



APPROPRIATIONS ALERT

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HOMELAND SECURITY APPROPRIATIONS – CONFERENCE REPORT SPENDING TO INCREASE BY 1.5 PERCENT H.R. 2892

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OVERVIEW

The conference report on fiscal year 2010 Homeland Security appropriations increases discretionary budget authority [BA] by \$612 million, or 1.5 percent, above the 2009 enacted level. This figure does not, however, reflect the \$2.8 billion this subcommittee received from the “stimulus” bill earlier this year. In addition, the bill contains two violations of the Congressional Budget Act, described below; but the points of order that would lie against the measure will likely be waived by the rule governing floor consideration.

As reported from the conference committee, the bill, H.R. 2892, provides \$42.8 billion in net new BA for fiscal year 2010, and \$46.6 billion in outlays. It also provides \$1.4 billion in mandatory BA for Coast Guard retirement pay. The conference report provides funding for the major agencies in the Department of Homeland Security, including Customs and Border Protection; the Transportation Security Administration; the Coast Guard; the Federal Emergency Management Administration; and the Secret Service.

BUDGET RESOLUTION COMPLIANCE

Discretionary BA in the bill exceeds, by \$392 million, the Homeland Security subcommittee’s 302(b) allocation, as provided in the most recently filed set of House suballocations (H. Rept. 111-238, 30 July 2009). The conference report therefore does not technically comply with section 302(f) of the Budget Act, which prohibits consideration of appropriations measures that exceed the appropriate subcommittee’s 302(b) allocation.

In addition, H.R. 2892 includes an adjustment of \$242 billion in BA and \$194 million in outlays for certain Coast Guard operations. This funding is designated as being for overseas deployments, pursuant to sections 401(c)(4) and 423(a)(1) of S.Con.Res. 13, the fiscal year 2010 budget resolution. Because use of the designation is within the jurisdiction of the Budget Committee, a section 306 Budget Act point of order would lie against the conference report.

As noted above, however, these Budget Act violations are typically waived by the rule.

The bill contains no other new emergency spending, advance appropriations, or other cap adjustments.

Authorized by Paul D. Ryan, Ranking Republican

KEY POINTS

Highlights of the bill include the following:

- **U.S. Customs and Border Protection.** The conference report contains \$10.1 billion for Customs and Border Protection, an increase of \$307 million over the fiscal year 2009 enacted level.
- **Immigration and Customs Enforcement.** H.R. 2892 provides \$5.4 billion for Immigration and Customs Enforcement programs and activities, \$448 million above the 2009 enacted level.
- **Transportation Security Administration [TSA].** The legislation includes \$5.3 billion for the TSA, an increase of \$918 million over the 2009 nonemergency level. These funds will be used for various TSA activities, including surface transportation security, screening of personnel, airport explosive detection systems, and air cargo security.