeland Secu-*  
3        *rity to which an individual transfers directly from a*  
4        *position described in the preceding provisions of this*  
5        *paragraph in which such individual served for at*  
6        *least three years.*

7            (3) *The term “law enforcement officer” has the*  
8        *meaning given such term under the Government re-*  
9        *irement system involved.*

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

13           (5) *The term “prior qualified service” means*  
14        *service as a Customs and Border Protection Officer*  
15        *within the Department of Homeland Security, since*  
16        *its establishment in March 2003.*

17           (b) *TREATMENT AS A LAW ENFORCEMENT OFFICER.—*  
18        *In the administration of any Government retirement sys-*  
19        *tem, service in a Customs and Border Protection Officer*  
20        *position shall be treated in the same way as service per-*  
21        *formed in a law enforcement officer position, subject to suc-*  
22        *ceeding provisions of this section.*

23           (c) *APPLICABILITY.—Subsection (b) shall apply in the*  
24        *case of—*

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

4           (2) *any individual who—*

5                 (A) *holds a Customs and Border Protection*  
6                 *Officer position on the date of the enactment of*  
7                 *this Act pursuant to an appointment made be-*  
8                 *fore such date; and*

9                 (B) *who submits to the agency admin-*  
10                *istering the retirement system involved an ap-*  
11                *propriate election under this section, not later*  
12                *than five years after the date of the enactment of*  
13                *this Act or before separation from Government*  
14                *service, whichever is earlier.*

15       (d) *INDIVIDUAL CONTRIBUTIONS FOR PRIOR QUALI-*  
16       *FIED SERVICE.—*

17           (1) *IN GENERAL.—An individual described in*  
18           *subsection (c)(2)(B) may, with respect to prior quali-*  
19           *fied service performed by such individual, contribute*  
20           *to the Government retirement system by which such*  
21           *individual is covered (for deposit in the appropriate*  
22           *fund within the Treasury) the difference between the*  
23           *individual contributions that were actually made for*  
24           *such service and the individual contributions that*

1       *should have been made for such service if subsection*  
2       *(b) had then been in effect (with interest).*

3           (2) *EFFECT OF NOT CONTRIBUTING.—If less than*  
4       *the full contribution under paragraph (1) is made, all*  
5       *prior qualified service of the individual shall remain*  
6       *fully creditable as law enforcement officer service, but*  
7       *the resulting annuity (before cost-of-living adjust-*  
8       *ments) shall be reduced in a manner such that, when*  
9       *combined with the unpaid amount, would result in*  
10       *the present value of the total being actuarially equiva-*  
11       *lent to the present value of the annuity that would*  
12       *otherwise have been payable if the full contribution*  
13       *had been made.*

14       (e) *GOVERNMENT CONTRIBUTIONS FOR PRIOR QUALI-*  
15       *FIED SERVICE.—*

16           (1) *IN GENERAL.—If an individual makes an*  
17       *election under subsection (c)(2)(B), the Department of*  
18       *Homeland Security shall remit, with respect to any*  
19       *prior qualified service, the total amount of additional*  
20       *Government contributions that would have been re-*  
21       *quired for such service under the retirement system*  
22       *involved if subsection (b) had then been in effect (with*  
23       *interest).*

24           (2) *CONTRIBUTIONS TO BE MADE RATABLY.—*  
25       *Government contributions under this subsection on*

1       *behalf of an individual shall be made ratably (on at*  
2       *least an annual basis) over the ten-year period begin-*  
3       *ning on the date an individual's retirement deduc-*  
4       *tions begin to be made.*

5       (f) *EXEMPTION FROM MANDATORY SEPARATION.—Ef-*  
6       *fective during the three-year period beginning on the date*  
7       *of the enactment of this Act, nothing in this section shall*  
8       *result in any individual being involuntarily separated on*  
9       *account of the provisions of any retirement system relating*  
10      *to the mandatory separation of a law enforcement officer*  
11      *on account of age or age and service combined.*

12      (g) *RULE OF CONSTRUCTION.—Nothing in this section*  
13      *shall be considered to apply in the case of a reemployed*  
14      *annuitant.*

15      (h) *REGULATIONS.—Any regulations necessary to*  
16      *carry out this section shall be prescribed in consultation*  
17      *with the Secretary of Homeland Security.*

18      **SEC. 502. PLAN TO IMPROVE REPRESENTATION OF MINORI-**  
19                      **TIES IN VARIOUS CATEGORIES OF EMPLOY-**  
20                      **MENT.**

21      (a) *PLAN FOR IMPROVING REPRESENTATION OF MI-*  
22      *NORITIES.—Not later than 90 days after the date of the en-*  
23      *actment of this Act, the Chief Human Capital Officer of*  
24      *the Department of Homeland Security shall prepare and*  
25      *transmit to the Committee on Homeland Security of the*

1 *House of Representatives, the Committee on Homeland Se-*  
2 *curity and Governmental Affairs of the Senate, and the*  
3 *Comptroller General of the United States a plan to achieve*  
4 *the objective of addressing any under representation of mi-*  
5 *norities in the various categories of civil service employ-*  
6 *ment within such Department. Such plan shall identify and*  
7 *describe any barriers to achieving the objective described in*  
8 *the preceding sentence and the strategies and measures in-*  
9 *cluded in the plan to overcome them.*

10 (b) *ASSESSMENTS.—Not later than 1 year after receiv-*  
11 *ing the plan, the Comptroller General of the United States*  
12 *shall assess—*

13 (1) *any programs and other measures currently*  
14 *being implemented to achieve the objective described*  
15 *in the first sentence of subsection (a); and*

16 (2) *the likelihood that the plan will allow the De-*  
17 *partment to achieve such objective.*

18 (c) *DEFINITIONS.—For purposes of this section—*

19 (1) *the term “under representation” means when*  
20 *the members of a minority group within a category*  
21 *of Federal civil service employment constitute a lower*  
22 *percentage of the total number of employees within*  
23 *the employment category than the percentage that the*  
24 *minority constitutes within the labor force of the Fed-*

1        *eral Government, according to statistics issued by the*  
2        *Office of Personnel Management;*

3            *(2) the term “minority groups” or “minorities”*  
4        *means—*

5            *(A) racial and ethnic minorities;*

6            *(B) women; and*

7            *(C) individuals with disabilities; and*

8            *(3) the term “category of civil service employ-*  
9        *ment” means—*

10            *(A) each pay grade, pay band, or other clas-*  
11        *sification of every pay schedule and all other lev-*  
12        *els of pay applicable to the Department of*  
13        *Homeland Security; and*

14            *(B) such occupational, professional, or other*  
15        *groupings (including occupational series) as the*  
16        *Chief Human Capital Officer of the Department*  
17        *of Homeland Security may specify, in the plan*  
18        *described in subsection (a), in order to carry out*  
19        *the purposes of this section.*

20    **SEC. 503. CONTINUATION OF AUTHORITY FOR FEDERAL**  
21            **LAW ENFORCEMENT TRAINING CENTER TO**  
22            **APPOINT AND MAINTAIN A CADRE OF FED-**  
23            **ERAL ANNUITANTS.**

24        *Section 1202(a) of the 2002 Supplemental Appropria-*  
25        *tions Act for Further Recovery From and Response To Ter-*

1 *rorist Attacks on the United States (42 U.S.C. 3771 note)*  
2 *is amended in the first sentence by striking “December 31,*  
3 *2007” and inserting “December 31, 2008”.*

4 **SEC. 504. AUTHORITY TO APPOINT AND MAINTAIN A CADRE**  
5 **OF FEDERAL ANNUITANTS FOR CUSTOMS**  
6 **AND BORDER PROTECTION.**

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

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

10 (2) *the term “annuitant” means an annuitant*  
11 *under a Government retirement system;*

12 (3) *the term “Government retirement system”*  
13 *has the meaning given such term by section 501(a);*  
14 *and*

15 (4) *the term “employee” has the meaning given*  
16 *such term by section 2105 of title 5, United States*  
17 *Code.*

18 (b) *APPOINTMENT AUTHORITY.—The Secretary (act-*  
19 *ing through the Commissioner of the United States Customs*  
20 *and Border Protection) may, for the purpose of accelerating*  
21 *the ability of the CBP to secure the borders of the United*  
22 *States, appoint annuitants to positions in the CBP in ac-*  
23 *cordance with succeeding provisions of this section.*

24 (c) *NONCOMPETITIVE PROCEDURES; EXEMPTION*  
25 *FROM OFFSET.—An appointment made under subsection*

1 *(b) shall not be subject to the provisions of title 5, United*  
2 *States Code, governing appointments in the competitive*  
3 *service, and any annuitant serving pursuant to such an*  
4 *appointment shall be exempt from sections 8344 and 8468*  
5 *of such title 5 (relating to annuities and pay on reemploy-*  
6 *ment) and any other similar provision of law under a Gov-*  
7 *ernment retirement system.*

8 *(d) LIMITATIONS.—No appointment under subsection*  
9 *(b) may be made if such appointment would result in the*  
10 *displacement of any employee or would cause the total num-*  
11 *ber of positions filled by annuitants appointed under such*  
12 *subsection to exceed 500 as of any time (determined on a*  
13 *full-time equivalent basis).*

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

18 *(f) TERMINATION.—Upon the expiration of the 5-year*  
19 *period beginning on the date of the enactment of this Act—*

20 *(1) any authority to make appointments under*  
21 *subsection (b) shall cease to be available; and*

22 *(2) all exemptions under subsection (c) shall*  
23 *cease to be effective.*

1 **SEC. 505. STRENGTHENING BORDER PATROL RECRUIT-**  
2 **MENT AND RETENTION.**

3 (a) *IN GENERAL.*—*In order to address the recruitment*  
4 *and retention challenges faced by United States Customs*  
5 *and Border Protection, the Secretary of Homeland Security*  
6 *shall establish a plan, consistent with existing Federal stat-*  
7 *utes applicable to pay, recruitment, relocation, and reten-*  
8 *tion of Federal law enforcement officers. Such plan shall*  
9 *include the following components:*

10 (1) *The establishment of a recruitment incentive*  
11 *for Border Patrol agents, including the establishment*  
12 *of a foreign language incentive award.*

13 (2) *The establishment of a retention plan, in-*  
14 *cluding the payment of bonuses to Border Patrol*  
15 *agents for every year of service after the first two*  
16 *years of service.*

17 (3) *An increase in the pay percentage differen-*  
18 *tials to Border Patrol agents in certain high-cost*  
19 *areas, as determined by the Secretary, consistent with*  
20 *entry-level pay to other Federal, State, and local law*  
21 *enforcement agencies.*

22 (4) *The establishment of a mechanism whereby*  
23 *Border Patrol agents can transfer from one location*  
24 *to another after the first two years of service in their*  
25 *initial duty location.*

1           (5) *The establishment of quarterly goals for the*  
2           *recruitment of new Border Patrol agents, including*  
3           *goals for the number of recruits entering Border Pa-*  
4           *trol training, and the number of recruits who success-*  
5           *fully complete such training and become Border Pa-*  
6           *trol agents.*

7           (b) *REPORT.—*

8           (1) *IN GENERAL.—Not later than the first cal-*  
9           *endar quarter after the date of the enactment of this*  
10          *Act and every calendar quarter thereafter, the Sec-*  
11          *retary of Homeland Security shall submit to the Com-*  
12          *mittee on Homeland Security of the House of Rep-*  
13          *resentatives and the Committee on Homeland Secu-*  
14          *rity and Governmental Affairs of the Senate a report*  
15          *identifying whether the quarterly goals for the recruit-*  
16          *ment of new Border Patrol agents established under*  
17          *subsection (a)(5) were met, and an update on the sta-*  
18          *tus of recruitment efforts and attrition rates among*  
19          *Border Patrol agents.*

20          (2) *CONTENTS OF REPORT.—The report required*  
21          *under paragraph (1) shall contain, at a minimum,*  
22          *the following with respect to each calendar quarter:*

23                  (A) *The number of recruits who enter Bor-*  
24                  *der Patrol training.*

1                   (B) *The number of recruits who successfully*  
2                   *complete such training and become Border Pa-*  
3                   *trol agents.*

4                   (C) *The number of Border Patrol agents*  
5                   *who are lost to attrition.*

6   **SEC. 506. LIMITATION ON REIMBURSEMENTS RELATING TO**  
7                   **CERTAIN DETAILEES.**

8           *In the case of an individual assigned to the Depart-*  
9   *ment of Homeland Security as a detailee under an arrange-*  
10 *ment described in subchapter VI of chapter 33 of title 5,*  
11 *United States Code, the maximum reimbursement by the*  
12 *Department of Homeland Security which may be made*  
13 *under section 3374(c) of such title with respect to such indi-*  
14 *vidual for the period of the assignment (including for any*  
15 *employee benefits) may not exceed the total amount of basic*  
16 *pay that would have been payable for such period if such*  
17 *individual had been paid, at the highest rate allowable*  
18 *under section 5382 of such title, as a member of the Senior*  
19 *Executive Service.*

20   **SEC. 507. INTEGRITY IN POST-EMPLOYMENT.**

21           (a) *DESIGNATIONS AS SEPARATE AGENCIES AND BU-*  
22 *REAUS BARRED.*—*No agency, bureau, or other entity of the*  
23 *Department of Homeland Security may be designated*  
24 *under section 207(h)(1) of title 18, United States Code, as*  
25 *a separate agency or bureau.*

1       (b) *EFFECTIVE DATE.*—

2               (1) *IN GENERAL.*—*This section takes effect on the*  
3       *later of—*

4                       (A) *June 6, 2007; or*

5                       (B) *the date of the enactment of this Act.*

6               (2) *APPLICABILITY TO DESIGNATIONS.*—*The fol-*  
7       *lowing shall cease to be effective on the date this sec-*  
8       *tion takes effect under paragraph (1):*

9                       (A) *Any waiver of restrictions made under*  
10               *section 207(c)(2)(C) of title 18, United States*  
11               *Code, before the enactment of this Act, with re-*  
12               *spect to any position, or category of positions, in*  
13               *the Department of Homeland Security.*

14                      (B) *Any designation of an agency, bureau,*  
15               *or other entity in the Department of Homeland*  
16               *Security, before the enactment of this Act, under*  
17               *section 207(h)(1) of title 18, United States Code,*  
18               *as a separate agency or bureau.*

19       **SEC. 508. INCREASED SECURITY SCREENING OF HOMELAND**  
20               **SECURITY OFFICIALS.**

21       (a) *REVIEW REQUIRED.*—*Not later than 90 days after*  
22       *the date of enactment of this Act, the Secretary of Homeland*  
23       *Security shall conduct a Department-wide review of the De-*  
24       *partment of Homeland Security security clearance and*  
25       *suitability review procedures for Department employees*

1 *and contractors, as well as individuals in State and local*  
2 *government agencies and private sector entities with a need*  
3 *to receive classified information.*

4 *(b) STRENGTHENING OF SECURITY SCREENING POLI-*  
5 *CIES.—*

6 *(1) IN GENERAL.—Based on the findings of the*  
7 *review conducted under subsection (a), the Secretary*  
8 *shall, as appropriate, take all necessary steps to*  
9 *strengthen the Department's security screening poli-*  
10 *cies, including consolidating the security clearance in-*  
11 *vestigative authority at the headquarters of the De-*  
12 *partment.*

13 *(2) ELEMENTS.—In strengthening security*  
14 *screening policies under paragraph (1), the Secretary*  
15 *shall consider whether and where appropriate ensure*  
16 *that—*

17 *(A) all components of the Department of*  
18 *Homeland Security meet or exceed Federal and*  
19 *Departmental standards for security clearance*  
20 *investigations, adjudications, and suitability re-*  
21 *views;*

22 *(B) the Department has a cadre of well-*  
23 *trained adjudicators and the Department has in*  
24 *place a program to train and oversee adjudica-*  
25 *tors; and*

1                   (C) *suitability reviews are conducted for all*  
2                   *Department of Homeland Security employees*  
3                   *who transfer from a component of the Depart-*  
4                   *ment to the headquarters of the Departmental.*

5   **SEC. 509. AUTHORITIES OF CHIEF SECURITY OFFICER.**

6           (a) *ESTABLISHMENT.—Title VII of the Homeland Se-*  
7           *curity Act of 2002 (6 U.S.C. 341 et seq.) is further amended*  
8           *by adding at the end the following:*

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

10           “(a) *ESTABLISHMENT.—There is in the Department a*  
11           *Chief Security Officer.*

12           “(b) *RESPONSIBILITIES.—The Chief Security Officer*  
13           *shall—*

14                   “(1) *have responsibility for personnel security,*  
15                   *facility access, security awareness, and related train-*  
16                   *ing;*

17                   “(2) *ensure that each component of the Depart-*  
18                   *ment complies with Federal standards for security*  
19                   *clearances and background investigations;*

20                   “(3) *ensure, to the greatest extent practicable,*  
21                   *that individuals in State and local government agen-*  
22                   *cies and private sector entities with a need to receive*  
23                   *classified information, receive the appropriate clear-*  
24                   *ances in a timely fashion; and*

1           “(4) *perform all other functions as determined*  
2           *by the Secretary.*”.

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

          “Sec. 708. *Chief Security Officer.*”.

6   **SEC. 510. DEPARTMENTAL CULTURE IMPROVEMENT.**

7           (a) *CONSIDERATION REQUIRED.*—*The Secretary of*  
8           *Homeland Security, acting through the Chief Human Cap-*  
9           *ital Officer, shall consider implementing recommendations*  
10          *set forth in the Homeland Security Advisory Council Cul-*  
11          *ture Task Force Report of January 2007.*

12          (b) *IDENTIFICATION OF TERMS.*—*As part of this con-*  
13          *sideration, the Secretary, acting through the Chief Human*  
14          *Capital Officer, shall identify an appropriate term, as*  
15          *among “workforce”, “personnel”, and “employee”, to re-*  
16          *place “human capital” and integrate its use throughout the*  
17          *operations, policies, and programs of the Department of*  
18          *Homeland Security.*

19   **SEC. 511. HOMELAND SECURITY EDUCATION PROGRAM EN-**  
20                **HANCEMENTS.**

21          *Section 845(b) of the Homeland Security Act of 2002*  
22          *(6 U.S.C. 415(b)) is amended to read as follows:*

23          “(b) *LEVERAGING OF EXISTING RESOURCES.*—*To*  
24          *maximize efficiency and effectiveness in carrying out the*  
25          *Program, the Administrator shall use curricula modeled on*

1 *existing Department-reviewed Master's Degree curricula in*  
2 *homeland security, including curricula pending accredita-*  
3 *tion, together with associated learning materials, quality*  
4 *assessment tools, digital libraries, asynchronous distance*  
5 *learning, video conferencing, exercise systems, and other*  
6 *educational facilities, including the National Domestic Pre-*  
7 *paredness Consortium, the National Fire Academy, and the*  
8 *Emergency Management Institute. The Administrator may*  
9 *develop additional educational programs, as appropriate.”.*

10 **SEC. 512. REPEAL OF CHAPTER 97 OF TITLE 5, UNITED**  
11 **STATES CODE.**

12 (a) *REPEAL.*—

13 (1) *IN GENERAL.*—*Effective as of the date speci-*  
14 *fied in section 4 of the Homeland Security Act of*  
15 *2002 (6 U.S.C. 101 note), chapter 97 of title 5,*  
16 *United States Code (as added by section 841(a)(2) of*  
17 *such Act), section 841(b)(3) of such Act, and sub-*  
18 *sections (c) and (e) of section 842 of such Act are re-*  
19 *pealed.*

20 (2) *REGULATIONS.*—*Any regulations prescribed*  
21 *under authority of chapter 97 of title 5, United States*  
22 *Code, are void ab initio.*

23 (b) *CLERICAL AMENDMENT.*—*The table of chapters for*  
24 *part III of title 5, United States Code, is amended by strik-*  
25 *ing the item relating to chapter 97.*

1 **SEC. 513. UTILIZATION OF NON-LAW ENFORCEMENT FED-**  
2 **ERAL EMPLOYEES AS INSTRUCTORS FOR**  
3 **NON-LAW ENFORCEMENT CLASSES AT THE**  
4 **BORDER PATROL TRAINING ACADEMY.**

5 *The Director of the Federal Law Enforcement Train-*  
6 *ing Center (FLETC) of the Department of Homeland Secu-*  
7 *rity, in consultation with the Chief of the Border Patrol,*  
8 *is authorized to select appropriate employees of the Federal*  
9 *Government other than law enforcement officers (as defined*  
10 *in section 8401(17) of title 5, United States Code) to serve*  
11 *as instructors of non-law enforcement classes.*

12 **TITLE VI—BIOPREPAREDNESS**  
13 **IMPROVEMENTS**

14 **SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH**  
15 **AFFAIRS.**

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

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

19 *“(a) IN GENERAL.—There is in the Department a*  
20 *Chief Medical Officer, who shall be appointed by the Presi-*  
21 *dent, by and with the advice and consent of the Senate,*  
22 *and shall have the rank and title of Assistant Secretary for*  
23 *Health Affairs and Chief Medical Officer (in this section*  
24 *referred to as the ‘Chief Medical Officer’).*

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

4       “(c) *QUALIFICATIONS.*—*The individual appointed as*  
5 *the Chief Medical Officer shall possess a demonstrated abil-*  
6 *ity in and knowledge of medicine, public health, and the*  
7 *treatment of illnesses caused by chemical, biological, nu-*  
8 *clear, and radiological agents.*

9       “(d) *RESPONSIBILITIES.*—*The Chief Medical Officer*  
10 *shall have the primary responsibility within the Depart-*  
11 *ment for medical and health issues related to the general*  
12 *roles, responsibilities, and operations of the Department,*  
13 *and terrorist attacks, major disasters, and other emer-*  
14 *gencies, including—*

15               “(1) *serving as the principal advisor to the Sec-*  
16 *retary and leading the Department’s medical care,*  
17 *public health, food, water, veterinary care, and agro-*  
18 *security and defense responsibilities;*

19               “(2) *providing oversight for all medically-related*  
20 *actions and protocols of the Department’s medical*  
21 *personnel;*

22               “(3) *administering the Department’s responsibil-*  
23 *ities for medical readiness, including—*

1           “(A) planning and guidance to support im-  
2           provements in local training, equipment, and ex-  
3           ercises funded by the Department; and

4           “(B) consistent with the National Response  
5           Plan established pursuant to Homeland Security  
6           Presidential Directive 8, assisting in fulfilling  
7           the Department’s roles in related emergency sup-  
8           port functions;

9           “(4) serving as the Department’s primary point  
10          of contact with the Department of Agriculture, the  
11          Department of Defense, the Department of Health and  
12          Human Services, the Department of Transportation,  
13          the Department of Veterans Affairs, and other Federal  
14          departments and agencies, on all matters of medical  
15          and public health to ensure coordination consistent  
16          with the National Response Plan;

17          “(5) serving as the Department’s primary point  
18          of contact for State, local, tribal, and territorial gov-  
19          ernments, the medical community, and the private  
20          sector, to ensure that medical readiness and response  
21          activities are coordinated and consistent with the Na-  
22          tional Response Plan and the Secretary’s incident  
23          management requirements;

24          “(6) managing the Department’s biodefense and  
25          biosurveillance activities including the National Bio-

1        *surveillance Integration System, and the Departments*  
2        *responsibilities under Project BioShield in coordina-*  
3        *tion with the Under Secretary of Science and Tech-*  
4        *nology as appropriate;*

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

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

11           *“(9) developing, in coordination with appro-*  
12       *priate Department entities and other appropriate*  
13       *Federal agencies, end-to-end plans for prevention,*  
14       *readiness, protection, response, and recovery from cat-*  
15       *astrophic events with human, animal, agricultural, or*  
16       *environmental health consequences;*

17           *“(10) integrating into the end-to-end plans devel-*  
18       *oped under paragraph (9), Department of Health and*  
19       *Human Services’ efforts to identify and deploy med-*  
20       *ical assets (including human, fixed, and material as-*  
21       *sets) used in preparation for or response to national*  
22       *disasters and catastrophes, and to enable access to pa-*  
23       *tient electronic medical records by medical personnel*  
24       *to aid treatment of displaced persons in such cir-*  
25       *cumstance, in order to assure that actions of both De-*

1        *partments are combined for maximum effectiveness*  
2        *during an emergency consistent with the National Re-*  
3        *sponse Plan and applicable emergency support func-*  
4        *tions;*

5                *“(11) performing other duties relating to such re-*  
6        *sponsibilities as the Secretary may require; and*

7                *“(12) directing and maintaining a coordinated*  
8        *system for medical support of the Department’s oper-*  
9        *ational activities.”.*

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

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

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

16                *(2) by moving each of such subclauses two ems*  
17        *to the right;*

18                *(3) by striking “(A) MATERIAL THREAT.—The*  
19        *Homeland Security Secretary” and inserting the fol-*  
20        *lowing:*

21                *“(A) MATERIAL THREAT.—*

22                        *“(i) IN GENERAL.—The Secretary of*  
23                        *Homeland Security”; and*

24                *(4) by adding at the end the following clauses:*

1                   “(ii) *USE OF EXISTING RISK ASSESS-*  
2                   *MENTS.—For the purpose of satisfying the*  
3                   *requirements of clause (i) as expeditiously*  
4                   *as possible, the Secretary of Homeland Se-*  
5                   *curity shall, as practicable, utilize existing*  
6                   *risk assessments that the Secretary of*  
7                   *Homeland Security, in consultation with*  
8                   *the Secretaries of Health and Human Serv-*  
9                   *ices, Defense, and Agriculture, and the*  
10                  *heads of other appropriate Federal agencies,*  
11                  *considers credible.*

12                  “(iii) *ORDER OF ASSESSMENTS.—*

13                         “(I) *GROUPINGS TO FACILITATE*  
14                         *ASSESSMENT OF COUNTER-*  
15                         *MEASURES.—In conducting threat as-*  
16                         *sessments and determinations under*  
17                         *clause (i) of chemical, biological, radio-*  
18                         *logical, and nuclear agents, the Sec-*  
19                         *retary of Homeland Security shall, to*  
20                         *the extent practicable and appropriate,*  
21                         *consider the completion of such assess-*  
22                         *ments and determinations for groups of*  
23                         *agents toward the goal of facilitating*  
24                         *the assessment of countermeasures*

1                   *under paragraph (3) by the Secretary*  
2                   *of Health and Human Services.*

3                   “(II) CATEGORIES OF COUNTER-  
4                   MEASURES.—*The grouping of agents*  
5                   *under subclause (I) by the Secretary of*  
6                   *Homeland Security shall be designed to*  
7                   *facilitate assessments under paragraph*  
8                   *(3) by the Secretary of Health and*  
9                   *Human Services regarding the fol-*  
10                  *lowing two categories of counter-*  
11                  *measures:*

12                  “(aa) Countermeasures that  
13                  may address more than one agent  
14                  identified under clause (i)(II).

15                  “(bb) Countermeasures that  
16                  may address adverse health con-  
17                  sequences that are common to ex-  
18                  posure to different agents.

19                  “(III) RULE OF CONSTRUCTION.—  
20                  *A particular grouping of agents pursu-*  
21                  *ant to subclause (II) is not required*  
22                  *under such subclause to facilitate as-*  
23                  *sessments of both categories of counter-*  
24                  *measures described in such subclause.*

1                   *A grouping may concern one category*  
2                   *and not the other.*

3                   “(iv) *DEADLINE FOR COMPLETION OF*  
4                   *CERTAIN MATERIAL THREAT DETERMINA-*  
5                   *TIONS.—With respect to chemical, biologi-*  
6                   *cal, radiological, and nuclear agents known*  
7                   *to the Secretary of Homeland Security as of*  
8                   *the day before the date of the enactment of*  
9                   *this clause, and which such Secretary con-*  
10                  *siders to be capable of significantly affecting*  
11                  *national security, such Secretary shall com-*  
12                  *plete the determinations under clause (i)(II)*  
13                  *not later than December 31, 2007.*

14                  “(v) *REPORT TO CONGRESS.—Not later*  
15                  *than 30 days after the date on which the*  
16                  *Secretary of Homeland Security completes a*  
17                  *material threat assessment under clause (i),*  
18                  *the Secretary shall submit to Congress a re-*  
19                  *port containing the results of such assess-*  
20                  *ment.*

21                  “(vi) *DEFINITION.—For purposes of*  
22                  *this subparagraph, the term ‘risk assess-*  
23                  *ment’ means a scientific, technically-based*  
24                  *analysis of agents that incorporates threat,*

1                   vulnerability, and consequence informa-  
2                   tion.”.

3       (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
4   521(d) of the Homeland Security Act of 2002 (6 U.S.C.  
5   321j(d)) is amended—

6               (1) in paragraph (1), by striking “2006,” and  
7       inserting “2009,”; and

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

9               “(3) *ADDITIONAL AUTHORIZATION OF APPRO-*  
10   *PRIATIONS REGARDING CERTAIN THREAT ASSESS-*  
11   *MENTS.*—For the purpose of providing an additional  
12   amount to the Secretary to assist the Secretary in  
13   meeting the requirements of clause (iv) of section  
14   319F–2(c)(2)(A) of the Public Health Service Act (re-  
15   lating to time frames), there are authorized to be ap-  
16   propriated such sums as may be necessary for fiscal  
17   year 2008, in addition to the authorization of appro-  
18   priations established in paragraph (1). The purposes  
19   for which such additional amount may be expended  
20   include conducting risk assessments regarding clause  
21   (i)(II) of such section when there are no existing risk  
22   assessments that the Secretary considers credible.”.

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

24       (a) *STUDY REQUIRED.*—The Secretary of Homeland  
25   Security shall, in consultation with the Secretary of Defense

1 *and the Secretary for Health and Human Services, conduct*  
2 *a joint study to determine the staffing and training require-*  
3 *ments for pending capital programs to construct biodefense*  
4 *laboratories (including agriculture and animal labora-*  
5 *tories) at Biosafety Level 3 and Biosafety Level 4 or to ex-*  
6 *pand current biodefense laboratories to such biosafety levels.*

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

9 *(1) The number of trained personnel, by dis-*  
10 *cipline and qualification level, required for existing*  
11 *biodefense laboratories at Biosafety Level 3 and Bio-*  
12 *safety Level 4, including the number trained in Good*  
13 *Laboratory Practices (GLP).*

14 *(2) The number of research and support staff, in-*  
15 *cluding researchers, laboratory technicians, animal*  
16 *handlers, facility managers, facility or equipment*  
17 *maintainers, safety and security personnel (including*  
18 *biosafety, physical security, and cybersecurity per-*  
19 *sonnel), and other safety personnel required to man-*  
20 *age biodefense research efforts to combat bioterrorism*  
21 *at the planned biodefense laboratories described in*  
22 *subsection (a).*

23 *(3) The training required to provide the per-*  
24 *sonnel described by paragraphs (1) and (2), including*  
25 *the type of training (whether classroom, laboratory,*

1       or field training) required, the length of training re-  
2       quired by discipline, and the curriculum required to  
3       be developed for such training.

4           (4) Training schedules necessary to meet the  
5       scheduled openings of the biodefense laboratories de-  
6       scribed in subsection (a), including schedules for re-  
7       fresher training and continuing education that may  
8       be necessary for that purpose.

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

12   **SEC. 604. NATIONAL BIOSURVEILLANCE INTEGRATION CEN-**  
13                           **TER.**

14       (a) IN GENERAL.—Title III of the Homeland Security  
15      Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding  
16      at the end the following new section:

17   **“SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION**  
18                           **CENTER.**

19       “(a) ESTABLISHMENT.—The Secretary shall establish  
20      a National Biosurveillance Integration Center (referred to  
21      in this section as the ‘NBIC’) to enhance the capability of  
22      the Federal Government to rapidly identify, characterize,  
23      and localize a biological event by integrating and analyzing  
24      data related to human health, animals, plants, food, and  
25      the environment. The NBIC shall be headed by a Director.

1       “(b) *INTEGRATED BIOSURVEILLANCE NETWORK.*—As  
2   *part of the NBIC, the Director shall develop, operate, and*  
3   *maintain an integrated network to detect, as early as pos-*  
4   *sible, a biological event that presents a risk to the United*  
5   *States or the infrastructure or key assets of the United*  
6   *States. The network shall—*

7               “(1) *consolidate data from all relevant surveil-*  
8       *lance systems maintained by the Department and*  
9       *other governmental and private sources, both foreign*  
10      *and domestic, to the extent practicable; and*

11              “(2) *use an information technology system that*  
12      *uses the best available statistical and other analytical*  
13      *tools to identify and characterize biological events in*  
14      *as close to real-time as possible.*

15      “(c) *RESPONSIBILITIES.*—

16              “(1) *IN GENERAL.*—*The Director shall—*

17                      “(A) *monitor on an ongoing basis the avail-*  
18                      *ability and appropriateness of candidate data*  
19                      *feeds and solicit new surveillance systems with*  
20                      *data that would enhance biological situational*  
21                      *awareness or overall performance of the NBIC;*

22                      “(B) *review and seek to improve on an on-*  
23                      *going basis the statistical and other analytical*  
24                      *methods used by the NBIC;*

1           “(C) *establish a procedure to enable Fed-*  
2           *eral, State and local government, and private*  
3           *sector entities to report suspicious events that*  
4           *could warrant further assessments by the NBIC;*

5           “(D) *receive and consider all relevant home-*  
6           *land security information; and*

7           “(E) *provide technical assistance, as appro-*  
8           *priate, to all Federal, State, and local govern-*  
9           *ment entities and private sector entities that*  
10          *contribute data relevant to the operation of the*  
11          *NBIC.*

12          “(2) *ASSESSMENTS.—The Director shall—*

13               “(A) *continuously evaluate available data*  
14               *for evidence of a biological event; and*

15               “(B) *integrate homeland security informa-*  
16               *tion with NBIC data to provide overall biologi-*  
17               *cal situational awareness and determine whether*  
18               *a biological event has occurred.*

19          “(3) *INFORMATION SHARING.—The Director*  
20          *shall—*

21               “(A) *establish a mechanism for real-time*  
22               *communication with the National Operations*  
23               *Center;*

24               “(B) *provide integrated information to the*  
25               *heads of the departments and agencies with*

1           *which the Director has entered into an agree-*  
2           *ment under subsection (d);*

3           “(C) *notify the Secretary, the head of the*  
4           *National Operations Center, and the heads of*  
5           *appropriate Federal, State, tribal, and local en-*  
6           *tities of any significant biological event identi-*  
7           *fied by the NBIC;*

8           “(D) *provide reports on NBIC assessments*  
9           *to Federal, State, and local government entities,*  
10          *including departments and agencies with which*  
11          *the Director has entered into an agreement under*  
12          *subsection (d), and any private sector entities, as*  
13          *considered appropriate by the Director; and*

14          “(E) *use information sharing networks*  
15          *available to the Department for distributing*  
16          *NBIC incident or situational awareness reports.*

17          “(d) *INTERAGENCY AGREEMENTS.—*

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

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

4                   “(A) *use the best efforts of the department*  
5                   *or agency to integrate biosurveillance informa-*  
6                   *tion capabilities through NBIC;*

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

11                  “(C) *provide connectivity for the biosurveil-*  
12                  *lance data systems of the department or agency*  
13                  *to the NBIC network under mutually agreed pro-*  
14                  *ocols;*

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

19                  “(E) *retain responsibility for the surveil-*  
20                  *lance and intelligence systems of that department*  
21                  *or agency, if applicable; and*

22                  “(F) *participate in forming the strategy*  
23                  *and policy for the operation and information*  
24                  *sharing practices of the NBIC.*

1       “(e) *NOTIFICATION OF DIRECTOR.*—*The Secretary*  
2       *shall ensure that the Director is notified of homeland secu-*  
3       *rity information relating to any significant biological*  
4       *threat and receives all classified and unclassified reports*  
5       *related to such a threat in a timely manner.*

6       “(f) *ADMINISTRATIVE AUTHORITIES.*—

7               “(1) *PRIVACY.*—*The Secretary shall—*

8                       “(A) *designate the NBIC as a public health*  
9                       *authority;*

10                      “(B) *ensure that the NBIC complies with*  
11                      *any applicable requirements of the Health Insur-*  
12                      *ance Portability and Accountability Act of 1996;*  
13                      *and*

14                      “(C) *ensure that all applicable privacy reg-*  
15                      *ulations are strictly adhered to in the operation*  
16                      *of the NBIC and the sharing of any information*  
17                      *related to the NBIC.*

18               “(2) *COLLECTION OF INFORMATION.*—*The NBIC,*  
19       *as a public health authority with a public health mis-*  
20       *sion, is authorized to collect or receive health informa-*  
21       *tion, including such information protected under the*  
22       *Health Insurance Portability and Accountability Act*  
23       *of 1996, for the purpose of preventing or controlling*  
24       *disease, injury, or disability.*

1       “(g) *NBIC INTERAGENCY WORKING GROUP.*—*The Di-*  
2   *rector shall—*

3               “(1) *establish an interagency working group to*  
4       *facilitate interagency cooperation to advise the Direc-*  
5       *tor on recommendations to enhance the biosurveil-*  
6       *lance capabilities of the Department; and*

7               “(2) *invite officials of Federal agencies that con-*  
8       *duct biosurveillance programs, including officials of*  
9       *the departments and agencies with which the Sec-*  
10       *retary has entered into an agreement under subsection*  
11       *(d), to participate in the working group.*

12       “(h) *ANNUAL REPORT REQUIRED.*—*Not later than De-*  
13       *cember 31 of each year, the Secretary shall submit to Con-*  
14       *gress a report that contains each of the following:*

15               “(1) *A list of departments, agencies, and private*  
16       *or nonprofit entities participating in the NBIC and*  
17       *a description of the data that each entity has contrib-*  
18       *uted to the NBIC during the preceding fiscal year.*

19               “(2) *The schedule for obtaining access to any rel-*  
20       *evant biosurveillance information not received by the*  
21       *NBIC as of the date on which the report is submitted.*

22               “(3) *A list of Federal, State, and local govern-*  
23       *ment entities and private sector entities that have di-*  
24       *rect or indirect access to the information that is inte-*  
25       *grated by the NBIC.*

1           “(4) *For any year before the NBIC is fully im-*  
2           *plemented or any year in which any major structural*  
3           *or institutional change is made to the NBIC, an im-*  
4           *plementation plan for the NBIC that includes cost,*  
5           *schedule, key milestones, and the status of such mile-*  
6           *stones.*

7           “(i) *RELATIONSHIP TO OTHER DEPARTMENTS AND*  
8           *AGENCIES.—The authority of the Secretary under this sec-*  
9           *tion shall not affect an authority or responsibility of any*  
10          *other Federal department or agency with respect to bio-*  
11          *surveillance activities under any program administered by*  
12          *that department or agency.*

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

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

18                 “(1) *an act of terrorism involving biological*  
19                 *agents or toxins of known or unknown origin; or*

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

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

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

1       (c) *DEADLINE FOR IMPLEMENTATION.*—*The National*  
2 *Biosurveillance Integration Center required under section*  
3 *316 of the Homeland Security Act of 2002, as added by*  
4 *subsection (a), shall be fully operational by not later than*  
5 *September 30, 2008.*

6   **SEC. 605. RISK ANALYSIS PROCESS AND INTEGRATED CBRN**  
7                   **RISK ASSESSMENT.**

8       (a) *IN GENERAL.*—*Title III of the Homeland Security*  
9 *Act of 2002 (6 U.S.C. 181 et seq.) is further amended by*  
10 *adding at the end the following:*

11   **“SEC. 317. RISK ANALYSIS PROCESS AND INTEGRATED**  
12                   **CBRN RISK ASSESSMENT.**

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

18       “(b) *INTEGRATED CBRN RISK ASSESSMENT.*—*The*  
19 *Secretary shall use the process developed under subsection*  
20 *(a) to conduct a risk assessment that shall support the inte-*  
21 *gration of chemical, biological, radiological, and nuclear*  
22 *agents.*

23       “(c) *PURPOSE.*—*The purpose of the risk analysis proc-*  
24 *ess developed under subsection (a) and the integrated risk*  
25 *assessment conducted under subsection (b) shall be to iden-*

1 *tify high risk agents, determine how best to mitigate those*  
2 *risks, and guide resource allocation. Such risk analysis*  
3 *shall—*

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

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

9 *“(3) identify key knowledge gaps or*  
10 *vulnerabilities in the CBRN defense posture of the De-*  
11 *partment;*

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

15 *“(5) support end-to-end assessments of the over-*  
16 *all CBRN defense policy of the Department, taking*  
17 *into account the full spectrum of countermeasures*  
18 *available, including prevention, preparedness, plan-*  
19 *ning, response and recovery activities, to better steer*  
20 *investments to strategies with the greatest potential*  
21 *for mitigating identified risks.*

22 *“(d) RISK INFORMATION.—*

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

1       ***(b), the Secretary shall consider risks posed by the fol-***  
2       ***lowing classes of threats:***

3               ***“(A) Chemical threats, including—***

4                       ***“(i) toxic industrial materials and***  
5                       ***chemicals;***

6                       ***“(ii) traditional chemical warfare***  
7                       ***agents; and***

8                       ***“(iii) non-traditional agents, which***  
9                       ***are defined as novel chemical threat agents***  
10                      ***or toxicants requiring adapted counter-***  
11                      ***measures.***

12               ***“(B) Biological threats, including—***

13                      ***“(i) traditional agents listed by the***  
14                      ***Centers of Disease Control and Prevention***  
15                      ***as Category A, B, and C pathogens and tox-***  
16                      ***ins;***

17                      ***“(ii) enhanced agents, which are de-***  
18                      ***defined as traditional agents that have been***  
19                      ***modified or selected to enhance their ability***  
20                      ***to harm human populations or circumvent***  
21                      ***current countermeasures;***

22                      ***“(iii) emerging agents, which are de-***  
23                      ***defined as previously unrecognized pathogens***  
24                      ***that may be naturally occurring and***

1                   *present a serious risk to human popu-*  
2                   *lations; and*

3                   “(iv) *advanced or engineered agents,*  
4                   *which are defined as novel pathogens or*  
5                   *other materials of biological nature that*  
6                   *have been artificially engineered in the lab-*  
7                   *oratory to bypass traditional counter-*  
8                   *measures or produce a more severe or other-*  
9                   *wise enhanced spectrum of disease.*

10                  “(C) *Nuclear and radiological threats, in-*  
11                  *cluding fissile and other radiological material*  
12                  *that could be incorporated into an improvised*  
13                  *nuclear device or a radiological dispersal device*  
14                  *or released into a wide geographic area by dam-*  
15                  *age to a nuclear reactor.*

16                  “(D) *Threats to the agriculture sector and*  
17                  *food and water supplies.*

18                  “(E) *Other threat agents the Secretary de-*  
19                  *termines appropriate.*

20                  “(2) *SOURCES.—The risk analysis process devel-*  
21                  *oped under subsection (a) shall be informed by find-*  
22                  *ings of the intelligence and law enforcement commu-*  
23                  *nities and integrated with expert input from the sci-*  
24                  *entific, medical, and public health communities, in-*

1       cluding from relevant components of the Department  
2       and other Federal agencies.

3               “(3) *DATA QUALITY, SPECIFICITY, AND CON-*  
4       *FIDENCE.—In developing the risk analysis process*  
5       *under subsection (a), the Secretary shall consider the*  
6       *degree of uncertainty and variability in the available*  
7       *scientific information and other information about*  
8       *the classes of threat agents under paragraph (1). An*  
9       *external review shall be conducted to assess the ability*  
10       *of the risk analysis process developed by the Secretary*  
11       *to address areas of large degrees of uncertainty.*

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

18               “(e) *METHODOLOGY.—The risk analysis process devel-*  
19       *oped by the Secretary under subsection (a) shall—*

20               “(1) *consider, as variables—*

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

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

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

3                   “(2) evaluate the consequence component of risk  
4                   as it relates to mortality, morbidity, and economic ef-  
5                   fects;

6                   “(3) allow for changes in assumptions to evalu-  
7                   ate a full range of factors, including technological,  
8                   economic, and social trends, which may alter the fu-  
9                   ture security environment;

10                  “(4) contain a well-designed sensitivity analysis  
11                  to address high degrees of uncertainty associated with  
12                  the risk analyses of certain CBRN agents;

13                  “(5) utilize red teaming analysis to identify  
14                  vulnerabilities an adversary may discover and exploit  
15                  in technology, training, and operational procedures  
16                  and to identify open-source information that could be  
17                  used by those attempting to defeat the counter-  
18                  measures; and

19                  “(6) incorporate an interactive interface that  
20                  makes results and limitations transparent and useful  
21                  to decision makers for identifying appropriate risk  
22                  management activities.

23                  “(f) COORDINATION.—The Secretary shall ensure that  
24                  all risk analysis activities with respect to radiological or

1 *nuclear materials shall be conducted in coordination with*  
2 *the Domestic Nuclear Detection Office.*

3 “(g) *TIMEFRAME; REPORTS TO CONGRESS.*—

4 “(1) *INITIAL REPORT.*—By not later than June  
5 2008, the Secretary shall complete the first formal, in-  
6 tegrated, CBRN risk assessment required under sub-  
7 section (b) and shall submit to Congress a report  
8 summarizing the findings of such assessment and  
9 identifying improvements that could be made to en-  
10 hance the transparency and usability of the risk anal-  
11 ysis process developed under subsection (a).

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

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

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

22 **SEC. 606. NATIONAL BIO AND AGRO-DEFENSE FACILITY.**

23 (a) *IN GENERAL.*—Title III of the Homeland Security  
24 Act of 2002 (6. U.S.C. 181 et seq.) is further amended by  
25 adding at the end the following new section:

1   **“SEC. 318. NATIONAL BIO AND AGRO-DEFENSE FACILITY.**

2           “(a) *ESTABLISHMENT.*—*There is in the Department a*  
3   *National Bio and Agro-defense Facility (referred to in this*  
4   *section as the ‘NBAF’), which shall be headed by a Director*  
5   *who shall be appointed by the Secretary.*

6           “(b) *PURPOSES.*—

7           “(1) *IN GENERAL.*—*The NBAF shall be an inte-*  
8   *grated human, foreign-animal, and zoonotic disease*  
9   *research, development, testing, and evaluation facility*  
10   *with the purpose of supporting the complementary*  
11   *missions of the Department, the Department of Agri-*  
12   *culture, and the Department of Health and Human*  
13   *Services in defending against the threat of potential*  
14   *acts of agroterrorism and natural-occurring incidents*  
15   *related to agriculture with the potential to adversely*  
16   *impact public health, animal health, and the econ-*  
17   *omy, or may otherwise impact homeland security.*

18           “(2) *KNOWLEDGE PRODUCTION AND SHARING.*—  
19   *The NBAF shall produce and share knowledge and*  
20   *technology for the purpose of reducing economic losses*  
21   *caused by foreign-animal, zoonotic, and, as appro-*  
22   *priate, other endemic animal diseases of livestock and*  
23   *poultry, and preventing human suffering and death*  
24   *caused by diseases existing or emerging in the agri-*  
25   *cultural sector.*

1       “(c) *RESPONSIBILITIES OF DIRECTOR.*—*The Secretary*  
2 *shall vest in the Director primary responsibility for each*  
3 *of the following:*

4               “(1) *Directing basic, applied, and advanced re-*  
5 *search, development, testing, and evaluation relating*  
6 *to foreign-animal, zoonotic, and, as appropriate,*  
7 *other endemic animal diseases, including foot and*  
8 *mouth disease, and performing related activities, in-*  
9 *cluding—*

10               “(A) *developing countermeasures for for-*  
11 *eign-animal, zoonotic, and, as appropriate, other*  
12 *endemic animal diseases, including diagnostics,*  
13 *vaccines and therapeutics;*

14               “(B) *providing advanced test and evalua-*  
15 *tion capability for threat detection, vulner-*  
16 *ability, and countermeasure assessment for for-*  
17 *eign-animal, zoonotic, and, as appropriate, other*  
18 *endemic animal diseases;*

19               “(C) *conducting nonclinical, animal model*  
20 *testing and evaluation under the Food and Drug*  
21 *Administration’s Animal Rule as defined in*  
22 *parts 314 and 601 of title 22, Code of Federal*  
23 *Regulations, to support the development of*  
24 *human medical countermeasures by the Depart-*

1           *ment of Human Services under the Public*  
2           *Health Service Act (42 U.S.C. 201 et seq);*

3           “(D) *establishing NBAF information-shar-*  
4           *ing mechanisms to share information with rel-*  
5           *evant stakeholders, including the National Ani-*  
6           *mal Health Laboratory Network; and*

7           “(E) *identifying and promoting uniform*  
8           *national standards for animal disease*  
9           *diagnostics.*

10          “(2) *Facilitating the coordination of Federal,*  
11          *State, and local governmental research and develop-*  
12          *ment efforts and resources relating to protecting pub-*  
13          *lic health and animal health from foreign-animal,*  
14          *zoonotic, and, as appropriate, other endemic animal*  
15          *diseases.*

16          “(3) *Ensuring public safety during an emer-*  
17          *gency by developing an emergency response plan*  
18          *under which emergency response providers in the*  
19          *community are sufficiently prepared or trained to re-*  
20          *spond effectively and given sufficient notice to allow*  
21          *for an effective response.*

22          “(4) *Ensuring NBAF site and facility security.*

23          “(5) *Providing training to develop skilled re-*  
24          *search and technical staff with the needed expertise in*

1        *operations conducted at biological and agricultural*  
2        *research facilities.*

3            “(6) *Leveraging the expertise of academic insti-*  
4        *tutions, industry, the Department of Energy National*  
5        *Laboratories, State and local governmental resources,*  
6        *and professional organizations involved in veterinary,*  
7        *medical and public health, and agriculture issues to*  
8        *carry out functions describes in (1) and (2).*

9            “(d) *REQUIREMENTS.—The Secretary, in designing*  
10       *and constructing the NBAF, shall ensure that the facility*  
11       *meets the following requirements:*

12           “(1) *The NBAF shall consist of state-of-the-art*  
13       *biocontainment laboratories capable of performing re-*  
14       *search and activities at Biosafety Level 3 and 4, as*  
15       *designated by the Centers for Disease Control and*  
16       *Prevention and the National Institutes of Health.*

17           “(2) *The NBAF facility shall be located on a site*  
18       *of at least 30 acres that can be readily secured by*  
19       *physical measure.*

20           “(3) *The NBAF facility shall be at least 500,000*  
21       *square feet with a capacity of housing a minimum of*  
22       *80 large animals for research, testing and evaluation;*

23           “(4) *The NBAF shall be located at a site with*  
24       *a preexisting utility infrastructure, or a utility infra-*  
25       *structure that can be easily built.*

1           “(5) *The NBAF shall be located at a site that*  
2           *has been subject to an Environmental Impact State-*  
3           *ment under the National Environmental Policy Act of*  
4           *1969.*

5           “(6) *The NBAF shall be located within a reason-*  
6           *able proximity to a national or regional airport and*  
7           *to major roadways.*

8           “(e) *AUTHORIZATION TO PROCURE REAL PROPERTY*  
9           *AND ACCEPT IN KIND DONATIONS FOR THE NBAF SITE.—*  
10          *The Secretary may accept and use donations of real prop-*  
11          *erty for the NBAF site and may accept and use in-kind*  
12          *donations of real property, personal property, laboratory*  
13          *and office space, utility services, and infrastructure up-*  
14          *grades for the purpose of assisting the Director in carrying*  
15          *out the responsibilities of the Director under this section.*

16          “(f) *APPLICABILITY OF OTHER LAWS.—*

17                 “(1) *PUBLIC BUILDINGS ACT.—The NBAF shall*  
18                 *not be considered a “public building” for purposes of*  
19                 *the Public Buildings Act of 1959 (40 U.S.C. 3301 et*  
20                 *seq.).*

21                 “(2) *LIVE VIRUS OF FOOT AND MOUTH DISEASE*  
22                 *RESEARCH.—The Secretary shall enable the study of*  
23                 *live virus of foot and mouth disease at the NBAF,*  
24                 *wherever it is sited, notwithstanding section 113a of*  
25                 *title 21, United States Code.*

1       “(g) *COORDINATION.*—

2       “(1) *INTERAGENCY AGREEMENTS.*—

3               “(A) *IN GENERAL.*—*The Secretary shall*  
4               *enter into understandings or agreements with the*  
5               *heads of appropriate Federal departments and*  
6               *agencies, including the Secretary of Agriculture*  
7               *and the Secretary of Health and Human Serv-*  
8               *ices, to define the respective roles and respon-*  
9               *sibilities of each Department in carrying out for-*  
10              *oreign-animal, zoonotic, and other endemic animal*  
11              *disease research and development at the NBAF*  
12              *to protect public health and animal health.*

13              “(B) *DEPARTMENT OF AGRICULTURE.*—*The*  
14              *understanding or agreement entered into with*  
15              *the Secretary of Agriculture shall include a pro-*  
16              *vision describing research programs and func-*  
17              *tions of the Department of Agriculture and the*  
18              *Department of Homeland Security, including*  
19              *those research programs and functions carried*  
20              *out at the Plum Island Animal Disease Center*  
21              *and those research programs and functions that*  
22              *will be transferred to the NBAF.*

23              “(C) *DEPARTMENT OF HEALTH AND HUMAN*  
24              *SERVICES.*—*The understanding or agreement en-*  
25              *tered into with the Department of Health and*

1           *Human Services shall describe research pro-*  
2           *grams of the Department of Health and Human*  
3           *Services that may relate to work conducted at*  
4           *NBAF.*

5           “(2) *COOPERATIVE RELATIONSHIPS.*—*The Direc-*  
6           *tor shall form cooperative relationships with the Na-*  
7           *tional Animal Health Laboratory Network and Amer-*  
8           *ican Association of Veterinary Laboratory Diagnosti-*  
9           *cians to connect with the network of Federal and*  
10          *State resources intended to enable an integrated,*  
11          *rapid, and sufficient response to animal health emer-*  
12          *gencies.”.*

13          “(b) *CLERICAL AMENDMENT.*—*The table of contents in*  
14          *section 1(b) of such Act is further amended by adding at*  
15          *the end of the items relating to such title the following:*

*“Sec. 318. National Bio and Agro-defense Facility.”.*

16       ***TITLE VII—HOMELAND SECU-***  
17       ***RITY CYBERSECURITY IM-***  
18       ***PROVEMENTS***

19       ***SEC. 701. CYBERSECURITY AND COMMUNICATIONS.***

20          “(a) *IN GENERAL.*—*Subtitle C of title II of the Home-*  
21          *land Security Act of 2002 (6 U.S.C. 141 et seq.) is amended*  
22          *by adding at the end the following new section:*

1   **“SEC. 226. OFFICE OF CYBERSECURITY AND COMMUNICA-**  
2                           **TIONS.**

3           “(a) *IN GENERAL.*—*There shall be within the Depart-*  
4   *ment of Homeland Security an Office of Cybersecurity and*  
5   *Communications, which shall be headed by the Assistant*  
6   *Secretary for Cybersecurity and Communications.*

7           “(b) *DUTY OF THE ASSISTANT SECRETARY.*—*The As-*  
8   *stant Secretary shall assist the Secretary in carrying out*  
9   *the responsibilities of the Department regarding*  
10   *cybersecurity and communications.*

11          “(c) *RESPONSIBILITIES.*—*The Assistant Secretary*  
12   *shall be responsible for overseeing preparation, situational*  
13   *awareness, response, reconstitution, and mitigation nec-*  
14   *essary for cybersecurity and to protect communications*  
15   *from terrorist attacks, major disasters, and other emer-*  
16   *gencies, including large-scale disruptions, and shall conduct*  
17   *the following activities to execute those responsibilities:*

18               “(1) *PREPARATION AND SITUATIONAL AWARE-*  
19               *NESS.*—

20                       “(A) *Establish and maintain a capability*  
21                       *within the Department to monitor critical infor-*  
22                       *mation infrastructure to aid in detection of*  
23                       *vulnerabilities and warning of potential acts of*  
24                       *terrorism and other attacks.*

25                       “(B) *Conduct risk assessments on critical*  
26                       *information infrastructure with respect to acts of*

1        *terrorism and other large-scale disruptions, iden-*  
2        *tify and prioritize vulnerabilities in critical in-*  
3        *formation infrastructure, and coordinate the*  
4        *mitigation of such vulnerabilities.*

5            *“(C) Develop a plan for the continuation of*  
6        *critical information operations in the event of a*  
7        *cyber attack or other large-scale disruption of the*  
8        *information infrastructure of the United States.*

9            *“(D) Oversee an emergency communications*  
10       *system in the event of an act of terrorism or*  
11       *other large-scale disruption of the information*  
12       *infrastructure of the United States.*

13        *“(2) RESPONSE AND RECONSTITUTION.—*

14            *“(A) Define what qualifies as a cyber inci-*  
15        *dent of national significance for purposes of the*  
16        *National Response Plan.*

17            *“(B) Ensure that the Department’s prior-*  
18        *ities, procedures, and resources are in place to*  
19        *reconstitute critical information infrastructures*  
20        *in the event of an act of terrorism or other large-*  
21        *scale disruption.*

22        *“(3) MITIGATION.—*

23            *“(A) Develop a national cybersecurity*  
24        *awareness, training, and education program that*

1           *promotes cybersecurity awareness within the*  
2           *Federal Government and throughout the Nation.*

3           “(B) Consult and coordinate with the  
4           Under Secretary for Science and Technology on  
5           cybersecurity research and development to  
6           strengthen critical information infrastructure  
7           against acts of terrorism and other large-scale  
8           disruptions.

9           “(d) *DEFINITION.*—In this section the term ‘critical  
10          information infrastructure’ means systems and assets,  
11          whether physical or virtual, used in processing, transfer-  
12          ring, and storing information so vital to the United States  
13          that the incapacity or destruction of such systems and assets  
14          would have a debilitating impact on security, national eco-  
15          nomic security, national public health or safety, or any  
16          combination of those matters.”.

17          (b) *CLERICAL AMENDMENT.*—The table of contents in  
18          section 1(b) of such Act is amended by inserting at the end  
19          of the items relating to subtitle C of title II the following:

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

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

21          (a) *IN GENERAL.*—The Under Secretary for Science  
22          and Technology shall support research, development, test-  
23          ing, evaluation, and transition of cybersecurity technology,  
24          including fundamental, long-term research to improve the  
25          ability of the United States to prevent, protect against, de-

1 *tect, respond to, and recover from acts of terrorism and*  
2 *cyber attacks, with emphasis on research and development*  
3 *relevant to large-scale, high-impact attacks.*

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

6 (1) *advance the development and accelerate the*  
7 *deployment of more secure versions of fundamental*  
8 *Internet protocols and architectures, including for the*  
9 *domain name system and routing protocols;*

10 (2) *improve and create technologies for detecting*  
11 *attacks or intrusions, including monitoring tech-*  
12 *nologies;*

13 (3) *improve and create mitigation and recovery*  
14 *methodologies, including techniques for containment*  
15 *of attacks and development of resilient networks and*  
16 *systems that degrade gracefully;*

17 (4) *develop and support infrastructure and tools*  
18 *to support cybersecurity research and development ef-*  
19 *forts, including modeling, testbeds, and data sets for*  
20 *assessment of new cybersecurity technologies;*

21 (5) *assist the development and support of tech-*  
22 *nologies to reduce vulnerabilities in process control*  
23 *systems (PCS); and*

24 (6) *test, evaluate, and facilitate the transfer of*  
25 *technologies associated with the engineering of less*

1        *vulnerable software and securing the IT software de-*  
2        *velopment lifecycle.*

3        (c) *COORDINATION.*—*In carrying out this section, the*  
4        *Under Secretary for Science and Technology shall coordi-*  
5        *nate activities with—*

6                (1) *the Assistant Secretary for Cybersecurity and*  
7        *Communications; and*

8                (2) *other Federal agencies, including the Na-*  
9        *tional Science Foundation, the Defense Advanced Re-*  
10        *search Projects Agency, the Information Assurance*  
11        *Directorate of the National Security Agency, the Na-*  
12        *tional Institute of Standards and Technology, and*  
13        *other appropriate working groups established by the*  
14        *President to identify unmet needs and cooperatively*  
15        *support activities, as appropriate.*

16        (d) *AUTHORIZATION OF APPROPRIATIONS.*—*Of the*  
17        *amount authorized by section 101, there is authorized to*  
18        *be appropriated for the Department of Homeland Security*  
19        *for fiscal year 2008, \$50,000,000, for the cybersecurity re-*  
20        *search and development activities of the Directorate for*  
21        *Science and Technology to prevent, detect, and respond to*  
22        *acts of terrorism and other large-scale disruptions to infor-*  
23        *mation infrastructure.*

1           ***TITLE VIII—SCIENCE AND***  
2           ***TECHNOLOGY IMPROVEMENTS***

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

4           *Not later than 120 days after the date of enactment*  
5           *of this Act, the Under Secretary for Science and Technology*  
6           *shall transmit to Congress the strategic plan described in*  
7           *section 302(2) of the Homeland Security Act of 2002 (6*  
8           *U.S.C. 182(2)). In addition to the requirements described*  
9           *in that section 302(2), the strategic plan transmitted under*  
10          *this section shall include—*

11                 *(1) a strategy to enhance the Directorate for*  
12                 *Science and Technology workforce, including edu-*  
13                 *cation and training programs, improving morale,*  
14                 *minimizing turnover, strengthening workforce recruit-*  
15                 *ment, and securing institutional knowledge;*

16                 *(2) the Department policy describing the proce-*  
17                 *dures by which the Directorate for Science and Tech-*  
18                 *nology hires and administers assignments to individ-*  
19                 *uals assigned to the Department as detailees under an*  
20                 *arrangement described in subchapter VI of chapter 33*  
21                 *of title 5, United States Code;*

22                 *(3) the Department policy governing the respon-*  
23                 *sibilities of the Under Secretary for Science and Tech-*  
24                 *nology, the Under Secretary for Policy, and the*  
25                 *Under Secretary for Management, and the oper-*

1        *ational components of the Department regarding re-*  
2        *search, development, testing, evaluation, and procure-*  
3        *ment of homeland security technologies;*

4            *(4) a description of the methodology by which re-*  
5        *search, development, testing, and evaluation is*  
6        *prioritized and funded by the Directorate for Science*  
7        *and Technology;*

8            *(5) a description of the performance measure-*  
9        *ments to be used or a plan to develop performance*  
10       *measurements that can be used to annually evaluate*  
11       *the Directorate for Science and Technology's activi-*  
12       *ties, mission performance, and stewardship of re-*  
13       *sources;*

14           *(6) a plan for domestic and international coordi-*  
15        *nation of all related programs and activities within*  
16        *the Department and throughout Federal agencies,*  
17        *State, local, and tribal governments, the emergency*  
18        *responder community, industry, and academia;*

19           *(7) a plan for leveraging the expertise of the Na-*  
20        *tional Laboratories and the process for allocating*  
21        *funding to the National Laboratories; and*

22           *(8) a strategy for the Homeland Security Ad-*  
23        *vanced Research Projects Agency that includes—*

24            *(A) a mission statement;*

1                   (B) a description of the Department's high  
2                   risk and high payoff research, development, test,  
3                   and evaluation strategy; and

4                   (C) internal policies designed to encourage  
5                   innovative solutions.

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

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

14          (b) *MINORITY SERVING INSTITUTIONS PROGRAM.*—Of  
15          the amount authorized by section 101, there is authorized  
16          to be appropriated to the Secretary of Homeland Security  
17          for carrying out the Minority Serving Institutions Program  
18          \$8,000,000 for fiscal year 2008.

19          (c) *CENTERS OF EXCELLENCE PROGRAM PARTICIPA-*  
20          *TION.*—

21               (1) *REQUIREMENT.*—If, by the date of the enact-  
22               ment of this Act, the Secretary of Homeland Security  
23               has not selected a Minority Serving Institution to  
24               participate as a Center of Excellence under the De-  
25               partment of Homeland Security Centers of Excellence

1        *Program, at least one of the next four Centers of Ex-*  
2        *cellence selected after the date of enactment of this Act*  
3        *shall be an otherwise eligible applicant that is a Mi-*  
4        *nority Serving Institution.*

5            (2) *MINORITY SERVING INSTITUTION DEFINED.—*  
6        *In this subsection the term “Minority Serving Insti-*  
7        *tution” means—*

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

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

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

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

21        (a) *STUDY.—Not later than 3 months after the date*  
22       *of enactment of this Act, the Under Secretary for Science*  
23       *and Technology of the Department of Homeland Security*  
24       *shall seek to enter into an agreement with the National Re-*  
25       *search Council of the National Academy of Sciences to con-*

1 *duct a study to assess the University Programs of the De-*  
2 *partment, with an emphasis on the Centers of Excellence*  
3 *Program and the future plans for these programs, and make*  
4 *recommendations for appropriate improvements.*

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

6 (1) *a review of key areas of study needed to sup-*  
7 *port the homeland security mission, and criteria that*  
8 *should be utilized to determine those key areas for*  
9 *which the Department should maintain or establish*  
10 *Centers of Excellence;*

11 (2) *a review of selection criteria and weighting*  
12 *of such criteria for Centers of Excellence;*

13 (3) *an examination of the optimal role of Centers*  
14 *of Excellence in supporting the mission of the Direc-*  
15 *torate of Science and Technology and the most advan-*  
16 *tageous relationship between the Centers of Excellence*  
17 *and the Directorate and the Department components*  
18 *the Directorate serves;*

19 (4) *an examination of the length of time the Cen-*  
20 *ters of Excellence should be awarded funding and the*  
21 *frequency of the review cycle in order to maintain*  
22 *such funding, particularly given their focus on basic,*  
23 *long term research;*

24 (5) *identification of the most appropriate review*  
25 *criteria and metrics to measure demonstrable*

1        *progress, and mechanisms for delivering and dissemi-*  
2        *nating the research results of established Centers of*  
3        *Excellence within the Department, and to other Fed-*  
4        *eral, State, and local agencies;*

5            *(6) an examination of the means by which aca-*  
6        *demic institutions that are not designated or associ-*  
7        *ated with Centers of Excellence can optimally con-*  
8        *tribute to the research mission of the Directorate;*

9            *(7) an assessment of the interrelationship be-*  
10       *tween the different University Programs; and*

11           *(8) a review of any other essential elements of*  
12       *the University Programs to be determined in the con-*  
13       *duct of the study.*

14        *(c) REPORT.—The Under Secretary for Science and*  
15       *Technology shall transmit a report containing the results*  
16       *of the study and recommendations required by subsection*  
17       *(a) and the Under Secretary’s response to the recommenda-*  
18       *tions, to the appropriate Congressional committees not later*  
19       *than 24 months after the date of enactment of this Act.*

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

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

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

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

19 (1) *establish a formal coordination process that*  
20 *includes the official of the Department of Homeland*  
21 *Security with primary responsibility for the imple-*  
22 *mentation of the SAFETY Act, the Chief Procurement*  
23 *Officer of the Department, the Under Secretary for*  
24 *Science and Technology, the Under Secretary for Pol-*  
25 *icy, and the Department of Homeland Security Gen-*  
26 *eral Counsel to ensure the maximum application of*

1       *the litigation and risk management provisions of the*  
2       *SAFETY Act to antiterrorism technologies procured*  
3       *by the Department; and*

4             *(2) promote awareness and utilization of the liti-*  
5       *gation and risk management provisions of the SAFE-*  
6       *TY Act in the procurement of antiterrorism tech-*  
7       *nologies.*

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

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

19       *(a) IN GENERAL.—Title III of the Homeland Security*  
20      *Act of 2002 (6 U.S.C. 181 et seq.) is further amended by*  
21      *adding at the end the following:*

22      **“SEC. 319. PROMOTING ANTITERRORISM THROUGH INTER-**  
23                      **NATIONAL COOPERATION PROGRAM.**

24       **“(a) DEFINITIONS.—In this section:**

1           “(1) *DIRECTOR.*—*The term ‘Director’ means the*  
2           *Director selected under subsection (b)(2).*

3           “(2) *INTERNATIONAL COOPERATIVE ACTIVITY.*—  
4           *The term ‘international cooperative activity’ in-*  
5           *cludes—*

6                   “(A) *coordinated research projects, joint re-*  
7                   *search projects, or joint ventures;*

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

10                  “(C) *coordinated field exercises, scientific*  
11                  *seminars, conferences, symposia, and workshops;*

12                  “(D) *training of scientists and engineers;*

13                  “(E) *visits and exchanges of scientists, engi-*  
14                  *neers, or other appropriate personnel;*

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

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

19           “(b) *SCIENCE AND TECHNOLOGY HOMELAND SECU-*  
20           *RITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.*—

21                  “(1) *ESTABLISHMENT.*—*The Under Secretary*  
22                  *shall establish the Science and Technology Homeland*  
23                  *Security International Cooperative Programs Office.*

24                  “(2) *DIRECTOR.*—*The Office shall be headed by*  
25                  *a Director, who—*

1           “(A) shall be selected by and shall report to  
2           the Under Secretary; and

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

5           “(3) RESPONSIBILITIES.—

6           “(A) DEVELOPMENT OF MECHANISMS.—The  
7           Director shall be responsible for developing, in  
8           consultation with the Department of State, un-  
9           derstandings or agreements that allow and sup-  
10          port international cooperative activity in sup-  
11          port of homeland security research, development,  
12          and comparative testing.

13          “(B) PRIORITIES.—The Director shall be re-  
14          sponsible for developing, in coordination with the  
15          Directorate of Science and Technology, the other  
16          components of the Department of Homeland Se-  
17          curity, and other Federal agencies, strategic pri-  
18          orities for international cooperative activity in  
19          support of homeland security research, develop-  
20          ment, and comparative testing.

21          “(C) ACTIVITIES.—The Director shall facili-  
22          tate the planning, development, and implementa-  
23          tion of international cooperative activity to ad-  
24          dress the strategic priorities developed under sub-  
25          paragraph (B) through mechanisms the Under

1        *Secretary considers appropriate, including*  
2        *grants, cooperative agreements, or contracts to or*  
3        *with foreign public or private entities, govern-*  
4        *mental organizations, businesses, federally fund-*  
5        *ed research and development centers, and univer-*  
6        *sities.*

7                *“(D) IDENTIFICATION OF PARTNERS.—The*  
8        *Director shall facilitate the matching of United*  
9        *States entities engaged in homeland security re-*  
10       *search with non-United States entities engaged*  
11       *in homeland security research so that they may*  
12       *partner in homeland security research activities.*

13               *“(4) COORDINATION.—The Director shall ensure*  
14       *that the activities under this subsection are coordi-*  
15       *nated with those of other relevant research agencies,*  
16       *and may run projects jointly with other agencies.*

17               *“(5) CONFERENCES AND WORKSHOPS.—The Di-*  
18       *rector may hold international homeland security tech-*  
19       *nology workshops and conferences to improve contact*  
20       *among the international community of technology de-*  
21       *velopers and to help establish direction for future*  
22       *technology goals.*

23               *“(c) INTERNATIONAL COOPERATIVE ACTIVITIES.—*

24               *“(1) AUTHORIZATION.—The Under Secretary is*  
25       *authorized to carry out international cooperative ac-*

1        *tivities to support the responsibilities specified under*  
2        *section 302.*

3                “(2) *MECHANISMS AND EQUITABILITY.*—*In car-*  
4        *rying out this section, the Under Secretary may*  
5        *award grants to and enter into cooperative agree-*  
6        *ments or contracts with United States governmental*  
7        *organizations, businesses (including small businesses*  
8        *and small and disadvantaged businesses), federally*  
9        *funded research and development centers, institutions*  
10       *of higher education, and foreign public or private en-*  
11       *tities. The Under Secretary shall ensure that funding*  
12       *and resources expended in international cooperative*  
13       *activities will be equitably matched by the foreign*  
14       *partner organization through direct funding or fund-*  
15       *ing of complementary activities, or through provision*  
16       *of staff, facilities, materials, or equipment.*

17                “(3) *LOANS OF EQUIPMENT.*—*The Under Sec-*  
18       *retary may make or accept loans of equipment for re-*  
19       *search and development and comparative testing pur-*  
20       *poses.*

21                “(4) *COOPERATION.*—*The Under Secretary is*  
22       *authorized to conduct international cooperative ac-*  
23       *tivities jointly with other agencies.*

24                “(5) *FOREIGN PARTNERS.*—*Partners may in-*  
25       *clude Israel, the United Kingdom, Canada, Australia,*

1        *Singapore, and other allies in the global war on ter-*  
2        *rorism, as appropriate.*

3                “(6) *EXOTIC DISEASES.*—*As part of the inter-*  
4        *national cooperative activities authorized in this sec-*  
5        *tion, the Under Secretary, in coordination with the*  
6        *Chief Medical Officer, may facilitate the development*  
7        *of information sharing and other types of cooperative*  
8        *mechanisms with foreign countries, including nations*  
9        *in Africa, to strengthen American preparedness*  
10       *against threats to the Nation’s agricultural and pub-*  
11       *lic health sectors from exotic diseases.*

12               “(d) *BUDGET ALLOCATION.*—*There is authorized to be*  
13       *appropriated to the Secretary, to be derived from amounts*  
14       *otherwise authorized for the Directorate of Science and*  
15       *Technology, \$25,000,000 for each of the fiscal years 2008*  
16       *through 2011 for activities under this section.*

17               “(e) *FOREIGN REIMBURSEMENTS.*—*Whenever the*  
18       *Science and Technology Homeland Security International*  
19       *Cooperative Programs Office participates in an inter-*  
20       *national cooperative activity with a foreign country on a*  
21       *cost-sharing basis, any reimbursements or contributions re-*  
22       *ceived from that foreign country to meet its share of the*  
23       *project may be credited to appropriate current appropria-*  
24       *tions accounts of the Directorate of Science and Technology.*

1       “(f) *REPORT TO CONGRESS ON INTERNATIONAL COOP-*  
2 *ERATIVE ACTIVITIES.*—

3               “(1) *INITIAL REPORT.*—Not later than 180 days  
4       *after the date of enactment of this section, the Under*  
5       *Secretary, acting through the Director, shall transmit*  
6       *to the Congress a report containing—*

7               “(A) *a brief description of each partnership*  
8               *formed under subsection (b)(4), including the*  
9               *participants, goals, and amount and sources of*  
10              *funding; and*

11              “(B) *a list of international cooperative ac-*  
12              *tivities underway, including the participants,*  
13              *goals, expected duration, and amount and*  
14              *sources of funding, including resources provided*  
15              *to support the activities in lieu of direct funding.*

16              “(2) *UPDATES.*—At the end of the fiscal year  
17       *that occurs 5 years after the transmittal of the report*  
18       *under subsection (a), and every 5 years thereafter, the*  
19       *Under Secretary, acting through the Director, shall*  
20       *transmit to the Congress an update of the report re-*  
21       *quired under subsection (a).”.*

22       “(b) *CLERICAL AMENDMENT.*—The table of contents for  
23       *the Homeland Security Act of 2002 is further amended by*  
24       *adding at the end of the items relating to such title the fol-*  
25       *lowing new item:*

      “Sec. 319. *Promoting antiterrorism through international cooperation program.*”.

1       ***TITLE IX—BORDER SECURITY***  
2                   ***IMPROVEMENTS***

3   ***SEC. 901. US–VISIT.***

4           (a) *IN GENERAL.*—Not later than 7 days after the date  
5   of the enactment of this Act, the Secretary of Homeland Se-  
6   curity shall submit to the Committee on Homeland Security  
7   of the House of Representatives and the Committee on  
8   Homeland Security and Governmental Affairs of the Sen-  
9   ate, the comprehensive strategy required by section 7208 of  
10  the Intelligence Reform and Terrorism Prevention Act of  
11  2004 for the biometric entry and exit data system (com-  
12  monly referred to as the United States Visitor and Immi-  
13  grant Status Indicator Technology program or US–VISIT)  
14  established under the section and other laws described in  
15  subsection (b) of such section. The comprehensive strategy  
16  shall include an action plan for full implementation of the  
17  biometric exit component of US–VISIT, as required under  
18  subsection (d) of section 7208 of such Act.

19          (b) *CONTENTS.*—The comprehensive strategy and ac-  
20  tion plan referred to in subsection (a) shall, at a minimum,  
21  include the following:

22               (1) *An explanation of how US–VISIT will allow*  
23       *law enforcement officials to identify individuals who*  
24       *overstay their visas.*

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

4           (3) *An implementation schedule for deploying fu-*  
5           *ture biometric exit capabilities at all air, land, and*  
6           *sea ports of entry.*

7           (4) *The actions the Secretary plans to take to ac-*  
8           *celerate the full implementation of the biometric exit*  
9           *component of US-VISIT at all air, land, and sea*  
10          *ports of entry.*

11          (c) *AIRPORT AND SEAPORT EXIT IMPLEMENTATION.—*  
12          *Not later than December 31, 2008, the Secretary of Home-*  
13          *land Security shall complete the exit portion of the biomet-*  
14          *ric entry and exit data system referred to in subsection (a)*  
15          *for aliens arriving in or departing from the United States*  
16          *at an airport or seaport.*

17          (d) *PROHIBITION ON TRANSFER.—The Secretary of*  
18          *Homeland Security shall not transfer to the National Pro-*  
19          *tection and Programs Directorate of the Department of*  
20          *Homeland Security the office of the Department that carries*  
21          *out the biometric entry and exit data system referred to*  
22          *in subsection (a) until the Secretary submits to the commit-*  
23          *tees specified in such subsection the action plan referred to*  
24          *in such subsection for full implementation of the biometric*  
25          *exit component of US-VISIT at all ports of entry.*

1 **SEC. 902. SHADOW WOLVES PROGRAM.**

2 *Of the amount authorized by section 101, there is au-*  
3 *thorized to be appropriated \$4,100,000 for fiscal year 2008*  
4 *for the Shadow Wolves program.*

5 **SEC. 903. COST-EFFECTIVE TRAINING FOR BORDER PATROL**  
6 **AGENTS.**

7 *(a) IN GENERAL.—The Secretary of Homeland Secu-*  
8 *rity shall take such steps as may be necessary to control*  
9 *the costs of hiring, training, and deploying new Border Pa-*  
10 *trol agents, including—*

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

17 *(2) directing the Office of Inspector General to*  
18 *conduct a review of the costs and feasibility of train-*  
19 *ing new Border Patrol agents at Federal training*  
20 *centers, including the Federal Law Enforcement*  
21 *Training Center facility in Charleston, South Caro-*  
22 *lina, and the HAMMER facility in Hanford, Wash-*  
23 *ington, and at training facilities operated by State*  
24 *and local law enforcement academies, non-profit enti-*  
25 *ties, and private entities, including institutions in the*

1 southwest border region, as well as the use of all of  
2 the above to conduct portions of such training.

3 (b) *LIMITATION ON PER-AGENT COST OF TRAINING.*—

4 (1) *IN GENERAL.*—*Except as provided in para-*  
5 *graph (2), the Secretary shall take such steps as may*  
6 *be necessary to ensure that the fiscal year 2008 per-*  
7 *agent cost of hiring, training, and deploying each*  
8 *new Border Patrol agent does not exceed \$150,000.*

9 (2) *EXCEPTION AND CERTIFICATION.*—*If the Sec-*  
10 *retary determines that the per-agent cost referred to*  
11 *in paragraph (1) exceeds \$150,000, the Secretary*  
12 *shall promptly submit to the Committee on Homeland*  
13 *Security of the House of Representatives and the*  
14 *Committee on Homeland Security and Governmental*  
15 *Affairs of the Senate a certification explaining why*  
16 *such per-agent cost exceeds such amount.*

17 **SEC. 904. STUDENT AND EXCHANGE VISITOR PROGRAM.**

18 (a) *IN GENERAL.*—*Section 442 of the Homeland Secu-*  
19 *rity Act of 2002 (6 U.S.C. 252) is amended—*

20 (1) *in subsection (a)—*

21 (A) *by redesignating paragraph (5) as*  
22 *paragraph (10); and*

23 (B) *by inserting after paragraph (4) the fol-*  
24 *lowing:*

1           “(5) *STUDENT AND EXCHANGE VISITOR PRO-*  
2           *GRAM.—In administering the program under para-*  
3           *graph (4), the Secretary shall—*

4                   “(A) *prescribe regulations to require an in-*  
5                   *stitution or exchange visitor program sponsor*  
6                   *participating in the Student and Exchange Vis-*  
7                   *itor Program to ensure that each covered student*  
8                   *or exchange visitor enrolled at the institution or*  
9                   *attending the exchange visitor program—*

10                           “(i) *is an active participant in the*  
11                           *program for which the covered student or*  
12                           *exchange visitor was issued a visa to enter*  
13                           *the United States;*

14                           “(ii) *is not unobserved for any pe-*  
15                           *riod—*

16                                   “(I) *exceeding 30 days during*  
17                                   *any academic term or program in*  
18                                   *which the covered student or exchange*  
19                                   *visitor is enrolled; or*

20                                   “(II) *exceeding 60 days during*  
21                                   *any period not described in subclause*  
22                                   *(I); and*

23                           “(iii) *is reported to the Department if*  
24                           *within 21 days of—*

1                   “(I) transferring to another insti-  
2                   tution or program; or

3                   “(II) being hospitalized or other-  
4                   wise incapacitated necessitating a pro-  
5                   longed absence from the academic in-  
6                   stitution or exchange visitor program;  
7                   and

8                   “(B) notwithstanding subparagraph (A), re-  
9                   quire each covered student or exchange visitor to  
10                  be observed at least once every 60 days.

11                  “(6) *ENHANCED ACCESS.*—The Secretary shall  
12                  provide access to the Student and Exchange Visitor  
13                  Information System (hereinafter in this subsection re-  
14                  ferred to as the ‘SEVIS’), or other equivalent program  
15                  or system, to appropriate employees of an institution  
16                  or exchange visitor program sponsor participating in  
17                  the Student and Exchange Visitor Program if—

18                  “(A) at least two authorized users are iden-  
19                  tified at each participating institution or ex-  
20                  change visitor sponsor;

21                  “(B) at least one additional authorized user  
22                  is identified at each such institution or sponsor  
23                  for every 200 covered students or exchange visi-  
24                  tors enrolled at the institution or sponsor; and

1           “(C) *each authorized user is certified by the*  
2           *Secretary as having completed an appropriate*  
3           *training course provided by the Department for*  
4           *the program or system.*

5           “(7) *PROGRAM SUPPORT.—The Secretary shall*  
6           *provide appropriate technical support options to fa-*  
7           *cilitate use of the program or system described in*  
8           *paragraph (4) by authorized users.*

9           “(8) *UPGRADES TO SEVIS OR EQUIVALENT*  
10          *DATA.—The Secretary shall update the program or*  
11          *system described in paragraph (4) to incorporate new*  
12          *data fields that include—*

13               “(A) *verification that a covered student’s*  
14               *performance meets the minimum academic*  
15               *standards of the institution in which such stu-*  
16               *dent is enrolled; and*

17               “(B) *timely entry of academic majors, in-*  
18               *cluding changes to majors, of covered students*  
19               *and exchange visitors enrolled at institutions or*  
20               *exchange program sponsors participating in the*  
21               *Student and Exchange Visitor Program.*

22           “(9) *SAVINGS CLAUSE.— Nothing in this section*  
23           *shall prohibit the Secretary or any institution or ex-*  
24           *change program sponsor participating in the Student*  
25           *Exchange Visitor Program from requiring more fre-*

1       quent observations of covered students or exchange  
2       visitors.”; and

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

4       “(d) *DEFINITIONS.*—For purposes of this section:

5               “(1) The term ‘covered student’ means a student  
6       who is a nonimmigrant pursuant to section  
7       101(1)(15)(F), 101(1)(15)(J), or 101(1)(15)(M) of the  
8       Immigration and Nationality Act of 1952.

9               “(2) The term ‘observed’ means positively identi-  
10      fied by physical or electronic means.

11              “(3) The term ‘authorized user’ means an indi-  
12      vidual nominated by an institution participating in  
13      the Student Exchange Visitor Program and confirmed  
14      by the Secretary as not appearing on any terrorist  
15      watch list.

16       “(e) *AUTHORIZATION OF APPROPRIATIONS.*—Of the  
17      amount authorized by section 101 of the Department of  
18      Homeland Security Authorization Act for Fiscal Year 2008,  
19      there are authorized to be appropriated to the Secretary  
20      such sums as may be necessary to carry out this section.”.

21       (b) *COMPTROLLER GENERAL REVIEW.*—The Comp-  
22      troller General shall conduct a review of the fees for the Stu-  
23      dent and Exchange Visitor Program of the Department of  
24      Homeland Security. The Comptroller General shall include  
25      in such review data from fiscal years 2004 through 2007

1 *and shall consider fees collected by the Department and all*  
2 *expenses associated with the review, issuance, maintenance,*  
3 *data collection, and enforcement functions of the Student*  
4 *and Exchange Visitor Program.*

5 **SEC. 905. ASSESSMENT OF RESOURCES NECESSARY TO RE-**  
6 **DUCE CROSSING TIMES AT LAND PORTS OF**  
7 **ENTRY.**

8 *The Secretary of Homeland Security shall, not later*  
9 *than 180 days after the date of the enactment of this Act,*  
10 *conduct an assessment, and submit a report to the Congress,*  
11 *on the personnel, infrastructure, and technology required to*  
12 *reduce border crossing wait times for pedestrian, commer-*  
13 *cial, and non-commercial vehicular traffic at land ports of*  
14 *entry into the United States to wait times less than prior*  
15 *to September 11, 2001, while ensuring appropriate security*  
16 *checks continue to be conducted.*

17 **SEC. 906. BIOMETRIC IDENTIFICATION OF UNAUTHORIZED**  
18 **ALIENS.**

19 *(a) IN GENERAL.—The Secretary of Homeland Secu-*  
20 *rity shall conduct a pilot program for the mobile biometric*  
21 *identification in the maritime environment of aliens un-*  
22 *lawfully present in the United States.*

23 *(b) REQUIREMENTS.—The Secretary shall ensure that*  
24 *the pilot program is coordinated with other biometric iden-*  
25 *tification programs within the Department of Homeland*

1 *Security and shall evaluate the costs and feasibility of ex-*  
2 *panding the capability to all appropriate Department of*  
3 *Homeland Security maritime vessels.*

4 (c) *AUTHORIZATION OF APPROPRIATIONS.—Of the*  
5 *amounts authorized in section 101, there is authorized to*  
6 *be appropriated \$10,000,000 to carry out this section.*

7 ***SEC. 907. REPORT BY GOVERNMENT ACCOUNTABILITY OF-***  
8 ***FICE REGARDING POLICIES AND PROCE-***  
9 ***DURES OF THE BORDER PATROL.***

10 (a) *IN GENERAL.—Not later than 180 days after the*  
11 *date of the enactment of this Act, the Comptroller General*  
12 *of the United States shall submit to the Committee on*  
13 *Homeland Security of the House of Representatives and the*  
14 *Committee on Homeland Security and Governmental Af-*  
15 *airs of the Senate a report regarding the policies and pro-*  
16 *cedures of the Border Patrol pertaining to the use of lethal*  
17 *and non-lethal force and the pursuit of fleeing vehicles, in-*  
18 *cluding data on the number of incidents in which lethal*  
19 *or non-lethal force was used and any penalties that were*  
20 *imposed on Border Patrol agents as a result of such use.*

21 (b) *CONSULTATION.—*

22 (1) *REQUIREMENT.—In complying with this sec-*  
23 *tion, the Comptroller General shall consult with Cus-*  
24 *toms and Border Protection and with representatives*  
25 *of the following:*

1           (A) *State and local law enforcement agen-*  
2           *cies located along the northern and southern*  
3           *international borders of the United States.*

4           (B) *The National Border Patrol Council.*

5           (C) *The National Association of Former*  
6           *Border Patrol Officers.*

7           (D) *Human rights groups with experience*  
8           *regarding aliens who cross the international*  
9           *land borders of the United States.*

10          (E) *Any other group that the Comptroller*  
11          *General determines would be appropriate.*

12          (2) *INCLUSION OF OPINIONS.—The Comptroller*  
13          *General shall attach written opinions provided by*  
14          *groups referenced to in paragraph (1) as appendices*  
15          *to the report.*

16                   ***TITLE X—INFORMATION***  
17                   ***SHARING IMPROVEMENTS***

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

19          (a) *IN GENERAL.—Subtitle I of title VIII of the Home-*  
20          *land Security Act of 2002 (6 U.S.C. 481 et seq.) is amended*  
21          *by striking sections 895 through 899 and inserting the fol-*  
22          *lowing:*

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

24          ***“(a) ESTABLISHMENT.—The Secretary shall establish***  
25          ***within the Department a State and Local Fusion Center***

1 *Program. The program shall be overseen by the component*  
2 *charged with overseeing information sharing of homeland*  
3 *security information with State, local and tribal law en-*  
4 *forcement. The purpose of the State and Local Fusion Cen-*  
5 *ter Program is to facilitate information sharing between the*  
6 *Department and State, local, and tribal law enforcement*  
7 *for homeland security and other purposes.*

8       “(b) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
9 *authorized to be appropriated to the Secretary such sums*  
10 *as are necessary for the Secretary to carry out the purpose*  
11 *of the State and Local Fusion Center Program, including*  
12 *for—*

13               “(1) *deploying Department personnel with intel-*  
14 *ligence and operational skills to State and local fu-*  
15 *sion centers participating in the Program;*

16               “(2) *hiring and maintaining individuals with*  
17 *substantial law enforcement experience who have re-*  
18 *tired from public service and deploying such individ-*  
19 *uals to State and local fusion centers participating in*  
20 *the Program (with the consent of such centers); and*

21               “(3) *maintaining an adequate number of staff at*  
22 *the headquarters of the Department to sustain and*  
23 *manage the portion of the Program carried out at the*  
24 *headquarters and to otherwise fill positions vacated*

1        *by Department staff deployed to State and local fu-*  
2        *sion centers participating in the Program.”.*

3        *(b) CLERICAL AMENDMENT.—The table of contents in*  
4        *section 1(b) of such Act is amended by striking the items*  
5        *relating to sections 895 through 899 and inserting the fol-*  
6        *lowing:*

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

7        *(c) PRIOR AMENDMENTS NOT AFFECTED.—This sec-*  
8        *tion shall not be construed to affect the application of sec-*  
9        *tions 895 through 899 of the Homeland Security Act of*  
10       *2002 (including provisions enacted by the amendments*  
11       *made by those sections), as in effect before the effective date*  
12       *of this section.*

13       **SEC. 1002. FUSION CENTER PRIVACY AND CIVIL LIBERTIES**  
14       **TRAINING PROGRAM.**

15       *(a) IN GENERAL.—Subtitle A of title II of the Home-*  
16       *land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended*  
17       *by adding at the end the following new section:*

18       **“SEC. 203. FUSION CENTER PRIVACY AND CIVIL LIBERTIES**  
19       **TRAINING PROGRAM.**

20       *“(a) ESTABLISHMENT.—The Secretary, through the*  
21       *Assistant Secretary for Information Analysis, the Privacy*  
22       *Officer, and the Officer for Civil Rights and Civil Liberties,*  
23       *shall establish a program within the Office of Civil Rights*  
24       *and Civil Liberties to provide privacy, civil liberties, and*  
25       *civil rights protection training for appropriate Department*

1 *employees and State, local, tribal employees serving in*  
2 *State and local fusion centers participating in the State*  
3 *and Local Fusion Center Program.*

4 “(b) *MANDATORY TRAINING.*—

5 “(1) *DEPARTMENT EMPLOYEES.*—*The Secretary*  
6 *shall require each employee of the Department who is*  
7 *embedded at a State or local fusion center and has ac-*  
8 *cess to United States citizens and legal permanent*  
9 *residents personally identifiable information to suc-*  
10 *cessfully complete training under the program estab-*  
11 *lished under subsection (a).*

12 “(2) *FUSION CENTER REPRESENTATIVES.*—*As a*  
13 *condition of receiving a grant from the Department,*  
14 *a fusion center shall require each State, local, tribal,*  
15 *or private sector representative of the fusion center to*  
16 *successfully complete training under the program es-*  
17 *tablished under subsection (a) not later than six*  
18 *months after the date on which the State or local fu-*  
19 *sion center at which the employee is embedded re-*  
20 *ceives a grant from the Department.*

21 “(c) *CONTENTS OF TRAINING.*—*Training provided*  
22 *under the program established under subsection (a) shall*  
23 *include training in Federal law in each of the following:*

24 “(1) *Privacy, civil liberties, and civil rights poli-*  
25 *cies, procedures, and protocols that can provide or*

1       *control access to information at a State or local fu-*  
2       *sion center.*

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

6               “(3) *The handling of personally identifiable in-*  
7       *formation in a responsible and appropriate manner.*

8               “(4) *Appropriate procedures for the destruction*  
9       *of information that is no longer needed.*

10              “(5) *The consequences of failing to provide ade-*  
11       *quate privacy and civil liberties protections.*

12              “(6) *Compliance with Federal regulations setting*  
13       *standards for multijurisdictional criminal intelligence*  
14       *systems, including 28 CFR 23 (as in effect on the*  
15       *date of the enactment of this section).*

16              “(7) *The use of immutable auditing mechanisms*  
17       *designed to track access to information at a State or*  
18       *local fusion center.*

19              “(d) *CERTIFICATION OF TRAINING.—The Secretary,*  
20       *acting through the head of the Office of Civil Rights and*  
21       *Civil Liberties, shall issue a certificate to each person who*  
22       *completes the training under this section and performs suc-*  
23       *cessfully in a written examination administered by the Of-*  
24       *fice of Civil Rights and Civil Liberties. A copy of each such*  
25       *certificate issued to an individual working at a partici-*

1 *pating fusion center shall be kept on file at that fusion cen-*  
2 *ter.*

3 “(e) *AUTHORIZATION OF APPROPRIATIONS.—Of the*  
4 *amounts authorized by section 101, there are authorized to*  
5 *be appropriate to carry out this section—*

6 “(1) *\$3,000,000 for each of fiscal years 2008*  
7 *through 2013; and*

8 “(2) *such sums as may be necessary for each sub-*  
9 *sequent fiscal year.”.*

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

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

13 **SEC. 1003. AUTHORITY TO APPOINT AND MAINTAIN A**  
14 **CADRE OF FEDERAL ANNUITANTS FOR THE**  
15 **OFFICE OF INFORMATION ANALYSIS.**

16 (a) *DEFINITIONS.—For purposes of this section—*

17 (1) *the term “IA” means the Office of Informa-*  
18 *tion Analysis;*

19 (2) *the term “annuitant” means an annuitant*  
20 *under a Government retirement system;*

21 (3) *the term “Government retirement system”*  
22 *has the meaning given such term by section 501(a);*  
23 *and*

1           (4) *the term “employee” has the meaning given*  
2       *such term by section 2105 of title 5, United States*  
3       *Code.*

4       (b) *APPOINTMENT AUTHORITY.—The Secretary (act-*  
5       *ing through the Assistant Secretary for Information Anal-*  
6       *ysis) may, for the purpose of accelerating the ability of IA*  
7       *to perform its statutory duties under the Homeland Secu-*  
8       *rity Act of 2002, appoint annuitants to positions in IA in*  
9       *accordance with succeeding provisions of this section.*

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

19       (d) *LIMITATIONS.—No appointment under subsection*  
20       *(b) may be made if such appointment would result in the*  
21       *displacement of any employee or would cause the total num-*  
22       *ber of positions filled by annuitants appointed under such*  
23       *subsection to exceed 100 as of any time (determined on a*  
24       *full-time equivalent basis).*

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

5       (f) *TERMINATION.*—*Upon the expiration of the 5-year*  
6 *period beginning on the date of the enactment of this Act—*

7           (1) *any authority to make appointments under*  
8 *subsection (b) shall cease to be available; and*

9           (2) *all exemptions under subsection (c) shall*  
10 *cease to be effective.*

11       ***TITLE XI—MISCELLANEOUS***  
12       ***PROVISIONS***

13       ***SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY***  
14       ***GRANTS.***

15       *The Secretary of Homeland Security shall ensure that*  
16 *all funds administered by the Department of Homeland Se-*  
17 *curity to support the interoperable communications needs*  
18 *of State, local, and tribal agencies, including funds admin-*  
19 *istered pursuant to a Memorandum of Understanding or*  
20 *other agreement, may be used to support the standards out-*  
21 *lined in the SAFECOM interoperability continuum, in-*  
22 *cluding governance, standard operating procedures, tech-*  
23 *nology, training and exercises, and usage.*

1 **SEC. 1102. RURAL HOMELAND SECURITY TRAINING INITIA-**  
2 **TIVE.**

3 (a) *ESTABLISHMENT.*—*The Secretary of Homeland*  
4 *Security shall establish a program to be administered by*  
5 *the Director of the Federal Law Enforcement Training Cen-*  
6 *ter of the Department of Homeland Security to expand*  
7 *homeland security training to units of local and tribal gov-*  
8 *ernments located in rural areas. The Secretary shall take*  
9 *the following actions:*

10 (1) *EVALUATION OF NEEDS OF RURAL AREAS.*—  
11 *The Secretary shall evaluate the needs of such areas.*

12 (2) *DEVELOPMENT OF TRAINING PROGRAMS.*—  
13 *The Secretary shall develop expert training programs*  
14 *designed to respond to the needs of such areas, includ-*  
15 *ing, but not limited to, those pertaining to rural*  
16 *homeland security responses including protections for*  
17 *privacy, and civil rights and civil liberties.*

18 (3) *PROVISION OF TRAINING PROGRAMS.*—*The*  
19 *Secretary shall provide to such areas the training*  
20 *programs developed under paragraph (2).*

21 (4) *OUTREACH EFFORTS.*—*The Secretary shall*  
22 *conduct outreach efforts to ensure that such areas are*  
23 *aware of the training programs developed under*  
24 *paragraph (2) so that such programs are made avail-*  
25 *able to units of local government and tribal govern-*  
26 *ments located in rural areas.*

1       (b) *NO DUPLICATION OR DISPLACEMENT OF CURRENT*  
2 *PROGRAMS.*—Any training program developed under para-  
3 graph (2) of subsection (a) and any training provided by  
4 the program pursuant to such subsection shall be developed  
5 or provided, respectively, in a manner so as to not duplicate  
6 or displace any program in existence on the date of the en-  
7 actment of this section.

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

17       (d) *RURAL DEFINED.*—In this section, the term  
18 “rural” means an area that is not located in a metropolitan  
19 statistical area, as defined by the Office of Management and  
20 Budget.

21 **SEC. 1103. CRITICAL INFRASTRUCTURE STUDY.**

22       (a) *IN GENERAL.*—The Secretary of Homeland Secu-  
23 rity shall work with the Center for Risk and Economic  
24 Analysis of Terrorism Events (CREATE), led by the Uni-  
25 versity of Southern California, to evaluate the feasibility

1 *and practicality of creating further incentives for private*  
2 *sector stakeholders to share protected critical infrastructure*  
3 *information with the Department for homeland security*  
4 *and other purposes.*

5 (b) *INCLUDED INCENTIVES.—Incentives evaluated*  
6 *under this section shall include, but not be limited to, tax*  
7 *incentives, grant eligibility incentives, and certificates of*  
8 *compliance and other non-monetary incentives.*

9 (c) *RECOMMENDATIONS.—The evaluation shall also in-*  
10 *clude recommendations on the structure and thresholds of*  
11 *any incentive program.*

12 **SEC. 1104. TERRORIST WATCH LIST AND IMMIGRATION STA-**  
13 **TUS REVIEW AT HIGH-RISK CRITICAL INFRA-**  
14 **STRUCTURE.**

15 *From amounts authorized under section 101, there*  
16 *may be appropriated such sums as are necessary for the*  
17 *Secretary of Homeland Security to require each owner or*  
18 *operator of a Tier I or Tier II critical infrastructure site*  
19 *as selected for the Buffer Zone Protection Program, to con-*  
20 *duct checks of their employees against available terrorist*  
21 *watch lists and immigration status databases.*

22 **SEC. 1105. AUTHORIZED USE OF SURPLUS MILITARY VEHI-**  
23 **CLES.**

24 *The Secretary of Homeland Security shall include*  
25 *United States military surplus vehicles having dem-*

1 *onstrated utility for responding to terrorist attacks, major*  
2 *disasters, and other emergencies on the Authorized Equip-*  
3 *ment List in order to allow State, local, and tribal agencies*  
4 *to purchase, modify, upgrade, and maintain such vehicles*  
5 *using homeland security assistance administered by the De-*  
6 *partment of Homeland Security.*

7 **SEC. 1106. COMPUTER CAPABILITIES TO SUPPORT REAL-**  
8 **TIME INCIDENT MANAGEMENT.**

9 *From amounts authorized under section 101, there are*  
10 *authorized such sums as may be necessary for the Secretary*  
11 *of Homeland Security to encourage the development and use*  
12 *of software- or Internet-based computer capabilities to sup-*  
13 *port real-time incident management by Federal, State,*  
14 *local, and tribal agencies. Such software-based capabilities*  
15 *shall be scalable and not be based on proprietary systems*  
16 *to ensure the compatibility of Federal, State, local, and*  
17 *tribal first responder agency incident management systems.*  
18 *In the development and implementation of such computer*  
19 *capabilities, the Secretary shall consider the feasibility and*  
20 *desirability of including the following capabilities:*

- 21 *(1) Geographic information system data.*  
22 *(2) Personnel, vehicle, and equipment tracking*  
23 *and monitoring.*  
24 *(3) Commodity tracking and other logistics man-*  
25 *agement.*

1           (4) *Evacuation center and shelter status track-*  
2           *ing.*

3           (5) *Such other capabilities as determined appro-*  
4           *priate by the Secretary.*

5   **SEC. 1107. EXPENDITURE REPORTS AS A CONDITION OF**  
6           **HOMELAND SECURITY GRANTS.**

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

10   **“SEC. 890A. EXPENDITURE REPORTS AS A CONDITION OF**  
11           **HOMELAND SECURITY GRANTS.**

12           “(a) *QUARTERLY REPORTS REQUIRED AS A CONDI-*  
13           *TION OF HOMELAND SECURITY GRANTS.*—

14                   “(1) *EXPENDITURE REPORTS REQUIRED.*—*As a*  
15           *condition of receiving a grant administered by the*  
16           *Secretary, the Secretary shall require the grant re-*  
17           *cipient to submit quarterly reports to the Secretary*  
18           *describing the nature and amount of each expenditure*  
19           *made by the recipient using grant funds.*

20                   “(2) *DEADLINE FOR REPORTS.*—*Each report re-*  
21           *quired under paragraph (1) shall be submitted not*  
22           *later than 30 days after the last day of a fiscal quar-*  
23           *ter and shall cover expenditures made during that fis-*  
24           *cal quarter.*

1       “(b) *PUBLICATION OF EXPENDITURES.*—Not later  
2   than 30 days after receiving a report under subsection (a),  
3   the Secretary shall publish and make publicly available on  
4   the Internet website of the Department a description of the  
5   nature and amount of each expenditure covered by the re-  
6   port.

7       “(c) *PROTECTION OF SENSITIVE INFORMATION.*—In  
8   meeting the requirements of this section, the Secretary shall  
9   take appropriate action to ensure that sensitive information  
10  is not disclosed.”.

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

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

14   **SEC. 1108. ENCOURAGING USE OF COMPUTERIZED TRAIN-**  
15                   **ING AIDS.**

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

1 **SEC. 1109. PROTECTION OF NAME, INITIALS, INSIGNIA, AND**  
2 **DEPARTMENTAL SEAL.**

3 *Section 875 of the Homeland Security Act of 2002 (6*  
4 *U.S.C. 455) is amended by adding at the end the following*  
5 *new subsection:*

6 “(d) *PROTECTION OF NAME, INITIALS, INSIGNIA, AND*  
7 *SEAL.*—

8 “(1) *IN GENERAL.*—*Except with the written per-*  
9 *mission of the Secretary, no person may knowingly*  
10 *use, in connection with any advertisement, commer-*  
11 *cial activity, audiovisual production (including film*  
12 *or television production), impersonation, Internet do-*  
13 *main name, Internet e-mail address, or Internet Web*  
14 *site, merchandise, retail product, or solicitation in a*  
15 *manner reasonably calculated to convey the impres-*  
16 *sion that the Department or any organizational ele-*  
17 *ment of the Department has approved, endorsed, or*  
18 *authorized such use, any of the following (or any*  
19 *colorable imitation thereof):*

20 “(A) *The words ‘Department of Homeland*  
21 *Security’, the initials ‘DHS’, the insignia or seal*  
22 *of the Department, or the title ‘Secretary of*  
23 *Homeland Security’.*

24 “(B) *The name, initials, insignia, or seal of*  
25 *any organizational element (including any*  
26 *former such element) of the Department, or the*

1           *title of any other officer or employee of the De-*  
2           *partment, notice of which has been published by*  
3           *the Secretary in accordance with paragraph (3).*

4           “(2) *CIVIL ACTION.*—Whenever it appears to the  
5           *Attorney General that any person is engaged or is*  
6           *about to engage in an act or practice that constitutes*  
7           *or will constitute conduct prohibited by paragraph*  
8           *(1) the Attorney General may initiate a civil pro-*  
9           *ceeding in a district court of the United States to en-*  
10          *join such act or practice. Such court shall proceed as*  
11          *soon as practicable to the hearing and determination*  
12          *of such action and may, at any time before final de-*  
13          *termination, enter such restraining orders or prohibi-*  
14          *tions, or take such other actions as is warranted, to*  
15          *prevent injury to the United States or to any person*  
16          *or class of persons for whose protection the action is*  
17          *brought.*

18          “(3) *NOTICE AND PUBLICATION.*—The notice and  
19          *publication to which paragraph (1)(B) refers is a no-*  
20          *tice published in the Federal Register including the*  
21          *name, initials, seal, or class of titles protected under*  
22          *paragraph (1)(B) and a statement that they are pro-*  
23          *TECTED under that provision. The Secretary may*  
24          *amend such notice from time to time as the Secretary*  
25          *determines appropriate in the public interest and*

1       *shall publish such amendments in the Federal Reg-*  
2       *ister.*

3               “(4) *AUDIOVISUAL PRODUCTION.*—*For the pur-*  
4       *pose of this subsection, the term ‘audiovisual produc-*  
5       *tion’ means the production of a work that consists of*  
6       *a series of related images that are intrinsically in-*  
7       *tended to be shown by the use of machines or devices*  
8       *such as projectors, viewers, or electronic equipment,*  
9       *together with accompanying sounds, if any, regardless*  
10       *of the nature of the material objects, such as films or*  
11       *tapes, in which the work is embodied.”.*

12   **SEC. 1110. REPORT ON UNITED STATES SECRET SERVICE**  
13               **APPROACH TO SHARING UNCLASSIFIED, LAW**  
14               **ENFORCEMENT SENSITIVE INFORMATION**  
15               **WITH FEDERAL, STATE, AND LOCAL PART-**  
16               **NERS.**

17       “(a) *REPORT BY DIRECTOR OF UNITED STATES SE-*  
18       *CRET SERVICE.*—*Not later than 240 days after the date of*  
19       *the enactment of this Act, the Director of the United States*  
20       *Secret Service shall submit to the Committee on Homeland*  
21       *Security of the House of Representatives, the Committee on*  
22       *Homeland Security and Governmental Affairs of the Sen-*  
23       *ate, and the Inspector General of the Department of Home-*  
24       *land Security a report describing the approach of the Secret*  
25       *Service to sharing unclassified, law enforcement sensitive*

1 *information with Federal, State, and local law enforcement*  
2 *agencies for homeland security and other purposes.*

3       **(b) REPORT BY INSPECTOR GENERAL.**—*The Inspector*  
4 *General of the Department of Homeland Security shall con-*  
5 *duct a review of the report submitted by the Director of*  
6 *the United States Secret Service under subsection (a), and*  
7 *submit a report with recommendations on whether and how*  
8 *such approach could be incorporated throughout the Depart-*  
9 *ment to Congress within 240 days after receiving the report*  
10 *of the Director of the United States Secret Service under*  
11 *subsection (a).*

12 **SEC. 1111. REPORT ON UNITED STATES SECRET SERVICE**

13               **JAMES J. ROWLEY TRAINING CENTER.**

14       *Within 240 days after the date of the enactment of this*  
15 *Act, the Inspector General of the Department of Homeland*  
16 *Security shall provide to the appropriate congressional*  
17 *committees, including the Committees on Homeland Secu-*  
18 *rity and Appropriations of the House of Representatives*  
19 *and the Committees on Homeland Security and Govern-*  
20 *mental Affairs and Appropriations of the Senate, a report*  
21 *describing the following:*

22               (1) *The mission and training capabilities of the*  
23 *United States Secret Service James J. Rowley Train-*  
24 *ing Center.*

1           (2) *Current Secret Service personnel throughput*  
2           *capacity of the James J. Rowley Training Center.*

3           (3) *Maximum Secret Service personnel through-*  
4           *put capacity of the James J. Rowley Training Cen-*  
5           *ter.*

6           (4) *An assessment of what departmental compo-*  
7           *nents engage in similar training activities as those*  
8           *conducted at the James J. Rowley Training Center.*

9           (5) *An assessment of the infrastructure enhance-*  
10          *ments needed to support the mission and training ca-*  
11          *pabilities of the James J. Rowley Training Center.*

12          (6) *An assessment of the actual and expected*  
13          *total throughput capacity at the James J. Rowley*  
14          *Training Center, including outside entity partici-*  
15          *pants.*

16 **SEC. 1112. METROPOLITAN MEDICAL RESPONSE SYSTEM**  
17 **PROGRAM.**

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

21 **“SEC. 522. METROPOLITAN MEDICAL RESPONSE SYSTEM**  
22 **PROGRAM.**

23          “(a) *IN GENERAL.—There is a Metropolitan Medical*  
24          *Response System Program (in this section referred to as*  
25          *the ‘program’).*

1       “(b) *PURPOSE.*—*The purpose of the program shall be*  
2 *to support local jurisdictions in enhancing and maintain-*  
3 *ing all-hazards response capabilities to manage mass cas-*  
4 *ualty incidents (including terrorist acts using chemical, bi-*  
5 *ological, radiological, nuclear agents, or explosives, large-*  
6 *scale hazardous materials incidents, epidemic disease out-*  
7 *breaks, and natural disasters) by systematically enhancing*  
8 *and integrating first responders, public health personnel,*  
9 *emergency management personnel, business representatives,*  
10 *and volunteers.*

11       “(c) *PROGRAM ADMINISTRATION.*—*The Assistant Sec-*  
12 *retary for Health Affairs shall develop the programmatic*  
13 *and policy guidance for the program in coordination with*  
14 *the Administrator of the Federal Emergency Management*  
15 *Agency.*

16       “(d) *PERSONNEL COSTS.*—*The program shall not be*  
17 *subject to an administrative cap on the hiring of personnel*  
18 *to conduct program activities.*

19       “(e) *FINANCIAL ASSISTANCE.*—

20               “(1) *ADMINISTRATION.*—*The Administrator of*  
21 *the Federal Emergency Management Agency shall ad-*  
22 *minister financial assistance provided to State and*  
23 *local jurisdictions under the program.*

24               “(2) *ASSISTANCE TO LOCAL JURISDICTIONS.*—*In*  
25 *providing financial assistance to a State under the*

1        *program, the Administrator shall ensure that 100*  
2        *percent of the amount of such assistance is allocated*  
3        *by the State to local jurisdictions, except that a State*  
4        *may retain up to 20 percent of the amount of such*  
5        *assistance to facilitate integration between the State*  
6        *and the local jurisdiction pursuant to a written*  
7        *agreement between the State and the chair of the Met-*  
8        *ropolitan Medical Response System steering com-*  
9        *mittee.*

10        *“(3) MUTUAL AID.—*

11                *“(A) AGREEMENTS.—Local jurisdictions re-*  
12                *ceiving assistance under the program are encour-*  
13                *aged to develop and maintain memoranda of un-*  
14                *derstanding and agreement with neighboring ju-*  
15                *risdictions to support a system of mutual aid*  
16                *among the jurisdictions.*

17                *“(B) CONTENTS.—A memorandum referred*  
18                *to in subparagraph (A) shall include, at a min-*  
19                *imum, policies and procedures to—*

20                        *“(i) enable the timely deployment of*  
21                        *program personnel and equipment across*  
22                        *jurisdictions and, if relevant, across State*  
23                        *boundaries;*

24                        *“(ii) share information in a consistent*  
25                        *and timely manner; and*

1                   “(iii) notify State authorities of the de-  
2                   ployment of program resources in a manner  
3                   that ensures coordination with State agen-  
4                   cies without impeding the ability of pro-  
5                   gram personnel and equipment to respond  
6                   rapidly to emergencies in other jurisdic-  
7                   tions.

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

12          (b) PROGRAM REVIEW.—

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

16               (2) CONTENT OF REVIEW.—In conducting the re-  
17               view of the program, the Assistant Secretary shall ex-  
18               amine—

19                   (A) strategic goals;

20                   (B) objectives;

21                   (C) operational capabilities;

22                   (D) resource requirements;

23                   (E) performance metrics;

24                   (F) administration;

1           (G) *whether the program would be more ef-*  
2           *fective if it were managed as a contractual*  
3           *agreement;*

4           (H) *the degree to which the program's stra-*  
5           *tegic goals, objectives, and capabilities are incor-*  
6           *porated in State and local homeland security*  
7           *plans; and*

8           (I) *challenges in the coordination among*  
9           *public health, public safety, and other stake-*  
10          *holder groups to prepare for and respond to mass*  
11          *casualty incidents.*

12          (3) *REPORT.—Not later than 9 months after the*  
13          *date of enactment of this subsection, the Assistant*  
14          *Secretary shall submit to the Committee on Home-*  
15          *land Security of the House of Representatives and the*  
16          *Committee on Homeland Security and Governmental*  
17          *Affairs of the Senate a report on the results of the re-*  
18          *view.*

19          (c) *CONFORMING AMENDMENTS.—*

20               (1) *REPEAL.—Section 635 of the Post-Katrina*  
21          *Management Reform Act of 2006 (6 U.S.C. 723) is re-*  
22          *pealed.*

23               (2) *TABLE OF CONTENTS.—The table of contents*  
24          *contained in section 1(b) of the Homeland Security*

1       *Act of 2002 is amended by inserting after the item re-*  
2       *lating to section 521 the following:*

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

3   **SEC. 1113. IDENTITY FRAUD PREVENTION GRANT PRO-**  
4       **GRAM.**

5       *(a) FINDINGS.—Congress finds the following:*

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

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

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

1   **“SEC. 447. DOCUMENT FRAUD PREVENTION GRANT PRO-**  
2                           **GRAM.**

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

9           “(b) *USE OF FUNDS.*—*A recipient of a grant under*  
10   *this section may use the grant for any of the following pur-*  
11   *poses:*

12           “(1) *To develop machine readable technology,*  
13    *encryption methods, or other means of protecting*  
14    *against unauthorized access of information appearing*  
15    *on licenses or identification.*

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

20           “(3) *To develop or implement a security plan de-*  
21    *signed to safeguard the privacy of personal informa-*  
22    *tion collected, maintained, and used by State motor*  
23    *vehicles offices from unauthorized access, misuse,*  
24    *fraud, and identity theft.*

25           “(4) *To develop a querying service that allows*  
26    *access to Federal databases in a timely, secure, and*

1       *cost-effective manner, in order to verify the issuance,*  
2       *validity, content, and completeness of source docu-*  
3       *ments provided by applicants for identity documents*  
4       *issued by State agencies, including departments of*  
5       *motor vehicles.*

6               “(5) *To develop a system for States to capture*  
7       *and store digital images of identity source documents*  
8       *and photographs of applicants in electronic format.*

9               “(6) *To design systems or establish procedures*  
10       *that would reduce the number of in-person visits re-*  
11       *quired to State departments of motor vehicles to ob-*  
12       *tain State-issued identity documents used for Federal*  
13       *official purposes.*

14              “(c) *PRIORITY IN AWARDING GRANTS.—In awarding*  
15       *grants under this section the Secretary shall give priority*  
16       *to a State that demonstrates that—*

17               “(1) *the grant will assist the State in complying*  
18       *with any regulation issued by the Department to pre-*  
19       *vent the fraudulent issuance of identification docu-*  
20       *ments to be used for official Federal purposes; and*

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

23              “(d) *LIMITATION ON SOURCE OF FUNDING.—The Sec-*  
24       *retary may not use amounts made available under this sec-*  
25       *tion for any other grant program of the Department to pro-*

1 *vide funding for expenses related to the REAL ID Act of*  
2 *2005 (Public Law 109–13).*

3 “(e) *AUTHORIZATION OF APPROPRIATIONS.—Of the*  
4 *amounts authorized by section 101 there are authorized to*  
5 *be appropriated to the Secretary for making grants under*  
6 *this section—*

7 “(1) *120,000,000 for fiscal year 2008;*

8 “(2) *\$100,000,000 for fiscal year 2009; and*

9 “(3) *\$80,000,000 for fiscal year 2010.”.*

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

*“Sec. 447. Document fraud prevention grant program.”.*

13 **SEC. 1114. TECHNICAL CORRECTIONS.**

14 *The Homeland Security Act of 2002 (Public Law 107–*  
15 *296; 6 U.S.C. 361 et seq.) is amended—*

16 (1) *in section 1(b) in the table of contents by*  
17 *striking the items relating to the second title XVIII,*  
18 *as added by section 501(b)(3) of Public Law 109–347,*  
19 *and inserting the following:*

**“TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE**

*“Sec. 1901. Domestic Nuclear Detection Office.*

*“Sec. 1902. Mission of Office.*

*“Sec. 1903. Hiring authority.*

*“Sec. 1904. Testing authority.*

*“Sec. 1905. Relationship to other Department entities and Federal agencies.*

*“Sec. 1906. Contracting and grant making authorities.”.*

1           (2) *by redesignating the second title XVIII, as*  
2           *added by section 501(a) of Public Law 109–347, as*  
3           *title XIX;*

4           (3) *in title XIX (as so redesignated)—*

5                 (A) *by redesignating sections 1801 through*  
6                 *1806 as sections 1901 through 1906, respectively;*

7                 (B) *in section 1904(a) (6 U.S.C. 594(a)), as*  
8                 *so redesignated, by striking “section 1802” and*  
9                 *inserting “section 1902”; and*

10                (C) *in section 1906 (6 U.S.C. 596), as so re-*  
11                *designated, by striking “section 1802(a)” each*  
12                *place it appears and inserting “section 1902(a)”.*

13   **SEC. 1115. CITIZEN CORPS.**

14           *Of the amount authorized to be appropriated under*  
15   *section 101, such sums as may be necessary shall be avail-*  
16   *able to the Secretary of Homeland Security to encourage*  
17   *the use of Citizen Corps funding and local Citizen Corps*  
18   *Councils to provide education and training for populations*  
19   *located around critical infrastructure on preparing for and*  
20   *responding to terrorist attacks, major disasters, and other*  
21   *emergencies.*

1 **SEC. 1116. REPORT REGARDING DEPARTMENT OF HOME-**  
2 **LAND SECURITY IMPLEMENTATION OF COMP-**  
3 **TROLLER GENERAL AND INSPECTOR GEN-**  
4 **ERAL RECOMMENDATIONS REGARDING PRO-**  
5 **TECTION OF AGRICULTURE.**

6 (a) *REPORT REQUIRED.*—The Secretary of Homeland  
7 Security shall prepare a report describing how the Depart-  
8 ment of Homeland Security will implement the applicable  
9 recommendations of the following reports:

10 (1) *Comptroller General report entitled “Home-*  
11 *land Security: How Much is Being Done to Protect*  
12 *Agriculture from a Terrorist Attack, but Important*  
13 *Challenges Remain” (GAO–05–214).*

14 (2) *Department of Homeland Security Office of*  
15 *Inspector General report entitled “The Department of*  
16 *Homeland Security’s Role in Food Defense and Crit-*  
17 *ical Infrastructure Protection” (OIG–07–33).*

18 (b) *SUBMISSION OF REPORT.*—Not later than 120 days  
19 after the date of the enactment of this Act, the Secretary  
20 shall submit the report to the Committee on Homeland Se-  
21 curity of the House of Representatives and the Committee  
22 on Homeland Security and Governmental Affairs of the  
23 Senate. If the Secretary determines that a specific rec-  
24 ommendation will not be implemented or will not be fully  
25 implemented, the Secretary shall include in the report a

1 *description of the reasoning or justification for the deter-*  
2 *mination.*

3 **SEC. 1117. REPORT REGARDING LEVEE SYSTEM.**

4 (a) *IN GENERAL.*—Not later than 6 months after the  
5 date of the enactment of this Act, the Secretary of Homeland  
6 Security shall submit to the appropriate congressional com-  
7 mittees a report analyzing the threat, vulnerability, and  
8 consequence of a terrorist attack on the levee system of the  
9 United States.

10 (b) *EXISTING REPORTS.*—In implementing this sec-  
11 tion, the Secretary may build upon existing reports as nec-  
12 essary.

13 **SEC. 1118. REPORT ON FORCE MULTIPLIER PROGRAM.**

14 Not later than 60 days after the date of the enactment  
15 of this Act, the Secretary of Homeland Security shall sub-  
16 mit to the appropriate congressional committees a report  
17 on the progress of the Secretary—

18 (1) *in establishing procedures to ensure compli-*  
19 *ance with section 44917(a)(7) of title 49, United*  
20 *States Code; and*

21 (2) *in accomplishing the operational aspects of*  
22 *the Force Multiplier Program, as required pursuant*  
23 *to the Department of Homeland Security Appropria-*  
24 *tions Act, 2007 (Public Law 109–295).*

1 **SEC. 1119. ELIGIBILITY OF STATE JUDICIAL FACILITIES FOR**  
2 **STATE HOMELAND SECURITY GRANTS.**

3 (a) *IN GENERAL.*—States may utilize covered grants  
4 for the purpose of providing funds to State and local judi-  
5 cial facilities for security at those facilities.

6 (b) *COVERED GRANTS.*—For the purposes of this sec-  
7 tion, the term “covered grant” means a grant under any  
8 of the following programs of the Department of Homeland  
9 Security:

10 (1) *The State Homeland Security Grant Pro-*  
11 *gram.*

12 (2) *The Urban Area Security Initiative.*

13 **SEC. 1120. AUTHORIZATION OF HOMELAND SECURITY**  
14 **FUNCTIONS OF THE UNITED STATES SECRET**  
15 **SERVICE.**

16 (a) *AUTHORIZED FUNDING.*—Of the amounts author-  
17 ized by section 101, there is authorized to be appropriated  
18 for fiscal year 2008 for necessary expenses of the United  
19 States Secret Service, \$1,641,432,000.

20 (b) *AUTHORIZED PERSONNEL STRENGTH.*—The  
21 United States Secret Service is authorized to provide 6,822  
22 full-time equivalent positions.

23 **SEC. 1121. DATA SHARING.**

24 *The Secretary of Homeland Security shall provide in-*  
25 *formation relating to assistance requested or provided in*  
26 *response to a terrorist attack, major disaster, or other emer-*

1 *gency, to Federal, State, or local law enforcement entities*  
2 *to assist in the location of a missing child or registered sex*  
3 *offender. In providing such information, the Secretary shall*  
4 *take reasonable steps to protect the privacy of individuals.*

5 ***TITLE XII—MARITIME ALIEN***  
6 ***SMUGGLING***

7 ***SEC. 1201. SHORT TITLE.***

8 *This title may be cited as the “Maritime Alien Smug-*  
9 *gling Law Enforcement Act”.*

10 ***SEC. 1202. CONGRESSIONAL DECLARATION OF FINDINGS.***

11 *The Congress finds and declares that maritime alien*  
12 *smuggling violates the national sovereignty of the United*  
13 *States, places the country at risk of terrorist activity, com-*  
14 *promises the country’s border security, contravenes the rule*  
15 *of law, and compels an unnecessary risk to life among those*  
16 *who enforce the Nation’s laws. Moreover, such maritime*  
17 *alien smuggling creates a condition of human suffering*  
18 *among those who seek to enter the United States without*  
19 *official permission or lawful authority that is to be univer-*  
20 *sally condemned and vigorously opposed.*

21 ***SEC. 1203. DEFINITIONS.***

22 *In this title:*

23 *(1) The term “alien” has the same meaning*  
24 *given that term in section 101 of the Immigration*  
25 *and Nationality Act (8 U.S.C. 1101).*

1           (2) *The term “lawful authority” means permis-*  
2           *sion, authorization, or waiver that is expressly pro-*  
3           *vided for in the immigration laws of the United*  
4           *States or the regulations prescribed thereunder and*  
5           *does not include any such authority secured by fraud*  
6           *or otherwise obtained in violation of law or authority*  
7           *that has been sought but not approved.*

8           (3) *The term “serious bodily injury” has the*  
9           *same meaning given that term in section 1365 of title*  
10          *18, United States Code, including any conduct that*  
11          *would violate sections 2241 or 2242 of such title, if*  
12          *the conduct occurred in the special maritime and ter-*  
13          *ritorial jurisdiction of the United States.*

14          (4) *The term “State” has the same meaning*  
15          *given that term in section 101 of the Immigration*  
16          *and Nationality Act (8 U.S.C. 1101).*

17          (5) *The term “terrorist activity” has the same*  
18          *meaning given that term in section 212(a)(3)(B) of*  
19          *the Immigration and Nationality Act (8 U.S.C.*  
20          *1182(a)(3)(B)).*

21          (6) *The term “United States” includes the sev-*  
22          *eral States, the District of Columbia, the Common-*  
23          *wealth of Puerto Rico, Guam, American Samoa, the*  
24          *United States Virgin Islands, the Commonwealth of*

1       *the Northern Mariana Islands, and any other terri-*  
2       *tory or possession of the United States.*

3           (7) *The term “vessel of the United States” and*  
4       *“vessel subject to the jurisdiction of the United*  
5       *States” have the same meanings given those terms in*  
6       *section 2 of the Maritime Drug Law Enforcement Act*  
7       *(46 U.S.C. App. 1903).*

8       **SEC. 1204. MARITIME ALIEN SMUGGLING.**

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

23      (b) *ATTEMPT OR CONSPIRACY.—Any person who at-*  
24      *tempts or conspires to commit a violation of this title shall*  
25      *be subject to the same penalties as those prescribed for the*

1 *violation, the commission of which was the object of the at-*  
2 *tempt or conspiracy.*

3 (c) *JURISDICTION AND SCOPE.—*

4 (1) *IN GENERAL.—Jurisdiction of the United*  
5 *States with respect to vessels and persons subject to*  
6 *this section is not an element of any offense. All juris-*  
7 *dictional issues arising under this section are pre-*  
8 *liminary questions of law to be determined solely by*  
9 *the trial judge.*

10 (2) *EXTRATERRITORIAL JURISDICTION.—There is*  
11 *extraterritorial Federal jurisdiction over the offenses*  
12 *described in this section.*

13 (3) *NONAPPLICABILITY TO LAWFUL ACTIVI-*  
14 *TIES.—Nothing in this title shall apply to otherwise*  
15 *lawful activities carried out by or at the direction of*  
16 *the United States Government.*

17 (d) *CLAIM OF FAILURE TO COMPLY WITH INTER-*  
18 *NATIONAL LAW; JURISDICTION OF COURT.—Any person*  
19 *charged with a violation of this title shall not have standing*  
20 *to raise the claim of failure to comply with international*  
21 *law as a basis for a defense. A claim of failure to comply*  
22 *with international law in the enforcement of this title may*  
23 *be invoked solely by a foreign nation, and a failure to com-*  
24 *ply with international law shall not divest a court of juris-*

1 *diction or otherwise constitute a defense to any proceeding*  
2 *under this title.*

3 (e) *AFFIRMATIVE DEFENSE.*—*It shall be an affirma-*  
4 *tive defense to a violation of this section, as to which the*  
5 *defendant has the burden of proof by a preponderance of*  
6 *the evidence, that prior to the alleged violation the defend-*  
7 *ant rescued the alien at sea, if the defendant—*

8 (1) *immediately reported to the Coast Guard the*  
9 *circumstances of the rescue, and the name, descrip-*  
10 *tion, registry number, and location of the rescuing*  
11 *vessel; and*

12 (2) *did not bring or attempt to bring the alien*  
13 *into the land territory of the United States without*  
14 *official permission or lawful authority, unless exigent*  
15 *circumstances existed that placed the life of the alien*  
16 *in danger, in which case the defendant must have re-*  
17 *ported to the Coast Guard the information required*  
18 *by paragraph (1) of this subsection immediately upon*  
19 *delivering that alien to emergency medical personnel*  
20 *ashore.*

21 (f) *ADMISSIBILITY OF EVIDENCE.*—*Notwithstanding*  
22 *any provision of the Federal Rules of Evidence, the testi-*  
23 *mony of Coast Guard personnel and official records of the*  
24 *Coast Guard, offered to show either that the defendant did*  
25 *not report immediately the information required by sub-*

1 *section (e) or the absence of any such report by the defend-*  
2 *ant, shall be admissible, and the jury shall be instructed,*  
3 *upon request of the United States, that it may draw an*  
4 *inference from such records or testimony in deciding wheth-*  
5 *er the defendant reported as required by subsection (e).*

6       (g) *ADMISSIBILITY OF VIDEOTAPED WITNESS TESTI-*  
7 *MONY.—Notwithstanding any provision of the Federal*  
8 *Rules of Evidence, the videotaped (or otherwise audio-*  
9 *visually or electronically preserved) deposition of a witness*  
10 *to any alleged violation of subsection (a) of this section who*  
11 *has been repatriated, removed, extradited, or otherwise ex-*  
12 *pelled from or denied admission to the United States or*  
13 *who is otherwise unable to testify may be admitted into evi-*  
14 *dence in an action brought for that violation if the witness*  
15 *was available for cross examination at the deposition and*  
16 *the deposition otherwise complies with the Federal Rules of*  
17 *Evidence.*

18       (h) *PENALTIES.—A person who commits any violation*  
19 *under this section shall—*

20               (1) *be imprisoned for not less than 3 years and*  
21 *not more than 20 years, fined not more than*  
22 *\$100,000, or both;*

23               (2) *in a case in which the violation furthers or*  
24 *aids the commission of any other criminal offense*  
25 *against the United States or any State for which the*

1       *offense is punishable by imprisonment for more than*  
2       *1 year, be imprisoned for not less than 5 years and*  
3       *not more than 20 years, fined not more than*  
4       *\$100,000, or both;*

5           *(3) in a case in which any participant in the*  
6       *violation created a substantial risk of death or serious*  
7       *bodily injury to another person (including, but not*  
8       *limited to, transporting a person in a shipping con-*  
9       *tainer, storage compartment, or other confined space*  
10       *or at a speed in excess of the rated capacity of the*  
11       *vessel), be imprisoned for not less than 5 years and*  
12       *not more than 20 years, fined not more than*  
13       *\$100,000, or both;*

14           *(4) in a case in which the violation caused seri-*  
15       *ous bodily injury to any person, regardless of where*  
16       *the injury occurred, be imprisoned for not less than*  
17       *7 years and not more than 30 years, fined not more*  
18       *than \$500,000, or both;*

19           *(5) in a case in which the violation involved an*  
20       *alien who the offender knew or had reason to believe*  
21       *was an alien engaged in terrorist activity or intend-*  
22       *ing to engage in terrorist activity, be imprisoned for*  
23       *not less than 10 years and not more than 30 years,*  
24       *fined not more than \$500,000, or both; and*

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

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

7           (a) *IN GENERAL.*—Any conveyance (including any  
8           *vessel, vehicle, or aircraft) that has been or is being used*  
9           *in the commission of any violation of this title), the gross*  
10           *proceeds of such violation, and any property traceable to*  
11           *such conveyance or proceeds shall be seized and subject to*  
12           *forfeiture in the same manner as property seized or forfeited*  
13           *under section 274 of the Immigration and Nationality Act*  
14           *(8 U.S.C. 1324).*

15           (b) *PRIMA FACIE EVIDENCE OF VIOLATIONS OF THE*  
16           *TITLE.*—Practices commonly recognized as alien smuggling  
17           *tactics may provide prima facie evidence of intent to use*  
18           *a vessel to commit, or to facilitate the commission of, a vio-*  
19           *lation of this title and may support seizure and forfeiture*  
20           *of the vessel, even in the absence aboard the vessel of an*  
21           *alien in unlawful transit. The following indicia may be*  
22           *considered, in the totality of the circumstances, to be prima*  
23           *facie evidence that a vessel is intended to be used to commit,*  
24           *or to facilitate the commission of, a violation of this title:*

1           (1) *The construction or adaptation of the vessel*  
2           *in a manner that facilitates smuggling, including—*

3                   (A) *the configuration of the vessel to avoid*  
4                   *being detected visually or by radar;*

5                   (B) *the presence of any compartment or*  
6                   *equipment that is built or fitted out for smug-*  
7                   *gling (excluding items reasonably used for the*  
8                   *storage of personal valuables);*

9                   (C) *the presence of an auxiliary fuel, oil, or*  
10                  *water tank not installed in accordance with ap-*  
11                  *plicable law or installed in such a manner as to*  
12                  *enhance the vessel's smuggling capability;*

13                  (D) *the presence of engines, the power of*  
14                  *which exceeds the design specifications or size of*  
15                  *the vessel;*

16                  (E) *the presence of materials used to reduce*  
17                  *or alter the heat or radar signature of the vessel*  
18                  *or avoid detection;*

19                  (F) *the presence of a camouflaging paint*  
20                  *scheme or materials used to camouflage the ves-*  
21                  *sel; and*

22                  (G) *the display of false vessel registration*  
23                  *numbers, false indicia of vessel nationality, false*  
24                  *vessel name, or false vessel homeport.*

1           (2) *The presence or absence of equipment, per-*  
2           *sonnel, or cargo inconsistent with the type or declared*  
3           *purpose of the vessel.*

4           (3) *The presence of fuel, lube oil, food, water, or*  
5           *spare parts inconsistent with legitimate operation of*  
6           *the vessel, the construction or equipment of the vessel,*  
7           *or the character of the vessel.*

8           (4) *The operation of the vessel without lights*  
9           *during times lights are required to be displayed under*  
10          *applicable law or regulation or in a manner of navi-*  
11          *gation.*

12          (5) *The failure of the vessel to stop, respond, or*  
13          *heave to when hailed by an official of the Federal*  
14          *Government, including conducting evasive maneuvers.*

15          (6) *The declaration to the Federal Government of*  
16          *apparently false information about the vessel, crew, or*  
17          *voyage or the failure to identify the vessel by name*  
18          *or country of registration when requested to do so by*  
19          *a Government official.*

20          (c) *PRIMA FACIE EVIDENCE OF THE ABSENCE OF*  
21          *LAWFUL AUTHORITY TO ENTER.—Notwithstanding any*  
22          *provision of the Federal Rules of Evidence, in determining*  
23          *whether a violation of this title has occurred, any of the*  
24          *following shall be prima facie evidence in an action for sei-*  
25          *zure or forfeiture pursuant to this section that an alien in-*

1 *involved in the alleged offense had not received prior official*  
2 *permission or legal authorization to come to, enter, or reside*  
3 *in the United States or that such alien had come to, entered,*  
4 *or remained in the United States in violation of law:*

5           (1) *Any order, finding, or determination con-*  
6 *cerning the alien's status or lack thereof made by a*  
7 *Federal judge or administrative adjudicator (includ-*  
8 *ing an immigration judge or an immigration officer)*  
9 *during any judicial or administrative proceeding au-*  
10 *thorized under the immigration laws or regulations*  
11 *prescribed thereunder.*

12           (2) *Official records of the Department of Home-*  
13 *land Security, the Department of Justice, or the De-*  
14 *partment of State concerning the alien's status or*  
15 *lack thereof.*

16           (3) *Testimony by an immigration officer having*  
17 *personal knowledge of the facts concerning the alien's*  
18 *status or lack thereof.*