



Homeland
Security

Privacy Office, Mail Stop 0655

February 28, 2018

SENT VIA EMAIL TO: foia@americanoversight.org

Austin R. Evers
Executive Director
1030 15th Street, NW
Suite B255
Washington, DC 20005

Re: **2017-HQFO-00728 (17-cv-01187)**
CBP-2017-059851

Dear Mr. Evers:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated May 3, 2017, and received by this office on May 3, 2017. You are seeking all guidance from the Chief Financial Officer or Office of General Counsel regarding the availability of appropriated funds or how to use appropriated funds for construction of a wall, fence, or other physical or virtual barrier along the U.S.-Mexico border in compliance with any riders in the Consolidated Appropriations Act, 2017; all communications with Congress, including any member of Congress or congressional staff, regarding the inclusion of funding for construction of a wall, fence, or other physical or virtual barrier along the U.S.-Mexico in any congressional resolutions or bills.

A search of Office of the Chief Financial Officer (CFO) and the Executive Correspondence Tracker (ECT) for documents responsive to your request produced a total of 98 pages. Of those pages, I have determined that 93 pages of the records are released in their entirety, and 5 pages are partially released pursuant to Title 5 U.S.C. § (b)(6).

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

In addition, due to the subject matter of your request, this request was transferred to the FOIA Officer for U. S. Customs & Border Protection (CBP), Sabrina Burroughs, U.S. Department of Homeland Security, Washington, D.C. 20528, for processing under the FOIA and direct response

to you on May 22, 2017. You may contact Sabrina Burroughs's office directly at 202-325-0150 and refer to case **CBP-2017-059851**.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

If you need any further assistance or would like to discuss any aspect of your request, please contact the analyst below who processed your request and refer to **2017-HQFO-00728**. You may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Kevin L. Tyrrell
Director
FOIA Appeals and Litigation

Enclosure(s): 98 pages

Subject: FW: FY 2017 Budget Amendment - CBP
Attachments: DHS FY 2017 Budget Amendment Justification.pdf

From: (b)(6)
Sent: Friday, March 17, 2017 10:42 PM
To: (b)(6)
(b)(6)

Cc: (b)(6)

Subject: RE: FY 2017 Budget Amendment - CBP

All –

Please see the attached budget justifications for the FY 2017 Budget Amendment. Components will be prepared to speak to assumptions in greater detail at the briefings next week.

Thank you,

(b)(6)

(b)(6)
Deputy Budget Director
Office of the Chief Financial Officer
U. S. Department of Homeland Security

(b)(6)

From: Blume, Allen
Sent: Thursday, March 16, 2017 4:07 PM

To: (b)(6)

(b)(6)

Cc: (b)(6)

(b)(6)

Subject: RE: FY 2017 Budget Amendment - CBP

CJs will be submitted by COB tomorrow with the intent to deliver sooner.

(b)(6)

From: (b)(6)
Sent: Thursday, March 16, 2017 3:35 PM
To: (b)(6)
(b)(6)
Cc: (b)(6)
(b)(6)
Subject: RE: FY 2017 Budget Amendment - CBP

When will we see CJs?

From: Blume, Allen (b)(6)
Sent: Thursday, March 16, 2017 3:27 PM
To: (b)(6)
(b)(6)
Cc: (b)(6)
(b)(6)
Subject: FY 2017 Budget Amendment - CBP

All,

We would like to offer the CBP FY17 budget amendment brief on Wed, Mar 22, from 10:00-12:00. We realize you would have preferred to have the briefing much sooner, but would appreciate you delaying until this time.

Thanks,

Allen

Allen Blume
Budget Director
Office of the Chief Financial Officer
U. S. Department of Homeland Security

(b)(6)



Department of Homeland Security



Fiscal Year 2017 Budget Amendment Congressional Justification

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Department of Homeland Security Budget Amendment Funding Request

Organization Name	POA	FY 2017 Amendment Request		
		Pos.	FTE	Amount
Department of Homeland Security		410	391.5	\$ 3,000,000
Office of the Secretary and Executive Management		6	7.5	\$ 11,304
Operations and Support		6	7.5	\$ 11,304
Office of Policy	2017/2018	6	7.5	\$ 11,304
U.S. Customs and Border Protection		187	148	\$ 1,663,484
Operations and Support		187	148	\$ 286,001
Mission Support		187	148	\$ 56,332
Enterprise Services	2017/2018	142	111	\$ 45,860
Office of Professional Responsibility	2017/2018	33	27	\$ 8,360
Executive Leadership and Oversight	2017/2018	12	10	\$ 2,112
Border Security Operations		0	0	\$ 126,095
US Border Patrol		0	0	\$ 126,095
Operations	2017/2018	0	0	\$ 53,920
Assets and Support	2017/2018	0	0	\$ 72,175
Trade and Travel Operations		0	0	\$ 54,290
Office of Field Operations		0	0	\$ 54,290
Domestic Operations	2017/2018	0	0	\$ 28,798
Assets and Support	2017/2018	0	0	\$ 25,492
Integrated Operations		0	0	\$ 49,284
Air and Marine Operations		0	0	\$ 43,284
Assets and Support	2017/2018	0	0	\$ 43,284
Operations Support	2017/2018	0	0	\$ 6,000
Procurement, Construction, and Improvements		0	0	\$ 1,377,483
Border Security Assets and Infrastructure	2017/2021	0	0	\$ 1,377,483
U.S. Immigration and Customs Enforcement		97	122	\$ 1,237,212
Operations and Support		97	122	\$ 1,237,212
Mission Support	2017/2018	50	63	\$ 65,824
Homeland Security Investigations		47	59	\$ 15,136
Intelligence	2017/2018	47	59	\$ 15,136
Enforcement and Removal Operations				\$ 1,156,252
Custody Operations	2017/2018			\$ 994,914
Criminal Alien Program	2017/2018			\$ 5,000
Alternatives to Detention	2017/2018			\$ 57,392
Transportation and Removal Program	2017/2018			\$ 98,946
Federal Law Enforcement Training Center		120	114	\$ 88,000
Operations and Support		120	114	\$ 25,000
Mission Support	2017/2018	6	5	\$ 710
Law Enforcement Training	2017/2018	114	109	\$ 24,290
Procurement, Construction, and Improvements				\$ 63,000
Construction and Facility Improvements	2017/2021			\$ 63,000

Department of Homeland Security (DHS) Fiscal Year (FY) 2017 Budget Amendment Congressional Justification

DHS is submitting a request for an additional \$3 billion appropriations to address the urgent needs of the Department to support the Executive Orders on border security and immigration enforcement. Funds requested for U.S. Customs and Border Protection (CBP) would support high priority tactical infrastructure and border security technology investments, including efforts to plan, design, and construct a physical wall along the southern border. The request also includes funding for DHS agencies to begin building the administrative capacity necessary to recruit, hire, train, and equip an additional 5,000 Border Patrol agents and 10,000 Immigration and Customs Enforcement (ICE) officers. Further, the request proposes funding to increase daily immigration detention capacity to 45,700 detention beds by the end of FY 2017. This additional detention capacity is necessary to implement Administration policies for removing illegal aliens from the United States by enhancing interior enforcement efforts. Funding proposed for DHS would also be used to establish a real-time border and immigration data integration system within the Office of Immigration Statistics, and for other new border and immigration analyses.

Office of the Secretary and Executive Management

Operations and Support

Budget Amendment Funding Request

Dollars in Thousands

Organization Name	POA	FY 2017 Amendment Request		
		Pos.	FTE	Amount
Office of the Secretary and Executive Management		6	7.5	\$ 11,304
Operations and Support		6	7.5	\$ 11,304
Office of Policy	2017/2018	6	7.5	\$ 11,304

The Department of Homeland Security – Office of the Secretary and Executive Management (OSEM) – Office of Policy requests 6 positions, 7.5 FTE (1.5 FTE in FY 2017 and 6 FTE in FY 2018), and \$11.304 million in personnel and support costs to effectively carry out the Executive Orders on Border Security and Immigration Enforcement.

**Office of the Secretary and Executive Management
Operations and Support
Pay by Object Class**

Dollars in Thousands

Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
11.1 Full-time permanent	\$ 854	\$ 164	\$ 690
11.5 Other personnel compensation	\$ 9	\$ 2	\$ 7
12.1 Civilian personnel benefits	\$ 271	\$ 52	\$ 219
Total - Personnel Compensation and Benefits	\$ 1,134	\$ 218	\$ 916
Positions and FTE			
Positions - Civilian	6	6	6
FTE - Civilian	7.5	1.5	6

The Office of Policy requests 6 positions, 7.5 FTE (1.5 FTE in FY 2017 and 6 FTE in FY 2018) , and \$1.134 million in personnel costs.

The Office of Policy will increase the number of personnel in the Office of Immigration Statistics (OIS) data integration team to include 1 program manager, 4 statisticians, and 1 business analyst. The OIS data integration team will be responsible for the development of the acquisition, privacy, and security documentation to automate the current manual Immigration Data transfers into a secure environment and for the development of data tools and services in the integrated Immigration Data environment for DHS Components and partner agencies to inform and strengthen immigration related decision-making.

**Office of the Secretary and Executive Management
Operations and Support
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 217	\$ 103	\$ 114
23.1 Rental Payments to GSA	\$ 70	\$ 14	\$ 56
25.2 Other Services from Non-Federal Sources	\$ 9,688	\$ 5,212	\$ 4,476
25.3 Other Goods and Services from Federal Sources	\$ 144	\$ 81	\$ 63
26.0 Supplies and Materials	\$ 12	\$ 2	\$ 10
31.0 Equipment	\$ 39	\$ 34	\$ 5
Total - Non Pay Object Classes	\$ 10,170	\$ 5,446	\$ 4,724

The Office of Policy requests \$10.17 million in program costs.

The Office of Policy – Office of Immigration Statistics will fund the following program elements:

- Immigration Data Integration – Policy will procure the necessary software, licensing agreements, and storage infrastructure to support the transfer and development of transactional and operational data into an integrated data environment that will allow for analysis and data reporting.
- Immigration Data Integration Independent Evaluations – Policy will work with an independent organization(s) to capture the current state and baseline of Immigration Statistics reports and make recommendations on new immigration analytics. The use of an independent organization is considered a best practice across DHS.
- Comprehensive Study of the Southern Border - Funding for additional border security analysis is required to enable policy and resource decision-making that is analytically informed as required by the Border and Immigration Enforcement Improvements Executive Order (Section 4(d)). This study is distinct from the data integration and evaluation requests as it focuses on predictive modeling vice reporting. Existing DHS research uses apprehension and enforcement data to derive empirical estimates of illegal Mexican flows. Additional work is required to estimate illegal flows from countries other than Mexico and

non-traditional (child and family) flows. This funding will also support the development of a comprehensive model that assesses the impact of different enforcement policies on border security and immigration flows. A comprehensive borders and immigration model will allow systematic cost-benefit analysis of a range of enforcement tools, including border infrastructure, interior enforcement, and enforcement consequences. To date, it has taken several years to build a comprehensive model of Mexican flows due to limited funding. Additional support at the requested funding level will fill existing modeling gaps, provide interim models useful for immediate decision-making, and produce a comprehensive model over a two-year timeframe.

U.S. Customs and Border Protection

Operations and Support

Budget Amendment Funding Request

Dollars in Thousands

Organization Name	POA	FY 2017 Amendment Request		
		Pos.	FTE	Amount
Operations and Support		187	148	\$ 286,001
Mission Support		187	148	\$ 56,332
Enterprise Services	2017/2018	142	111	\$ 45,860
Office of Professional Responsibility	2017/2018	33	27	\$ 8,360
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Integrated Operations		0	0	\$ 49,284
Air and Marine Operations		0	0	\$ 43,284
Assets and Support	2017/2018	0	0	\$ 43,284
Operations Support	2017/2018	0	0	\$ 6,000

I. IMMEDIATE BORDER WALL CONTRUCTION & PLAN

Overview

As the frontline border agency in the U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) has the dual mission of preventing suspected terrorists, terrorist weapons, and other contraband from entering the United States, while also

facilitating the flow of legitimate trade and travel into and out of the United States. CBP ensures that all persons and cargo enter the United States legally and safely through official checkpoints and ports of entry. CBP achieves its mission using a combination of advanced information, risk assessment, appropriate scanning and other technologies, and by partnering with Federal, state, local, tribal, and foreign law enforcement agencies as well as private industry and international partners. CBP's over 60,000 highly-trained employees ensure that the agency performs its mission with vigilance, integrity, and professionalism.

The Operations and Support funds all operating costs required to achieve CBP's dual mission. The primary drivers behind these costs are the salaries and benefits (S&B) of CBP operational and mission support personnel. The balance of this appropriation is comprised of the operations and maintenance (O&M) costs necessary to sustain the daily effectiveness of CBP equipment and facilities. Without the resources requested in this appropriation, CBP would experience a degradation of frontline operations.

The following request is organized by the four specific sections within Executive Order 13767, "*Border Security and Immigration Enforcement Improvements*."

Immediate Border Wall Technologies (\$5M / 0 FTE)

CBP requests \$5 million in two-year funding to provide data circuits and network bandwidth for Border Wall surveillance data/video.

BACKGROUND

The expansion of CBP Border Wall Infrastructure with embedded Information Technologies will significantly increase the amount of data/video being transmitted to USBP operation center(s). The increased transmission of data/video will require increased technologies, such as data circuits, and/or some other network capability, to be installed to ensure the quick, effective, and efficient transmission of data. These data links and associated network technologies will connect back to CBP's existing network infrastructure which today consists of outdated and end-of-life technologies. Funding will enable CBP to ensure that data/video captured from wall technologies can swiftly and effectively traverse CBP's network to be acted upon quickly by United States Border Patrol (USBP) Agents. Any delay in data transmission due to outdated and/or insufficient network bandwidth will have an adverse impact on USBP's ability to meet their daily operational mission requirements.

JUSTIFICATION

The additional southwest Border Wall technologies will require network upgrades. CBP will need an engineering contract to conduct bandwidth analysis, site design, and provide initial data circuit upgrade requirements to handle the increased data traffic that will

enable USBP's effective monitoring of data from the southwest Border Wall embedded technologies. Costs will recur and will expand on capabilities as additional segments of the southwest Border Wall are completed.

Additional funding will enable CBP to acquire network field equipment required to effectively monitor and control data traversing CBP's IT network from the southwest Border Wall to monitoring locations within USBP sectors that are required with initial expansion of the Border Wall. As necessary, upgrades may be needed to the IT infrastructure at USBP sectors or stations that will have day-to-day oversight of data captured by southwest Border Wall technologies. In addition, funding will cover replacement of consumable southwest Border Wall technologies, which may include items such as unattended ground sensors, surveillance cameras, power amplifiers, down converters, power supplies, and geological/infrared/step sensors and gaskets, etc.).

Office of Facilities and Asset Management Staff (\$4.837M / 40 FTE)

CBP requests \$4.837 million in two-year funding for the salaries and benefits for an increase of 53 personnel (40 FTE / 53 FTP, all in FY 2018) across the two-year period in support of the Executive Order for the immediate construction and planning of the Border Wall.

BACKGROUND

The Office of Facilities and Asset Management's (OFAM) current areas of responsibility include managing and overseeing CBP's Tactical Infrastructure, facilities, vehicles, uniforms and personal property. Executive Order 13767, "*Border Security and Immigration Enforcement Improvements*" included direction for the immediate construction and planning of a border wall, which represents a significant ramp up in mission, requirements, personnel, and funding needs for OFAM.

JUSTIFICATION

The total of 40 Full-Time Equivalents (FTE) requested will work in full support of activities associated with the Executive Order, which includes initial planning, project management for construction, and also the continued oversight and maintenance of the Border Wall upon completion of construction. These positions are intended to be a permanent adjustment to the base as there will be significant work required to maintain the Border Wall and related tactical infrastructure even after planning and construction is completed.

The current baseline level of resources for OFAM only has the capacity to support current mission activities, which include the continued maintenance of the existing tactical infrastructure, facilities, vehicles, uniforms and personal property for the entire Agency.

At the current resource level, CBP would be challenged to support the new Executive Order requirements without significant impacts to current baseline missions, which would include reallocating personnel that operate, maintain, and oversee operations of existing facilities and to begin the planning efforts for the new facility and asset requirements associated with the expected increase in 5,000 Border Patrol Agents.

Office of Chief Counsel Staff (\$2.112M / 10 FTE)

CBP requests \$2.112 million in two-year funding to hire an additional 12 positions and 10 FTE (1 FTE in FY 2017 and 9 FTE in FY 2018) within the Office of the Chief Counsel (OCC).

BACKGROUND

OCC's base request funds mission critical legal advice, representation, and counsel to CBP. OCC is comprised of 29 offices (28 in field locations), and is authorized to employ attorneys and support staff with unique expertise in, and knowledge of, laws enforced by or impacting CBP. OCC handles all legal and ethics issues involving CBP's global operations, both domestic and foreign. OCC attorneys provide legal services to CBP officials in matters relating to the activities and functions of CBP, including matters involving enforcement, operations, real property, trade, fiscal, procurement, ethics, labor, and employment. OCC requires supplemental funding to ensure timely implementation of the agency's construction of the physical wall on the southwest border pursuant to the Executive Order.

OCC's comprehensive legal services to CBP include representing the agency in offensive and defensive litigation in all federal courts, as well as representing the agency in all third-party administrative hearings. OCC will provide significant litigation support in defense of various challenges to the construction of the physical wall, including defending challenges to the Secretary of Homeland Security's exercise of waiver authority under Section 102(a) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), as amended, as well as in the condemnation of land along the southwest border. OCC provides appropriations and fiscal law advice, reviews contractual, procurement, and real property actions, and ensures compliance of proposed agency actions and policies with legal requirements.

JUSTIFICATION

OCC has experienced a significant increase in legal services on enforcement matters, including immigration, litigation involving the agency's detention and processing of aliens, and in legal services resulting from the agency's expansion of the Tactical Infrastructure Program, including the construction of a physical wall on the southwest border as mandated by Executive Order 13767, "*Border*

Security and Immigration Enforcement Improvements". OCC will require additional positions and non-pay funding to ensure the agency's timely implementation of the EO requirements. OCC anticipates an unprecedented increase in legal support in real property, procurement, fiscal law, as well as overall programmatic support to advance the construction of a physical wall. Further, OCC will provide significant litigation support in defense of various challenges to the construction of the physical wall, as well as in the condemnation of land along the southwest border. For instance, if the Secretary of Homeland Security exercises the waiver authority under Section 102(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, OCC will be responsible for defending any challenges to the waiver. The waiver authority has been exercised five times; all five times were challenged in federal court. Notably, in 2007, when the agency undertook the construction of 225 miles of pedestrian fencing (fence designed to prevent the illicit passage of people across the border) along the southwest border, the agency initiated nearly 400 land acquisition actions border-wide, 300 of which involved the filing of condemnation actions.

Operations Contract Support (\$6M / 0 FTE)

CBP requests \$6 million in two-year funding for Operations Support, to produce documentation, integrate requirements, and allow for the development of advanced metrics for the southwest border in support of Executive Order requirements.

BACKGROUND

The Joint Requirements Integration and Management System was developed, in part, to ensure that the operational missions of DHS were pursuing the "right" capabilities to improve mission accomplishment supported by the analytical rigor necessary to support our decision making. The Acquisition Management Lifecycle is most effective when it can respond to well researched, measurable, achievable requirements. In support of this, Capabilities and Requirements Division (CRD) was created to help bridge the gap between the operational community and the solution development community (including Acquisition).

Within the Operations Support Office of CBP, the CRD is responsible for assisting the operational components in articulating their needs and conducting the mission analysis to ensure CBP is pursuing the right capabilities. Across government and industry, failed acquisitions and unsuccessful operational strategies can be traced back to an improper articulation of the actual need. In addition, CRD also conducts operational test and evaluation to ensure that solutions delivered are effective and suitable to operate in their intended environment.

JUSTIFICATION

Investment in this area will support the development of operational requirements for the Executive Orders regarding CBP operations including the border wall and operational control of the southwest border. These resources will also support the development of concepts of operation to articulate how the Executive Order parameters will impact the way CBP will operate. In addition to requirements and operational concepts, this investment will provide resources to determine the appropriate metrics to measure the effectiveness of CBP's response to the Executive Orders as they are delivered. The specific deliverables directly impacted by this investment will be the JRIMS' Capability Analysis Study Plan (CASP) and the Capability Analysis Report (CAR) and the Acquisition Lifecycle's Mission Needs Statement, Operational Requirements Document, Concept of Operations, and Test and Evaluation Master Plan.

Conducting appropriate analysis increases the likelihood that delivered solutions achieve the desired result. CRD has an established relationship with CBP's operational components and can provide immediate value from an increase in resources. A current CRD priority is the development of Operational Concepts for each CBP operating domain to provide broad context for CBP's needs and support gap analysis. We are also engaged in requirements efforts across the spectrum of Executive Orders regarding CBP operations including the Wall and operational control of the southwest border. Although part of CBP's long term personnel strategy, the Agency does not currently grow this capability organically. Additional contract staff will allow greater engagement with both CBP's operational components as well as the Joint Requirements Council and the CBP program offices.

II. OPERATIONAL CONTROL OF THE SOUTHERN BORDER**Tactical Infrastructure Investment (\$21M / 0 FTE)**

U.S. Customs and Border Protection (CBP) anticipates investing approximately \$21 million for road maintenance within the overall \$200 million investment in Tactical Infrastructure.

BACKGROUND

CBP's current TI portfolio requiring routine maintenance and repair needs includes approximately 654 miles of primary fence, 1,519 gates/crossings/game panels, 1,273 miles of roads, 14 bridges and 11 boat ramps. CBP requested \$52.5 million to maintain and repair its tactical infrastructure portfolio.

JUSTIFICATION

CBP's spends approximately \$49 million annually to support maintenance and repair requirements through the Comprehensive Tactical Infrastructure & Maintenance and Repair (CTIMR) program. Through the CTIMR program, contractors perform routine and urgent work such as infrastructure preventative maintenance, fence, gate and grate repairs, roadway maintenance (e.g., blading, grading, drainage, structure clearing and silt removal, culvert replacement), vegetation control, and debris removal. The additional funds requested will address operational requirements for road maintenance across the southwest border in order to provide better, safer, and more efficient border access for the Border Patrol.

Tactical Communications (\$20M / 0 FTE)

U.S. Customs and Border Protection (CBP) requests \$20 million in two-year funding to purchase 2,300 handheld radios (\$10.12 million), 1,475 vehicle radios (\$7.97 million), 95 base stations (\$0.64 million), maintenance (\$1.20 million), and circuits (\$0.07 million) in support of USBP operations.

BACKGROUND

To support its mission, CBP operates and maintains one of the largest tactical voice communications infrastructures in the Federal government. Tactical communications capabilities are essential to coordinating mission activities and protecting the safety of CBP law enforcement agents and officers. These agents and officers operate in remote areas where their radio is often their only communications channel to coordinate activities or summon assistance. CBP has a tactical radio communication device inventory of over 70,000 units utilized by the USBP agents, CBP officers, and Air and Marine agents. Over 25,000 units of CBP's radio inventory has exceeded its useful life and is no longer supported by the manufacturer.

JUSTIFICATION

This funding would procure additional radios and infrastructure necessary to address radio obsolescence, improve interoperability with local authorities and the Government of Mexico, and address some current coverage gaps. Replacing a significant number of aging or obsolete radios will directly contribute to the efficiency and effectiveness of border security operations, and contribute to the goals outlined in the Executive Orders on border security and immigration enforcement.

AMO Border Operations (\$25.141M / 0 FTE)

CBP requests \$25.141 million in two-year funding to support Air & Marine Operations (AMO) 7 X 24 unmanned aircraft systems (UAS) operations along the southwest border of the United States. In order to support the President's Executive Order 13767, "*Border Security and Immigration Enforcement Improvements*", CBP AMO proposes to contribute to the security of the southwest border by enhancing situational awareness through 7 X 24 UAS operations. 7 X 24 flight operations are defined as two scheduled 18 hour flights within a 24 hour period from each of AMO's two National Air Security Operations Centers (NASOC) based in Corpus Christi, Texas and Ft. Huachuca, Arizona along the southwest border.

BACKGROUND

CBP AMO UAS operations currently deploy specially equipped MQ-9 unmanned aircraft (UA) along the southern border of the United States. Primarily operating along the borders of Texas, New Mexico, and Arizona CBP deploys six of our nine UA from three air operations centers, two permanent and one expeditionary. Based in Ft Huachuca, Arizona and Naval Air Station Corpus Christi, Texas, CBP UAS support USBP and other Government agencies in maintaining border security as well as supporting local and national emergency response actions. CBP UAS activities include border surveillance through the use of two advanced sensors. The Multi-Spectral Targeting System (MTS-B) electro optical infrared sensor allows CBP UAS to receive high definition real time video imagery in day and night conditions and is an excellent system for long range surveillance and tracking. The Vehicle and Dismount Exploitation Radar (VADER) provides accurate, real time dismounted ground moving target data and radar imagery supporting Border Patrol Agents on the ground while simultaneously recording strategic intelligence data.

JUSTIFICATION

This action is being pursued in order to support the President's direction to secure the nation's borders from illegal encroachment by human smugglers, illegal aliens, drug traffickers, and potential terrorists. In order to support this goal, CBP AMO would leverage their UAS fleet and its ability to maintain long endurance land surveillance and dismounted target (human) tracking. CBP's UAS are a key capability for homeland security, providing persistent surveillance and mobility to fill potential gaps along the southwest border. CBP's UAS will mitigate risk, while construction of a physical barrier is implemented and provide decision makers with a flexible tool to respond to future security threats.

With the \$25.1 million requested in FY 2017, CBP would hire 20 contractor personnel with an availability horizon of 18 to 24 months. The timeframe for hiring contractor personnel will be dependent on the execution of the October 2017 UAS Services and operations support contract, availability of qualified candidates, and the CBP background investigation process. Contractor support will include

aircraft, ground control station (GCS), and satellite technicians as well as VADER operations specialist and associated ground processing support. In addition to the contract personnel, the increased flight activity will accelerate the program's consumption of materials through increased periodic inspections, routine maintenance, and component failure. Significant investments in spare parts and system upgrades will be required to sustain asset availability and reliability.

CBP will increase operating hours as the acquisition of contractor personnel, material, and infrastructure allow. The initial plan for these investments in FYs 2017 and 2018 would be:

- 20 Contractor Personnel: \$4.6M
- GCS Upgrades: \$4.8M
- 2 MTS-B EOIR Sensors: \$6.0M
- VADER Upgrades: \$3.6M
- UAS Spares: \$6.1M

Tethered Aerostat Radar System (\$18.1M / 0 FTE)

CBP requests \$18.1 million in two-year funding for the Tethered Aerostat Radar System (TARS) program in FY 2017, to be used for the deployment of two technology enhancements over the next two years:

- o Deploy new weather management systems at current TARS sites to improve flight operations efficiency (more surveillance hours) and flight safety to protect TARS personnel and equipment.
- o Further, AMO will be ready to field test key technologies that now appear promising in the Analysis of Alternatives (AOA) – these technologies exist and perform well in DOD missions, but need to be piloted in scope and scaled for the border security role.

BACKGROUND

CBP AMO's TARS system fulfills a unique, critical surveillance capability needed to maintain operational control of the U.S. southern border and associated air space. TARS supports effective monitoring the southern border in areas where other infrastructure may be in short supply. It is a key component to a risk-based approach for enhancing border security, and contributes to the goals outlined in the Executive Orders on border security and immigration enforcement. The TARS system is over 30 years old and past its intended operating service life and needs to be refreshed or replaced in the coming years. This amendment to the FY 2017 President's Budget request will allow AMO to conduct field investigations and demonstrations with the most promising technology candidates that will inform a future departmental investment decision for the future TARS capability. Additionally, the funding will enable the acquisition and deployment of modern technology to replace failing weather management systems at today's TARS sites. These

“wind profilers” are essential to safe flight operations and, ultimately, to increase surveillance flight hours delivered to AMO law enforcement operators monitoring air and sea approaches to U.S. southern borders.

JUSTIFICATION

AMO is leading an ongoing department capability analysis and gaps identification study of our overarching air domain awareness mission area. A key element in this comprehensive study is the acknowledgement of how critical it is to overall CBP security operations to maintain persistent surveillance of low altitude air approaches to the U.S. southern border. Today, TARS fulfills this critical low-altitude surveillance capability, and AMO needs to prepare technologies and operational concepts for a future surveillance capability as TARS system(s) retires over the next few years. The funding requested will allow CBP to field test new technologies that will enhance domain awareness and help the agency determine the best path forward for low-altitude surveillance capabilities.

Inclement weather, and the inability to observe and react to weather in a timely manner, is the primary threat to reliable and safe TARS system flight operations and effectiveness. The past 19 of 21 catastrophic (and costly) aerostat mishaps over the previous two decades, while the program was managed by DoD, were weather induced. The funding requested will allow CBP to replace the onsite wind profiler units across the TARS fleet to improve weather awareness and alerts, and ultimately to increase surveillance time aloft, safely and efficiently.

OIT Equipment and Field Technology (\$3.368M / 0 FTE)

CBP requests \$3.368 million in two-year funding to upgrade the Office of Information & Technology (OIT) equipment and field technology for the United States Border Patrol (USBP).

BACKGROUND

Much of the existing equipment in the sectors and stations of USBP is beyond its useful life. In order to gain operational control of the border, CBP must also make sure that the equipment used by USBP is upgraded to minimize impact of system slowdowns or outages. In addition, updated systems will minimize the potential of cyber intrusions from those that may desire to cause harm to CBP's data or infrastructure. CBP's mission critical applications are vital to the daily detention activities performed by USBP Agents, as they must have timely access to critical data to determine admissibility.

JUSTIFICATION

Funds will upgrade data circuit capacity with the initial focus on the Tucson, Douglas, and Nogales USBP stations. In addition, funds will enable CBP to begin upgrade of aged USBP desktops, laptops, scanners, cameras, and other peripheral equipment that is no longer supported by the original equipment manufacturer.

Facilities Support On The Southern Border (\$20M / 0 FTE)

CBP requests \$20 million in two-year funding to address the highest priority needs for the continued maintenance and upkeep of the existing facilities that support United States Border Patrol (USBP). This includes funding the nationwide regional maintenance and minor repairs contracts for USBP facilities and ensuring that there is funding available to address emergency repairs as they arise during the year of execution.

BACKGROUND

The USBP facilities inventory is comprised of over 6.5 million square feet including 135 Border Patrol Stations, 39 Permanent and Interim Checkpoints, 20 Sector Headquarters, 16 Forward Operating Bases and one Special Operations Group location. The backlog of deferred maintenance requirements for USBP facilities is \$175 million.

JUSTIFICATION

The funding requested as part of this amendment will address the identified gap of \$20 million for the regional preventative maintenance and minor repair contracts along with funding for each sector to address a minimal level of emergency repairs across all of the USBP Sectors; the majority of the facilities that are supported are along the southern border. These requirements are all currently unfunded and will result in the continued deterioration of facility conditions, the increased risk of operational impacts due to facility downtime, and the lack of basic services.

Funding will ensure that core facility services, including the continued maintenance, per warranty instructions, of core building systems, are provided to USBP facilities nationwide. This funding will also ensure that there are adequate resources to address emergency repairs that arise during the year. Emergency repairs are issues that are not planned, cannot be deferred to a future date and must be addressed upon occurrence to minimize impacts to operational capabilities. This includes fixing HVAC systems along the southwest border, resolving backed up sewage systems and repairing leaking roofs. The continued, uninterrupted operations of USBP facilities will also be critical throughout the implementation of the current Executive Orders, which includes increased activity,

staging and deployment of assets along the southwest border.

USBP facilities provide the critical infrastructure that enables USBP to stage and deploy agents, and supports tactical and search-and-rescue teams; command, control, and communications activity; detention and processing; intelligence units, canine and horse operations; fleet maintenance and storage; and administrative, training and law enforcement coordination.

III. INCREASE BPA FLOOR BY 5,000

United States Border Patrol Relocations (\$25M / 0 FTE)

CBP requests \$25 million in two-year funding to support the United States Border Patrol (USBP) Voluntary Relocation Program (VRP) relocations and to initiate a USBP relocation incentive strategy. \$15 million will be used for USBP Relocations specifically utilizing VRP authority, and \$10M for a USBP relocation incentive strategy for remote locations.

BACKGROUND

As a first step in hiring 5,000 additional Border Patrol Agents, CBP must pursue smart strategies to minimize attrition of current, experienced BPAs. Implementing a stable relocation program for the USBP workforce will meet operational requirements and help to alleviate the lack of mobility significantly contributing to declining morale and increased attrition across the workforce. Although the attrition rate for Border Patrol Agents (BPA) dropped from FY 2015 (5.5%) to FY 2016 (4.3%), the current BPA attrition rate (year to date FY 2017) has risen to 4.5%. To achieve needed mobility, CBP proposes to begin implementing an incremental mobility program in FY 2017. The resultant mature program focuses the bulk of resources on mobility, addressing operational needs and documented employee concerns.

JUSTIFICATION

This funding will allow CBP to develop and implement a robust relocation program to stem the current attrition patterns, supported by data from internal/external surveys of BPAs. These surveys indicate that the inability to relocate is a key contributing factor in the decision to depart. This is especially true of mid-career BPAs who feel there is no opportunity to either relocate to a more desirable location or advance from their current position. Federal Employee Viewpoint Survey, the Office of Human Resources Management surveys, and the USBP Human Capital Study show a strong correlation between agent mobility and lower morale and higher attrition. These same surveys indicate USBP esprit de corps remains strong when the U.S. Government's immigration enforcement system is executing the laws of the nation.

Polygraph Examiner Recruitment & Retention (\$4.271M / 0 FTE)

CBP requests \$4.271 million in two-year funding for recruitment and retention efforts targeted towards federally certified polygraph examiners.

BACKGROUND

Federally certified polygraph examiners possess a technical skill that is highly sought after by all 27 federal agencies that currently possess a polygraph capability. In order to maintain CBP's current capacity for the hiring of 5,000 Border Patrol Agents (BPAs), the Office of Professional Responsibility (OPR) will need to retain their current employees, which has been difficult to accomplish in an increasingly competitive workforce. Adequate staffing of federally certified polygraph examiners within OPR is of critical importance to the frontline hiring requirements of CBP, due to the requirements of the *Anti-Border Corruption Act of 2010*, P.L. 111-376, as amended, that all applicants for law enforcement positions in CBP receive a polygraph examination before being offered employment. Currently, CBP has 103 examiners on board with an additional 16 expected to EOD by the end of FY 2017.

Most other federal agencies that employ polygraph examiners use some form of additional compensation, putting pressure on CBP's ability to recruit and retain certified examiners. These approaches include Law Enforcement Available Pay (LEAP), Administratively Uncontrollable Overtime (AUO), and Special Salary Rate (SSR) pay-banding techniques. This normally equates up to 25% of the employee's salary resulting in salaries much higher than the basic locality pay that CBP can offer.

As a result of this competition, CBP has seen a high attrition in its polygraph examiner workforce, up to almost 19% in FY 2015. Currently, an additional 43 law enforcement officers supplement the examiner staff, but will return to their home offices and will require replacement in the short term. With current hiring patterns for just CBPOs and BPAs, OPR processes around 8,000 polygraph examinations in a fiscal year. In order to meet the increased processing requirement to onboard an additional 5,000 BPAs, CBP will likely increase the number of examinations required and without sufficient polygraph examiner staff risks slowing the hiring timeline.

JUSTIFICATION

As a result, OPR is requesting a strategy to retain current polygraph examiners through a 10% retention incentives and a 10% special salary rate. CBP estimates for FY 2017, OPR will require \$1.258 million for FY 2017, and \$3.013 million for FY 2018. CBP's calculations assume that the 10% retention incentive will be paid out in a lump sum in FY 2017 to all 52 certified polygraph examiner positions that perform polygraph examination duties as a primary responsibility and are not law enforcement officers, as defined in 5

U.S.C. 5541(3) and 5 CFR 550.103, anticipated to be on board in FY 2017. The 10% special salary rate will take effect in FY 2017 and will be paid to all 52 polygraph examiners anticipated to be on board in FY 2017.

Expand HRM Hiring Capacity (\$21.129M / 0 FTE)

CBP requests \$21.129 million in two-year funding for the following initiatives: hiring hub program (\$9.7 million); additional applicant processing (\$7.8 million); recruiter training (\$2 million); and recruitment/digital media strategy (\$1.629 million).

BACKGROUND

To establish and sustain adequate staffing on the Nation's borders, CBP must ensure its recruitment capabilities are commensurate with the expanding complexity and demands of its mission in order to become the employer-of-choice for law enforcement professionals. In light of the Executive Order requirement to hire 5,000 additional Border Patrol Agents (BPA) and all associated positions, CBP requires additional funds and resources to strengthen five key areas of focus:

- *Hiring Hubs:* Hiring Hubs have been very successful in decreasing the time-to-hire. Throughout FY 2016, CBP continued to modify the pre-employment process to expand the Hiring Hub concept to as many applicants as possible while reducing costs.
- *Applicant Processing:* Applicant processing comprises initial qualifications testing, medical examination, drug testing, and physical fitness testing. This process also includes the polygraph and background investigation, which are administered by the Office of Professional Responsibility. CBP's pre-employments process ensures a fair and consistent approach to hiring individuals who are qualified to perform the duties of the job.
- *Recruiter Training:* Recruiters are the brand ambassadors of CBP and have a pivotal role in keeping applicants engaged throughout the hiring process. There are currently 1,400 recruiters within CBP. Currently, CBP does not have standardized recruiter training across all operational components. To fulfill this priority, CBP must develop a comprehensive recruiter training curriculum for its full-time and collateral duty recruiters.
- *Recruitment Strategy:* Attracting a sufficient number of quality citizens to apply to CBP requires a concerted effort to focus not just on traditional recruitment efforts but also on digital media to attract applicants who are more engaged on mobile devices and the Internet in general.

JUSTIFICATION

Hiring Hubs

This new frontline hiring process has consistently resulted in a reduction in time-to-hire. Funding will be utilized to provide the increase in staffing, contract services, and technology needed to continue this transformational effort. CBP's execution plan includes

the following initiatives:

- Renew space lease contracts for the Laredo and El Paso hubs, as well as other locations as volume of applicants dictates;
- Continued process improvements;
- Implementation of new hiring hubs for applicants in areas of the country where CBP personnel are not readily available to perform interviews and polygraph exams; and
- Continuation of Military hiring hubs.

Additional Applicant Processing

- As the process is currently configured, these funds will allow CBP to initially process over 57,000 applicants. We anticipate an increase in the number of applicants through enhanced recruiting efforts and in the number of EODs as the hiring process continues to be transformed and streamlined.
- OPM-mandated pre-employment tests are an important part of the hiring process that help determine each applicant's suitability to be a frontline CBP employee. Failure to fund this program to the extent necessary will significantly impact CBP's ability to meet the established hiring goals.
- The medical services and drug testing collection services contract provides services to conduct the required medical examination, qualifications testing, and drug testing hiring steps. Not fully funding this contract would prevent applicants from completing hiring steps and prevent CBP from onboarding applicants into positions with medical or drug testing requirements.
- The Pre-employment Fitness Test 1 contract provides PFT1 administration to all applicants and is a CBP hiring requirement. Not fully funding this contract would delay applicant processing and therefore increase the time-to-hire.

Recruiter Training

CBP's recruiter training program consists of two modules: core recruiter training and Special Emphasis Recruitment Team (SERT) training. CBP anticipates using the estimated \$2 million FY 2017 funding to provide travel and associated costs for training at the CBP Advanced Training Center in West Virginia for more than 400 recruiters. SERT recruiters will remain three additional days to complete the SERT module, which focuses on veteran recruitment and enhancing the diversity of the workforce. The funding will be put toward all travel costs for participants and trainers. CBP's goal is to leverage its certified recruiter workforce through train-the-trainer sessions, with the goal of reaching 3,000 recruiters across CBP.

Recruitment Strategy

CBP seeks to increase the number of qualified applicants entering the hiring pipeline to enable CBP to meet its frontline staffing goals. CBP's lack of brand awareness is contributing to the low number of Entries on Duty for its frontline positions. The funding requested will allow CBP to take the initial steps toward implementing its larger recruitment and marketing strategy. Increasing recruitment and marketing will also enable CBP to:

- Ensure alignment to CBP's brand messaging and incorporate available social media platforms, online job boards, and strategic partnerships that best allow CBP to communicate job opportunities to the desired applicant demographic;
- Enhance the applicant's user experience in CBP's digital environment;
- Determine whether current digital marketing and recruitment messaging are yielding the desired Return on Investment ;
- Analyze website traffic to understand user behaviors and levels of engagement;
- Identify opportunities for marketing initiatives and analyze existing marketing performance against goals and objectives; and
- Utilize online behavioral data to reach potential applicants where they are with a message that is relevant to them.

Additional HRM and OPR Staffing (\$15M / 98 FTE)

CBP is requesting \$15 million in two-year funding for 89 positions and 71 FTE for the Office of Human Resources Management (HRM) and 33 positions and 27 FTE for the Office of Professional Responsibility (OPR). HRM plans to onboard 5 FTE in FY 2017 and 66 FTE in FY 2018. OPR intends to onboard 2 FTE in FY 2017 and 25 FTE in FY 2018.

BACKGROUND

These positions are requested to provide direct support to the recruitment, hiring, and sustainment of the 5,000 additional Border Patrol Agents (BPA) and all associated positions.

JUSTIFICATION

HRM and OPR are requesting a total of 122 new employees over a two year period to implement Executive Order 13767, "*Border Security and Immigration Enforcement Improvements*." These positions are required to support CBP recruitment, hiring and law enforcement efforts to increase CBP's law enforcement population by the 5,000 Border Patrol Agents required in the Executive Order. Within OPR, the Personnel Security Division will have responsibility for determining the suitability for employment and eligibility to hold a National Security position for all new hires. OPR has been tasked by CBP with continuously monitoring staff to ensure that they remain suitable for employment based on a review of information such as criminal activity and suspicious financial transactions.

HRM's staffing request is essential to managing anticipated increases in the number of applicants, recruitment actions, and maintaining CBP's current time-to-hire improvements in light of increased hiring required in Executive Order 13767, as well as sustaining an effective law enforcement workforce. HRM's request was developed by comparing the ratio of Human Resource (HR) employees to the total workforce in other DHS components, by applying the Office of Personnel Management standard ratio of one HR employee for every 100 employees.

IV. DETAIN ALL IMMIGRATION VIOLATORS

Increase Temporary CBP Detention Facilities (\$95M / 0 FTE)

CBP requests \$95 million to address migration surge operations to include the rollout of soft-sided structure facilities in Tornillo and Donna, TX. CBP southern land border ports of entry and areas between the ports of entry experienced extraordinary levels of unlawful migration at the beginning of FY 2017 as thousands of foreign nationals, unaccompanied alien children (UAC), and family units (FMUA) attempt to migrate to the U.S. via Central American land routes.

BACKGROUND

Beginning in the summer of 2016, United States Border Patrol USBP began to report an increase in apprehensions along the southwest border, which included UC and FMUA populations. FY 2017 started with apprehensions roughly 40% above average for the last five fiscal years. CBP has developed contingency planning for multiple soft-sided facilities including the rollout of facilities in Tornillo and Donna, TX. These temporary facilities help CBP to mitigate the migration surge volume and create an increased capacity for the overflow at the stations and ports of entry.

JUSTIFICATION

In addition to the costs of the temporary detention facilities, CBP has incurred costs in critical overtime, TDY, transportation, supplies, and maintenance to support the surge operations. The effect is not limited to the southwest border, but felt nationwide as USBP and OFO create vacancies in inland, northern, and coastal areas to detail agents and officers to the southwest border. Through January, CBP incurred \$35 million in costs related to the southwest border surge, which required diverting funds from other operational needs. The requested funding is critical to maintain CBP's capacity through the seasonal influx normally seen in the spring and summer months.

**U.S. Customs and Border Protection
Operations and Support
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017	FY 2017	FY 2018
	Amendment Request	Estimated First Year Funds	Estimated Second Year Funds
11.1 Full-time permanent	\$ 15,703	\$ 1,735	\$ 13,968
11.3 Other than full-time permanent	\$ 1,161	\$ -	\$ 1,161
11.5 Other personnel compensation	\$ 28,880	\$ 25,280	\$ 3,600
12.1 Civilian personnel benefits	\$ 20,544	\$ 16,095	\$ 4,449
Total - Personnel Compensation and Benefits	\$ 66,288	\$ 43,110	\$ 23,179
Positions and FTE			
Positions - Civilian	187	187	187
FTE - Civilian	148	8	140

Funds requested include:

- \$4.837 million is to hire 53 positions and 40 FTE, all in FY 2018, for Office of Facilities and Asset Management Staff.
- \$10.527 million is to hire 122 positions and 98 FTE (seven in FY 2017 and 91 in FY 2018) for Additional HRM and OPR Staff.
- \$25 million is for USBP Relocations.
- \$19.88 million is for USBP agent and CBPO overtime in support of migration surge operations.
- \$1.773 million is to hire 12 positions and 10 FTE (one in FY 2017 and 9 in FY 2018) for Office of Chief Counsel Staff.
- \$4.271 million is for OPR Retention and Special Salary Rates.

**U.S. Customs and Border Protection
Operations and Support
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 21,253	\$ 17,790	\$ 3,463
23.3 Communications, Utilities, and Misc. Charges	\$ 297	\$ 142	\$ 155
25.1 Advisory and Assistance Services	\$ 1,629	\$ 1,629	\$ -
25.2 Other Services from Non-Federal Sources	\$ 62,844	\$ 16,642	\$ 46,203
25.3 Other Goods and Services from Federal Sources	\$ 4,400	\$ 4,400	\$ -
25.4 Operation and Maintenance of Facilities	\$ 74,731	\$ 74,731	\$ -
25.7 Operation and Maintenance of Equipment	\$ 35	\$ 35	\$ -
26.0 Supplies and Materials	\$ 3,824	\$ 2,324	\$ 1,500
31.0 Equipment	\$ 29,699	\$ 28,024	\$ 1,676
32.0 Land and Structures	\$ 21,000	\$ 21,000	\$ -
Total - Non Pay Object Classes	\$ 219,713	\$ 166,716	\$ 52,997

Funds requested include:

- \$20 million is for Facilities Support on the Southern Border.
- \$18.143 million is for Tethered Aerostat Radar System (TARS).
- \$25.141 million is for AMO Border Operations.
- \$3.368 million is for OIT Equipment and Field Technology.
- \$5 million is for Immediate Border Wall Technologies.
- \$21.129 million is to Expand HRM Hiring Capacity.
- \$75.12 million is to Detain All Immigration Violators.
- \$20 million is for Tactical Communications.

- \$6 million is for Operations Contract Support.
- \$.339 million is for Office of Chief Counsel Staff.
- \$21 million is for Tactical Infrastructure.
- \$4.473 million is for Additional HRM and OPR Staff.

**U.S. Customs and Border Protection
Procurement, Construction, and Improvements**

Budget Amendment Funding Request

Dollars in Thousands

Organization Name	POA	FY 2019 Amendment Request Amount
Procurement, Construction, and Improvements		\$ 1,377,483
Border Security Assets and Infrastructure	2017/2021	\$ 1,377,483

**U.S. Customs and Border Protection
Procurement, Construction, and Improvements
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request
21.0 Travel and Transportation of Persons	\$ 463
25.1 Advisory and Assistance Services	\$ 10,802
25.3 Other Goods and Services from Federal Sources	\$ 1,412
26.0 Supplies and Materials	\$ 14,313
31.0 Equipment	\$ 173,010
32.0 Land and Structures	\$ 1,177,483
Total - Non Pay Object Classes	\$ 1,377,483

Border Infrastructure Investment

Investment Description

CBP requests \$999 million in 5-year funding to support construction of a Border Wall. This amendment to the FY 2017 President's Budget supports a robust suite of infrastructure investments to help CBP achieve operational control of the southern border, as required by the President's Executive Orders on border security. CBP anticipates investing approximately \$999 million in FY 2017.

JUSTIFICATION

The \$999 million investment includes the construction of a new Border Wall system in areas identified by United States Border Patrol (USBP) as operational requirements, to include:

- ~14 miles of new border wall system in San Diego Sector (\$251M)
- ~14 miles of replacement fence in San Diego Sector (\$102M)
- ~28 miles of new levee wall system in Rio Grande Valley Sector (\$498)
- ~6 miles of new border wall system in Rio Grande Valley Sector (\$146M)

The costs above are estimates that will be refined as projects are further defined and designs are developed. This funding will allow CBP to fund design, real estate planning, environmental planning and acquisition, construction and construction oversight for a new border wall system to include fence replacement in San Diego, as well as a new border wall system and levee wall system in the Rio Grande Valley Sector. The anticipated investment allows CBP to swiftly respond to Administration priorities and USBP operational requirements.

BACKGROUND

Detailed requirements for the border wall, including priority locations and preferred features, are currently under development by CBP. Concurrently, CBP is reaching out to industry to seek proposals for Border Wall prototypes that will help the agency select the appropriate design, materials, and technologies for further border wall construction. These proposals and the subsequent prototypes will allow CBP to estimate the overall cost to construct, maintain and repair the border wall. This standard will continue to inform CBP's wall estimates and will account for Administration priorities, USBP operational requirements, cost effectiveness, constructability, and durability. The identified locations are based off of operational need and site accessibility.

Key Milestone Events: Wall Activities

The \$999 million investment includes the construction of a Border Wall and levee wall system in areas identified by USBP as operational requirements, to include but not limited to, San Diego and the RGV Sector area of responsibility in Texas, respectively.

FY 2017 Q3

CBP anticipates:

- Finalizing all Interagency Agreements to providing funding to the United States Army Corps of Engineers (USACE) pending available funding.
- Finalizing the first draft of the environmental impact.
- Working with USBP to identify initial border wall segment requirements in the Rio Grande Valley Sector.

FY 2017 Q4

CBP anticipates:

- Identifying impacted landowners (assuming no significant title search delays).
- Developing initial project scope, cost estimates, and schedule.
- Releasing Requests for Proposals.
- Awarding Multiple Award Task Order Contract pending available funding.

SW Border Surveillance**Investment Description**

CBP requests \$200 million in 5-year funding to support southwest border surveillance technology. The \$200 million requested will enable USBP to purchase approximately 18 Integrated Fixed Towers (IFT), 18 relocatable towers, 19 Mobile Video Surveillance Systems (MVSS) units and 58 MVSS camera upgrades. Other funding will be used to close future sustainment gaps in Remote Video Surveillance Systems (RVSS), MVS, and mobile surveillance requirements. Based on the current threat matrix, the Office of Border Patrol has determined that the priority sectors to receive these capabilities are Rio Grande Valley (RGV), Laredo (LRT), and El Paso (EPT).

JUSTIFICATION

Funding is requested to accelerate deployments of fixed and mobile surveillance technologies to high-risk locations along the southwest border. These investments will help the Border Patrol deter, deny, identify, track, and resolve illegal activity along the border to prevent illegal immigration, drug and human trafficking, and acts of terrorism. Specific locations will be determined by operational requirements and capability gap analyses conducted by the USBP.

The IFT system will assist USBP agents in detecting, tracking, identifying, and classifying items of interest along our Nation's borders through a series of fixed surveillance towers and equipment that display information on IFT workstations housed in a command and control center.

RVSS is a fixed technology that provides persistent wide-area surveillance for the visual detection, identification, classification, and tracking of Items of Interest (IoI) along the border. The RVSS unit configuration varies depending on the operational needs and the geographical area where the RVSS is located. RVSS units are typically deployed in areas of activity with dense vegetation, or urban areas where IoIs can quickly vanish. The RVSS unit has a sensor suite with a set of short-, medium-, or long-range electro-optical and infrared cameras (daytime/nighttime cameras), which are remotely operated from a Command and Control (C2) facility. The sensor suite may contain an infrared illuminator, directional spotlights, and a public address system to broadcast verbal commands and warnings. These systems contribute to improved situational awareness, increased agent safety, and rapid response.

MVSS technology enables the visual detection, identification, classification, and tracking of IoIs in both urban and remote areas along the border. They are mobile systems that cover areas that are not covered by fixed surveillance technology deployments. These systems contribute to improved situational awareness, rapid response, and agent safety. The High Definition (HD) camera upgrade will improve the Border Patrol operator's ability to classify IoIs (i.e. long arms, bundles, and group size) which will result in greater agent safety and improved response time by Border Patrol agents.

Key Milestone Events**MVSS:**

- Achieve Acquisition Decision Event (ADE) – 2 (DHS Approval for production of MVSS units)
- Begin contracting actions necessary to acquire MVSS capabilities;
- Execute contract delivery order for 19 MVSS units and 58 HD Camera Upgrades;
- Begin delivery of 19 MVSS units and 58 HD Camera Upgrades; and
- Complete deployment of 19 MVSS units and 58 HD camera upgrades.

IFT

- Begin contracting actions necessary to acquire IFT capabilities;
- Validate Southwest Border Plan sites and priorities with USBP;
- Complete environmental and real-estate actions for sites and roads;
- Execute contract award after funding is received;
- Construction to begin within 6-8 months of contract award; and
- Sites operational beginning 10 months after start of construction.

There are several major assumptions that support these IFT milestones:

- IFT Program is adequately staffed to support accelerated/concurrent deployments of 18 sites within two AoR's;
- All sites are validated and approved by USBP leadership;
- Contract award through "other than full and open competition" (FAR method);
- Contract award may occur prior to roads and sites being prepared for construction; and
- Maximize environmental waivers and unilateral condemnation.

Re-locatable Tower (RVSS) Key Milestones:

- Begin contracting actions necessary to acquire RVSS capabilities;
- RVSS Re-locatable Approval – Milestone 1 (USBP HQ decision to utilize Re-locatable Towers based on results); from Re-locatable tower pilot projects.
- Obligate funding for Re-locatable Towers and modular Command and Control Centers – 0 to 3 months from approval;
- Identify Deployment AOR & Confirm the Laydown in coordination with USBP – 3 months from approval;
- Obtain Environmental Clearances – 6 months from approval;
- Radio Frequency Authentication (RFA) – 6 months from approval;
- Obtain Real Estate Licenses – 9 months from approval;
- Delivery of Re-locatable Towers and modular Command and Control Centers – 12 months from approval;
- Technology Deployment – 18 months from Approval;
- System Acceptance Testing – 21 months from Approval; and
- System Acceptance – 24 months from Approval.

There are several major assumptions which support these Re-locatable (RVSS) milestones:

- The results of the RVSS Re-locatable Towers Pilot Project indicate no major impact to system performance (tower stability,

- height limited to 80 ft., and modular C2) compared to use of Fixed towers;
- A sole source justification is approved for using the current technology contractor;
- The tower sites are previously disturbed areas not requiring environmental assessments; and
- Real Estate license agreements can be secured.

Tactical Infrastructure Investment

Investment Description

CBP anticipates investing approximately \$179 million for road construction and other tactical infrastructure (TI). \$55M is required for the completion of the RGV gates project. The remaining \$124M will be used to construct new road requirements to provide USBP enhanced access for enforcement in high priority locations across the Southwest border.

BACKGROUND

Historically, CBP's budget has not included capital investment funding to meet U.S. Border Patrol's new road construction requirements and other new critical TI needs. CBP has not had the capital investment funds to acquire the real estate and build gates for the RGV fence gate openings. The gate openings cannot be closed until CBP acquires real estate access from the land owners who have property behind the gates. Currently, CBP's TI budget only supports up to \$49M in maintenance and repair requirements through the Comprehensive Tactical Infrastructure & Maintenance and Repair (CTIMR) program. Through the CTIMR program, contractors perform routine and urgent work such as infrastructure preventative maintenance, fence, gate and grate repairs, roadway maintenance (blading, grading, drainage, structure clearing and silt removal, culvert replacement), vegetation control, and debris removal.

JUSTIFICATION

Efforts included in this budget request support the President's Executive Order to secure the Nation's border. Funding will be used to construct new roads, secure critical access points with gates and obtain real estate license agreements in the U.S. Border Patrol's highest priority area.

On average, CBP spends approximately \$49 million annually to maintain and repair its tactical infrastructure portfolio; however, this does not cover the entire requirement. An additional \$179 million is requested for new road construction and other tactical infrastructure needs. USBP continuously identifies new road construction requirements that are necessary to patrol and access the border to execute maintenance and repair needs. Approximately \$122 million of the funds requested will address operational

requirements for road construction across the southwest border in order to provide better, safer, and more efficient border access for the Border Patrol. Of the funds requested, \$57 million will allow CBP to acquire land necessary to install gates that complete an unfinished Pedestrian Fence 225 (PF225) project in the Rio Grande Valley. During PF 225, CBP constructed approximately 55 miles of pedestrian fence in the Rio Grande Valley Border Patrol Sector. To ensure no obstruction of the flood plain in that area, fencing was constructed north of the physical border, in some cases up to a mile. This required CBP to construct gates to allow both USBP and private land owners access to land south of the fence. Approximately half of the required gates have already been completed. However, the remaining 35 gaps in the fence cannot be gated until such time as CBP receives the funds required to address the real estate requirements associated with this project.

Key Milestone Events

- \$122M for new road construction
 - FY 2017 Q3 - Confirm USBP's prioritized new road construction requirements
 - FY 2017 Q4 - Obligate funding to USACE by the end of FY 2017
- \$57M for gates (other TI)
 - FY 2017 Q3 - Begin working with USACE to conduct title research for the RGV Gates Construction project in preparation for real estate acquisition and gate construction
 - FY 2017 Q4 - Obligate funding to USACE by the end of FY 2017 for construction activities

U.S. Immigration and Customs Enforcement

Operations and Support

Budget Amendment Funding Request

Dollars in Thousands

Organization Name	POA	FY 2017 Amendment Request		
		Pos.	FTE	Amount
U.S. Immigration and Customs Enforcement		97	122	\$ 1,237,212
Operations and Support		97	122	\$ 1,237,212
Mission Support	2017/2018	50	63	\$ 65,824
Homeland Security Investigations		47	59	\$ 15,136
Intelligence	2017/2018	47	59	\$ 15,136
Enforcement and Removal Operations				\$ 1,156,252
Custody Operations	2017/2018			\$ 994,914
Criminal Alien Program	2017/2018			\$ 5,000
Alternatives to Detention	2017/2018			\$ 57,392
Transportation and Removal Program	2017/2018			\$ 98,946

**U.S. Immigration and Customs Enforcement
Operations and Support
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017	FY 2017	FY 2018
	Amendment Request	Estimated First Year Funds	Estimated Second Year Funds
11.1 Full-time permanent	\$ 12,497	\$ 2,381	\$ 10,116
11.5 Other personnel compensation	\$ 214	\$ 40	\$ 174
12.1 Civilian personnel benefits	\$ 4,587	\$ 873	\$ 3,714
Total - Personnel Compensation and Benefits	\$ 17,298	\$ 3,294	\$ 14,004
Positions and FTE			
Positions - Civilian	97	97	97
FTE - Civilian	122	25	97

**U.S. Immigration and Customs Enforcement
Operations and Support
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 102,391	\$ 77,091	\$ 25,301
22.0 Transportation of Things	\$ 645	\$ 161	\$ 484
23.1 Rental Payments to GSA	\$ 2,674	\$ 1,179	\$ 1,494
23.2 Rental Payments to Others	\$ 40	\$ 20	\$ 20
23.3 Communications, Utilities, and Misc. Charges	\$ 822	\$ 340	\$ 482
25.1 Advisory and Assistance Services	\$ 44,837	\$ 14,050	\$ 30,787
25.2 Other Services from Non-Federal Sources	\$ 64,142	\$ 59,510	\$ 4,632
25.3 Other Goods and Services from Federal Sources	\$ 7,319	\$ 2,453	\$ 4,865
25.4 Operation and Maintenance of Facilities	\$ 994,913	\$ 830,030	\$ 164,883
25.7 Operation and Maintenance of Equipment	\$ 756	\$ 357	\$ 399
26.0 Supplies and Materials	\$ 264	\$ 102	\$ 162
31.0 Equipment	\$ 1,111	\$ 837	\$ 274
Total - Non Pay Object Classes	\$ 1,219,914	\$ 986,130	\$ 233,783

U.S. Immigration and Customs Enforcement Mission Support – O&S

ICE requests \$65.8 million for 50 Full-Time Positions (FTP) and 63 Full-Time Equivalents (FTEs) (13 FTE in FY 2017 and 50 FTE in FY 2018) to begin developing a robust internal structure for the Office of Human Capital (OHC) and the Office of Professional Responsibility (OPR) that will support hiring the 10,000 law enforcement officers (LEO) and additional support personnel required to implement the Executive Orders. ICE requests that these funds be appropriated with a period of availability through September 30, 2018.

Pay: \$8.696 million

ICE will hire 50 positions, of which 37 are Human Resource (HR) Specialists in OHC and 13 are for OPR's Personnel Security Unit (PSU). The requested positions will be hired during the last quarter of FY 2017 and fully annualized in FY 2018.

According to the Society for Human Resource Management (SHRM), the recommended ratio of HR Specialists to agency employees within the federal government is 1:100. The 37 HR specialists requested in FY 2017 will provide ICE the administrative support for hiring its new personnel at this ratio, allowing OHC to meet the demands of the hiring surge. The HR specialists will be located at the Dallas and Laguna Niguel Service Centers, which are responsible for all administrative functions related to ICE LEO and support staff hiring.

OPR is the critical next step in the hiring process after an applicant is selected for employment. OPR PSU conducts and adjudicates suitability background investigations of contractor, law enforcement, and support personnel at ICE. The requested 13 PSU positions will allow OPR to promptly clear employees to support the EO hiring surge.

Non-Pay: \$57.128 million

During the remainder of FY 2017 and throughout FY 2018, OHC will increase its recruitment efforts by implementing a comprehensive "One Stop" hiring program, which will allow ICE to interview and begin pre-employment clearance to potential employees over multiple intensive three-day events. The "One Stop" events streamline the hiring process and reduce the time to hire law enforcement officers and support personnel. Starting these "One Stop" programs in FY 2017 is expected to generate a significant pool of applicants for ICE to hire and on-board beginning in FY 2018 as part of EO implementation.

Both OHC and OPR intend to dedicate a significant portion of the requested resources on temporary contractor support to meet the

initial demands of the hiring and background investigations for 10,000 law enforcement officers and associated support staff. The contract resources will allow ICE to complete timely hiring and on-boarding of all new employees.

Finally, ICE's request includes \$2 million to modernize its human capital information technology system to meet the demands of a modern workforce and manage a large increase in applications and personnel. In October 2016, the Department of Homeland Security Office of the Inspector General (OIG) released audit findings noting that ICE lacks a comprehensive automated system to efficiently process and track law enforcement applicants. To address the OIG recommendation, ICE will acquire and implement an end-to-end hiring solution that will track applicants through the entire hiring process. Investment in a new human capital system will significantly increase efficiencies in the hiring process, eliminate the need for the six different systems currently in place, and allow OHC to produce real-time reports.

**U.S. Immigration and Customs Enforcement
Mission Support – O&S
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017	FY 2017	FY 2018
	Amendment Request	Estimated First Year Funds	Estimated Second Year Funds
11.1 Full-time permanent	\$ 6,545	\$ 1,264	\$ 5,281
11.5 Other personnel compensation	\$ 65	\$ 12	\$ 53
12.1 Civilian personnel benefits	\$ 2,086	\$ 404	\$ 1,682
Total - Personnel Compensation and Benefits	\$ 8,696	\$ 1,680	\$ 7,016
Positions and FTE			
Positions - Civilian	50	50	50
FTE - Civilian	63	13	50

**U.S. Immigration and Customs Enforcement
Mission Support – O&S
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 1,834	\$ 452	\$ 1,382
22.0 Transportation of Things	\$ 645	\$ 161	\$ 484
23.1 Rental Payments to GSA	\$ 580	\$ 116	\$ 464
23.3 Communications, Utilities, and Misc. Charges	\$ 424	\$ 141	\$ 283
25.1 Advisory and Assistance Services	\$ 40,673	\$ 10,168	\$ 30,505
25.2 Other Services from Non-Federal Sources	\$ 6,191	\$ 1,832	\$ 4,359
25.3 Other Goods and Services from Federal Sources	\$ 6,002	\$ 1,546	\$ 4,456
25.7 Operation and Maintenance of Equipment	\$ 128	\$ 43	\$ 85
26.0 Supplies and Materials	\$ 100	\$ 20	\$ 80
31.0 Equipment	\$ 551	\$ 309	\$ 242
Total - Non Pay Object Classes	\$ 57,128	\$ 14,788	\$ 42,340

U.S. Immigration and Customs Enforcement Homeland Security Investigations – O&S

ICE requests \$15.136 million for 47 FTP and 59 FTE (12 FTE in FY 2017 and 47 FTE in FY 2018) to hire Intelligence Research Specialists (IRS), which annualize in FY 2018 to support HSI investigations of cases involving terrorism, illicit smuggling and contraband, child exploitation, and human trafficking in line with the priorities established by the Executive Order on Border Security and Immigration Enforcement Improvements (EO13767). ICE requests that these funds be appropriated with a period of availability through September 30, 2018.

Pay: \$8.602 million

The requested 47 IRS positions will be hired during the last quarter of FY 2017. Statistics has identified that investigations that utilize IRSs are more successful than investigations that do not. Counterpart agencies, such as DEA and FBI, have placed a greater emphasis on the use of intelligence analysts as a force multiplier. For example, the DEA has an intelligence analyst to Agent ratio of 1:1 and the FBI has an intelligence analyst to Agent of 1:6. The current ICE ratio is 1:12. Hiring the requested IRS positions will allow ICE to build to its eventual goal of reaching a 1:9 ratio.

As HSI strives to dismantle human smuggling organizations, it will deploy more intelligence analysts to support the work of agents in the field, particularly those surging to the Northern Triangle. ICE plans to increase its investigative hours dedicated to immigration-related crime by 20%. The 47 FTP will increase the number of investigations that receive Intelligence support. ICE will hire to regions that have most opportunity to benefit from additional IRS support.

Non-Pay: \$6.534 million

The requested non-pay funding of \$6.5 million are the general expenditures associated with on-boarding and annualizing 47 IRSs. These include training, furniture, and equipment.

**U.S. Immigration and Customs Enforcement
Homeland Security Investigations – O&S
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017	FY 2017	FY 2018
	Amendment Request	Estimated First Year Funds	Estimated Second Year Funds
11.1 Full-time permanent	\$ 5,952	\$ 1,117	\$ 4,835
11.5 Other personnel compensation	\$ 149	\$ 28	\$ 121
12.1 Civilian personnel benefits	\$ 2,501	\$ 469	\$ 2,032
Total - Personnel Compensation and Benefits	\$ 8,602	\$ 1,614	\$ 6,988
Positions and FTE			
Positions - Civilian	47	47	47
FTE - Civilian	59	12	47

**U.S. Immigration and Customs Enforcement
Homeland Security Investigations – O&S
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 212	\$ 105	\$ 107
23.1 Rental Payments to GSA	\$ 2,094	\$ 1,063	\$ 1,030
23.2 Rental Payments to Others	\$ 40	\$ 20	\$ 20
23.3 Communications, Utilities, and Misc. Charges	\$ 398	\$ 199	\$ 199
25.1 Advisory and Assistance Services	\$ 564	\$ 282	\$ 282
25.2 Other Services from Non-Federal Sources	\$ 559	\$ 286	\$ 273
25.3 Other Goods and Services from Federal Sources	\$ 1,317	\$ 907	\$ 409
25.7 Operation and Maintenance of Equipment	\$ 628	\$ 314	\$ 314
26.0 Supplies and Materials	\$ 164	\$ 82	\$ 82
31.0 Equipment	\$ 560	\$ 528	\$ 32
Total - Non Pay Object Classes	\$ 6,536	\$ 3,788	\$ 2,748

U.S. Immigration and Customs Enforcement Enforcement and Removal Operations – O&S

ICE requests \$1.16 billion, 0 FTP, and 0 FTEs for average daily population (ADP) detention needs in response to an increase in FY 2017 migrant apprehensions, and for an anticipated increase in apprehensions and detentions that will result from ICE implementation of the Administration's immigration-related Executive Orders. Included in this request is funding to increase the number of detention beds and associate removals, and expand the Alternatives to Detention (ATD) and 287(g) programs. ICE requests that these funds be appropriated with a period of availability through September 30, 2018.

Pay: \$0

All costs associated with the request for the Enforcement and Removal Operations PPA are non-pay.

Non-Pay: \$1.16 billion

Custody Operations - \$994.913 million

- ICE requests \$788.8 million to support an estimated FY 2017 ADP of 42,514 (including 40,014 adults at an average daily bed rate of \$132.54 and 2,500 families at an average daily bed rate of \$319.37) stemming from increased migrant flow experienced in the first half of FY 2017. As of March 4, 2017, ICE ADP was 41,005 (39,007 adults and 1,998 families).
- ICE requests an additional \$206.1 million to begin implementation of the Executive Orders' directive to detain all apprehended immigration violators from both the border and the interior. ICE estimates that this represents an additional ADP of 805 adults in FY 2017 (reaching 45,700 beds on September 30, 2017) and 3,220 adults in FY 2018. The resulting total ADP for FY 2017 will be 43,319 (40,819 adult and 2,500 family) while the FY 2018 ADP will be 54,599 (52,099 adult and 2,500 family) when combined with increases requested in the FY2018 Budget. The current ADP projection is attributed to increased interior enforcement efforts (Criminal Alien Program, Fugitive Operations, and the expanded 287(g) program), and an increase to the average length of stay (ALOS).
 - Since their issuance, the Executive Orders have led to increases in arrests (up 50%), charging document issuance (up 40%), and detainers (up 80%). ICE assumes that these upward trends will continue as the Executive Orders continue to be implemented.
 - Forty-seven percent of ICE's ADP is generated from interior enforcement efforts, while fifty-three percent is generated from border enforcement. The ALOS for those apprehended at the southwest is 27.4 days and 51.5 days for those

arrested during interior enforcement operations.

- There are multiple factors that will contribute to an increased ADP in FY 2017 and FY 2018.
 - Prior years of the Secure Communities initiative provided record numbers of removals. It is expected that the reinstatement of this initiative outlined in the EO will result in significant increases to interior apprehensions and removals.
 - In just the first six weeks since the issuance of the Executive Orders, the number of beds used to house aliens stemming from interior enforcement efforts has increased by over 2,000, representing a 12% increase and offsetting the decrease in the number of beds used by CBP for border enforcement.
 - Approximately 30,000 fugitive alien records will be re-enrolled in National Crime Information Center database that previously fell outside of ICE's priorities.
 - CBP is about to enter the historical high season in which border apprehensions increase significantly due to illegal aliens crossing the border to obtain agricultural and seasonal jobs. Border apprehensions are expected to account for X of the 43,319 average daily population in 2017.
 - 287g participation is slated to increase by 70% with the signing of at least 26 new agreements, many in locations with high foreign-national populations. Not only will this increase arrests from the program itself, there will be a significant number of Deportation Officers who previously worked Criminal Alien Program in these jurisdictions will be redeployed to other interior enforcement efforts.

Transportation and Removal Program (TRP) - \$98.946 million

- TRP requires \$98.9 million for transportation costs associated with the currently projected 54,599 ADP by FY 2018. The additional funding will support over 71,000 additional removals. The consistent increase in ADP requires an increase in resource support for TRP due to additional ground transportation movements across the network, final orders of removal by Executive Office for Immigration Review (EOIR), expedited removal orders, and voluntary returns.

Alternatives to Detention - \$57.392 million

- Because of the rise in migrant flow, ATD will need supplemental funding to sustain the additional participants who will be monitored on ATD. The requested \$57.4 million allows ATD's average daily participant level to reach 79,000 in FY 2017, which is 26,000 above initial estimates at the beginning of the fiscal year. As of March 6, 2017 the average FYTD participant count for ATD was 69,691.

287(g) Expansion - \$5.0 million

- The Executive Orders direct the expansion of the 287(g) program. Currently there are eight pending applications for local law enforcement agencies (LEA) to join the 287(g) program, and there are another eleven LEAs that have expressed interest in completing an application. ICE requests \$5 million for costs associated with oversight and compliance monitoring, IT infrastructure, and training. ICE plans to train approximately 98 additional state and local officers in FY 2017.

**U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations – O&S
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 100,346	\$ 76,534	\$ 23,812
25.1 Advisory and Assistance Services	\$ 3,600	\$ 3,600	\$ -
25.2 Other Services from Non-Federal Sources	\$ 57,392	\$ 57,392	\$ -
25.4 Operation and Maintenance of Facilities	\$ 994,913	\$ 830,030	\$ 164,883
Total - Non Pay Object Classes	\$ 1,156,251	\$ 967,556	\$ 188,695

Federal Law Enforcement Training Centers

Operations and Support

Budget Amendment Funding Request

Dollars in Thousands

Organization Name	POA	FY 2017 Amendment Request		
		Pos.	FTE	Amount
Operations and Support		120	114	\$ 25,000
Mission Support	2017/2018	6	5	\$ 710
Law Enforcement Training	2017/2018	114	109	\$ 24,290

The Federal Law Enforcement Training Centers (FLETC) has identified requirements necessary to meet the anticipated surge in training resulting from U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) hiring associated with the Executive Order on Border Security and Immigration Enforcement Improvements and the Executive Order on Enhancing Public Safety in the Interior of the United States. To meet the intents of these Executive Orders, CBP will hire 5,000 Border Patrol Agents and ICE will hire 10,000 Immigration Officers. All of these new hires will require basic training at FLETC in either FLETC basic training programs or programs ICE and CBP conduct at FLETC training locations.

Based on information received from ICE and CBP, FLETC has developed cost estimates to meet the training needs associated with the hiring goals of the Executive Orders. These estimates include training costs, support staff costs, Instructor Training Program costs, PCS costs, information technology costs, and training support costs, and represent FLETC’s requirements regarding how to most efficiently and effectively execute a training surge.

To meet the requirements of the Executive Orders, FLETC must hire and train a sufficient amount of instructors in FY2017 to ensure an initial cadre of trained and certified instructors are on-board and ready to accommodate the surge. FLETC requests \$25M to obtain necessary staffing, equipment and services. The hiring and training of 120 positions (114 FTE – 15 FTE in FY 2017 and 99 FTE in FY 2018), to include instructors (\$13.9M), additional Instructor Training Program instructors (\$1.7M) and support staff (\$0.7M) is sufficient to start the additional training that will be necessary. Additional requirements, such as a non-emergency vehicle operating range at Artesia (\$1M), IT equipment and services (\$6.7M), PCS (\$0.3M) as well as increased training support costs (\$0.7M) are requested. FLETC requires funding in FY 2017 to hire instructors. These instructors will begin training Border Patrol Agents and ICE officers on October 1, 2017.

**Federal Law Enforcement Training Center
Operation and Support
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
11.1 Full-time permanent	\$ 2,103	\$ 273	\$ 1,830
11.3 Other than full-time permanent	\$ 8,897	\$ 1,157	\$ 7,740
12.1 Civilian personnel benefits	\$ 5,488	\$ 673	\$ 4,815
Total - Personnel Compensation and Benefits	\$ 16,488	\$ 2,103	\$ 14,385
Positions and FTE			
Positions - Civilian	120	120	120
FTE - Civilian	114	15	99

NARRATIVE EXPLANATION- PAY COST DRIVERS:

Increased throughput of Border Patrol Agents and Immigration Officers drives pay costs. FLETC requires Law Enforcement Instructors as part of the Instructor Training Program (“train the trainer”) and Support Staff to prepare Law Enforcement Instructors to train the increased number of Border Patrol Agents and Immigration Officers. Pay cost drivers include salaries, benefits and PCS costs associated with hiring 120 positions, as follows:

- 12 Law Enforcement Instructors (Instructor Training Program)
- 6 Support Staff
- 102 Law Enforcement Instructors

**Federal Law Enforcement Training Center
Operations and Support
Non Pay by Object Class**

Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 126	\$ 126	
22.0 Transportation of Things	\$ 66	\$ 66	
23.3 Communications, Utilities, and Misc. Charges	\$ 495	\$ 495	
24.0 Printing	\$ 157	\$ 157	
25.2 Other Services from Non-Federal Sources	\$ 3,643	\$ 2,914	\$ 729
26.0 Supplies and Materials	\$ 267	\$ 267	
31.0 Equipment	\$ 2,758	\$ 2,206	\$ 552
32.0 Land and Structures	\$ 1,000	\$ 1,000	
Total - Non Pay Object Classes	\$ 8,512	\$ 7,231	\$ 1,281

NARRATIVE EXPLANATION– NON-PAY COST DRIVERS:

Non-Pay cost drivers include a non-emergency vehicle operating range at FLETC’s Artesia campus (\$1M), additional information technology equipment and services associated with the increase in staff, additional facilities, and increased training requirements. Increased training support services, such as transportation, uniforms, and practical exercise equipment are additionally requested.

- **Service Contracts** – The increase in goods and services contracts of \$6.5M is attributed to increased services needed to accommodate the training surge associated with the President’s Executive Orders. The FY 2017 request support contracts consists of services such as:

- IT Services \$6.0M
- Transportation \$0.1M

- Practical Exercise Equipment \$0.1M
- Janitorial \$0.3M

- **Supplies and Equipment** – The increase in supplies and equipment of \$1.1M is attributed to increased equipment needs associated with the President’s Executive Orders. The FY 2017 request consists of:
 - IT Equipment/Supplies \$0.8M
 - Practical Exercise Equipment \$0.1M
 - Uniforms \$0.2M

**Federal Law Enforcement Training Centers
Procurement, Construction, and Improvements
Budget Amendment Funding Request**

Dollars in Thousands

Organization Name	POA	FY 2017 Amendment Request Amount
Procurement, Construction, and Improvements		\$ 63,000
Construction and Facility Improvements	2017/2021	\$ 63,000

The Federal Law Enforcement Training Centers (FLETC) has identified requirements necessary to meet the anticipated surge in training resulting from U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) hiring associated with the Executive Order on Border Security and Immigration Enforcement Improvements and the Executive Order on Enhancing Public Safety in the Interior of the United States. To meet the intents of these Executive Orders, CBP will hire 5,000 Border Patrol Agents and ICE will hire 10,000 Immigration Officers. All of these new hires will require basic training at FLETC in either FLETC basic training programs or programs ICE and CBP conduct at FLETC training locations.

Based on information received from ICE and CBP, FLETC has identified facility requirements and developed cost estimates to meet the training needs associated with the hiring goals of the Executive Orders. These estimates include modular dormitories, modular classrooms, modular offices, and improvements to the existing water/sewer system, and represent FLETC’s preliminary requirements to begin the anticipated training surge.

**Federal Law Enforcement Training Centers
Procurement, Construction, and Improvements
Non Pay by Object Class**

Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018-2021 Estimated Out Year Funds
32.0 Land and Structures	\$ 63,000	\$ 60,900	\$ 2,100
Total - Non Pay Object Classes	\$ 63,000	\$ 60,900	\$ 2,100

Executive Order Training Surge

Initiative Description

This project initiates the necessary capacity build out to execute the training required by the Executive Order on Border Security and Immigration Enforcement Improvements and the Executive Order on Enhancing Public Safety in the Interior of the United States.

Justification

FLETC is currently operating at historically high training levels, which leaves little to no excess capacity. Accordingly, FLETC’s current operational capacity is insufficient to accommodate the training surge required to meet the requirements of the President’s Executive Orders. FLETC has identified a need for additional facilities, and will construct temporary / modular training and administrative venues that will efficiently ensure capacity to deliver high quality training.

To meet the requirements of the Executive Orders, FLETC must increase capacity in several areas, including training facilities, housing, and office space. In order to begin execution of the training surge in FY 2018, a portion of these facilities must be in place and operational. To meet this need, FLETC requests \$63M in PC&I funding to build/place 3 modular dormitories (\$48.7M), modular classrooms (\$10.2M), and modular office space (\$2M), as well as make necessary upgrades/repairs to the existing water/sewer system (\$2.1M) at FLETC’s Glynco campus, which is anticipated to be spent in FY 2018. The modular dormitories, classrooms, and office space have a useful life span of approximately 15 years.

Key Milestone Events

- **Modular Classrooms and Offices**

Milestone #1: Funding allocation by May 1, 2017.

Milestone #2: Contract award by September 11, 2017.

Milestone #3: Design, shipping and assembly of modular units from September 12, 2017 to January 22, 2018.

Milestone #4: Completed and usable facilities (classrooms and office spaces) by February 1, 2018.

- **Modular Dormitories**

Milestone #1: Funding allocation by May 1, 2017.

Milestone #2: Contract award by September 26, 2017.

Milestone #3: Construction of dormitories from September 27, 2017 to May 31, 2018.

Milestone #4: Completed and usable facilities (dormitories) by May 31, 2018.

- **Water/Sewer System Enhancements**

Milestone #1: Utility contract in place by October 1, 2017.

Milestone #2: Funding allocation by January 1, 2018.

Milestone #3: Contract award by April 1, 2018.

Milestone #4: Completed and usable facilities (lift stations) by June 1, 2018.



Homeland Security

February 20, 2017

MEMORANDUM FOR:

Kevin McAleenan
Acting Commissioner
U.S. Customs and Border Protection

Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement

Lori Scialabba
Acting Director
U.S. Citizenship and Immigration Services

Joseph B. Maher
Acting General Counsel

Dimple Shah
Acting Assistant Secretary for International Affairs

Chip Fulghum
Acting Undersecretary for Management

FROM:

John Kelly
Secretary

A handwritten signature in black ink, appearing to read "John Kelly", written over the printed name and title.

SUBJECT:

**Implementing the President's Border Security and
Immigration Enforcement Improvements Policies**

This memorandum implements the Executive Order entitled "Border Security and Immigration Enforcement Improvements," issued by the President on January 25, 2017, which establishes the President's policy regarding effective border security and immigration enforcement through faithful execution of the laws of the United States. It implements new policies designed to stem illegal immigration and facilitate the detection, apprehension, detention, and removal of aliens who have no lawful basis to enter or remain in the United States. It constitutes guidance to all Department personnel, and supersedes all existing conflicting policy, directives, memoranda, and other guidance regarding this subject matter—to the extent of the conflict—except as otherwise expressly stated in this memorandum.

A. Policies Regarding the Apprehension and Detention of Aliens Described in Section 235 of the Immigration and Nationality Act.

The President has determined that the lawful detention of aliens arriving in the United States and deemed inadmissible or otherwise described in section 235(b) of the Immigration and Nationality Act (INA) pending a final determination of whether to order them removed, including determining eligibility for immigration relief, is the most efficient means by which to enforce the immigration laws at our borders. Detention also prevents such aliens from committing crimes while at large in the United States, ensures that aliens will appear for their removal proceedings, and substantially increases the likelihood that aliens lawfully ordered removed will be removed.

These policies are consistent with INA provisions that mandate detention of such aliens and allow me or my designee to exercise discretionary parole authority pursuant to section 212(d)(5) of the INA only on a case-by-case basis, and only for urgent humanitarian reasons or significant public benefit. Policies that facilitate the release of removable aliens apprehended at and between the ports of entry, which allow them to abscond and fail to appear at their removal hearings, undermine the border security mission. Such policies, collectively referred to as “catch-and-release,” shall end.

Accordingly, effective upon my determination of (1) the establishment and deployment of a joint plan with the Department of Justice to surge the deployment of immigration judges and asylum officers to interview and adjudicate claims asserted by recent border entrants; and, (2) the establishment of appropriate processing and detention facilities, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) personnel should only release from detention an alien detained pursuant to section 235(b) of the INA, who was apprehended or encountered after illegally entering or attempting to illegally enter the United States, in the following situations on a case-by-case basis, to the extent consistent with applicable statutes and regulations:

1. When removing the alien from the United States pursuant to statute or regulation;
2. When the alien obtains an order granting relief or protection from removal or the Department of Homeland Security (DHS) determines that the individual is a U.S. citizen, national of the United States, or an alien who is a lawful permanent resident, refugee, asylee, holds temporary protected status, or holds a valid immigration status in the United States;
3. When an ICE Field Office Director, ICE Special Agent-in-Charge, U.S. Border Patrol Sector Chief, CBP Director of Field Operations, or CBP Air & Marine Operations Director consents to the alien’s withdrawal of an application for admission, and the alien contemporaneously departs from the United States;
4. When required to do so by statute, or to comply with a binding settlement agreement or order issued by a competent judicial or administrative authority;

5. When an ICE Field Office Director, ICE Special Agent-in-Charge, U.S. Border Patrol Sector Chief, CBP Director of Field Operations, or CBP Air & Marine Operations Director authorizes the alien's parole pursuant to section 212(d)(5) of the INA with the written concurrence of the Deputy Director of ICE or the Deputy Commissioner of CBP, except in exigent circumstances such as medical emergencies where seeking prior approval is not practicable. In those exceptional instances, any such parole will be reported to the Deputy Director or Deputy Commissioner as expeditiously as possible; or
6. When an arriving alien processed under the expedited removal provisions of section 235(b) has been found to have established a "credible fear" of persecution or torture by an asylum officer or an immigration judge, provided that such an alien affirmatively establishes to the satisfaction of an ICE immigration officer his or her identity, that he or she presents neither a security risk nor a risk of absconding, and provided that he or she agrees to comply with any additional conditions of release imposed by ICE to ensure public safety and appearance at any removal hearings.

To the extent current regulations are inconsistent with this guidance, components will develop or revise regulations as appropriate. Until such regulations are revised or removed, Department officials shall continue to operate according to regulations currently in place.

As the Department works to expand detention capabilities, detention of all such individuals may not be immediately possible, and detention resources should be prioritized based upon potential danger and risk of flight if an individual alien is not detained, and parole determinations will be made in accordance with current regulations and guidance. *See* 8 C.F.R. §§ 212.5, 235.3. This guidance does not prohibit the return of an alien who is arriving on land to the foreign territory contiguous to the United States from which the alien is arriving pending a removal proceeding under section 240 of the INA consistent with the direction of an ICE Field Office Director, ICE Special Agent-in-Charge, CBP Chief Patrol Agent, or CBP Director of Field Operations.

B. Hiring More CBP Agents/Officers

CBP has insufficient agents/officers to effectively detect, track, and apprehend all aliens illegally entering the United States. The United States needs additional agents and officers to ensure complete operational control of the border. Accordingly, the Commissioner of CBP shall—while ensuring consistency in training and standards—immediately begin the process of hiring 5,000 additional Border Patrol agents, as well as 500 Air & Marine Agents/Officers, subject to the availability of resources, and take all actions necessary to ensure that such agents/officers enter on duty and are assigned to appropriate duty stations, including providing for the attendant resources and additional personnel necessary to support such agents, as soon as practicable.

Human Capital leadership in CBP and ICE, in coordination with the Under Secretary for

Management, Chief Financial Officer, and Chief Human Capital Officer, shall develop hiring plans that balance growth and interagency attrition by integrating workforce shaping and career paths for incumbents and new hires.

C. Identifying and Quantifying Sources of Aid to Mexico

The President has directed the heads of all executive departments to identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico. Accordingly, the Under Secretary for Management shall identify all sources of direct or indirect aid and assistance, excluding intelligence activities, from every departmental component to the Government of Mexico on an annual basis, for the last five fiscal years, and quantify such aid or assistance. The Under Secretary for Management shall submit a report to me reflecting historic levels of such aid or assistance provided annually within 30 days of the date of this memorandum.

D. Expansion of the 287(g) Program in the Border Region

Section 287(g) of the INA authorizes me to enter into a written agreement with a state or political subdivision thereof, for the purpose of authorizing qualified officers or employees of the state or subdivision to perform the functions of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States. This grant of authority, known as the 287(g) Program, has been a highly successful force multiplier that authorizes state or local law enforcement personnel to perform all law enforcement functions specified in section 287(a) of the INA, including the authority to investigate, identify, apprehend, arrest, detain, transport and conduct searches of an alien for the purposes of enforcing the immigration laws. From January 2006 through September 2015, the 287(g) Program led to the identification of more than 402,000 removable aliens, primarily through encounters at local jails.

Empowering state and local law enforcement agencies to assist in the enforcement of federal immigration law is critical to an effective enforcement strategy. Aliens who engage in criminal conduct are priorities for arrest and removal and will often be encountered by state and local law enforcement officers during the course of their routine duties. It is in the interest of the Department to partner with those state and local jurisdictions through 287(g) agreements to assist in the arrest and removal of criminal aliens.

To maximize participation by state and local jurisdictions in the enforcement of federal immigration law near the southern border, I am directing the Director of ICE and the Commissioner of CBP to engage immediately with all willing and qualified law enforcement jurisdictions that meet all program requirements for the purpose of entering into agreements under 287(g) of the INA.

The Commissioner of CBP and the Director of ICE should consider the operational functions and capabilities of the jurisdictions willing to enter into 287(g) agreements and structure such agreements in a manner that employs the most effective enforcement model for that jurisdiction, including the jail enforcement model, task force officer model, or joint jail enforcement-task force officer model. In furtherance of my direction herein, the Commissioner of

CBP is authorized, in addition to the Director of ICE, to accept state services and take other actions as appropriate to carry out immigration enforcement pursuant to 287(g).

E. Commissioning a Comprehensive Study of Border Security

The Under Secretary for Management, in consultation with the Commissioner of CBP, Joint Task Force (Border), and Commandant of the Coast Guard, is directed to commission an immediate, comprehensive study of the security of the southern border (air, land and maritime) to identify vulnerabilities and provide recommendations to enhance border security. The study should include all aspects of the current border security environment, including the availability of federal and state resources to develop and implement an effective border security strategy that will achieve complete operational control of the border.

F. Border Wall Construction and Funding

A wall along the southern border is necessary to deter and prevent the illegal entry of aliens and is a critical component of the President's overall border security strategy. Congress has authorized the construction of physical barriers and roads at the border to prevent illegal immigration in several statutory provisions, including section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended, 8 U.S.C. § 1103 note.

Consistent with the President's Executive Order, the will of Congress and the need to secure the border in the national interest, CBP, in consultation with the appropriate executive departments and agencies, and nongovernmental entities having relevant expertise—and using materials originating in the United States to the maximum extent permitted by law—shall immediately begin planning, design, construction and maintenance of a wall, including the attendant lighting, technology (including sensors), as well as patrol and access roads, along the land border with Mexico in accordance with existing law, in the most appropriate locations and utilizing appropriate materials and technology to most effectively achieve operational control of the border.

The Under Secretary for Management, in consultation with the Commissioner of CBP shall immediately identify and allocate all sources of available funding for the planning, design, construction and maintenance of a wall, including the attendant lighting, technology (including sensors), as well as patrol and access roads, and develop requirements for total ownership cost of this project, including preparing Congressional budget requests for the current fiscal year (e.g., supplemental budget requests) and subsequent fiscal years.

G. Expanding Expedited Removal Pursuant to Section 235(b)(1)(A)(iii)(I) of the INA

It is in the national interest to detain and expeditiously remove from the United States aliens apprehended at the border, who have been ordered removed after consideration and denial of their claims for relief or protection. Pursuant to section 235(b)(1)(A)(i) of the INA, if an immigration officer determines that an arriving alien is inadmissible to the United States under

section 212(a)(6)(C) or section 212(a)(7) of the INA, the officer shall, consistent with all applicable laws, order the alien removed from the United States without further hearing or review, unless the alien is an unaccompanied alien child as defined in 6 U.S.C. § 279(g)(2), indicates an intention to apply for asylum or a fear of persecution or torture or a fear of return to his or her country, or claims to have a valid immigration status within the United States or to be a citizen or national of the United States.

Pursuant to section 235(b)(1)(A)(iii)(I) of the INA and other provisions of law, I have been granted the authority to apply, by designation in my sole and unreviewable discretion, the expedited removal provisions in section 235(b)(1)(A)(i) and (ii) of the INA to aliens who have not been admitted or paroled into the United States, who are inadmissible to the United States under section 212(a)(6)(C) or section 212(a)(7) of the INA, and who have not affirmatively shown, to the satisfaction of an immigration officer, that they have been continuously physically present in the United States for the two-year period immediately prior to the determination of their inadmissibility. To date, this authority has only been exercised to designate for application of expedited removal, aliens encountered within 100 air miles of the border and 14 days of entry, and aliens who arrived in the United States by sea other than at a port of entry.¹

The surge of illegal immigration at the southern border has overwhelmed federal agencies and resources and has created a significant national security vulnerability to the United States. Thousands of aliens apprehended at the border, placed in removal proceedings, and released from custody have absconded and failed to appear at their removal hearings. Immigration courts are experiencing a historic backlog of removal cases, primarily proceedings under section 240 of the INA for individuals who are not currently detained.

During October 2016 and November 2016, there were 46,184 and 47,215 apprehensions, respectively, between ports of entry on our southern border. In comparison, during October 2015 and November 2015 there were 32,724 and 32,838 apprehensions, respectively, between ports of entry on our southern border. This increase of 10,000–15,000 apprehensions per month has significantly strained DHS resources.

Furthermore, according to EOIR information provided to DHS, there are more than 534,000 cases currently pending on immigration court dockets nationwide—a record high. By contrast, according to some reports, there were nearly 168,000 cases pending at the end of fiscal year (FY) 2004 when section 235(b)(1)(A)(i) was last expanded.² This represents an increase of more than 200% in the number of cases pending completion. The average removal case for an alien who is not detained has been pending for more than two years before an immigration judge.³ In some immigration courts, aliens who are not detained will not have their cases heard by an

¹ Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(a)(iii) of the Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002); Designating Aliens For Expedited Removal, 69 Fed. Reg. 48877 (Aug. 11, 2004); Eliminating Exception to Expedited Removal Authority for Cuban Nationals Encountered in the United States or Arriving by Sea, 82 Fed. Reg. 4902 (Jan. 17, 2017).

² Syracuse University, *Transactional Records Access Clearinghouse (TRAC) Data Research*; available at http://trac.syr.edu/phptools/immigration/court_backlog/.

³ *Id.*

immigration judge for as long as five years. This unacceptable delay affords removable aliens with no plausible claim for relief to remain unlawfully in the United States for many years.

To ensure the prompt removal of aliens apprehended soon after crossing the border illegally, the Department will publish in the *Federal Register* a new Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(a)(iii) of the Immigration and Nationality Act, which may, to the extent I determine is appropriate, depart from the limitations set forth in the designation currently in force. I direct the Commissioner of CBP and the Director of ICE to conform the use of expedited removal procedures to the designations made in this notice upon its publication.

H. Implementing the Provisions of Section 235(b)(2)(C) of the INA to Return Aliens to Contiguous Countries

Section 235(b)(2)(C) of the INA authorizes the Department to return aliens arriving on land from a foreign territory contiguous to the United States, to the territory from which they arrived, pending a formal removal proceeding under section 240 of the INA. When aliens so apprehended do not pose a risk of a subsequent illegal entry or attempted illegal entry, returning them to the foreign contiguous territory from which they arrived, pending the outcome of removal proceedings saves the Department's detention and adjudication resources for other priority aliens.

Accordingly, subject to the requirements of section 1232, Title 8, United States Code, related to unaccompanied alien children and to the extent otherwise consistent with the law and U.S. international treaty obligations, CBP and ICE personnel shall, to the extent appropriate and reasonably practicable, return aliens described in section 235(b)(2)(A) of the INA, who are placed in removal proceedings under section 240 of the INA—and who, consistent with the guidance of an ICE Field Office Director, CBP Chief Patrol Agent, or CBP Director of Field Operations, pose no risk of recidivism—to the territory of the foreign contiguous country from which they arrived pending such removal proceedings.

To facilitate the completion of removal proceedings for aliens so returned to the contiguous country, ICE Field Office Directors, ICE Special Agents-in-Charge, CBP Chief Patrol Agent, and CBP Directors of Field Operations shall make available facilities for such aliens to appear via video teleconference. The Director of ICE and the Commissioner of CBP shall consult with the Director of EOIR to establish a functional, interoperable video teleconference system to ensure maximum capability to conduct video teleconference removal hearings for those aliens so returned to the contiguous country.

I. Enhancing Asylum Referrals and Credible Fear Determinations Pursuant to Section 235(b)(1) of the INA

With certain exceptions, any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum. For those aliens who are subject

to expedited removal under section 235(b) of the INA, aliens who claim a fear of return must be referred to an asylum officer to determine whether they have established a credible fear of persecution or torture.⁴ To establish a credible fear of persecution, an alien must demonstrate that there is a “significant possibility” that the alien could establish eligibility for asylum, taking into account the credibility of the statements made by the alien in support of the claim and such other facts as are known to the officer.⁵

The Director of USCIS shall ensure that asylum officers conduct credible fear interviews in a manner that allows the interviewing officer to elicit all relevant information from the alien as is necessary to make a legally sufficient determination. In determining whether the alien has demonstrated a significant possibility that the alien could establish eligibility for asylum, or for withholding or deferral of removal under the Convention Against Torture, the asylum officer shall consider the statements of the alien and determine the credibility of the alien’s statements made in support of his or her claim and shall consider other facts known to the officer, as required by statute.⁶

The asylum officer shall make a positive credible fear finding only after the officer has considered all relevant evidence and determined, based on credible evidence, that the alien has a significant possibility of establishing eligibility for asylum, or for withholding or deferral of removal under the Convention Against Torture, based on established legal authority.⁷

The Director of USCIS shall also increase the operational capacity of the Fraud Detection and National Security (FDNS) Directorate and continue to strengthen the integration of its operations to support the Field Operations, Refugee, Asylum, and International Operations, and Service Center Operations Directorate, to detect and prevent fraud in the asylum and benefits adjudication processes, and in consultation with the USCIS Office of Policy and Strategy as operationally appropriate.

The Director of USCIS, the Commissioner of CBP, and the Director of ICE shall review fraud detection, deterrence, and prevention measures throughout their respective agencies and provide me with a consolidated report within 90 days of the date of this memorandum regarding fraud vulnerabilities in the asylum and benefits adjudication processes, and propose measures to enhance fraud detection, deterrence, and prevention in these processes.

J. Allocation of Resources and Personnel to the Southern Border for Detention of Aliens and Adjudication of Claims

The detention of aliens apprehended at the border is critical to the effective enforcement of the immigration laws. Aliens who are released from custody pending a determination of their removability are highly likely to abscond and fail to attend their removal hearings. Moreover, the screening of credible fear claims by USCIS and adjudication of asylum claims by EOIR at

⁴ See INA § 235(b)(1)(A)-(B); 8 C.F.R. §§ 235.3, 208.30.

⁵ See INA § 235(b)(1)(B)(v).

⁶ See *id.*

⁷ *Id.*

detention facilities located at or near the point of apprehension will facilitate an expedited resolution of those claims and result in lower detention and transportation costs.

Accordingly, the Director of ICE and the Commissioner of CBP should take all necessary action and allocate all available resources to expand their detention capabilities and capacities at or near the border with Mexico to the greatest extent practicable. CBP shall focus these actions on expansion of “short-term detention” (defined as 72 hours or less under 6 U.S.C. § 211(m)) capability, and ICE will focus these actions on expansion of all other detention capabilities. CBP and ICE should also explore options for joint temporary structures that meet appropriate standards for detention given the length of stay in those facilities.

In addition, to the greatest extent practicable, the Director of USCIS is directed to increase the number of asylum officers and FDNS officers assigned to detention facilities located at or near the border with Mexico to properly and efficiently adjudicate credible fear and reasonable fear claims and to counter asylum-related fraud.

K. Proper Use of Parole Authority Pursuant to Section 212(d)(5) of the INA

The authority to parole aliens into the United States is set forth in section 212(d)(5) of the INA, which provides that the Secretary may, in his discretion and on a case-by-case basis, temporarily parole into the United States any alien who is an applicant for admission for urgent humanitarian reasons or significant public benefit. The statutory language authorizes parole in individual cases only where, after careful consideration of the circumstances, it is necessary because of demonstrated urgent humanitarian reasons or significant public benefit. In my judgment, such authority should be exercised sparingly.

The practice of granting parole to certain aliens in pre-designated categories in order to create immigration programs not established by Congress, has contributed to a border security crisis, undermined the integrity of the immigration laws and the parole process, and created an incentive for additional illegal immigration.

Therefore, the Director of USCIS, the Commissioner of CBP, and the Director of ICE shall ensure that, pending the issuance of final regulations clarifying the appropriate use of the parole power, appropriate written policy guidance and training is provided to employees within those agencies exercising parole authority, including advance parole, so that such employees are familiar with the proper exercise of parole under section 212(d)(5) of the INA and exercise such parole authority only on a case-by-case basis, consistent with the law and written policy guidance.

Notwithstanding any other provision of this memorandum, pending my further review and evaluation of the impact of operational changes to implement the Executive Order, and additional guidance on the issue by the Director of ICE, the ICE policy directive establishing standards and procedures for the parole of certain arriving aliens found to have a credible fear of persecution or

torture shall remain in full force and effect.⁸ The ICE policy directive shall be implemented in a manner consistent with its plain language. In every case, the burden to establish that his or her release would neither pose a danger to the community, nor a risk of flight remains on the individual alien, and ICE retains ultimate discretion whether it grants parole in a particular case.

L. Proper Processing and Treatment of Unaccompanied Alien Minors Encountered at the Border

In accordance with section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (codified in part at 8 U.S.C. § 1232) and section 462 of the Homeland Security Act of 2002 (6 U.S.C. § 279), unaccompanied alien children are provided special protections to ensure that they are properly processed and receive the appropriate care and placement when they are encountered by an immigration officer. An unaccompanied alien child, as defined in section 279(g)(2), Title 6, United States Code, is an alien who has no lawful immigration status in the United States, has not attained 18 years of age; and with respect to whom, (1) there is no parent or legal guardian in the United States, or (2) no parent of legal guardian in the United States is available to provide care and physical custody.

Approximately 155,000 unaccompanied alien children have been apprehended at the southern border in the last three years. Most of these minors are from El Salvador, Honduras, and Guatemala, many of whom travel overland to the southern border with the assistance of a smuggler who is paid several thousand dollars by one or both parents, who reside illegally in the United States.

With limited exceptions, upon apprehension, CBP or ICE must promptly determine if a child meets the definition of an “unaccompanied alien child” and, if so, the child must be transferred to the custody of the Office of Refugee Resettlement within the Department of Health and Human Services (HHS) within 72 hours, absent exceptional circumstances.⁹ The determination that the child is an “unaccompanied alien child” entitles the child to special protections, including placement in a suitable care facility, access to social services, removal proceedings before an immigration judge under section 240 of the INA, rather than expedited removal proceedings under section 235(b) of the INA, and initial adjudication of any asylum claim by USCIS.¹⁰

Approximately 60% of minors initially determined to be “unaccompanied alien children” are placed in the care of one or more parents illegally residing in the United States. However, by Department policy and practice, such minors maintained their status as “unaccompanied alien children,” notwithstanding that they may no longer meet the statutory definition once they have been placed by HHS in the custody of a parent in the United States who can care for the minor. Exploitation of that policy led to abuses by many of the parents and legal guardians of those minors and has contributed to significant administrative delays in adjudications by immigration

⁸ ICE Policy No. 11002.1: Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture (Dec. 8, 2009).

⁹ See 8 U.S.C. § 1232(b)(3).

¹⁰ See generally 8 U.S.C. § 1232; INA § 208(b)(3)(C).

courts and USCIS.

To ensure identification of abuses and the processing of unaccompanied alien children consistent with the statutory framework and any applicable court order, the Director of USCIS, the Commissioner of CBP, and the Director of ICE are directed to develop uniform written guidance and training for all employees and contractors of those agencies regarding the proper processing of unaccompanied alien children, the timely and fair adjudication of their claims for relief from removal, and, if appropriate, their safe repatriation at the conclusion of removal proceedings. In developing such guidance and training, they shall establish standardized review procedures to confirm that alien children who are initially determined to be “unaccompanied alien child[ren],” as defined in section 279(g)(2), Title 6, United States Code, continue to fall within the statutory definition when being considered for the legal protections afforded to such children as they go through the removal process.

M. Accountability Measures to Protect Alien Children from Exploitation and Prevent Abuses of Our Immigration Laws

Although the Department’s personnel must process unaccompanied alien children pursuant to the requirements described above, we have an obligation to ensure that those who conspire to violate our immigration laws do not do so with impunity—particularly in light of the unique vulnerabilities of alien children who are smuggled or trafficked into the United States.

The parents and family members of these children, who are often illegally present in the United States, often pay smugglers several thousand dollars to bring their children into this country. Tragically, many of these children fall victim to robbery, extortion, kidnapping, sexual assault, and other crimes of violence by the smugglers and other criminal elements along the dangerous journey through Mexico to the United States. Regardless of the desires for family reunification, or conditions in other countries, the smuggling or trafficking of alien children is intolerable.

Accordingly, the Director of ICE and the Commissioner of CBP shall ensure the proper enforcement of our immigration laws against any individual who—directly or indirectly—facilitates the illegal smuggling or trafficking of an alien child into the United States. In appropriate cases, taking into account the risk of harm to the child from the specific smuggling or trafficking activity that the individual facilitated and other factors relevant to the individual’s culpability and the child’s welfare, proper enforcement includes (but is not limited to) placing any such individual who is a removable alien into removal proceedings, or referring the individual for criminal prosecution.

N. Prioritizing Criminal Prosecutions for Immigration Offenses Committed at the Border

The surge of illegal immigration at the southern border has produced a significant increase in organized criminal activity in the border region. Mexican drug cartels, Central American gangs, and other violent transnational criminal organizations have established sophisticated criminal

enterprises on both sides of the border. The large-scale movement of Central Americans, Mexicans, and other foreign nationals into the border area has significantly strained federal agencies and resources dedicated to border security. These criminal organizations have monopolized the human trafficking, human smuggling, and drug trafficking trades in the border region.

It is in the national interest of the United States to prevent criminals and criminal organizations from destabilizing border security through the proliferation of illicit transactions and violence perpetrated by criminal organizations.

To counter this substantial and ongoing threat to the security of the southern border—including threats to our maritime border and the approaches—the Directors of the Joint Task Forces-West, -East, and -Investigations, as well as the ICE-led Border Enforcement Security Task Forces (BESTs), are directed to plan and implement enhanced counternetwork operations directed at disrupting transnational criminal organizations, focused on those involved in human smuggling. The Department will support this work through the Office of Intelligence and Analysis, CBP's National Targeting Center, and the DHS Human Smuggling Cell.

In addition, the task forces should include participants from other federal, state, and local agencies, and should target individuals and organizations whose criminal conduct undermines border security or the integrity of the immigration system, including offenses related to alien smuggling or trafficking, drug trafficking, illegal entry and reentry, visa fraud, identity theft, unlawful possession or use of official documents, and acts of violence committed against persons or property at or near the border.

In order to support the efforts of the BESTs and counter network operations of the Joint Task Forces, the Director of ICE shall increase the number of special agents and analysts in the Northern Triangle ICE Attaché Offices and increase the number of vetted Transnational Criminal Investigative Unit international partners. This expansion of ICE's international footprint will focus both domestic and international efforts to dismantle transnational criminal organizations that are facilitating and profiting from the smuggling routes to the United States.

O. Public Reporting of Border Apprehensions Data

The Department has an obligation to perform its mission in a transparent and forthright manner. The public is entitled to know, with a reasonable degree of detail, information pertaining to the aliens unlawfully entering at our borders.

Therefore, consistent with law, in an effort to promote transparency and renew confidence in the Department's border security mission, the Commissioner of CBP and the Director of ICE shall develop a standardized method for public reporting of statistical data regarding aliens apprehended at or near the border for violating the immigration law. The reporting method shall include uniform terminology and shall utilize a format that is easily understandable by the public in a medium that can be readily accessed.

At a minimum, in addition to statistical information currently being publicly reported regarding apprehended aliens, the following information must be included: the number of convicted criminals and the nature of their offenses; the prevalence of gang members and prior immigration violators; the custody status of aliens and, if released, the reason for release and location of that release; and the number of aliens ordered removed and those aliens physically removed.

P. No Private Right of Action

This document provides only internal DHS policy guidance, which may be modified, rescinded, or superseded at any time without notice. This guidance is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigation prerogatives of DHS.

In implementing this guidance, I direct DHS Components to consult with legal counsel to ensure compliance with all applicable laws, including the Administrative Procedure Act.



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One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

February 22, 2017

The Honorable John F. Kelly
Secretary
U.S. Department of Homeland Security
245 Murray Lane S.W.
Washington, D.C. 20528

Dear Secretary Kelly:

We read with great concern your February 20, 2017 memoranda providing implementation guidance for President Trump's Executive Orders, "Border Security and Immigration Enforcement Improvements" and "Enhancing Public Safety in the Interior of the United States." We are writing to obtain information about the Department of Homeland Security's plans for implementing some of the most troubling provisions of these Executive Orders and look forward to regular, ongoing oversight of the Department's implementation of the Executive Orders, which we believe are contrary to good public safety and national security policy and our American values.

Accordingly, pursuant to Rule X and Rule XI of the House of Representatives, please respond to the following questions in writing by March 8, 2017.

Your memoranda require Department personnel to prioritize the removal of anyone who has been convicted of or charged with any criminal offense or has committed acts that constitute any chargeable offense. These criteria could make the vast majority of those in the U.S. without status - perhaps 8 million people - a priority for removal. If everyone is a priority, then no one is a priority and those who pose a public safety or national security threat may be left in our communities while those who do not may be removed.

- Given that U.S. Immigration and Customs Enforcement (ICE) is resourced to remove about 400,000 individuals each year, how will ICE prioritize enforcement actions against the millions who are now a priority pursuant to the Executive Orders?
- How will ICE ensure that those who pose public safety or national security threats are prioritized over those who do not?
- Please provide copies of any guidance documents to officers and agents in the field regarding implementing this provision.

- Will states be permitted to use National Guard personnel pursuant to 287(g) agreements?
- What specific authorities will 287(g) program participants have with respect to enforcing immigration law?
- Does DHS have documented objectives for the 287(g) program? If so, please provide a copy of this documentation. If not, when will it be available?
- How will DHS supervise 287(g) program participants to ensure they comply with program requirements and agreements?
- What data will program participants be required to report to ICE? How frequently will reporting be required?
- What is the estimated annual cost of the program?
- Please provide copies of 287(g) agreements for each of the models DHS will offer to program participants.

Furthermore, your memoranda direct the Under Secretary for Management, in consultation with the Commissioner of CBP, to immediately identify and allocate all sources of available funding for the planning, design, construction and maintenance of a border wall. Recent reports estimate the cost of the wall at \$21 billion. Also, GAO recently concluded the Department has no metrics to show whether or how a border wall contributes to border security.

- Has the Department identified areas to begin construction of the wall? If so, please provide the exact locations, mileage, and construction schedule for these segments. What type of wall is planned? What is the estimated cost for this construction?
- When does the Department plan to have a complete list of locations and schedule for wall construction?
- What is the total estimated cost of all wall construction planned by the Department?
- Does the Department plan to conduct outreach to affected states and border communities? If so, how?
- Do you intend to use eminent domain to obtain land for wall construction?
- Do you intend to waive any laws for wall construction?

Lastly, your memoranda direct CBP, ICE, and U.S. Citizenship and Immigration Services to develop written guidance and training for all personnel on the “proper processing” of unaccompanied alien children (UACs) as well as procedures for verifying that these children continue to be without a parent throughout the removal process.

- What constitutes “proper processing” of UACs? Please provide a copy of the relevant guidance to Department personnel.
- What procedures will the Department implement to verify whether UACs are without a parent in the U.S.? Please provide a copy of related guidance to Department personnel.
- In the course of this verification, if the Department determines that a UAC has a parent present in the U.S. without authorization, will the parent be a priority for removal? Under what circumstances will they be referred for criminal prosecution? Please explain how and by whom this determination will be made.
- How will the Department continue to ensure compliance with relevant statutes and the *Flores* settlement agreement as they relate to UACs?

Your memoranda instruct U.S. Customs and Border Protection (CBP) and ICE personnel to release individuals from detention only under certain limited circumstances. However, ICE is currently resourced for only 34,000 detention beds. This is not nearly enough capacity to detain the hundreds of thousands or more who may be implicated by the Executive Orders.

- Pursuant to the Executive Orders and relevant guidance, how many additional detention beds does the Department plan to construct? For how many does the Department plan to contract?
- What is the estimated cost of these additional detention beds?
- Has the Department already begun the process of contracting for additional detention beds? If so, with whom?
- Will vulnerable populations, such as children, the elderly, the sick or disabled be exempt from mandatory detention?
- Will the Department continue to use the Alternatives to Detention program? If so, under what circumstances would an individual be eligible for the program?

Your memoranda direct the hiring of 5,000 additional Border Patrol agents, 500 CBP Air and Marine agents, and 10,000 ICE personnel. We would note that Border Patrol is currently approximately 1,500 agents under its statutory floor and has consistently struggled to hire enough agents even to keep pace with attrition. We would also note that there is no mention of hiring additional CBP officers for our ports of entry. Ports of entry are chronically short thousands of officers, leaving them vulnerable to smuggling of narcotics and other contraband and slowing legitimate commerce and travel.

- What is the Department's plan for hiring the additional 5,500 CBP and 10,000 ICE personnel? Please provide copies of these hiring plans.
- How long will it take to hire, train, and deploy all 15,500 agents and officers?
- Will any hiring standards or training requirements be changed to hire these personnel? If so, please provide a detailed list of any anticipated changes.
- Does the Department plan to hire additional CBP officers as part of this effort? If not, why not?
- What is the cost of hiring, training, and deploying these additional personnel? Please provide a breakdown for Border Patrol, CBP Air and Marine, and ICE.

Additionally, your memoranda instruct ICE and CBP to enter into new and expanded 287(g) agreements with state and local jurisdictions. We would note that the Government Accountability Office (GAO) previously examined the program and found that it lacked documented objectives, that program participants did not use their authority to address serious crime, and that ICE failed to properly supervise program participants or define what data should be reported by program participants. The 287(g) program also prompted serious concerns about racial profiling and intimidation by participating law enforcement agencies and undermining of community policing programs.

- What jurisdictions and law enforcement entities will be eligible to enter into 287(g) agreements with DHS?

If you have any questions about this request, please contact Hope Goins of my staff at (202) 226-2616. Thank you for your attention to this matter.

Sincerely,



BENNIE G. THOMPSON
Ranking Member
House Committee on Homeland Security



SHEILA JACKSON LEE
Member
House Committee on Homeland Security



CEDRIC L. RICHMOND
Member
House Committee on Homeland Security



WILLIAM R. KEATING
Member
House Committee on Homeland Security



DONALD M. PAYNE, JR.
Member
House Committee on Homeland Security



BONNIE WATSON COLEMAN
Member
House Committee on Homeland Security



J. LUIS CORREA
Member
House Committee on Homeland Security



VAL B. DEMINGS
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House Committee on Homeland Security



NANETTE D. BARRAGAN
Member
House Committee on Homeland Security



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KATHLEEN R. RICE

Member

House Committee on Homeland Security



**Homeland
Security**

March 27, 2017

The Honorable Bennie G. Thompson
U.S. House of Representatives
Washington, DC 20515

Dear Representative Thompson:

Thank you for your February 22, 2017 letter to Secretary Kelly regarding the February 20, 2017 memoranda issued to provide guidance on the implementation of President Trump's recent Executive Orders.

Your inquiry is very important to us. The appropriate Department of Homeland Security Components are preparing information so we may respond with the accuracy and completeness that your letter deserves. Please know that the Department's leadership has accorded your letter a high priority and we are endeavoring to respond to you as soon as possible.

The co-signers of your letter will received separate, identical interim responses. Should you have any questions in the interim, please ask your staff to contact my office at

(b)(6)

Respectfully,

(b)(6)

Acting Assistant Secretary for Legislative Affairs

Budget-in-Brief

Fiscal Year 2018



Homeland Security

www.dhs.gov

Message from the Secretary

The President's Fiscal Year (FY) 2018 Budget Request of \$44.1 billion for the Department of Homeland Security (DHS) reflects our continued commitment to the security of our homeland and the American Public. Homeland security is the most important mission any government can provide to its people.

This FY 2018 Budget Request provides funding to sustain and strengthen our most critical programs and capabilities in each of our mission areas – securing and managing our borders, enforcing and administering our immigration laws, preventing terrorism and enhancing security, safeguarding and securing cyberspace, and strengthening national preparedness and resilience.



Sincerely,

A handwritten signature in black ink that reads "John F. Kelly". The signature is written in a cursive style with a large initial "J".

John F. Kelly

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Fiscal Year 2018 Overview

Dollars in Thousands

Organization	FY 2016 Revised Enacted	FY 2017 Annualized CR	FY 2018 President's Budget	FY 2017 to FY 2018 Total Changes	FY 2018 +/- FY 2017 %
Total Budget Authority	\$65,674,835	\$66,002,997	\$70,716,491	\$4,713,494	7.1%
Less: Mandatory, Fee, and Trust Funds	\$12,452,305	\$12,847,978	\$14,202,144	\$1,354,166	10.5%
Gross Discretionary Budget Authority¹	\$53,222,530	\$53,155,019	\$56,514,347	\$3,359,328	6.3%
Less: Discretionary Offsetting Fees	\$4,218,831	\$4,110,295	\$5,039,914	\$929,619	22.6%
Net Discretionary Budget Authority	\$49,003,699	\$49,044,724	\$51,474,433	\$2,429,709	5.0%
Less: FEMA DRF Transfer to OIG	-	\$24,000	\$24,000	\$0	0.0%
Less: FEMA Disaster Relief - Major Disasters	\$6,712,953	\$6,712,953	\$6,793,000	\$80,047	1.2%
Less: Rescissions to Prior Years Balances ²	\$1,049,217	\$1,049,217	\$593,745	(\$455,472)	43.4%
Adjusted Net Discretionary Budget Authority	\$41,241,529	\$41,258,554	\$44,063,688	\$2,805,134	6.8%

¹ Less USCIS funding for CHIMP (\$4M)

² Includes Rescissions to FEMA – DRF, FEMA – DADLP, & USCG – Alteration of Bridges

Fiscal Year 2018 Budget Request

U.S. Department of Homeland Security

The Department of Homeland Security's (DHS) mission is to safeguard the American people, our homeland, and our values with honor and integrity. Threats to our safety and security constantly evolve, and require continuous risk assessments and adaptive strategies to effectively address them. The men and women at DHS are dedicated to protecting our Nation from threats by land, sea, air, and cyber. Known terrorist entities, criminals, homegrown terrorists, cyber-terrorists, smugglers, transnational criminal organizations, failed states, and unpredictable "lone offenders" constitute present and future threats to our way of life every day and emphasize the importance of DHS's mission.

DHS's wide-ranging, around-the-clock operations serve to strengthen our Nation's security and resilience and promote our Nation's economic prosperity. DHS will use all means available to it, including its highly-trained workforce, physical barriers, improved infrastructure, state-of-the-art surveillance techniques and equipment, cybersecurity, biometric identification systems, improved technology, and top-notch intelligence to meet the changing threats to our Nation. We will leverage information sharing and personnel, as well as technological, operational, and policy-making elements to detect, deter, and disrupt terrorism and other threats.

To implement the policies of the President's Executive Orders, *Border Security and Immigration Enforcement Improvements*, Executive Order No. 13767 (Jan. 25, 2017), *Enhancing Public Safety in the Interior of the United States*, Executive Order No. 13768 (Jan. 30, 2017), and *Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking*, Executive Order No. 13773 (Feb. 14, 2017), the FY 2018 President's Budget makes significant, critical investments in people, technology, and infrastructure for border security and the enforcement of our immigration laws, while maintaining support for DHS's other operations. The

Budget also advances cybersecurity programs, consistent with the President's Executive Order No. 13800, *Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure*, (May 11, 2017), reinforces DHS's biometric identification programs, provides for expansion of E-Verify, and bolsters DHS's new Victims of Immigration Crime Engagement (VOICE) Office. Further, the budget fully supports the U.S. Coast Guard, our Nation's fifth service, to continue its important mission of ensuring maritime safety, security, and stewardship.

FUNDING PRIORITIES

The FY 2018 President's Budget for DHS provides \$44.1 billion in net discretionary funding. An additional \$7.4 billion for the Disaster Relief Fund (DRF) is requested separately as an adjustment to the discretionary spending caps, pursuant to the *Budget Control Act of 2011*. Such funding levels support continued improvements to our Nation's security and safety, and emphasizes control of our borders, enforcement of our immigration laws, cybersecurity, aviation security, and preparedness and resilience of the American people.

Securing Our Borders

All sovereign nations have the fundamental obligation to protect their borders. Securing our land and maritime borders is critical, and requires an investment in people, infrastructure, and technology. To stop illegal aliens, criminals, and terrorists from threatening our homeland, we need to know who is coming into our country, where they have been, and why they want to come. Fostering legal pathways for immigration, trade, and travel remain vital DHS goals and support our compliance with the President's Executive Orders.

The FY 2018 President's Budget proposes crucial investments in U.S. Customs and Border Protection (CBP) staffing, equipment, and technology to enhance the capabilities of frontline personnel. CBP constantly prioritizes threats, develops requirements, and tailors its acquisition strategy to the terrain, risks, and threats in different areas along the border.

The Budget also requests major vessel and aircraft recapitalization for the U.S. Coast Guard (USCG) to address ongoing maritime threats, including illegal immigration and drug trafficking, before reaching our shores. USCG conducts intelligence-driven operations to interdict illicit drugs and illegal aliens, which are critical to disrupting transnational criminal organizations (TCOs) and securing the southern border and approaches.

The FY 2018 President's Budget funds the following key investments:

- \$7.2 billion for USCG's operating expenses, including pay. Through its counter-drug efforts, USCG seizes multi-ton loads of drugs at sea before they can be broken down into small quantities ashore. Further, USCG's interdiction of illegal aliens at sea reduces the safety risks involved in such transits and promotes their quick return to their countries of origin.
- \$1.6 billion for 32 miles of new border wall construction, 28 miles of levee wall along the Rio Grande Valley, where apprehensions are the highest along the Southwest Border, and 14 miles of replacement secondary fence with a new border wall system in the San Diego

Sector, where a border wall system will deny access to drug and alien smuggling organizations.

- \$1.2 billion for recapitalization of USCG assets, including \$500 million for production of the first of 25 Offshore Patrol Cutters, \$240 million for production of four Fast Response Cutters, \$19 million to maintain the accelerated timeline for acquisition of the new heavy polar icebreaker, and \$52 million to missionize an HC-27J surveillance aircraft for USCG use.
- \$975.8 million for high-priority tactical infrastructure and border security technology improvements to provide a layered defense at the border and ensure CBP law enforcement personnel are supported with effective surveillance technology and equipment that improves their ability to detect and interdict illegal activity in a safer environment. This includes tactical communications capabilities, such as hand-held and vehicle radios, which are essential to coordinating mission activities and protecting the safety of CBP agents and officers.
- \$272.8 million for the Federal Law Enforcement Training Centers to continue training personnel from more than 95 law enforcement agencies government-wide, including an increase of \$29 million more than the FY 2017 Annualized Continuing Resolution for tuition and basic training costs associated with the hiring of additional immigration enforcement officers and CBP agents, who will be hired pursuant to the Executive Orders on border security and immigration.
- \$109.2 million for CBP's Non-Intrusive Inspection (NII) equipment program. The NII systems allow for passive radiation scanning and X-ray/gamma-ray imaging of cargo and conveyances by land, sea, and air to identify terrorist weapons and other contraband. NII technology enables CBP to detect contraband (e.g., narcotics and weapons) and materials that pose potential nuclear and radiological threats.
- \$100 million to support Border Patrol personnel, including recruiting, hiring, and training new Border Patrol agents. These new personnel will improve the integrity of the immigration system by adding capacity to interdict aliens attempting to cross the border illegally.

Enforcing Our Immigration Laws

Enforcing and administering our immigration laws is a top priority for the Department. Each day, the dedicated men and women of U.S. Immigration and Customs Enforcement (ICE) carry out their mission and enforce our immigration laws to protect the United States. DHS is committed to the rule of law and ICE officers take targeted enforcement actions to identify, locate, arrest, and remove illegal aliens from the United States—including dangerous criminal aliens who have committed crimes in communities throughout the United States.

Additionally, ICE works to dismantle transnational criminal organizations (TCO), which seek to exploit weaknesses in our Nation's border security to engage in criminal activities, such as human trafficking and drug smuggling. ICE also brings to justice those who routinely exploit our Nation's immigration laws by making a business practice of knowingly hiring illegal aliens.

The Budget supports a critical expansion of immigration enforcement activities:

- \$2.7 billion to fund both direct and indirect costs for 51,379 detention beds, which are comprised of 48,879 adult beds, and 2,500 family beds. For unaccompanied alien children, ICE coordinates closely with DHS partners to ensure the timely and safe transfer of these children to the U.S. Department of Health and Human Service’s Office of Refugee Resettlement in accordance with both the *Homeland Security Act of 2002* and the *Trafficking Victims Protection Reauthorization Act of 2008*.
- \$185.9 million to support the expansion of ICE’s interior enforcement activities under Executive Order No. 13768 to hire additional immigration enforcement officers, criminal investigators, and law enforcement mission support staff. Also included is funding for an additional attorneys in the Office of the Principal Legal Advisor to represent the Federal Government in proceedings before the U.S. Department of Justice’s Executive Office for Immigration Review, and an additional \$1.0 million to enhance the current operations at DHS’s new VOICE Office, which uses a “victim-centered approach” to support victims of crimes committed by criminal aliens.
- \$484.9 million for transportation costs associated with the detained population. Removal operations require complex coordination, management, and travel facilitation efforts to successfully remove or return aliens from the United States. Transportation is accomplished through chartered or commercial flights for escorted and unescorted removals.
- \$177.7 million for ICE’s Alternatives to Detention (ATD) Program, to monitor 79,000 average daily participants to help ensure compliance with reporting requirements. While being monitored on the program, ICE is often able to increase participant compliance with release conditions, which may include, but are not limited to, attending immigration hearings, obtaining travel documentation, and making travel arrangements for departure from the United States.
- \$131.5 million for E-Verify operations and upgrades for U.S. Citizenship and Immigration Services (USCIS), including new investments to expand the E-Verify program. The purpose of expanding E-Verify is to prepare for nationwide mandatory use of E-Verify within three years, should such a mandate be enacted. E-Verify is an Internet-based system is used to confirm employment eligibility.

Securing Cyberspace

As stated in the President’s May 11, 2017, Executive Order No. 13800, *Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure*, cybersecurity remains a key national priority. DHS protects the Federal Government’s civilian information technology systems against cybersecurity threats and shares cybersecurity information with State, local, and tribal governments as well as international partners and the private sector. The Department also works with the private sector to build resilience in the Nation’s digital and physical infrastructure, preventing criminals and other bad actors from disrupting the systems and networks that support our society.

As cyber threats evolve, DHS's intelligence enterprise is evolving to implement real-time prevention and mitigation strategies and ensure the right people get the right information on time. The FY 2018 Budget continues investments in cybersecurity, including DHS's Continuous Diagnostics and Mitigation initiative to protect Federal networks from cyberattacks. It also advances DHS's ongoing initiatives to address known information technology system vulnerabilities across the DHS enterprise.

- \$971.3 million to improve security of the U.S. cyber infrastructure in collaboration with public, private, and international partners, including \$279 million for the Continuous Diagnostics and Mitigation (CDM) program. CDM provides hardware, software, and services designed to support activities that strengthen the operations security of Federal civilian “.gov” networks.
- \$397.2 million for the National Cybersecurity Protection System, commonly referred to as EINSTEIN, to continue deploying new intrusion prevention, information sharing, and analytic capabilities to Federal civilian departments and agencies.
- \$56.5 million for Next Generation Networks (NGN) to maintain the number of wireless carriers deploying Priority Telecommunications Services, enabling NGN to maintain the same coverage across the United States regardless of network technology. NGN is critical to coordinate the planning for and provision of national security and emergency preparedness communications for the Federal Government under all circumstances, including crisis or emergency, attack, recovery, and reconstitution.
- An increase of \$49.2 million for the National Cybersecurity and Communications Integration Center to execute new authorities under the *Federal Information Security Modernization Act*, including providing Federal governance and training, and cyber engineering assistance to Federal departments, agencies, and individual stakeholders to effectively secure high value systems from cyber threats.

Aviation Security

The threat to aviation security remains high. Criminals and terrorists continue to target airlines, airports, and the security and law enforcement officials who protect them, as demonstrated by the recent terrorist attacks against airports in Brussels, Istanbul, Fort Lauderdale, and Paris. Robust security measures executed by Transportation Security Administration (TSA) and CBP protect our freedom of travel and the movement of goods, both of which are critical to our Nation's economic prosperity. The budget funds the following key items:

- \$354 million to support biometric initiatives, of which \$263.4 million supports the Office of Biometric Identity Management (OBIM), and \$90.6 million supports CBP expedited completion of the Biometric Entry and Exit Data System (Biometric Entry-Exit System). OBIM supplies the technology for collecting and storing biometric data and ensuring its integrity. CBP envisions that biometrics can replace documentation like a passport, boarding pass, or a driver's license for many of the routine aspects of airline travel, which will make air travel more secure as well as more convenient and easier for travelers. In 2018 CBP will use funding derived from visa fee collections to develop essential program elements and back-end infrastructure for the Biometric Entry-Exit System, and to implement public-private partnerships with airports and airlines to implement biometric air exit.

- \$3.1 billion for 43,190 Transportation Security Officers (TSOs) to maintain effective and efficient passenger screening at airport checkpoints. Increased passenger volume and evolving threats to aviation security require an increase to TSA's frontline workforce, including canine screening teams, at security checkpoints nationwide.
- \$277.2 million for acquisition of checked baggage screening technology to improve TSA's threat detection capabilities, which are critical to TSA's mission of protecting the Nation's transportation systems and ensuring the freedom of movement of people and commerce.
- \$15.1 million to support eight Visible Intermodal Prevention and Response (VIPR) teams. VIPR teams consist of Federal Air Marshals, Behavior Detection Officers, Security Specialists-Explosives, Security Inspectors, and canine teams who work closely with Federal, State, and local law enforcement officers and stakeholders. These teams provide a visible deterrent, as well as an armed response capability, in the aviation and surface transportation sectors. The eight additional teams will focus on the highest risk locations to mitigate the probability and impact of terrorist actions.

Preparedness and Resilience

Natural disasters, major accidents or other disruptions continue to challenge DHS and the Nation. In collaboration with State, local, and tribal governments across the country, the Federal Emergency Management Agency (FEMA) ensures effective emergency responses to mitigate destruction caused by, and recover from, a variety of disasters ranging from unforeseen, no-notice events to catastrophic events such as hurricanes and tornados. The Budget includes funding for FEMA's programs to ensure the Nation's resilience from disasters as follows:

- \$7.4 billion for the Disaster Relief Fund (DRF), sustaining FEMA's ability to direct, coordinate, manage, and fund eligible response and recovery efforts associated with domestic major disasters and emergencies that overwhelm State and tribal resources pursuant to the *Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended*. Through the DRF, FEMA can fund authorized Federal disaster support activities as well as eligible State, territorial, tribal, and local actions, such as providing emergency protection and debris removal.
- \$2.1 billion for a variety of Federal assistance programs that provide grants, training, and exercises to help State and local governments to prevent, protect against, mitigate, respond to, and recover from incidents of terrorism and other catastrophic events. The Budget also proposes a 25 percent non-Federal cost match for preparedness grants, where the statute does not set a cost-share, similar to the cost match required by FEMA's disaster recovery grants.

Protecting the Nation's Highest Leaders and Safeguarding Financial Infrastructure

The men and women of the U.S. Secret Service (USSS) protect our Nation's financial infrastructure, highest elected leaders, visiting foreign dignitaries, facilities, and major events.

The FY 2018 Budget includes \$1.9 billion to support the USSS's missions, including its use of advanced technologies and task force partnerships to enforce counterfeiting laws and safeguard the

payment and financial systems of the United States from financial and computer-based crimes. This includes:

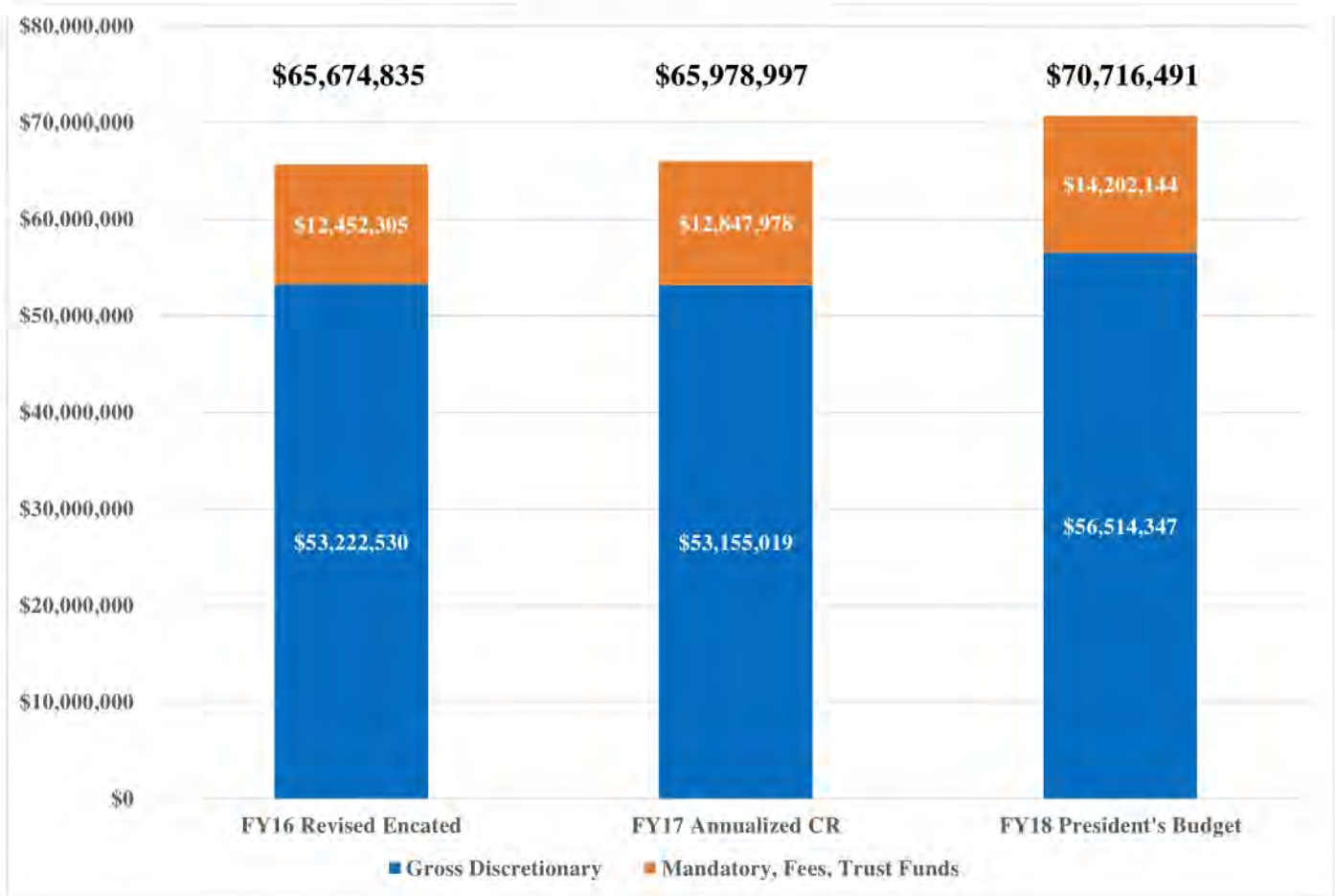
- \$1.3 billion to support a target 7,150 positions, an increase of 436 positions from the FY 2017 Annualized Continuing Resolution.
- \$85.9 million to support Protective Infrastructure and Technology.

Management Reform

The Budget emphasizes the importance of ensuring every tax payer dollar is spent wisely and gets results. At DHS, we are focused on cross-component collaboration, information-sharing, technology modernization, and strengthening our partnerships with State, local, tribal, private, and international stakeholders to secure our homeland more efficiently and effectively. We have closely examined our processes to identify efficiencies and implement measures to spend tax payer dollars wisely. A few highlights are:

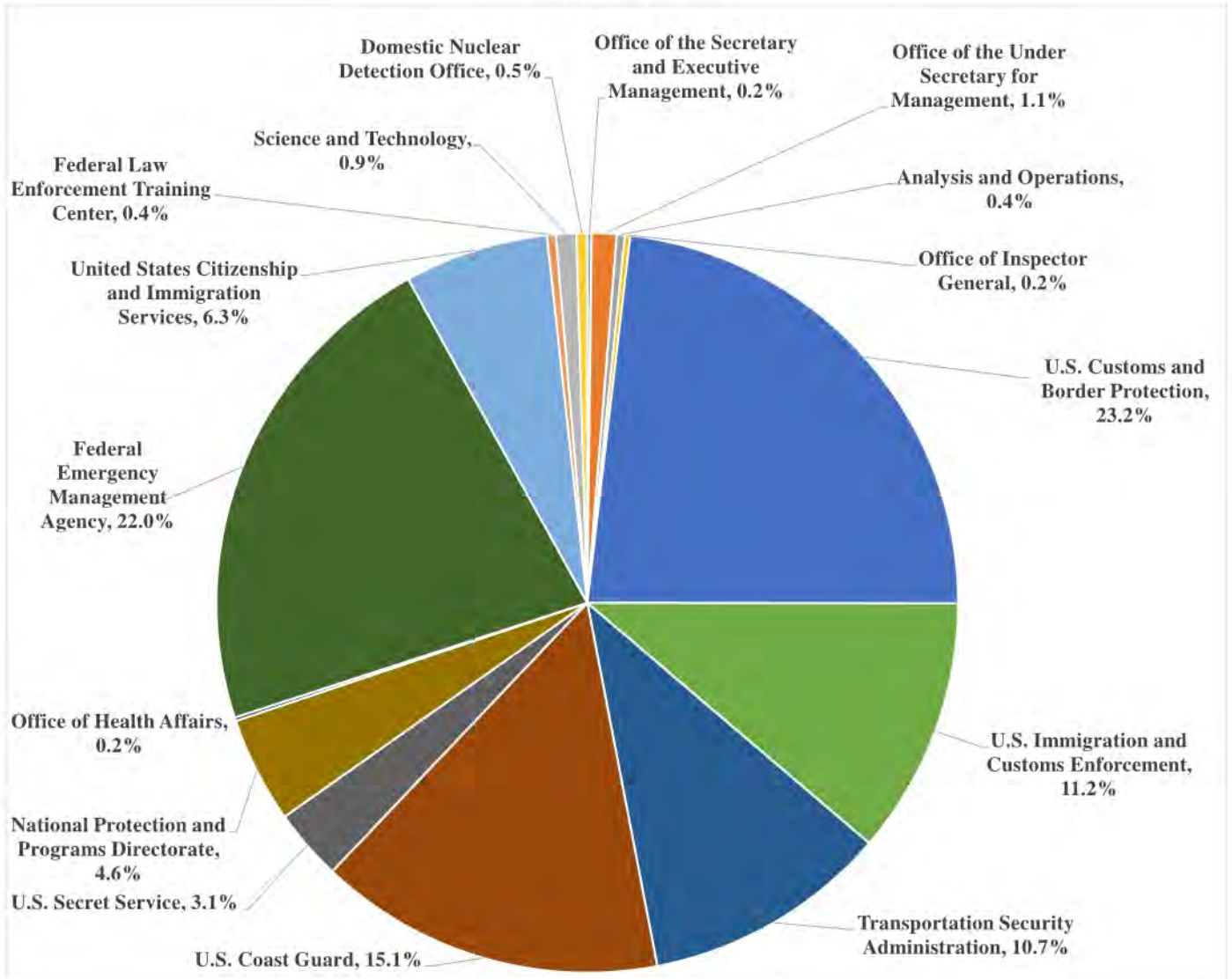
- \$627.3 million for Science and Technology (S&T). Border security, counterterrorism, cybersecurity, explosives, and first responder/disaster resilience remain R&D priorities, and partnerships with the Department of Defense and private sector are leveraged to advance R&D initiatives. In support of aviation security, R&D also will remain focused on screening passengers, carry-on bags, and checked baggage as well as secondary screening technologies.
- \$42.2 million to continue modernization of DHS's financial management system. DHS has made great strides in achieving clean audit opinions on all of its financial statements for the past four years. There is, however, a critical business need to modernize several of its financial systems. Through modernization, DHS will be able to better manage its resources; provide DHS-level information more quickly to support critical decision making; reduce costs; promote good business practices; integrate strong information technology controls through standardizing processes and data; and eliminate manual and labor intensive business processes.
- \$11.4 million for the DHS Office of the Chief Human Capital Officer to help attract, retain, and enhance career opportunities for our workforce. DHS headquarters partners with components in joint recruiting events to fill critical mission positions, streamlining recruiting costs by 90 percent and reducing time to hire by two thirds, when compared to recruiting for vacancies individually.
- Resources for DHS's three Joint Task Forces (JTF) - East, West, and Investigations - which help better synchronize departmental cross-component activity in the air, land, and maritime approaches to the U.S. Southern Border. The JTFs do not have a stand-alone budget and are staffed primarily through detail assignments. They serve a critical function to synchronize cross-component security activities by air, land, and sea, empowering DHS operational elements to more effectively execute their operations.

Total Budget Authority *Dollars in Thousands*



FY 2018 Percent of Total Budget Authority by Organization

\$70,716,491



Total Budget Authority by Organization
Gross Discretionary, Mandatory, Fees, and Trust Funds
Dollars in Thousands

Organization	FY 2016 Revised Enacted	FY 2017 Annualized CR	FY 2018 President's Budget	FY 2017 to FY 2018 Total Changes	FY 2018 +/- FY 2017 %
Office of the Secretary and Executive Management	\$145,332	\$133,474	\$130,307	(\$3,167)	-2.4%
Office of the Under Secretary for Management	\$937,081	\$962,133	\$768,664	(\$193,469)	-20.1%
Analysis and Operations	\$260,224	\$254,303	\$252,405	(\$1,898)	-0.7%
Office of Inspector General	\$161,467	\$161,151	\$157,974	(\$3,177)	-2.0%
U.S. Customs and Border Protection	\$13,295,208	\$13,474,495	\$16,387,729	\$2,913,234	21.6%
U.S. Immigration and Customs Enforcement	\$6,177,578	\$6,139,917	\$7,942,072	\$1,802,155	29.4%
Transportation Security Administration	\$7,543,364	\$7,425,805	\$7,582,228	\$156,423	2.1%
U.S. Coast Guard	\$10,893,631	\$10,940,660	\$10,673,010	(\$267,650)	-2.4%
U.S. Secret Service	\$2,191,808	\$2,190,481	\$2,208,626	\$18,145	0.8%
National Protection and Programs Directorate	\$3,075,838	\$3,081,428	\$3,277,489	\$196,061	6.4%
Office of Health Affairs	\$125,333	\$122,747	\$111,319	(\$11,428)	-9.3%
Federal Emergency Management Agency	\$15,712,464	\$16,151,751	\$15,552,106	(\$599,645)	-3.7%
United States Citizenship and Immigration Services	\$3,787,338	\$3,606,909	\$4,442,039	\$835,130	23.2%
Federal Law Enforcement Training Center	\$244,480	\$243,994	\$272,759	\$28,765	11.8%
Science and Technology	\$776,653	\$771,690	\$627,324	(\$144,366)	-18.7%
Domestic Nuclear Detection Office	\$347,036	\$342,059	\$330,440	(\$11,619)	-3.4%
Total Budget Authority	\$65,674,835	\$66,002,997	\$70,716,491	\$4,713,494	7.1%
Less: Mandatory, Fee, and Trust Funds	\$12,452,305	\$12,847,978	\$14,202,144	\$1,354,166	10.5%
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Less: FEMA DRF Transfer to OIG	-	\$24,000	\$24,000	\$0	0.0%
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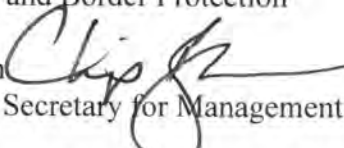


Homeland
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APR 14 2017

ACQUISITION DECISION MEMORANDUM

MEMORANDUM FOR: Kevin K. McAleenan
Acting Commissioner
U.S. Customs and Border Protection

FROM: Chip Fulghum 
Acting Under Secretary for Management

SUBJECT: U.S. Customs and Border Protection's Wall Program Acquisition
Review Board Program Review, dated March 20, 2017

DECISION:

On March 20, 2017, the Acquisition Review Board (ARB) reviewed the U.S. Customs and Border Protection's (CBP) Wall program. The purpose of the ARB was to assess the Wall program's Acquisition Decision Event 1 (ADE-1) readiness. Based on the outcome of the ARB discussion and stipulations outlined in Executive Order 13767, *Border Security and Immigration Enforcement Improvements*, signed on January 25, 2017, the following decisions have been made:

1. The CBP Wall program is granted an ADE-1. The program will be added to the Master Acquisition Oversight List (MAOL).
2. CBP is granted permission to develop a procurement solution that allows for the purchase and delivery of four to six wall prototypes and construct the first segment in Yuma, Arizona or San Diego, California to support Alternatives Analysis (AA) and refinement of requirements.
3. The Wall will be delivered in segments, as prioritized by CBP, and each segment, succeeding the prototype phase (segment 1), must be assessed by the ARB for an ADE-2A/B decision to baseline the segment and determine affordability.
4. The Department of Homeland Security (DHS) Chief Acquisition Officer is the Acquisition Decision Authority for the Wall program.

BACKGROUND:

1. Executive Order 13767, *Border Security and Immigration Enforcement Improvements*, signed on January 25, 2017, directs DHS to secure the Southern Border of the U.S. through the immediate construction of a physical wall, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism.
2. CBP submitted the Impedance and Denial Capabilities Analysis Report and Mission Need Statement to the Joint Requirements Council (JRC) for validation/endorsement; these documents have been approved by DHS. The Office of Program Accountability and Risk Management

2. CBP submitted the Impedance and Denial Capabilities Analysis Report and Mission Need Statement to the Joint Requirements Council (JRC) for validation/endorsement; these documents have been approved by DHS. The Office of Program Accountability and Risk Management (PARM) determined that the ARB presentation is adequate to serve as the Capability Development Plan (CDP). The CDP has been approved by DHS.
3. In compliance with the Executive Order, CBP has been assigned the Wall program. The agency plans to begin construction of four to six prototypes by July 21, 2017. CBP released a pre-solicitation notice on March 8, 2017, and two Requests for Proposal on March 17, 2017, with the goal of awarding a contract by June 12, 2017.
4. In parallel to the wall construction, CBP will be examining the Concept of Operations (CONOPS) for a wall system that includes resources, infrastructure, and technology for the entire Southern Border. CBP will ensure that the results of this examination are incorporated into relevant, ongoing (e.g., Land Domain Awareness), and future requirement development efforts.
5. The wall will be constructed in segments, and each segment will require a Life Cycle Cost Estimate, Acquisition Program Baseline, limited Integrated Logistics Support Plan (ILSP), and Certification of Funds Memorandum to support the ADE-2A/B. An overarching ILSP may be adequate if it is anticipated that all segments will be maintained in the same manner. A limited AA will be performed; this effort should focus on prioritization of the segments and the technical solution that best supports each segment. The need for a Systems Engineering Life Cycle Tailoring Plan and Technical Assessment will be determined after the completion of the prototypes.

ACTIONS:

The following action items are assigned:

1. *Master Acquisition Oversight List (MAOL)*: CBP will submit a change request to add the Wall program to the MAOL no later than April 30, 2017.
2. *Acquisition Plan (AP)*: Within 30 days after release of the solicitation, CBP will deliver a procurement-specific AP to the Office of the Chief Procurement Officer for coordination, review, and approval no later than April 17, 2017.
3. *Acquisition Review Board (ARB)*: The Wall program will return to the ARB for an ADE-2A/B for the first segment upon completion of this initial phase (prototypes) and once all of the required acquisition documentation has been completed, no later than December 31, 2017.
4. *DHS Director, Office of Test and Evaluation (DOT&E)*: Once the Operational Requirements Document (ORD) and CONOPS have been approved, the scope of the requirements' Verification and Validation will be determined by the DHS DOT&E and documented in the program's Test and Evaluation Master Plan no later than December 31, 2017.
5. *Joint Requirements Council (JRC)*: CBP must complete the actions items detailed in the JRC memorandum entitled, "Customs and Border Protection Capability Analysis Report and

Mission Need Statement for Impedance and Denial”, dated March 16, 2017, prior to submitting an ORD, and no later than November 1, 2017 or 45 days prior to the ADE-2A/B.

This Acquisition Decision Memorandum has been coordinated with all ARB members, including the Science and Technology Directorate. It is the responsibility of CBP to ensure that the results of this memorandum are communicated to the affected stakeholders. PARM will provide support and assistance. Please send action items, status, and supporting documentation to

(b)(5) [REDACTED] Should you have any questions, please contact (b)(6) [REDACTED] PARM, at (b)(6) [REDACTED]

Cc:

Acting Deputy Secretary
Acting Under Secretary for Science and Technology
Acting Assistant Secretary for Policy
Deputy General Counsel
Acting Chief Financial Officer
Acting Chief Information Officer
Chief Procurement Officer
Chief Readiness Support Officer
Chief Human Capital Officer
Chief Security Officer
Executive Director, Office of Program Accountability and Risk Management
Director, Office of Test & Evaluation, Science and Technology
Director of Legislative Affairs for the Management Directorate, Office of Legislative Affairs
Director, Budget Division, Office of the Chief Financial Officer
Chairman, Joint Requirements Council
Component Acquisition Executive, CBP



Homeland
Security

June 6, 2018

American Oversight
Attn: Cerissa Cafasso
1030 15th Street NW, Suite B255
Washington, DC 20005

Re: 17-cv-01187 (2017-HQFO-00728)
American Oversight v. DHS
Interim Release

Dear Ms. Cafasso:

This is an interim response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated May 3, 2017.

For this month's production DHS reviewed 2 documents consisting of 100 pages of which 93 pages are released in full; 5 pages are disclosed in part; and 2 pages are non-responsive. The 98 pages for release are bates stamped DHS-001-728-000001 to DHS-001-728-000098.

Sincerely,

A handwritten signature in blue ink that reads "Kevin L. Tyrrell".

Kevin L. Tyrrell
Director FOIA Appeals and Litigation

Enclosure

Subject: FW: FY 2017 Budget Amendment - CBP
Attachments: DHS FY 2017 Budget Amendment Justification.pdf

From: (b)(6)
Sent: Friday, March 17, 2017 10:42 PM
To: (b)(6)
(b)(6)
Cc: (b)(6)
(b)(6)

Subject: RE: FY 2017 Budget Amendment - CBP

All –

Please see the attached budget justifications for the FY 2017 Budget Amendment. Components will be prepared to speak to assumptions in greater detail at the briefings next week.

Thank you,

(b)(6)

(b)(6)

Deputy Budget Director
Office of the Chief Financial Officer
U. S. Department of Homeland Security

(b)(6)

From: Blume, Allen
Sent: Thursday, March 16, 2017 4:07 PM
To: (b)(6)
(b)(6)
Cc: (b)(6)
(b)(6)

Subject: RE: FY 2017 Budget Amendment - CBP

CJs will be submitted by COB tomorrow with the intent to deliver sooner.

(b)(6)

From: (b)(6)

Sent: Thursday, March 16, 2017 3:35 PM

To: (b)(6)

(b)(6)

Cc: (b)(6)

(b)(6)

Subject: RE: FY 2017 Budget Amendment - CBP

When will we see CJs?

From: Blume, Allen (b)(6)

Sent: Thursday, March 16, 2017 3:27 PM

To: (b)(6)

(b)(6)

Cc: (b)(6)

(b)(6)

Subject: FY 2017 Budget Amendment - CBP

All,

We would like to offer the CBP FY17 budget amendment brief on Wed, Mar 22, from 10:00-12:00. We realize you would have preferred to have the briefing much sooner, but would appreciate you delaying until this time.

Thanks,

Allen

Allen Blume
Budget Director
Office of the Chief Financial Officer
U. S. Department of Homeland Security

(b)(6)

Department of Homeland Security



Fiscal Year 2017 Budget Amendment Congressional Justification

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Department of Homeland Security Budget Amendment Funding Request

Organization Name	POA	FY 2017 Amendment Request		
		Pos.	FTE	Amount
Department of Homeland Security		410	391.5	\$ 3,000,000
Office of the Secretary and Executive Management		6	7.5	\$ 11,304
Operations and Support		6	7.5	\$ 11,304
Office of Policy	2017/2018	6	7.5	\$ 11,304
U.S. Customs and Border Protection		187	148	\$ 1,663,484
Operations and Support		187	148	\$ 286,001
Mission Support		187	148	\$ 56,332
Enterprise Services	2017/2018	142	111	\$ 45,860
Office of Professional Responsibility	2017/2018	33	27	\$ 8,360
Executive Leadership and Oversight	2017/2018	12	10	\$ 2,112
Border Security Operations		0	0	\$ 126,095
US Border Patrol		0	0	\$ 126,095
Operations	2017/2018	0	0	\$ 53,920
Assets and Support	2017/2018	0	0	\$ 72,175
Trade and Travel Operations		0	0	\$ 54,290
Office of Field Operations		0	0	\$ 54,290
Domestic Operations	2017/2018	0	0	\$ 28,798
Assets and Support	2017/2018	0	0	\$ 25,492
Integrated Operations		0	0	\$ 49,284
Air and Marine Operations		0	0	\$ 43,284
Assets and Support	2017/2018	0	0	\$ 43,284
Operations Support	2017/2018	0	0	\$ 6,000
Procurement, Construction, and Improvements		0	0	\$ 1,377,483
Border Security Assets and Infrastructure	2017/2021	0	0	\$ 1,377,483
U.S. Immigration and Customs Enforcement		97	122	\$ 1,237,212
Operations and Support		97	122	\$ 1,237,212
Mission Support	2017/2018	50	63	\$ 65,824
Homeland Security Investigations		47	59	\$ 15,136
Intelligence	2017/2018	47	59	\$ 15,136
Enforcement and Removal Operations				\$ 1,156,252
Custody Operations	2017/2018			\$ 994,914
Criminal Alien Program	2017/2018			\$ 5,000
Alternatives to Detention	2017/2018			\$ 57,392
Transportation and Removal Program	2017/2018			\$ 98,946
Federal Law Enforcement Training Center		120	114	\$ 88,000
Operations and Support		120	114	\$ 25,000
Mission Support	2017/2018	6	5	\$ 710
Law Enforcement Training	2017/2018	114	109	\$ 24,290
Procurement, Construction, and Improvements				\$ 63,000
Construction and Facility Improvements	2017/2021			\$ 63,000

Department of Homeland Security (DHS) Fiscal Year (FY) 2017 Budget Amendment Congressional Justification

DHS is submitting a request for an additional \$3 billion appropriations to address the urgent needs of the Department to support the Executive Orders on border security and immigration enforcement. Funds requested for U.S. Customs and Border Protection (CBP) would support high priority tactical infrastructure and border security technology investments, including efforts to plan, design, and construct a physical wall along the southern border. The request also includes funding for DHS agencies to begin building the administrative capacity necessary to recruit, hire, train, and equip an additional 5,000 Border Patrol agents and 10,000 Immigration and Customs Enforcement (ICE) officers. Further, the request proposes funding to increase daily immigration detention capacity to 45,700 detention beds by the end of FY 2017. This additional detention capacity is necessary to implement Administration policies for removing illegal aliens from the United States by enhancing interior enforcement efforts. Funding proposed for DHS would also be used to establish a real-time border and immigration data integration system within the Office of Immigration Statistics, and for other new border and immigration analyses.

Office of the Secretary and Executive Management

Operations and Support

Budget Amendment Funding Request

Dollars in Thousands

Organization Name	POA	FY 2017 Amendment Request		
		Pos.	FTE	Amount
Office of the Secretary and Executive Management		6	7.5	\$ 11,304
Operations and Support		6	7.5	\$ 11,304
Office of Policy	2017/2018	6	7.5	\$ 11,304

The Department of Homeland Security – Office of the Secretary and Executive Management (OSEM) – Office of Policy requests 6 positions, 7.5 FTE (1.5 FTE in FY 2017 and 6 FTE in FY 2018), and \$11.304 million in personnel and support costs to effectively carry out the Executive Orders on Border Security and Immigration Enforcement.

**Office of the Secretary and Executive Management
Operations and Support
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
11.1 Full-time permanent	\$ 854	\$ 164	\$ 690
11.5 Other personnel compensation	\$ 9	\$ 2	\$ 7
12.1 Civilian personnel benefits	\$ 271	\$ 52	\$ 219
Total - Personnel Compensation and Benefits	\$ 1,134	\$ 218	\$ 916
Positions and FTE			
Positions - Civilian	6	6	6
FTE - Civilian	7.5	1.5	6

The Office of Policy requests 6 positions, 7.5 FTE (1.5 FTE in FY 2017 and 6 FTE in FY 2018) , and \$1.134 million in personnel costs.

The Office of Policy will increase the number of personnel in the Office of Immigration Statistics (OIS) data integration team to include 1 program manager, 4 statisticians, and 1 business analyst. The OIS data integration team will be responsible for the development of the acquisition, privacy, and security documentation to automate the current manual Immigration Data transfers into a secure environment and for the development of data tools and services in the integrated Immigration Data environment for DHS Components and partner agencies to inform and strengthen immigration related decision-making.

**Office of the Secretary and Executive Management
Operations and Support
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 217	\$ 103	\$ 114
23.1 Rental Payments to GSA	\$ 70	\$ 14	\$ 56
25.2 Other Services from Non-Federal Sources	\$ 9,688	\$ 5,212	\$ 4,476
25.3 Other Goods and Services from Federal Sources	\$ 144	\$ 81	\$ 63
26.0 Supplies and Materials	\$ 12	\$ 2	\$ 10
31.0 Equipment	\$ 39	\$ 34	\$ 5
Total - Non Pay Object Classes	\$ 10,170	\$ 5,446	\$ 4,724

The Office of Policy requests \$10.17 million in program costs.

The Office of Policy – Office of Immigration Statistics will fund the following program elements:

- Immigration Data Integration – Policy will procure the necessary software, licensing agreements, and storage infrastructure to support the transfer and development of transactional and operational data into an integrated data environment that will allow for analysis and data reporting.
- Immigration Data Integration Independent Evaluations – Policy will work with an independent organization(s) to capture the current state and baseline of Immigration Statistics reports and make recommendations on new immigration analytics. The use of an independent organization is considered a best practice across DHS.
- Comprehensive Study of the Southern Border - Funding for additional border security analysis is required to enable policy and resource decision-making that is analytically informed as required by the Border and Immigration Enforcement Improvements Executive Order (Section 4(d)). This study is distinct from the data integration and evaluation requests as it focuses on predictive modeling vice reporting. Existing DHS research uses apprehension and enforcement data to derive empirical estimates of illegal Mexican flows. Additional work is required to estimate illegal flows from countries other than Mexico and

non-traditional (child and family) flows. This funding will also support the development of a comprehensive model that assesses the impact of different enforcement policies on border security and immigration flows. A comprehensive borders and immigration model will allow systematic cost-benefit analysis of a range of enforcement tools, including border infrastructure, interior enforcement, and enforcement consequences. To date, it has taken several years to build a comprehensive model of Mexican flows due to limited funding. Additional support at the requested funding level will fill existing modeling gaps, provide interim models useful for immediate decision-making, and produce a comprehensive model over a two-year timeframe.

U.S. Customs and Border Protection
Operations and Support
Budget Amendment Funding Request
Dollars in Thousands

Organization Name	POA	FY 2017 Amendment Request		
		Pos.	FTE	Amount
Operations and Support		187	148	\$ 286,001
Mission Support		187	148	\$ 56,332
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Air and Marine Operations		0	0	\$ 43,284
Assets and Support	2017/2018	0	0	\$ 43,284
Operations Support	2017/2018	0	0	\$ 6,000

I. IMMEDIATE BORDER WALL CONTRUCTION & PLAN

Overview

As the frontline border agency in the U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) has the dual mission of preventing suspected terrorists, terrorist weapons, and other contraband from entering the United States, while also

facilitating the flow of legitimate trade and travel into and out of the United States. CBP ensures that all persons and cargo enter the United States legally and safely through official checkpoints and ports of entry. CBP achieves its mission using a combination of advanced information, risk assessment, appropriate scanning and other technologies, and by partnering with Federal, state, local, tribal, and foreign law enforcement agencies as well as private industry and international partners. CBP's over 60,000 highly-trained employees ensure that the agency performs its mission with vigilance, integrity, and professionalism.

The Operations and Support funds all operating costs required to achieve CBP's dual mission. The primary drivers behind these costs are the salaries and benefits (S&B) of CBP operational and mission support personnel. The balance of this appropriation is comprised of the operations and maintenance (O&M) costs necessary to sustain the daily effectiveness of CBP equipment and facilities. Without the resources requested in this appropriation, CBP would experience a degradation of frontline operations.

The following request is organized by the four specific sections within Executive Order 13767, "*Border Security and Immigration Enforcement Improvements*."

Immediate Border Wall Technologies (\$5M / 0 FTE)

CBP requests \$5 million in two-year funding to provide data circuits and network bandwidth for Border Wall surveillance data/video.

BACKGROUND

The expansion of CBP Border Wall Infrastructure with embedded Information Technologies will significantly increase the amount of data/video being transmitted to USBP operation center(s). The increased transmission of data/video will require increased technologies, such as data circuits, and/or some other network capability, to be installed to ensure the quick, effective, and efficient transmission of data. These data links and associated network technologies will connect back to CBP's existing network infrastructure which today consists of outdated and end-of-life technologies. Funding will enable CBP to ensure that data/video captured from wall technologies can swiftly and effectively traverse CBP's network to be acted upon quickly by United States Border Patrol (USBP) Agents. Any delay in data transmission due to outdated and/or insufficient network bandwidth will have an adverse impact on USBP's ability to meet their daily operational mission requirements.

JUSTIFICATION

The additional southwest Border Wall technologies will require network upgrades. CBP will need an engineering contract to conduct bandwidth analysis, site design, and provide initial data circuit upgrade requirements to handle the increased data traffic that will

enable USBP's effective monitoring of data from the southwest Border Wall embedded technologies. Costs will recur and will expand on capabilities as additional segments of the southwest Border Wall are completed.

Additional funding will enable CBP to acquire network field equipment required to effectively monitor and control data traversing CBP's IT network from the southwest Border Wall to monitoring locations within USBP sectors that are required with initial expansion of the Border Wall. As necessary, upgrades may be needed to the IT infrastructure at USBP sectors or stations that will have day-to-day oversight of data captured by southwest Border Wall technologies. In addition, funding will cover replacement of consumable southwest Border Wall technologies, which may include items such as unattended ground sensors, surveillance cameras, power amplifiers, down converters, power supplies, and geological/infrared/step sensors and gaskets, etc.).

Office of Facilities and Asset Management Staff (\$4.837M / 40 FTE)

CBP requests \$4.837 million in two-year funding for the salaries and benefits for an increase of 53 personnel (40 FTE / 53 FTP, all in FY 2018) across the two-year period in support of the Executive Order for the immediate construction and planning of the Border Wall.

BACKGROUND

The Office of Facilities and Asset Management's (OFAM) current areas of responsibility include managing and overseeing CBP's Tactical Infrastructure, facilities, vehicles, uniforms and personal property. Executive Order 13767, "*Border Security and Immigration Enforcement Improvements*" included direction for the immediate construction and planning of a border wall, which represents a significant ramp up in mission, requirements, personnel, and funding needs for OFAM.

JUSTIFICATION

The total of 40 Full-Time Equivalents (FTE) requested will work in full support of activities associated with the Executive Order, which includes initial planning, project management for construction, and also the continued oversight and maintenance of the Border Wall upon completion of construction. These positions are intended to be a permanent adjustment to the base as there will be significant work required to maintain the Border Wall and related tactical infrastructure even after planning and construction is completed.

The current baseline level of resources for OFAM only has the capacity to support current mission activities, which include the continued maintenance of the existing tactical infrastructure, facilities, vehicles, uniforms and personal property for the entire Agency.

At the current resource level, CBP would be challenged to support the new Executive Order requirements without significant impacts to current baseline missions, which would include reallocating personnel that operate, maintain, and oversee operations of existing facilities and to begin the planning efforts for the new facility and asset requirements associated with the expected increase in 5,000 Border Patrol Agents.

Office of Chief Counsel Staff (\$2.112M / 10 FTE)

CBP requests \$2.112 million in two-year funding to hire an additional 12 positions and 10 FTE (1 FTE in FY 2017 and 9 FTE in FY 2018) within the Office of the Chief Counsel (OCC).

BACKGROUND

OCC's base request funds mission critical legal advice, representation, and counsel to CBP. OCC is comprised of 29 offices (28 in field locations), and is authorized to employ attorneys and support staff with unique expertise in, and knowledge of, laws enforced by or impacting CBP. OCC handles all legal and ethics issues involving CBP's global operations, both domestic and foreign. OCC attorneys provide legal services to CBP officials in matters relating to the activities and functions of CBP, including matters involving enforcement, operations, real property, trade, fiscal, procurement, ethics, labor, and employment. OCC requires supplemental funding to ensure timely implementation of the agency's construction of the physical wall on the southwest border pursuant to the Executive Order.

OCC's comprehensive legal services to CBP include representing the agency in offensive and defensive litigation in all federal courts, as well as representing the agency in all third-party administrative hearings. OCC will provide significant litigation support in defense of various challenges to the construction of the physical wall, including defending challenges to the Secretary of Homeland Security's exercise of waiver authority under Section 102(a) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), as amended, as well as in the condemnation of land along the southwest border. OCC provides appropriations and fiscal law advice, reviews contractual, procurement, and real property actions, and ensures compliance of proposed agency actions and policies with legal requirements.

JUSTIFICATION

OCC has experienced a significant increase in legal services on enforcement matters, including immigration, litigation involving the agency's detention and processing of aliens, and in legal services resulting from the agency's expansion of the Tactical Infrastructure Program, including the construction of a physical wall on the southwest border as mandated by Executive Order 13767, "*Border*

Security and Immigration Enforcement Improvements". OCC will require additional positions and non-pay funding to ensure the agency's timely implementation of the EO requirements. OCC anticipates an unprecedented increase in legal support in real property, procurement, fiscal law, as well as overall programmatic support to advance the construction of a physical wall. Further, OCC will provide significant litigation support in defense of various challenges to the construction of the physical wall, as well as in the condemnation of land along the southwest border. For instance, if the Secretary of Homeland Security exercises the waiver authority under Section 102(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, OCC will be responsible for defending any challenges to the waiver. The waiver authority has been exercised five times; all five times were challenged in federal court. Notably, in 2007, when the agency undertook the construction of 225 miles of pedestrian fencing (fence designed to prevent the illicit passage of people across the border) along the southwest border, the agency initiated nearly 400 land acquisition actions border-wide, 300 of which involved the filing of condemnation actions.

Operations Contract Support (\$6M / 0 FTE)

CBP requests \$6 million in two-year funding for Operations Support, to produce documentation, integrate requirements, and allow for the development of advanced metrics for the southwest border in support of Executive Order requirements.

BACKGROUND

The Joint Requirements Integration and Management System was developed, in part, to ensure that the operational missions of DHS were pursuing the "right" capabilities to improve mission accomplishment supported by the analytical rigor necessary to support our decision making. The Acquisition Management Lifecycle is most effective when it can respond to well researched, measurable, achievable requirements. In support of this, Capabilities and Requirements Division (CRD) was created to help bridge the gap between the operational community and the solution development community (including Acquisition).

Within the Operations Support Office of CBP, the CRD is responsible for assisting the operational components in articulating their needs and conducting the mission analysis to ensure CBP is pursuing the right capabilities. Across government and industry, failed acquisitions and unsuccessful operational strategies can be traced back to an improper articulation of the actual need. In addition, CRD also conducts operational test and evaluation to ensure that solutions delivered are effective and suitable to operate in their intended environment.

JUSTIFICATION

Investment in this area will support the development of operational requirements for the Executive Orders regarding CBP operations including the border wall and operational control of the southwest border. These resources will also support the development of concepts of operation to articulate how the Executive Order parameters will impact the way CBP will operate. In addition to requirements and operational concepts, this investment will provide resources to determine the appropriate metrics to measure the effectiveness of CBP's response to the Executive Orders as they are delivered. The specific deliverables directly impacted by this investment will be the JRIMS' Capability Analysis Study Plan (CASP) and the Capability Analysis Report (CAR) and the Acquisition Lifecycle's Mission Needs Statement, Operational Requirements Document, Concept of Operations, and Test and Evaluation Master Plan.

Conducting appropriate analysis increases the likelihood that delivered solutions achieve the desired result. CRD has an established relationship with CBP's operational components and can provide immediate value from an increase in resources. A current CRD priority is the development of Operational Concepts for each CBP operating domain to provide broad context for CBP's needs and support gap analysis. We are also engaged in requirements efforts across the spectrum of Executive Orders regarding CBP operations including the Wall and operational control of the southwest border. Although part of CBP's long term personnel strategy, the Agency does not currently grow this capability organically. Additional contract staff will allow greater engagement with both CBP's operational components as well as the Joint Requirements Council and the CBP program offices.

II. OPERATIONAL CONTROL OF THE SOUTHERN BORDER

Tactical Infrastructure Investment (\$21M / 0 FTE)

U.S. Customs and Border Protection (CBP) anticipates investing approximately \$21 million for road maintenance within the overall \$200 million investment in Tactical Infrastructure.

BACKGROUND

CBP's current TI portfolio requiring routine maintenance and repair needs includes approximately 654 miles of primary fence, 1,519 gates/crossings/game panels, 1,273 miles of roads, 14 bridges and 11 boat ramps. CBP requested \$52.5 million to maintain and repair its tactical infrastructure portfolio.

JUSTIFICATION

CBP's spends approximately \$49 million annually to support maintenance and repair requirements through the Comprehensive Tactical Infrastructure & Maintenance and Repair (CTIMR) program. Through the CTIMR program, contractors perform routine and urgent work such as infrastructure preventative maintenance, fence, gate and grate repairs, roadway maintenance (e.g., blading, grading, drainage, structure clearing and silt removal, culvert replacement), vegetation control, and debris removal. The additional funds requested will address operational requirements for road maintenance across the southwest border in order to provide better, safer, and more efficient border access for the Border Patrol.

Tactical Communications (\$20M / 0 FTE)

U.S. Customs and Border Protection (CBP) requests \$20 million in two-year funding to purchase 2,300 handheld radios (\$10.12 million), 1,475 vehicle radios (\$7.97 million), 95 base stations (\$0.64 million), maintenance (\$1.20 million), and circuits (\$0.07 million) in support of USBP operations.

BACKGROUND

To support its mission, CBP operates and maintains one of the largest tactical voice communications infrastructures in the Federal government. Tactical communications capabilities are essential to coordinating mission activities and protecting the safety of CBP law enforcement agents and officers. These agents and officers operate in remote areas where their radio is often their only communications channel to coordinate activities or summon assistance. CBP has a tactical radio communication device inventory of over 70,000 units utilized by the USBP agents, CBP officers, and Air and Marine agents. Over 25,000 units of CBP's radio inventory has exceeded its useful life and is no longer supported by the manufacturer.

JUSTIFICATION

This funding would procure additional radios and infrastructure necessary to address radio obsolescence, improve interoperability with local authorities and the Government of Mexico, and address some current coverage gaps. Replacing a significant number of aging or obsolete radios will directly contribute to the efficiency and effectiveness of border security operations, and contribute to the goals outlined in the Executive Orders on border security and immigration enforcement.

AMO Border Operations (\$25.141M / 0 FTE)

CBP requests \$25.141 million in two-year funding to support Air & Marine Operations (AMO) 7 X 24 unmanned aircraft systems (UAS) operations along the southwest border of the United States. In order to support the President's Executive Order 13767, "*Border Security and Immigration Enforcement Improvements*", CBP AMO proposes to contribute to the security of the southwest border by enhancing situational awareness through 7 X 24 UAS operations. 7 X 24 flight operations are defined as two scheduled 18 hour flights within a 24 hour period from each of AMO's two National Air Security Operations Centers (NASOC) based in Corpus Christi, Texas and Ft. Huachuca, Arizona along the southwest border.

BACKGROUND

CBP AMO UAS operations currently deploy specially equipped MQ-9 unmanned aircraft (UA) along the southern border of the United States. Primarily operating along the borders of Texas, New Mexico, and Arizona CBP deploys six of our nine UA from three air operations centers, two permanent and one expeditionary. Based in Ft Huachuca, Arizona and Naval Air Station Corpus Christi, Texas, CBP UAS support USBP and other Government agencies in maintaining border security as well as supporting local and national emergency response actions. CBP UAS activities include border surveillance through the use of two advanced sensors. The Multi-Spectral Targeting System (MTS-B) electro optical infrared sensor allows CBP UAS to receive high definition real time video imagery in day and night conditions and is an excellent system for long range surveillance and tracking. The Vehicle and Dismount Exploitation Radar (VADER) provides accurate, real time dismounted ground moving target data and radar imagery supporting Border Patrol Agents on the ground while simultaneously recording strategic intelligence data.

JUSTIFICATION

This action is being pursued in order to support the President's direction to secure the nation's borders from illegal encroachment by human smugglers, illegal aliens, drug traffickers, and potential terrorists. In order to support this goal, CBP AMO would leverage their UAS fleet and its ability to maintain long endurance land surveillance and dismounted target (human) tracking. CBP's UAS are a key capability for homeland security, providing persistent surveillance and mobility to fill potential gaps along the southwest border. CBP's UAS will mitigate risk, while construction of a physical barrier is implemented and provide decision makers with a flexible tool to respond to future security threats.

With the \$25.1 million requested in FY 2017, CBP would hire 20 contractor personnel with an availability horizon of 18 to 24 months. The timeframe for hiring contractor personnel will be dependent on the execution of the October 2017 UAS Services and operations support contract, availability of qualified candidates, and the CBP background investigation process. Contractor support will include

aircraft, ground control station (GCS), and satellite technicians as well as VADER operations specialist and associated ground processing support. In addition to the contract personnel, the increased flight activity will accelerate the program's consumption of materials through increased periodic inspections, routine maintenance, and component failure. Significant investments in spare parts and system upgrades will be required to sustain asset availability and reliability.

CBP will increase operating hours as the acquisition of contractor personnel, material, and infrastructure allow. The initial plan for these investments in FYs 2017 and 2018 would be:

- 20 Contractor Personnel: \$4.6M
- GCS Upgrades: \$4.8M
- 2 MTS-B EOIR Sensors: \$6.0M
- VADER Upgrades: \$3.6M
- UAS Spares: \$6.1M

Tethered Aerostat Radar System (\$18.1M / 0 FTE)

CBP requests \$18.1 million in two-year funding for the Tethered Aerostat Radar System (TARS) program in FY 2017, to be used for the deployment of two technology enhancements over the next two years:

- o Deploy new weather management systems at current TARS sites to improve flight operations efficiency (more surveillance hours) and flight safety to protect TARS personnel and equipment.
- o Further, AMO will be ready to field test key technologies that now appear promising in the Analysis of Alternatives (AOA) – these technologies exist and perform well in DOD missions, but need to be piloted in scope and scaled for the border security role.

BACKGROUND

CBP AMO's TARS system fulfills a unique, critical surveillance capability needed to maintain operational control of the U.S. southern border and associated air space. TARS supports effective monitoring the southern border in areas where other infrastructure may be in short supply. It is a key component to a risk-based approach for enhancing border security, and contributes to the goals outlined in the Executive Orders on border security and immigration enforcement. The TARS system is over 30 years old and past its intended operating service life and needs to be refreshed or replaced in the coming years. This amendment to the FY 2017 President's Budget request will allow AMO to conduct field investigations and demonstrations with the most promising technology candidates that will inform a future departmental investment decision for the future TARS capability. Additionally, the funding will enable the acquisition and deployment of modern technology to replace failing weather management systems at today's TARS sites. These

“wind profilers” are essential to safe flight operations and, ultimately, to increase surveillance flight hours delivered to AMO law enforcement operators monitoring air and sea approaches to U.S. southern borders.

JUSTIFICATION

AMO is leading an ongoing department capability analysis and gaps identification study of our overarching air domain awareness mission area. A key element in this comprehensive study is the acknowledgement of how critical it is to overall CBP security operations to maintain persistent surveillance of low altitude air approaches to the U.S. southern border. Today, TARS fulfills this critical low-altitude surveillance capability, and AMO needs to prepare technologies and operational concepts for a future surveillance capability as TARS system(s) retires over the next few years. The funding requested will allow CBP to field test new technologies that will enhance domain awareness and help the agency determine the best path forward for low-altitude surveillance capabilities.

Inclement weather, and the inability to observe and react to weather in a timely manner, is the primary threat to reliable and safe TARS system flight operations and effectiveness. The past 19 of 21 catastrophic (and costly) aerostat mishaps over the previous two decades, while the program was managed by DoD, were weather induced. The funding requested will allow CBP to replace the onsite wind profiler units across the TARS fleet to improve weather awareness and alerts, and ultimately to increase surveillance time aloft, safely and efficiently.

OIT Equipment and Field Technology (\$3.368M / 0 FTE)

CBP requests \$3.368 million in two-year funding to upgrade the Office of Information & Technology (OIT) equipment and field technology for the United States Border Patrol (USBP).

BACKGROUND

Much of the existing equipment in the sectors and stations of USBP is beyond its useful life. In order to gain operational control of the border, CBP must also make sure that the equipment used by USBP is upgraded to minimize impact of system slowdowns or outages. In addition, updated systems will minimize the potential of cyber intrusions from those that may desire to cause harm to CBP’s data or infrastructure. CBP’s mission critical applications are vital to the daily detention activities performed by USBP Agents, as they must have timely access to critical data to determine admissibility.

JUSTIFICATION

Funds will upgrade data circuit capacity with the initial focus on the Tucson, Douglas, and Nogales USBP stations. In addition, funds will enable CBP to begin upgrade of aged USBP desktops, laptops, scanners, cameras, and other peripheral equipment that is no longer supported by the original equipment manufacturer.

Facilities Support On The Southern Border (\$20M / 0 FTE)

CBP requests \$20 million in two-year funding to address the highest priority needs for the continued maintenance and upkeep of the existing facilities that support United States Border Patrol (USBP). This includes funding the nationwide regional maintenance and minor repairs contracts for USBP facilities and ensuring that there is funding available to address emergency repairs as they arise during the year of execution.

BACKGROUND

The USBP facilities inventory is comprised of over 6.5 million square feet including 135 Border Patrol Stations, 39 Permanent and Interim Checkpoints, 20 Sector Headquarters, 16 Forward Operating Bases and one Special Operations Group location. The backlog of deferred maintenance requirements for USBP facilities is \$175 million.

JUSTIFICATION

The funding requested as part of this amendment will address the identified gap of \$20 million for the regional preventative maintenance and minor repair contracts along with funding for each sector to address a minimal level of emergency repairs across all of the USBP Sectors; the majority of the facilities that are supported are along the southern border. These requirements are all currently unfunded and will result in the continued deterioration of facility conditions, the increased risk of operational impacts due to facility downtime, and the lack of basic services.

Funding will ensure that core facility services, including the continued maintenance, per warranty instructions, of core building systems, are provided to USBP facilities nationwide. This funding will also ensure that there are adequate resources to address emergency repairs that arise during the year. Emergency repairs are issues that are not planned, cannot be deferred to a future date and must be addressed upon occurrence to minimize impacts to operational capabilities. This includes fixing HVAC systems along the southwest border, resolving backed up sewage systems and repairing leaking roofs. The continued, uninterrupted operations of USBP facilities will also be critical throughout the implementation of the current Executive Orders, which includes increased activity,

staging and deployment of assets along the southwest border.

USBP facilities provide the critical infrastructure that enables USBP to stage and deploy agents, and supports tactical and search-and-rescue teams; command, control, and communications activity; detention and processing; intelligence units, canine and horse operations; fleet maintenance and storage; and administrative, training and law enforcement coordination.

III. INCREASE BPA FLOOR BY 5,000

United States Border Patrol Relocations (\$25M / 0 FTE)

CBP requests \$25 million in two-year funding to support the United States Border Patrol (USBP) Voluntary Relocation Program (VRP) relocations and to initiate a USBP relocation incentive strategy. \$15 million will be used for USBP Relocations specifically utilizing VRP authority, and \$10M for a USBP relocation incentive strategy for remote locations.

BACKGROUND

As a first step in hiring 5,000 additional Border Patrol Agents, CBP must pursue smart strategies to minimize attrition of current, experienced BPAs. Implementing a stable relocation program for the USBP workforce will meet operational requirements and help to alleviate the lack of mobility significantly contributing to declining morale and increased attrition across the workforce. Although the attrition rate for Border Patrol Agents (BPA) dropped from FY 2015 (5.5%) to FY 2016 (4.3%), the current BPA attrition rate (year to date FY 2017) has risen to 4.5%. To achieve needed mobility, CBP proposes to begin implementing an incremental mobility program in FY 2017. The resultant mature program focuses the bulk of resources on mobility, addressing operational needs and documented employee concerns.

JUSTIFICATION

This funding will allow CBP to develop and implement a robust relocation program to stem the current attrition patterns, supported by data from internal/external surveys of BPAs. These surveys indicate that the inability to relocate is a key contributing factor in the decision to depart. This is especially true of mid-career BPAs who feel there is no opportunity to either relocate to a more desirable location or advance from their current position. Federal Employee Viewpoint Survey, the Office of Human Resources Management surveys, and the USBP Human Capital Study show a strong correlation between agent mobility and lower morale and higher attrition. These same surveys indicate USBP esprit de corps remains strong when the U.S. Government's immigration enforcement system is executing the laws of the nation.

Polygraph Examiner Recruitment & Retention (\$4.271M / 0 FTE)

CBP requests \$4.271 million in two-year funding for recruitment and retention efforts targeted towards federally certified polygraph examiners.

BACKGROUND

Federally certified polygraph examiners possess a technical skill that is highly sought after by all 27 federal agencies that currently possess a polygraph capability. In order to maintain CBP's current capacity for the hiring of 5,000 Border Patrol Agents (BPAs), the Office of Professional Responsibility (OPR) will need to retain their current employees, which has been difficult to accomplish in an increasingly competitive workforce. Adequate staffing of federally certified polygraph examiners within OPR is of critical importance to the frontline hiring requirements of CBP, due to the requirements of the *Anti-Border Corruption Act of 2010*, P.L. 111-376, as amended, that all applicants for law enforcement positions in CBP receive a polygraph examination before being offered employment. Currently, CBP has 103 examiners on board with an additional 16 expected to EOD by the end of FY 2017.

Most other federal agencies that employ polygraph examiners use some form of additional compensation, putting pressure on CBP's ability to recruit and retain certified examiners. These approaches include Law Enforcement Available Pay (LEAP), Administratively Uncontrollable Overtime (AUO), and Special Salary Rate (SSR) pay-banding techniques. This normally equates up to 25% of the employee's salary resulting in salaries much higher than the basic locality pay that CBP can offer.

As a result of this competition, CBP has seen a high attrition in its polygraph examiner workforce, up to almost 19% in FY 2015. Currently, an additional 43 law enforcement officers supplement the examiner staff, but will return to their home offices and will require replacement in the short term. With current hiring patterns for just CBPOs and BPAs, OPR processes around 8,000 polygraph examinations in a fiscal year. In order to meet the increased processing requirement to onboard an additional 5,000 BPAs, CBP will likely increase the number of examinations required and without sufficient polygraph examiner staff risks slowing the hiring timeline.

JUSTIFICATION

As a result, OPR is requesting a strategy to retain current polygraph examiners through a 10% retention incentives and a 10% special salary rate. CBP estimates for FY 2017, OPR will require \$1.258 million for FY 2017, and \$3.013 million for FY 2018. CBP's calculations assume that the 10% retention incentive will be paid out in a lump sum in FY 2017 to all 52 certified polygraph examiner positions that perform polygraph examination duties as a primary responsibility and are not law enforcement officers, as defined in 5

U.S.C. 5541(3) and 5 CFR 550.103, anticipated to be on board in FY 2017. The 10% special salary rate will take effect in FY 2017 and will be paid to all 52 polygraph examiners anticipated to be on board in FY 2017.

Expand HRM Hiring Capacity (\$21.129M / 0 FTE)

CBP requests \$21.129 million in two-year funding for the following initiatives: hiring hub program (\$9.7 million); additional applicant processing (\$7.8 million); recruiter training (\$2 million); and recruitment/digital media strategy (\$1.629 million).

BACKGROUND

To establish and sustain adequate staffing on the Nation's borders, CBP must ensure its recruitment capabilities are commensurate with the expanding complexity and demands of its mission in order to become the employer-of-choice for law enforcement professionals. In light of the Executive Order requirement to hire 5,000 additional Border Patrol Agents (BPA) and all associated positions, CBP requires additional funds and resources to strengthen five key areas of focus:

- *Hiring Hubs:* Hiring Hubs have been very successful in decreasing the time-to-hire. Throughout FY 2016, CBP continued to modify the pre-employment process to expand the Hiring Hub concept to as many applicants as possible while reducing costs.
- *Applicant Processing:* Applicant processing comprises initial qualifications testing, medical examination, drug testing, and physical fitness testing. This process also includes the polygraph and background investigation, which are administered by the Office of Professional Responsibility. CBP's pre-employment process ensures a fair and consistent approach to hiring individuals who are qualified to perform the duties of the job.
- *Recruiter Training:* Recruiters are the brand ambassadors of CBP and have a pivotal role in keeping applicants engaged throughout the hiring process. There are currently 1,400 recruiters within CBP. Currently, CBP does not have standardized recruiter training across all operational components. To fulfill this priority, CBP must develop a comprehensive recruiter training curriculum for its full-time and collateral duty recruiters.
- *Recruitment Strategy:* Attracting a sufficient number of quality citizens to apply to CBP requires a concerted effort to focus not just on traditional recruitment efforts but also on digital media to attract applicants who are more engaged on mobile devices and the Internet in general.

JUSTIFICATION

Hiring Hubs

This new frontline hiring process has consistently resulted in a reduction in time-to-hire. Funding will be utilized to provide the increase in staffing, contract services, and technology needed to continue this transformational effort. CBP's execution plan includes

the following initiatives:

- Renew space lease contracts for the Laredo and El Paso hubs, as well as other locations as volume of applicants dictates;
- Continued process improvements;
- Implementation of new hiring hubs for applicants in areas of the country where CBP personnel are not readily available to perform interviews and polygraph exams; and
- Continuation of Military hiring hubs.

Additional Applicant Processing

- As the process is currently configured, these funds will allow CBP to initially process over 57,000 applicants. We anticipate an increase in the number of applicants through enhanced recruiting efforts and in the number of EODs as the hiring process continues to be transformed and streamlined.
- OPM-mandated pre-employment tests are an important part of the hiring process that help determine each applicant's suitability to be a frontline CBP employee. Failure to fund this program to the extent necessary will significantly impact CBP's ability to meet the established hiring goals.
- The medical services and drug testing collection services contract provides services to conduct the required medical examination, qualifications testing, and drug testing hiring steps. Not fully funding this contract would prevent applicants from completing hiring steps and prevent CBP from onboarding applicants into positions with medical or drug testing requirements.
- The Pre-employment Fitness Test 1 contract provides PFT1 administration to all applicants and is a CBP hiring requirement. Not fully funding this contract would delay applicant processing and therefore increase the time-to-hire.

Recruiter Training

CBP's recruiter training program consists of two modules: core recruiter training and Special Emphasis Recruitment Team (SERT) training. CBP anticipates using the estimated \$2 million FY 2017 funding to provide travel and associated costs for training at the CBP Advanced Training Center in West Virginia for more than 400 recruiters. SERT recruiters will remain three additional days to complete the SERT module, which focuses on veteran recruitment and enhancing the diversity of the workforce. The funding will be put toward all travel costs for participants and trainers. CBP's goal is to leverage its certified recruiter workforce through train-the-trainer sessions, with the goal of reaching 3,000 recruiters across CBP.

Recruitment Strategy

CBP seeks to increase the number of qualified applicants entering the hiring pipeline to enable CBP to meet its frontline staffing goals. CBP's lack of brand awareness is contributing to the low number of Entries on Duty for its frontline positions. The funding requested will allow CBP to take the initial steps toward implementing its larger recruitment and marketing strategy. Increasing recruitment and marketing will also enable CBP to:

- Ensure alignment to CBP’s brand messaging and incorporate available social media platforms, online job boards, and strategic partnerships that best allow CBP to communicate job opportunities to the desired applicant demographic;
- Enhance the applicant’s user experience in CBP’s digital environment;
- Determine whether current digital marketing and recruitment messaging are yielding the desired Return on Investment ;
- Analyze website traffic to understand user behaviors and levels of engagement;
- Identify opportunities for marketing initiatives and analyze existing marketing performance against goals and objectives; and
- Utilize online behavioral data to reach potential applicants where they are with a message that is relevant to them.

Additional HRM and OPR Staffing (\$15M / 98 FTE)

CBP is requesting \$15 million in two-year funding for 89 positions and 71 FTE for the Office of Human Resources Management (HRM) and 33 positions and 27 FTE for the Office of Professional Responsibility (OPR). HRM plans to onboard 5 FTE in FY 2017 and 66 FTE in FY 2018. OPR intends to onboard 2 FTE in FY 2017 and 25 FTE in FY 2018.

BACKGROUND

These positions are requested to provide direct support to the recruitment, hiring, and sustainment of the 5,000 additional Border Patrol Agents (BPA) and all associated positions.

JUSTIFICATION

HRM and OPR are requesting a total of 122 new employees over a two year period to implement Executive Order 13767, “*Border Security and Immigration Enforcement Improvements.*” These positions are required to support CBP recruitment, hiring and law enforcement efforts to increase CBP’s law enforcement population by the 5,000 Border Patrol Agents required in the Executive Order. Within OPR, the Personnel Security Division will have responsibility for determining the suitability for employment and eligibility to hold a National Security position for all new hires. OPR has been tasked by CBP with continuously monitoring staff to ensure that they remain suitable for employment based on a review of information such as criminal activity and suspicious financial transactions.

HRM’s staffing request is essential to managing anticipated increases in the number of applicants, recruitment actions, and maintaining CBP’s current time-to-hire improvements in light of increased hiring required in Executive Order 13767, as well as sustaining an effective law enforcement workforce. HRM’s request was developed by comparing the ratio of Human Resource (HR) employees to the total workforce in other DHS components, by applying the Office of Personnel Management standard ratio of one HR employee for every 100 employees.

IV. DETAIN ALL IMMIGRATION VIOLATORS

Increase Temporary CBP Detention Facilities (\$95M / 0 FTE)

CBP requests \$95 million to address migration surge operations to include the rollout of soft-sided structure facilities in Tornillo and Donna, TX. CBP southern land border ports of entry and areas between the ports of entry experienced extraordinary levels of unlawful migration at the beginning of FY 2017 as thousands of foreign nationals, unaccompanied alien children (UAC), and family units (FMUA) attempt to migrate to the U.S. via Central American land routes.

BACKGROUND

Beginning in the summer of 2016, United States Border Patrol USBP began to report an increase in apprehensions along the southwest border, which included UC and FMUA populations. FY 2017 started with apprehensions roughly 40% above average for the last five fiscal years. CBP has developed contingency planning for multiple soft-sided facilities including the rollout of facilities in Tornillo and Donna, TX. These temporary facilities help CBP to mitigate the migration surge volume and create an increased capacity for the overflow at the stations and ports of entry.

JUSTIFICATION

In addition to the costs of the temporary detention facilities, CBP has incurred costs in critical overtime, TDY, transportation, supplies, and maintenance to support the surge operations. The effect is not limited to the southwest border, but felt nationwide as USBP and OFO create vacancies in inland, northern, and coastal areas to detail agents and officers to the southwest border. Through January, CBP incurred \$35 million in costs related to the southwest border surge, which required diverting funds from other operational needs. The requested funding is critical to maintain CBP's capacity through the seasonal influx normally seen in the spring and summer months.

**U.S. Customs and Border Protection
Operations and Support
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017	FY 2017	FY 2018
	Amendment Request	Estimated First Year Funds	Estimated Second Year Funds
11.1 Full-time permanent	\$ 15,703	\$ 1,735	\$ 13,968
11.3 Other than full-time permanent	\$ 1,161	\$ -	\$ 1,161
11.5 Other personnel compensation	\$ 28,880	\$ 25,280	\$ 3,600
12.1 Civilian personnel benefits	\$ 20,544	\$ 16,095	\$ 4,449
Total - Personnel Compensation and Benefits	\$ 66,288	\$ 43,110	\$ 23,179
Positions and FTE			
Positions - Civilian	187	187	187
FTE - Civilian	148	8	140

Funds requested include:

- \$4.837 million is to hire 53 positions and 40 FTE, all in FY 2018, for Office of Facilities and Asset Management Staff.
- \$10.527 million is to hire 122 positions and 98 FTE (seven in FY 2017 and 91 in FY 2018) for Additional HRM and OPR Staff.
- \$25 million is for USBP Relocations.
- \$19.88 million is for USBP agent and CBPO overtime in support of migration surge operations.
- \$1.773 million is to hire 12 positions and 10 FTE (one in FY 2017 and 9 in FY 2018) for Office of Chief Counsel Staff.
- \$4.271 million is for OPR Retention and Special Salary Rates.

**U.S. Customs and Border Protection
Operations and Support
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 21,253	\$ 17,790	\$ 3,463
23.3 Communications, Utilities, and Misc. Charges	\$ 297	\$ 142	\$ 155
25.1 Advisory and Assistance Services	\$ 1,629	\$ 1,629	\$ -
25.2 Other Services from Non-Federal Sources	\$ 62,844	\$ 16,642	\$ 46,203
25.3 Other Goods and Services from Federal Sources	\$ 4,400	\$ 4,400	\$ -
25.4 Operation and Maintenance of Facilities	\$ 74,731	\$ 74,731	\$ -
25.7 Operation and Maintenance of Equipment	\$ 35	\$ 35	\$ -
26.0 Supplies and Materials	\$ 3,824	\$ 2,324	\$ 1,500
31.0 Equipment	\$ 29,699	\$ 28,024	\$ 1,676
32.0 Land and Structures	\$ 21,000	\$ 21,000	\$ -
Total - Non Pay Object Classes	\$ 219,713	\$ 166,716	\$ 52,997

Funds requested include:

- \$20 million is for Facilities Support on the Southern Border.
- \$18.143 million is for Tethered Aerostat Radar System (TARS).
- \$25.141 million is for AMO Border Operations.
- \$3.368 million is for OIT Equipment and Field Technology.
- \$5 million is for Immediate Border Wall Technologies.
- \$21.129 million is to Expand HRM Hiring Capacity.
- \$75.12 million is to Detain All Immigration Violators.
- \$20 million is for Tactical Communications.

- \$6 million is for Operations Contract Support.
- \$.339 million is for Office of Chief Counsel Staff.
- \$21 million is for Tactical Infrastructure.
- \$4.473 million is for Additional HRM and OPR Staff.

**U.S. Customs and Border Protection
Procurement, Construction, and Improvements**

Budget Amendment Funding Request

Dollars in Thousands

Organization Name	POA	FY 2019 Amendment Request Amount
Procurement, Construction, and Improvements		\$ 1,377,483
Border Security Assets and Infrastructure	2017/2021	\$ 1,377,483

**U.S. Customs and Border Protection
Procurement, Construction, and Improvements
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request
21.0 Travel and Transportation of Persons	\$ 463
25.1 Advisory and Assistance Services	\$ 10,802
25.3 Other Goods and Services from Federal Sources	\$ 1,412
26.0 Supplies and Materials	\$ 14,313
31.0 Equipment	\$ 173,010
32.0 Land and Structures	\$ 1,177,483
Total - Non Pay Object Classes	\$ 1,377,483

Border Infrastructure Investment

Investment Description

CBP requests \$999 million in 5-year funding to support construction of a Border Wall. This amendment to the FY 2017 President's Budget supports a robust suite of infrastructure investments to help CBP achieve operational control of the southern border, as required by the President's Executive Orders on border security. CBP anticipates investing approximately \$999 million in FY 2017.

JUSTIFICATION

The \$999 million investment includes the construction of a new Border Wall system in areas identified by United States Border Patrol (USBP) as operational requirements, to include:

- ~14 miles of new border wall system in San Diego Sector (\$251M)
- ~14 miles of replacement fence in San Diego Sector (\$102M)
- ~28 miles of new levee wall system in Rio Grande Valley Sector (\$498)
- ~6 miles of new border wall system in Rio Grande Valley Sector (\$146M)

The costs above are estimates that will be refined as projects are further defined and designs are developed. This funding will allow CBP to fund design, real estate planning, environmental planning and acquisition, construction and construction oversight for a new border wall system to include fence replacement in San Diego, as well as a new border wall system and levee wall system in the Rio Grande Valley Sector. The anticipated investment allows CBP to swiftly respond to Administration priorities and USBP operational requirements.

BACKGROUND

Detailed requirements for the border wall, including priority locations and preferred features, are currently under development by CBP. Concurrently, CBP is reaching out to industry to seek proposals for Border Wall prototypes that will help the agency select the appropriate design, materials, and technologies for further border wall construction. These proposals and the subsequent prototypes will allow CBP to estimate the overall cost to construct, maintain and repair the border wall. This standard will continue to inform CBP's wall estimates and will account for Administration priorities, USBP operational requirements, cost effectiveness, constructability, and durability. The identified locations are based off of operational need and site accessibility.

Key Milestone Events: Wall Activities

The \$999 million investment includes the construction of a Border Wall and levee wall system in areas identified by USBP as operational requirements, to include but not limited to, San Diego and the RGV Sector area of responsibility in Texas, respectively.

FY 2017 Q3

CBP anticipates:

- Finalizing all Interagency Agreements to providing funding to the United States Army Corps of Engineers (USACE) pending available funding.
- Finalizing the first draft of the environmental impact.
- Working with USBP to identify initial border wall segment requirements in the Rio Grande Valley Sector.

FY 2017 Q4

CBP anticipates:

- Identifying impacted landowners (assuming no significant title search delays).
- Developing initial project scope, cost estimates, and schedule.
- Releasing Requests for Proposals.
- Awarding Multiple Award Task Order Contract pending available funding.

SW Border Surveillance**Investment Description**

CBP requests \$200 million in 5-year funding to support southwest border surveillance technology. The \$200 million requested will enable USBP to purchase approximately 18 Integrated Fixed Towers (IFT), 18 relocatable towers, 19 Mobile Video Surveillance Systems (MVSS) units and 58 MVSS camera upgrades. Other funding will be used to close future sustainment gaps in Remote Video Surveillance Systems (RVSS), MVS, and mobile surveillance requirements. Based on the current threat matrix, the Office of Border Patrol has determined that the priority sectors to receive these capabilities are Rio Grande Valley (RGV), Laredo (LRT), and El Paso (EPT).

JUSTIFICATION

Funding is requested to accelerate deployments of fixed and mobile surveillance technologies to high-risk locations along the southwest border. These investments will help the Border Patrol deter, deny, identify, track, and resolve illegal activity along the border to prevent illegal immigration, drug and human trafficking, and acts of terrorism. Specific locations will be determined by operational requirements and capability gap analyses conducted by the USBP.

The IFT system will assist USBP agents in detecting, tracking, identifying, and classifying items of interest along our Nation's borders through a series of fixed surveillance towers and equipment that display information on IFT workstations housed in a command and control center.

RVSS is a fixed technology that provides persistent wide-area surveillance for the visual detection, identification, classification, and tracking of Items of Interest (IoI) along the border. The RVSS unit configuration varies depending on the operational needs and the geographical area where the RVSS is located. RVSS units are typically deployed in areas of activity with dense vegetation, or urban areas where IoIs can quickly vanish. The RVSS unit has a sensor suite with a set of short-, medium-, or long-range electro-optical and infrared cameras (daytime/nighttime cameras), which are remotely operated from a Command and Control (C2) facility. The sensor suite may contain an infrared illuminator, directional spotlights, and a public address system to broadcast verbal commands and warnings. These systems contribute to improved situational awareness, increased agent safety, and rapid response.

MVSS technology enables the visual detection, identification, classification, and tracking of IoIs in both urban and remote areas along the border. They are mobile systems that cover areas that are not covered by fixed surveillance technology deployments. These systems contribute to improved situational awareness, rapid response, and agent safety. The High Definition (HD) camera upgrade will improve the Border Patrol operator's ability to classify IoIs (i.e. long arms, bundles, and group size) which will result in greater agent safety and improved response time by Border Patrol agents.

Key Milestone Events

MVSS:

- Achieve Acquisition Decision Event (ADE) – 2 (DHS Approval for production of MVSS units)
- Begin contracting actions necessary to acquire MVSS capabilities;
- Execute contract delivery order for 19 MVSS units and 58 HD Camera Upgrades;
- Begin delivery of 19 MVSS units and 58 HD Camera Upgrades; and
- Complete deployment of 19 MVSS units and 58 HD camera upgrades.

IFT

- Begin contracting actions necessary to acquire IFT capabilities;
- Validate Southwest Border Plan sites and priorities with USBP;
- Complete environmental and real-estate actions for sites and roads;
- Execute contract award after funding is received;
- Construction to begin within 6-8 months of contract award; and
- Sites operational beginning 10 months after start of construction.

There are several major assumptions that support these IFT milestones:

- IFT Program is adequately staffed to support accelerated/concurrent deployments of 18 sites within two AoR's;
- All sites are validated and approved by USBP leadership;
- Contract award through "other than full and open competition" (FAR method);
- Contract award may occur prior to roads and sites being prepared for construction; and
- Maximize environmental waivers and unilateral condemnation.

Re-locatable Tower (RVSS) Key Milestones:

- Begin contracting actions necessary to acquire RVSS capabilities;
- RVSS Re-locatable Approval – Milestone 1 (USBP HQ decision to utilize Re-locatable Towers based on results); from Re-locatable tower pilot projects.
- Obligate funding for Re-locatable Towers and modular Command and Control Centers – 0 to 3 months from approval;
- Identify Deployment AOR & Confirm the Laydown in coordination with USBP – 3 months from approval;
- Obtain Environmental Clearances – 6 months from approval;
- Radio Frequency Authentication (RFA) – 6 months from approval;
- Obtain Real Estate Licenses – 9 months from approval;
- Delivery of Re-locatable Towers and modular Command and Control Centers – 12 months from approval;
- Technology Deployment – 18 months from Approval;
- System Acceptance Testing – 21 months from Approval; and
- System Acceptance – 24 months from Approval.

There are several major assumptions which support these Re-locatable (RVSS) milestones:

- The results of the RVSS Re-Locatable Towers Pilot Project indicate no major impact to system performance (tower stability,

height limited to 80 ft., and modular C2) compared to use of Fixed towers;

- A sole source justification is approved for using the current technology contractor;
- The tower sites are previously disturbed areas not requiring environmental assessments; and
- Real Estate license agreements can be secured.

Tactical Infrastructure Investment

Investment Description

CBP anticipates investing approximately \$179 million for road construction and other tactical infrastructure (TI). \$55M is required for the completion of the RGV gates project. The remaining \$124M will be used to construct new road requirements to provide USBP enhanced access for enforcement in high priority locations across the Southwest border.

BACKGROUND

Historically, CBP's budget has not included capital investment funding to meet U.S. Border Patrol's new road construction requirements and other new critical TI needs. CBP has not had the capital investment funds to acquire the real estate and build gates for the RGV fence gate openings. The gate openings cannot be closed until CBP acquires real estate access from the land owners who have property behind the gates. Currently, CBP's TI budget only supports up to \$49M in maintenance and repair requirements through the Comprehensive Tactical Infrastructure & Maintenance and Repair (CTIMR) program. Through the CTIMR program, contractors perform routine and urgent work such as infrastructure preventative maintenance, fence, gate and grate repairs, roadway maintenance (blading, grading, drainage, structure clearing and silt removal, culvert replacement), vegetation control, and debris removal.

JUSTIFICATION

Efforts included in this budget request support the President's Executive Order to secure the Nation's border. Funding will be used to construct new roads, secure critical access points with gates and obtain real estate license agreements in the U.S. Border Patrol's highest priority area.

On average, CBP spends approximately \$49 million annually to maintain and repair its tactical infrastructure portfolio; however, this does not cover the entire requirement. An additional \$179 million is requested for new road construction and other tactical infrastructure needs. USBP continuously identifies new road construction requirements that are necessary to patrol and access the border to execute maintenance and repair needs. Approximately \$122 million of the funds requested will address operational

requirements for road construction across the southwest border in order to provide better, safer, and more efficient border access for the Border Patrol. Of the funds requested, \$57 million will allow CBP to acquire land necessary to install gates that complete an unfinished Pedestrian Fence 225 (PF225) project in the Rio Grande Valley. During PF 225, CBP constructed approximately 55 miles of pedestrian fence in the Rio Grande Valley Border Patrol Sector. To ensure no obstruction of the flood plain in that area, fencing was constructed north of the physical border, in some cases up to a mile. This required CBP to construct gates to allow both USBP and private land owners access to land south of the fence. Approximately half of the required gates have already been completed. However, the remaining 35 gaps in the fence cannot be gated until such time as CBP receives the funds required to address the real estate requirements associated with this project.

Key Milestone Events

- \$122M for new road construction
 - FY 2017 Q3 - Confirm USBP's prioritized new road construction requirements
 - FY 2017 Q4 - Obligate funding to USACE by the end of FY 2017
- \$57M for gates (other TI)
 - FY 2017 Q3 - Begin working with USACE to conduct title research for the RGV Gates Construction project in preparation for real estate acquisition and gate construction
 - FY 2017 Q4 - Obligate funding to USACE by the end of FY 2017 for construction activities

U.S. Immigration and Customs Enforcement

Operations and Support

Budget Amendment Funding Request

Dollars in Thousands

Organization Name	POA	FY 2017 Amendment Request		
		Pos.	FTE	Amount
U.S. Immigration and Customs Enforcement		97	122	\$ 1,237,212
Operations and Support		97	122	\$ 1,237,212
Mission Support	2017/2018	50	63	\$ 65,824
Homeland Security Investigations		47	59	\$ 15,136
Intelligence	2017/2018	47	59	\$ 15,136
Enforcement and Removal Operations				\$ 1,156,252
Custody Operations	2017/2018			\$ 994,914
Criminal Alien Program	2017/2018			\$ 5,000
Alternatives to Detention	2017/2018			\$ 57,392
Transportation and Removal Program	2017/2018			\$ 98,946

**U.S. Immigration and Customs Enforcement
Operations and Support
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017	FY 2017	FY 2018
	Amendment Request	Estimated First Year Funds	Estimated Second Year Funds
11.1 Full-time permanent	\$ 12,497	\$ 2,381	\$ 10,116
11.5 Other personnel compensation	\$ 214	\$ 40	\$ 174
12.1 Civilian personnel benefits	\$ 4,587	\$ 873	\$ 3,714
Total - Personnel Compensation and Benefits	\$ 17,298	\$ 3,294	\$ 14,004
Positions and FTE			
Positions - Civilian	97	97	97
FTE - Civilian	122	25	97

**U.S. Immigration and Customs Enforcement
Operations and Support
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 102,391	\$ 77,091	\$ 25,301
22.0 Transportation of Things	\$ 645	\$ 161	\$ 484
23.1 Rental Payments to GSA	\$ 2,674	\$ 1,179	\$ 1,494
23.2 Rental Payments to Others	\$ 40	\$ 20	\$ 20
23.3 Communications, Utilities, and Misc. Charges	\$ 822	\$ 340	\$ 482
25.1 Advisory and Assistance Services	\$ 44,837	\$ 14,050	\$ 30,787
25.2 Other Services from Non-Federal Sources	\$ 64,142	\$ 59,510	\$ 4,632
25.3 Other Goods and Services from Federal Sources	\$ 7,319	\$ 2,453	\$ 4,865
25.4 Operation and Maintenance of Facilities	\$ 994,913	\$ 830,030	\$ 164,883
25.7 Operation and Maintenance of Equipment	\$ 756	\$ 357	\$ 399
26.0 Supplies and Materials	\$ 264	\$ 102	\$ 162
31.0 Equipment	\$ 1,111	\$ 837	\$ 274
Total - Non Pay Object Classes	\$ 1,219,914	\$ 986,130	\$ 233,783

U.S. Immigration and Customs Enforcement Mission Support – O&S

ICE requests \$65.8 million for 50 Full-Time Positions (FTPs) and 63 Full-Time Equivalents (FTEs) (13 FTE in FY 2017 and 50 FTE in FY 2018) to begin developing a robust internal structure for the Office of Human Capital (OHC) and the Office of Professional Responsibility (OPR) that will support hiring the 10,000 law enforcement officers (LEO) and additional support personnel required to implement the Executive Orders. ICE requests that these funds be appropriated with a period of availability through September 30, 2018.

Pay: \$8.696 million

ICE will hire 50 positions, of which 37 are Human Resource (HR) Specialists in OHC and 13 are for OPR's Personnel Security Unit (PSU). The requested positions will be hired during the last quarter of FY 2017 and fully annualized in FY 2018.

According to the Society for Human Resource Management (SHRM), the recommended ratio of HR Specialists to agency employees within the federal government is 1:100. The 37 HR specialists requested in FY 2017 will provide ICE the administrative support for hiring its new personnel at this ratio, allowing OHC to meet the demands of the hiring surge. The HR specialists will be located at the Dallas and Laguna Niguel Service Centers, which are responsible for all administrative functions related to ICE LEO and support staff hiring.

OPR is the critical next step in the hiring process after an applicant is selected for employment. OPR PSU conducts and adjudicates suitability background investigations of contractor, law enforcement, and support personnel at ICE. The requested 13 PSU positions will allow OPR to promptly clear employees to support the EO hiring surge.

Non-Pay: \$57.128 million

During the remainder of FY 2017 and throughout FY 2018, OHC will increase its recruitment efforts by implementing a comprehensive "One Stop" hiring program, which will allow ICE to interview and begin pre-employment clearance to potential employees over multiple intensive three-day events. The "One Stop" events streamline the hiring process and reduce the time to hire law enforcement officers and support personnel. Starting these "One Stop" programs in FY 2017 is expected to generate a significant pool of applicants for ICE to hire and on-board beginning in FY 2018 as part of EO implementation.

Both OHC and OPR intend to dedicate a significant portion of the requested resources on temporary contractor support to meet the

initial demands of the hiring and background investigations for 10,000 law enforcement officers and associated support staff. The contract resources will allow ICE to complete timely hiring and on-boarding of all new employees.

Finally, ICE's request includes \$2 million to modernize its human capital information technology system to meet the demands of a modern workforce and manage a large increase in applications and personnel. In October 2016, the Department of Homeland Security Office of the Inspector General (OIG) released audit findings noting that ICE lacks a comprehensive automated system to efficiently process and track law enforcement applicants. To address the OIG recommendation, ICE will acquire and implement an end-to-end hiring solution that will track applicants through the entire hiring process. Investment in a new human capital system will significantly increase efficiencies in the hiring process, eliminate the need for the six different systems currently in place, and allow OHC to produce real-time reports.

**U.S. Immigration and Customs Enforcement
Mission Support – O&S
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017	FY 2017	FY 2018
	Amendment Request	Estimated First Year Funds	Estimated Second Year Funds
11.1 Full-time permanent	\$ 6,545	\$ 1,264	\$ 5,281
11.5 Other personnel compensation	\$ 65	\$ 12	\$ 53
12.1 Civilian personnel benefits	\$ 2,086	\$ 404	\$ 1,682
Total - Personnel Compensation and Benefits	\$ 8,696	\$ 1,680	\$ 7,016
Positions and FTE			
Positions - Civilian	50	50	50
FTE - Civilian	63	13	50

**U.S. Immigration and Customs Enforcement
Mission Support – O&S
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 1,834	\$ 452	\$ 1,382
22.0 Transportation of Things	\$ 645	\$ 161	\$ 484
23.1 Rental Payments to GSA	\$ 580	\$ 116	\$ 464
23.3 Communications, Utilities, and Misc. Charges	\$ 424	\$ 141	\$ 283
25.1 Advisory and Assistance Services	\$ 40,673	\$ 10,168	\$ 30,505
25.2 Other Services from Non-Federal Sources	\$ 6,191	\$ 1,832	\$ 4,359
25.3 Other Goods and Services from Federal Sources	\$ 6,002	\$ 1,546	\$ 4,456
25.7 Operation and Maintenance of Equipment	\$ 128	\$ 43	\$ 85
26.0 Supplies and Materials	\$ 100	\$ 20	\$ 80
31.0 Equipment	\$ 551	\$ 309	\$ 242
Total - Non Pay Object Classes	\$ 57,128	\$ 14,788	\$ 42,340

U.S. Immigration and Customs Enforcement Homeland Security Investigations – O&S

ICE requests \$15.136 million for 47 FTP and 59 FTE (12 FTE in FY 2017 and 47 FTE in FY 2018) to hire Intelligence Research Specialists (IRS), which annualize in FY 2018 to support HSI investigations of cases involving terrorism, illicit smuggling and contraband, child exploitation, and human trafficking in line with the priorities established by the Executive Order on Border Security and Immigration Enforcement Improvements (EO13767). ICE requests that these funds be appropriated with a period of availability through September 30, 2018.

Pay: \$8.602 million

The requested 47 IRS positions will be hired during the last quarter of FY 2017. Statistics has identified that investigations that utilize IRSs are more successful than investigations that do not. Counterpart agencies, such as DEA and FBI, have placed a greater emphasis on the use of intelligence analysts as a force multiplier. For example, the DEA has an intelligence analyst to Agent ratio of 1:1 and the FBI has an intelligence analyst to Agent of 1:6. The current ICE ratio is 1:12. Hiring the requested IRS positions will allow ICE to build to its eventual goal of reaching a 1:9 ratio.

As HSI strives to dismantle human smuggling organizations, it will deploy more intelligence analysts to support the work of agents in the field, particularly those surging to the Northern Triangle. ICE plans to increase its investigative hours dedicated to immigration-related crime by 20%. The 47 FTP will increase the number of investigations that receive Intelligence support. ICE will hire to regions that have most opportunity to benefit from additional IRS support.

Non-Pay: \$6.534 million

The requested non-pay funding of \$6.5 million are the general expenditures associated with on-boarding and annualizing 47 IRSs. These include training, furniture, and equipment.

**U.S. Immigration and Customs Enforcement
Homeland Security Investigations – O&S
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017	FY 2017	FY 2018
	Amendment Request	Estimated First Year Funds	Estimated Second Year Funds
11.1 Full-time permanent	\$ 5,952	\$ 1,117	\$ 4,835
11.5 Other personnel compensation	\$ 149	\$ 28	\$ 121
12.1 Civilian personnel benefits	\$ 2,501	\$ 469	\$ 2,032
Total - Personnel Compensation and Benefits	\$ 8,602	\$ 1,614	\$ 6,988
Positions and FTE			
Positions - Civilian	47	47	47
FTE - Civilian	59	12	47

U.S. Immigration and Customs Enforcement
Homeland Security Investigations – O&S
Non Pay by Object Class
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 212	\$ 105	\$ 107
23.1 Rental Payments to GSA	\$ 2,094	\$ 1,063	\$ 1,030
23.2 Rental Payments to Others	\$ 40	\$ 20	\$ 20
23.3 Communications, Utilities, and Misc. Charges	\$ 398	\$ 199	\$ 199
25.1 Advisory and Assistance Services	\$ 564	\$ 282	\$ 282
25.2 Other Services from Non-Federal Sources	\$ 559	\$ 286	\$ 273
25.3 Other Goods and Services from Federal Sources	\$ 1,317	\$ 907	\$ 409
25.7 Operation and Maintenance of Equipment	\$ 628	\$ 314	\$ 314
26.0 Supplies and Materials	\$ 164	\$ 82	\$ 82
31.0 Equipment	\$ 560	\$ 528	\$ 32
Total - Non Pay Object Classes	\$ 6,536	\$ 3,788	\$ 2,748

U.S. Immigration and Customs Enforcement Enforcement and Removal Operations – O&S

ICE requests \$1.16 billion, 0 FTP, and 0 FTEs for average daily population (ADP) detention needs in response to an increase in FY 2017 migrant apprehensions, and for an anticipated increase in apprehensions and detentions that will result from ICE implementation of the Administration's immigration-related Executive Orders. Included in this request is funding to increase the number of detention beds and associate removals, and expand the Alternatives to Detention (ATD) and 287(g) programs. ICE requests that these funds be appropriated with a period of availability through September 30, 2018.

Pay: \$0

All costs associated with the request for the Enforcement and Removal Operations PPA are non-pay.

Non-Pay: \$1.16 billion

Custody Operations - \$994.913 million

- ICE requests \$788.8 million to support an estimated FY 2017 ADP of 42,514 (including 40,014 adults at an average daily bed rate of \$132.54 and 2,500 families at an average daily bed rate of \$319.37) stemming from increased migrant flow experienced in the first half of FY 2017. As of March 4, 2017, ICE ADP was 41,005 (39,007 adults and 1,998 families).
- ICE requests an additional \$206.1 million to begin implementation of the Executive Orders' directive to detain all apprehended immigration violators from both the border and the interior. ICE estimates that this represents an additional ADP of 805 adults in FY 2017 (reaching 45,700 beds on September 30, 2017) and 3,220 adults in FY 2018. The resulting total ADP for FY 2017 will be 43,319 (40,819 adult and 2,500 family) while the FY 2018 ADP will be 54,599 (52,099 adult and 2,500 family) when combined with increases requested in the FY2018 Budget. The current ADP projection is attributed to increased interior enforcement efforts (Criminal Alien Program, Fugitive Operations, and the expanded 287(g) program), and an increase to the average length of stay (ALOS).
 - Since their issuance, the Executive Orders have led to increases in arrests (up 50%), charging document issuance (up 40%), and detainers (up 80%). ICE assumes that these upward trends will continue as the Executive Orders continue to be implemented.
 - Forty-seven percent of ICE's ADP is generated from interior enforcement efforts, while fifty-three percent is generated from border enforcement. The ALOS for those apprehended at the southwest is 27.4 days and 51.5 days for those

arrested during interior enforcement operations.

- There are multiple factors that will contribute to an increased ADP in FY 2017 and FY 2018.
 - Prior years of the Secure Communities initiative provided record numbers of removals. It is expected that the reinstatement of this initiative outlined in the EO will result in significant increases to interior apprehensions and removals.
 - In just the first six weeks since the issuance of the Executive Orders, the number of beds used to house aliens stemming from interior enforcement efforts has increased by over 2,000, representing a 12% increase and offsetting the decrease in the number of beds used by CBP for border enforcement.
 - Approximately 30,000 fugitive alien records will be re-enrolled in National Crime Information Center database that previously fell outside of ICE's priorities.
 - CBP is about to enter the historical high season in which border apprehensions increase significantly due to illegal aliens crossing the border to obtain agricultural and seasonal jobs. Border apprehensions are expected to account for X of the 43,319 average daily population in 2017.
 - 287g participation is slated to increase by 70% with the signing of at least 26 new agreements, many in locations with high foreign-national populations. Not only will this increase arrests from the program itself, there will be a significant number of Deportation Officers who previously worked Criminal Alien Program in these jurisdictions will be redeployed to other interior enforcement efforts.

Transportation and Removal Program (TRP) - \$98.946 million

- TRP requires \$98.9 million for transportation costs associated with the currently projected 54,599 ADP by FY 2018. The additional funding will support over 71,000 additional removals. The consistent increase in ADP requires an increase in resource support for TRP due to additional ground transportation movements across the network, final orders of removal by Executive Office for Immigration Review (EOIR), expedited removal orders, and voluntary returns.

Alternatives to Detention - \$57.392 million

- Because of the rise in migrant flow, ATD will need supplemental funding to sustain the additional participants who will be monitored on ATD. The requested \$57.4 million allows ATD's average daily participant level to reach 79,000 in FY 2017, which is 26,000 above initial estimates at the beginning of the fiscal year. As of March 6, 2017 the average FYTD participant count for ATD was 69,691.

287(g) Expansion - \$5.0 million

- The Executive Orders direct the expansion of the 287(g) program. Currently there are eight pending applications for local law enforcement agencies (LEA) to join the 287(g) program, and there are another eleven LEAs that have expressed interest in completing an application. ICE requests \$5 million for costs associated with oversight and compliance monitoring, IT infrastructure, and training. ICE plans to train approximately 98 additional state and local officers in FY 2017.

**U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations – O&S
Non Pay by Object Class**
Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 100,346	\$ 76,534	\$ 23,812
25.1 Advisory and Assistance Services	\$ 3,600	\$ 3,600	\$ -
25.2 Other Services from Non-Federal Sources	\$ 57,392	\$ 57,392	\$ -
25.4 Operation and Maintenance of Facilities	\$ 994,913	\$ 830,030	\$ 164,883
Total - Non Pay Object Classes	\$ 1,156,251	\$ 967,556	\$ 188,695

Federal Law Enforcement Training Centers

Operations and Support

Budget Amendment Funding Request

Dollars in Thousands

Organization Name	POA	FY 2017 Amendment Request		
		Pos.	FTE	Amount
Operations and Support		120	114	\$ 25,000
Mission Support	2017/2018	6	5	\$ 710
Law Enforcement Training	2017/2018	114	109	\$ 24,290

The Federal Law Enforcement Training Centers (FLETC) has identified requirements necessary to meet the anticipated surge in training resulting from U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) hiring associated with the Executive Order on Border Security and Immigration Enforcement Improvements and the Executive Order on Enhancing Public Safety in the Interior of the United States. To meet the intents of these Executive Orders, CBP will hire 5,000 Border Patrol Agents and ICE will hire 10,000 Immigration Officers. All of these new hires will require basic training at FLETC in either FLETC basic training programs or programs ICE and CBP conduct at FLETC training locations.

Based on information received from ICE and CBP, FLETC has developed cost estimates to meet the training needs associated with the hiring goals of the Executive Orders. These estimates include training costs, support staff costs, Instructor Training Program costs, PCS costs, information technology costs, and training support costs, and represent FLETC’s requirements regarding how to most efficiently and effectively execute a training surge.

To meet the requirements of the Executive Orders, FLETC must hire and train a sufficient amount of instructors in FY2017 to ensure an initial cadre of trained and certified instructors are on-board and ready to accommodate the surge. FLETC requests \$25M to obtain necessary staffing, equipment and services. The hiring and training of 120 positions (114 FTE – 15 FTE in FY 2017 and 99 FTE in FY 2018), to include instructors (\$13.9M), additional Instructor Training Program instructors (\$1.7M) and support staff (\$0.7M) is sufficient to start the additional training that will be necessary. Additional requirements, such as a non-emergency vehicle operating range at Artesia (\$1M), IT equipment and services (\$6.7M), PCS (\$0.3M) as well as increased training support costs (\$0.7M) are requested. FLETC requires funding in FY 2017 to hire instructors. These instructors will begin training Border Patrol Agents and ICE officers on October 1, 2017.

**Federal Law Enforcement Training Center
Operation and Support
Pay by Object Class**
Dollars in Thousands

Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
11.1 Full-time permanent	\$ 2,103	\$ 273	\$ 1,830
11.3 Other than full-time permanent	\$ 8,897	\$ 1,157	\$ 7,740
12.1 Civilian personnel benefits	\$ 5,488	\$ 673	\$ 4,815
Total - Personnel Compensation and Benefits	\$ 16,488	\$ 2,103	\$ 14,385
Positions and FTE			
Positions - Civilian	120	120	120
FTE - Civilian	114	15	99

NARRATIVE EXPLANATION- PAY COST DRIVERS:

Increased throughput of Border Patrol Agents and Immigration Officers drives pay costs. FLETC requires Law Enforcement Instructors as part of the Instructor Training Program (“train the trainer”) and Support Staff to prepare Law Enforcement Instructors to train the increased number of Border Patrol Agents and Immigration Officers. Pay cost drivers include salaries, benefits and PCS costs associated with hiring 120 positions, as follows:

- 12 Law Enforcement Instructors (Instructor Training Program)
- 6 Support Staff
- 102 Law Enforcement Instructors

**Federal Law Enforcement Training Center
Operations and Support
Non Pay by Object Class**

Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018 Estimated Second Year Funds
21.0 Travel and Transportation of Persons	\$ 126	\$ 126	
22.0 Transportation of Things	\$ 66	\$ 66	
23.3 Communications, Utilities, and Misc. Charges	\$ 495	\$ 495	
24.0 Printing	\$ 157	\$ 157	
25.2 Other Services from Non-Federal Sources	\$ 3,643	\$ 2,914	\$ 729
26.0 Supplies and Materials	\$ 267	\$ 267	
31.0 Equipment	\$ 2,758	\$ 2,206	\$ 552
32.0 Land and Structures	\$ 1,000	\$ 1,000	
Total - Non Pay Object Classes	\$ 8,512	\$ 7,231	\$ 1,281

NARRATIVE EXPLANATION– NON-PAY COST DRIVERS:

Non-Pay cost drivers include a non-emergency vehicle operating range at FLETC’s Artesia campus (\$1M), additional information technology equipment and services associated with the increase in staff, additional facilities, and increased training requirements. Increased training support services, such as transportation, uniforms, and practical exercise equipment are additionally requested.

- **Service Contracts** – The increase in goods and services contracts of \$6.5M is attributed to increased services needed to accommodate the training surge associated with the President’s Executive Orders. The FY 2017 request support contracts consists of services such as:

- IT Services \$6.0M
- Transportation \$0.1M

- Practical Exercise Equipment \$0.1M
- Janitorial \$0.3M

- **Supplies and Equipment** – The increase in supplies and equipment of \$1.1M is attributed to increased equipment needs associated with the President’s Executive Orders. The FY 2017 request consists of:
 - IT Equipment/Supplies \$0.8M
 - Practical Exercise Equipment \$0.1M
 - Uniforms \$0.2M

**Federal Law Enforcement Training Centers
Procurement, Construction, and Improvements**

Budget Amendment Funding Request

Dollars in Thousands

Organization Name	POA	FY 2017 Amendment Request Amount
Procurement, Construction, and Improvements		\$ 63,000
Construction and Facility Improvements	2017/2021	\$ 63,000

The Federal Law Enforcement Training Centers (FLETC) has identified requirements necessary to meet the anticipated surge in training resulting from U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) hiring associated with the Executive Order on Border Security and Immigration Enforcement Improvements and the Executive Order on Enhancing Public Safety in the Interior of the United States. To meet the intents of these Executive Orders, CBP will hire 5,000 Border Patrol Agents and ICE will hire 10,000 Immigration Officers. All of these new hires will require basic training at FLETC in either FLETC basic training programs or programs ICE and CBP conduct at FLETC training locations.

Based on information received from ICE and CBP, FLETC has identified facility requirements and developed cost estimates to meet the training needs associated with the hiring goals of the Executive Orders. These estimates include modular dormitories, modular classrooms, modular offices, and improvements to the existing water/sewer system, and represent FLETC’s preliminary requirements to begin the anticipated training surge.

**Federal Law Enforcement Training Centers
Procurement, Construction, and Improvements
Non Pay by Object Class**

Dollars in Thousands

Non-Pay Object Classes	FY 2017 Amendment Request	FY 2017 Estimated First Year Funds	FY 2018-2021 Estimated Out Year Funds
32.0 Land and Structures	\$ 63,000	\$ 60,900	\$ 2,100
Total - Non Pay Object Classes	\$ 63,000	\$ 60,900	\$ 2,100

Executive Order Training Surge

Initiative Description

This project initiates the necessary capacity build out to execute the training required by the Executive Order on Border Security and Immigration Enforcement Improvements and the Executive Order on Enhancing Public Safety in the Interior of the United States.

Justification

FLETC is currently operating at historically high training levels, which leaves little to no excess capacity. Accordingly, FLETC’s current operational capacity is insufficient to accommodate the training surge required to meet the requirements of the President’s Executive Orders. FLETC has identified a need for additional facilities, and will construct temporary / modular training and administrative venues that will efficiently ensure capacity to deliver high quality training.

To meet the requirements of the Executive Orders, FLETC must increase capacity in several areas, including training facilities, housing, and office space. In order to begin execution of the training surge in FY 2018, a portion of these facilities must be in place and operational. To meet this need, FLETC requests \$63M in PC&I funding to build/place 3 modular dormitories (\$48.7M), modular classrooms (\$10.2M), and modular office space (\$2M), as well as make necessary upgrades/repairs to the existing water/sewer system (\$2.1M) at FLETC’s Glynco campus, which is anticipated to be spent in FY 2018. The modular dormitories, classrooms, and office space have a useful life span of approximately 15 years.

Key Milestone Events

- Modular Classrooms and Offices

Milestone #1: Funding allocation by May 1, 2017.

Milestone #2: Contract award by September 11, 2017.

Milestone #3: Design, shipping and assembly of modular units from September 12, 2017 to January 22, 2018.

Milestone #4: Completed and usable facilities (classrooms and office spaces) by February 1, 2018.

- Modular Dormitories

Milestone #1: Funding allocation by May 1, 2017.

Milestone #2: Contract award by September 26, 2017.

Milestone #3: Construction of dormitories from September 27, 2017 to May 31, 2018.

Milestone #4: Completed and usable facilities (dormitories) by May 31, 2018.

- Water/Sewer System Enhancements

Milestone #1: Utility contract in place by October 1, 2017.

Milestone #2: Funding allocation by January 1, 2018.

Milestone #3: Contract award by April 1, 2018.

Milestone #4: Completed and usable facilities (lift stations) by June 1, 2018.



Homeland Security

February 20, 2017

MEMORANDUM FOR:

Kevin McAleenan
Acting Commissioner
U.S. Customs and Border Protection

Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement

Lori Scialabba
Acting Director
U.S. Citizenship and Immigration Services

Joseph B. Maher
Acting General Counsel

Dimple Shah
Acting Assistant Secretary for International Affairs

Chip Fulghum
Acting Undersecretary for Management

FROM:

John Kelly
Secretary

A handwritten signature in black ink, appearing to read "John Kelly", written over the printed name and title.

SUBJECT:

**Implementing the President's Border Security and
Immigration Enforcement Improvements Policies**

This memorandum implements the Executive Order entitled "Border Security and Immigration Enforcement Improvements," issued by the President on January 25, 2017, which establishes the President's policy regarding effective border security and immigration enforcement through faithful execution of the laws of the United States. It implements new policies designed to stem illegal immigration and facilitate the detection, apprehension, detention, and removal of aliens who have no lawful basis to enter or remain in the United States. It constitutes guidance to all Department personnel, and supersedes all existing conflicting policy, directives, memoranda, and other guidance regarding this subject matter—to the extent of the conflict—except as otherwise expressly stated in this memorandum.

A. Policies Regarding the Apprehension and Detention of Aliens Described in Section 235 of the Immigration and Nationality Act.

The President has determined that the lawful detention of aliens arriving in the United States and deemed inadmissible or otherwise described in section 235(b) of the Immigration and Nationality Act (INA) pending a final determination of whether to order them removed, including determining eligibility for immigration relief, is the most efficient means by which to enforce the immigration laws at our borders. Detention also prevents such aliens from committing crimes while at large in the United States, ensures that aliens will appear for their removal proceedings, and substantially increases the likelihood that aliens lawfully ordered removed will be removed.

These policies are consistent with INA provisions that mandate detention of such aliens and allow me or my designee to exercise discretionary parole authority pursuant to section 212(d)(5) of the INA only on a case-by-case basis, and only for urgent humanitarian reasons or significant public benefit. Policies that facilitate the release of removable aliens apprehended at and between the ports of entry, which allow them to abscond and fail to appear at their removal hearings, undermine the border security mission. Such policies, collectively referred to as “catch-and-release,” shall end.

Accordingly, effective upon my determination of (1) the establishment and deployment of a joint plan with the Department of Justice to surge the deployment of immigration judges and asylum officers to interview and adjudicate claims asserted by recent border entrants; and, (2) the establishment of appropriate processing and detention facilities, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) personnel should only release from detention an alien detained pursuant to section 235(b) of the INA, who was apprehended or encountered after illegally entering or attempting to illegally enter the United States, in the following situations on a case-by-case basis, to the extent consistent with applicable statutes and regulations:

1. When removing the alien from the United States pursuant to statute or regulation;
2. When the alien obtains an order granting relief or protection from removal or the Department of Homeland Security (DHS) determines that the individual is a U.S. citizen, national of the United States, or an alien who is a lawful permanent resident, refugee, asylee, holds temporary protected status, or holds a valid immigration status in the United States;
3. When an ICE Field Office Director, ICE Special Agent-in-Charge, U.S. Border Patrol Sector Chief, CBP Director of Field Operations, or CBP Air & Marine Operations Director consents to the alien’s withdrawal of an application for admission, and the alien contemporaneously departs from the United States;
4. When required to do so by statute, or to comply with a binding settlement agreement or order issued by a competent judicial or administrative authority;

5. When an ICE Field Office Director, ICE Special Agent-in-Charge, U.S. Border Patrol Sector Chief, CBP Director of Field Operations, or CBP Air & Marine Operations Director authorizes the alien's parole pursuant to section 212(d)(5) of the INA with the written concurrence of the Deputy Director of ICE or the Deputy Commissioner of CBP, except in exigent circumstances such as medical emergencies where seeking prior approval is not practicable. In those exceptional instances, any such parole will be reported to the Deputy Director or Deputy Commissioner as expeditiously as possible; or
6. When an arriving alien processed under the expedited removal provisions of section 235(b) has been found to have established a "credible fear" of persecution or torture by an asylum officer or an immigration judge, provided that such an alien affirmatively establishes to the satisfaction of an ICE immigration officer his or her identity, that he or she presents neither a security risk nor a risk of absconding, and provided that he or she agrees to comply with any additional conditions of release imposed by ICE to ensure public safety and appearance at any removal hearings.

To the extent current regulations are inconsistent with this guidance, components will develop or revise regulations as appropriate. Until such regulations are revised or removed, Department officials shall continue to operate according to regulations currently in place.

As the Department works to expand detention capabilities, detention of all such individuals may not be immediately possible, and detention resources should be prioritized based upon potential danger and risk of flight if an individual alien is not detained, and parole determinations will be made in accordance with current regulations and guidance. *See* 8 C.F.R. §§ 212.5, 235.3. This guidance does not prohibit the return of an alien who is arriving on land to the foreign territory contiguous to the United States from which the alien is arriving pending a removal proceeding under section 240 of the INA consistent with the direction of an ICE Field Office Director, ICE Special Agent-in-Charge, CBP Chief Patrol Agent, or CBP Director of Field Operations.

B. Hiring More CBP Agents/Officers

CBP has insufficient agents/officers to effectively detect, track, and apprehend all aliens illegally entering the United States. The United States needs additional agents and officers to ensure complete operational control of the border. Accordingly, the Commissioner of CBP shall—while ensuring consistency in training and standards—immediately begin the process of hiring 5,000 additional Border Patrol agents, as well as 500 Air & Marine Agents/Officers, subject to the availability of resources, and take all actions necessary to ensure that such agents/officers enter on duty and are assigned to appropriate duty stations, including providing for the attendant resources and additional personnel necessary to support such agents, as soon as practicable.

Human Capital leadership in CBP and ICE, in coordination with the Under Secretary for

Management, Chief Financial Officer, and Chief Human Capital Officer, shall develop hiring plans that balance growth and interagency attrition by integrating workforce shaping and career paths for incumbents and new hires.

C. Identifying and Quantifying Sources of Aid to Mexico

The President has directed the heads of all executive departments to identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico. Accordingly, the Under Secretary for Management shall identify all sources of direct or indirect aid and assistance, excluding intelligence activities, from every departmental component to the Government of Mexico on an annual basis, for the last five fiscal years, and quantify such aid or assistance. The Under Secretary for Management shall submit a report to me reflecting historic levels of such aid or assistance provided annually within 30 days of the date of this memorandum.

D. Expansion of the 287(g) Program in the Border Region

Section 287(g) of the INA authorizes me to enter into a written agreement with a state or political subdivision thereof, for the purpose of authorizing qualified officers or employees of the state or subdivision to perform the functions of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States. This grant of authority, known as the 287(g) Program, has been a highly successful force multiplier that authorizes state or local law enforcement personnel to perform all law enforcement functions specified in section 287(a) of the INA, including the authority to investigate, identify, apprehend, arrest, detain, transport and conduct searches of an alien for the purposes of enforcing the immigration laws. From January 2006 through September 2015, the 287(g) Program led to the identification of more than 402,000 removable aliens, primarily through encounters at local jails.

Empowering state and local law enforcement agencies to assist in the enforcement of federal immigration law is critical to an effective enforcement strategy. Aliens who engage in criminal conduct are priorities for arrest and removal and will often be encountered by state and local law enforcement officers during the course of their routine duties. It is in the interest of the Department to partner with those state and local jurisdictions through 287(g) agreements to assist in the arrest and removal of criminal aliens.

To maximize participation by state and local jurisdictions in the enforcement of federal immigration law near the southern border, I am directing the Director of ICE and the Commissioner of CBP to engage immediately with all willing and qualified law enforcement jurisdictions that meet all program requirements for the purpose of entering into agreements under 287(g) of the INA.

The Commissioner of CBP and the Director of ICE should consider the operational functions and capabilities of the jurisdictions willing to enter into 287(g) agreements and structure such agreements in a manner that employs the most effective enforcement model for that jurisdiction, including the jail enforcement model, task force officer model, or joint jail enforcement-task force officer model. In furtherance of my direction herein, the Commissioner of

CBP is authorized, in addition to the Director of ICE, to accept state services and take other actions as appropriate to carry out immigration enforcement pursuant to 287(g).

E. Commissioning a Comprehensive Study of Border Security

The Under Secretary for Management, in consultation with the Commissioner of CBP, Joint Task Force (Border), and Commandant of the Coast Guard, is directed to commission an immediate, comprehensive study of the security of the southern border (air, land and maritime) to identify vulnerabilities and provide recommendations to enhance border security. The study should include all aspects of the current border security environment, including the availability of federal and state resources to develop and implement an effective border security strategy that will achieve complete operational control of the border.

F. Border Wall Construction and Funding

A wall along the southern border is necessary to deter and prevent the illegal entry of aliens and is a critical component of the President's overall border security strategy. Congress has authorized the construction of physical barriers and roads at the border to prevent illegal immigration in several statutory provisions, including section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended, 8 U.S.C. § 1103 note.

Consistent with the President's Executive Order, the will of Congress and the need to secure the border in the national interest, CBP, in consultation with the appropriate executive departments and agencies, and nongovernmental entities having relevant expertise—and using materials originating in the United States to the maximum extent permitted by law—shall immediately begin planning, design, construction and maintenance of a wall, including the attendant lighting, technology (including sensors), as well as patrol and access roads, along the land border with Mexico in accordance with existing law, in the most appropriate locations and utilizing appropriate materials and technology to most effectively achieve operational control of the border.

The Under Secretary for Management, in consultation with the Commissioner of CBP shall immediately identify and allocate all sources of available funding for the planning, design, construction and maintenance of a wall, including the attendant lighting, technology (including sensors), as well as patrol and access roads, and develop requirements for total ownership cost of this project, including preparing Congressional budget requests for the current fiscal year (e.g., supplemental budget requests) and subsequent fiscal years.

G. Expanding Expedited Removal Pursuant to Section 235(b)(1)(A)(iii)(I) of the INA

It is in the national interest to detain and expeditiously remove from the United States aliens apprehended at the border, who have been ordered removed after consideration and denial of their claims for relief or protection. Pursuant to section 235(b)(1)(A)(i) of the INA, if an immigration officer determines that an arriving alien is inadmissible to the United States under

section 212(a)(6)(C) or section 212(a)(7) of the INA, the officer shall, consistent with all applicable laws, order the alien removed from the United States without further hearing or review, unless the alien is an unaccompanied alien child as defined in 6 U.S.C. § 279(g)(2), indicates an intention to apply for asylum or a fear of persecution or torture or a fear of return to his or her country, or claims to have a valid immigration status within the United States or to be a citizen or national of the United States.

Pursuant to section 235(b)(1)(A)(iii)(I) of the INA and other provisions of law, I have been granted the authority to apply, by designation in my sole and unreviewable discretion, the expedited removal provisions in section 235(b)(1)(A)(i) and (ii) of the INA to aliens who have not been admitted or paroled into the United States, who are inadmissible to the United States under section 212(a)(6)(C) or section 212(a)(7) of the INA, and who have not affirmatively shown, to the satisfaction of an immigration officer, that they have been continuously physically present in the United States for the two-year period immediately prior to the determination of their inadmissibility. To date, this authority has only been exercised to designate for application of expedited removal, aliens encountered within 100 air miles of the border and 14 days of entry, and aliens who arrived in the United States by sea other than at a port of entry.¹

The surge of illegal immigration at the southern border has overwhelmed federal agencies and resources and has created a significant national security vulnerability to the United States. Thousands of aliens apprehended at the border, placed in removal proceedings, and released from custody have absconded and failed to appear at their removal hearings. Immigration courts are experiencing a historic backlog of removal cases, primarily proceedings under section 240 of the INA for individuals who are not currently detained.

During October 2016 and November 2016, there were 46,184 and 47,215 apprehensions, respectively, between ports of entry on our southern border. In comparison, during October 2015 and November 2015 there were 32,724 and 32,838 apprehensions, respectively, between ports of entry on our southern border. This increase of 10,000–15,000 apprehensions per month has significantly strained DHS resources.

Furthermore, according to EOIR information provided to DHS, there are more than 534,000 cases currently pending on immigration court dockets nationwide—a record high. By contrast, according to some reports, there were nearly 168,000 cases pending at the end of fiscal year (FY) 2004 when section 235(b)(1)(A)(i) was last expanded.² This represents an increase of more than 200% in the number of cases pending completion. The average removal case for an alien who is not detained has been pending for more than two years before an immigration judge.³ In some immigration courts, aliens who are not detained will not have their cases heard by an

¹ Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(a)(iii) of the Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002); Designating Aliens For Expedited Removal, 69 Fed. Reg. 48877 (Aug. 11, 2004); Eliminating Exception to Expedited Removal Authority for Cuban Nationals Encountered in the United States or Arriving by Sea, 82 Fed. Reg. 4902 (Jan. 17, 2017).

² Syracuse University, *Transactional Records Access Clearinghouse (TRAC) Data Research*; available at http://trac.syr.edu/phptools/immigration/court_backlog/.

³ *Id.*

immigration judge for as long as five years. This unacceptable delay affords removable aliens with no plausible claim for relief to remain unlawfully in the United States for many years.

To ensure the prompt removal of aliens apprehended soon after crossing the border illegally, the Department will publish in the *Federal Register* a new Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(a)(iii) of the Immigration and Nationality Act, which may, to the extent I determine is appropriate, depart from the limitations set forth in the designation currently in force. I direct the Commissioner of CBP and the Director of ICE to conform the use of expedited removal procedures to the designations made in this notice upon its publication.

H. Implementing the Provisions of Section 235(b)(2)(C) of the INA to Return Aliens to Contiguous Countries

Section 235(b)(2)(C) of the INA authorizes the Department to return aliens arriving on land from a foreign territory contiguous to the United States, to the territory from which they arrived, pending a formal removal proceeding under section 240 of the INA. When aliens so apprehended do not pose a risk of a subsequent illegal entry or attempted illegal entry, returning them to the foreign contiguous territory from which they arrived, pending the outcome of removal proceedings saves the Department's detention and adjudication resources for other priority aliens.

Accordingly, subject to the requirements of section 1232, Title 8, United States Code, related to unaccompanied alien children and to the extent otherwise consistent with the law and U.S. international treaty obligations, CBP and ICE personnel shall, to the extent appropriate and reasonably practicable, return aliens described in section 235(b)(2)(A) of the INA, who are placed in removal proceedings under section 240 of the INA—and who, consistent with the guidance of an ICE Field Office Director, CBP Chief Patrol Agent, or CBP Director of Field Operations, pose no risk of recidivism—to the territory of the foreign contiguous country from which they arrived pending such removal proceedings.

To facilitate the completion of removal proceedings for aliens so returned to the contiguous country, ICE Field Office Directors, ICE Special Agents-in-Charge, CBP Chief Patrol Agent, and CBP Directors of Field Operations shall make available facilities for such aliens to appear via video teleconference. The Director of ICE and the Commissioner of CBP shall consult with the Director of EOIR to establish a functional, interoperable video teleconference system to ensure maximum capability to conduct video teleconference removal hearings for those aliens so returned to the contiguous country.

I. Enhancing Asylum Referrals and Credible Fear Determinations Pursuant to Section 235(b)(1) of the INA

With certain exceptions, any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum. For those aliens who are subject

to expedited removal under section 235(b) of the INA, aliens who claim a fear of return must be referred to an asylum officer to determine whether they have established a credible fear of persecution or torture.⁴ To establish a credible fear of persecution, an alien must demonstrate that there is a “significant possibility” that the alien could establish eligibility for asylum, taking into account the credibility of the statements made by the alien in support of the claim and such other facts as are known to the officer.⁵

The Director of USCIS shall ensure that asylum officers conduct credible fear interviews in a manner that allows the interviewing officer to elicit all relevant information from the alien as is necessary to make a legally sufficient determination. In determining whether the alien has demonstrated a significant possibility that the alien could establish eligibility for asylum, or for withholding or deferral of removal under the Convention Against Torture, the asylum officer shall consider the statements of the alien and determine the credibility of the alien’s statements made in support of his or her claim and shall consider other facts known to the officer, as required by statute.⁶

The asylum officer shall make a positive credible fear finding only after the officer has considered all relevant evidence and determined, based on credible evidence, that the alien has a significant possibility of establishing eligibility for asylum, or for withholding or deferral of removal under the Convention Against Torture, based on established legal authority.⁷

The Director of USCIS shall also increase the operational capacity of the Fraud Detection and National Security (FDNS) Directorate and continue to strengthen the integration of its operations to support the Field Operations, Refugee, Asylum, and International Operations, and Service Center Operations Directorate, to detect and prevent fraud in the asylum and benefits adjudication processes, and in consultation with the USCIS Office of Policy and Strategy as operationally appropriate.

The Director of USCIS, the Commissioner of CBP, and the Director of ICE shall review fraud detection, deterrence, and prevention measures throughout their respective agencies and provide me with a consolidated report within 90 days of the date of this memorandum regarding fraud vulnerabilities in the asylum and benefits adjudication processes, and propose measures to enhance fraud detection, deterrence, and prevention in these processes.

J. Allocation of Resources and Personnel to the Southern Border for Detention of Aliens and Adjudication of Claims

The detention of aliens apprehended at the border is critical to the effective enforcement of the immigration laws. Aliens who are released from custody pending a determination of their removability are highly likely to abscond and fail to attend their removal hearings. Moreover, the screening of credible fear claims by USCIS and adjudication of asylum claims by EOIR at

⁴ See INA § 235(b)(1)(A)-(B); 8 C.F.R. §§ 235.3, 208.30.

⁵ See INA § 235(b)(1)(B)(v).

⁶ See *id.*

⁷ *Id.*

detention facilities located at or near the point of apprehension will facilitate an expedited resolution of those claims and result in lower detention and transportation costs.

Accordingly, the Director of ICE and the Commissioner of CBP should take all necessary action and allocate all available resources to expand their detention capabilities and capacities at or near the border with Mexico to the greatest extent practicable. CBP shall focus these actions on expansion of “short-term detention” (defined as 72 hours or less under 6 U.S.C. § 211(m)) capability, and ICE will focus these actions on expansion of all other detention capabilities. CBP and ICE should also explore options for joint temporary structures that meet appropriate standards for detention given the length of stay in those facilities.

In addition, to the greatest extent practicable, the Director of USCIS is directed to increase the number of asylum officers and FDNS officers assigned to detention facilities located at or near the border with Mexico to properly and efficiently adjudicate credible fear and reasonable fear claims and to counter asylum-related fraud.

K. Proper Use of Parole Authority Pursuant to Section 212(d)(5) of the INA

The authority to parole aliens into the United States is set forth in section 212(d)(5) of the INA, which provides that the Secretary may, in his discretion and on a case-by-case basis, temporarily parole into the United States any alien who is an applicant for admission for urgent humanitarian reasons or significant public benefit. The statutory language authorizes parole in individual cases only where, after careful consideration of the circumstances, it is necessary because of demonstrated urgent humanitarian reasons or significant public benefit. In my judgment, such authority should be exercised sparingly.

The practice of granting parole to certain aliens in pre-designated categories in order to create immigration programs not established by Congress, has contributed to a border security crisis, undermined the integrity of the immigration laws and the parole process, and created an incentive for additional illegal immigration.

Therefore, the Director of USCIS, the Commissioner of CBP, and the Director of ICE shall ensure that, pending the issuance of final regulations clarifying the appropriate use of the parole power, appropriate written policy guidance and training is provided to employees within those agencies exercising parole authority, including advance parole, so that such employees are familiar with the proper exercise of parole under section 212(d)(5) of the INA and exercise such parole authority only on a case-by-case basis, consistent with the law and written policy guidance.

Notwithstanding any other provision of this memorandum, pending my further review and evaluation of the impact of operational changes to implement the Executive Order, and additional guidance on the issue by the Director of ICE, the ICE policy directive establishing standards and procedures for the parole of certain arriving aliens found to have a credible fear of persecution or

torture shall remain in full force and effect.⁸ The ICE policy directive shall be implemented in a manner consistent with its plain language. In every case, the burden to establish that his or her release would neither pose a danger to the community, nor a risk of flight remains on the individual alien, and ICE retains ultimate discretion whether it grants parole in a particular case.

L. Proper Processing and Treatment of Unaccompanied Alien Minors Encountered at the Border

In accordance with section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (codified in part at 8 U.S.C. § 1232) and section 462 of the Homeland Security Act of 2002 (6 U.S.C. § 279), unaccompanied alien children are provided special protections to ensure that they are properly processed and receive the appropriate care and placement when they are encountered by an immigration officer. An unaccompanied alien child, as defined in section 279(g)(2), Title 6, United States Code, is an alien who has no lawful immigration status in the United States, has not attained 18 years of age; and with respect to whom, (1) there is no parent or legal guardian in the United States, or (2) no parent of legal guardian in the United States is available to provide care and physical custody.

Approximately 155,000 unaccompanied alien children have been apprehended at the southern border in the last three years. Most of these minors are from El Salvador, Honduras, and Guatemala, many of whom travel overland to the southern border with the assistance of a smuggler who is paid several thousand dollars by one or both parents, who reside illegally in the United States.

With limited exceptions, upon apprehension, CBP or ICE must promptly determine if a child meets the definition of an “unaccompanied alien child” and, if so, the child must be transferred to the custody of the Office of Refugee Resettlement within the Department of Health and Human Services (HHS) within 72 hours, absent exceptional circumstances.⁹ The determination that the child is an “unaccompanied alien child” entitles the child to special protections, including placement in a suitable care facility, access to social services, removal proceedings before an immigration judge under section 240 of the INA, rather than expedited removal proceedings under section 235(b) of the INA, and initial adjudication of any asylum claim by USCIS.¹⁰

Approximately 60% of minors initially determined to be “unaccompanied alien children” are placed in the care of one or more parents illegally residing in the United States. However, by Department policy and practice, such minors maintained their status as “unaccompanied alien children,” notwithstanding that they may no longer meet the statutory definition once they have been placed by HHS in the custody of a parent in the United States who can care for the minor. Exploitation of that policy led to abuses by many of the parents and legal guardians of those minors and has contributed to significant administrative delays in adjudications by immigration

⁸ ICE Policy No. 11002.1: Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture (Dec. 8, 2009).

⁹ See 8 U.S.C. § 1232(b)(3).

¹⁰ See generally 8 U.S.C. § 1232; INA § 208(b)(3)(C).

courts and USCIS.

To ensure identification of abuses and the processing of unaccompanied alien children consistent with the statutory framework and any applicable court order, the Director of USCIS, the Commissioner of CBP, and the Director of ICE are directed to develop uniform written guidance and training for all employees and contractors of those agencies regarding the proper processing of unaccompanied alien children, the timely and fair adjudication of their claims for relief from removal, and, if appropriate, their safe repatriation at the conclusion of removal proceedings. In developing such guidance and training, they shall establish standardized review procedures to confirm that alien children who are initially determined to be “unaccompanied alien child[ren],” as defined in section 279(g)(2), Title 6, United States Code, continue to fall within the statutory definition when being considered for the legal protections afforded to such children as they go through the removal process.

M. Accountability Measures to Protect Alien Children from Exploitation and Prevent Abuses of Our Immigration Laws

Although the Department’s personnel must process unaccompanied alien children pursuant to the requirements described above, we have an obligation to ensure that those who conspire to violate our immigration laws do not do so with impunity—particularly in light of the unique vulnerabilities of alien children who are smuggled or trafficked into the United States.

The parents and family members of these children, who are often illegally present in the United States, often pay smugglers several thousand dollars to bring their children into this country. Tragically, many of these children fall victim to robbery, extortion, kidnapping, sexual assault, and other crimes of violence by the smugglers and other criminal elements along the dangerous journey through Mexico to the United States. Regardless of the desires for family reunification, or conditions in other countries, the smuggling or trafficking of alien children is intolerable.

Accordingly, the Director of ICE and the Commissioner of CBP shall ensure the proper enforcement of our immigration laws against any individual who—directly or indirectly—facilitates the illegal smuggling or trafficking of an alien child into the United States. In appropriate cases, taking into account the risk of harm to the child from the specific smuggling or trafficking activity that the individual facilitated and other factors relevant to the individual’s culpability and the child’s welfare, proper enforcement includes (but is not limited to) placing any such individual who is a removable alien into removal proceedings, or referring the individual for criminal prosecution.

N. Prioritizing Criminal Prosecutions for Immigration Offenses Committed at the Border

The surge of illegal immigration at the southern border has produced a significant increase in organized criminal activity in the border region. Mexican drug cartels, Central American gangs, and other violent transnational criminal organizations have established sophisticated criminal

enterprises on both sides of the border. The large-scale movement of Central Americans, Mexicans, and other foreign nationals into the border area has significantly strained federal agencies and resources dedicated to border security. These criminal organizations have monopolized the human trafficking, human smuggling, and drug trafficking trades in the border region.

It is in the national interest of the United States to prevent criminals and criminal organizations from destabilizing border security through the proliferation of illicit transactions and violence perpetrated by criminal organizations.

To counter this substantial and ongoing threat to the security of the southern border—including threats to our maritime border and the approaches—the Directors of the Joint Task Forces-West, -East, and -Investigations, as well as the ICE-led Border Enforcement Security Task Forces (BESTs), are directed to plan and implement enhanced counternetwork operations directed at disrupting transnational criminal organizations, focused on those involved in human smuggling. The Department will support this work through the Office of Intelligence and Analysis, CBP's National Targeting Center, and the DHS Human Smuggling Cell.

In addition, the task forces should include participants from other federal, state, and local agencies, and should target individuals and organizations whose criminal conduct undermines border security or the integrity of the immigration system, including offenses related to alien smuggling or trafficking, drug trafficking, illegal entry and reentry, visa fraud, identity theft, unlawful possession or use of official documents, and acts of violence committed against persons or property at or near the border.

In order to support the efforts of the BESTs and counter network operations of the Joint Task Forces, the Director of ICE shall increase the number of special agents and analysts in the Northern Triangle ICE Attaché Offices and increase the number of vetted Transnational Criminal Investigative Unit international partners. This expansion of ICE's international footprint will focus both domestic and international efforts to dismantle transnational criminal organizations that are facilitating and profiting from the smuggling routes to the United States.

O. Public Reporting of Border Apprehensions Data

The Department has an obligation to perform its mission in a transparent and forthright manner. The public is entitled to know, with a reasonable degree of detail, information pertaining to the aliens unlawfully entering at our borders.

Therefore, consistent with law, in an effort to promote transparency and renew confidence in the Department's border security mission, the Commissioner of CBP and the Director of ICE shall develop a standardized method for public reporting of statistical data regarding aliens apprehended at or near the border for violating the immigration law. The reporting method shall include uniform terminology and shall utilize a format that is easily understandable by the public in a medium that can be readily accessed.

At a minimum, in addition to statistical information currently being publicly reported regarding apprehended aliens, the following information must be included: the number of convicted criminals and the nature of their offenses; the prevalence of gang members and prior immigration violators; the custody status of aliens and, if released, the reason for release and location of that release; and the number of aliens ordered removed and those aliens physically removed.

P. No Private Right of Action

This document provides only internal DHS policy guidance, which may be modified, rescinded, or superseded at any time without notice. This guidance is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigation prerogatives of DHS.

In implementing this guidance, I direct DHS Components to consult with legal counsel to ensure compliance with all applicable laws, including the Administrative Procedure Act.



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One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

February 22, 2017

The Honorable John F. Kelly
Secretary
U.S. Department of Homeland Security
245 Murray Lane S.W.
Washington, D.C. 20528

Dear Secretary Kelly:

We read with great concern your February 20, 2017 memoranda providing implementation guidance for President Trump's Executive Orders, "Border Security and Immigration Enforcement Improvements" and "Enhancing Public Safety in the Interior of the United States." We are writing to obtain information about the Department of Homeland Security's plans for implementing some of the most troubling provisions of these Executive Orders and look forward to regular, ongoing oversight of the Department's implementation of the Executive Orders, which we believe are contrary to good public safety and national security policy and our American values.

Accordingly, pursuant to Rule X and Rule XI of the House of Representatives, please respond to the following questions in writing by March 8, 2017.

Your memoranda require Department personnel to prioritize the removal of anyone who has been convicted of or charged with any criminal offense or has committed acts that constitute any chargeable offense. These criteria could make the vast majority of those in the U.S. without status - perhaps 8 million people - a priority for removal. If everyone is a priority, then no one is a priority and those who pose a public safety or national security threat may be left in our communities while those who do not may be removed.

- Given that U.S. Immigration and Customs Enforcement (ICE) is resourced to remove about 400,000 individuals each year, how will ICE prioritize enforcement actions against the millions who are now a priority pursuant to the Executive Orders?
- How will ICE ensure that those who pose public safety or national security threats are prioritized over those who do not?
- Please provide copies of any guidance documents to officers and agents in the field regarding implementing this provision.

- Will states be permitted to use National Guard personnel pursuant to 287(g) agreements?
- What specific authorities will 287(g) program participants have with respect to enforcing immigration law?
- Does DHS have documented objectives for the 287(g) program? If so, please provide a copy of this documentation. If not, when will it be available?
- How will DHS supervise 287(g) program participants to ensure they comply with program requirements and agreements?
- What data will program participants be required to report to ICE? How frequently will reporting be required?
- What is the estimated annual cost of the program?
- Please provide copies of 287(g) agreements for each of the models DHS will offer to program participants.

Furthermore, your memoranda direct the Under Secretary for Management, in consultation with the Commissioner of CBP, to immediately identify and allocate all sources of available funding for the planning, design, construction and maintenance of a border wall. Recent reports estimate the cost of the wall at \$21 billion. Also, GAO recently concluded the Department has no metrics to show whether or how a border wall contributes to border security.

- Has the Department identified areas to begin construction of the wall? If so, please provide the exact locations, mileage, and construction schedule for these segments. What type of wall is planned? What is the estimated cost for this construction?
- When does the Department plan to have a complete list of locations and schedule for wall construction?
- What is the total estimated cost of all wall construction planned by the Department?
- Does the Department plan to conduct outreach to affected states and border communities? If so, how?
- Do you intend to use eminent domain to obtain land for wall construction?
- Do you intend to waive any laws for wall construction?

Lastly, your memoranda direct CBP, ICE, and U.S. Citizenship and Immigration Services to develop written guidance and training for all personnel on the “proper processing” of unaccompanied alien children (UACs) as well as procedures for verifying that these children continue to be without a parent throughout the removal process.

- What constitutes “proper processing” of UACs? Please provide a copy of the relevant guidance to Department personnel.
- What procedures will the Department implement to verify whether UACs are without a parent in the U.S.? Please provide a copy of related guidance to Department personnel.
- In the course of this verification, if the Department determines that a UAC has a parent present in the U.S. without authorization, will the parent be a priority for removal? Under what circumstances will they be referred for criminal prosecution? Please explain how and by whom this determination will be made.
- How will the Department continue to ensure compliance with relevant statutes and the *Flores* settlement agreement as they relate to UACs?

Your memoranda instruct U.S. Customs and Border Protection (CBP) and ICE personnel to release individuals from detention only under certain limited circumstances. However, ICE is currently resourced for only 34,000 detention beds. This is not nearly enough capacity to detain the hundreds of thousands or more who may be implicated by the Executive Orders.

- Pursuant to the Executive Orders and relevant guidance, how many additional detention beds does the Department plan to construct? For how many does the Department plan to contract?
- What is the estimated cost of these additional detention beds?
- Has the Department already begun the process of contracting for additional detention beds? If so, with whom?
- Will vulnerable populations, such as children, the elderly, the sick or disabled be exempt from mandatory detention?
- Will the Department continue to use the Alternatives to Detention program? If so, under what circumstances would an individual be eligible for the program?

Your memoranda direct the hiring of 5,000 additional Border Patrol agents, 500 CBP Air and Marine agents, and 10,000 ICE personnel. We would note that Border Patrol is currently approximately 1,500 agents under its statutory floor and has consistently struggled to hire enough agents even to keep pace with attrition. We would also note that there is no mention of hiring additional CBP officers for our ports of entry. Ports of entry are chronically short thousands of officers, leaving them vulnerable to smuggling of narcotics and other contraband and slowing legitimate commerce and travel.

- What is the Department's plan for hiring the additional 5,500 CBP and 10,000 ICE personnel? Please provide copies of these hiring plans.
- How long will it take to hire, train, and deploy all 15,500 agents and officers?
- Will any hiring standards or training requirements be changed to hire these personnel? If so, please provide a detailed list of any anticipated changes.
- Does the Department plan to hire additional CBP officers as part of this effort? If not, why not?
- What is the cost of hiring, training, and deploying these additional personnel? Please provide a breakdown for Border Patrol, CBP Air and Marine, and ICE.

Additionally, your memoranda instruct ICE and CBP to enter into new and expanded 287(g) agreements with state and local jurisdictions. We would note that the Government Accountability Office (GAO) previously examined the program and found that it lacked documented objectives, that program participants did not use their authority to address serious crime, and that ICE failed to properly supervise program participants or define what data should be reported by program participants. The 287(g) program also prompted serious concerns about racial profiling and intimidation by participating law enforcement agencies and undermining of community policing programs.

- What jurisdictions and law enforcement entities will be eligible to enter into 287(g) agreements with DHS?

If you have any questions about this request, please contact Hope Goins of my staff at (202) 226-2616. Thank you for your attention to this matter.

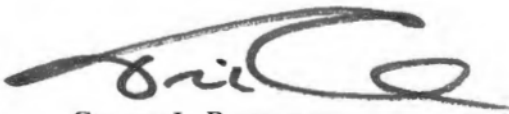
Sincerely,



BENNIE G. THOMPSON
Ranking Member
House Committee on Homeland Security



SHEILA JACKSON LEE
Member
House Committee on Homeland Security




CEDRIC L. RICHMOND
Member
House Committee on Homeland Security



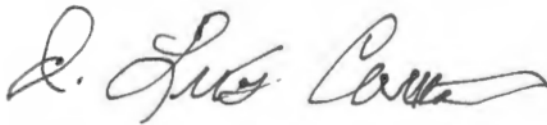
WILLIAM R. KEATING
Member
House Committee on Homeland Security



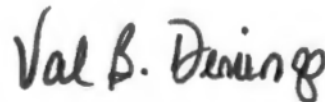
DONALD M. PAYNE, JR.
Member
House Committee on Homeland Security



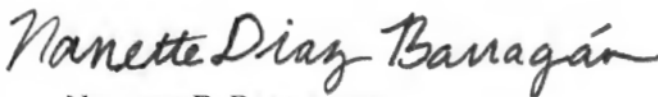
BONNIE WATSON COLEMAN
Member
House Committee on Homeland Security



J. LUIS CORREA
Member
House Committee on Homeland Security



VAL B. DEMINGS
Member
House Committee on Homeland Security



NANETTE D. BARRAGAN
Member
House Committee on Homeland Security



FILEMON VELA
Member
House Committee on Homeland Security



KATHLEEN R. RICE

Member

House Committee on Homeland Security



Homeland Security

March 27, 2017

The Honorable Bennie G. Thompson
U.S. House of Representatives
Washington, DC 20515

Dear Representative Thompson:

Thank you for your February 22, 2017 letter to Secretary Kelly regarding the February 20, 2017 memoranda issued to provide guidance on the implementation of President Trump's recent Executive Orders.

Your inquiry is very important to us. The appropriate Department of Homeland Security Components are preparing information so we may respond with the accuracy and completeness that your letter deserves. Please know that the Department's leadership has accorded your letter a high priority and we are endeavoring to respond to you as soon as possible.

The co-signers of your letter will received separate, identical interim responses. Should you have any questions in the interim, please ask your staff to contact my office at

(b)(6)

Respectfully,

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Acting Assistant Secretary for Legislative Affairs

Budget-in-Brief

Fiscal Year 2018



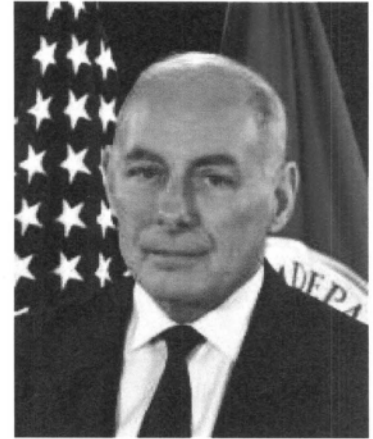
Homeland Security

www.dhs.gov

Message from the Secretary

The President's Fiscal Year (FY) 2018 Budget Request of \$44.1 billion for the Department of Homeland Security (DHS) reflects our continued commitment to the security of our homeland and the American Public. Homeland security is the most important mission any government can provide to its people.

This FY 2018 Budget Request provides funding to sustain and strengthen our most critical programs and capabilities in each of our mission areas – securing and managing our borders, enforcing and administering our immigration laws, preventing terrorism and enhancing security, safeguarding and securing cyberspace, and strengthening national preparedness and resilience.



Sincerely,

A handwritten signature in black ink, which appears to read "John F. Kelly". The signature is written in a cursive, flowing style.

John F. Kelly

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	Total Budget Authority by Organization Gross Discretionary, Mandatory, Fees, and Trust Funds... ..	
II.	Summary Information by Organization.....	
	Departmental Management and Operations	___
	Analysis and Operations	___
	Office of Inspector General	___
	U.S. Customs and Border Protection.....	___
	U.S. Immigration and Customs Enforcement.....	___
	Transportation Security Administration.....	___
	U.S. Coast Guard	___
	U.S. Secret Service	___
	National Preparedness and Protection Directorate.....	___
	Federal Emergency Management Agency	___
	U.S. Citizenship and Immigration Services	___
	Federal Law Enforcement Training Center.....	___
	Science and Technology Directorate.....	___
	Chemical, Biological, Nuclear, and Explosives Office	___
III.	Resource Tables	___

Fiscal Year 2018 Overview

Dollars in Thousands

Organization	FY 2016 Revised Enacted	FY 2017 Annualized CR	FY 2018 President's Budget	FY 2017 to FY 2018 Total Changes	FY 2018 +/- FY 2017 %
Total Budget Authority	\$65,674,835	\$66,002,997	\$70,716,491	\$4,713,494	7.1%
Less: Mandatory, Fee, and Trust Funds	\$12,452,305	\$12,847,978	\$14,202,144	\$1,354,166	10.5%
Gross Discretionary Budget Authority¹	\$53,222,530	\$53,155,019	\$56,514,347	\$3,359,328	6.3%
Less: Discretionary Offsetting Fees	\$4,218,831	\$4,110,295	\$5,039,914	\$929,619	22.6%
Net Discretionary Budget Authority	\$49,003,699	\$49,044,724	\$51,474,433	\$2,429,709	5.0%
Less: FEMA DRF Transfer to OIG	-	\$24,000	\$24,000	\$0	0.0%
Less: FEMA Disaster Relief - Major Disasters	\$6,712,953	\$6,712,953	\$6,793,000	\$80,047	1.2%
Less: Rescissions to Prior Years Balances²	\$1,049,217	\$1,049,217	\$593,745	(\$455,472)	- 43.4%
Adjusted Net Discretionary Budget Authority	\$41,241,529	\$41,258,554	\$44,063,688	\$2,805,134	6.8%

¹ Less USCIS funding for CHIMP (\$4M)

² Includes Rescissions to FEMA – DRF, FEMA – DADLP, & USCG – Alteration of Bridges

Fiscal Year 2018 Budget Request

U.S. Department of Homeland Security

The Department of Homeland Security’s (DHS) mission is to safeguard the American people, our homeland, and our values with honor and integrity. Threats to our safety and security constantly evolve, and require continuous risk assessments and adaptive strategies to effectively address them. The men and women at DHS are dedicated to protecting our Nation from threats by land, sea, air, and cyber. Known terrorist entities, criminals, homegrown terrorists, cyber-terrorists, smugglers, transnational criminal organizations, failed states, and unpredictable “lone offenders” constitute present and future threats to our way of life every day and emphasize the importance of DHS’s mission.

DHS’s wide-ranging, around-the-clock operations serve to strengthen our Nation’s security and resilience and promote our Nation’s economic prosperity. DHS will use all means available to it, including its highly-trained workforce, physical barriers, improved infrastructure, state-of-the-art surveillance techniques and equipment, cybersecurity, biometric identification systems, improved technology, and top-notch intelligence to meet the changing threats to our Nation. We will leverage information sharing and personnel, as well as technological, operational, and policy-making elements to detect, deter, and disrupt terrorism and other threats.

To implement the policies of the President’s Executive Orders, *Border Security and Immigration Enforcement Improvements*, Executive Order No. 13767 (Jan. 25, 2017), *Enhancing Public Safety in the Interior of the United States*, Executive Order No. 13768 (Jan. 30, 2017), and *Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking*, Executive Order No. 13773 (Feb. 14, 2017), the FY 2018 President’s Budget makes significant, critical investments in people, technology, and infrastructure for border security and the enforcement of our immigration laws, while maintaining support for DHS’s other operations. The

Budget also advances cybersecurity programs, consistent with the President's Executive Order No. 13800, *Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure*, (May 11, 2017), reinforces DHS's biometric identification programs, provides for expansion of E-Verify, and bolsters DHS's new Victims of Immigration Crime Engagement (VOICE) Office. Further, the budget fully supports the U.S. Coast Guard, our Nation's fifth service, to continue its important mission of ensuring maritime safety, security, and stewardship.

FUNDING PRIORITIES

The FY 2018 President's Budget for DHS provides \$44.1 billion in net discretionary funding. An additional \$7.4 billion for the Disaster Relief Fund (DRF) is requested separately as an adjustment to the discretionary spending caps, pursuant to the *Budget Control Act of 2011*. Such funding levels support continued improvements to our Nation's security and safety, and emphasizes control of our borders, enforcement of our immigration laws, cybersecurity, aviation security, and preparedness and resilience of the American people.

Securing Our Borders

All sovereign nations have the fundamental obligation to protect their borders. Securing our land and maritime borders is critical, and requires an investment in people, infrastructure, and technology. To stop illegal aliens, criminals, and terrorists from threatening our homeland, we need to know who is coming into our country, where they have been, and why they want to come. Fostering legal pathways for immigration, trade, and travel remain vital DHS goals and support our compliance with the President's Executive Orders.

The FY 2018 President's Budget proposes crucial investments in U.S. Customs and Border Protection (CBP) staffing, equipment, and technology to enhance the capabilities of frontline personnel. CBP constantly prioritizes threats, develops requirements, and tailors its acquisition strategy to the terrain, risks, and threats in different areas along the border.

The Budget also requests major vessel and aircraft recapitalization for the U.S. Coast Guard (USCG) to address ongoing maritime threats, including illegal immigration and drug trafficking, before reaching our shores. USCG conducts intelligence-driven operations to interdict illicit drugs and illegal aliens, which are critical to disrupting transnational criminal organizations (TCOs) and securing the southern border and approaches.

The FY 2018 President's Budget funds the following key investments:

- \$7.2 billion for USCG's operating expenses, including pay. Through its counter-drug efforts, USCG seizes multi-ton loads of drugs at sea before they can be broken down into small quantities ashore. Further, USCG's interdiction of illegal aliens at sea reduces the safety risks involved in such transits and promotes their quick return to their countries of origin.
- \$1.6 billion for 32 miles of new border wall construction, 28 miles of levee wall along the Rio Grande Valley, where apprehensions are the highest along the Southwest Border, and 14 miles of replacement secondary fence with a new border wall system in the San Diego

Sector, where a border wall system will deny access to drug and alien smuggling organizations.

- \$1.2 billion for recapitalization of USCG assets, including \$500 million for production of the first of 25 Offshore Patrol Cutters, \$240 million for production of four Fast Response Cutters, \$19 million to maintain the accelerated timeline for acquisition of the new heavy polar icebreaker, and \$52 million to missionize an HC-27J surveillance aircraft for USCG use.
- \$975.8 million for high-priority tactical infrastructure and border security technology improvements to provide a layered defense at the border and ensure CBP law enforcement personnel are supported with effective surveillance technology and equipment that improves their ability to detect and interdict illegal activity in a safer environment. This includes tactical communications capabilities, such as hand-held and vehicle radios, which are essential to coordinating mission activities and protecting the safety of CBP agents and officers.
- \$272.8 million for the Federal Law Enforcement Training Centers to continue training personnel from more than 95 law enforcement agencies government-wide, including an increase of \$29 million more than the FY 2017 Annualized Continuing Resolution for tuition and basic training costs associated with the hiring of additional immigration enforcement officers and CBP agents, who will be hired pursuant to the Executive Orders on border security and immigration.
- \$109.2 million for CBP's Non-Intrusive Inspection (NII) equipment program. The NII systems allow for passive radiation scanning and X-ray/gamma-ray imaging of cargo and conveyances by land, sea, and air to identify terrorist weapons and other contraband. NII technology enables CBP to detect contraband (e.g., narcotics and weapons) and materials that pose potential nuclear and radiological threats.
- \$100 million to support Border Patrol personnel, including recruiting, hiring, and training new Border Patrol agents. These new personnel will improve the integrity of the immigration system by adding capacity to interdict aliens attempting to cross the border illegally.

Enforcing Our Immigration Laws

Enforcing and administering our immigration laws is a top priority for the Department. Each day, the dedicated men and women of U.S. Immigration and Customs Enforcement (ICE) carry out their mission and enforce our immigration laws to protect the United States. DHS is committed to the rule of law and ICE officers take targeted enforcement actions to identify, locate, arrest, and remove illegal aliens from the United States—including dangerous criminal aliens who have committed crimes in communities throughout the United States.

Additionally, ICE works to dismantle transnational criminal organizations (TCO), which seek to exploit weaknesses in our Nation's border security to engage in criminal activities, such as human trafficking and drug smuggling. ICE also brings to justice those who routinely exploit our Nation's immigration laws by making a business practice of knowingly hiring illegal aliens.

The Budget supports a critical expansion of immigration enforcement activities:

- \$2.7 billion to fund both direct and indirect costs for 51,379 detention beds, which are comprised of 48,879 adult beds, and 2,500 family beds. For unaccompanied alien children, ICE coordinates closely with DHS partners to ensure the timely and safe transfer of these children to the U.S. Department of Health and Human Service’s Office of Refugee Resettlement in accordance with both the *Homeland Security Act of 2002* and the *Trafficking Victims Protection Reauthorization Act of 2008*.
- \$185.9 million to support the expansion of ICE’s interior enforcement activities under Executive Order No. 13768 to hire additional immigration enforcement officers, criminal investigators, and law enforcement mission support staff. Also included is funding for an additional attorneys in the Office of the Principal Legal Advisor to represent the Federal Government in proceedings before the U.S. Department of Justice’s Executive Office for Immigration Review, and an additional \$1.0 million to enhance the current operations at DHS’s new VOICE Office, which uses a “victim-centered approach” to support victims of crimes committed by criminal aliens.
- \$484.9 million for transportation costs associated with the detained population. Removal operations require complex coordination, management, and travel facilitation efforts to successfully remove or return aliens from the United States. Transportation is accomplished through chartered or commercial flights for escorted and unescorted removals.
- \$177.7 million for ICE’s Alternatives to Detention (ATD) Program, to monitor 79,000 average daily participants to help ensure compliance with reporting requirements. While being monitored on the program, ICE is often able to increase participant compliance with release conditions, which may include, but are not limited to, attending immigration hearings, obtaining travel documentation, and making travel arrangements for departure from the United States.
- \$131.5 million for E-Verify operations and upgrades for U.S. Citizenship and Immigration Services (USCIS), including new investments to expand the E-Verify program. The purpose of expanding E-Verify is to prepare for nationwide mandatory use of E-Verify within three years, should such a mandate be enacted. E-Verify is an Internet-based system is used to confirm employment eligibility.

Securing Cyberspace

As stated in the President’s May 11, 2017, Executive Order No. 13800, *Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure*, cybersecurity remains a key national priority. DHS protects the Federal Government’s civilian information technology systems against cybersecurity threats and shares cybersecurity information with State, local, and tribal governments as well as international partners and the private sector. The Department also works with the private sector to build resilience in the Nation’s digital and physical infrastructure, preventing criminals and other bad actors from disrupting the systems and networks that support our society.

As cyber threats evolve, DHS's intelligence enterprise is evolving to implement real-time prevention and mitigation strategies and ensure the right people get the right information on time. The FY 2018 Budget continues investments in cybersecurity, including DHS's Continuous Diagnostics and Mitigation initiative to protect Federal networks from cyberattacks. It also advances DHS's ongoing initiatives to address known information technology system vulnerabilities across the DHS enterprise.

- \$971.3 million to improve security of the U.S. cyber infrastructure in collaboration with public, private, and international partners, including \$279 million for the Continuous Diagnostics and Mitigation (CDM) program. CDM provides hardware, software, and services designed to support activities that strengthen the operations security of Federal civilian “.gov” networks.
- \$397.2 million for the National Cybersecurity Protection System, commonly referred to as EINSTEIN, to continue deploying new intrusion prevention, information sharing, and analytic capabilities to Federal civilian departments and agencies.
- \$56.5 million for Next Generation Networks (NGN) to maintain the number of wireless carriers deploying Priority Telecommunications Services, enabling NGN to maintain the same coverage across the United States regardless of network technology. NGN is critical to coordinate the planning for and provision of national security and emergency preparedness communications for the Federal Government under all circumstances, including crisis or emergency, attack, recovery, and reconstitution.
- An increase of \$49.2 million for the National Cybersecurity and Communications Integration Center to execute new authorities under the *Federal Information Security Modernization Act*, including providing Federal governance and training, and cyber engineering assistance to Federal departments, agencies, and individual stakeholders to effectively secure high value systems from cyber threats.

Aviation Security

The threat to aviation security remains high. Criminals and terrorists continue to target airlines, airports, and the security and law enforcement officials who protect them, as demonstrated by the recent terrorist attacks against airports in Brussels, Istanbul, Fort Lauderdale, and Paris. Robust security measures executed by Transportation Security Administration (TSA) and CBP protect our freedom of travel and the movement of goods, both of which are critical to our Nation's economic prosperity. The budget funds the following key items:

- \$354 million to support biometric initiatives, of which \$263.4 million supports the Office of Biometric Identity Management (OBIM), and \$90.6 million supports CBP expedited completion of the Biometric Entry and Exit Data System (Biometric Entry-Exit System). OBIM supplies the technology for collecting and storing biometric data and ensuring its integrity. CBP envisions that biometrics can replace documentation like a passport, boarding pass, or a driver's license for many of the routine aspects of airline travel, which will make air travel more secure as well as more convenient and easier for travelers. In 2018 CBP will use funding derived from visa fee collections to develop essential program elements and back-end infrastructure for the Biometric Entry-Exit System, and to implement public-private partnerships with airports and airlines to implement biometric air exit.

- \$3.1 billion for 43,190 Transportation Security Officers (TSOs) to maintain effective and efficient passenger screening at airport checkpoints. Increased passenger volume and evolving threats to aviation security require an increase to TSA's frontline workforce, including canine screening teams, at security checkpoints nationwide.
- \$277.2 million for acquisition of checked baggage screening technology to improve TSA's threat detection capabilities, which are critical to TSA's mission of protecting the Nation's transportation systems and ensuring the freedom of movement of people and commerce.
- \$15.1 million to support eight Visible Intermodal Prevention and Response (VIPR) teams. VIPR teams consist of Federal Air Marshals, Behavior Detection Officers, Security Specialists-Explosives, Security Inspectors, and canine teams who work closely with Federal, State, and local law enforcement officers and stakeholders. These teams provide a visible deterrent, as well as an armed response capability, in the aviation and surface transportation sectors. The eight additional teams will focus on the highest risk locations to mitigate the probability and impact of terrorist actions.

Preparedness and Resilience

Natural disasters, major accidents or other disruptions continue to challenge DHS and the Nation. In collaboration with State, local, and tribal governments across the country, the Federal Emergency Management Agency (FEMA) ensures effective emergency responses to mitigate destruction caused by, and recover from, a variety of disasters ranging from unforeseen, no-notice events to catastrophic events such as hurricanes and tornados. The Budget includes funding for FEMA's programs to ensure the Nation's resilience from disasters as follows:

- \$7.4 billion for the Disaster Relief Fund (DRF), sustaining FEMA's ability to direct, coordinate, manage, and fund eligible response and recovery efforts associated with domestic major disasters and emergencies that overwhelm State and tribal resources pursuant to the *Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended*. Through the DRF, FEMA can fund authorized Federal disaster support activities as well as eligible State, territorial, tribal, and local actions, such as providing emergency protection and debris removal.
- \$2.1 billion for a variety of Federal assistance programs that provide grants, training, and exercises to help State and local governments to prevent, protect against, mitigate, respond to, and recover from incidents of terrorism and other catastrophic events. The Budget also proposes a 25 percent non-Federal cost match for preparedness grants, where the statute does not set a cost-share, similar to the cost match required by FEMA's disaster recovery grants.

Protecting the Nation's Highest Leaders and Safeguarding Financial Infrastructure

The men and women of the U.S. Secret Service (USSS) protect our Nation's financial infrastructure, highest elected leaders, visiting foreign dignitaries, facilities, and major events.

The FY 2018 Budget includes \$1.9 billion to support the USSS's missions, including its use of advanced technologies and task force partnerships to enforce counterfeiting laws and safeguard the

payment and financial systems of the United States from financial and computer-based crimes. This includes:

- \$1.3 billion to support a target 7,150 positions, an increase of 436 positions from the FY 2017 Annualized Continuing Resolution.
- \$85.9 million to support Protective Infrastructure and Technology.

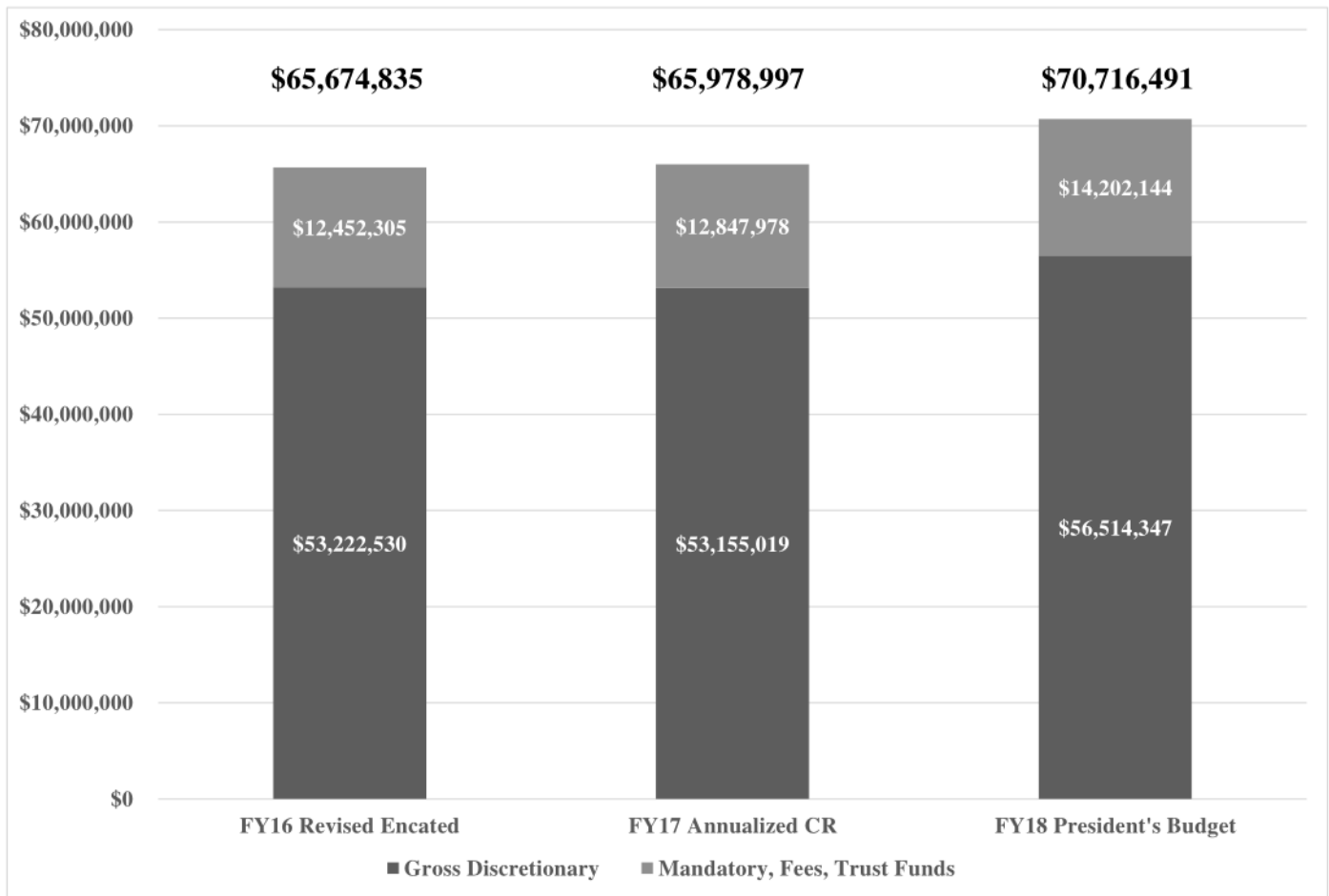
Management Reform

The Budget emphasizes the importance of ensuring every tax payer dollar is spent wisely and gets results. At DHS, we are focused on cross-component collaboration, information-sharing, technology modernization, and strengthening our partnerships with State, local, tribal, private, and international stakeholders to secure our homeland more efficiently and effectively. We have closely examined our processes to identify efficiencies and implement measures to spend tax payer dollars wisely. A few highlights are:

- \$627.3 million for Science and Technology (S&T). Border security, counterterrorism, cybersecurity, explosives, and first responder/disaster resilience remain R&D priorities, and partnerships with the Department of Defense and private sector are leveraged to advance R&D initiatives. In support of aviation security, R&D also will remain focused on screening passengers, carry-on bags, and checked baggage as well as secondary screening technologies.
- \$42.2 million to continue modernization of DHS's financial management system. DHS has made great strides in achieving clean audit opinions on all of its financial statements for the past four years. There is, however, a critical business need to modernize several of its financial systems. Through modernization, DHS will be able to better manage its resources; provide DHS-level information more quickly to support critical decision making; reduce costs; promote good business practices; integrate strong information technology controls through standardizing processes and data; and eliminate manual and labor intensive business processes.
- \$11.4 million for the DHS Office of the Chief Human Capital Officer to help attract, retain, and enhance career opportunities for our workforce. DHS headquarters partners with components in joint recruiting events to fill critical mission positions, streamlining recruiting costs by 90 percent and reducing time to hire by two thirds, when compared to recruiting for vacancies individually.
- Resources for DHS's three Joint Task Forces (JTF) - East, West, and Investigations - which help better synchronize departmental cross-component activity in the air, land, and maritime approaches to the U.S. Southern Border. The JTFs do not have a stand-alone budget and are staffed primarily through detail assignments. They serve a critical function to synchronize cross-component security activities by air, land, and sea, empowering DHS operational elements to more effectively execute their operations.

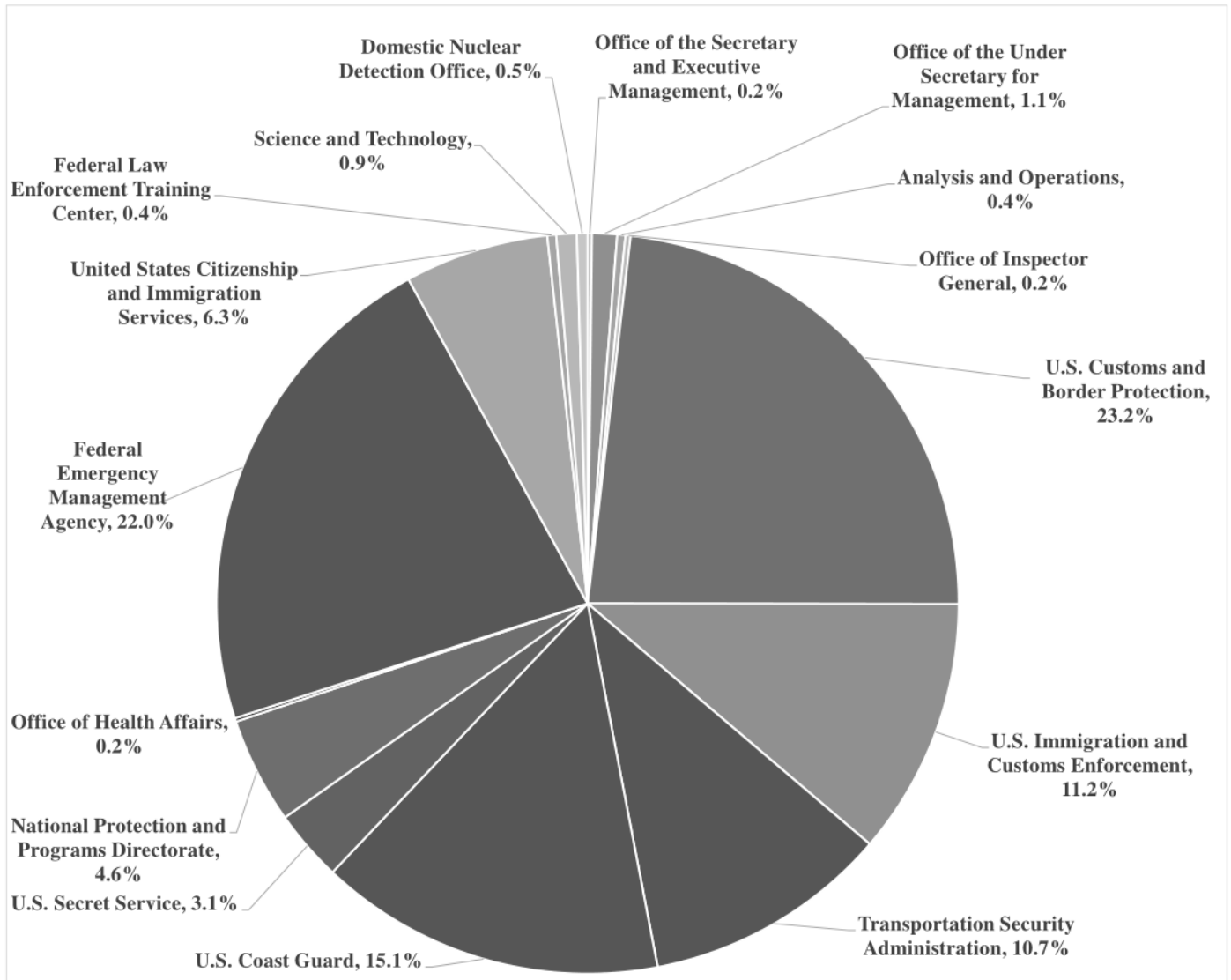
Total Budget Authority

Dollars in Thousands



FY 2018 Percent of Total Budget Authority by Organization

\$70,716,491



Total Budget Authority by Organization

Gross Discretionary, Mandatory, Fees, and Trust Funds

Dollars in Thousands

Organization	FY 2016 Revised Enacted	FY 2017 Annualized CR	FY 2018 President's Budget	FY 2017 to FY 2018 Total Changes	FY 2018 +/- FY 2017 %
Office of the Secretary and Executive Management	\$145,332	\$133,474	\$130,307	(\$3,167)	-2.4%
Office of the Under Secretary for Management	\$937,081	\$962,133	\$768,664	(\$193,469)	-20.1%
Analysis and Operations	\$260,224	\$254,303	\$252,405	(\$1,898)	-0.7%
Office of Inspector General	\$161,467	\$161,151	\$157,974	(\$3,177)	-2.0%
U.S. Customs and Border Protection	\$13,295,208	\$13,474,495	\$16,387,729	\$2,913,234	21.6%
U.S. Immigration and Customs Enforcement	\$6,177,578	\$6,139,917	\$7,942,072	\$1,802,155	29.4%
Transportation Security Administration	\$7,543,364	\$7,425,805	\$7,582,228	\$156,423	2.1%
U.S. Coast Guard	\$10,893,631	\$10,940,660	\$10,673,010	(\$267,650)	-2.4%
U.S. Secret Service	\$2,191,808	\$2,190,481	\$2,208,626	\$18,145	0.8%
National Protection and Programs Directorate	\$3,075,838	\$3,081,428	\$3,277,489	\$196,061	6.4%
Office of Health Affairs	\$125,333	\$122,747	\$111,319	(\$11,428)	-9.3%
Federal Emergency Management Agency	\$15,712,464	\$16,151,751	\$15,552,106	(\$599,645)	-3.7%
United States Citizenship and Immigration Services	\$3,787,338	\$3,606,909	\$4,442,039	\$835,130	23.2%
Federal Law Enforcement Training Center	\$244,480	\$243,994	\$272,759	\$28,765	11.8%
Science and Technology	\$776,653	\$771,690	\$627,324	(\$144,366)	-18.7%
Domestic Nuclear Detection Office	\$347,036	\$342,059	\$330,440	(\$11,619)	-3.4%
Total Budget Authority	\$65,674,835	\$66,002,997	\$70,716,491	\$4,713,494	7.1%
Less: Mandatory, Fee, and Trust Funds	\$12,452,305	\$12,847,978	\$14,202,144	\$1,354,166	10.5%
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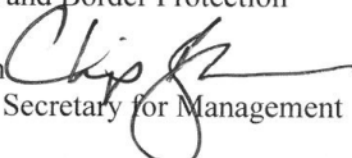


Homeland
Security

APR 14 2017

ACQUISITION DECISION MEMORANDUM

MEMORANDUM FOR: Kevin K. McAleenan
Acting Commissioner
U.S. Customs and Border Protection

FROM: Chip Fulghum 
Acting Under Secretary for Management

SUBJECT: U.S. Customs and Border Protection's Wall Program Acquisition
Review Board Program Review, dated March 20, 2017

DECISION:

On March 20, 2017, the Acquisition Review Board (ARB) reviewed the U.S. Customs and Border Protection's (CBP) Wall program. The purpose of the ARB was to assess the Wall program's Acquisition Decision Event 1 (ADE-1) readiness. Based on the outcome of the ARB discussion and stipulations outlined in Executive Order 13767, *Border Security and Immigration Enforcement Improvements*, signed on January 25, 2017, the following decisions have been made:

1. The CBP Wall program is granted an ADE-1. The program will be added to the Master Acquisition Oversight List (MAOL).
2. CBP is granted permission to develop a procurement solution that allows for the purchase and delivery of four to six wall prototypes and construct the first segment in Yuma, Arizona or San Diego, California to support Alternatives Analysis (AA) and refinement of requirements.
3. The Wall will be delivered in segments, as prioritized by CBP, and each segment, succeeding the prototype phase (segment 1), must be assessed by the ARB for an ADE-2A/B decision to baseline the segment and determine affordability.
4. The Department of Homeland Security (DHS) Chief Acquisition Officer is the Acquisition Decision Authority for the Wall program.

BACKGROUND:

1. Executive Order 13767, *Border Security and Immigration Enforcement Improvements*, signed on January 25, 2017, directs DHS to secure the Southern Border of the U.S. through the immediate construction of a physical wall, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism.
2. CBP submitted the Impedance and Denial Capabilities Analysis Report and Mission Need Statement to the Joint Requirements Council (JRC) for validation/endorsement; these documents have been approved by DHS. The Office of Program Accountability and Risk Management

2. CBP submitted the Impedance and Denial Capabilities Analysis Report and Mission Need Statement to the Joint Requirements Council (JRC) for validation/endorsement; these documents have been approved by DHS. The Office of Program Accountability and Risk Management (PARM) determined that the ARB presentation is adequate to serve as the Capability Development Plan (CDP). The CDP has been approved by DHS.
3. In compliance with the Executive Order, CBP has been assigned the Wall program. The agency plans to begin construction of four to six prototypes by July 21, 2017. CBP released a pre-solicitation notice on March 8, 2017, and two Requests for Proposal on March 17, 2017, with the goal of awarding a contract by June 12, 2017.
4. In parallel to the wall construction, CBP will be examining the Concept of Operations (CONOPS) for a wall system that includes resources, infrastructure, and technology for the entire Southern Border. CBP will ensure that the results of this examination are incorporated into relevant, ongoing (e.g., Land Domain Awareness), and future requirement development efforts.
5. The wall will be constructed in segments, and each segment will require a Life Cycle Cost Estimate, Acquisition Program Baseline, limited Integrated Logistics Support Plan (ILSP), and Certification of Funds Memorandum to support the ADE-2A/B. An overarching ILSP may be adequate if it is anticipated that all segments will be maintained in the same manner. A limited AA will be performed; this effort should focus on prioritization of the segments and the technical solution that best supports each segment. The need for a Systems Engineering Life Cycle Tailoring Plan and Technical Assessment will be determined after the completion of the prototypes.

ACTIONS:

The following action items are assigned:

1. Master Acquisition Oversight List (MAOL): CBP will submit a change request to add the Wall program to the MAOL no later than April 30, 2017.
2. Acquisition Plan (AP): Within 30 days after release of the solicitation, CBP will deliver a procurement-specific AP to the Office of the Chief Procurement Officer for coordination, review, and approval no later than April 17, 2017.
3. Acquisition Review Board (ARB): The Wall program will return to the ARB for an ADE-2A/B for the first segment upon completion of this initial phase (prototypes) and once all of the required acquisition documentation has been completed, no later than December 31, 2017.
4. DHS Director, Office of Test and Evaluation (DOT&E): Once the Operational Requirements Document (ORD) and CONOPS have been approved, the scope of the requirements' Verification and Validation will be determined by the DHS DOT&E and documented in the program's Test and Evaluation Master Plan no later than December 31, 2017.
5. Joint Requirements Council (JRC): CBP must complete the actions items detailed in the JRC memorandum entitled, "Customs and Border Protection Capability Analysis Report and

Mission Need Statement for Impedance and Denial”, dated March 16, 2017, prior to submitting an ORD, and no later than November 1, 2017 or 45 days prior to the ADE-2A/B.

This Acquisition Decision Memorandum has been coordinated with all ARB members, including the Science and Technology Directorate. It is the responsibility of CBP to ensure that the results of this memorandum are communicated to the affected stakeholders. PARM will provide support and assistance. Please send action items, status, and supporting documentation to

(b)(6) Should you have any questions, please contact (b)(6) PARM,
at (b)(6)

Cc:

Acting Deputy Secretary
Acting Under Secretary for Science and Technology
Acting Assistant Secretary for Policy
Deputy General Counsel
Acting Chief Financial Officer
Acting Chief Information Officer
Chief Procurement Officer
Chief Readiness Support Officer
Chief Human Capital Officer
Chief Security Officer
Executive Director, Office of Program Accountability and Risk Management
Director, Office of Test & Evaluation, Science and Technology
Director of Legislative Affairs for the Management Directorate, Office of Legislative Affairs
Director, Budget Division, Office of the Chief Financial Officer
Chairman, Joint Requirements Council
Component Acquisition Executive, CBP