

AMENDMENTS TO THE
HOMELAND SECURITY
APPROPRIATIONS BILL, FY 2012

Full Committee Markup
House Appropriations Committee
May 24, 2011

HOUSE APPROPRIATIONS COMMITTEE
Full Committee Markup
FY12 Homeland Security Appropriations Bill

Adopted
by voice
vote

Manager's Amendment

In the Bill:

Page 41, Line 14:

- Strike "the development of"

Page 41, Line 16:

- Strike "project" and replace with "program"

Page 44, Lines 23-24:

- Strike "the President's budget for fiscal year 2013 submitted" and insert "the Secretary of Homeland Security shall submit an expenditure plan detailed by office for the Federal Emergency Management Agency to the Committees on Appropriations of the Senate and the House of Representatives at the time that the President's budget is submitted each year"

Page 44, Line 25:

- Strike ", shall be"

Page 45, Lines 1-2:

- Strike "detailed by office for the Federal Emergency Management Agency"

Page 45, Line 19:

- Insert after "of": "the Homeland Security Act of 2002 ("
- Insert after "296": ")"

Page 45, Lines 19-24:

- Strike ", the Homeland Security Act of 2002; *Provided further*, That an expenditure plan shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives"

Page 48, Line 20:

- Insert after the second "for": "each"
- Strike "2013"

Page 48, Line 22:

- Insert after "Representatives": "at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code"

Page 48, Lines 22-23:

- Strike "with the submission of the fiscal year 2013 budget submission and annually thereafter"

Page 89, Line 9:

- Strike "deposits" and replace with "of the funds deposited"

Page 89, Line 10:

- Strike after "Account": "are" and replace with ", \$8,500,000 is"

Page 89, Line 13:

- Strike "not to exceed \$8,500,000"

In the report:

Page 34:

- Insert after the last sentence under the heading “Joint Field Command Structure”: “The Committee is also interested in the rationale for Border Patrol’s sector lines, particularly between Yuma and Tucson, and requests a briefing on this topic.”

Page 37:

- Strike the heading “Unaccompanied Children” and replace with “Preventing Child Trafficking”
- Insert after the last sentence under that heading: “Furthermore, the Committee directs CBP to comply with current law, including the William Wilberforce Trafficking Victims Protection Reauthorization Act. CBP should ensure that unaccompanied children are properly screened for sexual assault, trafficking, exploitation or other mistreatment. The Committee encourages CBP to work with local child welfare organizations or other appropriate organizations to assist in screening and to ensure appropriate training of CBP personnel.”

Page 39:

- Insert a new second paragraph under the heading “Criminal Prosecution and Recidivism”: “Since 2001, the U.S. government has utilized a number of tools to attempt to reduce the incidence of recidivism when it comes to illegal border crossing between the ports of entry. The Committee directs CBP and ICE to provide a briefing on all the tools that have been utilized, such as lateral repatriation, interior repatriation, criminal prosecution; their findings regarding the effectiveness of these measures in reducing recidivism; and their plans for expansion of any of these activities as result of their findings.”

Page 51:

- Insert new section after the section “Textile Transshipment Enforcement” as follows:
“Intellectual Property Rights Enforcement
The Committee believes that Intellectual Property Rights (IPR) enforcement is an important part of ICE’s investigative missions. ICE is directed to report to the Committee on the budget for the National IPR Coordination Center for fiscal year 2012, the number of Agents in the U.S. and abroad dedicated to IPR investigations, and the number of hours spent by Agents in fiscal year 2011 on IPR investigations.”

Page 54:

- Insert after the last sentence under the heading “Criminal Prosecutions and Cooperation with U.S. Attorneys”: “The Committee understands that Federally-developed, case-management tools have been used with great success to more efficiently manage the case load of immigration-related prosecutions along the Southwest Border. The Committee encourages the SAUSAs detailed from ICE and CBP, working with the USAOs, to look at these tools and consider adopting their use.”

Page 57:

- Insert in the second paragraph under the heading "Screening Operations", after "hiring." and before "For": "Should the ATR pilot efforts prove successful, the Committee expects TSA to advise on its plans to advance the AIT program in fiscal year 2012."

Page 58:

- Insert at the bottom of the page the following new paragraph:

Screening Partnership Program

The Committee is concerned that airports whose applications for participation in the Screening Partnership Program (SPP) have been denied did not receive adequate guidance on criteria for SPP participation, nor any feedback on why their applications were rejected. The Committee therefore recommends that TSA (1) provide airports that were denied participation in SPP, within 60 days of the date of enactment of this Act, the reasons such applications were rejected; (2) allow such airports the opportunity to re-apply to the SPP within one year of the date of enactment of this Act; (3) issue a decision on such re-applications within 90 days of their receipt; and (4) should such re-applications be denied, provide the applicants with a detailed explanation at the time a decision is issued.

Page 72:

- In the table, under the recommended amount for Depot Level Maintenance, strike the amount of "936,268,000" and replace with "936,768,000".

Page 79:

- In the table, under the budget estimate for military housing, strike "20,000" and replace with "20,000,000".

Page 94:

- Under the heading "Recommendation," strike "below" and insert "above."

Page 105:

- Insert after the last paragraph under "Recommendation": "The Committee is aware of the changes that DHS and FEMA have implemented in fiscal year 2011 with regards to the risk formulas for the State Homeland Security Program and Urban Area Security Initiative. The new formulas introduce new criteria that has significantly impacted risk scoring of numerous State and urban areas. The Department is encouraged to consider prior acts of terrorism such as the attack on the Alfred P. Murrah Building Federal Building and recent domestic plots and homegrown threats when refining the risk formulas. Further, the Committee directs the Department to brief the Committee on the method used to develop the current formula within 30 days of the date of enactment of this Act."

Lastly, The Committee directs the Administrator of the FEMA to publish on the Agency's website, on a biannual basis, a summary of the quarterly financial status reports that grantees are required to submit to the Agency. The summary shall, at a minimum, include for each grant the name of the grantee; a brief description of the project carried out with the grant; the percentage of such project that is completed; and other relevant information at the discretion of the Director."

Page 111:

- Insert and center on the line below the header “Disaster Relief”: “(Including Transfers of Funds)”

Page 120-121:

- Strike “re-requests information on the processes USCIS will follow to ensure participating agencies’ use of SAVE is consistent with the purposes for which the program is authorized.” and replace with “directs OIG to review the systems and processes the SAVE program has in place to monitor compliance by users with the program’s rules, what enforcement actions have been undertaken in cases where noncompliance has been determined, the processes USCIS and user agencies have in place to enable applicants for benefits to request correction of records where they believe they have been subject to an erroneous SAVE determination, and the average length of time taken to adjudicate such requests. The OIG report should be completed no later than 270 days after the date of enactment of this Act.”

Page 121

- Strike “While REAL ID re-mains controversial, the” and replace with “The”.
- Strike “Unfunded” and replace with “There are unfunded”.
- Strike “are considerable”.

Page 135:

- Insert and center on the line below the header “Title V – General Provisions – This Act”:
“Including Rescissions of Funds”

ADERHOLT AMENDMENT TO THE
FISCAL YEAR 2012 HOMELAND SECURITY APPROPRIATIONS BILL

Adopted
by
Voice
Vote

Page 91, after line 14, insert the following new title (and redesignate the last section of the bill accordingly):

Title VI

Emergency Supplemental Funding for Disaster Relief

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

Sec. 601. Effective on the date of the enactment of this Act, of the unobligated balances remaining available to the Department of Energy pursuant to section 129 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329), \$500,000,000 is rescinded and \$1,000,000,000 is hereby transferred to and merged with "Department of Homeland Security – Federal Emergency Management Agency – Disaster Relief": *Provided*, That the amount transferred by this section is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).