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Department of Homeland Security Appropriations: FY2022

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SUMMARY

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January 7, 2022

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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, 2022. 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 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. 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).

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 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 twice 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. 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.

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. 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)	

[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	Draft bill introduced by subcommittee chair[a]	n/a	
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. 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.

Source: CRS Appropriations Status Table.

Notes: CR = continuing resolution.

a. This is atypical—Senate appropriations measures are traditionally marked up as substitute amendments to the House-passed measure. 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.

Legislative Action on FY2022 DHS Appropriations

This section provides an overview of the legislative process thus far for appropriations for DHS for FY2022—from the Administration's initial request, through enactment of continuing and supplemental appropriations in P.L. 117-43, as well as additional supplemental appropriations in P.L. 117-58, Division J.

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

[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.

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, 2022. 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.

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]

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[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.

[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] This is the title for 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.

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.

Other FY2022 DHS Supplemental Appropriations

On a separate track, 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.

- 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—includes
  - $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 will become law in its present form; this potential funding is not included in the analyses below.

Summary of DHS Appropriations

Generally, the homeland security appropriations bill includes all annual appropriations provided to DHS, and allocates resources to every departmental component.[10] In a typical year, discretionary appropriations[11] provide roughly two-thirds to three-fourths of the annual funding for DHS operations, depending on how one accounts for disaster relief funding.[12] The remainder

[10] 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.

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

[12] 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

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.[13] The first four are thematic groupings of components, while the fifth provides general direction to the department, and sometimes includes provisions providing additional budget authority.

The DHS Common Appropriations Structure

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.[14] Under the CAS, legacy appropriations structures were largely converted to a four-category structure:

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

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

tables in the committee reports.

[13] Although the House and Senate have generally produced symmetrically structured bills in the past, additional titles are sometimes added by one of the chambers to address special issues. For example, the FY2012 House full committee markup added a sixth title to carry a $1 billion emergency appropriation for the Disaster Relief Fund. The Senate version carried no additional titles beyond the five described above. For FY2017, the House and Senate committee bills took different approaches to restructuring appropriations and departmental functions, and ultimately, a sixth title was added to provide supplemental appropriations requested by the then-new Trump Administration.

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

- **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.
- **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."[15] 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.

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

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.

Statutory changes made by two laws can be seen in recent DHS appropriations actions, and H.R. 4431 included a specific exception to its restriction on Section 872 authority.

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 reflect the renaming of NPPD to CISA and shift of OBIM, while the FY2020 appropriation was the first to include FPS within the Management Directorate.

The Countering Weapons of Mass Destruction Act of 2018 (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.

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.

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.

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
    - Analysis and Operations
    - Office of Inspector General

Each group's and component's role is briefly described below, and their FY2021 enacted and FY2022 requested and recommended 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."[16]

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."[17]

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."[18]

U.S. Coast Guard (USCG): The USCG is "the principal federal agency responsible for maritime safety, security, and environmental stewardship in U.S. ports and inland waterways." The USCG is a hybrid of a law enforcement agency, regulatory agency, and first responder, as well as being a

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

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

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

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

U.S. Secret Service (USSS): The USSS is responsible for protecting the President, the Vice-President, their families and residences, past Presidents and their spouses, national and world leaders visiting the United States, designated buildings (including the White House and Vice President's Residence), and special events of national significance. The USSS also investigates and enforces laws related to counterfeiting and certain financial crimes.[20]

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

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, both of the detail tables presented in H.Rept. 117-87 and the explanatory statement accompanying the Senate Appropriations Committee majority draft 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 emergency spending or disaster relief and therefore do not "score". They do not reflect offsetting collections or the effects of transfers between components, which appear for information in the tables in italics (as do subdivisions of the Disaster Relief Fund [DRF]). 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.

This report factors total annual discretionary appropriations, the mandatory spending line, the effects of transfers, and supplemental appropriations into a projected **budgetary resources** total. This total, not reflected directly in the 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 budgetary resources listed in the table.

Notes: The totals in this table do not take into account the budgetary effects of offsetting collections, rescissions of prior year budget authority, or changes in mandatory programs (CHIMPS). Factoring in these elements would generate a **net discretionary appropriations** total that does not speak 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.

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

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

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

(budget authority in thousands of dollars)

Component / Appropriation	FY2021 Enacted	FY2022 Request	FY2022 HAC-Reported H.R. 7669	FY2022 SAC Majority Draft (S. 3058)[a]	FY2022 Enacted
CBP					
O&S	12,908,923	13,426,809	13,562,809	13,605,535	—
PC&I	1,839,634	925,780	333,780	717,398	—
CBP Services at User Fee Facilities (PID)	9,000	9,000	9,000	9,000	—
Global Entry Program (PID)	199,939	167,000	167,000	167,000	—
Colombia Free Trade Act Collections (AP)	281,000	206,000	206,000	206,000	—
Reimbursable Preclearance (AP)	39,000	39,000	39,000	39,000	—
Recording Obligations Related to Real Property Agreements (proposed AP)	0	50,000	0	0	—
Immigration and custom fee shortfall appropriation (emergency, Title V)	840,000	0	0	0	—
Total Annual Discretionary Appropriations	**16,117,496**	**14,823,589**	**14,317,589**	**14,743,933**	—
Offsetting Collection (Global Entry and Preclearance)	*-238,939*	*-206,000*	*-206,000*	*-206,000*	—
Fees, Mandatory Spending, and Trust Funds	2,408,906	1,601,034	1,601,034	1,601,034	—
Supplemental Appropriations					
O&S (emergency, P.L. 117-58, Div. J)	0	0	0	0	330,000
Procurement, Construction, and Improvements (emergency, P.L. 117-58, Div. J)	0	0	0	0	100,000
Total Budgetary Resources	**18,526,402**	**16,424,623**	**15,918,623**	**16,344,967**	**430,000**

Component / Appropriation	FY2021 Enacted	FY2022 Request	FY2022 HAC-Reported H.R. 7669	FY2022 SAC Majority Draft (S. 3058)[a]	FY2022 Enacted
ICE					
O&S	7,875,730	7,939,786	7,820,275	7,882,019	—
PC&I	97,799	51,700	51,700	51,700	—
FA	0	0	100,000	0	—
Transfer to FEMA	0	0	*-100,000*	0	—
Total Annual Discretionary Appropriations	**7,973,529**	**7,991,486**	**7,971,975**	**7,933,719**	—
Fees, Mandatory Spending, and Trust Funds	376,610	379,610	379,610	379,610	—
Total Budgetary Resources	**8,350,139**	**8,371,096**	**8,151,585**	**8,313,329**	—
TSA					
O&S	7,793,715	8,094,787	8,072,443	8,094,787	—
Vetting Fee Programs	353,964	200,000	200,000	200,000	—
PC&I	134,492	134,492	156,836	134,492	—
R&D	29,524	35,532	35,532	35,532	—
Total Annual Discretionary Appropriations	**8,311,695**	**8,464,811**	**8,464,811**	**8,464,811**	—
Offsetting Collections (O&S)	*-3,293,964*	*-2,310,000*	*-2,310,000*	*-2,310,000*	—
Fees, Mandatory Spending, and Trust Funds	255,500	256,000	256,000	256,000	—
Total Budgetary Resources	**8,567,195**	**8,720,811**	**8,720,811**	**8,720,811**	—
USCG					
O&S	8,485,146	9,020,770	9,144,070	9,066,020	—
PC&I	2,264,041	1,639,100	1,817,100	1,711,600	—
R&D	10,276	7,476	7,476	7,476	—
Health Care Fund Contribution (PID)	215,787	240,577	240,577	240,577	—
Coast Guard Housing Fund (AP)	4,000	4,000	4,000	4,000	—
Coast Guard Museum (AP)	0	0	0	50,000	—

Component / Appropriation	FY2021 Enacted	FY2022 Request	FY2022 HAC-Reported H.R. 7669	FY2022 SAC Majority Draft (S. 3058)[a]	FY2022 Enacted
Total Annual Discretionary Appropriations	**10,979,250**	**10,911,923**	**11,213,223**	**11,079,673**	—
Offsetting Collections (AP)	*-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	—
Supplemental Appropriations					
O&S (emergency, P.L. 117-58, Div. J)	0	0	0	0	5,000
PC&I (emergency, P.L. 117-58, Div. J)	0	0	0	0	429,000
Total Budgetary Resources	**12,848,954**	**12,875,442**	**13,176,742**	**13,043,192**	**434,000**
USSS					
O&S	2,373,109	2,514,758	2,518,658	2,520,528	—
PC&I	52,955	54,849	54,849	54,849	—
R&D	11,937	2,310	2,310	2,310	—
Total Discretionary Appropriations	**2,438,001**	**2,571,917**	**2,575,817**	**2,577,687**	—
Total Budgetary Resources	**2,438,001**	**2,571,917**	**2,575,817**	**2,577,687**	—
Title II Components Total Annual Appropriations	**45,819,971**	**44,763,726**	**44,542,415**	**44,799,823**	**—**
Title II Components Total Supplemental Appropriations	**0**	**0**	**0**	**0**	**864,000**
Title II Components Projected Total Gross Budgetary Resources	**50,630,691**	**48,963,889**	**48,543,578**	**48,999,986**	**864,000**

Sources: Detail tables in H.Rept. 117-87 and the explanatory statement accompanying the Senate Appropriations Committee majority draft; P.L. 117-43; and P.L. 117-58, Div. J.

Notes: All non-total values are drawn from detail tables or legislative text and do not reflect continuing appropriations. "0" reflects a known zero value. "—" reflects a value yet undetermined by the process. PID = Permanent Indefinite Discretionary spending item, scored against the bill but not included in its text; 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.

Title II Administrative Provisions

There were 35 administrative provisions included in Title II of the FY2021 DHS Appropriations Act.[21] The following subsections note changes from prior-year administrative provisions.

CBP and ICE

The Administration proposed dropping two provisions (209 and 210) that directed the spending of CBP's Procurement, Construction, and Improvements appropriation. Both FY2022 bills dropped those provisions.

The Biden Administration proposed a slight modification to the former 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 Administration also suggested adding four other administrative provisions, directed at CBP and ICE. The provisions would have

- 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.
- 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.)
- Allowed deobligated CBP border barrier construction funds to be used for other purposes.
  - H.R. 4431 included a new Section 211, which allows $100 million in funds previously appropriated for border barrier construction to be used for mitigation activities related to border barrier construction on federal lands.
- Rescinded unobligated balances provided for border barrier construction.

[21] 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.

- 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.

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 continues to carry it.
- Both bills dropped the former Section 213 from the FY2021 DHS Appropriations Act, which provided broad authority to reprogram funding to ICE for detention costs for aliens prioritized for removal.
- 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.
- Section 217 of the FY2021 act continued to carry forward the conditions of Sections 216 and 217 of the FY2020 DHS Appropriations 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 takes 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 includes the extension of the provisions as previously drafted.
- 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 does not include those provisions.
- 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.

- 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.
- 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 contains no similar requirement.

TSA

- The Administration requested dropping Section 223 of the FY2021 DHS appropriations 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.

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. Section 227 of H.R. 4431 maintained the original authority and provided an additional $10 million in flexibility for reprogramming within the "Field Operations" subcategories. S. 3058 continued with the original provision.
- 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 Sections 223, 224, and 225.
- H.R. 4431 included a new Section 236 restricting new fees on inspections of certain towing vessels.
- S. 3058 included a new Section 233 providing a $50 million grant to the National Coast Guard Museum Association.

USSS

No substantive changes were proposed to administrative provisions affecting the USSS.

Incident Response and Recovery Operational Components

Funding for operational components focused on incident response and recovery is generally found in Title III of the annual DHS appropriations act. It includes funding for FEMA, which has the largest budget of any DHS component—an appropriated budget largely driven by disaster programs authorized under the Stafford Act, and an overall budget that also includes nonappropriated funding for the National Flood Insurance Program. Title III also includes funding for the newly restructured Cybersecurity and Infrastructure Security Agency (CISA), formerly the National Protection and Programs Directorate (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, formerly known as the National Protection and Programs Directorate (NPPD), 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."[22]

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.[23]

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 reflects only the impact of transfers in the budgetary resource totals. Aside from transfers, italicized references are for information only and do not contribute to the totals.

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	—
PC&I	353,479	418,179	467,167	530,562	—
Cybersecurity Response and Recovery Fund	0	20,000	20,000	20,000	—
R&D	9,431	3,931	7,431	9,931	—
Total Annual Discretionary Appropriations	**2,024,976**	**2,133,630**	**2,422,348**	**2,638,078**	**—**
Supplemental Appropriations					
O&S (emergency, P.L. 117-58, Div. J)	0	0	0	0	35,000
Cybersecurity Response and Recovery Fund (emergency, P.L. 117-58, Div. J)	0	0	0	0	20,000

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

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

Component / Appropriation	FY2021 Enacted	FY2022 Request	FY2022 HAC-Reported H.R. 7669	FY2022 SAC Majority Draft (S. 3058)[a]	FY2022 Enacted
Mandatory Spending (P.L. 117-2)	650,000	0	0	0	0
Total Budgetary Resources	**2,674,976**	**2,133,630**	**2,422,348**	**2,638,078**	**55,000**
FEMA					
O&S	1,129,282	1,232,162	1,262,966	1,391,121	—
PC&I	105,985	188,212	188,212	191,212	—
FA	3,294,892	3,302,470	3,525,017	3,496,604	—
DRF	17,142,000	19,299,000	18,799,000	18,799,000	—
Disaster relief designation	*17,142,000*	*18,799,000*	*18,799,000*	*18,799,000*	—
DRF - Climate	*0*	*500,000*	*0*	*0*	—
DRF base funding	*0*	*0*	*0*	*0*	—
National Flood Insurance Fund (NFIF)	204,412	204,000	204,000	214,706	—
Radiological Emergency Preparedness Program (REPP) (AP)	34,000	33,630	33,630	33,630	—
Presidential Residence Protection (Title V)	12,700	0	0	3,000	—
Total Annual Discretionary Appropriations	**4,781,271**	**4,960,474**	**5,213,825**	**5,330,273**	**—**
Offsetting Collections (NFIF and REPP)	*-238,412*	*-237,630*	*-237,630*	*-248,336*	—
Transfers to FA from other components	*25,000*	*25,000*	*135,000*	*20,000*	—
Supplemental Appropriations					
FA (emergency, P.L. 117-43; P.L. 117-58)	0	0	0	0	1,083,000[b]

Component / Appropriation	FY2021 Enacted	FY2022 Request	FY2022 HAC-Reported H.R. 7669	FY2022 SAC Majority Draft (S. 3058)[a]	FY2022 Enacted
DRF, Major Disasters (emergency, P.L. 116-260; P.L. 117-58)	2,000,000	0	0	0	200,000[b]
Mandatory Spending (P.L. 117-2)	51,560,000	0	0	0	0
Total Budgetary Resources	**75,771,683**	**24,047,104**	**24,520,455**	**24,417,609**	**1,283,000**
Title III Components Total Annual Appropriations	**6,806,247**	**7,094,104**	**7,636,173**	**7,968,351**	**—**
Title III Components Total Supplemental Appropriations	**52,210,000**	**0**	**0**	**0**	**1,338,000**
Title III Components Projected Total Gross Budgetary Resources	**78,446,659**	**26,180,734**	**26,942,803**	**27,055,687**	**1,338,000**

Sources: Detail tables in H.Rept. 117-87 and the explanatory statement accompanying the Senate Appropriations Committee majority draft; P.L. 117-43; and P.L. 117-58, Div. J.

Notes: All non-total values are drawn from detail tables or legislative text and do not reflect continuing appropriations. "0" reflects a known zero value. "—" reflects a value yet undetermined by the process. PID = Permanent Indefinite Discretionary spending item, scored against the bill but not included in its text; 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.

Title III Administrative Provisions

There were 11 administrative provisions included in Title III of the FY2021 DHS Appropriations Act.[24] The following subsections note changes from prior-year administrative provisions.

CISA

[24] 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.

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

- Both bills included a new Section 302 that directs the Under Secretary for Management to submit to Congress an unfunded priorities list for CISA.
- Both bills included a new Section 303 that requires a monthly report on the status of resources in the newly created Cyber Response and Recovery Fund.
- H.R. 4431 included a new Section 304, which requires 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."[25] S. 3058 included no such provision.

FEMA

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

- 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 H.R. 4431 nor S. 3058 continued the provision.
- 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.
- The Administration proposed adding a new provision allowing 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.
- Both bills included a new section (311 in H.R. 4431, 310 in S. 3058) to allow a portion of the DRF funding from ARPA (P.L. 117-2) to be available for the BRIC program to mitigate the effects of climate change, and to provide $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, shifts $500 million of unobligated DRF base funding to pay the costs of major disasters.
- H.R. 4431 includes a new administrative provision increasing the federal cost share for a range of Stafford Act programs to 90% for disasters declared or occurring in calendar year 2020.[26]
- H.R. 4431 also includes a new administrative provision canceling the outstanding balances on all Community Disaster Loans as of June 30, 2021.[27]

[25] H.R. 4431, §304(a).

[26] H.R. 4431, §314.

[27] H.R. 4431, §315.

Support Components

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

Components and Missions

U.S. Citizenship and Immigration Services (USCIS): USCIS manages the U.S. immigration system, administering the laws that govern temporary admission and permanent immigration to the United States.[28]

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.[29]

Science and Technology Directorate (S&T): S&T leads and coordinates research, development, testing, and evaluation work for DHS, and supports departmental acquisitions.[30]

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.[31]

Table 4 includes a breakdown of budgetary resources provided to these components controlled through appropriations legislation. Italicized references are for information only and do not contribute to the totals.

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	—
FA	10,000	10,000	15,000	20,000	—
H-2B Returning Worker amendment (AP, CHIMP)	*0*	*0*	*7,000*	*7,000*	—
Unused Visa Rollover (AP, CHIMP)	*0*	*0*	*1,000*	*1,000*	—

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

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

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

[31] *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
Total Annual Discretionary Appropriations (no CHIMPS)	**127,790**	**469,504**	**474,504**	**479,504**	**—**
Fees, Mandatory Spending, and Trust Funds	4,931,873	4,291,280	4,291,280	4,721,510	—
Supplemental Appropriations					
Immigration Examination Fee Account Appropriation (Emergency, P.L. 117-43, §2501)	0	0	0	0	193,000
Total Budgetary Resources	**5,059,663**	**4,760,784**	**4,773,784**	**5,209,014**	**193,000**
FLETC					
O&S	314,348	322,436	322,436	322,436	—
PC&I	26,000	33,200	33,200	33,200	—
Total Annual Discretionary Appropriations	**340,348**	**355,636**	**355,636**	**355,636**	**—**
Total Budgetary Resources	**340,348**	**355,636**	**355,636**	**355,636**	**—**
S&T					
O&S	302,703	310,590	310,590	325,590	—
PC&I	18,927	8,859	8,859	12,859	—
R&D	443,928	503,454	510,954	530,454	—
Total Discretionary Appropriations	**765,558**	**822,903**	**830,403**	**868,903**	**—**
Supplemental Appropriations					
R&D (Emergency, P.L. 117-58)	0	0	0	0	157,500
Total Budgetary Resources	**765,558**	**822,903**	**830,403**	**868,903**	**157,500**
CWMD					
O&S	179,892	157,200	162,200	171,750	—
PC&I	87,413	71,604	76,604	71,604	—
R&D	65,309	65,709	65,709	65,709	—

Component / Appropriation	FY2021 Enacted	FY2022 Request	FY2022 HAC-Reported H.R. 7669	FY2022 SAC Majority Draft (S. 3058)[a]	FY2022 Enacted
FA	69,663	132,948	132,948	132,948	—
Total Discretionary Appropriations	**402,277**	**427,461**	**437,461**	**442,011**	**—**
Total Budgetary Resources	**402,277**	**427,461**	**437,461**	**442,011**	**—**
Title IV Components Total Annual Discretionary Appropriations	**1,635,973**	**2,075,504**	**2,098,004**	**2,146,054**	**—**
Title IV Components Total Supplemental Appropriations	**0**	**0**	**0**	**0**	**350,500**
Title IV Components Projected Total Gross Budgetary Resources	**6,567,846**	**6,366,784**	**6,397,284**	**6,875,564**	**350,500**

Sources: Detail tables in H.Rept. 117-87 and the explanatory statement accompanying the Senate Appropriations Committee majority draft; P.L. 117-43; and P.L. 117-58, Div. J.

Notes: All non-total values are drawn from detail tables or legislative text and do not reflect continuing appropriations. "0" reflects a known zero value. "—" reflects a value yet undetermined by the process. PID = Permanent Indefinite Discretionary spending item, scored against the bill but not included in its text; 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.[32]

USCIS

- The Administration proposed a new provision to allow 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 as Section 404 in H.R. 4431 and Section 408 in S. 3058.

[32] 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.

- The Administration proposed a new provision allowing $2,500 in fee revenues to be used for official reception and representation expenses. Neither H.R. 4431 nor S. 3058 included this provision.
- Both bills included a new provision that would increase 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 includes direction on the allocation and management of the additional visas, appears as Section 409 in H.R. 4431 and Section 414 in S. 3058.
- Both bills included a new provision that allows 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 is included in S. 3058 as Section 414.
- Both bills included a new provision that allows 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 is included in S. 3058 as Section 413.
- A new provision is included in H.R. 4431 that allows 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 markup on a voice vote. It is not included in S. 3058.

FLETC

- The Administration proposed continuing and modifying Section 406 of the FY2021 DHS Appropriations Act, which allows FLETC to accept transfers from other federal agencies requesting the construction of special facilities, but that FLETC would maintain administrative control and ownership of the new facilities. The modification would specify that permissible transfers would include USCIS fee revenues.

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.[33]

Departmental Management Directorate (MGMT):[34] 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);

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

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

- 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).[35]

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

- 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";[36] 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]."[37]

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.[38]

Table 5 provides a breakdown of the budgetary resources provided to these components controlled through appropriations legislation. The table reflects only the impact of transfers in the budgetary resource totals. Aside from transfers, italicized references are for information only and do not contribute to the totals.[39]

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					

[35] *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).

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

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

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

[39] 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
O&S	180,819	224,747	233,153	221,555	—
FA	25,000	25,000	35,000	20,000	—
Transfer to FEMA	*-25,000*	*-25,000*	*-35,000*	*-20,000*	—
Total Discretionary Appropriations	**205,819**	**249,747**	**268,153**	**241,555**	**—**
Supplemental Appropriations					
O&S (emergency, P.L. 117-70, Div. B)	0	0	0	0	147,456
Total Budgetary Resources (after transfer)	**180,819**	**224,747**	**233,153**	**221,555**	**147.456**
MGMT					
O&S	1,398,162	1,653,553	1,653,553	1,658,553	—
PC&I	214,795	396,371	511,816	346,371	—
FPS	1,588,748	1,625,000	1,625,000	1,625,000	—
Total Annual Discretionary Appropriations	**3,201,705**	**3,674,924**	**3,790,369**	**3,629,924**	**—**
Offsetting Collections (FPS)	*-1,588,748*	*-1,625,000*	*-1,625,000*	*-1,625,000*	—
Total Budgetary Resources	**3,201,705**	**3,674,924**	**3,790,369**	**3,629,924**	**—**
A&O					
O&S	298,500	320,620	320,620	320,620	—
Total Discretionary Appropriations	**298,500**	**320,620**	**320,620**	**320,620**	**—**
Total Budgetary Resources	**298,500**	**320,620**	**320,620**	**320,620**	**—**
OIG					
O&S	190,186	205,359	205,359	205,359	—
Total Discretionary Appropriations	**190,186**	**205,359**	**205,359**	**205,359**	**—**
Total Budgetary Resources	**190,186**	**205,359**	**205,359**	**205,359**	**—**
Title I Components Total Annual Discretionary Appropriations	**3,896,210**	**4,450,650**	**4,584,501**	**4,397,458**	**—**
Title I Components Total Supplemental Appropriations	**0**	**0**	**0**	**0**	**147,456**

Component / Appropriation	FY2020 Enacted	FY2021 Request	FY2021 HAC-reported H.R. 7669	FY2021 SAC Majority Draft (S. 3058)[a]	FY2021 Enacted
Title I Components Projected Total Gross Budgetary Resources	**3,871,210**	**4,425,650**	**4,549,501**	**4,377,458**	**147,456**

Sources: Detail tables in H.Rept. 117-87 and the explanatory statement accompanying the Senate Appropriations Committee majority draft; P.L. 117-43; P.L. 117-58, Div. J, and P.L. 117-70, Div. B.

Notes: All non-total values are drawn from detail tables or legislative text and do not reflect continuing appropriations. "0" reflects a known zero value. "—" reflects a value yet undetermined by the process. PID = Permanent Indefinite Discretionary spending item, scored against the bill but not included in its text; 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.

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).

The House committee-reported bill suggested modifying the initial due date in Section 101 from October 15 to 15 days after enactment. The House bill also proposed adding two new sections: one requiring a quarterly progress report on major acquisition programs[40] for DHS, and the other requiring reporting to the appropriations committees before undertaking pilot or demonstration projects.

[40] 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."

Both bills proposed dropping Section 106, but otherwise, S. 3058 included no substantive changes to these administrative provisions.

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.

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:

- 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.)
- 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.)
- 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, providing $3.0 million—down from $12.7 million in FY2021.)
- 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 the provision.[41])
- Section 537, which required the Administration 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, an administrative provision in each bill requires such a list to be provided by CISA,[42] and the draft Senate committee majority explanatory statement directs the USCG to provide one as well.[43])

[41] S. 3058, §534.

[42] H.R. 4431, §302; S. 3058, §302.

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

- 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.)
- 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.)
- 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; S. 3058 continued the provision.[44])

The Administration proposed modifying the following provisions:

- Section 523, which restricted large-scale DHS attendance at international conferences. The proposed modification would allow 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.)
- Section 525, which restricted obligating funds for structural pay reform without certain reporting. The modification would allow 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, with H.R. 4431 allowing for such obligations if the proposal was in the budget request and not specifically restricted in the act or its accompanying explanatory statement.)
- 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 provision with rescissions.)[45]

The Administration proposed adding the following three provisions:

- A provision authorizing 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.)
- A provision allowing 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.)[46]
- A provision allowing 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 include mechanisms to provide resources for this purpose.)[47]

[44] S. 3058, §535.

[45] H.R. 4431, §535; S. 3058, §539.

[46] H.R. 4431, §235; S. 3058, §232.

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

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.

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

H.R. 4431 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.

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

H.R. 4431 expanded the availability of unobligated Operations and Support appropriations at the end of the year from 50% to 75%, and provides those resources to the DHS Information Security Modernization Fund. S. 3058 matched the prior-year enacted version.

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

H.R. 4431 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.

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 continues that provision.

H.R. 4431, **Section 523 / S. 3058**, **Section 524**

See above regarding a proposed modification to what had previously been Section 525.

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.

S. 3058, **Section 529**

See above regarding a proposed discontinuation of what had previously been Section 530.

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.

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

H.R. 4431 included a new requirement for 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.

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

H.R. 4431 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.

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.

H.R. 4431, **Section 535 / S. 3058**, **Section 539**

These provisions included rescissions of unobligated balances. The first 24 rescissions were identical. H.R. 4431 would rescind $2.17 billion from CBP procurement, while S. 3058 would rescind $1.89 billion. This change is likely due to variation in unobligated balances in the account at the time the bills were drafted. H.R. 4431 also included two additional rescissions totaling $29 million.

S. 3058, **Section 534**

See discussion above on prior-year Section 536.

S. 3058, **Section 535**

See discussion above on prior-year Section 542.

S. 3058, **Section 536**

S. 3058 included a new general provision to create a fund for nonrecurring information technology and facilities infrastructure improvement, to be funded by DHS's expiring unobligated discretionary funds. H.R. 4431 did not include a structurally similar provision, although its proposed modifications to Section 505 would provide more limited but similar means to accomplish some similar ends.

S. 3058, **Section 537**

S. 3058 included a new general provision to extend the portability of the licensure of DHS's medical professionals, which had originally been granted in the CARES Act.[48] H.R. 4431 included no such provision.

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."[49] H.R. 4431 included no such provision.

For Further Information

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

- CRS Report R46822, *DHS Budget Request Analysis: FY2022*;

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

[49] S. 3058, §538.

- 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	
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*

Component / Issue Area	Name	Background Report
Maritime Transportation	John Frittelli	CRS Report R44566, *The Coast Guard's Role in Safeguarding Maritime Transportation: Selected Issues*
U.S. Secret Service	Shawn Reese	CRS Report RL34603, *The U.S. Secret Service: History and Missions*
Cybersecurity and Infrastructure Security Agency		
Cybersecurity	Chris Jaikaran	CRS In Focus IF10683, *DHS's Cybersecurity Mission—An Overview*
Infrastructure Protection	Brian Humphreys; Frank Gottron	CRS Report R45809, *Critical Infrastructure: Emerging Trends and Policy Considerations for Congress*
Federal Emergency Management Agency		
Disaster Response and Recovery	Elizabeth Webster	CRS Report R41981, *Congressional Primer on Responding to and Recovering from Major Disasters and Emergencies*
Disaster Relief Fund	William L. Painter	CRS Report R45484, *The Disaster Relief Fund: Overview and Issues*
Mitigation Programs	Diane P. Horn	CRS Insight IN11187, *Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance*
Stafford Act Individual Assistance Program	Elizabeth Webster	CRS In Focus IF11298, *A Brief Overview of FEMA's Individual Assistance Program*
Stafford Act Public Assistance Program	Erica A. Lee	CRS 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[50] 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.[51] 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[52] 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

[50] 31 U.S.C. §§1341, 1342, 1344, 1511-1517.

[51] 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.

[52] 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[53]

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, both of the detail tables presented in H.Rept. 117-87 and the explanatory statement accompanying the Senate Appropriations Committee majority draft 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

[53] 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 Division F of P.L. 116-260. No Senate 302(b) allocations have been 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	n/a

Sources: CRS analysis of H.Comm.Prt. 43-749 (for FY2021), H.Rept. 117-87 (for the request), and H.Rept. 117-91, *Revised Suballocation of Budget Allocations for Fiscal Year 2022*.

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

The Budget Control Act, Discretionary Spending Caps, and Adjustments

The Budget Control Act established enforceable discretionary limits, or caps, for defense and nondefense spending for each fiscal year from FY2012 through FY2021. Subsequent legislation, including the Bipartisan Budget Acts of 2013, 2015, 2018, and 2019,[54] amended those caps. Most of the budget for DHS is considered nondefense spending.[55]

In addition, the Budget Control Act allows for adjustments that would raise the statutory caps to cover funding for overseas contingency operations/Global War on Terror, emergency spending, and, to a limited extent, disaster relief and appropriations for continuing disability reviews and control of health care fraud and abuse.

Three of the four justifications outlined in the Budget Control Act for adjusting the caps on discretionary budget authority have played a role in DHS's appropriations process. Two of these—emergency spending and overseas contingency operations/Global War on Terror—are not limited.

The third justification—disaster relief—is limited. Under the Budget Control Act, the allowable adjustment for disaster relief was determined by the Office of Management and Budget (OMB), using the following formula until FY2019: "Limit on disaster relief cap adjustment for the fiscal year = Rolling average of the disaster relief spending over the last ten fiscal years (throwing out the high and low years) + the unused amount of the potential adjustment for disaster relief from the previous fiscal year."

The Bipartisan Budget Act of 2018 amended the above formula, increasing the allowable size of the adjustment by adding 5% of the amount of emergency-designated funding for major disasters under the Stafford Act, calculated by OMB at the time as $6.296 billion.[56] 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[57]—the third-largest allowable adjustment for disaster relief in the history of the mechanism.[58] That estimate is the sum of:

- the 10-year average, dropping the high and low years ($8.691 billion);
- 5% of the emergency-designated Stafford Act spending since 2012 ($8.694 billion); and
- carryover from the previous year (none).[59]

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

[55] 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.

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

[57] 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.

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

[59] 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.[60] 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.

[60] 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 may be 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 are derived from the detail table in H.Rept. 117-87. 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 requested levels and House Appropriations Committee-recommended levels of annual appropriations are also 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.[61] Data on FY2022 supplemental appropriations are drawn directly from the enacted public laws: P.L. 117-43, P.L. 117-58, and P.L. 117-70.

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.

[61] 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.

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