



## **The President's FY 2016 Budget Department of Homeland Security**

In this document, “2015 Estimate” refers to the amounts included in the House-passed Department of Homeland Security (DHS) appropriations bill, H.R. 240. As of this writing, the Senate had not completed its work on a DHS spending bill for fiscal year 2015. However, because it is anticipated that the funding levels contained in H.R. 240 will become law, we chose not to compare the president’s request to the Continuing Resolution passed in December 2014.

**FY 2015 Total DHS Request: \$41.194 billion** [FY 2015 Estimate: \$42.015 billion; president’s request represents a decrease of 2 percent]

### **Customs and Border Protection (CBP)**

**FY 2016 Total Request: \$13.565 billion** [FY 2015 Estimate: \$12.585 billion; request represents a 7.2 percent increase]. This includes funding for a total of 62,452 “Full-Time Equivalent” positions (FTEs). The total amount includes \$1.879 billion in collected fees and fines. It also includes a request for \$24.4 million in funding for costs associated with the apprehension and care of unaccompanied children (UAC), with a contingency of up to \$134 million, depending on the number of UAC apprehended.

**Office of Chief Counsel: \$49.786 million** [FY2015 Estimate: \$45.483 million; request represents an 8.6 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: \$170.024 million** [FY2015 Estimate: \$139.493 million; request represents an 18 percent increase].

- Internal Affairs for CBP has been granted the authority to investigate criminal misconduct of employees. In the past, the Office of Professional Responsibility within Immigration and Customs Enforcement (ICE) had that authority.
- Internal Affairs states that corruption in CBP is a national security issue. 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 between Ports of Entry: \$3.945 billion** [FY 2015 Estimate: \$3.848 billion; request represents a 2.5 percent increase].

- **\$57.505 million** for training between ports of entry [FY 2015 Estimate: \$56.391 million; request represents a 1.9 percent increase].

- This funding level maintains the record number of border patrol agents at 21,370, with more than 18,000 agents assigned to the southern border sectors and more than 2,000 agents assigned to the northern border sectors.
- The Border Patrol is applying a risk-based decision-making process to border security, which will allow it to determine staffing and operational requirements as well as the ability to transfer manpower and technology across sectors without negative effects. As part of this effort, CBP will continue to use its Consequence Delivery System, a targeted enforcement program, to deter undocumented immigration. It also will continue to operate 35 permanent traffic checkpoints that are away from the border.
- The Border Patrol is also requesting funding to handle 58,000 UACs with contingency funding for up to 104,000 UACs.

**Border Security Inspections and Trade Facilitation at Ports of Entry: \$3.078 billion** [FY 2015 Estimate: \$3.187 billion; request represents a 3.4 percent decrease].

- **\$48.714 million** for training at Ports of Entry [FY 2015 Estimate: \$33.880 million; request represents a 30.4 percent increase].
- The request includes funding for 23,871 CBP officers (a record) and 2,414 agriculture specialists.
- CBP is working to test emerging biometric technologies and will field test at select ports of entry a biometric exit capability for the pedestrian land environment and a mobile biometric exit capability for the air environment.

**Border Security, Fencing, Infrastructure and Technology: \$373.461 million** for physical and technological infrastructure and surveillance on the borders [FY 2015 Estimate: \$382.466 million; request represents a 2.4 percent decrease].

- **\$35.5 million** for the Tethered Aerostat Radar System (TARS) of blimps, including eight TARS sites: six on the southwest border, one in Florida and one in Puerto Rico. This program was transferred from the Department of Defense to DHS in FY 2014.
- CBP will look to expand its Mobile Surveillance Capabilities and Remote Video Surveillance System along the southwest border, and \$44.7 million is designated to replace fencing in Arizona.

**Air and Marine: \$747.422 million**, including equipment and salaries for marine and aviation border security, as well as for unmanned aircraft systems [FY 2015 Estimate: \$750.469 million; request represents a 0.4 percent decrease].

- **\$306.253 million** for salaries and expenses of Air and Marine Officers [FY 2015 Estimate: \$299.800; request represents a 2.2 percent increase].
- **\$395.169 million** for Air and Marine operations and maintenance [FY 2015 Estimate: \$397.669 million; request represents a 0.6 percent decrease].
- **\$46.000 million** for Air and Marine procurement [FY 2015 Estimate: \$53.000 million; request represents a 15.2 percent decrease].
- Includes funding for 1,146 Air and Marine Interdiction Agents.
- Mission-critical assets include 267 aircraft (including fixed wing, rotary helicopters, and unmanned aircraft systems), approximately 305 marine vessels, fixed and mobile surveillance equipment and ground vehicles.
- The projected number of flight hours will be 91,373 hours in FY 2016, which is down from the projected 97,299 hours for FY 2015.

**Construction and Facilities Management: \$341.543 million** for construction at land ports of entry [FY 2015 Estimate: \$288.821 million; request represents a 15.4 percent increase]. This accounts for 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: \$0** [FY 2015 Estimate: \$55 million; proposed budget eliminates program). 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 Request: \$6.282 billion** [FY 2015 Estimate: \$5.933 billion; request represents 5.9 percent increase]. This request includes 21,286 positions, including 19,791 full-time equivalents (FTEs), in FY 2016.

- **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 2015 Estimate continues and modifies an FY 2013 provision prohibiting the use of funds for an ICE Public Advocate position.
- **Enforcement and Removal Operations (ERO) Pay Reform:** The FY 2016 request includes \$50 million to implement the secretary’s Nov. 20, 2014, memo, “Personnel Reform for Immigration and Customs Enforcement Officers.” To implement these changes, ERO anticipates a cost of \$62 million in 2016 and \$455 million over five years. (Any 2016 costs above the requested \$50 million will be funded using DHS’s reprogramming and transfer authorities.)

**Criminal Alien Program: \$320.267 million** [FY 2015 Estimate: \$327.223 million; request represents a 2.1 percent decrease]. This item includes costs to identify, interview and initiate removal proceedings against noncitizens held in local, state and federal prisons. It includes 1,534 full-time equivalent (FTE) positions, a small increase from 1,495 FTEs in FY 2014.)

- 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.
- According to the DHS Budget justification, “DHS has established the Priority Enforcement Program (PEP). PEP will utilize requests for notification from state or local law enforcement of the pending release of a person for whom ICE is seeking custody. It is anticipated that requests for notification (rather than the past practice of ICE-issued detainers) will address federal court decisions that hold that detainer-based detention by state and local law enforcement violates the Fourth Amendment.”
- The Criminal Alien Program includes a majority of ICE’s 287(g) program funding (\$13.4 million out of \$24.3 million).

**Executive Office for Immigration Review (EOIR): Up to \$4 million** may be transferred to EOIR, in the Department of Justice, to increase efficiencies in immigration court processes.

- Likewise under the FY 2015 Estimate, \$4 million of EOIR funding is derived by transfer from fee collections.

**Domestic Investigations: \$1.767 billion** [FY 2015 Estimate: \$1.700 billion; request represents a 3.9 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. It covers 8,333 positions, including 7,949 FTE positions. The number of positions has not changed since FY 2014, while the number of FTEs would increase by 150 from FY 2015 Estimate levels.

- 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.
- The Office of Domestic Investigations includes four programs: National Security Investigations; Financial, Narcotics & Special Operations Investigations;

Transnational Crime and Public Safety Investigations; and Investigative Services. Program expenditures fall into four categories: illicit trade (49 percent), illicit travel (32 percent), illicit finance (17 percent) and investigative support (2 percent).

- 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.

**International Investigations: \$107.391 million** [FY 2015 Estimate: \$110.682 million; request represents a 3 percent decrease]. This item covers 302 positions including 247 FTEs, which adds three FTEs but leaves the total number of positions unchanged.

- 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.”
- H.R. 240 considers International Investigations and Visa Security as one account. The president’s budget request separates them.

**Custody Operations: \$2.407 billion** [FY 2015 Estimate: \$2.533 billion; request represents a 5.0 percent decrease]. This request supports 34,040 detention beds, including 2,760 family detention beds, compared with the FY 2015 Estimate, which includes funding for 34,000 adult detention beds. The FY 2016 budget request includes 5,391 positions, including 5,095 FTE positions, which is unchanged from FY 2014 levels.

- This request includes an increase of \$340.923 million for family detention beds, at a rate of \$342.73 per bed per day.
- The request includes funding for 31,280 adult detention beds at a rate of \$123.54 per bed per day.
- In FY 2014 ICE detained an average of 6,784 non-mandatory detainees per day.
- The request includes funding for bed space obtained by ICE through Inter-Governmental Service Agreements (IGSAs), with state and local governments, and Intra-Government Agreements (IGAs), with the U.S. Marshals Service. In FY 2014 there were approximately 190 IGSAs and IGAs in 44 states.
- The request provides \$45 million of Custody Operations funding to be used for a Multi-Year Bed Funding Pilot Program. The program would allow ICE to shift to five-year contracts with an additional five-year renewal option, rather than the current one-year base period (renewable under four one-year options). Expanding

the time horizon for bed funding would allow ICE to incentivize contractors to provide better rates.

- Family Units: According to ICE, 500 family beds will be available at the Karnes, Texas, facility; 188 at the Berks, Pennsylvania, facility; and 2,072 at the Dilley, Texas, facility for a total of 2,760 family beds available to ICE daily.
- DHS may propose to reprogram funds necessary to ensure the detention of aliens prioritized for removal.
- No funds may be used to continue any contract for detention if the two most recent performance evaluations are less than “adequate” or the equivalent median score in any subsequent evaluation system.
- The request provides for various detention reforms, including implementation of the revised detention standards in the 2011 Performance-Based National Detention Standards (PBNDS 2011), improvements in Risk Classification Assessment, developing new detention facilities, and reducing long-distance detainee transfers so detainees can remain closer to their families and attorneys. Currently, 58 percent of facilities meet the PBNDS 2011 standards.
- ICE is continuing to implement the Prison Rape Elimination Act (PREA).

**Alternatives to Detention: \$122.481 million** [FY 2015 Estimate: \$109.740 million; request represents an 11.6 percent increase]. Alternatives to Detention (ATD) programs provide additional options for individuals for whom detention is neither mandated nor appropriate. The request expands program participation and calls for working with EOIR to prioritize individuals for alternative programs. Only low-risk individuals will be enrolled in ATD programs.

- Alternatives to Detention require more supervision than release on bond.
- The increase will expand ATD capacity to 53,000 from this year’s anticipated 37,600 average population.

**Legal Proceedings (Office of the Principal Legal Advisor [OPLA]): \$248.096 million** [FY 2015 Estimate: \$217.393 million; request represents a 12.4 percent increase]. This request covers the cost of representing ICE in removal and other immigration court proceedings. This request covers 1,583 FTE positions.

- 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).

- The FY 2016 budget request will support more than 900 attorneys to litigate and process immigration and customs cases, including 29 Special Assistant U.S. Attorneys.

**Fugitive Operations: \$129.438 million** [FY 2015 Estimate: \$142.615 million; request represents a 9.2 percent decrease]. 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.
- This request includes funding for 129 Fugitive Operations Teams.

**Office of Intelligence: \$80.041 million** [FY 2015 Estimate: \$76.479 million; request represents a 4.5 percent increase]. This office manages ICE's intelligence operations and analyzes information for ICE's executive management. This request includes 468 positions comprising 377 FTEs, which increases the number of FTEs by 9 but leaves the number of positions unchanged from FY 2014 levels.

**Transportation and Removal Program: \$326.740 million** [FY 2015 Estimate: \$319.273 million; request represents a 2.3 percent increase]. This program provides for secure transportation of individuals in ICE custody between facilities and during removal. This request includes 40 FTE positions, unchanged from FY 2015 levels.

- The FY 2016 request includes an increase of \$56.175 million for increased transportation costs related to adults, family units and unaccompanied children.
- It provides for an increase of \$37.611 million for an average of 34,040 detention beds a day, reflecting an increased number of detention beds and expected increases in local transportation and removals.
- It also provides for an increase of \$2.588 million in contingency funding for the transportation requirements for unaccompanied children (if the number of unaccompanied children exceeds 58,000).

**Visa Security Program: \$30.749 million** [FY 2015 Estimate: \$49.526 million; request represents a 37.9 percent decrease]. This program is designed to prevent terrorists, criminals and other ineligible applicants from receiving visas. This request includes 76 positions, comprising 61 FTEs, which is unchanged from FY 2015 levels.

- 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.
- The program includes 20 ICE attaché offices in 16 countries.

**Automation Modernization: \$73.500 million** [FY 2015 Estimate: \$26.0 million; request represents a 182.7 percent increase]. This budget would facilitate information sharing within DHS and partner organizations.

**Program Change Requests and Efficiencies:** The FY 2016 request proposes several program changes that would affect appropriations, some of which already have been discussed above. The request also proposes additional efficiencies and reductions that would yield cost savings.

- **Increase in new attorney positions: \$36.5 million** to provide for additional attorneys (amounting to 197 FTE) related to OPLA's increasing workload, including southwest border surge operations.
- **Increase in detention beds to 34,040: \$435.392 million** to provide for 31,280 adult beds (at an average rate of \$123.54) and 2,760 family beds (at an average rate of \$342.73).
- **Increase in Alternatives to Detention (ATD): \$12.741 million** to provide for additional ATD capacity, including for people from family units who are released from custody. This request is expected to fund 53,000 average daily participants (at an average rate of \$5.16 per day).
- **Enhance human smuggling and trafficking investigations: \$25.6 million** to expand efforts to counter human smuggling along the southwest border. This request includes additional personnel (amounting to 28 FTE), technology and equipment.
- **Other Homeland Security Investigations (HSI) Domestic Investigations: \$78.9 million** to provide Domestic Investigations with additional capacity (amounting to 135 FTE), including additional special agents, support personnel and operational costs.
- **Unaccompanied Children (UAC) Contingency Funding: \$27.6 million** to provide additional funding for costs associated with the transportation of unaccompanied children (UAC) in the event the number of UAC exceeds 58,000. The funding would cover a maximum of 104,000 UAC.

### **Office of Citizenship and Immigration Services Ombudsman**

**FY 2016 Request: \$6.312 million** [FY 2015 Estimate: \$5.825 million; request represents an 8.4 percent increase]. The USCIS Ombudsman assists individuals and employers with cases pending before USCIS and proposes policy changes to mitigate identified problems.



## Office of the Inspector General

**FY 2016 Request: \$166.284 million** [FY 2015 Estimate: \$142.617 million; request represents a 16.6 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 Request: \$20.954 million** [FY 2015 Estimate: \$21.800 million; request represents a 3.9 percent decrease]. 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

**Total Budget Authority: \$3.933 billion** [FY 2015 Estimate: \$3.096 billion; request represents a 27.0 percent increase]. Of the total, the administration requests appropriations of \$129.671 million, of which \$119.671 million is for E-Verify and \$10 million is for the Citizenship and Integration Grant Program. The rest of the budget comes from fees.

**E-Verify: \$119.671 million** [FY 2015 Estimate: \$124.535 million; request represents a 3.9 percent decrease]. E-Verify is a Web-based program that enables employers to determine employees' eligibility to work. The request for FY 2016 includes funds for the continued development of "myE-Verify," enhancements and improvements to the technology platform on which E-Verify runs, and identification and implementation of an appeals process for those who receive a final nonconfirmation. Among the improvements planned for FY 2016 is the development of an electronic I-9 form compatible with E-Verify, which will eliminate the need for duplicative data entry for employers. U.S. Citizenship and Immigration Services (USCIS) will expand access to new data systems to support an initiative that will verify the authenticity of driver's licenses with the issuing state.

**Citizenship Integration Grant Program: \$10 million** [FY 2015 Estimate: \$0 in appropriations]. In its past several budgets, the administration has requested this same amount of funding for its Citizenship and Integration Grants Program. The

administration anticipates that grant recipients will provide citizenship preparation services to 25,000 permanent residents eligible for citizenship. In FY 2014 Congress appropriated \$2.5 million and permitted an additional \$7.5 million to be used from the Examinations Fee Account.

**Immigration Examinations Fee Account: \$3.814 billion** [FY 2015 Estimate: \$3.042 billion; request represents a 25.4 percent increase]. The bulk of USCIS funding comes from the Immigration Examinations Fee Account, into which the fees collected from applicants for immigration benefits are deposited. Funds are used to operate, among other things, USCIS District Offices, Service Centers, Asylum/Refugee Operations, the Fraud Detection and National Security Directorate, Records Operations, Business Transformation, Information and Customer Services, the Office of Administrative Appeals and various administrative offices. The requested increase is for pay raises, increases for the Federal Employees Retirement System, Financial Systems Modernization, expansion of the Electronic Immigration System (ELIS) and technical adjustments.

- **Asylum, Refugee and International Operations: \$268.042 million** [FY 2015 Estimate: \$239.065 million; request represents a 12.1 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 Estimate: \$30.259 million; request represents a 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 taken from the Examinations Fee Account.
- **U.S. Citizenship Foundation: \$3 million.** The initiative, funded from premium processing fee collections, will provide startup funding to establish the U.S. Citizenship Foundation. The foundation will function as a charitable and nonprofit entity authorized to accept private donations to support its mission to expand instruction and training on citizenship rights and responsibilities, support a multisector approach to immigrant civic integration in the United States and promote the importance of U.S. citizenship.

## **Related Immigration Integration Budget Items**

### **Department of Education**

**Adult Basic and Literacy Education State Grants under the Adult Education and Family Literacy Act: \$568.955 million** [FY 2015 Enacted 568.955, maintaining current funding levels].

- In July 2014, the President signed into law the Workforce Innovation and Opportunity Act (WIOA), which reauthorized AEFLA.
- Goal of grant program: The AEFLA “adult education grants to the States and Outlying Areas support programs that assist adults in becoming literate and in obtaining the knowledge and skills necessary for employment and self-sufficiency, assist adults who are parents in obtaining the educational skills necessary to become full partners in the educational development of their children, and assist adults in the completion of a secondary education. The Department also uses a portion of State grant funds to make formula grants to States for English literacy and civics education.”
- **English Literacy and Civics Education State Grants: \$71.439 million** [Maintaining current funding levels]. These funds are made available for integrated English literacy and civics education services to immigrants and other limited-English-proficient populations.

**Language Acquisition State Grants: 773.400 million** [FY 2015 Enacted 737.400, request represents a 4.9% increase] The request would provide increased support to States as they help English Learners in U.S. schools attain English language proficiency and become college-and career-ready.

## **Department of Labor**

**Employment and Training Administration (ETA): \$3.402 billion** [FY2105 Enacted: \$3.140 billion, request represents an 8.3 percent increase]. The ETA mission is to provide “high-quality employment assistance, labor market information, job training, and income support” through a variety of programs.

- **Migrant and Seasonal Farmworkers Program: \$81.896 million** [FY 2015 enacted \$81.896 million, maintaining current funding levels]. The program provides job training and employment assistance for migrant and seasonal farmworkers. Some of the services include classroom and on-the-job training, as well as supportive services.
- **Adult Employment and Training Activities: \$815.556 million** [FY 2015 Enacted: \$776.736 million; request represents a 5% increase]. The program “provides employment and training services for disadvantaged, low-skilled, unemployed, and underemployed adults and is a core program under the Act.”
- **Youth Activities: \$873.416 million** [FY 2015 Enacted: \$831.842 million; request represents a 5 percent increase]. The Youth Activities program helps young people (under the age of 25) obtain the skills and education to succeed in a “knowledge-based economy, including growing and emerging sectors.”