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# Budgeting for Homeland Security

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Corey Braddock

Chaz Kelsh

*Prepared under the supervision of Professor Howell E. Jackson*

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## INTRODUCTION

From air raid sirens during World War II, to bomb shelters during the Cuban missile crisis, to the Hurricane Sandy response, the federal government has had a rich history of financing and preparing for homeland security, resiliency, and defense. Most nascent in the minds of today's citizen is the on-going battle to prevent terror attacks; however, unplanned natural disasters, homegrown extremist groups, and myriad global conflicts have historically shaped the homeland security apparatus and its associated expenses. While "[p]ublic awareness and support have waxed and waned over the years," nothing solidified the budgetary landscape for the homeland security enterprise more than the attacks of September 11, 2001.[1] In fact, within 19 days of the terror attacks President Bush established the Office of Homeland Security, within six months he created the Homeland Security Advisory Council (as part of the Executive Office of the President), and within 13 months he birthed the new Department of Homeland Security (DHS).[2] Moreover, the 2003 creation of the DHS was the largest federal reorganization since the 1940's creation of the Department of Defense (DoD). Whereas the DoD merger combined the Department of War and Department of the Navy into one organization, the DHS reorganization involved 200,000 people, 22 federal agencies, and an initial budget of $37 billion.[3] The budget growth alone accounted for a 93% increase in homeland security initiatives in a single year.[4]

The abrupt, and arguably haphazard, creation of the homeland security enterprise brought about a fairly convoluted budgeting and appropriations process. Conflicting congressional

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[1] HOMELAND SECURITY NATIONAL PREPAREDNESS TASK FORCE, CIVIL DEFENSE AND HOMELAND SECURITY: A SHORT HISTORY OF NATIONAL PREPAREDNESS EFFORTS 4 (2006).
[2] *Id.* at 26.
[3] *Id.* at 27.
[4] President (2001-2009: Bush), SECURING THE HOMELAND, STRENGTHENING THE NATION 8 (2002).

loyalties, competing sub-committee responsibilities, and a collage of government agencies undoubtedly created this complex authorization and appropriations model. The goal of this paper is to unravel those complexities and clarify the budgetary forces behind DHS appropriations and expenditures. While a majority of the writing will focus on post-9/11 appropriations, it will also briefly review the historical forces that preceded the 2003 homeland security enterprise. Thus, the paper will delve into five topics: (1) the evolution of the nation's homeland defense, security, and response effort, (2) DHS organization and budget compositions, (3) homeland security appropriations, (4) federal disaster relief funding, and (5) federal grants to states and localities.

## EVOLUTION OF U.S. HOMELAND SECURITY, DEFENSE, & RESPONSE

The federal government's attempt to shelter citizens from external forces—today known as homeland defense/security—dates back to pre-World War I years.[5] While the focus at that time was to leverage homeland support to maximize the war effort, an Army appropriations bill of August 29, 1916 did pass through Congress that established the Council of National Defense[6] and served as the first federal appropriation aimed at the homeland security enterprise. As World War I ended and World War II drew closer, "tensions among Federal, State, and local governments began to rise about [the] authority and resources"[7] for homeland defense efforts. It was thus reconciled that non-attack preparedness remained a state responsibility while federal funding was reserved for attack preparedness (public awareness, bunkers, etc.). It was during this time that the classic struggle between President Franklin Delano Roosevelt and New York

[5] HOMELAND SECURITY NATIONAL PREPAREDNESS TASK FORCE, *supra* note 1.
[6] *Id.* at 5.
[7] *Id.* at 5.

City's Mayor Fiorello La Guardia ensued. In that clash, LaGuardia notified the President via letter that:

> There is a need for a strong Federal Department to coordinate activities, and not only to coordinate but to initiate and get things going. Please bear in mind that up to this war and never in our history, has the civilian population been exposed to attack. The new technique of war has created the necessity for developing new techniques of civilian defense.[8]

While Mayor LaGuardia did not get the federal programs from President Roosevelt that he desired, he initiated the dialogue about federal disaster relief and security response initiatives.

LaGuardia's federal response came twenty years later when, in the early 1960's, a series of major natural disasters introduced the idea of "all-hazards assistance"[9] – federal funding for defense and natural disaster response. Events like Hurricane Hilda and Hurricane Betsy, a major earthquake in Alaska, lethal tornadoes in Indiana, and a California tidal wave provided the impetus to "legislation that granted emergency Federal loan assistance to disaster victims."[10] Remember, at this time, a federal agency like the Federal Emergency Management Agency did not exist, so while the government guaranteed disaster financing it was still void of an executing body. Sadly, as government initiatives often tend to be short sighted, many responses of the 1960s failed to create sustainable initiatives and history repeated itself in the future. Consequently from 1960 to 1992, the government repeatedly visited the discussion about federal support to homeland disasters. First, poor government response to Hurricane Camille advanced the idea of a "dual-use approach" to preparedness (President Nixon).[11] Then, an unprecedented nuclear disaster on Three Mile Island led to establishment of the Federal Emergency

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[8] *Id.* at 5.

[9] *Id.* at 13.

[10] *Id.* at 14.

[11] *Id.* at 14."This dual-use initiative subscribed to the philosophy that preparations for evacuation, communications, and survival are common to both natural disasters and enemy military strikes on the homeland. From a practical perspective, the dual-use approach allowed more efficient utilization of limited resources, so planners could address a larger number of scenarios."

Management Agency (FEMA) (President Ford).[12] In March 1992 President Bush signed National Security Directive 66 – instructing FEMA to develop a multi-hazard approach to emergency management thus "combining civil defense preparedness with natural and man-made disaster preparedness."[13] Finally, 1995 to 1996 saw a string of terrorist attacks that strengthened the dialogue for homeland preparedness: nerve gas released in Tokyo subway, Oklahoma City bombing, and Khobar Towers bombing (President Clinton). Although each event generated new approaches to homeland security, it was the events of September 11, 2001 that created the conditions for a comprehensive review of federal disaster planning.

Following that tragedy, a "near universal agreement [existed] within the Federal government that homeland security required a major reassessment, increased funding, and administrative reorganization."[14] In October of 2001, the Office of Homeland Security was created to "work with Executive departments and agencies to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks."[15] Then, the "Department of Homeland Security (DHS) was officially established on January 24, 2003. Just over a week later, on February 3, 2003, the Administration made its first annual appropriations request for the new department."[16] As was previously mentioned, this was one of the nation's largest governmental re-organization and a multi-billion dollar endeavor. To understand the respective appropriation process, let's first examine the DHS organization.

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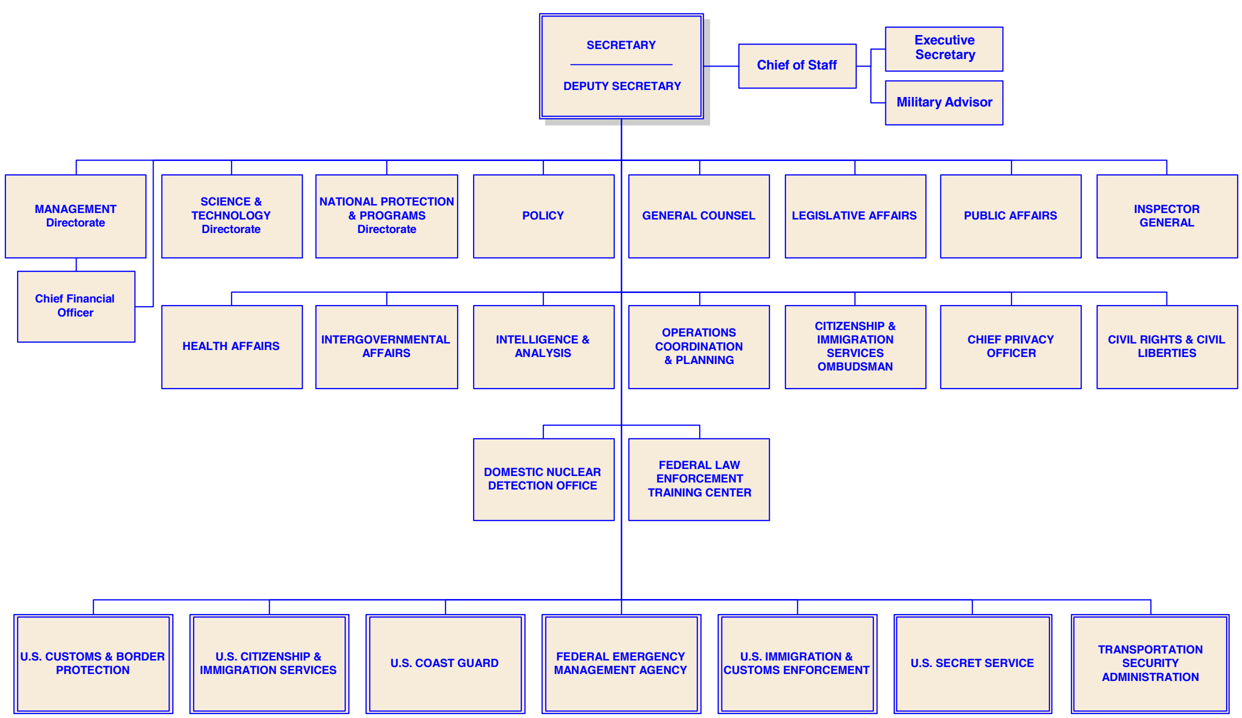
[12] *Id.* at 18.
[13] *Id.* at 22.
[14] *Id.* at 25.
[15] *Id.* at 25.
[16] WILLIAM L. PAINTER, TRENDS IN THE TIMING AND SIZE OF DHS APPROPRIATIONS: IN BRIEF 1 (2016).

## DHS ORGANIZATION AND BUDGET COMPOSITION

To understand the DHS budget, one must first understand the complex—some would even argue convoluted—nature of the organization's governance and it's numerous congressional tensions. Most budget experts agree that this bureaucratic tension represents one of the most striking aspects of DHS financing: an intricate web of congressional preferences mixed with a wide array of budget functions.[17]

Lawmakers initially founded DHS by combining 22 federal agencies into one department.[18] Over the course of thirteen years, reorganization morphed that structure into its present-day form: eighteen organizational functions and seven operational functions:[19]

U.S. DEPARTMENT OF HOMELAND SECURITY

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17 PAINTER, *supra* note 16 The premise of this argument further substantiated in a phone interview with the author on March 4, 2016.

18 President (2001-2009: Bush), *supra* note 4.

19 Department of Homeland Security, ORGANIZATIONAL CHART (2016), https://www.dhs.gov/organizational-chart.

Why does this structure matter? Buried inside the nicely formatted organizational diagram is a complex array of congressional loyalties, sub-committee requirements, and pre-DHS budgeting rivalries. As a result, "DHS reports to 108 committees and subcommittees—up from 86 in 2003. Comparatively, [the Department of Defense] reports to only 36 committees and subcommittees despite its budget equaling 10 times that of DHS."[20] Moreover, "[m]any of the 108 committees, like Small Businesses, Financial Services, and Aging, are not readily sensible as homeland security overseers."[21] Consequently, a large portion of the DHS budget must survive multiple different committees, varied congressional requests, and ad nauseum testimonial justification. "Between 2009 and 2010, for example, DHS conducted over 3,900 briefings and testified before Congress more than 285 times. The cost of such oversight to the Department is estimated in the tens of millions of dollars, with thousands of lost work hours that DHS could have spent executing its mission." This paper will not dwell too long on the intricate web of governance; however, one cannot overlook its effect on DHS budgeting.[22]

Just below the governing layer of DHS lies a complicated categorization of DHS spending. That complication originates from the 2011 Budget Control Act's (BCA) definition of defense versus security spending: its original definition (national defense spending & non-defense) and then an additional qualifier (security & non-security).[23] Why the additional security descriptor? First, it is important to note that the act delineated these definitions to define "discretionary security and nonsecurity spending for FY2012 and FY2013."[24] Essentially, it was an attempt to shelter or justify funding that faced sequestration cuts. Second, unlike the very

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[20] JESSICA ZUCKERMAN, POLITICS OVER SECURITY: HOMELAND SECURITY CONGRESSIONAL OVERSIGHT IN DIRE NEED OF REFORM 1 (2012).

[21] *Id.* at 1.

[22] Refer to appendix A for a graphical depiction. Diagram taken from IGA-615 - Homeland Security Enterprise Presentation. Original author is The Center for Strategic & International Studies. 108th Congress, .

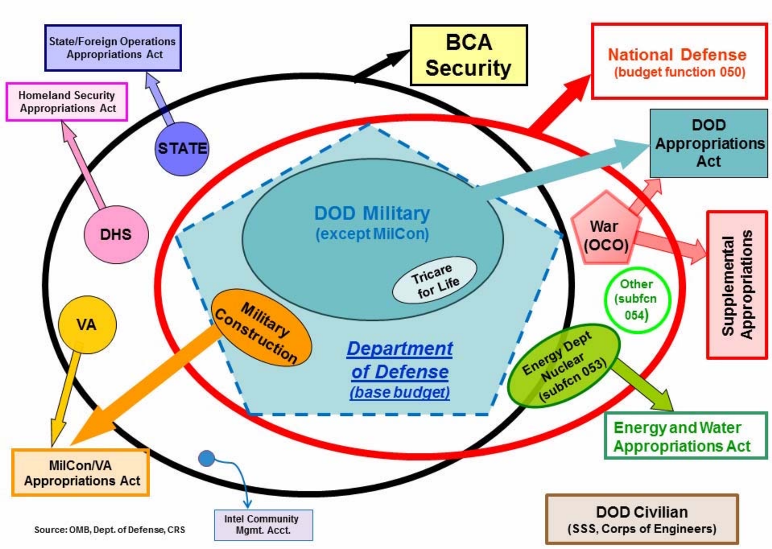
[23] ANDREW AUSTIN, THE BUDGET CONTROL ACT AND TRENDS IN DISCRETIONARY SPENDING 33 (2014).

[24] WILLIAM L. PAINTER, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS: FY2016 15 (2015).

typical "division of discretionary spending into the categories of domestic, international, and defense, which [have] become routine in budget analyses,"[25] these new qualifiers allowed both the Bush and Obama administrations to build firewalls "to ensure reductions in security spending [could] be used to fund increases in non-security spending, and vice versa."[26] Ultimately, both administrations used the new definitions to communicate homeland security spending priorities and shelter some money in times of fiscal crisis. While those definitions aren't legally binding, they still exist in the current budgeting framework.

So what is DHS spending? DHS appropriations mostly reside in the *non-defense security* category.[27] Figure 1[28] below "provides a schematic view of the relationship between defense spending (budget function 050) and security spending as defined in the Budget Control Act." Those items/organizations inside the red circle represent 'national defense' or budget function 050 accounts. Those items/organizations inside the black circle represent accounts defined as 'security'. Thus, DHS spending falls into the classification of *non-defense security*.

Figure 1: How Defense and Security Intersect

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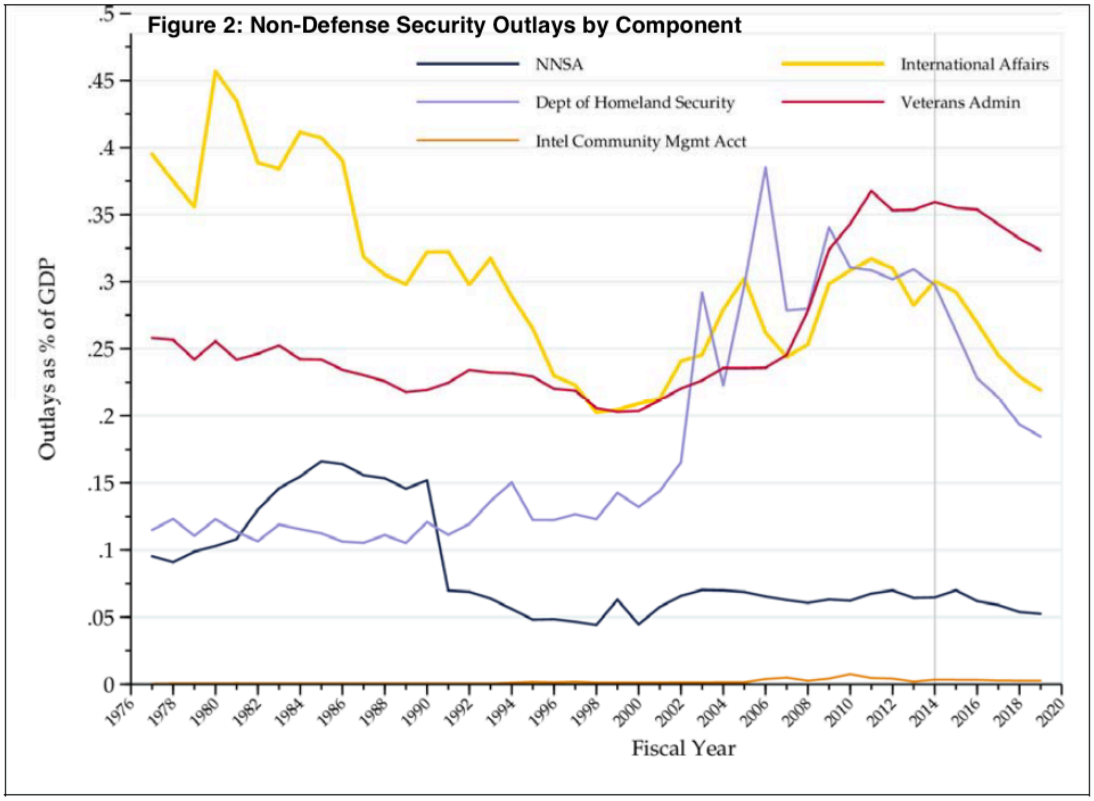
25 AUSTIN, *supra* note 23 at 32.
26 *Id.* at 32–33.
27 *Id.* at 33.
28 *Id.* at 34.

While the schematic is busy, it highlights the BCA's attempt to associate non-defense security spending (i.e. DHS operations) with critical defense discretionary activities (i.e. DoD operations). Ultimately, it doesn't change the fact that a majority of DHS funding lies outside of the defense discretionary spending function (050) but it does illustrate that their budget exists inside the BCA's definition of security spending (non-defense security)[29]. What isn't illustrated in Figure 1 is the fact that a portion of DHS funding actually exists inside budget function 050 (defense security). As of 2016, most of this funding exists purely for Coast Guard operations in the Middle East through the Overseas Contingency Operation (OCO) fund and will be covered in more detail later in the paper.[30] Finally, while DHS outlays represent only a fraction of the BCA's traditional 'national defense' appropriations, they do represent a significant portion of the 'non-defense' security budget. Again, the non-defense security grouping is a subset of the larger non-defense discretionary account and consists of five categories: the National Nuclear Security Administration, DHS, the Intelligence Community Management Account, Diplomacy & International Affairs, and the Veterans Administration.[31] As Figure 2 illustrates (next page), from 2004 to 2010 DHS consumed the greatest amount of outlays as compared to these components.[32] After 2014, all five accounts have declined in value mostly due to changing security priorities (i.e. less homeland focus and more attention abroad).

[29] *Id.* at 34.
[30] PAINTER, *supra* note 24.
[31] AUSTIN, *supra* note 23.
[32] *Id.* at 38.




**Source:** CRS analysis of OMB data from the FY2015 budget submission and BEA estimates of gross domestic product.

Ultimately, if the definitions and categorizations of DHS funding seems confusing, than it is probably an accurate reflection of reality – accounts that span both sides of the original BCA defined discretionary spending and the newer security qualifier. For the purposes of concision, the remaining discussions in this paper simplify these four accounts into the typical BCA language – defense and non-defense discretionary.

## HOMELAND SECURITY APPROPRIATIONS

The homeland security appropriations bill allocates resources to the aforementioned DHS organizational functions. "Discretionary appropriations provide roughly two-thirds to three-fourths of the annual funding…depending how one accounts for disaster relief spending and funding for overseas contingency operations. The remainder of the budget is a mix of fee revenue, trust funds, and mandatory spending."[33]

Discretionary appropriations for DHS generally fall into one of five titles; each a "thematic grouping of components:"[34]

- Title I, Departmental Management and Operations – appropriations for the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, the Office of the Chief Financial Officer, the Office of the Chief Information Officer, Analysis and Operations, and the Office of the Inspector General.

- Title II, Security, Enforcement, and Investigations – appropriations for Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, the Coast Guard, and the Secret Service.

- Title III, Protection, Preparedness, Response, and Recovery – appropriations for the National Protection and Programs Directorate, the Office of Health Affairs, and the Federal Emergency Management Agency.

- Title IV, Research and Development, Training, and Services – appropriations for the U.S. Citizenship and Immigration Services, the Federal Law Enforcement Training Center, the Science and Technology Directorate, and the Domestic Nuclear Detection Office.

- Title V, General Provisions – a flex-account that may reach across the entire department; cancellations and recessions are found here.

As previously mentioned, these five categories account for approximately two-thirds of the DHS budget breakdown. Appendix B provides an exact breakdown of each account and "present[s] a comparison of FY2015 enacted and FY2016 requested appropriations for [DHS] by thematic grouping"[35]

The remaining one-third of the budget is not as clearly reflected in the DHS discretionary spending levels and comes in one of three categories (as of the 2016 appropriation process): fees, revenues, and trust funds; OCO funding, or a disaster relief supplemental.

First, consider DHS fees, revenues, and trust funds. A portion of the organization

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[33] PAINTER, *supra* note 24 at 2.
[34] *Id.* at 2.
[35] *Id.* at 4.

actually relies "on fee income or offsetting collections to support a significant amount of their activities."[36] As an example, the U.S. Citizenship and Immigration Services relies on annual appropriations for less than 4% of their budget, while the remaining 96% comes from fee income.[37] This method of funding has existed since the inception of the organization in 2003 where initial appropriations were received via transfer. Still today, DHS remains "dependent in part on resources provided beyond its funding stream subject to the annual appropriations process."[38]

Second, DHS receives appropriation through the Overseas Contingency Operations account – funding exempt from BCA sequestration restrictions. This funding stream, currently only provided to the Coast Guard, is fairly small—213 million FY2015 dollars or 0.0001% of 2015 GDP[39]—but indicative of the varying flows of financing that DHS receives.[40] As long as the Coast Guard serves as a maritime force in Operation Iraqi Freedom, it is presumed OCO funding will be authorized.

Last, DHS historically received supplemental appropriations when spending was "designated as emergency by both the President and Congress."[41] Interestingly, under the rules of the Budget Enforcement Act (BEA of 1990-2002), the emergency designation "would not trigger a sequester, because the caps would be adjusted automatically by an amount equal to the emergency spending."[42] Since the BEA, the means for providing emergency supplemental appropriation has changed considerably; however, the regularity with which federal funding is

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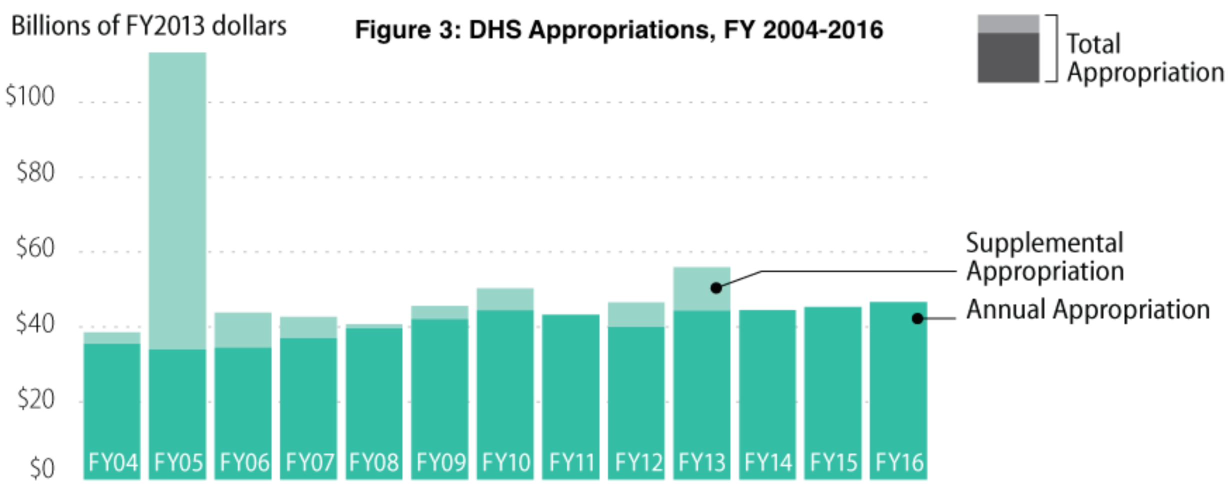
[36] WILLIAM L. PAINTER, DHS BUDGET V. DHS APPROPRIATIONS: FACT SHEET 1 (2015).
[37] *Id.* at 1.
[38] *Id.* at 1.
[39] Table 2 of Appendix B shows the specific OCO line item under the Coast Guard's portion of the DHS Appropriation.
[40] PAINTER, *supra* note 24 at 7.
[41] JAMES SATUMO, EMERGENCY SPENDING: STATUTORY AND CONGRESSIONAL RULES 1 (2005).
[42] *Id.* at 1.

used for this category hasn't.  The respective changes will be covered later in the writing.

In total, DHS appropriations have fluctuated from its lowest in FY2004 at $39 billion dollars (.32% of GDP[43]) to its peak in FY2005 at $113 billion dollars (.86% of GDP[44]); that peak attributed mostly to the Hurricane Katrina response.  Median appropriations for DHS, since its inception in 2003, fell around $46 billion dollars (approximately .31% of GDP[45]).[46]  Figure 3 captures that breakdown:[47]




Source: William L. Painter, Trends in the Timing and Size of DHS Appropriations: In Brief (2016)

The figure not only illustrates the size of yearly DHS appropriations, but also demonstrates the regularity of DHS supplemental financing.[48]  For DHS, this supplemental funding mostly entails federal disaster relief – a signal of irregular amount but persistent demand.

## FEDERAL DISASTER RELIEF

The concept of federal disaster relief originated from unforeseen and catastrophic events

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[43] US Department of Commerce, BUREAU OF ECONOMIC ANALYSIS (2016), http://www.bea.gov/national/Index.htm.
[44] *Id.*
[45] *Id.*
[46] PAINTER, *supra* note 16 at 6.
[47] *Id.* at 7.
[48] *Id.* at 7.

just prior to and during the Nixon administration. In fact, "[s]everal major hurricanes and earthquakes exposed significant flaws in natural disaster preparedness at a time when no centralized system for disaster relief existed."[49] Consequently Congress passed the Disaster Relief Act of 1969 – legislation that formally made the financing and management of major natural disasters a federal responsibility. Then, in 1988, the Disaster Relief Act again transformed into today's authorization for federal disaster relief – the Stafford Act.[50]

Understanding federal disaster relief budgeting requires at least a brief review of the Stafford Act's basic premises. First, the act "[a]uthorizes the President to declare a major disaster in response to a governor's request for federal assistance."[51] Essentially, a governor's announcement that a disaster has exceeded their state's capabilities triggers the authorization for federal intervention. Second, while the federal response is generally associated with the Federal Emergency Management Agency (FEMA), other federal agencies may also act as part of the coordinated federal response (i.e. Department of Transportation, Army Corps of Engineers, etc.). "The assistance provided by these agencies may be funded through their own budgets, but in many cases is requested and paid for by FEMA."[52] Third, the financial mechanism for the Stafford Act is the Disaster Relief Fund (DRF). Unlike most other discretionary spending, the DRF is a "no-year account;"[53] a designation that ensures federal disaster relief money is available until expended[54]. Finally, the DRF serves as FEMA's tool to reimburse other federal

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[49] THEODORE STEINBERG, ACTS OF GOD: THE UNNATURAL HISTORY OF NATURAL DISASTER IN AMERICA 175 (2nd ed. 2006).

[50] HOMELAND SECURITY NATIONAL PREPAREDNESS TASK FORCE, *supra* note 1 at 21.

[51] BRUCE LINDSAY, PAINTER, WILLIAM & FRANCIS MCCARTHY, AN EXAMINATION OF FEDERAL DISASTER RELIEF UNDER THE BUDGET CONTROL ACT 2 (2013).

[52] *Id.* at 2.

[53] *Id.* at 2."While most appropriations expire after a set period of time, no-year appropriations are available until expended. This is helpful in disaster recovery since infrastructure repair and mitigation projects can stretch out over several years."

[54] Note: that the DRF's is not revolving fund; its 'no-year' status is simply part of the approved appropriation.

agencies and cover costs associated with "declared emergencies, fire management assistance grants, and major disasters."[55]

Perfectly budgeting for natural disasters, before their existence, would obviously require fortune-telling capabilities. Since lawmakers don't possess such abilities, they historically relied on emergency or supplemental appropriations to fund disaster relief. In fact, the "Congressional Budget and Impoundment Control Act of 1974 included a requirement that the budget resolution include an allowance for 'contingencies'"[56] and public law required the President's budget make "an allowance for unanticipated uncontrollable expenditures for the ensuing fiscal year."[57] Unfortunately, neither initiative defined emergency spending nor established spending caps, so the legal requirement only became a spending loophole. To rectify this problem, in 1989 Congress and the President informally agreed to cap emergency spending and authorize its use only in "in the case of a dire emergency."[58] Unfortunately, the vagueness of their plan again led to minimal impact since the definition of a "dire emergency" didn't provide any greater clarity to appropriators. Concrete methods for disseminating emergency spending for federal disaster relief began with the Budget Enforcement Act (BEA) of 1990.

While most know the 1990 BEA for its changes to discretionary spending caps and pay-as-you-go rules, it "also provided for several required adjustments, including emergency appropriations."[59] According to its rules, either the President or Congress could initiate emergency spending as long as the other party similarly designated the spending in its statutory language. If examined with respect to the Stafford Act, the BEA allowed the President to

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[55] LINDSAY, PAINTER, WILLIAM, AND MCCARTHY, *supra* note 51 at 2.
[56] SATUMO, *supra* note 41 at 1.
[57] *Id.* at 1.
[58] William G. Dauster, *Budget Emergencies*, 18 J. LEGIS. 249–315 (1992).
[59] SATUMO, *supra* note 41 at 2.

respond to a Governor's need for federal funding regardless of an existing disaster appropriation. Obviously, Congress would have to approve similar language, but in the case of natural disaster, there is little doubt both branches of government would agree. Interestingly, the BEA's purpose was to eliminate excessive spending; however, it "did not define or place limits on the use of the emergency designation, other than the requirement that it be so designated by both the President and Congress."[60] From a disaster response perspective the lack of a limit was ideal, from a federal budgeting standpoint it simply re-introduced the criticisms of applying emergency designation to non-emergency spending.

From 1990 to 2001, the budgetary method to determine DRF levels (as per the 1990 BEA) consisted of four data points: "(1) funding levels currently available in the DRF; (2) the five-year rolling average of 'normal' disaster costs; (3) pending recovery costs; and (4) the estimated monthly 'recoveries' of unobligated funds."[61] Additionally, it is important to note that "normal" disaster costs did not include budgeting for "high-cost disasters in the annual appropriation process."[62] Those disasters, ones totaling $500 million dollars or more, were considered "atypical events—outliers—when FEMA request[ed] its annual appropriations for each new fiscal year."[63] Why is that important to note? According to FEMA's Legislative Affairs Division, there have been 50 high-cost disasters since 1992. The empirical evidence suggested that these "incidents occur too frequently to be considered as outliers and ought to be included" in annual appropriations forecasting (Figure 3).[64] In fact, since FY1998 the request for DRF funding was $1.3 billion or more each year and between FY2000 and FY2011 it was

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60 *Id.* at 3.
61 LINDSAY, PAINTER, WILLIAM, AND MCCARTHY, *supra* note 51 at 2–3.
62 *Id.* at 3.
63 *Id.* at 3.
64 *Id.* at 3.

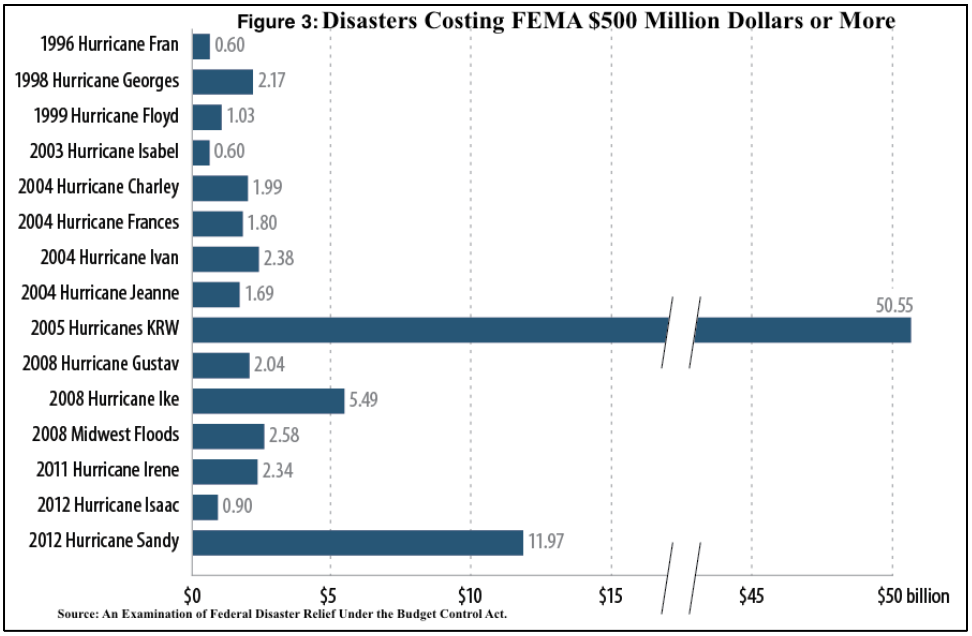

Figure 3: Disasters Costing FEMA $500 Million Dollars or More

Source: An Examination of Federal Disaster Relief Under the Budget Control Act.

approximately $2 billion per year. Unfortunately, "the average spend-out rate for the DRF over that same period was $350 million dollars per month, or $4.2 billion a year."[65]

As one can imagine, when expenditures exceed appropriations then federal officials must make up the difference through emergency spending initiatives. The Congressional Research Service clearly depicted the stark comparison of enacted appropriations for the DRF alongside the requisite supplemental appropriation in Figure 4.[66] Take note that over 60% of the annual budgets required supplemental appropriation to meet federal disaster needs.

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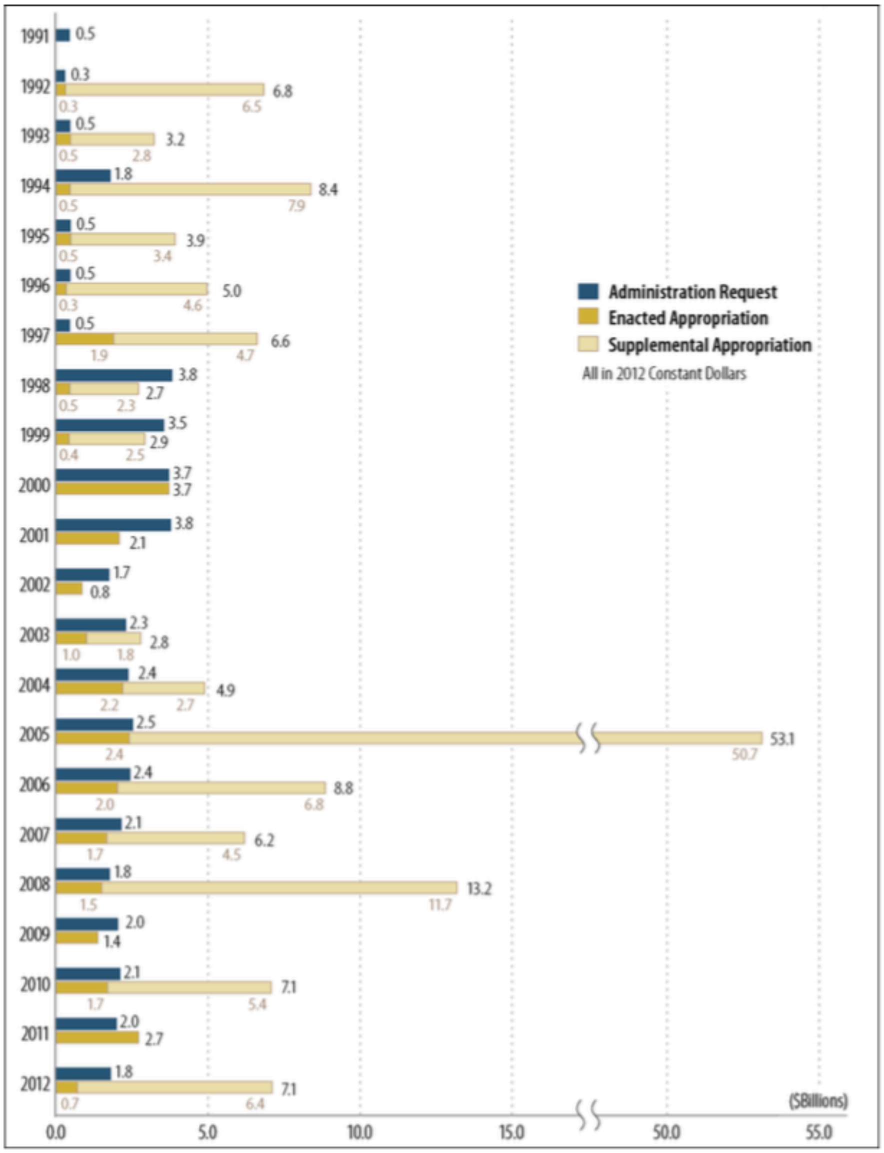
[65] *Id.* at 3.
[66] *Id.* at 6.

**Figure 4: Disaster Relief Fund; Administration Requests and Appropriations**




**Source:** CRS data using Administration budget documents and appropriations statutes.

To combat rising deficits and national debt, Congress then enacted the 2011 Budget Control Act (BCA), fortunately it also addressed the aforementioned problems with disaster relief budgeting. The act placed caps on discretionary spending and linked those caps to sequestration rules, but it also made some exceptions and adjustments for emergencies. In fact, "a new category of spending was defined in the law for 'disaster relief,' allowing it to be treated separately from other emergencies."[67] Included in that legislation was a "mechanism that recognize[d] the unexpected nature of disasters and the periodic need for disaster relief funding beyond what the budget might envision, as well as measures to limit spending."[68] Moreover, the 2011 BCA provided a comprehensive definition of emergency spending, established caps for disaster relief, and "created an allowable adjustment specifically to cover disaster relief, separate from emergency appropriations."[69] The disaster relief cap was now based on average funding provided for disaster relief over the last ten years, excluding the highest and lowest annual amounts"[70] – a noteworthy additions as the DRF now accounted for the previously atypical events ($500 million or more) and leveraged data from the previous ten years instead of five. Best of all, if the disaster relief appropriation was not completely spent in one year, Congress could adjust upward the unspent amount into the next year. This '"allowable adjustment' for disaster relief has changed the way that the Disaster Relief Fund is structured and resulted in a fund with substantial funding at the start of FY2014, a departure from historical precedent."[71]

While the 2011 BCA improved the budgeting approach to disaster relief funding, it did created one challenge: a slowdown for any expenditure that exceeded the DRF (i.e funding that was needed for Hurricane Sandy beyond the existing DRF levels). Obviously the goal of the 2011 BCA DRF model was to capture all financial requirements for future disasters, but when it fell short a process for rapid-response supplemental funding no longer existed. In other words, the DRF now carried a more robust balance "and thus [was] prepared to respond in the weeks and months after a major disaster without needing immediate replenishment by a supplemental

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[67] *Id.* at 7.
[68] *Id.* at 7.
[69] *Id.* at Summary.
[70] *Id.* at Summary.
[71] *Id.* at Summary.

appropriations bill." Thus the timing of supplemental appropriations for disasters slowed. A comparison of the Hurricane Katrina supplemental appropriation (2005) and the Hurricane Sandy supplemental appropriation (2012) illustrates both the benefit of the previously mentioned "adjustable" account and the timing delay for supplemental appropriations. William Painter noted that:

> The former had a request for supplemental appropriations three days from the date of the disaster declaration and took four days from the date of disaster declaration to be enacted. In contrast, the latter took 38 days for a supplemental appropriations request to be submitted to Congress, and took three months from the date of declaration for supplemental appropriations to be enacted. At the time Hurricane Sandy made landfall, FEMA had over $7 billion available, almost three times more than was on hand when Hurricane Katrina came ashore.[72]

In the end, the 2011 BCA unquestionably improved the process for disaster relief funding even if it came with a minor shortcoming.

In addition to financing the federal government's disaster relief response, DHS plays a critical role financing the nation's efforts to combat terrorism. That program—DHS grants to state and local governments—has drawn stark criticism in the last few years and also deserves a more thorough review.

## DHS GRANTS TO STATE AND LOCAL GOVERNMENTS

Prior to the events of September 11, 2001, state and local governments were eligible for three grant programs pertinent to homeland security: State Domestic Preparedness Program (SDPP), the Emergency Management Performance Grant (EMPG), and the Metropolitan Medical Response System (MMRS).[73] These grants were administered by the Department of Justice, FEMA, and the Department of Health and Human Services respectively and aimed to provide each state with maximal flexibility in its preparation for domestic resiliency. Following

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[72] PAINTER, *supra* note 16 at 3.

[73] STEVEN MAGUIRE & REESE, SHAWN, DEPARTMENT OF HOMELAND SECURITY GRANTS TO STATE AND LOCAL GOVERNMENTS: FY2003 TO FY 2006 2 (2007).

the terrorist attacks in New York City, four additional homeland security grant programs came into existence: Law Enforcement Terrorism Prevention Program (LETPP), Urban Area Security Initiative (UASI), Critical Infrastructure Protection Program (CIP), and Citizen Corps Program (CCP).[74] Additionally, the SDPP was renamed as the State Homeland Security Grant Program (SHSGP). For reference sake, the table below outlines 2006 DHS security grants (the total value equating to .01% of 2006 GDP):[75]

| DHS Program | FY2006 Funding | |
|---|---|---|
| | Amount ($millions) | Share of Total |
| Urban Area Security Initiative (UASI) | $711 | 38.4% |
| State Homeland Security Grant Program (SHSGP) | $528 | 28.5% |
| Law Enforcement Terrorism Prevention Program (LETPP) | $384 | 20.8% |
| Emergency Management Performance Grant Program (EMPG) | $179 | 9.7% |
| Metropolitan Medical Response System (MMRS) | $29 | 1.6% |
| Citizen Corps Program (CCP) | $19 | 1.0% |
| Critical Infrastructure Protection Program (CIP) | $0 | 0.0% |
| Total | $1,850 | 100.0% |

**Source:** P.L. 109-90 (FY2006 DHS Appropriations).

The USA PATRIOT Act defined the terms for appropriation to each of these DHS grants. It required states to use the funding "in conjunction with units of local government to enhance the capability of State and local jurisdictions to prepare for and respond to terrorist acts including events of terrorism involving weapons of mass destruction and biological nuclear, radiological, incendiary, chemical, and explosive devices."[76] Furthermore, the Act allowed grants to "be used to purchase needed equipment and to provide training and technical assistance to State and local first responders."[77] Two of the programs, UASI and MMRS, were not disseminated for state use

[74] *Id.* at 2.
[75] *Id.* at 3.
[76] *Id.* at 3.
[77] *Id.* at 3.

but remained entirely within the purview of DHS. Their only constraint for these programs was "the budget authority appropriated for the programs for each fiscal year."[78]

To understand the flow of this $2 billion dollar per year grant program, one must consider each sub-account:[79]

- SHSGP: "assistance to state and local entities to prepare for terrorist attacks involving weapons of mass destruction (WMD). It authorizes purchase of specialized equipment to enhance state and local agencies' capability in prevent and responding to WMD incidents and other terror incidents, and provides funds for protecting critical infrastructure of national importance." States had to allocate 80% of this fund to localities.

- LETPP: "provide[d] funds to support activities to establish and enhance state and local law enforcement efforts to prevent and respond to terrorist attacks. "Authorized programs included information sharing to prevent attacks, target hardening of high value targets, and interdiction of terrorists and terrorist cells. States had to allocate 80% of this fund to localities.

- UASI: funds aimed specifically at "high-risk, high-threat urban areas, to prepare for, prevent, and respond to terrorist incidents." Funding was used to purchase specialized WMD equipment, plan and execute exercises, and train/pay first responders. This program also funded "port and mass transit security, radiological defense systems, pilot projects, and technical assistance." The DHS Secretary determined which urban areas received the funding.

- CIPP: funding provided to "pay for costs associated with increased security measures at critical infrastructure sites…States and localities were to consider critical infrastructure to include any system or asset an attack on which would result in catastrophic loss of life or catastrophic economic loss." Examples included water systems, power grids, chemical facilities, mass transit systems, etc.

- EMPGP: "designed to assist in the development, maintenance, and improvement of state and local emergency management capabilities…[These] funds are used for emergency management personnel costs, travel, training, supplies, and other routine expenditures for emergency management activities." States had to match 50% of the program expenditure.

- MMRS: funding aimed at promoting "coordinate among first responders, medical treatment resources, public health officials, emergency management offices, volunteer organizations, and other local entities to reduce the catastrophic effects of a terrorist attack." The DHS Secretary determined which urban areas received the funding.

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[78] *Id.* at 4.
[79] *Id.* at 4–9.

- CCP: a subset of the USA Freedom Corps', this program "was created to coordinate volunteer organizations with the mission to make local communities safe and prepared to respond to any emergency situation." In turn, these volunteers then support "first responders, provide immediate assistance to victims, and organize spontaneous volunteers at disaster sites."

Three trends emerged due to these seven DHS grant programs: (1) population based spending, (2) spending from federal agencies direct to localities, and (3) minimal spending oversight. First, the budgeting intent of the USA PATRIOT Act was clear – harden states and localities against the threat of WMD, terrorist attacks, and emergency response. What was less clear was a rational, model-based approach to ensure all threats were appropriately addressed. Instead a dissemination plan with equal distribution to all 50 states emerged. Second, five of the seven funds were targeted directly at state spending and two of the top three largest grant programs (SHSGP and LETPP) required 80% of those funds to go straight to localities. Essentially, the DHS grant program opened an enormous flow of federal money right to localities, many of which were sorely unprepared to properly plan, assess, or judiciously spend the grant money. Finally, states and localities had very little oversight or criteria to guide spending plans. Anyone that could put together a poor-to-modest grant proposal was nearly guaranteed the requested funding.

First, consider the federal approach to funds dissemination. In the days following the chaos of 9/11 a select group of House and Senate leaders, under the direction of Democratic Senator Patrick Leahy "decided to adopt a formula that had been used in years past for distributing terrorism-preparedness funds, a formula that had never been written into law before and that was designed for a sum of money that was incomparably smaller."[80] That formula mandated that each state receive a minimum of three-quarters of 1% of the total USA PATRIOT

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[80] Amanda Ripley & Mitch Frank, *How We Got Homeland Security WRONG*, 163 TIME 32–37, 3 (2004).

Act homeland security funding. Thus, 40% of the funds were divided equally among all 50 states—a small portion also going to Puerto Rico—regardless of size or population. The remaining 60% was then to be disseminated at the discretion of Executive Branch based on individual grant requests. Issues arose almost immediately after the plan's implementation. Most commonly noted was that an equal distribution of funds to all 50 states did not equate to a judicious division of resources to states. For example, an equal split for South Dakota goes much further than the same share in New York. As Tim Ransdell from the Public Policy Institute of California opined, "Wyoming and South Dakota are important states, but it's a bit counterintuitive to say an individual in those states is manifold more important than some living in a state that has a border with a foreign nation, some of the nation's icons and almost half of the nation's containerized cargo."[81] Fortunately, the Department of Homeland Security Act of 2006 adjusted that distribution system. While it kept the mandatory dissemination (3/4 of 1% of all monies to each state), it also improved the process by linking grant allocations to risk and not simply to population size (specifically for for SHGP and LETPP funds). In fact, DHS then allocated two-thirds of all monies remaining according to its "risk and threat assessments and scoring system," and the remaining one-third based "on how well the state's application demonstrated state capacity to effectively use federal homeland security assistance."[82]

Second, 70% of DHS grant programs were aimed directly at the state and, in some cases, specifically at localities – a wonderful theory, but maybe not as practical in execution. Consider Cheyenne, Wyoming as an example. Since funding was equally distributed amongst all 50 states, Wyoming became the leading recipient of homeland security funding per capita. What did that mean for Cheyenne?

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[81] *Id.* at 4.
[82] MAGUIRE AND REESE, SHAWN, *supra* note 73 at 10.

> Cheyenne ha[d] access to a mobile radio system that allows different agencies to talk to one another thanks to $52,000 in federal money. Federal money has also brought Wyoming four command vehicles; enough protective haz-mat suits for every police officer, sheriff's deputy and coroner in the state; and a robot named Miss Daisy that can help dismantle bombs and dispose of toxic chemicals.[83]

It isn't the goal of this paper to judge the merit of those purchases; however, many U.S. cities mirrored the action of this Wyoming town. Each leveraged the steady stream of federal funding to buy all sorts of arguably excessive first-response equipment. Conversely, states that had a much higher public safety burden (i.e. New York or California) desperately needed the federal funding but did not receive it. Instead, they faced layoffs and lack or resources as the DHS grant program did not adequately address their needs. As a stark contrast, "[s]ince September 11, California has spent roughly $5 a person of its own money on homeland security; Wyoming has spent about $1."[84] The equity of DHS distribution was obviously lacking.

Finally, DHS grant spending faced very little scrutiny once it left the Treasury (at least in the first four years of its execution). From 2003 to 2007, DHS grants were disseminated as follows: allotment of the required 0.75% per state, awarding of any state grant requests submitted, and then all remaining balances again equally distributed among all 50 states. States obviously had to follow federal procurement requirements; however, the flavor and amount of each grant request remained at the prerogative of local officials (e.g. Cheyenne, WY). There is no doubt that states felt that the faucet for grant money had been turned on and there was no limit to the amount of money a locality could procure. In January 2007, recognizing the unfiltered flow of grants, the DHS, the House of Representatives, and the Senate then revamped the process and linked grants for states, urban areas, and U.S. insular areas to "risk and effectiveness

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[83] Ripley and Frank, *supra* note 80 at 4.
[84] *Id.* at 5.

evaluations."[85] Risk was determined using three variables: threat, consequence, and vulnerability. It was further sub-divided into specific assets and geographic attributes for each variable.[86] For example, if a large number of nuclear reactors were located in one small geographic area, then the composite risk to that region would be very high and the likelihood of a DHS grant as equally high. The 2007 action tended to generate a more realistic level of risk per DHS grant and enhanced federal preparedness a locations most susceptible to homeland security dangers.

In hindsight, evidence suggests that risk-based DHS grants out-performed equal state distributions for properly addressing homeland security preparedness.[87] Congressman Chris Cox (R-California) argued prior to the 2007 Act, "[t]his should be all about national security and less about pork and politics. Right now, we're using funding formulas that look more like a highway bill."[88] Thankfully, the 2007 action helped to trade politics for empirical evidence, but the distributions were still not without debate.

## CONCLUSION

DHS is a young governmental organization that seems to be improving its budgetary approach each year. That being said, it has been noted that "[m]aking meaningful comparisons over time for [DHS's] appropriations as a whole is complicated by a variety of factors, the two most significant of which are the frequency of supplemental appropriations for the department,

[85] SHAWN REESE & MAGUIRE, STEVEN, FISCAL YEAR 2007 HOMELAND SECURITY GRANT PROGRAM, H.R. 1 AND S. R: DESCRIPTION AND ANALYSIS 1 (2007).
[86] *FY2006 HSGP Fact Seet, Allocation Methodology.*
[87] Tyler Prante & Alok Bohara, *What Determines Homeland Security Spending? An Econometric Analysis of the Homeland Security Grant Program.*, 36 POLICY STUD. J. 243–256 (2008).
[88] *Id.* at 245.

and the impact of disaster funding."[89] In fact, since the foundation of DHS there have been twenty separate supplemental appropriations acts for a gross amount of $115 billion.[90] Moreover, the DHS appropriation bill has become a centerpiece for legislative debate in the last few years. For example, only three of the last thirteen DHS appropriations were actually enacted at the start of the fiscal year,[91] and 2014 represented the first time the department had neither a continuing resolution nor an annual appropriation by the start of the fiscal year.[92] The Presidential immigration battles of that year—ones that ultimately froze the DHS budget—only highlight the future struggles for a department surrounded by political forces. Only time will tell if DHS will evolve into an appropriation stronghold like the DoD or if it will continue to struggle against its many competing owners.

In summary, this paper covered the following five topics: the evolution of the nation's homeland defense, security, and response effort; DHS's organization and budget compositions; homeland security appropriations; federal disaster relief funding; and federal grants to states and localities. There is little doubt, given the growing global security crisis, that DHS will continue to play an integral role in the future of our nation's security and defense. While work must be done to untangle the competing demands that DHS faces, improvements to federal disaster relief and DHS grant programs prove that the organization can adapt and improve to meet the evolving demand of national security.

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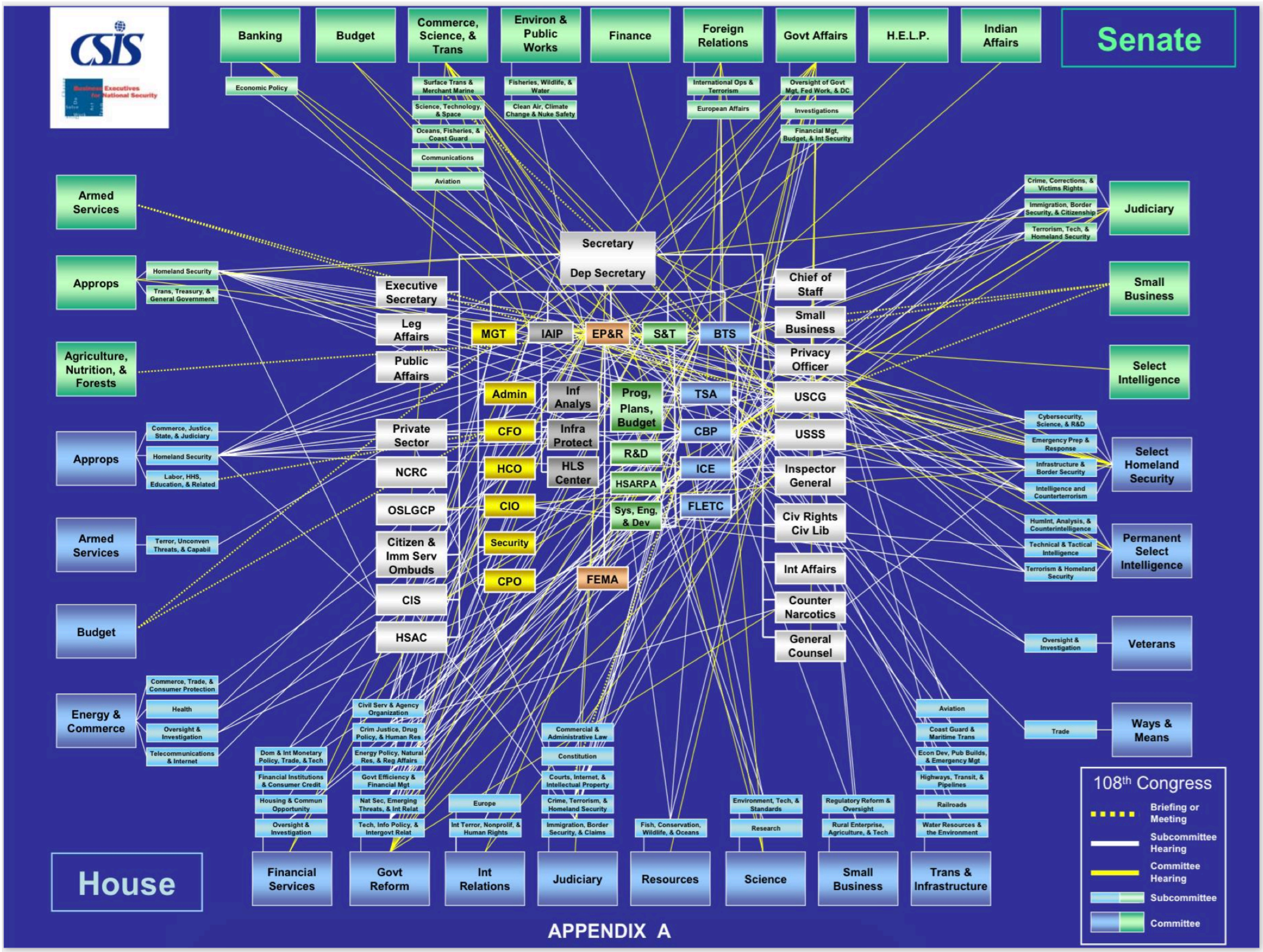
89 PAINTER, *supra* note 16 at 3.
90 *Id.* at 3.
91 *Id.* at 2.
92 *Id.* at 1.

## Appendix A: Competing Congressional Requirements [93]

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93 Diagram taken from IGA-615 - Homeland Security Enterprise Presentation. Original creator is The Center for Strategic & International Studies.

**Appendix B: Homeland Security Appropriations.**

"The following tables present comparisons of FY2015 enacted and FY2016 requested appropriations for [DHS] by thematic grouping"[94]

**Table 1. Budgetary Resources for Departmental Management and Operations FY2015 and FY2016**

(budget authority in millions of dollars)

| | FY2015 | FY2016 | |
|---|---|---|---|
| **Component/Appropriation** | **Enacted** | **Request** | **Senate-reported S. 1619** |
| Office of the Secretary and Executive Management | 133 | 134 | 133 |
| Office of the Under Secretary for Management | 188 | 193 | 185 |
| DHS Headquarters Consolidation | — | 216[b] | — |
| DHS Headquarters Consolidation (Title V) | [49] | — | [212] |
| Office of the Chief Financial Officer | 52 | 54 | 53 |
| Financial Systems Modernization (Title V) | [34] | [43[c]] | [36] |
| Office of the Chief Information Officer | 288 | 321 | 304 |
| Analysis and Operations | 256 | 269 | 263 |
| Office of the Inspector General | 119 | 142 | 134 |
| Transfer to OIG from FEMA's DRF (Title III)[a] | [24] | [24] | [24] |
| **Net Discretionary Budget Authority: Title I** | **1,035** | **1,329** | **1,074** |
| **Net Discretionary Budget Authority: Total for Departmental Management and Operations Components** | **1,141** | **1,396** | **1,346** |
| **Total Gross Budgetary Resources for Departmental Management and Operations Components** | **1,141** | **1,396** | **1,346** |

**Source:** CRS analysis of P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2015, pp. H275-H322, the FY2016 DHS *Budget-in-Brief*, S. 1619, and S.Rept. 114-68.

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[94] PAINTER, *supra* note 24 at 4 Same citation for all four tables (pg 30-35)..

**Table 2. Budgetary Resources for Security, Enforcement, and Investigations, FY2015 and FY2016**

(budget authority in millions of dollars)

| | FY2015 | FY2016 | |
|---|---|---|---|
| **Component/Appropriation** | **Enacted** | **Request** | **Senate-reported S. 1619** |
| **Customs and Border Protection** | | | |
| Salaries and Expenses | 8,460 | 9,124 | 8,779 |
| Small Airport User Fee[a] | 9 | 9 | 9 |
| Automation Modernization | 808 | 867 | 854 |
| Border Security Fencing, Infrastructure, and Technology | 382 | 373 | 373 |
| Air and Marine Operations | 750 | 747 | 755 |
| Facilities Management | 289 | 342 | 314 |
| COBRA FTA funding (Title V)[b] | [138] | [180] | [220] |
| **Title II Appropriation** | **10,699** | **11,463** | **11,084** |
| **Total Appropriation** | **10,837** | **11,643** | **11,304** |
| Fees, Mandatory Spending, and Trust Funds | 1,884 | 1,977 | 1,977 |
| Total Budgetary Resources (including Title V) | 12,721 | 13,620 | 13,281 |
| **Immigration and Customs Enforcement** | | | |
| Salaries and Expenses | 5,933 | 5,887 | 5,762 |
| Automation and Infrastructure Modernization | 26 | 74 | 53 |
| Construction | 0 | 5 | 0 |
| **Appropriation** | **5,959** | **5,965** | **5,815** |
| Fees, Mandatory Spending, and Trust Funds | 345 | 322 | 322 |
| Total Budgetary Resources | 6,304 | 6,287 | 6,137 |
| **Transportation Security Administration** | | | |
| Aviation Security (net funding) | 3,574 | 3,500 | 3,453 |
| Surface Transportation Security | 124 | 124 | 123 |
| Intelligence and Vetting[c] (net funding) | 219 | 228 | 225 |
| Transportation Security Support | 917 | 931 | 919 |
| **Appropriation** | **4,834** | **4,783** | **4,719** |

| Component/Appropriation | FY2015 Enacted | FY2016 Request | FY2016 Senate-reported S. 1619 |
|---|---|---|---|
| Fees, Mandatory Spending, and Trust Funds | 2,395 | 2,564 | 2,579 |
| Total Budgetary Resources | 7,229 | 7,347 | 7,299 |
| **U.S. Coast Guard** | | | |
| Operating Expenses[d] | 7,043 | 6,823 | 6,996 |
| Overseas Contingency Operations Adjustment (included in Operating Expenses)[d] | [213] | 0 | [160] |
| Environmental Compliance and Restoration | 13 | 13 | 13 |
| Reserve Training | 115 | 111 | 111 |
| Acquisition, Construction, and Improvements | 1,225 | 1,017 | 1,573 |
| Research, Development, Testing, and Evaluation | 18 | 18 | 18 |
| Health Care Fund Contribution[a] | 177 | 169 | 169 |
| **Discretionary Appropriation** | **8,378** | **8,151** | **8,721** |
| Fees, Mandatory Spending, and Trust Funds | 1,664 | 1,822 | 1,822 |
| Total Budgetary Resources | 10,255 | 9,973 | 10,703 |
| **U.S. Secret Service** | | | |
| Salaries and Expenses | 1,616 | 1,867 | 1,837 |
| Acquisition, Construction, and Improvements | 50 | 72 | 87 |
| **Appropriation** | **1,666** | **1,939** | **1,924** |
| Fees, Mandatory Spending, and Trust Funds | 260 | 265 | 265 |
| Total Budgetary Resources | 1,926 | 2,204 | 2,189 |
| **Net Discretionary Budget Authority: Title II** | **31,536** | **32,301** | **32,264** |
| **Net Discretionary Budget Authority: Total for Security, Enforcement, and Investigations Components** | **31,674** | **32,481** | **32,484** |
| **Total Gross Budgetary Resources for Security, Enforcement, and Investigations Components** | **38,434** | **39,431** | **39,609** |

**Source:** CRS analysis of P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2015, pp. H275-H322, the FY2016 DHS *Budget-in-Brief*, S. 1619, and S.Rept. 114-68.

**Table 3. Budgetary Resources for Protection, Preparedness, Response, and Recovery, FY2015 and FY2016**

(budget authority in millions of dollars)

| | FY2015 | FY2016 | |
|---|---|---|---|
| Component/Appropriation | Enacted | Request | Senate-reported S. 1619 |
| **National Protection and Programs Directorate** | | | |
| Management and Administration | 62 | 64 | 58 |
| Infrastructure Protection and Information Security | 1,189 | 1,312 | 1,297 |
| Federal Protective Service[a] | [1,343] | [1,443] | [1,443] |
| Office of Biometric Identity Management | 252 | 284 | 283 |
| **Appropriation** | **1,502** | **1,659** | **1,638** |
| Fees, Mandatory Spending, and Trust Funds | 1,343 | 1,443 | 1,443 |
| Total Budgetary Resources | 2,845 | 3,103 | 3,082 |
| **Office of Health Affairs** | | | |
| **Appropriation** | **129** | **124** | **123** |
| Fees, Mandatory Spending, and Trust Funds | 0 | 0 | 0 |
| Total Budgetary Resources | 129 | 124 | 123 |
| **Federal Emergency Management Agency** | | | |
| Salaries and Expenses | 934 | 949 | 929 |
| Grants and Training | 2,530 | 2,231 | 2530 |
| Radiological Emergency Preparedness | -2 | * | * |
| U.S. Fire Administration | 44 | 42 | 44 |
| Disaster Relief Fund | 596 | 662 | 662 |
| Major Disasters Adjustment | [6,438] | [6,713] | [6,713] |
| Transfer to Office of Inspector General | [-24] | [-24] | [-24] |
| Subtotal: Net Total Disaster Relief Funding[b] | [7,009] | [7,351] | [7,351] |

| Component/Appropriation | FY2015 Enacted | FY2016 Request | FY2016 Senate-reported S. 1619 |
|---|---|---|---|
| Flood Hazard Mapping and Risk Analysis | 100 | 279 | 190 |
| National Flood Insurance Fund[a] | [179] | [181] | [181] |
| Pre-disaster Mitigation Fund | 25 | 200 | 100 |
| Emergency Food and Shelter | 120 | 100 | 100 |
| **Appropriation[c]** | **4,347** | **4,462** | **4,554** |
| Fees, Mandatory Spending, and Trust Funds | 4,538 | 4,666 | 4,666 |
| Total Budgetary Resources | 15,299 | 15,817 | 15,909 |
| **Net Discretionary Budget Authority: Title III[c]** | **5,979** | **6,246** | **6,315** |
| **Net Discretionary Budget Authority: Total for Protection, Preparedness, Response and Recovery Components** | **5,955** | **6,222** | **6,291** |
| **Total Gross Budgetary Resources for Protection, Preparedness, Response and Recovery Components** | **18,250** | **19,020** | **19,114** |

**Source:** CRS analysis of P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2015, pp. H275-H322, the FY2016 DHS *Budget-in-Brief*, S. 1619, and S.Rept. 114-68.

**Table 4. Budgetary Resources for Research and Development, Training, and Services FY2015 andFY2016**

(budget authority in millions of dollars)

| Component/Appropriation | FY2015 Enacted | FY2016 Request | FY2016 Senate-reported S. 1619 |
|---|---|---|---|
| **U.S. Citizenship and Immigration Services** | | | |
| E-Verify | 124 | 120 | 120 |
| Immigrant Immigration Programs | — | 10 | — |
| Immigrant Integration Grants (Title V; authority to use fees) | [10] | — | [10] |
| U Visa fee proposal (Title V) | — | 21 | — |
| **Appropriation** | **124** | **151** | **120** |
| Fees, Mandatory Spending, and Trust Funds | 3,097 | 3,874 | 3,491 |
| Total Budgetary Resources | 3,231 | 4,025 | 3,620 |
| **Federal Law Enforcement Training Center** | | | |
| Salaries and Expenses | 230 | 239 | 219 |
| Acquisition, Construction, Improvements, and Related Expenses | 28 | 28 | 26 |
| **Appropriation** | **258** | **267** | **246** |
| Fees, Mandatory Spending, and Trust Funds | 0 | 0 | 0 |
| Total Budgetary Resources | 258 | 267 | 246 |
| **Science and Technology Directorate** | | | |
| Management and Administration | 130 | 132 | 130 |
| Research, Development, Acquisition, and Operations | 974 | 647 | 634 |
| **Appropriation** | **1,104** | **779** | **765** |
| Fees, Mandatory Spending, and Trust Funds | 0 | 0 | 0 |
| Total Budgetary Resources | 1,104 | 779 | 765 |
| **Domestic Nuclear Detection Office** | | | |
| Management and Administration | 37 | 38 | 38 |
| Research, Development, and Operations | 198 | 196 | 196 |
| Systems Acquisition | 73 | 123 | 87 |
| **Appropriation** | **308** | **357** | **320** |
| Fees, Mandatory Spending, and Trust Funds | 0 | 0 | 0 |
| Total Budgetary Resources | 308 | 357 | 320 |
| **Net Discretionary Budget Authority: Title IV** | **1,795** | **1,533** | **1,451** |
| **Net Discretionary Budget Authority: Total for Research and Development, Training, and Services Components** | **1,805** | **1,554** | **1,461** |
| **Total Gross Budgetary Resources for Research and Development, Training, and Services Components** | **4,902** | **5,427** | **4,951** |

**Source:** CRS analysis of P.L. 114-4 and its explanatory statement as printed in the *Congressional Record* of January 13, 2015, pp. H275-H322, the FY2016 DHS *Budget-in-Brief*, S. 1619 and S.Rept. 114-68.

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