



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

October 26, 2021

**COMMITTEE ACTION**

The Committee on Homeland Security met, pursuant to notice, in open markup session, a quorum being present, on Tuesday, October 26, 2021, in 310 Cannon and via Cisco WebEx to consider the following measures:

H.R. 4349, (Mr. Green), To amend the Homeland Security Act of 2002 to make certain improvements in the Office for Civil Rights and Civil Liberties of the Department of Homeland Security, and for other purposes. The “Department of Homeland Security Office for Civil Rights and Civil Liberties Authorization Act”.

H.R. 4476, (Mr. Meijer), To establish the Department of Homeland Security (DHS) Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes. The “DHS Trade and Economic Security Council Act of 2021”.

H.R. 5574, (Ms. Titus), To require the TSA to develop a plan to ensure that TSA material disseminated in major airports can be better understood by more people accessing such airports, and for other purposes. The “TRANSLATE Act”.

H.R. 5615, (Mrs. Demings), To direct the Secretary of Homeland Security to submit a plan to make Federal assistance available to certain urban areas that previously received Urban Area Security Initiative funding to preserve homeland security capabilities, and for other purposes. The “Homeland Security Capabilities Preservation Act”.

H.R. 5616, (Mrs. Demings), To require reporting regarding accreditation of basic training programs of the Department of Homeland Security, and for other purposes. The “DHS Basic Training Accreditation Improvement Act of 2021”.

H.R. 5633, (Mr. Thompson), To amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, and for other purposes. The “Department of Homeland Security Inspector General Transparency Act.”

H.R. 5652, (Mr. Van Drew), To amend the Homeland Security Act of 2002 to establish the Acquisition Review Board in the Department of Homeland Security, and for other purposes. The “DHS Acquisition Review Board Act of 2021”.

H.R. 5658, (Mr. Bacon), To require the Secretary of Homeland Security to submit a report on the cybersecurity roles and responsibilities of the Federal Government, and for other purposes. The “DHS Roles and Responsibilities in Cyber Space Act”.

H.R. 5681, (Mr. Katko), To authorize the reclassification of the tactical enforcement officers (commonly known as the “Shadow Wolves”) in the Homeland Security Investigations tactical patrol unit operating on the lands of the Tohono O’odham Nation as special agents, and for other purposes. The “Shadow Wolves Enhancement Act”.

H.R. 5682, (Ms. Barragán), To reauthorize the port of entry donations acceptance program of U.S. Customs and Border Protection, and for other purposes. The “CBP Donations Acceptance Program Reauthorization Act”.

H.R. 5683, (Mrs. Cammack), To direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the borders of the United States, and for other purposes. The “Department of Homeland Security Border Support Services Contracts Review Act”.

S. 658, (Mr. Cornyn), To authorize the Secretary of Homeland Security to work with cybersecurity consortia for training, and for other purposes. The “National Cybersecurity Preparedness Consortium Act of 2021”.

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The Committee took the following actions:

A motion by Mr. Green to report H.R. 4349, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote.

A motion by Mrs. Demings that H.R. 5615, H.R. 5616, H.R. 5652, H.R. 5681, H.R. 5682 be ordered to be reported to the House without amendment with a favorable recommendation; was AGREED TO by voice vote. A motion to reconsider was laid on the table.

A motion by Mr. Langevin that H.R. 4476, H.R. 5574, H.R. 5633, H.R. 5658, H.R. 5683, S. 658, as amended, be ordered to be reported to the House with a favorable recommendation; was AGREED TO by voice vote. A motion to reconsider was laid on the table.

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H.R. 4349, (Mr. Green), To amend the Homeland Security Act of 2002 to make certain improvements in the Office for Civil Rights and Civil Liberties of the Department of Homeland Security, and for other purposes. The “Department of Homeland Security Office for Civil Rights and Civil Liberties Authorization Act”.

The following amendments were offered:

An amendment offered by Mr. Green (013): An Amendment in the Nature of a Substitute to H.R. 4349.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Guest (025): Page 7, strike lines 5 through 10, and insert the following:

“(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the Officer under this section; and”.; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Guest (030): Page 8, beginning line 3, insert the following: “(4) CONGRESSIONAL NOTIFICATION.—The Officer shall inform the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate not later than—

“(A) 30 days after the Secretary approves or disapproves the Officer’s request for a subpoena under paragraph (1)(C), or the Secretary substantively modifies the requested subpoena; or “(B) 45 days after the Officer’s request for a subpoena under paragraph (1)(C), if such subpoena has not been approved or disapproved by the Secretary.”.; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute offered by Ms. Jackson Lee (009): Page 14, line 19, strike “ad” and insert “and”. Page 15, line 17, insert “investigations under paragraph (7) or (8) of subsection (b) resulting in” before “recommendations”. Page 15, line 18, strike “regarding investigations under paragraph (7) or (8) of subsection (b)”.; was AGREED TO by voice vote.

A motion by Mr. Green to report H.R. 4349, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote.

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H.R. 4476, (Mr. Meijer), To establish the Department of Homeland Security (DHS) Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes. The “DHS Trade and Economic Security Council Act of 2021.”

The following amendment was offered:

An amendment offered by Mr. Meijer (004): Amendment in the Nature of a Substitute to H.R. 4476; was AGREED TO by voice vote.

A motion by Mr. Langevin to report H.R. 4476 to the House, as amended, with a favorable recommendation; was AGREED TO by voice vote.

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H.R. 5574, (Ms. Titus), To require the TSA to develop a plan to ensure that TSA material disseminated in major airports can be better understood by more people accessing such airports, and for other purposes. The “TRANSLATE Act”.

The following amendment was offered:

An amendment offered by Ms. Jackson Lee (013): Page 4, beginning line 1, insert the following (and redesignate subsequent paragraphs accordingly): (3) NON-TRAVELING INDIVIDUAL.—The term “non-traveling individual” has the meaning given such term in section 1560.3 of title 49, Code of Federal Regulations. Page 4, line 6, insert “for use by both traveling and non-traveling individuals” before the period.; was AGREED TO by voice vote.

A motion by Mr. Langevin to report H.R. 5574, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote.

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H.R. 5615, (Mrs. Demings), To direct the Secretary of Homeland Security to submit a plan to make Federal assistance available to certain urban areas that previously received Urban Area Security Initiative funding to preserve homeland security capabilities, and for other purposes. The “Homeland Security Capabilities Preservation Act”.

A motion by Mrs. Demings to report H.R. 5615 to the House with a favorable recommendation; was AGREED TO by voice vote

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H.R. 5616, (Mrs. Demings), To require reporting regarding accreditation of basic training programs of the Department of Homeland Security, and for other purposes. The “DHS Basic Training Accreditation Improvement”.

A motion by Mrs. Demings to report H.R. 5616, to the House with a favorable recommendation; was AGREED TO by voice vote

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H.R. 5633, (Mr. Thompson), To amend the Homeland Security Act of 2002 to enhance transparency regarding reports conducted by the Inspector General of the Department of Homeland Security, and for other purposes. The “Department of Homeland Security Inspector General Transparency Act”.

The following amendments were offered:

An amendment offered by Mr. Meijer (005): Page 3, line 18, insert “, including any contextual details not relevant to the audit, inspection, or evaluation at issue that may be used by other employees or officers of the Department to determine the identity of a whistleblower complainant,” after “tion”.; was AGREED TO by voice vote.

An amendment offered by Mrs. Miller Meeks (049): Page 3, line 25, strike “such” and insert “section”. Page 5, beginning line 23, insert the following: “(6) Data regarding tips and complaints made to the Inspector General Hotline of the Department or otherwise referred to the Department, including—

“(A) the number and type of tips and complaints regarding fraud, waste, abuse, corruption, financial crimes, civil rights and civil liberty abuse, or other complaints regarding criminal or non-criminal activity associated with fraud, waste, or abuse;

“(B) actions taken by the Department to address or resolve each substantiated tip or complaint;

“(C) the total amount of time it took the Department to so address or resolve each such substantiated tip or complaint;

“(D) the total number of tips and complaints that are substantiated compared with the number of tips and complaints that are unsubstantiated; and

“(E) the percentage of audits, inspections, and evaluations that are initiated as a result of tips and complaints made to the Inspector General Hotline.”.; was AGREED TO by voice vote.

An amendment offered by Mrs. Harshbarger (006): Page 5, beginning line 23, insert the following (and redesignate subsequent subsections

accordingly): “(d) NOTIFICATION TO CONGRESS.—The Inspector General of the Department shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate if the head of an office or component of the Department does not provide in a timely manner to the Inspector General information or assistance that is requested by the Inspector General to conduct an audit, inspection, or evaluation.”; was AGREED TO by voice vote.

An amendment offered by Mr. LaTurner (015): Add at the end of the bill the following:

(c) REPORTS.—

(1) INSPECTOR GENERAL OF DHS.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Comptroller General of the United States a report on the policies, procedures, and internal controls established that ensure compliance with the Quality Standards for Federal Offices of Inspector General from the Council of Inspectors General on Integrity and Efficiency.

(2) COMPTROLLER GENERAL.—Not later than one year after receipt of the report required under paragraph (1), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an evaluation of such report.; was AGREED TO by voice vote.

A motion by Mr. Langevin to report H.R. 5633, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote.

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H.R. 5652, (Mr. Van Drew), To amend the Homeland Security Act of 2002 to establish the Acquisition Review Board in the Department of Homeland Security, and for other purposes. The “DHS Acquisition Review Board Act of 2021”.

A motion by Mrs. Demings to report H.R. 5652, to the House with a favorable recommendation; was AGREED TO by voice vote.

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H.R. 5658, (Mr. Bacon), To require the Secretary of Homeland Security to submit a report on the cybersecurity roles and responsibilities of the Federal Government, and for other purposes. The “DHS Roles and Responsibilities in Cyber Space Act”.

The following amendment was offered:

An amendment offered by Mr. Langevin (061): In section 2(2) strike “very rarely” and insert “only sometimes”. Page 3, beginning line 14, insert the following (and redesignate subsequent paragraphs accordingly): (9) Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 codified the duties of Sector Risk Management Agencies for critical infrastructure sectors, laying out the roles and responsibilities they have in coordinating with the Cybersecurity and Infrastructure Security Agency to secure the nation’s critical infrastructure. In section 2, add at the end the following: (12) Section 1731 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 directed the Secretary of Homeland Security to submit a report on the potential for better coordination of Federal cybersecurity efforts; was AGREED TO by voice vote.

A motion by Mr. Langevin to report H.R. 5658, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote.

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H.R. 5681, (Mr. Katko), To authorize the reclassification of the tactical enforcement officers (commonly known as the “Shadow Wolves”) in the Homeland Security Investigations tactical patrol unit operating on the lands of the Tohono O’odham Nation as special agents, and for other purposes. The “Shadow Wolves Enhancement Act”.

A motion by Mrs. Demings to report H.R. 5681, to the House with a favorable recommendation; was AGREED TO by voice vote.

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H.R. 5682, (Ms. Barragán), To reauthorize the port of entry donations acceptance program of U.S. Customs and Border Protection, and for other purposes. The “CBP Donations Acceptance Program Reauthorization Act”.

A motion by Mrs. Demings to report H.R. 5682 to the House with a favorable recommendation; was AGREED TO by voice vote.

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H.R. 5683, (Mrs. Cammack), To direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the borders of the United States, and for other purposes. The “Department of Homeland Security Border Support Services Contracts Review Act”

The following amendment was offered:

An amendment offered by Ms. Jackson Lee (035): Page 2, line 18, strike “borders of the United States” and insert “United States land border with Mexico”. Page 2, line 25, strike “borders” and insert “border”. Page 5, line 11, insert “(with a total contract value of \$50,000,000 or more, inclusive of contract options)” after “contract”. Page 5, beginning on line 15, strike “the borders” and all that follows through “security” and insert “the United States land border with Mexico, any service, including related to border security,”. Amend the title so as to read: “A bill to direct the Under Secretary for Management of the Department of Homeland Security to assess contracts for covered services performed by contractor personnel along the United States land border with Mexico, and for other purposes.”.; was AGREED TO by voice vote

A motion by Mr. Langevin to report H.R. 5683, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote.

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S. 658, (Mr. Cornyn), To authorize the Secretary of Homeland Security to work with cybersecurity consortia for training, and for other purposes. The “National Cybersecurity Preparedness Consortium Act of 2021.”

The following amendment was offered:

An offered by Mr. Thompson (012): An Amendment in the Nature of a Substitute to S. 658; was AGREED TO by voice vote

A motion by Mr. Langevin to report S. 658, as amended, to the House with a favorable recommendation; was AGREED TO by voice vote.

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Without objection, the amendments agreed to at today’s markup will be reported to the House in the form of one amendment in the nature of a substitute for each bill.; was NOT OBJECTED TO

Without objection, staff is authorized to make technical and conforming changes to all measures to reflect the actions of the Committee.; was NOT OBJECTED TO

Mr. Guest gave notice that, pursuant to Rule XI clause 2(1), Members may have two days in which to file any supplemental, minority, or additional views on H.R. 4349, H.R. 4476, H.R. 5574, H.R. 5615, H.R. 5616, H.R. 5633, H.R. 5652, H.R. 5658, H.R. 5681, H.R. 5682, H.R. 5683, S. 658.

