

AMENDMENTS ADOPTED TO THE
HOMELAND SECURITY APPROPRIATIONS BILL
FOR FY 2015

Full Committee Markup
House Appropriations Committee
Wednesday, June 11, 2014

Committee on Appropriations
Subcommittee on Homeland Security

CARTER
ADDED TO
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FY15 Department of Homeland Security Appropriations Bill
Full Committee Markup

MANAGER'S AMENDMENT
Offered by Mr. Carter of Texas
(Carter #1)

In the BILL:

- On page 2, line 16, strike "\$110,493,000" and insert "\$100,493,000".
- On page 3, line 16, strike "\$191,324,000" and insert "\$175,124,000".
- On page 3, line 18, strike the proviso.
- On page 4, line 17, strike "\$44,306,000" and insert "\$39,306,000"..
- On page 6, line 15, strike "\$8,299,071,000" and insert "\$8,367,450,000".
- On page 10, line 2, strike "\$480,924,000" and insert "\$484,487,000".
- On page 10, line 11, strike "\$5,449,121,000" and insert "\$5,454,826,000".
- On page 11, line 25, after "for", insert "detention,".
- On page 23, line 19, after "Senate" insert "and the Committee on Transportation and Infrastructure of the House of Representatives".
- On page 27, line 6, after "Senate" insert "and the Committee on Transportation and Infrastructure of the House of Representatives".
- On page 27, line 10, after "Senate" insert "and the Committee on Transportation and Infrastructure of the House of Representatives".
- On page 28, line 13, strike "\$1,576,000,000" and insert "\$1,450,626,000".
- On page 77, line 8, strike "\$39,500,000" and insert "\$30,000,000".
- On page 79, line 19, after "of", insert "all".
- On page 93, line 6, strike "\$351,564,000" and insert "\$388,511,000".

At the appropriate place in the bill, insert:

“Sec. __. The Office of Management and Budget and the Department of Homeland Security shall ensure the congressional budget justifications accompanying the President’s budget proposal for the Department of Homeland Security, submitted pursuant to section 1105(a) of title 31, United States Code, include estimates of the number of unaccompanied alien children anticipated to be apprehended in the budget year and the number of agent or officer hours required to process, manage, and care for such children: *Provided*, That such materials shall also include estimates of all other associated costs for each relevant Departmental component, including but not limited to personnel; equipment; supplies; facilities; managerial, technical, and advisory services; medical treatment; and all costs associated with transporting such children from one Departmental component to another or from a Departmental component to another Federal agency.”.

In the REPORT:

On page 10, within the section entitled, “Unaccompanied Alien Children”, in the first paragraph, strike, “127,000” and replace with, “145,000”.

On page 11, strike the second full paragraph and all that follows in that section and replace with the following:

“The Committee notes that the Administration failed to properly budget for the expected costs of caring for UACs crossing the Southwest border during fiscal year 2015. The challenge was made more difficult by the untimely submission of a letter by OMB identifying significant additional UAC funding requirements for the coming year, including \$166 million required for the Department above the budget request. The OMB letter, which came two days after Subcommittee consideration of the bill, provided no analytical justification and offered no recommendations for offsets within the budget request. As a result, the Committee was forced to find additional reductions throughout the Subcommittee reported bill to help offset the additional funding requirement for UACs.

To sufficiently address the resources necessary to manage the estimated flows of UACs in fiscal year 2015, the Subcommittee reported bill recommended \$76,900,000 above the request for ICE’s transportation costs. However, given the updated information presented to the Committee, the Committee recommends modifying the Subcommittee reported bill, as detailed in the following table, to fully account for the current estimate of necessary costs incurred by both CBP and ICE associated with UACs.

Fiscal Year 2015 Shortfall for Costs Associated with UACs

CBP costs	\$76,942,000
ICE costs	\$7,605,000
Total estimated shortfall as of May 30, 2014 (as provided by DHS OCFD)	\$84,547,000
UAC funding included in Subcommittee-reported bill (ICE Transportation)	76,900,000
Remaining shortfall (total estimated shortfall less funding currently included in bill)	\$7,647,000

Recommended Offsets (relative to Subcommittee-reported funding levels)

	Subcommittee Reported Level	Recommended Offsets	Revised Recommendation
Office of the Secretary and Executive Management	110,493,000	-10,000,000	100,493,000
Under Secretary for Management, Office of the Chief Human Capital Officer	21,007,000	-2,000,000	19,007,000
Under Secretary for Management, Human Resources Information Technology	7,800,000	-7,800,000	---
Under Secretary for Management, Office of the Chief Readiness Support Officer	29,002,000	-2,000,000	27,002,000
Under Secretary for Management, Nebraska Avenue Complex (NAC)	4,400,000	-4,400,000	---
DHS Office of the Chief Financial Officer	44,302,000	-5,000,000	39,302,000
CBP, Headquarters, Management, and Administration	1,162,613,000	-5,000,000	1,160,613,000
ICE, Headquarters, Management, and Administration	340,430,000	-5,000,000	335,430,000
DHS Financial Systems Modernization	39,500,000	-9,500,000	30,000,000
Decision: FEMA Disaster Relief Fund	-351,564,000	-36,947,000	-388,511,000
Subtotal recommended offsets		-\$87,647,000	

The Committee asserts that OMB and the Department must approach the spiraling growth of UACs transiting the border holistically and forthrightly in terms of necessary actions to better manage and deter the growing influx as well as the associated costs of such actions. The Committee also believes the Department must improve its budget estimates for known and projected operations and includes a new provision in Title V of this Act requiring DHS to incorporate all projected costs associated with UACs within the budget justification documents that accompany the annual DHS budget request. Finally, the Committee directs the Department to use existing budgetary tools and authorities, as necessary, to sufficiently address this issue in the current fiscal year. The Department shall keep the Committee informed of changes to its UAC inflow estimates and associated costs.”

And make the corresponding changes to funding levels (as specified in the table inserted above) at the appropriate places throughout the report.

On pages 20 – 21, replace the paragraph under the heading, “Procurement of Secure Document Products and Services” with the following:

“The Committee notes there is an ongoing Government Accountability Office (GAO) study regarding the production of secure credentials across the government. Prior to the completion of the GAO study, the Committee seeks additional information to understand how DHS procures secure document services. To that end, the Committee directs OCPO to notify the Committee in writing 15 days prior to contracting with a private entity or signing an agreement with a government agency to requisition secure document services or secure document component services. If DHS procures secure documents from a government source the agency is to provide justification for that decision and an analysis showing how the security of the products or services will be equal to or greater than that of products that could be procured from private industry at a substantially similar cost, as part of the 15 day notice.”

On page 31, within the section entitled, “Unaccompanied Alien Children”, in the first paragraph, strike, “127,000” and replace with, “145,000”.

On page 32, strike the second full paragraph and insert the following:

“In fiscal year 2013, CBP estimates that the unfunded costs of the children’s food, toiletries, and incidentals reached almost \$342,000. Additional contributions came from the pockets and good hearts of CBP employees. As of June 3, 2014, CBP estimates it will absorb \$225,277,000 in UAC costs in fiscal year 2014, and that the fiscal year 2015 requirement will escalate to \$506,202,000, of which only \$429,260,000 is included in the budget request.”.

On page 36 of the report, at the end of the paragraph before the first full paragraph, insert the following: “In addition, the Committee expects CBP to continue to reassess and improve its staffing model to ensure that it fairly and efficiently allocates CBPOs to ports, including those currently without a full time CBPO presence, based on the full panoply of workload factors, and that it appropriately takes into account seasonal variation, the percentage of non-U.S. citizens entering the country, secondary screening rates, and other dynamic workload conditions.”.

On page 36, in the first full paragraph, in the third sentence after “...as appropriate”, insert the following phrase, “consult with the Department of Transportation on how to fully assess”.

On page 36, after the first full paragraph, insert the following paragraph, “CBP is directed to provide to the Committee and the Committee on Homeland Security, a report on all non-staff innovative technologies that CBP has employed to improve customs processing times, including the effectiveness of those innovations, the locations where they have been implemented, and locations CBP would prioritize for additional systems.”.

On page 51, strike the fifth full paragraph under the heading “Domestic Investigations” and insert the following:

“Within the increase provided, ICE shall allocate not less than \$20,000,000 above the current levels for child exploitation investigation activities at ICE's Cyber Crime Center, including the Victim Identification Program and the Human Exploitation Rescue Operative (HERO) Child-Rescue Corps, and for the Angel Watch program. The Committee directs ICE to provide a plan for expenditure of these funds in accordance with the requirement for a Department-wide plan for obligation and expenditure contained within Title V of this Act.”.

On page 57, in the first sentence of the third full paragraph under the heading “Transportation and Removal Program”, strike “\$76,900,000” and insert “\$87,605,000”; and strike “127,000” and insert “145,000”.

On page 73, in the first sentence of the last paragraph, strike from, “The Committee...” through “and” and insert, “The Committee recommends a 0.8 percent increase to the proposed military pay raise, consistent with the increase to military pay included in the National Defense Authorization Act for Fiscal Year 2015 (H.R. 4435) and the recommended increase to military pay by the House Subcommittee on Defense Appropriations. The Committee also...”.

On page 81, under the heading “Retired Pay”, strike each “\$1,576,000,000” and insert “\$1,450,626,000”, and strike each “\$116,000,000” and insert “\$9,374,000”.

On page 104, at the bottom of the page after the last paragraph, insert the following:

“The Committee is aware of concerns that under current FEMA policy, assistance to communities following snow storms is limited to instances of “record or near record snowstorms as established by official government records,” and that cumulative snowfall over an entire winter season may not be fully considered in making determinations related to federal assistance. Not later than 60 days after the date of enactment of this Act, FEMA shall update the Committee on its policies and practices for evaluating whether multiple recent disasters, including multiple weather events, have sufficiently diminished the response capability of state and local governments to warrant FEMA assistance.”.

On page 115, above “APEX R&D” insert the following:

“International Research Opportunities

The Committee is aware of the ongoing cooperative R&D activities of the Department with the State of Israel. The Committee encourages the Department to continue these activities and to further explore opportunities regarding aviation security, explosive detection, and emergency services.

Hosted Sensors

The Committee encourages S&T to review the viability of the use of sensors hosted on commercial satellites to improve early warning of fires, tornadoes and other natural disasters.”.

On page 119, above “Systems Acquisition” insert the following:

“Advanced Technology Demonstrations

The Committee is aware of several advanced active and passive detection technologies currently being tested by DNDO as part of a Nuclear Radiation Imaging Platform (NRIP) project within DNDO’s Advanced Technology Demonstrations Program. Within 90 days of enactment of this Act, DNDO shall update the Committee on the status of the NRIP project, including an updated schedule for completing the project. In addition, DNDO, in cooperation with CBP, shall brief the Committee on the viability of proceeding with operational testing of NRIP technologies that meet DNDO’s and CBP’s detection requirements.”.

HS

**AMENDMENT TO THE FISCAL YEAR 2015
HOMELAND SECURITY APPROPRIATIONS BILL
OFFERED BY MR. ADERHOLT OF ALABAMA
(Aderholt # 1)**

Aderholt
Agreed to
29-18

At the appropriate place in the bill, 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 or incest: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

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.”

And amend the report accordingly.

#6

Roybal-Allard
AG Gerardo

AMENDMENT TO H.R. _____
OFFERED BY MS. ROYBAL-ALLARD OF
CALIFORNIA
[Homeland Security Appropriations]

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

1 PROVIDING ELIGIBILITY FOR BENEFITS FOR THE FAMILY
2 OF OFFICER HERNANDEZ

3 SEC. _____.

4 Notwithstanding any other provision of law, Gerardo
5 Ismael Hernandez, a Transportation Security Officer em-
6 ployed by the Transportation Security Administration who
7 was killed in the line of duty on November 1, 2013, at
8 the Los Angeles International Airport, shall be deemed to
9 have been a public safety officer for the purposes of the
10 Omnibus Crime Control and Safe Streets Act of 1968 (42
11 U.S.C. 3711 et seq.).

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