

AMENDMENTS ADOPTED TO THE
HOMELAND SECURITY APPROPRIATIONS BILL
FOR FY 2013

Full Committee Markup
House Appropriations Committee
Wednesday, May 16, 2012

HS Aderholt (#1)
MANAGER'S

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Committee on Appropriations
Full Committee Markup
FY13 Department of Homeland Security Appropriations Bill

Adopted
VV

MANAGER'S AMENDMENT
Offered by Mr. Aderholt of Alabama
(Aderholt #1)

In the BILL:

Page 88, line 24:

Strike "and operation"

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

"Sec. ____ (a) Section 44945 of Title 49, United States Code, is hereafter repealed.

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

In the REPORT:

Page 11, before the heading “Statutorily Required Reports”, insert:

“The Committee notes with concern that the recently released 2012-2016 Border Patrol Strategic Plan makes no reference to operational control or other specific metrics to evaluate border security other than the so-called “border condition index” that has yet to be deployed. This is unacceptable. The Department is directed to resume utilizing the number of border miles under operational control – also referred to as effective control – as a performance measure in the Department’s Annual Performance Plan as required by the Government Performance and Results Act and resume reporting the progress and status of achieving operational control using the definitions included in the 2004 Border Patrol Strategic Plan and in a manner and under methodology utilized in the inclusion of the measure in the Fiscal Years 2008 – 2010 Department of Homeland Security Annual Performance Report and as calculated by the Department through the end of fiscal year 2010. This performance measure remains in place until other measures are either set by law or agreed upon with the Committee.”

Page 17, before the heading “Office of the Under Secretary for Management”, insert:

“Interagency and Intra-agency Communication and Coordination

The Committee notes the persistent scrutiny of the Phoenix, Arizona-based operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives known as Fast and Furious that began in the fall of 2009. The operation allowed thousands of firearms to be purchased by suspected straw purchasers, purportedly to link the purchases to drug trafficking organizations. Among other consequences, firearms associated with this operation have been found at crime scenes in the U.S. and Mexico, including at the scene of the December, 2010 murder U.S. Border Patrol Agent Brian Terry, bringing the operation to a halt. It has been indicated that ICE personnel were associated with Operation Fast and Furious. Yet, the Secretary has testified that, prior to the death of Agent Terry, she was unaware of the operation. These facts raise concerns with both intra-agency and inter-agency communication and coordination when it comes to law enforcement activities on the border. The Committee directs the Department to brief the Committee no later than 30 days after the date of enactment of this Act on actions or corrective measures the Department has taken to ensure, in light of Operation Fast and Furious, that it remains informed of Federal law enforcement operations that could impact law enforcement and the public in border regions.”

Page 19, before the heading “Electronic Fingerprint Collection”, insert:
“Buy American Requirements

The Committee remains concerned about the Department’s interpretation and implementation of statutorily mandated Buy America requirements. As part of the fiscal year 2014 budget request, the Secretary shall submit a detailed analysis on how the Department could comply with Title VI of Section 604 of Public Law 111-5, as well as identify technical and statutory challenges pertaining to compliance. In addition, the Secretary shall ensure that the annual report to Congress required in accordance with 41 U.S.C. 10b is submitted to the Committees on Appropriations. This report details the amount of acquisitions DHS makes from entities that manufacture articles, materials, and supplies outside the U.S. and includes an itemized list of the waivers granted with respect to articles, materials, and supplies acquired under the Buy American Act.”

Page 31, before the heading “Global Entry”, insert:

“Further, the Committee notes that trade and travel patterns change over time and that may mean increased volume through particular ports of entry with seasonal or limited traffic today. As such, the Committee directs CBP to work closely with the full-range of stakeholders at each port of entry to anticipate such changes and ensure appropriate staffing is available as traffic changes. The Committee notes that the workload staffing allocation model should have inputs to take this into account. Since CBP has not yet submitted the model, the Committee directs CBP to brief the Committee no later than 90 days after the date of enactment of this Act on anticipated traffic flows at land ports of entry and how staffing will be reallocated to accommodate those changes.”

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

“includes an increase of \$4,000,000 to support an increase of 24”

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

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

Page 69, before the heading “Security Directives”, insert:

“Personal Searches of Families Traveling with Children

The Committee is aware that parents and guardians traveling with young children present a unique challenge to TSA, when a personal search is required of either adults or their minor children. It is particularly important that TSA, while carrying out any pre-boarding inspections of passengers, not separate children from their parents or guardians. The Committee directs TSA, in processing such travelers, to comply with the requirements set forth in section 540 in the bill, requiring that TSA respect the civil rights and privacy of individuals, with particular sensitivity to children traveling with their parents and guardians, and exercise sensitivity in handling such travelers so 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”;

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

Page 70, before “Surface Transportation Security”, insert:

“Five-Year Strategic Plan of Investments

“In the statement of managers accompanying the fiscal year 2012 DHS Appropriation Act, TSA was directed to submit, at the time the President’s fiscal year 2013 budget was submitted, a five-year strategic plan for each of its passenger screening technology acquisitions. The report was to include projected spending for fiscal years 2013-2017, to provide an estimate for total cost for each acquisition, and to provide an estimated completion date for each technology. The Committee is displeased that the report has not been submitted, over three months after the budget has been submitted – for a program that has no significant acquisitions planned in fiscal year 2013. It is essential that TSA provide this level of detail to the Committees on Appropriations to enable them to better understand future acquisition and resource needs. The Committee directs TSA to submit the required report as soon as possible, and to provide the next five-year plan promptly with the submission of the fiscal year 2014 budget request.

“Disposition of Unclaimed Money and Assistance to Military Personnel and Their Dependents

“The Committee includes a general provision that would repeal section 44945 of title 49, United States Code. This provision, originally adopted as section 515 of the fiscal year 2005 Department of Homeland Security Appropriations Act (P.L. 108-334), specifically authorized and directed unclaimed money that is collected at airport security checkpoints to be used for civil aviation security. However, in practice the funds have been little used, and as a result the Committee has rescinded large unobligated balances of such funds.

The Committee is aware members of the armed services and their families have an ongoing and substantial need for support as they travel domestically. The Committee therefore directs TSA to continue to retain unclaimed money currently recovered at airport security checkpoints. The Committee further directs TSA, in consultation with the Secretary of Defense, to transfer current and future balances of unclaimed money to nonprofit organizations that are selected on a competitive basis to operate airport centers in multiple locations throughout the United States to provide a place of rest and recuperation for members of the armed forces and their families. In implementing this action, TSA shall ensure that small airports have a mechanism for transferring unclaimed money to TSA headquarters, which shall consolidate the collections.

The Committee directs the Administrator of TSA to report not later than 180 days after the date of enactment of this Act, and annually thereafter, to the House Committees on Appropriations, Armed Services, and Homeland Security, a report that contains a detailed description of the amount of unclaimed money recovered in total and at each individual airport, and the amount of unclaimed money transferred to the aforementioned nonprofit 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:

“reflects an increase of \$4,500,000 for an additional 26 surface canine teams for passenger and cargo screening in the mass transit and maritime domain. It also reflects a reduction of \$2,000,000 VIPR teams, which have 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:

“The Gen 3 program is designed to enhance current detection capabilities which require labor-intensive manual collection and testing of samples with a fully automated, networked system that will greatly improve the response 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:

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

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

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

Page 115, before the heading “Firefighter Assistance Grants”, insert:

“The Committee is aware of ongoing appeals within the public assistance program dating back to Hurricane Gustav. The Committee encourages FEMA to consider arbitration, as applicable or other means to address continuing concerns over disputed public assistance reimbursements. Further, the Committee directs the OIG review excessive delays in determinations concerning public assistance programs.”

Page 121, before the heading “National Flood Insurance Fund”, insert:

“The Committee is concerned with the implementation of the FEMA flood mapping program and its potential effect on communities who are newly designated in flood hazard zones. The Committee is concerned communities which are designated in a new flood hazard zone for purposes of Flood Insurance Rate Maps have not been granted adequate time to review the new maps before having to make the determination whether or not to adopt the new map or fall out of compliance with the national flood insurance program. The Committee encourages FEMA to grant flexibility to communities upon their request for additional time to review the information by FEMA and consult with their citizens on how to best proceed while maintaining participation in the National Flood Insurance Program.”

Page 133, before the heading “Domestic Nuclear Detection Office”, insert:

“Disaster Communications

The Committee is concerned with the availability and sustained operability of communications during emergencies, natural disasters or times of crisis. The Committee encourages the Department of Homeland Security, the Federal Communications Commission (FCC) and the National Institute of Standards and Technology (NIST) to explore existing methods and technologies to sustain communications during disasters, including the potential benefits of using broadcast radio chips in mobile devices, and report back to the Committee on their findings within six months of the date of enactment of this Act.

Explosive Detection Canines

The Committee recognizes the critical importance of explosive detection canines to homeland security, and strongly supports S&T ongoing collaborative research to increase the capabilities and quality of detection canines available to the government. The Committee also encourages the Department to strongly consider the development of standards, protocols and certifications for the breeding, training, and deployment of explosive-detection canines.”

#2

Price #1

ADOPTED
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AMENDMENT TO HOMELAND SECURITY

APPROPRIATIONS BILL

**OFFERED BY MR. PRICE OF NORTH CAROLINA,
MR. DENT OF PENNSYLVANIA, MRS. LOWEY
OF NEW YORK, AND MR. LATHAM OF IOWA**

Page 42, line 1, strike “: *Provided*” and insert the following:

1 : *Provided*, That in addition to the purposes otherwise au-
2 thorized for SAFER grants in section 34 of that Act, the
3 Secretary of Homeland Security shall make such grants
4 available for the retention of firefighters: *Provided further*,
5 That subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1),
6 (c)(2), and (c)(4)(A) of section 34 of that Act shall not
7 apply to amounts made available under this heading: *Pro-*
8 *vided further*,



#3A AMENDMENT by Mr. MOULDER TO the amendment
OFFERED by Mr. Aderholt: AFTER "RAPE" IN LINE 4;
AMENDMENT TO THE FISCAL YEAR 2013
HOMELAND SECURITY APPROPRIATIONS BILL ADD "OR INCEST"
OFFERED BY MR. ADERHOLT OF ALABAMA
(Aderholt #2)

ADDERHOLT
VJ

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

"SEC. ____ . None of the funds appropriated by this Act for U.S. Immigration and Customs Enforcement shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

OR INCEST

SEC. ____ . None of the funds appropriated by this Act for U.S. Immigration and Customs Enforcement shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. ____ . Nothing in the preceding section shall remove the obligation of the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement to provide escort services necessary for a female detainee to receive such service outside the detention facility: *Provided*, That nothing in this section in any way diminishes the effect of section ____ [preceding section] intended to address the philosophical beliefs of individual employees of U.S. Immigration and Customs Enforcement."

#3

Hs Aderholt #2
AS AMENDED

ADOPTED

28-21

**AMENDMENT TO THE FISCAL YEAR 2013
HOMELAND SECURITY APPROPRIATIONS BILL
OFFERED BY MR. ADERHOLT OF ALABAMA
(Aderholt #2)**

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

“SEC. _____. None of the funds appropriated by this Act for U.S.

Immigration and Customs Enforcement shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

NO MAN
AMENDMENT
TO ADERHOLT #2
OF INCEST

SEC. _____. None of the funds appropriated by this Act for U.S. Immigration and Customs Enforcement shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. _____. Nothing in the preceding section shall remove the obligation of the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement to provide escort services necessary for a female detainee to receive such service outside the detention facility: *Provided*, That nothing in this section in any way diminishes the effect of section ____ [preceding section] intended to address the philosophical beliefs of individual employees of U.S. Immigration and Customs Enforcement.”

#5 DENT
AMENDMENT TO
THE BILL

AG RECEIVED
JJ

**AMENDMENT TO H.R.
OFFERED BY MR. DENT OF PENNSYLVANIA**

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

- 1 SEC. ____ . None of the funds made available by this
2 Act may be used to require a facility to employ or to not
3 employ a particular security measure for personnel surety
4 if the facility has adopted personnel measures designed
5 to—
- 6 (1) verify and validate individuals' identifica-
 - 7 tion;
 - 8 (2) check individuals' criminal history;
 - 9 (3) verify and validate individuals' legal author-
 - 10 ization to work; and
 - 11 (4) identify people with terrorist ties.

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