



Policy Brief.....November 13, 2002

# Department of Homeland Security

## *Major Differences between H.R. 5710 and H.R. 5005 as it passed the House*

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The RSC Policy Brief for the original House bill (H.R. 5005) can be found at this website:  
<http://www.house.gov/burton/RSC/HSecurityDept72302.PDF>

The RSC Policy Brief for the amendments to the original House bill can be found at this website:  
<http://www.house.gov/burton/RSC/Lb72602.pdf>

### **Summary of Major Differences by Title:**

#### **Title I—Department of Homeland Security**

- Omits a National Council of First Responders that in the original House bill would have consisted of at least 100 emergency personnel from all over the country to evaluate and report to the Secretary of Homeland Security on the latest developments in and needed improvements to emergency response techniques and training

#### **Title II—Information Analysis and Infrastructure Protection**

- Creates within the Department of Justice (DOJ) an Office of Science and Technology to serve as the focal point for work on law enforcement technology. Authorizes the transfer of any other appropriate DOJ program or activity to the new Office.
- Authorizes the Director of the Office of Science and Technology to operate, support, and where necessary create National Law Enforcement and Corrections Technology Centers to promote the goals of the office.
- Does not include the Intelligence Analysis Center established by the original House bill, which would have been an element of the intelligence community for the purposes of federal law.

#### **Title III—Science and Technology in Support of Homeland Security**

- Establishes a Homeland Security Advanced Research Projects Agency to award grants, cooperative agreements, or contracts to public and private entities for research and

development related to homeland security. Establishes the Acceleration Fund for Research and Development of Homeland Security Technologies to fund the activities of the new Agency. Authorizes **\$500 million** for FY2003 and “such sums as may be necessary thereafter.”

- Establishes a technology clearinghouse program to encourage technological innovation to facilitate DHS’ mission

#### **Title IV—Directorate of Border and Transportation Security**

- Transfers to the Under Secretary for Border and Transportation Security the following agencies and functions:
  - The Federal Law Enforcement Training Center of the Department of the Treasury
  - All** functions of the INS (not just the enforcement functions, as in the original House bill)

#### *Visa Provisions:*

- Requires information on visa denials to be entered into the interoperable electronic data system implemented under the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722(a)).
- Prohibits any alien with a denied visa to receive a new visa without thorough, personal review by the consular officer considering the application and without a statement of the officer’s decision and why.
- Does not include language to terminate all flexible and expedited visa-issuance programs in Saudi Arabia

#### *Immigration provisions:*

- Establishes **within DHS** (as opposed to DOJ in the original House bill) the Bureau of Citizenship and Immigration Services, to which the INS' *citizenship services* would be transferred
- Creates **in DHS** (as opposed to DOJ in the original House bill) a Citizenship and Immigration Services Ombudsman to essentially function as a customer service agent for the Bureau of Citizenship and Immigration Services (and authorizes the appointment of at least one local ombudsman for each state)
- Prohibits the Bureau of Border Security and the Bureau of Citizenship and Immigration Services from being recombined in DHS
- Creates a Director of Shared Services to coordinate the resources for the two Bureaus within DHS. Funding for the two Bureaus would be totally separated. Mandates new reports on this separation.

## **Title V—Emergency Preparedness and Response**

- Transfers to this Under Secretary the following agencies and functions:
  - All of FEMA (its Office of National Preparedness was to be transferred to Border and Transportation Security in the original House bill)
  - The FBI's National Domestic Preparedness Office (transferred to Border and Transportation Security in the original House bill)
  - The National Oceanic and Atmospheric Administration's Integrated Hazard Information System
  - DOJ's Domestic Emergency Support Teams (transferred to Border and Transportation Security in the original House bill)

## **Title VI—Treatment of Charitable Trusts for Members of the Armed Forces of the United States and Other Governmental Organizations**

- Authorizes the designation of corporate and other private trusts as Johnny Michael Spann Patriot Trusts (pending certain requirements) to help surviving dependents of members of the Armed Forces who lose their lives as a result of terrorist attacks or military operations abroad.

## **Title VII—Management**

- No major changes from original House bill

## **Title VIII—Coordination with Non-Federal Entities; Inspector General; United States Secret Service; Coast Guard; General Provisions**

- Before any changes to personnel policies for DHS would go into effect, union representatives would be permitted to negotiate (for up to 30 days) the proposed changes. If agreement is not reached, the Federal Mediation and Conciliation Service would be given the case for 30 days. If an agreement could still not be reached, the DHS Secretary could implement the new personnel policies but would have to notify Congress.
- The President would have to notify Congress and allow ten days to pass before exercising his authority to exclude collective bargaining units from DHS.
- Creates an Office for State and Local Government Coordination to oversee and coordinate departmental programs for and relationships with state and local governments.
- Prohibits DHS from contracting with certain foreign incorporated entities that are treated as inverted domestic corporations (under terms outlined in the bill). Requires a waiver in the interest of homeland security, to prevent job loss, or to prevent incurring additional costs to the federal government.
- Transfers the Coast Guard to DHS generally (as opposed to the Under Secretary of Border and Transportation Security under the original House bill) and maintains it as a distinct entity within DHS. Prevents the substantive change or reduction of the Coast

Guard's mission. Separates the non-homeland-security missions of the Coast Guard from the homeland-security missions.

- Does not include language establishing within DHS an Office of Small and Disadvantaged Business Utilization
- Does not include language allowing up to 2% of any appropriation available to DHS for the next two years to be transferred between appropriations accounts

#### **Title IX—National Homeland Security Council**

- No major changes from original House bill

#### **Title X—Information Security**

- No major changes from original House bill.

#### **Title XI—Department of Justice Divisions**

- Transfers the non-revenue functions of the Bureau of Alcohol, Tobacco, and Firearms (ATF) from the Department of the Treasury to DOJ. ATF's revenue functions would remain in Treasury.
- Establishes within ATF an Explosives Training and Research Facility in Fredericksburg, VA
- Toughens permit requirements for purchasers of explosives, and limits who may distribute, receive, or possess explosives

#### **Title XII—Airline War Risk Insurance Legislation**

- Clarifies air carrier liability for third-party claims arising out of acts of terrorism
- Authorizes the extension through December 31, 2003, of any insurance policy that the Department of Transportation issued to an air carrier. Authorizes certain adjustments of the terms of such policies.

#### **Title XIII—Federal Workforce Improvement**

- Establishes human capital officers for all federal agencies to set and oversee workforce policies.

#### **Title XIV—Arming Pilots Against Terrorism**

- Incorporates the provisions of the Arming Pilots Against Terrorism Act (H.R. 4635), which passed the House on July 10, 2002. Please visit this website to review the RSC Legislative Bulletin for this Act: <http://www.house.gov/burton/RSC/Lb71002.pdf>

### **Title XV—Transition**

- No major changes from original House bill

### **Title XVI—Corrections to Existing Law Relating to Airline Transportation Security**

- Retains certain authorities over sensitive information at the Department of Transportation
- Expands the eligibility for being an airport screener from “citizen of the United States” to “citizen of the United States or a national of the United States...”

### **Title XVII—Conforming and Technical Amendments**

- No major changes from original House bill

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