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BILL TEXT AND BACKGROUND FOR THE WEEK OF JUNE 15, 2009

- Conference Report on H.R. 2346 – Supplemental Appropriations Act, 2009
- H.R. 2847 – Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010
- H.R. ___ – Homeland Security Appropriations Act, 2010 (Rep. Price (NC) – Appropriations)

[CONFERENCE REPORT ON H.R. 2346 – SUPPLEMENTAL APPROPRIATIONS ACT, 2009](#) (*Rep. Obey – Appropriations*)

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: Monday, June 15, 2009 at 5:00p.m. in H-313 the Capitol, [Special Announcement](#), [Meeting Time: 5:00pm Monday 6/15](#), [Text of the Conference Report and Joint Explanatory Statement](#)

Committee: [Committee on Appropriations](#)
Committee Staff Contact: 5-2771

BILL SUMMARY & KEY ISSUES:

CONFERENCE REPORT ON 2009 SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, PAKISTAN & PANDEMIC FLU

Department of Defense and Intelligence Activities in Iraq and Afghanistan: \$79.9 billion

Ongoing Military Operations

- \$51.3 billion, \$700 million above the request, for operations and maintenance, and military personnel requirements for ongoing military operations in Iraq and Afghanistan, and to support preparation to begin withdrawal from Iraq, consistent with President Obama's plans.
- \$2.8 billion, not requested, to cover identified shortfalls in military personnel accounts.
- \$1.8 billion, \$240 million above the request, for defense health and programs to support military families, including: an additional \$94 million for family advocacy programs, \$51 million for orthopedic research, \$75 million for Traumatic Brain Injury and Psychological Health Research, and \$20 million for rehabilitation equipment for wounded warriors.
- \$453 million, matching the request, for the Commanders' Emergency Response Program to enable U.S. military commanders to respond to urgent, humanitarian relief and reconstruction needs in their areas of responsibility.

Support for Coalition Partners

- \$3.6 billion, matching the request, to expand and improve capabilities of the Afghan security forces.
- \$1 billion, \$50 million below the request, to support Coalition partners who have provided assistance to U.S. military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom.
- \$400 million, as requested, to build the counterinsurgency capabilities of the Pakistani security forces.

Equipment and Force Structure

- \$25.8 billion, \$4 billion above the request, for equipment used by our service members in Iraq and Afghanistan, including:
 - \$500 million, not requested, for National Guard and Reserve equipment;
 - \$2.7 billion, not requested, for 8 C-17s and 7 C-130s;
 - \$4.5 billion, \$1.9 billion above the request, for lightweight Mine Resistant Ambush Protected vehicles to protect our forces and provide a vehicle suited to the terrain and poor roads in Afghanistan;
 - \$600 million to fund the request for 4 F-22 aircraft; and
 - \$331.9 million to fund high priority intelligence, surveillance and reconnaissance initiatives.
- \$1.1 billion to confront the threat from improvised explosive devices.

Stop Loss: \$534.4 million to provide over 185,000 service members who have had their enlistments involuntarily extended since September 11, 2001 with \$500 per month for every month they were held under stop-loss orders.

Special Separation Benefit: Allows the Department of Defense to adjust the rate at which service members repay certain separation benefits.

Military Construction Projects: \$2.7 billion, \$431 million above the request, primarily to support combat operations in Afghanistan, to build warrior support facilities in the United States, and to construct child development centers at military installations in the United States and overseas including:

- **Overseas Operations:** \$921 million, \$60.5 million above the request, to support increased troop strength in Afghanistan.
- **Wounded Warrior Support:** \$488 million, fully funding the President's request, to construct nine wounded warrior support complexes to help soldiers wounded in combat recover and remain on active duty or transition to civilian life and support families through this process.
- **Child Care:** \$276 million, matching the President's request, to construct 25 child development centers, which will provide an additional 5,000 child care spaces and address a top concern of military families.
- **Walter Reed National Military Medical Center:** \$263 million, matching the President's request, to complete the construction of Walter Reed National Military Medical Center at Bethesda, including a Warrior Transition Center, and the Fort Belvoir, VA, Community Hospital.
- **NSA Data Center:** \$169.5 million, \$12 million below the request, to begin construction of a National Security Agency data center to support the Comprehensive National Cybersecurity Initiative.

- **Hospitals:** \$488 million, not requested, for hospital construction to address hospitals that are decades old and do not meet current standards for medical care.

Rescission: \$4.5 billion in previous appropriations is rescinded due to a reduction in world-wide fuel prices and cuts to underperforming programs.

Department of State and USAID, International Affairs and Stabilization Activities: \$10.4 billion

Assistance and Operations in Afghanistan, Pakistan, and Iraq

- **Afghanistan:** \$1.4 billion, \$9 million above the request, including: \$1 billion to fund economic development and agriculture programs, strengthen national and provincial governance, and expand the rule of law; and \$433 million for diplomatic operations and facilities, including additional civilian staff and diplomatic security.
- **Pakistan:** \$2.4 billion, \$800 million above the request, including: \$707 million to help address the economic crisis including agriculture and food security, assist the displaced population, strengthen national and provincial governance, expand the rule of law, and improve access to and quality of education of which \$225 million is to help address the refugee crisis inside Pakistan; \$46 million for diplomatic operations including additional civilian staff and diplomatic security; \$896 million for a new secure embassy and consulates in Pakistan; and \$700 million for the Pakistan Counterinsurgency Capability Fund, available September 30th 2009, to further build the counterinsurgency capabilities of the Pakistani security forces.
- **Iraq:** \$958 million, \$326 million above the request, including: \$472 million to continue stabilization programs, and strengthen governance and rule of law; and \$486 million for diplomatic operations.

Oversight: \$27.5 million, \$20 million above the request, to expand oversight capacity of the State Department, USAID, and the Special Inspector General for Afghanistan (SIGAR) and Special Inspector General for Iraq (SIGIR) to review programs in Afghanistan, Pakistan and Iraq.

Performance Assessment for the Governments of Afghanistan and Pakistan

The conference report requires the President to submit a report to Congress, not later than the date of submission of the fiscal year 2011 budget request, assessing whether the Governments of Afghanistan and Pakistan are, or are not, demonstrating the necessary commitment, capability, conduct and unity of purpose to warrant the continuation of the President's policy announced on March 27, 2009. This report must include concrete standards of performance:

- The level of political consensus and unity of purpose to confront the political and security challenges facing the region;
- The level of government corruption and actions taken to eliminate it;
- The actions of security forces with respect to counterinsurgency operations;
- The actions of intelligence agencies in cooperating fully with the U.S. and not undermining the security of our troops and our objectives in the region;
- The ability of the government to control the territory within their borders; and
- The ways in which United States Government assistance contributed, or failed to contribute, to achieving the actions outlined above.

United States Policy Report on Afghanistan and Pakistan

The conference report requires the President to submit to Congress a statement of the policy

objectives in Afghanistan and Pakistan and the metrics used to assess progress towards those objectives. The President is further required to submit a report on March 30, 2010 and every 180 days thereafter on progress towards achieving the objectives of US policy in Afghanistan and Pakistan.

Other Efforts in the Middle East

- **West Bank and Gaza:** \$660 million in bilateral economic, humanitarian, and security assistance for the West Bank and Gaza.
- **Jordan:** \$300 million, \$300 million above the request, including \$150 million for economic and \$150 million for security assistance.
- **Egypt:** \$310 million, \$310 million above the request, including \$50 million for economic assistance and \$260 million for security assistance.
- **Israel:** \$555 million of the \$2.775 billion 2010 request for security assistance, \$555 million above the supplemental request.
- **Lebanon:** \$69 million, \$29.4 million below the request, for security assistance.

Humanitarian Assistance

- **International Food Assistance:** \$700 million, \$400 million above the request, for PL 480 international food assistance to alleviate suffering caused by the global economic crisis, natural disasters, changing climate patterns, and civil strife.
- **Refugee Assistance:** \$390 million, \$57 million above the request, to help displaced people around the world with food, water, shelter and other basic needs, including humanitarian assistance for Gaza and \$45 million for Pakistan. Funding for the UN Relief and Works Agency programs in the West Bank and Gaza is limited to \$119 million.
- **Disaster Assistance:** \$270 million, \$40 million above the request, to avert famines and provide life-saving assistance during natural disasters and for internally displaced people around the world, including Somalia, Zimbabwe, Ethiopia, the Middle East and South Asia, including at least \$55 million for Pakistan.

Peacekeeping: \$721 million, \$115.9 million below the request, for United Nations peacekeeping operations, including an expanded mission in the Democratic Republic of the Congo and a new mission in Chad and the Central African Republic. An additional \$168 million is provided within the voluntary peacekeeping account for activities in Somalia.

HIV/AIDS: \$100 million, \$100 million above the request, for the Global Fund to fight AIDS, Tuberculosis and Malaria to address a funding shortfall for grants in key countries such as Haiti, The Democratic Republic of the Congo, and Afghanistan.

Other International Assistance

- **Africa:** \$288 million, \$155 million above the request, for economic and security assistance for Kenya, Somalia, Southern Sudan, and Zimbabwe.
- **Mexico:** \$420 million, \$354 million above the request, to address growing violence along the United States-Mexico border by supporting the Government of Mexico's efforts against organized crime and drug-trafficking.
- **Georgia:** \$242 million to fulfill the United States commitment to the people of Georgia.
- **Global Financial Crisis:** \$256 million, \$192 million below the request, to address the global financial crisis in developing countries.

Pandemic Flu Response: \$7.7 billion

- **HHS and CDC Response:** \$1.5 billion in FY 2009 appropriations and \$5.8 billion in contingent emergency appropriations for priority efforts including: expanding detection efforts, supplementing federal stockpiles, and developing, purchasing and administering vaccines. The President requested \$1.5 billion in FY 2009 appropriations and \$2 billion in contingent emergency appropriations, plus additional transfer authorities.
- **State and Local Response:** \$350 million, not requested, to assist state and local governments in preparing for and responding to a pandemic.
- **Global Efforts:** \$50 million, not requested, to support global efforts to track, contain, and slow the spread of a pandemic.

Other Security and Urgent Needs

Nuclear Non-Proliferation: \$55 million, \$34.5 million below the request, for the National Nuclear Security Administration to safeguard nuclear material in Russia and other sites worldwide.

Department of Justice: \$202 million, \$185 million above the request including: \$17 million for counter-terrorism activities and to provide training and assistance for the Iraqi criminal justice system; \$45 million for the investigation and prosecution of high priority financial crimes; and \$140 million to address violence and firearms and narcotics trafficking along our southwest border.

Homeland Security: \$287.5 million, including \$158 million not requested, to respond to border security issues on the Southwest Border of the United States and \$129.5 million, as requested, for Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom.

Wildfires: \$250 million, matching the request, for wildland fire suppression and emergency rehabilitation of burned areas.

Army Corps: \$847 million to address damage to Federal navigation and flood control projects resulting from flood and hurricane damage and for restoration along the Gulf Coast.

Capitol Police: \$71.6 million, matching the request, for a modern digital radio system because of known security threats.

Financial Crisis Inquiry Commission: \$8 million, to fund the commission recently established to examine the causes of the current financial and economic crisis.

Securities Law Enforcement: \$10 million for improved enforcement at the Securities and Exchange Commission.

Essential Air Service: \$13.2 million for the Essential Air Service program to provide air service to rural communities.

Gulf Coast Housing: \$80 million for Tenant-Based Section 8 vouchers for low-income individuals in the Gulf Coast affected by Hurricanes Katrina and Rita.

International Monetary Fund (IMF)

- To enable the IMF to respond to grave threats to the stability of the international monetary system, particularly in developing countries severely impacted by the financial crisis, the bill provides an increase in the U.S. quota in the IMF of roughly 5 billion in Special Drawing Rights valued at about \$8 billion. The bill also provides for loans to the IMF, as requested, to enable the U.S. to increase its share of the New Arrangements to Borrow, which establishes a set of credit lines extended to the IMF, from approximately \$10 billion (6.6 billion in SDRs) to the equivalent of \$100 billion.
- The bill authorizes the Secretary of the Treasury to agree to the sale of nearly 13 million ounces of IMF gold which will finance an endowment the return on which will fund a portion of IMF administrative expenses and expand the IMF's investment authority. A portion of the sale of gold (at least \$4 billion) would also be used to address the short-term financing needs of low-income countries.

IDA Reauthorization: Authorizes the United States participation and appropriations for the 15th replenishment of the International Development Association and sets conditions on the United States engagement with the World Bank. Authorizes the United States participation and appropriations for the 11th replenishment of the African Development Fund.

Important Policy Provisions

Guantanamo Detainees:

- Does not include \$80 million requested by the President to start efforts to close the detention facility at Guantanamo Bay.
- Prohibits current detainees from being released in the continental United States, Alaska, Hawaii or DC.
- Prohibits current detainees from being transferred to the continental United States, Alaska, Hawaii or DC, except to be prosecuted and only after Congress receives a plan detailing: risks involved and a plan for mitigating such risk; cost of the transfer; legal rationale and court demands; and a copy of the notification provided to the Governor of the receiving state 14 days before a transfer with a certification by the Attorney General that the individual poses little or no security risk.
- Current detainees cannot be transferred or released to another country unless the President submits to Congress 15 days prior to such transfer: the name of the individual and the country the individual will be transferred to; an assessment of risks posed and actions taken to mitigate such risks; and the terms of the transfer agreement with the other country, including any financial assistance.
- Requires the President to submit a report to Congress describing the disposition of each current detainee before the facility can be closed.

Report on Iraq Withdrawal: Requires the Secretary of Defense to report on Iraq troop drawdown status.

Extended GI Benefits: Allows the extension of 21st Century GI Bill of Rights education benefits to children of members of the armed forces who die while on active duty.

Cash for Clunkers (CARS Act): \$1 billion to provide consumers with \$3,500 or \$4,500 vouchers when they choose to trade in an old vehicle for one with higher fuel efficiency. The vehicle turned in must be scrapped.

Relief on Transit Operating Expenses: Allows transit agencies to use up to 10 percent of their formula grants from the Recovery Act on operating expenses. This provision will help transit agencies avoid lay-offs, furloughs and significant cuts to their transit service, and meet the immediate needs for job preservation and economic recovery.

Prohibits Permanent Bases: The bill prohibits the establishment of permanent bases in Iraq and Afghanistan.

House Report 111-151:

[HTML Version](#), [PDF Version](#)

CRS Reports:

[RS21977](#): Agricultural Credit: Institutions and Issues

[R40531](#): FY2009 Spring Supplemental Appropriations for Overseas Contingency Operations

[R40617](#): Legislative Branch: FY2010 Appropriations

[RL32724](#): Mexico-U.S. Relations: Issues for Congress

[R40135](#): Mérida Initiative for Mexico and Central America: Funding and Policy Issues

[RL33375](#): Staffing for Adequate Fire and Emergency Response: The SAFER Grant Program

[RL33001](#): U.S.-China Counterterrorism Cooperation: Issues for U.S. Policy

[RL31384](#): V-22 Osprey Tilt-Rotor Aircraft: Background and Issues for Congress

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[Bill Summary: Conference Agreement](#), Appropriations Committee

**[H.R. 2847– COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2010](#)** (*Rep. Mollohan – Appropriations*)

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: Monday, June 15, 2009 at 5:00p.m. in H-313 the Capitol, [Special Announcement](#), **Meeting Time:** 5:00pm Monday 6/15, **Amendment Deadline:** Monday 6/15, [Text of the Bill as Reported](#), [H. Rept. 111-149: Appropriations Committee Report](#)

Committee: [House Appropriations Committee](#)

Committee Staff Contact: 5-2771

BILL SUMMARY & KEY ISSUES:

**SUMMARY OF H.R. 2847 – COMMERCE, JUSTICE, SCIENCE, AND RELATED
AGENCIES APPROPRIATIONS ACT**

JUSTICE

State and Local Law Enforcement and Crime Prevention Grants: \$3.4 billion, \$671 million above the President's request and \$197 million above 2009, to keep our communities safe.

- **Community Oriented Policing Services (COPS):** \$802 million, \$41 million above the President's request and \$252 million above 2009, to support local law enforcement

agencies with personnel, technology and training grants. This includes \$298 million for COPS Hiring Grants. When combined with \$1 billion provided in the Recovery Act, this will enable the hiring of more than 7,000 police officers.

- **Office on Violence Against Women:** \$400 million, \$11 million above 2009 (after taking into account 6 programs funded through OVW in prior years that are funded for 2010 through the Office of Justice Programs), to prevent and prosecute violence against women and strengthen services to victims of domestic violence, sexual assault, and stalking, including an increase of \$10 million for STOP formula grants and an increase of \$1 million for Sexual Assault Victims Services.
- **Office of Justice Programs:** \$2.2 billion, \$644 million above the President's request and \$155 million above 2009, for grants to state and local organizations to fight and prevent crime, including Byrne Justice Assistance Grants, the State Criminal Alien Assistance Program, drug courts, and programs for at risk youth and missing or abused children.

Second Chance Act Offender Reentry Programs: \$100 million, \$75 million above 2009 and matching the President's request, for demonstration programs and other activities to reduce recidivism and the future costs of incarceration.

Tribal Assistance: \$155 million for tribal law enforcement, \$65 million above both the President's request and 2009, for tribal courts, detention facilities, and law enforcement, methamphetamine enforcement, and federal investigations and prosecutions in Indian Country.

Federal Bureau of Investigation: \$7.7 billion, matching the President's request and \$654 million above 2009, to address national security needs, including cyber crime, WMD incidents, and surveillance, as well as criminal law enforcement priorities such as financial fraud. Included in the total is \$101 million for the FBI's overseas contingency operations, previously funded through supplemental requests.

Drug Enforcement Administration: \$2 billion, \$5 million above the President's request and \$81 million above 2009, to combat drugs with 128 new positions to stop the flow of illegal drugs across the Southwest border and to investigate, disrupt and dismantle major Mexican drug cartels.

Bureau of Alcohol, Tobacco, Firearms: \$1.1 billion, \$9 million below the President's request and \$52 million above 2009, to reduce violent crime and enforce federal firearms and explosives laws including an additional 92 positions to combat firearms trafficking along the southwest border.

Department-wide Southwest Border Initiative: \$1.5 billion, \$345 million above 2009, for activities to combat violence, stop the flow of illegal weapons and drug trafficking, bring dangerous criminals to justice, and improve law enforcement capabilities along the southwest border.

Federal Bureau of Prisons: \$6.2 billion, \$97 million above the President's request and \$3 million above 2009, to address rising costs, add staff, and help inmates successfully reintegrate into their communities.

Adam Walsh and Child Exploitation: \$325 million, \$22 million above the President's request and \$41 million above 2009, for Adam Walsh Act activities and other sex offender and child exploitation prevention and enforcement programs.

SCIENCE

Science Education: \$1 billion, \$68 million above the President's request and \$36 million above 2009 to support all aspects of science, technology, engineering and math (STEM) education from kindergarten through graduate school.

Space Science: \$4.5 billion, \$20 million above the President's request, for scientific discovery to improve our quality of life and enhance our long term economic security. NASA's Science account received \$400 million in the Recovery Act.

Global Climate Change Research: Over \$2 billion, \$100 million above the President's request and \$120 million above 2009, to study global climate change, one of the greatest challenges facing our country. This includes:

- **NASA:** Nearly \$1.3 billion, including nearly \$150 million to develop and demonstrate space-based climate measurements identified by the National Academy of Science and the science community.
- **NOAA:** Almost \$400 million to enhance climate change research and regional assessments; climate data records, data access and archiving requirements; and climate change educational programs.
- **National Science Foundation:** An estimated \$310 million for climate change research, modeling and education.
- **Economic Development Administration:** \$25 million for green building initiatives.
- **National Institute of Standards and Technology:** \$15 million for the development of greenhouse gas emission standards.

National Aeronautics and Space Administration: \$18.2 billion, \$483 million below the President's request and \$421 million above 2009, for scientific discovery, national security, and space exploration. NASA received \$1 billion in the Recovery Act. The bill funds the next generation of human space flight at 2009 levels pending the recommendations of the Augustine panel.

- **Earth Science:** \$1.4 billion, combined with \$325 million in Recovery Act funding, the bill will support NASA's continuing work to develop and launch space-based and suborbital sensors to study climate change and the global environment.
- **Human Space Flight:** \$3.3 billion, with increases deferred pending the recommendations of the Augustine panel and the Administration's plan to follow the retirement of the Space Shuttle.

National Science Foundation: \$6.9 billion, \$108 million below the President's request and \$446 million above 2009, for the most promising scientific research at America's colleges and universities, and supporting scientists with cutting edge labs and equipment. The bill supports the President's commitment to double funding for basic research in key agencies over 10 years. The NSF received \$3 billion in the Recovery Act.

National Institute of Standards and Technology: \$781 million, \$65 million below the President's request and \$57.5 million below 2009, including \$510 million for scientific and technical research services, \$38 million above 2009. In concert with funding provided by the Recovery Act, the bill fulfills the President's commitment to double funding for basic research in key agencies over 10 years.

- **Manufacturing Extension Partnerships:** \$125 million to help small and mid-size

manufacturers compete globally by providing them with technical advice and access to technology, as well as leveraging private funds to save and create jobs.

- **Technology Innovation Program:** \$70 million to fund high-risk high-reward research into areas of critical national need done by U.S. businesses, colleges and universities, and national labs.

National Oceanic and Atmospheric Administration: \$4.6 billion, \$129 million above the President's request and \$238 million above 2009, to increase important ocean, weather, and climate research activities and for satellite acquisitions.

OTHER IMPORTANT PROGRAMS

Census Bureau: \$7.4 billion, matching the President's request and \$4.2 billion above 2009, to conduct the 2010 Decennial Census. This is in addition to \$1 billion provided in the Recovery Act.

Economic Development Assistance: \$293 million, \$9 million above the President's request and \$20 million above 2009, to help local communities address economic challenges through innovation and competitiveness and to attract private investment to create jobs.

Legal Services Corporation: \$440 million, \$5 million above the President's request and \$50 million above 2009, for legal assistance to people who are unable to afford it. A 2005 study found that for every eligible person served, another was turned away due to lack of resources.

Equal Employment Opportunity Commission: \$367 million, equal to the President's request and \$23 million above 2009, to begin reducing the backlog of pending cases.

Civil Rights Division: \$145 million, equal to the President's request and \$22 million above 2009, to reinvigorate the civil rights program at the Department of Justice. New staff will allow for the vigorous pursuit of human trafficking crimes and unsolved Civil Rights Era crimes.

OTHER IMPORTANT POLICY ITEMS

Closing Guantanamo: No funding is provided in the bill for activities related to the closure of the detention facilities at Guantanamo Bay. The bill incorporates language from H.R. 2346 that lays out contingencies and reporting requirements that must be met prior to the release or transfer of any detainee held at Guantanamo Bay as of April 30, 2009.

Modification of the Tiahrt Amendments: The bill makes minor modifications to the provisions commonly known as the "Tiahrt amendments," which limit the availability of gun tracing data. The new language does not change the types of tracing data that can be released or the entities who are authorized to receive tracing data; the language only changes the process by which tracing data is shared by making ATF the central point of contact for all Federal, State and local agencies authorized to receive such data.

Legal Services Corporation (LSC) Restrictions: The bill amends the restrictions on LSC grantee activities by eliminating the prohibition on the recovery of attorney's fees. Lifting this restriction will provide grantees with a crucial source of additional revenue during a year in which State and private funding are expected to decrease and will eliminate a significant disincentive for private attorneys to represent LSC clients on a pro bono basis.

House Report 111-149:

[HTML Version](#), [PDF Version](#)

Full Committee on Appropriations Markup:

[Markup of Commerce Justice Science](#), June 9, 2009

Summary of Committee Votes:

- **Chairman Mollohan, D-W.Va. Manager's Amendment** — would allow the Department of Justice to pay relocation expenses for the immediate family of a department employee working as a law enforcement or corrections officer who dies while performing official duties or as a result of the performance of official duties. The department could also cover the expenses of preparing and transporting the remains of the deceased. The amendment also would revise the bill to include certain chemical products in a program to monitor prescription drugs within state and local law enforcement funding under the Department of Justice. It also would add report language on congressional and executive branch earmarks. The language notes efforts to reduce earmarks and notes that the bill contains \$8.7 billion in grant funding solely at the discretion of the administration and \$57 million in funding requested by the president for specific projects. The earmark language also notes the end of member earmarks awarded to for-profit entities as a functional equivalent of no bid contracts. In cases where the committee funds an earmark designated for a for-profit entity, the committee includes legislative language requiring the executive branch to issue a request for proposal that gives other entities an opportunity to apply and requires the agency to evaluate all bids received and make a decision based on merit. In addition, the amendment would add report language to: Direct the Justice Department to submit a report to the Appropriations committees to clarify the department's policy on enforcement of federal laws and use of federal resources against individuals involved in medical marijuana activities. Direct the secretary of Commerce to submit a report to the Appropriations committees on: the status of the current program and the feasibility of providing additional assistance to small- and medium-sized businesses in the United States for purposes of facilitating exports of U.S. goods to China; and the department's plans to support and assist minority serving institutions in improving their instrumentation, connectivity, hardware and software for instructional and research purposes. Urge the attorney general to designate a senior departmental official to coordinate the development of a national strategy for child exploitation prevention and interdiction, as required by the Protect Our Children Act (PL 110-401). Encourage the Department of Justice to continue supporting programs that provide recovery services to victims of rape. Revise a table on National Weather Service systems acquisitions. Revise language on missing and exploited children and on the National Science Board. Revise earmark language for specific programs in Philadelphia and Ames, Iowa. **Adopted by Voice Vote.**
- **Rep. Calvert, R-Calif. State Criminal Alien Assistance Program Amendment** — would provide an additional \$100 million for the State Criminal Alien Assistance Program, offset by a reduction in funding for the Bureau of the Census. **Rejected 21-30: R 21-0; D 0-30; I 0-0.**
- **Rep. Tiahrt, R-Kan. Stimulus Rescissions Amendment** — would rescind all unobligated balances of the discretionary appropriations made available by division A of the American Recovery and Reinvestment Act of 2009 (PL 111-5). **Rejected 22-29: R 22-0; D 0-29; I 0-0.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by **Voice Vote.**

Subcommittee on Commerce, Justice, Science, and Related Agencies Markup:
[Markup of Commerce Justice Science](#), June 4, 2009

Summary of Committee Vote:

- **Vote to Report:** Favorably Reported to the Full Committee by **Voice Vote**.

CRS Reports:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[Bill Summary: As Passed by the Full Committee](#), Committee on Appropriations

[Bill Text: As Ordered Reported](#), Committee on Appropriations

[Full Committee Votes](#), Committee on Appropriations

[List of Programs Cut or Terminated in the Bill](#), Committee on Appropriations

H.R. ____ – HOMELAND SECURITY APPROPRIATIONS ACT, 2010 (*Rep. Price (NC) – Appropriations*)

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: TBA

Committee: [Committee on Appropriations](#)

Committee Staff Contact: 5-2771

BILL SUMMARY & KEY ISSUES:

SUMMARY: 2010 HOMELAND SECURITY APPROPRIATIONS

AS CONSIDERED BY THE FULL COMMITTEE

KEY INVESTMENTS

First Responder Grant Programs: \$3.55 billion, \$256 million above the President's request and \$176 million below 2009. For the first time since 2004, the President has not proposed significant reductions to these grant programs. This total includes:

- **State Grants:** \$950 million, the same as the President's request and 2009, for grants used to plan, equip and train local first responders to respond to terrorist attacks and catastrophic incidents.
- **Urban Area Grants:** \$887 million, the same as the President's request and \$49.5 million above 2009, to help high-risk urban communities prevent, respond to, and recover from terrorist attacks.
- **Transit Grants:** \$250 million, the same as the President's request and \$150 million below 2009, to protect critical transit infrastructure, including freight rail, Amtrak and ferry systems in high-threat areas. The Recovery Act provided \$150 million for these grants.
- **Emergency Management Performance Grants:** \$330 million, \$15 million above the President's request and 2009, for all-hazard grants for state and local emergency managers.

- **Fire Grants (including SAFER):** \$800 million, \$210 million above the President's request and \$25 million above 2009, to help local fire departments address communication, equipment and staffing problems. Of this total, \$420 million is for SAFER, as requested, and \$380 million is for fire grants.
- **Metropolitan Medical Response System:** \$40 million, the same as the President's request and \$1 million below 2009, to help high-threat communities respond to mass casualty incidents.
- **Interoperable Communications:** \$50 million, the same as the President's request and 2009, for firefighters and emergency responders to talk to each other during a crisis.
- **Emergency Operations Centers:** \$40 million, \$5 million above 2009 and not requested by the President, to equip and upgrade central command facilities used by emergency personnel during disasters.

SETTING IMMIGRATION PRIORITIES

Immigration and Customs Enforcement: \$5.4 billion, \$30 million below the President's request and \$439 million above 2009, including:

- \$1.5 billion to identify dangerous criminal aliens and prioritize these individuals for removal once an immigration judge orders them deported;
- \$200 million for Secure Communities, a pilot program that allows local law enforcement to check fingerprints of people booked on criminal charges for immigration and criminal records; and
- \$74 million for Alternatives to Detention, \$10 million above the request, to expand this program nation-wide.

United States Citizenship and Immigration Services: \$248 million, \$116 million below the President's request and \$110 million above 2009 including \$100 million for processing refugee applications and asylum claims and \$112 million to operate and improve E-Verify, and \$11 million to expand immigrant integration and outreach efforts to welcome new Americans. Reductions were made as the Department's data centers are not ready for full operation and as it will take at least a year for the Administration to discontinue the refugees/asylee surcharge. Military naturalization costs will be paid for by the Department of Defense.

COMBATING SOUTHWEST BORDER VIOLENCE

Customs and Border Protection: \$10 billion, \$82 million below the President's request and \$147 million above 2009. Reductions were made for data center migration and to provide slightly less than the increases requested in a variety of programs. Funding within the \$10 billion includes:

- \$692 million for Southwest Border investments for Border Security Fencing, Infrastructure, and Technology (BSFIT), compared to \$735 million in 2009 and \$759.5 million in the request. This appropriation brings BSFIT funding for the Southwest Border to \$4.3 billion since the program began in 2006. The Economic Recovery Act included \$160 million in CBP for SW Border security technology and Border Patrol tactical communications.
- \$3.5 billion to fully fund 20,019 Border Patrol agents, of whom over 17,000 will be based on the Southwest Border – an increase of 6,000 or more than 50 percent, since 2006.
- \$26.1 million for Southwest Border counterdrug initiatives, including \$10 million for

additional scanning systems for southbound lanes.

- \$8 million to expand airplanes, helicopters and UAVs to interdict cartel drug smuggling.
- 269 new staff, including: 44 Border Patrol agents, 64 CBP Officers and 16 support staff to enhance Southwest Border counterdrug enforcement; 144 pilots and mission support staff to expand CBP Air and Marine surveillance and patrol for border security, homeland security, and counterdrug missions.

ICE: \$97.8 million for ICE to combat international trade in illicit drugs, weapons smuggling and crimes associated with violence along the Southwest Border. This is part of a \$124 million increase over 2009 for ICE investigations and \$27.8 million more than the President's request.

Funding includes:

- \$70 million, as requested, to expand operations related to Southwest border violence by initiating more ICE investigations, intelligence activities, and international programs
- \$10 million above the request for investigations of transnational gangs;
- \$10 million above the request for investigations of cross-border weapons smuggling;
- \$5 million above the request for drug smuggling investigations; and
- \$2.8 million above the request to expand human smuggling and trafficking investigations.

Operation Stonegarden: \$60 million for a grant program to assist border communities with law enforcement costs, the same as 2009.

Northern Border Security

- \$40 million, the same as the President's request and 2009, in BSFIT for additional investments in Northern Border security technology.
- \$140 million for CBP's Western Hemisphere Travel Initiative, \$4.9 million below the request and just above 2009, to deploy technology and infrastructure at the 46 busiest border ports of entry and facilitate travel and security for all travelers, including for the 2010 Vancouver Olympics.
- The Economic Recovery Act included \$420 million to upgrade and replace over 30 CBP ports of entry, mostly on the Northern Border.

Coast Guard: \$9.97 billion (including mandatory funding), \$240 million above the President's request and \$607 million above 2009, to improve our port security and marine safety, help stop the flow of illegal drugs into this country, and improve the oversight of Coast Guard finances. Of this total, \$1.3 billion is specifically for the Coast Guard's efforts for maritime narcotics enforcement, \$5.7 million above the President's request and \$63 million above 2009.

Maritime Security, Safety and Environmental Protection

- \$250 million for port security grants, the same as the President's request and \$150 million below 2009. The Economic Recovery Act provided \$150 million for these grants.
- \$1.9 billion, \$137 million above 2009, for Coast Guard maritime activities, including additional marine inspectors and investigators and biometrics at sea. \$5 million is provided above the request to address priority cutter maintenance needs.

Transportation Security Administration: \$7.7 billion, \$84 million below the President's request and \$712 million above 2009, including:

- \$1 billion in discretionary and mandatory funding to purchase and install explosive detection systems at airports nationwide, \$56 million below the President's request and \$506 million above 2009. The Economic Recovery Act provided \$700 million for like activities.

- \$61 million for surface transportation security inspectors, \$25 million below the President's request and \$36 million above 2009, due to a long delay in hiring previously funded inspectors. Funding will be used to form more enforcement teams.

Air Cargo and Cargo Container Security

- \$123 million for TSA to meet the 100-percent air cargo security screening mandate by August 2010, required by the 9/11 Act, \$15 million above the President's request and the same as 2009.
- \$804 million for CBP and the Domestic Nuclear Detection Office to develop and deploy systems to screen cargo for weapons or nuclear precursor materials, \$3 million below the request and \$155 million below 2009. The Economic Recovery Act included \$100 million for new inspection technology at ports of entry.
- \$162 million to continue CBP's implementation of pilot and overseas container security programs, \$3.4 million below the request and \$12.5 million above 2009.
- \$2.8 million and 20 CBP Officers to enhance targeting of dangerous goods and people.

Cyber Security: \$382 million to address the growing threats to our nation's cyber assets. DHS leads efforts to strengthen Federal civilian computer networks against attack by consolidating internet access points and deploying network-based sensors to monitor for illegitimate intrusions, \$68 million above 2009 and \$19 million below the President's request. In addition, a total of \$19.5 million is provided within Science and Technology to research next generation technologies to deal with cyber attacks, the same level as requested.

FEMA Management: \$935 million, \$32 million above the President's request and \$8 million below 2009 for response and surge capabilities and increased permanent staffing.

Disaster Relief: \$2 billion, matching the President's request and \$600 million above 2009, including \$16 million to continue IG's work auditing FEMA disaster programs, including in the Gulf Coast.

Flood Map Modernization: \$220 million to continue map modernization and to maintain modernized flood maps.

Emergency Food and Shelter: \$200 million, \$100 million above the President's request and equal to 2009, to address the increasing needs for food and shelter of our citizens in this time of economic downturn.

United States Secret Service: \$1.5 billion, \$28 million below the President's request and \$48 million above 2009 to continue 354 positions provided in the 2009 omnibus appropriations act, and to secure the Service's mission-critical computer applications.

Federal Law Enforcement Training Center: \$283 million, the same as the President's request and \$50 million below last year, reduced because last year funded a new dormitory.

Science and Technology: \$968 million, \$35 million above 2009, for research on improvised explosive devices, next generation technologies to enhance cyber security, improved biological sensors, and increased investment in technologies for first responders.

REAL ID: \$75 million, the same as the President's request and \$25 million below 2009, 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. Of this total, \$50 million is for Real ID grants, the same as 2009, and \$25 million is for Real ID HUB.

Office of the Federal Coordinator for Gulf Coast Rebuilding: \$2 million, the same as the President's request and \$100,000 above 2009, to continue to operate the Office of the Federal Coordinator at the Department of Homeland Security.

SIGNIFICANT CUTS:

Domestic Nuclear Detection Office: No funding is provided to procure radiological/nuclear detection equipment because there are large carry-over balances exceeding \$100 million and there are delays in certifying next-generation detection machines.

DHS Departmental Operations: Cut \$135 million due to staffing vacancies, redundant policy initiatives, and poorly justified request to consolidate DHS headquarters for those agencies not moving to St. Elizabeths.

Program Eliminations: Cuts \$407 million by eliminating funding for programs such as: Advanced spectroscopic portal monitors, trucking industry security grants, commercial equipment direct assistance program, regional catastrophic preparedness grants, and candidate protection.

Data Center Migration: \$180 million saved by deferring action on a move for databases and information processing systems which GAO has determined is premature and risky at this time.

National Bio and Agro-defense Facility: \$36 million not funded until a risk assessment determines whether foot-and-mouth disease can be studied safely on the U.S. mainland.

OTHER IMPORTANT POLICY ITEMS:

Federal Protective Service: Denies the transfer of FPS from ICE to the National Protection and Programs Directorate and directs the Department to provide a transition plan that outlines the steps it will take to move FPS from ICE to NPPD. Requires DHS to maintain a FPS in-service field staff of at least 900 to protect Federal buildings.

Oversight: Expenditure plans, important to ensure that DHS is appropriately planning, are required for the following programs: Deepwater; the Security Border Initiative; the Automated Commercial Environment; US-VISIT; National Cyber Security; National Command and Coordination Capability; BioWatch; and Next Generation Networks.

Principal Federal Official Positions: Limited to eliminate confusion in the field as these positions overlap with traditional FEMA roles.

LORAN-C: Rejects termination of LORAN-C and denies the authority to sell existing LORAN-C sites, as proposed by the President.

E-Verify: Includes a 2-year extension of E-Verify.

House Report 111-:

HTML Version, PDF Version

Full Committee on Appropriations:

[Markup - Homeland Security and Legislative Branch](#), June 12, 2009

Summary of Committee Votes:

- Chairman Price, D-N.C. Manager's Amendment — would reduce funds for Immigration and Customs Enforcement (ICE) automated systems by \$5 million and increase ICE construction funds by \$5 million. It also would revise report language to adjust figures for program terminations and reductions and other savings from the budget request. The amendment also would add report language on: The Transportation Security Administration's efforts to develop a modified Large Aircraft Security Program rule. The threat of invasive species to the Great Lakes ecosystem. Coast Guard support for the development of freshwater ballast treatment technologies. The Federal Emergency Management Agency's efforts to improve and standardize multi-jurisdictional emergency operations centers. The amendment also would include report language urging FEMA to consider the prospect and occurrence of firefighter layoffs at a local fire department when evaluating SAFER grant applications. It would adjust report language on emergency operations center projects, pre-disaster mitigation projects, and remote sensing for situation awareness and decision support. **Adopted by Voice Vote.**
- Rep. Lewis, R-Calif.mDetainee Transfer Amendment to Rep. Rogers (R-KY) Amendment — would state that nothing in the no-fly and immigration sections of the Rogers amendment should be interpreted to prohibit a Guantanamo detainee from being brought to the United States for prosecution. **Adopted by Voice Vote.**
- Rep. Rogers, R-Ky. Guantanamo Detainees Amendment — would direct the secretary of Homeland Security to conduct individual threat assessments for detainees held at Guantanamo Bay prior to transfer to the United States. It would require the inclusion of detainees on a commercial no-fly list, unless the president certifies the individual poses no threat. It also would prohibit the use of the bill's funds to provide any immigration benefit to any detainees. As amended, it would state that nothing in the no-fly and immigration sections of the underlying amendment should be interpreted to prohibit a Guantanamo detainee from being brought to the United States for prosecution. **Adopted, as Amended, 34-24: R 22-1; D 12-23; I 0-0.**
- Rep. Calvert, R-Calif. Permanent E-Verify Reauthorization Amendment — would make the E-Verify program permanent. **Rejected 21-36: R 21-1; D 0-35; I 0-0.**
- Rep. Kingston, R-Ga. E-Verify,Contracts Amendment — would prohibit the use of the bill's funds for contracts with entities eligible for, but do not participate in, the E-Verify program. **Rejected 23-35: R 23-0; D 0-35; I 0-0.**
- Rep. Tiahrt, R-Kan Stimulus Rescissions Amendment — would rescind all unobligated discretionary homeland security funds provided by the economic stimulus law (PL 111-5). **Rejected 23-35: R 23-0; D 0-35; I 0-0.**
- Rep. Tiahrt, R-Kan. Cost-Benefit Analysis Amendment — would prohibit use of the bill's funds to set new regulations until after a cost-benefit analysis of the proposed regulations is conducted to determine their effect on the competitiveness of American businesses. Rejected by voice vote.

- **Vote to Report:** Favorably Reported to the Full House, as Amended, by **Voice Vote**.

Subcommittee on Homeland Security Markup:

[Markup - Homeland Security](#), June 8, 2009

Summary of Committee Vote:

- **Vote to Report:** Favorably Reported to the Full Committee by **Voice Vote**.

Administration Position:

(TBA)

Fact Sheets & Talking Points:

[Bill Summary: As Passed by the Full Committee](#), Appropriations Committee

[List of Programs Cut or Terminated in the Bill](#), Appropriations Committee

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