



U.S. Senate Committee on Appropriations

PRESS RELEASE

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Summary: Fiscal Year 2012 Homeland Security Appropriations *Subcommittee Mark*

Washington, DC - The U.S. Senate Appropriations Subcommittee on Homeland Security today approved Fiscal Year 2012 funding legislation that totals \$41 billion in discretionary budget authority, \$2.6 billion below the President's request, \$666 million (-1.6%) below FY 2011, and \$408 million above the House-passed bill. In addition, the bill includes \$258 million for Coast Guard overseas contingency operations and a \$4.2 billion increase above the request for the FEMA Disaster Relief Fund. Both amounts are available through separate adjustments pursuant to fiscal limitations in the Budget Control Act of 2011.

"It has been ten years since the attacks of 9/11 and six years since Hurricanes Katrina and Rita struck the Gulf Coast," said Sen. Landrieu, Chair of the Senate Homeland Security Appropriations Subcommittee. "These two particular anniversaries remind us of the dual missions of the Department of Homeland Security. This Department must be capable of preparing for, deterring, and responding to all disasters, whether they are caused by attacks by enemies or the unpredictable ways of nature, or in the case of Katrina, failure to maintain adequate infrastructure. I believe that the House bill that we amended today took a shortsighted approach to these challenging missions. It remains our responsibility to make the necessary investments to secure the homeland. The bill we marked up today is a fiscally-responsible, bipartisan proposal that puts us on a reasonable path forward to bolster future disaster preparedness and response."

Recent events have served to highlight the significant and evolving threats to America's homeland. The death of Osama bin Laden could inspire new attacks, including attacks by homegrown terrorists. The Fort Hood shooting was committed by a U.S. citizen. The New York City subway bombing plot was organized by a legal resident alien. The Times Square bombing attempt was carried out by a naturalized citizen. In addition, we continue to face threats from abroad as evidenced by the 2009 Christmas day bombing attempt and the October 2010 air cargo bombing attempt.

We face daily cyber attacks from individuals, sophisticated criminal organizations, and nation states that desire to do us harm. Violence in Mexico is at unprecedented levels and many are concerned that the violence may cross the border. In addition to these threats, the Department of

Homeland Security must also prepare for and respond to natural disasters. Since January 1, the President has issued disaster declarations in 47 states.

In addition, the Department must effectively carry out its many statutory responsibilities, including securing our borders, enforcing our immigration laws, facilitating trade, protecting our currency, securing cyber systems, combating drug trafficking, securing the aviation sector and other modes of transportation, and promoting the safety of life and property at sea.

Within the limited funding available, resources were allocated based on these evolving threats.

Bill Summary

United States Coast Guard

- The bill provides \$8.911 billion in discretionary spending, \$63 million above FY 2011 and \$271 million above the House bill.
- For operating expenses, the bill provides \$7.1 billion, \$184 million above FY 2011. This funding level supports over 42,000 military employees, 250 cutters, 1,800 boats, and 200 aircraft protecting over 95,000 miles of shoreline. The increase above FY 2011 will enable the Coast Guard to sustain frontline operations, meet mandatory requirements such as increases in military pay and health care, address a shortage of marine environmental response personnel, and improve the quality of life for military members and their families. The agreement also provides \$258 million to support overseas contingency efforts, including the support of six patrol boats, port security units, and other personnel deployed to the Persian Gulf.
- For acquisition, construction, and improvements, the bill provides \$1.4 billion, \$125 million below FY 2011 and \$240 million above the House bill. Projects funded by this amount include:
 - \$358 million for six Fast Response Cutters;
 - \$77 million for long lead time material for the sixth National Security Cutter (NSC);
 - \$25 million for development and design of the Offshore Patrol Cutter;
 - \$110 million for 40 Response Boat Mediums;
 - \$105 million for two Maritime Patrol Aircraft and associated spares;
 - \$37 million for two H-60 helicopters to replace assets that have crashed in recent years;
 - \$214 million for shore facility projects, infrastructure to support new assets, military housing, and aids to navigation.
- Congressional oversight requirements include:
 - 5-year Capital Investment Plan for major acquisitions;
 - Quarterly acquisition reports for major acquisitions;
 - Revised Fleet Mix Validation Study with review by GAO.

Transportation Security Administration (TSA)

- The bill provides \$7.9 billion, \$218 million above FY 2011 and \$83 million above the House. This amount is reduced by \$2.6 billion in offsetting collections and fees, including an additional \$280 million through a \$1.50 increase in the security user fee passengers pay as part of their ticket price.
- This level provides for critical expenditures, such as:
 - 275 additional Advanced Imaging Technology machines;
 - 175 new behavior detection officers;
 - 12 additional multi-modal Visible Intermodal Prevention and Response (VIPR) teams;
 - 25 additional explosives detection canine teams;
 - 53 new positions to strengthen international air cargo security.
- Congressional oversight and policy requirements include:
 - A report on TSA's strategy for achieving 100% screening of inbound international air cargo;
 - 5-year strategic investment plan for passenger screening technologies;
 - Expenditure plans for explosives detection systems, checkpoint support technologies, and air cargo security;
 - Direction for TSA to improve training and outreach for populations with special screening needs;
 - A mandate for TSA to comply with all privacy and civil liberties laws and regulations when developing screening procedures for passengers.

Federal Emergency Management Agency (FEMA)

- The bill provides \$6 billion for the Disaster Relief Fund, \$3.35 billion above FY 2011. Since January 1, the President has designated disasters in 47 States, including Hurricane Irene. There has been unprecedented flooding on the Mississippi River and other rivers in the Midwest, devastating tornados in the South, and wildfires in the South and West. According to the Commerce Department, there have been 10 natural disasters this year with over one billion dollars in damage, the most since at least 1980. The balance in the Disaster Relief Fund is below \$592 million.

The Committee is assessing the need for further appropriations as more detailed information becomes available on the damage Hurricane Irene and other recent disasters.

- The bill provides \$1.04 billion for FEMA Operating Expenses, \$31 million above the President's request and \$12 million above the House. Within the total, \$41.3 million is included for Urban Search and Rescue Teams, \$6 million above FY 2011. This bill rejects proposed cuts to FEMA's base for business and information technology systems which are critical to sustaining FEMA's reform after the Post-Katrina Emergency Management and Reform Act.

- The bill provides \$2.58 billion for state and local grants, \$557 million above the House level. The bill rejects the House proposal to eliminate the Urban Area Security Initiative, Port Security Grants, and Transit Security Grants and other programs and replace them with a block grant. Included in the total is:
 - State Homeland Security Grant Program - \$430 million. Within the total, Operation Stonegarden receives \$50 million;
 - Urban Area Security Initiative - \$400 million;
 - Emergency Operations Centers - \$15 million;
 - Port Security grants receive \$200 million;
 - Transit Security grants receive \$200 million;
 - No specific funding is provided for Citizens Corps, Driver's License Security, Buffer Zone Protection Program, Metropolitan Medical Response System and Interoperable Emergency Communications grants. Activities previously funded under these programs are eligible in the funded programs;
 - \$10 million to help state and local communities cover law enforcement and other costs associated with hosting National Special Security Events such as the Asia Pacific Economic Conference;
 - \$155.5 million for the National Domestic Preparedness Consortium, \$48.5 million above the House;
 - The bill provides \$750 million for fire equipment and firefighter hiring. Additionally, waivers of certain provisions of the SAFER program are included.
 - The bill provides \$350 million for Emergency Management Performance Grants, \$11 million above the FY 2011 level.

U.S. Customs and Border Protection (CBP)

- The bill provides \$11.660 billion, \$415 million above FY 2011. This level:
 - Funds 21,370 Border Patrol agents, sustaining the increased levels approved in the FY 2010 Supplemental and 21,186 CBP officers working at the ports of entry, including 312 new officers and additional canine teams, as requested;
 - Provides \$400 million for border fencing and technology, \$173 million below the FY 2011 level due to significant delays in deploying technology along the border and excessive unobligated balances;
 - Adds \$5 million for officer and agent integrity programs, including polygraph testing;
 - Adds \$5 million and directs CBP to work within existing laws to increase collection of antidumping and countervailing duties and implement aggressive options to level the trade playing field for U.S. companies;
 - Fully annualizes positions provided above the prior year requests in support of outbound inspections to interdict guns and bulk cash smuggled out of the U.S. used to support drug cartel violence in Mexico; and
 - Adds \$36 million for procurement, operations, and maintenance of critical air and marine assets used to defend our borders – including one additional multi-role enforcement aircraft and upgrading an additional Black Hawk helicopter.

U.S. Immigration and Customs Enforcement (ICE)

- The bill provides \$5.846 billion, \$34 million above FY 2011. This level:
 - Supports full funding of 33,400 detention beds;
 - Fully funds the request for the Secure Communities program and provides a total of \$2.724 billion for detention and removal operations;
 - Provides \$20 million for an initiative to address the visa overstay backlog and enhance critical domestic and international investigations enforcing our customs and immigration laws. It is estimated that more than 45 percent of the illegal aliens in the U.S. are people who overstayed legal visas by not leaving the country by the time they were required to do so;
 - Provides the funding to maintain current staffing levels for Special Agents and immigration officials, including the agents and officers previously hired in support of investigations on the Southwest border; and
 - Provides an additional \$8.8 million to expand the Visa Security Program to 4 additional overseas locations.

National Protection and Programs Directorate (NPPD)

- The bill provides a total of \$1.25 billion, \$37 million above FY 2011.
- The bill provides \$297.4 million for the US-VISIT program, \$36.5 million below FY 2011.
- The bill provides \$918 million for Infrastructure Protection and Information Security, \$80 million above FY 2011, including cyber security and critical infrastructure protection. This includes \$450 million for cyber security efforts, an increase of \$87 million above FY 2011.

Office of Health Affairs (OHA)

- The agreement provides \$159 million, \$20 million above FY 2011.
- Included in the total is \$115 million for the BioWatch program, an increase of \$14 million from FY 2011; and \$5.4 million for the Chemical Defense program, an increase of \$3 million.

Science and Technology

- The bill provides \$800 million, \$28 million below FY 2011 and \$261 million above the House bill. If enacted, the House funding level will effectively end DHS development of new technologies for DHS operations. The Senate bill will allow S&T to continue research in critical areas such as detection of a biological attack, IED detection, internet vulnerabilities, interoperability for First Responders, and research to counter violent extremism.

Domestic Nuclear Detection Office (DNDO)

- The bill provides \$268 million, \$74 million below FY 2011. The bill includes funding to maintain the Securing the Cities program at \$22 million and provides \$18 million for the procurement of radiation detection equipment for components such as CBP, Coast Guard, and TSA.

United States Citizenship and Immigration Services (USCIS)

- The bill provides \$121 million in direct appropriations, \$25.3 million below FY 2011. This level:
 - Fully funds the \$102.4 million request to maintain and improve the employment eligibility verification system known as E-Verify;
 - Provides \$8 million for grants supporting immigrant integration activities;
 - No appropriated funds are provided for processing of refugee and asylum applications; that continues to be a fee-funded activity.

United States Secret Service (USSS)

- The bill provides \$1.675 billion, \$160 million above FY 2011. This level:
 - Fully funds the request for the 2012 Presidential campaign and all scheduled National Special Security Events; and
 - Continues the ongoing, multi-year modernization effort for critical White House and other Secret Service information technology and communications systems, which is funded in a new account.

Federal Law Enforcement Training Center (FLETC)

- The bill provides \$272.4 million, \$1.6 million above FY 2011.

Departmental Management

- For DHS-wide management activities, the bill provides \$1.212 billion, \$75 million below FY 2011, and \$401 million above the House. The bill includes \$56 million to complete the first segment of the DHS Headquarters at the St. Elizabeths campus in Washington, DC (Coast Guard headquarters building). The House bill includes no funding for this project, which will delay completion of the Coast Guard headquarters building by at least one year.
- Other management accounts, such as the Office of the Secretary and Executive Management, Office of the Under Secretary for Management, Office of the Chief Information Officer, and Office of the Chief Financial Officer, are reduced below FY 2011 levels.
- The bill includes tough choices, reducing, reforming, or substantially cutting eight programs or offices (such as the Office of Risk Management and Analysis, the National Biosurveillance Integration Center, and the Office of Counternarcotics Enforcement, and Bus Security grants). Department-wide, there are over \$800 million of administrative

savings. The bill also includes \$93 million of rescissions from programs with excess unobligated balances.

Policy Matters

National Bio- and Agro-defense Facility (NBAF): The bill includes a provision prohibiting construction of the NBAF until the Department completes 50 percent of the NBAF design and submits a revised site specific risk assessment (SSRA), scheduled to be completed in January of 2012. Once the SSRA is completed, the National Academy of Sciences is directed to review the Department's findings and report to the Committees.

Spills of National Significance: Bill language is included allowing the Coast Guard to be reimbursed by the responsible party for response to future spills of national significance.

Jones Act: The bill also contains a provision prohibiting waiver of the Jones Act for transporting releases of oil from the Strategic Petroleum Reserve until the Secretary, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels. The Secretary must also notify the Congress within forty-eight hours of any request for waivers.

Recoupment: A provision is included that allows the FEMA Administrator to waive a debt owed to the US if the individual was given assistance because of an error on behalf of FEMA and the individual had no fault in receiving assistance. The Administrator is prohibited from waiving the debt if the debt involves fraud.