

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for a complete substitute.

IN THE SENATE OF THE UNITED STATES—107th Cong., 2d Sess.

S. 2452

To establish the Department of National Homeland Security
and the National Office for Combating Terrorism.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. LIEBERMAN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Homeland
5 Security and Combating Terrorism Act of 2002”.

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
7 **CONTENTS.**

8 (a) DIVISIONS.—This Act is organized into 3 divi-
9 sions as follows:

1 (1) Division A—National Homeland Security
2 and Combating Terrorism.

3 (2) Division B—Immigration Reform, Account-
4 ability, and Security Enhancement Act of 2002.

5 (3) Division C—Federal Workforce Improve-
6 ment.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—NATIONAL HOMELAND SECURITY AND COMBATING
TERRORISM

Sec. 100. Definitions.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Establishment of the Department of Homeland Security

Sec. 101. Establishment of the Department of Homeland Security.

Sec. 102. Secretary of Homeland Security.

Sec. 103. Deputy Secretary of Homeland Security.

Sec. 104. Under Secretary for Management.

Sec. 105. Assistant Secretaries.

Sec. 106. Inspector General.

Sec. 107. Chief Financial Officer.

Sec. 108. Chief Information Officer.

Sec. 109. General Counsel.

Sec. 110. Civil Rights Officer.

Sec. 111. Privacy Officer.

Sec. 112. Chief Human Capital Officer.

Sec. 113. Office of International Affairs.

Sec. 114. Executive Schedule positions.

Subtitle B—Establishment of Directorates and Offices

Sec. 131. Directorate of Border and Transportation Protection.

Sec. 132. Directorate of Intelligence.

Sec. 133. Directorate of Critical Infrastructure Protection.

Sec. 134. Directorate of Emergency Preparedness and Response.

Sec. 135. Directorate of Science and Technology.

Sec. 136. Directorate of Immigration Affairs.

Sec. 137. Office for State and Local Government Coordination.

Sec. 138. United States Secret Service.

Sec. 139. Border Coordination Working Group.

Sec. 140. Executive Schedule positions.

3

Subtitle C—National Emergency Preparedness Enhancement

- Sec. 151. Short title.
- Sec. 152. Preparedness information and education.
- Sec. 153. Pilot program.
- Sec. 154. Designation of National Emergency Preparedness Week.

Subtitle D—Miscellaneous Provisions

- Sec. 161. National Bio-Weapons Defense Analysis Center.
- Sec. 162. Review of food safety.
- Sec. 163. Exchange of employees between agencies and State or local governments.
- Sec. 164. Whistleblower protection for Federal employees who are airport security screeners.
- Sec. 165. Whistleblower protection for certain airport employees.
- Sec. 166. Bioterrorism preparedness and response division.
- Sec. 167. Coordination with the Department of Health and Human Services under the Public Health Service Act.
- Sec. 168. Rail security enhancements.
- Sec. 169. Grants for firefighting personnel.
- Sec. 170. Review of transportation security enhancements.
- Sec. 171. Interoperability of information systems.

Subtitle E—Transition Provisions

- Sec. 181. Definitions.
- Sec. 182. Transfer of agencies.
- Sec. 183. Transitional authorities.
- Sec. 184. Incidental transfers and transfer of related functions.
- Sec. 185. Implementation progress reports and legislative recommendations.
- Sec. 186. Transfer and allocation.
- Sec. 187. Savings provisions.
- Sec. 188. Transition plan.
- Sec. 189. Use of appropriated funds.

Subtitle F—Administrative Provisions

- Sec. 191. Reorganizations and delegations.
- Sec. 192. Reporting requirements.
- Sec. 193. Environmental protection, safety, and health requirements.
- Sec. 194. Labor standards.
- Sec. 195. Procurement of temporary and intermittent services.
- Sec. 196. Preserving non-homeland security mission performance.
- Sec. 197. Future Years Homeland Security Program.
- Sec. 198. Protection of voluntarily furnished confidential information.
- Sec. 199. Authorization of appropriations.

TITLE II—NATIONAL OFFICE FOR COMBATING TERRORISM

- Sec. 201. National Office for Combating Terrorism.
- Sec. 202. Funding for Strategy programs and activities.

TITLE III—NATIONAL STRATEGY FOR COMBATING TERRORISM
AND THE HOMELAND SECURITY RESPONSE

- Sec. 301. Strategy.
- Sec. 302. Management guidance for Strategy implementation.

4

Sec. 303. National Combating Terrorism Strategy Panel.

TITLE IV—LAW ENFORCEMENT POWERS OF INSPECTOR
GENERAL AGENTS

Sec. 401. Law enforcement powers of Inspector General agents.

TITLE V—FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY

Subtitle A—Temporary Flexibility for Certain Procurements

Sec. 501. Definition.

Sec. 502. Procurements for defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

Sec. 503. Increased simplified acquisition threshold for procurements in support of humanitarian or peacekeeping operations or contingency operations.

Sec. 504. Increased micro-purchase threshold for certain procurements.

Sec. 505. Application of certain commercial items authorities to certain procurements.

Sec. 506. Use of streamlined procedures.

Sec. 507. Review and report by Comptroller General.

Subtitle B—Other Matters

Sec. 511. Identification of new entrants into the Federal marketplace.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

DIVISION B—IMMIGRATION REFORM, ACCOUNTABILITY, AND
SECURITY ENHANCEMENT ACT OF 2002

Sec. 1001. Short title.

Sec. 1002. Definitions.

TITLE XI—DIRECTORATE OF IMMIGRATION AFFAIRS

Subtitle A—Organization

Sec. 1101. Abolition of INS.

Sec. 1102. Establishment of Directorate of Immigration Affairs.

Sec. 1103. Under Secretary of Homeland Security for Immigration Affairs.

Sec. 1104. Bureau of Immigration Services.

Sec. 1105. Bureau of Enforcement and Border Affairs.

Sec. 1106. Office of the Ombudsman within the Directorate.

Sec. 1107. Office of Immigration Statistics within the Directorate.

Sec. 1108. Clerical amendments.

Subtitle B—Transition Provisions

Sec. 1111. Transfer of functions.

Sec. 1112. Transfer of personnel and other resources.

Sec. 1113. Determinations with respect to functions and resources.

Sec. 1114. Delegation and reservation of functions.

Sec. 1115. Allocation of personnel and other resources.

Sec. 1116. Savings provisions.

5

- Sec. 1117. Interim service of the Commissioner of Immigration and Naturalization.
- Sec. 1118. Executive Office for Immigration Review authorities not affected.
- Sec. 1119. Other authorities not affected.
- Sec. 1120. Transition funding.

Subtitle C—Miscellaneous Provisions

- Sec. 1121. Funding adjudication and naturalization services.
- Sec. 1122. Application of Internet-based technologies.
- Sec. 1123. Alternatives to detention of asylum seekers.

Subtitle D—Effective Date

- Sec. 1131. Effective date.

TITLE XII—UNACCOMPANIED ALIEN CHILD PROTECTION

- Sec. 1201. Short title.
- Sec. 1202. Definitions.

Subtitle A—Structural Changes

- Sec. 1211. Responsibilities of the Office of Refugee Resettlement with respect to unaccompanied alien children.
- Sec. 1212. Establishment of interagency task force on unaccompanied alien children.
- Sec. 1213. Transition provisions.
- Sec. 1214. Effective date.

Subtitle B—Custody, Release, Family Reunification, and Detention

- Sec. 1221. Procedures when encountering unaccompanied alien children.
- Sec. 1222. Family reunification for unaccompanied alien children with relatives in the United States.
- Sec. 1223. Appropriate conditions for detention of unaccompanied alien children.
- Sec. 1224. Repatriated unaccompanied alien children.
- Sec. 1225. Establishing the age of an unaccompanied alien child.
- Sec. 1226. Effective date.

Subtitle C—Access by Unaccompanied Alien Children to Guardians Ad Litem and Counsel

- Sec. 1231. Right of unaccompanied alien children to guardians ad litem.
- Sec. 1232. Right of unaccompanied alien children to counsel.
- Sec. 1233. Effective date; applicability.

Subtitle D—Strengthening Policies for Permanent Protection of Alien Children

- Sec. 1241. Special immigrant juvenile visa.
- Sec. 1242. Training for officials and certain private parties who come into contact with unaccompanied alien children.
- Sec. 1243. Effective date.

Subtitle E—Children Refugee and Asylum Seekers

- Sec. 1251. Guidelines for children's asylum claims.

6

Sec. 1252. Unaccompanied refugee children.

Subtitle F—Authorization of Appropriations

Sec. 1261. Authorization of appropriations.

TITLE XIII—AGENCY FOR IMMIGRATION HEARINGS AND APPEALS

Subtitle A—Structure and Function

- Sec. 1301. Establishment.
- Sec. 1302. Director of the Agency.
- Sec. 1303. Board of Immigration Appeals.
- Sec. 1304. Chief Immigration Judge.
- Sec. 1305. Chief Administrative Hearing Officer.
- Sec. 1306. Removal of Judges.
- Sec. 1307. Authorization of appropriations.

Subtitle B—Transfer of Functions and Savings Provisions

Sec. 1311. Transition provisions.

Subtitle C—Effective Date

Sec. 1321. Effective date.

DIVISION C—FEDERAL WORKFORCE IMPROVEMENT

TITLE XXI—CHIEF HUMAN CAPITAL OFFICERS

- Sec. 2101. Short title.
- Sec. 2102. Agency Chief Human Capital Officers.
- Sec. 2103. Chief Human Capital Officers Council.
- Sec. 2104. Strategic Human Capital Management.
- Sec. 2105. Effective date.

TITLE XXII—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

- Sec. 2201. Inclusion of agency human capital strategic planning in performance plans and program performance reports.
- Sec. 2202. Reform of the competitive service hiring process.
- Sec. 2203. Permanent extension, revision, and expansion of authorities for use of voluntary separation incentive pay and voluntary early retirement.
- Sec. 2204. Student volunteer transit subsidy.

TITLE XXIII—REFORMS RELATING TO THE SENIOR EXECUTIVE SERVICE

- Sec. 2301. Repeal of recertification requirements of senior executives.
- Sec. 2302. Adjustment of limitation on total annual compensation.

TITLE XXIV—ACADEMIC TRAINING

- Sec. 2401. Academic training.
- Sec. 2402. Modifications to National Security Education Program.
- Sec. 2403. Compensatory time off for travel.