

**AMENDMENT TO HOMELAND SECURITY  
APPROPRIATIONS BILL  
OFFERED BY MR. ADERHOLT OF ALABAMA**

In the BILL:

Page 88, line 24: Strike “and operation”.

At the end of the bill (before the short title) insert the following:

1       “SEC. \_\_\_\_\_. (a) Section 44945 of Title 49, United  
2 States Code, is hereafter repealed.

3       “(b) The table of sections at the beginning of chapter  
4 449 of title 49, United States Code, is hereafter amended  
5 by striking the item relating to such section.”.

In the REPORT:

Page 11, before the heading “STATUTORILY RE-  
QUIRED REPORTS”, insert:

6       “The Committee notes with concern that the recently  
7 released 2012–2016 Border Patrol Strategic Plan makes  
8 no reference to operational control or other specific  
9 metrics to evaluate border security other than the so-called  
10 “border condition index” that has yet to be deployed. This  
11 is unacceptable. The Department is directed to resume

1 utilizing the number of border miles under operational  
2 control—also referred to as effective control—as a per-  
3 formance measure in the Department’s Annual Perform-  
4 ance Plan as required by the Government Performance  
5 and Results Act and resume reporting the progress and  
6 status of achieving operational control using the defini-  
7 tions included in the 2004 Border Patrol Strategic Plan  
8 and in a manner and under methodology utilized in the  
9 inclusion of the measure in the Fiscal Years 2008–2010  
10 Department of Homeland Security Annual Performance  
11 Report and as calculated by the Department through the  
12 end of fiscal year 2010. This performance measure re-  
13 mains in place until other measures are either set by law  
14 or agreed upon with the Committee.”.

Page 17, before the heading “OFFICE OF THE  
UNDER SECRETARY FOR MANAGEMENT”, insert:

15 “INTERAGENCY AND INTRA-AGENCY COMMUNICATION  
16 AND COORDINATION

17 “The Committee notes the persistent scrutiny of the  
18 Phoenix, Arizona-based operation by the Bureau of Alco-  
19 hol, Tobacco, Firearms and Explosives known as Fast and  
20 Furious that began in the fall of 2009. The operation al-  
21 lowed thousands of firearms to be purchased by suspected  
22 straw purchasers, purportedly to link the purchases to  
23 drug trafficking organizations. Among other con-

1 sequences, firearms associated with this operation have  
2 been found at crime scenes in the U.S. and Mexico, includ-  
3 ing at the scene of the December, 2010 murder U.S. Bor-  
4 der Patrol Agent Brian Terry, bringing the operation to  
5 a halt. It has been indicated that ICE personnel were asso-  
6 ciated with Operation Fast and Furious. Yet, the Sec-  
7 retary has testified that, prior to the death of Agent Terry,  
8 she was unaware of the operation. These facts raise con-  
9 cerns with both intra-agency and inter-agency communica-  
10 tion and coordination when it comes to law enforcement  
11 activities on the border. The Committee directs the De-  
12 partment to brief the Committee no later than 30 days  
13 after the date of enactment of this Act on actions or cor-  
14 rective measures the Department has taken to ensure, in  
15 light of Operation Fast and Furious, that it remains in-  
16 formed of Federal law enforcement operations that could  
17 impact law enforcement and the public in border regions.”.

Page 19, before the heading “ELECTRONIC FINGER-  
PRINT COLLECTION”, insert:

18                                   “BUY AMERICAN REQUIREMENTS  
19                   “The Committee remains concerned about the De-  
20 partment’s interpretation and implementation of statu-  
21 torily mandated Buy American requirements. As part of  
22 the fiscal year 2014 budget request, the Secretary shall  
23 submit a detailed analysis on how the Department could

1 comply with Title VI of Section 604 of Public Law 111–  
2 5, as well as identify technical and statutory challenges  
3 pertaining to compliance. In addition, the Secretary shall  
4 ensure that the annual report to Congress required in ac-  
5 cordance with 41 U.S.C. 10b is submitted to the Commit-  
6 tees on Appropriations. This report details the amount of  
7 acquisitions DHS makes from entities that manufacture  
8 articles, materials, and supplies outside the U.S. and in-  
9 cludes an itemized list of the waivers granted with respect  
10 to articles, materials, and supplies acquired under the Buy  
11 American Act.”.

Page 31, before the heading “GLOBAL ENTRY”, in-  
sert:

12 “Further, the Committee notes that trade and travel  
13 patterns change over time and that may mean increased  
14 volume through particular ports of entry with seasonal or  
15 limited traffic today. As such, the Committee directs CBP  
16 to work closely with the full-range of stakeholders at each  
17 port of entry to anticipate such changes and ensure appro-  
18 priate staffing is available as traffic changes. The Com-  
19 mittee notes that the workload staffing allocation model  
20 should have inputs to take this into account. Since CBP  
21 has not yet submitted the model, the Committee directs  
22 CBP to brief the Committee no later than 90 days after  
23 the date of enactment of this Act on anticipated traffic

1 flows at land ports of entry and how staffing will be reallo-  
2 cated to accommodate those changes.”.

Page 66, in the second to last line, strike “will sup-  
port an increase of 15” and insert:

3 “includes an increase of \$4,000,000 to support an in-  
4 crease of 24”.

Page 67, in the second line following “. . . aviation  
security.” insert:

5 “The recommendation also reflects a reduction of  
6 \$1,500,000 for visible intermodal protection and response  
7 (VIPR) teams, which have experienced significant delays  
8 in hiring.”.

Page 69, before the heading “SECURITY DIREC-  
TIVES”, insert:

9 “PERSONAL SEARCHES OF FAMILIES TRAVELING WITH  
10 CHILDREN

11 “The Committee is aware that parents and guardians  
12 traveling with young children present a unique challenge  
13 to TSA, when a personal search is required of either  
14 adults or their minor children. It is particularly important  
15 that TSA, while carrying out any pre-boarding inspections  
16 of passengers, not separate children from their parents or  
17 guardians. The Committee directs TSA, in processing

1 such travelers, to comply with the requirements set forth  
2 in section 540 in the bill, requiring that TSA respect the  
3 civil rights and privacy of individuals, with particular sen-  
4 sitivity to children traveling with their parents and guard-  
5 ians, and exercise sensitivity in handling such travelers so  
6 as to minimize any distress or discomfort.”;

Page 69, in the fourth line from the bottom, strike  
“15” and replace it with “24”;

Page 69, in the third line from the bottom, strike  
“15” and replace it with “26”; and

Page 69, in the last line, strike “30” and replace it  
with “50”.

Page 70, before “SURFACE TRANSPORTATION SECUR-  
RITY”, insert:

7 “FIVE-YEAR STRATEGIC PLAN OF INVESTMENTS  
8 “In the statement of managers accompanying the fis-  
9 cal year 2012 DHS Appropriation Act, TSA was directed  
10 to submit, at the time the President’s fiscal year 2013  
11 budget was submitted, a five-year strategic plan for each  
12 of its passenger screening technology acquisitions. The re-  
13 port was to include projected spending for fiscal years  
14 2013–2017, to provide an estimate for total cost for each  
15 acquisition, and to provide an estimated completion date  
16 for each technology. The Committee is displeased that the

1 report has not been submitted, over three months after  
2 the budget has been submitted—for a program that has  
3 no significant acquisitions planned in fiscal year 2013. It  
4 is essential that TSA provide this level of detail to the  
5 Committees on Appropriations to enable them to better  
6 understand future acquisition and resource needs. The  
7 Committee directs TSA to submit the required report as  
8 soon as possible, and to provide the next five-year plan  
9 promptly with the submission of the fiscal year 2014  
10 budget request.

11 “DISPOSITION OF UNCLAIMED MONEY AND ASSISTANCE  
12 TO MILITARY PERSONNEL AND THEIR DEPENDENTS

13 “The Committee includes a general provision that  
14 would repeal section 44945 of title 49, United States  
15 Code. This provision, originally adopted as section 515 of  
16 the fiscal year 2005 Department of Homeland Security  
17 Appropriations Act (Public Law 108–334), specifically au-  
18 thorized and directed unclaimed money that is collected  
19 at airport security checkpoints to be used for civil aviation  
20 security. However, in practice the funds have been little  
21 used, and as a result the Committee has rescinded large  
22 unobligated balances of such funds.

23 “The Committee is aware members of the armed  
24 services and their families have an ongoing and substantial  
25 need for support as they travel domestically. The Com-

1 mittee therefore directs TSA to continue to retain un-  
2 claimed money currently recovered at airport security  
3 checkpoints. The Committee further directs TSA, in con-  
4 sultation with the Secretary of Defense, to transfer cur-  
5 rent and future balances of unclaimed money to nonprofit  
6 organizations that are selected on a competitive basis to  
7 operate airport centers in multiple locations throughout  
8 the United States to provide a place of rest and recuper-  
9 ation for members of the armed forces and their families.  
10 In implementing this action, TSA shall ensure that small  
11 airports have a mechanism for transferring unclaimed  
12 money to TSA headquarters, which shall consolidate the  
13 collections.

14 “The Committee directs the Administrator of TSA to  
15 submit not later than 180 days after the date of enact-  
16 ment of this Act, and annually thereafter, to the House  
17 Committees on Appropriations, Armed Services, and  
18 Homeland Security, a report that contains a detailed de-  
19 scription of the amount of unclaimed money recovered in  
20 total and at each individual airport, and the amount of  
21 unclaimed money transferred to the aforementioned non-  
22 profit organizations and the dates of such transfers.”.

Page 70, under the heading “RECOMMENDATION”,  
strike “includes \$2,500,000 for an additional 15 surface



canine teams for the mass transit and maritime domain.”  
and insert:

1 “reflects an increase of \$4,500,000 for an additional 26  
2 surface canine teams for passenger and cargo screening  
3 in the mass transit and maritime domain. It also reflects  
4 a reduction of \$2,000,000 from VIPR teams, which have  
5 experienced significant delays in hiring.”.

Page 102, in the sixth and seventh lines of the second full paragraph: Strike “and operation”.

Page 108, at the end of the second paragraph under the heading “BIOSURVEILLANCE ACTIVITIES”, insert:

6 “The Gen 3 program is designed to enhance current detec-  
7 tion capabilities which require labor-intensive manual col-  
8 lection and testing of samples with a fully automated,  
9 networked system that will greatly improve the response  
10 time to a potential bio-terror attack.”.

Page 108, in the eighth and ninth lines of the third paragraph under the heading “BIOSURVEILLANCE ACTIVITIES”: Strike “continue the Generation 3 program” and insert “procure systems”.

Page 108, in the third paragraph under “BIOSURVEILLANCE ACTIVITIES” following “. . . full vendor consideration.” in line thirteen, insert:

1 “The Committee directs the Assistant Secretary for  
2 Health Affairs to brief the Committee no later than 30  
3 days after the date of enactment of this Act on the status  
4 of the ongoing reviews of BioWatch. Further, the briefing  
5 shall include an expenditure plan for the languishing fiscal  
6 year 2012 funds.”.

Page 114, at the end of the first full paragraph,  
strike the “.” and insert:

7 “and report back to the Committee within 180 days after  
8 the date of enactment of this Act on the progress of this  
9 review.”.

Page 115, before the heading “FIREFIGHTER AS-  
SISTANCE GRANTS”, insert:

10 “The Committee is aware of ongoing appeals within  
11 the public assistance program dating back to Hurricane  
12 Gustav. The Committee encourages FEMA to consider ar-  
13 bitration, as applicable or other means to address con-  
14 tinuing concerns over disputed public assistance reim-  
15 bursements. Further, the Committee directs the OIG re-  
16 view excessive delays in determinations concerning public  
17 assistance programs.”.

Page 121, before the heading “NATIONAL FLOOD  
INSURANCE FUND”, insert:

1       “The Committee is concerned with the implementa-  
2 tion of the FEMA flood mapping program and its poten-  
3 tial effect on communities who are newly designated in  
4 flood hazard zones. The Committee is concerned commu-  
5 nities which are designated in a new flood hazard zone  
6 for purposes of Flood Insurance Rate Maps have not been  
7 granted adequate time to review the new maps before hav-  
8 ing to make the determination whether or not to adopt  
9 the new map or fall out of compliance with the national  
10 flood insurance program. The Committee encourages  
11 FEMA to grant flexibility to communities upon their re-  
12 quest for additional time to review the information by  
13 FEMA and consult with their citizens on how to best pro-  
14 ceed while maintaining participation in the National Flood  
15 Insurance Program.”.

Page 133, before the heading “DOMESTIC NUCLEAR  
DETECTION OFFICE”, insert:

16                               “DISASTER COMMUNICATIONS  
17       “The Committee is concerned with the availability  
18 and sustained operability of communications during emer-  
19 gencies, natural disasters or times of crisis. The Com-  
20 mittee encourages the Department of Homeland Security,  
21 the Federal Communications Commission (FCC) and the  
22 National Institute of Standards and Technology (NIST)  
23 to explore existing methods and technologies to sustain

1 communications during disasters, including the potential  
2 benefits of using broadcast radio chips in mobile devices,  
3 and report back to the Committee on their findings within  
4 six months of the date of enactment of this Act.

5 “EXPLOSIVE DETECTION CANINES

6 “The Committee recognizes the critical importance of  
7 explosive detection canines to homeland security, and  
8 strongly supports S&T ongoing collaborative research to  
9 increase the capabilities and quality of detection canines  
10 available to the government. The Committee also encour-  
11 ages the Department to strongly consider the development  
12 of standards, protocols and certifications for the breeding,  
13 training, and deployment of explosive-detection canines.”.

