Amendments to H.R. 4349
AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4349
OFFERED BY MR. GREEN OF TEXAS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.
2
3 This Act may be cited as the “Department of Homeland Security Office for Civil Rights and Civil Liberties
4 Authorization Act”.

5 SEC. 2. OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES.
6 (a) IN GENERAL.—Section 705 of the Homeland Security Act of 2002 (6 U.S.C. 345) is amended—
7 (1) in the section heading, by striking “ESTAB-
8 LISHMENT OF”; and
9 (2) by striking subsections (a) and (b) and inser-
10 ting the following new subsections:
11 “(a) ESTABLISHMENT.—
12 “(1) IN GENERAL.—There is established within
13 the Department an Office for Civil Rights and Civil
14 Liberties (referred to in this section as the ‘Office’).
15 The head of the Office is the Officer for Civil Rights
16 and Civil Liberties (referred to in this section as the
17 ‘Officer’), who shall report directly to the Secretary.
“(2) DUTIES.—The Secretary and the head of each component shall—

“(A) ensure that the Officer for Civil Rights and Civil Liberties of the Department and the Officer for Civil Rights and Civil Liberties of such component—

“(i) have the information, materials, and resources necessary to carry out the functions of the Office;

“(ii) are consulted in advance of new or proposed changes to policies, programs, initiatives, and activities impacting civil rights and civil liberties; and

“(iii) are given full and complete access to all materials and personnel necessary to carry out the functions of the Office; and

“(B) consider advice and recommendations from the Officer for Civil Rights and Civil Liberties of the Department in the development and implementation of policies, programs, initiatives, and activities impacting civil rights and civil liberties.

“(b) RESPONSIBILITIES.—The Officer shall carry out the following responsibilities:
“(1) Oversee compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights and civil liberties of individuals affected by the policies, programs, initiatives, and activities of the Department.

“(2) Review and assess information concerning abuses of civil rights and civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department.

“(3) Integrate civil rights and civil liberties protections into all policies, programs, initiatives, and activities of the Department.

“(4) Conduct civil rights and civil liberties impact assessments, as appropriate, including such assessments prior to the implementation of new Department regulations, policies, programs, initiatives, and activities.

“(5) Conduct periodic reviews and assessments of policies, programs, initiatives, and activities of the Department relating to civil rights and civil liberties, including reviews and assessments initiated by the Officer.

“(6) Provide policy advice, recommendations, and other technical assistance relating to civil rights and civil liberties to the Secretary, and the heads of
components, and other personnel within the Department.

“(7) Review, assess, and investigate complaints, including complaints filed by members of the public, and information indicating possible abuses of civil rights or civil liberties at the Department, unless the Inspector General of the Department determines that any such complaint should be investigated by the Inspector General.

“(8) Initiate reviews, investigations, and assessments of the administration of the policies, programs, initiatives, and activities of the Department relating to civil rights and civil liberties.

“(9) Coordinate with the Privacy Officer to ensure that—

“(A) policies, programs, initiatives, and activities involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and

“(B) Congress receives appropriate reports regarding such policies, programs, initiatives, and activities.

“(10) Lead the equal employment opportunity programs of the Department, including complaint
management and adjudication, workforce diversity, and promotion of the merit system principles.

“(11) Make publicly available through accessible communications channels, including the website of the Department—

“(A) information on the responsibilities and functions of, and how to contact, the Office;

“(B) summaries of the investigations carried out pursuant to paragraphs (7) and (8) that result in recommendations; and

“(C) summaries of impact assessments and periodic reviews and assessments carried out pursuant to paragraphs (4) and (5), respectively, that are issued by the Officer.

“(12) Engage with individuals, stakeholders, and communities the civil rights and civil liberties of which may be affected by the policies, programs, initiatives, and activities of the Department, including by—

“(A) informing such individuals, stakeholders, and communities concerning such policies, programs, initiatives, and activities;

“(B) providing information for how to report and access redress processes; and
“(C) providing Department leadership and other personnel within the Department feedback from such individuals, stakeholders, and communities on the civil rights and civil liberties impacts of such policies, programs, initiatives, and activities, and working with State, local, Tribal, and territorial homeland security partners to enhance the Department’s policymaking and program implementation.

“(13) Lead a language access program for the Department to ensure the Department effectively communicates with all individuals impacted by programs and activities of the Department, including those with limited English proficiency.

“(14) Participate in the hiring or designation of a civil rights and civil liberties officer within each component and participate in the performance review process for such officer.

“(c) AUTHORITY TO INVESTIGATE.—

“(1) IN GENERAL.—For the purposes of subsection (b), the Officer shall—

“(A) have access to all materials and personnel necessary to carry out the functions of the Office under this subsection;
“(B) make such investigations and reports relating to the administration of the programs and operations of the Department as are necessary or appropriate;

“(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all materials and personnel necessary to the performance of the responsibilities of the Officer under this section; and

“(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the Officer under this section.

“(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

“(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken pursuant to paragraph (1)(D) by or before an employee of the Office designated for that purpose by the Officer shall have the same force and effect as if adminis-
tered or taken by or before an officer having a seal of office.

“(d) NOTIFICATION REQUIREMENT.—In the case of a complaint made concerning allegations of abuses of civil rights and civil liberties under paragraph (7) of subsection (b), the Officer shall—

“(1) provide to the individual who made the complaint notice of the receipt of such complaint within 30 days of receiving the complaint; and

“(2) inform the complainant of the determination of the Office regarding—

“(A) the initiation of a review, assessment, or investigation by the Office;

“(B) a referral to the Inspector General of the Department; or

“(C) any other action taken.

“(e) COORDINATION WITH INSPECTOR GENERAL.—

“(1) IN GENERAL.—

“(A) REFERRAL.—Before initiating an investigation initiated by the Officer pursuant to paragraph (7) or (8) of subsection (b), the Officer shall refer the matter at issue to the Inspector General of the Department.

“(B) DETERMINATIONS AND NOTIFICATIONS BY INSPECTOR GENERAL.—Not later
than seven days after the receipt of a matter at issue under subparagraph (A), the Inspector General shall—

“(i) make a determination regarding whether the Inspector General intends to initiate an investigation of such matter; and

“(ii) notify the Officer of such determination.

“(C) INVESTIGATIONS.—If the Secretary determines that a complaint warrants both the Officer and the Inspector General conducting investigations concurrently, jointly, or in some other manner, the Secretary may authorize the Officer to conduct an investigation in such manner as the Secretary directs.

“(D) NOTIFICATION BY THE OFFICER.—If the Officer does not receive notification of a determination pursuant to subparagraph (B)(ii), the Officer shall notify the Inspector General of whether the Officer intends to initiate an investigation into the matter at issue.

“(f) RECOMMENDATIONS; RESPONSE.—

“(1) IN GENERAL.—In the case of an investigation initiated by the Officer pursuant to paragraph
(7) or (8) of subsection (b), if such an investigation results in the issuance of recommendations, the Officer shall produce a report that—

“(A) includes the final findings and recommendations of the Officer;

“(B) is made publicly available in summary form;

“(C) does not include any personally identifiable information; and

“(D) may include a classified annex.

“(2) TRANSMISSION.—The Officer shall transmit to the Secretary and the head of the relevant component a copy of each report under paragraph (1).

“(3) RESPONSE.—

“(A) IN GENERAL.—Not later than 45 days after the date on which the Officer transmits to the head of a component a copy of a report pursuant to paragraph (2), such head shall submit to the Secretary and the Officer a response to such report.

“(B) RULE OF CONSTRUCTION.—In the response submitted pursuant to subparagraph (A), each recommendation contained in the report transmitted pursuant to paragraph (2)
with which the head of the component at issue concurs shall be deemed an accepted recommendation of the Department.

“(C) NONCONCURRENCE; APPEAL.—If the head of a component does not concur with a recommendation contained in the report transmitted pursuant to paragraph (2), or if such head does not respond to a recommendation within 45 days in accordance with subparagraph (A), the Officer may appeal to the Secretary.

“(D) RESULT.—If the Officer appeals to the Secretary pursuant to subparagraph (C), the Secretary shall, not later than 60 days after the date on which the Officer appeals—

“(i) accept the Officer’s recommendation, which recommendation shall be deemed the accepted recommendation of the Department; or

“(ii) accept the nonconcurrence of the head of the component at issue if transmitted in accordance with subparagraph (A).

“(g) REPORTING.—
“(1) IN GENERAL.—In the case of an investigation initiated by the Officer pursuant to paragraph (7) or (8) of subsection (b), if such an investigation resulted in the issuance of recommendations, the Officer shall, on an annual basis, make publicly available through accessible communications channels, including the website of the Department—

“(A) a summary of investigations that are completed, consistent with section 1062(f)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee–1(f)(2));

“(B) the accepted recommendations of the Department, if any; and

“(C) a summary of investigations that result in final recommendations that are issued by the Officer.

“(2) PROHIBITION.—Materials made publicly available pursuant to paragraph (1) may not include any personally identifiable information related to any individual involved in the investigation at issue.

“(h) COMPONENT CIVIL RIGHTS AND CIVIL LIBERTIES OFFICERS.—

“(1) IN GENERAL.—Any component that has an Officer for Civil Rights and Civil Liberties of such component shall ensure that such Officer for Civil
Rights and Civil Liberties of such component shall coordinate with and provide information to the Officer for Civil Rights and Civil Liberties of the Department on matters related to civil rights and civil liberties within each such component.

“(2) Officers of operational components.—The head of each operational component, in consultation with the Officer for Civil Rights and Civil Liberties of the Department, shall hire or designate a career appointee (as such term is defined in section 3132 of title 5, United States Code) from such component as the Officer for Civil Rights and Civil Liberties of such operational component.

“(3) Responsibilities.—Each Officer for Civil Rights and Civil Liberties of each component—

“(A) shall have access in a timely manner to the information, materials, and information necessary to carry out the functions of such officer;

“(B) shall be consulted in advance of new or proposed changes to component policies, programs, initiatives, and activities impacting civil rights and civil liberties;

“(C) shall be given full and complete access to all component materials and component
personnel necessary to carry out the functions
of such officer;

“(D) may, to the extent the Officer for
Civil Rights and Civil Liberties of the Depart-
ment determines necessary, and subject to the
approval of the Secretary, administer to or take
from any person an oath, affirmation, or affi-
davit, whenever necessary in the performance of
the responsibilities of each such component Of-

fer under this section; and

“(E) may administer any oath, affirma-
tion, or affidavit, and such oath, affirmation,
shall have the same force and effect as if ad-
ministered or taken by or before an officer hav-
ing a seal of office.

“(i) ANNUAL REPORT.—Not later than March 31 of
each year, the Officer shall submit to the Committee on
Homeland Security of the House of Representatives, the
Committee on Homeland Security ad Governmental Af-
fairs of the Senate, and any other Committee of the House
of Representatives or the Senate, as the case may be, the
Officer determines relevant, a report on the implementa-
tion of this section during the immediately preceding fiscal
year. Each such annual report shall be prepared and sub-
mitted for supervisory review and appropriate comment or
amendment by the Secretary prior to submission to such
committees, and the Officer shall consider and incorporate
any comments or amendments as a result of such review.
Each such report shall include, for the year covered by
such report, the following:

“(1) A list of Department regulations, policies,
programs, initiatives, and activities for which civil
rights and civil liberties impact assessments were
conducted, or policy advice, recommendations, or
other technical assistance was provided.

“(2) An assessment of the efforts of the De-
partment to effectively communicate with all individ-
uals impacted by programs and activities of the De-
partment, including those with limited English pro-
ficiency through the language access program re-
ferred to in subsection (b)(13).

“(3) A summary of recommendations issued
pursuant to subsection (f) regarding investigations
under paragraph (7) or (8) of subsection (b), to-
gether with information on the status of the imple-
mentation of such recommendations by the compo-

“(4) Information on the diversity and equal em-
ployment opportunity activities of the Department,
including information on complaint management and
adjudication of equal employment opportunity complaints, and efforts to ensure compliance throughout the Department with equal employment opportunity requirements.

“(5) A description of any efforts, including public meetings, to engage with individuals, stakeholders, and communities the civil rights and civil liberties of which may be affected by policies, programs, initiatives, and activities of the Department.

“(6) Information on total staffing for the Office, including—

“(A) the number of full-time, part-time, and contract support personnel; and

“(B) information on the number of employees whose primary responsibilities include supporting the Officer in carrying out paragraph (10) of subsection (b).

“(7) If required, a classified annex.

“(j) DEFINITION.—In this section, the term ‘component’ means any operational component, non-operational component, directorate, or office of the Department.”.

(b) CLERICAL AMENDMENT.—The item relating to section 705 in section 1(b) of the Homeland Security Act of 2002 is amended to read as follows:

“Sec. 705. Officer for Civil Rights and Civil Liberties”.
(c) REPORTING TO CONGRESS.—Section 1062(f)(1)(A)(i) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee–1(f)(1)(A)(i)) is amended by striking “the Committee on Oversight and Government Reform of the House of Representatives” and inserting “the Committee on Homeland Security of the House of Representatives, the Committee on Oversight and Reform of the House of Representatives”.

SEC. 3. COMPTROLLER GENERAL REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation of subsection (b)(12) of section 705 of the Homeland Security Act of 2002 (6 U.S.C. 345), as amended by section 2.
AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4349
OFFERED BY M. ________

Page 7, strike lines 5 through 10, and insert the fol-
lowing:

“(C) subject to the approval of the Sec-
retary, require by subpoena the production, by
any person other than a Federal agency, of all
information, documents, reports, answers,
records, accounts, papers, and other data and
documentary evidence necessary to performance
of the responsibilities of the Officer under this
section; and”.

☒
Page 8, beginning line 3, insert the following:

“(4) CONGRESSIONAL NOTIFICATION.—The Officer shall inform the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate not later than—

“(A) 30 days after the Secretary approves or disapproves the Officer’s request for a subpoena under paragraph (1)(C), or the Secretary substantively modifies the requested subpoena; or

“(B) 45 days after the Officer’s request for a subpoena under paragraph (1)(C), if such subpoena has not been approved or disapproved by the Secretary.”.”
AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE H.R. 4349
OFFERED BY MRS. JACKSON LEE

Page 14, line 19, strike “ad” and insert “and”.

Page 15, line 17, insert “investigations under paragraph (7) or (8) of subsection (b) resulting in” before “recommendations”.

Page 15, line 18, strike “regarding investigations under paragraph (7) or (8) of subsection (b)”.

☒
Amendments to H.R. 4476
AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4476
OFFERED BY MR. MEIJER OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.
2
This Act may be cited as the “DHS Trade and Economic Security Council Act of 2021”.

3 SEC. 2. DHS TRADE AND ECONOMIC SECURITY COUNCIL.
4
(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:
5 “SEC. 890B. DHS TRADE AND ECONOMIC SECURITY COUNCIL.
6
“(a) ESTABLISHMENT.—There is established in the Department the DHS Trade and Economic Security Council (referred to in this section as the ‘Council’).
7 “(b) DUTIES OF THE COUNCIL.—The Council shall provide to the Secretary advice and recommendations on matters of trade and economic security, including—
8 “(1) identifying concentrated risks for trade and economic security;
“(2) setting priorities for securing the Nation’s trade and economic security;

“(3) coordinating Department-wide activity on trade and economic security matters;

“(4) with respect to the President’s continuity of the economy plan under section 9603 of the William M. (Mac) Thornberry National Defense Authorization Act of Fiscal Year 2021;

“(5) proposing statutory and regulatory changes impacting trade and economic security; and

“(6) any other matters the Secretary considers appropriate.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Council shall be composed of the following members:


“(B) An officer or an employee, selected by the Secretary, from each of the following components and offices of the Department:

“(i) The Cybersecurity and Infrastructure Security Agency.

“(iii) The Office of Intelligence and Analysis.

“(iv) The Science and Technology Directorate.


“(vi) The Coast Guard.

“(vii) U.S. Customs and Border Protection.

“(viii) U.S. Immigration and Customs Enforcement.

“(ix) The Transportation Security Administration.

“(2) CHAIR AND VICE CHAIR.—The Assistant Secretary for Trade and Economic Security shall serve as Chair of the Council. The Assistant Secretary for Trade and Economic Security may designate a Council member as a Vice Chair.

“(d) MEETINGS.—The Council shall meet not less frequently than quarterly, as well as—

“(1) at the call of the Chair; or

“(2) at the direction of the Secretary.

“(e) BRIEFINGS.—Not later than 180 days after the date of the enactment of this section and every six months thereafter for four years, the Council shall brief the Com-
mittee on Homeland Security of the House of Representa-
tives and the Committee on Homeland Security and Gov-
ernmental Affairs of the Senate on the actions and activi-
ties of the Council.

“(f) DEFINITION.—In this section, the term ‘eco-
omic security’ means the condition of having secure and
resilient domestic production capacity combined with reli-
able access to the global resources necessary to maintain
an acceptable standard of living and protect core national
values.”.

(b) CLERICAL AMENDMENT.—The table of contents
in section 1(b) of the Homeland Security Act of 2002 is
amended by inserting after the item relating to section
890A the following new item:

“Sec. 890B. DHS Trade and Economic Security Council.”.

SEC. 3. ASSISTANT SECRETARY FOR TRADE AND ECONOMIC
SECURITY.

Section 709 of the Homeland Security Act of 2002
(6 U.S.C. 349) is amended—

(1) by redesignating subsection (g) as sub-
section (h); and

(2) by inserting after subsection (f) the fol-
lowing new subsection:

“(g) ASSISTANT SECRETARY FOR TRADE AND ECO-
NOMIC SECURITY.—
“(1) IN GENERAL.—There is within the Office of Strategy, Policy, and Plans an Assistant Secretary for Trade and Economic Security.

“(2) DUTIES.—The Assistant Secretary for Trade and Economic Security shall be responsible for policy formulation regarding matters relating to economic security and trade, as such matters relate to the mission and the operations of the Department.

“(3) ADDITIONAL RESPONSIBILITIES.—In addition to the duties specified in paragraph (2), the Assistant Secretary for Trade and Economic Security shall—

“(A) oversee—

“(i) the activities and enhancements of requirements for supply chain mapping not otherwise assigned by law or by the Secretary to another officer; and

“(ii) assessments and reports to Congress related to critical economic security domains;

“(B) serve as the executive for the Department on the Committee on Foreign Investment in the United States (CFIUS), the Committee for the Assessment of Foreign Participation in
the United States Telecommunications Services Sector, and the Federal Acquisition Security Council (in addition to any position on such Council occupied by a representative of the Cybersecurity and Infrastructure Security Agency of the Department);

“(C) coordinate with stakeholders in other Federal departments and agencies and non-governmental entities with trade and economic security interests, authorities, and responsibilities; and

“(D) perform such additional duties as the Secretary or the Under Secretary of Strategy, Policy, and Plans may prescribe.

“(4) DEFINITIONS.—In this subsection:

“(A) CRITICAL ECONOMIC SECURITY DOMAIN.—The term ‘critical economic security domain’ means any infrastructure, industry, technology, or intellectual property (or combination thereof) that is essential for the economic security of the United States.

“(B) ECONOMIC SECURITY.—The term ‘economic security’ has the meaning given such term in section 890B.”.
SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security $3,000,000 for each of fiscal years 2022 through 2026 to carry out section 890B and subsection (g) of section 709 of the Homeland Security Act of 2002, as added and inserted, respectively, by sections 2 and 3 of this Act.
Amendments to H.R. 5574
AMENDMENT TO H.R. 5574
OFFERED BY Ms. Jackson Lee

Page 4, beginning line 1, insert the following (and redesignate subsequent paragraphs accordingly):

(3) NON-TRAVELING INDIVIDUAL.—The term “non-traveling individual” has the meaning given such term in section 1560.3 of title 49, Code of Federal Regulations.

Page 4, line 6, insert “for use by both traveling and non-traveling individuals” before the period.
Amendments to H.R. 5633
AMENDMENT TO H.R. 5633
OFFERED BY Mr. Meijer

Page 3, line 18, insert “, including any contextual details not relevant to the audit, inspection, or evaluation at issue that may be used by other employees or officers of the Department to determine the identity of a whistle-blower complainant,” after “tion”.

[X]
AMENDMENT TO H.R. 5633
OFFERED BY Mrs. Miller-Meeks

Page 3, line 25, strike “such” and insert “section”.

Page 5, beginning line 23, insert the following:

“(6) Data regarding tips and complaints made to the Inspector General Hotline of the Department or otherwise referred to the Department, including—

“(A) the number and type of tips and complaints regarding fraud, waste, abuse, corruption, financial crimes, civil rights and civil liberty abuse, or other complaints regarding criminal or non-criminal activity associated with fraud, waste, or abuse;

“(B) actions taken by the Department to address or resolve each substantiated tip or complaint;

“(C) the total amount of time it took the Department to so address or resolve each such substantiated tip or complaint;

“(D) the total number of tips and complaints that are substantiated compared with
the number of tips and complaints that are unsubstantiated; and

“(E) the percentage of audits, inspections, and evaluations that are initiated as a result of tips and complaints made to the Inspector General Hotline.”.
AMENDMENT TO H.R. 5633
OFFERED BY Mrs. Harshbarger

Page 5, beginning line 23, insert the following (and redesignate subsequent subsections accordingly):

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(d) NOTIFICATION TO CONGRESS.—The Inspector General of the Department shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate if the head of an office or component of the Department does not provide in a timely manner to the Inspector General information or assistance that is requested by the Inspector General to conduct an audit, inspection, or evaluation.
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AMENDMENT TO H.R. 5633
OFFERED BY Mr. LaTurner

Add at the end of the bill the following:

(e) Reports.—

(1) Inspector General of DHS.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Comptroller General of the United States a report on the policies, procedures, and internal controls established that ensure compliance with the Quality Standards for Federal Offices of Inspector General from the Council of Inspectors General on Integrity and Efficiency.

(2) Comptroller General.—Not later than one year after receipt of the report required under paragraph (1), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Gov-
ernmental Affairs of the Senate an evaluation of such report.
Amendments to H.R. 5658
AMENDMENT TO H.R. 5658
OFFERED BY MR. LANGEVIN OF RHODE ISLAND

In section 2(2) strike “very rarely” and insert “only sometimes”.

Page 3, beginning line 14, insert the following (and redesignate subsequent paragraphs accordingly):

(9) Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 codified the duties of Sector Risk Management Agencies for critical infrastructure sectors, laying out the roles and responsibilities they have in coordinating with the Cybersecurity and Infrastructure Security Agency to secure the nation’s critical infrastructure.

In section 2, add at the end the following:

at an integrated cybersecurity center within the Cybersecurity and Infrastructure Security Agency.
Amendments to H.R. 5683
AMENDMENT TO H.R. 5683
OFFERED BY MS. JACKSON LEE

Page 2, line 18, strike “borders of the United States” and insert “United States land border with Mexico”.

Page 2, line 25, strike “borders” and insert “border”.

Page 5, line 11, insert “(with a total contract value of $50,000,000 or more, inclusive of contract options)” after “contract”.

Page 5, beginning on line 15, strike “the borders” and all that follows through “security” and insert “the United States land border with Mexico, any service, including related to border security,”.

Amend the title so as to read: “A bill to direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the United States land border with Mexico, and for other purposes.”.
Amendments to S. 658
Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the “National Cybersecurity Preparedness Consortium Act of 2021”.

SEC. 2. NATIONAL CYBERSECURITY PREPAREDNESS CONSORTIUM.

(a) IN GENERAL.—The Secretary may work with one or more consortia to support efforts to address cybersecurity risks and incidents.

(b) ASSISTANCE TO DHS.—The Secretary may work with one or more consortia to carry out the Secretary’s responsibility pursuant to section 2202(e)(1)(P) of the Homeland Security Act of 2002 (6 U.S.C. 652(e)(1)(P)) to—

(1) provide training and education to State, Tribal, and local first responders and officials specifically for preparing for and responding to cyberse-
security risks and incidents, in accordance with applicable law;

(2) develop and update a curriculum utilizing existing training and educational programs and models in accordance with section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), for State, Tribal, and local first responders and officials, related to cybersecurity risks and incidents;

(3) provide technical assistance services, training, and educational programs to build and sustain capabilities in support of preparedness for and response to cybersecurity risks and incidents, including threats of acts of terrorism, in accordance with such section 2209;

(4) conduct cross-sector cybersecurity training, education, and simulation exercises for entities, including State and local governments and Tribal organizations, critical infrastructure owners and operators, and private industry, to encourage community-wide coordination in defending against and responding to cybersecurity risks and incidents, in accordance with section 2210(c) of the Homeland Security Act of 2002 (6 U.S.C. 660(c));

(5) help States, Tribal organizations, and communities develop cybersecurity information sharing
programs, in accordance with section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659), for the dissemination of homeland security information related to cybersecurity risks and incidents;

(6) help incorporate cybersecurity risk and incident prevention and response into existing State, Tribal, and local emergency plans, including continuity of operations plans; and

(7) assist State governments and Tribal organizations in developing cybersecurity plans.

(c) CONSIDERATIONS REGARDING SELECTION OF A CONSORTIUM.—In selecting a consortium with which to work under this Act, the Secretary shall take into consideration the following:

(1) Prior experience conducting cybersecurity training, education, and exercises for State and local entities.

(2) Geographic diversity of the members of any such consortium so as to maximize coverage of the different regions of the United States.

(3) The participation in such consortium of one or more historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, other minority-serving institutions, and community colleges that participate in the National
Centers of Excellence in Cybersecurity program, as carried out by the Department of Homeland Security.

(d) METRICS.—If the Secretary works with a consortium under subsection (a), the Secretary shall measure the effectiveness of the activities undertaken by the consortium under this Act.

(e) OUTREACH.—The Secretary shall conduct outreach to universities and colleges, including, in particular, outreach to historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, other minority-serving institutions, and community colleges, regarding opportunities to support efforts to address cybersecurity risks and incidents, by working with the Secretary under subsection (a).

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize a consortium to control or direct any law enforcement agency in the exercise of the duties of the law enforcement agency.

(g) DEFINITIONS.—In this section—

(1) the term “community college” has the meaning given the term “junior or community college” in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058);
(2) the term “consortium” means a group primarily composed of nonprofit entities, including academic institutions, that develop, update, and deliver cybersecurity training and education in support of homeland security;

(3) the terms “cybersecurity risk” and “incident” have the meanings given those terms in section 2209(a) of the Homeland Security Act of 2002 (6 U.S.C. 659(a));

(4) the term “Department” means the Department of Homeland Security;

(5) the term “Hispanic-serving institution” has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a);

(6) the term “historically Black college and university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

(7) the term “minority-serving institution” means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a));

(8) the term “Secretary” means the Secretary of Homeland Security;
(9) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States;

(10) the term “Tribal Colleges and Universities” has the meaning given the term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c); and

(11) the term “Tribal organization” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).