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Summary

This report describes the FY2005 appropriations for the Department of Homeland Security (DHS). On October 18, 2004, P.L. 108-334 was signed into law providing $33.1 billion in appropriations for DHS for FY2005. The report includes tables that compare the FY2004 appropriations for the programs and activities of DHS, the President's FY2005 request, the congressional response to the request, and the amounts enacted for FY2005.

P.L. 108-334 provides the following amounts for the four titles of the DHS appropriation: (I) Departmental Management and Operations, $607 million; (II) Security, Enforcement and Investigations, $20.6 billion; (III) Preparedness and Recovery, $9.5 billion; and (IV) Research and Development, Training, Assessments, and Services, $2.4 billion.

The President's FY2005 Budget requested total appropriations of $32.6 billion for DHS. H.R. 4567 and S. 2567 recommended a total appropriation of $33.1 billion representing an increase of $500 million compared to the request, and a 9.2% increase compared to the FY2004 enacted level.

P.L. 108-334 provides the following amounts for the major components of DHS. Included under Title II: Customs and Border Protection (CBP) $5.3 billion; Immigration and Customs Enforcement (ICE) $3.2 billion; Transportation Security Administration (TSA) $3.3 billion; the U.S. Coast Guard $7.4 billion; the U.S. Secret Service $1.2 billion; and the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) $340 million. Included under Title III is $4.0 billion for the Office of State and Local Government Coordination and Preparedness (OSLGCP), and $5.5 billion for Emergency Preparedness and Response (EPR) activities. Title IV includes $160 million for Citizenship and Immigration Services (CIS); $894 million for Information Analysis and Infrastructure Protection (IAIP); $222 million for the Federal Law Enforcement Training Center (FLETC); and $1.1 billion for the Science and Technology Directorate.

This report will not be updated.

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Most Recent Developments

P.L. 108-334 Signed Into Law

On October 18, 2004, the President signed P.L. 108-334 into law providing $33.1 billion in new obligational budget authority with a direct appropriation of $30.1 billion. The conference report to H.R. 4567 was approved by the House on October 9, 2004, by a vote of 368-0; and approved by voice vote in the Senate on October 11.

H.R. 4567 Passed in the Senate in Lieu of S. 2537

On September 14, 2004, the Senate passed H.R. 4567 after striking the House-passed language and inserting the language of S. 2537. The Senate-passed version of H.R. 4567 provides a total appropriation of $33.8 billion for the Department of Homeland Security (DHS); an increase of $1.3 billion over the Administration's request, and an 11.5% increase over the enacted FY2004 level of $30.3 billion.

H.R. 4567 Passed in the House

On June 18, 2004, H.R. 4567 was passed in the House by a vote of 400-5. The bill would provide a total appropriation of $33.1 billion for the Department of Homeland Security (DHS); an increase of $500 million over the Administration's request, and a 9.2% increase over the enacted FY2004 level of $30.3 billion.

S. 2537 Reported

On June 17, 2004, S. 2537 was introduced in the Senate. The bill would provide a total appropriation of $33.1 billion for (DHS); an increase of $500 million over the Administration's request, and a 9.2% increase over the enacted FY2004 level. S. 2537 was accompanied by Senate Report, S.Rept. 108-280, which was reported by the Senate Appropriations Committee on June 17, 2004, by a vote of 29-0.

President's FY2005 Budget Submitted

On February 2, 2004, the President submitted the FY2005 budget request to Congress, proposing $32.6 billion in appropriations for the DHS. This represents a 7.7% increase over net enacted FY2004 funding of $30.3 billion.[1]

Table 1 summarizes the legislative status of DHS appropriations for FY2005.

[1] The FY2004 amount does not include $4.8 billion in scorekeeping adjustments, rescissions, and advance appropriations.

Table 1. Legislative Status of Homeland Security Appropriations

Subcommittee Markup		H.Rept. 108-541	House Passage	S. Rept 108-280	Senate Passage	Confer. Report H.Rept. 108-774	Conference Report Approval		Public Law
House	Senate						House	Senate	
06/03[a] (vv)	06/16[b] (vv)	6/09[c] (vv)	06/18[d] (400-5)	06/17[e] (29-0)	09/14 [f] (93-0)	10/09	10/09 (368-0)	10/11 (vv)	10/18 108-334

Note: vv = voice vote

a. House Appropriations Subcommittee for Homeland Security held a markup on June 3, 2004.

b. Senate Appropriations Subcommittee for Homeland Security held a markup on June 16, 2004.

c. House Appropriations Committee reported by voice vote the report (H.Rept. 108-541) to the FY2005 DHS Appropriations bill (H.R. 4567).

d. The House passed H.R. 4567 June 18, 2004 by a vote of 400-5.

e. Senate Appropriations Committee reported by a vote of 29-0, the report (S.Rept. 108-280) to the FY2005 DHS Appropriations bill (S. 2537).

f. The Senate passed its own version of H.R. 4567 after striking the House-passed text and inserting the text of S. 2537. The Senate also adopted several amendments prior to passage.

Note on Most Recent Data

The data in this report are based on the P.L. 108-334, the conference report to H.R. 4567 (H.Rept. 108-774); House report (H.Rept. 108-541) to H.R. 4567; the House-passed version of H.R. 4567; the Senate-passed version of H.R. 4567; and on Senate report (S.Rept. 108-280) to S. 2537.

302(a) and 302(b) Allocation Ceilings

The maximum budget authority for annual DHS appropriations is determined through a two-stage congressional budget process. In the first stage, the Congress agrees to overall spending totals in the annual concurrent resolution on the budget. Subsequently, these amounts are allocated among the various 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 the discretionary totals available to the House and Senate Committees on Appropriations for enactment in annual appropriations through the 13 subcommittees responsible for the development of the appropriation bills specific to each.

In the second stage of the process, the appropriations committees allocate the 302(a) discretionary funds among their subcommittees for each of the 13 annual appropriation 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 total above the ceiling is subject to a point of order. 302(b) allocations may be adjusted during the year as the various appropriations bills progress toward final enactment. On May 19, 2004, the House agreed to the conference report on the FY2005 budget resolution S.Con.Res. 95. The Senate did not pass the FY2005 budget resolution (S.Con.Res. 95). On June 15, 2004, House Appropriations Committee Chairman Young submitted H.Rept. 108-543, which included subcommittee 302(b) allocations based on the amounts agreed to in the conference report on S.Con.Res. 95. The 302(a) allocation in the House version of S.Con.Res. 95 is $821 billion, and the discretionary 302(b) allocation listed in H.Rept. 108-543 for Homeland Security is $32 billion. On September 8, 2004, the Senate Appropriations Committee approved its 302(b)

allocations with a total budget authority for Homeland Security of $32 million. **Table 2** shows the 302(b) discretionary allocations for DHS, thus far in the process.

Table 2. FY2005 302(b) Discretionary Allocations for DHS

(budget authority in billions of dollars)

FY2004 Comparable	FY2005 Request Comparable	FY2005 House Allocation	FY2005 Senate Allocation	FY2005 Enacted Comparable
$29.2	$31.1	$32	$32	$32

Source: H.Rept. 108-543, *Suballocation of Budget Allocations for FY2005*, submitted June 15, 2004, and Senate Appropriations Committee press release, September 8, 2004, available at http://appropriations.senate.gov/releases/Allocations%202005.pdf.

Highlights

This report describes the President's proposal for FY2005 appropriations for DHS programs, as submitted to the Congress on February 2, 2004, and the congressional response to that proposal. It compares the FY2005 amounts proposed in the President's budget, the current estimates of the FY2004 amounts for programs and activities that were transferred to DHS after its establishment on January 24, 2003. This report tracks legislative action and congressional issues related to the FY2005 DHS appropriations bill, with particular attention paid to discretionary programs. However, the report does not follow specific funding issues related to mandatory DHS programs—such as retirement pay—nor does it systematically follow any legislation related to the authorization or amendment of DHS programs.

FY2005 represents the second annual appropriations cycle for DHS. Of the 13 annual appropriations bills, the DHS bill is estimated to be the fifth largest source of discretionary funds, accounting for approximately 3.5% of the estimated $818.4 billion total for all federal discretionary budget authority, as reported in the *Budget of the United States Government Fiscal Year 2005*, Table S-5.[2]

Though not the focus of this paper, it is important to note that not all federal spending on homeland security is funneled through DHS. According to a recent Congressional Budget Office (CBO) report,[3] the Administration has requested $47.3 billion in FY2005 gross budget authority for federal homeland security activities. Of this total, according to CBO, $40[4] billion or 86% is allocated to DHS. However, it is also important to note that DHS performs many missions that are not related to homeland security.[5] According to CBO, approximately $27.1 billion or 68% of the total FY2005 requested gross budget authority for DHS is devoted to homeland security missions. Therefore, the requested DHS homeland security budget authority for FY2005 ($27.1

[2] U.S. President (Bush), *Budget of the U.S. Government: Fiscal Year 2005* (Washington: 2004), p. 369.

[3] For information regarding federal funding for homeland security activities across the federal government, see "Federal Funding for Homeland Security," *Economic and Budget Issue Brief*, CBO, Apr. 30, 2004, at http://www.cbo.gov/ftpdoc.cfm?index=5414&type=1.

[4] This total is different from the committee total because it is gross budget authority as opposed to new budget authority.

[5] For a break down and comparison of homeland security and non-homeland security funding within DHS, see Department of Homeland Security, *Department of Homeland Security FY2005 Budget in Brief*, p. 65.

billion) represents approximately 57% of the total federal resources ($47.3 billion) sought by the Administration for homeland security activities in FY2005.[6]

Appropriations for the Department of Homeland Security

The Homeland Security Act of 2002 (P.L. 107-296) transferred the functions, relevant funding, and most of the personnel of 22 agencies and offices to the new DHS created by the act. The act organized DHS into four major directorates: Border and Transportation Security (BTS); Emergency Preparedness and Response (EPR); Science and Technology (S&T); and Information Analysis and Infrastructure Protection (IAIP).

During congressional debate on the FY2004 appropriations cycle, the structure of accounts and titles under the bill (H.R. 2555) was reorganized several times. The House and Senate Appropriations Committees each organized the appropriations slightly differently, and the Conference committee decided upon the final organization, which was adopted in P.L. 108-90. The House and Senate tables contained within H.Rept. 108-541 and S.Rept. 108-280 for FY2005 generally reflect the organization adopted in P.L. 108-90, and is the organization used in this report.

Table 3 is a summary table comparing appropriations for FY2004 and the requested amount for FY2005. As shown in **Table 3**, the Administration has requested a total appropriation of $32.6 billion for DHS for FY2005. This total represents a 7.7% increase in funding over the enacted FY2004 amount. The discretionary funding amount is $31.5 billion, and represents a 7.7% increase over the net enacted FY2004 level. Requested mandatory FY2005 funding represents a 6.4% increase over the enacted FY2004 level. On October 18, 2004, P.L. 108-334 was signed into law providing $33.1 billion in appropriations for DHS for FY2005. P.L. 108-334 provides the following amounts for the four titles of the DHS appropriation: (I) Departmental Management and Operations, $607 million; (II) Security, Enforcement and Investigations, $20.6 billion; (III) Preparedness and Recovery, $9.5 billion; and (IV) Research and Development, Training, Assessments, and Services, $2.4 billion.

H.Rept. 108-541 (to H.R. 4567) recommends a total appropriation of $33.1 billion for DHS, representing an increase of $500 million compared to the Administration's request, and a 9.3% increase compared to the FY2004 enacted level. S.Rept. 108-280 (to S. 2537) also provides $33.1 billion for DHS.

The House passed H.R. 4567, June 18, 2004, providing a total of $33.1 billion for DHS. Prior to passage, the House adopted five amendments, two of which changed amounts to be appropriated. H.Amdt. 568 provided $50 million to the Staffing of Adequate Fire and Emergency Response Firefighters (SAFER) program, which was offset by a $50 million reduction for the Office of the Undersecretary for Management in the Operations Account of Title I. H.Amdt. 569 increased funding for Customs and Border Protection (CBP) in Title II, by $450 thousand (less than $0.5 million), which was offset by a reduction in amounts provided to the Office of the Undersecretary for Management in Title I.

The Senate passed H.R. 4567 on September 14, 2004. Prior to debating the bill, the Senate struck all of the House-passed provisions and inserted the language from S. 2537. During the debate, the Senate adopted more than 40 amendments to the bill. Of the adopted amendments, 8 increased or decreased amounts to be appropriated. S.Amdt. 3616 added a total of $170 million to the Office of State and Local Government Preparedness (OSLGCP) distributed as follows: $50 million for

[6] See also, Office of Management and Budget, *2003 Report to Congress on Combating Terrorism* (Washington: Sept. 2003), for a presentation of federal resources devoted to combating terrorism.

State and Local Programs; $50 million for Firefighter Assistance Grants; and $20 million for Emergency Management Planning Grants (EMPG). S.Amdt. 3578 adds $200 million for Air and Marine Interdiction, Operations, Maintenance and Procurement. S.Amdt 3578 includes an offset in the form of an extension of Customs User fees from March 1, 2005 to June 1, 2005.[7]

S.Amdt. 3618 adds a total of $414 million distributed as follows: $150 million for Customs and Border Protection (CBP) Salaries and Expenses; $100 million for Immigration and Customs Enforcement (ICE) Salaries and Expenses (of which $50 million is for investigative personnel, and $50 million is for Detention and Removal bedspace and operations); $128 million to the OSLCGP for State and Local Programs for rail and transit security; and $36 million to the OSLGCP for EMPG. S.Amdt. 3618 also includes an offset in the form of an extension of Customs User fees from June 1, 2005 to September 30, 2005. S.Amdt. 3611 applies an overtime cap to certain CBP employees and reduces the CBP Salaries and Expenses account by $1 million. S.Amdt. 3598 provides an additional $75 million for baggage screening activities. S.Amdt. 3630 provides an additional $100 million for Federal Fire Prevention and Control Act with decreases in amounts from the following sources: $70 million from Title I in the Office of the Under Secretary for Management; $20 million from Title IV in Information Analysis and Infrastructure Protection's (IAIP) Management and Administration Account; and $10 million from Science and Technology's (S&T) Management and Administration Account.

The Senate also adopted amendments to provide additional assistance pertaining to the recent round of hurricanes including Bonnie, Charley, and Frances.[8] S.Amdt. 3607 provided an additional $70 million to the Red Cross for response to hurricanes Bonnie, Charley, and Frances. S.Amdt. 3636 would provide an estimated $3 billion in emergency supplemental farm disaster assistance in response to various natural disasters.

Table 3. Department of Homeland Security: Summary of Appropriations

($ in millions)

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Enacted
Title I: Departmental Management and Operations					
Subtotal: Title I	**453**	**713**	**584** [b]	**562**	**607**
Title II: Security, Enforcement, and Investigations					
—Office of the Undersecretary for Border and Transportation Security	8	10	10	9	10
—Visitor and Immigrant Status Indicator project (US VISIT)	328	340	340	340	340
—Customs and Border Protection	4,899	5,122	5,154 b	5,158	5,270 [c]
—Immigration and Customs Enforcement	3,407	3,307	3,363	3,760	3,167 [d]
—Transportation Security Administration[a]	2,508	3,152	3,225	3,412	3,260
—U.S. Coast Guard	6,764	7,335	7,307	7,469	7,373
—U.S. Secret Service	1,134	1,163	1,183	1,163	1,175

[7] 19 U.S.C. 58c(j).

[8] See CRS Report RL32581, *Assistance after Hurricanes and Other Disasters: FY2004 Supplemental Appropriations*, by Keith Bea and Ralph M. Chite.

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Enacted
Subtotal: Title II	**19,048**	**20,430**	**20,583**	**21,311**	**20,595**
Title III: Preparedness and Recovery					
—Office of Domestic Preparedness/ Office of State and Local Government Coordination and Preparedness	4,013	3,561	4,115 [b]	4,134	3,985
—Counter-terrorism fund	10	20	10	10	10
—Emergency Preparedness and Response	9,351	5,625	5,425	5,648	5,499
Subtotal: Title III (current year, net)	**13,374**	**9,206**	**9,550** [b]	**9,792**	**9,491**
Title IV: Research and Development, Training, Assessments, and Services					
—Citizenship and Immigration Services	235	140	160	140	160
—Information analysis and infrastructure protection	834	865	855	856	894
—Federal Law Enforcement Training Center	192	196	221	224	222
—Science and technology	913	1,039	1,132	1,059	1,115
Subtotal: Title IV	**2,173**	**2,240**	**2,368**	**2,279**	**2,392**
Amount in this bill, for any year	35,048	32,590	33,085	33,944	33,085
Scorekeeping adjustments (rescissions; advance appropriations) (net)	(-4,786)	(-2,528)	(-2,561)	(-2,528)	(-2,613)
Total, Dept. of Homeland Security	**30,262**	**32,590**	**30,524**	**31,416**	**30,472**
Discretionary (current year, this bill)	***29,242***	***31,504***	***32,000***	***32,000***	***32,000***
Mandatory	***1,020***	***1,085***	***1,085***	***1,085***	***1,085***
Section 302(b) allocation	29,242	—	32,000	*32,000*	*32,000*
Difference, bill and allocation	0	—	0	*0*	*0*

Source: P.L. 108-334; H.R. 4567 passed by the House June 18, 2004; H.R. 4567 passed by the Senate September 14, 2004; S. 2537 introduced by the Senate June 17, 2004.

Note: Rounding may affect totals.

a. Net, after considering fee receipts.

b. Title I total includes total reductions of $50.4 million contained in H.Amdt. 568 and H.Amdt. 569 that were adopted during the debate on passage of H.R. 4567. $50 million of these reductions were transferred to the Firefighter Assistance Account under the Office of State and Local Government Preparedness (OSLGCP) in Title III; and $450,000 ($0.4 million) were transferred to CBP in Title II.

c. Includes amounts for Air and Marine Interdiction (AMO) to reflect DHS' transfer of AMO from ICE to CBP; also includes a $63 million rescission.

d. Does not include funding for AMO which was transferred from ICE to CBP by DHS.

Title I: Departmental Management and Operations

Title I covers the general administrative expenses of DHS, including the Office of the Secretary and Executive Management Offices; the Under Secretary for Management; the Counterterrorism Fund; the Department-wide Technology Investments Account; and the Office of the Inspector

General.9 **Table 4** shows appropriations for FY2004, and congressional action on the request for FY2005. The total FY2005 request for Title I is $713 million. This represents a 57.4% increase over the FY2004 enacted level. H.Rept. 108-541 recommends $634 million for Title I, representing a $79 million decrease compared to the Administration's request, and a 40% increase compared to the FY2004 enacted level. However, during the floor debate on H.R. 4567, H.Amdt. 568 and H.Amdt. 569 were adopted reducing the total amounts available in Title I, by $50.4 million to $584 million. S.Rept. 108-280 provides a total of $632 million for Title I. During the floor debate for H.R. 4567, the Senate adopted S.Amdt. 3630, which decreased Title I by $70 million to $562 million. The conferees provide a total of $607 million for Title I.

Table 4. Title I: Departmental Management and Operations

($ in millions)

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Enacted
Operations (salaries and expenses)	211	405	291	258	524 [a]
Department-wide tech. investments	184	226	211	222	—[a]
Office of the Inspector General (net)	58	82	82	82	82
Subtotal: Title I	**453**	**713**	**584**	**562**	**607**

Source: P.L. 108-334; H.R. 4567 passed by the House June 18, 2004; H.R. 4567 passed by the Senate September 14, 2004; S. 2537 introduced by the Senate June 17, 2004.

Note: Rounding may affect totals.

a. The conferees deleted a separate appropriation line for Department-wide Technology Investment and include this funding within the Operations Salaries and Expenses account with the funding for the Chief Information Officer.

Operations

Included in the Operations account is the Office of the Secretary and the Executive Management Offices, which perform several functions including public affairs, congressional affairs, privacy, security, general counsel, and civil rights and liberties. The Office of the Immigration Ombudsman is also housed in the Executive Management Offices. The Undersecretary for Management is responsible for several functions including, for example, monitoring and managing appropriations, accounting and finance, procurement, human resources and personnel, and the tracking of performance measurements relating to the department. The FY2005 request for Operations of $405 million represents a 92% increase in funding over the enacted FY2004 level of $211 million. The conferees provide $524 million for Operations, but this amount includes funding previously appropriated under Department-wide Technology Investments. H.Rept. 108-541 provides $341 million for the Operations Account, representing a decrease of $64 million from the Administration's FY2005 request; and a 62% increase in funding over the enacted FY2004 level. However, during the floor debate on H.R. 4567, H.Amdt. 568 and H.Amdt. 569 were adopted reducing the total amounts available in the Office of the Undersecretary for Management, by $50.4 million, leaving a total of $291 million provided by H.R. 4567 for the Operations account. S.Rept. 108-280 provides $328 for the Operations

[9] For CRS reports on DHS Management Issues, see Current Legislative Issues: Homeland Security - Administering the Department, at http://www.congress.gov/erp/legissues/ html/isdhs2.html.

Account, representing a $13 million decrease compared to H.Rept. 108-541, and a 55% increase compared to the enacted FY2004 level. The $13 million difference between the House and Senate bills is spread across many sub-accounts and activities. Significant comparisons between the Administration's request; H.Rept. 108-541; and S.Rept. 108-280 for Operations include the following:

- $103 million requested by the administration for the new human resources personnel system, including additional resources for training supervisory personnel, and creating the information technology framework for the performance-based personnel system (the conferees in P.L. 108-334, provide $36 million for this activity) (H.Rept. 108-541 provides $70 million under this account, and $21 million under the Department-Wide Technology Investment account, while S.Rept. 108-280 provides $70 million under this account);
- $45 million requested by the Administration for the continued expansion of DHS headquarters, of which $19 million would be available for 'tenant improvement' and move costs, and $26 million is for the relocation of U.S. Navy operations from the Nebraska Avenue Complex to leased facilities (fully funded by P.L. 108-334, H.Rept. 108-541, and S Rept. 108-280); and
- $17 million for headquarters staffing adjustments, of which $3.5 million is to implement a new regional field structure (half-year funding, or $1.7 million provided by H.Rept. 108-541, but not funded by P.L. 108-334 or S.Rept. 108-280), $4.6 million for the Immigration Ombudsman (not funded by H.Rept. 108-541, but funded at $3.5 million by P.L. 108-334 and S.Rept. 108-280), and $5.9 million to align the Office of Immigration Statistics under the Office of the Under Secretary for Management (fully funded by P.L. 108-334, H.Rept. 108-541 and S.Rept. 108-280).

In addition, H.Rept. 108-541 zeroed out (-$6 million) funding for the DHS Office of Legislative Affairs, while this office is fully funded by S.Rept. 108-280; P.L. 108-334 funds this office at $5.4 million.

Department-wide Technology Investments

The FY2005 Department-wide Technology Investment (DTI) request of $226 million represents a 23% increase over the FY2004 enacted level of $184 million. H.Rept. 108-541 provides $211 million for this account, representing a decrease of $15 million as compared to the Administration's request, and an increase of 15% compared to the FY2004 enacted level. S.Rept. 108-280 provides $222 million for this account, representing an $11 increase compared to H.Rept. 108-541, and a 21% increase compared to the FY2004 enacted level. P.L. 108-334 provides $275 million in funding for the Office of the Chief Information Officer (CIO) which includes funding previously appropriated under the Department-wide Technology Investments account. This amount includes: $208 million for Department-wide Technology Investments, and $67 million for salaries and expenses.

Significant comparisons between the Administration's request, H.Rept. 108-541, and S.Rept. 108-280 for Department-wide Technology Investment:

- $21 million for the design, development and implementation of a new human resources information system integrating and consolidating the existing legacy systems and implementing e-Government solutions (fully funded by P.L. 108-334, H.Rept. 108-541 and S.Rept. 108-280); and

- $17 million for the 'eMERGE'[10] financial management system that will consolidate the existing legacy financial management systems into one uniform solution for the Department (funded at $10 million by P.L. 108-334; funded at $13 million, by H.Rept. 108-541 and S.Rept. 108-280, due to the identification of $4 million in savings for this program).

The difference between the H.R. 4567 and S. 2537 can be accounted for by the H.Rept. 108-541 transfer of $11 million for SAFECOM (secure interoperable communications) from this account to the Directorate of Science and Technology. S.Rept. 108-280 does not transfer these funds to S&T, providing $11 million under DTI. S.Rept. 108-280 also provides an additional $11 million for SAFECOM under the S&T Directorate, for a total of $22 million for SAFECOM. The conferees, in P.L. 108-334, provide $11 million for SAFECOM under the S&T directorate.

Title II: Security, Enforcement, and Investigations

Title II funds Security, Enforcement, and Investigations. The largest component of Title II is the Directorate of Border and Transportation Security (BTS).[11] BTS is comprised of the inspection, investigative, and enforcement operations of the former U.S. Customs Service (Customs), the former Immigration and Naturalization Service (INS), portions of the Animal and Plant Health Inspection Service (APHIS) (whose functions have been split between the Customs and Border Protection and the Immigration and Customs Enforcement); and the TSA. The Coast Guard and the Secret Service are also funded under Title II, though they are not a part of BTS.

Table 5 shows funding for Title II. The table compares the funding of Title II activities for FY2004 with the amounts requested for FY2005. The Administration has requested a total Title II appropriation of $20.4 billion for FY2005. The BTS Directorate accounts for 62.6% of the entire DHS budget. The FY2005 total request represents an increase of $1.4 billion or 7.3% over the FY2004 enacted level. H.Rept. 108-541 recommends $20.6 billion for Title II, representing a $153 million increase compared to the request, and a 8% increase compared to the FY2004 enacted level. S.Rept. 108-280 provides $20.7 billion for Title II, representing a $153 million increase compared to the amounts provided in H.Rept. 108-541, and a 9% increase compared to the FY2004 enacted level. During floor debate, the Senate added several amendments to HR4567 that increased overall Title II appropriations to $21.3 billion. This represents an increase of $881 million over the FY2005 request and 12% over the FY2004 enacted level. P.L. 108-334 provides $20.6 billion in appropriations for Title II.

Table 5. Title II: Security, Enforcement, and Investigations

($ in millions)

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Enacted
Office of the Under Secretary for Border and & Transportation Security	**8**	**10**	**10**	**9**	**10**
Visitor & Immigrant Status Indicator Project	**328**	**340**	**340**	**340**	**340**

[10] Electronically Managing Enterprise Resources for Government Efficiency and Effectiveness (eMERGE).

[11] For more information on border and transportation security appropriations, see CRS Report RL32566, *Border and Transportation Security: Appropriations for FY2005*, by Jennifer E. Lake, and Blas Nuñez-Neto.

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Enacted
Customs & Border Protection (net)	**4,899**	**5,122**	**5,154**	**5,158**	**5,270**
—Salaries and expenses; construction	4,460	4,672	4,704	4,708	4,626
—rescission	—	—	—	—	-63
—Automation modernization	439	450	450	450	450
—Air and Marine Operations	—	—	—	—	258
—Fee accounts (offsetting collections)	(1,126)	(1,074)	(1,074)	(1,074)	(1,079)
Immigration & Customs Enforcement (net) [a]	**3,407**	**3,307**	**3,363**	**3,760**	**3,167**
—Salaries and expenses; construction	2,165	2,397	2,403	2,539	2,464
——rescission from S&E	-54	—	—	—	—
—Federal Air Marshals	623	613	663	713	663
—Federal Protective Services	424	478	478	478	478
——offsetting FPS fees [b]	—	-478	-478	-478	-478
—Automation & infrastructure modernization	40	40	40	40	40
—Air and marine interdiction	209	258	258	468	—
—Fee accounts (offsetting collections)	(273)	(225)	(225)	(250)	(200)
Transportation Security Administration (net)	**2,508**	**2,752**	**3,225**	**3,412**	**3,260**
—Aviation security (total funding)	3,724	4,238	4,271	4,461	4,324
—Maritime and land security [c]	261	29	65	44	48
—Credentialing Activities	—	67	67	67	67
—Intelligence	14	14	14	14	14
—Research and Development	154	154	174	181	178
—Administration	425	540	525	535	520
—Aviation Security Capital Funds	—	(250)	(250)	(250)	(250)
—Offsetting fee collections: Aviation Security fees; Credentialing fees	(-2,070)	(-2,290)	(-1,890)	(-1,890)	(-1,890)
U.S. Coast Guard	**6,764**	**7,335**	**7,307**	**7,469**	**7,373**
—Operating expenses	4,637	5,173	5,171	5,153	5,157
—Environmental compliance & restoration	17	17	17	17	17
—Reserve training	94	117	113	117	113
—Acquisition, construction, & improvements	961	943	937	1,063	982
—Rescission	—	—	-33	—	-16
—Alteration of bridges	19	—	16	15	16

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Enacted
—Research, development, tests, & evaluation	15	—	—	18 [d]	19
—Retired pay (mandatory, entitlement)	(1,020)	(1,085)	(1,085)	(1,085)	(1,085)
U.S. Secret Service	**1,134**	**1,163**	**1,183**	**1,163**	**1,175**
Subtotal: Title II	**19,048**	**20,430**	**20,583**	**21,311**	**20,595**

Source: P.L. 108-334; H.R. 4567 passed by the House June 18, 2004; H.R. 4567 passed by the Senate September 14, 2004; S. 2537 introduced by the Senate June 17, 2004.

Note: Rounding may affect totals.

a. If the FY2004 offset for FPS funding is directly applied, as it is in FY2005, ICE actually receives an increase of 11%. The presentation contained in **Table 5** matches that of the unofficial House Appropriations Committee tables.

b. The direct offsetting of FPS funding with FPS fee collections in FY2005 is a change in the accounting for the fees, and *does not* represent a new fee.

c. The decrease in Maritime and Land security reflects a reorganization of grants (primarily port security grants) that, pursuant to the Secretary's Jan. 26, 2004 reorganization proposal, were moved from TSA to ODP.

d. Both the Administration's request and H.R. 4567 fund this activity under the Science and Technology Directorate.

Office of the Undersecretary for Border and Transportation Security

The Administration's request for this office includes an increase of nearly $2 million for additional staff in the Office of the Undersecretary for BTS. H.Rept. 108-541 fully funds this request, while S.Rept. 108-280 does not include increased funding for staffing adjustments. P.L. 108-334 provides $9.6 million for the Under Secretary for Border and Transportation Security.

US-VISIT

The Administration has requested an increase of $12 million for the US-VISIT program to continue the implementation of existing capabilities, and to deploy additional entry and exit control capabilities at land ports of entry. The total funding request for US-VISIT is $340 million, representing a 3.7% increase over the FY2004 enacted level of $328 million.[12] P.L. 108-344, H.Rept. 108-541, and S.Rept. 108-280, fully fund the Administration's request for US-VISIT. The conferees also continue to require detailed expenditure plans for US-VISIT.

Customs and Border Protection (CBP)

CBP has responsibility for security at and between ports-of-entry along the border. These responsibilities include inspecting people and goods to determine that they are authorized for entry and maintaining border crossing stations to process persons seeking entry to the U.S. The inspection and border-related functions of the Customs Service, the border security functions of the former INS (including the Border Patrol), and the inspection functions of the Agricultural Quarantine Inspection (AQI) program are consolidated under CBP.

[12] For more information, see CRS Report RL32234, *U.S. Visitor and Immigrant Status Indicator Technology*, by Lisa M. Seghetti and Steven R. Viña.

P.L. 108-344 provides a net appropriation of $5,270 million for CBP. This includes $50 million for radiation detection technology, and up to an additional $30 million for radiation detection technology or non-intrusive inspection equipment; $1 million for an in-bond cargo security pilot project; $2 million for the Immigration Security Initiative; and $5 million for CBP's advanced training center. This amount also includes the nearly $390 million for the Office of Air and Marine Interdiction (AMO), which was transferred by DHS to CBP from ICE. The funding for AMO is divided between two appropriations lines with $130 million appropriated in CBP's Salaries and Expenses account, and $258 million appropriated as a separate appropriation line for Air and Marine Operations, Personnel Compensation and Benefits. The CBP appropriation also includes a rescission of $63 million from previously appropriated FY2004 funds.

The net FY2005 request for CBP was $5,122 million, representing a 4.4% increase over the enacted FY2004 level of $4,899 million. H.Rept. 108-541 recommended $5,154 million for CBP, representing a $32 million increase compared to the Administration's request; and a 5% increase over the enacted FY2004 level.[13] S.Rept. 108-280 recommended $5,009 million for CBP, $145 million less than provided by H.Rept. 108-541, $113 million less than requested, and 2% more than the enacted FY2004 level.

P.L. 108-344, H.Rept. 108-541, and S.Rept. 108-280 fully fund the following FY2005 requested increases:

- $25 million to expand the Container Security Initiative (CSI), a cargo security program that stations CBP officers in foreign ports to target and pre-screen cargo containers before they are loaded on U.S. bound ships;
- $15 million to expand Customs-Trade Partnership Against Terrorism (C-TPAT) a supply chain security program that engages participating private sector actors in securing their own supply chains;
- $50 million for radiation detection and non-intrusive inspection technology used in inspecting conveyances and cargo entering the country at ports of entry;
- $21 million for enhancements to several modules of CBP's Automated Targeting System (ATS), used to identify high-risk people and cargo worthy of a more intense inspection;
- $64 million to expand the remote video system deployed between ports of entry along the northern and southern borders; and
- $10 million to purchase Unmanned Aerial Vehicles to support the Border Patrol and other CBP components (P.L. 108-344 funds this request under CBP to reflect the Department's transfer of AMO from ICE to CBP) (S.Rept. 108-280 funded this increase under the Office of Air and Marine Operations in ICE).

P.L. 108-334 provides an additional $30 million above the request for radiation detection equipment, (H.Rept. 108-541, and the Senate-passed H.R. 4567 had recommended an additional $50 million above the request for radiation detection equipment), an additional $2 million for the Immigration Security Initiative (H.Rept 108-541 had recommended an additional $3 million), and an additional $1 million to monitor 'in-bond'[14] cargo containers (recommended by H.Rept. 108-

[13] Prior to the passage of H.R. 4567, the House adopted H.Amdt. 569, which increased funding to CBP by $450,000, but since this amount is less than $0.5 million, it is not reflected in the reported totals due to rounding.

[14] The term 'in-bond' is used to describe cargo shipments that are either destined for deposit in a bonded warehouse, or that are transiting the U.S. en route to another country, and which are provisionally entered into the U.S. under a customs bond. Duties and tariffs are not due on in-bond shipments until the time the merchandise leaves the bonded

541). The Conference also transfer $23 million in training funds to reflect the transfer of the Charleston Training Center to FLETC (recommended by both the House and Senate).

During floor debate, the Senate added two amendments to H.R. 4567 that resulted in a $149 million increase to CBP appropriations. S.Amdt. 3618 added $50 million for radiation detection devices, $50 million for additional CBP inspectors, and $50 million for additional Border Patrol agents. S.Amdt. 3611 places a $30,000 aggregate overtime limitation on CBP employee remuneration and reduces overall CBP Salaries and Expenses by $1 million.

Immigration and Customs Enforcement (ICE)**.**[15] ICE focuses on enforcement of immigration and customs laws within the United States, as well as investigations into such activities as fraud, forced labor, trade agreement noncompliance, smuggling and illegal transshipment of people and goods, and vehicle and cargo theft. In addition, this bureau oversees the building security activities of the Federal Protective Service (FPS), formerly of the General Services Administration; and the aviation security activities of the Federal Air Marshals (FAMS), formerly of the TSA. ICE combined the investigations and intelligence functions of the U.S. Customs Service and the former INS, the air and marine interdiction functions of those agencies, and the immigration detention and removal programs (including the operations of the FPS).

P.L. 108-334 provides $3,167 million for ICE, however, this amount does not include amounts provided for AMO which, as noted earlier, has been transferred to CBP. The FY2005 request for ICE of $3,307 million represents an 11% increase from the enacted FY2004 level. Though **Table 5** indicates that the FY2005 request for ICE constitutes a 2.9% decrease from the enacted FY2004 level, this is due to a change in accounting for the fee receipts used to offset the expenses of the FPS. If the offsets are applied to the enacted FY2004 level in the same manner in which the FY2005 offsets are applied (zeroing out FPS funding in FY2004), ICE actually receives an increase of nearly 11% from the FY2004 enacted level. Using this same accounting, H.Rept. 108-541 recommended $3,364 million for ICE, representing a $57 million increase over the Administration's request and a $381 million or 13% increase from the enacted FY2004 level. S.Rept. 108-280 recommended $3,410 million for ICE, $46 million more than provided by H.Rept. 108-541, $103 million more than requested, and a 14% increase compared to the FY2004 enacted level. ICE has six budget accounts into which its funding is appropriated: Salaries and Expenses; FPS; FAMS; Automation Modernization; Air and Marine Operations (AMO); and Construction. The bulk of ICE's funding is provided through the Salaries and Expenses account, which is separated into three activities: Investigations; Detention and Removal; and AMO (which has now been transferred to CBP).

The Investigations program focuses its resources on the investigation of numerous national security, financial and smuggling violations including contraband smuggling; human trafficking; money laundering; commercial fraud; identity and benefit fraud; and the illegal trafficking of weapons and critical technology. The Administration requested $78 million (355 FTE) over base resources for the following Investigations program initiatives:

- $16 million (65 FTE) for compliance teams to analyze data generated from the Student Exchange and Visitor Information System (SEVIS) and US-VISIT (fully funded by P.L. 108-334, and the House and Senate reports);

warehouse and enters the commerce of the U.S. Brokers or importers take out customs bonds to cover the potential duties and taxes on the shipments while the shipment is warehoused.

[15] For CRS Reports on Immigration Issues, see Current Legislative Issues: Immigration at http://www.crs.gov/products/browse/is-immigration.shtml.

- $14 million (90 FTE) for International Affairs of which $10 million is to support the new Visa Security Unit, and the remaining $4 million is requested to replace funding previously provided through the Examination Fee Account (fully funded by P.L. 108-334, and the House and Senate reports);
- $25 million to support benefit fraud operations, requested to replace funding previously provided by the Examination Fee Account (fully funded by P.L. 108-334, but not funded by the Senate); and
- $23 million for worksite enforcement (funded at $5 million by P.L. 108-334, funded by the House at $15.6 million, and not funded by the Senate report).

The Detention and Removal program is responsible for ensuring that all removable aliens depart the U.S. The Administration requested, and P.L. 108-334 fully funds, $108.2 million (342 FTE) over base resources for the following Detention and Removal program initiatives:

- $30 million (140 FTE) to expand the Institutional Removal Program nationally to all Federal, State, and local institutions housing criminal aliens;
- $50 million (118 FTE) to continue implementation of the National Fugitive Operations Program (NFOP) which seeks to reduce the fugitive alien population over the next six years;
- $11 million (30 FTE) to establish alternatives to detention that include additional non-traditional family and female-friendly detention settings and establish community supervision operations (the House report provides an additional $5 million above the request, which was not funded by P.L. 108-334);
- $6 million (40 FTE) for the Legal Program to eliminate the backlog of matters pending in the Immigration Court;
- $6.2 million to fund DHS's efforts to interdict illegal alien migrants in the Caribbean region; and
- $5 million (14FTE) for additional detention bed space (P.L. 108-334 provides an additional $16.5 million above the House and Senate recommendations for a total of $20.5 million above the request) (the House and Senate reports both recommended an additional $5 million above the request).

AMO utilizes an integrated and coordinated air and marine force to identify, deter, interdict, and investigate acts of terrorism and the unlawful smuggling of people or goods across U.S. borders. The Administration requested, and P.L. 108-334 fully funds, $40.5 million for the following AMO program initiatives that have been transferred to CBP:

- $28 million to increase the number of P-3 (a radar equipped aircraft) flight hours which will be allocated to the Caribbean to support counter narcotics programs in source countries (Columbia Airbridge Denial Program); and
- $12.5 million for long range radar to support drug interdiction efforts along the southern border.

P.L. 108-334 also provides AMO with an additional $3 million for AMO's National Capital Region Coordination Center (NCRCC) and National Capital Region air branch. H.Rept. 108-541 provided an additional $5 million in ICE's Salaries and Expenses Account, for AMO's NCRCC and National Capital Region air branch operations; this additional amount was not provided by S.Rept. 108-280.

The Administration did not request additional funding for new initiatives for the FAMS, FPS, Automation Modernization, or Construction accounts. However, P.L. 108-334 provides, and

H.Rept. 108-541 and S.Rept. 108-280 each recommended a total increase of $60 million for Federal Air Marshals: $50 million in the FAMS account for FAMS operations; and $10 million under the Directorate of Science and Technology for the FAMS air-to-ground communications system.

Transportation Security Administration (TSA)

P.L. 108-334 provides a net appropriation of $3,260 million for TSA. The Administration's net FY2005 request for TSA of $2,752 million represents a 9.7% increase over the enacted FY2004 level of $2,508 million. According to TSA, this increase does not include funding to expand current programs, nor does it fund any new program initiatives.[16] Instead, this increase is comprised primarily of annualizations of prior year funding and pay inflation.

H.Rept. 108-541 recommended a net appropriation of $3,225 million for TSA. While this appears to be a $473 million increase over the FY2005 request, and a 29% increase over the enacted FY2004 level, H.Rept. 108-541 in fact recommends increases totaling $73 million. According to S.Rept. 108-280, the Administration budget request included a $400 million increase in aviation security fees. However, neither House nor Senate reports funded this request, instead they recommended the $400 million in appropriated funds. **Table 5** reflects the amounts contained in P.L. 108-334, H.Rept. 108-541 and S.Rept. 108-280. S.Rept. 108-280 recommended a total appropriation of $3,337 for TSA for FY2005. However, during floor debate for H.R. 4567, the Senate adopted amendment 3598 which added $75 million to TSA for baggage screening activities.

Within the Aviation Security Account, P.L. 108-334 provides $22 million over the request for Passenger Screening, while the House recommended $10 million less than requested and the Senate report recommended $50 million more than requested. For Baggage Screening, P.L. 108-334 provides $75 million above the request; while the House recommended $29 million above the Administration's request and the Senate in S.Rept. 108-280 recommended $60 million above the request for the purchase and installation of EDS/ETD equipment. For Airport Security Direction and Enforcement, P.L. 108-334 provides $12 million less than requested, while the House recommended an additional $3 million above the request for aviation regulation and other enforcement, and an additional $10.4 million above the request for air cargo security; and the Senate recommended $38 million above the administration's request, of which $25 million is for airport information technology and support, and $13 million is for air cargo security activities.

United States Coast Guard[17]

The Coast Guard is the lead federal agency for the maritime component of homeland security. As such, it is the lead agency responsible for border and transportation security as it applies to U.S. ports, coastal and inland waterways, and territorial waters. The Coast Guard also performs other missions, including some (such as fisheries enforcement) not related to homeland security.

P.L. 108-334 provides $7,373 million for the Coast Guard for FY2005. This amount includes a rescission of $16 million of funding previously appropriated in FY2004 for Rescue 21 because of contract delays and high unobligated balances for that program. The total FY2005 request for the Coast Guard of $7,335 million represents an 8.5% increase over the enacted FY2004 level of

[16] Department of Homeland Security, "Transportation Security Administration," *Department of Homeland Security FY2005 Congressional Budget Justification*, p. TSA-15.

[17] For more information on the Coast Guard and its homeland security missions, see CRS Report RS21125, *Homeland Security: Coast Guard Operations: Background and Issues for Congress*, by Ronald O'Rourke.

$6,764 million. H.Rept. 108-541 provides $7,307 million for the Coast Guard, representing a decrease of $29 million compared to the Administration's request, and an increase of $542 million or 8% compared to the FY2004 enacted level. H.Rept. 108-541 includes a rescission of $33 million of unexpended funds appropriated in FY2003 and FY2004 for Maritime Patrol Aircraft under the Deepwater Program. S.Rept. 108-280 provides $7,469 million for the Coast Guard (this amount *does not* include the $33 million rescission contained in H.R. 4567). There is a difference of $162 million ($129 million after accounting for the rescission in H.R. 4567) between the amounts provided the Coast Guard in the House-passed H.R. 4567, and S.Rept. 108-280.

The Administration has requested increased funding for several FY2005 Coast Guard initiatives. The requested amounts and the funding levels provided by P.L. 108-334, H.Rept. 108-541, and S.Rept. 108-280 include the following:

- $102 million to facilitate the development, review, and approval of port and maritime security plans required by the Maritime Transportation Security Act (MTSA) (P.L. 108-334, H.Rept. 108-541 and S.Rept. 108-280 fully fund this request);
- $27 million for the Rescue 21 Project, which is recapitalizing the Coast Guard's coastal zone communications network (not funded by P.L. 108-334 or H.Rept. 108-541, but fully funded by S.Rept. 108-280);
- $10 million for the Integrated Deepwater Program (fully funded by P.L. 108-334, H.Rept. 108-541 and S.Rept. 108-280);[18]
- $10 million for a pay and performance demonstration project (not funded by P.L. 108-334, H.Rept. 108-541, but fully funded by S.Rept. 108-280);
- $6 million for the Great Lakes Icebreaker Project (fully funded by P.L. 108-334, H.Rept. 108-541 and S.Rept. 108-280); and
- $2 million to arm existing helicopter assets at Air Station Cape Cod, as prototypes for arming all Coast Guard helicopters (fully funded by P.L. 108-334, H.Rept. 108-541, and S.Rept. 108-280).

Additionally, with regard to research and development, H.Rept. 108-541 transferred $13.5 million to the S&T Directorate (as requested), while S.Rept. 108-280 recommended $18.5 million for research and development under the Coast Guard (deferring the transfer pending the completion of a study). P.L. 108-334 provides $18.5 million for research and development funding in the Coast Guard account.

United States Secret Service

P.L. 108-334 provides $1,175 million for the Secret Service. This amount includes a rescission of $700,000 of previously appropriated FY2004 funds. This amount also includes "not less than $5 million above the request for National Security Special Events (NSSE)," (the conferees also stated that the foreseeable costs of the NSSEs should be funded from within the Secret Service's base budget); $2.1 million for forensic support to the National Center for Missing and Exploited Children (NCMEC); and an additional $3 million above the request for the training and support of new special agents assigned to the Electronic Crimes Task Force (ECTF).

[18] For more information, see CRS Report RS21019, *Coast Guard Deepwater Program: Background and Issues for Congress*, by Ronald O'Rourke.

The FY2005 request was $1,163 million, and represented a 2.5% increase over the enacted FY2004 level. The Administration did not request additional funding for Secret Service initiatives for FY2005. H.Rept. 108-541 recommended a total of $1,184 million for the Secret Service, representing an increase of $20 million over the Administration's request. This recommended increase included $10 million to support Secret Service operations concerning NSSEs; $5 million for Electronic Crimes Task Forces (ECTF); and $5 million in transfers for grant assistance for the National Center for Missing and Exploited Children (NCMEC). S.Rept. 108-280 recommended $1,163 million, $11 million less than amounts recommended by H.Rept. 108-541. The amounts recommended by S.Rept. 108-280 did not include the requested additional $10 million for NSSE, which the committee stated should be funded from within the base budget. S.Rept. 108-280 also did not fund the requested increase for the ECTF, but did include the $5 million for the NCMEC.

Title III: Preparedness and Recovery

The DHS Emergency Preparedness and Recovery (EPR)[19] functions are intended to improve the nation's capability to reduce losses from all disasters, including terrorist attacks. EPR promotes the effectiveness of emergency responders; supports the Nuclear Incident Response Teams through standards, training exercises, and provision of funds to named federal agencies; coordinates the federal response after catastrophic disasters by managing, directing, overseeing, and coordinating specified federal resources; aids recovery efforts; contributes to the development of national preparedness and planning efforts; consolidates existing federal response plans into a single plan; and develops programs for interoperative communications for emergency responders. EPR also incorporates all activities formerly administered by the Federal Emergency Management Agency (FEMA).

Table 6 includes funds expended during FY2004 for these functions, and compares them to amounts requested and appropriated for FY2005. P.L. 108-334 provides a total of $9,491 for FY2005 for activities funded under Title III. The Administration requested a total of $9.2 billion for FY2005 activities funded under Title III, representing a 31.5% decline compared with the enacted FY2004 level. One explanation for that decrease is that, the enacted FY2004 amount included an advance appropriation[20] of $4.7 billion for Project BioShield[21] but limited the current year (FY2004) obligation of these funds to $884 million. The FY2005 request contained an obligation limitation of $2.5 billion for Project BioShield, which was adopted by the conference and approved in P.L. 108-334. H.Rept. 108-541 recommended $9,500 million for Title III; while the Senate-passed version of H.R. 4567 recommended $9,792. H.Rept. 108-541 and S.Rept. 108-280 transfer and merge the ODP with the Office of State and Local Government Coordination into a new organization called the Office for State and Local Government Coordination and Preparedness (OSLGCP); P.L. 108-334 also reflects this new organization. During floor debate, the Senate added two amendments, which increased appropriations for OSLGCP by $284 million in the Senate-passed version of H.R. 4567, for a Title III total of $9,792 million.

[19] For more information, see CRS Report RS22023, *Organization and Mission of the Emergency Preparedness and Response Directorate: Issues During the 109th Congress*, by Keith Bea.

[20] Advance appropriations are appropriations, in a particular appropriation act, that do not become available for spending or obligation until a subsequent fiscal year. The amount of the appropriation is counted in the fiscal year in which it becomes available for obligation. For more information, see CRS Report RS20441, *Advance Appropriations, Forward Funding, and Advance Funding*, by Sandy Streeter.

[21] For more information about Project BioShield, see CRS Report RS21507, *Project BioShield*, by Frank Gottron.

Emergency Preparedness and Response (EPR)

P.L. 108-334 provides $5,499 for EPR. This amount includes a rescission of $5 million in funds previously appropriated by P.L. 108-11.[22] The Administration requested increased funding for the following FY2005 EPR initiatives, which are fully funded by P.L. 108-334, H.Rept. 108-541, and S.Rept. 108-280:

- $8 million in new budget authority for four Incident Management Teams; and
- $7 million for the development and implementation of the National Incident Management System (NIMS).

P.L. 108-334 provides $240 million for preparedness, mitigation, response and recovery, of which

- $30 million is provided for Urban Search and Rescue Teams;
- $2 million is provided in support of EPR's Emergency Housing plan; and
- $15 million is provided for the NIMS.

P.L. 108-334 also includes

- $203 million for Administrative and Regional Operations;
- $34 million for Public Health Programs;
- $2,042 million for Disaster Relief (does not include $70 million for the American Red Cross as recommended by the Senate which are addressed in the FY2004 emergency supplemental)[23]; and
- $153 million for Emergency Food and Shelter.

Both the House and Senate reports propose a $447 million decrease for Public Health Programs, funding only one of the three components at the FY2004 enacted level, and transferring budget authority for the other two. The National Disaster Medical System receives level funding of $34 million in both reports; P.L. 108-334 also provides $34 million. Both the House and Senate reports stated concurrence with the Administration proposal to return budget authority for the Strategic National Stockpile (funded at $400 million in FY2004) to the Department of Health and Human Services (HHS). Funding for the stockpile had been transferred from HHS to DHS by the Homeland Security Act, P.L. 107-296. The Metropolitan Medical Response System (MMRS) grants, slated for elimination in the FY2005 budget request, are transferred to the OSLGCP, though only the House provides funding for the program, maintaining the FY2004 level of $50 million. P.L. 108-334 provides $30 for MMRS grants under OSLGCP.

Office of Domestic Preparedness (ODP) or Office of State and Local Government Coordination and Preparedness (OSLGCP)[24]

ODP has primary responsibility for preparing first responders and public safety officials for terror-related or weapons of mass destruction event, and for administering grants to state, local, tribal, and regional jurisdictions. On January 26, 2004, the Secretary of DHS sent a reorganization proposal to Congress consolidating grants formerly in the TSA (port security grants), and in FEMA (Emergency Performance Grants) under ODP. This is a part of the Administration's effort

[22] P.L. 108-11 *Emergency Wartime Supplemental Appropriations Act, 2003*.

[23] See CRS Report RL32581, *Assistance after Hurricanes and Other Disasters: FY2004 Supplemental Appropriations*, by Keith Bea and Ralph M. Chite.

[24] For more information regarding funding for first responder preparedness, see CRS Report RS21736, *FY2005 Budget Request for First Responder Preparedness: Issues and Analysis*, by Shawn Reese.

to position ODP as the 'one-stop shop' for preparedness assistance. As mentioned above, the FY2005 $3.6 billion request for ODP would have been a net decrease of 11.3% from the enacted FY2004 level. H.Rept. 108-541 recommended a total of $4,065 million for the OSLGCP, an increase of $504 million over the request. In addition, prior to passage, the House adopted H.Amdt. 568, which transferred $50 million from Title I, to the Firefighter Assistance account for the Staffing for Adequate Fire and Emergency Response Firefighters (SAFER) program.[25] This brought the total recommended by the House-passed version of H.R. 4567 for the OSLGCP to $4,115 million. S.Rept. 108-280 recommended a total of $3,750 million for OSLGCP, or $365 million *less* than provided by H.Rept. 108-541, and $189 million more than requested. However, as mentioned above, during floor debate the Senate added two amendments, which increased appropriations for OSLGCP by $284 million in the Senate-passed version of H.R. 4567. The Senate-passed version of H.R. 4567 recommended a total of $4,134 million for OSLGCP. P.L. 108-334 provides $3,985 million.

As shown in **Table 6**, P.L. 108-334 provides $3.5 million for OSLGCP Salaries and Expenses compared to the $25 million recommended by the Senate, and the $41 million recommended by the House. The conferees agreed to provide $4 million, and note that management and administrative expenses are provided as a percentage of the formula-based grants.

P.L. 108-334 provides $3,086 for State and Local Programs. The main categories of grants provided under this account include: Formula-based Grants; Discretionary Grants; and National Programs.

P.L. 108-334 provides $1,500 million for Formula-based grants, including

- $1,100 million for the formula-based grants themselves; and
- $400 million for Law Enforcement Terrorism Prevention Grants.

P.L. 108-334 provides $1,200 million for Discretionary Grants, including

- $885 million for High-Threat, High-Density Urban Area Grants;
- $150 million for Rail and Transit Security Grants;
- $150 million for Port Security Grants;
- $10 million for Intercity Bus Security Grants; and
- $5 million for Trucking Security Grants.

P.L. 108-334 provides $336 million for National Programs, including

- $135 million for the National Domestic Preparedness Consortium;
- $52 million for the National Exercise Program;
- $30 million for the Metropolitan Medical Response System;
- $30 million for Technical Assistance;
- $30 million for Demonstration Training Grants;
- $25 million for Continuing Training Grants;
- $15 million for Citizen Corps; and
- $5 million for the Rural Domestic Preparedness Consortium.

[25] For more information on the SAFER program, see CRS Report RL32341, *Assistance to Firefighters Program: Distribution of Fire Grant Funding*, by Lennard G. Kruger.

P.L. 108-334 also provides $715 million for Firefighter Assistance Grants; of which $65 million is for the Staffing for Adequate Fire and Emergency Response Firefighters (SAFER) program.

Table 6. Title III: Preparedness and Recovery

($ in millions)

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Enacted
Office of Domestic Preparedness / Office of State and Local Government Coordination and Planning	**4,013**	**3,561**	**4,115**	**4,134**	**3,985**
—State and local programs	3,267	3,061	3,424	3,023 [a]	3,086
—Salaries and Expenses [b]	—	—	41	25	4
—Emergency Management Planning Grants [c]	—	—	—	236 [d]	180
—Firefighter assistance grants	746	500	650 [e]	850 [f]	715
Counter-Terrorism Fund	**10**	**20**	**10**	**10**	**8**
Emergency Preparedness and Response	**9,351**	**5,625**	**5,425**	**5,648**	**5,499**
—Office of Under Secretary EPR	3	4	4	4	4
—Admin; regional operations	166	197	204	197	203
—Operating expenses (rescission)	-3	—	—	—	-5
—Prepare., mitigation, response & recovery	224	209	210	231	239
—Public health programs [g]	481	34	34	34	34
—Biodefense countermeasure - Project Bioshield (advance appropriation)	4,703	—	—	—	—
—(obligation limitation)	884	2,528	2,528	2,528	2,528
—Disaster Relief	1,789	2,151	2,042	2,151	2,042
—Emergency approp. (P.L. 108-106)	500	—	—	—	—
—Emergency rescission (P.L. 108-199)	(-225)	—	—	—	—
—Flood map modernization fund	199	200	150	200	200
—Radiological preparedness	—	(-1)	(-1)	(-1)	(-1)
—National flood insurance fund [h]	110	0	0	0	0
—National flood mitigation [i]	20	—	20	—	—
—National pre-disaster mitigation fund [i]	149	0	100	—	100
—Mitigation grants [i]	—	150	—	150	—
—Emergency management performance grants	179	—[c]	—[c]	—[c]	—[c]
—Emergency food and shelter	152	153	153	153	153
—Cerro Grande fire claims	38	—	—	—	—
—Misc. adjustments, rounding	1	—	—	—	—

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Enacted
Subtotal: Title III (current year, net)	**13,374**	**9,206**	**9,550**	**9,792**	**9,491**

Source: P.L. 108-334; H.R. 4567 passed by the House June 18, 2004; H.R. 4567 passed by the Senate September 14, 2004; S. 2537 introduced by the Senate June 17, 2004.

Note: Rounding may affect totals.

a. During the floor debate to the Senate-passed version of H.R. 4567, the Senate adopted amendments providing $178 million in additional funds (over what was recommended in S.Rept. 108-280) for State and Local Programs: S.Amdt. 3616 provided $50 million; and S.Amdt. 3618 provided $128 million.

b. This funding was appropriated and funded under the Undersecretary for Management and ODP for FY2003 and FY2004 ($32.9 million), the requested amount for FY2005 is ($41.9 million).

c. The Administration proposed that for FY2005 Emergency Management Performance Grant (EMPG) funding move from EPR to the Office of State and Local Government Coordination and Planning (OSLGCP). The Administration requested and in H.R. 4567 the House provided a total of $170 million for EMPG under the State and Local Program Account in the OSLGCP. S.Rept. 108-280 provides $180 million for EMP grants as a separate account under OSLGCP. The Senate-passed version of H.R. 4567 included an additional $58 million for EMP grants as noted below.

d. During the floor debate on the Senate-passed version of H.R. 4567, the Senate adopted amendments providing $58 million in addition to the $180 million recommended in S.Rept. 108-280 for EMPG: S.Amdt. 3616 provided $20 million ; and S.Amdt. 3618 provided $36 million.

e. Prior to passage, the House adopted H.Amdt. 568, which transferred $50 million from Title I to this account for the Staffing for Adequate Fire and Emergency Response Firefighters (SAFER) program.

f. During the floor debate on the Senate-passed version of H.R. 4567, the Senate adopted amendments providing $150 million above the $700 million provided in S.Rept. 108-280: S.Amdt. 3616 provided $50 million for Firefighter Assistance; and S.Amdt. 3630 provided $100 million for SAFER.

g. For FY2005 the Strategic National Stockpile (funded at $400 million in FY2004) has been transferred to the Department of Health and Human Services, and the Metropolitan Medical Response System (funded at $50 million in FY2004) has been transferred to the OSLGCP.

h. Fully funded through offsetting fee collections at $113 million under the Administration's request, H.R. 4567 and S. 2537.

i. The Administration requested that the flood mitigation and the Pre-disaster Mitigation program be merged into one account, Mitigation Grants. The House did not accept this merger proposal, and provided funding under the two separate sub-accounts. The Senate accepted the proposal, and funds both the National Flood Mitigation and the National Pre-disaster Mitigation Fund under the Mitigation Grants account. The $150 million provided by the Senate *does not include* $20 million in transfers from the National Flood Insurance Fund. Hazard Mitigation Grant Program would continue to be funded through the disaster relief fund. The $100 million provided by the conference also *does not* include $20 million in transfers.

Title IV: Research and Development, Training, Assessments, and Services

Activities funded by Title IV include the Bureau of Citizenship and Immigration Services (CIS); Information Analysis and Infrastructure Protection (IAIP); Federal Law Enforcement Training Center (FLETC); and the Science and Technology Directorate (S&T).

Table 7 shows amounts provided for these functions in FY2004 together with the amounts requested and appropriated for FY2005. P.L. 108-334 provides $2,392 million for the activities of Title IV, including: $160 million in net appropriations for CIS; $894 million for IAIP; $222 million for FLETC; and $1,115 million for S&T. The Administration requested a total of $2.24 billion dollars for Title IV for FY2005. This represented a 3% increase over the FY2004 enacted level of $2.17 billion. H.Rept. 108-541 recommended a total of $2,368 million for Title IV,

representing an increase of $128 million compared to the request, and a 9% increase compared to the enacted FY2004 level. S.Rept. 108-280 recommended $2,309 million for Title IV, $59 million *less* than provided by H.Rept. 108-541, and $69 million *more* than requested by the Administration. During floor debate on H.R. 4567, the Senate adopted an amendment that reduced Title IV funding by $30 million. This lowered overall Title IV Senate recommendation to $2,279 million.

Table 7. Title IV: Research and Development, Training, Assessments, and Services

($ in millions)

Operational Component	FY2004 Enacted	FY2005 Request	FY2005 House	FY2005 Senate	FY2005 Enacted
Citizenship and Immigration Services (direct appropriation)	**235**	**140**	**160**	**140**	**160**
—(subtotal; Citizenship & Immigration Services)	1,799	1,711	1,731	1,686	1,731
—(fee accounts)	(1,564)	(1,571)	(1,571)	(1,546)	(1,571)
Information Analysis & Infrastructure Protection	**834**	**865**	**855**	**856**	**894**
—Management and Administration	124	162	132	137	132
—Assessments and Evaluation	710	703	723	719	762
Federal Law Enforcement Training Center	**192**	**196**	**221**	**224**	**222**
Science and Technology	**913**	**1,039**	**1,132**	**1,059**	**1,115**
—Management and Administration	44	53	69	43	69
—Research, development, acquisition, and operations	867	987	1,064	1,017	1,047
Subtotal: Title IV	**2,173**	**2,240**	**2,368**	**2,279**	**2,392**

Source: P.L. 108-334; H.R. 4567 passed by the House June 18, 2004; H.R. 4567 passed by the Senate September 14, 2004; S. 2537 introduced by the Senate June 17, 2004.

Note: Rounding may affect totals.

Citizenship and Immigration Services (CIS)

When the former INS was disbanded and split, the inspection and enforcement functions were placed in CBP and ICE respectively, and the immigration service functions were placed in a new agency named Citizenship and Immigration Service. CIS is responsible for providing immigration information and benefits to eligible individuals. The Administration requested an additional $60 million to support efforts to reduce the backlog in processing immigration benefit applications. H.Rept. 108-541 recommended a net appropriation of $160 million for CIS. This fully funded the Administration's request and provides an additional $20 million to convert old immigration records into electronic form (adopted by the conference, and included in P.L. 108-334). S.Rept. 108-280 provides $140 million for CIS, and does not included the additional $20 million for record conversion contained in H.Rept. 108-541.

Information Analysis and Infrastructure Protection (IAIP)

IAIP's primary responsibilities include integrating comprehensive terrorist threat information and mapping that information against critical infrastructure vulnerabilities; issuing warnings and advisories; and recommending preventative and protective actions against threats. The IAIP FY2005 request of $865 million represented a 3.7% increase from the enacted FY2004 funding level of $834 million. P.L. 108-334 provides $894 million for IAIP. H.Rept. 108-541 recommended a total of $855 million for IAIP, representing a $10 million decrease compared to the Administration's request, and a 2.5% increase over the enacted FY2004 level. S.Rept. 108-280 recommended $876 million for IAIP, $21 million more than provided in H.Rept. 108-541, and $11 million more than requested. The Administration requested, and P.L. 108-334, H.Rept. 108-541, and S.Rept. 108-280 fully fund the following FY2005 IAIP initiatives:

- $11 million for the Bio-Surveillance Initiative[26] which will allow IAIP to integrate data from various agencies to enhance IAIP's situational awareness of the health of the population, animals, plants, food supply, and environment;
- $10 million for renovations and upgrades to the current Homeland Security Operations Center; and
- $2 million for cyber exercises to test the critical infrastructures of the nation to potential cyber attacks.

P.L. 108-334 also provides $762 million for Assessments and evaluations, including

- $107 million for Critical Infrastructure outreach and partnerships;
- $78 million for Critical Infrastructure identification and evaluation;
- $20 million for the National Infrastructure Simulation and Analysis Center (NISAC);
- $192 million for Protective Actions;
- $11 million for Biosurveillance;
- $67 million for Cyber Security;
- $140 million for National Security Emergency Preparedness Telecommunications;
- $4 million for Competitive Analysis and Evaluation;
- $22 million for Threat Determination and Assessment;
- $71 million for Infrastructure Vulnerability and Risk Assessment;
- $14 million for Evaluation and Studies; and
- $35 million for the Homeland Security Operations Center.

Federal Law Enforcement Training Center (FLETC)

FLETC offers law enforcement training programs to federal, state, and local law enforcement entities. P.L. 108-334 provides $222 million for FLETC. The FY2005 request for FLETC of $196 million represented a 2.6% increase over the FY2004 enacted level of $192 million. The Administration requested an increase of $2 million to complete the construction of the Harper's

[26] For more information on the Bio-Surveillance Initiative see, DHS, *President's Budget Includes $274 million to Further Improve Nation's Bio-Surveillance Capabilities*, press release, Jan. 29, 2004, at http://www.dhs.gov/dhspublic/display?content=3092.

Ferry Training Center (HFTC). H.Rept. 108-541 recommended a total of $221 million for FLETC, representing an increase of $25 million compared to the Administration's request, and 15.1% increase compared to the enacted FY2004 level. This increase was comprised of $23 million in funds transferred from CBP for the Charleston, South Carolina Training Facility; and $2 million for the DHS pay and performance demonstration project. S.Rept. 108-280 recommended $224 million for FLETC. S.Rept. 108-280 did not include the requested $2 million to complete construction at the HFTC; but does include the $23 million transfer for CBP's Charleston facility, and the $2 million for the pay and performance demonstration. S.Rept. 108-280 also includes an additional $5 million for the construction of perimeter security at FLETC's Artesia firearms range.

Science and Technology Directorate (S&T)

The S&T Directorate is tasked with the research, development, testing, and evaluation of homeland security capabilities. S&T also coordinates with federal, state and local government and the private sector to conduct its activities. As mentioned above, S&T is requesting the largest increase in funding of all the Title IV components. The FY2005 request of $1,039 million represented a 13.8% increase over enacted FY2004 funding. P.L. 108-334 provides $1,115 million for S&T. H.Rept. 108-541 recommended a total appropriation of $1,132 million for S&T, (including the $11 million transfer of SAFECOM funds from DTI) representing an increase of $93 million compared to the Administration's request, and 9% above the enacted FY2004 level. S.Rept. 108-280 recommended $1,069 million for S&T, $63 million less than the amounts recommended by H.Rept. 108-541, and $31 million above the requested amount.

P.L. 108-334 provides $1,047 million for S&T Research and Development, including

- $363 million for biological countermeasures;
- $123 million for nuclear and radiological countermeasures;
- $53 million for chemical countermeasures;
- $20 million for high explosives countermeasures;
- $66 million for threat and vulnerability, testing and assessment;
- $27 million for critical infrastructure protection;
- $55 million for conventional missions in support of DHS (includes transfers from the consolidated transfer account);
- $76 million for the rapid prototyping program;
- $40 million for standards;
- $ 11 million for emerging threats;
- $70 million for university programs and homeland security fellowship programs;
- $35 million for the National Biodefense Analysis & Countermeasures Center (NBAC);
- $61 million for counter MANPADS;
- $10 million for the SAFETY Act;
- $18 million for cyber security; and
- $21 million for interoperability and communications.

Related Legislation

This section of the report discusses legislative proposals related to the FY2005 DHS appropriations.

FY2005 Budget Resolution, S.Con.Res. 95 /H.Con.Res. 393

The concurrent resolution sets forth the congressional budget for FY2005. The resolution proposes federal budget levels for FY2005 through FY2009. On May 19, 2004, the House agreed to the conference report to S.Con.Res. 95. The Senate did not adopt the conference agreement before the end of FY2004.[27]

The Senate passed its version of the budget resolution, S.Con.Res. 95, on March 12, 2004. H.Con.Res. 393 (H.Rept. 108-441) was passed by the House on March 25, 2004. On March 29, 2004, the House incorporated the provisions of H.Con.Res. 393 into S.Con.Res. 95, which then passed the House.

H.Con.Res. 393 (and the House-passed version of S.Con.Res. 95) contains a new budget function '(100) Homeland Security'. In the report accompanying H.Con.Res. 393 (H.Rept. 108-441) the House Committee on Appropriation states that the additional functional category is necessary because "homeland security has become an important separate spending category."[28] According to H.Rept. 108-441, Function 100 comprises all homeland security spending in the federal government, except the portion provided by the Department of Defense. H.Rept. 108-441 also states that approximately 58% of federal government spending on homeland security "occurs in the Department of Homeland Security." The Senate-passed version of S.Con.Res. 95 does not contain a new budget function for homeland security. The conference agreement H.Rept. 108-498 does not include a new budget function for Homeland Security.

Selected Websites

The following websites are specific to either homeland security or the budget:

House Select Committee on Homeland Security

http://hsc.house.gov

Congressional Research Service (CRS) Issues on Homeland Security

http://www.crs.gov/products/browse/is-homelandsecurity.shtml

Department of Homeland Security (DHS)

http://www.dhs.gov/dhspublic/

http://www.dhs.gov/dhspublic/display?theme=12

White House

http://www.whitehouse.gov/homeland

http://www.whitehouse.gov/infocus/budget/index.html

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[27] For additional information, see CRS Report RL32264, *The Budget for FY2005*, by Philip D. Winters.

[28] U.S. Congress, House Committee on the Budget, *Concurrent Resolution on the Budget—Fiscal Year 2005*, report to accompany H.Con.Res. 393, 108th Cong., 2nd sess., H.Rept. 108-441 (Washington: GPO, 2004), p.30.

House Committees

http://appropriations.house.gov/

http://www.house.gov/budget/

Senate Committees

http://appropriations.senate.gov/

http://www.senate.gov/~budget

Congressional Budget Office

http://www.cbo.gov

Congressional Research Service (CRS)

http://www.crs.gov/products/appropriations/appage.shtml

General Accounting Office (GAO)

http://www.gao.gov

Government Printing Office (GPO)

http://www.gpoaccess.gov/usbudget/index.html

Office of Management and Budget (OMB)

http://www.whitehouse.gov/omb/budget/index.html

http://www.whitehouse.gov/omb/legislative/sap/index.html

The annual consideration of appropriations bills (regular, continuing, and supplemental) by Congress is part of a complex set of budget processes that also encompasses the consideration of budget resolutions, revenue and debt-limit legislation, other spending measures, and reconciliation bills. In addition, the operation of programs and the spending of appropriated funds are subject to constraints established in authorizing statutes. Congressional action on the budget for a fiscal year usually begins following the submission of the President's budget at the beginning of each annual session of Congress. Congressional practices governing the consideration of appropriations and other budgetary measures are rooted in the Constitution, the standing rules of the House and Senate, and statutes, such as the Congressional Budget and Impoundment Control Act of 1974.

This report is a guide to one of the 13 regular appropriations bills that Congress considers each year. It is designed to supplement the information provided by the House and Senate Appropriations Subcommittees on Homeland Security. It summarizes the status of the bill, its scope, major issues, funding levels, and related congressional activity, and is updated as events warrant. The reports lists the key CRS staff relevant to the issues covered and related CRS products.

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Firefighter Assistance	Lennard G. Kruger
First Responders, Domestic Preparedness	Shawn Reese
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