

May 17, 2005

H.R. 2360 — Amendments to the Department of Homeland Security Appropriations Act for FY 2006

The following contains information on the 14 amendments that have been pre-printed in the Congressional Record, and two additional amendments not preprinted. Under an open rule, amendments do not need to be pre-printed and may be offered at any time without prior notice.

RSC staff contact for amendments: Joelle Cannon (6-9717), Sheila Cole (6-9719), and Derek Baker (6-8585)

Tancredo #1. 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, “When local governments refuse to share information with federal immigration authorities, police departments often stop and / or arrest criminal aliens time and time again, only to release them without ever checking with federal immigration authorities.” *The Washington Times*, for example, reported in June 2003, 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.”

T. Davis #2. Section 516 transfers from the Office of Personnel Management to DHS the authority to conduct personnel security and suitability background investigations for applicants and appointees in certain DHS departments. The amendment declares this section void upon the President’s selection of a single agency to conduct security clearance investigations.

Hostettler #3. Increases by \$29 million, funds made available under the title “Immigration and Customs Enforcement Salaries and Expenses,” used for “necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations,” and reduces by \$29 million, funds made available under the title, “Research and Development, Training, Assessments, and Services.” According to the amendment sponsor, this amendment is meant to “bridge the gap between what Congress authorized last year in the National Intelligence Reform Act and what has actually been funded so far this Congress.”

Hostettler #4. Increases by \$95 million the funds made available under the title, “Customs and Border Protection Salaries and Expenses.” Reduces by \$15 million the funds made available for “necessary expenses for alteration or removal of obstructive bridges;” reduces by \$50 million the

funds made available for state and local programs under the title “Preparedness and Recovery;” reduces by \$20 million the funds made available for the National Flood Mitigation Fund; and reduces by \$10 million the funds made available under the title, “Research and Development, Training, Assessments, and Services.” According to the amendment sponsor, this amendment is meant to “bridge the gap between what Congress authorized last year in the National Intelligence Reform Act and what has actually been funded so far this Congress.”

Hostettler #5. Increases by \$193.2 million the funds made available under the title “Immigration and Customs Enforcement Salaries and Expenses,” used for “necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations.” Reduces by \$500,000 the funds made available for the Office of the Secretary and Executive Management of the Department of Homeland Security; reduces by \$5.5 million the funds available for the Office of the Chief Financial Officer; reduces by \$21.156 million the funds available for the Transportation Security Administration; reduces by \$47.5 million the funds available for the Coast Guard; reduces by \$117.539 million the funds available for the Flood Map Modernization Fund; and reduces by \$1 million the funds available under the title “Research and Development, Training, Assessments, and Services.” According to the amendment sponsor, this amendment is meant to “bridge the gap between what Congress authorized last year in the National Intelligence Reform Act and what has actually been funded so far this Congress.”

Hostettler #6. Increases by \$95 million the funds available under the title, “Customs and Border Protection Salaries and Expenses,” and by \$222.2 million the funds made available under the title “Immigration and Customs Enforcement Salaries and Expenses,” used for “necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations.” Reduces by \$500,000 the funds available for United State Visitor and Immigrant Status Indicator Technology project; reduces by \$5.5 million the funds available for the Office of the Chief Financial Officer; reduces by \$21.156 million the funds available for Transportation Security Administration; reduces by \$47.5 million the funds available for the Coast Guard; reduces by \$15 million the funds available for “necessary expenses for alteration or removal of obstructive bridges;” reduces by \$50 million the funds available for state and local programs under the title “Preparedness and Recovery;” reduces by \$117.539 million the funds available for the Flood Map Modernization Fund; reduces by \$20 million the funds available for the National Flood Mitigation Fund; and reduces by \$40 million the funds available under the title, “Research and Development, Training, Assessments, and Services.” According to the amendment sponsor, this amendment is meant to “bridge the gap between what Congress authorized last year in the National Intelligence Reform Act and what has actually been funded so far this Congress.”

Lobiondo #7. Increases by \$466 million the funds available for the Coast Guard for the purpose of “Acquisition, Construction, and Improvements.” Reduces by \$130 million the funds made available for the “Office of the Secretary and Executive Management;” reduces by \$130 million the funds available for the “Office of the Under Secretary for Management; reduces by \$16 million the funds available for the “Office of the Chief Financial Officer;” and reduces by \$190 million the funds available for the “Office of the Chief Information Officer.”

Simmons #8. Increases by \$24 million the funds available for the Coast Guard, and reduces by \$24 million the funds available for Research, Development, and Acquisition and Operations under the Science and Technology Management and Administration.

Souder # 9. The amendment designates that of the \$133.239 million appropriated for DHS’s office of the secretary and executive management (administrative expenses), \$6 million “shall be

for the Office of Counternarcotics Enforcement to carry out its responsibilities under section 878 of the Homeland Security Act of 2002, as amended.”

The section referenced in the amendment is as follows:

Homeland Security Act of 2002 (H.R.5005; Public Law 107-296):

SEC. 878. COUNTERNARCOTICS OFFICER.

The Secretary shall appoint a senior official in the Department to assume primary responsibility for coordinating policy and operations within the Department and between the Department and other Federal departments and agencies with respect to interdicting the entry of illegal drugs into the United States, and tracking and severing connections between illegal drug trafficking and terrorism. Such official shall--

- (1) ensure the adequacy of resources within the Department for illicit drug interdiction; and
- (2) serve as the United States Interdiction Coordinator for the Director of National Drug Control Policy.

Poe #10. The amendment reads:

“At the end of the bill, before the short title, insert the following (and conform the table of contents of the bill accordingly):

“SEC. 509. None of the funds made available under this Act may be used to carry out section 105(a)(4) and (5) of the Aviation and Transportation Security Act of 2001 (49 U.S.C. 44917(a)(4) and (5)).”

The amendment would *prohibit* funds from being used to enforce the following two paragraphs in current law regarding Foreign Air Marshal Training

SEC. 4018. FOREIGN AIR MARSHAL TRAINING. Sec. 44917. Deployment of Federal air marshals

(a) In General. - The Under Secretary of Transportation for Security under the authority provided by section 44903(d) –...

- (4) shall require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal;
- (5) may require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties;

The amendment sponsor reports that the Air Transport Association says the airlines are losing \$195 million a year in unrealized income because the air marshals are allowed to sit in first class, without any reimbursement to the airlines. The sponsor believes this is an unfunded security mandate and the federal government should reimburse the airlines for these costs.

Jackson-Lee #11. The amendment reduces DHS’s office of the secretary and executive management (administrative expenses) account by \$20 million (appropriated at \$133.239 million in the bill) and increases the citizen and immigration services account by \$20 million (from \$120 million to \$140 million).

Page 2, line 9, after the dollar amount, insert the following: “(reduced by \$20,000,000)”.

Page 37, line 12, after the first dollar amount, insert the following: “(increased by \$20,000,000)”.

Rep. Jackson-Lee #12. Would transfer \$10 million in funding *from* the Office of the Secretary of Homeland Security and the executive management of the Department of Homeland Security

(reducing funding to \$123.239 million) to “expenses of immigration and customs enforcement automated systems” (increasing funding to \$50.15 million).

Rep. Jackson-Lee #13. Prohibits the use of funds to support or supplement the acts of volunteer patrols at or in the vicinity of the borders of the United States. Presumably, this would bar any coordination between U.S. Border Patrol and outside volunteer groups, such as the Minute Men in Arizona.

Rep. Menendez #14. Would transfer \$50 million in funding *from* the Office of the Under Secretary for Management in DHS (reducing funding to \$96,084,000) to state and local programs funding by \$50 million for “grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities” (increasing funding to \$2,831,300,000).

OTHER AMENDMENTS NOT PREPRINTED IN THE CONGRESSIONAL RECORD:

Musgrave. The amendment transfers \$100,000 from the Department of Homeland Security's (DHS) salaries to DHS First Responder grants. The amendment reduces funding made available for Departmental Management and Operations- Office of the Secretary and Executive Management by \$100,000, and increases by that same amount, funding made available for Preparedness and Recovery- State and Local Programs. The amount of \$100,000 coincides with the approximate salary of the recently hired Department of Homeland Security Hollywood liaison. The taxpayer-funded liaison was hired in October 2004, at the GS-15 level, and is one of 43 public affairs employees at DHS. Instead of paying for a full-time liaison to Hollywood, the amendment will redirect the funds to First Responder state and local grants. With \$100,000, America's First Responders could purchase 716 escape hoods, 165 bullet proof vests, or 40 Level A HazMat Protective suits. For more information on the Homeland Hollywood Liaison, see the RSC one-pager here:

<http://johnshadegg.house.gov/rsc/Homeland%20Goes%20Hollywood--May%202005.pdf>

Tiahart. The amendment reads:

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

SEC. 536. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses. “

According to the amendment sponsor, this amendment will be offered and withdrawn.

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