

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Thompson OF Mississippi,
OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES.

Revised Revised 13

**AMENDMENT TO H.R. 1684, AS REPORTED
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

In the proposed section 401(b)(3)(B), as proposed to be added by section 201 of the bill, insert before the period at the end the following: “, excluding each agency that is a distinct entity within the Department”.

In the proposed section 401(b)(3)(E), as proposed to be added by section 201 of the bill, insert before the period at the end the following: “, consistent with this section”.

Strike subsection (b) of the proposed section 707, as proposed to be added by section 202 of the bill, and insert the following:

1 “(b) COORDINATION.—The Secretary shall direct the
2 Chief Operating Officer of each component agency to co-
3 ordinate with that Officer’s respective Chief Operating Of-
4 ficer of the Department to ensure that the component
5 agency adheres to Government-wide laws, rules, regula-
6 tions, and policies to which the Department is subject and
7 which the Chief Operating Officer is responsible for imple-
8 menting.”.

In the proposed section 707(c), strike “reporting to” and insert “coordinating with”.

In the proposed section 402(d), as proposed to be added by section 203 of the bill, insert after “submit to the Committee on Homeland Security” the following: “and the Committee on Transportation and Infrastructure”.

Strike the proposed subsection (d), as proposed to be added by section 208 of the bill, and insert the following:

1 “(d) AUTHORITY OF ASSISTANT SECRETARY FOR
2 LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTER-
3 PARTS.—The Secretary for the Department shall ensure
4 that the Assistant Secretary for Legislative Affairs has
5 adequate authority or the Assistant Secretary’s respective
6 counterparts in component agencies of the Department to
7 ensure that such component agencies adhere to the laws,
8 rules, and regulations to which the Department is subject
9 and the departmental policies that the Assistant Secretary
10 for Legislative Affairs is responsible for implementing.”.

In section 301(c), after “submit to the Committee on Homeland Security” the following: “and the Committee on Oversight and Government Reform”.

In the proposed subsection (d)(1), as proposed to be added by section 302 of the bill, strike “and the Committee on Homeland Security and Governmental Affairs of the Senate” and insert “, the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees”.

In the proposed subsection (d)(2), as proposed to be added by section 302 of the bill, strike “and the Committee on Homeland Security and Governmental Affairs of the Senate” and insert “, the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees”.

In the proposed section 104(a), as proposed to be added by section 304 of the bill, insert after “congressional homeland security committees” the following: “and other appropriate congressional committees”.

Strike section 305 and conform the table of contents accordingly.

In section 402, strike subsection (b) and insert the following:

1 (b) APPOINTMENT AUTHORITY.—The Secretary (act-
2 ing through the Chief Procurement Officer) may, for the
3 purpose of supporting the Department’s acquisition capa-
4 bilities and enhancing contract management throughout

1 the Department, appoint annuitants to positions in pro-
2 curement offices in accordance with succeeding provisions
3 of this section, except that no authority under this sub-
4 section shall be available unless the Secretary provides to
5 Congress a certification that—

6 (1) the Secretary has submitted a request
7 under section 8344(i) or 8468(f) of title 5, United
8 States Code, on or after the date of the enactment
9 of this Act, with respect to positions in procurement
10 offices;

11 (2) the request described in paragraph (1) was
12 properly filed; and

13 (3) the Office of Personnel Management has
14 not responded to the request described in paragraph
15 (1), by either approving, denying, or seeking more
16 information regarding such request, within 90 days
17 after the date on which such request was filed.

In section 402, strike subsection (f) and insert the
following:

18 (f) TERMINATION OF AUTHORITY.—Effective 2 years
19 after the date of the enactment of this Act—

20 (1) all authority to make appointments under
21 subsection (b) shall cease to be available; and

22 (2) all exemptions under subsection (c) shall
23 cease to be effective.

In the proposed section 837(b), as proposed to be added by section 403 of the bill, after “require the contractor to submit” insert the following: “past performance”.

In section 406, strike subsection (c) and redesignate subsection (d) as subsection (c).

In the proposed section 839(b), as proposed to be added by section 407 of the bill, strike paragraph (4).

In the proposed section 839(d), strike “the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428))” and insert “the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403))”.

In the proposed section 839, as proposed to be added by section 407 of the bill, strike subsection (f).

In section 408(c), strike “the Department of Homeland Security shall consider” and insert “The Secretary of Homeland Security shall consider, among the other factors the Secretary deems relevant,”.

Strike section 409, redesignate section 410 as section 409, and conform the table of contents accordingly.

In section 409, as so redesignated, strike “The Secretary” and insert “Consistent with any applicable law, the Secretary”.

In section 501, redesignate subsections (g) and (h) as subsections (h) and (i), respectively, and insert after subsection (f), the following new subsection (g):

1 (g) COMPTROLLER GENERAL REPORT.—The Comp-
2 troller General shall conduct a comprehensive review of the
3 retirement system for law enforcement officers employed
4 by the Federal Government. The review shall include all
5 employees categorized as law enforcement officers for pur-
6 poses of retirement and any other Federal employee per-
7 forming law enforcement officer duties not so categorized.
8 In carrying out the review, the Comptroller General shall
9 review legislative proposals introduced over the 10 years
10 preceding the date of the enactment of this Act that are
11 relevant to the issue law enforcement retirement and con-
12 sult with law enforcement agencies and law enforcement
13 employee representatives. Not later than August 1, 2007,
14 the Comptroller General shall submit to Congress a report
15 on the findings of such review. The report shall include
16 each of the following:

17 (1) An assessment of the reasons and goals for
18 the establishment of the separate retirement system
19 for law enforcement officers, as defined in section

1 8331 of title 5, United States Code, including the
2 need for young and vigorous law enforcement offi-
3 cers, and whether such reasons and goals are cur-
4 rently appropriate.

5 (2) An assessment of the more recent reasons
6 given for including additional groups of employees in
7 such system, including recruitment and retention,
8 and whether such reasons and goals are currently
9 appropriate.

10 (3) A determination as to whether the system
11 is achieving the goals in (1) and (2).

12 (4) A summary of potential alternatives to the
13 system, including increased use of bonuses, in-
14 creased pay, and raising the mandatory retirement
15 age, and a recommendation as to which alternatives
16 would best meet each goal defined in (1) and (2), in-
17 cluding legislative recommendations if necessary.

18 (5) A recommendation for the definition of law
19 enforcement officer.

20 (6) An detailed review of the current system in-
21 cluding its mandatory retirement age and benefit ac-
22 crual.

23 (7) A recommendation as to whether the law
24 enforcement officer category should be made at the

1 employee, function and duty, job classification, agen-
2 cy or other level, and by whom.

3 (8) Any other relevant information.

In section 502(a) by inserting after “transmit to the
Committee on Homeland Security” the following: “and
the Committee on Oversight and Government Reform”.

In section 504, strike subsection (b) and insert the
following:

4 (b) APPOINTMENT AUTHORITY.—The Secretary (act-
5 ing through the Commissioner of the United States Cus-
6 toms and Border Protection) may, for the purpose of ac-
7 celerating the ability of the CBP to secure the borders
8 of the United States, appoint annuitants to positions in
9 the CBP in accordance with succeeding provisions of this
10 section, except that no authority under this subsection
11 shall be available unless the Secretary provides to Con-
12 gress a certification that—

13 (1) the Secretary has submitted a request
14 under section 8344(i) or 8468(f) of title 5, United
15 States Code, on or after the date of the enactment
16 of this Act, with respect to positions in the CBP;

17 (2) the request described in paragraph (1) was
18 properly filed; and

1 (3) the Office of Personnel Management has
2 not responded to the request described in paragraph
3 (1), by either approving, denying, or seeking more
4 information regarding such request, within 90 days
5 after the date on which such request was filed.

 In section 504, strike subsection (f) and insert the
following:

6 (f) **TERMINATION OF AUTHORITY.**—Effective 2 years
7 after the date of the enactment of this Act—
8 (1) all authority to make appointments under
9 subsection (b) shall cease to be available; and
10 (2) all exemptions under subsection (c) shall
11 cease to be effective.

 In section 505(a), insert after “statutes” the fol-
lowing: “ and Office of Personnel Management Regula-
tions and Guidelines”.

 Strike section 507, redesignate sections 508 through
513 as sections 507 through 512, respectively, and con-
form the table of contents accordingly.

 In the proposed section 708, as proposed to be
added by section 508 of the bill, as so redesignated,
strike subsection (b)(1) and insert the following:

1 “(1) have responsibility for overall Department-
2 wide security activities, including issuing and confis-
3 cating credentials, controlling access to and dis-
4 posing of classified and sensitive but unclassified
5 materials, controlling access to sensitive areas and
6 Secured Compartmentalized Intelligence Facilities,
7 and communicating with other government agencies
8 on the status of security clearances and security
9 clearance applications;”.

Strike section 606 and conform the table of contents accordingly.

In the proposed section 226(c)(1)(A), as proposed to be added by section 701 of the bill, strike “to monitor critical information infrastructure” and insert “for ongoing activities to identify threats to critical information infrastructure”.

In section 702(c)(2), insert after “Standards and Technology,” the following: “the Department of Commerce,”.

Insert after section 702 the following (and conform the table of contents accordingly):

10 **SEC. 703. COLLABORATION.**

11 In carrying out this title, the Assistant Secretary of
12 Homeland Security for Cybersecurity and Communica-

1 tions shall collaborate with any Federal entity that, under
2 law, has authority over the activities set forth in this title.

In section 804(b)(1), strike “maximum”.

In the proposed section 319(e), as proposed to be added by section 805 of the bill, after “the project may” insert the following: “, subject to the availability of appropriations for such purpose,”.

Insert at the end of title VIII the following (and conform the table of contents accordingly):

3 **SEC. 806. AVAILABILITY OF TESTING FACILITIES AND**
4 **EQUIPMENT.**

5 (a) **AUTHORITY.**—The Under Secretary for Science
6 and Technology or his designee may make available to any
7 person or entity, for an appropriate fee, the services of
8 any Department of Homeland Security owned and oper-
9 ated center, or other testing facility for the testing of ma-
10 terials, equipment, models, computer software, and other
11 items designed to advance the homeland security mission.

12 (b) **INTERFERENCE WITH FEDERAL PROGRAMS.**—
13 The Under Secretary for Science and Technology shall en-
14 sure that the testing of materiel and other items not
15 owned by the Government shall not cause government per-
16 sonnel or other government resources to be diverted from

1 scheduled tests of Government materiel or otherwise inter-
2 fere with Government mission requirements.

3 (c) CONFIDENTIALITY OF TEST RESULTS.—The re-
4 sults of tests performed with services made available under
5 subsection (a) and any associated data provided by the
6 person or entity for the conduct of such tests are trade
7 secrets or commercial or financial information that is priv-
8 ileged or confidential within the meaning of section
9 552b(4) of title 5, United States Code, and may not be
10 disclosed outside the Federal Government without the con-
11 sent of the person or entity for whom the tests are per-
12 formed.

13 (d) FEES.—The fees for exercising the authorities
14 under subsection (a) may not exceed the amount necessary
15 to recoup the direct and indirect costs involved, such as
16 direct costs of utilities, contractor support, and salaries
17 of personnel that are incurred by the United States to pro-
18 vide for the testing.

19 (e) USE OF FEES.—The fees for exercising the au-
20 thorities under subsection (a) shall be credited to the ap-
21 propriations or other funds of the Directorate of Science
22 and Technology.

23 (f) OPERATIONAL PLAN.—Not later than 90 days
24 after the date of the enactment of this Act, the Under
25 Secretary for Science and Technology shall submit to Con-

1 gress a report detailing a plan for operating a program
2 that would allow any person or entity, for an appropriate
3 feel, to use any center or testing facility owned and oper-
4 ated by the Department of Homeland Security for testing
5 of materials, equipment, models, computer software, and
6 other items designed to advance the homeland security
7 mission. The plan shall include—

8 (1) a list of the facilities and equipment that
9 could be made available to such persons or entities;

10 (2) a five-year budget plan, including the costs
11 for facility construction, staff training, contract and
12 legal fees, equipment maintenance and operation,
13 and any incidental costs associated with the pro-
14 gram;

15 (3) A five-year estimate of the number of users
16 and fees to be collected;

17 (4) a list of criteria for selecting private-sector
18 users from a pool of applicants, including any spe-
19 cial requirements for foreign applicants; and

20 (5) an assessment of the effect the program
21 would have on the ability of a center or testing facil-
22 ity to meet its obligations under other Federal pro-
23 grams.

24 (g) REPORT TO CONGRESS.—The Under Secretary
25 for Science and Technology shall submit to Congress an

1 annual report containing a list of the centers and testing
2 facilities that have collected fees under this section, the
3 amount of fees collected, a brief description of each part-
4 nership formed under this section, and the purpose for
5 which the testing was conducted.

6 (h) GAO.—Not later than two years after the date
7 of the enactment of this Act, the Comptroller General shall
8 submit to Congress an assessment of the implementation
9 of this section.

Strike section 904 and insert the following (and con-
form the table of contents accordingly):

10 **SEC. 904. REPORT ON IMPLEMENTATION OF THE STUDENT**
11 **AND EXCHANGE VISITOR PROGRAM.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Comptroller General shall submit
14 to the appropriate congressional committees a report to
15 update the Government Accountability Office report of
16 June 18, 2004, GAO-04-690, on the Student and Ex-
17 change Visitor Program (referred to in this section as
18 “SEVP”) and specifically the Student and Exchange Vis-
19 itor Information System (referred to in this section as
20 “SEVIS”). The report shall include the following informa-
21 tion:

22 (1) The rate of compliance with the current
23 SEVIS requirements by program sponsors and edu-

1 educational institutions, including non-academic institu-
2 tions authorized to admit students under SEVIS.

3 (2) Whether there are differences in compliance
4 rates among different types and sizes of institutions
5 participating in SEVIS.

6 (3) Whether SEVIS adequately ensures that
7 each covered foreign student or exchange visitor in
8 nonimmigrant status is, in fact, actively partici-
9 pating in the program for which admission to the
10 United States was granted.

11 (4) Whether SEVIS includes data fields to en-
12 sure that each covered foreign student or exchange
13 visitor in nonimmigrant status is meeting minimum
14 academic or program standards and that major
15 courses of study are recorded, especially those that
16 may be of national security concern.

17 (5) Whether the Secretary of Homeland Secu-
18 rity provides adequate access, training, and technical
19 support to authorized users from the sponsoring pro-
20 grams and educational institutions in which covered
21 foreign students and exchange visitors in a non-
22 immigrant status are enrolled.

23 (6) Whether each sponsoring program or edu-
24 cational institution participating in SEVP has des-

1 ignated enough authorized users to comply with
2 SEVIS requirements.

3 (7) Whether authorized users at program spon-
4 sors or educational institutions are adequately vetted
5 and trained.

6 (8) Whether the fees collected are adequate to
7 support SEVIS.

8 (9) Whether there any new authorities, capabili-
9 ties, or resources needed for SEVP and SEVIS to
10 fully perform.

Strike section 906, redesignate section 907 as sec-
tion 906, and conform the table of contents accordingly.

In section 1003, strike subsection (b) and insert the
following:

11 (b) APPOINTMENT AUTHORITY.—The Secretary (act-
12 ing through the Assistant Secretary for Information Anal-
13 ysis) may, for the purpose of accelerating the ability of
14 the IA to perform its statutory duties under the Homeland
15 Security Act of 2002, appoint annuitants to positions in
16 the IA in accordance with succeeding provisions of this
17 section, except that no authority under this subsection
18 shall be available unless the Secretary provides to Con-
19 gress a certification that—

1 (1) the Secretary has submitted a request
2 under section 8344(i) or 8468(f) of title 5, United
3 States Code, on or after the date of the enactment
4 of this Act, with respect to positions in the IA;

5 (2) the request described in paragraph (1) was
6 properly filed; and

7 (3) the Office of Personnel Management has
8 not responded to the request described in paragraph
9 (1), by either approving, denying, or seeking more
10 information regarding such request, within 90 days
11 after the date on which such request was filed.

 In section 1003, strike subsection (f) and insert the
following:

12 (f) **TERMINATION OF AUTHORITY.**—Effective 2 years
13 after the date of the enactment of this Act—

14 (1) all authority to make appointments under
15 subsection (b) shall cease to be available; and

16 (2) all exemptions under subsection (c) shall
17 cease to be effective.

 Strike section 1101, redesignate sections 1102
through 1108 as sections 1101 through 1107, respec-
tively, and conform the table of contents accordingly.

Strike sections 1109, 1110, 1111, redesignate sections 1112 through 1119 as sections 1108 through 1115, respectively, and amend the table of contents accordingly.

Strike section 1120, redesignate section 1121 as section 1116, and amend the table of contents accordingly.

Strike section 1102, as so redesignated, and insert the following:

1 SEC. 1102. CRITICAL INFRASTRUCTURE STUDY.

2 The Secretary of Homeland Security shall work with
3 the Center for Risk and Economic Analysis of Terrorism
4 Events (CREATE), led by the University of Southern
5 California, to evaluate the feasibility and practicality of
6 creating further incentives for private sector stakeholders
7 to share protected critical infrastructure information with
8 the Department for homeland security and other purposes.

In section 1103, as so redesignated, strike “and immigration status databases”.

In the heading for section 1103, as so redesignated, strike “**AND IMMIGRATION REVIEW**”.

In the proposed section 890A(a), as proposed to be added by section 1106 of the bill, as so redesignated, insert after paragraph (2) the following:

1 “(3) EXCLUDED PROGRAMS.—This section shall
2 not apply to or otherwise affect any grant issued
3 under the Robert T. Stafford Disaster Relief and
4 Emergency Assistance Act (42 U.S.C. 5121 et seq.)
5 or the Federal Fire Prevention and Control Act of
6 1974 (15 U.S.C. 2201 et seq.).”

 Add at the end of title XI the following (and con-
form the table of contents accordingly):

7 **SEC. 1117. COMPTROLLER GENERAL REPORT ON CRITICAL**
8 **INFRASTRUCTURE.**

9 (a) REQUIREMENT.—The Comptroller General of the
10 United States shall conduct a study to—

11 (1) determine the extent to which architecture,
12 engineering, surveying, and mapping activities re-
13 lated to the critical infrastructure of the United
14 States are being sent to offshore locations;

15 (2) assess whether any vulnerabilities or threats
16 exist with respect to terrorism; and

17 (3) recommend policies, regulations, or legisla-
18 tion, as appropriate, that may be necessary to pro-
19 tect the national and homeland security interests of
20 the United States.

21 (b) CONSULTATION.—In carrying out the study au-
22 thorized by this section, the Comptroller General shall con-
23 sult with—

1 (1) such other agencies of the Government of
2 the United States as are appropriate; and

3 (2) national organizations representing the ar-
4 chitecture, engineering, surveying, and mapping pro-
5 fessions.

6 (c) REPORT.—The Comptroller General shall submit
7 to the Committees on Transportation and Infrastructure,
8 Energy and Commerce, and Homeland Security of the
9 House of Representatives, and to the Senate, by not later
10 than 6 months after the date of the enactment of this Act
11 a report on the findings, conclusions, and recommenda-
12 tions of the study under this section.

13 (d) DEFINITIONS.—As used in this section—

14 (1) each of the terms “architectural”, “engi-
15 neering”, “surveying”, and “mapping”—

16 (A) subject to subparagraph (B), has the
17 same meaning such term has under section
18 1102 of title 40, United States Code; and

19 (B) includes services performed by profes-
20 sionals such as surveyors, photogrammetrists,
21 hydrographers, geodesists, or cartographers in
22 the collection, storage, retrieval, or dissemina-
23 tion of graphical or digital data to depict nat-
24 ural or man-made physical features, phe-
25 nomena, or boundaries of the earth and any in-

1 formation related to such data, including any
2 such data that comprises the processing of a
3 survey, map, chart, geographic information sys-
4 tem, remotely sensed image or data, or aerial
5 photograph; and

6 (2) the term “critical infrastructure”—

7 (A) means systems and assets, whether
8 physical or virtual, so vital to the United States
9 that the incapacity or destruction of such sys-
10 tems and assets would have a debilitating im-
11 pact on security, national economic security, na-
12 tional public health or safety, or any combina-
13 tion of those matters; and

14 (B) includes the basic facilities, structures,
15 and installations needed for the functioning of
16 a community or society, including transpor-
17 tation and communications systems, water and
18 power lines, power plants, and the built envi-
19 ronment of private and public institutions of
20 the United States.

Add at the end of title XI the following (and con-
form the table of contents accordingly):

1 **SEC. 1118. IMPROVING THE NEXUS AND FAST REGISTERED**
2 **TRAVELER PROGRAMS.**

3 (a) **MERGING REQUIREMENTS OF NEXUS AND**
4 **FAST.—**

5 (1) **IN GENERAL.—**The Secretary of Homeland
6 Security shall merge the procedures for the pro-
7 grams described in subsection (j) into a single proce-
8 dure, with common eligibility and security screening
9 requirements, enrollment processes, and sanctions
10 regimes.

11 (2) **SPECIFIC REQUIREMENTS.—**In carrying out
12 paragraph (1), the Secretary shall ensure that the
13 procedures for the programs known as “NEXUS
14 Highway”, “NEXUS Marine”, and “NEXUS Air”
15 are integrated into such a single procedure.

16 (b) **INTEGRATING NEXUS AND FAST INFORMATION**
17 **SYSTEMS.—**The Secretary of Homeland Security shall in-
18 tegrate all databases and information systems for the pro-
19 grams described in subsection (j) in a manner that will
20 permit any identification card issued to a participant to
21 operate in all locations where a program described in such
22 subsection is operating.

23 (c) **CREATION OF NEXUS CONVERTIBLE LANES.—**In
24 order to expand the NEXUS program described in sub-
25 section (j)(2) to major northern border crossings, the Sec-
26 retary of Homeland Security, in consultation with appro-

1 priate representatives of the Government of Canada, shall
2 equip not fewer than six new northern border crossings
3 with NEXUS technology.

4 (d) CREATION OF REMOTE ENROLLMENT CEN-
5 TERS.—The Secretary of Homeland Security, in consulta-
6 tion with appropriate representatives of the Government
7 of Canada, shall create a minimum of two remote enroll-
8 ment centers for the programs described in subsection (j).
9 Such a remote enrollment center shall be established at
10 each of the border crossings described in subsection (c).

11 (e) CREATION OF MOBILE ENROLLMENT CEN-
12 TERS.—The Secretary of Homeland Security, in consulta-
13 tion with appropriate representatives of the Government
14 of Canada, shall create a minimum of two mobile enroll-
15 ment centers for the programs described in subsection (j).
16 Such mobile enrollment centers shall be used to accept and
17 process applications in areas currently underserved by
18 such programs. The Secretary shall work with State and
19 local authorities in determining the locations of such mo-
20 bile enrollment centers.

21 (f) ON-LINE APPLICATION PROCESS.—The Secretary
22 of Homeland Security shall design an on-line application
23 process for the programs described in subsection (j). Such
24 process shall permit individuals to securely submit their

1 applications on-line and schedule a security interview at
2 the nearest enrollment center.

3 (g) PROMOTING ENROLLMENT.—

4 (1) CREATING INCENTIVES FOR ENROLL-
5 MENT.—In order to encourage applications for the
6 programs described in subsection (j), the Secretary
7 of Homeland Security shall develop a plan to admit
8 participants in an amount that is as inexpensive as
9 possible per card issued for each of such programs.

10 (2) CUSTOMER SERVICE PHONE NUMBER.—In
11 order to provide potential applicants with timely in-
12 formation for the programs described in subsection
13 (j), the Secretary of Homeland Security shall create
14 a customer service telephone number for such pro-
15 grams.

16 (3) PUBLICITY CAMPAIGN.—The Secretary shall
17 carry out a program to educate the public regarding
18 the benefits of the programs described in subsection
19 (j).

20 (h) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED
21 STATES.—For purposes of the plan required under section
22 7209(b) of the Intelligence Reform and Terrorism Preven-
23 tion Act of 2004, an identification card issued to a partici-
24 pant in a program described in subsection (j) shall be con-
25 sidered a document sufficient on its own when produced

1 to denote identity and citizenship for travel into the
2 United States by United States citizens and by categories
3 of individuals for whom documentation requirements have
4 previously been waived under section 212(d)(4)(B) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1182(d)(4)(B)).

7 (i) REPORT.—Not later than 120 days after the date
8 of the enactment of this Act, the Secretary of Homeland
9 Security shall submit to the appropriate congressional
10 committees (as defined in section 2 of the Homeland Secu-
11 rity Act of 2002 (6 U.S.C. 101)) a report on the imple-
12 mentation of subsections (a) through (g).

13 (j) PROGRAMS.—The programs described in this sub-
14 section are the following:

15 (1) The FAST program authorized under sub-
16 part B of title IV of the Tariff Act of 1930 (19
17 U.S.C. 1411 et seq.).

18 (2) The NEXUS program authorized under sec-
19 tion 286(q) of the Immigration and Nationality Act
20 (U.S.C. 1356(q)).

21 **SEC. 1119. TRAVEL DOCUMENTS.**

22 (a) TRAVEL TO CANADA AND MEXICO.—Section
23 7209(b) of the Intelligence Reform and Terrorism Preven-
24 tion Act of 2004 is amended by adding at the end the
25 following new paragraphs:

1 “(3) PASS CARD INFRASTRUCTURE.—The Sec-
2 retary of Homeland Security shall conduct not less
3 than one trial on the usability, reliability, and effec-
4 tiveness of the technology that the Secretary deter-
5 mines appropriate to implement the documentary re-
6 quirements of this subsection. The Secretary may
7 not issue a final rule implementing the requirements
8 of this subsection until such time as the Secretary
9 has submitted to the appropriate congressional com-
10 mittees (as defined in section 2 of the Homeland Se-
11 curity Act of 2002 (6 U.S.C. 101)) a report on the
12 results and outcome of such trial or trials. The re-
13 port shall include data and evidence that dem-
14 onstrates that the technology utilized in such trial or
15 trials is operationally superior to other alternative
16 technology infrastructures.

17 “(4) FLEXIBLE IMPLEMENTATION PERIOD.—In
18 order to provide flexibility upon implementation of
19 the plan developed under paragraph (1), the Sec-
20 retary of Homeland Security shall establish a special
21 procedure to permit an individual who does not pos-
22 sess a passport or other document, or combination
23 of documents, as required under paragraph (1), but
24 who the Secretary determines to be a citizen of the
25 United States, to re-enter the United States at an

1 international land or maritime border of the United
2 States. The special procedure referred to in this
3 paragraph shall terminate on the date that is 180
4 days after the date of the implementation of the
5 plan described in paragraph (1)(A).

6 “(5) SPECIAL RULE FOR CERTAIN MINORS.—
7 Except as provided in paragraph (6), citizens of the
8 United States or Canada who are less than 16 years
9 of age shall not be required to present to an immi-
10 gration officer a passport or other document, or
11 combination of documents, as required under para-
12 graph (1), when returning or traveling to the United
13 States from Canada, Mexico, Bermuda, or the
14 Carribean at any port of entry along the inter-
15 national land or maritime border of the United
16 States.

17 “(6) SPECIAL RULE FOR CERTAIN STUDENT MI-
18 NORS TRAVELING AS PART OF AN AUTHORIZED AND
19 SUPERVISED SCHOOL TRIP.—Notwithstanding the
20 special rule described in paragraph (5), the Sec-
21 retary of Homeland Security is authorized to con-
22 sider expanding the special rule for certain minors
23 described in such paragraph to a citizen of the
24 United States or Canada who is less than 19 years
25 of age but is 16 years of age or older and who is

1 traveling between the United States and Canada at
2 any port of entry along the international or mari-
3 time border between the two countries if such citizen
4 is so traveling as a student as part of an authorized
5 and supervised school trip.

6 “(7) PUBLIC OUTREACH.—To promote travel
7 and trade across the United States border, the Sec-
8 retary of Homeland Security shall develop a public
9 communications plan to promote to United States
10 citizens, representatives of the travel and trade in-
11 dustries, and local government officials information
12 relating to the implementation of this subsection.
13 The Secretary of Homeland Security shall coordinate
14 with representatives of the travel and trade indus-
15 tries in the development of such public communica-
16 tions plan.

17 “(8) COST-BENEFIT ANALYSIS.—The Secretary
18 of Homeland Security shall prepare an extensive reg-
19 ulatory impact analysis that is fully compliant with
20 Executive Order 12866 and Office of Management
21 and Budget Circular A-4 for an economically signifi-
22 cant regulatory action before publishing a rule with
23 respect to the implementation of the requirements of
24 this subsection.”.

1 (b) REPORT.—Not later than 120 days after the date
2 of the enactment of this Act and every 120 days there-
3 after, the Secretary of Homeland Security shall submit to
4 the appropriate congressional committees (as defined in
5 section 2 of the Homeland Security Act of 2002 (6 U.S.C.
6 101)) a report on the implementation of paragraphs (3)
7 through (8) of section 7209(b) of the Intelligence Reform
8 and Terrorism Prevention Act of 2004.

Strike title XII and conform the table of contents
accordingly.