



Legislative Bulletin.....June 1, 2011

Contents:

Amendments to H.R. 2017 (PART I)—FY 2012 Homeland Security Appropriations Act

The following Legislative Bulletin contains information on the fourteen amendments pre-printed in the Congressional Record on May 31, 2011, and other potential amendments not pre-printed that may be offered.

Order of Business: The amendments to H.R. 2017, the FY 2012 Homeland Security Appropriations Act, are scheduled to be considered on Wednesday, June 1, 2011, and Thursday, June 2, 2011, under an open rule. The rule ([H.Res.287](#)) waives all points of order against consideration of the bill and those that fail to comply with clause 2 of rule XXI except for section 536. The rule also provides for the bill to be read for amendment by paragraph and under the five minute rule. The rule *provides priority for recognition to Members who have pre-printed their amendments in the Congressional Record* and provides for one motion to recommit with or without instructions. Finally, the rule deems the 302 (a) allocations passed in the House Budget Resolution (H. Con. Res. 34) to have force and effect until a conference report on the concurrent resolution on the budget for fiscal year 2012 is adopted.

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**SUMMARY OF AMENDMENTS PREPRINTED IN THE
CONGRESSIONAL RECORD**

May, 31, 2011

- 1. Carter (R-TX).** The amendment prohibits funds under the act to be used for the Climate Change Adaption Task Force of the Department of Homeland Security.
- 2. Royce (R-CA).** Reduces by \$1 million funding for the Office of the Secretary and Executive Management (from \$126.7 million); increases by \$1 million account for U.S. Immigration and Customs Enforcement Account. The increase is to be used to facilitate additional agreements consistent with section 287(g) of the Immigration and Nationality Act. This program is one in which state and local officials perform immigration enforcement and detainment in conjunction with the federal government
- 3. Bishop (D-NY).** Increases by \$37.5 million funding to carry out section 33 of the Firefighter Assistance Grant program (from \$200 million) and increases by \$37.5 million funding to carry out section 34 of the Firefighter Assistance Grant program (from \$150 million); Decreases by \$75 million funding dedicated for operation and construction of

laboratory facilities (from \$201 million) under the Research, Development, Acquisition, and Operations account.

4. **Bishop (D-NY).** Decreases by \$75 million funding dedicated for operation and construction of laboratory facilities (from \$201 million) under the Research, Development, Acquisition, and Operations account; increases the Spending Reduction Account by \$75 million.
5. **Higgins (D-NY).** The amendment strikes language in the bill on page 47, line 14, that dedicates funds provided under section 2003 of the Homeland Security Act of 2002 to be only provided to the top 10 highest risk urban areas.
6. **Latham (R-IA).** The amendment adds a sense of Congress that:
 - it is essential for Federal agencies to find and implement efficiencies in their operations in order to be successful in setting and meeting performance goals;
 - “the use of continuous process improvement methods to find such efficiencies, commonly referred to as “lean six sigma”, can reduce unnecessary costs and improve the effectiveness of Federal agencies; and
 - “the Secretary of Homeland Security should consider the use of such management methods within the Department of Homeland Security.”
7. **Poe (R-TX).** The amendment reallocates \$100 million from the Office of the Under Secretary for Management of DHS and directs it to be used for detention and removal operations at ICE.
8. **Poe (R-TX).** This amendment would reallocate \$10 million from the Office of the Under Secretary for Management of DHS and moves it to the Border Security, Fencing, Infrastructure and Technology account to be used for border cell phone communications infrastructure.
9. **Poe (R-TX)/Miller (R-FL)/Barletta (R-PA).** This amendment prevents the use of any funds to assist any state or local government entity or official that prohibits or restricts the sharing of an individual’s citizenship or immigration status with the Bureau of Immigration and Customs Enforcement (as required under Section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1373).
10. **Poe (R-TX).** This amendment prohibits the use of any funds to assist a State or local government entity (or official) that is in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373)—the statutory prohibition on preventing law enforcement officers from communicating with the Department of Homeland Security regarding the immigration status of individuals.
11. **Broun (R-GA).** Reduces by \$600,000 funding for the Office of the Secretary and Executive Management (from \$126.7 million); increases the Spending Reduction Account by \$600,000.
12. **Jackson-Lee (D-TX).** Reduces funding for the Office of the Under Secretary for Management by \$2.5 million from \$235 million and reduces funding for Office of Transportation Threat Assessment from and Credentialing by \$2.5 million (from \$184

million); increases funding for the surface transportation security account by \$5 million (from \$130 million).

13. Jackson-Lee (D-TX). The amendment adds language to the Federal Air Marshall account, to require the Secretary to “enhance the coverage of inbound high-risk flights in accordance with the Department’s risk models.”

14. Amash (R-MI). The amendment prohibits funding to be used “for any action by a political appointee (as that term is defined in section 106 of title 49, United States Code) to vacate, reverse, or otherwise overrule any decision by an employee in the civil service of the executive branch implementing section 552 of title 5, United States Code, popularly known as the Freedom of Information Act.”

SUMMARY OF AMENDMENTS *NOT PRE-PRINTED* IN THE CONGRESSIONAL RECORD

Cecilline (D-RI). Reduces funding for the Office of the Secretary and Executive Management by \$1 million and reduces funding for the border fencing account by \$336 million; increases funding for the Urban Area Security Grant Program by \$337 million.

Cole (R-OK). The amendment prohibits any funds under this act from being used to implement any rule, regulation, or executive order regarding the disclosure of political contributions.

Chaffetz (R-UT). This amendment would prohibit funds from being used to purchase new advanced imaging technology machines (video imaging for TSA).

Cuellar (D-TX). The amendment increases funding for customs air and marine operations by \$32 million; decreases funding from undersecretary of management by \$16 million and from office science and technology by \$16 million.

Engel (D-NY). This amendment, according to the sponsor, would add \$200 million to FEMA’s state and local grant program, specifically the Urban Area Security Initiative (UASI).

Goodlatte (R-VA). The amendment prohibits the use of funds from being used to prepare the allotment of diversity immigrant visas under section 203(c) of the Immigration and Nationality Act.

Gosar (R-AZ). The amendment prohibits funds from being used to comply with subchapter IV of chapter 31 of title 40, United States Code, more commonly referred to as Davis-Bacon prevailing wage requirements.

Gosar (R-AZ). This amendment would prohibit funding in the legislation to be used to pay any damage award or civil compensation to any person who has obtained a judgment against the United States for any act or omission by the Department of Homeland Security agency or the Agency’s employees, if the claimant is not a citizen of the United States.

Higgins (D-NY)/Reichert (R-WA)/Tonko (D-NY). According to the sponsors, this amendment would strike language in the underlying bill that limits Urban Area Security Initiative (UASI) funding to 10 urban areas across the country. The amendment would, according to the sponsor, allow more cities to compete for existing funds.

King (R-IA). The amendment prohibits funds from being used to comply with subchapter IV of chapter 31 of title 40, United States Code, more commonly referred to as Davis-Bacon prevailing wage requirements.

King (R-IA). This amendment would prohibit any funds from this bill from being used to implement Public Law 111-148, Public Law 111-152, or any amendment made by either of such laws. The laws are related to the implementation of Obama Care.

King (R-IA). The amendment prohibits funds from being used to be allowed to be made available for the Association of Community Organizations for Reform Now (ACORN) or any of its successor organizations listed under the amendment.

King (R-IA). This amendment would increase funding by \$1 million of the ICE Salaries and Expenses and decrease funding for ICE Salaries and Expenses with the purpose to hire “Shadow Wolves.”

King (R-IA). This amendment would increase funding by \$1 million of CBP Salaries and Expenses and decrease funding for CBP Salaries and Expenses by \$1 million to eliminate the lookout posts on the Southern border.

King (R-IA). This amendment would prohibit any of the funds from being used to delay compliance with title II of the REAL ID Act beyond the January 15, 2013, deadline.

King (R-IA). This amendment requires \$50 million of funds provided under the Border Fencing Infrastructure Account to be required to carry out section 102 of the Illegal Immigration and Immigrant Responsibility Act of 1996 (fence construction).

LaTourette (R-OH)/Pascarella (D-NJ). The amendment increases funding for the Assistance to Firefighters Grant Program (FIRE) and the Staffing for Adequate Fire and Emergency Response Grant Program (SAFER). According to the amendment’s sponsors, this amendment would restore a portion of the cuts made to the FIRE and SAFER grant programs reduced under the base bill, funding the two programs at total of \$335 million each. The amendment offsets the increase by reducing the Office of the Secretary and Executive Management by \$63.35 million, Under Secretary for Management by \$117.47 million, and Chief Information Officer by \$139.18 million.

Heritage Action [opposes](#) the amendment and will include it as key vote on their scorecard.

McCaul (R-TX)/Cuellar (D-TX): This amendment would increase the amount appropriated for U.S. Customs and Border Protection Air and Marine Operations by \$50 million (\$288 million is appropriated in the underlying bill). [Air and Marine Operations](#) uses manned and unmanned aircraft and boats to detect, interdict and prevent acts of terrorism and the unlawful movement of people, illegal drugs and other contraband across the borders of the United States. As written, this amendment would offset the above increase by reducing the amount appropriated for the Office of the Under Secretary for Management of the Department of Homeland Security of \$235 million by \$10 million.

McCaul (R-TX): This amendment would increase the amount appropriated for salaries and expenses at U.S. Immigration and Customs Enforcement by \$10 million (\$5.52 billion is appropriated in the underlying bill) to fund an increase in the number of Border Enforcement Security Task Force (BEST) teams. [BEST Teams](#) are a multi-agency teams developed to

identify, disrupt and dismantle criminal organizations posing significant threats to border security; there are currently 21 BEST teams across the U.S. and Mexico. This amendment would offset the above increase by reducing the amount appropriated for the Office of the Secretary of Homeland Security of \$126.7 million by \$10 million.

McCaul (R-TX): This amendment would increase the amount appropriated for Border Security Fencing, Infrastructure and Technology by \$10 million (\$500 million is appropriated in the underlying bill). This amendment would offset the above increase by reducing the amount appropriated for the Office of the Under Secretary for Management of the Department of Homeland Security \$10 million.

McCaul (R-TX): This amendment would increase the amount appropriated for operation of the 287(g) program by \$10 million (a minimum of \$5.4 million is appropriated in the underlying bill). The [287\(g\) program](#) allows state and local law enforcement entities to enter into agreements with the federal government to enforce federal immigration laws in their jurisdictions. This amendment would offset the above increase by reducing the amount appropriated for the Office of the Under Secretary for Management of the Department of Homeland Security of \$235 million by \$10 million.

McCaul (R-TX): This amendment would increase the amount appropriated for detention and removal operations by U.S. Immigration and Customs Enforcement by \$10 million (a minimum of \$2.75 billion is appropriated in the underlying bill). As written, this amendment would offset the above increase by reducing the amount appropriated for the Office of the Secretary of Homeland Security of \$126.7 million by \$10 million.

McCaul (R-TX): This amendment would increase the amount appropriated for Operation Stonegarden by \$10 million (\$55 million is appropriated in the underlying bill). Operation Stonegarden provides grant funding to states for operation costs and equipment purchases to improve coordination between state and federal law enforcement agencies on the border. This amendment would offset the above increase by reducing the amount appropriated for the Office of the Under Secretary for Management of the Department of Homeland Security of \$235 million by \$10 million.

McCaul (R-TX): This amendment would prohibit the use of any funds appropriated in the bill to fund projects or programs named for sitting Members of Congress.

Rogers (R-AL)/Chaffetz (R-UT). This amendment increases funding for the Transportation Security Administration's (TSA) aviation security canine program by \$5 million and offsets this increase by a decrease to the Under Secretary for Management account. According to the Congressional Budget Office (CBO), this amendment lowers overall outlays by \$1 million. The sponsors' summary of the amendment states that explosives detection canines are one of the most effective ways to prevent terrorist attacks without bringing many of the privacy concerns and costs of other types of detection technology in aviation security. Canines do not impede the flow of human traveling traffic, and avoid privacy concerns of the traveling public because they do not come into direct contact with passengers. According to published reports, the elite Navy SEAL team that killed Osama Bin Laden likely carried at least one canine with them on the mission into Pakistan

Rokita (R-IN). The amendment prohibits the use of funds to be used to implement the determination of the Administrator of the Transportation Security Administration regarding

transportation security officers and collective bargaining as described in the decision memorandum dated February 4, 2011.

Sessions (R-TX). This amendment strikes Section 514 of the bill. Section 514 prevents any of the appropriated funds to be used to approve a competition under the Office of Management and Budget (OMB) Circular A-76—stating that commercial activities should be subject to the forces of competition—for services provided as of June 1, 2004 by employees of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants. The sponsor's office states that OMB Circular A-76 ensures better results through healthy competition between the private and public sector and lower costs for the American taxpayer.

Stearns (R-FL). This amendment reduces by \$6,335,000 (a 5% percent reduction from the total \$126,700,000 appropriated) the budget of the Office of the Secretary and Executive Management of Homeland Security and transfers this same amount to the Spending Reduction Account. Funds transferred into the Spending Reduction Account cannot be allocated elsewhere in the bill and are designated to reduce the fiscal year's federal deficit.