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115TH CONGRESS
1ST SESSION

H. R. 2825

[Report No. 115–198]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2017

Mr. McCAUL (for himself and Mr. HIGGINS of Louisiana) introduced the following bill; which was referred to the Committee on Homeland Security

JUNE 28, 2017

Additional sponsors: Mr. FITZPATRICK, Ms. MCSALLY, Mr. KING of New York, Mr. GALLAGHER, Mr. GARRETT, Mr. PERRY, Mr. DONOVAN, Mr. RUTHERFORD, Mr. RATCLIFFE, and Mr. KATKO

JUNE 28, 2017

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 *italic*]

[For text of introduced bill, see copy of bill as introduced on June 8, 2017]

A BILL

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “De-*
 5 *partment of Homeland Security Authorization Act of 2017”*
 6 *or the “DHS Authorization Act of 2017”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; Table of contents.

TITLE I—DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS

Subtitle A—Headquarters Operations

Sec. 101. Homeland security enterprise defined.

Sec. 102. Functions and components of Headquarters of Department of Homeland Security.

Sec. 103. Repeal of Director of Shared Services and Office of Counternarcotics Enforcement of Department of Homeland Security.

Sec. 104. Responsibilities and functions of Chief Privacy Officer.

Sec. 105. Responsibilities of Chief Financial Officer.

Sec. 106. Chief Information Officer.

Sec. 107. Quadrennial Homeland Security review.

Sec. 108. Office of Strategy, Policy, and Plans.

Sec. 109. Chief Procurement Officer.

Sec. 110. Chief Security Officer.

Sec. 111. Office of Inspector General.

Sec. 112. Office for Civil Rights and Civil Liberties.

Sec. 113. Department of Homeland Security Rotation Program.

Sec. 114. Future Years Homeland Security Program.

Sec. 115. Field efficiencies plan.

Sec. 116. Submission to Congress of information regarding reprogramming or transfer of Department of Homeland Security resources to respond to operational surges.

Sec. 117. Report to Congress on cost savings and efficiency.

Sec. 118. Research and development and CBRNE organizational review.

Sec. 119. Activities related to children.

Subtitle B—Human Resources and Other Matters

Sec. 121. Chief Human Capital Officer responsibilities.

Sec. 122. Employee engagement steering committee and action plan.

Sec. 123. Annual employee award program.

Sec. 124. Independent investigation and implementation plan.

Sec. 125. Center for faith-based and neighborhood partnerships.

Sec. 126. Timely guidance to DHS personnel regarding Executive Orders.

Sec. 127. Secretary’s responsibilities regarding election infrastructure.

*TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION
ACCOUNTABILITY AND EFFICIENCY*

Sec. 201. Definitions.

Subtitle A—Acquisition Authorities

Sec. 211. Acquisition authorities for Under Secretary for Management of the Department of Homeland Security.

Sec. 212. Acquisition authorities for Chief Financial Officer of the Department of Homeland Security.

Sec. 213. Acquisition authorities for Chief Information Officer of the Department of Homeland Security.

Sec. 214. Acquisition authorities for Program Accountability and Risk Management.

Sec. 215. Acquisition innovation.

Subtitle B—Acquisition Program Management Discipline

Sec. 221. Acquisition Review Board.

Sec. 222. Requirements to reduce duplication in acquisition programs.

Sec. 223. Department leadership council.

Sec. 224. Government Accountability Office review of Board and of requirements to reduce duplication in acquisition programs.

Sec. 225. Excluded party list system waivers.

Sec. 226. Inspector General oversight of suspension and debarment.

*Subtitle C—Acquisition Program Management Accountability and
Transparency*

Sec. 231. Congressional notification for major acquisition programs.

Sec. 232. Multiyear Acquisition Strategy.

Sec. 233. Acquisition reports.

TITLE III—INTELLIGENCE AND INFORMATION SHARING

Subtitle A—Department of Homeland Security Intelligence Enterprise

Sec. 301. Homeland intelligence doctrine.

Sec. 302. Analysts for the Chief Intelligence Officer.

Sec. 303. Annual homeland terrorist threat assessments.

Sec. 304. Department of Homeland Security data framework.

Sec. 305. Establishment of Insider Threat Program.

Sec. 306. Threat assessment on terrorist use of virtual currency.

Sec. 307. Department of Homeland Security counterterrorism advisory board.

Sec. 308. Border and gang threat assessment.

Sec. 309. Security clearance management and administration.

Subtitle B—Stakeholder Information Sharing

Sec. 311. Department of Homeland Security Fusion Center Partnership Initiative.

Sec. 312. Fusion center personnel needs assessment.

Sec. 313. Program for State and local analyst clearances.

Sec. 314. Information technology assessment.

Sec. 315. Department of Homeland Security classified facility inventory and dissemination.

Sec. 316. Terror inmate information sharing.

- Sec. 317. Annual report on Office for State and Local Law Enforcement.*
Sec. 318. Annual catalog on Department of Homeland Security training, publications, programs, and services for State, local, and tribal law enforcement agencies.

TITLE IV—MARITIME SECURITY

- Sec. 401. Strategic plan to enhance the security of the international supply chain.*
Sec. 402. Container Security Initiative.
Sec. 403. Cyber at ports.
Sec. 404. Facility inspection intervals.
Sec. 405. Updates of maritime operations coordination plan.
Sec. 406. Evaluation of Coast Guard Deployable Specialized Forces.
Sec. 407. Cost benefit analysis of co-locating DHS assets.
Sec. 408. Repeal of interagency operational centers for port security and secure systems of transportation.
Sec. 409. Maritime security capabilities assessments.
Sec. 410. Conforming and clerical amendments.

TITLE V—TRANSPORTATION SECURITY ADMINISTRATION

Subtitle A—Administration

- Sec. 501. Amendments to the Homeland Security Act of 2002 and title 5, United States Code.*
Sec. 502. Amendments to title 49, United States Code.
Sec. 503. Amendments to the Aviation and Transportation Security Act.
Sec. 504. Information required to be submitted to Congress under the strategic 5-year technology investment plan of the Transportation Security Administration.
Sec. 505. Maintenance of security-related technology.
Sec. 506. Transportation Security Administration efficiency.
Sec. 507. Transportation senior executive service accountability.

Subtitle B—Passenger Security and Screening

- Sec. 511. Department of Homeland Security trusted traveler program collaboration.*
Sec. 512. PreCheck Biometric pilot project.
Sec. 513. Identity and travel document verification.
Sec. 514. Computed tomography pilot project.
Sec. 515. Explosives detection canine teams for aviation.
Sec. 516. Standard operating procedures at airport checkpoints.
Sec. 517. Traveler redress improvement.
Sec. 518. Screening in areas other than passenger terminals.
Sec. 519. Federal Air Marshal Service agreements.
Sec. 520. Federal Air Marshal mission scheduling automation.
Sec. 521. Canine detection research and development.
Sec. 522. International Civil Aviation Organization.
Sec. 523. Passenger security fee.
Sec. 524. Last point of departure airport certification.
Sec. 525. Security standards at foreign airports.
Sec. 526. Security incident response at airports and surface transportation hubs.
Sec. 527. Airport security screening opt-out program.
Sec. 528. Personnel management system review.
Sec. 529. Innovation task force.
Sec. 530. Airport law enforcement reimbursement.

*Subtitle C—Transportation Security Screening Personnel Training and
Accountability*

- Sec. 531. Transportation security training programs.*
*Sec. 532. Alternate new security screening personnel training program cost and
feasibility study.*
Sec. 533. Prohibition of advance notice of covert testing to security screeners.

Subtitle D—Airport Access Controls and Perimeter Security

- Sec. 541. Reformation of certain programs of the Transportation Security Ad-
ministration.*
Sec. 542. Airport perimeter and access control security.
Sec. 543. Exit lane security.
*Sec. 544. Reimbursement for deployment of armed law enforcement personnel at
airports.*

Subtitle E—Air Cargo Security

- Sec. 551. Air cargo advance screening program.*
Sec. 552. Explosives detection canine teams for air cargo security.

Subtitle F—Information Sharing and Cybersecurity

- Sec. 561. Information sharing and cybersecurity.*

Subtitle G—Surface Transportation Security

- Sec. 571. Definitions.*
*Sec. 572. Surface transportation security assessment and implementation of risk-
based strategy.*
Sec. 573. Risk-based budgeting and resource allocation.
*Sec. 574. Surface transportation security management and interagency coordina-
tion review.*
Sec. 575. Transparency.
Sec. 576. TSA counterterrorism asset deployment.
Sec. 577. Surface transportation security advisory committee.
Sec. 578. Review of the explosives detection canine team program.
Sec. 579. Expansion of national explosives detection canine team program.
Sec. 580. Explosive detection technology.
*Sec. 581. Study on security standards and best practices for United States and
foreign passenger transportation systems.*
Sec. 582. Amtrak security upgrades.
Sec. 583. Study on surface transportation inspectors.
Sec. 584. Security awareness program.
Sec. 585. Voluntary use of credentialing.
Sec. 586. Background records checks for issuance of hazmat licenses.
Sec. 587. Recurrent vetting for surface transportation credential-holders.
Sec. 588. Pipeline security study.
*Sec. 589. Repeal of limitation relating to motor carrier security-sensitive mate-
rial tracking technology.*

*Subtitle H—Security Enhancements in Public Areas of Transportation
Facilities*

- Sec. 591. Working group.*
Sec. 592. Technical assistance; Vulnerability assessment tools.
Sec. 593. Operations centers.

Sec. 594. Review of regulations.

Sec. 595. Definition.

*TITLE VI—EMERGENCY PREPAREDNESS, RESPONSE, AND
COMMUNICATIONS*

Subtitle A—Grants, Training, Exercises, and Coordination

Sec. 601. Urban Area Security Initiative.

Sec. 602. State Homeland Security Grant Program.

Sec. 603. Grants to directly eligible tribes.

Sec. 604. Law enforcement terrorism prevention.

Sec. 605. Prioritization.

Sec. 606. Allowable uses.

Sec. 607. Approval of certain equipment.

Sec. 608. Memoranda of understanding.

Sec. 609. Grants metrics.

Sec. 610. Grant management best practices.

Sec. 611. Prohibition on consolidation.

Sec. 612. Maintenance of grant investments.

Sec. 613. Transit security grant program.

Sec. 614. Port security grant program.

Sec. 615. National Domestic Preparedness Consortium.

Sec. 616. Rural Domestic Preparedness Consortium.

Sec. 617. Emergency support functions.

Sec. 618. Review of National Incident Management System.

Sec. 619. Remedial action management program.

Sec. 620. Cyber preparedness.

Sec. 621. Major metropolitan area counterterrorism training and exercise grant program.

Sec. 622. Center for Domestic Preparedness.

Sec. 623. Operation Stonegarden.

Sec. 624. Non-Profit Security Grant Program.

Sec. 625. FEMA Senior Law Enforcement Advisor.

Sec. 626. Study of the use of grant funds for cybersecurity.

Sec. 627. Technical expert authorized.

Subtitle B—Communications

Sec. 631. Office of Emergency Communications.

Sec. 632. Responsibilities of Office of Emergency Communications Director.

Sec. 633. Annual reporting on activities of the Office of Emergency Communications.

Sec. 634. National Emergency Communications Plan.

Sec. 635. Technical edit.

Sec. 636. Public Safety Broadband Network.

Sec. 637. Communications training.

Subtitle C—Medical Preparedness

Sec. 641. Chief Medical Officer.

Sec. 642. Medical Countermeasures Program.

Subtitle D—Management

Sec. 651. Mission support.

Sec. 652. Systems modernization.

Sec. 653. Strategic human capital plan.

Sec. 654. Office of Disability Integration and Coordination of Department of Homeland Security.

TITLE VII—OTHER MATTERS

Sec. 701. Decision regarding certain executive memoranda.

Sec. 702. Permanent authorization for Asia-Pacific Economic Cooperation Business Travel Card Program.

Sec. 703. Authorization of appropriations for Office of Inspector General.

Sec. 704. Canine teams.

Sec. 705. Technical amendments to the Homeland Security Act of 2002.

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

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

6 **SEC. 101. HOMELAND SECURITY ENTERPRISE DEFINED.**

7 *Section 2 of the Homeland Security Act of 2002 (6*
 8 *U.S.C. 101) is amended—*

9 *(1) by redesignating paragraphs (9) through (20)*
 10 *as paragraphs (10) through (21), respectively; and*

11 *(2) by inserting after paragraph (8) the fol-*
 12 *lowing new paragraph (9):*

13 *“(9) The term ‘homeland security enterprise’*
 14 *means any relevant governmental or nongovernmental*
 15 *entity involved in homeland security, including a*
 16 *Federal, State, or local government official, private*
 17 *sector representative, academic, or other policy ex-*
 18 *pert.”.*

1 **SEC. 102. FUNCTIONS AND COMPONENTS OF HEAD-**
2 **QUARTERS OF DEPARTMENT OF HOMELAND**
3 **SECURITY.**

4 *Section 102 of the Homeland Security Act of 2002 (6*
5 *U.S.C. 112) is amended—*

6 *(1) in subsection (c)—*

7 *(A) in the matter preceding paragraph (1),*
8 *by striking “through the Office of State and*
9 *Local Coordination (established under section*
10 *801)” and inserting “through the Office of Part-*
11 *nership and Engagement”;*

12 *(B) in paragraph (2), by striking “and”*
13 *after the semicolon at the end;*

14 *(C) in paragraph (3), by striking the period*
15 *and inserting “; and”; and*

16 *(D) by adding at the end the following:*

17 *“(4) entering into agreements with governments*
18 *of other countries, in consultation with the Secretary*
19 *of State, and international nongovernmental organi-*
20 *zations in order to achieve the missions of the Depart-*
21 *ment.”; and*

22 *(2) by adding at the end the following new sub-*
23 *section:*

24 *“(h) HEADQUARTERS.—*

1 “(1) *COMPONENTS.*—*There is in the Department*
2 *a Headquarters. The Department Headquarters shall*
3 *include each of the following:*

4 “(A) *The Office of the Secretary.*

5 “(B) *The Office of the Deputy Secretary.*

6 “(C) *The Executive Secretary.*

7 “(D) *The Management Directorate, includ-*
8 *ing the Office of the Chief Financial Officer.*

9 “(E) *The Office of Strategy, Policy, and*
10 *Plans.*

11 “(F) *The Office of the General Counsel.*

12 “(G) *The Office of the Chief Privacy Officer.*

13 “(H) *The Office for Civil Rights and Civil*
14 *Liberties.*

15 “(I) *The Office of Operations Coordination.*

16 “(J) *The Office of Intelligence and Analysis.*

17 “(K) *The Office of Legislative Affairs.*

18 “(L) *The Office of Public Affairs.*

19 “(M) *The Office of the Inspector General.*

20 “(N) *The Office of the Citizenship and Im-*
21 *migration Services Ombudsman.*

22 “(2) *FUNCTIONS.*—*The Secretary, acting through*
23 *the appropriate official of the Headquarters, shall—*

24 “(A) *establish an overall strategy to success-*
25 *fully further the mission of the Department;*

1 “(B) establish initiatives that improve De-
2 partment-wide operational performance;

3 “(C) establish mechanisms to—

4 “(i) ensure that components of the De-
5 partment comply with Department policies
6 and fully implement the strategies and ini-
7 tiatives of the Secretary; and

8 “(ii) require the head of each compo-
9 nent of the Department and component
10 chief officers to comply with such policies
11 and implement such strategies and initia-
12 tives;

13 “(D) establish annual operational and
14 management objectives to evaluate the perform-
15 ance of the Department;

16 “(E) ensure that the Department success-
17 fully meets operational and management per-
18 formance objectives through conducting oversight
19 of component agencies;

20 “(F) ensure that the strategies, priorities,
21 investments, and workforce of Department com-
22 ponents align with Department objectives;

23 “(G) establish and implement policies re-
24 lated to Department ethics and compliance
25 standards;

1 “(H) establish and implement, in consulta-
2 tion with the Office of Civil Rights and Civil
3 Liberties, policies which preserve individual lib-
4 erty, fairness, and equality under the law;

5 “(I) manage and encourage shared services
6 across Department components;

7 “(J) lead and coordinate interaction with
8 Congress and other external organizations; and

9 “(K) carry out other such functions as the
10 Secretary determines are appropriate.”.

11 **SEC. 103. REPEAL OF DIRECTOR OF SHARED SERVICES AND**
12 **OFFICE OF COUNTERNARCOTICS ENFORCE-**
13 **MENT OF DEPARTMENT OF HOMELAND SECU-**
14 **RITY.**

15 (a) *ABOLISHMENT OF DIRECTOR OF SHARED SERV-*
16 *ICES.—*

17 (1) *ABOLISHMENT.—The position of Director of*
18 *Shared Services of the Department of Homeland Se-*
19 *curity is abolished.*

20 (2) *CONFORMING AMENDMENT.—The Homeland*
21 *Security Act of 2002 is amended by striking section*
22 *475 (6 U.S.C. 295).*

23 (3) *CLERICAL AMENDMENT.—The table of con-*
24 *tents in section 1(b) of such Act is amended by strik-*
25 *ing the item relating to section 475.*

1 **(b) ABOLISHMENT OF THE OFFICE OF COUNTER-**
 2 **NARCOTICS ENFORCEMENT.—**

3 **(1) ABOLISHMENT.—***The Office of Counter-*
 4 *narcotics Enforcement is abolished.*

5 **(2) CONFORMING AMENDMENTS.—***The Homeland*
 6 *Security Act of 2002 is amended—*

7 **(A)** *in subparagraph (B) of section*
 8 *843(b)(1) (6 U.S.C. 413(b)(1)), by striking*
 9 *“by—” and all that follows through the end of*
 10 *that subparagraph and inserting “by the Sec-*
 11 *retary; and”;* and

12 **(B)** *by striking section 878 (6 U.S.C. 112).*

13 **(3) CLERICAL AMENDMENT.—***The table of con-*
 14 *tents in section 1(b) of such Act is amended by strik-*
 15 *ing the item relating to section 878.*

16 **SEC. 104. RESPONSIBILITIES AND FUNCTIONS OF CHIEF**
 17 **PRIVACY OFFICER.**

18 **(a) IN GENERAL.—***Section 222 of the Homeland Secu-*
 19 *rity Act of 2002 (6 U.S.C. 142) is amended—*

20 **(1)** *in subsection (a)—*

21 **(A)** *in the matter preceding paragraph*

22 **(1)—**

23 **(i)** *by inserting “to be the Chief Pri-*
 24 *vacy Officer of the Department,” after “in*
 25 *the Department,”; and*

1 (ii) by striking “to the Secretary, to
2 assume” and inserting “to the Secretary.
3 Such official shall have”;

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

6 (C) by striking paragraph (6); and

7 (D) by inserting after paragraph (5) the fol-
8 lowing new paragraphs:

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

12 “(7) establishing a mechanism to ensure such
13 components are in compliance with Federal, regu-
14 latory, statutory, and Department privacy require-
15 ments, mandates, directives, and policies;

16 “(8) working with the Chief Information Officer
17 of the Department to identify methods for managing
18 and overseeing the records, management policies, and
19 procedures of the Department;

20 “(9) working with components and offices of the
21 Department to ensure that information sharing ac-
22 tivities incorporate privacy protections;

23 “(10) serving as the Chief FOIA Officer of the
24 Department for purposes of subsection (j) of section
25 552 of title 5, United States Code (popularly known

1 *as the Freedom of Information Act), to manage and*
2 *process requests related to such section;*

3 *“(11) developing guidance on procedures to be*
4 *followed by individuals making requests for informa-*
5 *tion under section 552 of title 5, United States Code;*

6 *“(12) overseeing the management and processing*
7 *of requests for information under section 552 of title*
8 *5, United States Code, within Department Head-*
9 *quarters and relevant Department component offices;*

10 *“(13) identifying and eliminating unnecessary*
11 *and duplicative actions taken by the Department in*
12 *the course of processing requests for information*
13 *under section 552 of title 5, United States Code;*

14 *“(14) preparing an annual report to Congress*
15 *that includes—*

16 *“(A) a description of the activities of the*
17 *Department that affect privacy during the fiscal*
18 *year covered by the report, including complaints*
19 *of privacy violations, implementation of section*
20 *552a of title 5, United States Code (popularly*
21 *known as the Privacy Act of 1974), internal con-*
22 *trols, and other matters; and*

23 *“(B) the number of new technology pro-*
24 *grams implemented in the Department during*
25 *the fiscal year covered by the report, the number*

1 (2) *by inserting after subsection (a) the following*
2 *new subsection (b):*

3 “(b) *RESPONSIBILITIES.—The Chief Financial Officer,*
4 *in consultation with the Under Secretary for Management*
5 *and the Under Secretary for Intelligence and Analysis, as*
6 *appropriate, shall—*

7 “(1) *oversee Department budget formulation and*
8 *execution;*

9 “(2) *lead and provide guidance on performance-*
10 *based budgeting practices for the Department to en-*
11 *sure that the Department and its components are*
12 *meeting missions and goals;*

13 “(3) *lead cost-estimating practices for the De-*
14 *partment, including the development of policies on*
15 *cost estimating and approval of life cycle cost esti-*
16 *mates;*

17 “(4) *coordinate with the Office of Strategy, Pol-*
18 *icy, and Plans to ensure that the development of the*
19 *budget for the Department is compatible with the*
20 *long-term strategic plans, priorities, and policies of*
21 *the Secretary;*

22 “(5) *develop financial management policy for the*
23 *Department and oversee the implementation of such*
24 *policy, including the establishment of effective inter-*

1 *nal controls over financial reporting systems and*
2 *processes throughout the Department;*

3 *“(6) provide guidance for and over financial sys-*
4 *tem modernization efforts throughout the Department;*

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

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

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

16 *“(10) track, approve, oversee, and make public*
17 *information on expenditures by components of the De-*
18 *partment for conferences, as appropriate, including*
19 *by requiring each component to—*

20 *“(A) report to the Inspector General of the*
21 *Department the expenditures by such component*
22 *for each conference hosted or attended by Depart-*
23 *ment employees for which the total expenditures*
24 *of the Department exceed \$20,000, within 15*
25 *days after the date of the conference; and*

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

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

8 “(ii) documentation of such expendi-
9 tures.”.

10 **SEC. 106. CHIEF INFORMATION OFFICER.**

11 (a) *IN GENERAL.*—Section 703 of the Homeland Secu-
12 rity Act of 2002 (6 U.S.C. 343) is amended—

13 (1) in subsection (a), by adding at the end the
14 following new sentence: “In addition to the functions
15 under section 3506(a)(2) of title 44, United States
16 Code, the Chief Information Officer shall perform the
17 functions set forth in this section and such other func-
18 tions as may be assigned by the Secretary.”;

19 (2) by redesignating subsection (b) as subsection
20 (d); and

21 (3) by inserting after subsection (a) the following
22 new subsections:

23 “(b) *RESPONSIBILITIES.*—In addition to performing
24 the functions under section 3506 of title 44, United States
25 Code, the Chief Information Officer shall serve as the lead

1 *technical authority for information technology programs of*
2 *the Department and Department components and, in con-*
3 *sultation with the Under Secretary for Management,*
4 *shall—*

5 “(1) *advise and assist the Secretary, heads of the*
6 *components of the Department, and other senior offi-*
7 *cers in carrying out the responsibilities of the Depart-*
8 *ment for all activities relating to the budgets, pro-*
9 *grams, security, and operations of the information*
10 *technology functions of the Department;*

11 “(2) *to the extent delegated by the Secretary, ex-*
12 *ercise leadership and authority over Department in-*
13 *formation technology management and establish the*
14 *information technology priorities, policies, processes,*
15 *standards, guidelines, and procedures of the Depart-*
16 *ment to ensure interoperability and standardization*
17 *of information technology;*

18 “(3) *maintain a consolidated inventory of the*
19 *mission critical and mission essential information*
20 *systems of the Department, and develop and maintain*
21 *contingency plans for responding to a disruption in*
22 *the operation of any of those information systems;*

23 “(4) *maintain the security, visibility, reliability,*
24 *integrity, and availability of data and information*
25 *technology of the Department;*

1 “(5) establish and implement policies and proce-
2 dures to effectively monitor and manage
3 vulnerabilities in the supply chain for purchases of
4 information technology, in consultation with the Chief
5 Procurement Officer of the Department;

6 “(6) review contracts and interagency agree-
7 ments associated with major information technology
8 investments and information technology investments
9 that have had cost, schedule, or performance chal-
10 lenges in the past;

11 “(7) assess the risk of all major information
12 technology investments and publically report the risk
13 rating to the Office of Management and Budget; and

14 “(8) carry out any other responsibilities dele-
15 gated by the Secretary consistent with an effective in-
16 formation system management function.

17 “(c) *STRATEGIC PLANS.*—In coordination with the
18 Chief Financial Officer, the Chief Information Officer shall
19 develop an information technology strategic plan every five
20 years and report to the Committee on Homeland Security
21 and the Committee on Appropriations of the House of Rep-
22 resentatives and the Committee on Homeland Security and
23 Governmental Affairs and the Committee on Appropria-
24 tions of the Senate on the extent to which—

1 “(1) the budget of the Department aligns with
2 priorities specified in the information technology
3 strategic plan;

4 “(2) the information technology strategic plan
5 informs the budget process of the Department;

6 “(3) information technology priorities were or
7 were not funded and the reasons for not funding all
8 priorities in a given fiscal year;

9 “(4) the Department has identified and ad-
10 dressed skills gaps needed to implement the informa-
11 tion technology strategic plan; and

12 “(5) unnecessary duplicate information tech-
13 nology within and across the components of the De-
14 partment has been eliminated.”.

15 (b) SOFTWARE LICENSING.—

16 (1) SOFTWARE INVENTORY.—Not later than 180
17 days after the date of the enactment of this Act and
18 every two years thereafter until 2022, the Chief Infor-
19 mation Officer of the Department of Homeland Secu-
20 rity, in consultation with Department component
21 chief information officers, shall—

22 (A) conduct a Department-wide inventory
23 of all existing software licenses held by the De-
24 partment, including utilized and unutilized li-
25 censes;

1 (B) assess the needs of the Department and
2 the components of the Department for software
3 licenses for the subsequent two fiscal years;

4 (C) examine how the Department can
5 achieve the greatest possible economies of scale
6 and cost savings in the procurement of software
7 licenses;

8 (D) determine how the use of shared cloud-
9 computing services will impact the needs for soft-
10 ware licenses for the subsequent two fiscal years;

11 (E) establish plans and estimated costs for
12 eliminating unutilized software licenses for the
13 subsequent two fiscal years; and

14 (F) submit a copy of each inventory con-
15 ducted under subparagraph (A) to the Committee
16 on Homeland Security of the House of Rep-
17 resentatives and the Committee on Homeland Se-
18 curity and Governmental Affairs of the Senate.

19 (2) *PLAN TO REDUCE SOFTWARE LICENSES.*—If
20 the Chief Information Officer determines through the
21 inventory conducted under paragraph (1) that the
22 number of software licenses held by the Department
23 and the components of the Department exceed the
24 needs of the Department, not later than 90 days after
25 the date on which the inventory is completed, the Sec-

1 *retary of Homeland Security shall establish a plan*
2 *for reducing the number of such software licenses to*
3 *meet needs of the Department.*

4 (3) *PROHIBITION ON PROCUREMENT OF NEW*
5 *SOFTWARE LICENSES.—*

6 (A) *IN GENERAL.—Except as provided in*
7 *subparagraph (B), upon completion of a plan*
8 *under paragraph (2), no additional resources*
9 *may be obligated for the procurement of new*
10 *software licenses for the Department until such*
11 *time as the need of the Department exceeds the*
12 *number of used and unused licenses held by the*
13 *Department.*

14 (B) *EXCEPTION.—The Chief Information*
15 *Officer may authorize the purchase of additional*
16 *licenses and amend the number of needed licenses*
17 *as necessary.*

18 (c) *COMPTROLLER GENERAL REVIEW.—Not later than*
19 *fiscal year 2019, the Comptroller General of the United*
20 *States shall review the extent to which the Chief Informa-*
21 *tion Officer fulfilled all requirements established in this sec-*
22 *tion and the amendment made by this section.*

23 (d) *COMPLETION OF FIRST DEFINITION OF CAPABILI-*
24 *TIES.—Not later than one year after the date of the enact-*
25 *ment of this Act, the Chief Information Officer shall com-*

1 *plete the first information technology strategic plan re-*
2 *quired under subsection (c) of section 701 of the Homeland*
3 *Security Act of 2002, as added by subsection (a) of this*
4 *section.*

5 **SEC. 107. QUADRENNIAL HOMELAND SECURITY REVIEW.**

6 *(a) IN GENERAL.—Section 707 of the Homeland Secu-*
7 *rity Act of 2002 (6 U.S.C. 347) is amended—*

8 *(1) in subsection (a)(3)—*

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

11 *(B) by redesignating subparagraph (C) as*
12 *subparagraph (D); and*

13 *(C) by inserting after subparagraph (B) the*
14 *following new subparagraph (C):*

15 *“(C) representatives from appropriate advi-*
16 *sory committees established pursuant to section*
17 *871, including the Homeland Security Advisory*
18 *Council and the Homeland Security Science and*
19 *Technology Advisory Committee, or otherwise es-*
20 *tablished, including the Aviation Security Advi-*
21 *sory Committee established pursuant to section*
22 *44946 of title 49, United States Code; and”;*

23 *(2) in subsection (b)—*

24 *(A) in paragraph (2), by inserting before*
25 *the semicolon at the end the following: “based on*

1 *the risk assessment required pursuant to sub-*
2 *section (c)(2)(B)”;*

3 *(B) in paragraph (3)—*

4 *(i) by inserting “, to the extent prac-*
5 *ticable,” after “describe”; and*

6 *(ii) by striking “budget plan” and in-*
7 *serting “resources required”;*

8 *(C) in paragraph (4)—*

9 *(i) by inserting “, to the extent prac-*
10 *ticable,” after “identify”;*

11 *(ii) by striking “budget plan required*
12 *to provide sufficient resources to success-*
13 *fully” and inserting “resources required to”;*
14 *and*

15 *(iii) by striking the semicolon at the*
16 *end and inserting “, including any re-*
17 *sources identified from redundant, wasteful,*
18 *or unnecessary capabilities and capacities*
19 *that can be redirected to better support*
20 *other existing capabilities and capacities, as*
21 *the case may be; and”;*

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

24 *(E) by striking paragraph (6);*

25 *(3) in subsection (c)—*

1 (A) in paragraph (1), by striking “Decem-
2 ber 31 of the year” and inserting “60 days after
3 the date of the submittal of the President’s budget
4 for the fiscal year after the fiscal year”;

5 (B) in paragraph (2)—

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

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

12 (iii) in subparagraph (D)—

13 (I) by inserting “to the extent
14 practicable,” before “a description”;
15 and

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

18 (iv) in subparagraph (F)—

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

21 (II) by striking “the status of”;

22 (v) in subparagraph (G)—

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

25 (II) by striking “the status of”;

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

3 (IV) by inserting “and” after the
4 semicolon at the end;

5 (vi) by striking subparagraph (H);

6 and

7 (vii) by redesignating subparagraph
8 (I) as subparagraph (H);

9 (C) by redesignating paragraph (3) as
10 paragraph (4); and

11 (D) by inserting after paragraph (2) the fol-
12 lowing new paragraph (3):

13 “(3) *DOCUMENTATION.*—The Secretary shall re-
14 tain and, upon request, provide to Congress the fol-
15 lowing documentation regarding the quadrennial
16 homeland security review:

17 “(A) *Records regarding the consultation*
18 *carried out the pursuant to subsection (a)(3), in-*
19 *cluding—*

20 “(i) *all written communications, in-*
21 *cluding communications sent out by the*
22 *Secretary and feedback submitted to the*
23 *Secretary through technology, online com-*
24 *munications tools, in-person discussions,*
25 *and the interagency process; and*

1 “(ii) information on how feedback re-
2 ceived by the Secretary informed the quad-
3 rennial homeland security review.

4 “(B) Information regarding the risk assess-
5 ment, as required under subsection (c)(2)(B), in-
6 cluding—

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

9 “(ii) information, including data used
10 in the risk model, utilized to generate the
11 risk assessment;

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

15 “(iv) information on assumptions,
16 weighing factors, and subjective judgments
17 utilized to generate the risk assessment, to-
18 gether with information on the rationale or
19 basis thereof.”; and

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

22 (5) by inserting after subsection (c) the following
23 new subsection (d):

24 “(d) REVIEW.—Not later than 90 days after the sub-
25 mission of each report required under subsection (c)(1), the

1 *Secretary shall provide to the Committee on Homeland Se-*
2 *curity of the House of Representatives and the Committee*
3 *on Homeland Security and Governmental Affairs of the*
4 *Senate information on the degree to which the findings and*
5 *recommendations developed in the quadrennial homeland*
6 *security review covered by the report were integrated into*
7 *the acquisition strategy and expenditure plans for the De-*
8 *partment.”.*

9 **(b) EFFECTIVE DATE.**—*The amendments made by this*
10 *section shall apply with respect to a quadrennial homeland*
11 *security review conducted after December 31, 2017.*

12 **SEC. 108. OFFICE OF STRATEGY, POLICY, AND PLANS.**

13 **(a) IN GENERAL.**—*Section 709 of the Homeland Secu-*
14 *rity Act of 2002 (6 U.S.C. 349) is amended—*

15 **(1)** *in subsection (a), by adding at the end the*
16 *following: “The Office of Strategy, Policy, and Plans*
17 *shall include the following components:*

18 **“(1)** *The Office of Partnership and Engagement.*

19 **“(2)** *The Office of International Affairs.*

20 **“(3)** *The Office of Cyber, Infrastructure, and Re-*
21 *silience Policy.*

22 **“(4)** *The Office of Strategy, Planning, Analysis,*
23 *and Risk.*

24 **“(5)** *The Office of Threat Prevention and Secu-*
25 *rity Policy.*

1 “(6) *The Office of Border, Immigration, and*
2 *Trade Policy.*”;

3 (2) *by redesignating subsections (e) through (g)*
4 *as subsections (f) through (h), respectively; and*

5 (3) *by inserting after subsection (d) the following*
6 *new subsection (e):*

7 “(e) *ASSISTANT SECRETARIES AND DIRECTORS.—*

8 “(1) *ASSISTANT SECRETARY FOR PARTNERSHIP*
9 *AND ENGAGEMENT.—The Office of Partnership and*
10 *Engagement shall be led by an Assistant Secretary for*
11 *Partnership and Engagement appointed by the Sec-*
12 *retary. The Assistant Secretary shall—*

13 “(A) *lead the efforts of the Department to*
14 *incorporate external feedback from stakeholders*
15 *into policy and strategic planning efforts, as ap-*
16 *propriate, in consultation with the Office for*
17 *Civil Rights and Civil Liberties;*

18 “(B) *conduct the activities specified in sec-*
19 *tion 2006(b);*

20 “(C) *advise the Secretary on the effects of*
21 *the policies, regulations, processes, and actions of*
22 *the Department on the private sector and create*
23 *and foster strategic communications with the*
24 *private sector to enhance the primary mission of*
25 *the Department to protect the homeland;*

1 “(D) coordinate the activities of the Depart-
2 ment relating to State and local government;

3 “(E) provide State and local governments
4 with regular information, research, and technical
5 support to assist local efforts at securing the
6 homeland; and

7 “(F) perform such other functions as are es-
8 tablished by law or delegated by the Under Sec-
9 retary for Policy.

10 “(2) ASSISTANT SECRETARY FOR INTERNATIONAL
11 AFFAIRS.—The Office of International Affairs shall be
12 led by an Assistant Secretary for International Af-
13 fairs appointed by the Secretary. The Assistant Sec-
14 retary shall—

15 “(A) coordinate international activities
16 within the Department, including activities car-
17 ried out by the components of the Department,
18 in consultation with other Federal officials with
19 responsibility for counterterrorism and homeland
20 security matters;

21 “(B) advise, inform, and assist the Sec-
22 retary with respect to the development and im-
23 plementation of the policy priorities of the De-
24 partment, including strategic priorities for the

1 *deployment of assets, including personnel, out-*
2 *side the United States;*

3 “(C) *develop, in consultation with the*
4 *Under Secretary for Management, guidance for*
5 *selecting, assigning, training, and monitoring*
6 *overseas deployments of Department personnel,*
7 *including minimum standards for pre-deploy-*
8 *ment training;*

9 “(D) *maintain awareness regarding the*
10 *international travel of senior officers of the De-*
11 *partment and their intent to pursue negotiations*
12 *with foreign government officials, and review re-*
13 *sulting draft agreements; and*

14 “(E) *perform such other functions as are es-*
15 *tablished by law or delegated by the Under Sec-*
16 *retary for Policy.*”.

17 **(b) ABOLISHMENT OF OFFICE OF INTERNATIONAL AF-**
18 **FAIRS.—**

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

22 **(2) TRANSFER OF ASSETS AND PERSONNEL.—**
23 *The functions authorized to be performed by such of-*
24 *fice as of the day before the date of the enactment of*
25 *this Act, and the assets and personnel associated with*

1 *such functions, are transferred to the head of the Of-*
2 *fice of International Affairs provided for by section*
3 *709 of the Homeland Security Act of 2002, as amend-*
4 *ed by this section.*

5 (3) *CONFORMING AMENDMENT.—The Homeland*
6 *Security Act of 2002 is amended by striking section*
7 *879 (6 U.S.C. 459).*

8 (4) *CLERICAL AMENDMENT.—The table of con-*
9 *tents in section 1(b) of such Act is amended by strik-*
10 *ing the item relating to section 879.*

11 (c) *TRANSFER OF FUNCTIONS, ASSETS, AND PER-*
12 *SONNEL OF OFFICE FOR STATE AND LOCAL LAW ENFORCE-*
13 *MENT.—The functions authorized to be performed by the Of-*
14 *fice for State and Local Law Enforcement of the Depart-*
15 *ment of Homeland Security as of the day before the date*
16 *of the enactment of this Act, and the assets and personnel*
17 *associated with such functions, are transferred to the head*
18 *of the Office of Partnership and Engagement provided for*
19 *by section 709 of the Homeland Security Act of 2002, as*
20 *amended by this section.*

21 (d) *ABOLISHMENT OF OFFICE FOR STATE AND LOCAL*
22 *GOVERNMENT COORDINATION.—*

23 (1) *IN GENERAL.—The Office for State and*
24 *Local Government Coordination of the Department of*
25 *Homeland Security is abolished.*

1 (2) *TRANSFER OF FUNCTIONS AND ASSETS.*—*The*
2 *functions authorized to be performed by such office*
3 *immediately before the enactment of this Act, and the*
4 *assets and personnel associated with such functions,*
5 *are transferred to the head of Office of Partnership*
6 *and Engagement provided for by section 709 of the*
7 *Homeland Security Act of 2002, as amended by this*
8 *section.*

9 (3) *CONFORMING AMENDMENT.*—*The Homeland*
10 *Security Act of 2002 is amended by striking section*
11 *801 (6 U.S.C. 631).*

12 (4) *CLERICAL AMENDMENT.*—*The table of con-*
13 *tents in section 1(b) of such Act is amended by strik-*
14 *ing the item relating to section 801.*

15 (e) *ABOLISHMENT OF SPECIAL ASSISTANT TO SEC-*
16 *RETARY OF HOMELAND SECURITY.*—

17 (1) *IN GENERAL.*—*The Special Assistant to the*
18 *Secretary authorized by section 102(f) of the Home-*
19 *land Security Act of 2002 (6 U.S.C. 112(f)), as in ef-*
20 *fect immediately before the enactment of this Act, is*
21 *abolished.*

22 (2) *TRANSFER OF FUNCTIONS AND ASSETS.*—*The*
23 *functions authorized to be performed by such Special*
24 *Assistant to the Secretary immediately before the en-*
25 *actment of this Act, and the assets and personnel as-*

1 *sociated with such functions, are transferred to the*
 2 *head of the Office of Partnership and Engagement*
 3 *provided for by section 709 of the Homeland Security*
 4 *Act of 2002, as amended by this section.*

5 (3) *CONFORMING AMENDMENT.*—*Section 102 of*
 6 *the Homeland Security Act of 2002 (6 U.S.C. 112) is*
 7 *amended by striking subsection (f).*

8 (f) *CONFORMING AMENDMENTS RELATING TO ASSIST-*
 9 *ANT SECRETARIES.*—*Subsection (a) of section 103 of the*
 10 *Homeland Security Act of 2002 (6 U.S.C. 113) is amend-*
 11 *ed—*

12 (1) *in the subsection heading, by inserting “; AS-*
 13 *SISTANT SECRETARIES” after “UNDER SECRE-*
 14 *TARIES”;*

15 (2) *in paragraph (1), by striking subparagraph*
 16 *(I) and redesignating subparagraphs (J) and (K) as*
 17 *subparagraphs (I) and (J), respectively; and*

18 (3) *by amending paragraph (2) to read as fol-*
 19 *lows:*

20 “(2) *ASSISTANT SECRETARIES AND OTHER OFFI-*
 21 *CIALS.*—

22 “(A) *ADVICE AND CONSENT APPOINT-*
 23 *MENTS.*—*The Department shall have the fol-*
 24 *lowing officials appointed by the President, by*
 25 *and with the advice and consent of the Senate:*

1 “(i) *The Assistant Secretary, U.S. Im-*
2 *migration and Customs Enforcement.*

3 “(ii) *The Administrator, Transpor-*
4 *tation Security Administration.*

5 “(B) *OTHER PRESIDENTIAL APPOINT-*
6 *MENTS.—The Department shall have the fol-*
7 *lowing Assistant Secretaries appointed by the*
8 *President:*

9 “(i) *The Assistant Secretary, Infra-*
10 *structure Protection.*

11 “(ii) *The Assistant Secretary, Office of*
12 *Public Affairs.*

13 “(iii) *The Assistant Secretary, Office of*
14 *Legislative Affairs.*

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

18 “(i) *The Assistant Secretary, Office of*
19 *Cybersecurity and Communications.*

20 “(ii) *The Assistant Secretary for Inter-*
21 *national Affairs.*

22 “(iii) *The Assistant Secretary for Part-*
23 *nership and Engagement.*

24 “(iv) *The Assistant Secretary for*
25 *Threat Prevention and Security Policy.*

1 “(v) *The Assistant Secretary for Bor-*
2 *der, Immigration, and Trade Policy.*

3 “(vi) *The Assistant Secretary for*
4 *Cyber, Infrastructure, and Resilience Pol-*
5 *icy.*

6 “(vii) *The Assistant Secretary for*
7 *Strategy, Planning, Analysis, and Risk.*

8 “(viii) *The Assistant Secretary for*
9 *State and Local Law Enforcement.”; and*

10 (4) *by adding at the end the following new para-*
11 *graphs:*

12 “(3) *ASSISTANT SECRETARY, LEGISLATIVE AF-*
13 *FAIRS.—The Assistant Secretary, Legislative Affairs*
14 *shall oversee one internal reporting structure for en-*
15 *gaging with authorizing and appropriating congress-*
16 *sional committees.*

17 “(4) *LIMITATION ON CREATION OF POSITIONS.—*
18 *No Assistant Secretary position may be created in ad-*
19 *dition to the positions provided for by this section un-*
20 *less such position is authorized by a statute enacted*
21 *after the date of the enactment of the Department of*
22 *Homeland Security Authorization Act of 2017.”.*

23 (g) *HOMELAND SECURITY ADVISORY COUNCIL.—Sub-*
24 *section (b) of section 102 of the Homeland Security Act of*
25 *2002 (6 U.S.C. 112) is amended—*

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

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

5 (3) *by adding at the end the following new para-*
6 *graph:*

7 “(4) *shall establish a Homeland Security Advi-*
8 *sory Council to provide advice and recommendations*
9 *on homeland security-related matters, including ad-*
10 *vice with respect to the preparation of the Quadren-*
11 *ennial Homeland Security Review.”.*

12 (h) *PROHIBITION ON NEW OFFICES.—No new office*
13 *may be created to perform functions transferred by this sec-*
14 *tion, other than as provided in section 709 of the Homeland*
15 *Security Act of 2002, as amended by this Act.*

16 (i) *DEFINITIONS.—In this section each of the terms*
17 *“functions”, “assets”, and “personnel” has the meaning*
18 *given each such term under section 2 of the Homeland Secu-*
19 *rity Act of 2002 (6 U.S.C. 101).*

20 (j) *DUPLICATION REVIEW.—*

21 (1) *REVIEW REQUIRED.—Not later than one year*
22 *after the date of the enactment of this Act, the Sec-*
23 *retary of Homeland Security shall complete a review*
24 *of the functions and responsibilities of each Depart-*
25 *ment of Homeland Security component responsible for*

1 *international affairs to identify and eliminate areas*
2 *of unnecessary duplication.*

3 (2) *SUBMITTAL TO CONGRESS.*—*Not later than*
4 *30 days after the completion of the review required*
5 *under paragraph (1), the Secretary shall provide the*
6 *results of the review to the Committee on Homeland*
7 *Security of the House of Representatives and the*
8 *Committee on Homeland Security and Governmental*
9 *Affairs of the Senate.*

10 (3) *ACTION PLAN.*—*Not later than one year after*
11 *the date of the enactment of this Act, the Secretary*
12 *shall submit to the congressional homeland security*
13 *committees an action plan, including corrective steps*
14 *and an estimated date of completion, to address areas*
15 *of duplication, fragmentation, and overlap and op-*
16 *portunities for cost savings and revenue enhancement,*
17 *as identified by the Government Accountability Office*
18 *based on the annual report of the Government Ac-*
19 *countability Office entitled “Additional Opportunities*
20 *to Reduce Fragmentation, Overlap, and Duplication*
21 *and Achieve Other Financial Benefits”.*

22 **SEC. 109. CHIEF PROCUREMENT OFFICER.**

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

1 **“SEC. 710. CHIEF PROCUREMENT OFFICER.**

2 “(a) *IN GENERAL.*—*There is in the Department a*
3 *Chief Procurement Officer, who shall serve as a senior busi-*
4 *ness advisor to agency officials on procurement-related mat-*
5 *ters and report directly to the Under Secretary for Manage-*
6 *ment. The Chief Procurement Officer is the senior procure-*
7 *ment executive for purposes of subsection (c) of section 1702*
8 *of title 41, United States Code, and shall perform procure-*
9 *ment functions as specified in such subsection.*

10 “(b) *RESPONSIBILITIES.*—*The Chief Procurement Offi-*
11 *cer shall—*

12 “(1) *delegate or retain contracting authority, as*
13 *appropriate;*

14 “(2) *issue procurement policies and oversee the*
15 *heads of contracting activity of the Department to en-*
16 *sure compliance with those policies;*

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

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

22 “(5) *ensure that procurement contracting strate-*
23 *gies and plans are consistent with the intent and di-*
24 *rection of the Acquisition Review Board;*

25 “(6) *oversee a centralized acquisition workforce*
26 *certification and training program using, as appro-*

1 *appropriate, existing best practices and acquisition train-*
2 *ing opportunities from the Federal Government, pri-*
3 *vate sector, or universities and colleges to include*
4 *training on how best to identify actions that warrant*
5 *referrals for suspension or debarment;*

6 *“(7) provide input on the periodic performance*
7 *reviews of each head of contracting activity of the De-*
8 *partment;*

9 *“(8) collect baseline data and use such data to*
10 *establish performance measures on the impact of stra-*
11 *tegic sourcing initiatives on the private sector, includ-*
12 *ing small businesses;*

13 *“(9) establish and implement policies and proce-*
14 *dures to effectively monitor and manage*
15 *vulnerabilities in the supply chain for all Department*
16 *purchases;*

17 *“(10) ensure that a fair proportion of the value*
18 *of Federal contracts and subcontracts are awarded to*
19 *small businesses (in accordance with the procurement*
20 *contract goals under section 15(g) of the Small Busi-*
21 *ness Act (15 U.S.C. 644(g)), maximize opportunities*
22 *for small business participation in such contracts,*
23 *and ensure, to the extent practicable, small businesses*
24 *that achieve qualified vendor status for security-re-*

1 *lated technologies are provided an opportunity to*
2 *compete for contracts for such technology;*

3 *“(11) conduct oversight of implementation of ad-*
4 *ministrative agreements to resolve suspension or de-*
5 *barment proceedings and, upon request, provide infor-*
6 *mation to the Committee on Homeland Security of*
7 *the House of Representatives and the Committee on*
8 *Homeland Security and Governmental Affairs of the*
9 *Senate about the effectiveness of such agreements at*
10 *improving contractor responsibility; and*

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

14 *“(c) HEAD OF CONTRACTING ACTIVITY DEFINED.—In*
15 *this section the term ‘head of contracting activity’ means*
16 *an official responsible for the creation, management, and*
17 *oversight of a team of procurement professionals properly*
18 *trained, certified, and warranted to accomplish the acquisi-*
19 *tion of products and services on behalf of the designated*
20 *components, offices, and organizations of the Department,*
21 *and as authorized, other government entities.”.*

22 *(b) CLERICAL AMENDMENT.—The table of contents in*
23 *section 1(b) of such Act is amended by inserting after the*
24 *item relating to section 709 the following new item:*

“Sec. 710. Chief Procurement Officer.”.

1 **SEC. 110. CHIEF SECURITY OFFICER.**

2 (a) *IN GENERAL.*—*Title VII of the Homeland Security*
3 *Act of 2002 (6 U.S.C. 341 et seq.) is further amended by*
4 *inserting after the item relating to section 710, as added*
5 *by this Act, the following new section:*

6 **“SEC. 711. CHIEF SECURITY OFFICER.**

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

10 “(b) *RESPONSIBILITIES.*—*The Chief Security Officer*
11 *shall—*

12 “(1) *develop and implement the security policies,*
13 *programs, and standards of the Department;*

14 “(2) *identify training and provide education to*
15 *Department personnel on security-related matters;*
16 *and*

17 “(3) *provide support to Department components*
18 *on security-related matters.”.*

19 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
20 *section 1(b) of such Act is further amended by inserting*
21 *after the item relating to section 710, as added by this Act,*
22 *the following new item:*

“*Sec. 711. Chief Security Officer.*”.

23 **SEC. 111. OFFICE OF INSPECTOR GENERAL.**

24 (a) *SENSE OF CONGRESS.*—

25 (1) *FINDINGS.*—*Congress finds the following:*

1 (A) *The Inspector General Act of 1978 man-*
2 *dates that Inspectors General are to conduct au-*
3 *ditions and investigations relating to the programs*
4 *and operations of Federal departments to pro-*
5 *mote economy, efficiency, and effectiveness in the*
6 *administration of programs and operations, and*
7 *to prevent and detect fraud and abuse in such*
8 *programs and operations.*

9 (B) *The Inspector General Act of 1978*
10 *mandates that Inspectors General are to provide*
11 *a means for keeping Federal departments and*
12 *the Congress fully and currently informed about*
13 *problems and deficiencies relating to the admin-*
14 *istration of such programs and operations and*
15 *the necessity for and progress of corrective ac-*
16 *tion.*

17 (C) *The Office of the Inspector General of*
18 *the Department of Homeland Security detects,*
19 *investigates, and prevents instances of waste,*
20 *fraud, abuse, and mismanagement within the*
21 *Department, and offers solutions for response.*

22 (D) *The Office of the Inspector General of*
23 *the Department of Homeland Security consist-*
24 *ently produces high-value, high-impact work that*
25 *enhances the security and safety of the homeland.*

1 (E) *The Inspector General of the Depart-*
2 *ment of Homeland Security provides the leader-*
3 *ship and accountability within the Office of the*
4 *Inspector General to oversee a cabinet-level agen-*
5 *cy.*

6 (F) *The Inspector General of the Depart-*
7 *ment of Homeland Security stands as a leader*
8 *within the Inspector General community through*
9 *consistent exemplary service.*

10 (G) *The Office of Inspector General of the*
11 *Department of Homeland Security offers the*
12 *Federal Government and American taxpayers an*
13 *impressive return on investment, measured in*
14 *dollars spent versus dollars saved.*

15 (H) *The Office of the Inspector General of*
16 *the Department of Homeland Security enhances*
17 *the Department's ability to effectively and effi-*
18 *ciently administer laws.*

19 (2) *SENSE OF CONGRESS.—It is the sense of*
20 *Congress that the Inspector General of the Depart-*
21 *ment of Homeland Security plays a vital role in ful-*
22 *filling the Department's daily missions.*

23 (b) *NOTIFICATION.—The heads of offices and compo-*
24 *nents of the Department of Homeland Security shall*
25 *promptly advise the Inspector General of the Department*

1 of all allegations of misconduct with respect to which the
2 Inspector General has investigative authority under the In-
3 spector General Act of 1978. The Inspector General may
4 waive the notification requirement under this subsection
5 with respect to any category or subset of allegations of mis-
6 conduct.

7 (c) *RULE OF CONSTRUCTION.*—Nothing in this section
8 may be construed as affecting the authority of the Secretary
9 of Homeland Security under subsection (a) of section 8I
10 of the Inspector General Act of 1978 (5 U.S.C. App. 8I).

11 **SEC. 112. OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES.**

12 (a) *IN GENERAL.*—Section 705 of the Homeland Secu-
13 rity Act of 2002 (6 U.S.C. 345) is amended—

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

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

18 (3) by inserting after subsection (a) the following
19 new subsection:

20 “(b) *OFFICE FOR CIVIL RIGHTS AND CIVIL LIB-*
21 *ERTIES.*—There is in the Department an Office for Civil
22 Rights and Civil Liberties. Under the direction of the Offi-
23 cer for Civil Rights and Civil Liberties, the Office shall sup-
24 port the Officer in the following:

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

2 (2) by redesignating paragraphs (1) through (5)
3 as subsections (a) through (e), respectively, and ad-
4 justing the margins accordingly;

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

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

9 (B) by striking “for employees of the De-
10 partment” and inserting “for certain personnel
11 within the Department”;

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

13 (A) by redesignating subparagraphs (A)
14 through (G) as paragraphs (3) through (9), re-
15 spectively, and adjusting the margins accord-
16 ingly;

17 (B) by inserting before paragraph (3), as so
18 redesignated, the following new paragraphs:

19 “(1) seek to foster greater departmental integra-
20 tion and unity of effort;

21 “(2) seek to help enhance the knowledge, skills,
22 and abilities of participating personnel with respect
23 to the programs, policies, and activities of the Depart-
24 ment;”;

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

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

7 (5) in subsection (c), as redesignated by para-
8 graph (2)—

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

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

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

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

18 (6) by redesignating subsections (d) and (e), as
19 redesignated by paragraph (2), as subsections (e) and
20 (f), respectively;

21 (7) by inserting after subsection (c) the following
22 new subsection:

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

1 “(1) before selecting employees for participation
2 in the Rotation Program, disseminate information
3 broadly within the Department about the availability
4 of the Rotation Program, qualifications for participa-
5 tion in the Rotation Program, including full-time em-
6 ployment within the employing component or office
7 not less than one year, and the general provisions of
8 the Rotation Program;

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

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

13 “(B) is selected by the Secretary, or the Sec-
14 retary’s designee, solely on the basis of relative
15 ability, knowledge, and skills, after fair and open
16 competition that assures that all candidates re-
17 ceive equal opportunity;

18 “(3) ensure that each employee participating in
19 the Rotation Program shall be entitled to return,
20 within a reasonable period of time after the end of the
21 period of participation, to the position held by the
22 employee, or a corresponding or higher position, in
23 the component or office that employed the employee
24 prior to the participation of the employee in the Ro-
25 tation Program;

1 “(4) require that the rights that would be avail-
2 able to the employee if the employee were detailed
3 from the employing component or office to another
4 Federal agency or office remain available to the em-
5 ployee during the employee participation in the Rota-
6 tion Program; and

7 “(5) require that, during the period of participa-
8 tion by an employee in the Rotation Program, per-
9 formance evaluations for the employee—

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

15 “(B) shall be provided the same weight with
16 respect to promotions and other rewards as per-
17 formance evaluations for service in the office or
18 component employing the employee.”; and

19 (8) by adding at the end the following new sub-
20 section:

21 “(g) *INTELLIGENCE ROTATIONAL ASSIGNMENT PRO-*
22 *GRAM.—*

23 “(1) *ESTABLISHMENT.—The Secretary shall es-*
24 *tablish an Intelligence Rotational Assignment Pro-*

1 *gram as part of the Rotation Program under sub-*
2 *section (a).*

3 “(2) *ADMINISTRATION.*—*The Chief Human Cap-*
4 *ital Officer, in conjunction with the Chief Intelligence*
5 *Officer, shall administer the Intelligence Rotational*
6 *Assignment Program established pursuant to para-*
7 *graph (1).*

8 “(3) *ELIGIBILITY.*—*The Intelligence Rotational*
9 *Assignment Program established pursuant to para-*
10 *graph (1) shall be open to employees serving in exist-*
11 *ing analyst positions within the Department’s Intel-*
12 *ligence Enterprise and other Department employees*
13 *as determined appropriate by the Chief Human Cap-*
14 *ital Officer and the Chief Intelligence Officer.*

15 “(4) *COORDINATION.*—*The responsibilities speci-*
16 *fied in subsection (c)(2) that apply to the Rotation*
17 *Program under such subsection shall, as applicable,*
18 *also apply to the Intelligence Rotational Assignment*
19 *Program under this subsection.”.*

20 (b) *CONGRESSIONAL NOTIFICATION AND OVER-*
21 *SIGHT.*—*Not later than 120 days after the date of the enact-*
22 *ment of this Act, the Secretary of Homeland Security shall*
23 *provide to the Committee on Homeland Security of the*
24 *House of Representatives and the Committee on Homeland*
25 *Security and Governmental Affairs of the Senate informa-*

1 *tion about the status of the Homeland Security Rotation*
2 *Program authorized by section 844 of the Homeland Secu-*
3 *rity Act of 2002, as amended by subsection (a) of this sec-*
4 *tion.*

5 **SEC. 114. FUTURE YEARS HOMELAND SECURITY PROGRAM.**

6 *(a) IN GENERAL.—Section 874 of the Homeland Secu-*
7 *rity Act of 2002 (6 U.S.C. 454) is amended—*

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

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

12 *“(a) IN GENERAL.—Not later than 60 days after the*
13 *date on which the budget of the President is submitted to*
14 *Congress under section 1105(a) of title 31, United States*
15 *Code, the Secretary shall submit to the Committee on Home-*
16 *land Security and Governmental Affairs of the Senate and*
17 *the Committee on Homeland Security of the House of Rep-*
18 *resentatives (referred to in this section as the ‘appropriate*
19 *committees’) a Future Years Homeland Security Program*
20 *that covers the fiscal year for which the budget is submitted*
21 *and the 4 succeeding fiscal years.”; and*

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

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

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

9 “(2) *estimated annual deployment schedules for*
10 *all physical asset major acquisitions over the five-fis-*
11 *cal-year period described in paragraph (1) and the*
12 *full operating capability for all information tech-*
13 *nology major acquisitions.*

14 “(d) *SENSITIVE AND CLASSIFIED INFORMATION.*—*The*
15 *Secretary may include with each Future Years Homeland*
16 *Security Program a classified or other appropriately con-*
17 *trolled document containing any information required to*
18 *be submitted under this section that is restricted from pub-*
19 *lic disclosure in accordance with Federal law or any Execu-*
20 *tive Order.*

21 “(e) *AVAILABILITY OF INFORMATION TO THE PUB-*
22 *LIC.*—*The Secretary shall make available to the public in*
23 *electronic form the information required to be submitted to*
24 *the appropriate committees under this section, other than*
25 *information described in subsection (d).”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1(b) of such Act is further amended by striking the*
3 *item relating to section 874 and inserting the following new*
4 *item:*

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

5 **SEC. 115. FIELD EFFICIENCIES PLAN.**

6 (1) *IN GENERAL.*—*Not later than 270 days after*
7 *the date of the enactment of this Act, the Secretary of*
8 *Homeland Security shall submit to the Committee on*
9 *Homeland Security and the Committee on Transpor-*
10 *tation and Infrastructure of the House of Representa-*
11 *tives and Committee on Homeland Security and Gov-*
12 *ernmental Affairs of the Senate a field efficiencies*
13 *plan that—*

14 (A) *examines the facilities and administra-*
15 *tive and logistics functions of components of the*
16 *Department of Homeland Security located with-*
17 *in designated geographic areas; and*

18 (B) *provides specific recommendations and*
19 *an associated cost-benefit analysis for the con-*
20 *solidation of the facilities and administrative*
21 *and logistics functions of components of the De-*
22 *partment within each designated geographic*
23 *area.*

1 (2) *CONTENTS.*—*The field efficiencies plan sub-*
2 *mitted under paragraph (1) shall include the fol-*
3 *lowing:*

4 (A) *An accounting of leases held by the De-*
5 *partment or its components that have expired in*
6 *the current fiscal year or will be expiring in the*
7 *next fiscal year, that have begun or been renewed*
8 *in the current fiscal year, or that the Depart-*
9 *ment or its components plan to sign or renew in*
10 *the next fiscal year.*

11 (B) *For each designated geographic area—*

12 (i) *An evaluation of specific facilities*
13 *at which components, or operational entities*
14 *of components, of the Department may be*
15 *closed or consolidated, including consider-*
16 *ation of when leases expire or facilities*
17 *owned by the government become available.*

18 (ii) *An evaluation of potential consoli-*
19 *dation with facilities of other Federal,*
20 *State, or local entities, including—*

21 (I) *offices;*

22 (II) *warehouses;*

23 (III) *training centers;*

24 (IV) *housing;*

1 (V) ports, shore facilities, and air-
2 fields;

3 (VI) laboratories; and

4 (VII) other assets as determined
5 by the Secretary.

6 (iii) An evaluation of the potential for
7 the consolidation of administrative and lo-
8 gistics functions, including—

9 (I) facility maintenance;

10 (II) fleet vehicle services;

11 (III) mail handling and shipping
12 and receiving;

13 (IV) facility security;

14 (V) procurement of goods and
15 services;

16 (VI) information technology and
17 telecommunications services and sup-
18 port; and

19 (VII) additional ways to improve
20 unity of effort and cost savings for
21 field operations and related support
22 activities as determined by the Sec-
23 retary.

24 (C) An implementation plan, including—

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

4 (ii) identifying long-term occupancy
5 agreements or leases that cannot be changed
6 without a significant cost to the Govern-
7 ment; and

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

12 (D) An accounting of any consolidation of
13 the real estate footprint of the Department or
14 any component of the Department, including the
15 co-location of personnel from different compo-
16 nents, offices, and agencies within the Depart-
17 ment.

18 **SEC. 116. SUBMISSION TO CONGRESS OF INFORMATION RE-**
19 **GARDING REPROGRAMMING OR TRANSFER**
20 **OF DEPARTMENT OF HOMELAND SECURITY**
21 **RESOURCES TO RESPOND TO OPERATIONAL**
22 **SURGES.**

23 (a) *IN GENERAL.*—Title VII of the Homeland Security
24 Act of 2002 is further amended by adding at the end the
25 following new section:

1 **SEC. 117. REPORT TO CONGRESS ON COST SAVINGS AND**
2 **EFFICIENCY.**

3 (a) *IN GENERAL.*—Not later than two years after the
4 date of the enactment of this Act, the Secretary of Homeland
5 Security, acting through the Under Secretary of Homeland
6 Security for Management, shall submit to the congressional
7 homeland security committees a report that includes each
8 of the following:

9 (1) *A detailed accounting of the management*
10 *and administrative expenditures and activities of*
11 *each component of the Department of Homeland Se-*
12 *curity and identifies potential cost savings,*
13 *avoidances, and efficiencies for those expenditures and*
14 *activities.*

15 (2) *An examination of major physical assets of*
16 *the Department, as defined by the Secretary;*

17 (3) *A review of the size, experience level, and geo-*
18 *graphic distribution of the operational personnel of*
19 *the Department.*

20 (4) *Recommendations for adjustments in the*
21 *management and administration of the Department*
22 *that would reduce deficiencies in the capabilities of*
23 *the Department, reduce costs, and enhance effi-*
24 *ciencies.*

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

4 **SEC. 118. RESEARCH AND DEVELOPMENT AND CBRNE OR-**
5 **GANIZATIONAL REVIEW.**

6 (a) *DEPARTMENT OF HOMELAND SECURITY RE-*
7 *SEARCH AND DEVELOPMENT ACTIVITIES.*—

8 (1) *IN GENERAL.*—The Secretary of Homeland
9 Security shall assess the organization and manage-
10 ment of the Department of Homeland Security’s re-
11 search and development activities, and shall develop
12 and submit to the Committee on Homeland Security
13 and the Committee on Science, Space, and Technology
14 of the House of Representatives and the Committee on
15 Homeland Security and Governmental Affairs of the
16 Senate, not later than six months after the date of the
17 enactment of this Act, a proposed organizational
18 structure for the management of such research and de-
19 velopment activities.

20 (2) *ORGANIZATIONAL JUSTIFICATION.*—The pro-
21 posed organizational structure for the management of
22 the Department of Homeland Security’s research and
23 development activities included in the assessment re-
24 quired under paragraph (1) shall include the fol-
25 lowing:

1 (A) A discussion of the methodology for de-
2 termining such proposed organizational struc-
3 ture.

4 (B) A comprehensive inventory of research
5 and development activities of the Department,
6 and the proposed location of each activity under
7 such proposed organizational structure.

8 (C) Information relating to how such pro-
9 posed organizational structure will facilitate and
10 promote enhanced coordination and better col-
11 laboration between the Under Secretary for
12 Science and Technology of the Department and
13 the offices and components of the Department,
14 including a specific description of operational
15 challenges resulting from the current organiza-
16 tional structure and a detailed explanation of
17 how the proposed organizational structure will
18 address such challenges.

19 (D) Information relating to how such pro-
20 posed organizational structure will support the
21 development of research and development prior-
22 ities and capabilities across the Department.

23 (E) A discussion of any resulting cost sav-
24 ings and efficiencies from such proposed organi-
25 zational structure.

1 (F) *Recommendations for any necessary*
2 *statutory changes, an explanation of why no*
3 *statutory or organizational changes are nec-*
4 *essary, or a request for additional time to com-*
5 *plete the organizational justification.*

6 (b) *DEPARTMENT OF HOMELAND SECURITY CHEM-*
7 *ICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND EXPLO-*
8 *SIVES ACTIVITIES.—*

9 (1) *IN GENERAL.—The Secretary of Homeland*
10 *Security shall assess the organization and manage-*
11 *ment of the Department of Homeland Security’s*
12 *chemical, biological, radiological, nuclear, and explo-*
13 *sives activities, and shall develop and submit to the*
14 *Committee on Homeland Security of the House of*
15 *Representatives and the Committee on Homeland Se-*
16 *curity and Governmental Affairs of the Senate, not*
17 *later than six months after the date of the enactment*
18 *of this Act, a proposed organizational structure to en-*
19 *sure enhanced coordination and provide strengthened*
20 *chemical, biological, radiological, nuclear, and explo-*
21 *sives capabilities in support of homeland security.*

22 (2) *ORGANIZATIONAL JUSTIFICATION.—The pro-*
23 *posed organizational structure for the management of*
24 *the Department of Homeland Security’s chemical, bi-*
25 *ological, radiological, nuclear, and explosives activi-*

1 *ties included in the assessment required under para-*
2 *graph (1) shall include the following:*

3 *(A) A discussion of the methodology for de-*
4 *termining such proposed organizational struc-*
5 *ture.*

6 *(B) A comprehensive inventory of chemical,*
7 *biological, radiological, nuclear, and explosives*
8 *activities of the Department, and the proposed*
9 *location of each activity under such proposed or-*
10 *ganizational structure.*

11 *(C) Information relating to how such pro-*
12 *posed organizational structure will enhance the*
13 *development of chemical, biological, radiological,*
14 *nuclear, and explosives priorities and capabili-*
15 *ties across the Department, including a specific*
16 *description of operational challenges resulting*
17 *from the current organizational structure and a*
18 *detailed explanation of how the proposed organi-*
19 *zational structure will address such challenges.*

20 *(D) A discussion of any resulting cost sav-*
21 *ings and efficiencies from such proposed organi-*
22 *zational structure.*

23 *(E) Recommendations for any necessary*
24 *statutory changes, an explanation of why no*
25 *statutory or organizational changes are nec-*

1 *essary, or a request for additional time to com-*
2 *plete the organizational justification.*

3 *(c) REVIEW REQUIRED.—Not later than three months*
4 *after the submission of the proposed organizational jus-*
5 *tifications required under subsections (a)(1) and (b)(1), the*
6 *Comptroller General of the United States shall submit to*
7 *the Committee on Homeland Security and the Committee*
8 *on Science, Space, and Technology of the House of Rep-*
9 *resentatives and the Committee on Homeland Security and*
10 *Governmental Affairs of the Senate a review of the organi-*
11 *zational justifications. The review shall consider how the*
12 *proposed organizational realignment, or lack thereof, of re-*
13 *search and development activities and chemical, biological,*
14 *radiological, nuclear, and explosives activities will improve*
15 *or impede the Department’s ongoing efforts in such mission*
16 *areas, including an assessment of—*

17 *(1) any potential cost savings or additional costs*
18 *incurred as a result of any proposed organizational*
19 *realignment;*

20 *(2) an assessment of the comparison of benefits*
21 *and costs of the proposed organizational structure;*

22 *(3) the extent to which the organizational jus-*
23 *tification submitted pursuant to subsections (a)(1)*
24 *and (b)(1) fully assesses, documents, and addresses*

1 (1) *in subsection (b)—*

2 (A) *in paragraph (1)—*

3 (i) *by inserting “, including with re-*
4 *spect to leader development and employee*
5 *engagement,” after “policies”;*

6 (ii) *by striking “and in line” and in-*
7 *serting “, in line”; and*

8 (iii) *by inserting “and informed by*
9 *best practices within the Federal govern-*
10 *ment and the private sector,” after “prior-*
11 *ities,”;*

12 (B) *in paragraph (2), by striking “develop*
13 *performance measures to provide a basis for*
14 *monitoring and evaluating” and inserting*
15 *“evaluate, on an ongoing basis,”;*

16 (C) *in paragraph (3), by inserting “that, to*
17 *the extent practicable, are informed by employee*
18 *feedback,” after “policies”;*

19 (D) *in paragraph (4), by inserting “includ-*
20 *ing leader development and employee engagement*
21 *programs,” before “in coordination”;*

22 (E) *in paragraph (5), by inserting before*
23 *the semicolon at the end the following: “that is*
24 *informed by an assessment, carried out by the*
25 *Chief Human Capital Officer, of the learning*

1 *and developmental needs of employees in super-*
2 *visory and non-supervisory roles across the De-*
3 *partment and appropriate workforce planning*
4 *initiatives”;*

5 *(F) by redesignating paragraphs (9) and*
6 *(10) as paragraphs (11) and (12), respectively;*
7 *and*

8 *(G) by inserting after paragraph (8) the fol-*
9 *lowing new paragraphs:*

10 *“(9) maintain a catalogue of available employee*
11 *development opportunities, including the Homeland*
12 *Security Rotation Program pursuant to section 844,*
13 *departmental leadership development programs, inter-*
14 *agency development programs, and other rotational*
15 *programs;*

16 *“(10) ensure that employee discipline and ad-*
17 *verse action programs comply with the requirements*
18 *of all pertinent laws, rules, regulations, and Federal*
19 *guidance, and ensure due process for employees;”;*

20 *(2) by redesignating subsections (d) and (e) as*
21 *subsections (e) and (f), respectively;*

22 *(3) by inserting after subsection (c) the following*
23 *new subsection:*

24 *“(d) CHIEF LEARNING AND ENGAGEMENT OFFICER.—*
25 *The Chief Human Capital Officer may designate an em-*

1 *ployee of the Department to serve as a Chief Learning and*
2 *Engagement Officer to assist the Chief Human Capital Of-*
3 *ficer in carrying out this section.”; and*

4 *(4) in subsection (e), as so redesignated—*

5 *(A) by redesignating paragraphs (2), (3),*
6 *and (4) as paragraphs (5), (6), and (7), respec-*
7 *tively; and*

8 *(B) by inserting after paragraph (1) the fol-*
9 *lowing new paragraphs:*

10 *“(2) information on employee development op-*
11 *portunities catalogued pursuant to paragraph (9) of*
12 *subsection (b) and any available data on participa-*
13 *tion rates, attrition rates, and impacts on retention*
14 *and employee satisfaction;*

15 *“(3) information on the progress of Department-*
16 *wide strategic workforce planning efforts as deter-*
17 *mined under paragraph (2) of subsection (b);*

18 *“(4) information on the activities of the steering*
19 *committee established pursuant to section 710(a), in-*
20 *cluding the number of meeting, types of materials de-*
21 *veloped and distributed, and recommendations made*
22 *to the Secretary;”.*

1 **SEC. 122. EMPLOYEE ENGAGEMENT STEERING COMMITTEE**
2 **AND ACTION PLAN.**

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. 714. EMPLOYEE ENGAGEMENT.**

7 “(a) *STEERING COMMITTEE.*—*Not later than 120 days*
8 *after the date of the enactment of this section, the Secretary*
9 *shall establish an employee engagement steering committee,*
10 *including representatives from operational components,*
11 *headquarters, and field personnel, including supervisory*
12 *and non-supervisory personnel, and employee labor organi-*
13 *zations that represent Department employees, and chaired*
14 *by the Under Secretary for Management, to carry out the*
15 *following activities:*

16 “(1) *Identify factors that have a negative impact*
17 *on employee engagement, morale, and communica-*
18 *tions within the Department, such as perceptions*
19 *about limitations on career progression, mobility, or*
20 *development opportunities, collected through employee*
21 *feedback platforms, including through annual em-*
22 *ployee surveys, questionnaires, and other communica-*
23 *tions, as appropriate.*

24 “(2) *Identify, develop, and distribute initiatives*
25 *and best practices to improve employee engagement,*
26 *morale, and communications within the Department,*

1 *including through annual employee surveys, question-*
2 *naires, and other communications, as appropriate.*

3 “(3) *Monitor efforts of each component to address*
4 *employee engagement, morale, and communications*
5 *based on employee feedback provided through annual*
6 *employee surveys, questionnaires, and other commu-*
7 *nications, as appropriate.*

8 “(4) *Advise the Secretary on efforts to improve*
9 *employee engagement, morale, and communications*
10 *within specific components and across the Depart-*
11 *ment.*

12 “(5) *Conduct regular meetings and report, not*
13 *less than once per quarter, to the Under Secretary for*
14 *Management, the head of each component, and the*
15 *Secretary on Department-wide efforts to improve em-*
16 *ployee engagement, morale, and communications.*

17 “(b) *ACTION PLAN; REPORTING.—The Secretary, act-*
18 *ing through the Chief Human Capital Officer, shall—*

19 “(1) *not later than 120 days after the date of the*
20 *establishment of the steering committee under sub-*
21 *section (a), issue a Department-wide employee en-*
22 *gagement action plan, reflecting input from the em-*
23 *ployee engagement steering committee established pur-*
24 *suant to subsection (a) and employee feedback pro-*
25 *vided through annual employee surveys, question-*

1 naires, and other communications in accordance with
2 paragraph (1) of such subsection, to execute strategies
3 to improve employee engagement, morale, and com-
4 munications within the Department; and

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

6 “(A) develop and implement a component-
7 specific employee engagement plan to advance
8 the action plan required under paragraph (1)
9 that includes performance measures and objec-
10 tives, is informed by employee feedback provided
11 through annual employee surveys, question-
12 naires, and other communications, as appro-
13 priate, and sets forth how employees and, where
14 applicable, their labor representatives are to be
15 integrated in developing programs and initia-
16 tives;

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

19 “(C) provide to the Chief Human Capital
20 Officer and the steering committee quarterly re-
21 ports on actions planned and progress made
22 under this paragraph.

23 “(c) *TERMINATION.*—*This section shall terminate on*
24 *the date that is five years after the date of the enactment*
25 *of this section.*”

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1(b) of the Homeland Security Act of 2002 is*
3 *amended by inserting after the item related to section 713,*
4 *as added by this Act, the following new item:*

“*Sec. 714. Employee engagement.*”.

5 (c) *SUBMISSIONS TO CONGRESS.*—

6 (1) *DEPARTMENT-WIDE EMPLOYEE ENGAGEMENT*
7 *ACTION PLAN.*—*The Secretary of Homeland Security,*
8 *acting through the Chief Human Capital Officer of*
9 *the Department of Homeland Security, shall submit*
10 *to the Committee on Homeland Security of the House*
11 *of Representatives and the Committee on Homeland*
12 *Security and Governmental Affairs of the Senate the*
13 *Department-wide employee engagement action plan*
14 *required under subsection (b)(1) of section 714 of the*
15 *Homeland Security Act of 2002 (as added by sub-*
16 *section (a) of this section) not later than 30 days*
17 *after the issuance of such plan under such subsection*
18 *(b)(1).*

19 (2) *COMPONENT-SPECIFIC EMPLOYEE ENGAGE-*
20 *MENT PLANS.*—*Each head of a component of the De-*
21 *partment of Homeland Security shall submit to the*
22 *Committee on Homeland Security of the House of*
23 *Representatives and the Committee on Homeland Se-*
24 *curity and Governmental Affairs of the Senate the*
25 *component-specific employee engagement plan of each*

1 *such component required under subsection (b)(2) of*
2 *section 714 of the Homeland Security Act of 2002 (as*
3 *added by subsection (a) of this section) not later than*
4 *30 days after the issuance of each such plan under*
5 *such subsection (b)(2).*

6 **SEC. 123. ANNUAL EMPLOYEE AWARD PROGRAM.**

7 *(a) IN GENERAL.—Title VII of the Homeland Security*
8 *Act of 2002 (6 U.S.C. 341 et seq.), as amended by section*
9 *122 of this Act, is further amended by adding at the end*
10 *the following new section:*

11 **“SEC. 715. ANNUAL EMPLOYEE AWARD PROGRAM.**

12 *“(a) IN GENERAL.—The Secretary may establish an*
13 *annual employee award program to recognize Department*
14 *employees or groups of employees for significant contribu-*
15 *tions to the achievement of the Department’s goals and mis-*
16 *sions. If such a program is established, the Secretary*
17 *shall—*

18 *“(1) establish within such program categories of*
19 *awards, each with specific criteria, that emphasizes*
20 *honoring employees who are at the non-supervisory*
21 *level;*

22 *“(2) publicize within the Department how any*
23 *employee or group of employees may be nominated for*
24 *an award;*

1 “(3) *establish an internal review board com-*
2 *prised of representatives from Department compo-*
3 *nents, headquarters, and field personnel to submit to*
4 *the Secretary award recommendations regarding spe-*
5 *cific employees or groups of employees;*

6 “(4) *select recipients from the pool of nominees*
7 *submitted by the internal review board under para-*
8 *graph (3) and convene a ceremony at which employ-*
9 *ees or groups of employees receive such awards from*
10 *the Secretary; and*

11 “(5) *publicize such program within the Depart-*
12 *ment.*

13 “(b) *INTERNAL REVIEW BOARD.—The internal review*
14 *board described in subsection (a)(3) shall, when carrying*
15 *out its function under such subsection, consult with rep-*
16 *resentatives from operational components and headquarters,*
17 *including supervisory and non-supervisory personnel, and*
18 *employee labor organizations that represent Department*
19 *employees.*

20 “(c) *RULE OF CONSTRUCTION.—Nothing in this sec-*
21 *tion may be construed to authorize additional funds to*
22 *carry out the requirements of this section or to require the*
23 *Secretary to provide monetary bonuses to recipients of an*
24 *award under this section.”.*

1 of section 714 of the Homeland Security Act of 2002 (as
2 added by section 122(a) of this Act).

3 (c) *ACTION BY UNDER SECRETARY FOR MANAGE-*
4 *MENT.*—Upon completion of the investigation described in
5 subsection (a), the Under Secretary for Management of the
6 Department of Homeland Security shall review the findings
7 and recommendations of such investigation and implement
8 a plan, in consultation with the employee engagement steer-
9 ing committee established pursuant to subsection (b)(1) of
10 section 714 of the Homeland Security Act of 2002, to correct
11 any relevant deficiencies identified by the Comptroller Gen-
12 eral of the United States. The Under Secretary for Manage-
13 ment shall direct the employee engagement steering com-
14 mittee to review such plan to inform committee activities
15 and action plans authorized under such section 714.

16 **SEC. 125. CENTER FOR FAITH-BASED AND NEIGHBORHOOD**
17 **PARTNERSHIPS.**

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. 528. CENTER FOR FAITH-BASED AND NEIGHBORHOOD**
22 **PARTNERSHIPS.**

23 “(a) *IN GENERAL.*—There is established in the Depart-
24 ment a Center for Faith-Based and Neighborhood Partner-
25 ships, headed by a Director.

1 “(b) *MISSION.*—*The mission of the Center shall be to*
2 *develop and coordinate Departmental outreach efforts with*
3 *faith-based and community organizations and serve as a*
4 *liaison between such organizations and components of the*
5 *Department for activities related to securing facilities,*
6 *emergency preparedness and response, and combating*
7 *human trafficking.*

8 “(c) *RESPONSIBILITIES.*—*In support of the mission of*
9 *the Center for Faith-Based and Neighborhood Partnerships,*
10 *the Director shall—*

11 “(1) *develop, in collaboration with the Adminis-*
12 *trator of the Federal Emergency Management Agency,*
13 *exercises that engage faith-based and community or-*
14 *ganizations to test capabilities for all hazards, includ-*
15 *ing active shooter incidents;*

16 “(2) *coordinate the delivery of guidance and*
17 *training to faith-based and community organizations*
18 *related to securing their facilities against natural dis-*
19 *asters, acts of terrorism, and other man-made disas-*
20 *ters;*

21 “(3) *conduct outreach to faith-based and commu-*
22 *nity organizations regarding guidance, training, and*
23 *exercises and Departmental capabilities available to*
24 *assist faith-based and community organizations se-*

1 *cure their facilities against natural disasters, acts of*
 2 *terrorism, and other man-made disasters;*

3 *“(4) facilitate engagement and coordination*
 4 *among the emergency management community and*
 5 *faith-based and community organizations;*

6 *“(5) deliver training and technical assistance to*
 7 *faith-based and community-based organizations and*
 8 *provide subject-matter expertise related to anti-human*
 9 *trafficking efforts to help communities successfully*
 10 *partner with other Blue Campaign components; and*

11 *“(6) perform any other duties as assigned by the*
 12 *Secretary.”.*

13 ***(b) CLERICAL AMENDMENT.—The table of contents in***
 14 ***section 1(b) of such Act is further amended by inserting***
 15 ***after the item relating to section 527 the following:***

“Sec. 528. Center For Faith-Based And Neighborhood Partnerships.”.

16 ***SEC. 126. TIMELY GUIDANCE TO DHS PERSONNEL REGARD-***
 17 ***ING EXECUTIVE ORDERS.***

18 ***(a) IN GENERAL.—Title VII of the Homeland Security***
 19 ***Act of 2002 is further amended by adding at the end the***
 20 ***following new section:***

21 ***“SEC. 716. TIMELY GUIDANCE TO PERSONNEL REGARDING***
 22 ***EXECUTIVE ORDERS.***

23 ***“To the maximum extent practicable, before any Exec-***
 24 ***utive Order affecting Department functions, programs, or***
 25 ***operations takes effect, the Secretary, in coordination with***

1 *the heads of relevant Department components and offices,*
2 *shall make every effort to, as expeditiously as possible, pro-*
3 *vide to relevant Department personnel written guidance re-*
4 *garding how such Executive Order is to be implemented.”.*

5 (b) *CLERICAL AMENDMENT.—The table of contents in*
6 *section 1(b) of such Act is further amended by inserting*
7 *after the item relating to section 715, as added by this Act,*
8 *the following new item:*

“Sec. 716. Timely guidance to personnel regarding Executive Orders.”.

9 **SEC. 127. SECRETARY’S RESPONSIBILITIES REGARDING**
10 **ELECTION INFRASTRUCTURE.**

11 *The Secretary of Homeland Security shall continue to*
12 *prioritize the provision of assistance, on a voluntary basis,*
13 *to State and local election officials in recognition of the im-*
14 *portance of election infrastructure to the United States and*
15 *that its incapacity or destruction would have a debilitating*
16 *impact on national security, and that state and non-state*
17 *adversaries should not compromise election infrastructure.*

18 **TITLE II—DEPARTMENT OF**
19 **HOMELAND SECURITY ACQUI-**
20 **SITION ACCOUNTABILITY AND**
21 **EFFICIENCY**

22 **SEC. 201. DEFINITIONS.**

23 (a) *IN GENERAL.—Subtitle D of title VIII of the*
24 *Homeland Security Act of 2002 is amended by inserting*
25 *before section 831 the following new section:*

1 **“SEC. 830. DEFINITIONS.**

2 *“In this subtitle:*

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

6 *“(2) The term ‘acquisition decision authority’*
7 *means the authority, held by the Secretary acting*
8 *through the Deputy Secretary or Under Secretary for*
9 *Management to—*

10 *“(A) ensure compliance with Federal law,*
11 *the Federal Acquisition Regulation, and Depart-*
12 *ment acquisition management directives;*

13 *“(B) review (including approving, pausing,*
14 *modifying, or canceling) an acquisition program*
15 *through the life cycle of such program;*

16 *“(C) ensure that acquisition program man-*
17 *agers have the resources necessary to successfully*
18 *execute an approved acquisition program;*

19 *“(D) ensure good acquisition program man-*
20 *agement of cost, schedule, risk, and system per-*
21 *formance of the acquisition program at issue, in-*
22 *cluding assessing acquisition program baseline*
23 *breaches and directing any corrective action for*
24 *such breaches; and*

25 *“(E) ensure that acquisition program man-*
26 *agers, on an ongoing basis, monitor cost, sched-*

1 *ule, and performance against established base-*
2 *lines and use tools to assess risks to an acquisi-*
3 *tion program at all phases of the life cycle of*
4 *such program to avoid and mitigate acquisition*
5 *program baseline breaches.*

6 *“(3) The term ‘acquisition decision event’ means,*
7 *with respect to an acquisition program, a predeter-*
8 *mined point within each of the acquisition phases at*
9 *which the acquisition decision authority determines*
10 *whether such acquisition program shall proceed to the*
11 *next acquisition phase.*

12 *“(4) The term ‘acquisition decision memo-*
13 *randum’ means, with respect to an acquisition, the*
14 *official acquisition decision event record that includes*
15 *a documented record of decisions, exit criteria, and*
16 *assigned actions for such acquisition, as determined*
17 *by the person exercising acquisition decision author-*
18 *ity for such acquisition.*

19 *“(5) The term ‘acquisition program’ means the*
20 *process by which the Department acquires, with any*
21 *appropriated amounts, by contract for purchase or*
22 *lease, property or services (including construction)*
23 *that support the missions and goals of the Depart-*
24 *ment.*

1 “(6) *The term ‘acquisition program baseline’,*
2 *with respect to an acquisition program, means a*
3 *summary of the cost, schedule, and performance pa-*
4 *rameters, expressed in standard, measurable, quan-*
5 *titative terms, which must be met in order to accom-*
6 *plish the goals of such program.*

7 “(7) *The term ‘best practices’, with respect to ac-*
8 *quisition, means a knowledge-based approach to capa-*
9 *bility development that includes—*

10 “(A) *identifying and validating needs;*

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

13 “(C) *clearly establishing well-defined re-*
14 *quirements;*

15 “(D) *developing realistic cost assessments*
16 *and schedules;*

17 “(E) *securing stable funding that matches*
18 *resources to requirements;*

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

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

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

1 “(I) establishing an adequate workforce that
2 is qualified and sufficient to perform necessary
3 functions; and

4 “(J) integrating the capabilities described
5 in subparagraphs (A) through (I) into the De-
6 partment’s mission and business operations.

7 “(8) The term ‘breach’, with respect to a major
8 acquisition program, means a failure to meet any
9 cost, schedule, or performance threshold specified in
10 the most recently approved acquisition program base-
11 line.

12 “(9) The term ‘congressional homeland security
13 committees’ means—

14 “(A) the Committee on Homeland Security
15 of the House of Representatives and the Com-
16 mittee on Homeland Security and Governmental
17 Affairs of the Senate; and

18 “(B) the Committee on Appropriations of
19 the House of Representatives and of the Senate.

20 “(10) The term ‘Component Acquisition Execu-
21 tive’ means the senior acquisition official within a
22 component who is designated in writing by the Under
23 Secretary for Management, in consultation with the
24 component head, with authority and responsibility for
25 leading a process and staff to provide acquisition and

1 *program management oversight, policy, and guidance*
2 *to ensure that statutory, regulatory, and higher level*
3 *policy requirements are fulfilled, including compli-*
4 *ance with Federal law, the Federal Acquisition Regu-*
5 *lation, and Department acquisition management di-*
6 *rectives established by the Under Secretary for Man-*
7 *agement.*

8 *“(11) The term ‘life cycle cost’ means the total*
9 *ownership cost of an acquisition, including all rel-*
10 *evant costs related to acquiring, owning, operating,*
11 *maintaining, and disposing of the system, project, or*
12 *product over a specified period of time.*

13 *“(12) The term ‘major acquisition program’*
14 *means a Department acquisition program that is esti-*
15 *mated by the Secretary to require an eventual total*
16 *expenditure of at least \$300,000,000 (based on fiscal*
17 *year 2017 constant dollars) over its life cycle cost.”.*

18 *(b) CLERICAL AMENDMENT.—The table of contents in*
19 *section 1(b) of such Act is further amended by inserting*
20 *before the item relating to section 831 the following new*
21 *item:*

“830. Definitions.”.

1 ***Subtitle A—Acquisition Authorities***

2 ***SEC. 211. ACQUISITION AUTHORITIES FOR UNDER SEC-***
3 ***RETARY FOR MANAGEMENT OF THE DEPART-***
4 ***MENT OF HOMELAND SECURITY.***

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

7 *(1) in subsection (a)(2), by inserting “and acqui-*
8 *sition management” after “procurement”;*

9 *(2) by redesignating subsections (d) and (e) as*
10 *subsections (e) and (f), respectively; and*

11 *(3) by inserting after subsection (c) the following*
12 *new subsection:*

13 *“(d) ACQUISITION AND RELATED RESPONSIBIL-*
14 *ITIES.—*

15 *“(1) IN GENERAL.—Notwithstanding subsection*
16 *(a) of section 1702 of title 41, United States Code, the*
17 *Under Secretary for Management is the Chief Acqui-*
18 *sition Officer of the Department. As Chief Acquisition*
19 *Officer, the Under Secretary shall have the authorities*
20 *and perform the functions specified in subsection (b)*
21 *of such section and shall perform all other functions*
22 *and responsibilities delegated by the Secretary or de-*
23 *scribed in this subsection.*

24 *“(2) FUNCTIONS AND RESPONSIBILITIES.—In*
25 *addition to the authorities and functions specified in*

1 *section 1702(b) of title 41, United States Code, the*
2 *functions and responsibilities of the Under Secretary*
3 *for Management related to acquisition include the fol-*
4 *lowing:*

5 *“(A) Advising the Secretary regarding ac-*
6 *quisition management activities, taking into ac-*
7 *count risks of failure to achieve cost, schedule, or*
8 *performance parameters, to ensure that the De-*
9 *partment achieves its mission through the adop-*
10 *tion of widely accepted program management*
11 *best practices and standards and, where appro-*
12 *priate, acquisition innovation best practices.*

13 *“(B) Leading the acquisition oversight body*
14 *of the Department, the Acquisition Review*
15 *Board, and exercising the acquisition decision*
16 *authority to approve, pause, modify (including*
17 *the rescission of approvals of program mile-*
18 *stones), or cancel major acquisition programs,*
19 *unless the Under Secretary delegates such au-*
20 *thority to a Component Acquisition Executive*
21 *pursuant to paragraph (3).*

22 *“(C) Establishing policies for acquisition*
23 *that implement an approach that takes into ac-*
24 *count risks of failure to achieve cost, schedule, or*
25 *performance parameters that all components of*

1 *the Department shall comply with, including*
2 *outlining relevant authorities for program man-*
3 *agers to effectively manage acquisition programs.*

4 “(D) *Ensuring that each major acquisition*
5 *program has a Department-approved acquisition*
6 *program baseline, pursuant to the Department’s*
7 *acquisition management policy.*

8 “(E) *Ensuring that the heads of components*
9 *and Component Acquisition Executives comply*
10 *with Federal law, the Federal Acquisition Regu-*
11 *lation, and Department acquisition management*
12 *directives.*

13 “(F) *Providing additional scrutiny and*
14 *oversight for an acquisition that is not a major*
15 *acquisition if—*

16 “(i) *the acquisition is for a program*
17 *that is important to departmental strategic*
18 *and performance plans;*

19 “(ii) *the acquisition is for a program*
20 *with significant program or policy implica-*
21 *tions; and*

22 “(iii) *the Secretary determines that*
23 *such scrutiny and oversight for the acquisi-*
24 *tion is proper and necessary.*

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

5 “(H) Distributing guidance throughout the
6 Department to ensure that contractors involved
7 in acquisitions, particularly contractors that ac-
8 cess the Department’s information systems and
9 technologies, adhere to relevant Department poli-
10 cies related to physical and information security
11 as identified by the Under Secretary for Manage-
12 ment.

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

18 “(J) Ensuring acquisition decision memo-
19 randa adequately document decisions made at
20 acquisition decision events, including any af-
21 firmative determination of contractor responsi-
22 bility at the down selection phase and any other
23 significant procurement decisions related to the
24 acquisition at issue.

1 “(3) *DELEGATION OF ACQUISITION DECISION AU-*
2 *THORITY.—*

3 “(A) *LEVEL 3 ACQUISITIONS.—The Under*
4 *Secretary for Management may delegate acquisi-*
5 *tion decision authority in writing to the relevant*
6 *Component Acquisition Executive for an acquisi-*
7 *tion program that has a life cycle cost estimate*
8 *of less than \$300,000,000.*

9 “(B) *LEVEL 2 ACQUISITIONS.—The Under*
10 *Secretary for Management may delegate acquisi-*
11 *tion decision authority in writing to the relevant*
12 *Component Acquisition Executive for a major*
13 *acquisition program that has a life cycle cost es-*
14 *timate of at least \$300,000,000 but not more*
15 *than \$1,000,000,000 if all of the following re-*
16 *quirements are met:*

17 “(i) *The component concerned possesses*
18 *working policies, processes, and procedures*
19 *that are consistent with Department-level*
20 *acquisition policy.*

21 “(ii) *The Component Acquisition Exec-*
22 *utive concerned has adequate, experienced,*
23 *and dedicated professional employees with*
24 *program management training, as applica-*
25 *ble, commensurate with the size of the ac-*

1 *quisition programs and related activities*
2 *delegated to such Component Acquisition*
3 *Executive by the Under Secretary for Man-*
4 *agement.*

5 *“(iii) Each major acquisition program*
6 *concerned has written documentation show-*
7 *ing that it has a Department-approved ac-*
8 *quisition program baseline and it is meet-*
9 *ing agreed-upon cost, schedule, and per-*
10 *formance thresholds.*

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

13 *“(A) IN GENERAL.—Nothing in this sub-*
14 *section shall diminish the authority granted to*
15 *the Under Secretary for Science and Technology*
16 *under this Act. The Under Secretary for Man-*
17 *agement and the Under Secretary for Science*
18 *and Technology shall cooperate in matters re-*
19 *lated to the coordination of acquisitions across*
20 *the Department so that investments of the Direc-*
21 *torate of Science and Technology are able to sup-*
22 *port current and future requirements of the com-*
23 *ponents of the Department.*

1 “(B) *OPERATIONAL TESTING AND EVALUA-*
2 *TION.—The Under Secretary for Science and*
3 *Technology shall—*

4 “(i) *ensure, in coordination with rel-*
5 *evant component heads, that major acquisi-*
6 *tion programs—*

7 “(I) *complete operational testing*
8 *and evaluation of technologies and sys-*
9 *tems;*

10 “(II) *use independent verification*
11 *and validation of operational test and*
12 *evaluation implementation and results;*
13 *and*

14 “(III) *document whether such pro-*
15 *grams meet all performance require-*
16 *ments included in their acquisition*
17 *program baselines;*

18 “(ii) *ensure that such operational test-*
19 *ing and evaluation includes all system com-*
20 *ponents and incorporates operators into the*
21 *testing to ensure that systems perform as*
22 *intended in the appropriate operational set-*
23 *ting; and*

24 “(iii) *determine if testing conducted by*
25 *other Federal agencies and private entities*

1 *is relevant and sufficient in determining*
2 *whether systems perform as intended in the*
3 *operational setting.*

4 “(5) *DEFINITIONS.—In this subsection, the terms*
5 *‘acquisition’, ‘best practices’, ‘acquisition decision au-*
6 *thority’, ‘major acquisition program’, ‘acquisition*
7 *program baseline’, and ‘Component Acquisition Exec-*
8 *utive’ have the meanings given such terms in section*
9 *830.”.*

10 **SEC. 212. ACQUISITION AUTHORITIES FOR CHIEF FINAN-**
11 **CIAL OFFICER OF THE DEPARTMENT OF**
12 **HOMELAND SECURITY.**

13 *Paragraph (2) of section 702(b) of the Homeland Secu-*
14 *rity Act of 2002 (6 U.S.C. 342(b)) is amended by adding*
15 *at the end the following new subparagraph:*

16 “(J) *Oversee the costs of acquisition pro-*
17 *grams and related activities to ensure that ac-*
18 *tual and planned costs are in accordance with*
19 *budget estimates and are affordable, or can be*
20 *adequately funded, over the life cycle of such pro-*
21 *grams and activities.”.*

1 **SEC. 213. ACQUISITION AUTHORITIES FOR CHIEF INFORMA-**
2 **TION OFFICER OF THE DEPARTMENT OF**
3 **HOMELAND SECURITY.**

4 *Section 703 of the Homeland Security Act of 2002 (6*
5 *U.S.C. 343) is amended—*

6 *(1) by redesignating subsection (b) as subsection*
7 *(c); and*

8 *(2) by inserting after subsection (a) the following*
9 *new subsection:*

10 *“(b) ACQUISITION RESPONSIBILITIES.—Notwith-*
11 *standing section 11315 of title 40, United States Code, the*
12 *acquisition responsibilities of the Chief Information Officer,*
13 *in consultation with the Under Secretary for Management,*
14 *shall include the following:*

15 *“(1) Oversee the management of the Homeland*
16 *Security Enterprise Architecture and ensure that, be-*
17 *fore each acquisition decision event (as such term is*
18 *defined in section 830), approved information tech-*
19 *nology acquisitions comply with departmental infor-*
20 *mation technology management processes, technical*
21 *requirements, and the Homeland Security Enterprise*
22 *Architecture, and in any case in which information*
23 *technology acquisitions do not comply with the De-*
24 *partment’s management directives, make rec-*
25 *ommendations to the Acquisition Review Board re-*
26 *garding such noncompliance.*

1 “(2) *Be responsible for providing recommenda-*
 2 *tions to the Acquisition Review Board regarding in-*
 3 *formation technology programs, and be responsible for*
 4 *developing information technology acquisition stra-*
 5 *tegic guidance.”.*

6 **SEC. 214. ACQUISITION AUTHORITIES FOR PROGRAM AC-**
 7 **COUNTABILITY AND RISK MANAGEMENT.**

8 *(a) IN GENERAL.—Title VII of the Homeland Security*
 9 *Act of 2002 (6 U.S.C. 341 et seq.) is further amended by*
 10 *adding at the end the following:*

11 **“SEC. 717. ACQUISITION AUTHORITIES FOR PROGRAM AC-**
 12 **COUNTABILITY AND RISK MANAGEMENT.**

13 *“(a) ESTABLISHMENT OF OFFICE.—There is in the*
 14 *Management Directorate of the Department an office to be*
 15 *known as ‘Program Accountability and Risk Management’.*
 16 *The purpose of the office is to—*

17 *“(1) provide consistent accountability, standard-*
 18 *ization, and transparency of major acquisition pro-*
 19 *grams of the Department; and*

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

22 *“(b) RESPONSIBILITIES OF EXECUTIVE DIRECTOR.—*
 23 *The Program Accountability and Risk Management shall*
 24 *be led by an Executive Director to oversee the requirement*
 25 *under subsection (a). The Executive Director shall report*

1 *directly to the Under Secretary for Management, and shall*
2 *carry out the following responsibilities:*

3 “(1) *Monitor regularly the performance of De-*
4 *partment acquisition programs between acquisition*
5 *decision events to identify problems with cost, per-*
6 *formance, or schedule that components may need to*
7 *address to prevent cost overruns, performance issues,*
8 *or schedule delays.*

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

12 “(3) *Conduct oversight of individual acquisition*
13 *programs to implement Department acquisition pro-*
14 *gram policy, procedures, and guidance with a pri-*
15 *ority on ensuring the data the office collects and*
16 *maintains from Department components is accurate*
17 *and reliable.*

18 “(4) *Serve as the focal point and coordinator for*
19 *the acquisition life cycle review process and as the ex-*
20 *ecutive secretariat for the Acquisition Review Board.*

21 “(5) *Advise the persons having acquisition deci-*
22 *sion authority in making acquisition decisions con-*
23 *sistent with all applicable laws and in establishing*
24 *clear lines of authority, accountability, and responsi-*

1 *bility for acquisition decision making within the De-*
2 *partment.*

3 *“(6) Engage in the strategic planning and per-*
4 *formance evaluation process required under section*
5 *306 of title 5, United States Code, and sections*
6 *1105(a)(28), 1115, 1116, and 9703 of title 31, United*
7 *States Code, by supporting the Chief Procurement Of-*
8 *ficer in developing strategies and specific plans for*
9 *hiring, training, and professional development in*
10 *order to rectify any deficiency within the Depart-*
11 *ment’s acquisition workforce.*

12 *“(7) Develop standardized certification stand-*
13 *ards in consultation with the Component Acquisition*
14 *Executives for all acquisition program managers.*

15 *“(8) In the event that a certification or action*
16 *of an acquisition program manager needs review for*
17 *purposes of promotion or removal, provide input, in*
18 *consultation with the relevant Component Acquisition*
19 *Executive, into the performance evaluation of the rel-*
20 *evant acquisition program manager and report posi-*
21 *tive or negative experiences to the relevant certifying*
22 *authority.*

23 *“(9) Provide technical support and assistance to*
24 *Department acquisitions and acquisition personnel in*
25 *conjunction with the Chief Procurement Officer.*

1 “(10) Prepare the Comprehensive Acquisition
2 Status Report for the Department, as required by title
3 I of division D of the Consolidated Appropriations
4 Act, 2016 (Public Law 114–113), and make such re-
5 port available to the congressional homeland security
6 committees.

7 “(c) RESPONSIBILITIES OF COMPONENTS.—Each head
8 of a component shall comply with Federal law, the Federal
9 Acquisition Regulation, and Department acquisition man-
10 agement directives established by the Under Secretary for
11 Management. For each major acquisition program, each
12 head of a component shall—

13 “(1) define baseline requirements and document
14 changes to such requirements, as appropriate;

15 “(2) establish a complete life cycle cost estimate
16 with supporting documentation, including an acquisi-
17 tion program baseline;

18 “(3) verify each life cycle cost estimate against
19 independent cost estimates, and reconcile any dif-
20 ferences;

21 “(4) complete a cost-benefit analysis with sup-
22 porting documentation;

23 “(5) develop and maintain a schedule that is
24 consistent with scheduling best practices as identified
25 by the Comptroller General of the United States, in-

1 *cluding, in appropriate cases, an integrated master*
2 *schedule; and*

3 *“(6) ensure that all acquisition program infor-*
4 *mation provided by the component is complete, accu-*
5 *rate, timely, and valid.*

6 *“(d) CONGRESSIONAL HOMELAND SECURITY COMMIT-*
7 *TEES DEFINED.—In this section, the term ‘congressional*
8 *homeland security committees’ means—*

9 *“(1) the Committee on Homeland Security of the*
10 *House of Representatives and the Committee on*
11 *Homeland Security and Governmental Affairs of the*
12 *Senate; and*

13 *“(2) the Committee on Appropriations of the*
14 *House of Representatives and the Committee on Ap-*
15 *propriations of the Senate.*

16 **“SEC. 718. ACQUISITION DOCUMENTATION.**

17 *“(a) IN GENERAL.—For each major acquisition pro-*
18 *gram, the Executive Director responsible for the prepara-*
19 *tion of the Comprehensive Acquisition Status Report, pur-*
20 *suant to paragraph (11) of section 710(b), shall require cer-*
21 *tain acquisition documentation to be submitted by Depart-*
22 *ment components or offices.*

23 *“(b) WAIVER.—The Secretary may waive the require-*
24 *ment for submission under subsection (a) for a program for*
25 *a fiscal year if either—*

1 “(1) the program has not—

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

4 “(B) had a reasonable cost estimate estab-
5 lished; and

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

8 “(2) the program does not meet the definition of
9 ‘capital asset’, as defined by the Director of the Office
10 of Management and Budget.

11 “(c) CONGRESSIONAL OVERSIGHT.—At the same time
12 the President’s budget is submitted for a fiscal year under
13 section 1105(a) of title 31, United States Code, the Sec-
14 retary shall submit to the Committee on Homeland Security
15 of the House of Representatives and Committee on Home-
16 land Security and Governmental Affairs of the Senate in-
17 formation on the exercise of authority under subsection (b)
18 in the prior fiscal year that includes the following specific
19 information regarding each program for which a waiver is
20 issued under subsection (b):

21 “(1) The grounds for granting a waiver for that
22 program.

23 “(2) The projected cost of that program.

1 “(3) *The proportion of a component’s annual ac-*
2 *quisition budget attributed to that program, as avail-*
3 *able.*”

4 “(4) *Information on the significance of the pro-*
5 *gram with respect to the component’s operations and*
6 *execution of its mission.*”.

7 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
8 *section 1(b) of the Homeland Security Act of 2002 is further*
9 *amended by inserting after the item relating to section 716,*
10 *as added by this Act, the following new items:*

 “*Sec. 717. Acquisition authorities for Program Accountability and Risk Manage-*
 ment.”

 “*Sec. 718. Acquisition documentation.*”.

11 **SEC. 215. ACQUISITION INNOVATION.**

12 **(a) IN GENERAL.**—*Title VII of the Homeland Security*
13 *Act of 2002 (6 U.S.C. 341 et seq.) as amended by this Act,*
14 *is further amended by adding at the end the following new*
15 *section:*

16 **“SEC. 719. ACQUISITION INNOVATION.**

17 *“The Under Secretary for Management may—*

18 *“(1) designate an individual within the Depart-*
19 *ment to manage acquisition innovation efforts of the*
20 *Department;*

21 *“(2) test emerging acquisition best practices to*
22 *carrying out acquisitions, consistent with the Federal*
23 *Acquisition Regulation and Department acquisition*
24 *management directives, as appropriate;*

1 “(3) *develop and distribute best practices and*
2 *lessons learned regarding acquisition innovation*
3 *throughout the Department;*

4 “(4) *establish metrics to measure the effectiveness*
5 *of acquisition innovation efforts with respect to cost,*
6 *operational efficiency of the acquisition program (in-*
7 *cluding timeframes for executing contracts), and col-*
8 *laboration with the private sector, including small*
9 *businesses; and*

10 “(5) *determine impacts of acquisition innovation*
11 *efforts on the private sector by—*

12 “(A) *engaging with the private sector, in-*
13 *cluding small businesses, to provide information*
14 *and obtain feedback on procurement practices*
15 *and acquisition innovation efforts of the Depart-*
16 *ment;*

17 “(B) *obtaining feedback from the private*
18 *sector on the impact of acquisition innovation ef-*
19 *forts of the Department; and*

20 “(C) *incorporating such feedback, as appro-*
21 *priate, into future acquisition innovation efforts*
22 *of the Department.”.*

23 (b) *CLERICAL AMENDMENT.—The table of contents in*
24 *section 1(b) of the Homeland Security Act of 2002 is*

1 *amended by inserting after the item relating to section 718,*
2 *as added by this Act, the following new item:*

“Sec. 719. Acquisition innovation.”

3 *(c) INFORMATION.—Not later than 90 days after the*
4 *date on which the Secretary of Homeland Security submits*
5 *the annual budget justification for the Department of*
6 *Homeland Security for each of fiscal years 2019 through*
7 *2023, the Secretary shall, if appropriate, provide informa-*
8 *tion to the Committee on Homeland Security of the House*
9 *of Representatives and the Committee on Homeland Secu-*
10 *rity and Governmental Affairs of the Senate on the activi-*
11 *ties undertaken in the previous fiscal year in furtherance*
12 *of section 719 of the Homeland Security Act of 2002, as*
13 *added by subsection (a) of this Act, on the following:*

14 *(1) Emerging acquisition best practices that were*
15 *tested within the Department during such fiscal year.*

16 *(2) Efforts to distribute best practices and lessons*
17 *learned within the Department, including through*
18 *web-based seminars, training, and forums, during*
19 *such fiscal year.*

20 *(3) Utilization by components throughout the*
21 *Department of best practices distributed by the Under*
22 *Secretary of Management pursuant to paragraph (3)*
23 *of such section 719.*

24 *(4) Performance as measured by the metrics es-*
25 *tablished under paragraph (4) of such section 719.*

1 (5) *Outcomes of efforts to distribute best prac-*
2 *tices and lessons learned within the Department, in-*
3 *cluding through web-based seminars, training, and fo-*
4 *rums.*

5 (6) *Any impacts of the utilization of innovative*
6 *acquisition mechanisms by the Department on the*
7 *private sector, including small businesses.*

8 (7) *The criteria used to identify specific acquisi-*
9 *tion programs or activities to be included in acquisi-*
10 *tion innovation efforts and the outcomes of such pro-*
11 *grams or activities.*

12 (8) *Recommendations, as necessary, to enhance*
13 *acquisition innovation in the Department.*

14 ***Subtitle B—Acquisition Program***
15 ***Management Discipline***

16 ***SEC. 221. ACQUISITION REVIEW BOARD.***

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

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

21 *“(a) IN GENERAL.—The Secretary shall establish an*
22 *Acquisition Review Board (in this section referred to as the*
23 *‘Board’) to—*

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

1 “(2) review major acquisition programs; and

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

3 “(b) COMPOSITION.—The Under Secretary for Man-
4 agement shall serve as chair of the Board. The Secretary
5 shall also ensure participation by other relevant Depart-
6 ment officials, including at least two component heads or
7 their designees, as permanent members of the Board.

8 “(c) MEETINGS.—The Board shall meet regularly for
9 purposes of ensuring all acquisitions processes proceed in
10 a timely fashion to achieve mission readiness. The Board
11 shall convene at the discretion of the Secretary and at any
12 time—

13 “(1) a major acquisition program—

14 “(A) requires authorization to proceed from
15 one acquisition decision event to another
16 throughout the acquisition life cycle;

17 “(B) is in breach of its approved require-
18 ments; or

19 “(C) requires additional review, as deter-
20 mined by the Under Secretary for Management;

21 or

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

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

3 “(1) *Determine whether a proposed acquisition*
4 *has met the requirements of key phases of the acquisi-*
5 *tion life cycle framework and is able to proceed to the*
6 *next phase and eventual full production and deploy-*
7 *ment.*

8 “(2) *Oversee whether a proposed acquisition’s*
9 *business strategy, resources, management, and ac-*
10 *countability is executable and is aligned to strategic*
11 *initiatives.*

12 “(3) *Support the person with acquisition deci-*
13 *sion authority for an acquisition in determining the*
14 *appropriate direction for such acquisition at key ac-*
15 *quisition decision events.*

16 “(4) *Conduct systematic reviews of acquisitions*
17 *to ensure that such acquisitions are progressing in*
18 *compliance with the approved documents for their*
19 *current acquisition phases.*

20 “(5) *Review the acquisition documents of each*
21 *major acquisition program, including the acquisition*
22 *program baseline and documentation reflecting con-*
23 *sideration of tradeoffs among cost, schedule, and per-*
24 *formance objectives, to ensure the reliability of under-*
25 *lying data.*

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

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

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

17 “(e) *ACQUISITION PROGRAM BASELINE REPORT RE-*
18 *QUIREMENT.—If the person exercising acquisition decision*
19 *authority over a major acquisition program approves such*
20 *program to proceed into the planning phase before such pro-*
21 *gram has a Department-approved acquisition program*
22 *baseline, the Under Secretary for Management shall create*
23 *and approve an acquisition program baseline report re-*
24 *garding such approval, and the Secretary shall—*

1 “(1) *within seven days after an acquisition deci-*
2 *sion memorandum is signed, notify in writing the*
3 *Committee on Homeland Security of the House of*
4 *Representatives and the Committee on Homeland Se-*
5 *curity and Governmental Affairs of the Senate of such*
6 *decision; and*

7 “(2) *within 60 days after the acquisition deci-*
8 *sion memorandum is signed, submit to such commit-*
9 *tees a report stating the rationale for such decision*
10 *and a plan of action to require an acquisition pro-*
11 *gram baseline for such program.*

12 “(f) *REPORT.—The Under Secretary for Management*
13 *shall provide information to the Committee on Homeland*
14 *Security of the House of Representatives and the Committee*
15 *on Homeland Security and Governmental Affairs of the*
16 *Senate on an annual basis through fiscal year 2022 on the*
17 *activities of the Board for the prior fiscal year that includes*
18 *information relating to the following:*

19 “(1) *For each meeting of the Board, any acquisi-*
20 *tion decision memoranda.*

21 “(2) *Results of the systematic reviews conducted*
22 *pursuant to paragraph (4) of subsection (d).*

23 “(3) *Results of acquisition document reviews re-*
24 *quired pursuant to paragraph (5) of subsection (d).*

1 “(4) *Activities to ensure that practices are*
2 *adopted and implemented throughout the Department*
3 *pursuant to paragraph (6) of subsection (d).”.*

4 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
5 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
6 *101 et seq.) is further amended by adding after the item*
7 *relating to section 835 the following new item:*

“Sec. 836. Acquisition Review Board.”.

8 **SEC. 222. REQUIREMENTS TO REDUCE DUPLICATION IN AC-**
9 **QUISITION PROGRAMS.**

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

14 **“SEC. 837. REQUIREMENTS TO REDUCE DUPLICATION IN**
15 **ACQUISITION PROGRAMS.**

16 **“(a) REQUIREMENT TO ESTABLISH POLICIES.**—*In an*
17 *effort to reduce unnecessary duplication and inefficiency for*
18 *all Department investments, including major acquisition*
19 *programs, the Deputy Secretary, in consultation with the*
20 *Under Secretary for Management, shall establish Depart-*
21 *ment-wide policies to integrate all phases of the investment*
22 *life cycle and help the Department identify, validate, and*
23 *prioritize common component requirements for major ac-*
24 *quisition programs in order to increase opportunities for*
25 *effectiveness and efficiencies. The policies shall also include*

1 *strategic alternatives for developing and facilitating a De-*
2 *partment component-driven requirements process that in-*
3 *cludes oversight of a development test and evaluation capa-*
4 *bility; identification of priority gaps and overlaps in De-*
5 *partment capability needs; and provision of feasible tech-*
6 *nical alternatives, including innovative commercially*
7 *available alternatives, to meet capability needs.*

8 “(b) *MECHANISMS TO CARRY OUT REQUIREMENT.*—
9 *The Under Secretary for Management shall coordinate the*
10 *actions necessary to carry out subsection (a), using such*
11 *mechanisms as considered necessary by the Secretary to*
12 *help the Department reduce unnecessary duplication and*
13 *inefficiency for all Department investments, including*
14 *major acquisition programs.*

15 “(c) *COORDINATION.*—*In coordinating the actions nec-*
16 *essary to carry out subsection (a), the Deputy Secretary*
17 *shall consult with the Under Secretary for Management,*
18 *Component Acquisition Executives, and any other Depart-*
19 *ment officials, including the Under Secretary for Science*
20 *and Technology or his designee, with specific knowledge of*
21 *Department or component acquisition capabilities to pre-*
22 *vent unnecessary duplication of requirements.*

23 “(d) *ADVISORS.*—*The Deputy Secretary, in consulta-*
24 *tion with the Under Secretary for Management, shall seek*
25 *and consider input within legal and ethical boundaries*

1 *from members of Federal, State, local, and tribal govern-*
2 *ments, nonprofit organizations, and the private sector, as*
3 *appropriate, on matters within their authority and exper-*
4 *tise in carrying out the Department's mission.*

5 “(e) *MEETINGS.*—*The Deputy Secretary, in consulta-*
6 *tion with the Under Secretary for Management, shall meet*
7 *at least quarterly and communicate with components often*
8 *to ensure that components do not overlap or duplicate*
9 *spending or activities on major investments and acquisition*
10 *programs within their areas of responsibility.*

11 “(f) *RESPONSIBILITIES.*—*In carrying out this section,*
12 *the responsibilities of the Deputy Secretary, in consultation*
13 *with the Under Secretary for Management, are as follows:*

14 “(1) *To review and validate the requirements*
15 *documents of major investments and acquisition pro-*
16 *grams prior to acquisition decision events of the in-*
17 *vestments or programs.*

18 “(2) *To ensure the requirements and scope of a*
19 *major investment or acquisition program are stable,*
20 *measurable, achievable, at an acceptable risk level,*
21 *and match the resources planned to be available.*

22 “(3) *Before any entity of the Department issues*
23 *a solicitation for a new contract, coordinate with*
24 *other Department entities as appropriate to prevent*
25 *unnecessary duplication and inefficiency and—*

1 “(A) to implement portfolio reviews to iden-
2 tify common mission requirements and cross-
3 cutting opportunities among components to har-
4 monize investments and requirements and pre-
5 vent unnecessary overlap and duplication among
6 components; and

7 “(B) to the extent practicable, to stand-
8 ardize equipment purchases, streamline the ac-
9 quisition process, improve efficiencies, and con-
10 duct best practices for strategic sourcing.

11 “(4) To ensure program managers of major in-
12 vestments and acquisition programs conduct analyses,
13 giving particular attention to factors such as cost,
14 schedule, risk, performance, and operational efficiency
15 in order to determine that programs work as intended
16 within cost and budget expectations.

17 “(5) To propose schedules for delivery of the
18 operational capability needed to meet each Depart-
19 ment investment and major acquisition program.”.

20 (b) CLERICAL AMENDMENT.—The table of contents in
21 section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.
22 101 et seq.) is further amended by adding after the item
23 relating to section 836, as added by this Act, the following
24 new item:

“Sec. 837. Requirements to reduce duplication in acquisition programs.”.

1 **SEC. 223. DEPARTMENT LEADERSHIP COUNCIL.**

2 (a) *IN GENERAL.*—Subtitle H of title VIII of the
3 *Homeland Security Act of 2002* is amended by adding at
4 *the end the following new section:*

5 **“SEC. 890B. DEPARTMENT LEADERSHIP COUNCIL.**

6 “(a) *DEPARTMENT LEADERSHIP COUNCIL.*—

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

12 “(2) *FUNCTION.*—A *Department leadership*
13 *council shall—*

14 “(A) *serve as coordinating forums;*

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

18 “(C) *consider and report on such other mat-*
19 *ters as the Secretary or Deputy Secretary may*
20 *direct.*

21 “(3) *RELATIONSHIP TO OTHER FORUMS.*—The
22 *Secretary or Deputy Secretary may delegate the au-*
23 *thority to direct the implementation of any decision*
24 *or guidance resulting from the action of a Depart-*
25 *ment leadership council to any office, component, co-*
26 *ordinator, or other senior official of the Department.*

1 “(4) *MISSION.*—*In addition to other matters as-*
2 *signed to it by the Secretary and Deputy Secretary,*
3 *a leadership council shall—*

4 “(A) *identify, assess, and validate joint re-*
5 *quirements (including existing systems and asso-*
6 *ciated capability gaps) to meet mission needs of*
7 *the Department;*

8 “(B) *ensure that appropriate efficiencies are*
9 *made among life-cycle cost, schedule, and per-*
10 *formance objectives, and procurement quantity*
11 *objectives, in the establishment and approval of*
12 *joint requirements; and*

13 “(C) *make prioritized capability rec-*
14 *ommendations for the joint requirements vali-*
15 *dated under subparagraph (A) to the Secretary,*
16 *the Deputy Secretary, or the chairperson of a*
17 *Department leadership council designated by the*
18 *Secretary to review decisions of the leadership*
19 *council.*

20 “(5) *CHAIRPERSON.*—*The Secretary shall ap-*
21 *point a chairperson of a leadership council, for a*
22 *term of not more than 2 years, from among senior of-*
23 *icials from components of the Department or other*
24 *senior officials as designated by the Secretary.*

1 “(6) *COMPOSITION.*—*A leadership council shall*
 2 *be composed of senior officials representing compo-*
 3 *nents of the Department and other senior officials as*
 4 *designated by the Secretary.*

5 “(7) *RELATIONSHIP TO FUTURE YEARS HOME-*
 6 *LAND SECURITY PROGRAM.*—*The Secretary shall en-*
 7 *sure that the Future Years Homeland Security Pro-*
 8 *gram required under section 874 is consistent with*
 9 *any recommendations of a leadership council required*
 10 *under paragraph (2)(C), as affirmed by the Sec-*
 11 *retary, the Deputy Secretary, or the chairperson of a*
 12 *Department leadership council designated by the Sec-*
 13 *retary under that paragraph.”.*

14 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
 15 *section 1(b) of such Act is amended by inserting after the*
 16 *item relating to section 890A the following new item:*

 “*Sec. 890B. Department leadership council.*”.

17 **SEC. 224. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW**
 18 **OF BOARD AND OF REQUIREMENTS TO RE-**
 19 **DUCE DUPLICATION IN ACQUISITION PRO-**
 20 **GRAMS.**

21 “(a) *REVIEW REQUIRED.*—*The Comptroller General of*
 22 *the United States shall conduct a review of the effectiveness*
 23 *of the Acquisition Review Board established under section*
 24 *836 of the Homeland Security Act of 2002 (as added by*
 25 *section 221) and the requirements to reduce unnecessary du-*

1 *plication in acquisition programs established under section*
2 *837 of such Act (as added by section 222) in improving*
3 *the Department's acquisition management process.*

4 *(b) SCOPE OF REPORT.—The review shall include the*
5 *following:*

6 *(1) An assessment of the effectiveness of the*
7 *Board in increasing program management oversight,*
8 *best practices and standards, and discipline among*
9 *the components of the Department, including in work-*
10 *ing together and in preventing overlap and unneces-*
11 *sary duplication.*

12 *(2) An assessment of the effectiveness of the*
13 *Board in instilling program management discipline.*

14 *(3) A statement of how regularly each major ac-*
15 *quisition program is reviewed by the Board, how*
16 *often the Board stops major acquisition programs*
17 *from moving forward in the phases of the acquisition*
18 *life cycle process, and the number of major acquisi-*
19 *tion programs that have been halted because of prob-*
20 *lems with operational effectiveness, schedule delays, or*
21 *cost overruns.*

22 *(4) An assessment of the effectiveness of the*
23 *Board in impacting acquisition decisionmaking with-*
24 *in the Department, including the degree to which the*
25 *Board impacts decision making within other head-*

1 *quarters mechanisms and bodies involved in the ad-*
2 *ministration of acquisition activities.*

3 *(c) REPORT REQUIRED.—Not later than one year after*
4 *the date of the enactment of this Act, the Comptroller Gen-*
5 *eral shall submit to the congressional homeland security*
6 *committees a report on the review required by this section.*
7 *The report shall be submitted in unclassified form but may*
8 *include a classified annex.*

9 **SEC. 225. EXCLUDED PARTY LIST SYSTEM WAIVERS.**

10 *Not later than five days after the issuance of a waiver*
11 *by the Secretary of Homeland Security of Federal require-*
12 *ments that an agency not engage in business with a con-*
13 *tractor in the Excluded Party List System (or successor sys-*
14 *tem) as maintained by the General Services Administra-*
15 *tion, the Secretary shall submit to Congress notice of such*
16 *waiver and an explanation for a finding by the Secretary*
17 *that a compelling reason exists for issuing such waiver.*

18 **SEC. 226. INSPECTOR GENERAL OVERSIGHT OF SUSPEN-**
19 **SION AND DEBARMENT.**

20 *The Inspector General of the Department of Homeland*
21 *Security—*

22 *(1) may audit decisions about grant and pro-*
23 *urement awards to identify instances where a con-*
24 *tract or grant was improperly awarded to a sus-*

1 *pended or debarred entity and whether corrective ac-*
2 *tions were taken to prevent recurrence; and*

3 *(2) shall review the suspension and debarment*
4 *program throughout the Department of Homeland Se-*
5 *curity to assess whether suspension and debarment*
6 *criteria are consistently applied throughout the De-*
7 *partment and whether disparities exist in the appli-*
8 *cation of such criteria, particularly with respect to*
9 *business size and categories.*

10 ***Subtitle C—Acquisition Program***
11 ***Management Accountability and***
12 ***Transparency***

13 ***SEC. 231. CONGRESSIONAL NOTIFICATION FOR MAJOR AC-***
14 ***QUISITION PROGRAMS.***

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 new*
18 *section:*

19 ***“SEC. 838. CONGRESSIONAL NOTIFICATION AND OTHER RE-***
20 ***QUIREMENTS FOR MAJOR ACQUISITION PRO-***
21 ***GRAM BREACH.***

22 ***“(a) REQUIREMENTS WITHIN DEPARTMENT IN EVENT***
23 ***OF BREACH.—***

24 ***“(1) NOTIFICATIONS.—***

1 “(A) *NOTIFICATION OF BREACH.*—If a
2 breach occurs in a major acquisition program,
3 the program manager for such program shall no-
4 tify the Component Acquisition Executive for
5 such program, the head of the component con-
6 cerned, the Executive Director of the Program
7 Accountability and Risk Management division,
8 the Under Secretary for Management, and the
9 Deputy Secretary not later than 30 calendar
10 days after such breach is identified.

11 “(B) *NOTIFICATION TO SECRETARY.*—If a
12 breach occurs in a major acquisition program
13 and such breach results in a cost overrun greater
14 than 15 percent, a schedule delay greater than
15 180 days, or a failure to meet any of the per-
16 formance thresholds from the cost, schedule, or
17 performance parameters specified in the most re-
18 cently approved acquisition program baseline for
19 such program, the Component Acquisition Exec-
20 utive for such program shall notify the Secretary
21 and the Inspector General of the Department not
22 later than five business days after the Compo-
23 nent Acquisition Executive for such program, the
24 head of the component concerned, the Executive
25 Director of the Program Accountability and Risk

1 *Management Division, the Under Secretary for*
2 *Management, and the Deputy Secretary are noti-*
3 *fied of the breach pursuant to subparagraph (A).*

4 “(2) *REMEDIATION PLAN AND ROOT CAUSE ANAL-*
5 *YSIS.—*

6 “(A) *IN GENERAL.—If a breach occurs in a*
7 *major acquisition program, the program man-*
8 *ager for such program shall submit to the head*
9 *of the component concerned, the Executive Direc-*
10 *tor of the Program Accountability and Risk*
11 *Management division, and the Under Secretary*
12 *for Management in writing a remediation plan*
13 *and root cause analysis relating to such breach*
14 *and program. Such plan and analysis shall be*
15 *submitted at a date established at the discretion*
16 *of the Under Secretary for Management.*

17 “(B) *REMEDIATION PLAN.—The remedi-*
18 *ation plan required under this subparagraph (A)*
19 *shall—*

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

22 “(ii) *provide prior cost estimating in-*
23 *formation;*

24 “(iii) *include a root cause analysis*
25 *that determines the underlying cause or*

1 *causes of shortcomings in cost, schedule, or*
2 *performance of the major acquisition pro-*
3 *gram with respect to which such breach has*
4 *occurred, including the role, if any, of—*

5 *“(I) unrealistic performance ex-*
6 *pectations;*

7 *“(II) unrealistic baseline esti-*
8 *mates for cost or schedule or changes in*
9 *program requirements;*

10 *“(III) immature technologies or*
11 *excessive manufacturing or integration*
12 *risk;*

13 *“(IV) unanticipated design, engi-*
14 *neering, manufacturing, or technology*
15 *integration issues arising during pro-*
16 *gram performance;*

17 *“(V) changes to the scope of such*
18 *program;*

19 *“(VI) inadequate program fund-*
20 *ing or changes in planned out-year*
21 *funding from one 5-year funding plan*
22 *to the next 5-year funding plan as out-*
23 *lined in the Future Years Homeland*
24 *Security Program required under sec-*
25 *tion 874;*

1 “(VII) legislative, legal, or regu-
2 latory changes; or

3 “(VIII) inadequate program man-
4 agement personnel, including lack of
5 sufficient number of staff, training,
6 credentials, certifications, or use of best
7 practices;

8 “(iv) propose corrective action to ad-
9 dress cost growth, schedule delays, or per-
10 formance issues;

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

14 “(vi) in coordination with the Compo-
15 nent Acquisition Executive for such pro-
16 gram, discuss all options considered, includ-
17 ing the estimated impact on cost, schedule,
18 or performance of such program if no
19 changes are made to current requirements,
20 the estimated cost of such program if re-
21 quirements are modified, and the extent to
22 which funding from other programs will
23 need to be reduced to cover the cost growth
24 of such program.

25 “(3) REVIEW OF CORRECTIVE ACTIONS.—

1 “(A) *IN GENERAL.*—*The Under Secretary*
2 *for Management shall review the remediation*
3 *plan required under paragraph (2). The Under*
4 *Secretary may approve such plan or provide an*
5 *alternative proposed corrective action within 30*
6 *days of the submission of such plan under such*
7 *paragraph.*

8 “(B) *SUBMISSION TO CONGRESS.*—*Not later*
9 *than 30 days after the review required under*
10 *subparagraph (A) is completed, the Under Sec-*
11 *retary for Management shall submit to the con-*
12 *gressional homeland security committees the fol-*
13 *lowing:*

14 “(i) *A copy of the remediation plan*
15 *and the root cause analysis required under*
16 *paragraph (2).*

17 “(ii) *A statement describing the correc-*
18 *tive action or actions that have occurred*
19 *pursuant to paragraph (2)(b)(iv) for the*
20 *major acquisition program at issue, with a*
21 *justification for such action or actions.*

22 “(b) *REQUIREMENTS RELATING TO CONGRESSIONAL*
23 *NOTIFICATION IF BREACH OCCURS.*—

24 “(1) *NOTIFICATION TO CONGRESS.*—*If a notifica-*
25 *tion to the Secretary is made under subsection*

1 *(a)(1)(B) relating to a breach in a major acquisition*
2 *program, the Under Secretary for Management shall*
3 *notify the congressional homeland security committees*
4 *of such breach in the next quarterly Comprehensive*
5 *Acquisition Status Report, as required by title I of*
6 *division D of the Consolidated Appropriations Act,*
7 *2016, (Public Law 114–113) following receipt by the*
8 *Under Secretary of notification under such sub-*
9 *section.*

10 *“(2) SIGNIFICANT VARIANCES IN COSTS OR*
11 *SCHEDULE.—If a likely cost overrun is greater than*
12 *20 percent or a likely delay is greater than 12 months*
13 *from the costs and schedule specified in the acquisi-*
14 *tion program baseline for a major acquisition pro-*
15 *gram, the Under Secretary for Management shall in-*
16 *clude in the notification required in paragraph (1) a*
17 *written certification, with supporting explanation,*
18 *that—*

19 *“(A) such program is essential to the ac-*
20 *complishment of the Department’s mission;*

21 *“(B) there are no alternatives to the capa-*
22 *bility or asset provided by such program that*
23 *will provide equal or greater capability in both*
24 *a more cost-effective and timely manner;*

1 “(C) *the new acquisition schedule and esti-*
 2 *mates for total acquisition cost are reasonable;*
 3 *and*

4 “(D) *the management structure for such*
 5 *program is adequate to manage and control cost,*
 6 *schedule, and performance.*

7 “(c) *CONGRESSIONAL HOMELAND SECURITY COMMIT-*
 8 *TEES DEFINED.—In this section, the term ‘congressional*
 9 *homeland security committees’ means—*

10 “(1) *the Committee on Homeland Security of the*
 11 *House of Representatives and the Committee on*
 12 *Homeland Security and Governmental Affairs of the*
 13 *Senate; and*

14 “(2) *the Committee on Appropriations of the*
 15 *House of Representatives and the Committee on Ap-*
 16 *propriations of the Senate.”.*

17 “(b) *CLERICAL AMENDMENT.—The table of contents in*
 18 *section 1(b) of the Homeland Security Act of 2002 is*
 19 *amended by inserting after the item relating to section 837,*
 20 *as added by this Act, the following new item:*

“Sec. 838. Congressional notification and other requirements for major acquisi-
tion program breach.”.

21 **SEC. 232. MULTIYEAR ACQUISITION STRATEGY.**

22 “(a) *IN GENERAL.—Subtitle D of title VIII of the*
 23 *Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is*

1 *further amended by adding at the end the following new*
2 *section:*

3 **“SEC. 839. MULTIYEAR ACQUISITION STRATEGY.**

4 “(a) *MULTIYEAR ACQUISITION STRATEGY RE-*
5 *QUIRED.—*

6 “(1) *IN GENERAL.—Not later than one year after*
7 *the date of the enactment of this section, the Secretary*
8 *shall submit to the appropriate congressional commit-*
9 *tees and the Comptroller General of the United States*
10 *a multiyear acquisition strategy to guide the overall*
11 *direction of the acquisitions of the Department while*
12 *allowing flexibility to deal with ever-changing threats*
13 *and risks, to keep pace with changes in technology*
14 *that could impact deliverables, and to help industry*
15 *better understand, plan, and align resources to meet*
16 *the future acquisition needs of the Department. Such*
17 *strategy shall be updated and included in each Future*
18 *Years Homeland Security Program required under*
19 *section 874.*

20 “(2) *FORM.—The strategy required under para-*
21 *graph (1) shall be submitted in unclassified form but*
22 *may include a classified annex for any sensitive or*
23 *classified information if necessary. The Secretary*
24 *shall publish such strategy in an unclassified format*
25 *that is publicly available.*

1 “(b) *CONSULTATION.*—*In developing the strategy re-*
2 *quired under subsection (a), the Secretary shall, as the Sec-*
3 *retary determines appropriate, consult with headquarters,*
4 *components, employees in the field, and individuals from*
5 *industry and the academic community.*

6 “(c) *CONTENTS OF STRATEGY.*—*The strategy shall in-*
7 *clude the following:*

8 “(1) *PRIORITIZED LIST.*—*A systematic and inte-*
9 *grated prioritized list developed by the Under Sec-*
10 *retary for Management in coordination with all of the*
11 *Component Acquisition Executives of Department*
12 *major acquisition programs that Department and*
13 *component acquisition investments seek to address,*
14 *including the expected security and economic benefit*
15 *of the program or system that is the subject of acqui-*
16 *sition and an analysis of how the security and eco-*
17 *nomical benefit derived from such program or system*
18 *will be measured.*

19 “(2) *INVENTORY.*—*A plan to develop a reliable*
20 *Department-wide inventory of investments and real*
21 *property assets to help the Department—*

22 “(A) *plan, budget, schedule, and acquire up-*
23 *grades of its systems and equipment; and*

24 “(B) *plan for the acquisition and manage-*
25 *ment of future systems and equipment.*

1 “(3) *FUNDING GAPS.*—A plan to address funding
2 *gaps between funding requirements for major acquisi-*
3 *tion programs and known available resources, includ-*
4 *ing, to the maximum extent practicable, ways of*
5 *leveraging best practices to identify and eliminate*
6 *overpayment for items to—*

7 “(A) *prevent wasteful purchasing;*

8 “(B) *achieve the greatest level of efficiency*
9 *and cost savings by rationalizing purchases;*

10 “(C) *align pricing for similar items; and*

11 “(D) *utilize purchase timing and economies*
12 *of scale.*

13 “(4) *IDENTIFICATION OF CAPABILITIES.*—An
14 *identification of test, evaluation, modeling, and sim-*
15 *ulation capabilities that will be required to—*

16 “(A) *support the acquisition of technologies*
17 *to meet the needs of such strategy;*

18 “(B) *leverage to the greatest extent possible*
19 *emerging technological trends and research and*
20 *development trends within the public and pri-*
21 *vate sectors; and*

22 “(C) *identify ways to ensure that appro-*
23 *priate technology is acquired and integrated into*
24 *the Department’s operating doctrine to improve*
25 *mission performance.*

1 “(5) *FOCUS ON FLEXIBLE SOLUTIONS.*—An as-
2 *essment of ways the Department can improve its*
3 *ability to test and acquire innovative solutions to*
4 *allow needed incentives and protections for appro-*
5 *priate risk-taking in order to meet its acquisition*
6 *needs with resiliency, agility, and responsiveness to*
7 *assure homeland security and facilitate trade.*

8 “(6) *FOCUS ON INCENTIVES TO SAVE TAXPAYER*
9 *DOLLARS.*—An assessment of ways the Department
10 *can develop incentives for program managers and*
11 *senior Department acquisition officials to—*

12 “(A) *prevent cost overruns;*

13 “(B) *avoid schedule delays; and*

14 “(C) *achieve cost savings in major acquisi-*
15 *tion programs.*

16 “(7) *FOCUS ON ADDRESSING DELAYS AND BID*
17 *PROTESTS.*—An assessment of ways the Department
18 *can improve the acquisition process to minimize cost*
19 *overruns in—*

20 “(A) *requirements development;*

21 “(B) *procurement announcements;*

22 “(C) *requests for proposals;*

23 “(D) *evaluation of proposals;*

24 “(E) *protests of decisions and awards; and*

25 “(F) *the use of best practices.*

1 “(8) *FOCUS ON IMPROVING OUTREACH.*—An
2 *identification and assessment of ways to increase op-*
3 *portunities for communication and collaboration with*
4 *industry, small and disadvantaged businesses, intra-*
5 *government entities, university centers of excellence,*
6 *accredited certification and standards development*
7 *organizations, and national laboratories to ensure*
8 *that the Department understands the market for tech-*
9 *nologies, products, and innovation that is available to*
10 *meet its mission needs and to inform the Depart-*
11 *ment’s requirements-setting process before engaging in*
12 *an acquisition, including—*

13 “(A) *methods designed especially to engage*
14 *small and disadvantaged businesses, a cost-ben-*
15 *efit analysis of the tradeoffs that small and dis-*
16 *advantaged businesses provide, information re-*
17 *lating to barriers to entry for small and dis-*
18 *advantaged businesses, and information relating*
19 *to unique requirements for small and disadvan-*
20 *taged businesses; and*

21 “(B) *within the Department Vendor Com-*
22 *munication Plan and Market Research Guide,*
23 *instructions for interaction by acquisition pro-*
24 *gram managers with such entities to—*

1 “(i) prevent misinterpretation of ac-
2 quisition regulations; and

3 “(ii) permit, within legal and ethical
4 boundaries, interacting with such entities
5 with transparency.

6 “(9) COMPETITION.—A plan regarding competi-
7 tion under subsection (d).

8 “(10) ACQUISITION WORKFORCE.—A plan re-
9 garding the Department acquisition workforce under
10 subsection (e).

11 “(d) COMPETITION PLAN.—The strategy required
12 under subsection (a) shall also include a plan to address
13 actions to ensure competition, or the option of competition,
14 for major acquisition programs. Such plan may include as-
15 sessments of the following measures in appropriate cases if
16 such measures are cost effective:

17 “(1) Competitive prototyping.

18 “(2) Dual-sourcing.

19 “(3) Unbundling of contracts.

20 “(4) Funding of next-generation prototype sys-
21 tems or subsystems.

22 “(5) Use of modular, open architectures to enable
23 competition for upgrades.

24 “(6) Acquisition of complete technical data pack-
25 ages.

1 “(7) *Periodic competitions for subsystem up-*
2 *grades.*

3 “(8) *Licensing of additional suppliers, including*
4 *small businesses.*

5 “(9) *Periodic system or program reviews to ad-*
6 *dress long-term competitive effects of program deci-*
7 *sions.*

8 “(e) *ACQUISITION WORKFORCE PLAN.—*

9 “(1) *ACQUISITION WORKFORCE.—The strategy*
10 *required under subsection (a) shall also include a*
11 *plan to address Department acquisition workforce ac-*
12 *countability and talent management that identifies*
13 *the acquisition workforce needs of each component*
14 *performing acquisition functions and develops options*
15 *for filling such needs with qualified individuals, in-*
16 *cluding a cost-benefit analysis of contracting for ac-*
17 *quisition assistance.*

18 “(2) *ADDITIONAL MATTERS COVERED.—The ac-*
19 *quisition workforce plan under this subsection shall*
20 *address ways to—*

21 “(A) *improve the recruitment, hiring, train-*
22 *ing, and retention of Department acquisition*
23 *workforce personnel, including contracting offi-*
24 *cer’s representatives, in order to retain highly*
25 *qualified individuals who have experience in the*

1 *acquisition life cycle, complex procurements, and*
2 *management of large programs;*

3 “(B) *empower program managers to have*
4 *the authority to manage their programs in an*
5 *accountable and transparent manner as such*
6 *managers work with the acquisition workforce;*

7 “(C) *prevent duplication within Depart-*
8 *ment acquisition workforce training and certifi-*
9 *cation requirements through leveraging already-*
10 *existing training within the Federal Govern-*
11 *ment, academic community, or private industry;*

12 “(D) *achieve integration and consistency*
13 *with Government-wide training and accredita-*
14 *tion standards, acquisition training tools, and*
15 *training facilities;*

16 “(E) *designate the acquisition positions*
17 *that will be necessary to support the Department*
18 *acquisition requirements, including in the fields*
19 *of—*

20 “(i) *program management;*

21 “(ii) *systems engineering;*

22 “(iii) *procurement, including con-*
23 *tracting;*

24 “(iv) *test and evaluation;*

25 “(v) *life cycle logistics;*

1 “(vi) cost estimating and program fi-
2 nancial management; and

3 “(vii) additional disciplines appro-
4 priate to Department mission needs;

5 “(F) strengthen the performance of con-
6 tracting officers’ representatives (as defined in
7 subpart 1.602–2 and subpart 2.101 of the Fed-
8 eral Acquisition Regulation), including by—

9 “(i) assessing the extent to which such
10 representatives are certified and receive
11 training that is appropriate;

12 “(ii) assessing what training is most
13 effective with respect to the type and com-
14 plexity of assignment; and

15 “(iii) implementing actions to improve
16 training based on such assessments; and

17 “(G) identify ways to increase training for
18 relevant investigators and auditors of the De-
19 partment to examine fraud in major acquisition
20 programs, including identifying opportunities to
21 leverage existing Government and private sector
22 resources in coordination with the Inspector
23 General of the Department.”.

24 (b) CLERICAL AMENDMENT.—The table of contents in
25 section 1(b) of the Homeland Security Act of 2002 is

1 *amended by inserting after the item relating to section 838,*
2 *as added by this Act, the following new item:*

“Sec. 839. Multiyear acquisition strategy.”

3 *(c) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW*
4 *OF MULTI-YEAR ACQUISITION STRATEGY.—*

5 *(1) REVIEW.—After submission of the first*
6 *multiyear acquisition strategy in accordance with*
7 *section 839 of the Homeland Security Act of 2002, as*
8 *added by subsection (a), after the date of the enact-*
9 *ment of this Act, the Comptroller General of the*
10 *United States shall conduct a review of such plan*
11 *within 180 days to analyze the viability of such*
12 *plan’s effectiveness in the following:*

13 *(A) Complying with the requirements of*
14 *such section 839.*

15 *(B) Establishing clear connections between*
16 *Department of Homeland Security objectives and*
17 *acquisition priorities.*

18 *(C) Demonstrating that Department acqui-*
19 *sition policy reflects program management best*
20 *practices and standards.*

21 *(D) Ensuring competition or the option of*
22 *competition for major acquisition programs.*

23 *(E) Considering potential cost savings*
24 *through using already-existing technologies when*
25 *developing acquisition program requirements.*

1 (F) *Preventing duplication within Depart-*
2 *ment acquisition workforce training require-*
3 *ments through leveraging already-existing train-*
4 *ing within the Federal Government, academic*
5 *community, or private industry.*

6 (G) *Providing incentives for acquisition*
7 *program managers to reduce acquisition and*
8 *procurement costs through the use of best prac-*
9 *tices and disciplined program management.*

10 (2) *DEFINITIONS.—The terms “acquisition”,*
11 *“best practices”, and “major acquisition programs”*
12 *have the meaning given such terms in section 830 of*
13 *the Homeland Security Act of 2002, as added by sec-*
14 *tion 201.*

15 (3) *REPORT.—Not later than 180 days after the*
16 *completion of the review required by subsection (a),*
17 *the Comptroller General of the United States shall*
18 *submit to the Committee on Homeland Security and*
19 *the Committee on Appropriations of the House of*
20 *Representatives and the Committee on Homeland Se-*
21 *curity and Governmental Affairs and the Committee*
22 *on Appropriations of the Senate a report on the re-*
23 *view. Such report shall be submitted in unclassified*
24 *form but may include a classified annex.*

1 **SEC. 233. ACQUISITION REPORTS.**

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

6 **“SEC. 840. ACQUISITION REPORTS.**

7 “(a) *COMPREHENSIVE ACQUISITION STATUS RE-*
8 *PORT.*—

9 “(1) *IN GENERAL.*—*At the same time as the*
10 *President’s budget is submitted for a fiscal year under*
11 *section 1105(a) of title 31, United States Code, the*
12 *Under Secretary for Management shall submit to the*
13 *congressional homeland security committees an an-*
14 *nuual comprehensive acquisition status report. The re-*
15 *port shall include the following:*

16 “(A) *The information required under the*
17 *heading ‘Office of the Under Secretary for Man-*
18 *agement’ under title I of division D of the Con-*
19 *solidated Appropriations Act, 2012 (Public Law*
20 *112–74) (as required under the Department of*
21 *Homeland Security Appropriations Act, 2013*
22 *(Public Law 113–6)).*

23 “(B) *A listing of programs that have been*
24 *cancelled, modified, paused, or referred to the*
25 *Under Secretary for Management or Deputy Sec-*
26 *retary for additional oversight or action by the*

1 *Board, Department Office of Inspector General,*
2 *or the Comptroller General.*

3 “(C) *A listing of established Executive*
4 *Steering Committees, which provide governance*
5 *of a program or related set of programs and*
6 *lower-tiered oversight, and support between ac-*
7 *quisition decision events and component reviews,*
8 *including the mission and membership for each.*

9 “(2) *INFORMATION FOR MAJOR ACQUISITION*
10 *PROGRAMS.—For each major acquisition program, the*
11 *report shall include the following:*

12 “(A) *A narrative description, including cur-*
13 *rent gaps and shortfalls, the capabilities to be*
14 *fielded, and the number of planned increments or*
15 *units.*

16 “(B) *Acquisition Review Board (or other*
17 *board designated to review the acquisition) sta-*
18 *tus of each acquisition, including the current ac-*
19 *quisition phase, the date of the last review, and*
20 *a listing of the required documents that have*
21 *been reviewed with the dates reviewed or ap-*
22 *proved.*

23 “(C) *The most current, approved acquisi-*
24 *tion program baseline (including project sched-*
25 *ules and events).*

1 “(D) A comparison of the original acquisi-
2 tion program baseline, the current acquisition
3 program baseline, and the current estimate.

4 “(E) Whether or not an independent
5 verification and validation has been imple-
6 mented, with an explanation for the decision and
7 a summary of any findings.

8 “(F) A rating of cost risk, schedule risk,
9 and technical risk associated with the program
10 (including narrative descriptions and mitigation
11 actions).

12 “(G) Contract status (including earned
13 value management data as applicable).

14 “(H) A lifecycle cost of the acquisition, and
15 time basis for the estimate.

16 “(3) UPDATES.—The Under Secretary shall sub-
17 mit quarterly updates to such report not later than
18 45 days after the completion of each quarter.

19 “(b) QUARTERLY PROGRAM ACCOUNTABILITY RE-
20 PORT.—The Under Secretary for Management shall prepare
21 a quarterly program accountability report to meet the man-
22 date of the Department to perform program health assess-
23 ments and improve program execution and governance. The
24 report shall be submitted to the congressional homeland se-
25 curity committees.

1 “(c) *CONGRESSIONAL HOMELAND SECURITY COMMIT-*
2 *TEES DEFINED.*—*In this section, the term ‘congressional*
3 *homeland security committees’ means—*

4 “(1) *the Committee on Homeland Security of the*
5 *House of Representatives and the Committee on*
6 *Homeland Security and Governmental Affairs of the*
7 *Senate; and*

8 “(2) *the Committee on Appropriations of the*
9 *House of Representatives and the Committee on Ap-*
10 *propriations of the Senate.”.*

11 “(b) *LEVEL 3 ACQUISITION PROGRAMS OF COMPONENTS*
12 *OF THE DEPARTMENT.*—

13 “(1) *IN GENERAL.*—*Not later than 60 days after*
14 *the date of the enactment of this Act, component heads*
15 *of the Department of Homeland Security shall iden-*
16 *tify to the Under Secretary for Management of the*
17 *Department all level 3 acquisition programs of each*
18 *respective component. Not later than 30 days after re-*
19 *ceipt of such information, the Under Secretary shall*
20 *certify in writing to the congressional homeland secu-*
21 *rity committees whether such component heads have*
22 *properly identified such programs. To carry out this*
23 *paragraph, the Under Secretary shall establish a*
24 *process with a repeatable methodology to continually*
25 *identify level 3 acquisition programs.*

1 (2) *POLICIES AND GUIDANCE.*—Not later than
2 180 days after the date of the enactment of this Act,
3 component heads of the Department of Homeland Se-
4 curity shall submit to the Under Secretary for Man-
5 agement of the Department their respective policies
6 and relevant guidance for level 3 acquisition pro-
7 grams of each respective component. Not later than 90
8 days after receipt of such policies and guidance, the
9 Under Secretary for Management shall certify to the
10 congressional homeland security committees that each
11 component’s respective policies and guidance adhere
12 to Department-wide acquisition policies.

13 (c) *CLERICAL AMENDMENT.*—The table of contents in
14 section 1(b) of such Act is further amended by inserting
15 after the item relating to section 839 the following new item:
 “840. Acquisition reports.”.

16 **TITLE III—INTELLIGENCE AND**
17 **INFORMATION SHARING**
18 **Subtitle A—Department of Home-**
19 **land Security Intelligence Enter-**
20 **prise**

21 **SEC. 301. HOMELAND INTELLIGENCE DOCTRINE.**

22 (a) *IN GENERAL.*—Subtitle A of title II of the Home-
23 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amended
24 by adding at the end the following new section:

1 **“SEC. 210G. HOMELAND INTELLIGENCE DOCTRINE.**

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

14 “(b) *CONTENTS.*—The guidance required under sub-
15 section (a) shall, at a minimum, include the following:

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

18 “(2) A summary of the roles and responsibilities
19 of each intelligence component of the Department and
20 programs of the intelligence components of the De-
21 partment in the processing, analysis, production, or
22 dissemination of homeland security information and
23 terrorism information, including relevant authorities
24 and restrictions applicable to each intelligence compo-
25 nent of the Department and programs of each such
26 intelligence components.

1 “(3) *Guidance for the processing, analysis, and*
2 *production of such information.*

3 “(4) *Guidance for the dissemination of such in-*
4 *formation, including within the Department, among*
5 *and between Federal departments and agencies,*
6 *among and between State, local, tribal, and terri-*
7 *torial governments, including law enforcement, and*
8 *with foreign partners and the private sector.*

9 “(5) *An assessment and description of how the*
10 *dissemination to the intelligence community (as such*
11 *term is defined in section 3(4) of the National Secu-*
12 *rity Act of 1947 (50 U.S.C. 3003(4))) and Federal*
13 *law enforcement of homeland security information*
14 *and terrorism information assists such entities in*
15 *carrying out their respective missions.*

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

19 “(d) *ANNUAL REVIEW.—For each of the five fiscal*
20 *years beginning with the fiscal year that begins after the*
21 *date of the enactment of this section, the Secretary shall*
22 *conduct a review of the guidance required under subsection*
23 *(a) and, as appropriate, revise such guidance.”.*

24 “(b) *CLERICAL AMENDMENT.—The table of contents in*
25 *section 1(b) of the Homeland Security Act of 2002 is*

1 *amended by inserting after the item relating to section 210F*
2 *the following new item:*

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

3 **SEC. 302. ANALYSTS FOR THE CHIEF INTELLIGENCE OFFI-**
4 **CER.**

5 *Paragraph (1) of section 201(e) of the Homeland Secu-*
6 *rity Act of 2002 (6 U.S.C. 121(e)) is amended by adding*
7 *at the end the following new sentence: “The Secretary shall*
8 *also provide the Chief Intelligence Officer with a staff hav-*
9 *ing appropriate expertise and experience to assist the Chief*
10 *Intelligence Officer.”.*

11 **SEC. 303. ANNUAL HOMELAND TERRORIST THREAT ASSESS-**
12 **MENTS.**

13 *(a) IN GENERAL.—Subtitle A of title II of the Home-*
14 *land Security Act of 2002 (6 U.S.C. 121 et seq.), as amend-*
15 *ed by section 301 of this Act, is further amended by adding*
16 *at the end the following new section:*

17 **“SEC. 210H. HOMELAND TERRORIST THREAT ASSESS-**
18 **MENTS.**

19 *“(a) IN GENERAL.—Not later than 180 days after the*
20 *date of the enactment of this section and for each of the*
21 *next five fiscal years (beginning in the fiscal year that be-*
22 *gins after the date of the enactment of this section) the Sec-*
23 *retary, acting through the Under Secretary for Intelligence*
24 *and Analysis, and using departmental information, includ-*
25 *ing component information, and information provided*

1 *through State and major urban area fusion centers, shall*
2 *conduct an assessment of the terrorist threat to the home-*
3 *land.*

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

6 “(1) *Empirical data assessing terrorist activities*
7 *and incidents over time in the United States, includ-*
8 *ing terrorist activities and incidents planned or sup-*
9 *ported by persons outside of the United States tar-*
10 *geting the homeland.*

11 “(2) *An evaluation of current terrorist tactics, as*
12 *well as ongoing and possible future changes in ter-*
13 *rorist tactics.*

14 “(3) *An assessment of criminal activity encoun-*
15 *tered or observed by officers or employees of compo-*
16 *nents in the field which is suspected of financing ter-*
17 *rorist activity.*

18 “(4) *Detailed information on all individuals de-*
19 *nied entry to or removed from the United States as*
20 *a result of material support provided to a foreign ter-*
21 *rorist organization (as such term is used in section*
22 *219 of the Immigration and Nationality Act (8*
23 *U.S.C. 1189)).*

24 “(5) *The efficacy and spread of foreign terrorist*
25 *organization propaganda, messaging, or recruitment.*

1 “(6) *An assessment of threats, including cyber*
2 *threats, to the homeland, including to critical infra-*
3 *structure and Federal civilian networks.*

4 “(7) *An assessment of current and potential ter-*
5 *rorism and criminal threats posed by individuals and*
6 *organized groups seeking to unlawfully enter the*
7 *United States.*

8 “(8) *An assessment of threats to the transpor-*
9 *tation sector, including surface and aviation trans-*
10 *portation systems.*

11 “(c) *ADDITIONAL INFORMATION.—The assessments re-*
12 *quired under subsection (a)—*

13 “(1) *shall, to the extent practicable, utilize exist-*
14 *ing component data collected from the field; and*

15 “(2) *may incorporate relevant information and*
16 *analysis from other agencies of the Federal Govern-*
17 *ment, agencies of State and local governments (in-*
18 *cluding law enforcement agencies), as well as the pri-*
19 *vate sector, disseminated in accordance with standard*
20 *information sharing procedures and policies.*

21 “(d) *FORM.—The assessments required under sub-*
22 *section (a) shall be shared with the appropriate congres-*
23 *sional committees and submitted in classified form, but—*

24 “(1) *shall include unclassified summaries; and*

1 “(2) may include unclassified annexes, if appro-
2 priate.”.

3 (b) *CONFORMING AMENDMENT.*—Subsection (d) of sec-
4 tion 201 of the Homeland Security Act of 2002 (6 U.S.C.
5 121) is amended by adding at the end the following new
6 paragraph:

7 “(27) To carry out section 210H (relating to
8 homeland terrorist threat assessments).”.

9 (c) *CLERICAL AMENDMENT.*—The table of contents of
10 the Homeland Security Act of 2002 is amended by inserting
11 after the item relating to section 210G, as added by this
12 Act, the following new item:

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

13 **SEC. 304. DEPARTMENT OF HOMELAND SECURITY DATA**
14 **FRAMEWORK.**

15 (a) *IN GENERAL.*—The Secretary of Homeland Secu-
16 rity shall develop a data framework to integrate existing
17 Department of Homeland Security datasets and systems, as
18 appropriate, for access by authorized personnel in a man-
19 ner consistent with relevant legal authorities and privacy,
20 civil rights, and civil liberties policies and protections. In
21 developing such framework, the Secretary shall ensure, in
22 accordance with all applicable statutory and regulatory re-
23 quirements, the following information is included:

24 (1) All information acquired, held, or obtained
25 by an office or component of the Department that

1 *falls within the scope of the information sharing envi-*
2 *ronment, including homeland security information,*
3 *terrorism information, weapons of mass destruction*
4 *information, and national intelligence.*

5 (2) *Any information or intelligence relevant to*
6 *priority mission needs and capability requirements of*
7 *the homeland security enterprise, as determined ap-*
8 *propriate by the Secretary.*

9 (b) *DATA FRAMEWORK ACCESS.—*

10 (1) *IN GENERAL.—The Secretary of Homeland*
11 *Security shall ensure that the data framework re-*
12 *quired under this section is accessible to employees of*
13 *the Department of Homeland Security who the Sec-*
14 *retary determines—*

15 (A) *have an appropriate security clearance;*

16 (B) *are assigned to perform a function that*
17 *requires access to information in such frame-*
18 *work; and*

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

21 (2) *GUIDANCE.—The Secretary of Homeland Se-*
22 *curity shall—*

23 (A) *issue guidance for Department of*
24 *Homeland Security employees authorized to ac-*

1 *cess and contribute to the data framework pursu-*
2 *ant to paragraph (1); and*

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

7 *(3) EFFICIENCY.—The Secretary of Homeland*
8 *Security shall promulgate data standards and in-*
9 *struct components of the Department of Homeland*
10 *Security to make available information through the*
11 *data framework under this section in a machine-read-*
12 *able standard format, to the greatest extent prac-*
13 *ticable.*

14 *(c) EXCLUSION OF INFORMATION.—The Secretary of*
15 *Homeland Security may exclude from the data framework*
16 *information that the Secretary determines access to or the*
17 *confirmation of the existence of could—*

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

20 *(2) compromise a criminal or national security*
21 *investigation;*

22 *(3) be inconsistent with the other Federal laws or*
23 *regulations; or*

24 *(4) be duplicative or not serve an operational*
25 *purpose if included in such framework.*

1 (d) *SAFEGUARDS.*—*The Secretary of Homeland Secu-*
2 *urity shall incorporate into the data framework systems ca-*
3 *pabilities for auditing and ensuring the security of infor-*
4 *mation included in such framework. Such capabilities shall*
5 *include the following:*

6 (1) *Mechanisms for identifying insider threats.*

7 (2) *Mechanisms for identifying security risks.*

8 (3) *Safeguards for privacy, civil rights, and civil*
9 *liberties.*

10 (e) *DEADLINE FOR IMPLEMENTATION.*—*Not later than*
11 *two years after the date of the enactment of this Act, the*
12 *Secretary of Homeland Security shall ensure the data*
13 *framework required under this section has the ability to in-*
14 *clude appropriate information in existence within the De-*
15 *partment of Homeland Security to meet its critical mission*
16 *operations.*

17 (f) *NOTICE TO CONGRESS.*—

18 (1) *OPERATIONAL NOTIFICATION.*—*Not later*
19 *than 60 days after the date on which the data frame-*
20 *work required under this section is fully operational,*
21 *the Secretary of Homeland Security shall provide no-*
22 *tice to the appropriate congressional committees of*
23 *such.*

24 (2) *REGULAR STATUS.*—*The Secretary shall sub-*
25 *mit to the appropriate congressional committees reg-*

1 ular updates on the status of the data framework re-
2 quired under this section, including, when applicable,
3 the use of such data framework to support classified
4 operations.

5 (g) *DEFINITIONS.*—*In this section:*

6 (1) *NATIONAL INTELLIGENCE.*—*The term “na-*
7 *tional intelligence” has the meaning given such term*
8 *in section 3(5) of the National Security Act of 1947*
9 *(50 U.S.C. 3003(5)).*

10 (2) *APPROPRIATE CONGRESSIONAL COM-*
11 *MITTEE.*—*The term “appropriate congressional com-*
12 *mittee” has the meaning given such term in section*
13 *2(2) of the Homeland Security Act of 2002 (6 U.S.C.*
14 *101(11)).*

15 **SEC. 305. ESTABLISHMENT OF INSIDER THREAT PROGRAM.**

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

19 **“SEC. 104. INSIDER THREAT PROGRAM.**

20 *“(a) ESTABLISHMENT.*—*The Secretary shall establish*
21 *an Insider Threat Program within the Department. Such*
22 *Program shall—*

23 *“(1) provide training and education for Depart-*
24 *ment personnel to identify, prevent, mitigate, and re-*

1 *spond to insider threat risks to the Department’s crit-*
2 *ical assets;*

3 *“(2) provide investigative support regarding po-*
4 *tential insider threats that may pose a risk to the De-*
5 *partment’s critical assets; and*

6 *“(3) conduct risk mitigation activities for in-*
7 *sider threats.*

8 *“(b) STEERING COMMITTEE.—*

9 *“(1) IN GENERAL.—The Secretary shall establish*
10 *a Steering Committee within the Department. The*
11 *Under Secretary for Intelligence and Analysis shall*
12 *serve as the Chair of the Steering Committee. The*
13 *Chief Security Officer shall serve as the Vice Chair.*
14 *The Steering Committee shall be comprised of rep-*
15 *resentatives of the Office of Intelligence and Analysis,*
16 *the Office of the Chief Information Officer, the Office*
17 *of the General Counsel, the Office for Civil Rights and*
18 *Civil Liberties, the Privacy Office, the Office of the*
19 *Chief Human Capital Officer, the Office of the Chief*
20 *Financial Officer, the Federal Protective Service, the*
21 *Office of the Chief Procurement Officer, the Science*
22 *and Technology Directorate, and other components or*
23 *offices of the Department as appropriate. Such rep-*
24 *resentatives shall meet on a regular basis to discuss*
25 *cases and issues related to insider threats to the De-*

1 *partment’s critical assets, in accordance with sub-*
2 *section (a).*

3 “(2) *RESPONSIBILITIES.—Not later than one*
4 *year after the date of the enactment of this section, the*
5 *Under Secretary for Intelligence and Analysis and the*
6 *Chief Security Officer, in coordination with the Steer-*
7 *ing Committee established pursuant to paragraph (1),*
8 *shall—*

9 “(A) *develop a holistic strategy for Depart-*
10 *ment-wide efforts to identify, prevent, mitigate,*
11 *and respond to insider threats to the Depart-*
12 *ment’s critical assets;*

13 “(B) *develop a plan to implement the in-*
14 *sider threat measures identified in the strategy*
15 *developed under subparagraph (A) across the*
16 *components and offices of the Department;*

17 “(C) *document insider threat policies and*
18 *controls;*

19 “(D) *conduct a baseline risk assessment of*
20 *insider threats posed to the Department’s critical*
21 *assets;*

22 “(E) *examine existing programmatic and*
23 *technology best practices adopted by the Federal*
24 *Government, industry, and research institutions*

1 to implement solutions that are validated and
2 cost-effective;

3 “(F) develop a timeline for deploying work-
4 place monitoring technologies, employee aware-
5 ness campaigns, and education and training
6 programs related to identifying, preventing,
7 mitigating, and responding to potential insider
8 threats to the Department’s critical assets;

9 “(G) require the Chair and Vice Chair of
10 the Steering Committee to consult with the
11 Under Secretary for Science and Technology and
12 other appropriate stakeholders to ensure the In-
13 sider Threat Program is informed, on an ongo-
14 ing basis, by current information regarding
15 threats, beset practices, and available technology;
16 and

17 “(H) develop, collect, and report metrics on
18 the effectiveness of the Department’s insider
19 threat mitigation efforts.

20 “(c) *DEFINITIONS.*—*In this section:*

21 “(1) *CRITICAL ASSETS.*—*The term ‘critical as-*
22 *sets’ means the people, facilities, information, and*
23 *technology required for the Department to fulfill its*
24 *mission.*

25 “(2) *INSIDER.*—*The term ‘insider’ means—*

1 “(A) any person who has access to classified
2 national security information and is employed
3 by, detailed to, or assigned to the Department,
4 including members of the Armed Forces, experts
5 or consultants to the Department, industrial or
6 commercial contractors, licensees, certificate
7 holders, or grantees of the Department, including
8 all subcontractors, personal services contractors,
9 or any other category of person who acts for or
10 on behalf of the Department, as determined by
11 the Secretary; or

12 “(B) State, local, tribal, territorial, and
13 private sector personnel who possess security
14 clearances granted by the Department.

15 “(3) *INSIDER THREAT.*—The term ‘insider
16 threat’ means the threat that an insider will use his
17 or her authorized access, wittingly or unwittingly, to
18 do harm to the security of the United States, includ-
19 ing damage to the United States through espionage,
20 terrorism, the unauthorized disclosure of classified na-
21 tional security information, or through the loss or
22 degradation of departmental resources or capabili-
23 ties.”.

24 (b) *REPORTING.*—

1 (1) *IN GENERAL.*—Not later than two years after
2 the date of the enactment of section 104 of the Home-
3 land Security Act of 2002 (as added by subsection (a)
4 of this section) and the biennially thereafter for the
5 next four years, the Secretary of Homeland Security
6 shall submit to the Committee on Homeland Security
7 and the Permanent Select Committee on Intelligence
8 of the House of Representatives and the Committee on
9 Homeland Security and Governmental Affairs and
10 the Select Committee on Intelligence of the Senate a
11 report on how the Department of Homeland Security
12 and its components and offices have implemented the
13 strategy developed pursuant to subsection (b)(2)(A) of
14 such section 104, the status of the Department’s risk
15 assessment of critical assets, the types of insider
16 threat training conducted, the number of Department
17 employees who have received such training, and infor-
18 mation on the effectiveness of the Insider Threat Pro-
19 gram (established pursuant to subsection (a) of such
20 section 104), based on metrics developed, collected,
21 and reported pursuant to subsection (b)(2)(H) of such
22 section 104.

23 (2) *DEFINITIONS.*—In this subsection, the terms
24 “critical assets”, “insider”, and “insider threat” have
25 the meanings given such terms in section 104 of the

1 *Homeland Security Act of 2002 (as added by sub-*
2 *section (a) of this section).*

3 (c) *CLERICAL AMENDMENT.*—*The table of contents in*
4 *section 1(b) of the Homeland Security Act of 2002 is*
5 *amended by inserting after the item relating to section 103*
6 *the following new item:*

“Sec. 104. Insider Threat Program.”.

7 **SEC. 306. THREAT ASSESSMENT ON TERRORIST USE OF VIR-**
8 **TUAL CURRENCY.**

9 (a) *IN GENERAL.*—*Not later than 120 days after the*
10 *date of the enactment of this Act, the Under Secretary of*
11 *Homeland Security for Intelligence and Analysis, as au-*
12 *thorized by section 201(b)(1) of the Homeland Security Act*
13 *of 2002 (6 U.S.C. 121), shall, in coordination with appro-*
14 *priate Federal partners, develop and disseminate a threat*
15 *assessment regarding the actual and potential threat posed*
16 *by individuals using virtual currency to carry out activities*
17 *in furtherance of an act of terrorism, including the provi-*
18 *sion of material support or resources to a foreign terrorist*
19 *organization. Consistent with the protection of classified*
20 *and confidential unclassified information, the Under Sec-*
21 *retary shall share the threat assessment developed under this*
22 *section with State, local, and tribal law enforcement offi-*
23 *cials, including officials that operate within State, local,*
24 *and regional fusion centers through the Department of*
25 *Homeland Security State, Local, and Regional Fusion Cen-*

1 *ter Initiative established in section 210A of the Homeland*
2 *Security Act of 2002 (6 U.S.C. 124h).*

3 (b) *DEFINITIONS.—In this section:*

4 (1) *FOREIGN TERRORIST ORGANIZATION.—The*
5 *term “foreign terrorist organization” means an orga-*
6 *nization designated as a foreign terrorist organization*
7 *under section 219 of the Immigration and Nation-*
8 *ality Act (8 U.S.C. 1189).*

9 (2) *VIRTUAL CURRENCY.—The term “virtual cur-*
10 *rency” means a digital representation of value that*
11 *functions as a medium of exchange, a unit of account,*
12 *or a store of value.*

13 **SEC. 307. DEPARTMENT OF HOMELAND SECURITY**
14 **COUNTERTERRORISM ADVISORY BOARD.**

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.), as amend-*
17 *ed by sections 301 and 303 of this Act, is further amended*
18 *by adding at the end the following new section:*

19 **“SEC. 210I. DEPARTMENTAL COORDINATION ON COUNTER-**
20 **TERRORISM.**

21 *“(a) ESTABLISHMENT.—There is in the Department a*
22 *board to be composed of senior representatives of depart-*
23 *mental operational components and headquarters elements.*
24 *The purpose of the board shall be to coordinate and inte-*
25 *grate departmental intelligence, activities, and policy re-*

1 *lated to the counterterrorism mission and functions of the*
2 *Department.*

3 “(b) *CHARTER.*—*There shall be a charter to govern the*
4 *structure and mission of the board. Such charter shall direct*
5 *the board to focus on the current threat environment and*
6 *the importance of aligning departmental counterterrorism*
7 *activities under the Secretary’s guidance. The charter shall*
8 *be reviewed and updated every four years, as appropriate.*

9 “(c) *MEMBERS.*—

10 “(1) *CHAIR.*—*The Secretary shall appoint a Co-*
11 *ordinator for Counterterrorism within the Depart-*
12 *ment who will serve as the chair of the board.*

13 “(2) *ADDITIONAL MEMBERS.*—*The Secretary*
14 *shall appoint additional members of the board from*
15 *among the following:*

16 “(A) *The Transportation Security Adminis-*
17 *tration.*

18 “(B) *U.S. Customs and Border Protection.*

19 “(C) *U.S. Immigration and Customs En-*
20 *forcement.*

21 “(D) *The Federal Emergency Management*
22 *Agency.*

23 “(E) *The Coast Guard.*

24 “(F) *United States Citizenship and Immi-*
25 *gration Services.*

1 “(G) *The United States Secret Service.*

2 “(H) *The National Protection and Pro-*
3 *grams Directorate.*

4 “(I) *The Office of Operations Coordination.*

5 “(J) *The Office of the General Counsel.*

6 “(K) *The Office of Intelligence and Anal-*
7 *ysis.*

8 “(L) *The Office of Policy.*

9 “(M) *The Science and Technology Direc-*
10 *torate.*

11 “(N) *Other departmental offices and pro-*
12 *grams as determined appropriate by the Sec-*
13 *retary.*

14 “(d) *MEETINGS.—The board shall meet on a regular*
15 *basis to discuss intelligence and coordinate ongoing threat*
16 *mitigation efforts and departmental activities, including*
17 *coordination with other Federal, State, local, tribal, terri-*
18 *torial, and private sector partners, and shall make rec-*
19 *ommendations to the Secretary.*

20 “(e) *TERRORISM ALERTS.—The board shall advise the*
21 *Secretary on the issuance of terrorism alerts pursuant to*
22 *section 203 of this Act.*

23 “(f) *PROHIBITION ON ADDITIONAL FUNDS.—No addi-*
24 *tional funds are authorized to carry out this section.”.*

1 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
2 *section 1(b) of the Homeland Security Act of 2002 is*
3 *amended by inserting after the item relating to section*
4 *210H, as added by this Act, the following new item:*

“Sec. 210I. Departmental coordination on counterterrorism.”.

5 **(c) REPORT.**—*Not later than 90 days after the date*
6 *of the enactment of this Act, the Secretary of Homeland Se-*
7 *curity, acting through the Coordinator for Counterter-*
8 *rorism, shall submit to the Committee on Homeland Secu-*
9 *rity of the House of Representatives and the Committee on*
10 *Homeland Security and Governmental Affairs of the Senate*
11 *a report on the status and activities of the board established*
12 *under section 210I of the Homeland Security Act of 2002,*
13 *as added by subsection (a) of this section.*

14 **SEC. 308. BORDER AND GANG THREAT ASSESSMENT.**

15 **(a) IN GENERAL.**—*Not later than 90 days after the*
16 *date of the enactment of this Act, the Secretary of Homeland*
17 *Security shall conduct a threat assessment on whether*
18 *human smuggling organizations and transnational gangs*
19 *are exploiting vulnerabilities in border security screening*
20 *programs to gain access to the United States and threaten*
21 *the United States or border security.*

22 **(b) RECOMMENDATIONS.**—*Upon completion of the*
23 *threat assessment required under subsection (a), the Sec-*
24 *retary of Homeland Security shall make a determination*

1 *if any changes are required to address security*
 2 *vulnerabilities identified in such assessment.*

3 **SEC. 309. SECURITY CLEARANCE MANAGEMENT AND AD-**
 4 **MINISTRATION.**

5 *(a) IN GENERAL.—Title VII of the Homeland Security*
 6 *Act of 2002 is amended—*

7 *(1) by inserting before section 701 (6 U.S.C.*
 8 *341) the following:*

9 **“Subtitle A—Headquarters**
 10 **Activities”;**

11 *and*

12 *(2) by adding at the end the following new sub-*
 13 *title:*

14 **“Subtitle B—Security Clearances**

15 **“SEC. 731. DESIGNATION OF NATIONAL SECURITY SEN-**
 16 **SITIVE AND PUBLIC TRUST POSITIONS.**

17 *“(a) IN GENERAL.—The Secretary shall require the*
 18 *designation of the sensitivity level of national security posi-*
 19 *tions (pursuant to part 1400 of title 5, Code of Federal Reg-*
 20 *ulations, or similar successor regulation) be conducted in*
 21 *a consistent manner with respect to all components and of-*
 22 *fices of the Department, and consistent with Federal guide-*
 23 *lines.*

24 *“(b) IMPLEMENTATION.—In carrying out subsection*
 25 *(a), the Secretary shall require the utilization of uniform*

1 *designation tools throughout the Department and provide*
2 *training to appropriate staff of the Department on such uti-*
3 *lization. Such training shall include guidance on factors*
4 *for determining eligibility for access to classified informa-*
5 *tion and eligibility to hold a national security position.*

6 **“SEC. 732. REVIEW OF POSITION DESIGNATIONS.**

7 “(a) *IN GENERAL.*—Not later than one year after the
8 *date of the enactment of this subtitle, and every five years*
9 *thereafter, the Secretary shall review all sensitivity level*
10 *designations of national security positions (pursuant to*
11 *part 1400 of title 5, Code of Federal Regulations, or similar*
12 *successor regulation) at the Department.*

13 “(b) *DETERMINATION.*—If during the course of a re-
14 *view required under subsection (a), the Secretary deter-*
15 *mines that a change in the sensitivity level of a position*
16 *that affects the need for an individual to obtain access to*
17 *classified information is warranted, such access shall be ad-*
18 *ministratively adjusted and an appropriate level periodic*
19 *reinvestigation completed, as necessary.*

20 “(c) *CONGRESSIONAL REPORTING.*—Upon completion
21 *of each review required under subsection (a), the Secretary*
22 *shall report to the Committee on Homeland Security of the*
23 *House of Representatives and the Committee on Homeland*
24 *Security and Governmental Affairs of the Senate on the*
25 *findings of each such review, including the number of posi-*

1 *tions by classification level and by component and office*
2 *of the Department in which the Secretary made a deter-*
3 *mination in accordance with subsection (b) to—*

4 “(1) *require access to classified information;*

5 “(2) *no longer require access to classified infor-*
6 *mation; or*

7 “(3) *otherwise require a different level of access*
8 *to classified information.*

9 **“SEC. 733. AUDITS.**

10 *“Beginning not later than 180 days after the date of*
11 *the enactment of this section, the Inspector General of the*
12 *Department shall conduct regular audits of compliance of*
13 *the Department with part 1400 of title 5, Code of Federal*
14 *Regulations, or similar successor regulation.*

15 **“SEC. 734. REPORTING.**

16 “(a) *IN GENERAL.—The Secretary shall annually*
17 *through fiscal year 2022 submit to the Committee on Home-*
18 *land Security and the Committee on Oversight and Govern-*
19 *ment Reform of the House of Representatives and the Com-*
20 *mittee on Homeland Security and Governmental Affairs of*
21 *the Senate a report on the following:*

22 “(1) *The number of denials, suspensions, revoca-*
23 *tions, and appeals of the eligibility for access to clas-*
24 *sified information of an individual throughout the*
25 *Department.*

1 *vidual for access to classified information that are con-*
2 *sistent with the Adjudicative Guidelines for Determining*
3 *Access to Classified Information published on December 29,*
4 *2005, or similar successor regulation. The Secretary shall*
5 *submit to the Committee on Homeland Security of the*
6 *House of Representatives and the Committee on Homeland*
7 *Security and Governmental Affairs of the Senate the plan.*
8 *The plan shall consider the following:*

9 “(1) *Mechanisms to foster greater compliance*
10 *with the uniform Department adjudication, suspen-*
11 *sion, denial, and revocation standards by the head of*
12 *each component and office of the Department with the*
13 *authority to adjudicate access to classified informa-*
14 *tion.*

15 “(2) *The establishment of an internal appeals*
16 *panel responsible for final national security clearance*
17 *denial and revocation determinations that is com-*
18 *prised of designees who are career, supervisory em-*
19 *ployees from components and offices of the Depart-*
20 *ment with the authority to adjudicate access to classi-*
21 *fied information and headquarters, as appropriate.*

22 **“SEC. 736. DATA PROTECTION.**

23 *“The Secretary shall ensure that all information re-*
24 *ceived for the adjudication of eligibility of an individual*
25 *for access to classified information is consistent with the*

1 *Adjudicative Guidelines for Determining Access to Classi-*
 2 *fied Information published on December 29, 2005, or simi-*
 3 *lar successor regulation, and is protected against misappro-*
 4 *priation.*

5 **“SEC. 737. REFERENCE.**

6 *“Except as otherwise provided, for purposes of this*
 7 *subtitle, any reference to the ‘Department’ includes all com-*
 8 *ponents and offices of the Department.”.*

9 (b) *CLERICAL AMENDMENT.—The table of contents of*
 10 *the Homeland Security Act of 2002 is amended—*

11 (1) *by inserting before the item relating to sec-*
 12 *tion 701 the following new item:*

“Subtitle A—Headquarters Activities”;

13 *and*

14 (2) *by inserting after the final item relating to*
 15 *title VII the following new items:*

“Subtitle B—Security Clearances

“Sec. 731. Designation of national security sensitive and public trust positions.

“Sec. 732. Review of position designations.

“Sec. 733. Audits.

“Sec. 734. Reporting.

“Sec. 735. Uniform adjudication, suspension, denial, and revocation.

“Sec. 736. Data protection.

“Sec. 737. Reference.”.

1 ***Subtitle B—Stakeholder***
2 ***Information Sharing***

3 ***SEC. 311. DEPARTMENT OF HOMELAND SECURITY FUSION***
4 ***CENTER PARTNERSHIP INITIATIVE.***

5 (a) *IN GENERAL.*—*Section 210A of the Homeland Se-*
6 *curity Act of 2002 (6 U.S.C. 124h) is amended—*

7 (1) *by amending the section heading to read as*
8 *follows:*

9 ***“SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FU-***
10 ***SION CENTER PARTNERSHIP INITIATIVE.”;***

11 (2) *in subsection (a), by adding at the end the*
12 *following new sentence: “Beginning on the date of the*
13 *enactment of the Department of Homeland Security*
14 *Authorization Act of 2017, such Initiative shall be*
15 *known as the ‘Department of Homeland Security Fu-*
16 *sion Center Partnership Initiative’.”;*

17 (3) *by amending subsection (b) to read as fol-*
18 *lows:*

19 ***“(b) INTERAGENCY SUPPORT AND COORDINATION.—***
20 *Through the Department of Homeland Security Fusion*
21 *Center Partnership Initiative, in coordination with prin-*
22 *cipal officials of fusion centers in the National Network of*
23 *Fusion Centers and the officers designated as the Homeland*
24 *Security Advisors of the States, the Secretary shall—*

1 “(1) coordinate with the heads of other Federal
2 departments and agencies to provide operational and
3 intelligence advice and assistance to the National Net-
4 work of Fusion Centers;

5 “(2)(A) support the integration of fusion centers
6 into the information sharing environment;

7 “(B) conduct outreach to such fusion centers to
8 identify any gaps in information sharing; and

9 “(C) consult with other Federal agencies to de-
10 velop methods to address any such gaps, as appro-
11 priate;

12 “(3)(A) identify Federal databases and datasets,
13 including databases and datasets used, operated, or
14 managed by Department components, the Federal Bu-
15 reau of Investigation, and the Department of the
16 Treasury, that are appropriate, in accordance with
17 Federal laws and policies, to address any gaps identi-
18 fied pursuant to paragraph (2), for inclusion in the
19 information sharing environment; and

20 “(B) coordinate with the appropriate Federal
21 agency to deploy or access such databases and
22 datasets;

23 “(4) support the maturation and sustainment of
24 the National Network of Fusion Centers;

1 “(5) reduce inefficiencies and maximize the effec-
2 tiveness of Federal resource support to the National
3 Network of Fusion Centers;

4 “(6) provide analytic and reporting advice and
5 assistance to the National Network of Fusion Centers;

6 “(7) review information within the scope of the
7 information sharing environment, including home-
8 land security information, terrorism information,
9 and weapons of mass destruction information, that is
10 gathered by the National Network of Fusion Centers
11 and incorporate such information, as appropriate,
12 into the Department’s own such information;

13 “(8) provide for the effective dissemination of in-
14 formation within the scope of the information sharing
15 environment to the National Network of Fusion Cen-
16 ters;

17 “(9) facilitate close communication and coordi-
18 nation between the National Network of Fusion Cen-
19 ters and the Department and other Federal depart-
20 ments and agencies;

21 “(10) provide the National Network of Fusion
22 Centers with expertise on Department resources and
23 operations;

24 “(11) coordinate the provision of training and
25 technical assistance to the National Network of Fu-

1 *sion Centers and encourage participating fusion cen-*
2 *ters to take part in terrorism threat-related exercises*
3 *conducted by the Department;*

4 *“(12) ensure, to the greatest extent practicable,*
5 *that support for the National Network of Fusion Cen-*
6 *ters is included as a national priority in applicable*
7 *homeland security grant guidance;*

8 *“(13) ensure that each fusion center in the Na-*
9 *tional Network of Fusion Centers has a privacy pol-*
10 *icy approved by the Chief Privacy Officer of the De-*
11 *partment and a civil rights and civil liberties policy*
12 *approved by the Officer for Civil Rights and Civil*
13 *Liberties of the Department;*

14 *“(14) coordinate the nationwide suspicious activ-*
15 *ity report initiative to ensure information gathered*
16 *by the National Network of Fusion Centers is incor-*
17 *porated as appropriate;*

18 *“(15) promote and facilitate, to the greatest ex-*
19 *tent practicable, nationwide suspicious activity report*
20 *training of fire, emergency medical services, emer-*
21 *gency management, and public health personnel;*

22 *“(16) lead Department efforts to ensure fusion*
23 *centers in the National Network of Fusion Centers are*
24 *the primary focal points for the sharing of homeland*
25 *security information, terrorism information, and*

1 *weapons of mass destruction information with State,*
2 *local, tribal, and territorial entities to the greatest ex-*
3 *tent practicable;*

4 *“(17) develop and disseminate best practices on*
5 *the appropriate levels for staffing at fusion centers in*
6 *the National Network of Fusion Centers of qualified*
7 *representatives from State, local, tribal, and terri-*
8 *torial law enforcement, fire, emergency medical, and*
9 *emergency management services, and public health*
10 *disciplines, as well as the private sector; and*

11 *“(18) carry out such other duties as the Sec-*
12 *retary determines appropriate.”;*

13 *(4) in subsection (c)—*

14 *(A) by striking so much as precedes para-*
15 *graph (3)(B) and inserting the following:*

16 *“(c) RESOURCE ALLOCATION.—*

17 *“(1) INFORMATION SHARING AND PERSONNEL AS-*
18 *SIGNMENT.—*

19 *“(A) INFORMATION SHARING.—The Under*
20 *Secretary for Intelligence and Analysis shall en-*
21 *sure that, as appropriate—*

22 *“(i) fusion centers in the National Net-*
23 *work of Fusion Centers have access to home-*
24 *land security information sharing systems;*
25 *and*

1 “(ii) *Department personnel are de-*
2 *ployed to support fusion centers in the Na-*
3 *tional Network of Fusion Centers in a man-*
4 *ner consistent with the Department’s mis-*
5 *sion and existing statutory limits.*

6 “(B) *PERSONNEL ASSIGNMENT.*—*Depart-*
7 *ment personnel referred to in subparagraph*
8 *(A)(ii) may include the following:*

9 “(i) *Intelligence officers.*

10 “(ii) *Intelligence analysts.*

11 “(iii) *Other liaisons from components*
12 *and offices of the Department, as appro-*
13 *priate.*

14 “(C) *MEMORANDA OF UNDERSTANDING.*—
15 *The Under Secretary for Intelligence and Anal-*
16 *ysis shall negotiate memoranda of understanding*
17 *between the Department and a State or local*
18 *government, in coordination with the appro-*
19 *priate representatives from fusion centers in the*
20 *National Network of Fusion Centers, regarding*
21 *the exchange of information between the Depart-*
22 *ment and such fusion centers. Such memoranda*
23 *shall include the following:*

1 “(i) *The categories of information to be*
2 *provided by each entity to the other entity*
3 *that are parties to any such memoranda.*

4 “(ii) *The contemplated uses of the ex-*
5 *changed information that is the subject of*
6 *any such memoranda.*

7 “(iii) *The procedures for developing*
8 *joint products.*

9 “(iv) *The information sharing dispute*
10 *resolution processes.*

11 “(v) *Any protections necessary to en-*
12 *sure the exchange of information accords*
13 *with applicable law and policies.*

14 “(2) *SOURCES OF SUPPORT.—*

15 “(A) *IN GENERAL.—Information shared*
16 *and personnel assigned pursuant to paragraph*
17 *(1) may be shared or provided, as the case may*
18 *be, by the following Department components and*
19 *offices, in coordination with the respective com-*
20 *ponent or office head and in consultation with*
21 *the principal officials of fusion centers in the*
22 *National Network of Fusion Centers:*

23 “(i) *The Office of Intelligence and*
24 *Analysis.*

1 “(ii) *The Office of Infrastructure Pro-*
2 *tection.*

3 “(iii) *The Transportation Security Ad-*
4 *ministration.*

5 “(iv) *U.S. Customs and Border Protec-*
6 *tion.*

7 “(v) *U.S. Immigration and Customs*
8 *Enforcement.*

9 “(vi) *The Coast Guard.*

10 “(vii) *The national cybersecurity and*
11 *communications integration center under*
12 *section 227.*

13 “(viii) *Other components or offices of*
14 *the Department, as determined by the Sec-*
15 *retary.*

16 “(B) *COORDINATION WITH OTHER FEDERAL*
17 *AGENCIES.—The Under Secretary for Intelligence*
18 *and Analysis shall coordinate with appropriate*
19 *officials throughout the Federal Government to*
20 *ensure the deployment to fusion centers in the*
21 *National Network of Fusion Centers of represent-*
22 *atives with relevant expertise of other Federal de-*
23 *partments and agencies.*

24 “(3) *RESOURCE ALLOCATION CRITERIA.—*

1 “(A) *IN GENERAL.*—*The Secretary shall*
2 *make available criteria for sharing information*
3 *and deploying personnel to support a fusion cen-*
4 *ter in the National Network of Fusion Centers in*
5 *a manner consistent with the Department’s mis-*
6 *sion and existing statutory limits.”; and*

7 *(B) in paragraph (4)(B), in the matter pre-*
8 *ceding clause (i), by inserting “in which such fu-*
9 *sion center is located” after “region”;*

10 *(5) in subsection (d)—*

11 *(A) in paragraph (3), by striking “and” at*
12 *the end;*

13 *(B) in paragraph (4)—*

14 *(i) by striking “government” and in-*
15 *serting “governments”;* and

16 *(ii) by striking the period at the end*
17 *and inserting “; and”;* and

18 *(C) by adding at the end the following new*
19 *paragraph:*

20 *“(5) utilize Department information, including*
21 *information held by components and offices, to de-*
22 *velop analysis focused on the mission of the Depart-*
23 *ment under section 101(b).”;*

24 *(6) in subsection (e)—*

1 (A) by amending paragraph (1) to read as
2 follows:

3 “(1) *IN GENERAL.*—*To the greatest extent prac-*
4 *ticable, the Secretary shall make it a priority to allo-*
5 *cate resources, including deployed personnel, under*
6 *this section from U.S. Customs and Border Protec-*
7 *tion, U.S. Immigration and Customs Enforcement,*
8 *and the Coast Guard to support fusion centers in the*
9 *National Network of Fusion Centers located in juris-*
10 *dictions along land or maritime borders of the United*
11 *States in order to enhance the integrity of and secu-*
12 *rity at such borders by helping Federal, State, local,*
13 *tribal, and territorial law enforcement authorities to*
14 *identify, investigate, and otherwise interdict persons,*
15 *weapons, and related contraband that pose a threat to*
16 *homeland security.”; and*

17 (B) in paragraph (2), in the matter pre-
18 ceding subparagraph (A), by striking “participating State, local, and regional fusion centers”
19 and inserting “fusion centers in the National
20 Network of Fusion Centers”;

22 (7) in subsection (j)—

23 (A) in paragraph (4), by striking “and” at
24 the end;

1 (B) by redesignating paragraph (5) as
2 paragraph (6); and

3 (C) by inserting after paragraph (4) the fol-
4 lowing new paragraph:

5 “(5) the term ‘National Network of Fusion Cen-
6 ters’ means a decentralized arrangement of fusion
7 centers intended to enhance individual State and
8 urban area fusion centers’ ability to leverage the ca-
9 pabilities and expertise of all fusion centers for the
10 purpose of enhancing analysis and homeland security
11 information sharing nationally; and”;

12 (8) by striking subsection (k).

13 (b) *ACCOUNTABILITY REPORT*.—Not later than one
14 year after the date of the enactment of this Act and annu-
15 ally thereafter through 2024, the Under Secretary for Intel-
16 ligence and Analysis of the Department of Homeland Secu-
17 rity shall report to the Committee on Homeland Security
18 and the Permanent Select Committee on Intelligence of the
19 House of Representatives and the Committee on Homeland
20 Security and Governmental Affairs and the Select Com-
21 mittee on Intelligence of the Senate on the efforts of the Of-
22 fice of Intelligence and Analysis of the Department and
23 other relevant components and offices of the Department to
24 enhance support provided to fusion centers in the National
25 Network of Fusion Centers, including meeting the require-

1 ments specified in section 210A of the Homeland Security
2 Act of 2002 (6 U.S.C. 124h), as amended by subsection (a)
3 of this section.

4 (c) *CLERICAL AMENDMENT.*—The table of contents in
5 section 1(b) of the Homeland Security Act of 2002 is
6 amended by striking the item relating to section 210A and
7 inserting the following new item:

“Sec. 210A. Department of Homeland Security Fusion Center Partnership Initiative.”.

8 (d) *REFERENCE.*—Any reference in any law, rule, or
9 regulation to the “Department of Homeland Security State,
10 Local, and Regional Fusion Center Initiative” shall be
11 deemed to be a reference to the “Department of Homeland
12 Security Fusion Center Partnership Initiative”.

13 **SEC. 312. FUSION CENTER PERSONNEL NEEDS ASSESS-**
14 **MENT.**

15 (a) *IN GENERAL.*—Not later than 120 days after the
16 date of the enactment of this Act, the Comptroller General
17 of the United States shall conduct an assessment of Depart-
18 ment of Homeland Security personnel assigned to fusion
19 centers pursuant to subsection (c) of section 210A of the
20 Homeland Security Act of 2002 (6 U.S.C. 124h), as amend-
21 ed by section 311 of this Act, including an assessment of
22 whether deploying additional Department personnel to such
23 fusion centers would enhance the Department’s mission
24 under section 101(b) of such Act and the National Network

1 *of Fusion Centers. The assessment required under this sub-*
2 *section shall include the following:*

3 (1) *Information on the current deployment of the*
4 *Department's personnel to each fusion center.*

5 (2) *Information on the roles and responsibilities*
6 *of the Department's Office of Intelligence and Anal-*
7 *ysis intelligence officers, intelligence analysts, senior*
8 *reports officers, reports officers, and regional directors*
9 *deployed to fusion centers.*

10 (3) *Information on Federal resources, in addi-*
11 *tion to personnel, provided to each fusion center.*

12 (4) *An analysis of the optimal number of per-*
13 *sonnel the Office of Intelligence and Analysis should*
14 *deploy to fusion centers, including a cost-benefit anal-*
15 *ysis comparing deployed personnel with technological*
16 *solutions to support information sharing.*

17 (5) *An assessment of fusion centers located in ju-*
18 *risdictions along land and maritime borders of the*
19 *United States, and the degree to which deploying per-*
20 *sonnel, as appropriate, from U.S. Customs and Bor-*
21 *der Protection, U.S. Immigration and Customs En-*
22 *forcement, and the Coast Guard to such fusion centers*
23 *would enhance the integrity and security at such bor-*
24 *ders by helping Federal, State, local, tribal, and terri-*
25 *torial law enforcement authorities to identify, inves-*

1 *tigate, and interdict persons, weapons, and related*
2 *contraband that pose a threat to homeland security.*

3 (6) *An assessment of fusion centers located in ju-*
4 *risdictions with large and medium hub airports, and*
5 *the degree to which deploying, as appropriate, per-*
6 *sonnel from the Transportation Security Administra-*
7 *tion to such fusion centers would enhance the integ-*
8 *riety and security of aviation security.*

9 (b) *DEFINITIONS.—In this section:*

10 (1) *FUSION CENTER.—The term “fusion center”*
11 *has the meaning given such term in subsection (j) of*
12 *section 210A of the Homeland Security Act of 2002*
13 *(6 U.S.C. 124h).*

14 (2) *NATIONAL NETWORK OF FUSION CENTERS.—*
15 *The term “National Network of Fusion Centers” has*
16 *the meaning given such term in subsection (j) of sec-*
17 *tion 210A of the Homeland Security Act of 2002 (6*
18 *U.S.C. 124h), as amended by section 311 of this Act.*

19 **SEC. 313. PROGRAM FOR STATE AND LOCAL ANALYST**
20 **CLEARANCES.**

21 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
22 *that any program established by the Under Secretary for*
23 *Intelligence and Analysis of the Department of Homeland*
24 *Security to provide eligibility for access to information*
25 *classified as Top Secret for State, local, tribal, and terri-*

1 *torial analysts located in fusion centers shall be consistent*
2 *with the need to know requirements pursuant to Executive*
3 *Order No. 13526 (50 U.S.C. 3161 note).*

4 *(b) REPORT.—Not later than two years after the date*
5 *of the enactment of this Act, the Under Secretary of Intel-*
6 *ligence and Analysis of the Department of Homeland Secu-*
7 *rity, in consultation with the Director of National Intel-*
8 *ligence, shall submit to the Committee on Homeland Secu-*
9 *rity and the Permanent Select Committee on Intelligence*
10 *of the House of Representatives and the Committee on*
11 *Homeland Security and Governmental Affairs and the Se-*
12 *lect Committee on Intelligence of the Senate a report on*
13 *the following:*

14 *(1) The process by which the Under Secretary of*
15 *Intelligence and Analysis determines a need to know*
16 *pursuant to Executive Order No. 13526 to sponsor*
17 *Top Secret clearances for appropriate State, local,*
18 *tribal, and territorial analysts located in fusion cen-*
19 *ters.*

20 *(2) The effects of such Top Secret clearances on*
21 *enhancing information sharing with State, local, trib-*
22 *al, and territorial partners.*

23 *(3) The cost for providing such Top Secret clear-*
24 *ances for State, local, tribal, and territorial analysts*

1 *located in fusion centers, including training and*
2 *background investigations.*

3 (4) *The operational security protocols, training,*
4 *management, and risks associated with providing*
5 *such Top Secret clearances for State, local, tribal, and*
6 *territorial analysts located in fusion centers.*

7 (c) *DEFINITION.—In this section, the term “fusion cen-*
8 *ter” has the meaning given such term in subsection (j) of*
9 *section 210A of the Homeland Security Act of 2002 (6*
10 *U.S.C. 124h).*

11 **SEC. 314. INFORMATION TECHNOLOGY ASSESSMENT.**

12 (a) *IN GENERAL.—The Under Secretary of Intelligence*
13 *and Analysis of the Department of Homeland Security, in*
14 *collaboration with the Chief Information Officer of the De-*
15 *partment and representatives from the National Network of*
16 *Fusion Centers, shall conduct an assessment of information*
17 *systems (as such term is defined in section 3502 of title*
18 *44, United States Code) used to share homeland security*
19 *information between the Department and fusion centers in*
20 *the National Network of Fusion Centers and make upgrades*
21 *to such systems, as appropriate. Such assessment shall in-*
22 *clude the following:*

23 (1) *An evaluation of the accessibility and ease of*
24 *use of such systems by fusion centers in the National*
25 *Network of Fusion Centers.*

1 (2) *A review to determine how to establish im-*
2 *proved interoperability of departmental information*
3 *systems with existing information systems used by fu-*
4 *sion centers in the National Network of Fusion Cen-*
5 *ters.*

6 (3) *An evaluation of participation levels of de-*
7 *partmental components and offices of information*
8 *systems used to share homeland security information*
9 *with fusion centers in the National Network of Fusion*
10 *Centers.*

11 (b) *DEFINITIONS.—In this section:*

12 (1) *FUSION CENTER.—The term “fusion center”*
13 *has the meaning given such term in subsection (j) of*
14 *section 210A of the Homeland Security Act of 2002*
15 *(6 U.S.C. 124h).*

16 (2) *NATIONAL NETWORK OF FUSION CENTERS.—*
17 *The term “National Network of Fusion Centers” has*
18 *the meaning given such term in subsection (j) of sec-*
19 *tion 210A of the Homeland Security Act of 2002 (6*
20 *U.S.C. 124h), as amended by section 311 of this Act.*

21 **SEC. 315. DEPARTMENT OF HOMELAND SECURITY CLASSI-**
22 **FIED FACILITY INVENTORY AND DISSEMINA-**
23 **TION.**

24 (a) *IN GENERAL.—The Secretary of Homeland Secu-*
25 *rity shall, to the extent practicable—*

1 (1) *maintain an inventory of those Department*
2 *of Homeland Security facilities that the Department*
3 *certifies to house classified infrastructure or systems*
4 *at the secret level and above;*

5 (2) *update such inventory on a regular basis;*
6 *and*

7 (3) *share part or all of such inventory with—*

8 (A) *Department personnel who have been*
9 *granted the appropriate security clearance;*

10 (B) *non-Federal governmental personnel*
11 *who have been granted a Top Secret security*
12 *clearance; and*

13 (C) *other personnel as determined appro-*
14 *priate by the Secretary.*

15 (b) *INVENTORY.—The inventory of facilities described*
16 *in subsection (a) may include—*

17 (1) *the location of such facilities;*

18 (2) *the attributes of such facilities (including the*
19 *square footage of, the total capacity of, the number of*
20 *workstations in, and the number of conference rooms*
21 *in, such facilities);*

22 (3) *the entities that operate such facilities; and*

23 (4) *the date of establishment of such facilities.*

1 **SEC. 316. TERROR INMATE INFORMATION SHARING.**

2 (a) *IN GENERAL.*—*The Secretary of Homeland Security, in coordination with the Attorney General and in consultation with other appropriate Federal officials, shall, as*
3 *appropriate, share with State, local, and regional fusion*
4 *centers through the Department of Homeland Security Fusion Center Partnership Initiative under section 210A of*
5 *the Homeland Security Act of 2002 (6 U.S.C. 124h), as*
6 *amended by section 311 of this Act, as well as other relevant*
7 *law enforcement entities, release information from a Federal*
8 *correctional facility, including the name, charging*
9 *date, and expected place and date of release, of certain individuals who may pose a terrorist threat.*

10 (b) *SCOPE.*—*The information shared pursuant to subsection (a) shall be—*

11 (1) *for homeland security purposes; and*

12 (2) *regarding individuals convicted of a Federal*
13 *crime of terrorism (as such term is defined in section*
14 *2332b of title 18, United States Code).*

15 (c) *PERIODIC THREAT ASSESSMENTS.*—*Consistent*
16 *with the protection of classified information and controlled*
17 *unclassified information, the Secretary of Homeland Security shall coordinate with appropriate Federal officials to*
18 *provide State, local, and regional fusion centers described*
19 *in subsection (a) with periodic assessments regarding the*
20 *overall threat from known or suspected terrorists currently*
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1 *incarcerated in a Federal correctional facility, including*
2 *the assessed risks of such populations engaging in terrorist*
3 *activity upon release.*

4 *(d) PRIVACY PROTECTIONS.—Prior to affecting the in-*
5 *formation sharing described in subsection (a), the Secretary*
6 *shall receive input and advice from the Officer for Civil*
7 *Rights and Civil Liberties, the Officer for Privacy and the*
8 *Chief Intelligence Officer of the Department.*

9 *(e) RULE OF CONSTRUCTION.—Nothing in this section*
10 *may be construed as requiring the establishment of a list*
11 *or registry of individuals convicted of terrorism.*

12 **SEC. 317. ANNUAL REPORT ON OFFICE FOR STATE AND**
13 **LOCAL LAW ENFORCEMENT.**

14 *Subsection (b) of section 2006 of the Homeland Secu-*
15 *rity Act of 2002 (6 U.S.C. 607) is amended—*

16 *(1) by redesignating paragraph (5) as para-*
17 *graph (6); and*

18 *(2) by inserting after paragraph (4) the fol-*
19 *lowing new paragraph:*

20 *“(5) ANNUAL REPORT.—For each of fiscal years*
21 *2018 through 2022, the Assistant Secretary for State*
22 *and Local Law Enforcement shall submit to the Com-*
23 *mittee on Homeland Security of the House of Rep-*
24 *resentatives and the Committee on Homeland Secu-*
25 *rity and Governmental Affairs of the Senate a report*

1 *on the activities of the Office for State and Local Law*
2 *Enforcement. Each such report shall include, for the*
3 *fiscal year covered by the report, a description of each*
4 *of the following:*

5 *“(A) Efforts to coordinate and share infor-*
6 *mation regarding Department and component*
7 *agency programs with State, local, and tribal*
8 *law enforcement agencies.*

9 *“(B) Efforts to improve information shar-*
10 *ing through the Homeland Security Information*
11 *Network by appropriate component agencies of*
12 *the Department and by State, local, and tribal*
13 *law enforcement agencies.*

14 *“(C) The status of performance metrics*
15 *within the Office of State and Local Law En-*
16 *forcement to evaluate the effectiveness of efforts to*
17 *carry out responsibilities set forth within the*
18 *subsection.*

19 *“(D) Any feedback from State, local, and*
20 *tribal law enforcement agencies about the Office,*
21 *including the mechanisms utilized to collect such*
22 *feedback.*

23 *“(E) Efforts to carry out all other respon-*
24 *sibilities of the Office of State and Local Law*
25 *Enforcement.”.*

1 **SEC. 318. ANNUAL CATALOG ON DEPARTMENT OF HOME-**
2 **LAND SECURITY TRAINING, PUBLICATIONS,**
3 **PROGRAMS, AND SERVICES FOR STATE,**
4 **LOCAL, AND TRIBAL LAW ENFORCEMENT**
5 **AGENCIES.**

6 *Paragraph (4) of section 2006(b) of the Homeland Se-*
7 *curity Act of 2002 (6 U.S.C. 607(b)) is amended—*

8 *(1) in subparagraph (E), by striking “and” at*
9 *the end;*

10 *(2) in subparagraph (F), by striking the period*
11 *and inserting a semicolon; and*

12 *(3) by adding at the end the following new sub-*
13 *paragraphs:*

14 *“(G) produce an annual catalog that sum-*
15 *marizes opportunities for training, publications,*
16 *programs, and services available to State, local,*
17 *and tribal law enforcement agencies from the De-*
18 *partment and from each component and office*
19 *within the Department and, not later than 30*
20 *days after the date of such production, dissemi-*
21 *nate the catalog, including by—*

22 *“(i) making such catalog available to*
23 *State, local, and tribal law enforcement*
24 *agencies, including by posting the catalog*
25 *on the website of the Department and co-*

1 *operating with national organizations that*
2 *represent such agencies;*

3 “(ii) *making such catalog available*
4 *through the Homeland Security Informa-*
5 *tion Network; and*

6 “(iii) *submitting such catalog to the*
7 *Committee on Homeland Security of the*
8 *House of Representatives and the Committee*
9 *on Homeland Security and Governmental*
10 *Affairs of the Senate; and*

11 “(H) *in coordination with appropriate*
12 *components and offices of the Department and*
13 *other Federal agencies, develop, maintain, and*
14 *make available information on Federal resources*
15 *intended to support fusion center access to Fed-*
16 *eral information and resources.”.*

17 ***TITLE IV—MARITIME SECURITY***

18 ***SEC. 401. STRATEGIC PLAN TO ENHANCE THE SECURITY OF***

19 ***THE INTERNATIONAL SUPPLY CHAIN.***

20 *Paragraph (2) of section 201(g) of the Security and*
21 *Accountability for Every Port Act of 2006 (6 U.S.C. 941(g))*

22 *is amended to read as follows:*

23 “(2) *UPDATES.—Not later than 270 days after*
24 *the date of the enactment of this paragraph and every*
25 *three years thereafter, the Secretary shall submit to*

1 *the appropriate congressional committees a report*
2 *that contains an update of the strategic plan required*
3 *by subsection (a).”.*

4 **SEC. 402. CONTAINER SECURITY INITIATIVE.**

5 *Subsection (l) of section 205 of the Security and Ac-*
6 *countability for Every Port Act of 2006 (6 U.S.C. 945) is*
7 *amended—*

8 *(1) by striking “(1) IN GENERAL.—Not later than*
9 *September 30, 2007,” and inserting “Not later than*
10 *270 days after the date of the enactment of the Border*
11 *and Maritime Security Coordination Improvement*
12 *Act,”;*

13 *(2) by redesignating subparagraphs (A) through*
14 *(H) as paragraphs (1) through (8), respectively, and*
15 *by moving the margins of such paragraphs (as so re-*
16 *designated) two ems to the left; and*

17 *(3) by striking paragraph (2).*

18 **SEC. 403. CYBER AT PORTS.**

19 *(a) CYBERSECURITY ENHANCEMENTS TO MARITIME*
20 *SECURITY ACTIVITIES.—Subparagraph (B) of section*
21 *70112(a)(2) of title 46, United States Code, is amended—*

22 *(1) by redesignating clauses (i) through (iii) as*
23 *clauses (ii) and (iv), respectively; and*

24 *(2) by inserting before clause (i) the following*
25 *new clause:*

1 “(i) shall facilitate the sharing of information
2 relating to cybersecurity risks and incidents (as such
3 terms are defined in section 227 of the Homeland Se-
4 curity Act of 2002 (6 U.S.C. 148)) to address port-
5 specific cybersecurity risks and incidents, which may
6 include the establishment of a working group of mem-
7 bers of such committees to address such port-specific
8 cybersecurity risks and incidents;”.

9 (b) *VULNERABILITY ASSESSMENTS AND SECURITY*

10 *PLANS.*—Title 46, United States Code, is amended—

11 (1) in subparagraph (C) of section 70102(b)(1),
12 by inserting “cybersecurity,” after “physical secu-
13 rity,”; and

14 (2) in subparagraph (C) of section 70103(c)(3)—

15 (A) in clause (i), by inserting “cybersecu-
16 rity,” after “physical security,”;

17 (B) in clause (iv), by striking “and” after
18 the semicolon at the end;

19 (C) by redesignating clause (v) as clause
20 (vi); and

21 (D) by inserting after clause (iv) the fol-
22 lowing new clause:

23 “(v) prevention, management, and response to cyberse-
24 curity risks and incidents (as such terms are defined in

1 *section 227 of the Homeland Security Act of 2002 (6 U.S.C.*
2 *148)); and”.*

3 **SEC. 404. FACILITY INSPECTION INTERVALS.**

4 *Subparagraph (D) of section 70103(c)(4) of title 46,*
5 *United States Code, is amended to read as follows:*

6 *“(D) subject to the availability of appro-*
7 *priations, verify the effectiveness of each such fa-*
8 *cility security plan periodically, but not less*
9 *than one time per year without notice, and more*
10 *frequently as determined necessary, in a risk*
11 *based manner, with or without notice to the fa-*
12 *cility.”.*

13 **SEC. 405. UPDATES OF MARITIME OPERATIONS COORDINA-**
14 **TION PLAN.**

15 *(a) IN GENERAL.—Subtitle C of title IV of the Home-*
16 *land Security Act of 2002 (6 U.S.C. 231 et seq.) is amended*
17 *by adding at the end the following new section:*

18 **“SEC. 434. UPDATES OF MARITIME OPERATIONS COORDINA-**
19 **TION PLAN.**

20 *“Not later than 180 days after the date of the enact-*
21 *ment of this section and biennially thereafter, the Secretary*
22 *shall submit to the Committee on Homeland Security and*
23 *the Committee on Transportation and Infrastructure of the*
24 *House of Representatives and the Committee on Homeland*
25 *Security and Governmental Affairs of the Senate a mari-*

1 *time operations coordination plan for the coordination and*
2 *cooperation of maritime operations undertaken by compo-*
3 *nents and offices of the Department with responsibility for*
4 *maritime security missions. Such plan shall update the*
5 *maritime operations coordination plan released by the De-*
6 *partment in July 2011, and shall address the following:*

7 “(1) *Coordination of planning, integration of*
8 *maritime operations, and development of joint mari-*
9 *time domain awareness efforts of any component or*
10 *office of the Department with responsibility for mari-*
11 *time homeland security missions.*

12 “(2) *Maintaining effective information sharing*
13 *and, as appropriate, intelligence integration, with*
14 *Federal, State, and local officials and the private sec-*
15 *tor, regarding threats to maritime security.*

16 “(3) *Cooperation and coordination with other*
17 *departments and agencies of the Federal Government,*
18 *and State and local agencies, in the maritime envi-*
19 *ronment, in support of maritime homeland security*
20 *missions.*

21 “(4) *Work conducted within the context of other*
22 *national and Department maritime security strategic*
23 *guidance.”.*

24 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
25 *section 1(b) of the Homeland Security Act of 2002 is*

1 *amended by adding after the item relating to section 433*
2 *the following new item:*

“Sec. 434. Updates of maritime operations coordination plan.”.

3 **SEC. 406. EVALUATION OF COAST GUARD DEPLOYABLE SPE-**
4 **cialized Forces.**

5 (a) *IN GENERAL.*—*Not later than one year after the*
6 *date of the enactment of this Act, the Comptroller General*
7 *of the United States shall submit to the Committee on*
8 *Homeland Security and the Committee on Transportation*
9 *and Infrastructure of the House of Representatives and the*
10 *Committee on Homeland Security and Governmental Af-*
11 *airs and the Committee on Commerce, Science, and Trans-*
12 *portation of the Senate a report that describes and assesses*
13 *the state of the Coast Guard’s Deployable Specialized Forces*
14 *(in this section referred to as the “DSF”). Such report shall*
15 *include, at a minimum, the following elements:*

16 (1) *For each of the past three fiscal years, and*
17 *for each type of DSF, the following:*

18 (A) *A cost analysis, including training, op-*
19 *erating, and travel costs.*

20 (B) *The number of personnel assigned.*

21 (C) *The total number of units.*

22 (D) *The total number of operations con-*
23 *ducted.*

24 (E) *The number of operations requested by*
25 *each of the following:*

1 (i) *The Coast Guard.*

2 (ii) *Other components or offices of the*
3 *Department of Homeland Security.*

4 (iii) *Other Federal departments or*
5 *agencies.*

6 (iv) *State agencies.*

7 (v) *Local agencies.*

8 (F) *The number of operations fulfilled by*
9 *the entities specified in subparagraph (E).*

10 (2) *An examination of alternative distributions*
11 *of DSFs, including the feasibility, cost (including cost*
12 *savings), and impact on mission capability of such*
13 *distributions, including at a minimum the following:*

14 (A) *Combining DSFs, primarily focused on*
15 *counterdrug operations, under one centralized*
16 *command.*

17 (B) *Distributing counter-terrorism and*
18 *anti-terrorism capabilities to DSFs in each*
19 *major United States port.*

20 (b) *DEPLOYABLE SPECIALIZED FORCE DEFINED.—In*
21 *this section, the term “Deployable Specialized Force” means*
22 *a unit of the Coast Guard that serves as a quick reaction*
23 *force designed to be deployed to handle counter-drug,*
24 *counter-terrorism, and anti-terrorism operations or other*
25 *maritime threats to the United States.*

1 **SEC. 407. COST BENEFIT ANALYSIS OF CO-LOCATING DHS**
2 **ASSETS.**

3 (a) *IN GENERAL.*—For any location in which U.S.
4 Customs and Border Protection’s Office of Air and Marine
5 Operations is based within 45 miles of locations where any
6 other Department of Homeland Security agency also oper-
7 ates air and marine assets, the Secretary of Homeland Se-
8 curity shall conduct a cost-benefit analysis to consider the
9 potential cost of and savings derived from co-locating avia-
10 tion and maritime operational assets of the Office of Air
11 and Marine Operations at facilities where other agencies
12 of the Department operate such assets. In analyzing such
13 potential cost savings achieved by sharing aviation and
14 maritime facilities, such analysis shall consider, at a min-
15 imum, the following factors:

16 (1) *Potential enhanced cooperation derived from*
17 *Department personnel being co-located.*

18 (2) *Potential costs of, and savings derived*
19 *through, shared maintenance and logistics facilities*
20 *and activities.*

21 (3) *Joint use of base and facility infrastructure,*
22 *such as runways, hangars, control towers, operations*
23 *centers, piers and docks, boathouses, and fuel depots.*

24 (4) *Potential operational costs of co-locating*
25 *aviation and maritime assets and personnel.*

1 (5) *Short term moving costs required in order to*
2 *co-locate facilities.*

3 (6) *Acquisition and infrastructure costs for en-*
4 *larging current facilities, as needed.*

5 (b) *REPORT.*—*Not later than one year after the date*
6 *of the enactment of this Act, the Secretary of Homeland Se-*
7 *curity shall submit to the Committee on Homeland Security*
8 *and the Committee on Transportation and Infrastructure*
9 *of the House of Representatives and the Committee on*
10 *Homeland Security and Governmental Affairs of the Senate*
11 *a report summarizing the results of the cost-benefit analysis*
12 *required under subsection (a) and any planned actions*
13 *based upon such results.*

14 **SEC. 408. REPEAL OF INTERAGENCY OPERATIONAL CEN-**
15 **TERS FOR PORT SECURITY AND SECURE SYS-**
16 **TEMS OF TRANSPORTATION.**

17 *Sections 70107A and 70116 of title 46, United States*
18 *Code, are repealed.*

19 **SEC. 409. MARITIME SECURITY CAPABILITIES ASSESS-**
20 **MENTS.**

21 (a) *IN GENERAL.*—*Subtitle C of title IV of the Home-*
22 *land Security Act of 2002 (6 U.S.C. 231 et seq.), as amend-*
23 *ed by section 405 of this Act, is further amended by adding*
24 *at the end the following new section:*

1 **“SEC. 435. MARITIME SECURITY CAPABILITIES ASSESS-**
2 **MENTS.**

3 *“Not later than 180 days after the date of the enact-*
4 *ment of this section and annually thereafter, the Secretary*
5 *shall submit to the Committee on Homeland Security of the*
6 *House of Representatives and the Committee on Homeland*
7 *Security and Governmental Affairs of the Senate an assess-*
8 *ment of the number and type of maritime assets and the*
9 *number of personnel required to increase the Department’s*
10 *maritime response rate pursuant to section 1092 of the Na-*
11 *tional Defense Authorization Act for Fiscal Year 2017 (6*
12 *U.S.C. 223; Public Law 114–328).”.*

13 *(b) CLERICAL AMENDMENT.—The table of contents in*
14 *section 1(b) of the Homeland Security Act of 2002, as*
15 *amended by section 405 of this Act, is further amended by*
16 *inserting after the item relating to section 434 the following*
17 *new item:*

“Sec. 435. Maritime security capabilities assessments.”.

18 **SEC. 410. CONFORMING AND CLERICAL AMENDMENTS.**

19 *(a) SECTIONS.—The following provisions of the Secu-*
20 *rity and Accountability for Every Port Act of 2006 (Public*
21 *Law 109–347) are amended as follows:*

22 *(1) By striking section 105.*

23 *(2) By redesignating sections 106 and 107 as*
24 *sections 105 and 106, respectively.*

25 *(3) By striking section 108.*

1 (4) *By redesignating sections 109 and 110 as*
2 *sections 107 and 108, respectively.*

3 (5) *In section 121 (6 U.S.C. 921)—*

4 (A) *by striking subsections (c), (d), and (e);*

5 *and*

6 (B) *redesignating subsections (f), (g), (h),*

7 *and (i) as subsections (c), (d), (e), and (f), re-*
8 *spectively.*

9 (6) *By striking sections 122 and 127 (6 U.S.C.*

10 *922 and).*

11 (7) *By redesignating sections 123, 124, 125, 126,*

12 *and 128 as sections 122, 123, 124, 125, and 126, re-*
13 *spectively.*

14 (8) *In section 233 (6 U.S.C. 983), by striking*

15 *subsection (c).*

16 (9) *By striking section 235 (6 U.S.C. 984).*

17 (10) *By redesignating section 236 as section 235.*

18 (11) *By striking sections 701 and 708 (and the*

19 *item relating to such section in the table of contents*
20 *of such Act).*

21 (12) *By redesignating sections 702, 703, 704,*

22 *705, 706, 707, and 709 as sections 701, 702, 703, 704,*
23 *705, 706, and 707, respectively.*

24 (b) *TABLE OF CONTENTS.—*

1 (1) *SECURITY AND ACCOUNTABILITY FOR EVERY*
2 *PORT ACT OF 2006.—The table of contents of the Secu-*
3 *rity and Accountability for Every Port Act of 2006*
4 *(Public Law 109–347) is amended as follows:*

5 (A) *In the list of items relating to subtitle*
6 *A of title I, by striking the items relating to sec-*
7 *tions 105 through 110 and inserting the fol-*
8 *lowing new items:*

 “Sec. 105. *Prohibition of issuance of transportation security cards to persons con-*
 vinced of certain felonies.”

 “Sec. 106. *Long-range vessel tracking.*”

 “Sec. 107. *Notice of arrival for foreign vessels on the Outer Continental Shelf.*”

 “Sec. 108. *Enhanced crewmember identification.*”.

9 (B) *In the list of items relating to subtitle*
10 *C of title I, by striking the items relating to sec-*
11 *tions 122 through 128 and inserting the fol-*
12 *lowing new items:*

 “Sec. 122. *Random searches of containers.*”

 “Sec. 123. *Work stoppages and employee-employer disputes.*”

 “Sec. 124. *Threat assessment screening of port truck drivers.*”

 “Sec. 125. *Border Patrol unit for United States Virgin Islands.*”

 “Sec. 126. *Center of Excellence for Maritime Domain Awareness.*”.

13 (C) *In the list of items relating to subtitle*
14 *C of title II, by striking the items relating to sec-*
15 *tions 235 and 236 and inserting the following*
16 *new item:*

 “Sec. 235. *Information sharing relating to supply chain security cooperation.*”.

17 (D) *In the list of items relating to title VII,*
18 *by striking the items relating to sections 701*

1 *“Administrator of the Transportation Security Ad-*
2 *ministration, Department of Homeland Security.”.*

3 **SEC. 502. AMENDMENTS TO TITLE 49, UNITED STATES**
4 **CODE.**

5 (a) *AMENDMENTS.*—*Section 114 of title 49, United*
6 *States Code, is amended—*

7 (1) *in subsection (a), by striking “Department of*
8 *Transportation” and inserting “Department of*
9 *Homeland Security”;*

10 (2) *in subsection (b)(1), by striking “Under Sec-*
11 *retary of Transportation for Security” and inserting*
12 *“Administrator of the Transportation Security Ad-*
13 *ministration”;*

14 (3) *by striking “Under Secretary” each place it*
15 *appears and inserting “Administrator”;*

16 (4) *in subsection (b), in the heading, by striking*
17 *“UNDER SECRETARY” and inserting “ADMINIS-*
18 *TRATOR”;*

19 (5) *in subsection (e)(4), by striking “Secretary of*
20 *Transportation” and inserting “Secretary of Home-*
21 *land Security”;*

22 (6) *in subsection (f)—*

23 (A) *in paragraph (6), by striking “Man-*
24 *agers” and inserting “Directors”; and*

1 (B) in paragraph (14), by inserting “air
2 carriers or” before “foreign air carriers”;

3 (7) in subsection (g)—

4 (A) by striking “the Secretary” each place
5 it appears and inserting “the Secretary of
6 Homeland Security”; and

7 (B) in paragraph (3), by striking “The Sec-
8 retary” and inserting “The Secretary of Home-
9 land Security”;

10 (8) in subsection (j)(1)(D), by striking “the Sec-
11 retary” and inserting “the Secretary of Homeland Se-
12 curity”;

13 (9) in subsection (l)—

14 (A) in paragraph (2)(A), by striking “the
15 Secretary” and inserting “the Secretary of
16 Homeland Security”; and

17 (B) in paragraph (4)(B), by striking “the
18 Administrator under subparagraph (A)” and in-
19 serting “the Administrator of the Federal Avia-
20 tion Administration under subparagraph (A)”;

21 (10) in subsection (m)—

22 (A) in the heading, by striking “UNDER
23 SECRETARY” and inserting “ADMINISTRATOR”;
24 and

1 (B) in paragraph (1), in the heading, by
2 striking “UNDER SECRETARY” and inserting
3 “ADMINISTRATOR”;

4 (11) in subsection (n), by striking “Department
5 of Transportation” and inserting “Department of
6 Homeland Security”;

7 (12) in subsection (o), by striking “Department
8 of Transportation” and inserting “Department of
9 Homeland Security”;

10 (13) in subsection (p)(4), by striking “Secretary
11 of Transportation” and inserting “Secretary of
12 Homeland Security”;

13 (14) by redesignating subsections (u), (v), and
14 (w) as subsections (t), (cc), and (dd), respectively; and

15 (15) by inserting after subsection (t), as so redesi-
16 gnated, the following new subsections:

17 “(u) DEPUTY ADMINISTRATOR.—There is established
18 in the Transportation Security Administration a Deputy
19 Administrator, who shall assist the Administrator in the
20 management of the Transportation Security Administra-
21 tion.

22 “(v) OFFICE OF PUBLIC AFFAIRS.—

23 “(1) ESTABLISHMENT.—There is established in
24 the Transportation Security Administration an Office

1 *of Public Affairs (in this subsection referred to as the*
2 *‘Office’).*

3 “(2) *ASSISTANT ADMINISTRATOR.*—*The head of*
4 *the Office shall be the Assistant Administrator for*
5 *Public Affairs, who shall report to the Administrator*
6 *of the Transportation Security Administration or the*
7 *Administrator’s designee.*

8 “(3) *FUNCTIONS.*—*The Office shall be responsible*
9 *for facilitating understanding of the Transportation*
10 *Security Administration’s mission by communicating*
11 *with internal and external audiences in a timely, ac-*
12 *curate, and transparent manner.*

13 “(w) *OFFICE OF CIVIL RIGHTS AND LIBERTIES, OM-*
14 *BUDSMAN, AND TRAVELER ENGAGEMENT.*—

15 “(1) *ESTABLISHMENT.*—*There is established in*
16 *the Transportation Security Administration an Office*
17 *of Civil Rights and Liberties, Ombudsman, and Trav-*
18 *eler Engagement (in this subsection referred to as the*
19 *‘Office’).*

20 “(2) *ASSISTANT ADMINISTRATOR.*—*The head of*
21 *the Office shall be the Assistant Administrator for*
22 *Civil Rights and Liberties, Ombudsman, and Traveler*
23 *Engagement, who shall report to the Administrator of*
24 *the Transportation Security Administration or the*
25 *Administrator’s designee.*

1 “(3) *FUNCTIONS.*—*The Office shall be responsible*
2 *for managing allegations of violations of civil rights*
3 *and civil liberties from the public, carrying out the*
4 *Administration’s equal employment opportunity and*
5 *diversity policies and programs, including complaint*
6 *management and adjudication, and helping to ensure*
7 *that employees and the traveling public are treated in*
8 *a fair and lawful manner.*

9 “(x) *OFFICE OF LEGISLATIVE AFFAIRS.*—

10 “(1) *ESTABLISHMENT.*—*There is established in*
11 *the Transportation Security Administration an Office*
12 *of Legislative Affairs (in this subsection referred to as*
13 *the ‘Office’).*

14 “(2) *ASSISTANT ADMINISTRATOR.*—*The head of*
15 *the Office shall be the Assistant Administrator for*
16 *Legislative Affairs, who shall report to the Adminis-*
17 *trator of the Transportation Security Administration*
18 *or the Administrator’s designee.*

19 “(3) *FUNCTIONS.*—*The Office shall be responsible*
20 *for developing and implementing strategies within the*
21 *Transportation Security Administration to achieve*
22 *congressional approval or authorization of the Ad-*
23 *ministration’s programs and policies.*

24 “(y) *OFFICE OF FINANCE AND ADMINISTRATION.*—

1 “(1) *ESTABLISHMENT.*—*There is established in*
2 *the Transportation Security Administration an Office*
3 *of Finance and Administration (in this subsection re-*
4 *ferred to as the ‘Office’).*

5 “(2) *CHIEF FINANCIAL OFFICER.*—*The head of*
6 *the Office shall be the Chief Financial Officer, who*
7 *shall report to the Administrator of the Transpor-*
8 *tation Security Administration or the Administra-*
9 *tor’s designee.*

10 “(3) *FUNCTIONS.*—*The Office shall be responsible*
11 *for financial, budgetary, and administrative activities*
12 *that support the mission of the Transportation Secu-*
13 *rity Administration.*

14 “(2) *OFFICE OF THE CHIEF OF OPERATIONS.*—

15 “(1) *ESTABLISHMENT.*—*There is established in*
16 *the Transportation Security Administration an Office*
17 *of the Chief of Operations (in this subsection referred*
18 *to as the ‘Office’).*

19 “(2) *CHIEF OF OPERATIONS.*—*The head of the*
20 *Office shall be the Chief of Operations, who shall re-*
21 *port to the Administrator of the Transportation Secu-*
22 *rity Administration or the Administrator’s designee.*

23 “(3) *FUNCTIONS.*—*The Office shall be responsible*
24 *for the following:*

1 “(A) Conducting protection, response, detec-
2 tion, assessment, and investigation activities in
3 airports and other transportation facilities and
4 deploying Federal Air Marshals on United
5 States aircraft traveling domestically and inter-
6 nationally.

7 “(B) Identifying, analyzing, and mitigating
8 risk by assessing vulnerabilities at international
9 locations to determine risk, evaluating risk im-
10 pacts to determine mitigation activities, and exe-
11 cuting mitigation activities to reduce risk to the
12 United States.

13 “(C) Providing security and intelligence
14 professionals with timely information in order to
15 prevent a terrorist attack against the transpor-
16 tation systems of the United States.

17 “(D) Developing security policies and plans
18 that reduce the risk of catastrophic terrorist at-
19 tacks.

20 “(E) Providing risk-based, adaptive secu-
21 rity that includes airport checkpoint and bag-
22 gage screening operations, regulatory compli-
23 ance, cargo inspections, and other specialized
24 programs designed to secure transportation.

1 “(F) *Safeguarding the transportation sys-*
2 *tems of the United States through the qualifica-*
3 *tion and delivery of innovative security capabili-*
4 *ties.*

5 “(aa) *OFFICE OF THE CHIEF OF MISSION SUPPORT.—*

6 “(1) *ESTABLISHMENT.—There is established in*
7 *the Transportation Security Administration an Office*
8 *of the Chief of Mission Support (in this subsection re-*
9 *ferred to as the ‘Office’).*

10 “(2) *CHIEF OF MISSION SUPPORT.—The head of*
11 *the Office shall be the Chief of Mission Support, who*
12 *shall report to the Administrator of the Transpor-*
13 *tation Security Administration or the Administra-*
14 *tor’s designee.*

15 “(3) *FUNCTIONS.—The Office shall be responsible*
16 *for the following:*

17 “(A) *Negotiating and awarding contracts*
18 *and other procurement vehicles that improve the*
19 *Transportation Security Administration’s capa-*
20 *bilities.*

21 “(B) *Providing strategic, sustainable, and*
22 *comprehensive programs and services that at-*
23 *tract, build, and inspire a talented workforce.*

1 “(C) *Overseeing the development, delivery,*
2 *and evaluation of training programs for Trans-*
3 *portation Security Administration employees.*

4 “(D) *Providing information technologies*
5 *and services that enable global transportation se-*
6 *curity.*

7 “(E) *Ensuring the integrity, efficiency, and*
8 *effectiveness of the Transportation Security Ad-*
9 *ministration’s workforce, operations, and pro-*
10 *grams through objective audits, covert testing, in-*
11 *spections, and criminal investigations.*

12 “(F) *Ensuring consistency in misconduct*
13 *penalty determinations and an expeditious and*
14 *fair adjudication process.*

15 “(G) *Building the Transportation Security*
16 *Administration’s capabilities by managing the*
17 *acquisition, testing, deployment, and*
18 *sustainment of security technology and other ac-*
19 *quisition programs.*

20 “(bb) *OFFICE OF THE CHIEF COUNSEL.—*

21 “(1) *ESTABLISHMENT.—There is established in*
22 *the Transportation Security Administration an Office*
23 *of the Chief Counsel (in this subsection referred to as*
24 *the ‘Office’).*

1 “(2) *CHIEF COUNSEL.*—*The head of the Office*
2 *shall be the Chief Counsel for the Transportation Se-*
3 *curity Administration, who shall report to the Gen-*
4 *eral Counsel of the Department of Homeland Secu-*
5 *urity.*

6 “(3) *FUNCTIONS.*—*The Office shall be responsible*
7 *for providing legal advice and services across the*
8 *Transportation Security Administration.”.*

9 (b) *SECTION 115.*—*Subsection (c) of section 115 of title*
10 *49, United States Code, is amended—*

11 (1) *in paragraph (1), by striking “Under Sec-*
12 *retary of Transportation for security” and inserting*
13 *“Administrator of the Transportation Security Ad-*
14 *ministration”;* and

15 (2) *in paragraph (6), by striking “Under Sec-*
16 *retary” and inserting “Administrator of the Trans-*
17 *portation Security Administration”.*

18 (c) *SECTION 40119.*—*Section 40119 of title 49, United*
19 *States Code, is amended—*

20 (1) *in subsection (a), by striking “Under Sec-*
21 *retary of Transportation for Security” and inserting*
22 *“Administrator of the Transportation Security Ad-*
23 *ministration”;*

24 (2) *in subsection (b)(4)—*

1 (A) by inserting “of the Federal Aviation
2 Administration” after “Administrator”; and

3 (B) by inserting “Federal Aviation” before
4 “Administration”; and

5 (3) in subsection (c), by striking “Under Sec-
6 retary” and inserting “Administrator of the Trans-
7 portation Security Administration”.

8 (d) SECTION 44901.—Section 44901 of title 49, United
9 States Code, is amended—

10 (1) by striking “Under Secretary of Transpor-
11 tation for Security” each place it appears and insert-
12 ing “Administrator of the Transportation Security
13 Administration”;

14 (2) by striking “Under Secretary” each place it
15 appears and inserting “Administrator of the Trans-
16 portation Security Administration”;

17 (3) by striking “Assistant Secretary (Transpor-
18 tation Security Administration)” each place it ap-
19 pears and inserting “Administrator of the Transpor-
20 tation Security Administration”;

21 (4) by striking “Assistant Secretary” each place
22 it appears and inserting “Administrator of the
23 Transportation Security Administration”; and

24 (5) in subsection (d), by striking “Senate Com-
25 mittee on Commerce, Science, and Transportation

1 *and the House of Representatives Committee on*
2 *Transportation” each place it appears and inserting*
3 *“the Committee on Commerce, Science, and Transpor-*
4 *tation and the Committee on Homeland Security and*
5 *Governmental Affairs of the Senate and the Com-*
6 *mittee on Transportation and Infrastructure and the*
7 *Committee on Homeland Security of the House of*
8 *Representatives”.*

9 *(e) SECTION 44902.—Section 44902 of title 49, United*
10 *States Code, is amended—*

11 *(1) in subsection (a), by striking “Under Sec-*
12 *retary of Transportation for Security” and inserting*
13 *“Administrator of the Transportation Security Ad-*
14 *ministration”; and*

15 *(2) in subsection (b), by striking “Under Sec-*
16 *retary” and inserting “Administrator of the Trans-*
17 *portation Security Administration”.*

18 *(f) SECTION 44903.—Section 44903 of title 49, United*
19 *States Code, is amended—*

20 *(1) in subsection (b)(1), by striking “Secretary of*
21 *Transportation” and inserting “Secretary of Home-*
22 *land Security”;*

23 *(2) in subsection (c)(2)(C), by striking “Sec-*
24 *retary of Transportation” and inserting “Secretary of*
25 *Homeland Security”;*

1 (3) in subsection (d), in the matter preceding
2 paragraph (1), by striking “Secretary of Transpor-
3 tation” and inserting “Secretary of Homeland Secu-
4 rity”;

5 (4) in subsection (g)—

6 (A) in paragraph (1)(A), in the heading, by
7 striking “UNDER SECRETARY” and inserting
8 “ADMINISTRATOR”; and

9 (B) in paragraph (2), by striking “Under
10 Secretary’s” each place it appears and inserting
11 “Transportation Security Administration Ad-
12 ministrators”;

13 (5) in subsection (h)—

14 (A) in paragraph (3), by inserting “of
15 Homeland Security” after “Secretary”;

16 (B) in paragraph (6)(C), in the matter pre-
17 ceding clause (i), by inserting “of Homeland Se-
18 curity” after “Secretary”;

19 (6) in subsection (i)(l), by striking “, after re-
20 ceiving the recommendations of the National Institute
21 of Justice,”;

22 (7) in subsection (j)—

23 (A) in paragraph (1)—

24 (i) in the matter preceding subpara-
25 graph (A), by striking “Under Secretary for

1 *Transportation Security” and inserting*
2 *“Administrator of the Transportation Secu-*
3 *rity Administration”; and*

4 *(ii) in the matter following subpara-*
5 *graph (E), by striking “Secretary of Trans-*
6 *portation” and inserting “Secretary of*
7 *Homeland Security”; and*

8 *(B) in paragraph (2), by striking “Sec-*
9 *retary of Transportation” each place it appears*
10 *and inserting “Secretary of Homeland Secu-*
11 *rity”;*

12 *(8) in subsection (l)(1), by striking “Under Sec-*
13 *retary for Border and Transportation Security of the*
14 *Department of Homeland Security” and inserting*
15 *“Administrator of the Transportation Security Ad-*
16 *ministration”;*

17 *(9) by striking “Under Secretary of Transpor-*
18 *tation for Security” each place it appears and insert-*
19 *ing “Administrator of the Transportation Security*
20 *Administration”;*

21 *(10) by striking “Under Secretary” each place it*
22 *appears and inserting “Administrator of the Trans-*
23 *portation Security Administration”;*

24 *(11) by striking “Assistant Secretary of Home-*
25 *land Security (Transportation Security Administra-*

1 *tion)*” each place it appears and inserting “Adminis-
2 *trator of the Transportation Security Administra-*
3 *tion*”; and

4 (12) by striking “Assistant Secretary” each place
5 *it appears and inserting “Administrator of the*
6 *Transportation Security Administration*”.

7 (g) SECTION 44904.—Section 44904 of title 49, United
8 *States Code, is amended—*

9 (1) in subsection (a), by striking “Under Sec-
10 *retary of Transportation for Security*” and inserting
11 *“Administrator of the Transportation Security Ad-*
12 *ministration*”;

13 (2) by striking “Under Secretary” each place it
14 *appears and inserting “Administrator of the Trans-*
15 *portation Security Administration*”; and

16 (3) in subsection (d) by striking “Assistant Sec-
17 *retary of Homeland Security (Transportation Secu-*
18 *rity Administration)*” and inserting “Administrator
19 *of the Transportation Security Administration*”.

20 (h) SECTION 44905.—Section 44905 of title 49, United
21 *States Code, is amended—*

22 (1) in subsection (a), by striking “Secretary of
23 *Transportation*” and inserting “Secretary of Home-
24 *land Security*”;

1 (2) *in subsection (b), by striking “Under Sec-*
2 *retary of Transportation for Security” and inserting*
3 *“Administrator of the Transportation Security Ad-*
4 *ministration”*; and

5 (3) *by striking “Under Secretary” each place it*
6 *appears and inserting “Administrator of the Trans-*
7 *portation Security Administration”*.

8 (i) *SECTION 44906.—Section 44906 of title 49, United*
9 *States Code, is amended—*

10 (1) *by striking “Under Secretary of Transpor-*
11 *tation for Security” and inserting “Administrator of*
12 *the Transportation Security Administration”*; and

13 (2) *by striking “Under Secretary” each place it*
14 *appears and inserting “Administrator”*.

15 (j) *SECTION 44908.—Section 44908 of title 49, United*
16 *States Code, is amended by striking “Secretary of Trans-*
17 *portation” each place it appears and inserting “Secretary*
18 *of Homeland Security”*.

19 (k) *SECTION 44909.—Section 44909 of title 49, United*
20 *States Code, is amended—*

21 (1) *by striking “Under Secretary” each place it*
22 *appears and inserting “Administrator of the Trans-*
23 *portation Security Administration”*; and

1 (2) by striking “the Customs Service” each place
2 it appears and inserting “U.S. Customs and Border
3 Protection”.

4 (l) SECTION 44911.—Section 44911 of title 49, United
5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraphs (1) through (10), by
8 striking “the” each place it appears and insert-
9 ing “The”; and

10 (B) by inserting the following at the end the
11 following new paragraphs:

12 “(11) The Coast Guard.

13 “(12) The Department of Homeland Security.

14 “(13) The National Geospatial-Intelligence Agen-
15 cy.

16 “(14) The National Reconnaissance Office.”;

17 (2) in subsection (b)—

18 (A) by striking “Secretary of Transpor-
19 tation” and inserting “Secretary of Homeland
20 Security”; and

21 (B) by striking “Under Secretary of Trans-
22 portation for Security” and inserting “Adminis-
23 trator of the Transportation Security Adminis-
24 tration”;

1 (3) in subsection (d), by striking “the Secretary”
2 and inserting “the Secretary of Homeland Security”;
3 and

4 (4) in subsection (e)—

5 (A) by striking “the Secretary” and insert-
6 ing “the Secretary of Homeland Security”; and

7 (B) by striking “Under Secretary” each
8 place it appears and inserting “Administrator of
9 the Transportation Security Administration”.

10 (m) SECTION 44912.—Section 44912 of title 49,
11 United States Code, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “Under
14 Secretary of Transportation for Security” and
15 inserting “Administrator of the Transportation
16 Security Administration”; and

17 (B) in paragraph (3), by striking “Sec-
18 retary of Transportation” and inserting “Sec-
19 retary of Homeland Security”;

20 (2) by striking “Under Secretary” each place it
21 appears and inserting “Administrator of the Trans-
22 portation Security Administration”.

23 (n) SECTION 44913.—Section 44913 of title 49, United
24 States Code, is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “Under
2 Secretary of Transportation for Security” and
3 inserting “Administrator of the Transportation
4 Security Administration”; and

5 (B) in paragraph (2), by striking “the
6 Committee on Transportation and Infrastruc-
7 ture” and inserting “the Committee on Home-
8 land Security”;

9 (2) in subsection (b), by striking “Secretary of
10 Transportation” and inserting “Secretary of Home-
11 land Security”; and

12 (3) by striking “Under Secretary” each place it
13 appears and inserting “Administrator of the Trans-
14 portation Security Administration”.

15 (o) SECTION 44914.—Section 44914 of title 49, United
16 States Code, is amended—

17 (1) by striking “Under Secretary of Transpor-
18 tation for Security” and inserting “Administrator of
19 the Transportation Security Administration”; and

20 (2) by striking “Under Secretary” each place it
21 appears and inserting “Administrator of the Trans-
22 portation Security Administration”.

23 (p) SECTION 44915.—Section 44915 of title 49, United
24 States Code, is amended by striking “Under Secretary of

1 *Transportation for Security*” and inserting “*Administrator*
2 *of the Transportation Security Administration*”.

3 (q) SECTION 44916.—Section 44916 of title 49, United
4 States Code, is amended—

5 (1) in subsection (a), by striking “*Under Sec-*
6 *retary of Transportation for Security*” and inserting
7 “*Administrator of the Transportation Security Ad-*
8 *ministration*”; and

9 (2) in subsection (b), by striking “*Under Sec-*
10 *retary*” and inserting “*Administrator of the Trans-*
11 *portation Security Administration*”.

12 (r) SECTION 44917.—Section 44917 of title 49, United
13 States Code, is amended—

14 (1) in subsection (a)—

15 (A) in the matter preceding paragraph (1),
16 by striking “*Under Secretary of Transportation*
17 *for Security*” and inserting “*Administrator of*
18 *the Transportation Security Administration*”;
19 and

20 (B) in paragraph (2), by inserting “*of*
21 *Homeland Security, utilizing a risk-based secu-*
22 *urity methodology,*” after “*Secretary*”;

23 (2) by striking subsections (b) and (c);

24 (3) redesignating subsection (d) as subsection (b);

25 and

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

2 (A) *in paragraph (1), by striking “Assist-*
3 *ant Secretary for Immigration and Customs En-*
4 *forcement” and inserting “Administrator of the*
5 *Transportation Security Administration”; and*

6 (B) *in paragraph (3), by striking “Assist-*
7 *ant Secretary” each place it appears and insert-*
8 *ing “Administrator”.*

9 (s) *SECTION 44918.—Section 44918 of title 49, United*
10 *States Code, is amended—*

11 (1) *in subsection (a)—*

12 (A) *in paragraph (2)(E), by striking “the*
13 *Under Secretary for Border and Transportation*
14 *Security of the Department of Homeland Secu-*
15 *rity” and inserting “the Administrator of the*
16 *Transportation Security Administration”; and*

17 (B) *in paragraphs (5), (6), and (7), by*
18 *striking “the Administrator” each place it ap-*
19 *pears and inserting “the Administrator of the*
20 *Federal Aviation Administration”; and*

21 (2) *by striking “Under Secretary” each place it*
22 *appears and inserting “Administrator of the Trans-*
23 *portation Security Administration”.*

24 (t) *SECTION 44919.—Section 44919 of title 49, United*
25 *States Code, is amended by striking “Under Secretary”*

1 *each place it appears and inserting “Administrator of the*
2 *Transportation Security Administration”.*

3 (u) SECTION 44920.—*Section 44920 of title 49, United*
4 *States Code, is amended by striking “Under Secretary”*
5 *each place it appears and inserting “Administrator of the*
6 *Transportation Security Administration”.*

7 (v) SECTION 44921.—*Section 44921 of title 49, United*
8 *States Code, is amended—*

9 (1) *in subsection (a), by striking “Under Sec-*
10 *retary of Transportation for Security” and inserting*
11 *“Administrator of the Transportation Security Ad-*
12 *ministration”; and*

13 (2) *in subsection (b)(6)—*

14 (A) *by inserting “the Committee on Home-*
15 *land Security and” before “the Committee on*
16 *Transportation and Infrastructure”; and*

17 (B) *by inserting “the Committee on Home-*
18 *land Security and Governmental Affairs” before*
19 *“the Committee on Commerce, Science, and*
20 *Transportation”;*

21 (3) *in subsection (d)(4), by striking “may,” and*
22 *inserting “may”;*

23 (4) *in subsection (i)(2), by striking “the Under*
24 *Secretary” before “may”;*

1 (5) by striking “Under Secretary” each place it
2 appears and inserting “Administrator of the Trans-
3 portation Security Administration”; and

4 (6) by striking “Under Secretary’s” each place it
5 appears and inserting “Transportation Security Ad-
6 ministration Administrator’s”.

7 (w) SECTION 44922.—Section 44922 of title 49,
8 United States Code, is amended—

9 (1) in subsection (a), by striking “Under Sec-
10 retary of Transportation for Security” and inserting
11 “Administrator of the Transportation Security Ad-
12 ministration”; and

13 (2) by striking “Under Secretary” each place it
14 appears and inserting “Administrator of the Trans-
15 portation Security Administration”.

16 (x) SECTION 44923.—Section 44923 of title 49, United
17 States Code, is amended—

18 (1) in subsection (a), in the matter preceding
19 paragraph (1), by striking “the Under Secretary for
20 Border and Transportation Security of the Depart-
21 ment of Homeland Security” and inserting “the Ad-
22 ministrator of the Transportation Security Adminis-
23 tration”;

1 (2) *in subsection (c), by striking “Secretary of*
2 *Transportation” and inserting “Secretary of Home-*
3 *land Security”; and*

4 (3) *in subsection (d)—*

5 (A) *in paragraph (3), in the heading, by*
6 *striking “UNDER SECRETARY” and inserting*
7 *“ADMINISTRATOR”; and*

8 (B) *in paragraph (4), by inserting “,*
9 *Homeland Security,” before “and Transpor-*
10 *tation and Infrastructure”; and*

11 (4) *by striking “Under Secretary” each place it*
12 *appears and inserting “Administrator of the Trans-*
13 *portation Security Administration”.*

14 (y) *SECTION 44924.—Section 44924 of title 49, United*
15 *States Code, is amended—*

16 (1) *in subsection (a)—*

17 (A) *by striking “Under Secretary for Bor-*
18 *der and Transportation for Security of the De-*
19 *partment of Homeland Security” and inserting*
20 *“Administrator of the Transportation Security*
21 *Administration”; and*

22 (B) *by striking “Administrator under” and*
23 *inserting “Administrator of the Federal Aviation*
24 *Administration under”;*

1 (2) in each of subsections (b) through (f), by in-
2 serting “of the Federal Aviation Administration”
3 after “Administrator” each place it appears;

4 (3) in subsection (g), by inserting “the Com-
5 mittee on Homeland Security and” before “the Com-
6 mittee on Transportation and Infrastructure”; and

7 (4) by striking “Under Secretary” each place it
8 appears and inserting “Administrator of the Trans-
9 portation Security Administration”.

10 (z) SECTION 44925.—Section 44925 of title 49, United
11 States Code, is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1), by striking “Assist-
14 ant Security of Homeland Security (Transportation Security Administration)” and inserting
15 “Administrator of the Transportation Security
16 Administration”; and
17 (B) in paragraph (3), by inserting “of

18 Homeland Security” after “Secretary”; and
19 (2) in subsection (d), by striking “Assistant Sec-
20 retary” each place it appears and inserting “Admin-
21 istrator of the Transportation Security Administra-
22 tion”.

23 (aa) SECTION 44926.—Section 44926 of title 49,
24 United States Code, is amended—
25

1 (1) *in subsection (a), by striking “United*
2 *States” and inserting “U.S.”; and*

3 (2) *in subsection (b)(3)—*

4 (A) *in the matter preceding subparagraph*

5 *(A), by striking “an” and inserting “a”; and*

6 (B) *in subparagraph (B), by striking*

7 *“United States” and inserting “U.S.”.*

8 (bb) *SECTION 44927.—Section 44927 of title 49,*
9 *United States Code, is amended—*

10 (1) *in subsection (a), in the first sentence, by*
11 *striking “Veteran” and inserting “Veterans”; and*

12 (2) *by striking “Assistant Secretary” each place*
13 *it appears and inserting “Administrator of the*
14 *Transportation Security Administration”.*

15 (cc) *SECTION 44933.—Section 44933 of title 49,*
16 *United States Code, is amended—*

17 (1) *in the heading, by striking “**MANAGERS**”*
18 *and inserting “**DIRECTORS**”;*

19 (2) *in subsection (a)—*

20 (A) *in the first sentence—*

21 (i) *by striking “Under Secretary of*
22 *Transportation for Security” and inserting*
23 *“Administrator of the Transportation Secu-*
24 *urity Administration”; and*

1 (ii) by striking “Manager” and insert-
2 ing “Director”;

3 (B) in the second sentence—

4 (i) by striking “Under Secretary” and
5 inserting “Administrator of the Transpor-
6 tation Security Administration”; and

7 (ii) by striking the term “Managers”
8 each place it appears and inserting “Direc-
9 tors”; and

10 (3) in subsection (b)—

11 (A) in the matter preceding paragraph (1),
12 by striking “Manager” and inserting “Director”;
13 and

14 (B) in paragraph (2), by striking “Under
15 Secretary” and inserting “the Administrator of
16 the Transportation Security Administration”.

17 (dd) SECTION 44934.—Section 44934 of title 49,
18 United States Code, is amended—

19 (1) in subsection (a), by striking “Under Sec-
20 retary of Transportation for Security” and inserting
21 “Administrator of the Transportation Security Ad-
22 ministration”; and

23 (2) by striking “Under Secretary” each place it
24 appears and inserting “Administrator of the Trans-
25 portation Security Administration”.

1 ~~(ee)~~ SECTION 44935.—Section 44935 of title 49,
2 *United States Code*, is amended—

3 (1) by striking “Under Secretary of Transpor-
4 *tation for Security*” each place it appears and insert-
5 *ing “Administrator of the Transportation Security*
6 *Administration*”;

7 (2) by striking “Under Secretary” each place it
8 *appears and inserting “Administrator of the Trans-*
9 *portation Security Administration*”;

10 (3) in subsection (e)(2)(A)(ii), by striking “*sec-*
11 *tion 1101(a)(22) of the Immigration and Nationality*
12 *Act*” and inserting “*section 101(a)(22) of the Immi-*
13 *gration and Nationality Act*”; and

14 (4) by redesignating the second subsection (i) (*re-*
15 *lating to accessibility of computer-based training fa-*
16 *cilities*) as subsection (k).

17 (ff) SECTION 44936.—Section 44936 of title 49, *United*
18 *States Code*, is amended—

19 (1) in subsection (a)(1)—

20 (A) in subparagraph (A)—

21 (i) by striking “Under Secretary of
22 *Transportation for Security*” and inserting
23 *“Administrator of the Transportation Secu-*
24 *rity Administration*”; and

1 (ii) by striking “Under Secretary of
2 Transportation for Transportation Secu-
3 rity,,” and inserting “Administrator of the
4 Transportation Security Administration,”;
5 and

6 (B) in subparagraphs (B) and (C), by strik-
7 ing “Under Secretary of Transportation for
8 Transportation Security” each place it appears
9 and inserting “Administrator of the Transpor-
10 tation Security Administration”;

11 (2) in subsection (c)(1), by striking “Under Sec-
12 retary’s” and inserting “Transportation Security Ad-
13 ministration Administrator’s”; and

14 (3) by striking “Under Secretary” each place it
15 appears and inserting “Administrator of the Trans-
16 portation Security Administration”.

17 (gg) SECTION 44937.—Section 44937 of title 49,
18 United States Code, is amended by striking “Under Sec-
19 retary of Transportation for Security” and inserting “Ad-
20 ministrator of the Transportation Security Administra-
21 tion”.

22 (hh) SECTION 44938.—Section 44938 of title 49,
23 United States Code, is amended—

24 (1) in subsection (a), in the matter preceding
25 paragraph (1)—

1 (A) by striking “Secretary of Transpor-
2 tation” and inserting “Secretary of Homeland
3 Security”;

4 (B) by striking “the Secretary considers”
5 and inserting “the Secretary of Homeland Secu-
6 rity considers”;

7 (C) by striking “The Secretary” and insert-
8 ing “The Secretary of Homeland Security”; and

9 (D) by striking “Under Secretary of Trans-
10 portation Security” and inserting “Adminis-
11 trator of the Transportation Security Adminis-
12 tration”; and

13 (2) by striking “Under Secretary” each place it
14 appears and inserting “Administrator of the Trans-
15 portation Security Administration”.

16 (ii) SECTION 44940.—Section 44940 of title 49,
17 United States Code, is amended—

18 (1) in subsection (a)(1)—

19 (A) in the matter preceding paragraph (1),
20 by striking “Under Secretary of Transportation
21 for Security” and inserting “Administrator of
22 the Transportation Security Administration”;
23 and

24 (B) in subparagraph (F) by striking “
25 Managers” and inserting “Directors”;

1 (2) *in subsection (e)(1), in the heading, by strik-*
2 *ing “UNDER SECRETARY” and inserting “ADMINIS-*
3 *TRATOR”;* and

4 (3) *by striking “Under Secretary” each place it*
5 *appears and inserting “Administrator of the Trans-*
6 *portation Security Administration”.*

7 (jj) *SECTION 44941.—Section 44941 of title 49, United*
8 *States Code, is amended by inserting “the Department of*
9 *Homeland Security,” before “the Department of Transpor-*
10 *tation”.*

11 (kk) *SECTION 44942.—Section 44942 of title 49,*
12 *United States Code, is amended—*

13 (1) *in subsection (b)—*

14 (A) *in paragraph (1)—*

15 (i) *by redesignating paragraph (1) as*
16 *subsection (c) and moving such subsection,*
17 *as so redesignated, two ems to the left; and*

18 (ii) *by redesignating subparagraphs*
19 *(A) and (B) as subsections (d) and (e), re-*
20 *spectively, and moving such subsections, as*
21 *so redesignated, four ems to the left;*

22 (2) *by striking subsections (a) and (b);*

23 (3) *by striking subsection (c), as so redesignated;*

1 (4) *by redesignating subsections (d) and (e), as*
2 *so redesignated, as subsections (a) and (b), respec-*
3 *tively;*

4 (5) *by striking the term “the Secretary” each*
5 *place it appears and inserting “the Secretary of*
6 *Homeland Security”;*

7 (6) *by striking “Under Secretary for Transpor-*
8 *tation Security” each place it appears and inserting*
9 *“Administrator of the Transportation Security Ad-*
10 *ministration”;* and

11 (7) *by striking “Congress” and inserting “the*
12 *Committee on Homeland Security of the House of*
13 *Representatives and the Committee on Commerce,*
14 *Science, and Transportation of the Senate”.*

15 (II) SECTION 44943.—Section 44943 of title 49, United
16 *States Code, is amended—*

17 (1) *in subsection (a), by striking “The Under*
18 *Secretary for Transportation Security” and inserting*
19 *“The Administrator of the Transportation Security*
20 *Administration”;*

21 (2) *in subsection (b)—*

22 (A) *in paragraph (1)—*

23 (i) *by striking “the Secretary” and in-*
24 *serting “the Secretary of Homeland Secu-*
25 *rity”;* and

1 (ii) by striking “Under Secretary of
2 Transportation for Security” and inserting
3 “Administrator of the Transportation Secu-
4 rity Administration”; and

5 (B) by striking “the Under Secretary” each
6 place it appears and inserting “the Adminis-
7 trator of the Transportation Security Adminis-
8 tration”; and

9 (3) in subsection (c), by striking “the Under Sec-
10 retary for Transportation Security” and inserting
11 “the Administrator of the Transportation Security
12 Administration”.

13 (mm) SECTION 44944.—Section 44944 of title 49,
14 United States Code, is amended—

15 (1) in subsection (a)(1), by striking “Under Sec-
16 retary of Transportation for Transportation Secu-
17 rity” and inserting “Administrator of the Transpor-
18 tation Security Administration”; and

19 (2) by striking “Under Secretary” each place it
20 appears and inserting “Administrator of the Trans-
21 portation Security Administration”.

22 (nn) SECTION 44945.—Section 44945 of title 49,
23 United States Code, is amended by striking “Assistant Sec-
24 retary” each place it appears and inserting “Administrator
25 of the Transportation Security Administration”.

1 (oo) SECTION 44946.—Section 44946 of title 49,
2 *United States Code, is amended—*

3 (1) in subsection (c)(2)(A), by striking “, but a
4 member may continue to serve until a successor is ap-
5 pointed” and inserting “but may continue until such
6 time as a successor member begins serving on the Ad-
7 visory Committee”;

8 (2) in subsection (g)—

9 (A) by striking paragraph (2); and

10 (B) redesignating paragraph (3) as para-
11 graph (2); and

12 (3) by striking “Assistant Secretary” each place
13 it appears and inserting “Administrator of the
14 Transportation Security Administration”.

15 (pp) SECTION 45107.—Section 45107 of title 49,
16 *United States Code, is amended—*

17 (1) in subsection (a), by striking “Under Sec-
18 retary of Transportation for Security” and inserting
19 “Administrator of the Transportation Security Ad-
20 ministration”; and

21 (2) in subsection (b), by striking the second sen-
22 tence.

23 (qq) CLERICAL AMENDMENTS.—The analysis for chap-
24 ter 449 of title 49, *United States Code, is amended by strik-*

1 *ing the item relating to section 44933 and inserting the fol-*
 2 *lowing new item:*

“44933. Federal Security Directors.”.

3 **SEC. 503. AMENDMENTS TO THE AVIATION AND TRANSPOR-**
 4 **TATION SECURITY ACT.**

5 (a) *SECTION 101.—Section 101 of the Aviation and*
 6 *Transportation Security Act (Public Law 107–71) is*
 7 *amended—*

8 (1) *in subsection (c) (5 U.S.C. 5313 note)—*

9 (A) *by striking paragraph (1);*

10 (B) *by redesignating paragraphs (2) and*

11 *(3) as paragraph (1) and (2), respectively; and*

12 *(C) in paragraph (1), as so redesignated—*

13 (i) *by striking “Under Secretary” and*

14 *inserting “Administrator of the Transpor-*

15 *tation Security Administration”;*

16 (ii) *by striking “30 percent” and in-*

17 *serting “15 percent”;*

18 (iii) *by striking “the Secretary’s” and*

19 *inserting “the Secretary of Homeland Secu-*

20 *rity’s”;* and

21 (iv) *by striking “Under Secretary’s”*

22 *and inserting “Transportation Security Ad-*

23 *ministration Administrator’s”;* and

24 (2) *by striking subsection (g) (49 U.S.C. 44901*

25 *note).*

1 (b) *SECTION 106.*—*Section 106 of the Aviation and*
2 *Transportation Security Act (49 U.S.C. 44903 note) is*
3 *amended—*

4 (1) *in subsection (b)—*

5 (A) *in paragraph (1), in the matter pre-*
6 *ceding subparagraph (A), by striking “Under*
7 *Secretary of Transportation for Security” and*
8 *inserting “Administrator of the Transportation*
9 *Security Administration”;*

10 (B) *in paragraph (2)(A), by striking*
11 *“Under Secretary” each place it appears and in-*
12 *serting “Administrator”; and*

13 (C) *in paragraph (2)(B), in the matter pre-*
14 *ceding clause (i), by striking “Secretary” and*
15 *inserting “Secretary of Homeland Security”;*
16 *and*

17 (2) *in subsection (e), by striking “Under Sec-*
18 *retary of Transportation for Security” and inserting*
19 *“Administrator of the Transportation Security Ad-*
20 *ministration”.*

21 (c) *SECTION 109.*—*Section 109 of the Aviation and*
22 *Transportation Security Act (49 U.S.C. 114 note) is*
23 *amended—*

24 (1) *in subsection (a)—*

1 (A) *by striking “(a) IN GENERAL.—The*
2 *Under Secretary of Transportation for Security”*
3 *and inserting “The Administrator of the Trans-*
4 *portation Security Administration”;*

5 (B) *in paragraph (4), by—*

6 (i) *striking “medical product” and in-*
7 *serting “liquid or gel medical product or*
8 *nourishment and nutrition for infants and*
9 *toddlers, including formula, breast milk,*
10 *and juice,”; and*

11 (ii) *by striking “the product” and in-*
12 *serting “such product or nourishment or*
13 *nutrition”;* and

14 (C) *in paragraph (7), by striking “voice*
15 *stress analysis, biometric,” and inserting “bio-*
16 *metric”;* and

17 (2) *by striking subsection (b).*

18 (d) *SECTION 110.—Section 110 of the Aviation and*
19 *Transportation Security Act is amended by striking sub-*
20 *sections (c) and (d).*

21 (e) *SECTION 111.—Section 111 of the Aviation and*
22 *Transportation Security Act (49 U.S.C. 44935 note) is*
23 *amended—*

24 (1) *in subsection (c)—*

1 (A) by striking “Under Secretary of Trans-
2 portation for Security” and inserting “Adminis-
3 trator of the Transportation Security Adminis-
4 tration”; and

5 (B) by striking “Under Secretary” each
6 place it appears and inserting “Administrator of
7 the Transportation Security Administration”;

8 (2) in subsection (d)—

9 (A) in paragraph (1)—

10 (i) by striking “Under Secretary of
11 Transportation for Security” and inserting
12 “Administrator of the Transportation Secu-
13 rity Administration”; and

14 (ii) by striking “Under Secretary”
15 each place it appears and inserting “Ad-
16 ministrators”; and

17 (B) in paragraph (2), by striking “Under
18 Secretary” and inserting “Administrator of the
19 Transportation Security Administration”.

20 (f) SECTION 117.—Section 117 of the Aviation and
21 Transportation Security Act (49 U.S.C. 44903 note) is
22 amended by striking “Secretary of Transportation” and in-
23 serting “Secretary of Homeland Security”.

24 (g) SECTION 132.—Section 132 of the Aviation and
25 Transportation Security Act is repealed.

1 (h) *SECTION 135.*—*Section 135 of the Aviation and*
2 *Transportation Security Act is repealed.*

3 (i) *SECTION 137.*—*Section 137 of the Aviation and*
4 *Transportation Security Act (49 U.S.C. 44912 note) is re-*
5 *pealed.*

6 (j) *REDESIGNATIONS.*—*Sections 133, 134, 136, 138,*
7 *139, 140, 141, 142, 143, 144, 145, 146, and 147 of the Avia-*
8 *tion and Transportation Security Act are amended by re-*
9 *designating such sections as sections 132, 133, 134, 135,*
10 *136, 137, 138, 139, 140, 141, 142, 143, and 144, respec-*
11 *tively.*

12 **SEC. 504. INFORMATION REQUIRED TO BE SUBMITTED TO**
13 **CONGRESS UNDER THE STRATEGIC 5-YEAR**
14 **TECHNOLOGY INVESTMENT PLAN OF THE**
15 **TRANSPORTATION SECURITY ADMINISTRA-**
16 **TION.**

17 (a) *ADDITIONAL INFORMATION REQUIRED.*—*Section*
18 *1611 of the Homeland Security Act of 2002 (6 U.S.C. 563)*
19 *is amended—*

20 (1) *in subsection (g)—*

21 (A) *in the matter preceding paragraph (1),*
22 *by striking “biennially” and inserting “annu-*
23 *ally”;*

24 (B) *in paragraph (1), by striking “and”;*

1 (C) in paragraph (2), by striking the period
2 and inserting “; and”;

3 (D) by adding at the end the following new
4 paragraph:

5 “(3) information about acquisitions completed
6 during the fiscal year preceding the fiscal year during
7 which the report is submitted.”; and

8 (2) by adding at the end the following new sub-
9 sections:

10 “(h) NOTICE OF COVERED CHANGES TO PLAN.—

11 “(1) NOTICE REQUIRED.—The Administrator
12 shall submit to the Committee on Commerce, Science,
13 and Transportation of the Senate and the Committee
14 on Homeland Security of the House of Representa-
15 tives notice of any covered change to the Plan by not
16 later than 90 days after the date on which the change
17 is made.

18 “(2) DEFINITION OF CHANGE.—In this sub-
19 section, the term ‘covered change’ means an increase
20 or decrease in the dollar amount allocated to the pro-
21 curement of a technology or an increase or decrease
22 in the number of a technology.”.

23 (b) REPORT ON EQUIPMENT IN OPERATION POST-
24 LIFE-CYCLE.—Not later than 90 days after the date of the
25 enactment of this Act, the Administrator of the Transpor-

1 **“Subtitle C—Maintenance of**
2 **Security-Related Technology**

3 **“SEC. 1621. MAINTENANCE VALIDATION AND OVERSIGHT.**

4 “(a) *IN GENERAL.*—Not later than 180 days after the
5 date of the enactment of this subtitle, the Administrator
6 shall develop and implement a preventive maintenance val-
7 idation process for security-related technology deployed to
8 airports.

9 “(b) *MAINTENANCE BY ADMINISTRATION PERSONNEL*
10 *AT AIRPORTS.*—For maintenance to be carried out by Ad-
11 ministration personnel at airports, the process referred to
12 in subsection (a) shall include the following:

13 “(1) *Guidance to Administration personnel at*
14 *airports specifying how to conduct and document pre-*
15 *ventive maintenance actions.*

16 “(2) *Mechanisms for the Administrator to verify*
17 *compliance with the guidance issued pursuant to*
18 *paragraph (1).*

19 “(c) *MAINTENANCE BY CONTRACTORS AT AIRPORTS.*—
20 *For maintenance to be carried by a contractor at airports,*
21 *the process referred to in subsection (a) shall require the*
22 *following:*

23 “(1) *Provision of monthly preventative mainte-*
24 *nance schedules to appropriate Administration per-*

1 *sonnel at each airport that includes information on*
2 *each action to be completed by contractor.*

3 *“(2) Notification to appropriate Administration*
4 *personnel at each airport when maintenance action is*
5 *completed by a contractor.*

6 *“(3) A process for independent validation by a*
7 *third party of contractor maintenance.*

8 *“(d) PENALTIES FOR NONCOMPLIANCE.—The Admin-*
9 *istrator shall require maintenance contracts for security-re-*
10 *lated technology deployed to airports to include penalties*
11 *for noncompliance when it is determined that either preven-*
12 *tive or corrective maintenance has not been completed ac-*
13 *cording to contractual requirements and manufacturers’*
14 *specifications.”.*

15 *(b) CLERICAL AMENDMENT.—The table of contents of*
16 *the Homeland Security Act of 2002 is amended by inserting*
17 *after the item relating to section 1616 the following:*

“Subtitle C—Maintenance of Security-Related Technology

“Sec. 1621. Maintenance validation and oversight.”.

18 **SEC. 506. TRANSPORTATION SECURITY ADMINISTRATION**
19 **EFFICIENCY.**

20 *(a) EFFICIENCY REVIEW.—Not later than 270 days*
21 *after the date of the enactment of this Act, the Adminis-*
22 *trator of the Transportation Security Administration shall*
23 *conduct and complete a comprehensive, agency-wide effi-*
24 *ciency review of the Administration to identify and effec-*

1 *tuate spending reductions and administrative savings*
2 *through the streamlining or restructuring of Administra-*
3 *tion divisions to make the Administration more efficient.*
4 *In carrying out the review under this section, the Adminis-*
5 *trator shall consider each of the following:*

6 (1) *The elimination of any unnecessarily dupli-*
7 *cative or overlapping programs and initiatives that*
8 *can be streamlined.*

9 (2) *The elimination of any unnecessary or obso-*
10 *lete rules, regulations, directives, or procedures.*

11 (3) *The reduction in overall operating expenses*
12 *of the Administration, including costs associated with*
13 *the number of personnel, as a direct result of effi-*
14 *ciencies gained through the implementation of risk-*
15 *based screening or through any other means as deter-*
16 *mined by the Administrator.*

17 (4) *Any other matters the Administrator deter-*
18 *mines are appropriate.*

19 (b) *REPORT TO CONGRESS.*—*Not later than 30 days*
20 *after the completion of the efficiency review required under*
21 *subsection (a), the Administrator of the Transportation Se-*
22 *curity Administration shall report to the Committee on*
23 *Homeland Security of the House of Representatives and the*
24 *Committee on Commerce, Science, and Transportation of*

1 *the Senate on the results and cost savings expected to be*
2 *achieved through such efficiency review.*

3 **SEC. 507. TRANSPORTATION SENIOR EXECUTIVE SERVICE**
4 **ACCOUNTABILITY.**

5 (a) *REDUCTION PLAN.*—Not later than 270 days after
6 the date of the enactment of this Act, the Secretary of Home-
7 land Security, acting through the Administrator of the
8 Transportation Security Administration, shall develop a
9 strategic plan, including a timeline, to reduce by 20 percent
10 by June 30, 2019, the number of positions at the Senior
11 Executive Service level at the Administration.

12 (b) *CONGRESSIONAL REVIEW.*—Not later than 30 days
13 after the completion of the Senior Executive Service reduc-
14 tion plan required under subsection (a), the Administrator
15 of the Transportation Security Administration shall submit
16 to the Committee on Homeland Security of the House of
17 Representatives and the Committee on Commerce, Science,
18 and Transportation of the Senate a copy of such plan.

19 **Subtitle B—Passenger Security and**
20 **Screening**

21 **SEC. 511. DEPARTMENT OF HOMELAND SECURITY TRUSTED**
22 **TRAVELER PROGRAM COLLABORATION.**

23 *The Secretary of Homeland Security shall continue the*
24 *review of all trusted traveler vetting programs carried out*
25 *by the Department of Homeland Security using representa-*

1 *tives from such programs to make recommendations on pos-*
2 *sible efficiencies that could be gained by integrating require-*
3 *ments and operations and increasing information and data*
4 *sharing across programs.*

5 **SEC. 512. PRECHECK BIOMETRIC PILOT PROJECT.**

6 *Not later than one year after the date of the enactment*
7 *of this Act, the Administrator of the Transportation Secu-*
8 *rity Administration (TSA) shall conduct a pilot project to*
9 *test a secure, automated, and biometric-based system at air-*
10 *ports to verify the identity of individuals who are members*
11 *of TSA PreCheck or another Department of Homeland Se-*
12 *curity trusted traveler program that affords TSA expedited*
13 *screening. Such system shall be designed to—*

14 *(1) improve security while also reducing the need*
15 *for security screening personnel to perform identity*
16 *and travel document verification for such individuals;*

17 *(2) reduce the average wait time of such individ-*
18 *uals;*

19 *(3) reduce overall operating expenses of the Ad-*
20 *ministration;*

21 *(4) be integrated with the Department's watch*
22 *list and trusted traveler matching programs; and*

23 *(5) be integrated with other technologies to fur-*
24 *ther facilitate risk-based passenger screening at check-*

1 *points, to the extent practicable and consistent with*
2 *security standards.*

3 **SEC. 513. IDENTITY AND TRAVEL DOCUMENT**
4 **VERIFICATION.**

5 *Section 44901 of title 49, United States Code, is*
6 *amended by adding at the end the following new subsection:*

7 *“(m) ESTABLISHMENT OF SCREENING SYSTEM FOR*
8 *CERTAIN PERSONS.—Not later than December 31, 2018, the*
9 *Administrator of the Transportation Security Administra-*
10 *tion shall, subject to the availability of appropriations, im-*
11 *plement an identity and travel document verification sys-*
12 *tem designed to establish a secure, automated system at all*
13 *airports for verifying identity and travel documents of per-*
14 *sons seeking entry into the sterile area of an airport. Such*
15 *system shall—*

16 *“(1) assess the need for security screening per-*
17 *sonnel to perform identity and travel document*
18 *verification for such passengers, thereby assessing the*
19 *overall number of such screening personnel;*

20 *“(2) reduce the average wait time of such pas-*
21 *sengers;*

22 *“(3) reduce overall operating expenses of the Ad-*
23 *ministration;*

24 *“(4) be integrated with the Administration’s*
25 *watch list matching program; and*

1 “(5) be integrated with other technologies to fur-
2 ther facilitate risk-based passenger screening at check-
3 points, to the extent practicable and consistent with
4 security standards.”.

5 **SEC. 514. COMPUTED TOMOGRAPHY PILOT PROJECT.**

6 Not later than 90 days after the date of the enactment
7 of this Act, the Administrator of the Transportation Secu-
8 rity Administration shall conduct a pilot project to test the
9 use of screening equipment using computed tomography
10 technology to screen baggage at passenger checkpoints.

11 **SEC. 515. EXPLOSIVES DETECTION CANINE TEAMS FOR**
12 **AVIATION.**

13 (a) *PASSENGER SCREENING TEAMS.*—The Adminis-
14 trator of the Transportation Security Administration shall
15 ensure that by December 31, 2018, at least 300 explosives
16 detection canine teams are dedicated to passenger screening
17 purposes at airports in the United States at which the Ad-
18 ministration performs, or oversees the implementation and
19 performance of, security measures, including screening re-
20 sponsibilities.

21 (b) *USE OF CANINES TO DETECT SCREENING ANOMA-*
22 *LIES.*—At airports in the United States at which—

23 (1) canine teams trained to screen passengers are
24 available, and

1 (2) *the Transportation Security Administration*
2 *has passenger screening responsibilities,*
3 *the Administrator of the Transportation Security Adminis-*
4 *tration may use such teams to detect screening anomalies.*

5 **SEC. 516. STANDARD OPERATING PROCEDURES AT AIR-**
6 **PORT CHECKPOINTS.**

7 (a) *STANDARDIZATION.*—*The Administrator of the*
8 *Transportation Security Administration shall require, to*
9 *the extent practicable, that standard operating procedures*
10 *at airport checkpoints for passengers and carry-on baggage*
11 *are carried out in a uniform manner among similarly situ-*
12 *ated airports.*

13 (b) *REPORT TO CONGRESS.*—*Not later than 270 days*
14 *after the date of the enactment of this Act, the Adminis-*
15 *trator of the Transportation Security Administration shall*
16 *submit to the Committee on Homeland Security of the*
17 *House of Representatives and the Committee on Commerce,*
18 *Science, and Transportation of the Senate a report on how*
19 *standard operating procedures were made uniform in ac-*
20 *cordance with subsection (a).*

21 (c) *AUDITS.*—*Beginning one year after the date of the*
22 *enactment of this Act, the Inspector General of the Depart-*
23 *ment of Homeland Security shall conduct periodic audits*
24 *of adherence to the standard operating procedures, as estab-*
25 *lished by the Administrator of the Transportation Security*

1 *Administration, under this section of screening personnel*
2 *at large, medium, and small airports in diverse geo-*
3 *graphical areas.*

4 **SEC. 517. TRAVELER REDRESS IMPROVEMENT.**

5 *(a) REDRESS PROCESS.—*

6 *(1) IN GENERAL.—Not later than 30 days after*
7 *the date of the enactment of this Act, the Adminis-*
8 *trator of the Transportation Security Administration*
9 *shall, using existing resources, systems, and processes,*
10 *ensure the availability of the Department of Home-*
11 *land Security Traveler Redress Inquiry Program*
12 *(DHS TRIP) redress process to adjudicate inquiries*
13 *for individuals who—*

14 *(A) are citizens of the United States or*
15 *aliens lawfully admitted for permanent resi-*
16 *dence;*

17 *(B) have filed an inquiry with DHS TRIP*
18 *after receiving enhanced screening at an airport*
19 *passenger security checkpoint more than three*
20 *times in any 60-day period; and*

21 *(C) believe they have been wrongly identi-*
22 *fied as being a threat to aviation security.*

23 *(2) REPORT.—Not later than 180 days after the*
24 *date of the enactment of this Act, the Administrator*
25 *of the Transportation Security Administration shall*

1 submit to the Committee on Homeland Security of the
2 House of Representatives and the Committee on Com-
3 merce, Science, and Transportation of the Senate a
4 report on the implementation of the redress process
5 required under paragraph (1).

6 **(b) PRIVACY IMPACT REVIEW AND UPDATE.—**

7 (1) *IN GENERAL.*—Not later than 180 days after
8 the date of the enactment of this Act, the Adminis-
9 trator of the Transportation Security Administration
10 shall review and update the Privacy Impact Assess-
11 ment for the Secure Flight programs to ensure such
12 Assessment accurately reflects the operation of such
13 programs.

14 (2) *PUBLIC DISSEMINATION; FORM.*—The Secure
15 Flight Privacy Impact Assessment review and update
16 required under paragraph (1) shall be published on a
17 publically-accessible internet webpage of the Trans-
18 portation Security Administration and submitted to
19 the Committee on Homeland Security of the House of
20 Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate.

22 **(c) TRANSPORTATION SECURITY ADMINISTRATION**
23 **RULE REVIEW AND NOTIFICATION PROCESS.—**

24 (1) *RULE REVIEW.*—Not later than 60 days after
25 the date of the enactment of this Act and every 120

1 *days thereafter, the Assistant Administrator of the Of-*
2 *ice of Intelligence and Analysis of the Transportation*
3 *Security Administration, in coordination with the en-*
4 *tities specified in paragraph (2), shall conduct a com-*
5 *prehensive review of the Transportation Security Ad-*
6 *ministration's intelligence-based screening rules.*

7 (2) *NOTIFICATION PROCESS.—Not later than 48*
8 *hours after changing, updating, implementing, or sus-*
9 *pending a Transportation Security Administration*
10 *intelligence-based screening rule, the Assistant Ad-*
11 *ministrator of the Office of Intelligence and Analysis*
12 *of the Transportation Security Administration shall*
13 *notify the following entities of any such change, up-*
14 *date, implementation, or suspension, as the case may*
15 *be:*

16 (A) *The Office of Civil Rights and Liberties,*
17 *Ombudsman, and Traveler Engagement of the*
18 *Transportation Security Administration.*

19 (B) *The Office of Civil Rights and Liberties*
20 *of the Department of Homeland Security.*

21 (C) *The Office of Chief Counsel of the Ad-*
22 *ministration.*

23 (D) *The Office of General Counsel of the De-*
24 *partment.*

1 (E) *The Privacy Office of the Administra-*
2 *tion.*

3 (F) *The Privacy Office of the Department.*

4 (G) *The Federal Air Marshal Service.*

5 (H) *The Traveler Redress Inquiry Program*
6 *of the Department.*

7 (d) *FEDERAL AIR MARSHAL SERVICE COORDINA-*
8 *TION.—*

9 (1) *IN GENERAL.—The Administrator of the*
10 *Transportation Security Administration shall ensure*
11 *that the Transportation Security Administration’s in-*
12 *telligence-based screening rules are taken into account*
13 *for Federal Air Marshal mission scheduling.*

14 (2) *REPORT.—Not later than 180 days after the*
15 *date of the enactment of this Act, the Administrator*
16 *of the Transportation Security Administration shall*
17 *submit to the Committee on Homeland Security of the*
18 *House of Representatives and the Committee on Com-*
19 *merce, Science, and Transportation of the Senate a*
20 *report on how the Transportation Security Adminis-*
21 *tration’s intelligence-based screening rules are incor-*
22 *porated in the risk analysis conducted during the*
23 *Federal Air Marshal mission scheduling process.*

24 (e) *GAO REPORT.—Not later than one year after the*
25 *date of the enactment of this Act, the Comptroller General*

1 of the United States shall submit to the Committee on
2 Homeland Security of the House of Representatives and the
3 Committee on Commerce, Science, and Transportation of
4 the Senate a study on the Transportation Security Admin-
5 istration's intelligence-based screening rules and the effec-
6 tiveness of such rules in identifying and mitigating poten-
7 tial threats to aviation security. Such study shall also ex-
8 amine coordination between the Transportation Security
9 Administration, the Department of Homeland Security,
10 and other relevant partners relating to changing, updating,
11 implementing, or suspending such rules as necessary.

12 **SEC. 518. SCREENING IN AREAS OTHER THAN PASSENGER**
13 **TERMINALS.**

14 *The Administrator of the Transportation Security Ad-*
15 *ministration is authorized to provide screening services to*
16 *a commercial charter air carrier in areas other than pri-*
17 *mary passenger terminals upon the request of such carrier.*
18 *A commercial charter air carrier shall direct any such re-*
19 *quest to the Federal Security Director for the airport where*
20 *such services are requested. A Federal Security Director*
21 *may elect to provide screening services if such services are*
22 *available. The Administrator shall enter into an agreement*
23 *with a commercial charter air carrier for compensation*
24 *from such carrier requesting the use of screening services*
25 *for all reasonable costs in addition to overtime costs that*

1 *are incurred in the provision of screening services under*
2 *this section.*

3 **SEC. 519. FEDERAL AIR MARSHAL SERVICE AGREEMENTS.**

4 (a) *STANDARDIZATION.*—*Not later than 60 days after*
5 *the date of the enactment of the Act, the Administrator of*
6 *the Transportation Security Administration shall develop*
7 *a standard working document that shall be the basis of all*
8 *negotiations and agreements that begin after the date of the*
9 *enactment of this Act between the United States and foreign*
10 *governments or partners regarding Federal Air Marshal*
11 *coverage of flights to and from the United States.*

12 (b) *WRITTEN AGREEMENTS.*—*All agreements between*
13 *the United States and foreign governments or partners re-*
14 *garding the presence of Federal Air Marshals on flights to*
15 *and from the United States must be written and signed by*
16 *the Secretary of Homeland Security or the Secretary's des-*
17 *ignee.*

18 (c) *CONGRESSIONAL NOTIFICATION.*—*The Secretary of*
19 *Homeland Security shall transmit to the relevant Congres-*
20 *sional committees any agreements described in subsection*
21 *(b) within 30 days of such agreement being signed.*

22 **SEC. 520. FEDERAL AIR MARSHAL MISSION SCHEDULING**
23 **AUTOMATION.**

24 *The Administrator of the Transportation Security Ad-*
25 *ministration shall seek to acquire an automated software*

1 *capability for the scheduling of Federal Air Marshal Service*
2 *missions based on current risk modeling.*

3 **SEC. 521. CANINE DETECTION RESEARCH AND DEVELOP-**
4 **MENT.**

5 (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*
6 *rity shall conduct an audit of all canine training programs*
7 *of the Department of Homeland Security and convene a*
8 *working group of representatives from all such programs*
9 *to make recommendations on possible efficiencies that could*
10 *be gained by integrating training standards and facilities.*

11 (b) *CANINE STAFFING ALLOCATION MODEL.*—*The Ad-*
12 *ministrator of the Transportation Security Administration*
13 *shall develop a staffing allocation model for canines to de-*
14 *termine the optimal number of passenger screening canines*
15 *at airports in the United States.*

16 (c) *REPORT TO CONGRESS.*—*Not later than 180 days*
17 *after the date of the enactment of this Act, the Secretary*
18 *of Homeland Security shall submit to the Committee on*
19 *Homeland Security of the House of Representatives and the*
20 *Committee on Commerce, Science, and Transportation of*
21 *the Senate a report on the recommendations required by*
22 *subsection (a).*

23 (d) *BRIEFING TO CONGRESS.*—

24 (1) *IN GENERAL.*—*Not later than 180 days after*
25 *the date of the enactment of this Act, the Adminis-*

1 *trator of the Transportation Security Administration*
2 *shall brief the Committee on Homeland Security of*
3 *the House of Representatives and the Committee on*
4 *Homeland Security and Governmental Affairs and*
5 *the Committee on Commerce, Science, and Transpor-*
6 *tation of the Senate on the state of explosives detec-*
7 *tion canine production and training in the United*
8 *States.*

9 (2) *CONTENTS.—The briefing required under*
10 *paragraph (1) shall include the following:*

11 (A) *An analysis of the steps the Transpor-*
12 *tation Security Administration may take to fos-*
13 *ter additional production of explosives detection*
14 *canines in the United States by the private sec-*
15 *tor.*

16 (B) *Perspectives from current explosives de-*
17 *tection canine industry stakeholders regarding*
18 *the impact of the Administration's procurement*
19 *model on business considerations.*

20 (C) *An analysis regarding whether the Ad-*
21 *ministration effectively communicates canine*
22 *training guidelines and testing methodology to*
23 *the private sector.*

24 (D) *The extent to which physical capacity*
25 *limitations at current Administration-operated*

1 *sites hinder the operations of either the Adminis-*
2 *tration or industry.*

3 **SEC. 522. INTERNATIONAL CIVIL AVIATION ORGANIZATION.**

4 *(a) IN GENERAL.—Not later than 90 days after the*
5 *date of the enactment of this Act, the United States Amba-*
6 *sador or the Chargé d’Affaires to the United States Mission*
7 *to the International Civil Aviation Organization shall pur-*
8 *sue improvements to airport security, including if prac-*
9 *ticable, introducing a resolution to raise minimum stand-*
10 *ards for airport security.*

11 *(b) REPORT TO CONGRESS.—Not later than 180 days*
12 *after the date of the enactment of this Act, the United States*
13 *Ambassador or the Chargé d’Affaires to the United States*
14 *Mission to the International Civil Aviation Organization*
15 *shall report to the Committee on Homeland Security and*
16 *the Committee on Foreign Affairs of the House of Represent-*
17 *atives and the Committee on Homeland Security and Gov-*
18 *ernmental Affairs, the Committee on Foreign Relations,*
19 *and the Committee on Commerce, Science, and Transpor-*
20 *tation of the Senate on the implementation of subsection*
21 *(a).*

22 **SEC. 523. PASSENGER SECURITY FEE.**

23 *The Secretary of Homeland Security is prohibited*
24 *from incorporating an increase in the passenger security*
25 *fee under section 44940 of title 49, United States Code, be-*

1 *yond what is authorized at the time the annual budget pro-*
2 *posal for the Department of Homeland Security is trans-*
3 *mitted to Congress.*

4 **SEC. 524. LAST POINT OF DEPARTURE AIRPORT CERTIFI-**
5 **CATION.**

6 *Subparagraph (B) of section 44907(a)(2) of title 49,*
7 *United States Code, is amended by inserting “, including*
8 *the screening and vetting of airport workers” before the*
9 *semicolon at the end.*

10 **SEC. 525. SECURITY STANDARDS AT FOREIGN AIRPORTS.**

11 *Section 44907 of title 49, United States Code, is*
12 *amended—*

13 *(1) in subsections (a) through (d), by striking*
14 *“Secretary of Transportation” each place it appears*
15 *and inserting “Secretary of Homeland Security”; and*

16 *(2) in subsection (e), in the matter preceding*
17 *paragraph (1)—*

18 *(A) by striking “and 40106(b) of this title,*
19 *the Secretary of Transportation, with the ap-*
20 *proval of the Secretary of State and without no-*
21 *tice or a hearing, shall” and inserting*
22 *“40106(b), and 41307 of this title, at the request*
23 *of the Secretary of Homeland Security and with*
24 *the approval of the Secretary of State and with-*

1 *out notice or a hearing, the Secretary of Trans-*
2 *portation shall*”; and

3 *(B) by striking “when the Secretary of*
4 *Transportation decides” and inserting “when the*
5 *Secretary of Homeland Security decides”.*

6 **SEC. 526. SECURITY INCIDENT RESPONSE AT AIRPORTS**
7 **AND SURFACE TRANSPORTATION HUBS.**

8 *The Gerardo Hernandez Airport Security Act of 2015*
9 *(Public Law 114–50; 49 U.S.C. 44903 note) is amended—*
10 *(1) in section 3—*

11 *(A) in subsection (b), in the matter pre-*
12 *ceding paragraph (1), by striking “may” each*
13 *place it appears and inserting “shall”;*

14 *(B) by redesignating subsection (c) as sub-*
15 *section (d); and*

16 *(C) by inserting after subsection (b) the fol-*
17 *lowing new subsection:*

18 *“(c) REVIEW.—The Administrator of the Transpor-*
19 *tation Security Administration shall review the active*
20 *shooter response guidelines specified for Department of*
21 *Homeland Security personnel under this section and make*
22 *a recommendation to the Secretary of Homeland Security*
23 *to modify such guidelines for personnel who are certified*
24 *Federal law enforcement officials and for personnel who are*
25 *uniformed but unarmed security officials.”; and*

1 (2) *in section 7—*

2 (A) *in subsection (b), in the matter pre-*
3 *ceding paragraph (1), by striking “may” each*
4 *place it appears and inserting “shall”;*

5 (B) *by redesignating subsections (c) and (d)*
6 *as subsections (d) and (e), respectively; and*

7 (C) *by inserting after subsection (b) the fol-*
8 *lowing new subsection:*

9 “(c) *REVIEW.—The Administrator of the Transpor-*
10 *tation Security Administration shall review the active*
11 *shooter response guidelines specified for Department of*
12 *Homeland Security personnel under this section and make*
13 *a recommendation to the Secretary of Homeland Security*
14 *to modify such guidelines for personnel who are certified*
15 *Federal law enforcement officials and for personnel who are*
16 *uniformed but unarmed security officials.”.*

17 **SEC. 527. AIRPORT SECURITY SCREENING OPT-OUT PRO-**
18 **GRAM.**

19 *Section 44920 of title 49, United States Code, is*
20 *amended—*

21 (1) *in subsection (b)—*

22 (A) *in paragraph (1), by striking “120”*
23 *and inserting “90”;*

24 (B) *by redesignating paragraph (3) as*
25 *paragraph (4);*

1 (C) by inserting after paragraph (2) the fol-
2 lowing new paragraph:

3 “(3) *ENTRANCE INTO CONTRACT.*—*The Ad-*
4 *ministrators of the Transportation Security Ad-*
5 *ministration shall make best efforts to enter into*
6 *a contract with a private screening company to*
7 *provide screening services at an airport not later*
8 *than 180 days after the date of approval of an*
9 *application submitted by the operator of such*
10 *airport under subsection (a).”*; and

11 (D) in subparagraph (A) of paragraph (4),
12 as so redesignated, in the matter preceding
13 clause (i), by striking “not later than 60 days
14 following the date of the denial” and inserting
15 “immediately upon issuing the denial”; and

16 (2) by striking subsection (h) and inserting the
17 following new subsections:

18 “(h) *EVALUATION OF SCREENING COMPANY PRO-*
19 *POSALS FOR AWARD.*—*Notwithstanding any other provi-*
20 *sion of law, including title 48 of the Code of Federal Regula-*
21 *tions and the Federal Advisory Committee Act (5 U.S.C.*
22 *App.), an airport operator that has applied and been ap-*
23 *proved to have security screening services carried out by*
24 *a qualified private screening company under contract with*
25 *the Administrator of the Transportation Security Adminis-*

1 *tration may nominate to the head of the contracting activ-*
2 *ity an individual to participate in the evaluation of pro-*
3 *posals for the award of such contract. Any such participa-*
4 *tion on a proposal evaluation committee shall be conducted*
5 *in accordance with the provisions and restrictions of chap-*
6 *ter 21 of title 41, United States Code.*

7 “(i) *INNOVATIVE SCREENING APPROACHES AND TECH-*
8 *NOLOGIES.—The operator of an airport at which screening*
9 *services are provided under this section is encouraged to*
10 *recommend to the Administrator of the Transportation Se-*
11 *curity Administration innovative screening approaches and*
12 *technologies. Upon receipt of any such recommendations,*
13 *the Administrator, shall review and, if appropriate, test,*
14 *conduct a pilot project, and, if appropriate, deploy such*
15 *approaches and technologies.”.*

16 **SEC. 528. PERSONNEL MANAGEMENT SYSTEM REVIEW.**

17 “(a) *IN GENERAL.—Notwithstanding subsection (d) of*
18 *section 111 of the Aviation and Transportation Security*
19 *Act (49 U.S.C. 44935 note), not later than 30 days after*
20 *the date of the enactment of this Act, the Administrator of*
21 *the Transportation Security Administration shall convene*
22 *a working group consisting of representatives of the Admin-*
23 *istration and representatives of the labor organization rep-*
24 *resenting security screening personnel to negotiate reforms*
25 *to the Administration’s personnel management system, in-*

1 *cluding appeals to the Merit Systems Protection Board and*
2 *grievance procedures.*

3 **(b) REPORT.**—*Not later than one year after the date*
4 *of the enactment of this Act, the working group convened*
5 *under subsection (a) shall submit to the Administrator of*
6 *the Transportation Security Administration and the Com-*
7 *mittee on Homeland Security of the House of Representa-*
8 *tives and the Committee on Commerce, Science, and Trans-*
9 *portation of the Senate a report containing agreed-upon re-*
10 *forms to the Administration’s personnel management sys-*
11 *tem. The Administrator may implement associated rec-*
12 *ommendations mutually agreed to by the parties to such*
13 *working group before the end of such one year period.*

14 **SEC. 529. INNOVATION TASK FORCE.**

15 **(a) IN GENERAL.**—*The Administrator of the Trans-*
16 *portation Security Administration may establish a task*
17 *force to collaborate with air carriers, airport operators, and*
18 *other aviation security stakeholders to foster the pursuit of*
19 *innovations in aviation security prior to the acquisition*
20 *process.*

21 **(b) ACTIVITIES.**—*The task force authorized under sub-*
22 *section (a) may conduct activities designed to identify and*
23 *develop an innovative technology or capability with the po-*
24 *tential of enhancing aviation security, including—*

1 (1) *conducting a field demonstration of such a*
2 *technology or capability in the airport environment;*

3 (2) *gathering performance data from such a*
4 *demonstration to inform the acquisition process; and*

5 (3) *providing funding and promoting efforts to*
6 *enable participation in a demonstration by a small*
7 *business that has an innovative technology but does*
8 *not have adequate resources to participate.*

9 (c) *COMPOSITION.—The task force authorized under*
10 *subsection (a) shall be—*

11 (1) *chaired by the Administrator of the Trans-*
12 *portation Security Administration’s designee; and*

13 (2) *comprised of representatives appointed by the*
14 *Administrator, in consultation with the Chairperson*
15 *of the Aviation Security Advisory Committee (estab-*
16 *lished pursuant to section 44936 of title 49, United*
17 *States Code), from appropriate stakeholders from—*

18 (A) *within the Administration;*

19 (B) *air carriers;*

20 (C) *airport operators;*

21 (D) *other aviation security stakeholders;*

22 *and*

23 (E) *as appropriate, the Science and Tech-*
24 *nology Directorate of the Department of Home-*

1 *land Security and any other appropriate compo-*
2 *nent of the Department.*

3 *(d) RULE OF CONSTRUCTION.—Nothing in this section*
4 *shall require the Administrator of the Transportation Secu-*
5 *rity Administration to acquire an innovative technology or*
6 *emerging security capability.*

7 *(e) NON-APPLICABILITY OF FACCA.—The Federal Advi-*
8 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
9 *task force authorized under subsection (a).*

10 **SEC. 530. AIRPORT LAW ENFORCEMENT REIMBURSEMENT.**

11 *Not later than 120 days after the date of the enactment*
12 *of this Act, the Administrator of the Transportation Secu-*
13 *rity Administration shall submit to the Committee on*
14 *Homeland Security of the House of Representatives and the*
15 *Committee on Commerce, Science, and Transportation of*
16 *the Senate a report on the Transportation Security Admin-*
17 *istration's law enforcement officer reimbursement program,*
18 *which shall include information relating to the following:*

19 *(1) The current structure of the program, includ-*
20 *ing how funding disbursement decisions are made.*

21 *(2) An assessment of threats requiring law en-*
22 *forcement officer response at airports.*

23 *(3) The scope of current law enforcement activi-*
24 *ties covered under the program, and an assessment of*

1 *whether such covered activities should be expanded to*
2 *reflect emerging threats.*

3 (4) *The annual costs to airport authorities for*
4 *providing law enforcement for such covered activities*
5 *at security checkpoints.*

6 (5) *Proposed methodology for funding alloca-*
7 *tions.*

8 ***Subtitle C—Transportation Secu-***
9 ***rity Screening Personnel Train-***
10 ***ing and Accountability***

11 ***SEC. 531. TRANSPORTATION SECURITY TRAINING PRO-***
12 ***GRAMS.***

13 (a) *IN GENERAL.—Section 44935 of title 49, United*
14 *States Code, as amended by this Act, is further amended*
15 *by adding at the end the following new subsection:*

16 “*(l) INITIAL AND RECURRING TRAINING.—*

17 “*(1) IN GENERAL.—The Administrator of the*
18 *Transportation Security Administration shall estab-*
19 *lish a training program for new security screening*
20 *personnel located at the Federal Law Enforcement*
21 *Training Center in Glynco, Georgia.*

22 “*(2) RECURRING TRAINING.—Not later than 180*
23 *days after the date of the enactment of this subsection,*
24 *the Administrator of the Transportation Security Ad-*
25 *ministration shall establish recurring training of se-*

1 *curity screening personnel regarding updates to*
2 *screening procedures and technologies, including*
3 *methods to identify the verification of false or fraudu-*
4 *lent travel documents, as well as training on emerg-*
5 *ing threats, in response to weaknesses identified in*
6 *covert tests at airports. The training shall include—*

7 *“(A) internal controls for monitoring and*
8 *documenting compliance of transportation secu-*
9 *rity officers with such training requirements;*
10 *and*

11 *“(B) such other matters as identified by the*
12 *Administrator with regard to such training.”.*

13 *(b) GAO STUDY.—Not later than one year after the*
14 *date of the enactment of this Act, the Comptroller General*
15 *of the United States shall report to Congress on the effective-*
16 *ness of the new security screening personnel training at*
17 *Glynco, Georgia, required under subsection (l) of section*
18 *44935 of title 49, United States Code, as amended by this*
19 *section.*

20 **SEC. 532. ALTERNATE NEW SECURITY SCREENING PER-**
21 **SONNEL TRAINING PROGRAM COST AND FEA-**
22 **SIBILITY STUDY.**

23 *Not later than 180 days after the date of the enactment*
24 *of this Act, the Administrator of the Transportation Secu-*
25 *rity Administration shall conduct a cost and feasibility*

1 *study of developing a training program for security screen-*
2 *ing personnel that will provide such personnel with an*
3 *equal level of training as is provided in the training pro-*
4 *gram for new security screening personnel located at the*
5 *Federal Law Enforcement Training Center in Glynco,*
6 *Georgia, that could be conducted at or within 50 miles of*
7 *such security screening personnel’s duty station. Such study*
8 *should examine the use of online seminar and training plat-*
9 *forms for portions of the training curriculum that are con-*
10 *ducive to such an outcome.*

11 **SEC. 533. PROHIBITION OF ADVANCE NOTICE OF COVERT**
12 **TESTING TO SECURITY SCREENERS.**

13 *Section 44935 of title 49, United States Code, as*
14 *amended by this Act, is further amended by adding at the*
15 *end the following new subsection:*

16 *“(m) PROHIBITION OF ADVANCE NOTICE TO SECURITY*
17 *SCREENERS OF COVERT TESTING AND EVALUATION.—*

18 *“(1) IN GENERAL.—The Administrator of the*
19 *Transportation Security Administration shall ensure,*
20 *to the greatest extent practicable, that information*
21 *concerning a covert test of a transportation security*
22 *system to be conducted by a covert testing office, the*
23 *Inspector General of the Department of Homeland Se-*
24 *curity, or the Government Accountability Office is not*

1 *provided to any individual involved in such test prior*
2 *to the completion of such test.*

3 “(2) *EXCEPTIONS.*—*Notwithstanding paragraph*
4 *(1)—*

5 “(A) *an authorized individual involved in a*
6 *covert test of a transportation security system*
7 *may provide information concerning such covert*
8 *test to—*

9 “(i) *employees, officers, and contractors*
10 *of the Federal Government (including mili-*
11 *tary personnel);*

12 “(ii) *employees and officers of State*
13 *and local governments; and*

14 “(iii) *law enforcement officials who are*
15 *authorized to receive or directed to be pro-*
16 *vided such information by the Adminis-*
17 *trator of the Transportation Security Ad-*
18 *ministration, the Inspector General of the*
19 *Department of Homeland Security, or the*
20 *Comptroller General of the United States,*
21 *as the case may be; and*

22 “(B) *for the purpose of ensuring the secu-*
23 *rity of any individual in the vicinity of a site*
24 *at which a covert test of a transportation secu-*
25 *rity system is being conducted, an individual*

1 *conducting such test may disclose his or her sta-*
2 *tus as an individual conducting such test to any*
3 *appropriate individual if a security screener or*
4 *other individual who is not a covered employee*
5 *identifies the individual conducting such test as*
6 *a potential threat.*

7 “(3) *SPECIAL RULES FOR TSA.*—

8 “(A) *MONITORING AND SECURITY OF TEST-*
9 *ING PERSONNEL.*—*The head of each covert test-*
10 *ing office shall ensure that a person or group of*
11 *persons conducting a covert test of a transpor-*
12 *tation security system for a covert testing office*
13 *is accompanied at the site of such test by a cover*
14 *team composed of one or more employees of such*
15 *covert testing office for the purpose of monitoring*
16 *such test and confirming the identity of per-*
17 *sonnel involved in such test under subparagraph*
18 *(B).*

19 “(B) *RESPONSIBILITY OF COVER TEAM.*—
20 *Under this paragraph, a cover team for a covert*
21 *test of a transportation security system shall—*

22 “(i) *monitor such test; and*

23 “(ii) *for the purpose of ensuring the se-*
24 *curity of any individual in the vicinity of*
25 *a site at which such test is being conducted,*

1 *confirm, notwithstanding paragraph (1),*
2 *the identity of any individual conducting*
3 *such test to any appropriate individual if a*
4 *security screener or other individual who is*
5 *not a covered employee identifies the indi-*
6 *vidual conducting such test as a potential*
7 *threat.*

8 “(C) *AVIATION SCREENING.*—*Notwith-*
9 *standing subparagraph (A), the Transportation*
10 *Security Administration is not required to have*
11 *a cover team present during a test of the screen-*
12 *ing of persons, carry-on items, or checked bag-*
13 *gage at an aviation security checkpoint at or*
14 *serving an airport if such test—*

15 *“(i) is approved, in coordination with*
16 *the designated security official for the air-*
17 *port operator by the Federal Security Di-*
18 *rector for such airport; and*

19 *“(ii) is carried out under an aviation*
20 *screening assessment program of the De-*
21 *partment of Homeland Security.*

22 “(D) *USE OF OTHER PERSONNEL.*—*The*
23 *Transportation Security Administration may*
24 *use employees, officers, and contractors of the*
25 *Federal Government (including military per-*

1 sonnel) and employees and officers of State and
2 local governments or any personnel authorized
3 by the Federal Security Director to conduct cov-
4 ert tests.

5 “(4) *DEFINITIONS.*—In this subsection, the fol-
6 lowing definitions apply:

7 “(A) *APPROPRIATE INDIVIDUAL.*—The term
8 ‘appropriate individual’, as used with respect
9 to—

10 “(i) a covert test under paragraph
11 (2)(B) of a transportation security system,
12 means any individual who the individual
13 conducting such test determines needs to
14 know his or her status as an individual
15 conducting such test; or

16 “(ii) a covert test under paragraph
17 (3)(B)(i), means any individual who the
18 cover team monitoring such test determines
19 needs to know the identity of such cover
20 team.

21 “(B) *COVERED EMPLOYEE.*—The term ‘cov-
22 ered employee’ means any individual who re-
23 ceives notice of a covert test before the completion
24 of a test under paragraph (2)(B).

25 “(C) *COVERT TEST.*—

1 “(i) *IN GENERAL.*—The term ‘covert
2 *test*’ means an exercise or activity conducted
3 by a covert testing office, the Inspector Gen-
4 eral of the Department of Homeland Secu-
5 rity, or the Government Accountability Of-
6 fice to intentionally test, compromise, or
7 circumvent transportation security systems
8 to identify vulnerabilities in such systems.

9 “(ii) *LIMITATION.*—Notwithstanding
10 clause (i), the term ‘covert test’ does not
11 mean an exercise or activity by an em-
12 ployee or contractor of the Transportation
13 Security Administration to test or assess
14 compliance with relevant regulations.

15 “(D) *COVERT TESTING OFFICE.*—The term
16 ‘covert testing office’ means any office of the
17 Transportation Security Administration des-
18 ignated by the Administrator of the Transpor-
19 tation Security Administration to conduct covert
20 tests of transportation security systems.

21 “(E) *EMPLOYEE OF A COVERT TESTING OF-*
22 *FICE.*—The term ‘employee of a covert testing of-
23 fice’ means an individual who is an employee of
24 a covert testing office or a contractor or an em-
25 ployee of a contractor of a covert testing office.”.

1 ***Subtitle D—Airport Access Controls***
2 ***and Perimeter Security***

3 ***SEC. 541. REFORMATION OF CERTAIN PROGRAMS OF THE***
4 ***TRANSPORTATION SECURITY ADMINISTRA-***
5 ***TION.***

6 (a) *DEFINITIONS.—In this subtitle:*

7 (1) *AIR CARRIER.—The term “air carrier” has*
8 *the meaning given such term in section 40102 of title*
9 *49, United States Code.*

10 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
11 *TEES.—The term “appropriate congressional commit-*
12 *tees” means the Committee on Homeland Security of*
13 *the House of Representatives and the Committee on*
14 *Homeland Security and Governmental Affairs and*
15 *the Committee on Commerce, Science, and Transpor-*
16 *tation of the Senate.*

17 (3) *FOREIGN AIR CARRIER.—The term “foreign*
18 *air carrier” has the meaning given such term in sec-*
19 *tion 40102 of title 49, United States Code.*

20 (4) *INTELLIGENCE COMMUNITY.—The term “in-*
21 *telligence community” has the meaning given such*
22 *term in section 3(4) of the National Security Act of*
23 *1947 (50 U.S.C. 3003(4)).*

1 (5) *SECURED AREA.*—*The term “secured area”*
2 *has the meaning given such term in section 1540.5 of*
3 *title 49, Code of Federal Regulations.*

4 (6) *SECURITY IDENTIFICATION DISPLAY AREA.*—
5 *The term “Security Identification Display Area” has*
6 *the meaning given such term in section 1540.5 of title*
7 *49, Code of Federal Regulations.*

8 (7) *STERILE AREA.*—*The term “sterile area” has*
9 *the meaning given such term in section 1540.5 of title*
10 *49, Code of Federal Regulations.*

11 (b) *COST AND FEASIBILITY STUDY.*—

12 (1) *IN GENERAL.*—*Not later than 180 days after*
13 *the date of the enactment of this Act, the Adminis-*
14 *trator of the Transportation Security Administration,*
15 *in consultation with the Aviation Security Advisory*
16 *Committee (established under section 44946 of title*
17 *49, United States Code), shall submit to the appro-*
18 *priate congressional committees and the Comptroller*
19 *General of the United States a cost and feasibility*
20 *study of a statistically significant number of Cat-*
21 *egory I, II, III, IV, and X airports assessing the im-*
22 *act if all employee access points from non-secured*
23 *areas to secured areas of such airports are comprised*
24 *of the following:*

1 (A) *A secure door utilizing card and pin*
2 *entry or biometric technology.*

3 (B) *Surveillance video recording, capable of*
4 *storing video data for at least 30 days.*

5 (C) *Advanced screening technologies, includ-*
6 *ing at least one of the following:*

7 (i) *Magnetometer (walk-through or*
8 *hand-held).*

9 (ii) *Explosives detection canines.*

10 (iii) *Explosives trace detection.*

11 (iv) *Advanced imaging technology.*

12 (v) *X-ray bag screening technology.*

13 (2) *CONTENTS.—The study required under para-*
14 *graph (1) shall include information related to the em-*
15 *ployee screening costs of those category I, II, III, IV,*
16 *and X airports which have already implemented*
17 *practices of screening 100 percent of employees access-*
18 *ing secured areas of airports, including the following:*

19 (A) *Costs associated with establishing an*
20 *operational minimum number of employee entry*
21 *and exit points.*

22 (B) *A comparison of estimated costs and ef-*
23 *fectiveness associated with implementing the se-*
24 *curity features specified in paragraph (1) to—*

25 (i) *the Federal Government; and*

1 (ii) airports and the aviation commu-
2 nity.

3 (3) *COMPTROLLER GENERAL ASSESSMENT.*—

4 (A) *IN GENERAL.*—Upon completion of the
5 study required under paragraph (1), the Comp-
6 troller General of the United States shall review
7 such study to assess the quality and reliability of
8 such study.

9 (B) *ASSESSMENT.*—Not later than 90 days
10 after the receipt of the study required under
11 paragraph (1), the Comptroller General of the
12 United States shall report to the appropriate
13 congressional committees on the results of the re-
14 view required under subparagraph (A).

15 (c) *AIRPORT WORKER EDUCATION AND SECURITY*
16 *AWARENESS.*—

17 (1) *COOPERATIVE EFFORTS TO ENHANCE AIR-*
18 *PORT SECURITY AWARENESS.*—Not later than 180
19 *days after the date of the enactment of this Act, the*
20 *Administrator of the Transportation Security Admin-*
21 *istration shall work with air carriers, foreign air car-*
22 *riers, airport operators, labor unions representing*
23 *credentialed employees, and the Aviation Security*
24 *Advisory Committee to enhance security awareness of*
25 *credentialed airport populations regarding insider*

1 *threats to aviation security and recognized practices*
2 *related to airport access controls.*

3 (2) *CREDENTIALING STANDARDS.—*

4 (A) *IN GENERAL.—Not later than 180 days*
5 *after the date of the enactment of this Act, the*
6 *Administrator of the Transportation Security*
7 *Administration shall, in consultation with air*
8 *carriers, foreign air carriers, airport operators,*
9 *labor unions representing credentialed employees,*
10 *and the Aviation Security Advisory Committee,*
11 *assess credentialing standards, policies, and*
12 *practices to ensure that insider threats to avia-*
13 *tion security are adequately addressed.*

14 (B) *REPORT.—Not later than 30 days after*
15 *completion of the assessment required under sub-*
16 *paragraph (A), the Administrator of the Trans-*
17 *portation Security Administration shall report*
18 *to the appropriate congressional committees on*
19 *the results of such assessment.*

20 (3) *SIDA, STERILE AREA, AND AOA APPLICA-*
21 *TIONS.—*

22 (A) *SOCIAL SECURITY NUMBERS RE-*
23 *QUIRED.—Not later than 60 days after the date*
24 *of the enactment of this Act, the Administrator*
25 *of the Transportation Security Administration*

1 *shall require the submission of a social security*
2 *number for each individual applying for a Secu-*
3 *rity Identification Display Area, Sterile Area, or*
4 *Air Operations Area airport credential to*
5 *strengthen security vetting effectiveness. An ap-*
6 *plicant who does not provide such applicant's so-*
7 *cial security number may be denied such a cre-*
8 *dential.*

9 *(B) SCREENING NOTICE.—The Adminis-*
10 *trator of the Transportation Security Adminis-*
11 *tration shall issue requirements for airport oper-*
12 *ators to include in applications for access to a*
13 *Security Identification Display Area, Sterile*
14 *Area, or Air Operations Area a notice informing*
15 *applicants that an employee holding a credential*
16 *granting access to such an area may be screened*
17 *at any time while gaining access to, working in,*
18 *or leaving such an area.*

19 *(d) SECURING AIRPORT WORKER ACCESS.—*

20 *(1) IN GENERAL.—The Administrator of the*
21 *Transportation Security Administration shall work*
22 *with airport operators and the Aviation Security Ad-*
23 *visory Committee to identify advanced technologies,*
24 *including biometric identification technologies, for se-*

1 *curing employee access to the secured areas and sterile*
2 *areas of airports.*

3 (2) *RAP BACK VETTING.*—*Not later than 180*
4 *days after the date of the enactment of this Act, the*
5 *Administrator of the Transportation Security Admin-*
6 *istration shall ensure that all credentialed aviation*
7 *worker populations currently requiring a fingerprint-*
8 *based criminal record history check are continuously*
9 *vetted through the Federal Bureau of Investigation’s*
10 *Rap Back Service, in order to more rapidly detect*
11 *and mitigate insider threats to aviation security.*

12 (3) *INSIDER THREAT EDUCATION AND MITIGA-*
13 *TION.*—*Not later than 180 days after the date of the*
14 *enactment of this Act, the Administrator of the Trans-*
15 *portation Security Administration shall identify*
16 *means of enhancing the Transportation Security Ad-*
17 *ministration’s ability to leverage the resources of the*
18 *Department of Homeland Security and the intel-*
19 *ligence community to educate Administration per-*
20 *sonnel on insider threats to aviation security and how*
21 *the Administration can better mitigate such insider*
22 *threats.*

23 (4) *PLAYBOOK OPERATIONS.*—*The Administrator*
24 *of the Transportation Security Administration shall*
25 *ensure that Transportation Security Administration-*

1 *led employee physical inspection efforts of aviation*
2 *workers, known as Playbook operations, are targeted,*
3 *strategic, and focused on providing the greatest level*
4 *of security effectiveness.*

5 (5) *COVERT TESTING.*—

6 (A) *IN GENERAL.*—*The Administrator shall*
7 *conduct covert testing of Transportation Security*
8 *Administration-led employee inspection oper-*
9 *ations at airports and measure existing levels of*
10 *security effectiveness. The Administrator of the*
11 *Transportation Security Administration shall*
12 *provide—*

13 (i) *the results of such testing to the air-*
14 *port operator for the airport that is the sub-*
15 *ject of any such testing, and, as appro-*
16 *priate, to air carriers and foreign air car-*
17 *riers that operate at the airport that is the*
18 *subject of such testing; and*

19 (ii) *recommendations and technical as-*
20 *sistance for air carriers, foreign air car-*
21 *riers, and airport operators to conduct their*
22 *own employee inspections, as needed.*

23 (B) *ANNUAL REPORTING.*—*The Adminis-*
24 *trator of the Transportation Security Adminis-*
25 *tration shall annually, for each of fiscal years*

1 2018 through 2022, submit to the appropriate
2 congressional committees report on the frequency,
3 methodology, strategy, and effectiveness of em-
4 ployee inspection operations at airports.

5 (6) *CENTRALIZED DATABASE*.—Not later than
6 180 days after the date of the enactment of this Act,
7 the Administrator of the Transportation Security Ad-
8 ministration, in consultation with the Aviation Secu-
9 rity Advisory Committee, shall—

10 (A) establish a national database of indi-
11 viduals who have had either their airport or air-
12 port operator-issued badge revoked for failure to
13 comply with aviation security requirements;

14 (B) determine the appropriate reporting
15 mechanisms for air carriers, foreign air carriers,
16 and airport operators to—

17 (i) submit to the Administrator data
18 regarding individuals described in subpara-
19 graph (A); and

20 (ii) access the database established pur-
21 suant to such subparagraph; and

22 (C) establish a process to allow individuals
23 whose names were mistakenly entered into such
24 database to correct the record and have their
25 names removed from such database.

1 (e) *INSIDER THREAT COORDINATION EFFORTS.*—The
2 *Department of Homeland Security is the lead interagency*
3 *coordinator pertaining to insider threat investigations and*
4 *mitigation efforts at airports. The Department shall make*
5 *every practicable effort to coordinate with other relevant*
6 *Government entities, as well as the security representatives*
7 *of air carriers, foreign air carriers, and airport operators,*
8 *as appropriate, when undertaking such investigations and*
9 *efforts.*

10 (f) *AIRPORT TASK FORCES.*—The Secretary of Home-
11 *land Security is authorized, through the Director of U.S.*
12 *Immigration and Customs Enforcement, to form airport*
13 *task forces using Homeland Security Investigations per-*
14 *sonnel and any other Department of Homeland Security*
15 *personnel the Secretary determines necessary. Such airport*
16 *task forces shall investigate and mitigate insider threats to*
17 *aviation security, in coordination with Federal, State,*
18 *local, tribal, and territorial law enforcement partners, as*
19 *appropriate.*

20 (g) *INFORMATION TECHNOLOGY SECURITY.*—Not later
21 *than 90 days after the date of the enactment of this Act,*
22 *the Administrator of the Transportation Security Adminis-*
23 *tration shall submit to the appropriate congressional com-*
24 *mittees a plan to conduct recurring reviews of the oper-*

1 ational, technical, and management security controls for
2 Administration information technology systems at airports.

3 **SEC. 542. AIRPORT PERIMETER AND ACCESS CONTROL SE-**
4 **CURITY.**

5 (a) *RISK ASSESSMENTS OF AIRPORT SECURITY.*—

6 (1) *IN GENERAL.*—*The Administrator of the*
7 *Transportation Security Administration shall—*

8 (A) *not later than 120 days after the date*
9 *of the enactment of this Act, update the Trans-*
10 *portation Sector Security Risk Assessment*
11 *(TSSRA) for the aviation sector; and*

12 (B) *not later than 180 days after such*
13 *date—*

14 (i) *update with the latest and most*
15 *currently available intelligence information*
16 *the Comprehensive Risk Assessment of Pe-*
17 *rimeter and Access Control Security (in this*
18 *section referred to as the “Risk Assessment*
19 *of Airport Security”)* *and determine a reg-*
20 *ular timeframe and schedule for further up-*
21 *dates to such Risk Assessment of Airport Se-*
22 *curity; and*

23 (ii) *conduct a system-wide assessment*
24 *of airport access control points and airport*

1 *perimeter security, including cargo facili-*
2 *ties.*

3 (2) *CONTENTS.—The security risk assessments*
4 *required under paragraph (1)(B) shall*

5 *(A) include updates reflected in the TSSRA*
6 *and Joint Vulnerability Assessment (JVA) find-*
7 *ings;*

8 *(B) reflect changes to the risk environment*
9 *relating to airport access control points and air-*
10 *port perimeters;*

11 *(C) use security breach data for specific*
12 *analysis of system-wide trends related to airport*
13 *access control points and airport perimeter secu-*
14 *rity to better inform risk management decisions;*
15 *and*

16 *(D) take into consideration the unique geog-*
17 *raphy of and current recognized practices used*
18 *by airports to mitigate potential vulnerabilities.*

19 (3) *REPORT.—The Administrator of the Trans-*
20 *portation Security Administration shall report to the*
21 *appropriate congressional committees, relevant Fed-*
22 *eral departments and agencies, and airport operators*
23 *on the results of the security risk assessments required*
24 *under paragraph (1).*

25 (b) *AIRPORT SECURITY STRATEGY DEVELOPMENT.—*

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of the enactment of this Act, the Adminis-
3 trator of the Transportation Security Administration
4 shall update the 2012 National Strategy for Airport
5 Perimeter and Access Control Security (in this section
6 referred to as the “National Strategy”).

7 (2) *CONTENTS.*—The update to the National
8 Strategy required under paragraph (1) shall include

9 (A) information from the Risk Assessment
10 of Airport Security; and

11 (B) information on—

12 (i) airport security-related activities;

13 (ii) the status of efforts by the Trans-
14 portation Security Administration to ad-
15 dress the goals and objectives referred to in
16 subsection (a);

17 (iii) finalized outcome-based perform-
18 ance measures and performance levels for
19 each relevant activity and goal and objec-
20 tive under subparagraphs (A) and (B); and

21 (iv) input from airport operators.

22 (3) *UPDATES.*—Not later than 90 days after the
23 update is completed under paragraph (1), the Adminis-
24 trator of the Transportation Security Administra-
25 tion shall implement a process for determining when

1 *additional updates to the strategy referred to in such*
2 *subsection are needed.*

3 **SEC. 543. EXIT LANE SECURITY.**

4 *There is authorized \$77,000,000 for each of fiscal years*
5 *2018 and 2019 to carry out subsection (n)(1) of section*
6 *44903 of title 49, United States Code.*

7 **SEC. 544. REIMBURSEMENT FOR DEPLOYMENT OF ARMED**
8 **LAW ENFORCEMENT PERSONNEL AT AIR-**
9 **PORTS.**

10 *There is authorized \$45,000,000 for each of fiscal years*
11 *2018 and 2019 to carry out subsection (h) of section 44901*
12 *of title 49, United States Code.*

13 ***Subtitle E—Air Cargo Security***

14 **SEC. 551. AIR CARGO ADVANCE SCREENING PROGRAM.**

15 *(a) IN GENERAL.—Subtitle B of title IV of the Home-*
16 *land Security Act of 2002 (6 U.S.C. 211 et seq.) is amended*
17 *by adding at the end the following new section:*

18 **“SEC. 420. AIR CARGO ADVANCE SCREENING PROGRAM.**

19 *“(a) IN GENERAL.—The Secretary, consistent with the*
20 *requirements of the Trade Act of 2002 (Public Law 107–*
21 *210) shall—*

22 *“(1) establish an air cargo advance screening*
23 *program (in this section referred to as the ‘ACAS*
24 *Program’) for the collection by U.S. Customs and*
25 *Border Protection of advance electronic information*

1 *from air carriers and other persons and governments*
2 *within the supply chain regarding cargo being trans-*
3 *ported to the United States by air;*

4 *“(2) under such program, require that such in-*
5 *formation be transmitted by such air carriers and*
6 *other persons and governments at the earliest point*
7 *practicable prior to loading of such cargo onto an air-*
8 *craft destined to or transiting through the United*
9 *States;*

10 *“(3) establish appropriate communications sys-*
11 *tems with freight forwarders, shippers, and air car-*
12 *riers;*

13 *“(4) establish a system that will allow freight*
14 *forwarders, shippers, and air carriers to provide ship-*
15 *ment level data for air cargo, departing from any lo-*
16 *cation that is inbound to the United States; and*

17 *“(5) coordinate with the Administrator of the*
18 *Transportation Security Administration to identify*
19 *opportunities in which the information furnished in*
20 *compliance with the ACAS Program could be used by*
21 *the Administrator.*

22 *“(b) INSPECTION OF HIGH-RISK CARGO.—Under the*
23 *ACAS Program, the Secretary shall ensure that all cargo*
24 *that has been identified as high-risk is inspected prior to*

1 *loading of such cargo onto aircraft at the last point of de-*
2 *parture before departing for the United States.*

3 “(c) *CONSULTATION.*—*In carrying out the ACAS Pro-*
4 *gram, the Secretary shall consult with relevant stakeholders,*
5 *as appropriate, to ensure that an operationally feasible and*
6 *practical approach to the collection of advance information*
7 *with respect to cargo on aircraft departing for the United*
8 *States recognizes the significant differences among air cargo*
9 *business models and modes of transportation.*

10 “(d) *ANALYSIS.*—*The Secretary may analyze the infor-*
11 *mation referred to in subsection (a) in the Department’s*
12 *automated targeting system and integrate such information*
13 *with other intelligence to enhance the accuracy of the risk*
14 *assessment process under the ACAS Program.*

15 “(e) *NO DUPLICATION.*—*The Secretary shall carry out*
16 *this section in a manner that, after the ACAS Program is*
17 *fully in effect, does not duplicate other programs or require-*
18 *ments relating to the submission of air cargo data.*

19 “(f) *CONSIDERATION OF INDUSTRY.*—*In carrying out*
20 *the ACAS Program, the Secretary shall—*

21 “(1) *take into consideration that the content and*
22 *timeliness of the available data may vary among en-*
23 *tities in the air cargo industry and among countries,*
24 *and shall explore procedures to accommodate such*
25 *variations while maximizing the contribution of such*

1 *data to the risk assessment process under the ACAS*
2 *Program;*

3 “(2) *test the business processes, technologies, and*
4 *operational procedures required to provide advance*
5 *information with respect to cargo on aircraft depart-*
6 *ing for the United States, while ensuring delays and*
7 *other negative impacts on vital supply chains are*
8 *minimized; and*

9 “(3) *consider the cost, benefit, and feasibility be-*
10 *fore establishing any set time period for submission of*
11 *certain elements of the data for air cargo under this*
12 *section in line with the regulatory guidelines specified*
13 *in Executive Order 13563, and any successor Execu-*
14 *tive Order or regulation.*

15 “(g) *GUIDANCE.—The Secretary shall provide guid-*
16 *ance for participants in the ACAS Program regarding the*
17 *requirements for participation, including requirements for*
18 *transmitting shipment level data.*

19 “(h) *USE OF DATA.—The Secretary shall use the data*
20 *provided under the ACAS Program for targeting shipments*
21 *for screening and law enforcement purposes only.”.*

22 “(b) *FINAL RULE.—Not later than 180 days after the*
23 *date of the enactment of this Act, the Secretary of Homeland*
24 *Security shall issue a final regulation to implement the*
25 *ACAS Program under section 420 of the Homeland Secu-*

1 *rity Act of 2002 (as added by subsection (a) of this section)*
2 *to include the electronic transmission to the Department of*
3 *Homeland Security of data elements for targeting cargo, in-*
4 *cluding appropriate security elements of shipment level*
5 *data, as determined by the Secretary.*

6 *(c) REPORT.—Not later than 180 days after the date*
7 *of the commencement of the ACAS Program under section*
8 *420 of the Homeland Security Act of 2002 (as added by*
9 *subsection (a) of this section), the Secretary of Homeland*
10 *Security shall submit to the Committee on Homeland Secu-*
11 *rity of the House of Representatives and the Committee on*
12 *Homeland Security and Governmental Affairs and the*
13 *Committee on Commerce, Science, and Transportation of*
14 *the Senate a report detailing the operational implementa-*
15 *tion of providing advance information under the ACAS*
16 *Program and the value of such information in targeting*
17 *cargo.*

18 *(d) CLERICAL AMENDMENT.—The table of contents in*
19 *section 1(b) of the Homeland Security Act of 2002 is*
20 *amended by inserting after the item relating to section 419*
21 *the following new item:*

“Sec. 420. Air cargo advance screening program.”

1 **SEC. 552. EXPLOSIVES DETECTION CANINE TEAMS FOR AIR**
2 **CARGO SECURITY.**

3 *Section 1307 of the Implementing Recommendations*
4 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is*
5 *amended by adding at the end the following new subsection:*

6 *“(h) EXPLOSIVES DETECTION CANINE TEAMS FOR AIR*
7 *CARGO SECURITY.—*

8 *“(1) IN GENERAL.—In order to enhance the*
9 *screening of air cargo and ensure that third-party ex-*
10 *plosives detection canine assets are leveraged for such*
11 *purpose, the Administrator shall, not later than 180*
12 *days after the date of the enactment of this sub-*
13 *section—*

14 *“(A) develop and issue standards for the use*
15 *of such third-party explosives detection canine*
16 *assets for the primary screening of air cargo;*

17 *“(B) develop a process to identify qualified*
18 *non-Federal entities that will certify canine as-*
19 *sets that meet the standards established by the*
20 *Administrator pursuant to subparagraph (A);*

21 *“(C) ensure that entities qualified to certify*
22 *canine assets shall be independent from entities*
23 *that will train and provide canines to end users*
24 *of such canine assets;*

1 “(D) establish a system of Transportation
2 Security Administration audits of the process de-
3 veloped pursuant to subparagraph (B); and

4 “(E) provide that canines certified for the
5 primary screening of air cargo can be used by
6 air carriers, foreign air carriers, freight for-
7 warders, and shippers.

8 “(2) IMPLEMENTATION.—Upon completion of the
9 development of the process under subsection (a), the
10 Administrator shall—

11 “(A) facilitate the deployment of such assets
12 that meet the certification standards of the Ad-
13 ministration, as determined by the Adminis-
14 trator;

15 “(B) make such standards available to ven-
16 dors seeking to train and deploy third-party ex-
17 plosives detection canine assets; and

18 “(C) ensure that all costs for the training
19 and certification of canines, and for the use of
20 supplied canines, are borne by private industry
21 and not the Federal Government.

22 “(3) DEFINITIONS.—In this subsection:

23 “(A) AIR CARRIER.—The term ‘air carrier’
24 has the meaning given such term in section
25 40102 of title 49, United States Code.

1 “(B) *FOREIGN AIR CARRIER*.—The term
2 ‘foreign air carrier’ has the meaning given such
3 term in section 40102 of title 49, United States
4 Code.

5 “(C) *THIRD-PARTY EXPLOSIVES DETECTION*
6 *CANINE ASSETS*.—The term ‘third-party explo-
7 sives detection canine assets’ means any explo-
8 sives detection canine or handler not owned or
9 employed, respectively, by the Administration.”.

10 ***Subtitle F—Information Sharing*** 11 ***and Cybersecurity***

12 ***SEC. 561. INFORMATION SHARING AND CYBERSECURITY.***

13 (a) *FEDERAL SECURITY DIRECTORS*.—Section 44933
14 of title 49, United States Code, is amended by adding at
15 the end the following new subsection:

16 “(c) *INFORMATION SHARING*.—Not later than one year
17 after the date of the enactment of this subsection, the Ad-
18 ministrator shall—

19 “(1) require each Federal Security Director of an
20 airport to meet at least quarterly with the airport di-
21 rector, airport security coordinator, and law enforce-
22 ment agencies serving each such airport to discuss in-
23 cident management protocols, including the resolution
24 of screening anomalies at passenger screening check-
25 points; and

1 “(2) require each Federal Security Director at
2 an airport to inform, consult, and coordinate, as ap-
3 propriate, with the respective airport security coordi-
4 nator in a timely manner on security matters im-
5 pacting airport operations and to establish and
6 maintain operational protocols with such airport op-
7 erators to ensure coordinated responses to security
8 matters.”.

9 **(b) PLAN TO IMPROVE INFORMATION SHARING.—**

10 (1) *IN GENERAL.*—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary of
12 Homeland Security, acting through the Administrator
13 of the Transportation Security Administration, shall
14 develop a plan to improve intelligence information
15 sharing with State and local transportation entities
16 that includes best practices to ensure that the infor-
17 mation shared is actionable, useful, and not redun-
18 dant.

19 (2) *CONTENTS.*—The plan required under sub-
20 section (a) shall include the following:

21 (A) The incorporation of best practices for
22 information sharing.

23 (B) The identification of areas of overlap
24 and redundancy.

1 (C) *An evaluation and incorporation of*
2 *stakeholder input in the development of such*
3 *plan.*

4 (D) *The integration of recommendations of*
5 *the Comptroller General of the United States on*
6 *information sharing.*

7 (3) *SOLICITATION.—The Administrator shall so-*
8 *licit on an annual basis input from appropriate*
9 *stakeholders, including State and local transportation*
10 *entities, on the quality and quantity of intelligence*
11 *received by such stakeholders relating to information*
12 *sharing.*

13 (c) *BEST PRACTICES SHARING.—*

14 (1) *IN GENERAL.—Not later than 180 days after*
15 *the date of the enactment of this Act, the Secretary of*
16 *Homeland Security, acting through the Administrator*
17 *of the Transportation Security Administration, shall*
18 *establish a mechanism to share with State and local*
19 *transportation entities best practices from across the*
20 *law enforcement spectrum, including Federal, State,*
21 *local, and tribal entities, that relate to employee*
22 *training, employee professional development, tech-*
23 *nology development and deployment, hardening tac-*
24 *tics, and passenger and employee awareness pro-*
25 *grams.*

1 (2) *CONSULTATION.*—*The Administrator of the*
2 *Transportation Security Administration shall solicit*
3 *and incorporate stakeholder input—*

4 (A) *in developing the mechanism for shar-*
5 *ing best practices as required under paragraph*
6 *(1); and*

7 (B) *not less frequently than once each year*
8 *on the quality and quantity of information such*
9 *stakeholders receive through the mechanism es-*
10 *tablished under such subsection.*

11 (d) *CYBERSECURITY.*—

12 (1) *IN GENERAL.*—*The Secretary of Homeland*
13 *Security shall—*

14 (A) *not later than 120 days after the date*
15 *of the enactment of this Act, develop and imple-*
16 *ment a cybersecurity risk assessment model for*
17 *aviation security, consistent with the National*
18 *Institute of Standards and Technology Frame-*
19 *work for Improvement Critical Infrastructure*
20 *Cybersecurity and any update to such Frame-*
21 *work pursuant to section 2 of the National Insti-*
22 *tute of Standards and Technology Act (15 U.S.C.*
23 *272), to evaluate current and future cybersecu-*
24 *rity risks;*

1 (B) evaluate, on a periodic basis, but not
2 less often than once every two years, the effective-
3 ness of the cybersecurity risk assessment model
4 under subparagraph (A);

5 (C) seek to ensure participation of at least
6 one information sharing and analysis organiza-
7 tion (as such term is defined in section 212 of
8 the Homeland Security Act of 2002 (6 U.S.C.
9 131)) representing the aviation community in
10 the national cybersecurity and communications
11 integration center, pursuant to subsection
12 (d)(1)(B) of section 227 of the Homeland Secu-
13 rity Act of 2002 (6 U.S.C. 148);

14 (D) establish guidelines for voluntary re-
15 porting of aviation-related cybersecurity risks
16 and incidents to the national cybersecurity and
17 communications integration center under section
18 227 of the Homeland Security Act of 2002, and
19 other appropriate Federal agencies; and

20 (E) request the Aviation Security Advisory
21 Committee established pursuant to section 44946
22 of title 49, United States Code, to report and
23 make recommendations to the Secretary on en-
24 hancing the sharing of information related to
25 aviation-related cybersecurity risks and incidents

1 *between relevant Federal, state, local, tribal, and*
2 *territorial entities and the aviation stakeholder*
3 *community.*

4 (2) *CYBERSECURITY ENHANCEMENTS TO AVIA-*
5 *TION SECURITY ACTIVITIES.*—*The Secretary of Home-*
6 *land Security, in consultation with the Secretary of*
7 *Transportation, shall—*

8 (A) *direct the sharing of information con-*
9 *cerning cybersecurity risks and incidents to ad-*
10 *dress aviation-specific risks; and*

11 (B) *upon request, conduct cybersecurity vul-*
12 *nerability assessments for airports and air car-*
13 *riers.*

14 (3) *TSA DATABASE CYBER ASSESSMENT.*—

15 (A) *ASSESSMENT REQUIRED.*—*Not later*
16 *than 120 days after the date of the enactment of*
17 *this Act, the Secretary of Homeland Security*
18 *shall evaluate the cybersecurity of the Transpor-*
19 *tation Security Administration databases for*
20 *trusted traveler and credentialing programs that*
21 *contain personal information of specific individ-*
22 *uals or information that identifies specific indi-*
23 *viduals, including the Transportation Worker*
24 *Identification Credential and Pre-Check trusted*
25 *traveler programs, and the means for trans-*

1 *mission of data to and from such databases and*
2 *develop information on any identified cybersecu-*
3 *rity vulnerabilities and remediation plans to ad-*
4 *dress such vulnerabilities;*

5 *(B) SUBMISSION TO CONGRESS.—Not later*
6 *than 30 days after the completion of the evalua-*
7 *tion required under subparagraph (A), the Sec-*
8 *retary shall submit to the Committee on Home-*
9 *land Security of the House of Representatives*
10 *and the Committee on Commerce, Science, and*
11 *Transportation of the Senate information relat-*
12 *ing to such evaluation. Such submission shall be*
13 *provided in a classified form.*

14 *(C) SUBMISSION OF SUPPLEMENTARY IN-*
15 *FORMATION.—Not later than 90 days after the*
16 *completion of such evaluation, the Secretary*
17 *shall submit to the Committee on Homeland Se-*
18 *curity of the House of Representatives and the*
19 *Committee on Commerce, Science, and Transpor-*
20 *tation of the Senate supplementary information*
21 *relating to such evaluation, including informa-*
22 *tion relating to any identified cybersecurity*
23 *vulnerabilities and remediation plans to address*
24 *such vulnerabilities. Such submission shall be*
25 *provided in a classified form.*

1 (C) consider the vulnerabilities and risks
2 associated with specific modes of surface trans-
3 portation systems;

4 (D) evaluate the vetting and security train-
5 ing of—

6 (i) employees in surface transportation
7 systems; and

8 (ii) other individuals with access to
9 sensitive or secure areas of transportation
10 systems; and

11 (E) consider input from—

12 (i) representatives of different modes of
13 surface transportation systems;

14 (ii) subject to paragraph (3)—

15 (I) critical infrastructure entities;

16 and

17 (II) the Transportation Systems
18 Sector Coordinating Council; and

19 (iii) the heads of other relevant Federal
20 departments or agencies.

21 (b) *RISK-BASED SECURITY STRATEGY.*—

22 (1) *IN GENERAL.*—Not later than 180 days after
23 the date the security assessment under subsection (a)
24 is complete, the Secretary of Homeland Security shall
25 use the results of such assessment—

- 1 (A) to develop and implement a cross-cut-
- 2 ting, risk-based security strategy that includes—
- 3 (i) all surface transportation systems;
- 4 (ii) a mitigating strategy that aligns
- 5 with each vulnerability and risk identified
- 6 in subsection (a);
- 7 (iii) a planning process to inform re-
- 8 source allocation;
- 9 (iv) priorities, milestones, and per-
- 10 formance metrics to measure the effective-
- 11 ness of such risk-based security strategy;
- 12 and
- 13 (v) processes for sharing relevant and
- 14 timely intelligence threat information with
- 15 appropriate stakeholders;
- 16 (B) to develop a management oversight
- 17 strategy that—
- 18 (i) identifies the parties responsible for
- 19 the implementation, management, and over-
- 20 sight of the risk-based security strategy
- 21 under subparagraph (A); and
- 22 (ii) includes a plan for implementing
- 23 such risk-based security strategy; and
- 24 (C) to modify the risk-based budget and re-
- 25 source allocations, in accordance with section

1 573(c), for the Transportation Security Adminis-
2 tration.

3 (2) *COORDINATED APPROACH.*—*In developing*
4 *and implementing the risk-based security strategy*
5 *under paragraph (1)(A), the Secretary of Homeland*
6 *Security shall coordinate with the heads of other rel-*
7 *evant Federal departments or agencies, and stake-*
8 *holders, as appropriate—*

9 (A) *to evaluate existing surface transpor-*
10 *tation security programs, policies, and initia-*
11 *tives, including the explosives detection canine*
12 *teams, for consistency with the risk-based secu-*
13 *rity strategy and, to the extent practicable, avoid*
14 *any unnecessary duplication of effort;*

15 (B) *to determine the extent to which stake-*
16 *holder security programs, policies, and initia-*
17 *tives address the vulnerabilities and risks to sur-*
18 *face transportation systems identified in sub-*
19 *section (a); and*

20 (C) *subject to subparagraph (B), to mitigate*
21 *each such vulnerability and risk.*

22 (c) *REPORT.*—

23 (1) *IN GENERAL.*—*Not later than one year after*
24 *the date the security assessment under subsection (a)*
25 *is complete, the Secretary of Homeland Security shall*

1 *submit to the appropriate congressional committees*
2 *and the Inspector General of the Department of*
3 *Homeland Security a report that—*

4 *(A) describes the process used to complete*
5 *such security assessment;*

6 *(B) describes the process used to develop the*
7 *risk-based security strategy under subsection*
8 *(b)(1)(A);*

9 *(C) describes such risk-based security strat-*
10 *egy;*

11 *(D) includes the management oversight*
12 *strategy under subsection (b)(1)(B);*

13 *(E) includes—*

14 *(i) the findings of such security assess-*
15 *ment;*

16 *(ii) a description of the actions rec-*
17 *ommended or taken by the Department or*
18 *another Federal department or agency to*
19 *mitigate the vulnerabilities and risks identi-*
20 *fied in subsection (a);*

21 *(iii) any recommendations for improv-*
22 *ing the coordinated approach to mitigating*
23 *vulnerabilities and risks to surface trans-*
24 *portation systems; and*

1 (iv) any recommended changes to the
2 National Infrastructure Protection Plan de-
3 veloped pursuant to Homeland Security
4 Presidential Directive-7, the modal annexes
5 to such plan, or relevant surface transpor-
6 tation security programs, policies, or initia-
7 tives; and

8 (F) may contain a classified annex.

9 (2) PROTECTIONS.—In preparing the report re-
10 quired under paragraph (1), the Secretary of Home-
11 land Security shall take appropriate actions to safe-
12 guard information described by section 552(b) of title
13 5, United States Code, or protected from disclosure by
14 any other law of the United States.

15 (d) UPDATES.—Not less frequently than semiannually,
16 the Secretary of Homeland Security shall report to or brief
17 the appropriate congressional committees on the
18 vulnerabilities of and risks to surface transportation sys-
19 tems and how such vulnerabilities and risks affect the risk-
20 based security strategy under subsection (b)(1)(A).

21 **SEC. 573. RISK-BASED BUDGETING AND RESOURCE ALLOCA-**
22 **TION.**

23 (a) REPORT.—In conjunction with the submission of
24 the Department's annual budget request to the Office of
25 Management and Budget, the Administrator of the Trans-

1 *portation Security Administration shall submit to the ap-*
2 *propriate congressional committees a report that describes*
3 *a risk-based budget and resource allocation plan for surface*
4 *transportation sectors, within and across modes, that—*

5 (1) *reflects the risk-based security strategy under*
6 *section 572(b)(1)(A); and*

7 (2) *is organized by appropriations account, pro-*
8 *gram, project, and initiative.*

9 (b) *BUDGET TRANSPARENCY.—Subsection (a) of sec-*
10 *tion 1105 of title 31, United States Code, is amended by*
11 *adding at the end the following new paragraph:*

12 “(40) *a separate statement clearly distinguishing*
13 *the resources requested for surface transportation se-*
14 *curity from the resources requested for aviation secu-*
15 *rity.*”.

16 (c) *RESOURCE REALLOCATION.—*

17 (1) *IN GENERAL.—Not later than 15 days after*
18 *the date on which the Transportation Security Ad-*
19 *ministration allocates any resources or personnel, in-*
20 *cluding personnel sharing, detailing, or assignment,*
21 *or the use of facilities, technology systems, or vetting*
22 *resources, for a non-transportation security purpose*
23 *or National Special Security Event (as defined in*
24 *section 2001 of Homeland Security Act of 2002 (6*
25 *U.S.C. 601)), the Secretary of Homeland Security*

1 *shall provide to the appropriate congressional com-*
2 *mittees the notification described in paragraph (2).*

3 (2) *NOTIFICATION.*—*A notification described in*
4 *this paragraph shall include—*

5 (A) *the reason for and a justification of the*
6 *resource or personnel allocation at issue;*

7 (B) *the expected end date of such resource or*
8 *personnel allocation; and*

9 (C) *the projected cost to the Transportation*
10 *Security Administration of such personnel or re-*
11 *source allocation.*

12 **SEC. 574. SURFACE TRANSPORTATION SECURITY MANAGE-**
13 **MENT AND INTERAGENCY COORDINATION RE-**
14 **VIEW.**

15 (a) *REVIEW.*—*Not later than one year after the date*
16 *of the enactment of this Act, the Comptroller General of the*
17 *United States shall—*

18 (1) *review the staffing, budget, resource, and per-*
19 *sonnel allocation, and management oversight strategy*
20 *of the Transportation Security Administration’s sur-*
21 *face transportation security programs;*

22 (2) *review the coordination between relevant en-*
23 *tities of leadership, planning, policy, inspections, and*
24 *implementation of security programs relating to sur-*

1 *face transportation to reduce redundancy and regu-*
2 *latory burden; and*

3 *(3) submit to the appropriate congressional com-*
4 *mittees a report on the findings of the reviews under*
5 *paragraphs (1) and (2), including any recommenda-*
6 *tions for improving coordination between relevant en-*
7 *tities and reducing redundancy and regulatory bur-*
8 *den.*

9 *(b) RELEVANT ENTITIES DEFINED.—In this section,*
10 *the term “relevant entities” means—*

11 *(1) the Transportation Security Administration;*

12 *(2) other Federal, State, or local departments or*
13 *agencies with jurisdiction over a mode of surface*
14 *transportation;*

15 *(3) critical infrastructure entities;*

16 *(4) the Transportation Systems Sector Coordi-*
17 *nating Council; and*

18 *(5) relevant stakeholders.*

19 **SEC. 575. TRANSPARENCY.**

20 *(a) REGULATIONS.—Not later than 180 days after the*
21 *date of the enactment of this Act and every 180 days there-*
22 *after, the Administrator of the Transportation Security Ad-*
23 *ministration shall make available through a public website*
24 *information regarding the status of each regulation relating*
25 *to surface transportation security that is directed by law*

1 *to be issued but that has not been issued if more than two*
2 *years have passed since the date of enactment of each such*
3 *law.*

4 (b) *INSPECTOR GENERAL REVIEW.*—*Not later than*
5 *180 days after the date of the enactment of this Act and*
6 *every two years thereafter until all of the requirements*
7 *under titles XIII, XIV, and XV of the Implementing Rec-*
8 *ommendations of the 9/11 Commission Act of 2007 (6*
9 *U.S.C. 1111 et seq.) and under this Act have been fully im-*
10 *plemented, the Inspector General of the Department of*
11 *Homeland Security shall submit to the appropriate congres-*
12 *sional committees a report that—*

13 (1) *identifies the requirements under such titles*
14 *of such Act and under this Act that have not been*
15 *fully implemented;*

16 (2) *describes what, if any, additional action is*
17 *necessary; and*

18 (3) *includes recommendations regarding whether*
19 *any of such requirements should be amended or re-*
20 *pealed.*

21 **SEC. 576. TSA COUNTERTERRORISM ASSET DEPLOYMENT.**

22 (a) *IN GENERAL.*—*The Administrator of the Trans-*
23 *portation Security Administration is authorized to main-*
24 *tain 30 Visible Intermodal Prevention and Response*
25 *(VIPR) teams for deployment, at the request of and in col-*

1 *laboration with Federal, State, and local transportation*
2 *stakeholders, to prevent and deter acts of terrorism against*
3 *United States transportation systems and for other counter-*
4 *terrorism purposes. Starting in January 2019 and for five*
5 *years thereafter, the Administrator shall annually assess*
6 *whether the number of VIPR teams is adequate to respond*
7 *to requests for collaboration from Federal, State, and local*
8 *transportation stakeholders and to carry out counterter-*
9 *rorism activities with respect to United States transpor-*
10 *tation systems.*

11 **(b) CONGRESSIONAL NOTIFICATION.**—*If the Adminis-*
12 *trator of the Transportation Security Administration deter-*
13 *mines that the number of VIPR teams should be reduced*
14 *below 30, the Administrator shall notify the Committee on*
15 *Homeland Security of the House of Representatives and the*
16 *Committee on Commerce, Science, and Transportation of*
17 *the Senate not later than 90 days prior to such a deter-*
18 *mination.*

19 **(c) REPORT TO CONGRESS.**—*Not later than 60 days*
20 *after the development and implementation of the perform-*
21 *ance measures and objectives required under subsection (f),*
22 *the Administrator of the Transportation Security Adminis-*
23 *tration shall report to the Committee on Homeland Secu-*
24 *rity of the House of Representatives and the Committee on*
25 *Commerce, Science, and Transportation of the Senate on*

1 *the appropriate number of VIPR teams needed by the Ad-*
2 *ministration.*

3 (d) *STAKEHOLDER NOTIFICATION.*—*If the Transpor-*
4 *tation Security Administration deploys any counterter-*
5 *rorism personnel or resource, such as explosive detection as-*
6 *sets, property inspections, or patrols by VIPR teams, to en-*
7 *hance security at a surface transportation system or surface*
8 *transportation facility for a period of not less than 180 con-*
9 *secutive days, the Administrator shall provide sufficient no-*
10 *tification to the system or facility operator, as applicable,*
11 *not less than 14 days prior to terminating the deployment.*

12 (e) *EXCEPTION.*—*Subsection (d) shall not apply if the*
13 *Administrator of the Transportation Security Administra-*
14 *tion—*

15 (1) *determines there is an urgent security need*
16 *for the personnel or resource described in such sub-*
17 *section; and*

18 (2) *notifies the Committee on Homeland Secu-*
19 *rity of the House of Representatives and the Com-*
20 *mittee on Commerce, Science, and Transportation of*
21 *the Senate.*

22 (f) *VIPR TEAMS.*—*Section 1303 of the Implementing*
23 *Recommendations of the 9/11 Commission Act of 2007 (6*
24 *U.S.C. 1112) is amended—*

1 (1) *in subsection (a)(4), by striking “team,” and*
2 *inserting “team as to specific locations and times*
3 *within the facilities of such entities at which VIPR*
4 *teams are to be deployed to maximize the effectiveness*
5 *of such deployment,”; and*

6 (2) *by striking subsection (b) and inserting the*
7 *following new subsections:*

8 “(b) *PERFORMANCE MEASURES.—Not later than one*
9 *year after the date of the enactment of this subsection, the*
10 *Administrator shall develop and implement a system of*
11 *qualitative performance measures and objectives by which*
12 *to assess the roles, activities, and effectiveness of VIPR team*
13 *operations on an ongoing basis, including a mechanism*
14 *through which the transportation entities referred to in sub-*
15 *section (a)(4) may submit feedback on VIPR team oper-*
16 *ations involving their systems or facilities.*

17 “(c) *PLAN.—Not later than one year after the date of*
18 *the enactment of this section, the Administrator shall de-*
19 *velop and implement a plan for ensuring the interoper-*
20 *ability of communications among VIPR team participants*
21 *and between VIPR teams and any transportation entities*
22 *with systems or facilities that are involved in VIPR team*
23 *operations. Such plan shall include an analysis of the costs*
24 *and resources required to carry out such plan.”.*

1 **SEC. 577. SURFACE TRANSPORTATION SECURITY ADVISORY**
2 **COMMITTEE.**

3 (a) *IN GENERAL.*—Subchapter II of chapter 449 of
4 title 49, United States Code, is amended by adding at the
5 end the following new section:

6 **“§44947. Surface Transportation Security Advisory**
7 **Committee**

8 “(a) *ESTABLISHMENT.*—The Administrator of the
9 Transportation Security Administration (referred to in this
10 section as the ‘Administrator’) shall establish within the
11 Transportation Security Administration the Surface
12 Transportation Security Advisory Committee (referred to
13 in this section as the ‘Advisory Committee’).

14 “(b) *DUTIES.*—

15 “(1) *IN GENERAL.*—The Advisory Committee
16 may advise, consult with, report to, and make rec-
17 ommendations to the Administrator on surface trans-
18 portation security matters, including the development,
19 refinement, and implementation of policies, programs,
20 initiatives, rulemakings, and security directives per-
21 taining to surface transportation security.

22 “(2) *RISK-BASED SECURITY.*—The Advisory
23 Committee shall consider risk-based security ap-
24 proaches in the performance of its duties.

25 “(c) *MEMBERSHIP.*—

1 “(1) *COMPOSITION.*—*The Advisory Committee*
2 *shall be composed of—*

3 “(A) *voting members appointed by the Ad-*
4 *ministrator under paragraph (2); and*

5 “(B) *nonvoting members, serving in an ad-*
6 *visory capacity, who shall be designated by—*

7 “(i) *the Transportation Security Ad-*
8 *ministration;*

9 “(ii) *the Department of Transpor-*
10 *tation; and*

11 “(iii) *such other Federal department or*
12 *agency as the Administrator considers ap-*
13 *propriate.*

14 “(2) *APPOINTMENT.*—*The Administrator shall*
15 *appoint voting members from among stakeholders rep-*
16 *resenting each mode of surface transportation, such as*
17 *passenger rail, freight rail, mass transit, pipelines,*
18 *highways, over-the-road bus, and trucking, including*
19 *representatives from—*

20 “(A) *associations representing such modes of*
21 *surface transportation;*

22 “(B) *labor organizations representing such*
23 *modes of surface transportation;*

1 “(C) groups representing the users of such
2 modes of surface transportation, including asset
3 manufacturers, as appropriate;

4 “(D) relevant law enforcement, first re-
5 sponders, and security experts; and

6 “(E) such other groups as the Adminis-
7 trator considers appropriate.

8 “(3) CHAIRPERSON.—The Advisory Committee
9 shall select a chairperson from among its voting mem-
10 bers.

11 “(4) TERM OF OFFICE.—

12 “(A) TERMS.—

13 “(i) IN GENERAL.—The term of each
14 voting member of the Advisory Committee
15 shall be two years, but a voting member
16 may continue to serve until the Adminis-
17 trator appoints a successor.

18 “(ii) REAPPOINTMENT.—A voting
19 member of the Advisory Committee may be
20 reappointed.

21 “(B) REMOVAL.—

22 “(i) IN GENERAL.—The Administrator
23 may review the participation of a member
24 of the Advisory Committee and remove such
25 member for cause at any time.

1 “(ii) *ACCESS TO CERTAIN INFORMA-*
2 *TION.—The Administrator may remove any*
3 *member of the Advisory Committee who the*
4 *Administrator determines should be re-*
5 *stricted from reviewing, discussing, or pos-*
6 *sessing classified information or sensitive*
7 *security information.*

8 “(5) *PROHIBITION ON COMPENSATION.—The*
9 *members of the Advisory Committee may not receive*
10 *any compensation from the Government by reason of*
11 *their service on the Advisory Committee.*

12 “(6) *MEETINGS.—*

13 “(A) *IN GENERAL.—The Advisory Com-*
14 *mittee shall meet at least semiannually in person*
15 *or through web conferencing, and may convene*
16 *additional meetings as necessary.*

17 “(B) *PUBLIC MEETINGS.—At least one of*
18 *the meetings of the Advisory Committee each*
19 *year shall be—*

20 “(i) *announced in the Federal Register;*

21 “(ii) *announced on a public website;*

22 *and*

23 “(iii) *open to the public.*

1 “(C) *ATTENDANCE.*—*The Advisory Com-*
2 *mittee shall maintain a record of the persons*
3 *present at each meeting.*

4 “(D) *MINUTES.*—

5 “(i) *IN GENERAL.*—*Unless otherwise*
6 *prohibited by Federal law, minutes of the*
7 *meetings of the Advisory Committee shall be*
8 *published on the public website under sub-*
9 *section (e)(5).*

10 “(ii) *PROTECTION OF CLASSIFIED AND*
11 *SENSITIVE INFORMATION.*—*The Advisory*
12 *Committee may redact or summarize, as*
13 *necessary, minutes of the meetings to protect*
14 *classified information or sensitive security*
15 *information in accordance with law.*

16 “(7) *VOTING MEMBER ACCESS TO CLASSIFIED IN-*
17 *FORMATION AND SENSITIVE SECURITY INFORMA-*
18 *TION.*—

19 “(A) *DETERMINATIONS.*—*Not later than 60*
20 *days after the date on which a voting member is*
21 *appointed to the Advisory Committee but before*
22 *such voting member may be granted any access*
23 *to classified information or sensitive security in-*
24 *formation, the Administrator shall determine if*
25 *such voting member should be restricted from re-*

1 *viewing, discussing, or possessing classified in-*
2 *formation or sensitive security information.*

3 “(B) *ACCESS.*—

4 “(i) *SENSITIVE SECURITY INFORMA-*
5 *TION.*—*If a voting member is not restricted*
6 *from reviewing, discussing, or possessing*
7 *sensitive security information under sub-*
8 *paragraph (A) and voluntarily signs a non-*
9 *disclosure agreement, such voting member*
10 *may be granted access to sensitive security*
11 *information that is relevant to such voting*
12 *member’s service on the Advisory Com-*
13 *mittee.*

14 “(ii) *CLASSIFIED INFORMATION.*—*Ac-*
15 *cess to classified materials shall be managed*
16 *in accordance with Executive Order 13526*
17 *of December 29, 2009 (75 Fed. Reg. 707), or*
18 *any subsequent corresponding Executive*
19 *order.*

20 “(C) *PROTECTIONS.*—

21 “(i) *SENSITIVE SECURITY INFORMA-*
22 *TION.*—*Voting members shall protect sen-*
23 *sitive security information in accordance*
24 *with part 1520 of title 49, Code of Federal*
25 *Regulations.*

1 “(ii) *CLASSIFIED INFORMATION.*—Vot-
2 ing members shall protect classified infor-
3 mation in accordance with the applicable
4 requirements for the particular level of clas-
5 sification of such information.

6 “(8) *JOINT COMMITTEE MEETINGS.*—The Advi-
7 sory Committee may meet with one or more of the fol-
8 lowing advisory committees to discuss multimodal se-
9 curity issues and other security-related issues of com-
10 mon concern:

11 “(A) *Aviation Security Advisory Com-*
12 *mittee, established under section 44946 of title*
13 *49, United States Code.*

14 “(B) *Maritime Security Advisory Com-*
15 *mittee, established under section 70112 of title*
16 *46, United States Code.*

17 “(C) *Railroad Safety Advisory Committee,*
18 *established by the Federal Railroad Administra-*
19 *tion.*

20 “(9) *SUBJECT MATTER EXPERTS.*—The Advisory
21 Committee may request the assistance of subject mat-
22 ter experts with expertise related to the jurisdiction of
23 the Advisory Committee.

24 “(d) *REPORTS.*—

1 “(1) *PERIODIC REPORTS.*—*The Advisory Com-*
2 *mittee shall periodically submit to the Administrator*
3 *reports on matters requested by the Administrator or*
4 *by a majority of the members of the Advisory Com-*
5 *mittee.*

6 “(2) *ANNUAL REPORT.*—

7 “(A) *SUBMISSION.*—*The Advisory Com-*
8 *mittee shall submit to the Administrator and the*
9 *Committee on Homeland Security and the Com-*
10 *mittee on Transportation and Infrastructure of*
11 *the House of Representatives and the Committee*
12 *on Homeland Security and Governmental Af-*
13 *airs and the Committee on Commerce, Science,*
14 *and Transportation of the Senate an annual re-*
15 *port that provides information on the activities,*
16 *findings, and recommendations of the Advisory*
17 *Committee during the preceding year.*

18 “(B) *PUBLICATION.*—*Not later than six*
19 *months after the date that the Administrator re-*
20 *ceives an annual report under subparagraph (A),*
21 *the Administrator shall publish a public version*
22 *of such report, in accordance with section*
23 *552a(b) of title 5, United States Code.*

24 “(e) *ADMINISTRATION RESPONSE.*—

1 “(1) *CONSIDERATION.*—*The Administrator shall*
2 *consider the information, advice, and recommenda-*
3 *tions of the Advisory Committee in formulating poli-*
4 *cies, programs, initiatives, rulemakings, and security*
5 *directives pertaining to surface transportation secu-*
6 *rity efforts.*

7 “(2) *FEEDBACK.*—*Not later than 90 days after*
8 *the date that the Administrator receives a rec-*
9 *ommendation from the Advisory Committee under*
10 *subsection (d)(2), the Administrator shall submit to*
11 *the Advisory Committee written feedback on such rec-*
12 *ommendation, including—*

13 “(A) *if the Administrator agrees with such*
14 *recommendation, a plan describing the actions*
15 *that the Administrator has taken, will take, or*
16 *recommends that the head of another Federal de-*
17 *partment or agency take to implement such rec-*
18 *ommendation; or*

19 “(B) *if the Administrator disagrees with*
20 *such recommendation, a justification for such*
21 *disagreement.*

22 “(3) *NOTICES.*—*Not later than 30 days after the*
23 *date the Administrator submits feedback under para-*
24 *graph (2), the Administrator shall—*

1 “(A) notify the Committee on Homeland Se-
2 curity and the Committee on Transportation
3 and Infrastructure of the House of Representa-
4 tives and the Committee on Homeland Security
5 and Governmental Affairs and the Committee on
6 Commerce, Science, and Transportation of the
7 Senate of such feedback, including the agreement
8 or disagreement under subparagraph (A) or sub-
9 paragraph (B) of such paragraph, as applicable;
10 and

11 “(B) provide the committees specified in
12 subparagraph (A) with a briefing upon request.

13 “(4) *UPDATES.*—Not later than 90 days after the
14 date the Administrator receives a recommendation
15 from the Advisory Committee under subsection (d)(2)
16 that the Administrator agrees with, and quarterly
17 thereafter until such recommendation is fully imple-
18 mented, the Administrator shall submit to the Com-
19 mittee on Homeland Security and the Committee on
20 Transportation and Infrastructure of the House of
21 Representatives and the Committee on Homeland Se-
22 curity and Governmental Affairs and the Committee
23 on Commerce, Science, and Transportation of the
24 Senate a report or post on the public website under

1 paragraph (5) an update on the status of such rec-
2 ommendation.

3 “(5) WEBSITE.—The Administrator shall main-
4 tain a public website that—

5 “(A) lists the members of the Advisory Com-
6 mittee;

7 “(B) provides the contact information for
8 the Advisory Committee; and

9 “(C) information relating to meetings, min-
10 utes, annual reports, and the implementation of
11 recommendations under this section.

12 “(f) NONAPPLICABILITY OF FACA.—The Federal Advi-
13 sory Committee Act (5 U.S.C. App.) shall not apply to the
14 Advisory Committee or any subcommittee established under
15 this section.”.

16 (b) ADVISORY COMMITTEE MEMBERS.—

17 (1) VOTING MEMBERS.—Not later than 180 days
18 after the date of the enactment of this Act, the Admin-
19 istrator of the Transportation Security Administra-
20 tion shall appoint the voting members of the Surface
21 Transportation Security Advisory Committee estab-
22 lished under section 44947 of title 49, United States
23 Code, as added by subsection (a) of this section.

24 (2) NONVOTING MEMBERS.—Not later than 90
25 days after the date of the enactment of this Act, each

1 *Federal Government department and agency with reg-*
2 *ulatory authority over a mode of surface transpor-*
3 *tation, as the Administrator of the Transportation*
4 *Security Administration considers appropriate, shall*
5 *designate an appropriate representative to serve as a*
6 *nonvoting member of the Surface Transportation Se-*
7 *curity Advisory Committee.*

8 *(c) CLERICAL AMENDMENT.—The analysis for chapter*
9 *449 of title 49, United States Code, is amended by inserting*
10 *after the item relating to section 44946 the following new*
11 *item:*

“44947. Surface Transportation Security Advisory Committee.”.

12 **SEC. 578. REVIEW OF THE EXPLOSIVES DETECTION CANINE**
13 **TEAM PROGRAM.**

14 *(a) IN GENERAL.—Not later than 90 days after the*
15 *date that the Inspector General of the Department of Home-*
16 *land Security receives the report under section 572(c), the*
17 *Inspector General shall—*

18 *(1) review the explosives detection canine team*
19 *program of the Department, including—*

20 *(A) the development by the Transportation*
21 *Security Administration of a deployment strat-*
22 *egy for explosives detection canine teams;*

23 *(B) the national explosives detection canine*
24 *team training program, including canine train-*

1 (1) *IN GENERAL.*—*Before the date the Inspector*
2 *General of the Department of Homeland Security sub-*
3 *mits the report under section 578, the Administrator*
4 *of the Transportation Security Administration may*
5 *increase the number of State and local surface and*
6 *maritime transportation explosives detection canine*
7 *teams by not more than 70 such teams.*

8 (2) *ADDITIONAL TEAMS.*—*Beginning on the date*
9 *the Inspector General of the Department of Homeland*
10 *Security submits the report under section 578, the*
11 *Secretary of Homeland Security may increase the*
12 *State and local surface and maritime transportation*
13 *explosives detection canine teams by not more than*
14 *200 such teams unless more of such teams are needed*
15 *as identified in the risk-based security strategy under*
16 *section 572(b)(1)(A), consistent with section 573 or*
17 *with the President’s most recent budget submitted*
18 *under section 1105 of title 31, United States Code.*

19 (3) *RECOMMENDATIONS.*—*Before initiating any*
20 *increase in the number of explosives detection teams*
21 *under paragraph (2), the Secretary of Homeland Se-*
22 *curity shall consider any recommendations in the re-*
23 *port under section 578 on the efficacy and manage-*
24 *ment of the explosives detection canine program of the*
25 *Department of Homeland Security.*

1 (c) *DEPLOYMENT.*—*The Secretary of Homeland Security shall—*

3 (1) *use any additional explosives detection canine teams, as described in subsection (b)(1), as part*
4 *of the Department of Homeland Security’s efforts to*
5 *strengthen security across the Nation’s surface and*
6 *maritime transportation systems;*

8 (2) *make available explosives detection canine*
9 *teams to all modes of transportation, subject to the re-*
10 *quirements under section 576, to address specific*
11 *vulnerabilities or risks, on an as-needed basis and as*
12 *otherwise determined appropriate by the Secretary;*
13 *and*

14 (3) *consider specific needs and training require-*
15 *ments for explosives detection canine teams to be de-*
16 *ployed across the Nation’s surface and maritime*
17 *transportation systems, including in venues of mul-*
18 *tiple modes of transportation, as the Secretary con-*
19 *siders appropriate.*

20 **SEC. 580. EXPLOSIVE DETECTION TECHNOLOGY.**

21 *The Secretary of Homeland Security shall prioritize*
22 *the research and facilitation of next generation technologies*
23 *to detect explosives in the Nation’s surface transportation*
24 *systems.*

1 **SEC. 581. STUDY ON SECURITY STANDARDS AND BEST**
2 **PRACTICES FOR UNITED STATES AND FOR-**
3 **EIGN PASSENGER TRANSPORTATION SYS-**
4 **TEMS.**

5 (a) *IN GENERAL.*—*The Comptroller General of the*
6 *United States shall conduct a study of how the Transpor-*
7 *tation Security Administration—*

8 (1) *identifies and compares—*

9 (A) *United States and foreign passenger*
10 *transportation system security standards; and*

11 (B) *best practices for protecting passenger*
12 *transportation systems, including shared ter-*
13 *минаl facilities, and cyber systems; and*

14 (2) *disseminates to stakeholders the findings*
15 *under paragraph (1).*

16 (b) *REPORT.*—*Not later than 18 months after the date*
17 *of the enactment of this Act, the Comptroller General of the*
18 *United States shall issue a report that contains—*

19 (1) *the findings of the study conducted under*
20 *subsection (a); and*

21 (2) *any recommendations for improving relevant*
22 *processes or procedures.*

23 **SEC. 582. AMTRAK SECURITY UPGRADES.**

24 (a) *RAILROAD SECURITY ASSISTANCE.*—*Subsection*
25 *(b) of section 1513 of the Implementing Recommendations*

1 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1163) is*
2 *amended—*

3 (1) *in paragraph (1), by inserting before the pe-*
4 *riod at the end the following: “, including commu-*
5 *nications interoperability where appropriate with rel-*
6 *evant outside agencies and entities”;*

7 (2) *in paragraph (5), by striking “security of”*
8 *and inserting “security and preparedness of”;*

9 (3) *in paragraph (7), by striking “security*
10 *threats” and inserting “security threats and pre-*
11 *paredness, including connectivity to the National Ter-*
12 *rorist Screening Center”;* and

13 (4) *in paragraph (9), by striking “and security*
14 *officers” and inserting “, security, and preparedness*
15 *officers”.*

16 **(b) SPECIFIC PROJECTS.**—*Subsection (a)(3) of section*
17 *1514 of the Implementing Recommendations of the 9/11*
18 *Commission Act of 2007 (6 U.S.C. 1164) is amended—*

19 (1) *in subparagraph (D) by inserting before the*
20 *semicolon at the end the following: “, or to connect to*
21 *the National Terrorism Screening Center watchlist”;*

22 (2) *in subparagraph (G), by striking “and” after*
23 *the semicolon;*

24 (3) *in subparagraph (H) by striking the period*
25 *at the end and inserting a semicolon; and*

1 (4) *by adding at the end the following new sub-*
2 *paragraphs:*

3 “(I) *for improvements to passenger*
4 *verification systems;*

5 “(J) *for improvements to employee and con-*
6 *tractor verification systems, including identity*
7 *verification technology; or*

8 “(K) *for improvements to the security of*
9 *Amtrak computer systems, including cybersecu-*
10 *rity assessments and programs.”.*

11 **SEC. 583. STUDY ON SURFACE TRANSPORTATION INSPEC-**
12 **TORS.**

13 *Not later than 180 days after the date of the enactment*
14 *of this Act, the Comptroller General of the United States*
15 *shall submit to the appropriate congressional committees a*
16 *report that—*

17 (1) *identifies any duplication or redundancy be-*
18 *tween the Transportation Security Administration*
19 *and the Department of Transportation relating to*
20 *surface transportation security inspections or over-*
21 *sight; and*

22 (2) *provides recommendations, if any, relating*
23 *to—*

24 (A) *improvements to the surface transpor-*
25 *tation security inspectors program, including—*

- 1 (i) changes in organizational and su-
2 pervisory structures;
- 3 (ii) coordination procedures to enhance
4 consistency; and
- 5 (iii) effectiveness in inspection and
6 compliance activities; and
- 7 (B) whether each transportation mode needs
8 inspectors trained and qualified for each such
9 specific mode.

10 **SEC. 584. SECURITY AWARENESS PROGRAM.**

11 (a) *ESTABLISHMENT.*—The Administrator of the
12 Transportation Security Administration shall establish a
13 program to promote surface transportation security through
14 the training of surface transportation operators and front-
15 line employees on each of the skills identified in subsection
16 (c).

17 (b) *APPLICATION.*—The program established under
18 subsection (a) shall apply to all modes of surface transpor-
19 tation, including public transportation, rail, highway,
20 motor carrier, and pipeline.

21 (c) *TRAINING.*—The program established under sub-
22 section (a) shall cover, at a minimum, the skills necessary
23 to observe, assess, and respond to suspicious items or actions
24 that could indicate a threat to transportation.

25 (d) *ASSESSMENT.*—

1 (1) *IN GENERAL.*—*The Administrator of the*
2 *Transportation Security Administration shall con-*
3 *duct an assessment of current training programs for*
4 *surface transportation operators and frontline em-*
5 *ployees.*

6 (2) *CONTENTS.*—*The assessment under para-*
7 *graph (1) shall identify—*

8 (A) *whether other training is being pro-*
9 *vided, either voluntarily or in response to other*
10 *Federal requirements; and*

11 (B) *whether there are any gaps in existing*
12 *training.*

13 (e) *UPDATES.*—*The Administrator of the Transpor-*
14 *tation Security Administration shall ensure the program*
15 *established under subsection (a) is updated as necessary to*
16 *address changes in risk and terrorist methods and to close*
17 *any gaps identified in the assessment under subsection (d).*

18 (f) *SUSPICIOUS ACTIVITY REPORTING.*—

19 (1) *IN GENERAL.*—*The Secretary of Homeland*
20 *Security shall ensure there exists a national mecha-*
21 *nism for an individual to use to report to the Depart-*
22 *ment of Homeland Security suspicious activity in*
23 *transportation systems.*

1 (2) *PROCEDURES.*—*The Secretary of Homeland*
2 *Security shall establish procedures for the Department*
3 *of Homeland Security—*

4 (A) *to review and follow-up, as necessary,*
5 *on each report received under paragraph (1);*
6 *and*

7 (B) *to share, as necessary and in accord-*
8 *ance with law, such reports with appropriate*
9 *Federal, State, local, and tribal entities.*

10 (3) *RULE OF CONSTRUCTION.*—*Nothing in this*
11 *section may be construed to—*

12 (A) *replace or affect in any way the use of*
13 *9-1-1 services in an emergency; or*

14 (B) *replace or affect in any way the secu-*
15 *rity training program requirements specified in*
16 *sections 1408, 1517, and 1534 of the Imple-*
17 *menting Recommendations of the 9/11 Commis-*
18 *sion Act of 2007 (6 U.S.C. 1137, 1167, and*
19 *1184; Public Law 110–53).*

20 (g) *FRONTLINE EMPLOYEE DEFINED.*—*In this section,*
21 *the term “frontline employee” includes—*

22 (1) *an employee of a public transportation agen-*
23 *cy who is a transit vehicle driver or operator, dis-*
24 *patcher, maintenance and maintenance support em-*
25 *ployee, station attendant, customer service employee,*

1 security employee, or transit police, or any other em-
2 ployee who has direct contact with riders on a regular
3 basis, and any other employee of a public transpor-
4 tation agency that the Administrator of the Transpor-
5 tation Security Administration determines should re-
6 ceive security training under this section or who is
7 receiving security training under other law;

8 (2) over-the-road bus drivers, security personnel,
9 dispatchers, maintenance and maintenance support
10 personnel, ticket agents, other terminal employees,
11 and other employees of an over-the-road bus operator
12 or terminal owner or operator who the Administrator
13 determines should receive security training under this
14 section or who is receiving security training under
15 other law; or

16 (3) security personnel, dispatchers, locomotive
17 engineers, conductors, trainmen, other onboard em-
18 ployees, maintenance and maintenance support per-
19 sonnel, bridge tenders, and any other employees of
20 railroad carriers who the Administrator determines
21 should receive security training under this section or
22 who is receiving security training under other law.

23 **SEC. 585. VOLUNTARY USE OF CREDENTIALING.**

24 (a) *IN GENERAL.*—An individual who is subject to
25 credentialing or a background investigation under section

1 5103a of title 49, United States Code, may satisfy such re-
2 quirement by obtaining a valid transportation security
3 card issued under section 70105 of title 46, United States
4 Code.

5 (b) FEES.—The Secretary of Homeland Security may
6 charge reasonable fees, in accordance with section 520(a)
7 of the Department of Homeland Security Appropriations
8 Act, 2004 (6 U.S.C. 469(a)), for providing the necessary
9 credentialing and background investigation under this sec-
10 tion.

11 (c) DEFINITIONS.—In this section:

12 (1) INDIVIDUAL WHO IS SUBJECT TO
13 CREDENTIALING OR A BACKGROUND INVESTIGA-
14 TION.—The term “individual who is subject to
15 credentialing or a background investigation” means
16 an individual who—

17 (A) because of employment is regulated by
18 the Transportation Security Administration, De-
19 partment of Transportation, or Coast Guard and
20 is required to have a background records check to
21 obtain a hazardous materials endorsement on a
22 commercial driver’s license issued by a State
23 under section 5103a of title 49, United States
24 Code; or

1 (B) is required to have a credential and
2 background records check under section
3 2102(d)(2) of the Homeland Security Act of 2002
4 (6 U.S.C. 622(d)(2)) at a facility with activities
5 that are regulated by the Transportation Secu-
6 rity Administration, Department of Transpor-
7 tation, or Coast Guard.

8 (2) *VALID TRANSPORTATION SECURITY CARD*
9 *ISSUED UNDER SECTION 70105 OF TITLE 46, UNITED*
10 *STATES CODE.—The term “valid transportation secu-*
11 *urity card issued under section 70105 of title 46,*
12 *United States Code” means a transportation security*
13 *card issued under section 70105 of title 46, United*
14 *States Code, that is—*

15 (A) not expired;

16 (B) shows no signs of tampering; and

17 (C) bears a photograph of the individual
18 representing such card.

19 **SEC. 586. BACKGROUND RECORDS CHECKS FOR ISSUANCE**
20 **OF HAZMAT LICENSES.**

21 (a) *ISSUANCE OF LICENSES.—Paragraph (1) of section*
22 *5103a(a) of title 49, United States Code, is amended—*

23 (1) by striking “unless” and inserting “unless—
24 ”;

1 (2) by striking “the Secretary of Homeland Se-
2 curity” and inserting the following:

3 “(A) the Secretary of Homeland Security”;

4 (3) in subparagraph (A), as designated pursuant
5 to paragraph (2) of this subsection, by striking the
6 period at the end and inserting “; or”; and

7 (4) by adding at the end the following new sub-
8 paragraph:

9 “(B) the individual holds a valid transpor-
10 tation security card issued under section 70105
11 of title 46.”.

12 (b) *TRANSPORTATION SECURITY CARD*.—Paragraph
13 (1) of section 5103a(d) of title 49, United States Code, is
14 amended, in the matter preceding subparagraph (A), by
15 striking “described in subsection (a)(1)” and inserting
16 “under subsection (a)(1)(A)”.

17 **SEC. 587. RECURRENT VETTING FOR SURFACE TRANSPOR-**
18 **TATION CREDENTIAL-HOLDERS.**

19 Section 70105 of title 46, United States Code, is
20 amended by adding at the end the following new subsection:

21 “(r) *RECURRENT VETTING*.—

22 “(1) *IN GENERAL*.—Not later than 180 days
23 after the date of the enactment of this subsection, the
24 Secretary shall develop and implement a plan to uti-
25 lize the Federal Bureau of Investigation’s Rap Back

1 *Service in order to establish recurrent vetting capa-*
2 *bilities for individuals holding valid transportation*
3 *security cards under this section.*

4 “(2) *EXEMPTION.—Individuals holding valid*
5 *transportation security cards under this section who*
6 *are subject to recurrent vetting under the plan to uti-*
7 *lize the Rap Back Service referred to in paragraph*
8 *(1) shall be exempt from any recurrent determina-*
9 *tions or background checks under this section to which*
10 *such individuals would otherwise be subject every five*
11 *years in the absence of such utilization.”.*

12 **SEC. 588. PIPELINE SECURITY STUDY.**

13 (a) *STUDY.—The Comptroller General of the United*
14 *States shall conduct a study regarding the roles and respon-*
15 *sibilities of the Department of Homeland Security and the*
16 *Department of Transportation with respect to pipeline se-*
17 *curity. Such study shall address whether—*

18 (1) *the Annex to the Memorandum of Under-*
19 *standing executed on August 9, 2006, between the De-*
20 *partment of Homeland Security and the Department*
21 *of Transportation adequately delineates strategic and*
22 *operational responsibilities for pipeline security, in-*
23 *cluding whether it is clear which department is re-*
24 *sponsible for—*

1 (A) *protecting against intentional pipeline*
2 *breaches and cyber attacks;*

3 (B) *responding to intentional pipeline*
4 *breaches and cyber attacks; and*

5 (C) *planning to recover from the impact of*
6 *intentional pipeline breaches and cyber attacks;*

7 (2) *the respective roles and responsibilities of*
8 *each department are adequately conveyed to relevant*
9 *stakeholders and to the public; and*

10 (3) *the processes and procedures for determining*
11 *whether a particular pipeline breach is a terrorist in-*
12 *cident are clear and effective.*

13 (b) *REPORT ON STUDY.—Not later than 180 days after*
14 *the date of the enactment of this section, the Comptroller*
15 *General of the United States shall submit to the Secretary*
16 *of Homeland Security and the Committee on Homeland Se-*
17 *curity and the Committee on Transportation and Infra-*
18 *structure of the House of Representatives and the Committee*
19 *on Commerce, Science, and Transportation of the Senate*
20 *a report containing the findings of the study conducted*
21 *under subsection (a).*

22 (c) *REPORT TO CONGRESS.—Not later than 90 days*
23 *after the submission of the report under subsection (b), the*
24 *Secretary of Homeland Security shall review and analyze*
25 *the study and submit to the Committee on Homeland Secu-*

1 *rity and the Committee on Transportation and Infrastruc-*
2 *ture of the House of Representatives and the Committee on*
3 *Commerce, Science, and Transportation of the Senate a re-*
4 *port on such review and analysis, including any rec-*
5 *ommendations for—*

6 (1) *changes to the Annex to the Memorandum of*
7 *Understanding referred to in subsection (a)(1); and*

8 (2) *other improvements to pipeline security ac-*
9 *tivities at the Department.*

10 **SEC. 589. REPEAL OF LIMITATION RELATING TO MOTOR**
11 **CARRIER SECURITY-SENSITIVE MATERIAL**
12 **TRACKING TECHNOLOGY.**

13 *Section 1554 of the Implementing Recommendations*
14 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1204) is*
15 *amended by striking subsection (d).*

16 ***Subtitle H—Security Enhancements***
17 ***in Public Areas of Transpor-***
18 ***tation Facilities***

19 **SEC. 591. WORKING GROUP.**

20 (a) *IN GENERAL.—The Secretary of Homeland Secu-*
21 *rity may establish a working group to promote collaborative*
22 *engagement between the Department of Homeland Security*
23 *and public and private stakeholders to develop non-binding*
24 *recommendations for enhancing the security in public areas*
25 *of transportation facilities.*

1 **(b) ANNUAL REPORT.**—*If the Secretary of Homeland*
2 *Security establishes a working group pursuant to subsection*
3 *(a), not later than one year after such establishment and*
4 *annually thereafter for five years, the Secretary shall report*
5 *on the working group’s organization, participation, activi-*
6 *ties, findings, and non-binding recommendations for the*
7 *immediately preceding 12 month period. The Secretary*
8 *may publish a public version describing the working*
9 *group’s activities and such related matters as would be in-*
10 *formative to the public, consistent with section 552(b) of*
11 *title 5, United States Code.*

12 **(c) INAPPLICABILITY OF THE FEDERAL ADVISORY**
13 **COMMITTEE ACT.**—*The Federal Advisory Committee Act (5*
14 *U.S.C. App.) shall not apply to the working group or any*
15 *subsidiary thereof.*

16 **SEC. 592. TECHNICAL ASSISTANCE; VULNERABILITY AS-**
17 **SESSMENT TOOLS.**

18 **(a) IN GENERAL.**—*The Secretary of Homeland Secu-*
19 *rity shall—*

20 **(1)** *inform public and private sector stakeholders*
21 *regarding the availability of Department of Home-*
22 *land Security technical assistance, including vulner-*
23 *ability assessment tools, to help enhance the security*
24 *in public areas of transportation facilities; and*

1 (2) *subject to availability of appropriations, pro-*
2 *vide such technical assistance, upon request, to such*
3 *a stakeholder.*

4 **(b) BEST PRACTICES.**—*Not later than one year after*
5 *the date of the enactment of this Act, the Secretary of Home-*
6 *land Security shall publish and widely disseminate best*
7 *practices for protecting and enhancing the resilience of pub-*
8 *lic areas of transportation facilities, including associated*
9 *frameworks or templates for implementation. As appro-*
10 *priate, such best practices shall be updated periodically.*

11 **SEC. 593. OPERATIONS CENTERS.**

12 *Not later than 120 days after the date of the enactment*
13 *of this Act, the Administrator of the Transportation Secu-*
14 *rity Administration, in consultation with the heads of other*
15 *appropriate offices or components of the Department of*
16 *Homeland Security, shall make available to public and pri-*
17 *vate stakeholders a framework for establishing an oper-*
18 *ations center within a transportation facility to promote*
19 *interagency response and coordination.*

20 **SEC. 594. REVIEW OF REGULATIONS.**

21 **(a) REVIEW.**—*Not later than one year after the date*
22 *of the enactment of this Act, the Administrator of the Trans-*
23 *portation Security Administration shall submit to the Com-*
24 *mittee on Homeland Security of the House and the Com-*
25 *mittee on Commerce, Science, and Transportation of the*

1 *Senate a report that includes a review of regulations, direc-*
2 *tives, policies, and procedures issued by the Administrator*
3 *regarding the transportation of a firearm and ammunition*
4 *by an aircraft passenger, and, as appropriate, information*
5 *on plans to modify any such regulation, directive, policy,*
6 *or procedure based on such review.*

7 (b) *CONSULTATION.—In preparing the report required*
8 *under subsection (a), the Administrator of the Transpor-*
9 *tation Security Administration shall consult with the Avia-*
10 *tion Security Advisory Committee (established pursuant to*
11 *section 44946 of title 49, United States Code) and appro-*
12 *priate public and private sector stakeholders.*

13 **SEC. 595. DEFINITION.**

14 *In this subtitle, the term “public and private sector*
15 *stakeholders” has the meaning given such term in section*
16 *114(u)(1)(C) of title 49, United States Code.*

17 **TITLE VI—EMERGENCY PRE-**
18 **PAREDNESS, RESPONSE, AND**
19 **COMMUNICATIONS**
20 **Subtitle A—Grants, Training,**
21 **Exercises, and Coordination**

22 **SEC. 601. URBAN AREA SECURITY INITIATIVE.**

23 *Section 2003 of the Homeland Security Act of 2002*
24 *(6 U.S.C. 604) is amended—*

1 (1) in subsection (b)(2)(A), in the matter pre-
2 ceding clause (i), by inserting “, using the most up-
3 to-date data available,” after “assessment”;

4 (2) in subsection (d)(2), by amending subpara-
5 graph (B) to read as follows:

6 “(B) FUNDS RETAINED.—To ensure trans-
7 parency and avoid duplication, a State shall
8 provide each relevant high-risk urban area with
9 a detailed accounting of the items, services, or
10 activities on which any funds retained by the
11 State under subparagraph (A) are to be ex-
12 pended. Such accounting shall be provided not
13 later than 90 days after the date of which such
14 funds are retained.”; and

15 (3) by striking subsection (e) and inserting the
16 following new subsections:

17 “(e) THREAT AND HAZARD IDENTIFICATION RISK AS-
18 SESSMENT AND CAPABILITY ASSESSMENT.—As a condition
19 of receiving a grant under this section, each high-risk urban
20 area shall submit to the Administrator a threat and hazard
21 identification and risk assessment and capability assess-
22 ment—

23 “(1) at such time and in such form as is re-
24 quired by the Administrator; and

1 “(2) *consistent with the Federal Emergency*
2 *Management Agency’s Comprehensive Preparedness*
3 *Guide 201, Second Edition, or such successor docu-*
4 *ment or guidance as is issued by the Administrator.*

5 “(f) *PERIOD OF PERFORMANCE.—The Administrator*
6 *shall make funds provided under this section available for*
7 *use by a recipient of a grant for a period of not less than*
8 *36 months.*

9 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
10 *authorized to be appropriated for grants under this section*
11 *\$800,000,000 for each of fiscal years 2018 through 2022.”.*

12 **SEC. 602. STATE HOMELAND SECURITY GRANT PROGRAM.**

13 *Section 2004 of the Homeland Security Act of 2002*
14 *(6 U.S.C. 605) is amended by striking subsection (f) and*
15 *inserting the following new subsections:*

16 “(f) *THREAT AND HAZARD IDENTIFICATION AND RISK*
17 *ASSESSMENT AND CAPABILITY ASSESSMENT.—*

18 “(1) *IN GENERAL.—As a condition of receiving*
19 *a grant under this section, each State shall submit to*
20 *the Administrator a threat and hazard identification*
21 *and risk assessment and capability assessment—*

22 “(A) *at such time and in such form as is*
23 *required by the Administrator; and*

24 “(B) *consistent with the Federal Emergency*
25 *Management Agency’s Comprehensive Prepared-*

1 *ness Guide 201, Second Edition, or such suc-*
2 *cessor document or guidance as is issued by the*
3 *Administrator.*

4 “(2) *COLLABORATION.*—*In developing the threat*
5 *and hazard identification and risk assessment under*
6 *paragraph (1), a State shall solicit input from local*
7 *and tribal governments, including first responders,*
8 *and, as appropriate, non-governmental and private*
9 *sector stakeholders.*

10 “(3) *FIRST RESPONDERS DEFINED.*—*In this sub-*
11 *section, the term ‘first responders’ includes representa-*
12 *tives of local governmental and nongovernmental fire,*
13 *law enforcement, emergency management, and emer-*
14 *gency medical personnel.*

15 “(g) *PERIOD OF PERFORMANCE.*—*The Administrator*
16 *shall make funds provided under this section available for*
17 *use by a recipient of a grant for a period of not less than*
18 *36 months.*

19 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
20 *authorized to be appropriated for grants under this section*
21 *\$600,000,000 for each of fiscal years 2018 through 2022.”.*

22 **SEC. 603. GRANTS TO DIRECTLY ELIGIBLE TRIBES.**

23 *Section 2005 of the Homeland Security Act of 2002*
24 *(6 U.S.C. 606) is amended by—*

1 (1) redesignating subsections (h) through (k) as
2 subsections (i) through (l), respectively; and

3 (2) inserting after subsection (g) the following
4 new subsection:

5 “(h) *PERIOD OF PERFORMANCE.*—*The Secretary shall*
6 *make funds provided under this section available for use*
7 *by a recipient of a grant for a period of not less than 36*
8 *months.*”.

9 **SEC. 604. LAW ENFORCEMENT TERRORISM PREVENTION.**

10 (a) *LAW ENFORCEMENT TERRORISM PREVENTION*
11 *PROGRAM.*—*Subsection (a) of section 2006 of the Homeland*
12 *Security Act of 2002 (6 U.S.C. 607) is amended—*

13 (1) *in paragraph (1)—*

14 (A) *by inserting “States and high-risk*
15 *urban areas expend” after “that”; and*

16 (B) *by striking “is used”;*

17 (2) *in paragraph (2), by amending subpara-*
18 *graph (I) to read as follows:*

19 “(I) *activities as determined appropriate by*
20 *the Administrator, in coordination with the As-*
21 *stant Secretary for State and Local Law En-*
22 *forcement within the Office of Partnership and*
23 *Engagement of the Department, through outreach*
24 *to relevant stakeholder organizations; and”;* and

1 (3) *by adding at the end the following new para-*
2 *graph:*

3 “(4) *ANNUAL REPORT.—The Administrator, in*
4 *coordination with the Assistant Secretary for State*
5 *and Local Law Enforcement, shall report annually*
6 *from fiscal year 2018 through fiscal year 2022 on the*
7 *use of grants under sections 2003 and 2004 for law*
8 *enforcement terrorism prevention activities authorized*
9 *under this section, including the percentage and dol-*
10 *lar amount of funds used for such activities and the*
11 *types of projects funded.”.*

12 (b) *OFFICE FOR STATE AND LOCAL LAW ENFORCE-*
13 *MENT.—Subsection (b) section 2006 of the Homeland Secu-*
14 *rity Act of 2002 (6 U.S.C. 607) is amended—*

15 (1) *in paragraph (1), by striking “Policy Direc-*
16 *torate” and inserting “Office of Partnership and En-*
17 *gagement”*

18 (2) *in paragraph (4)—*

19 (A) *in subparagraph (B), by inserting “,*
20 *including through consultation with such agen-*
21 *cies regarding Department programs that may*
22 *impact such agencies” before the semicolon at the*
23 *end; and*

24 (B) *in subparagraph (D), by striking “en-*
25 *sure” and inserting “certify”.*

1 **SEC. 605. PRIORITIZATION.**

2 (a) *IN GENERAL.*—Subsection (a) of section 2007 of
3 *the Homeland Security Act of 2002 (6 U.S.C. 608) is*
4 *amended—*

5 (1) *in paragraph (1)—*

6 (A) *by amending subparagraph (A) to read*
7 *as follows:*

8 “(A) *its population, including consideration*
9 *of domestic and international tourists, com-*
10 *muters, and military populations, including*
11 *military populations residing in communities*
12 *outside military installations;”;*

13 (B) *in subparagraph (E), by inserting “,*
14 *including threat information from other relevant*
15 *Federal agencies and field offices, as appro-*
16 *priate” before the semicolon at the end; and*

17 (C) *in subparagraph (I), by striking “tar-*
18 *get” and inserting “core”; and*

19 (2) *in paragraph (2), by striking “target” and*
20 *inserting “core”.*

21 (b) *REVIEW.*—*Not later than 90 days after the date*
22 *of the enactment of this Act, the Secretary of Homeland Se-*
23 *curity, through the Administrator of the Federal Emergency*
24 *Management Agency, shall review and report to the Com-*
25 *mittee on Homeland Security and the Committee on Appro-*
26 *priations of the House of Representatives and the Com-*

1 *mittee on Homeland Security and Governmental Affairs*
2 *and the Committee on Appropriations of the Senate on the*
3 *risk formula and methodology used to award grants under*
4 *sections 2003 and 2004 of the Homeland Security Act of*
5 *2002 (6 U.S.C. 604 and 605), including a discussion of any*
6 *necessary changes to such formula to ensure grant awards*
7 *are appropriately based on risk.*

8 (c) *COMPTROLLER GENERAL REVIEW.*—*Not later than*
9 *180 days after the date of enactment of this Act, the Comp-*
10 *troller General of the United States shall review and assess*
11 *the risk formula and methodology used to award grants*
12 *under sections 2003 and 2004 of the Homeland Security*
13 *Act of 2002, including—*

14 (1) *the process utilized by the Department of*
15 *Homeland Security to gather threat information for*
16 *each potential State and high-risk urban area;*

17 (2) *the extent to which such risk formula and*
18 *methodology considers the factors specified in section*
19 *2007 of the Homeland Security Act of 2002 (6 U.S.C.*
20 *608), in particular—*

21 (A) *the extent to which the jurisdiction has*
22 *unmet core capabilities due to resource con-*
23 *straints;*

1 (B) the degree to which a jurisdiction has
2 been able to address capability gaps with pre-
3 vious grant awards; and

4 (C) in the case of a high-risk urban area,
5 the extent to which such high-risk urban area in-
6 cludes—

7 (i) incorporated municipalities, coun-
8 ties, parishes, and Indian tribes within the
9 relevant eligible metropolitan area the in-
10 clusion of which will enhance regional ef-
11 forts to prevent, prepare for, protect
12 against, and respond to acts of terrorism;
13 and

14 (ii) other local and tribal governments
15 in the surrounding area that are likely to be
16 called upon to respond to acts of terrorism
17 within the high-risk urban area; and

18 (3) how grant award amounts are determined.

19 **SEC. 606. ALLOWABLE USES.**

20 Section 2008 of the Homeland Security Act of 2002
21 (6 U.S.C. 609) is amended—

22 (1) in subsection (a)—

23 (A) in the matter preceding paragraph (1),
24 by striking “target” and inserting “core”;

1 (B) by redesignating paragraphs (6)
2 through (14) as paragraphs (8) through (16), re-
3 spectively;

4 (C) in paragraph (5), by inserting before
5 the semicolon at the end the following: “, pro-
6 vided such purchases align with the Statewide
7 Communication Interoperability Plan and are
8 coordinated with the Statewide Interoperability
9 Coordinator or Statewide interoperability gov-
10 ernance body of the State of the recipient”; and

11 (D) by inserting after paragraph (5) the fol-
12 lowing new paragraphs:

13 “(6) enhancing medical preparedness, medical
14 surge capacity, and mass prophylaxis capabilities, in-
15 cluding the development and maintenance of an ini-
16 tial pharmaceutical stockpile, including medical kits
17 and diagnostics sufficient to protect first responders,
18 their families, immediate victims, and vulnerable
19 populations from a chemical or biological event;

20 “(7) enhancing cybersecurity, including pre-
21 paring for and responding to cybersecurity risks and
22 incidents (as such terms are defined in section 227)
23 and developing statewide cyber threat information
24 analysis and dissemination activities;”;

1 (E) in paragraph (8), as so redesignated, by
2 striking “Homeland Security Advisory System”
3 and inserting “National Terrorism Advisory
4 System”; and

5 (F) in paragraph (14), as so redesignated,
6 by striking “3” and inserting “5”;

7 (2) in subsection (b)—

8 (A) in paragraph (3)(B), by striking
9 “(a)(10)” and inserting “(a)(12)”; and

10 (B) in paragraph (4)(B)(i), by striking
11 “target” and inserting “core”; and

12 (3) in subsection (c), by striking “target” and
13 “core”.

14 **SEC. 607. APPROVAL OF CERTAIN EQUIPMENT.**

15 (a) *IN GENERAL.*—Section 2008 of the Homeland Se-
16 curity Act of 2002 (6 U.S.C. 609), as amended by this Act,
17 is further amended—

18 (1) in subsection (f)—

19 (A) by striking “If an applicant” and in-
20 serting the following:

21 “(1) *APPLICATION REQUIREMENT.*—If an appli-
22 cant”; and

23 (B) by adding at the end the following new
24 paragraphs:

1 “(2) *REVIEW PROCESS.*—*The Administrator*
2 *shall implement a uniform process for reviewing ap-*
3 *plications that, in accordance with paragraph (1),*
4 *contain explanations to use grants provided under*
5 *section 2003 or 2004 to purchase equipment or sys-*
6 *tems that do not meet or exceed any applicable na-*
7 *tional voluntary consensus standards developed under*
8 *section 647 of the Post-Katrina Emergency Manage-*
9 *ment Reform Act of 2006 (6 U.S.C. 747).*

10 “(3) *FACTORS.*—*In carrying out the review proc-*
11 *ess under paragraph (2), the Administrator shall con-*
12 *sider the following:*

13 “(A) *Current or past use of proposed equip-*
14 *ment or systems by Federal agencies or the*
15 *Armed Forces.*

16 “(B) *The absence of a national voluntary*
17 *consensus standard for such equipment or sys-*
18 *tems.*

19 “(C) *The existence of an international con-*
20 *sensus standard for such equipment or systems,*
21 *and whether such equipment or systems meets*
22 *such standard.*

23 “(D) *The nature of the capability gap iden-*
24 *tified by the applicant, and how such equipment*
25 *or systems will address such gap.*

1 “(E) *The degree to which such equipment or*
2 *systems will serve the needs of the applicant bet-*
3 *ter than equipment or systems that meet or ex-*
4 *ceed existing consensus standards.*

5 “(F) *Any other factor determined appro-*
6 *priate by the Administrator.*”; and

7 (2) *by adding at the end the following new sub-*
8 *section:*

9 “(g) *REVIEW PROCESS.—The Administrator shall im-*
10 *plement a uniform process for reviewing applications to use*
11 *grants provided under section 2003 or 2004 to purchase*
12 *equipment or systems not included on the Authorized*
13 *Equipment List maintained by the Administrator.*”.

14 (b) *INSPECTOR GENERAL REPORT.—Not later than*
15 *three years after the date of the enactment of this Act, the*
16 *Inspector General of the Department of Homeland Security*
17 *shall submit to the Committee on Homeland Security of the*
18 *House of Representatives and the Committee on Homeland*
19 *Security and Governmental Affairs of the Senate a report*
20 *assessing the implementation of the review process estab-*
21 *lished under paragraph (2) of subsection (f) of section 2008*
22 *of the Homeland Security Act of 2002 (as added by sub-*
23 *section (a) of this section), including information on the*
24 *following:*

1 (1) *The number of requests to purchase equip-*
2 *ment or systems that do not meet or exceed any appli-*
3 *cable consensus standard evaluated under such review*
4 *process.*

5 (2) *The capability gaps identified by applicants*
6 *and the number of such requests granted or denied.*

7 (3) *The processing time for the review of such re-*
8 *quests.*

9 **SEC. 608. MEMORANDA OF UNDERSTANDING.**

10 (a) *IN GENERAL.*—*Subtitle B of title XX of the Home-*
11 *land Security Act of 2002 (6 U.S.C. 611 et seq.) is amended*
12 *by adding at the end the following new section:*

13 **“SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DE-**
14 **PARTMENTAL COMPONENTS AND OFFICES.**

15 *“The Administrator shall enter into memoranda of un-*
16 *derstanding with the heads of the following departmental*
17 *components and offices delineating the roles and respon-*
18 *sibilities of such components and offices regarding the pol-*
19 *icy and guidance for grants under section 1406 of the Im-*
20 *plementing Recommendations of the 9/11 Commission Act*
21 *of 2007 (6 U.S.C. 1135), sections 2003 and 2004 of this*
22 *Act, and section 70107 of title 46, United States Code, as*
23 *appropriate:*

24 *“(1) The Commissioner of U.S. Customs and*
25 *Border Protection.*

1 “(2) *The Administrator of the Transportation*
2 *Security Administration.*

3 “(3) *The Commandant of the Coast Guard.*

4 “(4) *The Under Secretary for Intelligence and*
5 *Analysis.*

6 “(5) *The Director of the Office of Emergency*
7 *Communications.*

8 “(6) *The Assistant Secretary for State and Local*
9 *Law Enforcement.*

10 “(7) *The Countering Violent Extremism Coordi-*
11 *nator.*

12 “(8) *The Officer for Civil Rights and Civil Lib-*
13 *erties.*

14 “(9) *The Chief Medical Officer.*

15 “(10) *The heads of other components or offices of*
16 *the Department, as determined by the Secretary.”.*

17 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
18 *section 1(b) of the Homeland Security Act of 2002 is*
19 *amended by inserting after the item relating to section 2023*
20 *the following new item:*

“Sec. 2024. Memoranda of understanding with departmental components and of-
fices.”.

21 **SEC. 609. GRANTS METRICS.**

22 **(a) IN GENERAL.**—*To determine the extent to which*
23 *grants under sections 2003 and 2004 of the Homeland Secu-*
24 *rity Act of 2002 (6 U.S.C. 603 and 604) have closed capa-*

1 *bility gaps identified in State Preparedness Reports re-*
2 *quired under subsection (c) of section 652 of the Post-*
3 *Katrina Emergency Management Reform Act of 2006 (6*
4 *U.S.C. 752; title VI of the Department of Homeland Secu-*
5 *rity Appropriations Act, 2007; Public Law 109–295) and*
6 *Threat and Hazard Identification and Risk Assessments re-*
7 *quired under subsections (e) and (f) of such sections 2003*
8 *and 2004, respectively, as added by this Act, from each*
9 *State and high-risk urban area, the Administrator of the*
10 *Federal Emergency Management Agency shall conduct and*
11 *submit to the Committee on Homeland Security and the*
12 *Committee on Transportation and Infrastructure of the*
13 *House of Representatives and the Committee on Homeland*
14 *Security and Governmental Affairs of the Senate an assess-*
15 *ment of information provided in such Reports and Assess-*
16 *ments.*

17 **(b) ASSESSMENT REQUIREMENTS.**—*The assessment re-*
18 *quired under subsection (a) shall include a comparison of*
19 *successive State Preparedness Reports and Threat and Haz-*
20 *ard Identification and Risk Assessments that aggregates re-*
21 *sults across the States and high-risk urban areas.*

22 **SEC. 610. GRANT MANAGEMENT BEST PRACTICES.**

23 *The Administrator of the Federal Emergency Manage-*
24 *ment Agency shall include in the annual Notice of Funding*
25 *Opportunity relating to grants under sections 2003 and*

1 2004 of the *Homeland Security Act of 2002* (6 U.S.C. 604
2 and 605) an appendix that includes the following:

3 (1) *A summary of findings identified by the Of-*
4 *fice of the Inspector General of the Department of*
5 *Homeland Security in audits of such grants and*
6 *methods to address areas identified for improvement,*
7 *including opportunities for technical assistance.*

8 (2) *Innovative projects and best practices insti-*
9 *tuted by grant recipients.*

10 **SEC. 611. PROHIBITION ON CONSOLIDATION.**

11 *The Secretary of Homeland Security may not imple-*
12 *ment the National Preparedness Grant Program or any*
13 *successor consolidated grant program unless the Secretary*
14 *receives prior authorization from Congress permitting such*
15 *implementation.*

16 **SEC. 612. MAINTENANCE OF GRANT INVESTMENTS.**

17 *Section 2008 of the Homeland Security Act of 2002*
18 *(6 U.S.C. 609), as amended by this Act, is further amended*
19 *by adding at the end the following new subsection:*

20 *“(h) MAINTENANCE OF EQUIPMENT.—Any applicant*
21 *for a grant under section 2003 or 2004 seeking to use funds*
22 *to purchase equipment, including pursuant to paragraphs*
23 *(3), (4), (5), or (12) of subsection (a) of this section, shall*
24 *by the time of the receipt of such grant develop a plan for*
25 *the maintenance of such equipment over its life-cycle that*

1 *includes information identifying which entity is responsible*
2 *for such maintenance.”.*

3 **SEC. 613. TRANSIT SECURITY GRANT PROGRAM.**

4 *Section 1406 of the Implementing Recommendations*
5 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1135) is*
6 *amended—*

7 *(1) in subsection (b)(2)(A), by inserting “and as-*
8 *sociated backfill” after “security training”; and*

9 *(2) by striking subsection (m) and inserting the*
10 *following new subsections:*

11 *“(m) PERIODS OF PERFORMANCE.—*

12 *“(1) IN GENERAL.—Except as provided in para-*
13 *graph (2), funds provided pursuant to a grant*
14 *awarded under this section for a use specified in sub-*
15 *section (b) shall remain available for use by a grant*
16 *recipient for a period of not fewer than 36 months.*

17 *“(2) EXCEPTION.—Funds provided pursuant to*
18 *a grant awarded under this section for a use specified*
19 *in subparagraph (M) or (N) of subsection (b)(1) shall*
20 *remain available for use by a grant recipient for a*
21 *period of not fewer than 55 months.*

22 *“(n) AUTHORIZATION OF APPROPRIATIONS.—There is*
23 *authorized to be appropriated for grants under this section*
24 *\$200,000,000 for each of fiscal years 2018 through 2022.”.*

1 **SEC. 614. PORT SECURITY GRANT PROGRAM.**

2 *Section 70107 of title 46, United States Code, is*
3 *amended by—*

4 *(1) striking subsection (l);*

5 *(2) redesignating subsection (m) as subsection*
6 *(l); and*

7 *(3) by adding at the end the following new sub-*
8 *sections:*

9 *“(n) PERIOD OF PERFORMANCE.—The Secretary shall*
10 *make funds provided under this section available for use*
11 *by a recipient of a grant for a period of not less than 36*
12 *months.*

13 *“(o) AUTHORIZATION OF APPROPRIATIONS.—There is*
14 *authorized to be appropriated for grants under this section*
15 *\$200,000,000 for each of the fiscal years 2018 through*
16 *2022.”.*

17 **SEC. 615. NATIONAL DOMESTIC PREPAREDNESS CONSOR-**
18 **TIUM.**

19 *Section 1204 of the Implementing Recommendations*
20 *of the 9/11 Commission Act (6 U.S.C. 1102) is amended—*

21 *(1) in subsection (c), by inserting “to the extent*
22 *practicable, provide training in settings that stimu-*
23 *late real response environments, such as urban*
24 *areas,” after “levels,”;*

25 *(2) in subsection (d), by amending paragraphs*
26 *(1) and (2) to read as follows:*

1 “(1) for the Center for Domestic Preparedness,
2 \$63,939,000 for each of fiscal years 2018 and 2019;
3 and

4 “(2) for the remaining Members of the National
5 Domestic Preparedness Consortium, \$101,000,000 for
6 each of fiscal years 2018 and 2019.”; and

7 (3) in subsection (e), in the matter preceding
8 paragraph (1), by striking “2007” and inserting
9 “2017”.

10 **SEC. 616. RURAL DOMESTIC PREPAREDNESS CONSORTIUM.**

11 (a) *IN GENERAL.*—The Secretary of Homeland Secu-
12 rity is authorized to establish a Rural Domestic Prepared-
13 ness Consortium within the Department of Homeland Secu-
14 rity consisting of universities and nonprofit organizations
15 qualified to provide training to emergency response pro-
16 viders from rural communities.

17 (b) *DUTIES.*—The Rural Domestic Preparedness Con-
18 sortium authorized under subsection (a) shall identify, de-
19 velop, test, and deliver training to State, local, and tribal
20 emergency response providers from rural communities, pro-
21 vide on-site and mobile training, and facilitate the delivery
22 of training by the training partners of the Department of
23 Homeland Security.

24 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Of
25 amounts appropriated for Continuing Training Grants of

1 *the Department of Homeland Security, \$5,000,000 is au-*
2 *thorized to be used for the Rural Domestic Preparedness*
3 *Consortium authorized under subsection (a).*

4 **SEC. 617. EMERGENCY SUPPORT FUNCTIONS.**

5 *(a) UPDATE.—Paragraph (13) of section 504(a) of the*
6 *Homeland Security Act of 2002 (6 U.S.C. 314(a)) is*
7 *amended by inserting “, periodically updating (but not less*
8 *often than once every five years),” after “administering”.*

9 *(b) EMERGENCY SUPPORT FUNCTIONS.—Section 653*
10 *of the Post-Katrina Emergency Management Reform Act of*
11 *2006 (6 U.S.C. 753; title VI of the Department of Homeland*
12 *Security Appropriations Act, 2007; Public Law 109–295)*
13 *is amended—*

14 *(1) by redesignating subsections (d) and (e) as*
15 *subsections (e) and (f), respectively; and*

16 *(2) by inserting after subsection (c) the following*
17 *new subsection:*

18 *“(d) COORDINATION.—The President, acting through*
19 *the Administrator, shall develop and provide to Federal de-*
20 *partments and agencies with coordinating, primary, or*
21 *supporting responsibilities under the National Response*
22 *Framework performance metrics to ensure readiness to exe-*
23 *cute responsibilities under the emergency support functions*
24 *of such Framework.”.*

1 **SEC. 618. REVIEW OF NATIONAL INCIDENT MANAGEMENT**
2 **SYSTEM.**

3 *Paragraph (2) of section 509(b) of the Homeland Secu-*
4 *rity Act of 2002 (6 U.S.C. 319(b)) is amended, in the mat-*
5 *ter preceding subparagraph (A), by inserting “, but not less*
6 *often than once every five years,” after “periodically”.*

7 **SEC. 619. REMEDIAL ACTION MANAGEMENT PROGRAM.**

8 *Section 650 of the Post-Katrina Emergency Manage-*
9 *ment Reform Act of 2006 (6 U.S.C. 750; title VI of the De-*
10 *partment of Homeland Security Appropriations Act, 2007;*
11 *Public Law 109–295) is amended to read as follows:*

12 **“SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.**

13 *“(a) IN GENERAL.—The Administrator, in coordina-*
14 *tion with the National Council on Disability and the Na-*
15 *tional Advisory Council, shall establish a remedial action*
16 *management program to—*

17 *“(1) analyze training, exercises, and real world*
18 *events to identify lessons learned, corrective actions,*
19 *and best practices;*

20 *“(2) generate and disseminate, as appropriate,*
21 *the lessons learned, corrective actions, and best prac-*
22 *tices referred to in paragraph (1); and*

23 *“(3) conduct remedial action tracking and long*
24 *term trend analysis.*

25 *“(b) FEDERAL CORRECTIVE ACTIONS.—The Adminis-*
26 *trator, in coordination with the heads of appropriate Fed-*

1 *eral departments and agencies, shall utilize the program es-*
2 *tablished pursuant to subsection (a) to collect information*
3 *on corrective actions identified by such Federal departments*
4 *and agencies during exercises and the response to natural*
5 *disasters, acts of terrorism, and other man-made disasters,*
6 *and shall, not later than one year after the date of the enact-*
7 *ment of this section and annually thereafter for each of the*
8 *next four years, submit to Congress a report on the status*
9 *of such corrective actions.*

10 “(c) *DISSEMINATION OF AFTER ACTION REPORTS.—*
11 *The Administrator shall provide electronically, to the max-*
12 *imum extent practicable, to Congress and Federal, State,*
13 *local, tribal, and private sector officials after-action reports*
14 *and information on lessons learned and best practices from*
15 *responses to acts of terrorism, natural disasters, capstone*
16 *exercises conducted under the national exercise program*
17 *under section 648(b), and other emergencies or exercises.”.*

18 **SEC. 620. CYBER PREPAREDNESS.**

19 (a) *INFORMATION SHARING.—Title II of the Homeland*
20 *Security Act of 2002 is amended—*

21 (1) *in section 210A (6 U.S.C. 124h)—*

22 (A) *in subsection (b)—*

23 (i) *in paragraph (10), by inserting be-*
24 *fore the semicolon at the end the following:*

25 “, *including, in coordination with the na-*

1 *tional cybersecurity and communications*
2 *integration center under section 227, access*
3 *to timely technical assistance, risk manage-*
4 *ment support, and incident response capa-*
5 *bilities with respect to cyber threat indica-*
6 *tors, defensive measures, cybersecurity risks,*
7 *and incidents (as such terms are defined in*
8 *such section), which may include attribu-*
9 *tion, mitigation, and remediation, and the*
10 *provision of information and recommenda-*
11 *tions on security and resilience, including*
12 *implications of cybersecurity risks to equip-*
13 *ment and technology related to the electoral*
14 *process”;*

15 *(ii) in paragraph (11), by striking*
16 *“and” after the semicolon;*

17 *(iii) by redesignating paragraph (12)*
18 *as paragraph (14); and*

19 *(iv) by inserting after paragraph (11)*
20 *the following new paragraphs:*

21 *“(12) review information relating to cybersecu-*
22 *rity risks that is gathered by State, local, and re-*
23 *gional fusion centers, and incorporate such informa-*
24 *tion, as appropriate, into the Department’s own in-*
25 *formation relating to cybersecurity risks;*

1 “(13) ensure the dissemination to State, local,
2 and regional fusion centers of the information de-
3 scribed in paragraph (12); and”;

4 (B) in subsection (c)(2)—

5 (i) by redesignating subparagraphs (C)
6 through (G) as subparagraphs (D) through
7 (H), respectively; and

8 (ii) by inserting after subparagraph
9 (B) the following new subparagraph:

10 “(C) The national cybersecurity and com-
11 munications integration center under section
12 227.”;

13 (C) in subsection (d)—

14 (i) in paragraph (3), by striking
15 “and” after the semicolon;

16 (ii) by redesignating paragraph (4) as
17 paragraph (5); and

18 (iii) by inserting after paragraph (3)
19 the following new paragraph:

20 “(4) assist, in coordination with the national cy-
21 bersecurity and communications integration center
22 under section 227, fusion centers in using informa-
23 tion relating to cybersecurity risks to develop a com-
24 prehensive and accurate threat picture; and”;

25 (D) in subsection (j)—

1 (i) by redesignating paragraphs (1)
2 through (5) as paragraphs (2) through (6),
3 respectively; and

4 (ii) by inserting before paragraph (2),
5 as so redesignated, the following new para-
6 graph:

7 “(1) the term ‘cybersecurity risk’ has the mean-
8 ing given such term in section 227;” and

9 (2) in section 227 (6 U.S.C. 148)—

10 (A) in subsection (c)—

11 (i) in paragraph (5)(B), by inserting
12 “, including State, local, and regional fu-
13 sion centers, as appropriate” before the
14 semicolon at the end;

15 (ii) in paragraph (7), in the matter
16 preceding subparagraph (A), by striking
17 “information and recommendations” each
18 place it appears and inserting “informa-
19 tion, recommendations, and best practices”;
20 and

21 (iii) in paragraph (9), by inserting
22 “best practices,” after “defensive measures,”
23 and

1 (B) in subsection (d)(1)(B)(ii), by inserting
2 “and State, local, and regional fusion centers, as
3 appropriate” before the semicolon at the end.

4 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
5 that to facilitate the timely dissemination to appropriate
6 State, local, and private sector stakeholders of homeland se-
7 curity information related to cyber threats, the Secretary
8 of Homeland Security should, to the greatest extent prac-
9 ticable, work to share actionable information in an unclas-
10 sified form related to such threats.

11 **SEC. 621. MAJOR METROPOLITAN AREA COUNTERTER-**
12 **RORISM TRAINING AND EXERCISE GRANT**
13 **PROGRAM.**

14 (a) *IN GENERAL.*—Subtitle A of title XX of the Home-
15 land Security Act of 2002 (6 U.S.C. 603 et seq.) is amended
16 by adding at the end the following new section:

17 **“SEC. 2009. MAJOR METROPOLITAN AREA COUNTERTER-**
18 **RORISM TRAINING AND EXERCISE GRANT**
19 **PROGRAM.**

20 “(a) *ESTABLISHMENT.*—

21 “(1) *IN GENERAL.*—The Secretary, acting
22 through the Administrator and the heads of other rel-
23 evant components of the Department, shall carry out
24 a program to make grants to emergency response pro-
25 viders to prevent, prepare for, and respond to emerg-

1 *ing terrorist attack scenarios, including complex, co-*
2 *ordinated terrorist attacks and active shooters, as de-*
3 *termined by the Secretary, against major metropoli-*
4 *tan areas.*

5 “(2) *INFORMATION.*—*In establishing the program*
6 *pursuant to paragraph (1), the Secretary shall pro-*
7 *vide to eligible applicants—*

8 “(A) *information, in an unclassified for-*
9 *mat, on emerging terrorist attack scenarios, in-*
10 *cluding complex, coordinated terrorist attacks*
11 *and active shooters, which grants under such*
12 *program are intended to address; and*

13 “(B) *information on training and exercises*
14 *best practices.*

15 “(b) *ELIGIBLE APPLICANTS.*—

16 “(1) *IN GENERAL.*—*Jurisdictions that receive, or*
17 *that previously received, funding under section 2003*
18 *may apply for a grant under the program established*
19 *pursuant to subsection (a).*

20 “(2) *ADDITIONAL JURISDICTIONS.*—*Eligible ap-*
21 *plicants receiving funding under the program estab-*
22 *lished pursuant to subsection (a) may include in ac-*
23 *tivities funded by such program neighboring jurisdic-*
24 *tions that would be likely to provide mutual aid in*
25 *response to emerging terrorist attack scenarios, in-*

1 *cluding complex, coordinated terrorist attacks and ac-*
2 *tive shooters.*

3 “(c) *PERMITTED USES.—The recipient of a grant*
4 *under the program established pursuant to subsection (a)*
5 *may use such grant to—*

6 “(1) *identify capability gaps related to pre-*
7 *paring for, preventing, and responding to emerging*
8 *terrorist attack scenarios, including complex, coordi-*
9 *nated terrorist attacks and active shooters;*

10 “(2) *develop or update plans, annexes, and proc-*
11 *esses to address any capability gaps identified pursu-*
12 *ant to paragraph (1);*

13 “(3) *conduct training to address such identified*
14 *capability gaps;*

15 “(4) *conduct exercises, including at locations*
16 *such as mass gathering venues, places of worship, or*
17 *educational institutions, as appropriate, to validate*
18 *capabilities; and*

19 “(5) *pay for backfill associated with personnel*
20 *participating in training and exercises under para-*
21 *graphs (3) and (4).*

22 “(d) *PERIOD OF PERFORMANCE.—The Administrator*
23 *shall make funds provided under this section available for*
24 *use by a recipient of a grant for a period of not fewer than*
25 *36 months.*

1 “(e) *INFORMATION SHARING.*—*The Administrator*
2 *shall, to the extent practicable, aggregate, analyze, and*
3 *share with relevant emergency response providers informa-*
4 *tion on best practices and lessons learned from—*

5 “(1) *the planning, training, and exercises con-*
6 *ducted using grants authorized under the program es-*
7 *tablished pursuant to subsection (a); and*

8 “(2) *responses to actual terrorist attacks around*
9 *the world.*

10 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
11 *authorized to be appropriated for grants under this section*
12 *\$39,000,000 for each of fiscal years 2018 through 2022.”.*

13 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
14 *section 1(b) of the Homeland Security Act of 2002 is*
15 *amended by inserting after the item relating to section 2008*
16 *the following new item:*

“*Sec. 2009. Major metropolitan area counterterrorism training and exercise grant program.*”.

17 **SEC. 622. CENTER FOR DOMESTIC PREPAREDNESS.**

18 “(a) *IMPLEMENTATION PLAN.*—*The Administrator of*
19 *the Federal Emergency Management Agency shall develop*
20 *an implementation plan, including benchmarks and mile-*
21 *stones, to address the findings and recommendations of the*
22 *2017 Management Review Team that issued a report on*
23 *May 8, 2017, regarding live agent training at the Chemical,*
24 *Ordnance, Biological and Radiological Training Facility*

1 *and provide to the Committee on Homeland Security and*
2 *the Committee on Transportation and Infrastructure of the*
3 *House of Representatives and the Committee on Homeland*
4 *Security and Governmental Affairs of the Senate updates*
5 *and information on efforts to implement recommendations*
6 *related to the management review of the Chemical, Ord-*
7 *nance, Biological, and Radiological Training Facility of*
8 *the Center for Domestic Preparedness of the Federal Emer-*
9 *gency Management Agency, including, as necessary, infor-*
10 *mation on additional resources or authority needed to im-*
11 *plement such recommendations.*

12 **(b) COMPTROLLER GENERAL REVIEW.**—*Not later than*
13 *one-year after the date of the enactment of this section, the*
14 *Comptroller General of the United States shall review and*
15 *report to Congress on the status of the implementation plan*
16 *required by subsection (a) and the governance structure at*
17 *the Chemical, Ordnance, Biological and Radiological*
18 *Training Facility of the Center for Domestic Preparedness*
19 *of the Federal Emergency Management Agency.*

20 **SEC. 623. OPERATION STONEGARDEN.**

21 **(a) IN GENERAL.**—*Subtitle A of title XX of the Home-*
22 *land Security Act of 2002 (6 U.S.C. 601 et seq.), as amend-*
23 *ed by this Act, is further amended by adding at the end*
24 *the following new section:*

1 **“SEC. 2010. OPERATION STONEGARDEN.**

2 “(a) *ESTABLISHMENT.*—*There is established in the De-*
3 *partment a program to be known as ‘Operation*
4 *Stonegarden’. Under such program, the Secretary, acting*
5 *through the Administrator, shall make grants to eligible law*
6 *enforcement agencies, through the State Administrative*
7 *Agency, to enhance border security in accordance with this*
8 *section.*

9 “(b) *ELIGIBLE RECIPIENTS.*—*To be eligible to receive*
10 *a grant under this section, a law enforcement agency*
11 *shall—*

12 “(1) *be located in—*

13 “(A) *a State bordering either Canada or*
14 *Mexico; or*

15 “(B) *a State or territory with a maritime*
16 *border; and*

17 “(2) *be involved in an active, ongoing U.S. Cus-*
18 *toms and Border Protection operation coordinated*
19 *through a sector office.*

20 “(c) *PERMITTED USES.*—*The recipient of a grant*
21 *under this section may use such grant for any of the fol-*
22 *lowing:*

23 “(1) *Equipment, including maintenance and*
24 *sustainment costs.*

1 “(2) *Personnel, including overtime and backfill,*
2 *in support of enhanced border law enforcement activi-*
3 *ties.*

4 “(3) *Any activity permitted for Operation*
5 *Stonegarden under the Department of Homeland Se-*
6 *curity’s Fiscal Year 2016 Homeland Security Grant*
7 *Program Notice of Funding Opportunity.*

8 “(4) *Any other appropriate activity, as deter-*
9 *mined by the Administrator, in consultation with the*
10 *Commissioner of U.S. Customs and Border Protec-*
11 *tion.*

12 “(d) *PERIOD OF PERFORMANCE.—The Secretary shall*
13 *make funds provided under this section available for use*
14 *by a recipient of a grant for a period of not less than 36*
15 *months.*

16 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
17 *authorized to be appropriated \$110,000,000 for each of fis-*
18 *cal years 2018 through 2022 for grants under this section.*

19 “(e) *REPORT.—The Administrator shall annually for*
20 *each of the fiscal years specified in subsection (d) submit*
21 *to the Committee on Homeland Security of the House of*
22 *Representatives and the Committee on Homeland Security*
23 *and Governmental Affairs of the Senate a report containing*
24 *information on the expenditure of grants made under this*
25 *section by each grant recipient.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
2 *section 1(b) of the Homeland Security Act of 2002, as*
3 *amended by this Act, is further amended by inserting after*
4 *the item relating to section 2009 the following new item:*
 “Sec. 2010. Operation Stonegarden.”.

5 **SEC. 624. NON-PROFIT SECURITY GRANT PROGRAM.**

6 (a) *IN GENERAL.*—*Subtitle A of title XX of the Home-*
7 *land Security Act of 2002 (6 U.S.C. 601 et seq.), as amend-*
8 *ed by this Act, is further amended by adding at the end*
9 *the following new section:*

10 **“SEC. 2011. NON-PROFIT SECURITY GRANT PROGRAM.**

11 “(a) *ESTABLISHMENT.*—*There is established in the De-*
12 *partment a program to be known as the ‘Non-Profit Secu-*
13 *rity Grant Program’ (in this section referred to as the ‘Pro-*
14 *gram’). Under the Program, the Secretary, acting through*
15 *the Administrator, shall make grants to eligible nonprofit*
16 *organizations described in subsection (b), through the State*
17 *in which such organizations are located, for target hard-*
18 *ening and other security enhancements to protect against*
19 *terrorist attacks.*

20 “(b) *ELIGIBLE RECIPIENTS.*—*Eligible nonprofit orga-*
21 *nizations described in this subsection (a) are organizations*
22 *that are—*

23 “(1) *described in section 501(c)(3) of the Inter-*
24 *nal Revenue Code of 1986 and exempt from tax under*
25 *section 501(a) of such Code; and*

1 “(2) *determined to be at risk of a terrorist attack*
2 *by the Administrator.*

3 “(c) *PERMITTED USES.—The recipient of a grant*
4 *under this section may use such grant for any of the fol-*
5 *lowing uses:*

6 “(1) *Target hardening activities, including phys-*
7 *ical security enhancement equipment and inspection*
8 *and screening systems.*

9 “(2) *Fees for security training relating to phys-*
10 *ical security and cybersecurity, target hardening, ter-*
11 *rorism awareness, and employee awareness.*

12 “(3) *Any other appropriate activity, as deter-*
13 *mined by the Administrator.*

14 “(d) *PERIOD OF PERFORMANCE.—The Administrator*
15 *shall make funds provided under this section available for*
16 *use by a recipient of a grant for a period of not less than*
17 *36 months.*

18 “(e) *REPORT.—The Administrator shall annually for*
19 *each of fiscal years 2018 through 2022 submit to the Com-*
20 *mittee on Homeland Security of the House of Representa-*
21 *tives and the Committee on Homeland Security and Gov-*
22 *ernmental Affairs of the Senate a report containing infor-*
23 *mation on the expenditure by each grant recipient of grant*
24 *funds made under this section.*

25 “(f) *AUTHORIZATION OF APPROPRIATIONS.—*

1 “(1) *IN GENERAL.*—*There is authorized to be ap-*
2 *propriated \$50,000,000 for each of fiscal years 2018*
3 *through 2022 to carry out this section.*

4 “(2) *SPECIFICATION.*—*Of the amounts author-*
5 *ized to be appropriated pursuant to paragraph (1)—*

6 “(A) *\$35,000,000 is authorized for eligible*
7 *recipients located in jurisdictions that receive*
8 *funding under section 2003; and*

9 “(B) *\$15,000,000 is authorized for eligible*
10 *recipients in jurisdictions not receiving funding*
11 *under section 2003.”.*

12 (b) *CONFORMING AMENDMENT.*—*Subsection (a) of sec-*
13 *tion 2002 of the Homeland Security Act of 2002 (6 U.S.C.*
14 *603) is amended by striking “sections 2003 and 2004” and*
15 *inserting “sections 2003, 2004, and 2011”.*

16 (c) *CLERICAL AMENDMENT.*—*The table of contents in*
17 *section 1(b) of the Homeland Security Act of 2002 is*
18 *amended by inserting after the item relating to section 2008*
19 *the following new item:*

 “*Sec. 2011. Non-Profit Security Grant Program.*”.

20 **SEC. 625. FEMA SENIOR LAW ENFORCEMENT ADVISOR.**

21 (a) *IN GENERAL.*—*Title V of the Homeland Security*
22 *Act of 2002 (6 U.S.C. 311 et seq.), as amended by this Act,*
23 *is further amended by adding at the end the following new*
24 *section:*

1 **“SEC. 529. SENIOR LAW ENFORCEMENT ADVISOR.**

2 “(a) *ESTABLISHMENT.*—*There is established in the*
3 *Agency a Senior Law Enforcement Advisor to serve as a*
4 *qualified expert to the Administrator for the purpose of*
5 *strengthening the Agency’s coordination among State, local,*
6 *and tribal law enforcement.*

7 “(b) *QUALIFICATIONS.*—*The Senior Law Enforcement*
8 *Advisor shall have an appropriate background with experi-*
9 *ence in law enforcement, intelligence, information sharing,*
10 *and other emergency response functions.*

11 “(c) *RESPONSIBILITIES.*—*The Senior Law Enforce-*
12 *ment Advisor shall—*

13 “(1) *coordinate on behalf of the Administrator*
14 *with the Office for State and Local Law Enforcement*
15 *under section 2006 for the purpose of ensuring State,*
16 *local, and tribal law enforcement receive consistent*
17 *and appropriate consideration in policies, guidance,*
18 *training, and exercises related to preventing, pre-*
19 *paring for, protecting against, and responding to nat-*
20 *ural disasters, acts of terrorism, and other man-made*
21 *disasters within the United States;*

22 “(2) *work with the Administrator and the Office*
23 *for State and Local Law Enforcement under section*
24 *2006 to ensure grants to State, local, and tribal gov-*
25 *ernment agencies, including programs under sections*

1 2003, 2004, and 2006(a) appropriately focus on ter-
2 rorism prevention activities; and

3 “(3) serve other appropriate functions as deter-
4 mined by the Administrator.”.

5 (b) *CLERICAL AMENDMENT.*—*The table of contents in*
6 *section 1(b) of the Homeland Security Act of 2002, as*
7 *amended by this Act, is further amended by inserting after*
8 *the item relating to section 528 the following new item:*

 “Sec. 529. Senior Law Enforcement Advisor.”.

9 **SEC. 626. STUDY OF THE USE OF GRANT FUNDS FOR CYBER-**
10 **SECURITY.**

11 *Not later than 120 days after the enactment of this*
12 *section, the Administrator, in consultation with relevant*
13 *components of the Department, shall conduct a study on*
14 *the use of grant funds awarded pursuant to section 2003*
15 *and section 2004 of the Homeland Security Act of 2002 (6*
16 *U.S.C. 604 and 605), including information on the fol-*
17 *lowing:*

18 (1) *The amount of grant funds invested or obli-*
19 *gated annually during fiscal years 2006 through 2016*
20 *to support efforts to prepare for and respond to cyber-*
21 *security risks and incidents (as such terms are de-*
22 *finied in section 227 of such Act (6 U.S.C. 148).*

23 (2) *The degree to which grantees identify cyberse-*
24 *curity as a capability gap in the Threat and Hazard*
25 *Identification and Risk Assessment carried out pursu-*

1 *ant to the amendment made by sections 601 and 602*
2 *of this title.*

3 (3) *Obstacles and challenges related to using*
4 *grant funds to improve cybersecurity.*

5 (4) *Plans for future efforts to encourage grantees*
6 *to use grant funds to improve cybersecurity capabili-*
7 *ties.*

8 **SEC. 627. TECHNICAL EXPERT AUTHORIZED.**

9 *Paragraph (2) of section 503(b) of the Homeland Secu-*
10 *rity Act of 2002 (6 U.S.C. 313(b)) is amended—*

11 (1) *in subparagraph (G), by striking “and” at*
12 *the end;*

13 (2) *in subparagraph (H), by striking the period*
14 *at the end and inserting “; and”; and*

15 (3) *by adding at the end the following new sub-*
16 *paragraph:*

17 *“(I) identify and integrate the needs of chil-*
18 *dren into activities to prepare for, protect*
19 *against, respond to, recover from, and mitigate*
20 *against natural disasters, acts of terrorism, and*
21 *other man-made disasters, including catastrophic*
22 *incidents, including by appointing a technical*
23 *expert, who may consult with relevant outside*
24 *organizations and experts, as necessary, to co-*
25 *ordinate such activities, as necessary.”.*

1 **Subtitle B—Communications**

2 **SEC. 631. OFFICE OF EMERGENCY COMMUNICATIONS.**

3 *The Secretary of Homeland Security may not change*
4 *the location or reporting structure of the Office of Emer-*
5 *gency Communications of the Department of Homeland Se-*
6 *curity unless the Secretary receives prior authorization*
7 *from the Committee on Homeland Security of the House*
8 *of Representatives and the Committee on Homeland Secu-*
9 *rity and Governmental Affairs of the Senate permitting*
10 *such change.*

11 **SEC. 632. RESPONSIBILITIES OF OFFICE OF EMERGENCY**
12 **COMMUNICATIONS DIRECTOR.**

13 *(a) IN GENERAL.—Subsection (c) of section 1801 of*
14 *the Homeland Security Act of 2002 (6 U.S.C. 571) is*
15 *amended—*

16 *(1) by striking paragraph (3);*

17 *(2) by redesignating paragraphs (4) through (15)*
18 *as paragraphs (3) through (14), respectively;*

19 *(3) in paragraph (8), as so redesignated, by*
20 *striking “, in cooperation with the National Commu-*
21 *nications System,”;*

22 *(4) in paragraph (12) by striking “Assistant*
23 *Secretary for Grants and Training” and inserting*
24 *“Administrator of the Federal Emergency Manage-*
25 *ment Agency”;*

1 “(f) *ANNUAL REPORTING OF OFFICE ACTIVITIES.*—
2 *The Director of the Office of Emergency Communications*
3 *shall, not later than one year after the date of the enactment*
4 *of this subsection and annually thereafter for each of the*
5 *next four years, report to the Committee on Homeland Se-*
6 *curity and the Committee on Energy and Commerce of the*
7 *House of Representatives and the Committee on Homeland*
8 *Security and Governmental Affairs of the Senate on the ac-*
9 *tivities and programs of the Office, including specific infor-*
10 *mation on efforts to carry out paragraphs (4), (5), and (6)*
11 *of subsection (c).”.*

12 **SEC. 634. NATIONAL EMERGENCY COMMUNICATIONS PLAN.**

13 *Section 1802 of the Homeland Security Act of 2002*
14 *(6 U.S.C. 572) is amended—*

15 (1) *in subsection (a), in the matter preceding*
16 *paragraph (1)—*

17 (A) *by striking “, and in cooperation with*
18 *the Department of National Communications*
19 *System (as appropriate),”;* and

20 (B) *by inserting “, but not less than once*
21 *every five years,” after “periodically”;* and

22 (2) *in subsection (c)—*

23 (A) *by redesignating paragraphs (3)*
24 *through (10) as paragraphs (4) through (11), re-*
25 *spectively; and*

1 (B) by inserting after paragraph (2) the fol-
2 lowing new paragraph:

3 “(3) consider the impact of emerging technologies
4 on the attainment of interoperable emergency commu-
5 nications;”.

6 **SEC. 635. TECHNICAL EDIT.**

7 Paragraph (1) of section 1804(b) of the Homeland Se-
8 curity Act of 2002 (6 U.S.C. 574(b)), in the matter pre-
9 ceding subparagraph (A), by striking “Assistant Secretary
10 for Grants and Planning” and inserting “Administrator of
11 the Federal Emergency Management Agency”.

12 **SEC. 636. PUBLIC SAFETY BROADBAND NETWORK.**

13 The Undersecretary of the National Protection and
14 Programs Directorate of the Department of Homeland Se-
15 curity shall provide to the Committee on Homeland Secu-
16 rity and the Committee on Energy and Commerce of the
17 House of Representatives and the Committee on Homeland
18 Security and Governmental Affairs of the Senate informa-
19 tion on the Department of Homeland Security’s responsibil-
20 ities related to the development of the nationwide Public
21 Safety Broadband Network authorized in section 6202 of
22 the Middle Class Tax Relief and Job Creation Act of 2012
23 (47 U.S.C. 1422; Public Law 112–96), including informa-
24 tion on efforts by the Department to work with the First
25 Responder Network Authority of the Department of Com-

1 *merce to identify and address cyber risks that could impact*
2 *the near term or long term availability and operations of*
3 *such network and recommendations to mitigate such risks.*

4 **SEC. 637. COMMUNICATIONS TRAINING.**

5 *The Under Secretary for Management of the Depart-*
6 *ment of Homeland Security, in coordination with the ap-*
7 *propriate component heads, shall develop a mechanism,*
8 *consistent with the strategy required pursuant to section 4*
9 *of the Department of Homeland Security Interoperable*
10 *Communications Act (Public Law 114–29; 6 U.S.C. 194*
11 *note), to verify that radio users within the Department re-*
12 *ceive initial and ongoing training on the use of the radio*
13 *systems of such components, including interagency radio*
14 *use protocols.*

15 **Subtitle C—Medical Preparedness**

16 **SEC. 641. CHIEF MEDICAL OFFICER.**

17 *Section 516 of the Homeland Security Act of 2002 (6*
18 *U.S.C. 321e) is amended—*

19 *(1) in subsection (c)—*

20 *(A) in the matter preceding paragraph (1),*
21 *by inserting “and shall establish medical and*
22 *human, animal, and occupational health expo-*
23 *sure policy, guidance, strategies, and initia-*
24 *tives,” before “including—”;*

1 (B) in paragraph (1), by inserting before
2 the semicolon at the end the following: “, includ-
3 ing advice on how to prepare for, protect
4 against, respond to, recover from, and mitigate
5 against the medical effects of terrorist attacks or
6 other high consequence events utilizing chemical,
7 biological, radiological, or nuclear agents or ex-
8 plosives”;

9 (C) in paragraph (2), by inserting before
10 the semicolon at the end the following: “, includ-
11 ing coordinating the Department’s policy, strat-
12 egy and preparedness for pandemics and emerg-
13 ing infectious diseases”;

14 (D) in paragraph (5), by inserting “emer-
15 gency medical services and medical first re-
16 sponder stakeholders,” after “the medical com-
17 munity,”;

18 (E) in paragraph (6), by striking “and” at
19 the end;

20 (F) in paragraph (7), by striking the period
21 and inserting a semicolon; and

22 (G) by adding at the end the following new
23 paragraphs:

24 “(8) ensuring that the workforce of the Depart-
25 ment has evidence-based policy, standards, require-

1 *ments, and metrics for occupational health and oper-*
2 *ational medicine programs;*

3 *“(9) directing and maintaining a coordinated*
4 *system for medical support for the Department’s oper-*
5 *ational activities;*

6 *“(10) providing oversight of the Department’s*
7 *medical programs and providers, including—*

8 *“(A) reviewing and maintaining*
9 *verification of the accreditation of the Depart-*
10 *ment’s health provider workforce;*

11 *“(B) developing quality assurance and clin-*
12 *ical policy, requirements, standards, and metrics*
13 *for all medical and health activities of the De-*
14 *partment;*

15 *“(C) providing oversight of medical records*
16 *systems for employees and individuals in the De-*
17 *partment’s care and custody; and*

18 *“(D) providing medical direction for emer-*
19 *gency medical services activities of the Depart-*
20 *ment; and*

21 *“(11) as established under section 530, main-*
22 *taining a medical countermeasures stockpile and dis-*
23 *persing system, as necessary, to facilitate personnel*
24 *readiness, and protection for the Department’s em-*
25 *ployees and working animals and individuals in the*

1 *Department’s care and custody in the event of a*
2 *chemical, biological, radiological, nuclear, or explo-*
3 *sives attack, naturally occurring disease outbreak, or*
4 *pandemic.”; and*

5 *(2) by adding at the end the following new sub-*
6 *section:*

7 *“(d) MEDICAL LIAISONS.—The Chief Medical Officer*
8 *may provide medical liaisons to the components of the De-*
9 *partment to provide subject matter expertise on medical*
10 *and public health issues and a direct link to the Chief Med-*
11 *ical Officer. Such expertise may include the following:*

12 *“(1) Providing guidance on health and medical*
13 *aspects of policy, planning, operations, and workforce*
14 *health protection.*

15 *“(2) Identifying and resolving component med-*
16 *ical issues.*

17 *“(3) Supporting the development and alignment*
18 *of medical and health systems.*

19 *“(4) Identifying common gaps in medical and*
20 *health standards, policy, and guidance, and enter-*
21 *prise solutions to bridge such gaps.”.*

22 **SEC. 642. MEDICAL COUNTERMEASURES PROGRAM.**

23 *(a) IN GENERAL.—Title V of the Homeland Security*
24 *Act of 2002 (6 U.S.C. 311 et seq.), as amended by this Act,*

1 *is further amended by adding at the end the following new*
2 *section:*

3 **“SEC. 530. MEDICAL COUNTERMEASURES.**

4 “(a) *IN GENERAL.*—*The Secretary shall establish a*
5 *medical countermeasures program to facilitate personnel*
6 *readiness, and protection for the Department’s employees*
7 *and working animals and individuals in the Department’s*
8 *care and custody, in the event of a chemical, biological, ra-*
9 *diological, nuclear, or explosives attack, naturally occurring*
10 *disease outbreak, or pandemic, and to support Department*
11 *mission continuity.*

12 “(b) *OVERSIGHT.*—*The Chief Medical Officer of the*
13 *Department shall provide programmatic oversight of the*
14 *medical countermeasures program established pursuant to*
15 *subsection (a), and shall—*

16 “(1) *develop Department-wide standards for*
17 *medical countermeasure storage, security, dispensing,*
18 *and documentation;*

19 “(2) *maintain a stockpile of medical counter-*
20 *measures, including antibiotics, antivirals, and radio-*
21 *logical countermeasures, as appropriate;*

22 “(3) *preposition appropriate medical counter-*
23 *measures in strategic locations nationwide, based on*
24 *threat and employee density, in accordance with ap-*
25 *plicable Federal statutes and regulations;*

1 “(4) provide oversight and guidance on dis-
2 pensing of stockpiled medical countermeasures;

3 “(5) ensure rapid deployment and dispensing of
4 medical countermeasures in a chemical, biological, ra-
5 diological, nuclear, or explosives attack, naturally oc-
6 curring disease outbreak, or pandemic;

7 “(6) provide training to Department employees
8 on medical countermeasure dispensing; and

9 “(7) support dispensing exercises.

10 “(c) MEDICAL COUNTERMEASURES WORKING
11 GROUP.—The Chief Medical Officer shall establish a med-
12 ical countermeasures working group comprised of represent-
13 atives from appropriate components and offices of the De-
14 partment to ensure that medical countermeasures standards
15 are maintained and guidance is consistent.

16 “(d) MEDICAL COUNTERMEASURES MANAGEMENT.—
17 Not later than 180 days after the date of the enactment of
18 this section, the Chief Medical Officer shall develop and sub-
19 mit to the Secretary an integrated logistics support plan
20 for medical countermeasures, including—

21 “(1) a methodology for determining the ideal
22 types and quantities of medical countermeasures to
23 stockpile and how frequently such methodology shall
24 be reevaluated;

25 “(2) a replenishment plan; and

1 “(3) *inventory tracking, reporting, and reconcili-*
2 *ation procedures for existing stockpiles and new med-*
3 *ical countermeasure purchases.*

4 “(e) *STOCKPILE ELEMENTS.—In determining the*
5 *types and quantities of medical countermeasures to stock-*
6 *pile under subsection (d), the Chief Medical Officer shall*
7 *utilize, if available—*

8 “(1) *Department chemical, biological, radio-*
9 *logical, and nuclear risk assessments; and*

10 “(2) *Centers for Disease Control and Prevention*
11 *guidance on medical countermeasures.*

12 “(f) *REPORT.—Not later than 180 days after the date*
13 *of the enactment of this section, the Chief Medical Officer*
14 *shall report to the Committee on Homeland Security of the*
15 *House of Representatives and the Committee on Homeland*
16 *Security and Governmental Affairs of the Senate on*
17 *progress in achieving the requirements of this section.”.*

18 “(b) *CLERICAL AMENDMENT.—The table of contents in*
19 *section 1(b) of the Homeland Security Act of 2002, as*
20 *amended by this Act, is further amended by inserting after*
21 *the item relating to section 529 the following new item:*

 “*Sec. 530. Medical countermeasures.*”.

22 ***Subtitle D—Management***

23 ***SEC. 651. MISSION SUPPORT.***

24 “(a) *ESTABLISHMENT.—The Administrator of the Fed-*
25 *eral Emergency Management Agency shall designate an in-*

1 *dividual to serve as the chief management official and prin-*
2 *cipal advisor to the Administrator on matters related to*
3 *the management of the Federal Emergency Management*
4 *Agency, including management integration in support of*
5 *emergency management operations and programs.*

6 (b) *MISSION AND RESPONSIBILITIES.—The Adminis-*
7 *trator of the Federal Emergency Management Agency, act-*
8 *ing through the official designated pursuant to subsection*
9 *(a), shall be responsible for the management and adminis-*
10 *tration of the Federal Emergency Management Agency, in-*
11 *cluding with respect to the following:*

12 (1) *Procurement.*

13 (2) *Human resources and personnel.*

14 (3) *Information technology and communications*
15 *systems.*

16 (4) *Real property investment and planning, fa-*
17 *ilities, accountable personal property (including fleet*
18 *and other material resources), records and disclosure,*
19 *privacy, safety and health, and sustainability and en-*
20 *vironmental management.*

21 (5) *Security for personnel, information tech-*
22 *nology and communications systems, facilities, prop-*
23 *erty, equipment, and other material resources.*

24 (6) *Any other management duties that the Ad-*
25 *ministrator may designate.*

1 (c) *MOUNT WEATHER EMERGENCY OPERATIONS AND*
2 *ASSOCIATED FACILITIES.*—*Nothing in this section shall be*
3 *construed as limiting or otherwise affecting the role or re-*
4 *sponsibility of the Assistant Administrator for National*
5 *Continuity Programs with respect to the matters described*
6 *in subsection (b) as such matters relate to the Mount Weath-*
7 *er Emergency Operations Center and associated facilities.*
8 *The management and administration of the Mount Weather*
9 *Emergency Operations Center and associated facilities re-*
10 *mains the responsibility of the Assistant Administrator for*
11 *National Continuity Programs.*

12 (d) *REPORT.*—*Not later than 270 days after the date*
13 *of the enactment of this Act, the Administrator of the Fed-*
14 *eral Emergency Management Agency shall submit to the*
15 *Committee on Homeland Security and the Committee on*
16 *Transportation and Infrastructure of the House of Rep-*
17 *resentatives and the Committee on Homeland Security and*
18 *Governmental Affairs of the Senate a report that includes—*

19 (1) *a review of financial, human capital, infor-*
20 *mation technology, real property planning, and ac-*
21 *quisition management of headquarters and all re-*
22 *gional offices of the Federal Emergency Management*
23 *Agency; and*

1 (2) a strategy for capturing financial, human
2 capital, information technology, real property plan-
3 ning, and acquisition data.

4 **SEC. 652. SYSTEMS MODERNIZATION.**

5 Not later than 180 days after the date of the enactment
6 of this Act, the Administrator of the Federal Emergency
7 Management Agency shall submit to the Committee on
8 Homeland Security and the Committee on Transportation
9 and Infrastructure of the House of Representatives and the
10 Committee on Homeland Security and Governmental Af-
11 fairs of the Senate a report on the Federal Emergency Man-
12 agement Agency's efforts to modernize its grants and finan-
13 cial information technology systems, including the fol-
14 lowing:

15 (1) A summary of all previous efforts to mod-
16 ernize such systems.

17 (2) An assessment of long term cost savings and
18 efficiencies gained through such modernization effort.

19 (3) A capability needs assessment.

20 (4) Estimated quarterly costs.

21 (5) Estimated acquisition life cycle dates, includ-
22 ing acquisition decision events.

23 **SEC. 653. STRATEGIC HUMAN CAPITAL PLAN.**

24 Subsection (c) of section 10102 of title 5, United States
25 Code, is amended by striking "2007" and inserting "2018".

1 **SEC. 654. OFFICE OF DISABILITY INTEGRATION AND CO-**
2 **ORDINATION OF DEPARTMENT OF HOME-**
3 **LAND SECURITY.**

4 (a) *OFFICE OF DISABILITY INTEGRATION AND COORDI-*
5 *NATION.—*

6 (1) *IN GENERAL.—Section 513 of the Homeland*
7 *Security Act of 2002 (6 U.S.C. 321b) is amended to*
8 *read as follows:*

9 **“SEC. 513. OFFICE OF DISABILITY INTEGRATION AND CO-**
10 **ORDINATION.**

11 *“(a) IN GENERAL.—There is established within the*
12 *Federal Emergency Management Agency an Office of Dis-*
13 *ability Integration and Coordination, which shall be headed*
14 *by a Director.*

15 *“(b) MISSION.—The mission of the Office is to ensure*
16 *that individuals with disabilities and other access and func-*
17 *tional needs are included in emergency management activi-*
18 *ties throughout the Agency by providing guidance, tools,*
19 *methods, and strategies for the purpose of equal physical*
20 *program and effective communication access.*

21 *“(c) RESPONSIBILITIES.—In support of the mission of*
22 *the Office, the Director shall—*

23 *“(1) provide guidance and coordination on mat-*
24 *ters related to individuals with disabilities in emer-*
25 *gency planning requirements and relief efforts in the*

1 *event of a natural disaster, act of terrorism, or other*
2 *man-made disaster;*

3 *“(2) oversee Office staff and personnel respon-*
4 *sible for disability integration in each regional office*
5 *with respect to carrying out the mission of the Office;*

6 *“(3) liaise with the staff of the Agency including*
7 *non-permanent employees, organizations representing*
8 *individuals with disabilities, other agencies of the*
9 *Federal Government, and State, local, and tribal gov-*
10 *ernment authorities regarding the needs of individ-*
11 *uals with disabilities in emergency planning require-*
12 *ments and relief efforts in the event of a natural dis-*
13 *aster, act of terrorism, or other man-made disaster;*

14 *“(4) coordinate with the technical expert on the*
15 *needs of children within the Agency to provide guid-*
16 *ance and coordination on matters related to children*
17 *with disabilities in emergency planning requirements*
18 *and relief efforts in the event of a natural disaster,*
19 *act of terrorism, or other man-made disaster;*

20 *“(5) consult with organizations representing in-*
21 *dividuals with disabilities about access and func-*
22 *tional needs in emergency planning requirements and*
23 *relief efforts in the event of a natural disaster, act of*
24 *terrorism, or other man-made disaster;*

1 “(6) ensure the coordination and dissemination
2 of best practices and model evacuation plans for indi-
3 viduals with disabilities;

4 “(7) collaborate with Agency leadership respon-
5 sible for training to ensure that qualified experts de-
6 velop easily accessible training materials and a cur-
7 riculum for the training of emergency response pro-
8 viders, State, local, and tribal government officials,
9 and others on the needs of individuals with disabili-
10 ties;

11 “(8) coordinate with the Emergency Management
12 Institute, Center for Domestic Preparedness, the Cen-
13 ter for Homeland Defense and Security, U.S. Fire
14 Administration, National Exercise Program, and Na-
15 tional Domestic Preparedness Consortium to ensure
16 that content related to persons with disabilities, access
17 and functional needs, and children are integrated into
18 existing and future emergency management trainings;

19 “(9) promote the accessibility of telephone hot-
20 lines and websites regarding emergency preparedness,
21 evacuations, and disaster relief;

22 “(10) work to ensure that video programming
23 distributors, including broadcasters, cable operators,
24 and satellite television services, make emergency in-

1 *formation accessible to individuals with hearing and*
2 *vision disabilities;*

3 *“(11) ensure the availability of accessible trans-*
4 *portation options for individuals with disabilities in*
5 *the event of an evacuation;*

6 *“(12) provide guidance and implement policies*
7 *to ensure that the rights and feedback of individuals*
8 *with disabilities regarding post-evacuation residency*
9 *and relocation are respected;*

10 *“(13) ensure that meeting the needs of individ-*
11 *uals with disabilities are included in the components*
12 *of the national preparedness system established under*
13 *section 644 of the Post-Katrina Emergency Manage-*
14 *ment Reform Act of 2006 (Public Law 109–295; 120*
15 *Stat. 1425; 6 U.S.C. 744); and*

16 *“(14) any other duties as assigned by the Ad-*
17 *ministrator.*

18 *“(d) DIRECTOR.—After consultation with organiza-*
19 *tions representing individuals with disabilities, the Admin-*
20 *istrator shall appoint a Director. The Director shall report*
21 *directly to the Administrator, in order to ensure that the*
22 *needs of individuals with disabilities are being properly ad-*
23 *dressed in emergency preparedness and disaster relief.*

24 *“(e) ORGANIZATIONS REPRESENTING INDIVIDUALS*
25 *WITH DISABILITIES DEFINED.—For purposes of this sec-*

1 tion, ‘organizations representing individuals with disabili-
2 ties’ shall mean the National Council on Disabilities and
3 the Interagency Coordination Council on Preparedness and
4 Individuals with Disabilities, among other appropriate dis-
5 ability organizations.”.

6 (2) *CLERICAL AMENDMENT.*—The table of con-
7 tents in section 1(b) of such Act is amended by strik-
8 ing the item relating to section 513 and inserting the
9 following new item:

“513. *Office of Disability Integration and Coordination.*”.

10 (b) *REPORTING.*—

11 (1) *REPORT TO CONGRESS.*—Not later than 120
12 days after the date of the enactment of this section,
13 the Administrator shall submit to Congress a report
14 on the funding and staffing needs of the Office of Dis-
15 ability Integration and Coordination under section
16 513 of the Homeland Security Act of 2002, as amend-
17 ed by subsection (a).

18 (2) *COMPTROLLER GENERAL REVIEW.*—Not later
19 than 120 days after the date of the submittal of the
20 report under paragraph (1), the Comptroller General
21 of the United States shall review the report to evalu-
22 ate whether the funding and staffing needs described
23 in the report are sufficient to support the activities of
24 the Office of Disability Integration and Coordination.

1 **TITLE VII—OTHER MATTERS**

2 **SEC. 701. DECISION REGARDING CERTAIN EXECUTIVE**
3 **MEMORANDA.**

4 *Not later than 120 days after the date of the enactment*
5 *of this Act, the Secretary of Homeland Security shall review*
6 *existing Department of Homeland Security policy memo-*
7 *randa, including memoranda approved by prior Secretaries*
8 *that remain in effect, to determine whether such memo-*
9 *randa should remain in effect and, if so, whether any of*
10 *such memoranda should be modified.*

11 **SEC. 702. PERMANENT AUTHORIZATION FOR ASIA-PACIFIC**
12 **ECONOMIC COOPERATION BUSINESS TRAVEL**
13 **CARD PROGRAM.**

14 *Section 2(a) of the Asia-Pacific Economic Cooperation*
15 *Business Travel Cards Act of 2011 (Public Law 112–54;*
16 *8 U.S.C. 1185 note) is amended by striking “During the*
17 *7-year period ending on September 30, 2018, the Secretary”*
18 *and inserting “The Secretary”.*

19 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS FOR OF-**
20 **FICE OF INSPECTOR GENERAL.**

21 *There is authorized to be appropriated for the Office*
22 *of the Inspector General of the Department of Homeland*
23 *Security \$175,000,000 for each of fiscal years 2018 and*
24 *2019.*

1 **SEC. 704. CANINE TEAMS.**

2 *The Commissioner of U.S. Customs and Border Protec-*
3 *tion may request additional canine teams when there is a*
4 *justified and documented shortage and such additional ca-*
5 *nine teams would be effective for drug detection at the bor-*
6 *der.*

7 **SEC. 705. TECHNICAL AMENDMENTS TO THE HOMELAND SE-**
8 **CURITY ACT OF 2002.**

9 *(a) TITLE I.—Section 103 of the Homeland Security*
10 *Act of 2002 (6 U.S.C. 113), as amended by this Act, is fur-*
11 *ther amended as follows:*

12 *(1) In subsection (a)(1)—*

13 *(A) in subparagraph (E), by striking “the*
14 *Bureau of” and inserting “U.S.”; and*

15 *(B) by adding at the end the following new*
16 *subparagraph:*

17 *“(L) An Administrator of the Transpor-*
18 *tation Security Administration.”.*

19 *(2) In subsection (d)(5), by striking “section*
20 *708” and inserting “section 707”.*

21 *(b) TITLE II.—Title II of the Homeland Security Act*
22 *of 2002 (6 U.S.C. 121 et seq.) is amended as follows:*

23 *(1) In section 202 (6 U.S.C. 122)—*

24 *(A) in subsection (c), in the matter pre-*
25 *ceding paragraph (1), by striking “Director of*

1 *Central Intelligence*” and inserting “*Director of*
2 *National Intelligence*”; and

3 (B) in subsection (d)(2), by striking “*Direct-*
4 *tor of Central Intelligence*” and inserting “*Direct-*
5 *tor of National Intelligence*”.

6 (2) In section 210E (6 U.S.C. 124l)—

7 (A) by striking subsection (e); and

8 (B) by redesignating subsection (f) as sub-
9 section (e).

10 (3) In section 223(1)(B) (6 U.S.C. 143(1)(B)),
11 by striking “and” after the semicolon at the end.

12 (4) In section 225 (6 U.S.C. 145), by striking
13 subsections (c) and (d).

14 (5) In section 228A(c)(1)(C), by striking “section
15 707” and inserting “section 706”.

16 (c) TITLE III.—*Title III of the Homeland Security Act*
17 *of 2002* (6 U.S.C. 181 et seq.) is amended as follows:

18 (1) In section 302 (6 U.S.C. 182), by striking
19 “biological,” each places it appears and inserting
20 “biological”.

21 (2) By redesignating the second section 319 (re-
22 lating to EMP and GMD mitigation research and de-
23 velopment) as section 320.

24 (d) TITLE IV.—*Title IV of the Homeland Security Act*
25 *of 2002* (6 U.S.C. 201 et seq.) is amended as follows:

1 (1) *By redesignating section 402 (6 U.S.C. 202)*
2 *as section 401.*

3 (2) *In section 401(4), as so redesignated, by*
4 *striking “section 428” and inserting “section 426”.*

5 (3) *By redesignating section 417 as section 416.*

6 (4) *By redesignating section 427 (6 U.S.C. 235)*
7 *as section 425.*

8 (5) *In section 425, as so redesignated, by strik-*
9 *ing subsection (c).*

10 (6) *By redesignating section 428 (6 U.S.C. 236)*
11 *as section 426.*

12 (7) *In section 426, as so redesignated, in—*

13 (A) *in subsection (e), by striking para-*
14 *graphs (7) and (8);*

15 (B) *by striking subsections (g) and (h); and*

16 (C) *by redesignating subsection (i) as sub-*
17 *section (g).*

18 (8) *By redesignating section 429 (6 U.S.C. 237)*
19 *as section 427.*

20 (9) *By redesignating section 430 (6 U.S.C. 238)*
21 *as section 428.*

22 (10) *By striking section 431 (6 U.S.C. 239).*

23 (11) *By redesignating section 432 (6 U.S.C. 240)*
24 *as section 429.*

1 (12) *By redesignating section 433 (6 U.S.C. 241)*
2 *as section 430.*

3 (13) *By amending the subtitle D heading to read*
4 *as follows: “**U.S. Immigration and Customs***
5 ***Enforcement**”.*

6 (14) *In section 442 (6 U.S.C. 252)—*

7 (A) *in the section heading, by striking “**BU-***
8 ***REAU OF BORDER SECURITY**” and inserting*
9 *“**U.S. IMMIGRATION AND CUSTOMS EN-***
10 ***FORCEMENT**”;*

11 (B) *by striking “the Bureau of Border Secu-*
12 *rity” each place it appears and inserting “U.S.*
13 *Immigration and Customs Enforcement”;*

14 (C) *by striking “Under Secretary for Bor-*
15 *der and Transportation Security” each place it*
16 *appears and inserting “Secretary”;*

17 (D) *by striking “Assistant Secretary” each*
18 *place it appears and inserting “Director”;*

19 (E) *by striking “the Bureau of Citizenship*
20 *and Immigration Services” both places it ap-*
21 *pears and inserting “United States Citizenship*
22 *and Immigration Services”;*

23 (F) *in subsection (a)—*

24 (i) *in the subsection heading, by strik-*
25 *ing “OF BUREAU”;*

1 (ii) in paragraph (1) by striking “a
2 bureau to be known as the ‘Bureau of Bor-
3 der Security’” and inserting “U.S. Immig-
4 ration and Customs Enforcement”; and

5 (iii) by amending paragraph (5) to
6 read as follows:

7 “(5) *MANAGERIAL ROTATION PROGRAM.*—The
8 Director of U.S. Immigration and Customs Enforce-
9 ment shall implement a managerial rotation program
10 under which employees of U.S. Immigration and Cus-
11 toms Enforcement holding positions involving super-
12 visory or managerial responsibility and classified, in
13 accordance with chapter 51 of title 5, United States
14 Code, as a GS–14 or above, shall—

15 “(A) gain experience in all the major func-
16 tions performed by U.S. Immigration and Cus-
17 toms Enforcement; and

18 “(B) work in at least one local office of U.S.
19 Immigration and Customs Enforcement.”.

20 (15) By striking section 445 (6 U.S.C. 255).

21 (16) By striking section 446 (6 U.S.C. 256).

22 (17) In the subtitle E heading, by inserting
23 “**United States**” before “**Citizenship and Im-**
24 **migration Services**”.

25 (18) In section 451 (6 U.S.C. 271)—

1 (A) in the section heading, by striking “**BU-**
2 **REAU OF**” and inserting “**UNITED STATES**”;

3 (B) by striking “the Bureau of Citizenship
4 and Immigration Services” each place it appears
5 and inserting “United States Citizenship and
6 Immigration Services”;

7 (C) by striking “the Bureau of Border Secu-
8 rity” each place it appears and inserting “U.S.
9 Immigration and Customs Enforcement”;

10 (D) in subsection (a)—

11 (i) in the subsection heading, by strik-
12 ing “OF BUREAU”;

13 (ii) in paragraph (1), by striking “a
14 bureau to be known as the ‘Bureau of Citi-
15 zenship and Immigration Services’” and
16 inserting “the United States Citizenship
17 and Immigration Services”; and

18 (iii) in paragraph (2)(C), by striking
19 “Assistant Secretary” and inserting “Direc-
20 tor”; and

21 (iv) by amending paragraph (4) to
22 read as follows:

23 “(4) *MANAGERIAL ROTATION PROGRAM.*—The
24 Director of United States Citizenship and Immigra-
25 tion Services shall implement a managerial rotation

1 *program under which employees of United States*
2 *Citizenship and Immigration Services holding posi-*
3 *tions involving supervisory or managerial responsi-*
4 *bility and classified, in accordance with chapter 51 of*
5 *title 5, United States Code, as a GS-14 or above,*
6 *shall—*

7 *“(A) gain experience in all the major func-*
8 *tions performed by United States Citizenship*
9 *and Immigration Services; and*

10 *“(B) work in at least one field office and*
11 *one service center of United States Citizenship*
12 *and Immigration Services.”; and*

13 *(E) in subsection (c)(2), in the matter pre-*
14 *ceding subparagraph (A), by striking “Bureau of*
15 *Citizenship and Immigration Services” and in-*
16 *serting “United States Citizenship and Immi-*
17 *gration Services”.*

18 *(19) In section 452 (6 U.S.C. 272)—*

19 *(A) by striking “the Bureau of” each place*
20 *it appears and inserting “United States”; and*

21 *(B) in subsection (f), in the subsection head-*
22 *ing, by striking “BUREAU OF” and inserting*
23 *“UNITED STATES”.*

24 *(20) In section 453 (6 U.S.C. 273)—*

1 (A) by striking “the Bureau of” each place
2 it appears and inserting “United States”; and

3 (B) in subsection (a)(2), by striking “such
4 bureau” and inserting “United States Citizen-
5 ship and Immigration Services”.

6 (21) In section 454 (6 U.S.C. 274)—

7 (A) by striking “the Bureau of” each place
8 it appears and inserting “United States”; and

9 (B) by striking “pursuant to policies and
10 procedures applicable to employees of the Federal
11 Bureau of Investigation,”.

12 (22) By striking section 455 (6 U.S.C. 271 note).

13 (23) By striking section 456 (6 U.S.C. 275).

14 (24) By striking section 459 (6 U.S.C. 276).

15 (25) By striking section 460 (6 U.S.C. 277).

16 (26) By striking section 461 (6 U.S.C. 278).

17 (27) By redesignating section 462 (6 U.S.C. 279)

18 as section 455.

19 (28) In section 455, as so redesignated, in sub-
20 section (b)(2)(A), in the matter preceding clause (i)—

21 (A) by striking “the Bureau of Citizenship
22 and Immigration Services” and inserting
23 “United States Citizenship and Immigration
24 Services”; and

1 (B) by striking “Assistant Secretary of the
2 Bureau of Border Security” and inserting “Di-
3 rector of U.S. Immigration and Customs En-
4 forcement”.

5 (29) In section 471 (6 U.S.C. 291)—

6 (A) by striking the section heading and in-
7 serting “**REORGANIZATION AND PROHIBI-**
8 **TION**”;

9 (B) by striking subsection (a);

10 (C) by striking “(b) PROHIBITION.—”;

11 (D) by striking “Bureau of Border Security
12 or the Bureau of” and inserting “U.S. Immigra-
13 tion and Customs Enforcement and United
14 States”; and

15 (E) by striking “two bureaus” each place it
16 appears and inserting “two components”.

17 (30) By striking section 472 (6 U.S.C. 292).

18 (31) By striking section 473 (6 U.S.C. 293).

19 (32) By striking section 474 (6 U.S.C. 294).

20 (33) By redesignating section 476 (6 U.S.C. 296)
21 as section 472.

22 (34) In section 472, as so redesignated—

23 (A) by striking “the Bureau of Citizenship
24 and Immigration Services” each place it appears

1 and inserting “United States Citizenship and
2 Immigration Services”; and

3 (B) by striking “the Bureau of Border Secu-
4 rity” each place it appears and inserting “U.S.
5 Immigration and Customs Enforcement”.

6 (35) By striking section 477 (6 U.S.C. 297).

7 (36) By redesignating section 478 (6 U.S.C. 298)
8 as section 473.

9 (37) In section 473, as so redesignated—

10 (A) in the section heading, by inserting
11 “**ANNUAL REPORT ON**” before “**IMMIGRA-**
12 **TION**”;

13 (B) by striking subsection (b); and

14 (C) in subsection (a)—

15 (i) by striking “REPORT.—” and all
16 that follows through “One year” and insert-
17 ing “REPORT.—One year”;

18 (ii) by redesignating paragraph (2) as
19 subsection (b) and moving such subsection
20 two ems to left; and

21 (iii) in subsection (b), as so redesign-
22 ated—

23 (I) in the heading, by striking
24 “INCLUDED” and inserting “IN-
25 CLUDED”; and

1 (II) by redesignating subpara-
2 graphs (A) through (H) as paragraphs
3 (1) through (8), respectively, and mov-
4 ing such paragraphs two ems to the
5 left.

6 (e) *TITLE V.—Title V of the Homeland Security Act*
7 *of 2002 (6 U.S.C. 311 et seq.) is amended as follows:*

8 (1) *In section 501 (6 U.S.C. 311)—*

9 (A) *in paragraph (8), by striking “section*
10 *502(a)(6)” and inserting “section 504(a)(6)”;*

11 (B) *by redesignating paragraphs (9)*
12 *through (14) as paragraphs (10) through (15),*
13 *respectively; and*

14 (C) *by inserting after paragraph (8) the fol-*
15 *lowing new paragraph:*

16 “*(9) the term ‘Nuclear Incident Response Team’*
17 *means a resource that includes—*

18 “*(A) those entities of the Department of En-*
19 *ergy that perform nuclear or radiological emer-*
20 *gency support functions (including accident re-*
21 *sponse, search response, advisory, and technical*
22 *operations functions), radiation exposure func-*
23 *tions at the medical assistance facility known as*
24 *the Radiation Emergency Assistance Center/*

1 *Training Site (REAC/TS), radiological assist-*
2 *ance functions, and related functions; and*

3 *“(B) those entities of the Environmental*
4 *Protection Agency that perform such support*
5 *functions (including radiological emergency re-*
6 *sponse functions) and related functions.”.*

7 *(2) By striking section 502 (6 U.S.C. 312).*

8 *(3) In section 504(a)(3)(B) (6 U.S.C.*
9 *314(a)(3)(B)), by striking “, the National Disaster*
10 *Medical System,”.*

11 *(4) In section 506(c) (6 U.S.C. 316(c)), by strik-*
12 *ing “section 708” each place it appears and inserting*
13 *“section 707”.*

14 *(5) In section 509(c)(2) (6 U.S.C. 319(c)(2)), in*
15 *the matter preceding subparagraph (A), by striking*
16 *“section 708” and inserting “section 707”.*

17 *(6) By striking section 524 (6 U.S.C. 321m).*

18 *(f) TITLE VI.—Section 601 of the Homeland Security*
19 *Act of 2002 (6 U.S.C. 331) is amended by striking “Direc-*
20 *tor of Central Intelligence” each place it appears and in-*
21 *serting “Director of National Intelligence”.*

22 *(g) TITLE VII.—Title VII of the Homeland Security*
23 *Act of 2002 (6 U.S.C. 341 et seq.) is amended as follows:*

24 *(1) By striking section 706 (6 U.S.C. 346).*

1 (2) *By redesignating section 707 (6 U.S.C. 347)*
2 *as section 706.*

3 (3) *By redesignating section 708 as section 707.*

4 (4) *By redesignating section 709 as section 708.*

5 (5) *In section 708, as so redesignated, in sub-*
6 *section (c)(3), by striking “section 707” and inserting*
7 *“section 706”.*

8 (h) *TITLE VIII.—Title VIII of the Homeland Security*
9 *Act of 2002 (6 U.S.C. 361 et seq.) is amended as follows:*

10 (1) *By redesignating section 812 as section 811.*

11 (2) *In section 811, as so redesignated—*

12 (A) *by striking subsections (a) and (c); and*

13 (B) *in subsection (b)—*

14 (i) *by striking “(as added by sub-*
15 *section (a) of this section)” each place it ap-*
16 *pears;*

17 (ii) *by redesignating paragraphs (2)*
18 *through (4) as subsections (b) through (d),*
19 *respectively, and by moving such sub-*
20 *sections, as so redesignated, two ems to the*
21 *left;*

22 (iii) *in paragraph (1), by redesign-*
23 *ating subparagraphs (A) and (B) as para-*
24 *graphs (1) and (2), respectively, and by*

1 *moving such paragraphs, as so redesignated,*
2 *two ems to the left; and*

3 *(iv) by striking “(b) PROMULGATION*
4 *OF INITIAL GUIDELINES.—” and all that*
5 *follows through “In this subsection” and in-*
6 *serting the following:*

7 *“(a) DEFINITION.—In this section”;*

8 *(C) in subsection (b), as so redesignated, by*
9 *striking “IN GENERAL” and inserting “IN GEN-*
10 *ERAL”;*

11 *(D) in subsection (c), as so redesignated, by*
12 *striking “MINIMUM REQUIREMENTS” and insert-*
13 *ing “MINIMUM REQUIREMENTS”; and*

14 *(E) in subsection (d), as so redesignated, by*
15 *striking “NO LAPSE OF AUTHORITY” and insert-*
16 *ing “NO LAPSE OF AUTHORITY”.*

17 *(3) In section 843(b)(1)(B) (6 U.S.C.*
18 *413(b)(1)(B)), by striking “as determined by” and all*
19 *that follows through “; and” and inserting “as deter-*
20 *mined by the Secretary; and”.*

21 *(4) By striking section 857 (6 U.S.C. 427).*

22 *(5) By redesignating section 858 (6 U.S.C. 428)*
23 *as section 857.*

24 *(6) By striking section 872 (6 U.S.C. 452).*

25 *(7) By striking section 881 (6 U.S.C. 461).*

1 (8) *In section 892 (6 U.S.C. 482)—*

2 (A) *in subsection (b)(7), by striking “Direc-*
3 *tor of Central Intelligence” and inserting “Direc-*
4 *tor of National Intelligence”;* and

5 (B) *in subsection (c)(3)(D), by striking*
6 *“Director of Central Intelligence” and inserting*
7 *“Director of National Intelligence”.*

8 (9) *By striking section 893 (6 U.S.C. 483).*

9 (10) *By redesignating section 894 (6 U.S.C. 484)*
10 *as section 893.*

11 (i) *TITLE IX.—Section 903(a) of the Homeland Secu-*
12 *rity Act of 2002 (6 U.S.C. 493(a)) is amended in the sub-*
13 *section heading by striking “MEMBERS—” and inserting*
14 *“MEMBERS.—”.*

15 (j) *TITLE X.—Section 1001(c)(1) of the Homeland Se-*
16 *curity Act of 2002 (6 U.S.C. 511(c)(1)) is amended by strik-*
17 *ing “Director of Central Intelligence” and inserting “Direc-*
18 *tor of National Intelligence”.*

19 (k) *TITLE XV.—Title XV of the Homeland Security*
20 *Act of 2002 (6 U.S.C. 541 et seq.) is amended as follows:*

21 (1) *By striking section 1502 (6 U.S.C. 542).*

22 (2) *By redesignating section 1503 (6 U.S.C. 543)*
23 *as section 1502.*

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

4 (m) *TITLE XIX.—Section 1902(b)(3) of the Homeland*
5 *Security Act of 2002 (6 U.S.C. 592(b)(3)) is amended—*

6 (1) *in the paragraph heading, by striking “HA-*
7 *WAIAN NATIVE-SERVING” and inserting “NATIVE HA-*
8 *WAIAN-SERVING”;* and

9 (2) *by striking “Hawaiian native-serving” and*
10 *inserting “Native Hawaiian-serving”.*

11 (n) *TITLE XX.—Section 2021 of the Homeland Secu-*
12 *rity Act of 2002 (6 U.S.C. 611) is amended—*

13 (1) *by striking subsection (c); and*

14 (2) *by redesignating subsection (d) as subsection*
15 *(c).*

16 (o) *TABLE OF CONTENTS.—The table of contents in*
17 *section 1(b) of the Homeland Security Act of 2002 (6 U.S.C.*
18 *101 note) is amended as follows:*

19 (1) *By striking the items relating to sections*
20 *317, 319, 318, and 319 and inserting the following*
21 *new items:*

“Sec. 317. Promoting antiterrorism through international cooperation program.

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

“Sec. 320. EMP and GMD mitigation research and development.”.

1 (2) *By striking the items relating to sections 401*
2 *and 402 and inserting the following new item:*

“Sec. 401. *Border, maritime, and transportation responsibilities.*”.

3 (3) *By striking the item relating to section 417*
4 *and inserting the following new item:*

“Sec. 416. *Allocation of resources by the Secretary.*”.

5 (4) *By striking the items relating to sections 427*
6 *through 433 and inserting the following new items:*

“Sec. 425. *Coordination of information and information technology.*

“Sec. 426. *Visa issuance.*

“Sec. 427. *Information on visa denials required to be entered into electronic data system.*

“Sec. 428. *Office for Domestic Preparedness.*

“Sec. 429. *Border Enforcement Security Task Force.*

“Sec. 430. *Prevention of international child abduction.*”.

7 (5) *By striking the items relating to sections 445*
8 *and 446.*

9 (6) *By amending the item relating to subtitle E*
10 *of title IV to read as follows:*

“*Subtitle E—United States Citizenship and Immigration Services.*”.

11 (7) *By amending the item relating to section 451*
12 *to read as follows:*

“Sec. 451. *Establishment of United States Citizenship and Immigration Services.*”.

13 (8) *By striking the items relating to sections*
14 *455, 456, 459, 460, and 461 and inserting before the*
15 *item relating to section 457 the following new item:*

“Sec. 455. *Children’s affairs.*”.

1 (9) *By amending the item relating to section 471*
2 *to read as follows:*

“Sec. 471. *Reorganization and prohibition.*”

3 (10) *By striking the items relating to sections*
4 *472 through 478 and inserting the following new*
5 *items:*

“Sec. 472. *Separation of funding.*

“Sec. 473. *Annual report on immigration functions.*”

6 (11) *By striking the item relating to section 502.*

7 (12) *By striking the item relating to section 524.*

8 (13) *By striking the items relating to sections*
9 *706 through 709 and inserting the following new*
10 *items:*

“Sec. 706. *Quadrennial Homeland Security Review.*

“Sec. 707. *Joint Task Forces.*

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

11 (14) *By striking the items relating to sections*
12 *811 and 812 and inserting the following new item:*

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

13 (15) *By striking the items relating to sections*
14 *857 and 858 and inserting the following new item:*

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

15 (16) *By striking the item relating to section 872.*

16 (17) *By striking the item relating to section 881.*

17 (18) *By striking the items relating to sections*
18 *893 and 894 and inserting the following new item:*

“Sec. 893. *Authorization of appropriations.*”

- 1 (19) *By striking the items relating to sections*
- 2 *1502 and 1503 and inserting the following new item:*

“Sec. 1502. Review of congressional committee structures.”.

Union Calendar No. 135

115TH CONGRESS
1ST Session

H. R. 2825

[Report No. 115-198]

A BILL

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

JUNE 28, 2017

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