

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1684)
TO AUTHORIZE APPROPRIATIONS FOR THE DEPARTMENT
OF HOMELAND SECURITY FOR FISCAL YEAR
2008, AND FOR OTHER PURPOSES

MAY 8, 2007.—Referred to the House Calendar and ordered to be printed

Ms. MATSUI, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 382]

The Committee on Rules, having had under consideration House Resolution 382, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1684 to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes. The resolution provides for one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Homeland Security.

The resolution waives all points of order against consideration of the bill except for those arising under clauses 9 or 10 of rule XXI. The resolution considers as an original bill for the purpose of further amendment the amendment in the nature of a substitute recommended by the Committee on Homeland Security. The committee amendment shall be considered as read. The resolution waives all points of order against the committee amendment except for those arising under clauses 9 or 10 of rule XXI.

The resolution makes in order those amendments printed in this report and waives all points of order against such amendments except for those arising under clauses 9 or 10 of rule XXI. The resolution provides one motion to recommit with or without instructions. Finally, the resolution permits the Chair, during consideration of the bill in the House, to postpone further consideration until a time designated by the Speaker.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except for those arising under clauses 9 or 10 of rule XXI) includes a waiver of section 303 of the Budget Act (regarding mistimed changes in revenue). The waivers of all points of order against the committee amendment (except for those arising under clauses 9 or 10 of Rule XXI) includes waivers of section 303 of the Budget Act (regarding mistimed changes in revenue); clause 7 of rule XVI (germaneness); clause 4 of rule XXI (appropriations on a bill not reported by Appropriations); and clause 5(a) of rule XXI (tax or tariff measure on a bill not reported by Ways and Means).

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 165

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. Dreier.

Summary of Motion: To grant an open rule.

Results: Defeated 4 to 6.

Vote by Members: McGovern—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 166

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. Dreier.

Summary of Motion: To make in order en bloc and provide appropriate waivers for (1) an amendment by Rep. Bilbray (CA), #29, which would increase the number of full-time U.S. Immigration and Customs Enforcement officers strictly reserved for duties related to employment authorization verification; and (2) an amendment by Rep. Hayes (NC), #19, which strikes section 407 (requiring DHS to buy American textiles and apparel, protective gear, badges and ID cards) and replaces it with a requirement that DHS buy items specified in the amendment only when those items are connected to national security functions within the Department. The amendment also includes language to ensure that these provisions comply with WTO rules.

Results: Defeated 4 to 6.

Vote by Members: McGovern—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 167

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. Diaz-Balart.

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Mica (FL), #16, which author-

izes funds for the Secretary of Homeland Security to issue rules to ensure that any partnership, company, corporation, airport owner or operator, or public-private partnership that meets the requirements of 49 U.S.C. Section 44920 (security screening opt-out program) is eligible to participate as a private screening company.

Results: Defeated 4 to 8.

Vote by Members: McGovern—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 168

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. Diaz-Balart.

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Mica (FL), #26, which directs the TSA to implement, not later than January 31, 2008, a program for the use of biometric enabled identification travel cards for Federal employees, U.S. military personnel, law enforcement officers, Members of Congress, Federal judges, and biometric enabled airport access and identification cards for airport workers who enter the secured areas of an airport.

Results: Defeated 4 to 8.

Vote by Members: McGovern—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 169

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. Diaz-Balart.

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Shays (CT), #2, which would require DHS to enter into a cooperative agreement with INTERPOL to combat terrorism. The agreement shall include information sharing on terrorism and counterterrorism; the use of lost, stolen or fraudulent passports; and other crimes related to combating terrorism. The DHS privacy officer shall certify that the agreement safeguards the privacy of U.S. citizens.

Results: Defeated 4 to 8.

Vote by Members: McGovern—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 170

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. Hastings (WA).

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Blackburn (TN), #31, which requires the Department of Homeland Security to provide to the National Crime Information Center of the Department of Justice in-

formation on three categories of aliens: those with a final order of removal, those who have signed a voluntary departure agreement, and those who have overstayed their visa.

Results: Defeated 4 to 8.

Vote by Members: McGovern—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 171

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. Hastings (WA).

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Davis, David (TN), #3, which would allow Immigration and Customs Enforcement (ICE) to reimburse State and local law enforcement agencies participating in the voluntary INA “287(g) program” for the costs of sending personnel to training, including backfill costs. The 287(g) program allows States or localities and the Secretary of Homeland Security to enter into an agreement under which local or State officers may be trained in immigration law and be qualified to perform the functions of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States.

Results: Defeated 4 to 8.

Vote by Members: McGovern—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 172

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. Sessions.

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Blackburn (TN), #32, which authorizes the Secretary of Homeland Security to utilize the Employment Verification System to determine if the social security account number of an individual is being used by more than one individual. The amendment also would make all employers who are found to have violated Section 274 of the Immigration and Nationality Act of 1952 (regarding employment of unauthorized aliens) pay a civil penalty at a standard amount of \$10,000 for each violation and any related violations to this section.

Results: Defeated 4 to 8.

Vote by Members: McGovern—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 173

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. Sessions.

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Dent (PA), #4, which would allow Customs and Border Protection to establish an automated system to assist in the screening of persons seeking to enter or depart the United States. It also creates an administrative process for individuals to correct information in the system, but does not create a private right of action.

Results: Defeated 4 to 8.

Vote by Members: McGovern—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 174

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. Sessions.

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Poe (TX), #44, which strikes the underlying Sec. 907 (the GAO report on Border Patrol) and inserts enhanced authority of Customs and Border Protection (CBP) law enforcement agents and officers to pursue and fire at vehicles ordered to stop. Provides indemnity to carry out these functions.

Results: Defeated 4 to 8.

Vote by Members: McGovern—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 175

Date: May 8, 2007.

Measure: H.R. 1684.

Motion by: Mr. McGovern.

Summary of Motion: To report the rule.

Results: Adopted 8 to 4.

Vote by Members: McGovern—Yea; Matsui—Yea; Cardoza—Yea; Welch—Yea; Castor—Yea; Arcuri—Yea; Sutton—Yea; Dreier—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Thompson, Bennie (MS): Manager's Amendment. The amendment adds reporting requirements, revises annuitant provisions, and requires a GAO report on law enforcement retirement systems. The amendment also adds a provision related to travel efficiency. The amendment also strikes some provisions of the bill. (10 minutes)

2. Davis, Tom (VA): This amendment removes section 407 of the bill, which requires that identification cards, uniforms, protective gear, and badges of Homeland Security personnel be manufactured in the United States. (10 minutes)

3. Langevin (RI): The amendment directs the Federal Emergency Management Agency and the Disability Coordinator at the Department of Homeland Security to enter a cooperative agreement with

the National Organization on Disability (NOD) to carry out NOD's Emergency Preparedness Initiative. (10 minutes)

4. Andrews (NJ): The amendment provides up to 14 days per calendar year of job protection for volunteer emergency service personnel who respond to a Presidentially-declared disaster in an official capacity. Any individual discriminated against in violation of the provision may seek redress in court. (10 minutes)

5. Brown, Corinne (FL): The amendment would direct 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. (10 minutes)

6. Castle (DE): The amendment requires the Secretary of Homeland Security to study foreign rail security practices that are not currently used in the U.S. and submit a report on recommendations for implementing such practices within one year of enactment. (10 minutes)

7. Hastings (FL): Establishes a FEMA long-term recovery office in Florida. Three years following enactment, FEMA is required to report to the House Committee on Transportation and Infrastructure to evaluate effectiveness of the recovery office. (10 minutes)

8. Flake (AZ): The amendment would strike Section 1102, Critical infrastructure study. (10 minutes)

9. Stupak (MI): The amendment requires the Secretary of Homeland Security to issue a report to Congress outlining the resources currently devoted to Integrated Border Enforcement Teams (IBETs) and making recommendations on how to improve the effectiveness of the IBET program. (10 minutes)

10. Hastings. (WA)/Reichert (WA)/Dicks (WA):

Requires the Department of Homeland Security's strategic plan to include a plan for fulfilling existing National Laboratory infrastructure commitments to maintain current capabilities and mission needs. (10 minutes)

11. Kucinich (OH): The amendment will authorize FEMA to conduct a comprehensive study of the increase in demand for FEMA's emergency response and disaster relief services as a result of weather related disasters associated with global warming during the next 5, 10, and 20 years. The assessment will include an analysis of the budgetary and manpower implications of meeting such increased demand for FEMA services. (10 minutes)

12. Rothman (NJ): This amendment clarifies the intent of Congress that the Department of Homeland Security may not pre-empt any state's more stringent chemical security regulation, standard, or requirement. (10 minutes)

13. Rothman (NJ): The amendment 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. (10 minutes)

14. Sherman (CA): This amendment would require that the Section 605 Risk Analysis Process and the Chemical, Biological, Radiological and Nuclear (CBRN) Risk Assessment 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. (10 minutes)

15. Terry (NE): The amendment requires the U.S. Department of Homeland Security to consult with states prior to sharing information on forthcoming grant awards, including when sharing information with the U.S. Congress. (10 minutes)

16. Mica (FL): Amends section 1102(a) (critical infrastructure study) to require that the Secretary of Transportation, in addition to the Secretary of Homeland Security as is in the original bill, work with the Center for Risk and Economic Analysis of Terrorism Events to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical information with the Department of Transportation in addition to the Department of Homeland Security, as is in the original bill. (10 minutes)

17. Cardoza (CA): The amendment expresses the Sense of the 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. (10 minutes)

18. Van Hollen (MD): Requires DHS to use such funds 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 websites for the Department related to the program. (10 minutes)

19. Castor (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. (10 minutes)

20. Lampson (TX): This amendment will allow an Inspector General of the Department of Homeland Security to authorize his or her staff to provide assistance on and conduct reviews of the inactive case files, or "cold cases" involving children or offenders outside the US, stored at the National Center for Missing & Exploited Children (NCMEC) and to develop recommendations for further investigations. (10 minutes)

21. Royce (CA): The amendment would require 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. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF MISSISSIPPI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES.

In the proposed section 401(b)(3)(B), as proposed to be added by section 201 of the bill, insert before the period at the end the following: ", excluding each agency that is a distinct entity within the Department".

In the proposed section 401(b)(3)(E), as proposed to be added by section 201 of the bill, insert before the period at the end the following: ", consistent with this section".

Strike subsection (b) of the proposed section 707, as proposed to be added by section 202 of the bill, and insert the following:

“(b) COORDINATION.—The Secretary shall direct the Chief Operating Officer of each component agency to coordinate with that Officer’s respective Chief Operating Officer of the Department to ensure that the component agency adheres to Government-wide laws, rules, regulations, and policies to which the Department is subject and which the Chief Operating Officer is responsible for implementing.”.

In the proposed section 707(c), strike “reporting to” and insert “coordinating with”.

In the proposed section 402(d), as proposed to be added by section 203 of the bill, insert after “submit to the Committee on Homeland Security” the following: “and the Committee on Transportation and Infrastructure”.

Strike the proposed subsection (d), as proposed to be added by section 208 of the bill, and insert the following:

“(d) AUTHORITY OF ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.—The Secretary for the Department shall ensure that the Assistant Secretary for Legislative Affairs has adequate authority or the Assistant Secretary’s respective counterparts in component agencies of the Department to ensure that such component agencies adhere to the laws, rules, and regulations to which the Department is subject and the departmental policies that the Assistant Secretary for Legislative Affairs is responsible for implementing.”.

In section 301(c), after “submit to the Committee on Homeland Security” the following: “and the Committee on Oversight and Government Reform”.

In the proposed subsection (d)(1), as proposed to be added by section 302 of the bill, strike “and the Committee on Homeland Security and Governmental Affairs of the Senate” and insert “, the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees”.

In the proposed subsection (d)(2), as proposed to be added by section 302 of the bill, strike “and the Committee on Homeland Security and Governmental Affairs of the Senate” and insert “, the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees”.

In the proposed section 104(a), as proposed to be added by section 304 of the bill, insert after “congressional homeland security committees” the following: “and other appropriate congressional committees”.

Strike section 305 and conform the table of contents accordingly.

In section 402, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Chief Procurement Officer) may, for the purpose of supporting the Department’s acquisition capabilities and enhancing contract management throughout the Department, appoint annuitants to positions in procurement offices in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the

date of the enactment of this Act, with respect to positions in procurement offices;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 402, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In the proposed section 837(b), as proposed to be added by section 403 of the bill, after “require the contractor to submit” insert the following: “past performance”.

In section 406, strike subsection (c) and redesignate subsection (d) as subsection (c).

In the proposed section 839(b), as proposed to be added by section 407 of the bill, strike paragraph (4).

In the proposed section 839(d), strike “the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428))” and insert “the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403))”.

In the proposed section 839, as proposed to be added by section 407 of the bill, strike subsection (f).

In section 408(c), strike “the Department of Homeland Security shall consider” and insert “The Secretary of Homeland Security shall consider, among the other factors the Secretary deems relevant,”.

Strike section 409, redesignate section 410 as section 409, and conform the table of contents accordingly.

In section 409, as so redesignated, strike “The Secretary” and insert “Consistent with any applicable law, the Secretary”.

In section 501, redesignate subsections (g) and (h) as subsections (h) and (i), respectively, and insert after subsection (f), the following new subsection (g):

(g) COMPTROLLER GENERAL REPORT.—The Comptroller General shall conduct a comprehensive review of the retirement system for law enforcement officers employed by the Federal Government. The review shall include all employees categorized as law enforcement officers for purposes of retirement and any other Federal employee performing law enforcement officer duties not so categorized. In carrying out the review, the Comptroller General shall review legislative proposals introduced over the 10 years preceding the date of the enactment of this Act that are relevant to the issue law enforcement retirement and consult with law enforcement agencies and law enforcement employee representatives. Not later than August 1, 2007, the Comptroller General shall submit to Congress a

report on the findings of such review. The report shall include each of the following:

(1) An assessment of the reasons and goals for the establishment of the separate retirement system for law enforcement officers, as defined in section 8331 of title 5, United States Code, including the need for young and vigorous law enforcement officers, and whether such reasons and goals are currently appropriate.

(2) An assessment of the more recent reasons given for including additional groups of employees in such system, including recruitment and retention, and whether such reasons and goals are currently appropriate.

(3) A determination as to whether the system is achieving the goals in (1) and (2).

(4) A summary of potential alternatives to the system, including increased use of bonuses, increased pay, and raising the mandatory retirement age, and a recommendation as to which alternatives would best meet each goal defined in (1) and (2), including legislative recommendations if necessary.

(5) A recommendation for the definition of law enforcement officer.

(6) A detailed review of the current system including its mandatory retirement age and benefit accrual.

(7) A recommendation as to whether the law enforcement officer category should be made at the employee, function and duty, job classification, agency or other level, and by whom.

(8) Any other relevant information.

In section 502(a) by inserting after “transmit to the Committee on Homeland Security” the following: “and the Committee on Oversight and Government Reform”.

In section 504, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Commissioner of the United States Customs and Border Protection) may, for the purpose of accelerating the ability of the CBP to secure the borders of the United States, appoint annuitants to positions in the CBP in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the CBP;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 504, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In section 505(a), insert after “statutes” the following: “ and Office of Personnel Management Regulations and Guidelines”.

Strike section 507, redesignate sections 508 through 513 as sections 507 through 512, respectively, and conform the table of contents accordingly.

In the proposed section 708, as proposed to be added by section 508 of the bill, as so redesignated, strike subsection (b)(1) and insert the following:

“(1) have responsibility for overall Department-wide security activities, including issuing and confiscating credentials, controlling access to and disposing of classified and sensitive but unclassified materials, controlling access to sensitive areas and Secured Compartmentalized Intelligence Facilities, and communicating with other government agencies on the status of security clearances and security clearance applications;”.

Strike section 606 and conform the table of contents accordingly.

In the proposed section 226(c)(1)(A), as proposed to be added by section 701 of the bill, strike “to monitor critical information infrastructure” and insert “for ongoing activities to identify threats to critical information infrastructure”.

In section 702(c)(2), insert after “Standards and Technology,” the following: “the Department of Commerce,”.

Insert after section 702 the following (and conform the table of contents accordingly):

SEC. 703. COLLABORATION.

In carrying out this title, the Assistant Secretary of Homeland Security for Cybersecurity and Communications shall collaborate with any Federal entity that, under law, has authority over the activities set forth in this title.

In section 804(b)(1), strike “maximum”.

In the proposed section 319(e), as proposed to be added by section 805 of the bill, after “the project may” insert the following: “, subject to the availability of appropriations for such purpose,”.

Insert at the end of title VIII the following (and conform the table of contents accordingly):

SEC. 806. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

(a) **AUTHORITY.**—The Under Secretary for Science and Technology or his designee may make available to any person or entity, for an appropriate fee, the services of any Department of Homeland Security 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.

(b) **INTERFERENCE WITH FEDERAL PROGRAMS.**—The Under Secretary for Science and Technology shall ensure that the testing of materiel and other items not owned by the Government shall not cause government personnel or other government resources to be diverted from scheduled tests of Government materiel or otherwise interfere with Government mission requirements.

(c) **CONFIDENTIALITY OF TEST RESULTS.**—The results of tests performed with services made available under subsection (a) and any

associated data provided by the person or entity for the conduct of such tests are trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552b(4) of title 5, United States Code, and may not be disclosed outside the Federal Government without the consent of the person or entity for whom the tests are performed.

(d) FEES.—The fees for exercising the authorities under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(e) USE OF FEES.—The fees for exercising the authorities under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology.

(f) OPERATIONAL PLAN.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Science and Technology shall submit to Congress a report detailing a plan for operating a program that would allow any person or entity, for an appropriate fee, to use any center or testing facility owned and operated by the Department of Homeland Security for testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission. The plan shall include—

(1) a list of the facilities and equipment that could be made available to such persons or entities;

(2) a five-year budget plan, including the costs for facility construction, staff training, contract and legal fees, equipment maintenance and operation, and any incidental costs associated with the program;

(3) A five-year estimate of the number of users and fees to be collected;

(4) a list of criteria for selecting private-sector users from a pool of applicants, including any special requirements for foreign applicants; and

(5) an assessment of the effect the program would have on the ability of a center or testing facility to meet its obligations under other Federal programs.

(g) REPORT TO CONGRESS.—The Under Secretary for Science and Technology shall submit to Congress an annual report containing a list of the centers and testing facilities that have collected fees under this section, the amount of fees collected, a brief description of each partnership formed under this section, and the purpose for which the testing was conducted.

(h) GAO.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an assessment of the implementation of this section.

Strike section 904 and insert the following (and conform the table of contents accordingly):

SEC. 904. REPORT ON IMPLEMENTATION OF THE STUDENT AND EXCHANGE VISITOR PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report to update the Government Accountability Office report of June 18, 2004, GAO-04-690, on the Student

and Exchange Visitor Program (referred to in this section as “SEVP”) and specifically the Student and Exchange Visitor Information System (referred to in this section as “SEVIS”). The report shall include the following information:

(1) The rate of compliance with the current SEVIS requirements by program sponsors and educational institutions, including non-academic institutions authorized to admit students under SEVIS.

(2) Whether there are differences in compliance rates among different types and sizes of institutions participating in SEVIS.

(3) Whether SEVIS adequately ensures that each covered foreign student or exchange visitor in nonimmigrant status is, in fact, actively participating in the program for which admission to the United States was granted.

(4) Whether SEVIS includes data fields to ensure that each covered foreign student or exchange visitor in nonimmigrant status is meeting minimum academic or program standards and that major courses of study are recorded, especially those that may be of national security concern.

(5) Whether the Secretary of Homeland Security provides adequate access, training, and technical support to authorized users from the sponsoring programs and educational institutions in which covered foreign students and exchange visitors in a nonimmigrant status are enrolled.

(6) Whether each sponsoring program or educational institution participating in SEVP has designated enough authorized users to comply with SEVIS requirements.

(7) Whether authorized users at program sponsors or educational institutions are adequately vetted and trained.

(8) Whether the fees collected are adequate to support SEVIS.

(9) Whether there any new authorities, capabilities, or resources needed for SEVP and SEVIS to fully perform.

Strike section 906, redesignate section 907 as section 906, and conform the table of contents accordingly.

In section 1003, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Assistant Secretary for Information Analysis) may, for the purpose of accelerating the ability of the IA to perform its statutory duties under the Homeland Security Act of 2002, appoint annuitants to positions in the IA in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the IA;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 1003, strike subsection (f) and insert the following:

(f) **TERMINATION OF AUTHORITY.**—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

Strike section 1101, redesignate sections 1102 through 1108 as sections 1101 through 1107, respectively, and conform the table of contents accordingly.

Strike sections 1109, 1110, 1111, redesignate sections 1112 through 1119 as sections 1108 through 1115, respectively, and amend the table of contents accordingly.

Strike section 1120, redesignate section 1121 as section 1116, and amend the table of contents accordingly.

Strike section 1102, as so redesignated, and insert the following:

SEC. 1102. CRITICAL INFRASTRUCTURE STUDY.

The Secretary of Homeland Security shall work with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), led by the University of Southern California, to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical infrastructure information with the Department for homeland security and other purposes.

In section 1103, as so redesignated, strike “and immigration status databases”.

In the heading for section 1103, as so redesignated, strike “**AND IMMIGRATION REVIEW**”.

In the proposed section 890A(a), as proposed to be added by section 1106 of the bill, as so redesignated, insert after paragraph (2) the following:

“(3) **EXCLUDED PROGRAMS.**—This section shall not apply to or otherwise affect any grant issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).”.

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1117. COMPTROLLER GENERAL REPORT ON CRITICAL INFRASTRUCTURE.

(a) **REQUIREMENT.**—The Comptroller General of the United States shall conduct a study to—

(1) determine the extent to which architecture, engineering, surveying, and mapping activities related to the critical infrastructure of the United States are being sent to offshore locations;

(2) assess whether any vulnerabilities or threats exist with respect to terrorism; and

(3) recommend policies, regulations, or legislation, as appropriate, that may be necessary to protect the national and homeland security interests of the United States.

(b) CONSULTATION.—In carrying out the study authorized by this section, the Comptroller General shall consult with—

(1) such other agencies of the Government of the United States as are appropriate; and

(2) national organizations representing the architecture, engineering, surveying, and mapping professions.

(c) REPORT.—The Comptroller General shall submit to the Committees on Transportation and Infrastructure, Energy and Commerce, and Homeland Security of the House of Representatives, and to the Senate, by not later than 6 months after the date of the enactment of this Act a report on the findings, conclusions, and recommendations of the study under this section.

(d) DEFINITIONS.—As used in this section—

(1) each of the terms “architectural”, “engineering”, “surveying”, and “mapping”—

(A) subject to subparagraph (B), has the same meaning such term has under section 1102 of title 40, United States Code; and

(B) includes services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, or cartographers in the collection, storage, retrieval, or dissemination of graphical or digital data to depict natural or man-made physical features, phenomena, or boundaries of the earth and any information related to such data, including any such data that comprises the processing of a survey, map, chart, geographic information system, remotely sensed image or data, or aerial photograph; and

(2) the term “critical infrastructure”—

(A) means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters; and

(B) includes the basic facilities, structures, and installations needed for the functioning of a community or society, including transportation and communications systems, water and power lines, power plants, and the built environment of private and public institutions of the United States.

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1118. IMPROVING THE NEXUS AND FAST REGISTERED TRAVELER PROGRAMS.

(a) MERGING REQUIREMENTS OF NEXUS AND FAST.—

(1) IN GENERAL.—The Secretary of Homeland Security shall merge the procedures for the programs described in subsection (j) into a single procedure, with common eligibility and security screening requirements, enrollment processes, and sanctions regimes.

(2) SPECIFIC REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall ensure that the procedures for the programs known as “NEXUS Highway”, “NEXUS Marine”, and “NEXUS Air” are integrated into such a single procedure.

(b) INTEGRATING NEXUS AND FAST INFORMATION SYSTEMS.—The Secretary of Homeland Security shall integrate all databases and information systems for the programs described in subsection (j) in a manner that will permit any identification card issued to a participant to operate in all locations where a program described in such subsection is operating.

(c) CREATION OF NEXUS CONVERTIBLE LANES.—In order to expand the NEXUS program described in subsection (j)(2) to major northern border crossings, the Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall equip not fewer than six new northern border crossings with NEXUS technology.

(d) CREATION OF REMOTE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two remote enrollment centers for the programs described in subsection (j). Such a remote enrollment center shall be established at each of the border crossings described in subsection (c).

(e) CREATION OF MOBILE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two mobile enrollment centers for the programs described in subsection (j). Such mobile enrollment centers shall be used to accept and process applications in areas currently underserved by such programs. The Secretary shall work with State and local authorities in determining the locations of such mobile enrollment centers.

(f) ON-LINE APPLICATION PROCESS.—The Secretary of Homeland Security shall design an on-line application process for the programs described in subsection (j). Such process shall permit individuals to securely submit their applications on-line and schedule a security interview at the nearest enrollment center.

(g) PROMOTING ENROLLMENT.—

(1) CREATING INCENTIVES FOR ENROLLMENT.—In order to encourage applications for the programs described in subsection (j), the Secretary of Homeland Security shall develop a plan to admit participants in an amount that is as inexpensive as possible per card issued for each of such programs.

(2) CUSTOMER SERVICE PHONE NUMBER.—In order to provide potential applicants with timely information for the programs described in subsection (j), the Secretary of Homeland Security shall create a customer service telephone number for such programs.

(3) PUBLICITY CAMPAIGN.—The Secretary shall carry out a program to educate the public regarding the benefits of the programs described in subsection (j).

(h) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED STATES.—For purposes of the plan required under section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, an identification card issued to a participant in a program described in subsection (j) shall be considered a document sufficient on its own when produced to denote identity and citizenship for travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

(i) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of subsections (a) through (g).

(j) PROGRAMS.—The programs described in this subsection are the following:

(1) The FAST program authorized under subpart B of title IV of the Tariff Act of 1930 (19 U.S.C. 1411 et seq.).

(2) The NEXUS program authorized under section 286(q) of the Immigration and Nationality Act (U.S.C. 1356(q)).

SEC. 1119. TRAVEL DOCUMENTS.

(a) TRAVEL TO CANADA AND MEXICO.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding at the end the following new paragraphs:

“(3) PASS CARD INFRASTRUCTURE.—The Secretary of Homeland Security shall conduct not less than one trial on the usability, reliability, and effectiveness of the technology that the Secretary determines appropriate to implement the documentary requirements of this subsection. The Secretary may not issue a final rule implementing the requirements of this subsection until such time as the Secretary has submitted to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the results and outcome of such trial or trials. The report shall include data and evidence that demonstrates that the technology utilized in such trial or trials is operationally superior to other alternative technology infrastructures.

“(4) FLEXIBLE IMPLEMENTATION PERIOD.—In order to provide flexibility upon implementation of the plan developed under paragraph (1), the Secretary of Homeland Security shall establish a special procedure to permit an individual who does not possess a passport or other document, or combination of documents, as required under paragraph (1), but who the Secretary determines to be a citizen of the United States, to re-enter the United States at an international land or maritime border of the United States. The special procedure referred to in this paragraph shall terminate on the date that is 180 days after the date of the implementation of the plan described in paragraph (1)(A).

“(5) SPECIAL RULE FOR CERTAIN MINORS.—Except as provided in paragraph (6), citizens of the United States or Canada who are less than 16 years of age shall not be required to present to an immigration officer a passport or other document, or combination of documents, as required under paragraph (1), when returning or traveling to the United States from Canada, Mexico, Bermuda, or the Caribbean at any port of entry along the international land or maritime border of the United States.

“(6) SPECIAL RULE FOR CERTAIN STUDENT MINORS TRAVELING AS PART OF AN AUTHORIZED AND SUPERVISED SCHOOL TRIP.—Notwithstanding the special rule described in paragraph (5), the Secretary of Homeland Security is authorized to consider expanding the special rule for certain minors described in such paragraph to a citizen of the United States or Canada who is less than 19 years of age but is 16 years of age or older and

who is traveling between the United States and Canada at any port of entry along the international or maritime border between the two countries if such citizen is so traveling as a student as part of an authorized and supervised school trip.

“(7) PUBLIC OUTREACH.—To promote travel and trade across the United States border, the Secretary of Homeland Security shall develop a public communications plan to promote to United States citizens, representatives of the travel and trade industries, and local government officials information relating to the implementation of this subsection. The Secretary of Homeland Security shall coordinate with representatives of the travel and trade industries in the development of such public communications plan.

“(8) COST-BENEFIT ANALYSIS.—The Secretary of Homeland Security shall prepare an extensive regulatory impact analysis that is fully compliant with Executive Order 12866 and Office of Management and Budget Circular A-4 for an economically significant regulatory action before publishing a rule with respect to the implementation of the requirements of this subsection.”.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of paragraphs (3) through (8) of section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

Strike title XII and conform the table of contents accordingly.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 407.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANGEVIN OF RHODE ISLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI add the following:

SEC. ____ . COOPERATIVE AGREEMENT WITH NATIONAL ORGANIZATION ON DISABILITY TO CARRY OUT EMERGENCY PREPAREDNESS INITIATIVE.

The Administrator of the Federal Emergency Management Agency, in coordination with the Disability Coordinator of the Department of Homeland Security and the Office for Civil Rights and Civil Liberties of the Department, shall use amounts authorized under section 101 to enter into a cooperative agreement with the National Organization on Disability to carry out the Emergency Preparedness Initiative of such organization.

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ANDREWS OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert after section 513 the following new section:

SEC. 514. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.

(a) **TERMINATION PROHIBITED.**—

(1) **IN GENERAL.**—No employee may be 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 the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(2) **DEPLOYMENT.**—The prohibition in paragraph (1) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(A) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(B) is a volunteer firefighter who—

(i) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(ii) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(iii) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(3) **LIMITATIONS.**—The prohibition in paragraph (1) shall not apply to an employee who—

(A) is absent from the employee's employment for the purpose described in paragraph (1) for more than 14 days per calendar year;

(B) responds to the emergency or major disaster without being officially deployed as described in paragraph (2); or

(C) fails to provide the written verification described in paragraph (5) within a reasonable period of time.

(4) **WITHHOLDING OF PAY.**—An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose described in paragraph (1).

(5) **VERIFICATION.**—An employer may require an employee to provide a written verification from the official of the Federal Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(A) the employee responded to the emergency or major disaster in an official capacity; and

(B) the schedule and dates of the employee's participation in such response.

(6) **REASONABLE NOTICE REQUIRED.**—An employee who may be absent from or late to the employee's employment for the purpose described in paragraph (1) shall—

- (A) make a reasonable effort to notify the employee's employer of such absence; and
 - (B) continue to provide reasonable notifications over the course of such absence.
- (b) RIGHT OF ACTION.—
- (1) RIGHT OF ACTION.—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in subsection (a) may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—
 - (A) reinstatement of the individual's former employment;
 - (B) payment of back wages;
 - (C) reinstatement of benefits; and
 - (D) if the employment granted seniority rights, reinstatement of seniority rights.
 - (2) LIMITATION.—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in subsection (a).
- (c) STUDY AND REPORT.—
- (1) STUDY.—The Secretary of Labor shall conduct a study on the impact that the requirements of this section could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.
 - (2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit a report of the study conducted under paragraph (1) to the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.
- (d) DEFINITIONS.—In this section—
- (1) the term “emergency” has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);
 - (2) the term “major disaster” has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);
 - (3) the term “qualified volunteer fire department” has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986;
 - (4) the term “volunteer emergency medical services” means emergency medical services performed on a voluntary basis for a fire department or other emergency organization; and
 - (5) the term “volunteer firefighter” means an individual who is a member in good standing of a qualified volunteer fire department.

Amend the table of contents by adding, after the item relating to section 513, the following new item:

Sec. 514. Termination of employment of volunteer firefighters and emergency medical personnel prohibited.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN, CORRINE OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Insert at the end of title XI the following:

SEC. 1122. CONSIDERATION OF TOURISM IN AWARDING URBAN AREA SECURITY INITIATIVE GRANTS.

In awarding grants under the Urban Area Security Initiative, the Secretary of Homeland Security shall take into consideration the number of tourists that have visited an urban area in the two years preceding the year during which the Secretary awards the grant.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE OF DELAWARE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI, insert the following:

SEC. ____ . STUDY OF FOREIGN RAIL SECURITY PRACTICES.

The Secretary shall—

- (1) study select foreign rail security practices, and the cost and feasibility of implementing selected best practices that are not currently used in the United States, including—

(A) implementing covert testing processes to evaluate the effectiveness of rail system security personnel;

(B) implementing practices used by foreign rail operators that integrate security into infrastructure design;

(C) implementing random searches or screening of passengers and their baggage; and

(D) establishing and maintaining an information clearinghouse on existing and emergency security technologies and security best practices used in the passenger rail industry both in the United States and abroad; and

- (2) report the results of the study, together with any recommendations that the Secretary may have for implementing covert testing, practices for integrating security in infrastructure design, random searches or screenings, and an information clearinghouse to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives not later than 1 year after the date of enactment of this Act.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI, insert the following:

SEC. 2211. FEMA RECOVERY OFFICE IN FLORIDA.

(a) ESTABLISHMENT.—To provide eligible Federal assistance to individuals and State, local, and tribal governments affected by Hurricanes Charley, Frances, Ivan, Jeanne, Wilma, Tropical Storm Bonnie, and other future declared emergencies and major disasters, in a customer-focused, expeditious, effective, and consistent man-

ner, the Administrator of the Federal Emergency Management Administration shall maintain a recovery office in the State of Florida for a period of not less than three years after the date of enactment of this Act.

(b) **STRUCTURE.**—The recovery office shall have an executive director, appointed by the Administrator, who possesses a demonstrated ability and knowledge of emergency management and homeland security, and a senior management team.

(c) **RESPONSIBILITIES.**—The executive director, in coordination with State, local, and tribal governments, non-profit organizations, including disaster relief organizations, shall—

(1) work cooperatively with local governments to mitigate the impact of a declared emergency or major disaster; and

(2) provide assistance in a timely and effective manner to residents of Florida and other States as determined appropriate by the Administrator for recovery from previous and future declared emergencies and major disasters.

(d) **STAFFING.**—Staffing levels of the recovery office shall be commensurate with the current and projected workload as determined by the Administrator.

(e) **PERFORMANCE MEASURES.**—To ensure that the recovery office is meeting its objectives, the Administrator shall identify performance measures that are specific, measurable, achievable, relevant, and timed, including—

(1) public assistance program project worksheet completion rates; and

(2) the length of time taken to reimburse recipients for public assistance.

(f) **EVALUATION.**—The Administrator shall evaluate the effectiveness and efficiency of the recovery office in the State of Florida in meeting the requirements of this section. Not later than three years after the date of enactment of this Act, the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives on whether continuing to operate such office is necessary.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 1102.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STUPAK OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title IX, add the following:

SEC. 908. REPORT ON INTEGRATED BORDER ENFORCEMENT TEAM INITIATIVE.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress on the status of the Integrated Border Enforcement Team (IBET) initiative. The report should include an analysis of current resources allocated to IBETs, an evaluation of progress made since the inception of the program, and recommendations as to the level

of resources that would be required to improve the program's effectiveness in the future.

In the table of contents, insert after the item relating to section 907 the following:

Sec. 908. Report on Integrated Border Enforcement Team initiative.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 801, amend paragraph (7) to read as follows:

(7) a plan for leveraging the expertise of the National Laboratories, the process for allocating funding to the National Laboratories, and a plan for fulfilling existing National Laboratory infrastructure commitments to maintain current capabilities and meet mission needs; and

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUCINICH OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI of the bill, add the following (and conform the table of contents accordingly):

SEC. 1122. WEATHER-RELATED DISASTERS.

(a) **STUDY.**—Of the amount authorized to be appropriated under section 101, the Administrator of the Federal Emergency Management Agency shall use such sums as may be necessary to conduct a comprehensive study of the increase in demand for the Agency's emergency response and disaster relief services that may be reasonably anticipated as a result of weather-related disasters associated with global warming during the next 5, 10, and 20 years, including tornadoes, hurricanes, severe storms, and associated flooding.

(b) **ANALYSIS OF IMPLICATIONS OF INCREASED DEMAND FOR FEMA SERVICES.**—The study shall include an analysis of the budgetary, material, and manpower implications of meeting such increased demand for the Agency's services.

(c) **CONSIDERATION OF SCIENTIFIC DATA.**—In conducting the study, the Administrator shall consider the latest scientific data on global warming, including the fourth assessment report of the Intergovernmental Panel on Climate Change.

(d) **ADVISORY COMMITTEE.**—The study shall be conducted by the Administrator with the advice of an advisory committee consisting of Federal, regional, State, and local policy makers, industry, non-governmental organizations, and academics, to be convened by the Administrator in compliance with the Federal Advisory Committee Act (5 U.S.C. App.).

(e) **REPORT.**—Not later than 12 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the results of the study.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROTHMAN OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of title XI the following:

SEC. 1122. PROHIBITION ON FEDERAL PREEMPTION OF MORE STRINGENT STATE CHEMICAL FACILITY SECURITY REGULATIONS.

Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following new subsection:

“(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State.”.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROTHMAN OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI add the following:

SEC. ____ . REPORT ON PROTECTING INFRASTRUCTURE IN THE AREA OF PORT ELIZABETH AND NEWARK INTERNATIONAL AIRPORT, NEW JERSEY.

Not later than 90 days after the beginning of fiscal year 2008, the Secretary of Homeland Security shall use amounts authorized under section 101 to submit a report to the Congress describing the measures necessary to coordinate and protect the various infrastructure in the area comprised of Port Elizabeth and Newark International Airport, New Jersey, and the area located generally between such facilities. The report shall include—

- (1) an identification of the resources required to fully implement homeland security efforts for this area;
- (2) an assessment of the progress made in implementing homeland security efforts for this area; and
- (3) recommendations of additional resources needed to fully implement homeland security efforts for this area.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHERMAN OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 605, in the quoted section 317(c), strike “and” after the semicolon at the end of paragraph (4), strike the period at the end of paragraph (5) and insert “; and”, and after paragraph (5) insert the following:

“(6) include an assessment of public awareness regarding the appropriate ways individuals should respond to a CBRN incident and plans for dissemination of such information to the public prior to an incident, including through civil defense measures and training, and emergency communications after an incident.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TERRY OF NEBRASKA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI add the following:

SEC. ____ . REQUIREMENT TO CONSULT STATES REGARDING GRANT AWARDS.

Before the release by the Department of Homeland Security of any information regarding the award of any grant to a State with amounts authorized under section 101, including before submitting to Congress any list of such grant awards, the Secretary of Homeland Security shall consult with States.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MICA OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1102(a) of the bill, after “The Secretary of Homeland Security” insert “and the Secretary of Transportation”.

In section 1102(a) of the bill, strike “the Department of homeland security” and insert “the Department of Homeland Security, the Department of Transportation,”

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARDOZA OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI add the following:

SEC. ____ . SENSE OF THE CONGRESS ON INTEROPERABILITY.

It is the sense of the 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. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VAN HOLLEN OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI of the bill, add the following (and conform the table of contents accordingly):

SEC. 1122. TRAVELERS REDRESS INQUIRY PROGRAM.

Of the amount authorized to be appropriated under section 101, such sums as may be necessary shall be available to the Secretary of Homeland Security to take all necessary actions to protect the security of personal information submitted electronically to the Internet website of the Department of Homeland Security established for the Travelers Redress Inquiry Program and other websites of the Department related to that program.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTOR OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XI of the bill, add the following (and conform the table of contents accordingly):

SEC. 1122. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROGRAM.

The Secretary of Homeland Security shall 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. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAMPSON OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 303, before the first sentence insert “(a) AUTHORIZATION OF APPROPRIATIONS.—”, and add at the end the following:

(b) ASSISTING THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

(1) IN GENERAL.—An Inspector General of the Department of Homeland Security appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to use funds authorized under subsection (a) to assist the National Center for Missing and Exploited Children, upon request by the Center—

(A) by conducting reviews of inactive case files that the Inspector General has reason to believe involve a child or possible offender located outside the United States, and to develop recommendations for further investigations; and

(B) by engaging in similar activities.

(2) LIMITATIONS.—

(A) PRIORITY.—An Inspector General may not permit staff to engage in activities described in paragraph (1) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

(B) FUNDING.—No additional funds are authorized to be appropriated to carry out this paragraph.

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROYCE OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title IX, add the following new section:

SEC. 9 . STOLEN AND LOST TRAVEL DOCUMENT DATABASE.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Commissioner of United States Customs and Border Protection, shall, as expeditiously as possible, implement at primary inspection points at United States ports of entry the Stolen and Lost Travel Document database managed by Interpol.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation required under subsection (a).