

## HR 5005

Homeland Security Act of 2002

**Congress:** 107 (2001–2003, Ended)

**Chamber:** House

**Policy Area:** Government Operations and Politics

**Introduced:** Jun 24, 2002

**Current Status:** Became Public Law No: 107-296.

**Latest Action:** Became Public Law No: 107-296. (Nov 25, 2002)

**Law:** 107-296 (Enacted Nov 25, 2002)

**Official Text:** <https://www.congress.gov/bill/107th-congress/house-bill/5005>

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**Party:** Republican • **State:** TX • **Chamber:** House

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Rep. Vitter, David [R-LA-1]	R · LA		Jul 12, 2002

Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Discharged From	Jul 12, 2002
Appropriations Committee	House	Discharged From	Jul 12, 2002
Armed Services Committee	House	Discharged From	Jul 12, 2002
Energy and Commerce Committee	House	Discharged From	Jul 12, 2002
Financial Services Committee	House	Discharged From	Jul 12, 2002
Foreign Affairs Committee	House	Discharged From	Jul 12, 2002
Homeland Security Committee	House	Reported By	Jul 24, 2002
Intelligence (Permanent Select) Committee	House	Discharged From	Jul 12, 2002
Judiciary Committee	House	Discharged From	Jul 12, 2002
Oversight and Government Reform Committee	House	Discharged From	Jul 12, 2002
Science, Space, and Technology Committee	House	Discharged From	Jul 12, 2002
Transportation and Infrastructure Committee	House	Discharged From	Jul 12, 2002
Ways and Means Committee	House	Discharged From	Jul 12, 2002

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
107 HR 5710	Related bill	Nov 14, 2002: Received in the Senate.
107 HR 5506	Related bill	Oct 2, 2002: Forwarded by Subcommittee to Full Committee (Amended).
107 S 1534	Related bill	Sep 4, 2002: Sponsor introductory remarks on measure. (CR S8157)
107 HRES 502	Procedurally related	Jul 25, 2002: Motion to reconsider laid on the table Agreed to without objection.
107 S 2794	Related bill	Jul 25, 2002: Read twice and referred to the Committee on Governmental Affairs.
107 HR 4635	Related bill	Jul 15, 2002: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 494.
107 S 2452	Related bill	Jun 24, 2002: Placed on Senate Legislative Calendar under General Orders. Calendar No. 440.
107 S 2546	Related bill	Jun 4, 2002: Referred to the Committee on Commerce, Science, and Transportation by unanimous consent.
107 S 2554	Related bill	May 23, 2002: Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S4842-4843)
107 HR 4660	Related bill	May 2, 2002: Referred to the House Committee on Government Reform.

Homeland Security Act of 2002 - **Title I: Department of Homeland Security** - (Sec. 101) Establishes a Department of Homeland Security (DHS) as an executive department of the United States, headed by a Secretary of Homeland Security (Secretary) appointed by the President, by and with the advice and consent of the Senate, to: (1) prevent terrorist attacks within the United States; (2) reduce the vulnerability of the United States to terrorism; (3) minimize the damage, and assist in the recovery, from terrorist attacks that occur within the United States; (4) carry out all functions of entities transferred to DHS; (5) ensure that the functions of the agencies and subdivisions within DHS that are not related directly to securing the homeland are not diminished or neglected except by a specific Act of Congress; (6) ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland; and (7) monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking. Vests primary responsibility for investigating and prosecuting acts of terrorism in Federal, State, and local law enforcement agencies with proper jurisdiction except as specifically provided by law with respect to entities transferred to DHS under this Act.

(Sec. 102) Directs the Secretary to appoint a Special Assistant to carry out specified homeland security liaison activities between DHS and the private sector.

(Sec. 103) Creates the following: (1) a Deputy Secretary of Homeland Security; (2) an Under Secretary for Information Analysis and Infrastructure Protection; (3) an Under Secretary for Science and Technology; (4) an Under Secretary for Border and Transportation Security; (5) an Under Secretary for Emergency Preparedness and Response; (6) a Director of the Bureau of Citizenship and Immigration Services; (7) an Under Secretary for Management; (8) not more than 12 Assistant Secretaries; and (9) a General Counsel. Establishes an Inspector General (to be appointed under the Inspector General Act of 1978). Requires the following individuals to assist the Secretary in the performance of the Secretary's functions: (1) the Commandant of the Coast Guard; (2) the Director of the Secret Service; (3) a Chief Information Officer; (4) a Chief Human Capital Officer; (5) a Chief Financial Officer; and (6) an Officer for Civil Rights and Civil Liberties.

**Title II: Information Analysis and Infrastructure Protection - Subtitle A: Directorate for Information Analysis and Infrastructure Protection; Access to Information** - (Sec. 201) Establishes in the Department: (1) a Directorate for Information Analysis and Infrastructure Protection, headed by an Under Secretary for Information Analysis and Infrastructure Protection; (2) an Assistant Secretary for Information Analysis; and (3) an Assistant Secretary for Infrastructure Protection.

Requires the Under Secretary to: (1) access, receive, and analyze law enforcement and intelligence information from Federal, State, and local agencies and the private sector to identify the nature, scope, and identity of terrorist threats to the United States, as well as potential U.S. vulnerabilities; (2) carry out comprehensive assessments of vulnerabilities of key U.S. resources and critical infrastructures; (3) integrate relevant information, analyses, and vulnerability assessments to identify protection priorities; (4) ensure timely and efficient Department access to necessary information for discharging responsibilities; (5) develop a comprehensive national plan for securing key U.S. resources and critical infrastructures; (6) recommend necessary measures to protect such resources and infrastructure in coordination with other entities; (7) administer the Homeland Security Advisory System; (8) review, analyze, and make recommendations for improvements in policies and procedures governing the sharing of law enforcement, intelligence, and intelligence-related information and other information related to homeland security within the Federal Government and between the Federal Government and State and local government agencies and authorities; (9) disseminate Department homeland security information to other appropriate Federal, State, and local agencies; (10) consult with the Director of Central Intelligence (DCI) and other appropriate Federal intelligence, law enforcement, or other elements to establish collection priorities and strategies for

information relating the terrorism threats; (11) consult with State and local governments and private entities to ensure appropriate exchanges of information relating to such threats; (12) ensure the protection from unauthorized disclosure of homeland security and intelligence information; (13) request additional information from appropriate entities relating to threats of terrorism in the United States; (14) establish and utilize a secure communications and information technology infrastructure for receiving and analyzing data; (15) ensure the compatibility and privacy protection of shared information databases and analytical tools; (16) coordinate training and other support to facilitate the identification and sharing of information; (17) coordinate activities with elements of the intelligence community, Federal, State, and local law enforcement agencies, and the private sector; and (18) provide intelligence and information analysis and support to other elements of the Department. Provides for: (1) staffing, including the use of private sector analysts; and (2) cooperative agreements for the detail of appropriate personnel.

Transfers to the Secretary the functions, personnel, assets, and liabilities of the following entities: (1) the National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section); (2) the National Communications System of the Department of Defense; (3) the Critical Infrastructure Assurance Offices of the Department of Commerce; (4) the National Infrastructure Simulation and Analysis Center of the Department of Energy and its energy security and assurance program; and (5) the Federal Computer Incident Response Center of the General Services Administration.

Amends the National Security Act of 1947 to include as elements of the intelligence community the Department elements concerned with analyses of foreign intelligence information.

(Sec. 202) Gives the Secretary access to all reports, assessments, analyses, and unevaluated intelligence relating to threats of terrorism against the United States, and to all information concerning infrastructure or other vulnerabilities to terrorism, whether or not such information has been analyzed. Requires all Federal agencies to promptly provide to the Secretary: (1) all reports, assessments, and analytical information relating to such threats and to other areas of responsibility assigned to the Secretary; (2) all information concerning the vulnerability of U.S. infrastructure or other U.S. vulnerabilities to terrorism, whether or not it has been analyzed; (3) all other information relating to significant and credible threats of terrorism, whether or not it has been analyzed; and (4) such other information or material as the President may direct. Requires the Secretary to be provided with certain terrorism-related information from law enforcement agencies that is currently required to be provided to the DCI.

**Subtitle B: Critical Infrastructure Information** - Critical Infrastructure Information Act of 2002 - (Sec. 213) Allows a critical infrastructure protection program to be so designated by either the President or the Secretary.

(Sec. 214) Exempts from the Freedom of Information Act and other Federal and State disclosure requirements any critical infrastructure information that is voluntarily submitted to a covered Federal agency for use in the security of critical infrastructure and protected systems, analysis, warning, interdependency study, recovery, reconstitution, or other informational purpose when accompanied by an express statement that such information is being submitted voluntarily in expectation of such nondisclosure protection. Requires the Secretary to establish specified procedures for the receipt, care, and storage by Federal agencies of critical infrastructure information voluntarily submitted. Provides criminal penalties for the unauthorized disclosure of such information.

Authorizes the Federal Government to issue advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general public regarding potential threats to critical infrastructure.

**Subtitle C: Information Security** - (Sec. 221) Requires the Secretary to establish procedures on the use of shared

information that: (1) limit its re-dissemination to ensure it is not used for an unauthorized purpose; (2) ensure its security and confidentiality; (3) protect the constitutional and statutory rights of individuals who are subjects of such information; and (4) provide data integrity through the timely removal and destruction of obsolete or erroneous names and information.

(Sec. 222) Directs the Secretary to appoint a senior Department official to assume primary responsibility for information privacy policy.

(Sec. 223) Directs the Under Secretary to provide: (1) to State and local government entities and, upon request, to private entities that own or operate critical information systems, analysis and warnings related to threats to and vulnerabilities of such systems, as well as crisis management support in response to threats to or attacks upon such systems; and (2) technical assistance, upon request, to private sector and other government entities with respect to emergency recovery plans to respond to major failures of such systems.

(Sec. 224) Authorizes the Under Secretary to establish a national technology guard (known as NET Guard) to assist local communities to respond to and recover from attacks on information systems and communications networks.

(Sec. 225) Cyber Security Enhancement Act of 2002 - Directs the U.S. Sentencing Commission to review and amend Federal sentencing guidelines and otherwise address crimes involving fraud in connection with computers and access to protected information, protected computers, or restricted data in interstate or foreign commerce or involving a computer used by or for the Federal Government. Requires a Commission report to Congress on actions taken and recommendations regarding statutory penalties for violations. Exempts from criminal penalties any disclosure made by an electronic communication service to a Federal, State, or local governmental entity if made in the good faith belief that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay. Requires any government entity receiving such a disclosure to report it to the Attorney General.

Amends the Federal criminal code to: (1) prohibit the dissemination by electronic means of any such protected information; (2) increase criminal penalties for violations which cause death or serious bodily injury; (3) authorize the use by appropriate officials of emergency pen register and trap and trace devices in the case of either an immediate threat to a national security interest or an ongoing attack on a protected computer that constitutes a crime punishable by a prison term of greater than one year; (4) repeal provisions which provide a shorter term of imprisonment for certain offenses involving protection from the unauthorized interception and disclosure of wire, oral, or electronic communications; and (5) increase penalties for repeat offenses in connection with unlawful access to stored communications.

**Subtitle D: Office of Science and Technology** - (Sec. 231) Establishes within the Department of Justice (DOJ) an Office of Science and Technology whose mission is to: (1) serve as the national focal point for work on law enforcement technology (investigative and forensic technologies, corrections technologies, and technologies that support the judicial process); and (2) carry out programs that improve the safety and effectiveness of such technology and improve technology access by Federal, State, and local law enforcement agencies. Sets forth Office duties, including: (1) establishing and maintaining technology advisory groups and performance standards; (2) carrying out research, development, testing, evaluation, and cost-benefit analyses for improving the safety, effectiveness, and efficiency of technologies used by Federal, State, and local law enforcement agencies; and (3) operating the regional National Law Enforcement and Corrections Technology Centers (established under this Subtitle) and establishing additional centers. Requires the Office Director to report annually on Office activities.

(Sec. 234) Authorizes the Attorney General to transfer to the Office any other DOJ program or activity determined to be

consistent with its mission. Requires a report from the Attorney General to the congressional judiciary committees on the implementation of this Subtitle.

(Sec. 235) Requires the Office Director to operate and support National Law Enforcement and Corrections Technology Centers and, to the extent necessary, establish new centers through a merit-based, competitive process. Requires such Centers to: (1) support research and development of law enforcement technology; (2) support the transfer and implementation of such technology; (3) assist in the development and dissemination of guidelines and technological standards; and (4) provide technology assistance, information, and support for law enforcement, corrections, and criminal justice purposes. Requires the Director to: (1) convene an annual meeting of such Centers; and (2) report to Congress assessing the effectiveness of the Centers and identifying the number of Centers necessary to meet the technology needs of Federal, State, and local law enforcement in the United States.

(Sec. 237) Amends the Omnibus Crime Control and Safe Streets Act of 1968 to require the National Institute of Justice to: (1) research and develop tools and technologies relating to prevention, detection, investigation, and prosecution of crime; and (2) support research, development, testing, training, and evaluation of tools and technology for Federal, State, and local law enforcement agencies.

**Title III: Science and Technology in Support of Homeland Security** - (Sec. 301) Establishes in DHS a Directorate of Science and Technology, headed by an Under Secretary for Science and Technology, to be responsible for: (1) advising the Secretary regarding research and development (R&D) efforts and priorities in support of DHS missions; (2) developing a national policy and strategic plan for, identifying priorities, goals, objectives and policies for, and coordinating the Federal Government's civilian efforts to identify and develop countermeasures to chemical, biological, radiological, nuclear, and other emerging terrorist threats; (3) supporting the Under Secretary for Information Analysis and Infrastructure Protection by assessing and testing homeland security vulnerabilities and possible threats; (4) conducting basic and applied R&D activities relevant to DHS elements, provided that such responsibility does not extend to human health-related R&D activities; (5) establishing priorities for directing, funding, and conducting national R&D and procurement of technology systems for preventing the importation of chemical, biological, radiological, nuclear, and related weapons and material and for detecting, preventing, protecting against, and responding to terrorist attacks; (6) establishing a system for transferring homeland security developments or technologies to Federal, State, and local government and private sector entities; (7) entering into agreements with the Department of Energy (DOE) regarding the use of the national laboratories or sites and support of the science and technology base at those facilities; (8) collaborating with the Secretary of Agriculture and the Attorney General in the regulation of certain biological agents and toxins as provided in the Agricultural Bioterrorism Protection Act of 2002; (9) collaborating with the Secretary of Health and Human Services and the Attorney General in determining new biological agents and toxins that shall be listed as select agents in the Code of Federal Regulations; (10) supporting U.S. leadership in science and technology; (11) establishing and administering the primary R&D activities of DHS; (12) coordinating and integrating all DHS R&D activities; (13) coordinating with other appropriate executive agencies in developing and carrying out the science and technology agenda of DHS to reduce duplication and identify unmet needs; and (14) developing and overseeing the administration of guidelines for merit review of R&D projects throughout DHS and for the dissemination of DHS research.

(Sec. 303) Transfers to the Secretary: (1) specified DOE functions, including functions related to chemical and biological national security programs, nuclear smuggling programs and activities within the proliferation detection program, the nuclear assessment program, designated life sciences activities of the biological and environmental research program related to microbial pathogens, the Environmental Measurements Laboratory, and the advanced scientific computing research program at Lawrence Livermore National Laboratory; and (2) the National Bio-Weapons Defense Analysis

Center of DOD.

(Sec. 304) Requires the HHS Secretary, with respect to civilian human health-related R&D activities relating to HHS countermeasures for chemical, biological, radiological, and nuclear and other emerging terrorist threats, to: (1) set priorities, goals, objectives, and policies and develop a coordinated strategy for such activities in collaboration with the Secretary to ensure consistency with the national policy and strategic plan; and (2) collaborate with the Secretary in developing specific benchmarks and outcome measurements for evaluating progress toward achieving such priorities and goals.

Amends the Public Health Service Act to: (1) authorize the HHS Secretary to declare that an actual or potential bioterrorist incident or other public health emergency makes advisable the administration of a covered countermeasure against smallpox to a category or categories of individuals; (2) require the HHS Secretary to specify the substances to be considered countermeasures and the beginning and ending dates of the period of the declaration; and (3) deem a covered person to be an employee of the Public Health Service with respect to liability arising out of administration of such a countermeasure.

Extends liability to the United States (with an exception) with respect to claims arising out of an administration of a covered countermeasure to an individual only if: (1) the countermeasure was administered by a qualified person for the purpose of preventing or treating smallpox during the effective period; (2) the individual was within a covered category; or (3) the qualified person administering the countermeasure had reasonable grounds to believe that such individual was within such category. Provides for a rebuttable presumption of an administration within the scope of a declaration in the case where an individual who is not vaccinated contracts vaccinia. Makes the remedy against the United States provided under such Act exclusive of any other civil action or proceeding against a covered person for any claim or suit arising out of the administration of a covered countermeasure.

(Sec. 305) Authorizes the Secretary, acting through the Under Secretary, to establish or contract with one or more federally funded R&D centers to provide independent analysis of homeland security issues or to carry out other responsibilities under this Act.

(Sec. 306) Directs the President to notify the appropriate congressional committees of any proposed transfer of DOE life sciences activities.

(Sec. 307) Establishes the Homeland Security Advanced Research Projects Agency to be headed by a Director who shall be appointed by the Secretary and who shall report to the Under Secretary. Requires the Director to administer the Acceleration Fund for Research and Development of Homeland Security Technologies (established by this Act) to award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities to: (1) support basic and applied homeland security research to promote revolutionary changes in technologies that would promote homeland security; (2) advance the development, testing and evaluation, and deployment of critical homeland security technologies; and (3) accelerate the prototyping and deployment of technologies that would address homeland security vulnerabilities. Allows the Director to solicit proposals to address specific vulnerabilities. Requires the Director to periodically hold homeland security technology demonstrations to improve contact among technology developers, vendors, and acquisition personnel.

Authorizes appropriations to the Fund. Earmarks ten percent of such funds for each fiscal year through FY 2005 for the Under Secretary, through joint agreement with the Commandant of the Coast Guard, to carry out R&D of improved ports, waterways, and coastal security surveillance and perimeter protection capabilities to minimize the possibility that Coast

Guard cutters, aircraft, helicopters, and personnel will be diverted from non-homeland security missions to the ports, waterways, and coastal security mission.

(Sec. 308) Requires the Secretary, acting through the Under Secretary, to: (1) operate extramural R&D programs to ensure that colleges, universities, private research institutes, and companies (and consortia thereof) from as many areas of the United States as practicable participate; and (2) establish a university-based center or centers for homeland security which shall establish a coordinated, university-based system to enhance the Nation's homeland security. Authorizes the Secretary, through the Under Secretary, to: (1) draw upon the expertise of any Government laboratory; and (2) establish a headquarters laboratory for DHS and additional laboratory units.

(Sec. 309) Allows the Secretary, in carrying out DHS missions, to utilize DOE national laboratories and sites through: (1) a joint sponsorship arrangement; (2) a direct contact between DHS and the applicable DOE laboratory or site; (3) any "work for others" basis made available by that laboratory or site; or (4) any other method provided by law. Allows DHS to be a joint sponsor: (1) with DOE of one or more DOE national laboratories; and (2) of a DOE site in the performance of work as if such site were a federally funded R&D center and the work were performed under a multiple agency sponsorship arrangement with DHS. Directs the Secretary and the Secretary of DOE to ensure that direct contracts between DHS and the operator of a DOE national laboratory or site for programs or activities transferred from DOE to DHS are separate from the direct contracts of DOE with such operator.

Establishes within the Directorate of Science and Technology an Office for National Laboratories which shall be responsible for the coordination and utilization of DOE national laboratories and sites in a manner to create a networked laboratory system to support DHS missions.

(Sec. 310) Directs the Secretary of Agriculture to transfer to the Secretary the Plum Island Animal Disease Center of the Department of Agriculture and provides for continued Department of Agriculture access to such Center.

(Sec. 311) Establishes within DHS a Homeland Security Science and Technology Advisory Committee to make recommendations with respect to the activities of the Under Secretary.

(Sec. 312) Directs the Secretary to establish the Homeland Security Institute, a federally funded R&D center. Includes among authorized duties for the Institute: (1) determination of the vulnerabilities of the Nation's critical infrastructures; (2) assessment of the costs and benefits of alternative approaches to enhancing security; and (3) evaluation of the effectiveness of measures deployed to enhance the security of institutions, facilities, and infrastructure that may be terrorist targets.

(Sec. 313) Requires the Secretary to establish and promote a program to encourage technological innovation in facilitating the mission of DHS, to include establishment of: (1) a centralized Federal clearinghouse to further the dissemination of information on technologies; and (2) a technical assistance team to assist in screening submitted proposals.

**Title IV: Directorate of Border and Transportation Security - Subtitle A: Under Secretary for Border and Transportation Security** - (Sec. 401) Establishes in DHS a Directorate of Border and Transportation Security to be headed by an Under Secretary for Border and Transportation Security. Makes the Secretary, acting through the Under Secretary for Border and Transportation Security, responsible for: (1) preventing the entry of terrorists and the instruments of terrorism into the United States; (2) securing the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States; (3) carrying out the immigration enforcement functions vested by statute in, or performed by, the Commissioner of Immigration and Naturalization immediately before their

transfer to the Under Secretary; (4) establishing and administering rules governing the granting of visas or other forms of permission to enter the United States to individuals who are not citizens or aliens lawfully admitted for permanent residence in the United States; (5) establishing national immigration enforcement policies and priorities; (6) administering the customs laws of the United States (with certain exceptions); (7) conducting the inspection and related administrative functions of the Department of Agriculture transferred to the Secretary; and (8) ensuring the speedy, orderly, and efficient flow of lawful traffic and commerce in carrying out the foregoing responsibilities.

(Sec. 403) Transfers to the Secretary the functions, personnel, assets, and liabilities of: (1) the U.S. Customs Service; (2) the Transportation Security Administration; (3) the Federal Protective Service of the General Services Administration (GSA); (4) the Federal Law Enforcement Training Center of the Department of the Treasury; and (5) the Office for Domestic Preparedness of the Office of Justice Programs of the Department of Justice (DOJ).

**Subtitle B: United States Customs Service** - (Sec. 411) Establishes in DHS the U.S. Customs Service (transferred from the Department of the Treasury, but with certain customs revenue functions remaining with the Secretary of the Treasury). Authorizes the Secretary of the Treasury to appoint up to 20 new personnel to work with DHS personnel in performing customs revenue functions.

(Sec. 414) Requires the President to include a separate budget request for the U.S. Customs Service in the annual budget transmitted to Congress.

(Sec. 416) Directs the Comptroller General to report to Congress on all trade functions performed by the executive branch, specifying each agency that performs each such function.

(Sec. 417) Directs the Secretary to ensure that adequate staffing is provided to assure that levels of current customs revenue services will continue to be provided. Requires the Secretary to notify specified congressional committees prior to taking any action which would: (1) result in any significant reduction in customs revenue services (including hours of operation provided at any office within DHS or any port of entry); (2) eliminate or relocate any office of DHS which provides customs revenue services; or (3) eliminate any port of entry.

(Sec. 419) Amends the Consolidated Omnibus Budget Reconciliation Act of 1985 to create in the Treasury a separate Customs Commercial and Homeland Security Automation Account to contain merchandise processing (customs user) fees. Authorizes appropriations for FY 2003 through 2005 for establishment of the Automated Commercial Environment computer system for the processing of merchandise that is entered or released and for other purposes related to the functions of DHS.

**Subtitle C: Miscellaneous Provisions** - (Sec. 421) Transfers to the Secretary the functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under specified animal and plant protection laws.

Requires the Secretary of Agriculture and the Secretary to enter into an agreement to effectuate such transfer and to transfer periodically funds collected pursuant to fee authorities under the Food, Agriculture, Conservation, and Trade Act of 1990 to the Secretary for activities carried out by the Secretary for which such fees were collected.

Directs the Secretary of Agriculture to transfer to the Secretary not more than 3,200 full-time equivalent positions of the Department of Agriculture.

(Sec. 423) Directs the Secretary to establish a liaison office within DHS for the purpose of consulting with the Administrator of the Federal Aviation Administration before taking any action that might affect aviation safety, air carrier

operations, aircraft airworthiness, or the use of airspace.

(Sec. 424) Requires the Transportation Security Administration to be maintained as a distinct entity within DHS under the Under Secretary for Border Transportation and Security for two years after enactment of this Act.

(Sec. 425) Amends Federal aviation law to require the Under Secretary of Transportation for Security to take certain action, if, in his discretion or at the request of an airport, he determines that the Transportation Security Administration is not able to deploy explosive detection systems at all airports required to have them by December 31, 2002. Requires the Under Secretary, in such circumstances, to: (1) submit to specified congressional committees a detailed plan for the deployment of explosive detection systems at such airport by December 31, 2003; and (2) take all necessary action to ensure that alternative means of screening all checked baggage is implemented.

(Sec. 426) Replaces the Secretary of Transportation with the Secretary of Homeland Security as chair of the Transportation Security Oversight Board. Requires the Secretary of Transportation to consult with the Secretary before approving airport development project grants relating to security equipment or the installation of bulk explosive detection systems.

(Sec. 427) Directs the Secretary, in coordination with the Secretary of Agriculture, the Secretary of Health and Human Services, and the head of each other department or agency determined to be appropriate by the Secretary, to ensure that appropriate information concerning inspections of articles that are imported or entered into the United States, and are inspected or regulated by one or more affected agencies, is timely and efficiently exchanged between the affected agencies. Requires the Secretary to report to Congress on the progress made in implementing this section.

(Sec. 428) Grants the Secretary exclusive authority to issue regulations with respect to, administer, and enforce the Immigration and Nationality Act (INA) and all other immigration and nationality laws relating to the functions of U.S. diplomatic and consular officers in connection with the granting or refusal of visas, and authority to refuse visas in accordance with law and to develop programs of homeland security training for consular officers, which authorities shall be exercised through the Secretary of State. Denies the Secretary authority, however, to alter or reverse the decision of a consular officer to refuse a visa to an alien.

Grants the Secretary authority also to confer or impose upon any U.S. officer or employee, with the consent of the head of the executive agency under whose jurisdiction such officer or employee is serving, any of these specified functions.

Authorizes the Secretary of State to direct a consular officer to refuse a visa to an alien if the Secretary of State deems such refusal necessary or advisable in the foreign policy or security interests of the United States.

Authorizes the Secretary to assign employees of DHS to any diplomatic and consular posts abroad to review individual visa applications and provide expert advice and training to consular officers regarding specific security threats relating to such applications and to conduct investigations with respect to matters under the Secretary's jurisdiction.

Directs the Secretary to study and report to Congress on the role of foreign nationals in the granting or refusal of visas and other documents authorizing entry of aliens into the United States.

Requires the Director of the Office of Science and Technology Policy to report to Congress on how the provisions of this section will affect procedures for the issuance of student visas.

Terminates after enactment of this Act all third party screening visa issuance programs in Saudi Arabia. Requires on-site personnel of DHS to review all visa applications prior to adjudication.

(Sec. 429) Requires visa denial information to be entered into the electronic data system as provided for in the Enhanced Border Security and Visa Entry Reform Act of 2002. Prohibits an alien denied a visa from being issued a subsequent visa unless the reviewing consular officer makes specified findings concerning waiver of ineligibility.

(Sec. 430) Establishes within the Directorate of Border and Transportation Security the Office for Domestic Preparedness to: (1) coordinate Federal preparedness for acts of terrorism, working with all State, local, tribal, county, parish, and private sector emergency response providers; (2) coordinate or consolidate systems of communications relating to homeland security at all levels of government; (3) direct and supervise Federal terrorism preparedness grant programs for all emergency response providers; and (4) perform specified other related duties.

**Subtitle D: Immigration Enforcement Functions** - (Sec. 441) Transfers from the Commissioner of Immigration and Naturalization to the Under Secretary for Border and Transportation Security all functions performed under the following programs, and all personnel, assets, and liabilities pertaining to such programs, immediately before such transfer occurs: (1) the Border Patrol program; (2) the detention and removal program; (3) the intelligence program; (4) the investigations program; and (5) the inspections program.

(Sec. 442) Establishes in the Department of Homeland Security (DHS) the Bureau of Border Security, headed by the Assistant Secretary of the Bureau of Border Security who shall: (1) report directly to the Under Secretary; (2) establish and oversee the policies for performing functions transferred to the Under Secretary and delegated to the Assistant Secretary by the Under Secretary; and (3) advise the Under Secretary with respect to any policy or operation of the Bureau that may affect the Bureau of Citizenship and Immigration Services.

Directs the Assistant Secretary to: (1) administer the program to collect information relating to nonimmigrant foreign students and other exchange program participants; and (2) implement a managerial rotation program.

Establishes the position of Chief of Policy and Strategy for the Bureau of Border Security, who shall: (1) make immigration enforcement policy recommendations; and (2) coordinate immigration policy issues with the Chief of Policy and Strategy for the Bureau of Citizenship and Immigration Services.

(Sec. 443) Makes the Under Secretary responsible for: (1) investigating noncriminal allegations of Bureau employee misconduct, corruption, and fraud that are not subject to investigation by the Inspector General for DHS; (2) inspecting and assessing Bureau operations; and (3) analyzing Bureau management.

(Sec. 444) Authorizes the Under Secretary to impose disciplinary action pursuant to policies and procedures applicable to FBI employees.

(Sec. 445) Requires the Secretary of Homeland Security to report on how the Bureau will enforce relevant INA provisions.

(Sec. 446) Expresses the sense of Congress that completing the 14-mile border fence project near San Diego, California, mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 should be a priority for the Secretary.

**Subtitle E: Citizenship and Immigration Services** - (Sec. 451) Establishes in DHS a Bureau of Citizenship and Immigration Services, headed by the Director of the Bureau of Citizenship and Immigration Services, who shall: (1) establish the policies for performing and administering transferred functions; (2) establish national immigration services policies and priorities; and (3) implement a managerial rotation program.

Authorizes the Director to implement pilot initiatives to eliminate the backlog of immigration benefit applications.

Transfers all Immigration and Naturalization Service (INS) adjudications and related personnel and funding to the Director.

Establishes for the Bureau positions of: (1) Chief of Policy and Strategy; (2) legal adviser; (3) budget officer; and (4) Chief of the Office of Citizenship to promote citizenship instruction and training for aliens interested in becoming naturalized U.S. citizens.

(Sec. 452) Establishes within the DHS a Citizenship and Immigration Services Ombudsman, with local offices, to: (1) assist individuals and employers resolve problems with the Bureau; (2) identify problem areas; and (3) propose administrative and legislative changes.

(Sec. 453) Makes the Director responsible for (1) investigating noncriminal allegations of Bureau employee misconduct, corruption, and fraud that are not subject to investigation by the Inspector General of DHS; (2) inspecting and assessing Bureau operations; and (3) analyzing Bureau management.

(Sec. 454) Authorizes the Director to impose disciplinary action pursuant to policies and procedures applicable to FBI employees.

(Sec. 456) Sets forth transfer of authority and transfer and allocation of appropriations and personnel provisions.

(Sec. 457) Amends the INA to repeal the provision permitting fees for adjudication and naturalization services to be set at a level that will ensure recovery of the costs of similar services provided without charge to asylum applicants.

(Sec. 458) Amends the Immigration Services and Infrastructure Improvements Act of 2000 to change the deadline for the Attorney General to eliminate the backlog in the processing of immigration benefit applications to one year after enactment of this Act.

(Sec. 459) Directs the Secretary to report on how the Bureau of Citizenship and Immigration Services will efficiently complete transferred INS adjudications.

(Sec. 460) Directs the Attorney General to report on changes in law needed to ensure an appropriate response to emergent or unforeseen immigration needs.

(Sec. 461) Directs the Secretary to: (1) establish an Internet-based system that will permit online information access to a person, employer, immigrant, or nonimmigrant about the processing status of any filings for any benefit under the INA; (2) conduct a feasibility study for online filing and improved processing; and (3) establish a Technology Advisory Committee.

(Sec. 462) Transfers to the Director of the Office of Refugee Resettlement of the Department of Health and Human Services (HHS) INS functions with respect to the care of unaccompanied alien children (as defined by this Act).

Sets forth the responsibilities of the Office for such children, including: (1) coordinating and implementing the care and placement of unaccompanied alien children who are in Federal custody, including appointment of independent legal counsel to represent the interests of each child; (2) identifying and overseeing individuals, entities, and facilities to house such children; (3) family reunification; (4) compiling, updating, and publishing at least annually a State-by-State list of professionals or other entities qualified to provide guardian and attorney representation services; (5) maintaining related biographical and statistical information; and (6) conducting investigations and inspections of residential facilities.

Directs the Office to: (1) consult with juvenile justice professionals to ensure such children's safety; and (2) not release such children upon their own recognizance.

**Subtitle F: General Immigration Provisions** - (Sec. 471) Abolishes INS upon completion of all transfers from it as provided for by this Act.

(Sec. 472) Authorizes the Attorney General and the Secretary to make voluntary separation incentive payments, after completion of a strategic restructuring plan, to employees of: (1) INS; (2) the Bureau of Border Security of DHS; and (3) the Bureau of Citizenship and Immigration Services of DHS.

(Sec. 473) Directs the Attorney General and the Secretary to conduct a demonstration project to determine whether policy or procedure revisions for employee discipline would result in improved personnel management.

(Sec. 474) Expresses the sense of Congress that: (1) the missions of the Bureau of Border Security and the Bureau of Citizenship and Immigration Services are equally important and should be adequately funded; and (2) the functions transferred should not operate at levels below those in effect prior to the enactment of this Act.

(Sec. 475) Establishes within the Office of Deputy Secretary a Director of Shared Services who shall be responsible for: (1) information resources management; and (2) records, forms, and file management.

(Sec. 476) Provides for budgetary and funding separation with respect to the Bureau of Citizenship and Immigration Services and the Bureau of Border Security.

(Sec. 477) Sets forth reporting and implementation plan provisions.

(Sec. 478) Directs the Secretary to annually report regarding: (1) the aggregate number of all immigration applications and petitions received, and processed; (2) regional statistics on the aggregate number of denied applications and petitions; (3) application and petition backlogs and a backlog elimination plan; (4) application and petition processing periods; (5) number, types, and disposition of grievances and plans to improve immigration services; and (6) appropriate use of immigration-related fees.

Expresses the sense of Congress that: (1) the quality and efficiency of immigration services should be improved after the transfers made by Act; and (2) the Secretary should undertake efforts to guarantee that such concerns are addressed after such effective date.

**Title V: Emergency Preparedness and Response** - (Sec. 501) Establishes in DHS a Directorate of Emergency Preparedness and Response, headed by an Under Secretary.

(Sec. 502) Requires the responsibilities of the Secretary, acting through the Under Secretary, to include: (1) helping to ensure the effectiveness of emergency response providers to terrorist attacks, major disasters, and other emergencies; (2) with respect to the Nuclear Incident Response Team, establishing and certifying compliance with standards, conducting joint and other exercises and training, and providing funds to the Department of Energy and the Environmental Protection Agency for homeland security planning, training, and equipment; (3) providing the Federal Government's response to terrorist attacks and major disasters; (4) aiding recovery from terrorist attacks and major disasters; (5) building a comprehensive national incident management system with Federal, State, and local governments to respond to such attacks and disasters; (6) consolidating existing Federal Government emergency response plans into a single, coordinated national response plan; and (7) developing comprehensive programs for developing interoperative communications technology and helping to ensure that emergency response providers acquire such technology.

(Sec. 503) Transfers to the Secretary the functions, personnel, assets, and liabilities of: (1) the Federal Emergency Management Agency (FEMA); (2) the Integrated Hazard Information System of the National Oceanic and Atmospheric Administration, which shall be renamed FIRESAT; (3) the National Domestic Preparedness Office of the FBI; (4) the Domestic Emergency Support Teams of DOJ; (5) the Office of Emergency Preparedness, the National Disaster Medical System, and the Metropolitan Medical Response System of HHS; and (6) the Strategic National Stockpile of HHS.

(Sec. 504) Requires the Nuclear Incident Response Team, at the direction of the Secretary (in connection with an actual or threatened terrorist attack, major disaster, or other emergency in the United States), to operate as an organizational unit of DHS under the Secretary's authority and control.

(Sec. 505) Provides that, with respect to all public health-related activities to improve State, local, and hospital preparedness and response to chemical, biological, radiological, and nuclear and other emerging terrorist threats carried out by HHS (including the Public Health Service), the Secretary of HHS shall set priorities and preparedness goals and further develop a coordinated strategy for such activities in collaboration with the Secretary.

(Sec. 506) Defines the Nuclear Incident Response Team to include: (1) those entities of the Department of Energy that perform nuclear or radiological emergency support functions, radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and (2) Environmental Protection Agency entities that perform such support functions and related functions.

(Sec. 507) Includes in the homeland security role of FEMA: (1) all functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and (2) a comprehensive, risk-based emergency management program of mitigation, of planning for building the emergency management profession, of response, of recovery, and of increased efficiencies. Maintains FEMA as the lead agency for the Federal Response Plan established under Executive Orders 12148 and 12656. Requires the FEMA Director to revise the Plan to reflect the establishment of and incorporate DHS.

(Sec. 508) Directs the Secretary, to the maximum extent practicable, to use national private sector networks and infrastructure for emergency response to major disasters.

(Sec. 509) Expresses the sense of Congress that the Secretary should: (1) use off-the-shelf commercially developed technologies to allow DHS to collect, manage, share, analyze, and disseminate information securely over multiple channels of communication; and (2) rely on commercial sources to supply goods and services needed by DHS.

**Title VI: Treatment of Charitable Trusts for Members of the Armed Forces of the United States and Other Governmental Organizations** - (Sec. 601) Sets forth requirements a charitable corporation, fund, foundation, or trust must meet to designate itself as a Johnny Micheal Spann Patriot Trust (a charitable trust for the spouses, dependents, and relatives of military and Federal personnel who lose their lives in the battle against terrorism that is named after the first American to die in such service following the September 11th terrorist attacks). Requires at least 85 percent of each Trust corpus to be distributed to such survivors and prohibits more than 15 percent from being used for administrative purposes. Prohibits: (1) any Trust activities from violating any prohibition against attempting to influence legislation; and (2) any such Trust from participating in any political campaign on behalf of a candidate for public office. Requires: (1) audits of each Trust that annually receives contributions of more than \$1 million; and (2) Trust distributions to be made at least once a year. Provides for the notification of Trust beneficiaries.

**Title VII: Management** - (Sec. 701) Makes the Secretary, acting through the Under Secretary for Management,

responsible for the management and administration of DHS. Details certain responsibilities of the Under Secretary with respect to immigration statistics. Transfers to the Under Secretary functions previously performed by the Statistics Branch of the Office of Policy and Planning of the Immigration and Naturalization Service (INS) with respect to: (1) the Border Patrol program; (2) the detention and removal program; (3) the intelligence program; (4) the investigations program; (5) the inspections program; and (6) INS adjudications.

(Sec. 702) Requires a chief financial officer, a chief information officer, and a chief human capital officer to report to the Secretary. Requires the chief human capital officer to ensure that all DHS employees are informed of their rights and remedies under merit system protection and principle provisions.

(Sec. 705) Requires the Secretary to appoint an Officer for Civil Rights and Civil Liberties who shall: (1) review and assess information alleging abuses of civil rights, civil liberties, and racial and ethnic profiling by employees and officials of DHS; and (2) make public information on the responsibilities and functions of, and how to contact, the Office.

(Sec. 706) Requires the Secretary to develop and submit to Congress a plan for consolidating and co-locating: (1) any regional offices or field offices of agencies that are transferred to DHS under this Act, if their officers are located in the same municipality; and (2) portions of regional and field offices of other Federal agencies, to the extent such offices perform functions that are transferred to the Secretary under this Act.

**Title VIII: Coordination With Non-Federal Entities; Inspector General; United States Secret Service; Coast Guard; General Provisions - Subtitle A: Coordination with Non-Federal Entities** - (Sec. 801) Establishes within the Office of the Secretary the Office for State and Local Government Coordination to oversee and coordinate Department homeland security programs for and relationships with State and local governments.

**Subtitle B: Inspector General** - (Sec. 811) Places the DHS Inspector General under the authority, direction, and control of the Secretary with respect to audits or investigations, or the issuance of subpoenas, that require access to sensitive information concerning intelligence, counterintelligence, or counterterrorism matters; criminal investigations or proceedings; undercover operations; the identify of confidential sources; and certain matters of disclosure.

Amends the Inspector General Act of 1978 to: (1) give such Inspector General oversight responsibility for internal investigations performed by the Office of Internal Affairs of the United States Customs Service and the Office of Inspections of the United States Secret Service; and (2) authorize each Inspector General, any Assistant Inspector General for Investigations, and any special agent supervised by such an Assistant Inspector General to carry a firearm, make arrests without warrants, and seek and execute warrants. Allows the latter only upon certain determinations by the Attorney General (exempts the Inspector General offices of various executive agencies from such requirement). Provides for the rescinding of such law enforcement powers. Requires the Inspector General offices exempted from the determinations requirement to collectively enter into a memorandum of understanding to establish an external review process for ensuring that adequate internal safeguards and management procedures continue to exist to ensure the proper utilization of such law enforcement powers within their departments.

**Subtitle C: United States Secret Service** - (Sec. 821) Transfers to the Secretary the functions of the United States Secret Service, which shall be maintained as a distinct entity within DHS.

**Subtitle D: Acquisitions** - (Sec. 831) Authorizes the Secretary to carry out a five-year pilot program under which the Secretary may exercise specified authorities in carrying out: (1) basic, applied, and advanced research and development projects for response to existing or emerging terrorist threats; and (2) defense prototype projects. Requires a report from the Comptroller General to specified congressional committees on the use of such authorities.

(Sec. 832) Permits the Secretary to procure temporary or intermittent: (1) services of experts or consultants; and (2) personal services without regard to certain pay limitations when necessary due to an urgent homeland security need.

(Sec. 833) Authorizes the Secretary to use specified micro purchase, simplified acquisition, and commercial item acquisition procedures with respect to any procurement made during the period beginning on the effective date of this Act and ending on September 30, 2007, if the Secretary determines that the mission of DHS would be seriously impaired without the use of such authorities. Requires a report from the Comptroller General.

(Sec. 834) Requires the Federal Acquisition Regulation to be revised to include regulations with regard to unsolicited proposals.

(Sec. 835) Prohibits the Secretary from entering into a contract with a foreign incorporated entity which is treated as an inverted domestic corporation. Sets forth requirements for such treatment. Authorizes the Secretary to waive such prohibition in the interest of homeland security, to prevent the loss of any jobs in the United States, or to prevent the Government from incurring any additional costs.

**Subtitle E: Human Resources Management** - (Sec. 841) Expresses the sense of Congress calling for the participation of DHS employees in the creation of the DHS human resources management system.

Amends Federal civil service law to authorize the Secretary, in regulations prescribed jointly with the Director of the Office of Personnel Management (OPM), to establish and adjust a human resources management system for organizational units of DHS. Requires the system to ensure that employees may organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them, subject to an exclusion from coverage or limitation on negotiability established by law. Imposes certain requirements upon the Secretary and the OPM Director to ensure the participation of employee representatives in the planning, development, and implementation of any human resources management system or system adjustments.

Declares the sense of Congress that DHS employees are entitled to fair treatment in any appeals that they bring in decisions relating to their employment.

Terminates all authority to issue regulations under this section five years after enactment of this Act.

(Sec. 842) Prohibits any agency or agency subdivision transferred to DHS from being excluded from coverage under labor-management relations requirements as a result of any order issued after June 18, 2002, unless: (1) the mission and responsibilities of the agency or subdivision materially change; and (2) a majority of the employees within the agency or subdivision have as their primary duty intelligence, counterintelligence, or investigative work directly related to terrorism investigation. Declares that collective bargaining units shall continue to be recognized unless such conditions develop. Prohibits exclusion of positions or employees for a bargaining unit unless the primary job duty materially changes or consists of intelligence, counterintelligence, or investigative work directly related to terrorism investigation. Waives these prohibitions and recognitions in circumstances where the President determines that their application would have a substantial adverse impact on the Department's ability to protect homeland security.

**Subtitle F: Federal Emergency Procurement Flexibility** - (Sec. 852) Provides that the simplified acquisition threshold to be applied for any executive agency procurement of property or services that is to be used to facilitate the defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack and that is carried out in support of a humanitarian or peacekeeping operation or a contingency operation shall be: (1) \$200,000 for a contract to be awarded and performed, or a purchase to be made, inside the United States; or (2) \$300,000 for a contract to be

awarded and performed, or a purchase to be made, outside the United States.

(Sec. 854) Authorizes the head of each agency to designate certain employees to make such procurements below a micro-purchase threshold of \$7,500 (currently \$2,500) under the Office of Federal Procurement Policy Act.

(Sec. 855) Permits executive agencies to apply to any such procurement specified provisions of law relating to the procurement of commercial items, without regard to whether the property and services are commercial items. Makes the \$5 million limitation on the use of simplified acquisition procedures inapplicable to purchases of property or services to which such provisions apply.

(Sec. 856) Requires executive agencies to use specified streamlined acquisition authorities and procedures for such procurements. Waives certain small business threshold requirements with respect to such procurements.

(Sec. 857) Requires the Comptroller General to review and report to specified congressional committees on the extent to which procurements of property and services have been made in accordance with requirements of this Subtitle.

(Sec. 858) Requires each executive agency to conduct market research to identify the capabilities of small businesses and new entrants into Federal contracting that are available to meet agency requirements in furtherance of defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

**Subtitle G: Support Anti-terrorism by Fostering Effective Technologies Act of 2002** - Support Anti-terrorism by Fostering Effective Technologies Act of 2002 or SAFETY Act - (Sec. 862) Authorizes the Secretary to designate anti-terrorism technologies that qualify for protection under a risk management system in accordance with criteria that shall include: (1) prior Government use or demonstrated substantial utility and effectiveness; (2) availability for immediate deployment in public and private settings; (3) substantial likelihood that such technology will not be deployed unless protections under such system are extended; and (4) the magnitude of risk exposure to the public if such technology is not deployed. Makes the Secretary responsible for administration of such protections.

(Sec. 863) Provides a Federal cause of action for sellers suffering a loss from qualified anti-terrorism technologies so deployed. Prohibits punitive damages from being awarded against a seller.

(Sec. 864) Requires sellers of qualified anti-terrorism technologies to obtain liability insurance in amounts certified as satisfactory by the Secretary.

**Subtitle H: Miscellaneous Provisions** - (Sec. 871) Authorizes the Secretary to establish, appoint members of, and use the services of advisory committees as necessary.

(Sec. 872) Grants the Secretary limited authority to reorganize DHS by allocating or reallocating functions within it and by establishing, consolidating, altering, or discontinuing organizational units.

(Sec. 873) Requires the Secretary to comply with Federal requirements concerning the deposit of proceeds from property sold or transferred by the Secretary. Requires the President to submit to Congress a detailed Department budget request for FY 2004 and thereafter.

(Sec. 874) Requires each such budget request to be accompanied by a Future Years Homeland Security Program structured in the same manner as the annual Future Years Defense Program.

(Sec. 876) Provides that nothing in this Act shall confer upon the Secretary any authority to engage in war fighting, the

military defense of the United States, or other military activities or limit the existing authority of the Department of Defense or the armed forces to do so.

(Sec. 878) Directs the Secretary to appoint a senior DHS official to assume primary responsibility for coordinating policy and operations within DHS and between DHS and other Federal departments and agencies with respect to interdicting the entry of illegal drugs into the United States and tracking and severing connections between illegal drug trafficking and terrorism.

(Sec. 879) Establishes within the Office of the Secretary an Office of International Affairs, headed by a Director, to: (1) promote information and education exchange on homeland security best practices and technologies with friendly nations; (2) identify areas for homeland security information and training exchange where the United States has a demonstrated weakness and another friendly nation has a demonstrated expertise; (3) plan and undertake international conferences, exchange programs, and training activities; and (4) manage international activities within DHS in coordination with other Federal officials with responsibility for counter-terrorism matters.

(Sec. 880) Prohibits any Government activity to implement the proposed component program of the Citizen Corps known as Operation TIPS (Terrorism Information and Prevention System).

(Sec. 881) Directs the Secretary to review the pay and benefit plans of each agency whose functions are transferred to DHS under this Act and to submit a plan for ensuring the elimination of disparities in pay and benefits throughout DHS, especially among law enforcement personnel, that are inconsistent with merit system principles.

(Sec. 882) Establishes within the Office of the Secretary the Office of National Capital Region Coordination, headed by a Director, to oversee and coordinate Federal homeland security programs for and relationships with State, local, and regional authorities within the National Capital Region. Requires an annual report from the Office to Congress on: (1) resources needed to fully implement homeland security efforts in the Region; (2) progress made by the Region in implementing such efforts; and (3) recommendations for additional needed resources to fully implement such efforts.

(Sec. 883) Requires DHS to comply with specified laws protecting equal employment opportunity and providing whistle blower protections.

(Sec. 885) Authorizes the Secretary to establish a permanent Joint Interagency Homeland Security Task Force, composed of representatives from military and civilian agencies, for the purpose of anticipating terrorist threats and taking actions to prevent harm to the United States.

(Sec. 886) Reaffirms the continued importance of Federal criminal code proscriptions on the use of the armed forces as posse comitatus and expresses the sense of Congress that nothing in this Act shall be construed to alter the applicability of such proscriptions to any use of the armed forces to execute the laws.

(Sec. 887) Requires the annual Federal response plan developed by DHS to be consistent with public health emergency provisions of the Public Health Service Act . Requires full disclosure of public health emergencies, or potential emergencies, among HHS, DHS, the Department of Justice, and the Federal Bureau of Investigation.

(Sec. 888) Transfers to DHS the authorities, functions, personnel, and assets of the Coast Guard, which shall be maintained as a distinct entity within DHS. Prohibits the Secretary from substantially or significantly reducing current Coast Guard missions or capabilities, with a waiver of such prohibition upon a declaration and certification to Congress that a clear, compelling and immediate need exists. Requires the DHS Inspector General to annually review and report to

Congress on performance by the Coast Guard of its mission requirements. Requires the Commandant of the Coast Guard, upon its transfer, to report directly to the Secretary. Prohibits any of the above conditions and restrictions from applying to the Coast Guard when it is operating as a service in the Navy. Directs the Secretary to report to specified congressional committees on the feasibility of accelerating the rate of procurement in the Coast Guard's Integrated Deepwater System from 20 to ten years.

(Sec. 889) Requires the inclusion in the President's annual budget documents of a detailed homeland security funding analysis for the previous, current, and next fiscal years.

(Sec. 890) Amends the Air Transportation Safety and System Stabilization Act, with respect to the September 11th Victim Com

## Actions Timeline

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- **Nov 25, 2002:** Signed by President.
- **Nov 25, 2002:** Signed by President.
- **Nov 25, 2002:** Became Public Law No: 107-296.
- **Nov 25, 2002:** Became Public Law No: 107-296.
- **Nov 22, 2002:** Message on Senate action sent to the House.
- **Nov 22, 2002:** Mr. Arney asked unanimous consent that the House agree to the Senate amendment.
- **Nov 22, 2002:** RESERVATION OF OBJECTION - The House is proceeding with discussion under reservations of objection to the Arney request to agree to the Senate amendment to H.R. 5005.
- **Nov 22, 2002:** Resolving differences -- House actions: On motion that the House agree to the Senate amendment Agreed to without objection.(consideration: CR H9040-9114; text as House agreed to Senate amendment: CR H9040-9089)
- **Nov 22, 2002:** On motion that the House agree to the Senate amendment Agreed to without objection. (consideration: CR H9040-9114; text as House agreed to Senate amendment: CR H9040-9089)
- **Nov 22, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 22, 2002:** Presented to President.
- **Nov 22, 2002:** Presented to President.
- **Nov 19, 2002:** Considered by Senate. (consideration: CR S11358-11404, S11405-11511)
- **Nov 19, 2002:** Cloture on the bill invoked in Senate by Yea-Nay Vote. 83 - 16. Record Vote Number: 248.
- **Nov 19, 2002:** Passed/agreed to in Senate: Passed Senate with an amendment by Yea-Nay Vote. 90 - 9. Record Vote Number: 249.(text: CR S11462-11511)
- **Nov 19, 2002:** Passed Senate with an amendment by Yea-Nay Vote. 90 - 9. Record Vote Number: 249. (text: CR S11462-11511)
- **Nov 15, 2002:** Considered by Senate. (consideration: CR S11169-11198)
- **Nov 14, 2002:** Considered by Senate. (consideration: CR S11002-11030, S11033-11045)
- **Nov 13, 2002:** Considered by Senate. (consideration: CR S10856-10858, S10874-10875)
- **Nov 13, 2002:** Motion by Senator Daschle to commit to Senate Committee on Governmental Affairs withdrawn in Senate.
- **Nov 13, 2002:** Cloture motion on the measure presented in Senate. (consideration: CR S10875)
- **Oct 1, 2002:** Considered by Senate. (consideration: CR S9664, S9666-9677)
- **Sep 30, 2002:** Considered by Senate. (consideration: CR S9566-9573, S9580-9585, S9587-9589)
- **Sep 26, 2002:** Considered by Senate. (consideration: CR S9371-9399, S9401, S9404-9412)
- **Sep 25, 2002:** Considered by Senate. (consideration: CR S9186-9216)
- **Sep 25, 2002:** Motion by Senator Daschle to commit to Senate Committee on Governmental Affairs with instructions that the Committee report back forthwith with Amendment SA 4471, as amended, made in Senate.
- **Sep 24, 2002:** Considered by Senate. (consideration: CR S9056-9065, S9084-9089, S9096-9099, S9101-9106)
- **Sep 23, 2002:** Considered by Senate. (consideration: CR S9026)
- **Sep 19, 2002:** Considered by Senate. (consideration: CR S8880-8889, S8901-8913)
- **Sep 18, 2002:** Considered by Senate. (consideration: CR S8718-8746)
- **Sep 17, 2002:** Considered by Senate. (consideration: CR S8644-8649, S8652-8656, S8663)
- **Sep 13, 2002:** Considered by Senate. (consideration: CR S8595-8609, S8611-8614)
- **Sep 12, 2002:** Considered by Senate. (consideration: CR S8521-8535, S8536-8553)
- **Sep 10, 2002:** Considered by Senate. (consideration: CR S8420-8425, S8431-8433)
- **Sep 9, 2002:** Considered by Senate. (consideration: CR S8350, S8352-8367)
- **Sep 5, 2002:** Considered by Senate. (consideration: CR S8255-8280)
- **Sep 4, 2002:** Considered by Senate. (consideration: CR S8155-8180, S8183-8194)
- **Sep 3, 2002:** Motion to proceed to measure considered in Senate by Unanimous Consent. (consideration: CR S8036-8048, S8052-8078)
- **Sep 3, 2002:** Motion to proceed to consideration of measure agreed to in Senate by Yea-Nay Vote. 94 - 0. Record Vote Number: 209.
- **Sep 3, 2002:** Measure laid before Senate by motion.
- **Aug 1, 2002:** Cloture motion on the motion to proceed withdrawn by unanimous consent in Senate.

- Jul 31, 2002:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S7766)
- **Jul 31, 2002:** Cloture motion on the motion to proceed presented in Senate.
- **Jul 31, 2002:** Motion to proceed to consideration of measure withdrawn in Senate.
- **Jul 30, 2002:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 529.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Velazquez amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings (FL) amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Kingston amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Rogers (KY) amendment.
- **Jul 26, 2002:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Rogers (KY) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Sandlin demanded a recorded vote and pursuant to H. Res. 502, the Chair postponed further proceedings on the question of adoption of the amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Rush amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Shays amendment.
- **Jul 26, 2002:** Committee of the Whole House on the state of the Union rises leaving H.R. 5005 as unfinished business.
- **Jul 26, 2002:** Considered as unfinished business. (consideration: CR H5793-5845, H5845-5888)
- **Jul 26, 2002:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 40 minutes of debate on the Waxman amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 20 minutes of debate on the Shays amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 20 minutes of debate on the Morella amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 20 minutes of debate on the Quinn amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 20 minutes of debate on the Waxman amendment.
- **Jul 26, 2002:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Waxman amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Waxman demanded a recorded vote and pursuant to H. Res. 502, the Chair postponed further proceedings on the question of adoption of the amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 40 minutes of debate on the Arney amendment.
- **Jul 26, 2002:** POSTPONED VOTE - At the conclusion of debate on the Arney amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Ms. Pelosi demanded a recorded vote and pursuant to H. Res. 502, the Chair postponed further proceedings on the question of adoption of the amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 40 minutes of debate on the Turner amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 45 minutes of debate on the Oberstar amendment.
- **Jul 26, 2002:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Oberstar amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Oberstar demanded a recorded vote and pursuant to H. Res. 502, the Chair postponed further proceedings on the question of adoption of the amendment.
- **Jul 26, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 30

minutes of debate on the Schakowsky amendment.

- **Jul 26, 2002: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Schakowsky amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Schakowsky demanded a recorded vote and pursuant to H. Res. 502, the Chair postponed further proceedings on the question of adoption of the amendment.
- **Jul 26, 2002: DEBATE** - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 20 minutes of debate on the Tom Davis (VA) amendment.
- **Jul 26, 2002: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Tom Davis (VA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Ms. DeLauro demanded a recorded vote and pursuant to H. Res. 502, the Chair postponed further proceedings on the question of adoption of the amendment.
- **Jul 26, 2002: DEBATE** - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 20 minutes of debate on the Chambliss amendment as modified.
- **Jul 26, 2002: DEBATE** - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 20 minutes of debate on the Weldon (FL).
- **Jul 26, 2002: POSTPONED PROCEEDINGS** - At the conclusion of debate on the Weldon (FL) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Weldon (FL) demanded a recorded vote and pursuant to H. Res. 502, the Chair postponed further proceedings on the question of adoption of the amendment.
- **Jul 26, 2002:** Pursuant to a previous unanimous consent agreement, the managers of the bill will each be recognized for pro forma amendments.
- **Jul 26, 2002: UNFINISHED BUSINESS** - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Jul 26, 2002:** Mr. Murtha moved to strike the enacting clause.
- **Jul 26, 2002:** Floor summary: **DEBATE** - The Committee of the Whole proceeded with 10 minutes of debate on the Murtha motion to strike the enacting clause.
- **Jul 26, 2002:** On motion to strike the enacting clause Failed by voice vote.
- **Jul 26, 2002:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 5005.
- **Jul 26, 2002:** The previous question was ordered pursuant to the rule.
- **Jul 26, 2002:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.
- **Jul 26, 2002:** Ms. DeLauro moved to recommit with instructions to Homeland Security.
- **Jul 26, 2002:** Floor summary: **DEBATE** - The House proceeded with 10 minutes of debate on the DeLauro motion to recommit with instructions.
- **Jul 26, 2002:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Jul 26, 2002:** On motion to recommit with instructions Agreed to by recorded vote: 318 - 110 (Roll No. 366).
- **Jul 26, 2002:** Passed/agreed to in House: On passage Passed by recorded vote: 295 - 132 (Roll no. 367).
- **Jul 26, 2002:** On passage Passed by recorded vote: 295 - 132 (Roll no. 367).
- **Jul 26, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 26, 2002:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 5005.
- **Jul 25, 2002:** Rules Committee Resolution H. Res. 502 Reported to House. Rule provides for consideration of H.R. 5005 with 1 hour and 30 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Select Committee on Homeland Security now printed in the bill. Measure will be considered read. Specified amendments are in order.
- **Jul 25, 2002:** Rule H. Res. 502 passed House.
- **Jul 25, 2002:** Considered under the provisions of rule H. Res. 502. (consideration: CR H5633-5704; text of measure as reported in House: CR H5660-5684)
- **Jul 25, 2002:** Rule provides for consideration of H.R. 5005 with 1 hour and 30 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Select Committee on Homeland Security now printed

in the bill. Measure will be considered read. Specified amendments are in order.

- **Jul 25, 2002:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 502 and Rule XXIII.
- **Jul 25, 2002:** The Speaker designated the Honorable Ray LaHood to act as Chairman of the Committee.
- **Jul 25, 2002:** GENERAL DEBATE - The Committee of the Whole proceeded with 90 minutes of general debate on H.R. 5005.
- **Jul 25, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 20 minutes of debate on the Oberstar amendment.
- **Jul 25, 2002:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Oberstar amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Oberstar demanded a recorded vote and pursuant to H. Res. 502, the Chair postponed further proceedings on the question of adoption of the amendment.
- **Jul 25, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 20 minutes of debate on the Young (AK) amendment.
- **Jul 25, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Cox amendment.
- **Jul 25, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Israel amendment.
- **Jul 25, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Rivers amendment.
- **Jul 25, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Woolsey amendment.
- **Jul 25, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Cardin amendment.
- **Jul 25, 2002:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Cardin amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Cardin demanded a recorded vote and pursuant to H. Res. 502, the Chair postponed further proceedings on the question of adoption of the amendment.
- **Jul 25, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Hunter amendment.
- **Jul 25, 2002:** DEBATE - Pursuant to the provisions of H. Res. 502, the Committee of the Whole proceeded with 10 minutes of debate on the Ose amendment.
- **Jul 24, 2002:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 107-609, Part I. Filed late, pursuant to previous special order.
- **Jul 24, 2002:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 107-609, Part I. Filed late, pursuant to previous special order.
- **Jul 24, 2002:** Placed on the Union Calendar, Calendar No. 368.
- **Jul 23, 2002:** Mr. Arney asked unanimous consent that the Committee on Homeland Security have until 3:00 a.m. on July 24 to file a report on H.R. 5005. Agreed to without objection.
- **Jul 19, 2002:** Committee Consideration and Mark-up Session Held.
- **Jul 19, 2002:** Ordered to be Reported (Amended) by the Yeas and Nays: 5 - 4.
- **Jul 17, 2002:** Committee Hearings Held.
- **Jul 16, 2002:** Committee Hearings Held.
- **Jul 15, 2002:** Committee Hearings Held.
- **Jul 12, 2002:** Committee on Agriculture discharged.
- **Jul 12, 2002:** Committee on Agriculture discharged.
- **Jul 12, 2002:** Committee on Appropriations discharged.
- **Jul 12, 2002:** Committee on Appropriations discharged.
- **Jul 12, 2002:** Committee on Armed Services discharged.
- **Jul 12, 2002:** Committee on Armed Services discharged.
- **Jul 12, 2002:** Committee on Energy and Commerce discharged.
- **Jul 12, 2002:** Committee on Energy and Commerce discharged.
- **Jul 12, 2002:** Committee on Financial Services discharged.

- Jul 12, 2002: Committee on Financial Services discharged.
- Jul 12, 2002: Committee on Government Reform discharged.
- Jul 12, 2002: Committee on Government Reform discharged.
- Jul 12, 2002: Committee on Intelligence (Permanent) discharged.
- Jul 12, 2002: Committee on Intelligence (Permanent) discharged.
- Jul 12, 2002: Committee on International Relations discharged.
- Jul 12, 2002: Committee on International Relations discharged.
- Jul 12, 2002: Committee on Judiciary discharged.
- Jul 12, 2002: Committee on Judiciary discharged.
- Jul 12, 2002: Committee on Science discharged.
- Jul 12, 2002: Committee on Science discharged.
- Jul 12, 2002: Committee on Transportation discharged.
- Jul 12, 2002: Committee on Transportation discharged.
- Jul 12, 2002: Committee on Ways and Means discharged.
- Jul 12, 2002: Committee on Ways and Means discharged.
- Jul 11, 2002: Committee Consideration and Mark-up Session Held.
- Jul 11, 2002: Committee Consideration and Mark-up Session Held.
- Jul 11, 2002: Ordered to be Reported (Amended) by Voice Vote to the Select Committee on Homeland Security in accordance to H.Res.449, adopted by the House on June 19, 2002.
- Jul 11, 2002: Committee Consideration and Mark-up Session Held.
- Jul 11, 2002: Ordered to be Reported by Voice Vote to the Select Committee on Homeland Security in accordance to H.Res.449, adopted by the House on June 19, 2002.
- Jul 11, 2002: Committee Consideration and Mark-up Session Held.
- Jul 11, 2002: Ordered to be Reported(Amended)by Voice Vote to the Select Committee on Homeland Security in accordance to H.Res.449, adopted by the House on June 19, 2002.
- Jul 10, 2002: Committee Consideration and Mark-up Session Held.
- Jul 10, 2002: Ordered to be Reported (Amended) by Voice Vote to the Select Committee on Homeland Security in accordance to H.Res.449, adopted by the House on June 19, 2002.
- Jul 10, 2002: Committee Consideration and Mark-up Session Held.
- Jul 10, 2002: Committee Consideration and Mark-up Session Held.
- Jul 10, 2002: Ordered to be Reported(Amended)by Voice Vote to the Select Committee on Homeland Security in accordance to H.Res.449, adopted by the House on June 19, 2002.
- Jul 10, 2002: Committee Consideration and Mark-up Session Held.
- Jul 10, 2002: Committee Consideration and Mark-up Session Held.
- Jul 10, 2002: Ordered to be Reported(Amended)by the Yeas and Nays: 34-3 to the Select Committee on Homeland Security in accordance to H.Res.449, adopted by the House on June 19, 2002.
- Jul 10, 2002: Ordered to be Reported (Amended) by Voice Vote to the Select Committee on Homeland Security in accordance to H.Res.449, adopted by the House on June 19, 2002.
- Jul 10, 2002: Ordered to be Reported (Amended) by Voice Vote to the Select Committee on Homeland Security in accordance to H.Res.449, adopted by the House on June 19, 2002.
- Jun 27, 2002: Committee Hearings Held.
- Jun 27, 2002: Committee Hearings Held.
- Jun 24, 2002: Introduced in House
- Jun 24, 2002: Introduced in House
- Jun 24, 2002: Pursuant to House Resolution 449, referred to the Select Committee on Homeland Security for a period to be subsequently determined by the Speaker, and in addition to the Committees on Agriculture, Appropriations, Armed Services, Energy and Commerce, Financial Services, Government Reform, Intelligence (Permanent Select), International Relations, the Judiciary, Science, Transportation and Infrastructure, and Ways and Means for a period ending not later than July 12, 2002, in each case for consideration of such matters as fall within the jurisdiction of the committee concerned.
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