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## **Possible Amendments to the FY05 Homeland Security Appropriations Act (H.R. 4567)**

The following are potential amendments (in alphabetical order) that were printed in the Congressional Record from June 15 and which, according to the Republican Conference, are printed in the June 16<sup>th</sup> Congressional Record.

**Under an open rule, new amendments may be offered without notice.**

**Rep. DeFazio.** The amendment would **strike** the following provision in Title II relating to the Transportation Security Administration's Aviation Security:

“That none of the funds in this Act shall be used to recruit or hire personnel in the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.”

In other words, the DeFazio amendment would allow TSA to exceed 45,000 full-time screeners.

**Rep. Jackson-Lee.** The amendment would insert a marker in the bill in the section on science and technology's management and administration account. The bill increases and reduces the funding by the same amount (\$36 million), which is a mechanism Members sometimes use to draw attention to some issue they want to raise on the House floor. The amendment would not have any financial impact on the bill.

**Rep. Jackson-Lee.** The amendment would reduce the \$150 million currently allocated to the Flood Map Modernization Fund by \$20 million (leaving \$130 million in the account), and transfer the \$20 million to the State and Local Government terrorism prevention activities account, which is funded in the base bill at \$3.4 billion. According to the Committee Report, the Flood Map Modernization Fund is used “to modernize and digitize the Emergency Preparedness and Response Directorate's inventory of over

100,000 flood maps. The maps are used to establish premiums for the National Flood Insurance Program, to complete hazard determinations required for lending institutions, and “to develop appropriate disaster response plans for federal, State, and local emergency management personnel.” The \$150 million for the Flood Map Modernization Fund is \$48.8 million below FY04 funding and \$50 million below the President’s request.

**Rep. Maloney.** The amendment reduces the funds from the overall state and local programs account allocation, and increases the law enforcement terrorism prevention grants (authorized under section 1014 of the PATRIOT Act) from the current \$500 million to a total of \$946 million (an increase of \$446 million). The President’s request was for \$500 million, which is \$2.95 million above FY04 funding.

**Rep. Maloney.** The amendment adds to the end of the bill the following:

“SEC. \_\_. None of the funds made available in title III for discretionary grants for use in high-threat, high density urban areas and for rail and transit security, under the heading "Office for State and Local Government Coordination and Preparedness—State and local programs", may be used for more than 80 grants.”

In the bill, there is currently \$1 billion for these high-density urban grants, so if the 80 grants were of equal amounts, the effect of the Maloney grant would be to make each grant \$12.5 million. There is currently no limitation in the bill on the number of grants that may be awarded through this program.

**Rep. Manzullo.** The amendment requires DHS to purchase the following items only if they are “grown, reprocessed, reused, or produced in the U.S.”:

- (1) An article or item of: food; clothing; tents, tarpaulins, or covers; cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials;
- (2) Specialty metals, including stainless steel flatware; and
- (3) Hand or measuring tools.

The amendment includes an exception for when the Secretary determines the items “cannot be procured as and when needed at United States market prices.”

The amendment, consistent with the “Berry Amendment” applicable to DOD, also contains a number of exceptions, such as for certain procurement situations and for metals and chemical warfare protective clothing. The amendment also applies to contracts and subcontracts for the procurement of commercial items.

**Rep. Markey.** The amendment adds to the end of the bill the following:

“SEC. \_\_\_. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.”

**Rep. Roybal-Allard.** Inserts the following at the end of the bill:

”SEC. \_\_\_. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security who are Immigration Officers, Contact Representatives, or Investigative Assistants.”

According to the sponsor’s dear colleague, the amendment is intended to stop the Bureau of Citizenship and Immigration Services at the Department of Homeland Security (DHS) “from moving forward with an A-76 review to contract out nearly 1,400 immigration officers.”

**Rep. Ryun.** Inserts the following at the end of the bill:

SEC. \_\_\_. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

According to Rep. Ryun’s dear colleague, this amendment will restrict U.S. Citizenship and Immigration Services (USCIS) from using funds to change the Oath of Allegiance. The Oath was first used in 1790, a standardized Oath of Allegiance was issued in 1929, and the current text of the Oath of Allegiance has been in place since the 1950s. In September 2003, USCIS proposed changes to the Oath that Rep. Ryun reports, “would have substantially weakened the charge to uphold and be faithful to the Constitution and the laws of the United States. These changes were intended to make the language more modern, but instead would have transformed an absolute commitment into a conditional statement and thereby weaken our citizenship. As a result of much public backlash, USCIS postponed the enactment of these changes in September, but is once again moving forward.”

**Rep. Sanders.** Inserts the following at the end of the bill:

SEC. \_\_\_. The amounts made available under title I, and the amount made available in title III under the item relating to "OFFICE FOR STATE AND LOCAL GOVERNMENT-FIREFIGHTER ASSISTANCE GRANTS" are reduced, on a prorated basis, and increased by \$146,000,000 and \$146,000,000, respectively.

The amendment will reduce each of the sections under the DHS management and operations account for a total of \$146 million and will increase the firefighter assistance grants by \$146 million, from the current \$600 million to \$746 million. The \$600 million

currently in the bill is \$100 below the President's request and \$145.6 million below FY04.

**Rep. Sherman.** The amendment would prohibit imports from Iran reversing the Clinton order. It would prevent Customs and Aphis from spending any of the funds appropriated under the Act to process the importation of any product of Iran.

**Rep. Sherman.** The amendment would do so only for imports on which the US charges no duty, partially reversing the Clinton order. It would only prohibit processing of imports where there is no duty imposed, so that would only partially reverse the order -- imports on which you pay a duty would still be allowed under that amendment.

**Reps. Simmons/LoBiando.** The amendment would increase by \$18.5 million the following Coast Guard expenses, which are at \$936.6 million in the bill, thus bringing the total to \$955 million for:

“acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment”

The bill offsets the increase with an \$18.5 million decrease in the Homeland Security science and technology R&D account.

**Rep. Sweeney.** The amendment would increase high-threat, high-density grants for Urban Areas Security Initiative (UASI) by \$450 million for a total of \$1.45 billion (up from the current \$1 billion in the bill). The current bill level is \$229 million above the FY04 funded level, which is a 29.7% increase. Passage of the Sweeney Amendment would increase the program by 88% over FY04 funding. (According to the Committee report, the President's request was \$1.3 billion). The amendment shifts the funds from the overall state and local programs account allocation.

**Rep. Sweeney.** The amendment would change the formula for distribution of the Formula-Based Grants so they are distributed “on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences”

**Rep. Sweeney.** The amendment is a combination of Rep. Sweeney's two amendments detailed above, increasing urban grants by \$450 million and changing the formula to have grants distributed on the assessment of the risk of terrorism.

**Rep. Sweeney.** This amendment is a rewrite of other Sweeney amendments detailed above. The amendment would increase high-threat, high-density grants for Urban Areas Security Initiative (UASI) by \$450 million for a total of \$1.45 billion (up from the current \$1 billion in the bill). The amendment shifts the funds from the overall state and local programs account allocation. The current bill level is \$229 million above the FY04 funded level, which is a 29.7% increase. Passage of the Sweeney Amendment would increase the program by 88% over FY04 funding. (According to the Committee report, the President's request was \$1.3 billion).

The rewrite in this amendment is to the provision on the distribution of the Formula-Based Grants, which now reads: “That the amount of any grant to a State in excess of any statutorily required minimum amount shall be made on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences” (new portion underlined).

**Rep. Sweeney.** The amendment would change the formula for distribution of the Formula-Based Grants so “That the amount of any grant to a State in excess of any statutorily required minimum amount shall be made on the basis of an assessment of the risk of terrorism with respect to threat, vulnerability, and consequences”

**Rep. Tancredo.** The amendment stipulates that none of the funds in the act may be made available to any state or local governments who refuse to share information with U.S. Immigration and Customs Officials as required by the Illegal Immigration Reform and Immigrant Responsibility of 1996 8 USC 1373 (a). According to his Dear Colleague, “the refusal of these local governments to share information with federal immigration authorities often results in local law enforcement arresting, and then releasing criminal aliens – who may then move on to commit crimes in other parts of the country rather than being deported. *The Washington Times*, for example, reported in June of last year that in, ‘[a] December rape of a woman in [New York,] four of the five men charged in the case were illegal immigrants and three had prior convictions that, in keeping with federal law, would have allowed their deportation.’ [Yet], New York City’s sanctuary policy prevented that from happening.”

This amendment is identical to an amendment that was offered by Mr. Tancredo last year to both the DHS appropriations bill (link to: [Roll no. 309](#)), and the Commerce, Justice, State appropriations bill (link to: [Roll no. 409](#)).

**Rep. Tancredo.** The amendment stipulates that none of the funds in the act may be made available to any state government that has enacted legislation allowing persons not legally present in the United States to obtain driver's licenses. According to Rep. Tancredo’s Dear Colleague, “states that enact legislation which enable totally unverifiable and illegal aliens to obtain official state identification jeopardize Americans nationwide. Drivers licenses do not only enable illegal aliens to drive, but also to obtain identification cards in other states, fraudulently register to vote, and board airliners. They are, in effect, domestic passports.”

**Rep. Turner (TX).** The amendment will reduce the \$80.2 million budget for the DHS Office of the Secretary and Executive Management by \$1 million and increase the following custom and border items by \$1 million (for a total of \$4.612 billion):

“For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$4,611,911,000”

According to the Committee report, the Office of the Secretary and Executive Management budget amount of \$80 million is \$90,000 below FY04 and \$22.4 million below the President's request.

**Rep. Turner (TX).** The amendment inserts the following at the end of the bill:

SEC. \_\_. For additional expenses, not otherwise provided for, necessary to procure, install, and operate radiation portal monitoring technology to improve the security of our homeland due to the global war on terrorism, \$200,000,000 to remain available until expanded: **Provided that the entire amount is designated an emergency** requirement pursuant to section 402(a) of the conference report to accompany S.Con.Res. 95 (108th Congress): *Provided further*, That the funds made available only to the extent that an official budget request for all of the funds is transmitted by the President to the Congress and includes designation of the amount of that request as an emergency and essential to support homeland security activities: *Provided further*, That the funds made available under this heading shall be available for Customs and Border Protection salaries and expenses: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations fifteen days prior to the transfer of funds made available under the previous proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Homeland Security.

This amendment would have the effect of designating a \$200 million increase as "emergency spending", which is counted over and above the budget resolution. These funds would increase the U.S. deficit.

**Rep. Weldon (PA)/Hoyer.** The amendment would transfer \$50 million from Title I of the Act (DHS Management and Operations) to Section 34 of the Federal Fire Prevention and Control Act of 1974, to hire and recruit career and volunteer firefighters in departments that are operating below departmental, community and national standards.

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