

1 **DIVISION A—NATIONAL HOME-**
2 **LAND SECURITY AND COM-**
3 **BATING TERRORISM**

4 **SEC. 100. DEFINITIONS.**

5 Unless the context clearly indicates otherwise, the fol-
6 lowing shall apply for purposes of this division:

7 (1) AGENCY.—Except for purposes of subtitle E
8 of title I, the term “agency”—

9 (A) means—

10 (i) an Executive agency as defined
11 under section 105 of title 5, United States
12 Code;

13 (ii) a military department as defined
14 under section 102 of title 5, United States
15 Code;

16 (iii) the United States Postal Service;

17 and

18 (B) does not include the General Account-
19 ing Office.

20 (2) ASSETS.—The term “assets” includes con-
21 tracts, facilities, property, records, unobligated or
22 unexpended balances of appropriations, and other
23 funds or resources (other than personnel).

1 (3) DIRECTOR.—The term “Director” means
2 the Director of the National Office for Combating
3 Terrorism.

4 (4) DEPARTMENT.—The term “Department”
5 means the Department of Homeland Security estab-
6 lished under title I.

7 (5) ENTERPRISE ARCHITECTURE.—The term
8 “enterprise architecture”—

9 (A) means—

10 (i) a strategic information asset base,
11 which defines the mission;

12 (ii) the information necessary to per-
13 form the mission;

14 (iii) the technologies necessary to per-
15 form the mission; and

16 (iv) the transitional processes for im-
17 plementing new technologies in response to
18 changing mission needs; and

19 (B) includes—

20 (i) a baseline architecture;

21 (ii) a target architecture; and

22 (iii) a sequencing plan.

23 (6) FEDERAL TERRORISM PREVENTION AND
24 RESPONSE AGENCY.—The term “Federal terrorism
25 prevention and response agency” means any Federal

1 department or agency charged under the Strategy
2 with responsibilities for carrying out the Strategy.

3 (7) FUNCTIONS.—The term “functions” in-
4 cludes authorities, powers, rights, privileges, immu-
5 nities, programs, projects, activities, duties, respon-
6 sibilities, and obligations.

7 (8) HOMELAND.—The term “homeland” means
8 the United States, in a geographic sense.

9 (9) LOCAL GOVERNMENT.—The term “local
10 government” has the meaning given under section
11 102(6) of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (Public Law 93–288).

13 (10) OFFICE.—The term “Office” means the
14 National Office for Combating Terrorism established
15 under title II.

16 (11) PERSONNEL.—The term “personnel”
17 means officers and employees.

18 (12) SECRETARY.—The term “Secretary”
19 means the Secretary of Homeland Security.

20 (13) STRATEGY.—The term “Strategy” means
21 the National Strategy for Combating Terrorism and
22 the Homeland Security Response developed under
23 this division.

24 (14) UNITED STATES.—The term “United
25 States”, when used in a geographic sense, means

1 any State (within the meaning of section 102(4) of
2 the Robert T. Stafford Disaster Relief and Emer-
3 gency Assistance Act (Public Law 93–288)), any
4 possession of the United States, and any waters
5 within the jurisdiction of the United States.

6 **TITLE I—DEPARTMENT OF**
7 **HOMELAND SECURITY**
8 **Subtitle A—Establishment of the**
9 **Department of Homeland Security**

10 **SEC. 101. ESTABLISHMENT OF THE DEPARTMENT OF**
11 **HOMELAND SECURITY.**

12 (a) IN GENERAL.—There is established the Depart-
13 ment of National Homeland Security.

14 (b) EXECUTIVE DEPARTMENT.—Section 101 of title
15 5, United States Code, is amended by adding at the end
16 the following:

17 “The Department of Homeland Security.”.

18 (c) MISSION OF DEPARTMENT.—

19 (1) HOMELAND SECURITY.—The mission of the
20 Department is to—

21 (A) promote homeland security, particu-
22 larly with regard to terrorism;

23 (B) prevent terrorist attacks or other
24 homeland threats within the United States;

1 (C) reduce the vulnerability of the United
2 States to terrorism, natural disasters, and other
3 homeland threats; and

4 (D) minimize the damage, and assist in
5 the recovery, from terrorist attacks or other
6 natural or man-made crises that occur within
7 the United States.

8 (2) OTHER MISSIONS.—The Department shall
9 be responsible for carrying out the other functions,
10 and promoting the other missions, of entities trans-
11 ferred to the Department as provided by law.

12 (d) SEAL.—The Secretary shall procure a proper
13 seal, with such suitable inscriptions and devices as the
14 President shall approve. This seal, to be known as the offi-
15 cial seal of the Department of Homeland Security, shall
16 be kept and used to verify official documents, under such
17 rules and regulations as the Secretary may prescribe. Ju-
18 dicial notice shall be taken of the seal.

19 **SEC. 102. SECRETARY OF HOMELAND SECURITY.**

20 (a) IN GENERAL.—The Secretary of Homeland Secu-
21 rity shall be the head of the Department. The Secretary
22 shall be appointed by the President, by and with the advice
23 and consent of the Senate.

24 (b) RESPONSIBILITIES.—The responsibilities of the
25 Secretary shall be the following:

1 (1) To develop policies, goals, objectives, prior-
2 ities, and plans for the United States for the pro-
3 motion of homeland security, particularly with re-
4 gard to terrorism.

5 (2) To administer, carry out, and promote the
6 other established missions of the entities transferred
7 to the Department.

8 (3) To develop, with the Director, a comprehen-
9 sive strategy for combating terrorism and the home-
10 land security response in accordance with title III.

11 (4) To advise the Director on the development
12 of a comprehensive annual budget for programs and
13 activities under the Strategy, and have the responsi-
14 bility for budget recommendations relating to border
15 and transportation security, critical infrastructure
16 protection, emergency preparedness and response,
17 science and technology promotion related to home-
18 land security, and Federal support for State and
19 local activities.

20 (5) To plan, coordinate, and integrate those
21 Federal Government activities relating to border and
22 transportation security, critical infrastructure pro-
23 tection, all-hazards emergency preparedness, re-
24 sponse, recovery, and mitigation.

1 (6) To serve as a national focal point to analyze
2 all information available to the United States related
3 to threats of terrorism and other homeland threats.

4 (7) To establish and coordinate an integrated
5 program to evaluate, identify, anticipate, and miti-
6 gate threats, vulnerabilities, and risks through
7 threat and vulnerability assessments (including red
8 teaming) and risk analysis, and to disseminate infor-
9 mation and intelligence derived from such activities
10 to appropriate entities.

11 (8) To identify and promote key scientific and
12 technological advances that will enhance homeland
13 security.

14 (9) To include, as appropriate, State and local
15 governments and other entities in the full range of
16 activities undertaken by the Department to promote
17 homeland security, including—

18 (A) providing State and local government
19 personnel, agencies, and authorities, with ap-
20 propriate intelligence information, including
21 warnings, regarding threats posed by terrorism
22 in a timely and secure manner;

23 (B) facilitating efforts by State and local
24 law enforcement and other officials to assist in
25 the collection and dissemination of intelligence

1 information and to provide information to the
2 Department, and other agencies, in a timely
3 and secure manner;

4 (C) coordinating with State, regional, and
5 local government personnel, agencies, and au-
6 thorities and, as appropriate, with the private
7 sector, other entities, and the public, to ensure
8 adequate planning, team work, coordination, in-
9 formation sharing, equipment, training, and ex-
10 ercise activities;

11 (D) consulting State and local govern-
12 ments, and other entities as appropriate, in de-
13 veloping the Strategy under title III; and

14 (E) systematically identifying and remov-
15 ing obstacles to developing effective partner-
16 ships between the Department, other agencies,
17 and State, regional, and local government per-
18 sonnel, agencies, and authorities, the private
19 sector, other entities, and the public to secure
20 the homeland.

21 (10)(A) To consult and coordinate with the Sec-
22 retary of Defense and the governors of the several
23 States regarding integration of the United States
24 military, including the National Guard, into all as-
25 pects of the Strategy and its implementation, includ-

1 ing detection, prevention, protection, response, and
2 recovery.

3 (B) To consult and coordinate with the Sec-
4 retary of Defense and make recommendations con-
5 cerning organizational structure, equipment, and po-
6 sitioning of military assets determined critical to
7 executing the Strategy.

8 (C) To consult and coordinate with the Sec-
9 retary of Defense regarding the training of per-
10 sonnel to respond to terrorist attacks involving
11 chemical or biological agents.

12 (11) To seek to ensure effective day-to-day co-
13 ordination of homeland security operations, and es-
14 tablish effective mechanisms for such coordination,
15 among the elements constituting the Department
16 and with other involved and affected Federal, State,
17 and local departments and agencies.

18 (12) To administer the Homeland Security Ad-
19 visory System, exercising primary responsibility for
20 public threat advisories, and (in coordination with
21 other agencies) providing specific warning informa-
22 tion to State and local government personnel, agen-
23 cies and authorities, the private sector, other enti-
24 ties, and the public, and advice about appropriate
25 protective actions and countermeasures.

1 (13) To conduct exercise and training programs
2 for employees of the Department and other involved
3 agencies, and establish effective command and con-
4 trol procedures for the full range of potential contin-
5 gencies regarding United States homeland security,
6 including contingencies that require the substantial
7 support of military assets.

8 (14) To annually review, update, and amend
9 the Federal response plan for homeland security and
10 emergency preparedness with regard to terrorism
11 and other manmade and natural disasters.

12 (15) To direct the acquisition and management
13 of all of the information resources of the Depart-
14 ment, including communications resources.

15 (16) To endeavor to make the information tech-
16 nology systems of the Department, including com-
17 munications systems, effective, efficient, secure, and
18 appropriately interoperable.

19 (17) In furtherance of paragraph (16), to over-
20 see and ensure the development and implementation
21 of an enterprise architecture for Department-wide
22 information technology, with timetables for imple-
23 mentation.

24 (18) As the Secretary considers necessary, to
25 oversee and ensure the development and implemen-

1 tation of updated versions of the enterprise architec-
2 ture under paragraph (17).

3 (19) To report to Congress on the development
4 and implementation of the enterprise architecture
5 under paragraph (17) in—

6 (A) each implementation progress report
7 required under section 185; and

8 (B) each biennial report required under
9 section 192(b).

10 (c) VISA ISSUANCE BY THE SECRETARY.—

11 (1) DEFINITION.—In this subsection, the term
12 “consular officer” has the meaning given that term
13 under section 101(a)(9) of the Immigration and Na-
14 tionality Act (8 U.S.C. 1101(a)(9)).

15 (2) IN GENERAL.—Notwithstanding section
16 104(a) of the Immigration and Nationality Act (8
17 U.S.C. 1104(a)) or any other provision of law, and
18 except as provided under paragraph (3), the
19 Secretary—

20 (A) shall be vested exclusively with all au-
21 thorities to issue regulations with respect to,
22 administer, and enforce the provisions of such
23 Act, and of all other immigration and nation-
24 ality laws, relating to the functions of consular
25 officers of the United States in connection with

1 the granting or refusal of visas, which authori-
2 ties shall be exercised through the Secretary of
3 State, except that the Secretary shall not have
4 authority to alter or reverse the decision of a
5 consular officer to refuse a visa to an alien; and

6 (B)(i) may delegate in whole or part the
7 authority under subparagraph (A) to the Sec-
8 retary of State; and

9 (ii) shall have authority to confer or im-
10 pose upon any officer or employee of the United
11 States, with the consent of the head of the exec-
12 utive agency under whose jurisdiction such offi-
13 cer or employee is serving, any of the functions
14 specified in subparagraph (A).

15 (3) AUTHORITY OF THE SECRETARY OF
16 STATE.—

17 (A) IN GENERAL.—The Secretary of State
18 may direct a consular officer to refuse a visa to
19 an alien if the Secretary of State considers such
20 refusal necessary or advisable in the foreign
21 policy or security interests of the United States.

22 (B) STATUTORY CONSTRUCTION.—Nothing
23 in this subsection shall be construed as affect-
24 ing the authorities of the Secretary of State
25 under the following provisions of law:

1 (i) Section 101(a)(15)(A) of the Im-
2 migration and Nationality Act (8 U.S.C.
3 1101(15)(A)).

4 (ii) Section 212(a)(3)(B)(i)(IV)(bb) of
5 the Immigration and Nationality Act (8
6 U.S.C. 1182(a)(3)(B)(i)(IV)(bb)).

7 (iii) Section 212(a)(3)(B)(i)(VI) of
8 the Immigration and Nationality Act (8
9 U.S.C. 1182(a)(3)(B)(i)(VI)).

10 (iv) Section 212(a)(3)(B)(vi)(II) of
11 the Immigration and Nationality Act (8
12 U.S.C. 1182 (a)(3)(B)(vi)(II)).

13 (v) Section 212(a)(3)(C) of the Immi-
14 gration and Nationality Act (8 U.S.C.
15 1182(a)(3)(C)).

16 (vi) Section 212(a)(10)(C) of the Im-
17 migration and Nationality Act (8 U.S.C.
18 1182(a)(10)(C)).

19 (vii) Section 212(f) of the Immigra-
20 tion and Nationality Act (8 U.S.C.
21 1182(f)).

22 (viii) Section 219(a) of the Immigra-
23 tion and Nationality Act (8 U.S.C.
24 1189(a)).

1 (ix) Section 237(a)(4)(C) of the Immi-
2 gration and Nationality Act (8 U.S.C.
3 1227(a)(4)(C)).

4 (x) Section 104 of the Cuban Liberty
5 and Democratic Solidarity (LIBERTAD)
6 Act of 1996 (22 U.S.C. 6034).

7 (xi) Section 616 of the Departments
8 of Commerce, Justice, and State, the Judi-
9 ciary, and Related Agencies Appropriations
10 Act, 1999 (Public Law 105–277).

11 (xii) Section 103(f) of the Chemical
12 Weapons Convention Implementation Act
13 of 1998 (112 Stat. 2681–865).

14 (xiii) Section 801 of the Admiral
15 James W. Nance and Meg Donovan For-
16 eign Relations Authorization Act, Fiscal
17 Years 2002 and 2001 (113 Stat. 1501A–
18 468).

19 (xiv) Section 568 of the Foreign Op-
20 erations, Export Financing, and Related
21 Programs Appropriations Act, 2002 (Pub-
22 lic Law 107–115).

23 (xv) Section 51 of the State Depart-
24 ment Basic Authorities Act of 1956 (22
25 U.S.C. 2723).

1 (xvi) Section 204(d)(2) of the Immi-
2 gration and Nationality Act (8 U.S.C.
3 1154) (as it will take effect upon the entry
4 into force of the Convention on Protection
5 of Children and Cooperation in Respect to
6 Inter-Country Adoption).

7 (4) CONSULAR OFFICERS AND CHIEFS OF MIS-
8 SIONS.—Nothing in this subsection may be construed
9 to alter or affect—

10 (A) the employment status of consular offi-
11 cers as employees of the Department of State;
12 or

13 (B) the authority of a chief of mission
14 under section 207 of the Foreign Service Act of
15 1980 (22 U.S.C. 3927).

16 (5) ASSIGNMENT OF HOMELAND SECURITY EM-
17 PLOYEES TO DIPLOMATIC AND CONSULAR POSTS.—

18 (A) IN GENERAL.—The Secretary is au-
19 thorized to assign employees of the Department
20 to diplomatic and consular posts abroad to per-
21 form the following functions:

22 (i) Provide expert advice to consular
23 officers regarding specific security threats
24 relating to the adjudication of individual
25 visa applications or classes of applications.

1 (ii) Review any such applications, ei-
2 ther on the initiative of the employee of the
3 Department or upon request by a consular
4 officer or other person charged with adju-
5 dicating such applications.

6 (iii) Conduct investigations with re-
7 spect to matters under the jurisdiction of
8 the Secretary.

9 (B) PERMANENT ASSIGNMENT; PARTICIPA-
10 TION IN TERRORIST LOOKOUT COMMITTEE.—
11 When appropriate, employees of the Depart-
12 ment assigned to perform functions described in
13 subparagraph (A) may be assigned permanently
14 to overseas diplomatic or consular posts with
15 country-specific or regional responsibility. If the
16 Secretary so directs, any such employee, when
17 present at an overseas post, shall participate in
18 the terrorist lookout committee established
19 under section 304 of the Enhanced Border Se-
20 curity and Visa Entry Reform Act of 2002 (8
21 U.S.C. 1733).

22 (C) TRAINING AND HIRING.—

23 (i) IN GENERAL.—The Secretary shall
24 ensure that any employees of the Depart-
25 ment assigned to perform functions de-

1 scribed under subparagraph (A) and, as
2 appropriate, consular officers, shall be pro-
3 vided all necessary training to enable them
4 to carry out such functions, including
5 training in foreign languages, in conditions
6 in the particular country where each em-
7 ployee is assigned, and in other appro-
8 priate areas of study.

9 (ii) FOREIGN LANGUAGE PRO-
10 FICIENCY.—Before assigning employees of
11 the Department to perform the functions
12 described under subparagraph (A), the
13 Secretary shall promulgate regulations es-
14 tablishing foreign language proficiency re-
15 quirements for employees of the Depart-
16 ment performing the functions described
17 under subparagraph (A) and providing
18 that preference shall be given to individ-
19 uals who meet such requirements in hiring
20 employees for the performance of such
21 functions.

22 (iii) USE OF CENTER.—The Secretary
23 is authorized to use the National Foreign
24 Affairs Training Center, on a reimbursable

1 basis, to obtain the training described in
2 clause (i).

3 (6) REPORT.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary and the
5 Secretary of State shall submit to Congress—

6 (A) a report on the implementation of this
7 subsection; and

8 (B) any legislative proposals necessary to
9 further the objectives of this subsection.

10 (7) EFFECTIVE DATE.—This subsection shall
11 take effect on the earlier of—

12 (A) the date on which the President pub-
13 lishes notice in the Federal Register that the
14 President has submitted a report to Congress
15 setting forth a memorandum of understanding
16 between the Secretary and the Secretary of
17 State governing the implementation of this sec-
18 tion; or

19 (B) the date occurring 1 year after the
20 date of enactment of this Act.

21 (d) MEMBERSHIP ON THE NATIONAL SECURITY
22 COUNCIL.—Section 101(a) of the National Security Act
23 of 1947 (50 U.S.C. 402(a)) is amended in the fourth sen-
24 tence by striking paragraphs (5), (6), and (7) and insert-
25 ing the following:

1 “(5) the Secretary of Homeland Security; and
2 “(6) each Secretary or Under Secretary of such
3 other executive department, or of a military depart-
4 ment, as the President shall designate.”.

5 **SEC. 103. DEPUTY SECRETARY OF HOMELAND SECURITY.**

6 (a) IN GENERAL.—There shall be in the Department
7 a Deputy Secretary of Homeland Security, who shall be
8 appointed by the President, by and with the advice and
9 consent of the Senate.

10 (b) RESPONSIBILITIES.—The Deputy Secretary of
11 Homeland Security shall—

12 (1) assist the Secretary in the administration
13 and operations of the Department;

14 (2) perform such responsibilities as the Sec-
15 retary shall prescribe; and

16 (3) act as the Secretary during the absence or
17 disability of the Secretary or in the event of a va-
18 cancy in the office of the Secretary.

19 **SEC. 104. UNDER SECRETARY FOR MANAGEMENT.**

20 (a) IN GENERAL.—There shall be in the Department
21 an Under Secretary for Management, who shall be ap-
22 pointed by the President, by and with the advice and con-
23 sent of the Senate.

24 (b) RESPONSIBILITIES.—The Under Secretary for
25 Management shall report to the Secretary, who may assign

1 to the Under Secretary such functions related to the man-
2 agement and administration of the Department as the
3 Secretary may prescribe, including—

4 (1) the budget, appropriations, expenditures of
5 funds, accounting, and finance;

6 (2) procurement;

7 (3) human resources and personnel;

8 (4) information technology and communications
9 systems;

10 (5) facilities, property, equipment, and other
11 material resources;

12 (6) security for personnel, information tech-
13 nology and communications systems, facilities, prop-
14 erty, equipment, and other material resources; and

15 (7) identification and tracking of performance
16 measures relating to the responsibilities of the De-
17 partment.

18 **SEC. 105. ASSISTANT SECRETARIES.**

19 (a) IN GENERAL.—There shall be in the Department
20 not more than 5 Assistant Secretaries (not including the
21 2 Assistant Secretaries appointed under division B), each
22 of whom shall be appointed by the President, by and with
23 the advice and consent of the Senate.

24 (b) RESPONSIBILITIES.—

1 (1) IN GENERAL.—Whenever the President sub-
2 mits the name of an individual to the Senate for
3 confirmation as an Assistant Secretary under this
4 section, the President shall describe the general re-
5 sponsibilities that such appointee will exercise upon
6 taking office.

7 (2) ASSIGNMENT.—Subject to paragraph (1),
8 the Secretary shall assign to each Assistant Sec-
9 retary such functions as the Secretary considers ap-
10 propriate.

11 **SEC. 106. INSPECTOR GENERAL.**

12 (a) IN GENERAL.—There shall be in the Department
13 an Inspector General. The Inspector General and the Of-
14 fice of Inspector General shall be subject to the Inspector
15 General Act of 1978 (5 U.S.C. App.).

16 (b) ESTABLISHMENT.—Section 11 of the Inspector
17 General Act of 1978 (5 U.S.C. App.) is amended—

18 (1) in paragraph (1), by inserting “Homeland
19 Security,” after “Health and Human Services,”; and

20 (2) in paragraph (2), by inserting “Homeland
21 Security,” after “Health and Human Services,”.

22 (c) REVIEW OF THE DEPARTMENT OF HOMELAND
23 SECURITY.—The Inspector General shall designate 1 offi-
24 cial who shall—

1 (1) review information and receive complaints
2 alleging abuses of civil rights and civil liberties by
3 employees and officials of the Department;

4 (2) publicize, through the Internet, radio, tele-
5 vision, and newspaper advertisements—

6 (A) information on the responsibilities and
7 functions of the official; and

8 (B) instructions on how to contact the offi-
9 cial; and

10 (3) on a semi-annual basis, submit to Congress,
11 for referral to the appropriate committee or commit-
12 tees, a report—

13 (A) describing the implementation of this
14 subsection;

15 (B) detailing any civil rights abuses under
16 paragraph (1); and

17 (C) accounting for the expenditure of
18 funds to carry out this subsection.

19 (d) ADDITIONAL PROVISIONS WITH RESPECT TO
20 THE INSPECTOR GENERAL OF THE DEPARTMENT OF
21 HOMELAND SECURITY.—The Inspector General Act of
22 1978 (5 U.S.C. App.) is amended—

23 (1) by redesignating section 8I as section 8J;
24 and

25 (2) by inserting after section 8H the following:

1 SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF
2 HOMELAND SECURITY

3 “SEC. 8I. (a)(1) Notwithstanding the last 2 sentences
4 of section 3(a), the Inspector General of the Department
5 of Homeland Security (in this section referred to as the
6 “Inspector General”) shall be under the authority, direc-
7 tion, and control of the Secretary of Homeland Security
8 (in this section referred to as the “Secretary”) with re-
9 spect to audits or investigations, or the issuance of sub-
10 poenas, which require access to sensitive information
11 concerning—

12 “(A) intelligence or counterintelligence matters;

13 “(B) ongoing criminal investigations or pro-
14 ceedings;

15 “(C) undercover operations;

16 “(D) the identity of confidential sources, includ-
17 ing protected witnesses;

18 “(E) other matters the disclosure of which
19 would constitute a serious threat to the protection of
20 any person or property authorized protection by—

21 “(i) section 3056 of title 18, United States
22 Code;

23 “(ii) section 202 of title 3, United States
24 Code; or

1 “(iii) any provision of the Presidential Pro-
2 tection Assistance Act of 1976 (18 U.S.C. 3056
3 note); or

4 “(F) other matters the disclosure of which
5 would constitute a serious threat to national secu-
6 rity.

7 “(2) With respect to the information described under
8 paragraph (1), the Secretary may prohibit the Inspector
9 General from carrying out or completing any audit or in-
10 vestigation, or from issuing any subpoena, after such In-
11 spector General has decided to initiate, carry out, or com-
12 plete such audit or investigation or to issue such subpoena,
13 if the Secretary determines that such prohibition is nec-
14 essary to—

15 “(A) prevent the disclosure of any information
16 described under paragraph (1);

17 “(B) preserve the national security; or

18 “(C) prevent significant impairment to the na-
19 tional interests of the United States.

20 “(3) If the Secretary exercises any power under para-
21 graph (1) or (2), the Secretary shall notify the Inspector
22 General in writing (appropriately classified, if necessary)
23 within 7 calendar days stating the reasons for such exer-
24 cise. Within 30 days after receipt of any such notice, the
25 Inspector General shall transmit a copy of such notice, to-

1 gether with such comments concerning the exercise of such
2 power as the Inspector General considers appropriate,
3 to—

4 “(A) the President of the Senate;

5 “(B) the Speaker of the House of Representa-
6 tives;

7 “(C) the Committee on Governmental Affairs of
8 the Senate;

9 “(D) the Committee on Government Reform of
10 the House of Representatives; and

11 “(E) other appropriate committees or sub-
12 committees of Congress.

13 “(b)(1) In carrying out the duties and responsibilities
14 under this Act, the Inspector General shall have oversight
15 responsibility for the internal investigations and audits
16 performed by any other office performing internal inves-
17 tigatory or audit functions in any subdivision of the De-
18 partment of Homeland Security.

19 “(2) The head of each other office described under
20 paragraph (1) shall promptly report to the Inspector Gen-
21 eral the significant activities being carried out by such of-
22 fice.

23 “(3) Notwithstanding paragraphs (1) and (2), the In-
24 spector General may initiate, conduct, and supervise such
25 audits and investigations in the Department (including in

1 any subdivision referred to in paragraph (1)) as the In-
2 spector General considers appropriate.

3 “(4) If the Inspector General initiates an audit or in-
4 vestigation under paragraph (3) concerning a subdivision
5 referred to in paragraph (1), the Inspector General may
6 provide the head of the other office performing internal
7 investigatory or audit functions in the subdivision with
8 written notice that the Inspector General has initiated
9 such an audit or investigation. If the Inspector General
10 issues such a notice, no other audit or investigation shall
11 be initiated into the matter under audit or investigation
12 by the Inspector General, and any other audit or investiga-
13 tion of such matter shall cease.

14 “(c) Any report required to be transmitted by the
15 Secretary to the appropriate committees or subcommittees
16 of Congress under section 5(d) shall also be transmitted,
17 within the 7-day period specified under that subsection,
18 to—

19 “(1) the President of the Senate;

20 “(2) the Speaker of the House of Representa-
21 tives;

22 “(3) the Committee on Governmental Affairs of
23 the Senate; and

24 “(4) the Committee on Government Reform of
25 the House of Representatives.”.

1 (e) TECHNICAL AND CONFORMING AMENDMENTS.—
2 The Inspector General Act of 1978 (5 U.S.C. appendix)
3 is amended—

4 (1) in section 4(b), by striking “8F” each place
5 it appears and inserting “8G”; and

6 (2) in section 8J (as redesignated by subsection
7 (c)(1)), by striking “or 8H” and inserting “, 8H, or
8 8I”.”

9 **SEC. 107. CHIEF FINANCIAL OFFICER.**

10 (a) IN GENERAL.—There shall be in the Department
11 a Chief Financial Officer, who shall be appointed or des-
12 ignated in the manner prescribed under section 901(a)(1)
13 of title 31, United States Code.

14 (b) ESTABLISHMENT.—Section 901(b)(1) of title 31,
15 United States Code, is amended—

16 (1) by redesignating subparagraphs (G)
17 through (P) as subparagraphs (H) through (Q), re-
18 spectively; and

19 (2) by inserting after subparagraph (F) the fol-
20 lowing:

21 “(G) The Department of Homeland Security.”.

22 **SEC. 108. CHIEF INFORMATION OFFICER.**

23 (a) IN GENERAL.—There shall be in the Department
24 a Chief Information Officer, who shall be designated in

1 the manner prescribed under section 3506(a)(2)(A) of title
2 44, United States Code.

3 (b) RESPONSIBILITIES.—The Chief Information Offi-
4 cer shall assist the Secretary with Department-wide infor-
5 mation resources management and perform those duties
6 prescribed by law for chief information officers of agen-
7 cies.

8 **SEC. 109. GENERAL COUNSEL.**

9 (a) IN GENERAL.—There shall be in the Department
10 a General Counsel, who shall be appointed by the Presi-
11 dent, by and with the advice and consent of the Senate.

12 (b) RESPONSIBILITIES.—The General Counsel
13 shall—

14 (1) serve as the chief legal officer of the De-
15 partment;

16 (2) provide legal assistance to the Secretary
17 concerning the programs and policies of the Depart-
18 ment; and

19 (3) advise and assist the Secretary in carrying
20 out the responsibilities under section 102(b).

21 **SEC. 110. CIVIL RIGHTS OFFICER.**

22 (a) IN GENERAL.—There shall be in the Department
23 a Civil Rights Officer, who shall be appointed by the Presi-
24 dent, by and with the advice and consent of the Senate.

1 (b) RESPONSIBILITIES.—The Civil Rights Officer
2 shall be responsible for—

3 (1) ensuring compliance with all civil rights and
4 related laws and regulations applicable to Depart-
5 ment employees and participants in Department pro-
6 grams;

7 (2) coordinating administration of all civil
8 rights and related laws and regulations within the
9 Department for Department employees and partici-
10 pants in Department programs;

11 (3) assisting the Secretary, directorates, and of-
12 fices with the development and implementation of
13 policies and procedures that ensure that civil rights
14 considerations are appropriately incorporated and
15 implemented in Department programs and activities;

16 (4) overseeing compliance with statutory and
17 constitutional requirements related to the civil rights
18 of individuals affected by the programs and activities
19 of the Department; and

20 (5) notifying the Inspector General of any mat-
21 ter that, in the opinion of the Civil Rights Officer,
22 warrants further investigation.

23 **SEC. 111. PRIVACY OFFICER.**

24 (a) IN GENERAL.—There shall be in the Department
25 a Privacy Officer, who shall be appointed by the Secretary.

1 (b) RESPONSIBILITIES.—The Privacy Officer shall—

2 (1) oversee compliance with section 552a of title
3 5, United States Code (commonly referred to as the
4 Privacy Act of 1974) and all other applicable laws
5 relating to the privacy of personal information;

6 (2) assist the Secretary, directorates, and of-
7 fices with the development and implementation of
8 policies and procedures that ensure that—

9 (A) privacy considerations and safeguards
10 are appropriately incorporated and implemented
11 in Department programs and activities; and

12 (B) any information received by the De-
13 partment is used or disclosed in a manner that
14 minimizes the risk of harm to individuals from
15 the inappropriate disclosure or use of such ma-
16 terials;

17 (3) assist Department personnel with the prepa-
18 ration of privacy impact assessments when required
19 by law or considered appropriate by the Secretary;
20 and

21 (4) notify the Inspector General of any matter
22 that, in the opinion of the Privacy Officer, warrants
23 further investigation.

1 **SEC. 112. CHIEF HUMAN CAPITAL OFFICER.**

2 (a) IN GENERAL.—The Secretary shall appoint or
3 designate a Chief Human Capital Officer, who shall—

4 (1) advise and assist the Secretary and other
5 officers of the Department in ensuring that the
6 workforce of the Department has the necessary skills
7 and training, and that the recruitment and retention
8 policies of the Department allow the Department to
9 attract and retain a highly qualified workforce, in
10 accordance with all applicable laws and require-
11 ments, to enable the Department to achieve its mis-
12 sions;

13 (2) oversee the implementation of the laws,
14 rules and regulations of the President and the Office
15 of Personnel Management governing the civil service
16 within the Department; and

17 (3) advise and assist the Secretary in planning
18 and reporting under the Government Performance
19 and Results Act of 1993 (including the amendments
20 made by that Act), with respect to the human cap-
21 ital resources and needs of the Department for
22 achieving the plans and goals of the Department.

23 (b) RESPONSIBILITIES.—The responsibilities of the
24 Chief Human Capital Officer shall include—

25 (1) setting the workforce development strategy
26 of the Department;

1 (2) assessing workforce characteristics and fu-
2 ture needs based on the mission and strategic plan
3 of the Department;

4 (3) aligning the human resources policies and
5 programs of the Department with organization mis-
6 sion, strategic goals, and performance outcomes;

7 (4) developing and advocating a culture of con-
8 tinuous learning to attract and retain employees
9 with superior abilities;

10 (5) identifying best practices and benchmarking
11 studies;

12 (6) applying methods for measuring intellectual
13 capital and identifying links of that capital to orga-
14 nizational performance and growth; and

15 (7) providing employee training and profes-
16 sional development.

17 **SEC. 113. OFFICE OF INTERNATIONAL AFFAIRS.**

18 (a) ESTABLISHMENT.—There is established within
19 the Office of the Secretary, an Office of International Af-
20 fairs. The Office shall be headed by a Director who shall
21 be appointed by the Secretary.

22 (b) RESPONSIBILITIES OF THE DIRECTOR.—The Di-
23 rector shall have the following responsibilities:

24 (1) To promote information and education ex-
25 change with foreign nations in order to promote

1 sharing of best practices and technologies relating to
2 homeland security. Such information exchange shall
3 include—

4 (A) joint research and development on
5 countermeasures;

6 (B) joint training exercises of first re-
7 sponders; and

8 (C) exchange of expertise on terrorism pre-
9 vention, response, and crisis management.

10 (2) To identify areas for homeland security in-
11 formation and training exchange.

12 (3) To plan and undertake international con-
13 ferences, exchange programs, and training activities.

14 (4) To manage activities under this section and
15 other international activities within the Department
16 in consultation with the Department of State and
17 other relevant Federal officials.

18 (5) To initially concentrate on fostering co-
19 operation with countries that are already highly fo-
20 cused on homeland security issues and that have
21 demonstrated the capability for fruitful cooperation
22 with the United States in the area of
23 counterterrorism.

1 **SEC. 114. EXECUTIVE SCHEDULE POSITIONS.**

2 (a) EXECUTIVE SCHEDULE LEVEL I POSITION.—

3 Section 5312 of title 5, United States Code, is amended
4 by adding at the end the following:

5 “Secretary of Homeland Security.”.

6 (b) EXECUTIVE SCHEDULE LEVEL II POSITION.—

7 Section 5313 of title 5, United States Code, is amended
8 by adding at the end the following:

9 “Deputy Secretary of Homeland Security.”.

10 (c) EXECUTIVE SCHEDULE LEVEL III POSITION.—

11 Section 5314 of title 5, United States Code, is amended
12 by adding at the end the following:

13 “Under Secretary for Management, Department
14 of Homeland Security.”.

15 (d) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—

16 Section 5315 of title 5, United States Code, is amended
17 by adding at the end the following:

18 “Assistant Secretaries of Homeland Security
19 (5).

20 “Inspector General, Department of Homeland
21 Security.

22 “Chief Financial Officer, Department of Home-
23 land Security.

24 “Chief Information Officer, Department of
25 Homeland Security.

1 “General Counsel, Department of Homeland
2 Security.”.

3 **Subtitle B—Establishment of**
4 **Directorates and Offices**

5 **SEC. 131. DIRECTORATE OF BORDER AND TRANSPOR-**
6 **TATION PROTECTION.**

7 (a) ESTABLISHMENT.—

8 (1) DIRECTORATE.—There is established within
9 the Department the Directorate of Border and
10 Transportation Protection.

11 (2) UNDER SECRETARY.—There shall be an
12 Under Secretary for Border and Transportation,
13 who shall be appointed by the President, by and
14 with the advice and consent of the Senate.

15 (b) RESPONSIBILITIES.—The Directorate of Border
16 and Transportation Protection shall be responsible for the
17 following:

18 (1) Securing the borders, territorial waters,
19 ports, terminals, waterways and air, land (including
20 rail), and sea transportation systems of the United
21 States, including coordinating governmental activi-
22 ties at ports of entry.

23 (2) Receiving and providing relevant intelligence
24 on threats of terrorism and other homeland threats.

1 (3) Administering, carrying out, and promoting
2 other established missions of the entities transferred
3 to the Directorate.

4 (4) Using intelligence from the Directorate of
5 Intelligence and other Federal intelligence organiza-
6 tions under section 132(a)(1)(B) to establish inspec-
7 tion priorities to identify products, including agri-
8 culture and livestock, and other goods imported from
9 suspect locations recognized by the intelligence com-
10 munity as having terrorist activities, unusual human
11 health or agriculture disease outbreaks, or harboring
12 terrorists.

13 (5) Providing agency-specific training for
14 agents and analysts within the Department, other
15 agencies, and State and local agencies and inter-
16 national entities that have established partnerships
17 with the Federal Law Enforcement Training Center.

18 (6) Performing such other duties as assigned by
19 the Secretary.

20 (c) TRANSFER OF AUTHORITIES, FUNCTIONS, PER-
21 SONNEL, AND ASSETS TO THE DEPARTMENT.—Except as
22 provided under subsection (d), the authorities, functions,
23 personnel, and assets of the following entities are trans-
24 ferred to the Department:

1 (1) The United States Customs Service, which
2 shall be maintained as a distinct entity within the
3 Department.

4 (2) The United States Coast Guard, which shall
5 be maintained as a distinct entity within the Depart-
6 ment.

7 (3) The Animal and Plant Health Inspection
8 Service of the Department of Agriculture, that por-
9 tion of which administers laws relating to agricul-
10 tural quarantine inspections at points of entry.

11 (4) The Transportation Security Administration
12 of the Department of Transportation.

13 (5) The Federal Law Enforcement Training
14 Center of the Department of the Treasury.

15 (d) EXERCISE OF CUSTOMS REVENUE AUTHOR-
16 ITY.—

17 (1) IN GENERAL.—

18 (A) AUTHORITIES NOT TRANSFERRED.—

19 Notwithstanding subsection (c), authority that
20 was vested in the Secretary of the Treasury by
21 law to issue regulations related to customs rev-
22 enue functions before the effective date of this
23 section under the provisions of law set forth
24 under paragraph (2) shall not be transferred to
25 the Secretary by reason of this Act. The Sec-

1 retary of the Treasury, with the concurrence of
2 the Secretary, shall exercise this authority. The
3 Commissioner of Customs is authorized to en-
4 gage in activities to develop and support the
5 issuance of the regulations described in this
6 paragraph. The Secretary shall be responsible
7 for the implementation and enforcement of reg-
8 ulations issued under this section.

9 (B) REPORT.—Not later than 60 days
10 after the date of enactment of this Act, the Sec-
11 retary of the Treasury shall submit a report to
12 the Committee on Finance of the Senate and
13 the Committee on Ways and Means of the
14 House of Representatives of proposed con-
15 forming amendments to the statutes set forth
16 under paragraph (2) in order to determine the
17 appropriate allocation of legal authorities de-
18 scribed under this subsection. The Secretary of
19 the Treasury shall also identify those authori-
20 ties vested in the Secretary of the Treasury
21 that are exercised by the Commissioner of Cus-
22 toms on or before the effective date of this sec-
23 tion.

24 (C) LIABILITY.—Neither the Secretary of
25 the Treasury nor the Department of the Treas-

1 ury shall be liable for or named in any legal ac-
2 tion concerning the implementation and en-
3 forcement of regulations issued under this para-
4 graph on or after the date on which the United
5 States Customs Service is transferred under
6 this division.

7 (2) APPLICABLE LAWS.—The provisions of law
8 referred to under paragraph (1) are those sections
9 of the following statutes that relate to customs rev-
10 enue functions:

11 (A) The Tariff Act of 1930 (19 U.S.C.
12 1304 et seq.).

13 (B) Section 249 of the Revised Statutes of
14 the United States (19 U.S.C. 3).

15 (C) Section 2 of the Act of March 4, 1923
16 (19 U.S.C. 6).

17 (D) Section 13031 of the Consolidated
18 Omnibus Budget Reconciliation Act of 1985
19 (19 U.S.C. 58c).

20 (E) Section 251 of the Revised Statutes of
21 the United States (19 U.S.C. 66).

22 (F) Section 1 of the Act of June 26, 1930
23 (19 U.S.C. 68).

24 (G) The Foreign Trade Zones Act (19
25 U.S.C. 81a et seq.).

1 (H) Section 1 of the Act of March 2, 1911
2 (19 U.S.C. 198).

3 (I) The Trade Act of 1974 (19 U.S.C.
4 2101 et seq.).

5 (J) The Trade Agreements Act of 1979
6 (19 U.S.C. 2502 et seq.).

7 (K) The North American Free Trade
8 Agreement Implementation Act (19 U.S.C.
9 3301 et seq.).

10 (L) The Uruguay Round Agreements Act
11 (19 U.S.C. 3501 et seq.).

12 (M) The Caribbean Basin Economic Re-
13 covery Act (19 U.S.C. 2701 et seq.).

14 (N) The Andean Trade Preference Act (19
15 U.S.C. 3201 et seq.).

16 (O) The African Growth and Opportunity
17 Act (19 U.S.C. 3701 et seq.).

18 (P) Any other provision of law vesting cus-
19 toms revenue functions in the Secretary of the
20 Treasury.

21 (3) DEFINITION OF CUSTOMS REVENUE FUNC-
22 TIONS.—In this subsection, the term “customs rev-
23 enue functions” means—

24 (A) assessing, collecting, and refunding du-
25 ties (including any special duties), excise taxes,

1 fees, and any liquidated damages or penalties
2 due on imported merchandise, including
3 classifying and valuing merchandise and the
4 procedures for “entry” as that term is defined
5 in the United States Customs laws;

6 (B) administering section 337 of the Tariff
7 Act of 1930 and provisions relating to import
8 quotas and the marking of imported merchan-
9 dise, and providing Customs Recordations for
10 copyrights, patents, and trademarks;

11 (C) collecting accurate import data for
12 compilation of international trade statistics; and

13 (D) administering reciprocal trade agree-
14 ments and trade preference legislation.

15 (e) PRESERVING COAST GUARD MISSION PERFORM-
16 ANCE.—

17 (1) DEFINITIONS.—In this subsection:

18 (A) NON-HOMELAND SECURITY MIS-
19 SIONS.—The term “non-homeland security mis-
20 sions” means the following missions of the
21 Coast Guard:

22 (i) Marine safety.

23 (ii) Search and rescue.

24 (iii) Aids to navigation.

1 (iv) Living marine resources (fisheries
2 law enforcement).

3 (v) Marine environmental protection.

4 (vi) Ice operations.

5 (B) HOMELAND SECURITY MISSIONS.—The
6 term “homeland security missions” means the
7 following missions of the Coast Guard:

8 (i) Ports, waterways and coastal secu-
9 rity.

10 (ii) Drug interdiction.

11 (iii) Migrant interdiction.

12 (iv) Defense readiness.

13 (v) Other law enforcement.

14 (2) MAINTENANCE OF STATUS OF FUNCTIONS
15 AND ASSETS.—Notwithstanding any other provision
16 of this Act, the authorities, functions, assets, organi-
17 zational structure, units, personnel, and non-home-
18 land security missions of the Coast Guard shall be
19 maintained intact and without reduction after the
20 transfer of the Coast Guard to the Department, ex-
21 cept as specified in subsequent Acts.

22 (3) CERTAIN TRANSFERS PROHIBITED.—None
23 of the missions, functions, personnel, and assets (in-
24 cluding for purposes of this subsection ships, air-
25 craft, helicopters, and vehicles) of the Coast Guard

1 may be transferred to the operational control of, or
2 diverted to the principal and continuing use of, any
3 other organization, unit, or entity of the Depart-
4 ment.

5 (4) CHANGES TO NON-HOMELAND SECURITY
6 MISSIONS.—

7 (A) PROHIBITION.—The Secretary may
8 not make any substantial or significant change
9 to any of the non-homeland security missions of
10 the Coast Guard, or to the capabilities of the
11 Coast Guard to carry out each of the non-home-
12 land security missions, without the prior ap-
13 proval of Congress as expressed in a subsequent
14 Act.

15 (B) WAIVER.—The President may waive
16 the restrictions under subparagraph (A) for a
17 period of not to exceed 90 days upon a declara-
18 tion and certification by the President to Con-
19 gress that a clear, compelling, and immediate
20 state of national emergency exists that justifies
21 such a waiver. A certification under this para-
22 graph shall include a detailed justification for
23 the declaration and certification, including the
24 reasons and specific information that dem-
25 onstrate that the Nation and the Coast Guard

1 cannot respond effectively to the national emer-
2 gency if the restrictions under subparagraph
3 (A) are not waived.

4 (5) ANNUAL REVIEW.—

5 (A) IN GENERAL.—The Inspector General
6 of the Department shall conduct an annual re-
7 view that shall assess thoroughly the perform-
8 ance by the Coast Guard of all missions of the
9 Coast Guard (including non-homeland security
10 missions and homeland security missions) with
11 a particular emphasis on examining the non-
12 homeland security missions.

13 (B) REPORT.—The report under this para-
14 graph shall be submitted not later than March
15 1 of each year to—

16 (i) the Committee on Governmental
17 Affairs of the Senate;

18 (ii) the Committee on Government Re-
19 form of the House of Representatives;

20 (iii) the Committees on Appropria-
21 tions of the Senate and the House of Rep-
22 resentatives;

23 (iv) the Committee on Commerce,
24 Science, and Transportation of the Senate;
25 and

1 (v) the Committee on Transportation
2 and Infrastructure of the House of Rep-
3 resentatives.

4 (6) DIRECT REPORTING TO SECRETARY.—Upon
5 the transfer of the Coast Guard to the Department,
6 the Commandant shall report directly to the Sec-
7 retary without being required to report through any
8 other official of the Department.

9 (7) OPERATION AS A SERVICE IN THE NAVY.—
10 None of the conditions and restrictions in this sub-
11 section shall apply when the Coast Guard operates
12 as a service in the Navy under section 3 of title 14,
13 United States Code.

14 **SEC. 132. DIRECTORATE OF INTELLIGENCE.**

15 (a) ESTABLISHMENT.—

16 (1) DIRECTORATE.—

17 (A) IN GENERAL.—There is established a
18 Directorate of Intelligence which shall serve as
19 a national-level focal point for information
20 available to the United States Government re-
21 lating to the plans, intentions, and capabilities
22 of terrorists and terrorist organizations for the
23 purpose of supporting the mission of the De-
24 partment.

1 (B) SUPPORT TO DIRECTORATE.—The Di-
2 rectorate of Intelligence shall communicate, co-
3 ordinate, and cooperate with—

4 (i) the Federal Bureau of Investiga-
5 tion;

6 (ii) the intelligence community, as de-
7 fined under section 3 of the National Secu-
8 rity Act of 1947 (50 U.S.C. 401a), includ-
9 ing the Office of the Director of Central
10 Intelligence, the National Intelligence
11 Council, the Central Intelligence Agency,
12 the National Security Agency, the Defense
13 Intelligence Agency, the National Imagery
14 and Mapping Agency, the National Recon-
15 naissance Office, and the Bureau of Intel-
16 ligence and Research of the Department of
17 State; and

18 (iii) other agencies or entities, includ-
19 ing those within the Department, as deter-
20 mined by the Secretary.

21 (C) INFORMATION ON INTERNATIONAL
22 TERRORISM.—

23 (i) DEFINITIONS.—In this subpara-
24 graph, the terms “foreign intelligence” and
25 “counterintelligence” shall have the mean-

1 ing given those terms in section 3 of the
2 National Security Act of 1947 (50 U.S.C.
3 401a).

4 (ii) PROVISION OF INFORMATION TO
5 COUNTERTERRORIST CENTER.—In order to
6 ensure that the Secretary is provided with
7 appropriate analytical products, assess-
8 ments, and warnings relating to threats of
9 terrorism against the United States and
10 other threats to homeland security, the Di-
11 rector of Central Intelligence (as head of
12 the intelligence community with respect to
13 foreign intelligence and counterintel-
14 ligence), the Attorney General, and the
15 heads of other agencies of the Federal
16 Government shall ensure that all intel-
17 ligence and other information relating to
18 international terrorism is provided to the
19 Director of Central Intelligence's
20 Counterterrorist Center.

21 (iii) ANALYSIS OF INFORMATION.—
22 The Director of Central Intelligence shall
23 ensure the analysis by the Counterterrorist
24 Center of all intelligence and other infor-

1 (ii) detect and identify threats of terrorism
2 against the United States and other threats to
3 homeland security.

4 (B) Nothing in this paragraph shall be con-
5 strued to prohibit the Directorate from conducting
6 supplemental analysis of foreign intelligence relating
7 to threats of terrorism against the United States
8 and other threats to homeland security.

9 (2) Ensuring timely and efficient access by the
10 Directorate to—

11 (A) information from agencies described
12 under subsection (a)(1)(B), State and local gov-
13 ernments, local law enforcement and intel-
14 ligence agencies, private sector entities; and

15 (B) open source information.

16 (3) Representing the Department in procedures
17 to establish requirements and priorities in the collec-
18 tion of national intelligence for purposes of the pro-
19 vision to the executive branch under section 103 of
20 the National Security Act of 1947 (50 U.S.C. 403–
21 3) of national intelligence relating to foreign ter-
22 rorist threats to the homeland.

23 (4) Consulting with the Attorney General or the
24 designees of the Attorney General, and other offi-
25 cials of the United States Government to establish

1 overall collection priorities and strategies for infor-
2 mation, including law enforcement information, re-
3 lating to domestic threats, such as terrorism, to the
4 homeland.

5 (5) Disseminating information to the Direc-
6 torate of Critical Infrastructure Protection, the
7 agencies described under subsection (a)(1)(B), State
8 and local governments, local law enforcement and in-
9 telligence agencies, and private sector entities to as-
10 sist in the deterrence, prevention, preemption, and
11 response to threats of terrorism against the United
12 States and other threats to homeland security.

13 (6) Establishing and utilizing, in conjunction
14 with the Chief Information Officer of the Depart-
15 ment and the appropriate officers of the agencies de-
16 scribed under subsection (a)(1)(B), a secure commu-
17 nications and information technology infrastructure,
18 and advanced analytical tools, to carry out the mis-
19 sion of the Directorate.

20 (7) Developing, in conjunction with the Chief
21 Information Officer of the Department and appro-
22 priate officers of the agencies described under sub-
23 section (a)(1)(B), appropriate software, hardware,
24 and other information technology, and security and
25 formatting protocols, to ensure that Federal Govern-

1 ment databases and information technology systems
2 containing information relevant to terrorist threats,
3 and other threats against the United States, are—

4 (A) compatible with the secure communica-
5 tions and information technology infrastructure
6 referred to under paragraph (6); and

7 (B) comply with Federal laws concerning
8 privacy and the prevention of unauthorized dis-
9 closure.

10 (8) Ensuring, in conjunction with the Director
11 of Central Intelligence and the Attorney General,
12 that all material received by the Department is pro-
13 tected against unauthorized disclosure and is utilized
14 by the Department only in the course and for the
15 purpose of fulfillment of official duties, and is trans-
16 mitted, retained, handled, and disseminated con-
17 sistent with—

18 (A) the authority of the Director of Cen-
19 tral Intelligence to protect intelligence sources
20 and methods from unauthorized disclosure
21 under the National Security Act of 1947 (50
22 U.S.C. 401 et seq.) and related procedures; or

23 (B) as appropriate, similar authorities of
24 the Attorney General concerning sensitive law
25 enforcement information, and the privacy inter-

1 ests of United States persons as defined under
2 section 101 of the Foreign Intelligence Surveil-
3 lance Act of 1978 (50 U.S.C. 1801).

4 (9) Providing, through the Secretary, to the ap-
5 propriate law enforcement or intelligence agency, in-
6 formation and analysis relating to threats.

7 (10) Coordinating, or where appropriate pro-
8 viding, training and other support as necessary to
9 providers of information to the Department, or con-
10 sumers of information from the Department, to
11 allow such providers or consumers to identify and
12 share intelligence information revealed in their ordi-
13 nary duties or utilize information received from the
14 Department, including training and support under
15 section 908 of the USA PATRIOT Act of 2001
16 (Public Law 107-56).

17 (11) Reviewing, analyzing, and making rec-
18 ommendations through the Secretary for improve-
19 ments in the policies and procedures governing the
20 sharing of law enforcement, intelligence, and other
21 information relating to threats of terrorism against
22 the United States and other threats to homeland se-
23 curity within the United States Government and be-
24 tween the United States Government and State and

1 local governments, local law enforcement and intel-
2 ligence agencies, and private sector entities.

3 (12) Assisting and supporting the Secretary in
4 conducting threat and vulnerability assessments and
5 risk analyses in coordination with other appropriate
6 entities, including the Office of Risk Analysis and
7 Assessment in the Directorate of Science and Tech-
8 nology.

9 (13) Performing other related and appropriate
10 duties as assigned by the Secretary.

11 (c) ACCESS TO INFORMATION.—

12 (1) IN GENERAL.—Unless otherwise directed by
13 the President, the Secretary shall have access to,
14 and United States Government agencies shall pro-
15 vide, all reports, assessments, analytical information,
16 and information, including unevaluated intelligence,
17 relating to the plans, intentions, capabilities, and ac-
18 tivities of terrorists and terrorist organizations, and
19 to other areas of responsibility as described in this
20 division, that may be collected, possessed, or pre-
21 pared, by any other United States Government agen-
22 cy.

23 (2) ADDITIONAL INFORMATION.—As the Presi-
24 dent may further provide, the Secretary shall receive
25 additional information requested by the Secretary

1 from the agencies described under subsection
2 (a)(1)(B).

3 (3) OBTAINING INFORMATION.—All information
4 shall be provided to the Secretary consistent with
5 the requirements of subsection (b)(8), unless other-
6 wise determined by the President.

7 (4) COOPERATIVE ARRANGEMENTS.—The Sec-
8 retary may enter into cooperative arrangements with
9 agencies described under subsection (a)(1)(B) to
10 share material on a regular or routine basis, includ-
11 ing arrangements involving broad categories of ma-
12 terial, and regardless of whether the Secretary has
13 entered into any such cooperative arrangement, all
14 agencies described under subsection (a)(1)(B) shall
15 promptly provide information under this subsection.

16 (d) AUTHORIZATION TO SHARE LAW ENFORCEMENT
17 INFORMATION.—The Secretary shall be deemed to be a
18 Federal law enforcement, intelligence, protective, national
19 defense, or national security official for purposes of infor-
20 mation sharing provisions of—

21 (1) section 203(d) of the USA PATRIOT Act
22 of 2001 (Public Law 107–56);

23 (2) section 2517(6) of title 18, United States
24 Code; and

1 (3) rule 6(e)(3)(C) of the Federal Rules of
2 Criminal Procedure.

3 (e) ADDITIONAL RESPONSIBILITIES.—The Under
4 Secretary for Intelligence shall also be responsible for—

5 (1) developing analysis concerning the means
6 terrorists might employ to exploit vulnerabilities in
7 the homeland security infrastructure;

8 (2) developing and conducting experiments,
9 tests, and inspections to test weaknesses in home-
10 land defenses;

11 (3) developing and practicing
12 countersurveillance techniques to prevent attacks;

13 (4) conducting risk assessments to determine
14 the risk posed by specific kinds of terrorist attacks,
15 the probability of successful attacks, and the feasi-
16 bility of specific countermeasures; and

17 (5) working with the Directorate of Critical In-
18 frastructure Protection, other offices and agencies in
19 the Department, other United States Government
20 agencies, State and local governments, local law en-
21 forcement and intelligence agencies, and private sec-
22 tor entities, to address vulnerabilities.

23 (f) MANAGEMENT AND STAFFING.—

24 (1) IN GENERAL.—The Directorate of Intel-
25 ligence shall be staffed, in part, by analysts as re-

1 requested by the Secretary and assigned by the agen-
2 cies described under subsection (a)(1)(B). The ana-
3 lysts shall be assigned by reimbursable detail for pe-
4 riods as determined necessary by the Secretary in
5 conjunction with the head of the assigning agency.
6 No such detail may be undertaken without the con-
7 sent of the assigning agency.

8 (2) EMPLOYEES ASSIGNED WITHIN DEPART-
9 MENT.—The Secretary may assign employees of the
10 Department by reimbursable detail to the Direc-
11 torate.

12 (3) SERVICE AS FACTOR FOR SELECTION.—The
13 President, or the designee of the President, shall
14 prescribe regulations to provide that service de-
15 scribed under paragraph (1) or (2), or service by
16 employees within the Directorate, shall be considered
17 a positive factor for selection to positions of greater
18 authority within all agencies described under sub-
19 section (a)(1)(B).

20 (4) PERSONNEL SECURITY STANDARDS.—The
21 employment of personnel in the Directorate shall be
22 in accordance with such personnel security standards
23 for access to classified information and intelligence
24 as the Secretary, in conjunction with the Director of

1 Central Intelligence, shall establish for this sub-
2 section.

3 (5) PERFORMANCE EVALUATION.—The Sec-
4 retary shall evaluate the performance of all per-
5 sonnel detailed to the Directorate, or delegate such
6 responsibility to the Under Secretary for Intel-
7 ligence.

8 (g) INTELLIGENCE COMMUNITY.—Those portions of
9 the Directorate of Intelligence under subsection (b)(1),
10 and the intelligence-related components of agencies trans-
11 ferred by this division to the Department, including the
12 United States Coast Guard, shall be—

13 (1) considered to be part of the United States
14 intelligence community within the meaning of section
15 3 of the National Security Act of 1947 (50 U.S.C.
16 401a); and

17 (2) for budgetary purposes, within the National
18 Foreign Intelligence Program.

19 **SEC. 133. DIRECTORATE OF CRITICAL INFRASTRUCTURE**
20 **PROTECTION.**

21 (a) ESTABLISHMENT.—

22 (1) DIRECTORATE.—There is established within
23 the Department the Directorate of Critical Infra-
24 structure Protection.

1 (2) UNDER SECRETARY.—There shall be an
2 Under Secretary for Critical Infrastructure Protec-
3 tion, who shall be appointed by the President, by
4 and with the advice and consent of the Senate.

5 (b) RESPONSIBILITIES.—The Directorate of Critical
6 Infrastructure Protection shall be responsible for the fol-
7 lowing:

8 (1) Receiving relevant intelligence from the Di-
9 rectorate of Intelligence, law enforcement informa-
10 tion, and other information in order to comprehen-
11 sively assess the vulnerabilities of the key resources
12 and critical infrastructures in the United States.

13 (2) Integrating relevant information, intel-
14 ligence analysis, and vulnerability assessments
15 (whether such information, analyses, or assessments
16 are provided by the Department or others) to iden-
17 tify priorities and support protective measures by
18 the Department, by other agencies, by State and
19 local government personnel, agencies, and authori-
20 ties, by the private sector, and by other entities, to
21 protect the key resources and critical infrastructures
22 in the United States.

23 (3) As part of the Strategy, developing a com-
24 prehensive national plan for securing the key re-

1 sources and critical infrastructure in the United
2 States.

3 (4) Establishing specialized research and anal-
4 ysis units for the purpose of processing intelligence
5 to identify vulnerabilities and protective measures
6 in—

7 (A) public health;

8 (B) food and water storage, production
9 and distribution;

10 (C) commerce systems, including banking
11 and finance;

12 (D) energy systems, including electric
13 power and oil and gas production and storage;

14 (E) transportation systems, including pipe-
15 lines;

16 (F) information and communication sys-
17 tems;

18 (G) continuity of government services; and

19 (H) other systems or facilities the destruc-
20 tion or disruption of which could cause substan-
21 tial harm to health, safety, property, or the en-
22 vironment.

23 (5) Enhancing the sharing of information re-
24 garding cyber security and physical security of the
25 United States, developing appropriate security

1 standards, tracking vulnerabilities, proposing im-
2 proved risk management policies, and delineating the
3 roles of various Government agencies in preventing,
4 defending, and recovering from attacks.

5 (6) Acting as the Critical Information Tech-
6 nology, Assurance, and Security Officer of the De-
7 partment and assuming the responsibilities carried
8 out by the Critical Infrastructure Assurance Office
9 and the National Infrastructure Protection Center
10 before the effective date of this division.

11 (7) Coordinating the activities of the Informa-
12 tion Sharing and Analysis Centers to share informa-
13 tion, between the public and private sectors, on
14 threats, vulnerabilities, individual incidents, and pri-
15 vacy issues regarding homeland security.

16 (8) Working closely with the Department of
17 State on cyber security issues with respect to inter-
18 national bodies and coordinating with appropriate
19 agencies in helping to establish cyber security policy,
20 standards, and enforcement mechanisms.

21 (9) Establishing the necessary organizational
22 structure within the Directorate to provide leader-
23 ship and focus on both cyber security and physical
24 security, and ensuring the maintenance of a nucleus

1 of cyber security and physical security experts within
2 the United States Government.

3 (10) Performing such other duties as assigned
4 by the Secretary.

5 (c) TRANSFER OF AUTHORITIES, FUNCTIONS, PER-
6 SONNEL, AND ASSETS TO THE DEPARTMENT.—The au-
7 thorities, functions, personnel, and assets of the following
8 entities are transferred to the Department:

9 (1) The Critical Infrastructure Assurance Of-
10 fice of the Department of Commerce.

11 (2) The National Infrastructure Protection
12 Center of the Federal Bureau of Investigation (other
13 than the Computer Investigations and Operations
14 Section).

15 (3) The National Communications System of
16 the Department of Defense.

17 (4) The Computer Security Division of the Na-
18 tional Institute of Standards and Technology of the
19 Department of Commerce.

20 (5) The National Infrastructure Simulation and
21 Analysis Center of the Department of Energy.

22 (6) The Federal Computer Incident Response
23 Center of the General Services Administration.

24 (7) The Energy Security and Assurance Pro-
25 gram of the Department of Energy.

1 (8) The Federal Protective Service of the Gen-
2 eral Services Administration.

3 **SEC. 134. DIRECTORATE OF EMERGENCY PREPAREDNESS**
4 **AND RESPONSE.**

5 (a) ESTABLISHMENT.—

6 (1) DIRECTORATE.—There is established within
7 the Department the Directorate of Emergency Pre-
8 paredness and Response.

9 (2) UNDER SECRETARY.—There shall be an
10 Under Secretary for Emergency Preparedness and
11 Response, who shall be appointed by the President,
12 by and with the advice and consent of the Senate.

13 (b) RESPONSIBILITIES.—The Directorate of Emer-
14 gency Preparedness and Response shall be responsible for
15 the following:

16 (1) Carrying out all emergency preparedness
17 and response activities carried out by the Federal
18 Emergency Management Agency before the effective
19 date of this division.

20 (2) Assuming the responsibilities carried out by
21 the National Domestic Preparedness Office before
22 the effective date of this division.

23 (3) Organizing and training local entities to re-
24 spond to emergencies and providing State and local
25 authorities with equipment for detection, protection,

1 and decontamination in an emergency involving
2 weapons of mass destruction.

3 (4) Overseeing Federal, State, and local emer-
4 gency preparedness training and exercise programs
5 in keeping with intelligence estimates and providing
6 a single staff for Federal assistance for any emer-
7 gency, including emergencies caused by natural dis-
8 asters, manmade accidents, human or agricultural
9 health emergencies, or terrorist attacks.

10 (5) Creating a National Crisis Action Center to
11 act as the focal point for—

12 (A) monitoring emergencies;

13 (B) notifying affected agencies and State
14 and local governments; and

15 (C) coordinating Federal support for State
16 and local governments and the private sector in
17 crises.

18 (6) Managing and updating the Federal re-
19 sponse plan to ensure the appropriate integration of
20 operational activities of the Department of Defense,
21 the National Guard, and other agencies, to respond
22 to acts of terrorism and other disasters.

23 (7) Coordinating activities among private sector
24 entities, including entities within the medical com-
25 munity, and animal health and plant disease com-

1 munities, with respect to recovery, consequence man-
2 agement, and planning for continuity of services.

3 (8) Developing and managing a single response
4 system for national incidents in coordination with all
5 appropriate agencies.

6 (9) Coordinating with other agencies necessary
7 to carry out the functions of the Office of Emer-
8 gency Preparedness.

9 (10) Collaborating with, and transferring funds
10 to, the Centers for Disease Control and Prevention
11 or other agencies for administration of the Strategic
12 National Stockpile transferred under subsection
13 (c)(5).

14 (11) Consulting with the Under Secretary for
15 Science and Technology, Secretary of Agriculture,
16 and the Director of the Centers for Disease Control
17 and Prevention in establishing and updating the list
18 of potential threat agents or toxins relating to the
19 functions of the Select Agent Registration Program
20 transferred under subsection (c)(6).

21 (12) Developing a plan to address the interface
22 of medical informatics and the medical response to
23 terrorism that address—

24 (A) standards for interoperability;

25 (B) real-time data collection;

1 (C) ease of use for health care providers;

2 (D) epidemiological surveillance of disease

3 outbreaks in human health and agriculture;

4 (E) integration of telemedicine networks
5 and standards;

6 (F) patient confidentiality; and

7 (G) other topics pertinent to the mission of
8 the Department.

9 (13) Activate and coordinate the operations of
10 the National Disaster Medical System as defined
11 under section 102 of the Public Health Security and
12 Bioterrorism Preparedness and Response Act of
13 2002 (Public Law 107–188).

14 (14) Performing such other duties as assigned
15 by the Secretary.

16 (c) TRANSFER OF AUTHORITIES, FUNCTIONS, PER-
17 SONNEL, AND ASSETS TO THE DEPARTMENT.—The au-
18 thorities, functions, personnel, and assets of the following
19 entities are transferred to the Department:

20 (1) The Federal Emergency Management Agen-
21 cy, the 10 regional offices of which shall be main-
22 tained and strengthened by the Department, which
23 shall be maintained as a distinct entity within the
24 Department.

1 (2) The National Office of Domestic Prepared-
2 ness of the Federal Bureau of Investigation of the
3 Department of Justice.

4 (3) The Office of Domestic Preparedness of the
5 Department of Justice.

6 (4) The Office of Emergency Preparedness
7 within the Office of the Assistant Secretary for Pub-
8 lic Health Emergency Preparedness of the Depart-
9 ment of Health and Human Services, including—

10 (A) the Noble Training Center;

11 (B) the Metropolitan Medical Response
12 System;

13 (C) the Department of Health and Human
14 Services component of the National Disaster
15 Medical System;

16 (D) the Disaster Medical Assistance
17 Teams, the Veterinary Medical Assistance
18 Teams, and the Disaster Mortuary Operational
19 Response Teams;

20 (E) the special events response; and

21 (F) the citizen preparedness programs.

22 (5) The Strategic National Stockpile of the De-
23 partment of Health and Human Services including
24 all functions and assets under sections 121 and 127
25 of the Public Health Security and Bioterrorism Pre-

1 paredness and Response Act of 2002 (Public Law
2 107–188).

3 (6) The functions of the Select Agent Registra-
4 tion Program of the Department of Health and
5 Human Services and the United States Department
6 of Agriculture, including all functions of the Sec-
7 retary of Health and Human Services and the Sec-
8 retary of Agriculture under sections 201 through
9 221 of the Public Health Security and Bioterrorism
10 Preparedness and Response Act of 2002 (Public
11 Law 107–188).

12 (d) APPOINTMENT AS UNDER SECRETARY AND DI-
13 RECTOR.—

14 (1) IN GENERAL.—An individual may serve as
15 both the Under Secretary for Emergency Prepared-
16 ness and Response and the Director of the Federal
17 Emergency Management Agency if appointed by the
18 President, by and with the advice and consent of the
19 Senate, to each office.

20 (2) PAY.—Nothing in paragraph (1) shall be
21 construed to authorize an individual appointed to
22 both positions to receive pay at a rate of pay in ex-
23 cess of the rate of pay payable for the position to
24 which the higher rate of pay applies.

1 (e) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Under Secretary for Emer-
3 gency Preparedness and Response shall submit a report
4 to Congress on the status of a national medical
5 informatics system and an agricultural disease surveil-
6 lance system, and the capacity of such systems to meet
7 the goals under subsection (b)(12) in responding to a ter-
8 rorist attack.

9 **SEC. 135. DIRECTORATE OF SCIENCE AND TECHNOLOGY.**

10 (a) PURPOSE.—The purpose of this section is to es-
11 tablish a Directorate of Science and Technology that will
12 support the mission of the Department and the direc-
13 torates of the Department by—

14 (1) establishing, funding, managing, and sup-
15 porting research, development, demonstration, test-
16 ing, and evaluation activities to meet national home-
17 land security needs and objectives;

18 (2) setting national research and development
19 goals and priorities pursuant to the mission of the
20 Department, and developing strategies and policies
21 in furtherance of such goals and priorities;

22 (3) coordinating and collaborating with other
23 Federal departments and agencies, and State, local,
24 academic, and private sector entities, to advance the

1 research and development agenda of the Depart-
2 ment;

3 (4) advising the Secretary on all scientific and
4 technical matters relevant to homeland security; and

5 (5) facilitating the transfer and deployment of
6 technologies that will serve to enhance homeland se-
7 curity goals.

8 (b) DEFINITIONS.—In this section:

9 (1) COUNCIL.—The term “Council” means the
10 Homeland Security Science and Technology Council
11 established under this section.

12 (2) FUND.—The term “Fund” means the Ac-
13 celeration Fund for Research and Development of
14 Homeland Security Technologies established under
15 this section.

16 (3) HOMELAND SECURITY RESEARCH AND DE-
17 VELOPMENT.—The term “homeland security re-
18 search and development” means research and devel-
19 opment applicable to the detection of, prevention of,
20 protection against, response to, and recovery from
21 homeland security threats, particularly acts of ter-
22 rorism.

23 (4) OSTP.—The term “OSTP” means the Of-
24 fice of Science and Technology Policy.

1 (5) SARPA.—The term “SARPA” means the
2 Security Advanced Research Projects Agency estab-
3 lished under this section.

4 (6) TECHNOLOGY ROADMAP.—The term “tech-
5 nology roadmap” means a plan or framework in
6 which goals, priorities, and milestones for desired fu-
7 ture technological capabilities and functions are es-
8 tablished, and research and development alternatives
9 or means for achieving those goals, priorities, and
10 milestones are identified and analyzed in order to
11 guide decisions on resource allocation and invest-
12 ments.

13 (7) UNDER SECRETARY.—The term “Under
14 Secretary” means the Under Secretary for Science
15 and Technology.

16 (c) DIRECTORATE OF SCIENCE AND TECHNOLOGY.—

17 (1) ESTABLISHMENT.—There is established a
18 Directorate of Science and Technology within the
19 Department.

20 (2) UNDER SECRETARY.—There shall be an
21 Under Secretary for Science and Technology, who
22 shall be appointed by the President, by and with the
23 advice and consent of the Senate. The principal re-
24 sponsibility of the Under Secretary shall be to effec-
25 tively and efficiently carry out the purposes of the

1 Directorate of Science and Technology under sub-
2 section (a). In addition, the Under Secretary shall
3 undertake the following activities in furtherance of
4 such purposes:

5 (A) Coordinating with the OSTP, the Of-
6 fice, and other appropriate entities in devel-
7 oping and executing the research and develop-
8 ment agenda of the Department.

9 (B) Developing a technology roadmap that
10 shall be updated biannually for achieving tech-
11 nological goals relevant to homeland security
12 needs.

13 (C) Instituting mechanisms to promote, fa-
14 cilitate, and expedite the transfer and deploy-
15 ment of technologies relevant to homeland secu-
16 rity needs, including dual-use capabilities.

17 (D) Assisting the Secretary and the Direc-
18 tor of OSTP to ensure that science and tech-
19 nology priorities are clearly reflected and con-
20 sidered in the Strategy developed under title
21 III.

22 (E) Establishing mechanisms for the shar-
23 ing and dissemination of key homeland security
24 research and technology developments and op-

1 portunities with appropriate Federal, State,
2 local, and private sector entities.

3 (F) Establishing, in coordination with the
4 Under Secretary for Critical Infrastructure
5 Protection and the Under Secretary for Emer-
6 gency Preparedness and Response and relevant
7 programs under their direction, a National
8 Emergency Technology Guard, comprised of
9 teams of volunteers with expertise in relevant
10 areas of science and technology, to assist local
11 communities in responding to and recovering
12 from emergency contingencies requiring special-
13 ized scientific and technical capabilities. In car-
14 rying out this responsibility, the Under Sec-
15 retary shall establish and manage a database of
16 National Emergency Technology Guard volun-
17 teers, and prescribe procedures for organizing,
18 certifying, mobilizing, and deploying National
19 Emergency Technology Guard teams.

20 (G) Chairing the Working Group estab-
21 lished under section 108 of the Public Health
22 Security and Bioterrorism Preparedness and
23 Response Act of 2002 (Public Law 107–188).

1 (H) Assisting the Secretary in developing
2 the Strategy for Countermeasure Research de-
3 scribed under subsection (k).

4 (I) Assisting the Secretary and acting on
5 behalf of the Secretary in contracting with,
6 commissioning, or establishing federally funded
7 research and development centers determined
8 useful and appropriate by the Secretary for the
9 purpose of providing the Department with inde-
10 pendent analysis and support.

11 (J) Assisting the Secretary and acting on
12 behalf of the Secretary in entering into joint
13 sponsorship agreements with the Department of
14 Energy regarding the use of the national lab-
15 oratories or sites.

16 (K) Carrying out other appropriate activi-
17 ties as directed by the Secretary.

18 (3) RESEARCH AND DEVELOPMENT-RELATED
19 AUTHORITIES.—The Secretary shall exercise the fol-
20 lowing authorities relating to the research, develop-
21 ment, testing, and evaluation activities of the Direc-
22 torate of Science and Technology:

23 (A) With respect to research and develop-
24 ment expenditures under this section, the au-
25 thority (subject to the same limitations and

1 conditions) as the Secretary of Defense may ex-
2 ercise under section 2371 of title 10, United
3 States Code (except for subsections (b) and (f)),
4 for a period of 5 years beginning on the date
5 of enactment of this Act. Competitive, merit-
6 based selection procedures shall be used for the
7 selection of projects and participants for trans-
8 actions entered into under the authority of this
9 paragraph. The annual report required under
10 subsection (h) of such section, as applied to the
11 Secretary by this subparagraph, shall—

12 (i) be submitted to the President of
13 the Senate, the Speaker of the House of
14 Representatives, the Committee on Govern-
15 mental Affairs of the Senate, the Com-
16 mittee on Government Reform of the
17 House of Representatives, the Committee
18 on Appropriations of the Senate, and the
19 Committee on Appropriations of the House
20 of Representatives; and

21 (ii) report on other transactions en-
22 tered into under subparagraph (B).

23 (B) Authority to carry out prototype
24 projects in accordance with the requirements
25 and conditions provided for carrying out proto-

1 type projects under section 845 of the National
2 Defense Authorization Act for Fiscal Year 1994
3 (Public Law 103–160), for a period of 5 years
4 beginning on the date of enactment of this Act.
5 In applying the authorities of such section 845,
6 subsection (c) of that section shall apply with
7 respect to prototype projects under this para-
8 graph, and the Secretary shall perform the
9 functions of the Secretary of Defense under
10 subsection (d) of that section. Competitive,
11 merit-based selection procedures shall be used
12 for the selection of projects and participants for
13 transactions entered into under the authority of
14 this paragraph.

15 (C) In hiring personnel to assist in re-
16 search, development, testing, and evaluation ac-
17 tivities within the Directorate of Science and
18 Technology, the authority to exercise the per-
19 sonnel hiring and management authorities de-
20 scribed in section 1101 of the Strom Thurmond
21 National Defense Authorization Act for Fiscal
22 Year 1999 (5 U.S.C. 3104 note; Public Law
23 105–261), with the stipulation that the Sec-
24 retary shall exercise such authority for a period
25 of 7 years commencing on the date of enact-

1 ment of this Act, that a maximum of 100 per-
2 sons may be hired under such authority, and
3 that the term of appointment for employees
4 under subsection (c)(1) of that section may not
5 exceed 5 years before the granting of any exten-
6 sions under subsection (c)(2) of that section.

7 (D) With respect to such research, develop-
8 ment, testing, and evaluation responsibilities
9 under this section (except as provided in sub-
10 paragraph (E)) as the Secretary may elect to
11 carry out through agencies other than the De-
12 partment (under agreements with their respec-
13 tive heads), the Secretary may transfer funds to
14 such heads. Of the funds authorized to be ap-
15 propriated under subsection (d)(4) for the
16 Fund, not less than 10 percent of such funds
17 for each fiscal year through 2005 shall be au-
18 thorized only for the Under Secretary, through
19 joint agreement with the Commandant of the
20 Coast Guard, to carry out research and develop-
21 ment of improved ports, waterways, and coastal
22 security surveillance and perimeter protection
23 capabilities for the purpose of minimizing the
24 possibility that Coast Guard cutters, aircraft,
25 helicopters, and personnel will be diverted from

1 non-homeland security missions to the ports,
2 waterways, and coastal security mission.

3 (E) The Secretary may carry out human
4 health biodefense-related biological, biomedical,
5 and infectious disease research and development
6 (including vaccine research and development) in
7 collaboration with the Secretary of Health and
8 Human Services. Research supported by fund-
9 ing appropriated to the National Institutes of
10 Health for bioterrorism research and related fa-
11 cilities development shall be conducted through
12 the National Institutes of Health under joint
13 strategic prioritization agreements between the
14 Secretary and the Secretary of Health and
15 Human Services. The Secretary shall have the
16 authority to establish general research prior-
17 ities, which shall be embodied in the joint stra-
18 tegic prioritization agreements with the Sec-
19 retary of Health and Human Services. The spe-
20 cific scientific research agenda to implement
21 agreements under this subparagraph shall be
22 developed by the Secretary of Health and
23 Human Services, who shall consult the Sec-
24 retary to ensure that the agreements conform
25 with homeland security priorities. All research

1 programs established under those agreements
2 shall be managed and awarded by the Director
3 of the National Institutes of Health consistent
4 with those agreements. The Secretary may
5 transfer funds to the Department of Health and
6 Human Services in connection with those agree-
7 ments.

8 (d) ACCELERATION FUND.—

9 (1) ESTABLISHMENT.—There is established an
10 Acceleration Fund to support research and develop-
11 ment of technologies relevant to homeland security.

12 (2) FUNCTION.—The Fund shall be used to
13 stimulate and support research and development
14 projects selected by SARPA under subsection (f),
15 and to facilitate the rapid transfer of research and
16 technology derived from such projects.

17 (3) RECIPIENTS.—Fund monies may be made
18 available through grants, contracts, cooperative
19 agreements, and other transactions under subsection

20 (c)(3) (A) and (B) to—

21 (A) public sector entities, including Fed-
22 eral, State, or local entities;

23 (B) private sector entities, including cor-
24 porations, partnerships, or individuals; and

1 (C) other nongovernmental entities, includ-
2 ing universities, federally funded research and
3 development centers, and other academic or re-
4 search institutions.

5 (4) AUTHORIZATION OF APPROPRIATIONS.—
6 There are authorized to be appropriated
7 \$200,000,000 for the Fund for fiscal year 2003, and
8 such sums as are necessary in subsequent fiscal
9 years.

10 (e) SCIENCE AND TECHNOLOGY COUNCIL.—

11 (1) ESTABLISHMENT.—There is established the
12 Homeland Security Science and Technology Council
13 within the Directorate of Science and Technology.
14 The Under Secretary shall chair the Council and
15 have the authority to convene meetings. At the dis-
16 cretion of the Under Secretary and the Director of
17 OSTP, the Council may be constituted as a sub-
18 committee of the National Science and Technology
19 Council.

20 (2) COMPOSITION.—The Council shall be com-
21 posed of the following:

22 (A) Senior research and development offi-
23 cials representing agencies engaged in research
24 and development relevant to homeland security
25 and combating terrorism needs. Each represent-

1 ative shall be appointed by the head of the rep-
2 resentative's respective agency with the advice
3 and consent of the Under Secretary.

4 (B) The Director of SARPA and other ap-
5 propriate officials within the Department.

6 (C) The Director of the OSTP and other
7 senior officials of the Executive Office of the
8 President as designated by the President.

9 (3) RESPONSIBILITIES.—The Council shall—

10 (A) provide the Under Secretary with rec-
11 ommendations on priorities and strategies, in-
12 cluding those related to funding and portfolio
13 management, for homeland security research
14 and development;

15 (B) facilitate effective coordination and
16 communication among agencies, other entities
17 of the Federal Government, and entities in the
18 private sector and academia, with respect to the
19 conduct of research and development related to
20 homeland security;

21 (C) recommend specific technology areas
22 for which the Fund and other research and de-
23 velopment resources shall be used, among other
24 things, to rapidly transition homeland security
25 research and development into deployed tech-

1 nology and reduce identified homeland security
2 vulnerabilities;

3 (D) assist and advise the Under Secretary
4 in developing the technology roadmap referred
5 to under subsection (c)(2)(B); and

6 (E) perform other appropriate activities as
7 directed by the Under Secretary.

8 (4) ADVISORY PANEL.—The Under Secretary
9 may establish an advisory panel consisting of rep-
10 resentatives from industry, academia, and other non-
11 Federal entities to advise and support the Council.

12 (5) WORKING GROUPS.—At the discretion of
13 the Under Secretary, the Council may establish
14 working groups in specific homeland security areas
15 consisting of individuals with relevant expertise in
16 each articulated area. Working groups established
17 for bioterrorism and public health-related research
18 shall be fully coordinated with the Working Group
19 established under section 108 of the Public Health
20 Security and Bioterrorism Preparedness and Re-
21 sponse Act of 2002 (Public Law 107–188).

22 (f) SECURITY ADVANCED RESEARCH PROJECTS
23 AGENCY.—

1 (1) ESTABLISHMENT.—There is established the
2 Security Advanced Research Projects Agency within
3 the Directorate of Science and Technology.

4 (2) RESPONSIBILITIES.—SARPA shall—

5 (A) undertake and stimulate basic and ap-
6 plied research and development, leverage exist-
7 ing research and development, and accelerate
8 the transition and deployment of technologies
9 that will serve to enhance homeland defense;

10 (B) identify, fund, develop, and transition
11 high-risk, high-payoff homeland security re-
12 search and development opportunities that—

13 (i) may lie outside the purview or ca-
14 pabilities of the existing Federal agencies;
15 and

16 (ii) emphasize revolutionary rather
17 than evolutionary or incremental advances;

18 (C) provide selected projects with single or
19 multiyear funding, and require such projects to
20 provide interim progress reports, no less often
21 than annually;

22 (D) administer the Acceleration Fund to
23 carry out the purposes of this paragraph;

1 (E) advise the Secretary and Under Sec-
2 retary on funding priorities under subsection
3 (c)(3)(E); and

4 (F) perform other appropriate activities as
5 directed by the Under Secretary.

6 (g) OFFICE OF RISK ANALYSIS AND ASSESSMENT .—

7 (1) ESTABLISHMENT.—There is established an
8 Office of Risk Analysis and Assessment within the
9 Directorate of Science and Technology.

10 (2) FUNCTIONS.—The Office of Risk Analysis
11 and Assessment shall—

12 (A) assist the Under Secretary in con-
13 ducting or commissioning studies related to
14 threat assessment and risk analysis,
15 including—

16 (i) analysis of responses to terrorist
17 incidents;

18 (ii) scenario-based threat assessment
19 exercises and simulations;

20 (iii) red teaming to predict and dis-
21 cern the potential methods, means, and
22 targets of terrorists; and

23 (iv) economic and policy analyses of
24 alternative counterterrorism policies;

1 (B) coordinate with other entities engaged
2 in threat assessment and risk analysis, includ-
3 ing those within the Department, such as the
4 Directorate of Intelligence;

5 (C) monitor and evaluate novel scientific
6 findings in order to assist the Under Secretary
7 in developing and reassessing the research and
8 development priorities of the Department;

9 (D) design metrics to evaluate the effec-
10 tiveness of homeland security programs;

11 (E) support the Directorate of Emergency
12 Preparedness and Response in designing field
13 tests and exercises; and

14 (F) perform other appropriate activities as
15 directed by the Under Secretary.

16 (h) OFFICE FOR TECHNOLOGY EVALUATION AND
17 TRANSITION.—

18 (1) ESTABLISHMENT.—There is established an
19 Office for Technology Evaluation and Transition
20 within the Directorate of Science and Technology.

21 (2) FUNCTION.—The Office for Technology
22 Evaluation and Transition shall, with respect to
23 technologies relevant to homeland security needs—

24 (A) serve as the principal, national point-
25 of-contact and clearinghouse for receiving and

1 processing proposals or inquiries regarding such
2 technologies;

3 (B) identify and evaluate promising new
4 technologies;

5 (C) undertake testing and evaluation of,
6 and assist in transitioning, such technologies
7 into deployable, fielded systems;

8 (D) consult with and advise agencies re-
9 garding the development, acquisition, and de-
10 ployment of such technologies;

11 (E) coordinate with SARPA to accelerate
12 the transition of technologies developed by
13 SARPA and ensure transition paths for such
14 technologies; and

15 (F) perform other appropriate activities as
16 directed by the Under Secretary.

17 (3) TECHNICAL SUPPORT WORKING GROUP.—

18 The functions described under this subsection may
19 be carried out through, or in coordination with, or
20 through an entity established by the Secretary and
21 modeled after, the Technical Support Working
22 Group (organized under the April, 1982, National
23 Security Decision Directive Numbered 30) that pro-
24 vides an interagency forum to coordinate research

1 and development of technologies for combating ter-
2 rorism.

3 (i) OFFICE OF LABORATORY RESEARCH.—

4 (1) ESTABLISHMENT.—There is established an
5 Office of Laboratory Research within the Direc-
6 torate of Science and Technology.

7 (2) RESEARCH AND DEVELOPMENT FUNCTIONS
8 TRANSFERRED.—There shall be transferred to the
9 Department, to be administered by the Under Sec-
10 retary, the functions, personnel, assets, and liabil-
11 ities of the following programs and activities:

12 (A) Within the Department of Energy (but
13 not including programs and activities relating
14 to the strategic nuclear defense posture of the
15 United States) the following:

16 (i) The chemical and biological na-
17 tional security and supporting programs
18 and activities supporting domestic response
19 of the nonproliferation and verification re-
20 search and development program.

21 (ii) The nuclear smuggling programs
22 and activities, and other programs and ac-
23 tivities directly related to homeland secu-
24 rity, within the proliferation detection pro-
25 gram of the nonproliferation and

1 verification research and development pro-
2 gram, except that the programs and activi-
3 ties described in this clause may be des-
4 ignated by the President either for transfer
5 to the Department or for joint operation
6 by the Secretary and the Secretary of En-
7 ergy.

8 (iii) The nuclear assessment program
9 and activities of the assessment, detection,
10 and cooperation program of the inter-
11 national materials protection and coopera-
12 tion program.

13 (iv) The Environmental Measure-
14 ments Laboratory.

15 (B) Within the Department of Defense,
16 the National Bio-Weapons Defense Analysis
17 Center established under section 161.

18 (3) RESPONSIBILITIES.—The Office of Labora-
19 tory Research shall—

20 (A) supervise the activities of the entities
21 transferred under this subsection;

22 (B) administer the disbursement and un-
23 dertake oversight of research and development
24 funds transferred from the Department to other
25 agencies outside of the Department, including

1 funds transferred to the Department of Health
2 and Human Services consistent with subsection
3 (c)(3)(E);

4 (C) establish and direct new research and
5 development facilities as the Secretary deter-
6 mines appropriate;

7 (D) include a science advisor to the Under
8 Secretary on research priorities related to bio-
9 logical and chemical weapons, with supporting
10 scientific staff, who shall advise on and support
11 research priorities with respect to—

12 (i) research on countermeasures for
13 biological weapons, including research on
14 the development of drugs, devices, and bio-
15 logics; and

16 (ii) research on biological and chem-
17 ical threat agents; and

18 (E) other appropriate activities as directed
19 by the Under Secretary.

20 (j) OFFICE FOR NATIONAL LABORATORIES.—

21 (1) ESTABLISHMENT.—There is established
22 within the Directorate of Science and Technology an
23 Office for National Laboratories, which shall be re-
24 sponsible for the coordination and utilization of the
25 Department of Energy national laboratories and

1 sites in a manner to create a networked laboratory
2 system for the purpose of supporting the missions of
3 the Department.

4 (2) JOINT SPONSORSHIP ARRANGEMENTS.—

5 (A) NATIONAL LABORATORIES.—The De-
6 partment may be a joint sponsor, under a mul-
7 tiple agency sponsorship arrangement with the
8 Department of Energy, of 1 or more Depart-
9 ment of Energy national laboratories in the per-
10 formance of work on behalf of the Department.

11 (B) DEPARTMENT OF ENERGY SITE.—The
12 Department may be a joint sponsor of Depart-
13 ment of Energy sites in the performance of
14 work as if such sites were federally funded re-
15 search and development centers and the work
16 were performed under a multiple agency spon-
17 sorship arrangement with the Department.

18 (C) PRIMARY SPONSOR.—The Department
19 of Energy shall be the primary sponsor under
20 a multiple agency sponsorship arrangement en-
21 tered into under subparagraph (A) or (B).

22 (D) CONDITIONS.—A joint sponsorship ar-
23 rangement under this subsection shall—

24 (i) provide for the direct funding and
25 management by the Department of the

1 work being carried out on behalf of the
2 Department; and

3 (ii) include procedures for addressing
4 the coordination of resources and tasks to
5 minimize conflicts between work under-
6 taken on behalf of either Department.

7 (E) LEAD AGENT AND FEDERAL ACQUISITION REGULATION.—
8

9 (i) LEAD AGENT.—The Secretary of
10 Energy shall act as the lead agent in co-
11 ordinating the formation and performance
12 of a joint sponsorship agreement between
13 the Department and a Department of En-
14 ergy national laboratory or site for work on
15 homeland security.

16 (ii) COMPLIANCE WITH FEDERAL AC-
17 QUISSION REGULATION.—Any work per-
18 formed by a national laboratory or site
19 under this section shall comply with the
20 policy on the use of federally funded re-
21 search and development centers under sec-
22 tion 35.017 of the Federal Acquisition
23 Regulation.

24 (F) FUNDING.—The Department shall
25 provide funds for work at the Department of

1 Energy national laboratories or sites, as the
2 case may be, under this section under the same
3 terms and conditions as apply to the primary
4 sponsor of such national laboratory under sec-
5 tion 303(b)(1)(C) of the Federal Property and
6 Administrative Services Act of 1949 (41 U.S.C.
7 253 (b)(1)(C)) or of such site to the extent
8 such section applies to such site as a federally
9 funded research and development center by rea-
10 son of subparagraph (B).

11 (3) OTHER ARRANGEMENTS.—The Office for
12 National Laboratories may enter into other arrange-
13 ments with Department of Energy national labora-
14 tories or sites to carry out work to support the mis-
15 sions of the Department under applicable law, except
16 that the Department of Energy may not charge or
17 apply administrative fees for work on behalf of the
18 Department.

19 (4) TECHNOLOGY TRANSFER.—The Office for
20 National Laboratories may exercise the authorities
21 in section 12 of the Stevenson-Wydler Technology
22 Innovation Act of 1980 (15 U.S.C. 3710a) to permit
23 the Director of a Department of Energy national
24 laboratory to enter into cooperative research and de-
25 velopment agreements, or to negotiate licensing

1 agreements, pertaining to work supported by the De-
2 partment at the Department of Energy national lab-
3 oratory.

4 (5) ASSISTANCE IN ESTABLISHING DEPART-
5 MENT.—At the request of the Under Secretary, the
6 Department of Energy shall provide for the tem-
7 porary appointment or assignment of employees of
8 Department of Energy national laboratories or sites
9 to the Department for purposes of assisting in the
10 establishment or organization of the technical pro-
11 grams of the Department through an agreement
12 that includes provisions for minimizing conflicts be-
13 tween work assignments of such personnel.

14 (k) STRATEGY FOR COUNTERMEASURE RESEARCH.—

15 (1) IN GENERAL.—The Secretary, acting
16 through the Under Secretary for Science and Tech-
17 nology, shall develop a comprehensive, long-term
18 strategy and plan for engaging non-Federal entities,
19 particularly including private, for-profit entities, in
20 the research, development, and production of home-
21 land security countermeasures for biological, chem-
22 ical, and radiological weapons.

23 (2) TIMEFRAME.—The strategy and plan under
24 this subsection, together with recommendations for
25 the enactment of supporting or enabling legislation,

1 shall be submitted to the Congress within 270 days
2 after the date of enactment of this Act.

3 (3) COORDINATION.—In developing the strategy
4 and plan under this subsection, the Secretary shall
5 consult with—

6 (A) other agencies with expertise in re-
7 search, development, and production of counter-
8 measures;

9 (B) private, for-profit entities and entre-
10 preneurs with appropriate expertise and tech-
11 nology regarding countermeasures;

12 (C) investors that fund such entities;

13 (D) nonprofit research universities and in-
14 stitutions;

15 (E) public health and other interested pri-
16 vate sector and government entities; and

17 (F) governments allied with the United
18 States in the war on terrorism.

19 (4) PURPOSE.—The strategy and plan under
20 this subsection shall evaluate proposals to assure
21 that—

22 (A) research on countermeasures by non-
23 Federal entities leads to the expeditious devel-
24 opment and production of countermeasures that

1 may be procured and deployed in the homeland
2 security interests of the United States;

3 (B) capital is available to fund the ex-
4 penses associated with such research, develop-
5 ment, and production, including Government
6 grants and contracts and appropriate capital
7 formation tax incentives that apply to non-Fed-
8 eral entities with and without tax liability;

9 (C) the terms for procurement of such
10 countermeasures are defined in advance so that
11 such entities may accurately and reliably assess
12 the potential countermeasures market and the
13 potential rate of return;

14 (D) appropriate intellectual property, risk
15 protection, and Government approval standards
16 are applicable to such countermeasures;

17 (E) Government-funded research is con-
18 ducted and prioritized so that such research
19 complements, and does not unnecessarily dupli-
20 cate, research by non-Federal entities and that
21 such Government-funded research is made
22 available, transferred, and licensed on commer-
23 cially reasonable terms to such entities for de-
24 velopment; and

1 (F) universities and research institutions
2 play a vital role as partners in research and de-
3 velopment and technology transfer, with appro-
4 priate progress benchmarks for such activities,
5 with for-profit entities.

6 (5) REPORTING.—The Secretary shall report
7 periodically to the Congress on the status of non-
8 Federal entity countermeasure research, develop-
9 ment, and production, and submit additional rec-
10 ommendations for legislation as needed.

11 (1) CLASSIFICATION OF RESEARCH.—

12 (1) IN GENERAL.—To the greatest extent prac-
13 ticable, research conducted or supported by the De-
14 partment shall be unclassified.

15 (2) CLASSIFICATION AND REVIEW.—The Under
16 Secretary shall—

17 (A)(i) decide whether classification is ap-
18 propriate before the award of a research grant,
19 contract, cooperative agreement, or other trans-
20 action by the Department; and

21 (ii) if the decision under clause (i) is one
22 of classification, control the research results
23 through standard classification procedures; and

24 (B) periodically review all classified re-
25 search grants, contracts, cooperative agree-

1 ments, and other transactions issued by the De-
2 partment to determine whether classification is
3 still necessary.

4 (3) RESTRICTIONS.—No restrictions shall be
5 placed upon the conduct or reporting of federally
6 funded fundamental research that has not received
7 national security classification, except as provided
8 under applicable provisions of law.

9 (m) OFFICE OF SCIENCE AND TECHNOLOGY POL-
10 ICY.—The National Science and Technology Policy, Orga-
11 nization, and Priorities Act is amended—

12 (1) in section 204(b)(1) (42 U.S.C.
13 6613(b)(1)), by inserting “homeland security,” after
14 “national security,”; and

15 (2) in section 208(a)(1) (42 U.S.C.
16 6617(a)(1)), by inserting “the National Office for
17 Combating Terrorism,” after “National Security
18 Council,”.

19 **SEC. 136. DIRECTORATE OF IMMIGRATION AFFAIRS.**

20 The Directorate of Immigration Affairs shall be es-
21 tablished and shall carry out all functions of that Direc-
22 torate in accordance with division B of this Act.

1 **SEC. 137. OFFICE FOR STATE AND LOCAL GOVERNMENT**
2 **COORDINATION.**

3 (a) **ESTABLISHMENT.**—There is established within
4 the Office of the Secretary the Office for State and Local
5 Government Coordination, to oversee and coordinate de-
6 partmental programs for and relationships with State and
7 local governments.

8 (b) **RESPONSIBILITIES.**—The Office established
9 under subsection (a) shall—

10 (1) coordinate the activities of the Department
11 relating to State and local government;

12 (2) assess, and advocate for, the resources
13 needed by State and local government to implement
14 the national strategy for combating terrorism;

15 (3) provide State and local government with
16 regular information, research, and technical support
17 to assist local efforts at securing the homeland; and

18 (4) develop a process for receiving meaningful
19 input from State and local government to assist the
20 development of the national strategy for combating
21 terrorism and other homeland security activities.

22 (c) **HOMELAND SECURITY LIAISON OFFICERS.**—

23 (1) **CHIEF HOMELAND SECURITY LIAISON OFFI-**
24 **CER.**—

25 (A) **APPOINTMENT.**—The Secretary shall
26 appoint a Chief Homeland Security Liaison Of-

1 ficer to coordinate the activities of the Home-
2 land Security Liaison Officers, designated
3 under paragraph (2).

4 (B) ANNUAL REPORT.—The Chief Home-
5 land Security Liaison Officer shall prepare an
6 annual report, that contains—

7 (i) a description of the State and local
8 priorities in each of the 50 States based on
9 discovered needs of first responder organi-
10 zations, including law enforcement agen-
11 cies, fire and rescue agencies, medical pro-
12 viders, emergency service providers, and
13 relief agencies;

14 (ii) a needs assessment that identifies
15 homeland security functions in which the
16 Federal role is duplicative of the State or
17 local role, and recommendations to de-
18 crease or eliminate inefficiencies between
19 the Federal Government and State and
20 local entities;

21 (iii) recommendations to Congress re-
22 garding the creation, expansion, or elimi-
23 nation of any program to assist State and
24 local entities to carry out their respective
25 functions under the Department; and

1 (iv) proposals to increase the coordi-
2 nation of Department priorities within
3 each State and between the States.

4 (2) HOMELAND SECURITY LIAISON OFFICERS.—

5 (A) DESIGNATION.—The Secretary shall
6 designate in each State not less than 1 em-
7 ployee of the Department to—

8 (i) serve as the Homeland Security
9 Liaison Officer in that State; and

10 (ii) provide coordination between the
11 Department and State and local first re-
12 sponders, including—

13 (I) law enforcement agencies;

14 (II) fire and rescue agencies;

15 (III) medical providers;

16 (IV) emergency service providers;

17 and

18 (V) relief agencies.

19 (B) DUTIES.—Each Homeland Security
20 Liaison Officer designated under subparagraph

21 (A) shall—

22 (i) ensure coordination between the
23 Department and—

24 (I) State, local, and community-
25 based law enforcement;

1 (II) fire and rescue agencies; and

2 (III) medical and emergency re-

3 lief organizations;

4 (ii) identify State and local areas re-
5 quiring additional information, training,
6 resources, and security;

7 (iii) provide training, information, and
8 education regarding homeland security for
9 State and local entities;

10 (iv) identify homeland security func-
11 tions in which the Federal role is duplica-
12 tive of the State or local role, and rec-
13 ommend ways to decrease or eliminate in-
14 efficiencies;

15 (v) assist State and local entities in
16 priority setting based on discovered needs
17 of first responder organizations, including
18 law enforcement agencies, fire and rescue
19 agencies, medical providers, emergency
20 service providers, and relief agencies;

21 (vi) assist the Department to identify
22 and implement State and local homeland
23 security objectives in an efficient and pro-
24 ductive manner; and

1 (vii) serve as a liaison to the Depart-
2 ment in representing State and local prior-
3 ities and concerns regarding homeland se-
4 curity.

5 (d) FEDERAL INTERAGENCY COMMITTEE ON FIRST
6 RESPONDERS.—

7 (1) IN GENERAL.—There is established an
8 Interagency Committee on First Responders, that
9 shall—

10 (A) ensure coordination among the Federal
11 agencies involved with—

12 (i) State, local, and community-based
13 law enforcement;

14 (ii) fire and rescue operations; and

15 (iii) medical and emergency relief
16 services;

17 (B) identify community-based law enforce-
18 ment, fire and rescue, and medical and emer-
19 gency relief services needs;

20 (C) recommend new or expanded grant
21 programs to improve community-based law en-
22 forcement, fire and rescue, and medical and
23 emergency relief services;

24 (D) identify ways to streamline the process
25 through which Federal agencies support com-

1 community-based law enforcement, fire and rescue,
2 and medical and emergency relief services; and

3 (E) assist in priority setting based on dis-
4 covered needs.

5 (2) MEMBERSHIP.—The Interagency Com-
6 mittee on First Responders shall be composed of—

7 (A) the Chief Homeland Security Liaison
8 Officer of the Department;

9 (B) a representative of the Health Re-
10 sources and Services Administration of the De-
11 partment of Health and Human Services;

12 (C) a representative of the Centers for Dis-
13 ease Control and Prevention of the Department
14 of Health and Human Services;

15 (D) a representative of the Federal Emer-
16 gency Management Agency of the Department;

17 (E) a representative of the United States
18 Coast Guard of the Department;

19 (F) a representative of the Department of
20 Defense;

21 (G) a representative of the Office of Do-
22 mestic Preparedness of the Department;

23 (H) a representative of the Directorate of
24 Immigration Affairs of the Department;

1 (I) a representative of the Transportation
2 Security Agency of the Department;

3 (J) a representative of the Federal Bureau
4 of Investigation of the Department of Justice;
5 and

6 (K) representatives of any other Federal
7 agency identified by the President as having a
8 significant role in the purposes of the Inter-
9 agency Committee on First Responders.

10 (3) ADMINISTRATION.—The Department shall
11 provide administrative support to the Interagency
12 Committee on First Responders and the Advisory
13 Council, which shall include—

14 (A) scheduling meetings;

15 (B) preparing agenda;

16 (C) maintaining minutes and records;

17 (D) producing reports; and

18 (E) reimbursing Advisory Council mem-
19 bers.

20 (4) LEADERSHIP.—The members of the Inter-
21 agency Committee on First Responders shall select
22 annually a chairperson.

23 (5) MEETINGS.—The Interagency Committee
24 on First Responders shall meet—

1 (A) at the call of the Chief Homeland Se-
2 curity Liaison Officer of the Department; or

3 (B) not less frequently than once every 3
4 months.

5 (e) ADVISORY COUNCIL FOR THE FEDERAL INTER-
6 AGENCY COMMITTEE ON FIRST RESPONDERS.—

7 (1) ESTABLISHMENT.—There is established an
8 Advisory Council for the Federal Interagency Com-
9 mittee on First Responders (in this section referred
10 to as the “Advisory Council”).

11 (2) MEMBERSHIP.—

12 (A) IN GENERAL.—The Advisory Council
13 shall be composed of not more than 13 mem-
14 bers, selected by the Interagency Committee on
15 First Responders.

16 (B) REPRESENTATION.—The Interagency
17 Committee on First Responders shall ensure
18 that the membership of the Advisory Council
19 represents—

20 (i) the law enforcement community;

21 (ii) fire and rescue organizations;

22 (iii) medical and emergency relief
23 services; and

24 (iv) both urban and rural commu-
25 nities.

1 (3) CHAIRPERSON.—The Advisory Council shall
2 select annually a chairperson from among its mem-
3 bers.

4 (4) COMPENSATION OF MEMBERS.—The mem-
5 bers of the Advisory Council shall serve without
6 compensation, but shall be eligible for reimburse-
7 ment of necessary expenses connected with their
8 service to the Advisory Council.

9 (5) MEETINGS.—The Advisory Council shall
10 meet with the Interagency Committee on First Re-
11 sponders not less frequently than once every 3
12 months.

13 **SEC. 138. UNITED STATES SECRET SERVICE.**

14 There are transferred to the Department the authori-
15 ties, functions, personnel, and assets of the United States
16 Secret Service, which shall be maintained as a distinct en-
17 tity within the Department.

18 **SEC. 139. BORDER COORDINATION WORKING GROUP.**

19 (a) DEFINITIONS.—In this section:

20 (1) BORDER SECURITY FUNCTIONS.—The term
21 “border security functions” means the securing of
22 the borders, territorial waters, ports, terminals, wa-
23 terways, and air, land, and sea transportation sys-
24 tems of the United States.

1 (2) RELEVANT AGENCIES.—The term “relevant
2 agencies” means any department or agency of the
3 United States that the President determines to be
4 relevant to performing border security functions.

5 (b) ESTABLISHMENT.—The Secretary shall establish
6 a border security working group (in this section referred
7 to as the “Working Group”), composed of the Secretary
8 or the designee of the Secretary, the Under Secretary for
9 Border and Transportation Protection, and the Under
10 Secretary for Immigration Affairs.

11 (c) FUNCTIONS.—The Working Group shall meet not
12 less frequently than once every 3 months and shall—

13 (1) with respect to border security functions,
14 develop coordinated budget requests, allocations of
15 appropriations, staffing requirements, communica-
16 tion, use of equipment, transportation, facilities, and
17 other infrastructure;

18 (2) coordinate joint and cross-training pro-
19 grams for personnel performing border security
20 functions;

21 (3) monitor, evaluate and make improvements
22 in the coverage and geographic distribution of bor-
23 der security programs and personnel;

24 (4) develop and implement policies and tech-
25 nologies to ensure the speedy, orderly, and efficient

1 flow of lawful traffic, travel and commerce, and en-
2 hanced scrutiny for high-risk traffic, travel, and
3 commerce; and

4 (5) identify systemic problems in coordination
5 encountered by border security agencies and pro-
6 grams and propose administrative, regulatory, or
7 statutory changes to mitigate such problems.

8 (d) RELEVANT AGENCIES.—The Secretary shall con-
9 sult representatives of relevant agencies with respect to
10 deliberations under subsection (c), and may include rep-
11 resentatives of such agencies in Working Group delibera-
12 tions, as appropriate.

13 **SEC. 140. EXECUTIVE SCHEDULE POSITIONS.**

14 Section 5314 of title 5, United States Code, is
15 amended by adding at the end the following:

16 “Under Secretary for Border and Transpor-
17 tation, Department of Homeland Security.

18 “Under Secretary for Critical Infrastructure
19 Protection, Department of Homeland Security.

20 “Under Secretary for Emergency Preparedness
21 and Response, Department of Homeland Security.

22 “Under Secretary for Immigration, Department
23 of Homeland Security.

24 “Under Secretary for Intelligence, Department
25 of Homeland Security.

- 1 “Under Secretary for Science and Technology,
- 2 Department of Homeland Security.”.