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Department of Homeland Security Appropriations: FY2020

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December 11, 2019

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This report provides an overview and analysis of FY2020 appropriations for the Department of Homeland Security (DHS). The primary focus of this report is on the funding provided to DHS 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 specific component appropriations.

As part of an overall DHS budget that the Office of Management and Budget (OMB) estimated to be $92.08 billion, the Trump Administration requested $51.68 billion in adjusted net discretionary budget authority through the appropriations process for DHS for FY2020. The request amounted to a $2.27 billion (4.6%) increase from the $49.41 billion in annual appropriations enacted for FY2019 through the Department of Homeland Security Appropriations Act, 2019 (P.L. 116-6, Division A).

The Administration also requested discretionary funding for DHS components that does not count against discretionary spending limits and is not reflected in the adjusted net discretionary budget authority total. The Administration requested an additional $14.08 billion for the Federal Emergency Management Agency (FEMA) in disaster relief funding, as defined by the Budget Control Act (P.L. 112-25; BCA), and in the budget request for the Department of Defense (DOD), $190 million in Overseas Contingency Operations designated funding (OCO) from the Operations and Maintenance budget of the U.S. Navy.

On June 11, 2019, the House Appropriations Committee marked up H.R. 3931, its version of the Department of Homeland Security Appropriations Act, 2020. H.Rept. 116-180 was filed July 24, 2019. Committee-reported H.R. 3931 included $52.80 billion in adjusted net discretionary budget authority, according to the Congressional Budget Office's initial score of the bill. This was $1.12 billion (2.2%) above the level requested by the Administration, and $3.39 billion (6.9%) above the enacted annual level for FY2019. Much of this increase was due to the addition of several immigration-related policy provisions in the full committee markup, which added more than $3.0 billion to the score of the bill, putting the bill over its subcommittee allocation (CBO later revised the scoring of those provisions to $1.9 billion in a separate letter on September 10, 2019).

On September 26, 2019, the Senate Appropriations Committee marked up S. 2582, its version of the Department of Homeland Security Appropriations Act, 2020. S.Rept. 116-125 was filed the same day. Committee-reported S. 2582 included $53.18 billion in adjusted net discretionary budget authority. This was $1.50 billion (2.9%) above the level requested by the Administration, and $3.77 billion (7.6%) above the enacted annual level for FY2019. Much of this latter increase was due to the inclusion of $5 billion in funding for border barrier construction as opposed to $1.38 billion in the FY2019 act. Both the House and Senate committees included more discretionary funding for the Coast Guard, Transportation Security Administration, and FEMA than had been requested by the Administration.

As no annual appropriations for FY2020 had been enacted in late September as FY2019 was drawing to a close, on September 27, 2019, a continuing resolution was enacted (P.L. 116-59), temporarily extending funding at the FY2019 rate for operations through November 21 for most DHS programs (see limited exceptions in the Department of Homeland Security section of CRS Report R45982, *Overview of Continuing Appropriations for FY2020 (P.L. 116-59)*). This CR was subsequently extended through December 20.

This report will be updated as events warrant.

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Introduction

This report describes and analyzes annual appropriations for the Department of Homeland Security (DHS) for FY2020. It compares the enacted FY2019 appropriations for DHS, the Donald J. Trump Administration's FY2020 budget request, and the appropriations measures developed and considered by Congress in response to it. This report identifies additional informational resources, reports, and products on DHS appropriations that provide context for the discussion. A list of Congressional Research Service (CRS) policy experts with whom congressional clients may consult on specific topics may be found in CRS Report R42638, *Appropriations: CRS Experts*.

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. These 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 authorizing 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 (BCA; 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]

Describing DHS Funding: Terminology

The annual DHS budget proposal is complex, including a variety of funding mechanisms.[2] The funding provided through these mechanisms can be totaled in several different ways to summarize what is in the bill. These methods have evolved to answer slightly different questions: how the bill fits into the budget process, the level of resources provided to the agency, and the net cost of the bill to the U.S. government.

- *Discretionary* ***appropriations*** include all the discretionary budget authority charged against the appropriations subcommittee's allocation.[3] It excludes specially designated funding (like emergency funding) and mandatory spending. This amount helps illuminate how the bill fits into the congressional budget process.
- *Discretionary* ***funding*** is a term used in appropriations committee tables and in this report to indicate a broader total which includes discretionary appropriations, plus specially designated funding (i.e., emergency, overseas contingency operations, or disaster relief designations)—representing a more comprehensive total

[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] For example, the FY2020 request envisioned an appropriations bill that included discretionary appropriations—budget authority that is provided to the department through appropriations acts; appropriations that are offset by agency collections, such as user fees, resulting in no net effect on the budget; funding that is not subject to the discretionary spending limits due to special designation; transfers of appropriated budget authority between components; appropriations that are considered to be mandatory spending; and rescissions—cancellation of budget authority that otherwise would be available for obligation and thus offsets other spending charged to the bill. 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. For a discussion these mechanisms, see the **Appendix**.

[3] For a discussion of allocations of discretionary budget authority, see the **Appendix**.

of the resources provided through appropriations measures. This is the definition of the term as it is used in this report,[4] and is a more complete measure of what is being provided by the bill to DHS.

- When these appropriations or funding totals are described as ***net***, they describe a total reduced by offsets, such as any offsetting collections and fees. This makes the term a better description of the impact of an appropriations act on the balance sheet of the U.S. government rather than the actual level of resources provided by Congress in a given act.

In a departure from the practices of many other agencies, in DHS budget documents, the term ***net discretionary budget authority*** does not take into account the impact of rescissions—only offsets through collections. DHS documents refer to ***adjusted net discretionary budget authority*** to indicate the discretionary appropriations net that includes both offsetting collections and rescissions. This is the total that counts against discretionary spending limits, and it is the total used most commonly in congressional debate about the size of appropriations legislation. To avoid confusion when readers interpret DHS documents, CRS reporting on DHS appropriations uses the latter term to describe that total.

Note on Data and Citations

All amounts contained in CRS reports on homeland security appropriations represent budget authority. For precision in percentages and totals, all calculations in these reports use unrounded data, which are presented in each report's tables. Amounts in narrative discussions may be rounded to the nearest million (or 10 million, in the case of numbers larger than 1 billion), unless noted otherwise.

Data used in this report for FY2019 annual appropriations are derived from the conference report accompanying P.L. 116-6, the Consolidated Appropriations Act, 2019.[5] Division A of P.L. 116-6 is the Department of Homeland Security Appropriations Act, 2019. FY2019 supplemental appropriations data are drawn directly from two enacted measures: P.L. 116-20, the Additional Supplemental Appropriations Act, 2019, which included funding for response and recovery from a range of natural disasters;[6] and P.L. 116-26, the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019, which included funding for security and humanitarian needs at the U.S.-Mexico border. Data for the FY2020 requested levels and House Appropriations Committee-recommended levels of annual appropriations are drawn from H.Rept. 116-180, the report accompanying H.R. 3931. Data for the FY2020 requested levels and Senate Appropriations Committee-recommended levels of annual appropriations are drawn from S.Rept. 116-125, the report accompanying S. 2582.

Scoring methodology is consistent across this report, relying on data provided by the Appropriations Committees that has been developed with Congressional Budget Office (CBO) methodology. CRS does not attempt to compare this data with Office of Management and Budget (OMB) data because technical scoring differences at times do not allow precise comparisons.

Note: Previous CRS reports on DHS appropriations at times used OMB data on mandatory spending for the Federal Emergency Management Agency and the U.S. Secret Service that was not listed in appropriations committee documentation—for consistency, OMB data on mandatory spending is no longer included in this report.

[4] This definition is drawn from the term's usage in the detail tables provided in multiple House Appropriations Committee reports, conference reports, and explanatory statements. It should be noted that this term has also been used as shorthand for the adjusted net discretionary budget authority in some appropriations committee communications.

[5] H.Rept. 116-9.

[6] See CRS Report R45844, *FY2019 Disaster Supplemental Appropriations: Overview* for additional information.

Legislative Action on FY2020 DHS Appropriations

This section provides an overview of the legislative process thus far for appropriations for the Department of Homeland Security for FY2020, from the Administration's initial request, through committee action in the House and Senate.

Annual Appropriations

Trump Administration FY2020 Request

On March 18, 2019, the Trump Administration released its detailed budget request for FY2020. A lapse in FY2019 annual appropriations from December 22, 2018, until January 25, 2019, delayed the full budget proposal's release past the first Monday in February, the deadline outlined in the Budget Act of 1974.[7]

The Trump Administration requested $51.68 billion in adjusted net discretionary budget authority for DHS for FY2020, as part of an overall budget that the Office of Management and Budget estimated to be $92.08 billion (including fees, trust funds, and other funding that is not annually appropriated or does not score against discretionary budget limits).[8] The request amounted to a $2.27 billion (4.6%) increase from the $49.41 billion in annual net discretionary budget authority in appropriations enacted for FY2019 through the Department of Homeland Security Appropriations Act, 2019 (P.L. 116-6, Division A).

The Trump Administration also requested discretionary funding that does not count against discretionary spending limits set by the Budget Control Act (BCA; P.L. 112-25) for two DHS components and is not reflected in the above totals. The Administration requested an additional $14.08 billion for the Federal Emergency Management Agency (FEMA) in disaster relief funding, as defined by the BCA,[9] and in the budget request for the Department of Defense, $190 million in Overseas Contingency Operations/Global War on Terror designated funding (OCO), to be transferred to the Coast Guard from the Navy.[10]

House Committee Action

On June 11, 2019, the House Appropriations Committee marked up H.R. 3931, the Department of Homeland Security Appropriations Act, 2020. H.Rept. 116-180 was filed on July 24, 2019. As reported by the committee, H.R. 3931 included $52.80 billion in adjusted net discretionary budget authority. This was $1.12 billion (2.2%) above the level requested by the Administration, and $3.39 billion (6.9%) above the enacted level of annual appropriations for FY2019. The House committee bill included $14.08 billion in disaster relief-designated funding, reflecting the level in the Administration's modified request. As a result of amendments adopted in full committee

[7] Because the FY2019 annual appropriations were not finalized until February 15, 2019, the request did not include a comparison of the Administration's proposal to an enacted level for the current fiscal year.

[8] Department of Homeland Security, *Fiscal Year 2020 Congressional Justification*, Washington, DC, p. DHS-7, https://www.dhs.gov/publication/congressional-budget-justification-fy-2020.

[9] The Administration's initial request, which was finalized before enactment of FY2019 annual appropriations, was for $19.42 billion, but was revised downward in light of FEMA receiving $5.35 billion more in disaster funding than it had requested in FY2019.

[10] Information on this Overseas Contingency Operations (OCO) funding is provided only for reference: annual appropriations provided in other annual appropriations bills for DHS functions is not tracked in the totals or tables for this report.

markup, the initial CBO scoring of the bill exceeded the subcommittee allocation by more than $3 billion. (CBO later revised the scoring of those provisions to $1.9 billion.)

Senate Committee Action

On September 26, 2019, the Senate Appropriations Committee marked up S. 2582, its version of the Department of Homeland Security Appropriations Act, 2020. S.Rept. 116-125 was filed the same day. As reported by the committee, S. 2582 included $53.18 billion in adjusted net discretionary budget authority. This was $1.50 billion (2.9%) above the level requested by the Administration, and $3.77 billion (7.6%) above the enacted annual level for FY2019. Much of this latter increase was due to the inclusion of $5 billion in funding for border barrier construction as opposed to $1.38 billion in the FY2019 act. Both the House and Senate committees included more discretionary funding for the Coast Guard, Transportation Security Administration, and FEMA than had been requested by the Administration.

Continuing Resolution

No annual appropriations for FY2020 had been enacted in late September as FY2019 was drawing to a close, so Congress on September 27, 2019, passed a continuing resolution (CR) (P.L. 116-59), temporarily extending funding at the FY2019 rate for operations through November 21. This CR was subsequently extended through December 20.

P.L. 116-59 included four provisions specifically addressing needs of DHS under a CR:

- **Section 132** provides a special apportionment of CR funds to cover expenses related to the FY2020 presidential campaign;
- **Section 133** allows for an accelerated rate of apportionment for the Disaster Relief Fund (DRF) to ensure that the programs it funds can be carried out;
- **Section 134** extends the authorization for the National Flood Insurance Program to issue new policies; and
- **Section 135** allows funds to be allocated in accordance with a planned restructuring of some DHS management activities.

In addition, Section 101(6) extends by reference some immigration provisions that have been linked to the appropriations cycle.

For further information on the FY2020 continuing resolutions, see CRS Report R45982, *Overview of Continuing Appropriations for FY2020 (P.L. 116-59)*.

Summary of DHS Appropriations

Generally, the homeland security appropriations bill includes all annual appropriations provided for DHS, allocating resources to every departmental component.[11] Discretionary appropriations[12] provide roughly two-thirds to three-fourths of the annual funding for DHS operations, depending

[11] Although most appropriations are available for only one year, not all appropriations are spent in the year they are provided. Some appropriations, such as those for Procurement, Construction, and Improvements, are available for multiple years. Others, such as those for the Disaster Relief Fund, never expire, and are available until they are used or rescinded.

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

how one accounts for disaster relief spending and funding for OCO.[13] The remainder of the budget is a mix of fee revenues, trust funds, and mandatory spending.

Annual appropriations measures for DHS typically have been organized into five titles.[14] 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 DHS 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.

At the direction of Congress, in 2014 DHS began to work on a new Common Appropriations Structure (CAS), which would standardize the format of DHS appropriations across components. 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."[15]

After several years of work and negotiations with Congress, DHS made its first budget request in the CAS for FY2017, and implemented it while operating under a CR in October 2016.[16] Under the CAS, legacy appropriations structures were largely converted to a four-category structure:

1. **Operations and Support**, which covers operating salaries and expenses;
2. **Procurement, Construction, and Improvements**, which funds planning, operational development, engineering, purchase, and deployment of assets to support component missions;
3. **Research and Development**, which provides resources needed to identify, explore, and demonstrate new technologies and capabilities to support component missions; and
4. **Federal Assistance**, which supports grant funding managed by DHS components.

All components have an Operations and Support (O&S) appropriation. All operational components and some support and headquarters components have a Procurement, Construction, and Improvements (PC&I) appropriation. Research and Development (R&D) appropriations are

[13] 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.

[14] Although the House and Senate have generally produced symmetrically structured bills in the past, 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 FY2017, the House and Senate committee bills took different approaches to restructuring appropriations and departmental functions, and ultimately, a sixth title was added to provide supplemental appropriations requested by the then-new Trump Administration.

[15] 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.

[16] For FY2017 and FY2018, all DHS components requested appropriations under the Common Appropriations Structure (CAS) except for the Coast Guard, due to constraints of its financial management system and statutory authorizations. For FY2019, all the components' requests generally conformed to the CAS.

even less common, and only FEMA, the Countering Weapons of Mass Destruction Office (CWMD), and U.S. Citizenship and Immigration Services (USCIS) have federal assistance appropriations.

Even with the implementation of the CAS structure, some appropriations are not included in those four categories:

- **Federal Protective Service:** The Federal Protective Service, which has been a part of several different components of DHS, does not have an appropriation of an explicit amount. Rather, the appropriations measure has language directing that funds credited to the FPS account may be spent by FPS to carry out its mission. It therefore has a net-zero impact on the total net discretionary spending in the bill.
- **USCG's Retired Pay:** The Coast Guard's Retired Pay appropriation supports the costs of the USCG retired personnel entitlements, including pensions, Survivor Benefits Plans, and medical care of retired USCG personnel and their dependents. This appropriation is categorized as appropriated mandatory spending: while the U.S. government has a legal obligation to make these payments, there is no permanent statutory mechanism in place to provide the funds. Because the government is required to make these payments, the Retired Pay appropriation does not count against the discretionary allocation of the bill.
- **FEMA's Disaster Relief Fund:** The Federal Emergency Management Agency (FEMA) receives a separate appropriation for its activities authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5121 et seq.). This allows for more consistent tracking of FEMA's disaster assistance spending over time, and ensures more transparency into the availability of funds for disaster assistance versus FEMA's other grant activities, which are funded through the Federal Assistance appropriation.
- **FEMA's National Flood Insurance Fund:** The National Flood Insurance Program is largely mandatory spending. However, some program functions, including mission support, floodplain management, and flood mapping, are paid for through discretionary appropriations. Certain other program costs are paid for by fees collected by the government, which requires appropriations language to allow those resources to be spent. These include:
    - Operating expenses and salaries and expenses associated with flood insurance operations;
    - Commissions and taxes of agents;
    - Interest on borrowings from the Treasury; and
    - Flood mitigation actions and flood mitigation assistance.

Administrative and General Provisions

Prior to the FY2017 act, the provisos accompanying many appropriations included directions to components or specific conditions on how the budget authority 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."[17] This practice has continued in subsequent years.

This report tracks changes in administrative and general provisions compared to the baseline of the prior year's enacted measure, noting provisions dropped, added, and modified. These changes from the baseline may take place for a variety of reasons. Due to the passage of time or enactment of permanent legislation, a provision may require adjustment or lose its relevance. Other provisions are the priority of members in one chamber or another, and as the enacted bill represents a compromise between those positions, the bills developed by a one chamber may not necessarily reflect the other chamber's priorities.

Structural Changes at DHS

Structural changes to DHS, ratified by Congress through authorization or appropriations legislation, can affect comparisons of funding across years. Statutory changes made by two laws can be seen in recent DHS appropriations actions.

The Cybersecurity and Infrastructure Security Agency Act of 2018 (P.L. 115-278) renamed the National Protection and Programs Directorate (NPPD) as the Cybersecurity and Infrastructure Security Agency (CISA), moved the Office of Biometric Identity Management (OBIM) out of CISA and into the Management Directorate of DHS, and started the process of transferring the Federal Protective Service (FPS) out of CISA, pending the result of a GAO review.

The FY2019 enacted appropriations for DHS and the Administration's FY2020 budget request reflect the renaming of NPPD to CISA and shift of OBIM. The FY2020 budget request proposed funding for FPS within NPPD. H.Rept. 116-180 notes that the Acting Secretary of DHS chose to move FPS to the Management Directorate, and thus the House Appropriations Committee-reported bill provides authority for its spending there.

The Countering Weapons of Mass Destruction Act of 2018 amended the Homeland Security Act of 2002 (P.L. 107-296), combining all the personnel and resources of the Domestic Nuclear Detection Office and Office of Health Affairs into the Countering Weapons of Mass Destruction Office. Since enactment of the bill occurred in December 2018, the Senate did not present its FY2019 DHS Appropriations bill with funding for the new office, as it had yet to be authorized, instead providing direction and funding in the legacy structure for the two components.

DHS Appropriations: Summary by Component Type

The following sections of the report discuss the appropriations provided for the department by type of component. It groups the 15 components of DHS into the following structure:

- **Law Enforcement Operational Components (funded in Title II)**
  - U.S. Customs and Border Protection
  - Immigration and Customs Enforcement
  - Transportation Security Administration
  - U.S. Coast Guard
  - U.S. Secret Service
- **Incident Response and Recovery Operational Components (Title III)**
  - Cybersecurity and Infrastructure Security Agency
  - Federal Emergency Management Agency
- **Support Components (Title IV)**

[17] 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.

  - U.S. Citizenship and Immigration Services
  - Federal Law Enforcement Training Center
  - Science and Technology Directorate
  - Countering Weapons of Mass Destruction Office
- **Headquarters Components (Title I)**
  - Office of the Secretary and Executive Management
  - Departmental Management Directorate
  - Analysis and Operations
  - Office of Inspector General

Each group's and component's role is briefly described below, and their FY2019 enacted and FY2020 requested and recommended appropriations are presented in tables arranged by grouped components. After each funding table, a brief analysis of selected administrative provisions for that group is provided.

Law Enforcement Operational Components

Funding for law enforcement operational components is generally provided in Title II of the DHS appropriations acts. This is the largest title of the bill, although not all of DHS's largest components are included in it.

Components and Missions

U.S. Customs and Border Protection (CBP): CBP is responsible for securing America's borders, coastlines, and ports of entry, preventing the illegal entry of persons and goods while facilitating lawful travel, trade, and immigration.[18]

Immigration and Customs Enforcement (ICE): ICE is the principal criminal investigative agency within DHS, and is charged with preventing terrorism and combating the illegal movement of people and goods.[19]

Transportation Security Administration (TSA): TSA provides security for the U.S. transportation system while ensuring the free and secure movement of people and goods.[20]

U.S. Coast Guard (USCG): The USCG is the principal federal agency responsible for maritime safety, security, and environmental stewardship in U.S. ports and inland waterways. The USCG is a hybrid of a law enforcement agency, regulatory agency, and first responder, as well as being a component not only of DHS, but also of the intelligence community, and of the U.S. Armed Forces.[21]

U.S. Secret Service (USSS): The USSS is responsible for protecting the President, the Vice-President, their families and residences, past Presidents and their spouses, national and world leaders visiting the United States, designated buildings (including the White House and Vice

[18] Department of Homeland Security, *Budget-in Brief, Fiscal Year 2020*, Washington, DC, p. 18, https://www.dhs.gov/publication/fy-2020-budget-brief (hereafter *Budget-in-Brief*).

[19] Ibid., p. 24.

[20] Ibid., p. 30.

[21] Ibid., p. 36.

President's Residence), and special events of national significance. The USSS also investigates and enforces laws related to counterfeiting and certain financial crimes.[22]

Table 1 includes a breakdown of budgetary resources provided to these components controlled through appropriations legislation.

[22] Ibid., p. 42.

Table 1. Budgetary Resources for Law Enforcement Operational Components, FY2019 and FY2020

(budget authority in thousands of dollars)

Component/Appropriation	FY2019	FY2020		
	Enacted	Request	House Committee-Reported H.R. 3931	Senate Committee-Reported S. 2582
Customs and Border Protection (Annual)				
Operations and Support	12,179,729	12,513,492	13,114,935	12,364,210
Procurement, Construction and Improvements	2,515,878	5,402,191	477,962	5,478,073
CBP Services at User Fee Facilities (Permanent Indefinite Discretionary)	8,941	9,000	9,000	9,000
Colombia Free Trade Act Collections (Administrative Provision)	255,000	267,000	267,000	267,000
Reimbursable Preclearance (Administrative Provision)	39,000	39,000	39,000	39,000
Total Annual Discretionary Appropriations	14,998,548	18,230,683	13,907,897	18,157,283
Offsetting Collection (Reimbursable Preclearance)	39,000	39,000	39,000	39,000
Total Annual Net Discretionary Appropriations	14,959,548	18,191,683	13,868,897	18,118,283
FY2019 Supplemental Appropriations				
Operations and Support (emergency, P.L. 116-26)	1,015,431	0	0	0
Procurement, Construction and Improvements (emergency, P.L. 116-26)	85,000	0	0	0
Total Net Discretionary Funding	**16,059,979**	**18,191,683**	**13,868,897**	**18,118,283**
Fees, Mandatory Spending, and Trust Funds	2,297,702	2,617,231	2,617,231	2,456,431
Total Budgetary Resources	***18,396,681***	***20,847,914***	***16,525,128***	***20,613,714***
Immigration and Customs Enforcement				
Operations and Support	7,542,153	8,702,425	7,593,940	8,338,741
Procurement, Construction, and Improvements	45,559	78,770	76,270	28,770
Detention Contingency Funds (AP 225)—Custody Operations	0	0	331,136	0

Component/Appropriation	FY2019 Enacted	FY2020 Request	FY2020 House Committee-Reported H.R. 3931	FY2020 Senate Committee-Reported S. 2582
Detention Contingency Funds (AP 225)—Transportation and Removal Program	0	0	55,941	0
Total Annual Discretionary Appropriations	7,587,712	8,781,195	8,057,287	8,367,511
FY2019 Supplemental Appropriations				
Operations and Support (emergency, P.L. 116-20)	208,945	0	0	0
Total Discretionary Funding	**7,796,657**	**8,781,195**	**8,057,287**	**8,367,511**
Fees, Mandatory Spending, and Trust Funds	318,000	527,400	319,800	319,800
Total Budgetary Resources	***8,114,657***	***9,308,595***	***8,377,087***	***8,687,311***
Transportation Security Administration				
Operations and Support	7,410,079	7,115,195	7,648,384	7,489,721
Procurement, Construction, and Improvements	169,789	162,623	210,405	210,623
Research and Development	20,594	20,902	20,902	22,902
Total Annual Discretionary Appropriations	7,600,462	7,298,720	7,879,691	7,723,246
Offsetting Collections (Operations and Support)	2,670,000	3,380,000	2,830,000	2,830,000
Total Annual Net Discretionary Appropriations	4,930,462	3,918,720	5,049,691	4,893,246
Total Net Discretionary Funding	**4,930,462**	**3,918,720**	**5,049,691**	**4,893,246**
Fees, Mandatory Spending, and Trust Funds	489,885	486,914	486,914	486,914
Total Budgetary Resources	***8,090,347***	***7,785,634***	***8,366,605***	***8,210,160***
U.S. Coast Guard				
Operations and Support	7,808,201	7,872,395	8,028,742	8,102,466
Overseas Contingency Operations (OCO) Adjustment—included in above	*165,000*	[a]	[b]	190,000
Procurement, Construction, and Improvements	2,248,260	1,234,656	1,972,256	1,517,506

Component/Appropriation	FY2019 Enacted	FY2020 Request	FY2020 House Committee-Reported H.R. 3931	FY2020 Senate Committee-Reported S. 2582
Research and Development	20,256	4,949	4,949	4,949
Health Care Fund Contribution (Permanent Indefinite Discretionary)	199,360	205,107	205,107	205,107
Total Annual Discretionary Appropriations (does not include OCO)	10,111,077	9,317,107	10,211,054	9,830,028
FY2019 Supplemental Appropriations				
Operating Expenses (emergency, P.L. 116-20)	48,977	0	0	0
Procurement, Construction, and Improvements (emergency, P.L. 116-20)	476,755	0	0	0
Total Discretionary Funding (includes emergency and OCO)	**10,801,809**	**9,317,107**	**10,211,054**	**9,830,028**
Fees, Mandatory Spending, and Trust Funds	1,739,844	1,802,309	1,802,309	1,802,309
Total Budgetary Resources	***12,541,653***	***11,119,416***	***12,013,363***	***11,632,337***
U.S. Secret Service				
Operations and Support	2,148,528	2,241,733	2,380,504	2,277,110
Procurement, Construction, and Improvements	97,131	56,289	56,289	56,289
Research and Development	2,500	10,955	10,955	15,955
Total Annual Discretionary Appropriations	2,248,159	2,308,977	2,447,748	2,349,354
Total Discretionary Funding	**2,248,159**	**2,308,977**	**2,447,748**	**2,349,354**
Total Budgetary Resources	***2,248,159***	***2,308,977***	***2,447,748***	***2,349,354***
Total Net Discretionary Appropriations: Title II	39,836,958	42,517,682	39,634,677	43,558,422
Total Net Discretionary Funding: Title II Components (All Sources)	**41,837,066**	**42,517,682**	**39,634,677**	**43,558,422**
Projected Total Gross Budgetary Resources: Title II Components	***49,391,497***	***51,370,536***	***47,729,931***	***51,492,876***

Sources: CRS analysis of the DHS *FY2020 Budget-in-Brief*, P.L. 116-6 and H.Rept. 116-9, H.R. 3931 and H.Rept. 116-180, and S. 2582 and S.Rept. 116-125.

Notes: Appropriation subtotal lines are shaded, numbers in *italics* do not contribute separately to appropriation subtotals; numbers in **bold** represent appropriations plus emergency, disaster relief, and overseas contingency operations-designated funding; and numbers in ***bold italics*** represent totals of all funding tracked in

appropriations committee tables. Fee revenues included in the "Fees, Mandatory Spending, and Trust Funds" lines are projections, and do not include budget authority provided through general provisions.

a. The Trump Administration requested $190 million in Overseas Contingency Operations (OCO) funding for the USCG as a transfer from the Navy's OCO-designated Operations and Maintenance appropriation—see https://www.secnav.navy.mil/fmc/fmb/Documents/20pres/OCO_BOOK.pdf#page=334 for details.

b. H.R. 3931 did not include OCO-designated appropriations for the USCG. Per the Administration's request (see the above table note), under House-passed H.R. 2740, $190 million in OCO-designated funding for the Coast Guard would be provided as a transfer from Navy's OCO-designated Operations and Maintenance appropriation.

Administrative Provisions

H.R. 3931 as reported by the House Appropriations Committee has 31 administrative provisions for Title II, 21 of which are unchanged from FY2019. The House committee bill dropped eight provisions which were in the FY2019 act, including

- **Section 208**, which allowed ICE to reprogram funding to maintain detention of aliens that were prioritized for removal;
- **Section 214**, which mandated TSA continue to monitor airport exit lanes;
- **Section 223**, which allowed USCG to allocate its OCO funding within the Operations and Support appropriation;
- **Section 225**, which authorized a TSA pilot program for screening services at locations other than primary passenger terminals;
- **Section 227**, which requires the USCG maintain the mission and staffing of its Operations Systems Center;
- **Section 228**, which prohibited competitions to privatize activities of the USCG National Vessel Documentation Center;
- **Section 229**, which allowed funds in the bill to alter activities of the USCG Civil Engineering program, but not reduce them; and
- **Section 232**, which required DHS collaboration with local governments on siting border barriers within their jurisdictions.

Three previously carried administrative provisions were updated, and seven new provisions were added.

S. 2582 as reported by the Senate Appropriations Committee has 33 administrative provisions in Title II. Only one provision was dropped from the FY2019 act—Section 225, described above. One previously carried provision was modified and three new provisions were added. Modified and new administrative provisions are outlined in **Table 2**.

Table 2. Modified and New Administrative Provisions, Title II

FY2019 Enacted (P.L. 116-6)	House Committee-Reported H.R. 3931	Senate Committee-Reported S. 2582
Modified Provisions		
Section 226: required a weekly public report on ICE detainees and the enrollees in the Alternatives to Detention program	**Section 224:** extends the deadline for the weekly report from 90 days after enactment of the FY2019 act to 7 days after the enactment of the FY2020 act	**Section 216:** no substantive changes from FY2019 language
Section 230: specified the projects for CBP's PC&I appropriation, including border barrier projects	**Section 225:** specifies the projects for CBP's PC&I appropriation, none of which are border barrier projects	**Section 209:** specifies the projects for CBP's PC&I appropriation, including border barrier projects
Section 231: prohibited pedestrian fencing construction in certain locations	**Section 226:** bars funding for fencing construction in the same areas	
New Provisions (provisions are not necessarily parallel)		
n/a	**Section 209:** requires ICE to provide information and statistics about the 287(g) program	**Section 211:** bars use of funds to reduce the level of anticipated or planned vetting operations at existing locations unless specifically authorized by future laws
n/a	**Section 211:** restricts DHS's authority to use open-ended contracts for detention services	**Section 221:** requires a report from TSA that includes a capital investment plan for transportation security equipment, a five-year technology investment plan, and a report on Advanced Integrated Passenger Screening Technologies, which had been requested in report language in FY2019
n/a	**Section 227:** bars additional federal funds from being used for construction of physical barriers on the southern land border of the United States during FY2020, aside from existing FY2017-FY2019 appropriations	**Section 233:** prohibits the use of funds to remove a child from their parent or legal guardian with certain exceptions

FY2019 Enacted (P.L. 116-6)	House Committee-Reported H.R. 3931	Senate Committee-Reported S. 2582
n/a	**Section 228:** limits funding for ICE enforcement and removal operations, subdividing funding for detention into two categories: • single adult aliens deemed inadmissible at the port of entry or detained within 14 days of arrival; and • single adult aliens otherwise detained Also makes additional funds available in the event of a border migration surge	n/a
n/a	**Section 229:** allows for immediate death gratuity payments to be made by the USCG in the absence of an Operations and Support annual appropriation for the USCG	n/a
n/a	**Section 230:** keeps the current collective bargaining agreement between TSAs and Transportation Security Officers in effect, pending a new agreement arrived at "mutually and voluntarily"	n/a
n/a	**Section 231:** directs the submission of a report on the Migrant Protection Protocols Program that includes plans to: • ensure access to legal counsel for migrants returned to Mexico who continue to pursue their claim; • ensure the safety and security of such individuals; • ensure returnees are offered a briefing on their legal rights and obligations in their own language (to the extent possible); • to prioritize immigration proceedings of returned individuals; and • exempt vulnerable individuals from the return policy	n/a

Source: CRS analysis of P.L. 116-6 and H.Rept 116-9, H.R. 3931 and H.Rept. 116-180, and S. 2582 and S.Rept. 116-125.

Incident Response and Recovery Operational Components

Funding for operational components which are focused on incident response and recovery is generally found in Title III of the DHS appropriations act. It includes funding for FEMA, which has the largest budget of any DHS component—an appropriated budget largely driven by disaster programs authorized under the Stafford Act, and an overall budget which also includes non-appropriated funding for the National Flood Insurance Program. Title III also includes funding for the newly restructured Cybersecurity and Infrastructure Security Agency (CISA), formerly the National Protection and Programs Directorate. The reorganization included a shift of the Federal Protective Service from CISA to the Management Directorate, reducing the gross budgetary resources in this title.

Components and Missions

Cybersecurity and Infrastructure Security Agency (CISA): Formerly known as the National Protection and Programs Directorate (NPPD), CISA promotes information sharing to build resilience and mitigate risk from cyber and physical threats to infrastructure, and leads cross-government cybersecurity initiatives.[23]

Federal Emergency Management Agency (FEMA): FEMA leads the federal government's efforts to reduce the loss of life and property and protect the United States from all hazards, including natural disasters, acts of terrorism, and other disasters through a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.[24]

Table 3 includes a breakdown of budgetary resources for these components controlled through appropriations legislation. As some annually appropriated resources were provided for FEMA from outside Title III in FY2019, a separate line is included for FEMA showing a total for what is provided solely within Title III, then the non-Title III appropriation, followed by the total annual appropriation for FEMA.

[23] Ibid., p. 45.

[24] Ibid., p. 51

Table 3. Budgetary Resources for Incident Response and Recovery Components, FY2019 and FY2020

(budget authority in thousands of dollars)

Component / Appropriation	FY2019 Enacted	FY2020 Request	FY2020 House Committee-Reported H.R. 3931	FY2020 Senate Committee-Reported S. 2582
Cybersecurity and Infrastructure Security Agency				
Operations and Support	1,345,802	1,278,550	1,530,740	1,579,917
Procurement, Construction, and Improvements	322,829	299,078	474,041	428,052
Research and Development	13,126	30,522	11,431	9,431
Federal Protective Service (FPS)	1,527,110	1,568,000	0	0
Total Annual Discretionary Appropriations	3,208,867	3,176,150	2,016,212	2,017,400
Offsetting Collections (Federal Protective Service)	1,527,110	1,568,000	0	0
Total Annual Net Discretionary Appropriations	1,681,757	1,608,150	2,016,212	2,017,400
Total Discretionary Funding	**1,681,757**	**1,608,150**	**2,016,212**	**2,017,400**
Total Budgetary Resources	***3,208,867***	**3,176,150**	**2,016,212**	***2,017,400***
Federal Emergency Management Agency				
Operations and Support	1,066,258	1,115,203	1,146,686	1,124,190
Procurement, Construction, and Improvements	133,830	113,663	113,663	131,863
Federal Assistance	3,094,210	2,480,015	3,344,495	2,948,012
Disaster Relief Fund (DRF)[a]	12,558,000	14,549,684	14,549,684	17,826,684
Disaster relief designation	12,000,000	14,075,000	14,075,000	17,352,000
DRF base funding	558,000	474,684	474,684	474,684
National Flood Insurance Fund (NFIF)	202,153	206,166	206,166	206,166
Disaster Assistance Direct Loan Program	[b]	0	0	0

Component / Appropriation	FY2019 Enacted	FY2020 Request	FY2020 House Committee-Reported H.R. 3931	FY2020 Senate Committee-Reported S. 2582
Radiological Emergency Preparedness Program (Administrative Provisions)	-665	-1,000	-1,000	-1,000
Title III Discretionary Appropriations (does not include transfers, emergency or disaster relief-designated funding)	5,053,786	4,388,731	5,284,694	4,883,915
Presidential Residence Protection (Title V)	41,000	0	41,000	0
Total Annual Discretionary Appropriations	5,094,786	4,388,731	5,325,694	4,883,915
Appropriations drawn from DRF unobligated balances (Federal Assistance)	300,000	0	0	257,000
Rescission from DRF (Administrative Provision)	0	250,000	0	0
Offsetting Collections (NFIF)	202,153	206,166	206,166	206,166
Total Annual Net Discretionary Appropriations	4,592,633	3,932,365	5,119,528	4,420,749
FY2019 Supplemental Appropriations				
Federal Assistance (emergency, P.L. 116-26)	30,000	0	0	0
Total Discretionary Funding (includes emergency and disaster relief-designated funding)	**17,124,786**	**18,463,731**	**19,400,694**	**22,235,915**
Total Budgetary Resources	***17,124,786***	***18,463,731***	***19,400,694***	***22,235,915***
Total Net Discretionary Appropriations: Title III	6,274,390	5,540,715	7,135,740	6,438,149
Total Discretionary Funding: Title III Components (All Sources)	**18,304,390**	**19,645,715**	**21,240,740**	**24,253,315**
Projected Total Gross Budgetary Resources: Title III Components	***19,831,500***	***21,213,715***	***21,240,740***	***24,253,315***

Sources: CRS analysis of the DHS *FY2020 Budget-in-Brief*, P.L. 116-6 and H.Rept. 116-9, H.R. 3931 and H.Rept. 116-180, and S. 2582 and S.Rept. 116-125.

Notes: Appropriation subtotal lines are shaded; numbers in *italics* do not contribute separately to appropriation subtotals; numbers in **bold** represent appropriations plus emergency, disaster relief, and overseas contingency operations-designated funding; and numbers in ***bold italics*** represent totals of all funding tracked in appropriations committee tables. 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. "Disaster Relief Fund (DRF)" 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 (or other adjustments, such as those for emergency requirements or overseas

contingency operations) are not included in appropriations totals, but are included in discretionary funding and other budget authority totals, per appropriations committee practice.

b. P.L. 116-6 included $3 million for these purposes as a transfer from the DRF.

Administrative Provisions

H.R. 3931 as reported by the House Appropriations Committee has eight administrative provisions in Title III, five of which are unchanged from FY2019. Two provisions were dropped from the FY2019 act: Section 301, which required a report on revised methods to assess and allocate costs for countermeasures used by the Federal Protective Service; and Section 309, which raised the federal share of costs for essential assistance and debris removal for wildfire major disasters declared in calendar year 2018 from 75% to 90%.[25] In H.R. 3931, two previously carried administrative provisions were updated, and one new provision was added.

S. 2582 as reported by the Senate Appropriations Committee has six administrative provisions in Title III. The Senate Appropriations Committee chose to drop three Administrative provisions from this title that were included in the FY2019 act—the two described above, and Section 307, which provided certain waivers for SAFER Act grants. No previously carried provisions were substantively modified and no new provisions were added. Modified and new administrative provisions are outlined in **Table 4**.

[25] As the latter provision only affected certain early phases of disaster response and recovery of a specific set of disasters, it no longer had practical effect.

Table 4. Modified and New Administrative Provisions, Title III

FY2019 Enacted (P.L. 116-6)	House Committee-Reported H.R. 3931	Senate Committee-Reported S. 2582
	Modified Provisions	
Section 304: required FEMA brief the appropriations committees in advance of awarding several types of preparedness grants	**Section 303:** drops the requirement for two types of grants not funded in the FY2019 bill	**Section 303:** no substantive changes from FY2019 language
Section 307: permitted the DHS Secretary to grant waivers of certain requirements for SAFER Act grants, including requirements that the grants be used to make new hires, that they provide only a certain percentage of the costs of hiring firefighters in given years, and that the grant funds increase total funding above the level that would otherwise be available	**Section 306:** permits the DHS Secretary to grant the same waivers, to extend the performance period on open SAFER Act grants funded in the FY2016 act up to one additional year, and to extend select waiver provisions related to the portion of grant funds that may be used for costs of firefighters in certain years of the grant	(provision dropped from S. 2582)
	New Provisions	
n/a	**Section 308:** allows governors to resubmit and FEMA to reconsider requests for individual assistance under the Stafford Act for areas affected by a disaster between May 31, 2018, and the date of enactment, regardless of time limits on such applications in regulation	n/a

Source: CRS analysis of P.L. 116-6 and H.Rept 116-9, H.R. 3931 and H.Rept. 116-180, and S. 2582 and S.Rept. 116-125.

Support Components

Funding for support components is generally found in Title IV of the DHS appropriations bill. The relatively small size of some of these appropriations makes changes in their funding appear more significant if expressed on a percentage basis.

Components and Missions

U.S. Citizenship and Immigration Services (USCIS): USCIS administers U.S. immigration laws that govern temporary admission and permanent immigration to the United States.[26]

Federal Law Enforcement Training Center (FLETC): FLETC is a technical training school for law enforcement professionals, meeting the basic and specialized training needs of approximately 100 federal agencies, as well as state and local organizations.[27]

Science and Technology Directorate (S&T): S&T leads and coordinates research, development, testing, and evaluation work for DHS, and supports departmental acquisitions.[28]

Countering Weapons of Mass Destruction Office (CWMD): CWMD leads DHS's efforts to develop and enhance programs and capabilities that defend against weapons of mass destruction, and includes the Department's Chief Medical Officer, who serves as the principal advisor to DHS leadership on medical and public health issues.[29]

Table 5 includes a breakdown of budgetary resources provided to these components controlled through appropriations legislation.

[26] Ibid., p. 57.

[27] Ibid., p. 61.

[28] Ibid., p. 65.

[29] Ibid., p. 70.

Table 5. Budgetary Resources for Support Components, FY2019 and FY2020

(budget authority in thousands of dollars)

Component/Appropriation	FY2019 Enacted	FY2020 Request	FY2020 House Committee-Reported H.R. 3931	FY2020 Senate Committee-Reported S. 2582
U.S. Citizenship and Immigration Services				
Operations and Support	109,688	121,586	170,655	121,586
Procurement, Construction, and Improvements	22,838	0	0	0
Federal Assistance	10,000	0	10,000	0
Pingree H-2B Returning Worker amendment (Administrative Provision)	0	0	7,000	0
Newhouse H-2A Eligibility Expansion amendment (Administrative Provision)	0	0	1,000	0
Total Annual Discretionary Appropriations	142,526	121,586	188,655	121,586
Total Discretionary Funding	**142,526**	**121,586**	**188,655**	**121,586**
Fees, Mandatory Spending, and Trust Funds	4,587,651	4,718,824	4,718,824	4,718,624
Total Budgetary Resources	***4,730,177***	***4,840,410***	***4,907,479***	***4,840,210***
Federal Law Enforcement Training Center				
Operations and Support	277,876	304,586	308,803	304,586
Procurement, Construction, and Improvements	50,943	46,349	59,288	46,349
Total Annual Discretionary Appropriations	328,819	350,935	368,091	350,935
Total Discretionary Funding	**328,819**	**350,935**	**368,091**	**350,935**
Total Budgetary Resources	***328,819***	***350,935***	***368,091***	***350,935***
Science and Technology				
Operations and Support	308,520	278,954	314,672	294,715
Research and Development	511,265	303,163	351,008	415,688

Component/Appropriation	FY2019 Enacted	FY2020 Request	FY2020 House Committee-Reported H.R. 3931	FY2020 Senate Committee-Reported S. 2582
Total Annual Discretionary Appropriations	819,785	582,117	665,680	710,403
Total Discretionary Funding	**819,785**	**582,117**	**665,680**	**710,403**
Total Budgetary Resources	***819,785***	***582,117***	***665,680***	***710,403***
Office of Countering Weapons of Mass Destruction[a]				
Operations and Support	187,095	212,573	180,620	171,826
Procurement, Construction, and Improvements	100,096	78,241	121,988	118,988
Research and Development	83,043	67,681	67,681	69,181
Federal Assistance	64,663	64,663	64,663	64,663
Total Annual Discretionary Appropriations	434,897	423,158	434,952	424,658
Total Discretionary Funding	**434,897**	**423,158**	**434,952**	**424,658**
Total Budgetary Resources	***434,897***	***423,158***	***434,952***	***424,658***
Total Net Discretionary Appropriations: Title IV	**1,726,027**	**1,477,796**	**1,657,378**	**1,607,582**
Total Discretionary Funding: Title IV Components (All Sources)	**1,726,027**	**1,477,796**	**1,657,378**	**1,607,582**
Projected Total Gross Budgetary Resources for Title IV Components	***6,313,678***	***6,196,620***	***6,376,202***	***6,326,206***

Source: CRS analysis of the DHS *FY2020 Budget-in-Brief*, P.L. 116-6 and H.Rept. 116-9, H.R. 3931 and H.Rept. 116-180, and S. 2582 and S.Rept. 116-125.

Notes: Appropriation subtotal lines are shaded, numbers in *italics* do not contribute separately to appropriation subtotals; numbers in **bold** represent appropriations plus emergency, disaster relief, and overseas contingency operations-designated funding; and numbers in ***bold italics*** represent totals of all funding tracked in appropriations committee tables. Fee revenues included in the "Fees, Mandatory Spending, and Trust Funds" lines are projections.

a. In FY2019, the Office of Health Affairs (OHA) and Domestic Nuclear Detection Office (DNDO) were reorganized into the Office of Countering Weapons of Mass Destruction (CWMD). P.L. 116-6 was the first DHS appropriations act to fund the office.

Administrative Provisions

H.R. 3931 as reported by the House Appropriations Committee included eight administrative provisions in Title IV, six of which were unchanged from FY2019. It dropped two: Section 402, which barred USCIS from providing immigration benefits unless it had received a background check that did not preclude providing such a benefit; and Section 408, which provided budgetary flexibility to support the transfer of the National Bio- and Agrodefense Facility to the U.S. Department of Agriculture. H.R. 3931 included two new provisions.

S. 2582 as reported by the Senate Appropriations Committee has nine administrative provisions in Title IV. The Senate Appropriations Committee chose to drop one provision from this title that was included in the FY2019 act—Section 408, described above. No previously carried provisions were substantively modified and two new provisions were added. New administrative provisions in the House and Senate committee-reported bills are outlined in **Table 6**.

Table 6. New Administrative Provisions, Title IV

FY2019 Enacted P.L. 116-6	House Committee-Reported H.R. 3931	Senate Committee-Reported S. 2582
New Provisions (provisions are not necessarily parallel)		
n/a	**Section 407:** bars Immigration Examinations Fee Account funds from being transferred to or used by ICE	**Section 404:** allows USCIS to use $10 million in fee revenue for Immigrant Integration grants.
n/a	**Section 408:** repeals two instances of authority for the sale of Plum Island Animal Disease Center	**Section 405:** limits the amount USCIS can use for reception and representation expenses.

Source: CRS analysis of P.L. 116-6 and H.Rept 116-9, H.R. 3931 and H.Rept. 116-180, and S. 2582 and S.Rept. 116-125.

Headquarters Components

Funding for headquarters components is traditionally found in Title I of the DHS appropriations act, although some initiatives have been funded in the past through general provisions.

Components and Missions

Office of the Secretary and Executive Management (OSEM): OSEM provides central leadership, management, direction and oversight for all DHS components.[30]

Departmental Management Directorate (DM): DM provides DHS-wide mission support services.[31]

Analysis and Operations (A&O): A&O covers two separate offices:

[30] *Budget-In-Brief*, p. 9.

[31] Ibid. Together, Office of the Secretary and Executive Management (OSEM) and Departmental Management Directorate (DM) are sometimes referred to as Departmental Management and Operations (DMO).

- The Office of Intelligence and Analysis (I&A), which integrates and shares intelligence with DHS components and stakeholders to allow them to identify, mitigate, and respond to threats; and
- the Office of Operations Coordination (OPS), which provides operations coordination, information sharing, and the common operating picture for DHS, and helps ensure DHS continuity and resilience.[32]

Office of Inspector General (OIG): The OIG is an independent, objective audit, inspection, and investigative body that reports to the Secretary and to Congress on DHS efficiency and effectiveness, and works to prevent waste, fraud, and abuse.[33]

Table 7 provides a breakdown of the budgetary resources provided to these components controlled through appropriations legislation. As resources were requested or provided for the Management Directorate from outside Title I, separate lines are included for each of those components showing a total for what is provided solely within Title I, then the individual items funded outside the title, followed by the total annual appropriation for the components.

[32] Ibid., p. 13.

[33] Ibid., p. 16.

Table 7. Budgetary Resources for Headquarters Components, FY2019 and FY2020

(budget authority in thousands of dollars)

Component/Appropriation	FY2019 Enacted	FY2020 Request	FY2020 House Committee-Reported H.R. 3931	FY2020 Senate Committee-Reported S. 2582
Office of the Secretary and Executive Management				
Operations and Support	141,381	141,310	174,916	160,369
Total Annual Discretionary Appropriations	141,381	141,310	174,916	160,369
Total Discretionary Funding	**141,381**	**141,310**	**174,916**	**160,369**
Total Budgetary Resources	***141,381***	***141,310***	***174,916***	***160,369***
Management Directorate				
Operations and Support	1,083,837	1,175,990	1,194,608	1,174,209
Procurement, Construction, and Improvements	175,920	381,298	381,298	41,442
Research and Development	2,545	0	0	0
Federal Protective Service	0[a]	0[a]	1,568,000	1,559,930
Title I Discretionary Appropriations	1,262,302	1,557,288	3,143,906	2,775,581
Offsetting Collections (Federal Protective Service)	0[a]	0[a]	1,568,000	1,559,930
Title I Net Discretionary Appropriations	1,262,302	1,557,288	1,575,906	1,215,651
Financial Systems Modernization (Title V)	51,000	0	0	0
Total Annual Net Discretionary Appropriations	1,313,302	1,557,288	1,575,906	1,215,651
Total Net Discretionary Funding	**1,313,302**	**1,557,288**	**1,575,906**	**1,215,651**
Total Budgetary Resources	***1,313,302***	***1,557,288***	***1,575,906***	***1,215,651***
Analysis and Operations				
Operations and Support	253,253	276,641	276,641	276,641

Component/Appropriation	FY2019 Enacted	FY2020 Request	FY2020 House Committee-Reported H.R. 3931	FY2020 Senate Committee-Reported S. 2582
Total Annual Discretionary Appropriations	253,253	276,641	276,641	276,641
Total Discretionary Funding	**253,253**	**276,641**	**276,641**	**276,641**
Total Budgetary Resources	***253,253***	***276,641***	***276,641***	***276,641***
Office of the Inspector General				
Operations and Support	168,000	170,186	195,242	170,186
Total Annual Discretionary Appropriations	168,000	170,186	195,242	170,186
Total Discretionary Funding (all sources, except transfers)	**168,000**	**170,186**	**195,242**	**170,186**
Total Budgetary Resources	***168,000***	***170,186***	***195,242***	***170,186***
Total Net Discretionary Appropriations: Title I	**1,824,936**	**2,145,425**	**2,222,705**	**1,822,847**
Total Net Discretionary Funding (all sources, except transfers)	**1,875,936**	**2,145,425**	**2,222,705**	**1,822,847**
Projected Total Gross Budgetary Resources: Title I Components	***1,875,936***	***2,145,425***	***3,790,705***	***1,822,847***

Sources: CRS analysis of the DHS *FY2020 Budget-in-Brief*, P.L. 116-6 and H.Rept. 116-9, H.R. 3931 and H.Rept. 116-180, and S. 2582 and S.Rept. 116-125.

Notes: Appropriation subtotal lines are shaded, numbers in *italics* do not contribute separately to appropriation subtotals; numbers in **bold** represent appropriations plus emergency, disaster relief, and overseas contingency operations-designated funding; and numbers in ***bold italics*** represent totals of all funding tracked in appropriations committee tables.

a. H.R. 3931 validated a proposed transfer of the Federal Protective Service (FPS) from CISA to the Management Directorate (MD). See **Table 3** for data on FY2019 enacted and FY2020 requested levels of budget authority for FPS.

Administrative Provisions

The title funding DHS headquarters components in H.R. 3931 (Title I) has five administrative provisions, three of which are unchanged from FY2019. Two administrative provisions were dropped: Section 101, a requirement for a monthly budget and staffing report; and Section 106, a reporting requirement on visa overstay data. One previously carried administrative provision was updated, and one new provision was added in the House bill.

Senate Appropriations Committee-reported S. 2582 has six administrative provisions in Title I. The Senate Appropriations Committee retained all six previously enacted provisions without substantive modifications, and no new provisions were added. Modified and new administrative provisions are outlined in **Table 8.**

Table 8. Modified and New Administrative Provisions, Title I

FY2019 Enacted (P.L. 116-6)	House Committee-Reported H.R. 3931	Senate Committee-Reported S. 2582
	Modified Provision	
Section 103: provided procedures for transfers from the Treasury Forfeiture Fund to any agency in DHS	**Section 103:** continues those procedures, barring the use of Treasury Forfeiture Fund resources for construction of border security infrastructure	**Section 103:** no substantive changes from FY2019 language
	New Provision	
n/a	**Section 105:** creates an independent Immigration Detention Ombudsman that reports directly to the DHS Secretary	n/a

Source: CRS analysis of P.L. 116-6 and H.Rept 116-9, H.R. 3931 and H.Rept. 116-180, and S. 2582 and S.Rept. 116-125.

General Provisions

As noted above, the fifth title of the FY2020 DHS appropriations act contains general provisions, the impact of which may reach across the government, apply to the entire department, affect multiple components, or focus on a single activity. Most general provisions remain functionally unchanged from year to year, providing guidance to DHS or structure to DHS appropriations with little more than updates to effective dates or amounts.

The FY2019 DHS appropriations act included 40 such general provisions. H.R. 3931, as reported by the House Appropriations Committee, carries 36 such provisions, including four added to the committee's initial draft in full committee markup. Four of the 36 are modified versions of FY2019 general provisions providing policy direction, while four are new. Six provisions carried in the FY2019 act were not retained in House committee version of H.R. 3931:

- **Section 516**, which restricted transfer or release of detainees from Guantanamo Bay;
- **Section 518**, which restricted the use of funds in the bill to hire unauthorized workers;
- **Section 521**, which provided funding for financial systems modernization activities;

- **Section 522**, which required reductions in administrative spending from certain accounts;
- **Section 536**, which barred the use of funds to implement the Arms Trade Treaty prior to its ratification; and
- **Section 537**, which required the Administration to provide a list of spending cuts as alternatives to proposed fee increases that had not been authorized before the beginning of the budget year.

S. 2582, as reported by the Senate Appropriations Committee, has 36 general provisions in Title V, 32 of which are unchanged from FY2019. One provision was added, and one was modified. Three provisions carried in the FY2019 act that reduced budget authority available to DHS were modified in the Senate committee's bill: the DHS-wide reduction in total Operations and Support appropriations (originally Section 522, now Section 521), and rescissions of prior-year appropriations (originally Section 538 and 539, now Section 536). Three other provisions carried in the FY2019 act were dropped:

- **Section 521**, which provided $51 million for DHS financial systems modernization;
- **Section 531**, which provided $41 million in grants for local law enforcement costs for Presidential protection; and
- **Section 535**, which prohibited using funds for a Principal Federal Official during a declared Stafford Act major disaster or emergency, with certain exceptions.

Modified and new policy-related general provisions are outlined in **Table 9**.

Table 9. Modified and New Policy-related General Provisions, Title V

(date changes and rescissions provisions not included)

FY2019 Enacted (P.L. 116-6)	House Committee-Reported H.R. 3931	Senate Committee-Reported S. 2582
	Modified Provisions	
Section 503(f): allowed up to $20 million to be transferred to a fund for dealing with immigration emergencies, if the appropriations committees were notified five days in advance	**Section 503(f):** bars transfers to ICE O&S for Enforcement and Removal Operations	**Section 503(f):** remains unchanged from FY2019
Section 504: continued by reference authorization for the DHS Working Capital Fund	**Section 504:** continues that authorization by reference, and also provides that working capital fund resources may be obligated and expended in anticipation of reimbursement from DHS components	**Section 504:** continues that authorization by reference, and also provides that working capital fund resources may be obligated and expended in anticipation of reimbursement from DHS components
Section 510: continued by reference three provisions from the FY2008 DHS Appropriations Act, including: • barring the employment of people in the role of a contracting officer's technical representative if they hadn't received training; • requiring that in district court civil proceedings where sensitive security information is required for a party to make its case, the party or its counsel shall be designated to allow access to the needed information, unless a background check shows access to the information would present "a risk of harm to the nation"; and • requiring DHS vehicle purchases meet the minimum federal fleet requirements outlined at 42 U.S.C. §13212	**Section 510:** drops the second provision at the left, regarding making sensitive security information available in civil proceedings in U.S. district court	**Section 510:** remains unchanged from FY2019
Section 528: barred DHS or their contractors from preventing Members of Congress from entering, to perform oversight on, facilities for detaining alien minors	**Section 528:** broadens the applicability to designated congressional staff, and says that while Members need not provide prior notice of their visit, DHS can require at least 24 hours' notice for designated staff to visit	**Section 528:** remains unchanged from FY2019

FY2019 Enacted (P.L. 116-6)	House Committee-Reported H.R. 3931	Senate Committee-Reported S. 2582
	New Provisions (provisions are not necessarily parallel)	
n/a	**Section 532:** allows the annual limit on H-2B visas to be increased	**Section 531:** extends the authority for DHS to use Other Transaction Authority to acquire prototype projects
n/a	**Section 533:** allows H-2A visas to be provided for agricultural jobs that are neither seasonal nor temporary	n/a
n/a	**Section 534:** bars any federal funds from being used to implement a series of policy changes invoked by the Trump Administration	n/a
n/a	**Section 535:** bars the government from detaining or removing individuals approved for participation in the Deferred Action for Childhood Arrivals (DACA) initiative or granted temporary protected status, if the individual still qualifies for DACA or temporary protected status	n/a

Source: CRS analysis of P.L. 116-6 and H.Rept 116-9, H.R. 3931 and H.Rept. 116-180, and S. 2582 and S.Rept. 116-125.

Spending Provisions

Some general provisions have a direct impact on the amount of funding in the bill. In FY2019, funding was included in Title V for the Financial Systems Modernization initiative and a grant program for Presidential Residence Protection costs. In this report, Financial Systems Modernization is listed with headquarters components, and it is managed by the DHS Office of the Chief Information Officer. Presidential Residence Protection Cost grants are listed with FEMA, as they manage the distribution of those funds.[34] While H.R. 3931 includes funding for Presidential Residence Protection Cost Grants, it does not include separate funding for Financial Systems Modernization. S. 2852 included no additional appropriations for any DHS activities in Title V.

In addition to provisions appropriating additional resources, rescissions of prior-year appropriations—cancellations of budget authority that reduce the net funding level in the bill—are found in this title.[35] For FY2019, Division A of P.L. 116-6 included $303 million in rescissions and a provision directing that $300 million of DRF unobligated balances be used to offset new DRF appropriations. For FY2020, the Administration proposed rescinding $250 million in prior-year funding from the portion of the DRF not dedicated to the costs of major disasters. Section 536 of H.R. 3931 includes $657 million in rescissions from other appropriations. The largest of these comes from CBP's PC&I appropriation for FY2019, reducing it by $601 million—the amount transferred to it from the Treasury's Asset Forfeiture Fund by the Trump Administration for construction of border security infrastructure.[36]

For Further Information

For additional perspectives on FY2020 DHS appropriations, see the following:

- CRS Report R45972, *Comparing DHS Component Funding, FY2020: In Brief*;
- CRS Report R44604, *Trends in the Timing and Size of DHS Appropriations: In Brief*; and
- CRS Report R44052, *DHS Budget v. DHS Appropriations: Fact Sheet*.

Congressional clients also may wish to consult CRS's experts directly. **Table 10** lists CRS analysts and specialists who have expertise in policy areas linked to DHS appropriations.

Table 10. DHS Policy Experts on DHS Components and Activities

Component/Issue Area	**Name**	**Background Report**
DHS Annual and Supplemental Appropriations, Overall	William Painter	
Departmental Management Personnel Issues	Barbara L. Schwemle	CRS Insight IN11035, *Department of Homeland Security Human Resources Management: Homeland Security Issues in the 116th Congress*

[34] These provisions are found in Sec. 521 and Sec. 531 of P.L. 116-6, Division A, respectively.

[35] As noted elsewhere, general provisions also may provide funding. Incidences where this occurs in the act are reflected in Tables 1, 3, 5, and 7.

[36] For more detailed discussions of border barrier funding and DHS, see CRS Report R45888, *DHS Border Barrier Funding*.

Component/Issue Area	**Name**	**Background Report**
Analysis and Operations	Lisa Sacco	
Office of the Inspector General	Kathryn A. Francis	CRS Report R43814, *Federal Inspectors General: History, Characteristics, and Recent Congressional Actions*
U.S. Customs and Border Protection	Audrey Singer	CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*
DHS Border Barrier Funding	William Painter	CRS Insight IN11193, *Funding U.S.-Mexico Border Barrier Construction: Current Issues*
U.S. Immigration and Customs Enforcement	William Kandel	CRS Report R44627, *Interior Immigration Enforcement: Criminal Alien Programs*
Transportation Security Administration	Bart Elias	CRS Report R45082, *Security of Air Cargo Shipments, Operations, and Facilities*; and CRS Report R45500, *Transportation Security: Issues for the 116th Congress*
U.S. Coast Guard		
Personnel and Administration	Alan Ott	
Shipbuilding	Ronald O'Rourke	CRS Report R42567, *Coast Guard Cutter Procurement: Background and Issues for Congress*
Other Issues	John Frittelli	CRS Report R44566, *The Coast Guard's Role in Safeguarding Maritime Transportation: Selected Issues*
U.S. Secret Service	Shawn Reese	CRS Report RL34603, *The U.S. Secret Service: History and Missions*
Cybersecurity and Infrastructure Security Agency		
Cybersecurity	Chris Jaikaran	CRS In Focus IF10683, *DHS's Cybersecurity Mission—An Overview*
Infrastructure Protection	Brian Humphreys	CRS Report R45809, *Critical Infrastructure: Emerging Trends and Policy Considerations for Congress*
Federal Protective Service	Shawn Reese	CRS Report R43570, *Federal Building and Facility Security: Frequently Asked Questions*
Federal Emergency Management Agency		
Disaster Response	Elizabeth Webster	CRS Report R41981, *Congressional Primer on Responding to Major Disasters and Emergencies*
Disaster Relief Fund	William L. Painter	CRS Report R45484, *The Disaster Relief Fund: Overview and Issues*
Mitigation Programs	Diane P. Horn	CRS Insight IN11187, *Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance*
Stafford Act Individual Assistance Program	Elizabeth Webster	CRS In Focus IF11298, *A Brief Overview of FEMA's Individual Assistance Program*
Stafford Act Public Assistance Program	Natalie Keegan	

Component/Issue Area	**Name**	**Background Report**
Preparedness Grants	Shawn Reese	CRS Report R44669, *Department of Homeland Security Preparedness Grants: A Summary and Issues*
Firefighter Assistance Grants	Jill C. Gallagher	CRS Report RL32341, *Assistance to Firefighters Program: Distribution of Fire Grant Funding*; and CRS Report RL33375, *Staffing for Adequate Fire and Emergency Response: The SAFER Grant Program*
Disaster Declarations	Bruce R. Lindsay	CRS Report R42702, *Stafford Act Declarations 1953-2016: Trends, Analyses, and Implications for Congress*
National Flood Insurance Program	Diane P. Horn	CRS Report R44593, *Introduction to the National Flood Insurance Program (NFIP)*
U.S. Citizenship and Immigration Services	William A. Kandel	CRS Report R44038, *U.S. Citizenship and Immigration Services (USCIS) Functions and Funding*
Science and Technology	Daniel Morgan	CRS Insight IN11021, *Homeland Security Research and Development: Homeland Security Issues in the 116th Congress*
Countering Weapons of Mass Destruction Office	Frank Gottron	CRS Report R45491, *Science and Technology Issues in the 116th Congress*

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[37] prohibits federal agencies from obligating more funds than the budget authority enacted by Congress. Budget authority also may be indefinite in amount, as when Congress enacts appropriations 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—which create a legal requirement for the government to pay. *Outlays* are the funds that are actually spent during the fiscal year.[38] 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[39] 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

[37] 31 U.S.C. §§1341, 1342, 1344, 1511-1517.

[38] 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 https://www.fiscal.treasury.gov/fsreports/rpt/combStmt/cs2017/c18.pdf.

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

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

Offsetting Collections[40]

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 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 congressional 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 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.

Table A-1 shows comparable figures for the 302(b) allocation for FY2020, based on the adjusted net discretionary budget authority included in Division A of P.L. 116-6, the President's request for FY2020, and the House and Senate subcommittee allocations for the Homeland Security appropriations bill for FY2020.

[40] Prepared with assistance from Bill Heniff Jr., Analyst on Congress and the Legislative Process.

Table A-1. FY2019 and FY2020 302(b) Discretionary Allocations for DHS

(budget authority in billions of dollars)

FY2019 Annual Appropriation Comparable	FY2020 Request Comparable	FY2020 House Allocation	FY2020 Senate Allocation	FY2020 Enacted Comparable
$49.410	51.682	49.736	53.183	n/a

Sources: CRS analysis of H.Rept. 116-9 and H.Rept. 116-124, *Further Revised Suballocation of Budget Allocations for Fiscal Year 2020,* H.Rept. 116-180 (for information on the request), and S.Rept. 116-139, *Further Revised Allocation to the Subcommittee of Budget Totals for Fiscal Year 2020*.

Notes: These allocations and comparables do not include funding designated as an emergency requirement, designated as being for overseas contingency operations, or designated as being for the costs of major disasters under the Stafford Act ("disaster relief").

A series of amendments were offered and adopted in the House full committee markup of the FY2020 DHS appropriations bill that, according to CBO, put the bill $3.066 billion over its 302(b) discretionary allocation. This scoring was later revised to $1.9 billion.[41]

The Budget Control Act, Discretionary Spending Caps, and Adjustments

The Budget Control Act established enforceable discretionary limits, or caps, for defense and nondefense spending for each fiscal year from FY2012 through FY2021. Subsequent legislation, including the Bipartisan Budget Acts of 2013, 2015, 2018, and 2019,[42] amended those caps. Most of the budget for DHS is considered nondefense spending.[43]

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 was determined by the Office of Management and Budget (OMB), using the following formula until FY2019:

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

The Bipartisan Budget Act of 2018 amended the above formula, increasing the allowable size of the adjustment by adding 5% of the amount of emergency-designated funding for major disasters

[41] See CBO cost estimate, "Sections 534 and 535 of H.R. 3931, the Department of Homeland Security Appropriations Act, 2020," (September 10, 2019), https://www.cbo.gov/system/files/2019-09/hr3931ltr.pdf.

[42] See P.L. 113-67, P.L. 114-74, P.L. 115-123, and P.L. 116-37.

[43] Most of the defense spending in the DHS budget is in the budget for the National Protection and Programs Directorate. Other defense spending is also included in the budgets for the U.S. Coast Guard and Federal Emergency Management Agency.

under the Stafford Act, calculated by OMB as $6.296 billion.[44] The act also extended the availability of unused adjustment capacity indefinitely, rather than having it only carry over for one year.

In August 2019, OMB released a sequestration preview report for FY2020 that provided a preview estimate of the allowable adjustment for FY2020 of $17.5 billion[45]—the second-largest allowable adjustment for disaster relief in the history of the mechanism.[46] That estimate is the sum of:

- the 10-year average, dropping the high and low years ($7.9 billion);
- 5% of the emergency-designated Stafford Act spending since 2012 ($6.6 billion); and
- carryover from the previous year ($3.0 billion).[47]

The final allowable adjustment for FY2020 may still differ from this estimate.

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[44] Letter from Mick Mulvaney, Director, OMB, to the Honorable Patrick Leahy, Vice Chairman, Committee on Appropriations, U.S. Senate, April 23, 2018.

[45] Executive Office of the President of the United States, *OMB Sequestration Update Report to the President and Congress for Fiscal Year 2020*, Washington, DC, August 20, 2019, p. 16, https://www.whitehouse.gov/wp-content/uploads/2019/08/Sequestration_Update_August_2019.pdf.

[46] Only the allowable adjustment for FY2015 was higher, at $18.430 billion.

[47] Ibid.