

DHS Appropriations FY2016: Research and Development, Training, and Services

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Summary

This report is part of a suite of reports that discuss appropriations for the Department of Homeland Security (DHS) for FY2016. It specifically discusses appropriations for the components of DHS included in the fourth title of the homeland security appropriations bill—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 (DNDO). Collectively, Congress has labeled these components in appropriations acts in recent years as “Research and Development, Training, and Services.”

The report provides an overview of the Administration’s FY2016 request for Research, Development, Training, and Services, the appropriations proposed by Congress in response, and those enacted. Rather than limiting the scope of its review to the fourth title, the report includes information on provisions throughout the proposed bill and report that directly affect these functions.

Research and Development, Training, and Services is the second smallest of the four titles that carry the vast majority of the funding in the bill. The Administration requested \$1,554 million for these components in FY2016, \$241 million less than was provided for FY2015. These four components made up 3.7% of the Administration’s \$41.4 billion request for the department in net discretionary budget authority. The completion of funding for construction of the National Bio- and Agro-defense Facility in FY2015 reduced the demand for facilities funding by \$300 million—part of an overall reduction of \$325 million in the request for S&T from FY2015 enacted levels. DNDO’s budget request rose by \$49 million (16.1%), while USCIS and FLETC saw smaller increases in their requests.

Senate-reported S. 1619 would have provided the components included in this title \$1,451 million in net discretionary budget authority. This would have been \$103 million (6.6%) less than requested, and \$344 million (19.2%) less than was provided in FY2015.

House-reported H.R. 3128 would have provided the components included in this title \$1,503 million in net discretionary budget authority. This would have been \$51 million (3.3%) less than requested, and \$292 million (16.2%) less than was provided in FY2015.

On December 18, 2015, the President signed into law P.L. 114-113, the Consolidated Appropriations Act, 2016, Division F of which was the Department of Homeland Security Appropriations Act, 2016. The act included \$1,499 million for these components in FY2016, a \$55 million (3.5%) decrease from the request and \$296 million (16.5%) below FY2015.

Additional information on the broader subject of FY2016 funding for the department can be found in CRS Report R44053, *Department of Homeland Security Appropriations: FY2016*, as well as links to analytical overviews and details regarding appropriations for other components.

This report will be updated if supplemental appropriations are provided for any of these components through the FY2016 appropriations process.

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Introduction

This report is part of a suite of reports that discuss appropriations for the Department of Homeland Security (DHS) for FY2016. It specifically discusses appropriations for the components of DHS included in the fourth title of the homeland security appropriations bill—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 (DNDO). Collectively, Congress has labeled these components in recent years as “Research and Development, Training, and Services.”

The report provides an overview of the Administration’s FY2016 request for Research and Development, Training, and Services, and the appropriations proposed by Congress in response, and those enacted thus far. Rather than limiting the scope of its review to the fourth title, the report includes information on provisions throughout the proposed bill and report that directly affect these functions.

The suite of CRS reports on homeland security appropriations tracks legislative action and congressional issues related to DHS appropriations, with particular attention paid to discretionary funding amounts. The reports do not provide in-depth analysis of specific issues related to mandatory funding—such as retirement pay—nor do they systematically follow other legislation related to the authorization or amending of DHS programs, activities, or fee revenues.

Discussion of appropriations legislation involves a variety of specialized budgetary concepts. The appendix to CRS Report R44053, *Department of Homeland Security Appropriations: FY2016*, explains several of these concepts, including budget authority, obligations, outlays, discretionary and mandatory spending, offsetting collections, allocations, and adjustments to the discretionary spending caps under the Budget Control Act (P.L. 112-25). A more complete discussion of those terms and the appropriations process in general can be found in CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by (name redacted), and the Government Accountability Office’s *A Glossary of Terms Used in the Federal Budget Process*.¹

Note on Data and Citations

Except in summary discussions and when discussing total amounts for the bill as a whole, all amounts contained in the suite of CRS reports on homeland security appropriations represent budget authority and are rounded to the nearest million. However, for precision in percentages and totals, all calculations were performed using unrounded data.

Data used in this report for FY2015 amounts are derived from the Department of Homeland Security Appropriations Act, 2015 (P.L. 114-4) and the explanatory statement that accompanied H.R. 240 as printed in the *Congressional Record* of January 13, 2015, pages H275-H322. Contextual information on the FY2016 request is generally from the *Budget of the United States Government, Fiscal Year 2016*, the FY2016 DHS congressional budget justifications, and the FY2016 DHS *Budget in Brief*.² However, most data used in CRS analyses in reports on DHS appropriations are drawn from congressional documentation to ensure consistent scoring

¹ U.S. Government Accountability Office, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 1, 2005, <http://www.gao.gov/products/GAO-05-734SP>.

² On April 14, 2015, the Administration submitted technical amendments to its budget request, but it presented no adjustments to its totals for the department. Therefore, modifications to authorization for Customs and Border Protection to use certain fee revenues are not reflected in this report.

whenever possible. Information on the FY2016 budget request and Senate-reported recommended funding levels is from S. 1619 and S.Rept. 114-68. Information on the House-reported recommended funding levels is from H.R. 3128 and H.Rept. 114-215. Data for FY2016 are derived from P.L. 114-113, the Omnibus Appropriations Act, 2016—Division F of which is the Homeland Security Appropriations Act, 2016—and the accompanying explanatory statement published in Books II and III of the *Congressional Record* for December 17, 2015.

Summary of DHS Appropriations

Generally, the homeland security appropriations bill includes all annual appropriations provided for DHS, allocating resources to every departmental component. Discretionary appropriations³ provide roughly two-thirds to three-fourths of the annual funding for DHS operations, depending how one accounts for disaster relief spending and funding for overseas contingency operations. The remainder of the budget is a mix of fee revenues, trust funds, and mandatory spending.⁴

Appropriations measures for DHS typically have been organized into five titles.⁵ The first four are thematic groupings of components: Departmental Management and Operations; Security, Enforcement, and Investigations; Protection, Preparedness, Response, and Recovery; and Research and Development, Training, and Services. A fifth title contains general provisions, the impact of which may reach across the entire department, impact multiple components, or focus on a single activity.

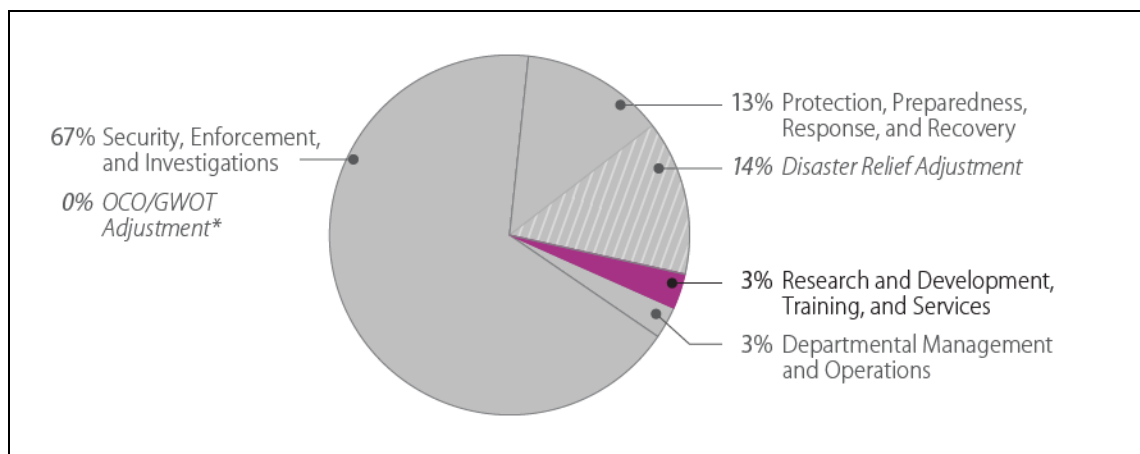
The following pie chart presents a visual comparison of the share of annual appropriations requested for the components funded in each of the first four titles, highlighting the components discussed in this report. As shown below, the components funded under Research and Development, Training, and Services would have received roughly 3% of the discretionary budget authority requested for FY2016.

³ Generally speaking, those provided through annual legislation.

⁴ A detailed analysis of this breakdown between discretionary appropriations and other funding is available in CRS Report R44052, *DHS Budget v. DHS Appropriations: Fact Sheet*.

⁵ Although the House and Senate generally produce symmetrically structured bills, this is not always the case. Additional titles are sometimes added by one of the chambers to address special issues. For example, the FY2012 House full committee markup added a sixth title to carry a \$1 billion emergency appropriation for the Disaster Relief Fund (DRF). The Senate version carried no additional titles beyond the five described above. For FY2015, the House- and Senate-reported versions of the DHS appropriations bill were generally symmetrical.

Figure 1. Proportion of Requested DHS Discretionary Budget Authority by Title
(funding in general provisions distributed to recipient components)



Source: CRS analysis of data from U.S. Department of Homeland Security, *FY2016 Budget in Brief*.

Notes: *—The Administration requested \$160 million to be transferred to DHS under the Overseas Contingency Operations/Global War on Terror (OCO/GWOT) adjustment under the Budget Control Act. This amount rounds to zero for this calculation, and thus does not appear in the chart. Titles in italics and patterned wedges represent funding covered under adjustments to discretionary spending limits under the Budget Control Act.

Research and Development, Training, and Services

As noted above, Title IV of the DHS appropriations bill provides funding for several of the department's support functions. Funding was also included in Title V, General Provisions, for some of these components.⁶ The Administration requested \$5,428 million in total budgetary resources for these accounts in FY2016, an increase of \$526 million (10.7%) above the projected FY2015 level. Of this total budget, \$1,554 million is discretionary authority.

The Senate-reported bill would have provided \$1,461 million in adjusted net discretionary budget authority, a decrease of \$103 million (6.6%) from the request and \$344 million (19.2%) below the FY2015 enacted level. House-reported H.R. 3128 would have provided the components included in this title \$1,503 million in net discretionary budget authority. This would have been \$51 million (3.3%) less than requested, and \$292 million (16.2%) less than was provided in FY2015.

Division F of P.L. 114-113, the Consolidated Appropriations Act, 2016, was the Department of Homeland Security Appropriations Act, 2016. The act included \$1,499 million for these components in FY2016, a \$55 million (3.5%) decrease from the request and \$296 million (16.5%) below FY2015.

Table 1 presents the enacted funding level for the individual components funded under Research, Development, Training, and Services for FY2015, as well as the amounts requested for these

⁶ A legislative proposal regarding U visas was scored by CBO as costing \$21 million—this is included in the total for component budget authority in the request, as well as the budgetary resources calculation, although neither House- nor Senate-reported bill carried the requested provision. An authorization for USCIS to use fee revenues to support immigrant integration grants in both the House- and Senate-reported uses existing fee revenue and therefore does not add to the totals.

accounts by the Administration, proposed by the Senate and House appropriations committees, and provided by the enacted annual appropriation for FY2016. The table includes information on funding under Title IV as well as other provisions in the bill. In addition, it also notes the cost of a legislative change proposed by the Administration to the U visa program, which would have been charged to discretionary “score” of the DHS appropriations bill had it been enacted.

**Table 1. Budgetary Resources for Research and Development, Training, and Services
FY2015 and FY2016**

(budget authority in millions of dollars)

Component/Appropriation	FY2015	FY2016			
	Enacted	Request	Senate-reported S. 1619	House-reported H.R. 3128	Division F, P.L. 114-113
U.S. Citizenship and Immigration Services					
E-Verify	124	120	120	120	120
Immigrant Integration Programs	—	10	—	—	—
Immigrant Integration Grants (Title V; authority to use fees) ^a	[10]	—	—	—	—
U Visa fee proposal (Title V)	—	[21]	—	—	—
Appropriation	124	151^b	120	120	120
Fees, Mandatory Spending, and Trust Funds	3,097	3,874	3,491	3,491	3,491
Total Budgetary Resources	3,231	4,025 ^b	3,610	3,610	3,610
Federal Law Enforcement Training Center					
Salaries and Expenses	230	239	219	212	217
Acquisition, Construction, Improvements, and Related Expenses	28	28	26	28	28
Appropriation	258	267	246	239	245
Fees, Mandatory Spending, and Trust Funds	0	0	0	0	0
Total Budgetary Resources	258	267	246	239	245
Science and Technology Directorate					
Management and Administration	130	132	130	132	132
Research, Development, Acquisition, and Operations	974	647	634	655	655
Appropriation	1,104	779	765	787	787
Fees, Mandatory Spending, and Trust Funds	0	0	0	0	0
Total Budgetary Resources	1,104	779	765	787	787
Domestic Nuclear Detection Office					

Component/Appropriation	FY2015	FY2016			
	Enacted	Request	Senate-reported S. 1619	House-reported H.R. 3128	Division F, P.L. 114-113
Management and Administration	37	38	38	38	38
Research, Development, and Operations	198	196	196	196	196
Systems Acquisition	73	123	87	123	113
Appropriation	308	357	320	357	347
Fees, Mandatory Spending, and Trust Funds	0	0	0	0	0
Total Budgetary Resources	308	357	320	357	347
Net Discretionary Budget Authority: Title IV	1,795	1,533	1,451	1,503	1,499
Net Discretionary Budget Authority: Total for Research and Development, Training, and Services Components	1,795	1,554	1,451	1,503	1,499
Total Gross Budgetary Resources for Research and Development, Training, and Services Components	4,892	5,427	4,941	4,993	4,989

Source: CRS analysis of P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2015, pp. H275-H322, the FY2016 DHS *Budget-in-Brief*, S. 1619, S.Rept. 114-68, H.R. 3128, H.Rept. 114-215, and Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210.

Notes: Table displays rounded numbers, but all operations were performed with unrounded data. Amounts, therefore, may not sum to totals. Fee revenues included in the “Fees, Mandatory Spending, and Trust Funds” lines are projections, and do not include budget authority provided through general provisions. Brackets denote budget authority scored against the bill not carried in Title IV.

- a. As this is discretionary authority granted in the bill to use existing fees, it provides no new resources.
- b. Includes the \$21 million cost of the U visa legislative proposal.

U.S. Citizenship and Immigration Services⁷

Three activities dominate the work of the U.S. Citizenship and Immigration Services (USCIS): (1) processing and adjudication of all immigration applications and petitions, including family-based petitions, employment-based petitions, nonimmigrant change of status petitions, work authorizations, and travel documents; (2) adjudication of naturalization petitions for legal permanent residents to become citizens; and (3) consideration of refugee and asylum claims, and related humanitarian and international concerns.

USCIS funds the processing and adjudication of immigrant, nonimmigrant, refugee, asylum, and citizenship benefits largely through its fee revenues deposited into the Immigration Examinations Fee Account.⁸ In the last decade, the agency has received annual appropriations from the Treasury

⁷ This section was prepared by William Kandel, Analyst in Immigration Policy, Domestic Social Policy Division.

⁸ Section 286 of the Immigration and Nationality Act, 8 U.S.C. §1356. There are two other fee accounts at USCIS, (continued...)

that have been directed largely towards specific projects such as reducing petition processing backlogs and operating the E-Verify program.⁹ The agency receives most of its revenue from adjudication fees of immigration benefit applications and petitions.¹⁰

FY2016 Request

The Administration requested \$130 million in appropriations for USCIS for FY2016, including \$120 million for the E-Verify program and \$10 million for the Immigrant Integration Initiative. Together with \$3,874 million in projected fee collections, the request projected \$4,004 million in new gross budget authority for USCIS (see **Table 2**). Of this FY2016 amount, \$3,229 million was to fund adjudication services, which included \$268 million for asylum, refugee, and international operations and \$226 million for digital conversion of immigrant records (“Business Transformation”). Apart from adjudication services, \$143 million was to fund information and customer services, \$415 million was to fund administration expenses, and \$27 million was to fund the Systematic Alien Verification for Entitlements (SAVE) program.¹¹

In addition, the Administration proposed legislative changes to the U visa program, which CBO scored as potentially costing the general fund of the Treasury \$21 million. These changes were accounted for as discretionary spending by USCIS in the budget request, and are reflected elsewhere in this report’s narrative and tables as such, although they would not have provided additional operational resources to USCIS. As the USCIS section of this report focuses on resources available to USCIS under the terms of these various proposals in the legislative process, the proposal is not reflected in this section’s narrative analysis of resource levels proposed for USCIS.

Senate-Reported S. 1619

Senate-reported S. 1619 recommended that USCIS receive gross budget authority for FY2016 of \$3,610 million, \$394 million below the amount requested. The bill included \$120 million in appropriations for USCIS’s E-Verify Program, \$10 million below the Administration’s total appropriations request. The Senate-reported bill would have permitted up to \$10 million of fee revenue to be allocated for immigrant integration grants. The committee specified that no funds could be used by USCIS to grant immigration benefits unless the requisite background checks had been performed, and the results submitted to USCIS did not preclude the granting of the benefit.

(...continued)

known as the H-1B Nonimmigrant Petitioner Account and the Fraud Prevention and Detection Account. The revenues in these accounts are drawn from separate fees that are statutorily determined (P.L. 106-311 and P.L. 109-13, respectively). USCIS receives 5% of the H-1B Nonimmigrant Petitioner Account revenues and 33% of the Fraud Detection and Prevention Account revenues. Department of Homeland Security, *Congressional Budget Justification FY2016: U.S. Citizenship and Immigration Services, H-1B Nonimmigrant Petitioner Account and Fraud Prevention and Detection Account* (Washington, DC, 2015).

⁹ E-verify allows employers to electronically confirm that prospective and current employees possess legal authorization to work in the United States. See CRS Report R40446, *Electronic Employment Eligibility Verification*, by (name redacted)

¹⁰ For more on USCIS fees, see CRS Report R44038, *U.S. Citizenship and Immigration Services (USCIS) Functions and Funding*, by (name redacted)

¹¹ For more information on the SAVE program, see CRS Report R40889, *Noncitizen Eligibility and Verification Issues in the Health Care Reform Legislation*, by (name redacted)

House-Reported H.R. 3128

House-reported H.R. 3128 also recommended that USCIS receive gross budget authority for FY2016 of \$3,610 million, \$394 million below the amount requested. The bill included \$120 million in appropriations for USCIS, \$10 million below the amount requested. Like the Senate-reported bill, the recommendation only provided appropriations for the E-Verify Program and did not include amounts for the requested immigrant integration grants. Language was included in the bill permitting USCIS to expend up to \$10 million in user fees to support these grants. Within the total fees collected, the committee directed USCIS to provide at least \$29 million to continue converting paper immigration records to a digital format.

The House-reported bill did not prohibit USCIS from providing pay raises to its personnel using fee revenue. If such raises were foregone, however, any potential savings were to be made available to enhance the E-Verify program.

The House-reported bill also specified that USCIS appropriations could not be used by the agency to grant immigration benefits to an individual unless USCIS had received the results of a criminal background check and the results did not preclude the granting of the benefit. The bill also specified that none of the funds made available to USCIS for immigrant integration grants could be used to provide services to aliens who had not been lawfully admitted for permanent residence.

Division F of P.L. 114-113

Division F of P.L. 114-113 (the Homeland Security Appropriations Act, 2016) provided \$120 million in appropriations for USCIS, \$10 million below the amount requested by the Administration and the same amount as Senate-reported S. 1619 and House-reported H.R. 3128. Together with \$3,491 million in projected fee collections, the total gross budget authority for USCIS in FY2016 was \$3,610 million—\$394 million less than the FY2016 request and the same as both Senate-reported S. 1619 and House-reported H.R. 3128.

As in the House- and Senate-reported bills, appropriated amounts were solely to fund the E-Verify Program. The act allowed USCIS to make funds available for immigrant integration grants from fee revenues. The amount for such grants was not specified. The act specified that the grants should be used to provide services only to individuals who have been lawfully admitted into the U.S. for permanent residence. The act also continued a provision described above in the Senate- and House-reported bills that requires the completion of background checks and their receipt by DHS prior to the granting of any immigration benefits.

The explanatory statement accompanying Division F directed USCIS to brief the Committees on actions to implement the Government Accountability Office's recommendations from its review of fraud in the asylum process, and to provide progress updates every 60 days thereafter until all recommendations have been implemented for all types of benefits. GAO was directed to perform a similarly scoped review of fraud for the refugee screening process.

The statement directed USCIS to include E-Verify usage statistics on its website and to report on the use of advance parole within 90 days following passage of the act. It directed USCIS to report on the results of its fee study within 30 days of passage of the act. It also directed the agency to report on noncitizen compliance with address change notification requirements under 8 U.S.C. 1305 within 120 days of passage of the act.

Table 2. USCIS Budget Account Detail, FY2015-FY2016

(budget authority in rounded millions of dollars)

Program / Project / Activity	FY2015	FY2016			
	Enacted	Request	Senate-reported S. 1619	House-reported H.R. 3128	Division F, P.L. 114-113
Appropriations	124	130^a	120	120	120
E-Verify	124	120	120	120	120
Immigrant integration grants	— ^b	10	— ^c	— ^c	—
Fee-funded Activities	3,097	3,874	3,491	3,491	3,491
Adjudication Services	2,626	3,229	2,955	2,895	2,955
District Operations	1,566	1,916	1,645	1,615	1,645
Immigrant integration grants	[10] ^b	—	[10] ^c	[10] ^c	—
Service Center Operations	542	694	700	670	700
Asylum, Refugee and International Operations	239	268	259	259	259
Records Operations	93	124	124	124	124
Business Transformation	185	226	226	226	226
Information and Customer Services: Operating Expenses	99	143	124	124	124
Administration: Operating Expenses	342	415	385	385	385
Systematic Alien Verifications for Entitlements (SAVE)	30	27	27	27	27
Total USCIS Budgetary Resources	3,221	4,004	3,610	3,610	3,610
Fee revenue sources					
Immigration Examination Fee Account	3,042	3,814 ^d	3,431	3,436	3,491
H1-B Visa Fee Account	14	15 ^d	15	14	—
H1-B and L Fraud Prevention Fee Account	41	45 ^d	45	41	—

Source: CRS analysis of P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2015, pp. H275-H322, the FY2016 DHS *Budget-in-Brief*, S. 1619, S.Rept. 114-68, H.R. 3128, H.Rept. 114-215, and Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210.

Notes: Figures in italics sum to Adjudication Services total. Brackets denote fee funding through general provisions recommended in the committee report. Fee revenue source amounts and appropriations total sum to total USCIS budgetary resources. Amounts may not strictly accord with budgetary documents due to rounding.

- Does not include the \$21 million cost of the U visa legislative proposal.
- For FY2015, Section 539 of P.L. 114-4 allowed USCIS to use up to \$10 million of existing fee revenue to support this program—this does not represent additional resources.
- For FY2016, a general provision allowed USCIS to use fee revenue to support this program (Section 536 in the Senate-reported bill and Section 534 in the House-reported bill). The provision is not reflected in the detail table in either committee report. While the sections in the Senate- and House-reported bills both specified the amount as up to \$10 million, Section 538 of P.L. 114-113 did not specify an amount.
- A discrepancy exists in the fee revenue source data for the FY2016 request between the Senate and House reports. These three cells reflect the data from S.Rept. 114-68, as opposed to H.Rept. 114-215's estimates of \$3,819 million from the Immigration Examination Fee Account, \$14 million from the H1-B Visa Fee Account, and \$41 million from the H1-B and L Fraud Prevention Fee Account.

Issues for Congress

A potential issue for Congress involved ongoing concerns about E-Verify operability.

E-Verify

E-Verify helps employers ascertain whether their employees have the requisite legal status and work authorization to work lawfully in the United States.¹² The Senate committee report acknowledged improvements in the accuracy of E-Verify and directed USCIS to include national-level E-Verify utilization statistics on its website. The Senate committee directed USCIS to increase incentives for smaller businesses to use E-Verify and directed USCIS to report to Congress on estimated costs and time required for making E-Verify mandatory for employers. P.L. 114-113 was silent on further directions from Congress to USCIS regarding E-Verify.¹³

Federal Law Enforcement Training Center¹⁴

The Federal Law Enforcement Training Center (FLETC) provides basic and advanced law enforcement instruction to 91 federal entities with law enforcement responsibilities. FLETC also provides specialized training to state and local law enforcement entities, campus police forces, law enforcement organizations of Native American tribes, and international law enforcement agencies. By training officers in a multi-agency environment, FLETC intends to promote consistency and collaboration across its partner organizations. FLETC administers four training sites throughout the United States, but also uses online training and provides training at other locations when its specialized facilities are not needed. FLETC employs approximately 1,100 personnel.

FY2016 Request

The Administration requested \$267 million in net discretionary budget authority for FLETC for FY2016, \$8 million (3.2%) above the enacted level for FY2015. The request envisions an additional \$117 million in reimbursements from other government agencies for law enforcement training.

Senate-Reported S. 1619

The Senate-reported bill included \$246 million for FLETC, \$21 million (7.8%) less than requested, and more than \$12 million (4.8%) less than FY2015.

House-Reported H.R. 3128

The House-reported bill included \$239 million for FLETC, almost \$28 million (10.4%) less than requested, and \$19 million (7.5%) less than FY2015. Like many appropriations in the House-reported bill, funding for FLETC salaries and expenses was reduced in the House-reported bill due to unfilled personnel needs. This had a deeper impact on the proposed FLETC appropriation

¹² See CRS Report R40446, *Electronic Employment Eligibility Verification*, by (name redacted).

¹³ S.Rept. 114-68, p. 123.

¹⁴ Prepared by (name redacted), Analyst in Emergency Management and Homeland Security Policy, Government and Finance Division.

as not only were several of FLETC's positions unfilled, but law enforcement positions at CBP were unfilled that would have driven training expenses at FLETC.¹⁵

Division F, P.L. 114-113

The Department of Homeland Security Appropriations Act, 2016 included \$245 million for FLETC, almost \$22 million (8.2%) less than requested, and \$13 million (5.0%) less than FY2015. The act included almost \$28 million for Acquisition, Construction, Improvements, and Related Expenses as requested. The net reduction of almost \$22 million from the requested level for the Salaries and Expenses appropriation was attributed to unfilled law enforcement positions at CBP that would have required FLETC training had they been filled. The explanatory statement notes almost \$5 million in additional funding was included for 38 additional FTE for other training requirements.¹⁶

Science and Technology Directorate¹⁷

The Directorate of Science and Technology (S&T) is the primary DHS organization for research and development (R&D). Led by a Senate-confirmed Under Secretary for Science and Technology, it performs R&D in several laboratories of its own and funds R&D performed by the Department of Energy national laboratories, industry, universities, and others. It also conducts testing and other technology-related activities in support of acquisitions by other DHS components. See **Table 3** for a breakdown of S&T Directorate funding for FY2015 and FY2016.

FY2016 Request

The Administration's request of \$779 million for the S&T Directorate in FY2016 was 29.4% less than the FY2015 appropriation of \$1,104 million. Most of the difference resulted from a lower request for Laboratory Facilities, which received \$300 million in FY2015 for construction of the National Bio and Agro-Defense Facility (NBAF). No further funds for NBAF construction were requested for FY2016. Within the request for Research, Development, and Innovation (RD&I), support for Apex projects was to increase to \$78 million in FY2016.¹⁸ Apex projects are multidisciplinary projects agreed to between the S&T Directorate and the head of another DHS component. The FY2016 request proposed supporting six Apex projects in addition to the previous two. It also proposed a crosscutting "technology engines" activity within the Apex program. The request for University Programs, which primarily funds S&T's university centers of excellence, was \$31 million, down from \$40 million in FY2015.

Senate-Reported S. 1619

The Senate committee's recommendation of \$765 million for the S&T Directorate was \$14 million less than the request. In its report, the Senate committee recommended an \$8 million increase (relative to the request) for University Programs, offset by a \$20 million decrease for RD&I. Other differences relative to the request were small. The committee stated that the

¹⁵ H.Rept. 114-215, p. 96.

¹⁶ *Congressional Record*, vol. 161, part 184 (December 17, 2015), p. H10175.

¹⁷ Prepared by (name redacted), Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

¹⁸ The FY2015 appropriations act and explanatory statement did not specify the allocation of funding to Apex projects within the total provided for RD&I. Apex funding was \$15 million in FY2014 and in the FY2015 request.

University Programs increase would allow the directorate to maintain at least 10 university centers of excellence (the current number). The committee did not specify how the decrease for RD&I should be allocated. It did state that “not less than prior year funding” should be allocated to the Apex program and directed the directorate to “continue its focus” on three of the six new Apex projects.

House-Reported H.R. 3128

The House committee’s recommendation of \$787 million for S&T was \$8 million more than the request. In its report, the House committee recommended a \$9 million increase (relative to the request) for University Programs, which it said would be sufficient to support all the existing centers of excellence. Other differences relative to the request were small. The committee expressed support for the Apex concept and recommended Apex funding at the requested level.

Division F, P.L. 114-113

The final appropriation of \$787 million was \$8 million more than the request. It included an increase of \$9 million for University Programs, partially offset by decreases of less than \$1 million for Laboratory Facilities and Management and Administration. The explanatory statement was silent regarding the Apex program.

Table 3. Directorate of Science and Technology, FY2015-FY2016

(budget authority in rounded millions of dollars)

Appropriation / Sub-Appropriation	FY2015	FY2016			
	Enacted	Request	Senate-Reported S. 1619	House-Reported H.R. 3128	Division F, P.L. 114-113
Directorate of Science and Technology	1,104	779	765	787	787
Management and Administration	130 ^a	132	130	132	132 ^b
R&D, Acquisition, and Operations	974 ^c	647	634 ^d	655 ^d	655 ^d
<i>Research, Development, and Innovation</i>	457	435	415	435	435
<i>Laboratory Facilities</i>	435	134	134	134	47
<i>Acquisition and Operations Support</i>	42	47	47	47	134
<i>University Programs</i>	40	31	39	40	40

Sources: CRS analysis of P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2015, pp. H275-H322; the FY2016 DHS *Budget-in-Brief*; S. 1619 as reported and S.Rept. 114-68; H.R. 3128 as reported and H.Rept. 114-215; and Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210.

Note: Table displays rounded numbers, but all operations were performed with unrounded data: therefore, amounts may not sum to totals.

- a. Does not reflect a rescission of \$500,000 from prior-year balances.
- b. Does not reflect a rescission of \$285,000 from unobligated prior-year balances.
- c. Does not reflect a rescission of \$17 million from prior-year balances.
- d. Does not reflect rescissions totaling \$10 million from unobligated prior-year balances.

Issues for Congress

Coordination of Research & Development Activities

DHS-wide coordination of R&D activities has been an issue for several years. In September 2012, the Government Accountability Office (GAO) reported that although the S&T Directorate, DNDO, and the Coast Guard are the only DHS components that report R&D activities to the Office of Management and Budget, several other DHS components also fund R&D and activities related to R&D.¹⁹ The GAO report found that DHS lacked department-wide policies to define R&D and guide reporting of R&D activities, and, as a result, DHS did not know the total amount its components invest in R&D. The report recommended that DHS develop policies and guidance for defining, reporting, and coordinating R&D activities across the department, and that DHS establish a mechanism to track R&D projects.

In the FY2013 and FY2014 appropriations cycles, Congress responded to GAO's findings by directing DHS to develop new policies and procedures. The explanatory statement for the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) directed the Secretary of Homeland Security, through the Under Secretary for Science and Technology, to establish a review process for all R&D and related work within DHS.²⁰ The joint explanatory statement for the Consolidated Appropriations Act, 2014 (P.L. 113-76) directed DHS to implement and report on new policies for R&D prioritization, and to review and, in accordance with GAO's recommendations, to implement policies and guidance for defining and overseeing R&D department-wide.²¹

Concerns remain, however. In September 2014, GAO testified that DHS had updated its guidance to include a definition of R&D, but that efforts to develop a process for coordinating R&D across the department were ongoing but not yet complete.²² In April 2015, GAO's annual report on fragmented, overlapping, or duplicative federal programs stated that its concerns about DHS R&D had been only "partially addressed."²³

In the FY2016 appropriations cycle, the House committee's report stated that "The Department needs a strategic planning process to focus research and development and future investments."²⁴ In December 2015, the explanatory statement noted as follows:

The Department lacks a mechanism for capturing and understanding research and development (R&D) activities conducted across DHS, as well as coordinating R&D to reflect departmental priorities. As part of the Unity of Effort initiative and in order to address the above concerns, DHS is establishing Integrated Product Teams (IPTs) to assist the Science and Technology Directorate (S&T) with requirements gathering, validation, and alignment of budgetary resources. IPTs, comprised of personnel from across DHS, will be tasked with identifying and prioritizing technological capability gaps and coordinating departmental R&D to close those gaps. The overall IPT effort will be

¹⁹ U.S. Government Accountability Office, *Department of Homeland Security: Oversight and Coordination of Research and Development Should Be Strengthened*, GAO-12-837, September 12, 2012.

²⁰ *Congressional Record*, March 11, 2013, p. S1547.

²¹ *Congressional Record*, January 15, 2014, p. H927.

²² U.S. Government Accountability Office, *Department of Homeland Security: Actions Needed to Strengthen Management of Research and Development*, GAO-14-865T, September 9, 2014.

²³ U.S. Government Accountability Office, *2015 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits*, GAO-15-404SP, April 2015.

²⁴ H.Rept. 114-215, p. 4.

led by the Under Secretary for S&T, but individual IPTs will be led by senior representatives from the operational components, and will have representation from the JRC [Joint Requirements Council] Portfolio Teams and S&T.

S&T will also play a critical role in helping DHS-wide acquisition programs by conducting independent technical assessments of acquisitions, including participation in developmental test and evaluation activities, to ensure DHS acquisitions effectively fill identified capability gaps. S&T is directed to brief the Committees not later than January 15, 2016, on the results of the first IPTs and technology assessments.²⁵

Domestic Nuclear Detection Office²⁶

The Domestic Nuclear Detection Office (DNDO) is the DHS organization responsible for nuclear detection research, development, testing, evaluation, acquisition, and operational support. It is led by a presidentially appointed Director. In addition to its responsibilities within DHS, it is charged with coordinating federal nuclear forensics programs and the U.S. portion of the global nuclear detection architecture. See **Table 4** for a breakdown of DNDO funding for FY2015 and FY2016.

FY2016 Request

The Administration requested \$357 million for DNDO in FY2016, an increase of 16.1% from the FY2015 appropriation of \$308 million. In the Systems Acquisition account, the Administration proposes to merge the Radiation Portal Monitors program (\$5 million in FY2015) and the Human Portable Radiation Detection Systems program (\$49 million in FY2015) into a single, expanded Radiological and Nuclear Detection Equipment Acquisition program (\$101 million requested for FY2016). The increase in funding for the merged program was to support recapitalization of DHS radiation detection equipment that is at or past its life expectancy.

Senate-Reported S. 1619

The Senate committee's recommendation of \$320 million for DNDO was \$37 million less than the request. The reduction included \$1 million from the Management and Administration account and \$36 million from the new Nuclear Detection Equipment Acquisition program.

House-Reported H.R. 3128

The House committee's recommendation of \$357 million for DNDO was the same as the Administration's request, except for a reduction of less than \$1 million in the Management and Administration account. The committee concurred with the Administration's proposed consolidation and expansion of the Nuclear Detection Equipment Acquisition program.

Division F, P.L. 114-113

The final appropriation of \$347 million for DNDO was \$10 million less than the request. The reduction included less than \$1 million from Management and Administration and \$10 million from Nuclear Detection Equipment Acquisition.

²⁵ *Congressional Record*, December 17, 2015, p. H10162.

²⁶ Prepared by (name redacted), Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

Table 4. Domestic Nuclear Detection Office, FY2015-FY2016

(budget authority in rounded millions of dollars)

Appropriation / Sub-Appropriation	FY2015	FY2016			
	Enacted	Request	Senate-Reported S. 1619	House-reported H.R. 3128	Division F, P.L. 114-113
Domestic Nuclear Detection Office	308	357	320	357	347
Management and Administration	37	38	38	38	38
Research, Development, and Operations	198	196	196	196	196
<i>Systems Engineering and Architecture</i>	17	17	17	17	17
<i>Systems Development</i>	21	22	22	22	22
<i>Transformational R&D</i>	70	68	68	68	68
<i>Assessments</i>	38	38	38	38	38
<i>Operations Support</i>	31	31	31	31	31
<i>National Technical Nuclear Forensics Center</i>	21	20	20	20	20
Systems Acquisition	73	123	87	123	113
<i>Radiation Portal Monitors Program</i>	5	—	—	—	—
<i>Securing the Cities</i>	19	22	22	22	22
<i>Human Portable Radiation Detection Systems</i>	49	—	—	—	—
<i>Radiological and Nuclear Detection Equipment</i>	—	101	65	101	91

Sources: CRS analysis of P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2015, pp. H275-H322, the FY2016 DHS *Budget-in-Brief*, S. 1619, S.Rept. 114-68, H.R. 3128, H.Rept. 114-215, and Division F of P.L. 114-113 and its explanatory statement as printed in the *Congressional Record* of December 17, 2015, pp. H10161-H10210.

Note: Table displays rounded numbers, but all operations were performed with unrounded data; therefore, amounts may not sum to totals.

Issues for Congress

Proposed Reorganization

In 2013, Congress directed DHS to review its programs relating to chemical, biological, radiological, and nuclear threats and to evaluate “potential improvements in performance and possible savings in costs that might be gained by consolidation of current organizations and missions, including the option of merging functions of the Domestic Nuclear Detection Office (DNDO) and the Office of Health Affairs (OHA).”²⁷ The report of this review was completed in June 2015. In July 2015, DHS officials testified that DHS plans to consolidate DNDO, OHA, and smaller elements of several other DHS programs into a new office, led by a new Assistant Secretary, with responsibility for DHS-wide coordination of chemical, biological, radiological,

²⁷ Explanatory statement on the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6), *Congressional Record*, March 11, 2013, p. S1547.

nuclear, and explosives “strategy, policy, situational awareness, threat and risk assessments, contingency planning, operational requirements, acquisition formulation and oversight, and preparedness.”²⁸ The House and Senate committee reports on FY2016 appropriations did not address the proposed consolidation. A provision in the final bill prohibited DHS from using FY2016 funds to establish an Office of CBRNE Defense “until such time as Congress has authorized such establishment.”²⁹ The provision did, however, give DHS the authority to transfer funds for the establishment of such an office, if authorized.

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²⁸ Joint prepared testimony of Reginald Brothers, Under Secretary for Science and Technology, Kathryn H. Brinsfield, Assistant Secretary for Health Affairs and Chief Medical Officer, and Huban A. Gowadia, Director of the Domestic Nuclear Detection Office, Department of Homeland Security, before the House Committee on Homeland Security, Subcommittees on Emergency Preparedness, Response, and Communications and Cybersecurity, Infrastructure Protection, and Security Technologies, July 14, 2015, <http://homeland.house.gov/hearing/joint-subcommittee-hearing-weapons-mass-destruction-bolstering-dhs-combat-persistent-threats>.

²⁹ P.L. 114-113, Division F, Sec. 521.

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