



Legislative Bulletin..... June 6, 2012

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Amendments to H.R. 5855 Part III – FY 2013 Department of Homeland Security Appropriations Act

Amendments to H.R. 5855 Part III– FY 2013 Department of Homeland Security Appropriations Act (Aderholt, R-AL)

Order of Business: H.R. 5855 is expected to be considered, beginning June 6, 2012, under an open rule providing for consideration of germane amendments under the five minute rule.

RSC Staff Contact: Ja’Ron, ja'ron.smith@mail.house.gov, (202) 226-2076.

Other Amendments Offered:

- 1. Cravaack (R-MN):** This amendment reduces funding for Transportation Security Administration Aviation Security account by \$10,000,000.
- 2. Murphy (R-PA):** This amendment prohibits funding to close the Federal air Marshall Service office located at Pittsburgh, Pennsylvania, or to relocate air marshals stationed at that office.
- 3. Gardner (R-CO):** This amendment prohibits funding to the Secretary of Homeland Security to comply with the Coast Guard’s energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act. A similar amendment was offered to H.R. 5854 (Military Construction Appropriations), and H.R. 5325 (Energy and Water Appropriations) and both passed by voice vote.
- 4. Walsh (R-IL).** This amendment reduces the \$121,850,000 amount appropriated for departmental operations at the Office of the Secretary and Executive Management by \$13,400,000 million and transfers this same amount to increase funding for construction, renovation, and equipping of buildings and facilities that administer customs and immigrations laws (appropriated \$5,450,000 in the base text).

5. **Blackburn (R-OK):** This amendment prohibits all funding for Department of Homeland Security Visible Intermodal Prevention and Response (VIPR) teams, and funding for any operation involving Transportation Security Administration Transportation Security Officers or Behavior Detection Officers outside airport passenger screening check points and baggage screening areas. According to the amendment sponsor, VIPR teams which include TSA Transportation Security Officers among their ranks do not operate off of actionable intelligence but instead randomly show up at train stations, subways, bus terminals, ferry terminals and other mass transit locations around the country.
6. **Pierluisi (D-PR).** This amendment permits the Customs and Border Protection Agency (CBP) to supplement the Puerto Rico Trust Fund (Trust Fund) funding for administrative costs of managing Puerto Rico's six ports of entry. According to the sponsor, under current law, only port fee revenue can be used to pay for administrative expenses of the ports, which play a significant role in monitoring illegal drug trafficking. The amendment gives CBP the discretion to draw upon general appropriations in the event there is a shortfall in the Trust Fund. The sponsor states that CBO estimates the amendment has no budgetary impact. **Some conservative may be concerned that this amendment leads to increase spending for this purpose.**
7. **Sullivan (R-OK):** None of the funds made available by this Act may be used to terminate an agreement governing a delegation of authority under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) that is in existence on the date of the enactment of this Act. According to the amendment sponsor, this amendment would insulate localities with agreements from being targeted for termination for cost-cutting purposes or political purposes. The underlying bill specifies that the DHS Inspector General may terminate agreements that violate the terms, and therefore, this amendment would not impede the Inspector General from carrying out their duties under current law with respect to 287(g). Numbers USA supports the amendment.
8. **Barletta (R-PA): Walsh (R-IL), Culberson (R-TX), Schweikert (R-AZ), and King (R-IA):** This amendment prohibits funding for contravention of 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
9. **Cravaak (R-MN):** Prohibits the use of funds by Immigration and Custom Enforcement to process the release of, or to administer alternative forms of detention to, illegal immigrants who committed a crime which mandated their incarceration
10. **Turner (R-NY) :** The amendment reallocates a portion of the inspector program to other surface transportation initiatives because this program cost taxpayers 54 million. This one program, accounts for more than 40% of the operating budget for the TSA. The sponsor argues that this program is redundant with the work already being performed by the Department of Labor, Commerce and Transportation.
11. **Price (R-GA):** The amendment states that none of the funds in this act may be used to "circumvent or fail to enforce immigration laws."

12. **Hochul (D-NY)**. This amendment adds a new section to the bill directing the Transportation Safety Administration (TSA) to make “every reasonable effort” to transfer unclaimed clothing recovered at any airport to local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and their dependents.
According to the sponsor, thousands of pounds of abandoned clothing are left at TSA security checkpoints each year, which could be used to help clothe the 75,000 homeless veterans. The sponsor also states a similar amendment was adopted in the Committee markup of H.R. 2179 this year. *Note—this amendment could be subject to a point of order for potentially legislating on an appropriations bill.*
13. **Holt (D-NJ)**: This office has not responded to RSC Staff inquires for the text.
14. **Holt (D-NJ)**: This office has not responded to RSC Staff inquires for the text.
15. **Loebsack (D-IA)**: Rep. Loebsack’s office has indicated this amendment will not be offered.
16. **Meehan (R-PA)**: Rep. Meehan’s office has indicated this amendment will not be offered.
17. **Polis (D-CO)**: This amendment reduces all appropriated accounts by two percent except for the Federal Emergency Management Agency (FEMA) and counter-terrorism accounts including (but not limited to) salaries and expenses for the United States Secret Service and the Domestic Nuclear Detection Office.
18. **Baldwin (D- WI)**: This office has not responded to RSC Staff inquires for the text
19. **Brooks (R-AL)**: Rep. Brook’s office has indicated this amendment will not be offered.
20. **Schweikert (R-AZ)**: Rep. Schweikert’s office has indicated this amendment will not be offered.
21. **Thompson (D-CA)**: Rep. Thompson’s office has indicated this amendment will not be offered.
22. **Culberson (R-TX)**: The amendment prohibits funding to be used in contravention of section 275 and 276 of the Immigration and Nationality Act (8 U.S.C. 1325, 1326). These sections deal with penalties assessed to aliens who enter the country illegally.
23. **Davis (D-IL)**: The amendment directs the Secretary of Homeland Security to assess the impact on emergency communications from internet congestion during a disaster and propose recommendations for alleviating internet congestion and preserving the integrity of communications changes. *The office has indicted this amendment will not be offered.*
24. **Ellison (D-MN), Cleaver (D-MO), Chu (D-CA), Gonzalez (D-TX)**: According to Rep. Ellison’s office, this legislation prevents funds to profile American citizens on the basis of race, ethnicity or religion. The sponsor goes on to state “we are concerned by reports from the media and civil rights organizations that the enforcement of new immigration laws in some states may have increased profiling...”

- a. The amendment prohibits funding to be used in contravention to the following:
 - i. The Fifth and Fourteenth Amendments to the U.S. Constitution;
 - ii. Title VI of the Civil Rights Act of 1964;
 - iii. Section 809(c)(1) of the Omnibus Crime Control and Safe Streets Act; and
 - iv. Section 210401(a) of the Violent Crime and Law Enforcement Act of 1994.

25. Engel (D-NY): The amendment prohibits funding to be used by the Department of Homeland Security to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance. Similar amendments were offered to H.R. 5325 (Energy and Water Approps) and H.R. 5326 (Commerce, Justice, Science Approps) and both passed by voice vote.

26. Flores (R-TX): This amendment would strike the section 526 language that prohibits the Department of Homeland Security from procuring unconventional fuels (such as oil sands from Canada). This amendment would make energy cheaper and allow us to buy energy from our friends (like Canada) and not be so reliant on the Middle East. Similar amendments (H.Amdt. 1166 and H.Amdt 1227) were offered to H.R. 5854 (Military Construction Approps) and H.R. 5325 (Energy and Water Approps) and both passed by voice vote.

27. Ryan (D-OH): This amendment specifies that none of the funds in this act can be used to provide an immigrant or non-immigrant visa to a citizen of Brazil under Brazil amends its laws to remove the prohibition on extradition of nationals of Brazil to other countries. There is an exception for the President to waive this provision on a case-by-case basis if the President determines and certifies that it is in the national interest of the United States to do so.

28. Fortenberry (R-NE): The amendment prohibits funding in the bill to be used by the Transportation Security Agency to prohibit passengers from recording during the screening process. RSC Staff have not seen the text of this amendment.