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## **Memorandum**

December 8, 2005

**SUBJECT:** Authorized and Actual Levels for Select Homeland Security Resources

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This memorandum is in response to a number of requests concerning the relationship between the authorized and actual levels of border security resources for the Department of Homeland Security (DHS). Specifically, this memorandum tracks the authorizations, appropriations, and actual increases, since Fiscal Year (FY) 2001, of the following resources: U.S. Border Patrol (USBP) agents, immigration inspectors, Customs inspectors, immigration investigators, and detention bed space. Due to the massive reorganization of government resources, including the Immigration and Naturalization Service (INS) and the U.S. Customs Service, that was precipitated by the creation of DHS in FY2003, and also due to the fact that these specific resources have historically been appropriated at the sub-account level within DHS, the Department of Justice, and the Department of the Treasury appropriations, we have been unable to tie specific appropriation numbers to the increase in resources for some of the FYs in question. However, we are including the overall increase in funding for the general accounts that these resources are funded from wherever we were unable to find the specific sub-account level funding. **Table 1** charts the authorizations for these resources and identifies the authorizing legislation. **Tables 2-5** chart the increases in authorized, actual, and appropriated resources. N/A means not available. If you have any questions about this memorandum: Blas Nuñez-Neto prepared the USBP and Immigration Inspection sections and can be reached at 7-0622 and at [bnunezneto@crs.loc.gov](mailto:bnunezneto@crs.loc.gov); Alison Siskin prepared the immigration investigations and detention bed space sections and can be reached at 7-0260 and at [asiskin@crs.loc.gov](mailto:asiskin@crs.loc.gov); and Jennifer Lake contributed Customs inspections and investigations data and can be reached at 7-0620 and at [jlake@crs.loc.gov](mailto:jlake@crs.loc.gov).

**Table 1: Authorized Levels for Select Homeland Security Personnel and Resources**

| Legislation   | Border Patrol Agents   | Immigration Inspectors  | Customs Inspectors   | ICE Agents  | Detention Beds                                 |
|---|--|---|--|---|--|
| The Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458).                | 2,000 (each FY, FY2006 through FY2010; 20% of them to the Northern Border). §5202. | ---   | ---  | 800 (each FY, FY2006 through FY2010). §5203.  | 8,000 (each FY, FY2006 through FY2010). §5204. |
| The Trade Act of 2002 (P.L. 107-210)  | ---  | ---   | 285 additional for the northern border in FY2003. §331.                    | ---   | ---  |
| The Enhanced Border Security and Visa Entry Reform Act of 2000 (P.L. 107-173). <sup>a</sup> | ---  | 200 over what was authorized in P.L. 107-56 (each FY, FY2003 through FY2006). §101. | ---  | 200 over what was authorized in P.L. 107-56 (each FY, FY2003 through FY2006). §101. | ---  |
| The USA PATRIOT Act (P.L. 107-56).  | Triple the number from the number authorized at the northern border. §402.         | Triple the number from the number authorized at the northern border. §402.          | Triple the number from the number authorized at the northern border. §402. | ---   | ---  |

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|   |   |   |            |  |   |
|---|---|---|------------|--|---|
| <p>The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208 ).<sup>b</sup></p> | <p>1,000 (each FY, FY1997 through FY2001). §101.</p>  | <p>Unspecified number (each FY, FY1997 through FY2001). §121.</p> | <p>---</p> | <p>600 total. 300 for Immigration Investigators (each FY, FY1997 through FY1999). §131. 300 for Visa Overstay Investigators only for FY1997. §132.</p> | <p>9,000 additional beds in FY1997. §386.</p> |
| <p>Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322).</p>                                | <p>1,000 (each FY, FY1995 through FY1998 from the level funded as of October 1, 1994). §130006.</p> | <p>---</p>  | <p>---</p> | <p>---</p>   | <p>---</p>                                    |

<sup>a</sup> The Enhanced Border Security and Visa Entry Reform Act of 2000 (P.L. 107-173, §101) also included an authorization of \$150 million for border security resources, including infrastructure improvements and the development and deployment of technology.

<sup>b</sup> The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 also included an authorization for \$12 million for the construction of a fence along the San Diego-Mexico international land border, an authorization for the development of a biometric entry exit system, and an authorization for the acquisition and use of fixed wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision scopes, and sensor units.

**Table 2: Border Patrol Agents**

|   | FY2001               | FY2002                     | FY2003 | FY2004               | FY2005               | FY2006               |
|---|----------------------|----------------------------|--------|----------------------|----------------------|----------------------|
| Authorized Increase                           | 1,000                | Triple the northern border | ---    | ---                  | ---                  | 2,000                |
| Actual Staff                                  | 9,788                | 10,045                     | 10,717 | 10,806               | 11,268               | ---                  |
| Actual Increase from previous FY <sup>a</sup> | 576                  | 278                        | 672    | 89                   | 462                  | N/A                  |
| Northern Border Staff                         | 340                  | 492                        | 569    | 994                  | 1,008                | N/A                  |
| Appropriation <sup>b</sup> (millions)         | \$1,146 <sup>c</sup> | \$1,271 <sup>c</sup>       | N/A    | \$1,339 <sup>d</sup> | \$1,414 <sup>d</sup> | \$1,742 <sup>d</sup> |

**Sources:** Authorized increases are from: P.L. 108-458, §5202; P.L. 107-210, §331; P.L. 107-173, §101; P.L. 107-056, §402; and P.L. 104-208, §101. Actual Staff for FY2001 through FY2005 are from CBP Congressional Affairs. Appropriations for FY2001 and FY2002 are from the Department of Justice, Immigration and Naturalization Service, FY2003 Congressional Budget Justifications. For FY2004 through FY2006, this table reflects the Border Security and Control Salaries and Expenses sub-account within the CBP Border Security and Control account of the DHS Appropriation, as identified in the following: H.Rept. 108-280 (FY2004); H.Rept. 108-774 (FY2005); and H. Rept. 109-241 (FY2006).

**Note:** In FY2003 immigration inspections from the former INS, Customs inspections from the former customs service, and the USBP were merged to form the Bureau of Customs and Border Protection within DHS. As a result, for staffing and funding levels, the data for years prior to FY2003 may not be comparable with the data for FY2004 and after.

<sup>a</sup>Numbers through FY2004 were provided by CBP on January 12, 2005. FY2005 numbers were provided by CBP on December 5, 2005.

<sup>b</sup>Prior to the formation of DHS, the USBP was administratively part of the Immigration and Naturalization Service (INS). The USBP appropriation was at the sub-account level and was thus not identifiable from appropriation laws or their accompanying conference reports. Additionally, while an overall USBP number was provided by the INS within some of its budget justifications, this number includes other USBP expenses such as vehicles, aircraft, and training. In FY2004, DHS appropriated funding for the USBP within one large CBP account. DHS has created a Border Security and Control between Ports of Entry account which includes the overall funding for the USBP. However, this account includes both funding for USBP personnel and other resources such as technology, vehicles, and aircraft. For this reason, it is not possible to include appropriation numbers strictly for the hiring of additional USBP agents. The number in this table reflects the overall appropriation for the USBP, where that amount is identifiable.

<sup>c</sup>FY2001 and FY2002 numbers are from the INS FY2002 Congressional Budget Justifications. They were pulled from a table that breaks out the elements of the larger Enforcement and Border Affairs account within the agency's appropriation. In FY2003, the INS did not provide a breakout of the sub-accounts within the Enforcement and Border Affairs account in its Justifications. Appropriations for the Enforcement and Border Affairs account within INS for this period were as follows: \$2,541 million in FY2001; \$2,740 million in FY2002; and \$2,881 million in FY2003.

<sup>d</sup>The appropriation numbers are from these Conference Reports: FY2004–H.Rept. 108-280; FY2005–H.Rept. 108-774; and FY 2006–H. Rept. 109-241.

**Table 3: Customs and Border Protection (CBP) Inspectors/Officers**

|  | FY2001      | FY2002                     | FY2003                            | FY2004  | FY2005             | FY2006  |
|--|-------------|----------------------------|-----------------------------------|---------|--------------------|---------|
| <b>Immigration</b>                       |             |                            |                                   |         |                    |         |
| Authorized Increase                      | Unspecified | Triple the northern border | 200                               | 200     | 200                | 200     |
| Actual Staff <sup>a</sup>                | 4,717       | 5,422                      | 6,741                             |         |                    |         |
| Actual Increase <sup>a</sup>             | N/A         | 705                        | 1,319                             | —       | —                  | —       |
| Northern Border Staff                    | 523         | 625                        | 1,132                             | —       | —                  | —       |
| Appropriation <sup>b</sup><br>(millions) | \$531       | \$625                      | N/A                               | —       | —                  | —       |
| <b>Customs</b>                           |             |                            |                                   |         |                    |         |
| Authorized Increase                      | —           | Triple the northern border | 285 additional at northern border | —       | —                  | —       |
| Actual Staff <sup>a</sup>                | 1,027       | 1,405                      | 1,589                             |         |                    |         |
| Actual Increase <sup>a</sup>             | N/A         | 860                        | 1,530                             | —       | —                  | —       |
| Northern Border Staff <sup>a</sup>       | 1,027       | 1,405                      | 1,589                             | —       | —                  | —       |
| Appropriation <sup>c</sup><br>(millions) | \$1,864     | \$2,079                    | \$2,527                           | —       | —                  | —       |
| <b>Total</b>                             |             |                            |                                   |         |                    |         |
| Overall Authorized Increase <sup>a</sup> | Unspecified | Triple the northern border | 485                               | 200     | 200                | 200     |
| Overall Actual Staff <sup>a</sup>        | 12,901      | 14,430                     | 17,279                            | 17,554  | 17,665             | —       |
| Overall Actual <sup>a</sup><br>Increase  | N/A         | 1,529                      | 2,849                             | 275     | 111                | —       |
| Northern Border Staff                    | 1,550       | 2,030                      | 2,721                             | 3,277   | 3,299 <sup>d</sup> | —       |
| Appropriation <sup>e</sup><br>(millions) | —           | —                          | —                                 | \$1,240 | \$1,243            | \$1,262 |

**Sources:** Authorized increases are from P.L. 108-458, §5203; P.L. 107-210, §331; P.L. 107-173, §101; P.L. 107-56, §402; and P.L. 104-208, §121. Actual Staff for FY2001 through FY2005 are from CBP Congressional Affairs. Appropriations for FY2001 and FY2002 are from the Department of Justice, Immigration and Naturalization Service, FY2003 Congressional Budget Justifications. For FY2004 through FY2006, this table reflects the Inspections, Trade, and Travel Facilitation at Ports of Entry sub-account within the CBP Border Security Inspections and Trade account of the DHS Appropriation, as identified in the following: H.Rept. 108-280 (FY2004); H.Rept. 108-774 (FY2005); and H. Rept. 109-241 (FY2006).

**Note:** In FY2003 immigration inspections from the former INS and Customs inspections from the former U.S. Customs Service were combined, along with the USBP, to form the Bureau of Customs and Border Protection within DHS. As a result, for staffing and funding levels, the data for years prior to FY2003 may not be comparable with the data for FY2004 and after.

<sup>a</sup>Staffing numbers for customs and immigration inspectors are from CBP Congressional Affairs, December 7, 2005, and only include immigration inspectors and customs officers from FY2001 to FY2003. In FY2004, CBP combined these functions as part of their “One Face at the Border” initiative and redesignated the position as a CBP officer. In addition to the number of CBP officers enforcing immigration and customs laws identified in this table, CBP also has agricultural inspectors at the border ports of entry. Agricultural inspector numbers are available from FY2003 onward and are as follows: FY2003, 1,485; FY2004, 1,442, FY2005, 1,882.

<sup>b</sup>Immigration inspection numbers for FY2001 and FY2002 are from the INS FY2002 Congressional Budget Justifications. They were pulled from a breakout of the larger Enforcement and Border Affairs account within the agency’s appropriation. Although the FY2002 number is from the President’s request for that year, Congress fully funded the overall account in FY2002. In FY2003, the INS did not provide a breakout of this account in its Justifications. Appropriations for the Enforcement and Border Affairs account within INS for this period were as follows: \$2,541 million in FY2001; \$2,740 million in FY2002; and \$2,881 million in FY2003.

<sup>c</sup>Appropriations numbers for Customs inspectors are for the overall Salaries and Expenses account for the Customs Service within the Department of Treasury Appropriations. As such, these numbers include some functions that were not transferred to DHS. Citations for these numbers are: FY2001, P.L. 106-554; FY2002, P.L. 107-67; FY2003, P.L. 108-7.

<sup>d</sup>Northern border numbers are through August 8, 2005 of FY2005.

<sup>e</sup>This section does not include numbers for FY2001 through FY2003 because, as noted, the Customs numbers for these years include non-inspection funding and no FY2003 Immigration number was identified.

**Table 4. Immigration and ICE investigators**

|   | FY2001             | FY2002             | FY2003         | FY2004             | FY2005  | FY2006  |
|---|--------------------|--------------------|----------------|--------------------|---------|---------|
| Authorized Increase   | —                  | —                  | 200            | 200                | 200     | 1,000   |
| Actual Staff  | 1,920 <sup>a</sup> | 2,168 <sup>a</sup> | 5,449          | 5,614              | 5,769   | —       |
| Staff Change  | N.A.               | 248                | N.A.           | 165                | 155     | —       |
| Appropriation for Investigations (millions)   | \$343 <sup>b</sup> | \$408 <sup>b</sup> | — <sup>c</sup> | \$861 <sup>c</sup> | \$1,071 | \$1,297 |
| Appropriation for immigration enforcement and border affairs or ICE <sup>d</sup> (millions) | \$2,547            | 2,740              | \$2,881        | \$2,151            | \$2,438 | \$3,108 |

**Sources:** Authorized increase in investigators is from P.L. 108-458, §5203, and P.L. 107-173, §101. Appropriations for FY2001 and FY2002, and actual staff for FY2002 are from the Department of Justice, Immigration and Naturalization Service, FY2003 Congressional Budget Justifications. Actual staff for FY2001 are from the Department of Justice, Immigration and Naturalization Service, FY2002 Congressional Budget Justifications. Actual staff for FY2003-FY2005 are unpublished data from the Department of Homeland Security, received on December 2, 2005. Overall appropriation numbers are from H.Rept. 106-1005 and P.L. 106-553 (FY2001), H.Rept. 107-278 and P.L. 107-77 (FY2002), H.Rept. 108-10 and P.L. 108-7 (FY2003), H.Rept 108-208, H. Rept. 108-280, and P.L. 108-90 (FY2004), H.Rept 108-774 and P.L. 108-334 (FY2005), and H.Rept 109-241 and P.L. 109- (FY2006).

**Note:** In FY2003, immigration investigations from the former INS and Customs investigations from the former customs service were combined to form the bureau of Immigration and Customs Enforcement in DHS. As a result, for staffing levels, the data for years prior to FY2003 are not comparable with the data for FY2003 and after, and for appropriations, the data for years prior to FY2004 are not comparable with the data for FY2004 and after.

<sup>a</sup> These are the number of full-time equivalents (FTEs) for the former Immigration and Naturalization Service's (INS) interior enforcement investigations. The former Customs Service had 2,091 FTEs in FY2001, and 2,508 in FY2002.<sup>1</sup>

<sup>b</sup> These are the direct appropriations for INS' interior enforcement excluding detention and removal operations. In FY2001, INS received \$374.7 million from direct appropriations and fees for interior enforcement. In FY2002, INS received \$440.4 million from direct appropriations, and fees for interior enforcement.

<sup>1</sup> United States Customs Service, *Congressional Budget Justification for FY2003*.



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<sup>c</sup> In FY2003 the amount appropriated for investigations was not separated from the total amount appropriated for the Enforcement and Border Affairs account within the INS; in FY2004 the appropriation numbers are from H. Rept. 108-280.

<sup>d</sup> For FY2001 through FY2003 appropriation numbers are for INS' immigration enforcement and border affairs. The FY2004 through FY2006 appropriations are for ICE's salaries and expense.

**Table 5. Detention and Removal Operations (DRO)**

|  | FY2001             | FY2002             | FY2003         | FY2004           | FY2005  | FY2006  |
|--|--------------------|--------------------|----------------|------------------|---------|---------|
| Authorized Bedspace Increase   | —                  | —                  | —              | —                | —       | 8,000   |
| Funded Bedspace  | 19,702             | 21,109             | 19,444         | 19,444           | 18,500  | 20,800  |
| Change in Bedspace   | N.A.               | 1,405              | -1,665         | 0                | -1,056  | 2,300   |
| Appropriations for DRO (millions)  | \$893 <sup>a</sup> | \$939 <sup>a</sup> | — <sup>b</sup> | 959 <sup>b</sup> | \$1,091 | \$1,374 |
| Appropriation Increase (millions)  | N.A.               | \$93               | —              | N.A.             | \$132   | \$282   |
| Appropriations for immigration enforcement and border affairs or ICE <sup>c</sup> (millions) | \$2,547            | 2,740              | \$2,881        | \$2,151          | \$2,438 | \$3,108 |

**Sources:** The authorized bedspace is from P.L. 108-458. The funded bedspace numbers are unpublished data from ICE provided on December 8, 2005. Appropriations for DRO in FY2001 and FY2002 are from the Department of Justice, Immigration and Naturalization Service, FY2003 Congressional Budget Justifications. Overall appropriations and DRO appropriations for FY2005 and FY2006 are from H.Rept. 106-1005 and P.L. 106-553 (FY2001), H.Rept. 107-278 and P.L. 107-77 (FY2002), H.Rept. 108-10 and P.L. 108-7 (FY2003), H.Rept 108-208, H. Rept. 108-280, and P.L. 108-90 (FY2004), H.Rept 108-774 and P.L. 108-334 (FY2005), and H.Rept 109-241 and P.L. 109- (FY2006).

**Note:** In FY2003, DRO was transferred from INS to DHS' ICE. As a result, the data for appropriations years prior to FY2004 are not comparable with the data for FY2004 and after.

<sup>a</sup> These amounts include both direct appropriations and monies from fees. In FY2001, DRO received \$1.05 billion from direct appropriations and fees. In FY2002, DRO received \$1.15 billion from direct appropriations and fees.

<sup>b</sup> In FY2003 the amount appropriated for DRO was not separated from the total amount appropriated for the Enforcement and Border Affairs account within the overall INS appropriation; in FY2004 the appropriation numbers are from H. Rept. 108-280.

<sup>c</sup> For FY2001 through FY2003 appropriations are for INS' immigration enforcement and border affairs. The FY2004 through FY2006 appropriations are for ICE's salaries and expense.