

Comparing DHS Component Funding Proposals, FY2022: In Brief

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The Department of Homeland Security Appropriations Act includes all annual appropriations for the Department of Homeland Security (DHS), providing resources to every departmental component. Its accompanying conference report or explanatory statement provides guidance for the department in terms of how DHS should account for reprogramming and transferring a range of non-appropriated funds as well. Together, they form a snapshot of a significant amount of the DHS budget. This report reviews that snapshot at the DHS component level, comparing:

- the budget authority outlined in the FY2021 annual appropriations measure;
- annual appropriations requested by the Joseph R. Biden Administration for FY2022;
- funding levels recommended by the House Appropriations Committee in H.R. 4431 and H.Rept. 117-87; and
- funding levels proposed by the Senate Appropriations Committee in the committee draft released on October 18, 2021, and its accompanying explanatory statement.¹

The report makes note of supplemental appropriations provided through various measures for FY2021 and FY2022, but identifies such funding distinctly, to allow for clear comparison on the annual appropriations packages. The report makes special note of “net discretionary appropriations” for DHS—a perspective on the net impact the legislation that funds DHS has on congressionally-tracked budget totals.²

The FY2022 DHS Appropriations Process

On May 28, 2021, the Joseph R. Biden Administration released its annual budget request for FY2022, including a \$90.80 billion budget request for the Department of Homeland Security. By CBO’s initial estimation, the request included \$53.99 billion in adjusted net discretionary appropriations and \$18.80 billion in disaster relief-designated funds.³ This was \$1.11 billion more than was enacted for DHS in FY2021, although those FY2021 annual appropriations also included \$840 million in emergency funding to cover U.S. Customs and Border Protection (CBP) fee shortfalls not included in the total.

- On June 30, 2021, the House Committee on Appropriations marked up H.R. 4431, its version of the Department of Homeland Security Appropriations Act, 2022. H.Rept. 117-87 was filed on July 15, 2022. Committee-reported H.R. 4431 included \$52.80 billion in adjusted net discretionary budget authority. This was \$183 million below the level requested by the Administration and \$928 million above the FY2021 enacted level.

¹ Although the Senate Appropriations Department of Homeland Security Subcommittee chairman introduced an identical bill a week later, as the bill has not proceeded through the markup process and therefore has no associated report or detail table, the analysis in this report continues to refer to the draft and its explanatory statement.

² When dealing with bill totals, the report refers to “adjusted annual net discretionary appropriations,” which take into account the offsetting impact of rescissions or cancellations of budget authority provided in prior years. Neither of the discretionary appropriations totals include emergency or disaster relief-designated funding.

³ This total evolved over the course of the process, owing in part to the changes in unobligated balances available for rescission. Analyses in the report refer to the CBO’s estimates as outlined in the detail table at the end of H.Rept. 117-87.

H.R. 4431 was not brought to the House floor before the end of FY2021—one of two annual appropriations measure for FY2022 to be reported by the committee that did not get floor consideration. As no annual appropriations for FY2022 had been signed into law before the end of FY2021, a continuing resolution was enacted (P.L. 117-143), temporarily extending funding for the federal government at the FY2021 rate for operations through December 3, 2021, including most DHS components and programs.⁴ Division B included \$50 million in supplemental appropriations for the Federal Emergency Management Agency (FEMA) and Division C included \$193 million in supplemental appropriations for the U.S. Citizenship and Immigration Services (USCIS).⁵

On October 18, 2021, Senate Appropriations Committee chairman Senator Patrick Leahy released drafts of nine appropriations measures that had yet to be marked up by the committee, along with draft explanatory statements for each.⁶ Vice Chairman⁷ Senator Richard Shelby criticized the move as partisan and unilateral, and indicated he would not support the bills, and that an agreement on overall spending levels was needed to produce bills he would support.⁸ A week later, S. 3058, an identical bill, was introduced by Senate Appropriations Committee Subcommittee on the Department of Homeland Security Chairman Senator Christopher Murphy. The Senate Appropriations majority draft bill for DHS for FY2022 included \$52.92 billion in adjusted net discretionary budget authority. This was \$70 million below the level requested by the Administration, and \$1.04 billion above the enacted annual level for FY2021.

On a separate track, on August 1, 2021, S.Amdt. 2137 was introduced in the Senate. This measure was a substitute for H.R. 3684, a House-passed infrastructure measure. The amendment, which was adopted by a vote of 68-28 on August 8, had been developed as a compromise infrastructure package that could pass the Senate. The amended bill passed the Senate by a vote of 68-30 on August 10, 2021, passed the House 228-206 on November 5, and was signed into law as P.L. 117-58 on November 15. Division J of the P.L. 117-58 included a range of supplemental appropriations, including a total of \$7.96 billion for DHS, \$3.08 billion of which would be available in FY2022.

Additional supplemental funding for DHS is still pending before Congress. H.R. 5376—a reconciliation package that passed the House 220-213 on November 19, 2021—includes:

- \$400 million for the Cybersecurity and Infrastructure Security Agency (CISA) for several cybersecurity programs (Sec. 50001);
- \$100 million for FEMA for cybersecurity grants (Sec. 50002);
- \$100 million for FEMA for the Nonprofit Security Grant Program (Sec. 50003);
- \$900 million for the DHS Management Directorate for environmental and sustainability programs (Sec. 50004);

⁴ For further information on the FY2021 continuing resolutions, see CRS Report R46953, *Overview of Continuing Appropriations for FY2022 (P.L. 117-43)*.

⁵ \$344 million in additional emergency spending was charged to the DHS subcommittee by CBO as a result of policy changes directed by Section 2502, Division C of P.L. 117-42, but this was for immigration-related activities at other agencies.

⁶ The draft bills and explanatory statements can be found on the Senate Appropriations Committee website at <https://www.appropriations.senate.gov/news/majority/chairman-leahy-releases-remaining-nine-senate-appropriations-bills>.

⁷ This is the title for the leader of the minority party on the Senate Appropriations Committee.

⁸ U.S. Senate Committee on Appropriations, “Shelby: Democrats’ Partisan Bills Threaten FY22 Appropriations Process,” press release, October 18, 2021, <https://www.appropriations.senate.gov/news/shelby-democrats-partisan-bills-threaten-fy22-appropriations-process>.

- \$100 million for FEMA for the Assistance to Firefighters Grant Program, and its administrative expenses (Sec. 90005);
- \$150 million for FEMA grants to support updating building codes (Sec. 110008);
- \$650 million for the Coast Guard for climate resilient facilities (Sec. 110011);
- \$350 million for a new Great Lakes icebreaker (Sec. 110012); and
- \$20.5 billion in debt cancellation for the National Flood Insurance Program (NFIP), and \$600 million for an NFIP affordability program. (Sec. 40104).

It remains to be seen if this bill will become law in its present form; this potential funding is not included in the analyses below.

DHS Budgetary Resources: Looking Beyond the Score

Discussion regarding annual appropriations often centers on the appropriations provided in the bill or how the bill scores against budget limitations. However, this “score” does not represent the total budget authority provided to DHS, or controlled through appropriations bills and reports.

- The use of offsetting collections reduces the “score” of the bill and provides significant resources to some components of DHS, such as the Transportation Security Administration.
- Discretionary scores of bills do not include mandatory spending, resources derived directly from fee collections without annual congressional action, or emergency- or disaster relief-designated appropriations.

Congress controls the reprogramming of many of these resources through *detail tables* provided at the end of appropriations committee reports, conference reports, and statements of managers.

Figure 1 uses the data drawn from these detail tables to provide a more comprehensive picture of the resources available to seven DHS components:⁹

- U.S. Customs and Border Protection (CBP),
- the U.S. Coast Guard (USCG),
- Immigration and Customs Enforcement (ICE),
- the Transportation Security Administration (TSA),
- Federal Emergency Management Agency (FEMA),
- U.S. Secret Service (USSS), and
- the Cybersecurity and Infrastructure Security Agency (CISA).

These are the seven largest components of DHS in terms of net discretionary budget authority.

In **Figure 1** these seven components are listed along the bottom axis. Each component’s funding level as a section of the figure has five bars, representing the different phases of the appropriations process: prior-year (i.e., FY2021) enacted, current year (i.e., FY2022) requested

⁹ Supplemental appropriations measures often do not have their contents reflected in a concurrently produced table—therefore, FY2020 supplemental appropriations data are drawn directly from the supplemental appropriations acts.

annual appropriations, the ensuing responses of the House and Senate appropriations committees, and the annual appropriations provided in the enacted consolidated appropriations measure.

The base segment of each bar represents net discretionary budget authority. On top of these bases are several other segment types, representing fee revenues, offsetting collections, mandatory spending,¹⁰ and funding covered by emergency and disaster relief designations.¹¹

Figure 1 allows for a visual comparison of changes in individual component funding and provides a more complete description of each component's overall resource level than a review of the net discretionary appropriations alone. Among the changes it illuminates are:

- The relative magnitude of the mandatory spending provided to CISA (for cybersecurity) and mandatory, emergency, and disaster relief funding for FEMA compared with other funding priorities in FY2021—FEMA's total, with the mandatory funding fully displayed, would triple the height of the existing scale of the figure;
- The breadth of supplemental appropriations provided across the department in FY2021 and already in FY2022;
- The relative similarities of component level funding allocations between the House-reported and Senate majority-drafted bills (slightly more for CBP and USCG in the House-reported bill, slightly more for FEMA and CISA in the Senate majority-drafted bill);
- The anticipated decrease in CBP fees and TSA offsetting collections available to offset the costs of operations in FY2022;
- The continued congressional interest in providing additional cybersecurity funds to CISA, although the component remains one of the smaller operational components within DHS.

Table 1, which follows immediately thereafter, provides a complete breakdown of the total budget authority outlined in appropriations committee tables for *all* DHS components, arranged by FY2021 enacted annual net discretionary budget authority.

Some DHS components have access to funding beyond the budget authority controlled for reprogramming through the aforementioned detail tables in appropriations committee reports. Although some of the mandatory spending for DHS, including many fee-funded programs, is reflected in the tables, much of DHS's mandatory spending is not, and is therefore not reflected in **Figure 1** or **Table 1**. This includes spending on flood insurance claims, as well as trust funds for the Coast Guard and the Secret Service. Information on this type of mandatory spending can be found in the Administration's budget request.¹²

Likewise, the detail tables and the figures and tables based upon them in this report do not reflect reimbursements between components for services provided, such as payments from partner

¹⁰ The mandatory spending reflected here is composed of three elements: mandatory spending for the Federal Emergency Management Agency and Cybersecurity and Infrastructure Security Agency provided in P.L. 117-2; Coast Guard retired pay, which is considered mandatory spending but requires congressional action nonetheless; and \$250 million from the Aviation Security Capital Fund.

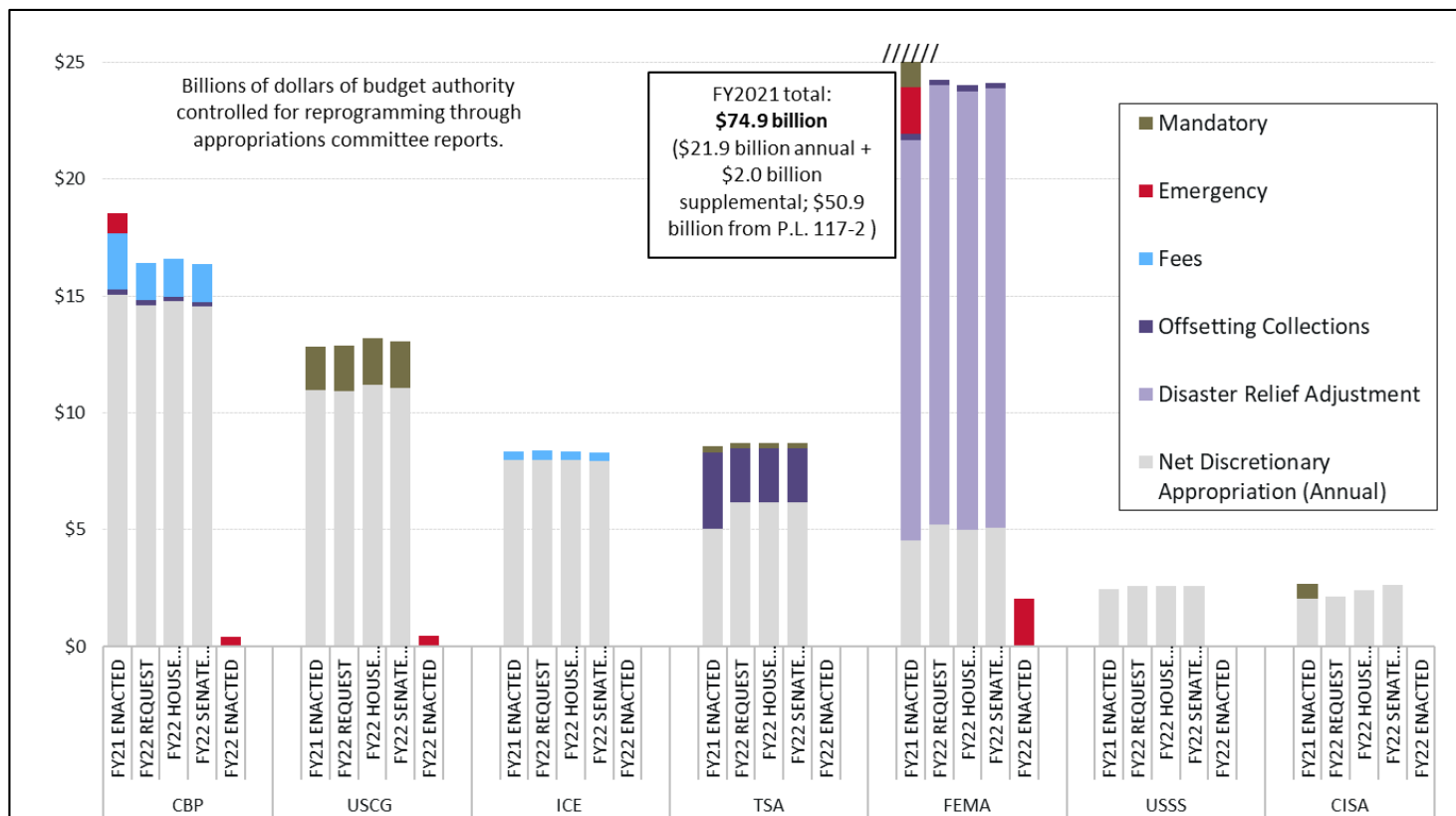
¹¹ For more details about adjustments to discretionary spending limits under the BCA, see CRS Report R45778, *Exceptions to the Budget Control Act's Discretionary Spending Limits*, by Megan S. Lynch.

¹² The FY2022 DHS budget request can be found on the Office of Management and Budget website (<https://www.whitehouse.gov/omb/>), or linked directly at, at https://www.whitehouse.gov/wp-content/uploads/2021/05/dhs_fy22.pdf.

agencies to the Federal Law Enforcement Training Center for the cost of training programs. Information on these resources can be found in the DHS annual budget justifications submitted to Congress.¹³

¹³ The FY2021 DHS budget justification can be found at <https://www.dhs.gov/publication/congressional-budget-justification-fy-2021>.

Figure I. DHS Budget Authority by Selected Component, FY2021 -FY2022



Source: CRS analysis of P.L. 116-260, Divisions F and M and the explanatory statement accompanying it; P.L. 117-2; H.R. 4431 and H.Rept. 117-87; P.L. 117-43, Division B and C; the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on October 18, 2021; and P.L. 117-58, Division J.

Notes: Data do not reflect the impact of rescissions or scoring charged to the bill on the basis of changes in mandatory programs. Enacted values for FY2022 represent supplemental appropriations. CBP: U.S. Customs and Border Protection; USCG: U.S. Coast Guard; ICE: U.S. Immigration and Customs Enforcement; TSA: Transportation Security Administration; FEMA: Federal Emergency Management Agency; USSS: U.S. Secret Service; CISA: Cybersecurity and Infrastructure Security Agency.

Table I. DHS Budget Authority by Component, FY2021-FY2022

(thousands of dollars of budget authority controlled for reprogramming through appropriations committee reports)

Component / Funding Aspect	FY2021 Enacted	FY2022 Request	HAC-reported	Senate Majority Draft	FY2022 Enacted
CBP	18,526,402	16,424,623	16,573,623	16,344,967	430,000
Net Discretionary	15,038,557	14,617,589	14,766,589	14,537,933	—
Offsetting Collections	238,939	206,000	206,000	206,000	—
Fees	2,408,906	1,601,034	1,601,034	1,601,034	—
Emergency	840,000	—	—	—	430,000
USCG	12,848,954	12,875,442	13,176,742	13,043,192	434,000
Net Discretionary	10,975,250	10,907,923	11,209,223	11,075,673	—
Offsetting Collections	4,000	4,000	4,000	4,000	—
Mandatory	1,869,704	1,963,519	1,963,519	1,963,519	—
Emergency	—	—	—	—	434,000
ICE	8,350,139	8,371,096	8,351,585	8,313,329	—
Net Discretionary	7,973,529	7,991,486	7,971,975	7,933,719	—
Fees	376,610	379,610	379,610	379,610	—
TSA	8,567,195	8,720,811	8,720,811	8,720,811	—
Net Discretionary	5,017,731	6,154,811	6,154,811	6,154,811	—
Offsetting Collections	3,293,964	2,310,000	2,310,000	2,310,000	—
Fees	5,500	6,000	6,000	6,000	—
Mandatory	250,000	250,000	250,000	250,000	—
FEMA	74,833,271	24,259,474	24,012,825	24,129,273	2,050,000
Net Discretionary	4,542,859	5,222,844	4,976,195	5,081,937	—
Offsetting Collections	238,412	237,630	237,630	248,336	—
Mandatory	50,910,000	—	—	—	—
Disaster Relief Adjustment	17,142,000	18,799,000	18,799,000	18,799,000	—
Emergency	2,000,000	—	—	—	2,050,000
USSS	2,438,001	2,571,917	2,575,817	2,577,687	—
Net Discretionary	2,438,001	2,571,917	2,575,817	2,577,687	—
CISA	2,674,976	2,133,630	2,422,348	2,638,078	55,000
Net Discretionary	2,024,976	2,133,630	2,422,348	2,638,078	—
Mandatory	650,000	—	—	—	—
Emergency	—	—	—	—	55,000
MD	3,201,705	3,674,924	3,790,369	3,629,924	—
Net Discretionary	1,612,957	2,049,924	2,165,369	2,004,924	—
Offsetting Collections	1,588,748	1,625,000	1,625,000	1,625,000	—

Component / Funding Aspect	FY2021 Enacted	FY2022 Request	HAC-reported	Senate Majority Draft	FY2022 Enacted
S&T	765,558	822,903	830,403	868,903	157,500
Net Discretionary	765,558	822,903	830,403	868,903	—
Emergency					157,500
CWMD	402,277	427,461	437,461	442,011	—
Net Discretionary	402,277	427,461	437,461	442,011	—
FLETC	340,348	355,636	355,636	355,636	—
Net Discretionary	340,348	355,636	355,636	355,636	—
A&O	298,500	320,620	320,620	320,620	—
Net Discretionary	298,500	320,620	320,620	320,620	—
OSEM	205,819	249,747	268,153	241,555	—
Net Discretionary	205,819	249,747	268,153	241,555	—
OIG	190,186	205,359	205,359	205,359	a
Net Discretionary	190,186	205,359	205,359	205,359	a
USCIS	4,846,614	4,760,784	4,765,784	5,201,014	193,000
Net Discretionary	127,790	469,504	474,504	479,504	—
Fees	4,718,824	4,291,280	4,291,280	4,721,510	—
Emergency	—	—	—	—	193,000
Total Net Discretionary Budget Authority Plus Adjustments	71,936,338	73,300,354	73,933,463	73,717,350	3,319,500

Source: CRS analysis of P.L. 116-260, Divisions F and M and the explanatory statement accompanying it; P.L. 117-2; H.R. 4431 and H.Rept. 117-87; P.L. 117-43, Division B and C; the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on October 18, 2021; and P.L. 117-58, Division J.

Notes: Data do not reflect the impact of rescissions or scoring charged to the bill on the basis of changes in mandatory programs. Enacted values for FY2022 represent supplemental appropriations available in a given fiscal year. Adjustments include emergency, disaster relief, and Overseas Contingency Operations (OCO) designated funding. CBP: U.S. Customs and Border Protection; USCG: U.S. Coast Guard; ICE: U.S. Immigration and Customs Enforcement; TSA: Transportation Security Administration; FEMA: Federal Emergency Management Agency; USSS: U.S. Secret Service; CISA: Cybersecurity and Infrastructure Security Agency; MD: Management Directorate; S&T: Science and Technology Directorate; CWMD: Office of Countering Weapons of Mass Destruction; FLETC: Federal Law Enforcement Training Center; A&O: Analysis and Operations; OSEM: Office of the Secretary and Executive Management; OIG: Office of the Inspector General; USCIS: U.S. Citizenship and Immigration Services.

- a. Division J of P.L. 117-58 includes a general provision (Section 501) that directs a transfer of 0.25% of the supplemental appropriations provided to DHS in the bill each fiscal year to the DHS OIG.

DHS Appropriations: Comparing Scores

It is often useful to present comparative analysis to put proposed funding levels for given DHS components in context. **Table 2** and **Table 3** shows congressional action (by the House Appropriations Committee and the Senate Appropriations Committee majority, respectively) on net discretionary annual FY2022 appropriations for DHS distributed by departmental component.

Each table presents an analysis of a component's net discretionary annual appropriations—appropriations provided from the Treasury that are not offset by other incoming resources.¹⁴ Comparison is drawn between two common baselines that are shown in **Table 1**—the FY2021 enacted funding level and the FY2022 requested funding level. The first column shows the position reflected in either the House-reported bill or the Senate majority draft. Changes from each level are reflected in thousands of dollars, and then as a percentage. The components are ordered from largest to smallest by FY2021 enacted annual net discretionary funding level.

FY2021 and FY2022 supplemental appropriations are not reflected in **Table 2** or **Table 3**. The purpose of the table is to provide comparative perspectives on *annual* appropriations levels at various stages of the process, as well as to improve understanding of comparative annual appropriations levels across the department, rather than to survey *total* resources provided by Congress, which can be seen in **Figure 1** and **Table 1**.

Table 2. House Appropriations Committee-reported DHS Annual Discretionary Appropriations, FY2022, Compared
(net discretionary budget authority, in thousands of dollars)

Component	House Appropriations Committee- reported H.R. 4431	Compared to FY2021 Enacted		Compared to FY2022 Request	
		\$	%	\$	%
CBP	14,766,589 ^a	(271,968)	-1.8%	149,000	1.0%
USCG	11,209,223	233,973	2.1%	301,300	2.8%
ICE	7,971,975	(1,554)	0.0%	(19,511)	-0.2%
TSA	6,154,811	1,137,080	22.7%	0	0.0%
FEMA^b	4,976,195	433,336	9.5%	(246,649)	-4.7%
USSS	2,575,817	137,816	5.7%	3,900	0.2%
CISA	2,422,348	397,372	19.6%	288,718	13.5%
MD	2,165,369	552,412	34.2%	115,445	5.6%
S&T	830,403	64,845	8.5%	7,500	0.9%
CWMD	437,461	35,184	8.7%	10,000	2.3%
FLETC	355,636	15,288	4.5%	0	0.0%
A&O	320,620	22,120	7.4%	0	0.0%
OSEM	268,153	62,334	30.3%	18,406	7.4%

¹⁴ In accordance with appropriations committee practices, these totals do not include elements of annual funding covered by the disaster relief designation or overseas contingency operations designation.

Component	House Appropriations Committee- reported H.R. 4431	Compared to FY2021 Enacted		Compared to FY2022 Request	
		\$	%	\$	%
OIG	205,359	15,173	8.0%	0	0.0%
USCIS	474,504	346,714	271.3%	5,000	1.1%

Source: CRS analysis of P.L. 116-260, Divisions F and M and the explanatory statement accompanying it; H.R. 4431 and H.Rept. 117-87; and the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on October 18, 2021.

Notes: Data do not reflect the impact of transfers, rescissions or scoring charged to the bill on the basis of changes in mandatory programs. CBP: U.S. Customs and Border Protection; USCG: U.S. Coast Guard; ICE: U.S. Immigration and Customs Enforcement; TSA: Transportation Security Administration; FEMA: Federal Emergency Management Agency; USSS: U.S. Secret Service; CISA: Cybersecurity and Infrastructure Security Agency; MD: Management Directorate; S&T: Science and Technology Directorate; CWMD: Office of Countering Weapons of Mass Destruction; FLETC: Federal Law Enforcement Training Center; A&O: Analysis and Operations; OSEM: Office of the Secretary and Executive Management; OIG: Office of the Inspector General; USCIS: U.S. Citizenship and Immigration Services.

- Includes \$655 million in Title V for CBP for land ports of entry modernization.
- Includes \$12.7 million enacted in FY2021 in Title V for grants to pay certain law enforcement costs related to presidential protection. H.R. 4431 includes no funding for this purpose.

Table 3. Senate Appropriations Committee Majority Draft DHS Annual Discretionary Appropriations, FY2022, Compared
(net discretionary budget authority, in thousands of dollars)

Component	Senate Appropriations Committee Majority Draft (S. 3058)	Compared to FY2021 Enacted		Compared to FY2022 Request	
		\$	%	\$	%
CBP	14,537,933	(500,624)	-3.3%	(79,656)	-0.5%
USCG	11,075,673	100,423	0.9%	167,750	1.5%
ICE	7,933,719	(39,810)	-0.5%	(57,767)	-0.7%
TSA	6,154,811	1,137,080	22.7%	0	0.0%
FEMA^a	5,081,937	539,078	11.9%	(140,907)	-2.7%
USSS	2,577,687	139,686	5.7%	5,770	0.2%
CISA	2,638,078	613,102	30.3%	504,448	23.6%
MD	2,004,924	391,967	24.3%	(45,000)	-2.2%
S&T	868,903	103,345	13.5%	46,000	5.6%
CWMD	442,011	39,734	9.9%	14,550	3.4%
FLETC	355,636	15,288	4.5%	0	0.0%
A&O	320,620	22,120	7.4%	0	0.0%
OSEM	241,555	35,736	17.4%	(8,192)	-3.3%
OIG	205,359	15,173	8.0%	0	0.0%
USCIS	479,504	351,714	275.2%	10,000	2.1%

Source: CRS analysis of P.L. 116-260, Divisions F and M and the explanatory statement accompanying it; H.R. 4431 and H.Rept. 117-87; and the Senate Appropriations Committee majority-produced draft appropriations bill and explanatory statement released on October 18, 2021.

Notes: Data do not reflect the impact of transfers, rescissions, or scoring charged to the bill on the basis of changes in mandatory programs. CBP: U.S. Customs and Border Protection; USCG: U.S. Coast Guard; ICE: U.S. Immigration and Customs Enforcement; TSA: Transportation Security Administration; FEMA: Federal Emergency Management Agency; USSS: U.S. Secret Service; CISA: Cybersecurity and Infrastructure Security Agency; MD: Management Directorate; S&T: Science & Technology Directorate; CWMD: Office of Countering Weapons of Mass Destruction; FLETC: Federal Law Enforcement Training Center; A&O: Analysis and Operations; OSEM: Office of the Secretary and Executive Management; OIG: Office of the Inspector General; USCIS: U.S. Citizenship and Immigration Services.

- a. Includes \$12.7 million enacted in FY2021 in Title V for grants to pay certain law enforcement costs related to presidential protection. The Senate Appropriations Committee majority draft includes \$3 million for this purpose.

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