



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

June 11, 2014

COMMITTEE ACTION

The Committee on Homeland Security met, pursuant to notice, in open markup session, a quorum being present, on Wednesday, June 11, 2014 in 311 Cannon House Office Building to consider the following measures: **H.R. 3202**, (Ms. Jackson Lee) To require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes. The “Essential Transportation Worker Identification Credential Assessment Act”; **H.R. 3488**, (Mr. Meehan) To establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, and for other purposes.; **H.R. 3846**, (Mrs. Miller of Michigan) To provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, and for other purposes. The “United States Customs and Border Protection Authorization Act.”; **H.R. 4263**, (Mrs. Brooks of Indiana) To amend the Homeland Security Act of 2002 to authorize the Department of Homeland Security to establish a social media working group, and for other purposes. The “Social Media Working Group Act of 2014”; **H.R. 4289**, (Mr. Payne) To amend the Homeland Security Act of 2002 to require the Under Secretary for Management of the Department of Homeland Security to take administrative action to achieve and maintain interoperable communications capabilities among the components of the Department of Homeland Security, and for other purposes. The “Department of Homeland Security Interoperable Communications Act”; **H.R. 4802**, (Mr. Hudson) To improve intergovernmental planning for and communication during security incidents at domestic airports, and for other purposes. The “Airport Security Enhancement Act of 2014”; **H.R. 4803**, (Mr. Sanford) To require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, and for other purposes. The “TSA Office of Inspection Accountability Act of 2014”; and **H.R. 4812**, (Mr. Richmond) a bill expected to be introduced prior to consideration, To amend title 49, United States Code, to require the Administrator of the Transportation Security Administration to establish a process for providing expedited and dignified passenger screening services for veterans traveling to visit war memorials built and dedicated to honor their service, and for other purposes. The “Honor Flight Act”.

The Committee took the following actions:

H.R. 3202, to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes.; was ordered

to be reported to the House of Representatives with a favorable recommendation, as amended, by voice vote.

The Chair discharged the Subcommittee on Transportation Security from further consideration of H.R. 3202.

The Committee agreed to H.R. 3202, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 3202 offered by Ms. Jackson Lee (#1); was AGREED TO, amended, by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3202 offered by Mrs. Miller of Michigan (#1A); consisting of the following amendments:

An amendment:

In section 2(e), strike paragraph (2) and insert a new paragraph entitled “(2) Limitation on Application.”

An amendment:

Page 2, line 24, strike “and” and insert a comma.

Page 3, line 2, before the period insert “, and shall be considered in any rule making by the Department relating to the transportation security card program’.”; was AGREED TO by voice vote.

Without objection, the Chair authorized staff to make technical and conforming corrections to H.R. 3202.

H.R. 3488, to establish the conditions under which the Secretary of Homeland Security may establish preclearance facilities, conduct preclearance operations, and provide customs services outside the United States, 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. 3488, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 3488 offered by Mr. McCaul (#1); was AGREED TO, amended, by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3488 offered by Mr. Meehan (#1A); In section 4(a), redesignate paragraphs (7) through (10) as paragraphs (8) through (11), respectively.

In section 4(a), insert after paragraph (6) the following:

(7) Information on potential economic, competitive, and job impacts on United States air carriers associated with establishing such preclearance operations.; was AGREED TO by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3488 offered by Mr. Higgins (#1B); consisting of the following amendments:

An amendment:

Page 4, line 13, insert “at an airport” before “in such foreign country”.

Page 8, line 10, insert “at an airport” before “in such”.

An amendment by Mr. Thompson:

In section 5, add at the end a new subsection entitled “(c) Selectees.”; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3488 offered by Mr. Chaffetz (#1C); Amend subsection (d) of section 4 to insert a new subsection entitled “(d) Remediation Plan.”; was AGREED TO by voice vote.

A unanimous consent request by Mr. Meehan to be added as a cosponsor to the amendment offered by Mr. Chaffetz (#1C), was not objected to.

Without objection, the Chair authorized staff to make technical and conforming corrections to H.R. 3488.

H.R. 3846, to provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, 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. 3846, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 3846 offered by Mrs. Miller of Michigan (#1); was AGREED TO, amended, by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Mr. Duncan (#1A); In subparagraph (E) of the proposed section 411(j)(3), insert “risk-based” before “covert testing”.

In subparagraph (E) of the proposed section 411(j)(3), insert before the semicolon at the end the following: “, including for nuclear and radiological risks”.; was AGREED TO by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Ms. Loretta Sanchez of California (#1B); consisting of the following amendments:

An amendment:

In the proposed section 5, add at the end a new subsection entitled “(f) Report on Biometric Exit Data Capability.”

An amendment:

Redesignate section 7 as section 8.

Insert after section 6 a new section 7 entitled “Sec. 7. Treatment of Certain Application for Port of Entry Status.”

An amendment by Mr. Thompson:

In section 5, add at the end a new subsection entitled “(f) Unmanned aerial Systems Strategy.”; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Ms. Loretta Sanchez of California (#1C); In section 5, add at the end a new subparagraph entitled “(f) International Border Technology Plan.”; was NOT AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Ms. Loretta Sanchez of California (#1D); In the proposed section 411, add at the end a new subsection entitled “Checkpoints and Roving Patrol Stops Data Collection Requirement.”; was WITHDRAWN by unanimous consent.

A unanimous consent request by Ms. Loretta Sanchez of California to withdraw her amendment, was not objected to.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Mr. Marino (#1E); In subsection (c) of the proposed section 411, redesignate paragraphs (11) through (14) as paragraphs (12) through (15), respectively. In subsection (c) of the proposed section 411, insert after paragraph (10) the following:

“(11) In coordination with the Under Secretary for Management of the Department, ensure United States Customs and Border Protection complies with Federal law, the Federal Acquisition Regulation, and the Department’s acquisition management directives for major acquisition programs of United States Customs and Border Protection.”.; was AGREED TO by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Ms. Jackson Lee (#1F); consisting of the following amendments:

An amendment:

In section 5, add at the end a new subsection entitled “(f) CBP Officer Training.”

An amendment:

In section 5(d), redesignate paragraph (6) as paragraph (7).

In section 5(d), insert after paragraph (5) the following:

(6) An assessment of whether current facilities utilized by United States Customs and Border Protection to house unaccompanied alien children are adequate to comply with all applicable laws, regulations, and standards regarding housing, feeding, and providing medical care for such children.; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Mr. Chaffetz (#1G); In subsection (d) of section 5, add at the end the following: “(7) An identification and assessment of the factors causing unaccompanied alien children to migrate to the United States, including an assessment of how perceptions of enforcement policies and economic and social conditions, including incidents of violence, in countries of origin or last habitual residence may be attributed to a rise in attempted entries into the United States.; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Mr. Barber (#1H); In section 5, add at the end a new subsection entitled “(f) Report on the Security of United States International Borders; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Mr. Barletta (#1I); In section 5(d), in the matter preceding paragraph (1), insert “and annually thereafter” after “this Act”
In subsection (d) of section 5, add at the end the following
(7) information on United States Border Patrol resources spent to care for unaccompanied alien children in the custody of the U.S. Border Patrol, including the number of Border Patrol Agents assigned to care for Unaccompanied Alien Children.
(8) future estimates of Department of Homeland Security resources needed to care for expected increases in Unaccompanied Alien Children;
(9) an identification of any operational or policy challenges impacting the Department of Homeland Security as a result of the any expected increase in Unaccompanied Alien Children.; was AGREED TO by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Mr. O’Rourke (#1J); consisting of the following amendments:

An amendment:

In section 5, add at the end a new subsection entitled “(f) Personal Searches.”

An amendment:

In subsection (k) of the proposes section 411, add at the end a new paragraph entitled “(6) Requirements regarding other notifications.”

An amendment:

In subsection (m) of the proposes section 411, add at the end a new paragraph entitled “(6) Report on inspections of short-term custody facilities.”

An amendment:

In paragraph (2) of section 5(e), strike “and” at the end.

In paragraph (3) of section 5(e), strike the period at the end and insert a semicolon.

In section 5(e), add at the end the following:

(4) enter into long-term leases with nongovernmental and private sector entities;

(5) enter into lease-purchase agreements with nongovernmental and private sector entities; and

(6) achieve cost savings through leases described in paragraphs (4) and (5).; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3846 offered by Mr. Perry (#1K); In subparagraph (C), in proposed section 411(k)(1), strike “and” at the end.

In subparagraph (D), in the proposed section 411(k)(1), strike the period at the end and insert “; and”.

In the proposed section 411(K)(1), add at the end a new subparagraph (E).

In the proposed section 411(K), add at the end a new paragraph entitled “(6) Report on Unmanned Aerial Systems.” was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute to H.R. 3846 on the roster by Mr. Swalwell (#1L); Redesignate section 7 as section 9.

Insert after section 6 the following new section: “Sec. 7. Trusted Traveler Programs.”; was ADOPTED by unanimous consent.

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

Without objection, the Chair authorized staff to make technical and conforming corrections to H.R. 3846.

H.R. 4263, amend the Homeland Security Act of 2002 to authorize the Department of Homeland Security to establish a social media working group, 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. 4263, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 4263 offered by Mr. Palazzo (#1), as filed on the roster by Mrs. Brooks of Indiana; was AGREED TO, by voice vote.

Without objection, the Chair authorized staff to make technical and conforming corrections to H.R. 4263.

H.R. 4289, to amend the Homeland Security Act of 2002 to require the Under Secretary for Management of the Department of Homeland Security to take administrative action to achieve and maintain interoperable communications capabilities among the components of the Department of Homeland Security, and for other purposes.; was ordered to be reported to the House of Representatives with a favorable recommendation, without amendment, by voice vote.

The Committee agreed to H.R. 4289, without amendment, by voice vote.

H.R. 4802, to improve intergovernmental planning for and communication during security incidents at domestic airports, and for other purposes. ; was ordered to be reported to the House of Representatives with a favorable recommendation, as amended, by voice vote.

The Chair discharged the Subcommittee on Transportation Security from further consideration of H.R. 4802.

The Committee agreed to H.R. 4802, as amended, by voice vote.

The following amendments were offered:

An amendment to H.R. 4802 by Mr. Hudson (#1); Page 1, beginning at line 3, strike section 1 and insert a new “Sec. 1. Short Title.”; was ADOPTED by unanimous consent.

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

An amendment to H.R. 4802 offered by Mr. Payne (#2); Page 4, after line 23, insert a new section entitled “Sec. ____ . Interoperability Review.”; was AGREED TO by voice vote.

Without objection, the Chair authorized staff to make technical and conforming corrections to H.R. 4802.

H.R. 4803, to require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, and for other purposes.; was ordered to be reported to the House of Representatives with a favorable recommendation, as amended, by voice vote.

The Chair discharged the Subcommittee on Transportation Security from further consideration of H.R. 4803.

The Committee agreed to H.R. 4803, as amended, by voice vote.

The following amendments were offered:

An amendment to H.R. 4803 offered by Mr. Thompson of Mississippi (#1), as filed on the roster by Ms. Loretta Sanchez of California; Add at the end a new section entitled “Sec. ____ Investigation of Federal Air Marshal Service Use of Federal Firearms License.”; was AGREED TO by voice vote.

Without objection, the Chair authorized staff to make technical and conforming corrections to H.R. 4803.

H.R. 4812, to amend title 49, United States Code, to require the Administrator of the Transportation Security Administration to establish a process for providing expedited and dignified passenger screening services for veterans traveling to visit war memorials built and dedicated to honor their service, and for other purposes.; was ordered to be reported to the House of Representatives with a favorable recommendation, without amendment, by voice vote.

The Chair discharged the Subcommittee on Transportation Security from further consideration of H.R. 4812.

The Committee agreed to H.R. 4812, without amendment, by voice vote.

Without objection, the Chair authorized staff to make technical and conforming corrections to H.R. 4812.

A motion by Mr. Sanford 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. 3202, H.R. 3488, H.R. 3846, H.R. 4263, H.R. 4289, H.R. 4802, H.R. 4803, H.R.4812, 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 H.R. 3202, H.R. 3488, H.R. 3846, H.R. 4263, H.R. 4289, H.R. 4802, H.R. 4803, and H.R.4812, was NOT OBJECTED TO.

