



One Hundred Thirteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

April 30, 2014

COMMITTEE ACTION

The Committee on Homeland Security met, pursuant to notice, in open markup session, a quorum being present, on Wednesday, April 30, 2014 in 311 Cannon House Office Building to consider the following measures: H.R. 3283, (Mr. Bilirakis) To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes. The “Integrated Public Alert and Warning System Modernization Act of 2013”; H.R. 4007, (Mr. Meehan) To recodify and reauthorize the Chemical Facility Anti-Terrorism Standards Program. The “Chemical Facility Anti-Terrorism Standards Program Authorization and Accountability Act of 2014”; and H.R. 4228, (Mr. Duncan), To require the Department of Homeland Security to improve discipline, accountability, and transparency in acquisition program management. The “DHS Acquisition Accountability and Efficiency Act.”

The Committee took the following actions:

H.R. 4007, to recodify and reauthorize the Chemical Facility Anti-Terrorism Standards Program.; was ordered to be reported to the House of Representatives with a favorable recommendation, as amended, by voice vote.

The Committee agreed to H.R. 4007, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 4007 offered by Mr. Meehan (#1); was AGREED TO, amended, by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4007 offered by Mr. Meehan (#1A); Strike section 3.; was AGREED TO by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 4007 offered by Mr. Thompson of Mississippi (#1B); consisting of the following amendments:

Page 5, line 13, insert “not later than 14 days after the determination was made” after “security plan”.

Page 17, before line 10, insert a new subsection entitled “(c) Third-party Assessment”.; was AGREED TO by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 4007 offered by Ms. Loretta Sanchez of California (#1C); consisting of the following amendments:

Page 10, after line 3, insert a new paragraph entitled “(3) Changes in Tiering.”

Page 17, after line 2, insert the following new section (and renumber the subsequent section and revise the table of contents amendment accordingly):
“Sec. 2107. Outreach to Chemical Facilities of Interest.”

Page 15, line 6, insert before the period the following: “, information on whether facilities that submitted Top-Screens as a result of such efforts were tiered and in what tiers they were placed, and an action plan to better identify chemical facilities of interest and bring those facilities into compliance”.

Page 17, before line 10, insert a new subsection entitled (c) Metrics.”; was AGREED TO by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 4007 offered by Ms. Clarke (#1D); consisting of the following amendments:”

Page 3, lines 20-21, strike “shall arrange for” and insert “shall conduct”.

Page 3, lines 23-24, strike “Under such arrangement, the” and insert “The”.

Page 4, line after line 2, insert the following new subparagraph (and renumber the subsequent subparagraph accordingly):

“(B) Reporting Structure.”

Page 5, line 2, strike :”and”.

Page 5, after line 2, insert the following (and renumber the subsequent clause accordingly):

“(vi) reporting any issue of non-compliance with this section to the Secretary within 24 hours; and”.

Page 5 after line 5, insert a new subparagraph entitled “(C) Training of Department Auditors and Inspectors.”; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4007 offered by Ms. Clarke (#1E); Page 13, after line 4, insert the following new section (and renumber the subsequent section and revise the table of contents amendment accordingly):

“Sec. 2104. Whistleblower Protections.”; was AGREED TO, as modified, by voice vote.

A unanimous consent request by Ms. Clarke to modify her amendment to strike all excluding second sentence beginning on page 1, line 8, was not objected to.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 4007 offered by Ms. Jackson Lee (#1F); consisting of the following amendments:
Page 5, after line 5, insert a new Subparagraph entitled “(C) Consultation.”

Page 17, after line 2, insert the following (and renumber the subsequent sections and revise the table of contents amendment accordingly:)

A new section entitled “Sec. 2107. Small Covered Chemical Facilities.”; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4007 on the roster by Mr. Higgins (#1G); Page 12, line 9, after “section 210A(j)(1) of this Act)” insert the following: “and State and local government officials, as determined appropriate by the Secretary,”.

Page 12, line 14, after “Homeland Security Information Network” insert the following: “or Homeland Secure Data Network, as appropriate”.; was ADOPTED by unanimous consent.

A unanimous consent request by Mr. Thompson to adopt the amendment on the roster by Mr. Higgins, was not objected to.

H.R. 4228, to require the Department of Homeland Security to improve discipline, accountability, and transparency in acquisition program management.; was ordered to be reported to the House of Representatives with a favorable recommendation, as amended, by voice vote.

The Committee agreed to H.R. 4228, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 4228 offered by Mr. Duncan (#1); was AGREED TO, amended, by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 4228 offered by Mr. Thompson of Mississippi (#1A); consisting of the following amendments:

Page 11, after line 20, insert the following “(F) Ensuring that grants and financial Assistance are provided only to responsible individuals and organizations that are not excluded from government participation.

Page 13, after line 2, insert the following new paragraph entitled “(4) Excluded parties list system consultation.”

Page 16, line 22, insert before the semicolon at the end the following: “and including training on how best to identify actions that warrant referrals for suspension or debarment”.

P. 17, line 11, strike “businesses and” and insert “businesses,”.

Page 17, line 12, strike “participation.” and insert “participation, and ensure, to the extent practicable, small businesses that achieve qualified vendor status for security-related technologies are provided an opportunity to compete for contracts for such technology.”; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4228 offered by Mr. Barletta (#1B); Page 48, line 12, strike “and”.

Page 48, line 25, strike the period at the end and insert “; and”.

Page 48, after line 25, insert the following:

“(G) identify ways to increase training for relevant investigators and auditors to examine fraud in major acquisition programs, including identifying opportunities to leverage existing Government and private sector resources in coordination with the Inspector General of the Department.; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4228 offered by Ms. Clarke (#1C); Page 11, after line 20, insert the following:

“(F) Distributing guidance throughout the Department to ensure that contractors involved in acquisitions, particularly companies that access the Department’s information systems and technologies, adhere to internal cybersecurity policies established by the Department of Homeland Security.; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4228 offered by Mr. Barber (#1D); Page 17, after line 12, insert the following (and make appropriate technical and conforming amendments):

“(10) encourage the Department to enter into contracts with nonprofit agencies employing persons who are blind or are other severally disabled as defined under chapter 85 of title 41, United States Code (popularly referred to as the Javits-Wagner-O’Day Act).”; was WITHDRAWN by unanimous consent.

A unanimous consent request by Mr. Barber to withdraw his amendment, was not objected to.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4228 offered by Mr. Barber (#1E); At the end of title II (page 31, after line 17) insert the following new section (and conform the table of contents accordingly):

“Sec. 204. Suspension and Debarment Audits.”; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4228 offered by Mr. O'Rourke (#1F); Page 42, lines 2 and 4, after "security" insert "and economic".

Page 43, line 15, after "security insert "and facilitate trade".; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4228 on the roster by Ms. Jackson Lee (#1G); At the end of title II (page 31, after line 17) insert the following new section (and conform the table of contents accordingly): "Sec. 204. Excluded Party List System Waivers."; was ADOPTED by unanimous consent.

A unanimous consent request by Mr. Thompson to adopt the amendment on the roster by Ms. Jackson Lee, was not objected to.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4228 offered by Mr. Duncan (#1H); Page 6, line 3, insert after "Senate" the following": " , where appropriate".; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 4228 offered by Mr. O'Rourke (#1I); Page 41, line 13, strike "the academic community" and insert "civil liberties and academic communities".

Page 43, after line 15, insert the a new paragraph entitled "(6) Civil Liberties Protections."; was WITHDRAWN by unanimous consent.

A unanimous consent request by Mr. O'Rourke to withdraw his amendment, was not objected to.

H.R. 3283, To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to modernize and implement the national integrated public alert and warning system to disseminate homeland security information and other information, and for other purposes.; was ordered to be reported to the House of Representatives with a favorable recommendation, as amended, by voice vote.

The Committee agreed to H.R. 3283, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 3283 offered by Mrs. Brooks of Indiana (#1); was AGREED TO, amended, by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3283 offered by Ms. Jackson Lee (#1A); consisting of the following amendments:

Page 6, insert “and” after the semicolon at line 13, strike “; and” at line 17 and insert a period, and strike lines 18 and 19 and insert a new subsection entitled “(d) Privacy Protection.”

Page 15, strike “and” after the semicolon at line 4, strike the period at line 9 and insert “; and” a, and after line 9 insert the following: “(7) information on any innovations in or changes to the national integrated public alert and warning system that result in the collection of personally identifiable information.; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3283 offered by Mr. O’Rourke (#1B); Page 4, strike lines 14 through 18 and insert the following:

“(4) to the extent technically feasible, include in the national integrated public alert and warning system the capability to alert, warn, and provide the equivalent amount of information to—

“(A) individuals with limited English proficiency skills;

“(B) individuals with disabilities, particularly sensory disabilities; and

“(C) individuals with other access or functional needs;

Page 6, line 11, after “tourists” insert “, individuals with limited English proficiency skills, and”.

Page 14, strike lines 18 and 19 and insert the following:

“(1) the recommendations of the most recent Advisory Committee report under subsection (d)(8), what recommendations under subsection (d)(8) the Secretary has implemented to modernize the public alert and warning system, and if any such recommendations identified under subsection (d)(8) were not implemented, why the Secretary chose not to implement such recommendations;; was AGREED TO by voice vote.

Without objection, the Chair authorized staff to make technical and conforming corrections to H.R. 3283, H.R. 4007, and H.R. 4228.

A motion by Mrs. Brooks of Indiana that, pursuant to Rule XXII, clause 1, the Committee authorizes the Chair to offer such motions as may be necessary in the House to go to conference with the Senate on H.R. 3283, H.R. 4007, H.R. 4228, or on any similar Senate bills, was NOT OBJECTED TO.

A motion by Mr. Thompson of Mississippi that, pursuant to Rule XI clause 2(1), Members may have two days in which to file supplemental, minority, and additional views on H.R. 3283, H.R. 4007, and H.R. 4228, was NOT OBJECTED TO.

