

S 1546

Department of Homeland Security Authorization Act of 2012

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Chamber: Senate

Policy Area: Economics and Public Finance

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Sponsor

Name: Sen. Lieberman, Joseph I. [ID-CT]

Party: Democratic • **State:** CT • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Collins, Susan M. [R-ME]	R · ME		Sep 13, 2011

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Dec 13, 2012
Homeland Security Committee	House	Bills of Interest - Exchange of Letters	Apr 3, 2012

Subjects & Policy Tags

Policy Area:

Economics and Public Finance

Related Bills

Bill	Relationship	Last Action
112 HR 3116	Related bill	Dec 21, 2012: Placed on the Union Calendar, Calendar No. 520.

Department of Homeland Security Authorization Act of 2012 - **Title I: Management and Efficiency** - (Sec. 101) Amends the Homeland Security Act of 2002 (HSA) to direct the Secretary of Homeland Security (DHS) to establish: (1) a process for the review of proposed investments by DHS, (2) an Acquisition Review Board to carry out the investment review process, and (3) risk-based criteria for the review of investments by the Acquisition Review Board. Requires the DHS Under Secretary for Management to report to the the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs (Homeland Security Committees) on the acquisition process.

(Sec. 102) Directs the Secretary to establish an acquisition professional career program to foster the recruitment, training, certification, and retention of qualified acquisition personnel throughout DHS. Requires such program to provide training in key acquisition career fields supporting the entire life cycle of acquisitions and in acquisition fields relating to small business concerns. Directs DHS to encourage participants in such program to complete at least three one-year rotational assignments to gain a broad perspective on how acquisitions support the mission of DHS.

(Sec. 103) Directs the Secretary to develop a long-term strategic human capital plan for the recruitment, retention, and training of the DHS acquisition workforce and to submit such plan to the Homeland Security Committees.

(Sec. 104) Directs the Secretary to notify the Homeland Security Committees at least three business days before: (1) making a contract award, other transaction agreement, or task and delivery order exceeding \$10 million; and (2) announcing the intention to make such an award. Allows the Secretary to waive notification if it would pose a substantial risk to human life, health, or safety.

(Sec. 105) Requires the DHS Chief Procurement Officer to issue guidance on the use of independent methods to evaluate the integrity and quality of major acquisitions.

(Sec. 106) Extends until September 30, 2016, the authority of the Secretary to carry out a pilot program for advanced research and development programs.

(Sec. 107) Directs the Inspector General of DHS to prepare a report analyzing the use of competition in the award of contracts by DHS under the requirements of the Competition in Contracting Act.

(Sec. 108) Directs the DHS Under Secretary for Management to study and report to the Homeland Security Committees on ways to improve performance, reduce costs, and increase opportunities for competition through an open architecture approach to acquisitions. Defines "open architecture" as the employment of business and technical practices that yield modular, interoperable systems that adhere to standards with open interfaces, with a goal of encouraging competitive proposals from multiple qualified sources and rapid incorporation of innovative technologies into systems.

(Sec. 109) Establishes within DHS a Cost Analysis Division to ensure that program cost estimates: (1) are accurate reflections of program requirements; and (2) increase the capability of DHS for informed investment decisions, budget formulation, measurement of progress, and accountability.

(Sec. 110) Requires the DHS Under Secretary for Management to make publicly available on the DHS website, on an annual basis, a strategic acquisition plan that includes: (1) guiding principles, overarching goals, and specific objectives of DHS acquisitions; (2) anticipated procurement needs over a specified period; and (3) plans for utilization of strategic sourcing through Department-wide or government-wide contracts.

(Sec. 111) Amends HSA to require the DHS Under Secretary for Management to: (1) ensure that acquisition personnel provide information on DHS acquisition needs to the private sector and nongovernmental organizations; (2) ensure that the DHS website includes information on programs, policies, and initiatives designed to encourage small businesses to participate in DHS acquisitions; (3) provide information on the DHS website to guide interactions between DHS and vendors; (4) provide procurement information on the DHS website; (5) promote use of consistent, shared DHS terminology and definitions in solicitations, contracts, grants, and other transactions of DHS with the private sector; (6) encourage appropriate use of requests for information and other pre-solicitation means of gathering knowledge about the marketplace; and (7) ensure that debriefings to unsuccessful offerers provide an adequate explanation of the basis for an award decision.

(Sec. 112) Amends the Post-Katrina Emergency Management Reform Act of 2006 (Post-Katrina Act) to eliminate rules limiting the tiers of subcontractors who may perform the principal work of a contract and limiting the length of noncompetitive contracts.

(Sec. 113) Authorizes the Secretary, or a designee at the Chief Procurement Officer level or higher, to utilize specified authorities in a domestic emergency operation for: (1) an emergency or major disaster; or (2) any time the Secretary determines federal assistance is needed to supplement state and local efforts and capabilities or to lessen or avert the threat of a catastrophe.

(Sec. 114) Requires the Secretary to submit to the Homeland Security Committees an efficiencies report and implementation plan that: (1) examines the facilities and administrative and logistics functions of DHS components located within designated geographic areas, and (2) provides specific recommendations and an associated cost-benefit analysis for the consolidation of the facilities and administrative and logistical functions of DHS components or operational entities within each designated geographic area.

(Sec. 115) Requires the DHS Under Secretary for Management to: (1) submit a report to the Homeland Security Committees that provides a detailed accounting of the management and administrative expenditures and activities of DHS components and that identifies potential cost savings and efficiencies for the management and administrative expenditures and activities of each DHS component; and (2) study and report to the Homeland Security Committees on the size, experience level, and geographic distribution of the operational personnel of DHS.

(Sec. 116) Directs the Secretary to consolidate all DHS youth preparedness educational programs, including the Ready Kids Initiative, the Federal Emergency Management Agency (FEMA) for Kids website, the U.S. Fire Administration for Kids website, and the Disaster Twins website of FEMA, into one program.

(Sec. 117) Requires any savings to the federal government resulting from this Act to be returned to the general fund of the Treasury.

(Sec. 118) Prohibits the Secretary from requiring a contractor to submit information relating to political spending during any phase of the contracting process.

(Sec. 119) Requires DHS to: (1) make any plan or report that it is required to submit to Congress available on the OMB central website; (2) produce such plan or report in searchable, machine-readable formats; (3) take actions to limit the unnecessary printing of plans or reports; and (4) notify the Secretary of the Senate, the Clerk of the House of Representative, and any congressional committee to which a plan or report is required to be submitted of the availability of the plan or report on the website.

(Sec. 120) Requires the Secretary to report to the Homeland Security Committees by December 31, 2011 [sic], on the travel expenses of DHS political appointees during FY2011.

(Sec. 121) Prohibits the Secretary from providing funds to the Harvard Fire Executive Fellowship Program or from carrying out the Homeland Security Scholars and Fellows Program.

(Sec. 122) Requires the Administrator of FEMA to submit to the Homeland Security Committees a plan to collect and track information on grants awarded to subgrantees under the FEMA non-disaster preparedness grant programs.

(Sec. 123) Requires the Secretary to ensure that DHS financial statements for FY2012-FY2016 are ready for audit. Requires the DHS Chief Financial Officer to report to the Homeland Security Committees on plans to obtain an unqualified audit opinion and to modernize the financial system of DHS.

(Sec. 124) Requires the Secretary to modify DHS acquisition regulations to prohibit DHS from entering into cost-type contracts for the production of major systems.

(Sec. 125) Prohibits DHS, in conducting all investigative, analytical, and other activities, from: (1) violating the constitutional rights of any individual, including any right involving the lawful purchase of a firearm or ammunition, membership in or involvement with a political organization, lawful protest against or petition of the government, or any other constitutionally-protected speech or activity; or (2) targeting an individual based solely upon race, religion, or color. Requires annual training on privacy matters for all DHS managerial and operational employees.

(Sec. 126) Directs the Secretary to report to the Homeland Security Committees on DHS operational guidelines to ensure protection of constitutional rights and on employee training on constitutional rights.

Title II: Structure and Organization - (Sec. 201) Establishes in DHS the position of Under Secretary for Policy, who shall: (1) serve as the principal policy advisor to the Secretary of DHS; (2) coordinate and provide overall direction and supervision of policy development for DHS programs, offices, and activities; (3) ensure that the DHS budget is compatible with the priorities, strategic plans, and policies established by the Secretary; and (4) conduct long-range, strategic planning for DHS.

(Sec. 202) Establishes in DHS an Office of International Affairs to be headed by an Assistant Secretary for International Affairs, who shall: (1) coordinate international activities within DHS, (2) develop and update an international strategic plan for DHS; (3) provide guidance on executing international activities, (4) identify areas for homeland security information and training exchange in which the United States has demonstrated weakness and a country that is a friend or ally has a demonstrated expertise, and (5) maintain situational awareness of all international engagement and travel conducted by DHS offices and personnel.

(Sec. 203) Grants the DHS Chief Medical Officer the title of Assistant Secretary for Health Affairs. Includes among the responsibilities of the Chief Medical Officer: (1) ensuring that the DHS workforce has science-based policy, standards, requirements, and metrics for occupational safety and health; (2) providing medical expertise in medical and public health matters; and (3) developing guidance for addressing catastrophic events with human, animal, agricultural, or environmental health consequences.

(Sec. 204) Revises requirements for the DHS quadrennial homeland security review, including reporting requirements.

(Sec. 205) Requires the Secretary of State, in designating foreign terrorist organizations under the Immigration and Nationality Act, to consult with the Secretary, the Attorney General, the Secretary of the Treasury, and the Director of

National Intelligence.

(Sec. 206) Eliminates the Office of Domestic Preparedness.

(Sec. 207) Amends HSA to eliminate the Office for State and Local Government Coordination and transfer its functions to the DHS Office of Intergovernmental Affairs.

(Sec. 208) Terminates the DHS Office of Counternarcotics Enforcement and provides for the transfer of its functions.

(Sec. 209) Amends HSA to limit the reorganization authority of the Secretary. Requires the President or the Secretary, not later than 30 days after they make a transfer, allocation, assignment, consolidation, alteration, establishment, or discontinuance under their reorganization authority to publish in the Federal Register the reasons for the action taken and a list of each statutory provision implicated by such action.

(Sec. 210) Sets forth responsibilities of the DHS Chief Information Officer.

(Sec. 211) Requires the Secretary, not later than the end of FY2018, to consolidate the location of DHS headquarters and the headquarters of its components.

(Sec. 212) Requires the Future Years Homeland Security Program to be submitted not later than 30 days after a DHS budget request is submitted to Congress.

(Sec. 213) Requires the Secretary to designate a DHS official to coordinate efforts to counter violent extremism in the United States, including the ideology that gives rise to Islamist terrorism as identified in the 9/11 Commission Report, and to submit written notification of such designation to the Homeland Security Committees. Requires such designated official to report to the Homeland Security Committees on DHS strategy and activities to counter violent extremism.

(Sec. 214) Terminates the DHS Office of Cargo Security Policy and provides for the transfer of its functions.

(Sec. 215) Requires the Secretary to report to the Homeland Security Committees and the Government Accountability Office (GAO) on a review of all DHS offices responsible for emergency communications and interoperability functions. Requires GAO to review such report and submit to the Homeland Security Committees a report on the consolidation of the emergency communication programs.

Title III: Infrastructure Protection and Resilience - (Sec. 301) Establishes in DHS an Infrastructure Protection and Resilience Directorate, to be headed by an Under Secretary for Infrastructure Protection and Resilience. Requires the Under Secretary to: (1) coordinate critical infrastructure protection and resiliency activities in DHS, and (2) ensure that federal facilities protected by the Protective Service are rendered safe.

(Sec. 302) Reestablishes the Federal Protective Service and requires its Director to report to the Under Secretary for Infrastructure Protection and Resilience.

Title IV: Preparedness, Response, and Recovery - (Sec. 401) Amends the Post-Katrina Act to: (1) conform the definition of "critical infrastructure" to the definition of such term in the USA PATRIOT Act; and (2) require the President to ensure that comprehensive plans exist to prevent, prepare for, protect against, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents.

Amends HSA to direct the Secretary of DHS to designate a senior official within FEMA to be responsible for catastrophic incident planning.

(Sec. 402) Requires the FEMA Administrator to enhance and promote the preparedness of individuals and communities for natural disasters, acts of terrorism, and man-made disasters and coordinate with state, local, and tribal governments and private sector and nongovernmental organizations in such efforts. Requires the Administrator to appoint a senior DHS official to coordinate and oversee such activities.

(Sec. 403) Amends HSA to require the Administrator to ensure the preparedness of federal agencies to respond to and support recovery from a natural disaster, act of terrorism, or other man-made disaster by: (1) ensuring the development of and preparedness of FEMA to implement the National Response Framework and the National Disaster Recovery Framework, (2) ensuring that federal agencies with responsibility under the Frameworks have appropriate staffing and training, and (3) resolving disagreements between federal agencies with responsibilities under the National Disaster Recovery Framework.

(Sec. 404) Amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to: (1) redefine "major disaster" for purposes of such Act; and (2) authorize the President to establish a commission to facilitate and support states and local governments in achieving an efficient, effective, and expeditious recovery from a catastrophic incident.

(Sec. 405) Amends HSA to: (1) provide for a Disaster Reserve Workforce in FEMA to supplement the work of FEMA full-time employees on response and recovery operations and programs, (2) require the President to appoint a FEMA Deputy Administrator to serve as the Chief Management Officer of FEMA, and (3) require the Chief Management Officer and the Under Secretary for Management of DHS to submit to the Homeland Security Committees a strategy for improving the management of FEMA.

(Sec. 407) Authorizes appropriation for FY2012 for: (1) port security grants, and (2) public transportation and railroad security grants.

(Sec. 408) Amends HSA to authorize the Administrator to make grants to facilitate and enhance participation by states, local governments, and Indian tribes in border security efforts. Authorizes appropriations for FY2012-FY2017.

(Sec. 409) Amends the Post-Katrina Act to authorize appropriations in FY2012-FY2016 for grants to administer the Emergency Management Assistance Compact.

(Sec. 410) Repeals the Emergency Operations Center Grant Program.

(Sec. 411) Requires the FEMA Administrator to develop and implement performance metrics for grants administered by FEMA under the Post-Katrina Act.

(Sec. 412) Requires the designated senior DHS official responsible for catastrophic incident planning to: (1) develop communications plans for providing information to the public related to preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents involving the use of weapons of mass destruction; (2) consult with state, local, and tribal governments in developing communications plans; (3) develop prescribed messages or message templates to be included in the plans to be provided to state, local, and tribal government officials; and (4) submit to the Homeland Security Committees a copy of the communication plans.

(Sec. 413) Directs the Secretary to: (1) develop guidelines for responding to an explosion or release of nuclear, biological, radiological, or chemical material in coordination with specified governmental entities and organizations; and (2) make such guidelines available to state, local, and tribal governments, nongovernmental organizations, and the

private sector.

(Sec. 414) Directs the Secretary to develop and disseminate integrated plume models to enable rapid response activities following a nuclear, radiological, chemical, or biological explosion or release. Defines "plume model" as the assessment of the location and prediction of the spread of nuclear, radioactive, or chemical fallout and biological pathogens resulting from an explosion or release of nuclear, radioactive, chemical, or biological substances.

(Sec. 415) Requires the President to include in budget submissions a description of resources to support the preparedness, response, and recovery responsibilities of each agency with responsibilities under the National Response Framework and the National Disaster Recovery Framework.

(Sec. 416) Requires the Administrator, in each of five fiscal years after the fiscal year in which this Act is enacted, to report on the number of FEMA employees and contractors trained in the prevention of waste, fraud, and abuse of federal disaster relief assistance.

(Sec. 417) Requires the Administrator to implement a policy requiring approval by the Chief Information Officer of FEMA of a covered information technology purchase. Defines "covered information technology purchase" as a purchase of information technology for an amount greater than a threshold amount established by the Administrator.

(Sec. 418) Establishes in DHS a Metropolitan Medical Response System to support states, local governments, and Indian tribes in preparing for, protecting against, and responding to mass casualty incidents by systematically enhancing cooperation and integration of emergency response providers and public health and medical personnel. Sets forth permissible uses of grant funds, including: (1) medical surge capacity; (2) chemical, biological, radiological, nuclear, and explosive detection response, and decontamination capabilities; (3) information sharing; (4) fatality management; and (5) training and exercises.

Authorizes the Administrator to make grants to states, local governments, and Indian tribes to prepare for, protect against, and respond to mass casualty incidents.

Requires the Administrator and the Chief Medical Officer to conduct a review of the Metropolitan Medical Response System and report on such review to the Homeland Security Committees.

(Sec. 419) Prohibits the Administrator from awarding a grant under the Regional Catastrophic Preparedness Grant Program after enactment of this Act.

(Sec. 420) Requires the Secretary to report to the Homeland Security Committees on the suitability, feasibility, and efficiency of consolidating grant programs administered by DHS, other than grants awarded for a major disaster or emergency declared under the Stafford Act.

(Sec. 421) Requires the Administrator to submit a plan to Homeland Security Committees to implement processes that require non-disaster preparedness grant recipients to provide to FEMA contingency plans that include options for sustaining preparedness capabilities in the absence or reduction of federal funds. Requires such plan to include: (1) an explanation of how the implementation of the plan will be integrated into the existing grant cycle, and (2) an evaluation of the impact on federal preparedness capabilities of the reduction or elimination of FEMA grant funding

(Sec. 422) Includes as a duty of the Administrator in addressing a disaster or act of terrorism the development and implementation of the National Mitigation Framework.

(Sec. 423) Requires the Secretary, within 30 days after enactment of this Act, to identify all positions in DHS that do not involve emergency operations. Prohibits the Secretary from increasing the number of DHS positions that do not involve emergency operations during the period beginning on the earlier of: (1) the date on which such positions are identified or 30 days after the enactment of this Act, and (2) ending on the date on which the national unemployment rate is not more than 8%.

Title V: Border Security - (Sec. 501) Requires the Secretary of DHS, not later than one year after enactment of this title and every two years thereafter through September 30, 2017, to develop and submit to the Homeland Security Committees a workforce staffing plan that: (1) details the optimal staffing level to carry out the responsibilities of U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE), (2) describes the process through which CBP and ICE will make workforce allocation decisions, (3) links CBP and ICE workforce allocation decisions to analyses of threats, and (4) describes any coordination between CBP and ICE staffing plans to secure the border.

(Sec. 502) Requires the Secretary, annually through September 30, 2017, to develop a border technology and infrastructure plan.

(Sec. 503) Authorizes the Commissioner of CBP to deploy existing surge teams to respond to intelligence-related, high-risk threats, or to assist or augment operations at U.S. ports of entry during emergencies or other events that require additional staffing for a limited period of time.

(Sec. 504) Requires the Secretary to review and revise field training for border patrol agents.

(Sec. 505) Requires the Secretary to ensure that: (1) CBP has instituted an outbound inspections program at land, air, and maritime ports of entry; and (2) such outbound inspections do not add significantly to wait times for crossing the border.

(Sec. 506) Requires the Secretary to submit to the Homeland Security Committees a plan for improving situational awareness over the northern border, including CBP's ability to identify illegal entries.

(Sec. 507) Establishes in DHS an Office of International Travel Security and Screening, to be headed by an Assistant Secretary for International Travel Security and Screening, who shall: (1) have primary responsibility for the US-VISIT entry and exit data system and the visa waiver program; (2) coordinate activities in DHS to identify, interdict, and prevent the travel of terrorists to the United States; and (3) develop a strategic plan to prevent the travel of terrorists to the United States.

Requires the Assistant Secretary to: (1) submit an annual report through 2022 to the Homeland Security Committees on individuals who overstayed their visas, (2) develop a plan for implementing the biometric exit system, and (3) conduct a review of US-VISIT.

(Sec. 508) Amends HSA to direct the Secretary of State, in cooperation with the Secretary of DHS, to: (1) deploy an electronic system to notify airlines of the cancellation of any traveler's visa for entry into the United States, (2) develop an electronic system for remotely reviewing visa applications and supporting documentation at diplomatic and consular posts at which visas are issued, and (3) institute standard operating procedures for the visa security program at all consular posts.

Requires the Secretary of DHS, in coordination with the Secretary of State, to: (1) create and implement a system for

mediating disagreements about visa revocation decisions between visa security officers and consular officers, (2) review all policies relating to the issuance of visas to ensure that all individuals associated with terrorism are denied visas for entry to the United States, and (3) develop a plan for deploying visa security officers to all consular posts determined to be high risk.

(Sec. 509) Requires the Comptroller General (GAO) to study and report to the Homeland Security Committees on interagency border security task forces, drug intelligence and information sharing centers, and state and major urban area fusion centers in states that have an international water border or that are located on the international border between the United States and Mexico or the United States and Canada.

(Sec. 510) Amends HSA to direct the Commissioner of CBP to develop career paths for customs and border protection agriculture specialists and to provide education and training opportunities for such specialists in order to strengthen agricultural inspections.

(Sec. 511) Requires the Secretary to report to the Homeland Security Committees on the status of \$640 million in unobligated balances in the Customs User Fee Account.

(Sec. 512) Directs the Comptroller General to report to the Homeland Security Committees on DHS efforts to promote integrity and investigate allegations of misconduct at CBP and ICE.

(Sec. 513) Grants access to federal lands located within 100 miles of the international border between the United States and Mexico to CBP personnel for security activities, including routine motorized patrols and the deployment of temporary tactical infrastructure and surveillance and detection equipment. Requires the Secretary to develop and annually update an inventory of costs relating to illegal border activity on federal lands.

(Sec. 514) Requires the Secretary to report to the Homeland Security Committees on the use of Z Backscatter Van technology.

(Sec. 515) Requires the Secretary to report to the Homeland Security Committees on the number of refugees that applied for legal permanent residence status and the number of refugees that did not apply for such status, broken down by current legal status and country of origin.

Title VI: Intelligence and Information-Sharing Provisions - (Sec. 601) Declares that funds authorized or made available for DHS intelligence activities are deemed to be specifically authorized by Congress for funding intelligence activities under the National Security Act of 1947.

(Sec. 602) Establishes a Classified National Security Information Program to safeguard and govern access to classified information shared by the federal government with states, local governments, Indian tribes, and private sector entities. Requires the Secretary of DHS to: (1) manage such Program and be responsible for oversight of the Program, and (2) report to the Homeland Security Committees annually until December 31, 2024, on DHS activities under Executive Order 13549 and this title and on federal activities to support the efficient management and verification of security clearances.

(Sec. 603) Authorizes the Secretary, with the concurrence of the Director of National Intelligence and in coordination with the Director of Personnel Management (OPM), to: (1) convert competitive service positions within the Office of Intelligence and Analysis to excepted service positions as necessary to carry out the intelligence functions of DHS, (2) establish new positions for such purpose, and (3) establish the classification and ranges or rates of basic and locality-based pay for such positions.

(Sec. 604) Makes the Under Secretary for Intelligence and Analysis an officer of DHS.

(Sec. 605) Requires the Secretary, in each fiscal year through FY2016, to submit to the Homeland Security Committees a report on federal funds provided to each state and major urban area fusion center.

(Sec. 606) Requires the Comptroller General to submit to the Homeland Security Committees: (1) a report evaluating the process, or feasibility of developing a process, under which the Office of Intelligence and Analysis assesses the results achieved from grants supporting the activities of state and major urban area fusion centers; and (2) an unclassified report on the analytical capabilities of DHS in intelligence areas.

(Sec. 608) Requires the DHS Inspector General to conduct and report to the Homeland Security Committees on an audit of DHS activities to ensure that state and local fusion centers take appropriate measures to protect privacy and civil liberties.

Requires: (1) the DHS Privacy Officer to update the 2008 Privacy Impact Assessment for the State, Local, and Regional Fusion Center Initiative, (2) the DHS Officer for Civil Liberties and Civil Rights to update the 2008 Civil Liberties Impact Assessment for the State, Local, and Regional Fusion Center Initiative, and (3) such updated Assessments to be submitted to the Homeland Security Committees.

Title VII: Science And Technology Provisions - (Sec. 701) Amends HSA to replace the existing Directorate of Science and Technology with a Directorate of Science Technology, headed by an Under Secretary for Science and Technology. Provides that such Directorate shall serve as the primary research, development, testing, and evaluation agency in DHS. Includes within the responsibilities of the Directorate: (1) supporting the acquisition of technologies and systems by DHS; (2) conducting strategic planning; and (3) providing technological assistance for the development, testing, evaluation, and acquisition of technologies.

Makes the Homeland Security Advanced Research Projects Agency responsible for the development of technologies to strengthen border and maritime security, cyber security, aviation security, catastrophic response and recovery capabilities, and other homeland security missions.

(Sec. 702) Establishes in the Directorate a Director of Testing and Evaluation who shall serve as principal adviser to the Under Secretary for Science and Technology for all testing and evaluation. Requires the Director to: (1) establish testing and evaluation policies, procedures, standards, and practices for DHS; (2) monitor and review all DHS operational testing and evaluation activities; and (3) provide support to the Acquisition Review Board. Grants the Director access to all acquisition records and data in DHS and prompt access to the results of any operational testing and evaluation activity.

(Sec. 703) Requires the Under Secretary to develop a Five-Year Research and Development Investment Plan to guide all DHS expenditures for basic, advanced, or applied research and technology development activities. Requires such Plan to set forth anticipated annual expenditures for FY2012-FY2017, set forth annual milestones and objectives, and take into account the operational requirements of state and local governments. Requires the Secretary of DHS to submit such Plan to the Homeland Security Committees with annual updates.

Requires the Under Secretary to establish a process for evaluating the readiness, performance, and suitability of any technologies or systems that DHS acquires or develops to carry out DHS missions. Authorizes the Under Secretary to make available to any person or entity the services of any center or other DHS testing facility for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

(Sec. 704) Requires the Secretary to enter into an agreement with the National Research Council of the National Academy of Sciences to update the report entitled "Making the Nation Safer: The Role of Science and Technology in Countering Terrorism (2002)."

(Sec. 705) Amends HSA to require the Domestic Nuclear Detection Office to coordinate strategic planning and investments to detect and prevent illegal trafficking in nuclear weapons-making materials or technologies and to reduce the risk of a nuclear terrorist attack. Requires the Director of such Office to develop and submit to the Homeland Security Committees a plan to integrate and strengthen capabilities to deter, detect, and prevent nuclear terrorist threats.

(Sec. 706) Authorizes the Secretary, until January 1, 2014, to fill scientific or engineering positions requiring an advanced degree in the Science and Technology Directorate without regard to competitive hiring requirements.

Actions Timeline

- **Dec 13, 2012:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Lieberman with an amendment in the nature of a substitute. With written report No. 112-249.
- **Dec 13, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 565.
- **Sep 21, 2011:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Sep 14, 2011:** Committee on Homeland Security and Governmental Affairs. Began consideration of.
- **Sep 13, 2011:** Introduced in Senate
- **Sep 13, 2011:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.