



**Legislative Bulletin.....November 27, 2012**

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**H.R. 6025 – Mandatory Operational Control Reporting and Performance Measures Act of 2012 (Miller, R-MI)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 27, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** [H.R. 6025](#) requires annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries.

This report will include:

1. The number of miles of the international land and maritime border that are under operational control of the Department of Homeland Security.
2. An estimate of the number of unlawful entries between ports of entry based upon all available sources of data (and this data should be provided to GAO for review).

**Committee Action:** Representative Miller (R-MI) introduced H.R. 6025 on June 26, 2012, and it was referred to the Homeland Security Subcommittee on Border and Maritime Security and the Judiciary Committee Subcommittee on Immigration Policy and Enforcement.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No CBO estimate is available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill does not expand the size and scope of the federal government.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.”

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## **H.R. 5913 – DHS Accountability Act of 2012 (McCaul, R-TX)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 27, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** [H.R. 5913](#) creates an independent advisory panel to comprehensively assess the management structure and capabilities related to the Department of Homeland Security (DHS) and to make recommendations to improve the efficiency and effectiveness of the management of the department.

This panel would hold hearings and take testimony, receive evidence, and administer oaths. The hearings shall be open to the public and shall have the authority to issue subpoenas as necessary.

The legislation will require reports to Congress including the final findings of the panel, identify lessons learned related to homeland security management issues, and include specific recommendations related to:

1. Improving the efficiency and effectiveness of the management structure and capability.
2. Reducing or eliminating unnecessary duplication in the management structure and capabilities of the DHS.
3. Options to reduce or eliminate harmful waste and duplication of efforts.
4. Developing measures to evaluate DHS progress in reducing and eliminating waste.

Not later than two years after the appointment of the panel, the panel shall submit a final report to Congress. 60 days after the submission of this report, the panel shall terminate.

**Background:** Four hearings were held related to the management of DHS. The findings from those hearings, according to H.R. 5913, were:

1. DHS has not prioritized the mission outlined in its key strategic planning documents. This lack of prioritization may hinder the Department's efforts to effectively manage risk to the United States.

Since 2003, the GAO has designated the transformation of DHS as "high risk."

2. DHS has considerable work to achieve actions and outcomes critical to addressing persistent management challenges. For example, a significant number of acquisition programs proceeded without component or departmental approval of essential planning documents.
3. Areas of duplicative effort have also been identified within the Department. For example, some agencies are paying fees to the Department's Federal Protective Service for facility risk assessments that are not being performed, while at the same time performing their own risk assessments.
4. Investigators continue to identify cases of employee corruption within DHS (Inspector General investigations led to the arrest of 400 employees in 2011). Overall morale in the department is lowest in the Federal Government.

**Committee Action:** Representative Mike McCaul (R-TX) introduced H.R. 5913 on June 7, 2012, and it was referred to the House Committee on Homeland Security Subcommittee on Oversight, Investigations, and Management.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** Section 8 appropriates \$5,000,000 to carry out this act.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill creates a new independent advisory panel.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: article 1 clause 8 section 18."

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**H.R. 5997 – Medical Preparedness Allowable Use Act  
(Bilirakis, R-FL)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 27, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** [H.R. 5997](#) would codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and state Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities.

This would include the development and maintenance of an initial pharmaceutical stockpile, including medical kits, and diagnostics sufficient to protect first responders, their families, and immediate victims from a chemical or biological event.

**Committee Action:** Representative Gus Bilirakis (R-FL) introduced H.R. 5997 on June 21, 2012, and it was referred to the House Homeland Security Committee.

**Administration Position:** No Statement of Administration Policy has been released.

**Cost to Taxpayers:** No CBO estimate is available.

**Does the Bill Expand the Size and Scope of the Federal Government?** No the legislation does not expand the size and scope of the federal government.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, “This bill is enacted pursuant to Article I, Section 8, Clause 1 of the Constitution of the United States, which grants Congress the power to provide for the common Defense of the United States, and Article I, Section 8, Clause 18 of the Constitution of the United States, which provides Congress the power to make ‘all Laws which shall be necessary and proper’ for carrying out the constitutional powers vested in the Government of the United States.”

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**Senate Amendment to H.R. 915 – Jaime Zapata Border Enforcement  
Security Task Force Act (Cuellar, D-TX)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 27, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** [Senate Amendment to H.R. 915](#) adds additional findings and creates a Border Enforcement Task Force which is comprised of members from Immigration & Customs Enforcement, Customs and Border Protection, the Coast Guard, state law enforcement and foreign law enforcement agencies.

The act's findings include statements about the DHS' obligation to protect the border. The Task Force is to reduce border security threats and violence by facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security and homeland security; and by enhancing information-sharing, including dissemination of homeland security information among agencies.

**Committee Action:** Representative Henry Cuellar introduced H.R. 915 on March 3, 2011, and it passed the House on suspension on May 30, 2012 (by a vote of [391 – 2](#)). The legislation passed the Senate on September 22, 2012, as amended, by a voice vote.

**Administration Position:** No Statement of Administration Policy has been released.

**Cost to Taxpayers:** According to the [CBO](#), implementing H.R. 915 would cost about \$1 million annually, subject to appropriations.

**Does the Bill Expand the Size and Scope of the Federal Government?** The bill would allow the government to pursue cases it otherwise would not be able to prosecute. However, the CBO states, that because of the “relatively small number of additional offenders,” any law enforcement costs increases would not be significant and would be subject to the availability of future appropriated funds.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: ‘The Constitution including Article I, Section 8.’”

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**H.R. 6328 – Clothe a Homeless Hero Act**  
*(Hochul, D-NY)*

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 27, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** [H.R. 6328](#) allows for the transfer of unclaimed clothing recovered at airport security checkpoints to local veterans' organizations and other local charitable organizations.

**Committee Action:** Representative Kathleen Hochul (D-NY) introduced H.R. 6328 on August 2, 2012, and it was referred to the House Homeland Security Committee.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No CBO score is available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill does not expand the size and scope of the federal government.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Article I, Section 8 of the Constitution of the United States."

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**H.R. \_\_\_\_\_ - To designate the federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, as the "Thomas P. O'Neill, Jr. Federal Building" (*Pelosi, D-CA*)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, November 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** This legislation would designate the federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, as the "Thomas P. O'Neill, Jr. Federal Building."

**Additional Information:** Thomas P. O'Neill Junior, also known as "Tip O'Neill," was a seventeen-term Member of the U.S House of Representatives from Massachusetts. He was elected as the Speaker of the House from the 95<sup>th</sup> through the 99<sup>th</sup> Congress, serving as the longest consecutively-serving Speaker of the House. He passed away on January 5, 1994.

**Committee Action:** As of publication time, H.R. \_\_\_\_\_ had not yet been formally introduced, nor had it been considered by a Committee.

**Administration Position:** No Statement of Administration Policy is provided.

**Cost to Taxpayers:** A CBO score for the legislation is unavailable, but the only costs associated with a U.S. federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** Though the bill contains no earmarks, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** As of publication time, the bill was not accompanied by a Constitutional Authority Statement.

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