

108TH CONGRESS  
2D SESSION

# S. 2708

To develop the National Strategy for Homeland Security, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 21, 2004

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To develop the National Strategy for Homeland Security,  
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Strategy for  
5 Homeland Security Act of 2004”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions shall apply:

8 (1) COMMISSION.—The term “Commission”  
9 means the Homeland Security Strategy Commission  
10 established under section 4.

1           (2) SECRETARY.—The term “Secretary” means  
2 the Secretary of Homeland Security.

3           (3) STRATEGY.—The term “Strategy” means  
4 the National Strategy for Homeland Security devel-  
5 oped under this Act.

6 **SEC. 3. NATIONAL STRATEGY FOR HOMELAND SECURITY.**

7           (a) DEVELOPMENT AND SUBMISSION OF STRAT-  
8 EGY.—

9           (1) DEVELOPMENT.—The Secretary, under the  
10 direction of the President, and in collaboration with  
11 the Assistant to the President for Homeland Secu-  
12 rity and the Homeland Security Council, shall de-  
13 velop the National Strategy for Homeland Security  
14 for the detection, prevention, protection, response,  
15 and recovery with regard to terrorist threats to the  
16 United States.

17           (2) SUBMISSION TO CONGRESS.—

18           (A) INITIAL SUBMISSION.—Not later than  
19 December 1, 2005, and not later than Decem-  
20 ber 1st of each year in which a President is in-  
21 augurated, the Secretary shall submit the Strat-  
22 egy to Congress.

23           (B) BIENNIAL UPDATE.—Not later than 2  
24 years after each submission of the Strategy  
25 under subparagraph (A), the Secretary shall

1 submit to Congress an updated version of the  
2 Strategy.

3 (C) PROGRESS REPORTS.—Each year, in  
4 conjunction with the President’s budget re-  
5 quest, the Secretary shall provide an assess-  
6 ment of progress on implementing the Strategy,  
7 including the adequacy of resources to meet the  
8 objectives of the Strategy, and recommenda-  
9 tions to improve and implement the Strategy.

10 (3) CLASSIFIED MATERIAL.—Any part of the  
11 Strategy that involves information that is properly  
12 classified under criteria established by Executive  
13 Order shall be submitted to Congress separately in  
14 classified form.

15 (b) COORDINATION WITH THE ASSISTANT TO THE  
16 PRESIDENT FOR HOMELAND SECURITY.—The Secretary  
17 shall seek the assistance of the Assistant to the President  
18 for Homeland Security and the Homeland Security Coun-  
19 cil to—

20 (1) coordinate the input of Federal departments  
21 and agencies outside the Department of Homeland  
22 Security, which have homeland security responsibil-  
23 ities; and

24 (2) work with the Secretary on all aspects of  
25 the Strategy.

1 (c) CONTENTS.—

2 (1) IN GENERAL.—The Strategy shall include—

3 (A) a comprehensive statement of purpose,  
4 mission, and scope;

5 (B) threat, vulnerability, and risk assess-  
6 ment and analysis, including an analysis of the  
7 threats and vulnerabilities regarding critical in-  
8 frastructure, assets, and operations and a de-  
9 scription of the role of the Homeland Security  
10 Institute in conducting such risk assessments;

11 (C) a statement of desired end-states, in-  
12 cluding a hierarchy of strategic goals and sub-  
13 ordinate objectives, as well as specific activities  
14 for achieving results and specific priorities,  
15 milestones, and performance measures to mon-  
16 itor progress toward goals;

17 (D) an assessment of necessary resources  
18 and investments to achieve strategic goals, in-  
19 cluding the types of necessary resources in-  
20 volved and resource allocation mechanisms;

21 (E) a delineation of organizational roles  
22 and responsibilities across the many entities in-  
23 volved in homeland security efforts, including—

24 (i) the proper roles and responsibil-  
25 ities of State, local, private, and inter-

1 national sectors, and a designation of co-  
2 ordinating mechanisms; and

3 (ii) other specific measures to enhance  
4 cooperative efforts between the Federal  
5 government and the sectors described in  
6 clause (i); and

7 (F) an explanation of the relationship be-  
8 tween the Strategy and other Federal strategies  
9 addressing terrorist threats, including how  
10 these strategies will be integrated, and details  
11 on subordinate strategies within the Depart-  
12 ment of Homeland Security regarding specific  
13 aspects of homeland security.

14 (2) ADDITIONAL CONTENTS.—In addition to  
15 the items listed in paragraph (1), the Strategy shall  
16 include—

17 (A) policies and procedures to maximize  
18 the collection, translation, analysis, exploitation,  
19 and dissemination of information relating to  
20 combating terrorism and the homeland security  
21 response throughout the Federal government,  
22 and with State and local authorities, and, as  
23 appropriate, the private sector;

1 (B) plans for countering chemical, biological,  
2 cal, radiological, nuclear and explosive, and  
3 cyber threats;

4 (C) plans for the coordination with, and in-  
5 tegration of, the capabilities and assets of the  
6 United States military into all aspects of the  
7 Strategy, as appropriate;

8 (D) plans for improving the resources of,  
9 coordination among, and effectiveness of, health  
10 and medical sectors for preventing, detecting,  
11 and responding to terrorist attacks on the  
12 homeland;

13 (E) measures needed to enhance transpor-  
14 tation security with respect to potential ter-  
15 rorist attacks, including aviation and non-avia-  
16 tion modes of transportation;

17 (F) measures, based on the risk assess-  
18 ments under paragraph (1)(B), to identify and  
19 prioritize the need for protective and support  
20 measures for critical infrastructure and plans to  
21 secure these key assets;

22 (G) an assessment of the Nation's ability  
23 to prevent, respond to, and recover from threat-  
24 ened and actual domestic terrorist attacks, and

1 measures to enhance such preparedness across  
2 all levels of government and the private sector;

3 (H) measures to secure the Nation's bor-  
4 ders from terrorist threats, including  
5 agroterror, while continuing to facilitate the  
6 flow of legitimate goods and visitors;

7 (I) plans for identifying, prioritizing, and  
8 meeting research and development objectives to  
9 support homeland security needs; and

10 (J) plans for addressing other critical  
11 homeland security needs.

12 (d) COOPERATION.—At the request of the Secretary  
13 or the Assistant to the President for Homeland Security,  
14 Federal agencies shall provide necessary information or  
15 planning documents relating to the Strategy.

16 **SEC. 4. NATIONAL HOMELAND SECURITY COMMISSION.**

17 (a) ESTABLISHMENT.—The Secretary shall establish  
18 a nonpartisan, independent commission to be known as  
19 the Homeland Security Commission.

20 (b) MEMBERSHIP.—

21 (1) COMPOSITION.—The Commission shall be  
22 composed of 9 members, including a chair, who shall  
23 be appointed by the Secretary, in consultation with  
24 the chairman and ranking member of—

1 (A) the Committee on Governmental Af-  
2 fairs of the Senate; and

3 (B) the Select Committee on Homeland  
4 Security of the House of Representatives.

5 (2) QUALIFICATIONS.—Members of the Com-  
6 mission appointed under paragraph (1)—

7 (A) shall be recognized experts in matters  
8 relating to the homeland security of the United  
9 States; and

10 (B) shall not be officers or employees of  
11 the Federal Government.

12 (3) PERIOD OF APPOINTMENT.—Each member  
13 of the Commission shall be appointed to the Com-  
14 mission for an 18-month term, which shall begin on  
15 December 1, 2005.

16 (4) VACANCIES.—Any vacancy in the Commis-  
17 sion shall not affect its powers, but shall be filled in  
18 the same manner as the original appointment.

19 (5) QUORUM.—A majority of the members of  
20 the Commission shall constitute a quorum, but a  
21 lesser number of members may hold hearings. A  
22 quorum is required to approve any report issued by  
23 the Commission, but a minority of members may  
24 submit an appendix to be included in such report.

1           (c) DUTIES.—The Commission shall conduct an inde-  
2 pendent, alternative assessment of the optimal policies and  
3 programs to improve homeland security against terrorist  
4 threats, including, to the extent practicable, an estimate  
5 of the funding required each fiscal year to support such  
6 policies and programs.

7           (d) COMPENSATION.—Each member of the Commis-  
8 sion shall be compensated at a rate equal to the daily  
9 equivalent of the annual rate of basic pay prescribed for  
10 level IV of the Executive Schedule under section 5315 of  
11 title 5, United States Code, for each day, including travel  
12 time, during which the member is engaged in the perform-  
13 ance of the duties of the Commission.

14           (e) TRAVEL EXPENSES.—Each member of the Com-  
15 mission shall be allowed travel expenses, including per  
16 diem in lieu of subsistence, at rates authorized for employ-  
17 ees of agencies under subchapter I of chapter 57 of title  
18 5, United States Code, while away from their homes or  
19 regular places of business in the performance of services  
20 for the Commission.

21           (f) STAFF.—

22               (1) IN GENERAL.—The Chair of the Commis-  
23 sion may, without regard to the civil service laws  
24 and regulations, appoint and terminate an executive  
25 director (subject to Commission confirmation) and

1 such other additional personnel as may be necessary  
2 to enable the Commission to perform its duties.

3 (2) COMPENSATION.—The Chair of the Com-  
4 mission may fix the compensation of the executive  
5 director and other personnel without regard to chap-  
6 ter 51 and subchapter III of chapter 53 of title 5,  
7 United States Code, relating to the classification of  
8 positions and General Schedule pay rates, except  
9 that the rate of pay may not exceed the rate payable  
10 for level V of the Executive Schedule under section  
11 5316 of such title.

12 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

13 (A) IN GENERAL.—The executive director  
14 and all employees of the Commission shall be  
15 employees under section 2015 of title 5, United  
16 States Code, for purposes of chapters 63, 81,  
17 83, 84, 85, 87, 89, and 90 of such title.

18 (B) MEMBERS OF COMMISSION.—Subpara-  
19 graph (A) shall not apply to members of the  
20 Commission.

21 (4) DETAIL OF GOVERNMENT EMPLOYEES.—  
22 Any Federal Government employee may be detailed  
23 to the Commission without reimbursement, and such  
24 detail shall be without interruption or loss of civil  
25 service status or privilege.

1 (g) ADMINISTRATIVE PROVISIONS.—

2 (1) USE OF MAIL AND PRINTING.—The Com-  
3 mission may use the United States mails and obtain  
4 printing and binding services in the same manner  
5 and under the same conditions as other departments  
6 and agencies of the Federal Government.

7 (2) SUPPORT SERVICES.—The Secretary shall  
8 furnish the Commission any administrative and sup-  
9 port services requested by the Commission.

10 (3) GIFTS.—The Commission may accept and  
11 dispose of gifts or donations of services or property.

12 (h) PAYMENT OF COMMISSION EXPENSES.—The  
13 compensation, travel expenses, and per diem allowances  
14 of members and employees of the Commission shall be  
15 paid out of funds available to the Department for the pay-  
16 ment of compensation, travel allowances and per diem al-  
17 lowances, respectively, of civilian employees of the Depart-  
18 ment. The other expenses of the Commission shall be paid  
19 out of funds available to the Department for the payment  
20 of similar expenses incurred by the Department.

21 (i) REPORT.—Not later than December 1, 2006, the  
22 Commission shall submit, to the committees referred to  
23 under subsection (b)(1), a report that—

24 (1) describes the activities, findings, and rec-  
25 ommendations of the Commission; and

1           (2) provides recommendations for legislation  
2           that the Commission considers appropriate.

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