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Department of Homeland Security Appropriations: FY2021

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SUMMARY

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May 24, 2021

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Department of Homeland Security Appropriations: FY2021

In February 2020, the Trump Administration requested an overall FY2021 Department of Homeland Security (DHS) budget that the Office of Management and Budget (OMB) estimated to be $75.84 billion. The Congressional Budget Office estimated that the request included almost $49.71 billion in adjusted net discretionary budget authority to be provided through the appropriations process. The request would have amounted to a $0.75 billion (1.5%) decrease from the $50.47 billion in net annual appropriations enacted for FY2020 through the Department of Homeland Security Appropriations Act, 2020 (P.L. 116-93, Division D). However, as the Trump Administration requested moving the U.S. Secret Service (USSS) from DHS to the Department of the Treasury, the request was $2.63 billion lower than budget experts would have otherwise expected.

The Trump Administration also requested some 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 Trump Administration requested an additional $5.06 billion for the Federal Emergency Management Agency (FEMA) in disaster relief funding, as defined by the Budget Control Act (P.L. 112-25; BCA). Unlike previous years, the Trump Administration made no request for a budget adjustment for Overseas Contingency Operations (OCO) funding for the U.S. Coast Guard (USCG), instead counting those costs against the discretionary budget caps.

On July 15, 2020, the House Appropriations Committee marked up H.R. 7669, its version of the Department of Homeland Security Appropriations Act, 2021. H.Rept. 116-458 was filed July 20, 2020. Committee-reported H.R. 7669 included $50.69 billion in adjusted net discretionary budget authority. This was $0.98 billion (2.0%) above the level requested by the Trump Administration, and $0.22 billion (0.4%) above the enacted annual level for FY2020. Much of this increase was accounted for by the rejection of the proposed move of the USSS, but also reflected a net $1.04 billion increase in the discretionary budget for the Transportation Security Administration; it was balanced by reductions from the requested discretionary funding level for Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) of $2.51 billion and $1.15 billion, respectively.

As no annual appropriations for FY2021 had been enacted as FY2020 was drawing to a close, on October 1, 2020, a continuing resolution (P.L. 116-159) was enacted, temporarily extending funding for most DHS programs at the FY2020 rate for operations through December 11, 2020 (see limited exceptions to this in the Department of Homeland Security section of CRS Report R46582, *Overview of Continuing Appropriations for FY2021 (P.L. 116-159)*.

On November 10, 2020, the Senate Appropriations Committee majority released draft bill text and explanatory statements for each of the twelve annual appropriations bills as a part of negotiations toward a consolidated appropriations measure. The Senate Appropriations majority draft bill for DHS for FY2021 included $52.62 billion in adjusted net discretionary budget authority. This was $2.91 billion (5.9%) above the level requested by the Trump Administration, and $2.15 billion (4.2%) above the enacted annual level for FY2020. Much of the difference between the House-reported and Senate majority-drafted bills was the inclusion of $1.96 billion in funding for border barriers in the Senate majority draft that was not included in H.R. 7669.

Negotiations ultimately resulted in a consolidated measure (P.L. 116-260) that included all the annual appropriations measures for FY2021, a COVID-19 emergency relief package, and a variety of other non-appropriations bills. The negotiated bill included $51.88 billion in adjusted net discretionary budget authority for DHS for FY2021. This was $2.16 billion (4.4%) above the level requested by the Trump Administration, and $1.41 billion (2.8%) above the enacted annual level for FY2020. In addition to the annual appropriations for DHS contained in Division F, the bill also included $2 billion in emergency supplemental appropriations in Division M specifically for funeral expenses related to COVID-19, to be paid through FEMA's Disaster Relief Fund (DRF).

Supplemental appropriations were also provided for DHS in the American Rescue Plan Act (ARPA; P.L. 117-2). ARPA included $51.56 billion in mandatory funding for DHS: $50 billion for the DRF, $910 million for other FEMA grants, and $650 million for the Cybersecurity and Infrastructure Security Agency.

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Introduction

This report describes and analyzes the FY2021 annual appropriations for the Department of Homeland Security (DHS). It compares the enacted FY2020 appropriations for DHS, the Donald J. Trump Administration's FY2021 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*.

This is one of a suite of CRS reports on homeland security appropriations that track 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 (P.L. 112-25, BCA). 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 (GAO's) *A Glossary of Terms Used in the Federal Budget Process*.[1]

Describing DHS Funding: Terminology

The annual DHS budget proposal is complex and includes 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 calculations 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 to indicate a broader total, which includes discretionary appropriations as well as specially designated funding (e.g., emergency, overseas contingency operations, and disaster relief designations)—representing a more comprehensive total of the

[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 FY2021 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 of these mechanisms, see the **Appendix**.

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

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 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 FY2020 annual appropriations are derived from the conference report accompanying P.L. 116-93, the Consolidated Appropriations Act, 2020.[5] Division D of P.L. 116-93 is the Department of Homeland Security Appropriations Act, 2020.

P.L. 116-136 (the Coronavirus Aid, Relief, and Economic Security Act, or "CARES Act") was the only enacted measure providing supplemental appropriations for DHS in FY2020; information on its content is drawn directly from the public law text.

Data for the FY2021 requested levels and House Appropriations Committee-recommended levels of annual appropriations are drawn from H.Rept. 116-458, the report accompanying H.R. 7669. Data for the FY2021 Senate committee majority's draft position is from the draft bill and explanatory statement released by the Senate Appropriations Committee on November 10, 2020.[6]

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: Some previous CRS reports on DHS appropriations have 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] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2020*, committee print, 116th Cong., 2nd sess., January 1, 2020, H.Prt. 38-678 (Washington: GPO, 2020), pp. 715-778, https://www.govinfo.gov/app/details/CPRT-116HPRT38679/CPRT-116HPRT38679.

[6] The texts of both are available at https://www.appropriations.senate.gov/news/committee-releases-fy21-bills-in-effort-to-advance-process-produce-bipartisan-results.

Legislative Action on FY2021 DHS Appropriations

This section provides an overview of the legislative process thus far for appropriations for the Department of Homeland Security for FY2021, from the Administration's initial request, through enactment of annual appropriations in P.L. 116-260 and supplemental appropriations in the American Rescue Plan Act (P.L. 117-2).

Annual Appropriations

Trump Administration FY2021 Request

The Trump Administration requested an overall FY2021 DHS budget that the Office of Management and Budget (OMB) estimated to be $75.84 billion. The Congressional Budget Office estimated that the request included almost $49.71 billion in adjusted net discretionary budget authority to be provided through the appropriations process. The request amounted to a $0.75 billion (1.5%) decrease from the $50.47 billion in net annual appropriations enacted for FY2020 through the Department of Homeland Security Appropriations Act, 2020 (P.L. 116-93, Division D). However, as the Administration requested moving the U.S. Secret Service (USSS) from DHS to the Department of the Treasury, the request is $2.63 billion lower than budget experts would have otherwise expected.

The Trump Administration also requested discretionary funding for the Federal Emergency Management Agency (FEMA) that did not count against discretionary spending limits and is not reflected in the adjusted net discretionary budget authority total. The Trump Administration requested an additional $5.06 billion for FEMA in disaster relief funding, as defined by the Budget Control Act (BCA; P.L. 112-25). Unlike previous years, the Trump Administration made no request for a budget adjustment for Overseas Contingency Operations (OCO) funding for the U.S. Coast Guard (USCG), instead counting those costs against the discretionary budget caps.

House Committee Action

On July 15, 2020, the House Appropriations Committee marked up H.R. 7669, its version of the Department of Homeland Security Appropriations Act, 2021. H.Rept. 116-458 was filed July 20, 2020. Committee-reported H.R. 7669 included $50.69 billion in adjusted net discretionary budget authority. This was $0.98 billion (2.0%) above the level requested by the Trump Administration, and $0.22 billion (0.4%) above the enacted annual level for FY2020. Much of this increase was accounted for by the rejection of the proposed move of the USSS, but also reflected a net $1.04 billion increase in the discretionary budget for the Transportation Security Administration; balanced by reductions from the requested discretionary funding level for Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) of $2.51 billion and $1.15 billion, respectively.

H.R. 7669 was not brought to the House floor before the end of FY2020—one of two annual appropriations measures for FY2021 to be reported by the House Appropriations Committee that did not get floor consideration.

Continuing Resolution

As no annual appropriations for FY2021 had been enacted as FY2020 was drawing to a close, on October 1, 2020, a continuing resolution (CR) was enacted (P.L. 116-159), temporarily extending

funding for most DHS components and programs at the FY2020 rate for operations through December 11, 2020.

P.L. 116-159 included several provisions making it easier for DHS to operate as needed under a CR:

- Section 141 allowed funds to be allocated in accordance with a planned restructuring of some DHS management activities;
- Section 142 extended the authority for the U.S. Coast Guard to use appropriations to pay for activities that would normally be covered by fees;
- Section 143 extended the authority for the Great Lakes Pilotage Advisory Committee;
- Section 144 allowed funds to be allocated in accordance with a planned restructuring of DHS cybersecurity activities;
- Section 145 allowed for an accelerated rate of apportionment for the Disaster Relief Fund (DRF) to ensure that the programs it funds could be carried out; and
- Section 146 extended the authority for the National Flood Insurance Program to issue new policies.

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

For further information on the FY2021 continuing resolutions, see CRS Report R46582, *Overview of Continuing Appropriations for FY2021 (P.L. 116-159).*

Consolidated Appropriations Negotiations

On November 10, 2020, the chair of the Senate Committee on Appropriations, Senator Richard Shelby, released drafts of all 12 annual appropriations bills along with draft accompanying explanatory statements.[7] The release of the draft bills was intended to further negotiations on annual appropriations between the House and the Senate.[8]

The Senate Appropriations majority draft bill for DHS for FY2021 included $52.62 billion in adjusted net discretionary budget authority. This was $2.91 billion (5.9%) above the level requested by the Trump Administration, and $2.15 billion (4.2%) above the enacted annual level for FY2020. Much of the difference between the House-reported and Senate majority-drafted bills reflected the inclusion of $1.96 billion in funding for border barriers in the Senate majority draft that was not included in H.R. 7669.

Consolidated Appropriations Enactment

Negotiations ultimately resulted in a consolidated measure that included all the annual appropriations measures for FY2021, a COVID-19 emergency relief package, and a variety of other non-appropriations bills. The negotiated bill included $51.88 billion in adjusted net discretionary budget authority for DHS for FY2021. This was $2.16 billion (4.4%) above the

[7] The 12 draft bills and explanatory statements are on the Committee's website linked to the majority press release at https://www.appropriations.senate.gov/news/committee-releases-fy21-bills-in-effort-to-advance-process-produce-bipartisan-results.

[8] Ibid. See also the statement from the Senate Appropriations Committee Vice Chair, Senator Patrick Leahy, at https://www.appropriations.senate.gov/news/minority/senate-approps-vice-chair-leahy-statement-on-the-release-of-the-fy-2021-senate-appropriations-bills-.

level requested by the Trump Administration, and $1.41 billion (2.8%) above the enacted annual level for FY2020. In addition to the annual appropriations for DHS as Division F, Division M of the measure also included $2 billion in emergency supplemental appropriations specifically for funeral expenses related to COVID-19 to be paid through FEMA's DRF.

The consolidated measure was attached as an amendment to H.R. 133, an unrelated bill that had passed the Senate. The consolidated measure passed the House on December 21, 2020, with two motions. A motion to agree to four annual appropriations bills (Commerce, Justice, Science, and the Judiciary; Defense; Homeland Security; and Financial Services and General Government) passed 327-85, and a second motion to agree to the rest of the negotiated package passed 359-53. The Senate passed the bill later that night by a vote of 92-6. After criticizing a range of provisions in the consolidated package, President Trump signed in bill into law (P.L. 116-260) on December 27, 2020.

Supplemental Appropriations for FY2021

Two DHS components—FEMA and the Cybersecurity and Infrastructure Security Agency (CISA)—received supplemental appropriations in the American Rescue Plan Act (ARPA; P.L. 117-2). Normally, supplemental appropriations would be included in the figures and tables throughout this report. However, the appropriations provided were mandatory spending, rather than typical discretionary appropriations: to keep these technically different funding streams separate, they are not included in the funding lines of **Table 3** (with the details of their component funding), except in the dedicated mandatory spending and "Total Budgetary Resources" lines. Details of the funding are provided in **Table 1**.

Table 1. DHS Funding Provided in P.L. 117-2

(mandatory budget authority in thousands of dollars)

Component / Section: "stated purpose"	Amount
Cybersecurity and Infrastructure Security Agency	
Sec. 4009: "for cybersecurity risk mitigation."	$650,000
Federal Emergency Management Agency	
Sec. 4005: "to carry out the purposes of the Disaster Relief Fund for costs associated with major disaster declarations."	$50,000,000
Sec. 4007: "for the emergency food and shelter program."	$400,000
Sec. 4008: "for the emergency food and shelter program for the purposes of providing humanitarian relief to families and individuals encountered by the Department of Homeland Security."	$110,000
Sec. 4013: "assistance to firefighter grants and ... staffing for adequate fire and emergency response grants."	$100,000 / $200,000
Sec. 4014: "for emergency management performance grants."	$100,000

Source: CRS analysis of P.L. 117-2.

Notes: Funding in P.L. 117-2 was not provided within the traditional DHS appropriations structure. Funding was designated for specific purposes in a more general framework.

Summary of DHS Appropriations

Generally, the homeland security appropriations bill includes all annual appropriations provided for DHS, allocating resources to every departmental component.[9] Discretionary appropriations[10] 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 OCO.[11] The remainder of the budget is a mixture of fee revenues, trust funds, and mandatory spending.

Annual appropriations measures for DHS are usually organized into five titles.[12] 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."[13]

After several years of work and negotiations with Congress, DHS implemented the CAS while operating under a CR in October 2016, and the Administration made its first budget request under the CAS for FY2017.[14] Under the CAS, legacy appropriations structures were largely converted to a four-category structure:

[9] 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 (DRF), never expire, and are available until they are used or rescinded.

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

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

[12] 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. 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.

[13] 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.

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

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

- **Federal Protective Service:** The Federal Protective Service (FPS), 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 U.S. Coast Guard (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: although 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:** 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, and require 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 provided budget authority could be used. Similarly, general provisions give directions or conditions to one or more components. In the FY2017 act, a number of 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."[15] This practice has continued in subsequent years.

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 one chamber may not necessarily reflect the other chamber's priorities.

Appropriations and Recent Structural Change Proposals 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, while the FY2020 appropriation was the first to include FPS within the Management Directorate.

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 the bill was enacted 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.

As part of the FY2021 budget proposal, the Trump Administration proposed shifting the U.S. Secret Service from DHS to the Department of the Treasury. Both House Appropriations Committee-reported H.R. 7669 and the Senate Appropriations Committee majority draft declined to follow this proposal, as did P.L. 116-260.

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

[15] 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. 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)**
  - 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 FY2020 enacted and FY2021 requested and recommended appropriations are presented in associated tables arranged by grouped components.

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, thus preventing the illegal entry of persons and goods while facilitating lawful travel, trade, and immigration.[16]

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.[17]

Transportation Security Administration (TSA): TSA provides security for the U.S. transportation system while ensuring the free and secure movement of people and goods.[18]

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

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

[17] Ibid., p. 24.

[18] Ibid., p. 30.

component not only of DHS, but also of the intelligence community, and of the U.S. Armed Forces.[19]

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 President's Residence), and special events of national significance. The USSS also investigates and enforces laws related to counterfeiting and certain financial crimes.[20]

Table 2 includes a breakdown of budgetary resources provided to these components controlled through appropriations legislation.

Total Confusion

The appropriations tracking tables in this report include multiple totals that reflect specific aspects of component funding at DHS. However, the technical names of the totals are not always sufficient for the reader to immediately parse their meaning. To reduce the chance of "total confusion," the following outlines the questions each total answers and the methodology used to derive them:

- **Total Annual Discretionary Appropriations**: What budget authority does the annual appropriations bill provide that counts against the subcommittee allocation or statutory budget limits?
  - Methodology: Total the above-listed appropriations, excluding any funding designated as emergency, disaster relief, or OCO under the Budget Control Act. Although the net effect of changes in mandatory programs (or "CHIMPS") counts against these limits as well, it is not included in this total.
- **Total Annual Net Discretionary Appropriations**: What budget authority does the annual appropriations bill draw from the Treasury that counts against the allocation or statutory budget limits?
  - Methodology: Subtract offsets from the Total Annual Discretionary Appropriations.
- **Total Net Discretionary Funding**: What budget authority goes to the component (or the components in the title) from the Treasury in annual and supplemental funding bills?
  - Methodology: Add ALL appropriations, including specially designated funding, minus offsetting collections.
- **Total Budgetary Resources**: What budget authority does the component (or do the components in the title) have to work with under this measure and other existing law?
  - Methodology: Add all appropriations, without offsets, and add fees, mandatory spending, and trust funds. This includes the net effect of the above-mentioned CHIMPS.

[19] Ibid., p. 36.

[20] Ibid., p. 42.

Table 2. Budgetary Resources for Law Enforcement Operational Components, FY2020 and FY2021

(budget authority in thousands of dollars)

Component/ Appropriation	FY2020	FY2021			
	Enacted	Request	House Committee-Reported H.R. 7669	Senate Appropriations Committee Majority Draft	Enacted P.L. 116-260, Division F
Customs and Border Protection (Annual)					
Operations and Support	12,735,399	12,987,432	13,240,238	12,882,091	12,908,923
Procurement, Construction and Improvements	1,904,468	2,281,360	877,547	2,312,283	1,839,634
CBP Services at User Fee Facilities (Permanent Indefinite Discretionary)	9,000	9,000	9,000	9,000	9,000
Global Entry Program (Permanent Indefinite Discretionary)	0	199,939	199,939	199,939	199,939
Colombia Free Trade Act Collections (Administrative Provision)	267,000	281,000	281,000	281,000	281,000
Reimbursable Preclearance (Administrative Provision)	39,000	39,000	39,000	39,000	39,000
Total Annual Discretionary Appropriations	14,954,867	15,797,731	14,646,724	15,723,313	15,277,496
Offsetting Collections (Global Entry and Preclearance)	39,000	238,939	238,939	238,939	238,939
Total Annual Net Discretionary Appropriations	14,915,867	15,558,792	14,407,785	15,484,374	15,038,557
Reduced Fee Compensation (Sec. 541) (Emergency)	0	0	0	0	840,000
Transfer of prior year appropriations to CWMD[a] (Sec. 538) (Emergency)	0	0	-20,000	0	-20,000
Total Net Discretionary Funding	**14,915,867**	**15,558,792**	**14,387,785**	**15,484,374**	**15,858,557**
Fees, Mandatory Spending, and Trust Funds	2,456,431	2,408,906	2,408,906	2,408,906	2,408,906

Component/ Appropriation	FY2020 Enacted	FY2021 Request	FY2021 House Committee-Reported H.R. 7669	FY2021 Senate Appropriations Committee Majority Draft	FY2021 Enacted P.L. 116-260, Division F
Total Budgetary Resources	***17,411,298***	***18,206,637***	***17,035,630***	***18,132,219***	***19,346,402***
Immigration and Customs Enforcement					
Operations and Support	8,032,801	9,822,109	7,308,449	8,180,440	7,875,730
Procurement, Construction, and Improvements	47,270	104,954	97,799	104,954	97,799
Risk Classification/Detention Limitation (House Sec. 219) (Change in Mandatory Program)	0	0	1,000[b]	0	0
Homeland Security Investigations Civil Enforcement Limitation (House Sec. 220) (Change in Mandatory Program)	0	0	10,000[b]	0	0
U and T Visa Application Removal Limitation (House Sec. 221) (Change in Mandatory Program)	0	0	1,000[b]	0	0
Total Annual Discretionary Appropriations	8,080,071	9,927,063	7,406,248	8,285,394	7,973,529
Total Discretionary Funding	**8,080,071**	**9,927,063**	**7,406,248**	**8,285,394**	**7,973,529**
Fees, Mandatory Spending, and Trust Funds	319,800	489,097	376,610	489,097	376,610
Total Budgetary Resources	***8,399,871***	***10,416,160***	***7,794,858***	***8,774,491***	***8,350,139***
Transportation Security Administration					
Operations and Support	7,680,565	7,569,419	7,927,407	7,845,994	7,793,715
Procurement, Construction, and Improvements	110,100	33,385	154,492	184,492	134,492
Research and Development	22,902	29,524	29,524	29,524	29,524
Total Annual Discretionary Appropriations	7,813,567	7,632,328	8,111,423	8,060,010	7,957,731

Component/ Appropriation	FY2020 Enacted	FY2021 Request	FY2021 House Committee-Reported H.R. 7669	FY2021 Senate Appropriations Committee Majority Draft	FY2021 Enacted P.L. 116-260, Division F
Offsetting Collections (Operations and Support)	2,830,000	3,500,000	2,940,000	2,940,000	2,940,000
Total Net Discretionary Appropriations	4,983,567	4,132,328	5,171,423	5,120,010	5,017,731
FY2020 Supplemental Appropriations					
Operations and Support (emergency, P.L. 116-136)	100,000	0	0	0	0
Total Net Discretionary Funding	**5,083,567**	**4,132,328**	**5,171,423**	**5,120,010**	**5,017,731**
Fees, Mandatory Spending, and Trust Funds	486,914	609,464	609,464	609,464	609,464
Total Budgetary Resources	***8,400,481***	***8,241,792***	***8,720,887***	***8,669,474***	***8,567,195***
U.S. Coast Guard					
Operations and Support	8,181,253	8,377,740	8,560,267	8,392,204	8,485,146
Overseas Contingency Operations (OCO) Adjustment—included in Operations and Support	*190,000*	*0*	*215,000*	*0*	*0*
Procurement, Construction, and Improvements	1,772,506	1,637,091	2,158,791	2,011,441	2,264,041
Research and Development	4,949	5,276	8,276	9,476	10,276
Health Care Fund Contribution (Permanent Indefinite Discretionary)	205,107	215,787	215,787	215,787	215,787
Coast Guard Housing Fund (administrative provision)	0	0	4,000	4,000	4,000
Total Annual Discretionary Appropriations (does not include OCO or transfers)	10,163,815	10,235,894	10,943,121	10,628,908	10,975,250
Offsetting Collections (administrative provision)	0	4,000	4,000	4,000	4,000
Total Net Discretionary Appropriations	10,163,815	10,231,894	10,939,121	10,624,908	10,971,250
FY2020 Supplemental Appropriations					

Component/ Appropriation	FY2020 Enacted	FY2021 Request	FY2021 House Committee-Reported H.R. 7669	FY2021 Senate Appropriations Committee Majority Draft	FY2021 Enacted P.L. 116-260, Division F
Operations and Support (emergency, P.L. 116-136)	140,800	0	0	0	0
Total Discretionary Funding (includes emergency and OCO)	**10,304,615**	**10,235,894**	**10,943,121**	**10,628,908**	**10,975,250**
Fees, Mandatory Spending, and Trust Funds	1,802,309	1,869,704	1,869,704	1,869,704	1,869,704
Total Budgetary Resources	***12,106,924***	***12,105,598***	***12,812,825***	***12,498,612***	***12,844,954***
U.S. Secret Service					
Operations and Support	2,336,401	[2,310,296][c]	2,368,553	2,305,452	2,373,109
Procurement, Construction, and Improvements	66,989	[38,305][c]	52,306	52,955	52,955
Research and Development	12,455	[11,937][c]	11,937	11,937	11,937
Total Discretionary Appropriations	2,415,845	[2,360,538][c]	2,432,796	2,370,344	2,438,001
Total Discretionary Funding	**2,415,845**	[2,360,538][c]	**2,432,796**	**2,370,344**	**2,438,001**
Total Budgetary Resources	***2,415,845***	[2,360,538][c]	***2,432,796***	***2,370,344***	***2,438,001***
Total Net Discretionary Appropriations: Title II	40,559,165	39,854,077	40,361,373	41,889,030	41,443,068
Total Net Discretionary Funding: Title II Components (All Sources)	**40,799,965**	**39,854,077**	**40,341,373**	**41,889,030**	**42,263,068**
Projected Total Gross Budgetary Resources: Title II Components	***48,734,419***	***48,970,187***	***48,796,996***	***50,445,140***	***51,546,691***

Source: CRS analysis of P.L. 116-93, Division D and its explanatory statement as included in H.Comm.Prt. 38-678; P.L. 116-136; H.R. 7669; H.Rept. 116-458; the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on November 11, 2020; and P.L. 116-260 and its explanatory statement as included in H.Comm.Prt. 43-479.

Notes: Appropriation subtotal lines are shaded; numbers in *italics* do not contribute separately to appropriation subtotals; numbers in **bold** represent appropriations plus transfers, 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. Section 534 of H.R. 7669 and Section 538 of P.L. 116-260, Division F include a transfer of prior year appropriations from CBP to the Office of Countering Weapons of Mass Destruction for development of a department-wide system of electronic health records. This move is only reflected in total budgetary resources.

b. As a Change in Mandatory Programs, this element is only reflected in *Total Budgetary Resources*.

c. For FY2021, the Trump Administration proposed transferring the U.S. Secret Service to the U.S. Department of the Treasury. Therefore these numbers are presented for comparison only, and are not included in the request totals.

Incident Response and Recovery Operational Components

Funding for operational components focused on incident response and recovery is generally found in Title III of the annual 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): CISA, formerly known as the National Protection and Programs Directorate (NPPD), promotes information sharing to build resilience and mitigate risk from cyber and physical threats to infrastructure, and leads cross-government cybersecurity initiatives.[21]

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, prevention, protection, response, recovery, and mitigation.[22]

Table 3 includes a breakdown of budgetary resources for these components controlled through appropriations legislation. As some FY2021 annually appropriated resources were provided for FEMA from outside Title III, by transfer and by appropriation, a separate line is included for FEMA showing a total of Title III funding, non-Title III funding, and the total annual appropriation for FEMA. The table only reflects the impact of transfers in the discretionary funding and budgetary resource totals.

[21] Ibid., p. 45.

[22] Ibid., p. 51.

Table 3. Budgetary Resources for Incident Response and Recovery Operational Components, FY2020 and FY2021

(budget authority in thousands of dollars)

Component / Appropriation	FY2020	FY2021			
	Enacted	Request	House Committee-Reported H.R. 7669	Senate Appropriations Committee Majority Draft	Enacted P.L. 116-260, Divisions F & M
National Protection and Programs Directorate					
Operations and Support	1,566,229	1,437,888	1,843,891	1,656,366	1,662,066
Procurement, Construction, and Improvements	434,962	313,479	396,425	356,025	353,479
Research and Development	14,431	6,431	14,431	16,431	9,431
Total Discretionary Appropriations	2,015,622	1,757,798	2,254,747	2,028,822	2,024,976
Total Discretionary Funding	**2,015,622**	**1,757,798**	**2,254,747**	**2,028,822**	**2,024,976**
Mandatory Spending (P.L. 117-2)	0	0	0	0	650,000
Total Budgetary Resources	***2,015,622***	***1,757,798***	***2,254,747***	***2,028,822***	***2,674,976***
Federal Emergency Management Agency					
Operations and Support	1,102,199	1,134,195	1,155,750	1,122,683	1,129,282
Procurement, Construction, and Improvements	133,363	86,503	122,353	108,103	105,985
Federal Assistance	3,178,467	2,482,552	3,662,369	3,193,892	3,294,892
Disaster Relief Fund (DRF)[a]	17,863,259	5,653,366	5,653,366	17,735,417	17,142,000
Disaster relief designation	*17,352,112*	*5,059,949*	*5,059,949*	*17,142,000*	*17,142,000*
DRF base funding	511,147	593,417	593,417	593,417	0
National Flood Insurance Fund (NFIF)	206,782	204,412	204,412	204,412	204,412
Radiological Emergency Preparedness Program (REPP) (Administrative Provisions)	32,630	33,360	33,360	34,000	34,000
Title III Discretionary Appropriations (does not include transfers, emergency or disaster relief-designated funding)	5,164,588	4,534,439	5,771,661	5,256,507	4,768,571

Component / Appropriation	FY2020 Enacted	FY2021 Request	FY2021 House Committee-Reported H.R. 7669	FY2021 Senate Appropriations Committee Majority Draft	FY2021 Enacted P.L. 116-260, Divisions F & M
Transfer from OSEM (Title I)	*10,000*	*0*	*0*	*10,000*	*25,000*
Presidential Residence Protection (Title V)	41,000	0	41,000	0	12,700
Total Annual Discretionary Appropriations	5,205,588	4,534,439	5,812,661	5,256,507	4,781,271
Rescission from DRF	300,000	0	0	0	0
Offsetting Collections (NFIF and REPP)	240,412	237,772	237,772	238,412	238,412
Total Annual Net Discretionary Appropriations	4,665,176	4,296,667	5,574,889	5,018,095	4,542,859
FY2020 Supplemental Appropriations					
Federal Assistance (emergency, P.L. 116-136)	400,000	0	0	0	0
Disaster Relief Fund, Base (emergency, P.L. 116-136)	5,000,000	0	0	0	0
Disaster Relief Fund, Major Disasters (emergency, P.L. 116-136)	40,000,000	0	0	0	0
Disaster Relief Fund (transfer to OIG) (emergency, P.L. 116-136)	-3,000	0	0	0	0
FY2021 Supplemental Appropriations					
Disaster Relief Fund, Major Disasters (emergency, P.L. 116-260, Div. M)	0	0	0	0	2,000,000
Total Discretionary Funding (includes emergency and disaster relief-designated funding)	67,964,700	9,594,388	10,872,610	22,408,507	23,948,271
Mandatory Funding (P.L. 117-2)	0	0	0	0	50,910,000
Total Budgetary Resources	***68,205,112***	***9,832,160***	***11,110,382***	***22,646,919***	***75,096,683***
Total Net Discretionary Appropriations: Title III Components	6,680,798	6,054,465	7,829,636	7,046,917	6,567,835
Total Discretionary Funding: Title III Components (All Sources)	**69,980,322**	**11,352,186**	**13,127,357**	**24,437,329**	**25,973,247**
Mandatory Spending (P.L. 117-2)	**0**	**0**	**0**	**0**	**51,560,000**
Projected Total Gross Budgetary Resources: Title III Components	**70,220,734**	**11,589,958**	**13,365,129**	**24,675,741**	**77,771,659**

Source: CRS analysis of P.L. 116-93, Division D and its explanatory statement as included in H.Comm.Prt. 38-678; P.L. 116-136; H.R. 7669; H.Rept. 116-458; the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on November 11, 2020; and P.L. 116-260 and its explanatory statement as included in H.Comm.Prt. 43-479.

Notes: Appropriation subtotal lines are shaded; numbers in *italics* do not contribute separately to appropriation subtotals; numbers in **bold** represent appropriations plus transfers, 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. "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.

Support Components

Funding for support components is generally found in Title IV of the annual 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.[23]

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.[24]

Science and Technology Directorate (S&T): S&T leads and coordinates research, development, testing, and evaluation work for DHS, and supports departmental acquisitions.[25]

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.[26]

Table 4 includes a breakdown of budgetary resources provided to these components controlled through appropriations legislation.

[23] Ibid., p. 57.

[24] Ibid., p. 61.

[25] Ibid., p. 65.

[26] Ibid., p. 70.

Table 4. Budgetary Resources for Support Components, FY2020 and FY2021

(budget authority in thousands of dollars)

Component/ Appropriation	FY2020	FY2021			
	Enacted	Request	House Committee-Reported H.R. 7669	Senate Appropriations Committee Majority Draft	Enacted P.L. 116-260, Division F
U.S. Citizenship and Immigration Services					
Operations and Support	122,395	118,676	163,949	118,676	117,790
Federal Assistance	10,000	0	20,000	0	10,000
Pingree H-2B Returning Worker amendment (Administrative Provision)	0	0	7,000	0	0
Newhouse H-2A Eligibility Expansion amendment (Administrative Provision)	0	0	1,000	0	0
Unused Visa Rollover (Administrative Provision)	0	0	5,000	0	0
Total Annual Discretionary Appropriations	132,395	118,676	183,949	118,676	127,790
Total Discretionary Funding	**132,395**	**118,676**	**183,949**	**118,676**	**127,790**
Fees, Mandatory Spending, and Trust Funds	4,718,824	4,931,873	4,885,915	4,931,873	4,931,873
Total Budgetary Resources	***4,851,219***	***5,050,549***	***5,082,864***	***5,050,549***	***5,059,663***
Federal Law Enforcement Training Center					
Operations and Support	292,997	305,479	317,945	304,423	314,348
Procurement, Construction, and Improvements	58,173	26,000	26,000	26,000	26,000
Total Annual Discretionary Appropriations	351,170	331,479	343,945	330,423	340,348
Total Discretionary Funding	**351,170**	**331,479**	**343,945**	**330,423**	**340,348**
Total Budgetary Resources	***351,170***	***331,479***	***343,945***	***330,423***	***340,348***
Science and Technology					
Operations and Support	314,864	284,789	303,162	304,900	302,703

Component/ Appropriation	FY2020 Enacted	FY2021 Request	FY2021 House Committee-Reported H.R. 7669	FY2021 Senate Appropriations Committee Majority Draft	FY2021 Enacted P.L. 116-260, Division F
Procurement, Construction, and Improvements	0	18,927	18,927	18,927	18,927
Research and Development	422,411	340,013	433,222	439,917	443,928
Total Discretionary Appropriations	737,275	643,729	755,311	763,744	765,558
Total Discretionary Funding	**737,275**	**643,729**	**755,311**	**763,744**	**765,558**
Total Budgetary Resources	***737,275***	***643,729***	***755,311***	***763,744***	***765,558***
Office of Countering Weapons of Mass Destruction					
Operations and Support	179,467	172,875	179,977	172,292	179,892
Procurement, Construction, and Improvements	118,988	87,413	87,413	87,413	87,413
Research and Development	69,181	58,209	58,209	58,209	65,309
Federal Assistance	64,663	58,663	69,663	69,663	69,663
Total Discretionary Appropriations	432,299	377,160	395,262	387,577	402,277
Total Discretionary Funding	**432,299**	**377,160**	**415,262**[a]	**387,577**	**422,277**[a]
Total Budgetary Resources	***432,299***	***377,160***	***415,262***[a]	***387,577***	***422,277***[a]
Total Net Discretionary Appropriations: Title IV	1,653,139	1,471,044	1,678,467	1,600,420	1,635,973
Total Discretionary Funding: Title IV Components (All Sources)	**1,653,139**	**1,471,044**	**1,711,467**	**1,600,420**	**1,655,973**
Projected Total Gross Budgetary Resources for Title IV Components	***6,371,963***	***6,402,917***	***6,597,382***	***6,532,293***	***6,587,846***

Source: CRS analysis of P.L. 116-93, Division D and its explanatory statement as included in H.Comm.Prt. 38-678; P.L. 116-136; H.R. 7669; H.Rept. 116-458; the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on November 11, 2020; and P.L. 116-260 and its explanatory statement as included in H.Comm.Prt. 43-479.

Notes: Appropriation subtotal lines are shaded; numbers in *italics* do not contribute separately to appropriation subtotals; numbers in **bold** represent appropriations plus transfers, 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. Section 534 of H.R. 7669 and Section 538 of P.L. 116-260, Division F include a transfer of prior year appropriations from CBP to the Office of Countering Weapons of Mass Destruction for development of a department-wide system of electronic health records. This move is only reflected in total budgetary resources.

Headquarters Components

Funding for headquarters components is traditionally found in Title I of the annual 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.[27]

Departmental Management Directorate (DM): DM provides DHS-wide mission support services.[28]

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

- 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.[29]

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.[30]

Table 5 provides a breakdown of the budgetary resources provided to these components controlled through appropriations legislation. Since resources were requested or provided for the Departmental 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. The table only reflects the impact of transfers in the discretionary funding and budgetary resource totals.

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

[28] 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).

[29] *Budget-In-Brief*, p. 13.

[30] *Budget-In-Brief*, p. 16.

Table 5. Budgetary Resources for Headquarters Components, FY2020 and FY2021

(budget authority in thousands of dollars)

Component/ Appropriation	FY2020	FY2021			
	Enacted	Request	House Committee-Reported H.R. 7669	Senate Appropriations Committee Majority Draft	Enacted P.L. 116-260, Division F
Office of the Secretary and Executive Management					
Operations and Support	168,808	150,359	151,868	162,319	180,819
Federal Assistance	10,000	0	0	10,000	25,000
Transfer to FEMA (Title III)	*10,000*	*0*	*0*	*10,000*	*25,000*
Total Discretionary Appropriations	178,808	150,359	151,868	172,319	205,819
Total Discretionary Funding	**168,808**	**150,359**	**151,868**	**162,319**	**180,819**
Total Budgetary Resources	***168,808***	***150,359***	***151,868***	***162,319***	***180,819***
Management Directorate					
Operations and Support	1,182,142	1,402,196	1,401,757	1,396,244	1,398,162
Procurement, Construction, and Improvements	381,298	359,450	359,450	60,095	214,795
Federal Protective Service	1,559,930	1,588,748	1,588,748	1,588,748	1,588,748
Total Annual Discretionary Appropriations	3,123,370	3,350,394	3,349,955	3,045,087	3,201,705
Offsetting Collections (Federal Protective Service)	1,559,930	1,588,748	1,588,748	1,588,748	1,588,748
Total Net Discretionary Appropriations	1,563,440	1,761,646	1,761,207	1,456,339	1,612,957
FY2020 Supplemental Appropriations					
Operations and Support (emergency)	178,300	0	0	0	0
Total Net Discretionary Funding	**1,741,740**	**1,761,646**	**1,761,207**	**1,456,339**	**1,612,957**
Total Budgetary Resources	***1,741,740***	***1,761,646***	***1,761,207***	***1,456,339***	***1,612,957***

Component/ Appropriation	FY2020 Enacted	FY2021 Request	House Committee-Reported H.R. 7669	Senate Appropriations Committee Majority Draft	Enacted P.L. 116-260, Division F
Intelligence, Analysis and Operations Coordination					
Operations and Support	284,141	312,638	311,263	300,232	298,500
Total Discretionary Appropriations	284,141	312,638	311,263	300,232	298,500
Total Discretionary Funding	**284,141**	**312,638**	**311,263**	**300,232**	**298,500**
Total Budgetary Resources	***284,141***	***312,638***	***311,263***	***300,232***	***298,500***
Office of the Inspector General					
Operations and Support	190,186	177,779	190,186	192,000	190,186
Total Discretionary Appropriations	190,186	177,779	190,186	192,000	190,186
FY2020 Supplemental Appropriations					
Operations and Support (by transfer)(emergency)	*3,000*	*0*	*0*	*0*	*0*
Total Discretionary Funding (all sources)	**193,186**	**177,779**	**190,186**	**192,000**	**190,186**
Total Budgetary Resources	***193,186***	***177,779***	***190,186***	***192,000***	***190,186***
Total Net Discretionary Appropriations: Title I	2,216,575	2,402,422	2,414,524	2,120,890	2,307,462
Total Net Discretionary Funding (all sources)	**2,387,875**	**2,402,422**	**2,414,524**	**2,110,890**	**2,282,462**
Projected Total Gross Budgetary Resources: Title I Components	***2,387,875***	***2,402,422***	***2,414,524***	***2,110,890***	***2,282,462***

Source: CRS analysis of P.L. 116-93, Division D and its explanatory statement as included in H.Comm.Prt. 38-678; P.L. 116-136; H.R. 7669; H.Rept. 116-458; the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on November 11, 2020; and P.L. 116-260 and its explanatory statement as included in H.Comm.Prt. 43-479.

General Provisions

As noted earlier, the fifth title of the annual DHS appropriations act contains general provisions (GPs), 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 FY2020 DHS appropriations act included 40 such general provisions, including one provision providing additional appropriations and four providing rescissions. The FY2021 DHS appropriations act has a total of 42 general provisions, two with additional appropriations and two with rescissions. Five general provisions were substantively modified from their prior-year form, and four new ones were included. These FY2021 provisions are listed below:

Modified Provisions

- **Section 507**—This modified provision raises the threshold for DHS reporting to the appropriations committees on contract awards, other transaction agreements, or task or delivery orders from $1 million to $4 million.
- **Section 530**—This modified provision provides $12.7 million for law enforcement support for the U.S. Secret Service, down from $41 million in FY2020.
- **Section 534**—This modified provision broadens a previous prohibition on the destruction of documents, recordings, or records pertaining to a potential sexual assault or abuse perpetrated against someone in DHS custody to include those pertaining to deaths in custody and allegations against detainees.
- **Section 539**—This modified provision rescinds certain prior-year appropriations.
- **Section 540**—This modified provision rescinds certain prior-year Operations and Support appropriations made for several components that were extended by Section 505 of the FY2020 DHS appropriations act.

New Provisions

- **Section 537**—This new provision requires DHS to report on departmental priorities not funded in the coming budget request that are classified as defense spending.[31]
- **Section 538**—This new provision transfers previously appropriated funds for a department-wide electronic health records system.
- **Section 541**—This new provision provides $840 million in emergency funding for CBP to make up for lost fee revenues.
- **Section 542**—This new provision requires notification of starting and ending protection for former or retired federal government officials.

[31] The $2.55 billion in defense budget authority in the FY2021 DHS Appropriations Act was 3.65% of the discretionary budget authority. Defense budget authority for the Cybersecurity and Infrastructure Security Agency made up 76.11% of that fraction.

Two provisions, one rescinding prior-year Disaster Relief Fund appropriations, and another rescinding emergency appropriations to essentially enable them to be reappropriated elsewhere in the bill were dropped.

For Further Information

For additional perspectives on FY2021 DHS appropriations, see the following:

- CRS Report R46305, *DHS Budget Request Analysis: FY2021*
- CRS Report R46630, *Comparing DHS Component Funding, FY2021: In Brief*
- CRS In Focus IF10720, *Calculation and Use of the Disaster Relief Allowable Adjustment*

Congressional clients also may wish to consult CRS's experts directly. **Table 6** lists CRS analysts and specialists who have expertise in policy areas linked to DHS appropriations.

Table 6. 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*
Federal Protective Service	Shawn Reese	CRS Report R43570, *Federal Building and Facility Security: Frequently Asked Questions*
Analysis and Operations	Lisa Sacco	
Office of the Inspector General	Ben Wilhelm	CRS Report R43814, *Federal Inspectors General: History, Characteristics, and Recent Congressional Actions*
U.S. Customs and Border Protection		
CBP Policy and Operations	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	Holly Straut-Eppsteiner	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	
Health Care	Bryce Mendez	

Component/Issue Area	Name	Background Report
Shipbuilding	Ronald O'Rourke	CRS Report R42567, *Coast Guard Cutter Procurement: Background and Issues for Congress*
Maritime Transportation	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; Frank Gottron	CRS Report R45809, *Critical Infrastructure: Emerging Trends and Policy Considerations for Congress*
Federal Emergency Management Agency		
Disaster Response and Recovery	Elizabeth Webster	CRS Report R41981, *Congressional Primer on Responding to and Recovering from 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	Erica A. Lee	CRS In Focus IF11529, *A Brief Overview of FEMA's Public Assistance Program*
Preparedness Grants	Shawn Reese	CRS Report R44669, *Department of Homeland Security Preparedness Grants: A Summary and Issues*
Firefighter Assistance Grants	Brian E. Humphreys	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*
Mitigation Programs and 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. Terminology

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[32] 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 (such as the Disaster Relief Fund) 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.[33] 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[34] 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

[32] 31 U.S.C. §§1341, 1342, 1344, 1511-1517.

[33] 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/reports-statements/combined-statement/current.html.

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

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

Offsetting Collections[35]

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 U.S. Secret Service and the U.S. Coast Guard retired pay accounts (pensions). Some entitlements are funded by permanent appropriations, and others are funded by annual appropriations. U.S. Secret Service retirement pay is a permanent appropriation and, as such, is not annually appropriated. In contrast, U.S. 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 D of P.L. 116-93, President Trump's request for FY2021, the House subcommittee allocations for the Homeland Security appropriations bill for FY2021, and Division F of P.L. 116-260. No Senate 302(b) allocations were approved by the Senate Appropriations committee for FY2021.

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

Table A-1. FY2020 and FY2021 302(b) Discretionary Allocations for DHS

(budget authority in billions of dollars)

FY2020 Annual Appropriation Comparable	FY2021 Request Comparable	FY2021 House Allocation	FY2021 Senate Allocation	FY2021 Enacted Comparable
$50.466	49.716	49.736	n/a	51,875

Sources: CRS analysis of H.Comm.Prt. 38-678 (for FY2020), H.Rept. 116-458 (for the request) and H.Rept. 116-454, *Revised Suballocation of Budget Allocations for Fiscal Year 2021* (for information on the request), and the explanatory statement as printed in Book II of the December 17, 2019, *Congressional Record*, pp. H11024-H11060.

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 (i.e., "disaster relief").

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,[36] amended those caps. Most of the budget for DHS is considered nondefense spending.[37]

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 under the Stafford Act, calculated by OMB at the time as $6.296 billion.[38] The act also extended the availability of unused adjustment capacity indefinitely, rather than having it only carry over for one year.

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

[37] 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.

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

In January 2021, OMB released a final sequestration preview report for FY2021 that provided an estimate of the allowable adjustment for FY2021 of $17.385 billion[39]—the third-largest allowable adjustment for disaster relief in the history of the mechanism.[40] That estimate is the sum of:

- the 10-year average, dropping the high and low years ($8.691 billion);
- 5% of the emergency-designated Stafford Act spending since 2012 ($8.694 billion); and
- carryover from the previous year (none).[41]

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[39] Executive Office of the President of the United States, *OMB Final Sequestration Report to the President and Congress for Fiscal Year 2021*, Washington, DC, January 19, 2021, p. 8, https://www.whitehouse.gov/wp-content/uploads/2021/01/sequestration_final_January_2021_speaker.pdf.

[40] Only the allowable adjustment for FY2015 and FY2020 were higher, at $18.430 billion and $17.503 billion, respectively.

[41] Ibid.