

AMENDMENT TO RULES COMM. PRINT 117-54
OFFERED BY MR. THOMPSON OF MISSISSIPPI

Add at the end of division E the following:

1 **TITLE LIX—HOMELAND**
2 **SECURITY PROVISIONS**
3 **Subtitle A—Strengthening Security**
4 **of Our Communities**

5 **SEC. 59101. NONPROFIT SECURITY GRANT PROGRAM IM-**
6 **PROVEMENT.**

7 (a) IN GENERAL.—Section 2009 of the Homeland
8 Security Act of 2002 (6 U.S.C. 609a) is amended—

9 (1) in subsection (a), by inserting “and
10 threats” before the period at the end;

11 (2) in subsection (b)—

12 (A) in the matter preceding paragraph (1),
13 by striking “this subsection (a)” and inserting
14 “this subsection”; and

15 (B) by amending paragraph (2) to read as
16 follows:

17 “(2) determined by the Secretary to be at risk
18 of terrorist attacks and threats.”;

19 (3) in subsection (c)—

1 (A) by redesignating paragraphs (1), (2),
2 and (3) as subparagraphs (A), (B), and (E), re-
3 spectively, and moving such subparagraphs, as
4 so redesignated, two ems to the right;

5 (B) in the matter preceding subparagraph
6 (A), as so redesignated, by striking “The recipi-
7 ent” and inserting the following:

8 “(1) IN GENERAL.—The recipient”;

9 (C) in subparagraph (A), as so redesi-
10 gnated, by striking “equipment and inspection
11 and screening systems” and inserting “equip-
12 ment, inspection and screening systems, and al-
13 teration or remodeling of existing buildings or
14 physical facilities”;

15 (D) by inserting after subparagraph (B),
16 as so redesignated, the following new subpara-
17 graphs:

18 “(C) Facility security personnel costs, in-
19 cluding costs associated with contracted secu-
20 rity.

21 “(D) Expenses directly related to the ad-
22 ministration of the grant, except that such ex-
23 penses may not exceed five percent of the
24 amount of the grant.”; and

1 (E) by adding at the end the following new
2 paragraph:

3 “(2) RETENTION.—Each State through which a
4 recipient receives a grant under this section may re-
5 tain up to five percent of each grant for expenses di-
6 rectly related to the administration of the grant.”;

7 (4) in subsection (e)—

8 (A) by striking “2020 through 2024” and
9 inserting “2022 through 2028”; and

10 (B) by adding at the end the following new
11 sentence: “Each such report shall also include
12 information on the number of applications sub-
13 mitted by eligible nonprofit organizations to
14 each State, the number of applications sub-
15 mitted by each State to the Administrator, and
16 the operations of the Nonprofit Security Grant
17 Program Office, including staffing resources
18 and efforts with respect to subparagraphs (A)
19 through (E) of subsection (c)(1).”;

20 (5) by redesignating subsection (f) as sub-
21 section (j);

22 (6) by inserting after subsection (e) the fol-
23 lowing new subsections:

24 “(f) ADMINISTRATION.—Not later than 120 days
25 after the date of the enactment of this subsection, the Ad-

1 administrator shall establish within the Federal Emergency
2 Management Agency a program office for the Program (in
3 this section referred to as the ‘program office’). The pro-
4 gram office shall be headed by a senior official of the
5 Agency. The Administrator shall administer the Program
6 (including, where appropriate, in coordination with
7 States), including relating to the following:

8 “(1) Outreach, engagement, education, and
9 technical assistance and support to eligible nonprofit
10 organizations described in subsection (b), with par-
11 ticular attention to such organizations in under-
12 served communities, prior to, during, and after the
13 awarding of grants, including web-based training
14 videos for eligible nonprofit organizations that pro-
15 vide guidance on preparing an application and the
16 environmental planning and historic preservation
17 process.

18 “(2) Establishment of mechanisms to ensure
19 program office processes are conducted in accord-
20 ance with constitutional, statutory, regulatory, and
21 other legal and agency policy requirements that pro-
22 tect civil rights and civil liberties and, to the max-
23 imum extent practicable, advance equity for mem-
24 bers of underserved communities.

1 “(3) Establishment of mechanisms for the Ad-
2 ministrator to provide feedback to eligible nonprofit
3 organizations that do not receive grants.

4 “(4) Establishment of mechanisms to collect
5 data to measure the effectiveness of grants under
6 the Program.

7 “(5) Establishment and enforcement of stand-
8 ardized baseline operational requirements for States,
9 including requirements for States to eliminate or
10 prevent any administrative or operational obstacles
11 that may impact eligible nonprofit organizations de-
12 scribed in subsection (b) from receiving grants under
13 the Program.

14 “(6) Carrying out efforts to prevent waste,
15 fraud, and abuse, including through audits of grant-
16 ees.

17 “(g) GRANT GUIDELINES.—For each fiscal year,
18 prior to awarding grants under this section, the Adminis-
19 trator—

20 “(1) shall publish guidelines, including a notice
21 of funding opportunity or similar announcement, as
22 the Administrator determines appropriate; and

23 “(2) may prohibit States from closing applica-
24 tion processes prior to the publication of such guide-
25 lines.

1 “(h) ALLOCATION REQUIREMENTS.—

2 “(1) IN GENERAL.—In awarding grants under
3 this section, the Administrator shall ensure that—

4 “(A) 50 percent of amounts appropriated
5 pursuant to the authorization of appropriations
6 under subsection (k) is provided to eligible re-
7 cipients located in high-risk urban areas that
8 receive funding under section 2003 in the cur-
9 rent fiscal year or received such funding in any
10 of the preceding ten fiscal years, inclusive of
11 any amounts States may retain pursuant to
12 paragraph (2) of subsection (c); and

13 “(B) 50 percent of amounts appropriated
14 pursuant to the authorizations of appropria-
15 tions under subsection (k) is provided to eligible
16 recipients located in jurisdictions not receiving
17 funding under section 2003 in the current fiscal
18 year or have not received such funding in any
19 of the preceding ten fiscal years, inclusive of
20 any amounts States may retain pursuant to
21 paragraph (2) of subsection (c).

22 “(2) EXCEPTION.—Notwithstanding paragraph
23 (1), the Administrator may allocate a different per-
24 centage if the Administrator does not receive a suffi-
25 cient number of applications from eligible recipients

1 to meet the allocation percentages described in ei-
2 ther subparagraph (A) or (B) of such paragraph. If
3 the Administrator exercises the authorization under
4 this paragraph, the Administrator shall, not later
5 than 30 days after such exercise, report to the Com-
6 mittee on Homeland Security of the House of Rep-
7 resentatives and the Committee on Homeland Secu-
8 rity and Governmental Affairs of the Senate regard-
9 ing such exercise.

10 “(i) PAPERWORK REDUCTION ACT.—Chapter 35 of
11 title 44, United States Code (commonly known as the ‘Pa-
12 perwork Reduction Act’), shall not apply to any changes
13 to the application materials, Program forms, or other core
14 Program documentation intended to enhance participation
15 by eligible nonprofit organizations in the Program.”;

16 (7) in subsection (j), as so redesignated—

17 (A) in paragraph (1), by striking “\$75 mil-
18 lion for each of fiscal years 2020 through
19 2024” and inserting “\$75,000,000 for fiscal
20 year 2023 and \$500,000,000 for each of fiscal
21 years 2024 through 2028”; and

22 (B) by amending paragraph (2) to read as
23 follows:

24 “(2) OPERATIONS AND MAINTENANCE.—Of the
25 amounts authorized to be appropriated pursuant to

1 paragraph (1), not more than five percent is author-
2 ized—

3 “(A) to operate the program office; and

4 “(B) for other costs associated with the
5 management, administration, and evaluation of
6 the Program.”; and

7 (8) by adding at the end the following new sub-
8 section:

9 “(k) TREATMENT.—Nonprofit organizations deter-
10 mined by the Secretary to be at risk of extremist attacks
11 other than terrorist attacks and threats under subsection
12 (a) are deemed to satisfy the conditions specified in sub-
13 section (b) if protecting such organizations against such
14 other extremist attacks would help protect such organiza-
15 tions against such terrorist attacks and threats.”.

16 (b) PLAN.—Not later than 90 days after the date of
17 the enactment of this Act, the Administrator of the Fed-
18 eral Emergency Management Agency shall submit to the
19 Committee on Homeland Security of the House of Rep-
20 resentatives and the Committee on Homeland Security
21 and Governmental Affairs of the Senate a plan for the
22 administration of the program office for the Nonprofit Se-
23 curity Grant Program established under subsection (f) of
24 section 2009 of the Homeland Security Act 2002 (6

1 U.S.C. 609a), as amended by subsection (a), including a
2 staffing plan for such program office.

3 (c) CONFORMING AMENDMENT.—Section 2008 of the
4 Homeland Security Act of 2002 (6 U.S.C. 609) is amend-
5 ed—

6 (1) in subsection (c) by striking “sections 2003
7 and 2004” and inserting “sections 2003, 2004, and
8 2009”; and

9 (2) in subsection (e), by striking “section 2003
10 or 2004” and inserting “sections 2003, 2004, or
11 2009”.

12 **SEC. 59102. NATIONAL COMPUTER FORENSICS INSTITUTE**
13 **REAUTHORIZATION.**

14 (a) IN GENERAL.—Section 822 of the Homeland Se-
15 curity Act of 2002 (6 U.S.C. 383) is amended—

16 (1) in subsection (a)—

17 (A) in the subsection heading, by striking
18 “IN GENERAL” and inserting “IN GENERAL;
19 MISSION”;

20 (B) by striking “2022” and inserting
21 “2032”; and

22 (C) by striking the second sentence and in-
23 serting “The Institute’s mission shall be to edu-
24 cate, train, and equip State, local, territorial,
25 and Tribal law enforcement officers, prosecu-

1 tors, judges, participants in the United States
2 Secret Service’s network of cyber fraud task
3 forces, and other appropriate individuals re-
4 garding the investigation and prevention of cy-
5 bersecurity incidents, electronic crimes, and re-
6 lated cybersecurity threats, including through
7 the dissemination of homeland security informa-
8 tion, in accordance with relevant Department
9 guidance regarding privacy, civil rights, and
10 civil liberties protections.”;

11 (2) by redesignating subsections (e) through (f)
12 as subsections (d) through (g), respectively;

13 (3) by striking subsection (b) and inserting the
14 following new subsections:

15 “(b) CURRICULUM.—In furtherance of subsection
16 (a), all education and training of the Institute shall be
17 conducted in accordance with relevant Federal law and
18 policy regarding privacy, civil rights, and civil liberties pro-
19 tections, including best practices for safeguarding data
20 privacy and fair information practice principles. Education
21 and training provided pursuant to subsection (a) shall re-
22 late to the following:

23 “(1) Investigating and preventing cybersecurity
24 incidents, electronic crimes, and related cybersecu-
25 rity threats, including relating to instances involving

1 illicit use of digital assets and emerging trends in cy-
2 bersecurity and electronic crime.

3 “(2) Conducting forensic examinations of com-
4 puters, mobile devices, and other information sys-
5 tems.

6 “(3) Prosecutorial and judicial considerations
7 related to cybersecurity incidents, electronic crimes,
8 related cybersecurity threats, and forensic examina-
9 tions of computers, mobile devices, and other infor-
10 mation systems.

11 “(4) Methods to obtain, process, store, and
12 admit digital evidence in court.

13 “(c) RESEARCH AND DEVELOPMENT.—In further-
14 ance of subsection (a), the Institute shall research, de-
15 velop, and share information relating to investigating cy-
16 bersecurity incidents, electronic crimes, and related cyber-
17 security threats that prioritize best practices for forensic
18 examinations of computers, mobile devices, and other in-
19 formation systems. Such information may include training
20 on methods to investigate ransomware and other threats
21 involving the use of digital assets.”;

22 (4) in subsection (d), as so redesignated—

23 (A) by striking “cyber and electronic crime
24 and related threats is shared with State, local,
25 tribal, and territorial law enforcement officers

1 and prosecutors” and inserting “cybersecurity
2 incidents, electronic crimes, and related cyberse-
3 curity threats is shared with recipients of edu-
4 cation and training provided pursuant to sub-
5 section (a)”;

6 (B) by adding at the end the following new
7 sentence: “The Institute shall prioritize pro-
8 viding education and training to individuals
9 from geographically-diverse jurisdictions
10 throughout the United States.”;

11 (5) in subsection (e), as so redesignated—

12 (A) by striking “State, local, tribal, and
13 territorial law enforcement officers” and insert-
14 ing “recipients of education and training pro-
15 vided pursuant to subsection (a)”;

16 (B) by striking “necessary to conduct
17 cyber and electronic crime and related threat
18 investigations and computer and mobile device
19 forensic examinations” and inserting “for inves-
20 tigating and preventing cybersecurity incidents,
21 electronic crimes, related cybersecurity threats,
22 and for forensic examinations of computers,
23 mobile devices, and other information systems”;

24 (6) in subsection (f), as so redesignated—

1 (A) by amending the heading to read as
2 follows: “CYBER FRAUD TASK FORCES”;

3 (B) by striking “Electronic Crime” and in-
4 serting “Cyber Fraud”;

5 (C) by striking “State, local, tribal, and
6 territorial law enforcement officers” and insert-
7 ing “recipients of education and training pro-
8 vided pursuant to subsection (a)”;

9 (D) by striking “at” and inserting “by”;

10 (7) by redesignating subsection (g), as redesign-
11 ated pursuant to paragraph (2), as subsection (j);
12 and

13 (8) by inserting after subsection (f), as so re-
14 designated, the following new subsections:

15 “(g) EXPENSES.—The Director of the United States
16 Secret Service may pay for all or a part of the education,
17 training, or equipment provided by the Institute, including
18 relating to the travel, transportation, and subsistence ex-
19 penses of recipients of education and training provided
20 pursuant to subsection (a).

21 “(h) ANNUAL REPORTS TO CONGRESS.—The Sec-
22 retary shall include in the annual report required pursuant
23 to section 1116 of title 31, United States Code, informa-
24 tion regarding the activities of the Institute, including re-
25 lating to the following:

1 “(1) Activities of the Institute, including, where
2 possible, an identification of jurisdictions with recipi-
3 ents of education and training provided pursuant to
4 subsection (a) of this section during such year and
5 information relating to the costs associated with
6 such education and training.

7 “(2) Any information regarding projected fu-
8 ture demand for such education and training.

9 “(3) Impacts of the Institute’s activities on ju-
10 risdications’ capability to investigate and prevent cy-
11 bersecurity incidents, electronic crimes, and related
12 cybersecurity threats.

13 “(4) A description of the nomination process
14 for State, local, territorial, and Tribal law enforce-
15 ment officers, prosecutors, judges, participants in
16 the United States Secret Service’s network of cyber
17 fraud task forces, and other appropriate individuals
18 to receive the education and training provided pursu-
19 ant to subsection (a).

20 “(5) Any other issues determined relevant by
21 the Secretary.

22 “(i) DEFINITIONS.—In this section—

23 “(1) CYBERSECURITY THREAT.—The term ‘cy-
24 bersecurity threat’ has the meaning given such term
25 in section 102 of the Cybersecurity Act of 2015 (en-

1 acted as division N of the Consolidated Appropria-
2 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
3 1501))

4 “(2) INCIDENT.—The term ‘incident’ has the
5 meaning given such term in section 2209(a).

6 “(3) INFORMATION SYSTEM.—The term ‘infor-
7 mation system’ has the meaning given such term in
8 section 102 of the Cybersecurity Act of 2015 (en-
9 acted as division N of the Consolidated Appropria-
10 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
11 1501(9))).”.

12 (b) GUIDANCE FROM THE PRIVACY OFFICER AND
13 CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER.—The Pri-
14 vacy Officer and the Officer for Civil Rights and Civil Lib-
15 erties of the Department of Homeland Security shall pro-
16 vide guidance, upon the request of the Director of the
17 United States Secret Service, regarding the functions
18 specified in subsection (b) of section 822 of the Homeland
19 Security Act of 2002 (6 U.S.C. 383), as amended by sub-
20 section (a).

21 (c) TEMPLATE FOR INFORMATION COLLECTION
22 FROM PARTICIPATING JURISDICTIONS.—Not later than
23 180 days after the date of the enactment of this Act, the
24 Director of the United States Secret Service shall develop
25 and disseminate to jurisdictions that are recipients of edu-

1 cation and training provided by the National Computer
2 Forensics Institute pursuant to subsection (a) of section
3 822 of the Homeland Security Act of 2002 (6 U.S.C.
4 383), as amended by subsection (a), a template to permit
5 each such jurisdiction to submit to the Director reports
6 on the impacts on such jurisdiction of such education and
7 training, including information on the number of digital
8 forensics exams conducted annually. The Director shall,
9 as appropriate, revise such template and disseminate to
10 jurisdictions described in this subsection any such revised
11 templates.

12 (d) REQUIREMENTS ANALYSIS.—

13 (1) IN GENERAL.—Not later than one year
14 after the date of the enactment of this Act, the Di-
15 rector of the United States Secret Service shall carry
16 out a requirements analysis of approaches to expand
17 capacity of the National Computer Forensics Insti-
18 tute to carry out the Institute’s mission as set forth
19 in subsection (a) of section 822 of the Homeland Se-
20 curity Act of 2002 (6 U.S.C. 383), as amended by
21 subsection (a).

22 (2) SUBMISSION.—Not later than 90 days after
23 completing the requirements analysis under para-
24 graph (1), the Director of the United States Secret
25 Service shall submit to Congress such analysis, to-

1 gether with a plan to expand the capacity of the Na-
2 tional Computer Forensics Institute to provide edu-
3 cation and training described in such subsection.

4 Such analysis and plan shall consider the following:

5 (A) Expanding the physical operations of
6 the Institute.

7 (B) Expanding the availability of virtual
8 education and training to all or a subset of po-
9 tential recipients of education and training from
10 the Institute.

11 (C) Some combination of the consider-
12 ations set forth in subparagraphs (A) and (B).

13 (e) RESEARCH AND DEVELOPMENT.—The Director
14 of the United States Secret Service may coordinate with
15 the Under Secretary for Science and Technology of the
16 Department of Homeland Security to carry out research
17 and development of systems and procedures to enhance
18 the National Computer Forensics Institute’s capabilities
19 and capacity to carry out the Institute’s mission as set
20 forth in subsection (a) of section 822 of the Homeland
21 Security Act of 2002 (6 U.S.C. 383), as amended by sub-
22 section (a).

23 **SEC. 59103. HOMELAND SECURITY CAPABILITIES PRESER-**
24 **VATION.**

25 (a) PLAN.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary of Homeland Security, acting through the Ad-
4 ministrator of the Federal Emergency Management
5 Agency, shall submit to the Committee on Homeland
6 Security of the House of Representatives and the
7 Committee on Homeland Security and Governmental
8 Affairs of the Senate a plan, informed by the survey
9 information collected pursuant to subsection (b), to
10 make Federal assistance available for at least three
11 consecutive fiscal years to certain urban areas that
12 in the current fiscal year did not receive grant fund-
13 ing under the Urban Area Security Initiative under
14 section 2003 of the Homeland Security Act of 2002
15 (6 U.S.C. 604) and require continued Federal assist-
16 ance for the purpose of preserving a homeland secu-
17 rity capability related to preventing, preparing for,
18 protecting against, and responding to acts of ter-
19 rorism that had been developed or otherwise sup-
20 ported through prior grant funding under such Ini-
21 tiative and allow for such urban areas to transition
22 to such urban areas costs of preserving such home-
23 land security capabilities.

24 (2) ADDITIONAL REQUIREMENT.—The plan re-
25 quired under paragraph (1) shall also contain a pro-

1 hibition on an urban area that in a fiscal year is eli-
2 gible to receive Federal assistance described in such
3 paragraph from also receiving grant funding under
4 the Urban Area Security Initiative under section
5 2003 of the Homeland Security Act of 2002. In such
6 a case, such plan shall require such an urban area
7 to promptly notify the Administrator of the Federal
8 Emergency Management Agency regarding the pref-
9 erence of such urban area to retain either—

10 (A) such eligibility for such Federal assist-
11 ance; or

12 (B) such receipt of such grant funding.

13 (b) SURVEY.—In developing the plan required under
14 subsection (a), the Administrator of the Federal Emer-
15 gency Management Agency, shall, to ascertain the scope
16 of Federal assistance required, survey urban areas that—

17 (1) did not receive grant funding under the
18 Urban Area Security Initiative under section 2003
19 of the Homeland Security Act of 2002 in the current
20 fiscal year concerning homeland security capabilities
21 related to preventing, preparing for, protecting
22 against, and responding to acts of terrorism that
23 had been developed or otherwise supported through
24 funding under such Initiative that are at risk of

1 being reduced or eliminated without such Federal
2 assistance;

3 (2) received such funding in the current fiscal
4 year, but did not receive such funding in at least one
5 fiscal year in the six fiscal years immediately pre-
6 ceding the current fiscal year; and

7 (3) any other urban areas the Secretary deter-
8 mines appropriate.

9 (c) EXEMPTION.—The Secretary of Homeland Secu-
10 rity may exempt the Federal Emergency Management
11 Agency from the requirements of subchapter I of chapter
12 35 of title 44, United States Code (commonly referred to
13 as the “Paperwork Reduction Act”), for purposes of car-
14 rying out subsection (b) if the Secretary determines that
15 complying with such requirements would delay the devel-
16 opment of the plan required under subsection (a).

17 (d) CONTENTS.—The plan required under subsection
18 (a) shall—

19 (1) establish eligibility criteria for urban areas
20 to receive Federal assistance pursuant to such plan
21 to provide assistance for the purpose described in
22 such subsection;

23 (2) identify annual funding levels for such Fed-
24 eral assistance in accordance with the survey re-
25 quired under subsection (b); and

1 (3) consider a range of approaches to make
2 such Federal assistance available to such urban
3 areas, including—

4 (A) modifications to the Urban Area Secu-
5 rity Initiative under section 2003 of the Home-
6 land Security Act of 2002 in a manner that
7 would not affect the availability of funding to
8 urban areas under such Initiative;

9 (B) the establishment of a competitive
10 grant program;

11 (C) the establishment of a formula grant
12 program; and

13 (D) a timeline for the implementation of
14 any such approach and, if necessary, a legisla-
15 tive proposal to authorize any such approach.

16 **SEC. 59104. SCHOOL AND DAYCARE PROTECTION.**

17 (a) IN GENERAL.—Title VII of the Homeland Secu-
18 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
19 adding at the end the following new section:

20 **“SEC. 714. SCHOOL SECURITY COORDINATING COUNCIL.**

21 “(a) ESTABLISHMENT.—There is established in the
22 Department a coordinating council to ensure that, to the
23 maximum extent practicable, activities, plans, and policies
24 to enhance the security of early childhood education pro-
25 grams, elementary schools, high schools, and secondary

1 schools against acts of terrorism and other homeland secu-
2 rity threats are coordinated.

3 “(b) COMPOSITION.—The members of the council es-
4 tablished pursuant to subsection (a) shall include the fol-
5 lowing:

6 “(1) The Under Secretary for Strategy, Policy,
7 and Plans.

8 “(2) The Director of the Cybersecurity and In-
9 frastructure Security.

10 “(3) The Administrator of the Federal Emer-
11 gency Management Agency.

12 “(4) The Director of the Secret Service.

13 “(5) The Executive Director of the Office of
14 Academic Engagement.

15 “(6) The Assistant Secretary for Public Affairs.

16 “(7) Any other official of the Department the
17 Secretary determines appropriate.

18 “(c) LEADERSHIP.—The Secretary shall designate a
19 member of the council to serve as chair of the council.

20 “(d) RESOURCES.—The Secretary shall participate in
21 Federal efforts to maintain and publicize a clearinghouse
22 of resources available to early childhood education pro-
23 grams, elementary schools, high schools, and secondary
24 schools to enhance security against acts of terrorism and
25 other homeland security threats.

1 “(e) REPORTS.—Not later than January 30, 2023,
2 and annually thereafter, the Secretary shall submit to the
3 Committee on Homeland Security of the House of Rep-
4 resentatives and the Committee on Homeland Security
5 and Governmental Affairs of the Senate a report regard-
6 ing the following:

7 “(1) The Department’s activities, plans, and
8 policies aimed at enhancing the security of early
9 childhood education programs, elementary schools,
10 high schools, and secondary schools against acts of
11 terrorism and other homeland security threats.

12 “(2) With respect to the immediately preceding
13 year, information on the following:

14 “(A) The council’s activities during such
15 year.

16 “(B) The Department’s contributions to
17 Federal efforts to maintain and publicize the
18 clearinghouse of resources referred to in sub-
19 section (d) during such year.

20 “(3) Any metrics regarding the efficacy of such
21 activities and contributions, and any engagement
22 with stakeholders outside of the Federal Govern-
23 ment.

24 “(f) DEFINITIONS.—In this section, the terms ‘early
25 childhood education program’, ‘elementary school’, ‘high

1 school’, and ‘secondary school’ have the meanings given
2 such terms in section 8101 of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C. 7801).”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002 is
6 amended by inserting after the item relating to section
7 713 the following new item:

“Sec. 714. School security coordinating council.”.

8 **SEC. 59105. REPORTING EFFICIENTLY TO PROPER OFFI-**
9 **CIALS IN RESPONSE TO TERRORISM.**

10 (a) IN GENERAL.—Whenever an act of terrorism oc-
11 curs in the United States, the Secretary of Homeland Se-
12 curity, the Attorney General, the Director of the Federal
13 Bureau of Investigation, and, as appropriate, the head of
14 the National Counterterrorism Center, shall submit to the
15 appropriate congressional committees, by not later than
16 one year after the completion of the investigation con-
17 cerning such act by the primary Government agency con-
18 ducting such investigation, an unclassified report (which
19 may be accompanied by a classified annex) concerning
20 such act.

21 (b) CONTENT OF REPORTS.—A report under this sec-
22 tion shall—

23 (1) include a statement of the facts of the act
24 of terrorism referred to in subsection (a), as known
25 at the time of the report;

1 (2) identify any gaps in homeland or national
2 security that could be addressed to prevent future
3 acts of terrorism; and

4 (3) include any recommendations for additional
5 measures that could be taken to improve homeland
6 or national security, including recommendations re-
7 lating to potential changes in law enforcement prac-
8 tices or changes in law, with particular attention to
9 changes that could help prevent future acts of ter-
10 rorism.

11 (c) EXCEPTION.—

12 (1) IN GENERAL.—If the Secretary of Home-
13 land Security, the Attorney General, the Director of
14 the Federal Bureau of Investigation, or, as appro-
15 priate, the head of the National Counterterrorism
16 Center determines any information described in sub-
17 section (b) required to be reported in accordance
18 with subsection (a) could jeopardize an ongoing in-
19 vestigation or prosecution, the Secretary, Attorney
20 General, Director, or head, as the case may be—

21 (A) may withhold from reporting such in-
22 formation; and

23 (B) shall notify the appropriate congres-
24 sional committees of such determination.

1 (2) SAVING PROVISION.—Withholding of infor-
2 mation pursuant to a determination under para-
3 graph (1) shall not affect in any manner the respon-
4 sibility to submit a report required under subsection
5 (a) containing other information described in sub-
6 section (b) not subject to such determination.

7 (d) DEFINITIONS.—In this section:

8 (1) ACT OF TERRORISM.—The term “act of ter-
9 rorism” has the meaning given such term in section
10 3077 of title 18, United States Code.

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) in the House of Representatives—

15 (i) the Committee on Homeland Secu-
16 rity;

17 (ii) the Committee on the Judiciary;

18 and

19 (iii) the Permanent Select Committee
20 on Intelligence; and

21 (B) in the Senate—

22 (i) the Committee on Homeland Secu-
23 rity and Governmental Affairs;

24 (ii) the Committee on the Judiciary;

25 and

1 (iii) the Select Committee on Intel-
2 ligence.

3 **SEC. 59106. CYBERSECURITY GRANTS FOR SCHOOLS.**

4 (a) IN GENERAL.—Section 2220 of the Homeland
5 Security Act of 2002 (6 U.S.C. 665f) is amended by add-
6 ing at the end the following new subsection:

7 “(e) GRANTS AND COOPERATIVE AGREEMENTS.—
8 The Director may award financial assistance in the form
9 of grants or cooperative agreements to States, local gov-
10 ernments, institutions of higher education (as such term
11 is defined in section 101 of the Higher Education Act of
12 1965 (20 U.S.C. 1001)), nonprofit organizations, and
13 other non-Federal entities as determined appropriate by
14 the Director for the purpose of funding cybersecurity and
15 infrastructure security education and training programs
16 and initiatives to—

17 “(1) carry out the purposes of CETAP; and

18 “(2) enhance CETAP to address the national
19 shortfall of cybersecurity professionals.”.

20 (b) BRIEFINGS.—Paragraph (2) of subsection (c) of
21 section 2220 of the Homeland Security Act of 2002 (6
22 U.S.C. 665f) is amended—

23 (1) by redesignating subparagraphs (C) and
24 (D) as subparagraphs (D) and (E) respectively; and

1 (2) by inserting after subparagraph (B) the fol-
2 lowing new subparagraph:

3 “(C) information on any grants or coopera-
4 tive agreements made pursuant to subsection
5 (e), including how any such grants or coopera-
6 tive agreements are being used to enhance cy-
7 bersecurity education for underserved popu-
8 lations or communities;”.

9 **Subtitle B—Enhancing DHS**
10 **Acquisitions and Supply Chain**

11 **SEC. 59121. HOMELAND PROCUREMENT REFORM.**

12 (a) IN GENERAL.—Subtitle D of title VIII of the
13 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
14 is amended by adding at the end the following new section:

15 **“SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**
16 **LATED TO NATIONAL SECURITY INTERESTS.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) COVERED ITEM.—The term ‘covered item’
19 means any of the following:

20 “(A) Footwear provided as part of a uni-
21 form.

22 “(B) Uniforms.

23 “(C) Holsters and tactical pouches.

24 “(D) Patches, insignia, and embellish-
25 ments.

1 “(E) Chemical, biological, radiological, and
2 nuclear protective gear.

3 “(F) Body armor components intended to
4 provide ballistic protection for an individual,
5 consisting of 1 or more of the following:

6 “(i) Soft ballistic panels.

7 “(ii) Hard ballistic plates.

8 “(iii) Concealed armor carriers worn
9 under a uniform.

10 “(iv) External armor carriers worn
11 over a uniform.

12 “(G) Any other item of clothing or protec-
13 tive equipment as determined appropriate by
14 the Secretary.

15 “(2) FRONTLINE OPERATIONAL COMPONENT.—
16 The term ‘frontline operational component’ means
17 any of the following organizations of the Depart-
18 ment:

19 “(A) U.S. Customs and Border Protection.

20 “(B) U.S. Immigration and Customs En-
21 forcement.

22 “(C) The United States Secret Service.

23 “(D) The Transportation Security Admin-
24 istration.

25 “(E) The Coast Guard.

1 “(F) The Federal Protective Service.

2 “(G) The Federal Emergency Management
3 Agency.

4 “(H) The Federal Law Enforcement
5 Training Centers.

6 “(I) The Cybersecurity and Infrastructure
7 Security Agency.

8 “(b) REQUIREMENTS.—

9 “(1) IN GENERAL.—The Secretary shall ensure
10 that any procurement of a covered item for a front-
11 line operational component meets the following cri-
12 teria:

13 “(A)(i) To the maximum extent possible,
14 not less than one-third of funds obligated in a
15 specific fiscal year for the procurement of such
16 covered items shall be covered items that are
17 manufactured or supplied in the United States
18 by entities that qualify as small business con-
19 cerns, as such term is described under section
20 3 of the Small Business Act (15 U.S.C. 632).

21 “(ii) Covered items may only be supplied
22 pursuant to subparagraph (A) to the extent
23 that United States entities that qualify as small
24 business concerns—

1 “(I) are unable to manufacture cov-
2 ered items in the United States; and

3 “(II) meet the criteria identified in
4 subparagraph (B).

5 “(B) Each contractor with respect to the
6 procurement of such a covered item, including
7 the end-item manufacturer of such a covered
8 item—

9 “(i) is an entity registered with the
10 System for Award Management (or suc-
11 cessor system) administered by the General
12 Services Administration; and

13 “(ii) is in compliance with ISO
14 9001:2015 of the International Organiza-
15 tion for Standardization (or successor
16 standard) or a standard determined appro-
17 priate by the Secretary to ensure the qual-
18 ity of products and adherence to applicable
19 statutory and regulatory requirements.

20 “(C) Each supplier of such a covered item
21 with an insignia (such as any patch, badge, or
22 emblem) and each supplier of such an insignia,
23 if such covered item with such insignia or such
24 insignia, as the case may be, is not produced,

1 applied, or assembled in the United States,
2 shall—

3 “(i) store such covered item with such
4 insignia or such insignia in a locked area;

5 “(ii) report any pilferage or theft of
6 such covered item with such insignia or
7 such insignia occurring at any stage before
8 delivery of such covered item with such in-
9 signia or such insignia; and

10 “(iii) destroy any such defective or
11 unusable covered item with insignia or in-
12 signia in a manner established by the Sec-
13 retary, and maintain records, for three
14 years after the creation of such records, of
15 such destruction that include the date of
16 such destruction, a description of the cov-
17 ered item with insignia or insignia de-
18 stroyed, the quantity of the covered item
19 with insignia or insignia destroyed, and the
20 method of destruction.

21 “(2) WAIVER.—

22 “(A) IN GENERAL.—In the case of a na-
23 tional emergency declared by the President
24 under the National Emergencies Act (50 U.S.C.
25 1601 et seq.) or a major disaster declared by

1 the President under section 401 of the Robert
2 T. Stafford Disaster Relief and Emergency As-
3 sistance Act (42 U.S.C. 5170), the Secretary
4 may waive a requirement in subparagraph (A),
5 (B) or (C) of paragraph (1) if the Secretary de-
6 termines there is an insufficient supply of a
7 covered item that meets the requirement.

8 “(B) NOTICE.—Not later than 60 days
9 after the date on which the Secretary deter-
10 mines a waiver under subparagraph (A) is nec-
11 essary, the Secretary shall provide to the Com-
12 mittee on Homeland Security and Govern-
13 mental Affairs and the Committee on Appro-
14 priations of the Senate and the Committee on
15 Homeland Security, the Committee on Over-
16 sight and Reform, and the Committee on Ap-
17 propriations of the House of Representatives
18 notice of such determination, which shall in-
19 clude—

20 “(i) identification of the national
21 emergency or major disaster declared by
22 the President;

23 “(ii) identification of the covered item
24 for which the Secretary intends to issue
25 the waiver; and

1 “(iii) a description of the demand for
2 the covered item and corresponding lack of
3 supply from contractors able to meet the
4 criteria described in subparagraph (B) or
5 (C) of paragraph (1).

6 “(c) PRICING.—The Secretary shall ensure that cov-
7 ered items are purchased at a fair and reasonable price,
8 consistent with the procedures and guidelines specified in
9 the Federal Acquisition Regulation.

10 “(d) REPORT.—Not later than 1 year after the date
11 of enactment of this section and annually thereafter, the
12 Secretary shall provide to the Committee on Homeland Se-
13 curity, the Committee on Oversight and Reform, and the
14 Committee on Appropriations of the House of Representa-
15 tives, and the Committee on Homeland Security and Gov-
16 ernmental Affairs and the Committee on Appropriations
17 of the Senate a briefing on instances in which vendors
18 have failed to meet deadlines for delivery of covered items
19 and corrective actions taken by the Department in re-
20 sponse to such instances.

21 “(e) EFFECTIVE DATE.—This section applies with
22 respect to a contract entered into by the Department or
23 any frontline operational component on or after the date
24 that is 180 days after the date of enactment of this sec-
25 tion.”.

1 (b) STUDY.—

2 (1) IN GENERAL.—Not later than 18 months
3 after the date of enactment of this Act, the Sec-
4 retary of Homeland Security shall submit to the
5 Committee on Homeland Security and Governmental
6 Affairs of the Senate and the Committee on Home-
7 land Security of the House of Representatives a
8 study of the adequacy of uniform allowances pro-
9 vided to employees of frontline operational compo-
10 nents (as defined in section 836 of the Homeland
11 Security Act of 2002, as added by subsection (a)).

12 (2) REQUIREMENTS.—The study conducted
13 under paragraph (1) shall—

14 (A) be informed by a Department-wide
15 survey of employees from across the Depart-
16 ment of Homeland Security who receive uni-
17 form allowances that seeks to ascertain what, if
18 any, improvements could be made to the cur-
19 rent uniform allowances and what, if any, im-
20 pacts current allowances have had on employee
21 morale and retention;

22 (B) assess the adequacy of the most recent
23 increase made to the uniform allowance for first
24 year employees; and

1 (C) consider increasing by 50 percent, at
2 minimum, the annual allowance for all other
3 employees.

4 (c) ADDITIONAL REPORT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Sec-
7 retary of Homeland Security shall provide a report
8 with recommendations on how the Department of
9 Homeland Security could procure additional items
10 from domestic sources and bolster the domestic sup-
11 ply chain for items related to national security to—

12 (A) the Committee on Homeland Security
13 and Governmental Affairs and the Committee
14 on Appropriations of the Senate; and

15 (B) the Committee on Homeland Security,
16 the Committee on Oversight and Reform, and
17 the Committee on Appropriations of the House
18 of Representatives.

19 (2) CONTENTS.—The report required under
20 paragraph (1) shall include the following:

21 (A) A review of the compliance of the De-
22 partment of Homeland Security with the re-
23 quirements under section 604 of title VI of divi-
24 sion A of the American Recovery and Reinvest-
25 ment Act of 2009 (6 U.S.C. 453b) to buy cer-

1 tain items related to national security interests
2 from sources in the United States.

3 (B) An assessment of the capacity of the
4 Department of Homeland Security to procure
5 the following items from domestic sources:

6 (i) Personal protective equipment and
7 other items necessary to respond to a pan-
8 demic such as that caused by COVID-19.

9 (ii) Helmets that provide ballistic pro-
10 tection and other head protection and com-
11 ponents.

12 (iii) Rain gear, cold weather gear, and
13 other environmental and flame resistant
14 clothing.

15 (d) **CLERICAL AMENDMENT.**—The table of contents
16 in section 1(b) of the Homeland Security Act of 2002
17 (Public Law 107-296; 116 Stat. 2135) is amended by in-
18 serting after the item relating to section 835 the following:

“Sec. 836. Requirements to buy certain items related to national security inter-
ests.”.

19 **SEC. 59122. DHS SOFTWARE SUPPLY CHAIN RISK MANAGE-**
20 **MENT.**

21 (a) **GUIDANCE.**—The Secretary of Homeland Secu-
22 rity, acting through the Under Secretary, shall issue guid-
23 ance with respect to new and existing covered contracts.

1 (b) NEW COVERED CONTRACTS.—In developing
2 guidance under subsection (a), with respect to each new
3 covered contract, as a condition on the award of such a
4 contract, each contractor responding to a solicitation for
5 such a contract shall submit to the covered officer—

6 (1) a planned bill of materials when submitting
7 a bid proposal; and

8 (2) the certification and notifications described
9 in subsection (e).

10 (c) EXISTING COVERED CONTRACTS.—In developing
11 guidance under subsection (a), with respect to each exist-
12 ing covered contract, each contractor with an existing cov-
13 ered contract shall submit to the covered officer—

14 (1) the bill of materials used for such contract,
15 upon the request of such officer; and

16 (2) the certification and notifications described
17 in subsection (e).

18 (d) UPDATING BILL OF MATERIALS.—With respect
19 to a covered contract, in the case of a change to the infor-
20 mation included in a bill of materials submitted pursuant
21 to subsections (b)(1) and (c)(1), each contractor shall sub-
22 mit to the covered officer the update to such bill of mate-
23 rials, in a timely manner.

24 (e) CERTIFICATION AND NOTIFICATIONS.—The cer-
25 tification and notifications referred to in subsections

1 (b)(2) and (c)(2), with respect to a covered contract, are
2 the following:

3 (1) A certification that each item listed on the
4 submitted bill of materials is free from all known
5 vulnerabilities or defects affecting the security of the
6 end product or service identified in—

7 (A) the National Institute of Standards
8 and Technology National Vulnerability Data-
9 base; and

10 (B) any database designated by the Under
11 Secretary, in coordination with the Director of
12 the Cybersecurity and Infrastructure Security
13 Agency, that tracks security vulnerabilities and
14 defects in open source or third-party developed
15 software.

16 (2) A notification of each vulnerability or defect
17 affecting the security of the end product or service,
18 if identified, through—

19 (A) the certification of such submitted bill
20 of materials required under paragraph (1); or

21 (B) any other manner of identification.

22 (3) A notification relating to the plan to miti-
23 gate, repair, or resolve each security vulnerability or
24 defect listed in the notification required under para-
25 graph (2).

1 (f) ENFORCEMENT.—In developing guidance under
2 subsection (a), the Secretary shall instruct covered officers
3 with respect to—

4 (1) the processes available to such officers en-
5 forcing subsections (b) and (c); and

6 (2) when such processes should be used.

7 (g) EFFECTIVE DATE.—The guidance required under
8 subsection (a) shall take effect on the date that is 180
9 days after the date of the enactment of this section.

10 (h) GAO REPORT.—Not later than 1 year after the
11 date of the enactment of this Act, the Comptroller General
12 of the United States shall submit to the Secretary, the
13 Committee on Homeland Security of the House of Rep-
14 resentatives, and the Committee on Homeland Security
15 and Governmental Affairs of the Senate a report that in-
16 cludes—

17 (1) a review of the implementation of this sec-
18 tion;

19 (2) information relating to the engagement of
20 the Department of Homeland Security with indus-
21 try;

22 (3) an assessment of how the guidance issued
23 pursuant to subsection (a) complies with Executive
24 Order 14208 (86 Fed. Reg. 26633; relating to im-
25 proving the nation’s cybersecurity); and

1 (4) any recommendations relating to improving
2 the supply chain with respect to covered contracts.

3 (i) DEFINITIONS.—In this section:

4 (1) BILL OF MATERIALS.—The term “bill of
5 materials” means a list of the parts and components
6 (whether new or reused) of an end product or serv-
7 ice, including, with respect to each part and compo-
8 nent, information relating to the origin, composition,
9 integrity, and any other information as determined
10 appropriate by the Under Secretary.

11 (2) COVERED CONTRACT.—The term “covered
12 contract” means a contract relating to the procure-
13 ment of covered information and communications
14 technology or services for the Department of Home-
15 land Security.

16 (3) COVERED INFORMATION AND COMMUNICA-
17 TIONS TECHNOLOGY OR SERVICES.—The term “cov-
18 ered information and communications technology or
19 services” means the terms—

20 (A) “information technology” (as such
21 term is defined in section 11101(6) of title 40,
22 United States Code);

23 (B) “information system” (as such term is
24 defined in section 3502(8) of title 44, United
25 States Code);

1 (C) “telecommunications equipment” (as
2 such term is defined in section 3(52) of the
3 Communications Act of 1934 (47 U.S.C.
4 153(52))); and

5 (D) “telecommunications service” (as such
6 term is defined in section 3(53) of the Commu-
7 nications Act of 1934 (47 U.S.C. 153(53))).

8 (4) COVERED OFFICER.—The term “covered of-
9 ficer” means—

10 (A) a contracting officer of the Depart-
11 ment; and

12 (B) any other official of the Department as
13 determined appropriate by the Under Secretary.

14 (5) SOFTWARE.—The term “software” means
15 computer programs and associated data that may be
16 dynamically written or modified during execution.

17 (6) UNDER SECRETARY.—The term “Under
18 Secretary” means the Under Secretary for Manage-
19 ment of the Department of Homeland Security.

20 **SEC. 59123. DEPARTMENT OF HOMELAND SECURITY MEN-**
21 **TOR-PROTÉGÉ PROGRAM.**

22 (a) IN GENERAL.—Subtitle H of title VIII of the
23 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
24 is amended by adding at the end the following new section:

1 **“SEC. 890C. MENTOR-PROTÉGÉ PROGRAM.**

2 “(a) ESTABLISHMENT.—There is established in the
3 Department a mentor-protégé program (in this section re-
4 ferred to as the ‘Program’) under which a mentor firm
5 enters into an agreement with a protégé firm for the pur-
6 pose of assisting the protégé firm to compete for prime
7 contracts and subcontracts of the Department.

8 “(b) ELIGIBILITY.—The Secretary shall establish cri-
9 teria for mentor firms and protégé firms to be eligible to
10 participate in the Program, including a requirement that
11 a firm is not included on any list maintained by the Fed-
12 eral Government of contractors that have been suspended
13 or debarred.

14 “(c) PROGRAM APPLICATION AND APPROVAL.—

15 “(1) APPLICATION.—The Secretary, acting
16 through the Office of Small and Disadvantaged
17 Business Utilization of the Department, shall estab-
18 lish a process for submission of an application joint-
19 ly by a mentor firm and the protégé firm selected by
20 the mentor firm. The application shall include each
21 of the following:

22 “(A) A description of the assistance to be
23 provided by the mentor firm, including, to the
24 extent available, the number and a brief de-
25 scription of each anticipated subcontract to be
26 awarded to the protégé firm.

1 “(B) A schedule with milestones for
2 achieving the assistance to be provided over the
3 period of participation in the Program.

4 “(C) An estimate of the costs to be in-
5 curred by the mentor firm for providing assist-
6 ance under the Program.

7 “(D) Attestations that Program partici-
8 pants will submit to the Secretary reports at
9 times specified by the Secretary to assist the
10 Secretary in evaluating the protégé firm’s devel-
11 opmental progress.

12 “(E) Attestations that Program partici-
13 pants will inform the Secretary in the event of
14 a change in eligibility or voluntary withdrawal
15 from the Program.

16 “(2) APPROVAL.—Not later than 60 days after
17 receipt of an application pursuant to paragraph (1),
18 the head of the Office of Small and Disadvantaged
19 Business Utilization shall notify applicants of ap-
20 proval or, in the case of disapproval, the process for
21 resubmitting an application for reconsideration.

22 “(3) RESCISSION.—The head of the Office of
23 Small and Disadvantaged Business Utilization may
24 rescind the approval of an application under this

1 subsection if it determines that such action is in the
2 best interest of the Department.

3 “(d) PROGRAM DURATION.—A mentor firm and
4 protégé firm approved under subsection (c) shall enter into
5 an agreement to participate in the Program for a period
6 of not less than 36 months.

7 “(e) PROGRAM BENEFITS.—A mentor firm and
8 protégé firm that enter into an agreement under sub-
9 section (d) may receive the following Program benefits:

10 “(1) With respect to an award of a contract
11 that requires a subcontracting plan, a mentor firm
12 may receive evaluation credit for participating in the
13 Program.

14 “(2) With respect to an award of a contract
15 that requires a subcontracting plan, a mentor firm
16 may receive credit for a protégé firm performing as
17 a first tier subcontractor or a subcontractor at any
18 tier in an amount equal to the total dollar value of
19 any subcontracts awarded to such protégé firm.

20 “(3) A protégé firm may receive technical, man-
21 agerial, financial, or any other mutually agreed upon
22 benefit from a mentor firm, including a subcontract
23 award.

24 “(f) REPORTING.—Not later than one year after the
25 date of the enactment of this Act, and annually thereafter,

1 the head of the Office of Small and Disadvantaged Busi-
2 ness Utilization shall submit to the Committee on Home-
3 land Security and Governmental Affairs and the Com-
4 mittee on Small Business and Entrepreneurship of the
5 Senate and the Committee on Homeland Security and the
6 Committee on Small Business of the House of Representa-
7 tives a report that—

8 “(1) identifies each agreement between a men-
9 tor firm and a protégé firm entered into under this
10 section, including the number of protégé firm par-
11 ticipants that are—

12 “(A) small business concerns;

13 “(B) small business concerns owned and
14 controlled by veterans;

15 “(C) small business concerns owned and
16 controlled by service-disabled veterans;

17 “(D) qualified HUBZone small business
18 concerns;

19 “(E) small business concerns owned and
20 controlled by socially and economically dis-
21 advantaged individuals;

22 “(F) small business concerns owned and
23 controlled by women;

24 “(G) historically Black colleges and univer-
25 sities; and

1 “(H) minority-serving institutions;

2 “(2) describes the type of assistance provided
3 by mentor firms to protégé firms;

4 “(3) identifies contracts within the Department
5 in which a mentor firm serving as the prime con-
6 tractor provided subcontracts to a protégé firm
7 under the Program; and

8 “(4) assesses the degree to which there has
9 been—

10 “(A) an increase in the technical capabili-
11 ties of protégé firms; and

12 “(B) an increase in the quantity and esti-
13 mated value of prime contract and subcontract
14 awards to protégé firms for the period covered
15 by the report.

16 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to limit, diminish, impair, or other-
18 wise affect the authority of the Department to participate
19 in any program carried out by or requiring approval of
20 the Small Business Administration or adopt or follow any
21 regulation or policy that the Administrator of the Small
22 Business Administration may promulgate, except that, to
23 the extent that any provision of this section (including
24 subsection (h)) conflicts with any other provision of law,
25 regulation, or policy, this section shall control.

1 “(h) DEFINITIONS.—In this section:

2 “(1) HISTORICALLY BLACK COLLEGE OR UNI-
3 VERSITY.—The term ‘historically Black college or
4 university’ has the meaning given the term ‘part B
5 institution’ in section 322 of the Higher Education
6 Act of 1965 (20 U.S.C. 1061).

7 “(2) MENTOR FIRM.—The term ‘mentor firm’
8 means a for-profit business concern that is not a
9 small business concern that—

10 “(A) has the ability to assist and commits
11 to assisting a protégé to compete for Federal
12 prime contracts and subcontracts; and

13 “(B) satisfies any other requirements im-
14 posed by the Secretary.

15 “(3) MINORITY-SERVING INSTITUTION.—The
16 term ‘minority-serving institution’ means an institu-
17 tion of higher education described in section 317 of
18 the Higher Education Act of 1965 (20 U.S.C.
19 1067q(a)).

20 “(4) PROTÉGÉ FIRM.—The term ‘protégé firm’
21 means a small business concern, a historically Black
22 college or university, or a minority-serving institu-
23 tion that—

24 “(A) is eligible to enter into a prime con-
25 tract or subcontract with the Department; and

1 “(B) satisfies any other requirements im-
2 posed by the Secretary.

3 “(5) SMALL BUSINESS ACT DEFINITIONS.—The
4 terms ‘small business concern’, ‘small business con-
5 cern owned and controlled by veterans’, ‘small busi-
6 ness concern owned and controlled by service-dis-
7 abled veterans’, ‘qualified HUBZone small business
8 concern’, ‘and small business concern owned and
9 controlled by women’ have the meanings given such
10 terms, respectively, under section 3 of the Small
11 Business Act (15 U.S.C. 632). The term ‘small busi-
12 ness concern owned and controlled by socially and
13 economically disadvantaged individuals’ has the
14 meaning given such term in section 8(d)(3)(C) of
15 the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 in section 1(b) of the Homeland Security Act of 2002 is
18 amended by inserting after the item relating to section
19 890B the following new item:

 “Sec. 890C. Mentor-protégé program.”.

20 **SEC. 59124. DHS TRADE AND ECONOMIC SECURITY COUN-**
21 **CIL.**

22 (a) DHS TRADE AND ECONOMIC SECURITY COUN-
23 CIL.—

24 (1) IN GENERAL.—Subtitle H of title VIII of
25 the Homeland Security Act of 2002 (6 U.S.C. 451

1 et seq.) is further amended by adding at the end the
2 following new section:

3 **“SEC. 890D. DHS TRADE AND ECONOMIC SECURITY COUN-**
4 **CIL.**

5 “(a) ESTABLISHMENT.—There is established in the
6 Department the DHS Trade and Economic Security
7 Council (referred to in this section as the ‘Council’).

8 “(b) DUTIES OF THE COUNCIL.—The Council shall
9 provide to the Secretary advice and recommendations on
10 matters of trade and economic security, including—

11 “(1) identifying concentrated risks for trade
12 and economic security;

13 “(2) setting priorities for securing the Nation’s
14 trade and economic security;

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

17 “(4) with respect to the President’s continuity
18 of the economy plan under section 9603 of the Wil-
19 liam M. (Mac) Thornberry National Defense Author-
20 ization Act of Fiscal Year 2021;

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

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

25 “(c) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Council shall be com-
2 posed of the following members:

3 “(A) The Assistant Secretary for Trade
4 and Economic Security of the Office of Strat-
5 egy, Policy, and Plans of the Department.

6 “(B) An officer or an employee, selected by
7 the Secretary, from each of the following com-
8 ponents and offices of the Department:

9 “(i) The Cybersecurity and Infra-
10 structure Security Agency.

11 “(ii) The Federal Emergency Manage-
12 ment Agency.

13 “(iii) The Office of Intelligence and
14 Analysis.

15 “(iv) The Science and Technology Di-
16 rectorate.

17 “(v) United States Citizenship and
18 Immigration Services.

19 “(vi) The Coast Guard.

20 “(vii) U.S. Customs and Border Pro-
21 tection.

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

24 “(ix) The Transportation Security Ad-
25 ministration.

1 “(2) CHAIR AND VICE CHAIR.—The Assistant
2 Secretary for Trade and Economic Security shall
3 serve as Chair of the Council. The Assistant Sec-
4 retary for Trade and Economic Security may des-
5 ignate a Council member as a Vice Chair.

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

8 “(1) at the call of the Chair; or

9 “(2) at the direction of the Secretary.

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

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

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents in section 1(b) of the Homeland Security Act

1 of 2002 is amended by inserting after the item relat-
2 ing to section 890C the following new item:

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

3 (b) ASSISTANT SECRETARY FOR TRADE AND ECO-
4 NOMIC SECURITY.—Section 709 of the Homeland Security
5 Act of 2002 (6 U.S.C. 349) is amended—

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

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

10 “(g) ASSISTANT SECRETARY FOR TRADE AND ECO-
11 NOMIC SECURITY.—

12 “(1) IN GENERAL.—There is within the Office
13 of Strategy, Policy, and Plans an Assistant Sec-
14 retary for Trade and Economic Security.

15 “(2) DUTIES.—The Assistant Secretary for
16 Trade and Economic Security shall be responsible
17 for policy formulation regarding matters relating to
18 economic security and trade, as such matters relate
19 to the mission and the operations of the Depart-
20 ment.

21 “(3) ADDITIONAL RESPONSIBILITIES.—In addi-
22 tion to the duties specified in paragraph (2), the As-
23 sistant Secretary for Trade and Economic Security
24 shall—

25 “(A) oversee—

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

5 “(ii) assessments and reports to Con-
6 gress related to critical economic security
7 domains;

8 “(B) serve as the executive for the Depart-
9 ment on the Committee on Foreign Investment
10 in the United States (CFIUS), the Committee
11 for the Assessment of Foreign Participation in
12 the United States Telecommunications Services
13 Sector, and the Federal Acquisition Security
14 Council (in addition to any position on such
15 Council occupied by a representative of the Cy-
16 bersecurity and Infrastructure Security Agency
17 of the Department);

18 “(C) coordinate with stakeholders in other
19 Federal departments and agencies and non-gov-
20 ernmental entities with trade and economic se-
21 curity interests, authorities, and responsibilities;
22 and

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

1 “(4) DEFINITIONS.—In this subsection:

2 “(A) CRITICAL ECONOMIC SECURITY DO-
3 MAIN.—The term ‘critical economic security do-
4 main’ means any infrastructure, industry, tech-
5 nology, or intellectual property (or combination
6 thereof) that is essential for the economic secu-
7 rity of the United States.

8 “(B) ECONOMIC SECURITY.—The term
9 ‘economic security’ has the meaning given such
10 term in section 890B.”.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary of
13 Homeland Security \$3,000,000 for each of fiscal years
14 2023 through 2027 to carry out section 890B and sub-
15 section (g) of section 709 of the Homeland Security Act
16 of 2002, as added and inserted, respectively, by sub-
17 sections (a) and (b) of this Act.

18 **SEC. 59125. DHS ACQUISITION REFORM.**

19 (a) ACQUISITION AUTHORITIES FOR THE UNDER
20 SECRETARY OF MANAGEMENT OF THE DEPARTMENT OF
21 HOMELAND SECURITY.—Section 701 of the Homeland
22 Security Act of 2002 (6 U.S.C. 341) is amended—

23 (1) in subsection (a)—

1 (A) in paragraph (2), by inserting “and ac-
2 quisition management” after “Procurement”;
3 and

4 (B) in paragraph (6), by inserting “(in-
5 cluding firearms and other sensitive assets)”
6 after “equipment”;

7 (2) by redesignating subsections (d), the first
8 subsection (e) (relating to the system for award
9 management consultation), and the second sub-
10 section (e) (relating to the definition of interoperable
11 communications) as subsections (e), (f), and (g), re-
12 spectively; and

13 (3) by inserting after subsection (c) the fol-
14 lowing new subsection:

15 “(d) ACQUISITION AND RELATED RESPONSIBIL-
16 ITIES.—

17 “(1) IN GENERAL.—Notwithstanding section
18 1702(a) of title 41, United States Code, the Under
19 Secretary for Management is the Chief Acquisition
20 Officer of the Department. As Chief Acquisition Of-
21 ficer, the Under Secretary shall have the authorities
22 and perform the functions specified in section
23 1702(b) of such title, and perform all other func-
24 tions and responsibilities delegated by the Secretary
25 or described in this subsection.

1 “(2) FUNCTIONS AND RESPONSIBILITIES.—In
2 addition to the authorities and functions specified in
3 section 1702(b) of title 41, United States Code, the
4 functions and responsibilities of the Under Secretary
5 for Management related to acquisition (as such term
6 is defined in section 131 of such title) include the
7 following:

8 “(A) Advising the Secretary regarding ac-
9 quisition management activities, considering
10 risks of failure to achieve cost, schedule, or per-
11 formance parameters, to ensure that the De-
12 partment achieves its mission through the adop-
13 tion of widely accepted program management
14 best practices (as such term is defined in sec-
15 tion 837) and standards and, where appro-
16 priate, acquisition innovation best practices.

17 “(B) Leading the Department’s acquisition
18 oversight body, the Acquisition Review Board.

19 “(C) Synchronizing interagency coordina-
20 tion relating to acquisition programs and acqui-
21 sition management efforts of the Department.

22 “(D) Exercising the acquisition decision
23 authority (as such term is defined in section
24 837) to approve, pause, modify (including the
25 rescission of approvals of program milestones),

1 or cancel major acquisition programs (as such
2 term is defined in section 837), unless the
3 Under Secretary delegates such authority to a
4 Component Acquisition Executive (as such term
5 is defined in section 837) pursuant to para-
6 graph (3).

7 “(E) Providing additional scrutiny and
8 oversight for an acquisition that is not a major
9 acquisition if—

10 “(i) the acquisition is for a program
11 that is important to the strategic and per-
12 formance plans of the Department;

13 “(ii) the acquisition is for a program
14 with significant program or policy implica-
15 tions; and

16 “(iii) the Secretary determines that
17 such scrutiny and oversight for the acquisi-
18 tion is proper and necessary.

19 “(F) Establishing policies for managing
20 acquisitions across the Department that pro-
21 mote best practices (as such term is defined in
22 section 837).

23 “(G) Establishing policies for acquisition
24 that implement an approach that considers
25 risks of failure to achieve cost, schedule, or per-

1 formance parameters that all components of the
2 Department shall comply with, including out-
3 lining relevant authorities for program man-
4 agers to effectively manage acquisition pro-
5 grams (as such term is defined in section 837).

6 “(H) Ensuring that each major acquisition
7 program has a Department-approved acquisi-
8 tion program baseline (as such term is defined
9 in section 837), pursuant to the Department’s
10 acquisition management policy that is traceable
11 to the life-cycle cost estimate of the program,
12 integrated master schedule, and operational re-
13 quirements.

14 “(I) Assisting the heads of components
15 and Component Acquisition Executives in ef-
16 forts to comply with Federal law, the Federal
17 Acquisition Regulation, and Department acqui-
18 sition management directives.

19 “(J) Ensuring that grants and financial
20 assistance are provided only to individuals and
21 organizations that are not suspended or
22 debarred.

23 “(K) Distributing guidance throughout the
24 Department to ensure that contractors involved
25 in acquisitions, particularly contractors that ac-

1 cess the Department’s information systems and
2 technologies, adhere to relevant Department
3 policies related to physical and information se-
4 curity as identified by the Under Secretary.

5 “(L) Overseeing the Component Acquisi-
6 tion Executive organizational structure to en-
7 sure Component Acquisition Executives have
8 sufficient capabilities and comply with Depart-
9 ment acquisition policies.

10 “(M) Developing and managing a profes-
11 sional acquisition workforce to ensure the goods
12 and services acquired by the Department meet
13 the needs of the mission and are at the best
14 value for the expenditure of public resources.

15 “(3) DELEGATION OF CERTAIN ACQUISITION
16 DECISION AUTHORITY.—The Under Secretary for
17 Management may delegate acquisition decision au-
18 thority, in writing, to the relevant Component Acqui-
19 sition Executive for a major capital asset, service, or
20 hybrid acquisition program that has a life-cycle cost
21 estimate of at least \$300,000,000 but not more than
22 \$1,000,000,000, based on fiscal year 2022 constant
23 dollars, if—

24 “(A) the component concerned possesses
25 working policies, processes, and procedures that

1 are consistent with Department acquisition pol-
2 icy;

3 “(B) the Component Acquisition Executive
4 concerned has adequate, experienced, and dedi-
5 cated professional employees with program
6 management training; and

7 “(C) each major acquisition program has a
8 Department-approved acquisition program base-
9 line, and it is meeting agreed-upon cost, sched-
10 ule, and performance thresholds.”.

11 (b) OFFICE OF TEST AND EVALUATION OF THE DE-
12 PARTMENT OF HOMELAND SECURITY.—

13 (1) IN GENERAL.—Title III of the Homeland
14 Security Act of 2002 (6 U.S.C. 181 et seq.) is
15 amended by adding at the end the following new sec-
16 tion:

17 **“SEC. 323. OFFICE OF TEST AND EVALUATION.**

18 “(a) ESTABLISHMENT OF OFFICE.—There is estab-
19 lished in the Directorate of Science and Technology of the
20 Department an Office of Test and Evaluation (in this sec-
21 tion referred to as the ‘Office’). The Office shall—

22 “(1) serve as the principal advisory office for
23 test and evaluation support across the Department;
24 and

1 “(2) serve as the test and evaluation liaison
2 with—

3 “(A) Federal agencies and foreign, State,
4 local, Tribal, and territorial governments;

5 “(B) the private sector;

6 “(C) institutions of higher education; and

7 “(D) other relevant entities.

8 “(b) DIRECTOR.—The Office shall be led by a Direc-
9 tor. The Director shall oversee the duties specified in sub-
10 section (a) and carry out the following responsibilities:

11 “(1) Serve as a member of the Department’s
12 Acquisition Review Board.

13 “(2) Establish and update, as necessary, test
14 and evaluation policies, procedures, and guidance for
15 the Department.

16 “(3) Ensure, in coordination with the Chief Ac-
17 quisition Officer, the Joint Requirements Council,
18 the Under Secretary for Science and Technology,
19 and relevant component heads, that acquisition pro-
20 grams (as such term is defined in section 837)—

21 “(A) complete reviews of operational re-
22 quirements to ensure such requirements—

23 “(i) are informed by threats, including
24 physical and cybersecurity threats;

25 “(ii) are operationally relevant; and

1 “(iii) are measurable, testable, and
2 achievable within the constraints of cost
3 and schedule;

4 “(B) complete independent testing and
5 evaluation of a system or service throughout de-
6 velopment of such system or service;

7 “(C) complete operational testing and eval-
8 uation that includes all system components and
9 incorporates operators into such testing and
10 evaluation to ensure that a system or service
11 satisfies the mission requirements in the oper-
12 ational environment of such system or service
13 as intended in the acquisition program baseline;

14 “(D) use independent verification and vali-
15 dation of test and evaluation implementation
16 and results, as appropriate; and

17 “(E) document whether such programs
18 meet all operational requirements.

19 “(4) Provide oversight of test and evaluation
20 activities for major acquisition programs throughout
21 the acquisition life cycle by—

22 “(A) approving program test and evalua-
23 tion master plans, plans for individual test and
24 evaluation events, and other related documenta-
25 tion, determined appropriate by the Director;

1 “(B) approving which independent test and
2 evaluation agent or third-party tester is selected
3 for each program; and

4 “(C) providing an independent assessment
5 to the acquisition decision authority (as such
6 term is defined in section 837) that assesses a
7 program’s progress in meeting operational re-
8 quirements and operational effectiveness, suit-
9 ability, and resilience to inform production and
10 deployment decisions.

11 “(5) Determine if testing of a system or service
12 conducted by other Federal agencies, entities, or in-
13 stitutions of higher education are relevant and suffi-
14 cient in determining whether such system or service
15 performs as intended.

16 “(c) ANNUAL REPORT.—

17 “(1) IN GENERAL.—Not later than one year
18 after the date of the enactment of this section and
19 annually thereafter, the Director of the Office shall
20 submit to the Secretary, the Under Secretary for
21 Management, component heads, and the Committee
22 on Homeland Security of the House of Representa-
23 tives and the Committee on Homeland Security and
24 Governmental Affairs a report relating to the test
25 and evaluation activities of the major acquisition

1 programs of the Department for the previous fiscal
2 year.

3 “(2) ELEMENTS.—Each report required under
4 paragraph (1) shall include the following:

5 “(A) An assessment of—

6 “(i) test and evaluation activities con-
7 ducted for each major acquisition program
8 with respect to demonstrating operational
9 requirements and operational effectiveness,
10 suitability, and resilience for each such
11 program;

12 “(ii) any waivers of, or deviations
13 from, approved program test and evalua-
14 tion master plans referred to in subsection
15 (b)(3)(A);

16 “(iii) any concerns raised by the inde-
17 pendent test and evaluation agent or third-
18 party tester selected and approved under
19 subsection (b)(3)(B) relating to such waiv-
20 ers or deviations; and

21 “(iv) any actions that have been taken
22 or are planned to be taken to address such
23 concerns.

24 “(B) Recommendations with respect to re-
25 sources, facilities, and levels of funding made

1 available for test and evaluation activities re-
2 ferred to in subparagraph (A).

3 “(3) FORM.—Each report required under para-
4 graph (1) shall be submitted in unclassified form but
5 may include a classified annex.

6 “(d) RELATIONSHIP TO UNDER SECRETARY FOR
7 SCIENCE AND TECHNOLOGY.—

8 “(1) IN GENERAL.—The Under Secretary for
9 Management and the Under Secretary for Science
10 and Technology shall coordinate in matters related
11 to Department-wide acquisitions so that investments
12 of the Directorate of Science and Technology are
13 able to support current and future requirements of
14 the components of the Department.

15 “(2) RULE OF CONSTRUCTION.—Nothing in
16 this subsection may be construed as affecting or di-
17 minishing the authority of the Under Secretary for
18 Science and Technology.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents in section 1(b) of the Homeland Security Act
21 of 2002 is amended by inserting after the item relat-
22 ing to section 322 the following new item:

“Sec. 323. Office of Test and Evaluation.”.

23 (c) ACQUISITION AUTHORITIES FOR CHIEF FINAN-
24 CIAL OFFICER OF THE DEPARTMENT OF HOMELAND SE-
25 CURITY.—Paragraph (2) of section 702(b) of the Home-

1 land Security Act of 2002 (6 U.S.C. 342(b)) is amended
2 by—

3 (1) redesignating subparagraph (I) as subpara-
4 graph (J); and

5 (2) inserting after subparagraph (H) the fol-
6 lowing new subparagraph:

7 “(I) Oversee the costs of acquisition pro-
8 grams (as such term is defined in section 837)
9 and related activities to ensure that actual and
10 planned costs are in accordance with budget es-
11 timates and are affordable, or can be ade-
12 quately funded, over the life cycle of such pro-
13 grams and activities.”

14 (d) ACQUISITION AUTHORITIES FOR CHIEF INFOR-
15 MATION OFFICER OF THE DEPARTMENT OF HOMELAND
16 SECURITY.—Section 703 of the Homeland Security Act
17 of 2002 (6 U.S.C. 343) is amended—

18 (1) by redesignating subsection (b) as sub-
19 section (c); and

20 (2) by inserting after subsection (a) the fol-
21 lowing new subsection:

22 “(b) ACQUISITION RESPONSIBILITIES.—In addition
23 to the responsibilities specified in section 11315 of title
24 40, United States Code, the acquisition responsibilities of
25 the Chief Information Officer, in consultation with the

1 Under Secretary for Management, shall include the fol-
2 lowing:

3 “(1) Overseeing the management of the Home-
4 land Security Enterprise Architecture and ensuring
5 that, before each acquisition decision event (as such
6 term is defined in section 837), approved informa-
7 tion technology acquisitions comply with any depart-
8 mental information technology management require-
9 ments, security protocols, and the Homeland Secu-
10 rity Enterprise Architecture, and in any case in
11 which information technology acquisitions do not so
12 comply, making recommendations to the Depart-
13 ment’s Acquisition Review Board regarding such
14 noncompliance.

15 “(2) Providing recommendations to the Acquisi-
16 tion Review Board regarding information technology
17 programs and developing information technology ac-
18 quisition strategic guidance.”.

19 (e) ACQUISITION AUTHORITIES FOR UNDER SEC-
20 RETARY OF STRATEGY, POLICY, AND PLANS OF THE DE-
21 PARTMENT OF HOMELAND SECURITY.—Subsection (c) of
22 section 709 of the Homeland Security Act of 2002 (6
23 U.S.C. 349) is amended by—

24 (1) redesignating paragraphs (4) through (7) as
25 (5) through (8), respectively; and

1 (2) inserting after paragraph (3) the following
2 new paragraph:

3 “(4) ensure acquisition programs (as such term
4 is defined in section 837) support the DHS Quad-
5 rennial Homeland Security Review Report, the DHS
6 Strategic Plan, the DHS Strategic Priorities, and
7 other appropriate successor documents;”.

8 (f) ACQUISITION AUTHORITIES FOR PROGRAM AC-
9 COUNTABILITY AND RISK MANAGEMENT (PARM) OF THE
10 DEPARTMENT OF HOMELAND SECURITY.—

11 (1) IN GENERAL.—Title VII of the Homeland
12 Security Act of 2002 (6 U.S.C. 341 et seq.), as
13 amended by this Act, is further amended by adding
14 at the end the following new section:

15 **“SEC. 715. PROGRAM ACCOUNTABILITY AND RISK MANAGE-
16 MENT OFFICE.**

17 “(a) ESTABLISHMENT OF OFFICE.—There is estab-
18 lished in the Management Directorate of the Department
19 a Program Accountability and Risk Management office.
20 Such office shall—

21 “(1) provide consistent accountability, stand-
22 ardization, and transparency of major acquisition
23 programs of the Department;

24 “(2) serve as the central oversight function for
25 all Department major acquisition programs; and

1 “(3) provide review and analysis of Department
2 acquisition programs, as appropriate.

3 “(b) EXECUTIVE DIRECTOR.—The Program Ac-
4 countability and Risk Management office shall be led by
5 an Executive Director. The Executive Director shall over-
6 see the duties specified in subsection (a), report directly
7 to the Under Secretary for Management, and carry out
8 the following responsibilities:

9 “(1) Regularly monitor the performance of De-
10 partment major acquisition programs between acqui-
11 sition decision events to identify problems with cost,
12 performance, or schedule that components may need
13 to address to prevent cost overruns, performance
14 issues, or schedule delays.

15 “(2) Assist the Under Secretary for Manage-
16 ment in managing the Department’s acquisition pro-
17 grams, acquisition workforce, and related activities
18 of the Department.

19 “(3) Conduct oversight of individual acquisition
20 programs to implement Department acquisition pro-
21 gram policy, procedures, and guidance, with a pri-
22 ority on ensuring the data the office collects and
23 maintains from Department components is accurate
24 and reliable.

1 “(4) Serve as the focal point and coordinator
2 for the acquisition life-cycle review process and as
3 the executive secretariat for the Department’s Ac-
4 quisition Review Board.

5 “(5) Advise the persons having acquisition deci-
6 sion authority to—

7 “(A) make acquisition decisions consistent
8 with all applicable laws; and

9 “(B) establish clear lines of authority, ac-
10 countability, and responsibility for acquisition
11 decision-making within the Department.

12 “(6) Develop standardized certification stand-
13 ards, in consultation with the Component Acquisi-
14 tion Executives, for all acquisition program man-
15 agers.

16 “(7) Assess the results of major acquisition pro-
17 grams’ post-implementation reviews, and identify op-
18 portunities to improve performance throughout the
19 acquisition process.

20 “(8) Provide technical support and assistance
21 to Department acquisition programs and acquisition
22 personnel, and coordinate with the Chief Procure-
23 ment Officer regarding workforce training and devel-
24 opment activities.

1 “(9) Assist, as appropriate, with the prepara-
2 tion of the Future Years Homeland Security Pro-
3 gram, and make such information available to the
4 congressional homeland security committees.

5 “(10) In coordination with the Component Ac-
6 quisition Executives, maintain the Master Acquisi-
7 tion Oversight List, updated quarterly, that shall
8 serve as an inventory of all major acquisition pro-
9 grams and non-major acquisition programs within
10 the Department, including for each such program—

11 “(A) the component sponsoring the acqui-
12 sition;

13 “(B) the name of the acquisition;

14 “(C) the acquisition level as determined by
15 the anticipated life-cycle cost of the program
16 and other criteria pursuant to the Department-
17 level acquisition policy;

18 “(D) the acquisition decision authority for
19 the acquisition; and

20 “(E) the current acquisition phase.

21 “(c) RESPONSIBILITIES OF COMPONENTS.—Each
22 head of a component shall comply with Federal law, the
23 Federal Acquisition Regulation, and Department acquisi-
24 tion management directives established by the Under Sec-

1 retary for Management. For each major acquisition pro-
2 gram, each head of a component shall—

3 “(1) establish an organizational structure for
4 conducting acquisitions within the component, to be
5 managed by a Component Acquisition Executive;

6 “(2) obtain the resources necessary to operate
7 such an organizational structure that are aligned
8 with the number, type, size, and complexity of the
9 acquisition programs of the component; and

10 “(3) oversee sustainment of capabilities de-
11 ployed by major acquisition programs and non-major
12 acquisition programs after all planned deployments
13 are completed until such capabilities are retired or
14 replaced.

15 “(d) RESPONSIBILITIES OF COMPONENT ACQUISI-
16 TION EXECUTIVES.—Each Component Acquisition Execu-
17 tive shall—

18 “(1) establish and implement policies and guid-
19 ance for managing and conducting oversight for
20 major acquisition programs and non-major acquisi-
21 tion programs within the component at issue that
22 comply with Federal law, the Federal Acquisition
23 Regulation, and Department acquisition manage-
24 ment directives established by the Under Secretary
25 for Management;

1 “(2) for each major acquisition program—

2 “(A) define baseline requirements and doc-
3 ument changes to such requirements, as appro-
4 priate;

5 “(B) establish a complete life cycle cost es-
6 timate with supporting documentation that is
7 consistent with cost estimating best practices as
8 identified by the Comptroller General of the
9 United States;

10 “(C) verify each life cycle cost estimate
11 against independent cost estimates or assess-
12 ments, as appropriate, and reconcile any dif-
13 ferences;

14 “(D) complete a cost-benefit analysis with
15 supporting documentation; and

16 “(E) develop and maintain a schedule that
17 is consistent with scheduling best practices as
18 identified by the Comptroller General of the
19 United States, including, in appropriate cases,
20 an integrated master schedule;

21 “(3) ensure that all acquisition program docu-
22 mentation provided by the component demonstrates
23 the knowledge required for successful program exe-
24 cution prior to final approval and is complete, accu-
25 rate, timely, and valid;

1 “(4) in such cases where it is appropriate, exer-
2 cise the acquisition decision authority to approve,
3 pause, modify (including the rescission of approvals
4 of program milestones), or cancel major acquisition
5 programs or non-major acquisition programs when
6 delegated by the Under Secretary for Management
7 pursuant to section 701(d)(3); and

8 “(5) review, oversee, and direct activities be-
9 tween acquisition decision events for major acquisi-
10 tion programs within the component for which the
11 Under Secretary for Management is the acquisition
12 decision authority.

13 “(e) DEFINITIONS.—In this section:

14 “(1) ACQUISITION.—The term ‘acquisition’ has
15 the meaning given such term in section 131 of title
16 41, United States Code.

17 “(2) ACQUISITION DECISION AUTHORITY.—The
18 term ‘acquisition decision authority’ means the au-
19 thority, in addition to the authorities and functions
20 specified in subsection (b) of section 1702 of title
21 41, United States Code, held by the Secretary acting
22 through the Under Secretary for Management to—

23 “(A) ensure compliance with Federal law,
24 the Federal Acquisition Regulation, and De-
25 partment acquisition management directives;

1 “(B) review (including approving, pausing,
2 modifying, or canceling) an acquisition program
3 throughout the life cycle of such program;

4 “(C) ensure that acquisition program man-
5 agers have the resources necessary to success-
6 fully execute an approved acquisition program;

7 “(D) ensure appropriate acquisition pro-
8 gram management of cost, schedule, risk, and
9 system or service performance of the acquisition
10 program at issue, including assessing acquisi-
11 tion program baseline breaches and directing
12 any corrective action for such breaches;

13 “(E) ensure that acquisition program man-
14 agers, on an ongoing basis, monitor cost, sched-
15 ule, and performance against established base-
16 lines and use tools to assess risks to an acquisi-
17 tion program at all phases of the life-cycle of
18 such program; and

19 “(F) establish policies and procedures for
20 major acquisition programs of the Department.

21 “(3) ACQUISITION DECISION EVENT.—The term
22 ‘acquisition decision event’, with respect to an acqui-
23 sition program, means a predetermined point within
24 the acquisition life-cycle at which the acquisition de-

1 cision authority determines whether such acquisition
2 program shall proceed to the next acquisition phase.

3 “(4) ACQUISITION PROGRAM.—The term ‘acqui-
4 sition program’ means the conceptualization, initi-
5 ation, design, development, test, contracting, produc-
6 tion, deployment, logistics support, modification, or
7 disposal of systems, supplies, or services (including
8 construction) to satisfy the Department’s needs.

9 “(5) ACQUISITION PROGRAM BASELINE.—The
10 term ‘acquisition program baseline’, with respect to
11 an acquisition program, means the cost, schedule,
12 and performance parameters, expressed in standard,
13 measurable, quantitative terms, which must be met
14 to accomplish the goals of such program.

15 “(6) BEST PRACTICES.—The term ‘best prac-
16 tices’, with respect to acquisition, means a knowl-
17 edge-based approach to capability development, pro-
18 curement, and support that includes the following:

19 “(A) Identifying and validating needs.

20 “(B) Assessing alternatives to select the
21 most appropriate solution.

22 “(C) Establishing well-defined require-
23 ments.

1 “(D) Developing realistic cost assessments
2 and schedules that account for the entire life-
3 cycle of an acquisition.

4 “(E) Demonstrating technology, design,
5 and manufacturing maturity before initiating
6 production.

7 “(F) Using milestones and exit criteria or
8 specific accomplishments that demonstrate the
9 attainment of knowledge to support progress
10 throughout the acquisition phases.

11 “(G) Regularly assessing and managing
12 risks to achieve requirements and cost and
13 schedule goals.

14 “(H) To the maximum extent possible,
15 adopting and executing standardized processes.

16 “(I) Establishing a workforce that is quali-
17 fied to perform necessary acquisition roles.

18 “(J) Integrating into the Department’s
19 mission and business operations the capabilities
20 described in subparagraphs (A) through (I).

21 “(7) BREACH.—The term ‘breach’, with respect
22 to a major acquisition program, means a failure to
23 meet any cost, schedule, or performance threshold
24 specified in the most recently approved acquisition
25 program baseline.

1 “(8) CONGRESSIONAL HOMELAND SECURITY
2 COMMITTEES.—The term ‘congressional homeland
3 security committees’ means—

4 “(A) the Committee on Homeland Security
5 of the House of Representatives and the Com-
6 mittee on Homeland Security and Govern-
7 mental Affairs of the Senate; and

8 “(B) the Committee on Appropriations of
9 the House of Representatives and the Com-
10 mittee on Appropriations of the Senate.

11 “(9) COMPONENT ACQUISITION EXECUTIVE.—
12 The term ‘Component Acquisition Executive’ means
13 the senior acquisition official within a component
14 who is designated in writing by the Under Secretary
15 for Management, in consultation with the component
16 head, with authority and responsibility for leading a
17 process and staff to provide acquisition and program
18 management oversight, policy, and guidance to en-
19 sure that statutory, regulatory, and higher level pol-
20 icy requirements are fulfilled, including compliance
21 with Federal law, the Federal Acquisition Regula-
22 tion, and Department acquisition management direc-
23 tives established by the Under Secretary.

24 “(10) LIFE-CYCLE COST.—The term ‘life-cycle
25 cost’ means the total cost to the Government of ac-

1 quiring, operating, supporting, and (if applicable)
2 disposing of the items being acquired.

3 “(11) MAJOR ACQUISITION PROGRAM.—The
4 term ‘major acquisition program’ means a Depart-
5 ment capital asset, services, or hybrid acquisition
6 program that is estimated by the Secretary to re-
7 quire an eventual total expenditure of at least
8 \$300,000,000 (based on fiscal year 2022 constant
9 dollars) over its life cycle or a program identified by
10 the Chief Acquisition Officer as a program of special
11 interest.”.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents in section 1(b) of the Homeland Security Act
14 of 2002 is amended by inserting after the item relat-
15 ing to section 714 the following new item:

“Sec. 715. Program Accountability and Risk Management office.”.

16 (g) ACQUISITION DOCUMENTATION.—

17 (1) IN GENERAL.—Subtitle D of title VIII of
18 the Homeland Security Act of 2002 (6 U.S.C. 391
19 et seq.), as amended by this Act, is further amended
20 by adding at the end the following new section:

21 **“SEC. 837. ACQUISITION DOCUMENTATION.**

22 “For each major acquisition program (as such term
23 is defined in section 714), the Secretary, acting through
24 the Under Secretary for Management, shall require the

1 head of each relevant component or office of the Depart-
2 ment to—

3 “(1) maintain acquisition documentation that is
4 complete, accurate, timely, and valid, and that in-
5 cludes—

6 “(A) operational requirements that are
7 validated consistent with departmental policy;

8 “(B) a complete life-cycle cost estimate
9 with supporting documentation;

10 “(C) verification of such life-cycle cost esti-
11 mate against independent cost estimates, and
12 reconciliation of any differences;

13 “(D) a cost-benefit analysis with sup-
14 porting documentation;

15 “(E) an integrated master schedule with
16 supporting documentation;

17 “(F) plans for conducting systems engi-
18 neering reviews and test and evaluation activi-
19 ties throughout development to support produc-
20 tion and deployment decisions;

21 “(G) an acquisition plan that outlines the
22 procurement approach, including planned con-
23 tracting vehicles;

24 “(H) a logistics and support plan for oper-
25 ating and maintaining deployed capabilities

1 until such capabilities are disposed of or retired;
2 and

3 “(I) an acquisition program baseline that
4 is traceable to the operational requirements of
5 the program required under subparagraphs (A),
6 (B), and (E);

7 “(2) prepare cost estimates and schedules for
8 major acquisition programs pursuant to subpara-
9 graphs (B) and (E) of paragraph (1) in a manner
10 consistent with best practices as identified by the
11 Comptroller General of the United States; and

12 “(3) ensure any revisions to the acquisition doc-
13 umentation maintained pursuant to paragraph (1)
14 are reviewed and approved in accordance with de-
15 partmental policy.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents in section 1(b) of the Homeland Security Act
18 of 2002 is amended by adding after the item relat-
19 ing to section 836 the following new item:

 “Sec. 837. Acquisition documentation.”.

20 **SEC. 59126. DHS ACQUISITION REVIEW BOARD.**

21 (a) IN GENERAL.—Subtitle D of title VIII of the
22 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
23 is further amended by adding at the end the following new
24 section:

1 **“SEC. 838. ACQUISITION REVIEW BOARD.**

2 “(a) IN GENERAL.—There is established in the De-
3 partment an Acquisition Review Board (in this section re-
4 ferred to as the ‘Board’) to support the Under Secretary
5 for Management in managing the Department’s acquisi-
6 tions.

7 “(b) COMPOSITION.—

8 “(1) CHAIR.—The Under Secretary for Man-
9 agement shall serve as chair of the Board.

10 “(2) OVERSIGHT.—The Under Secretary for
11 Management may designate an employee of the De-
12 partment to oversee the operations of the Board.

13 “(3) PARTICIPATION.— The Under Secretary
14 for Management shall ensure participation by other
15 relevant Department officials with responsibilities re-
16 lated to acquisitions as permanent members of the
17 Board, including the following:

18 “(A) The Chair of the Joint Requirements
19 Council.

20 “(B) The Chief Financial Officer.

21 “(C) The Chief Human Capital Officer.

22 “(D) The Chief Information Officer.

23 “(E) The Chief Procurement Officer.

24 “(F) The Chief Readiness Support Officer.

25 “(G) The Chief Security Officer.

1 “(H) The Director of the Office of Test
2 and Evaluation.

3 “(I) Other relevant senior Department offi-
4 cials, as designated by the Under Secretary for
5 Management.

6 “(c) MEETINGS.—The Board shall meet regularly for
7 purposes of evaluating the progress and status of an ac-
8 quisition program. The Board shall convene at the Under
9 Secretary for Management’s discretion, and at such time
10 as—

11 “(1) a new acquisition program is initiated;

12 “(2) a major acquisition program—

13 “(A) requires authorization to proceed
14 from one acquisition decision event to another
15 throughout the acquisition life-cycle;

16 “(B) is in breach of its approved acquisi-
17 tion program baseline; or

18 “(C) requires additional review, as deter-
19 mined by the Under Secretary for Management;

20 or

21 “(3) a non-major acquisition program requires
22 review, as determined by the Under Secretary for
23 Management.

24 “(d) RESPONSIBILITIES.—The responsibilities of the
25 Board are as follows:

1 “(1) Determine the appropriate acquisition level
2 and acquisition decision authority for new acquisi-
3 tion programs based on the estimated eventual total
4 expenditure of each such program to satisfy the mis-
5 sion need of the Department over the life-cycle of
6 such acquisition regardless of funding source.

7 “(2) Determine whether a proposed acquisition
8 has met the requirements of key phases of the acqui-
9 sition life-cycle framework and is able to proceed to
10 the next phase and eventual full production and de-
11 ployment.

12 “(3) Oversee whether a proposed acquisition’s
13 business strategy, resources, management, and ac-
14 countability is executable and is aligned with the
15 mission and strategic goals of the Department.

16 “(4) Support the person with acquisition deci-
17 sion authority for an acquisition in determining the
18 appropriate direction for such acquisition at key ac-
19 quisition decision events.

20 “(5) Conduct systematic reviews of acquisitions
21 to ensure that such acquisitions are progressing in
22 accordance with best practices and in compliance
23 with the most recently approved documents for such
24 acquisitions’ current acquisition phases.

1 “(6) Review the acquisition documents of each
2 major acquisition program, including the acquisition
3 program baseline and documentation reflecting con-
4 sideration of tradeoffs among cost, schedule, and
5 performance objectives, to ensure the reliability of
6 underlying data.

7 “(7) Ensure that practices are adopted and im-
8 plemented to require consideration of trade-offs
9 among cost, schedule, and performance objectives as
10 part of the process for developing requirements for
11 major acquisition programs prior to the initiation of
12 the second acquisition decision event, including, at a
13 minimum, the following practices:

14 “(A) Department officials responsible for
15 acquisition, budget, and cost estimating func-
16 tions are provided with the appropriate oppor-
17 tunity to develop estimates and raise cost and
18 schedule concerns before performance objectives
19 are established for capabilities when feasible.

20 “(B) Full consideration is given to possible
21 trade-offs among cost, schedule, and perform-
22 ance objectives for each alternative.

23 “(e) DOCUMENTATION.—

24 “(1) IN GENERAL.—The chair of the Board
25 shall ensure that all actions and decisions made pur-

1 suant to the responsibilities of the Board under sub-
2 section (d) are documented in an acquisition decision
3 memorandum that includes—

4 “(A) a summary of the action at issue or
5 purpose for convening a meeting under sub-
6 section (e);

7 “(B) the decision with respect to actions
8 discussed during such meeting;

9 “(C) the rationale for such a decision, in-
10 cluding justifications for any such decision
11 made to allow acquisition programs to deviate
12 from the acquisition management policy of the
13 Department;

14 “(D) any assigned items for further action;
15 and

16 “(E) the signature of the chair verifying
17 the contents of such memorandum.

18 “(2) SUBMISSION OF MEMORANDUM.—Not later
19 than seven days after the date on which the acquisi-
20 tion decision memorandum is signed by the chair
21 pursuant to paragraph (1)(E), the chair shall submit
22 to the Secretary, the Committee on Homeland Secu-
23 rity of the House of Representatives, and the Com-
24 mittee on Homeland Security and Governmental Af-
25 fairs of the Senate a copy of such memorandum.

1 “(f) DEFINITIONS.—In this section:

2 “(1) ACQUISITION.—The term ‘acquisition’ has
3 the meaning given such term in section 131 of title
4 41, United States Code.

5 “(2) ACQUISITION DECISION AUTHORITY.—The
6 term ‘acquisition decision authority’ means the au-
7 thority, held by the Secretary to—

8 “(A) ensure acquisition programs are in
9 compliance with Federal law, the Federal Ac-
10 quisition Regulation, and Department acquisi-
11 tion management directives;

12 “(B) review (including approving, pausing,
13 modifying, or cancelling) an acquisition pro-
14 gram through the life-cycle of such program;

15 “(C) ensure that acquisition program man-
16 agers have the resources necessary to success-
17 fully execute an approved acquisition program;

18 “(D) ensure appropriate acquisition pro-
19 gram management of cost, schedule, risk, and
20 system performance of the acquisition program
21 at issue, including assessing acquisition pro-
22 gram baseline breaches and directing any cor-
23 rective action for such breaches; and

24 “(E) ensure that acquisition program man-
25 agers, on an ongoing basis, monitor cost, sched-

1 ule, and performance against established base-
2 lines and use tools to assess risks to an acquisi-
3 tion program at all phases of the life-cycle of
4 such program to avoid and mitigate acquisition
5 program baseline breaches.

6 “(3) ACQUISITION DECISION EVENT.—The term
7 ‘acquisition decision event’, with respect to an acqui-
8 sition program, means a predetermined point within
9 each of the acquisition phases at which the acquisi-
10 tion decision authority determines whether such ac-
11 quisition program shall proceed to the next acquisi-
12 tion phase.

13 “(4) ACQUISITION DECISION MEMORANDUM.—
14 The term ‘acquisition decision memorandum’ means
15 the official documented record of decisions, including
16 the rationale for such decisions and any assigned ac-
17 tions, for the acquisition at issue, as determined by
18 the person exercising acquisition decision authority
19 for such acquisition.

20 “(5) ACQUISITION PROGRAM BASELINE.—The
21 term ‘acquisition program baseline’, with respect to
22 an acquisition program, means a summary of the
23 cost, schedule, and performance parameters, ex-
24 pressed in standard, measurable, quantitative terms,

1 which must be satisfied to accomplish the goals of
2 such program.

3 “(6) BEST PRACTICES.—The term ‘best prac-
4 tices’, with respect to acquisition, means a knowl-
5 edge-based approach to capability development that
6 includes—

7 “(A) identifying and validating needs;

8 “(B) assessing alternatives to select the
9 most appropriate solution;

10 “(C) clearly establishing well-defined re-
11 quirements;

12 “(D) developing realistic cost estimates
13 and schedules that account for the entire life-
14 cycle of such an acquisition;

15 “(E) securing stable funding that matches
16 resources to requirements before initiating such
17 development;

18 “(F) demonstrating technology, design,
19 and manufacturing maturity before initiating
20 production of the item that is the subject of
21 such acquisition;

22 “(G) using milestones and exit criteria or
23 specific accomplishments that demonstrate the
24 attainment of knowledge to support progress;

1 “(H) regularly assessing and managing
2 risks to achieving requirements and cost and
3 schedule goals;

4 “(I) adopting and executing standardized
5 processes with known success across programs;

6 “(J) establishing an adequate workforce
7 that is qualified and sufficient to perform nec-
8 essary functions; and

9 “(K) integrating the capabilities described
10 in subparagraphs (A) through (J).

11 “(7) MAJOR ACQUISITION PROGRAM.—The term
12 ‘major acquisition program’ means—

13 “(A) a Department capital asset, service,
14 or hybrid acquisition program that is estimated
15 by the Secretary to require an eventual total ex-
16 penditure of at least \$300 million (based on fis-
17 cal year 2022 constant dollars) over its life-
18 cycle cost; or

19 “(B) a program identified by the Under
20 Secretary for Management as a program of spe-
21 cial interest.

22 “(8) NON-MAJOR ACQUISITION PROGRAM.—The
23 term ‘non-major acquisition program’ means a De-
24 partment capital asset, service, or hybrid acquisition
25 program that is estimated by the Secretary to re-

1 quire an eventual total expenditure of less than
2 \$300,000,000 (based on fiscal year 2022 constant
3 dollars) over its life-cycle.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002 (6
6 U.S.C. 101 et seq.) is amended by inserting after the item
7 relating to section 837 the following new item:

“Sec. 838. Acquisition Review Board.”.

8 **SEC. 59127. DHS CONTRACT REPORTING.**

9 (a) DAILY PUBLIC REPORT OF COVERED CONTRACT
10 AWARDS.—

11 (1) IN GENERAL.—The Secretary shall post,
12 maintain, and update in accordance with paragraph
13 (2), on a publicly available website of the Depart-
14 ment, a daily report of all covered contract awards.
15 Each reported covered contract award shall include
16 information relating to—

17 (A) the contract number, modification
18 number, or delivery order number;

19 (B) the contract type;

20 (C) the amount obligated for such award;

21 (D) the total contract value for such
22 award, including all options;

23 (E) the description of the purpose for such
24 award;

1 (F) the number of proposals or bids re-
2 ceived;

3 (G) the name and address of the vendor,
4 and whether such vendor is considered a small
5 business;

6 (H) the period and each place of perform-
7 ance for such award;

8 (I) whether such award is multiyear;

9 (J) whether such award requires a small
10 business subcontracting plan; and

11 (K) the contracting office and the point of
12 contact for such office.

13 (2) UPDATE.—Updates referred to in para-
14 graph (1) shall occur not later than two business
15 days after the date on which the covered contract is
16 authorized or modified.

17 (3) SUBSCRIBING TO ALERTS.—The website re-
18 ferred to in paragraph (1) shall provide the option
19 to subscribe to an automatic notification of the pub-
20 lication of each report required under such para-
21 graph.

22 (4) EFFECTIVE DATE.—Paragraph (1) shall
23 take effect on the date that is 180 days after the
24 date of the enactment of this section.

1 (b) UNDEFINITIZED CONTRACT ACTION OR DEFINI-
2 TIZED AMOUNT.—If a covered contract award reported
3 pursuant to subsection (a) includes an undefinitized con-
4 tract action, the Secretary shall—

5 (1) report the estimated total contract value for
6 such award and the amount obligated upon award;
7 and

8 (2) once such award is definitized, update the
9 total contract value and amount obligated.

10 (c) EXEMPTION.—Each report required under sub-
11 section (a) shall not include covered contract awards relat-
12 ing to classified products, programs, or services.

13 (d) DEFINITIONS.—In this section:

14 (1) COVERED CONTRACT AWARD.—The term
15 “covered contract award”—

16 (A) means a contract action of the Depart-
17 ment with the total authorized dollar amount of
18 \$4,000,000 or greater, including unexercised
19 options; and

20 (B) includes—

21 (i) contract awards governed by the
22 Federal Acquisition Regulation;

23 (ii) modifications to a contract award
24 that increase the total value, expand the

1 scope of work, or extend the period of per-
2 formance;

3 (iii) orders placed on a multiple award
4 or multiple-agency contract that includes
5 delivery or quantity terms that are indefi-
6 nite;

7 (iv) other transaction authority agree-
8 ments; and

9 (v) contract awards made with other
10 than full and open competition.

11 (2) DEFINITIZED AMOUNT.—The term “defini-
12 tized amount” means the final amount of a covered
13 contract award after agreement between the Depart-
14 ment and the contractor at issue.

15 (3) DEPARTMENT.—The term “Department”
16 means the Department of Homeland Security.

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

19 (5) SMALL BUSINESS.—The term “small busi-
20 ness” means an entity that qualifies as a small busi-
21 ness concern, as such term is described under sec-
22 tion 3 of the Small Business Act (15 U.S.C. 632).

23 (6) TOTAL CONTRACT VALUE.—The term “total
24 contract value” means the total amount of funds ex-
25 pected to be provided to the contractor at issue

1 under the terms of the contract through the full pe-
2 riod of performance.

3 (7) UNDEFINITIZED CONTRACT ACTION.—The
4 term “undefinitized contract action” means any con-
5 tract action for which the contract terms, specifica-
6 tions, or price is not established prior to the start
7 of the performance of a covered contract award.

8 **SEC. 59128. UNMANNED AERIAL SECURITY.**

9 (a) PROHIBITION ON AGENCY OPERATION OR PRO-
10 CUREMENT.—Except as provided in subsection (b) and
11 subsection (c)(3), the Secretary of Homeland Security
12 may not operate, provide financial assistance for, or enter
13 into or renew a contract for the procurement of—

14 (1) an unmanned aircraft system (UAS) that—

15 (A) is manufactured in a covered foreign
16 country or by a corporation domiciled in a cov-
17 ered foreign country;

18 (B) uses flight controllers, radios, data
19 transmission devices, cameras, or gimbals man-
20 ufactured in a covered foreign country or by a
21 corporation domiciled in a covered foreign coun-
22 try;

23 (C) uses a ground control system or oper-
24 ating software developed in a covered foreign

1 country or by a corporation domiciled in a cov-
2 ered foreign country; or

3 (D) uses network connectivity or data stor-
4 age located in a covered foreign country or ad-
5 ministered by a corporation domiciled in a cov-
6 ered foreign country;

7 (2) a software operating system associated with
8 a UAS that uses network connectivity or data stor-
9 age located in a covered foreign country or adminis-
10 tered by a corporation domiciled in a covered foreign
11 country; or

12 (3) a system for the detection or identification
13 of a UAS, which system is manufactured in a cov-
14 ered foreign country or by a corporation domiciled in
15 a covered foreign country.

16 (b) WAIVER.—

17 (1) IN GENERAL.—The Secretary of Homeland
18 Security is authorized to waive the prohibition under
19 subsection (a) if the Secretary certifies in writing to
20 the Committee on Homeland Security of the House
21 of Representatives and the Committee on Homeland
22 Security and Governmental Affairs of the Senate
23 that a UAS, a software operating system associated
24 with a UAS, or a system for the detection or identi-
25 fication of a UAS referred to in any of subpara-

1 graphs (A) through (C) of such subsection that is
2 the subject of such a waiver is required—

3 (A) in the national interest of the United
4 States;

5 (B) for counter-UAS surrogate research,
6 testing, development, evaluation, or training; or

7 (C) for intelligence, electronic warfare, or
8 information warfare operations, testing, anal-
9 ysis, and or training.

10 (2) NOTICE.—The certification described in
11 paragraph (1) shall be submitted to the Committees
12 specified in such paragraph by not later than the
13 date that is 14 days after the date on which a waiv-
14 er is issued under such paragraph.

15 (c) EFFECTIVE DATES.—

16 (1) IN GENERAL.—This Act shall take effect on
17 the date that is 120 days after the date of the enact-
18 ment of this Act.

19 (2) WAIVER PROCESS.—Not later than 60 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Homeland Security shall establish a proc-
22 ess by which the head of an office or component of
23 the Department of Homeland Security may request
24 a waiver under subsection (b).

1 (3) EXCEPTION.—Notwithstanding the prohibi-
2 tion under subsection (a), the head of an office or
3 component of the Department of Homeland Security
4 may continue to operate a UAS, a software oper-
5 ating system associated with a UAS, or a system for
6 the detection or identification of a UAS described in
7 any of subparagraphs (1) through (3) of such sub-
8 section that was in the inventory of such office or
9 component on the day before the effective date of
10 this Act until—

11 (A) such time as the Secretary of Home-
12 land Security has—

13 (i) granted a waiver relating thereto
14 under subsection (b); or

15 (ii) declined to grant such a waiver; or

16 (B) one year after the date of the enact-
17 ment of this Act,

18 whichever is later.

19 (d) DRONE ORIGIN SECURITY REPORT TO CON-
20 GRESS.—Not later than 180 days after the date of the
21 enactment of this Act, the Secretary of Homeland Security
22 shall submit to the Committee on Homeland Security of
23 the House of Representatives and the Committee on
24 Homeland Security and Governmental Affairs of the Sen-

1 ate a terrorism threat assessment and report that contains
2 information relating to the following:

3 (1) The extent to which the Department of
4 Homeland Security has previously analyzed the
5 threat that a UAS, a software operating system as-
6 sociated with a UAS, or a system for the detection
7 or identification of a UAS from a covered foreign
8 country operating in the United States poses, and
9 the results of such analysis.

10 (2) The number of UAS, software operating
11 systems associated with a UAS, or systems for the
12 detection or identification of a UAS from a covered
13 foreign country in operation by the Department, in-
14 cluding an identification of the component or office
15 of the Department at issue, as of such date.

16 (3) The extent to which information gathered
17 by such a UAS, a software operating system associ-
18 ated with a UAS, or a system for the detection or
19 identification of a UAS from a covered foreign coun-
20 try could be employed to harm the national or eco-
21 nomic security of the United States.

22 (e) DEFINITIONS.—In this section:

23 (1) COVERED FOREIGN COUNTRY.—The term
24 “covered foreign country” means a country that—

1 (A) the intelligence community has identi-
2 fied as a foreign adversary in its most recent
3 Annual Threat Assessment; or

4 (B) the Secretary of Homeland Security,
5 in coordination with the Director of National
6 Intelligence, has identified as a foreign adver-
7 sary that is not included in such Annual Threat
8 Assessment.

9 (2) INTELLIGENCE COMMUNITY.—The term
10 “intelligence community” has the meaning given
11 such term in section 3(4) of the National Security
12 Act of 1947 (50 U.S.C. 3003(4)).

13 (3) UNMANNED AIRCRAFT SYSTEM; UAS.—The
14 terms “unmanned aircraft system” and “UAS” have
15 the meaning given the term “unmanned aircraft sys-
16 tem” in section 44801 of title 49, United States
17 Code.

18 **Subtitle C—Enhancing DHS** 19 **Operations**

20 **SEC. 59131. QUADRENNIAL HOMELAND SECURITY REVIEW** 21 **TECHNICAL CORRECTIONS.**

22 (a) IN GENERAL.—Section 707 of the Homeland Se-
23 curity Act of 2002 (6 U.S.C. 347) is amended—

24 (1) in subsection (a)(3)—

1 (A) in subparagraph (B), by striking
2 “and” after the semicolon at the end;

3 (B) by redesignating subparagraph (C) as
4 subparagraph (D); and

5 (C) by inserting after subparagraph (B)
6 the following new subparagraph:

7 “(C) representatives from appropriate ad-
8 visory committees established pursuant to sec-
9 tion 871, including the Homeland Security Ad-
10 visory Council and the Homeland Security
11 Science and Technology Advisory Committee, or
12 otherwise established, including the Aviation
13 Security Advisory Committee established pursu-
14 ant to section 44946 of title 49, United States
15 Code; and”;

16 (2) in subsection (b)—

17 (A) in paragraph (2), by inserting before
18 the semicolon at the end the following: “based
19 on the risk assessment required pursuant to
20 subsection (c)(2)(B)”;

21 (B) in paragraph (3)—

22 (i) by inserting “, to the extent prac-
23 ticable,” after “describe”; and

24 (ii) by striking “budget plan” and in-
25 serting “resources required”;

1 (C) in paragraph (4)—

2 (i) by inserting “, to the extent prac-
3 ticable,” after “identify”;

4 (ii) by striking “budget plan required
5 to provide sufficient resources to success-
6 fully” and inserting “resources required
7 to”; and

8 (iii) by striking the semicolon at the
9 end and inserting the following: “, includ-
10 ing any resources identified from redun-
11 dant, wasteful, or unnecessary capabilities
12 or capacities that may be redirected to bet-
13 ter support other existing capabilities or
14 capacities, as the case may be; and”;

15 (D) in paragraph (5), by striking “; and”
16 and inserting a period; and

17 (E) by striking paragraph (6);

18 (3) in subsection (c)—

19 (A) in paragraph (1), by striking “Decem-
20 ber 31 of the year” and inserting “60 days
21 after the date of the submission of the Presi-
22 dent’s budget for the fiscal year after the fiscal
23 year”;

24 (B) in paragraph (2)—

1 (i) in subparagraph (B), by striking
2 “description of the threats to” and insert-
3 ing “risk assessment of”;

4 (ii) in subparagraph (C), by inserting
5 “, as required under subsection (b)(2)” be-
6 fore the semicolon at the end;

7 (iii) in subparagraph (D)—

8 (I) by inserting “to the extent
9 practicable,” before “a description”;

10 and

11 (II) by striking “budget plan”
12 and inserting “resources required”;

13 (iv) in subparagraph (F)—

14 (I) by inserting “to the extent
15 practicable,” before “a discussion”;

16 and

17 (II) by striking “the status of”;

18 (v) in subparagraph (G)—

19 (I) by inserting “to the extent
20 practicable,” before “a discussion”;

21 (II) by striking “the status of”;

22 (III) by inserting “and risks” be-
23 fore “to national homeland”; and

24 (IV) by inserting “and” after the
25 semicolon at the end;

1 (vi) by striking subparagraph (H);

2 and

3 (vii) by redesignating subparagraph

4 (I) as subparagraph (H);

5 (C) by redesignating paragraph (3) as
6 paragraph (4); and

7 (D) by inserting after paragraph (2) the
8 following new paragraph:

9 “(3) DOCUMENTATION.—The Secretary shall
10 retain and, upon request, provide to Congress the
11 following documentation regarding each quadrennial
12 homeland security review:

13 “(A) Records regarding the consultation
14 carried out pursuant to subsection (a)(3), in-
15 cluding the following:

16 “(i) All written communications, in-
17 cluding communications sent out by the
18 Secretary and feedback submitted to the
19 Secretary through technology, online com-
20 munications tools, in-person discussions,
21 and the interagency process.

22 “(ii) Information on how feedback re-
23 ceived by the Secretary informed each such
24 quadrennial homeland security review.

1 “(B) Information regarding the risk as-
2 sessment required pursuant to subsection
3 (c)(2)(B), including the following:

4 “(i) The risk model utilized to gen-
5 erate such risk assessment.

6 “(ii) Information, including data used
7 in the risk model, utilized to generate such
8 risk assessment.

9 “(iii) Sources of information, includ-
10 ing other risk assessments, utilized to gen-
11 erate such risk assessment.

12 “(iv) Information on assumptions,
13 weighing factors, and subjective judgments
14 utilized to generate such risk assessment,
15 together with information on the rationale
16 or basis thereof.”;

17 (4) by redesignating subsection (d) as sub-
18 section (e); and

19 (5) by inserting after subsection (c) the fol-
20 lowing new subsection:

21 “(d) REVIEW.—Not later than 90 days after the sub-
22 mission of each report required under subsection (c)(1),
23 the Secretary shall provide to the Committee on Homeland
24 Security of the House of Representatives and the Com-
25 mittee on Homeland Security and Governmental Affairs

1 of the Senate information on the degree to which the find-
2 ings and recommendations developed in the quadrennial
3 homeland security review that is the subject of such report
4 were integrated into the acquisition strategy and expendi-
5 ture plans for the Department.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this Act shall apply with respect to a quadrennial home-
8 land security review conducted after December 31, 2021.

9 **SEC. 59132. BOMBING PREVENTION.**

10 (a) OFFICE FOR BOMBING PREVENTION.—

11 (1) IN GENERAL.—Title XXII of the Homeland
12 Security Act of 2002 (6 U.S.C. 651 et seq.) is
13 amended by adding at the end the following new
14 subtitle:

15 **“Subtitle E—Bombing Prevention**

16 **“SEC. 2251. OFFICE FOR BOMBING PREVENTION.**

17 “(a) ESTABLISHMENT.—There is established within
18 the Department an Office for Bombing Prevention (in this
19 section referred to as the ‘Office’).

20 “(b) ACTIVITIES.—The Office shall have the primary
21 responsibility within the Department for enhancing the
22 ability and coordinating the efforts of the United States
23 to deter, detect, prevent, protect against, mitigate, and re-
24 spond to terrorist explosive threats and attacks in the
25 United States, including by carrying out the following:

1 “(1) Advising the Secretary on matters related
2 to terrorist explosive threats and attacks in the
3 United States.

4 “(2) Coordinating the efforts of the Depart-
5 ment to counter terrorist explosive threats and at-
6 tacks in the United States, including by carrying out
7 the following:

8 “(A) Developing, in coordination with the
9 Under Secretary for Strategy, Policy, and
10 Plans, the Department’s strategy against ter-
11 rorist explosives threats and attacks, including
12 efforts to support the security and preparedness
13 of critical infrastructure and the public sector
14 and private sector.

15 “(B) Leading the prioritization of the De-
16 partment’s efforts against terrorist explosive
17 threats and attacks, including preparedness and
18 operational requirements.

19 “(C) Ensuring, in coordination with the
20 Under Secretary for Science and Technology
21 and the Administrator of the Federal Emer-
22 gency Management Agency, the identification,
23 evaluation, and availability of effective tech-
24 nology applications through field pilot testing
25 and acquisition of such technology applications

1 by the public sector to deter, detect, prevent,
2 protect against, mitigate, and respond to ter-
3 rorist explosive threats and attacks in the
4 United States.

5 “(D) Providing advice and recommenda-
6 tions to the Administrator of the Federal Emer-
7 gency Management Agency regarding the effec-
8 tive use of grants authorized under section
9 2002.

10 “(E) In coordination with the Assistant
11 Secretary for Countering Weapons of Mass De-
12 struction, aligning Department efforts related
13 to terrorist explosive threats and attacks in the
14 United States and weapons of mass destruction.

15 “(3) Engaging other Federal departments and
16 agencies, including Sector Risk Management Agen-
17 cies, regarding terrorist explosive threats and at-
18 tacks in the United States.

19 “(4) Facilitating information sharing and deci-
20 sion support of the public and private sector involved
21 in deterrence, detection, prevention, protection
22 against, mitigation of, and response to terrorist ex-
23 plosive threats and attacks in the United States.
24 Such sharing and support may include the following:

1 “(A) Operating and maintaining a secure
2 information sharing system that allows the
3 sharing of critical information and data relating
4 to terrorist explosive attack tactics, techniques,
5 procedures, and security capabilities, including
6 information and data described in paragraph
7 (6) and section 2242.

8 “(B) Working with international partners,
9 in coordination with the Office for International
10 Affairs of the Department, to develop and share
11 effective practices to deter, prevent, detect, pro-
12 tect against, mitigate, and respond to terrorist
13 explosive threats and attacks in the United
14 States.

15 “(5) Promoting security awareness among the
16 public and private sector and the general public re-
17 garding the risks posed by the misuse of explosive
18 precursor chemicals and other bomb-making mate-
19 rials.

20 “(6) Providing training, guidance, assessments,
21 and planning assistance to the public and private
22 sector, as appropriate, to help counter the risk of
23 terrorist explosive threats and attacks in the United
24 States.

1 “(7) Conducting analysis and planning for the
2 capabilities and requirements necessary for the pub-
3 lic and private sector, as appropriate, to deter, de-
4 tect, prevent, protect against, mitigate, and respond
5 to terrorist explosive threats and attacks in the
6 United States by carrying out the following:

7 “(A) Maintaining a database on capabili-
8 ties and requirements, including capabilities
9 and requirements of public safety bomb squads,
10 explosive detection canine teams, special tactics
11 teams, public safety dive teams, and recipients
12 of services described in section 2242.

13 “(B) Applying the analysis derived from
14 the database described in subparagraph (A)
15 with respect to the following:

16 “(i) Evaluating progress toward clos-
17 ing identified gaps relating to national
18 strategic goals and standards related to de-
19 terring, detecting, preventing, protecting
20 against, mitigating, and responding to ter-
21 rorist explosive threats and attacks in the
22 United States.

23 “(ii) Informing decisions relating to
24 homeland security policy, assistance, train-
25 ing, research, development efforts, testing

1 and evaluation, and related requirements
2 regarding deterring, detecting, preventing,
3 protecting against, mitigating, and re-
4 sponding to terrorist explosive threats and
5 attacks in the United States.

6 “(8) Promoting secure information sharing of
7 sensitive material and promoting security awareness,
8 including by carrying out the following:

9 “(A) Operating and maintaining a secure
10 information sharing system that allows the
11 sharing among and between the public and pri-
12 vate sector of critical information relating to ex-
13 plosive attack tactics, techniques, and proce-
14 dures.

15 “(B) Educating the public and private sec-
16 tors about explosive precursor chemicals.

17 “(C) Working with international partners,
18 in coordination with the Office for International
19 Affairs of the Department, to develop and share
20 effective practices to deter, detect, prevent, pro-
21 tect against, mitigate, and respond to terrorist
22 explosive threats and attacks in the United
23 States.

24 “(D) Executing national public awareness
25 and vigilance campaigns relating to terrorist ex-

1 plosive threats and attacks in the United
2 States, preventing explosive attacks, and activi-
3 ties and measures underway to safeguard the
4 United States.

5 “(E) Working with relevant stakeholder or-
6 ganizations.

7 “(9) Providing any other assistance the Sec-
8 retary determines necessary.

9 **“SEC. 2252. COUNTERING EXPLOSIVE DEVICES TECHNICAL**
10 **ASSISTANCE.**

11 “(a) ESTABLISHMENT.—Upon request, the Secretary
12 shall, to the extent practicable, provide to the public and
13 private sector technical assistance services to support the
14 security and preparedness of such sectors, as appropriate,
15 to counter terrorist explosive threats and attacks that pose
16 a risk in certain jurisdictions, including vulnerable and
17 disadvantaged communities, to critical infrastructure fa-
18 cilities, or to special events, as appropriate.

19 “(b) ELEMENTS.—Technical assistance services pro-
20 vided pursuant to subsection (a) shall—

21 “(1) support the planning and implementation
22 of effective measures to deter, detect, prevent, pro-
23 tect against, mitigate, and respond to terrorist ex-
24 plosive threats and attacks in the United States, in-

1 including effective strategic risk management and
2 emergency operations plans;

3 “(2) support the security of explosive precursor
4 chemicals and other bomb-making materials outside
5 of regulatory control;

6 “(3) support efforts to prepare for and respond
7 to bomb threats or other acts involving the malicious
8 conveyance of false information concerning terrorist
9 explosive threats and attacks in the United States;

10 “(4) make available resources to enhance deter-
11 rence, prevention, detection, protection, mitigation,
12 and response capabilities for terrorist explosive
13 threats and attacks in the United States, including
14 coordination and communication, to better integrate
15 State, local, Tribal, and territorial and private sector
16 capabilities and assets, as appropriate, with Federal
17 operations;

18 “(5) make available augmenting resources, as
19 appropriate, to enable State, local, Tribal, and terri-
20 torial governments to sustain and refresh their capa-
21 bilities;

22 “(6) track performance in meeting the goals
23 and associated plans of the provision of such tech-
24 nical assistance; and

1 “(7) include any other assistance the Secretary
2 determines necessary.

3 **“SEC. 2253. RELATIONSHIP TO OTHER DEPARTMENT COM-**
4 **PONENTS AND FEDERAL AGENCIES.**

5 “(a) IN GENERAL.—The authority of the Secretary
6 under this subtitle shall not affect or diminish the author-
7 ity or the responsibility of any officer of any other Federal
8 agency with respect to the command, control, or direction
9 of the functions, personnel, funds, assets, or liabilities of
10 any other such Federal agency.

11 “(b) DEPARTMENT COMPONENTS.—Nothing in this
12 subtitle or any other provision of law may be construed
13 to affect or reduce the responsibilities of—

14 “(1) the Countering Weapons of Mass Destruc-
15 tion Office or the Assistant Secretary of the Office,
16 including with respect to any asset, function, or mis-
17 sion of the Office or the Assistant Secretary, as the
18 case may be;

19 “(2) the Federal Emergency Management
20 Agency or the Administrator of the Agency, includ-
21 ing the diversion of any asset, function, or mission
22 of the Agency or the Administrator as the case may
23 be; or

24 “(3) the Transportation Security Administra-
25 tion or the Administrator of the Administration, in-

1 including the diversion of any asset, function, or mis-
2 sion of the Administration or the Administrator, as
3 the case may be.”.

4 (2) STRATEGY AND REPORTS.—

5 (A) STRATEGY.—Not later than one year
6 after the date of the enactment of this section,
7 the head of the Office for Bombing Prevention
8 of the Department of Homeland Security (es-
9 tablished pursuant to section 2241 of the
10 Homeland Security Act of 2002, as added by
11 paragraph (1)), in consultation with the heads
12 of other components of the Department and the
13 heads of other Federal agencies, as appropriate,
14 shall develop a strategy to align the Office’s ac-
15 tivities with the threat environment and stake-
16 holder needs, and make the public and private
17 sector aware of the Office’s capabilities. Such
18 strategy shall include the following elements:

19 (i) Information on terrorist explosive
20 threats, tactics, and attacks in the United
21 States.

22 (ii) Information, by region of the
23 United States, regarding public and pri-
24 vate sector entities likely to be targeted by
25 terrorist explosive threats and attacks in

1 the United States, including historically
2 black colleges and universities and minor-
3 ity serving institutions, places of worship,
4 health care facilities, transportation sys-
5 tems, commercial facilities, and govern-
6 ment facilities.

7 (iii) Guidance on how outreach to
8 owners and operators of critical infrastruc-
9 ture (as such term is defined in section
10 1016(e) of Public Law 107–56 (42 U.S.C.
11 5195c(e))) in a region should be
12 prioritized.

13 (iv) A catalogue of the services and
14 training currently offered by the Office,
15 and a description of how such services and
16 trainings assist the public and private sec-
17 tor to deter, detect, prevent, protect
18 against, mitigate, and respond to terrorist
19 explosive threats and attacks in the United
20 States.

21 (v) Long-term objectives of the Office,
22 including future service and training offer-
23 ings.

1 (vi) Metrics for measuring the effec-
2 tiveness of services and trainings offered
3 by the Office.

4 (vii) An assessment of resource re-
5 quirements necessary to implement such
6 strategy.

7 (viii) A description of how the Office
8 partners with other components of the De-
9 partment and other Federal agencies to
10 carry out its mission.

11 (B) REPORTS.—Not later than one year
12 after the date of the enactment of this section
13 and annually thereafter, the Secretary of
14 Homeland Security shall submit to the Com-
15 mittee on Homeland Security of the House of
16 Representatives and the Committee on Home-
17 land Security and Governmental Affairs of the
18 Senate a report describing the activities of the
19 Office for Bombing Prevention of the Depart-
20 ment of Homeland Security (established pursu-
21 ant to section 2241 of the Homeland Security
22 Act of 2002, as added by paragraph (1)). Each
23 such report shall include information on the fol-
24 lowing:

1 (i) Changes to terrorist explosive
2 threats, tactics, and attacks in the United
3 States.

4 (ii) Changes to the types of public and
5 private sector entities likely to be targeted
6 by terrorist explosive threats and attacks
7 in the United States.

8 (iii) The number of trainings, assess-
9 ments, and other engagements carried out
10 by the Office within each region of the
11 United States, including a description of
12 the critical infrastructure sector or stake-
13 holder served.

14 (iv) The number of trainings, assess-
15 ments, or other engagements the Office
16 was asked to conduct but did not, and an
17 explanation relating thereto.

18 (v) The effectiveness of the trainings,
19 assessments, or other engagements pro-
20 vided by the Office based on the metrics
21 described in subparagraph (A)(vi).

22 (vi) Any changes or anticipated
23 changes in the trainings, assessments, and
24 other engagements, or any other services,

1 offered by the Office, and an explanation
2 relating thereto.

3 (3) CLERICAL AMENDMENT.—The table of con-
4 tents in section 1(b) of the Homeland Security Act
5 of 2002 is amended by inserting after the item relat-
6 ing to section 2246 the following new items:

 “Subtitle E—Bombing Prevention

 “Sec. 2251. Office for Bombing Prevention.

 “Sec. 2252. Countering explosive devices technical assistance.

 “Sec. 2253. Relationship to other Department components and Federal agen-
 cies.”.

7 (b) EXPLOSIVES TECHNOLOGY DEVELOPMENT.—

8 (1) IN GENERAL.—Title III of the Homeland
9 Security Act of 2002 (6 U.S.C. 181 et seq.) is fur-
10 ther amended by adding at the end the following
11 new section:

12 **“SEC. 324. EXPLOSIVES RESEARCH AND DEVELOPMENT.**

13 “(a) IN GENERAL.—The Secretary, acting through
14 the Under Secretary for Science and Technology, and in
15 coordination with the head of the Office for Bombing Pre-
16 vention and the Assistant Secretary for the Countering
17 Weapons of Mass Destruction Office, and in consultation
18 with the Attorney General, the Secretary of Defense, and
19 the head of any other relevant Federal department or
20 agency, including Sector Risk Management Agencies, shall
21 ensure coordination and information sharing regarding
22 nonmilitary research, development, testing, and evaluation

1 activities of the Federal Government relating to the deter-
2 rence, detection, prevention, protection against, mitigation
3 of, and response to terrorist explosive threats and attacks
4 in the United States.

5 “(b) LEVERAGING MILITARY RESEARCH.—The Sec-
6 retary, acting through the Under Secretary for Science
7 and Technology, and in coordination with the head of the
8 Office for Bombing Prevention and the Assistant Sec-
9 retary for the Countering of Weapons of Mass Destruction
10 Office, shall consult with the Secretary of Defense and the
11 head of any other relevant Federal department or agency,
12 including Sector Risk Management Agencies, to ensure
13 that, to the maximum extent possible, military policies and
14 procedures, and research, development, testing, and eval-
15 uation activities relating to the deterrence, detection, pre-
16 vention, protection against, mitigation of, and response to
17 terrorist explosive threats and attacks in the United
18 States are adapted to nonmilitary uses.”.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents in section 1(b) of the Homeland Security Act
21 of 2002 is amended by inserting after the item relat-
22 ing to section 323 the following new item:

“Sec. 324. Explosives research and development.”.

1 **SEC. 59133. DHS BASIC TRAINING ACCREDITATION IM-**
2 **PROVEMENT.**

3 (a) REPORTING ON BASIC TRAINING PROGRAMS OF
4 THE DEPARTMENT OF HOMELAND SECURITY.—

5 (1) ANNUAL REPORTING.—

6 (A) IN GENERAL.—Not later than 90 days
7 after the date of the enactment of this Act and
8 annually thereafter, the Secretary of Homeland
9 Security shall report to the relevant congress-
10 sional committees on the accreditation status
11 for each basic training program within the De-
12 partment of Homeland Security, including in-
13 formation relating to the following:

14 (i) The date on which each such pro-
15 gram achieved initial accreditation, or in
16 the case of a program that is not currently
17 accredited, the reasons for not obtaining or
18 maintaining accreditation, the activities, if
19 any, taken to achieve accreditation, and an
20 anticipated timeline for accreditation of
21 such program.

22 (ii) The date each such program most
23 recently received accreditation or reaccredi-
24 tation, if applicable.

25 (iii) Each such program's anticipated
26 accreditation or next reaccreditation date.

1 (iv) The name of the accreditation
2 manager for each such program.

3 (B) TERMINATION OF REPORTING RE-
4 QUIREMENT.—Annual reports under subpara-
5 graph (A) shall terminate when all basic train-
6 ing programs of the Department of Homeland
7 Security are accredited.

8 (2) LAPSE IN ACCREDITATION.—

9 (A) IN GENERAL.—If a basic training pro-
10 gram of the Department of Homeland Security
11 loses accreditation, the head of the relevant
12 component of the Department shall notify the
13 Secretary of Homeland Security not later than
14 30 days after such loss.

15 (B) NOTICE TO CONGRESS.—Not later
16 than 30 days after receiving a notification pur-
17 suant to subparagraph (A), the Secretary of
18 Homeland Security shall notify the relevant
19 congressional committees of the lapse in accred-
20 itation at issue, the reason for such lapse, and
21 the activities underway and planned to regain
22 accreditation.

23 (3) DEFINITIONS.—In this section:

24 (A) ACCREDITATION.—The term “accredi-
25 tation” means the recognition by a board that

1 a basic training program is administered, devel-
2 oped, and delivered according to an applicable
3 set of standards.

4 (B) ACCREDITATION MANAGER.—The term
5 “accreditation manager” means the individual
6 assigned by the component of the Department
7 of Homeland Security to manage accreditation
8 activities for a basic training program.

9 (C) BASIC TRAINING PROGRAM.—The term
10 “basic training program” means an entry level
11 program of the Department of Homeland Secu-
12 rity that is transitional to law enforcement serv-
13 ice, provides training on critical competencies
14 and responsibilities, and is typically a require-
15 ment for appointment to a law enforcement
16 service job or job series.

17 (D) REACCREDITATION.—The term “re-
18 accreditation” means the assessment of a basic
19 training program after initial accreditation to
20 ensure the continued compliance with an appli-
21 cable set of standards.

22 (E) RELEVANT CONGRESSIONAL COMMIT-
23 TEES.—The term “relevant congressional com-
24 mittees” means the Committee on Homeland
25 Security and the Committee on the Judiciary of

1 the House of Representatives and the Com-
2 mittee on Homeland Security and Govern-
3 mental Affairs and the Committee of the Judi-
4 ciary of the Senate.

5 (b) RESEARCH AND DEVELOPMENT.—The Under
6 Secretary for Science and Technology of the Department
7 of Homeland Security shall carry out research and devel-
8 opment of systems and technologies to enhance access to
9 training offered by the Federal Law Enforcement Train-
10 ing Centers to State, local, Tribal, and territorial law en-
11 forcement, with particular attention to law enforcement in
12 rural and remote communities, for the purpose of enhanc-
13 ing domestic preparedness for and collective response to
14 terrorism and other homeland security threats.

15 **SEC. 59134. DEPARTMENT OF HOMELAND SECURITY IN-**
16 **SPECTOR GENERAL TRANSPARENCY.**

17 (a) IN GENERAL.—Subtitle B of title VIII of the
18 Homeland Security Act of 2002 is amended by inserting
19 before section 812 the following new section:

20 **“SEC. 811. OFFICE OF INSPECTOR GENERAL.**

21 **“(a) PUBLICATION OF REPORTS.—**

22 **“(1) IN GENERAL.—**Beginning not later than
23 30 days after the date of the enactment of this sec-
24 tion, the Inspector General of the Department shall
25 submit to the appropriate congressional committees

1 any report finalized on and after such date that sub-
2 stantiates—

3 “(A) a violation of paragraph (8) or (9) of
4 section 2302(b) of title 5, United States Code,
5 section 1034 of title 10, United States Code, or
6 Presidential Personnel Directive-19; or

7 “(B) an allegation of misconduct, waste,
8 fraud, abuse, or violation of policy within the
9 Department involving a member of the Senior
10 Executive Service or politically appointed offi-
11 cial of the Department.

12 “(2) PUBLIC AVAILABILITY.—

13 “(A) IN GENERAL.—Concurrent with the
14 submission to the appropriate congressional
15 committees of reports pursuant to paragraph
16 (1), the Inspector General shall, consistent with
17 privacy, civil rights, and civil liberties protec-
18 tions, publish on a publicly available website of
19 the Inspector General each such report.

20 “(B) EXCEPTION.—The requirement pur-
21 suant to subparagraph (A) to publish reports
22 does not apply if section (5)(e)(1) of the Inspec-
23 tor General Act of 1978 applies to any such re-
24 port.

25 “(3) REQUIREMENT.—

1 “(A) IN GENERAL.—The Inspector General
2 of the Department may not redact any portion
3 of a report submitted pursuant to paragraph
4 (1).

5 “(B) EXCEPTION.—The requirement under
6 subparagraph (A) shall not apply with respect
7 to the name or any other identifying informa-
8 tion, including any contextual details not rel-
9 evant to the audit, inspection, or evaluation at
10 issue that may be used by other employees or
11 officers of the Department to determine the
12 identity of a whistleblower complainant, of a
13 whistleblower complainant who does not consent
14 to the inclusion of such in a report of the In-
15 spector General.

16 “(b) SEMIANNUAL REPORTING.—Beginning with the
17 first semiannual report transmitted to the appropriate
18 committees or subcommittees of the Congress pursuant to
19 section 5(b) of the Inspector General Act of 1978 that
20 is transmitted after the date of the enactment of this sec-
21 tion, each such report shall be accompanied by a list of
22 ongoing audits, inspections, and evaluations of the De-
23 partment, together with a narrative description relating
24 to each such audit, inspection, or evaluation that identifies
25 the scope of such audit, inspection, or evaluation, as the

1 case may be, as well as the subject office, component, or
2 directorate of the Department. For each such ongoing
3 audit, inspection, or evaluation such narrative description
4 shall include the following:

5 “(1) Information relating to the source of each
6 such audit, inspection, or evaluation.

7 “(2) Information regarding whether each such
8 audit, inspection, or evaluation is being conducted
9 independently, jointly, concurrently, or in some other
10 manner.

11 “(3) In the event each such audit, inspection, or
12 evaluation was initiated due to a referral, the date
13 on which the Inspector General notified the origi-
14 nator of a referral of the Inspector General’s inten-
15 tion to carry out such audit, inspection, or evalua-
16 tion.

17 “(4) Information relating to the dates on
18 which—

19 “(A) each such audit, inspection, or eval-
20 uation was initiated;

21 “(B) a draft report relating to each such
22 audit, inspection, or evaluation is scheduled to
23 be submitted to the Secretary for review; and

24 “(C) a final report relating to each such
25 audit, inspection, or evaluation is scheduled to

1 be submitted to the appropriate congressional
2 committees and published on the website of the
3 Inspector General in accordance with para-
4 graphs (1) and (2), respectively, of subsection
5 (a).

6 “(5) An explanation for—

7 “(A) any significant changes to the nar-
8 rative description of each such audit, inspection,
9 or evaluation, including the identification of the
10 subject office, component, or directorate of the
11 Department; or

12 “(B) a delay of more than 30 days in the
13 scheduled date for submitting to the Secretary
14 a draft report for review or publishing on the
15 website of the Inspector General of the Depart-
16 ment the final report relating to each such
17 audit, inspection, or evaluation.

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

21 “(A) the number and type of tips and com-
22 plaints regarding fraud, waste, abuse, corrup-
23 tion, financial crimes, civil rights and civil lib-
24 erty abuse, or other complaints regarding crimi-

1 nal or non-criminal activity associated with
2 fraud, waste, or abuse;

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

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

9 “(D) the total number of tips and com-
10 plaints that are substantiated compared with
11 the number of tips and complaints that are un-
12 substantiated; and

13 “(E) the percentage of audits, inspections,
14 and evaluations that are initiated as a result of
15 tips and complaints made to the Inspector Gen-
16 eral Hotline.

17 “(c) NOTIFICATION TO CONGRESS.—The Inspector
18 General of the Department shall notify the Committee on
19 Homeland Security of the House of Representatives and
20 the Committee on Homeland Security and Governmental
21 Affairs of the Senate if the head of an office or component
22 of the Department does not provide in a timely manner
23 to the Inspector General information or assistance that
24 is requested by the Inspector General to conduct an audit,
25 inspection, or evaluation.

1 “(d) DEFINITION.—In this section, the term ‘appro-
2 priate congressional committees’ means the Committee on
3 Homeland Security of the House of Representatives, the
4 Committee on Homeland Security and Governmental Af-
5 fairs of the Senate, and any committee of the House of
6 Representatives or the Senate, respectively, having legisla-
7 tive or oversight jurisdiction under the Rules of the House
8 of Representatives or the Senate, respectively, over the
9 matter concerned.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 in section 1(b) of the Homeland Security Act of 2002 is
12 amended by amending the item relating to section 811 to
13 read as follows:

 “Sec. 811. Office of Inspector General.”.

14 (c) REPORTS.—

15 (1) INSPECTOR GENERAL OF DHS.—Not later
16 than one year after the date of the enactment of this
17 Act, the Inspector General of the Department of
18 Homeland Security shall submit to the Committee
19 on Homeland Security of the House of Representa-
20 tives, the Committee on Homeland Security and
21 Governmental Affairs of the Senate, and the Comp-
22 troller General of the United States a report on the
23 policies, procedures, and internal controls established
24 that ensure compliance with the Quality Standards
25 for Federal Offices of Inspector General from the

1 Council of Inspectors General on Integrity and Effi-
2 ciency.

3 (2) COMPTROLLER GENERAL.—Not later than
4 one year after receipt of the report required under
5 paragraph (1), the Comptroller General of the
6 United States shall submit to the Committee on
7 Homeland Security of the House of Representatives
8 and the Committee on Homeland Security and Gov-
9 ernmental Affairs of the Senate an evaluation of
10 such report.

11 **SEC. 59135. PRESIDENT'S CUP CYBERSECURITY COMPETI-**
12 **TION.**

13 (a) IN GENERAL.—The Director of the Cybersecurity
14 and Infrastructure Security Agency (in this section re-
15 ferred to as the “Director”) of the Department of Home-
16 land Security is authorized to hold an annual cybersecu-
17 rity competition to be known as the “Department of
18 Homeland Security Cybersecurity and Infrastructure Se-
19 curity Agency’s President’s Cup Cybersecurity Competi-
20 tion” (in this section referred to as the “competition”) for
21 the purpose of identifying, challenging, and competitively
22 awarding prizes, including cash prizes, to the United
23 States Government’s best cybersecurity practitioners and
24 teams across offensive and defensive cybersecurity dis-
25 ciplines.

1 (b) COMPETITION DESIGN.—

2 (1) IN GENERAL.—Notwithstanding section
3 1342 of title 31, United States Code, the Director,
4 in carrying out the competition, may consult with,
5 and consider advice from, any person who has expe-
6 rience or expertise in the development, design, or
7 execution of cybersecurity competitions.

8 (2) LIMITATION.—The Federal Advisory Com-
9 mittee Act (5 U.S.C. App.) shall not apply to con-
10 sultations pursuant to this section.

11 (3) PROHIBITION.—A person with whom the
12 Director consults under paragraph (1) may not—

13 (A) receive pay by reason of being so con-
14 sulted; or

15 (B) be considered an employee of the Fed-
16 eral Government by reason of so consulting.

17 (c) ELIGIBILITY.—To be eligible to participate in the
18 competition, an individual shall be a Federal civilian em-
19 ployee or member of the uniformed services (as such term
20 is defined in section 2101(3) of title 5, United States
21 Code) and shall comply with any rules promulgated by the
22 Director regarding the competition.

23 (d) COMPETITION ADMINISTRATION.—The Director
24 may enter into a grant, contract, cooperative agreement,
25 or other agreement with a private sector for-profit or non-

1 profit entity or State or local government agency to ad-
2 minister the competition.

3 (e) COMPETITION PARAMETERS.—Each competition
4 shall incorporate the following elements:

5 (1) Cybersecurity skills outlined in the National
6 Initiative for Cybersecurity Education Framework,
7 or any successor framework.

8 (2) Individual and team events.

9 (3) Categories demonstrating offensive and de-
10 fensive cyber operations, such as software reverse
11 engineering and exploitation, network operations,
12 forensics, big data analysis, cyber analysis, cyber de-
13 fense, cyber exploitation, secure programming, ob-
14 fuscated coding, or cyber-physical systems.

15 (4) Any other elements related to paragraphs
16 (1), (2), or (3) as determined necessary by the Di-
17 rector.

18 (f) USE OF FUNDS.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision of law, the Director may use amounts
21 made available to the Director for the competition
22 for the following:

23 (A) Advertising, marketing, and promoting
24 the competition.

1 (B) Meals for participants and organizers
2 of the competition if attendance at the meal
3 during the competition is necessary to maintain
4 the integrity of the competition.

5 (C) Promotional items, including merchan-
6 dise and apparel.

7 (D) Monetary and nonmonetary awards for
8 competition participants, including members of
9 the uniformed services.

10 (E) Necessary expenses for the honorary
11 recognition of competition participants, includ-
12 ing members of the uniformed services.

13 (F) Any other appropriate activity nec-
14 essary to carry out the competition, as deter-
15 mined by the Director.

16 (2) APPLICATION.—This subsection shall apply
17 to amounts appropriated on or after the date of the
18 enactment of this Act.

19 (g) PRIZE LIMITATION.—The Director may make one
20 or more awards per competition, except that the amount
21 or value of each shall not exceed \$10,000. The Secretary
22 of Homeland Security may make one or more awards per
23 competition, except the amount or the value of each shall
24 not to exceed \$25,000. A monetary award under this sec-
25 tion shall be in addition to the regular pay of the recipient.

1 (h) REPORTING REQUIREMENTS.—The Director shall
2 annually provide to the Committee on Homeland Security
3 of the House of Representatives and the Committee on
4 Homeland Security and Governmental Affairs of the Sen-
5 ate a report that includes the following:

6 (1) A description of available funds under sub-
7 section (f) for each competition conducted in the
8 preceding year.

9 (2) A description of expenditures authorized in
10 subsection (g) for each competition.

11 (3) Information relating to the participation of
12 each competition.

13 (4) Information relating to lessons learned from
14 each competition and how such lessons may be ap-
15 plied to improve cybersecurity operations and re-
16 cruitment of the Cybersecurity and Infrastructure
17 Security Agency of the Department of Homeland Se-
18 curity.

19 **SEC. 59136. INDUSTRIAL CONTROL SYSTEMS CYBERSECU-**
20 **RITY TRAINING.**

21 (a) IN GENERAL.—Subtitle A of title XXII of the
22 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
23 is amended by adding at the end the following new section:

1 **“SEC. 2220E. INDUSTRIAL CONTROL SYSTEMS CYBERSECURITY TRAINING INITIATIVE.**
2

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The Industrial Control Sys-
5 tems Cybersecurity Training Initiative (in this sec-
6 tion referred to as the ‘Initiative’) is established
7 within the Agency.

8 “(2) PURPOSE.—The purpose of the Initiative
9 is to develop and strengthen the skills of the cyber-
10 security workforce related to securing industrial con-
11 trol systems.

12 “(b) REQUIREMENTS.—In carrying out the Initiative,
13 the Director shall—

14 “(1) ensure the Initiative includes—

15 “(A) virtual and in-person trainings and
16 courses provided at no cost to participants;

17 “(B) trainings and courses available at dif-
18 ferent skill levels, including introductory level
19 courses;

20 “(C) trainings and courses that cover
21 cyber defense strategies for industrial control
22 systems, including an understanding of the
23 unique cyber threats facing industrial control
24 systems and the mitigation of security
25 vulnerabilities in industrial control systems
26 technology; and

1 “(D) appropriate consideration regarding
2 the availability of trainings and courses in dif-
3 ferent regions of the United States; and

4 “(2) engage in—

5 “(A) collaboration with the National Lab-
6 oratories of the Department of Energy in ac-
7 cordance with section 309;

8 “(B) consultation with Sector Risk Man-
9 agement Agencies; and

10 “(C) as appropriate, consultation with pri-
11 vate sector entities with relevant expertise, such
12 as vendors of industrial control systems tech-
13 nologies.

14 “(c) REPORTS.—

15 “(1) IN GENERAL.—Not later than one year
16 after the date of the enactment of this section and
17 annually thereafter, the Director shall submit to the
18 Committee on Homeland Security of the House of
19 Representatives and the Committee on Homeland
20 Security and Governmental Affairs of the Senate a
21 report on the Initiative.

22 “(2) CONTENTS.—Each report under para-
23 graph (1) shall include the following:

24 “(A) A description of the courses provided
25 under the Initiative.

1 “(B) A description of outreach efforts to
2 raise awareness of the availability of such
3 courses.

4 “(C) Information on the number and de-
5 mographics of participants in such courses, in-
6 cluding by gender, race, and place of residence.

7 “(D) Information on the participation in
8 such courses of workers from each critical in-
9 frastructure sector.

10 “(E) Plans for expanding access to indus-
11 trial control systems education and training, in-
12 cluding expanding access to women and under-
13 represented populations, and expanding access
14 to different regions of the United States.

15 “(F) Recommendations on how to
16 strengthen the state of industrial control sys-
17 tems cybersecurity education and training.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of the Homeland Security Act of 2002 is
20 amended by inserting after the item relating to section
21 2220D the following new item:

“Sec. 2220E. Industrial Control Systems Cybersecurity Training Initiative.”.

1 **SEC. 59137. TSA REACHING ACROSS NATIONALITIES, SOCI-**
2 **ETIES, AND LANGUAGES TO ADVANCE TRAV-**
3 **ELER EDUCATION.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Administrator of
6 the Transportation Security Administration (TSA) shall
7 submit to the Committee on Homeland Security of the
8 House of Representatives and the Committee on Com-
9 merce, Science, and Transportation of the Senate a plan
10 to ensure that TSA material disseminated in major air-
11 ports can be better understood by more people accessing
12 such airports.

13 (b) CONTENTS.—The plan required under subsection
14 (a) shall include the following:

15 (1) An identification of the most common lan-
16 guages other than English that are the primary lan-
17 guages of individuals that travel through or work in
18 each major airport.

19 (2) A plan to improve—

20 (A) TSA materials to communicate infor-
21 mation in languages identified pursuant to
22 paragraph (1); and

23 (B) the communication of TSA material to
24 individuals with vision or hearing impairments
25 or other possible barriers to understanding such
26 material.

1 (c) CONSIDERATIONS.—In developing the plan re-
2 quired under subsection (a), the Administrator of the
3 TSA, acting through the Office of Civil Rights and Lib-
4 erties, Ombudsman, and Traveler Engagement of the
5 TSA, shall take into consideration data regarding the fol-
6 lowing:

7 (1) International enplanements.

8 (2) Local populations surrounding major air-
9 ports.

10 (3) Languages spoken by members of Indian
11 Tribes within each service area population in which
12 a major airport is located.

13 (d) IMPLEMENTATION.—Not later than 180 days
14 after the submission of the plan required under subsection
15 (a), the Administrator of the TSA, in consultation with
16 the owner or operator of each major airport, shall imple-
17 ment such plan.

18 (e) GAO REVIEW.—Not later than one year after the
19 implementation pursuant to subsection (d) of the plan re-
20 quired under subsection (a), the Comptroller General of
21 the United States shall submit to the Committee on
22 Homeland Security of the House of Representatives and
23 the Committee on Commerce, Science, and Transportation
24 of the Senate a review of such implementation.

25 (f) DEFINITIONS.—In this section:

1 (1) AIRPORT.—The term “airport” has the
2 meaning given such term in section 40102 of title
3 49, United States Code.

4 (2) INDIAN TRIBE.—The term “Indian Tribe”
5 means an Indian Tribe, as such term is defined in
6 section 102 of the Federally Recognized Indian
7 Tribe List Act of 1994 (25 U.S.C. 5130), individ-
8 ually identified (including parenthetically) in the list
9 published most recently as of the date of the enact-
10 ment of this Act pursuant to section 104 of that Act
11 (25 U.S.C. 5131).

12 (3) MAJOR AIRPORTS.—The term “major air-
13 ports” means Category X and Category I airports.

14 (4) NON-TRAVELING INDIVIDUAL.—The term
15 “non-traveling individual” has the meaning given
16 such term in section 1560.3 of title 49, Code of Fed-
17 eral Regulations.

18 (5) TSA MATERIAL.—The term “TSA mate-
19 rial” means signs, videos, audio messages, websites,
20 press releases, social media postings, and other com-
21 munications published and disseminated by the Ad-
22 ministrator of the TSA in Category X and Category
23 I airports for use by both traveling and non-trav-
24 eling individuals.

1 **SEC. 59138. BEST PRACTICES RELATED TO CERTAIN INFOR-**
2 **MATION COLLECTED BY RENTAL COMPANIES**
3 **AND DEALERS (DARREN DRAKE).**

4 (a) DEVELOPMENT AND DISSEMINATION.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, the Sec-
7 retary of Homeland Security shall develop and dis-
8 seminate best practices for rental companies and
9 dealers to report suspicious behavior to law enforce-
10 ment agencies at the point of sale of a covered rental
11 vehicle.

12 (2) CONSULTATION; UPDATES.—The Secretary
13 shall develop and, as necessary, update the best
14 practices described in paragraph (1) after consulta-
15 tion with Federal, State, local, and Tribal law en-
16 forcement agencies and relevant transportation secu-
17 rity stakeholders.

18 (3) GUIDANCE ON SUSPICIOUS BEHAVIOR.—The
19 Secretary shall include, in the best practices devel-
20 oped under paragraph (1), guidance on defining and
21 identifying suspicious behavior in a manner that pro-
22 tects civil rights and civil liberties.

23 (b) REPORT TO CONGRESS.—Not later than one year
24 after the date of the enactment of this Act, the Secretary
25 of Homeland Security shall submit to Congress a report

1 on the implementation of this section, including an assess-
2 ment of—

3 (1) the impact of the best practices described in
4 subsection (a) on efforts to protect the United
5 States against terrorist attacks; and

6 (2) ways to improve and expand cooperation
7 and engagement between—

8 (A) the Department of Homeland Security;

9 (B) Federal, State, local, and Tribal law
10 enforcement agencies; and

11 (C) rental companies, dealers, and other
12 relevant rental industry stakeholders.

13 (c) DEFINITIONS.—In this section:

14 (1) The terms “dealer” and “rental company”
15 have the meanings given those terms in section
16 30102 of title 49, United States Code.

17 (2) The term “covered rental vehicle” means a
18 motor vehicle that—

19 (A) is rented without a driver for an initial
20 term of less than 4 months; and

21 (B) is part of a motor vehicle fleet of 35
22 or more motor vehicles that are used for rental
23 purposes by a rental company.

24 **SEC. 59139. ONE-STOP PILOT PROGRAM.**

25 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Transpor-
3 tation Security Administration.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Homeland Security
8 of the House of Representatives; and

9 (B) the Committee on Homeland Security
10 and Governmental Affairs and the Committee
11 on Commerce, Science, and Transportation of
12 the Senate.

13 (3) TSA.—The term “TSA” means the Trans-
14 portation Security Administration of the Depart-
15 ment of Homeland Security.

16 (b) ESTABLISHMENT.—Notwithstanding 44901(a) of
17 title 49, United States Code, the Administrator, in coordi-
18 nation with the Commissioner of U.S. Customs and Bor-
19 der Protection, may establish a pilot program at not more
20 than six foreign last point of departure airports to permit
21 passengers and their accessible property arriving on direct
22 flights or flight segments originating at such participating
23 foreign airports to continue on additional flights or flight
24 segments originating in the United States without addi-
25 tional security re-screening if—

1 (1) the initial screening was conducted in ac-
2 cordance with an aviation security screening agree-
3 ment described in subsection (e);

4 (2) passengers arriving from participating for-
5 eign airports are unable to access their checked bag-
6 gage until the arrival at their final destination; and

7 (3) upon arrival in the United States, pas-
8 sengers arriving from participating foreign airports
9 do not come into contact with other arriving inter-
10 national passengers, those passengers' property, or
11 other persons who have not been screened or sub-
12 jected to other appropriate security controls required
13 for entry into the airport's sterile area.

14 (c) REQUIREMENTS FOR PILOT PROGRAM.—In car-
15 rying out this section, the Administrator shall ensure that
16 there is no reduction in the level of security or specific
17 TSA aviation security standards or requirements for
18 screening passengers and their property prior to boarding
19 an international flight bound for the United States, in-
20 cluding specific aviation security standards and require-
21 ments regarding—

22 (1) high risk passengers and their property;

23 (2) weapons, explosives, and incendiaries;

24 (3) screening passengers and property transfer-
25 ring at a foreign last point of departure airport from

1 another airport and bound for the United States,
2 and addressing any commingling of such passengers
3 and property with passengers and property screened
4 under the pilot program described in subsection (b);
5 and

6 (4) insider risk at foreign last point of depar-
7 ture airports.

8 (d) RE-SCREENING OF CHECKED BAGGAGE.—Sub-
9 ject to subsection (f), the Administrator may determine
10 whether checked baggage arriving from participating for-
11 eign airports referenced in subsection (b) that screen
12 using an explosives detection system must be re-screened
13 in the United States by an explosives detection system be-
14 fore such baggage continues on any additional flight or
15 flight segment.

16 (e) AVIATION SECURITY SCREENING AGREEMENT.—
17 An aviation security screening agreement described in this
18 subsection is a treaty, executive agreement, or other inter-
19 national arrangement that—

20 (1)(A) in the case of a treaty or executive
21 agreement, is signed by the President; and

22 (B) in the case of an international agreement,
23 is signed by only the President, Secretary of Home-
24 land Security, or Administrator, without delegating
25 such authority; and

1 (2) is entered into with a foreign country that
2 delineates and implements security standards and
3 protocols utilized at a foreign last point of departure
4 airport that are determined by the Administrator—

5 (A) to be comparable to those of the
6 United States; and

7 (B) sufficiently effective to enable pas-
8 sengers and their accessible property to deplane
9 into sterile areas of airports in the United
10 States without the need for re-screening.

11 (f) RE-SCREENING REQUIREMENT.—

12 (1) IN GENERAL.—If the Administrator deter-
13 mines that a foreign country participating in the
14 aviation security screening agreement has not main-
15 tained and implemented security standards and pro-
16 tocols comparable to those of the United States at
17 foreign last point of departure airports at which a
18 pilot program has been established in accordance
19 with this section, the Administrator shall ensure that
20 passengers and their property arriving from such
21 airports are re-screened in the United States, includ-
22 ing by using explosives detection systems in accord-
23 ance with section 44901(d)(1) of title 49, United
24 States Code, and implementing regulations and di-
25 rectives, before such passengers and their property

1 are permitted into sterile areas of airports in the
2 United States.

3 (2) CONSULTATION.—If the Administrator has
4 reasonable grounds to believe that the other party to
5 an aviation security screening agreement has not
6 complied with such agreement, the Administrator
7 shall request immediate consultation with such
8 party.

9 (3) SUSPENSION OR TERMINATION OF AGREE-
10 MENT.—If a satisfactory resolution between TSA
11 and a foreign country is not reached within 45 days
12 after a consultation request under paragraph (2) or
13 in the case of the foreign country's continued or
14 egregious failure to maintain the security standards
15 and protocols described in paragraph (1), the Presi-
16 dent, Secretary of Homeland Security, or Adminis-
17 trator, as appropriate, shall suspend or terminate
18 the aviation security screening agreement with such
19 country, as determined appropriate by the President,
20 Secretary of Homeland Security, or Administrator.
21 The Administrator shall notify the appropriate con-
22 gressional committees of such consultation and sus-
23 pension or termination, as the case may be, not later
24 than seven days after such consultation and suspen-
25 sion or termination.

1 (g) BRIEFINGS TO CONGRESS.—Not later than 45
2 days before an aviation security screening agreement de-
3 scribed in subsection (e) enters into force, the Adminis-
4 trator shall submit to the appropriate congressional com-
5 mittees—

6 (1) an aviation security threat assessment for
7 the country in which such foreign last point of de-
8 parture airport is located;

9 (2) information regarding any corresponding
10 mitigation efforts to address any security issues
11 identified in such threat assessment, including any
12 plans for joint covert testing;

13 (3) information on potential security
14 vulnerabilities associated with commencing a pilot
15 program at such foreign last point of departure air-
16 port pursuant to subsection (b) and mitigation plans
17 to address such potential security vulnerabilities;

18 (4) an assessment of the impacts such pilot pro-
19 gram will have on aviation security;

20 (5) an assessment of the screening performed
21 at such foreign last point of departure airport, in-
22 cluding the feasibility of TSA personnel monitoring
23 screening, security protocols, and standards;

24 (6) information regarding identifying the entity
25 or entities responsible for screening passengers and

1 property at such foreign last point of departure air-
2 port;

3 (7) the name of the entity or local authority
4 and any contractor or subcontractor;

5 (8) information regarding the screening require-
6 ments relating to such aviation security screening
7 agreement;

8 (9) details regarding information sharing mech-
9 anisms between the TSA and such foreign last point
10 of departure airport, screening authority, or entity
11 responsible for screening provided for under such
12 aviation security screening agreement; and

13 (10) a copy of the aviation security screening
14 agreement, which shall identify the foreign last point
15 of departure airport or airports at which a pilot pro-
16 gram under this section is to be established.

17 (h) CERTIFICATIONS RELATING TO THE PILOT PRO-
18 GRAM FOR ONE-STOP SECURITY.—For each aviation secu-
19 rity screening agreement described in subsection (e), the
20 Administrator shall submit to the appropriate congres-
21 sional committees—

22 (1)(A) a certification that such agreement satis-
23 fies all of the requirements specified in subsection
24 (c); or

1 (B) in the event that one or more of such re-
2 quirements are not so satisfied, a description of the
3 unsatisfied requirement and information on what ac-
4 tions the Administrator will take to ensure that such
5 remaining requirements are satisfied before such
6 agreement enters into force;

7 (2) a certification that TSA and U.S. Customs
8 and Border Protection have ensured that any nec-
9 essary physical modifications or appropriate mitiga-
10 tions exist in the domestic one-stop security pilot
11 program airport prior to receiving international pas-
12 sengers from a last point of departure airport under
13 the aviation security screening agreement;

14 (3) a certification that a foreign last point of
15 departure airport covered by an aviation security
16 screening agreement has an operation to screen all
17 checked bags as required by law, regulation, or
18 international agreement, including the full utilization
19 of explosives detection systems to the extent applica-
20 ble; and

21 (4) a certification that the Administrator con-
22 sulted with stakeholders, including air carriers, avia-
23 tion nonprofit labor organizations, airport operators,
24 relevant interagency partners, and other stake-

1 holders that the Administrator determines appro-
2 priate.

3 (i) REPORT TO CONGRESS.—Not later than five years
4 after the date of the enactment of this Act, the Secretary
5 of Homeland Security, in coordination with the Adminis-
6 trator, shall submit a report to the appropriate congres-
7 sional committees regarding the implementation of the
8 pilot program authorized under this section, including in-
9 formation relating to—

10 (1) the impact of such program on homeland
11 security and international aviation security, includ-
12 ing any benefits and challenges of such program;

13 (2) the impact of such program on passengers,
14 airports, and air carriers, including any benefits and
15 challenges of such program; and

16 (3) the impact and feasibility of continuing
17 such program or expanding it into a more perma-
18 nent program, including any benefits and challenges
19 of such continuation or expansion.

20 (j) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion may be construed as limiting the authority of U.S.
22 Customs and Border Protection to inspect persons and
23 baggage arriving in the United States in accordance with
24 applicable law.

1 (k) SUNSET.—The pilot program authorized under
2 this section shall terminate on the date that is six years
3 after the date of the enactment of this Act.

4 **SEC. 59140. DHS ILLICIT CROSS-BORDER TUNNEL DEFENSE.**

5 (a) COUNTER ILLICIT CROSS-BORDER TUNNEL OP-
6 ERATIONS STRATEGIC PLAN.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the
9 Commissioner of U.S. Customs and Border Protec-
10 tion, in coordination with the Under Secretary for
11 Science and Technology, and, as appropriate, other
12 officials of the Department of Homeland Security,
13 shall develop a counter illicit cross-border tunnel op-
14 erations strategic plan (in this section referred to as
15 the “strategic plan”) to address the following:

16 (A) Risk-based criteria to be used to
17 prioritize the identification, breach, assessment,
18 and remediation of illicit cross-border tunnels.

19 (B) Promote the use of innovative tech-
20 nologies to identify, breach, assess, and reme-
21 diate illicit cross-border tunnels in a manner
22 that, among other considerations, reduces the
23 impact of such activities on surrounding com-
24 munities.

1 (C) Processes to share relevant illicit cross-
2 border tunnel location, operations, and technical
3 information.

4 (D) Indicators of specific types of illicit
5 cross-border tunnels found in each U.S. Border
6 Patrol sector identified through operations to be
7 periodically disseminated to U.S. Border Patrol
8 sector chiefs to educate field personnel.

9 (E) A counter illicit cross-border tunnel
10 operations resource needs assessment that in-
11 cludes consideration of the following:

12 (i) Technology needs.

13 (ii) Staffing needs, including the fol-
14 lowing:

15 (I) A position description for
16 counter illicit cross-border tunnel op-
17 erations personnel.

18 (II) Any specialized skills re-
19 quired of such personnel.

20 (III) The number of such full
21 time personnel, disaggregated by U.S.
22 Border Patrol sector.

23 (2) REPORT TO CONGRESS ON STRATEGIC
24 PLAN.—Not later than one year after the develop-
25 ment of the strategic plan, the Commissioner of U.S.

1 Customs and Border Protection shall submit to the
2 Committee on Homeland Security of the House of
3 Representatives and the Committee on Homeland
4 Security and Governmental Affairs of the Senate a
5 report on the implementation of the strategic plan.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Commissioner of U.S.
8 Customs and Border Protection \$1,000,000 for each of
9 fiscal years 2023 and 2024 to carry out—

10 (1) the development of the strategic plan; and

11 (2) remediation operations of illicit cross-border
12 tunnels in accordance with the strategic plan to the
13 maximum extent practicable.

14 **SEC. 59141. PREVENT EXPOSURE TO NARCOTICS AND**
15 **TOXICS.**

16 (a) TRAINING FOR U.S. CUSTOMS AND BORDER PRO-
17 TECTION PERSONNEL ON THE USE OF CONTAINMENT
18 DEVICES TO PREVENT SECONDARY EXPOSURE TO
19 FENTANYL AND OTHER POTENTIALLY LETHAL SUB-
20 STANCES.—Paragraph (1) of section 416(b) of the Home-
21 land Security Act of 2002 (6 U.S.C. 216(b)) is amended
22 by adding at the end the following new subparagraph:

23 “(C) How to use containment devices to
24 prevent secondary exposure to fentanyl and
25 other potentially lethal substances.”.

1 (b) AVAILABILITY OF CONTAINMENT DEVICES.—Sec-
2 tion 416(c) of the Homeland Security Act of 2002 (6
3 U.S.C. 216(c)) is amended—

4 (1) by striking “and” after “equipment” and
5 inserting a comma; and

6 (2) by inserting “and containment devices”
7 after “naloxone,”.

8 **Subtitle D—Technical, Conforming,**
9 **and Clerical Amendments**

10 **SEC. 59151. TECHNICAL, CONFORMING, AND CLERICAL**
11 **AMENDMENTS.**

12 The table of contents in section 1(b) of the Homeland
13 Security Act of 2002 is amended by—

14 (1) amending the items relating to sections 435
15 and 436 to read as follows:

“Sec. 435. Maritime operations coordination plan.
“Sec. 436. Maritime security capabilities assessments.”;

16 (2) amending the item relating to section 1617
17 to read as follows:

“Sec. 1617. Diversified security technology industry marketplace.”;

18 (3) amending the item relating to section 1621
19 to read as follows:

“Sec. 1621. Maintenance validation and oversight.”; and

20 (4) amending the item relating to section 2103
21 to read as follows:

“Sec. 2103. Protection and sharing of information.”.

