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Homeland Security Appropriations: FY2015 Action in the 114th Congress

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Summary

This report provides a brief outline of the FY2015 annual appropriations measure for the Department of Homeland Security (DHS) and its enactment by the 114th Congress. It serves as a complement to CRS Report R43796, *Department of Homeland Security: FY2015 Appropriations*.

The Administration requested $38.3 billion in adjusted net discretionary budget authority for DHS for FY2015. In the 113th Congress, the House Appropriations Committee reported an annual appropriations measure (H.R. 4903) that would have provided $39.2 billion in adjusted net discretionary budget authority, and the Senate Appropriations Committee reported a measure (S. 2534) that would have provided $39.0 billion. Neither bill received floor consideration in the 113th Congress. As no DHS annual appropriation had been enacted by the end of FY2014, the department operated under a continuing resolution for the first several months of FY2015.

Annual appropriations for DHS were not included in P.L. 113-235, the Consolidated and Further Continuing Appropriations Act, 2015, which extended the continuing resolution—slated to expire December 17, 2014—through February 27, 2015.

With the beginning of the 114th Congress, both House- and Senate-reported FY2015 annual homeland security appropriations bills were no longer available for action. H.R. 240, a new FY2015 annual homeland security appropriations bill, was introduced on January 9, 2015, and considered in the House the following week under a structured rule that allowed five immigration policy-related amendments. After adopting these five amendments, the bill passed the House on January 14, 2015. On February 27, the Senate passed an amended H.R. 240 without the legislative text added by the House amendments.

After the House did not pass a three-week extension of the continuing resolution, the Senate and House passed a one week extension of the continuing resolution to avoid a lapse in annual appropriations for DHS. On March 3, 2015, the House voted to approve the Senate version of H.R. 240. The bill was signed into law on March 4, 2015, as P.L. 114-4.

As enacted, the bill provided $39.7 billion in adjusted net discretionary budget authority.

This report will not be updated.

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Introduction

This report provides a brief outline of the FY2015 annual appropriations measure for the Department of Homeland Security (DHS) and its enactment by the 114th Congress. It serves as a complement to CRS Report R43796, *Department of Homeland Security: FY2015 Appropriations*.

The first portion of this report outlines the legislative chronology of major events in the 114th Congress related to funding the department for FY2015. The second portion provides an overview of DHS appropriations sought by the Administration and proposed by Congress at various stages of the FY2015 process.

Major Developments in the 114th Congress

Prior to the 114th Congress, Congress had not enacted an FY2015 annual appropriations bill for DHS. As FY2014 drew to a close, senior appropriators indicated they would pursue an omnibus appropriations package in the lame duck session of the 113th Congress, rather than stand-alone appropriations bills.[1] The President signed an interim continuing resolution for FY2015 into law prior to the end of the fiscal year. After enactment of a second and third short-term continuing resolution, the Consolidated and Further Continuing Appropriations Act, 2015, was signed into law as P.L. 113-235 on December 16, 2014. Congress did not include full annual funding for DHS as part of the package, but Division L of P.L. 113-235 provided an extension of continuing appropriations for the department through February 27, 2015.

The following descriptions reflect only the major actions taken on FY2015 homeland security appropriations in the 114th Congress. For a more detailed description of the procedural actions taken, see CRS Report R43776, *Congressional Action on FY2015 Appropriations Measures*, by Jessica Tollestrup.

Table 1. Legislative Status of FY2015 Homeland Security Appropriations

Subcommittee Markup		H.Rept. 113-481 (113th Cong.)	S.Rept. 113-198 (113th Cong.)	House Passes H.R. 240 (114th Cong.)	Senate Passes H.R. 240 (114th Cong.)	House Concurs w/ Senate Amendments (114th Cong.)	Public Law 114-4
House	Senate						
5/28/14 (vv)	6/24/14 (vv)	6/11/14 (vv)	6/26/14 (vv)	1/14/15 (236-191)	2/27/15 (68-31)	3/3/15 (257-167)	3/4/2015

Notes: (vv) = voice vote.

January 14, 2015—House Passes H.R. 240

H.R. 240, an annual appropriations bill which would provide DHS $39.7 billion in adjusted net discretionary budget authority, was introduced by House Appropriations Committee Chairman Rogers on January 9, 2015. The bill was not reported out of committee prior to floor consideration, but an explanatory statement serving the same function as a committee report was posted on the House Appropriations Committee website the same day the bill was introduced and

[1] See, for example, George Cahlink, "Budget Tracker Briefing: Looking Toward the Lame Duck," *CQ Budget Tracker Briefing*, September 12, 2014.

printed in the *Congressional Record* for January 13, 2015.[2] The bill was considered under a structured rule on January 13 and 14, 2015. Under the structured rule, five amendments were made in order. Two were "Sense of Congress" amendments, expressing views on aspects of the Administration's immigration policy. Three would have affected the availability of funds for certain purposes that were provided by H.R. 240, as well as in any other act in any fiscal year (these appeared as Sections 579, 580, and 581 in the House-passed bill).[3]

- The first of these three was an amendment that added a general provision that would restrict the use of any federal funds for carrying out the Administration's immigration initiative of November 2014, or implementing the direction in several memoranda on prosecutorial discretion and immigration enforcement priorities that were issued in 2011 and 2012. This amendment went on to state that the prohibition would extend to future similar policies, expressed that such policies would have no legal effect and that no funds may be used to grant any federal benefit to any alien as a result of those policies.[4]
- The second of these three was an amendment to prohibit any federal funds from being used to consider new, renewal, or previously denied applications for temporary relief for removal under the deferred action for childhood arrivals (DACA) program.[5]
- The third amendment would have required, through a restriction on the use of funds, that DHS treat aliens convicted of any offense involving domestic violence, sexual abuse, child molestation, or child molestation as being among the group of aliens that are the highest priority for deportation.[6]

After adopting these five amendments, the bill passed the House on January 14, 2015, by a vote of 236-191.[7]

February 27, 2015—H.R. 240 Is Amended and Passes the Senate

The Senate proceeded to consider H.R. 240 on February 25, 2015. On February 27, 2015, the Senate adopted an amendment that was functionally the same as H.R. 240 as introduced—without

[2] Rep. Harold Rogers, "Explanatory Statement Submitted by Mr. Rogers of Kentucky, Chairman of the House Committee on Appropriations, Regarding H.R. 240," House debate, *Congressional Record*, vol. 161, part 6 (January 13, 2015), pp. H275-H322.

[3] The Congressional Budget Office estimated that two of the amendments (Sections 579 and 580) would have effects on both revenue and direct spending. The other three amendments were estimated to have no significant budgetary effects. The CBO estimate of these provisions is available at http://www.cbo.gov/publication/49920.

[4] H.Amdt. 6, offered by Rep. Aderholt to H.R. 240, and agreed to by a recorded vote of 237-190 (Roll no. 29). For additional information on the November 2014 executive actions, see CRS Report R43852, *The President's Immigration Accountability Executive Action of November 20, 2014: Overview and Issues*, coordinated by William A. Kandel.

[5] H.Amdt. 7, offered by Rep. Blackburn to H.R. 240, and agreed to by a recorded vote of 218-209 (Roll no. 30). For additional information on DACA, see CRS Report R43747, *Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions*, by Andorra Bruno.

[6] H.Amdt. 8, offered by Rep. De.Santis to H.R. 240, and agreed to by a recorded vote of 278-149 (Roll no. 31). For additional information on immigration enforcement priorities, see CRS Report R43852, *The President's Immigration Accountability Executive Action of November 20, 2014: Overview and Issues*, coordinated by William A. Kandel.

[7] Roll no. 35.

the legislative text added by the five House amendments—by a vote of 66-33,[8] then passed the Senate-amended bill by a vote of 68-31.[9]

February 27, 2015—Senate and House Extend Continuing Resolution

On February 27, 2015, a three-week extension of the continuing resolution funding DHS (H.J.Res. 35) did not pass the House by a vote of 203-224.[10] Roughly three hours later, the Senate amended a House bill (H.R. 33) to extend the continuing resolution through March 6, 2015, and passed the amended version by a voice vote. The House agreed to the Senate amendment by a vote of 357-60,[11] and the President signed the bill into law as P.L. 114-3 that night.

March 3, 2015—House Agrees to the Senate Amendment

On March 3, 2015, the House voted 257-167 to approve the Senate version of H.R. 240.[12]

March 4, 2015—FY2015 Homeland Security Appropriations Enacted

On March 4, 2015, H.R. 240 was signed into law as P.L. 114-4.

DHS Appropriations by Title

Generally, the homeland security appropriations bill includes all annual appropriations provided for DHS, providing resources to every departmental component. **Table 2** includes a summary of funding included in the FY2014 regular DHS appropriations bill, the Administration's FY2015 appropriations request, the House- and Senate-reported FY2015 DHS appropriations bills, and P.L. 114-4 broken down by title.

Table 2. Department of Homeland Security Appropriations by Title, FY2014-FY2015

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

Title	FY2014 Enacted	FY2015 Request	House-Reported H.R. 4903 (113th Cong.)	Senate-Reported S. 2534 (113th Cong.)	P.L. 114-4
Title I: Departmental Management and Operations	$1,037	$1,172	$967	$1,033	$1,035
Title II: Security, Enforcement, and Investigations[a]	30,877	29,828	31,090	30,731	31,536
Title III: Protection, Preparedness, Response, and Recovery[b]	5,952	5,611	5,902	5,980	5,979

[8] Record Vote Number 61.

[9] Record Vote Number 62.

[10] Roll No. 104.

[11] Roll No. 106.

[12] Roll No. 109.

Title	FY2014 Enacted	FY2015 Request	House-Reported H.R. 4903 (113th Cong.)	Senate-Reported S. 2534 (113th Cong.)	P.L. 114-4
Title IV: Research and Development, Training, and Services	1,878	1,771	1,801	1,761	1,795
Title V: General Provisions	-474	-49	-540	-505	-674
Total	**$39,270**	**$38,332**	**$39,220**	**$39,000**	**$39,670**

Source: CRS analysis of FY2014 explanatory statement, FY2015 DHS congressional justifications, H.R. 4903 (113th Congress), H.Rept. 113-481, S. 2534 (113th Congress), S.Rept. 113-198, and P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2014, pp. H275-H322.

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 Administration's budget request generally includes rescissions with the impacted component's request, rather than in a separate title. The FY2014 column reflects the impact of $693 million in rescissions, while the Administration proposed $200 million in rescissions for FY2015. The House Appropriations Committee recommended $708 million in rescissions, while the Senate Appropriations Committee recommended $731 million. In addition, the Administration requests funding for department-wide initiatives in Title I that in recent years have been funded through general provisions in Title V. The table displays rounded numbers, but all operations were performed with unrounded data: therefore, amounts may not sum to totals.

a. Does not include funding for the U.S. Coast Guard designated for Overseas Contingency Operations/the Global War on Terror (OCO/GWOT).

b. Does not include funding for the Federal Emergency Management Agency provided under the allowable adjustment for the costs of major disasters under the Stafford Act (defined under the Budget Control Act as "disaster relief").

DHS Appropriations: Comparing the Components

The various components of DHS vary widely in the size of their appropriated budgets. **Table 3** and **Figure 1** show DHS's new discretionary budget authority for FY2015 broken down by component, from largest to smallest appropriations request.

Total discretionary appropriations in **Table 3** do not include resources provided through adjustments under the Budget Control Act (BCA)[13] in the individual component lines. These are accounted for separately from the total discretionary appropriations and are displayed at the bottom of the table. As the table and figure reflect new discretionary budget authority, neither appropriated mandatory spending nor rescissions of prior-year budget authority are reflected in the component totals.

[13] P.L. 112-25.

Table 3. DHS Appropriations by Component, FY2014-FY2015

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

	FY2014	FY2015			
Component	**Enacted**	**Request**	**House-Reported H.R. 4903 (113th Cong.)**	**Senate-Reported S. 2534 (113th Cong.)**	**P.L. 114-4**
Customs and Border Protection (CBP)	$10,690	$10,852	$11,009	$10,822	$10,837
U.S. Coast Guard (USCG)	8,514[a]	8,152	8,467	8,425[b]	8,378
Immigration and Customs Enforcement (ICE)	5,269	5,014	5,486	5,163	5,959
Transportation Security Administration (TSA)	4,929	4,325	4,628	4,824	4,834
Federal Emergency Management Agency (FEMA)	4,354[c]	3,970[d]	4,320[d]	4,329	4,347
U.S. Secret Service (USSS)	1,585	1,636	1,637	1,635	1,666
National Protection and Programs Directorate (NPPD)	1,471	1,515	1,454	1,527	1,502
Science & Technology Directorate (S&T)	1,220	1,072	1,107	1,071	1,104
Departmental Management	728	748	602	708	743
Domestic Nuclear Detection Office (DNDO)	285	304	312	306	308
Analysis & Operations (A&O)	300	302	274	295	256
Federal Law Enforcement Training Center (FLETC)	259	260	258	259	258
U.S. Citizenship and Immigration Services (USCIS)	116	135	125	124	124
Office of Health Affairs (OHA)	127	126	128	125	129
Office of the Inspector General (OIG)	115	121	120	119	119
Total Discretionary Appropriations without Rescissions	**$39,963**	**$38,532**	**$39,929**	**$39,731**	**$40,565**
Adjustments under the Budget Control Act	5,853	6,438	6,438	6,651	6,651
Total New Discretionary Budget Authority	**$45,817**	**$44,970**	**$46,366**	**$46,382**	**$47.215**
General Provisions: Rescissions (not reflected above or visually in figure)	*-693*	*-200*	*-708*	*-731*	*-894*
Total Net Discretionary Appropriations	**$39,270**	**$38,332**	**$39,220**	**$39,000**	**$39,670**

Source: CRS analysis of FY2014 explanatory statement, FY2014 DHS congressional justifications, H.R. 4903 (113th Congress), H.Rept. 113-481, S. 2534 (113th Congress), S.Rept. 113-198, and P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2014, pp. H275-H322.

Notes: Table does not reflect non-appropriated resources available to DHS components.

a. $227 million in FY2014 funding for overseas contingency operations for the Coast Guard under an adjustment to the discretionary spending limits is not shown in this table entry, but is reflected in **Figure 1**.

b. $213 million in FY2015 funding for overseas contingency operations for the Coast Guard under an adjustment to the discretionary spending limits is not shown in this table entry, but is reflected in **Figure 1**.

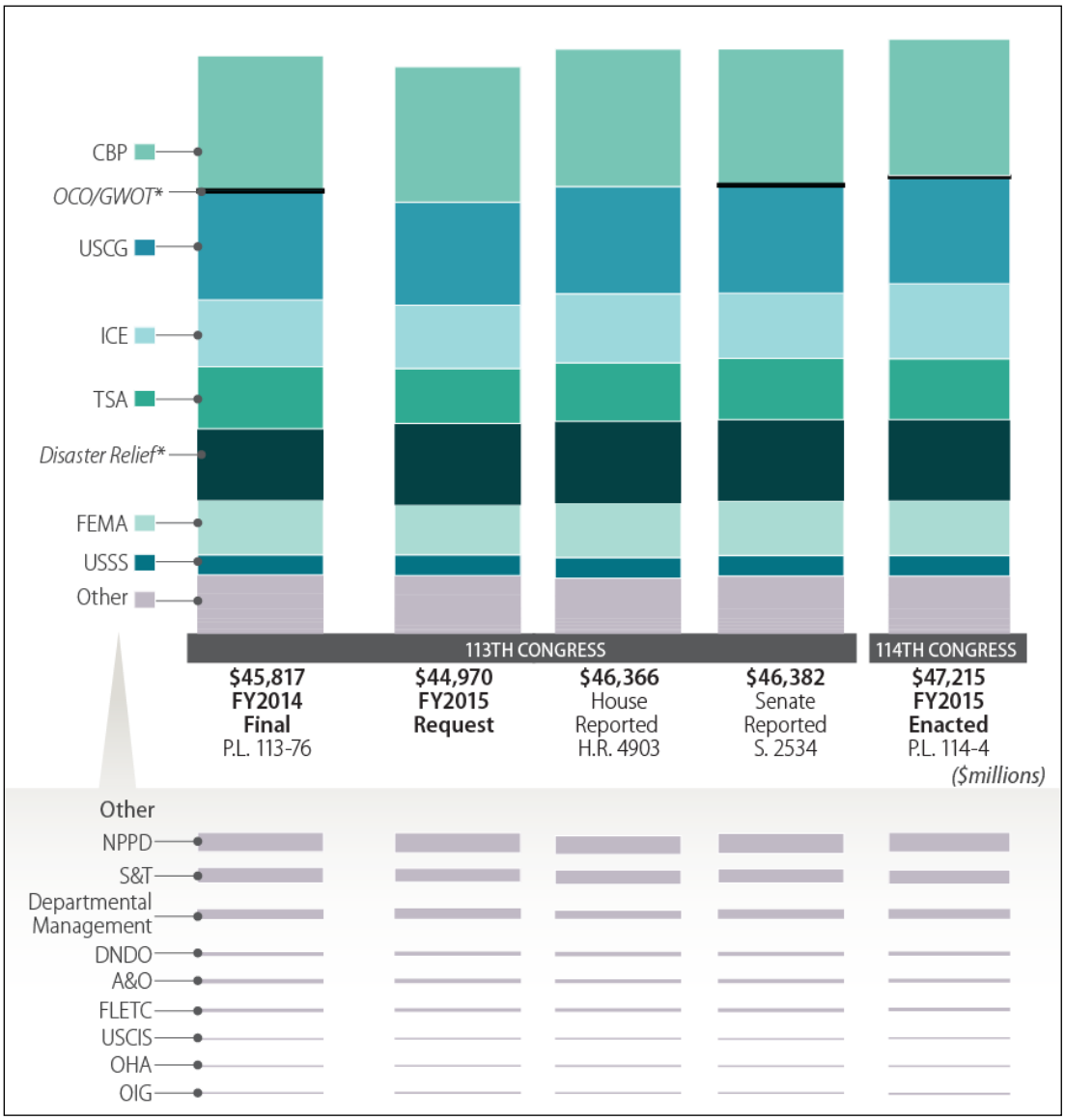
c. $5,626 million in FY2014 funding for disaster relief costs provided through FEMA's Disaster Relief Fund under an adjustment to the discretionary spending limits is not shown in this table entry, but is reflected in **Figure 1**.

d. $6,438 million in FY2014 funding for disaster relief costs provided through FEMA's Disaster Relief Fund under an adjustment to the discretionary spending limits is not shown in this table entry, but is reflected in **Figure 1**.

In **Figure 1**, the first column of numbers shows budget authority provided in P.L. 113-76, which included the FY2014 appropriations for DHS: resources available under the adjustments to the discretionary spending limits provided pursuant to the BCA are shown in black. The second column shows a similar breakdown for the FY2015 request, and the third and fourth columns show a similar breakdown of the FY2015 House- and Senate-reported bills. The fifth column shows the levels that provided under P.L. 114-4.

Figure 1. Department of Homeland Security Appropriations by Component, FY2014-FY2015

(in millions of dollars, rounded)



Source: CRS analysis of FY2014 explanatory statement, FY2015 DHS congressional justifications, H.R. 4903 (113th Congress), H.Rept. 113-481, S. 2534 (113th Congress), S.Rept. 113-198, and P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2014, pp. H275-H322.

Chart Abbreviations: CBP, Customs and Border Protection; USCG, U.S. Coast Guard; OCO/GWOT, Overseas Contingency Operations/Global War on Terror; 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; USCIS, U.S. Citizenship and Immigration Services; FLETC, Federal Law Enforcement Training Center; OHA, Office of Health Affairs; OIG, Office of the Inspector General.

Note: Table displays rounded numbers, but all operations were performed with unrounded data: therefore, amounts may not sum to totals. Items with asterisks are adjustments under P.L. 112-25.

Figure does not display rescissions and other general provisions, or reflect resources available to DHS components beyond the scope of the appropriations measure.

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