



**Legislative Bulletin..... June 6, 2012**

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

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**Amendments to H.R. 5855 – 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.

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**Amendments Printed in the Congressional Record For June 6, 2012:**

1. **Terry (R-NE):** This amendment requires that none of the funds made available by this Act may be used for the designation of critical infrastructure in the banking, telecommunications, or energy sector for cybersecurity purposes.

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**Other Amendments Offered:**

1. **Poe (R-TX):** This amendment reduces the Office of the Under Secretary for Management of Department of Homeland Security by \$10 million, and increases the Border Security, Fencing, Infrastructure and Technology account by \$10 million. According to the sponsor, the purpose increasing the Border Security, Fencing, Infrastructure and Technology account is for the funds to be used for border cell phone communications infrastructure to help border residents disseminate border security related information to Border Patrol and law enforcement – for the protection of their lives and our border.
2. **Black (R-TN):** This amendment prohibits funding to be used for the position of Public Advocate within U.S. Immigration and Customs Enforcement. On February 7, 2012, the Obama Administration announced a new “Public Advocate” position within U.S. Immigration and Customs Enforcement (ICE) to serve as a taxpayer funded advocate for illegal and criminal aliens as well as nongovernmental organizations and other community and advocacy groups. Some conservatives argue that with illegal immigration costing U.S.

taxpayers roughly \$113 billion each year, the government should not be an activist for illegal and criminal immigrants who are detained or have been ordered to be deported. Many conservatives believe the Administration should use this money for its intended purpose of securing our borders and combating illegal immigration. This amendment will prevent funding for the position of “Public Advocate” within U.S. Immigration and Customs Enforcement.

3. **Walsh (R-IL):** This amendment prohibits the Chief Information Officer of the Department of Homeland Security from using any funds in the bill to purchase new software licenses for applications that have been identified as exceeding the number of existing and unused software licenses held by the Department.
4. **Graves (R-MO):** This amendment prohibits funding to finalize, implement, administer, or enforce the rule entitled “Provisional Unlawful Presence Waivers of Inadmissibility for certain Immediate Relatives”. Under current law, immediate relatives of U.S. Citizens who are in our country illegally are not eligible to apply for a green card without first leaving the United States. They must also request from the U.S. Citizenship and Immigration Services (USCIS), a waiver to the 3-year or 10-year bar that they received as a result of their unlawful presence. The proposed rule makes it easier for illegal aliens to stay in the U.S. unlawfully and become citizens themselves.
5. **Grimm (R-NY):** This amendment reduces the amount appropriated to the Office of the Undersecretary for Management by \$7.667 million and increases the appropriations to the Urban Search & Rescue Team program under Federal Emergency Management Salaries and Expenses by \$7.667 million.
6. **Garrett (R-NJ):** This amendment prohibits funding for Visible Intermodal Protection and Response teams to conduct searches of passengers or their property in or around mass transit facilities, rail stations, ferry terminals, bus stations, roads, highways, or other transportation facilities (other than aviation facilities). Many conservatives believe that TSA’s VIPR team searches of passengers using non-aviation modes of transportation is an example of mission creep. Surface transportation security can be more appropriately handled by law enforcement agencies at various levels of government.
7. **Bishop (R-UT):** The amendment reduces funding for the Border Security Fencing, Infrastructure, and Technology account by \$3,000,000. This account is currently set at \$327,099,000. The amendment increases funding for the Air and Marine Interdiction, Operations, Maintenance, and Procurement by \$624,000. This account is currently set at \$518,469,000.
8. **Broun (R-GA):** This amendment would reduce the administrative salaries and expense accounts in the underlying bill by three percent. The three percent includes the following reductions:
  - a. Reduces the Office of the Secretary and Executive Management by \$3.65 million.
  - b. Reduces the Office of the Under Secretary for Management by \$6.3 million.
  - c. Reduces the Office of the Chief Financial Officer by \$1.4 million.

- d. Reduces the Office of the Chief Information Officer by \$7.2 million
- e. Reduces the Analysis and Operations by \$3.2 million.
- f. Reduces the Office Inspector General by \$3.2 million.
- g. Reduces Immigration and Customs Enforcement, Salaries and Expenses by \$157 million.
- h. Reduces Transportation Security Administration, Aviation Security by \$151 million.
- i. Reduces Surface Transportation Security by \$3.7 million.
- j. Reduces the Office of Transportation Threat assessment and Credentialing by \$5.7 million.
- k. Reduces Transportation Security Support by \$27.8 million.
- l. Reduces Federal Air Marshals by \$26 million.
- m. Reduces United State Secret Service by \$46.6 million.
- n. Reduces National Protection and Programs Directorate, Management and Administration by \$1.3 million.
- o. Reduces the Office of Biometric Identity Management by \$5.7 million.
- p. Reduces the office of Health Affairs by \$3.9 million.
- q. Reduces the Federal Emergency Management Agency, Salaries and Expenses by \$21 million.
- r. Reduces United States Citizenship and Immigration Services by \$3.3 million.
- s. Reduces Federal Law Enforcement Training Center, Salaries and Expenses by \$6.8 million.
- t. Reduces the Office of the Under Secretary for Science and Technology, Management and Administration by \$3.9 million.
- u. Reduces the Domestic Nuclear Detection Office, Management and Administration by \$1.1 million.

**9. Broun (R-GA):** This amendment would eliminate funding for the Transportation Security Administration and transfer \$5.04 billion to the Spending Reduction Account.

**10. Broun (R-GA):** This amendment would reduce the funding for State and Local Programs under FEMA by \$412 million and increase the Spending Reduction Account by \$412 million.

**11. Broun (R-GA):** This amendment would prohibit funds in the bill to be used for the Behavior Detection Officers (BDO) or the SPOT program. The BDO relies on observable nervous behavior of passengers while in the airport to determine the threat level they pose to aviation.

**12. Broun (R-GA):** This amendment would prohibit funds to be used by the Transportation Security Administration to either cancel or decline to renew contracts with persons under the Screening Partnership Program unless the Secretary of Homeland Security:

- a. Proves that the acting company is not performing up to TSA-standards, and
- b. Obtains approval for such cancellation from the host airport at which the person participates in the program.

- 13. Broun (R-GA):** This amendment would prohibit funds to hire new airport or airline employees for whom the TSA has not completed a full background check, in accordance with current laws and regulations.
- 14. Broun (R-GA):** This amendment prohibits funds to carry out the “100 percent cargo screening” goals or directives. The requirement to screen every piece of cargo on all international passenger flights came from the Democrat-controlled Congress in 2007.
- 15. Broun (R-GA):** This amendment prohibits funds that would limit the scope of, or restrict access to, the Screening Partnership Program (SPP) of the Transportation Security Administration. After the success of the Pilot Program 5, the SPP would continue to allow regional airports to opt out of federal screening services and choose to partner with private screening companies.