

Report for Congress

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Homeland Security Act of 2002: Legislative History and Pagination Key

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Summary

On November 22, 2002, Congress completed its legislative action on the proposal to establish a Department of Homeland Security. The House agreed to the amendment to H.R. 5005, as passed by the Senate on November 19, 2002.

H.R. 5005, as amended, passed the House on July 26, 2002. H.R. 5710, an expanded proposal, was introduced November 13, 2002 and passed the House, with one amendment, the same day. An amendment (S.Amdt. 4901), identical to H.R. 5710, was offered in the Senate to H.R. 5005 on November 13. On November 19, 2002, the Senate adopted that amendment and passed H.R. 5005.

This report presents an abbreviated legislative history of the Homeland Security Act of 2002, providing information on the sequence of events leading up to passage and references to related legislative proposals.

A pagination key is provided. The version used is the text of H.R. 5005, as enacted, (Enrolled version) accessible on the Legislative Information System (LIS) at [<http://www.congress.gov>]. Also available at that site is a link to the CRS Web page, which links to CRS Current Legislative Issues and the Homeland Security topic.

The Act was signed November 25, 2002. (As of 10:00 a.m. November 26, 2002, the signed measure had not been transmitted from the White House to the Office of Federal Register, and, therefore, has no public law number assigned.) This report will be updated when the designation is available.

The author recognizes the invaluable assistance provided by Mildred Boyle in the research and production of this report.

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Introduction

On November 22, 2002, Congress completed its legislative action on the proposal to establish a Department of Homeland Security. The House agreed to the amendment to H.R. 5005, as passed by the Senate on November 19, 2002.

H.R. 5005, as amended, passed the House on July 26, 2002. H.R. 5710, an expanded proposal, was introduced November 13, 2002 and passed the House, with one amendment, the same day. An amendment (S.Amdt. 4901), identical to H.R. 5710, was offered in the Senate to H.R. 5005 on November 13. On November 19, 2002, the Senate adopted that amendment and passed H.R. 5005. The Act was signed November 25, 2002. (As of 10:00 a.m. November 26, 2002, the signed measure had not been transmitted from the White House to the Office of Federal Register, and, therefore, has no public law number assigned.) This report will be updated when the designation is available.

This report presents an abbreviated legislative history of the Homeland Security Act of 2002, providing information on the sequence of legislative events leading up to passage and references to related legislative proposals. It also provides a pagination key to the legislation. The version used is the text of H.R. 5005, as enacted (Enrolled version), accessible on the Legislative Information System (LIS) at [<http://www.congress.gov>]. Also available at that site is a link to the CRS Web page, which links to CRS Current Legislative Issues and the Homeland Security topic.

Legislative History

Several bills were offered during the 107th Congress for the purpose of establishing the Department of Homeland Security. H.R. 5005 is the vehicle through which the proposals are being enacted. However, the legislation has changed and expanded from the version introduced during the summer of 2002.¹ The following legislation is presented in reverse chronological order. It is intended to provide the basic information on the sequence of events and does not purport to be an encompassing legislative history.

¹For an overview of the development of the departmental legislation, see CRS Report, RL31493, *Homeland Security: Department Organization and Management*, by Harold C. Relyea.

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November 22, 2002	House completes action on H.R. 5005, clearing it for the President.
November 19, 2002	Senate passes H.R. 5005, amended, Vote no. 249, 90-9. Senate adopts amendment S.Amdt. 4901 (Thompson substitute – language identical, except for minimal technical differences, to H.R. 5710, as passed by the House), Vote no. 247, 73-26.
November 14, 2002	H.R. 5710 received in the Senate.
November 13, 2002	Senate agrees to motion to table S.Amdt. 4471 (Lieberman substitute), Vote no. 241, 50-47. S.Amdt. 4738 (Gramm-Miller substitute) fell when S.Amdt. 4471 was tabled. S.Amdt. 4901 offered. House agrees to closed rule (H.Res. 600), considers and passes H.R. 5710, Roll no. 477, 299-121. There is no record of committee consideration or report prior to floor consideration.
November 12, 2002	H.R. 5710 introduced, referred to the Select Committee on Homeland Security.
September 4 - October 1, 2002	S.Amdt. 4471 offered. S.Amdt. 4471, and amendments thereto, considered in the Senate.
August 1, 2002	S.Amdt. 4467 (Lieberman substitute to H.R. 5005) offered.
July 30, 2002	H.R. 5005 received in the Senate.
July 25-26, 2002	H.R. 5005, after consideration and debate, passes the House, amended, Roll no. 367, 295-132.
July 25, 2002	Senate Governmental Affairs Committee, in a business meeting, agrees to language of a Lieberman substitute (S.Amdt. 4467, filed August 1, 2002) to H.R. 5005. House Rules Committee reports H.Res. 502, H.Rept. 107-615.
July 24, 2002	H.R. 5005 reported, amended, H.Rept. 107-609, Part I, by Select Committee on Homeland Security.
June 24 - July 12, 2002	Committees conduct hearings and draft recommendations to be submitted to House Select Committee on Homeland Security.

June 24, 2002 H.R. 5005, to establish the Department of Homeland Security and for other purposes introduced by Representative Arney (by request). Pursuant to H.Res. 449, referred to Select Committee on Homeland Security and Committees on Agriculture, Appropriations, Armed Services, Energy and Commerce, Financial Services, Government Reform, Intelligence, International Relations, Judiciary, Science, Transportation and Infrastructure, and Ways and Means.

S. 2452 reported by the Senate Governmental Affairs Committee, S.Rept. 107-175.

June 18, 2002 Administration Department of Homeland Security proposal transmitted to Congress.

June 6, 2002 President Bush announces intention to send Congress legislation for the purpose of establishing a Department of Homeland Security.

May 22, 2002 S. 2452 ordered reported by the Senate Governmental Affairs Committee.

May 2, 2002 S. 2452, to establish the Department of National Homeland Security and the National Office for Combating Terrorism, introduced by Senator Lieberman. Referred to Committee on Governmental Affairs.

H.R. 4660, to establish the Department of National Homeland Security and the National Office for Combating Terrorism, introduced by Representative Thornberry. Referred to Committee on Government Reform.

October 11, 2001 S. 1534, to establish the Department of National Homeland Security, introduced by Senator Lieberman. Referred to Committee on Governmental Affairs.

October 10, 2001 H.R. 3078, to establish the National Office for Combating Terrorism, introduced by Representative Hastings. Referred to Committee on Government Reform.

September 21, 2001 S. 1449, to establish the National Office for Combating Terrorism, introduced by Senator Graham. Referred to Committee on Governmental Affairs.

March 21, 2001 H.R.1158, to establish the National Homeland Security Agency, introduced by Representative Thornberry. Referred to Committee on Government Reform.

Incorporated Measures

The “Custom Bill Track Report”² available through Congressional Quarterly, Inc., cites the following measures as having been incorporated into H.R. 5005, as enacted.

- S. 803 E-Government Act of 2002. Introduced May 1, 2001, by Senator Lieberman, to enhance the management and promotion of electronic Government services and processes by establishing an Office of Electronic Government within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.
- S. 2554 Arming Pilots Against Terrorism and Cabin Defense Act of 2002. Introduced May 23, 2002, by Senator Smith, to establish a program for Federal flight deck officers, and for other purposes.
- H. R. 1259 Computer Security enhancement Act of 2001. Introduced March 28, 2001, by Representative Morella, to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes.
- H.R. 3482 Cyber Security Enhancement Act of 2002. Introduced December 13, 2001, by Representative Smith, to provide greater cybersecurity.
- H.R. 3844 Federal Information Security Management Act of 2002. Introduced March 5, 2002, by Representative Davis, to strengthen Federal Government information security, including through the requirement for the development of mandatory information security risk management standards.
- H.R. 4598 Homeland Security Information Sharing Act. Introduced April 25, 2002, by Representative Chambliss, to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities.

²Available at [<http://oncongress.cq.com/gateway.jsp?cmd=crs-custom-billtrack&billnums=hr5005&congress=107>], visited Nov. 23, 2002.

Other Related Measures

The “Custom Bill Track Report”³ available through Congressional Quarterly, Inc., cites the following measures as being related to H.R. 5005, as enacted.

- S. 2746 First Responders Support Act of 2002. Introduced July 17, 2002, by Senator Feingold, to establish a federal liaison on Homeland Security in each state, to provide coordination between the Department of Homeland Security and state and local first responders.
- S. 2794 Homeland Security Act of 2002. Introduced July 25, 2002, by Senator Gramm, to establish a Department of Homeland Security.
- S. 2887 Homeland Security Information Sharing Act. Introduced August 1, 2002, by Senator Feinstein, to provide for the sharing of homeland security information by federal intelligence and law enforcement agencies with state and local entities.
- H.R. 5490 Tribal Government Homeland Security Coordination and Integration Act. Introduced September 26, 2002, by Representative Pallone, to ensure the coordination and integration of Indian tribes in the national Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security.
- H.R. 5671 Information Security Act. Introduced October 16, 2002, by Representative John, to promote the secure sharing of information and communications within the Department of Homeland Security.

³Available at [<http://oncongress.cq.com/gateway.jsp?cmd=crs-custom-billtrack&billnums=hr5005&congress=107>], visited Nov. 23, 2002.

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