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Department of Homeland Security Appropriations: FY2017

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Summary

This report discusses the FY2017 appropriations for the Department of Homeland Security (DHS). The report makes note of many budgetary resources provided to DHS, but its primary focus is on funding approved by Congress through the appropriations process. It includes an **Appendix** with definitions of key budget terms used throughout the suite of Congressional Research Service reports on homeland security appropriations. It also directs the reader to other reports providing context for and additional details regarding specific component appropriations and issues engaged through the FY2016 appropriations process.

The Administration requested $40.62 billion in adjusted net discretionary budget authority for DHS for FY2017, as part of an overall budget that the Office of Management and Budget estimates to be $66.2 billion (including fees, trust funds, and other funding that is not annually appropriated or does not score against discretionary budget limits). The request amounted to a $332 million, or 0.8%, increase from the $40.96 billion enacted for FY2016 through the Department of Homeland Security Appropriations Act, 2016 (P.L. 114-113, Division F).

The Administration also requested discretionary funding for DHS components that does not count against discretionary spending limits set by the Budget Control Act (BCA, P.L. 112-25) and is not reflected in the above totals. The Administration requested an additional $6.7 billion for the Federal Emergency Management Agency (FEMA) in disaster relief funding, as defined by the BCA, and in the budget request for the Department of Defense, a transfer of $163 million in Overseas Contingency Operations/Global War on Terror designated funding (OCO).

On May 26, 2016, the Senate Committee on Appropriations reported out S. 3001, accompanied by S.Rept. 114-264. S. 3001 included $41.2 billion in adjusted net discretionary budget authority for FY2017. This was $578 million (1.4%) above the level requested by the Administration, but $246 million (0.6%) above the enacted level for FY2016. The Senate committee-reported bill included the Administration-requested levels for disaster relief funding and OCO funding covered by BCA adjustments—the latter as an appropriation in the DHS appropriations bill rather than the requested transfer.

On June 22, the House Committee on Appropriations reported out H.R. 5634, accompanied by H.Rept. 114-668. H.R. 5634 included $41.04 billion in adjusted net discretionary budget authority for FY2017. This was $426 million (1.0%) above the level requested by the Administration, and $95 million (0.2%) above the enacted level for FY2016. The House committee-reported bill included the Administration-requested levels for disaster relief funding—the House Appropriations Committee chose to provide the OCO funding as a transfer as requested.

Direct comparisons of certain aspects of the funding provided by the legislation has been complicated by a congressionally-mandated restructuring of the department's appropriations.

On September 29, 2016, the President signed P.L. 114-223 into law, which contained a continuing resolution that funds the government at the same rate of operations as FY2016, minus 0.496% through December 9, 2017. This report discusses anomalies in the continuing resolution that specifically address DHS.

This report will be updated throughout the FY2017 appropriations process.

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Introduction

This report describes and analyzes annual appropriations for the Department of Homeland Security (DHS) for FY2017. It compares the enacted FY2016 appropriations for DHS, the Administration's FY2017 budget request, and the appropriations measures developed in response. This report identifies additional informational resources, reports, and products on DHS appropriations that provide additional context for the discussion, and it provides a list of Congressional Research Service (CRS) policy experts whom clients may consult with inquiries on specific topics.

The suite of CRS reports on homeland security appropriations tracks legislative action and congressional issues related to DHS appropriations, with particular attention paid to discretionary funding amounts. The reports do not provide in-depth analysis of specific issues related to mandatory funding—such as retirement pay—nor do they systematically follow other legislation related to the authorization or amending of DHS programs, activities, or fee revenues.

Discussion of appropriations legislation involves a variety of specialized budgetary concepts. The **Appendix** to this report explains several of these concepts, including budget authority, obligations, outlays, discretionary and mandatory spending, offsetting collections, allocations, and adjustments to the discretionary spending caps under the Budget Control Act (P.L. 112-25). A more complete discussion of those terms and the appropriations process in general can be found in CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by Jessica Tollestrup and James V. Saturno, and the Government Accountability Office's *A Glossary of Terms Used in the Federal Budget Process*.[1]

Note on Data and Citations

Except in summary discussions and when discussing total amounts for the bill as a whole, all amounts contained in the suite of CRS reports on homeland security appropriations represent budget authority and are rounded to the nearest million. However, for precision in percentages and totals, all calculations were performed using unrounded data.

Data used in this report for FY2016 amounts are derived from two sources. Normally, this report would rely on P.L. 114-113, the Omnibus Appropriations Act, 2016—Division F of which is the Homeland Security Appropriations Act, 2016—and the accompanying explanatory statement published in Books II and III of the *Congressional Record* for December 17, 2015. However, due to the implementation of the Common Appropriations Structure for DHS (see below), additional information is drawn from H.Rept. 114-668, which presents the FY2016 enacted funding in the new structure. H.Rept. 114-668 also serves as the primary source for the FY2016 enacted funding levels, the FY2017 requested funding levels, and House Appropriations Committee recommendation in the new structure. S.Rept. 114-264 serves as the primary source for the FY2016 enacted funding levels, the FY2017 requested funding levels, and Senate Appropriations Committee recommendation in the "legacy structure"—the overall structure of appropriations enacted for FY2016.[2]

[1] U.S. Government Accountability Office, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 1, 2005, http://www.gao.gov/products/GAO-05-734SP.

[2] There are several differences of interpretation between the two committee reports in accounting for both the FY2016 enacted and FY2017 requested levels. These will be discussed in other reports. To facilitate comparisons with the enacted and requested numbers, this report relies on the number in S.Rept. 114-264 when the two reports are in (continued...)

The "Common Appropriations Structure" (CAS)

When DHS was established in 2003, components of other agencies were brought together over a matter of months, in the midst of ongoing budget cycles. Rather than developing a new structure of appropriations for the entire department, Congress and the Administration continued to provide resources through existing account structures when possible.

In H.Rept. 113-481, accompanying the House version of the FY2015 Department of Homeland Security Appropriations Act, the House Appropriations Committee wrote: "In order to provide the Department and the Committees increased visibility, comparability, and information on which to base resource allocation decisions, particularly in the current fiscal climate, the Committee believes DHS would benefit from the implementation of a common appropriation structure across the Department." It went on to direct the DHS Office of the Chief Financial Officer "to work with the components, the Office of Management and Budget (OMB), and the Committee to develop a common appropriation structure for the President's fiscal year 2017 budget request."[3]

In an interim report in 2015, DHS noted that operating with "over 70 different appropriations and over 100 Programs, Projects, and Activities ... has contributed to a lack of transparency, inhibited comparisons between programs, and complicated spending decisions and other managerial decision-making."[4]

Section 563 of Division F of P.L. 114-113 (the FY2016 Department of Homeland Security Appropriations Act) provided authority for DHS to submit its FY2017 appropriations request under the new common appropriations structure (or CAS), and implement it in FY2017. Under the act, the new structure was to have four categories of appropriations:

- Operations and Support;
- Procurement, Construction and Improvement;
- Research and Development; and
- Federal Assistance.[5]

Most of the FY2017 DHS appropriations request categorized its appropriations in this fashion. The exception was the Coast Guard, which was in the process of migrating its financial information to a new system. DHS has also proposed realigning its Programs, Project, and Activities (PPA) structure—the next level of funding detail below the appropriation level—possibly trying to align PPAs into a mission-based hierarchy.

A visual representation of the new structure follows in **Figure 1**. On the left are the components of DHS with a black bar representing the FY2017 funding levels requested for DHS for each components. Colored lines flow to the appropriations categories on the right, showing the amount of funding in each of the four appropriations categories. A fifth category represents funding for the costs of major disasters. While this would normally be counted a part of the Federal Assistance category of appropriations, it is displayed separately as it does not add to the discretionary total of the bill. A sixth category at the bottom is reserved for the Coast Guard,

(...continued)

conflict, as its interpretation of FY2016 enacted levels could be verified against the FY2016 explanatory statement.

[3] H.Rept. 113-481, p. 24.

[4] Office of the Chief Financial Officer, *A Common Appropriations Structure for DHS: FY2016 Crosswalk*, U.S. Department of Homeland Security, February 2, 2015, p. 2.

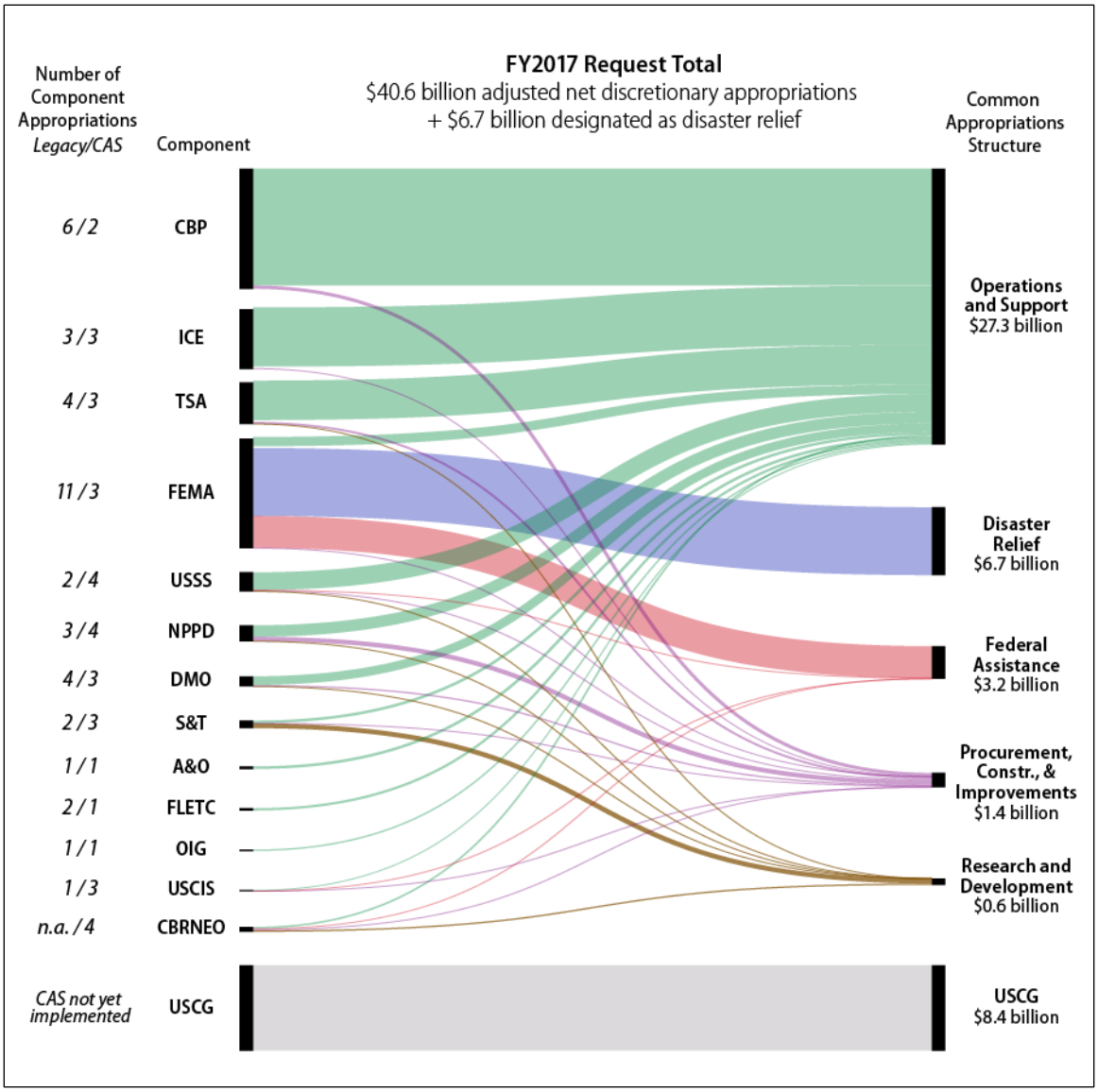
[5] §563, Division F, P.L. 114-113.

which did not present its request in the CAS. Neither appropriations committee provided a notional restructuring of that component's appropriations.

Pairs of numbers on the left side of the table next to each component show how many individual appropriations fund each component in the request as laid out in legacy structure, and how many would fund each component in the CAS. The total number of appropriations are reduced and the use of consistent definitions across components allows for crosscutting totals to be developed for each category of appropriations—something that could not be done under the old structure.

Figure 1. FY2017 Requested Appropriations in the Common Appropriations Structure

(in discretionary budget authority)



Source: CRS analysis of H.Rept. 114-668.

Abbreviations: CBP, Customs and Border Protection; OCO/GWOT, Overseas Contingency Operations/Global War on Terror; 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; OIG, Office of the Inspector General; USCIS, U.S. Citizenship and Immigration Services; OHA, Office of Health Affairs; and CBRNEO, Chemical, Biological, Radiological, Nuclear, and Explosives Office.

Notes: "Appropriations" is a total of separate appropriations actions and general provisions providing budget authority in the enacted FY2016 annual appropriations act for DHS. Legacy is the actual number in the FY2016 act, and "CAS" refers to the number of such actions and provisions in a notional restructured FY2016 appropriations act based on the detail table of H.Rept. 114-668.

The Senate Appropriations Committee did not make its recommendation using the new structure, instead drafting its annual DHS appropriations bill and report using the same structure as was used in FY2016. In explaining its actions, the committee wrote:

> As proposed, the new structure would reduce controls and congressional oversight to a degree that is unacceptable to this Committee. It is disappointing that the Department failed to address the Committee's concerns before transmitting the budget request in this structure.
>
> At the same time, the Committee continues to believe that the goal of following funds from planning through execution is critical to departmental oversight of the components as well as establishing a capability to make tradeoffs in resource allocation and budget development decisions. As such, the Committee is willing to undertake the effort necessary, working with the Department and the House Committee on Appropriations, to transition from the current structure to a more common appropriations structure, specifically in common accounts, consistent with the guidance provided in fiscal year 2016. Under the account level, a structure closer to the current PPAs would maintain controls and transparency regarding congressional priorities and the offices and officials responsible for execution of funds.[6]

The House Appropriations Committee made its recommendation using the new structure, and noted in its report:

> Pursuant to P.L. 114-113, the fiscal year 2017 budget was presented in a new structure that included four common appropriations accounts for every DHS component. Establishing and implementing this structure required significant time and effort by the entire financial management staff of DHS and its components, for which they are to be commended. As the use of this new structure matures and becomes more disciplined, the Committee believes the agency's leadership, as well as congressional stakeholders, will be better positioned to: 1) conduct more effective oversight of DHS components; 2) better track the life cycle costs of DHS acquisition programs; and, 3) recommend more informed trade-offs among programs when faced with limited resources.[7]

Section 130 of the Continuing Appropriations Act, 2017 (P.L. 114-223) included specific authority for DHS to obligate resources provided under the continuing resolution in a revised CAS structure.

It remains to be seen how differences between the House and Senate structures will be worked out in the legislation which finalizes FY2017 appropriations levels for DHS. Some individual programmatic comparisons are possible between the two bills, and the Coast Guard's appropriations are comparable as its FY2017 funding was not proposed in the CAS structure. However, no authoritative crosswalk between the House Appropriations Committee proposal in

[6] S.Rept. 114-264, p. 23.

[7] H.Rept. 114-668, p. 6.

the CAS structure and Senate Appropriations Committee proposal in the legacy structure is publicly available.

Summary of DHS Appropriations

Generally, the homeland security appropriations bill includes all annual appropriations provided for DHS, allocating resources to every departmental component. Discretionary appropriations[8] provide roughly two-thirds to three-fourths of the annual funding for DHS operations, depending how one accounts for disaster relief spending and funding for overseas contingency operations.[9] The remainder of the budget is a mix of fee revenues, trust funds, and mandatory spending.

DHS and "Adjusted" Net Discretionary Budget Authority

The annual DHS budget proposal includes a variety of funding mechanisms. For example, the FY2017 request envisions an appropriations bill that includes

- appropriations that are offset by agency collections, such as user fees;
- funding that is effectively not subject to the discretionary spending limits due to special designation;
- appropriations that are considered to be mandatory spending; and
- appropriations that are contingent on certain things happening.[10]

The appropriations bill also may include *rescissions*—cancellation of budget authority that otherwise would be available for obligation and thus is treated as negative spending. Also credited to the discretionary spending in the bill are two elements of "permanent indefinite discretionary spending" that are not included in the actual appropriations bill but are included in the discretionary spending total of the bill because of scorekeeping practices.

These numbers can be totaled in several different ways to summarize what is in the bill. For DHS, *net discretionary budget authority* includes all **discretionary budget authority** credited to the bill (thus excluding specially designated funding and mandatory spending), **net** of offsets (including any offsetting collections and fees).

In DHS budget documents, *net discretionary budget authority* does not take into account the impact of rescissions. However, *adjusted net discretionary budget authority* does take rescissions into account. This is the total that counts against discretionary spending limits, and it is the total used most commonly in debate on appropriations. To avoid confusion when readers interpret DHS documents, CRS reporting on DHS appropriations uses the DHS terminology to describe that total.

Appropriations measures for DHS typically have been organized into five titles.[11] The first four are thematic groupings of components:

[8] Generally speaking, those provided through annual legislation. For more detail, see the following text box and the **Appendix**.

[9] These items, which qualify for special designation under the Budget Control Act, provide discretionary budget authority to DHS components but are not included in the "appropriations" total for the bill at the end of the detail tables in the committee reports.

[10] Projections of the budget authority provided by these provisions may vary between the Office of Management and Budget and the Congressional Budget Office, but both include such appropriations in calculations of discretionary budget authority.

[11] Although the House and Senate have generally produced symmetrically structured bills in the past, this is not the first year that the two have differed. Additional titles are sometimes added by one of the chambers to address special issues. For example, the FY2012 House full committee markup 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 the five described above. For FY2016, the House- and Senate-reported versions of the DHS appropriations bill were generally symmetrical.

- Title I, **Departmental Management and Operations**, the smallest of the first four titles, contains appropriations for the departmental management accounts,[12] Analysis and Operations (A&O), and the Office of the Inspector General (OIG). For FY2016, these components received almost $1.50 billion in net discretionary budget authority through the appropriations process.[13]
  - The Administration requested $1.46 billion in FY2017 net discretionary budget authority for components included in this title.[14] The appropriations request was $37 million (2.5%) less than was provided for FY2016.
  - Senate Appropriations Committee-reported S. 3001 would provide the components included in this title $1.43 billion in net discretionary budget authority. This would have been $24 million (1.7%) less than requested, and $62 million (4.2%) less than was provided in FY2016.
  - House Appropriations Committee-reported H.R. 5634 would provide the components included in this title $1.33 billion in net discretionary budget authority. This would have been $126 million (8.6%) less than requested, but $163 million (10.8%) less than was provided in FY2016.
- Title II, **Security, Enforcement, and Investigations**, comprising roughly three-quarters of the funding appropriated for the department, 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. In FY2016, these components received $33.06 billion in net discretionary budget authority through the appropriations process.
  - The Administration requested $32.27 billion in FY2017 net discretionary budget authority for components included in this title, as part of a total budget for these components of $40.27 billion for FY2017.[15] The appropriations request was $797 million (2.4%) less than was provided for FY2016.
  - Senate Appropriations Committee-reported S. 3001 would provide the components included in this title $32.92 billion in net discretionary budget authority. This would have been $652 million (2.0%) more than requested, but $145 million (0.4%) less than was provided in FY2016.[16]

[12] These include the Office of the 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).

[13] This includes a $24 million transfer from the Disaster Relief Fund appropriation (see below).

[14] In addition to the appropriations provided in Title I, under the request, the DHS Office of Inspector General (OIG) would receive $24 million in a transfer from the Disaster Relief Fund appropriation, and $41 million for financial systems modernization in general provisions. Funding for DHS headquarters consolidation is included in these totals, although funding is often provided in general provisions.

[15] In addition to the appropriations provided in Title II, under the request, U.S. Customs and Border Protection would receive $220 million in budget authority from a general provision that grants them the authority to expend fees raised under the Colombia Free Trade Act. Other resources that contribute to the budget for these components include mandatory spending, fee revenues, and trust funds.

[16] Different methodologies of calculating resources provided for FY2016 and requested for FY2017 between the House and Senate result in slightly different interpretations of these funding levels. The comparison in this bullet is based on the numbers presented in S.Rept. 114-264.

- House Appropriations Committee-reported H.R. 5634 would provide the components included in this title $32.85 billion in net discretionary budget authority. This would have been $592 million (1.8%) more than requested, but $206 million (0.6%) less than was provided in FY2016.[17]

- Title III, **Protection, Preparedness, Response, and Recovery**, the second-largest of the first four titles, contains appropriations for the National Protection and Programs Directorate (NPPD), the Office of Health Affairs (OHA),[18] and the Federal Emergency Management Agency (FEMA). In FY2016, these components received $6.40 billion in net discretionary budget authority and $6.71 billion in specially designated funding for disaster relief through the appropriations process.[19]
  - The Administration requested $5.69 billion in FY2017 net discretionary budget authority for components included in this title, and $6.71 billion in specially designated funding for disaster relief as part of a total budget for these components of $20.00 billion for FY2017.[20] The appropriations request was $718 million (11.2%) less than was provided for FY2016 in net discretionary budget authority.
  - Senate Appropriations Committee-reported S. 3001 would provide the components included in this title $6.58 billion in net discretionary budget authority. This would have been $898 million (15.8%) more than requested, and $180 million (2.8%) more than was provided in FY2016. S. 3001 included the requested disaster relief funding.
  - House Appropriations Committee-reported H.R. 5634 would provide the components included in this title $6.44 billion in net discretionary budget authority. This would have been $753 million (13.2%) more than requested, but $34 million (0.5%) more than was provided in FY2016. H.R. 5634 also included the requested disaster relief funding.
- Title IV, **Research and Development, Training, and Services**, the second-smallest of the first four titles, contains appropriations for the 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 (DNDO). In FY2016, these components received $1.50 billion in net discretionary budget authority.
  - The Administration requested $1.62 billion in FY2017 net discretionary budget authority for components included in this title, as part of a total

[17] Different methodologies of calculating resources provided for FY2016 and requested for FY2017 between the House and Senate result in slightly different interpretations of these funding levels. The comparison in this bullet is based on the numbers presented in H.Rept. 114-668.

[18] The Administration's request proposed transferring OHA into a new Chemical, Biological, Radiological, Nuclear, and Explosives Office.

[19] The total for net discretionary budget authority includes the impact of a $24 million transfer to the OIG.

[20] In addition to the appropriations provided in Title III, under the request, the Disaster Relief Fund would receive $6,713 million in budget authority that is accounted for by an adjustment to the discretionary spending limits set by the Budget Control Act (P.L. 112-25). $24 million of that amount is to be transferred to the OIG. Another $1,443 million is provided through offsetting collections to the Federal Protective Service—neither of these is included in the net discretionary budget total. Other resources that contribute to the budget for these components include mandatory spending, fee revenues, and trust funds, including the National Flood Insurance Fund.

budget for these components of $5.52 billion for FY2017. The appropriations request was $133 million (8.9%) more than was provided for FY2016.

- Senate Appropriations Committee-reported S. 3001 would provide the components included in this title $1.50 billion in net discretionary budget authority. This would have been $132 million (8.1%) less than requested, and less than $1 million (<0.1%) more than was provided in FY2016.
- House Appropriations Committee-reported H.R. 5634 would provide the components included in this title $1.63 billion in net discretionary budget authority. This would have been $1 million (0.1%) more than requested, and $134 million (9.0%) more than was provided in FY2016.

A fifth title contains general provisions, the impact of which may reach across the entire department, impact multiple components, or focus on a single activity. Rescissions of prior-year appropriations—cancellations of budget authority that reduce the net funding level in the bill—are found here. For FY2016, Division F of P.L. 114-113 included $1.51 billion in rescissions. For FY2017, the Administration proposed rescinding $420 million in prior-year funding. Senate Appropriations Committee-reported S. 3001 included $1.23 billion in rescissions, while House Appropriations Committee-reported H.R. 5634 included $1.20 billion.

Continuing Resolution

On September 29, 2016, the President signed into law P.L. 114-223, which contained a continuing resolution[21] that funds the government at the same rate of operations as FY2016, minus 0.496% through December 9, 2017. The continuing resolution contained three sections providing specific authority to DHS to carry out key functions. All of these authorities had been requested by the Administration:

- Section 130: As described above, this is a new provision allowing DHS to obligate funds in the account and budget structure of the CAS as laid out in a report submitted to the appropriations committees prior to the start of FY2017. Authorization to implement the CAS structure as outlined in the FY2017 request was originally laid out in the FY2016 Department of Homeland Security Act: Section 130 allows modifications to the structure developed since that time.
- Section 131: This is a new provision similar to ones provided in past years to allow DHS to maintain the staffing levels of certain components. It is functionally similar to an anomaly included in the FY2015 CR (P.L. 113-164).[22] Section 131 allows resources provided under the CR to be apportioned[23] at the rate needed to maintain the staffing levels of TSA screeners and CBP personnel attained at the end of FY2016. The Administration, in their request for anomalies in the CR, indicated that TSA required an anomaly because TSA repurposed funding provided for FY2016 to allow for hiring of additional screeners and

[21] Division C, Continuing Appropriations Act, 2017.

[22] Section 129. 128 Stat. 1872. In contrast to Section 131 in the current CR, this anomaly from FY2015 focused on CBP and ICE personnel.

[23] Apportionment is an OMB-approved plan to use budgetary resources for a specified purpose and time period. According to OMB Circular A-11, under a CR, there is an automatic apportionment based on its rate and duration. This section provides an exception to that automatic apportionment to allow more resources to be made available for these specific personnel costs over the term of the CR.

converting a number of part-time screeners to full-time screeners. The Administration indicated that it would not be able to sustain that level of effort operating under a CR without the anomaly.

- Section 132: This is a provision extending special procurement authorities for research and development activities at DHS, known as "other transaction authority." This provision has been carried in many CRs covering DHS, including most recently as Section 129 of the FY2016 CR, P.L. 114-53.

Homeland Security Appropriations

The following tables present comparisons of FY2016 enacted and FY2017 requested and recommended appropriations for the department.

The tables summarize the appropriations provided for each component, subtotaling the resources provided through the appropriations legislation. Indented text and bracketed numbers indicate resources either provided through provisions separate from the base appropriations for the component, or that do not count as net discretionary budget authority[24] (see the text box on page 5). A subtotal for each component of total estimated resources that would be available under the legislation and from other sources (such as fees, mandatory spending, and trust funds) for the given fiscal year is also provided. At the bottom of each table, three totals indicate the total for the title on its own, the total for title's components in the entire bill, and the projected total FY2017 funding for the title's components from all sources (such as fees not governed by the bill, trust funds, etc.).

Because of the different structures between the two bills and reports, two tables are provided for each of the four titles of the bill: One reflects FY2016 enacted funding levels, FY2017 requested funding levels, and the Senate Appropriations Committee's response in the structure in which FY2016 appropriations were provided (noted as the "legacy structure"), while the other reflects FY2016 enacted funding levels, FY2017 requested funding levels, and the House Appropriations Committee's response in the new Common Appropriations Structure used in the Administration's FY2017 request. Sufficient data are not available to CRS for most DHS components to make meaningful detailed comparisons below the component level at this time. The structure differences may be seen in some of the totals for funding under given titles of the bill, and methodological differences are reflected not only there but also in totals for the funding provided in the bill and projections of total resources available to components.

[24] See the text box on page 5 for a description of "net discretionary budget authority."

Departmental Management and Operations

Table 1. Budgetary Resources for Departmental Management and Operations Components, FY2016 and FY2017, Legacy Structure

(budget authority in millions of dollars)

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 SAC-Reported S. 3001
Office of the Secretary and Executive Management	137	136	136
Office of the Under Secretary for Management	197	232	226
DHS Headquarters Consolidation (Title V)	[216]	[226]	[226]
Office of the Chief Financial Officer	56	59	58
Financial Systems Modernization (Title V)	[53]	[41]	[41]
Office of the Chief Information Officer (OCIO)	310	318	307
OCIO Cyber Security Fund (Title V)	[100]	[0]	[0]
Analysis and Operations	265	266	260
Office of the Inspector General	137	157	155
Transfer to OIG from FEMA's DRF (Title III)[a]	[24]	[24]	[24]
Net Discretionary Budget Authority: Title I	**1,103**	**1,167**	**1,143**
Net Discretionary Budget Authority: Total for Departmental Management and Operations Components	**1,496**	**1,458**	**1,434**
Total Budgetary Resources for Departmental Management and Operations Components	**1,496**	**1,458**	**1,434**

Source: CRS analysis of Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210; and S. 3001 and S.Rept. 114-264.

Notes: Table displays rounded numbers, but all operations were performed with unrounded data. Therefore, amounts may not sum to totals. FEMA = Federal Emergency Management Agency; DRF = Disaster Relief Fund.

a. The DHS Office of the Inspector General (OIG) also receives transfers from FEMA to pay for oversight of disaster-related activities that are reflected in the last two lines in these tables, including $24 million in FY2016 and $24 million requested and recommended for FY2017.

Table 2. Budgetary Resources for Departmental Management and Operations Components, FY2016 and FY2017, Common Appropriations Structure

(budget authority in millions of dollars)

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 HAC-Reported H.R. 5634
Departmental Management and Operations	**701**	**1012**	**844**
Operations and Support	**680**	**864**	**823**
Management and Administration	643	827	786

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 HAC-Reported H.R. 5634
Office of the Secretary and Executive Management	*137*	*136*	*136*
Office of the Under Secretary for Management[a]	*505*	*690*	*649*
Financial Systems Modernization (Title V)	*[53]*	*—*	*[41]*
Integrated Operations	38	37	37
Office of the Under Secretary for Management	*38*	*37*	*37*
Procurement, Construction, and Improvements	**18**	**145**	**19**
Management and Administration	13	139	13
Office of the Under Secretary for Management	*13*	*139*	*13*
Integrated Operations	5	5	5
Office of the Under Secretary for Management	*5*	*5*	*5*
Research and Development	**3**	**3**	**3**
Management and Administration	3	3	3
Office of the Under Secretary for Management	*3*	*3*	*3*
Headquarters Consolidation [Title V]	**[216]**	**0**	**0**
Analysis and Operations	**265**	**266**	**266**
Operations and Support	**265**	**266**	**266**
Analysis and Operations	265	266	266
Office of the Inspector General	**137**	**157**	**157**
Operations and Support	**137**	**157**	**157**
Management and Administration	137	157	157
Transfer to OIG from FEMA's DRF (Title III)[b]	[24]	[24]	[24]
Net Discretionary Budget Authority: Title I	**1,103**	**1,434**[c]	**1,267**
Net Discretionary Budget Authority: Total for Departmental Management and Operations Components	**1,496**	**1,458**	**1,332**
Projected Total Gross Budgetary Resources for Departmental Management and Operations Components	**1,496**	**1,458**	**1,332**

Source: CRS analysis of Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210; and H.R. 5634 and H.Rept. 114-668.

Notes: Table displays rounded numbers, but all operations were performed with unrounded data. Therefore, amounts may not sum to totals. FEMA = Federal Emergency Management Agency; DRF = Disaster Relief Fund.

a. The FY2017 request for Operations and Support, Management and Administration, Office of the Under Secretary for Management included $41 million for financial systems modernization, which the House Appropriations Committee recommended providing separately through a general provision.

b. The DHS Office of the Inspector General (OIG) also receives transfers from FEMA to pay for oversight of disaster-related activities that are reflected in the last two lines in these tables, including $24 million in FY2016 and $24 million requested and recommended for FY2017.

c. This number is higher than in the legacy-structured table, as the House committee-reported CAS structure incorporates funding previously requested or provided through General Provisions with component funding in the title.

Security, Enforcement, and Investigations

Table 3. Budgetary Resources for Security, Enforcement, and Investigations, FY2016 and FY2017, Legacy Structure

(budget authority in millions of dollars)

	FY2016	FY2017	
Component/Appropriation	**Enacted**	**Request**	**SAC-Reported** S. 3001
Customs and Border Protection			
Salaries and Expenses	8,629	9,399	8,857
Small Airport User Fee[a]	9	9	9
Automation Modernization	829	841	813
Border Security Fencing, Infrastructure, and Technology	447	329	349
Air and Marine Operations	802	798	857
Facilities Management	340	306	296
COBRA FTA funding (Title V)[b]	[220]	[220]	[231]
Title II Appropriation	**11,057**	**11,682**	**11,182**
Total Appropriation	**11,277**	**11,902**	**11,413**
Fees, Mandatory Spending, and Trust Funds	1,977	2,055	2,055
Total Budgetary Resources (including Title V)	13,254	13,957	13,468
Immigration and Customs Enforcement			
Salaries and Expenses	5,779	5,862	5,934
Automation and Infrastructure Modernization	53	43	30
Construction	0	7	0
Appropriation	**5,832**	**5,912**	**5,964**
Fees, Mandatory Spending, and Trust Funds	322	322	348
Total Budgetary Resources	6,154	6,234	6,312
Transportation Security Administration			
Aviation Security (net funding)	3,589	2,811	3,768
Surface Transportation Security	111	123	123
Intelligence and Vetting[c] (net funding)	237	231	231
Transportation Security Support	924	951	953
Appropriation	**4,861**	**4,116**	**5,075**
Fees, Mandatory Spending, and Trust Funds	2,579	3,473	2,593
Total Budgetary Resources	7,440	7,589	7,669
U.S. Coast Guard			

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 SAC-Reported S. 3001
Operating Expenses[d]	7,061	6,987	7,140
Overseas Contingency Operations Adjustment (included in Operating Expenses)[d]	[160]	0	[163]
Environmental Compliance and Restoration	13	13	13
Reserve Training	111	112	112
Acquisition, Construction, and Improvements	1,945	1,137	1,257
Research, Development, Testing, and Evaluation	18	18	37
Health Care Fund Contribution[a]	169	176	176
Discretionary Appropriation	**9,158**	**8,444**	**8,573**
Fees, Mandatory Spending, and Trust Funds	1,822	1,893	1,893
Total Budgetary Resources	10,980	10,337	10,466
U.S. Secret Service			
Salaries and Expenses	1,855	1,802	1,802
Acquisition, Construction, and Improvements	79	89	89
Appropriation	**1,934**	**1,891**	**1,891**
Fees, Mandatory Spending, and Trust Funds	265	265	265
Total Budgetary Resources	2,199	2,156	2,156
Net Discretionary Budget Authority: Title II	**32,842**	**32,045**	**32,686**
Net Discretionary Budget Authority: Total for Security, Enforcement, and Investigations Components	**33,062**	**32,265**	**32,917**
Projected Total Gross Budgetary Resources for Security, Enforcement, and Investigations Components	**40,187**	**40,273**	**40,233**

Source: CRS analysis of Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210; and S. 3001 and S.Rept. 114-264.

Notes: Methodological differences between House and Senate Appropriations Committee reports result in different totals at various points in this table compared to **Table 4**. Table displays rounded numbers, but all operations were performed with unrounded data. Amounts, therefore, may not sum to totals. Fee revenues included in the "Fees, Mandatory Spending, and Trust Funds" lines are projections, and do not include budget authority provided through general provisions.

a. This item is considered permanent indefinite discretionary spending and, therefore, scores as being in the bill, despite not being explicitly appropriated in the bills' legislative language.

b. Section 556 of Division F of P.L. 114-113, and Section 531 of the Senate committee-reported S. 3001 authorize Customs and Border Protection to expend certain fee revenues collected pursuant to the Colombia Free Trade Act. These provisions score as discretionary budget authority, and so are reflected separately from other fees.

c. Formerly entitled "Transportation Threat Assessment and Credentialing."

d. Overseas contingency operations funding is included in the Operating Expenses appropriation, but is not added to the appropriations total in accordance with the appropriations committees' practices for subtotaling this account. This funding is reflected in the Projected Total Gross Budgetary resources for the Coast Guard, not the total net discretionary budget authority.

Table 4. Budgetary Resources for Security, Enforcement, and Investigations Components, FY2016 and FY2017, Common Appropriations Structure

(budget authority in millions of dollars)

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 HAC-Reported H.R. 5634
Customs and Border Protection			
Operations and Support	**10,675**	**11,341**	**10,945**
Management and Administration	1,452	1,564	1,560
Integrated Operations	703	751	754
Securing America's Borders	4,477	4,595	4,573
Securing and Expediting Trade and Travel	4,044	4,430	4,102
Mission Support Personnel[a]	0	0	-43
Procurement, Construction, and Improvements	**374**	**323**	**261**
Integrated Operations	25	0	0
Securing America's Borders	174	140	136
Securing and Expediting Trade and Travel	174	184	125
COBRA FTA funding (Title V)[b]	**[220]**	**[220]**	**[220]**
Reimbursable Preclearance and Offsetting Collections (Title V)[c]	**[14]** **(14)**	**[39]** **(31)**	**[39]** **(39)**
Title II Appropriations[d]	**11,048**	**11,664**	**11,206**
Total Appropriations	**11,268**	**11,892**	**11,426**
Fees, Mandatory Spending, and Trust Funds	1,991	2,086	2,094
Total Budgetary Resources	13,273	13,978	13,559
Immigration and Customs Enforcement			
Operations and Support	**5,779**	**5,862**	**5,872**
Management and Administration	340	364	365
Enforcement and Removal	3,218	3,108	3,171
Homeland Security Investigations	1,981	2,121	2,075
Office of Principal Legal Advisor	240	268	260
Procurement, Construction, and Improvements	**53**	**50**	**33**
Management and Administration	53	50	33
Total Appropriations	**5,832**	**5,912**	**5,904**
Fees, Mandatory Spending, and Trust Funds	322	322	322
Total Budgetary Resources	6,154	6,234	6,226

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 HAC-Reported H.R. 5634
Transportation Security Administration			
Operations and Support	**6,786**	**6,915**	**6,937**
Transportation Screening Operations	5,016	5,091	5,111
Transportation Assessment and Enforcement	1,432	1,487	1,489
Management and Administration	339	337	337
Transportation Screening Operations (Offsetting Collections)	(2,130)	(3,010)	(2,130)
Operations and Support (net)	*4,656*	*3,905*	*4,807*
Procurement, Construction, and Improvements	**200**	**206**	**206**
Transportation Screening Operations	200	206	206
Research and Development	**5**	**5**	**5**
Transportation Screening Operations	5	5	5
Total Appropriations	**4,861**	**4,116**	**5,018**
Fees, Mandatory Spending, and Trust Funds	2,579	3,465	2,385
Total Budgetary Resources	7,440	7,581	7,603
U.S. Coast Guard			
Operating Expenses	**7,061**	**6,987**	**6,978**
Overseas Contingency Operations Adjustment (included in Operating Expenses)[d]	[160]	0	0
Environmental Compliance and Restoration	**13**	**13**	**13**
Reserve Training	**111**	**112**	**112**
Acquisition, Construction, and Improvements	**1,945**	**1,137**	**1,257**
Research, Development, Testing, and Evaluation	**18**	**18**	**18**
Health Care Fund Contribution	**169**	**176**	**176**
Discretionary Appropriation	**9,158**	**8,444**	**8,555**
Fees, Mandatory Spending, and Trust Funds	1,822	1,893	1,893
Total Budgetary Resources	10,980	10,337	10,448
U.S. Secret Service			
Operations and Support	**1,851**	**1,773**	**1,840**
Protection	753	735	782
Criminal Investigations	47	50	69
Integrated Operations	877	843	843

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 HAC-Reported H.R. 5634
Management and Administration	173	146	146
Procurement, Construction, and Improvements	**64**	**111**	**90**
Protection	11	48	37
Integrated Operations	53	63	53
Research and Development	*****	**3**	**3**
Protection	0	2	2
Integrated Operations	*	*	*
Federal Assistance	19	5	0
Criminal Investigations	19	5	0
Discretionary Appropriation	**1,934**	**1,891**	**1,932**
Fees, Mandatory Spending, and Trust Funds	265	265	265
Total Budgetary Resources	2,199	2,156	2,197
Net Discretionary Budget Authority: Title II	**32,833**	**32,027**	**32,616**
Net Discretionary Budget Authority: Total for Security, Enforcement, and Investigations Components	**33,053**	**32,255**	**32,847**
Projected Total Gross Budgetary Resources for Security, Enforcement, and Investigations Components	**40,182**	**40,294**	**39,995**

Source: CRS analysis of Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210; and H.R. 5634 and H.Rept. 114-668.

Notes: Methodological differences between House and Senate Appropriations Committee reports result in different totals at various points in this table compared to **Table 3**. * = rounds to zero. Numbers in parentheses offset other budget authority within that section of the table. Table displays rounded numbers, but all operations were performed with unrounded data. Amounts, therefore, may not sum to totals. Fee revenues included in the "Fees, Mandatory Spending, and Trust Funds" lines are projections, and do not include budget authority provided through general provisions.

a. The line represents an across-the-board reduction.

b. Section 531 of the House committee-reported bill authorizes the use of fees for certain Customs and Border Protection expenses. This is scored as discretionary spending.

c. The House detail table notes an expenditure and offsetting collection for preclearance activities that is not reflected in the Senate detail table. In the House methodology, $8 million in the request is scored as a part of Title V, while the entire amount of offset resources is reflected in total budgetary resources.

d. The House and Senate reports do not concur on the treatment of the Small Airport User Fee and the preclearance program. The Senate includes the Small Airport User Fee in its discussion of Customs and Border Protection resources, while the House does not (the House position is a change from past practice). The Senate reflects the expected costs of the preclearance program in its scoring of Title II, while the House does so in Title V.

Protection, Preparedness, Response, and Recovery

Table 5. Budgetary Resources for Protection, Preparedness, Response, and Recovery Components, FY2016 and FY2017, Legacy Structure

(budget authority in millions of dollars)

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 SAC-Reported S. 3001
National Protection and Programs Directorate			
Management and Administration	62	62	57
Infrastructure Protection and Information Security	1,291	1,527	1,475
Federal Protective Service[a]	[1,443]	[1,451]	[1,451]
Office of Biometric Identity Management	282	0	287
Appropriation	**1,636**	**1,589**	**1,818**
Fees, Mandatory Spending, and Trust Funds	1,443	1,451	1,451
Total Budgetary Resources	3,079	3,040	3,269
Office of Health Affairs			
Appropriation	**125**	**0**	**108**
Fees, Mandatory Spending, and Trust Funds	0	0	0
Total Budgetary Resources	125	0	108
Federal Emergency Management Agency			
Salaries and Expenses	961	1,068	1,045
Grants and Training	2,540	2,039	2,574
Radiological Emergency Preparedness	*	*	*
U.S. Fire Administration	44	42	44
Disaster Relief Fund	662	640	640
Major Disasters Adjustment	[6,713]	[6,709]	[6,709]
Transfer to Office of Inspector General	[-24]	[-24]	[-24]
Subtotal: Net Total Disaster Relief Funding[b]	[7,351]	[7,325]	[7,325]
Flood Hazard Mapping and Risk Analysis	190	178	178
National Flood Insurance Fund[a]	[181]	[182]	[182]
Pre-disaster Mitigation Fund	100	54	100
Emergency Food and Shelter	120	100	100
Emergent Threats (Title V)	50	0	0
Appropriation[c]	**4,666**	**4,121**	**4,681**
Fees, Mandatory Spending, and Trust Funds	5,038	5,973	5,973
Total Budgetary Resources	16,574	16,961	17,521
Net Discretionary Budget Authority: Title III[c]	**6,377**	**5,709**	**6,607**

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 SAC-Reported S. 3001
Net Discretionary Budget Authority: Total for Protection, Preparedness, Response and Recovery Components	**6,403**	**5,685**	**6,583**
Projected Total Gross Budgetary Resources for Protection, Preparedness, Response and Recovery Components	**19,151**	**20,001**	**20,898**

Source: CRS analysis of Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210; S. 3001 and S.Rept. 114-264; and H.R. 5634 and H.Rept. 114-668.

Notes: * = rounds to zero. Table displays rounded numbers, but all operations were performed with unrounded data. Amounts, therefore, may not sum to totals. Fee revenues included in the "Fees, Mandatory Spending, and Trust Funds" lines are projections, and do not include budget authority provided through general provisions.

a. This line is wholly offset by fees and, therefore, does not add to the total appropriation.

b. This line is a subtotal of the "Disaster Relief Fund" line and the "Disaster Relief Adjustment"—it represents the total resources provided to the DRF. The "Disaster Relief Fund" line is included in the "Appropriation" line, but the "Disaster Relief Adjustment" line is not.

c. For consistency across tables, this line does not include the $24 million transfer from the DRF—its impact is reflected in the budgetary resource totals below.

Table 6. Budgetary Resources for Protection, Preparedness, Response, and Recovery Components, FY2016 and FY2017, Common Appropriations Structure

(budget authority in millions of dollars)

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 HAC-Reported H.R. 5634
National Protection and Programs Directorate			
Operations and Support	**1,297**	**1,148**	**1,356**
Infrastructure Analysis	230	282	255
Management and Administration	90	90	90
Infrastructure Capacity Building	247	240	234
Protect Infrastructure	512	536	530
Biometric Identity Management	217	0	247
Procurement, Construction, and Improvements	**333**	**437**	**393**
Protect Infrastructure	268	437	335
Biometric Identity Management	65	0	59
Research and Development	**6**	**4**	**6**
Infrastructure Capacity Building	5	4	6

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 HAC-Reported H.R. 5634
Protect Infrastructure	1	1	1
Fee Accounts			
Federal Protective Service	[1,443]	[1,451]	[1,451]
Appropriation	1,636	1,589	1,756
Fees, Mandatory Spending, and Trust Funds	1,443	1,451	1,451
Total Budgetary Resources	3,079	3,040	3,207
Office of Health Affairs			
Appropriation[a]	**125**	**0**	**0**
Fees, Mandatory Spending, and Trust Funds	0	0	0
Total Budgetary Resources	125	0	0
Federal Emergency Management Agency			
Operations and Support	**801**	**928**	**936**
Management and Administration	353	448	448
Integrated Operations	166	182	182
Mitigation	11	11	11
Preparedness and Protection	49	50	50
Response and Recovery	222	237	246
Procurement, Construction, and Improvements	**43**	**35**	**35**
Response and Recovery	12	11	11
Preparedness and Protection	32	24	24
Federal Assistance	10,485	9,867	10,443
Disaster Relief Fund[b]	7,375	7,349	7,349
Base	662	640	640
Major Disasters	6,713	6,709	6,709
Transfer to OIG	[-24]	[-24]	[-24]
Subtotal: Net disaster relief funding	7,351	7,325	7,325
Management and Administration	118	111	111
Mitigation	290	232	232
Offsetting Fee Collections	[181]	[182]	[182]
Preparedness and Protection	2,583	2,075	2,632
Response and Recovery	120	100	120
Emergent Threats (Title V)	50	0	0
Radiological Emergency Preparedness Program (Title V)	*	*	*

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 HAC-Reported H.R. 5634
Appropriation[c]	**4,666**	**4,121**	**4,706**
Fees, Mandatory Spending, and Trust Funds	5,038	5,973	5,973
Total Budgetary Resources	16,574	16,961	17,546
Net Discretionary Budget Authority: Title III[c]	**6,377**	**5,709**	**6,462**
Net Discretionary Budget Authority: Total for Protection, Preparedness, Response and Recovery Components	**6,403**	**5,685**	**6,438**
Projected Total Gross Budgetary Resources for Protection, Preparedness, Response and Recovery Components	**19,151**	**20,001**	**20,753**

Source: CRS analysis of Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210; S. 3001 and S.Rept. 114-264; and H.R. 5634 and H.Rept. 114-668.

Notes: * = rounds to zero. Table displays rounded numbers, but all operations were performed with unrounded data. Amounts, therefore, may not sum to totals. Fee revenues included in the "Fees, Mandatory Spending, and Trust Funds" lines are projections, and do not include budget authority provided through general provisions.

a. As part of the FY2017 budget request, the Administration proposed moving the Office of Health Affairs into a new Chemical, Biological, Radiological, Nuclear, and Explosives Office, under Title IV. The House Appropriations Committee reorganized the appropriation accordingly.

b. This line is a subtotal of the "Base" line and the "Major Disasters" line (also known as the disaster relief adjustment)—it represents the total resources provided to the DRF. The "Base" line is included in the "Appropriation" line, but the "Major Disasters" line is not.

c. For consistency across tables, this line does not include the $24 million transfer from the DRF—its impact is reflected in the budgetary resource totals below.

Research and Development, Training, and Services

Table 7. Budgetary Resources for Research and Development, Training, and Services Components FY2016 and FY2017, Legacy Structure

(budget authority in millions of dollars)

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 SAC-Reported S. 3001
U.S. Citizenship and Immigration Services			
E-Verify	120	119	119
Immigrant Integration Programs	0	10	0
Immigrant Integration Grants (Title V; authority to use fees)[a]	0	0	0
Appropriation	**120**	**129**	**119**

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 SAC-Reported S. 3001
Fees, Mandatory Spending, and Trust Funds	3,491	3,889	3,506
Total Budgetary Resources	3,610	4,018	3,625
Federal Law Enforcement Training Center			
Salaries and Expenses	217	215	215
Acquisition, Construction, Improvements, and Related Expenses	28	28	28
Appropriation	**245**	**243**	**243**
Fees, Mandatory Spending, and Trust Funds	0	0	0
Total Budgetary Resources	245	243	243
Science and Technology Directorate			
Management and Administration	132	128	128
Research, Development, Acquisition, and Operations	655	631	662
Appropriation	**787**	**759**	**790**
Fees, Mandatory Spending, and Trust Funds	0	0	0
Total Budgetary Resources	787	759	790
Domestic Nuclear Detection Office			
Management and Administration	38	0	42
Research, Development, and Operations	196	0	185
Systems Acquisition	113	0	121
Appropriation	**347**	**0**	**348**
Fees, Mandatory Spending, and Trust Funds	0	0	0
Total Budgetary Resources	347	0	348
Chemical, Biological, Radiological, Nuclear Explosives Office			
Defense	0	14	0
Non-defense	0	487	0
Appropriation	**0**	**501**	**0**
Fees, Mandatory Spending, and Trust Funds	0	0	0
Total Budgetary Resources	0	501	0
Net Discretionary Budget Authority: Title IV	**1,499**	**1,632**	**1,499**
Net Discretionary Budget Authority: Total for Research and Development, Training, and Services Components	**1,499**	**1,632**	**1,499**
Projected Total Gross Budgetary Resources for Research and Development, Training, and Services Components	**4,989**	**5,521**	**5,005**

Source: CRS analysis of Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210; S. 3001 and S.Rept. 114-280; and H.R. 5634 and H.Rept. 114-668.

Notes: Table displays rounded numbers, but all operations were performed with unrounded data. Amounts, therefore, may not sum to totals. Fee revenues included in the "Fees, Mandatory Spending, and Trust Funds" lines are projections, and do not include budget authority provided through general provisions.

a. As this is discretionary authority granted in the bill to use existing fees, it provides no new resources.

Table 8. Budgetary Resources for Research and Development, Training, and Services Components, FY2016 and FY2017, Common Appropriations Structure

(budget authority in millions of dollars)

	FY2016	FY2017	
Component/Appropriation	**Enacted**	**Request**	**HAC-Reported** H.R. 5634
U.S. Citizenship and Immigration Services			
Operations and Support	**107**	**104**	**104**
Immigration Status Verification	107	104	104
Procurement, Construction, and Improvements	**13**	**15**	**15**
Immigration Status Verification	13	15	15
Federal Assistance	**0**	**10**	**0**
Citizenship and Integration Programs	0	10	0
Appropriation	**120**	**129**	**119**
Fees, Mandatory Spending, and Trust Funds	3,491	3,889	3,506
Total Budgetary Resources	3,610	4,018	3,625
Federal Law Enforcement Training Center			
Operations and Support	**245**	**243**	**243**
Law Enforcement Training	217	214	214
Management and Administration	28	29	29
Appropriation	**245**	**243**	**243**
Fees, Mandatory Spending, and Trust Funds	0	0	0
Total Budgetary Resources	245	243	243
Science and Technology			
Operations and Support	**272**	**279**	**279**
Management and Administration	92	89	89
Laboratory Facilities	125	134	134
Acquisition and Operations Analysis	55	56	56
Procurement, Construction, and Improvements	18	10	10

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 HAC-Reported H.R. 5634
Acquisition and Operations Analysis	10	10	10
Laboratory Facilities	8	0	0
Research and Development	497	470	479
University Programs	42	33	42
Appropriation	**787**	**759**	**767**
Fees, Mandatory Spending, and Trust Funds	0	0	0
Total Budgetary Resources	787	759	767
Domestic Nuclear Detection Office			
Appropriation	**347**	**0**	**0**
Fees, Mandatory Spending, and Trust Funds	0	0	0
Total Budgetary Resources	347	0	0
Chemical, Biological, Radiological, Nuclear, and Explosives Office			
Operations and Support	**0**	**180**	**183**
Chemical, Biological, and Emerging Infectious Diseases Capability	0	118	120
Rad/Nuc Detection, Forensics, and Prevention Capability	0	21	21
Management and Administration	0	42	42
Procurement, Construction, and Improvements	**0**	**104**	**104**
Rad/Nuc Detection Equipment Acquisition	0	104	104
Research and Development	**0**	**152**	**152**
Rad/Nuc Detection, Forensics, and Prevention Capability	0	152	152
Federal Assistance	**0**	**66**	**66**
Rad/Nuc Detection, Forensics, and Prevention Capability	0	52	52
Bombing Prevention	0	14	14
Appropriation	**0**	**501**	**504**
Fees, Mandatory Spending, and Trust Funds	0	0	0
Total Budgetary Resources	0	501	504
Net Discretionary Budget Authority: Title IV	**1,499**	**1,632**	**1,633**
Net Discretionary Budget Authority: Total for Research and Development, Training, and Services Components	**1,499**	**1,632**	**1,633**

Component/Appropriation	FY2016 Enacted	FY2017 Request	FY2017 HAC-Reported H.R. 5634
Projected Total Gross Budgetary Resources for Research and Development, Training, and Services Components	**4,989**	**5,521**	**5,139**

Source: CRS analysis of Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210; S. 3001 and S.Rept. 114-264; and H.R. 5634 and H.Rept. 114-668.

Notes: Table displays rounded numbers, but all operations were performed with unrounded data. Amounts, therefore, may not sum to totals. Fee revenues included in the "Fees, Mandatory Spending, and Trust Funds" lines are projections, and do not include budget authority provided through general provisions.

Crosscutting Issues for the Department of Homeland Security[25]

Discretionary Spending Limits

Most of the DHS budget is outside of the defense budget function (050). As a result, most of the department competes with the rest of the federal nondefense budget for nondefense discretionary spending allocations under the budget controls imposed by the Budget Control Act.[26]

However, roughly $1.8 billion of the FY2017 request for the department classified as defense discretionary spending—roughly $1.5 billion of which is for the National Protection and Programs Directorate (NPPD).27 In noting the minority party's concern over the level of funding in the bill to support government-wide cybersecurity funding, House Appropriations Committee Ranking Member Lowey and Homeland Security Subcommittee Ranking Member Roybal-Allard wrote in their additional views that the subcommittee's limited defense allocation resulted in underfunding of such activities, and that "to ensure that upgrades to federal cyber networks are deployed on time," the subcommittee's allocation of defense discretionary spending would need to be increased so that additional funding could be provided in the final enacted annual appropriations vehicle.28

Federal Pay Issues

Pay Increase

The Administration proposed a 1.6% pay increase for all civilian federal employees and members of the military in its FY2017 budget request. Almost all DHS employees are considered civilians, with the significant exception of Coast Guard military personnel.

[25] These sections coauthored with Barbara L. Schwemle, Analyst in American National Government, Government and Finance Division.

[26] For more detail on the Budget Control Act and its implications on the appropriations process, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

[27] The remaining defense discretionary funding is for FEMA, USCG, and the newly proposed Chemical, Biological, Radiological, Nuclear, and Explosives Office.

[28] H.Rept. 114-668, p. 185.

Structural Pay Reform Restriction

The FY2016 Homeland Security Appropriations Act included a new general provision[29] that had been carried in both House- and Senate-reported bills[30] that prohibited the obligation of appropriated funds for any structural pay reform that affects more than 100 full-time positions or costs more than $5 million in a single year until the end of the 30-day period that begins when the Secretary notifies Congress about (1) the number of FTE positions affected by the change, (2) funding required for the change for the current year and through the Future Years Homeland Security Program, (3) the justification for the change, and (4) an analysis of the compensation alternatives to the change that the department considered.

This provision was again carried in the House and Senate committee-reported bills for FY2017.[31]

Execution of Personnel Funding

Hiring Process Delays

Stating that hiring remains the department's "most daunting management challenge,"[32] resulting in "a vicious cycle of bloated and unrealistic budget requests, unfilled mission needs, poor morale, and higher attrition,"[33] the Senate report expressed the committee's belief that hiring process steps need to be regularly monitored to ensure transparency and the accountability of DHS officials. The Senate committee noted Customs and Border Protection's approach as a model for streamlining the hiring process and directed DHS to continue developing metrics on hiring, attrition, and the overall process that are consistent and repeatable. The report directed DHS to provide a briefing on the strategy to reduce hiring times, provide quarterly metrics by component, and progress toward eventual monthly reporting of metrics within 60 days after the act's enactment.[34]

The House committee report directed the Office of the Under Secretary for Management (USM) to continue to provide updates to the committee on a corrective action plan on hiring and hiring metrics.[35] Reiterating the Senate committee's concerns, the report stated that "most components are still unable to meet their hiring goals, particularly when faced with continued high attrition levels."[36] According to the report, the lengthy hiring process continues to prevent DHS from signing the most capable applicants and discourages potential recruits from applying. The committee directed the USM to brief the House and Senate Appropriations Committees, within 90 days after the act's enactment, on progress in taking the following actions and any others needed to reform the hiring process:

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[29] §557.

[30] §506 of S. 1619 and §552 of H.R. 3128, respectively.

[31] H.R. 5634, §532, and S. 3001, §550.

[32] According to the Senate committee report, the average time to hire an employee in a mission critical position increased from 254 days in FY2014 to 266 days in FY2015. The report stated that hiring has improved for support positions. S.Rept. 114-264, p. 21.

[33] S.Rept. 114-264, p. 21.

[34] The Senate report continued the requirement for monthly reporting of metrics on hiring by CBP.

[35] The explanatory statement accompanying P.L. 114-113 mandated reporting on a corrective action plan on hiring and hiring metrics. "Consolidated Appropriations Act, 2016," *Congressional Record*, vol. 161, part 184, Book III (December 17, 2015), p. H10163.

[36] H.Rept. 114-668, p. 14.

> Conduct any necessary polygraph examinations as early as possible in the personnel security process in order to avoid unnecessary background investigation, medical clearance, and other hiring-related expenses;
>
> Reevaluate current polygraph disqualifiers;
>
> Maximize the use of existing background investigations for applicants who are current federal employees or members of the U.S. Military unless specific fitness factors precluded the acceptance of a previous suitability/fitness determination;
>
> Reevaluate fitness factors to improve consistency across the Department, as appropriate, and better promote current reciprocity in acceptance of existing security clearances.[37]

Determining Personnel Requirements

Stating that skills in cost analysis, modeling, and statistics are "in small supply" within the DHS workforce, the House committee report advised the department that it should consider conducting an analysis of skills and capabilities across the department to determine whether adequate resources are dedicated to its budget and acquisition and management functions. The report also noted that DHS must "recognize that the private sector is a critical partner in filling capability gaps."[38]

The Senate committee report continued to require DHS to provide monthly data, by component, on the use of paid administrative leave[39] that extends beyond a one-month period.

To better understand the assignment of employees to details in other departments, agencies, and entities, for periods longer than three years, the Senate committee directed the department to provide data on such long-term assignments, by home office or component, the receiving office or component, employee grade levels, and underlying authority. The information must also include data on details which are reimbursable and be submitted within 120 days after the act's enactment date.

DHS Advertisements

The Senate committee report directed DHS, including components, to include a statement within text, audio, or video advertisements (including Internet advertisements) that such advertisements are printed, published, or produced and disseminated at taxpayer expense. An advertisement would be exempt from this requirement if it would adversely impact safety or security or impede an agency from carrying out its statutory authority.

Reception and Representation Expenses

Several DHS components have specific limitations placed on their funding for "reception and representation expenses." These limits range from $2,000 for the Office of the Under Secretary for Management in Senate-reported S. 3001 to $34,425 for Customs and Border Protection in both Senate and House committee-reported bills.

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[37] H.Rept. 114-668, p. 14.

[38] H.Rept. 114-668, p. 5.

[39] Administrative leave (also referred to as "excused absence") is an administratively authorized absence from duty without loss of pay or charge to leave.

Thirteen such limitations, totaling $169,655, appear in Senate committee-reported S. 3001 and 12 such limitations, totaling $154,655, appear in House committee-reported H.R. 5634. The House committee report indicated that this $15,000 reduction was made in the amount allowed for reception and representation expenses for the Office of the Secretary and Executive Management "because of DHS's continued failure to fill the position of Assistant Secretary for Policy despite repeated congressional directives, and because the budget request assumed the enactment of new TSA fees totaling $880,000,000 that will almost certainly be unavailable as offsetting collections."[40]

The Senate Appropriations Committee report continued to require quarterly reports on obligations for all reception and representation expenses and stated that the funds should not be used "to purchase unnecessary collectibles or memorabilia."[41]

For Further Information

For additional perspectives on FY2017 DHS appropriations, see the following:

- CRS Report R44604, *Trends in the Timing and Size of DHS Appropriations: In Brief*.
- CRS Report R44611, *Comparing DHS Component Funding, FY2017: Fact Sheet*.
- CRS Report R44052, *DHS Budget v. DHS Appropriations: Fact Sheet*.

Readers also may wish to consult CRS's experts directly. The following table lists names and contact information for the CRS analysts and specialists who contribute to CRS DHS appropriations reports:

Table 9. DHS Appropriations Experts

Component/Subcomponent	**Name**	**Phone**	**Email**
DHS Annual and Supplemental Appropriations, Overall	William Painter	7-3335	wpainter@crs.loc.gov
Departmental Management	Barbara L. Schwemle	7-8655	bschwemle@crs.loc.gov
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Transportation Security Administration	Bart Elias	7-7771	belias@crs.loc.gov
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U.S. Secret Service	Shawn Reese	7-0635	sreese@crs.loc.gov
National Protection and Programs Directorate			

[40]H.Rept. 114-668[41] S.Rept. 114-264, p. 10.

[41] S.Rept. 114-264, p. 10.

Component/Subcomponent	**Name**	**Phone**	**Email**
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Firefighter Assistance Grants	Lennard G. Kruger	7-7070	lkruger@crs.loc.gov
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Emergency Food and Shelter	Francis X. McCarthy	7-9533	fmccarthy@crs.loc.gov
Pre-disaster Mitigation	Francis X. McCarthy	7-9533	fmccarthy@crs.loc.gov
U.S. Citizenship and Immigration Services	William A. Kandel	7-4703	wkandel@crs.loc.gov
Science and Technology	Daniel Morgan	7-5849	dmorgan@crs.loc.gov
Domestic Nuclear Detection Office	Daniel Morgan	7-5849	dmorgan@crs.loc.gov
Chemical, Biological, Radiological, Nuclear, and Explosives Office	Frank Gottron	7-5854	fgottron@crs.loc.gov
General Provisions	William Painter	7-3335	wpainter@crs.loc.gov

Appendix. Appropriations Terms and Concepts

Budget Authority, Obligations, and Outlays

Federal government spending involves a multistep process that begins with the enactment of budget authority by Congress. Federal agencies then obligate funds from 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 Act[42] prohibits federal agencies from obligating more funds than the budget authority enacted by Congress. Budget authority also may 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, multiyear, 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. Multiyear budget authority specifies a range of time during which funds may be obligated for spending, and 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.[43] Because multiyear 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 1990[44] defines *discretionary appropriations* as budget authority provided in annual appropriations 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 appropriations acts and is typically not appropriated each year. Some mandatory entitlement programs, however, must be appropriated each year and are included in appropriations acts. Within DHS, Coast Guard retirement pay is an example of appropriated mandatory spending.

[42] 31 U.S.C. §§1341, 1342, 1344, 1511-1517.

[43] Appropriations, outlays, and account balances for various appropriations 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.

[44] P.L. 101-508, Title XIII.

Offsetting Collections[45]

Offsetting funds are collected by the federal government, either from government accounts or the public, as part of a business-type transaction such as collection of a fee. These funds are not considered federal 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, and others are funded by annual appropriations. Secret Service retirement pay is a permanent appropriation and, as such, is not annually appropriated. In contrast, 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 totals 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. The 302(b) allocations may be adjusted during the year by the respective Appropriations Committee issuing a report delineating the revised suballocations as the various appropriations bills progress toward final enactment. No subcommittee allocations are developed for conference reports or enacted appropriations bills.

Table A-1 shows comparable figures for the 302(b) allocation for FY2016, based on the adjusted net discretionary budget authority included in Division F of P.L. 114-113, the President's request for FY2017, and the House and Senate subcommittee allocations for the Homeland Security appropriations bills for FY2017.

[45] Prepared with assistance from Bill Heniff Jr., Analyst in American National Government.

Table A-1. FY2016 and FY2017 302(b) Discretionary Allocations for DHS

(budget authority in millions of dollars)

FY2016 Comparable	FY2017 Request Comparable	FY2017 Senate Allocation	FY2017 House Allocation	FY2017 Enacted Comparable
40,955[a]	41,194[b]	39,330[c]	40,213[d]	pending

Source: CRS analysis of the explanatory statement accompanying H.R. 240 as printed in the *Congressional Record* of January 13, 2015, pp. H275-H322, the FY2015 DHS *Budget-in-Brief,* and the explanatory statement accompanying H.R. 2090 as printed in the *Congressional Record* of December 17, 2015, pp. 10161-10210.

a. This authority does not include the $160 million for overseas contingency operations or the $6,713 million for disaster relief covered by adjustments to the discretionary spending caps set by the Budget Control Act.

b. This authority does not include the $6,709 million requested for disaster relief covered by adjustments to the discretionary spending caps set by the Budget Control Act.

c. This authority does not include the $163 million for overseas contingency operations or the $6,709 million for disaster relief recommended by the Senate Appropriations Committee and covered by adjustments to the discretionary spending caps set by the Budget Control Act.

d. This authority does not include the $6,709 million recommended by the House Appropriations Committee for disaster relief covered by adjustments to the discretionary spending caps set by the Budget Control Act.

The Budget Control Act, Discretionary Spending Caps, and Adjustments

The FY2012 appropriations bills were the first appropriations bills governed by the Budget Control Act, which established discretionary security and nonsecurity spending caps for FY2012 and FY2013. The bill also established overall caps that govern the actions of appropriations committees in both chambers. Subsequent legislation, including the Bipartisan Budget Act of 2013,[46] amended those caps. For FY2015, the overall cap on discretionary spending is $1,014 billion. Separate limitations are made for defense and nondefense spending—roughly $521 billion and $492 billion, respectively. Most of the budget for DHS is considered nondefense spending.

In addition, the Budget Control Act 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 control of health care fraud and abuse.

Three of the four justifications outlined in the Budget Control Act 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.

The third justification—disaster relief—is limited. Under the Budget Control Act, 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.

[46] P.L. 113-67.

For FY2014, OMB determined the allowable adjustment for disaster relief was $12,143 million,[47] of which only $5,717 million was exercised. In February 2015, OMB noted the FY2015 allowable adjustment for disaster assistance was $18,430 million: $11,913 million from the rolling average and $6,517 million in carryover from FY2014.[48] FY2015 was the first year in which more than $1 billion of allowable adjustment for disaster relief carried over from the previous fiscal year. The disaster relief allowable adjustment for FY2016 was $14,125 million.[49]

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[47] Office of Management and Budget, *OMB Sequestration Preview Report to the President and Congress for Fiscal Year 2015*, Washington, DC, March 10, 2014, p. 9.

[48] Office of Management and Budget, *OMB Sequestration Update Report to the President and Congress for Fiscal Year 2016*, Washington, DC, February 2, 2015, p. 12.

[49] Office of Management and Budget, *OMB Final Sequestration Report to the President and Congress for Fiscal Year 2016*, Washington, DC, January 4, 2016, p. 7, https://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration/sequestration_final_january_2016_potus.pdf.