



U.S. Senate Committee on Appropriations

PRESS RELEASE

Summary: FY12 Homeland Security Appropriations

Conference Report

The Conference Report on H.R. 2055 includes the Department of Homeland Security (DHS) appropriations bill for Fiscal Year 2012 that totals \$39.858 billion in discretionary budget authority. For the DHS base budget, the agreement provides \$39.6 billion, \$2.9 billion below the President's comparable request and \$111 million below FY 2011. In addition, the bill includes \$258 million for Coast Guard overseas contingency operations. The House and Senate are expected to take up separate legislation providing an additional \$6.4 billion 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.”

Recent events 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. 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 48 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 agreement provides \$8.892 billion in discretionary spending, \$45 million above FY 2011.
- For operating expenses, the agreement provides \$7.051 billion, \$157 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, address critical maintenance needs, and improve the quality of life for military members and their families. The agreement also provides \$258 million to support overseas contingency operations, including the support of six patrol boats, port security units, and other personnel deployed to the Persian Gulf.
- In response to the Gulf Coast oil spill, the agreement provides \$15.2 million to enhance oil spill response capabilities, including 87 new positions.
- For acquisition, construction, and improvements, the agreement provides \$1.404 billion. 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;
 - \$129.5 million for two Maritime Patrol Aircraft, mission pallets, and spares;
 - \$18.3 million to replace a helicopter that crashed in 2010;
 - \$200.7 million for shore facility projects, infrastructure to support new assets, military housing, and aids to navigation; and
 - \$63.5 million for a new C-130J aircraft, by transfer from the Department of Defense.
- Congressional oversight requirements include:
 - 5-year Capital Investment Plan for major acquisitions;
 - A revised Fleet Mix Validation Study with review by GAO.

Transportation Security Administration (TSA)

- The agreement provides \$7.841 billion, \$153 million above FY 2011. This amount is reduced by \$2.3 billion in offsetting collections and fees.

- This level provides for critical expenditures, such as:
 - 250 additional Advanced Imaging Technology machines;
 - 145 new behavior detection officers;
 - 12 additional multi-modal Visible Intermodal Prevention and Response (VIPR) teams;
 - 20 additional explosives detection canine teams; and
 - 53 new positions to strengthen international air cargo security.
- Congressional oversight and policy requirements include:
 - A report on the strategy for achieving 100% screening of inbound international air cargo;
 - A 5-year strategic investment plan for passenger screening technologies;
 - Expenditure plans for checked baggage equipment, checkpoint security 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; and
 - A review of TSA's passenger complaint process.

Federal Emergency Management Agency (FEMA)

- The agreement provides \$700 million for the Disaster Relief Fund. In addition, the House and Senate are expected to approve a separate disaster supplemental of \$6.4 billion, to be designated as disaster relief, pursuant to the fiscal limitations contained in the Budget Control Act. The total of \$7.1 billion is the current FEMA estimate of requirements for FY 2012. This year, there has been unprecedented flooding on the Mississippi River and other rivers in the Midwest, devastating tornados in the South, Hurricane Irene along the east coast, and wildfires in the South and West. According to the Commerce Department, there have been 12 natural disasters this year with over one billion dollars in damage, the most since at least 1980.
- The agreement provides \$1.031 billion for FEMA Salaries and Expenses. Within the total, \$41.3 million is included for Urban Search and Rescue Teams, \$6 million above FY 2011, for an additional team or for updating needed chemical, biological, radiological, nuclear and explosive equipment. This agreement also rejects proposed cuts to FEMA's base for business systems and includes funding to modernize information technology systems, which are critical to sustaining FEMA's reform after the Post-Katrina Emergency Management and Reform Act. Finally, \$500,000 is included within the total to automate a system to reconnect children after they are separated from their families during a disaster.

- The agreement provides \$2.37 billion for state and local grant programs. Included in the total is:
 - \$675 million for firefighter grants, including \$337.5 million each for the fire equipment grant program and the firefighter hiring grant programs. Additionally, waivers of certain provisions of the firefighter hiring program are included for FY 2011 and FY 2012;
 - \$350 million for Emergency Management Performance Grants; and
 - \$1.35 billion to be distributed by the Secretary based on threat, vulnerability, and consequence among the homeland security grant programs funded in previous years. No less than \$100 million is for areas at the highest risk of a terrorist attack, \$50 million is for Operation Stonegarden, and \$155.5 million is for the National Domestic Preparedness Consortium.

- The agreement provides funding for the following programs:
 - \$44 million for the United States Fire Administration;
 - \$97.7 million for Flood Mapping and Risk Analysis;
 - \$35.5 million for Pre-Disaster Mitigation grants;
 - \$120 million for the Emergency Food and Shelter Program; and
 - \$7.5 million to reimburse State and local governments for prevention and preparedness costs related to National Special Security Events.

U.S. Customs and Border Protection (CBP)

- The agreement provides \$11.651 billion, \$362 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 \$33.4 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 agreement provides \$5.862 billion, \$50 million above FY 2011. This level:
 - Adds \$5 million for the Secure Communities program (for a total of \$189 million) and provides a total of \$2.750 billion for detention and removal operations;
 - Provides a total of \$12 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 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 \$4.4 million to expand the Visa Security Program to 2 additional overseas locations.

National Protection and Programs Directorate (NPPD)

- The agreement provides a total of \$1.246 billion, \$29.5 million above FY 2011.
- The agreement provides \$306.8 million for the US-VISIT program, \$27 million below FY 2011.
- The agreement provides \$888 million for Infrastructure Protection and Information Security, \$49.5 million above the FY 2011 level. This includes \$443 million for cybersecurity efforts, an increase of \$80 million above FY 2011, of which \$22.8 million is for cybersecurity education and awareness. The increase will continue efforts to combat the cyber threat by reducing points of access to Federal computer networks, enhancing intrusion detection through Einstein, and building a cybersecurity workforce through education and training.

Office of Health Affairs (OHA)

- The agreement provides \$167.5 million, \$28 million above FY 2011. Included in the total is \$114 million for the next generation of the BioWatch program, an increase of \$13 million from FY 2011; and \$5.4 million for the Chemical Defense program, an increase of \$3 million to complete additional demonstration pilots, such as in areas at high risk of a chemical attack.

Science and Technology

- The agreement provides \$668 million. This level will allow Science and Technology 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 agreement provides \$290 million, \$52 million below FY 2011. The bill includes funding to maintain the Securing the Cities program and the acquisition of radiation detection equipment for components such as CBP, Coast Guard, and TSA.

United States Citizenship and Immigration Services (USCIS)

- The agreement provides \$102.4 million in direct appropriations, \$44 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; and
 - Directs \$10 million in fee funds for grants supporting immigrant integration activities.

United States Secret Service (USSS)

- The agreement provides \$1.667 billion, \$151 million above FY 2011. This level:
 - Fully funds the \$113 million request for the 2012 Presidential campaign and \$19.3 million for 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 \$271.4 million, \$1 million above FY 2011.

Departmental Management

- For DHS-wide management activities, the agreement provides \$1.188 billion, \$99 million below FY 2011. The agreement includes funding for consolidation of the DHS headquarters at St. Elizabeths; procurement oversight; hiring initiatives; security of personnel, property, and information; information technology; the DHS operations center; and intelligence activities.
- The Office of Inspector General receives \$141 million (including \$24 million by transfer), \$11 million above FY 2011.
- The agreement includes \$70 million for Data Center Migration. The Department is consolidating systems from 43 different centers into two secure locations. DHS estimates that the annual cost avoidance from data center migration could reach as high as \$200 million per year.

Policy Matters

- The Omnibus does not include objectionable House riders that would have prohibited Transportation Security Administration (TSA) employees from collective bargaining, limited DHS discretion in enforcing immigration laws, prohibited DHS involvement with the Climate Change Adaptation Task Force, and required TSA to transition toward a private sector work force.
- *National Bio- and Agro-defense Facility (NBAF)*: The agreement 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, including a review by the National Academy of Sciences.
- *Spills of National Significance*: A Senate provision is included allowing the Coast Guard to receive reimbursement from the responsible party for response to future spills of national significance.
- *Jones Act*: The agreement also contains a Senate 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.
- *Chemical Security Standards*: A provision is included extending the authorities of the Chemical Facility Anti-Terrorism Standards (CFATS) program for one year.
- *National Flood Insurance Program*: A provision is included extending the authorities of the National Flood Insurance Program through May 31, 2012, unless extension of the authorities is enacted into law earlier.
- *Recoupment*: A Senate provision is included that allows the FEMA Administrator to waive a debt owed to the U.S. if the individual earns less than \$90,000 and 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.
- *Small Business Administration (SBA) duplication of benefits and other disaster items*: A Senate provision is included that gives States the flexibility to use FEMA hazard mitigation grant funding to reimburse homeowners for elevation work originally completed with a SBA loan. This provision provides equity of benefits among disaster survivors. Additionally, FEMA is urged to reimburse verifiable costs incurred for mitigation work performed by homeowners, even if it exceeds Unit Cost Guidance, for times when the Guidance was not available. FEMA is also required to issue guidance to States related to retrofitting facilities for sheltering.

Program Terminations/Rescissions/Reduction in Administrative Costs

- The agreement provides for the orderly termination of the Office of Counternarcotics Enforcement and the Office of Risk Management and Analysis. These programs are either redundant or poorly executed. The agreement provides authority to transfer policy oversight for these missions to the DHS Office of Policy, but the separate offices and programs are eliminated.
- The agreement includes \$204 million of rescissions of low priority programs.
- The agreement reduces funding in administrative accounts by over \$800 million.
- The agreement reduces Departmental headquarters accounts by \$99 million (-8%).

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