



## **U.S. Department of Homeland Security**

### **Department of Homeland Security FY 2019 Southwest Border Emergency Transfer and Reprogramming Notification**

July 26, 2019



# Department of Homeland Security FY 2019 Southwest Border Emergency Transfer and Reprogramming Notification

## Table of Contents

|   |    |
|---|----|
| DHS Emergency Requirements (ICE Beds and Transportation and Removal Program)....    | 1  |
| DHS Migrant Protection Protocol (MPP) and Immigration Hearing Facilities (IHF)..... | 10 |

## SECTION 503 NOTIFICATION

**Component:** DHS Wide

**Purpose:** FY 2019 DHS Emergency Requirements (ICE Beds and Transportation and Removal Program)

**Amount:** \$116,000,000

**Type:** Transfer / Reprogramming

| Component   | Appropriation  | TAFS          | PPA Levels  | Enacted Amount          | Previous Action      | Reprogramming / Transfer Amount | Balance After Dollars   | % Impact Dollars |
|-------------|--|---------------|---|-------------------------|----------------------|---------------------------------|-------------------------|------------------|
|             |  | <b>To</b>     |   |                         |                      | <b>Subtotal:</b>                |                         |                  |
| ICE         | FY 2019 Operations and Support                                   | 70 19 0540    | Enforcement and Removal Operations - Custody Operations                                   |                         |                      | \$101,407,500                   |                         |                  |
| ICE         | FY 2019 Operations and Support                                   | 70 19 0540    | Enforcement and Removal Operations - Transportation and Removal Program                   |                         |                      | \$14,592,500                    |                         |                  |
| <b>ICE</b>  | <b>Operations and Support Total</b>                              |               |   | <b>\$7,542,153,000</b>  | <b>\$0</b>           | <b>\$116,000,000</b>            | <b>\$7,658,153,000</b>  | <b>1.54%</b>     |
|             |  | <b>From</b>   |   |                         |                      | <b>Subtotal:</b>                |                         |                  |
| CBP         | FY 2019 Operations and Support                                   | 70 19 0530    | Trade and Travel Operations - Office of Field Operations - Domestic Operations            |                         |                      | \$39,116,000                    |                         |                  |
| <b>CBP</b>  | <b>FY 2019 Operations and Support Total</b>                      |               |   | <b>\$12,179,729,000</b> | <b>\$0</b>           | <b>\$39,116,000</b>             | <b>\$12,140,613,000</b> | <b>0.32%</b>     |
| USCG        | FY 2015 Procurement, Construction, and Improvements              | 70 15/19 0613 | Shore Facilities and Aids to Navigation (ATON) - Major Acquisition Systems Infrastructure |                         |                      | \$300,000                       |                         |                  |
| USCG        | FY 2015 Procurement, Construction, and Improvements              | 70 15/19 0613 | Vessels - Polar Sustainment   |                         |                      | \$1,000,000                     |                         |                  |
| <b>USCG</b> | <b>FY 2015 Procurement, Construction, and Improvements Total</b> |               |   | <b>\$1,225,223,000</b>  | <b>-\$2,500,000</b>  | <b>\$1,300,000</b>              | <b>\$1,221,423,000</b>  | <b>0.31%</b>     |
| USCG        | FY 2016 Procurement, Construction, and Improvements              | 70 16/20 0613 | Shore Facilities and Aids to Navigation (ATON) - Major Acquisition Systems Infrastructure |                         |                      | \$500,000                       |                         |                  |
| <b>USCG</b> | <b>FY 2016 Procurement, Construction, and Improvements Total</b> |               |   | <b>\$1,945,169,000</b>  | <b>\$29,238,165</b>  | <b>\$500,000</b>                | <b>\$1,973,907,165</b>  | <b>1.48%</b>     |
| USCG        | FY 2017 Procurement, Construction, and Improvements              | 70 17/21 0613 | Vessels - National Security Cutter  |                         |                      | \$6,000,000                     |                         |                  |
| <b>USCG</b> | <b>FY 2017 Procurement, Construction, and Improvements Total</b> |               |   | <b>\$1,370,007,000</b>  | <b>-\$4,100,000</b>  | <b>\$6,000,000</b>              | <b>\$1,359,907,000</b>  | <b>0.74%</b>     |
| USCG        | FY 2018 Procurement, Construction, and Improvements              | 70 18/22 0613 | Other Acquisition Programs - Coast Guard Logistics Information Management System          |                         |                      | \$3,300,000                     |                         |                  |
| USCG        | FY 2018 Procurement, Construction, and Improvements              | 70 18/22 0613 | Other Acquisition Programs - Other Equipment and Systems                                  |                         |                      | \$2,000,000                     |                         |                  |
| USCG        | FY 2018 Procurement, Construction, and Improvements              | 70 18/22 0613 | Vessels - National Security Cutter  |                         |                      | \$9,853,000                     |                         |                  |
| <b>USCG</b> | <b>FY 2018 Procurement, Construction, and Improvements Total</b> |               |   | <b>\$2,694,745,000</b>  | <b>\$0</b>           | <b>\$15,153,000</b>             | <b>\$2,679,592,000</b>  | <b>0.56%</b>     |
| USCG        | FY 2018 Research and Development                                 | 70 18/20 0615 | Maritime Domain Awareness Pilot Study   |                         |                      | \$1,400,000                     |                         |                  |
| <b>USCG</b> | <b>FY 2018 Research and Development Total</b>                    |               |   | <b>\$29,141,000</b>     | <b>\$0</b>           | <b>\$1,400,000</b>              | <b>\$27,741,000</b>     | <b>4.80%</b>     |
| TSA         | FY 2004 Aviation Security (P.L. 108-90)                          | 70 X 0550     | Passenger Screener PC&B 2004  |                         |                      | \$231,013                       |                         |                  |
| TSA         | FY 2004 Aviation Security (P.L. 108-90)                          | 70 X 0550     | Screening Training and Other 2004   |                         |                      | \$281,946                       |                         |                  |
| TSA         | FY 2004 Aviation Security (P.L. 108-90)                          | 70 X 0550     | Airport Management, Support, and IT 2004  |                         |                      | \$699                           |                         |                  |
| <b>TSA</b>  | <b>FY 2004 Aviation Security (P.L. 108-90) Total</b>             |               |   | <b>\$3,732,700,000</b>  | <b>-\$1,072,059</b>  | <b>\$513,658</b>                | <b>\$3,731,114,283</b>  | <b>0.04%</b>     |
| TSA         | FY 2005 Aviation Security (P.L. 108-334)                         | 70 X 0550     | Air Cargo 2005  |                         |                      | \$9,081                         |                         |                  |
| TSA         | FY 2005 Aviation Security (P.L. 108-334)                         | 70 X 0550     | Airport Management 2005   |                         |                      | \$2,183                         |                         |                  |
| TSA         | FY 2005 Aviation Security (P.L. 108-334)                         | 70 X 0550     | Screening Technology Maintenance Utilities 2005   |                         |                      | \$299                           |                         |                  |
| TSA         | FY 2005 Aviation Security (P.L. 108-334)                         | 70 X 0550     | Passenger Screener PC&B 2005  |                         |                      | \$57,232                        |                         |                  |
| TSA         | FY 2005 Aviation Security (P.L. 108-334)                         | 70 X 0550     | Screening Training and Other 2005   |                         |                      | \$1,290                         |                         |                  |
| <b>TSA</b>  | <b>FY 2005 Aviation Security (P.L. 108-334) Total</b>            |               |   | <b>\$4,323,523,000</b>  | <b>-\$619,471</b>    | <b>\$70,085</b>                 | <b>\$4,322,833,444</b>  | <b>0.02%</b>     |
| TSA         | FY 2018 Operations and Support                                   | 70 18/19 0550 | Canines   |                         |                      | \$540,000                       |                         |                  |
| TSA         | FY 2018 Operations and Support                                   | 70 18/19 0550 | Federal Air Marshals  |                         |                      | \$40,000                        |                         |                  |
| TSA         | FY 2018 Operations and Support                                   | 70 18/19 0550 | Mission Support   |                         |                      | \$2,129,795                     |                         |                  |
| TSA         | FY 2018 Operations and Support                                   | 70 18/19 0550 | Secure Flight   |                         |                      | \$59,000                        |                         |                  |
| TSA         | FY 2018 Operations and Support                                   | 70 18/19 0550 | Surface   |                         |                      | \$325,000                       |                         |                  |
| TSA         | FY 2018 Operations and Support                                   | 70 18/19 0550 | Vetting Programs  |                         |                      | \$200,000                       |                         |                  |
| <b>TSA</b>  | <b>FY 2018 Operations and Support Total</b>                      |               |   | <b>\$7,207,851,000</b>  | <b>-\$11,991,063</b> | <b>\$3,293,795</b>              | <b>\$7,192,566,142</b>  | <b>0.21%</b>     |
| TSA         | FY 2019 Operations and Support                                   | 70 19/20 0550 | Federal Air Marshals  |                         |                      | \$13,888,287                    |                         |                  |
| TSA         | FY 2019 Operations and Support                                   | 70 19/20 0550 | Surface   |                         |                      | \$6,032,175                     |                         |                  |
| <b>TSA</b>  | <b>FY 2019 Operations and Support Total</b>                      |               |   | <b>\$7,410,079,000</b>  | <b>\$0</b>           | <b>\$19,920,462</b>             | <b>\$7,390,158,538</b>  | <b>0.27%</b>     |

| Component      | Appropriation   | TAFS          | PPA Levels  | Enacted Amount         | Previous Action     | Reprogramming / Transfer Amount | Balance After Dollars  | % Impact Dollars |
|----------------|---|---------------|---|------------------------|---------------------|---------------------------------|------------------------|------------------|
| ICE            | FY 2019 Operations and Support  | 70 19 0540    | Mission Support   |                        |                     | \$10,493,000                    |                        |                  |
| ICE            | FY 2019 Operations and Support  | 70 19 0540    | Homeland Security Investigations/Domestic Investigations                                  |                        |                     | \$1,268,000                     |                        |                  |
| <b>ICE</b>     | <b>FY 2019 Operations and Support Total</b>   |               |   | <b>\$7,542,153,000</b> | <b>\$0</b>          | <b>\$11,761,000</b>             | <b>\$7,530,392,000</b> | <b>0.16%</b>     |
| ICE            | FY 2019 Procurement, Construction, and Improvements   | 70 19/21 0545 | Operational Communications/Information Technology   |                        |                     | \$2,278,000                     |                        |                  |
| <b>ICE</b>     | <b>FY 2019 Procurement, Construction, and Improvements Total</b>                                  |               |   | <b>\$45,559,000</b>    | <b>\$0</b>          | <b>\$2,278,000</b>              | <b>\$43,281,000</b>    | <b>5.00%</b>     |
| CISA           | FY 2019 Procurement, Construction, and Improvements   | 70 19/20 0412 | Procurement, Construction, and Improvements   |                        |                     | \$4,322,000                     |                        |                  |
| <b>CISA</b>    | <b>FY 2019 Procurement, Construction, and Improvements Total</b>                                  |               |   | <b>\$322,829,000</b>   | <b>\$0</b>          | <b>\$4,322,000</b>              | <b>\$318,507,000</b>   | <b>1.34%</b>     |
| MGMT           | FY 2018 Operations and Support  | 70 18/19 0112 | Office of the Chief Information Officer   |                        |                     | \$225,708                       |                        |                  |
| <b>MGMT</b>    | <b>FY 2018 Operations and Support Total</b>   |               |   | <b>\$710,297,000</b>   | <b>-\$1,818,391</b> | <b>\$225,708</b>                | <b>\$708,252,901</b>   | <b>0.29%</b>     |
| MGMT           | FY 2019 Operations and Support  | 70 19 0112    | Immediate Office of the Under Secretary of Management                                     |                        |                     | \$26,283                        |                        |                  |
| MGMT           | FY 2019 Operations and Support  | 70 19 0112    | Office of Biometric Identity Management   |                        |                     | \$236,636                       |                        |                  |
| MGMT           | FY 2019 Operations and Support  | 70 19 0112    | Office of Biometric Identity Management - IDENT/Homeland                                  |                        |                     |                                 |                        |                  |
| MGMT           | FY 2019 Operations and Support  | 70 19 0112    | Advanced Recognition Technology Operations and Maintenance                                |                        |                     | \$542,311                       |                        |                  |
| MGMT           | FY 2019 Operations and Support  | 70 19 0112    | Office of the Chief Financial Officer   |                        |                     | \$138,219                       |                        |                  |
| MGMT           | FY 2019 Operations and Support  | 70 19 0112    | Office of the Chief Human Capital Officer   |                        |                     | \$358,897                       |                        |                  |
| MGMT           | FY 2019 Operations and Support  | 70 19 0112    | Office of the Chief Information Officer   |                        |                     | \$1,107,046                     |                        |                  |
| MGMT           | FY 2019 Operations and Support  | 70 19 0112    | Office of the Chief Procurement Officer   |                        |                     | \$351,557                       |                        |                  |
| MGMT           | FY 2019 Operations and Support  | 70 19 0112    | Office of the Chief Readiness Support Officer   |                        |                     | \$107,480                       |                        |                  |
| MGMT           | FY 2019 Operations and Support  | 70 19 0112    | Office of the Chief Security Officer  |                        |                     | \$268,069                       |                        |                  |
| <b>MGMT</b>    | <b>FY 2019 Operations and Support Total</b>   |               |   | <b>\$1,083,837,000</b> | <b>\$0</b>          | <b>\$3,136,498</b>              | <b>\$1,080,700,502</b> | <b>0.29%</b>     |
| MGMT           | FY 2019 Procurement, Construction, and Improvements   | 70 19/20 0406 | Mission Support Assets and Infrastructure - Financial Systems Modernization - Components  |                        |                     | \$89,048                        |                        |                  |
| MGMT           | FY 2019 Procurement, Construction, and Improvements   | 70 19/21 0406 | Mission Support Assets and Infrastructure - Human Resources Information Technology (HRIT) |                        |                     | \$29,746                        |                        |                  |
| <b>MGMT</b>    | <b>FY 2019 Procurement, Construction, and Improvements Total</b>                                  |               |   | <b>\$175,920,000</b>   | <b>\$0</b>          | <b>\$118,794</b>                | <b>\$175,801,206</b>   | <b>0.07%</b>     |
| FEMA           | FY 2016 National Pre-Disaster Mitigation Fund (P.L. 114-113)                                      | 70 X 0716     | National Pre-Disaster Mitigation Fund   |                        |                     | \$3,424,000                     |                        |                  |
| <b>FEMA</b>    | <b>FY 2016 National Pre-Disaster Mitigation Fund (P.L. 114-113)</b>                               |               |   | <b>\$100,000,000</b>   | <b>\$0</b>          | <b>\$3,424,000</b>              | <b>\$96,576,000</b>    | <b>3.42%</b>     |
| S&T            | FY 2019 Research and Development  | 70 19/21 0803 | Research, Development and Innovation  |                        |                     | \$991,000                       |                        |                  |
| <b>S&amp;T</b> | <b>FY 2019 Research and Development Total</b>   |               |   | <b>\$511,265,000</b>   | <b>\$0</b>          | <b>\$991,000</b>                | <b>\$510,274,000</b>   | <b>0.19%</b>     |
| FLETC          | FY 2015 Acquisition, Construction, Improvements & Related Expenses                                | 70 15/19 0510 | Acquisition, Construction, Improvements & Related Expenses                                |                        |                     | \$239,944                       |                        |                  |
| <b>FLETC</b>   | <b>FY 2015 Acquisition, Construction, Improvements &amp; Related Expenses Total</b>               |               |   | <b>\$27,841,000</b>    | <b>\$0</b>          | <b>\$239,944</b>                | <b>\$27,601,056</b>    | <b>0.86%</b>     |
| FLETC          | FY 2016 Acquisition, Construction, Improvements & Related Expenses                                | 70 16/20 0510 | Acquisition, Construction, Improvements & Related Expenses                                |                        |                     | \$626,283                       |                        |                  |
| <b>FLETC</b>   | <b>FY 2016 Acquisition, Construction, Improvements &amp; Related Expenses Total</b>               |               |   | <b>\$27,553,000</b>    | <b>-\$71,000</b>    | <b>\$626,283</b>                | <b>\$26,855,717</b>    | <b>2.53%</b>     |
| FLETC          | FY 2011 Acquisition, Construction, Improvements & Related Expenses (P.L. 112-10)                  | 70 X 0510     | Acquisition, Construction, Improvements & Related Expenses                                |                        |                     | \$25,773                        |                        |                  |
| <b>FLETC</b>   | <b>FY 2011 Acquisition, Construction, Improvements &amp; Related Expenses (P.L. 112-10) Total</b> |               |   | <b>\$35,456,000</b>    | <b>\$0</b>          | <b>\$25,773</b>                 | <b>\$35,430,227</b>    | <b>0.07%</b>     |
| CWMD           | FY 2019 Research and Development  | 70 19/21 0860 | Transformational R&D/Technical Forensics - Technical Forensics                            |                        |                     | \$601,000                       |                        |                  |
| <b>CWMD</b>    | <b>FY 2019 Research and Development Total</b>   |               |   | <b>\$83,043,000</b>    | <b>\$0</b>          | <b>\$601,000</b>                | <b>\$82,442,000</b>    | <b>0.72%</b>     |
| OSEM           | FY 2019 Operations and Support  | 70 19 0100    | Office for Civil Rights and Civil Liberties   |                        |                     | \$81,302                        |                        |                  |
| OSEM           | FY 2019 Operations and Support  | 70 19 0100    | Office of General Counsel   |                        |                     | \$34,793                        |                        |                  |
| OSEM           | FY 2019 Operations and Support  | 70 19 0100    | Office of Legislative Affairs   |                        |                     | \$17,539                        |                        |                  |
| OSEM           | FY 2019 Operations and Support  | 70 19 0100    | Office of Partnership and Engagement  |                        |                     | \$46,774                        |                        |                  |
| OSEM           | FY 2019 Operations and Support  | 70 19 0100    | Office of Policy  |                        |                     | \$121,864                       |                        |                  |
| OSEM           | FY 2019 Operations and Support  | 70 19 0100    | Office of Public Affairs  |                        |                     | \$46,020                        |                        |                  |
| OSEM           | FY 2019 Operations and Support  | 70 19 0100    | Office of the Citizenship and Immigration Services Ombudsman                              |                        |                     | \$30,680                        |                        |                  |
| OSEM           | FY 2019 Operations and Support  | 70 19 0100    | Office of the Secretary   |                        |                     | \$59,473                        |                        |                  |
| OSEM           | FY 2019 Operations and Support  | 70 19 0100    | Privacy Office  |                        |                     | \$15,555                        |                        |                  |
| <b>OSEM</b>    | <b>FY 2019 Operations and Support Total</b>   |               |   | <b>\$141,381,000</b>   | <b>\$0</b>          | <b>\$454,000</b>                | <b>\$140,927,000</b>   | <b>0.32%</b>     |
| USCIS          | FY 2019 Operations and Support  | 70 19 0300    | Employment Status Verification  |                        |                     | \$352,000                       |                        |                  |
| <b>USCIS</b>   | <b>FY 2019 Operations and Support Total</b>   |               |   | <b>\$109,688,000</b>   | <b>\$0</b>          | <b>\$352,000</b>                | <b>\$109,336,000</b>   | <b>0.32%</b>     |
| A&O            | FY 2019 Operations and Support  | 70 19 0115    | Operations and Support  |                        |                     | \$177,000                       |                        |                  |
| <b>A&amp;O</b> | <b>FY 2019 Operations and Support Total</b>   |               |   | <b>\$253,253,000</b>   | <b>\$0</b>          | <b>\$177,000</b>                | <b>\$253,076,000</b>   | <b>0.07%</b>     |

## **I. Description/Justification**

The Department of Homeland Security (DHS) has been tracking a record surge in migrant arrivals at the U.S. southern border. The situation began as a humanitarian crisis and has escalated into a full-blown emergency. DHS is doing everything in its power to secure our borders, enforce our immigration laws, and provide humanitarian protections to those who need it.

The crisis is driven by a significant increase in illegal immigration combined with a shift in immigration demographics; specifically, an increase in unaccompanied minors and family unit aliens which account for nearly 60% of Fiscal Year (FY) 2019 apprehensions to date. May 2019 border apprehensions exceeded 130,000, more than triple that of May 2018. As these trends are expected to continue throughout the summer, DHS projects it will exhaust resources before the end of the fiscal year. Without additional resources, the safety and well-being of law enforcement personnel and migrants are at substantial risk.

The current operational profile along the Southwest border has overwhelmed Immigration and Customs Enforcement (ICE) detention capacity as ICE is currently detaining record number of aliens. ICE's average daily population was 46,411 at the beginning of July and is anticipated to grow. DHS received funding in the recent supplemental to expand migrant processing centers that were already at maximum capacity and ICE must be postured to receive the migrants once U.S. Customs and Border Protection (CBP) transfers adult migrants to ICE care. Without additional funding for detention beds, ICE will not be able to support the influx of migrants from CBP apprehensions.

DHS is notifying Congress of the intent to reprogram and transfer \$116M of available funds to support these requirements via authority provided in the FY 2019 DHS Appropriations Act. This realignment of resources provides ICE the necessary means to address this emergency, and represents a minimized risk to overall DHS mission performance.

### *A. Use Accounts:*

#### **Detention Beds:**

ICE requires additional detention resources in order to maintain sufficient capacity to detain aliens and enforce the Nation's immigration laws. Using best available data, historical trends and modeling through its Law Enforcement Systems Analysis (LESA), ICE requires \$101.4M to support a projected end of year single adult average daily population (ADP) of 49,661—6,886 above the enacted level of 42,775. The LESA model run of July 3 forecasts an end of year ADP 48,419, plus an additional 1,171 ADP impact based on operational factors outside of the model, including the nearly 9,000 beds ICE will activate between mid-July and September. These additional beds are required in order to manage the crisis at the Southwest border and expediently transfer aliens from overcrowded Border Patrol stations.

#### **Transportation and Removal Program:**

ICE requires additional resources to ensure the safe and secure transfer of migrants from the Border Patrol to ICE detention facilities as well as transportation requirements to ensure aliens may appear before an immigration judge in accordance with the Migrant Protection Protocol (MPP)

program. Because of an increase in the daily population, ICE requires an additional \$5.1M for ground transportation, \$4.6M for air transportation, and \$4.8M for transportation costs related to MPP.

*B. Source Accounts:*

The magnitude of resources needed to address the Southwest border (SWB) emergency has generated an unprecedented reprioritization of resources within DHS. DHS Components have identified and provided available FY 2019 funding that provides the least impact to mission operations.

**II. Mission Impact Summary**

*A. Use Accounts:*

**Detention Beds (\$101.4M):**

Without the transfers and reprogramming identified in this notification, ICE will not be able to fulfill its adult detention requirements in FY 2019. Insufficient funding could require ICE to release any new book-ins and illegal border violators. ICE will not be able to deport those who have violated immigration laws. ICE could also be forced to reduce its current interior enforcement operations to a level that would pose a significant risk to public safety and national security by permitting known offenders to remain at large.

**Transportation and Removal Program (\$14.6):**

With the recent expansion of the MPP program and increased daily population, ICE requires additional transportation resources. Without these resources, ICE will not be able to keep pace with providing migrant transportation between immigration hearing facilities and detention centers.

*B. Source Accounts:*

Although the funding was intended to fulfill the operational requirements within each Component, emerging departmental requirements necessitate that this funding be re-purposed to meet current needs. The Department has reviewed these sources and believes these provide the least impact to operations.

**U.S. Customs and Border Protection (\$39.1M):**

\$39.1M will be reprogrammed from Operations and Support - Trade and Travel Operations. CBP will mitigate this risk via a stronger reliance on user fees. Consequently, CBP will have limited flexibility in funding any increase in operational workload requirements that are not driven by customs inspections.

## **U.S Coast Guard (\$24.4M):**

### ***FY 2018 Research and Development (\$1.4M):***

- \$1.4M will be transferred from the 2018 Research and Development appropriation. The appropriation includes \$5M to complete a pilot study with the National Academy of the Sciences regarding Pacific Maritime Domain Awareness (MDA). The study objectives can be accomplished with \$3.6M.

### ***FY 2018 Procurement, Construction and Improvements (\$15.2M):***

- \$3.3M will be transferred from the Coast Guard Logistics and Information Management System (CG-LIMS). CG-LIMS will combine logistics management for USCG assets into a central database system, including asset maintenance, configuration, supply chain, and technical information. This reduction will delay the CG-LIMS development effort.
- \$2.0M will be transferred from Other Equipment and Systems. This funding is used to purchase end-use equipment that supports operations, including vessel travel lifts, specialized test equipment, and specialized vehicles. These items will need to be purchased with future year funding to ensure USCG assets are properly supported.
- \$9.9M will be transferred from the National Security Cutter (NSC) program. The funding supports mission critical Post Delivery Activities (PDA) for NSC #10 and NSC #11, which are necessary to make the cutters ready for operations. Additional funding will be necessary in future years to ensure these cutter are ready for operations.

### ***FY 2017 Procurement, Construction and Improvements (\$6.0M):***

- \$6M will be transferred from the National Security Cutter (NSC) program. The funding executes Structural Enhancement Dry-dock Availability for NSC #2 and Post Delivery Activities (PDA) for NSC #9. The USCG is assuming additional risk by lowering the funding available for antecedent liabilities associated with these items.

### ***FY 2016 Procurement, Construction and Improvements (\$0.5M):***

- \$0.5M will be transferred from Major Acquisition Systems Infrastructure. This funding upgrades infrastructure for the National Security Cutter homeport in Honolulu, HI and the Fast Response Cutter homeport in Atlantic Beach, NC. The USCG is assuming additional risk by reducing the funding available for antecedent liabilities associated with these projects.

### ***FY 2015 Procurement, Construction and Improvements (\$1.3M):***

- \$0.3M will be transferred from Major Acquisition Systems Infrastructure. This funding upgrades infrastructure for the Fast Response Cutter homeport in San Pedro, CA. The USCG is assuming additional risk by lowering the funding available for antecedent liabilities associated with this project.
- \$1.0M will be transferred from Polar Preservation. This project ensures that POLAR SEA (non-operational heavy polar icebreaker) maintains the minimum necessary materiel condition. The USCG is assuming additional risk by reducing the funding available for antecedent liabilities associated with this project.

**Transportation Security Administration (\$23.8M):**

***FY 2019 Operations and Support (\$19.9M):***

- \$13.9M will be transferred from Federal Air Marshals delaying the Federal Air Marshals' workers' compensation bill payment to Department of Labor into FY 2020.
- \$6.0M will be transferred from Surface Programs resulting in limited impact based on current planning. This transfer will reduce funding for non-operational contracts, travel, supplies, training and salary savings.

***FY 2018 Operations and Support (\$3.3M):***

- \$0.54M will be transferred from Canines resulting in reduced funding to train and deploy new teams or backfill attrition.
- \$0.04M will be transferred from Federal Air Marshals resulting in a reduction to travel, training, and supplies.
- \$2.1M will be transferred from Mission Support resulting in fewer resources for personnel training, travel and Mission Support contracts.
- \$0.06M will be transferred from Secure Flight resulting in fewer resources for travel, training, and supplies.
- \$0.33M will be transferred from Surface Programs resulting in a reduction in travel and training for Transportation Security Inspectors.
- \$0.2M will be transferred from Vetting Programs resulting in a reduction in available funds supporting the vetting and credentialing programs.

***No Year Accounts (\$0.58M):***

- \$0.51M will be transferred from miscellaneous PPAs in TSA's FY 2004 Aviation Security accounts (P.L. 108-90). There is no risk to TSA.
- \$0.07M will be transferred from miscellaneous PPAs in TSA's FY 2005 Aviation Security accounts (P.L. 108-334). There is no risk to TSA.

**Immigration and Customs Enforcement (\$14.0M)**

***Operations and Support (\$11.8M):***

\$11.8M will be transferred from the FY 2019 Operations and Support appropriation with reductions to TACCOM handheld radios and HSI position support costs. This transfer will result in a reduction of an estimated 1,800 radios against a total replacement of approximately 7,900 for FY 2019. In addition, there will be minimal impact on HSI position support costs as funding comes from mod costs and personnel costs from positions that were not fully onboard in FY19.

***Procurement, Construction and Improvements (\$2.2M)***

\$2.2M will be transferred from the FY 2019 Procurement, Construction, and Improvements account, which will result in a reduction in coverage area for both the San Antonio and El Paso Regions. This is a reduction of 5 sites per region (or 350 square miles of total operational mission space). These regions would remain without radio communications coverage in FY 2019.



### **Cybersecurity and Infrastructure Security Agency (\$4.3M):**

\$4.3M will be transferred from the FY 2019 Procurement, Construction, and Improvement appropriation for the National Cybersecurity Protection System (NCPS). For FY 2018, Congress appropriated \$100M of NCPS's funding as 2-year money to account for delays caused by the protest of the DOMino contract, which after dismissal was awarded in June of 2017. In its Life Cycle Cost Estimate (LCCE), NCPS planned for transition costs to move from multiple vendors conducting Design, Engineering, Integration and Operations and Maintenance to the single DOMino vendor. The \$4.3M represents funds remaining after all transition activities have completed. NCPS does not propose to cancel any functions or enhancements. Were NCPS to retain those dollars, the program would apply the funds to supporting multiple agile engineering efforts currently taking place on the DOMino engineering task order. Should the funds be transferred out, CISA does not expect any measurable operational impact or increase in risk to NCPS customer Departments/Agencies.

### **Management Directorate (\$3.5M):**

#### ***Operations and Support (\$3.4M):***

- \$1.8M will be transferred from Operations and Support account from under-execution in salaries and benefits, carryover funds, and reductions in contract support from the following offices: Immediate Office of the Under Secretary of Management, Office of the Chief Readiness Support Officer, Office of the Chief Information Officer, and the Office of the Chief Security Officer. The transfers will have little to no impact.
- \$0.8M will be transferred from the Office of Biometric Identity Management (OBIM). OBIM will backfill current year requirements with no-year funds, thus using funds that were being partitioned for the Homeland Advanced Recognition Technology (HART) Post Deployment Support for Increment 1 & 2. For clarification, it should be noted that the previous \$2.9M transfer request transmitted to the Committees on June 29, 2019 for OBIM corrects an issue of appropriations being misaligned and reduces the administrative burdens on both the Cybersecurity and Infrastructure Security Agency and the Management Directorate. This \$0.8M request to transfer money from OBIM will be used to address the emergency at the Southwest border.
- \$0.4M will be transferred from the Office of the Chief Human Capital Officer (OCHCO). This will reduce support for the Career Path Tool by 50% of GS series originally planned. Funding for this tool provides online career mapping for 15 unique job series. However, with the reduction in funding, only 7 job series will be developed at this time.
- \$0.4M will be transferred from the Office of the Chief Procurement Officer (OCPO). The operational contracting entities within OCPO which will have to reduce contract close-out support and reduce support, such as the helpdesk, training, and report writing during times of peak workload, for the contract writing system – PRISM.
- \$0.1M will be transferred from the Office of the Chief Financial Officer. The office will terminate analytical work related to CBP Air & Marine; shorten period of performance for contract support and defer some work to FY 2020. The reprogramming will shorten the period of performance for the Budget Formulation and Execution Manager (BFEM) application from 12 months to 6 months, but maintain existing services with no deferral of work.

#### ***FY 2019 Procurement, Construction and Improvements (\$0.1M):***

- \$0.09M will be transferred from Mission Support Assets and Infrastructure - Financial Systems Modernization, which will postpone development of the CFO Horizons IT project with no real impact to the program.
- \$0.03M will be transferred from Mission Support Assets and Infrastructure - Human Resources Information Technology (HRIT) - Strategic planning activities will be reduced with little impact to the OCHCO HRIT acquisition program.

**Federal Emergency Management Agency (\$3.4M):**

\$3.4M will be transferred from Pre-disaster Mitigation (PDM) which will result in reduction of funds potentially available for the FY 2019 Grant Cycle. Although, the proposed funds are currently not tied to a planned PDM project or contract, if PDM has significant cost overruns that require utilization of additional funds, it would have to be paid from current PDM account under Federal Assistance (FA). This could result in current projects funded from the FA account to be delayed or otherwise disrupted.

**Science and Technology Directorate (\$1.0M):**

\$1.0M will be transferred from the FY 2019 Research and Development appropriation / Research, Development, and Innovation PPA. Use of these funds will delay priorities identified by S&T customers such as DHS Components and first responders, until FY 2020 funds are available. Specifically, potential delays will be on technology development priorities identified by the Chem-Bio Integrated Product Team. Mission impact will be minimized by focusing on R&D efforts with higher priorities, using funding identified from Contract/IAA closeouts with no specific programmatic impact, and transferring funding from the cancellation of other R&D efforts.

**Federal Law Enforcement Training Center (\$0.9M):**

\$0.9M in remaining funds will be transferred from various Pre-CAS Acquisition, Construction, Improvements & Related Expenses, which will result in the cancellation or deferral of scheduled facility maintenance, repair and/or renovation projects. Loss of funds may result in facilities becoming unavailable for training and will result in increased deferred maintenance.

**Countering Weapons of Mass Destruction (\$0.6M):**

\$0.6M will be transferred from the FY 2019 Research and Development appropriation originally intended for Mission Capability Assessment for Nuclear Forensics. Use of these funds may cause delays to future deployment of technology or near-term responses to emerging threats, but there is no immediate impact to current operations if these specific CWMD sources are utilized.

**Office of the Secretary and Executive Management (\$0.45M):**

- \$0.2M will be transferred from Operations and Support account for contractual services from the following lines of business: Office of Civil Rights and Civil Liberties and the Office of Strategy, Policy and Plans. OSEM will mitigate this impact by reducing low priority contracts.
- \$0.06M will be transferred from the Operations and Support account from salaries and benefits. This reduction may delay hiring and prevent backfilling key positions from the following offices: Office of Partnership and Engagement and the Privacy Office. OSEM will mitigate this impact by continuing to rely on personnel working in an acting capacity.
- \$0.19M will be transferred from Operations and Support account with little to no impact from the following offices: Office of the Secretary, Office of General Counsel, Office of Public Affairs, the Office of the Citizenship and Immigration Services Ombudsman, and the Office of Legislative Affairs.

**United States Citizenship and Immigration Services (\$0.4M):**

\$0.4M will be transferred from Operations and Support - Employment Status Verification. USCIS does not anticipate a negative impact from the one-time reprogramming of O&S funds. There is currently a projected lapse in payroll funding sufficient to offset this reprogramming amount.

**Analysis and Operations (\$0.2M):**

\$0.2M will be transferred from Analysis and Operations, which will result in a delay of some IT refreshes until FY 2020.

**III. Impact of Department or Congressional Policies**

Execution of the transfers identified in this notification create no additional resource requirements on Department or Congressional Policies.

**IV. Impact on Future Appropriations**

During the current fiscal year through June, the Department of Homeland Security (DHS) has apprehended more than 780,000 migrants illegally crossing the U.S. Southern border. Apprehensions for June showed a decline but still remain more than double that of FY18. At the current rate, DHS apprehensions will exceed one million by year's end.

As such, DHS is concerned these trends will continue with corresponding resourcing shortfalls. This will incur out-year operational costs that will impact future appropriations.

## SECTION 503 NOTIFICATION

**Component:** ICE

**Purpose:** FY 2019 DHS Migrant Protection Protocol (MPP) Immigration Hearing Facilities (IHF):

**Amount:** \$155,000,000

**Type:** Transfer

| Use  | Enacted Amount  | Enacted FTE | Previous Action | Transfer Amount | FTE Impacted | Balance after Transfer Dollars | Balance after Transfer FTE | % Impact Dollars | % Impact FTE | Footnotes |
|--|-----------------|-------------|-----------------|-----------------|--------------|--------------------------------|----------------------------|------------------|--------------|-----------|
| ICE - Operations and Support<br>(70 19 0540)   | \$7,542,153,000 | 22,075      | \$0             | \$155,000,000   | 0            | \$7,697,153,000                | 22,075                     | 2.06%            | 0.00%        | 0         |
| ICE - Operations and Support – Enforcement and Removal Operations – Custody Operations<br>(70 19 0540) | \$3,170,845,000 | 5,276       | \$0             | \$155,000,000   | 0            | \$3,325,845,000                | 5,276                      | 4.89%            | 0.00%        | 0         |
| Total  |                 |             |                 | \$155,000,000   |              |                                |                            |                  |              |           |

| Source  | Enacted Amount  | Enacted FTE | Previous Action | Transfer Amount | FTE Impacted | Balance after Transfer Dollars | Balance after Transfer FTE | % Impact Dollars | % Impact FTE | Footnotes |
|---|-----------------|-------------|-----------------|-----------------|--------------|--------------------------------|----------------------------|------------------|--------------|-----------|
| FEMA – Disaster Relief Fund (FY 2006)<br>(70 X 0702)                        | \$1,770,000,000 | 9,143       | \$0             | \$88,500,000    | 0            | \$1,681,500,000                | 9,143                      | 5.00%            | 0.00%        | 0         |
| FEMA – Disaster Relief Fund (FY 2006) – Base Disaster Relief<br>(70 X 0702) | \$1,770,000,000 | 9,143       | \$0             | \$88,500,000    | 0            | \$1,681,500,000                | 9,143                      | 5.0%             | 0.00%        | 0         |
| FEMA – Disaster Relief Fund (FY 2007)<br>(70 X 0702)                        | \$1,486,500,000 | 7,892       | \$0             | \$66,500,000    | 0            | \$1,420,000,000                | 7,892                      | 4.47%            | 0.00%        | 0         |
| FEMA – Disaster Relief Fund (FY 2007) – Base Disaster Relief<br>(70 X 0702) | \$1,486,500,000 | 7,892       | \$0             | \$66,500,000    | 0            | \$1,420,000,000                | 7,892                      | 4.47%            | 0.00%        | 0         |
| Total   |                 |             |                 | \$155,000,000   |              |                                |                            |                  |              |           |

## **I. Description/Justification**

The U.S. is facing a security and humanitarian crisis on the Southern border. The Department of Homeland Security (DHS) is using all appropriate resources and authorities to address the crisis and execute our missions to secure the borders, enforce immigration and customs laws, facilitate legal trade and travel, counter traffickers, smugglers and transnational criminal organizations, and interdict drugs and illegal contraband.

The United States continues to experience a high volume of aliens presenting themselves at ports of entry (POE) on the SWB or entering illegally between the POEs and being released into the interior of the United States while they wait sometimes years for a final resolution on their case. In efforts to mitigate the influx of migrants presenting themselves at ports of entry, DHS recently implemented the Migrant Protection Protocol (MPP) program in which DHS processes migrants under section 240 of the INA, 8 U.S.C. §1229a, and migrants remain in Mexico subsequent to a Notice to Appear (NTA) being served. DHS requires additional funding to stand-up temporary immigration hearing facilities along the southwest border to be able to process MPP related court hearings. ICE is also responsible for the transportation and escorting of aliens to and from MPP court proceedings. Without the funding, MPP court docket backlogs will continue to grow and ICE will not be able to effectively and efficiently move migrants between detention centers and courtrooms.

DHS is notifying Congress of the intent to transfer \$155M of available funds to support these requirements via authority provided in the FY 2019 DHS Appropriations Act. This realignment of resources provides ICE the necessary means to address this emergency and represents a minimized risk to overall DHS mission performance.

### *A. Use Accounts:*

#### **Migrant Protection Protocol (MPP) Immigration Hearing Facilities (IHF):**

ICE requires funding to establish and operate temporary IHF at multiple locations on the Southwest border (SWB). IHF will augment the Federal Court facilities and will allow hearings to take place closer to the border. The temporary facilities will include private meeting spaces, courtrooms, internet, telephones, video teleconferencing, and other information technology solutions to facilitate the processing of persons subject to the MPP. Providing sufficient courtroom facilities along the SWB will bolster DHS's ability to process the projected number of MPP migrants moving through immigration court proceedings.

### *B. Source Accounts:*

To mitigate further risks to DHS mission operations, the Department has identified unobligated balances within the Disaster Relief Fund (DRF) – Base sourced from recoveries of prior year funds.

## **II. Mission Impact Summary**

### *A. Use Accounts:*

#### **Migrant Protection Protocol (MPP) Immigration Hearing Facilities (IMF) (\$155.0M):**

Resources are needed to increase immigration hearing space in conjunction with the rollout and planned expansion of the MPP program. Current courts have infrastructure capacity and security limitations that are being exceeded by the addition of MPP cases to the existing non-detained docket.

### *B. Source Accounts:*

#### **Federal Emergency Management Agency (\$155M):**

\$155M will be transferred from the Disaster Relief Fund Base to ICE's Custody Operations PPA to support MPP IHF. The amount is resourced from recoveries of prior year funds. As of June 2019, the Federal Emergency Management Agency (FEMA) has recovered \$172M in this account in FY 2019; FEMA projects to recover an additional \$68M by fiscal year end. As reported in the July FY 2019 DRF Monthly Report, the projected need for DRF Base-funded activities in FY 2019 is \$664M. The current projected carryover balance into FY 2020 for the DRF Base is approximately \$602M, which includes projected recoveries. The transfer will reduce the projected carryover balance to \$447M. Absent significant new catastrophic events, DHS believes the resulting DRF Base balance is sufficient to support operational needs.

## **III. Impact of Department or Congressional Policies**

Execution of the transfers identified in this notification create no additional resource requirements on Department or Congressional Policies.

## **IV. Impact on Future Appropriations**

DHS is continuing to see an influx of illegal and inadmissible aliens at the Southern border. These record increases in particular types of migrants, such as family units, travelling to the border who require significantly more resources to detain and remove (when our courts and laws even allow that), have overwhelmed the U.S. immigration system, leading to a "system" that enables smugglers and traffickers to flourish and often leaves aliens in limbo for years. This has been a prime cause of our near-800,000 case backlog in immigration courts and delivers no consequences to aliens who have entered illegally. Smugglers and traffickers are also using outdated laws to entice migrants to undertake the dangerous journey north where on the route migrants report high rates of abuse, violence, and sexual assault. Human smugglers and traffickers exploit migrants and seek to turn human misery into profit. Transnational criminal organizations and gangs are also deliberately exploiting the situation to bring drugs, violence, and illicit goods into American communities. The activities of these smugglers, traffickers, gangs and criminals endanger the security of the U.S., as well as partner nations in the region.

The situation has had severe impacts on U.S. border security and immigration operations. Because of the court backlog and the impact of outdated laws and court decisions, many of these individuals have disappeared into the country before a judge denies their claim and simply become fugitives. Until these underlying factors are resolved, DHS is concerned that these trends could continue and potential out-year operational costs will impact future appropriations.