

**THE SECURITY AND CONTINUITY ENTERPRISE FOR
NATIONAL SECURITY AND PROSPERITY ACT OF 2012 –
APRIL 15, 2012**

Public Law 107, 112th Congress

AN ACT

To promote national security and prosperity by providing for a Security and Continuity Enterprise; realigning the Department of Homeland Security; realigning and standardizing operating policies across agencies of the Federal Intelligence Community; supplementing the Federal Emergency Management Agency; realigning the roles and responsibilities of the Army National Guard; consolidating and minimizing congressional oversight of the Department of Homeland Security; and provide for combined Domestic and Foreign Affairs policies under the Department of State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

That this Act may be cited as the "Security and Prosperity Act of 2012".

TABLE OF CONTENTS

Sec.2. Declaration of policy

TITLE I – COORDINATION FOR SECURITY AND CONTINUITY

Sec. 101. Security and Continuity Enterprise.

Sec. 102. Realignment of the Department of Homeland Security.

Sec. 103. Realignment of the Office of the Director of National Intelligence.

Sec. 104. Realignment of the National Guard of the United States.

TITLE II – NATIONAL PROSPERITY AND ECONOMIC AFFAIRS

Sec. 201. Mission of the Department of State.

Sec. 202. Federal Emergency Management Agency.

TITLE III–MISCELLANEOUS

Sec. 301. Congressional Oversight Committees.

Sec. 302. Authorization for appropriations.

Sec. 303. Seperability.

DECLARATION OF POLICY

Sec. 2. In enacting this legislation, it is the intent of Congress to provide comprehensive consolidation and restructuring of the Department of Homeland Security to include robust state, local, tribal and territorial agency representation, the Department of State to combine domestic and foreign affairs policy to promote national economic prosperity, and the Reserve and National Guard components of the Department of Defense (hereinafter referred to in this document as DoD) to realign operational and logistical capabilities for domestic response under the direction of the Governors of states, to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Intelligence Community relating to the national security by moving all intelligence functions under the Office of the Director of National Intelligence, to provide for a Security and Continuity Enterprise of public/private partnerships to enhance the critical infrastructure protection capabilities of the Department of Homeland Security, to realign and reduce the Congressional committees and sub-committees with oversight over the Department of Homeland Security, and to realign the Federal Emergency Management Agency (hereinafter referred to in this document as FEMA) to include private sector partnerships to enhance preparation and response capabilities to natural and man-made catastrophic incidents.

TITLE I – COORDINATION FOR SECURITY AND CONTINUITY

Establishment of the Security and Continuity Enterprise

Sec. 101.

(a) There is hereby established an enterprise known as the Security and Continuity Enterprise (hereinafter in this section referred to as the "enterprise"), which will replace the current Homeland and National Security Councils. The enterprise shall be comprised of the combined statutory advisors and attendees (hereinafter in this sections referred to as "attendees") of both councils. The enterprise shall include additional statutory attendees from state, local, tribal and territorial first responder agencies, each representing one of the ten regions identified by the FEMA Office of Regional Operations.

(b) Not later than 60 days after the date of implementation of this act, the Deputy National Security Advisor for

Homeland Security and Counterterrorism, and Assistant to the President, in coordination with the Assistant to the President for National Security Affairs (APNSA), shall submit to the President for approval a strategy for the development of proposed local, state and tribal attendees of the Enterprise. The Strategy shall set forth a framework that will provide these professionals necessary integrated access to security related personnel and information, congressional committee protocols, and other educational and professional opportunities for the purpose of enhancing their mission-related knowledge, skills, and experience, and thereby improve their capability to provide significant and relevant contributions to maintaining the security and continuity of the Nation.

(c) No later than 90 days of the implementation of this act, the state, local and tribal attendees shall be identified and nominated to the Secretary of the Department of Homeland Security by the executive boards of the Major County Sheriffs' Association (MCSA), the National Sheriffs' Association (NSA) and the International Association of Chiefs of Police (IACP). The Secretary shall forward the names and qualifications of nominees to the President of the United States, who shall appoint the attendees. The President of the United States shall preside over meetings of the enterprise: PROVIDED, that in his absence he may designate a member of the enterprise to preside in his place.

The function of the enterprise shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the internal and external security and continuity of the homeland. The enterprise shall also integrate so as to enable state, local and tribal first responder prevention and response capabilities and services and the other departments and agencies of the Government to cooperate more effectively in matters involving the security, continuity and resilience of the United States.

(d) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the security, continuity and resilience, it shall, subject to the direction of the President, be the duty of the enterprise to enable the development of public/private partnerships to further enhance the capabilities of the agencies of the

Government in matters pertaining to internal and external infrastructure security, continuity and resilience.

(e) The budgets and staff of the separate National and Homeland Security Councils shall be combined and transferred to the Enterprise, and there shall be resolution and minimization where overlaps of positions and personnel exist.

(f) The National Security Council (established by the National Security Act of 1947) and the Homeland Security Council (established by Executive order 13288 and codified by the Homeland Security Act of 2002) as individual entities shall cease to exist.

Realignment of the Department of Homeland Security

Sec. 102. The Department of Homeland Security shall reorganize to consolidate the following agencies and components -

(1) The functions, personnel, and budgets of the Immigration and Customs Enforcement, Customs and Border Protection, U.S. Citizenship & Immigration Services agencies, U.S. - VISIT and the Citizenship and Immigration Services Ombudsman shall be combined under one Deputy Undersecretary and shall work to streamline effective legal immigration practices, prevent entry into the U.S. in violation of immigration laws, and conduct investigation and enforcement of any and all violations to support the security of the U.S.

(2) The function, personnel and budgets of the Office of Intelligence and Analysis shall be incorporated into the Office of the Director of National Intelligence as further codified in Sec. 103.

Realignment of the Office of the Director of National Intelligence.

Sec. 103.

(a) The intelligence collection and analysis functions of the Central Intelligence Agency, the Federal Bureau of Investigation and the Department of Homeland Security shall be realigned under the coordination of the Office of the Director of National Intelligence. The Director of National Intelligence shall coordinate the collection and analysis of all foreign and domestic intelligence gathered that directly affects the security and continuity of the United States.

(b) The Interagency Threat Assessment and Coordination Group (established by the Implementing Recommendations of the 9/11 Commission Act of 2007), comprised of state, local and tribal first responders, currently sponsored by fellowship under the Department of Homeland Security division of Intelligence & Analysis, shall be permanently housed at the National Counterterrorism Center and supported by the Office of the Director of National Intelligence.

(c) The Interagency Threat Assessment and Coordination group shall have as its director an executive level member from a state, local or tribal first responder agency, and provide primary coordination of intelligence products written for state, local tribal and private sector partners, and directly participate in all intelligence and analysis functions of the Office of the Director of National Intelligence and the National Counterterrorism Center.

(d) The personnel, property, and records of the Central Intelligence Agency, the Federal Bureau of Investigation Intelligence and Analysis Groups, the Department of Homeland Security Intelligence & Analysis Division and the Interagency Threat Assessment and Coordination Group are transferred to the Office of the Director of National Intelligence and the National Counterterrorism Center. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for each agency or group shall be available and shall be authorized to be made available in like manner for expenditure by the Office of the Director of National Intelligence or the National Counterterrorism Center as appropriate.

(d) The Federal Bureau of Investigation will continue to provide primary law enforcement response and investigative functions on matters related to terrorism activity directed at or within the United States, and shall coordinate their actions with state, local and tribal law enforcement agencies at all times.

Realignment of the Army National Guard

Sec. 104.

(a) The combat and support functions formerly allocated to the Army Reserve shall be transferred to Army National Guard for each state. The Army National Guard shall maintain readiness to provide supplemental defensive operational and logistical support to states during

catastrophic natural or man-made disasters, incidents of civil unrest, and threats of chemical, biological and nuclear terrorist threat to the United States.

(b) There shall be Organized Militias in each state. These Militias are to be subsidized by each state and the DoD, and shall be organized and trained by the Army National Guard units of each state to provide supplemental logistical support during natural or man-made catastrophic disasters. The Organized Militias shall assist in providing preparedness and readiness training to communities in support of efforts to maintain continuity and resilience, and mitigate the effects of a catastrophic natural or man-made incident.

(b) The combat arms units formerly allocated to the Army National Guard shall be transferred to the Army Reserve.

TITLE II – NATIONAL PROSPERITY AND ECONOMIC AFFAIRS

Mission of the Department of State

Sec. 201. The mission of the Department of State shall be realigned to frame foreign affairs policy to with domestic economic concerns. The Secretary of the Department of State shall create within the Department a means to foster economic prosperity through positive and effective international relationships. The Secretary shall collaborate with the Secretary of the Department of Homeland Security to develop a policy to bolster economic resolve of those countries whose depressed economic status creates an environment conducive to the prosperity of violent extremists who would target the United States. The Secretaries shall develop a plan to incorporate foreign affairs into the mission of economic prosperity, continuity and resilience of the United States.

Federal Emergency Management Agency

Sec. 202. There shall be created within the FEMA regions logistical support teams comprised of executive members of identified private sector partners who shall, during catastrophic natural or man-made disasters, maintain logistical oversight and control of private sector assets such as food, water, shelter and transportation previously compiled for such incidents. These support teams shall fall under FEMA, but shall be directed by identified teams of private sector logistics experts established in each of the ten identified FEMA regions. These teams shall, when

local resources become overwhelmed, work closely with the Army National Guard to combine assets and supplement each others' resources and capabilities to enhance continuity and resilience within the U.S.

TITLE III—MISCELLANEOUS

Congressional Oversight

Sec. 301.

(a) There is hereby authorized one Committee on Homeland Security designated in the Senate and the House of Representatives that shall inform the Secretary of Homeland Security or her representatives in quarterly periodic reports and hearings.

(b) The current authorizing and appropriating committees for homeland security affairs shall be combined to hear and collaborate on issues of authorizations and appropriations of expenditures for the Department of Homeland Security as necessary.

Authorization for appropriations

Sec. 302. There are hereby authorized to be appropriate such sums as may be necessary and appropriate to carry out the provisions and purpose of this Act.

Separability

Sec. 303. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.