



Legislative Bulletin.....June 5, 2013

Contents:

Amendments to H.R. 2217 (Part I) —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.
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.

- 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.

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.