



**Legislative Bulletin.....June 2, 2011**

**Contents:**

**Amendments to H.R. 2017 (PART II)**—FY 2012 Homeland Security Appropriations Act

The following Legislative Bulletin contains information on the amendments pre-printed in the Congressional Record on June 1, 2011, and other potential amendments not pre-printed that may be offered.

**Order of Business:** The amendments to H.R. 2017, the FY 2012 Homeland Security Appropriations Act, are scheduled to be continued to be debated on Thursday, June 2, 2011, under an open rule. Click [here](#) to review Part I of the summary of amendments distributed last night.

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**SUMMARY OF AMENDMENTS PREPRINTED IN THE  
CONGRESSIONAL RECORD & STILL ELIGIBLE FOR CONSIDERATION  
*June 1, 2011***

15. *Speier (D-CA)*. This amendment would prohibit funding from being used by the Department of Homeland Security to award follow-on contracts to any sole-source contract that was awarded noncompetitively on the basis of urgency unless the Department has developed a competitive acquisition strategy containing a plan to obtain competition following completion of the sole-source contract.
  
16. *Speier (D-CA)*. When developing processes to screen aviation passengers and crews for transportation for national security purposes, this amendment would require the Secretary of Homeland Security to ensure that the image retention capabilities of all deployed advance imaging technology utilized by the Transportation Security Administration, to screen passengers and crews at airport checkpoints in the United States, have been disabled.
  
17. *Speier (D-CA)*. This amendment would prohibit funding to be used for entering into a contact, memorandum of understanding, or cooperative agreement with, or to make a grant to any corporation that was convicted of a felony criminal violation under any federal or state law within the preceding 24 months.

18. **Speier (D-CA).** This amendment would prohibit funding to be used to award a noncompetitively bid contract to an Alaska Native Corporation, Indian Tribe, or Native Hawaiian Organization in an amount in excess of the competitive bidding threshold.
19. **Speier (D-CA).** This amendment would prohibit funding to be used by the Transportation Security Administration to purchase clothing that is not of 100% domestic in origin. Some Members may have concerns that this amendment will increase spending by the Transportation Security Administration for the purchase of clothing.
20. **Jackson-Lee (D-TX).** This amendment would prohibit funding to limit the discretion of the Secretary of Homeland Security to enhance the use of Federal Air Marshals on inbound international flights considered to be high risk by the Department of Homeland Security.
21. **Polis (D-CO).** The amendment prohibits funds from being used to detain any alien pending a decision on whether the alien is to be removed from the United States, or an alien ordered removed, if the alien has never been charged with a felony in the United States.
23. **Polis (D-CO).** The amendment prohibits funds from being used to carry out section 287(g) of the Immigration and Nationality Act.
24. **Barletta (R-PA).** The amendment prohibits the use of funds for U.S. Customs and Immigration Enforcement from being used for official reception and representation expenses until every deportable alien convicted of a crime in the United States has been removed from the United States.
27. **Cravaack (R-MN).** The amendment would prohibit the use of funds used in contravention of section 236(c) of the Immigration and Nationality Act. According to the bill's sponsor, this would prohibit the United States Immigration and Customs Enforcement (ICE) from using taxpayer dollars to process the release, or to administer alternatives to detain illegal immigrants who committed a crime which mandates their detainment under Section 236(c).” Section 236(c) requires the United States Government to detain illegal aliens who have committed a serious crime until that alien is deported to their home country. A Heritage Blog post with additional information can be viewed by [clicking here](#).
29. **Amash (R-MI)/(Chaffetz filed).** This amendment would prohibit funds from being used to operate or maintain existing advanced imaging technology machines as mandatory or primary screening devices
30. **Amash (R-MI)/(Chaffetz filed).** This amendment would prohibit funds from being used to purchase new advanced imaging technology machines (video imaging for TSA).
33. **King (R-IA).** This amendment would prohibit any of the funds from being used to delay compliance with title II of the REAL ID Act beyond the January 15, 2013, deadline.
34. **King (R-IA).** This amendment would prohibit any funds from this bill from being used to implement Public Law 111-148, Public Law 111-152, or any amendment made by either of such laws. The laws are related to the implementation of Obama Care.

- 35. King (R-IA).** The amendment prohibits funds from being used to comply with subchapter IV of chapter 31 of title 40, United States Code, more commonly referred to as Davis-Bacon prevailing wage requirements.
- 36. King (R-IA).** The amendment prohibits funds from being made available for the Association of Community Organizations for Reform Now (ACORN) or any of its successor organizations listed under the amendment.
- 39. Price (D-NC).** This amendment would provide that none of the funds appropriated in the bill be used to enforce several requirements for SAFER grants made to fire departments for the purpose of hiring additional firefighting staff. The amendment would remove the prohibition on rehiring laid-off firefighters, and certain budgetary requirements local fire departments have to fulfill in order to receive a grant: these include not allowing a fire department's overall budget to drop below a certain level, not reducing staff over a number of years, and providing local matching funds.
- 41. Sherman (D-CA).** The amendment prohibits funds from being used to introduce United States Armed Forces:
- “into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances,
  - “into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces, or
  - “in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation, for a period longer than 60 days from the date a report is required to be submitted under section 4 of the War Powers Resolution (50 U.S.C. 1543), unless Congress has declared war or has enacted a specific authorization for such use of the Armed Forces, has extended by law such 60-day period, or is physically unable to meet as a result of an armed attack upon the United States, as specified under section 5 of the War Powers Resolution (50 U.S.C. 1544).”

The amendment allows the President to extend the sixty day period, up to an additional thirty days, if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such Armed Forces in the course of bringing about a prompt removal of the Armed Forces

- 42. Cole (R-OK).** The amendment prohibits any funds under this act from being used to implement any rule, regulation, or executive order regarding the disclosure of political contributions.

This *U.S. Chamber of Commerce supports the Cole amendment* and will consider including votes on this amendment in their How They Voted scorecard.

- 45. McCollum (D-MN).** This amendment adds a new section to the bill which prevents any federal funds to be used to enter into a contract, memorandum of understanding, or cooperative agreement with or to make a grant to any corporation for which any unpaid Federal tax liability has been assessed; all judicial and administrative remedies have been

exhausted or have lapsed; and liability is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such liability.

- 46. McCollum (D-MN).** The amendment adds a new section to the bill prohibiting any funds from being used to enter into a contract, memorandum of understanding, or cooperative agreement with or to make a grant to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal or State law within the preceding 24 months.
- 47. Rokita (R-IN).** The amendment prohibits the use of funds to be used to implement the determination of the Administrator of the Transportation Security Administration regarding transportation security officers and collective bargaining as described in the decision memorandum dated February 4, 2011.
- 48. Rokita (R-IN).** The amendment prohibits the use of funds in the bill for being used for official receptions or representations.
- 49. Rokita (R-IN)/Jordan (R-OH).** The RSC amendment—offered by Representative Todd Rokita—would **reduce spending in the bill by \$2.5 billion**. This would be accomplished via a:
  - 0%** cut to U.S. Customs and Border Protection accounts ;
  - 0%** cut to U.S. Immigration and Customs Enforcement accounts; and
  - 10%** cut to everything else in the bill
- 50. Gosar (R-AZ).** This amendment would prohibit funding in the legislation to be used to pay any damage award or civil compensation to any person who has obtained a judgment against the United States for any act or omission by the Department of Homeland Security or the Department’s employees, if the claimant is not a citizen of the United States.
- 51. Gosar (R-AZ).** The amendment prohibits funds from being used to comply with subchapter IV of chapter 31 of title 40, United States Code, more commonly referred to as Davis-Bacon prevailing wage requirements.
- 52. Goodlatte (R-VA).** The amendment prohibits the use of funds from being used to prepare the allotment of diversity immigrant visas under section 203(c) of the Immigration and Nationality Act.
- 65. Scalise (R-LA).** The amendment prevents any of approximately \$184 million of funds made available for the section for Transportation Threat Assessment and Credentialing to be used to require an approved Transportation Worker Identification Credential (TWIC) applicant to personally appear at a designated enrollment center for the purpose of TWIC issuance.
- 67. Scalise (R-LA).** This amendment would provide that none of the funds made available in the bill be used to enforce Executive Order 13502 or its supporting regulations. [Executive Order 13502](#) mandates the use of project labor agreements on all large-scale construction projects. The amendment would eliminate that mandate on projects funded by the Department of Homeland Security. According to the bill’s sponsor, “the

amendment will eliminate inefficiencies in the federal contracting procurement process, increase competition, reduce costs, and create construction jobs.”

**69. Clarke (D-MI).** The amendment strikes language in the bill on page 47, line 14, that dedicates funds provided under section 2003 of the Homeland Security Act of 2002 to be only provided to the top 10 highest risk urban areas.

**71. Amash (R-MI).** The amendment prohibits funding to be used “for any action by a political appointee (as that term is defined in section 106 of title 49, United States Code) to vacate, reverse, or otherwise overrule any decision by an employee in the civil service of the executive branch implementing section 552 of title 5, United States Code, popularly known as the Freedom of Information Act.”

According to the bills sponsor, the amendment “prohibits DHS political appointees from improperly blocking the release of FOIA documents. My amendment allows DHS political appointees to continue to be aware of FOIA requests and documents proposed to be released, but it prevents the political appointees from interfering with the public’s legal right to know.”

**72. Scalise (R-LA).** This amendment adds a new section to the bill preventing any of the funds made available by this bill to require an approved Transportation Worker Identification Credential (TWIC) applicant to personally appear at a designated enrollment center for the purpose of TWIC issuance, renewal, or activation.

**73. Sherman (D-CA).** The amendment prohibits funds from being used in contravention of the War Powers Resolution.

**74. Lummis (R-WY).** This amendment would strike Section 547 from the underlying bill. Section 547 allows the Department of Homeland Security to transfer funds to the Department of the Interior to mitigate adverse environmental impacts, resulting directly from construction, operation, and maintenance activities by the Department of Homeland Security related to border security. This would include authorization for the Secretary of the Interior to acquire additional land to offset the impact of border security activities. The amendment’s sponsor shared, “Section 547, by authorizing border security dollars for environmental mitigation, condones the litany of unreasonable demands being placed on the Border Patrol by the Department of the Interior.”

**75. Altimire (D-PA).** The amendment prohibits the construction, modification, maintenance, or repair of vehicle or pedestrian fencing along the southern border unless all of the iron, steel, and manufactured goods used in the construction, modification, maintenance, or repair are produced in the United States.

**76. Gohmert (R-TX).** The amendment would prohibit the funds by DHS from being used for the construction, purchase, or lease of federal buildings or space in the District of Columbia; unless the contract was entered into before H.R. 2017 became law.

**SUMMARY OF AMENDMENTS NOT PRE-PRINTED IN THE JUNE 1, 2011,  
CONGRESSIONAL RECORD OR SCHEDULED FOR A VOTE**

**Carter (R-TX).** The amendment prohibits funds under the act to be used for the Climate Change Adaption Task Force of the Department of Homeland Security.

**Flake (R-AZ).** The amendment makes an across the board rescission for all accounts in the bill by 9.93%, which will save taxpayers more than \$4 billion, according to the bills sponsor.

**Holt (D-NJ).** According to the bills sponsor, the amendment will stop budget “cuts to the intercity passenger rail, freight rail, and transit security grant program by ensuring flat funding at its Fiscal Year 2011 funding level of \$250 million.”

**Sessions (R-TX).** This amendment strikes Section 514 of the bill. Section 514 prevents any of the appropriated funds to be used to approve a competition under the Office of Management and Budget (OMB) Circular A-76—stating that commercial activities should be subject to the forces of competition—for services provided as of June 1, 2004 by employees of United States Citizenship and Immigration Services of the Department of Homeland Security who are know as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants. The sponsor’s office states that OMB Circular A-76 ensures better results through healthy competition between the private and public sector and lower costs for the American taxpayer.