



Legislative Bulletin.....June 1, 2011

H.R. 2017 — FY 2012 Homeland Security Appropriations Act

BY THE NUMBERS:

In Millions of Dollars

	FY11	FY12 Request	FY12 Committee	Cmte v. Request	Cmte v. FY11
Appropriations	41,661	43,618	40,625	-2,993	-1,036
<i>Emergency Approps</i>	254	258	258	0	4
TOTAL	41,915	43,876	40,883	-2,993	-1,032

Excluding Emergency Appropriations, the Committee Bill is:

- **\$2.993 billion or 6.9% less than the request**
- **\$1.032 billion or 2.5% less than last year**

Spending Discussion: The bill provides \$1.036 billion (2.5%) *less* than FY 2011 for Homeland Security Appropriations. Earlier this month, the House Appropriations Committee approved the 302(b) allocations for the twelve appropriations bills. Under this spending plan, total spending will amount to \$1.019 trillion—a reduction of \$30.4 billion or 2.9% compared to last year. The RSC budget resolution (see [here](#) for more information), would lead to a spending total of \$978 billion.

Order of Business: H.R. 2017 is scheduled to be considered under an open rule that provides one hour of general debate equally divided and controlled by the chair and ranking member of the Committee on Appropriations.

Earmarks:

According to the Committee Report, “Neither the bill nor the report contains any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

Items of Note:

Office of the Secretary: \$126.7 million—\$10.1 million or 8.0% below last year, and \$15.8 million or 12.5% below the President’s request.

Border Security Fencing, Infrastructure, and Technology (BSFIT): \$500 million—\$74 million or 12.9% less than last year, and \$28 million or 5.3% less than the request.

Transportation Security Administration (TSA): \$7.8 billion—\$292 million or 3.7% less than the request, and \$125 million or 1.6% more than last year.

FEMA: \$5.4 billion—\$1.9 billion or 26.4% less than last year, and \$1.4 billion or 21.0% less than the request.

Guantanamo Bay: Prohibits funds from being used to “transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions, including detaining, accepting custody of, or extending immigration benefits to, Khalid Sheikh Mohammed or any other detainee who--

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.”

Outsourcing/A-76 Activities: Prohibits funds from being used under OMB Circular A-76 (governing the federal government’s outsourcing policies for non-governmental functions) to implement any pending or future competitive sourcing for work performed by employees of the United States Citizenship and Immigration Services of the Department of Homeland Security. This includes non-governmental functions of the agency (like food service and lawn-mowing).

Buy America Act: Prohibits funding in the bill from being used in contravention of the Buy America Act.

Butane Lighters: Requires the Assistant Secretary of Homeland Security to reverse a “determination that butane lighters are not a significant threat to civil aviation security” in order to receive certain funding in the bill.

Horse Slaughter Provision: Prohibits funds from being used to “destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.”

Emergency Supplemental Funding Disaster Relief: The legislation provides \$1 billion in funding for FEMA’s disaster relief fund, and uses a reduction to funding for the Technology Vehicles Manufacturing Loan Program as an offset.

Air Marshals: \$961 million—an increase of \$41 million or 4.4% compared to last year. The air marshals program deploys federal agents to U.S. flights for the purpose of preventing terrorist attacks. In 2010, [CNN](#) reported that: “Air marshals describe an agency in chaos, where bored and frustrated marshals focus more on internal squabbles than watching for bad guys. In 2009, the agency made 4 arrests at a cost of \$200 million per arrest.”

Firefighter Assistance Grants: The legislation provides \$350 million for this purpose—\$460 million or 56.7% less than last year, and \$320 million or 47.8% less than the request.

Funding Summaries:

In Thousands

	FY12 Request	FY12 Cmte	Cmte vs Request	% vs. Request
Departmental Operations	1,446,917	1,142,168	-304,749	-21.0%
Inspector General	144,318	124,000	-20,318	-13.9%
U.S. Customs and Border Protection	11,839,781	11,751,040	-88,741	-0.8%
Immigration and Customs Enforcement	5,510,707	5,546,334	35,627	0.6%
Transportation Security Administration	8,115,259	7,822,743	-292,516	-3.6%
U.S. Coast Guard	8,676,556	8,639,360	-37,196	-0.4%
U.S. Secret Service	1,698,531	1,673,231	-25,300	-1.5%
Office of Health Affairs	160,949	165,949	5,000	3.1%
National Protection and Programs Directorate	1,268,270	1,231,156	-37,114	-2.9%
Total, FEMA	6,789,348	5,361,948	-1,427,400	-21.0%
Citizenship and Immigration Services	2,906,866	2,876,750	-30,116	-1.0%
Federal Law Enforcement Training Center	276,413	274,413	-2,000	-0.7%
Science and Technology	1,176,432	538,778	-637,654	-54.2%
Domestic Nuclear Detection Office	331,738	337,194	5,456	1.6%

Committee Action: H.R. 2017 was reported out of the House Appropriations Committee as an original measure on May 31, 2011.

Cost to Taxpayers: The bill appropriates a total of \$40.6 billion (non-emergency). This is a \$1.0 billion cut versus last year, and a \$3 billion cut compared to the President’s request.

Does the Bill Expand the Size and Scope of the Federal Government?: No, as noted above, the bill spends less than the current fiscal year.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score is available listing any possible mandates.

Constitutional Authority: The committee report cites:

“The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . .” In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: “The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general welfare of the United States . . .” Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability and to set forth terms and conditions governing their use.”

RSC Staff Contact: Brad Watson, brad.watson@mail.house.gov, (202) 226-9719