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BILL TEXT AND BACKGROUND FOR THE WEEK OF JUNE 1, 2009

- [H.R. 31 – Lumbee Recognition Act 2009](#)
- [HR.1385 – Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009](#)
- [H.R. 626 – Federal Employees Paid Parental Leave Act of 2009](#)
- [H.R. 2200 – Transportation Security Administration Authorization Act](#)

[H.R. 31 – LUMBEE RECOGNITION ACT 2009](#) (*Rep. McIntyre – Natural Resources*) (*Subject to a Rule*)

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: Tuesday, June 2, 2009 at 5:00p.m. in H-313 the Capitol, [Special Announcement](#), **[Amendment Deadline:](#)** 10:30 a.m. Tuesday 6/2, [Text of the Bill as Reported](#), [Natural Resources Committee Report 111-103](#)

Committee: [Committee on Natural Resources](#)

Committee Staff Contact: : 6-9725

BILL SUMMARY & KEY ISSUES:

Key Issues:

- Extends federal recognition to the Lumbee Tribe of North Carolina, a Tribe that has been recognized by the state for over 100 years
- Prohibits the tribe from conducting gaming activities
- Similar legislation ([H.R. 65](#)) passed the House last Congress [256 - 128](#)

H.R. 31 - “THE LUMBEE RECOGNITION ACT”

H.R. 31 would extend federal recognition to the Lumbee Tribe of North Carolina. The Tribe first sought federal recognition in a petition submitted to Congress in 1888. Congress referred the petition to the Department of the Interior, which denied the petition due to funding concerns. Since 1899, numerous bills have been introduced in Congress to recognize the Tribe. These bills failed primarily due to the Department’s opposition based on the cost of providing services to the Lumbee or because recognition ran counter to the prevailing Federal Indian policy at that time. For example, Congress passed the 1956 Lumbee Act during a period of Federal Indian policy known as the Termination Era, during which Congress terminated its relationship with 109 Indian nations. Consequently, the 1956

Lumbee Act simultaneously recognized and terminated the Federal relationship with the Lumbees.

Over the years, Congress requested and obtained several reports from the Department of the Interior on the Tribe's history and status. These studies consistently concluded that the Lumbees were a distinct, self-governing Indian community, descended from Siouan speaking tribes, principally the Cheraw. Historically, the Cheraw were located on Drowning Creek in North Carolina. Drowning Creek was renamed the Lumber River by the State of North Carolina in 1809. The ancestors of the modern day Lumbee Tribe have been located on and around Drowning Creek/Lumber River ever since the first contact with Europeans in the early 1700s.

The State of North Carolina has recognized the Tribe for over 100 years. In its recognition acts, the State of North Carolina has imposed various names on the Tribe including Croatan [1885 to 1911], Indians of Robeson County [1911 to 1913], Cherokee Indians of Robeson County [1913-1953], and finally Lumbee Indians [1953 to present]. Under pressure from the Tribe, the State authorized the Tribe to conduct a referendum on its name and in 1951, the Tribe adopted the name 'Lumbee Indians of North Carolina.' This is the only name ever selected by the Tribe.

Under the bill as amended, Federal recognition is extended to the Lumbee Tribe of North Carolina. The Secretary of the Interior and the Secretary of Health and Human Services are required to develop a determination of needs to provide services to the Lumbees and submit their findings to Congress. The legislation authorizes the Secretary of Interior to place land into trust for the tribe and do so in compliance with environmental laws. The Tribe is prohibited from conducting gaming pursuant to the Indian Gaming Regulatory Act, or any other Federal law. Finally, the State of North Carolina will exercise civil and criminal jurisdiction over any trust lands of the Tribe, however, the Secretary of the Interior may accept a retrocession of such jurisdiction from the State.

House Report 111-103:

[HTML Version](#), [PDF Version](#)

Full Committee on Natural Resources Markup:

➤ [Markup of H.R.31](#): The Lumbee Recognition Act, April 22, 2009

Summary of Committee Votes:

- [Chairman Rahall, D-W.Va. Budget/Trust Lands En Bloc Amendment](#) — Would authorize the secretary of the Interior to develop and monitor a budget that would address the needs of the Lumbee tribe and would place into trust lands of the Lumbee tribe. **Adopted by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by **Voice Vote.**

CRS Reports:

(TBA)

CBO Cost Estimate:

[Cost Estimate](#): Ordered Reported by the Committee on Natural Resources

Committee on Natural Resources Hearing:

[Full Committee Legislative Hearing](#): On H.R. 31 And H.R. 1385, March 18, 2009

- Opening Statement: [Chairman Nick J. Rahall](#)
- [Archived Video](#)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[Summary of H.R. 31](#), Committee on Natural Resources

Other Resources:

[Cosponsors of HR.31](#)

HR.1385 THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2009 (*Rep. Moran (VA) – Natural Resources*) (*Subject to a Rule*)

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: Tuesday, June 2, 2009 at 5:00p.m. in H-313 the Capitol, [Special Announcement](#), **Meeting Time:** 5:00pm Tuesday 6/2, **Amendment Deadline:** 10:30 a.m. Tuesday 6/2, [Text of the Bill as Reported](#), [Natural Resources Committee Report 111-104](#)

Committee: [Committee on Natural Resources](#)

Committee Staff Contact: 6-9725

BILL SUMMARY & KEY ISSUES:

Key Issues:

- Extends federal recognition to six tribes in Virginia that have obtained state recognition by the State of Virginia
- Prohibits the tribe from conducting gaming activities
- Similar Legislation ([H.R. 1294](#)) passed the House by voice vote in the 110th Congress

H.R. 1385: THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2009

H.R.1385 would extend federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe. This legislation is similar to H.R. 1294 which passed the House by voice vote in the 110th Congress. H.R. 1385 also ensures that lands currently owned by the tribes will, upon tribal request, be held in trust status and made a part of their reservation.

All six Indian tribes to be recognized by H.R. 1385 are signatories of the 1677 “Treaty Between Virginia And The Indians”. The Treaty was signed at the Camp of Middle Plantation on May 29, 1677 and is also known as the “Treaty of Middle Plantation.” While the ancestors of these six tribes resided in Virginia when the first white settlers arrived—and thousands of years before—last year’s 400th anniversary celebration of the Jamestown settlement occurred with none of the tribes being recognized by the federal government. All six tribes have obtained state recognition by the State of Virginia. Former Virginia Governors George Allen, Mark Warner, and current Governor Tim Kaine have endorsed the Tribes’ recognition and status as sovereign governments.

The bill authorizes the Secretary of Interior to place land in trust for the tribes. Further, the bill prohibits the tribes from conducting gaming on their lands.

If enacted, H.R.1385 would help to offset decades of deliberate discrimination. For much of the last century, the state of Virginia stripped the tribes of their identities. Dr. Walter Ashby Plecker, who served as the first Registrar of the Virginia Bureau of Vital Statistics from 1912-1947, was one of the

main proponents of this campaign to eradicate the native peoples of Virginia. Plecker set out to rid the Commonwealth of Virginia of any records that proved the existence of Indians or Indian tribes living therein.

House Report 111-104:

[HTML Version](#), [PDF Version](#)

Full Committee on Natural Resources Markup:

[Markup of HR.1385](#): Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2009, April 22, 2009,

Summary of Committee Votes:

- [Chairman Rahall, D-W.Va. Benefits/Trust Lands En Bloc Amendments](#) — would allow a member of the Virginia tribes to receive benefits even if he or she is on a reservation of another Indian tribe. Place into trust lands of the Virginia tribes. **Adopted, En Bloc, by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by **Voice Vote.**

CRS Reports:

(TBA)

GAO Reports:

(TBA)

CBO Cost Estimate:

[Cost Estimate](#): Ordered Reported by the Committee on Natural Resources

Committee on Natural Resources Hearing:

[Full Committee Legislative Hearing](#): On H.R. 31 And H.R. 1385, March 18, 2009

- Opening Statement: [Chairman Nick J. Rahall](#)
- [Archived Video](#)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[Summary of H.R. 1395](#), Committee on Natural Resources

Press Releases, News Articles & Related Information:

(TBA)

Other Resources:

[Cosponsors of H.R.1385](#)

[H.R. 626 - FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2009](#) (*Rep. Maloney – Oversight and Government Reform*) (*Subject to a Rule*)

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: Wednesday, June 3, 2009 at 3:00 p.m. in H-313 the Capitol, [Special Announcement](#), [Amendment Deadline: 6:30 p.m. Tuesday 6/2](#), [Text of the Bill as Reported](#), [Oversight & Government Reform Committee Report 111-116 Pt. 1](#)

Committee: [Committee on Oversight and Government Reform](#)

Committee Staff Contact: 5-5051

BILL SUMMARY & KEY ISSUES:

Key Issues:

- Provides four weeks of paid parental leave to federal employees.
- Invests in the federal workforce and provides needed support to working mothers and fathers
- Identical legislation ([H.R. 5781](#)) passed the House in 2008 with a bipartisan vote [278-146](#).

H.R. 626: THE FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT

H.R. 626, the Federal Employees Paid Parental Leave Act, provides new mothers and fathers in the federal workforce with four weeks of paid parental leave upon the birth, adoption, or foster placement of a child.

The bill also provides four weeks of paid parental leave to congressional employees and employees at the GAO and Library of Congress.

Currently, the Federal government does not provide any paid parental leave to its employees. The Federal government, as the largest employer in America, should set the tone for the rest of the country in this area. It is long past time to move forward with family-friendly policies in the Federal government that are comparable with those commonly offered in the private sector.

During difficult economic times, it is more important than ever that the federal government support its working mothers and fathers. Unfortunately, without paid leave, instead of celebrating the birth of a child, many of the tens of thousands of working families in the federal government are forced to choose between a paycheck and caring for their newborn – a choice no one should have to make, especially during an economic downturn.

H.R. 626 also clarifies that employees may use accrued annual and sick leave to care for a child after the birth of a new son or daughter or placement of a child after adoption or foster care.

The leave provided in H.R. 626 is only available to the new mother or father during the 12-month period following the birth or placement of a child.

Additionally, the legislation provides the Office of Personnel Management with the authority to increase the available amount of paid parental leave to a maximum of 8 weeks, if OPM determines it is in the best interest of the federal government to do so.

H.R. 626 is a strategic investment in the federal workforce. It will help the government retain and attract young, talented employees, and in so doing, it provides potential cost savings and other benefits to the American people.

CBO has stated that this legislation is PAY-GO neutral, and that “enacting [the bill] would not affect direct spending or receipts.” The Joint Economic Committee estimates that discretionary spending in this bill is equal to less than one-tenth of one percent of the federal payroll.

House Report 111-116

[HTML Version](#), [PDF Version](#)

Full Committee on Oversight and Government Reform Markup:

[Markup of H.R. 626](#): The Federal Employees Paid Parental Leave Act, May 06, 2009

- [National Journal Report](#): Measure Expands Parental Leave For Federal Workers, May 6, 2009
- [Press Release](#): Oversight Committee Votes to Provide Federal Employees Paid Parental Leave Benefits, May 6, 2009

Summary of Committee Votes:

- **Vote to Report:** Favorably Reported to the Full House, by **Voice Vote**.

Subcommittee on Federal Workforce, Postal Service and DC Markup:

[Markup H.R. 626](#): H.R. 626 the “Federal Employees Paid Parental Leave Act of 2009, March 25, 2009

Summary of Committee Votes:

- **Vote to Report:** Favorably Reported to the Full House, by **Voice Vote**.

CRS Reports:

(TBA)

CBO Report:

[Cost Estimate](#): Ordered Reported by the House Committee on Oversight and Government Reform.

Administration Position:

At the time of this writing, no Statement of Administration Policy (SAP) has been issued for HR. 626, However, President Obama has been supportive of this legislation in the past, and was a co-sponsor of S.3140, the Federal Employees Paid Parental Leave Act of 2008 when he was a Senator in the 110th Congress.

Fact Sheets & Talking Points:

(TBA)

Press Releases, News Articles & Related Information:

(TBA)

Other Resources:

[Cosponsors of HR. 626](#)

H.R. 2200 – TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION

ACT (Rep. Jackson-Lee – Homeland Security) (Subject to a Rule)

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: [H. Res. 474: Rule and Committee Report](#), [Homeland Security Committee Report 111-123](#), [Summary of Amendments Submitted](#)

Committee: [Committee on Homeland Security](#)

Committee Staff Contact: 6-2616

BILL SUMMARY & KEY ISSUES:

Key Issues:

- H.R. 2200, Transportation Security Administration Authorization Act,

authorizes over \$15.6 billion for the Transportation Security Administration (TSA) for FY2010 and FY2011.

- H.R. 2200 is the first measure to fully authorize TSA since enactment of the Aviation and Transportation Security Act of 2001.
- The Act is the product of months of bipartisan negotiations and was drafted with significant contributions from Republicans and stakeholders, including labor organizations, industry groups, the Government Accountability Office, and the Department of Homeland Security's Inspector General's Office

H.R. 2200 – TSA AUTHORIZATION ACT

SURFACE TRANSPORTATION SECURITY ENHANCEMENTS

- Triples the FY2009 funding for surface transportation security.
- Authorizes an additional 200 surface transportation security inspectors for FY2010 and an additional 100 inspectors for FY2011.
- Establishes the Surface Transportation Security Inspection Office within TSA to train and manage inspectors to conduct and assist with security activities in surface transportation systems.
- Creates a Transit Security Advisory Committee to facilitate stakeholder input to TSA on surface transportation policy.

AIRPORT SECURITY AND SCREENING ENHANCEMENTS

- Directs TSA to develop a strategic, risk-based plan to enhance security of airport perimeter access controls.
- Prohibits Federal employees and contractors from providing advance notice of covert testing to security screeners.

SECURITY TRAINING AND PERFORMANCE ENHANCEMENTS

- Directs TSA to establish an oversight program for carrier-provided security training for flight attendants and crews.
- Authorizes standing resources for the administration of the Federal Flight Deck Officer program and requires additional training sites for recurring training.
- Directs TSA to develop a security training plan for all-cargo aircraft crews.
- Creates an Ombudsman for the Federal Air Marshals.

CANINE DETECTION RESOURCES

- Increases the number of TSA-certified explosive detection canine teams deployed to protect surface transportation assets to 200 teams by the end of FY2011.

RESEARCH & DEVELOPMENT

- Requires the Secretary of DHS to develop a strategic plan for the certification and integration of transportation security technologies

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

[1. Thompson, Bennie \(MS\)](#)

Would clarify which aviation facilities qualify for general aviation security grants, including helicopter operators and heliports, establishes a plan and implements a program for screening air passengers with metal implants, improves transportation security assistance, studies the creation of new (10 minutes)

- transportation security positions at TSA, and has a GAO review of other transportation security functions at TSA.
- 2. Mica (FL)/ Ehlers (MI)/ Graves (MO)/ Petri (WI)** Would alter the standard for when TSA can issue an emergency regulation or security device without adhering to the rule making and public notice and comment provisions of the Administrative Procedures Act (APA). Would allow TSA to issue a regulation or security directive when needed "to respond to an imminent threat of finite duration" and would require TSA to comply with the rule making requirements of the APA when a security directive or emergency order has been in place for more than 180 days. (10 minutes)
- 3. Mica (FL)** Requires the Assistant Secretary to establish a "known air traveler credential" that incorporates biometric identifier technology. (10 minutes)
- 4. Bachus (AL)/ Moore, Dennis (KS)** Would direct the Transportation Security Administration (TSA) to develop and implement an expedited security screening program for members of the Armed Forces traveling on official orders while in uniform through commercial airports. Additionally, family members would be eligible to accompany the servicemembers through the expedited screening process onto the concourse. (10 minutes)
- 5. Hastings , Alcee (FL)** Requires the TSA, within 6 months of enactment, to submit a report to Congress on complaints and claims received by the TSA for loss of property with respect to passenger baggage screened by the TSA. (10 minutes)
- 6. Diaz-Balart, Lincoln (FL)** Would reimburse airports for eligible costs incurred before August 3, 2007, that were previously reimbursed at 90% of such costs. The Secretary would reimburse such airports an amount equal to the difference for such eligible costs. (10 minutes)
- 7. Castor (FL)** Would direct the Secretary of Homeland Security to prohibit states from requiring separate security background checks for transportation security cards, and waives application of the prohibition if a compelling homeland security reason necessitates a separate background check. (10 minutes)
- 8. Flake, Jeff (AZ)** Would prevent earmarking in a new grant program established in the bill, and would clarify that Congress presumes that grants awarded through that program will be awarded on a risk-based competitive basis, and if they are not, require the Assistant Secretary to submit a report to Congress explaining the reason. (10 minutes)
- 9. Lynch (MA)** Would provide that any TSA personnel voluntarily may wear personal protective equipment (including surgical and N95 masks, gloves, and hand sanitizer) during any public health emergency. (10 minutes)
- 10. Chaffetz (UT)/ Shea-Porter (NH)** Would prohibit the TSA from using Whole Body-Imaging machines for primary screening at airports, and would require the TSA to give passengers the option of a pat-down search in place of going through a WBI machine, information on the images generated by the WBI, the privacy policies in place, (10 minutes)

and the right to request a pat-down search, and would prohibit the TSA from storing, transferring, or copying the images.

[11. Bordallo \(GU\)](#) Would direct the Secretary of Homeland Security to report to Congress on a review to be conducted by the Transportation Security Administration (TSA) for preferred and alternative methods of having the airports in territories comply with TSA security regulations. The report would also address the cost differences and financing opportunities for such airports to fully comply with the TSA regulations. (10 minutes)

**[12. Hastings, Doc \(WA\)/
Rogers, Mike \(AL \)/
Jackson-Lee \(TX\)](#)** Would require TSA to increase the number of canine detection teams used for air cargo screening by a minimum of 100 from the date enactment. (10 minutes)

[13. Butterfield \(NC\)](#) Would require a study on the use of the combination of facial and iris recognition to rapidly identify individuals in security checkpoint lines. The study would focus on increased accuracy of facial and iris recognition and the possibility of using this advanced technology broadly for accurate identification of individuals. (10 minutes)

[14. Roskam \(IL\)](#) Would require the Secretary of Homeland Security to collect public comments from transit agencies to determine the extent to which current allowable uses of grant funds under the Transit Security Grant Program are sufficient to address security improvement priorities identified by transit agencies. Where security improvement priorities identified by local transit agencies are not met by the regulations implementing the grant program, the Secretary will report to Congress on how such regulations should be changed to accommodate them or why these are not appropriate priorities. (10 minutes)

House Report 111-123:

[HTML Version](#), [PDF Version](#)

Full Committee on Homeland Security Markup:

[Markup of H.R.2200](#): Transportation Security Administration Authorization Act, May 14, 2009

- [National Journal Report](#): House Homeland Security Moves TSA Authorization Bill
- Opening Statement: [Chairman Thompson](#)
- [Section by Section Summary](#); [Bill Points](#); [Summary of Committee Action](#)

Summary of Committee Votes:

- [Rep. Loretta Sanchez, D-Calif. Transportation Security Cards Amendment to the Substitute Amendment](#) — would allow any individual who has a pending application for a transportation security card, and who needs to perform work in a restricted or secure area, to have access to the area if they are escorted by an individual with a security card. The amendment would require the secretary of Homeland Security to respond to initial applications for security cards within 30 days of receipt of the application. It would require the secretary, to the greatest extent practicable, to review appeal and waiver requests and to send a written decision or request for more information within 30 days. It would require the secretary to develop a system within 180 days of enactment for permitting an individual to receive the security card at his or her residence. It would direct the secretary to establish procedures for fingerprinting applicants at facilities operated by or under contract with an agency of DHS. **Adopted by Voice Vote.**

- Rep. Lungren, R-Calif. Truck Driver Background Checks Amendment to the Substitute Amendment — would change the kinds of background checks given to truckers. The amendment would continue fingerprint-based background checks for individuals involved in shipping hazardous materials, but would allow less stringent checks for other drivers. Under current law, all truck drivers must submit to fingerprint-based checks. **Adopted by Voice Vote.**
- Rep. Lungren, R-Calif Training for Federal Air Marshals Amendment to the Substitute Amendment — would require federal air marshals hired after enactment of the bill to complete the criminal investigative training program at the Federal Law Enforcement Training Program as part of their basic training. The amendment would require federal air marshals hired before the date of enactment to complete, within three years of enactment, an alternative training program deemed to have met the standards of the criminal investigative training program. The amendment would authorize \$3 million for each of fiscal years 2010 and 2011 to pay for the training. The amendment would clarify that the provision should not be construed to reclassify the federal air marshals as criminal investigators, which could change their employment status and pay structure under federal law. **Rejected 11-13: R 11-0; D 0-13; I 0-0.**
- Rep. Souder, R-Ind. Guantanamo Detainees Amendment to the Substitute Amendment — that, as amended, would require that a detainee housed at the detention center at Guantanamo Bay, Cuba, on or after Jan. 1, 2009, be added to the no-fly list after a determination of their status by the president. **Adopted, as Amended, by Voice Vote.**
 - Rep. Pascrell, D-N.J. Presidential Authority Amendment to the Souder Amendment — would require that a Guantanamo detainee, as of Jan. 1, 2009, be added to the no-fly list after a status determination by the president. The Souder amendment would add the names of all Guantanamo detainees, as of Jan. 1, 2009, to the no-fly list. **Adopted 14-11: R 0-11; D 14-0; I 0-0.**
- Rep. Bilirakis, R-Fla. Pipeline Security Amendment to the Substitute Amendment — would clarify the role of DHS with respect to the security of pipelines. **Withdrawn.**
- Rep. Broun, R-Ga. Inspector General Reports Amendment to the Substitute Amendment — would require the inspector general of DHS to submit to the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs, within 120 days, each report on an investigation requested by members of the committees before the date of enactment. **Adopted 9-17: R 9-0; D 0-17; I 0-0**
- Rep. Broun, R-Ga. TSA Staffing Levels Amendment to the Substitute Amendment — would require the Government Accountability Office to conduct a study of the current staffing levels at the Transportation Security Administration. The study would determine the appropriateness of such staffing levels and whether the levels could be reduced by consolidating duties or by increased use of technology. The amendment would direct the comptroller general to report to Congress on the results of the study within one year of enactment. **Rejected by Voice Vote.**
- Rep. Broun, R-Ga. Protective Equipment for TSA Personnel Amendment to the Substitute Amendment — would, as amended, direct the secretary of Homeland Security to develop protocols, within 180 days of enactment, for the use of protective equipment for personnel of the Transportation Safety Administration. **Adopted by Voice Vote.**
 - Rep. Titus, D-Nev. Protective Equipment Protocols Amendment to the Broun, R-Ga., Amendment to the Substitute amendment — would direct the secretary of Homeland Security to develop protocols for the use of protective gear for personnel. The amendment would replace language in the Broun amendment that would allow TSA personnel to wear protective face masks during any public health emergency. The Broun amendment also would direct the secretary to develop protocols for the use of face masks by personnel within 180 days. **Adopted by Voice Vote.**
- Chairman Thompson, D-Miss. En Bloc Amendments to the Substitute Amendment — including amendments by:

- Rep. DeFazio, D-Ore., that would reimburse federal flight deck officers for expenses incurred to complete a recurrent and requalifying training requirement.
- Rep. Kirkpatrick, D-Ariz., that would direct the assistant secretary of Homeland Security to submit a report to the committee on the results of a pilot program at 19 airports using whole body imaging technology, which screens air passengers for prohibited items without physical contact.
- Rep. King, R-N.Y. that would authorize \$8 million for fiscal 2010 for DHS to test the effectiveness of inflatable plugs, which protect transit tunnels from fire, flooding and other hazards.
- Rep. Pascrell, D-N.J., that would include, as part of a plan to improve airport perimeter security, an assessment of the role of new technologies that could be used to boost perimeter security at commercial and general aviation facilities.
- Rep. Green, D-Texas, that would direct the comptroller general to include, in a Homeland Security report on the implementation of an advanced passenger prescreening system, the number of misidentified passengers who must undergo secondary screening or have been prevented from boarding a plane during the three-month period before enactment.
- Rep. Rogers, R-Ala., that would further increase the number of TSA canine teams available for rail and public transportation security, and would authorize \$75,000 for each canine team deployed to transportation agencies eligible for assistance under the bill.
- Rep. Jackson Lee, D-Texas, that would allow the department to grant a \$300 allowance for uniforms to any airport passenger screeners.
- Rep. Olson, R-Texas, that would prohibit any non-governmental entity from comparing passenger information to no-fly lists and terrorist watch lists as part of the advanced passenger prescreening system required by the bill.
- Rep. Dent, R-Pa., that would allow the secretary to extend the expiration of transportation security cards for up to one year, to align with the expiration of other required documents or licenses.
- Rep. Broun, R-Ga., that would require, as part of a broader report on developing a risk-based system for allocating resources, to consider the vulnerability of the transportation sector to a cyber attack.

Adopted by Voice Vote.

- Chairman Thompson, D-Miss. Substitute Amendment — would: Direct the Transportation Security Administration (TSA) to establish a system to verify screening of all air cargo on inbound foreign passenger flights. Require flight attendants to complete five hours of TSA-administered self defense training. Direct TSA to submit a plan to Congress on improving security screening for people with metal implants. Direct TSA to submit semi-annual reports to Congress on TSA's expenditures for in-line checked baggage screening systems. Require the Government Accountability Office (GAO) to submit quarterly reports on TSA's implementation of the air cargo screening system. Require TSA to establish a security training program for pilots and other crew operating cargo planes. The substitute amendment, as amended, included the many provisions adopted during markup. **Adopted, as Amended, by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by a Roll Call Vote of **22-0: R 8-0; D 14-0; I 0-0.**

Subcommittee on Transportation Security and Infrastructure Protection Markup:

Markup of H.R.2200: Transportation Security Administration Authorization Act, May 06, 2009

- National Journal Report: Subpanel Votes To Enhance Surface Transportation Security
- Opening Statement: Chairwoman Jackson-Lee
- Summary of Subcommittee Action

Summary of Subcommittee Votes:

- Chairwoman Jackson - Lee, D-Texas Registered Traveler, Self-Defense En bloc Amendments to

the Substitute Amendment — One amendment would modify the Registered Traveler program to reinstate an initial and continuous security threat assessment program as part of the enrollment process; allow registered traveler providers to perform private sector background checks as part of their enrollment process; require the assistant secretary of Homeland Security for the Transportation Security Administration to determine that the program is integrated into risk-based security operations before reinstating the threat assessment component of the program; require the assistant secretary of Homeland Security for TSA to expedite checkpoint screening, as appropriate, for Registered Traveler members who have been subjected to a security threat assessment and a private sector background check; require the assistant secretary of Homeland Security for TSA to report to the House Homeland Security Committee on the level of risk reduction provided by the program and how the program has been integrated into risk-based aviation security operations. The second amendment would require the assistant secretary of Homeland Security for TSA to: provide advanced self-defense training to all air cabin crew members, and to establish an oversight program for such training; prepare a report on technology and standards for wireless on-aircraft communication between and among the cabin crew, pilot crew and authorized law enforcement officials. **Adopted En Bloc by Voice Vote.**

- Rep. Olson, R-Texas Negotiated Rulemaking Advisory Committee Amendment to the Substitute Amendment — would require the secretary of Homeland Security to establish and receive a written report from a negotiated rulemaking advisory committee before issuing a rule to address the Large Aircraft Security Program, except in the case of an urgent threat. **Withdrawn.**
- Chairwoman Jackson - Lee, D-Texas Substitute Amendment — that would: Modify the Transportation Security Administration's Federal Flight Deck Officer (FFDO) program, which allows certain flight crewmembers to use firearms to defend against an act of criminal violence or air piracy attempting to gain control of an aircraft; Require that at least two full-time employees administer the FFDO program at TSA. It also would create additional training sites for participating crewmembers to satisfy training requirements to maintain eligibility for the program and fulfill certain mandates; Direct TSA to establish, within 60 days, a process for resolving reimbursement claims for airports that incurred terminal modification costs associated with the installation of in-line explosives detection systems before TSA instituted a reimbursement process; Refine Transportation Worker Identification Credential requirements for certain operators that do not work in secure areas of ports. In addition, the amendment would direct TSA to: Devote at least 250 explosives detection canine teams for aviation security inspection purposes through 2011; Report to Congress on its progress in certifying the screening methods used by air cargo shippers; Publish in the Federal Register a notice for the background screening services for persons requiring a background screening in the aviation industry, in order to make such services available for open competition. As amended, the substitute amendment also would modify the Registered Traveler program to: Reinstate an initial and continuous security threat assessment program as part of the enrollment process; Allow registered traveler providers to perform private sector background checks as part of their enrollment process; Require the assistant secretary of Homeland Security for the Transportation Security Administration to determine that the program is integrated into risk-based security operations before reinstating the threat assessment component of the program; Require the assistant secretary of Homeland Security for TSA to expedite checkpoint screening, as appropriate, for Registered Traveler members who have been subjected to a security threat assessment and a private sector background check; Require the assistant secretary of Homeland Security for TSA to report to the House Homeland Security Committee on the level of risk reduction provided by the program and how the program has been integrated into risk-based aviation security operations; Require the assistant secretary of Homeland Security for TSA to provide advanced self-defense training to all air cabin crew members, and to establish an oversight program for such training. The assistant secretary would also be required to prepare a report on technology and standards for wireless on-aircraft communication between and among the cabin crew, pilot crew and authorized law enforcement officials. Adopted, as Amended, by a Roll Call Vote of **14-0; R 5-0; D 9-0; I 0-0.**

- Rep. Lungren, R-Calif. – SAFE Truckers Act Amendment to the Jackson-Lee, D-Texas, Substitute Amendment — Would require commercial drivers to hold a transportation security card issued by DHS in order to transport a security sensitive material (as defined by the "Implementing Recommendations of the 9/11 Commission Act of 2007" (PL 110-53); Require that fingerprinting locations for card applications have flexible hours and be open to out-of-state residents; Require commercial drivers registered in Mexico and Canada to undergo a background records check before transporting a security sensitive material; Allow drivers who had obtained a hazardous materials endorsement prior to the enactment of the bill to be treated as having met the background check requirements for the transportation security card; Require DHS to begin issuing transportation security cards no later than May 31, 2010; Require DHS to establish a task force to review the lists of crimes that disqualify individuals from certain transportation-related employment under current TSA regulations, and assess whether such lists of crimes are accurate indicators of a terrorism security risk. **Withdrawn.**
- **Vote to Approve:** Approved for Full Committee Consideration, as Amended, by a Roll Call Vote of **12-0; R 4-0; D 8-0; I 0-0.**

CRS Report:

[RL33512](#): Transportation Security: Issues for the 111th Congress

GAO Report:

[GAO-09-292](#): Aviation Security: TSA Has Completed Key Activities Associated with Implementing Secure Flight, but Additional Actions Are Needed to Mitigate Risks , May 13, 2009

[GAO-09-492](#): Transportation Security: Comprehensive Risk Assessments and Stronger Internal Controls Needed to Help Inform TSA Resource Allocation, March 27, 2009

[GAO-09-273](#): Aviation Security: Federal Air Marshal Service Has Taken Actions to Fulfill Its Core Mission and Address Workforce Issues, but Additional Actions Are Needed to Improve Workforce Survey, January 14, 2009

CBO Report:

[Cost Estimate](#): Ordered Reported by the Committee on Homeland Security

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[Bill Points](#): Committee on Homeland Security

Press Releases, News Articles & Related Information:

(TBA)

Other Resources:

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