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Department of Homeland Security Appropriations: FY2022

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SUMMARY

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March 24, 2022

William L. Painter
Specialist in Homeland Security and Appropriations

Department of Homeland Security Appropriations: FY2022

On May 28, 2021, the Joseph R. Biden Administration released its annual budget request for FY2022, including a $90.80 billion budget request for the Department of Homeland Security (DHS). The request included $53.99 billion in adjusted net discretionary appropriations and $18.80 billion in disaster relief-designated funds. This was $1.11 billion more than was enacted for DHS in FY2021, although those FY2021 annual appropriations also included $840 million in emergency funding to cover U.S. Customs and Border Protection (CBP) fee shortfalls not included in the total.

On June 30, 2021, the House Committee on Appropriations marked up H.R. 4431, its version of the Department of Homeland Security Appropriations Act, 2022. H.Rept. 117-87 was filed on July 15, 2021. Committee-reported H.R. 4431 included $52.80 billion in adjusted net discretionary budget authority. This was $183 million below the level requested by the Administration and $928 million above the FY2021 enacted level.

H.R. 4431 was not brought to the House floor before the end of FY2021—one of two annual appropriations measures for FY2022 to be reported by the House Appropriations Committee that did not get floor consideration. As no annual appropriations for FY2022 had been signed into law before the end of FY2021, a continuing resolution was enacted (P.L. 117-43), temporarily extending funding for the federal government at the FY2021 rate for operations through December 3, 2021, including most DHS components and programs. This continuing resolution would ultimately be extended three times to fund continued government operations through March 15, 2022.

On October 18, 2021, Senate Appropriations Committee Chairman Senator Patrick Leahy released drafts of nine appropriations measures that had yet to be marked up by the committee, along with draft explanatory statements for each. Vice Chairman Senator Richard Shelby criticized the move as partisan and unilateral, and indicated he would not support the bills, and that an agreement on overall spending levels was needed to produce bills he would support. A week later, a bill identical to the draft was introduced by Senate Appropriations Committee Subcommittee on the Department of Homeland Security Chairman Senator Christopher Murphy. The Senate Appropriations Committee majority draft bill for DHS for FY2022 included $52.92 billion in adjusted net discretionary budget authority. This was $70 million below the level requested by the Administration, and $1.04 billion above the enacted annual level for FY2021.

Supplemental appropriations were provided three times for DHS before its annual appropriations were resolved. Divisions B and C of P.L. 117-43 included $50 million for the Federal Emergency Management Agency and $193 million for U.S. Citizenship and Immigration Services, respectively. Division B of P.L. 117-70 provided $147.5 million for the DHS Office of the Secretary and Executive Management for DHS component expenses related to Operation Allies Welcome. In addition, Division J of P.L. 117-58, which was enacted on November 15, 2021, included a range of supplemental appropriations, including a total of $7.96 billion for DHS, $3.08 billion of which would be available in FY2022.

On March 9, 2022, the House took up a consolidated appropriations measure as an amendment to H.R. 2471 (an unrelated bill). After dividing the question, presenting the measure for approval in two multi-division segments, the House passed the portion with Division F, the Department of Homeland Security Appropriations Act, 2022 by a vote of 361-69. The Senate agreed to the House amendment the next day by a vote of 68-31, and President Biden signed the measure into law on March 15, 2022, as P.L. 117-103. According to the Congressional Budget Office, Division F included $57.50 billion in adjusted net discretionary budget authority. This was $5.03 billion above the level requested by the Administration, and $5.62 billion above the enacted level for FY2021.

This report provides an overview and analysis of FY2022 appropriations for the DHS. The primary focus of the 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.

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Introduction

This report describes and analyzes the FY2022 annual appropriations for the Department of Homeland Security (DHS). It compares the enacted FY2021 appropriations for DHS, the Joseph R. Biden Jr. Administration's FY2022 budget request, and the appropriations measures developed by Congress in response. It also includes information on supplemental appropriations for both FY2021 and FY2022. The 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 multiple specialized budgetary concepts. **Appendix A** 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 allocations. 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]

Table 1. Appropriations Legislation Referenced in this Report

Fiscal Year / Type	Bill Number (Report Number)	Latest Action	Votes on Passage	Notes
FY2021				
Annual	H.R. 133, Div. F (House Committee Print 43-749)	Enacted as P.L. 116-260, 12/27/2020	House Roll Call 250, 327-85; Senate Roll Call Vote 289, 92-6	Part of a year-ending consolidated appropriations measure.
Supplemental	H.R. 133, Div. M	Enacted as P.L. 116-260, 12/27/2020	House Roll Call 250, 327-85; Senate Roll Call Vote 289, 92-6	Part of a year-ending consolidated appropriations measure.
Supplemental	H.R. 1319	Enacted as P.L. 117-2, 3/11/2021	Senate Roll Call Vote 110, 50-49; House Roll Call 72, 220-211	Drafted as mandatory spending rather than discretionary appropriations.
FY2022				
Annual (House)	H.R. 4431 (H.Rept. 117-87)	Report filed	n/a (reported out of full committee 33-24)	No floor action.

[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.

Fiscal Year / Type	Bill Number (Report Number)	Latest Action	Votes on Passage	Notes
Annual (Senate)	Committee majority draft / S. 3058	Bill introduced by subcommittee chair[a]	n/a	No subcommittee action.
Annual	H.R. 2471, Div. F (Explanatory Statement, 3/9/2022 Congressional Record (Part III))	Enacted as P.L. 117-103, 3/15/2022	House Roll Call 65, 361-69; Senate Roll Call Vote 78, 68-31	Part of a year-ending consolidated appropriations measure.
Supplemental	H.R. 5305, Div. B and Div. C	Enacted as P.L. 117-43, 9/30/2021	House Roll Call 311, 254-175; Senate Roll Call Vote 397, 65-35	Consolidated appropriations measure with an interim CR.
Supplemental	H.R. 3684, Div. J	Enacted as P.L. 117-58, 11/15/2021	Senate Roll Call Vote 314, 69-30; House Roll Call Vote 369, 228-206	Supplemental appropriations measure attached to infrastructure bill.
Supplemental	H.R. 6119, Div. B	Enacted as P.L. 117-70, 12/3/2021	House Roll Call Vote 399, 221-212; Senate Roll Call Vote, 69-28	Consolidated appropriations measure with an interim CR.
Continuing Resolution	H.R. 5305, Div. A	Enacted as P.L. 117-43, 9/30/2021	House Roll Call 311, 254-175; Senate Roll Call Vote 397, 65-35	CR at the FY2021 rate for operations, expiring 12/3/2021.
Continuing Resolution	H.R. 6119, Div. A	Enacted as P.L. 117-70, 12/3/2021	House Roll Call Vote 399, 221-212; Senate Roll Call Vote, 69-28	Extends previous CR through 2/18/2022.
Continuing Resolution	H.R. 6617	Enacted as P.L. 117-86, 2/18/2022	House Roll Call Vote 39, 272-162; Senate Roll Call Vote 64, 65-27	Extends previous CR through 3/11/2022.
Continuing Resolution	H.J.Res. 75	Enacted as P.L. 117-95, 3/11/2022	House (vv); Senate (vv)	Extends previous CR through 3/15/2022.

Source: CRS Appropriations Status Table.

Notes: CR = continuing resolution; (vv) = voice vote.

a. For FY2022, in the absence of a House-passed measure and with markups unscheduled, the Senate Appropriations Committee chairman released a draft DHS appropriations measure, and the subcommittee chairman introduced a measure identical to the draft a week later. This was atypical—Senate appropriations measures are traditionally marked up as substitute amendments to the House-passed measure.

Legislative Action on FY2022 DHS Appropriations

This section provides an overview of the legislative process for appropriations for DHS for FY2022—from the Administration's initial request, through enactment of continuing and supplemental appropriations, and ultimately the enactment of the Consolidated Appropriations Act 2022, which includes the Department of Homeland Security Appropriations Act, 2022 as Division F.

Annual Appropriations

Biden Administration FY2022 Request

On May 28, 2021, the Biden Administration released its annual budget request for FY2022, including a $90.80 billion budget request for DHS.[2] By the Congressional Budget Office's (CBO's) initial estimation, the request included $53.99 billion in adjusted net discretionary appropriations and $18.80 billion in disaster relief-designated funds.[3] This was $1.11 billion more than was enacted for DHS in FY2021, although those FY2021 annual appropriations also had included $840 million in emergency funding to cover U.S. Customs and Border Protection (CBP) fee shortfalls not included in the total.

FY2022 House Appropriations Committee Action

On June 30, 2021, the House Committee on Appropriations marked up H.R. 4431, its version of the Department of Homeland Security Appropriations Act, 2022. H.Rept. 117-87 was filed on July 15, 2021. Committee-reported H.R. 4431 included $52.80 billion in adjusted net discretionary budget authority. This was $183 million below the level requested by the Administration and $928 million above the FY2021 enacted level.

FY2022 Continuing Appropriations

H.R. 4431 was not brought to the House floor before the end of FY2021—one of two annual appropriations measures for FY2022 to be reported by the committee that did not get floor consideration. As no annual appropriations for FY2022 had been signed into law before the end of FY2021, a continuing resolution (CR) was enacted (P.L. 117-43), temporarily extending funding for the federal government at the FY2021 rate for operations through December 3, 2021, including most DHS components and programs.[4] Division B included $50 million in supplemental appropriations for the Federal Emergency Management Agency (FEMA), and Division C included $193 million in supplemental appropriations for the U.S. Citizenship and Immigration Services (USCIS).[5]

The CR was extended through February 18, 2022, by P.L. 117-70, which passed both chambers on December 2, 2021, and was signed into law on December 3. Division B included various supplemental appropriations, including $147 million for DHS for costs associated with Operation Allies Welcome, the resettlement of Afghan evacuees. The CR would be extended twice more, through March 15, 2022, but without further associated supplemental appropriations.

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[2] On April 9, 2021, the Biden Administration had released a "discretionary funding request" for the federal government, an initial discussion of some of its priorities for the FY2022 budget year. The document did not include complete details or information on revenues or mandatory spending that are included in the administration's full request.

[3] This total evolved over the course of the process, owing in part to the changes in unobligated balances available for rescission. Analyses in the report refer to the Congressional Budget Office's (CBO's) estimates as outlined in the detail table at the end of H.Rept. 117-87.

[4] For further information on the FY2021 continuing resolutions, see CRS Report R46953, *Overview of Continuing Appropriations for FY2022 (P.L. 117-43)*.

[5] $344 million in additional emergency spending was charged to the Department of Homeland Security (DHS) subcommittee by CBO as a result of policy changes directed by §2502, Division C of P.L. 117-42, but this was for immigration-related activities at other agencies.

FY2022 Senate Appropriations Committee Action

On October 18, 2021, Senate Appropriations Committee Chairman Senator Patrick Leahy released drafts of nine appropriations measures that had yet to be marked up by the committee, along with draft explanatory statements for each.[6] Vice Chairman[7] Senator Richard Shelby criticized the move as partisan and unilateral, and indicated he would not support the bills, and that an agreement on overall spending levels was needed to produce bills that he would support.[8] A week later, S. 3058, an identical bill, was introduced by Senate Appropriations Committee Subcommittee on the Department of Homeland Security Chairman Senator Christopher Murphy.[9] The Senate Appropriations majority draft bill for DHS for FY2022 included $52.92 billion in adjusted net discretionary budget authority. This was $70 million below the level requested by the Administration, and $1.04 billion above the enacted annual level for FY2021.

FY2022 Consolidated Appropriations

On March 9, 2022, the House took up a consolidated appropriations measure as an amendment to H.R. 2471 (an unrelated bill). After dividing the question, presenting the measure for approval in two multi-division segments, the House passed the portion with Division F, the Department of Homeland Security Appropriations Act, 2022 by a vote of 361-69. The House proceeded to approve the remainder of the question, then sent the complete measure to the Senate. The Senate agreed to the House amendment the next day by a vote of 68-31. President Biden signed the measure into law on March 15, 2022, as P.L. 117-103. According to the Congressional Budget Office, Division F included $57.50 billion in adjusted net discretionary budget authority. This was $5.03 billion above the level requested by the Administration, and $5.62 billion above the enacted level for FY2021. While there were multiple other divisions in P.L. 117-103, including supplemental appropriations and extensions of certain DHS-related authorities in Division O, there were no additional appropriations provided for DHS in other divisions.

Other FY2022 DHS Supplemental Appropriations

Aside from the supplemental appropriations noted above, on August 1, 2021, S.Amdt. 2137 was introduced in the Senate. This measure was a substitute for H.R. 3684, a House-passed infrastructure measure. The amendment, which was adopted by a vote of 68-28 on August 8, had been developed as a compromise infrastructure package that could pass the Senate. The amended bill passed the Senate by a vote of 68-30 on August 10, 2021, passed the House 228-206 on November 5, and was signed into law as P.L. 117-58 on November 15. Division J of P.L. 117-58 included a number of supplemental appropriations, including a total of $7.96 billion for DHS, $3.08 billion of which would be available in FY2022. The remaining advance appropriations will become available over the period of FY2023-FY2026.[10]

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[6] The draft bills and explanatory statements can be found on the Senate Appropriations Committee website at https://www.appropriations.senate.gov/news/majority/chairman-leahy-releases-remaining-nine-senate-appropriations-bills.

[7] The leader of the minority party on the Senate Appropriations Committee.

[8] U.S. Senate Committee on Appropriations, "Shelby: Democrats' Partisan Bills Threaten FY22 Appropriations Process," press release, October 18, 2021, https://www.appropriations.senate.gov/news/shelby-democrats-partisan-bills-threaten-fy22-appropriations-process.

[9] For ease of citation, this is the version of the bill text referred to in discussion of the legislative language of the bills.

[10] For more information on advance appropriations, see CRS Report R43482, *Advance Appropriations, Forward Funding, and Advance Funding: Concepts, Practice, and Budget Process Considerations*.

Additional supplemental funding for DHS is still pending before Congress. H.R. 5376—a reconciliation package that passed the House 220-213 on November 19, 2021—included

- $400 million for the Cybersecurity and Infrastructure Security Agency (CISA) for several cybersecurity programs (§50001);
- $100 million for FEMA for cybersecurity grants (§50002);
- $100 million for FEMA for the Nonprofit Security Grant Program (§50003);
- $900 million for the DHS Management Directorate for environmental and sustainability programs (§50004);
- $100 million for FEMA for the Assistance to Firefighters Grant Program and its administrative expenses (§90005);
- $150 million for FEMA grants to support updating building codes (§110008);
- $650 million the Coast Guard for climate resilient facilities (§110011);
- $350 million for a new Great Lakes icebreaker (§110012); and
- $20.5 billion in debt cancellation for the National Flood Insurance Program (NFIP) and $600 million for an NFIP affordability program. (§40104).

It remains to be seen if this bill or its provisions will advance in the legislative process; this potential funding is not included in the analyses in this report.

Summary of DHS Appropriations

Generally, the homeland security appropriations bill includes all annual appropriations provided to DHS, and allocates resources to every departmental component.[11] In a typical year, discretionary appropriations[12] provide roughly two-thirds to three-fourths of the annual funding for DHS operations, depending on how one accounts for disaster relief funding.[13] The remainder of the budget is composed of a mixture of fee revenues, trust funds, and mandatory spending. FY2021 was not a typical budgetary year for DHS, due to the large amount of mandatory funding provided to DHS in the American Rescue Plan Act (ARPA; P.L. 117-2). The $52.21 billion provided in that bill was more than the adjusted net discretionary budget authority provided in the annual appropriations measure for that year.

Annual appropriations measures for DHS are usually 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.

[11] Although most appropriations are available for 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.

[12] Generally speaking, appropriations provided through annual legislation. For more detail, see **Appendix A**.

[13] These items, which qualify for special designation under the Budget Control Act, provide discretionary budget authority to the 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, in 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.

The DHS Common Appropriations Structure

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.

This changed when, after several years of work and negotiations with Congress, DHS implemented the Common Appropriations Structure (CAS) while operating under a CR in October 2016. The Administration made its first budget request under the CAS for FY2017.[15] Under the CAS, legacy appropriations structures were largely converted to a four-category structure:

1. **Operations and Support (O&S)**, which generally covers operating salaries and expenses;
2. **Procurement, Construction, and Improvements (PC&I)**, which funds planning, development, engineering, purchase, and deployment of assets to support component missions;
3. **Research and Development (R&D)**, which provides resources needed to identify, explore, and demonstrate new technologies and capabilities to support component missions; and
4. **Federal Assistance (FA)**, 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 a handful of components have Federal Assistance (FA) appropriations.

Even with the implementation of the CAS structure, some appropriations do not fit into 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. Such appropriations are made when the U.S. government has a statutory obligation to make these payments; otherwise, there is no statutory mechanism in place to provide these funds. Because the government is required to make these payments, the Retired Pay appropriation does not count against the discretionary allocation of the bill.

[15] 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.

- **FEMA's Disaster Relief Fund (DRF):** 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 a degree of 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 DHS annual appropriations act (P.L. 115-31), the provisos accompanying many appropriations included directions to the components or specific conditions on how the provided budget authority could be used. In the FY2017 act, most of these provisions were grouped at the ends of the titles under which their targeted components had been funded, and identified as "administrative provisions."[16] This practice has continued in subsequent years. These component-specific provisions are distinct from general provisions, which appear in Title V, and usually provide directions or conditions to more than one component. In some cases, general provisions may include additional appropriations.

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

Restructuring or reorganization of DHS can be driven by legislative or executive action. Just as Congress enacted legislation to establish DHS, it can also enact legislation to restructure it. In addition, Section 872 of the Homeland Security Act of 2002 (HSA; P.L. 107-296) provided broad reorganizational authority for the Secretary of DHS. However, a general provision has blocked the use of that authority for the most part since FY2007. This has meant that in order for the Administration to substantially restructure DHS operations, it either has to get legislation passed to authorize the change, or get Congress to provide an exception to the ban on its reorganization authority under Section 872.

Keeping these reorganizations and potential reorganization in mind is particularly important when comparing DHS funding across measures with different structural proposals or multiple fiscal years.

Statutory changes made by two laws can be seen in recent DHS appropriations actions, and the FY2022 Act included a specific exception to its restriction on Section 872 authority.

[16] 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.

Statutory Reorganization

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 Government Accountability Office (GAO) review.

The FY2019 enacted appropriations for DHS and the Administration's FY2020 budget request reflected 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 (P.L. 115-387) amended the HSA, 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 (CWMD). 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.

Executive Reorganization

As part of the FY2021 budget proposal, the Donald J. 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.

No such significant change proposals were included in the Biden Administration's FY2022 budget request. However, Section 513 of H.R. 4431, the restriction on the use of the Section 872 reorganization authority, provided a specific exception that opens the door to a particular reorganization. It allowed the authority to be used for establishing an office within the Office of the Secretary for departmental workforce health, safety, and medical functions and activities, consolidating those functions from the Countering Weapons of Mass Destruction Office and Under Secretary for Management. No such exception was included in the Senate Appropriations Committee majority draft legislation. Section 513 in the FY2022 Act mirrors the provision in H.R. 4431.

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 (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)**
  - 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
- Intelligence, Analysis, and Operations Coordination
- Office of Inspector General

Each group's and component's role is briefly described below, and their FY2021 enacted and FY2022 requested, proposed, and enacted appropriations are presented in associated tables arranged by grouped components, followed by a brief discussion of the associated administrative provisions.

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): According to its budget overview, 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."[17]

Immigration and Customs Enforcement (ICE): ICE "is the principal criminal investigative agency within DHS," and "focuses on immigration enforcement, preventing terrorism, and combating the illegal movement of people and goods."[18]

Transportation Security Administration (TSA): TSA provides security for the U.S. transportation system while working "to ensure the free and secure movement of people and commerce."[19]

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.[20]

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.[21]

Table 2 includes a breakdown of budgetary resources provided to these components controlled through appropriations legislation. Aside from transfers, italicized references to offsetting collections are for information only and do not contribute to the totals (see the text box below for an explanation).

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[17] Department of Homeland Security, *Budget-in-Brief, Fiscal Year 2022*, Washington, DC, https://www.dhs.gov/sites/default/files/publications/dhs_bib_-_web_version_-_final_508.pdf (hereinafter *Budget-in-Brief*), p. 23.

[18] *Budget-in-Brief*, p. 29.

[19] *Budget-in-Brief*, p. 36.

[20] *Budget-in-Brief*, p. 43.

[21] *Budget-in-Brief*, p. 50.

Potential for "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. Totals in the appropriations detail tables have, at times, presented information in differing formats as well. However, the detail tables presented over the course of the FY2022 appropriations cycle present totals in a consistent format. For information on the derivation of those totals, see "Detail Table Totals" in **Appendix A**.

In this report's budgetary resources tables, there are **annual discretionary appropriations** totals. These are gross totals, which include discretionary appropriations in the bills and permanent indefinite discretionary spending that score against discretionary budget limits, as well as appropriations that are designated as disaster relief and therefore do not "score." Separately reflected in the table are small discretionary scoring amounts for the effect of changes in mandatory programs (CHIMPS)—the cost of the first year of which adds to the discretionary total of the bill. The discretionary totals in this report do not reflect offsetting collections, which appear for information in the tables in italics (as do subdivisions of the Disaster Relief Fund, or DRF), nor do they include funding designated as an emergency requirement. Fee-funded programs that have appropriations in permanent law, trust funds, and mandatory spending that are reflected in the appropriations committee detail tables are listed below the annual discretionary appropriations total in a single line for the components that have such resources.

Below these elements associated with the annual appropriations measure, **supplemental appropriations** are listed separately for components that received such funds for FY2021 or FY2022. Some of the supplemental appropriations from P.L. 117-58, Division J, were advance appropriations, unavailable for use in FY2022. Those advance appropriations are not presented in this report's analyses, as they focus on those resources made available for FY2022.

This report factors total annual discretionary appropriations, the mandatory spending line, the effects of transfers between components, and emergency-designated and supplemental appropriations into a projected **budgetary resources** total. This total, not reflected directly in the appropriations committee-developed detail tables, summarizes the total resources available to each component.

Three lines at the end of the table summarize the annual discretionary appropriations, supplemental appropriations (discretionary and mandatory), and total projected budgetary resources listed in the table.

Notes: The totals in this table do not take into account the budgetary effects of offsetting collections, or rescissions of prior year budget authority. Factoring in these elements would generate a **net discretionary appropriations** total that does not speak as clearly to the resourcing of the component, but instead to the impact of the congressional actions in the bill on the general fund of the Treasury. Such analyses are available separately on request; they are not reflected here, to avoid "total" confusion.

Table 2. Budgetary Resources for Law Enforcement Operational Components, FY2021 and FY2022

(budget authority in thousands of dollars)

	FY2021	FY2022			
Component / Appropriation	**Enacted**	**Annual Budget Request**	**HAC-Reported H.R. 7669**	**SAC Majority Draft (S. 3058)[b]**	**Enacted**
CBP					
O&S	12,908,923	13,426,809	13,562,809	13,605,535	13,756,194
PC&I	1,839,634	925,780	333,780	717,398	572,083
CBP Services at User Fee Facilities (PID)	9,000	9,000	9,000	9,000	9,000
Global Entry Program (PID)	199,939	167,000	167,000	167,000	167,000
Border Patrol hiring (AP)	—	—	—	—	100,000
Colombia Free Trade Act collections (AP)	281,000	206,000	206,000	206,000	206,000
Reimbursable preclearance (AP)	39,000	39,000	39,000	39,000	39,000
Recording obligations related to real property agreements (AP)	—	50,000	—	—	—
Immigration and custom fee shortfall appropriation (emergency, Title V)	840,000	—	—	—	—
Immigration and custom fee shortfall appropriation (discretionary, Title V)	—	—	—	—	650,000
Border management requirements (discretionary, Title V)	—	—	—	—	993,792
Total Annual Discretionary Appropriations	**15,277,496**	**14,823,589**	**14,317,589**	**14,743,933**	**16,493,069**
Offsetting Collection (Global Entry and Preclearance)	*-238,939*	*-206,000*	*-206,000*	*-206,000*	*-206,000*
Fees, Mandatory Spending, and Trust Funds	2,408,906	1,601,034	1,601,034	1,601,034	1,601,034
Supplemental Appropriations					
O&S (emergency, P.L. 117-58, Div. J)	—	—	—	—	330,000
Procurement, Construction, and Improvements (emergency, P.L. 117-58, Div. J)	—	—	—	—	100,000
Total Budgetary Resources	**18,526,402**	**16,424,623**	**15,918,623**	**16,344,967**	**18,524,103**
ICE					
O&S	7,875,730	7,939,786	7,820,275	7,882,019	8,206,526
PC&I	97,799	51,700	51,700	51,700	51,700
FA	—	—	100,000	—	—

Component / Appropriation	FY2021 Enacted	FY2022 Annual Budget Request	FY2022 HAC-Reported H.R. 7669	FY2022 SAC Majority Draft (S. 3058)[b]	FY2022 Enacted
Transfer to FEMA	—	—	*100,000*	—	—
Non-detention border management requirements (Title V)	—	—	—	—	239,658
Total Annual Discretionary Appropriations	**7,973,529**	**7,991,486**	**7,971,975**	**7,933,719**	**8,497,884**
Fees, Mandatory Spending, and Trust Funds	376,610	379,610	379,610	379,610	379,610
Total Budgetary Resources	**8,350,139**	**8,371,096**	**8,351,585**	**8,313,329**	**8,877,494**
TSA					
O&S	7,793,715	8,094,787	8,072,443	8,094,787	8,091,193
Vetting Fee Programs	353,964	200,000	200,000	200,000	200,000
PC&I	134,492	134,492	156,836	134,492	160,736
R&D	29,524	35,532	35,532	35,532	35,532
Total Annual Discretionary Appropriations	**8,311,695**	**8,464,811**	**8,464,811**	**8,464,811**	**8,487,461**
Offsetting Collections (O&S and Vetting Fee Programs)	*-3,293,964*	*-2,310,000*	*-2,310,000*	*-2,310,000*	*-2,310,000*
Fees, Mandatory Spending, and Trust Funds	255,500	256,000	256,000	256,000	256,000
Total Budgetary Resources	**8,567,195**	**8,720,811**	**8,720,811**	**8,720,811**	**8,743,461**
USCG					
O&S	8,485,146	9,020,770	9,144,070	9,066,020	9,162,120
PC&I	2,264,041	1,639,100	1,817,100	1,711,600	2,030,100
R&D	10,276	7,476	7,476	7,476	7,476
Health Care Fund Contribution (PID)	215,787	240,577	240,577	240,577	240,577
Coast Guard Housing Fund (AP)	4,000	4,000	4,000	4,000	4,000
Coast Guard Museum (AP)	—	—	—	50,000	50,000
Total Annual Discretionary Appropriations	**10,979,250**	**10,911,923**	**11,213,223**	**11,079,673**	**11,494,273**
Offsetting Collections for USCG Housing (AP)	*-4,000*	*-4,000*	*-4,000*	*-4,000*	*-4,000*
Fees, Mandatory Spending, and Trust Funds	1,869,704	1,963,519	1,963,519	1,963,519	1,963,519
Supplemental Appropriations					
O&S (emergency, P.L. 117-58, Div. J)	—	—	—	—	5,000

Component / Appropriation	FY2021 Enacted	FY2022 Annual Budget Request	FY2022 HAC-Reported H.R. 7669	FY2022 SAC Majority Draft (S. 3058)[b]	FY2022 Enacted
PC&I (emergency, P.L. 117-58, Div. J)	—	—	—	—	429,000
Total Budgetary Resources	**12,848,954**	**12,875,442**	**13,176,742**	**13,043,192**	**13,891,792**
USSS					
O&S	2,373,109	2,514,758	2,518,658	2,520,528	2,554,729
PC&I	52,955	54,849	54,849	54,849	54,849
R&D	11,937	2,310	2,310	2,310	2,310
Total Discretionary Appropriations	**2,438,001**	**2,571,917**	**2,575,817**	**2,577,687**	**2,611,888**
Total Budgetary Resources	**2,438,001**	**2,571,917**	**2,575,817**	**2,577,687**	**2,611,888**
Title II Components Total Annual Appropriations	**44,979,971**	**44,763,726**	**44,543,415**	**44,799,823**	**47,584,575**
Title II Components Total Supplemental Appropriations	**—**	**—**	**—**	**—**	**864,000**
Title II Components Projected Total Gross Budgetary Resources	**50,730,691**	**48,963,889**	**48,743,578**	**48,999,986**	**52,648,738**

Sources: CRS analysis of P.L. 116-260, Divisions F and M and its explanatory statement; P.L. 117-103, Division F, and its explanatory statement; H.R. 4431 and H.Rept. 117-87; the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on October 18, 2021.

Notes: Data do not reflect the impact of rescissions or advance appropriations not available in a given fiscal year. "—" reflects a known zero value. HAC = House Appropriations Committee; SAC = Senate Appropriations Committee; CBP = U.S. Customs and Border Protection; ICE = U.S. Immigration and Customs Enforcement; TSA = Transportation Security Administration; USCG = U.S. Coast Guard; USSS = U.S. Secret Service. PID = Permanent Indefinite Discretionary spending item, scored against the bill but not included in its text; AP = Administrative Provision.

b. While this column is populated with data drawn from the explanatory statement accompanying the Senate Appropriations Committee majority draft, S. 3058 is identical to that draft and, unlike the draft, appears in Congress.gov and may be more convenient for readers to reference.

Title II Administrative Provisions

There were 35 administrative provisions included in Title II of the FY2021 DHS Appropriations Act.[22] The FY2022 Act included 36. The following subsections track changes from prior-year administrative provisions, starting with discussions of the Biden Administration's proposed changes to the administrative provisions, then those proposed in H.R. 4431 and S. 3058. The discussion is mostly grouped by component, but as some of the proposals involved both CBP and ICE, those two components are grouped together.

[22] Descriptions of these provisions can be found in House Committee Print 43-479, Book 1, March 1, 2021, pp. 1197-1199. Book I is available at https://www.congress.gov/117/cprt/HPRT43749/CPRT-117HPRT43749.pdf.

CBP and ICE

The Administration proposed dropping two provisions (209 and 210) that directed the spending of CBP's Procurement, Construction, and Improvements (PC&I) appropriation. Both FY2022 bills dropped those provisions, but Sec. 209 in the FY2022 Act divides the entire appropriation among four subappropriations—the FY2021 version had only directed a portion of the appropriation. Section 210, which provided for border barrier construction funding, was dropped.

The Biden Administration proposed a slight modification to the FY2021 Act's Section 208, which required an expenditure plan for current and prior CBP's Procurement, Construction, and Improvements appropriation before the funding could be obligated. The Administration proposed limiting the scope of the hold of obligations to the funding provided in the FY2022 act. H.R. 4431 dropped the entire withholding, while S. 3058 kept the withholding and included the proposed change. The FY2022 Act maintains the existing reporting requirement and the multi-year withholding.

The Administration also suggested adding four other administrative provisions, directed at CBP and ICE.

- One proposed provision required further review of possible payments by CBP under real property agreements by the Commissioner (or their designee) before being recorded as an obligation. Neither committee included the proposed provision regarding real property agreements in their bills, and the provision was not included in the FY2022 Act.
- Another proposed provision would have allowed CBP and ICE to reimburse third-parties from their "Operations and Support" appropriations for COVID-19 testing and shelter for persons deemed inadmissible. Both H.R. 4431 and S. 3058 included provisions regarding reimbursement for COVID-19 testing and shelter for inadmissible aliens. H.R. 4431's Section 210 included the provision as requested. S. 3058 took a different approach: Section 232 allowed unused CARES Act (P.L. 116-136) funding to be used for COVID-19 testing and shelter for the inadmissible, as well as for family reunification. (A new Section 235 in H.R. 4431 would also have funded family reunification efforts with unused CARES Act resources and unobligated immigration law enforcement budget authority.) None of these provisions were included in the FY2022 Act.
- A third proposed provision would have allowed deobligated CBP border barrier construction funds to be used for other purposes. H.R. 4431 included a new Section 211, which would have allowed $100 million in funds previously appropriated for border barrier construction to be used for mitigation activities related to border barrier construction on federal lands. Neither of these provisions were included in the FY 2022 Act.
- A final proposed administrative provision would have rescinded unobligated balances provided for border barrier construction. Both H.R. 4431 and S. 3058 included this rescission in Title V, among the general provisions—the standard treatment for rescissions in DHS appropriations measures. While a $10 million rescission was taken from CBP's FY2021 Procurement, Construction and Improvements appropriation in the FY2022 Act, this particular broad rescission—estimated by CBO at $1.9 billion—was not included.

These were not the only substantive changes to the Title II administrative provisions for CBP and ICE proposed in the two bills:

- H.R. 4431 dropped the former Section 212, which restricted the use of funds to reduce anticipated or planned vetting operations at existing National Targeting Center locations. S. 3058 continued to carry it, as did the FY2022 Act.[23]
- Both bills dropped the former Section 213 from the FY2021 Act, which provided broad authority to reprogram funding to ICE for detention costs for aliens prioritized for removal. The provision is included in the FY2022 Act as Section 216.
- Section 212 of H.R. 4431 included some additional limitations on the 287(g) program—which delegates certain immigration law enforcement authority to local law enforcement—restricting the use of funds for investigations or apprehensions, or continuing a delegation of authority to a community where certain elements of DHS determine the jurisdiction has violated the civil rights or liberties of an individual who was subsequently the subject of delegated immigration enforcement activity. Section 211 of S. 3058 would have continued the current law restriction of 287(g) delegations, barring their continuation in cases where the DHS Office of Inspector General (OIG) determines that the terms of the agreement have been materially violated. The FY2022 Act maintained the current law restriction in Section 214.
- Section 217 of the FY2021 act continued to carry forward the conditions of Sections 216 and 217 of the FY2020 Act (P.L. 116-93, Division D)—the former was a restriction on the detention or removal of sponsors or potential sponsors of an unaccompanied alien child based on information provided by the Department of Health and Human Services, which manages the placement process. Section 216 of H.R. 4431 would have taken a new approach, denying funding to detain or remove *any* individual based on information provided to facilitate the sponsorship of an unaccompanied alien child, or on information gathered in therapy sessions conducted while the child was in the care of the Office of Refugee Resettlement of the Department of Health and Human Services. S. 3058 included the extension of the provisions as previously drafted, as does Section 218 of the FY2022 Act.
- Sections 217 and 218 of H.R. 4431 would have directed DHS to take steps to ensure legal assistance for those in DHS custody or in immigration proceedings, and restrict the detention or removal on "any individual who has a demonstrated bona fide or prima facie eligibility for" certain authorities for immigration relief. S. 3058 did not include those provisions, nor did the FY2022 Act.
- Section 219 of H.R. 4431 and Section 234 of S. 3058 would have required DHS to develop risk classification assessment processes for those subject to detention under the Immigration and Naturalization Act. The Senate provision includes detailed direction and a six-month time frame to implement, while the House provision mirrors an interim requirement included in the larger Senate directive that requires the development and approval of the process within 30 days, that all detainees held more than 14 days go through the process, and that an "individualized, documented ... determination" on whether their detention should be continued be made within a week. Neither of these provisions was included in the FY2022 Act.

[23] P.L. 117-103, Div. J, Sec. 211.

- Section 220 of H.R. 4431 and Section 231 of S. 3058 would have restricted the use of funds for ICE's Homeland Security Investigations personnel to engage in civil immigration enforcement activities unless there is probable cause that the individual facing such action committed a criminal offense not related to their immigration status. Neither of these provisions was included in the FY2022 Act.
- Section 221 of H.R. 4431 would have required immigration detainees be paid at least the same allowances for work performed as other federally contracted service employees under 41 U.S.C. §6703. S. 3058 contained no similar requirement, and no such provisions were included in the FY2022 Act.
- Section 211 of the FY2022 Act was a new provision that continued restrictions on the construction of border fencing in certain areas that were carried in the FY2021 Act.
- Section 212 of the FY2022 Act was a new one-time provision that raised the statutory limit on the number of rescue beacons that could be maintained from 170 to 250.
- Section 213 of the FY2022 Act was a new provision that provided an additional $100 million for Border Patrol hiring and contractors, retention and relocation incentives, and contract support.
- Section 217 of the FY2022 Act was a new provision continuing by reference public reporting by ICE on detentions and Alternatives to Detention program activities required in the FY2020 Act[24] with parameter modifications made in the FY2021 Act.[25]

TSA

- The Administration requested dropping Section 223 of the FY2021 Act from the FY2022 iteration. The section was a two-year extension of a pilot program for passenger screening outside an existing primary passenger terminal screening area. Both bills dropped it, and it was not included in the FY2022 Act.
- Both bills also dropped the former Section 221, which barred the use of funds for TSA ceasing to staff airport sterile area exit points, and it was not included in the FY2022 Act.

USCG

- In the FY2021 DHS Appropriations Act, Section 225 allowed for reprogramming of up to $10 million in or out of the Military Pay funding category within the USCG "Operations and Support" appropriation. With the Administration proposing a reorganization of the categories within that appropriation, they proposed tweaking the category name. While S. 3058 continued with the original provision with the name change, Section 227 of H.R. 4431 also provided an additional $10 million in flexibility for reprogramming within the "Field Operations" subcategories. The FY2022 Act included the broader authority as Section 224.
- H.R. 4431 dropped three provisions regarding the Coast Guard Operations System Center, the Coast Guard National Vessel Documentation Center, and the Coast Guard Civil Engineering Program. S. 3058 continued those provisions as

[24] P.L. 116-93, Division D, Section 218.

[25] P.L. 116-260, Division M, Section 216.

Sections 223, 224, and 225, and they appeared in the FY2022 Act as Sections 227, 228, and 229.

- H.R. 4431 included a new Section 236 which would have restricted new fees on inspections of certain towing vessels. A similar restriction was included as Section 231 in the FY2022 Act.
- S. 3058 included a new Section 233 which would have provided a $50 million grant to the National Coast Guard Museum Association. The section was included in the FY2022 Act as Section 232.

USSS

No substantive changes were proposed to administrative provisions affecting the USSS, or made in the FY2022 Act.

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 overall budget of any DHS component—and the most variable appropriated budget largely driven by disaster programs authorized under the Stafford Act. FEMA's overall budget that also includes nonappropriated funding for the National Flood Insurance Program. Title III also includes funding for the recently restructured Cybersecurity and Infrastructure Security Agency (CISA), formerly the National Protection and Programs Directorate (NPPD). The reorganization included a shift of the FPS from CISA to the Management Directorate, reducing the gross budgetary resources in this title.

Components and Missions

Cybersecurity and Infrastructure Security Agency (CISA): CISA describes itself in its budget documents as "the nation's risk advisor," and leading "the Federal Government's effort to understand, analyze, and manage cyber and physical risk to the Nation's critical infrastructure."[26]

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.[27]

Table 3 includes a breakdown of budgetary resources for these components controlled through appropriations legislation. Note that some FY2022 annually appropriated resources were provided for FEMA from outside Title III, by transfer and by appropriation. While appropriations for FEMA in Title V are included in the table and appropriations totals, the table only reflects the impact of transfers in the budgetary resource totals. Aside from transfers, italicized references to offsetting collections and the DRF are for information only and do not contribute to the totals.

[26] *Budget-In-Brief*, p. 55.

[27] *Budget-In-Brief*, p. 61.

Table 3. Budgetary Resources for Incident Response and Recovery Operational Components, FY2021 and FY2022

(budget authority in thousands of dollars)

	FY2021	FY2022			
Component / Appropriation	**Enacted**	**Request**	**HAC-Reported H.R. 7669**	**SAC Majority Draft (S. 3058)[a]**	**Enacted**
CISA					
O&S	1,662,066	1,691,520	1,927,750	2,077,585	1,992,527
PC&I	353,479	418,179	467,167	530,562	590,698
Cybersecurity Response and Recovery Fund	—	20,000	20,000	20,000	—
R&D	9,431	3,931	7,431	9,931	10,431
Total Annual Discretionary Appropriations	**2,024,976**	**2,133,630**	**2,422,348**	**2,638,078**	**2,593,656**
Supplemental Appropriations					
O&S (emergency, P.L. 117-58, Div. J)	—	—	—	—	35,000
Cybersecurity Response and Recovery Fund (emergency, P.L. 117-58, Div. J)	—	—	—	—	20,000
Mandatory Spending (P.L. 117-2)	650,000	—	—	—	—
Total Budgetary Resources	**2,674,976**	**2,133,630**	**2,422,348**	**2,638,078**	**2,648,656**
FEMA					
O&S	1,129,282	1,232,162	1,262,966	1,391,121	1,245,859
PC&I	105,985	188,212	188,212	191,212	209,985
FA	3,294,892	3,302,470	3,525,017	3,496,604	3,633,199
DRF	17,142,000	19,799,000	18,799,000	18,799,000	18,799,000[b]
Disaster relief designation	*17,142,000*	*19,299,000*	*18,799,000*	*18,799,000*	*18,799,000*
DRF - Climate	—	*500,000*	—	—	—
DRF base funding	—	—	—	—	—
National Flood Insurance Fund (NFIF)	204,412	214,706	204,000	214,706	214,706
Radiological Emergency Preparedness Program (REPP) (AP)	34,000	33,630	33,630	33,630	33,630
Presidential Residence Protection (Title V)	12,700	—	—	3,000	3,000
Emergency Food and Shelter (Title V)	**—**	**—**	**—**	**—**	**150,000**
Total Annual Discretionary Appropriations	**21,923,271**	**25,270,180**	**24,012,825**	**24,129,273**	**24,289,379**
Offsetting Collections (NFIF and REPP)	*-238,412*	*-248,336*	*-237,630*	*-248,336*	*-248,336*
Transfers to FA from other components	*25,000*	*25,000*	*135,000*	*20,000*	*35,000*

Component / Appropriation	FY2021 Enacted	FY2022 Request	FY2022 HAC-Reported H.R. 7669	FY2022 SAC Majority Draft (S. 3058)[a]	FY2022 Enacted
Supplemental Appropriations					
FA (emergency, P.L. 117-43; P.L. 117-58)	—	—	—	—	1,033,000
DRF, Major Disasters (emergency, P.L. 116-260; P.L. 117-58)	2,000,000	—	—	—	200,000
DRF (mandatory, P.L. 117-2)	50,000,000	—	—	—	—
Total Budgetary Resources	**73,948,271**	**25,295,180**	**24,147,825**	**24,149,273**	**25,557,379**
Title III Components Total Annual Appropriations	**23,948,247**	**27,403,810**	**26,435,173**	**26,767,351**	**26,883,035**
Title III Components Total Supplemental Appropriations	**52,650,000**	**—**	**—**	**—**	**1,288,000**
Title III Components Projected Total Gross Budgetary Resources	**76,623,247**	**27,428,810**	**26,570,173**	**26,787,351**	**28,206,035**

Sources: CRS analysis of P.L. 116-260, Divisions F and M and its explanatory statement; P.L. 117-103, Division F, and its explanatory statement; H.R. 4431 and H.Rept. 117-87; the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on October 18, 2021.

Notes: Data do not reflect the impact of rescissions or advance appropriations not available in a given fiscal year. "—" reflects a known zero value. HAC = House Appropriations Committee; SAC = Senate Appropriations Committee; CISA = Cybersecurity and Infrastructure Security Agency; FEMA = Federal Emergency Management Agency; DRF = Disaster Relief Fund; AP = Administrative Provision.

a. While this column is populated with data drawn from the explanatory statement accompanying the Senate Appropriations Committee majority draft, S. 3058 is identical to that draft and, unlike the draft, appears in Congress.gov and may be more convenient for readers to reference.

b. In addition, P.L. 117-43, §1601, included a cancellation of outstanding debt owed by communities under the Community Disaster Loan (CDL) program using unobligated resources from the base funding for the DRF. This is not reflected in the table, as it does not represent an appropriation for the CDL program or a transfer of new budget authority, but a transfer of previously appropriated resources within the component.

Community Project Funding / Congressionally Directed Spending

The FY2022 Act is the first Department of Homeland Security Appropriations Act since FY2010 to include project funding requested by individual Representatives and Senators. The FY2022 Act includes $205 million in additional funding specifically provided for such projects under the Federal Assistance Appropriation for FEMA, divided among three grant programs. According to the FY2022 Act, which provides specific subappropriations for the earmarks by programs, and accompanying explanatory statement, which lists specific projects:

- $154 million for 68 projects funded through Pre-disaster Mitigation Grants;
- $49 million for 53 projects funded through the Emergency Operations Center Grant Program; and
- $150,000 for one project funded through the Nonprofit Security Grant Program.

$2 million was included for FEMA's costs of managing and administering their share of these projects.

A complete list of approved projects in the FY2022 DHS Appropriations Act is included in the appropriations committees' explanatory statement, printed on pages H2422-H2432 of the March 9, 2022, *Congressional Record*, Part III.

- In addition, the House Appropriations Committee provided complete listings of Member requests, projects included in H.R. 4431 and H.Rept. 117-87, and ultimately enacted in P.L. 117-103. The listings can be found

under a tab labeled "Transparency" on the committee website, or linked directly at https://appropriations.house.gov/transparency/fiscal-year-2022.

- The Senate Appropriations Committee provided similar information on their website under the "About the Committee" tab or directly at https://www.appropriations.senate.gov/fy-2022-appropriations-requests-and-congressionally-directed-spending.

Title III Administrative Provisions

There were 11 administrative provisions included in Title III of the FY2021 DHS Appropriations Act.[28] The FY2022 Act also included 11. The following subsections note changes from prior-year administrative provisions.

CISA

Several new unrequested administrative provisions pertaining to CISA were included in the FY2022 bills:

- Both bills included a new Section 302 that would have directed the Under Secretary for Management to submit to Congress an unfunded priorities list for CISA. However, Section 536 of the FY2022 Act continued a prior year requirement for an unfunded priorities list for activities across the department included in the defense budget function[29]—more than 95% of CISA funding falls into that category, and CISA has 78% of the annual appropriations for DHS that fall into that category.
- Both bills included a new Section 303 that would have required a monthly report on the status of resources in the newly created Cyber Response and Recovery Fund. This provision was not included in the FY2022 Act, as both Fund resources and the reporting requirement were included in P.L. 117-58, Division J.[30]
- H.R. 4431 included a new Section 304, which would have required an annual plan to be submitted with the President's budget request documenting "capability-specific federal civilian executive branch department and agency cybersecurity investment requirements."[31] S. 3058 included no such provision, and it was not included in the FY2022 Act.
- The FY2022 Act included a new Section 302 which allowed CISA Operations and Support funding to be used to provide access to cybersecurity threat feeds for federal, state, local, tribal, and territorial government entities, fusion centers, and Information Sharing and Analysis Organizations.[32]

FEMA

Most of the administrative provisions in the bills pertain to FEMA.

[28] Descriptions of these provisions can be found in House Committee Print 43-479, Book 1, March 1, 2021, p. 1210. Book I is available at https://www.congress.gov/117/cprt/HPRT43749/CPRT-117HPRT43749.pdf.

[29] This requirement was carried in the FY2021 bill as Section 537.

[30] 135 Stat. 1385.

[31] H.R. 4431, §304(a).

[32] Information Sharing and Analysis Organizations (ISAOs) are groups of private and/or public sector organizations that share information on cybersecurity threats and vulnerabilities.

- The Administration proposed continuing and modifying Section 309 of the FY2021 DHS Appropriations Act, which allowed previous unobligated appropriations to the National Predisaster Mitigation Fund to be transferred to the Building Resilient Infrastructure and Communities (BRIC) program. Neither bill continued the provision, and it was not included in the FY2022 Act.
- The Administration also proposed discontinuing Section 311, which provided a limited authority for U.S. territories to receive community disaster loans—specifically for disasters that occurred in calendar year 2018. Neither H.R. 4431 nor S. 3058 continued the provision, and it was not included in the FY2022 Act.
- The Administration proposed adding a new provision which would have allowed a portion of FEMA grant funding to be transferred to FEMA's "Operations and Support" appropriation to conduct evaluations of the effectiveness of grants under the State Homeland Security Grant Program and the Urban Area Security Initiative. H.R. 4431 did not include the provision, but S. 3058 included this provision as Section 313. The new provision was not included in the FY2022 Act.
- Both bills included a new section (311 in H.R. 4431, 310 in S. 3058) which would have made some of the DRF funding from ARPA (P.L. 117-2) available for the BRIC program to mitigate the effects of climate change, and provided $14 million to the OIG for oversight of ARPA DRF funding. H.R. 4431 allowed for up to $500 million to go to BRIC, while S. 3058 allowed up to $1 billion. H.R. 4431, in this same section, would have shifted $500 million of unobligated DRF base funding to pay the costs of major disasters. These provisions were not included in the FY2022 Act; however, $200 million in FY2022 DRF funding and $800 million in advance appropriations were included in P.L. 117-58, Division J for BRIC.[33]
- H.R. 4431 included a new administrative provision which would have increased the federal cost share for a range of Stafford Act programs to 90% for disasters declared or occurring in calendar year 2020.[34] A broader provision was included as Section 311 of the FY2022 Act which provided similar relief for Stafford Act emergencies or disasters that were declared or occurred in calendar years 2020 or 2021.
- H.R. 4431 also included a new administrative provision which would have canceled the outstanding balances on all Community Disaster Loans as of June 30, 2021.[35] The provision was not included in the FY2022 Act; however, P.L. 117-43, Division B, Section 1601 had already canceled the outstanding balances as of September 30, 2021.

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.

[33] 135 Stat. 387.

[34] H.R. 4431, §314.

[35] H.R. 4431, §315.

Components and Missions

U.S. Citizenship and Immigration Services (USCIS): USCIS manages the U.S. immigration system, administering the laws that govern temporary admission and permanent immigration to the United States.[36]

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.[37]

Science and Technology Directorate (S&T): S&T leads and coordinates research, development, testing, and evaluation work for DHS, and supports departmental acquisitions.[38]

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.[39]

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

Table 4. Budgetary Resources for Support Components, FY2021 and FY2022

(budget authority in thousands of dollars)

	FY2021	FY2022			
Component / Appropriation	**Enacted**	**Request**	**HAC-reported** H.R. 7669	**SAC Majority Draft (S. 3058)**[a]	**Enacted**
USCIS					
O&S	117,790	459,504	459,504	459,504	389,504
FA	10,000	10,000	15,000	20,000	20,000
H-2B Returning Worker amendment (AP, CHIMP)	—	—	7,000	7,000	—
Unused Visa Rollover (AP, CHIMP)	—	—	1,000	1,000	—
Total Annual Discretionary Appropriations	**127,790**	**469,504**	**482,504**	**487,504**	**409,504**
Fees, Mandatory Spending, and Trust Funds	4,931,873	4,291,280	4,291,280	4,721,510	4,822,137
Supplemental Appropriations					
Immigration Examination Fee Account Appropriation (Emergency, P.L. 117-43, §2501)	—	—	—	—	193,000
Total Budgetary Resources	**5,059,663**	**4,760,784**	**4,773,784**	**5,209,014**	**5,424,641**

[36] *Budget-In-Brief*, p. 68.

[37] *Budget-In-Brief*, p. 73.

[38] *Budget-In-Brief*, p. 77.

[39] *Budget-In-Brief*, p. 83.

Component / Appropriation	FY2021 Enacted	FY2022 Request	FY2022 HAC-reported H.R. 7669	FY2022 SAC Majority Draft (S. 3058)[a]	FY2022 Enacted
FLETC					
O&S	314,348	322,436	322,436	322,436	322,436
PC&I	26,000	33,200	33,200	33,200	33,200
Total Annual Discretionary Appropriations	**340,348**	**355,636**	**355,636**	**355,636**	**355,636**
Total Budgetary Resources	**340,348**	**355,636**	**355,636**	**355,636**	**355,636**
S&T					
O&S	302,703	310,590	310,590	325,590	330,590
PC&I	18,927	8,859	8,859	12,859	12,859
R&D	443,928	503,454	510,954	530,454	542,954
Total Discretionary Appropriations	**765,558**	**822,903**	**830,403**	**868,903**	**886,403**
Supplemental Appropriations					
R&D (Emergency, P.L. 117-58)	—	—	—	—	157,500
Total Budgetary Resources	**765,558**	**822,903**	**830,403**	**868,903**	**1,043,903**
CWMD					
O&S	179,892	157,200	162,200	171,750	176,750
PC&I	87,413	71,604	76,604	71,604	76,604
R&D	65,309	65,709	65,709	65,709	65,709
FA	69,663	132,948	132,948	132,948	132,948
Total Discretionary Appropriations	**402,277**	**427,461**	**437,461**	**442,011**	**452,011**
Total Budgetary Resources	**402,277**	**427,461**	**437,461**	**442,011**	**452,011**
Title IV Components Total Annual Discretionary Appropriations	**1,635,973**	**2,075,504**	**2,106,004**	**2,154,054**	**2,103,554**
Title IV Components Total Supplemental Appropriations	**—**	**—**	**—**	**—**	**350,500**
Title IV Components Projected Total Gross Budgetary Resources	**6,567,846**	**6,366,784**	**6,397,284**	**6,875,564**	**7,276,191**

Sources: CRS analysis of P.L. 116-260, Divisions F and M and its explanatory statement; P.L. 117-103, Division F, and its explanatory statement; H.R. 4431 and H.Rept. 117-87; the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on October 18, 2021.

Notes: Data do not reflect the impact of rescissions or advance appropriations not available in a given fiscal year. "—" reflects a known zero value. HAC = House Appropriations Committee; SAC = Senate Appropriations Committee; USCIS = U.S. Citizenship and Immigration Services; FLETC = Federal Law Enforcement Training Center; S&T = Science and Technology Directorate; CWMD = Office of Countering Weapons of Mass Destruction; AP = Administrative Provision; CHIMP = Change in Mandatory Program, which results in a charging back of a provision's budgetary effect to the bill.

a. While this column is populated with data drawn from the explanatory statement accompanying the Senate Appropriations Committee majority draft, S. 3058 is identical to that draft and, unlike the draft, appears in Congress.gov and may be more convenient for readers to reference.

Title IV Administrative Provisions

There were seven administrative provisions included in Title IV of the FY2021 DHS Appropriations Act.[40] Eight were included in the FY2022 Act.

USCIS

- The Administration proposed a new provision which would have allowed funds made available to USCIS to be used for collection and use of biometrics taken at certain facilities overseen virtually by USCIS personnel using appropriate technology. This provision was included in both H.R. 4431 and S. 3058, and was included as Section 404 of the FY2022 Act.
- The Administration proposed a new provision which would have allowed $2,500 in fee revenues to be used for official reception and representation expenses. Neither H.R. 4431 nor S. 3058 included this administrative provision, although a similar proviso was included in the USCIS Operations and Support appropriation in H.R. 4431, allowing up to $10,000 of appropriated funds to be used for this purpose. The FY2022 Act included a similar appropriations proviso that allowed $2,500 to be used thusly.
- Both bills included a new provision which would have increased the overall level of family-sponsored immigrants and employment-based immigrants by the number of unused visas authorized under current law for FY2020 and FY2021. The new section, which also included direction on the allocation and management of the additional visas, appeared as Section 409 in H.R. 4431 and Section 414 in S. 3058. The provision was not included in the FY2022 Act.
- Both bills included a new provision which would have allowed diversity visas to be issued to individuals denied such visas under several executive orders under the Trump Administration. This provision was added to H.R. 4431 as Section 410 by amendment in full committee markup on a voice vote. It was included in S. 3058 as Section 415. The provision was not included in the FY2022 Act.
- Both bills included a new provision that would have allowed the Secretary of DHS to make additional H-2B visas available. This provision was added to H.R. 4431 as Section 411 by amendment in full committee markup on a voice vote. It was included in S. 3058 as Section 413. The provision was not included in the FY2022 Department of Homeland Security Appropriations Act, but this authority was provided for in the FY2022 continuing resolution by its reference in Section 105 to Division O of P.L. 116-260.[41] Section 204 of Division O of the Consolidated Appropriations Act, 2022 is identical to the provision in question.
- A new provision was included in H.R. 4431 that would have allowed the H-2A visa program to be used for agricultural jobs that are not temporary or seasonal. This provision was added as Section 412 by amendment in full committee

[40] Descriptions of these provisions can be found in House Committee Print 43-479, Book 1, March 1, 2021, p. 1217. Book I is available at https://www.congress.gov/117/cprt/HPRT43749/CPRT-117HPRT43749.pdf.

[41] DHS exercised the authority to make available 20,000 additional visas on December 20, 2021. See https://www.dhs.gov/news/2021/12/20/first-time-dhs-supplement-h-2b-cap-additional-visas-first-half-fiscal-year.

markup on a voice vote. It was not included in S. 3058. The provision was not included in the FY2022 Act.

FLETC

- The Administration proposed continuing and modifying Section 406 of the FY2021 DHS Appropriations Act, which in the past has allowed FLETC to accept transfers from other federal agencies requesting the construction of special facilities, but maintain administrative control and ownership of the new facilities. The modification would have specified that permissible transfers would include USCIS fee revenues. The provision, but not the modification, was included in the FY2022 Act as Section 407.

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.[42]

Departmental Management Directorate (MGMT):[43] MGMT provides DHS-wide mission support services and oversight for a broad range of functions, including

- information technology (through the Office of the Chief Information Officer);
- budget and financial management (through the Office of the Chief Financial Officer);
- procurement and acquisition (through the Office of the Chief Procurement Officer and Office of Program Accountability and Risk Management);
- human capital (through the Office of the Chief Human Capital Officer);
- security (through the Office of the Chief Security Officer);
- logistics and facilities (through the Office of the Chief Readiness Support Officer);
- law enforcement and security services for federal buildings (through the Federal Protective Service); and
- biometric identity services (through the Office of Biometric Identity Management).[44]

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

[42] *Budget-In-Brief*, p. 10.

[43] This is DHS's acronym of choice for this component.

[44] *Budget-In-Brief*, p.10. Together, the Office of the Secretary and Executive Management (OSEM) and the Departmental Management Directorate (MGMT) sometimes are referred to as Departmental Management and Operations (DMO).

- The Office of Intelligence and Analysis (I&A), which "analyzes intelligence and information about homeland security threats and serves as the interface between the intelligence community, [nonfederal government partners], and private sector partners on homeland security intelligence and information";[45] and
- The Office of Operations Coordination (OPS), which provides "operations coordination, information sharing, situational awareness, common operating picture, Department continuity, and decision support in order to enable the execution of the Secretary's responsibilities across the [homeland security enterprise]."[46]

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.[47]

Table 5 provides a breakdown of the budgetary resources provided to these components controlled through appropriations legislation. The table only reflects the impact of transfers in the budgetary resource totals, and only in cases where the bill provides for a specific amount. Aside from transfers, italicized references are for information only and do not contribute to the totals.[48]

Table 5. Budgetary Resources for Headquarters Components, FY2021 and FY2022

(budget authority in thousands of dollars)

	FY2020	FY2021			
Component / Appropriation	**Enacted**	**Request**	**HAC-reported H.R. 7669**	**SAC Majority Draft (S. 3058)[a]**	**Enacted**
OSEM					
O&S	180,819	224,747	233,153	221,555	236,053
FA	25,000	25,000	35,000	20,000	35,000
Transfer to FEMA	*(25,000)*	*(25,000)*	*(35,000)*	*(20,000)*	*(35,000)*
Total Annual Discretionary Appropriations	**205,819**	**249,747**	**268,153**	**241,555**	**271,053**
Supplemental Appropriations					
O&S (emergency, P.L. 117-70, Div. B)	—	—	—	—	147,456
Total Budgetary Resources (after transfer)	**180,819**	**224,747**	**233,153**	**221,555**	**383,509**
MGMT					
O&S	1,398,162	1,653,553	1,653,553	1,658,553	1,637,009
PC&I	214,795	396,816	511,816	346,371	491,816
PC&I (emergency funding, Title V)	—	—	—	—	49,500

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

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

[47] *Budget-In-Brief*, p. 20.

[48] At times, the DHS OIG receives transfers that are described as percentages of totals, transfers up to a certain amount, or permissive ("may" as opposed to "shall" transfer). Those are not included in this table or the calculations in this report.

Component / Appropriation	FY2020 Enacted	FY2021 Request	FY2021 HAC-reported H.R. 7669	FY2021 SAC Majority Draft (S. 3058)[a]	FY2021 Enacted
FPS	1,588,748	1,653,384	1,625,000	1,625,000	1,653,384
Total Annual Discretionary Appropriations	**3,201,705**	**3,703,753**	**3,790,369**	**3,629,924**	**3,912,709**
Offsetting Collections (FPS)	*1,588,748*	*1,653,384*	*1,625,000*	*1,625,000*	*1,653,384*
Total Budgetary Resources	**3,201,705**	**3,703,753**	**3,790,369**	**3,629,924**	**3,962,209**
IA&O					
O&S	298,500	320,620	320,620	320,620	298,171
Total Annual Discretionary Appropriations	**298,500**	**320,620**	**320,620**	**320,620**	**298,171**
Total Budgetary Resources	**298,500**	**320,620**	**320,620**	**320,620**	**298,171**
OIG					
O&S	190,186	205,359	205,359	205,359	205,359
Total Annual Discretionary Appropriations	**190,186**	**205,359**	**205,359**	**205,359**	**205,359**
Supplemental Appropriations					
O&S (emergency, by transfer)	—	—	—	—	* [b]
Total Budgetary Resources	**190,186**	**205,359**	**205,359**	**205,359**	**205,359**
Title I Components Total Annual Discretionary Appropriations	**3,896,210**	**4,479,479**	**4,584,501**	**4,397,458**	**4,687,292**
Title I Components Total Supplemental Appropriations	**—**	**—**	**—**	**—**	**147,456**
Title I Components Projected Total Gross Budgetary Resources	**3,871,210**	**4,454,479**	**4,549,501**	**4,377,458**	**4,849,248**

Sources: CRS analysis of P.L. 116-260, Divisions F and M and its explanatory statement; P.L. 117-103, Division F, and its explanatory statement; H.R. 4431 and H.Rept. 117-87; the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on October 18, 2021.

Notes: Data do not reflect the impact of rescissions or advance appropriations not available in a given fiscal year. "—" reflects a known zero value. HAC = House Appropriations Committee; SAC = Senate Appropriations Committee; OSEM = Office of the Secretary and Executive Management; MD = Management Directorate; A&O = Intelligence, Analysis, and Operations Coordination; OIG = Office of the Inspector General.

a. While this column is populated with data drawn from the explanatory statement accompanying the Senate Appropriations Committee majority draft, S. 3058 is identical to that draft and, unlike the draft, appears in Congress.gov and may be more convenient for readers to reference.

b. Section 501 of P.L. 117-58, Division J provided that 0.25% of the appropriations that become available from that measure in a given fiscal year shall be transferred to the DHS OIG for oversight activities. For FY2022 this would translate into roughly $7.7 million.

Title I Administrative Provisions

There were six administrative provisions included in Title I of the FY2021 DHS Appropriations Act. The Administration proposed repeating all of them in the FY2022 bill:

- Section 101—requiring an OIG report on all grants and contracts awarded by any means other than a full and open competition;
- Section 102—requiring monthly budget and staffing reports to the appropriations committees from the chief financial officer;
- Section 103—requiring all DHS contracts that have award fees to link them to "successful acquisition outcomes";
- Section 104—requiring committee notification of all transfers from the Treasury Forfeiture Fund to any DHS agency;
- Section 105—requiring government aircraft travel costs for DHS personnel supporting the Secretary and Deputy Secretary be paid for by the Office of the Secretary;
- Section 106—extending a requirement for reporting on visa overstays and border security metrics first established in Section 107 of the DHS Appropriations Act, 2018 (P.L. 115-141, Division F).

Both bills proposed dropping Section 106, and that section was not included in the FY2022 Act.

Section 101 in H.R. 4431 included a modification in the initial due date from October 15 to 15 days after enactment. In the FY2022 Act, the due date remained unmodified.

Several new administrative provisions were added.

H.R. 4431 included a new Section 106 requiring a quarterly progress report to the appropriations committees on major acquisition programs[49] for DHS. The requirement would have covered all acquisition programs costing more than $300 million over their lifecycle on the DHS Master Acquisition Oversight List.[50] All such programs from the point that a program manager has begun to review approaches to meeting a capability need to full operational capability were to be included, including those programs removed from the list in the preceding quarter. S. 3058 included no such provision, but a markedly similar provision requiring quarterly briefings with similar parameters was included as Section 106 in the FY2022 Act. It also required the Under Secretary for Management to submit each approved acquisition decision memorandum for the programs covered by this section to the appropriations committees no later than five days after their approval.

H.R. 4431 included a new Section 107 that would have required reporting from the DHS Secretary to the appropriations committees before undertaking pilot or demonstration projects. S. 3058 included no such provision, but Section 107 of the FY2022 Act mirrored the provision from H.R. 4431, except with the reporting requirement falling to the Under Secretary for Management.

Section 108 of the FY2022 Act was a new provision which clarified that supplemental funding to OSEM in P.L. 117-70 could be used to reimburse airports and airport operators for activities directly and demonstrably related to Operation Allies Welcome.

[49] The Office of Management and Budget (OMB) defines a major acquisition as "a capital project that requires special management attention because of its: (1) importance to an agency's mission; (2) high development, operating, or maintenance costs; (3) high risk; (4) high return; or (5) significant role in the administration of an agency's programs, finances, property, or other resources."

[50] A list of all DHS major acquisitions developed by the DHS Office of Program Accountability and Risk Management.

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. The FY2021 DHS Appropriations Act included 42 such general provisions, including two provisions providing additional appropriations and two providing rescissions—cancellations of previously provided budget authority that offset the overall cost of the bill. The FY2022 Act included 48 general provisions.

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 following descriptions focus on substantive changes proposed by the Administration in its budget request, and differences between the House and Senate positions that were under development.

Administration Proposals

The Administration proposed dropping the following eight provisions from the FY2021 Act:

- Section 515, which prohibited department officials delegating responsibilities given to them by the DHS Appropriations Act unless specifically given the authority to do so. Both H.R. 4431 and S. 3058 continued this provision, as did the FY2022 Act, as Section 515.
- Section 516, which restricted the use of funds to transfer or release into the United States any of the detainees at Guantanamo Bay. Both H.R. 4431 and S. 3058 dropped this provision. The FY2022 Act included this provision as section 540.
- Section 530, which funded reimbursement for extraordinary costs of law enforcement and other emergency personnel for protection activities directly associated with a residence of the President. H.R. 4431 dropped this provision; S. 3058 continued the provision, and would have provided $3.0 million—down from $12.7 million in FY2021. The FY2022 Act continued this provision as Section 528, and provided $3 million.
- Section 536, which required the Administration, in the event that it provided a budget that included fee revenues not currently authorized in law, to provide proposals for reductions in discretionary spending to compensate for the lack of such fees. H.R. 4431 dropped this provision. S. 3058 continued it,[51] as did the FY2022 Act.[52]
- Section 537, which required the Administration to provide an unfunded priorities list for DHS for programs funded with defense discretionary appropriations. While the general provision requiring the list was dropped from both bills, as noted above, an administrative provision in each bill would have required such a list to be provided by CISA,[53] and the draft Senate committee majority explanatory statement would have directed the USCG to provide one as well.[54]

[51] S. 3058, §534.

[52] P.L. 117-103, Division F, §534.

[53] H.R. 4431, §302; S. 3058, §302.

[54] Senate Appropriations Committee, "Explanatory Statement for the Homeland Security Appropriations Bill, 2022,"

The FY2022 Act included a slightly modified version of the FY2021 provision as Section 536, with the reporting responsibility falling to the Under Secretary for Management.

- Section 538, which provided for a one-time transfer of unobligated balances from FY2020 to fund an electronic health records system for the department. Both H.R. 4431 and S. 3058 dropped this provision, and the FY2022 Act did not include it.
- Section 541, which provided $840 million in emergency funding to make up for shortfalls in customs and immigration inspection fees. Both H.R. 4431 and S. 3058 dropped this provision. However, $650 million in discretionary appropriations was provided in Section 542 for this same end in the FY2022 Act.
- Section 542, which required reporting on decisions to provide or terminate federal protection for any former or retired government official, including information on threat assessment, scope, cost, and duration. H.R. 4431 dropped this provision, but S. 3058 continued the provision.[55] Section 537 of the FY2022 Act expanded the notification requirement, and required an additional report on protected officials, and the scope and associated costs of protection.

The Administration proposed modifying the following provisions:

- Section 523, which restricted large-scale DHS attendance at international conferences. The proposed modification would have allowed virtual attendance that would not involve travel away from the DHS employee's permanent duty station to not count against the limits imposed by the section. Both H.R. 4431 and S. 3058 included this modification, as did the FY2022 Act in Section 522.
- Section 525, which restricted obligating funds for structural pay reform without certain reporting. The modification would have allowed for obligations in cases where the reform has been justified in a budget request and subsequently enacted by Congress. Both H.R. 4431 and S. 3058 included a similar modification. H.R. 4431 would have allowed such obligations if the proposal was in the budget request and not specifically restricted in the current appropriations act or its accompanying explanatory statement. Section 524 of the FY2022 Act included a restriction similar to the House provision, broadened to include new position classifications as well.
- Sections 539 and 540, which listed amounts and accounts for rescissions of prior-year appropriations. The Administration proposed an updated list of rescissions. Although the accounts and amounts differed in some cases, both H.R. 4431 and S. 3058 included a single section each with rescissions.[56] The FY2022 Act included several sections with rescissions:
    - Section 544 rescinded $130.5 million in unobligated balances for CBP appropriations for facility construction and improvements, and reappropriated them to the Management Directorate for development of two

https://www.appropriations.senate.gov/download/dhsrept_final, p. 67. As linked to from Senate Appropriations Committee, "Chairman Leahy Releases Remaining Nine Senate Appropriations Bills," October 18, 2021, at https://www.appropriations.senate.gov/news/majority/chairman-leahy-releases-remaining-nine-senate-appropriations-bills.

[55] S. 3058, §535.

[56] H.R. 4431, §535; S. 3058, §539.

permanent joint processing centers to help address the situation on the U.S.-Mexico border.

- Section 545 rescinded $49.5 million in emergency funding for prior years that had been provided to CBP for the development of joint processing centers, and reappropriated it to the Management Directorate for the same purpose.
- Section 546 rescinded $237 million in unobligated balances available in various active and legacy accounts at DHS.
- Section 547 rescinded $42 million in lapsed Operations and Support appropriations from 14 components.

The Administration proposed adding the following three provisions:

- A provision that would have authorized DHS to deploy any of its resources to deal with a rise in the number of undocumented migrants at the southwest border, without reimbursement between components. This provision was not included in either bill, or in the FY2022 Act.
- A provision that would have allowed the use of any funds made available for immigration law enforcement to be used for reunification of children and parents separated at the U.S.-Mexico border during the Trump Administration. A similar administrative provision was included in each bill,[57] but was not included in the FY2022 Act.
- A provision that would have allowed up to 5% of any appropriation provided to DHS to be transferred to the DHS Information Technology Modernization Fund. This provision was not included in either bill, although both bills included mechanisms to provide resources for this purpose.[58] Section 538 of the FY2022 Act created a "Department of Homeland Security Nonrecurring Expenses Fund" which can receive unobligated appropriations up to five years after their expiration, and use those to fund information technology improvements and facilities infrastructure improvements, subject to approval by the Office of Management and Budget.

In addition, the FY2022 Act includes a new provision that restricted the use of funds to submit a project proposal to the Technology Modernization Fund and the obligation of any such funds until certain reporting requirements are met.[59]

Selected Differences Between H.R. 4431 and the Senate Majority Committee Draft / S. 3058

In addition to high-profile policy shifts, technical and rhetorical differences are common between House and Senate negotiating positions on appropriations measures that have greater or lesser impacts on DHS operations and resource flows. All of these differences are resolved in the course of conference negotiations. The following list of selected differences between the two publicly revealed positions attempts to highlight the more substantive differences likely to enter into public debate that were not raised in the previous section of this report.

[57] H.R. 4431, §235; S. 3058, §232.

[58] See H.R. 4431, §505; and S. 3058, §536.

[59] P.L. 117-103, Div. F., §539

H.R. 4431, **Section 503 / S. 3058**, **Section 503**

H.R. 4431 would have rephrased Section 503, making a variety of changes, including removing references to appropriations from previous acts or transferred to DHS; allowing increases for programs, projects, or activities for which funds have been denied or restricted by Congress without notification; barring transfers from appropriations designated as emergencies or disaster relief; and dropping a provision allowing up to $20 million to be transferred to a fund to address immigration emergencies. S. 3058 matched the prior-year enacted version. No substantive changes were made to this section in the FY2022 Act.

H.R. 4431, **Section 505 / S. 3058**, **Section 505**

H.R. 4431 would have expanded the availability of unobligated Operations and Support appropriations at the end of the year from 50% to 75%, and provided those resources to the DHS Information Security Modernization Fund. S. 3058 matched the prior-year enacted version. No substantive changes were made to this section in the FY2022 Act.

H.R. 4431, **Section 513 / S. 3058**, **Section 513**

H.R. 4431 would have provided an exception to the prohibition on the use of funds to conduct reorganizations of DHS functions under Section 872 of the Homeland Security Act (6 U.S.C. §452). The exception would allow DHS to establish an office within the Office of the Secretary for a Chief Medical Officer with specific duties. S. 3058 matched the prior-year enacted version, with no such exception. As noted above, the FY2022 Act included the exception from H.R. 4431 in Section 513.

S. 3058, **Section 517**

H.R. 4431 did not include a previous provision prohibiting the use of funds for DHS to employ unauthorized aliens as defined in 8 U.S.C. §1324a(h)(3). S. 3058 continued that provision, and it was included in the FY2022 Act as Section 517.

S. 3058, **Section 527**

H.R. 4431 did not include a previous provision prohibiting the use of funds to implement the Arms Trade Treaty until the Senate ratifies it. S. 3058 continued that provision, and it was included in the FY2022 Act as Section 535.

H.R. 4431, **Section 531**

H.R. 4431 included a prior-year provision restricting the use of federal funds for a position designated as a Principal Federal Official, continuing specific restrictions in place since FY2016. S. 3058 did not include this provision. The FY2022 Act included this provision as Section 533.

H.R. 4431, **Section 532**

H.R. 4431 would have required DHS to report publicly on a semimonthly basis on requests to DHS law enforcement for support from federal and nonfederal law enforcement agencies. S. 3058 included no such provision. While the FY2022 Act did not include this requirement, DHS was directed to make such a public report on a quarterly basis in the explanatory statement.[60]

H.R. 4431, **Section 533**

[60] *Congressional Record*, vol. 168, part 42 (March 9, 2022, Book III), p. H2396.

H.R. 4431 would have prohibited the use of federal funds to deny any immigration benefits on the sole basis of marijuana possession, consumption, or use. S. 3058 included no such provision, and it was not included in the FY2022 Act.

H.R. 4431, **Section 534**

H.R. 4431 included an additional appropriation for construction and modernization of land port-of-entry facilities. S. 3058 included no such provision, and it was not included in the FY2022 Act.

S. 3058, **Section 537**

S. 3058 included a new general provision which would have extended the portability of the licensure of DHS's medical professionals, which had originally been granted in the CARES Act.[61] H.R. 4431 included no such provision. The FY2022 Act included this provision as Section 541.

S. 3058, **Section 538**

S. 3058 included a $25 million supplemental appropriation for the Department of State's Diplomatic Programs "for the Global Engagement Center to counter foreign propaganda and disinformation."[62] H.R. 4431 included no such provision, and no such provision is included in the FY2022 Act.

For Further Information

For additional perspectives on FY2022 DHS appropriations, see the following:

- CRS Report R46822, *DHS Budget Request Analysis: FY2022*;
- CRS Report R46978, *Comparing DHS Component Funding Proposals, FY2022: In Brief*; and
- 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	

[61] Specifically, P.L. 116-136, §16005.

[62] S. 3058, §538.

Component / Issue Area	Name	Background Report
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 Legal Sidebar LSB10362, *Immigration Arrests in the Interior of the United States: A Primer*
Transportation Security Administration	Bart Elias	CRS Report R45082, *Security of Air Cargo Shipments, Operations, and Facilities*; and CRS Report R46678, *Transportation Security: Background and Issues for the 117th Congress*
U.S. Coast Guard		
Personnel and Administration	Alan Ott	
Health Care	Bryce Mendez	CRS In Focus IF11702, *Defense Health Primer: U.S. Coast Guard Health Services*
Shipbuilding	Ronald O'Rourke	CRS Report R42567, *Coast Guard Cutter Procurement: Background and Issues for Congress*; and CRS Report RL34391, *Coast Guard Polar Security Cutter (Polar Icebreaker) Program: 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*

Component / Issue Area	Name	Background Report
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 Report R46749, *FEMA's Public Assistance Program: A Primer and Considerations for Congress*
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*
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 Report R46869, *Federal Research and Development (R&D) Funding: FY2022*
Countering Weapons of Mass Destruction Office	Frank Gottron	

Appendix A. 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[63] 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.[64] 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[65] 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

[63] 31 U.S.C. §§1341, 1342, 1344, 1511-1517.

[64] 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.

[65] 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[66]

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.

Detail Table Totals

As noted in the text box prior to **Table 2**, totals in the House and Senate Appropriations Committees' detail tables have, at times, presented information in differing formats that can confuse those making comparisons. However, the detail tables presented in H.Rept. 117-87 and the explanatory statements accompanying both the Senate Appropriations Committee majority draft and P.L. 117-103, Division F present totals in a consistent format.

The tables' total discretionary appropriations are divided between those classified as defense spending (budget category 050) and nondefense spending (all other budget categories). Nondefense discretionary appropriations for DHS include funding covered by the disaster relief designation—this amount is scored separately from the other discretionary spending in the bill.

Rescissions, or cancellation of budget authority, like spending, are divided between defense and nondefense, adjusting the scoring of each category downward accordingly. Offsetting collections also reduce the overall score of discretionary appropriations—however, they are not separately categorized in this bill, as all the offsetting collections offset nondefense spending. There is also mandatory funding provided in the bill for Coast Guard Retired Pay. However, this is not classified as defense or nondefense spending, as those categories are for discretionary spending, and this item does not add to the discretionary total of the bill.

Totals are provided throughout the detail table for components, titles, and the bill itself. A total for a component generally will be the appropriations listed for the component (including the projected costs of policy changes affecting mandatory programs due to language in the bill and permanent indefinite discretionary spending), less any offsetting collections. These totals represent what is linked to that particular portion of the measure. A component may receive

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

funding through a general provision that may not be included in the component total under a particular title. Also, rescissions of prior-year budget authority (generally included in Title V) are not reflected.

A separate listing is provided for fee-funded programs with appropriations in permanent law. While the detail table does not add those to the total for the component, it does note the level of resources projected for a component's use in the coming fiscal year, in part to provide a control level for proposed reprogrammings and transfers.

This same methodology is repeated at the title level. In totaling the entire measure, rescissions of prior-year budget authority are included, offsetting the level of defense and nondefense discretionary appropriations and therefore the grand total of the bill.

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 FY2021, based on the adjusted net discretionary budget authority included in Division F of P.L. 116-260, President Biden's request for FY2022, the House subcommittee allocations for the Homeland Security appropriations bill for FY2022, and the CBO score of Division F of P.L. 117-103. No Senate 302(b) allocations were approved by the Senate Appropriations committee for FY2022.

Table A-1. FY2021 and FY2022 302(b) Discretionary Allocations for DHS

(budget authority in billions of dollars)

FY2021 Annual Appropriation Comparable	FY2022 Request Comparable	FY2022 House Allocation	FY2022 Senate Allocation	FY2022 Enacted Comparable
51.885	52.986	52.811	n/a	57.500

Sources: CRS analysis of H.Comm.Prt. 43-749 (for FY2021), the explanatory statement accompanying P.L. 117-103 (for the request), H.Rept. 117-91, *Revised Suballocation of Budget Allocations for Fiscal Year 2022,* and the *CBO Estimate for* H.R. 2471, *the Consolidated Appropriations Act, 2022, as Cleared by the Congress on March 10, 2022,* dated March 14, 2022.

Notes: These allocations and comparables do not include funding designated as an emergency requirement, 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,[67] amended those caps. Most of the budget for DHS is considered nondefense spending.[68]

In addition, the Budget Control Act allowed 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—were not limited.

The third justification—disaster relief—was 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.[69] The act also extended the availability of unused adjustment capacity indefinitely, rather than having it only carry over for one year.

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[70]—the third-largest allowable adjustment for disaster relief in the history of the mechanism.[71] That estimate was 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).[72]

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

[68] 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.

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

[70] 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.

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

[72] Ibid.

Although the allowable adjustment expired at the end of FY2021, the Biden Administration requested funding using the mechanism, urging the House and Senate to include an extension of it in the FY2022 budget resolution. S.Con.Res. 14, the Concurrent Resolution of the Budget for Fiscal Year 2022, extended the disaster relief adjustment through FY2022, using the same formula, restated in the resolution as well.[73] The resolution passed the Senate on August 11, 2021, and was considered passed by the House pursuant to the provisions of H.Res. 601 on August 24, 2021. There have been no official calculations provided by OMB or the appropriations committees that define the limits of the allowable adjustment for FY2022. The FY2022 Act included $18.8 billion for the Disaster Relief Fund, covered by the disaster relief designation, as requested.

[73] S.Con.Res. 14, §4004(b)(6), §4005(f)(1).

Appendix B. Glossary of Abbreviations and Notes on Data and Citations

AP	Administrative Provision
ARPA	American Rescue Plan Act (P.L. 117-2)
A&O	Intelligence Analysis & Operations Support
CARES Act	Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136)
CAS	Common Appropriations Structure
CBO	Congressional Budget Office
CBP	U.S. Customs and Border Protection
CISA	Cybersecurity and Infrastructure Security Agency
CR	Continuing resolution
CRS	Congressional Research Service
CWMD	Countering Weapons of Mass Destruction Office
DHS	U.S. Department of Homeland Security
DRF	Disaster Relief Fund
FA	Federal Assistance
FEMA	Federal Emergency Management Agency
FLETC	Federal Law Enforcement Training Centers
FPS	Federal Protective Service
GAO	Government Accountability Office
HAS	Homeland Security Act of 2002 (P.L. 107-296)
ICE	U.S. Immigration and Customs Enforcement
MGMT	Management Directorate
NFIF	National Flood Insurance Fund
NPPD	National Protection and Programs Directorate
OBIM	Office of Biometric Identity Management
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSEM	Office of the Secretary and Executive Management
O&S	Operations and Support
PC&I	Procurement, Construction, and Improvements
PID	Permanent indefinite discretionary spending
REPP	Radiological Emergency Preparedness Program
R&D	Research and Development
S&T	Science and Technology Directorate
TSA	Transportation Security Administration
USCG	U.S. Coast Guard

USCIS	U.S. Citizenship and Immigration Services
USSS	U.S. Secret Service

Notes 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 are generally rounded to the nearest million (or 10 million, in the case of numbers larger than 1 billion), unless noted otherwise.

Data Sources

Data used in this report for FY2021 annual appropriations, the FY2022 request, and the FY2022 enacted annual and supplemental appropriations are derived from the detail table in the explanatory statement accompanying P.L. 107-113, as printed in the *Congressional Record* of March 9, 2022, Book III, pages H2433-H2476. Aside from supplemental appropriations provided in Division M of P.L. 116-20—the consolidated appropriations measure that resolved the outstanding FY2021 annual appropriations bills—ARPA (P.L. 117-2) was the only enacted measure providing supplemental appropriations for DHS in FY2021—its funding was provided as mandatory appropriations, and information on its content is drawn directly from the public law text.

Data for the FY2022 House Appropriations Committee-recommended levels of annual appropriations are drawn from H.Rept. 117-87, the report accompanying H.R. 4431. Data for the FY2022 Senate committee majority's draft position are from the draft bill and explanatory statement released by the Senate Appropriations Committee on October 18, 2021.[74]

CBO vs. OMB Data

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

Some previous CRS reports on DHS appropriations have used OMB data on mandatory spending for FEMA and the U.S. Secret Service that were not listed in appropriations committee documentation—for consistency, OMB data on mandatory spending are no longer included in this report.

[74] The draft bill and explanatory statement can be found on the Senate Appropriations Committee website at https://www.appropriations.senate.gov/news/majority/chairman-leahy-releases-remaining-nine-senate-appropriations-bills. Citations for the text are made to S. 3058—a bill identical to the majority draft introduced a week later—for ease of citation.

Author Information

William L. Painter
Specialist in Homeland Security and Appropriations

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