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Department of Homeland Security: FY2014 Appropriations

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Summary

This report describes the FY2014 appropriations for the Department of Homeland Security (DHS). The Administration requested \$39.0 billion in adjusted net discretionary budget authority for DHS for FY2014, as part of an overall budget of \$60.0 billion (including fees, trust funds, and other funding that is not appropriated or does not score against the budget caps).

Net requested appropriations for major agencies within DHS were as follows:

- Customs and Border Protection (CBP), \$10,833 million;
- Immigration and Customs Enforcement (ICE), \$4,997 million;
- Transportation Security Administration (TSA), \$4,857 million;
- Coast Guard, \$8,051 million;
- Secret Service, \$1,546 million;
- National Protection and Programs Directorate, \$1,267 million;
- Federal Emergency Management Administration (FEMA), \$3,984 million;
- Science and Technology, \$1,527 million; and
- the Domestic Nuclear Detection Office, \$1,527 million.

The Administration also requested an additional \$5.6 billion for FEMA in disaster relief funding as defined by the Budget Control Act.

H.R. 2217, the House-passed DHS appropriations bill, would provide \$39.0 billion in adjusted net discretionary budget authority. The bill would also provide the \$5.6 billion in disaster relief requested by the Administration.

This report will be updated as events warrant.

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This report presents an analysis of the discretionary appropriations for the Department of Homeland Security (DHS) for fiscal year 2014 (FY2014). It compares the President’s request for FY2014 funding for the Department of Homeland Security (DHS), the unsequestered enacted FY2013 appropriations for DHS, and the House-passed DHS appropriations legislation for FY2014.

Discussion of appropriations legislation involves a variety of unique budgetary concepts. **Appendix A** to this report includes a discussion of a variety of these concepts as background information, including budget authority, obligations, outlays, discretionary and mandatory spending, offsetting collections, allocations, and adjustments to the discretionary spending caps under the Budget Control Act.

This report tracks legislative action and congressional issues related to the DHS appropriations bills with particular attention paid to discretionary funding amounts. The report does not provide in-depth analysis of specific issues related to mandatory funding—such as retirement pay—nor does the report systematically follow any other legislation related to the authorization or amendment of DHS programs, activities, or fee revenues.

Most Recent Developments

Table 1. Legislative Status of FY2014 Homeland Security Appropriations

(dates of action and votes)

| Subcommittee Markup | | H.Rept. 113-91 | House Passage H.R. 2217 | Senate Full Cmte. | Senate Passage | Conf. Report | Conference Report Approval | | Public Law |
|---------------------|--------|----------------|-------------------------|-------------------|----------------|--------------|----------------------------|--------|------------|
| House | Senate | | | | | | House | Senate | |
| 5/16 (vv) | — | 5/22 (vv) | 6/6 (245-182) | — | — | — | — | — | — |

Notes: (vv) = voice vote, (uc) = unanimous consent.

April 10, 2013—President’s FY2014 Budget Request Submitted

For FY2014, the Administration requested \$39.028 billion in adjusted net discretionary budget authority for DHS, as part of an overall budget request of \$60.0 billion (including fees, trust funds, and other funding that is not appropriated or does not score against the overall discretionary spending caps budget allocation for the bill).¹

June 6, 2013—House Passes H.R. 2217

On June 6, 2013, the House passed H.R. 2217 with several amendments. This report uses House-passed H.R. 2217 and the accompanying report (H.Rept. 113-91) as the source for House-passed appropriations numbers. After floor action the House bill carried a net discretionary appropriation

¹ Department of Homeland Security, *Congressional Budget Justifications, Budget Tables and Explanation of Changes for General Provisions, FY2014*, p. 1.

of \$38.992 billion for DHS for FY2014. Several House-adopted floor amendments used management accounts as offsets, leaving funding for those activities 40% below the requested level. Increases approved by the House above the committee-recommended level for DHS activities included Customs and Border Protection's Border Security Fencing, Infrastructure, and Technology account, Coast Guard's Operating Expenses account, the Federal Emergency Management Agency's Urban Search and Rescue Response activities and grant programs.

Note on FY2013 and Sequestration

Past CRS reports on DHS appropriations have carried detailed comparisons with previous years' funding levels. However, due to the impact of sequestration on budget authority available to the federal government under P.L. 113-6 and the Disaster Relief Appropriations Act of 2013 (P.L. 113-2), official post-sequestration numbers are not available at the program, project, and activity level. While DHS released an FY2013 Post-Sequestration Operating Plan on April 26, 2013, that report did not include the funding provided through P.L. 113-2, and press reports have indicated that reprogramming and transfer activity is underway to address the impact of the nearly across-the-board cut administered through the sequestration process on priority programs.²

As there is no detailed comprehensive statement of post-sequestration resources available to DHS, the charts in this report contain information on pre-sequester funding levels for FY2013. In all cases, the data from P.L. 113-6 account for two across-the-board cuts included in the general provisions of the act.

Note on Most Recent Data

Data used in this report for FY2013 amounts are taken from CRS analysis of H.R. 933 as enacted as the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) and the Senate explanatory statement that accompanied it, plus the Disaster Relief Appropriations Act of 2013 (P.L. 113-2). Information on the FY2014 request is from the President's Budget Documents, the FY2014 *DHS Congressional Budget Justifications*, and the FY2014 *DHS Budget in Brief*. Information on the House-passed FY2014 DHS Appropriations bill is from H.R. 2217 and H.Rept. 113-91. Historical funding data used in the appendices are taken from the *Analytical Perspectives* volume of the FY2006-FY2013 President's Budget. Except when discussing total amounts for the bill as a whole, all amounts contained in this report are rounded to the nearest million.

Background

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 Department of Homeland

² See, for example, Hicks, Josh, "How Much Money did Customs and Border Protection Need to Avoid Furloughs," *Washington Post*, Federal Eye blog, June 21, as downloaded from <http://www.washingtonpost.com/blogs/federal-eye/wp/2013/06/20/how-much-money-did-customs-and-border-protection-need-to-avoid-furloughs/>, June 21, 2013.

Security created by the act. Appropriations measures for DHS have generally been organized into five titles:

- Title I contains appropriations for the Office of Secretary and Executive Management (OSEM), the Office of the Under Secretary for Management (USM), the Office of the Chief Financial Officer, the Office of the Chief Information Officer (CIO), Analysis and Operations (A&O), and the Office of the Inspector General (OIG).
- Title II contains appropriations for Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), the Transportation Security Administration (TSA), the Coast Guard (USCG), and the Secret Service.³
- Title III contains appropriations for the National Protection and Programs Directorate (NPPD), Office of Health Affairs (OHA) Federal Emergency Management Agency (FEMA).⁴
- Title IV contains appropriations for U.S. Citizenship and Immigration Services (USCIS), the Science and Technology Directorate (S&T), and the Federal Law Enforcement Training Center (FLETC).
- Title V contains general provisions providing various types of congressional direction to the department.

The structure of the bill is not automatically symmetrical between House and Senate versions. Additional titles are sometimes added to address special issues: For example, the FY2012 House full committee mark-up added a sixth title to carry a \$1 billion emergency appropriation for the Disaster Relief Fund (DRF). The Senate version carried no additional titles beyond what is described above.

Appropriations for the Department of Homeland Security

Summary of DHS Appropriations

Table 2 compares the pre-sequester enacted totals for FY2013 with the FY2014 request and congressionally supported levels. Totals represent net discretionary budget authority, taking into account impacts of rescissions, and include emergency spending and disaster relief. Later tables will also reflect fees and mandatory spending.

³ The U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program was appropriated within Title II through the FY2007 appropriation. The FY2008 appropriation transferred US-VISIT, as proposed by the Administration, to the newly created National Protection and Programs Directorate (NPPD) in Title III. Division E of P.L. 110-161, the DHS Appropriations Act, 2008, enacted this reorganization. The FY2013 budget request proposes a further reorganization, splitting the program between CBP and ICE.

⁴ Through the FY2007 appropriation, Title III contained appropriations for the Preparedness Directorate, Infrastructure Protection and Information Security (IPIS) and FEMA. The President's FY2008 request included a proposal to shift a number of programs and offices to eliminate the Preparedness Directorate, create the NPPD, and move several programs to FEMA. These changes were largely agreed to by Congress in the FY2008 appropriation, reflected by Title III in Division E of P.L. 110-161.

Table 2. DHS Net Discretionary Appropriations by Title, FY2013-FY2014

(in millions of dollars of discretionary budget authority, rounded)

| Title | FY2013 Enacted (P.L. 113-6), presequester | FY2013 Supplemental (P.L. 113-2), presequester | FY2014 Request | House- passed H.R. 2217 |
|---|--|---|-------------------|----------------------------------|
| Title I: Departmental Management and Operations | \$1,086 | \$0 | \$1,239 | \$893 |
| Title II: Security, Enforcement and Investigations | 31,521 | 277 | 30,241 | 30,768 |
| Title III: Protection, Preparedness, Response, and Recovery | 12,320 | 11,788 | 11,009 | 11,544 |
| Title IV: Research and Development, Training, and Services | 1,520 | 7 | 2,214 | 1,890 |
| Title V: General Provisions | -203 | 0 | -50 | -475 |
| Total | 45,990 | 12,072 | 44,654 | 44,618 |

Source: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217 and H.Rept. 113-91.

Notes: The standard legislative practice is to group rescissions with the bill's general provisions, often resulting in that title scoring as net negative budget authority. The executive budget usually includes proposed rescissions in the impacted component's budget request. The first FY2013 column reflects the impact of \$307 million in rescissions, including two across-the-board cuts in P.L. 113-6, while the Administration proposed \$42 million in rescissions for FY2014. For FY2014, the House Appropriations Committee recommended \$460 million in rescissions. Amounts may not total due to rounding.

Federal Civilian Employee Pay Raise

The Administration proposed a 1% pay increase for all civilian federal employees in its FY2014 budget request. Almost all DHS employees are considered civilians, with the significant exception of Coast Guard military personnel.

While the House did not fund the proposed civilian pay raise, it also did not prohibit it, and noted that if the Administration chose to pursue it, it should do so within the appropriated funds.⁵

DHS Appropriations: Comparing the Components

Unlike some other appropriations bills, breaking down the DHS bill by title does not provide a great deal of transparency into where DHS's appropriated resources are going. The various components of DHS vary widely in the size of their appropriated budgets. **Table 3** and **Figure 1** show DHS's discretionary budget authority broken down by component, from largest to smallest.

Table 3 presents the raw numbers, while **Figure 1** presents the same data in a graphic format, with additional information on the disaster relief adjustment to the allocation allowed under the Budget Control Act (P.L. 112-25). For each set of appropriations shown in **Figure 1**, the left column shows discretionary budget authority provided through the legislation, while the right

⁵ H.Rept. 113-91, p. 3-4.

column shows that amount plus resources available under the adjustments. For the purposes of this report, funding provided under these adjustments is not treated as appropriations.

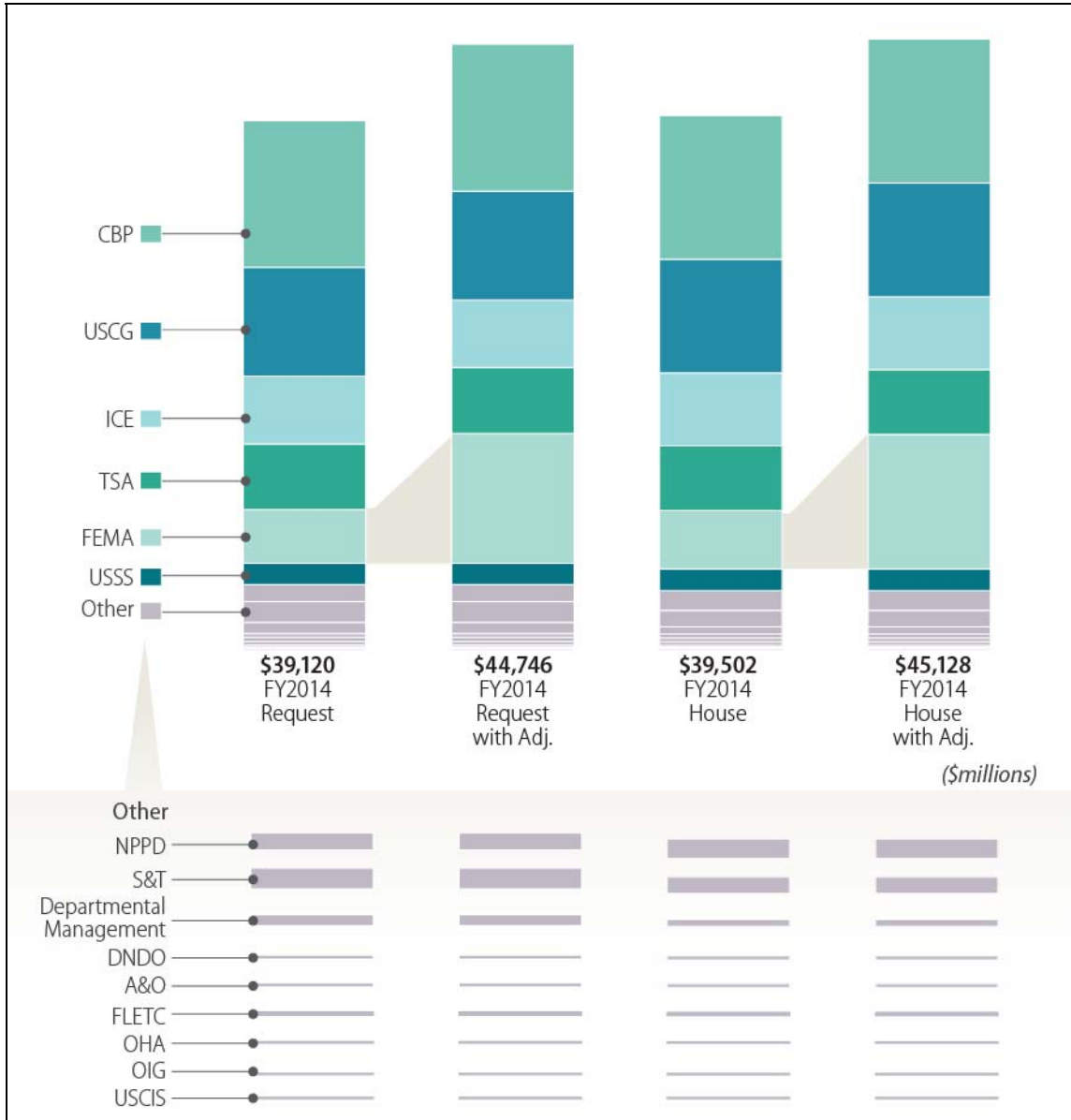
Table 3. DHS Appropriations by Component, FY2014
(in billions of dollars, rounded)

| Component | FY2014 Request | FY2014 House-passed |
|---|-----------------------|----------------------------|
| Customs and Border Protection (CBP) | \$10,833 | \$10,617 |
| U.S. Coast Guard (USCG) | 8,050 | 8,399 |
| Immigration and Customs Enforcement (ICE) | 4,997 | 5,384 |
| Transportation Security Administration (TSA) | 4,857 | 4,781 |
| Federal Emergency Management Agency (FEMA) | 3,984 | 4,335 |
| U.S. Secret Service (USSS) | 1,546 | 1,586 |
| National Protection and Programs Directorate (NPPD) | 1,267 | 1,459 |
| Science & Technology Directorate (S&T) | 1,527 | 1,225 |
| Departmental Management | 811 | 521 |
| Domestic Nuclear Detection Office (DNDO) | 291 | 291 |
| Analysis & Operations (A&O) | 309 | 292 |
| Federal Law Enforcement Training Center (FLETC) | 271 | 259 |
| Office of Health Affairs (OHA) | 132 | 132 |
| Office of the Inspector General (OHA) | 119 | 114 |
| U.S. Citizenship and Immigration Services (USCIS) | 124 | 114 |
| Total | \$39,120 | \$39,502 |

Source: H.R. 2217 and H.Rept. 113-91.

Notes: Table does not include adjustments for disaster relief or overseas contingency operations under the Budget Control Act (P.L. 112-25), rescissions of prior-year funding, or reflect non-appropriated resources available to DHS components.

Figure I. DHS Appropriations by Component, FY2014
(in millions of dollars, rounded)



Source: H.R. 2217 and H.Rept. 113-91.

Notes: Totals may not add due to rounding. Figure does not display rescissions and other general provisions, or reflect non-appropriated resources available to DHS components.

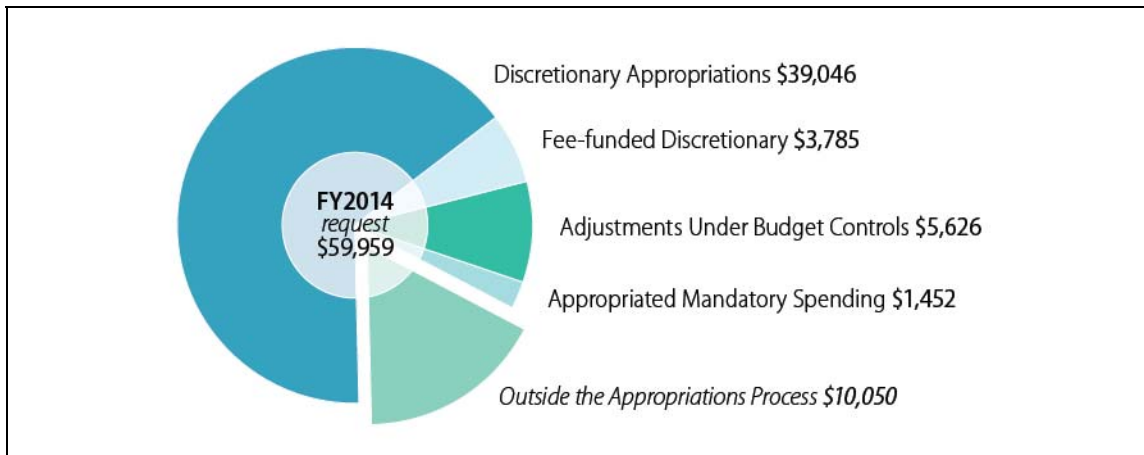
CBP = Customs and Border Protection; USCG = U.S. Coast Guard; ICE = Immigration and Customs Enforcement; TSA = Transportation Security Administration; FEMA = Federal Emergency Management Administration; USSS = U.S. Secret Service; NPPD = National Protection and Programs Directorate; S&T = Science and Technology Directorate; DNDO = Domestic Nuclear Detection Office; A&O = Analysis and Operations; FLETC = Federal Law Enforcement Training Center; OHA = Office of Health Affairs; OIG = Office of the Inspector General; USCIS = U.S. Citizenship and Immigration Services; DBA = discretionary budget authority; Adj. = adjustments to the discretionary budget caps established by the Budget Control Act.

DHS Appropriations Compared to the Total DHS Budget

It is important to note that **Figure 1**, even with its accounting for discretionary cap adjustments, does not tell the whole story about the resources available to individual DHS components. Much of DHS’s budget is not derived from discretionary appropriations. Some components, such as TSA, rely on fee income or offsetting collections to support a significant amount of their activities. Less than 4% of the budget for USCIS is provided through direct appropriations—the rest relies on fee income.

Figure 2 highlights how much of the DHS budget is not funded through discretionary appropriations. It presents a breakdown of the FY2014 budget request, showing the discretionary appropriations, mandatory appropriations, and adjustments under the Budget Control Act, in the context of the total amount of budgetary resources available to DHS, as well as other non-appropriated resources. The amounts shown in this graph are derived from the Administration’s budget request documents, and therefore do not exactly mirror the data presented in congressional documents, which are the source for the other data presented in the report, including **Table 3** and **Figure 1**.

Figure 2. DHS Gross Budget Breakdown: FY2014 Request
(millions of dollars in budget authority, rounded)



Source: DHS FY2014 Budget Request.

Notes: Budget numbers provided by OMB differ from congressional budget calculations due to a variety of factors, including recalculations of fee income, availability of prior-year rescissions, reprogrammings, transfers and other factors. Totals may not add due to rounding.

DHS Appropriations Trends: Size

Table 4 presents DHS discretionary appropriations, as enacted, for FY2004 through FY2013. Note there are two lines for FY2013. The first line for FY2013, in italics, describes pre-sequester resources provided to DHS. The second FY2013 line is derived from the post-sequester operating plan for the department, which examined only what was provided through the annual appropriations bill for DHS included in P.L. 113-6. CRS does not have post-sequester totals for what was provided in P.L. 113-2.

Table 4. DHS Appropriations, FY2004-FY2013
(billions of dollars of budget authority)

| | Nominal Appropriations | | | GDP Price Index | Constant Dollar Appropriations | | |
|------------------------------|------------------------|--------------|----------|-----------------|--------------------------------|--------------|----------|
| | Regular | Supplemental | Total | | Regular | Supplemental | Total |
| FY2004 | \$29.411 | \$7.418 | \$36.829 | 0.969 | \$30.368 | \$7.659 | \$38.027 |
| FY2005 | 29.557 | 67.328 | 96.885 | 1.000 | 29.557 | 67.328 | 96.885 |
| FY2006 | 30.995 | 8.195 | 39.19 | 1.034 | 29.976 | 7.926 | 37.901 |
| FY2007 | 34.047 | 4.56 | 38.607 | 1.065 | 31.981 | 4.283 | 36.264 |
| FY2008 | 37.809 | 0.897 | 38.706 | 1.089 | 34.709 | 0.823 | 35.533 |
| FY2009 | 40.07 | 3.143 | 43.213 | 1.103 | 36.318 | 2.849 | 39.167 |
| FY2010 | 42.817 | 5.571 | 48.388 | 1.115 | 38.418 | 4.999 | 43.417 |
| FY2011 | 42.477 | 0 | 42.477 | 1.138 | 37.329 | 0.000 | 37.329 |
| FY2012 | 40.062 | 6.4 | 46.462 | 1.159 | 34.572 | 5.523 | 40.095 |
| FY2013 | 46.247 | 12.072 | 58.319 | 1.183 | 39.093 | 10.205 | 49.298 |
| FY2013 post-sequester | 44.971 | n/a | n/a | 1.183 | 38.014 | n/a | n/a |

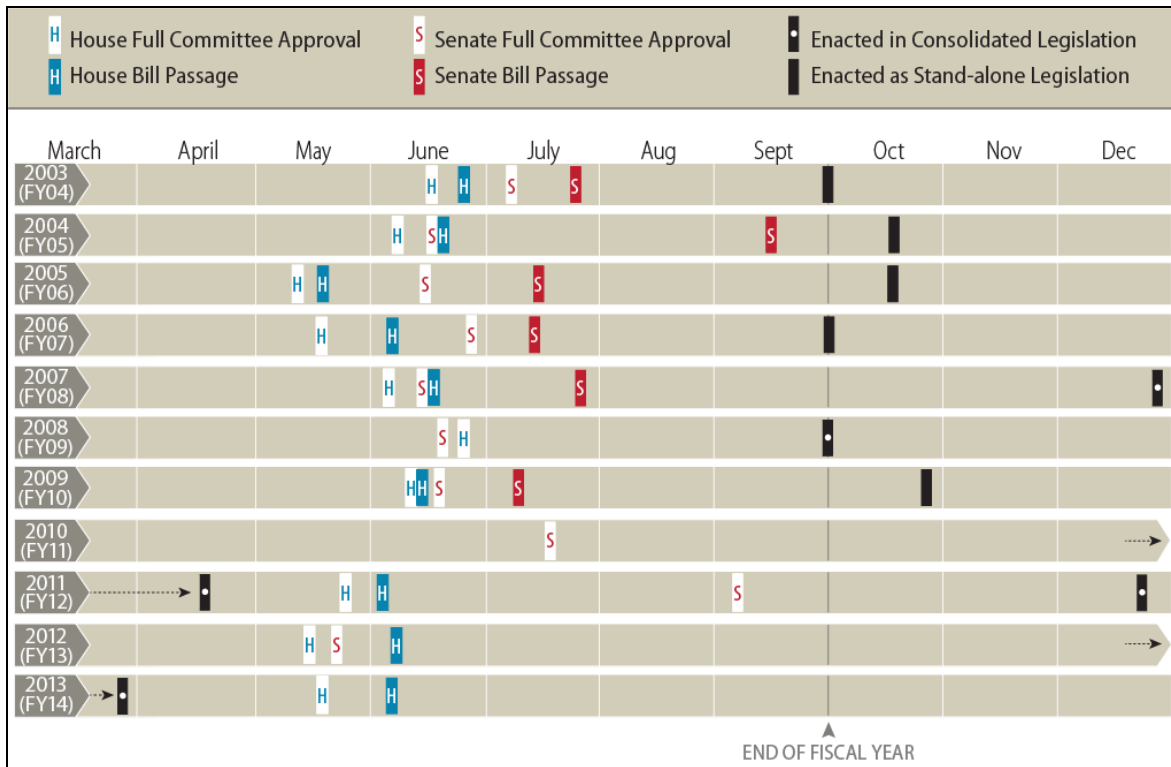
Source: CRS analysis of Congressional appropriations documents: for FY2004, H.Rept. 108-280 (accompanying P.L. 108-90), H.Rept. 108-76 (accompanying P.L. 108-11), P.L. 108-69, P.L. 108-106, and P.L. 108-303; for FY2005, H.Rept. 108-774 (accompanying P.L. 108-334), P.L. 108-324, P.L. 109-13, P.L. 109-61 and P.L. 109-62; for FY2006, H.Rept. 109-241 (accompanying P.L. 109-90), P.L. 109-148, and P.L. 109-234; for FY2007, H.Rept. 109-699 (accompanying P.L. 109-295) and P.L. 110-28; for FY2008, Division E of the House Appropriations Committee Print accompanying P.L. 110-161 and P.L. 110-252; for FY2009, Division D of House Appropriations Committee Print accompanying P.L. 110-329, P.L. 111-5, P.L. 111-8, and P.L. 111-32; for FY2010, H.Rept. 111-298 (accompanying P.L. 111-83) P.L. 111-212 and P.L. 111-230 for FY2010; for FY2011, P.L. 112-10 and H.Rept. 112-331 (accompanying P.L. 112-74); for FY2012, H.Rept. 112-331 (accompanying P.L. 112-74), and P.L. 112-77; and for FY2013, Senate explanatory statement accompanying P.L. 113-6, P.L. 113-2, and the DHS Fiscal Year 2013 Post-Sequestration Operating Plan dated April 26, 2013.

Notes: Emergency funding, appropriations for overseas contingency operations, and funding for disaster relief under the Budget Control Act’s allowable adjustment is included based on its legislative vehicle. Transfers from DOD and advance appropriations are not included. Emergency funding in regular appropriations bills is treated as regular appropriations. Numbers in italics do not reflect the impact of sequestration. Authoritative post-sequester numbers for P.L. 113-2, and therefore a post-sequester grand total for FY2013, are not available.

DHS Appropriations Trends: Timing

Figure 3 shows the history of the timing of the DHS appropriations bills as they have moved through various stages of the legislative process.

Figure 3. DHS Appropriations Legislative Timing



Source: CRS analysis.

Note: Final action on the FY2011 appropriation for DHS did not occur until April 2011, and for FY2013 until March 2013.

Title I: Departmental Management and Operations

Title I of the DHS appropriations bill provides funding for the department’s management activities, Analysis and Operations (A&O) account, and the Office of the Inspector General (OIG). The Administration requested \$1,263 million for these accounts in FY2014. The House-passed bill provides \$883 million, a decrease of 28.0% from the requested level. **Table 5** lists the pre-sequester enacted amounts for the individual components of Title I for FY2013, the Administration’s request for these components for FY2014, and the House-passed appropriations for the same.

Table 5. Title I: Departmental Management and Operations, FY2013-FY2014
(budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|---|----------------------------------|------------|--------------|-----------------------|---------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R. 2217 |
| Office of the Secretary and Executive Management | \$130 | \$0 | \$130 | \$127 | \$100 |
| Office of the Under Secretary for Management | 218 | 0 | 218 | 203 | 135 |
| Office of the Chief Financial Officer | 51 | 0 | 51 | 49 | 31 |
| Office of the Chief Information Officer | 243 | 0 | 243 | 327 | 211 |
| Analysis and Operations | 322 | 0 | 322 | 309 | 292 |
| DHS Headquarters Consolidation ^a | 0 | 0 | 0 | 106 | 0 |
| Office of the Inspector General ^b | 121 | 0 | 121 | 119 | 114 |
| Net Budget Authority: Title I | 1,087 | 0 | 1,087 | 1,239 | 883 |
| Total Gross Budgetary Resources for Title I Components before Transfers | 1,087 | 0 | 1,087 | 1,239 | 883 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Notes: Totals may not add due to rounding.

- a. This line only reflects funding for DHS Headquarters Consolidation included in Title I of the DHS appropriations bill. Other funding has been provided under Coast Guard accounts and in general provisions in previous years.
- b. The Office of the Inspector General also receives transfers from FEMA to pay for oversight of disaster-related activities that are not reflected in these tables.

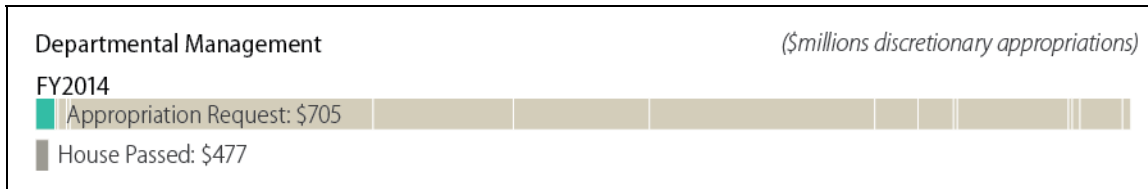
Departmental Management⁶

The departmental management accounts cover the general administrative expenses of DHS. They include the Office of the Secretary and Executive Management (OSEM), which is comprised of the Immediate Office of the Secretary and 12 entities that report directly to the Secretary; the

⁶ Prepared by Barbara L. Schwemle, Analyst in American National Government, Government and Finance Division.

Under Secretary for Management (USM) and its components—the offices of the Chief Administrative Officer (OCAO), Chief Human Capital Officer (OCHCO), Chief Procurement Officer (OCPO), and Chief Security Officer (OCSO); the Office of the Chief Financial Officer (OCFO); and the Office of the Chief Information Officer (OCIO). The Administration has usually requested funding for the consolidation of its headquarters here as well.

In this section and in each section hereafter, a graphic follows the component or element description and provides a numeric and graphic representation of the discretionary appropriation provided to the relevant part of DHS described in the report. This graphic provides a quick reference to the relative size of the component to others in DHS as well as the FY2014 request and the House-passed bill for FY2014.



FY2014 Request

The Administration requested the following appropriations for these departmental management accounts: OSEM, \$127 million; USM, \$203 million; OCFO, \$49 million; and OCIO, \$327 million.

Office of the Secretary and Executive Management (OSEM)

The Administration requested \$127 million for OSEM and 628 full-time employee equivalents (FTEs). As in the FY2013 budget, the Administration once again proposed separate line items for three offices—the Office of International Affairs, the Office of State and Local Law Enforcement, and the Private Sector Office—that are currently funded under the Office of Policy.

Two program changes from the FY2012 baseline were included in the request for the Office for Civil Rights and Civil Liberties: \$135,000 to support the department’s role in countering domestic violence extremism; and more than a million dollars for oversight support of ICE’s Secure Communities and 287(g) programs. A program change for the Office of Public Affairs included \$3 million to continue and expand the “If You See Something, Say Something” campaign.⁷

Under Secretary for Management (USM)

The Administration requested \$203 million for the USM and 872 FTEs. Several program changes from the FY2012 baseline were proposed under this appropriation:

- The Office of the Chief Readiness Support Officer included a \$1.7 million reduction for the Asset Management Portfolio Review and a \$271,000 reduction for the Nebraska Avenue Complex Facility Design;

⁷ U.S. Department of Homeland Security, *Departmental Management and Operations, Office of the Secretary and Executive Management, Congressional Justification, Fiscal Year 2014*, pp. OSEM-13 and OSEM-15.

- Human Resources Information Technology included a \$4.5 million reduction in funding for contract support and systems implementation; and
- The Office of the Chief Procurement Officer included a \$3.8 million reduction for In-Residence Course Offerings and a \$3.4 million reduction for Security Support Services.⁸

Office of the Chief Financial Officer (OCFO)

The Administration requested \$49 million for the OCFO and 208 FTEs. Program changes from the FY2012 baseline included a \$4 million increase for Financial Systems Modernization and a \$2.7 million reduction in contract support.⁹

Office of the Chief Information Officer (OCIO)

The Administration requested \$327 million for the OCIO and 274 FTEs. Program changes totaling more than \$80 million were requested from the FY2012 baseline. These included increases of \$35 million for Sharing and Safeguarding Classified Information, \$6 million for Identity, Credential, and Access Management, and \$54 million for Data Center Migration and reductions of \$1.2 million for Enterprise-Wide Human Capital Planning, \$1 million for Geospatial Information Infrastructure, and \$10 million in Information Security and Infrastructure Activities.¹⁰

House-Passed H.R. 2217

H.R. 2217, as passed by the House, would provide the following appropriations as compared with the President's request: OSEM, \$100 million (\$27 million or 21.2% less); USM, \$135 million (\$68 million or 33.5% less); OCFO, \$31 million (\$18 million or 36.7% less); OCIO, \$211 million (\$116 million or 35.5% less). The House Committee on Appropriations justified some of these reductions on the basis of the need to cover the lack of revenue from unrealized funding proposals that were intended to offset the cost of the bill and because of the department's failure to comply with several statutory requirements that were included in previous appropriations acts.

Office of the Secretary and Executive Management (OSEM)

Within OSEM, funding of up to \$45,000 would be provided for official reception and representation expenses and \$5 million would be provided for enhancements to the "If You See Something, Say Something" campaign. The proposed separate line items for the Office of International Affairs, the Office of State and Local Law Enforcement, and the Private Sector Office would be denied. The offices are directed to remain within the Office of Policy and a \$2 million reduction in the requested aggregate funding for these three offices would be realized

⁸ U.S. Department of Homeland Security, *Departmental Management and Operations, Under Secretary for Management, Congressional Justification, Fiscal Year 2014*, pp. USM-8-9; USM-14; USM-17; and USM-19.

⁹ U.S. Department of Homeland Security, *Departmental Management and Operations, Office of the Chief Financial Officer, Congressional Justification, Fiscal Year 2014*, pp. OCFO-11 – OCFO-13.

¹⁰ U.S. Department of Homeland Security, *Departmental Management and Operations, Office of the Chief Information Officer, Congressional Justification, Fiscal Year 2014*, pp. OCIO-9, OCIO-12, OCIO-18, and OCIO-21.

proportionally through “reductions in duplicative administrative functions across the three offices.”¹¹

A floor amendment was adopted by voice vote on June 5, 2013, that used funding for the OSEM as an offset, thus reducing the amount available for OSEM by \$3 million from the House Appropriations Committee recommendation of \$103 million.¹²

Under Secretary for Management (USM)

The USM is directed “to resume its efforts to compel the Department to submit a zero-based budget within its annual budget justification documents.”¹³ Under the USM appropriation, funding of \$30 million would be provided for the Chief Administrative Officer, of which \$4 million would be allocated for improvements, maintenance, and current operations at the Nebraska Avenue Complex.

Four floor amendments adopted by voice vote on June 5, 2013, used funding for the USM as an offset, thus reducing the amount available for the USM by \$36 million from the House Appropriations Committee recommended level of \$171 million, including:

- H.Amdt. 100, to increase funds for Border Security Fencing, Infrastructure, and Technology by \$10 million;
- H.Amdt. 102, to increase funds for Firefighter Assistance Grants by \$5 million;
- H.Amdt. 103, to increase funds for the Urban Search and Rescue Response System by \$7,667,000; and
- H.Amdt. 104, to increase funds for Transportation Security Administration Surface Transportation Security by \$15,676,000.

Office of the Chief Financial Officer (OCFO)

Under the OCFO account, 50% of the total appropriation would be withheld from obligation until the Committee receives all reports that are, by statute, required to be submitted with or in conjunction with the FY2015 budget request. The House report expresses concern with the significant cost of international rotations of DHS personnel through secondment positions in foreign countries and the expectation that the CFO will review the costs of all such positions. Funding for any further secondment positions in FY2014 would be denied.

A floor amendment reduced the amount available for OCFO by \$10 million from the House Appropriations Committee recommended level of \$41 million.¹⁴

¹¹ H.Rept. 113-91, p. 9.

¹² H.Amdt. 98, agreed to by a voice vote on June 5, 2013.

¹³ H.Rept. 113-91, p. 16.

¹⁴ H.Amdt. 134, agreed to by a recorded vote of 287-136 (Roll no. 207) on June 6, 2013.

Office of the Chief Information Officer (OCIO)

The House-passed appropriation of \$211 million for the Office of the Chief Information Officer would be allocated to two sub-appropriations: \$99 million for salaries and expenses and \$111 million for development and acquisition of information technology equipment, software, services, and related activities through September 30, 2015. Data Center Migration is funded as a general provision under Title V of the bill and would receive an appropriation of \$34 million.

Table 6. DHS Management Account Appropriations, FY2013-FY2014
(budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|---|----------------------------------|------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Office of the Secretary and Executive Management | \$130 | \$0 | \$130 | \$127 | \$100 |
| Immediate Office of the Secretary | 4 | 0 | 4 | 4 | 3 |
| Immediate Office of the Deputy Secretary | 2 | 0 | 2 | 2 | 2 |
| Office of the Chief of Staff | 2 | 0 | 2 | 2 | 1 |
| Executive Secretary | 8 | 0 | 8 | 8 | 4 |
| Office of Policy ^a | 44 | 0 | 44 | 29 | 30 |
| Office of Public Affairs | 5 | 0 | 5 | 9 | 9 |
| Office of Legislative Affairs | 6 | 0 | 6 | 6 | 5 |
| Office of Intergovernmental Affairs | 2 | 0 | 2 | 2 | 2 |
| Office of General Counsel | 21 | 0 | 21 | 18 | 18 |
| Office of Civil Rights and Civil Liberties | 22 | 0 | 22 | 18 | 18 |
| Citizenship and Immigration Services Ombudsman | 6 | 0 | 6 | 5 | 5 |
| Privacy Officer | 8 | 0 | 8 | 8 | 7 |
| Floor Amendment ^b | — | — | — | — | -3 |
| Under Secretary for Management^c | 218 | 0 | 218 | 203 | 135 |
| Immediate Office of the Under Secretary | 3 | 0 | 3 | 3 | 2 |

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|---|----------------------------------|------------|------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Office of Security | 69 | 0 | 69 | 66 | 56 |
| Office of the Chief Procurement Officer | 72 | 0 | 72 | 67 | 56 |
| Office of the Chief Human Capital Officer | 35 | 0 | 35 | 31 | 27 |
| Office of the Chief Administrative Officer | 40 | 0 | 40 | 36 | 30 |
| Floor Amendments | — | — | — | — | -36 |
| Office of the Chief Financial Officer | 51 | 0 | 51 | 49 | 31 |
| Office of the Chief Information Officer | 243 | 0 | 243 | 327 | 211 |
| DHS Headquarters Consolidation^d | 0 | 0 | 0 | 106 | 0 |
| Total, Departmental Management | 643 | 0 | 643 | 811 | 477 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Notes: Totals may not add due to rounding.

- a. This number for the Office of Policy reflects the existing structure of that office. The Administration proposed in its FY2013 budget request separating the Office of International Affairs, Office of State and Local Law Enforcement and the Private Sector Office from of the Office of Policy. The House and Senate Appropriations committees rejected this proposal.
- b. A floor amendment in the House reduced this account by \$3 million, but its impact across the activities is not specified.
- c. Four amendments passed the House that reduced funding for a set of activities account by a total of \$36 million, but its impact across the activities is not specified.
- d. This line only reflects funding for DHS Headquarters Consolidation included in Title I of the DHS appropriations bill. Other funding has been provided under Coast Guard accounts and in general provisions in previous years.

Issues for Congress

The report of the House Appropriations committee that accompanies H.R. 2217 identified several issues before the department. Among the issues were those on vacancies in the department’s political leadership positions, the morale of DHS employees, bonuses and awards for personnel, and measures for determining the department’s performance. Brief discussions of each of these issues follow.

Political Leadership Position Vacancies

Stating that the Office of Personnel Management’s 2012 Federal Employee Viewpoint Survey noted a lack of effective leadership at DHS, the House committee report stated that “Innovation and proactive thinking are often lacking when a government agency or office is under acting leadership as career leaders seek to reinforce established business processes without disruption.” The report especially expressed concern about leadership vacancies in CBP and OIG, stating that, “No Senate confirmed CBP Commissioner has been in place since the beginning of 2009,” and “[N]o Senate confirmed Inspector General has been in place since early 2011.”¹⁵

Employee Morale

Concern about “findings of low morale and a weak environment for innovation across the Department” was expressed in the House committee report. Specifically, the report noted that one independent study placed DHS “among the lowest-rated Federal agencies in both employee morale and innovative workplaces, with eight offices ranked in the bottom 12 percent and the Office of the Under Secretary for Science and Technology ranking 292nd out of 292 agencies.” The department is directed, within 60 days after the act’s enactment, to provide “a corrective action plan” to address the morale and innovation issues to the “relevant Congressional Committees of jurisdiction.” The “root causes” of the deficiencies and “metrics of success” that are “clear and measurable” are to be examined in the plan.¹⁶

Bonuses and Awards

The House committee report affirmed that bonuses and monetary awards are “important tools in recognizing and motivating high achieving agency personnel” and can be a means for encouraging employees to increase their productivity and employ creative ideas. The committee is concerned, however, that more than half the employees (and, in some case, 90% of employees) in a component or office have received awards, including quality step increases, and that this practice “may cause these awards to lose their value as a form of recognition or incentive.” The report stated that DHS is not granting performance awards in FY2013 because of reductions in funding and directed the department to include award amounts, estimated by component, and the standards and criteria that will be applied in making determinations of awards, with the FY2015 budget request.¹⁷

Performance of the Department

Noting that the department’s annual performance reports “do not satisfactorily tie resources to results,” the House committee report stated that Congress “is forced to make resource allocation decisions without sufficient information about the impact of those decisions.” It also stated that DHS “must make significant additional progress” in defining its missions, strategies, goals, and priorities, including development of the next Quadrennial Homeland Security Review (QHSR), Future Years Homeland Security Programs (FYHSP), and the annual budget requests. Of

¹⁵ H.Rept. 113-91, pp. 14-15.

¹⁶ Ibid., p. 14.

¹⁷ Ibid., pp. 12-13.

particular interest to the committee was performance-based budgeting that “more systematically and comprehensively tie[s] long-term strategies and goals to performance measures involving programs, assets, capabilities, policies, and authorities” and “clearly link[s] prioritized goals to anticipated resources.” The department is directed to include “in future QHSRs, FYHSPs, and annual budget proposals, clearly defined and prioritized mission goals and associated, multi-year plans for providing sufficient resources to realize those goals.” In addition, budget justifications are to include performance measures that “measure outcome (results/impact), output (volume) and efficiency.” DHS, working with the Government Accountability Office, is directed to submit “a comprehensive report that provides updated performance metrics that are measurable, repeatable, and directly linked to requests for funding.”¹⁸

DHS Headquarters Consolidation¹⁹

The Department of Homeland Security’s headquarters footprint occupies more than 7 million square feet of office space in about 45 separate locations in the greater Washington, DC, area. This is largely a legacy of how the department was assembled in a short period of time from 22 separate federal agencies who were themselves spread across the National Capital region. The fragmentation of headquarters is cited by the Department as a major contributor to inefficiencies, including time lost shuttling staff between headquarters elements; additional security, real estate, and administrative costs; and reduced cohesion among the components that make up the department.

To unify the department’s headquarters functions, the department and General Services Administration (GSA) approved a \$3.4 billion master plan to create a new DHS headquarters on the grounds of St. Elizabeths in Anacostia. According to GSA, this would be the largest federal office construction since the Pentagon was built during World War II. \$1.4 billion of this project was to be funded through the DHS budget, and \$2 billion through the GSA.²⁰ According to DHS, \$1,366 million has been invested in the project so far through FY2012—\$434 million through DHS and \$933 million through GSA.²¹ Phase 1A of the project—a new Coast Guard headquarters facility—is nearing operational status with the funding already provided by Congress.

Not all DHS functions in the greater Washington, DC, area are slated to move to the new facility. The Administration has sought funding several times in recent years for consolidation of some of those other offices to fewer locations to save money on lease costs.

The Administration requested \$106 million for the activities related to the St. Elizabeths DHS headquarters project as part of the budget for departmental operations. This included \$93 million for construction and \$13 million in costs for campus security.

¹⁸ Ibid., pp.13-14.

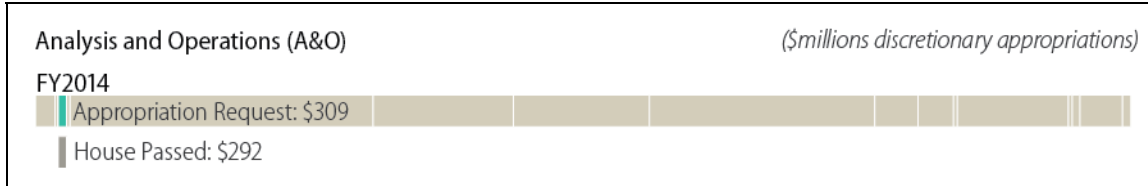
¹⁹ Prepared by William L. Painter, Analyst in Emergency Management and Homeland Security Policy, Government and Finance Division.

²⁰ U.S. Congress, House Committee on Appropriations, Subcommittee on Homeland Security, *Homeland Security Headquarters Facilities*, 111th Cong., 2nd sess., March 25, 2010 (Washington: GPO, 2010), pp. 335-366.

²¹ E-mail from DHS Legislative Affairs to author, March 12, 2013. Some of GSA’s investment in St. Elizabeths would have been required without the DHS headquarters to stabilize and maintain the structures on the federally-owned site.

House-passed H.R. 2217 includes no funding for construction at St. Elizabeths, and the House Appropriations Committee did not indicate that the bill included any funding for campus security costs.

Analysis and Operations²²



Funds included in the Analysis and Operations account support both the Office of Intelligence and Analysis (I&A) and the Office of Operations Coordination and Planning (OPS). I&A is responsible for managing the DHS intelligence enterprise and for collecting, analyzing, and sharing intelligence information for and among all components of DHS, and with the state, local, tribal, and private sector homeland security partners. Because I&A is a member of the intelligence community,²³ its budget comes in part from the classified National Intelligence Program.²⁴ OPS develops and coordinates departmental and interagency operations plans. It also manages the National Operations Center, the primary 24/7 national-level hub for domestic incident management, operations coordination, and situational awareness; fusing law enforcement, national intelligence, emergency response, and private sector information.

FY2014 Request

The FY2014 request for the Analysis and Operations account was \$309 million. The account request included funding for 852 FTEs (874 positions).

House-Passed H.R. 2217

House-passed H.R. 2217 includes \$292 million for the Analysis and Operations account, \$17.6 million (5.7%) below the amount requested.

According to H.Rept. 113-91, the House Committee on Appropriations reduced funding for OPS because of a need to “offset severe flaws within [DHS’s] budget request and due to an inadequate justification.” The Committee also denied the requested decrease to cybersecurity analysis and

²² Prepared by Jerome P. Bjelopera, Specialist in Organized Crime and Terrorism, Domestic Social Policy Division.

²³ The intelligence community (IC), as defined in 50 USC 401a(4), includes the Central Intelligence Agency, the National Security Agency, the National Reconnaissance Office, the National Geospatial-Imagery Agency, the Defense Intelligence Agency, the Bureau of Intelligence and Research of the State Department, the Office of Intelligence and Analysis of the Treasury Department, DHS’s I&A as well as intelligence elements within the Federal Bureau of Investigation, the Drug Enforcement Administration, the Department of Energy, the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

²⁴ The National Intelligence Program “funds Intelligence Community (IC) activities in six Federal departments, the Central Intelligence Agency, and the Office of the Director of National Intelligence. The IC provides intelligence collection, the analysis of that intelligence, and the responsive dissemination of intelligence to those who need it—including the President, the heads of Executive Departments, military forces, and law enforcement agencies.” See <http://www.gpo.gov/fdsys/pkg/BUDGET-2013-BUD/pdf/BUDGET-2013-BUD-8.pdf>.

counterintelligence, restoring funding for these functions. Details on this were included in the classified annex accompanying H.Rept. 113-91.

Issues for Congress

In the recent past, some Members of Congress have voiced concerns about I&A's mission. In January 2012, Representative Sue Myrick stated that "I&A historically has suffered from a lack of focus in its mission. This challenge partially stems from vague or overlapping authorities in some areas."²⁵ Representative Myrick made these comments in an opening statement for a House of Representatives Permanent Select Committee on Intelligence Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence hearing about DHS's role in the intelligence community.²⁶ The hearing centered on a report about DHS's intelligence mission issued by the Aspen Institute.²⁷ While not specifically covering I&A, the report suggested that intelligence activities at DHS should avoid duplication of efforts—such as general analysis of terrorist activities—performed by other agencies. Rather, according to the Aspen Institute,

DHS's mandate should allow for collection, dissemination, and analytic work that is focused on more specific homeland-focused areas. First, the intelligence mission could be directed toward areas where DHS has inherent strengths and unique value (e.g., where its personnel and data are centered) that overlap with its legislative mandate. Second, this mission direction should emphasize areas that are not served by other agencies, particularly state/local partners whose needs are not a primary focus for any other federal agency.²⁸

Office of the Inspector General²⁹

The DHS Office of the Inspector General (OIG) is intended to be an independent, objective body that conducts audits and investigations of the department's activities to prevent waste, fraud, and abuse; keeps Congress informed about problems within the department's programs and operations; ensures DHS information technology is secure pursuant to the Federal Information Security Management Act; and reviews and makes recommendations regarding existing and proposed legislation and regulations to the department. The OIG reports to Congress and the Secretary of DHS.³⁰

²⁵ U.S. Congress, House Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, *The Role of DHS in the IC: A Report by the Aspen Institute*, 112th Cong., 2nd sess., January 18, 2012, Opening Statement (as prepared) by Rep. Sue Myrick, p. 1, <http://intelligence.house.gov/sites/intelligence.house.gov/files/documents/011812MyrickOpeningStatement.pdf>.

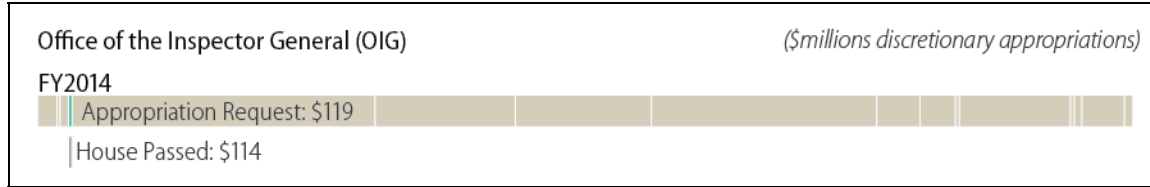
²⁶ See U.S. Congress, House Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, *The Role of DHS in the IC: A Report by the Aspen Institute*, 112th Cong., 2nd sess., January 18, 2012, <http://intelligence.house.gov/hearing/subcommittee-terrorism-humint-analysis-and-counterintelligence-role-dhs-ic-report-aspen>.

²⁷ Aspen Institute, *Homeland Security and Intelligence: Next Steps in Evolving the Mission*, January 18, 2012, <http://www.aspeninstitute.org/publications/homeland-security-intelligence-next-steps-evolving-mission>.

²⁸ *Ibid.*, p. 3.

²⁹ Prepared by Barbara L. Schwemle, Analyst in American National Government, Government and Finance Division, and William L. Painter, Analyst in Emergency Management and Homeland Security Policy, Government and Finance Division.

³⁰ H.Rept. 112-469, p. 25.



FY2014 Request

The OIG requested \$119 million in appropriations, plus a transfer of \$24 million from the Disaster Relief Fund (DRF). New funding of \$2.5 million would be for executing audits mandated by the Implementing Recommendations of the 9/11 Commission Act of 2007, which required audits of DHS-administered preparedness grants to States and territories and high-risk urban areas.³¹

House-Passed H.R. 2217

The House-passed bill includes \$114 million for the DHS OIG, plus a transfer of \$24 million from the DRF as requested for disaster-related audits and investigations. The House committee report states that this represents the funding required to maintain the current level of services, and notes with concern the lack of a confirmed head of the OIG since early 2011.³²

Issues for Congress

OIG Mandates

Both the House bill and report require the OIG to conduct reviews and provide reports, briefings, or determinations to the Appropriations Committees on a variety of matters. The FY2014 budget request for the OIG notes 18 separate reports that are required by statute and four that are required by Executive Order. Four of these predate the establishment of the department.³³ New requirements for oversight of DHS participation in conferences and special events were not included in the Administration's analysis, due to the timing of its release.

In addition, the House report directs that the OIG:

- Provide a detailed expenditure plan for the OIG with its annual budget justification starting in FY2015, as well as an expenditure plan specifically for its work with Immigration and Customs Enforcement and Customs and Border Protection on integrity investigations of their operations,³⁴
- Provide a semiannual briefing on fraud and waste at the department;³⁵ and

³¹ P.L. 110-53, Section 101 (6 USC 612).

³² H.Rept. 113-91, p. 24 and p. 15.

³³ "Status of Congressionally Requested Studies, Report, and Evaluations," *Fiscal Year 2014 One-Time Exhibits, Department of Homeland Security Congressional Justification*, OIG-5 through OIG-10.

³⁴ H.Rept. 113-91, p. 24.

³⁵ H.Rept. 113-91, p. 24.

- Enhance their “red team” investigations in conjunction with TSA’s Office of Inspection to ensure TSA screeners are properly trained and equipped to address the latest evolution of threats and vulnerabilities.³⁶

Title II: Security, Enforcement, and Investigations

Title II of the DHS appropriations bill, which includes over three-quarters of the budget authority provided in the legislation, contains the appropriations for U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the Transportation Security Administration (TSA), the U.S. Coast Guard (USCG), and the U.S. Secret Service (USSS). The Administration requested \$30,283 million for these accounts in FY2014. The House-passed bill provides \$30,768 million, an increase of 1.60% from the requested level. **Table 7** lists the enacted amounts for the individual components of Title II for FY2013, the Administration’s request for these components for FY2014, and the House-passed appropriations for the same.

Table 7. Title II: Security, Enforcement, and Investigations, FY2013-FY2014
(budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|---|----------------------------------|------------|---------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Customs and Border Protection | | | | | |
| Salaries and Expenses | \$8,282 | \$2 | \$8,284 | \$9,237 | \$8,276 |
| Small Airport User Fee ^a | — | | — | 5 | 5 |
| Automation Modernization | 719 | | 719 | 340 | 700 |
| Border Security Fencing, Infrastructure, and Technology | 324 | | 324 | 351 | 361 |
| Air and Marine Interdictions | 798 | | 798 | 428 | 803 |
| Facilities Management | 233 | | 233 | 471 | 471 |
| Appropriation | 10,356 | 2 | 10,358 | 10,833 | 10,617 |
| Fees, Mandatory Spending, and Trust Funds | 1,519 | | 1,519 | 2,064 | 2,064 |
| Total Budgetary Resources | 11,873 | 2 | 11,874 | 12,897 | 12,680 |

³⁶ H.Rept. 113-91, p. 51.

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Immigration and Customs Enforcement | | | | | |
| Salaries and Expenses | 5,387 | 1 | 5,388 | 4,957 | 5,344 |
| Automation & Infrastructure Modernization | 33 | | 33 | 35 | 35 |
| Construction | 5 | | 5 | 5 | 5 |
| Appropriation | 5,426 | 1 | 5,427 | 4,997 | 5,384 |
| Fees, Mandatory Spending, and Trust Funds | 312 | | 312 | 345 | 345 |
| Total Budgetary Resources | 5,738 | 1 | 5,738 | 5,342 | 5,729 |
| Transportation Security Administration | | | | | |
| Aviation Security (net funding) | 2,976 | | 2,976 | 2,743 | 2,755 |
| Surface Transportation Security | 124 | | 124 | 109 | 124 |
| Transportation Threat Assessment and Credentialing (net funding) | 192 | | 192 | 181 | 183 |
| Transportation Security Support | 953 | | 953 | 998 | 898 |
| Federal Air Marshals | 907 | | 907 | 827 | 821 |
| Appropriation | 5,152 | | 5,152 | 4,857 | 4,781 |
| Fees, Mandatory Spending, and Trust Funds | 2,399 | | 2,399 | 2,541 | 2,436 |
| Total Budgetary Resources | 7,551 | | 7,551 | 7,398 | 7,217 |
| U.S. Coast Guard | | | | | |
| Operating Expenses | 7,066 | | 7,066 | 6,755 | 6,839 |
| Environmental Compliance & Restoration | 13 | | 13 | 13 | 13 |
| Reserve Training | 132 | | 132 | 110 | 113 |

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|---|----------------------------------|------------|---------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Acquisition, Construction, & Improvements | 1,543 | 274 | 1,818 | 951 | 1,223 |
| Research, Development, Testing, and Evaluation | 20 | | 20 | 20 | 10 |
| Health Care Fund Contribution ^b | 203 | | 203 | 201 | 201 |
| Discretionary Appropriation | 8,723 | 274 | 8,997 | 8,050 | 8,399 |
| Fees, Mandatory Spending, and Trust Funds | 1,823 | | 1,823 | 1,808 | 1,808 |
| Overseas Contingency Operations Adjustment | 254 | | 254 | 0 | 0 |
| Total Budgetary Resources | 10,800 | 274 | 11,075 | 9,858 | 10,207 |
| Secret Service | | | | | |
| Salaries and Expenses | 1,554 | * | 1,554 | 1,495 | 1,535 |
| Acquisition, Construction, and Improvements | 57 | | 57 | 52 | 52 |
| Appropriation | 1,611 | * | 1,611 | 1,546 | 1,586 |
| Fees, Mandatory Spending, and Trust Funds | 250 | | 250 | 255 | 255 |
| Total Budgetary Resources | 1,861 | | 1,861 | 1,801 | 1,841 |
| Net Discretionary Budget Authority: Title II^c | 31,267 | 277 | 31,544 | 30,283 | 30,768 |
| Total Budgetary Resources for Title II Components before Transfers | 37,824 | 277 | 38,102 | 37,191 | 37,675 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

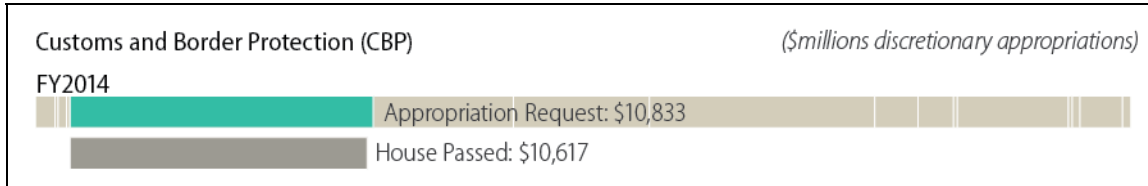
Notes: Totals may not add due to rounding. An * indicates a level of funding below \$500,000, that therefore rounds to zero.

- a. In FY2014 these funds are considered permanent indefinite discretionary spending—they count against the allocation for the bill, and are ready for use without being actually included in the appropriations legislation.

- b. Transfer authority was provided in P.L. 113-2 that would allow a portion of these funds to be shifted to the Coast Guard operating expenses account.
- c. Includes adjustments under the BCA for emergency spending.

Customs and Border Protection³⁷

CBP is responsible for security at and between ports of entry (POE) along the border, with a priority mission of preventing the entry of terrorists and instruments of terrorism. CBP officers inspect people (immigration enforcement) and goods (customs enforcement) at POEs to determine if they are authorized to enter the United States. CBP officers and U.S. Border Patrol (USBP) agents enforce more than 400 laws and regulations at the border to prevent illegal entries.



CBP’s major programs include *Border Security Inspections and Trade Facilitation*, which encompasses risk-based targeting and the inspection of travelers and goods at POEs; *Border Security and Control between Ports of Entry*, which includes the Border Patrol; *Air and Marine Operations*; *Automation Modernization*, which includes customs and immigration information technology systems; *Border Security Fencing, Infrastructure, and Technology* (BSFIT); and *Construction and Facilities Management*. The agency also manages a number of immigration and customs user *Fee Accounts*. See **Table 7** for account-level detail for all of the agencies in Title II, and **Table 8** for subaccount-level detail for CBP appropriations and funding for FY2013-FY2014.

FY2014 Request

The Administration requested an appropriation of \$10,833 million in net budget authority for CBP for FY2014. The Administration’s total request included \$2,064 million in fees, mandatory spending, and trust funds, for a gross budget request of \$12,897 million.

This request includes the following program changes from the FY2012 baseline:³⁸

- Transfer of most of the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program from the DHS National Protection Programs Directorate (NPPD) into CBP, with a \$253.5 million increase to CBP (also see “Entry-Exit System”);
- Increase of \$210.1 million to fund approximately 1,600 additional CBP officers, to include 70 canine teams at Ports of Entry, as well as 245 operational and mission support personnel (also see “Border Enforcement Personnel”);

³⁷ Prepared by Marc R. Rosenblum, Specialist in Immigration Policy, Domestic Social Policy Division.

³⁸ U.S. Department of Homeland Security (DHS), Customs and Border Protection (CBP), *Congressional Budget Justification, FY2014*, pp. 3-7. Only program changes of \$5 million or greater are described in this report; the Budget Justification also includes several smaller program changes.

- Increase of \$70.5 million to be divided among the Automated Targeting System (ATS) Operations and Maintenance (\$31.1 million), targeting systems (\$31.6 million), and CBP's National Targeting Center (NTC, \$7.8 million). These programs analyze information about goods and travelers passing into and out of the United States, and check such information against targeting algorithms to prioritize certain flows for secondary inspections;³⁹
- Increase of \$10.8 million for 1,500 additional mobile devices, handheld license plate/document readers, and related technology;
- Increase of \$8 million for the acquisition of 60 automated kiosks at airports and at 8 high-volume pedestrian crossings for participants in CBP's trusted traveler programs;⁴⁰
- Decrease of \$119.2 million as a result of reductions to mission support staffing (\$103.7 million) and early retirement incentives (\$15.5 million) for a number of CBP administrative offices;
- Decrease of \$53.9 million from information technology (IT) infrastructure and systems support;
- Decrease of \$48.4 million as a result of deferring the replacement of certain vehicles in the CBP fleet;
- Decrease of \$47.9 million as a result of reduced Border Patrol overtime hours;
- Decrease of \$30.9 million as a result of reduced acquisitions of Non-Intrusive Inspection (NII) equipment;⁴¹
- Decrease of \$23.8 million from CBP's Transportation Program (i.e., for the transportation of aliens apprehended near the border) due to a reduction of the transportation workload and through cost savings as a result of a re-competition of the transportation contract;
- Decrease of \$18.9 million as a result of efficiencies in CBP's training and development programs;
- Decrease of \$16.0 million from the CBP officer Foreign Language Awards Program;
- Decrease of \$10 million from programs to combat port running (i.e., persons fleeing enforcement at a port of entry), reducing such programs at low-risk ports;

³⁹ For a fuller discussion of CBP's use of the Automated Targeting System with respect to cargo flows, see CRS Report R43014, *U.S. Customs and Border Protection: Trade Facilitation, Enforcement, and Security*, by Vivian C. Jones and Marc R. Rosenblum.

⁴⁰ CBP's trusted traveler programs permit pre-approved, low risk travelers to be eligible for expedited processing at ports of entry through dedicated lanes and kiosks. See CBP, "Trusted Traveler Programs," Fact sheet, http://www.cbp.gov/xp/cgov/travel/trusted_traveler/.

⁴¹ Non-Intrusive Inspection (NII) equipment includes x-ray and gamma ray imaging systems and related technologies. NII scanning produces a high-resolution image of container contents that is reviewed by law enforcement officers to detect hidden cargo and other anomalies that suggest container contents do not match reported manifest data. If an officer detects an abnormality, containers may be "cracked open" for a physical examination. For a fuller discussion, see CRS Report R43014, *U.S. Customs and Border Protection: Trade Facilitation, Enforcement, and Security*, by Vivian C. Jones and Marc R. Rosenblum.

- Decrease of \$7.9 million as a result of decreased mission support staffing for the US-VISIT program resulting from the proposed consolidation of the program within CBP (see “Entry-Exit System”);
- Decrease of \$7 million from background investigations and periodic reinvestigations of CBP agents and officers;
- Decrease of \$6.4 million as a result of centralizing ammunition procurement and distribution for firearms training;
- Decrease of \$6.0 million as a result of reduced procurements for the Western Hemisphere Travel Initiative Land Border Integration program, which is designed to increase the efficiency of flows at land border ports of entry.
- Decrease of \$5.3 million as a result of reducing the number of Tactical Analysis Units, which provide intelligence to front-line CBP officers;
- Decrease of \$5 million as a result of extending the validation cycle for Customs-Trade Partnership against Terrorism (C-TPAT) members from three to four years.⁴²

House-Passed H.R. 2217

The House approved \$10,617 million in net budget authority for CBP for FY2014, a decrease of \$216 million (2.0%) from the President’s request. Under the House-passed bill, CBP would receive \$12,680 in gross budget authority, a \$216 million (1.7%) decrease from the President’s request.

These numbers include an amendment to add \$10 million to the Border Security Fencing, Infrastructure, and Technology (BSFIT) account to support emergency communication in rural areas, with a corresponding reduction to the DHS Office of the Undersecretary of Management.⁴³ The House also passed an amendment to prohibit the use of funds for CBP preclearance operations at Abu Dhabi International Airport in the United Arab Emirates.⁴⁴

⁴² Customs-Trade Partnership against Terrorism (C-TPAT) is a voluntary program that allows certain trade-related firms to be certified by CBP as having secured the integrity of their supply chains, and thereby to become eligible for certain expedited processing during the import process. For a fuller discussion see CRS Report R43014, *U.S. Customs and Border Protection: Trade Facilitation, Enforcement, and Security*, by Vivian C. Jones and Marc R. Rosenblum.

⁴³ H.Amdt. 100, which passed by voice vote on June 5, 2013.

⁴⁴ As of May 2013, CBP’s pre-clearance program provides for the inspection and clearance of commercial air passengers prior to departure from 15 locations in five foreign countries, including Aruba, the Bahamas, Bermuda, Canada, and Ireland. A preclearance inspection is essentially the same inspection an individual would undergo at a U.S. port of entry, the difference being that it is conducted outside the United States. Travelers inspected and cleared overseas do not have to undergo a second CBP inspection upon arrival in the U.S. See CBP, Office of Field Operations, “Preclearance Operations,” http://www.cbp.gov/linkhandler/cgov/toolbox/contacts/preclearance/preclearance_factsheet.ctt/preclearance_factsheet.pdf. In 2013, DHS announced plans to add a new pre-clearance location in Abu Dhabi, United Arab Emirates.

Table 8. U.S. Customs and Border Protection Account Detail, FY2013-FY2014
Budget Authority in Millions of Dollars

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|---|----------------------------------|------------|---------------|-----------------------|---------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R. 2217 |
| Salaries and Expenses | \$8,282 | \$2 | \$8,284 | \$9,237 | \$8,276 |
| <i>Headquarters Management and Administration</i> | 1,379 | | 1,379 | 1,621 | 1,110 |
| <i>Border Security Inspections and Trade Facilitation</i> | 3,202 | | 3,202 | 3,320 | 3,387 |
| <i>Border Security and Control Between POE</i> | 3,701 | | 3,701 | 3,756 | 3,779 |
| <i>Air and Marine Operations—Salaries^a</i> | a | | | 287 | a |
| <i>US-VISIT^b</i> | b | | | 254 | b |
| Automation Modernization | 719 | | 719 | 340 | 700 |
| BSFIT | 324 | | 324 | 351 | 361 |
| Air and Marine Operations | 798 | | 798 | 428 | 803 |
| Facilities Management | 233 | | 233 | 471 | 471 |
| Total Net Appropriation | 10,356 | 2 | 10,358 | 10,833 | 10,617 |
| Estimated Fees, Mandatory Spending and Trust Funds ^c | 1,517 | | 1,517 | 2,064 | 2,064 |
| Total CBP Budget Authority | 11,873 | 2 | 11,874 | 12,897 | 12,680 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Notes: Totals may not add due to rounding. POE = ports of entry; CBP = U.S. Customs and Border Protection; BSFIT = Border Security Fencing, Infrastructure, and Technology.

- a. P.L. 113-6 moved the Air and Marine Operations—Salaries sub-account from the Salaries and Expenses account to the Air and Marine Operations account—formerly known as Air and Marine Interdictions, Operations, Maintenance and Procurement—in FY2013. The FY2014 Budget Justification included a request for Air and Marine Operations—Salaries within the Salaries and Expenses account, but House-passed H.R. 2217 would fund CBP Air and Marine salaries within the Air and Marine Operations account, as in P.L. 113-6.
- b. The FY2013 Budget Justification requested a transfer of the US-VISIT entry-exit program from the DHS National Protection and Programs Directorate (NPPD) to CBP, but P.L. 113-6 left the entry-exit program within NPPD, renaming it the Office of Biometric Identity Management (OBIM). The FY2014 Budget Justification included a request for US-VISIT funding within the CBP Salaries and Expenses account, but House-passed H.R. 2217 mainly would fund the entry-exit program through the OBIM, as in P.L. 113-6.

- House-passed H.R. 2217 would include \$12.3 million in the Border Security Inspections and Trade Facilitation sub-account for entry-exit data collection.
- c. FY2013 data include a decrease of \$8 million due to an adjustment to the Small Airport User Fee and an increase of \$6 million in the Customs Unclaimed Goods Trust Fund.

Issues for Congress

CBP has been a focus of Congressional attention due to the impact of border management on trade and the economy, as well as the ongoing debate over immigration reform legislation. The following discussion is therefore not an exhaustive list of issues before Congress regarding CBP.

For example, the Senate has passed broad immigration legislation in the form of S. 744. At the same time, the House of Representatives is developing a number of other pieces of immigration legislation. For detailed analysis of the issues raised specific to CBP in the debate, see CRS Report R43097, *Comprehensive Immigration Reform in the 113th Congress: Major Provisions in Senate-Passed S. 744*, and other emerging CRS products.

Border Enforcement Personnel

CBP's front-line enforcement personnel include CBP officers at ports of entry, agriculture specialists, U.S. Border Patrol agents, air interdiction agents, and marine interdiction agents. Taken together, these personnel numbers grew from 31,695 in FY2005 to 46,666 in FY2013, an increase of 14,971 (47%). Border Patrol agents accounted for the greatest share of this growth, with an increase of 10,106 agents during this period.⁴⁵

Proportionally, CBP officers grew the least during this period, increasing from 17,881 in FY2005 to 21,775 in FY2013, a 22% increase. The Administration thus proposes to hire 3,477 additional CBP officers in FY2014, including 1,600 officers through \$210 million of additional appropriations, and 1,877 officers through revenues generated by proposed user fees increases (see "Customs User Fees"). The House Appropriations Committee expressed general support for increasing the number of CBP officers, but recommended just half the requested increase for CBP officers and related expenses (i.e., \$105 million) "to allow for a more methodical phase-in of the additional personnel." And the Committee rejected the Administration's request to designate increased user fees for additional CBP officers on the grounds that such authority is outside the jurisdiction of the Appropriations Committee.⁴⁶

Customs User Fees

CBP collects several different types of user fees, including fees paid by passengers and by cargo carriers and importers for the provision of customs services. These fees are often referred to as COBRA fees because they were passed as part of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA, P.L. 99-272). Under 19 U.S.C. Sections 58c(f)(1)-(3), a portion of these fees directly reimburses CBP for certain customs functions, including overtime compensation and certain benefits and premium pay for CBP officers, certain preclearance

⁴⁵ The number of Border Patrol agents grew from 11,264 in FY2005 to 21,408 in FY2011, before falling back to 21,388 in FY2012 and 21,370 in FY2013.

⁴⁶ H.Rept. 113-91, pp. 30-31.

services, foreign language proficiency awards, and—to the extent funds remain available—certain officer salaries. Another portion of COBRA fees—merchandise processing fees—is deposited in CBP’s Customs User Fee Account to pay for additional customs revenue functions but is only available to the extent provided for in appropriations acts.

The collection and disposition of certain COBRA user fees have been subjects of some controversy in recent appropriations cycles. In FY2012 and FY2013, CBP’s Budget Justification proposed to use revenue from elimination of a fee exemption enacted through the United States-Colombia Trade Promotion Agreement Implementation Act of 2011 (P.L. 112-42) to fund CBP officer salaries and expenses. The use of these additional revenues was not approved by Congress, requiring additional appropriated funding.⁴⁷

In its FY2014 request, CBP did not propose to use the revenues generated by P.L. 112-42 for officer salaries and expenses. Instead, the FY2014 proposal included new fee increases: a \$2.00 increase to the Immigration User Fee and COBRA air and sea passenger user fees, and proportional increases in other COBRA fee categories.⁴⁸ The Administration proposed to use increased fee revenues to pay for CBP officer salaries and expenses, and proposed to tie these user fees to the Consumer Price Index in the future. House-passed H.R. 2217 does not include language to increase these user fees, and H.Rept. 113-91 indicates that the Committee does not have jurisdiction to allocate fee increases for officer salaries and expenses. The CBP Budget Justification also proposed to conduct a study assessing the feasibility of establishing and collecting a land border crossing fee from pedestrians and vehicles entering the United States through land POEs; but section 561 of House-passed H.R. 2217—an amendment adopted in full committee markup of the bill—would prohibit the collection of such a fee, along with the use of DHS funds for any study relating to such a fee.

Public-Private Partnerships at POEs

The FY2013 DHS appropriations act (Division D of P.L. 113-6) established a pilot program to permit CBP to enter into up to five public-private partnerships (PPPs) to support customs and immigration services at certain ports of entry. In general, PPPs may provide low-cost alternatives to increase POE personnel and/or to add or improve POE infrastructure. Yet CBP has limited authority to receive reimbursement for POE services (i.e., to establish a user-fee-funded POE) or to collect extra fees as compensation for providing services outside of normal business hours.⁴⁹ These restrictions limit CBP’s ability to enter into PPPs.

The Administration’s FY2014 Budget Justification also included language to permit CBP to enter into up to five PPPs, and the FY2014 justification further proposed to expand CBP’s partnership authority by permitting DHS to accept donations of real and personal property (including monetary donations) from private parties and state and local government entities for the purpose

⁴⁷ See CRS Report R42644, *Department of Homeland Security: FY2013 Appropriations*, coordinated by William L. Painter.

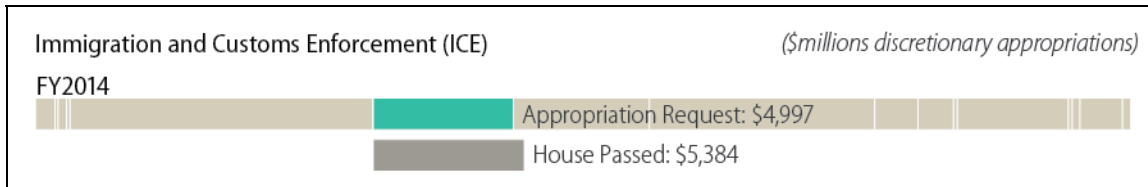
⁴⁸ U.S. Department of Homeland Security (DHS), Customs and Border Protection (CBP), *Congressional Budget Justification, FY2014*, pp. 15-17.

⁴⁹ 19 U.S.C. §58b restricts CBP’s authority to receive reimbursement to cases in which the volume or value of business cleared through the port is too low to justify the availability of customs services and if the governor of the state in which the port is located approves the arrangement; and 19 U.S.C. §1451 restricts CBP’s ability to collect extra fees as compensation for providing services outside of normal business hours.

of constructing or expanding POE facilities. The House bill did not include the Administration’s proposed language with respect to such partnerships and donation authority, however; and the House report indicated that the Committee would not allow additional port of entry partnerships until DHS briefs the Committee on the results of the initial pilot program.⁵⁰

Immigration and Customs Enforcement⁵¹

Immigration and Customs Enforcement (ICE) focuses on enforcement of immigration and customs laws within the United States. ICE develops intelligence to reduce illegal entry into the United States and is responsible for investigating and enforcing violations of the immigration laws (e.g., alien smuggling, hiring unauthorized alien workers). ICE is also responsible for locating and removing aliens who have overstayed their visas, entered illegally, or have become deportable. In addition, ICE develops intelligence to combat terrorist financing and money laundering, and to enforce export laws against smuggling, fraud, forced labor, trade agreement noncompliance, and vehicle and cargo theft.



For ICE sub-account level detail, including appropriations and funding for FY2013 and FY2014, see **Table 9**.

FY2014 Request

For FY2014, the Administration requested \$4,997 million in net budget authority, and \$5,342 million in gross budget authority for ICE. The budget request included the following changes from the FY2012 baseline:

- Increase of \$10 million for the Office of Principal Legal Advisor (OPLA);
- Increase of \$6 million for commercial trade investigations;
- Increase of \$9 million for human trafficking investigations;
- Reduction of \$44 million in the 287(g) program;⁵²
- Reduction of \$120 million in detention bed funding (a decrease of 2,200 beds); and
- Reduction of \$10 million in ICE’s international operations.

⁵⁰ H.Rept. 113-91, p. 31.

⁵¹ Prepared by Alison Siskin, Specialist in Immigration Policy, Domestic Social Policy Division.

⁵² Under the 287(g) program, state and local law enforcement agencies may enter into agreements with ICE to allow state and local law enforcement officials to receive ICE training and to perform certain immigration enforcement activities under ICE supervision. For more on this program, see CRS Report R42057, *Interior Immigration Enforcement: Programs Targeting Criminal Aliens*, by Marc R. Rosenblum and William A. Kandel; and CRS Report R41423, *Authority of State and Local Police to Enforce Federal Immigration Law*, by Michael John Garcia and Kate M. Manuel.

The President’s request also includes an additional reduction of \$482 million to reduce “inefficiencies.” The largest part of the reduction (\$205 million) will come from reduced staffing for mission support and frontline positions achieved through attrition.

House-Passed H.R. 2217

The House-passed H.R. 2217 would provide \$5,384 million in net budget authority for FY2014, an increase of \$388 million (7.8%) over the Administration’s request. House-passed H.R. 2217 would provide ICE with total budget authority of \$5,729 million, representing an increase of \$388 million (7.3%) over the Administration’s request.

Table 9. Immigration and Customs Enforcement (ICE) Sub-Account Detail, FY2013-FY2014
(budget authority in millions of dollars)

| | FY2013 Enacted presequeser) | | | FY2014 Appropriations | |
|---|--------------------------------|------------------------|----------------------------|------------------------|---------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R. 2217 |
| Salaries and Expenses | \$5,387 | \$1^a | \$5,388^a | \$4,957 | \$5,344 |
| HQ Management & Administration | 380 | | | 334 | 361 |
| Legal Proceedings | 207 | | | 205 | 206 |
| Investigations | 1,834 | | | 1,733 | 1,842 |
| <i>Investigations—Domestic</i> | <i>1,685</i> | | | <i>1,600</i> | <i>1,710</i> |
| <i>Investigations—International</i> | <i>115</i> | | | <i>101</i> | <i>100</i> |
| <i>Visa Security Program</i> | <i>35</i> | | | <i>32</i> | <i>32</i> |
| Intelligence | 78 | | | 75 | 75 |
| Detention and Removal Operations | 2,750 | | | 2,591 | 2,836 |
| <i>Custody Operations</i> | <i>2,022</i> | | | <i>1,845</i> | <i>2,038</i> |
| <i>Fugitive Operations</i> | <i>145</i> | | | <i>126</i> | <i>135</i> |
| <i>Criminal Alien Program</i> | <i>216</i> | | | <i>292^b</i> | <i>289</i> |
| <i>Alternatives to Detention</i> | <i>96</i> | | | <i>72</i> | <i>96</i> |
| <i>Transportation and Removal Program</i> | <i>270</i> | | | <i>256</i> | <i>277</i> |

| | FY2013 Enacted presequester) | | | FY2014 Appropriations | |
|--|---------------------------------|------------|--------------|-----------------------|-------------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House- passed H.R. 2217 |
| Comprehensive Identification and Removal of Criminal Aliens (Secure Communities) | 138 | | | 20 ^b | 25 |
| Automation and Infrastructure Modernization | 33 | | 33 | 35 | 35 |
| Construction | 5 | | 5 | 5 | 5 |
| ICE Appropriations | 5,426 | 1 | 5,427 | 4,997 | 5,384 |
| Fee Accounts | 312 | | 312 | 345 | 345 |
| ICE Gross Budget Authority | 5,738 | | 5,739 | 5,342 | 5,729 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Notes: Totals may not add due to rounding. ICE = U.S. Immigration and Customs Enforcement.

- Due to P.L. 113-2 providing its funding at the account level only, we cannot provide a final presequester total for subaccounts.
- Due to the completion of the deployment of Secure Communities, the day-to-day management of Secure Communities, and corresponding funds and personnel, is transferred to the Criminal Alien Program (CAP).

Issues for Congress

ICE is responsible for many divergent activities due to the breadth of the civil and criminal violations of law that fall under its jurisdiction. As a result, how ICE resources are allocated in order to best achieve its mission is a continuously debated issue. The FY2014 appropriations process has involved discussions about ICE's role in detaining and removing (deporting) aliens and on the role of state and local law enforcement agencies in immigration enforcement.

The Senate has passed broad immigration legislation in the form of S. 744. At the same time, the House of Representatives is developing a number of other pieces of immigration legislation. For detailed analysis of the issues raised specific to ICE in the debate, see CRS Report R43097, *Comprehensive Immigration Reform in the 113th Congress: Major Provisions in Senate-Passed S. 744* and other emerging CRS products.

Enforcement and Removal Operations

Part of ICE's mission includes locating and removing deportable aliens, which involves determining the appropriate amount of detention space as well as which aliens should be

detained. There are an estimated 10.8 million unauthorized aliens in the United States.⁵³ In addition, there are an estimated 1.9 million aliens (authorized and unauthorized) in the United States who have been convicted of a crime.⁵⁴ According to ICE, they have the capacity to remove 400,000 aliens a year,⁵⁵ and accordingly, DHS has developed a system to prioritize certain aliens for removal. In 2011 and 2012, ICE published a number of agency guidance memoranda concerning the agency's enforcement priorities and prosecutorial discretion.

In March 2011, John Morton, Director of Immigration and Customs Enforcement, published agency guidelines that define a three-tiered priority scheme that applies to all ICE programs and enforcement activities related to civil immigration enforcement. Under these guidelines, ICE's top three civil immigration enforcement priorities are to (1) apprehend and remove aliens who pose a danger to national security or a risk to public safety, (2) apprehend and remove recent illegal entrants, and (3) apprehend aliens who are fugitives or otherwise obstruct immigration controls.⁵⁶ Morton published two memoranda in June 2011 to provide further guidance to ICE officers, agents, and attorneys to target criminal aliens for enforcement, and to consider prosecutorial discretion for certain crime victims.⁵⁷ On August 18, 2011, DHS announced that they would review all removal cases that were awaiting hearings in the immigration courts to identify cases that might be amenable to prosecutorial discretion.⁵⁸ In December 2012, Morton issued a memorandum providing guidance on the use of detainees.⁵⁹

For a more detailed discussion of these memoranda, see CRS Report R42057, *Interior Immigration Enforcement: Programs Targeting Criminal Aliens*, by Marc R. Rosenblum and William A. Kandel.

DHS also announced, in June 2012, that the department would exercise prosecutorial discretion by deferring enforcement action in the case of certain individuals who were brought to the United States as children and who meet certain other criteria (known as the DACA program).⁶⁰ As a

⁵³ U.S. Department of Homeland Security, Office of Immigration Statistics, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011*, by Michael Hoefler, Nancy Rytina, and Bryan C. Baker, March 2012.

⁵⁴ DHS, *U.S. Immigration and Customs Enforcement Salaries and Expenses Congressional Budget Justifications FY2013*, p. 61.

⁵⁵ John Morton, *Memorandum on Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens*, U.S. Immigration and Customs Enforcement, Washington, DC, March 2, 2011.

⁵⁶ John Morton, *Memorandum on Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens*, U.S. Immigration and Customs Enforcement, Washington, DC, March 2, 2011.

⁵⁷ John Morton, *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*, U.S. Department of Homeland Security Immigration and Customs Enforcement, Washington, DC, June 17, 2011, <http://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>; and John Morton, *Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs*, U.S. Department of Homeland Security Immigration and Customs Enforcement, Washington, DC, June 17, 2011, <http://www.ice.gov/doclib/secure-communities/pdf/domestic-violence.pdf>.

⁵⁸ Letter from Janet Napolitano, Secretary of Homeland Security, to Richard Durbin, Senator, August 18, 2011.

⁵⁹ John Morton, *Memorandum on Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems*, U.S. Immigration and Customs Enforcement, Washington, DC, Dec. 21, 2012, <https://www.ice.gov/doclib/detention-reform/pdf/detainer-policy.pdf>.

⁶⁰ For more on the DACA program, see CRS Report R42958, *Unauthorized Aliens: Policy Options for Providing Targeted Immigration Relief*, by Andorra Bruno.

result, there has been ongoing debate about how ICE should prioritize the removal of removable aliens.⁶¹

House-passed H.R. 2217 would prohibit the use of any of the funds provided under the act to finalize, implement, administer or enforce these agency memorandums and policy guidance concerning enforcement priorities, including the DACA memorandum. This prohibition was added by H.Amdt. 136, which passed the House by a recorded vote of 224-201 on June 6, 2013.⁶² In addition, House-passed H.R. 2217 would require that \$1,600 million of the appropriated funds shall be available to identify aliens convicted of a crime who may be removable from the United States and to remove such aliens once ordered removed. House-passed H.R. 2217 would also require the Secretary of DHS to prioritize the identification and removal of aliens convicted of a crime by the severity of the crime.

ICE's Office of Enforcement and Removal Operations (ERO) provides custody management of the aliens who are in removal proceedings or who have been ordered removed from the United States.⁶³ ERO also is responsible for ensuring that aliens ordered removed actually depart from the United States. Some contend that ERO does not have enough detention space to house all those who should be detained. Concerns have been raised that decisions regarding which aliens to release and when to release them may be based on the amount of detention space, not on the merits of individual cases, and that detention conditions may vary by area of the country leading to inequities. Some policymakers have advocated for the increased use of alternatives to detention programs for noncriminal alien detainees, citing these programs as a lower cost option than detention and a more proportional treatment relative to the violation.⁶⁴

The number of detention beds maintained by ICE has been an issue. ICE maintained 34,000 detention bed spaces in FY2013. In the beginning of calendar year 2013, ICE released 2,228 detainees, maintaining that the release was necessary due to the fact that ICE was operating under a continuing resolution (CR) and the upcoming budgetary reductions required by sequestration. At a hearing on the issue, ICE Director John Morton stated that although the CR had funded 34,000 beds,⁶⁵ ICE's average daily detention population exceeded 35,000 individuals, including many who were not required to be detained under law.⁶⁶ However, critics responded that the release was purely political and a way to pressure Congress to make a deal with the President to

⁶¹ For more on the debate surrounding prosecutorial discretion in immigration enforcement see U.S. Congress, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, *Does Administrative Amnesty Harm our Efforts to Gain and Maintain Operational Control of the Border?*, 112th Cong., 2nd sess., October 4, 2011.

⁶² Section 588, H.R. 2217(rfs2).

⁶³ For more information on detention issues see CRS Report RL32369, *Immigration-Related Detention*, by Alison Siskin. Under the INA aliens can be removed for reasons of health, criminal status, economic well-being, national security risks, and others that are specifically defined in the act. In 2010, ICE changed the name of DRO to Enforcement and Removal Operations (ERO). The House and Senate Appropriations Committees have not adopted the name change in their reports.

⁶⁴ U.S. Congress, House Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, *Moving Toward More Effective Immigration Detention Management*, 111th Cong., 1st sess., December 10, 2009 (Washington: GPO, 2009).

⁶⁵ U.S. Congress, House Judiciary Committee, *The Release of Criminal Detainees by U.S. Immigration and Customs Enforcement: Policy or Politics?* 113th Cong., 1st sess., March 19, 2013.

⁶⁶ Under statute certain aliens are subject to mandatory detention during their removal process (e.g., criminal aliens, certain arriving aliens). Aliens not subject to mandatory detention may be released on bond or their own recognizance, or can continue to be detained. For more information on mandatory detention, see CRS Report RL32369, *Immigration-Related Detention*, by Alison Siskin.

avert the sequestration reductions.⁶⁷ The President's FY2014 budget requests a reduction in bed space to 31,800 beds. House-passed H.R. 2217 would maintain 34,000 detention beds for FY2014.

Due to the cost of detaining aliens, and the fact that many non-detained aliens with final orders of removal do not leave the country, there has been interest in developing alternatives to detention for certain types of aliens who do not require a secure detention setting. ICE's Alternatives to Detention (ATD) provides less restrictive alternatives to detention, using such tools as electronic monitoring devices (e.g., ankle bracelets), home visits, work visits, and reporting by telephone, to monitor aliens who are out on bond while awaiting hearings during removal proceedings or the appeals process.⁹¹ The Administration requests \$72 million for the ATD program. H.R. 2217, as passed by the House, would provide \$96 million for the ATD program.⁶⁸

Immigration Enforcement in State and Local Jails

The Administration's request included \$20 million for Secure Communities, an information sharing program between DHS and the Department of Justice to check the fingerprints of arrestees against DHS immigration records. In FY2013, ICE completed the nationwide deployment of Secure Communities, and thus the President's request includes a transfer of resources from Secure Communities to the Criminal Alien Program (CAP).⁶⁹

The enforcement of immigration laws by state and local law enforcement agents through agreements pursuant to Section 287(g) of the INA (the Section 287(g) program)⁷⁰ and through screening for immigration violations in state and local jails through the Section 287(g) program and Secure Communities has sparked debate about the proper role of state and local law enforcement officials in this area.⁷¹ Many have expressed concern over proper training, finite resources at the local level, possible civil rights violations, and the overall impact on communities. Nonetheless, some observers contend that the federal government has scarce resources to enforce immigration law and that state and local law enforcement entities should be used.

The Administration requested a reduction of \$44 million for 287(g) agreements from the FY2012 level of roughly \$68 million.⁷² The Administration contends that the Secure Communities

⁶⁷ Questioning of ICE Director John Morton by Representative Trey Gowdy, U.S. Congress, House Judiciary Committee, *The Release of Criminal Detainees by U.S. Immigration and Customs Enforcement: Policy or Politics?* 113th Cong., 1st sess., March 19, 2013.

⁶⁸ H.R. 2217, as passed by the House, would give ICE the authority to sell any ICE-owned detention facilities if the facilities no longer meet the mission need.

⁶⁹ DHS, *U.S. Immigration and Customs Enforcement Salaries and Expenses Congressional Budget Justifications* FY2014, p. 4.

⁷⁰ Some 287(g) programs ("jail screening" programs) allow local law enforcement officials to conduct migration screening as persons are being booked into prisons or jails. Other 287(g) programs ("task force" programs) allow them to conduct migration screening during the course of their regular police work outside of the booking process.

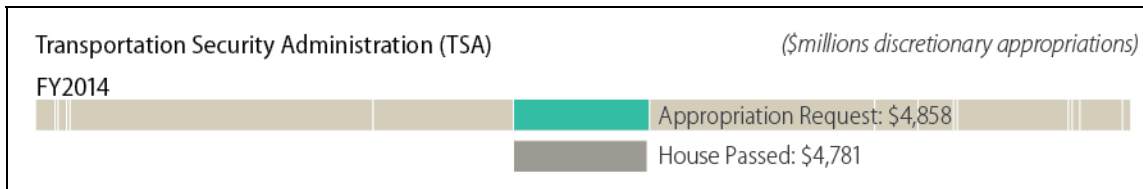
⁷¹ For a fuller discussion of Secure Communities and the Section 287(g) program see CRS Report R42057, *Interior Immigration Enforcement: Programs Targeting Criminal Aliens*, by Marc R. Rosenblum and William A. Kandel; and CRS Report R41423, *Authority of State and Local Police to Enforce Federal Immigration Law*, by Michael John Garcia and Kate M. Manuel.

⁷² DHS, *U.S. Immigration and Customs Enforcement Salaries and Expenses Congressional Budget Justifications* FY2014, p. 82.

screening process is more efficient and cost effective than 287(g) agreements in identifying and removing criminal and other priority aliens. ICE plans to discontinue the least productive 287(g) task force agreements.⁷³ H.Rept. 113-91 indicates that House-passed H.R. 2217 would maintain FY2013 funding for the 287(g) program.⁷⁴

Transportation Security Administration⁷⁵

The Transportation Security Administration (TSA), created in 2001 by the Aviation and Transportation Security Act (ATSA, P.L. 107-71), is charged with protecting air, land, and rail transportation systems within the United States to ensure the freedom of movement for people and goods. In 2002, TSA was transferred from the Department of Transportation to DHS with the passage of the Homeland Security Act (P.L. 107-296). TSA’s responsibilities include protecting the aviation system against terrorist threats, sabotage, and other acts of violence through the deployment of passenger and baggage screeners; detection systems for explosives, weapons, and other contraband; and other security technologies. TSA also has certain responsibilities for marine and land modes of transportation including assessing the risk of terrorist attacks to all non-aviation transportation assets, including seaports; issuing regulations to improve security; and enforcing these regulations to ensure the protection of these transportation systems. TSA is further charged with serving as the primary liaison for transportation security to the law enforcement and intelligence communities.



The TSA budget is one of the most complex components of the DHS appropriations bill. The graphic above reflects net discretionary appropriations for the TSA, but that represents only a portion of the budgetary resources it has available. Airline security fee collections offset a portion of aviation security costs, including \$250 million dedicated to capital investments in screening technology integration. Other fees offset the costs of transportation threat assessment and credentialing. Since these amounts are not set through traditional appropriations provisions, they are not reflected in the above graphic. **Table 10** presents a breakdown of the total additional budgetary resources from all non-appropriated sources requested for TSA in the President’s budget. The amounts shown in this table are derived from the Administration’s budget request documents, and therefore do not exactly mirror the data presented in congressional documents, which are the source for the other data presented in the report.

⁷³ DHS, *U.S. Immigration and Customs Enforcement Salaries and Expenses Congressional Budget Justifications* FY2014, p. 4.

⁷⁴ H.Rept. 113-91, p. 40.

⁷⁵ Prepared by Bart Elias, Specialist in Aviation Policy, Resources, Science, and Industry Division.

Table 10. TSA, Requested Budgetary Resources, FY2014
(budget authority, in millions of dollars)

| Funding Source | Amount |
|---|---------------|
| Total Offsetting Fees | 2,562 |
| <i>Aviation Security Capital Fund^a</i> | 250 |
| <i>Aviation Passenger Security Fee^b</i> | 1,704 |
| <i>Aviation Passenger Security Fee (Revenue from proposed increase)^b</i> | 122 |
| <i>Aviation Security Infrastructure Fees^b</i> | 420 |
| <i>Aviation Flight Student Program Fee (Mandatory)</i> | 5 |
| <i>Credentialing Fees (including Alien Flight Student Program)</i> | 61 |
| Appropriations | 4,836 |
| Total Budgetary Resources | 7,398 |

Source: Department of Homeland Security, Transportation Security Administration, *Budget Overview*, Fiscal Year 2014 Congressional Justification.

Notes:

- a. The Aviation Security Capital Fund derives revenue from the first \$250 million collected from airline passenger security fees each fiscal year. This amount is shown separately from the additional aviation passenger security fee collections in this table.
- b. Counted as part of Offsetting Collections under TSA in the comparative statement of budget authority in the back of the Appropriations committee reports on the DHS appropriations bill.

FY2014 Request

The FY2014 request specified a gross total of \$7,398 million for TSA. The budget assumes \$2,562 million in offsets, including an additional \$122 million estimated from a proposal to modify the airline passenger security fee structure, and direct appropriations of \$4,836 million. The Congressional Budget Office differs with the Office of Management and Budget on its estimate of the fees to be collected under the Administration’s proposal, calculating that \$2,541 million in offsets would be available, requiring \$4,857 million in appropriations to fund TSA’s proposed activities. Of the gross amount, \$4,968 million is specified for Aviation Security, \$827 million for the Federal Air Marshal Service, and \$250 million in mandatory appropriations for the Aviation Security Capital Fund (ASCF), which provides security funding to airports primarily for integrating baggage screening systems. Additionally, \$106 million is specified for Secure Flight, the system for checking airline passenger names against terrorist watchlists. Together, these aviation security-related activities comprise roughly 83% of the budget request for TSA. Additionally, the budget requests \$165 million for other Transportation Threat Assessment and Credentialing activities besides Secure Flight, \$109 million for Surface Transportation Security, and \$998 million for Transportation Security Support, including \$285 million for Headquarters Administration.

House-Passed H.R. 2217

House-passed H.R. 2217 specified \$7,214 million for TSA, \$184 million below the request. The bill specified \$10 million more than requested for the Screening Partnership Program to expand private screening to at least one additional airport seeking this option, and maintains funding for

the Federal Flight Deck Officers (FFDO) program at historic levels of roughly \$25 million. The bill specified \$61 million less than requested for Screener Personnel Compensation and Benefits and \$36 million less than requested for Airport Management, Information Technology, and Support. Additionally, the bill specified \$96 million less than requested for Transportation Security Support, including \$19 million less than requested for Headquarters Administration and \$65 million less than requested for Information Technology.

Table II. TSA Gross Budget Authority by Budget Activity, FY2013-FY2014
(gross budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|---|----------------------------------|------------|-------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Aviation Security | 5,046 | | 5,046 | 4,968 | 4,885 |
| Screening Partnership Program (SPP) | 147 | | 147 | 153 | 163 |
| Screener Personnel Compensation & Benefits | 3,074 | | 3,074 | 3,034 | 2,973 |
| Screener Training & Other | 225 | | 225 | 227 | 203 |
| Checkpoint Support | 115 | | 115 | 103 | 103 |
| EDS/ETD Purchase/Installation | 100 | | 100 | 84 | 84 |
| Screening Technology Maintenance & Utilities | 309 | | 309 | 299 | 299 |
| Aviation Regulation and Other Enforcement | 368 | | 368 | 355 | 358 |
| Airport Management, IT, and Support | 562 | | 562 | 591 | 555 |
| FFDO & Flight Crew Training | 25 | | 25 | 0 | 25 |
| Air Cargo Security | 122 | | 122 | 123 | 122 |
| Federal Air Marshal Service | 907 | | 907 | 827 | 821 |
| Management and Administration | 793 | | 793 | 715 | 709 |
| Travel and Training | 114 | | 114 | 112 | 112 |
| Threat Assessment and Credentialing (TTAC) | 272 | | 272 | 242 | 242 |
| Secure Flight | 107 | | 107 | 106 | 108 |
| Other Vetting / Screening Administration and Operations | 85 | | 85 | 74 | 74 |

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|---|----------------------------------|------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Credentialing Fees | 80 | | 80 | 61 | 61 |
| Surface Transportation Security | 124 | | 124 | 109 | 109 |
| <i>Operations and Staffing</i> | 36 | | 36 | 35 | 35 |
| <i>Security Inspectors</i> | 88 | | 88 | 74 | 74 |
| Transportation Security Support | 953 | | 953 | 998 | 902 |
| <i>HQ Administration</i> | 276 | | 276 | 285 | 266 |
| <i>Information Technology</i> | 417 | | 417 | 455 | 390 |
| <i>Human Capital Services</i> | 216 | | 216 | 213 | 202 |
| <i>Intelligence</i> | 45 | | 45 | 45 | 45 |
| Aviation Security Capital Fund (ASCF) (mandatory) | 250 | | 250 | 250 | 250 |
| Alien Flight Student Program Fee (mandatory) | a | | a | 5 | 5 |
| TSA Gross Total | 7,551 | | 7,551 | 7,398 | 7,214 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Notes: Totals may not add due to rounding.

a. For FY2013, the Alien Flight Student Program fee is included in TTAC credentialing fees.

Issues for Congress

Appropriations issues regarding the TSA include the proposed change to the airline passenger security fee structure, screener staffing levels, implementation of management efficiencies, and funding for armed pilots and crew member self-defense training.

Passenger Security Fees

The FY2014 request included a proposal to change the passenger security fee structure. The current fee consists of a charge of \$2.50 per passenger per flight segment, not to exceed \$5.00 for a one-way flight. The proposal seeks to replace this scheme with a flat fee of \$5.00 per passenger per one-way flight in FY2014. The Administration also seeks to raise the fee \$0.50 annually in FY2015 through FY2019, raising the fee to \$7.50 incrementally over five years.

The report accompanying the House budget resolution (H.Con.Res. 25) included language appearing to generally support the proposed change to the fee structure as a potential means to

offset the costs of aviation security.⁷⁶ However the House report accompanying H.R. 2217 noted that the ability to change the statutory fee was outside the jurisdiction of the appropriations committees. The report went on to note that the request, based on assumptions of additional revenue from the proposed change in the passenger security fee structure, required the committee to make cuts to management and administrative offices across DHS functions, since the additional revenue assumed in the budget request was predicated on changes to existing law which may or may not occur.⁷⁷

Screener Staffing

The FY2014 request includes a proposal to eliminate exit lane staffing positions, transferring this responsibility to airports, which already have general responsibility for access controls and physical security measures beyond screening checkpoints. The proposal is expected to save TSA \$88 million in FY2014, but it is strongly opposed by airports that would assume this responsibility and the associated costs. The House Appropriations Committee has raised procedural questions regarding this proposal. The committee also raised potential security concerns, as TSA exit lane staff at several airports check credentials and clear TSA personnel, law enforcement officers traveling armed, and in some instances, airline crews participating in the Known Crew Member program. Report language directs TSA to work in conjunction with airport operators to assess the impact of the change and consider delaying or phasing-in the shift of exit lane staffing responsibility.⁷⁸

Language in House-passed H.R. 2217 would continue the limit on TSA screener staffing of 46,000 full-time equivalents (FTEs), not including newly hired part-time screeners. Report language elaborates on continued committee concerns that improved technologies and recent implementation of risk-based screening strategies, such as the new PreCheck expedited screening lanes for low-risk travelers, have not tempered the growth of screener staffing.⁷⁹

The House committee also included report language directing TSA to provide a briefing within 90 days of enactment on the impact of behavior detection officers on aviation security, metrics used to assess this impact, and steps taken to develop a robust risk-based strategy for deploying behavior detection officers. The committee also recommends annual standardized testing at airports where behavior detection methods are being used.⁸⁰

Management Efficiencies

Roughly \$205 million in various efficiency measures were built into the FY2014 request, including \$113 from Aviation Security,⁸¹ \$16 million from FAMS,⁸² \$12 million from Surface

⁷⁶ H.Rept. 113-17, p. 67.

⁷⁷ H.Rept. 113-91, p. 19.

⁷⁸ H.Rept. 113-91, p. 54-55.

⁷⁹ H.Rept. 113-91, p. 51.

⁸⁰ H.Rept. 113-91, p. 55.

⁸¹ Department of Homeland Security, Transportation Security Administration, *Aviation Security, Fiscal Year 2014 Congressional Justification*, p. 5.

⁸² Department of Homeland Security, Transportation Security Administration, *Federal Air Marshal Service, Fiscal Year 2014 Congressional Justification*, p. 4.

Transportation Security,⁸³ \$11 million from TTAC,⁸⁴ and \$53 million from Transportation Security Support.⁸⁵ Projected efficiencies include reducing mission support personnel, moving to electronic media and away from paper prints of training and briefing materials, replacing non-essential travel with alternatives such as teleconferencing and videoconferencing, and improving logistics management to reduce postal and freight transportation costs. TSA also plans to reduce advisory and assistance contracts and procurement of promotional items.

The inclusion of these efficiencies in the budget request raises a number of issues for Congress, including possible oversight questions as to why these efficiencies could not have been realized sooner. Looking forward into FY2014 and beyond, discussion of efficiencies may focus on TSA's diminishing ability to make marginal cost reductions despite continued pressures to trim budgets. This may be a particular concern for programs such as Airport Management, Information Technology, and Support and Information Technology under Transportation Security Support, where amounts specified in the House bill are set considerably below requested levels. Given that these programs have already budgeted based on projected efficiency gains, identifying additional cost savings may prove difficult without potential impacts on TSA core missions.

Armed Pilots and Crew Member Self-Defense Training

The FY2014 Request included a recommendation to eliminate funding for the Federal Flight Deck Officers (FFDO) program, which trains airline pilots to carry firearms on a voluntary basis for the purpose of defending the aircraft cockpit against possible attacks. Funding for crew member self-defense programs would also be eliminated under the proposal. The TSA congressional justification indicated that these activities could be continued if paid for by "airlines desiring this capability on their flights," through reimbursable agreements with the Federal Law Enforcement Training Center (FLETC).⁸⁶

The House Appropriations Committee did not support the proposal to eliminate funding for the FFDO program, noting that "... the presence of armed and trained pilots and flight crew complement other security measures in the aviation security domain and represent a true last-line-of-defense aboard an aircraft."⁸⁷ The committee initially recommended roughly \$12 million for the program, but an agreed-to floor amendment increased FFDO funding in the bill to \$25 million,⁸⁸ consistent with historic funding levels since the program was fully implemented in FY2004.

⁸³ Department of Homeland Security, Transportation Security Administration, *Surface Transportation Security, Fiscal Year 2014 Congressional Justification*, p. 3.

⁸⁴ Department of Homeland Security, Transportation Security Administration, *Transportation Threat Assessment and Credentialing, Fiscal Year 2014 Congressional Justification*, p. 4.

⁸⁵ Department of Homeland Security, Transportation Security Administration, *Transportation Security Support, Fiscal Year 2014 Congressional Justification*, p. 2.

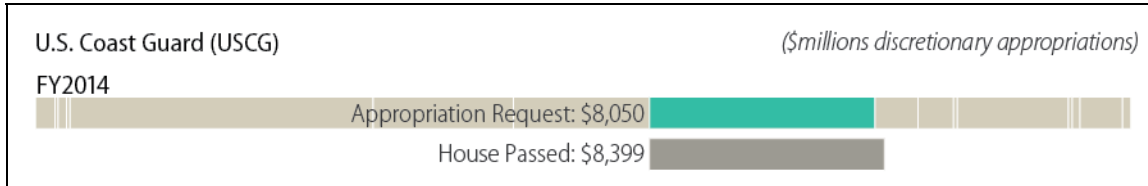
⁸⁶ Department of Homeland Security, Transportation Security Administration, *Aviation Security, Fiscal Year 2014 Congressional Justification*, p. 73.

⁸⁷ H.Rept. 113-91.

⁸⁸ H.Amdt. 110, adopted by voice vote on June 5, 2013.

U.S. Coast Guard⁸⁹

The Coast Guard is the lead federal agency for the maritime component of homeland security. As such, it is the lead agency responsible for the security of U.S. ports, coastal and inland waterways, and territorial waters. The Coast Guard also performs missions that are not related to homeland security, such as maritime search and rescue, marine environmental protection, fisheries enforcement, and maintenance of aids to navigation. The Coast Guard was transferred from the Department of Transportation to the DHS on March 1, 2003.



FY2014 Request

The President requested \$8,050 million for the Coast Guard in discretionary spending. This includes \$6,755 million for operating expenses and \$951 million for acquisition, construction, and improvements (ACI).

House-Passed H.R. 2217

House-passed H.R. 2217 would provide \$8,399 million in discretionary funding for the Coast Guard, including \$84 million more than the President requested for operations and \$272 million more for the ACI account. These differences are explained in further detail in the table and text below.

Table 12. Coast Guard Operating (OE) and Acquisition (ACI) Sub-Account Detail, FY2013-FY2014

(Budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|-----------------------------|----------------------------------|------------|----------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Operating Expenses | \$7,066 | — | \$7,066 | \$6,755 | \$6,839 |
| Military pay and allowances | 3,411 | | 3,411 | 3,425 | 3,440 |
| Civilian pay and benefits | 786 | | 786 | 784 | 779 |
| Training and recruiting | 214 | | 214 | 182 | 217 |

⁸⁹ Prepared by John Frittelli, Specialist in Transportation Policy, Resources, Science, and Industry Division.

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|------------------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Operating funds and unit level maintenance | 1,092 | | 1,092 | 1,062 | 1,065 |
| Centrally managed accounts | 351 | | 351 | 319 | 319 |
| Intermediate and depot level maintenance | 959 | | 959 | 984 | 1,019 |
| Global war on terror | 254 | | 254 | | |
| Acquisition, Construction, and Improvements | 1,545 | 274^b | 1,818 | 951 | 1,223 |
| Vessels | 1,083 | | | 743 | 861 |
| Aircraft | 191 | | | 28 | 150 |
| Other equipment | 64 | | | 60 | 75 |
| Shore facilities and ATON | 84 | | | 5 | 5 |
| Military housing | 10 | | | 0 | 18 |
| Personnel & related support | 114 | | | 115 | 115 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Note: Totals may not add due to rounding.

b. Transfer authority was provided in P.L. 113-2 that would allow a portion of these funds to be shifted to the Coast Guard operating expenses account.

Issues for Congress

*Vessels and Aircraft*⁹⁰

The Coast Guard is in the midst of a multi-year effort to replace many of its aging vessels and aircraft. This modernization effort has been a major issue for Congress.

The President’s request for the ACI account of \$951 million represents about a 35% reduction from the \$1,472 million funding level reported in the DHS post-sequestration operating plan.⁹¹

⁹⁰ For further information about the Coast Guard’s vessel procurement and budget, see CRS Report R42567, *Coast Guard Cutter Procurement: Background and Issues for Congress*, by Ronald O’Rourke.

⁹¹ U.S. Department of Homeland Security, Fiscal Year 2013 Post Sequestration Operating Plan, released April 26, 2013, p. 12.

The President requested two fast response cutters; the Coast Guard's previous acquisition plan called for ordering between four and six per year. The House bill would increase the order to four.

The President requested \$616 million for completion of the 7th National Security Cutter but did not request any long lead time materials for the 8th and last National Security Cutter. The House provided \$77 million for long lead time materials.

The Coast Guard's estimated cost of a new icebreaker is between \$800 million and \$1 billion. The President requested \$2 million for preliminary planning, which the House agreed with.⁹²

The President requested \$16 million for long-range surveillance aircraft. The House provided \$108 million, with the House appropriations committee stating that the Coast Guard has decimated funding for recapitalization of this aircraft in its submitted capital investment plan.⁹³

Operating Expenses

For the operations account, the President's request would result in a reduction in personnel of 931, which the Coast Guard stated would be achieved through attrition. This includes 850 service members and 81 civilians. Some of the projected reductions are due to the replacement of older vessels with newer vessels that require less crew. Other personnel reductions would be achieved by reducing the number of security inspections of ships considered low risk and security inspections of European ports.

The House provided \$84 million more than the President requested for operations. This includes \$43 million to restore cuts to the Coast Guard's training budget and \$35 million more than the President requested for intermediate and depot-level maintenance (the repair and maintenance of vessels and aircraft). The President had requested the closure of two air stations: Charleston, SC, and Newport, OR. The estimated annual savings from this closure was \$5 million. The House Appropriations Committee denied this request in its report.⁹⁴

Maritime Security

The President requested \$1.2 million for Interagency Operations Centers (IOCs), which, along with unobligated balances, includes funding to release WatchKeeper to the remaining 15 locations.⁹⁵ IOCs are designed to monitor harbor operations, share intelligence, and coordinate responses to security incidents among federal and local law enforcement personnel. WatchKeeper is software that tracks vessel movements in harbors. The IOCs are generally co-located with Vessel Traffic Centers that monitor harbor activity and communicate with vessel operators for safe transits. The President also requested \$13 million for the Nationwide Automatic Identification System—a system for tracking vessels along the coasts. This system has been

⁹² For further information on the Coast Guard's icebreaker fleet and plans for a new icebreaker, see CRS Report RL34391, *Coast Guard Polar Icebreaker Modernization: Background and Issues for Congress*, by Ronald O'Rourke.

⁹³ H.Rept. 113-91, p. 73.

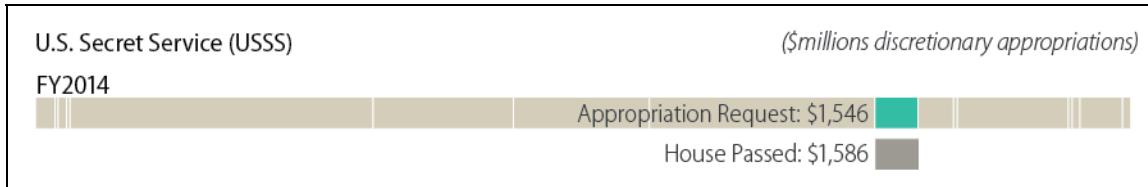
⁹⁴ H.Rept. 113-91, p. 66.

⁹⁵ Department of Homeland Security, *FY2014 Congressional Justifications*, p. CG-AC&I-95.

installed in phases over several years. In FY2014, the Coast Guard plans to complete roll-out of the system to the remaining sectors.⁹⁶ The House concurred with these requests.

U.S. Secret Service⁹⁷

The U.S. Secret Service (USSS)⁹⁸ has two broad missions, criminal investigations and protection. Criminal investigation activities encompass financial crimes, identity theft, counterfeiting, computer fraud, and computer-based attacks on the nation’s financial, banking, and telecommunications infrastructure, among other areas. The protection mission is the most prominent, covering the President, Vice President, their families, and candidates for those offices, along with the White House and Vice President’s residence, through the Service’s Uniformed Division. Protective duties also extend to foreign missions in the District of Columbia and to designated individuals, such as the DHS Secretary and visiting foreign dignitaries. Aside from these specific mandated assignments, USSS is responsible for security activities at National Special Security Events (NSSE),⁹⁹ which include the major party quadrennial national conventions as well as international conferences and events held in the United States. The NSSE designation by the President gives the USSS authority to organize and coordinate security arrangements involving various law enforcement units from other federal agencies and state and local governments, as well as from the National Guard.



FY2014 Request

For FY2014, the Administration requested an appropriation of \$1,495 million for the USSS.¹⁰⁰ The Administration requested approximately \$913 million for its protection mission, \$347 million for its investigation mission, and total of 6,705 FTE to meet its personnel needs.¹⁰¹

House-Passed H.R. 2217

For FY2014, the House-passed version of the DHS appropriations bill recommended an appropriation of \$1,535 million.¹⁰² This amount would represent a \$40 million increase above the Administration’s FY2014 request.

⁹⁶ Department of Homeland Security, *FY2014 Congressional Justifications*, pp. CG-AC&I-53-56.

⁹⁷ Prepared by Shawn Reese, Analyst in Emergency Management and Homeland Security Policy, Government and Finance Division.

⁹⁸ For more information, see CRS Report RL34603, *The U.S. Secret Service: An Examination and Analysis of Its Evolving Missions*, by Shawn Reese.

⁹⁹ For more information, see archived CRS Report RS22754, *National Special Security Events*, by Shawn Reese.

¹⁰⁰ U.S. Department of Homeland Security, U.S. Secret Service, *Fiscal Year 2014 Overview: Congressional Justification*, p. 2.

¹⁰¹ *Ibid.*, p. 3.

¹⁰² U.S. Congress, House Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2014*, (continued...)

Some of the increase as compared to the FY2014 request reflected the House's disagreement with the Service's plan to reduce costs associated with USSS agent change of station moves. The House also maintains traditional funding for forensic and investigative support related to missing and exploited children.¹⁰³

Table 13. Budget Authority for the U.S. Secret Service, FY2013-FY2014

(amounts in millions of dollars)

| | FY2013 Enacted (sequestered) | | | FY2014 Appropriations | |
|---|---------------------------------|------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Salaries and Expenses | 1,554 | | 1,554 | 1,495 | 1,535 |
| Protection | 985 | | 985 | 913 | 920 |
| <i>Protection of persons and facilities</i> | 854 | | 854 | 823 | 848 |
| <i>Protective intelligence activities</i> | 68 | | 68 | 68 | 67 |
| <i>National Special Security Events</i> | 4 | | 4 | 5 | 5 |
| <i>Candidate nominee protection</i> | 58 | | 58 | - | - |
| Investigations | 339 | | 339 | 347 | 370 |
| <i>Domestic field operations</i> | 299 | | 299 | 259 | 330 |
| <i>International field operations</i> | 31 | | 31 | 31 | 31 |
| <i>Forensic support to the National Center for Missing and Exploited Children</i> | 8 | | 8 | - | 8 |
| <i>Electronic Crimes Task Forces</i> | - | | - | 57 | - |
| Management and Administration | 174 | | 174 | 177 | 189 |
| Information Integration & Technology Transformation | 1 | | 1 | 1 | 1 |
| James J. Rowley Training Center | 55 | | 55 | 56 | 55 |
| Acquisition, construction, and improvements | 57 | | 57 | 52 | 52 |
| Total | 1,611 | | 1,611 | 1,547 | 1,587 |

(...continued)

113th Cong., 2nd sess., May 29, 2013, H.Rept. 113-91, p. 76.

¹⁰³ Ibid., p. 79.

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Note: Totals may not add due to rounding.

Issue for Congress

One potential ongoing issue for Congress concerning the USSS is the balancing of the investigative and protective missions of the Service, and how executing both missions affects overall USSS operations.

Protection and Investigation Missions Funding and Activities

USSS's protection mission, as opposed to its investigative mission, employs the majority of the Service's agents and receives a larger share of the agency's resources. Additionally, the majority of congressional action concerning USSS has been related to its protection mission and USSS agent misconduct.¹⁰⁴ While Congress has maintained the Service's role in investigating financial crimes, such as combating counterfeiting, congressional action has primarily addressed, and continues to address, the Service's protection mission. Potential terrorist attacks and potential threats to the President have resulted in an increase in the need for the Service's protection activities. Advocates for expansion of the investigation mission, however, may contend that protection is enhanced through better threat investigation efforts.¹⁰⁵

Title III: Protection, Preparedness, Response, and Recovery

Title III of the DHS appropriations bill contains the appropriations for the National Protection and Programs Directorate (NPPD), the Office of Health Affairs (OHA), and the Federal Emergency Management Agency (FEMA). The Administration requested \$5,383 million for these accounts in FY2014. The House-passed bill provides \$5,918 million, an increase of 9.9% above the requested level. In addition, both House-passed and Senate-reported versions of this title also include a requested \$5,626 million for disaster relief that is offset by an adjustment under the Budget Control Act. **Table 14** lists the enacted amounts for the individual components of Title III for FY2013, the Administration's request for these components for FY2014, and the House-passed appropriations for the same.

¹⁰⁴ U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *Secret Service on the Line: Restoring Trust and Confidence*, 112th Cong., 2nd sess., May 23, 2012.

¹⁰⁵ Herrera-Flanigan, Jessica, "Secret Service—Its Mission, Its Future," Homeland Security Watch, October 20, 2009. <http://www.hlswatch.com/2009/10/20/secret-service-its-mission-its-future/>.

Table 14. Title III: Protection, Preparedness, Response, and Recovery, FY2013-FY2014
(budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| National Protection and Programs Directorate | | | | | |
| Management and Administration | \$50 | | | \$65 | \$51 |
| Infrastructure Protection and Information Security | 1,156 | | 1,156 | 1,202 | 1,177 |
| Office of Biometric Identity Management ^a | 232 | | 232 | 232 | 232 |
| Appropriation | 1,438 | | 1,438 | 1,267 | 1,459 |
| Fees, Mandatory Spending, and Trust Funds | 1,302 | | 1,302 | 1,302 | 1,302 |
| Total Budgetary Resources | 2,740 | | 2,740 | 2,569 | 2,761 |
| Office of Health Affairs | | | | | |
| Appropriation | 132 | | 132 | 132 | 123 |
| Fees, Mandatory Spending, and Trust Funds | 0 | | 0 | 0 | 0 |
| Total Budgetary Resources | 132 | | 132 | 132 | 123 |
| Federal Emergency Management Agency | | | | | |
| Salaries and Expenses | 972 | | 972 | 1,042 | 922 |
| Grants and Training | 2,488 | | 2,488 | 2,123 | 2,540 |
| U.S. Fire Administration | 44 | | 44 | 41 | 44 |
| Disaster Relief Fund ^b | 7,007 | 11,488 | 18,485 | 6,221 | 6,221 |
| Disaster Assistance Direct Loan Account | 0 | 300 | 300 | 0 | 0 |
| Flood Hazard Mapping and Risk Analysis | 95 | | 95 | 84 | 95 |
| Pre-disaster Mitigation Fund | 25 | | 25 | 0 | 30 |

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|---------------|---------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Emergency Food and Shelter | 120 | | 120 | 100 | 120 |
| Radiological Emergency Preparedness | -1 | | -1 | -1 | -1 |
| Appropriation | 4,349 | 6,409 | 10,758 | 3,984 | 4,345 |
| Fees, Mandatory Spending, and Trust Funds | 3,551 | | 3,551 | 3,702 | 3,702 |
| Disaster Relief Adjustment | 6,400 | 5,379 | 11,779 | 5,626 | 5,626 |
| Total Budgetary Resources | 14,300 | 11,788 | 26,088 | 13,475 | 13,673 |
| Net Budget Authority: Title III | 5,920 | 6,409 | | 5,383 | 5,928 |
| Total Budgetary Resources for Title III Components before Transfers | 17,172 | 11,788 | 28,960 | 16,337 | 16,558 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Notes: Totals may not add due to rounding.

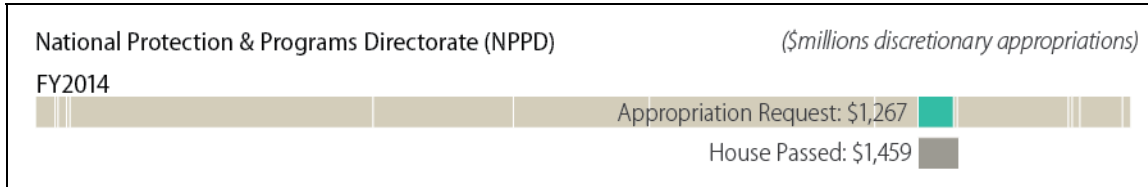
- a. The FY2013 Budget Justification requested a transfer of the US-VISIT entry-exit program from the DHS National Protection and Programs Directorate (NPPD) to CBP, but P.L. 113-6 left the entry-exit program within NPPD, renaming it the Office of Biometric Identity Management (OBIM). The FY2014 Budget Justification included a request for US-VISIT funding within the CBP Salaries and Expenses account, but House-passed H.R. 2217 mainly would fund the entry-exit program through the OBIM, as in P.L. 113-6.
- b. Disaster relief funding is displayed in this line, but is not added to the appropriations total, in accordance with the appropriations committees' practices for subtotaling this account. This funding is not reflected in the total appropriation for FEMA.

National Protection and Programs Directorate¹⁰⁶

The National Protection and Programs Directorate (NPPD) was created by the Secretary for Homeland Security in response to the Post-Katrina Emergency Management Reform Act of 2006. The Directorate includes the Office of the Under Secretary for NPPD and accompanying administrative support functions (budget, communications, etc.), the Office of Infrastructure Protection and the Office of Cybersecurity and Communications, the Federal Protective Services, and the US-VISIT program. In FY2013, the Administration proposed moving the activities of the

¹⁰⁶ Prepared by John D. Moteff, Specialist in Science and Technology Policy, Resources, Science, and Industry division.

US-VISIT program from NPPD to other locations within the Department. Congress chose to keep some of those functions within the Directorate in a newly established Office of Biometric Identity Management in FY2013. The Administration is making a similar proposal this year, although when they drafted their budget request, the final Congressional actions for FY2013 had not been taken.



FY2014 Request

The activities of the Office of the Under Secretary, the Office of the Assistant Secretary for Infrastructure Protection, and the Office of the Assistant Secretary for Cybersecurity and Communications are supported by the Management and Administration Program. The programmatic activities of the latter two offices are supported by the Infrastructure Protection and Information Security Program (IPIS). The IPIS program can be further broken down into projects related to infrastructure protection, cybersecurity, and communications.

The FY2014 Management and Administration budget request was \$65 million. The FY2014 request for IPIS was \$1,202 million. The Management and Administration request included a \$15 million programmatic increase above the FY2012 baseline to add 115 positions (58 FTEs) to bolster administrative support in areas such as budget, finance, and acquisition, facilities costs, and information technology.

The IPIS request included nine programmatic increases above the FY2012 baseline. The largest of which were: \$166 million to support continuous monitoring of agency networks, \$135 million for intrusion prevention, and \$44 million for information sharing. The first is funded through the Federal Network Security PPA. The second two are funded through the Network Security Deployment PPA. The IPIS request also included 11 programmatic decreases. The largest reduction from the FY2012 baseline was \$8 million, eliminating incident planning and exercises as a separately funded project. The functions and personnel associated with incident planning and exercises were absorbed into the budgets of other projects. The request also reduced DHS's activities in support of the National Initiative in Cybersecurity Education (NICE) by \$5 million.

House-Passed H.R. 2217

The House approved \$51 million for Management and Administration, \$14 million below the request, essentially maintaining current operation levels. The House report acknowledged a need for additional resources for NPPD administrative support, but cited shortfalls in other areas of the Administration's budget request as the reason for not providing NPPD the additional funds.¹⁰⁷

The House approved \$1,177 million for the IPIS program. Infrastructure Protection was funded at \$260 million, less than \$1 million below the request. Funding for Infrastructure Analysis and Planning was above requested levels and included additional funds (\$8 million more than

¹⁰⁷ H.Rept. 113-91, p. 81.

requested) for the Office of Bombing Prevention. Funding for Infrastructure Security Compliance was \$9 million below the request due to the House’s continued concern over implementation of the Chemical Facility Anti-Terrorism Standards and the Ammonium Nitrate Security Program.¹⁰⁸

The House provided \$916 million for cybersecurity and communications, \$25 million below the request. Most of the reduction (\$24 million) came from the request for Network Security Deployment PPA. The House cited tight budgets and the availability of unobligated funds from previous appropriations as cause for the reduction.¹⁰⁹

Table 15. Budget Authority for Infrastructure Protection and Information Security, FY2013-FY2014

(budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|---|----------------------------------|------------|-------|-----------------------|---------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R. 2217 |
| Infrastructure Protection | \$260 | | \$260 | \$261 | \$261 |
| <i>Identification, Analysis, and Planning</i> | 59 | | 59 | 58 | 66 |
| <i>Sector Management and Governance</i> | 67 | | 67 | 60 | 60 |
| <i>Regional Field Operations</i> | 56 | | 56 | 57 | 57 |
| <i>Infrastructure Security Compliance</i> | 78 | | 78 | 86 | 77 |
| National Cybersecurity Division | 756 | | 756 | 810 | 786 |
| <i>Cybersecurity Coordination</i> | 4 | | 4 | 4 | 4 |
| <i>US-CERT Operations</i> | 93 | | 93 | 103 | 102 |
| <i>Federal Network Security</i> | 236 | | 236 | 200 | 200 |
| <i>Network Security Deployment</i> | 329 | | 329 | 406 | 382 |
| <i>Global Cybersecurity Management</i> | 26 | | 26 | 19 | 19 |
| <i>Critical Infrastructure Cyber Protection and Awareness</i> | 63 | | 63 | 73 | 73 |
| <i>Business Operations</i> | 6 | | 6 | 5 | 5 |

¹⁰⁸ H.Rept. 113-91, p. 82.

¹⁰⁹ H.Rept. 113-91, p. 82.

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|------------|-------------|-----------------------|---------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R. 2217 |
| Communications | 140 | | 140 | 94 | 130 |
| <i>Office of Emergency Communications</i> | 39 | | 39 | 37 | 36 |
| <i>Priority Telecommunications Services</i> | 53 | | 53 | 53 | 53 |
| <i>Next Generation Networks</i> | 24 | | \$24 | 21 | 21 |
| <i>Programs to Study and Enhance Telecommunications</i> | 13 | | 13 | 10 | 10 |
| <i>Critical Infrastructure Protection</i> | 11 | | 11 | 9 | 9 |
| Total, Infrastructure Protection and Information Security | 1158 | | 1158 | 1,202 | 1,177 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Note: Totals may not add due to rounding.

Issues for Congress

CFATS Compliance

The Chemical Facility Anti-Terrorism Standards program, which is intended to ensure compliance with security regulations for high-risk chemical facilities in the United States, continues to be of congressional concern. In 2011, an internal review of the CFATS program revealed major problems with efforts to approve security plans and inspect facilities. GAO released a study in April 2013 that found the CFATS review process improved, but stated that there are other weaknesses in DHS risk assessment methodologies. GAO estimates that reviews could still take 10 or more years to complete.¹¹⁰ In addition, the House report criticized the program for “systematic non-compliance with sound Federal Government internal controls,” noting that the DHS’s Inspector General found inappropriate use of Administratively Uncontrolled Overtime for inspectors.¹¹¹ Other related concerns of interest to Congress include NPPD establishment of a Personnel Surety Program for chemical facilities, and how this program will be implemented and administered.

¹¹⁰ GAO-13-353, *DHS Efforts to Assess Chemical Security Risks and Gather Feedback on Facility Outreach Can Be Strengthened*, p. 24. Available at <http://www.gao.gov/products/GAO-13-353>.

¹¹¹ H.Rept. 113-91, p. 84, referring to OIG-13-55, *Effectiveness of the Infrastructure Security Compliance Division's Management Practices to Implement the Chemical Facility Anti-Terrorism Standards Program*.

Cybersecurity

Cybersecurity issues remain a significant interest. Congressional efforts to pass a comprehensive cybersecurity bill—which included an additional federal role to protect the privately owned critical infrastructure networks—were not completed during the 112th Congress. However, there is renewed interest in the 113th Congress to revisit this issue.¹¹² A large part of the federal cybersecurity funding in the IPIS supports improving network security within the federal government; it is unclear what the potential impact of new legislative initiatives will be on the IPIS program going forward.

Entry-Exit System¹¹³

Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA, P.L. 104-208, Div. C) required development of an automated entry-exit system that collects records of alien arrivals in and departures from the United States and analyzes such records to identify nonimmigrants who overstay their visas. Subsequent legislation has revised and expanded this entry-exit requirement on several occasions, but the system has never been fully implemented.¹¹⁴

The entry-exit system's place in the DHS organizational structure has changed several times since it was created. The system was designated the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) Program in 2003 and initially was coordinated out of DHS' Directorate of Border and Transportation Security (BTS), the directorate responsible at the time for CBP and ICE. Under the "second stage review" reorganization by former DHS Secretary Chertoff, DHS eliminated BTS and proposed placing US-VISIT within a new Screening Coordination Office (SCO) that would have included several DHS screening programs¹¹⁵ and reported directly to the Secretary. Funding for the SCO was never appropriated, however, and US-VISIT became a stand-alone office within Title II of the DHS appropriation in FY2006.¹¹⁶ In FY2008, DHS transferred US-VISIT into the new National Protection and Programs Directorate (NPPD). The FY2013 budget request proposed to move US-VISIT from NPPD and to divide its work between CBP and ICE; but P.L. 113-6 replaced the US-VISIT Program in its entirety with a new Office of Biometric Identity Management (OBIM), still located within NPPD.

The Administration's FY2014 Budget Request once again proposes to transfer the entry-exit program into CBP and ICE, with CBP's Justification requesting \$253.5 million for "US-VISIT" to support biometric and biographic data collection at ports of entry and data management, and ICE's justification requesting \$16.2 million for analysis of such data to detect visa overstayers.

¹¹² See CRS Report R42114, *Federal Laws Relating to Cybersecurity: Overview and Discussion of Proposed Revisions*, by Eric A. Fischer.

¹¹³ Prepared by Marc R. Rosenblum, Specialist in Immigration Policy, Domestic Social Policy Division.

¹¹⁴ For a fuller discussion see CRS Report R42985, *Issues in Homeland Security Policy for the 113th Congress*, coordinated by William L. Painter.

¹¹⁵ Programs proposed for transfer to the Screening Coordination Office included the U.S. Visitor and Immigrant Status Indicator Project (US-VISIT); Free and Secure Trade (FAST) and NEXUS/Secure Electronic Network for Travelers Rapid Inspection (SENTRI), from CBP; and Secure Flight, Transportation Worker Identification Credential (TWIC), Registered Traveler, Hazardous Materials (HAZMAT) background checks, and the Alien Flight School background checks program from TSA.

¹¹⁶ H.Rept. 109-241.

House-passed H.R. 2217 and the House Appropriations Committee Report recommend \$232.2 million for OBIM, the same amount as provided in FY2013. The House report recommends transferring \$12.3 million from US-VISIT/OBIM to CBP's Inspections, Trade, and Travel Facilitation sub-account to support data collection at POEs,¹¹⁷ and transferring \$3.8 million from US-VISIT/OBIM to ICE along with an additional \$10 million appropriation (\$13.8 million total) for overstay analysis.¹¹⁸

Some Members of Congress have expressed frustration that the implementation of the entry-exit system has taken longer than originally anticipated. Pursuant to an Amendment adopted on the House floor, section 586 of H.R. 2217 would prohibit the use of DHS management funds for official reception and representational expenses until the Secretary fully implements the biometric entry-exit data system.¹¹⁹

Federal Protective Service¹²⁰

The Federal Protective Service (FPS), within DHS's National Protection and Programs Directorate (NPPD),¹²¹ is responsible for the protection and security of federally owned and leased buildings and property and of federal personnel.¹²² In general, FPS operations focus on security and law enforcement activities that reduce vulnerability to criminal and terrorist threats. FPS protection and security operations include all-hazards based risk assessments; emplacement of criminal and terrorist countermeasures, such as vehicle barriers and closed-circuit cameras; law enforcement response; assistance to federal agencies through Facility Security Committees; and emergency and safety education programs. FPS also assists other federal agencies with additional security, such as assisting the U.S. Secret Service at National Special Security Events (NSSE).¹²³ FPS is the lead Government Facilities Sector Agency for the National Infrastructure Protection Plan.¹²⁴ Currently, FPS employs approximately 1,007 law enforcement officers, investigators, and administrative personnel, and administers the services of approximately 13,000 contract security guards.¹²⁵

President's FY2014 Request

The President's FY2014 budget request included 1,371 FTEs and \$1,302 million for FPS. This was the same amount that FPS received in FY2013. FPS does not receive a typical appropriation, but instead has a budget wholly offset by security fees charged to GSA building tenants in FPS-protected buildings and facilities, and therefore was unaffected by sequestration. Of the total

¹¹⁷ H.Rept. 113-91, p. 28.

¹¹⁸ *Ibid.*, p. 40.

¹¹⁹ H.Amdt. 139, adopted by voice vote on June 6, 2013.

¹²⁰ Prepared by Shawn Reese, Analyst in Emergency Management and Homeland Security Policy, Government and Finance Division.

¹²¹ FPS was transferred to NPPD from Immigration and Customs Enforcement following the enactment of FY2010 DHS appropriations (P.L. 111-83). 123 Stat. 2157.

¹²² 40 U.S.C. 1315.

¹²³ For information on NSSEs, see CRS Report RS22754, *National Special Security Events*, by Shawn Reese.

¹²⁴ Information on the NIPP is at http://www.dhs.gov/xprevprot/programs/editorial_0827.shtm.

¹²⁵ U.S. Department of Homeland Security, National Protection and Programs Directorate, *Federal Protective Service: Fiscal Year 2014 Congressional Justification*, Washington, DC, April 2010, pp. FPS-1.

funding projected in the request, \$272 million in fees would be collected for basic security operations, \$509 million for building-specific security operations, and \$521 million for Security Work Authorizations.¹²⁶

House-Passed H.R. 2217

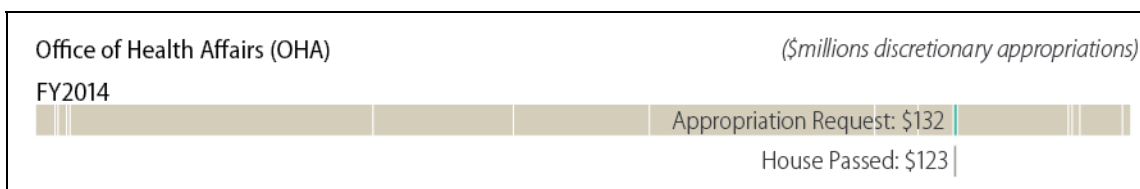
For FY2014, House-passed H.R. 2217 projected no specific changes to the FPS budget and provided no additional direction for the service.

Issues for Congress

Congress continues to express concern over certain aspects of the FPS mission and how FPS is funded. Appropriators have expressed an interest in improving training of contract guards, federalizing contract guards, developing standards for checkpoint detection technologies for explosives and other dangerous items at federal facilities, and coordinating DHS efforts with the Interagency Security Committee for building security standards.¹²⁷ H.R. 735, the Federal Protective Service Improvement and Accountability Act of 2013, has been introduced in the 113th Congress. This bill would set staffing levels in the FPS inspector force and create a pilot project to expand the use of federal employees in place of contract guards.

Office of Health Affairs¹²⁸

The Office of Health Affairs (OHA) has operational responsibility for several programs, including the BioWatch program, the National Biosurveillance Integration Center (NBIC), and the department's occupational health and safety programs.¹²⁹ OHA also coordinates or consults on DHS programs that have a public health or medical component; these include several of the homeland security grant programs, and medical care provided at ICE detention facilities. OHA received \$132 million in FY2013 appropriations.¹³⁰



FY2014 Request

The Administration requested \$132 million for OHA for FY2014, roughly the same amount as was provided in the enacted pre-sequester appropriations for FY2013. Due to the reductions in

¹²⁶ U.S. Department of Homeland Security, *National Protection & Programs Directorate, Federal Protective Service: Fiscal Year 2014 Congressional Justification*, February 2013, p. 7.

¹²⁷ For more information about federal building security and role of FPS, see CRS Report R41138, *Federal Building, Courthouse, and Facility Security*, by Lorraine H. Tong and Shawn Reese.

¹²⁸ Prepared by Sarah A. Lister, Specialist in Public Health and Epidemiology, Domestic Social Policy Division.

¹²⁹ DHS, Office of Health Affairs, http://www.dhs.gov/xabout/structure/editorial_0880.shtm.

¹³⁰ Application of the crediting mechanism outlined in 2 USC 903 eliminated the impact of FY2013 sequestration for OHA.

FY2013 appropriations from the funding baseline calculated by OMB, a crediting mechanism in the budget control laws came into play that eliminated the impact of sequestration for OHA.

The proposed allocation among OHA’s activities is: \$91 million for the BioWatch program; \$8 million for NBIC; \$1 million for the Chemical Defense Program; \$5 million for Planning and Coordination (under which numerous leadership and coordination activities are implemented); and \$27 million for Salaries and Expenses.¹³¹ (See **Table 16.**)

House-Passed H.R. 2217

House-passed H.R. 2217 would provide \$123 million for OHA for FY2014, \$8 million (6.4%) less than requested. The proposed allocation among OHA’s activities is: \$80 million for the BioWatch program (\$11 million or 12.2% less than requested); \$13 million for NBIC (\$5 million or 62.5% more than requested); \$1 million for the Chemical Defense Program (as requested); \$5 million for Planning and Coordination (as requested); and \$25 million for Salaries and Expenses (\$2 million or 8.4% less than requested).¹³² (See **Table 16.**) Additional NBIC funding would be used for new, competitively funded pilot programs to expand biosurveillance capability. The BioWatch funding proposal is discussed further below.

Table 16. Office of Health Affairs, FY2013-FY2014
(budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|------------|-------|-----------------------|---------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R. 2217 |
| BioWatch | 85 | | 85 | 91 | 80 |
| National Biosurveillance Integration Center | 13 | | 13 | 8 | 13 |
| Chemical Defense | 2 | | 2 | 1 | 1 |
| Planning and Coordination | 5 | | 5 | 5 | 5 |
| Salaries and Expenses | 27 | | 27 | 27 | 25 |
| Total OHA budget authority | 132 | | 132 | 132 | 123 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91. Application of the crediting mechanism outlined in 2 USC 903 eliminated the impact of FY2013 sequestration for OHA.

Notes: Totals may not add due to rounding. OHA did not receive supplemental funding for FY2013.

¹³¹ OHA, *Fiscal Year 2014 Congressional Justification*, p. 5.

¹³² H.Rept. 113-91, p. 90.

Issues for Congress

BioWatch: Effectiveness and Deployment

The BioWatch program deploys sensors in more than 30 large U.S. cities to detect the possible aerosol release of a bioterrorism pathogen, in order that medications could be distributed before exposed individuals became ill. Operation of BioWatch accounts for the lion's share of OHA's budget. The program has sought for several years to deploy more sophisticated sensors (so-called "Generation-3" or "Gen-3" sensors) that could detect airborne pathogens in a few hours, rather than the day or more that is currently required. However, according to GAO, "BioWatch Gen-3 has a history of technical and management challenges."¹³³ Gen-3 development and procurement, and BioWatch operations in general, are the subject of an investigation by the House Committee on Energy and Commerce.¹³⁴

In its report accompanying H.R. 2217, the House Committee on Appropriations noted that OHA has paused its Gen-3 procurement activities while conducting an Analysis of Alternatives (AoA).¹³⁵ The Committee's funding recommendation for FY2014 would sustain BioWatch current services only (i.e., Generations 1 and 2). However, the Committee comments that earlier unobligated funds would lapse if OHA waits to complete the AoA before it resumes Gen-3 procurement activities. The Committee directs OHA instead to "fund either continued development of autonomous biodetection or other similar technology that would further the Nation's biodetection capability with the available unobligated funds."¹³⁶

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) is responsible for leading and supporting the nation's preparedness through a risk-based and comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation. This comprehensive emergency management system is intended to reduce the loss of life and property, and protect the nation from all hazards. These hazards include natural and accidental man-made disasters, and acts of terrorism.¹³⁷

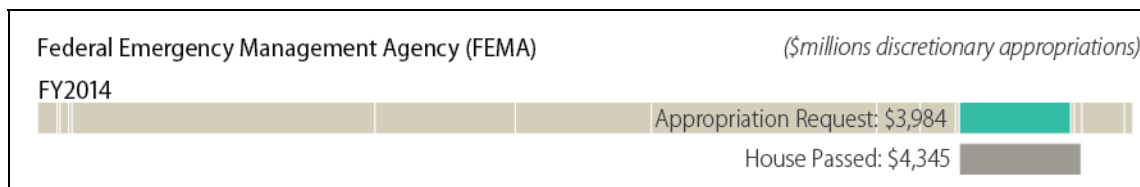
¹³³ GAO, *Biosurveillance: DHS Should Reevaluate Mission Need and Alternatives before Proceeding with BioWatch Generation-3 Acquisition*, GAO-12-810, September 10, 2012, p. 3, <http://www.gao.gov/products/GAO-12-810>. See also "BioWatch: Detection of Aerosol Release of Biological Agents," in CRS Report R42985, *Issues in Homeland Security Policy for the 113th Congress*, coordinated by William L. Painter.

¹³⁴ See for example U.S. Congress, House Energy and Commerce, Oversight and Investigations, *Oversight and Investigations Subcommittee Continues Investigation of BioWatch and Surveillance of Bioterrorism*, hearing, 113th Cong., 1st sess., June 18, 2013, <http://energycommerce.house.gov/press-release/oversight-and-investigations-subcommittee-continues-investigation-biowatch-and-surveillance-of-bioterrorism>.

¹³⁵ H.Rept. 113-91, p. 91.

¹³⁶ *Ibid.*

¹³⁷ U.S. Department of Homeland Security, Federal Emergency Management Agency, *About FEMA: FEMA Mission*, Washington, DC, November 2008, at <http://www.fema.gov/about/index.shtm>.



FEMA executes its mission through a number of activities such as providing assistance through its administration of the Disaster Relief Fund (DRF) and the Pre-Disaster Mitigation Fund. Additionally, FEMA provides assistance to state, local, and tribal governments, and nongovernmental entities through its management and administration of programs such as State and Local Programs, the Assistance to Firefighters Grants, and the Emergency Food and Shelter program.

FY2014 Request

The Administration requested a total discretionary appropriation of \$3,984 million in net budget authority for FEMA for FY2014. In addition, the Administration requested an additional \$5,626 million for the DRF, paid for by an adjustment to the discretionary budget cap under a mechanism established by the Budget Control Act. The mechanism and impact of this adjustment is discussed more in detail below and earlier in the report.

House-Passed H.R. 2217

House-passed H.R. 2217 provides a total discretionary appropriation of \$4,335 million for FEMA for FY2013, an increase of \$351 million (8.8%) from the President's request. This includes \$22 million added to FEMA's budget through floor amendments. The House also included the requested additional funding for the DRF, paid for by the allowable adjustment for disaster relief.

Among the amendments adopted on the House floor were the following \$32.2 million in increases to FEMA appropriations:

- Increase funds for the U.S. Fire Administration account by \$1.8 million;¹³⁸
- Increase funds for Firefighter Assistance Grants by \$5 million;¹³⁹
- Increase funds for the Urban Search and Rescue Response System by \$7.7 million;¹⁴⁰
- Increase funds for National Predisaster Mitigation Fund by \$7.7 million;¹⁴¹ and
- Increase the State Homeland Security Grant Program for disaster assistance by \$10 million.¹⁴²

¹³⁸ H.Amdt. 98, adopted by voice vote on June 5, 2013.

¹³⁹ H.Amdt. 102, adopted by voice vote on June 5, 2013.

¹⁴⁰ H.Amdt. 103, adopted by voice vote on June 5, 2013.

¹⁴¹ H.Amdt. 106, adopted by voice vote on June 5, 2013.

¹⁴² H.Amdt. 134, adopted by a vote of 287-136 on June 6, 2013.

DHS State and Local Preparedness Grants¹⁴³

State and local governments have primary responsibility for most domestic public safety functions. When facing difficult fiscal conditions, state and local governments may reduce resources allocated to public safety and, consequently, homeland security preparedness, due to increasing pressure to address tight budgetary constraints and fund competing priorities. Since state and local governments fund the largest percentage of public safety expenditures, this may have a significant impact on the national preparedness level.

Prior to 9/11, there were only three federal grant programs available to state and local governments to address homeland security: the State Domestic Preparedness Program administered by the Department of Justice, the Emergency Management Performance Grant (EMPG) administered by the Federal Emergency Management Agency (FEMA), and the Metropolitan Medical Response System (MMRS) administered by the Department of Health and Human Services. Since that time, several additional homeland security grant programs were added to ensure state and local preparedness, including the State Homeland Security Grant Program (SHSGP), Citizen Corps Program (CCP), Urban Area Security Initiative (UASI), Driver's License Security Grants Program (REAL ID), Operation Stonegarden grant program (Stonegarden), Regional Catastrophic Preparedness Grant Program (RCPG), Public Transportation Security Assistance and Rail Security Assistance grant program (Transit Grants), Port Security Grants (Port Security), Over-the-Road Bus Security Assistance (Over-the-Road), Buffer Zone Protection Program (BZPP), Interoperable Emergency Communications Grant Program (IECGP), and Emergency Operations Center Grant Program (EOC).

While state and local governments receive federal assistance for preparedness activities, this federal assistance accounts for only a small percentage of overall state and local spending for public safety. On average, total expenditures for all state and local governments for public safety is \$218 billion annually.¹⁴⁴ Public safety expenditures include costs associated with the functions of police protection, fire protection, corrections, and protective inspections and regulations.¹⁴⁵ By comparison, the President requested \$2,123 million in federal grants for state and local government homeland security preparedness for FY2014. This amount accounts for a little more than 1% of state and local government public safety expenditures.

As has frequently been the case over the recent history of FEMA's grant and training programs, the Administration proposed changes to the structure of the accounts, making a direct comparison to previous years more challenging. Congress has generally funded Emergency Management Performance Grants (EMPG), Fire Grants, and SAFER Act Grants outside the State and Local Programs function, and allowed a portion of the funds for these programs to cover administrative costs by transferring funds to FEMA's management accounts. The Administration's FY2014 budget proposed \$2,123 million for state and local programs which included funding for two new accounts; National Preparedness Grants program and First Responder Assistance Programs. The National Preparedness Grants program consolidates current state and local preparedness grant programs (excluding the Emergency Management Performance Grants (EMPG) and the

¹⁴³ Prepared by Natalie M. Keegan, Analyst in American Federalism and Emergency Management Policy, nkeegan@crs.loc.gov, 7-9569.

¹⁴⁴ U.S. Census Bureau, *State and Local Government Finance Summary Report*, April 2011, p. 7.

¹⁴⁵ The definition of state and local public safety expenditures is based on the U.S. Census Bureau's definition of public safety for the annual surveys of state and local government finances.

Assistance to Firefighters Grant (AFG) Program). The First Responder Assistance Programs combines funding for AFG, EMPG and the Training Partnership Grants (previously funded as Education, Training, and Exercises under State and Local Programs).

The House Appropriations Committee recommended \$1,500 million for State and Local Programs for FY2014. This amount does not include funding for AFG and EMPG and reflects the committee’s denial of the Administration’s request to combine AFG and EMPG into a First Responder Assistance Grants program. Of the \$1,500 million, the committee recommended \$55 million for Operation Stonegarden¹⁴⁶ and \$235 million for National Programs (education, training, and exercises). The committee denied the Administration’s request to consolidate existing preparedness grants into a National Preparedness Grant Program due to lack of Congressional authorization for the new grant program and lack of necessary details on how the program would be implemented.

During House floor action, amendments were adopted that established a funding level of \$97.5 for the Port Security Grant program and \$97.5 for the Transit Security grant program. In addition, an amendment was adopted, as noted above, that increased funding for the State Homeland Security Grant Program by \$10 million. As a result, the House-passed bill provided a total of \$1,510 million for State and Local programs, of which \$55 million was provided for Operation Stonegarden, and the above amounts were specifically designated through floor debate, leaving \$1,015 million to be allocated among fourteen state and local grant program authorities based on threat, vulnerability, and consequence at the discretion of the DHS Secretary.¹⁴⁷

Table 17. State and Local Grant Programs and Training, FY2013-FY2014
(budget authority in millions of dollars)

| | FY2013 Enacted (presequer) | | | FY2014 Appropriations | |
|---------------------------------------|-------------------------------|------------|-------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| State and Local Programs (grants) | \$189 | | \$189 | 0 | \$1,080 ^a |
| State Homeland Security Grant Program | 346 | | 346 | | 10 ^b |
| Operation Stonegarden | 47 | | 47 | | 55 ^c |

¹⁴⁶ H.Rept. 113-91 refers to a recommended funding level of \$50 million for Operation Stonegarden, while H.R. 2217 as reported by the House Appropriations Committee contains legislative language setting aside \$55 million. In such cases, the legislative language has primacy.

¹⁴⁷ The House-passed bill identified the following grant program authorities: State Homeland Security Grant program, Operation Stonegarden, Urban Areas Security Initiative, high-risk nonprofit organizations, Public Transportation and Railroad Security Assistance, Port Security Grant, Over-the-Road Bus Security grant program, Metropolitan Medical Response Systems grant, Citizen Corps Program, Driver’s License Security grant, Interoperable Emergency Communications Grant, Emergency Operation Center grant, Buffer Zone Protection Program, and Regional Catastrophic Preparedness Grant.

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|------------|-------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Urban Area Security Initiative | 500 | | 500 | | |
| <i>Non-Profit Security Grants (included in UASI)</i> | 10 | | 10 | | |
| Public Transportation Security Assistance, Railroad Security Assistance, Over-the-Road Bus Security Assistance | 97 | | 97 | | 98 ^d |
| <i>Amtrak Security (included in above security assistance programs)</i> | 10 | | 10 | | |
| Port Security | 97 | | 97 | | 98 ^e |
| Education, Training, and Exercises | 235 | | 235 | | 235 |
| <i>Emergency Management Institute</i> | 18 | | 18 | | 18 |
| <i>Center for Domestic Preparedness</i> | 65 | | 65 | | 65 |
| <i>National Domestic Preparedness Consortium</i> | 93 | | 93 | | 93 |
| <i>National Exercise Program</i> | 32 | | 32 | | 32 |
| <i>Continuing Training</i> | 27 | | 27 | | 27 |
| National Preparedness Grant Program (FY2014) | | | | 1,043 | f |
| First Responder Assistance Programs (FY2014) | | | | 1,080 | f |

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Total, State and Local Programs | 1,464 | | 1,464 | 2,123 | 1,510 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Notes: Totals may not add due to rounding.

- a. Several of the grant accounts under State and Local Programs (SLP) were affected by amendments adopted on the floor. This number represents the amount of SLP grant funds that have not been designated for a specific grant program through set-asides in the bill or through the amendment process.
- b. Designated by H.Amdt 134, adopted by a vote of 287-136 on June 6, 2013.
- c. Designated by legislative language on page 40, lines 12-15, H.R. 2217[rfs2].
- d. Designated by H.Amdt 114, adopted by voice vote on June 5, 2013.
- e. Designated by H.Amdt 113, adopted by voice vote on June 5, 2013.
- f. This proposed reorganization was rejected.

Assistance to Firefighters Grant Program (AFG)¹⁴⁸

The Administration’s FY2014 budget proposed \$670 million for firefighter assistance, including \$335 million for AFG and \$335 million for SAFER. Funding for management and administration would be drawn from a separate FEMA account (Salaries and Expenses). Under the Administration’s proposal, the Firefighter Assistance Grants would be categorized under First Responder Assistance Programs (FRAP), one of three activities under FEMA’s State and Local Programs (SLP) appropriation.

The House Appropriations Committee recommended \$675 million for firefighter assistance (\$337.5 million for AFG, \$337.5 million for SAFER). The committee denied the Administration’s request to shift AFG and SAFER into the State and Local Programs account, and adopted an amendment during the committee markup that continues waivers to various SAFER restrictions and limitations. The committee report directed FEMA to continue granting funds directly to local fire departments and to include the United States Fire Administration during the grant decision process. FEMA was also directed to maintain an all-hazards focus and was prohibited from limiting beyond current law the list of eligible activities, including those related to wellness.

During House floor action, an amendment was adopted increasing funding for AFG and SAFER by \$2.5 million each, taking its \$5 million offset from the Office of the Under Secretary for Management. Thus, the House-passed bill brought the firefighter assistance account to \$680 million (\$340 million AFG, \$340 million SAFER), a 1.5% increase over the Administration’s request.

¹⁴⁸ Prepared by Lennard G. Kruger, Specialist in Science and Technology Policy, Resources, Science and Industry Division.

Disaster Relief Fund¹⁴⁹

The Disaster Relief Fund (DRF) is the main account used to fund a wide variety of programs, grants, and other forms of emergency and disaster assistance to states, local governments, certain nonprofit entities, and families and individuals affected by disasters.¹⁵⁰ The DRF is a no-year account—unused funds from the previous fiscal year (if available) are carried over to the next fiscal year.

The Administration’s FY2014 budget proposed \$6,221 million for the DRF. The Administration requested funding for the DRF based on what FEMA planned to spend on all past declared catastrophic events, plus the 10-year average for non-catastrophic events,¹⁵¹ and a \$500 million reserve to prevent shortfalls. This was adjusted downward by \$800 million to account for projected recovery of funds not needed for past disasters.¹⁵² This is the same calculation that was used to develop the initial FY2013 request.

The DRF funding request can be broken out into two categories. First, \$595 million was requested for activities not directly tied to major disasters under the Stafford Act (including activities such as assistance provided to states for emergencies and fires). This is sometimes referred to as the DRF’s “base” funding. The second (and significantly larger) category is for disaster relief costs for major disasters under the Stafford Act, for which the administration requested \$5,626 million. This structure reflects the impact of the Budget Control Act, which allows these costs incurred by major disasters to be paid through an “allowable adjustment” to the discretionary spending caps, rather than having them count against the discretionary spending allocation for the bill.

Under the terms of the budget request, \$24 million of DRF funds would be transferred to the DHS Office of the Inspector General for oversight of disaster-related spending.

House-passed H.R. 2217 would provide the same funding and structure for DRF funding as requested.

The DRF and the Budget Control Act (BCA)

In general, the DRF is funded yearly through regular appropriations; however, the account often is depleted before the end of the fiscal year due to accumulated need for disaster assistance. This is due in part to ongoing recovery efforts from major events such as the Gulf Coast hurricanes of 2005. However, in recent years it has been argued that the reliance on supplemental funding has primarily been due to underfunding the DRF. For example, between 2005 and 2011, the average regular appropriation for the DRF was \$1,749 million. Yet, the average monthly expenditures for the DRF were \$383 million (which would extrapolate to \$4,596 million annually).

The Budget Control Act (BCA) included a series of provisions that directed the Office of Management and Budget (OMB) to annually calculate an “allowable adjustment” for disaster

¹⁴⁹ Prepared by Bruce R. Lindsay, Analyst in American National Government, Government and Finance Division.

¹⁵⁰ For more information on the DRF see CRS Report R40708, *Disaster Relief Funding and Emergency Supplemental Appropriations*, by Bruce R. Lindsay and Justin Murray.

¹⁵¹ Prior to FY2013, a five-year rolling average of non-catastrophic disaster costs was used.

¹⁵² Department of Homeland Security, Fiscal Year 2014 Congressional Justification, Washington DC, 2012, p. 5.

relief to the BCA's discretionary spending caps.¹⁵³ That adjustment, if used, would make additional budget authority available for the federal costs incurred by major disasters declared under the Stafford Act beyond what is allowed in the regular discretionary budget allocation. Without an adjustment to the discretionary budget caps, federal spending over the allocation could trigger a sequestration.

It is important to note that “disaster relief” funding under the BCA and the Disaster Relief Fund are not the same. The BCA defines funding for “disaster relief” as funding for activities carried out pursuant to a major disaster declaration under the Stafford Act. This funding comes not only from FEMA, but from accounts across the federal government. While a portion of funding for the DRF is eligible for the allowable adjustment under the BCA, the DRF is not wholly “disaster relief” by the BCA definition.

The allowable adjustment calculated by OMB may have encouraged higher appropriations to the DRF since the BCA was enacted. The FY2013 request for the DRF—the first such request made with the BCA in place—was more than three times the size of the initial budget request from FY2012.

When Hurricane Sandy struck the northeastern United States in October 2012, the DRF had roughly \$7 billion to meet the immediate demands of the hurricane. In previous years, when a large scale disaster occurred, the DRF balance was generally low due to smaller regular appropriations to the account. As a result, there may have been more pressure in previous years to quickly pass a supplemental appropriation to meet the needs of the disaster. Higher appropriations for the DRF through regular appropriations may therefore provide Congress with more time to debate disaster needs and target disaster assistance needs more efficiently when large scale disasters occur.

Pre-Disaster Mitigation (PDM) Program¹⁵⁴

The Administration's proposal for the PDM program in FY2014 continues to proffer its eventual elimination.¹⁵⁵ No funds were requested and it is suggested that the program is unnecessary because it duplicates the work of the Hazard Mitigation Grant Program (HMGP) which is Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.¹⁵⁶ The request also suggests that the PDM funds projects similar to those funded by the Flood Mitigation Assistance (FMA) program of the National Flood Insurance Program (NFIP).¹⁵⁷ While these programs do fund similar projects, PDM is distinguished from HMGP by uniquely making its awards prior to

¹⁵³ For more information on the BCA see CRS Video WRE00039, *Budget Control Act of 2011: Overview of Procedural Provisions and Budgetary Effects*, by Elizabeth Rybicki et al. For more information on the BCA and disaster relief see CRS Report R42352, *An Examination of Federal Disaster Relief Under the Budget Control Act*, by Bruce R. Lindsay, William L. Painter, and Francis X. McCarthy.

¹⁵⁴ This section prepared by Francis X. McCarthy, Emergency Management Policy, Government and Finance Division.

¹⁵⁵ FY2014 Budget Justification, U.S. Department of Homeland Security, Federal Emergency Management Agency, National Pre-Disaster Mitigation Fund, IV Program Justification Changes, p.4.

¹⁵⁶ 42 U.S.C. 5170c.

¹⁵⁷ For information regarding FMA and other mitigation programs funded by NFIP, see CRS Report R40650, *National Flood Insurance Program: Background, Challenges, and Financial Status*, by Rawle O. King.

disaster events.¹⁵⁸ Also the mitigation programs of the NFIP only address the flooding hazard while PDM addresses all hazards.

The Administration, in its budget message, noted that there is more than \$142 million in unobligated balances that should permit the PDM program to continue awarding grants for several years while it is being phased out. The House-passed bill for 2014 initially provided just under \$25 million, similar to the previous year. But a floor amendment added more than \$7 million to raise total PDM funds to just over \$30 million.¹⁵⁹ It might be argued that this action represents the interest of some in Congress in maintaining the program.

Emergency Food and Shelter (EFS) Program¹⁶⁰

For the last few years the Administration has proposed reducing funding for the EFS program and the FY 2014 request again suggests an amount of \$100 million, well below previous levels.¹⁶¹ The program has historically received increased funding during times of high unemployment. In addition, the EFS program has been noted for getting funds out rapidly. It can be argued that such a standard has not been met during recent funding cycles.¹⁶² The House-passed bill has returned EFS funding to the \$120 million level.

Title IV: Research and Development, Training, and Services

Title IV of the DHS appropriations bill contains the appropriations for U.S. Citizenship and Immigration Services (USCIS), the Federal Law Enforcement Training Center (FLETC), the Science and Technology directorate (S&T), and the Domestic Nuclear Detection Office. The Administration requested \$2,214 million for these accounts in FY2014. The House-passed bill provides \$1,890 million, a decrease of 14.7% below the requested level. **Table 18** lists the enacted amounts for the individual components of Title IV for FY2013, the Administration's request for these components for FY2014, and the House-passed appropriations for the same.

¹⁵⁸ For a discussion of the programs, see CRS Report R40471, *FEMA's Hazard Mitigation Grant Program: Overview and Issues*, by Natalie Keegan, and CRS Report RL34537, *FEMA's Pre-Disaster Mitigation Program: Overview and Issues*, by Francis X. McCarthy and Natalie Keegan.

¹⁵⁹ H.Amdt. 106 to H.R. 2217.

¹⁶⁰ This section prepared by Francis X. McCarthy, Analyst, Emergency Management Policy, Government and Finance Division.

¹⁶¹ FY 2014 Budget Justification, U.S. Department of Homeland Security, Federal Emergency Management Agency, Emergency Food and Shelter, III Current Services Program Discussion by PPA, p. 3.

¹⁶² For additional information on the EFS program, see CRS Report R42766, *The Emergency Food and Shelter National Board Program and Homeless Assistance*, by Francis X. McCarthy.

Table 18. Title IV: Research and Development, Training, and Services, FY2013-FY2014
(budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Citizenship and Immigration Services | | | | | |
| Appropriation | \$112 | | \$112 | \$114 | \$114 |
| Fees, Mandatory Spending, and Trust Funds | 2,882 | | 2,882 | 3,095 | 3,095 |
| Total Budgetary Resources | 2,994 | | 2,994 | 3,209 | 3,209 |
| Federal Law Enforcement Training Center | | | | | |
| Salaries and Expenses | 228 | | 228 | 241 | 228 |
| Acquisition, Construction, Improvements and Related Expenses | 28 | | 27 | 31 | 31 |
| Appropriation | 257 | | 256 | 271 | 259 |
| Fees, Mandatory Spending, and Trust Funds | 0 | | 0 | 0 | 0 |
| Total Budgetary Resources | 257 | | 257 | 271 | 259 |
| Science and Technology | | | | | |
| Management and Administration | 132 | | 132 | 130 | 129 |
| Research, Development, Acquisition, and Operations | 703 | 3 | 706 | 1,397 | 1,096 |
| Appropriation | 834 | 3 | 838 | 1,527 | 1,225 |
| Fees, Mandatory Spending, and Trust Funds | 0 | 0 | 0 | 0 | 0 |
| Total Budgetary Resources | 834 | 3 | 838 | 1,527 | 1,225 |
| Domestic Nuclear Detection Office | | | | | |
| Management and Administration | 40 | | 40 | 38 | 37 |

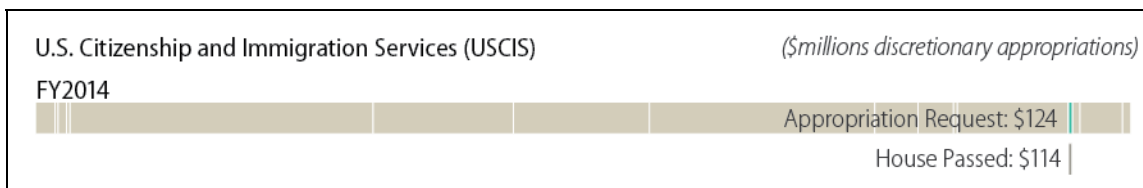
| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|---|----------------------------------|------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Research, Development, and Operations | 227 | | 227 | 211 | 211 |
| Systems Acquisition | 51 | 4 | 55 | 43 | 43 |
| Appropriation | 318 | 4 | 321 | 291 | 291 |
| Fees, Mandatory Spending, and Trust Funds | 0 | 0 | 0 | 0 | 0 |
| Total Budgetary Resources | 318 | 4 | 321 | 291 | 291 |
| Net Budget Authority: Title IV | 1,520 | 7 | 1,527 | 2,217 | 1,890 |
| Total Budgetary Resources for Title IV Components before Transfers | 1,520 | 7 | 1,527 | 2,217 | 1,890 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Note: Totals may not add due to rounding.

U.S. Citizenship and Immigration Services¹⁶³

Three major activities dominate the work of the U.S. Citizenship and Immigration Services (USCIS): (1) adjudication of all immigration petitions, including nonimmigrant change of status petitions, family-based petitions, employment-based petitions, work authorizations, and travel documents; (2) adjudication of naturalization petitions for legal permanent residents to become citizens; and (3) consideration of refugee and asylum claims, and related humanitarian and international concerns.



USCIS funds the processing and adjudication of immigrant, nonimmigrant, refugee, asylum, and citizenship benefits largely through revenues generated by the Examinations Fee Account.¹⁶⁴ In

¹⁶³ This section was prepared by William Kandel, Analyst in Immigration Policy, Domestic Social Policy Division.

¹⁶⁴ Section 286 of the Immigration and Nationality Act, 8 U.S.C. Section 1356. There are two other fee accounts at USCIS, known as the H-1B Nonimmigrant Petitioner Account and the Fraud Prevention and Detection Account. The revenues in these accounts are drawn from separate fees that are statutorily determined (P.L. 106-311 and P.L. 109-13, respectively). USCIS receives 5% of the H-1B Nonimmigrant Petitioner Account revenues and 33% of the Fraud (continued...)

the last decade, the agency has received annual appropriations from the Treasury that have been directed largely towards specific projects such as reducing petition processing backlogs and the E-verify program.¹⁶⁵ The agency receives most of its revenue from adjudication fees of immigration benefit applications and petitions.¹⁶⁶ The graphic above only shows the annual appropriations for USCIS.

FY2014 Request

Table 19 shows the requested USCIS gross budget authority for FY2014 at \$3,219 million. This figure includes \$124 million from appropriations which contains \$114 million for the E-Verify program and \$10 million for the Immigrant Integration Initiative. The remaining \$3,095 million in gross budget authority in the request is expected to be funded by collection of fees. Of this FY2014 amount, \$2,575 million would fund adjudication services, which includes \$236 million for asylum, refugee, and international operations and \$183 million for the digital conversion of immigrant records. Apart from adjudication services, \$96 million would fund information and customer services, \$339 million would fund administration expenses, and \$30 million would fund the Systematic Alien Verification for Entitlements (SAVE) program.¹⁶⁷

House-Passed H.R. 2217

House-passed H.R. 2217 includes \$114 million in appropriations for USCIS, \$10 million below the amount requested. The recommendation does not include amounts for the requested cost-of-living adjustment or any other USCIS program. It only provides funds for the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Though the recommendation for this account does not include appropriated funds for immigrant integration grants, language was included in Title V permitting USCIS to expend no more than \$10 million in user fees to support these grants.

The House bill also specifies that none of the USCIS appropriations may be used by the agency to grant an immigration benefit to an individual unless USCIS has received the results of a criminal background check. These checks are required by law to be completed prior to the granting of the benefit, and derogatory results do not preclude the granting of the benefit. Moreover, none of the funds made available to USCIS for immigrant integration grants may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

(...continued)

Detection and Prevention Account revenues. U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *Fiscal Year 2014 Congressional Budget Justifications*.

¹⁶⁵ E-verify allows employers to electronically confirm that prospective and current employees possess legal authorization to work in the United States. See CRS Report R40446, *Electronic Employment Eligibility Verification*, by Andorra Bruno.

¹⁶⁶ For more on USCIS fees, see CRS Report RL34040, *U.S. Citizenship and Immigration Services' Immigration Fees and Adjudication Costs: Proposed Adjustments and Historical Context*, by William A. Kandel.

¹⁶⁷ For more information on the SAVE program, see CRS Report R40889, *Noncitizen Eligibility and Verification Issues in the Health Care Reform Legislation*, by Ruth Ellen Wasem.

Table 19. USCIS Budget Account Detail
(budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Appropriations | \$112 | | \$112 | \$124 | \$114 |
| —E-Verify | 112 | | 112 | 114 | 114 |
| —Immigrant integration programs | 2 | | 2 | 10 | 0 ^a |
| Fee Collections (Mandatory) | 2,882 | | 2,882 | 3,095 | 3,095 |
| - Immigration Examination Fee Account | 2,835 | | 2,835 | 3,041 | 3,041 |
| —Other Adjudication Services ^{(1)b} | 1,925 | | 1,925 | 2,209 ^c | 2,209 |
| —Asylum, Refugee, and International Operations ⁽¹⁾ | 197 | | 197 | 236 | 237 |
| —Transformation (digital conversion of immigrant records) ⁽¹⁾ | 269 | | 269 | 183 | 183 |
| —Information & Customer Service ⁽¹⁾ | 89 | | 89 | 96 | 96 |
| —Administration ⁽¹⁾ | 382 | | 382 | 339 | 339 |
| —SAVE ⁽¹⁾ | 20 | | 20 | 30 | 30 |
| —Immigrant integration programs ⁽¹⁾ | 8 | | 8 | 0 | 10 |
| - H-1B Nonimmigrant Petitioner Account | 13 | | 13 | 13 | 13 |
| - Fraud Prevention and Detection Account | 35 | | 35 | 41 | 41 |
| Total USCIS Budgetary Resources | 2,994 | | 2,994 | 3,219 | 3,209 |

Sources: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217, and H.Rept. 113-91.

Notes: NA = not available. SAVE = Systematic Alien Verification for Entitlements. ⁽¹⁾ programs to be paid through Immigration Examination Fee Account (Recommended). Three fee accounts sum to fee collections, and fee collections and appropriations sum to total USCIS budgetary resources. Amounts may not match budgetary documents due to rounding.

- a. Section 541 of the House bill directs USCIS to fund costs associated with the Immigrant Integration Initiative from fee revenue.
- b. Combines District Operations, Service Center Operations, and Records Operations lines.
- c. The Comparative Statement of Budget Authority in H.Rept. 113-91 reflects the Administration's detailed outline for mandatory spending under Adjudication Services within the H-1B Visa Fee Account and the H-1B and L Fraud Prevention Fee Account separately from the Immigration Examination Fee Account. For ease of comparison, the table mirrors the structure of the House response—no language in the House bill or report impacts this mandatory spending.

Issues for Congress

For the FY2014 budget cycle, potential issues for Congress include ongoing concerns about E-Verify operability, fee-generated funding of the agency, immigrant integration grants, USCIS efforts to convert its immigration benefit application and petition process from a paper-based to a computerized online-based system, naturalization, and fraud prevention.

The Senate has passed broad immigration legislation in the form of S. 744. At the same time, the House of Representatives is developing a number of other pieces of immigration legislation. For detailed analysis of the issues raised specific to USCIS in the debate, see CRS Report R43097, *Comprehensive Immigration Reform in the 113th Congress: Major Provisions in Senate-Passed S. 744* and other emerging CRS products.

E-Verify

Congress continues to be concerned about the operability of the E-Verify program which is used to ascertain whether employees have the legal status and work authorization needed for employment.¹⁶⁸ The House bill extends the authorization of E-Verify for one year, as proposed by the President's budget request. While the House Committee acknowledged improvements in the accuracy of E-Verify, it again directed USCIS to continue to develop a review process for E-Verify final non-confirmations to ensure that no individual is falsely identified as ineligible to work. It also directed USCIS to continue regular briefings on its progress to implement a robust compliance review program for E-Verify, including any instances of misuse of the system and actions taken to address those instances. Likewise, the Committee urged USCIS to update and publish regular E-Verify accuracy and performance audits.¹⁶⁹

User Fee-Funded Programs

Because USCIS supports itself primarily through fee revenue, it must accurately monitor its fee revenues and obligations against its fee collections to avoid building backlogs or over-budgeting projects. The House Committee directed USCIS to continue quarterly briefings on fee revenues and obligations. Aware that USCIS is completing a study in preparation for an updated fee schedule, the Committee directed USCIS to brief Congress on the conclusions and projected date of release of the fee study at least 30 days before the new schedule is made public. As in the past, it urged USCIS to remain sensitive to maintaining affordable naturalization application fees, which some claim have become an obstacle to naturalization for persons of lesser financial means.¹⁷⁰

Fraud Detection and National Security

The Committee acknowledged the important work and efforts of the Office of Fraud Detection and National Security (FDNS), whose primary mission is to detect and combat immigration

¹⁶⁸ See CRS Report R40446, *Electronic Employment Eligibility Verification*, by Andorra Bruno.

¹⁶⁹ H.Rept. 113-91, p. 103.

¹⁷⁰ H.Rept. 113-91, p. 103-104.

benefit fraud. However, it remains concerned about the limited resources dedicated to this function and urged USCIS to devote more resources to FDNS' workforce.¹⁷¹

USCIS Transformation

In 2012, USCIS launched the first two phases of its electronic immigration application system, known as ELIS. This system was created to modernize the process for filing and adjudicating immigration benefits, which until recently has been entirely paper-based. Historically, USCIS customers have had to apply for most benefits by mail and USCIS employees then review paper files and ship documents between offices to complete their adjudication. Under ELIS, eligible individuals can establish an account and apply online to extend or change their nonimmigrant status for certain visa types. ELIS also enables USCIS officers to review and adjudicate filings online. Apart from improved efficiency, ELIS also includes tools to combat fraud and identify national security concerns. The House report recognizes the importance of transformation to USCIS operations and directed USCIS to continue quarterly updates on this program.¹⁷²

Systematic Alien Verification for Entitlements (SAVE)

Congress continues to be concerned about the accuracy and effectiveness of the SAVE system, a web-based system for governmental agencies to verify the immigration status of benefit applicants. Without precise information on immigration status, agencies risk granting benefits to unentitled individuals. The House report noted that it requested DHS' Office of Inspector General (OIG) to review the SAVE program last year to determine whether systems and processes are adequate to ensure accurate information for validating an individual's immigration status.¹⁷³ The House report also directed USCIS to brief the Committee on the OIG recommendations¹⁷⁴ and the extent to which they have been adopted by October 31, 2013.¹⁷⁵

Federal Law Enforcement Training Center¹⁷⁶

The Federal Law Enforcement Training Center (FLETC) provides basic and advanced law enforcement instruction to 90 federal entities with law enforcement responsibilities. FLETC also provides specialized training to state and local law enforcement entities, campus police forces, law enforcement organizations of Native American tribes and international law enforcement agencies. By training officers in a multi-agency environment, FLETC intends to promote consistency and collaboration across its partner organizations. FLETC administers four training sites throughout the United States, but also uses online training and provides training at other locations when its specialized facilities are not needed. The Center employs approximately 1,100 personnel.

¹⁷¹ H.Rept. 113-91, p. 104.

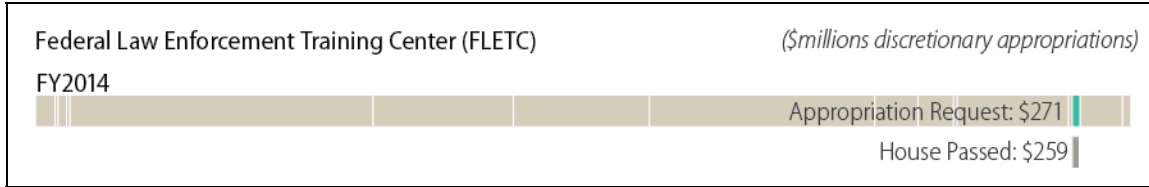
¹⁷² H.Rept. 113-91, p. 105.

¹⁷³ H.Rept. 113-91, p. 105.

¹⁷⁴ DHS Office of Inspector General, OIG-13-11(revised), *Improvements Needed for SAVE To Accurately Determine Immigration Status of Individuals Ordered Deported*, December, 2012.

¹⁷⁵ H.Rept. 113-91, p. 105.

¹⁷⁶ Prepared by William L. Painter, Analyst in Emergency Management and Homeland Security Policy, Government and Finance Division.



FY2014 Request

The Administration proposed a budget of \$271 million for FLETC. The majority of the budget is in Salaries and Expenses (proposed at \$241 million), while Acquisition, Construction, Improvements, and Related Expenses (proposed at \$31 million) represent a smaller share.

House-Passed H.R. 2217

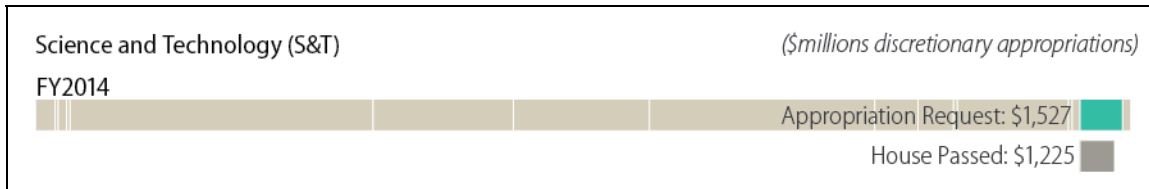
House-passed H.R. 2217 included \$259 million for FLETC, \$13 million (4.7%) below the request. The entire reduction is taken from the Salaries and Expenses, and is the result of \$23 million in anticipated efficiencies from FY2012 levels, and the denial of a proposed transfer of the National Computer Forensics Institute from the Secret Service to FLETC.

Issues for Congress

While FLETC itself has not been the focus of congressional debate, both the House and Senate have raised questions about the training of federal law enforcement officers. The Senate-passed version of comprehensive immigration reform (S. 744) calls for 19,200 additional Border Patrol agents.¹⁷⁷ Fielding this many additional personnel would require an increase in the budget for FLETC’s training courses.

Directorate of Science and Technology¹⁷⁸

The Directorate of Science and Technology (S&T) is the primary DHS organization for research and development (R&D).¹⁷⁹ Led by the Under Secretary for Science and Technology, the S&T Directorate performs R&D in several laboratories of its own and funds R&D performed by the Department of Energy national laboratories, industry, universities, and others. It also provides technology-related support for acquisition and operations in other DHS components.



See **Table 20** for a breakdown of S&T Directorate funding.

¹⁷⁷ S. 744(eas), Section 6(a)(3)(A)(i), p. 51.

¹⁷⁸ Prepared by Daniel Morgan, Specialist in Science and Technology Policy, Resources, Science and Industry Division.

¹⁷⁹ For more information, see CRS Report R43064, *The DHS S&T Directorate: Selected Issues for Congress*, by Dana A. Shea.

FY2014 Request

The Administration has requested \$1.527 billion for the S&T Directorate for FY2014. This is 82% more than the FY2013 total pre-sequester appropriation of \$838 million. The increase over recent funding levels results largely from the request for \$714 million in Laboratory Facilities for construction of the National Bio and Agro-Defense Facility (NBAF). The NBAF is a planned replacement for the current Plum Island Animal Disease Center. According to DHS, the FY2014 request (together with anticipated gift funds from the state of Kansas) would be sufficient to fully fund NBAF construction, which DHS expects to complete in FY2020. The total estimated cost of the NBAF project, including the Kansas contribution and federal funds already appropriated, is \$1.230 billion. The previous estimate in the FY2012 budget was \$725 million.¹⁸⁰ In University Programs, the requested \$31 million in FY2014 is a decrease of 19% from \$38 million in FY2013. This decrease reflects a reduction in funding for university centers of excellence and the elimination of funding for scholarships and fellowships. The latter is part of a government-wide consolidation of science, technology, engineering, and mathematics (STEM) education activities. According to DHS, it will work with the National Science Foundation to ensure that consolidated STEM education activities align with DHS needs.

House-Passed H.R. 2217

The House bill provided \$1.225 billion for S&T. This total included \$404 million for NBAF construction. The committee report explained that this was the amount needed to “fully leverage funding contributions by the State of Kansas” (i.e., to provide the 2-to-1 federal matching funds required for \$202 million in state bonds). According to the committee report, the \$40 million provided for University Programs would support an increase for university centers of excellence. The House committee report did not address the proposed elimination of scholarship and fellowship funding in University Programs.

Issues for Congress

In September 2012, the Government Accountability Office (GAO) reported that although the S&T Directorate, the Domestic Nuclear Detection Office, and the Coast Guard are the only DHS components that report R&D activities to the Office of Management and Budget, several other DHS components also fund R&D and activities related to R&D.¹⁸¹ The GAO report found that DHS lacks department-wide policies to define R&D and guide reporting of R&D activities, and as a result, DHS does not know the total amount its components invest in R&D. The report recommended that DHS develop policies and guidance for defining, reporting, and coordinating R&D activities across the department, and that DHS establish a mechanism to track R&D projects. In March 2013, the explanatory statement for the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) directed the Secretary of Homeland Security, through the Under Secretary for Science and Technology, to establish a review process for all R&D and

¹⁸⁰ Department of Homeland Security, *Congressional Budget Justification: FY2012*, “Science and Technology Directorate: Research, Development, Acquisitions, and Operations,” p. 134. The FY2013 budget did not present a cost estimate for NBAF. At the time the FY2013 budget was released, DHS was reassessing whether to go forward with the NBAF project.

¹⁸¹ Government Accountability Office, *Department of Homeland Security: Oversight and Coordination of Research and Development Should Be Strengthened*, GAO-12-837, Sep 12, 2012.

related work within DHS.¹⁸² In April 2013, citing its September 2012 report, GAO listed DHS R&D as an area of concern in its annual report on fragmented, overlapping, or duplicative federal programs.¹⁸³ The House bill directed DHS to submit a report on reforms to its R&D programs, including a formal process for setting R&D priorities, a formal process for DHS-wide involvement in R&D decision-making and review, metrics for R&D program status and return on investment, and the implementation of GAO’s recommendations.

Table 20. Directorate of Science and Technology, FY2013-FY2014
(budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|----------------|--------------|-----------------------|--------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R.2217 |
| Directorate of Science and Technology | \$834 | \$3 | \$838 | \$1,527 | \$1,225 |
| Management and Administration | 132 | 0 | 132 | 130 | 129 |
| R&D, Acquisition, and Operations | 703 | 3 ^a | 706 | 1,397 | 1,096 |
| <i>Research, Development, and Innovation</i> | 450 | 0 | 450 | 467 | 467 |
| <i>Laboratory Facilities</i> | 165 | 0 | n | 858 | 548 |
| <i>Acquisition and Operations Support</i> | 48 | 0 | 48 | 42 | 42 |
| <i>University Programs</i> | 40 | 0 | 40 | 31 | 40 |

Source: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217 and H.Rept. 113-91.

Note: Totals may not add due to rounding.

- a. The \$3 million added to this account was not assigned to a specific program, project or activity. It is therefore only reflected in this line.

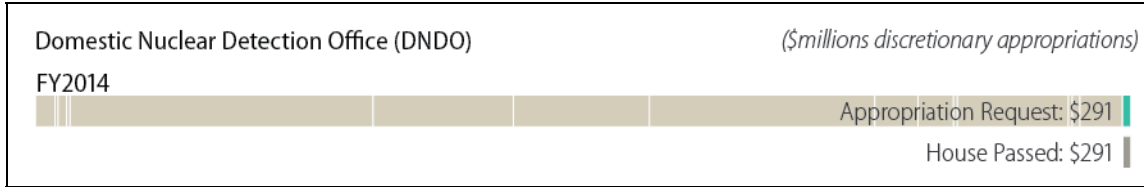
Domestic Nuclear Detection Office¹⁸⁴

The Domestic Nuclear Detection Office is the DHS organization responsible for nuclear detection research, development, testing, evaluation, acquisition, and operational support.

¹⁸² *Congressional Record*, March 11, 2013, p. S1547.

¹⁸³ Government Accountability Office, *2013 Annual Report: Actions Needed to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits*, GAO-13-279SP, April 2013.

¹⁸⁴ Prepared by Daniel Morgan, Specialist in Science and Technology Policy, Resources, Science and Industry Division.



See **Table 21** for a breakdown of DNDO funding.

FY2014 Request

The Administration has requested \$291 million for DNDO for FY2014. In the Research, Development, and Operations account, funding for Systems Architecture and Systems Development would decrease relative to the funding levels outlined in the FY2013 DHS post-sequester operating plan, while funding for Transformational R&D and Assessments would increase. These shifts appear to reflect DNDO’s ongoing transition from large-scale, government-sponsored technology development initiatives to a commercial-first approach to technology acquisition. In the Systems Acquisition account, the DHS budget justification for Human Portable Radiation Detection Systems (HPRDS) describes the \$14 million request as an increase relative to the \$8 million the program received in FY2012 and would have received if the funding for the program under the FY2013 continuing resolution were annualized. It is unclear how the higher amount the program was appropriated under P.L. 113-6—more than triple the amount for FY2013 listed in the budget request—will affect its plans for FY2014.

House-Passed H.R. 2217

The House bill provided the requested amount for DNDO.

Table 21. Domestic Nuclear Detection Office, FY2013-FY2014
(budget authority in millions of dollars)

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|------------|--------------|-----------------------|---------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R. 2217 |
| Domestic Nuclear Detection Office | \$318 | \$4 | \$321 | \$291 | \$291 |
| Management and Administration | 40 | 0 | 40 | 38 | 37 |
| Research, Development, and Operations | 227 | 0 | 227 | 211 | 211 |
| Systems Architecture | 30 | 0 | 30 | 21 | 21 |
| Systems Development | 28 | 0 | 28 | 21 | 21 |
| Transformational R&D | 75 | 0 | 75 | 75 | 75 |
| Assessments | 33 | 0 | 33 | 40 | 40 |
| Operations Support | 35 | 0 | 35 | 31 | 31 |

| | FY2013 Enacted (presequester) | | | FY2014 Appropriations | |
|--|----------------------------------|----------------|-------|-----------------------|---------------------------|
| | P.L. 113-6 | P.L. 113-2 | Total | Request | House-passed H.R. 2217 |
| <i>National Technical Nuclear Forensics Center</i> | 26 | 0 | 0 | 23 | 23 |
| Systems Acquisition | 51 | 4 ^a | 55 | 43 | 43 |
| <i>Radiation Portal Monitors Program</i> | 1 | 0 | 1 | 7 | 7 |
| <i>Securing the Cities</i> | 22 | 0 | 22 | 22 | 22 |
| <i>Human Portable Radiation Detection Systems</i> | 28 | 0 | 28 | 14 | 14 |

Source: CRS analysis of P.L. 113-6, its accompanying Senate explanatory statement, P.L. 113-2, the FY2014 DHS Congressional Budget Justifications, H.R. 2217 and H.Rept. 113-91.

Notes: Totals may not add due to rounding.

- a. The \$4 million added to this account was not assigned to a specific program, project or activity. It is therefore only reflected in this line.

Title V: General Provisions¹⁸⁵

Title V of the DHS appropriations bill contains the general provisions for the bill. These typically include a variety of provisions that apply generally to the bill, as opposed to a single appropriation. However, general provisions may carry additional appropriations, rescissions of prior-year appropriations, limitations on the use of funds, or permanent legislative language as well. This section of the report limits its discussion to new general provisions not mentioned elsewhere in the report and those with a direct impact on the budgetary scoring of the bill.

FY2014 Request

The Administration generally requests rescissions in the accounts where they are made, rather than in this title, and requested no direct funding through general provisions for FY2014.

The Administration’s request was made in relation to the general provisions for DHS included in the FY2012 appropriations act (Division D of P.L. 112-74), as the FY2013 appropriations process had not been concluded while the FY2014 request was being developed.

The Administration proposed dropping 36 general provisions, most of which they had proposed eliminating in FY2013. Eleven of those were already eliminated in the final FY2013 appropriations bill. The Administration also proposed adding ten provisions and modifying ten others.

¹⁸⁵ Prepared by William L. Painter, Analyst in Emergency Management and Homeland Security Policy, Government and Finance Division.

While many of those modifications were simple date changes, one represented a significant change from previous practices. The Administration proposed modifying Section 503, which governs reprogramming of funds, to provide transfer authority that would allow funds to be moved between appropriations accounts within DHS to expedite response to a catastrophic event.

House-Passed H.R. 2217

House-passed H.R. 2217 includes \$460 million in rescissions in Title V, all of which reduce the net scoring of the bill. \$34 million is provided in an appropriation for DHS's data center consolidation effort, which has been funded in the past in the general provisions of the legislation. These are the only provisions in this title that impact the score of the bill—however, fee revenues of \$50 million from Section 563 of P.L. 113-6 are reflected in the comparative statement of budget authority at the back of the House report accompanying the bill, further reducing the score of the bill by \$50 million.¹⁸⁶

The House concurred with the Administration's request to drop three general provisions beyond the eleven that were dropped from the FY2013 DHS appropriations act. The House Appropriations Committee did not add any of the general provisions requested by the Administration—with the exception of a rescission provision that it deepened¹⁸⁷—and rejected the expansion of reprogramming authority.

The House added 19 general provisions to the bill during floor action, bringing the total number of general provisions to 84. Eighteen of these newly added general provisions prohibited the use of funds provided in the bill for specific activities, including the following:

- Changing the list of sharp objects prohibited from being carried by passengers through passenger screening checkpoints or into airport sterile areas and the cabins of a passenger aircraft;¹⁸⁸
- Buying American flags made overseas;¹⁸⁹
- Contracting with a firm if it or its principals have been convicted in the past three years of a number of crimes, including fraud or tax evasion, are presently indicted of the same, or have been delinquent on their taxes in the last three years;¹⁹⁰
- Buying, operating, or maintaining armed unmanned aerial vehicles;¹⁹¹
- Contravening section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)), which outlines the authority of the Attorney General to detain and release criminal aliens;¹⁹²

¹⁸⁶ H.Rept. 113-91, p. 175.

¹⁸⁷ H.R. 2217[rfs2], Section 567.

¹⁸⁸ H.R. 2217[rfs2], Section 571.

¹⁸⁹ H.R. 2217[rfs2], Section 572.

¹⁹⁰ H.R. 2217[rfs2], Section 573.

¹⁹¹ H.R. 2217[rfs2], Section 575.

¹⁹² H.R. 2217[rfs2], Section 576.

- Restricting a government official from sending or receiving information regarding an individual's immigration status to or from the Immigration and Naturalization Service, in violation of current law;¹⁹³
- Restricting the Secretary's discretion to use federal air marshals on inbound international flights;¹⁹⁴
- Implementing, carrying out, administering, or enforcing section 1308(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(h)), which allows for an increase in premiums for the program;¹⁹⁵
- Contracting for the purposes of purchasing ammunition before the date a report required from DHS on ammunition procurement and stockpiles is submitted to Congress;¹⁹⁶
- Enforcing a section of the Energy Independence and Security Act of 2007 (P.L. 110-140) that prohibits the government from contracting for alternative transportation fuels (other than for research) that do not produce less greenhouse gases over their lifecycle than the equivalent conventional petroleum fuel;¹⁹⁷
- Conducting Customs and Border Protection preclearance operations at Abu Dhabi International Airport in the United Arab Emirates;¹⁹⁸
- For the DHS Secretary's office, using funds for reception or representational activities until an entry-exit visa system is implemented;¹⁹⁹ and
- Finalizing, implementing, administering, or enforcing three policy memos issued by the director of ICE that establish priorities for civil immigration enforcement activities.²⁰⁰

Two amendments²⁰¹ were adopted that state funds in the bill cannot be used in contravention of the First, Second, Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States, or in violation of several laws intended to protect individuals' civil rights.

The only general provision added as a floor amendment in the House that was not a restriction on funding would move \$10 million from the Office of the Chief Financial Officer to the FEMA's state Homeland Security Grant Program.²⁰²

¹⁹³ H.R. 2217[rfs2], Section 577.

¹⁹⁴ H.R. 2217[rfs2], Section 578.

¹⁹⁵ H.R. 2217[rfs2], Section 580.

¹⁹⁶ H.R. 2217[rfs2], Section 581. The reporting requirement referenced is Section 566.

¹⁹⁷ H.R. 2217[rfs2], Section 582.

¹⁹⁸ H.R. 2217[rfs2], Section 583.

¹⁹⁹ H.R. 2217[rfs2], Section 586.

²⁰⁰ H.R. 2217[rfs2], Section 588.

²⁰¹ H.R. 2217[rfs2], Section 574 and Section 585.

²⁰² H.R. 2217[rfs2], Section 587.

Appendix A. Appropriations Terms and Concepts

Budget Authority, Obligations, and Outlays

Federal government spending involves a multi-step process that begins with the enactment of budget authority by Congress. Federal agencies then obligate funds from the enacted budget authority to pay for their activities. Finally, payments are made to liquidate those obligations; the actual payment amounts are reflected in the budget as outlays.

Budget authority is established through appropriations acts or direct spending legislation and determines the amounts that are available for federal agencies to spend. The Antideficiency Act²⁰³ prohibits federal agencies from obligating more funds than the budget authority that was enacted by Congress. Budget authority may also be indefinite, as when Congress enacts language providing “such sums as may be necessary” to complete a project or purpose. Budget authority may be available on a one-year, multi-year, or no-year basis. One-year budget authority is only available for obligation during a specific fiscal year; any unobligated funds at the end of that year are no longer available for spending. Multi-year budget authority specifies a range of time during which funds can be obligated for spending; no-year budget authority is available for obligation for an indefinite period of time.

Obligations are incurred when federal agencies employ personnel, enter into contracts, receive services, and engage in similar transactions in a given fiscal year. Outlays are the funds that are actually spent during the fiscal year.²⁰⁴ Because multi-year and no-year budget authorities may be obligated over a number of years, outlays do not always match the budget authority enacted in a given year. Additionally, budget authority may be obligated in one fiscal year but spent in a future fiscal year, especially with certain contracts.

In sum, budget authority allows federal agencies to incur obligations and authorizes payments, or outlays, to be made from the Treasury. Discretionary agencies and programs, and appropriated entitlement programs, are funded each year in appropriations acts.

Discretionary and Mandatory Spending

Gross budget authority, or the total funds available for spending by a federal agency, may be composed of discretionary and mandatory spending. Discretionary spending is not mandated by existing law and is thus appropriated yearly by Congress through appropriations acts. The Budget Enforcement Act of 1990²⁰⁵ defines discretionary appropriations as budget authority provided in annual appropriation acts and the outlays derived from that authority, but it excludes appropriations for entitlements. Mandatory spending, also known as direct spending, consists of budget authority and resulting outlays provided in laws other than appropriation acts and is typically not appropriated each year. However, some mandatory entitlement programs must be

²⁰³ U.S.C. §§1341, 1342, 1344, 1511-1517.

²⁰⁴ Appropriations, outlays, and account balances for government treasury accounts can be viewed in the end of year reports published by the U.S. Treasury titled *Combined Statement of Receipts, Outlays, and Balances of the United States Government*. The DHS portion of the report can be accessed at <http://fms.treas.gov/annualreport/cs2005/c18.pdf>.

²⁰⁵ P.L. 101-508, Title XIII.

appropriated each year and are included in the appropriations acts. Within DHS, the Coast Guard retirement pay is an example of appropriated mandatory spending.

Offsetting Collections²⁰⁶

Offsetting funds are collected by the federal government, either from government accounts or the public, as part of a business-type transaction such as offsets to outlays or collection of a fee. These funds are not counted as revenue. Instead, they are counted as negative outlays. DHS net discretionary budget authority, or the total funds that are appropriated by Congress each year, is composed of discretionary spending minus any fee or fund collections that offset discretionary spending.

Some collections offset a portion of an agency's discretionary budget authority. Other collections offset an agency's mandatory spending. These mandatory spending elements are typically entitlement programs under which individuals, businesses, or units of government that meet the requirements or qualifications established by law are entitled to receive certain payments if they establish eligibility. The DHS budget features two mandatory entitlement programs: the Secret Service and the Coast Guard retired pay accounts (pensions). Some entitlements are funded by permanent appropriations, others by annual appropriations. The Secret Service retirement pay is a permanent appropriation and as such is not annually appropriated, whereas the Coast Guard retirement pay is annually appropriated. In addition to these entitlements, the DHS budget contains offsetting Trust and Public Enterprise Funds. These funds are not appropriated by Congress. They are available for obligation and included in the President's budget to calculate the gross budget authority.

302(a) and 302(b) Allocations

In general practice, the maximum budget authority for annual appropriations (including DHS) is determined through a two-stage congressional budget process. In the first stage, Congress sets overall spending totals in the annual concurrent resolution on the budget. Subsequently, these amounts are allocated among the appropriations 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 discretionary totals available to the House and Senate Committees on Appropriations for enactment in annual appropriations bills through the subcommittees responsible for the development of the bills. In the second stage of the process, the appropriations committees allocate the 302(a) discretionary funds among their subcommittees for each of the appropriations 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 a total above the ceiling is subject to a point of order. 302(b) allocations may be adjusted during the year by the Appropriations Committee by issuing a report delineating the revised suballocations as the various appropriations bills progress towards final enactment.

The FY2012 appropriations bills were the first appropriations bills that were affected by the Budget Control Act (BCA), which established discretionary spending caps for FY2012 through FY2021. For FY2014, the BCA initially set a separate cap for security spending, defined to

²⁰⁶ Prepared with assistance from Bill Heniff Jr., Analyst in American National Government.

include the Departments of Defense and Veterans Affairs, Budget Function 150 for all international affairs programs, the National Nuclear Security Administration, and the Intelligence Community Management Account that funds the offices of the Director of National Intelligence. With the failure of the supercommittee process to produce \$1.2 trillion in deficit reduction and amendments made by the American Taxpayer Relief Act, the BCA now expresses its discretionary spending caps in terms of defense (\$497 billion for FY2014) and non-defense (\$469 billion for FY2014).²⁰⁷ DHS is included in the latter category.

In addition, the BCA allows for adjustments that would raise the statutory caps to cover funding for overseas contingency operations/Global War on Terror, emergency spending, and, to a limited extent, disaster relief and appropriations for continuing disability reviews and for controlling health care fraud and abuse.

As no agreement has been reached between the House and Senate on a budget resolution to provide a common 302(a), each body is taking its own approach to developing 302(b) allocations. In the House, 302(b)s were developed based on the House-passed budget resolution (H.Con.Res. 25), while in the Senate, they have announced 302(b)s based on the non-sequester-adjusted allocations under the BCA.

Table A-1 shows DHS’s initial 302(b) allocations for FY2014, and comparable figures for FY2013 and the President’s request for FY2014.

Table A-1. DHS FY2013 and FY2014 Comparable and 302(b) Discretionary Allocations
(budget authority in billions of dollars)

| FY2013 Comparable | FY2014 Request Comparable | FY2014 House Allocation | FY2014 Senate Allocation | FY2014 Enacted Comparable |
|--------------------------|----------------------------------|--------------------------------|---------------------------------|----------------------------------|
| 39.594 ^a | 39.030 | 38.993 | 39.100 | pending |

Source: CRS Analysis of P.L. 113-6 and accompanying Senate explanatory statement; U.S. Congress, House Appropriations Committee, *Revised Suballocation to Subcommittees Fiscal Year 2014 Budget Authority and Outlays*, 113th Congress, 1st session; U.S. Congress, *Senate Appropriations Committee, FY2014 Discretionary Senate Allocations*, June 18, 2013.

Notes: Totals may not add due to rounding.

- a. This authority does not include BCA-defined disaster relief and emergency funding of \$12,072 million provided through P.L. 113-2, or BCA- defined disaster relief of \$6,400 million covered through adjustments to the discretionary spending cap set by the Budget Control Act in P.L. 113-6.

Adjustments to the Caps Under BCA

Three of the four justifications outlined in the BCA for adjusting the caps on discretionary budget authority have played a role in DHS’s appropriations process. Two of these—emergency spending and overseas contingency operations/Global War on Terror—are not limited.

²⁰⁷ Congressional Budget Office, *Final Sequestration Report for Fiscal Year 2013*, March 27, 2013, p. 4. Available at <http://www.cbo.gov>.

The third justification—disaster relief—is limited. Under the BCA, the allowable adjustment for disaster relief is determined by the Office of Management and Budget (OMB), using the following formula:

Limit on disaster relief cap adjustment for the fiscal year = Rolling average of the disaster relief spending over the last ten fiscal years (throwing out the high and low years) + the unused amount of the potential adjustment for disaster relief from the previous fiscal year.

For FY2014, OMB will determine the allowable adjustment for disaster relief in August 2013. However, the Administration has requested \$5,785 million in disaster relief through DHS and the Small Business Administration to be subject to the cap adjustment. Unlike in FY2013, there will be no carryover of unused disaster relief adjustment to be carried forward into FY2014.

Appendix B. DHS Appropriations in Context

Federal Government-Wide Homeland Security Funding

Since the terrorist attacks of September 11, 2001, there has been an increasing interest in the levels of funding available for homeland security efforts. The Office of Management and Budget, as originally directed by the FY1998 National Defense Authorization Act, has published an annual report to Congress on combating terrorism. Beginning with the June 24, 2002, edition of this report, homeland security was included as a part of the analysis. In subsequent years, this homeland security funding analysis has become more refined, as distinctions (and account lines) between homeland and non-homeland security activities have become more precise. This means that while **Table B-1** is presented in such a way as to allow year-to-year comparisons, they may in fact not be strictly comparable due to the increasing specificity of the analysis, as outlined above.

With regard to DHS funding, it is important to note that DHS funding does not comprise all federal spending on homeland security efforts. In fact, while the largest component of federal spending on homeland security is contained within DHS, the DHS homeland security budget for FY2012 accounted for over 51% of total federal funding for homeland security. The Department of Defense comprised the next highest proportion at nearly 26% of all federal spending on homeland security. The Department of Health and Human Services and the Department of Justice at 6%, and the Department of State at nearly 4% rounded out the top five agencies in spending on homeland security. These five agencies collectively accounted for approximately 93% of all federal spending on homeland security.

It is also important to note that not all DHS funding is classified as pertaining to homeland security activities. The legacy agencies that became a part of DHS also conduct activities that are not homeland security related. Therefore, while the enacted FY2012 budget bills and existing law included total *homeland security* budget authority of \$35.1 billion for DHS, the *total budget authority* for DHS was \$52.5 billion.²⁰⁸ Moreover, the amounts shown in **Table B-1** will not be consistent with total amounts shown elsewhere in the report. This same inconsistency between homeland security budget authority and requested total budget authority is also true for the budgets of the other agencies listed in the table.

Due to the fact that the Administration's FY2014 budget was released without an estimate for FY2013 that accounted for P.L. 113-6 or the impact of sequestration, no authoritative data for FY2013 is available as of the date of publication.

²⁰⁸ Includes appropriations, rescissions, fee funded programs, mandatory budget authority, disaster relief, and overseas contingency operations funding.

Table B-I. Federal Homeland Security Funding by Agency, FY2002-FY2012

(budget authority in millions of dollars)

| Department | FY2002 | FY2003 | FY2004 | FY2005 | FY2006 | FY2007 | FY2008 | FY2009 | FY2010 | FY2011 | FY2012 |
|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Department of Homeland Security (DHS) | 17,381 | 23,063 | 22,923 | 24,549 | 26,571 | 29,554 | 32,486 | 38,988 | 33,236 | 34,901 | 35,088 |
| Department of Defense (DOD) ^a | 16,126 | 8,442 | 7,024 | 17,188 | 17,510 | 16,538 | 18,032 | 19,483 | 19,054 | 16,994 | 17,780 |
| Department of Health and Human Services (HHS) | 1,913 | 4,144 | 4,062 | 4,229 | 4,352 | 4,327 | 4,301 | 4,677 | 7,196 | 4,182 | 4,118 |
| Department of Justice (DOJ) | 2,143 | 2,349 | 2,180 | 2,767 | 3,026 | 3,518 | 3,528 | 3,715 | 4,119 | 3,966 | 4,039 |
| Department of State (DOS) | 477 | 634 | 696 | 824 | 1,108 | 1,242 | 1,719 | 1,809 | 2,016 | 1,949 | 2,674 |
| Department of Energy (DOE) | 1,220 | 1,408 | 1,364 | 1,562 | 1,702 | 1,719 | 1,827 | 1,939 | 1,793 | 1,994 | 1,938 |
| Department of Agriculture (AG) | 553 | 410 | 411 | 596 | 597 | 541 | 575 | 513 | 611 | 580 | 435 |
| National Science Foundation (NSF) | 260 | 285 | 340 | 342 | 344 | 385 | 365 | 407 | 390 | 386 | 444 |
| Department of Veterans Affairs (VA) | 49 | 154 | 271 | 249 | 298 | 260 | 309 | 310 | 427 | 413 | 381 |
| Department of Commerce | 116 | 112 | 125 | 167 | 181 | 205 | 207 | 271 | 284 | 262 | 338 |
| Other Agencies | 3,750 | 1,445 | 1,436 | 1,909 | 1,429 | 1,545 | 1,751 | 1,960 | 1,533 | 1,351 | 1,351 |
| Total Federal Budget Authority | 43,848 | 42,447 | 40,834 | 54,383 | 57,118 | 59,833 | 65,099 | 72,201 | 70,661 | 66,983 | 68,586 |

Sources: CRS analysis of data contained in Section 24. “Homeland Security Funding Analysis” of the Analytical Perspectives volume of the FY2014 President’s Budget (for FY2012), Section 24. “Homeland Security Funding Analysis” of the Analytical Perspectives volume of the FY2013 President’s Budget (for FY2011), Section 24. “Homeland Security Funding Analysis” of the Analytical Perspectives volume of the FY2012 President’s Budget (for FY2010), Section 3. “Homeland Security Funding Analysis,” and Appendix K of the Analytical Perspectives volume of the FY2011 President’s Budget (for FY2009); Section 3. “Homeland Security Funding Analysis,” and Appendix K of the Analytical Perspectives volume of the FY2010 President’s Budget (for FY2008); Section 3. “Homeland Security Funding Analysis,” and Appendix K of the Analytical Perspectives volume of the FY2009 President’s Budget (for FY2007); Section 3. “Homeland Security Funding Analysis,” of Analytical Perspectives volume of the FY2008 President’s Budget (for FY2006); Section 3. “Homeland Security Funding Analysis,” of Analytical Perspectives volume of the FY2008 President’s Budget (for FY2005); Section 3. “Homeland Security Funding Analysis,” of Analytical Perspectives volume of the FY2006 President’s Budget (for FY2004); Section 3. “Homeland

Security Funding Analysis,” of Analytical Perspectives volume of the FY2005 President’s Budget (for FY2003) and Office of Management and Budget, *2003 Report to Congress on Combating Terrorism*, Sept. 2003, p. 10; CRS analysis of FY2002-2006 re-estimates of DOD homeland security funding provided by OMB, March 17, 2005.

Notes: Totals may not add due to rounding. FY totals shown in this table include enacted supplemental funding. Year to year comparisons using particularly FY2002 may not be directly comparable, because as time has gone on agencies have been able to distinguish homeland security and nonhomeland security activities with greater specificity.

- a. Amounts for FY2002-FY2004 do not include re-estimates of DOD homeland security funding. For FY2007 DOD changed the manner in which they account for their homeland security activities. This new method has been applied for forward. Re-estimates of FY2002-FY2004 DOD funding using this new method were not available for inclusion.

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