



FY 2016 Omnibus Appropriations

Department of Homeland Security

FY 2016 Enacted Discretionary Funding for DHS: \$41 billion [representing an increase of \$1.3 billion over FY 2015 Enacted levels or an increase of 3.3 percent].

Customs and Border Protection (CBP)

FY 2016 Total Spending Authority: \$13.034 billion [FY 2015 Enacted: \$12.582 billion; 3.6 percent increase]. The total amount includes \$1,976,781 in collected fees and fines.

Office of Chief Counsel: \$48.239 million [FY2015 Enacted: \$45.483 million; 6.1 percent increase]. CBP anticipates increased legal work to support the agency's use-of-force initiatives, the congressionally mandated hiring surge and moderate increases in legal services on enforcement matters, including immigration.

Office of Internal Affairs: \$165.223 million [FY2015 Enacted: \$139.493 million; 18.4 percent increase].

- One of Internal Affairs responsibilities is to investigate criminal misconduct of employees. From FY 2009 through FY 2014, Internal Affairs received and documented more than 41,000 allegations of CBP employee misconduct or other reportable matters and completed more than 7,900 internal affairs investigations.

Border Security and Control between Ports of Entry: \$3.751 billion [FY 2015 Enacted: \$3.904 billion; 3.9 percent decrease].

- **\$54.937 million** for training between ports of entry [FY 2015 Enacted: \$56.391 million; 2.6 percent decrease].
- This funding level maintains the record number of border patrol agents at a minimum of 21,370.
- This includes an increase to funds for caring for and transporting UAC, however, CBP requested \$79 million in contingency funding for up to 104,000 UACs which was not enacted. If Border Patrol experiences a surge beyond the 58,000 UAC in the base budget request, they may seek from Congress a reprogramming or transfer of funds to address that need.

Border Security Inspections and Trade Facilitation at Ports of Entry: \$2.982 [FY 2015 Enacted: \$2.811 billion; 6.1 percent increase].

- **\$38.258 million** for training at Ports of Entry [FY 2015 Enacted: \$33.880 million; 12.9 percent increase].

Border Security, Fencing, Infrastructure and Technology: \$447.461 million [FY 2015 Enacted: \$382.466 million; 17.0 percent increase]. This is funding for physical and technological infrastructure and surveillance on the borders.

- The amount includes an additional \$19 million for Development and Deployment for one additional Integrated Fixed Tower location; \$25 million for necessary repairs to border fencing and border roads; \$10 million for additional maritime radars; and \$20 million for relocatable tower surveillance systems.

Air and Marine: \$802.298 million [FY 2015 Enacted: \$750.469 million; 6.9 percent increase]. This amount includes funding for equipment and salaries for marine and aviation border security as well as for unmanned aircraft systems and will maintain at least 95,000 operational flight hours for law enforcement and surveillance.

- **\$300.429 million** for salaries and expenses of Air and Marine Officers [FY 2015 Enacted: \$299.800 million; 0.2 percent increase].
- **\$409.969 million** for Air and Marine operations and maintenance [FY 2015 Enacted: \$397.669 million; 3.0 percent increase].
- **\$91.9 million** for Air and Marine procurement [FY 2015 Enacted: \$53 million; 73.4 percent increase].

Construction and Facilities Management: \$340.128 million for construction at land ports of entry [FY 2015 Enacted: \$288.821 million; 17.8 percent increase]. This includes management of 4,300 owned and leased buildings and infrastructure, 1,500 towers and 4,650 acres of land.

Related: Federal Emergency Management Agency Operation Stonegarden Grants: \$55 million [Maintains FY 2015 funding level]. Operation Stonegarden provides funding to state, local and tribal law enforcement agencies to enhance their capabilities “to jointly secure U.S. borders and territories.”

Immigration and Customs Enforcement (ICE)

FY 2016 Total Enacted: \$5.779 billion [FY 2015 Enacted: \$5.933 billion; 2.6 percent decrease]. This item includes funding to hire an additional 1,080 ICE agents and support personnel.

- **Not less than \$1.6 billion** of the total amount shall be available to identify individuals convicted of a crime who may be deportable and to remove them if they are judged deportable.
- FY 2016 continues a provision prohibiting the use of funds for an ICE Public Advocate position within ICE.

Criminal Alien Program: \$317,177 million [FY 2015 Enacted: \$327.223 million; 3.1 percent decrease]. This item includes costs to identify, interview and initiate removal proceedings against noncitizens held in local, state and federal prisons.

- The Criminal Alien Program screens all intakes at more than 4,300 federal, state and local prisons and jails, using a risk-based approach to prioritize jails and prisons with the highest populations of foreign-born nationals.
- The Omnibus states that “ICE is expected to strengthen its engagement with local law enforcement officials to detain criminal aliens prior to their release from local law enforcement custody. To further that effort, the bill includes a proviso withholding \$5,000,000 from obligation until the Director of ICE briefs the Committees on the details of ICE's outreach through the Priority Enforcement Program and the level of participation in the Program.”
- The Omnibus provides that “not less than \$5,400,000” to facilitate 287(g) agreements in FY 2016. According to the [House Rules Committee Explanatory Statement](#), the Omnibus provides “full funding to support all 287(g) memoranda of agreement,” as well as \$34,500,000 for personnel and resources at the Law Enforcement Support Center.

Domestic Investigations: \$1.762 billion [FY 2015 Enacted: \$1.700 billion; 3.6 percent increase]. This item funds ICE's efforts in leading interagency law enforcement task forces and operations, conducting I-9 audits and enforcement investigations and managing ICE's national security work.

- The Office of Domestic Investigations “executes a broad investigative portfolio that involves carrying the movement of people and goods across our borders.” The office has broad statutory power to investigate a wide range of illegality, including targeting people, money and materials that support terrorists and other criminal activities.
- The Office of Domestic Investigations provides contractual support for the following: wiretap and surveillance services, field operations, undercover operations, investigations of national security threats, investigations of visa overstays and travel related to investigations.
- Within National Security Investigations, the Overstay Analysis Unit (OAU) identifies visa overstays through research and analysis of individuals suspected of overstaying their visas in violation of the terms of their admission. The Omnibus sets aside \$10,000,000 of Domestic Investigations budget in FY 2016 for expanding overstay enforcement investigations and investigative support.

International Operations: \$107.210 million [FY 2015 Enacted: \$110.682 million; 3.1 percent decrease].

- Mission statement: “The Office of International Affairs (OIA) includes offices in 49 countries. International Investigations represents the international assets of all

ICE programs and collaborates with U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection and other DHS components. OIA liaises with foreign governments and international partners to facilitate the enforcement of U.S. customs and immigration laws beyond our borders in an effort to interdict criminals and prevent or disrupt criminal activity.”

Custody Operations: \$2.317 billion in FY 2016 [FY 2015 Enacted: \$2.533 billion; 8.5 percent decrease]. The Omnibus supports 34,000 detention beds, the same number as in FY 2015. Family detention beds are included among the 34,000 beds.

- The Omnibus provides that CBP may seek a reprogramming or transfer of funds in the event that there is a “surge” in families or unaccompanied children (UAC) in FY 2016. The Omnibus currently projects and influx of 58,000 UAC in FY 2016.

Alternatives to Detention: \$114.275 million [FY 2015 Enacted: \$109.740 million; 4.1 percent increase]. Alternatives to Detention (ATD) programs provide additional options for individuals for whom detention is neither mandated nor appropriate. The [House Rules Committee Explanatory Statement](#) notes that ICE has an additional \$12.393 million in FY 2015 funds to “forward fund” ATD contracts.

- Alternatives to Detention require more supervision than release on bond.
- The Omnibus will provide for an average daily ATD population of 53,000, in line with the Obama Administration’s request.

Legal Proceedings (Office of the Principal Legal Advisor [OPLA]): \$239.894 million. This covers the cost of representing ICE in removal and other immigration court proceedings, and includes funds to hire additional attorneys in field offices.

- OPLA provides legal advice, support and training to all ICE components. It is the largest legal program in DHS and the exclusive legal representative for the U.S. government in exclusion, deportation and removal proceedings before EOIR.
- OPLA includes the Field Legal Operations (FLO), the Homeland Security Investigations Law Division (HSILD), the Enforcement and Removal Operations Law Division (EROLD), the Immigration Law & Practice Division (ILPD) and the District Court Litigation Division (DCLD). Contained within HSILD are the National Security Law Section (NSLS), the Human Rights Law Section (HRLS) and the Criminal Law Section (CLS). Contained within EROLD are the Enforcement Law Section (ELS) and the Detention and Removal Law Section (DRLS).

Fugitive Operations: \$156.572 million [FY 2015 Enacted: \$142.615 million; 9.8 percent increase]. These operations identify and apprehend priority noncitizens who have absconded from immigration proceedings.

- The National Fugitive Operations Program (NFOP) was established to locate, arrest or otherwise reduce the fugitive alien population. Fugitive Operations’

primary goal is to locate and arrest removable criminal aliens who are at large within the United States.

- \$10,000,000 of this funding is for new Mobile Criminal Alien Teams (MCAT) that will target individuals posing a threat to the community.

Office of Intelligence: \$79.768 million [FY 2015 Enacted: \$76.479 million; 4.5 percent increase]. This office manages ICE's intelligence operations and analyzes information for ICE's executive management.

Transportation and Removal Program: \$313.174 million [FY 2015 Enacted: \$319.273 million; 1.9 percent decrease]. This program provides for secure transportation of individuals in ICE custody between facilities and during removal.

Visa Security Program: \$32.561 million [FY 2015 Enacted: \$49.526 million; 34.3 percent decrease]. This program is designed to prevent terrorists, criminals and other ineligible applicants from receiving visas.

- The Visa Security Program enhances security around visa issuance at high-risk overseas posts by identifying and investigating potential terrorist and criminal threats seeking to exploit the legal visa process.
- An additional \$2 million from the International Investigations budget is provided to annualize the costs of the Visa Security Program's previously-funded expansion.
- The program includes 20 ICE attaché offices in 16 countries.
- International Operations and the Visa Security Program together make up the budget for International Investigations.

Automation Modernization: \$53 million in FY 2016. The Omnibus provides for several initiatives under ICE Automation Modernization, including Consolidated ICE Financial Solution (\$5 million), TECS Modernization (\$21.5 million), IT Refresh (\$4 million), Tactical Communications (\$18.5 million), and ICE Operational Data Store (\$4 million).

Office of the Inspector General

FY 2016 Enacted: \$ 161.488 million. [FY 2015 Enacted: \$142.617 million; 13.2 percent increase]. The Office of Inspector General conducts and supervises independent audits, inspections, special reviews and investigations of DHS programs and operations. The amount requested includes a \$24 million transfer from the Federal Emergency Management Agency's Disaster Relief Fund.

Office for Civil Rights and Civil Liberties

FY 2016 Enacted: \$21.8 million [Maintains FY 2015 funding level]. The Office for Civil Rights and Civil Liberties advises and trains DHS leadership on civil rights and civil liberties issues, investigates civil rights and civil liberties complaints from the public and manages DHS' equal employment opportunity programs. It is specifically involved in the oversight of ICE's 287(g) and PEP programs by providing policy advice, investigations and training. The bulk of the reduction in spending comes from not filling vacant positions, reductions in the Voluntary Early Retirement Authority and Voluntary Separation Incentive Payments, and adjustments in the Working Capital Fund.

U.S. Citizenship and Immigration Services

FY 2016 Total Spending Authority: \$3.610 billion [FY 2015 Enacted: \$3.221 billion; 12.0 percent increase] These include amounts to be collected under fee accounts as well as discretionary appropriations.

Immigration Examinations Fee Account: \$3.431 billion [FY 2015 Enacted: \$3.042 billion; 12.8 percent increase]

Almost all of USCIS funding comes from the Immigration Examinations Fee Account, into which are deposited the fees collected by applicants for immigration benefits. Funds are used to operate USCIS District Offices, Service Centers, Asylum/Refugee Operations, Records, Business Transformation, Information and Customer Services, and Administration.

- **Asylum, Refugee and International Operations: \$259.350 million** [FY 2015 Enacted: \$239.065 million; 8.5 percent increase]. This program extends humanitarian protection and other immigration benefits to eligible individuals. No fees are charged to provide refugee and asylum protection; these services are funded entirely from the Immigration Examinations Fee Account.
- **Systematic Alien Verification for Entitlements (SAVE): \$27.021 million** [FY 2015 Enacted: \$30.259 million; 10.7 percent decrease]. This program assists federal, state and local benefit-granting agencies in determining eligibility for public benefits by verifying the applicant's immigration status. It is funded through a combination of fees charged to users of the system and funds from the Immigration Examinations Fee Account.

H-1B Nonimmigrant Petitioner Fee Account: \$15 million [FY 2015 Enacted: \$13.5 million; 11.0 percent increase]. INA section 286(s) (8 U.S.C. 1356(s)) specifies that certain other supplemental fees shall be collected and deposited into the H-1B Nonimmigrant Petitioner Account. Certain employers who participate in the H-1B program must pay \$1,500 in addition to the Form I-129 base filing fee. Of the amounts deposited into the H-1B Nonimmigrant Petitioner Account, 55% of the fee revenue is provided to the Department of Labor, 40% is provided to the National Science Foundation and 5% percent is retained by USCIS.

H1-B and L Fraud Prevention Fee Account: \$45 million [FY2015 Enacted: \$41 million; 9.8 percent increase]. These funds are used to prevent and detect fraud in the delivery of all immigration benefit types to ensure the integrity of the immigration system.

E-Verify: \$119.671 million [FY 2015 Enacted: \$124.435 million; 3.8 percent increase]. These discretionary appropriations fund DHS' employment eligibility verification system which allows employers to voluntarily check the legal status of their workers.

Immigrant Integration and Citizenship: \$0 million. No funds were appropriated to support immigrant integration efforts, but USCIS is authorized to use up to \$10 million in revenues from the Immigration Examinations Fee Account to fund such grants. In fiscal year 2014, the amount enacted was \$2.5 million through discretionary appropriations and up to \$7.5 million could be spent from the fee account.

Office of Citizenship and Immigration Services Ombudsman

FY 2016 Enacted: \$6.272 million [FY 2015 Enacted: \$5.825 million; 7.7 percent increase]. The USCIS Ombudsman assists individuals and employers with cases pending before USCIS and proposes policy changes to mitigate identified problems.