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Appropriations for FY2005: Department of Homeland Security

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Jennifer E. Lake and Blas Nuñez-Neto
Analysts in Social Legislation
Domestic Social Policy Division

The annual consideration of appropriations bills (regular, continuing, and supplemental) by Congress is part of a complex set of budget processes that also encompasses the consideration of budget resolutions, revenue and debt-limit legislation, other spending measures, and reconciliation bills. In addition, the operation of programs and the spending of appropriated funds are subject to constraints established in authorizing statutes. Congressional action on the budget for a fiscal year usually begins following the submission of the President's budget at the beginning of each annual session of Congress. Congressional practices governing the consideration of appropriations and other budgetary measures are rooted in the Constitution, the standing rules of the House and Senate, and statutes, such as the Congressional Budget and Impoundment Control Act of 1974.

This report is a guide to one of the 13 regular appropriations bills that Congress considers each year. It is designed to supplement the information provided by the House and Senate Appropriations Subcommittees on Homeland Security. It summarizes the status of the bill, its scope, major issues, funding levels, and related congressional activity, and is updated as events warrant. The reports lists the key CRS staff relevant to the issues covered and related CRS products.

Note: A web version of this document with active links is available to congressional staff at:[<http://www.crs.gov/products/appropriations/apppage.shtml>].

Appropriations for FY2005: Department of Homeland Security

Summary

This report describes the FY2005 appropriations for the Department of Homeland Security (DHS). It summarizes the President's FY2005 budget request for DHS programs submitted to Congress February 2, 2004, the amounts provided in H.R. 4567 (approved by the House June 18, 2004), and the amounts provided in H.R. 4567 (approved in the Senate on September 14, 2004 in lieu of S. 2537). The report includes tables that compare the FY2004 appropriations for the programs and activities of DHS, the President's FY2005 request, the congressional response to the request.

The President's FY2005 Budget requests total appropriations of \$32.6 billion for DHS. This represents a 7.7% increase over the FY2004 enacted amount of \$30.3 billion. H.R. 4567 and S. 2567 recommend a total appropriation of \$33.1 billion representing an increase of \$500 million compared to the request, and a 9.2% increase compared to the FY2004 enacted level. The FY2005 appropriation is requested through four separate titles: (I) Departmental Management and Operations (\$714 million); (II) Security, Enforcement and Investigations (\$20.4 billion); (III) Preparedness and Recovery (\$9.2 billion); and (IV) Research and Development, Training, Assessments, and Services (\$2.2 billion). H.R. 4567 provides the following amounts for each title: (I) \$634 million; (II) \$20.5 billion; (III) \$9.6 billion; and (IV) \$2.4 billion. The Senate-passed H.R. 4567 provides the following amounts for each title: (I) \$562 million; (II) \$21.3 billion; (III) \$9.7 billion; and (IV) \$2.3 billion.

The following are the amounts recommended by the House-passed H.R. 4567 and the Senate-passed H.R. 4567 (in parenthesis) for major operational components of DHS. Included in Title II are the operations of the Bureau of Customs and Border Protection (CBP), \$5.1 billion (\$5.2 billion), the Bureau of Immigration and Customs Enforcement (ICE) \$3.3 billion (\$3.8 billion), the Transportation Security Administration (TSA) \$3.2 billion (\$3.4 billion), the U.S. Coast Guard \$7.3 billion (\$7.5 billion), and the U.S. Secret Service \$1.2 billion (\$1.2 billion). Title II also includes funding for the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) project (\$340 million), which is fully funded by H.Rept. 108-541 and S.Rept. 108-280. Title III includes \$4.1 billion provided by H.Rept. 108-541 for the Office of State and Local Government Coordination and Preparedness (OSLGCP), which the Senate-passed H.R. 4567 funds at \$4.0 billion. Title IV includes an appropriation of \$140 million for Citizenship and Immigration Services (CIS), for which H.Rept. 108-541 recommends \$160 million, and S.Rept. 108-280 recommends \$140 million.

The House bill would provide a total appropriation of \$33.1 billion for DHS, while the Senate version would provide a total appropriation of \$33.8 billion. Conferees have been appointed to resolve the difference between the two versions of H.R. 4567 and conference action is expected in the coming weeks. This report will be updated as events warrant.

Key Policy Staff: Homeland Security

Area of Expertise	Name	Phone	E-mail
Coordinator	Jennifer E. Lake	7-0620	jlake@crs.loc.gov
Coordinator	Blas Nuñez-Neto	7-0622	bnunezneto@crs.loc.gov
Title I, Departmental Management and Operations			
General Management	Harold C. Relyea	7-8679	hrelyea@crs.loc.gov
Personnel Policy	Barbara L. Schwemle	7-8655	bschwemle@crs.loc.gov
Title II, Security, Enforcement, and Investigation			
Coast Guard	Ronald O'Rourke	7-7610	rorourke@crs.loc.gov
Customs Issues	Jennifer E. Lake	7-0620	jlake@crs.loc.gov
Immigration Issues	Alison Siskin	7-0260	asiskin@crs.loc.gov
Secret Service	Stephanie Smith	7-8674	ssmith@crs.loc.gov
Transportation Security Administration	Bartholomew Elias	7-7771	belias@crs.loc.gov
U.S. VISIT Program	Lisa M. Seghetti	7-4669	lseghetti@crs.loc.gov
Title III, Preparedness and Recovery			
Biodefense/Bioshield	Frank Gottron	7-5854	fgottron@crs.loc.gov
Disaster Relief	Keith Bea	7-8672	kbea@crs.loc.gov
Emergency Preparedness and Response	Keith Bea	7-8672	kbea@crs.loc.gov
Firefighter Assistance	Lennard G. Kruger	7-7070	lkruger@crs.loc.gov
First Responders, Domestic Preparedness	Shawn Reese	7-0635	sreese@crs.loc.gov
Public Health Programs	Sarah Lister	7-7320	slister@crs.loc.gov
Title IV, Research and Development, Training, Assessments, and Services			
Citizenship and Immigration Services	Ruth Ellen Wasem	7-7342	rwasem@crs.loc.gov
Information Analysis, Domestic	Todd M. Masse	7-2393	tmasse@crs.loc.gov
Information Analysis, Foreign	Richard A. Best, Jr.	7-7607	rbest@crs.loc.gov
Infrastructure Protection	John D. Moteff	7-1435	jmoteff@crs.loc.gov
Science and Technology	Daniel Morgan	7-5849	dmorgan@crs.loc.gov

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Appropriations for FY2005: Department of Homeland Security

Most Recent Developments

H.R. 4567 Passed in the Senate in lieu of S. 2537. On September 14, 2004, the Senate passed H.R. 4567 after striking the House-passed language and inserting the language of S. 2537. The Senate-passed version of H.R. 4567 provides a total appropriation of \$33.8 billion for the Department of Homeland Security (DHS); an increase of \$1.3 billion over the Administration's request, and an 11.5% increase over the enacted FY2004 level of \$30.3 billion.

H.R. 4567 Passed in the House. On June 18, 2004, H.R. 4567 was passed in the House by a vote of 400-5. The bill would provide a total appropriation of \$33.1 billion for the Department of Homeland Security (DHS); an increase of \$500 million over the Administration's request, and a 9.2% increase over the enacted FY2004 level of \$30.3 billion.

S. 2537 Reported. On June 17, 2004, S. 2537 was introduced in the Senate. The bill would provide a total appropriation of \$33.1 billion for (DHS); an increase of \$500 million over the Administration's request, and a 9.2% increase over the enacted FY2004 level. S. 2537 was accompanied by Senate Report, S.Rept. 108-280, which was reported by the Senate Appropriations Committee on June 17, 2004, by a vote of 29-0.

President's FY2005 Budget Submitted. On February 2, 2004, the President submitted the FY2005 budget request to Congress, proposing \$32.6 billion in appropriations for the DHS. This represents a 7.7% increase over net enacted FY2004 funding of \$30.3 billion.¹

Table 1 summarizes the legislative status of DHS appropriations for FY2005.

Table 1. Legislative Status of Homeland Security Appropriations

Subcommittee Markup		H.Rept. 108-541	House Passage	S. Rept 108-280	Senate Passage	Confer. Report H.Rept.	Conference Report Approval		Public Law
House	Senate						House	Senate	
06/03 ^a (vv)	06/16 ^b (vv)	6/09 ^c (vv)	06/18 ^d (400-5)	06/17 ^e (29-0)	09/14 (93-0)	—	—	—	—

¹ The FY2004 amount does not include \$4.8 billion in scorekeeping adjustments, rescissions, and advance appropriations.

Note: vv = voice vote

- a. House Appropriations Subcommittee for Homeland Security held a markup on June 3, 2004.
- b. Senate Appropriations Subcommittee for Homeland Security held a markup on June 16, 2004.
- c. House Appropriations Committee reported by voice vote the report (H.Rept. 108-541) to the FY2005 DHS Appropriations bill (H.R. 4567).
- d. The House passed H.R. 4567 June 18, 2004 by a vote of 400-5.
- e. Senate Appropriations Committee reported by a vote of 29-0, the report (S.Rept. 108-280) to the FY2005 DHS Appropriations bill (S. 2537).

Note on Most Recent Data. The data in this report are based on House Report (H.Rept. 108-541) to H.R. 4567; the House-passed version of H.R. 4567; the Senate-passed version of H.R. 4567; and on Senate Report (S.Rept. 108-280) to S. 2537.

302(a) and 302(b) Allocation Ceilings. The maximum budget authority for annual DHS appropriations is determined through a two-stage congressional budget process. In the first stage, the Congress agrees to overall spending totals in the annual concurrent resolution on the budget. Subsequently, these amounts are allocated among the various committees, usually through the statement of managers for the conference report on the budget resolution. These amounts are known as the 302(a) allocations. They include the discretionary totals available to the House and Senate Committees on Appropriations for enactment in annual appropriations through the 13 subcommittees responsible for the development of the appropriation bills specific to each.

In the second stage of the process, the appropriations committees allocate the 302(a) discretionary funds among their subcommittees for each of the 13 annual appropriation bills. These amounts are known as the 302(b) allocations. These allocations must add up to no more than the 302(a) discretionary allocation, and form the basis for enforcing budget discipline, since any bill reported with total above the ceiling is subject to a point of order. 302(b) allocations may be adjusted during the year as the various appropriations bills progress toward final enactment. On May 19, 2004, the House agreed to the conference report on the FY2005 budget resolution S.Con.Res. 95. The Senate has not yet agreed to the conference report. On June 15, 2004, House Appropriations Committee Chairman Young submitted H.Rept. 108-543, which included subcommittee 302(b) allocations based on the amounts agreed to in the conference report on S.Con.Res. 95. The 302(a) allocation in the House version of S.Con.Res. 95 is \$821 billion, and the discretionary 302(b) allocation listed in H.Rept. 108-543 for Homeland Security is \$32 billion. On September 8, 2004, the Senate Appropriations Committee approved its 302(b) allocations with a total budget authority for Homeland Security of \$32 million. **Table 2** shows the 302(b) discretionary allocations for DHS, thus far in the process.

Table 2. FY2005 302(b) Discretionary Allocations for DHS
(budget authority in billions of dollars)

FY2004 Comparable	FY2005 Request Comparable	FY2005 House Allocation	FY2005 Senate Allocation	FY2005 Enacted Comparable
\$29.2	\$31.1	\$32	\$32	—

Source: H.Rept. 108-543, *Suballocation of Budget Allocations for FY2005*, submitted June 15, 2004, and Senate Appropriations Committee press release, September 8, 2004, available at [<http://appropriations.senate.gov/releases/Allocations%202005.pdf>].

Highlights

This report describes the President's proposal for FY2005 appropriations for DHS programs, as submitted to the Congress on February 2, 2004, and the congressional response to that proposal. It compares the FY2005 amounts proposed in the President's budget, the current estimates of the FY2004 amounts for programs and activities that were transferred to DHS after its establishment on January 24, 2003. This report tracks legislative action and congressional issues related to the FY2005 DHS appropriations bill, with particular attention paid to discretionary programs. However, the report does not follow specific funding issues related to mandatory DHS programs — such as retirement pay — nor does it systematically follow any legislation related to the authorization or amendment of DHS programs.

FY2005 represents the second annual appropriations cycle for DHS. Of the 13 annual appropriations bills, the DHS bill is estimated to be the fifth largest source of discretionary funds, accounting for approximately 3.5% of the estimated \$818.4 billion total for all federal discretionary budget authority, as reported in the *Budget of the United States Government Fiscal Year 2005*, Table S-5.²

Though not the focus of this paper, it is important to note that not all federal spending on homeland security is funneled through DHS. According to a recent Congressional Budget Office (CBO) report,³ the Administration has requested \$47.3 billion in FY2005 gross budget authority for federal homeland security activities. Of this total, according to CBO, \$40⁴ billion or 86% is allocated to DHS. However, it is also important to note that DHS performs many missions that are not related to homeland security.⁵ According to CBO, approximately \$27.1 billion or 68% of the total FY2005 requested gross budget authority for DHS is devoted to homeland security missions. Therefore, the requested DHS homeland security budget authority for FY2005 (\$27.1 billion) represents approximately 57% of the total federal

² U.S. President (Bush), *Budget of the U.S. Government: Fiscal Year 2005*, (Washington: 2004), p. 369.

³ For information regarding federal funding for homeland security activities across the federal government, see "Federal Funding for Homeland Security," *Economic and Budget Issue Brief*, CBO, Apr. 30, 2004, at [<http://www.cbo.gov/ftpdoc.cfm?index=5414&type=1>].

⁴ This total is different from the committee total because it is gross budget authority as opposed to new budget authority.

⁵ For a break down and comparison of homeland security and non-homeland security funding within DHS, see Department of Homeland Security, *Department of Homeland Security FY2005 Budget in Brief*, p. 65.

resources (\$47.3 billion) sought by the Administration for homeland security activities in FY2005.⁶

Appropriations for the Department of Homeland Security

The Homeland Security Act of 2002 (P.L. 107-296) transferred the functions, relevant funding, and most of the personnel of 22 agencies and offices to the new DHS created by the act. The act organized DHS into four major directorates: Border and Transportation Security (BTS); Emergency Preparedness and Response (EPR); Science and Technology (S&T); and Information Analysis and Infrastructure Protection (IAIP).

During congressional debate on the FY2004 appropriations cycle, the structure of accounts and titles under the bill (H.R. 2555) was reorganized several times. The House and Senate Appropriations Committees each organized the appropriations slightly differently, and the Conference committee decided upon the final organization, which was adopted in P.L. 108-90. The House and Senate tables contained within H.Rept. 108-541 and S.Rept. 108-280 for FY2005 generally reflect the organization adopted in P.L. 108-90, and is the organization used in this report.

Table 3 is a summary table comparing appropriations for FY2004 and the requested amount for FY2005. As shown in **Table 3**, the Administration has requested a total appropriation of \$32.6 billion for DHS for FY2005. This total represents a 7.7% increase in funding over the enacted FY2004 amount. The discretionary funding amount is \$31.5 billion, and represents a 7.7% increase over the net enacted FY2004 level. Requested mandatory FY2005 funding represents a 6.4% increase over the enacted FY2004 level. H.Rept. 108-541 (to H.R. 4567) recommends a total appropriation of \$33.1 billion for DHS, representing an increase of \$500 million compared to the Administration's request, and a 9.3% increase compared to the FY2004 enacted level. S.Rept. 108-280 (to S. 2537) also provides \$33.1 billion for DHS.

The House passed H.R. 4567, June 18, 2004, providing a total of \$33.1 billion for DHS. Prior to passage, the House adopted five amendments, two of which changed amounts to be appropriated. H.Amdt. 568 provided \$50 million to the Staffing of Adequate Fire and Emergency Response Firefighters (SAFER) program, which was offset by a \$50 million reduction for the Office of the Undersecretary for Management in the Operations Account of Title I. H.Amdt. 569 increased funding for Customs and Border Protection (CBP) in Title II, by \$450 thousand (less than \$0.5 million), which was offset by a reduction in amounts provided to the Office of the Undersecretary for Management in Title I.

The Senate passed H.R. 4567 on September 14, 2004. Prior to debating the bill, the Senate struck all of the House-passed provisions and inserted the language from S. 2537. During the debate, the Senate adopted more than 40 amendments to the bill.

⁶ See also, Office of Management and Budget, *2003 Report to Congress on Combating Terrorism* (Washington: Sept. 2003), for a presentation of federal resources devoted to combating terrorism.

Of the adopted amendments, 8 increased or decreased amounts to be appropriated. S.Amdt. 3616 added a total of \$170 million to the Office of State and Local Government Preparedness (OSLGCP) distributed as follows: \$50 million for State and Local Programs; \$50 million for Firefighter Assistance Grants; and \$20 million for Emergency Management Planning Grants (EMPG). S.Amdt. 3578 adds \$200 million for Air and Marine Interdiction, Operations, Maintenance and Procurement. S.Amdt 3578 includes an offset in the form of an extension of Customs User fees from March 1, 2005 to June 1, 2005.⁷

S.Amdt. 3618 adds a total of \$414 million distributed as follows: \$150 million for Customs and Border Protection (CBP) Salaries and Expenses; \$100 million for Immigration and Customs Enforcement (ICE) Salaries and Expenses (of which \$50 million is for investigative personnel, and \$50 million is for Detention and Removal bedspace and operations); \$128 million to the OSLCGP for State and Local Programs for rail and transit security; and \$36 million to the OSLGCP for EMPG. S.Amdt. 3618 also includes an offset in the form of an extension of Customs User fees from June 1, 2005 to September 30, 2005. S.Amdt. 3611 applies an overtime cap to certain CBP employees and reduces the CBP Salaries and Expenses account by \$1 million.

S.Amdt. 3598 provides an additional \$75 million for baggage screening activities. S.Amdt. 3630 provides an additional \$100 million for Federal Fire Prevention and Control Act with decreases in amounts from the following sources: \$70 million from Title I in the Office of the Under Secretary for Management; \$20 million from Title IV in Information Analysis and Infrastructure Protection's (IAIP) Management and Administration Account; and \$10 million from Science and Technology's (S&T) Management and Administration Account.

The Senate also adopted amendments to provide additional assistance pertaining to the recent round of hurricanes including Bonnie, Charley, and Frances.⁸ S.Amdt. 3607 provided an additional \$70 million to the Red Cross for response to hurricanes Bonnie, Charley, and Frances. S.Amdt. 3636 would provide an estimated \$3 billion in emergency supplemental farm disaster assistance in response to various natural disasters.

⁷ 19 U.S.C. 58c(j).

⁸ See CRS Report RL32581, *Assistance after Hurricanes and Other Disasters: FY2004 Supplemental Appropriations*, by Keith Bea and Ralph M. Chite.

Table 3. Department of Homeland Security: Summary of Appropriations
(\$ in millions)

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Conf.
Title I: Departmental Management and Operations					
Subtotal: Title I	453	713	584^b	562	
Title II: Security, Enforcement, and Investigations					
— Office of the Undersecretary for Border and Transportation Security	8	10	10	9	
— Visitor and Immigrant Status Indicator project (US VISIT)	328	340	340	340	
— Customs and Border Protection	4,899	5,122	5,154 ^b	5,158	
— Immigration and Customs Enforcement	3,407	3,307	3,363	3,760	
— Transportation Security Administration ^a	2,508	3,152	3,225	3,412	
— U.S. Coast Guard	6,764	7,335	7,307	7,469	
— U.S. Secret Service	1,134	1,163	1,183	1,163	
Subtotal: Title II	19,048	20,430	20,583	21,311	
Title III: Preparedness and Recovery					
— Office of Domestic Preparedness/ Office of State and Local Government Coordination and Preparedness	4,013	3,561	4,115 ^b	4,034	
— Counter-terrorism fund	10	20	10	10	
— Emergency Preparedness and Response	9,351	5,625	5,425	5,648	
Subtotal: Title III (current year, net)	13,374	9,206	9,550^b	9,692	
Title IV: Research and Development, Training, Assessments, and Services					
— Citizenship and Immigration Services	235	140	160	140	
— Information analysis and infrastructure protection	834	865	855	856	
— Federal Law Enforcement Training Center	192	196	221	224	
— Science and technology	913	1,039	1,132	1,059	
Subtotal: Title IV	2,173	2,240	2,368	2,279	
Amount in this bill, for any year	35,048	32,590	33,085	33,085	
Scorekeeping adjustments (rescissions; airline relief) (net)	(-4,786)	—			
Total, Dept. of Homeland Security	30,262	32,590	33,085	33,844	
<i>Discretionary (current year, this bill)</i>	<i>29,242</i>	<i>31,504</i>	<i>32,000</i>	<i>32,000</i>	
<i>Mandatory</i>	<i>1,020</i>	<i>1,085</i>	<i>1,085</i>	<i>1,085</i>	
Section 302(b) allocation	29,242		32,000	32,000	
Difference, bill and allocation	0		0	0	

Source: H.R. 4567 passed by the House June 18, 2004; S. 2537 introduced by the Senate June 17, 2004; and unofficial House Appropriations Committee tables, Apr. 8, 2004.

Note: Rounding may affect totals.

- a. Net, after considering fee receipts.
- b. Title I total includes total reductions of \$50.4 million contained in H.Amdt. 568 and H.Amdt. 569 that were adopted during the debate on passage of H.R. 4567. \$50 million of these reductions were transferred to the Firefighter Assistance Account under the Office of State and Local Government Preparedness (OSLGCP) in Title III; and \$450,000 (\$0.4 million) were transferred to CBP in Title II.

Title I: Departmental Management and Operations

Title I covers the general administrative expenses of DHS, including the Office of the Secretary and Executive Management Offices; the Under Secretary for Management; the Counterterrorism Fund; the Department-wide Technology Investments Account; and the Office of the Inspector General.⁹ **Table 4** shows appropriations for FY2004, and congressional action on the request for FY2005. The total FY2005 request for Title I is \$713 million. This represents a 57.4% increase over the FY2004 enacted level. H.Rept. 108-541 recommends \$634 million for Title I, representing a \$79 million decrease compared to the Administration's request, and a 40% increase compared to the FY2004 enacted level. However, during the floor debate on H.R. 4567, H.Amdt. 568 and H.Amdt. 569 were adopted reducing the total amounts available in Title I, by \$50.4 million to \$584 million. S.Rept. 108-280 provides a total of \$632 million for Title I. During the floor debate for H.R. 4567, the Senate adopted S.Amdt. 3630, which decreased Title I by \$70 million to \$562 million.

Table 4. Title I: Departmental Management and Operations
(\$ in millions)

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Conf.
Operations (salaries and expenses)	211	405	291	258	
Department and tech. investments	184	226	211	222	
Office of the Inspector General (net)	58	82	82	82	
Subtotal: Title I	453	713	584	562	

Source: H.R. 4567 passed by the House June 18, 2004; S. 2537 introduced by the Senate June 17, 2004; and unofficial House Appropriations Committee tables, Apr. 8, 2004.

Note: Rounding may affect totals.

Operations. Included in the Operations account is the Office of the Secretary and the Executive Management Offices, which perform several functions including public affairs, congressional affairs, privacy, security, general counsel, and civil rights and liberties. The Office of the Immigration Ombudsman is also housed in the Executive Management Offices. The Undersecretary for Management is responsible for several functions including, for example, monitoring and managing

⁹ For CRS reports on DHS Management Issues, see Current Legislative Issues: Homeland Security - Administering the Department, at [<http://www.congress.gov/erp/legissues/html/isdhs2.html>].

appropriations, accounting and finance, procurement, human resources and personnel, and the tracking of performance measurements relating to the department. The FY2005 request for Operations of \$405 million represents a 92% increase in funding over the enacted FY2004 level of \$211 million. H.Rept. 108-541 provides \$341 million for the Operations Account, representing a decrease of \$64 million from the Administration's FY2005 request; and a 62% increase in funding over the enacted FY2004 level. However, during the floor debate on H.R. 4567, H.Amdt. 568 and H.Amdt. 569 were adopted reducing the total amounts available in the Office of the Undersecretary for Management, by \$50.4 million, leaving a total of \$291 million provided by H.R. 4567 for the Operations account. S.Rept. 108-280 provides \$328 for the Operations Account, representing a \$13 million decrease compared to H.Rept. 108-541, and a 55% increase compared to the enacted FY2004 level. The \$13 million difference between the House and Senate bills is spread across many sub-accounts and activities. Significant comparisons between the Administration's request; H.Rept. 108-541; and S.Rept. 108-280 for Operations include the following:

- \$103 million requested by the administration for the new human resources personnel system, including additional resources for training supervisory personnel, and creating the information technology framework for the performance-based personnel system (H.Rept. 108-541 provides \$70 million under this account, and \$21 million under the Department-Wide Technology Investment account, while S.Rept. 108-280 provides \$70 million under this account);
- \$45 million requested by the Administration for the continued expansion of DHS headquarters, of which \$19 million would be available for 'tenant improvement' and move costs, and \$26 million is for the relocation of U.S. Navy operations from the Nebraska Avenue Complex to leased facilities (fully funded by H.Rept. 108-541, and S.Rept. 108-280); and
- \$17 million for headquarters staffing adjustments, of which \$3.5 million is to implement a new regional field structure (half-year funding, or \$1.7 million provided by H.Rept. 108-541, but not funded by S.Rept. 108-280), \$4.6 million for the Immigration Ombudsman (not funded by H.Rept. 108-541, but funded at \$3.5 million by S.Rept. 108-280), and \$5.9 million to align the Office of Immigration Statistics under the Office of the Under Secretary for Management (fully funded by H.Rept. 108-541 and S.Rept. 108-280).

In addition, H.Rept. 108-541 zeroed out (-\$6 million) funding for the DHS Office of Legislative Affairs, while this office is fully funded by S.Rept. 108-280; decreased funding for the Office of the Chief Information Officer by \$8 million due to high vacancy rates (the Office of the CIO is fully funded by S.Rept. 108-280); and transferred \$3 million to the Office for State and Local Government Coordination and Preparedness (OSLGCP) (also transferred under S.Rept. 108-280).

Department-wide Technology Investments. The FY2005 Department-wide Technology Investment (DTI) request of \$226 million represents a 23% increase over the FY2004 enacted level of \$184 million. H.Rept. 108-541 provides \$211 million for this account, representing a decrease of \$15 million as compared to

the Administration's request, and an increase of 15% compared to the FY2004 enacted level. S.Rept. 108-280 provides \$222 million for this account, representing an \$11 increase compared to H.Rept. 108-541, and a 21% increase compared to the FY2004 enacted level. Significant comparisons between the Administration's request, H.Rept. 108-541, and S.Rept. 108-280 for Department-wide Technology Investment:

- \$21 million for the design, development and implementation of a new human resources information system integrating and consolidating the existing legacy systems and implementing e-Government solutions (fully funded by H.Rept. 108-541 and S.Rept. 108-280); and
- \$17 million for the 'eMERGE'¹⁰ financial management system that will consolidate the existing legacy financial management systems into one uniform solution for the Department (funded at \$13 million, by H.Rept. 108-541 and S.Rept. 108-280, due to the identification of \$4 million in savings for this program).

The difference between the H.R. 4567 and S. 2537 can be accounted for by the H.Rept. 108-541 transfer of \$11 million for SAFECOM (secure interoperable communications) from this account to the Directorate of Science and Technology. S.Rept. 108-280 does not transfer these funds to S&T, providing \$11 million under DTI. S.Rept. 108-280 also provides an additional \$11 million for SAFECOM under the S&T Directorate, for a total of \$22 million for SAFECOM.

Title II: Security, Enforcement, and Investigations

Title II funds Security, Enforcement, and Investigations. The largest component of Title II is the Directorate of Border and Transportation Security (BTS). BTS is comprised of the inspection, investigative, and enforcement operations of the former U.S. Customs Service (Customs), the former Immigration and Naturalization Service (INS), portions of the Animal and Plant Health Inspection Service (APHIS) (whose functions have been split between the Customs and Border Protection and the Immigration and Customs Enforcement); and the TSA. The Coast Guard and the Secret Service are also funded under Title II, though they are not a part of BTS.

Table 5 shows funding for Title II. The table compares the funding of Title II activities for FY2004 with the amounts requested for FY2005. The Administration has requested a total Title II appropriation of \$20.4 billion for FY2005. The BTS Directorate accounts for 62.6% of the entire DHS budget. The FY2005 total request represents an increase of \$1.4 billion or 7.3% over the FY2004 enacted level. H.Rept. 108-541 recommends \$20.6 billion for Title II, representing a \$153 million increase compared to the request, and a 8% increase compared to the FY2004 enacted level. S.Rept. 108-280 provides \$20.7 billion for Title II, representing a \$153 million increase compared to the amounts provided in H.Rept. 108-541, and a 9% increase compared to the FY2004 enacted level. During floor debate, the Senate added

¹⁰ Electronically Managing Enterprise Resources for Government Efficiency and Effectiveness (eMERGE).

several amendments to HR4567 that increased overall Title II appropriations to \$21.3 billion. This represents an increase of \$881 million over the FY2005 request and 12% over the FY2004 enacted level.

Table 5. Title II: Security, Enforcement, and Investigations
(\$ in millions)

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Conf.
Office of the Under Secretary for Border and & Transportation Security	8	10	10	9	
Visitor & Immigrant Status Indicator Project	328	340	340	340	
Customs & Border Protection (net)	4,899	5,122	5,154	5,158	
— Salaries and expenses; construction	4,460	4,672	4,704	4,708	
— Automation modernization	439	450	450	450	
— Fee accounts (offsetting collections)	(1,126)	(1,074)	(1,074)	(1,074)	
Immigration & Customs Enforcement (net)^a	3,407	3,307	3,363	3,760	
— Salaries and expenses; construction	2,165	2,397	2,403	2,539	
—rescission from S&E	-54	—	—		
— Federal Air Marshals	623	613	663	713	
— Federal Protective Services	424	478	478	478	
—offsetting FPS fees ^b	—	-478	-478	-478	
— Automation & infrastructure modernization	40	40	40	40	
— Air and marine interdiction	209	258	258	468	
— Fee accounts (offsetting collections)	(273)	(225)	(225)	(250)	
Transportation Security Administration (net)	2,508	2,752	3,225	3,412	
— Aviation security (total funding)	3,724	4,238	4,271	4,461	
— Maritime and land security ^c	261	29	65	44	
— Credentialing Activities	—	67	67	67	
— Intelligence	14	14	14	14	
— Research and Development	154	154	174	181	
— Administration	425	540	525	535	
— Aviation Security Capital Funds	—	(250)	(250)	(250)	
— Offsetting fee collections: Aviation Security fees	(-2,070)	(-2,223)	(-1,823)	(-1,823)	
—Credentialing fees		(-67)	(-67)	(-67)	
U.S. Coast Guard	6,764	7,335	7,307	7,469	
— Operating expenses	4,637	5,173	5,171	5,153	
— Environmental compliance & restoration	17	17	17	17	
— Reserve training	94	117	113	117	
— Acquisition, construction, & improvements	961	943	937	1,063	
— Rescission	—	—	-33		
— Alteration of bridges	19	—	16	15	
— Research, development, tests, & evaluation	15	—	—	18 ^d	
— Retired pay (mandatory, entitlement)	(1,020)	(1,085)	(1,085)	(1,085)	

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Conf.
U.S. Secret Service	1,134	1,163	1,183	1,163	
Subtotal: Title II	19,048	20,430	20,583	21,311	

Source: H.R. 4567 passed by the House June 18, 2004; S. 2537 introduced by the Senate June 17, 2004; and unofficial House Appropriations Committee tables, Apr. 8, 2004.

Note: Rounding may affect totals.

- If the FY2004 offset for FPS funding is directly applied, as it is in FY2005, ICE actually receives an increase of 11%. The presentation contained in **Table 5** matches that of the unofficial House Appropriations Committee tables.
- The direct offsetting of FPS funding with FPS fee collections in FY2005 is a change in the accounting for the fees, and *does not* represent a new fee.
- The decrease in Maritime and Land security reflects a reorganization of grants (primarily port security grants) that, pursuant to the Secretary's Jan. 26, 2004 reorganization proposal, were moved from TSA to ODP.
- Both the Administration's request and H.R. 4567 fund this activity under the Science and Technology Directorate.

Office of the Undersecretary for Border and Transportation Security. The Administration's request for this office includes an increase of nearly \$2 million for additional staff in the Office of the Undersecretary for BTS. H.Rept. 108-541 fully funds this request, while S.Rept. 108-280 does not include increased funding for staffing adjustments.

US-VISIT. The Administration has requested an increase of \$12 million for the US-VISIT program to continue the implementation of existing capabilities, and to deploy additional entry and exit control capabilities at land ports of entry. The total funding request for US-VISIT is \$340 million, representing a 3.7% increase over the FY2004 enacted level of \$328 million.¹¹ H.Rept. 108-541, and S.Rept. 108-280, fully fund the Administration's request for US-VISIT.

Customs and Border Protection (CBP). CBP has responsibility for security at and between ports-of-entry along the border. These responsibilities include inspecting people and goods to determine that they are authorized for entry and maintaining border crossing stations to process persons seeking entry to the U.S. The inspection and border-related functions of the Customs Service, the border security functions of the former INS (including the Border Patrol), and the inspection functions of the Agricultural Quarantine Inspection (AQI) program are consolidated under CBP. The net FY2005 request for CBP is \$5,122 million, representing a 4.4% increase over the enacted FY2004 level of \$4,899 million. H.Rept. 108-541 provides \$5,154 million for CBP, representing a \$32 million increase compared to the Administration's request; and a 5% increase over the enacted FY2004 level.¹²

¹¹ For more information, see CRS Report RL32234, *U.S. Visitor and Immigrant Status Indicator Technology*, by Lisa M. Seghetti and Steven R. Viña.

¹² Prior to the passage of H.R. 4567, the House adopted H.Amdt. 569, which increased funding to CBP by \$450,000, but since this amount is less than \$0.5 million, it is not reflected in the reported totals due to rounding.

S.Rept. 108-280 provides \$5,009 million for CBP, \$145 million less than provided by H.Rept. 108-541, \$113 million less than requested, and 2% more than the enacted FY2004 level. H.Rept. 108-541 and S.Rept. 108-280 fully fund the following FY2005 requested increases:

- \$25 million to expand the Container Security Initiative (CSI), a cargo security program that stations CBP officers in foreign ports to target and pre-screen cargo containers before they are loaded on U.S. bound ships;
- \$15 million to expand Customs-Trade Partnership Against Terrorism (C-TPAT) a supply chain security program that engages participating private sector actors in securing their own supply chains;
- \$50 million for radiation detection and non-intrusive inspection technology used in inspecting conveyances and cargo entering the country at ports of entry;
- \$21 million for enhancements to several modules of CBP's Automated Targeting System (ATS), used to identify high-risk people and cargo worthy of a more intense inspection;
- \$64 million to expand the remote video system deployed between ports of entry along the northern and southern borders; and
- \$10 million to purchase Unmanned Aerial Vehicles to support the Border Patrol and other CBP components (S.Rept. 108-280 funds this increase under the Office of Air and Marine Operations in ICE).

H.Rept. 108-541 also provides an additional \$50 million for radiation detection and non-intrusive inspection technology, \$3 million for the Immigration Security Initiative, \$1 million for a program to monitor cargo containers, and \$0.5 million to continue steel tariff enforcement; S.Rept. 108-280 does not provide additional funding for these items.

To summarize, the \$145 million difference between the current House and Senate bills can be partially accounted for (with a \$1 million adjustment for rounding) by comparing S.Rept. 108-280 to H.Rept. 108-541. By comparison, S.Rept. 108-280 provides:

- \$104 million less than H.Rept. 108-541 for headquarters administration;
- \$50 million less than H.Rept. 108-541 for non-intrusive inspection technology;
- \$13 million more than H.Rept. 108-541 for inspections and trade facilitation at ports of entry;
- \$10 million less than H.Rept. 108-541 for unmanned aerial vehicles (UAVs), which S.Rept. 108-280 funds under the Office of Air and Marine Operations in ICE;
- \$4 million more than H.Rept. 108-541 for C-TPAT/FAST;
- \$3 million more than H.Rept. 108-541 for the National Targeting Center;
- \$1 million (net) more than H.Rept. 108-541 for training; and
- \$1 million less than H.Rept. 108-541 for additional technology.

Immigration and Customs Enforcement (ICE).¹³ ICE focuses on enforcement of immigration and customs laws within the United States, as well as investigations into such activities as fraud, forced labor, trade agreement noncompliance, smuggling and illegal transshipment of people and goods, and vehicle and cargo theft. In addition, this bureau oversees the building security activities of the Federal Protective Service (FPS), formerly of the General Services Administration; and the aviation security activities of the Federal Air Marshals (FAMS), formerly of the TSA. ICE combined the investigations and intelligence functions of the U.S. Customs Service and the former INS, the air and marine interdiction functions of those agencies, and the immigration detention and removal programs (including the operations of the FPS).

The FY2005 request for ICE of \$3,307 million represents an 11% increase from the enacted FY2004 level. Though **Table 5** indicates that the FY2005 request for ICE constitutes a 2.9% decrease from the enacted FY2004 level, this is due to a change in accounting for the fee receipts used to offset the expenses of the FPS. If the offsets are applied to the enacted FY2004 level in the same manner in which the FY2005 offsets are applied (zeroing out FPS funding in FY2004), ICE actually receives an increase of nearly 11% from the FY2004 enacted level. Using this same accounting, H.Rept. 108-541 provides \$3,364 million for ICE, representing a \$57 million increase over the Administration's request and a \$381 million or 13% increase from the enacted FY2004 level. S.Rept. 108-280 provides \$3,410 million for ICE, \$46 million more than provided by H.Rept. 108-541, \$103 million more than requested, and a 14% increase compared to the FY2004 enacted level. ICE has six budget accounts into which its funding is appropriated: Salaries and Expenses; FPS; FAMS; Automation Modernization; Air and Marine Operations (AMO); and Construction. The bulk of ICE's funding is provided through the Salaries and Expenses account, which is separated into three activities: Investigations; Detention and Removal; and AMO.

The Investigations program focuses its resources on the investigation of numerous national security, financial and smuggling violations including contraband smuggling; human trafficking; money laundering; commercial fraud; identity and benefit fraud; and the illegal trafficking of weapons and critical technology. The Administration requested an additional \$78 million for FY2005 Investigations program initiatives. The requested initiatives are as follows:

- \$16 million for compliance teams to analyze data generated from the Student Exchange and Visitor Information System (SEVIS) and US-VISIT in order to detect violators and threats to national security, and to prioritize enforcement efforts (fully funded by H.Rept. 108-541 and S.Rept. 108-280);
- \$14 million for International Affairs, of which \$10 million is to support the new Visa Security Unit (a unit implementing a visa review process by stationing DHS personnel at U.S. consular posts abroad); the remaining \$4 million is requested to replace funding

¹³ For CRS Reports on Immigration Issues, see Current Legislative Issues: Immigration at [<http://www.crs.gov/products/browse/is-immigration.shtml>].

previously provided through the Examination Fee Account (fully funded by H.Rept. 108-541 and S.Rept. 108-280);

- \$25 million to support benefit fraud operations (investigations into attempts to fraudulently obtain immigration benefits) to replace funding previously provided by the Examination Fee Account (S.Rept. 108-280 does not fund this request, continuing to fund these activities through the Immigration Examinations Fee Account); and
- \$23 million for worksite enforcement to ensure lawful compliance under the President's new guest (or temporary) worker program (H.Rept. 108-541 funds this request at \$15.6 million, S.Rept. 108-280 does not fund this request).

The Detention and Removal program is responsible for ensuring that all removable aliens depart the U.S. The Administration requests an additional \$108.2 million for the following FY2005 Detention and Removal program initiatives. H.Rept. 108-541, and S.Rept. 108-280 fully fund the following requests:

- \$30 million for the Institutional Removal Program to expand this program nationally to all federal, state, and local institutions housing criminal aliens;
- \$50 to continue implementation of the National Fugitive Operations Program (NFOP) which seeks to reduce the fugitive alien population over the next six years;
- \$11 million to establish alternatives to detention that include additional non-traditional family and female friendly detention settings and establish community supervision operations, (H.Rept. 108-541 provides an additional increase of \$5 million for a total increase of \$16 million, while S.Rept. 108-280 does not provide the additional \$5 million);
- \$6 million for the Legal Program to eliminate the backlog of matters pending in the Immigration Court;
- \$6.2 million to fund DHS's operational management responsibilities at the Migrant Operations Center on Guantanamo Bay Naval Base, including housing and security costs; and
- \$5 million for additional detention bed space for potentially removable aliens as their cases move through immigration proceedings (H.Rept. 108-541 and S.Rept. 108-280 provide an additional increase of \$5 million for a total increase of \$10 million).

AMO utilizes an integrated and coordinated air and marine force to identify, deter, interdict, and investigate acts of terrorism and the unlawful smuggling of people or goods across U.S. borders. The Administration requests, and H.Rept. 108-541 and S.Rept. 108-280 fully fund, an additional \$40.5 million for the following FY2005 AMO program initiatives.

- \$28 million to increase the number of P-3 (a radar equipped aircraft) flight hours which will be allocated to the Caribbean to support counter narcotics programs in source countries (Columbia Airbridge Denial Program); and

- \$12.5 million for long range radar to support drug interdiction efforts along the southern border.

H.Rept. 108-541 also provides an additional \$5 million in ICE's Salaries and Expenses Account, for AMO's National Capital Region Coordination Center and National Capital Region air branch operations; this additional amount is not provided by S.Rept. 108-280. However, S.Rept. 108-280 includes an additional \$10 million for AMO transferred from CBP.

The Administration did not request additional funding for new initiatives for the FAMS, FPS, Automation Modernization, or Construction accounts. However, H.Rept. 108-541 and S.Rept. 108-280 provide a total increase of \$60 million for Federal Air Marshals: \$50 million in the FAMS account for FAMS operations; and \$10 million under the Directorate of Science and Technology for the FAMS air-to-ground communications system.

In summary, the \$46 million difference between the current House and Senate bills can be accounted for (with a \$1 million adjustment for rounding) by comparing S.Rept. 108-280 to H.Rept. 108-541. S.Rept. 108-280 provides the following amounts *above* those provided by H.Rept. 108-541:

- \$10 million for Unmanned Aerial Vehicles transferred from CBP;
- \$37 million for investigative operations;
- \$4 million for intelligence operations; and
- \$9 million for headquarters technology.

S.Rept. 108-280 provides the following amounts *below* those provided by H.Rept. 108-541:

- \$10 million for AMO personnel compensation and benefits; and
- \$5 million for alternatives to detention.

Transportation Security Administration (TSA). The Administration's net FY2005 request for TSA of \$2,752 million represents a 9.7% increase over the enacted FY2004 level of \$2,508 million. According to TSA, this increase does not include funding to expand current programs, nor does it fund any new program initiatives.¹⁴ Instead, this increase is comprised primarily of annualizations of prior year funding and pay inflation.

H.Rept. 108-541 provides a net appropriation of \$3,225 million for TSA. While this appears to be a \$473 million increase over the FY2005 request, and a 29% increase over the enacted FY2004 level, H.Rept. 108-541 in fact provides increases totaling \$73 million. According to S.Rept. 108-280, the Administration budget request included a \$400 million increase in aviation security fees. However, neither House nor Senate reports fund this request, instead they provide the \$400 million in appropriated funds. **Table 5** reflects the amounts contained in H.Rept. 108-541 and

¹⁴ Department of Homeland Security, "Transportation Security Administration," *Department of Homeland Security FY2005 Congressional Budget Justification*, p. TSA-15.

S.Rept. 108-280. The remaining \$73 million increase over the request provided by H.Rept. 108-541 is comprised of the following alterations to the request:

- \$36 million for Maritime and Land Security (of which \$10 million is for Intercity Bus Security, \$11 million is for a Rail Security Demonstration Project, and \$15 million is for the Transportation Worker Identification Project);
- \$32.4 million for Aviation Security (comprised of a \$10 million reduction in *passenger* screening operations, a \$29 million increase in *baggage* screening operations, and a \$13.4 million increase in airport security direction and enforcement);
- \$20 million for Research and Development; and
- a \$15 million reduction in the funding request for TSA Administrative operations.

The \$113 million difference between the current House and Senate bills can be accounted for (with a \$1 million adjustment for rounding) by comparing S.Rept. 108-280 to H.Rept 108-541. By comparison then, S.Rept. 108-280 provides:

- \$116 million *more* than H.Rept. 108-541 for Aviation Security (of which \$60 million is for *passenger* screening operations, \$31 million is for *baggage* screening operations, and \$25 million is for Airport Security Direction and Enforcement);
- \$21 million *less* than H.Rept. 108-541 for Maritime and Land Security;
- \$7 million *more* than H.Rept. 108-541 for Research and Development; and
- \$10 million *more* than H.Rept. 108-541 for Administration.

United States Coast Guard.¹⁵ The Coast Guard is the lead federal agency for the maritime component of homeland security. As such, it is the lead agency responsible for border and transportation security as it applies to U.S. ports, coastal and inland waterways, and territorial waters. The Coast Guard also performs other missions, including some (such as fisheries enforcement) not related to homeland security. The total FY2005 request for the Coast Guard of \$7,335 million represents an 8.5% increase over the enacted FY2004 level of \$6,764 million. H.Rept. 108-541 provides \$7,307 million for the Coast Guard, representing a decrease of \$29 million compared to the Administration's request, and an increase of \$542 million or 8% compared to the FY2004 enacted level. H.Rept. 108-541 includes a rescission of \$33 million of unexpended funds appropriated in FY2003 and FY2004 for Maritime Patrol Aircraft under the Deepwater Program. S.Rept. 108-280 provides \$7,469 million for the Coast Guard (this amount *does not* include the \$33 million rescission contained in H.R. 4567). There is a difference of \$162 million (\$129 million after accounting for the rescission in H.R. 4567) between the amounts provided the Coast Guard in the House-passed H.R. 4567, and S.Rept. 108-280.

¹⁵ For more information on the Coast Guard and its homeland security missions, see CRS Report RS21125, *Homeland Security: Coast Guard Operations: Background and Issues for Congress*, by Ronald O'Rourke.

The Administration has requested increased funding for several FY2005 Coast Guard initiatives. The requested amounts and the funding levels provided by H.Rept. 108-541 and S.Rept. 108-280 include the following:

- \$102 million to facilitate the development, review, and approval of port and maritime security plans required by the Maritime Transportation Security Act (MTSA) (H.Rept. 108-541 and S.Rept. 108-280 fully fund this request);
- \$27 million for the Rescue 21 Project, which is recapitalizing the Coast Guard's coastal zone communications network (not funded by H.Rept. 108-541, but fully funded by S.Rept. 108-280);
- \$10 million for the Integrated Deepwater Program (fully funded by H.Rept. 108-541 and S.Rept. 108-280);¹⁶
- \$10 million for a pay and performance demonstration project (not funded by H.Rept. 108-541, but fully funded by S.Rept. 108-280);
- \$6 million for the Great Lakes Icebreaker Project (fully funded by H.Rept. 108-541 and S.Rept. 108-280); and
- \$2 million to arm existing helicopter assets at Air Station Cape Cod, as prototypes for arming all Coast Guard helicopters (fully funded by H.Rept. 108-541, and S.Rept. 108-280).

H.Rept. 108-541 also made the following adjustments to the Administration's request (which when combined with the \$33 million rescission, net out to the \$29 million decrease between the request, and the recommendation in H.Rept. 108-541):

- a net decrease of \$2 million for Operating Expenses;
- a decrease of \$4 million for Reserve Training travel expenses ;
- a net decrease of \$6 million for Acquisition, Construction, and Improvements; and
- an increase of \$16 million for Alteration of Bridges.

There is a net \$129 million difference (after accounting for the rescission in H.R. 4567) between the amounts provided the Coast Guard in the House-passed H.R. 4567, and S.Rept. 108-280. S.Rept. 108-280 provides the following *above* those provided in H.Rept. 108-541:

- \$4 million for Reserve Training;
- \$159 million for Acquisition, Construction, and Improvements; and
- \$19 million in Research, Development, Test and Evaluation.

S.Rept. 108-280 provides the following amounts below those provided by H.Rept. 108-541:

- \$18 million for Operating Expenses; and
- \$1 million for the Alteration of Bridges.

¹⁶ For more information, see CRS Report RS21019, *Coast Guard Deepwater Program: Background and Issues for Congress*, by Ronald O'Rourke.

Additionally, with regard to research and development, H.Rept. 108-541 transfers \$13.5 million to the S&T Directorate (as requested), while S.Rept. 108-280 recommends \$18.5 million for research and development under the Coast Guard (deferring the transfer pending the completion of a study).

United States Secret Service. The FY2005 request of \$1,163 million, represents a 2.5% increase over the enacted FY2004 level. The Administration did not request additional funding for Secret Service initiatives for FY2005. H.Rept. 108-541 provides a total of \$1,184 million for the Secret Service, representing an increase of \$20 million over the Administration's request. This increase includes \$10 million to support Secret Service operations concerning National Security Special Events (NSSE); \$5 million for Electronic Crimes Task Forces (ECTF); and \$5 million in transfers for grant assistance for the National Center for Missing and Exploited Children (NCMEC). S.Rept. 108-280 provides \$1,163 million, \$11 million less than amounts provided by H.Rept. 108-541. The amounts provided by S.Rept. 108-280 do not include the requested additional \$10 million for NSSE, which the Committee states should be funded from within the base. S.Rept. 108-280 also does not fund the requested increase for the ECTF, but does include the \$5 million for the NCMEC.

Title III: Preparedness and Recovery

The DHS Emergency Preparedness and Recovery (EPR)¹⁷ functions are intended to improve the nation's capability to reduce losses from all disasters, including terrorist attacks. EPR promotes the effectiveness of emergency responders; supports the Nuclear Incident Response Teams through standards, training exercises, and provision of funds to named federal agencies; coordinates the federal response after catastrophic disasters by managing, directing, overseeing, and coordinating specified federal resources; aids recovery efforts; contributes to the development of national preparedness and planning efforts; consolidates existing federal response plans into a single plan; and develops programs for interoperative communications for emergency responders. EPR also incorporates all activities formerly administered by the Federal Emergency Management Agency (FEMA).

Table 6 includes funds expended during FY2004 for these functions, and compares them to amounts requested for FY2005. The Administration requested a total of \$9.2 billion for FY2005 activities funded under Title III, representing a 31.5% decline compared with the enacted FY2004 level. One explanation for that decrease is that, the enacted FY2004 amount included an advance appropriation¹⁸ of

¹⁷ For more information, see CRS Report RS21367 *Emergency Preparedness and Response Directorate of the Department of Homeland Security*, by Keith Bea.

¹⁸ Advance appropriations are appropriations, in a particular appropriation act, that do not become available for spending or obligation until a subsequent fiscal year. The amount of the appropriation is counted in the fiscal year in which it becomes available for obligation. For more information, see CRS Report RS20441, *Advance Appropriations, Forward Funding, and Advance Funding*, by Sandy Streeter.

\$4.7 billion for Project BioShield¹⁹ but limited the current year (FY2004) obligation of these funds to \$884 million. The FY2005 request contains an obligation limitation of \$2.5 billion for Project BioShield. The FY2005 \$3.6 billion request for the Office for Domestic Preparedness (ODP) represents a net decrease of 11.3% compared with the FY2004 enacted amount of \$4 billion.²⁰ H.Rept. 108-541 provides \$9,500 million for Title III. This represents an increase of \$294 million compared to the Administration's request. S.Rept. 108-280 provides \$9,328 million for Title III, or \$172 million less than the amounts provided by H.Rept. 108-280. H.Rept. 108-541 and S.Rept. 108-280 transfer and merge the ODP with the Office of State and Local Government Coordination into a new organization called the Office for State and Local Government Coordination and Preparedness (OSLGCP). During floor debate, the Senate added two amendments, which increased appropriations for OSLGCP by \$284 million in the passed Senate version of HR4567, for a Title III total of \$9,692 million. This represents a \$486 million increase over the FY2005 request.

Emergency Preparedness and Response (EPR). The Administration has requested increased funding for the following FY2005 EPR initiatives, which are fully funded by H.Rept. 108-541 and S.Rept. 108-280:

- \$8 million in new budget authority for four Incident Management Teams; and
- \$7 million for the development and implementation of the National Incident Management System (NIMS).

H.Rept. 108-541 also provides the following changes to the Administration's request (none of which were adopted by S.Rept. 108-280), netting out to a total *decrease* of \$200 million for EPR compared to the request:

- a decrease of \$109 million for disaster relief;
- a decrease of \$50 million for flood map modernization;
- a decrease of \$50 million for mitigation grants;
- an increase of \$7 million for document management support; and
- an increase of \$2 million for the emergency housing plan.

There is a \$223 million difference between amounts provided by H.Rept. 108-541 and S.Rept. 108-280 for EPR. These amounts can be accounted for by the net \$200 million decrease compared to the Administration's request (listed above) provided by H.Rept. 108-541 *but not* by S.Rept. 108-280; and a \$23 million increase above the request for Urban Search and Rescue provided by S.Rept. 108-280 *but not* by H.Rept. 108-541.

Both the House and Senate reports propose a \$447 million decrease for Public Health Programs, funding only one of the three components at the FY2004 enacted

¹⁹ For more information about Project BioShield, see CRS Report RS21507, *Project BioShield*, by Frank Gottron.

²⁰ For more detailed funding information regarding the Emergency Preparedness and Response Directorate, see CRS Report RL32242, *Emergency Management Funding for the Department of Homeland Security: Information and Issues for FY2005*, by Keith Bea.

level, and transferring budget authority for the other two. The National Disaster Medical System receives level funding of \$34 million in both reports. Both the House and Senate reports stated concurrence with the Administration proposal to return budget authority for the Strategic National Stockpile (funded at \$400 million in FY2004) to the Department of Health and Human Services (HHS). Funding for the stockpile had been transferred from HHS to DHS by the Homeland Security Act, P.L. 107-296. The Metropolitan Medical Response System grants, slated for elimination in the FY2005 budget request, are transferred to the OSLGCP, though only the House provides funding for the program, maintaining the FY2004 level of \$50 million.

Office of Domestic Preparedness (ODP) or Office of State and Local Government Coordination and Preparedness (OSLGCP).²¹ ODP has primary responsibility for preparing first responders and public safety officials for terror-related or weapons of mass destruction event, and for administering grants to state, local, tribal, and regional jurisdictions. On January 26, 2004, the Secretary of DHS sent a reorganization proposal to Congress consolidating grants formerly in the TSA (port security grants), and in FEMA (Emergency Performance Grants) under ODP. This is a part of the Administration's effort to position ODP as the 'one-stop shop' for preparedness assistance. As mentioned above, the FY2005 \$3.6 billion request for ODP represents a net decrease of 11.3% from the enacted FY2004 level. H.Rept. 108-541 recommends a total of \$4,065 million for the OSLGCP, an increase of \$504 million over the request. This increase is accounted for with a \$363 million increase in State and Local Programs, \$100 million increase in Firefighter Assistance Grants, and the \$41 million increase in salaries and expenses for the OSLGCP. In addition, prior to passage, the House adopted H.Amdt. 568, which transferred \$50 million from Title I, to the Firefighter Assistance account for the Staffing for Adequate Fire and Emergency Response Firefighters (SAFER) program.²² This brings the total provided by H.R. 4567 for the OSLGCP to \$4,115 million. S.Rept. 108-280 provides a total of \$3,750 million for OSLGCP, or \$365 million *less* than provided by H.Rept. 108-541, and \$189 million more than requested.

In summary, there is a net \$365 million difference between the amounts provided the OSLGCP in the House-passed H.R. 4567, and S.Rept. 108-280. These amounts are accounted for by a \$579 million difference in the State and Local Program account; a \$16 million difference in the Salaries and Expenses account; \$180 million in the Emergency Management Performance Grants account; and \$150 million for Firefighters Assistance.

²¹ For more information regarding funding for first responder preparedness, see CRS Report RS21736, *FY2005 Budget Request for First Responder Preparedness: Issues and Analysis*, by Shawn Reese.

²² For more information on the SAFER program, see CRS Report RL32341, *Assistance to Firefighters Program: Distribution of Fire Grant Funding*, by Lennard G. Kruger.

For comparison, S.Rept. 108-280 provides the following amounts *above* those provided by H.Rept. 108-541 in the State and Local Programs account:

- \$10 million for Citizen Corps;
- \$25 million for port security;
- \$50 million for rail and transit security;
- \$10 million for intercity bus security;
- \$15 million for trucking industry security;
- \$22 million for technical assistance;
- \$5 million for the Center for Domestic Preparedness; and
- \$5 million for competitive training.

In the State and Local programs account, S.Rept. 108-280 provides the following amounts *below* those provided by H.Rept. 108-541:

- \$310 million for State and Local formula grants;
- \$100 million for Law Enforcement and Terrorism prevention grants;
- \$170 million for Emergency Management Performance Grants (funded by S.Rept. 108-280 at \$180 million as a separate account in the OSLGCP);
- \$50 million for the Metropolitan Medical Response System (MMRS)²³;
- \$50 million for technology transfer;
- \$25 million for the Urban Area Security Initiative, High-Threat/High-Density;
- \$11 million for evaluation and assessments;
- \$5 million for a Rural Domestic Preparedness Center; and
- \$50 million for the SAFER Program.

²³ The Metropolitan Medical Response System grants, slated for elimination in the FY2005 budget request, are transferred to the OSLGCP, though only the House provides funding for the program, maintaining the FY2004 level of \$50 million.

Table 6. Title III: Preparedness and Recovery
(\$ in millions)

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Conf.
Office of Domestic Preparedness / Office of State and Local Government Coordination and Planning	4,013	3,561	4,115	4,034	
— State and local programs	3,267	3,061	3,424	3,023	
— Salaries and Expenses ^a	—	—	41	25	
— Emergency Management Planning Grants ^d	—	—	—	236	
— Firefighter assistance grants	746	500	650 ^f	750	
Counter-Terrorism Fund	10	20	10	10	
Emergency Preparedness and Response	9,351	5,625	5,425	5,648	
— Office of Under Secretary EPR	3	4	4	4	
— Admin; regional operations	166	197	204	197	
— Operating expenses (rescission)	-3	—	—	—	
— Prepare., mitigation, response & recovery	224	209	210	231	
— Public health programs ^e	481	34	34	34	
— Biodefense countermeasure - Project Bioshield (advance appropriation)	4,703	—	—	—	
— (obligation limitation)	884	2,528	2,528	2,528	
— Disaster Relief	1,789	2,151	2,042	2,151	
— Emergency approp. (P.L. 108-106)	500	—	—	—	
— Emergency rescission (P.L. 108-199)	(-225)	—	—	—	
— Flood map modernization fund	199	200	150	200	
— Radiological preparedness	—	(-1)	(-1)	(-1)	
— National flood insurance fund ^b	110	0	0	0	
— National flood mitigation ^c	20	—	20	—	
— National pre-disaster mitigation fund ^c	149	0	100	—	
— Mitigation grants ^c	—	150	—	150	
— Emergency management performance grants	179	— ^d	— ^d	— ^d	
— Emergency food and shelter	152	153	153	153	
— Cerro Grande fire claims	38	—	—	—	
— Misc. adjustments, rounding	1	—	—	—	
Subtotal: Title III (current year, net)	13,374	9,206	9,550	9,692	

Source: H.R. 4567 passed by the House June 18, 2004; S. 2537 introduced by the Senate June 17, 2004; and unofficial House Appropriations Committee tables, Apr. 8, 2004.

Note: Rounding may affect totals.

- This funding was appropriated and funded under the Undersecretary for Management and ODP for FY2003 and FY2004 (\$32.9 million), the requested amount for FY2005 is (\$41.9 million).
- Fully funded through offsetting fee collections at \$113 million under the Administration's request, H.R. 4567 and S. 2537.
- The Administration requested that the flood mitigation and the Pre-disaster Mitigation program be merged into one account, Mitigation Grants. The House did not accept this merger proposal, and provided funding under the two separate sub-accounts. The Senate accepted the proposal,

and funds both the National Flood Mitigation and the National Pre-disaster Mitigation Fund under the Mitigation Grants account. The \$150 million provided by the Senate *does not include* \$20 million in transfers from the National Flood Insurance Fund. Hazard Mitigation Grant Program would continue to be funded through the disaster relief fund.

- d. The Administration proposed that for FY2005 Emergency Management Performance Grant (EMPG) funding move from EPR to the Office of State and Local Government Coordination and Planning (OSLGCP). The Administration requested and in H.R. 4567 the House provided a total of \$170 million for EMPG under the State and Local Program Account in the OSLGCP. S.Rept. 108-280 provides \$180 million for EMP grants as a separate account under OSLGCP.
- e. For FY2005 the Strategic National Stockpile (funded at \$400 million in FY2004) has been transferred to the Department of Health and Human Services, and the Metropolitan Medical Response System (funded at \$50 million in FY2004) has been transferred to the OSLGCP.
- f. Prior to passage, the House adopted H.Amdt. 568 which transferred \$50 million from Title I, to this account for the Staffing for Adequate Fire and Emergency Response Firefighters (SAFER) program.

Title IV: Research and Development, Training, Assessments, and Services

Activities funded by Title IV include the Bureau of Citizenship and Immigration Services (CIS); Information Analysis and Infrastructure Protection (IAIP); Federal Law Enforcement Training Center (FLETC); and the Science and Technology Directorate (S&T).

Table 7 shows amounts provided for these functions in FY2004 together with the amounts requested for FY2005. The Administration requests a total of \$2.24 billion dollars for Title IV for FY2005. This represents a 3% increase over the FY2004 enacted level of \$2.17 billion. The S&T receives the largest increase with a request of slightly more than \$1 billion, a 13.8% increase over the FY2004 enacted level. The FY2005 request of \$140 million for CIS represents a decrease of 40.4% in appropriated funding from the FY2004 enacted level of \$235 million. H.Rept. 108-541 recommends a total of \$2,368 million for Title IV, representing an increase of \$128 million compared to the request, and a 9% increase compared to the enacted FY2004 level. S.Rept. 108-280 provides \$2,309 million for Title IV, \$59 million *less* than provided by H.Rept. 108-541, and \$69 million *more* than requested by the Administration. During floor debate on H.R. 4567, the Senate adopted an amendment that reduced Title IV funding by \$30 million. This lowered overall Title IV Senate appropriations to \$2,279 million.

Table 7. Title IV: Research and Development, Training, Assessments, and Services
(\$ in millions)

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Conf.
Citizenship and Immigration Services (direct appropriation)	235	140	160	140	
— (subtotal; Citizenship & Immigration Services)	1,799	1,711	1,731	1,686	
— (fee accounts)	(1,564)	(1,571)	(1,571)	(1,546)	
Information Analysis & Infrastructure Protection	834	865	855	856	
— Management and Administration	124	162	132	137	
— Assessments and Evaluation	710	703	723	719	
Federal Law Enforcement Training Center	192	196	221	224	
Science and Technology	913	1,039	1,132	1,059	
— Management and Administration	44	53	69	43	
— Research, development, acquisition, and operations	867	987	1,064	1,017	
Subtotal: Title IV	2,173	2,240	2,368	2,279	

Source: H.R. 4567 passed by the House June 18, 2004; S. 2537 introduced by the Senate June 17, 2004; and unofficial House Appropriations Committee tables, Apr. 8, 2004.

Note: Rounding may affect totals.

Citizenship and Immigration Services (CIS). When the former INS was disbanded and split, the inspection and enforcement functions were placed in CBP and ICE respectively, and the immigration service functions were placed in a new agency named Citizenship and Immigration Service. CIS is responsible for providing immigration information and benefits to eligible individuals. As mentioned above, the CIS FY2005 request represents a 40.4% decrease in appropriated funding from the FY2004 enacted funding. However, if the fee funding is included, CIS would receive a 4.9% decrease in FY2005 as compared to FY2004. The Administration has requested an additional \$60 million to support efforts to reduce the backlog in processing immigration benefit applications. H.Rept. 108-541 provides a net appropriation of \$160 million for CIS. This fully funds the Administration's request and provides an additional \$20 million to convert old immigration records into electronic form. S.Rept. 108-280 provides \$140 million for CIS, and does not include the additional \$20 million for record conversion contained in H.Rept. 108-541.

Information Analysis and Infrastructure Protection (IAIP). IAIP's primary responsibilities include integrating comprehensive terrorist threat information and mapping that information against critical infrastructure vulnerabilities; issuing warnings and advisories; and recommending preventative and protective actions against threats. The IAIP FY2005 request of \$865 million

represents a 3.7% increase from the enacted FY2004 funding level of \$834 million. H.Rept. 108-541 provides a total of \$855 million for IAIP, representing a \$10 million decrease compared to the Administration's request, and a 2.5% increase over the enacted FY2004 level. S.Rept. 108-280 provides \$876 million for IAIP, \$21 million more than provided in H.Rept. 108-541, and \$11 million more than provided by the request. The Administration requested, and both H.Rept. 108-541 and S.Rept. 108-280 fully fund the following FY2005 IAIP initiatives:

- \$11 million for the Bio-Surveillance Initiative²⁴ which will allow IAIP to integrate data from various agencies to enhance IAIP's situational awareness of the health of the population, animals, plants, food supply, and environment;
- \$10 million for renovations and upgrades to the current Homeland Security Operations Center; and
- \$2 million for cyber exercises to test the critical infrastructures of the nation to potential cyber attacks.

In addition, H.Rept. 108-541 recommends an additional \$10 million for protective services field operations personnel (not funded by S.Rept. 108-280); decreases of \$15 million for competitive analysis and evaluations (S.Rept. 108-280 fully funds competitive analysis and evaluations); and a decrease of \$4 million identified as savings (S.Rept. 108-280 reflects a similar decrease in the same account, though it is not directly identified as savings).

The \$21 million difference in amounts provided by H.Rept. 108-541 and S.Rept. 108-280 can be accounted for by a net increase of \$25 million in the Management and Administration account; and a net decrease of \$4 million in the Assessment and Evaluation account. By comparison, S.Rept. 108-280 provides the following amounts *above* those provided by H.Rept. 108-541:

- \$20 million for critical infrastructure outreach and partnerships;
- \$15 million for competitive analysis and assessments;
- \$7 million for the National Infrastructure Simulation and Analysis Center; and
- \$2 million for protective actions.

By comparison, S.Rept. 108-280 provides the following amounts *below* those provided by H.Rept. 108-541:

- \$13 million for critical infrastructure identification and evaluation; and
- \$10 million for protective service field operations personnel.

Federal Law Enforcement Training Center (FLETC). FLETC offers law enforcement training programs to federal, state, and local law enforcement entities.

²⁴ For more information on the Bio-Surveillance Initiative see, DHS, *President's Budget Includes \$274 million to Further Improve Nation's Bio-Surveillance Capabilities*, press release, Jan. 29, 2004, at [<http://www.dhs.gov/dhspublic/display?content=3092>].

The FY2005 request for FLETC of \$196 million represents a 2.6% increase over the FY2004 enacted level of \$192 million. The Administration has requested an increase of \$2 million to complete the construction of the Harper's Ferry Training Center (HFTC). H.Rept. 108-541 recommends a total of \$221 million for FLETC, representing an increase of \$25 million compared to the Administration's request, and 15.1% increase compared to the enacted FY2004 level. This increase is comprised of \$23 million in funds transferred from CBP for the Charleston, South Carolina Training Facility; and \$2 million for the DHS pay and performance demonstration project. S.Rept. 108-280 provides \$224 million for FLETC. S.Rept. 108-280 does not include the requested \$2 million to complete construction at the HFTC; but does include the \$23 million transfer for CBP's Charleston facility, and the \$2 million for the pay and performance demonstration. S.Rept. 108-280 also includes an additional \$5 million for the construction of perimeter security at FLETC's Artesia firearms range.

Science and Technology Directorate (S&T). The S&T Directorate is tasked with the research, development, testing, and evaluation of homeland security capabilities. S&T also coordinates with federal, state and local government and the private sector to conduct its activities. As mentioned above, S&T is requesting the largest increase in funding of all the Title IV components. The FY2005 request of \$1,039 million represents a 13.8% increase over enacted FY2004 funding. H.Rept. 108-541 recommends a total appropriation of \$1,132 million for S&T, (including the \$11 million transfer of SAFECOM funds from DTI) representing an increase of \$93 million compared to the Administration's request, and 9% above the enacted FY2004 level. S.Rept. 108-280 provides \$1,069 million for S&T, \$63 million less than the amounts provided by H.Rept. 108-541, and \$31 million above the requested amount. The Administration has requested, and H.Rept. 108-541 and S.Rept. 108-280 recommend fully funding, increases in FY2005 for the following S&T initiatives:

- \$65 million for the Bio-Surveillance Initiative (an expansion of the BioWatch program, environmental monitoring to detect large biological attacks); and
- \$13 million to address the highest priority safety, compliance, and security issues that were revealed in recent assessments of the Plum Island Animal Disease Center.

In addition, H.Rept. 108-541 recommends the following increases above the Administration's request:

- \$40 million for University Programs (research and development, etc.) (also funded by S.Rept. 108-280);
- \$21 million for interoperability and communications - of which \$11 million is the transfer of SAFECOM funds from DTI, (increase of \$11 million provided by S.Rept. 108-280, \$10 million less than H.Rept. 108-541);
- \$10 million for SAFETY Act implementation (also funded by S.Rept. 108-280);
- an additional \$10 million for the S&T container initiative (not funded by S.Rept. 108-280).

Relative to the administration's request both House and Senate make a number of transfers to new line items. Some of these transfer are the same in both reports, but several are different. Significant differences in funding levels between the two reports include:

- an increase of \$24 million for high explosive countermeasures provided by S.Rept. 108-280 but not by H.Rept. 108-541; and
- \$16 million for Biological Countermeasures (funded at \$363 million by H.Rept. 108-541, and at \$346 million by S.Rept. 108-280).

Related Legislation

This section of the report discusses legislative proposals related to the FY2005 DHS appropriations.

FY2005 Budget Resolution, S.Con.Res. 95 /H.Con.Res. 393

The concurrent resolution sets forth the congressional budget for FY2005. The resolution proposes federal budget levels for FY2005 through FY2009. On May 19, 2004, the House agreed to the conference report to S.Con.Res. 95.²⁵ As of July 9, 2004, the Senate had yet to adopt the conference agreement.

The Senate passed its version of the budget resolution, S.Con.Res. 95, on March 12, 2004. H.Con.Res. 393 (H.Rept. 108-441) was passed by the House on March 25, 2004. On March 29, 2004, the House incorporated the provisions of H.Con.Res. 393 into S.Con.Res. 95, which then passed the House.

H.Con.Res. 393 (and the House-passed version of S.Con.Res. 95) contains a new budget function '(100) Homeland Security'. In the report accompanying H.Con.Res. 393 (H.Rept. 108-441) the House Committee on Appropriation states that the additional functional category is necessary because "homeland security has become an important separate spending category."²⁶ According to H.Rept. 108-441, Function 100 comprises all homeland security spending in the federal government, except the portion provided by the Department of Defense. H.Rept. 108-441 also states that approximately 58% of federal government spending on homeland security "occurs in the Department of Homeland Security." The Senate-passed version of S.Con.Res. 95 does not contain a new budget function for homeland security. The conference agreement H.Rept. 108-498 does not include a new budget function for Homeland Security.

²⁵ For additional information, see CRS Report RL32264, *The Budget for FY2005*, by Philip D. Winters.

²⁶ U.S. Congress, House Committee on the Budget, *Concurrent Resolution on the Budget — Fiscal Year 2005*, report to accompany H.Con.Res. 393, 108th Cong., 2nd sess., H.Rept. 108-441 (Washington: GPO, 2004), p.30.

Selected Websites

The following websites are specific to either homeland security or the budget:

House Select Committee on Homeland Security

[<http://hsc.house.gov>]

Congressional Research Service (CRS) Issues on Homeland Security

[<http://www.crs.gov/products/browse/is-homelandsecurity.shtml>]

Department of Homeland Security (DHS)

[<http://www.dhs.gov>]

[<http://www.dhs.gov/dhspublic/display?theme=12>]

White House

[<http://www.whitehouse.gov/homeland>]

[<http://www.whitehouse.gov/infocus/budget/index.html>]

House Committees

[<http://www.house.gov/appropriations>]

[<http://www.house.gov/budget/>]

Senate Committees

[<http://www.senate.gov/~appropriations>]

[<http://www.senate.gov/~budget>]

Congressional Budget Office

[<http://www.cbo.gov>]

Congressional Research Service (CRS)

[<http://www.crs.gov/products/appropriations/appage.shtml>]

General Accounting Office (GAO)

[<http://www.gao.gov>]

Government Printing Office (GPO)

[<http://w3.access.gpo.gov/usbudget/index.html>]

Office of Management and Budget (OMB)

[<http://www.whitehouse.gov/omb/budget/index.html>]

[<http://www.whitehouse.gov/omb/legislative/sap/index.html>]