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Possible Amendments to the Homeland Security Appropriations Act, 2007, H.R. 5441

Part II

The following contains information on amendments not pre-printed that may be offered.

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Amendments Not Pre-printed in the Congressional Record

Hensarling (R-TX). The underlying bill requires the Office of the Federal Coordinator to submit to the House Committee on Appropriations, a report related to Gulf Coast rebuilding efforts. This amendment would strike the phrase “Committee on Appropriations” from this provision, thus requiring the report to be submitted to the entire House of Representatives, not just the Appropriations Committee. According to the sponsor’s office, this information should be made available to all Members of the House, not just those serving on the Appropriations Committee.

Culberson (R-TX)/Kingston (R-GA). Provides that none of the funds may be used to process immigration benefits petitions until October 1, 2007. The amendment stipulates that the prohibition of funds does *not* apply to petitions submitted before October 1, 2006, and it does *not* apply to performance of background checks for H-1B non-immigrant visas.

The sponsors list a number of alarming CIS activities that may be rectified by a halt to new petitions entering the pipeline including: a reliance on easily counterfeited documents, an assumption that no response from the FBI or CIA on a background check means a clear background, a failure to issue a Notice to Appear for a removal hearing if an applicant’s petition is denied (unless the denial is based on a national security issue), the possibility of issuance of asylee status to illegal aliens who provide stolen identity data, and CIS waiver of fingerprinting requirements.

Garrett (R-NJ). Reduces the formula for Homeland Security grants from a 0.75% minimum per state to a 0.25% minimum per state. According to the sponsor's office, "the President and Secretary [of DHS] have repeatedly requested that funds be disbursed based on risk and need. ... The current formula has led to wasteful spending by states with a low risk of terrorist attack."

Garrett (R-NJ). Transfers \$5,000,000 from formula-based grants to the discretionary grants for high-threat, high-density urban areas. According to the sponsor's office, "the Urban Area Security Initiative is a program that disburses funds solely on risk and need. This program provides resources for the most at-risk areas in the nation while the formula-based grants have led to wasteful spending by some low-risk communities."

Garrett (R-NJ). Provides that none of the FEMA funding may be used for adult entertainment, bail bonds, parking tickets, jewelry, or weapons. These are all items that were purchased by Katrina victims with the \$2,000 debit cards handed out by FEMA. To view an RSC document on FEMA, Katrina-related waste, please click here: <http://www.house.gov/pence/rsc/doc/KatrinaWaste06.doc>.

Garrett (R-NJ). Provides that none of the funds may be used for puppet or clown shows; gym or fitness equipment, training, memberships, or fees; or nutritional counseling. According to the sponsor, recent news articles have reported that some fire departments have used Homeland Security grants to purchase gym equipment and to pay for clown shows. For more information, please view this article: <http://www.washtimes.com/national/20060420-110852-8296r.htm>.

Crowley (D-NY). The amendment increases funding for discretionary grants to high-threat, high-density urban areas by \$88 million (from \$750 million to \$838 million). The amendment funds this increase by reducing the Chief Information Officer's budget for Department-wide technology investments by \$88 million (from \$364.765 million to \$276.765). According to the sponsor's office, the High Threat, High Density Urban Area Program is the only homeland security program specifically targeted towards those municipalities with the greatest threat and vulnerability for terror attacks.

60 Minutes aired a piece on how some localities were spending their homeland security grants. Tiptonville, Tenn., bought an all-terrain vehicle, a couple of defibrillators — one was used at high-school basketball games — and protective suits for the volunteer fire department. Newark, N.J., purchased air-conditioned garbage trucks and Columbus, Ohio, spent its terror money on bulletproof dog vests (Source: <http://www.jewishworldreview.com/0705/saunders072005.php3>)

DeFazio (D-OR). The amendment increases the bill's funding for the DHS Office of Inspector General (IG) by \$15 million (from \$96.2 million to \$111.2 million). The amendment is offset by reducing funding for the Office of the Undersecretary for Management by \$15 million (from \$159.5 million to \$144.5 million). According to the sponsor's office, this increase in IG funding is to ensure that the office can conduct oversight of all departmental activities as it continues oversight of the Hurricane Katrina recovery and response efforts.

Gordon (D-TN). Prohibits funds from being used in contravention of current law and an executive order setting energy efficiency standards in federal buildings. According to the sponsor's office the amendment's purpose "is to bring attention to the failure of the Federal government to meet its responsibilities to significantly reduce energy use in Federal buildings In recent years, goals have not been met and funds requested for energy conservation purposes have not kept up with the need, despite the fact that energy efficiency improvements generally save substantial amounts of money." To view Executive Order 13123, please click here: <http://www.ofee.gov/eo/eo13123.pdf>.

Jackson-Lee (D-TX). Prohibits funds from being used to close the FEMA field office in Houston, Texas. The sponsor has stated that "there is considerable concern in Houston that FEMA will do exactly that" but did not provide supporting documentation or statements from FEMA corroborating this statement.

Jackson-Lee (D-TX). Prohibits funds from being used by DHS to terminate financial assistance for FEMA housing (authorized under section 408 of the Stafford Act; 42 U.S.C. 5174) prior to December 31, 2006, to any Hurricane Katrina evacuee located in Harris County, Texas, who was previously determined eligible by FEMA.

According to the sponsor's office, FEMA previously stated that financial assistance will be terminated by June 30, 2006. FEMA has provided financial assistance for housing and other hurricane-related needs for over eight months thus far, since President Bush declared the hurricane-affected areas (covering three states) a disaster area on August 28, 2005.

Jackson-Lee (D-TX). Prohibits funds from being used by DHS before December 31, 2006, to pay the salary of any departmental employee to contest the legal class action suit *Watson et al v. FEMA* (No. H-06-1709, filed on May 19, 2006) filed on behalf of Hurricane Katrina evacuees in Harris County, Texas, against FEMA, seeking to stop FEMA from terminating financial assistance for housing (as authorized under the Stafford Act) to eligible evacuees.

According to the sponsor's office, FEMA previously stated that financial assistance will be terminated by June 30, 2006. FEMA has provided financial assistance for housing and other hurricane-related needs for over eight months thus far, since President Bush declared the hurricane-affected areas (covering three states) a disaster area on August 28, 2005.

Jackson-Lee (D-TX). Increases by \$3 million (from \$95.884 million to 92.884 million) the available funds for DHS executive management and operation functions; decreases by \$3 million from (\$2.524 billion to \$2.521 billion) the available funds for grants and contracts to state and local governments for terrorism prevention activities. The sponsor states that this amendment is intended to increase funding by \$3 million for Homeland Security Citizens Corps (www.citizencorps.gov).

Kingston (R-GA). Prohibits funds from being used to provide a foreign government information relating to the activities on Non-Integrated Surveillance Intelligence System (as defined by DHS OIG-06-15) operating along the international border between Mexico and the states of California, Texas, New Mexico, and Arizona, unless required by international treaty.

According to the sponsor's office, this amendment will prevent the U.S. Border Patrol from notifying the Mexican government (or any government) about the location of Minuteman Civil Defense Corps patrols and other civilian militia operating along the U.S. border.

Langevin (D-RI). Reduces Office of Secretary and Executive Management by \$3 million, reduces Office of the Undersecretary for Management by \$33 million, and increases by \$36 million, the Domestic Nuclear Detection Office (DNDO) at DHS (up from \$500 million in the underlying bill). According to the sponsor's office, the additional funding is to "increase the deployment of radiation portal monitors, handheld and mobile radiation detectors, and next generation advanced spectroscopic portals, which all provide a varying range of detection capability."

Markey (D-MA). Provides that none of the funds may be used to approve, implement, or approve a cargo screening program for passenger airlines that allows unscreened cargo on passenger planes. According to the sponsor's office, the amendment is being offered to highlight the fact that current cargo screening processes do not require every container to be screened and "scanning all cargo would not hurt the economy, and the Known Shipper program is flawed so as to threaten security." *According to the sponsor's office, the amendment may not be offered.*

Markey (D-MA). Provides that none of the funds may be used by DHS to determine the effectiveness of any security program at a foreign port if the program does not use radiation and density scanning for all cargo to be placed on a U.S. bound ship. *According to the sponsor's office, the amendment may not be offered.*

Markey (D-MA). Reduces by \$35 million, funds for DHS Undersecretary for Management office's MAX-HR personnel system, and increases by \$35 million, funds for Metropolitan Medical Response System (MMRS). According to the sponsor's office, MMRS, "helps first responders, medical personnel, emergency management workers, businesses and other stakeholders develop effective, integrated capabilities to minimize casualties in the event of a terrorist attack using a weapon of mass destruction, a natural disaster or public health emergency." The sponsor asserts that the \$35 million transfer from the Undersecretary to MMRS will appropriate funds up to the authorized level.

Miller (R-MI). Provides that none of the funds may be used by the Federal Emergency Management Agency to increase the base flood elevation in any community within St. Clair County, Sanilac County, Huron County, Macomb County, or Lapeer County, Michigan.

According to the sponsor's office, the amendment "does not prevent FEMA from continuing to modernize the flood maps. It only prevents the agency from unfairly forcing more people who do not face risk of floods to buy flood insurance. FEMA's proposal is based on a Great Lakes study conducted by the Army Corps of Engineers that is nearly 20 years old. Even the Corps of Engineers admits that the study is outdated and has recommended that a new study be completed. In 28 years, St. Clair County residents have paid 10 and a half million dollars in premiums but only received 2.3 million dollars in claims. The county received no claim payments whatsoever in 3 of the last 4 years. A new study is being done by the International Joint Commission, and FEMA should wait until completion of this new study to raise base flood elevations in the county."

Nadler (D-NY). Strikes the following section from the underlying bill:

"Provided that no funds provided in this Act shall be used to create a Sodium-Iodide Manufacturing Program until the Office demonstrates that Advanced Spectroscopic Portal monitors will significantly speed commerce, reduce the costs of secondary inspection, or significantly increase sensitivity over current generation Radiation Portal Monitors."

According to the sponsor's office, in an attempt to speed deployment of Advanced Spectroscopic Portal monitors (ASP), striking the text will eliminate Domestic Nuclear Detection Office (DNDO) testing to prove ASPs can "significantly speed commerce, reduce the costs of secondary inspection, or significantly increase sensitivity over current generation Radiation Portal Monitors." The sponsor asserts initial testing has already been done, showing ASPs can not only detect radiation coming from shipping containers, but can also determine exactly what is emitting the radiation. Additionally, striking the text will allow \$20 million to be spent on domestic production of sodium-iodide crystals used in ASP production. Only one foreign company currently produces the crystals.

Obey (R-WI). The sponsor's office did not provide text. However, according to the Appropriations Committee Democratic Staff, the amendment increases by \$3.5 billion, funding in the bill for border security, port security, first responders and preparedness programs. The amendment is offset by rolling back the Bush Tax Cuts on taxpayers with income above \$1 million in 2007. *This amendment is subject to a point of order.*

Ortiz (D-TX)/Reyes (D-TX). Increases by \$2.05 billion, funding available for Immigration and Customs Enforcement. According to the amendment, this additional funding is intended "to fund the detention bedspace, personnel and removal costs required to end the 'catch and release' policy, under which certain illegal immigrants who are arrested for violations are released pending their court proceedings." **Note: The amendment does not provide an offset for the additional funding. As such, this amendment should be subject to a point of order.**

Reyes (TX)/Ortiz (TX). Increases by \$1.95 billion, funding for Customs and Border Protection. The amendment designates \$1.7 billion for hiring 10,000 additional border

patrol agents and \$250 million for expanding the Border Patrol Training Academy to accommodate the training of the additional agents. **Note: The amendment does not provide an offset for the additional funding. As such, this amendment should be subject to a point of order.**

Sabo (D-MN)/Hoyer (D-MD)/Weldon (R-PA). Increases by \$111 million, funding for firefighter assistance grants (up from \$540 million in the underlying bill). Decreases by \$111 million, funding for Science and Technology research, development, acquisition and operations. According to the sponsor's office, this will fund firefighter assistance grants at \$2 million over FY06 enacted levels.

King (R-IA). Increases by \$5 million, funding for the Customs and Border Patrol, salaries and Expenses and decreases by \$5 million funding for the Immigration and Customs Enforcement Salaries and Expenses appropriation. According to the sponsor's office, this is in order to "transfer a specialized unit of Customs Patrol Officers known as the "Shadow Wolves" from Customs and Border Patrol into Immigrations and Customs Enforcement. The Shadow Wolves were recognized by Congress in 1972. They patrol the international land border within the Tohono O'odham Indian nation in the State of Arizona. The Shadow Wolves' officers are Native Americans who combine modern technology and traditional Native American tracking techniques. The intention of this amendment is also to support the idea of setting the pay scale of the Shadow Wolves at the same rate as Special Agents at ICE, who have similar work responsibilities and expertise."