Keating 009

offered to be considered en b/o by Mr. Lungren

Date: 10/12/2011 Bill: HR 3116
Amendment No: #12
☐ Voice Vote ☐ Record Vote No:
Disposition: Agreed to by UC

Strike and replace current section 104 as follows:

SEC. 104. DEPARTMENT OF HOMELAND SECURITY INTERNATIONAL AFFAIRS OFFICE.

Section 879 of the Homeland Security Act of 2002 (6 U.S.C. 459) is amended to read as follows:

`SEC. 879. OFFICE OF INTERNATIONAL AFFAIRS.

`(a) Establishment- There is established within the Department an Office of International Affairs. The Office shall be headed by the Assistant Secretary for International Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate.

`(b) Responsibilities of the Assistant Secretary- The Assistant Secretary for International Affairs shall--

(1) coordinate international functions within the Department, including functions carried out by the components of the Department, in consultation with other Federal officials with responsibility for counterterrorism and homeland security matters;

(2) advise, inform and assist the Secretary, in consultation with overseas Department personnel, on strategies, foreign policy matters, and Department international programs;

(3) develop, in consultation with the Under Secretary for Management, for selecting, assigning, training and monitoring overseas deployments of Department personnel, including minimum standards for pre-deployment training;

(4) develop and update, in coordination with all components of the Department engaged in international activities, a strategic plan for the international activities of the Department and establish a process for managing its implementation and monitor the ability of Department's components to comply with implementation;

(5) develop and distribute guidance on Department policy priorities for overseas functions to personnel deployed oversea that, at a minimum, sets forth the regional and national priorities being advanced by their deployment;

(6) maintain awareness regarding the international travel of senior officers of the Department, as well as their intent to pursue negotiations with foreign government officials and reviewing resulting draft agreements;

(7) develop, in consultation with the components and, where appropriate, with the Science and Technology Directorate, programs to support the overseas programs conducted by the Department, including training, technical assistance, and equipment to ensure that

Department personnel deployed abroad have proper resources and receive adequate and timely support; and

(8) conduct exchange of homeland security information and best practices relating to homeland security with foreign nations that, in the determination of the Secretary, reciprocate the sharing of such information in a substantially similar manner;

(9) Ensure that internationally deployed Department personnel have access to, as appropriate for the requirements of their duties, Department systems with the capability of sending and receiving cables or other messages; and

(10) Submit information to the Under Secretary for Policy for oversight and purposes, including preparation of the Quadrennial Homeland Security Review, on the status of overseas activities, including training and technical assistance and information exchange activities, and the Department's resources dedicated to these activities.

`(c) Responsibilities of the Components of the Department-

`(1) NOTICE OF FOREIGN NEGOTIATIONS- All components of the Department shall coordinate with the Office of International Affairs of the intent of the component to pursue negotiations with foreign governments to ensure consistency with the Department's policy priorities.

`(2) NOTICE OF INTERNATIONAL TRAVEL BY SENIOR OFFICERS- All components of the Departments shall notify the Office of International Affairs about the international travel of senior officers of the Department.

`(d) Inventory of Assets Deployed Abroad- The Office of International Affairs shall provide to the appropriate congressional committees, with the annual budget request for the Department, an annual accounting of all assets of the Department, including personnel, deployed outside the United States on behalf of the Department.

`(e) Exclusions- This section does not apply to international activities related to the protective mission of the United States Secret Service, or to the Coast Guard when operating under the direct authority of the Secretary of Defense or the Secretary of the Navy.'.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MR. KEATING OF MASSACHUSETTS

At the appropriate place in title I, insert the following:

1 **SEC. ____. COST OF SUBMISSIONS TO CONGRESS.**

2 Beginning on the date that is 90 days after the date
3 of the enactment of this Act, the Secretary shall include
4 at the front of each plan, report, strategy, or other written
5 material provided to ~~Congress~~ appropriate Congressional committees pursuant to a congressional
6 mandate, information on the costs, ~~including labor~~ and the number of full-time equivalent (FTE) hours,
7 ~~of~~ for complying with the mandate to the greatest extent practical personnel required

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If the Secretary deems that it is not practical, the Secretary shall instead provide an explanatory statement delineating why the information cannot be provided.

AMENDMENT TO H.R. 3116

OFFERED BY MR. KEATING OF MASSACHUSETTS

At the appropriate place in title I, insert the following:

1 **SEC. ___. PROTECTION OF NAME, INITIALS, INSIGNIA, AND**
2 **SEAL.**

3 (a) IN GENERAL.—Section 875 of the Homeland Se-
4 curity Act of 2002 (6 U.S.C. 455) is amended by adding
5 at the end the following new subsection:

6 "(d) PROTECTION OF NAME, INITIALS, INSIGNIA,
7 AND SEAL.—

8 "(1) PROTECTION.—Except with the written
9 permission of the Secretary, no person may know-
10 ingly use, in connection with any advertisement,
11 commercial activity, audiovisual production (includ-
12 ing, but not limited to, film or television production),
13 impersonation, Internet domain name, Internet e-
14 mail address, or Internet web site, merchandise, re-
15 tail product, or solicitation in a manner reasonably
16 calculated to convey the impression that the Depart-
17 ment of Homeland Security or any organizational
18 element of the Department has approved endorsed,

1 or authorized such use, any of the following (or any
2 colorable imitation thereof):
3 "(A) the words 'Department of Homeland
4 Security', the initials 'DHS', or the insignia
5 seal of the Department; or
6 "(B) any 'DHS visual identities' meaning
7 DHS or DHS Component name, initials, seal,
8 insignia, trade or certification marks of DHS or
9 any DHS Component or any combination, vari-
10 ation, or colorable imitation of indicia alone or
11 in combination with other words to convey the
12 impression of affiliation, connection, approval,
13 or endorsement by DHS or any DHS compo-
14 nent; or
15 "(C) the name, initials, insignia, or seal of
16 any organizational element/component (includ-
17 ing any former such element/component) of the
18 Department.
19 "(2) CIVIL PROCEEDINGS.—Whenever it ap-
20 pears to the Attorney General that any person is en-
21 gaged or is about to engage in an act or practice
22 which constitutes or will constitute conduct prohib-
23 ited by subsection (d)(1), the Attorney General may
24 initiate a civil proceeding in a district court of the
25 United State to enjoin such at or practice. Such

1 court shall proceed as soon as practicable to the
2 hearing and determination of such action and may,
3 at any time before final determination, enter such
4 retraining orders or prohibitions, or take such other
5 actions as is warranted, to prevent injury to the
6 United State or to any person or class of persons for
7 whose protection the act is brought.

8 "(3) DEFINITION.—For the purpose of this
9 subsection, the term 'audiovisual production' means
10 the production of a work that consists of a series of
11 related images which are intrinsically intended to be
12 shown by the use of machines or devices such as
13 projectors, viewers, or electronic equipment, together
14 with accompanying sounds, if any, regardless of the
15 nature of the material objects, such as films or taps,
16 in which the work is embodied.".

17 (b) PENALTIES.—Section 709 of title 18, United
18 States Code, is amended by inserting after "authorizing
19 by the Federal Bureau of Investigation; or" the following
20 new paragraph:

21 "Whoever, except with the written permission of the
22 Secretary of the Department of Homeland Security, know-
23 ingly uses the words "Department of Homeland Security,"
24 the initials "DHS," or any colorable imitation of such
25 words or initials, or the words, initials, seals, or colorable

1 imitations relating to any subcomponents thereof, in con-
2 nection with any advertisement, circular, book, pamphlet
3 or other publication, play, motion picture, broadcast, tele-
4 cast, or other production, in a manner reasonably cal-
5 culated to convey the impression that such advertisement,
6 circular, book, pamphlet or other publication, play, motion
7 picture, broadcast telecast, or other production, is ap-
8 proved, endorsed, or authorized by the Department of
9 Homeland Security; or''.

AMENDMENT TO H.R. 3116

OFFERED BY MR. KEATING OF MASSACHUSETTS

At the appropriate place in title I, insert the following:

1 **SEC. ___. OFFICE OF POLICY.**

2 (a) IN GENERAL.—Title VI of the Homeland Secu-
3 rity Act of 2002 (6 U.S.C. 201 et seq.), as amended by
4 section 101 of this Act, is further amended by inserting
5 after section 601 the following:

6 **"SEC. 602. OFFICE OF POLICY.**

7 "(a) ESTABLISHMENT.—There is established in the
8 Department the Office of Policy, to be headed by the
9 Under Secretary for Policy as authorized under the De-
10 partment of Homeland Security Authorization Act for Fis-
11 cal Year 2012.

12 "(b) FUNCTIONS OF THE OFFICE OF POLICY.—The
13 Office of Policy shall—

14 "(1) develop Department policies, programs,
15 and planning, consistent with the Quadrennial
16 Homeland Security Review, to promote and ensure
17 quality, consistency, and integration for the pro-
18 grams, offices, and activities of the Department
19 across all homeland security missions;

1 "(2) develop and articulate the long-term stra-
2 tegic view of the Department and translate the Sec-
3 retary's strategic priorities into capstone planning
4 products that drive increased operational effective-
5 ness through integration, prioritization, and resource
6 allocation;
7 "(3) lead Departmental international engage-
8 ment and activities;
9 "(4) represent the Department position to other
10 Federal Agencies and the President; and
11 "(5) coordinate with policy officials in Depart-
12 mental components to ensure the effective and effi-
13 cient implementation of policy.".
14 (b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Homeland Security Act of 2002 (6
16 U.S.C. 101 et seq.) is further amended by inserting after
17 the item relating to section 601, as added by section 101
18 of this Act, the following:

"Sec. 602. Office of Policy.".

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MR. DAVIS OF ILLINOIS

At the appropriate place in title I, insert the following:

SEC. ___. FEDERAL VACANCY COMPLIANCE.

For a position at the Department that is subject to sections 3345 through 3349d of title 5, United States Code (referred to as the "Vacancies Reform Act of 1998"), the Secretary shall notify the appropriate congressional committees prior to that position being held by an individual on a temporary or acting basis for 210 days. Such notification shall include—

(1) the duration of the vacancy as of the date of the notification;

(2) information on whether a nomination to fill the vacancy is pending before the Senate and, if so, the status of that nomination within the Senate; and

(3) what actions, if any, the Secretary intends to take to bring the Department in compliance with such sections.

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AMENDMENT TO H.R. 3116

OFFERED BY Ms. HAHN OF CA

At the appropriate place in title I, insert the following:

1 **SEC. ___. ELECTRONIC SUBMISSIONS.**

2 Beginning on the date that is 90 days after the date
3 of the enactment of this Act, the Secretary shall, to the
4 greatest extent practicable, submit each plan, report,
5 strategy, or other written material provided to [~~Congress~~] appriate
Congressional Committees
6 pursuant to a congressional mandate in an electronic for-
7 mat.

JACKSON LEE #14 MODIFIED.

Amendment to Section 106 page 18, line 17, insert the following:

"(d) Submittal of Notification to Congress

effect?

No reorganization, realignment, consolidation or other significant organizational change to a component, directorate, or agency of the Department, may take before the appropriate Congressional Committees receive information from the Secretary to support the determination that such reorganization, realignment, consolidation or other significant organizational change will enhance the component, directorate, or office's efficiency, operational capabilities, or capacity, balance the numbers of federal workers in accordance with the balanced workforce strategy, and result in administrative cost savings."

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

At the end of title I add the following:

1 **SEC. _____. CHIEF INFORMATION OFFICER.**

2 Section 703 of the Homeland Security Act of 2002
3 (6 U.S.C. 343) is amended—

4 (1) by redesignating subsection (b) as sub-
5 section (c); and

6 (2) by inserting after subsection (a) the fol-
7 lowing:

8 "(b) RESPONSIBILITIES.—The Chief Information Of-
9 ficer shall—

10 "(1) advise and assist the Secretary, heads of
11 the components of the Department, and other senior
12 officers in carrying out the responsibilities of the
13 Department for all activities relating to the pro-
14 grams and operations of the information technology
15 functions of the Department;

16 "(2) establish the information technology prior-
17 ities, policies, processes, standards, guidelines, and
18 procedures of the Department;

1 "(3) coordinate and ensure implementation of
2 information technology priorities, policies, processes,
3 standards, guidelines, and procedures within the De-
4 partment;
5 "(4) be responsible for information technology
6 capital planning and investment management in ac-
7 cordance with sections 11312 and 11313 of title 40,
8 United States Code;
9 "(5) in coordination with the Chief Procure-
10 ment Officer of the Department, assume responsi-
11 bility for information systems acquisition, develop-
12 ment, and integration as required by section 11312
13 of title 40, United States Code;
14 "(6) in coordination with the Chief Procure-
15 ment Officer of the Department, review and approve
16 any information technology acquisition with a total
17 value greater than a threshold level to be determined
18 by the Secretary;
19 "(7) in coordination with relevant officials of
20 the Department, ensure that information technology
21 systems meet the standards established under the in-
22 formation sharing environment, as defined in section
23 1016 of the Intelligence Reform and Terrorism Pre-
24 vention Act of 2004 (6 U.S.C. 485);

1 "(8) perform other responsibilities required
2 under section 3506 of title 44, United States Code,
3 and section 11315 of title 40, United States Code;
4 and
5 "(9) perform such other responsibilities as the
6 Secretary may prescribe.".

AMENDMENT TO H.R. 3116

OFFERED BY MR. MEEHAN OF PENNSYLVANIA

At the end of title I add the following:

1 **SEC. ___. COST SAVINGS AND EFFICIENCY REVIEWS.**

2 The Secretary, acting through the Under Secretary
3 for Management of the Department, shall submit to the
4 appropriate congressional committees the following:

5 (1) A report that provides a detailed accounting
6 of the management and administrative expenditures
7 and activities of the components of the Department
8 and identifies potential cost savings and efficiencies
9 for those expenditures and activities of each compo-
10 nent of the Department.

11 (2) The findings of a study that examines the
12 size, experience level, and geographic distribution of
13 the operational personnel of the Department, includ-
14 ing U.S. Customs and Border Protection officers,
15 Border Patrol agents, U.S. Customs and Border
16 Protection Air and Marine agents, U.S. Customs
17 and Border Protection Agriculture Specialists, Fed-
18 eral Protective Service Law Enforcement Security
19 Officers, U.S. Immigration and Customs Enforce-
20 ment agents, Transportation Security Officers, Fed-

1 eral air marshals, and members of the Coast Guard,
2 and recommendations for adjustments that would re-
3 duce deficiencies in the Department's capabilities,
4 reduce costs, and enhance efficiencies.

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AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116

OFFERED BY MR. THOMPSON OF MISSISSIPPI

At the appropriate place in title III, insert the following:

1 **SEC. 3___. SUPPORT AND OVERSIGHT OF FUSION CEN-**
2 **TERS.**

3 To ensure that the Department, as the lead Federal
4 agency with responsibility for supporting fusion centers,
5 is maximizing the utility of Federal funding awarded to
6 fusion centers through the Homeland Security Grant Pro-
7 gram, as a means of justifying support to fusion centers
8 in subsequent fiscal years, the Inspector General shall,
9 within 180 days of the date of the enactment of this Act,
10 submit to Congress a report. The report shall include each
11 of the following:

12 (1) An audit of Federal Homeland Security
13 grant funding awarded to fusion centers, to measure
14 the extent to which the funding is used to achieve
15 measurable homeland security outcomes, including
16 filling gaps in critical baseline capabilities.

17 (2) An assessment of the processes in place at
18 the Department designed to track and measure the

1 effectiveness of grant funding to fusion centers, in-
2 cluding an evaluation of the extent to which the Of-
3 fice of Intelligence and Analysis and the Federal
4 Emergency Management Agency coordinate to de-
5 sign and implement effective grant guidance and
6 conduct proper oversight of the grant funding to fu-
7 sion centers.

8 (3) An assessment of the processes in place at
9 the Department designed to track and measure the
10 effectiveness of grant funding to fusion centers, in-
11 cluding an evaluation of the extent to which the fu-
12 sion center considers privacy, civil rights, and civil
13 liberties in the selection of contractors, trainers, and
14 other personnel that provide advice and guidance to
15 the fusion centers.

16 (4) An assessment to determine whether each
17 fusion center has privacy protections in place that
18 are determined to be at least as comprehensive as
19 the Federal information sharing environment privacy
20 guidelines in effect on the date of enactment.

21 (5) Recommendations on the development and
22 implementation of a metrics program for the Federal
23 Emergency Management Agency to measure the effi-
24 cacy of grant funding to fusion centers.

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AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116

OFFERED BY M S. SPEIER OF CA

At the appropriate place in title III, insert the following:

1 **SEC. 3___. AUDIT ON PRIVACY AND CIVIL LIBERTIES AND**
2 **UPDATE ON PRIVACY AND CIVIL LIBERTIES**
3 **IMPACT ASSESSMENTS.**

4 (a) INSPECTOR GENERAL AUDIT.—Not later than 1
5 year after the date of the enactment of this Act, the In-
6 spector General of the Department shall—

7 (1) conduct an audit on the activities of the De-
8 partment to ensure that State and local fusion cen-
9 ters take appropriate measures to protect privacy
10 and civil liberties, including through the implementa-
11 tion of training programs and support for the devel-
12 opment of fusion center privacy policies; and

13 (2) submit a report on the results of that audit
14 to the Homeland Security and Governmental Affairs
15 Committee of the Senate and the Committee on
16 Homeland Security of the House of Representatives.

1 (b) PRIVACY IMPACT ASSESSMENT.—Not later than
2 180 days after the date of the enactment of this Act, the
3 Privacy Officer of the Department shall—
4 (1) update the Privacy Impact Assessment for
5 the State, Local, and Regional Fusion Center Initia-
6 tive completed in 2008 in accordance with the re-
7 quirements of section 511(d)(2) of the Implementing
8 Recommendations of the 9/11 Commission Act of
9 2007 in order to reflect the evolution of State and
10 local fusion centers since that date; and
11 (2) submit the updated assessment to the
12 Homeland Security and Governmental Affairs Com-
13 mittee of the Senate and the Committee on Home-
14 land Security of the House of Representatives.
15 (c) CIVIL LIBERTIES IMPACT ASSESSMENT.—Not
16 later than 180 days after the date of the enactment of
17 this Act, the Officer for Civil Liberties and Civil Rights
18 of the Department shall—
19 (1) update the Civil Liberties Impact Assess-
20 ment for the State, Local and Regional Fusion Cen-
21 ter Initiative completed in 2008 in accordance with
22 the requirements of section 511(d)(2) of the Imple-
23 menting Recommendations of the 9/11 Commission
24 Act of 2007 in order to reflect the evolution of State
25 and local fusion centers since that date; and

1 (2) submit the updated assessment to the
2 Homeland Security and Governmental Affairs Com-
3 mittee of the Senate and the Committee on Home-
4 land Security of the House of Representatives.

AMENDMENT TO H.R. 3116

OFFERED BY MS. RICHARDSON OF CALIFORNIA

~~In section 504, in the quoted section 526(b), add at the end the following: "Where appropriate, the Secretary shall provide guidance and coordinate with individuals, communities, and private sector and nongovernmental organizations to promote preparedness and collective response to mass fatalities.".~~

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In section 504, on page 77 line 15, after "materials" and before "against" insert ", including those that cause mass fatalities,".

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MS. RICHARDSON OF CALIFORNIA

At the end of title IX add the following:

1 **SEC. ___. GUIDANCE TO AND COORDINATION WITH LOCAL**
2 **EDUCATIONAL AND SCHOOL DISTRICTS.**

3 To enhance domestic preparedness for and collective
4 response to terrorism, natural disasters, and public health
5 emergencies, the Secretary shall provide guidance to and
6 coordinate with local educational and school districts that
7 are at a high risk of acts of terrorism, natural disasters,
8 or public heath emergencies.

Richmond 039

AS MODIFIED

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MR. RICHMOND OF LOUISIANA

At the appropriate place in the bill, insert the following:

SEC. ll. CERTIFICATION THAT DISASTER FUND RECIPIENTS SUBJECT TO RECOUPMENT RECEIVE A NOTICE OF DEBT AND OPPORTUNITY TO APPEAL BEFORE DEBT IS FORWARDED TO DEPARTMENT OF TREASURY.

The Administrator of the Federal Emergency Management Agency, or the Administrator's duly appointed representative, shall certify to the Department of Treasury that any recipient of disaster funds subject to recoupment received a notice of debt and opportunity to appeal prior to the Federal Emergency Management Agency forwarding the debt to the Department of Treasury.

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AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MR. DAVIS OF ILLINOIS

Page 113, beginning on line 22, strike subsection (b) and insert the following:

1 (b) USES OF FUNDS.—Section 1406(b)(1) of the Im-
2 plementing Recommendations of the 9/11 Commission 24
3 Act of 2007 (6 U.S.C. 1135(b)(1)) is amended—
4 (1) in subparagraph (J), by striking "evacu-
5 ation improvements" and inserting "consequence
6 management investments, including investments
7 with respect to evacuation improvements, route des-
8 ignation and signage, and public assistance mate-
9 rials";
10 (2) in subparagraph (N), by striking "and" at
11 the end;
12 (3) by redesignating subparagraph (O) as sub-
13 paragraph (P); and
14 (4) by inserting after subparagraph (N) the fol-
15 lowing new subparagraph (O):
16 "(O) systems for identity verification for
17 access control, including biometrics; and".

AMENDMENT TO DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION BILL

OFFERED BY MR. BILIRAKIS OF FLORIDA

In title V, at the end of subtitle B add the following:

1 **SEC. ____. PRIORITIZATION.**

2 (a) CRUISE SHIP PASSENGERS AND BORDER CROSS-
3 INGS.—Section 2007(a)(1) of the Homeland Security Act
4 of 2002 (6 U.S.C. 608(a)(1)) is amended—

5 (1) in subparagraph (A), by inserting "(includ-
6 ing cruise ship passengers)" after "tourist"; and

7 (2) by redesignating subparagraphs (H)
8 through (K) as subparagraphs (I) through (L) and
9 inserting after subparagraph (G) the following:

10 "(H) the number of border crossings at
11 land, air, and maritime ports of entry;".

12 (b) CONFORMING AMENDMENT.—Section
13 2003(b)(2)(A)(i) of such Act (6 U.S.C. 604(a)(2)(A)(i))
14 is amended by striking "(H) and (K)" and inserting "(I)
15 and (L)".

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

At the appropriate place in the bill, insert the following:

1 **SEC. _____. TRANSPORTATION SECURITY GRANT PROGRAM**
2 **STUDY.**

3 (a) IN GENERAL.—The Comptroller General of the
4 United States shall conduct a study evaluating the home-
5 land security impacts of transportation security grant pro-
6 gram funding levels in States located on the west coast
7 of the United States. In carrying out the study, the Comp-
8 troller General shall review—

9 (1) how funding under the grant program has
10 been distributed in correlation to locations near crit-
11 ical infrastructure sectors, eligible metropolitan
12 areas, and high risk urban areas in such States; and
13 (2) the level of coordination in the distribu-
14 tion of such funds with the risk assessments
15 based on State and local entities.

16 (b) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Comptroller General shall

1 submit to the appropriate congressional committees a re-
2 port on the results of the study required under this sec-
3 tion.

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AMENDMENT TO H.R. 3116

OFFERED BY MS. RICHARDSON OF CALIFORNIA

In title V, at the end of subtitle B add the following:

SEC. ___. INTERAGENCY GRANTS WORKING GROUP.

(a) IN GENERAL.—The Secretary shall, in coordination with relevant Department components and other appropriate Federal departments and agencies, establish an interagency working group to better coordinate Federal preparedness grants.

(b) MEMBERSHIP.—The working group shall be chaired by the Secretary and be composed of the Secretary and representatives from the Department of Health and Human Services, Department of Transportation, Department of Justice, and other Federal agencies as determined appropriate by the Secretary.

(c) RESPONSIBILITIES.—The working group shall—

(1) meet regularly to coordinate, as appropriate, development of grant guidance, application and award timelines, monitoring, and assessments;

(2) seek input from State, local, and tribal officials involved in grant management in order to inform grant processes, allocations, and awards;

(3) promote coordinated grant timelines; and

1 (4) ensure all preparedness grant programs em-
2 ploy a common Internet Web portal.
3 (d) REPORT.—Not later than 1 year after the date
4 of enactment of this section, the Secretary shall submit
5 to the Committee on Homeland Security of the House of
6 Representatives and the Committee on Homeland Security
7 and Governmental Affairs of the Senate report on the ac-
8 tivities of the working group.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116

OFFERED BY MS. RICHARDSON OF CALIFORNIA

In title V, at the end of subtitle C add the following:

1 **SEC. ____. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
2 **TEM MODERNIZATION.**

3 (a) IN GENERAL.—Title V of the Homeland Security
4 Act of 2002 (6 U.S.C. 311 et seq.) is further amended
5 by adding at the end of the following new section:

6 **"SEC. 526. NATIONAL INTEGRATED PUBLIC ALERT AND**
7 **WARNING SYSTEM MODERNIZATION.**

8 "(a) IN GENERAL.—In order to provide timely and
9 effective warnings and disseminate homeland security and
10 other information, the Secretary shall—

11 "(1) establish a national integrated public alert
12 and warning system (in this section referred to as
13 'the system') not later than one year after the date
14 of the enactment of this section; and

15 "(2) designate an agency within the Depart-
16 ment to receive, aggregate, validate, and authen-
17 ticate homeland security and other information origi-
18 nated by authorized Federal, State, local, and tribal

1 governments to facilitate the transmission of the
2 ~~Commercial Mobile Alert System.~~ Personal Localized Alerting Network.

3 "(b) IMPLEMENTATION REQUIREMENTS.—In car-
4 rying out subsection (a), the Secretary shall—

5 "(1) establish, as appropriate, common alerting
6 and warning protocols, standards of performance,
7 and terminology for the system established under
8 subsection (a)(1) by adopting, where appropriate,
9 mechanisms that integrate various approaches devel-
10 oped by key stakeholders;

11 "(2) include in the system the capability to
12 adapt the dissemination of homeland security and
13 other information and the content of communica-
14 tions on the basis of geographic location, risks, or
15 user preferences, as appropriate;

16 "(3) include in the system the capability to
17 alert and warn ~~populations with special needs~~ individuals with disabilities and access and functional needs;

18 "(4) ensure that the system is incorporated into
19 the training and exercise programs of the Depart-
20 ment; and

21 "(5) coordinate, to the extent practicable, with
22 other Federal agencies and departments and with
23 State, local, and tribal governments, and other key
24 stakeholders to leverage existing alert and warning
25 capabilities.

1 "(c) SYSTEM REQUIREMENTS.—The Secretary shall
2 ensure that the system—
3 "(1) incorporates redundant and diverse modes
4 to disseminate homeland security and other informa-
5 tion in warning messages to the public so as to
6 reach the greatest number of individuals;
7 "(2) can be adapted to incorporate future tech-
8 nologies;
9 "(3) is resilient, secure, and can withstand acts
10 of terrorism and other external attacks;
11 "(4) delivers alerts to populations in remote
12 areas; and
13 "(5) promotes State, local, tribal, and regional
14 partnerships to enhance coordination.
15 "(d) REPORT.—Not later than one year after the
16 date on which the system established under subsection (a)
17 is fully functional and every six months thereafter, the
18 Secretary shall report to the Committee on Homeland Se-
19 curity of the House of Representatives and the Committee
20 on Homeland Security and Governmental Affairs of the
21 Senate on the functionality and performance of the inte-
22 grated public alert and warning system, including—
23 "(1) an assessment of the accomplishments and
24 deficiencies of the system;

1 "(2) recommendations for improvements to the
2 system; and
3 "(3) information on the feasibility and effective-
4 ness of disseminating homeland security and other
5 information, notices, and alerts prior to and fol-
6 lowing an incident requiring use of the system.".
7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of such Act is amended by adding at the
9 end of the items relating to such title the following:

"Sec. 526. National integrated public alert and warning system modernization.".

10 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
11 Nothing in this Act (including the amendment made by
12 this Act) shall be construed to affect the authority of the
13 Department of Commerce, the Federal Communications
14 Commission, or the Robert T. Stafford Disaster Relief and
15 Emergency Assistance Act.
16 (d) HOMELAND SECURITY GRANTS.—Section
17 2008(a) of the Homeland Security Act of 2002 (6 U.S.C.
18 609(a)) is amended—
19 (1) in paragraph (12), by striking "and" at the
20 end;
21 (2) by redesignating paragraph (13) as para-
22 graph (14); and
23 (3) by inserting after paragraph (12) the fol-
24 lowing new paragraph:

1 "(13) ~~permitting State, local, and tribal govern-~~
2 ~~ments to improve~~ improving public alert and warning capabili-
3 ties; and".

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MR. ROGERS OF ALABAMA

Page 120, after line 15, insert the following (and renumber the subsequent paragraphs accordingly):

1 (1) in subsection (b)(6), by striking "the Trans-
2 portation Technology Center, Incorporated, in Pueb-
3 lo, Colorado" and inserting "the Railroad Research
4 Foundation";

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MR. BILIRAKIS OF FLORIDA

In title V, at the end of subtitle D add the following:

1 **SEC. ___. CONFORMING AMENDMENT.**

2 Section 316 of the Homeland Security Act of 2002
3 (6 U.S.C. 195b), and the item relating to such section in
4 section 1(b) of such Act, are repealed.

AMENDMENT TO H.R. 3116

OFFERED BY MS. RICHARDSON OF CALIFORNIA

In title V, at the end of subtitle D add the following:

1 **SEC. _____. DELEGATION OF AUTHORITIES TO THE RE-**
2 **GIONAL OFFICES REVIEW.**

3 (a) IN GENERAL.—The Office of Inspector General
4 of the Department shall audit how all regional offices
5 within the Federal Emergency Management Agency are
6 carrying out delegated authorities pursuant to the Post-
7 Katrina Emergency Management and Reform Act of 2006
8 and a memorandum executed in July 2009 by the Admin-
9 istrator.

10 (b) CONTENTS.—The audit shall assess, at a min-
11 imum, the following:

12 (1) The ability of each regional office to—

13 (A) coordinate, on an ongoing basis, with
14 State, local, and tribal governments, emergency
15 response providers, and other appropriate enti-
16 ties to identify and address regional priorities;

17 (B) foster better regional operable and
18 interoperable emergency communications capa-
19 bilities;

1 (C) support coordinated and integrated
2 Federal preparedness, protection, response, re-
3 covery, and mitigation capabilities to respond to
4 natural disasters, acts of terrorism, and other
5 manmade disasters within that region;
6 (D) identify critical gaps in regional capa-
7 bilities to respond to populations with special
8 needs;
9 (E) conduct all procurements in a timely
10 and secure manner that prevents waste and
11 fraud and is consistent with Federal Emergency
12 Management Agency procurement policies and
13 programs;
14 (F) engage in employment practices that
15 are consistent with Federal requirements and
16 are transparent, efficient, and ethical; and
17 (G) effectively conducts ongoing oversight
18 of the use of homeland security grants and
19 funding within the region to promote greater
20 preparedness and response capabilities and pre-
21 vent waste and fraud.
22 (2) The impact of the delegation of authorities
23 on the Administrator's ability to achieve consistency
24 throughout the regions.

1 (3) The adequacy of oversight by the Administrator of how the regions are executing the delegated
2 authorities and carrying out assigned responsibil-
3 ities.
4
5 (4) The impact of the delegation of authorities
6 on the Federal Emergency Management Agency and
7 specific regions to address Office of Inspector Gen-
8 eral and Comptroller General of the United States
9 recommendations in a timely manner.

AMENDMENT TO H.R. 3116

OFFERED BY MR. CUELLAR OF TEXAS

In title V, at the end of subtitle D add the following:

1 **SEC. _____. LESSONS LEARNED FOR NATIONAL LEVEL EX-**
2 **ERCISES.**

3 The Administrator shall provide electronically, to the
4 maximum extent practicable, lessons learned reports to
5 each designated representative of participating State,
6 local, and tribal jurisdictions and private sector entities
7 that participate in National Level Exercises of the Depart-
8 ment. Each lessons learned report shall be tailored to con-
9 vey information on that exercise that could be leveraged
10 to enhance preparedness and response.

☒

At the time the Administrator provides such reports to participating jurisdictions, the Administrator shall also provide the reports electronically to the Committee on Homeland Security in the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116

OFFERED BY M S. HAHN OF CA

In section 612(b), insert before the period at the end the following: ", including NEXUS, SENTRI, and Global Entry".

In section 612(c), insert before the period at the end the following: ", including NEXUS, SENTRI, and Global Entry".

At the end of title VI, insert the following:

1 **SEC. 6___. BORDER CROSSING DOCUMENTATION.**

2 The Commissioner of U.S. Customs and Border Pro-
3 tection shall carry out the NEXUS, SENTRI, Global
4 Entry, and ABT Card (as described in section 612) pro-
5 grams of U.S. Customs and Border Protection.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MS. HAHN OF CALIFORNIA

At the end of title VI add the following:

1 **SEC. ____. INTERNAL REVIEW OF ADEQUACY OF U.S. CUS-**
2 **TOMS AND BORDER PROTECTION IN BUSIEST**
3 **INTERNATIONAL AIRPORTS.**

4 The Secretary, acting through U.S. Customs and
5 Border Protection, shall within 180 days after the date
6 of enactment of this Act conduct an internal review to en-
7 sure that there enough U.S. Customs and Border Protec-
8 tion agents in each of the 10 international airports in the
9 United States with the largest volume of international
10 travelers.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116

OFFERED BY Ms. HAHN

At the end of title VI add the following:

1 **SEC. ___. PORT SECURITY GRANT PROGRAM.**

2 Section 70107(l) of title 46, United States Code, is

3 amended by striking "2013" and inserting "2014".

☒

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MS. HAHN OF CALIFORNIA

At the end of title IX add the following:

1 **SEC. ____. FEDERAL LAW ENFORCEMENT TRAINING OPPOR-**
2 **TUNITIES FOR STATE AND LOCAL LAW EN-**
3 **FORCEMENT PERSONNEL WITH RESPON-**
4 **SIBILITIES FOR SECURING PORTS.**

5 The Secretary shall endeavor to make available Fed-
6 eral law enforcement training opportunities, including
7 through the Federal Law Enforcement Training Center,
8 to local law enforcement personnel with responsibilities for
9 securing ports.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116

OFFERED BY Ms. Richardson of CA.

At the end of title VI add the following:

1 **SEC. ____. PORT SECURITY GRANT FUNDING FOR MAN-**
2 **DATED SECURITY PERSONNEL.**

3 Section 70107 (b)(1) of title 46, United States Code,
4 is amended by striking the period and inserting the fol-
5 lowing: ", including overtime and backfill costs incurred
6 in support of other expenditures authorized under this
7 subsection, except that not more than 50 percent of
8 amounts received by a grantee under this section for a
9 fiscal year may be used under this paragraph.".

AMENDMENT TO THE AMENDMENT IN THE

NATURE OF A SUBSTITUTE TO H.R. 3116

OFFERED BY Ms. Loretta Sanchez of California

At the end of title VI add the following:

SEC. ___. SECURING THE TWIC AGAINST USE BY UNAUTHORIZED ALIENS.

(a) ~~PROGRAM.~~ Process —

(1) IN GENERAL.—~~The~~ Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a ~~program~~ process to ensure, to the maximum extent practicable, that aliens unlawfully present in the United States are unable to obtain or use a Transportation Worker Identification Credential (in this section referred to as "TWIC").

(2) COMPONENTS.—Under the ~~program,~~ process the Secretary shall—

(A) publish a list ~~to identify applicants for a TWIC and~~ of documents that will identify TWIC applicants and verify their immigration statuses by requiring each applicant to produce a document or documents that demonstrate—

(i) identity; and

(ii) proof of United States citizenship or authorization to work in the United States; and

1 (B) establish training requirements to en-
2 sure that trusted agents at TWIC enrollment
3 centers receive training to identify fraudulent
4 documents.

5 (b) EXPIRATION OF TWICS.—A TWIC expires 5
6 years after the date it is issued, except that if an indi-
7 vidual is in a lawful nonimmigrant status category—

8 (1) the term of any TWIC issued to the appli-
9 cant shall not to exceed the expiration of the visa
10 held by the applicant; and

11 (2) a TWIC issued to the individual expires on
12 the date of the expiration of such status, notwith-
13 standing the expiration date on the face of the
14 TWIC.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116

OFFERED BY Ms. Sanchez of California

At the end of title VI add the following:

1 **SEC. ____. SMALL VESSEL THREAT ANALYSIS.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Secretary shall submit to the appropriate
4 congressional committees a report analyzing the threat of,
5 vulnerability to, and consequence of an act of terrorism
6 using a small vessel to attack United States vessels, ports,
7 or maritime interests.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

At the appropriate place in the bill, insert the following:

1 **SEC. ___. CUSTOMS AND BORDER PROTECTION PROFES-**
2 **SIONALISM AND TRANSPARENCY.**

3 To increase professionalism and transparency Cus-
4 toms and Border Protection shall—

5 (1) publish live wait times at all United States
6 air ports of entry, as determined by calculating the
7 time elapsed between an individual's entry into the
8 Customs and Border Protection inspection area and
9 the individual's clearance by a Customs and Border
10 Protection officer;

11 (2) make information about real wait time
12 available to the public in real time through the Cus-
13 toms and Border Protection website;

14 (3) make it easy for people to find out what to
15 clude compilations of all such wait times and that
16 ranking all United States international airports by
17 wait times; and

1 (4) increase staffing at the Customs and Bor-
2 der Protection INFO center to reduce wait times to
3 under ten minutes for travelers attempting to submit
4 comments or speak with a representative about their
5 entry experience.

Richmond 021 AS MODIFIED

Subject: Edits to Richmond's S&T Fellows Outreach amdt
Date: Tuesday, October 11, 2011 3:15 PM
From: Berry, Diane <Diane.Berry@mail.house.gov>
To: "Schepis, Christopher" <Christopher.Schepis@mail.house.gov>

How about this....

Within 90 days of enactment of this Act, the Secretary of Homeland Security shall implement outreach to enhance awareness and increase participation of qualified students at Institutes of Higher Education, including Minority Serving Institutions such as Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities, in the Department of Homeland Security's Science and Technology Directorate Fellows program.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MR. CLARKE OF MICHIGAN

At the end of title IX add the following:

1 **SEC. ___. SECURITY GAPS AT DRINKING WATER AND**
2 **WASTEWATER TREATMENT FACILITIES.**

3 (a) IN GENERAL.—To enhance domestic prepared-
4 ness for an act of terrorism, the Secretary shall enter into
5 a memorandum of understanding with the Administrator
6 of the Environmental Protection Agency to establish a
7 plan to address security gaps at drinking water treatment
8 facilities and wastewater treatment facilities.

9 (b) CONTENTS.—The memorandum shall include a
10 plan to provide to operators of such facilities—

11 (1) guidance that is substantially similar to the
12 Chemical Facility Anti-Terrorism Standards Interim
13 Final Rule issued by the Department (6 C.F.R. Part
14 27), as amended by the appendix to such standards
15 published by the Department (72 Fed. Reg. 65396);
16 and

17 (2) technical assistance to enhance security at
18 such facilities in accordance with such guidance.

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 3116 OFFERED BY MS. RICHARDSON OF CALIFORNIA

At the end of title IX add the following:

1 **SEC. ___. GUIDANCE AND COORDINATION FOR OUTREACH**
2 **TO PEOPLE WITH DISABILITIES DURING**
3 **EMERGENCIES.**

4 To enhance domestic preparedness for and collective
5 response to terrorism, natural disasters, and public health
6 emergencies, the Secretary shall provide guidance to and
7 coordinate with appropriate individuals, officials, and or-
8 ganizations in implementing plans for outreach to people
9 with disabilities during emergencies.

AMENDMENT TO ANS to H.R. 3116
OFFERED BY Ms. RICHARDSON OF CA

In title V, redesignate subtitle D as subtitle E, redesignate the sections of such subtitle as sections 581 through 585, and before such subtitle insert the following:

Subtitle D—Broadband for First Responders

SEC. 561. ALLOCATION AND ASSIGNMENT OF PUBLIC SAFETY LICENSES.

(a) SPECTRUM ALLOCATION.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) in paragraph (1), by striking "24" and inserting "34"; and

(2) in paragraph (2), by striking "36" and inserting "26".

(b) ASSIGNMENT.—Section 337(b) of the Communications Act of 1934 (47 U.S.C. 337(b)) is amended to read as follows:

"(b) ASSIGNMENT.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of the Department of

1 Homeland Security Authorization Act for Fiscal
2 Year 2012, the Commission shall allocate the paired
3 electromagnetic spectrum bands of 758–763 mega-
4 hertz and 788–793 megahertz for public safety
5 broadband communications and shall license such
6 paired bands to the public safety broadband licensee.
7 "(2) ESTABLISHMENT OF RULES.—
8 "(A) IN GENERAL.—The Commission shall
9 establish rules to permit the public safety
10 broadband licensee to authorize providers of
11 public safety services to construct and operate
12 a wireless public safety broadband network in
13 the spectrum licensed to the public safety
14 broadband licensee if the public safety
15 broadband licensee determines that such au-
16 thorization would expedite the deployment of
17 public safety broadband communications.
18 "(B) NETWORK REQUIREMENTS.—The
19 Commission shall require that any such wireless
20 public safety broadband network shall—
21 "(i) be fully interoperable and remain
22 interoperable with, and in conformance
23 with the same broadband technology stand-
24 ards as, all other public safety broadband
25 systems deployed or authorized;

1 "(ii) provide for roaming by local,
2 State, tribal, and Federal governments and
3 other authorized users of the spectrum li-
4 censed to the public safety broadband li-
5 censee;
6 "(iii) provide priority access to public
7 safety agencies;
8 "(iv) be built to survive most large-
9 scale disasters;
10 "(v) ensure that networks of such sys-
11 tems have the appropriate level of cyber se-
12 curity;
13 "(vi) ensure that authorized users
14 have control over all local network uses
15 consistent with rules established by the
16 Commission; and
17 "(vii) be consistent with the Statewide
18 Interoperable Communications Plans
19 adopted by each State and the National
20 Emergency Communications Plan, as
21 adopted by the Department of Homeland
22 Security.
23 "(C) DEADLINES.—
24 "(i) RULES.—The Commission shall
25 establish rules under this paragraph not

1 later than 9 months after the date of en-
2 actment of the Department of Homeland
3 Security Authorization Act for Fiscal Year
4 2012.
5 "(ii) REPORT.—
6 "(I) IN GENERAL.—Not later
7 than 60 days after the date of enact-
8 ment of the Department of Homeland
9 Security Authorization Act for Fiscal
10 Year 2012, the public safety
11 broadband licensee shall submit a re-
12 port to the appropriate committees of
13 Congress on the phased network de-
14 ployment plan of such spectrum
15 bands.
16 "(II) DEFINITIONS.—For pur-
17 poses of subclause (I), the term 'ap-
18 propriate committees of Congress'
19 means the Committee on Homeland
20 Security of the House of Representa-
21 tives and any other committee of the
22 House of Representatives or the Sen-
23 ate having legislative jurisdiction
24 under the Rules of the House of Rep-

1 resentatives or the Senate, respec-
2 tively, over the matter concerned.".
3 (c) NETWORK-SHARING AGREEMENTS.—Section 337
4 of the Communications Act of 1934 (47 U.S.C. 337) is
5 amended—
6 (1) by redesignating subsection (f) as sub-
7 section (g); and
8 (2) by inserting after subsection (e) the fol-
9 lowing:
10 "(f) RULEMAKING REQUIRED.—The Commission
11 shall establish regulations to—
12 "(1) authorize the shared use of the public safe-
13 ty broadband spectrum and network infrastructure
14 by entities that are not defined as public safety serv-
15 ices in subsection (g)(1), subject to the requirement
16 that public safety services retain priority access to
17 the spectrum, pursuant to procedures adopted by the
18 Commission, so long as the needs of other govern-
19 mental entities needs are considered before commer-
20 cial entities; and
21 "(2) allow use of the public safety broadband
22 spectrum by emergency response providers, as de-
23 fined in section 2 of the Homeland Security Act of
24 2002 (6 U.S.C. 101).".

1 (d) DEFINITION.—Section 337(g) of the Communica-
2 tions Act of 1934 (as so redesignated) is amended—
3 (1) by redesignating paragraphs (1) and (2) as
4 paragraphs (3) and (4), respectively; and
5 (2) by inserting before paragraph (3), as so re-
6 designated, the following:
7 "(1) PUBLIC SAFETY BROADBAND LICENSEE.—
8 The term 'public safety broadband licensee' means a
9 licensee as defined by the Commission in its Second
10 Report and Order adopted July 31, 2007 (FCC 07–
11 132), and selected in the Commission's Order adopt-
12 ed November 19, 2007 (FCC 07–199), by the Com-
13 mission to be the licensee for spectrum between
14 763–768 and 793–798 megahertz.
15 "(2) PUBLIC SAFETY BROADBAND SPEC-
16 TRUM.—The term 'public safety broadband spec-
17 trum' means the electromagnetic spectrum between
18 758 megahertz and 768 megahertz, inclusive, and
19 788 megahertz and 798 megahertz, inclusive, and
20 any additional electromagnetic frequencies allocated
21 by the Commission for public safety broadband
22 use.".
23 **SEC. 562. STANDARDS.**
24 (a) INTEROPERABILITY REQUIREMENTS.—To en-
25 hance domestic preparedness for and collective response

1 to a catastrophic incident, not later than 180 days after
2 the date of enactment of this Act, the Chairman of the
3 Federal Communications Commission, in coordination
4 with the Secretary and in consultation with the Director
5 of the National Institute of Standards and Technology,
6 the Attorney General, and local, State, tribal, and Federal
7 public safety agencies, shall develop a public safety agency
8 statement of requirements that enables nationwide inter-
9 operability and roaming across any communications sys-
10 tem using public safety broadband spectrum, as defined
11 in section 337(g) of the Communications Act of 1934.

12 (b) SPECIFICATIONS.—The Secretary, in coordination
13 with the Director of the National Institute of Standards
14 and Technology, shall establish an appropriate standard,
15 or set of standards, for enhancing domestic preparedness
16 for and collective response to a catastrophic incident and
17 meeting the public safety agency statement requirements
18 developed under subsection (a), taking into consider-
19 ation—

20 (1) the extent to which particular technologies
21 and user equipment are, or are likely to be, available
22 in the commercial marketplace;

23 (2) the availability of necessary technologies
24 and equipment on reasonable and nondiscriminatory
25 licensing terms;

1 (3) the ability to evolve with technological devel-
2 opments in the commercial marketplace;
3 (4) the ability to accommodate prioritization for
4 public safety transmissions;
5 (5) the ability to accommodate appropriate se-
6 curity measures for public safety transmissions; and
7 (6) any other considerations the Federal Com-
8 munications Commission deems appropriate.

9 **SEC. 563. RULE OF CONSTRUCTION.**

10 Nothing in this Act, or the amendments made by this
11 Act, shall be construed to overturn, supersede, or other-
12 wise preempt the Federal Communication Commission's
13 Order adopted on November 19, 2007 (FCC 07–199), set-
14 ting forth the roles and responsibilities of the public safety
15 broadband licensee (as such term is defined in section
16 337(g) of the Communications Act of 1934) and the Fed-
17 eral Communications Commission, except that the fol-
18 lowing may, by rule or order, be modified by the Commis-
19 sion:
20 (1) Any organization seeking membership to the
21 board of directors of the public safety broadband li-
22 censee may be voted in by a simple majority of the
23 then serving members of the board of directors.

1 (2) The board of directors of the public safety
2 broadband licensee shall include the following orga-
3 nizations:
4 (A) International Association of Chiefs of
5 Police.
6 (B) International Association of Fire
7 Chiefs.
8 (C) National Sheriffs' Association.
9 (D) International Association of Fire
10 Fighters.
11 (E) National Volunteer Fire Council.
12 (F) Fraternal Order of Police.
13 (G) Major Cities Chiefs Association.
14 (H) Metropolitan Fire Chiefs Association.
15 (I) Major County Sheriffs' Association.
16 (J) Association of Public-Safety Commu-
17 nications Officials, International.
18 (K) National Emergency Management As-
19 sociation.
20 (L) International Association of Emer-
21 gency Managers.
22 (M) Police Executive Research Forum.
23 (N) National Criminal Justice Association.
24 (O) National Association of Police Organi-
25 zations.

1 (P) National Organization of Black Law
2 Enforcement Executives.
3 (Q) Association of Air Medical Services.
4 (R) Advocates for Emergency Medical
5 Services.
6 (S) Emergency Nurses Association.
7 (T) National Association of Emergency
8 Medical Services Physicians.
9 (U) National Association of Emergency
10 Medical Technicians.
11 (V) National Association of State Emer-
12 gency Medical Service Officials.
13 (W) National Emergency Medical Services
14 Management Association.
15 (X) International Municipal Signal Asso-
16 ciation.
17 (Y) American Probation and Parole Asso-
18 ciation.
19 (Z) National Governors Association.
20 (AA) National Association of Counties.
21 (BB) National League of Cities.
22 (CC) United States Conference of Mayors.
23 (DD) Council of State Governments.
24 (EE) International City/County Managers
25 Association.

1 (FF) National Conference of State Legis-
2 latures.
3 (GG) National Association of Regional
4 Councils.
5 (HH) Utilities Telecom Council.
6 (II) American Association of State High-
7 way Transportation Officials.
8 (JJ) American Hospital Association.
9 (KK) Forestry Conservation Communica-
10 tions Association.
11 (LL) National Association of State 911
12 Administrators.
13 (MM) National Troopers Coalition.
14 (NN) National Emergency Numbers Asso-
15 ciation.
16 **SEC. 564. FUNDING.**
17 (a) ESTABLISHMENT OF FUNDS.—
18 (1) CONSTRUCTION FUND.—
19 (A) ESTABLISHMENT.—There is estab-
20 lished in the Treasury of the United States a
21 fund to be known as the Public Safety Inter-
22 operable Broadband Network Construction
23 Fund.
24 (B) PURPOSE.—The Secretary shall estab-
25 lish and administer the grant program under

1 section 565 using the funds deposited in the
2 Construction Fund.
3 (C) CREDIT.—
4 (i) BORROWING AUTHORITY.—The
5 Secretary may borrow from the general
6 fund of the Treasury beginning on October
7 1, 2011, such sums as may be necessary,
8 but not to exceed $2,000,000,000, to im-
9 plement section 565.
10 (ii) REIMBURSEMENT.—The Secretary
11 of the Treasury shall reimburse the general
12 fund of the Treasury, without interest, for
13 any amounts borrowed under clause (i) as
14 funds are deposited into the Construction
15 Fund, but in no case later than December
16 31, 2014.
17 (2) MAINTENANCE AND OPERATION FUND.—
18 (A) ESTABLISHMENT.—There is estab-
19 lished in the Treasury of the United States a
20 fund to be known as the Public Safety Inter-
21 operable Broadband Network Maintenance and
22 Operation Fund.
23 (B) PURPOSE.—The Secretary shall use
24 the funds deposited in the Maintenance and Op-

1 eration Fund to carry out section 566 and sec-
2 tion 569(c).
3 (b) INITIAL DISTRIBUTION OF AUCTION PROCEEDS
4 IN FUNDS.—Notwithstanding subparagraphs (A) and (D)
5 of section 309(j)(8) of the Communications Act of 1934
6 (47 U.S.C. 309(j)(8)), the Secretary of the Treasury shall
7 deposit the proceeds (including deposits and upfront pay-
8 ments from successful bidders) from the auction of the
9 spectrum described in section 568 in the following man-
10 ner:
11 (1) All proceeds less than or equal to
12 $5,500,000,000 shall be deposited in the Construc-
13 tion Fund and shall be made available to the Sec-
14 retary without further appropriations.
15 (2) Any proceeds exceeding $5,500,000,000
16 shall be deposited in the Maintenance and Operation
17 Fund and shall be made available to the Secretary
18 without further appropriations.
19 (c) TRANSFER OF FUNDS AT COMPLETION OF CON-
20 STRUCTION.—The Secretary of the Treasury shall transfer
21 to the Maintenance and Operation Fund any funds re-
22 maining in the Construction Fund after the date of the
23 completion of the construction phase, as determined by the
24 Secretary.

1 (d) TRANSFER OF FUNDS TO TREASURY.—The Sec-
2 retary of the Treasury shall transfer to the general fund
3 of the Treasury any funds remaining in the Maintenance
4 and Operation Fund after the end of the 10-year period
5 following receipt of notice by the Secretary that construc-
6 tion of the nationwide public safety interoperable
7 broadband network has been completed.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) CONSTRUCTION FUND.—There are author-
10 ized to be appropriated to the Secretary for deposit
11 in the Construction Fund in and after fiscal year
12 2012 an amount not to exceed the amount set forth
13 in paragraph (3).

14 (2) MAINTENANCE AND OPERATION FUND.—
15 There are authorized to be appropriated to the Sec-
16 retary for deposit in the Maintenance and Operation
17 Fund in and after fiscal year 2012 an amount not
18 to exceed the amount set forth in paragraph (3).

19 (3) LIMITATION.—The authorization of appro-
20 priations under paragraphs (1) and (2) may not ex-
21 ceed a total of $5,500,000,000.

22 **SEC. 565. PUBLIC SAFETY INTEROPERABLE BROADBAND**
23 **NETWORK CONSTRUCTION.**

24 (a) CONSTRUCTION GRANT PROGRAM ESTABLISH-
25 MENT.—To enhance domestic preparedness for and collec-

1 tive response to a catastrophic incident, the Secretary
2 shall take such action as is necessary to establish a grant
3 program to assist public safety entities to establish a na-
4 tionwide public safety interoperable broadband network in
5 the 700 megahertz band.

6 (b) PROJECTS.—The projects for which construction
7 grants may be made under this section are the following:

8 (1) Construction of a new public safety inter-
9 operable broadband network using public safety in-
10 frastructure or commercial infrastructure, or both,
11 in the 700 megahertz band.

12 (2) Improvement of the existing public safety
13 and commercial networks and construction of new
14 infrastructure to meet public safety requirements.

15 (c) MATCHING REQUIREMENTS.—

16 (1) FEDERAL SHARE.—The Federal share of
17 the cost of carrying out a project under this section
18 may not exceed 80 percent of the eligible costs of
19 carrying out a project, as determined by the Sec-
20 retary in consultation with the Chairman of the Fed-
21 eral Communications Commission.

22 (2) NON-FEDERAL SHARE.—The non-Federal
23 share of the cost of carrying out a project under this
24 section may be provided through an in-kind con-
25 tribution.

1 (d) REQUIREMENTS.—Not later than 6 months after
2 the date of enactment of this Act, the Secretary shall es-
3 tablish grant program requirements including the fol-
4 lowing:
5 (1) Defining entities that are eligible to receive
6 a grant under this section.
7 (2) Defining eligible costs for purposes of sub-
8 section (c)(1).
9 (3) Determining the scope of network infra-
10 structure eligible for grant funding under this sec-
11 tion.
12 (4) Conditioning grant funding on compliance
13 with the Federal Communications Commission's li-
14 cense terms.
15 (5) Ensuring that all grant funds are in compli-
16 ance with and support the goals of the National
17 Emergency Communications Plan and the Statewide
18 Communication Interoperability Plans for each State
19 and territory.
20 (e) TECHNICAL ASSISTANCE.—The Secretary shall
21 enhance the Office of Emergency Communications Tech-
22 nical Assistance Program to assist grantees with best
23 practices and guidance in implementing these projects.

1 **SEC. 566. PUBLIC SAFETY INTEROPERABLE BROADBAND**
2 **MAINTENANCE AND OPERATION.**

3 (a) MAINTENANCE AND OPERATION REIMBURSE-
4 MENT PROGRAM.—The Secretary shall administer a pro-
5 gram through which not more than 50 percent of mainte-
6 nance and operational expenses associated with the public
7 safety interoperable broadband network may be reim-
8 bursed from the Maintenance and Operation Fund for
9 those expenses that are attributable to the maintenance,
10 operation, and improvement of the public safety interoper-
11 able broadband network.

12 (b) REPORT.—Not later than 7 years after the com-
13 mencement of the reimbursement program established
14 under subsection (a), the Secretary shall submit to Con-
15 gress a report on whether to continue to provide funding
16 for the Maintenance and Operation Fund following com-
17 pletion of the period provided for under section 564(d).

18 **SEC. 567. AUDITS.**

19 (a) IN GENERAL.—Not later than 3 years after the
20 date of enactment of this Act, and every 3 years there-
21 after, the Comptroller General of the United States shall
22 perform an audit of the financial statements, records, and
23 accounts of the—

24 (1) Public Safety Interoperable Broadband Net-
25 work Construction Fund established under section
26 564(a)(1);

1 (2) Public Safety Interoperable Broadband Net-
2 work Maintenance and Operation Fund established
3 under section 564(a)(2);
4 (3) construction grant program established
5 under section 565; and
6 (4) maintenance and operation grant program
7 established under section 566.
8 (b) GAAP.—Each audit required under subsection
9 (a) shall be conducted in accordance with generally accept-
10 ed accounting procedures.
11 (c) REPORT TO CONGRESS.—A copy of each audit re-
12 quired under subsection (a) shall be submitted to the ap-
13 propriate committees of Congress.

14 **SEC. 568. AUCTION OF SPECTRUM TO FUND THE INTER-**
15 **OPERABLE BROADBAND NETWORK CON-**
16 **STRUCTION FUND AND THE OPERATION AND**
17 **MAINTENANCE FUND.**

18 (a) REALLOCATION OF SPECTRUM.—Not later than
19 1 year after the date of enactment of this Act, the Assist-
20 ant Secretary shall reallocate for commercial use electro-
21 magnetic spectrum at 1755–1780 megahertz.
22 (b) AUCTION.—Not later than 18 months after the
23 date of enactment of this Act, the Federal Communica-
24 tions Commission shall establish rules for pairing electro-
25 magnetic spectrum bands at 1755–1780 megahertz and

1 2155–2180 megahertz, inclusive, and auction the licenses
2 for such paired spectrum in accordance with section 309(j)
3 of the Communications Act of 1934.

4 **SEC. 569. ACHIEVING LONG-TERM INTEROPERABILITY BY**
5 **CONSOLIDATING BAND USE BY PUBLIC SAFE-**
6 **TY AGENCIES.**

7 (a) MANDATING MIGRATION OF PUBLIC SAFETY EN-
8 TITIES AND FEDERAL LAW ENFORCEMENT.—

9 (1) REQUIRED MIGRATION BY PUBLIC SAFETY
10 ENTITIES.—Not later than 8 years after the date of
11 enactment of this Act, each public safety entity shall
12 end their use of radio spectrum between 420 mega-
13 hertz and 512 megahertz and shall begin to use al-
14 ternative radio spectrum licensed to public safety
15 services in the 700 megahertz and 800 megahertz
16 bands.

17 (2) REQUIRED USE BY FEDERAL LAW EN-
18 FORCEMENT.—Not later than 10 years after the
19 date of enactment of this Act, each Federal law en-
20 forcement agency shall move all of their communica-
21 tions that are not being carried on commercial net-
22 works to spectrum located in the 700 megahertz and
23 800 megahertz bands.

24 (b) GAO STUDY.—Not later than 3 years after the
25 date of enactment of this Act, the Comptroller General

1 of the United States shall conduct a study and submit a
2 report to the appropriate committees of Congress that
3 identifies those parts of the radio spectrum above 174
4 megahertz and below 512 megahertz used by public safety
5 entities that should be returned to the Federal Commu-
6 nications Commission for auction in accordance with sub-
7 section (d).

8 (c) MIGRATION PLAN DEVELOPED BY FCC AND
9 DHS.—

10 (1) IN GENERAL.—Not later than 6 years after
11 the date of enactment of this Act, the Federal Com-
12 munications Commission, in coordination with the
13 Secretary and in consultation with the Assistant
14 Secretary and Federal, State, and local public safety
15 agencies, shall issue a report detailing the plan for
16 public safety entities to end their use of radio spec-
17 trum between 170 megahertz and 512 megahertz
18 and to move all such use to the radio spectrum li-
19 censed to public safety services in the 700 megahertz
20 and 800 megahertz bands.

21 (2) FACILITATION OF MIGRATION.—The Sec-
22 retary shall make amounts available out of the
23 Maintenance and Operation Fund to facilitate the
24 migration of public safety entity use of the radio
25 spectrum licensed to public safety services in the

1 700 megahertz and 800 megahertz bands in accord-
2 ance with the plan developed under paragraph (1).
3 (d) RECOVERED PUBLIC SAFETY SPECTRUM.—
4 (1) AUCTION.—Not later than 10 years after
5 the date of enactment of this Act, the paired electro-
6 magnetic spectrum bands of 420–440 megahertz and
7 450–470 megahertz recovered as a result of the re-
8 port required under subsection (c) shall be auctioned
9 off by the Federal Communications Commission
10 through a system of competitive bidding meeting the
11 requirements of section 309(j) of the Communica-
12 tions Act of 1934.
13 (2) ENCOURAGED USE OF CERTAIN AUTHOR-
14 ITY.—In making the recovered spectrum identified
15 under paragraph (1) available through auction, the
16 Commission is encouraged to use its authority under
17 sections 303 and 316 of the Communications Act of
18 1934 to configure the spectrum in a manner that in-
19 creases the value of the recovered spectrum for com-
20 mercial use.
21 (3) PROCEEDS.—Notwithstanding any other
22 provision of law, all proceeds (including deposits and
23 upfront payments from successful bidders) from the
24 auction required under this subsection shall be de-

1 posited in the Treasury in accordance with chapter
2 33 of title 31, United States Code.

3 **SEC. 570. EXTENSION OF AUCTION AUTHORITY AND ASSUR-**
4 **ANCE OF OPEN AUCTIONS.**

5 (a) EXTENSION OF AUCTION AUTHORITY.—Section
6 309(j)(11) of the Communications Act of 1934 (47 U.S.C.
7 309(j)(11)) is amended by striking "2012" and inserting
8 "2020".

9 (b) ELIGIBILITY.—The Federal Communications
10 Commission shall ensure that no bidder is deemed ineli-
11 gible for or otherwise excluded from an auction specified
12 in this Act, or any other competitive bidding process under
13 section 309(j) of the Communications Act of 1934, on ac-
14 count of its size or the amount of its other spectrum hold-
15 ings.

16 **SEC. 571. DEFINITIONS.**

17 In this subtitle:

18 (1) The term "Assistant Secretary" means the
19 Assistant Secretary of Commerce for Communica-
20 tions and Information.

21 (2) The term "appropriate committees of Con-
22 gress" means the Committee on Homeland Security
23 of the House of Representatives and any other com-
24 mittee of the House of Representatives or the Senate
25 having legislative jurisdiction under the Rules of the

1 House of Representatives or the Senate, respectively,
2 over the matter concerned.
3 (3) The term "catastrophic incident" has the
4 meaning given such term in section 501(3) of the
5 Homeland Security Act of 2002 (6 U.S.C. 311(3)).
6 (4) The term "Construction Fund" means the
7 Public Safety Interoperable Broadband Network
8 Construction Fund established under section
9 564(a)(1).
10 (5) The term "Maintenance and Operation
11 Fund" means the Public Safety Interoperable
12 Broadband Network Maintenance and Operation
13 Fund established under section 564(a)(2).
14 (6) The term "Secretary" means the Secretary
15 of Homeland Security unless otherwise indicated.

Amendment offered by Mr.____ to the Amendment to the Amendment in the Nature of A Substitute to H.R. 3116 offered by Ms. Richardson (007)

In the proposed amendment, strike from page 19, line 4 to page 22, line 2.