



Department of Homeland Security Appropriations: A Summary of Congressional Action for FY2013

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Summary

The Department of Homeland Security (DHS) appropriations bill includes funding for all components and functions of DHS, including Customs and Border Protection (CBP); Immigration and Customs Enforcement (ICE); the Transportation Security Administration (TSA); Coast Guard (USCG); Secret Service (USSS); the National Protection and Programs Directorate (NPPD), which includes Infrastructure Protection and Information Security (IPIS) and the Federal Protective Service (FPS); the Office of Health Affairs (OHA); the Federal Emergency Management Agency (FEMA); United States Citizenship and Immigration Services (USCIS); the Federal Law Enforcement Training Center (FLETC); the Science and Technology directorate (S&T); the Domestic Nuclear Detection Office (DNDO); departmental management, Analysis and Operations (A&O), and the Office of the Inspector General (OIG).

For FY2013, the Administration requested \$39.510 billion in adjusted net discretionary budget authority for DHS, as part of an overall budget of \$59.501 billion (including fees, trust funds, and other funding that is not appropriated or does not score against the budget caps). H.R. 5855, the House-passed DHS appropriations bill, would provide \$39.114 billion in adjusted net discretionary budget authority, while S. 3126, its Senate-reported counterpart, would provide \$39.514 billion.

The 12 regular appropriations bills for FY2013 were not enacted before the start of the fiscal year. Instead, Congress passed and the President signed a continuing resolution (CR), H.J.Res. 117, into law as P.L. 112-175 on September 28, 2012. This public law allows for the federal government to continue operations in the absence of regular appropriations. Funding is provided through March 27, 2013 at an annualized rate of \$1.047 billion.

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Overview

The Department of Homeland Security (DHS) appropriations bill includes funding for all components and functions of the Department of Homeland Security. **Table 1** includes a summary of funding included in the FY2012 regular DHS appropriations bill, the Administration's FY2013 appropriations request, and the House-passed and Senate-reported versions of the FY2013 appropriations bill broken down by title.

Table 1. Department of Homeland Security Appropriations by Title, FY2012-FY2013
(in millions of dollars of discretionary budget authority, rounded)

Title	FY2012 Enacted	FY2013 Request	House- passed H.R. 5855	Senate- reported S. 3216
Title I: Departmental Management and Operations	1,132	1,279	1,020	1,102
Title II: Security, Enforcement and Investigations	31,527	30,759	30,946	30,975
Title III: Protection, Preparedness, Response, and Recovery	5,680	5,911	5,930	5,971
Title IV: Research and Development, Training, and Services	1,332	1,561	1,510	1,535
Title V: General Provisions	-71	0	-292	-68
Total	39,600	39,510	39,114	39,514

Source: H.R. 5855, H.Rept. 112-492 and S.Rept. 112-169.

Notes: The standard legislative practice is to group rescissions with the bill's general provisions, often resulting in that title scoring as net negative budget authority. The executive budget usually includes proposed rescissions in the impacted component's budget request. The FY2012 column reflects the impact of \$204 million in rescissions, while the Administration proposed \$25 million in rescissions for FY2013. The House Appropriations Committee recommended \$292 million in rescissions, while the Senate Appropriations Committee recommended \$192 million. Totals may not add due to rounding.

Operating Under A Continuing Resolution

A continuing resolution (CR) was signed into law on September 28, 2012, providing stopgap funding for the federal government through March 27, 2013, or until the general appropriations bills for FY2013 are enacted. The CR provides for the government to continue its operations in FY2013 at largely the same rate as it did in FY2012, plus 0.612% for many covered projects and activities. The Congressional Budget Office (CBO) provided an estimate on September 11, 2012 of the appropriations and total spending provided under the CR if its rate were extended for the full fiscal year. By CBO's calculations, the CR would result in \$1.047 trillion in appropriations for the federal government.

CBO's projection included an overall funding estimate of \$46,772 million for DHS.¹ This includes \$6,400 million for disaster relief and \$258 million for overseas contingency operations that do not count against the budget caps under the BCA. However, the CR anticipates further action on FY2013 appropriations legislation, as indicated by its mid-year expiration date, and it does not take account of any future action pursuant to the Budget Control Act of 2011 (P.L. 112-

¹ <http://www.cbo.gov/sites/default/files/cbofiles/attachments/43581-HJRes117.pdf>.

25). Therefore, the tables in this report do not reflect projections of FY2013 levels of spending for DHS or its components.

Included in the CR are four provisions—known as “anomalies”—that apply to DHS. These provide further direction specifically to the department, alter its authorities, or change the rate of available funding from the baseline provided in the CR for other components. These are:

Sec. 136 allows DHS to obligate funds from the U.S. Customs and Border Protection—Salaries and Expenses account at the rate necessary to maintain staffing levels for Border Patrol agents, Border Protection officers, and Air and Marine interdiction.²

Sec. 137 allows DHS to obligate funds at a rate of operations for the National Protection and Programs Directorate (NPPD)—Infrastructure Protection and Information Security account at an annualized rate \$282 million dollars higher than in FY2012, including specific funding set asides for increases in network security deployment and federal network security, and provides flexibility to allow for those funds to be obligated to “establish and sustain essential cybersecurity activities, including procurement and operations of continuous monitoring and diagnostics systems and intrusion detection systems for civilian Federal computer networks.”³

Sec. 138 extends a provision allowing the Secret Service to use revenues derived from criminal investigations.

Sec. 139 extends the authority for temporary regulations for chemical facility security.

DHS Appropriations: Comparing the Components

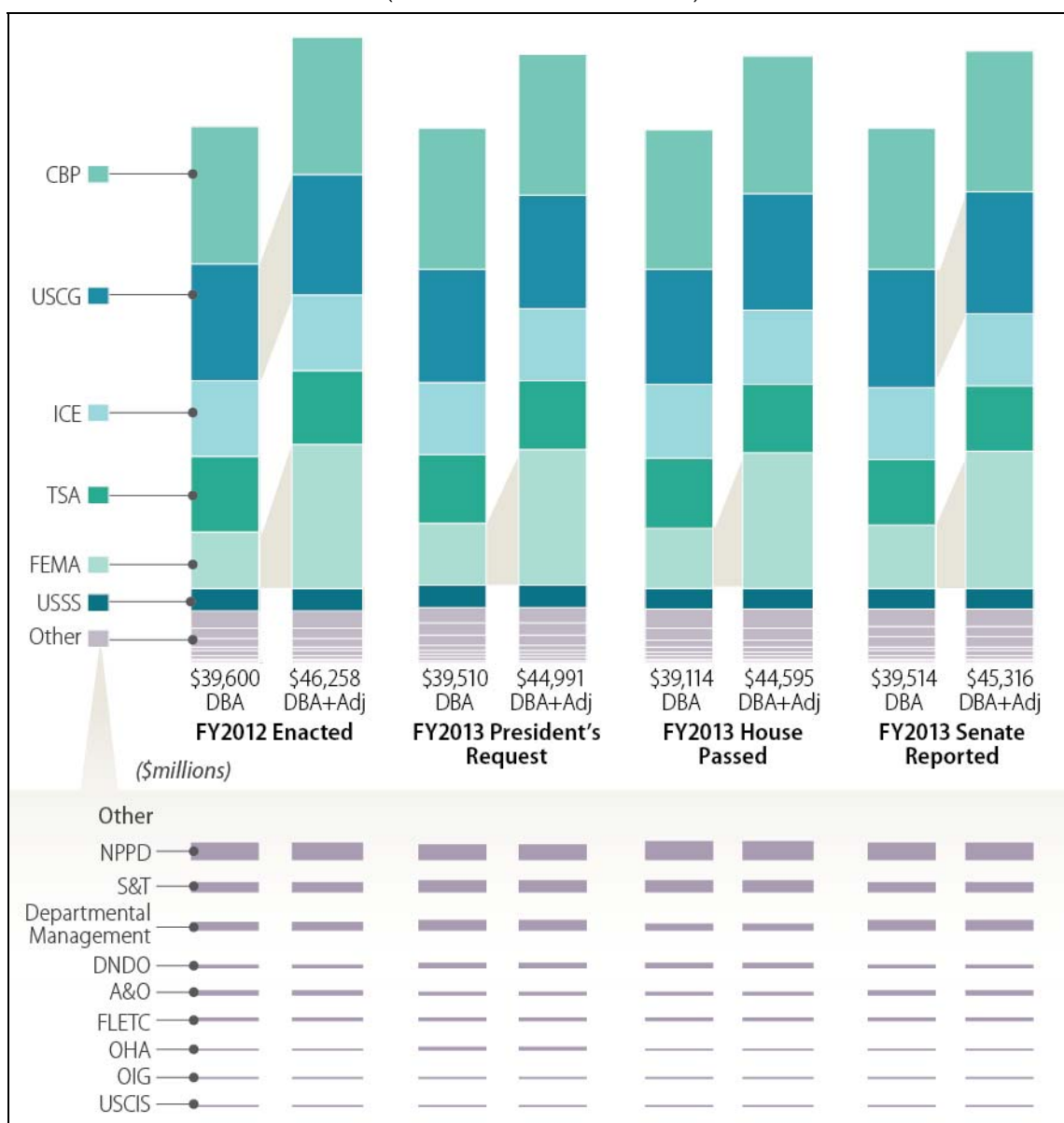
Unlike some other appropriations bills, breaking down the DHS bill by title does not provide a great deal of transparency into where DHS’s appropriated resources are going. The various components of DHS vary widely in the size of their appropriated budgets. **Figure 1** shows DHS’s discretionary budget authority broken down by component, from largest to smallest. For each stage the left column shows discretionary budget authority as scored against the bill’s budget allocation, while the right column shows that plus resources available under adjustments to the allocation allowed under the Budget Control Act (P.L. 112-25). For the purposes of this report, funding provided under these adjustments is not treated as appropriations.

² H.J.Res. 117, Sec. 136. For further discussion, see **Table 5**.

³ H.J.Res. 117, Sec. 137(a).

Figure 1. Department of Homeland Security Appropriations by Component, FY2012-FY2013

(in millions of dollars, rounded)



Source: H.R. 5855, H.Rept. 112-492 and S.Rept. 112-169.

Chart Abbreviations: CBP, Customs and Border Protection; USCG, U.S. Coast Guard; ICE, Immigration and Customs Enforcement; TSA, Transportation Security Administration; FEMA, Federal Emergency Management Administration; USSS, U.S. Secret Service; NPPD, National Protection and Programs Directorate; S&T, Science and Technology Directorate; DNDO, Domestic Nuclear Detection Office; A&O, Analysis and Operations; FLETC, Federal Law Enforcement Training Center; OHA, Office of Health Affairs; OIG, Office of the Inspector General; USCIS, U.S. Citizenship and Immigration Services; DBA, discretionary budget authority; Adj, adjustments to the discretionary budget caps established by the Budget Control Act.

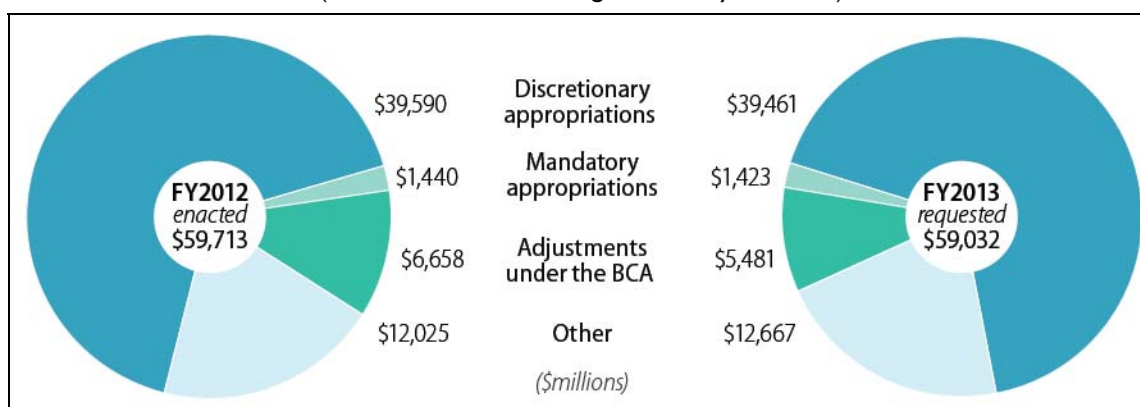
Note: Totals may not add due to rounding.

DHS Appropriations Compared to the Total DHS Budget

It is important to note that the above figure, even with its accounting for discretionary cap adjustments, does not tell the whole story about the resources available to individual DHS components. Some components, such as TSA, rely on fee income or offsetting collections to support a significant amount of their activities. Less than 4% of the budget for CIS is provided through direct appropriations—the rest relies on fee income.

Detailed numbers on the individual components that reflect both appropriations and other budgetary resources appear later in the report. **Figure 2** presents a comparison of the enacted FY2012 budget (as of May 31, 2012) and the Administration's FY2013 budget request, showing the discretionary appropriations, mandatory appropriations, and adjustments under the Budget Control Act, in the context of the total amount of budgetary resources available to DHS. The amounts shown in these graphs are derived from the Administration's budget request documents, and therefore do not exactly mirror the data presented in congressional documents, which are the source for the other data presented in the report.

Figure 2. DHS Gross Budget Breakdown: FY2012 Enacted v. FY2013 Request
(millions of dollars in budget authority, rounded)

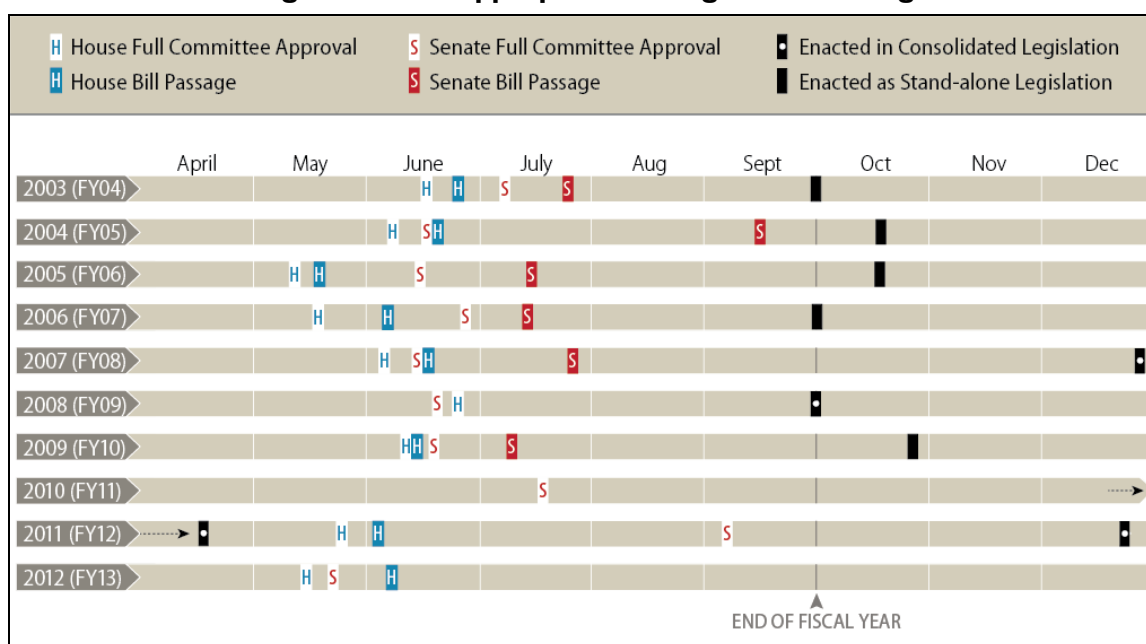


Source: DHS FY2013 Budget Request.

Notes: Budget numbers provided by OMB differ from congressional budget calculations due to a variety of factors, including recalculations of fee income, availability of prior-year rescissions, reprogrammings, transfers and other factors. Totals may not add due to rounding.

Trends in Legislative Timing

The House Appropriations Committee's full committee markup of H.R. 5855 was the second earliest in the history of the DHS appropriations bill. The Senate Appropriations Committee's full committee markup of S. 3216 was the earliest the Senate has ever marked up the DHS appropriations bill. **Figure 3** shows the history of the timing of the DHS appropriations bills as they have moved through various stages of the legislative process.

Figure 3. DHS Appropriations Legislative Timing

Source: CRS analysis.

Notes: Final action on the FY2011 appropriation for DHS did not occur until April 2011.

FY2013 Appropriations by Title

Title I: Departmental Management and Operations

Title I of the DHS appropriations bill provides funding for the department's management activities, Analysis and Operations (A&O) account, and the Office of the Inspector General (OIG). The Administration requested \$1,279 million for these accounts in FY2013, an increase of \$147 million above the enacted level. The House-passed bill provides \$1,020 million, a decrease of 20.2% from the requested level and 9.9% below FY2012. The Senate-reported bill provides \$1,102 million, 13.8% below the request and 2.7% below FY2012. **Table 2** lists the enacted amounts for the individual components of Title I for FY2012 (as of May 31, 2012), the Administration's request for these components for FY2013, and the House-passed and Senate-reported appropriations for the same.

Table 2. Title I: Departmental Management and Operations, FY2012-FY2013

(budget authority in millions of dollars)

	FY2012 Enacted	FY2013 Request	FY2013 Appropriation		
			FY2013 House- passed	FY2013 Senate- reported	FY2013 Enacted
Office of the Secretary and Executive Management	133	134	122	133	
Office of the Under Secretary for Management	236	222	180	220	
Office of the Chief Financial Officer	51	55	50	54	
Office of the Chief Information Officer	257	313	242	249	
Analysis and Operations	338	322	317	324	
DHS Headquarters Consolidation ^a	0	89	0	0	
Office of the Inspector General ^b	117	144	109	123	
Net Budget Authority: Title I	1,132	1,279	1,020	1,102	
Total Gross Budgetary Resources for Title I Components before Transfers	1,132	1,279	1,020	1,102	

Sources: CRS analysis of H.Rept. 112-331 (for FY2012), H.R. 5855, H.Rept. 112-492, and S.Rept. 112-169.

Notes: Totals may not add due to rounding.

- a. This line only reflects funding for DHS Headquarters Consolidation included in Title I of the DHS appropriations bill. Other funding has been provided under Coast Guard accounts and in general provisions in previous years.
- b. The Office of the Inspector General also receives transfers from FEMA to pay for oversight of disaster-related activities that are not reflected in these tables.

Title II: Security, Enforcement and Investigations

Title II of the DHS appropriations bill, which includes over three-quarters of the budget authority provided in the legislation, contains the appropriations for U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the Transportation Security Administration (TSA), the U.S. Coast Guard (USCG), and the U.S. Secret Service (USSS). The Administration requested \$30,759 million for these accounts in FY2013, a decrease of \$768 million below the enacted level. The House-passed bill provides \$30,946 million, an increase of 0.6% from the requested level and 1.8% below FY2012. The Senate-reported bill provides \$30,974 million, 0.7% above the request and 1.8% below FY2012. **Table 3** lists the enacted amounts for the individual components of Title II for FY2012 (as of May 31, 2012), the Administration's request for these components for FY2013, and the House-passed and Senate-reported appropriations for the same.

Table 3. Title II: Security, Enforcement, and Investigations, FY2012-FY2013

(budget authority in millions of dollars)

		FY2013 Appropriation			
	FY2012 Enacted	FY2013 Request	FY2013 House-passed	FY2013 Senate-reported	FY2013 Enacted
Customs and Border Protection					
Salaries and Expenses	8,680	9,011	8,366	8,770	
Automation Modernization	334	328	700	328	
Border Security Fencing, Infrastructure, and Technology	400	327	334	327	
Air and Marine Interdictions	504	436	519	507	
Facilities Management	237	244	253	244	
US-VISIT ^a	0	0	0	279	
Appropriation	10,155	10,345	10,172	10,454	
Fees, Mandatory Spending, and Trust Funds	1,496	1,626	1,517	1,517	
Total Budgetary Resources	11,651	11,971	11,689	11,971	
Immigration and Customs Enforcement					
Salaries and Expenses	5,529	5,297	5,236	5,295	
Automation & Infrastructure Modernization	22	31	232	31	
Construction	0	5	5	5	
Appropriation	5,551	5,332	5,474	5,330	
Fees, Mandatory Spending, and Trust Funds	312	312	312	312	
Total Budgetary Resources	5,863	5,644	5,786	5,642	
Transportation Security Administration					
Aviation Security (net funding)	3,224	2,914	2,971	2,702	
Surface Transportation Security	135	124	126	124	
Transportation Threat Assessment and Credentialing (net funding)	164	193	192	193	
Transportation Security Support	1,032	970	929	970	
Federal Air Marshals	966	930	880	930	
Appropriation	5,521	5,130	5,098	4,919	
Fees, Mandatory Spending, and Trust Funds	2,320	2,515	2,400	2,715	
Total Budgetary Resources	7,841	7,645	7,498	7,633	
U.S. Coast Guard					
Operating Expenses ^b	7,051	6,791	6,765	7,073	
Environmental Compliance & Restoration	14	13	12	13	
Reserve Training	134	133	116	133	
Automation Modernization	—	—	45	—	

	FY2013 Appropriation				
	FY2012 Enacted	FY2013 Request	FY2013 House-passed	FY2013 Senate-reported	FY2013 Enacted
Acquisition, Construction, & Improvements	1,404	1,217	1,429	1,471	
Research, Development, Testing, and Evaluation	28	20	20	20	
Health Care Fund Contribution ^c	262	203	203	203	
Discretionary Appropriation	8,634	8,377	8,589	8,659	
Fees, Mandatory Spending, and Trust Funds	1,654	1,640	1,640	1,640	
Overseas Contingency Operations Adjustment	258	0 ^d	0	254	
Total Budgetary Resources	10,546	10,017	10,229	10,553	
U.S. Secret Service					
Salaries and Expenses	1,661	1,544	1,556	1,556	
Acquisition, Construction, and Improvements	5	57	57	57	
Appropriation	1,667	1,601	1,613	1,613	
Fees, Mandatory Spending, and Trust Funds	245	250	250	250	
Total Budgetary Resources	1,912	1,851	1,863	1,863	
Net Discretionary Budget Authority: Title II	31,527	30,759	30,946	30,974	
Total Budgetary Resources for Title II Components before Transfers	37,813	37,128	37,070	37,662	

Sources: CRS analysis of the DHS FY2013 Congressional Budget Justification, H.R. 5855, H.Rept. 112-331 (for FY2012), H.Rept. 112-492, and S.Rept. 112-169.

Notes: Totals may not add due to rounding.

- The Administration proposed in the FY2013 budget request moving US-VISIT from NPPD and dividing it between ICE and CBP. The Senate proposed moving the resources to CBP, then transferring \$18 million to ICE.
- Overseas contingency operations funding is displayed in this line, but is not added to the appropriations total, in accordance with the appropriations committees' practices for subtotaling this account. This funding is not reflected in the total appropriation for the Coast Guard.
- This is permanent indefinite discretionary spending, and therefore scores as being in the bill, despite not being explicitly appropriated in the bills' legislative language.
- \$254 million was requested as a permissive transfer from the Department of Defense to cover the Coast Guard's overseas contingency operations costs. However, these charts do not track activity in other appropriations bills or transfers.

Title III: Protection, Preparedness, Response, and Recovery

Title III of the DHS appropriations bill contains the appropriations for the National Protection and Programs Directorate (NPPD), the Office of Health Affairs (OHA), and the Federal Emergency Management Agency (FEMA). The Administration requested \$5,911 million for these accounts in FY2013, an increase of \$231 million above the enacted level. The House-passed bill provides

\$5,930 million, an increase of 0.3% above the requested level and 4.4% above FY2012. The Senate-reported bill provides \$5,971 million, 1% above the request and 5.1% above FY2012. In addition, both House-passed and Senate-reported versions of this title also include a requested \$5,481 million for disaster relief that is offset by an adjustment under the Budget Control Act. The adjustment is \$919 million smaller than the adjustment provided in the FY2012 Disaster Relief Appropriations Act (P.L. 112-77). **Table 4** lists the enacted amounts for the individual components of Title III for FY2012 (as of May 31, 2012), the Administration's request for these components for FY2013, and the House-passed and Senate-reported appropriations for the same.

Table 4. Title III: Protection, Preparedness, Response, and Recovery, FY2012-FY2013
(budget authority in millions of dollars)

	FY2013 Appropriation				
	FY2012 Enacted	FY2013 Request	FY2013 House- passed	FY2013 Senate- reported	FY2013 Enacted
National Protection and Programs Directorate					
Management and Administration	51	50	45	50	
Infrastructure Protection and Information Security	888	1,167	1,110	1,170	
US-VISIT	307	0	0	0	
Office of Biometric Identity Management ^a	—	—	191	—	
Appropriation	1,246	1,217	1,347	1,220	
Fees, Mandatory Spending, and Trust Funds	1,262	1,302	1,302	1,302	
Total Budgetary Resources	2,508	2,519	2,649	2,522	
Office of Health Affairs					
Appropriation	167	166	132	168	
Fees, Mandatory Spending, and Trust Funds	0	0	0	0	
Total Budgetary Resources	167	166	132	168	
Federal Emergency Management Agency					
Salaries and Expenses	895	789	720	979	
Automation Modernization	—	—	58	—	
Grants and Training	2,375	2,900	2,798	2,670	
U.S. Fire Administration	44	43	42	44	
Disaster Relief Fund ^b	7,100	6,089	6,089	6,089	
Flood Hazard Mapping and Risk Analysis	98	89	92	97	
Pre-disaster Mitigation Fund	36	0	14	35	
Emergency Food and Shelter	120	100	120	150	
Radiological Emergency Preparedness	-1	-1	-1	-1	
Appropriation	4,267	4,528	4,451	4,582	
Fees, Mandatory Spending, and Trust Funds	3,273	3,551	3,551	3,551	
Disaster Relief Adjustment	6,400	5,481	5,481	5,481	

Total Budgetary Resources	13,940	13,560	13,483	13,614
Net Budget Authority: Title III	5,680	5,911	5,930	5,971
Total Budgetary Resources for Title III Components before Transfers	16,624	16,245	16,264	16,304

Sources: CRS analysis of the DHS FY2013 Congressional Budget Justification, H.Rept. 112-331 (for FY2012), H.R. 5855, H.Rept. 112-492, and S.Rept. 112-169.

Notes: Totals may not add due to rounding.

- The Administration proposed in the FY2013 budget request moving US-VISIT from NPPD and dividing it between ICE and CBP. The House proposed retaining this portion of US-VISIT in NPPD.
- Disaster relief funding is displayed in this line, but is not added to the appropriations total, in accordance with the appropriations committees' practices for subtotaling this account. This funding is not reflected in the total appropriation for FEMA.

Title IV: Research and Development, Training, and Services

Title IV of the DHS appropriations bill contains the appropriations for U.S. Citizenship and Immigration Services (USCIS), the Federal Law Enforcement Training Center (FLETC), the Science and Technology directorate (S&T), and the Domestic Nuclear Detection Office. The Administration requested \$1,561 million for these accounts in FY2013, a decrease of \$229 million below the enacted level. The House-passed bill provides \$1,510 million, a decrease of 3.3% from the requested level and 13.4% above FY2012. The Senate-reported bill provides \$1,535 million, 1.7% below the request and 15.2% above FY2012. **Table 5** lists the enacted amounts for the individual components of Title IV for FY2012 (as of May 31, 2012), the Administration's request for these components for FY2013, and the House-passed and Senate-reported appropriations for the same.

Table 5. Title IV: Research and Development, Training, and Services, FY2012-FY2013
(budget authority in millions of dollars)

	FY2013 Appropriation				
	FY2012 Enacted	FY2013 Request	FY2013 House- passed	FY2013 Senate- reported	FY2013 Enacted
Citizenship and Immigration Services					
Appropriation	102	143	112	117	
Fees, Mandatory Spending, and Trust Funds	2,976	2,862	2,892	2,882	
Total Budgetary Resources	3,078	3,005	3,004	2,999	
Federal Law Enforcement Training Center					
Salaries and Expenses	239	229	228	229	
Acquisition, Construction, Improvements and Related Expenses	32	29	27	29	
Appropriation	271	258	256	258	
Fees, Mandatory Spending, and Trust Funds	0	0	0	0	
Total Budgetary Resources	271	258	256	258	

	FY2013 Appropriation			
	FY2012 Enacted	FY2013 Request	FY2013 House-passed	FY2013 Senate-reported
Science and Technology				
Management and Administration	135	138	130	138
Research, Development, Acquisition, and Operations	533	693	696	693
Appropriation	668	831	826	831
Fees, Mandatory Spending, and Trust Funds	0	0	0	0
Total Budgetary Resources	668	831	826	831
Domestic Nuclear Detection Office				
Management and Administration	38	40	38	40
Research, Development, and Operations	215	237	227	237
Systems Acquisition	37	51	51	51
Appropriation	290	328	316	328
Fees, Mandatory Spending, and Trust Funds	0	0	0	0
Total Budgetary Resources	290	328	316	328
Net Budget Authority: Title IV	1,332	1,561	1,510	1,535
Total Budgetary Resources for Title IV Components before Transfers	4,308	4,423	4,402	4,417

Sources: CRS analysis of the DHS FY2013 Congressional Budget Justification, H.Rept. 112-331 (for FY2012), H.R. 5855, H.Rept. 112-492, and S.Rept. 112-169.

Notes: Totals may not add due to rounding.

Title V: General Provisions

Title V of the DHS appropriations bill contains the general provisions for the bill. General provisions typically include rescissions of funding from previous years that partially offset the score of the bill. Occasionally appropriations for special initiatives are found here as well. The Administration generally requests rescissions in the accounts where they are made, and requested no funding through general provisions for FY2013. The House-passed bill for FY2013 includes \$292 million in rescissions, all of which reduce the net scoring of the bill. Those are the only provisions in this title that impact the score of the bill. On the other hand, the Senate-reported bill includes \$192 million in rescissions, as well as several other provisions that impact the scoring of the bill, including appropriations and changes in fee programs. Taken together, these Senate bill provisions offset its cost by \$68 million.

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