

Summary of the Full-Year Appropriation Act for the Department of Homeland Security, 2019

The bill provides \$55.841 billion in discretionary appropriations for the Department of Homeland Security (DHS), including \$6.652 billion for major disaster response and recovery activities and \$165 million for Overseas Contingency Operations of the Coast Guard. The total is an increase of \$1.756 billion above the budget request and \$589 million above the total for the fiscal year 2018 funding Act for the Department.

Headquarters Accounts - **\$1.884 billion** (+\$588 million over FY18; +\$256 million over the request)

- Provides \$113.6 million for the next stage of headquarters consolidation construction at St. Elizabeths; the Financial Services bill includes an additional \$230 million for this purpose.
- Provides \$25.7 million for the Office of Civil Rights and Civil Liberties, an increase of \$4.9 million above the request and \$2.2 million above FY18.
- Moves \$250 million from the Cybersecurity and Infrastructure Security agency into the Management Directorate for the Office of Biometric Identity Management.

U.S. Customs and Border Protection - **\$14.296 billion** (+278 million over FY18; +70 million over the request)

- Provides the following increases for CBP mission support:
 - \$28.6 million above FY18 for recruitment and applicant processing;
 - \$9.8 million above FY18 and the request for laboratory staff for opioid detection; and
 - \$2.5 million above FY18 and the request for opioid detection equipment for field labs.
- Provides the following increases for CBP Office of Field Operations (OFO):
 - \$98 million above FY18 and the request for 1,000 additional customs officers (0.375 FTE/position), ;
 - \$16 million above FY18 and the request for 99 new staff and activities related to opioids;
 - \$45 million above FY18 and the request for equipment to detect opioids;
 - \$25 million above FY18 and the request for small port of entry technologies;
 - \$10 million above FY18 and the request for counter-network activities at the National Targeting Center;
 - \$675 million for non-intrusive inspection technology at pre-primary lanes at land ports of entry, \$631 million above the request; and
 - \$50 million for maintenance and improvement of facilities, \$35.2 million above the request.
- Provides funding to support the current level of Border Patrol agents, but no funding for growth in the number of Agents: a staffing model to justify any increase in Border Patrol agents is long overdue.
- Provides the following increases for the Border Patrol:
 - \$35.1 million increase for Border Patrol relocation and retention programs, \$10 million below the request;
 - \$502 million above the request to address humanitarian concerns at the border, including medical care, more efficient transportation, food and other consumables, and to support at least one prototype temporary holding facility (72 hours or less) with better conditions and services for migrants;

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- \$400 million for border security technology procurement and deployment, \$353 million above the request;
- \$50 million for maintenance and improvements to Border Patrol facilities, \$16.6 million above the request; and
- Provides the following enhancements for Air and Marine Operations:
 - \$20 million above the request for increased flying hours; and
 - \$156.7 million above the request for new watercraft, aircraft, and sensors.
- Prohibits the use of funds from this and prior year Acts to construct physical barriers, as follows:
 - Within or north of the Santa Ana Wildlife Refuge;
 - Within or north of the Bentsen-Rio Grande Valley State Park;
 - Within or north of La Lomita Historical Park;
 - Within, south of, or north of the National Butterfly Center; or
 - Within, north of, or east of the Vista del Mar Ranch tract of the Lower Rio Grande Valley National Wildlife Refuge.

U.S. Immigration and Customs Enforcement – \$7.444 billion (+\$369 million over FY18; -\$847 million below the request)

- Provides \$7 million above the request for additional staff in the Office of Professional Responsibility/Office of Detention Oversight to begin ramping up the number of detention facility inspections from once every three years to twice per year for each facility.
- Provides \$7.4 million, \$32.3 million below the request, for additional ICE attorneys to keep pace with the expansion of the Executive Office for Immigration Review (i.e., Immigration Courts).
- Provides the following for Enforcement and Removal Operations:
 - Funds an Average Daily Population (ADP) of 35,520, for the remainder of FY19, including 34,000 adult beds and 1,250 family beds, with the intention that family detention be phased-out by the end of FY19;
 - Statutorily limits ADP associated with interior enforcement to 16,500 between enactment and the end of FY19 (this is the approximate ADP level during the last three months of the Obama Administration);
 - \$4 million above the request to bring additional detention facilities into compliance with Prison Rape Elimination Act requirements;
 - \$12.5 million above the request to hire additional Health Service Corps staff at detention facilities;
 - Funds an Alternatives to Detention (ATD) daily participation level of approximately 100,000 (current is 82,000);
 - \$40 million above the request for new ICE Alternatives to Detention case management personnel; and
 - \$30.5 million above the request for family case management within the ATD program.
- Provides the following enhancements to Homeland Security Investigations (HSI):
 - \$56.8 million (\$19 million below the request to reflect a reduced requirement this late in the fiscal year) for additional HSI agents to focus on drug, gang, trade, cyber, and financial investigations;
 - \$8.7 million above the request for additional HSI computer forensics specialists and for paid internships;

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- \$7.5 million above the request for additional Victims Assistance specialists;
 - \$9.1 million (\$3.1 million below the request to reflect a reduced requirement this late in the fiscal year) for additional international investigations staffing; and
 - \$3.6 million (\$1.1 million below the request to reflect a reduced requirement this late in the fiscal year) for additional intelligence analysts.
- Prohibits ICE from placing sponsors of unaccompanied children into removal proceedings based on information provided by the Office of Refugee Resettlement, with exceptions for those convicted of serious crimes, with serious pending criminal charges, or who may pose a danger to the child.
 - Prohibits the use of funds to increase the number of Enforcement and Removal Operations personnel above the level achieved as of the date of enactment, other than the new personnel specifically funded in the bill.

Transportation Security Administration - \$4.890 billion (-\$35 million below FY18; +\$844 million over the request)

- Provides gross budget authority of \$8 billion, an increase of \$334.1 million above the request.
- Provides \$91.5 million (\$20 million above the request) for 178 Computed Tomography scanners that provide significantly better imaging of carry-on baggage.
- Restores full funding for the Visible Intermodal Prevention and Response (VIPR) teams, which were proposed for elimination.
- Restores the Law Enforcement Officer Reimbursement Program, which was proposed for elimination.

Coast Guard - \$12.007 billion (-101 million below FY18; +\$568 million over the request)

- Provides \$7.8 billion for Operations and Support, an increase of \$215 million above the request.
- Provides \$2.24 billion for Procurement, Construction, and Improvements, an increase of \$353.1 million above the request.
 - Provides \$824 million, \$74 million above the request, for the Polar Security Cutter (PSC) program, including procurement of the first PSC and long lead time material for the second PSC.
 - Provides \$70 million, \$5 million above the request, for the National Security Cutter program, a cut of \$1.12 billion compared to FY18 as the acquisition program winds down.
 - Provides \$400 million construction of the second Offshore Patrol Cutter, and long lead time materials for the third.
 - Provides \$240 million for construction for four additional Fast Response Cutters.
 - Adds \$105 million above the request for the sixteenth HC-130J long range surveillance fixed-wing aircraft.

United States Secret Service - \$2.248 billion (+\$242 million over FY18; +\$96 million over the request)

- Provides \$2.2 billion for the Secret Service, an increase of \$68.1 million above the request.

Cybersecurity and Infrastructure Security Agency (CISA) - \$1.682 billion (-\$230 million below FY18; - \$139 million below the request)

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- Provides \$1.344 billion for CISA Operations and Support, an increase of \$104.2 million above the request, including an increase of \$68 million above the request for Cybersecurity Operations and Support.
- Provides \$324.4 million for CISA Procurement, Construction, and Improvements, an increase of \$41.4 million above the request.
- Realigns \$250 million from CISA to the Management Directorate for the Office of Biometric Identity Management.

Federal Emergency Management Agency - \$11.423 billion (-\$885 million below FY18; +\$403 million above the request – Note this difference results from a reduction in the budgeted amount for the Disaster Relief Fund, as the amount provided in FY 2018 was unusually high for regular appropriations bill due to disaster activity.)

- Provides \$3.3 billion for Federal Assistance, an increase of \$39.1 million above FY18 and \$688.3 million above the request, including:
 - \$525 million for State Homeland Security Grants, an increase of \$18 million above FY18; and
 - \$650 million for UASI grants, an increase of \$20 million above FY18.
- Provides \$7.2 billion to the Disaster Relief Fund (DRF), including:
 - \$558 million for the base DRF account (\$258 million in new budget authority and \$300 million derived from unobligated authority in the account from recoveries of prior year funding); and
 - \$6.65 billion for major disaster relief, including \$3 million to be transferred to the Disaster Assistance Direct Loan Program.
- Directs FEMA to provide a federal cost share of not less than 90 percent for debris removal and for essential assistance related to 2018 wildfire disaster declarations.

Science and Technology Directorate - \$818 million (-\$23 million below FY18; +\$235 million over the request)

- Provides \$509.8 million for Research and Development, equal to the FY18 level, including flat funding of \$40.5 million for University Programs.
- Provide authority to transfer \$15 million to USDA for operation of the National Bio and Agro-Defense Facility.

U.S. Citizenship and Immigration Services - \$146 million (+\$13 million over FY18; +14 million over the request)

- Provides \$10 million in discretionary funding for the Citizenship and Integration Grants Program; under Republican control of the House, this program was funded through fee revenue from immigration benefit applicants.

General Provisions

General Provisions Included in this Bill but Not in the House Bill

- Extends the authorization for the e-verify program.
- Extends the authorization for the non-immigrant religious worker visa program;

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- Extends the authority to waive the two-year home country physical presence requirement for foreign doctors with expiring J-visas who commit to working in underserved areas.
- Extends the authorization for the EB-5 immigrant investor visa program.

Dropped General Provisions from FY18

- Sec. 207 - Prohibits the use of funds to import property confiscated by the Cuban government.
- Sec. 208 – Excepts ICE from a prohibition that limits transfer and reprogramming notifications after June 30th of each fiscal year except under “extraordinary circumstances that imminently threaten the safety of human life or the protection of property”.
- Sec. 503(f) – Authorizes the Secretary to transfer up to \$20 million into an Immigration Emergency Fund with at least a 5-day notification to the Committees; the Emergency Fund was authorized in the early 1990s to support an increase in the Border Patrol and related activities or reimbursements to state and local governments in providing assistance to the Border Patrol.
- Sec. 516 – None of the funds may be used to transfer, release, or assist in the transfer or release of Guantanamo Bay detainees to or within the U.S., its territories, or possessions.
- Sec. 528 - None of the funds made available by this Act may be obligated or expended to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

General Provisions Adopted in Committee for FY19, but Not Included in the Bill

- Sec. 308 – None of the funds in this or any other Act may be used to deny continued FEMA rental assistance to an individual or household on the basis of income.
- Sec. 532 – None of the funds to remove non-citizen veterans or active duty service members who have DACA status. (Dropping this provision, but leaving in an identical adopted amendment that applies to all individuals with DACA status)
- Sec. 533 – Abortion provision.
- Sec. 534 – Amend the Stafford Act to prevent FEMA from considering income when determining eligibility for rental assistance.
- Sec. 535 – Extension of unemployment assistance related to disasters for Puerto Rico and USVI. (Already extended in law).
- Sec. 536 – Authorizes the issuance of H2A temporary agricultural work visas without regard to whether the labor is temporary or seasonal.
- Sec. 537 – H2B Returning worker provision.
- Sec. 538 – None of the funds may be used to prevent American Indians born in Canada or the U.S. to pass the borders of the United States. (Instead includes statement language directing DHS to propose a legislative solution).
- Sec. 539 – Amend the Stafford Act to address the statute of limitations on FEMA’s recovery of disaster relief funds that are later determined to have been used for ineligible purposes. (This was statutorily addressed in authorizing legislation last year).
- Sec. 540 – Fairness for High Skilled Workers Act.
- Sec. 541 – Restrictions on the release of detained aliens from custody.

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General Provision Included in the FY19 House bill but not included in this Bill

- Sec. 409 – Amends a provision in the FY12 DHS funding Act related to the sale of Plum Island off of the coast of Long Island, NY, which currently houses the Plum Island Animal Disease Center (PIADC). The intent of the amendment is to ensure that Plum Island will not be sold to the highest bidder for development purposes, and that instead there is stakeholder process for determining the future use of the island. PIADC will close when the new National Bio and Agro-defense Facility (NBAF) in Manhattan, KS, becomes operational beginning in FY 2023. This can be addressed in the FY20 DHS funding bill.

General Provision Adopted in Committee for FY19, Amended in this Bill

- Sec. 542 – None of the funds in this or any other Act to implement the Attorney General Decision, and related DHS guidance, that disqualifies most victims of gang violence and domestic violence from asylum eligibility.