



COMMITTEE ON APPROPRIATIONS

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SUMMARY: 2009 HOMELAND SECURITY APPROPRIATIONS FULL COMMITTEE MARKUP

The Homeland Security Appropriations bill addresses our nation's more pressing security needs, including implementation of the 9/11 Act and our need to prepare for disasters of every kind.

In 2007, this Congress provided \$4.2 billion in investments not requested by the President for efforts to keep our citizens safe, including \$2.7 billion for border security and efforts to begin implementing the recommendations of the 9/11 commission.

The bill builds on that work. It starts off rejecting the President's proposal to cut \$2 billion from the homeland security grant programs that keep Americans safe, including assistance for State and local law enforcement and other emergency responders to prevent, prepare for, and respond to natural disasters, terrorist attacks, and other emergencies.

The bill cuts funding for low priority or poorly managed programs in order to increase investments in high priority areas including the security of our ports and our rail and transit systems. Critical investments are made in border and immigration security, providing for record numbers of border patrol agents (20,019 in total), and Customs officers and agricultural specialists (24,045 in total). Finally, the bill works to see that taxpayer dollars are well spent with new requirements for contracting, procurement, and program oversight.

Bill Total

2008 Enacted:	\$37.67 billion – Base Bill, including Emergency Border Funds
President's Request:	\$37.62 billion – Base Bill/ \$2.18 billion – BioShield advance
House Subcommittee:	\$39.9 billion – Base Bill/ \$2.18 billion – BioShield advance

KEY INVESTMENTS

First Responder and Port Security Grant Programs: \$3.7 billion, \$1.8 billion above the President's request and roughly equal to 2008. These grants were funded at \$4.8 billion in 2004, but the President's succeeded in cutting them from 2005-2007, even after the 9/11 Commission Report recommended they be increased and local communities continued to see security costs rise. This total includes:

- **State Grants:** \$950 million, rejecting the President's \$750 million cut and the same as 2008, for grants used to plan, equip and train local first responders to respond to terrorist attacks and catastrophic incidents.
- **Urban Area Grants:** \$850 million, \$30 million above 2008 and \$25 million above the President's request, to help high-risk urban communities prevent, respond to, and recover from terrorist attacks.
- **Transit Grants:** \$400 million, rejecting the President's \$225 million cut and the same as 2008, to protect critical transit infrastructure, including freight rail, Amtrak and ferry systems in high-threat areas.
- **Emergency Management Performance Grants:** \$315 million, rejecting the President's \$100 million cut and \$15 million above 2008, for all-hazard grants for State and local emergency managers.
- **Fire Grants (including SAFER):** \$800 million, rejecting the President's \$450 million cut and \$50 million above 2008, and to help local fire departments address communication, equipment and staffing problems.
- **Metropolitan Medical Response System:** \$50 million, rejecting the President's proposal to eliminate aid to help high-threat communities respond to mass casualty incidents and \$9 million above 2008.

- **Interoperable Communications:** \$50 million, rejecting the President's proposal to eliminate aid to help police, firefighters and emergency responders to talk to each other during a crisis and the same as 2008.
- **Emergency Operation Center:** \$35 million, rejecting the President's proposal to eliminate assistance for states and local communities to construct, equip, and upgrade central command facilities used by emergency personnel during disasters and \$20 million above 2008.

Customs and Border Protection: \$9.7 billion, \$207 million above the President's request.

- **4,185 New Staff:** including 2,200 border patrol agents, 1,373 CBP Officers and Specialists (834 more than requested), and 612 technical and support staff for border security activities.
- **Law Enforcement Status for Customs Officers:** \$217 million to continue providing Customs Officers with law enforcement status to improve DHS's ability to recruit and retain officers.
- **Border Security Fencing, Infrastructure, and Technology:** \$775 million, as requested by the President, including \$30 million to address problems with communications interoperability at the border.

Operation Stonegarden: \$60 million, rejecting the President's proposal to eliminate this program to assist border communities with law enforcement costs and the same as 2008.

US-VISIT: \$390 million, matching the President's request for tracking foreign visitors to the U.S. DHS is required to complete two pilot programs before proceeding with its airport exit plan.

Immigration and Customs Enforcement: \$4.8 billion, \$78 million above 2008 and \$65 million above the President's request, including:

- **Prioritizing Criminal Aliens:** \$800 million to identify dangerous criminal aliens and prioritize these individuals for removal once an immigration judge orders them deported. ICE is also required to prioritize requests from correctional facilities for delegation of immigration enforcement authority.
- **Reviewing Medical Care:** \$2 million for independent medical experts to review detainee medical care. Recent IG, GAO and media reports have highlighted cases of inadequate and questionable medical care.
- **Meeting Detention Standards:** Requires ICE to cancel contracts with detention facilities that fail to meet ICE standards.
- **Alternatives to Detention:** \$63 million, \$9.1 million above 2008 and \$7.2 above the President's request. DHS is required to submit a plan for expanding the program nationwide.

Maritime Security, Safety and Environmental Protection

- **Port Security Grants:** \$400 million, rejecting the President's \$190 million cut and the same as 2008, for grants to protect critical port facilities and infrastructure, meeting the Safe Ports Act authorized level.
- **Coast Guard:** \$9.2 billion, \$135 million above the President's request and \$575 million above 2008. This includes an additional \$29 million for additional watchstanders, marine inspection staff and environmental response; an additional \$20 million to address aviation hour and maintenance backlogs; and \$97 million to start work on the new Coast Guard headquarters at St. Elizabeth's.

9/11 Act Container and Aviation Security Mandates:

- **Transportation Security Administration (TSA):** \$4.6 billion, \$288 million above the President's request and \$88 million above 2008. Of this amount, \$1.1 billion, \$277 million above the President's request, is to implement 9/11 Act requirements, including: \$544 million to increase the purchase of explosive detection systems for baggage; \$110 million for air cargo security; \$400 million for specialized screening programs; and \$52 million for response teams, inspectors, regulations, and new activities.
- **Container Security:** \$382 million at Customs and Border Protection, including Secure Freight Initiative pilots and overseas programs, and \$544 million for Domestic Nuclear Detection efforts.

REAL ID Grants and Hub Development: \$100 million, \$50 million above 2008, to help states to comply with REAL ID, which requires state licenses to meet new standards in order to be used for federal identification purposes. This includes \$50 million, requested by the President, for DHS to develop a data "hub" that links state DMVs to other record-keeping agencies to allow State governments to verify applicants' identity documents when they apply for new drivers licenses. DHS is prohibited from keeping records of this information and Federal agencies are prohibited from accessing it.

Emergency Food and Shelter: \$200 million, double the President's request and \$47 million above 2008, to provide emergency food and housing for those hit hardest by rising food prices and the economic downturn.

Cyber Security: \$299 million, \$5 million above the President's request, to protect Federal computer networks against cyber attacks.

FEMA Management: \$912 million, \$188 million above 2008, to beef up the number of staff available to respond to disasters. This is \$4.7 million below the President's request due to slower than anticipated hiring.

Disaster Relief Fund: \$1.9 billion, matching the President's request and \$500 million above 2008, for assistance to state and local governments and individuals following a declared disaster or emergency. This includes \$15 million to continue the IG's audit of FEMA disaster programs, including in the Gulf Coast.

Disaster Loans: \$100 million in loans to eligible local governments in disaster areas in the Midwest that have suffered a loss of tax or other revenue due to recent disasters.

Flood Map Modernization: \$220 million, \$70 million above the President's request, to continue to update and digitize flood maps used to determine rates for the National Flood Insurance Program

Science and Technology: \$887 million, \$18 million above the President's request, for research on improvised explosive devices as well as cyber security.

SIGNIFICANT CUTS

Deepwater: \$56.7 million below the request, for Coast Guard's troubled Deepwater acquisition program. Due to procurement problems and delays, \$500 million is withheld pending submission of a detailed management and expenditure plan.

DHS Departmental Operations: \$24 million below the request, due to staffing vacancies.

Secret Service: \$43.5 million below the request, rejecting the administration's proposal to require the Service to assume mail screening duties and reflecting the reduction in the number of protectees.

Eliminating Duplicative Programs: \$98 million saved by eliminating funding for Buffer Zone Protection grants, Demonstration Training grants, and the Commercial Equipment Direct Assistance Program.

OTHER IMPORTANT POLICY ITEMS

Davis-Bacon: Mandates that all grant and contract funds can only be used for projects that comply with the Davis-Bacon mandate that federal contractors pay workers no less than the local prevailing wage.

Oversight: Requires DHS submit plans on how it will implement: Deepwater; the Security Border Initiative; National Cyber Security; National Command and Coordination Capability; and Next Generation Networks.

Federal Protective Service: Requires at least 900 staff protect Federal buildings and requires GAO to review FPS needs after GAO found staff cuts left federal buildings vulnerable to crimes and terrorist attacks.

Principal Federal Official (PFO) Positions: Limits the appointment of PFOs during declared disasters or emergencies to eliminate confusion that can occur when these positions overlap with FEMA's responsibilities.

DHS Personnel System: Prohibits DHS from implementing a new personnel system.

National Applications Office: Prohibits DHS from using Department of Defense satellites for Federal law enforcement purposes until DHS submits and GAO reviews an explanation of its legality.