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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). 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 Obama Administration requested $40.62 billion in adjusted net discretionary budget authority for DHS for FY2017. The request amounted to a $332 million, or 0.8%, decrease from the $40.96 billion enacted for FY2016 through the Department of Homeland Security Appropriations Act, 2016 (P.L. 114-113, Division F).

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 Obama Administration, but $246 million (0.6%) above the enacted level for FY2016. 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. Direct comparisons of certain aspects of the funding provided by the committee legislation have been complicated by a congressionally mandated restructuring of the department's appropriations.

On September 29, 2016, President Obama signed P.L. 114-223 into law, which contained a continuing resolution that funded the government at the same rate of operations as FY2016, minus 0.496%, through December 9, 2016. A second continuing resolution was signed into law on December 10, 2016 (P.L. 114-254), funding the government at the same rate of operations as FY2016, minus 0.1901%, through April 28, 2017. This report discusses anomalies in the continuing resolution that specifically addressed DHS.

On March 16, 2017, the Trump Administration submitted an amendment to the FY2017 budget request, which included a request for $3 billion in additional funding for DHS. Congress chose to address this request in the Consolidated Appropriations Act, 2017 (signed into law as P.L. 115-31 on May 5, 2017), which would include both annual and supplemental appropriations for DHS as Division F. The bill included $41.3 billion in adjusted net discretionary budget authority in annual appropriations, as well as $6.7 billion in funding for the costs of major disasters under the Stafford Act and $163 million in funding for overseas contingency operations. Title VI included over $1.1 billion in supplemental appropriations for U.S. Customs and Border Protection, Immigration and Customs Enforcement, and the U.S. Secret Service.

On September 1, 2017, the Trump Administration requested $7.85 billion in supplemental funding for FY2017, including $7.4 billion for the DRF. On September 6, the House passed the relief package requested by the Administration as an amendment to H.R. 601. On September 7, the Senate passed an amended version as part of a broader relief package. The House passed the Senate amended version of the bill on September 8, which was signed into law as P.L. 115-56.

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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 Barack Obama Administration's FY2017 budget request, the Donald J. Trump Administration's requests for additional funding, 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*, coordinated by James V. Saturno, and the Government Accountability Office's *A Glossary of Terms Used in the Federal Budget Process*.[1]

Generally, the homeland security appropriations bill includes all annual appropriations provided for DHS, allocating resources to every departmental component. Discretionary appropriations[2] provide roughly two-thirds to three-fourths of the annual funding for DHS operations, depending on how one accounts for disaster relief spending and funding for overseas contingency operations.[3] The remainder of the budget is a mix of fee revenues, trust funds, and mandatory spending.

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

[3] 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.

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.[4]

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.

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 and FY2017 amounts are derived from a single source. Normally, this report would rely on previous fiscal year enacted legislation and reports, as well as House and Senate legislative efforts in response to the Administration's budget request. However, due to the implementation of the Common Appropriations Structure for DHS (see below), this report relies on the Consolidated Appropriations Act, 2017 (P.L. 115-31) and the accompanying explanatory statement, which was printed in the May 3, 2017, *Congressional Record*.[5] Division F of this act is the Department of Homeland Security Appropriations Act, 2017. Information on the second supplemental appropriation for DHS components is drawn from P.L. 115-56.

Legislative Action on FY2017 DHS Appropriations

Annual Appropriations

On February 9, 2016, the Obama Administration released its budget request for FY2017. 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 (OMB) estimated at the time to be $66.2 billion (including fees, trust funds, and other funding that is not

[4] 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.

[5] The explanatory statement for Division F is found on pp. H3807-H3873.

annually appropriated or does not score against discretionary budget limits). The request amounted to a $332 million, or 0.8%, decrease from the $40.96 billion enacted for FY2016 through the Department of Homeland Security Appropriations Act, 2016 (P.L. 114-113, Division F).

The Obama 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 (OCO) designated funding to the U.S. Coast Guard.

On May 26, 2016, the Senate Committee on Appropriations reported out S. 3001, accompanied by S.Rept. 114-264. According to the committee report, 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 bill reported by the House committee included the Administration-requested levels for disaster relief funding. The House Appropriations Committee chose to provide the OCO funding as a transfer from the Department of Defense budget as requested.

No further action was taken on these measures in 2016, and they expired at the end of the 114th Congress on January 3, 2017.

Continuing Resolutions

On September 29, 2016, President Obama signed into law P.L. 114-223, which contained a continuing resolution[6] that funded the government through December 9, 2016, at the same rate of operations as FY2016, minus 0.496%. 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 was 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 allowed modifications to the structure developed since that time.
- **Section 131:** This was a new provision similar to ones provided in past years to allow DHS to maintain the staffing levels of certain components.[7] Section 131

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

[7] It is functionally similar to a provision in the FY2015 CR (P.L. 113-164, §129; 128 Stat. 1872). In contrast to §131 in

allowed resources provided under the CR to be apportioned[8] at the rate needed to maintain the staffing levels of TSA screeners and CBP personnel attained at the end of FY2016. The Obama 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 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 was 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.

A second continuing resolution was signed into law on December 10, 2016 (P.L. 114-254), funding the government through April 28, 2017, at the same rate of operations as FY2016, minus 0.1901%. The second continuing resolution amended the first, leaving the three DHS-specific provisions above in effect, while adding a fourth. The new DHS-specific provision, Section 163, was similar to Section 131, but was broader in both the components of DHS it applied to and the flexibility it provided. The Obama Administration requested flexibility not only to maintain staffing levels of CBP and ICE, but also to maintain border security and fulfill immigration enforcement priorities. In their request, they specifically noted this flexibility was for both salaries and non-pay expenses, and was needed to "respond to unpredictable surges in migration."[9] Congress chose to broaden the requested flexibility, extending it to the TSA and U.S. Secret Service, "to ensure border security, fulfill immigration enforcement priorities, maintain aviation security activities, and carry out the mission associated with the protection of the President-elect."[10]

A third short-term continuing resolution (P.L. 115-30) was signed into law on April 28, 2017, which extended the second continuing resolution through May 5, 2017, and provided a temporary extension of health benefits for miners. No other provisions affected DHS, and the continuing resolutions and the flexibilities they provided were superseded by the Department of Homeland Security Appropriations Act, 2017.

Enactment of Annual and Supplemental Appropriations for FY2017

On March 16, 2017, the Trump Administration submitted an amendment to the FY2017 budget request, which included a request for $3 billion in additional funding for DHS. Congress addressed this request at the same time as it resolved annual appropriations for the federal government, through the Consolidated Appropriations Act, 2017 (signed into law as P.L. 115-31 on May 5, 2017). The act included both annual and supplemental appropriations for DHS as Division F, which is titled the Department of Homeland Security Appropriations Act, 2017.

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the current CR, this anomaly from FY2015 focused on CBP and ICE personnel.

[8] 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.

[9] Office of Management and Budget, "FY 2017 Continuing Resolution (CR) Appropriations Issues (anomalies required for a CR through March)," p. 8.

[10] P.L. 114-254, §163.

The first five titles of Division F provided annual appropriations for DHS in response to the Obama Administration's request as submitted. The bill included $41.3 billion in adjusted net discretionary budget authority in annual appropriations, as well as $6.7 billion in funding for the costs of major disasters under the Stafford Act and $163 million in funding for overseas contingency operations.

A sixth title responded to the Trump Administration's request for $3 billion in additional funding for DHS. Title VI included over $1.1 billion in supplemental appropriations for U.S. Customs and Border Protection, Immigration and Customs Enforcement, and the U.S. Secret Service.

The explanatory statement accompanying the act noted that "the language and allocations contained in the House and Senate reports [H.Rept. 114-668 and S.Rept. 114-264] carry the same weight as language included in this explanatory statement unless specifically addressed to the contrary" in the act or the statement.[11] Such language is common in appropriations conference reports, but it is especially important in cases like this one where there is no direct procedural link between the House and Senate committee-reported bills from a previous Congress and the consolidated appropriations act.

On September 1, 2017, the Trump Administration requested $7.85 billion in supplemental funding for FY2017, including $7.4 billion for the DRF.[12] On September 6, the House passed the relief package requested by the Administration as an amendment to H.R. 601. On September 7, the Senate passed an amended version, which included the House-passed funding as well as an additional $7.4 billion for disaster relief through another department,[13] a short-term increase to the debt limit, and a short-term continuing resolution that would fund government operations into FY2018. The House passed the Senate amended version of the bill on September 8, 2017, which became P.L. 115-56.

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."[14] It went on to direct the DHS Office of the Chief Financial Officer "to work

[11] *Congressional Record*, May 3, 2017, p. H3807.

[12] The other $450 million was for the Small business Administration's disaster loan program. Letter from Mick Mulvaney, Director of the Office of Management and Budget, to The Honorable Paul D. Ryan, Speaker of the House of Representatives, September 1, 2017, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/Letters/hurricane_harvey_letter_speaker_of_the_house.pdf.

[13] The additional funding was for the Department of Housing and Urban Development's Community Development Fund.

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

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."[15]

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."[16]

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.[17]

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.

The Senate Appropriations Committee did not use 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 the following:

> 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.[18]

The House Appropriations Committee used the new structure, and noted the following 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

[15] Ibid.

[16] 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.

[17] §563, Division F, P.L. 114-113.

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

> 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.[19]

No authoritative crosswalk between the House Appropriations Committee proposal in the CAS structure and Senate Appropriations Committee proposal in the legacy structure is publicly available.

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 structure, reflected in a table provided to the appropriations committees by the DHS CFO prior to the end of the fiscal year.

The explanatory statement for the Division F of the Consolidated Appropriations Act, 2017, included a "detail table," outlining the new structure of DHS appropriations, as well as Programs, Projects, and Activities (PPAs)—the next level of funding detail below the appropriation level. The Administration requested FY2018 funding for DHS in essentially the same structure. If historical trends continue, it is likely that within this general structure, small changes at the PPA level will continue to occur from year to year.

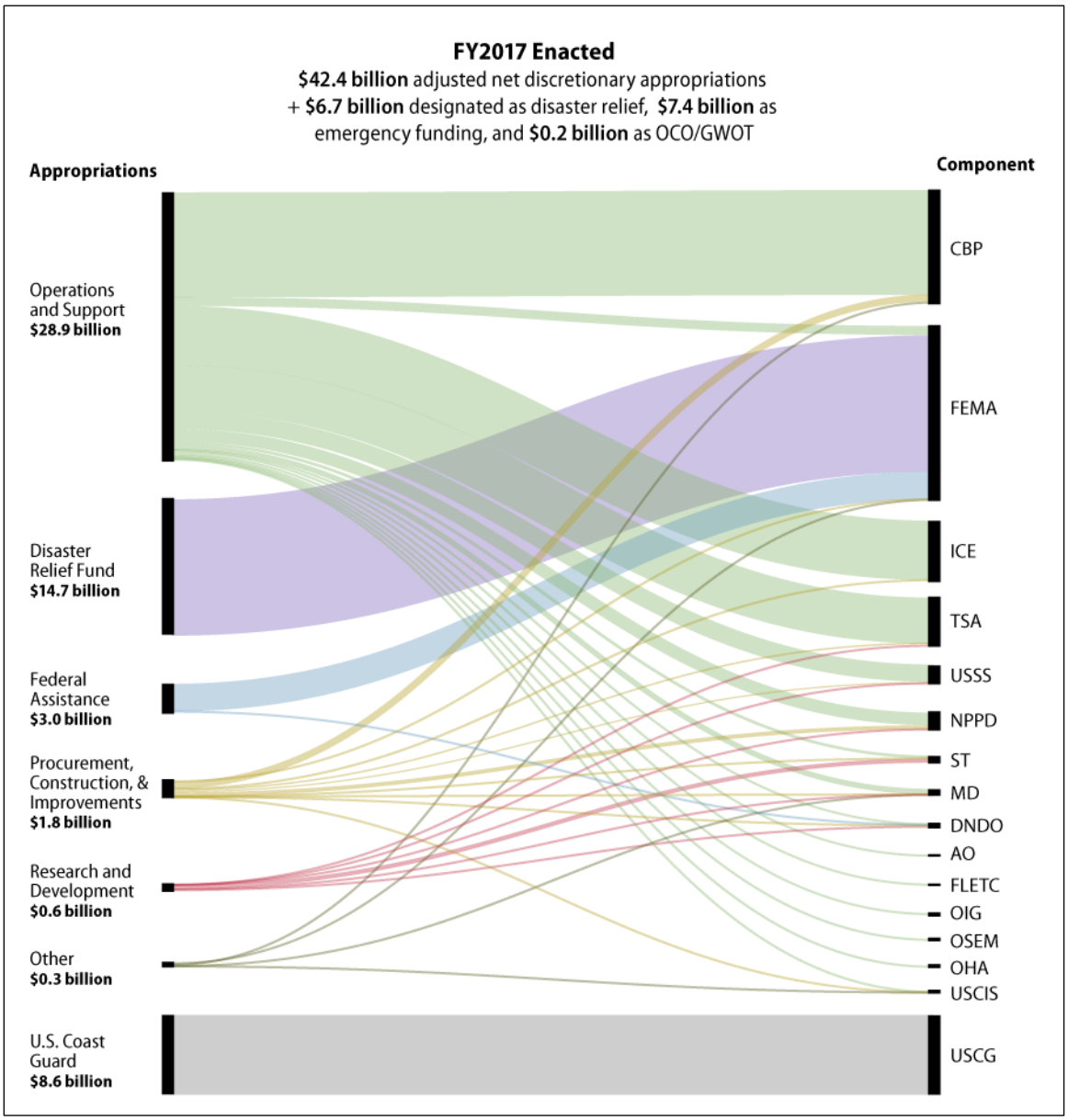
A visual representation of this new structure follows in **Figure 1**, which illuminates the proportion of these funding categories for each component, as well as the department as a whole. On the left are the five appropriations categories of the revised CAS[20] with a black bar representing the total FY2017 funding levels enacted for DHS for each. A sixth catch-all category is included for budget authority associated with the legislation that does not fit the CAS categories, and a seventh category is included for appropriations for the U.S. Coast Guard, which has not transitioned its accounting system to the CAS format. Colored lines flow to the DHS components listed on the right, showing the amount of funding provided through each category to each component.

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

[20] A fifth category was added for the Federal Emergency Management Agency's (FEMA's) Disaster Relief Fund (DRF).

Figure 1. FY2017 Enacted Appropriations in the Common Appropriations Structure

(discretionary budget authority)



Source: CRS analysis of H.Rept. 114-668 and P.L. 115-56.

Abbreviations: OCO/GWOT, Overseas Contingency Operations/Global War on Terror; CBP, Customs and Border Protection; FEMA, Federal Emergency Management Agency; ICE, Immigration and Customs Enforcement; TSA, Transportation Security Administration; USSS, U.S. Secret Service; NPPD, National Protection and Programs Directorate; ST, Science and Technology Directorate; MD, Management Directorate; DNDO, Domestic Nuclear Detection Office; AO, Analysis and Operations; FLETC, Federal Law Enforcement Training Center; OIG, Office of the Inspector General; OSEM, Office of the Secretary and Executive Management; OHA, Office of Health Affairs; USCIS, U.S. Citizenship and Immigration Services; and USCG, U.S. Coast Guard.

Homeland Security Appropriations Summary

Appropriations measures for DHS typically have been organized into five titles.[21] The first four are thematic groupings of components, while the fifth provides general direction to the department, and sometimes includes provisions providing additional budget authority.

The Department of Homeland Security Appropriations Act, 2017 not only introduced a restructuring of appropriations, it also provided direction to the department and its components differently than in previous years. In previous years, the legislative language of many appropriations included directions to components or specific conditions on how the budget priority it provided could be used. Similarly, general provisions provided directions or conditions to one or more components. In the FY2017 act, a number of these provisions within appropriations and component-specific general provisions were grouped at the ends of the titles where their targeted components are funded, and identified as "administrative provisions."[22] Other general provisions, including those affecting multiple components, restrictions on uses of funds in the act, and rescissions of previously appropriated funds, remain in Title V.

As noted above, for FY2017 a sixth title provided additional appropriations for several components, in response to evolving situations. It also addressed a March 16, 2017, amendment of the FY2017 budget request by the Trump Administration, seeking additional budget authority for various appropriations.

The following sections present textual and tabular comparisons of FY2016 enacted and FY2017 requested and enacted appropriations for the department. The structure of the appropriations and programs, projects, and activities (PPAs) reflects the organization outlined in the explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2017. As the House and Senate appropriations committees did not release the recommendations for funding included in S. 3001 or H.R. 5634 realigned to this structure, authoritative comparisons below the component level of those bills is not possible.

The tables summarize the appropriations provided for each component, subtotaling the resources provided through the appropriations legislation and recommended in the accompanying explanatory statement.

- The "FY2017 Request" column reflects the FY2017 budget request by the Obama Administration for annual appropriations, and the Trump Administration's requests for supplemental FY2017 funding from its letters of March 16, 2017, and September 1, 2017.
- Where supplemental appropriations were requested or provided for a given component, those are displayed after discussion of annual appropriations, and separate totals are provided for each.

[21] Although the House and Senate have generally produced symmetrically structured bills in the past, FY2017 was not the first year that the structures of the two bills 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.

[22] The detail table at the end of the explanatory statement notes the budget authority provided by these provisions, as well as budget authority that scorekeeping rules mandate be included in the act's total spending.

- Following the methodology used by the appropriations committees, totals of "appropriations" do not include resources provided by transfer or under adjustments to discretionary spending limits (i.e., for overseas contingency operations for the Coast Guard or the cost of major disasters under the Stafford Act for the Federal Emergency Management Agency). Those amounts are included in the budget authority totals.
- 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.[23]
- At the bottom of each table, totals indicate the total for the title on its own, funding through general provisions and supplemental appropriations (when such were requested or provided), the total for the 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.).

Title I—Departmental Management and Operations

Departmental Management and Operations, the smallest of the first four titles, contains appropriations for the departmental management accounts,[24] 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.[25]

- The Obama Administration requested $1.46 billion in FY2017 net discretionary budget authority for components included in this title.[26] The appropriations request was $37 million (2.5%) less than was provided for FY2016.
- The Department of Homeland Security Appropriations Act, 2017 provided the components included in this title $1.25 billion in net discretionary budget authority. This was $209 million (14.3%) less than requested by the Obama Administration and $246 million (16.5%) less than was provided in FY2016.[27]

Table 1 shows these comparisons in greater detail. As the management directorate and Office of the Inspector General are funded in part with resources from outside Title I, a separate line is included for those components showing a total for exclusively what is provided within Title I, above the line providing the total annual appropriation.

[23] When a component's budget does not anticipate such resources, no such line is included.

[24] These include the Office of the Secretary and Executive Management (OSEM) and the Management Directorate, which itself includes the Office of the Under Secretary for Management (USM), the Office of the Chief Financial Officer, and the Office of the Chief Information Officer (CIO).

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

[26] 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.

[27] In addition to the Obama Administration's request for annual appropriations for FY2017, the Trump Administration requested $11 million in supplemental appropriations for the Office of the Secretary and Executive Management. Congress did not provide the requested supplemental appropriation.

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

(budget authority in thousands of dollars)

Component/Appropriation	FY2016 Enacted	FY2017 Request[a]	FY2017 Enacted
Office of the Secretary and Executive Management			
Operations and Support	137,466	136,451	137,034
Total Annual Discretionary Appropriations	**137,466**	**136,451**	**137,034**
Supplemental Appropriations			
Operations and Support	0	11,304	0
Total Discretionary Appropriations	**137,466**	**147,755**	**137,034**
Total Budgetary Resources	137,466	147,755	137,034
Management Directorate			
Operations and Support	542,751	727,771	597,817
Procurement, Construction, and Improvements	17,955	144,789	18,839
Research and Development	2,500	2,500	2,500
Title I Discretionary Appropriations	**563,206**	**875,060**	**619,156**
DHS HQ Consolidation (Title V)	215,679	0	13,253
Financial Systems Modernization (Title V)[b]	52,977	0	41,215
OCIO Cybersecurity Fund (Title V)	100,000	0	0
Total Annual Discretionary Appropriations	**931,796**	**875,060**	**673,624**
Total Discretionary Appropriations	**931,796**	**875,060**	**673,624**
Total Budgetary Resources	931,796	875,060	673,624
Analysis and Operations			
Operations and Support	264,714	265,719	263,551
Total Discretionary Appropriations	**264,714**	**265,719**	**263,551**
Total Budgetary Resources	264,714	265,719	263,551
Office of the Inspector General			
Operations and Support	137,488	157,144	175,000
Title I Discretionary Appropriations	**137,488**	**157,144**	**175,000**
Transfer from FEMA's DRF [Title III][c]	24,000	24,000	0
Total Discretionary Appropriations	**137,488**	**157,168**	**175,000**
Total Budgetary Resources	161,488	181,168	175,000
Net Discretionary Budget Authority: Title I	1,471,464	1,434,374	1,194,741
Net Discretionary Budget Authority: Total for Departmental Management and Operations Components (Annual and Supplemental)	1,495,874	1,469,678	1,249,209
Projected Total Gross Budgetary Resources for Departmental Management and Operations Components (Annual and Supplemental)	1,495,874	1,469,678	1,249,209

Source: CRS analysis of Division F of P.L. 115-31 and its explanatory statement as printed in the *Congressional Record* of May 3, 2017, pp. H3807-H3873.

Note: FEMA = Federal Emergency Management Agency; DRF = Disaster Relief Fund.

a. This column reflects the FY2017 budget request by the Obama Administration for annual appropriations, and the Trump Administration's requests for FY2017 supplemental appropriations from its letters of March 16, 2017 and September 1, 2017.

b. 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 was funded through a general provision.

c. The DHS Office of the Inspector General (OIG) had received 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 for FY2017. The FY2017 DHS appropriations act included no such transfer.

Title II—Security, Enforcement, and Investigations

Security, Enforcement, and Investigations, comprising roughly three-quarters of the funding appropriated for the department, contains appropriations for U.S. Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), the Transportation Security Administration (TSA), the Coast Guard (USCG), and the U.S. Secret Service (USSS). In FY2016, these components received $33.22 billion in net discretionary budget authority through the appropriations process.

- The Obama Administration requested $32.26 billion in FY2017 net discretionary budget authority for components included in this title, as part of a total budget for these components of $40.04 billion for FY2017.[28] The appropriations request was $957 million (2.9%) less than was provided for FY2016.
- The first five titles of the Department of Homeland Security Appropriations Act, 2017 provided the components included in this title $33.50 billion in net discretionary budget authority. This was $1.24 billion (3.8%) more than requested by the Obama Administration and $280 million (0.8%) more than was provided in FY2016.
- The components included in this title received $1.14 billion in additional net discretionary budget authority in Title VI of the act. This was $1.76 billion (60.7%) less than requested by the Trump Administration.

Table 2 shows these comparisons in greater detail.

[28] 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.

Table 2. Budgetary Resources for Security, Enforcement, and Investigations Components, FY2016 and FY2017, Common Appropriations Structure

(budget authority in thousands of dollars)

Component/Appropriation	FY2016 Enacted	FY2017 Request[a]	FY2017 Enacted
Customs and Border Protection (Annual)			
Operations and Support	10,674,505	11,340,958	10,900,636
Procurement, Construction and Improvements	373,744	323,390	273,617
CBP Services at User Fee Facilities (Permanent Indefinite Discretionary)	9,097	9,415	9,415
Colombia Free Trade Act Collections (Administrative Provision)	220,000	220,000	231,000
Reimbursable Preclearance (Administrative Provision)	14,000	39,000	39,000
Total Annual Discretionary Appropriations	**11,277,346**	**11,901,763**	**11,414,668**
Supplemental Appropriations			
Operations and Support	0	308,401	274,813
Procurement, Construction and Improvements	0	1,355,083	497,400
Total Discretionary Appropriations	**11,277,346**	**13,565,247**	**12,186,881**
Fees, Mandatory Spending, and Trust Funds	1,976,781	2,054,840	2,054,840
Total Budgetary Resources	13,268,127	15,620,087	14,241,721
Immigration and Customs Enforcement (Annual)			
Operations and Support	5,779,041	5,862,023	6,168,532
Procurement, Construction, and Improvements	53,000	50,230	29,800
Total Annual Discretionary Appropriations	**5,832,041**	**5,912,253**	**6,198,332**
Supplemental Appropriations			
Operations and Support	0	1,237,212	236,908
Total Discretionary Appropriations	**5,832,041**	**7,149,465**	**6,435,240**
Fees, Mandatory Spending, and Trust Funds	322,000	322,000	361,000
Total Budgetary Resources	6,154,041	7,471,465	6,796,240
Transportation Security Administration			
Operations and Support	6,786,219	6,914,937	7,105,047
Offsetting Collections	2,130,000	3,010,000	2,130,000
Operations and Support (net)	*4,656,219*	*3,904,937*	*4,975,047*
Procurement, Construction, and Improvements	199,724	206,093	206,093

Component/Appropriation	FY2016 Enacted	FY2017 Request[a]	FY2017 Enacted
Research and Development	5,000	5,000	5,000
Total Net Discretionary Appropriations	**4,860,943**	**4,116,030**	**5,186,140**
Fees, Mandatory Spending, and Trust Funds	2,579,153	3,465,200	2,585,200
Total Budgetary Resources	7,440,096	7,581,230	7,771,340
U.S. Coast Guard			
Operating Expenses	7,061,490	6,986,815	7,079,628
Overseas Contingency Operations Adjustment—included in Operating Expenses	160,002	0	162,692
Environmental Compliance and Restoration	13,221	13,315	13,315
Reserve Training	110,614	112,302	112,302
Acquisition, Construction, and Improvements	1,945,169	1,136,788	1,370,007
Research, Development, Testing, and Evaluation	18,019	18,319	36,319
Health Care Fund Contribution (Permanent Indefinite Discretionary)	169,306	176,000	176,000
Total Discretionary Appropriations[b]	**9,157,817**	**8,443,539**	**8,624,879**
Fees, Mandatory Spending, and Trust Funds	1,604,000	1,666,940	1,666,940
Total Budgetary Resources	10,921,819	10,110,479	10,454,511
U.S. Secret Service (Annual)			
Operations and Support	1,869,913	1,777,992	1,821,451
Procurement, Construction, and Improvements	63,382	110,627	90,627
Research and Development	250	2,500	2,500
Total Annual Discretionary Appropriations	**1,933,545**	**1,891,119**	**1,914,578**
Supplemental Appropriations			
Operations and Support	0	0	58,012
Procurement, Construction, and Improvements	0	0	72,988
Total Discretionary Appropriations	**1,933,545**	**1,891,119**	**2,045,578**
Fees, Mandatory Spending, and Trust Funds	265,000	265,000	265,000
Total Budgetary Resources	2,198,545	2,156,119	2,310,578
Net Discretionary Budget Authority: Title II	**33,221,694**	**32,264,704**	**33,501,289**
Net Discretionary Budget Authority: Supplemental Appropriations for Security, Enforcement, and Investigations Components	0	2,900,696	1,140,121

Component/Appropriation	FY2016 Enacted	FY2017 Request[a]	FY2017 Enacted
Net Discretionary Budget Authority: Total for Security, Enforcement, and Investigations Components	**33,221,694**	**35,165,400**	**34,641,410**
Projected Total Gross Budgetary Resources for Security, Enforcement, and Investigations Components	**39,982,628**	**42,939,380**	**41,574,390**

Source: CRS analysis of DHS FY2017 *Budget-in-Brief*, and Division F of P.L. 115-31 and its explanatory statement as printed in the *Congressional Record* of May 3, 2017, pp. H3807-H3873.

Note: 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 column reflects the FY2017 budget request by the Obama Administration for annual appropriations, and the Trump Administration's requests for FY2017 supplemental appropriations from its letters of March 16, 2017, and September 1, 2017.

b. Appropriations totals do not include funding covered by the Overseas Contingency Operation allowable adjustment, per the practice of the appropriations committees. These resources are included in budget authority totals.

Title III—Protection, Preparedness, Response, and Recovery

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),[29] and the Federal Emergency Management Agency (FEMA). In FY2016, these components received $6.38 billion in net discretionary budget authority and $6.71 billion in specially designated funding for disaster relief through the appropriations process.[30]

- The Obama Administration requested $5.71 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 $19.82 billion for FY2017.[31] The appropriations request was $718 million (11.2%) less than was provided for FY2016 in net discretionary budget authority.
- The Department of Homeland Security Appropriations Act, 2017 provided the components included in this title $6.67 billion in net discretionary budget authority. This was $957 million (16.8%) more than requested, and $239 million (4.2%) more than was provided in FY2016. The act also included the requested disaster relief funding.
- In addition, the Trump Administration requested $7.4 billion in supplemental appropriations for FEMA for FY2017, which was enacted as a part of P.L. 115-56.

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

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

[31] In addition to the appropriations provided in Title III, under the request, the Disaster Relief Fund would receive $6.713 billion 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 billion 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.

Table 3 shows these comparisons in greater detail. As some annually appropriated resources are provided for FEMA from outside Title III, a separate line is included showing a total for exclusively what is provided within Title III, above the line providing the total annual appropriation.

Table 3. Budgetary Resources for Protection, Preparedness, Response, and Recovery Components, FY2016 and FY2017, Common Appropriations Structure

(budget authority in thousands of dollars)

Component/Appropriation	FY2016 Enacted	FY2017 Request[a]	FY2017 Enacted
National Protection and Programs Directorate			
Operations and Support	1,295,963	1,147,502	1,372,268
Procurement, Construction, and Improvements	333,523	436,797	440,035
Research and Development	6,119	4,469	6,469
Federal Protective Service	1,443,449	1,451,078	1,451,078
Offsetting Collections	1,443,449	1,451,078	1,451,078
Total Annual Net Discretionary Appropriations	**1,635,605**	**1,588,768**	**1,818,772**
Fees, Mandatory Spending, and Trust Funds	1,443,449	1,451,078	1,451,078
Total Budgetary Resources	3,079,054	3,039,846	3,269,850
Office of Health Affairs[b]			
Operations and Support	125,369	0	123,548
Total Annual Discretionary Appropriations	125,369	0	123,548
Total Budgetary Resources	125,369	0	123,548
Federal Emergency Management Agency			
Operations and Support	918,954	1,038,480	1,048,551
Procurement, Construction, and Improvements	43,300	35,273	35,273
Federal Assistance	2,992,500	2,407,321	2,983,458
Disaster Relief Fund[c]			
Base	661,740	639,515	615,515
Major Disasters	6,712,953	6,709,000	6,713,000
Transfer to DHS Office of Inspector General	(24,000)	(24,000)	0
Subtotal: Net disaster relief funding	7,350,693	7,324,515	7,328,515
National Flood Insurance Fund	181,198	181,799	181,799
Offsetting Fee Collections	181,198	181,799	181,799

Component/Appropriation	FY2016 Enacted	FY2017 Request[a]	FY2017 Enacted
Radiological Emergency Preparedness Program (Administrative Provisions)	(305)	(265)	(265)
Title III Net Discretionary Appropriations	**4,797,387**	**4,302,123**	**4,864,331**
Emergent Threats (Title V)	50,000	0	0
Presidential Residence Protection (Title V)	0	0	41,000
Total Annual Net Discretionary Appropriations[d]	**4,847,387**	**4,302,123**	**4,905,331**
Supplemental Appropriations			
Disaster Relief Fund (Emergency; P.L. 115-56)[e]		7,400,000	7,400,000
Fees, Mandatory Spending, and Trust Funds[f]	5,219,642	6,154,479	6,154,479
Total Budgetary Resources	16,775,982	16,778,004	28,809,212
Net Discretionary Budget Authority: Title III[d]	**6,377,163**	**5,709,092**	**6,624,852**
Net Discretionary Budget Authority: General Provisions for Protection, Preparedness, Response, and Recovery Components	50,000	0	41,000
Net Discretionary Budget Authority: Total for Protection, Preparedness, Response and Recovery Components	**6,427,163**	**5,709,092**	**6,665,852**
Projected Total Gross Budgetary Resources for Protection, Preparedness, Response and Recovery Components	**19,960,405**	**19,817,850**	**28,202,610**

Source: CRS analysis of DHS FY2017 *Budget-in-Brief*, and Division F of P.L. 115-31 and its explanatory statement as printed in the *Congressional Record* of May 3, 2017, pp. H3807-H3873.

Note: 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 column reflects the FY2017 budget request by the Obama Administration for annual appropriations, and the Trump Administration's requests for FY2017 supplemental appropriations from its letters of March 16, 2017, and September 1, 2017.

b. 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. This reorganization was not approved.

c. 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. Amounts covered by the disaster relief adjustment are not included in appropriations totals, but are included in budget authority totals, per appropriations committee practice.

d. 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.

e. Appropriations totals do not include funding designated as emergency requirements, per the practice of the appropriations committees. These resources are included in budget authority totals.

f. Includes offsetting fee collections.

Title IV—Research and Development, Training, and Services

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 Obama Administration requested $1.63 billion in FY2017 net discretionary budget authority for components included in this title, as part of a total budget for these components of $5.52 billion for FY2017. The appropriations request was $134 million (8.9%) more than was provided for FY2016.
- The Department of Homeland Security Appropriations Act, 2017 provided the components included in this title $1.50 billion in net discretionary budget authority. This was $137 million (8.4%) less than requested, and $3 million (0.2%) less than was provided in FY2016.

Table 4 shows these comparisons in greater detail.

Table 4. Budgetary Resources for Research and Development, Training, and Services Components, FY2016 and FY2017, Common Appropriations Structure

(budget authority in thousands of dollars)

Component/Appropriation	FY2016 Enacted	FY2017 Request[a]	FY2017 Enacted
U.S. Citizenship and Immigration Services			
Operations and Support	104,560	103,912	103,912
Procurement, Construction, and Improvements	15,111	15,227	15,227
Federal Assistance	0	10,000	0
H2B returning worker (Administrative Provision)	1,000	0	1,000
Immigration Authorization Extensions (Administrative Provision)	1,000	0	1,000
U-Visa Immigration Proposal (Administrative Provision)	0	3,000	0
Total Annual Discretionary Appropriations	**121,671**	**132,139**	**121,139**
Total Discretionary Appropriations	**121,671**	**132,139**	**121,139**
Fees, Mandatory Spending, and Trust Funds	3,490,546	3,889,131	4,060,225
Total Budgetary Resources	3,612,217	4,021,270	4,181,364
Federal Law Enforcement Training Center			
Operations and Support	245,038	242,518	242,518
Total Annual Discretionary Appropriations	**245,038**	**242,518**	**242,518**

Component/Appropriation	FY2016 Enacted	FY2017 Request[a]	FY2017 Enacted
Supplemental Appropriations			
Operations and Support	0	25,000	0
Procurement, Construction and Improvements	0	63,000	0
Total Discretionary Appropriations	**245,038**	**330,518**	**242,518**
Total Budgetary Resources	245,038	242,518	242,518
Science and Technology			
Operations and Support	304,045	310,238	311,122
Procurement, Construction, and Improvements	8,319	0	0
Research and Development	474,574	448,505	470,624
Total Annual Discretionary Appropriations	**786,938**	**758,743**	**781,746**
Total Discretionary Appropriations	**786,938**	**758,743**	**781,746**
Total Budgetary Resources	786,938	758,743	781,746
Domestic Nuclear Detection Office			
Operations and Support	51,545	0	50,042
Procurement, Construction, and Improvements	88,289	0	101,053
Research and Development	160,005	0	155,061
Federal Assistance	47,281	0	46,328
Total Annual Discretionary Appropriations	**347,120**	**0**	**352,484**
Total Discretionary Appropriations	**347,120**	**0**	**352,484**
Total Budgetary Resources	347,120	0	352,484
Chemical, Biological, Radiological, Nuclear, and Explosives Office			
Operations and Support	0	180,033	0
Procurement, Construction, and Improvements	0	103,860	0
Research and Development	0	151,605	0
Federal Assistance	0	65,947	0
Total Annual Discretionary Appropriations	**0**	**501,445**	**0**
Total Discretionary Appropriations	**0**	**501,445**	**0**
Total Budgetary Resources	0	501,445	0

Component/Appropriation	FY2016 Enacted	FY2017 Request[a]	FY2017 Enacted
Net Discretionary Budget Authority: Title IV	**1,500,767**	**1,634,845**	**1,497,887**
Net Discretionary Budget Authority: Supplemental Appropriations for Research, Development, Training, and Services Components	0	88,000	0
Net Discretionary Budget Authority: Total for Research and Development, Training, and Services Components	**1,500,767**	**1,634,845**	**1,497,887**
Projected Total Gross Budgetary Resources for Research and Development, Training, and Services Components	**4,991,313**	**5,523,976**	**5,558,112**

Source: CRS analysis of DHS FY2017 *Budget-in-Brief*, and Division F of P.L. 115-31 and its explanatory statement as printed in the *Congressional Record* of May 3, 2017, pp. H3807-H3873.

Note: 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 column reflects the FY2017 budget request by the Obama Administration for annual appropriations, and the Trump Administration's requests for FY2017 supplemental appropriations from its letters of March 16, 2017, and September 1, 2017.

Title V—General Provisions

As noted above, the fifth title of the act 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.[32] 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. Division F of P.L. 115-31 included $1.48 billion in rescissions.

Crosscutting Issues for the Department of Homeland Security[33]

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.[34]

[32] As noted elsewhere, general provisions also may provide funding. Incidences where this occurs in the act are reflected in Tables 1-4.

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

[34] For more detail on the Budget Control Act and its implications on the appropriations process,, see CRS Report R44874, *The Budget Control Act: Frequently Asked Questions*, by Grant A. Driessen and Megan S. Lynch.

However, more than $2.0 billion of the FY2017 budget authority enacted for the department is classified as defense discretionary spending—roughly $1.5 billion of which is for the National Protection and Programs Directorate (NPPD).[35] In noting the minority party's concern over the level of funding in the House version of the bill to support government-wide cybersecurity funding, House Appropriations Committee Ranking Member Nita Lowey and Homeland Security Subcommittee Ranking Member Lucille 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.[36]

Federal Pay Issues

Pay Increase

The Obama 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. Executive Order 13756 issued by President Barack Obama on December 27, 2016, provided a pay adjustment of 2.1% for civilian federal employees, allocated as 1.0% base pay and an average 1.1% locality pay.[37] The pay increase became effective on January 8, 2017.

Section 601 of the National Defense Authorization Act for Fiscal Year 2017[38] also provided a 2.1% pay increase, which covers Coast Guard military personnel.

Structural Pay Reform Restriction

The FY2016 Homeland Security Appropriations Act included a new general provision[39] that had been carried in both House- and Senate-reported bills.[40] The provision temporarily 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. This prohibition would last 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 repeated in the House and Senate committee-reported bills for FY2017[41] and in P.L. 115-31.[42]

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

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

[37] U.S. Presidents (Obama), Executive Order 13756, "Adjustments of Certain Rates of Pay," December 27, 2016, *Federal Register*, vol. 81, December 30, 2016, pp. 97099-97110, at https://www.gpo.gov/fdsys/pkg/FR-2016-12-30/pdf/2016-31875.pdf.

[38] P.L. 114-328.

[39] §557.

[40] §506 of S. 1619 and §552 of H.R. 3128, respectively.

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

[42] §529.

Execution of Personnel Funding

Hiring Process Delays

Stating that hiring remains the department's "most daunting management challenge,"[43] resulting in "a vicious cycle of bloated and unrealistic budget requests, unfilled mission needs, poor morale, and higher attrition,"[44] 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.[45]

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.[46] 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."[47] 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:

> 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.[48]

The explanatory statement that accompanied P.L. 115-31 reiterated the instructions included in the Senate and House committee reports by directing DHS "to continue working with every component to develop metrics on hiring, attrition, the processes used to bring staff on board, and

[43] 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.

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

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

[46] 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.

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

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

a hiring corrective action plan."[49] The department is to brief the committees within 90 days after the act's enactment on the "strategy to decrease the number of days it takes to hire new employees."[50] Among the information to be provided in the briefing are "quarterly hiring metrics by component," "progress toward monthly metrics reporting," and "progress made to establish reciprocity with other agencies on polygraph examinations and security clearances."[51] CBP is to "continue monthly reporting of hiring gains and attrition losses."[52]

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."[53]

The Senate committee report continued to require DHS to provide monthly data, by component, on the use of paid administrative leave[54] 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.

P.L. 115-31 and the explanatory statement that accompanied it did not address this matter, and therefore, the direction stands.

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.[55] P.L. 115-31 and the explanatory statement that accompanied it did not address this matter, and therefore, the direction stands.

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

[49] *Congressional Record*, vol. 163, May 3, 2017, p. H3808.

[50] Ibid.

[51] Ibid.

[52] Ibid.

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

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

[55] S.Rept. 114-264, p. 17.

for Management in Senate-reported S. 3001 to $34,425 for Customs and Border Protection in both Senate and House committee-reported bills.

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."[56]

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."[57]

In the Department of Homeland Security Appropriations Act, 2017, 13 such limitations appear, totaling $164,655. The explanatory statement restates the House position thusly:

> A decrease of $5,000 is assessed to the Secretary's ORR funds due to the assumption of $880,000,000 in unauthorized fee revenue in the fiscal year 2017 budget request that artificially reduced the amount of net discretionary appropriations required to fully fund the Transportation Security Administration. DHS should be prepared for additional decrements to ORR funds and other headquarters activities in the future should future requests include similar proposals.[58]

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*;
- CRS Report R44661, *DHS Appropriations FY2017: Departmental Management and Operations*;
- CRS Report R44666, *DHS Appropriations FY2017: Security, Enforcement, and Investigations*;
- CRS Report R44660, *DHS Appropriations FY2017: Protection, Preparedness, Response, and Recovery*; and
- CRS Report R44658, *DHS Appropriations FY2017: Research and Development, Training, and Services*.

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.

[56] H.Rept. 114-668[57] S.Rept. 114-264, p. 10.

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

[58] *Congressional Record*, May 3, 2017, p. H3807.

Table 5. DHS Appropriations Experts

Component/Subcomponent	**Name**
DHS Annual and Supplemental Appropriations, Overall	William Painter
Departmental Management	Barbara L. Schwemle
DHS Headquarters Consolidation	William Painter
Analysis and Operations	Jerome Bjelopera
Office of the Inspector General	William Painter
U.S. Customs and Border Protection	William A. Kandel
U.S. Immigration and Customs Enforcement	William A. Kandel
Transportation Security Administration	Bart Elias
U.S. Coast Guard	John Frittelli
U.S. Secret Service	Shawn Reese
Cybersecurity	Chris Jaikaran
Infrastructure Protection	Frank Gottron
Federal Protective Service	Shawn Reese
Office of Health Affairs	Frank Gottron
Operations and Mitigation	Jared T. Brown
Preparedness Grants	Shawn Reese
Firefighter Assistance Grants	Lennard G. Kruger
Disaster Relief Fund	William L. Painter
Disaster Declarations	Bruce R. Lindsay
National Flood Insurance Program	Diane P. Horn
U.S. Citizenship and Immigration Services	William A. Kandel
Science and Technology	Daniel Morgan
Domestic Nuclear Detection Office	Frank Gottron

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[59] 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 available for obligation only 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.[60] 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 funded 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[61] 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.

[59] 31 U.S.C. §§1341, 1342, 1344, 1511-1517.

[60] 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.

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

Offsetting Collections[62]

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 Obama Administration's request for FY2017, and the House and Senate subcommittee allocations for the Homeland Security appropriations bills for FY2017.

[62] 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 billions 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]	42.408[e]

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. 2029 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 billion 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 billion 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 billion 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 billion recommended by the House Appropriations Committee for disaster relief covered by adjustments to the discretionary spending caps set by the Budget Control Act.

e. This authority does not include the $163 million for overseas contingency operations or the $6.713 billion 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 non-security 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,[63] amended those caps. 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 rolling average from the previous fiscal year.

The disaster relief allowable adjustment for FY2017 was $8.129 billion, and was used to provide $6.713 billion for FEMA's Disaster Relief Fund and $1.416 billion for the Department of

[63] P.L. 113-67.

Housing and Urban Development's (HUD's) Community Development Fund.[64] With the disaster relief allowable adjustment exhausted for the fiscal year, the emergency designation was exercised in P.L. 115-56 to provide $7.4 billion for FEMA's Disaster Relief Fund, $450 million for Small Business Administration disaster loans, and $7.4 billion to HUD's Community Development Fund in the wake of Hurricane Harvey. The adjustment for overseas contingency operations was exercised in P.L. 115-31, Division F, to provide $163 million to the U.S. Coast Guard.

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[64] Office of Management and Budget, *OMB Final Sequestration Report to the President and Congress for Fiscal Year 2017*, Washington, DC, May 19, 2017, pp. 7-8, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/sequestration_reports/2017_final_sequestration_report_may_2017_potus.pdf.