

(B) examine the extent to which the implementation of such business continuity plans has been done in a geographically dispersed manner, including an analysis of the extent to which such firms have located their main and backup facilities in separate electrical networks, in different watersheds, in independent transportation systems, and using separate telecommunications centers, and the cost and technological implications of further dispersal;

(C) examine the need to cover a larger range of private sector financial services firms that play significant roles in critical financial markets than those covered by the Interagency Paper; and

(D) recommend legislative and regulatory changes that will—

(i) expedite the effective implementation of the Interagency Paper by all covered financial services entities; and

(ii) optimize the effective implementation of business continuity planning by the financial services industry.

(3) **CONFIDENTIALITY.**—Any information provided to the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, or the Securities and Exchange Commission for the purposes of the preparation and submission of the report required by paragraph (1) shall be treated as privileged and confidential. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of that section 552.

(4) **DEFINITION.**—As used in this subsection, the terms “Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System” and “Interagency Paper” mean the interagency paper prepared by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Securities and Exchange Commission that was announced in the Federal Register on April 8, 2003.

**SEC. 7804. PRIVATE SECTOR PREPAREDNESS.**

*It is the sense of Congress that the insurance industry and credit-rating agencies, where relevant, should carefully consider a company’s compliance with standards for private sector disaster and emergency preparedness in assessing insurability and creditworthiness, to ensure that private sector investment in disaster and emergency preparedness is appropriately encouraged.*

## **TITLE VIII—OTHER MATTERS**

### **Subtitle A—Intelligence Matters**

**SEC. 8101. INTELLIGENCE COMMUNITY USE OF NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.**

(a) **IN GENERAL.**—The Director of National Intelligence shall establish a formal relationship, including information sharing, between the elements of the intelligence community and the National Infrastructure Simulation and Analysis Center.

(b) *PURPOSE.*—*The purpose of the relationship under subsection (a) shall be to permit the intelligence community to take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center, particularly vulnerability and consequence analysis, for real time response to reported threats and long term planning for projected threats.*

## **Subtitle B—Department of Homeland Security Matters**

### **SEC. 8201. HOMELAND SECURITY GEOSPATIAL INFORMATION.**

(a) *FINDINGS.*—*Congress makes the following findings:*

(1) *Geospatial technologies and geospatial data improve government capabilities to detect, plan for, prepare for, and respond to disasters in order to save lives and protect property.*

(2) *Geospatial data improves the ability of information technology applications and systems to enhance public security in a cost-effective manner.*

(3) *Geospatial information preparedness in the United States, and specifically in the Department of Homeland Security, is insufficient because of—*

(A) *inadequate geospatial data compatibility;*

(B) *insufficient geospatial data sharing; and*

(C) *technology interoperability barriers.*

(b) *HOMELAND SECURITY GEOSPATIAL INFORMATION.*—*Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended—*

(1) *by inserting “(a) IN GENERAL.—” before “The Chief Information”; and*

(2) *by adding at the end the following:*

“(b) *GEOSPATIAL INFORMATION FUNCTIONS.*—

“(1) *DEFINITIONS.*—*As used in this subsection:*

“(A) *GEOSPATIAL INFORMATION.*—*The term ‘geospatial information’ means graphical or digital data depicting natural or manmade physical features, phenomena, or boundaries of the earth and any information related thereto, including surveys, maps, charts, remote sensing data, and images.*

“(B) *GEOSPATIAL TECHNOLOGY.*—*The term ‘geospatial technology’ means any technology utilized by analysts, specialists, surveyors, photogrammetrists, hydrographers, geodesists, cartographers, architects, or engineers for the collection, storage, retrieval, or dissemination of geospatial information, including—*

“(i) *global satellite surveillance systems;*

“(ii) *global position systems;*

“(iii) *geographic information systems;*

“(iv) *mapping equipment;*

“(v) *geocoding technology; and*

“(vi) *remote sensing devices.*

“(2) *OFFICE OF GEOSPATIAL MANAGEMENT.*—

“(A) *ESTABLISHMENT.*—*The Office of Geospatial Management is established within the Office of the Chief Information Officer.*

“(B) GEOSPATIAL INFORMATION OFFICER.—

“(i) APPOINTMENT.—The Office of Geospatial Management shall be administered by the Geospatial Information Officer, who shall be appointed by the Secretary and serve under the direction of the Chief Information Officer.

“(ii) FUNCTIONS.—The Geospatial Information Officer shall assist the Chief Information Officer in carrying out all functions under this section and in coordinating the geospatial information needs of the Department.

“(C) COORDINATION OF GEOSPATIAL INFORMATION.—The Chief Information Officer shall establish and carry out a program to provide for the efficient use of geospatial information, which shall include—

“(i) providing such geospatial information as may be necessary to implement the critical infrastructure protection programs;

“(ii) providing leadership and coordination in meeting the geospatial information requirements of those responsible for planning, prevention, mitigation, assessment and response to emergencies, critical infrastructure protection, and other functions of the Department; and

“(iii) coordinating with users of geospatial information within the Department to assure interoperability and prevent unnecessary duplication.

“(D) RESPONSIBILITIES.—In carrying out this subsection, the responsibilities of the Chief Information Officer shall include—

“(i) coordinating the geospatial information needs and activities of the Department;

“(ii) implementing standards, as adopted by the Director of the Office of Management and Budget under the processes established under section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note), to facilitate the interoperability of geospatial information pertaining to homeland security among all users of such information within—

“(I) the Department;

“(II) State and local government; and

“(III) the private sector;

“(iii) coordinating with the Federal Geographic Data Committee and carrying out the responsibilities of the Department pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906; and

“(iv) making recommendations to the Secretary and the Executive Director of the Office for State and Local Government Coordination and Preparedness on awarding grants to—

“(I) fund the creation of geospatial data; and

“(II) execute information sharing agreements regarding geospatial data with State, local, and tribal governments.

“(3) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be appropriated such sums as may be necessary to carry out this subsection for each fiscal year.*”.

## **Subtitle C—Homeland Security Civil Rights and Civil Liberties Protection**

### **SEC. 8301. SHORT TITLE.**

*This subtitle may be cited as the “Homeland Security Civil Rights and Civil Liberties Protection Act of 2004”.*

### **SEC. 8302. MISSION OF DEPARTMENT OF HOMELAND SECURITY.**

*Section 101(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)(1)) is amended—*

*(1) in subparagraph (F), by striking “and” after the semicolon;*

*(2) by redesignating subparagraph (G) as subparagraph (H); and*

*(3) by inserting after subparagraph (F) the following:*

*“(G) ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland; and”.*

### **SEC. 8303. OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES.**

*Section 705(a) of the Homeland Security Act of 2002 (6 U.S.C. 345(a)) is amended—*

*(1) by amending the matter preceding paragraph (1) to read as follows:*

*“(a) **IN GENERAL.**—*The Officer for Civil Rights and Civil Liberties, who shall report directly to the Secretary, shall—*”;*

*(2) by amending paragraph (1) to read as follows:*

*“(1) review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department;”;*

*(3) in paragraph (2), by striking the period at the end and inserting a semicolon; and*

*(4) by adding at the end the following:*

*“(3) assist the Secretary, directorates, and offices of the Department to develop, implement, and periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities;*

*“(4) oversee compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights and civil liberties of individuals affected by the programs and activities of the Department;*

*“(5) coordinate with the Privacy Officer to ensure that—*

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

*“(B) Congress receives appropriate reports regarding such programs, policies, and procedures; and*

*“(6) investigate complaints and information indicating possible abuses of civil rights or civil liberties, unless the Inspector*

*General of the Department determines that any such complaint or information should be investigated by the Inspector General.”.*

**SEC. 8304. PROTECTION OF CIVIL RIGHTS AND CIVIL LIBERTIES BY OFFICE OF INSPECTOR GENERAL.**

*Section 8I of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:*

*“(f)(1) The Inspector General of the Department of Homeland Security shall designate a senior official within the Office of Inspector General, who shall be a career member of the civil service at the equivalent to the GS-15 level or a career member of the Senior Executive Service, to perform the functions described in paragraph (2).*

*“(2) The senior official designated under paragraph (1) shall—*

*“(A) coordinate the activities of the Office of Inspector General with respect to investigations of abuses of civil rights or civil liberties;*

*“(B) receive and review complaints and information from any source alleging abuses of civil rights and civil liberties by employees or officials of the Department and employees or officials of independent contractors or grantees of the Department;*

*“(C) initiate investigations of alleged abuses of civil rights or civil liberties by employees or officials of the Department and employees or officials of independent contractors or grantees of the Department;*

*“(D) ensure that personnel within the Office of Inspector General receive sufficient training to conduct effective civil rights and civil liberties investigations;*

*“(E) consult with the Officer for Civil Rights and Civil Liberties regarding—*

*“(i) alleged abuses of civil rights or civil liberties; and*

*“(ii) any policy recommendations regarding civil rights and civil liberties that may be founded upon an investigation by the Office of Inspector General;*

*“(F) provide the Officer for Civil Rights and Civil Liberties with information regarding the outcome of investigations of alleged abuses of civil rights and civil liberties;*

*“(G) refer civil rights and civil liberties matters that the Inspector General decides not to investigate to the Officer for Civil Rights and Civil Liberties;*

*“(H) ensure that the Office of the Inspector General publicizes and provides convenient public access to information regarding—*

*“(i) the procedure to file complaints or comments concerning civil rights and civil liberties matters; and*

*“(ii) the status of corrective actions taken by the Department in response to Office of the Inspector General reports; and*

*“(I) inform the Officer for Civil Rights and Civil Liberties of any weaknesses, problems, and deficiencies within the Department relating to civil rights or civil liberties.”.*

**SEC. 8305. PRIVACY OFFICER.**

*Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—*

(1) in the matter preceding paragraph (1), by inserting “, who shall report directly to the Secretary,” after “in the Department”;

(2) in paragraph (4), by striking “and” at the end;

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

(4) by inserting after paragraph (4) the following:

“(5) coordinating with the Officer for Civil Rights and Civil Liberties to ensure that—

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

“(B) Congress receives appropriate reports on such programs, policies, and procedures; and”.

**SEC. 8306. PROTECTIONS FOR HUMAN RESEARCH SUBJECTS OF THE DEPARTMENT OF HOMELAND SECURITY.**

The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by the Department.

## **Subtitle D—Other Matters**

**SEC. 8401. AMENDMENTS TO CLINGER-COHEN ACT PROVISIONS TO ENHANCE AGENCY PLANNING FOR INFORMATION SECURITY NEEDS.**

Chapter 113 of title 40, United States Code, is amended—

(1) in section 11302(b), by inserting “security,” after “use,”;

(2) in section 11302(c), by inserting “, including information security risks,” after “risks” both places it appears;

(3) in section 11312(b)(1), by striking “information technology investments” and inserting “investments in information technology (including information security needs)”;

(4) in section 11315(b)(2), by inserting “, secure,” after “sound”.

**SEC. 8402. ENTERPRISE ARCHITECTURE.**

(a) **ENTERPRISE ARCHITECTURE DEFINED.**—In this section, the term “enterprise architecture” means a detailed outline or blueprint of the information technology of the Federal Bureau of Investigation that will satisfy the ongoing mission and goals of the Federal Bureau of Investigation and that sets forth specific and identifiable benchmarks.

(b) **ENTERPRISE ARCHITECTURE.**—The Federal Bureau of Investigation shall—

(1) continually maintain and update an enterprise architecture; and

(2) maintain a state of the art and up to date information technology infrastructure that is in compliance with the enterprise architecture of the Federal Bureau of Investigation.

(c) **REPORT.**—Subject to subsection (d), the Director of the Federal Bureau of Investigation shall, on an annual basis, submit to the Committees on the Judiciary of the Senate and House of Representatives a report on whether the major information technology

investments of the Federal Bureau of Investigation are in compliance with the enterprise architecture of the Federal Bureau of Investigation and identify any inability or expectation of inability to meet the terms set forth in the enterprise architecture.

(d) **FAILURE TO MEET TERMS.**—If the Director of the Federal Bureau of Investigation identifies any inability or expectation of inability to meet the terms set forth in the enterprise architecture in a report under subsection (c), the report under subsection (c) shall—

- (1) be twice a year until the inability is corrected;
- (2) include a statement as to whether the inability or expectation of inability to meet the terms set forth in the enterprise architecture is substantially related to resources; and
- (3) if the inability or expectation of inability is substantially related to resources, include a request for additional funding that would resolve the problem or a request to reprogram funds that would resolve the problem.

(e) **ENTERPRISE ARCHITECTURE, AGENCY PLANS AND REPORTS.**—This section shall be carried out in compliance with the requirements set forth in section 1016 (e) and (h).

**SEC. 8403. FINANCIAL DISCLOSURE AND RECORDS.**

(a) **STUDY.**—Not later than 90 days after the date of enactment of this Act, the Office of Government Ethics shall submit to Congress a report—

- (1) evaluating the financial disclosure process for employees of the executive branch of Government; and
- (2) making recommendations for improving that process.

(b) **TRANSMITTAL OF RECORD RELATING TO PRESIDENTIALLY APPOINTED POSITIONS TO PRESIDENTIAL CANDIDATES.**—

(1) **DEFINITION.**—In this section, the term “major party” has the meaning given that term under section 9002(6) of the Internal Revenue Code of 1986.

(2) **TRANSMITTAL.**—

(A) **IN GENERAL.**—Not later than 15 days after the date on which a major party nominates a candidate for President, the Office of Personnel Management shall transmit an electronic record to that candidate on Presidentially appointed positions.

(B) **OTHER CANDIDATES.**—After making transmittals under subparagraph (A), the Office of Personnel Management may transmit an electronic record on Presidentially appointed positions to any other candidate for President.

(3) **CONTENT.**—The record transmitted under this subsection shall provide—

(A) all positions which are appointed by the President, including the title and description of the duties of each position;

(B) the name of each person holding a position described under subparagraph (A);

(C) any vacancy in the positions described under subparagraph (A), and the period of time any such position has been vacant;

(D) the date on which an appointment made after the applicable Presidential election for any position described under subparagraph (A) is necessary to ensure effective operation of the Government; and

(E) any other information that the Office of Personnel Management determines is useful in making appointments.

(c) **REDUCTION OF POSITIONS REQUIRING APPOINTMENT WITH SENATE CONFIRMATION.**—

(1) **DEFINITION.**—In this subsection, the term “agency” means an Executive agency as defined under section 105 of title 5, United States Code.

(2) **REDUCTION PLAN.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the head of each agency shall submit a Presidential appointment reduction plan to—

- (i) the President;
- (ii) the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (iii) the Committee on Government Reform of the House of Representatives.

(B) **CONTENT.**—The plan under this paragraph shall provide for the reduction of—

- (i) the number of positions within that agency that require an appointment by the President, by and with the advice and consent of the Senate; and
- (ii) the number of levels of such positions within that agency.

(d) **OFFICE OF GOVERNMENT ETHICS REVIEW OF CONFLICT OF INTEREST LAW.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Government Ethics, in consultation with the Attorney General of the United States, shall conduct a comprehensive review of conflict of interest laws relating to executive branch employment and submit a report to—

- (A) the President;
- (B) the Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate;
- (C) the Committees on Government Reform and the Judiciary of the House of Representatives.

(2) **CONTENTS.**—The report under this subsection shall examine sections 203, 205, 207, and 208 of title 18, United States Code.

**SEC. 8404. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.**

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking “more than” and all that follows and inserting “after November 19, 2005.”.

And the House agree to the same.

PETER HOEKSTRA,  
DAVID DREIER,  
HENRY HYDE,  
DUNCAN HUNTER,  
JANE HARMAN,  
ROBERT MENENDEZ,  
IKE SKELTON,  
Managers on the Part of the House.



SUSAN M. COLLINS,  
JOE LIEBERMAN,  
TRENT LOTT,  
RICHARD J. DURBIN,  
MIKE DEWINE,  
PAT ROBERTS,  
JOHN D. ROCKEFELLER, IV,  
GEORGE V. VOINOVICH,  
JOHN E. SUNUNU,  
BOB GRAHAM,  
FRANK R. LAUTENBERG,  
NORM COLEMAN,

*Managers on the Part of the Senate.*