



Legislative Bulletin.....May 9, 2007

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H.R. 1684—Amendments to the Department of Homeland Security Authorization Act for Fiscal Year 2008

H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008 (sponsored by Rep. Bennie Thompson, D-MS), is scheduled to be considered on the House floor today, May 9, 2007, subject to a structured rule (H.Res. 382), making in order the following 21 amendments, each debatable for 10 minutes. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole. The rule allows one motion to recommit with or without instructions.

The rule waives all points of order except those regarding PAYGO and earmarks, deems the previous question as ordered, and allows the Chair to postpone consideration of the legislation at any time during its consideration.

Note: The summaries are based on RSC staff's review of *actual amendment text* and may therefore differ substantially from the summaries on the Rules Committee website. For a summary of the underlying bill, see a separate RSC document released yesterday.

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1. **Thompson, Bennie (D-MS):** Manager's Amendment. **Strikes** a variety of (mostly Republican-authored) provisions from the underlying bill, as follows:

- The sense of Congress calling for implementation of the 9/11 Commission recommendation to establish a single point of oversight of homeland security in the House of Representatives and the Senate. (Sec. 305)
- The authorization for the Chief Procurement Officer to give priority consideration to small businesses for all open market procurements exceeding the simplified acquisition threshold prior to initiating unrestricted competition. (Sec. 406(c))
- The prohibition of funds authorized by this bill being used to procure ID cards made outside the United States. (Sec. 407(a))
- The prohibition on grants to universities not providing equal access to Coast Guard recruiters. (Sec. 409)
- The post-employment lobbying restrictions – codifying the existing ban on senior DHS employees from one component of the Department lobbying other components of the Department within one year of separation. (Sec. 507)
- The creation of a National Bio and Agro-Defense Facility. (Sec. 606)

- The pilot program for mobile biometric identification of apprehended illegal aliens at sea. (Sec. 906)
- The eligible uses of interoperability grants – clarifying that emergency communications grants may be used to support not just equipment purchases, but also governance, the development of standard operating procedures, training and exercises, and usage. (Sec. 1101)
- The prohibition on using the DHS name and insignia for commercial or Internet purposes. (Sec. 1109)
- The required report on the approach used by the Secret Service in information sharing with federal, state, and local law enforcement partners to improve similar communications in other DHS agencies. (Sec. 1110)
- The required report to Congress on the capabilities of the Secret Service training facility. (Sec. 1111)
- The requirement that owners and operators of critical infrastructure conduct checks of their employees against immigration status databases. (Sec. 1104) The required checks against available terrorist watch lists would remain.
- The specific authorization for the Secret Service. (Sec. 1120)
- All the maritime alien smuggling provisions. (Title XII)

NOTE: Homeland Security Committee Ranking Member Peter King (R-NY) opposes the Manager’s Amendment.

The amendment would also:

- accelerate the expiration of the procurement, border security, and information analysis annuitant authority (from five years to two years);
- require a comprehensive GAO report by this August on federal law enforcement retirement systems;
- allow the Under Secretary for Science and Technology to make available to any person or entity, for an appropriate fee, the services of any DHS-owned and operated center or other testing facility for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission, as long as no interference with federal activities occurs;
- change the student and exchange program requirements (such as allowing educational institutions enhanced access to the Student and Exchange Visitor Information System) to a GAO study;
- exclude grants made for natural disaster relief from the requirement that homeland security grant recipients submit quarterly expenditure reports as a condition of receiving such grants;
- require a GAO report on the nation’s critical infrastructure to determine the extent to which architecture, engineering, surveying, and mapping activities related to such infrastructure are being sent to offshore locations;
- merge the following traveler database programs: the FAST program authorized under subpart B of title IV of the Tariff Act of 1930 (19 U.S.C. 1411 et seq.) and the NEXUS program authorized under section 286(q) of the Immigration and Nationality Act (U.S.C. 1356(q)); and
- make a variety of clarifying and technical changes.

2. **Davis, Tom (R-VA):** Strikes Section 407 of the bill, which requires that identification cards, uniforms, protective gear, and badges of DHS personnel be manufactured in the United States.

3. **Langevin (D-RI):** Directs FEMA, DHS's Disability Coordinator, and DHS's Office for Civil Rights and Civil Liberties to enter a cooperative agreement with the National Organization on Disability (NOD) to carry out NOD's Emergency Preparedness Initiative.

4. **Andrews (D-NJ):** Prohibits any employee from being terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from, or late to, the employee's employment (for up to 14 days per calendar year) for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of an official response to an emergency or major disaster. However, an employee's pay could be reduced, employees would have to give "reasonable" notice to employers, and an employer could request written verification from FEMA on the employee's emergency response service. Any individual discriminated against in violation of the provision could seek redress in the appropriate U.S. district court within a year of an alleged violation.

5. **Brown, Corinne (D-FL):** Directs the Secretary of Homeland Security, in awarding grants under the Urban Area Security Initiative, to consider the number of tourists that have visited an urban area in the two years preceding the year the Secretary awards the grant.

6. **Castle (R-DE):** Directs the Secretary of Homeland Security to study foreign rail security practices that are not currently used in the U.S. and to report to Congress on recommendations for implementing such practices within one year of this bill's enactment.

7. **Hastings (D-FL):** Establishes a FEMA long-term recovery office in Florida to assist in the recovery from past and future natural disasters. Three years following enactment of this bill, FEMA would be required to report to the House Committee on Transportation and Infrastructure on the effectiveness of the recovery office, based on pre-set performance measure.

8. **Flake (R-AZ):** Strikes Section 1102 of the underlying bill (as redesignated by the Manager's Amendment above), regarding the study, as led by the Center for Risk and Economic Analysis of Terrorism Events at the University of Southern California, evaluating the feasibility of providing incentives for private-sector entities to share information with DHS about their critical infrastructure.

9. **Stupak (D-MI):** Directs the Secretary of Homeland Security to report to Congress within one year of this bill's enactment on the resources currently devoted to Integrated Border Enforcement Teams (IBETs) and on recommendations on how to improve the effectiveness of the IBET program.

10. **Hastings (R-WA)/Reichert (R-WA)/Dicks (D-WA):** Requires DHS's strategic plan to include a plan for fulfilling existing National Laboratory infrastructure commitments to maintain current capabilities and mission needs.

11. **Kucinich (D-OH):** Authorizes FEMA to conduct a comprehensive study of the increase in demand for FEMA's emergency response and disaster relief services "reasonably expected" as a

result of weather-related disasters associated with global warming during the next 5, 10, and 20 years, including an analysis of the budgetary, material, and manpower implications of meeting such increased demand. FEMA would have to be advised by a wide-reaching advisory committee and consider “the latest scientific data on global warming,” including the fourth assessment report of the Intergovernmental Panel on Climate Change.

12. **Rothman (D-NJ):** Clarifies the intent of Congress that DHS may not pre-empt any state’s “more stringent” (not defined) chemical security regulation, standard, or requirement.

13. **Rothman (D-NJ):** Requires the Secretary of DHS to report to Congress on how to coordinate and protect the infrastructure in the area between Port Elizabeth and Newark International Airport in New Jersey.

14. **Sherman (D-CA):** Requires that the Risk Analysis Process and the Chemical, Biological, Radiological and Nuclear (CBRN) Risk Assessment (Section 605 in the underlying bill) include analyses of government efforts to inform the public of the appropriate ways to prepare for, and respond to, a CBRN incident, including civil defense efforts.

15. **Terry (R-NE):** Directs DHS to consult with states prior to sharing information with anyone (including Congress) on forthcoming grant awards.

16. **Mica (R-FL):** Adds the Secretary of Transportation as an involved party in the study in the underlying bill (Section 1103) on incentives for private-sector stakeholders to share information on critical infrastructure with DHS (and with the Department of Transportation, as added by this amendment).

17. **Cardoza (D-CA):** Expresses a sense of Congress that efforts to achieve local, regional, and national interoperable emergency communications in the near term should be supported and are critical in assisting communities with their local and regional efforts to properly coordinate and execute their interoperability plans.

18. **Van Hollen (D-MD):** Requires DHS to use such sums as necessary to take all necessary actions to protect the security of personal information submitted electronically to the DHS website for the Travelers Redress Inquiry Program and other DHS websites related to the program.

19. **Castor (D-FL):** Directs the Secretary of Homeland Security to work with the State of Florida and other states, as appropriate, to resolve the differences between the Transportation Worker Identification Credential and existing access control credentials.

20. **Lampson (D-TX):** Allows any DHS Inspector General to authorize his or her staff to provide assistance on, and conduct reviews of, “cold cases” involving children or offenders outside the U.S., in conjunction with, and only when requested by, the National Center for Missing & Exploited Children, and to develop recommendations for further investigations. Such assistance on cold cases could not interfere with the regular business of the involved Inspector General.

21. **Royce (R-CA):** Requires the Secretary of Homeland Security to implement, at primary inspection points at U.S. ports of entry, the Stolen and Lost Travel Document database managed by Interpol “as expeditiously as possible.”

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