



Legislative Bulletin.....June 5, 2013

Contents:

Amendments to H.R. 2217 (Part II) —Department of Homeland Security Appropriations Act of 2014.

NOTE: *The following Legislative Bulletin contains information on the twelve amendments pre-printed in the Congressional Record on June 4, 2013, and other potential amendments not pre-printed that may be offered.*

*The RSC Staff will make every attempt to provide RSC Member offices with up-to-date amendment information. If your boss will definitely offer an amendment, please give the RSC a preview of the text so that we can accurately describe your amendment in a timely manner. **Due to the hurried nature of floor consideration, amendment analysis will be sent in multiple Legislative Bulletins, with analysis of amendments not pre-printed in the Congressional Record and offered just prior to a vote coming very close to the actual vote.***

Order of Business: The amendments to H.R. 2217, the Department of Homeland Security Appropriations Act of 2014, are scheduled to be considered beginning Wednesday, June 5, 2013, under an open rule. The rule ([H.Res.243](#)) waives all points of order against consideration of the bill and provisions in the bill. 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.

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SUMMARY OF AMENDMENTS PREPRINTED IN THE CONGRESSIONAL RECORD

June 4, 2013

- 1. Cassidy (R-LA)/Grimm (R-NY)/Palazzo (R-MS).** This amendment delays implementation of Section 207 of the Biggert-Waters Flood Insurance Report Act of 2012 for one year. Section 207 of the Biggert-Waters Flood Insurance Act of 2012 ends the grandfathered National Flood Insurance Program (NFIP) rates and allows the premium rates to rise up to 20 percent per year over a five year period. According to the sponsor, the Federal Emergency Management Agency (FEMA) does not fully understand the implications of implementing Section 207 and has not accounted for all factors when creating their flood zone maps. The one year delay is designed to give FEMA time to properly implement the risk premium formulas and create accurate flood zone maps.
Outside Groups in Support of the Amendment: National Association of Home

Builders, American Bankers Association, National Association of Realtors, American Bankers Insurance Association. **Conservative Concerns:** Some conservatives have expressed concern that the amendment weakens the financial viability of NFIP, a program already \$20 billion in debt. However, according to the CBO, the amendment has no net budgetary impact.

2. **Collins (R-GA)/Barletta (R-PA)/Griffin (R-AR).** This amendment prohibits funding for the Immigrations and Customs Enforcement (ICE) of the U.S. Department of Homeland Security to process the release of, or to administer alternative forms of detention to, illegal immigrants who committed a crime which mandates their incarceration under current law. The base bill (page 13, lines 19-22) also requires that the Secretary of Homeland Security prioritize the identification and removal of aliens convicted of a crime by the severity of the crime.
3. **Price (R-GA). Withdrawn.**
4. **Thompson (D-MS).** This amendment prohibits any funds in the Act being used by the Transportation Security Administration (TSA) for the Behavior Detection Program. According to the [TSA](#), Behavior Detection Officers are trained to recognize psychological and involuntary physical reactions to help identify which individuals may be “high-risk”. Behavior Detection Officers are currently being used in conjunction with the TSA’s [PreCheck](#) program which offers expedited screen for certain eligible airline passengers.
5. **Mica (R-FL).** This amendment limits the amount that TSA can spend on the Screening Partnership Program (SPP) to the larger amount of either \$100,000 or one-percent of the total value of airport’s SPP contract. According to the [TSA](#), a pilot program was created in 2001 under the Aviation Transportation Security Act (ATSA) of 2001, where the federal government oversaw screening conducted by private contractors. In 2004, the TSA officially adopted Screening Partnership Program in 2004 where the government oversees screening conducted by private contractors. There are currently 16 airports that participate in the SPP.
6. **Mica (R-FL).** This amendment reduces funding for civil aviation security and enforcement in the Transportation Security Administration Aviation Security account by \$23,334,000 and increases funding to the screening programs of the Office of Transportation Threat Assessment and Credentialing by \$23,334,000. **Passed by voice.**
7. **Mica (R-FL).** This amendment reduces funding available for aviation security in the Transportation Security Administration Aviation Security account by \$17,383,000 and increases funding for screening in the TSA Transportation Threat Assessment and Credentialing account by \$17,383,000.
8. **Mica (R-FL).** This amendment reduces funding for civil aviation and security in the Transportation Security Administration Aviation Security Account by \$31,810,000 and increases funding to the Screening Partnership Program within the same Aviation

Security Account. According to the [TSA](#), a pilot program was created in 2001 under the Aviation Transportation Security Act (ATSA) of 2001, where the federal government oversaw screening conducted by private contractors. In 2004, the TSA officially adopted Screening Partnership Program in 2004 where the government oversees screening conducted by private contractors. There are currently 16 airports that participate in the SPP. *Passed by voice.*

- 9. Mica (R-FL).** The amendment instructs the Director of the Federal Law Enforcement Training Center to develop a plan to “further integrate and utilize modeling and simulation in the training of law enforcement and security personnel.”
- 10. Mica (R-FL).** This amendment decreases \$12,500,000 of funding from the Transportation Security Administration Aviation Security Direction and Enforcement and increases funding for the Federal Flight Deck Officer Program under TSA by \$12,500,000. According to the [TSA](#), Federal Flight Deck Officers are able to carry firearms to protect against security risk. This program was originally signed into law by President George W. Bush in 2003.
- 11. Mica (R-FL).** This amendment reduces funding for the Office of the Under Secretary of Management by \$15,676,000 and increases funding for surface transportation security activities under the TSA Surface Transportation Security account.
- 12. Pierluisi (D-PR).** According to the sponsor, federal law has provided that the collection of certain duties and taxes in Puerto Rico by the U.S. Customs Border Protection (CBP) or its predecessor agencies will be deposited in the Puerto Rico trust fund. Pursuant to the law and an implementing agreement between the Puerto Rico government and the federal government, a significant portion of that money is also used to fund certain federal operations, including the maritime operations of CBP's office of Air and Marine in Puerto Rico. Because of a shortfall in the Puerto Rico trust fund of about \$1.7 million due to reduced customs collections, CBP closed a boat unit in San Juan, Puerto Rico that, in 2010, seized over 7,000 pounds of illegal drugs. This is because CBP has interpreted current federal law to require that it use either the trust fund or general congressional appropriations to fund its operations, but not both. The sponsor states that the amendment would give CBP the authority to supplement any funding from the trust fund with general appropriations made in this bill, so that they will avoid a repeat of what happened in the case of the San Juan boat unit. The amendment does not require CBP to spend any additional money in Puerto Rico, or to prioritize Puerto Rico over other jurisdictions. The Congressional Budget Office (CBO) has indicated the amendment has no budgetary impact. A similar amendment (H.Amdt. 1269) was offered on June 7, 2012, to H.R. 5855 (the DHS Approps Act for FY 2013) and was agreed to by voice vote.

SUMMARY OF AMENDMENTS NOT PRE-PRINTED IN THE CONGRESSIONAL RECORD

1. **Moore (D-WI)**. Increases the Office of the Secretary of Homeland Security account by \$3.35 million (page 2, line 17) and reduces the Automation and Modernization account by \$4 million (page 9, line 17). The author's intent is to increase funding for the [Office of Civil Rights and Civil Liberties](#) for oversight of immigration enforcement.
2. **Polis (D-CO)**. Increases the Office of Secretary and Executive Management by \$4.36 million (page 2, line 17), which is intended for the office of [Civil Rights and Civil Liberties](#). It reduces the Immigration and Customs Enforcement Salaries and Expenses account by \$43.5 million (page 12, line 12), with \$5.4 million of this reduction being cut from the 287(g) program (page 12, line 23), which would eliminate funding for the 287(g) program. Numerous conservative organizations support keeping and expanding the 287(g) program, including the [Heritage Foundation](#). The Obama Administration and numerous House Democrat caucuses seek to eliminate the 287(g) program, including the Hispanic, Black, Asian-Pacific American, and Progressive caucuses.
3. **Heck (R - NV)**. This amendment reduces \$22 million of funding to the administrative accounts of the Office of Under Secretary for Management, Office of the Chief Financial Officer, Customs and Border Protection Salaries and Expenses, and the Federal Emergency Management Agency (FEMA) Salaries and Expenses and increases funding to the Urban Area Security Initiative (UASI) by the same amount. The base bill funds UASI at \$1.5 billion. According to the Amendment Sponsor, the UASI addresses planning, organization, equipment, training and exercise needs of high-threat, high-density urban areas and assists in building an sustainable capacity to prevent and recover from acts of terrorism. In FY2013, the number of urban areas eligible for UASI funding decreased. This amendment seeks to increase UASI to address the top 35 highest-threat, high-density urban areas. However, many [conservatives](#) believe that funds from the grant program have been wasteful or inefficiently used.
4. **Garcia (D-FL)** This amendment increases the US Customs and Border Protection Salaries and Expenses by \$10,000,000, which would bring the total amount allocated in this category to 5,354,461,000 (found on Page 8, Line 6). Secondly, the amendment offsets these increases by reducing US Immigrations and Customs Enforcement Salaries and Expenses by a total of \$10,000,000, bringing the total allocated in this fund to \$5,334,461,000. Thirdly, this amendment reduces \$3,000,000 from section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357 (g)). The bill funds Section 287 Programs are at \$5,400,000. This amendment reduces its funding to \$2,400,000. Programs under Section 287 were created in 1996, but not implemented until 2002, when ICE allowed States and local law enforcement agencies to enter into agreements (Memorandums of Agreement) to "act in the stead of ICE agents by processing illegal aliens for removal." The [Heritage Foundation](#) writes that "Section 287(g) has been a critical tool for enforcing America's immigration laws, because it has become a force multiplier for under-resourced ICE."

5. ***Deutch (D-FL)/Foster (D-IL)***. The amendment strikes a requirement that funding for the U.S. Immigration and Customs Enforcement shall maintain a minimum of 34,000 detention beds for detained illegal aliens through FY2014. The American Civil Liberties Union (ACLU) and Lutheran Immigration and Refugee Service support the amendment.

NOTE: RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.