



Committee on
HOMELAND SECURITY
Chairman Peter T. King

**SECTION BY SECTION ANALYSIS FOR THE
DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT OF 2012**

TITLE I – MANAGEMENT AND EFFICIENCY

- Sec. 101. Under Secretary for Policy.** This section authorizes the Under Secretary of Policy for the Department of Homeland Security (hereafter, “DHS” or “the Department”), clarifies that role as the principal policy advisor to the Secretary and codifies related responsibilities.
- Sec. 102. Countering homegrown radicalization and violent Islamist extremism.** This section requires the Secretary to designate a specific official as the Department’s coordinator for domestic radicalization efforts.
- Sec. 103. Direct Line Authority for Chief Operating Officers.** This section authorizes those executives who serve as the chief operating officers of the Department, and requires that those officers have direct line authority over their counterparts in each of the DHS components. The goal of providing this direct authority is to better coordinate the missions and operations of the components.
- Sec. 104. DHS Office of International Affairs.** In response to a report by the Inspector General on challenges facing the DHS Office of International Affairs, this section authorizes the DHS Office of International Affairs, as well as the Assistant Secretary who oversees the Office, and requires mechanisms to better coordinate the Department’s overall international activities carried out by the various components. DHS components, with limited exceptions, would be responsible for advising the Assistant Secretary of their international negotiations and travel of senior officers, and for providing an inventory of their assets and personnel deployed overseas.
- Sec. 105. Assistant Secretary of Health Affairs.** This section authorizes the Assistant Secretary of Health Affairs as the Chief Medical Officer of the Department and establishes qualifications and responsibilities pertaining to medical preparedness and bio-defense.
- Sec. 106. Department of Homeland Security Reorganization Authority.** This section limits the Department’s ability to reorganize the Department in contrast with any

structure required by statute, unless the President determines that reorganization is necessitated by a threat to homeland security.

- Sec. 107. Elimination of the Office of Domestic Preparedness.** This section eliminates a duplicative office within the Department.
- Sec. 108. Quadrennial Homeland Security Review.** This section modifies the requirements of the QHSR to require the Department to examine more broadly the scope of the Department's homeland security functions, identify efficiencies and waste, and integrate planning.
- Sec. 109. Development of Canine Standards.** This section requires that the Secretary develop and implement accreditation and certification standards for explosives detection canine teams owned or funded by the Department.

Title II – Department of Homeland Security Acquisition Policy

- Sec. 201. Department of Homeland Security Acquisition and Procurement Review.** This section requires the Secretary, acting through an Acquisition Review Board, to perform a quarterly review of the Department's proposed acquisitions and procurements to strengthen oversight and improve resource management.
- Sec. 202. Capabilities and Requirements Council.** This section requires the Department to create a Council of currently serving DHS personnel that would serve as an advisory body to the Acquisition Review Board established under Section 201 and recommend investments for the Secretary and seek to harmonize investment strategies across the Department.
- Sec. 203. Acquisition Authorities for the Under Secretary for Management.** This section seeks to strengthen the accountability of DHS procurement by establishing the Under Secretary for Management as the official responsible for directing the Department's acquisition programs. The section also requires the Under Secretary to support the mission of DHS through a risk-based acquisition strategy.
- Sec. 204. Acquisition Professional Career Program.** This section permits the Department to establish a career program that provides training for acquisition professionals and requires them to rotate through various components of the Department in order to integrate the Department's procurement functions. Participants in the program are limited to 100 participants per year over the next three fiscal years.
- Sec. 205. Strategic Plan for an Acquisition Workforce.** This section would require the Department to project what staffing will be required for specific procurement needs.
- Sec. 206. Notification to Congress of Major Awards.** This section requires the Department to notify Congress three -days prior to awarding a contract valued in

excess of \$1 million, unless the Secretary determines that the notification would create a delay that would threaten homeland security.

- Sec. 207. Independent Verification and Valuation.** This section requires the Chief Procurement Officer to create a transparent acquisition process that provides guidance on DHS criteria for independently evaluating its acquisition contracts.
- Sec. 208. Other Transaction Authority.** This section extends, until 2016, the Secretary's authority to initiate research and development projects using "other transaction authority," which enables DHS to expedite the Federal procurement process in instances where a need exists to introduce innovative technology without delay.
- Sec. 209. Report on Competition.** This section requires the Department to report to Congress on the total number of contracts awarded by DHS without full and open competition or that were awarded under open competition but received only one offer, and to provide analysis of the instances where open competition was not used.

Title III – Department of Homeland Security Intelligence and Analysis

- Sec. 301. Department of Homeland Security National Network of Fusion Centers Initiative.** This section requires the Secretary to coordinate and support Federal efforts for the National Network of Fusion Centers Initiative; codifies the Department as the primary Federal contact for the Network; and mandates support for training and grant guidance. To further that effort, the Secretary would prioritize personnel from U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the U.S. Coast Guard for deployment to fusion centers, as well as TSA personnel to major urban area fusion centers located in high-risk jurisdictions with mass transit systems. To facilitate grant guidance, the FEMA Administrator would be required to enter into a memorandum of understanding with the Under Secretary for I&A that delineates the roles and responsibilities of their respective organizations.
- Sec. 302. Homeland Security Information Networks Sharing Development.** This section requires the Secretary to develop a strategy for coordinating the development of unclassified, sensitive but unclassified, and classified information sharing computer networks of the Department, which incorporates the current operations of the Homeland Security Information Network; the Homeland Secure Data Network; and the Homeland Top Secret Network. The strategy would address cost estimates, acquisition schedules and systems requirements.
- Sec. 303. Authority for Flexible Management at the Office of Intelligence and Analysis (I&A).** This section provides DHS I&A with greater flexibility to hire for positions pertaining to the intelligence functions in the Department.

Title IV — The 9/11 Review Commission Act

Sec. 401-11. This title, which is based on H.R. 2623, authorizes a commission to re-examine the findings of the National Commission on Terrorist Attacks Against the United States and review the challenges in carrying its recommendations. In addition, the 9/11 Review Commission would investigate whether additional factors contributed to the terrorist attacks of September 11, 2001.

Title V — Preparedness

Subtitle A – WMD Preparedness and Response

Sec. 501. Homeland Biodefense Strategy. This section requires the Secretary to issue a Departmental biodefense strategy at least once every four years, and submit that strategy to Congress. The strategy will clarify the responsibilities of the Department, catalogue its capabilities and assets, and be used to prioritize Department investments in biodefense. The section requires the Secretary to conduct an annual review of the plan.

Sec. 502. Weapons of Mass Destruction Intelligence and Information Sharing. This section requires DHS Intelligence and Analysis to support analysis of terrorist actors pertaining to chemical, biological, radiological, and nuclear (CBRN) materials, global infectious disease, public health, and food, agricultural, and veterinary issues. The Department will be required to leverage existing and emerging homeland security capabilities, such as fusion centers, and share information with State and local partners.

Sec. 503. Risk Assessments. This section requires the Secretary, in coordination with other Federal agencies, to produce and periodically update a risk assessment for CBRN threats and to rank them comparatively to one another. The Secretary would convene an interagency task force of experts to provide analysis and ensure the assessments are being conducted optimally. The assessments would inform the Department's material threat assessments and determinations, as well as medical countermeasure activities.

Sec. 504. Individual and Community Preparedness. This section requires the FEMA Administrator to provide guidance for and promote individual, State and local preparedness against terrorist attacks involving CBRN materials.

Sec. 505. Detection of Biological Threats. This section requires the Secretary to carry out a program that deploys detection capabilities for biological attacks. The program would require the Secretary to enter into memoranda of agreement with relevant

Federal agencies to delineate roles and responsibilities, and would also require a cost-benefit analysis of any new technology under consideration.

Sec. 506. Rapid Biological Threat Detection and Identification at the Ports of Entry. This section requires the Under Secretary for S&T to assess the need for screening capabilities for biological agents, pandemic influenza, and other infectious diseases to be deployed at ports of entry.

Sec. 507. Communications Planning. This section requires the FEMA Administrator to develop a plan for informing the public about CBRN attacks, including the development of pre-scripted messages for rapid dissemination of critical information.

Sec. 508. Response Guidelines Concerning Weapons of Mass Destruction. This section requires the Secretary to issue voluntary guidance for first responders and State and local authorities on response activities for CBRN attacks.

Sec. 509. Plume Modeling. This section requires the Secretary to develop, disseminate and provide training for integrated plume models, which will predict the dispersion of agents following a CBRN attack and would enable rapid response activities.

Sec. 510. Disaster Recovery. This section would establish three new provisions to the Homeland Security Act of 2002 to enhance disaster recovery:

- i. Identifying and Addressing Gaps in Recovery Capabilities.** This provision requires the Secretary to conduct a risk assessment to prioritize CBRN recovery activities.
- ii. Recovery from CBRN Attacks and Incidents.** This provision requires the Secretary to develop guidance for the clean-up and restoration of areas, including subways and other mass transportation facilities, from exposure to CBRN materials, in consultation with State and locals, other Federal agencies, non-governmental organizations and the private sector.
- iii. Exercises.** This provision requires the Secretary to develop CBRN recovery exercises.

Subtitle B - Grants

Sec. 521. Sense of Congress. This section expresses the Sense of Congress will express that continued support of homeland security grant programs is necessary to ensure that State and local governments build and sustain necessary capabilities to prevent, prepare for, and respond to terrorist attacks.

Sec. 522. Use of Grant Funds for Projects Conducted in Conjunction with a National Laboratory or Research Facility. This section would allow FEMA grantees to work with a national lab when designing, conducting, and evaluating training and exercises.

- Sec. 523. Notification of Homeland Security Grant Awards.** This section requires FEMA to provide notification to Congress on grant funding awards not less than 3 days prior to announcing those grants publicly.
- Sec. 524. Transparency in Homeland Security Grant Funding.** This section requires FEMA to designate an Authorization Liaison Officer who must provide regular reporting to Congress on grant funding. It also requires the FEMA Assistant Administrator to report on FEMA's efforts to develop measures and metrics for grant programs.
- Sec. 525. Metropolitan Medical Response System.** This section authorizes the Metropolitan Medical Response System Program, which assists State and local governments in preparing for and responding to public health and mass casualty incidents resulting from acts of terrorism, natural disasters, and other man-made disasters.
- Sec. 526. Transit Security Grant Program (TSGP).** This section would permit law enforcement with the primary responsibility for securing a transit system to apply directly for transit grants and allows 50 percent of transit grant funding to be used for operational expenses.

Subtitle C – Communications

- Sec. 541. Sense of Congress regarding interoperability.** This section calls for the improvement of public safety communications and the construction of a first responder interoperable communications network.
- Sec. 542. Roles and responsibilities with respect to policy and guidance for communications-related expenditures with grant funds.** This section calls for the establishment of a memorandum of understanding (MOU) between the Office of Emergency Communications (OEC) and FEMA. This MOU shall focus on communications related expenses with regard to grant funds.

Subtitle D – Miscellaneous Provisions

- Sec. 561. Audit of the National Level Exercises.** This section directs the DHS Inspector General to conduct an audit of the expenses associated with National Level Exercises and FEMA's application of lessons learned.
- Sec. 562. FEMA Report to Congress on Sourcing and Distribution of Disaster Response Goods and Services.** This section requires FEMA to report on how it has reduced waste and sought efficiencies for purchasing disaster goods and services.
- Sec. 563. Rural Resilience Initiative.** This section authorizes currently existing research into methods to enhance preparation for terrorist events in rural areas.

Sec. 564. National Domestic Preparedness Consortium. This section reauthorizes the current activities of the NDPC.

Sec. 565. Technical Correction. This Section authorizes the Administrator of FEMA to carry out certain FEMA-related functions that were previously limited to the Secretary.

Title VI– Border Security

Sec. 601. Definitions. Terms defined include “operational control” for the border.

Sec. 602. Strategy to Achieve Operational Control of the Border. This section is comprised of H.R. 1299, the Secure Border Act of 2011, which was introduced by Chairwoman Miller and reported out of the Full Committee on September 21, 2011. This section directs the Secretary to submit to Congress a comprehensive strategy for gaining operational control of the borders and ports of entry within five years.

Sec. 603. Maintaining Border Patrol Staffing. This section authorizes the current level of Border Patrol staffing as a floor for the next two fiscal years.

Sec. 604. Jaime Zapata Border Enforcement Security Task Force. This section is comprised of H.R. 916, “The Jaime Zapata Border Enforcement Security Task Force Act,” which was introduced by Chairman McCaul and Rep. Cuellar. This section would establish a Border Enforcement Security Task Force (BEST) program to reduce drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across U.S. borders by creating task-force units of several Federal, State, local and international law enforcement agencies.

Sec. 605. Cost Effective Training for Border Patrol Agents. This section requires a review of the training curricula for Border Patrol agents with regard to effectiveness and efficiency.

Sec. 606. Border Security on Certain Federal Lands. This section would grant U.S. Customs and Border Protection access to Federal lands for security activities, including routine motorized patrols and the deployment of temporary tactical infrastructure.

Sec. 607. Border Security Infrastructure and Technology. This section requires the Commissioner of Customs and Border Protection to collaborate with DHS S&T to identify equipment that would detect tunnels, the use of unauthorized vehicles, low-flying aircraft, unmanned vehicles and unlawful entries between the ports of entry.

Sec. 608. Northern Border Canine Teams. This section would require DHS to deploy canine enforcement teams to at least five ports of entry for not less than one year.

- Sec. 609. Unmanned Vehicles Pilot Program.** This section would authorize a test of the effectiveness of autonomous unmanned vehicles patrolling the maritime and land environments of the northern border.
- Sec. 610. Report on Unmanned Aerial Vehicles.** This section requires the Government Accountability Office to submit a report that analyzes various costs and missions of aviation assets, including unmanned aerial vehicles, used by CBP and the Coast Guard.
- Sec. 611. Student Visa Security Improvement.** This section is derived from Chairman Bilirakis' Student Visa Security Improvement Act (H.R. 1211) and directs the Secretary to review applications and conduct in-person interviews where appropriate of the student and exchange program visa applicants to determine whether an applicant is inadmissible due to terrorist-related activities. Participating schools in the Student and Exchange Visitor Program must ensure that each covered student or exchange visitor is an active program participant and is reported to DHS if he or she transfers institutions or academic majors. This provision also introduces reforms to the Student and Exchange Visitor Information System (SEVIS).
- Sec. 612. Authorization of APEC Cards.** This section would grant the Department the authority to issue Asia-Pacific Economic Cooperation Business Travel cards, which would provide fee-based frequent traveler cards for travelers to and from certain Asian nations.

Title VII – Science and Technology

Subtitle A — Directorate of Science and Technology

- Sec. 701. Directorate of Science and Technology Strategic Plan.** This section requires the Under Secretary for DHS S&T to submit to Congress a strategy that provides guidance for S&T activities and incorporates other previously issued strategic guidance.
- Sec. 702. 5-year Research and Development Plan.** This section requires the Under Secretary for DHS S&T to develop, and revise every 5 years, a research and development plan for DHS S&T. DHS S&T would report to Congress on its progress toward implementing the plan when the President submits his annual budget request.
- Sec. 703. Identification and Prioritization of Research Requirements.** This section requires the Under Secretary for DHS S&T to implement a process that prioritizes funding for homeland security research and development activities.
- Sec. 704. Research and Development Progress.** This section requires the Under Secretary for DHS S&T to monitor the progress of the research and development and

testing activities. The Under Secretary would establish project milestones, keep customers updated on progress, and collaborate with outside experts to evaluate projects.

- Sec. 705. Acquisition and Operations Support.** This section requires the Under Secretary of DHS S&T to provide a science-based, analytic capability across the Department to examine major acquisition programs, define technological gaps and examine alternatives. This section would further require the Under Secretary to establish a systematic process to assess technological risks.
- Sec. 706. Office of Test and Evaluation.** This section would establish an Office of Test and Evaluation Standards within DHS S&T. This Office would prescribe test and evaluation policies for the Department, evaluate major acquisition programs and accredit test facilities.
- Sec. 707. Availability of Testing Facilities and Equipment.** This section authorizes the Under Secretary to make available, for a fee, federally owned testing facilities operated by the Department for the testing of materials, equipment, models, computer software, and other items designed to advance homeland security.
- Sec. 708. Bioforensics Capabilities.** This section authorizes the National Bioforensics Analysis Center, which provides law enforcement with forensic examination of bioterror agents and related evidence, and integrates bioforensics requirements for counterterrorism, homeland security, law enforcement, and emergency response. The NBFAC will require that other Executive Agencies reimburse it for services, rather than rely on Congressional appropriations. By requiring a fee system, there would be greater oversight of costs by the agencies contracting for services.
- Sec. 709. Homeland Security Science and Technology Fellows Program.** This section authorizes a fellowship program which would place scientists in components of the Department for up to two years.
- Sec. 710. Homeland Security Science and Technology Advisory Committee.** This section would authorize an Advisory Committee within DHS S&T to make recommendations regarding research areas of potential importance and DHS S&T's strategic plan.
- Sec. 711. Federally Funded Research and Development Centers.** This section requires the Secretary to ensure that the Department's conflict of interest policies address employees of federally funded research and development centers who could materially influence research findings or agency decision-making.
- Sec. 712. Criteria for Designation as a University-Based Center for Homeland Security.** This section would allow universities with expertise in medical readiness training and research, community resiliency and healthcare critical infrastructure to apply for designation as a DHS Center of Excellence.
- Sec. 713. Authority for flexible personnel management at the Science and Technology**

Directorate. This section provides the S&T directorate with the authority to expedite hiring of personnel who require advanced scientific degrees, but limited to 5 percent of the overall scientific workforce.

Subtitle B—Domestic Nuclear Detection Office (DNDO)

Sec. 721. Radiological and Nuclear Defense Research Requirements and Progress. This section adds four provisions to the Homeland Security Act of 2002:

- **Sec. 1908. Radiological and Nuclear Defense Research Requirements.** This provision requires DNDO to establish a process that prioritizes funding and tasks DNDO radiological and nuclear research and development activities.
- **Sec. 1909. Radiological and Nuclear Detection Research Progress.** This provision requires the DNDO to align its review of research, development, testing, and evaluation activities with other evaluation systems and to use external feedback from users. The provision also establishes a Technology Readiness Assessment process for the radiological and nuclear detection capabilities developed by DNDO or being procured as part of a major acquisition program.
- **Sec. 1910. Radiological and Nuclear Detection Development and Testing.** This provision requires that DNDO utilize an appropriate iterative combination of physical tests and computer modeling to provide an analytical basis for assessing detector performance when carrying out the development and testing of radiological and nuclear detection systems.

Sec. 722. Domestic Implementation of the Global Nuclear Detection Architecture. This section authorizes the *Securing the Cities* program and requires the Director to maintain situational awareness of the Global Nuclear Detection Architecture. In addition, the heads of agencies in the GNDA would be required to develop data exchange standards for detection and communications systems incorporated into the GNDA.

Sec. 723. Radiation Portal Monitor Alternatives. This section requires the Director of DNDO to support State and local entities with equipment, training and exercises that implement preventive radiological and nuclear detection capabilities. In addition, the Director shall develop a surge capability for radiological and nuclear detection systems.

Sec. 724. Contracting and Grant-Making Authorities. This section expands the Secretary's mandate to carry out contracting with federally funded research and development and conduct grant-making programs to support additional missions of the DNDO.

Sec. 725. Domestic Nuclear Detection Implementation Plan. This section calls for a

five-year plan of investments necessary to implement the Department's responsibilities under the domestic component of the global nuclear detection architecture.

Title VIII

Sec. 801. **See Something, Say Something.** This section would provide civil immunity for good faith reporting of suspected terrorism activity.

Title IX

Sec. 901. **Miscellaneous.** This section would reorganize the structure of the Homeland Security Act of 2002 in order to provide a section for miscellaneous provisions in the Act.