

HR 3116

Department of Homeland Security Authorization Act for Fiscal Year 2012

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Sponsor

Name: Rep. King, Peter T. [R-NY-3]

Party: Republican • **State:** NY • **Chamber:** House

Cosponsors (12 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bilirakis, Gus M. [R-FL-9]	R · FL		Oct 6, 2011
Rep. Long, Billy [R-MO-7]	R · MO		Oct 6, 2011
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Oct 6, 2011
Rep. Marino, Tom [R-PA-10]	R · PA		Oct 6, 2011
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Rep. Quayle, Benjamin [R-AZ-3]	R · AZ		Oct 6, 2011
Rep. Rigell, E. Scott [R-VA-2]	R · VA		Oct 6, 2011
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Oct 6, 2011
Rep. Turner, Robert L. [R-NY-9]	R · NY		Oct 6, 2011
Rep. Walberg, Tim [R-MI-7]	R · MI		Oct 6, 2011

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Discharged From	Dec 21, 2012
Homeland Security Committee	House	Reported By	Dec 21, 2012
Science, Space, and Technology Committee	House	Discharged From	Dec 21, 2012
Transportation and Infrastructure Committee	House	Discharged From	Dec 21, 2012

Subjects & Policy Tags

Policy Area:

Emergency Management

Related Bills

Bill	Relationship	Last Action
112 S 1546	Related bill	Dec 13, 2012: Placed on Senate Legislative Calendar under General Orders. Calendar No. 565.
112 HR 5843	Related bill	Jun 29, 2012: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
112 HR 3140	Related bill	Jun 4, 2012: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
112 HR 1411	Related bill	Dec 8, 2011: Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .
112 HR 963	Related bill	Sep 12, 2011: Placed on the Union Calendar, Calendar No. 131.
112 HR 2623	Related bill	Jul 22, 2011: Referred to the House Committee on Homeland Security.
112 HR 1922	Related bill	Jun 2, 2011: Forwarded by Subcommittee to Full Committee by Voice Vote .
112 HR 1211	Related bill	Jun 1, 2011: Referred to the Subcommittee on Immigration Policy and Enforcement.
112 S 505	Related bill	Mar 8, 2011: Read twice and referred to the Committee on the Judiciary.
112 HR 495	Related bill	Feb 28, 2011: Referred to the Subcommittee on the Constitution.

Department of Homeland Security Authorization Act for Fiscal Year 2012 -**Title I: Policy, Management, and Efficiency** - (Sec. 101) Amends the Homeland Security Act of 2002 (HSA) to establish in the Department of Homeland Security (DHS) the position of Under Secretary for Policy, which shall serve as the principal policy advisor to the Secretary of DHS and shall conduct long-range, risk-based, strategic planning for DHS.

(Sec. 102) Directs the Secretary of DHS to designate a DHS official to coordinate efforts to counter homegrown violent Islamic extremism in the United States, including the violent ideology of Al Qaeda and its affiliated groups.

Requires the designated DHS official to report to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs (Homeland Security Committees) detailing: (1) departmental strategy and activities to counter homegrown violent Islamic extremism; (2) the division of responsibilities for countering such extremism; (3) the strategy to monitor open source messaging that incites violence, including websites that disseminate videos and other materials calling for violent activities; (4) the number of DHS employees and the amount of funding dedicated by DHS to countering such extremism; (5) the type of DHS-sponsored activities and training for states and local governments for countering such extremism; and (6) the metrics used to measure the effectiveness of DHS programs or activities for countering such extremism.

(Sec. 103) Includes as DHS chief operating officers, the Chief Financial Officer, the Chief Procurement Officer, the Chief Information Officer, the Chief Human Capital Officer, the Chief Administrative Officer, and the Chief Security Officer.

Grants the chief operating officers direct authority over their respective counterparts in the components of DHS to ensure that such components comply with the laws, rules, regulations, and departmental policies that such officers are responsible for implementing.

(Sec. 104) Expands the DHS Office of International Affairs, which is to be headed by the Assistant Secretary for International Affairs. Sets forth the responsibilities of the Assistant Secretary, including the coordination of international functions within DHS and the development of a strategic plan for DHS international activities and programs to support DHS overseas programs. Requires the Office to provide the Homeland Security Committees an annual accounting of all DHS assets, including personnel, deployed outside the United States.

(Sec. 105) Amends HSA to provide for the position of Assistant Secretary for Health Affairs who shall: (1) ensure that the DHS workforce has science-based policy, standards, requirements, and metrics for occupational safety and health; (2) provide medical expertise; and (3) develop guidance for handling catastrophic events.

(Sec. 106) Amends HSA to provide that the reorganization authority of DHS shall not extend to the discontinuance, abolition, substantial consolidation, alteration, or transfer of any agency, entity, unit, program, or function established or required to be maintained by statute. Allows an exception from such limitation if the President determines that the exercise of reorganization authority is necessary because of an imminent threat to homeland security. Requires the President or the Secretary to publish in the Federal Register the reasons for an exercise of reorganization authority and a list of each statutory provision implicated by the action. Requires notification of any significant organizational change in DHS to the Homeland Security Committees.

(Sec. 107) Repeals provisions authorizing an Office of Domestic Preparedness in DHS.

(Sec. 108) Expands the scope of the quadrennial homeland security review to require the Secretary to: (1) examine the

homeland security aspects of the national security environment; (2) review the capabilities and capacities across the homeland security enterprise; (3) evaluate and prioritize homeland security mission areas; (4) identify additional capabilities and capacities that may be needed to respond to potential homeland security threats and challenges; and (5) identify redundant, wasteful, or unnecessary capabilities. Requires the Secretary to report to the Homeland Security Committees on such review.

(Sec. 109) Amends the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary to issue accreditation and certification standards for all explosives detection canines. Authorizes appropriations for FY2012.

(Sec. 110) Requires each component of DHA to coordinate with the Chief Human Capital Officer to develop its own five-year workforce strategy that will support DHS goals, objectives, and performance measures for determining the proper balance of federal employees and private labor resources.

(Sec. 111) Makes DHS employees eligible for danger pay allowances.

(Sec. 112) Requires the Director of the Federal Law Enforcement Training Center to submit to the Homeland Security Committees: (1) the classified case study information that DHS provided to the National Consortium for the Study of Terrorism and Responses to Terrorism regarding the radicalization process for the goal of violent extremism, (2) a detailed description of the training that the Center intends to implement, (3) an identification of the agency that participated in the development of the training, (4) a description of what qualifications will be required for instructors to provide the training, and (5) an estimate of the amount of funds that DHS will expend for such program.

(Sec. 113) Requires the Secretary to submit to the Homeland Security Committees a future-years homeland security program that provides detailed estimates of the projected expenditures and corresponding requests for appropriations included in the President's annual budget. Requires each future year homeland security funding program to project acquisition estimates for a period of five fiscal years, with specified estimates for each fiscal year, for all technology acquisitions within DHS and its components, including refresh and sustainment expenses, as well as the annual deployment schedule of any acquisition with a total cost over the five-fiscal-year period estimated to exceed \$50 million. Requires information to be made available to the public in electronic form.

(Sec. 114) Requires the Secretary to provide the Homeland Security Committees information on the costs for complying with congressional mandates for providing information to Congress.

(Sec. 115) Amends HSA to prohibit any person from knowingly using the name, initials, insignia, or seal of DHS in connection with any advertisement, commercial, audiovisual production, impersonation, Internet domain name, Internet e-mail address, or Internet website, merchandise, retail product, or solicitation in a manner reasonably calculated to convey the impression that DHS has approved, endorsed, or authorized such use. Authorizes the Attorney General to initiate a civil action to enjoin any unauthorized use of DHS identifiers.

(Sec. 116) Establishes in DHS the Office of Policy to develop DHS policies, programs, and planning, consistent with the quadrennial homeland security review, and to develop and articulate the long-term strategic view of DHS.

(Sec. 117) Requires the Secretary to notify the Homeland Security Committees of any position in DHS that is held by an individual on a temporary or acting basis for 210 days.

(Sec. 118) Requires the Secretary, to the greatest extent practicable, to submit each plan, report, strategy, or other written material required by a congressional mandate in an electronic format.

(Sec. 119) Sets forth the duties of the Chief Information Officer of DHS, including advising and assisting the Secretary on information technology, establishing the information technology priorities and procedures of DHS, and assuming responsibility for information technology capital planning and investment management.

(Sec. 120) Requires the Under Secretary for Management to submit to the Homeland Security Committees a report that provides a detailed accounting of DHS expenditures and identifies potential cost savings.

Title II: Department of Homeland Security Acquisition Policy - (Sec. 201) Amends HSA to require the Secretary of DHS to: (1) review the proposed acquisitions and procurements of DHS, (2) establish an Acquisition Review Board, and (3) submit to the Homeland Security Committees an annual report on the activities of the Acquisition Review Board.

(Sec. 202) Establishes a Capabilities and Requirements Council in DHS to provide recommendations and assistance to the Secretary with respect to homeland security investments and acquisition requirements.

(Sec. 203) Designates the DHS Under Secretary for Management as the senior acquisition officer in DHS. Requires the Under Secretary to report to Congress on a comprehensive acquisition management plan for DHS.

(Sec. 204) Authorizes the Secretary to establish an Acquisition Professional Career Program for the recruitment, training, and retention of acquisition professionals for DHS.

(Sec. 205) Requires the Chief Procurement Officer and the Chief Human Capital Officer of DHS to submit to the Homeland Security Committees a five-year strategic plan for the DHS acquisition workforce. Requires such plan to: (1) designate the acquisition positions that will be necessary to support DHS acquisition requirements; (2) identify acquisition workforce needs of each DHS component performing acquisition functions; (3) include guidance and risk-based policies on the use of contractors; (4) summarize the recruitment, hiring, training, and retention of the workforce; and (5) establish goals for achieving integration and consistency with government-wide training and accreditation standards, acquisition training tools, and training facilities.

(Sec. 206) Requires the Secretary to notify the Homeland Security Committees three business days prior to awarding a contract exceeding \$10 million or announcing the intention to make such award. Allows a waiver of this requirement if the Secretary determines that notification would pose a substantial risk to homeland security.

(Sec. 207) Requires the Under Secretary for Management of DHS to establish a process for the evaluation of the integrity and quality of major acquisitions, to be conducted independently by personnel with no involvement or interest in the underlying acquisitions.

(Sec. 208) Extends until September 30, 2016, the other transaction authority of the Secretary to carry out basic, applied, and advanced research and development projects.

(Sec. 209) Requires 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. 210) Amends HSA to prohibit the Secretary from procuring specified items directly related to national security interests if they are not grown, reprocessed, reused, or produced in the United States, with specified exceptions.

(Sec. 211) Amends HSA to require the Chief Procurement Officer of DHS, before the development and procurement of any marine or aviation asset or equipment or any detection or screening technology, to coordinate with the chief procurement officers of DHS components to: (1) identify common mission requirements; and (2) standardize equipment

purchases, streamline the acquisition process, improve efficiencies, and conduct best practices for strategic sourcing.

(Sec. 213) Authorizes the Secretary to permit a class deviation to the Federal Acquisition Regulation (FAR) with respect to the micropurchase threshold, not exceeding \$15,000, to support domestic emergency operations and response activities related to acts of terrorism.

(Sec. 214) Requires the Chief Information Officer of DHS to conduct an inventory of all existing software licenses and assess the needs of DHS for software licenses for the upcoming two fiscal years. Requires the Secretary, based on such inventory, to establish a plan for bringing the number of software licenses into balance with the needs of DHS.

(Sec. 215) Requires the Secretary to submit to the Homeland Security Committees a Department-wide financial management strategy. Requires the Comptroller General (GAO) to review such strategy and submit such review to Congress with recommendations for any additional actions necessary to address existing financial internal control weaknesses and achieve financial management integration.

Title III: Information Sharing and Intelligence Analysis - (Sec. 301) Amends HSA to provide for a DHS National Network of Fusion Centers Initiative to establish partnerships with state and major urban area fusion centers. Requires the Secretary to assign personnel from U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the U.S. Coast Guard, and experts in mass transit security to fusion centers.

Requires the Administrator of the Federal Emergency Management Agency (FEMA) to enter into a memorandum of understanding with the DHS Under Secretary for Intelligence and Analysis that delineates the roles and responsibilities of their respective organizations with respect to policy and guidance for fusion center-related expenditures with grant funds.

(Sec. 302) Requires the Secretary to develop and submit to the Homeland Security Committees a comprehensive strategy for the coordinated development and deployment of unclassified, sensitive but unclassified, and classified information sharing computer networks of DHS. Requires such strategy to include a comprehensive plan for the further development, acquisition, deployment, and continual operations of: (1) the Homeland Security Information Network, (2) the Homeland Secure Data Network, and (3) the Homeland Top Secret Network.

(Sec. 303) Authorizes the Secretary to convert both unencumbered and encumbered competitive service positions within the elements of the intelligence community in DHS to excepted service positions as the Secretary determines necessary to carry out the intelligence functions of DHS.

(Sec. 304) Requires the DHS Inspector General to submit a report including: (1) an audit of homeland security grant funding awarded to fusion centers, (2) an assessment of the processes in place to track and measure the effectiveness of grant funding to fusion centers, (3) an assessment to determine whether each fusion center has privacy protections in place, and (4) recommendations on the development and implementation of a metrics program for FEMA to measure the efficacy of grant funding to fusion centers.

(Sec. 305) 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 the DHS Privacy Officer to update the 2008 Privacy Impact Assessment for the State, Local, and Regional Fusion Center Initiative and submit such updated Assessment to the Homeland Security Committees.

Requires 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 submit such updated Assessment to the Homeland Security Committees.

Title IV: 9/11 Review Commission - 9/11 Review Commission Act - (Sec. 402) Establishes in the legislative branch a National Commission to Review the National Response Since the Terrorist Attacks of September 11, 2001 (9/11 Review Commission).

(Sec. 403) Directs the 9/11 Review Commission to conduct a comprehensive review of the implementation of recommendations proposed in the report issued by the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) by: (1) assessing the progress and challenges in carrying out the recommendations of the 9/11 Commission; (2) analyzing the trends of domestic terror attacks since September 11, 2001, including the growing influence of domestic radicalization and its causes; (3) investigating whether there is evidence about the terrorist attacks not considered by the 9/11 Commission; and (4) providing additional recommendations for protecting U.S. homeland security, ensuring interagency intelligence sharing, and other matters relating to counterterrorism policy.

(Sec. 410) Sets forth the reporting requirements of the 9/11 Review Commission. Provides for the termination of the Commission after it issues its final report.

(Sec. 411) Authorizes appropriations.

Title V: Preparedness and Response - Subtitle A: WMD Preparedness and Response - (Sec. 501) Amends HSA to require the Secretary of DHS to issue, at least once every four years, a biodefense strategy that establishes detailed strategic biodefense objectives for DHS mission areas. Requires such strategy to: (1) delineate those areas of biodefense for which DHS is explicitly responsible; (2) include an inventory of DHS biodefense capabilities and assets; (3) be sufficiently detailed to guide prioritization of DHS investments in and strategic approach to biodefense-related research, development, planning, and preparedness; and (4) include an implementation plan.

Requires the Secretary to: (1) annually review the most recent biodefense strategy and submit each biodefense strategy and annual review to the Homeland Security Committees, and (2) complete the first biodefense strategy not later than one year after the enactment of this Act.

(Sec. 502) Amends HSA to require the DHS Office of Intelligence and Analysis to: (1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, and nuclear materials; (2) support homeland security-focused intelligence analysis of global infectious disease, public health, food, agricultural, and veterinary issues; (3) support homeland security-focused risk analysis and risk assessments of terrorist activities; (4) leverage existing and emerging homeland security capabilities and structures to enhance prevention; and (5) share information and provide analytical support on terrorist threats to state, local, and tribal authorities. Requires the Secretary to report to the Homeland Security Committees on DHS intelligence and information sharing activities for countering the threat from weapons of mass destruction.

(Sec. 503) Requires the Under Secretary for Science and Technology to produce and periodically update: (1) a terrorism risk assessment of chemical, biological, radiological, and nuclear threats; and (2) an integrated terrorism risk assessment that assesses and compares all threats.

(Sec. 504) Requires the FEMA Administrator to assist state, local, and tribal authorities in improving and promoting individual and community preparedness and collective response to weapons of mass destruction and terrorist attacks involving chemical, biological, radiological, and nuclear materials, including those that cause mass fatalities, against the

United States.

(Sec. 505) Requires the Secretary to carry out a program to detect a biological attack or event that poses a high risk to homeland security.

(Sec. 506) Directs the Secretary to require the Under Secretary for Science and Technology to assess whether the development of technological screening capabilities for biological agents, pandemic influenza, and other infectious diseases should be undertaken by the Science and Technology Directorate to support entry and exit screening at ports of entry for other homeland security purposes.

(Sec. 507) Requires the Administrator to develop and report to the Homeland Security Committees on a communications plan to provide information to the public related to preventing, protecting against, responding to, and recovering from chemical, biological, radiological, and nuclear attacks.

(Sec. 508) Requires the Secretary: (1) to develop, for police, fire, emergency medical services, emergency management, and medical and public health personnel, voluntary guidance for responding to chemical, biological, radiologic, or nuclear attacks; (2) to make such guidance available to state, local, and tribal authorities, educational institutions, nongovernmental organizations, the private sector, and the public; and (3) in developing such guidance, to review the experiences of other countries and the expertise of academic institutions and nongovernmental organizations and consider the unique needs of children and other vulnerable populations.

(Sec. 509) Directs the Secretary to acquire, use, and disseminate the best available integrated plume models to enable rapid response activities following a chemical, biological, nuclear, or radiological attack or event. Defines "plume model" as the assessment of the location and prediction of the spread of agents following a chemical, biological, radiological, or nuclear attack or event.

(Sec. 510) Requires the Under Secretary for Science and Technology to conduct tailored risk assessments to inform prioritization of national recovery activities for chemical, biological, radiological, and nuclear incidents.

Requires the Secretary to: (1) develop and issue guidance for clean-up and restoration of indoor and outdoor areas, including subways and other mass transportation facilities, that have been exposed to chemical, biological, radiological, or nuclear materials; and (2) develop exercises that address indoor environmental cleanup methods and decontamination standards..

Subtitle B: Grants - (Sec. 521) Expresses the sense of Congress that grant programs such as the State Homeland Security Grant Program, Urban Area Security Initiative, Transit Security Grant Program, and Port Security Grant Program should be funded at previously authorized levels.

(Sec. 522) Allows grant funds under the State Homeland Security Grant Program and the Urban Area Security Initiative to be used for work with a national laboratory or research facility when designing, conducting, and evaluating training and exercises.

(Sec. 523) Amends HSA to require the Administrator of FEMA to report to the Homeland Security Committees not less than three business days in advance of announcing publicly an allocation or award of grants under the Urban Area Security Initiative and the State Homeland Security Grant Program.

(Sec. 524) Designates the Assistant Administrator of the Grant Programs Directorate as the Authorization Liaison Officer within FEMA. Requires such Officer to provide the Homeland Security Committees, upon request, with timely information

on all grants administered by FEMA.

Requires the Administrator of FEMA to submit to the Homeland Security Committees, on not less than a semiannual basis, a written report that provides a full accounting of DHS grant funds administered by FEMA for the previous five fiscal years.

(Sec. 525) Amends HSA to direct the Secretary to conduct a Metropolitan Medical Response System Program to assist state and local governments in preparing for and responding to public health and mass casualty incidents resulting from acts of terrorism and natural disasters. Authorizes the Secretary to make grants for such Program. (Repeals provisions of the Post-Katrina Management Reform Act of 2006 providing for a Metropolitan Medical Response Program.) Allows grant funds to be used to support the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents. Authorizes appropriations for FY2012-FY2016.

Requires the Administrator of FEMA, the Assistant Secretary of DHS for Health Affairs, and the National Metropolitan Medical Response System Working Group to conduct a review of such Program and report the results to the Homeland Security Committees.

(Sec. 526) Amends the Implementing Recommendations of the 9/11 Commission Act of 2007 to make law enforcement agencies eligible for the transit security grant program.

(Sec. 527) Requires the Administrator to consider cruise ship passengers as part of the tourist population for purposes of prioritizing grant funding under the State Homeland Security Grant Program and Urban Area Security Initiative.

(Sec. 528) Requires the Comptroller General to conduct and report to the Homeland Security Committees on a study evaluating the homeland security impacts of transportation security grant program funding levels in states located on the west coast.

(Sec. 529) Requires the Secretary, in coordination with relevant departments and agencies, to establish an interagency working group to better coordinate federal preparedness grants and to report to the Homeland Security Committees on its activities.

Subtitle C: Communications - (Sec. 541) Expresses the sense of Congress that federal resources should be allocated to improve first responder interoperable communications and that the D Block spectrum should be reallocated for the construction of a national interoperable public safety wireless broadband network as expeditiously as possible.

(Sec. 542) Amends HSA to: (1) require the Director of the Office of Emergency Communications in DHS to provide guidance on interoperable emergency communications to the Administrator of FEMA, and (2) the Administrator to execute a memorandum of understanding with the Director delineating the roles and responsibilities of each office with respect to policy and guidance for communications-related expenditures with grant funds.

(Sec. 543) Requires the Secretary to: (1) establish a national integrated public alert and warning system, and (2) designate any agency within DHS to receive, aggregate, validate, and authenticate homeland security and other information originated by governmental entities to facilitate the transmission of the Personalized Localized Alerting Network.

Subtitle D: Broadband for First Responders - (Sec. 561) Requires the Federal Communications Commission (FCC) to: (1) license the paired electromagnetic spectrum bands of 758-763 MHz and 788-793 MHz (D Block), for public safety broadband communications within 60 days after enactment of this Act, and (2) establish rules to permit the construction

and operation of a wireless public safety broadband network within nine months after enactment of this Act.

(Sec. 562) Requires the Chairman of the FCC to develop a public safety agency statement of requirements that enables nationwide interoperability and roaming across any communications system using public safety broadband spectrum. Requires the Secretary to establish an appropriate standard for: (1) enhancing domestic preparedness for, and collective response to, a catastrophic incident; and (2) meeting the public safety agency statement requirements.

(Sec. 563) Declares that nothing in this Act shall be construed to overturn, supersede, or otherwise preempt the FCC's Order adopted on November 19, 2007 (FCC 07-199), setting forth the roles and responsibilities of the public safety broadband licensee and the FCC.

(Sec. 564) Establishes in the Treasury the Public Safety Interoperable Broadband Network Construction Fund and the Public Safety Interoperable Broadband Network Maintenance and Operation Fund to fund broadband networks.

(Sec. 565) Directs the Secretary to establish a grant program to assist public safety entities to establish a nationwide public safety interoperable network in the 700 megahertz band.

(Sec. 566) Requires the Secretary to administer a program for reimbursement of maintenance and operational expenses associated with the public safety interoperable broadband network from the Maintenance and Operation Fund and report to Congress on whether to continue to provide funding for the Fund.

(Sec. 567) Requires the Comptroller General to perform, in three year intervals, an audit of the financial records of: (1) the Public Safety Interoperable Broadband Network Construction Fund, (2) the Public Safety Interoperable Broadband Network Maintenance and Operation Fund, (3) the construction grant program, and (4) the maintenance and operation grant program. Requires a copy of each audit to be submitted to the Homeland Security Committees.

(Sec. 568) Requires the Assistant Secretary to reallocate for commercial use electromagnetic spectrum at 1755-1780 megahertz. Requires the FCC to establish rules for pairing electromagnetic spectrum bands and to auction the licenses for such paired spectrum in accordance with the Communications Act of 1934.

(Sec. 569) Amends the Communications Act of 1934 to extend the auction authority of the Federal Communications Commission (FCC) until 2020. Requires the FCC to ensure that no bidder is excluded from an auction or any other competitive bidding process on account of its size or the amount of its other spectrum holdings.

Subtitle E: Miscellaneous Provisions - (Sec. 581) Requires the DHS Inspector General to: (1) conduct an audit of expenses for the 2010 and 2011 National Level Exercises; (2) conduct a review of whether FEMA is incorporating lessons learned from national exercises into training, planning, and other operations; and (3) report on the findings of the audit and review to the Homeland Security Committees.

(Sec. 582) Requires the Administrator of FEMA to report to the Homeland Security Committees on the progress of FEMA in improving sourcing for disaster response goods and services.

(Sec. 583) Requires the Under Secretary for Science and Technology of DHS to conduct research to assist state, local, and tribal leaders and the private sector in enhancing the rural preparation for, and response and resilience to, terrorist attacks and other incidents.

(Sec. 584) Amends the Implementing Recommendations of the 9/11 Commission Act of 2007, with respect to the National Domestic Preparedness Consortium, to: (1) make the Railroad Research Foundation a member of such

Consortium (in lieu of the Transportation Technology Center, Incorporated, in Pueblo, Colorado); (2) include medical readiness training in the training provided to state, local, and tribal emergency response providers; and (3) authorize appropriations in FY2012 for the Center for Domestic Preparedness and other training and research centers.

(Sec. 586) Requires the Administrator to certify to the Department of the Treasury that any recipient of disaster funds subject to recoupment received a notice of the debt and an opportunity to appeal prior to FEMA's forwarding of such debt to the Department of the Treasury.

(Sec. 588) Requires the Inspector General of DHS to audit how all regional offices within FEMA are carrying out delegated authorities pursuant to the Post Katrina Emergency Management Reform Act of 2006 and the FEMA Administrator's July 2009 memorandum.

(Sec. 589) Requires the Administrator to provide, electronically, lessons learned reports to each designated representative of state, local, and tribal jurisdictions and private sector entities that participate in the National Level Exercises of DHS and to the Homeland Security Committees.

(Sec. 590) Requires the Under Secretary for Science and Technology of DHS to establish and maintain a program for system assessment and validation of emergency responder equipment (SAVER Program).

(Sec. 591) Amends the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize appropriations for the National Transportation Security Center of Excellence in FY2012-FY2014.

(Sec. 592) Requires the Secretary to conduct a review of mental health counseling for disaster victims.

(Sec. 593) Requires the Comptroller General to conduct a study evaluating the effectiveness of disaster housing programs and collaboration and coordination between FEMA and the Department of Housing and Urban Development (HUD).

Title VI: Border Security Provisions - (Sec. 602) Directs the Secretary to submit to the Homeland Security Committees a comprehensive strategy for gaining, within five years, operational control of the international borders between the ports of entry of the United States. Requires such strategy to include an analysis of : (1) staffing requirements for all border security functions; (2) investment in infrastructure; (3) the use of unmanned aerial vehicles (UAVs), camera technology, sensors, and other innovative technology; (4) cooperative agreements with international, state, local, tribal, and other federal law enforcement agencies; (5) a schedule for implementing security measures; (6) a comprehensive technology plan for major surveillance and detection technology programs; and (7) the feasibility of using existing Tethered Aerostat Radar Systems for use along the southwest border.

Requires the Secretary to: (1) develop metrics to measure the effectiveness of security at ports of entry, and (2) submit a request to a Department of Energy (DOE) national laboratory with appropriate expertise in border security to evaluate the stability and statistical validity of the measurement system for analyzing progress in the interdiction of unlawful crossings and contraband at ports of entry.

Requires the Secretary to report to the Homeland Security Committees on staffing requirements and manpower data at ports of entry. Directs the Commissioner of CBP to give priority, in making infrastructure improvements, to those ports of entry determined to be in most need of repair in order to improve border security.

(Sec. 603) Requires the Secretary to maintain a force of not fewer than 21,300 border patrol agents and sufficient support staff in FY2012 and FY2013 and to assign not fewer than 2,200 agents to the northern border (the border between the

United States and Canada). Requires the Commissioner of CBP to take into account apprehension rates, unlawful border crossings, and the number of apprehensions of unlawful aliens in determining the deployment locations of such border agents.

(Sec. 604) Establishes in ICE the Border Enforcement Security Task Force program. Declares as the purpose of the program to establish units to enhance border security and reduce border security threats and violence by: (1) facilitating collaboration among governmental and law enforcement agencies to execute coordinated activities in furtherance of border security and homeland security, and (2) enhancing information sharing. Requires the Secretary to report to Congress on the effectiveness of the program. Authorizes appropriations for FY2012.

(Sec. 605) Directs the Comptroller General to review the basic training provided to CBP border patrol agents.

(Sec. 606) Prohibits the Secretaries of Agriculture or the Interior from impeding, prohibiting, or restricting activities of CBP on land that is located within 100 miles of the international land borders of the United States. Grants CBP access to land under the jurisdiction of such Secretaries for the purpose of conducting activities that assist in securing the international land borders.

(Sec. 607) Requires the Commissioner of CBP to identify equipment and technology that would enhance the security of the northern and southern borders.

(Sec. 608) Directs the Secretary to: (1) deploy no less than one additional canine enforcement team, capable of detecting narcotics, at each of the five busiest ports of entry; and (2) report to the Homeland Security Committees on the effectiveness of the canine enforcement teams. Authorizes appropriations.

(Sec. 609) Directs the Commissioner of CBP to initiate a six-month pilot program to test the use of autonomous unmanned vehicles to patrol the maritime environment along the northern border and the land environment along the southern border (the border between the United States and Mexico). Requires the Under Secretary for Science and Technology to report to the Homeland Security Committees on the effectiveness and scalability of the use of such vehicles.

(Sec. 610) Requires the Comptroller General to report to the Homeland Security Committees on the effectiveness of UAVs.

(Sec. 611) Directs the Secretary to review applications and conduct in-person interviews of student and exchange visitor program visa applicants to determine whether any applicant is inadmissible due to terrorist-related activities.

(Sec. 612) Authorizes the Secretary of DHS, in coordination with the Secretary of State, to issue Asia-Pacific Economic Cooperation Business Travel Cards to any eligible person, including business leaders and U.S. officials engaged in Asia-Pacific Economic Cooperation business.

(Sec. 613) Directs the Commissioner of CBP to carry out the NEXUS, SENTRI, Global Entry, and ABT Card programs of CBP.

(Sec. 614) Directs CBP to conduct an internal review to ensure that there are enough border protection agents in each of the 10 U.S. international airports with the largest volume of international travelers.

(Sec. 615) Extends through FY2014 the port security grant program.

(Sec. 616) Allows port security grant funding to pay overtime and backfill costs, provided that such costs do not exceed 50% of the total grant funding received by a grant recipient in a fiscal year.

(Sec. 617) Requires the Secretary to establish a process to ensure that illegal aliens are unable to obtain or use a Transportation Worker Identification Credential (TWIC).

(Sec. 618) Requires the Secretary to submit to the Homeland Security Committees a report analyzing the threat of, vulnerability to, and consequence of an act of terrorism using a small vessel to attack U.S. vessels, ports, or maritime interests.

(Sec. 619) Requires CBP to: (1) publish live wait times at all U.S. air ports of entry, (2) make information about such wait times available to the public, (3) submit monthly reports to Congress that include compilations of all such wait times and that rank all U.S. international airports by wait times, and (4) increase staffing to reduce wait times to under 10 minutes.

(Sec. 620) Expresses the sense of Congress that the Secretary should deploy an additional UAV at the southwest border airfield between DHS operations located at Fort Huachuca in Sierra Vista, Arizona, and the Naval Air Station in Corpus Christi, Texas, to reduce the frequent weather-related lapses in constant surveillance.

(Sec. 621) 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. 622) Requires the Secretary to ensure that: (1) CBP has instituted an outbound inspections program at land ports of entry, and (2) such outbound inspections do not add significantly to wait times for crossing the border.

(Sec. 623) Authorizes appropriations in FY2012-FY2013 for ICE to identify aliens who have been convicted of a crime or who may pose a serious risk to public safety or national security and to remove such aliens from the United States.

(Sec. 624) Amends HSA to establish as the primary functions of ICE: (1) conducting criminal investigations relating to homeland security, and (2) enforcing federal immigration and naturalization laws. Sets forth the scope of ICE's authority in conducting criminal investigations and in enforcing immigration and naturalization laws.

(Sec. 625) Directs the Secretary to submit to the Homeland Security Committees a report on the activities of specified gangs and cartels designated as foreign terrorist organizations or as involved in international terrorism.

(Sec. 626) Requires the Secretary to increase by at least two the number of UAVs for use along the southwest border.

(Sec. 627) Redesignates the DHS Operation Stonegarden as the Border Area Security Initiative. Authorizes appropriations for such Initiative. Requires the Secretary to allocate 80.7% of such funding for activities along the southern border.

(Sec. 628) Directs the Secretary to submit to the Homeland Security Committees a report on Hezbollah, other designated foreign terrorist organizations, and Mexican drug traffic organizations along the southern border.

(Sec. 629) Directs the Secretary, in developing the Border Condition Index, to consider: (1) flow estimates, by border patrol sector, of aliens who are unlawfully present in the United States; (2) interdiction efficiency measuring; and (3) recidivism data relating to repeat apprehensions of aliens who are unlawfully present in the United States.

(Sec. 630) Expresses the sense of Congress that the Secretary should complete at least 700 miles of reinforced fencing along the southwest border where it is geographically feasible to construct the fence.

(Sec. 631) Amends HSA to require the Secretary to conduct an on-site review of all visa applications and supporting documentation at the 20 highest-risk visa issuing diplomatic and consular posts.

(Sec. 632) Authorizes the Secretary to enter into a private-public partnership to accept funding or a donation of real or personal property or services from any private sector entity or any state, county, or other municipal entity to construct a designated project at a designated land border port of entry, designed to reduce wait times at such port of entry.

(Sec. 633) Directs the Secretary to submit to the Homeland Security Committees a report on: (1) the top 20 highest-risk foreign airports that are last points of departure to the United States, (2) the current status of CBP's Immigration Advisory Program at such airports, and (3) the number of Immigration Advisory Program personnel required to carry out operations in any location where such personnel are not currently present.

(Sec. 634) Requires the Secretary to establish and maintain at each Maritime Security Response Team location, to support Coast Guard operations, a minimum of one dedicated medium range air responder that is capable of offshore operations and that can provide shore-based aviation surveillance capability and transport.

(Sec. 635) Directs the Secretary to submit to the Homeland Security Committees a plan to implement a biometric exit capability at airports under the US-VISIT program.

(Sec. 636) Directs the Commissioner of CBP to work with the Assistant Secretary of Homeland Security (Transportation Security Administration [TSA]) to cross-designate persons enrolled in trusted passengers programs operated by CBP. Requires the Commissioner to report to the Homeland Security Committees and the Senate Committee on Commerce, Science, and Transportation on progress in implementing the cross designation of the trusted passenger program.

(Sec. 637) Requires the Secretary to: (1) ensure that a comprehensive plan for CBP, TSA, and ICE is developed and implemented to improve professionalism and customer service, and (2) report annually to Congress on such plan.

Title VII: Science and Technology - Subtitle A: Directorate of Science and Technology - (Sec. 701) Amends HSA to require the Under Secretary for Science and Technology to develop and update as necessary a strategy to guide the activities of the Directorate of Science and Technology. Requires that such strategy be risk-based and aligned with other strategic guidance provided by the National Strategy for Homeland Security, the Quadrennial Homeland Security Review, the Capabilities and Requirements Council, and other relevant strategic planning documents as determined by the Under Secretary.

(Sec. 702) Requires the Under Secretary for Science and Technology to develop and revise at least every five years a five-year research and development plan for the activities of the Directorate, which shall define the Directorate's research, development, testing, and evaluation activities, priorities, performance metrics and key milestones and deliverables for FY2013-FY2017 and for each five-fiscal-year period thereafter.

(Sec. 703) Requires the Under Secretary for Science and Technology to establish and implement a process to identify, prioritize, fund, and task the basic and applied homeland security research and development activities of the Directorate of Science and Technology.

(Sec. 704) Directs the Under Secretary for Science and Technology to monitor the progress of the research, development, testing, and evaluation activities undertaken by the Directorate of Science and Technology and provide regular biennial updates on that progress.

(Sec. 705) Expands the responsibilities of the Under Secretary for Science and Technology to include: (1) providing

science-based , analytic capability and capacity across DHS; and (2) establishing a formal process to evaluate technology maturity and reduce technical risks.

(Sec. 706) Establishes in DHS the Department of Operational Test and Evaluation, to be headed by a Director who shall advise the Secretary, the Under Secretary for Management, the Under Secretary for Science and Technology, and heads of other DHS components on all activities related to operational test and evaluation in DHS. Requires the Director to: (1) prescribe operational test and evaluation policies and procedures for DHS; (2) ensure the effectiveness, reliability, and suitability of operational testing and evaluation activities; (3) provide DHS with independent and objective assessments of the adequacy of operational testing and evaluation activities; and (4) coordinate operational testing conducted jointly by more than one DHS component. Grants the Director full access to test and evaluation and acquisition documents, data, and test results.

(Sec. 707) Authorizes the Under Secretary for Science and Technology to make available the services of any DHS-owned testing facility for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

(Sec. 708) Authorizes the establishment of a bioforensics analysis center in DHS to provide support for law enforcement and intelligence-related investigations and action to: (1) provide definitive bioforensics analysis in support of executive agencies with primary responsibilities for preventing, deterring, responding to, attributing, and recovering from biological attacks; and (2) undertake other related bioforensics activities.

(Sec. 709) Directs the Under Secretary for Science and Technology to establish the Homeland Security Science and Technology Fellows Program to place scientists, on a temporary basis, in relevant scientific or technological fields for up to two years in DHS components with a need for scientific and technological expertise.

(Sec. 710) Modifies provisions establishing a Science and Technology Advisory Committee within the Directorate of Science and Technology to require the Advisory Committee to meet no fewer than two times each year and to make recommendations with respect to the activities of the Under Secretary for Science and Technology, including: (1) identifying research and development areas of potential importance to national security, and (2) providing advice in development and updating the strategic plan and the five-year homeland security research and development plan. Extends the termination date for the Advisory Committee to seven years after the enactment of this Act.

(Sec. 711) Requires the Secretary to review and revise DHS policies relating to personnel conflicts of interest to ensure that such policies specifically address employees of federally funded research and development centers who are in a position to make or materially influence research findings or agency decisionmaking.

(Sec. 712) Expands the criteria for designating colleges and universities as DHS Centers of Excellence to include institutions with expertise in medical readiness training and research, community resiliency for public health and health care critical infrastructure, and explosives detection.

(Sec. 713) Amends HSA to authorize the Secretary, until January 1, 2017, to fill up to 5% of the overall positions in the Science and Technology Directorate with personnel who have advanced degrees in science and engineering without regard to competitive hiring requirements.

(Sec. 714) Requires the Secretary to implement a test and evaluation program for commercially available chemical and biological detection equipment.

(Sec. 715) Directs the DHS Under Secretary for Science and Technology, in conjunction with the Commissioner of CBP, to research and develop technologies to allow routine operation of medium-sized UAVs, including autonomously piloted drones, within the national airspace for border and maritime security missions. Requires the Secretary to begin a pilot program in airspace along the northern border to conduct experiments and collect data to accelerate the safe integration of medium-sized unmanned aircraft systems into the national airspace system.

Subtitle B: Domestic Nuclear Detection Office - (Sec. 721) Amends HSA to grant authority to the Director for the Domestic Nuclear Detection Office for radiological and nuclear research, development, testing and evaluation activities. Requires the Director to maintain awareness of the Global Nuclear Detection Architecture and its assets.

(Sec. 722) Requires the Director to provide support for planning, organization and sustainment, training, exercises, and operational assessments to state, local, and tribal entities to assist in implementing preventive radiological and nuclear detection capabilities.

(Sec. 723) Requires the Director to analyze and report to the Homeland Security Committees on existing and developmental alternatives that could provide an enhanced capability to currently deployed radiation portal monitors.

(Sec. 724) Amends HSA to permit the Secretary to enter into contracts and other transactions relating to nuclear detection unrelated to radiological and nuclear research, development, testing, and evaluation.

(Sec. 725) Requires the Secretary to develop and submit to the Homeland Security Committees a five-year plan of investments for implementing DHS responsibilities under the domestic component of the Global Nuclear Detection Architecture.

(Sec. 726) Requires the Secretary to implement outreach to enhance awareness and increase participation of qualified students at institutions of higher education, including historically black, Hispanic, and tribal institutions.

(Sec. 727) Requires the Secretary to contract for procurement of information technology products or services only with a U.S.-owned corporation or other entity.

(Sec. 728) Authorizes appropriations for FY2012 to carry out the university-based centers program of DHS.

(Sec. 729) Requires the Comptroller General to assess the university-based centers for homeland security program and provide recommendations to the Homeland Security Committees for improvements. Prohibits the Secretary from designating any new university-based centers before the completion of the Comptroller General's review.

Title VIII: Immunity for Reports of Suspected Terrorist Activity or Suspicious Behavior and Response - See Something, Say Something Act of 2011 - (Sec. 802) Amends HSA to grant immunity from civil liability to persons who, in good faith and based on an objectively reasonable suspicion, report suspicious activity indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to an act of terrorism.

Grants qualified immunity from civil liability to an authorized official who observes or receives a report of such activity and who takes reasonable action in good faith to respond. Provides that an authorized official not entitled to assert the defense of qualified immunity shall nonetheless be immune from civil immunity if that official takes reasonable action, in good faith, to respond to the reported activity.

Entitles any authorized official or other person found to be immune from civil liability under this Act to recover all reasonable costs and attorney fees in any action against such official or person.

Title IX: Miscellaneous - (Sec. 902) Requires the Secretary of DHS to provide guidance to, and coordinate with, local educational and school districts that are at a high risk of acts of terrorism, natural disasters, or public health emergencies.

(Sec. 903) Requires the Secretary to make federal law enforcement training opportunities available to local law enforcement personnel responsible for securing ports.

(Sec. 904) Requires the Secretary to enter into a memorandum of understanding with the Administrator of the Environmental Protection Agency (EPA) to establish a plan to address security gaps at drinking water treatment and wastewater treatment facilities.

(Sec. 905) Requires the Secretary to provide guidance in implementing plans for outreach to people with disabilities during emergencies.

(Sec. 906) Directs the Secretary to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential.

(Sec. 907) Requires the Secretary to report on the progress of TSA in conducting security vulnerability assessments at 100% of U.S. airports. Requires such report to include steps taken to increase perimeter security since the Delvonte Tisdale incident in November 2010.

(Sec. 908) Amends HSA, with respect to regulations covering the sale or transfer of ammonium nitrate, to make such regulations applicable to the transfer of ownership rights to ammonium nitrate. Exempts from regulations any transportation provider who is covered by an existing security program.

(Sec. 909) Expresses the sense of Congress that there exists a significant cause for concern from Iran's growing presence and influence in the Western Hemisphere and that the Secretary should include the Western Hemisphere in the 2012 National Strategy for Counterterrorism's "Area of Focus," with specific attention to the threat to the homeland from Iran.

Actions Timeline

- **Dec 21, 2012:** Committee on Energy and Commerce discharged.
- **Dec 21, 2012:** Committee on Science, Space, and Technology discharged.
- **Dec 21, 2012:** Committee on Transportation discharged.
- **Dec 21, 2012:** Placed on the Union Calendar, Calendar No. 520.
- **Dec 20, 2012:** Reported (Amended) by the Committee on 112-717, Part I.
- **Dec 20, 2012:** Referred jointly and sequentially to the House Committee on Energy and Commerce for a period ending not later than Dec. 21, 2012 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f) of rule X.
- **Dec 20, 2012:** Referred jointly and sequentially to the House Committee on Science, Space, and Technology for a period ending not later than Dec. 21, 2012 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(p) of rule X.
- **Dec 20, 2012:** Referred jointly and sequentially to the House Committee on Transportation and Infrastructure for a period ending not later than Dec. 21, 2012 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r) of rule X.
- **Oct 13, 2011:** Committee Consideration and Mark-up Session Held.
- **Oct 13, 2011:** Ordered to be Reported (Amended) by the Yeas and Nays: 20 - 12.
- **Oct 13, 2011:** Provisions of the following measures were included in H.R. 3116, as introduced: H.R. 915, H.R. 1299, H.R. 1411, H.R. 1922, H.R. 2042, H.R. 2356, H.R. 2623, and H.R. 2764. For other action see legislative histories under Legislation Referred.
- **Oct 13, 2011:** Provisions of the following measures were adopted (in whole or in part) as amendments to H.R. 3116 during committee consideration: H.R. 607, H.R. 679, H.R. 1505, H.R. 1741, H.R. 1900, H.R. 2000, H.R. 2356, H.R. 2849, H.R. 3173, and H.Res 4729.
- **Oct 13, 2011:** Provisions of the following measures were offered (in whole or in part) as amendments to H.R. 3116 but not adopted during Committee consideration: H.R. 176, H.R. 1105, H.R. 2269, and H.R. 3011.
- **Oct 12, 2011:** Committee Consideration and Mark-up Session Held.
- **Oct 6, 2011:** Introduced in House
- **Oct 6, 2011:** Referred to the House Committee on Homeland Security.

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