



Homeland Security Department: FY2012 Appropriations

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Summary

This report describes the FY2012 appropriations for the Department of Homeland Security (DHS). The Administration requested a total appropriation (mandatory and discretionary) of \$45,015 million in budget authority for FY2012. This amounts to a \$1,610 million, or a 3.7%, increase from the \$43,405 million enacted for FY2011. Total budget authority, including appropriations, fee revenues, and trust funds in the Administration's budget request for DHS for FY2012 amounts to \$57,079 million as compared to \$55,783 million enacted for FY2011.

Net requested appropriations for major agencies within DHS were as follows: Customs and Border Protection (CBP), \$10,372 million; Immigration and Customs Enforcement (ICE), \$5,494 million; Transportation Security Administration (TSA), \$5,514 million; Coast Guard, \$8,677 million; Secret Service, \$1,699 million; National Protection & Programs Directorate, \$1,268 million; Federal Emergency Management Administration (FEMA), \$6,789 million; Science and Technology, \$1,176 million; and the Domestic Nuclear Detection Office, \$332 million.

The House Committee on Appropriations reported its version of the FY2012 DHS Appropriations bill on May 26, 2011, by a vote of 27-20. The House bill as drafted by the subcommittee recommended a net discretionary appropriation of \$40,592 million for DHS for FY2012, not including \$258 million for the global war on terrorism. This amounted to a \$2,984 million decrease compared to the Administration's request, and \$1,072 million less than the \$41,664 million provided under P.L. 112-10, the FY2011 concurrent resolution. An amendment in full committee markup added \$1 billion in emergency funding for disaster relief.

On June 2, the House passed H.R. 2017, an amended version of the House bill, by a vote of 231-188. Increases made to DHS activities include \$320 million for grant programs for firefighters and \$10 million for CBP to improve cellular communications along the southern border. Several amendments used management accounts as offsets, leaving funding for those activities 44% below the requested level.

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This report describes the President's FY2012 request for funding for DHS programs and activities, as submitted to Congress on February 6, 2011. It compares the enacted FY2011 amounts to the request and House-passed appropriations bill for FY2012, and tracks legislative action and congressional issues related to the FY2011 DHS appropriations bills with particular attention paid to discretionary funding amounts. The report does not follow specific funding issues related to mandatory funding—such as retirement pay—nor does the report systematically follow any legislation related to the authorization or amendment of DHS programs.

Most Recent Developments

House-Passed H.R. 2017

On June 2, 2011, the House passed H.R. 2017 with several amendments. This report uses House-passed H.R. 2017 and the accompanying report (H.Rept. 112-91) as the source for House-passed appropriations numbers. After floor action, the House bill still carries a net discretionary appropriation of \$40,592 million for DHS for FY2012. Several amendments used management accounts as offsets, leaving funding for those activities 44% below the requested level. Increases made to DHS activities include \$320 million for grant programs for firefighters and \$10 million for CBP to improve cellular communications along the southern border.

House-Reported H.R. 2017

The House Committee on Appropriations reported its version of the FY2012 DHS Appropriations bill on May 26, 2011, on a vote of 27-20. The House bill as drafted by the subcommittee recommended a net discretionary appropriation of \$40,592 million for DHS for FY2012, not including \$258 million for the global war on terrorism. This amounted to a \$2,984 million decrease as compared to the Administration's request, and \$1,072 million less than the \$41,664 million provided under P.L. 112-10, the FY2011 concurrent resolution. During markup in the Appropriations Committee, amendments were offered and defeated to add additional funding for Firefighter Assistance Grants and the Urban Area Security Initiative. However, an amendment by the subcommittee added \$1,000 million in emergency funding for disaster relief, a move offset by transferring \$1,000 million and rescinding \$500 million in unspent funds from a Department of Energy automotive advanced technology program.

President's FY2012 Budget Request Submitted

The Administration requested a net appropriation (mandatory and discretionary) of \$45,015 million in budget authority for FY2012. This amounts to a \$1,610 million, or a 3.7%, increase from the \$43,405 million enacted for FY2011.¹ Total budget authority, including appropriations,

¹ House Appropriations Committee, "Fact Sheet - FY2012 Homeland Security Bill - Summary Table," press release, May 12, 2011, <http://appropriations.house.gov>.

fee revenues, and trust funds in the Administration’s budget request for DHS for FY2012 amounts to \$57,079 million as compared to \$55,783 million enacted for FY2011.²

Net requested appropriations for major agencies within DHS were as follows: Customs and Border Protection (CBP), \$10,372 million; Immigration and Customs Enforcement (ICE), \$5,494 million; Transportation Security Administration (TSA), \$5,514 million; Coast Guard, \$8,677 million; Secret Service, \$1,699 million; National Protection & Programs Directorate, \$1,268 million; Federal Emergency Management Administration (FEMA), \$6,789 million; Science and Technology, \$1,176 million; and the Domestic Nuclear Detection Office, \$332 million.

Table I. Legislative Status of Homeland Security Appropriations

<u>Subcommittee Markup</u>		<u>House Committee Report</u>	<u>House Passage</u>	<u>Senate Committee Report</u>	<u>Senate Passage</u>	<u>Conference Report Approval</u>		
House	Senate	H.Rept. 112-91	H.R. 2017	Senate Report	Senate Passage	House	Senate	P.L.
5/13 (vv)		5/26 (27-20)	6/2 (231-188)					

Note: (VV) = voice vote, (UC) = unanimous consent.

Note on Most Recent Data

Data used in this report for FY2010 revised amounts are from the President’s Budget Documents. FY2011 enacted amounts are from the *DHS Expenditure Plan for Fiscal Year 2011*. Information on the FY2012 request is from the President’s Budget Documents, the FY2012 *DHS Congressional Budget Justifications*, and the FY2012 *DHS Budget in Brief*. Data used in **Appendix** are taken from the *Analytical Perspectives* volume of the FY2006-FY2012 President’s Budget. Except when discussing total amounts for the bill as a whole, all amounts contained in this report are rounded to the nearest million.

Background

Department of Homeland Security

The Homeland Security Act of 2002 (P.L. 107-296) transferred the functions, relevant funding, and most of the personnel of 22 agencies and offices to the new Department of Homeland Security created by the act. Appropriations measures for DHS have generally been organized into five titles:

- Title I contains appropriations for the Office of Management, the Office of the Secretary, the Office of the Chief Financial Officer, the Office of the Chief

² Department of Homeland Security, *Budget in Brief FY 2012*, Washington, DC, February 2011.

Information Officer (CIO), Analysis and Operations (A&O), and the Office of the Inspector General (OIG).

- Title II contains appropriations for Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), the Transportation Security Administration (TSA), the Coast Guard (USCG), and the Secret Service.³
- Title III contains appropriations for the National Protection and Programs Directorate (NPPD), Office of Health Affairs (OHA) Federal Emergency Management Agency (FEMA).⁴
- Title IV contains appropriations for U.S. Citizenship and Immigration Services (USCIS), the Science and Technology Directorate (S&T), and the Federal Law Enforcement Training Center (FLETC).
- Title V contains general provisions providing direction to the department.

Additional titles are sometimes added to address special issues: For example, the FY2012 House full committee mark-up added Title VI to carry a \$1 billion emergency appropriation for the Disaster Relief Fund (DRF).

302(a) and 302(b) Allocations

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 amounts 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. 302(b) allocations may be adjusted during the year as the various appropriations bills progress towards final enactment.

The annual concurrent resolution on the budget sets forth the congressional budget. **Table 2** shows DHS's 302(b) allocations for FY2011 and the current appropriations cycle.

³ The U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program was appropriated within Title II through the FY2007 appropriation. The FY2008 appropriation transferred US-VISIT, as proposed by the Administration, to the newly created National Protection & Programs Directorate (NPPD) in Title III. Division E of P.L. 110-161, the DHS Appropriations Act, 2008, enacted this reorganization.

⁴ Through the FY2007 appropriation, Title III contained appropriations for the Preparedness Directorate, Infrastructure Protection and Information Security (IPIS) and FEMA. The President's FY2008 request included a proposal to shift a number of programs and offices to eliminate the Preparedness Directorate, create the NPPD, and move several programs to FEMA. These changes were largely agreed to by Congress in the FY2008 appropriation, reflected by Title III in Division E of P.L. 110-161.

Table 2. FY2012 302(b) Discretionary Allocations for DHS

(budget authority in billions of dollars)

FY2011 Comparable	FY2012 Request Comparable	FY2012 House Allocation ^a	FY2012 Senate Allocation	FY2012 Enacted Comparable
41.661	43.356	42.290		

Source: U.S. Congress, House Appropriations, Homeland Security, *FY2012 Homeland Security Bill - Summary Table*, 112th Cong., 1st sess., May 12, 2011, and U.S. Congress, House Appropriations, *Revised Suballocation to Subcommittees Fiscal Year 2012 Budget Authority and Outlays*, 112th Cong., 1st sess., June 14, 2011, p. 2.

Note: Amounts may not total due to rounding.

- a. This represents the revised allocation approved by the Appropriations Committee by voice vote on June 14, 2011. The initial allocation was \$40,592 million.

Budget Authority, Obligations, and Outlays

Federal government spending involves a multi-step process that begins with the enactment of budget authority by Congress. Federal agencies then obligate funds from the 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 Act⁵ prohibits federal agencies from obligating more funds than the budget authority that was enacted by Congress. Budget authority may also be indefinite, 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, multi-year, or no-year basis. One-year budget authority is only available for obligation during a specific fiscal year; any unobligated funds at the end of that year are no longer available for spending. Multi-year budget authority specifies a range of time during which funds can be obligated for spending; 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.⁶ Because multi-year 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 agencies and programs, and appropriated entitlement programs, are funded each year in appropriations acts.

⁵ U.S.C. §§1341, 1342, 1344, 1511-1517.

⁶ Appropriations, outlays, and account balances for government treasury 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>.

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 1990⁷ defines discretionary appropriations as budget authority provided in annual appropriation 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 appropriation acts and is typically not appropriated each year. However, some mandatory entitlement programs must be appropriated each year and are included in the appropriations acts. Within DHS, the Coast Guard retirement pay is an example of appropriated mandatory spending.

Offsetting Collections⁸

Offsetting funds are collected by the federal government, either from government accounts or the public, as part of a business-type transaction such as offsets to outlays or collection of a fee. These funds are not counted as revenue. Instead, they are counted as negative outlays. DHS net discretionary budget authority, or the total funds that are 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. They 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, others by annual appropriations. The Secret Service retirement pay is a permanent appropriation and as such is not annually appropriated, whereas the 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.

Appropriations for the Department of Homeland Security

DHS Appropriations Trends

Table 3 presents DHS Appropriations, as enacted, for FY2003 through the FY2012 request. The appropriation amounts are presented in current dollars and are not adjusted. The amounts shown in **Table 3** represent enacted amounts at the time of the start of the next fiscal year's appropriation

⁷ P.L. 101-508, Title XIII.

⁸ Prepared with assistance from Bill Heniff Jr., Analyst in American National Government.

cycle (with the exception of FY2009 and FY2011)—defined as the filing of the first committee report to accompany a version of a DHS appropriations bill. In cases where a previous year’s data are not reflected in the report, as was the case for data for FY2011, the alternative source is noted.

Table 3. DHS Appropriations, FY2003-FY2012
(budget authority in millions of dollars)

FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012 Request
29,069 ^a	30,175	30,642 ^b	31,679 ^c	35,311 ^d	38,817 ^e	41,205	49,891 ^f	43,405	45,016

Sources: FY2008 enacted amounts are from Division E of P.L. 110-161, and tables in the Joint Explanatory Statement for Division E, published in the Congressional Record, December 17, 2007, pp. H16107-H16121 (incorporating amendments to the budget request). FY2009 enacted taken from S.Rept. 111-31. FY2010 enacted amounts are from S.Rept. 111-222, P.L. 111-212, and P.L. 111-230. FY2011 enacted amounts are from the *DHS Expenditure Plan for Fiscal Year 2011*, and the FY2012 request amount is from H.Rept. 112-91.

Notes: Amounts may not total due to rounding. Amounts do not include supplemental appropriations or rescissions that were enacted subsequent to the enactment of each appropriations bill.

- a. S.Rept. 108-86 reported the FY2003 enacted amount as \$29,287 million. CRS was unable to identify the reason for this discrepancy. For the purposes of this table the House number was used to maintain consistency with other fiscal years.
- b. Amount does not include \$4,703 million in advance appropriations for Project Bioshield.
- c. Amount does not include \$2,508 million in advance appropriations for Project Bioshield.
- d. Amount includes \$1,829 million in emergency budget authority that was enacted as a part of the FY2007 DHS Appropriations Act (P.L. 109-295).
- e. Amount includes \$2,710 million in emergency funding for DHS enacted by Division E of P.L. 110-161.
- f. Includes net \$5,754 million in supplemental spending (P.L. 111-212, P.L. 111-230).

Summary of DHS Appropriations

Table 4 is a summary table comparing the enacted totals for FY2010 and FY2011 to the request for, and congressional action on, the FY2012 appropriations. Totals represent net budget authority, taking into account impacts of rescissions, and are inclusive of emergency spending. Later tables will reflect fees and mandatory spending.

Table 4. DHS: Summary of Appropriations
(net budget authority in millions of dollars)

Operational Component	FY2010 Total (Revised + Supplementals)	FY2011 Appropriation				FY2012 Appropriation			
		FY2011 Enacted	FY2011 Supplemental	FY2011 Rescission	FY2011 Total	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Title I: Departmental Operations									
Departmental Management	808	839			839	947	342		
Analysis and Operations	333	334			334	355	344		
Office of the Inspector General	119	114			114	144	124		
Subtotal: Title I	1,261	1,287			1,287	1,447	811		
Title II: Security, Enforcement, and Investigations									
Customs and Border Protection	10,407	9,880			9,880	10,372	10,348		
Immigration and Customs Enforcement	5,517	5,501			5,501	5,494	5,547		
Transportation Security Administration	5,130	5,296			5,296	5,515	5,502		
U.S. Coast Guard	8,900	8,593			8,593	8,677	8,381		
U.S. Secret Service	1,490	1,515			1,515	1,699	1,673		
Subtotal: Title II	31,444	30,785			30,785	31,756	31,452		
Title III: Protection, Preparedness, Response and Recovery									
National Protection & Programs Directorate	1,314	1,216			1,216	1,268	1,231		
Office of Health Affairs	137	139			139	161	166		

Operational Component	FY2010 Total (Revised + Supplementals)	FY2011 Appropriation				FY2012 Appropriation			
		FY2011 Enacted	FY2011 Supplemental	FY2011 Rescission	FY2011 Total	FY2012 Request	FY2012 House-passed	FY2012 Senate	FY2012 Enacted
Federal Emergency Management Administration	12,230	7,209			7,209	6,789	5,682		
Subtotal: Title III	13,681	8,564			8,564	8,219	7,079		
Title IV: Research and Development, Training, Assessments, and Services									
Citizenship and Immigration Services	246	146			146	369	132		
Federal Law Enforcement Training Center	291	271			271	276	274		
Science and Technology	1,006	828			828	1,176	539		
Domestic Nuclear Detection Office	383	342			342	332	337		
Net subtotal: Title IV	1,926	1,589			1,589	2,154	1,283		
Title V: General Provisions									
Rescissions	-41	-557 ^a			-557	-42 ^b	-33		
Title VI: Disaster Assistance									
Subtotal: Title VI							1,000		
Title VII: Spending Reduction Account									
Subtotal: Title VII							-1		
Net DHS budget authority	49,523	41,661			41,661	43,756	41,591		

Source: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding. Funding levels do not reflect transfers between components or from outside the department. The FY2011 supplemental appropriations column and the FY2011 rescission column are placeholders. Thus, while no such funding proposals have yet been put forth for FY2011, these columns are

included in anticipation that such actions may occur as the bill moves forward. Supplemental appropriations and rescissions have occurred on numerous occasions for past DHS appropriations.

- a. This total reflects the rescissions included in P.L. 112-10. An additional \$107 million rescission was included in P.L. 112-8.
- b. These rescissions are accounted for in other titles, but are shown here for comparison.

Title I: Departmental Management and Operations⁹

Title I covers the general administrative expenses of DHS. It includes the Office of the Secretary and Executive Management (OSEM), which is comprised of the immediate Office of the Secretary and 12 entities that report directly to the Secretary; the Under Secretary for Management (USM) and its components, such as the offices of the Chief Administrative Officer, Chief Human Capital Officer, and Chief Procurement Officer; the Office of the Chief Financial Officer (OCFO); the Office of the Chief Information Officer (OCIO); the Analysis and Operations Office (AOO); the Office of the Inspector General (OIG); and DHS Headquarters Consolidation. **Table 5**, below, shows Title I appropriations for FY2010, FY2011, the President's request for FY2012, and the House-passed amounts for FY2012.

Table 5. Title I: Departmental Management and Operations

(budget authority in millions of dollars)

Operational Component	FY2010 Total (Revised + Supplementals)	FY2011 Appropriation				FY2012 Appropriation			
		FY2011 Enacted	FY2011 Supp.	FY2011 Resc.	FY2011 Total	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Office of the Secretary and Executive Management	148	137				143	62		
Office of the Under Secretary for Management	254	239				249	107		
Office of the Chief Financial Officer	61	53				62	51		
Office of the Chief Information Officer	345	333				278	122		
Analysis and Operations	333	334				355	344		
Office of the Federal Coordinator for Gulf Coast Rebuilding	2	0				0	0		
DHS Headquarters Consolidation	-	77				215	0		

⁹ Prepared by Barbara L. Schwemle, Analyst in American National Government, Government and Finance Division.

Operational Component	FY2010 Total (Revised + Supplementals)	FY2011 Appropriation				FY2012 Appropriation			
		FY2011 Enacted	FY2011 Supp.	FY2011 Resc.	FY2011 Total	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Office of the Inspector General	119 ^a	114 ^a				144	124 ^a		
Net Budget Authority: Title I	1,261	1,287				1,447	811		

Sources: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding. The FY2011 supplemental appropriations column and the FY2011 rescission column are placeholders. Thus, while no such funding has yet been put forth for FY2011, supplemental appropriations and rescissions have occurred on numerous occasions for past DHS appropriations.

The House-passed amounts in the table include reductions agreed to as follows:

H.Amdt. 349 to increase funding by \$320 million for Firefighters Assistance Grants offset by reductions from the Office of the Secretary and Executive Management, Office of the Under Secretary for Management, and Office of Chief Information Officer, offered by Representative Steven LaTourette, and agreed to on a 333-87 (Roll No. 384) vote on June 1, 2011.

H.Amdt. 351 to increase funding for Immigration Customs and Enforcement by \$1 million offset by reducing funds for Homeland Security Department Executive Management by a similar amount, offered by Representative Edward Royce, and agreed to on a 268-151 (Roll No. 386) vote on June 1, 2011.

H.Amdt. 353 to reduce the funding for the Office of the Under Secretary for Management by \$600,000 and applying the savings to the Spending Reduction Account, offered by Representative Paul Broun, and agreed to by voice vote on June 1, 2011.

H.Amdt. 354 to increase funding for border security fencing and infrastructure by \$10 million offset by a reduction in funding for the Office of the Under Secretary for Management by a similar amount, offered by Representative Ted Poe, and agreed to on a 327-93 (Roll No. 387) vote on June 1, 2011.

a. Does not include a \$16 million transfer of funds from FEMA's Disaster Relief Account.

House-Passed H.R. 2017

H.R. 2017, as passed by the House, would provide these appropriations, as compared with the President's request: OSEM, \$62 million (a reduction of \$81 million or 56.6% less than the President's request); USM, \$107 million (\$142 million or 57% less); OCFO, \$51 million (\$11 million or 17.7% less); OCIO, \$122 million (\$156 million or 56.1% less); AOO, \$344 million (\$11 million or 3.1% less); and OIG, \$124 million (\$20 million or 13.9% less). No funding is recommended for DHS Headquarters Consolidation. The total funding provided by the House-passed bill for Title I was \$811 million. This represents a decrease of \$636 million, or 44%, from the President's request.

Under the OSEM appropriation, the Secretary is directed to submit the National Preparedness Goal and the National Preparedness System to the House and Senate Committees on Appropriations no later than October 15, 2011, and January 15, 2012, respectively. The House-passed bill would provide that \$63 million of the appropriation could not be obligated until the committees receive the two submissions and the Secretary's determination on implementation of biometric air exit. This is \$1 million more than remains in the account in the House-passed

version of the bill as a result of H.Amdt. 349 and H.Amdt. 351, which used the account as an offset.

Under the USM appropriation, \$5 million would be available until September 30, 2016, for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate the department's headquarters operations at the Nebraska Avenue Complex and \$17 million would be available until September 30, 2014, for the Human Resources Information Technology program.

Under the CIO appropriation, \$72.3 million would be available until September 30, 2014, for development and acquisition of information technology equipment, software services, and related activities. Not later than 60 days after the act's enactment the CIO would be required to submit an expenditure plan for all information technology acquisition projects that are funded under the Office of the CIO or by multiple components of the department to the House and Senate Committees on Appropriations. The plan would include, for each project, the project name, key milestones, funding sources, detailed annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved.

House-Reported H.R. 2017

Prior to floor action, the management accounts were \$330 million larger than after House passage. The House Appropriations Committee recommended these appropriations for management accounts, as compared with the President's request: OSEM, \$127 million (\$16 million or 11.2% less); USM, \$235 million (\$14 million or 5.6% less); OCFO, \$51 million (\$11 million or 17.7% less); and OCIO, \$261 million (\$17 million or 6.1% less). No funding was recommended for DHS Headquarters Consolidation. The total funding recommended by the House committee for Title I was \$1,142 million. This represented a decrease of \$305 million, or 21.1%, from the President's request.

For DHS Headquarters Consolidation, no funding was recommended. The House committee report expressed concern about rising costs in the portion of the project funded through GSA, and a lack of coordination between the DHS and GSA plans for funding. The report went on to cite difficulties in funding "minimum elements of the project" due to the budget request's underfunding of disaster relief and reliance on unauthorized fee proposals.

For the OCFO, the committee did not include funding of \$11 million for Transformation and Systems Consolidation (TASC) because the department cancelled its solicitation for the project. DHS is to "keep the Committee informed on its strategy for establishing a core financial system and any plans for integrating its remaining management systems for acquisitions and assets."

The House committee report includes two significant directives under the OCFO account. The first relates to the department's annual congressional budget justifications. New report language appears that emphasizes:

The CFO shall also submit, as part of the Department's 2013 justification materials to Congress, complete explanations and justifications for all proposed legislative language, whether it is new or amends existing law. Such information should be provided regardless of whether the proposed changes are substantive or technical in nature and include an annotated comparison of proposed versus existing language.

The second directive relates to the process by which the department developed its budget, expressing the House committee's view that \$645 million in new fee revenue is "hypothetical," as the fee increases have not been authorized, and CBO disagrees with the Administration's estimates of how much additional revenue would be generated. The committee notes that as a result, "The Committee is therefore compelled to fill the huge budgetary hole left to it by the Department, while not cutting funding required for critical homeland security missions, as is evident in this bill." The report goes on to note that:

in the future [the Committee] will reject any funding proposals based on such hypothetical funding scenarios or on proposals for legislation under the jurisdiction of authorizing committees. While the Committee expects to be kept informed about the status of such legislative proposals, it will not recognize them as relevant to its appropriations work until they have been enacted into law.

For the OIG appropriation, the House committee stated that its recommendation for reduced funding is "in the interest of efficiency, with the expectation that OIG will prioritize funding to meet its stated needs for enhanced oversight of emergency and Departmental programs, as well as audits of 9/11 Commission recommendation implementation." The report also notes that the committee "will continue the practice of transferring \$16,000,000 from the Disaster Relief Fund to OIG in fiscal year 2012," but that it "hopes in the future to reach the point where OIG will fund its disaster-related audits and investigations from its core budget."

Among other new directives included in the committee report for the departmental management and operations accounts are the following:

- The Secretary is directed to submit a report by December 1, 2011, that will include "(1) A prioritized list of efficiencies being implemented as a result of the Secretary's Efficiency Review, and an accounting of progress against that list; (2) A list of positions the Department intends to convert from contractors to Federal positions, and an accounting of progress against that list; (3) A list of components and specific procurements where additional oversight personnel are needed relative to the current personnel and existing capabilities, and where such personnel are being assigned; and (4) How reforms in the headquarters structure and function are providing better support and management for Department field operations."
- The House committee directs the department to arrange for an independent evaluation of its efficiency review and provide the results to the committee within 30 days after the evaluation is completed.
- The OCIO "is directed to brief the Committees on Appropriations—in coordination with other components as deemed necessary—no later than 60 days after the date of the enactment of this Act detailing Department-wide efforts to combat "insider threats" in the cyber domain, including, but not limited to an overview of: (1) the extent of the Department's ability to monitor the unauthorized removal of sensitive unclassified and classified material from DHS information systems; (2) changes made in the wake of recent information security breaches, including any new restrictions to DHS information systems and databases, both internally and to external stakeholders; (3) any recent restrictions placed on DHS users by external, interagency stakeholders on access to certain databases and an assessment of the operational impact of such

restrictions; and (4) plans to improve the DHS information security architecture and policies to preclude similar breaches from happening at DHS.”

- DHS is encouraged “to seek direct hiring authority for intelligence analyst vacancies, both to speed up the conversion process and to ensure that qualified candidates are not recruited elsewhere due to bureaucratic delays in the DHS hiring process.”

President’s FY2012 Request

FY2012 request compared to the FY2011 enacted appropriations was as follows: OSEM, \$143 million, an increase of \$6 million (+4.4%); USM, \$249 million, an increase of \$10 million (+4.2%); OCFO, \$62 million, an increase of \$9 million (+17.0%); OCIO, \$278 million, a decrease of \$55 million (-16.5%); AOO, \$355 million, an increase of \$20 million (+6.0%); OIG, \$144 million, an increase of \$30 million (+26.3%); and DHS Headquarters Consolidation, \$215 million, an increase of \$138 million (+179.2%).

The largest increase from FY2011 under the President’s request for FY2012 would occur for DHS Headquarters Consolidation (requesting \$215 million and no full-time equivalent (FTE) employees, up from \$77 million in FY2011). The next-largest increase would occur in the OIG (requesting \$144 million and 676 total FTEs, up from \$114 million and an undetermined number of FTEs in FY2011). The Administration’s request funds the OIG without relying on a transfer from the Disaster Relief Fund, which has been made since FY2007 specifically to support oversight of disaster-related activities.¹⁰ Among accomplishments that are anticipated during FY2012, the Office of Emergency Management Oversight, within the OIG, “plans to complete 15 management reviews of FEMA [Federal Emergency Management Agency] programs and operations and 75 reviews of FEMA grants.”¹¹

The OCIO requested \$278 million and 291 total FTEs, including \$32.3 million to enhance the cyber security and information sharing capability throughout the department. Within the OCIO account, the Office of Accessible Systems and Technology requested \$1 million and three FTEs for, among other reasons, to support technical assistance and accessibility helpdesk services for DHS employees with disabilities. The justification states that a 75% increase in technical assistance and a 125% increase in accessibility helpdesk tickets has occurred over the past year and that the “numbers are expected to increase dramatically by FY2012.” Under the department’s balanced workforce strategy to ensure “that only federal employees perform work that is inherently governmental,” contractor positions will continue to be converted to DHS positions.¹²

The OCFO is requesting \$62 million and 232 total FTEs. According to the OCFO justification, a planned accomplishment in FY2012 is the continuation of improvements to the financial process at the headquarters “to eliminate overpayments and improper payments.” Within the OCFO account, the Special Access Program Control Office requested \$640,000 and three FTEs to

¹⁰ U.S. Congress, House Appropriations, *Consolidated Appropriations Act, 2008*, Explanatory Statement of the Managers, 110th Cong., 1st sess., January 2008, Book 1 - Division E (Washington: GPO, 2008), p. 1124.

¹¹ U.S. Department of Homeland Security, Office of Inspector General, Congressional Justification, FY2012, pp. OIG-5, OIG-7, and OIG-10.

¹² U.S. Department of Homeland Security, Departmental Management and Operations, Office of the Chief Information Officer, Congressional Justification, Fiscal Year 2012, pp. OCIO-4, OCIO-10 - OCIO-11, OCIO-28, and OCIO-34.

establish a system for protecting sensitive information throughout the department’s budget and financial process. The project will include modifications to information technology, secure telephones, and the use of safes that are approved by the General Services Administration.¹³

Personnel Issues

The Office of the Chief Human Capital Officer (OCHCO) manages and administers human resources at DHS and includes the Office of Human Capital (OHC). The OCHCO “establishes policy and procedures” and provides “oversight, guidance, and leadership within the Department” for the various functions under human capital management. These functions are policy and programs, learning and development, executive resources, human capital business systems, headquarters human resources management services, and business support and operations. The OCHCO reports to the Under Secretary for Management. The OHC implements the Human Capital Operational Plan and is organized around the initiatives of talent management, performance culture, learning and development, and service excellence.¹⁴ The Human Resources Information Technology (HRIT) program “is to merge and modernize the DHS HRIT infrastructure to provide flexibility and the management information that will allow DHS to continuously evolve in response to changing business, legislative and economic” circumstances.¹⁵

Table 6, below, shows the funding for the OCHCO for FY2010, the President’s request for FY2012, and the House-passed amounts for FY2012. The OCHCO appropriation is included in the total for the Office of the Under Secretary of Management, as shown in **Table 5**.

Table 6. Office of the Chief Human Capital Officer Appropriations
(budget authority in millions of dollars)

Account	FY2010 Enacted	FY2011 Enacted	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Salaries and Expenses CHCO	25	25	28	26		
Human Resources Information Technology	17	17	17	16		
Total	42	42	45	41		

Sources: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not add correctly due to rounding.

Personnel and the House-Passed Bill

The amounts listed in **Table 5** and **Table 6** are the House-passed amounts for FY2012. According to staff of the House Subcommittee on Homeland Security Appropriations, because of the

¹³ U.S. Department of Homeland Security, Departmental Management and Operations, Office of the Chief Financial Officer, Congressional Justification, Fiscal Year 2012, pp. OCFO-8 and OCFO-11 - OCFO-12.

¹⁴ FY2011 DHS Justifications, Departmental Management and Operations, Under Secretary for Management, pp. USM-4 and USM-49.

¹⁵ *Ibid.*, p. USM-15.

reductions to the Under Secretary for Management account in the House-passed bill (discussed earlier), the OCHCO amounts may be expected to be reduced by about 50%, but the precise funding totals are not yet available.¹⁶ The House-passed bill narrative for the USM account states that \$17 million would be available until September 30, 2014, for the Human Resources Information Technology program.

Personnel and the House-Reported Bill

The House committee recommended an appropriation of \$41 million (rounded) for the OCHCO, that is \$4 million (rounded) less than the President's request. Of the total, \$26 million (rounded) is allocated for salaries and expenses and \$16 million (rounded) is allocated to the Human Resources Information Technology Program. The committee report does not provide any additional information on the OCHCO appropriation.

Among general provisions that are related to personnel are these: the obligation of funds for OSEM is prohibited for new hires unless they are verified through E-Verify; funds cannot be used to pay for first-class travel; and funds cannot be used for adverse personnel actions for employees who use protective equipment or measures, including surgical masks, N95 respirators, gloves, or hand-sanitizers in the conduct of their official duties.

Personnel and the President's FY2012 Request

According to the DHS Justifications, the FY2012 budget requested \$45 million (rounded) and 163 full-time equivalent (FTE) employees for the OCHCO.¹⁷ The requested funding for OCHCO salaries and expenses was \$3 million more than the \$25 million (rounded) provided for FY2011. The number of FTEs would increase by 22, from 108 to 130, for FY2012. The appropriation requested for Human Resources Information Technology for FY2012 was \$17 million (rounded), the same amount as the funding authorized for FY2011. The FTEs for this account would increase by 8, from 25 to 33, for FY2012.¹⁸

The OCHCO requested \$750,000 and three FTEs to design and implement a comprehensive leader program for the department, and \$2 million and seven FTEs for workforce training programs. According to the DHS justification, the funds will be used to implement a comprehensive framework for identifying skill gaps in mission critical occupations and perform assessments of competency; to deploy career paths for mission critical occupations; to implement a rotational assignments program; and to deliver new or enhanced training in foreign languages, labor management, and employee preparedness.¹⁹ The justification for the OCHCO stated several initiatives, including development of "a comprehensive proposal" that will "identify executive resource requirements for FY2012 and FY2013;" continuation of reforms to the department's hiring process in coordination with the Office of Personnel Management and DHS components; and establishment of a department-wide drug testing program that will test employees in sensitive

¹⁶ Telephone conversation with House Subcommittee on Homeland Security Appropriations staff on July 22, 2011.

¹⁷ FY2012 DHS Justifications, Departmental Management and Operations, Under Secretary for Management, pp. USM-9 and USM-12.

¹⁸ Ibid., pp. USM- 9 and USM-12.

¹⁹ U.S. Department of Homeland Security, Departmental Management and Operations, Under Secretary for Management, Congressional Justification, Fiscal Year 2012, pp. USM-23 and USM -25.

positions, in positions requiring commercial driver's licenses, and in positions requiring firearms to be carried, and include pre-employment testing.²⁰

Analysis and Operations²¹

The DHS intelligence mission is outlined in Title II of the Homeland Security Act of 2002 (codified at 6 U.S.C. 121). Organizationally, and from a budget perspective, there have been several changes to the information, intelligence analysis, and infrastructure protection functions at DHS. Pursuant to the Homeland Security Act of 2002, the Information Analysis and Infrastructure Protection (IAIP) Directorate was established. The act created an Under Secretary for IAIP to whom two Assistant Secretaries, one each for Information Analysis (IA) and Infrastructure Protection (IP), reported. The act outlined 19 functions for the IAIP Directorate, including the following, among others:

- To assess, receive, and analyze law enforcement information, intelligence information, and other information from federal, state, and local government agencies, and the private sector to (1) identify and assess the nature and scope of the terrorist threats to the homeland, (2) detect and identify threats of terrorism against the United States, and (3) understand such threats in light of actual and potential vulnerabilities of the homeland;
- To develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States;
- To review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of law enforcement information, intelligence information, and intelligence-related information within the federal government and between the federal government and state and local government agencies and authorities.

Former Secretary Chertoff's Second Stage Review reorganization of the department in 2005 made several changes to the DHS intelligence structure. IAIP was disbanded and the Office of Infrastructure Protection was placed within the newly created National Protection and Programs Directorate. The Office of Information Analysis was renamed the Office of Intelligence and Analysis and became a stand-alone entity. The Assistant Secretary for Intelligence Analysis was designated the department's Chief Intelligence Officer. Pursuant to the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53), the Homeland Security Act of 2002 (codified at 6 U.S.C. 201) was amended to codify the Office of Intelligence and Analysis and the Office of Infrastructure Protection and made the head of the Office of Intelligence and Analysis an Under Secretary position. It also designated the Under Secretary for Intelligence and Analysis as the department's Chief Intelligence Officer with responsibility for managing the entire DHS Intelligence Enterprise.

In 2008, former Secretary Chertoff established the Office of Operations Coordination and Planning (OPS), built on the foundation of the former Office of Operations Coordination. OPS supports departmental and interagency crisis and contingency planning and operations to support

²⁰ U.S. Department of Homeland Security, Departmental Management and Operations, Office of the Under Secretary for Management, Congressional Justification, Fiscal Year 2012, pp. USM-10 - USM-12.

²¹ Prepared by Jerome P. Bjelopera, Specialist in Organized Crime and Terrorism, Domestic Social Policy Division.

the Secretary of Homeland Security in his/her role as the principal federal official for domestic incident management.²²

It should be noted that funds included in this account support both the Office of Intelligence and Analysis (I&A) and the Office of Operations Coordination and Planning (OPS). I&A is responsible for managing the DHS intelligence enterprise and for collecting, analyzing, and sharing intelligence information for and among all components of DHS, and with the state, local, tribal, and private sector homeland security partners. As a member of the intelligence community, I&A's budget is part of the National Intelligence Program, a classified program document. OPS develops and coordinates departmental and interagency operations plans and manages the National Operations Center, the primary 24/7 national-level hub for domestic incident management, operations coordination, and situational awareness, fusing law enforcement, national intelligence, emergency response, and private sector information.

House-Passed H.R. 2017

The House Committee on Appropriations recommended \$344 million for the Analysis and Operations (AOO) account, \$11 million (-3%) below the amount in the President's FY2012 request. The recommendation is \$9 million more than the amount enacted in FY2011. The committee denied a request for the C2 Gap Filler Technology²³ initiative because of insufficient justification and uncertainties regarding scope and total cost. No changes were made to the committee's version of the Analysis and Operations section of the bill through floor action.

President's FY2012 Request

The FY2012 request for the AOO account was \$355 million, an increase of \$20 million (+6%) over the enacted FY2011 amount of \$344 million. The account request includes funding for 1,103 positions, and 1,017 FTE, an increase of 269 positions and 224 FTE from 2011.

Title II: Security, Enforcement, and Investigations

Title II contains the appropriations for the Bureau of Customs and Border Protection (CBP), the Bureau of Immigration and Customs Enforcement (ICE), the Transportation Security Administration (TSA), the U.S. Coast Guard, and the U.S. Secret Service. **Table 7** shows the FY2010 and FY2011 enacted, and FY2012 appropriation action for Title II.

²² According to Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, (2003): "To prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies, the United States Government shall establish a single, comprehensive approach to domestic incident management.... The Secretary of Homeland Security is the principal Federal official for domestic incident management."

²³ This is a project designed to improve information sharing between U.S. military and Customs and Border Protection (CBP) elements monitoring air traffic in North America.

Table 7. Title II: Security, Enforcement, and Investigations

(budget authority in millions of dollars)

Operational Component	FY2010 Total (Revised + Supplementals)	FY2011 Appropriation				FY2012 Appropriation			
		FY2011 Enacted	FY2011 Supp.	FY2011 Resc.	FY2011 Total	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Customs & Border Protection									
Salaries and expenses ^a	8,295	8,196			8,196	8,726			8,770
Automation modernization	422	336			336	364			334
Air and Marine Interdictions	552	515			515	471			500
Border Security Fencing, Infrastructure, and Technology	814	573			573	528			510
Facilities Management (Construction)	326	259			259	284			234
Fee accounts ^b (offset)	1,432	1,418			1,418	1,468			1,413
Gross total	11,845	11,298			11,298	11,840			11,761
Net total (gross less fees, trust funds and mandatory)	10,407	9,880			9,880	10,372			10,348
Immigration & Customs Enforcement									
Salaries and expenses	5,422	5,427			5,427	5,497			5,523
Automation & infrastructure modernization	90	74			74	14			24
Construction	5	0			0	0			0
Rescission						-16			
Fee accounts ^c (offset)	305	305			305	312			312
Gross total	5,822	5,805			5,805	5,806			5,859
Net total (gross less fees, trust funds and mandatory)	5,517	5,501			5,501	5,494			5,547

Operational Component	FY2010 Total (Revised + Supplementals)	FY2011 Appropriation				FY2012 Appropriation			
		FY2011 Enacted	FY2011 Supp.	FY2011 Resc.	FY2011 Total	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Transportation Security Administration									
Aviation security (gross funding)	5,214	5,213			5,213	5,401	5,225		
Surface Transportation Security	111	106			106	135	130		
Transportation Threat Assessment and Credentialing	220	204			204	224	224		
Transportation Security Support	1,002	987			987	1,114	1,033		
Federal Air Marshals	860	928			928	991	961		
Aviation security capital fund (mandatory—does not reflect in net discretionary totals)	250	250			250	250	250		
Gross total	7,656	7,688			7,688	8,115	7,823		
Offsetting aviation security collections	-2,229	-2,100			-2,100	-2,310	-2,030		
Credentialing/Fee accounts ^e (offset to TTAC)	-48	-41			-41	-40	-40		
Net total (gross less fees, trust funds and mandatory)	5,130^f	5,296			5,296	5,515	5,502		
U.S. Coast Guard									
Operating expenses	6,909	6,894			6,894	6,820 ^g	7,071		
Environmental compliance & restoration	13	13			13	17	10		
Reserve training	134	133			133	137	137		

Operational Component	FY2010 Total (Revised + Supplementals)	FY2011 Appropriation				FY2012 Appropriation			
		FY2011 Enacted	FY2011 Supp.	FY2011 Resc.	FY2011 Total	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Acquisition, construction, & improvements	1,552	1,517			1,517	1,422	1,152		
Alteration of bridges	4	0			0	0	0		
Research, development, tests, & evaluation	25	25			25	20	13		
Retired pay (mandatory—does not reflect in net discretionary total)	1,361	1,401			1,401	1,440	1,440		
Health care fund contribution	264	265			265	262	262		
Gross Total	10,262	10,248			10,248	10,117	10,080		
Net Total (gross less fees, trust funds and mandatory) ^h	8,900	8,593			8,593	8,677	8,381		
U.S. Secret Service									
Salaries and expenses	1,486	1,511			1,511	1,692	1,666		
Acquisition, construction, and improvements	4	4			4	7	7		
Total	1,490	1,515			1,515	1,699	1,673		
Net Budget Authority: Title II	31,444	30,785			30,785	31,756	31,452		

Source: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding. The FY2010 supplemental appropriations column and the FY2010 rescission column are placeholders. Supplemental appropriations and rescissions have occurred on numerous occasions for past DHS appropriations.

- a. Roughly \$3 million of this line is offset from the Harbor Maintenance Trust Fund.
- b. Fees include COBRA, Land Border, Immigration Inspection, Immigration Enforcement, and Puerto Rico.
- c. Fees include Exam, Student Exchange and Visitor Fee, Breached Bond, Immigration User, and Land Border.
- d. Includes the impact of fees, and the rescission.

- e. Fees include TWIC, HAZMAT, Registered Traveler, and Alien Flight School Checks.
- f. Includes a \$4 million rescission of prior year unobligated balances.
- g. Does not include \$258 million request for overseas contingency operations, which is requested as a transfer from DoD.
- h. Does not include mandatory funding or overseas contingency operation funding, which does not count as discretionary budget authority.

Customs and Border Protection²⁴

CBP is responsible for security at and between ports-of-entry (POE) along the border, with a priority mission of preventing the entry of terrorists and instruments of terrorism. CBP's ongoing responsibilities include inspecting people and goods to determine if they are authorized to enter the United States; interdicting terrorists and instruments of terrorism; intercepting illegal narcotics, firearms, and other types of contraband; interdicting unauthorized travelers and immigrants; and enforcing more than 400 laws and regulations at the border on behalf of more than 60 government agencies. CBP is comprised of the inspection functions of the legacy Customs Service, Immigration and Naturalization Service (INS), and the Animal and Plant Health Inspection Service (APHIS); the Office of Air and Marine Interdiction, now known as Office of Air and Marine (OAM); and the U.S. Border Patrol (USBP). See **Table 7** for account-level detail for all of the agencies in Title II, and **Table 8** for sub-account-level detail for CBP Salaries and Expenses (S&E) for FY2010-FY2012.

House-passed H.R. 2017

The House Appropriations Committee proposed an appropriation of \$10,338 million for CBP in FY2012, amounting to an increase of \$458 million (4.6%) over the FY2011 appropriated level of \$9,880 million, and a decrease of \$34 million (0.3%) under the Administration's requested authority. The House approved the committee's recommendation with one amendment—adding \$10 million to the CBP budget to improve emergency cellular communications along the southwest border.

President's FY2012 Request

The Administration requested an appropriation of \$11,840 million in gross budget authority for CBP for FY2012, amounting to a \$542 million (4.8%) increase from the enacted FY2011 level of \$11,298 million. The Administration requested \$10,372 million in net budget authority for CBP, representing a \$492 million increase (5%) over the FY2011 enacted level of \$9,880 million. The request includes the following changes:

- Increase of \$33 million for Data Center Consolidation for a central DHS management system;
- Increase of \$229 million to fund the increase in journeyman grade level for frontline CBP officers, Border Patrol agents, and CBP agricultural specialists from GS-11 to GS-12;
- Increase of \$20 million for the National Targeting Center;
- Increase of \$8 million to hire 11 CBP officers and support the expansion of the Immigration Advisory Program in Paris, Abu Dhabi, Dubai, and Amman;
- Increases of \$43 million to add 300 new CBP officers and canine assets to new and expanded POEs;

²⁴ Prepared by Marc R. Rosenblum, Specialist in Immigration Policy, Domestic Social Policy Division.

- Increase of \$26 million for CBP integrity programs;
- Increase of \$20 million to increase functionality in the Automated Commercial Environment (ACE);
- Increase of \$40 million for tactical communications;
- Increase of \$55 million for Northern Border Projects and Innovative Technology Pilots.
- Reduction of \$60 million due to cancelled deployments of SBInet Block 1 in Arizona
- Reduction of \$20 million in mission support;
- Reduction of \$48 million in the air and marine acquisition program;
- Reduction of \$25 million in facilities management and sustainment activities;
- Reduction of \$30 million in professional service contract spending

Table 8. CBP Salaries and Expenses Account Detail

(budget authority in millions of dollars)

Activity	FY2010 Total	FY2011 Enacted	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Headquarters Management and Administration	1,643	1,463	1,911	1,874		
Border Security Inspections and Trade Facilitation @ POE	2,750	2,894	2,907	2,988		
<i>Inspections, Trade & Travel Facilitation @ POE</i>	2,262	2,474	2,507	2,562		
<i>Container Security Initiative (CSI)/ International Cargo Screening (ICS)</i>	162	104	69	80		
<i>Other International Programs</i>	11	11	11	11		
<i>C-TPAT</i>	63	45	45	45		
<i>FAST/NEXUS/SENTRI</i>	11	11	6	6		
<i>Inspection and Detection Technology</i>	154	144	150	150		
<i>Systems for Targeting</i>	33	32	31	46		
<i>National Targeting Center</i>	26	47	47	47		
<i>Training at POE</i>	25	21	38	38		
Border Security and Control Between POE	3,616	3,544	3,620	3,620		
<i>Border Security and Control Between POE</i>	3,564	3,508	3,531	3,531		
<i>Training Between the POE</i>	52	36	89	89		
Air and Marine Operations—Salaries	310	296	288	288		

Activity	FY2010 Total	FY2011 Enacted	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
CBP Salaries and Expenses Total:	8,295	8,196	8,726	8,770		
Harbor Maintenance Trust Fund (offset)	3	3	3	3		
CBP Salaries and Expenses Total appropriations:	8,292	8,193	8,722	8,766		

Source: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding. FY2010 amounts include FY2010 supplemental appropriations and revisions.

Issues for Congress

Issues that Congress could consider during the FY2012 appropriations cycle include Border Patrol staffing, fencing and tactical infrastructure at the southwest and northern borders, efforts to combat transnational threats, and cargo security.

Border Patrol and CBP Officer Staffing

In recent years, the number of Border Patrol agents between ports of entry at the southwest border has been a subject of steady congressional interest, including during the FY2011 budget cycle.²⁵ The Administration's FY 2012 Budget request supports 21,370 Border Patrol agents (an increase of 1,000 from FY 2011) and 21,186 CBP officers at ports of entry (an increase of 300), representing the highest staffing levels ever in these categories.²⁶ The request also includes \$229 million to fully fund the increase in journeyman grade level for frontline CBP officers, Border Patrol agents, and CBP agricultural specialists from GS-11 to GS-12. These numbers include 2,200 Border Patrol agents and almost 3,800 CBP port of entry officers at the northern border.²⁷ The request also would fund 10 new canine inspection teams, bringing the total number of such teams to 610, covering 331 ports of entry.²⁸ While the House report supported the Administration's request for additional staffing levels for the Border Patrol and CBP officers at POE's, the committee expressed skepticism about the Administration's methodology for calculating CBP officer staffing demands, and recommended strategies for reducing staffing at POE's.²⁹ More generally, while some Members of Congress may see current Border Patrol staffing levels (at the southwest and/or northern borders) as still being too low to achieve border security goals and to facilitate trade and legal migration, others may question the cost effectiveness of additional border staffing.

²⁵ See CRS Report R41189, *Homeland Security Department: FY2011 Appropriations*, coordinated by Jennifer E. Lake and William L. Painter.

²⁶ U.S. Department of Homeland Security, Budget-in-Brief: Fiscal Year 2012, p. 9.

²⁷ U.S. Department of Homeland Security, Budget-in-Brief: Fiscal Year 2012, p. 32.

²⁸ U.S. Customs and Border Protection, *Congressional Budget Justifications* FY2012, p. CBP S&E 80-81.

²⁹ U.S. Congress, House Appropriations, *Department of Homeland Security Appropriations Bill, 2012*, Report to accompany H.R. 2017, 112th Cong., 1st sess., May 26, 2011, H.Rept. 112-91 (Washington: GPO, 2011), pp. 27-28.

Fencing, Infrastructure, and Technology

The Administration requested \$528 million for the deployment of tactical infrastructure and surveillance technology, a decrease of \$45 million from the FY2011 enacted level of \$573 million. The House Appropriations Committee recommended \$500 million for tactical infrastructure and surveillance technology, a decrease of \$73 million from the FY2011 enacted level and \$28 million from the Administration's request. H.Amdt. 354, adopted by a vote of 327-93 during floor consideration, added \$10 million to this amount to improve cell phone communications along the southern border, bringing the total to \$510 million.

Since FY2006, DHS has received about \$4.4 billion in appropriations for the Administration's border enforcement strategy known as the Secure Borders Initiative, of which it has allocated about \$2.9 billion for fencing and other tactical infrastructure and about \$1.5 billion for SBInet,³⁰ a technology program managed under contract by the Boeing Company to provide Border Patrol command centers with integrated imagery and other data to increase the situational awareness of unauthorized entries and to enhance operational capabilities—often referred to as a “virtual fence.” A prototype for SBInet's primary fixed tower surveillance system was deployed along a 53 mile stretch of the Arizona border beginning in 2008, but the program faced significant delays and cost overruns;³¹ and in January 2011 DHS announced plans to end Boeing's contract and to develop a new border surveillance plan.

Under the department's new Alternative (Southwest) Border Technology program, DHS plans to deploy a mix of Remote Video Surveillance Systems (RVSS) consisting of fixed daylight and infrared cameras that transmit images to a central location, Mobile Surveillance Systems (MSS) mounted on trucks and monitored in the truck's passenger compartment, hand-held equipment, and existing SBInet integrated towers.³² The Administration's budget request includes \$244 million for its Alternative (Southwest) Border Technology program to complete the first three Integrated Fixed Tower (IFT) System deployments to Border Patrol Stations' areas of responsibility in Arizona. GAO's initial review of the Alternative (Southwest) Border Technology program has identified questions about the cost-effectiveness of some elements of the plan, including the deployment of SBInet Integrated Fixed Towers in certain parts of Arizona, and Congress may subject the new southwest border plan to additional oversight.

Congress also has a long-standing interest in the number of miles of fencing and other tactical infrastructure along the southwest border, which stood at 299 miles of vehicle fencing and 350 miles of pedestrian fencing as of March 2011.³³ Some Members of Congress have argued that fencing should be constructed along longer stretches of the southwest border, and/or that vehicle

³⁰ Testimony of GAO Director of Homeland Security and Justice Issues Richard M. Stana, in U.S. Congress, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, *Border Security: Preliminary Observations on the Status of Key Southwest Border Technology Programs*, 111th Cong., 1st Sess., March 15, 2011.

³¹ Statement of Randolph C. Hite, Director, Information Technology Architecture and System Issues, Testimony Before the Subcommittees on Management, Investigations, and Oversight; and Border, Maritime, and Global Counterterrorism; Committee on Homeland Security, House of Representatives, *Secure Border Initiative: DHS Needs to Follow Through on Plans to Reassess and Better Manage Key Technology Program*, 110th Cong., 2nd Sess., Thursday, June 17, 2010.

³² Ibid.

³³ Testimony of U.S. Border Patrol Chief Michael J. Fisher, House Committee on Homeland Security, Subcommittee on Homeland Security, *Department of Homeland Security Appropriations for Fiscal Year 2011*, 111th Cong., 2nd Sess., February 24, 2010.

barriers and single-layer fences should be upgraded to pedestrian and/or double-layer fences, while others see additional fencing as not being cost effective.

Some Members of Congress also have raised questions about whether CBP has taken adequate steps to secure the northern border against the entry of potential terrorists; and concerns have been raised about wait times for trade and tourism at the northern border.³⁴ The Administration's request includes \$45 million for investments in technology systems addressing security needs for the Northern Border maritime and cold weather environment, Northern Border technology pilot programs, and additional investments in proven stand-alone technology for deployment at the Northern Border. The House report explicitly approves the request, and these provisions of the bill were not amended on the House floor.

Combating Transnational Threats

With the upsurge in violent crime in many parts of Mexico, Congress has grown more interested in CBP's efforts to combat criminal organizations' to prevent the illegal movement of money, arms, and illicit goods; and to guard against the threat of spillover violence in the United States.³⁵ The Border Patrol's Alliance to Combat Transnational Threats (ACTT) is a collaborative enforcement approach among DHS agencies in partnership with other federal agencies, and state, local, and tribal governments. The program began in September 2009 along the Arizona/Sonora border and expanded in July 2010 to the El Paso/Ciudad Juarez border area. ACTT deployments in FY2010 consisted of temporary (45-day) deployments, with a similar model being employed at the start of FY2011 to send 500 Border Patrol agents to the Tucson Sector. CBP plans for an increase of 859 permanent Border Patrol agents in the Tucson Sector during FY2011, allowing for sustained ACTT operations. CBP also conducts joint enforcement operations with Mexico's Customs agency and with the U.S. Drug Enforcement Agency. In its report, the House Appropriations Committee requested that CBP and ICE brief the committee on metrics used to assess the level and impact of violence in border communities and along the southwest border.³⁶

Cargo Security

CBP is responsible for screening cargo passing through U.S. ports of entry for contraband and dangerous materials. CBP manages cargo security through the Secure Freight Initiative and Container Security Initiative, two programs that collect data about U.S.-bound cargo to conduct risk-based targeting and that screen cargo at overseas ports before they are loaded on U.S.-bound vessels; through a number of programs to facilitate trade by trusted importers; and through other programs to target terrorist travelers and dangerous cargo. The security benefits of enhanced imaging screening and radiation scanning of U.S.-bound cargo must be weighed against the direct costs of such screening efforts as well as the paperwork burden, costs, and longer wait times for U.S. importers. As a result, the level of funding for the different screening programs, and the

³⁴ See U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Immigration, Refugees and Border Security, *Improving Security and Facilitating Commerce at America's Northern Border and Ports of Entry*, 112th Cong., 1st Sess., May 17, 2011.

³⁵ See for example, U.S. Congress, House Committee on Homeland Security, Subcommittee on Oversight, Investigations, and Management, *The U.S. Homeland Security Role in the Mexican War Against Drug Cartels*, 112th Cong., 1st Sess., March 31, 2011.

³⁶ U.S. Congress, House Appropriations, *Department of Homeland Security Appropriations Bill, 2012*, Report to accompany H.R. 2017, 112th Cong., 1st sess., May 26, 2011, H.Rept. 112-91 (Washington: GPO, 2011), p. 35.

specific screening requirements to be imposed on U.S.-bound cargo, have been subjects of ongoing controversy.

The Administration has requested reductions to the Container Security Initiative (CSI) in each of the last two funding cycles, including a 44% reduction for FY2012. The CSI stations CBP officers in foreign ports to target high-risk containers for inspection before they are loaded on U.S.-bound ships. CSI was operational in 58 ports for FY2010, and screened over 80% of the volume of maritime containers destined for the United States.³⁷ The Administration proposes to remove CBP officers from most of these foreign ports and to rely more heavily on remote risk-based targeting and reciprocal inspections agreements with foreign governments. The House Appropriations Committee report objects to this change, and recommended \$79 million for the CSI, \$10 million more than the Administration requested. The House committee also recommended \$46 million for Automated Targeting Systems, \$15 million more than the Administration requested, and directed the Administration to report to the committee within 90 days about how it would use the enhanced funding. The House made no changes to these provisions.

Immigration and Customs Enforcement³⁸

ICE focuses on enforcement of immigration and customs laws within the United States. ICE develops intelligence to reduce illegal entry into the United States and is responsible for investigating and enforcing violations of the immigration laws (e.g., alien smuggling, hiring unauthorized alien workers). ICE is also responsible for locating and removing aliens who have overstayed their visas, entered illegally, or have become deportable. In addition, ICE develops intelligence to combat terrorist financing and money laundering, and to enforce export laws against smuggling, fraud, forced labor, trade agreement noncompliance, and vehicle and cargo theft. This bureau no longer oversees the building security activities of the Federal Protective Service (FPS), which has been transferred to the National Protection and Programs Directorate (NPPD). See **Table 7** for account-level detail for all of the agencies in Title II, and **Table 9** for sub-account-level detail for ICE Salaries and Expenses (S&E) for FY2010, FY2011 and FY2012.

House-Passed H.R. 2017

The House Appropriations Committee recommended that ICE receive \$5,547 million in net budget authority for FY2012, a figure which represents an increase of \$54 million over the FY2011 enacted level and an increase of \$53 million over the Administration's request.³⁹ The House approved this recommendation, with one amendment, adding \$1 million in support of the 287(g) program.

President's FY2012 Request

The Administration requested \$5,494 million in net budget authority and \$5,806 million in gross budget authority for ICE in FY2012. The request represented an decrease of about \$7 million

³⁷ Ibid., CBP-S&E-37.

³⁸ Prepared by Marc R. Rosenblum, Specialist in Immigration Policy, Domestic Social Policy Division.

³⁹ The request appears lower in budget authority than it is due to a proposed \$16 million rescission from ICE.

(0.2%) in net budget authority and increase \$1 million in gross budget authority from the enacted FY2011 levels of \$5,501 million and \$5,805 million, respectively. The gross budget request includes the following changes:

- Increase of \$4 million to the acquisitions workforce;
- Increase of \$11 million for data center migration;
- Increase of \$158 million for detention beds;
- Increase of \$7 million for detention and removal operations;
- Increase of \$64 million for Secure Communities interoperability deployment;
- Reduction of \$15 million for headquarters Atlas O&M IT;
- Reduction of \$27 million through efficiencies in ERO Fugitive Operations, Criminal Alien, and Transportation and Removal Programs;

Table 9. ICE Salaries and Expenses Account Detail

(budget authority in millions of dollars)

Activity	FY2010 Total	FY2011 Enacted	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
HQ Management HQ & Administration	512	514	433	419		
Legal Proceeding	222	222	216	216		
Total Investigations	1,794	1,851	1,858	1,861		
<i>Investigations - Domestic</i>	1,650	1,702	1,714	1,714		
<i>Investigations - International</i>	113	113	115	115		
<i>Visa Security Program</i>	31	36	29	32		
Intelligence	70	70	82	82		
Detention and Removal Operations	2,545	2,571	2,725	2,751		
<i>Custody Operations</i>	1,771	1,794	2,024	2,051		
<i>Fugitive Operations</i>	230	230	155	155		
<i>Criminal Alien Program</i>	193	193	197	197		
<i>Alternatives to Detention</i>	70	72	72	72		
<i>Transportation and Removal Program</i>	282	282	277	277		
Comprehensive Identification and Removal of Criminal Aliens (Secure Communities)	200	200	184	194		
ICE Salaries and Expenses	5,342	5,427	5,497	5,523		

Source: CRS Analysis of the DHS Expenditure Plan for FY 2011, FY2012 DHS Congressional Budget Justifications, the FY2012 DHS Budget in Brief, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding. FY2010 amounts include revisions and an unspecified \$80 million increase from FY2010 supplemental appropriations. FY2012 bottom line includes \$1 million from H.Amdt. 351 to add funds to support the 287(g) program.

Issues for Congress

ICE is responsible for many divergent activities due to the breadth of the civil and criminal violations of law that fall under its jurisdiction. As a result, how ICE resources are allocated in order to best achieve its mission is a continuously debated issue. The FY2012 appropriations process involves discussions about ICE's role in detaining and removing (deporting) aliens and on the role of state and local law enforcement agencies in immigration enforcement.

Enforcement and Removal Operations

Part of ICE's mission includes locating and removing deportable aliens, which involves determining the appropriate amount of detention space as well as which aliens should be detained. Although many contend that the priority should be placed on removing aliens who have committed crimes in the United States, less than one-third of those deported by ICE in FY2008 and in FY2009 were convicted of a criminal offense.⁴⁰ Others argue that the prioritization of criminal aliens should not come at the expense of ICE's other responsibilities, such as terrorist travel and worksite enforcement investigations.⁴¹

ICE's office of Enforcement and Removal Operations (ERO) provides custody management of the aliens who are in removal proceedings or who have been ordered removed from the United States.⁴² ERO also is responsible for ensuring that aliens ordered removed actually depart from the United States. Many contend that ERO does not have enough detention space to house all those who should be detained. Concerns have been raised that decisions regarding which aliens to release and when to release them may be based on the amount of detention space, not on the merits of individual cases, and that detention conditions may vary by area of the country leading to inequities. A number of policymakers have advocated for the increased use of alternatives to detention programs for non-criminal alien detainees, citing these programs as a lower cost option than detention and a more proportional treatment relative to the violation.⁴³ Furthermore, there have been concerns raised about the adequacy of medical care received by aliens in detention.⁴⁴ In 2009, ICE released new detention standards aimed at addressing these criticisms.⁴⁵

⁴⁰ U.S. Congress, House Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2010*, Report to accompany H.R. 2892, 111th Cong., 1st sess., June 16, 2009, H.Rept. 111-157, p. 8; U.S. Department of Homeland Security Office of Immigration Statistics, *Immigration Enforcement Actions: 2009*.

⁴¹ U.S. Congress, House Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2010*, Report to accompany H.R. 2892, 111th Cong., 1st sess., June 16, 2009, H.Rept. 111-157, p. 228.

⁴² For more information on detention issues see CRS Report RL32369, *Immigration-Related Detention: Current Legislative Issues*, by Chad C. Haddal and Alison Siskin. Under the INA aliens can be removed for reasons of health, criminal status, economic well-being, national security risks, and others that are specifically defined in the act. In 2010, ICE changed the name of DRO to Enforcement and Removal Operations (ERO).

⁴³ U.S. Congress, House Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, *Moving Toward More Effective Immigration Detention Management*, 111th Cong., 1st sess., December 10, 2009 (Washington: GPO, 2009).

⁴⁴ For more on the issue of detainee medical care, see CRS Report RL34556, *Health Care for Noncitizens in Immigration Detention*, by Alison Siskin.

⁴⁵ Immigration and Customs Enforcement, "Secretary Napolitano and ICE Assistant Secretary Morton Announce New (continued...)"

ICE maintained 33,400 detention bed spaces in FY2011, and the President's FY2012 budget requested an increase of \$158 million to maintain the current amount of bed space, accounting for an increase in the budgeted average daily bed rate from \$99 to \$122.⁴⁶ The House Appropriations Committee proposed to increase ICE's detention budget by \$27 million dollars, and to require ICE to increase the number of detention beds maintained to 34,000 beds. This proposal was approved by the House.

Immigration Enforcement in State and Local Jails

The Administration's request includes \$184 million (a \$64 million increase over FY2011) for Secure Communities, an information sharing program between DHS and the Department of Justice to check the fingerprints of arrestees against DHS immigration records. With this request, ICE expects to be able to expand Secure Communities to 96% of all jurisdictions nationally in FY2012, providing ICE with the resources to confirm the identification of an estimated 199,000 more criminal aliens through interoperability in FY2012 than in FY2010 and to transport more than 44,000 criminal aliens from state and local jails into the custody of ICE. The enforcement of immigration by state and local law enforcement agents through the 287(g) program and screening for immigration violations in state and local jails through the 287(g) program and Secure Communities have sparked debate about the proper role of state and local law enforcement officials in enforcing federal immigration laws. Many have expressed concern over proper training, finite resources at the local level, possible civil rights violations, and the overall impact on communities. Nonetheless, some observers contend that the federal government has scarce resources to enforce immigration law and that state and local law enforcement entities should be utilized.

During floor consideration, the House adopted H.Amdt. 351 by a vote of 268-151, which increased funding for ICE by \$1 million to facilitate 287(g) agreements with local law enforcement.

Transportation Security Administration⁴⁷

TSA, created by the Aviation and Transportation Security Act (ATSA, P.L. 107-71), is charged with protecting air, land, and rail transportation systems within the United States to ensure the freedom of movement for people and commerce. In 2002, TSA was transferred to DHS with the passage of the Homeland Security Act (P.L. 107-296). TSA's responsibilities include protecting the aviation system against terrorist threats, sabotage, and other acts of violence through the deployment of passenger and baggage screeners; detection systems for explosives, weapons, and other contraband; and other security technologies. TSA also has certain responsibilities for marine and land modes of transportation including assessing the risk of terrorist attacks to all non-aviation transportation assets, including seaports; issuing regulations to improve security; and enforcing these regulations to ensure the protection of these transportation systems. TSA is

(...continued)

Immigration Detention Reform Initiatives," press release, October 6, 2009.

⁴⁶ DHS, *U.S. Immigration and Customs Enforcement Salaries and Expenses Congressional Budget Justifications* FY2012, p. 57.

⁴⁷ Prepared by Bart Elias, Specialist in Aviation Safety, Security, and Technology, Resources, Science, and Industry Division.

further charged with serving as the primary liaison for transportation security to the law enforcement and intelligence communities. See **Table 7** for account-level detail for all of the agencies in Title II, and **Table 10** for amounts specified for TSA budget activities.

President's FY2012 Request

The President's request included a gross total of \$8,115 million for TSA, roughly a 6% increase over the FY2011 enacted level. The request specified \$5,401 million for aviation security and \$991 million for the Federal Air Marshals Service (FAMS). Additionally, \$250 million in mandatory spending is designated for the Aviation Security Capital Fund to finance installation of checked baggage explosives detection equipment at airports. The request specified \$224 million for Transportation Threat Assessment and Credentialing (TTAC), a 37% increase over the FY2011 enacted level of \$163 million. The increase reflects additional funding requirements to support a multi-year project to modernize and integrate transportation threat assessment, vetting, and credentialing programs and systems. The request included \$135 million for Surface Transportation Security and \$1,114 million for Transportation Security Support.

Table 10. TSA Gross Budget Authority by Budget Activity

(budget authority in millions of dollars)

Budget Activity	FY2010 Total	FY2011 Enacted	FY2012 Request	FY2012 House-Passed	FY2012 Senate	FY2012 Enacted
Aviation Security	5,214	5,213	5,401	5,225		
Screening Partnership Program (SPP)	150	144	144	144		
Passenger & Baggage Screening (PC&B)	2,759	2,921	3,060	2,761 ^a		
Screener Training & Other	205	243	253	245		
Checkpoint Support	129	329	254	181		
EDS/ETD Purchase/Installation	778	291	273	223		
Screening Technology	317	316	332	332		
Operation Integration	21	21	—	—		
Aviation Regulation and Other Enforcement	254	318	373	354		
Airport Management, IT, and Support	454	489	572	568		
FFDO & Crew Training	25	25	25	25		
Air Cargo Security	123	115	115	121		
Federal Air Marshal Service	860	928	991	961		
Management and Administration	763	805	860	845		
Travel and Training	98	123	131	116		
Threat Assessment and Credentialing (TTAC)	220	204	224	224		

Budget Activity	FY2010 Total	FY2011 Enacted	FY2012 Request	FY2012 House- Passed	FY2012 Senate	FY2012 Enacted
Secure Flight	84	84	92	92		
Other/TTAC Admin.&Ops.	88	78	92	92		
Credentialing Fees (subtotal)	46	41	40	40		
TWIC (Fee)	9	9	8	8		
HAZMAT CDL (Fee)	15	12	12	12		
Certified Cargo Screening Program (Fee)	5	5	5	5		
Large Aircraft Security Plan (Fee)	2	1	1	1		
Security Identification Display Area Checks (Fee)	10	8	8	8		
Indirect Air Cargo (Fee)	3	1	1	1		
Alien Flight School (Fee)	4	4	4	4		
Surface Transportation Security	111	106	135	130		
Operations and Staffing	42	40	39	39		
Security Inspectors	68	66	96	91		
Transportation Security Support	1,002	987	1,114	1,033		
Intelligence	28	33	43	43		
HQ Administration	249	254	321	290		
Human Capital Services	226	234	264	250		
Information Technology	498	466	486	450		
Aviation Security Capital Fund (ASCF) (mandatory)	250	250	250	250		
TSA Gross Total	7,656	7,688	8,115	7,823		

Source: CRS Analysis of the FY2012 DHS Congressional Budget Justifications, the FY2012 DHS Budget in Brief, DHS Expenditure Plan for Fiscal Year 2011 and H.Rept. 112-91.

Notes: Amounts may not total due to rounding.

- a. The Mica amendment restricted the amount that could be spent from the Aviation Security appropriation on screener PC&B to \$2,761 million, but did not actually reduce the actual budget authority for screening operations.

House-Passed H.R. 2017

The House-passed bill specified \$7,823 million, \$293 million below the FY2012 request for TSA. However, in addition to this reduction, H.Amdt. 406, offered by Representative Mica and passed by the House, limited TSA's expenditures for screener personnel, compensation, and benefits to \$2,761 million. This amount was \$269 million below the House Appropriations Committee-recommended amount of \$3,030 million for this purpose. However, as the amendment was a

limitation, rather than a reduction in budget authority, that \$269 million difference is still available for screening operations.

The bill also included \$181 million for checkpoint support, \$73 million less than requested, and \$223 million for checked baggage explosives detection systems, \$50 million less than requested. The House also agreed to \$961 million for federal air marshals, \$30 million less than requested. The bill specified \$1,033 million for Transportation Security Support, \$81 million less than the amount requested. Relying on Congressional Budget Office estimates, the committee projected only \$2,030 million in offsetting aviation security user fees, \$682 million less than the estimate provided in the President's request. This lower revenue projection reflects an anticipated continuation of the downward trend in air travel. Also, the committee noted that its estimates do not reflect proposed increases in passenger security fees that have not yet been authorized. It sharply criticized inclusion of this "hypothetical revenue" in the President's request, and noted that these "unrealistic assumptions" compelled the committee to reduce or restrain spending on support functions in order to maintain funding for critical homeland security missions.⁴⁸

Issues for Congress

Possible TSA issues may include proposed expansion of the screener workforce; the status of contract screening operations at airports seeking an alternative to TSA screening operations; acquisition and sustainment costs of screening technologies; modernization and integration of TTAC systems; and consideration of the President's proposal to raise the passenger security fee.

TSA Screener Workforce

The President's budget included funding to support expansion of the TSA screener workforce to just under 50,000 full time equivalent (FTE) positions. However, the FY2011 appropriations act (P.L. 112-10) included language capping the screener workforce at 46,000 FTEs, not including newly hired part-time screeners. The FY2012 justification specified a proposed increase of more than 2,000 FTE screeners plus an additional 175 FTEs trained as behavior detection officers. The GAO previously found that the TSA lacked adequate metrics to assess the effectiveness of the behavior detection program, and in FY2011, Senate Appropriations Committee language did not support proposed expansion of the program without a complete assessment and validation of its effectiveness.⁴⁹ In addition to the continued concerns over the behavior detection program, the proposed expansion of the TSA screener workforce may be an issue of particular interest during FY2012 appropriations debate given TSA's considerable investments in technology and integration of screening equipment. An anticipated benefit of these investments has been a potential reduction in labor resource requirements and associated costs.

The House-passed bill, like the FY2011 appropriations act, would limit the screener workforce to 46,000 FTEs, not including newly hired part-time screeners. The House committee rejected the request for an additional 510 screeners and supervisors for advanced imaging technology passenger screening noting that additional systems will not be fielded until automated target recognition capabilities are incorporated. It further noted that the eventual deployment of

⁴⁸ H.Rept. 112-91, p. 19.

⁴⁹ S.Rept. 111-222.

automated target recognition will permit a reduction in passenger screeners. The committee also rejected the request for additional behavior detection officers.

In addition, H.Amdt. 406, offered by Representative Mica, would cap FY2012 spending on screener personnel, compensation, and benefits at \$2,761 million, roughly in line with FY2010 totals, and \$160 million less than FY2011 totals. Opponents of the amendment argued at the amendment would require TSA to lay off some 5,000 screeners—10% of the total screener workforce. The amendment passed 219-204.

Contract Screening Operations

The President's budget specified \$144 million for the Screening Partnership Program (SPP), which funds private screening contractors at the 16 airports that have opted out of TSA screening. In January 2011, TSA announced that it was halting further expansion of the program, citing a lack of any clear advantage. The program, which was authorized under ATSA, requires that private screeners receive wages and benefits that are comparable to those of TSA screeners. Reviews of the program have not found demonstrable performance or cost differences between contract screening operations under SPP and TSA screening. However, some Members of Congress hold the program in high regard and prefer a model in which screening operations are carried out under contract, with TSA focusing on regulation and oversight of screening and other aviation security matters.⁵⁰ Consequently, the future of SPP may be a specific issue of debate in the FY2012 appropriations process.

The House committee expressed concern over airports whose applications to participate in the SPP were denied without sufficient guidance or feedback on the criteria for participation or the rationale for the TSA decision. The committee recommended that TSA provide these airports with the reasons behind these decisions and allow airports to reapply.

Technology Acquisition and Sustainment Costs

Besides labor costs for its screening workforce, technology acquisition and sustainment costs to operate and maintain security technologies make up a considerable portion of TSA's aviation security budget. The FY2012 request included a request for 275 additional advanced imaging technology (AIT) whole-body imagers. With these additional units, TSA intends to have 1,275 fielded AIT units by the end of FY2012, and 1,800 by the end of FY2014. The machines, however, have generated considerable controversy regarding privacy and health safety. To allay some privacy concerns, the TSA wants to eventually replace remote viewing of AIT images by TSA screeners with automated threat recognition capabilities, but retrofitting deployed systems will likely add to system costs in future years.

Additionally, maintenance of existing screening technologies, including AIT as well as baggage explosives screening systems, metal detectors, and checkpoint x-ray machines for carry-on bags, has been a growing expense for TSA as these systems age. A large number of these systems deployed soon after 9/11 to meet statutory screening requirements are reaching their useful service limits. The TSA indicated that it will reduce costs for screening technology maintenance

⁵⁰ See, e.g., "TSA Halts Private Security Screener Program," Homeland Security Newswire, February 3, 2011, available at <http://www.homelandsecuritynewswire.com/tsa-halts-private-security-screener-program>

by \$18 million in FY2012 through renegotiated contracts. Nonetheless, the request specified \$332 million for screening technology maintenance, a \$15 million increase compared to the FY2010 amount. The continued escalation of screening technology maintenance and sustainment costs may be an issue of particular interest to appropriators. The House committee concurred with the FY2012 request with the expectation that negotiations for two-year warranty contracts for advanced imaging technology equipment would yield savings in FY2013, and the House concurred.

Transportation Threat Assessment and Credentialing Modernization

The President's request included \$58 million for continued development of the TTAC Infrastructure Modernization (TIM) system. The system is considered a significant DHS information technology initiative with a forecast life cycle cost of \$571 million through 2018. The program represents an initiative to modernize and consolidate TSA's various vetting and credentialing functions into a unified system, with a uniform fee structure. While the objectives are to eliminate redundancies in existing processes, the cost and technical risk associated with integrating multiple systems may raise questions during the appropriations process. Appropriators may also examine the extent to which TIM is being coordinated with other similar systems within DHS, such as customs and immigration systems, and other criminal and terrorist databases, and how investments in and capabilities of these systems may be leveraged in developing TIM.

The House committee recommended funding the continued development of TIM as requested, but noted concerns over program delays. It directed the TSA to advise the committees of any impacts to project schedule or the regulatory process that might significantly delay achieving initial operating capacity in 2013, incorporating universal fees, and becoming fully operational by 2015.

Passenger Security Fees

The President's budget included a proposal to increase the passenger security fee. The current fee, established by ATSA, is set at \$2.50 per segment with a cap of \$5.00 per one-way flight. The proposal seeks to increase this fee to \$4.00 per segment, not to exceed \$8.00 per one-way flight or \$16.00 for a round trip ticket. The fee has not been raised since established by ATSA and airlines have expressed strong opposition to numerous fee increase proposals over the years. In addition to remitting passenger security fees, airlines pay an Aviation Security Infrastructure Fee (ASIF) based on the annual costs of pre-9/11 passenger screening and market share. While the GAO determined the industry-wide annual cost of pre-9/11 passenger screening to be between \$425 million and \$471 million, airlines won a June 2010 appellate court decision capping the industry total at \$420 million. Current law provides no mechanism to increase either the passenger security fee or the ASIF for inflation.

The House committee noted that increases to passenger security fees were outside its jurisdiction and criticized the administration for predicating its budget on the assumption of obtaining authority for these increased revenues at the outset of FY2012. Furthermore, the House committee noted that "in the unlikely event such fee increases were enacted this year, the

Congressional Budget Office estimates aviation security user fees would only increase by a net of \$210,000,000—not the \$590,000,000 assumed in the Department’s budget submission.⁵¹

United States Coast Guard⁵²

The Coast Guard is the lead federal agency for the maritime component of homeland security. As such, it is the lead agency responsible for the security of U.S. ports, coastal and inland waterways, and territorial waters. The Coast Guard also performs missions that are not related to homeland security, such as maritime search and rescue, marine environmental protection, fisheries enforcement, and aids to navigation. The Coast Guard was transferred from the Department of Transportation to the DHS on March 1, 2003.

House-Passed H.R. 2017

The House Appropriations Committee recommended a total of \$10,080 million for the Coast Guard, \$185 million less than last year and \$37 million less than the President requested.⁵³ This total includes \$7,071 million for operating expenses and \$1,152 million for the capital (ACI) account. The House concurred in these recommendations. See **Table 11** below for further detail on these two accounts.

President’s FY2012 Request

The President’s requested amount for major accounts compared with last year’s enacted level is shown in **Table 7**. As the table indicates, the President requested \$6,820 million in operating expenses (a decrease of about 1% from last year) and \$1,422 million for the capital (ACI) account (a decrease of about 6% from last year). These two accounts are shown in further detail in **Table 11** below. The President requested no funds for the Bridge Alteration account (consistent with prior Administration budget requests), requested \$5 million less for research and development, and \$4 million more for environmental compliance and restoration. The other requested discretionary amounts are nearly the same as last year’s enacted level.

⁵¹ H.Rept. 112-91, p. 19.

⁵² Prepared by John Frittelli, Specialist in Transportation Policy, Resources, Science and Industry Division.

⁵³ Both the Administration and the House committee provided \$258 million for the Coast Guard’s overseas operations related to the global war on terrorism, but the President requested this amount under the Navy’s budget while the House committee provided this under the Coast Guard’s budget.

Table 11. Coast Guard Operating (OE) and Acquisition (ACI) Sub-Account Detail
(budget authority in millions of dollars)

	FY2010 Total (Revised + Supplementals)	FY2011 Enacted	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Operating Expenses	6,909	6,894	6,820	7,071		
Military pay and allowances	3,253	3,345	3,448	3,435		
Civilian pay and benefits	701	738	781	775		
Training and recruiting	206	204	213	213		
Operating funds and unit level maintenance	1,259	1,138	1,109	1,109		
Centrally managed accounts	335	345	351	343		
Intermediate and depot level maintenance	914	869	917	937		
Global war on terror	242	254	—	258		
Acquisition, Construction, and Improvements^a	1,552	1,517	1,422	1,152		
Vessels	851	1,051	642	428		
Aircraft	285	101	290	329		
Other Equipment	284	190	166	171		
Shore Facilities and ATON	27	67	194	116		
Military Housing	0	2	20	0		
Personnel & Related Support	105	106	110	108		

Source: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding.

- a. In the FY2012 request, the administration changed their accounting structure for AC&I, eliminating the Deepwater organizational structure. The new Vessels line is a combination of “Vessels and Critical Infrastructure” and Deepwater surface ship acquisitions. The new Aircraft line includes “Aircraft” and Deepwater air asset acquisitions. Other Equipment now includes (along with the traditional “Other Equipment” line) program support elements that had been funded under “Other” in the Deepwater subaccount. FY2010 and FY2011 columns have been recalculated to reflect this structure for comparison.

Issues for Congress

Increased duties in the maritime realm related to maritime security have added to the Coast Guard’s obligations and increased the complexity of the issues it faces. Some Members of Congress have expressed concern with how the agency is operationally responding to these demands, including the Coast Guard’s plan to replace many of its aging vessels and aircraft and its ability to perform its non-security related missions. However, the House made no changes to the committee recommendations described below.

Vessels and Aircraft

The Coast Guard's effort to replace or modernize its Deepwater fleet of vessels and aircraft has been a major issue for Congress.⁵⁴ The President requested \$642 million for new vessels and \$290 million for aircraft for FY2012. This includes \$358 million to construct six more Fast Response Cutters and \$130 million to construct two more Maritime Patrol Aircraft. The House committee rejected the amount for a National Security Cutter, and substantially reduced the amounts for Fast Response Cutters and Medium Response Boats. The committee increased the amount for HH-65 aircraft by \$37 million.

The budget requested \$39 million for polar icebreaker vessels. The Coast Guard plans to decommission the icebreaker *Polar Sea* in FY2011. The request included funds to transition that icebreaker's crew to the icebreaker *Polar Star* which will be reactivated.⁵⁵ The House Appropriations Committee agreed with the \$39 million request for icebreaking activities but also requested within 45 days the Coast Guard's overdue plan for operating in the Arctic. A reduction in the extent of sea ice in the Arctic during the summer has led to increased vessel activity (related to resource exploration and tourism) in the region.

Shore Facilities

The President's request included a substantial increase (180%) over the FY2011 enacted level for shore facilities. The \$194 million request, among other things, is for replacing a pier at Cape May, NJ, renovating a barracks at the Coast Guard Academy, replacing a burned down boathouse at Chilmark, MA, and modifying a maritime patrol aircraft hangar at Corpus Christi, TX. The House committee reduced the President's request by \$78 million citing a lack of adequate justification.

Marine Safety Mission

The oil spill from the *Deepwater Horizon* drilling rig in the Gulf of Mexico in April 2010 has focused attention on the Coast Guard's role in marine safety and environmental protection. The Coast Guard oversees the safety of the non-drilling aspects of offshore oil platforms, rescues crews when in danger, and is the lead agency in responding to oil spill clean up. One issue that has been raised with respect to the Coast Guard's role in overseeing the safety of oil rigs is its ability to keep pace with changing technology in the offshore industry. For instance, it has been noted that some areas of the Coast Guard regulations covering the safety requirements of "Mobile Offshore Drilling Units," such as the *Deepwater Horizon*, date back to 1978 when rigs were much closer to shore and in shallower water.⁵⁶ The Coast Guard's pace in issuing rulemakings and its overall competence in carrying out its marine safety mission was also an issue raised in the aftermath of the *Cosco Busan* oil spill in San Francisco Bay in November 2007.⁵⁷

⁵⁴ These issues are discussed in CRS Report RL33753, *Coast Guard Deepwater Acquisition Programs: Background, Oversight Issues, and Options for Congress*, by Ronald O'Rourke.

⁵⁵ For more on icebreaker vessels, see CRS Report RL34391, *Coast Guard Polar Icebreaker Modernization: Background, Issues, and Options for Congress*, by Ronald O'Rourke.

⁵⁶ A Coast Guard internal review that is critical of its response to the Deepwater Horizon spill was released in March 2011, <http://www.uscg.mil/foia/docs/DWH/BPDWH.pdf>.

⁵⁷ For an overview of the Coast Guard's environmental protection mission, see CRS Report RS22145, *Environmental Activities of the U.S. Coast Guard*, by Jonathan L. Ramseur.

New requirements intended to increase the safety of towing and fishing vessels will increase the demand on the Coast Guard's safety resources.

The President's request included \$11 million to bolster the Coast Guard's marine safety mission by adding 105 personnel, to include safety inspectors, investigators, and fishing vessel safety examiners. The request also included \$12 million and 87 personnel to enhance marine environmental response by creating a new Incident Management and Assist Team (IMAT). The House committee agreed with the \$11 million request for marine safety but reduced the request for environmental response by \$5 million due to insufficient detail in the request.

Rescue-21

Congress has been concerned with the Coast Guard's management of the Rescue 21 program, the Coast Guard's new coastal zone communications network that is key to its search and rescue mission and replaces its National Distress and Response System. In FY2012, the Coast Guard plans to complete deployment of Rescue-21 at sectors Lake Michigan, Los Angeles/Long Beach, San Juan, Honolulu, Guam, and Buffalo, with a request of \$65 million. As of December 2010, the Coast Guard reports that Rescue-21 is operational on the East Coast, Gulf Coast, and West Coast except for Los Angeles/Long Beach, covering a total of 36,985 miles of coastline. The House committee agreed with the President's request.

United States Secret Service⁵⁸

The U.S. Secret Service (USSS)⁵⁹ has two broad missions, criminal investigations and protection. Criminal investigation activities encompass financial crimes, identity theft, counterfeiting, computer fraud, and computer-based attacks on the nation's financial, banking, and telecommunications infrastructure, among other areas. The protection mission is the most prominent, covering the President, Vice President, their families, and candidates for those offices, along with the White House and Vice President's residence, through the Service's Uniformed Division. Protective duties also extend to foreign missions in the District of Columbia and to designated individuals, such as the DHS Secretary and visiting foreign dignitaries. Aside from these specific mandated assignments, USSS is responsible for security activities at National Special Security Events (NSSE),⁶⁰ which include the major party quadrennial national conventions as well as international conferences and events held in the United States. The NSSE designation by the President gives the USSS authority to organize and coordinate security arrangements involving various law enforcement units from other federal agencies and state and local governments, as well as from the National Guard.

⁵⁸ Prepared by Shawn Reese, Analyst in Emergency Management and Homeland Security Policy, Government and Finance Division.

⁵⁹ For more information, see CRS Report RL34603, *The U.S. Secret Service: An Examination and Analysis of Its Evolving Missions*, by Shawn Reese.

⁶⁰ For more information, see CRS Report RS22754, *National Special Security Events*, by Shawn Reese.

House-Passed H.R. 2017

For FY2012, the House-passed version of the DHS appropriations bill recommended an appropriation of \$1,673 million.⁶¹ This amount reflects a decrease of \$25 million in the Headquarters Management and Administration activity from the \$247 million requested by the Administration. Even with this reduction, overall, the House-passed versions of the bill provide \$158 million more than was appropriated for the USSS in FY2011.

President's FY2012 Request

For FY2012, the Administration requested an appropriation of \$1,699 million for the USSS.⁶² The Administration's request is \$183 million more than was appropriated for the USSS in FY2011.

Table 12. FY2010 and FY2011 Enacted and FY2012 Budget Authority for the U.S. Secret Service

(Amounts in millions of dollars)

Programs and Activities	FY2010 Revised	FY2011 Enacted	FY2011 Budget Request	FY2012 House-passed	FY2012 Senate	FY2012 Enacted
Protection of persons and facilities	763	770	848	848		
Protective intelligence activities	68	68	68	68		
National Special Security Events	1	1	19	12		
Candidate nominee protection	0	18	113	113		
White House mail screening	22	22	24	24		
Management and administration	221	226	247	228		
Rowley Training Center	54	54	56	56		
Domestic field operations	261	257	224	224		
International field operations	31	31	31	31		
Electronic crimes program	57	56	53	53		
Forensic support to the National Center for Missing and Exploited Children	8	8	8	8		
Acquisition, construction, and improvements	4	4	7	7		
Total	1,490	1,515	1,699	1,673		

⁶¹ U.S. Congress, House Committee on Appropriations, Subcommittee on Homeland Security, *Department of Homeland Security Appropriations, Fiscal Year 2012*, report to accompany H.R. 2017, 112th Cong., 1st sess., May 26, 2011, H.Rept. 112-91 (Washington: GPO, 2011), p. 86.

⁶² Ibid.

Source: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not add due to rounding.

Issue for Congress

One issue of potential interest to Congress concerning the FY2012 appropriations for the USSS is the balancing of the investigative and protective missions of the Service.

Protection Mission Funding and Activities

USSS's protection mission, as opposed to its investigative mission, employs the majority of the Service's agents and receives a larger share of the agency's resources. Additionally, the majority of congressional action concerning USSS has been related to its protection mission.⁶³ While Congress has maintained the Service's role in investigating financial crimes, such as combating counterfeiting, congressional action primarily addressed, and continues to address, the Service's protection mission. One could argue that potential terrorist attacks and potential threats to the President have resulted in an increase in the need for the Service's protection activities. Advocates for expansion of the investigation mission, however, may contend that protection is enhanced through better threat investigation efforts.

Title III: Protection, Preparedness, Response, and Recovery

Title III includes appropriations for the Federal Emergency Management Agency (FEMA), the National Protection and Programs Directorate (NPPD), and the Office of Health Affairs (OHA). Congress expanded FEMA's authorities and responsibilities in the Post-Katrina Emergency Reform Act (P.L. 109-295) and explicitly kept certain DHS functions out of the "new FEMA."⁶⁴ In response to these statutory exclusions, DHS officials created the NPPD to house functions not transferred to FEMA, and the OHA was established for the Office of the Chief Medical Officer. **Table 13** provides account-level appropriations detail for Title III.

⁶³ U.S. Congress, House Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence, *The United States Secret Service: Examining Protective and Investigative Missions and Challenges in 2012*, 112th Cong., 1st sess., August 4, 2011.

⁶⁴ P.L. 109-295, 120 Stat. 1400.

Table 13. Title III: Protection, Preparedness, Response, and Recovery

(budget authority in millions of dollars)

Operational Component	FY2010 Total (Revised + Supplementals)	FY2011 Appropriation				FY2012 Appropriation			
		FY2011 Enacted	FY2011 Supp.	FY2011 Resc.	FY2011 Total	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
National Protection and Programs Directorate									
Management and Administration	41	43			43	55	43		
Infrastructure Protection and Information Security	899	839			839	936	891		
US-VISIT	374	333			333	277 ^a	297		
Federal Protective Service (FPS)	1,115	1,115			1,115	1,262	1,262		
Gross Total	2,429	2,331			2,331	2,555	2,493		
Net total (gross less fees, trust funds and mandatory)	1,314	1,216			1,216	1,268	1,231		
Office of Health Affairs									
Net Total	137	139			139	161	166		
Federal Emergency Management Agency									
Management and Administration	804	786			786	815	707		
Grants and Training	4,165 ^b	3,380			3,380	3,845	2,020		
U.S. Fire Administration	46	45			45	43	43		
Disaster relief ^c	6,695 ^d	2,645			2,645	1,800	2,650 ^e		
Flood map modernization fund	220	182			182	103	103		
National flood insurance fund (NFIF) ^f	[146]	[169]			[169]				
National flood mitigation ^g	[3,085]								
Pre-disaster mitigation fund	100	50			50	85	40		

Operational Component	FY2010 Total (Revised + Supplementals)	FY2011 Appropriation				FY2012 Appropriation			
		FY2011 Enacted	FY2011 Supp.	FY2011 Resc.	FY2011 Total	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Emergency food and shelter	200	120			120	100	120		
Disaster assistance direct loan account	0	0			0	0	0		
Radiological Emergency Preparedness ^h	0	0			0	0	0		
Total (does not include trust funds)	12,230^d	7,209			7,209	6,789	5,682		
Net budget authority: Title III	13,681	8,564			8,564	8,219	7,079		

Source: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding. The FY2010 supplemental appropriations column and the FY2010 rescission column are placeholders. Supplemental appropriations and rescissions have occurred on numerous occasions for past DHS appropriations.

- a. Net amount—includes a \$26 million rescission.
- b. Includes State and Local Grants, Emergency Performance Management Grants (EMPG), and Assistance to Firefighters grants.
- c. This amount does not reflect transfers from the DRF made by Congress to support FEMA management and OIG activities.
- d. Includes \$5,100 million in supplemental disaster funding.
- e. \$1 billion in emergency funding was added to this account by an amendment in full committee markup. However, as it is carried in a separate title, it is not included in this entry or this table.
- f. NFIF funding is derived from premium payments or transfers from the U.S. Treasury, not appropriations. This account is offset.
- g. Funds for the National Flood Insurance Fund (NFIF) are derived from transfers, not appropriations. This account is mandatory spending.
- h. Radiological Emergency Preparedness funds are provided through reimbursements and are not actually appropriated funds.

Federal Emergency Management Agency⁶⁵

The Federal Emergency Management Agency (FEMA) is responsible for leading and supporting the nation's preparedness through a risk-based and comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation. This comprehensive emergency management system is intended to reduce the loss of life and property, and protect the nation from all hazards. These hazards include natural and accidental man-made disasters, and acts of terrorism.⁶⁶

FEMA executes its mission through a number of activities such as providing assistance through its administration of the Disaster Relief Fund (DRF) and the Pre-Disaster Mitigation Fund. Additionally, FEMA provides assistance to state, local, and tribal governments, and non-governmental entities through its management and administration of programs such as State and Local Programs, the Emergency Food and Shelter program, and the Radiological Emergency Preparedness program. **Table 13** provides information on the FY2010 and FY2011 appropriations and the FY2012 budget request for all of FEMA's activities.

House-Passed H.R. 2017

The House committee recommended \$983 million for FEMA's Management and Administration account, an increase of 21% (\$168 million) compared to the Administration's request of \$815 million. The House committee recommended \$2,650 million for the DRF, a 47% (\$850 million) increase compared to the Administration's request of \$1,800 million. However, the House committee recommended two transfers from the DRF to other accounts including \$16 million for the Office of Inspector General, and \$105 million to Management and Administration. The House committee proposed \$1,000 million for State and Local Programs, a reduction of \$2,845 million compared to the FY2012 requested funding level of \$3,845 million, and a \$2,380 million reduction compared to the FY2011 appropriations of \$3,380 million. The House Appropriations Committee recommended \$120 million for the Emergency Food and Shelter (EFS) program which exceeds the Administration's request by \$20 million, but matches the amount awarded for the program in FY2011 under P.L. 112-10.

In full committee markup, Title VI was added to the bill, providing an additional \$1,000 million in emergency funding for the DRF, offset by a rescission of \$1,500 from the Department of Energy. This brings the net total contribution by the House bill to the DRF to \$3,528 million, a 96% increase above the President's request and 40% above the net level set through P.L. 112-10, the FY2011 concurrent resolution.

H.Amdt. 349, adopted by a vote of 333-78, provided \$135 million for assistance to firefighter grants and \$185 million for SAFER grants, offset by cuts to the DHS management accounts. Furthermore, H.Amdt. 383, which was adopted by a vote of 264-157, broadened the eligibility

⁶⁵ This section was prepared by Bruce R. Lindsay, Analyst in Emergency Management Policy, Natalie Keegan, Analyst in American Federalism and Emergency Management Policy, Francis McCarthy, Analyst in Emergency Management Policy, Government and Finance Division, and Lennard G. Kruger, Specialist in Science and Technology Policy, Research, Science, and Industry Division.

⁶⁶ U.S. Department of Homeland Security, Federal Emergency Management Agency, *About FEMA: FEMA Mission*, Washington, DC, November 2008, at <http://www.fema.gov/about/index.shtm>.

for these program by eliminating a requirement that SAFER grants not be used to hire new personnel, and waives budgetary requirements imposed on fire departments seeking grants.

H.Amdt. 370, adopted by a vote of 273-150, struck a provision limiting the eligibility for Urban Area Security Initiative (UASI) grants to the 10 highest-risk urban areas.

President's FY2012 Request

For FY2012, the Administration proposed an appropriation of \$6,789 million for FEMA, which was a decrease of \$504 million compared to the FY2011 request and \$403 million less than what was provided through the FY2011 continuing resolution. The Administration requested \$815 million for FEMA's Management and Administration activities, which was \$77 million less than provide through appropriations and transfers in the FY2011 continuing resolution. The DRF was proposed an appropriation of \$1,800 million, which was a decrease of more than \$800 million compared to the FY2011 gross appropriated amount of \$2,645 million.

The Administration proposed \$3,845 million for State and Local Programs, which was a \$464 million increase from the FY2011 amount; \$103 million for the Flood Map Modernization Fund, which was a \$79 million reduction from the FY2011 appropriation; and \$100 million for Emergency Food and Shelter, which was a \$20 million reduction from the FY2011 enacted amount.

Issues for Congress

As noted above, there are several significant issues associated with the Administration's budget request. They include Disaster Relief Fund (DRF) appropriations, preparedness measures, consolidation of selected state and local programs, reduction in funding for the Assistance to Firefighters Program, and reductions in funding for the Emergency Food and Shelter Program and for Flood Map Modernization appropriations.

Disaster Relief Fund

The DRF is the main account used to fund a wide variety of programs, grants, and other forms of emergency and disaster assistance to states, local governments, certain nonprofit entities, and family and individuals affected by disasters.⁶⁷ The DRF is funded yearly through regular appropriations; however, the account often needs supplemental funds for continued disaster assistance. This is due in part to ongoing recovery efforts from the Gulf Coast hurricanes of 2005. Since August 2005, nine emergency supplemental appropriations have been enacted to provide disaster relief. The most recent supplemental appropriation (P.L. 111-212) in FY2010 provided an additional \$5,100 million of budget authority for the DRF.

⁶⁷ In most cases, funding from the DRF is released after the President has issued a declaration pursuant to the Robert T. Stafford Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). For further analysis on the DRF, see CRS Report R40708, *Disaster Relief Funding and Emergency Supplemental Appropriations*, by Bruce R. Lindsay and Justin Murray. For further analysis on declaration process, see CRS Report RL34146, *FEMA's Disaster Declaration Process: A Primer*, by Francis X. McCarthy.

In addition, the average monthly expenditures for the DRF are \$383 million (\$4,600 million annually). Yet the Administration requested \$1,800 million for the DRF and the House committee recommended \$2,650 million (with two transfers totaling \$121 million). Some may argue that both the Administration and House proposals are insufficient to cover average expenditures for disaster relief. Furthermore, the 2011 spring floods, tornadoes and Hurricane Irene suggests the need for emergency supplemental appropriations to provide federal disaster relief will continue.

Suggestions for reducing federal costs on disaster relief have included (1) strengthening declaration criteria to prevent “marginal” emergencies and disasters from receiving federal funds, (2) adjusting the cost-share so that states pay a greater percentage for recovery, and (3) using offsets from other federal programs to reduce deficit spending.

Measuring Preparedness

In response to the terrorist attacks of September 11, 2001, President Bush signed Homeland Security Presidential Directive-8 (HSPD-8) in 2003 to create a national preparedness goal that included actions to improve the nation’s preparedness capabilities. Since the terrorist attacks, nearly \$3,800 million has been appropriated to improve the nation’s ability to prevent and prepare for natural and man-made disasters through preparedness grants. Anecdotal evidence suggests these grants have improved the nation’s preparedness capabilities, however, the federal government lacks a standardized system to measure preparedness capabilities and identify areas of weakness to direct funding. In March President Obama signed Presidential Policy Directive-8 (PPD-8) to replace HSPD-8. PPD-8 also directs the Secretary of DHS to establish a national preparedness goal that includes actions to improve the nation’s preparedness capabilities, as well as develop a national preparedness system to measure preparedness capabilities among other preparedness related activities. Some are skeptical, however, that the objectives of PPD-8 will not be realized. On the one hand, should DHS fail to create a system for measuring and assessing preparedness capabilities, Congress may elect to limit or withhold preparedness grants. On the other hand, such action may put the nation at risk by eliminating funding that is needed to keep the nation prepared for natural and man-made disasters.

State and Local Programs

FEMA’s State and Local Programs assist state, local, and tribal governments—primarily first responder entities—to meet homeland security needs and enhance capabilities to prepare for, respond to, and recover from both man-made and natural disasters.

Table 14 provides information on the FY2010 and FY2011 appropriations and the Administration’s FY2012 budget request for all State and Local Programs.

Table 14. Budget Authority for State and Local Programs
(budget authority in millions of dollars)

Programs	FY2010 Revised	FY2011 Enacted	FY2012 Request	FY2012 House-passed	FY2012 Senate	FY2012 Enacted
State and Local Programs						
State and Local Programs	—	—	—	807f		

Programs	FY2010 Revised	FY2011 Enacted	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
State Homeland Security Grant Program	950	724	1,063	—		
<i>Operation Stonegarden^a</i>	60	55	50	55		
<i>Citizen Corps Program^b</i>	13	10	13	—		
<i>Metropolitan Medical Response System^b</i>	41	35	0	—		
<i>Driver's License Security Grants Program (REAL ID)^b</i>	50	45	0	—		
Urban Area Security Initiative	887	724	920	—		
Public Transportation Security Assistance and Railroad Security Assistance	300	250 ^c	300	—		
<i>Over-The-Road Bus Security Assistance</i>	12	5 ^c	0	—		
<i>AMTRAK</i>	—	20	—	—		
Port Security Grants	300	250	300	—		
Buffer Zone Protection Program Grants	50	0	50	—		
National Level Programs						
Training, Exercises, and Technical Assistance ^c	267	250	192	193		
<i>National Domestic Preparedness Consortium</i>	103	93	45	45		
<i>Center for Domestic Preparedness</i>	63	62	63	63		
<i>Center for Counterterrorism and Cyber Crime</i>	2	0	0	0		
<i>Rural Domestic Preparedness Consortium</i>	3	0	0	0		
<i>National Exercise Program</i>	40	40	40	40		
<i>Continuing and Emerging Training Grants</i>	29	29	21	26		
<i>Technical Assistance Program</i>	13	11	10	10		

Programs	FY2010 Revised	FY2011 Enacted	FY2012 Request	FY2012 House-passed	FY2012 Senate	FY2012 Enacted
<i>Evaluation and National Assessment Program</i>	16	14	14	10		
Subtotal, State and Local Programs	2,870	3,380	2,825	1,000		
Regional Catastrophic Security Grants	35	15	0	0		
Interoperable Emergency Communications Grant Program	50	0	0	0		
Emergency Operations Centers	60	15	0	0		
Firefighter Assistance Grants ^e	810	808	670	670		
<i>Fire Grants</i>	390	404	265	335		
<i>SAFER Act grants</i>	420	404	405	335		
Emergency Management Performance Grants	340	340	350	350		
Total, Grants and Training	4,165	3,380	3,845	2,020		

Source: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding.

- a. The Administration requests Stonegarden funds as a separate item from SHSGP. The House treats it as a carveout under SHSGP. The chart reflects the House perspective.
- b. These grants were funded under SHSGP beginning with P.L. 112-10, the final FY2011 concurrent resolution.
- c. The FY2011 enacted amount for the Over-the-Road Bus Security Assistance was included in the funding level for the Public Transportation Security Assistance and Railroad Security Assistance. The FY2010 enacted amount was not included in that overall funding level.
- d. Referred to the H.Rept. 112-91 as National Programs.
- e. Although the Administration has requested this as a part of its State and Regional Preparedness Program request, it is funded as a separate amount in the House-passed bill.
- f. The FY2012 House-reported bill provided \$807 million for most of the State and Local Programs account (national-level programs excepted) without making specific allocations among the programs in the FY2012 request, except for \$55 million to be provided from the state and local appropriations for Operation Stonegarden.

For FY2012, the Administration proposed a total appropriation of \$3,845 million for State and Local Programs, which was \$465 million more than Congress appropriated in FY2011 and \$320 million less than FY2010 appropriations. The largest increase in the proposed FY2012 funding levels over FY2011 appropriations is for the State Homeland Security Grant Program (increased by \$275 million), and the Urban Area Security Initiative (increased by \$195 million). The largest reduction in the proposed FY2012 funding levels over FY2011 appropriations is a decrease in funding for the Firefighters Assistance Grants (decreased by \$140 million) and the Training,

Exercises, and Technical Assistance programs (decreased by \$58 million). The proposed FY2012 funding levels also included elimination of funding for selected programs, such as the Metropolitan Medical Response System, REAL ID, Regional Catastrophic Security Grants, Over-The-Road Bus Security Assistance, Interoperable Emergency Communications Grant Program, and Emergency Operations Centers grant. The elimination of these programs could potentially lead to two scenarios:

- Grantees would attempt to continue funding all of their homeland security projects, including those that are eliminated but eligible under other programs, which might result in reduced funding for all homeland security projects;
- Grantees would not fund all of their needed homeland security projects.

The House mark for FY2012 seeks to reform the State and Local Programs by reducing appropriations, reorganizing the State and Local Programs by providing the DHS Secretary with discretion to prioritize the greatest needs and highest risks and making allocation decisions for the programs, mandating that the FEMA Administrator submit a plan to drawdown all unexpended balances by the end of the 2012 fiscal year, and withholding 50% of the funding for the Office of the Secretary and Executive Management until the submission of the National Preparedness Goal and National Preparedness System. The House concurred with this recommendation.

Emergency Food and Shelter Program (EFS)⁶⁸

The EFS Program is authorized by Title III of the McKinney-Vento Homeless Assistance Act. The program enables thousands of social service providers across the nation to provide emergency help (preventing evictions, utility cut-offs, supplementing shelters, soup kitchens, food banks, etc.) to families and individuals in need. FEMA chairs a national board consisting of representatives from the Salvation Army, Catholic Charities USA, the United Way, the American Red Cross, the Jewish Federations of North America, and the National Council of Churches. The unique part of the program is that after allocations are made at the national level, decisions on funding to specific provider organizations are made at the local level by an EFS Local Board similar in composition to the EFS National Board. The total administrative budget for the program is 3.5%, so almost all funds go to direct services.

The Administration's FY2012 budget suggests cutting the EFS program by \$20 million, from its current \$120 million to \$100 million. The Administration's justification notes that the reduction in EFS funding will permit a "refocus of agency-wide resources on FEMA's primary mission" of disaster response and recovery efforts.

While the EFS program is not a disaster program within FEMA's "primary mission", it has been hosted at FEMA for more than 25 years and has a significant role in communities during times of high unemployment. Also the program's national board is composed of agencies that are frequently FEMA's partner in disaster response and recovery work. The program has frequently been augmented during economic downturns, but the FY2012 budget request of \$100 million, represents another reduction to the program. However, until FY2011, reductions had previously been made during steep declines in the national unemployment rate.⁶⁹ The suggested cut-backs

⁶⁸ Prepared by Francis McCarthy, Analyst in Emergency Management Policy, Government and Finance Division.

⁶⁹ For example, EFS program funds were reduced by \$30 million from \$130 million to \$100 million in FY1996.

are significant within the context of current hunger statistics that suggest increased need.⁷⁰ The House mark for FY2012 is \$120 million. That keeps the program at the FY2011 level and is \$20 million above the Administration's request. The House concurred with this recommendation.

Pre-Disaster Mitigation⁷¹

The Pre-Disaster Mitigation (PDM) program provides federal grants to mitigate property damage and loss of life due to disasters. While funding is authorized under Section 203 of the Stafford Act, eligibility for the PDM program does not require a Stafford Act disaster declaration.⁷²

Authorization for the PDM program was scheduled to expire on September 30, 2010. In the 111th Congress, Representative Oberstar and other sponsors introduced the Pre-Disaster Mitigation Act of 2010 which became P.L. 111-351. That act re-authorized the PDM program for an additional three years at \$180 million for FY2011 and \$200 million per year for the remaining two years.⁷³ The FY2011 appropriation, P.L. 112-10, provided \$50 million for the PDM program, matching the lowest level of funding for the program since FY2006.

The FY2012 budget requests \$85 million, which is an increase of \$35 million over the FY2011 enacted amount. However, the House has funded the PDM program at \$40 million, which would be its lowest level since the program was authorized.⁷⁴

Assistance to Firefighters Grant Program (AFG)⁷⁵

The Administration's FY2012 budget proposed \$670 million for firefighter assistance, a 17% cut from the FY2011 level. Specifically, the Administration's FY2012 budget proposed \$250 million for AFG (a 38% decrease from the FY2011 level) and \$420 million for the Staffing for Adequate Fire and Emergency Response Program (SAFER) (a 4% increase).⁷⁶ The FY2012 request for AFG alone would be, if enacted, the lowest amount since FY2001, the initial year of the program. According to the budget proposal, the request would fund 2,200 firefighter positions and approximately 5,000 AFG grants. The FY2012 budget proposal stated that the firefighter assistance grant process "will give priority to applications that enhance capabilities for terrorism response and other major incidents."

⁷⁰ Feeding America, *Hunger and Poverty Statistics*, <http://feedingamerica.org/faces-of-hunger/hunger-101/hunger-and-poverty-statistics.aspx>

⁷¹ Prepared by Natalie Keegan, Analyst in American Federalism and Emergency Management Policy, Government and Finance Division.

⁷² 42 U.S.C. 5133 §203. For additional information on the PDM program, see CRS Report RL34537, *FEMA's Pre-Disaster Mitigation Program: Overview and Issues*, by Francis X. McCarthy and Natalie Keegan.

⁷³ P.L. 111-351, 124 Stat. 3864. This reauthorization also increased the state minimum amount to \$575,000.

⁷⁴ The original pilot program, Project Impact, which was funded through Appropriations Acts, was funded for several years at the \$25 million level, prior to authorization. For more information on PDM funding levels, see CRS Report RL34537, *FEMA's Pre-Disaster Mitigation Program: Overview and Issues*, by Francis X. McCarthy and Natalie Keegan, p. 4.

⁷⁵ Prepared by Lennard G. Kruger, Specialist in Science and Technology Policy, Resources, Science and Industry Division.

⁷⁶ For further information see CRS Report RL32341, *Assistance to Firefighters Program: Distribution of Fire Grant Funding*, by Lennard G. Kruger and CRS Report RL33375, *Staffing for Adequate Fire and Emergency Response: The SAFER Grant Program*, by Lennard G. Kruger.

The House mark proposed \$350 million for firefighter assistance, including \$200 million for AFG and \$150 million for SAFER. These FY2012 levels constitute a 51% cut for AFG and a 63% cut for SAFER compared to the FY2011 appropriation.

During floor action on June 1, 2011, an amendment was offered by Representative LaTourette to increase funding for AFG by \$135 million and SAFER by \$185 million, taking its \$320 million offset from departmental management accounts. The amendment passed by a vote of 333-87, bringing the combined accounts to the requested level of \$670 million, but divided evenly between AFG and SAFER, as opposed to the roughly 37:63 split proposed by the Administration.

Office of Health Affairs⁷⁷

The Office of Health Affairs (OHA) coordinates or consults on DHS programs that have a public health or medical component. These include several of the homeland security grant programs, and medical care provided at ICE detention facilities. OHA also administers several programs, including the BioWatch program, the National Biosurveillance Integration System (NBIS), and the department's occupational health and safety programs.⁷⁸ OHA received \$140 million in FY2011 appropriations.

House-Passed H.R. 2017

The House Appropriations Committee recommended \$166 million for OHA for FY2012, \$26 million (19%) more than for FY2011 and \$5 million (3%) more than the President's request. The committee recommended the amounts requested by the President (below) for the BioWatch program, Planning and Coordination, the National Biosurveillance Integration Center (NBIC), and the Rapidly Deployable Chemical Detection System.⁷⁹ As such, the additional \$5 million above the request would be for Salaries and Expenses. The House made no changes to these recommendations through floor action.

President's FY2012 Request

The President requested \$161 million for OHA for FY2012, \$21 million (15%) more than was provided for FY2011. The requested funding level would support 118 FTEs, 23 more than in FY2011, and be allocated as follows: \$115 million for the BioWatch program; \$30 million for Salaries and Expenses; \$6 million for Planning and Coordination (under which numerous leadership and coordination activities are implemented); \$7 million for NBIC; and \$2 million for the Rapidly Deployable Chemical Detection System.⁸⁰

⁷⁷ Prepared by Sarah A. Lister, Specialist in Public Health and Epidemiology, Domestic Social Policy Division.

⁷⁸ DHS, Office of Health Affairs, http://www.dhs.gov/xabout/structure/editorial_0880.shtm.

⁷⁹ H.R. 112XX, pp. 98-99.

⁸⁰ OHA, *Fiscal Year 2012 Congressional Justification*, Overview, p. OHA-1.

Issues for Congress

BioWatch: Effectiveness and Deployment

The BioWatch program deploys sensors in more than 30 large U.S. cities to detect the possible aerosol release of a bioterrorism pathogen, in order that medications could be distributed before exposed individuals became ill. Operation of the BioWatch program accounts for the lion's share of OHA's budget. The program has sought for several years to deploy more sophisticated sensors (so-called "Generation-3" or "Gen-3" sensors) that could detect airborne pathogens in a few hours, rather than the day or more that is currently required. Some Members of Congress have been and remain concerned about the program's approach to Gen-3 deployment, including whether the approach has been scientifically rigorous and cost-efficient.⁸¹

National Biosurveillance and Integration Center (NBIC): Effectiveness

The National Biosurveillance and Integration Center (NBIC) was established in OHA to collaborate with federal, state, and local partners to collect, analyze, and share human, animal, plant, food, and environmental biosurveillance information from a number of monitoring systems.⁸² NBIC is intended to provide biosurveillance situational awareness for DHS and its partners, but its effectiveness in meeting this aim has been questioned.⁸³ In discussing the FY2012 request for OHA, Assistant Secretary Garza commented that NBIC reporting systems are currently being piloted in four states, and that "there is still much more work to do in order to achieve a true national capability."⁸⁴

National Protection and Programs Directorate⁸⁵

The National Protection and Programs Directorate (NPPD) was formed by the Secretary for Homeland Security in response to the Post-Katrina Emergency Management Reform Act of 2006. The Directorate includes the Office of the Under Secretary and accompanying administrative support functions (budget, communications, etc.), the Office of Risk Management and Analysis, the Office of Infrastructure Protection, the Office of Cybersecurity and Communications, the U.S. Visitor and Immigrant Status Indicator Technology Program (US-VISIT), and the Federal Protective Service. The activities of the Office of the Under Secretary and the other administrative functions and the Office of Risk Management and Analysis (RMA) are supported

⁸¹ Ibid. See also "Office of Health Affairs" in CRS Report R41189, *Homeland Security Department: FY2011 Appropriations*, coordinated by Jennifer E. Lake and William L. Painter; and statement of Subcommittee Chairman Rep. Gus Bilirakis, U.S. Congress, House Committee on Homeland Security, Subcommittee on Emergency Preparedness, Response and Communications, hearing on *Ensuring Effective Preparedness, Response, and Recovery for Events Impacting Health Security*, 112th Cong., 1st sess., March 17, 2011.

⁸² Authority for NBIC was established by Section 1101 of P.L. 110-53, the Implementing Recommendations of the 9/11 Commission Act of 2007, to "detect, as early as possible, a biological event of national concern that presents a risk to the United States...."

⁸³ H.Rept. 112-91, p. 99. See also statement of Rep. Gus Bilirakis, per footnote 81.

⁸⁴ Statement of Alexander G. Garza, Assistant Secretary for Health Affairs and Chief Medical Officer, DHS, U.S. Congress, House Committee on Homeland Security, Subcommittee on Emergency Preparedness, Response and Communications, hearing on *Ensuring Effective Preparedness, Response, and Recovery for Events Impacting Health Security*, 112th Cong., 1st sess., March 17, 2011.

⁸⁵ Prepared by John Moteff, Specialist in Science and Technology Policy, Resources, Science and Industry Division.

by the Management and Administration Program. The activities of the Office of Infrastructure Protection and the Office of Cybersecurity and Communications are supported by the Infrastructure Protection and Information Security Program (IPIS). US-VISIT and the Federal Protective Service each have their own programs.

Management and Administration

The Management and Administration Program supports the basic administrative functions of the directorate through the Directorate Administration Program/Project Activity (PPA). It also supports the activities of the Office of Risk Management and Analysis (through the Risk Management and Analysis PPA). The Office of Risk Management and Analysis is responsible for developing and implementing a common risk management framework and to leverage risk management expertise throughout the department. Among its projects are the development of the Risk Assessment Process for Informed Decision-making (RAPID) and support for the Homeland Security National Risk Assessment (HSNRA). RAPID is being developed to inform the department's budgeting and programming efforts to help it prioritize the allocation of resources. HSNRA is used to support the DHS Quadrennial Homeland Security Review.

House-passed H.R. 2017

The House Appropriations Committee recommended \$43 million for NPPD Management and Administration for FY2012. This included less than what was requested for data center migration in the Directorate Management account. RMA was funded at the requested level.

The committee also noted that the National Academy of Sciences (NAS) in a recent report⁸⁶ cited several shortcomings in the department's risk assessment framework developed by RMA. Among those were the impracticability of aggregating terrorist threats and natural disasters, and that a wider range of social, health, and economic factors should also be considered when calculating risk. The Academy report recommended that the DHS framework integrate a more sophisticated analysis of threat probabilities that take into account an intelligent adversary. The Academy report also recommended that DHS develop a strategic plan to improve risk analysis skills of its employees. The committee required DHS to brief it on its plans to implement the Academy's recommendations within 90 days of enactment of the DHS appropriation bill.

No changes were made to the NPPD provisions through House floor action.

President's FY2012 Request

The President's budget requested \$55 million for the NPPD Management and Administration. It requested \$46 million for Directorate Administration and \$9 million for the Office of Risk Management and Analysis. The request for Directorate Administration included a \$12 million programmatic increase to continue supporting the Directorate's migration of data bases to DHS Data Centers. The request for the RMA maintained current level of service.

⁸⁶ National Academy of Science, *Review the Department of Homeland Security's Approach to Risk Analysis*. 2010.

Table 15. FY2010-FY2012 Budget Activity for NPPD Management and Administration Appropriation

(budget authority in millions of dollars)

Program Project Activity	FY2010 Revised	FY2011 Enacted	FY2012 Request	FY2012 House-passed	FY2012 Senate	FY2012 Enacted
Directorate Administration	31	—	46	34		
Risk Management and Analysis	10	—	10	9		
Total	41	43	55	43		

Sources: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Note: Amounts may not total due to rounding.

Issues for Congress

RMA is responsible for developing RAPID, Risk Assessment Process for Informed Decision-making, to support the department's budget setting process. RAPID is in its third round of development. Congress might decide to continue its oversight of the development and use of this methodology and how it has affected and/or changed the budget making process, especially in light of the recommendations made by the NAS noted above.

The NAS report calls into question the drive over the last few years to address critical infrastructure in an all-hazard manner. The motivation for considering all-hazards approach was to ensure that DHS did not focus too exclusively on the terrorist threat. However, the NAS report suggests that aggregating terrorist threats with natural events to make a single risk determination is not practical. While not necessarily mutually exclusive, Congress might consider how to balance these two policy objectives.

Federal Protective Service⁸⁷

The Federal Protective Service (FPS), within National Protection and Programs Directorate (NPPD),⁸⁸ is responsible for the protection and security of federally owned and leased buildings, property, and personnel.⁸⁹ In general, FPS operations focus on security and law enforcement activities that reduce vulnerability to criminal and terrorist threats.⁹⁰ FPS protection and security operations include all-hazards based risk assessments; emplacement of criminal and terrorist countermeasures, such as vehicle barriers and close-circuit cameras; law enforcement response; assistance to federal agencies through Facility Security Committees; and emergency and safety education programs. FPS also assists other federal agencies, such as the U.S. Secret Service

⁸⁷ Prepared by Lorraine Tong, Analyst in American National Government, and Shawn Reese, Analyst in Emergency Management and Homeland Security Policy, Government and Finance Division.

⁸⁸ FPS was transferred to NPPD from ICE following the enactment of the FY2010 DHS appropriations, P.L. 111-83.

⁸⁹ 40 U.S.C. 1315.

⁹⁰ For more information on FPS, see CRS Report RS22706, *The Federal Protective Service and Contract Security Guards: A Statutory History and Current Status*, by Shawn Reese.

(USSS) at National Special Security Events (NSSE), with additional security.⁹¹ FPS is the lead “Government Facilities Sector Agency” for the National Infrastructure Protection Plan (NIPP).⁹² Currently, FPS employs approximately 1,225 law enforcement officers, investigators, and administrative personnel, and administers the services of approximately 13,000 contract security guards.

House-Passed H.R. 2017

The House committee approved a total of \$1,261 million for FPS for FY2012. This is the same amount as the President’s FY2012 request. The House made no changes through floor action to these provisions

President’s FY2012 Request

The President’s FY2012 request was 1,371 FTEs and \$1,261 million for FPS to be collected in security fees (which is not an appropriation, but an accounting of other agencies’ funding for security fees). Of the total requested, the estimated collection of security fees would be \$247 million for basic security operations,⁹³ \$501 million for building specific security operations,⁹⁴ and \$513 million for Security Work Authorizations.⁹⁵ The request included a proposal to increase the basic security fee by \$0.08 per square foot (from \$0.66 to \$0.74 per square foot) to recover costs associated with the additional 146 FTEs requested for FY2012.⁹⁶

Issues for Congress

Congress continues to be concerned that FPS has the ability and necessary resources to perform its mission. Improving training of contract guards; possible federalizing of contract guards; developing standards for checkpoint detection technologies for explosives and other dangerous items at federal facilities; and coordinating DHS efforts with the Interagency Security Committee for building security standards are among the issues Congress has been examining.⁹⁷ As a result, early in the 112th Congress, legislation was introduced in the House and Senate to improve federal building security and strengthen the ability of FPS to protect the buildings, the federal employees who work in them, and the visiting public. On January 5, 2011, H.R. 176, the Federal Protective Service Improvement and Accountability Act of 2011, was introduced in the House. On April 8, 2011, similar legislation, S. 772, the Supporting Employee Competency and Updating Readiness

⁹¹ For information on NSSEs, see CRS Report RS22754, *National Special Security Events*, by Shawn Reese.

⁹² For Information on the NIPP, see http://www.dhs.gov/xprevprot/programs/editorial_0827.shtm.

⁹³ Basic security operations include law enforcement services on federally controlled property, preliminary investigations of incidents, limited proactive activities to detect and deter attacks on high-risk facilities, and capture and detention of suspects.

⁹⁴ Building specific security operations include security countermeasure requirements specific to a particular building.

⁹⁵ Security Work Authorizations are agreements between FPS and customer agencies to procure security measures beyond those included with basic security operations and building specific security operations.

⁹⁶ U.S. Department of Homeland Security, National Protection & Programs Directorate, *Federal Protective Service: Fiscal Year 2012, Congressional Justification*, Washington, DC, February 2012, pp. FPS-2-5.

⁹⁷ For more information about federal building security and role of FPS, see CRS Report R41138, *Federal Building, Courthouse, and Facility Security*, by Lorraine H. Tong and Shawn Reese.

Enhancements for Facilities Act of 2011 (SECURE Facilities Act) was introduced in the Senate.⁹⁸ On May 18, 2011, the Senate Committee on Homeland Security and Government Affairs reported S. 772 favorably, as amended, by voice vote.

U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT)⁹⁹

US-VISIT leads the collection and storage of biometric identification information on foreign visitors seeking entry into the United States and other immigration benefits. This information is shared with a wide range of federal, state and local government agencies to help them accurately identify people who pose a risk to the United States. US-VISIT stores biometric data—10-print digital fingerprints and a photograph—collected from international travelers at U.S. visa-issuing posts and ports of entry. This information helps immigration officers to apprehend or detain individuals for law enforcement actions as well as to determine whether individuals are eligible to receive a visa, enter the United States, or receive immigration benefits.

Directorship of US-VISIT has changed several times since it was created. Until FY2006, US-VISIT was coordinated out of the Directorate of Border and Transportation Security (BTS). A second stage review by Former DHS Secretary Chertoff eliminated BTS and proposed placing US-VISIT within a new Screening Coordination Office (SCO) that would have included several DHS screening programs¹⁰⁰ and reported directly to the Secretary. However, funding for the SCO was never appropriated, and US-VISIT became a stand-alone office within Title II of the DHS appropriation in FY2006.¹⁰¹ In FY2008, DHS transferred US-VISIT into its new National Protection Programs Directorate (NPPD) “to support coordination for the program’s protection mission and to strengthen DHS management oversight.”¹⁰² Major NPPD divisions include Cyber Security and Communications, Infrastructure Protection, Federal Protective Service, US-VISIT and Risk Management and Analysis.

House-Passed H.R. 2017

The House-passed H.R. 2017 proposes appropriating \$297 million for US-VISIT, \$5 million less than requested and \$37 million less than appropriated in FY2011. Included in the \$297 million amount is \$108 million for Business Support Services; \$128 million for Operations and Maintenance; \$33 million for Identity Management and Screening Services; and \$29 million for

⁹⁸ Both bills are similar to legislation introduced in September 2010 in the 111th Congress: H.R. 6122, Federal Protective Service Improvement and Accountability Act of 2010 and S. 3806, the SECURE Facilities Act. A third bill, H.R. 5053, the Federal Protective Service Reform and Enhancement Act of 2010, was also introduced. No further action was taken on the three bills before the 111th Congress adjourned. For details about H.R. 176 and S. 772, see CRS Report R41138, *Federal Building, Courthouse, and Facility Security*, by Lorraine H. Tong and Shawn Reese.

⁹⁹ Prepared by Marc R. Rosenblum, Specialist in Immigration Policy, Domestic Social Policy Division.

¹⁰⁰ Programs proposed for transfer to the Screening Coordination Office included the U.S. Visitor and Immigrant Status Indicator Project (US-VISIT); Free and Secure Trade (FAST) and NEXUS/SENTRI, from CBP; and Secure Flight, Transportation Worker Identification Credential (TWIC), Registered Traveler, Hazardous Materials (HAZMAT) background checks, and the Alien Flight School background checks program from TSA.

¹⁰¹ H.Rept. 109-241.

¹⁰² U.S. Department of Homeland Security, letter from Secretary Michael Chertoff to the Honorable Joseph I. Lieberman, Chairman, Committee on Homeland Security and Government Affairs, U.S. Senate, Washington, DC, January 18, 2007, p. 8.

Unique Identity/Interoperability. The House committee did not support funding the Acquisition Workforce Initiative or “US-VISIT 1.0.” The committee concurred with the Administration’s decision to reallocate \$25 million, originally designated for a biometric exit solution that would capture information on persons leaving the United States, to the elimination of a backlog of “unvetted” overstay records; but the committee urged the department to develop a plan to collect biometric exit data, and restricted funds within the Office of the Secretary and Executive Management until the department makes a decision on how to implement biometric collection at air exits and briefs the committee on its decision.¹⁰³

No changes were made to the US-VISIT provisions through House floor action.

President’s FY2012 Request

The Administration requested \$302 million for US-VISIT in FY2012, a decrease of \$33 million from the FY2011 appropriated level of \$335 million. The Administration’s request only counts as \$277 million in budget authority as it is partially offset by proposed to re-allocate about \$26 million in unobligated balances from the exit component of US-VISIT to eliminate the backlog in visa overstay data analysis. Other program changes related to US-VISIT include identity management and screening, data center mirror and migration, unique identity, and US-VISIT 1.0. Cuts were assumed to derive from general administrative savings and technical adjustments.¹⁰⁴

Issues for Congress

The most prominent issue facing Congress for the US-VISIT system is the lack of a biometric exit component.

Biometric Exit Component

Deployment of a biometric exit system has been of concern to Congress for several years, and US-VISIT has been heavily criticized for not implementing an exit system at ports of entry. Without verifying the identity of travelers who leave the United States, DHS has no reliable way of identifying individuals who overstay their visas and remain in the country illegally. Currently, DHS uses biographical information from confirmed arrivals of Traveler Enforcement Compliance System (TECS) officers, I-94 forms, and other traveler information to conduct matching of entry data to exit data—a method with inherent inaccuracies. Two pilot projects on biometric exit systems in 2009 yielded no transition plan to deploy either system.¹⁰⁵ The FY2012 budget requests no funding for the implementation of a biometric exit capability. The lack of such a funding request could indicate that a comprehensive biometric exit solution at ports of entry is unlikely to begin deployment in FY2012. Alternatives to the exit system strategy may be an issue for Congress given its intense interest in the past.

¹⁰³ U.S. Congress, House Committee on Appropriations, Subcommittee on Homeland Security, *Report 112-91*, p. 96.

¹⁰⁴ US-VISIT 1.0 addresses IDENT systems scalability issues and other re-architecting issues to the current system to improve efficiency and performance.

¹⁰⁵ U.S. Government Accountability Office, *Homeland Security: Key US-VISIT Components at Varying Stages of Completion, but Integrated and Reliable Schedule Needed*, GAO-10-13, November 19, 2009.

Infrastructure Protection and Information Security¹⁰⁶

The Infrastructure Protection and Information Security Program (IPIS) supports the activities of the Office of Infrastructure Protection (OIP) and the Office of Cybersecurity and Communications. The latter includes the National Cyber Security Division (NCS), the National Communication System (NCS), and the Office of Emergency Communications (OEC). OIP coordinates the national effort to reduce the risks associated with the loss or damage to the nation's critical infrastructure due to terrorist attack or natural events. This effort is a cooperative one between the federal government, state, local and tribal governments, and the private sector, to identify critical elements of the nation's infrastructure, their vulnerabilities, the potential consequences of their loss or damage, and ways to mitigate those losses. The NCS performs a similar function, but specifically focuses on the nation's information networks. The NCS also performs a similar function, but specifically focuses on the nation's communication systems, in particular the communications systems and programs that ensure the President can communicate with selected federal agencies, state, local, and tribal governments, and certain private sector entities during times of national emergencies. The OEC is responsible for promoting the ability of state, local and federal emergency response providers to communicate with each other during an emergency through the development and distribution of interoperable communication equipment.

House-Passed H.R. 2017

The House Appropriations Committee recommended \$891 million for the IPIS program. This is \$45 million below the President's request. The committee provided \$20 million less for the IP PA, and \$25 million less for the National Cyber Security Division. The reductions mostly reflected the committee's concern about the slow rate of obligating funds in these programs. The largest reduction was made to the Compliance and Assurance effort (a reduction of \$12 million). This is the program to enforce compliance by federal agencies of Federal Information Security and Management Act (FISMA) requirements. The committee also reduced the request for Infrastructure Security Compliance by approximately \$8 million, perhaps reflecting the committee's concern that DHS has not yet finalized the regulations governing the sale and transfer of ammonium nitrate.

In three other actions, the committee denied the department's request to transfer the National Computer Forensic Institute to the Federal Law Enforcement Training Center. The committee also required a multi-year investment and management plan covering the proposed acquisition, deployment and operation, and sustainment plans for the EINSTEIN program. The committee also did not support funding for the Acquisition Workforce Initiative.

The committee provided the requested amounts for the National Communication Systems and the Office of Emergency Communications.

No changes were made to these provisions through House floor action.

¹⁰⁶ Prepared by John Moteff, Specialist in Science and Technology Policy, Resources, Science and Industry Division.

President's FY2012 Request

The President's budget request for IPIS for FY2012 was \$936 million. This represents a \$37 million increase above the FY2010 budget and a \$98 million increase above that provided by the continuing resolution for FY2011 (P.L. 112-10).

The FY2012 budget reduced funding for all Infrastructure Protection (IP) PPAs from the FY2010 level. While adjustments to the base accounted for much of this reduction, the FY2012 budget did include a \$6 million increase for increased facility costs, \$2 million increase to place Protective Security Advisors (PSAs) in state and local fusion centers, and \$3 million to add positions that will support the Interagency Security Committee. The first increase was offset by equal reductions in salaries and benefits, based on historical rates of filling IP positions. The increase in PSAs was offset by an equal reduction in program funds for Infrastructure Sector Analysis studies.

U.S. CERT PPA within the National Cyber Security Division received nearly all of the programmatic increases within the IPIS program. This included an increase of \$57 million to support the increased analysis needs of the current EINSTEIN program and to support continued expansion of that program. It also included an increase of \$22 million to support DHS's expanded role in monitoring and enforcing the compliance by federal agencies with Federal Information Security and Management Act (FISMA) requirements. It also included \$9 million in new funding to support DHS's role in executing the National Initiative in Cybersecurity Education.

The funding request for the National Communication System and the Office of Emergency Communications essentially maintained current operations.

The President's budget request also proposed restructuring of much of the IPIS program. This included the renaming of a number of PPAs with some restructuring of specific projects within the renamed PPAs. It also included some reallocation of positions within the newly named PPAs. Most notably, it included a consolidation of the cybersecurity-related PPAs into a single PPA called Cybersecurity.

Table 16. Budget Authority for Infrastructure Protection and Information Security
(budget authority in millions of dollars)

Program	FY2010 Revised	FY2011 Enacted	FY2012 Request	FY2012 House-passed	FY2012 Senate	FY2012 Enacted
Infrastructure Protection	348	323	322	302		
<i>Identification and Analysis</i>	91	83	84	—		
<i>Coordination and Information Sharing</i>	60	53	48	—		
<i>Mitigation Programs</i>	197	188	190	—		
National Cyber Security Division	397	363	464	439		
<i>US-CERT</i>	324	299	391	—		
<i>Strategic Initiatives</i>	64	57	65	—		

Program	FY2010 Revised	FY2011 Enacted	FY2012 Request	FY2012 House-passed	FY2012 Senate	FY2012 Enacted
<i>Outreach and Programs</i>	9	7	7	—		
National Security / Emergency Preparedness Telecommunications	110	109	107	107		
<i>Priority Telecom Service</i>	57	56	57	—		
<i>Programs to Study and Enhance Telecom</i>	17	17	13	—		
<i>Critical Infrastructure Protection</i>	11	15	11	—		
<i>Next Generation Networks</i>	25	21	25	—		
Office of Emergency Communications	45	44	43	43		
Total	899	839	936	891		

Source: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding. Table does not include the proposed restructuring of the PPAs within the four major accounts, but will once the Senate acts on the proposal.

Issues for Congress

Bills have been introduced in Congress (e.g., H.R. 174, S. 413) and proposals made by the White House that would expand the role DHS plays in protecting the information networks within the federal government and the privately owned or operated critical infrastructure, in supporting the development of skilled cyber security professionals, and other cyber security areas. Support for these expanded responsibilities would fall within the IPIS budget. Congress will have to balance these additional responsibilities with its efforts to restrain federal spending.

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

Title IV includes appropriations for U.S. Citizenship and Immigration Services (USCIS), the Federal Law Enforcement Training Center (FLETC), the Science and Technology Directorate (S&T), and the Domestic Nuclear Detection Office (DNDO). **Table 17** provides account-level details of Title IV appropriations.

Table 17. Title IV: Research and Development, Training, Assessments, and Services

(budget authority in millions of dollars)

Operational Component	FY2010 Total (Revised + Supplementals)	FY2011 Appropriation				FY2012 Appropriation			
		FY2011 Enacted	FY2011 Supp.	FY2011 Resc.	FY2011 Total	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Citizenship and Immigration Services									
Gross budget authority	2,882	2,649			2,650	2,907	2,877		
Offsetting Fees	-2,636	-2,503			-2,503	-2,538	-2,744		
Net subtotal (gross less fees, trust funds and mandatory)	246	146			146	369	132		
Federal Law Enforcement Training Center									
	291	271			271	276	274		
Science and Technology									
Management and Administration	143	141			141	149	141		
Research, Development, Acquisition, and Operations	863	687			687	1,027	398		
Net Subtotal	1,006	828			828	1,176	539		
Domestic Nuclear Detection Office									
Management and Administration	39	37			37	41	40		
Research, Development, and Operations	325	275			275	206	245		
Systems Acquisition	20	30			30	84	52		
Net Subtotal	383	342			342	332	337		
Gross budget authority: Title IV	4,562	4,092			4,092	4,691	4,026		
Net budget authority: Title IV	1,926	1,589			1,589	2,154	1,283		

Source: CRS Analysis of the *DHS Expenditure Plan for FY 2011*, *FY2012 DHS Congressional Budget Justifications*, the *FY2012 DHS Budget in Brief*, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding. The FY2011 supplemental appropriations column and the FY2011 rescission column are placeholders. Thus, while no such funding has yet been put forth for FY2011, these columns are included in anticipation that such actions may occur as the bill moves forward. Supplemental appropriations and rescissions have occurred on numerous occasions for past DHS appropriations.

U.S. Citizenship and Immigration Services¹⁰⁷

Three major activities dominate the work of the U.S. Citizenship and Immigration Services (USCIS): (1) adjudication of immigration petitions (including nonimmigrant change of status petitions, relative petitions, employment-based 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 funds generated by the Examinations Fee Account.¹⁰⁸ As part of the former Immigration and Naturalization Service (INS), USCIS was directed to transform its revenue structure with the creation of the Examinations Fee Account.¹⁰⁹ Although the agency has received annual direct appropriations in the last decade, they have been largely directed towards specific projects such as backlog reduction initiatives. The agency receives most of its revenue from adjudication fees of immigration benefit applications and petitions.

House-Passed H.R. 2017

The House-reported H.R. 2017 proposes appropriating \$132 million for USCIS, \$237 million less than the Administration requested and \$14 million less than provided in FY2011. This amount is divided between \$102 million provided for E-Verify and \$30 million provided for the Systematic Alien Verification for Entitlements (SAVE) program. The total decline of \$237 million from the requested amount stems from the committee's belief that the cost of processing asylum claims and refugee applications should be paid for through fee revenue rather than appropriations. No funding is provided for military naturalizations which the committee believes should be funded by the Department of Defense. From its fee revenue, the committee directs USCIS to spend at least \$29 million toward digital conversion of immigration records. It also stipulates that any grants for immigrant integration be paid from USCIS fee revenue and not from appropriations.

No changes were made to these funding levels through House floor action.

President's FY2012 Request

Table 18, which presents the FY2010 appropriations and FY2012 request, shows the requested USCIS gross budget authority for FY2012 at approximately \$2,907 million. This figure includes \$369 million from Congressional appropriations and \$2,537 million from fee collections. The requested direct appropriation of \$369 million includes \$102 million for the E-Verify program,

¹⁰⁷ This section was prepared by William Kandel, Analyst in Immigration Policy, Domestic Social Policy Division.

¹⁰⁸ §286 of the Immigration and Nationality Act, 8 U.S.C. §1356.

¹⁰⁹ There are two other fee accounts at USCIS, 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. In FY2007, the USCIS shares of revenues in these accounts were approximately \$13 million each, and the funds combined for a little less than 2% of the USCIS budget (U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, *Fiscal Year 2009 Congressional Budget Justifications*).

\$13 million for data center development, and \$20 million for the Immigrant Integration Initiative. Moreover, the agency requested \$30 million for the Systematic Alien Verification Entitlements (SAVE) Program to assist state, local, and federal agencies to determine individuals' eligibility for public benefits based on their immigration status. USCIS also proposed to fund asylum and refugee applications and military naturalizations—all which have no fees attached—with a direct appropriation of \$203 million.

The remaining \$2,537 million in gross budget authority requested was expected to be funded by fee collections. Of this FY2012 amount, \$2,103 million would fund the USCIS adjudication services, \$86 million for information and customer services, and \$348 million for administration.

Table 18. USCIS Budget Account Detail

(budget authority in millions of dollars)

Program / Project / Activity	FY2010 Total	FY2011 Enacted	FY2012 Request	FY2012 House-passed	FY2012 Senate	FY2012 Enacted
Appropriations	235	146	369	132		
REAL ID Act Implementation	10	0	0	0		
E-Verify	137	103	102	102		
Data Center Development	11	2	13	0		
Immigrant Integration Initiative	22	11	20	0		
Asylum, Refugees, & Military Naturalizations Processing	55	30	203	0		
SAVE	0	0	30	30		
Acquisition Workforce	0	0	1	0		
Fee Collections (Mandatory)	2,636	2,806	2,537	2,744		
Immigration Examination Fee Account	2,513	2,754	2,486	2,693		
H-1B Visa	13	13	13	13		
H-1B/L Fraud	110	39	38	38		
Total USCIS Funding	2,871	2,951	2,907	2,876		

Source: CRS Analysis of the DHS Expenditure Plan for FY 2011, FY2012 DHS Congressional Budget Justifications, the FY2012 DHS Budget in Brief, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding.

Issues for Congress

For the FY2012 budget cycle, potential issues for Congress continue to include declines in immigrant and nonimmigrant applications, the use of fee-generated funding, and the USCIS request for appropriations to process refugee, asylee, and military naturalization applications.

Application Declines and Fee-Generated Funding

Because USCIS supports itself primarily through fee revenue, it must accurately project the number of anticipated applications to avoid building backlogs or over-budgeting projects. USCIS was criticized for its alleged unpreparedness in the face of surging applications prior to the 2007 fee increases.¹¹⁰ More recently, the global economic downturn raised concerns about declining application volume and agency revenue. Such declines would affect future projects and require additional Congressional appropriations. In response, USCIS has moved to more accurately project its application volume to better inform the budgeting process.¹¹¹

Appropriations for Waiver Applications

In its FY2012 presidential budget request, USCIS seeks direct appropriations of \$203 million to fund applications for refugees, asylum-seekers, and military naturalizations. Historically, USCIS has funded these no-fee applications through its general application fee revenue. Congress has considered providing USCIS with direct appropriations for such application processing and the fees. With P.L. 112-10, Congress allocated \$25 million for processing applications for refugees, asylum-seekers, and military naturalizations, a fraction of the president's original \$207 million request for FY2011. Likewise, the FY2012 presidential budget request also includes a \$30 million appropriation for the SAVE Program, currently funded through "surcharges" on immigration application fees. The House committee proposes that costs for processing applications for refugees and asylum seekers be paid through USCIS fee revenue, and that military naturalizations be paid for by the Department of Defense. The House did not speak to this proposal on the floor.

Federal Law Enforcement Training Center¹¹²

The Federal Law Enforcement Training Center (FLETC) provides law enforcement instruction, such as firearms training, high-speed vehicle pursuit, and defendant interview techniques, for 85 federal entities with law enforcement responsibilities. FLETC also provides training to state and local law enforcement entities and international law enforcement agencies. Training policies, programs, and standards developed by an interagency board of directors focus on providing training that develop the skills and knowledge needed to perform law enforcement activities. FLETC administers four training sites throughout the United States and employs approximately 1,000 personnel.

¹¹⁰ For more information, see CRS Report RL34040, *U.S. Citizenship and Immigration Services' Immigration Fees and Adjudication Costs: Proposed Adjustments and Historical Context*, by William A. Kandel.

¹¹¹ Information is based upon CRS discussions with the USCIS Chief Financial Officer in 2009.

¹¹² Prepared by Jennifer E. Lake, Section Research Manager, Government and Finance Division.

House-Passed H.R. 2017

House-introduced H.R. 2017 includes \$274 million for FLETC. This represents an increase of nearly \$4 million over the final FY2011 enacted amount, and a decrease of \$2 million (almost 1%) as compared with the FY2012 request. No changes were made to these provisions through House floor action.

President's FY2012 Request

The Administration requested \$276 million for FLETC for FY2012. This represents an increase of \$5 million or nearly 2% over the final FY2011 enacted amount of \$271 million.

Science and Technology¹¹³

The Directorate of Science and Technology (S&T) is the primary DHS organization for research and development (R&D). Headed by the 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.¹¹⁴

House-Passed H.R. 2017

The House-reported bill provided \$539 million for the S&T Directorate. For Research, Development, and Innovation, it provided \$106 million, or 84% less than the Administration's request. In Laboratory Facilities, it provided \$75 million, or half the request, for NBAF construction. It rejected the proposed transfer of activities from DNDO. The committee report stated that "S&T must demonstrate how its R&D efforts are timely, with results relatively well-defined, and above all, make investment decisions based on clear and sensible priorities." It stated the committee's expectation that "the proposed funding levels will force S&T to make more focused, high-return investment decisions."

No changes were made to the Science and Technology provisions through House floor action.

President's FY2012 Request

The Administration requested \$1,176 million for the S&T Directorate for FY2012 (see **Table 19**). This was 42% more than the FY2011 appropriation of \$829 billion. The request for Laboratory Facilities included \$150 million to support the beginning of construction at the National Bio and Agro-Defense Facility (NBAF). About \$109 million of the request for Research, Development, and Innovation was for radiological and nuclear R&D activities currently conducted in DNDO.

¹¹³ Prepared by Daniel Morgan, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

¹¹⁴ For more information, see CRS Report RL34356, *The DHS Directorate of Science and Technology: Key Issues for Congress*, by Dana A. Shea and Daniel Morgan.

Table 19. Directorate of Science and Technology, Accounts and Activities
(budget authority in millions of dollars)

	FY2010 Total	FY2011 Enacted	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Directorate of Science and Technology—Total	1,006	828	1,176	539		
Management and Administration	143	141	149	141		
R&D, Acquisition, and Operations	863	687	1,027	398		
<i>Laboratory Facilities</i>	150	140	276	202		
<i>University Programs</i>	49	40	37	37		
<i>Border and Maritime</i>	44	32	—	—		
<i>Chemical and Biological</i>	207	167	—	—		
<i>Command, Control, and Interoperability</i>	82	69	—	—		
<i>Explosives</i>	121	112	—	—		
<i>Human Factors / Behavioral Sciences</i>	16	11	—	—		
<i>Infrastructure and Geophysical</i>	75	25	—	—		
<i>Innovation</i>	44	31	—	—		
<i>Test and Evaluation, Standards</i>	29	18	—	—		
<i>Transition</i>	46	42	—	—		
<i>Research, Development, and Innovation^a</i>	—	—	660	107		
<i>Acquisition and Operations Support</i>	—	—	54	54		

Source: CRS Analysis of the DHS Expenditure Plan for FY 2011, FY2012 DHS Congressional Budget Justifications, the FY2012 DHS Budget in Brief, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding.

- a. The Administration's FY2012 request reorganized many of its RDA&O activities from research topics into "Research, Development and Innovation" and "Acquisition and Operations Support."

Issues for Congress

In late 2010, the S&T Directorate announced a reorganization and released a new strategic plan. The reorganization reduced the number of direct reports to the Under Secretary and was accompanied by a change in budget structure, with most of the previous budget lines combined into two new categories: Research, Development, and Innovation and Acquisition and Operations Support. According to DHS, the new strategy and organization will result in more robust partnerships with other DHS components, a smaller number of larger projects, and more emphasis on transitioning technology into the field rather than long-term research. The House

committee report objected to the new budget structure and described the Research, Development, and Innovation budget category as “all-encompassing ... too large and vague.”

The construction of NBAF will likely result in increased congressional oversight over the next several years. For construction of NBAF and decommissioning of the Plum Island Animal Disease Center (PIADC), which NBAF is intended to replace, DHS expects to need further appropriations of \$541 million between FY2013 and FY2017, in addition to the \$150 million requested for FY2012. In the appropriations acts for FY2009 through FY2011, Congress authorized DHS to use receipts from the sale of Plum Island, subject to appropriation, to offset NBAF construction and PIADC decommissioning costs.¹¹⁵ According to DHS, the likely value of those receipts “has been found to be considerably overestimated.”¹¹⁶

Domestic Nuclear Detection Office¹¹⁷

The Domestic Nuclear Detection Office (DNDO) is the primary DHS organization for combating the threat of nuclear attack. It is currently responsible for all DHS nuclear detection research, development, testing, evaluation, acquisition, and operational support. Under the Administration’s FY2012 budget, DNDO’s research role would be transferred to the Directorate of Science and Technology (S&T).

House-Passed H.R. 2017

The House-reported bill provided \$337 million for DNDO. It rejected the transfer of Transformational R&D to the S&T Directorate, but provided only \$45 million for that program, versus \$109 million in FY2011.¹¹⁸ It provided \$52 million for Systems Acquisition, versus \$84 million in the request. The House-reported bill provided \$22 million for Securing the Cities, of which only \$2 million was for expansion to a new city.

No changes were made to the DNDO provisions on the House floor.

President’s FY2012 Request

The Administration requested a total of \$332 million for DNDO for FY2012 (see **Table 20**). This was a 1% decrease from the FY2011 appropriation of \$342 million. The request for Research, Development, and Operations was \$69 million less than the FY2011 appropriation, largely because it included no funds for Transformational R&D, which had been funded at \$96 million. The Administration proposed transferring Transformational R&D to the S&T Directorate. The request for Systems Acquisition was \$84 million, versus \$30 million in FY2011. The request

¹¹⁵ Department of Homeland Security Appropriations Act, 2009 (P.L. 110-329, Div. D, §540) and Department of Homeland Security Appropriations Act, 2010 (P.L. 111-83, §540). The FY2010 provision was continued for FY2011 under the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10).

¹¹⁶ DHS FY2012 budget justification, p. S&T RDA&O 24. For more information on NBAF, see CRS Report RL34160, *The National Bio- and Agro-Defense Facility: Issues for Congress*, by Dana A. Shea, Jim Monke, and Frank Gottron.

¹¹⁷ Prepared by Daniel Morgan, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

¹¹⁸ Congress did not specify a FY2011 enacted amount for Transformational R&D or for other programs below the account level.

included \$27 million for the Securing the Cities program, which was previously funded at congressional direction and limited to the New York region; the request proposed expanding it to an additional city in FY2012.

Table 20. Domestic Nuclear Detection Office, Accounts and Activities

(budget authority in millions of dollars)

	FY2010 Total	FY2011 Enacted	FY2012 Request	FY2012 House- passed	FY2012 Senate	FY2012 Enacted
Domestic Nuclear Detection Office Total	384	342	332	337		
Management and Administration	39	37	41	40		
Research, Development, and Operations	325	275	206	245		
<i>Systems Engineering and Architecture</i>	25	33	32	30		
<i>Systems Development</i>	100	53	70	69		
<i>Transformational Research and Development</i>	109	96	—	45		
<i>Assessments</i>	32	38	43	40		
<i>Operations Support</i>	38	33	37	36		
<i>National Technical Nuclear Forensics</i>	20	27	25	25		
Systems Acquisition	20	30	84	52		
<i>Radiation Portal Monitoring Program</i>	—		37	20		
<i>Securing the Cities</i>	20	20	27	22		
<i>Human Portable Radiation Detection Systems</i>	—	10	20	10		

Source: CRS Analysis of the DHS Expenditure Plan for FY 2011, FY2012 DHS Congressional Budget Justifications, the FY2012 DHS Budget in Brief, P.L. 111-83, P.L. 112-10, and H.R. 2017, as passed by the House.

Notes: Amounts may not total due to rounding.

Issues for Congress

Congressional attention has focused in recent years on the testing and analysis DNDO has conducted to support its planned purchase and deployment of Advanced Spectroscopic Portals (ASPs), a type of next-generation radiation portal monitor.¹¹⁹ Congress included a requirement for secretarial certification before full-scale ASP procurement in each homeland security appropriations act from FY2007 through FY2010.¹²⁰ The expected date for certification has been

¹¹⁹ For more information, see CRS Report RL34750, *The Advanced Spectroscopic Portal Program: Background and Issues for Congress*, by Dana A. Shea, John D. Moteff, and Daniel Morgan.

¹²⁰ P.L. 112-10 continued this requirement for FY2011.

postponed several times. In February 2010, DHS decided that it would no longer pursue the use of ASPs for primary screening, although it will continue developing and testing them for use in secondary screening.¹²¹ The FY2012 request included funds to purchase and deploy 44 ASPs for secondary screening.

The global nuclear detection architecture overseen by DNDO remains an issue of congressional interest. The Systems Engineering and Architecture activity includes a GNDA development program as well as programs to develop and assess GNDA activities in various mission areas.¹²²

The mission of DNDO, as established by Congress in the SAFE Port Act (P.L. 109-347, Title V), includes serving as the primary federal entity “to further develop, acquire, and support the deployment of an enhanced domestic system” for detection of nuclear and radiological devices and material (6 U.S.C. 592). The same act eliminated any explicit mention of radiological and nuclear countermeasures from the statutory duties and responsibilities of the Under Secretary for S&T. Congress may consider whether the proposed transfer of DNDO’s research activities to the S&T Directorate is consistent with its intent in the SAFE Port Act. Congress may also choose to consider the acquisition portion of DNDO’s mission. Most of DNDO’s funding for Systems Acquisition was eliminated in FY2010, and that year’s budget stated that “funding requests for radiation detection equipment will now be sought by the end users that will operate them.”¹²³ In contrast, the FY2012 request for Systems Acquisition included funding for ASPs that would be operated by Customs and Border Protection, as well as human-portable radiation detectors for the Coast Guard, Customs and Border Protection, and the Transportation Security Administration. The reasons for this apparent reversal of policy were not explained in either the FY2011 or the FY2012 DNDO budget justification.

¹²¹ Letter from Dr. William K. Hagan, Acting Director, DNDO, to Senator Lieberman, February 24, 2010, http://hsgac.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=11f7d1f0-c4fe-4105-94e6-bb4a0213f048.

¹²² For more information, see CRS Report RL34574, *The Global Nuclear Detection Architecture: Issues for Congress*, by Dana A. Shea.

¹²³ Executive Office of the President, FY2010 Budget, Appendix, p. 560.

Appendix. DHS Appropriations in Context

Federal-Wide Homeland Security Funding

Since the terrorist attacks of September 11, 2001, there has been an increasing interest in the levels of funding available for homeland security efforts. The Office of Management and Budget, as originally directed by the FY1998 National Defense Authorization Act, has published an annual report to Congress on combating terrorism. Beginning with the June 24, 2002, edition of this report, homeland security was included as a part of the analysis. In subsequent years, this homeland security funding analysis has become more refined, as distinctions (and account lines) between homeland and non-homeland security activities have become more precise. This means that while **Table A-1** is presented in such a way as to allow year to year comparisons, they may in fact not be strictly comparable due to the increasing specificity of the analysis, as outlined above.

With regard to DHS funding, it is important to note that DHS funding does not comprise all federal spending on homeland security efforts. In fact, while the largest component of federal spending on homeland security is contained within DHS, the DHS homeland security request for FY2012 accounts for nearly 52% of total federal funding for homeland security. The Department of Defense comprises the next highest proportion at 25% of all federal spending on homeland security. The Department of Health and Human Services at 6%, the Department of Justice at nearly 6% and the Department of Energy at nearly 3% round out the top five agencies in spending on homeland security. These five agencies collectively account for approximately 92% of all federal spending on homeland security. It is also important to note that not all DHS funding is classified as pertaining to homeland security activities. The legacy agencies that became a part of DHS also conduct activities that are not homeland security related. Therefore, while the FY2012 request included total *homeland security* budget authority of \$37.0 billion for DHS, the requested *total budget authority* for DHS was \$50.3 billion. Moreover, the amounts shown in **Table A-1** will not be consistent with total amounts shown elsewhere in the report. This same inconsistency between homeland security budget authority and requested total budget authority is also true for the budgets of the other agencies listed in the table.

Table A-1. Federal Homeland Security Funding by Agency, FY2002-FY2012

(budget authority in millions of dollars)

Department	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011 CR Estimate ^a	FY2012 Request	FY2012 as % of Total
Department of Homeland Security (DHS)	17,381	23,063	22,923	24,549	26,571	29,554	32,486	38,988	33,236	35,985	37,046	51.7%
Department of Defense (DOD) ^b	16,126	8,442	7,024	17,188	17,510	16,538	18,032	19,483	19,054	17,626	18,102	25.3%
Department of Health and Human Services (HHS)	1,913	4,144	4,062	4,229	4,352	4,327	4,301	4,677	7,196	4,227	4,579	6.4%
Department of Justice (DOJ)	2,143	2,349	2,180	2,767	3,026	3,518	3,528	3,715	4,119	4,072	4,068	5.7%
Department of State (DOS)	477	634	696	824	1,108	1,242	1,719	1,809	2,016	2,131	2,327	3.2%
Department of Energy (DOE)	1,220	1,408	1,364	1,562	1,702	1,719	1,827	1,939	1,793	1,969	1,973	2.8%
Department of Agriculture (AG)	553	410	411	596	597	541	575	513	611	604	597	0.8%
General Services Administration	97	67	79	65	99	168	376	528	214	50	427	0.6%
National Science Foundation (NSF)	260	285	340	342	344	385	365	407	390	390	426	0.6%
Department of Veterans Affairs (VA)	49	154	271	249	298	260	309	310	427	421	375	0.5%
Other Agencies	3,769	1,490	1,482	2,011	1,511	1,582	1,582	1,703	1,603	1,594	1,719	2.4%
Total Federal Budget Authority	43,848	42,447	40,834	54,383	57,118	59,833	65,099	73,996	70,661	69,069	71,639	100%

Sources: CRS analysis of data contained in Section 3. “Homeland Security Funding Analysis,” and Appendix K of the Analytical Perspectives volume of the FY2012 President’s Budget (for FY2010-FY2012), Section 3. “Homeland Security Funding Analysis,” and Appendix K of the Analytical Perspectives volume of the FY2011 President’s Budget (for FY2009); Section 3. “Homeland Security Funding Analysis,” and Appendix K of the Analytical Perspectives volume of the FY2010 President’s Budget (for FY2008); Section 3. “Homeland Security Funding Analysis,” and Appendix K of the Analytical Perspectives volume of the FY2009 President’s Budget (for FY2007); Section 3. “Homeland Security Funding Analysis,” of Analytical Perspectives volume of the FY2008 President’s Budget (for FY2006); Section 3. “Homeland Security Funding Analysis,” of Analytical Perspectives volume of the FY2008 President’s Budget (for FY2005); Section 3. “Homeland Security Funding Analysis,” of Analytical Perspectives volume of the FY2006 President’s Budget (for FY2004); Section 3. “Homeland Security Funding Analysis,” of Analytical Perspectives volume of the FY2005 President’s Budget (for FY2003) and Office of Management and Budget, *2003 Report to Congress on Combating Terrorism*, Sept. 2003, p. 10; CRS analysis of FY2002-2006 re-estimates of DOD homeland security funding provided by OMB, March 17, 2005.

Notes: Amounts may not total due to rounding. FY totals shown in this table include enacted supplemental funding. Year to year comparisons using particularly FY2002 may not be directly comparable, because as time has gone on agencies have been able to distinguish homeland security and non-homeland security activities with greater specificity.

- a. Amounts for FY11 are estimates from the FY2012 President's Budget request based upon the annualized levels contained within the continuing resolution in operation at the time of publication. At the time of the publication of the President's Budget request Congress had yet to enact appropriations for FY2011.
- b. FY2002, FY2003, and FY2004 do not include re-estimates of DOD homeland security funding. For FY2007 DOD changed the manner in which they calculate their homeland security activities. This new method of estimation has been applied for FY2005 and forward. Re-estimates of FY2002-FY2004 DOD funding using this new method of calculation were not available for inclusion.

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