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# Department of Homeland Security Appropriations: FY2018

**(name redacted)**

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## Summary

This report provides an overview and analysis of FY2018 appropriations for the Department of Homeland Security (DHS). The primary focus of this report is on Congressional direction and funding provided to DHS through the appropriations process, though note is also made of funding made available to DHS outside this process (e.g., user fees and trust funds). It includes an **Appendix** with definitions of key budget terms used throughout the suite of Congressional Research Service reports on homeland security appropriations. It also directs the reader to other reports providing context for and additional details regarding specific component appropriations and issues engaged through the FY2018 appropriations process.

The Trump Administration requested \$44.00 billion in adjusted net discretionary budget authority for DHS for FY2018, as part of an overall budget that the Office of Management and Budget (OMB) estimated to be \$70.7 billion (including fees, trust funds, and other funding that is not annually appropriated or does not score against discretionary budget limits set by the Budget Control Act (BCA; P.L. 112-25)). The request amounted to a \$1.59 billion (3.8%) increase from the \$42.41 billion in annual and supplemental appropriations enacted for FY2017 through the Department of Homeland Security Appropriations Act, 2017 (P.L. 115-31, Division F).

The Administration also requested discretionary funding for DHS components that does not count against discretionary spending limits and is not reflected in the above totals. The Administration requested an additional \$6.79 billion for the Federal Emergency Management Agency (FEMA) in disaster relief funding, as defined by the BCA, and in the budget request for the Department of Defense (DOD), a transfer of \$162 million in Overseas Contingency Operations/Global War on Terror designated funding (OCO).

On July 21, 2017, the House Committee on Appropriations reported out H.R. 3355, the Department of Homeland Security Appropriations Act, 2018, accompanied by H.Rept. 115-239. Committee-reported H.R. 3355 included \$44.33 billion in adjusted net discretionary budget authority for FY2018. This was \$327 million (0.7%) above the level requested by the Administration, and \$1.92 billion (4.5%) above the enacted level for FY2017. The House committee-reported bill included the Administration-requested levels for disaster relief funding—and the House Appropriations Committee chose to provide the Coast Guard OCO funding as a transfer as requested, through H.R. 3219, the Department of Defense Appropriations Act, 2018.

This report will be updated throughout the FY2018 appropriations process.

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## Introduction

This report describes and analyzes annual appropriations for the Department of Homeland Security (DHS) for FY2018. It compares the enacted FY2017 appropriations for DHS, the Trump Administration’s FY2018 budget request, and the appropriations measures developed in response. This report identifies additional informational resources, reports, and products on DHS appropriations that provide context for the discussion, and it provides a list of Congressional Research Service (CRS) policy experts whom clients may consult with inquiries on specific topics.

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. These reports do not provide in-depth analysis of specific issues related to mandatory funding—such as retirement pay—nor do they systematically follow other legislation related to the authorizing or amending of DHS programs, activities, or fee revenues.

Discussion of appropriations legislation involves a variety of specialized budgetary concepts. The **Appendix** to this report explains several of these concepts, including budget authority, obligations, outlays, discretionary and mandatory spending, offsetting collections, allocations, and adjustments to the discretionary spending caps under the Budget Control Act (BCA; 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*, coordinated by (name redacted) , and the Government Accountability Office’s *A Glossary of Terms Used in the Federal Budget Process*.<sup>1</sup>

### DHS and “Adjusted” Net Discretionary Budget Authority

The annual DHS budget proposal includes a variety of funding mechanisms. For example, the FY2018 request envisions an appropriations bill that includes

- appropriations that are offset by agency collections, such as user fees;
- funding that is effectively not subject to the discretionary spending limits due to special designation;
- transfers of appropriated budget authority between components; and
- appropriations that are considered to be mandatory spending.

The appropriations bill also may include *rescissions*—cancellation of budget authority that otherwise would be available for obligation and thus is treated as negative spending. Also credited to the discretionary spending in the bill are two elements of “permanent indefinite discretionary spending” that are not included in the actual appropriations bill but are included in the discretionary spending total of the bill because of scorekeeping practices.

These numbers can be totaled in several different ways to summarize what is in the bill. For DHS, *net discretionary budget authority* includes all **discretionary budget authority** credited to the bill (thus excluding specially designated funding and mandatory spending), **net** of offsets (including any offsetting collections and fees).

In DHS budget documents, *net discretionary budget authority* does not take into account the impact of rescissions. However, *adjusted net discretionary budget authority* does take rescissions into account. This is the total that counts against discretionary spending limits, and it is the total used most commonly in debate on appropriations. To avoid confusion when readers interpret DHS documents, CRS reporting on DHS appropriations uses the DHS terminology to describe that total.

<sup>1</sup> 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>.

## Note on Data and Citations

All amounts contained in the suite of CRS reports on homeland security appropriations represent budget authority. For precision in percentages and totals, all calculations were performed using unrounded data, which is presented in the report's tables. However, amounts in narrative discussions are generally rounded to the nearest million, unless noted otherwise.

Data used in this report for FY2017 amounts are derived from the explanatory statement<sup>2</sup> accompanying P.L. 115-31, the Consolidated Appropriations Act, 2017—Division F of which is the Department of Homeland Security Appropriations Act, 2017. Data for the FY2018 request and House Appropriations Committee-reported amounts are drawn from H.Rept. 115-239, which accompanied H.R. 3355, the FY2018 DHS appropriations bill.

## Legislative Action on FY2018 DHS Appropriations

### Annual Appropriations

#### Trump Administration FY2018 Request

On March 16, 2017, the Trump Administration released a 53-page budget outline, or “skinny budget,” which included summary information on the Administration’s forthcoming FY2018 budget request. It is not uncommon for such a document to be released by a new Administration in its first term as work continues on more comprehensive budget request documentation. The document indicated that the Administration would request \$44.1 billion in net discretionary budget authority for DHS, and stated that the request would include “\$4.5 billion in additional funding for programs to strengthen the security of the Nation’s borders and enhance the integrity of its immigration system.”<sup>3</sup> While selected priority programs were highlighted in the two pages that focused on DHS, detailed information on the overall budget for individual components was not included.

On May 23, 2017, the Trump Administration released its complete budget request for FY2018. The Trump Administration requested \$44.00 billion in adjusted net discretionary budget authority for DHS for FY2018, as part of an overall budget that the Office of Management and Budget estimated to be \$70.7 billion (including fees, trust funds, and other funding that is not annually appropriated or does not score against discretionary budget limits). The request amounted to a \$1.59 billion (3.8%) increase from the \$42.41 billion in annual and supplemental appropriations enacted for FY2017 through the Department of Homeland Security Appropriations Act, 2017 (P.L. 115-31, Division F).

The Trump Administration also requested discretionary funding for DHS components that does not count against discretionary spending limits set by the Budget Control Act (BCA; P.L. 112-25) and is not reflected in the above totals. The Administration requested an additional \$6.79 billion for the Federal Emergency Management Agency (FEMA) in disaster relief funding, as defined by the BCA, and in the budget request for the Department of Defense, a transfer of \$162 million in Overseas Contingency Operations/Global War on Terror designated funding (OCO).

<sup>2</sup> Available in the *Congressional Record*, May 3, 2017, pp. H3807-H3873.

<sup>3</sup> Office of Management and Budget, *America First: A Budget Blueprint to Make America Great Again*, Washington, DC, March 18, 2017, p. 23, [https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/2018\\_blueprint.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/2018_blueprint.pdf).

## House Action

On July 21, 2017, the House Committee on Appropriations reported out H.R. 3355, the Department of Homeland Security Appropriations Act, 2018, accompanied by H.Rept. 115-239. Committee-reported H.R. 3355 included \$44.33 billion in adjusted net discretionary budget authority for FY2018. This was \$327 million (0.7%) above the level requested by the Administration, and \$1.92 billion (4.5%) above the enacted level for FY2017. The House committee-reported bill also included the Administration-requested levels for disaster relief funding. In a departure from the FY2017 appropriations process, the House Appropriations Committee chose to provide the Coast Guard OCO funding as a transfer as requested by the Administration, through H.R. 3219, the Department of Defense Appropriations Act, 2018, rather than through the DHS appropriations bill.

## Summary of DHS Appropriations

Generally, the homeland security appropriations bill includes all annual appropriations provided for DHS, allocating resources to every departmental component.<sup>4</sup> Discretionary appropriations<sup>5</sup> 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.<sup>6</sup> The remainder of the budget is a mix of fee revenues, trust funds, and mandatory spending.

## The DHS Common Appropriations Structure

When DHS was established in 2003, components of other agencies were brought together over a matter of months, in the midst of ongoing budget cycles. Rather than developing a new structure of appropriations for the entire department, Congress and the Administration continued to provide resources through existing account structures when possible.

At the direction of Congress, in 2014 DHS began to work on a new Common Appropriations Structure (CAS), which would standardize the format of DHS appropriations across components. In an interim report in 2015, DHS noted that operating with “over 70 different appropriations and over 100 Programs, Projects, and Activities ... has contributed to a lack of transparency, inhibited comparisons between programs, and complicated spending decisions and other managerial decision-making.”<sup>7</sup>

After several years of work and negotiations with Congress, DHS made its first budget request in the CAS for FY2017, and implemented it while operating under the continuing resolutions funding the department in October 2016. All DHS components have implemented the structure except for the Coast Guard, due to limitations of its current financial management system.

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<sup>4</sup> Although most appropriations are available for only one year, not all appropriations are spent in the year they are provided. Some appropriations, such as those for Procurement, Construction, and Improvements, are available for multiple years. Others, such as those for the Disaster Relief Fund, never expire, and are available until they are used or rescinded.

<sup>5</sup> Generally speaking, those provided through annual legislation. For more detail, see the preceding text box and the **Appendix**.

<sup>6</sup> These items, which qualify for special designation under the Budget Control Act, provide discretionary budget authority to DHS components but are not included in the “appropriations” total for the bill at the end of the detail tables in the committee reports.

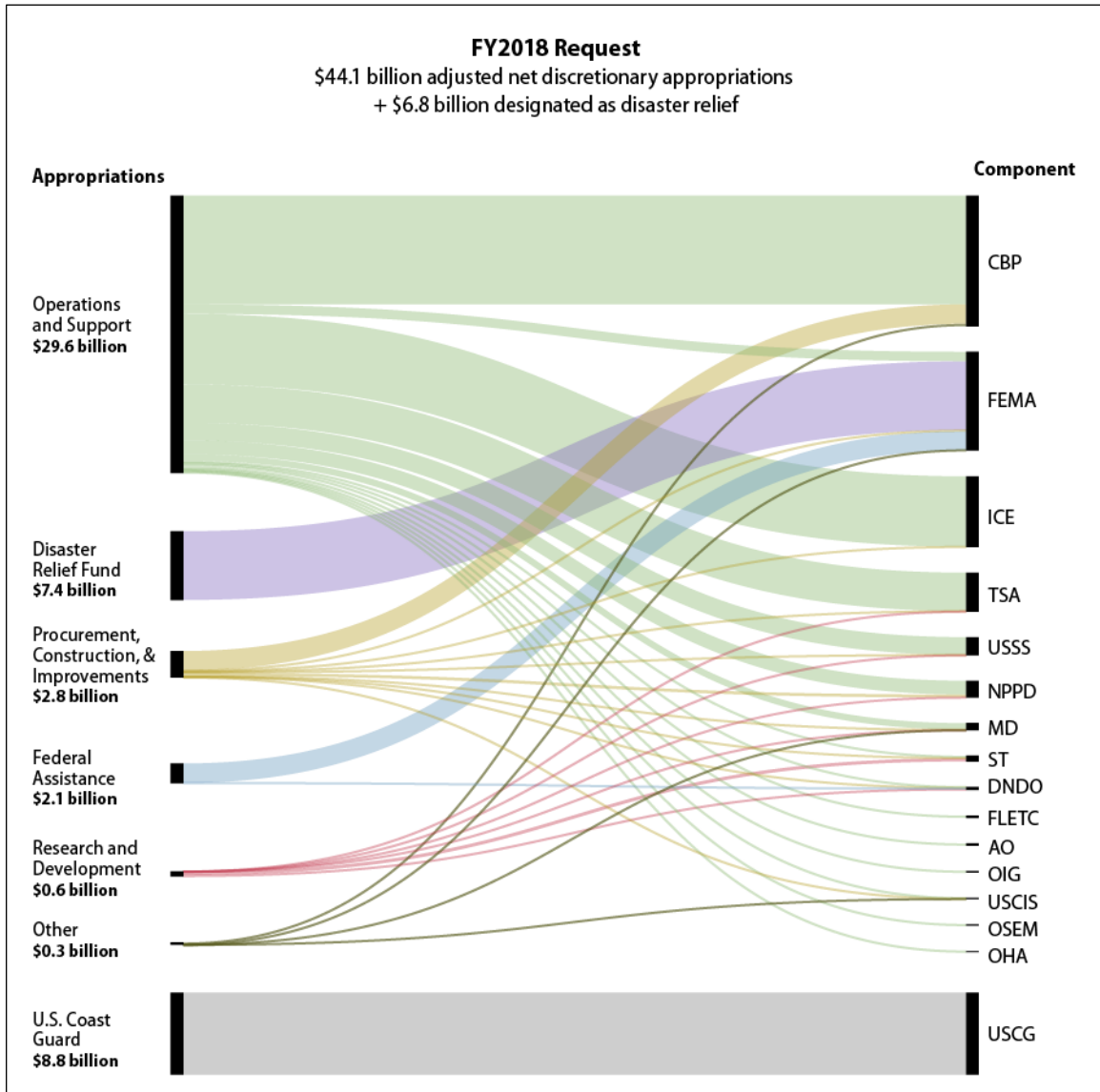
<sup>7</sup> Office of the Chief Financial Officer, *A Common Appropriations Structure for DHS: FY2016 Crosswalk*, U.S. Department of Homeland Security, February 2, 2015, p. 2.

A visual representation of the FY2018 budget request in this new structure follows in **Figure 1**. On the left are the five appropriations categories of the revised CAS<sup>8</sup> with a black bar representing the total FY2018 funding levels requested for DHS for each category. A sixth catch-all category is included for budget authority associated with the legislation that does not fit the CAS categories, and a seventh category is included for appropriations for the Coast Guard, which, as noted above, has not transitioned its accounting system to the CAS format. Colored lines flow to the DHS components listed on the right, showing the amount of funding requested through each category for each component.

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<sup>8</sup> A fifth category was added for the Federal Emergency Management Agency's (FEMA's) Disaster Relief Fund (DRF).

**Figure 1. FY2018 Requested Appropriations in the Common Appropriations Structure**  
(adjusted net discretionary budget authority and disaster relief-designated funding)



**Source:** CRS analysis of DHS FY2018 *Budget-in-Brief*.

**Note:** Disaster relief-designated funding makes up a portion of the Disaster Relief Fund element on the left side of the figure, which includes the cost of a variety of Stafford Act activities unrelated to major disasters.

**Abbreviations:** CBP, Customs and Border Protection; FEMA, Federal Emergency Management Agency; ICE, Immigration and Customs Enforcement; TSA, Transportation Security Administration; USSS, U.S. Secret Service; NPPD, National Protection and Programs Directorate; ST, Science and Technology Directorate; MD, Management Directorate; DNDO, Domestic Nuclear Detection Office; AO, Analysis and Operations; FLETC, Federal Law Enforcement Training Center; OIG, Office of the Inspector General; OSEM, Office of the Secretary and Executive Management; OHA, Office of Health Affairs; USCIS, U.S. Citizenship and Immigration Services; and USCG, U.S. Coast Guard.

A similar graphic, showing enacted FY2017 appropriations, is available in CRS Report R44621, *Department of Homeland Security Appropriations: FY2017*, coordinated by (name redacted).



## DHS Appropriations by Title

Appropriations measures for DHS typically have been organized into five titles.<sup>9</sup> The first four are thematic groupings of components, while the fifth provides general direction to the department, and sometimes includes provisions providing additional budget authority.

For FY2017, a sixth title provided additional appropriations for several components, in response to evolving situations and a March 16, 2017, amendment of the FY2017 budget request by the Trump Administration seeking additional budget authority for various appropriations.

Prior to the FY2017 act, the legislative language of many appropriations included directions to components or specific conditions on how the budget priority it provided could be used. Similarly, general provisions provided directions or conditions to one or more components. In the FY2017 act, a number of these provisions within appropriations and component-specific general provisions were grouped at the ends of the titles where their targeted components are funded, and identified as “administrative provisions.”<sup>10</sup> This practice continued with H.R. 3355.

The following sections present textual and tabular comparisons of FY2017 enacted and FY2018 requested and enacted appropriations for the department. The structure of the appropriations reflects the organization outlined in the detail table of H.Rept. 115-239.

The tables summarize the appropriations, subtotaling the resources provided, requested, and recommended for each component.

- Where supplemental appropriations were requested or provided for a given component in FY2017, those are displayed after discussion of annual appropriations, and separate totals are provided for each.
- Following the methodology used by the appropriations committees, totals of “appropriations” do not include resources provided by transfer or under adjustments to discretionary spending limits (i.e., for overseas contingency operations for the Coast Guard or the cost of major disasters under the Stafford Act for the Federal Emergency Management Agency). Those amounts are included in the budget authority totals.
- A subtotal for each component of total estimated resources that would be available under the legislation and from other sources (such as fees, mandatory spending, and trust funds) for the given fiscal year is also provided.<sup>11</sup>
- At the bottom of each table, totals indicate the total for the title on its own, funding through general provisions and supplemental appropriations (when such were requested or provided), the total for the title’s components in the entire bill, and the projected total FY2017 and FY2018 funding for the title’s components from all sources (such as fees not governed by the bill, trust funds, etc.).

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<sup>9</sup> Although the House and Senate have generally produced symmetrically structured bills in the past, additional titles are sometimes added by one of the chambers to address special issues. For example, the FY2012 House full committee markup added a sixth title to carry a \$1 billion emergency appropriation for the Disaster Relief Fund (DRF). The Senate version carried no additional titles beyond the five described above. For FY2017, the House and Senate committee bills took different approaches to restructuring appropriations and departmental functions, and ultimately, a sixth title was added to provide supplemental appropriations requested by the then-new Trump Administration.

<sup>10</sup> The detail table at the end of the explanatory statement notes the budget authority provided by these provisions, as well as budget authority that scorekeeping rules mandate be included in the act’s total spending.

<sup>11</sup> When a component’s budget does not anticipate such resources, no such line is included.

## Title I—Departmental Management and Operations

Departmental Management and Operations, the smallest of the first four titles, contains appropriations for the Office of the Secretary and Executive Management, the Management Directorate,<sup>12</sup> Analysis and Operations (A&O), and the Office of the Inspector General (OIG). For FY2017, these components received almost \$1.25 billion in net discretionary budget authority through the appropriations process.

- The Trump Administration requested \$1.31 billion in FY2018 net discretionary budget authority for components included in this title.<sup>13</sup> The appropriations request was \$62 million (5.0%) more than the amount provided for FY2017.
- House Appropriations Committee-reported H.R. 3355 included \$1.32 billion in net discretionary budget authority for the components funded in this title. This was \$6 million (0.4%) more than requested by the Trump Administration and \$68 million (5.4%) more than the amount provided for FY2017.

**Table 1** shows these comparisons in greater detail. As resources were requested and provided for the Management Directorate and Office of the Inspector General from outside Title I, a separate line is included for those components showing a total for exclusively what is provided within Title I, above the line providing the total annual appropriation.

**Table 1. Budgetary Resources for Departmental Management and Operations Components, FY2017 and FY2018**

(budget authority in thousands of dollars)

Component/Appropriation	FY2017	FY2018	
	Enacted	Request	HAC-reported H.R. 3355
<b>Office of the Secretary and Executive Management</b>			
Operations and Support	137,034	130,307	138,997
<b>Total Annual Discretionary Appropriations</b>	<b>137,034</b>	<b>130,307</b>	<b>138,997</b>
<b>Total Discretionary Appropriations</b>	<b>137,034</b>	<b>130,307</b>	<b>138,997</b>
Total Budgetary Resources	137,034	130,307	138,997
<b>Management Directorate</b>			
Operations and Support	597,817	696,131	696,131
Procurement, Construction, and Improvements	18,839	69,988	27,755
Research and Development	2,500	2,545	2,545
<b>Title I Discretionary Appropriations</b>	<b>619,156</b>	<b>768,664</b>	<b>726,431</b>
DHS HQ Consolidation (Title V)	13,253	0	0
Financial Systems Modernization (Title V) <sup>a</sup>	41,215	0	42,233

<sup>12</sup> The Management Directorate includes the Office of the Under Secretary for Management (USM), the Office of the Chief Financial Officer, and the Office of the Chief Information Officer (CIO).

<sup>13</sup> In addition to the appropriations provided in Title I, under the request, the DHS Office of Inspector General (OIG) would receive \$24 million in a transfer from the Disaster Relief Fund appropriation. The transfer is included in this total.

Component/Appropriation	FY2017	FY2018	
	Enacted	Request	HAC-reported H.R. 3355
DOD Schools (Title V)	0	2,000 <sup>b</sup>	2,000 <sup>b</sup>
<b>Total Annual Discretionary Appropriations</b>	<b>673,624</b>	<b>770,664</b>	<b>770,664</b>
<b>Total Discretionary Appropriations</b>	<b>673,624</b>	<b>770,664</b>	<b>770,664</b>
Total Budgetary Resources	673,624	770,664	770,664
<b>Analysis and Operations</b>			
Operations and Support	263,551	252,405	252,405
<b>Total Discretionary Appropriations</b>	<b>263,551</b>	<b>252,405</b>	<b>252,405</b>
Total Budgetary Resources	263,551	252,405	252,405
<b>Office of the Inspector General</b>			
Operations and Support	175,000	133,974	154,830
<b>Title I Discretionary Appropriations</b>	<b>175,000</b>	<b>133,974</b>	<b>154,830</b>
Transfer from FEMA's DRF [Title III] <sup>c</sup>	0	24,000	0
<b>Total Discretionary Appropriations</b>	<b>175,000</b>	<b>133,974</b>	<b>154,830</b>
Total Budgetary Resources	175,000	157,974	154,830
<b>Net Discretionary Budget Authority: Title I</b>	<b>1,194,741</b>	<b>1,285,350</b>	<b>1,272,663</b>
<b>Net Discretionary Budget Authority: Total for Departmental Management and Operations Components (Annual and Supplemental)</b>	<b>1,249,209</b>	<b>1,311,350</b>	<b>1,316,896</b>
Projected Total Gross Budgetary Resources for Departmental Management and Operations Components (Annual and Supplemental)	1,249,209	1,311,350	1,316,896

**Source:** CRS analysis of Division F of P.L. 115-31 and its explanatory statement as printed in the *Congressional Record* of May 3, 2017, pp. H3807-H3873, H.R. 3355 and H.Rept. 115-239.

**Notes:** HAC = House Appropriations Committee; FEMA = Federal Emergency Management Agency; DRF = Disaster Relief Fund.

- a. The FY2017 request for Operations and Support, Management and Administration, Office of the Under Secretary for Management included \$41 million for financial systems modernization, which was funded through a general provision.
- b. A new general provision was included in the request and H.R. 3355 (§530) that allows the Secretary of DHS to provide (out of existing funds) for primary and secondary schooling of dependents of DHS personnel who are posted overseas (a benefit that already exists for dependents of military personnel). The Congressional Budget Office scores this as costing \$2 million, and as the cost is not assigned to a specific component, CRS tracks the cost as part of departmental management.
- c. The DHS Office of the Inspector General (OIG) had received transfers from FEMA to pay for oversight of disaster-related activities that are reflected in the last two lines in these tables. Although the FY2017 appropriations act included no such transfer, the Trump Administration requested a \$24 million transfer for FY2018. H.R. 3355 did not include the transfer.

## Title II—Security, Enforcement, and Investigations

Security, Enforcement, and Investigations, comprising roughly three-quarters of the funding appropriated for the department, contains appropriations for U.S. Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), the Transportation Security Administration

(TSA), the Coast Guard (USCG), and the U.S. Secret Service (USSS). For FY2017, these components received \$34.48 billion in net discretionary budget authority through the appropriations process, and \$162 million in Overseas Contingency Operations funding.<sup>14</sup>

- The Trump Administration requested \$36.31 billion in FY2018 net discretionary budget authority for components included in this title, as part of a total budget for these components of \$44.58 billion for FY2018.<sup>15</sup> The appropriations request was \$1.83 billion (5.3%) more than the amount provided for FY2017.
- House Appropriations Committee-reported H.R. 3355 included \$36.33 billion in net discretionary budget authority for the components funded in this title. This was \$19 million (0.1%) more than requested by the Trump Administration, and \$1.85 billion (5.4%) more than the amount provided for FY2017.

Table 2 shows these comparisons in greater detail.

**Table 2. Budgetary Resources for Security, Enforcement, and Investigations Components, FY2017 and FY2018, Common Appropriations Structure**  
(budget authority in thousands of dollars)

Component/Appropriation	FY2017	FY2018	
	Enacted	Request	HAC-reported H.R. 3355
<b>Customs and Border Protection (Annual)</b>			
Operations and Support	10,900,636	11,592,341	11,553,315
Procurement, Construction and Improvements	273,617	2,063,719	2,008,719
CBP Services at User Fee Facilities (Permanent Indefinite Discretionary)	9,415	9,001	9,001
Colombia Free Trade Act Collections (Administrative Provision)	231,000	242,000	242,000
Reimbursable Preclearance (Administrative Provision)	39,000	39,000	39,000
<b>Total Annual Discretionary Appropriations</b>	<b>11,414,668</b>	<b>13,907,061</b>	<b>13,813,035</b>
<b>Supplemental Appropriations</b>			
Operations and Support	274,813	0	0
Procurement, Construction and Improvements	497,400	0	0
<b>Total Discretionary Appropriations</b>	<b>12,186,881</b>	<b>13,907,061</b>	<b>13,813,035</b>
Fees, Mandatory Spending, and Trust Funds (includes offsetting collections)	2,093,840	2,496,668	2,339,668
<b>Total Budgetary Resources</b>	<b>14,280,721</b>	<b>16,403,729</b>	<b>16,152,703</b>

<sup>14</sup> \$1.14 billion of this total was provided as supplemental appropriations under Title VI of Division F of P.L. 115-31.

<sup>15</sup> In addition to the appropriations provided in Title II, under the request, U.S. Customs and Border Protection would receive \$220 million in budget authority from an administrative provision that grants them the authority to expend fees raised under the Colombia Free Trade Act. Other resources that contribute to the budget for these components include mandatory spending, fee revenues, and trust funds.

Component/Appropriation	FY2017	FY2018	
	Enacted	Request	HAC-reported H.R. 3355
<b>Immigration and Customs Enforcement (Annual)</b>			
Operations and Support	6,168,532	7,512,563	7,002,043
Procurement, Construction, and Improvements	29,800	52,899	52,899
<b>Total Annual Discretionary Appropriations</b>	<b>6,198,332</b>	<b>7,565,462</b>	<b>7,054,942</b>
<b>Supplemental Appropriations</b>			
Operations and Support	236,908	0	0
<b>Total Discretionary Appropriations</b>	<b>6,435,240</b>	<b>7,565,462</b>	<b>7,054,942</b>
Fees, Mandatory Spending, and Trust Funds	361,000	376,610	376,610
Total Budgetary Resources	6,796,240	7,942,072	7,431,552
<b>Transportation Security Administration</b>			
Operations and Support	7,105,047	7,018,165	7,082,874
Offsetting Collections	2,130,000	2,970,000	2,470,000
<i>Operations and Support (net)</i>	<i>4,975,047</i>	<i>4,048,165</i>	<i>4,612,874</i>
Procurement, Construction, and Improvements	206,093	53,314	53,314
Research and Development	5,000	20,190	20,190
<b>Total Net Discretionary Appropriations</b>	<b>5,186,140</b>	<b>4,121,669</b>	<b>4,686,378</b>
Fees, Mandatory Spending, and Trust Funds (includes offsetting collections)	2,585,200	3,460,599	2,960,559
Total Budgetary Resources	7,771,340	7,582,268	7,646,937
<b>U.S. Coast Guard</b>			
Operating Expenses	7,079,628	7,213,464	7,163,464
Overseas Contingency Operations (OCO) Adjustment—included in Operating Expenses	162,692	0 <sup>a</sup>	0 <sup>a</sup>
Environmental Compliance and Restoration	13,315	13,397	13,397
Reserve Training	112,302	114,875	114,875
Acquisition, Construction, and Improvements	1,370,007	1,203,745	1,298,745
Research, Development, Testing, and Evaluation	36,319	18,641	18,641
Health Care Fund Contribution (Permanent Indefinite Discretionary)	176,000	204,136	204,136
<b>Total Discretionary Appropriations<sup>b</sup></b>	<b>8,624,879</b>	<b>8,768,258</b>	<b>8,813,258</b>
Fees, Mandatory Spending, and Trust Funds	1,666,940	1,673,000	1,673,000
Total Budgetary Resources	10,454,511	10,441,258	10,486,258

Component/Appropriation	FY2017	FY2018	
	Enacted	Request	HAC-reported H.R. 3355
<b>U.S. Secret Service (Annual)</b>			
Operations and Support	1,821,451	1,879,346	1,893,215
Procurement, Construction, and Improvements	90,627	64,030	64,030
Research and Development	2,500	250	250
<b>Total Annual Discretionary Appropriations</b>	<b>1,914,578</b>	<b>1,943,626</b>	<b>1,957,495</b>
<b>Supplemental Appropriations</b>			
Operations and Support	58,012	0	0
Procurement, Construction, and Improvements	72,988	0	0
<b>Total Discretionary Appropriations</b>	<b>2,045,578</b>	<b>1,943,626</b>	<b>1,957,495</b>
Fees, Mandatory Spending, and Trust Funds	265,000	265,000	265,000
Total Budgetary Resources	2,310,578	2,208,626	2,222,495
<b>Net Discretionary Budget Authority: Title II</b>	<b>33,338,597</b>	<b>36,306,076</b>	<b>36,325,108</b>
Net Discretionary Budget Authority: Supplemental Appropriations for Security, Enforcement, and Investigations Components	1,140,121	0	0
<b>Net Discretionary Budget Authority: Total for Security, Enforcement, and Investigations Components</b>	<b>34,478,718</b>	<b>36,306,076</b>	<b>36,325,108</b>
<b>Projected Total Gross Budgetary Resources for Security, Enforcement, and Investigations Components</b>	<b>41,613,390</b>	<b>44,577,953</b>	<b>43,939,945</b>

**Source:** CRS analysis of DHS FY2018 *Budget-in-Brief*, Division F of P.L. 115-31 and its explanatory statement as printed in the *Congressional Record* of May 3, 2017, pp. H3807-H3873; H.R. 3355; and H.Rept. 115-239.

**Notes:** HAC = House Appropriations Committee. Fee revenues included in the “Fees, Mandatory Spending, and Trust Funds” lines are projections, and do not include budget authority provided through general provisions.

- a. \$161,885,000 was requested by the Trump Administration as a transfer from the Navy’s OCO Operations and Maintenance appropriation (See p. 89 of *Department of the Navy Fiscal Year 2018 Budget Estimates, Justification of Estimates, May 2017, Overseas Contingency Operations (OCO) Request*, at [http://www.secnav.navy.mil/fmc/fmb/Documents/18pres/OCO\\_BOOK.pdf](http://www.secnav.navy.mil/fmc/fmb/Documents/18pres/OCO_BOOK.pdf).) House-passed H.R. 3219 included this transfer.
- b. Appropriations totals do not include funding covered by the Overseas Contingency Operation allowable adjustment, per the practice of the appropriations committees. The funding covered by these adjustments are included in the budgetary resource total for the Coast Guard and the projected total gross budgetary resources for components funded in this title.

### Title III—Protection, Preparedness, Response, and Recovery

Protection, Preparedness, Response, and Recovery, the second largest of the first four titles, contains appropriations for the National Protection and Programs Directorate (NPPD), the Office of Health Affairs (OHA), and the Federal Emergency Management Agency (FEMA). For

FY2017, these components received \$6.67 billion in net discretionary budget authority and \$6.71 billion in specially designated funding for disaster relief through the appropriations process.<sup>16</sup>

- The Trump Administration requested \$5.62 billion in FY2018 net discretionary budget authority for components included in this title, and \$6.79 billion in specially designated funding for disaster relief as part of a total budget for these components of \$18.94 billion for FY2018.<sup>17</sup> The appropriations request was \$1.05 billion (15.8%) less than the amount provided for FY2017 in net discretionary budget authority.
- House Appropriations Committee-reported H.R. 3355 provided the components included in this title \$6.53 billion in net discretionary budget authority. This was \$918 million (16.4%) more than requested, and \$132 million (2.0%) less than the amount provided for FY2017. The bill also included the requested disaster relief funding of \$6.79 billion.

**Table 3** shows these comparisons in greater detail. As some annually appropriated resources were provided for the Federal Emergency Management Agency from outside Title III in FY2017, a separate line is included showing a total for exclusively what is provided within Title III, above the line providing the total annual appropriation.

**Table 3. Budgetary Resources for Protection, Preparedness, Response, and Recovery Components, FY2017 and FY2018**

(budget authority in thousands of dollars)

Component/Appropriation	FY2017	FY2018	
	Enacted	Request	HAC-reported H.R. 3355
<b>National Protection and Programs Directorate</b>			
Operations and Support	1,372,268	1,455,275	1,427,062
Procurement, Construction, and Improvements	440,035	335,033	335,033
Research and Development	6,469	11,126	11,126
Federal Protective Service	1,451,078	1,476,055	1,476,055
Offsetting Collections	1,451,078	1,476,055	1,476,055
<b>Total Annual Net Discretionary Appropriations</b>	<b>1,818,772</b>	<b>1,801,434</b>	<b>1,773,221</b>
Fees, Mandatory Spending, and Trust Funds	1,451,078	1,476,055	1,476,055
<b>Total Budgetary Resources</b>	<b>3,269,850</b>	<b>3,277,489</b>	<b>3,249,276</b>

<sup>16</sup> The total for net discretionary budget authority includes the impact of a \$24 million transfer to the OIG.

<sup>17</sup> In addition to the appropriations provided in Title III and the funding for disaster relief (\$24 million of which was requested to be transferred to the OIG), \$1.48 billion is provided through offsetting collections to the Federal Protective Service—but as it is funding through offsetting collections, it is not included in the net discretionary budget total. Other resources that contribute to the budget for these components include mandatory spending, fee revenues, and trust funds, including the National Flood Insurance Fund.

Component/Appropriation	FY2017	FY2018	
	Enacted	Request	HAC-reported H.R. 3355
<b>Office of Health Affairs<sup>a</sup></b>			
Operations and Support	123,548	111,319	119,319
<b>Total Annual Discretionary Appropriations</b>	<b>123,548</b>	<b>111,319</b>	<b>119,319</b>
Total Budgetary Resources	123,548	111,319	119,319
<b>Federal Emergency Management Agency</b>			
Operations and Support	1,048,551	1,014,748	1,027,135
Procurement, Construction, and Improvements	35,273	89,996	76,578
Federal Assistance	2,983,458	2,064,130	3,003,798
Disaster Relief Fund <sup>b</sup>		7,351,720	7,327,720
Base	615,515	558,720	534,720
Major Disasters	6,713,000	6,793,000	6,793,000
Transfer to DHS Office of Inspector General	0	(24,000)	0
<i>Subtotal: Net disaster relief funding</i>	<i>7,328,515</i>	<i>7,327,720</i>	<i>7,327,720</i>
National Flood Insurance Fund	181,799	253,500	203,500
Offsetting Fee Collections	181,799	253,500	203,500
Radiological Emergency Preparedness Program (Administrative Provisions)	(265)	(1,024)	(1,024)
<b>Title III Net Discretionary Appropriations</b>	<b>4,682,532</b>	<b>3,726,570</b>	<b>4,641,207</b>
Emergent Threats (Title V)	0	0	0
Presidential Residence Protection (Title V)	41,000	0	0
<b>Total Annual Net Discretionary Appropriations<sup>c</sup></b>	<b>4,723,532</b>	<b>3,726,570</b>	<b>4,641,207</b>
Fees, Mandatory Spending, and Trust Funds <sup>d</sup>	6,154,479	5,032,536	4,982,536
Total Budgetary Resources	17,409,212	15,552,106	16,416,743
<b>Net Discretionary Budget Authority: Title III<sup>e</sup></b>	<b>6,624,852</b>	<b>5,615,323</b>	<b>6,533,747</b>
Net Discretionary Budget Authority: General Provisions for Protection, Preparedness, Response, and Recovery Components	41,000	0	0
<b>Net Discretionary Budget Authority: Total for Protection, Preparedness, Response and Recovery Components</b>	<b>6,665,852</b>	<b>5,615,323</b>	<b>6,533,747</b>
<b>Projected Total Gross Budgetary Resources for Protection, Preparedness, Response and Recovery Components</b>	<b>20,802,610</b>	<b>18,940,914</b>	<b>19,785,338</b>



**Source:** CRS analysis of DHS FY2018 *Budget-in-Brief*, Division F of P.L. 115-31 and its explanatory statement as printed in the *Congressional Record* of May 3, 2017, pp. H3807-H3873; H.R. 3355; and H.Rept. 115-239.

**Notes:** HAC = House Appropriations Committee. Fee revenues included in the “Fees, Mandatory Spending, and Trust Funds” lines are projections, and do not include budget authority provided through general provisions.

- a. As part of the FY2017 budget request, the Administration proposed moving the Office of Health Affairs into a new Chemical, Biological, Radiological, Nuclear, and Explosives Office, under Title IV. This reorganization was not approved.
- b. This line is a subtotal of the “Base” line and the “Major Disasters” line (also known as the disaster relief adjustment)—it represents the total resources provided to the DRF. Amounts covered by the disaster relief adjustment are not included in appropriations totals, but are included in budget authority totals, per appropriations committee practice.
- c. For consistency across tables, this line does not include the \$24 million transfer from the DRF—its impact is reflected in the budgetary resource totals below.
- d. Includes offsetting fee collections.

## Title IV—Research and Development, Training, and Services

Title IV, Research and Development, Training, and Services, the second smallest of the first four titles, contains appropriations for the 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). In FY2017, these components received \$1.50 billion in net discretionary budget authority.

- The Trump Administration requested \$1.36 billion in FY2018 net discretionary budget authority for components included in this title, as part of a total budget for these components of \$5.67 billion for FY2018. The appropriations request was \$136 million (9.1%) less than the amount provided for FY2017.
- House Appropriations Committee-reported H.R. 3355 provided the components included in this title \$1.36 billion in net discretionary budget authority. This was \$2 million (0.1%) less than requested, and \$138 million (9.2%) less than the amount provided for FY2017.

Table 4 shows these comparisons in greater detail.

**Table 4. Budgetary Resources for Research and Development, Training, and Services Components, FY2017 and FY2018**

(budget authority in thousands of dollars)

Component/Appropriation	FY2017	FY2018	
	Enacted	Request	HAC-reported H.R. 3355
<b>U.S. Citizenship and Immigration Services</b>			
Operations and Support	103,912	108,856	108,856
Procurement, Construction, and Improvements	15,227	22,657	22,657
H2B returning worker (Administrative Provision)	1,000	0	0
Immigration Authorization Extensions (Administrative Provision)	1,000	0	0

Component/Appropriation	FY2017	FY2018	
	Enacted	Request	HAC-reported H.R. 3355
<b>Total Annual Discretionary Appropriations</b>	<b>121,139</b>	<b>131,513</b>	<b>131,513</b>
<b>Total Discretionary Appropriations</b>	<b>121,139</b>	<b>131,513</b>	<b>131,513</b>
Fees, Mandatory Spending, and Trust Funds	4,060,225	4,310,526	4,310,526
Total Budgetary Resources	4,181,364	4,442,039	4,442,039
<b>Federal Law Enforcement Training Center</b>			
Operations and Support	242,518	272,759	260,099
<b>Total Annual Discretionary Appropriations</b>	<b>242,518</b>	<b>272,759</b>	<b>260,099</b>
<b>Total Discretionary Appropriations</b>	<b>242,518</b>	<b>272,759</b>	<b>260,099</b>
Total Budgetary Resources	242,518	272,759	260,099
<b>Science and Technology</b>			
Operations and Support	311,122	254,618	254,618
Research and Development	470,624	372,706	383,482
<b>Total Annual Discretionary Appropriations</b>	<b>781,746</b>	<b>627,324</b>	<b>638,100</b>
<b>Total Discretionary Appropriations</b>	<b>781,746</b>	<b>627,324</b>	<b>638,100</b>
Total Budgetary Resources	781,746	627,324	638,100
<b>Domestic Nuclear Detection Office</b>			
Operations and Support	50,042	54,664	54,664
Procurement, Construction, and Improvements	101,053	87,096	87,096
Research and Development	155,061	144,161	144,161
Federal Assistance	46,328	44,519	44,519
<b>Total Annual Discretionary Appropriations</b>	<b>352,484</b>	<b>330,440</b>	<b>330,440</b>
<b>Total Discretionary Appropriations</b>	<b>352,484</b>	<b>330,440</b>	<b>330,440</b>
Total Budgetary Resources	352,484	330,440	330,440
<b>Net Discretionary Budget Authority: Title IV</b>	<b>1,497,887</b>	<b>1,362,036</b>	<b>1,360,152</b>
Net Discretionary Budget Authority: Supplemental Appropriations for Research, Development, Training, and Services Components	0	0	0
<b>Net Discretionary Budget Authority: Total for Research and Development, Training, and Services Components</b>	<b>1,497,887</b>	<b>1,362,036</b>	<b>1,360,152</b>

Component/Appropriation	FY2017	FY2018	
	Enacted	Request	HAC-reported H.R. 3355
<b>Projected Total Gross Budgetary Resources for Research and Development, Training, and Services Components</b>	<b>5,558,112</b>	<b>5,672,562</b>	<b>5,670,678</b>

**Source:** CRS analysis of DHS FY2018 *Budget-in-Brief*, Division F of P.L. 115-31 and its explanatory statement as printed in the *Congressional Record* of May 3, 2017, pp. H3807-H3873; H.R. 3355; and H.Rept. 115-239.

**Notes:** HAC = House Appropriations Committee. Fee revenues included in the “Fees, Mandatory Spending, and Trust Funds” lines are projections, and do not include budget authority provided through general provisions.

## Title V – General Provisions

As noted above, the fifth title of the act contains general provisions, the impact of which may reach across the entire department, affect multiple components, or focus on a single activity. Rescissions of prior-year appropriations—cancellations of budget authority that reduce the net funding level in the bill—are found here.<sup>18</sup> For FY2017, Division F of P.L. 115-31 included \$1.48 billion in rescissions. For FY2018, the Administration proposed rescinding \$593 million in prior-year funding. House Appropriations Committee-reported H.R. 3355 included \$1.21 billion in rescissions.

## For Further Information

For additional perspectives on FY2018 DHS appropriations, see the following:

- CRS Report R44604, *Trends in the Timing and Size of DHS Appropriations: In Brief*;
- CRS Report R44052, *DHS Budget v. DHS Appropriations: Fact Sheet*; and
- CRS Report R44919, *Comparing DHS Component Funding, FY2018: In Brief*.

Readers also may wish to consult CRS’s experts directly. The following table lists names and contact information for the CRS analysts and specialists who contribute to CRS DHS appropriations reports.

**Table 5. DHS Appropriations Experts**

Component/Subcomponent	Name	Phone	Email
<b>DHS Annual and Supplemental Appropriations, Overall</b>	William Painter	7-....	[edacted]@crs.loc.gov
<b>Departmental Management</b>	(name redacted)	7-....	[edacted]@crs.loc.gov
DHS Headquarters Consolidation	William Painter	7-....	[edacted]@crs.loc.gov
<b>Analysis and Operations</b>	Jerome Bjelopera	7-....	[edacted]@crs.loc.gov
<b>Office of the Inspector General</b>	William Painter	7-....	[edacted]@crs.loc.gov

<sup>18</sup> As noted elsewhere, general provisions also may provide funding. Incidences where this occurs in the act are reflected in Tables 1-4.

Component/Subcomponent	Name	Phone	Email
<b>U.S. Customs and Border Protection</b>	(name redacted)	7-....	[edacted]@crs.loc.gov
<b>U.S. Immigration and Customs Enforcement</b>	(name redacted)	7-....	[edacted]@crs.loc.gov
<b>Transportation Security Administration</b>	(name redacted)	7-....	[edacted]@crs.loc.gov
<b>U.S. Coast Guard</b>	(name redacted)	7-....	[edacted]@crs.loc.gov
<b>U.S. Secret Service</b>	(name redacted)	7-....	[edacted]@crs.loc.gov
<b>National Protection and Programs Directorate</b>			
Cybersecurity	(name redacted)	7-....	[edacted]@crs.loc.gov
Infrastructure Protection	(name redacted)	7-....	[edacted]@crs.loc.gov
Federal Protective Service	(name redacted)	7-....	[edacted]@crs.loc.gov
<b>Office of Health Affairs</b>	(name redacted)	7-....	[edacted]@crs.loc.gov
<b>Federal Emergency Management Agency</b>			
Operations and Mitigation	(name redacted)	7-....	[edacted]@crs.loc.gov
Preparedness Grants	(name redacted)	7-....	[edacted]@crs.loc.gov
Firefighter Assistance Grants	(name redacted)	7-....	[edacted]@crs.loc.gov
Disaster Relief Fund	(name redacted)	7-....	[edacted]@crs.loc.gov
Disaster Declarations	(name redacted)	7-....	[edacted]@crs.loc.gov
National Flood Insurance Program	(name redacted)	7-....	[edacted]@crs.loc.gov
<b>U.S. Citizenship and Immigration Services</b>	(name redacted)	7-....	[edacted]@crs.loc.gov
<b>Science and Technology</b>	(name redacted)	7-....	[edacted]@crs.loc.gov
<b>Domestic Nuclear Detection Office</b>	(name redacted)	7-....	[edacted]@crs.loc.gov

## Appendix. Appropriations Terms and Concepts

### Budget Authority, Obligations, and Outlays

Federal government spending involves a multistep process that begins with the enactment of budget authority by Congress. Federal agencies then obligate funds from enacted budget authority to pay for their activities. Finally, payments are made to liquidate those obligations; the actual payment amounts are reflected in the budget as outlays.

*Budget authority* is established through appropriations acts or direct spending legislation and determines the amounts that are available for federal agencies to spend. The Antideficiency Act<sup>19</sup> prohibits federal agencies from obligating more funds than the budget authority enacted by Congress. Budget authority also may be indefinite in amount, as when Congress enacts language providing “such sums as may be necessary” to complete a project or purpose. Budget authority may be available on a one-year, multiyear, or no-year basis. One-year budget authority is available for obligation only during a specific fiscal year; any unobligated funds at the end of that year are no longer available for spending. Multiyear budget authority specifies a range of time during which funds may be obligated for spending, and no-year budget authority is available for obligation for an indefinite period of time.

*Obligations* are incurred when federal agencies employ personnel, enter into contracts, receive services, and engage in similar transactions in a given fiscal year. *Outlays* are the funds that are actually spent during the fiscal year.<sup>20</sup> Because multiyear and no-year budget authorities may be obligated over a number of years, outlays do not always match the budget authority enacted in a given year. Additionally, budget authority may be obligated in one fiscal year but spent in a future fiscal year, especially with certain contracts.

In sum, budget authority allows federal agencies to incur obligations and authorizes payments, or outlays, to be made from the Treasury. Discretionary funded agencies and programs, and appropriated entitlement programs, are funded each year in appropriations acts.

### Discretionary and Mandatory Spending

*Gross budget authority*, or the total funds available for spending by a federal agency, may be composed of discretionary and mandatory spending. Discretionary spending is not mandated by existing law and is thus appropriated yearly by Congress through appropriations acts. The Budget Enforcement Act of 1990<sup>21</sup> defines *discretionary appropriations* as budget authority provided in annual appropriations acts and the outlays derived from that authority, but it excludes appropriations for entitlements. *Mandatory spending*, also known as *direct spending*, consists of budget authority and resulting outlays provided in laws other than appropriations acts and is typically not appropriated each year. Some mandatory entitlement programs, however, must be appropriated each year and are included in appropriations acts. Within DHS, Coast Guard retirement pay is an example of appropriated mandatory spending.

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<sup>19</sup> 31 U.S.C. §§1341, 1342, 1344, 1511-1517.

<sup>20</sup> Appropriations, outlays, and account balances for various appropriations accounts can be viewed in the end-of-year reports published by the U.S. Treasury titled *Combined Statement of Receipts, Outlays, and Balances of the United States Government*. The DHS portion of the report can be accessed at <http://fms.treas.gov/annualreport/cs2005/c18.pdf>.

<sup>21</sup> P.L. 101-508, Title XIII.

## Offsetting Collections<sup>22</sup>

*Offsetting funds* are collected by the federal government, either from government accounts or the public, as part of a business-type transaction such as collection of a fee. These funds are not considered federal revenue. Instead, they are counted as negative outlays. DHS *net discretionary budget authority*, or the total funds appropriated by Congress each year, is composed of discretionary spending minus any fee or fund collections that offset discretionary spending.

Some collections offset a portion of an agency's discretionary budget authority. Other collections offset an agency's mandatory spending. These mandatory spending elements are typically entitlement programs under which individuals, businesses, or units of government that meet the requirements or qualifications established by law are entitled to receive certain payments if they establish eligibility. The DHS budget features two mandatory entitlement programs: the Secret Service and the Coast Guard retired pay accounts (pensions). Some entitlements are funded by permanent appropriations, and others are funded by annual appropriations. Secret Service retirement pay is a permanent appropriation and, as such, is not annually appropriated. In contrast, Coast Guard retirement pay is annually appropriated. In addition to these entitlements, the DHS budget contains offsetting Trust and Public Enterprise Funds. These funds are not appropriated by Congress. They are available for obligation and included in the President's budget to calculate the gross budget authority.

## 302(a) and 302(b) Allocations

In general practice, the maximum budget authority for annual appropriations (including DHS) is determined through a two-stage congressional budget process. In the first stage, Congress sets overall spending totals in the annual concurrent resolution on the budget. Subsequently, these totals are allocated among the appropriations committees, usually through the statement of managers for the conference report on the budget resolution. These amounts are known as the *302(a) allocations*. They include discretionary totals available to the House and Senate Committees on Appropriations for enactment in annual appropriations bills through the subcommittees responsible for the development of the bills.

In the second stage of the process, the appropriations committees allocate the 302(a) discretionary funds among their subcommittees for each of the appropriations bills. These amounts are known as the *302(b) allocations*. These allocations must add up to no more than the 302(a) discretionary allocation and form the basis for enforcing budget discipline, since any bill reported with a total above the ceiling is subject to a point of order. The 302(b) allocations may be adjusted during the year by the respective Appropriations Committee issuing a report delineating the revised suballocations as the various appropriations bills progress toward final enactment. No subcommittee allocations are developed for conference reports or enacted appropriations bills.

**Table A-1** shows comparable figures for the 302(b) allocation for FY2017, based on the adjusted net discretionary budget authority included in Division F of P.L. 115-31, the President's request for FY2018, and the House and Senate subcommittee allocations for the Homeland Security appropriations bills for FY2018.

<sup>22</sup> Prepared with assistance from (name redacted), Analyst in American National Government.

**Table A-1. FY2017 and FY2018 302(b) Discretionary Allocations for DHS**  
(budget authority in billions of dollars)

FY2017 Comparable	FY2018 Request Comparable	FY2018 House Allocation	FY2018 Senate Allocation	FY2018 Enacted Comparable
42.408 <sup>a</sup>	41.194 <sup>b</sup>	44.328	44.050	n/a

**Source:** CRS analysis of the explanatory statement accompanying P.L. 115-31 as printed in the *Congressional Record* of May 3, 2017, pp. H3823-H3873; H.Rept. 115-239; unnumbered House Report, *Report on the Revised Interim Suballocation of Budget Allocations for Fiscal Year 2018*, as voted on in the House Appropriations Committee, July 18, 2018; and Senate Appropriations Committee “Background: Fiscal Year 2018 Funding Guidance,” released July 20, 2017.

- a. This authority does not include the \$163 million for overseas contingency operations or the \$6.713 billion for disaster relief covered by adjustments to the discretionary spending caps set by the Budget Control Act.
- b. This authority does not include the \$6.793 billion requested for disaster relief covered by adjustments to the discretionary spending caps set by the Budget Control Act.

### The Budget Control Act, Discretionary Spending Caps, and Adjustments

The Budget Control Act established enforceable discretionary limits, or caps, for defense and nondefense spending for each fiscal year from FY2012 through FY2021. Subsequent legislation, including the Bipartisan Budget Act of 2013,<sup>23</sup> amended those caps. Most of the budget for DHS is considered nondefense spending.

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

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

The third justification—disaster relief—is limited. Under the Budget Control Act, the allowable adjustment for disaster relief is determined by the Office of Management and Budget (OMB), using the following formula:

Limit on disaster relief cap adjustment for the fiscal year = Rolling average of the disaster relief spending over the last ten fiscal years (throwing out the high and low years) + the unused amount of the potential adjustment for disaster relief from the previous fiscal year.

The disaster relief allowable adjustment for FY2017 was \$8.129 billion, and was used to support appropriations to FEMA’s Disaster Relief Fund (DRF) and the Department of Housing and Urban Development’s Community Development Fund.<sup>24</sup> The FY2018 allowable adjustment is projected to be \$7.366 billion, \$6.793 billion of which was requested for the DRF.<sup>25</sup>

<sup>23</sup> P.L. 113-67.

<sup>24</sup> Office of Management and Budget, *OMB Final Sequestration Report to the President and Congress for Fiscal Year 2017*, Washington, DC, May 19, 2017, pp. 7-8, [https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/sequestration\\_reports/2017\\_final\\_sequestration\\_report\\_may\\_2017\\_potus.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/sequestration_reports/2017_final_sequestration_report_may_2017_potus.pdf).

<sup>25</sup> *Ibid.*, p. 11.

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