

DHS Transition Issue Paper

Activities to Mitigate the Risk of Chemicals Used as Weapons

OVERVIEW

- (U//FOUO) DHS assesses that ISIL is increasingly interested in conducting and inspiring more complex attacks against the West¹. ISIL-linked adversaries may consider incorporating toxic materials into attacks in the West with the aspiration of increasing fear, enhancing attack lethality, and adding greater complexity to response efforts. DHS believes that ISIL-inspired homegrown violent extremist (HVEs), or other domestic actors, who choose to pursue attacks with toxic materials most likely would employ commercially available toxic industrial chemicals (TICs) and use crude dissemination methods such as explosive dispersal, contaminating surfaces, poisoning food or water, or releasing gasses from pressurized tanks or via improvised chemical devices.
- When responding to a chemical attack, time matters for saving lives and managing resources. The window of opportunity to positively impact the response occurs in the first 2-4 hours. Most Federal resources are not available to support the immediate state and local response during that time. Therefore, the greatest Federal government impact to save lives must be made long before the incident occurs.
- Courses of action:
 - Work with chemical industry and the private sector to secure toxic chemicals in the supply chain.
 - Expand programs to train state and local first responders and leadership.
 - Maintain border and transportation security to stop bad actors before they have a chance to deploy chemicals as weapons.
 - Provide threat information and guidance to the state and local response community to enable a timely response and efficient decision making in the event of a chemical release.

Detailed Discussion

Events in the Middle-East indicate that both state and non-state use of either traditional chemical weapons (Mustard, Sarin) or toxic industrial chemicals (Chlorine, pesticides and others) is on the rise. When coupled with overseas terrorist group's stated intent to strike the WEST it is prudent for the United States to increase domestic efforts to mitigate the risk from this threat.

DHS chemical threat mitigation efforts are spread across several components and include prevention, threat awareness, preparedness, and response and recovery activities.

¹ (U//FOUO) For more information please see DHS-FBI-Delaware Information Analysis Center-Ohio Strategic Analysis & Information Center-~~Joint Intelligence Assessment "(U//FOUO) Toxic Materials Unlikely but Possible Weapon Choice for ISIL- Inspired or Directed Homeland Attacks"~~ dated 23 May 2016

- The Office of Health Affairs (OHA) Chemical Defense Program (CDP) aims to enhance Federal, state and local risk awareness, planning and response mechanisms in the event of a chemical incident.
 - CDP's medical and technical expertise is a resource for DHS and other Federal agencies. Most importantly, the program works directly with communities to help integrate threat-based risk assessments and response capabilities, and help communities understand their strengths, limitations, and needs.
 - Recently, CDP used a structured approach in five US cities, engaging nearly every part of their community response, studying different, high-risk venues using plausible chemical scenarios. The key finding from this work is - In response to a chemical incident, timely decisions and actions save lives and manage resources. Therefore, the program's efforts focus on optimizing the local response to large scale chemical incidents during those first crucial hours through direct engagements and providing guidance and responder tools.

- The Chemical Security Analysis Center (CSAC) was established by DHS to assess, identify vulnerabilities, and respond to potential chemical threats to the homeland. The CSAC primary goals are to provide a comprehensive knowledge management capability of chemical threat information, a science based, analysis of chemical threats, and a robust technical based reach back capability. CSAC integrates information from the scientific community, intelligence, and the private sector to provide the operational community to timely actionable information. CSAC's biennial chemical terrorism risk assessment (CTRA) is used nationally and internationally to determine the risk associated with different terrorist scenarios, and to assess the how proposed mitigation strategies might "buy down" that risk. CSAC's reach back capability provides real time scientific and technical responses to the operational community.

- The Federal Emergency Management Agency (FEMA) views chemical preparedness as a subset of overall preparedness, and chemical emergency response leverages all hazard core capabilities in place in all communities. The FEMA Administrator serves as the principal emergency management advisor to the President and the Secretary. The Administrator would coordinate federal support to state, local, tribal, and territorial (SLTT) governments during chemical incidents that have been declared major disasters or emergencies by the President of the United States under the Stafford Act. In addition, FEMA may provide support to Lead Federal Agencies (LFAs) and other responsible agencies in non-Stafford Act chemical incidents consistent with law and policy (as embodied in presidential directives, the National Response Framework, and the National Disaster Recovery Framework).
 - FEMA also operates the Chemical, Ordnance, Biological, and Radiological Training Facility (COBRATF) at the Center for Domestic Preparedness, which is the Nation's only toxic agent training facility for civilian responders (more than 50,000 since 1998) that allows them to train using military nerve agents and live biological materials in a safe and realistic environment.

- FEMA, on behalf of the Secretary, has developed the Oil and Chemical Incident Annex to the Response and Recovery Federal Interagency Operations Plans. This Annex lays out the unified and coordinated actions the federal government will take in anticipation of or in response to a large scale chemical incident or an oil spill.
 - Through the Chemical Stockpile Emergency Preparedness Program, FEMA supports national efforts to enhance the emergency preparedness and response capabilities to protect public health and safety of the public, workforce, and environment from the effects of a chemical stockpile accident or incident involving the Department of the Army.
 - FEMA's Modeling Capabilities: The Interagency Modeling and Atmospheric Assessment Center (IMAAC) provides a single point for the coordination and dissemination of Federal dispersion modeling and Chemical hazard prediction products that represent the Federal position during actual or potential incidents involving hazardous chemical atmospheric releases.
- The Infrastructure Security Compliance Division (ISCD) of the National Protection and Programs Directorate's (NPPD) Office of Infrastructure Protection is responsible for implementing the Chemical Facility Anti-Terrorism Standards (CFATS) Program. CFATS is a non-prescriptive regulatory program focused on security at high-risk chemical facilities ensuring they meet and maintain appropriate performance-based security standards. DHS uses a multi-tiered risk assessment process to determine a facility's risk profile by requiring facilities in possession of specific quantities of designated chemicals of interest to complete an online questionnaire, known as a Top-Screen. If DHS makes a determination that a facility is high-risk, the facility must submit a Site Security Plan or an Alternative Security Program for DHS approval that includes security measures to meet applicable risk-based performance standards established by DHS.
 - The Sector Outreach and Programs Division (SOPD) of the Office of NPPD's Infrastructure Protection, partners with the Critical Infrastructure Sectors to enhance critical infrastructure security and resilience through voluntary partnerships. DHS coordinates with the chemical sector through the Chemical Sector Coordinating Council, which works collaboratively with the private sector to identify goals and priorities that guide the sector's security and resilience efforts.
 - United States Customs and Border Protection (CBP) enforces regulations (DOT, EPA, DOJ, DOC, FDA, CDC, etc.) regarding the legal importation of millions of tons of chemicals each year and prevents the illegal importation of dangerous chemical materials.
 - CBP provides intelligence information to response operations, crafting threat analysis when appropriate and supporting officers and agents with targeting research for import and export inspections.

- CBP Laboratories and Scientific Services (LSS) provides field personnel with guidance to determine legitimacy of questionable chemical commodities.
- United States Coast Guard (USCG) forces are provided tools to survive while conducting or supporting initial response and consequence management operations during a chemical release incident. Under the National Contingency Plan (NCP), which covers both oil and chemical releases, the USCG is the lead federal agency in responding to chemical releases in the coastal zone or where the threat may impact a navigable waterway of the United States. USCG initial response operations to mitigate chemical threats include Search and Rescue, Chemical Incident Response, Ports, Waterways and Coastal Security, and Homeland Defense/Security.
 - The National Response Center is a part of the federally established National Response System and staffed 24 hours a day by the USCG. It is the sole national point of contact for reporting all oil, chemical, radiological, biological and etiological discharges into the environment, anywhere in the United States and its territories. The NRC also takes maritime reports of suspicious activity and security breaches at Maritime Transportation Security Act (MTSA)-regulated facilities within the United States and its territories. Consequence management (e.g., site characterization, decontamination) for coastal impacts would be conducted under NCP authority and under the NRF structure.
- The Transportation Security Administration (TSA) collaborates with surface transportation stakeholders to develop capability gaps, and sponsors a robust operational testbed program with several of the highest risk transportation venues. In conjunction with DHS S&T Chemical and Biological, and First Responder Divisions TSA facilitates the introduction of prototype or pre-production systems into various facilities for operational use.
- DHS S&T's Chemical and Biological Defense Division (CBD) works to strengthen the nation's security and resiliency by providing knowledge products and innovative technology solutions to enhance National preparedness against both current and future chemical and biological threats. CBD does this through research and development programs in threat characterization, advanced agent/disease surveillance, agent detection, event attribution and post-event response and restoration support.

Key Partnerships

- Chemical industry.
- United States Government Partners with large programmatic and/or policy equities include, but are not limited to, the National Security Council, Department of Defense, Department of State, Department of Agriculture, Environmental Protection Agency, Department of Commerce, Department of Health and Human Services, Department of Justice and the Intelligence Community.

- State and local partners include a wide array of State, Local, Tribal and Territorial health departments and other public health officials, as well as the full range of emergency response entities across the country. On these issues, DHS also works closely with groups like the Association of State and Territorial Health Officials (ASTHO) National Association of County and City Health Officials (NACCHO) through multiple channels, including support through the fusion centers and biological preparedness workshops.

DHS Transition Issue Paper

Border Security and Migration (Trends, Strategy, Technology, Statistics)

OVERVIEW

- This paper focuses on border security issues at and between U.S. ports of entry, illegal crossings, and irregular migration. In addition, this paper focuses on disrupting and dismantling criminal activity with a border nexus.
- Along the more than 5,000 miles of land border with Canada and Mexico, and approximately 95,000 miles of shoreline, DHS works with our interagency, state/local/tribal, and international partners to secure our borders and the associated airspace and maritime approaches to protect the United States against terrorist threats and prevent illegal entry of people and goods into the United States while also facilitating lawful trade and travel.
- Over the last 15 years, the United States has invested substantially in border security and the investment has yielded positive results. Apprehensions by the U.S. Border Patrol – which are an indicator of total attempts to cross the border illegally – are a fraction of what they used to be. For example, in Fiscal Year (FY) 2000, the total number of southwest border apprehensions reached was 1.6 million. Over the last several years, the number of apprehensions has been a fraction of that – despite an improving economy, a traditional “pull factor” for illegal migration.
- The border regions of the United States – land, maritime, and air environments as well as the interior (border nexus) of the United States – cannot be effectively policed by a single DHS component or even a single governmental entity. A whole-of-government approach that leverages interagency and international partnerships as a force multiplier has been and will continue to be the most effective way to keep our border secure.
- The border and interior environment is dynamic and requires adaptation to respond to emerging threats and changing conditions. Detecting changes in threat levels and criminal flows across the border environment requires the use of various tactics to gather information and intelligence in both low and high threat areas.
- To detect and respond to criminal activity having crossed, crossing, or approaching our borders, DHS deploys sophisticated surveillance and detection technology and collaborates with domestic and international law enforcement, intelligence, defense, and local community partners.

DETAILED DISCUSSION

Between the Ports of Entry

Investments in Personnel, Technology, and Infrastructure

The U.S. Government began a concerted effort to address border security and the illicit flows of traffic in the early 1990s. A combination of increased manpower, technology, infrastructure, and the strategic application of those resources to high-priority areas has led to impressive results towards securing and managing the border. Since the inception of U.S. Customs and Border Protections (CBP) in March 2003, CBP’s United States Border Patrol (USBP) has doubled in size to almost 20,000 agents today, which has had the effect of reducing illegal entries between the ports of entry. Consequently, USBP apprehensions – which are an indicator of total attempts to

cross the border illegally – totaled 337,117 nationwide in FY 2015, compared to 486,651 in FY 2014. This represents a more than 30 percent decline in the last year and almost 80 percent below its most recent peak in FY 2000 – averaging approximately 400,000 per year, over the past five years.

In addition to personnel, technology is critical to border security operations. A tailored and complementary blend of fixed, mobile, portable, aerial and maritime surveillance systems increases DIIS's effectiveness in targeting a response to high-risk areas, enabling rapid response strategies to maximize limited manpower, and adjusting to seasonal/periodic traffic patterns. The information obtained from fixed and mobile surveillance systems, ground sensors, imaging systems, and other advanced technologies enhances domain awareness, informs situational awareness, and better enables DIIS/CBP to monitor, detect, identify, and appropriately respond to threats in the Nation's border regions.

In accordance with Secure Fence Act of 2006, which requires DHS to construct the infrastructure necessary to deter and prevent unlawful border entry, CBP has deployed several types of fencing along the Southwest border – in California, Arizona, New Mexico, and Texas – as a means of tactical infrastructure. To date, there are 658 total miles of fencing on the Southwest border.

To sustain and recapitalize border security technology assets, DIIS utilizes a joint requirement process to validate our mission requirements. These strengthened budget and acquisition processes ensures DHS has the funding and sustainment to operate existing equipment to maximum capacity while receiving new assets with the required capabilities on time and on budget.

Improved methodology

DHS is committed to risk-based, intelligence-driven operations which enable us to focus resources on a wide array of diverse threats ranging: from networks of terrorism and transnational crime to individuals attempting illegal entry; from the illicit southbound movement of weapons, ammunition and cash to the introduction of agricultural pests and diseases; from trafficking in drugs, weapons, and humans to the transit of prohibited, restricted, and unsafe goods. The application of risk management principles has enabled sound, timely operational planning and focused tactical execution against these diverse threats. These include methods of detecting illegal entries such as using "change detection" techniques, increased mobile-response capabilities, and expanded use of specially trained personnel with "force multiplying" skills and abilities.

Variation in terrain, threat, and other considerations make a "one size fits all" approach ineffective. USBP uses the Capability Gap Analysis Process (CGAP) to conduct mission analysis and identify capability gaps. From this analysis, USBP performs follow-on planning to identify operational requirements over the short, mid, and long-term and to identify potential solutions, which may (or may not) include technology, tactical infrastructure, or other solutions depending on the nature, scope, severity, and geographic location of a given capability gap.

Consequence Delivery System (CDS)

USBP uses the Consequence Delivery System (CDS) on the Southwest border as a means to standardize decision making in the application of consequences to those entering the country

illegally. CDS examines the efficiency and effectiveness of individual consequences on various types of individuals without claims for legal immigration. Recidivism and the average number of apprehensions per recidivist are the strongest indicators of CDS effectiveness. Since CDS implementation in FY 2011, the annual reported recidivism rate has decreased from an average of 27 percent to 14 percent in FY 2015 and average apprehensions per recidivist decreased from 2.71 to 2.38 in FY 2015. Contributing factors to the reduction included reducing the percent of apprehensions resulting in a Voluntary Return — an administration consequence which allows an alien to depart voluntarily from the United States in lieu of being subject to removal proceedings — the least effective and efficient consequence, from 59 percent in fiscal year 2010 to 4 percent in fiscal year 2015; and applying more effective and efficient consequences to illegal entrants with a higher probability of making subsequent illegal entries.

At the Ports of Entry

On a typical day, DHS/CBP welcomes over one million travelers at our air, land, and sea ports of entry. From 2012 to 2015, the volume of international air travelers increased by 14 percent and is projected to increase four (4) to five (5) percent each year for the next five years. Through a risk-based layered strategy, CBP addresses the security elements of its mission while meeting the challenge of increasing volumes of travel in the air, land, and sea environments. This is accomplished through a pre-departure strategy and programs that enable us to intercept and address potential threats at the earliest possible opportunity overseas and before such threats reach the United States.

Every stage along the international travel cycle — from when an individual applies for a visa or Visa Waiver Program travel authorization to when an individual arrives at a U.S. port of entry — provides an opportunity to assess risk and mitigate potential threats. In concert with its partners, CBP applies its capabilities throughout the travel cycle: CBP's National Targeting Center (NTC) increases security by receiving advance information and employing sophisticated targeting systems to detect risk; and CBP's overseas enforcement approaches — Regional Carrier Liaison Groups, Immigration Advisory and Joint Security Programs, and Preclearance — act upon information provided by the NTC to address risks or prevent the movement of identified threats toward the United States at the earliest possible point in travel. CBP continually evaluates and adjusts its security measures to strengthen its ability to react quickly and effectively mitigate potential threats to the United States. Similarly, U.S. Immigration and Customs Enforcement's Homeland Security Investigations (ICE/HSI), through its Visa Security Program, seeks to eliminate the threat before it arrives, working with Department of State to screen visa applicants prior to visa issuance.

In addition, under the Western Hemisphere Travel Initiative (WHTI), which instituted a travel document requirement and standardized travel documents, U.S. citizens and foreign nationals alike are required to present a passport or other acceptable document that denotes identity and citizenship when entering the United States. As a result of WHTI, the accepted number of documents decreased from 100 to eight (8) and more than 19 million individuals obtained Radio Frequency Identification (RFID)¹ technology-enabled secure travel documents. Consequently,

¹ RFID-enabled documents contain an electromagnetic tag that stores data, which can then be

CBP has seen a reduction in fraudulent documents. RFID documents are more secure as they can be verified electronically in real-time back to the issuing authority to establish identity and citizenship, without impeding the flow of traffic. WHTI documents are part of a broader, technology-based network that enables CBP to manage and even anticipate traffic volumes at ports of entry while determining admissibility and maintaining secure borders.

Finally, DHS has strengthened the security of our Visa Waiver Program, which permits travelers from 38 different countries to come enter the United States without a visa. In 2014, CBP began to collect more personal information in the Electronic System for Travel Authorization (ESTA), a system that travelers from Visa Waiver countries are required to use. ESTA information is screened against the same counterterrorism and law enforcement databases that travelers with traditional visas are screened, and must be approved prior to an individual boarding a plane to the United States. As a result of these enhancements, over 3,000 additional travelers were denied travel through this program to the United States in fiscal year 2015.

Maritime

DHS is the lead Federal agency for combating maritime threats to the Homeland, including—but not limited to—drugs and people who are trying to enter the country illegally. Within DHS, the U.S. Coast Guard (USCG) and CBP's Air and Marine Operations share responsibility for maritime security missions with Coast Guard acting as the lead Federal agency for maritime migration operations on the high seas. Working with state/local agencies, they ensure safe, legal and orderly migration in the U.S. contiguous zone and territorial seas. The primary methods of maritime migration continue to be rustic (homemade) vessels and, to a lesser extent, "go-fast" recreational vessels. Currently, Cuban and Haitian migrants are the two biggest U.S.-bound maritime migration threats, with Dominicans and a mix of other nationalities making up the rest. Maritime migration flow throughout 2015 and 2016 has consistently been above previous year averages. In fiscal year 2016, the USCG interdicted well over 5,000 Cuban migrants engaged in maritime migrant events; this is the largest amount seen during a non-mass migration scenario. This spike apparently occurred due to unfounded rumors of a possible change in U.S. immigration policy, as well as a belief that Cuban resources and economic conditions in Cuba will continue to decline due to the reduction of support from Venezuela as that nation's economy declines.

Executive Orders (EO) 13276 and 12807, National Security Presidential Directive 52 (NSPD-52), and the Caribbean Mass Migration framework specify the roles and responsibilities of Federal agencies for responding to the migration of undocumented aliens in the Caribbean region. Within DHS, Homeland Security Task Force Southeast's (HSTF-SE) Operation Vigilant Sentry (OVS) serves as the interagency plan to conduct exercises and other activities to prevent, deter, prepare for, respond to and recover from an actual or potential mass migration in the Caribbean.

Previous maritime mass migrations include 125,000 Cuban migrants interdicted during the 1980 Mariel Boat Lift, and over 50,000 Cubans and Haitians attempting to gain asylum in the U.S. in

read via magnetic fields or radio waves. Vicinity RFID technology allows CBP officers to receive an RFID-enabled travel document in advance and to verify identity and perform automated watch list queries without impeding the flow of traffic.

1993-1994. Overt patrols, with quick interdictions and timely repatriations are the key to preventing a mass migration

Joint Operations

On November 20, 2014, the Secretary commissioned the creation of three Joint Task Forces (JTF) to support the Southern Border and Approaches Campaign: JTF-West, JTF-East, and JTF-Investigations. All three incorporate elements from CBP, USCG, ICE, and U.S. Citizenship and Immigration Services (USCIS). JTF-West, led by CBP, bears responsibility for the southern land border and the West Coast. JTF-East, led by the USCG, is responsible for the Southern maritime and border approaches. JTF-Investigations, led by ICE/HSI, focuses on investigations in support of JTF-W and JTF-E.

This effort coordinates DHS resources in a collaborative fashion to address the range of threats and challenges, including illegal migration, smuggling of illegal drugs, human and arms trafficking, the illicit financing of such operations, and the threat of terrorist exploitation of border vulnerabilities. The creation of the JTFs, unified joint task forces along the Southwest border and in the approaches to the United States: increases information sharing with Federal, state and local law enforcement agencies; improves situational awareness; enhances border-wide criminal intelligence-led interdiction operations; and addresses transnational threats and associated violence.

Through the Joint Task Forces, DHS is on track to surpass the FY 16 goal of disrupting or dismantling 15 percent of transnational organizations targeted by the Joint Task Forces.

Nexus to the Border

ICE brings its global presence, expertise, and experience in investigations, enforcement, response, intelligence, immigration, and trade to Department-wide unified and holistic approaches that focus on attacking the structure of transnational criminal organizations and disrupting their pathways across a wide geographic area.

ICE/HSI, the largest investigative arm in DHS, uses its unique immigration and customs legal authorities to protect the United States from illegal activity that exploits our borders, including terrorism; financial crimes (including money laundering and bulk cash smuggling); commercial fraud and intellectual property theft; cybercrimes including child exploitation and internet-enabled crime; human rights violations; human smuggling and trafficking; immigration, document and benefit fraud; narcotics and weapons smuggling/trafficking; transnational gang activity; illegal arms trafficking; export enforcement; and international art and antiquity theft. More specifically as it relates to border security, ICE:

- Facilitates the repatriation of individuals with final orders of removal;
- Responds to and investigates crimes detected by CBP at and between the ports of entry and regularly collaborates with CBP on criminal investigations involving the theft of intellectual property and trade violations;
- Collects, analyzes, and shares timely and pertinent intelligence with DHS;

- Establishes bi-directional connectivity among DHS components and other federal, state, local, tribal, and territorial law enforcement agencies through the ICE-sponsored Law Enforcement Sharing Service; and
- Works with international partners through its Transnational Criminal Investigative Units bilateral, multi-disciplinary investigative units led by HSI with foreign law enforcement membership — currently operating in nine countries.

ICE/HSI continues to prioritize its resources based on a yearly Strategic Risk Assessment, a recognized process that can prioritize investigative and operational resources based on field risk and threat assessments.

TRENDS

CBP continues to address trends and deter illegal cross-border activity. However, recent trends also include those over which CBP lacks authority to make a deterrent impact: despite lower overall land border activity, CBP has witnessed an increase in unaccompanied children, family units, and credible fear claims. Under the *Trafficking Victims Protections Reauthorization Act*, unaccompanied children are transferred to the U.S. Department of Health and Human Services; ICE may detain family units for the period of time necessary to process any credible fear claim “as expeditiously as possible” – the *Flores* court has indicated that a period of 20 days likely meets this standard (and the Department has concurred in this timeline); and it may take two to five years within the immigration courts system for a hearing on a credible fear or asylum claim — accordingly, in addition to resolution of these cases occurring beyond CBP, no effective deterrent currently exists in the immigration continuum for the populations identified.

Since 2015, DHS has engaged in extensive informational campaigns to dissuade potential undocumented aliens from embarking on the dangerous trek north to attempt to enter the U.S. illegally. Television, radio, and social media advertisements run throughout the United States, Central America, and Mexico increasing awareness of U.S. immigration policies, enhanced enforcement efforts, the consequences of illegally crossing the border, and the dangers that migrants encounter on their journey. Interviews conducted by individuals apprehended attempting to enter the United States illegally reveal that the messaging is being received, however many believe that the risk is worth the reward and will continue to attempt to enter the United States illegally.

- There has been a major change in demographics from a vast majority of Mexican nationals to nearly 40 percent from other countries; primarily Central America and beyond. Demographics have also shifted in that the average demographic of individuals crossing the border illegally have changed from almost exclusively single adult males to unaccompanied alien children (UAC) and family units.
- There has been a dramatic increase in asylum claims among family units and unaccompanied children, primarily from the Central American “Northern Triangle” nations of Guatemala, Honduras, and El Salvador, who have transited Mexico prior to entering the United States.

These cases overwhelm the resources involved in adjudicating asylum claims, and require reallocation of enforcement personnel away from their primary mission.

- DHS is experiencing an increase in asylum claims among Haitians, many of whom have lived in South America for several years prior to transiting Central America and Mexico to reach the United States.
- CBP has seen an increase in the number of Cuban migrants at southern border ports of entry seeking adjustment of status under the provisions of the Cuban Adjustment Act of 1966 (CAA). Further, between FY12 and FY15, the USCG records indicate that Cuban migrant flow rose each year from 1,648 in FY12 to 4,476 in FY 15. This annual increase in flow led to a proportional rise in interdictions, however, even with increased interdiction rates, the percent of Cuban migrants, with credible fear fell considerably each year from 2.6% in FY12 to only 0.34% in FY 15.
- The USCG has seen a substantial increase in extreme measures taken by Cuban migrants; average migrant self-inflicted wounds went from an average of 10 incidents per year (FY05-FY15) to more than 30 total incidents (14 requiring MEDEVAC) in FY16. In less than a year, USCG responded to multiple self-inflicted gunshot wounds, knife wounds, migrants ingesting bleach, and drinking gasoline.
- The number of Significant Interest Aliens (SIAs) – aliens from countries of interest in Africa, Asia, and the Middle East in transit to the United States – has increased in recent years, due in part to visa-free travel in some transit countries, tightened control along other traditional migration routes, and transit countries' limited capability to detect and deport migrants. More recently, there has been an increase in the number of individuals transiting South and Central America.
- (FOUO/LES) Mexican transnational criminal organizations (TCOs) pose the greatest criminal drug threat to the United States. These Mexican TCOs traffic heroin, methamphetamine, cocaine, and marijuana throughout the United States, using established transportation routes and distribution networks.

COURSES OF ACTION

- *Resources:* DHS must continue to utilize its resources to maintain the right balance of people, technology, and infrastructure in keeping terrorists and their weapons out of the United States, securing the border, and facilitating lawful international trade and travel. The availability and allocation of these resources is critical to meeting mission requirements.
- *Personnel:* Although CBP and ICE (HSI) have made progress in meeting frontline recruitment and hiring goals, additional work remains.
- *Technology:* The border security mission regularly requires frontline personnel to operate in diverse and remote locations where tactical communication, transportation, and surveillance capabilities are essential to coordinating mission activities and protecting the safety of DHS personnel. This requires continuous investment in technology from the basic - tactical radios and vehicles - to the more complex – tactical aerostats, integrated fixed towers, and entry/exit systems.
- *Infrastructure:* Enhancements must be made to ensure that CBP law enforcement personnel are able to operate in safe and secure environments.

- *Counter-network and Partnership Approach:* CBP and ICE (HSI) will enable interagency actions against illicit networks through collaboration and integration, utilizing risk-based prioritization of threats, being intelligence-driven, and identifying vulnerabilities. Additionally, CBP and ICE (HSI) will enhance transparency and collaboration with our operational partners to strengthen our ability to collect, analyze, and share intelligence and information. CBP and ICE (HSI) will continue expanding key partnerships and synchronizing efforts with Federal, state, international, tribal, territorial, and local agencies.
- *Process alignment:* To effectively address irregular migration issues, all elements of government influence, law, policy, resources, and operations must align. All aspects of the immigration enforcement and management system must work effectively in support of border security to enhance effectiveness. Most importantly, this includes ICE's Enforcement and Removal Operations (ICE/ERO), detention and removal capability, and the Department of Justice's (DOJ) Executive Office of Immigration Review (EOIR) immigration court system, in which there are two to five delays for a hearing. This means that the majority of asylum requests will result in release into the United States indefinitely. The entire process needs to be aligned.
- *Border Metrics:* DHS-wide efforts to develop outcome-based border security metrics is underway. The development of these metrics will help DHS improve management of operations and investment decisions. As border security operations become increasingly integrated, the ability to quantify individual contributions to shared outcomes becomes increasingly complex. DHS must continue to collaborate with internal and external partners to enhance current metrics, and develop new metrics, that provide meaningful outcome-focused measurements of illegal activity, trends, and effectiveness.
- *Interior Metrics:* DHS will further enhance the investigative outcome measure of percent of significant transnational criminal investigations that result in a disruption or dismantlement. Through an independently recognized and commended process, DHS will push an effective performance measurement process throughout all law enforcement components within DHS to disrupt and dismantle illicit trade, travel and finance.
- *Intelligence:* DHS will continue to inform senior officials of the changing trends at the border with intelligence. This will empower policy makers with the most accurate information during their decision making processes on policy, budgetary and resource allocations.

KEY PARTNERSHIPS

- *Federal investigative partners:* DHS works closely with various federal partners in investigative efforts. These partners include agencies within the Department of Justice and the FBI Joint Terrorism Task Force. ICE/HSI is the second largest contributor to the FBI's JTTF.
- *Department of Health and Human Services (HHS):* DHS Components, CBP and ICE, work closely with HHS to ensure the safe detention, care, and transfer of UAC in accordance with the *William Wilberforce Trafficking Victims Protection Reauthorization Act* (Pub. L. No. 110-457) and other legal obligations.
- *Department of Defense (DoD):* DHS and DoD have a shared vision of protecting the Homeland through an active, layered structure, enabled by a whole-of-government approach to detect, deter, and defeat threats to the United States before they reach our physical borders and/or take action against U.S. interests abroad.

- *Intelligence Community:* DHS communicates and collaborates with various members of the wider intelligence community to assist in preventing and curtailing illegal cross-border trafficking and to facilitate interdiction.
- *State, Local, Tribal, and Territorial Governments:* DHS coordinates and collaborates with various government officials and works with tribal law enforcement at the border to inform them of operations that may impact their communities.
- *Foreign Partnerships:* Through various initiatives, DHS work closes with our international partners to address issues pertaining to border management, including border violence, managing the flow of legitimate travelers, and strengthening border security.



U.S. Customs and
Border Protection



U.S. Customs and
Border Protection



CBP
FIELD OPERATIONS
FEDERAL OFFICER



CBP
BORDER PATROL
FEDERAL AGENT



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5,000 miles of border with Canada
1,900 miles of border with Mexico
95,000 miles of shoreline



328 Ports of Entry
20 Border Patrol Sectors
35 Permanent Checkpoints

Process

1,069,266 Total Passengers Daily
326,723 Air Passengers
74,417 Truck, Rail and Sea Containers



1,008 kilos of Narcotics Seized



\$170,108 in Currency Seized



753 Refusals of Non-US Citizens



464 Pest Interceptions



20 Fraudulent Documents



59 Criminal Arrests at Ports

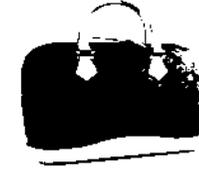


1,519* Border Patrol Arrests (*FY2017 YTD)

(b)(7)(E)
Boardings (CBP Wide) 11 (b)(7)(E)
Requests 283 **ESTA Denials (CBP Wide) 64**
ESTA Denials (NTC) (b)(7)(E)



86 IPR Seizures
134 Trade Seizures

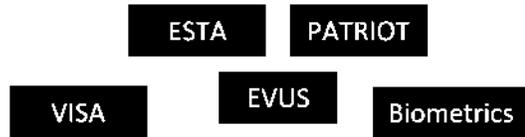




International Passenger Targeting Lifecycle



TRAVEL APPLICATION



RESERVATION (PNR)

CHECK-IN (API)



Biometrics

TTRT

(b)(7)(E)

Counter Terrorism

Narcotics Trafficking

Human Smuggling

Illicit Trade and Finance



Pre-Adjudicative Visa Vetting (PATRIOT)

Non-immigrant visa applications are screened in real-time for national security or other eligibility concerns that is provided to DOS prior to visa issuance.

Electronic System for Travel Authorization

(ESTA)

All ESTA applications are screened by NTC-P prior to approval, and similar to visas, are continually screened in real-time for new derogatory.

Immigration Advisory Program (IAP) Joint Security Program (JSP)

CBP personnel posted at eleven foreign airports in nine countries working with the border security agencies of the host country and commercial airlines in order to deny boarding to high-risk subjects and other mala fide passengers.- AMS, CDG, DOH, FRA, LGW, LHR, MAN, MAD, NRT, MEX, PTY, SAL

Visa Vetting

All valid and issued immigrant and non-immigrant visas are screened in real-time for new derogatory information and may be referred to DOS with a recommendation for revocation.

Biometrics

Serve as the DHS point of contact for all biometric matches to (b)(7)(E) Provide admissibility recommendations on all O-O biometric encounters.

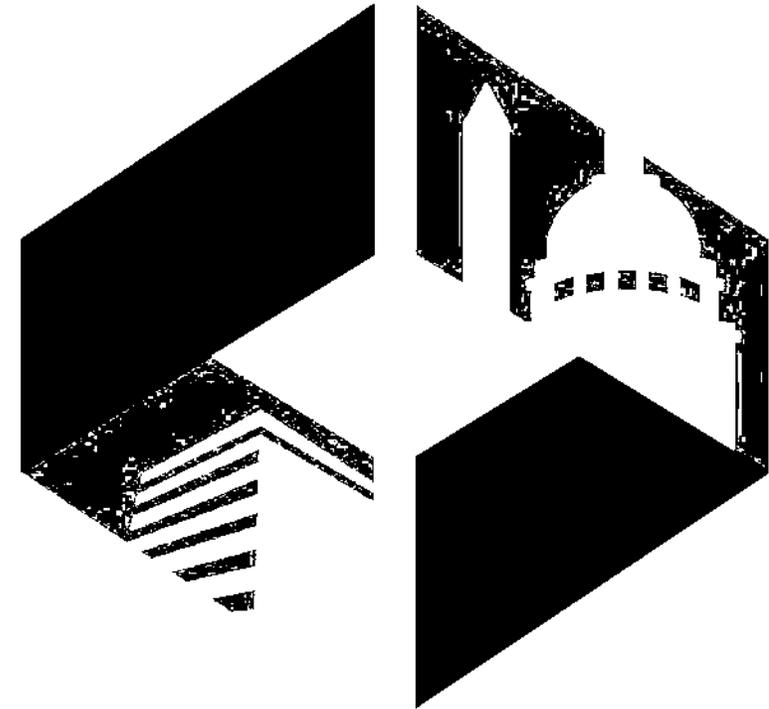
Regional Carrier Liaison Group (RCLG)

Located in Honolulu, Miami and New York and responsible for the remaining non-IAP airports around the world. The RCLGs utilize established relationships with the commercial airlines to prevent passengers who may pose a security threat, have fraudulent documents, or are otherwise inadmissible from boarding flights to the United States.



Mission Statement and Accomplishments

Within OFO, the NTC focuses on the mitigation of terrorism threats that involve unknown, known and partially known terrorist operatives. Threat mitigation is accomplished through (b)(7)(E) (b)(7)(E) (b)(7)(E) Research and analysis of reporting (b)(7)(E) Situational awareness to frontline officers on terrorism threats. In order to accomplish this mission, NTC frequently works with domestic and international partners.





Tactical Terrorism Response Team and Joint Terrorism Task Force Officers

Tactical Terrorism Response Teams

Tactical Terrorism Response Teams (TTRT) are specialized teams dedicated to analytics, task force operations and counterterrorism operations.

(b)(7)(E)

(b)(7)(E)

Joint Terrorism Task Force

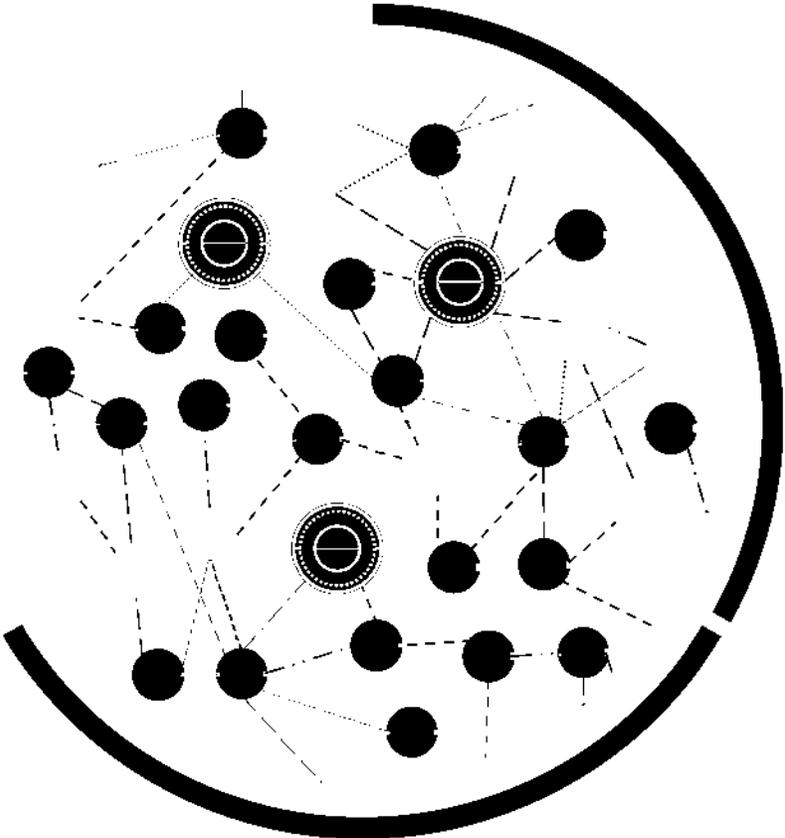
TTRT members work closely with JTTF Task Force Officers to ensure efficient flow of operational information regarding current threat streams and subjects of national security investigations. TTRT and TFOs collaborate on the

(b)(7)(E)

(b)(7)(E)



Network Evolution



(b)(7)(E)



Lines of Effort

Counter Terrorism

(b)(7)(E)

Narcotics

(b)(7)(E)

Trade

(b)(7)(E)

Alien Smuggling

(b)(7)(E)

- Four integrated operational teams comprised of elements from OFO, OBP, Intel Analysts, and HSI Special Agents Appropriate Subject Matter Experts assigned to each team Supported by an Analytical Support Branch, forward deployed liaisons, and CBP OIT TASPDPD contractors Contract support from Deloitte and JIDO



Mission Statement and Lines of Effort

- The NTC Global Targeting Advisory Division (GTAD) leads and collaborates with the Office of Information and Technology (OIT) and the Office of International Affairs (INA) in developing a DHS-wide consolidated vetting program. (b)(7)(E) (b)(7)(E) (b)(7)(E) program and supports the World Customs Organization's Cargo Targeting System (CTS) program. Currently, GTAD supports (b)(7)(E) (b)(7)(E)

Information Sharing

Continues to establish and enhance information sharing agreements with foreign governments, increasing the amount of information available to

NTC (b)(7)(E) (b)(7)(E)

Global Targeting

Shares targeting best practices with foreign governments to improve their capabilities to build their own targeting centers and to partner with NTC Support for World Customs Organization's Cargo Targeting System continues in the maritime environment; development is underway in the aviation environment Engagement with European Union partners on traveler targeting in advance of the EU PNR Directive, ratified by the EU Parliament in 2016 Encourages the use of data standards by border agencies through interaction with international organizations such as ICAO, IATA, and WCO.



U.S. Government: Immigration and Customs Enforcement (NTC-)
I) TSA Office of Intelligence and Analysis
TSA National Transportation Vetting Center
TSA Federal Air Marshal Service
U.S. Marshals Service
U.S. Secret Service
US Consumer Product Safety Commission
Department of State & Diplomatic Security Services
Joint Interagency Task Force - JIATF – NCR
Health and Human Services, Centers for Disease Control
Citizenship and Immigration Services
Federal Bureau of Investigation / JTTF National Counterterrorism Center
Drug Enforcement Administration

Department of Defense
US Postal Service
Inspection Service
U.S. Coast Guard
SOCENT / SOCOM
New York Police Department
Department of Treasury (FINCEN)
Central Intelligence Agency
DOD Foreign Fighter Task Force
CJIATF - Syria
Fish and Wildlife Service
Department of Energy
INTERPOL
Environmental Protection Agency
National Oceanic and Atmospheric Administration
Food and Drug Administration
National Highway Traffic Safety Administration
Food Safety and Inspection Service

(b)(7)(E)



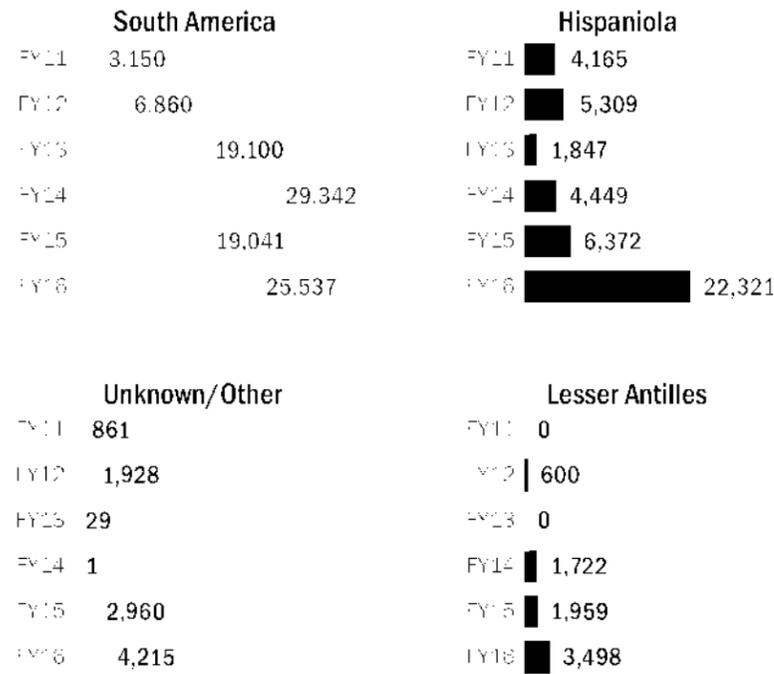
Questions



(U//FOUO) US COAST GUARD AND CUSTOMS AND BORDER PROTECTION (CBP) DRUG AND CURRENCY SEIZURES SIX YEAR TREND

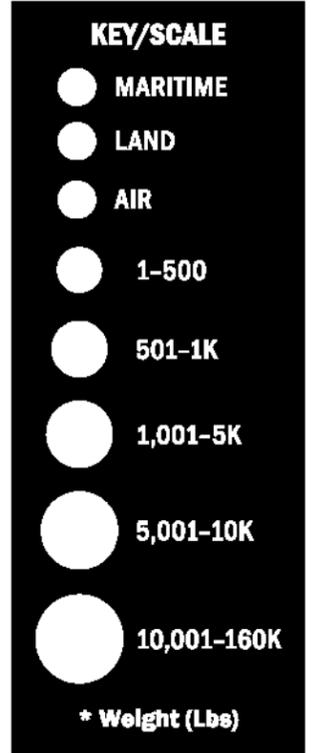
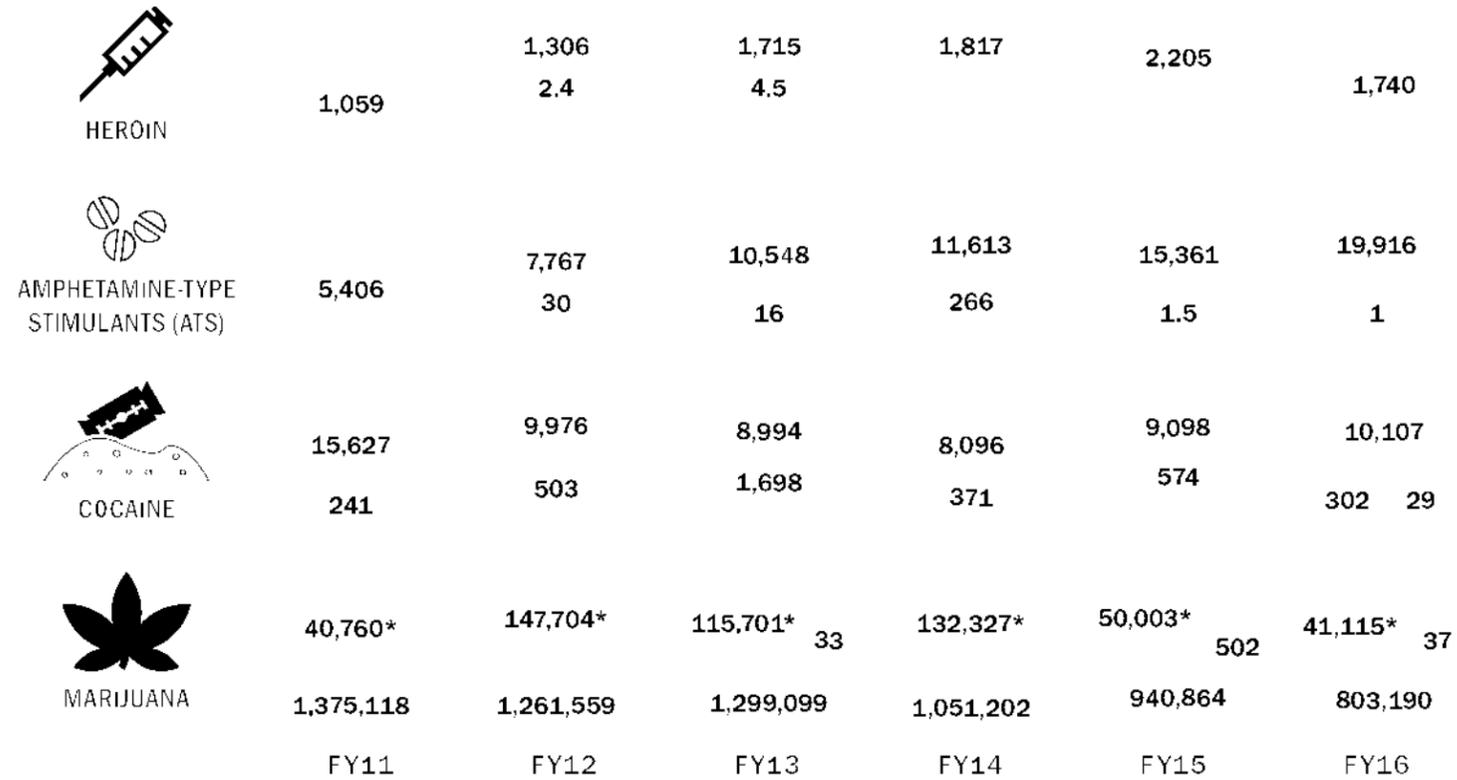
(U//FOUO) MARITIME COCAINE MOVEMENTS DESTINED FOR PUERTO RICO FISCAL YEARS 2011-2016

Regions of Origin
(kgs)

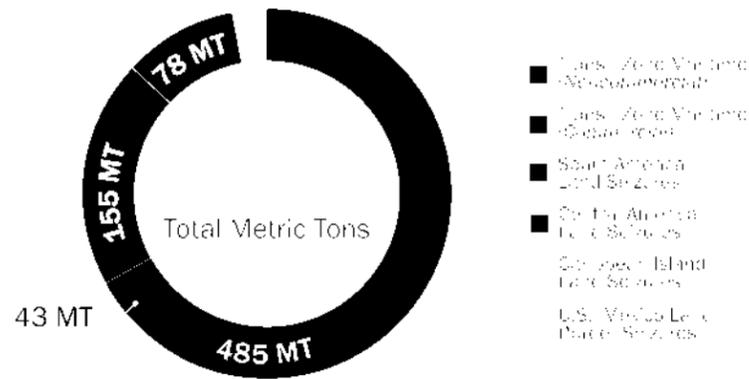


(U//FOUO) FISCAL YEARS 2011-2016 DRUG SEIZURE AMOUNTS ALONG US BORDER (EXCLUDING PUERTO RICO)

(kgs)

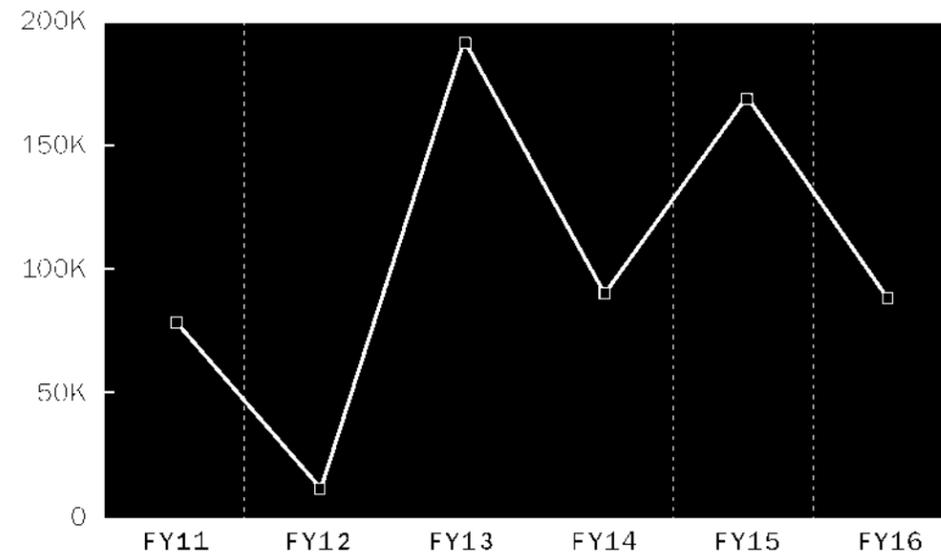


(U//FOUO) FISCAL YEAR 2016 COCAINE SEIZURES



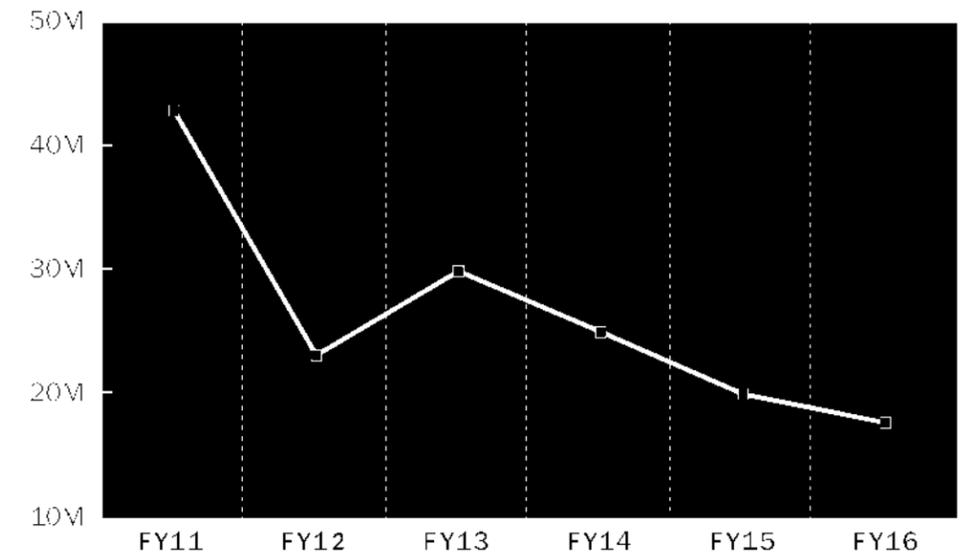
(U//FOUO) US SOUTHWEST BORDER AIR CURRENCY SEIZURES

(Dollars in Thousands)



(U//FOUO) US SOUTHERN LAND BORDER CURRENCY SEIZURES

(Dollars in Millions)



DHS Transition Issue Paper

Combating Transnational Organized Crime Networks

OVERVIEW

- In 2011, the *National Strategy to Combat Transnational Organized Crime* was signed and stated in part “Criminal networks are not only expanding their operations, but they are also diversifying their activities, resulting in a convergence of transnational threats that has evolved to become more complex, volatile, and destabilizing. These networks also threaten U.S. interests by forging alliances with corrupt elements of national governments and using the power and influence of those elements to further their criminal activities.”
- Transnational criminal organizations (TCO) rely on revenues generated through the sale of illegal drugs, counterfeit goods, human trafficking and smuggling, and other criminal activities. These organizations, whether structured or decentralized in nature, continue to capitalize on technological innovation, including new platforms to sell illicit goods, innovative ways of moving money, tools for coordinating operations, and a variety of other criminal and cyber activities.
- Disrupting these complex illicit networks requires that DHS contribute to a well-informed and agile U.S. government and global response. Through integration of capabilities, DHS provides actionable, tactical and strategic intelligence and information across its operational component organizations. This not only enables unique DHS interdiction and investigative capabilities, but also those of domestic and foreign partners.

DETAILED DISCUSSION

Issue Background

- Illicit flows of people and goods are characterized by the exploitation of legitimate trade, travel, and financial systems or the creation of alternative, illicit pathways through which people and illegal goods - narcotics, funds, counterfeits, and weaponry, as examples - can cross international borders. Primarily driven by criminal profits, these flows of people and goods are persistent and enduring. The risk from these activities can be difficult to mitigate, especially given the limited direct role of homeland security activity in addressing the root causes of supply and demand.
- The United States currently faces a heroin epidemic, a dramatic increase in deaths from opioids including fentanyl, an alarming increase in U.S.-bound cocaine flow, and a continuing methamphetamine crisis. TCO, which have been identified as a threat to national security, receive extensive proceeds from drug trafficking and through the key role they play in facilitating cross-border movement of aliens. Interdiction of illicit drugs and undocumented migrants bound for the United States is a core tenet of Departmental and interagency efforts aimed at disrupting TCO, and protecting the American people from these criminal activities with enormous profit margins.

Elements of DHS Efforts Against TCO

- Since 2015, DHS-wide border and maritime security activities have been guided by the Southern Border and Approaches Campaign Plan that complement the *National Drug Control Strategy*, and the *National Southwest Border Counternarcotics Strategy*. Aimed at leveraging the range of unique Department roles, responsibilities, and capabilities, the Campaign enhances DHS' ability to work together in a more unified way to address these comprehensive threats. In support of this campaign, the DHS Secretary announced the creation of three joint task forces to coordinate the efforts of the combined resources of DHS component agencies. Joint Task Force-East is responsible for the maritime approaches to the United States across the southeast, from the Gulf of Mexico to the Caribbean. Joint Task Force-West is responsible for the southwest land border from Texas to California. And, supporting the work of the other two task forces is a standing Joint Task Force for Investigations. In the past decade, DHS has deployed more resources, technology, and tactical infrastructure for securing our borders than at any other time in history. Technology and detection capabilities significantly contribute to identifying and deterring the entry of potentially dangerous people and contraband.
- U.S. Coast Guard - With broad authorities and an extensive array of agreements and arrangements with nearly every coastal nation state in the Western Hemisphere, the Coast Guard leads maritime interdiction efforts against TCO networks primarily within the Western Hemisphere Transit Zone, a region of over six million square miles in the Caribbean Sea, the Gulf of Mexico and the Eastern Pacific Ocean. Coast Guard surface assets, airborne use of force equipped helicopters, and maritime patrol aircraft possess the offshore capabilities necessary to operate on the high seas where TCO networks are largely unchallenged by regional partners, and where those networks are most vulnerable to enforcement action by the United States. After the Coast Guard has interdicted suspected drug smugglers, follow-on DHS and Department of Justice investigations, including custodial interviews of the smugglers and examination of evidence collected by Coast Guard boarding teams, regularly result in the identification and investigation of individuals involved in the coordination, transportation, or support of these shipments. In this way, U.S. criminal investigators and prosecutors work their way up and across TCO networks. These investigations, in turn, develop actionable information that drives the deployment of Coast Guard interdiction assets and results in additional seizures.
- U.S. Customs and Border Protection (CBP) ensures that our physical border is the last line of defense against national security threats, not the first. The border is a nexus to a continuum of activities designed to place multi-directional pressure on those seeking to do us harm; effectively safeguarding the border requires detailed attention to processes that begin far outside the U.S. borders, occur at the border, and continue to all interior regions of the country. CBP has deployed capable resources to increase situational awareness, identify changes in the border environment, and rapidly respond to emerging threats and areas of increasing risk or illegal cross-border activity. This includes tactical infrastructure and advanced surveillance and detection technology. Advanced imaging systems and specialized canine units are invaluable force multipliers. Air and Marine operations are essential in an integrated approach to combatting TOC, as well as a significant contributor to

the national security and emergency response efforts of various partner agencies. CBP operates aerial and marine assets – including unmanned aircraft systems and strategic and tactical aerostats – providing critical surveillance coverage and domain awareness for counternarcotic efforts on the ground, in the air, and at sea. In 2015, CBP implemented a counter-network approach in order to evolve beyond traditional, transactional responses to threats posed by TCO and instead, facilitate a proactive posture that combats them in a systematic and collaborative manner. The intent is to leverage CBP data – such as trade, travel, surveillance, and reconnaissance – and better synthesize it with partner information to analyze threats and identify options for intelligence-driven, risk-based, threat mitigation responses.

- Homeland Security Investigations is the investigative arm of Immigration and Customs Enforcement (ICE) that conducts criminal investigations to protect the United States against cross border criminal activities that threaten public safety and national security, and to bring to justice those seeking to exploit customs and immigration laws worldwide. This includes TCO engaged in illicit activity related to export enforcement, human rights violations, narcotics, weapons and contraband smuggling, financial crimes, cybercrimes and child exploitation, human smuggling and trafficking, intellectual property theft and trade fraud, transnational gangs, and immigration document and benefit fraud. One of the top investigative priorities is human smuggling and trafficking, for which ICE possesses a full range of investigative and border-related authorities. Globally deployed personnel are utilized to strengthen capacity for conducting human smuggling investigations and enforcement actions, and for monitoring international conditions to enable targeted responses to migration influxes.
- Office of Policy (PLCY) coordinates Departmental and Component interaction with the Office of National Drug Control Policy on the National Drug Control Strategy, The Southwest Border Counternarcotics Strategy, The Northern Border Counternarcotics Strategy, and the Caribbean Border Counternarcotics Strategy. PLCY also coordinates Departmental participation in the “Threat Mitigation Working Group” process, through which specific transnational criminal organizations are designated as targets for concerted action by the Federal Government.
- United States Secret Service - TCO are increasingly involved in cybercrime and cyber-enabled illicit activities to generate profits. The results of these illicit activities inflict financial losses to the private sector and costs consumers billions of dollars annually. In addition, these activities threaten sensitive corporate and government computer networks, and undermine worldwide confidence in the international financial system. The Secret Service, which investigates cybercrimes through its 39 domestic and international Electronic Crimes Task Forces, focuses its cybercrime investigations on the financial crimes facilitated by anonymous online criminal fora and that often serve to enable TCO activities. In 2013, the Secret Service dismantled the most prolific online money laundering operation, known as Liberty Reserve. Before its takedown, Liberty Reserve enabled TCOs to move the profits of illicit activities from the U.S. to anywhere in the world and circumvent reporting requirements set forth in international anti-money laundering and anti-terrorist financing agreements.

- Science and Technology (S&T) Directorate - As DHS's primary research and development (R&D) arm; S&T manages science and technology research, from development through transition, for the Department's operational Components. S&T personnel are working closely with industry and academic partners to develop tools and methods to defend against TCOs and enable investigations to combat TCO's. S&T combats transnational organized crime by countering illicit finance and further integrating elements of the layered defense. S&T is developing tools to aid in tunnel detection and surveillance to reduce the flow of contraband smuggled into the U.S. via tunnels. S&T is also performing R&D to improve the ability to scan cargo for contraband at the POEs and perform forensics on contraband found in cargo to identify and geo-locate the perpetrators.

Key Partnerships

- Building and maintaining partnerships is a distinct strength of DHS. The Department and its agencies work extensively with Federal, state, local, tribal, and international partners to address drug trafficking and other transnational threats. Security efforts are enhanced through special joint operations and task forces conducted under the auspices of multi-agency enforcement teams. These teams are composed of representatives from international and U.S. Federal law enforcement agencies who work together with state, local, and tribal agencies to target drug and transnational criminal activity, including investigations involving national security and organized crime. Due to the inherent challenges in investigating transnational crime, particularly the lack of cooperation of some countries with U.S. law enforcement investigations, occasionally it can take years to finally apprehend the top tier criminals. DHS works closely with the Department of Defense which plays a significant supporting role in counter-narcotics operations, primarily through Joint Interagency Task Force – South and Joint Task Force – North and with its partners in the Departments of Justice and State to develop the capabilities of foreign law enforcement partners and to foster collaboration.

DHS Transition Issue Paper

Counterterrorism

OVERVIEW

- Counterterrorism (CT) is the primary mission of the U.S. Department of Homeland Security (DHS) and a principal reason DHS was founded after the 9/11 terrorist attacks. The CT mission requires a “whole-of-government” approach to ensure effective coordination across the Department, as well as with interagency and international partners.
- Almost all DHS Components and headquarters elements participate in the Department’s CT mission. The operational Components carry out most of DHS’s CT activities (see Appendix A for descriptions of Component CT activities), with DHS headquarters providing coordination and policy direction.
- The principal counterterrorism official within the senior leadership of DHS is the DHS Counterterrorism Coordinator (CT Coordinator), who is designated by, and receives a Delegation of Authority from, the Secretary. The CT Coordinator ensures DHS’ CT efforts are appropriately developed, coordinated, and implemented. A decision on this designation will need to be made early in the transition process.
 - The DHS CT Coordinator does not have directly assigned staff. There are currently roughly a dozen career CT staff members, detailed from six Components, who assist the DHS CT Coordinator in carrying out duties delegated by the Secretary.
- The DHS Counterterrorism Advisory Board (CTAB) is the senior intra-DHS body of senior leaders from DHS components and offices that carry out CT-related operational, information sharing, and policy related activities. The CTAB charter has a Chair (the DHS CT Coordinator) and two Vice Chairs (the Assistant Secretary for Policy and the Under Secretary of Intelligence and Analysis). In practice, for the past two years, the Secretary or Deputy Secretary has chaired the weekly meetings of the CTAB. A decision whether to keep or modify this structure will need to be made in the transition process.
- The terrorism threat is evolving and remains significant as terrorist attack planning and operations become more decentralized. Terrorist groups continue to demonstrate their reach and relevance through their ability to export violence from safe havens in the Middle East to the West by exploiting porous borders and through a robust online recruitment and incitement campaign.
 - Trend 1 - Terrorists continue to threaten aviation security, both internationally and domestically, through attacks at airports, airport personnel insider threats, and attempts by terrorist groups to conceal and place explosive devices on aircraft via air cargo, passenger carry-on, and checked baggage.
 - Trend 2 - The Homegrown Violent Extremist (HIVE) threat arises from individual or small group efforts directed, enabled, or inspired by terrorist groups, generally through the use of social media platforms. HVEs often use simple tactics such as small arms and improvised explosives. There has been a continued increase in HVE plots and attacks both in the United States and abroad.

- Trend 3 - Internationally, groups like the Islamic State of Iraq and the Levant, al-Qa'ida, Lebanese Hizballah, and others operate in terrorist safe havens, plot attacks, and use a variety of media to inspire others to carry out violent actions in the United States, Europe, South Asia, and elsewhere. Overall, these have also increased in recent years.
- Trend 4 – Terrorists are increasing their focus on attacking civilian “soft” targets, as critical infrastructure, government, and military targets are further “hardened.”

DETAILED DISCUSSION

Role of DHS in CT

- Section 101(b)(1) of the Homeland Security Act begins “The primary mission of the Department is to—(A) prevent terrorist attacks within the United States; (B) reduce the vulnerability of the United States to terrorism; (C) minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States....”
- In addition to DHS’s CT operational activities at the border, domestically, internationally, and in cyberspace, DHS participates in CT decisions by the President and the National Security Council on most national security issues.

Issue Background

- The U.S. Government uses military, intelligence, and border security tools to protect the Homeland. Border security and enforcement continues to be an essential part of protecting the United States.
- Many of DHS’s lines of effort contribute to protecting the United States from terrorist attacks. Additionally, effective coordination of DHS CT-related capabilities, and coordination of DHS activities with other programs and policies is essential to success in the counterterrorism mission.
- DHS prepares federal, state, local and private sector partners for coordinated, complex attacks; to impede the use of explosive precursors; enhance the security of soft targets; and counter violent extremism in our communities.
- DHS hosts engagements following a national security incident of significance with impacted communities, as well as faith-based groups, non-governmental organizations, academia, and local leaders through community engagement events (such as roundtables, community awareness briefings, youth engagements, and incident communication coordination calls.)
- Our international allies’ border and immigration security efforts are sometimes vital to our homeland security efforts. DHS works to understand disparities in how border, aviation, and maritime security is handled among different countries, and the impact of those security postures on U.S. security. DHS works to enhance the capabilities of counterparts, recognizing that this is often the most effective means to keep foreign terrorists from threatening the United States.
- In recent years, DHS has increased the number of agreements or arrangements to share terrorism related data, stationed CBP officers and ICE/HSI agents overseas to work with counterparts, and enhanced programs like Preclearance and the Visa Waiver Program with

counterterrorism security measures. As a result, the identities of thousands of known or suspected terrorists have been shared and used to vet travelers and identify threats.

Courses of Action

- DHS should continue programs that are effective at detecting and disrupting terrorist threats to the United States. Those programs need to be effective every day.
- DHS should intercept and address potential threats at the earliest possible opportunity, which many times is overseas, before such threats reach the United States.
- The U.S. Government, through DHS, should continue to integrate border and immigration security tools and information systems with information from the Intelligence Community, the U.S. military, and U.S. embassies overseas.
- DHS should continue to share with international partners information on terrorists and related travel data, criminals, and derogatory immigration-related data.
- DHS should increase engagement with the Departments of State and Defense for greater collaboration in homeland security related foreign assistance to help international partners build capacity to combat terror.
- The new DHS Secretary will need to designate the DHS CT Coordinator. It is essential that the CT Coordinator is positioned to coordinate effectively across DHS and represent DHS in the interagency at the Deputies level, as well as with international counterparts.
- The Secretary will also need to determine if the CT staff should be permanently assigned to the CT Coordinator.
- By Charter, the DHS CT Coordinator chairs the DHS Counterterrorism Advisory Board (CTAB), which coordinates Department-wide CT issues, including the management of the National Terrorism Advisory System. Currently, the Secretary or Deputy Secretary to chair the CTAB. The membership is comprised of all the DHS Components, the Office of General Counsel, Office of Policy, and Office of Public Affairs. The Offices of Civil Rights and Civil Liberties and Privacy also attend. A decision on whether to replicate or modify this structure will need to be made early in the transition process.
 - The CT Coordinator Staff assists the CT Coordinator with executing the CT Coordinator's delegated authorities; manages CTAB meetings; and represents the Department at the National Security Council's CT Security Group (CSG) and various other Interagency Policy Committees of CT relevance to DHS. CT Coordinator Staff also provides expert CT policy advice to the Secretary and senior DHS staff.

Key Partnerships

- DHS works closely with international counterparts – including Europe, the Middle East, and North Africa – to leverage each other's capabilities to thwart terrorist threats and to coordinate enforcement actions.
- DHS federal interagency partners on CT include the FBI, through Joint Terrorism Task Forces; the Departments of Defense, Justice, and State; and the Intelligence Community. DHS often uses funding from the Departments of State or Defense to provide homeland

security-related foreign assistance to help international partners build capacity to combat terror.

- Ongoing engagement occurs with state, local, tribal, and territorial law enforcement, state homeland security officials, and first responders. First responders are likely to provide immediate response to terrorist attacks.
- Ongoing engagement also occurs with the private sector, including industry owners and operators and security professionals from the critical infrastructure sectors.

Appendix A: Descriptions of Component Counterterrorism (CT) Activities

U.S. Citizenship and Immigration Services (USCIS)*	USCIS oversees lawful immigration to the United States, including adjudication of immigration and citizenship applications. In carrying out its duties, USCIS ensures that immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system, detects and combats immigration benefit fraud in the application process, and removes systematic and other vulnerabilities in order to enhance the integrity of the legal immigration system.
U.S. Coast Guard*	The Coast Guard employs a layered, defense-in-depth strategy designed to detect, prevent, and defeat terrorism threats as far from our shores as possible. Coast Guard counterterrorism activities rely heavily on robust intelligence and maritime domain awareness programs, and include domestic and international regulatory regimes aimed at securing our nation's ports and waterways, and the Maritime Transportation System. The Coast Guard also possesses highly specialized tactical law enforcement and maritime security teams that can deploy far offshore to neutralize known threats.
U.S. Customs and Border Protection (CBP)*	CBP focuses on the identification of high-risk individuals and cargo entering the United States at and between the ports of entry to intercept threats at the earliest possible moment. This includes positioning of U.S. law enforcement professionals overseas, employing sophisticated targeting systems to detect risk, capacity building through engagement with international partners and information sharing with our law enforcement and intelligence community partners. CBP works to provide actionable, tactical and strategic CT intelligence to CBP officers, agents, and our operational partners.
Office of Community Partnerships (OCP)	OCP's objective as the Department's leader in countering violent extremism (CVE) is to support, improve, expand and coordinate the Department's existing community based CVE efforts by working with key stakeholders and partners at local, state, tribal, territorial, and federal levels. OCP's mission is to develop and implement a full-range of partnerships to support and enhance efforts by key stakeholders to prevent radicalization and recruitment to violence by terrorist organizations.

<p>Federal Emergency Management Agency (FEMA)*</p>	<p>The FEMA Administrator serves as the principal advisor to the President, National Security Council, and the Secretary on all matters relating to emergency management in the United States, and coordinates the federal response to credible and imminent terrorist threats or actual incidents, including conducting pre-incident consequence management planning in coordination with counterterrorism focused law enforcement operations.</p> <p>FEMA administers two state, local, tribal, and territorial preparedness programs that directly address the complex attack threat with emphasis on the Whole Community Response: the Joint Counterterrorism Awareness Workshop Series, and the Integrated Emergency Management Course. Since 2011, these programs combined have trained over 8,200 responders across 36 jurisdictions. As a direct result of these programs, specialized training in warm zone operations and Tactical Emergency Casualty Care has been provided to an additional 10,000 first responders.</p>
<p>U.S. Immigration and Customs Enforcement (ICE)*</p>	<p>ICE criminal investigators and immigration officers directly support counterterrorism investigations as participants in the FBI's Joint Terrorism Task Forces (JTTFs). ICE contributes its unique immigration and trade-based enforcement authorities as disruption options. ICE also conducts counter-proliferation investigations and investigates transnational criminal activity that supports terrorist movement via human smuggling pathways, and terrorist networks and support structures. This includes the ICE Visa Security Program, which identifies terrorists, criminals and other aliens ineligible for a visa. Domestically, ICE targets overstays and foreign student visa violators who exhibit specific risk factors, based on intelligence reporting and in-depth criminal research and analysis of dynamic social networks, to identify those who may pose a threat to national security or public safety. ICE's immigration enforcement arm identifies, arrests, and removes aliens who present a danger to national security or public safety, and those who enter the country illegally or otherwise undermine the integrity of U.S. immigration laws and border control efforts.</p>
<p>Office of Intelligence and Analysis (I&A)*</p>	<p>Pursuant to the Homeland Security Act of 2002, as amended, I&A provides personnel, intelligence support, technology, and training to state and major urban area fusion centers to support two-way information sharing between the federal government</p>

	<p>and our state, local, tribal, territorial, and private sector partners. Fusion centers are uniquely situated to enhance the national threat picture and enable local officials to better protect their communities from a variety of threats.</p> <p>I&A collects information of intelligence value and produces unique insights on a full range of threats to the Homeland, including: terrorist targets, weapons, and tactics; terrorist identities and networks; violent extremists' radicalization and messaging; terrorist travel and facilitation; and U.S. immigration and aviation security for the full spectrum of homeland security stakeholders through timely and accurate published intelligence reporting, products, briefings, and direct engagement.</p> <p>I&A is one of the co-chairs of the CTAB.</p>
<p>National Preapardness and Protection Directorate (NPPD)*</p>	<p>NPPD helps protect federal and non-federal partners against cyber threat actors, including terrorist groups.</p> <p>NPPD also coordinates efforts to protect critical infrastructure from terrorism. NPPD regulates high-risk chemical facilities for security against terrorism and serves as the Department's lead for the Counter Improvised Explosive Device-mission. NPPD provides outreach and training to educate Commercial Facilities Sector partners, stakeholders, and the general public on suspicious behavior, protective measures, and risk mitigation. Broad programs include the "Hometown Security" campaign and the Active Shooter Preparedness Program. NPPD's Federal Protective Service (FPS) protects federal facilities and personnel who work or visit within. FPS employs risk-based deployments of law enforcement officers to mitigate threats and investigates threats directed at government employees and visitors to government owned and leased facilities.</p> <p>NPPD's Office of Biometric Identity Management (OBIM) helps to identify potential terrorist threats by matching, storing, sharing, and analyzing approximately 300,000 daily biometric queries against its database of more than 200 million identities, serving customers across DHS, at other agencies including the Terrorist Screening Center, and other mission partners. OBIM also works with the National Counterterrorism Center to enhance terrorist records with</p>

	DHS collected biometrics.
Office of Operations Coordination (OPS)*	OPS supports the Secretary, Components, the CT Coordinator, and the Counterterrorism Advisory Board (CTAB) prior to or during a response to a CT incident. OPS provides operations coordination, information sharing, situational awareness, the common operating picture, and Department continuity, enabling execution of the Secretary's responsibilities across the homeland security enterprise. This includes senior leader notifications, conferencing, executive communications, integrated national-level reporting, and decision support products. OPS oversees the National Operations Center (NOC), the DIIS Crisis Action Process, the Secretary's Situation Room, and distributes the National Terrorism Advisory System Bulletins. OPS may activate the DHS Crisis Action Team to augment the NOC in support of the Secretary, the CT Coordinator or the CTAB.
Office of Partnership and Engagement (OPE)	OPE manages the "If You See Something, Say Something™" public awareness campaign, which is focused on raising public awareness of the indicators of terrorism and terrorism-related crime, as well as the importance of reporting suspicious activity to state and local law enforcement. The campaign has had a clear effect on societal behavior as there have been multiple instances where tips from the public have assisted law enforcement investigations, as seen with the bar owner who reported seeing the main suspect in the September 2016 New York/New Jersey attacks.
U.S. Secret Service (USSS)*	USSS engages in a multi-faceted approach to support USSS protective operations, including through the analysis of intelligence, investigation of threats, assessment of risk, and dissemination of intelligence information, specific to counter terrorism efforts and otherwise. USSS also provides briefings regarding terrorist trends and tactics to USSS protective divisions, headquarters representatives, and field offices; local, state, and federal law enforcement officials; and the U.S. armed forces. Additionally, pursuant to Section 105 of the USA Patriot Act of 2001, USSS's nationwide network of electronic crimes task forces are designed to prevent, detect, and investigate various forms of cyber crimes, to include potential terrorist attacks against critical infrastructure and financial payment systems.
Transportation Security Administration (TSA)*	TSA protects the U.S. transportation systems and the traveling

	public by assessing intelligence related to transportation security and applying risk-based countermeasures such as: operational mitigation plans; Federal Air Marshals; passenger screening; compliance inspections and assessments at last-point-of-departure airports; information sharing with interagency partners and industry stakeholders; and deployment of Visible Intermodal Prevention and Response teams.
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* CT Advisory Board voting members (the Office of Policy, a part of DHS Headquarters, is also a voting member and a co-chair of the CTAB, but is not listed above).

DHS Transition Issue Paper

Immigration Areas of Focus

OVERVIEW

- The administration and enforcement of our immigration laws will continue to be a highly controversial and carefully scrutinized element of the DHS mission. While border management and security often receive the greatest political scrutiny, the scope of DHS's work covers all aspects of immigration law from regulating the flow of people across our borders, to providing humanitarian protections, to removing individuals, to adjudicating immigration benefits, and to naturalizing new citizens. Managing these complex, and sometimes competing interests requires significant coordination between headquarters (PLCY, OGC, PRIV, CRCL) and the three main immigration agencies (USCIS, CBP, ICE), and significant unity of effort initiatives.
- Critical to the successful development of immigration policy is a broad view of the impact immigration plays in our society and the economy (diversity, workforce, entrepreneurship, innovation) in terms of both costs and benefits. Equally critical is an understanding of the limitations of immigration law – for example, in addressing exploitation of vulnerable populations by human smugglers and traffickers and individuals who may pose risks to National security.
- The most pressing immigration issues remain immigration reform and addressing the undocumented population of close to 11 million people. Key reform areas of focus are:
 - Legal immigration demand far exceeds supplies of available visas.
 - High levels of congressional and public scrutiny may impede reform efforts and particularly pathways to addressing the undocumented migrant population.
 - Addressing the key factors driving human smuggling, trafficking, and other criminal enterprises.
- Potential courses of action to address this issue include legislative and regulatory reform, policy review and reform, improved operational and technological efficiencies, and a unified effort to communicate enforcement of laws that support national security, public safety, border management and the integrity of a thriving immigration system.

DETAILED DISCUSSION

- Critical Ongoing Issues
 - Management of the Southwest Border: Since 2014, despite an overall drop in the number of border apprehensions, CBP has seen a rise in the number of apprehensions at the Southwest Border of unaccompanied children, families, and migrants from countries other than Mexico, particularly Central American countries. While DHS saw a slight dip in family apprehensions in FY 2015 (just over 40,000 family members), apprehensions in FY 2016 are on pace to meet or exceed those of the FY 2014 influx (68,688). As for UAC, as of 9/3/2016, there have been 51,862 UAC Initial Book-ins in FY 2016, which is a 79% increase from the number of UAC seen at this time in FY 2015.
 - Many of these individuals are seeking asylum, putting pressure on our operational systems. CBP cannot hold these individuals in its short-term facilities for

prolonged periods and ICE must either transport them to longer-term detention facilities or use supervised release and other mechanisms to ensure compliance with immigration court hearings. Further, USCIS has been surging asylum officers to the border to interview these individuals and assess their credible fear which has taken away USCIS resources to evaluate affirmative asylum cases and contributed to a years-long backlog for those interviews. The numbers of unaccompanied children, families, and other migrants coming to the Southwest border show few signs of decreasing in the near future, and DHS must continue to address the needs of these individuals and those of the components to manage these populations.

- Deferred Action for Childhood Arrivals: In June 2012, President Obama announced the creation of DACA, a program that offered individuals under age 31 who had come to the United States as children deferred action and employment authorization. The program has allowed more than 700,000 young people the ability to work and study. DACA, as announced in 2012, is not affected by the district court's injunction against DAPA and the expansion of DACA (see *Litigation* below).
- Executive Actions: On November 20, 2014, President Obama announced a series of executive actions intended to address the broken immigration system in the absence of comprehensive immigration reform legislation. Two major actions announced as part of this package, the expansion of DACA and creation of DAPA, were enjoined by a preliminary injunction prohibiting implementation of those prosecutorial discretion policies. The other ongoing actions will require monitoring, compliance, and continued implementation. Among these actions are:
 - Creation of the Southern Borders and Approaches campaign
 - Revision of DHS enforcement priorities to focus on those who are threats to national security, border security, and public safety
 - Creation of the Priority Enforcement Program
 - Expansion of provisional unlawful presence waivers to spouses and children of lawful permanent residents and other individuals
 - Modernization of and streamlining the immigrant visa system including the expansion of support for high-skill business and workers through regulatory initiatives
 - Improved cooperation between immigration and labor agencies
 - Promotion of naturalization and citizenship
 - Expansion of DACA, which increases the universe of individuals eligible to apply. Implementation suspended by judicial rulings (see *Litigation* below).
 - Deferred Action for Parents of Americans (DAPA) allows undocumented parents of U.S. citizens and lawful permanent residents to request deferred deportation action and employment authorization for three years. Implementation suspended by judicial rulings (see *Litigation* below).
- Enforcement priorities: The enforcement priorities emanating from the Executive Action have focused the scope of who among the removable population should be

targeted for enforcement action. Continued monitoring and compliance on the following will be needed:

- Management of interior immigration enforcement, including the further focusing of enforcement priorities on individuals with criminal convictions
 - Use of detention and alternatives to detention
 - Ensuring protection of civil liberties
 - Addressing the complex criminal issues that often intersect with immigration issues—smuggling, trafficking, and worksite enforcement.
- Refugee Admissions: While the Department of State has the lead in arranging the Consultations which establish the overall admissions levels and regional allocations for refugees, USCIS officers are responsible for interviewing and vetting refugees. Security vetting is a major component of refugee processing and is constantly under review to increase efficiencies and make use of the best techniques. Under current policy, the refugee admissions ceiling is 85,000 for FY 2016 and increases to 110,000 for FY 2017. In 2014, refugee processing began in Central America for children who have parents in the U.S.; the program has since expanded, most recently with the announcement of a protection transfer agreement with Costa Rica.
 - Naturalization, Integration, and Delivery of Benefits: President Obama directed leaders from 16 federal organizations to create a White House Task Force on New Americans TFNA to develop a coordinated federal strategy to better integrate new Americans into communities and support state and local efforts to do the same. USCIS also saw a surge in applications for naturalization in FY2016. As of May 2016, total receipts for applications for naturalization (Form N-400), were 20 percent above projections.
- **Legislation**
 - Comprehensive Immigration Reform: In 2013, the Senate passed S.744, the Border Security, Economic Opportunity, and Immigration Modernization Act. The bill did not pass the House and expired when the 113th Congress adjourned. Congress did not bring up an immigration reform bill in the 114th Congress.
 - Visa Waiver Program: In 2015, Congress passed the Visa Waiver Program Improvement and Terrorist Travel Prevention Act. Among other things, this Act established new eligibility requirements for travel under the Visa Waiver Program. These new eligibility requirements do not bar travel to the United States. Instead, a traveler who does not meet the requirements must obtain a visa for travel to the United States, which generally includes an in-person interview at a U.S. Embassy or Consulate. DHS will continue implementation into 2017.
 - **Litigation**
 - *Texas v. United States*: On February 16, 2015, the U.S. District Court for the Southern District of Texas issued a preliminary injunction halting DHS's implementation of DAPA and expanded DACA. The U.S. Court of Appeals for the Fifth Circuit affirmed the district court's order. Following briefing and argument before the Supreme Court, the Court issued a one-sentence order on June 23, 2016 affirming the district court's judgment by reason of an equally divided

Court (4-4). The U.S. Government filed a petition for rehearing before the Supreme Court, which remains pending.

- *Flores v. Johnson*: On July 6, 2016, the U.S. Court of Appeals for the Ninth Circuit partially affirmed a district court's 2015 order that had held that DHS's policy of detaining children with their mothers in family residential centers violates the *Flores* settlement, a long-standing agreement that established standards for children held in immigration custody. The court held that the *Flores* settlement unambiguously applies to both accompanied and unaccompanied minors. The court also held, however, that the district court erred when it interpreted the Settlement to provide release rights to accompanying adults. DHS is complying with the order. In the meantime, DHS has been met with considerable criticism from the public about its policies to detain children and families, especially those seeking asylum at our Southwest border.

Courses of Action

- **Status Quo:** In the absence of immigration reform legislation, DHS will have to continue to evaluate how to best implement current immigration policies and operations within current authorities to address the critical issues outlined above.
- **Course of Action 1:** Work with the new Administration to pursue comprehensive immigration reform that best balances the multiple interests DHS represents in this area. This can be pursued along with the status quo.
- **Course of Action 2:** Continue to improve coordination of immigration issues throughout DHS through working groups, task forces and dedicated coordination of resources to maximize effective policy planning.

Key Partnerships

- The Departments of State, Justice, Labor, and Health and Human Services have authority over, or work in partnership with DHS, on various immigration issues.
- Other Federal, state, and local law enforcement agencies and state and local communities and governments.
- U.N. High Commissioner for Refugees, International Committee for the Red Cross, and numerous international cooperative bodies, such as the Regional Conference on Migration and the Intergovernmental Consultations on Asylum are active in refugee and asylum matters.
- Business, labor, community groups, immigrant advocacy organizations, civil rights groups, and a range of civic and religious groups have a vocal and active presence on immigration issues. Such groups include, but are not limited to, the American Immigration Lawyers Association, National Immigration Forum, the National Immigrant Law Center, the AFL-CIO, SEIU, American Immigration Council, and the American Civil Liberties Union, the Chamber of Commerce, the Hispanic Chamber of Commerce, the agriculture and high-skill industries.

DHS Transition Issue Paper

Integrity, Transparency, and Accountability CBP Reforms

1. Overview

Maintaining the trust of the American people is critical to carrying out the complex mission of U.S. Customs and Border Protection (CBP). That is why CBP, the Nation's largest law enforcement organization, has made employee integrity, accountability, and transparency a top priority and why the agency has implemented significant policy, procedural and programmatic reforms.

Such reforms were necessary as the Department was facing growing criticism from border communities, non-governmental organizations and Members of Congress about CBP's use of force policy and the lack of transparency regarding use of force investigations. News coverage of law enforcement personnel involved in alleged violent criminal acts, and allegations of excessive force and corruption also fueled a perceived lack of accountability. CBP has taken action to professionalize the agency to better align with modern, transparent policing practices. In addition, at the request of the CBP Commissioner and under the auspices of the Homeland Security Advisory Committee, Secretary Johnson established an Integrity Advisory Panel (IAP), a panel of distinguished senior Federal, state, and local law enforcement experts to review CBP's progress on integrity matters and to make related recommendations. The work of the IAC has helped to inform CBP's overall integrity efforts.

2. Discussion of Actions

Public trust in CBP depends largely on four critical elements: (1) The conduct of our workforce; (2) The circumstances in which officers and agents use force; (3) Investigation of alleged misconduct and an effective complaint and discipline process, and (4) Greater transparency:

- A. Professional Conduct: CBP published the first *CBP Integrity and Personal Accountability Strategy* in 2014. This strategy sets forth high standards for professional and personal conduct. Actions to implement this strategy center on prevention, detection, investigation, and an effective response to corruption and misconduct. CBP also implemented a new disciplinary system to ensure that determinations for employee misconduct were concluded in a timelier manner, with greater visibility, and uniformity of disciplinary actions.
- B. Use of Force: CBP issued a revised Use of Force policy and established a directorate to focus on use of force related issues such as policy, training, equipment, and investigation. These actions produced the following results:
 - Increasing availability and training on the use of non-lethal weapons, such as electronic control weapons, pepper ball launchers, and advanced spike strips to stop moving vehicles.
 - Deploying 27 training simulators nationwide to immerse trainees in virtual scenarios projected on life-size screens.
 - Reemphasizing safe tactics, de-escalation and communications techniques.

- Beginning to deploy body-worn camera technology for law enforcement personnel the first Federal law enforcement agency to do so.
- Initiating a Use of Force Review Board and associated governance processes to investigate incidents of use of force in order to provide timely and thorough review of incidents. In addition to incident-specific determinations, this process is enabling recommendations on policy, training, enforcement tactics and equipment.
- Expanding the number of training days at the U.S. Border Patrol Academy from 66 to 117. This expansion allows for a greater focus on integrity and use of force issues.

C. Investigations and Oversight: In 2014, the DHS Secretary authorized CBP to expand its investigative authority to include criminal allegations of misconduct against its workforce. This key delegation enables the Commissioner to directly hold employees accountable for the full range of conduct. The IAP strongly endorsed this action and the ongoing program to expand the Criminal Investigator ranks. The IAP also recommended that the outdated DHS management directive (0810.1) be rewritten to reflect CBP's new investigatory powers

(b)(5)

D. Transparency: Greater engagement and transparency with Congress, stakeholder organizations, international partners, media, and the public demonstrates a commitment to agency integrity and increases awareness about how CBP carries out its important and complex mission. Recent efforts to enhance public transparency include the following:

- Publishing CBP's *Use of Force Policy Handbook*.
- Establishing new standard procedures for responding to serious use of force incidents swiftly and accurately, with as much transparency as possible. These enhanced procedures greatly improved CBP's ability to release timely and substantive information to the public within hours of serious use of force incidents.
- Publishing monthly use of force statistics and summations of findings from the National Use of Force Review Board's conclusions on use of force cases.
- Investing in community and public engagement, especially regarding use of force related incidents and policy and program initiatives. The agency conducts extensive engagements with community and non-governmental organizations by top leadership, including operational component heads.

3. Going Forward

While the institutional and cultural changes detailed in Section 2 are progressing, these efforts will only be sustained through continued vigilance from agency leadership at the highest level. Because the public trust is vital to carrying out law enforcement mission, the agency must maintain focus on the conduct and discipline of our employees, the circumstances in which we use force, and our engagement with stakeholders on these and other related topics.

DHS Transition Issue Paper

International Information Sharing

OVERVIEW

- The DHS Office of Policy (PLCY) coordinates all DHS engagement with foreign governments and international organizations. PLCY works closely with the DHS Components, as the operators that implement any international information sharing arrangements, to ensure agreements and arrangements are in support of and alignment with Departmental international engagement priorities.
- DHS works closely with the Departments of State and Justice, where applicable, when negotiating new arrangements that may impact the U.S. government.
- DHS regularly shares information with U.S. government intra-agency partners and key foreign partners to aid in the identification of criminals, terrorists and illegal immigrants before they can target the United States or our allies for nefarious purposes.
- Data shared may be derogatory in nature (c.g. criminal histories, immigration violations, or terrorist watchlists), transactional (e.g. travel history) or identity (e.g., biometrics, names).
- International information sharing activities are influenced by legal, operational and policy frameworks, and the nimble threat environment. Such factors may include, but are not limited to:
 - The Visa Waiver Program (VWP) requirements;
 - Global migration trends, including from (b)(7)(E)
 - Exploitation of global travel systems by foreign fighters;
 - Mandate to identify, dismantle, and/or disrupt Transnational Crime;
 - The potential for criminals and terrorists to circumvent some U.S. screening programs by (b)(7)(E)
 - U.S. legislation that prohibits the use of criminal history for immigration or non-law enforcement purposes;
 - International debates over privacy particularly within the European Union.

DETAILED DISCUSSION

- International Information Sharing supports the following DHS missions:
 - 1. Prevent Terrorism and Enhance Security
 - 2. Secure and Manage our Borders
 - 3. Enforce and Administer United States Immigration Laws
 - 4. Safeguard and Secure Cyberspace
- Regular, systematic and reciprocal information sharing in support of law enforcement, border security, immigration, transportation security and cybersecurity is not yet a global norm, although there have been great strides with certain partners, including sharing between the U.S. and Australia, Canada, New Zealand and the United Kingdom through the diverse “Five Eyes” groups.

- Over the last decade, DHS has invested in international information sharing agreements to include:
 - Forty-four Preventing and Combating Serious Crime (PCSC) Agreements (including with VWP countries), which are managed by DHS and the Department of Justice, with support from the Department of State. These bilateral agreements provide reciprocal access to the parties' fingerprint databases for the purposes of preventing, detecting and investigating serious crime, including terrorism.
 - Visa and Immigration Information Sharing Agreements with Australia, Canada, New Zealand (to be signed) and the United Kingdom and their subordinate implementing arrangements allow for systematic and case-by-case exchange of data for immigration purposes, including biographic and biometric data.
 - The FBI Terrorist Screening Center (TSC) utilizes Homeland Security Presidential Directive-6 (HSPD-6) arrangements to share terrorist watchlist information with over 35 European and Middle Eastern partners. Implementation of these arrangements is a VWP requirement and provides DHS with the identities of known or suspected terrorists for use in domestic screening programs and partner countries with access to the Foreign Partner Export (FPE), a sub-set of the Terrorist Screening Database.
 - Customs and Border Protection and Immigration and Customs Enforcement utilize 76 Customs Mutual Assistance Agreements to share information with foreign customs partners in support of specific cases.

- DHS's primary international information sharing capabilities include:

➤ (b)(7)(E)

- *The Biometric Identification Transnational Migration Alert Program (BITMAP)* trains and equips foreign counterparts to collect biometric and biographic data on suspect individuals through DOD. Foreign partners share this data with DHS.
- *The Common Targeting Collaboration Platform (CTCP)* is intended to be used to exchange information on persons of interest between CBP and the border authorities of Australia, Canada, New Zealand and the United Kingdom.
- *The Secure Real Time Platform (SRTP)* allows foreign partners to fully automate the vetting of fingerprints (and -in the near future- names and other biographic data) against U.S. data and vice-versa. Presently the Australian Department of Immigration and Border Protection and Immigration and Refugees and Citizenship Canada vet all fingerprints they collect against U.S. records through DHS. DHS vets select refugee applications against their data as well.
- *The Criminal History Information Sharing (CHIS)* program facilitates the exchange of criminal history and biographical information, in advance of an alien's removal. ICE routinely receives notices of active warrants for homicide, assault, and drug offenses as

well as additional criminal conviction information. This information helps support officer safety and international cooperation.

- Most DHS Components also maintain liaison relationships with foreign counterparts, including partners such as Europol and Interpol, through which operational information may be shared on a case-by-case basis.
- *Cyber*: Information sharing initiatives exist through the National Cybersecurity and Communications Integration Center for cyber security cooperation with international partners.
- During FY16 (through August), these initiatives have vetted millions of individuals resulting in the identification of thousands of known or suspected terrorists, criminals, and individuals with repeated immigration violations.

Courses of Action

- Status Quo: DHS will continue to produce results through existing information sharing arrangements. DHS has internally been unifying its technical capabilities and engagement strategy across Components to maximize results with international partners.
- Course of Action 1: Status quo plus legal reform. By removing statutory obstacles to sharing criminal history record information for immigration purposes and identity information for special protected classes of migrants in appropriate circumstances, DHS could better identify and interdict high risk travelers abroad.
- Course of Action 2: Work with interagency partners to establish an integrated USG approach to large-scale international information sharing as multiple agencies have different technical capabilities, legal authorities, and often complimentary goals. This would have the additional advantage of providing a consistent message and approach for the foreign partner.

Key Partnerships

- Visa Waiver Program Countries: The VWP Reform Act of 2015 required (38) VWP countries to enter into and fully implement terrorism and criminal data information sharing agreements with the United States.
- U.S. Department of State: Manages the overall U.S. diplomatic relationship with international partners and funds capacity building abroad that can improve information sharing with DHS.
- Federal Bureau of Investigations/ Terrorist Screening Center: a strong partner for DHS in contributing data and resources to joint partnerships. DHS also works with the Criminal Justice Information Systems Division.
- Department of Defense: Contributes terrorism and other national security information to DIIS initiatives as well as equipment (albeit limited).
- Intelligence Community.

DHS Joint Requirements Council Agency Review Team December 9, 2016 Mr. [REDACTED]

[REDACTED]



**Homeland
Security**

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Joint Requirements Council (JRC)

- Component-composed, Component-chaired executive body. Governs DHS's operational requirements process to generate, validate, and prioritize capability gaps, needs, requirements, and solutions. JRC Chair: (b)(6) (CBP) JRC Members: Operational Components + DHS Office of Intel & Validation, Equal, Travelable, Stable, and Cost-Effective Matter Experts that serve as the JRC's strategic integrators for functionally-aligned areas. Cybersecurity; Security and Law Enforcement; Screening; Immigration Management; Domain and Situational Awareness; Incident Management; Enterprise Management



Getting to Operational Capability

Operational
Outcomes

STRATEGY
Operational
Plans
Operational
Need

REQUIREMENTS
JOINT
REQUIREMENTS
COUNCIL

CAPABILITY
Joint,
Component

PLANNING,
PROGRAMMING,
BUDGETING,
EXECUTION
OFFICE OF ACQUISITION
PROGRAM ANALYSIS OF PROGRAM
AND EXECUTION ACCOUNTABILITY AND
RISK MANAGEMENT

SOLUTION
Material
Non-Material

*DHS has moved to requirements
based planning and programming*



Homeland
Security

FY15-16 Highlights

Concept Development

(b)(5)

Concept Delivery

Implementation

Execution

Improving Requirements Culture Across DHS



Homeland
Security

JRC At Work

- Joint Operational Requirements Document improved requirements for DHS maritime surveillance capability and strengthened USCG-CBP partnership
Standardized DHS Cybersecurity requirements
Tailored approach to Agile IT requirements
25 non-materiel changes identified in one document to increase Component information sharing capability
Ensured operator defined radiation detection requirements
CBP AMO and USBP partnered to initiate Land Domain Awareness effort
Developed plan of actions for identifying Screening and Vetting requirements
Of the first 58 documents analyzed and validated in the DHS operational requirements process, two-thirds were determined to be joint or multi-use

Rigorous analysis strengthens both materiel & non-materiel solutions



Homeland
Security

U.S. Customs and Border Protection

(b)(7)(C);(b)(7)(F)



U.S. Customs and Border Protection Aviation Enforcement Agents prepare to descend from a UH-60 Black Hawk helicopter using their fast rope training skills. Photo Provided by: U.S. Customs and Border Protection.

U.S. Customs and Border Protection (CBP) is responsible for securing America's borders to protect the United States against terrorist threats and prevent the illegal entry of inadmissible persons and contraband, while facilitating lawful travel, trade, and immigration.

Originally established by Congress in 1789, the forbearers of today's CBP were charged with administering customs tariffs and collecting duties as a component of the Department of the Treasury. Today, CBP is one of the world's largest law enforcement organizations with more than 60,000 employees who are responsible for enforcing hundreds of U.S. laws and regulations at and between the nation's ports of entry. As the world's first full-service border entity, CBP takes a comprehensive approach to border management and control, combining customs, immigration, border security, and agricultural protection into one coordinated and supportive activity.

The Trade Facilitation and Trade Enforcement Act of 2015, Pub. L. No. 114-125, enacted in February 2016, represented a major milestone for CBP as the agency's first authorization since its creation within the Department of Homeland Security (DHS) in 2003.

CBP's four operational organizations consist of: *U.S. Border Patrol, Office of Field Operations, Air and Marine Operations, and Office of Trade.*

- U.S. Border Patrol:** The Border Patrol is the uniformed law enforcement arm of CBP responsible for securing U.S. borders between ports of entry. Originally established in 1924 in response to increasing illegal immigration, the Border Patrol's mission remains essentially unchanged: to detect and prevent the illegal entry and smuggling of aliens and contraband into the United States, including terrorists and the weapons of terrorism, while facilitating lawful trade and travel. The Border Patrol's workforce of over 19,000 agents is responsible for securing and managing over 6,000 miles of Mexican and Canadian international border and nearly 2,000 miles of coastal waters surrounding the Florida Peninsula and the island of Puerto Rico.

(b)(7)(C);(b)(7)(F)

A U.S. Customs and Border Protection, U.S. Border Patrol Agent inspects under a vehicle that had been selected for secondary inspection. Photo Provided by: U.S. Customs and Border Protection.

- Office of Field Operations (OFO):** The largest uniformed law enforcement component in CBP with over 28,000 employees, OFO is responsible for border security — including antiterrorism, immigration, anti-smuggling, trade compliance, and agriculture protection — while simultaneously facilitating through our ports of entry, the lawful trade and travel critical to our Nation's economy. OFO operates 20 major field offices, 328 ports of entry, 10 Centers of Excellence and Expertise focused on product groupings, and 70 international locations in over 40 countries around the world.

(b)(7)(C);(b)(7)(F)

A U.S. Customs and Border Protection Officer processes passengers arriving to the United States. Photo Provided by: U.S. Customs and Border Protection.

- Air and Marine Operations (AMO):** AMO is a federal law enforcement organization within CBP dedicated to serving and protecting the American people through advanced aeronautical and maritime capabilities. AMO executes its mission with 1,200 federal agents, 243 aircraft, and approximately 300 marine vessels operating throughout the United States, Puerto Rico, and the U.S. Virgin Islands. AMO interdicts unlawful people and cargo approaching U.S. borders, investigates criminal networks, and provides domain awareness in the air and maritime environments, and responds to

(b)(7)(C);(b)(7)(F)

A U.S. Customs and Border Protection Air and Marine Operations Midnight Express crew conducts open water training with law enforcement partners. Photo provided by: U.S. Customs and Border Protection

contingencies, and national taskings.

- **Office of Trade (OT):** OT is the operational office responsible for ensuring compliance with U.S. trade laws and regulations, strong enforcement when compliance does not occur, trade policy development, collaboration with our Partner Government Agencies, modernization and automation of trade processes, facilitation of processes with our most trusted trade partners, and regulatory development. The office is comprised of nearly 900 employees, representing multiple professional trade disciplines.

(b)(7)(C);(b)(7)(F)

A U.S. Customs and Border Protection Officer inspects a shipment suspected to be in violation of Intellectual Property Rights (IPR). Photo provided by: U.S. Customs and Border Protection

Average CBP Day

Processed:

- 1,048,632 passengers and pedestrians
 - 308,234 incoming international air passengers and crew
 - 54,236 passengers and crew on arriving ship/boat
 - 686,162 incoming land travelers
- 72,179 truck, rail, and sea containers
- \$6.7 billion in trade from 765,222 consignees
- 90,136 entries of merchandise at our ports of entry
- 282,252 incoming privately owned vehicles

(b)(7)(C);(b)(7)(F)

Collected:

- \$126 million in fees, duties, and taxes

Conducted:

- 924 apprehensions between U.S. ports of entry
- 23 arrests of wanted criminals at U.S. ports of entry
- 367 refusals of inadmissible persons at U.S. ports of entry

A U.S. Customs and Border Protection Officer clears a truck at a port of entry after conducting an inspection in Seattle, Washington. Photo Provided by: U.S. Customs and Border Protection.

Discovered:

- 470 pests at U.S. ports of entry and 4,548 materials for quarantine: plant, meat, animal byproduct, and soil

Seized:

- 9,435 pounds of drugs

- \$356,396 in undeclared or illicit currency
- \$3.7 million worth of products with Intellectual Property Rights violations
- 128 commercial shipments

Identified:

- 600 individuals with suspected national security concerns

Intercepted:

- 26 fraudulent documents

Deployed:

- More than 807 canine teams and 379 horse patrols

Flew:

- 225 hours enforcement missions over the United States

Underway (float):

- 80 float hours-enforcement missions in the United States

Conducted operations at:

- 47 countries with more than 800 CBP employees working internationally
- 328 ports of entry
- 135 Border Patrol stations and 6 substations within 20 sectors, with 35 permanent checkpoints
- 14 Air and Marine branches, 5 National Security Operations, and 1 Air and Marine Operations Center

(Based on FY 2015 Data)

(b)(7)(C);(b)(7)(F)

A U.S. Customs and Border Protection Agriculture Specialist inspects a shipment of green chiles for pests and disease at the Columbus port of entry in New Mexico. Photo Provided by: U.S. Customs and Border Protection.

(b)(7)(C);(b)(7)(F)

U.S. Customs and Border Protection Air and Marine Operations utilize the DHIC-8 Maritime Patrol Aircraft to detect and monitor maritime targets of interest flying over waters in the Florida Keys. Photo Provided by: U.S. Customs and Border Protection.

Missions

Border Security/Anti-Terrorism: CBP secures and safeguards the border against the illegal entry of aliens, contraband goods, illicit drugs, terrorists and instruments of terror.

Border Management: CBP enforces the laws of the United States while fostering economic security by facilitating and managing lawful trade and travel through U.S. ports of entry.

Air and Maritime Domain Awareness: Provide support to CBP's anti-terrorism and law enforcement mission, as well as other DHS and interagency partners, through the detection, tracking, interception, and apprehension of unauthorized vessels, aircraft, vehicles, and people.



U.S. Customs and Border Protection Officers inspect underneath a tractor trailer at the Otay Mesa, California, port of entry on June 23, 2016.

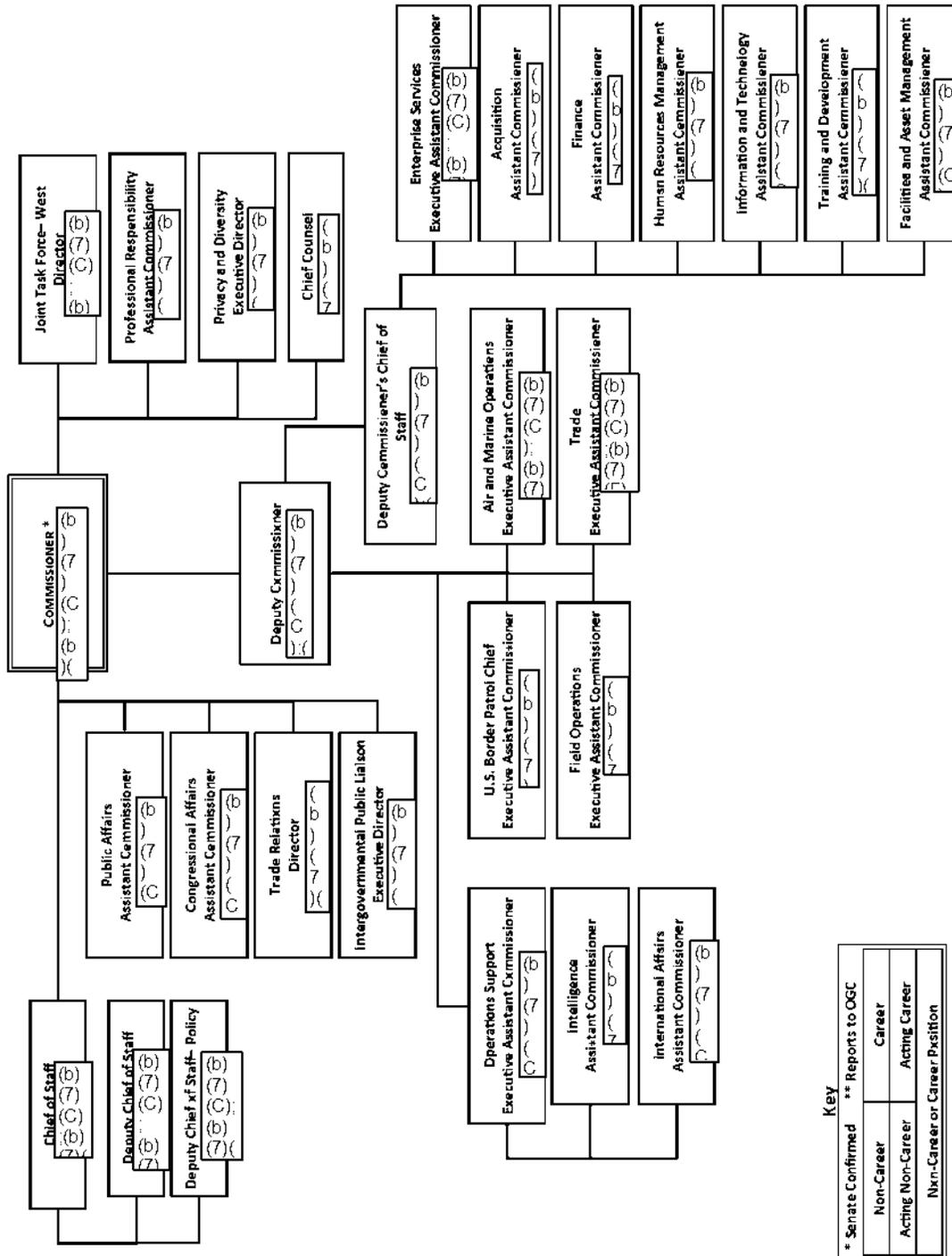
Photo Provided by: U.S. Customs and Border Protection.

(b)(7)(E)

The Air and Marine Operation Center is a multi-mission, multi-domain awareness international law enforcement operations center. Photo provided by U.S. Customs and Border Protection

Organization Chart

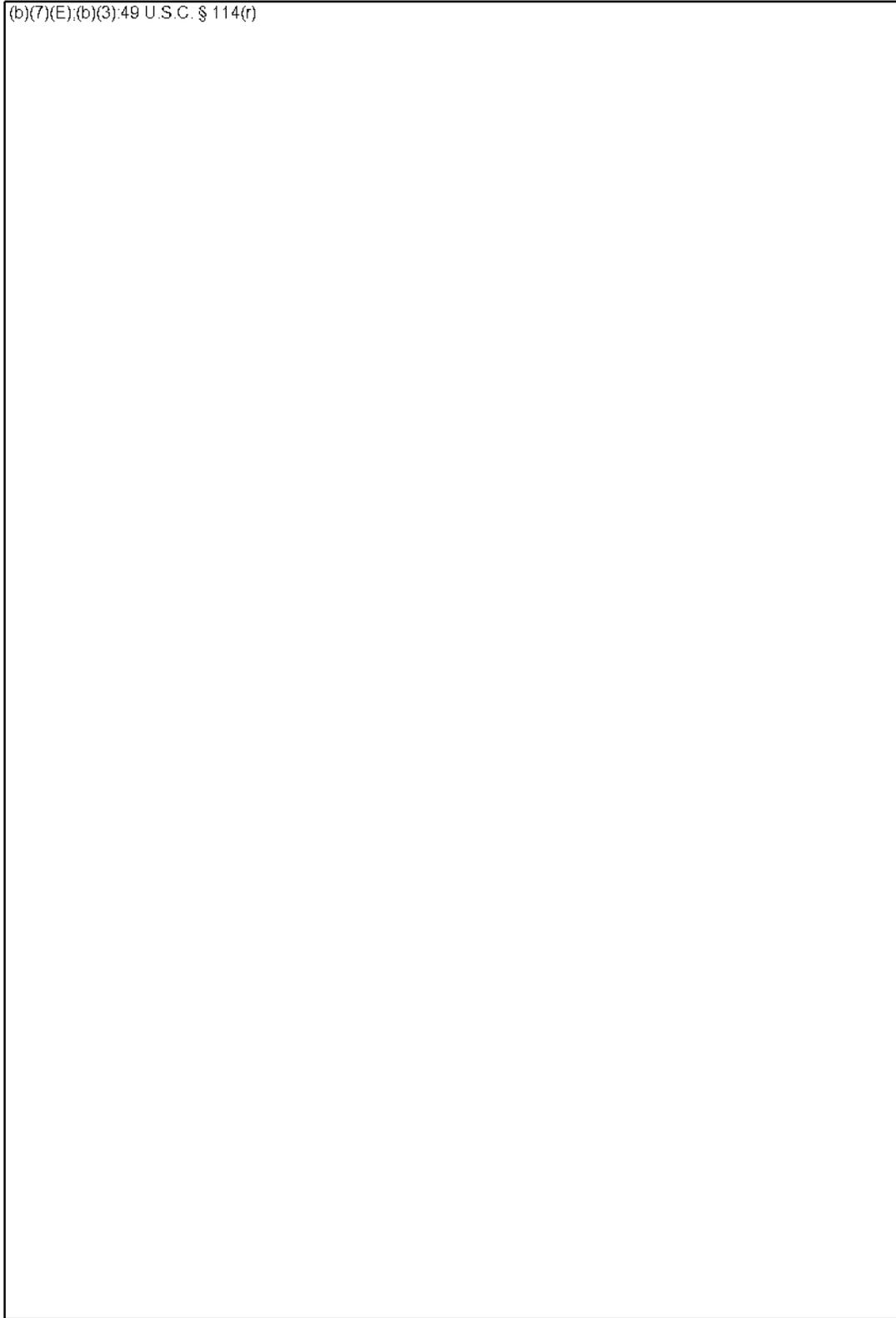
U.S. Customs & Border Protection



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CBP Office of Field Operations Regional Structure and Force Laydown

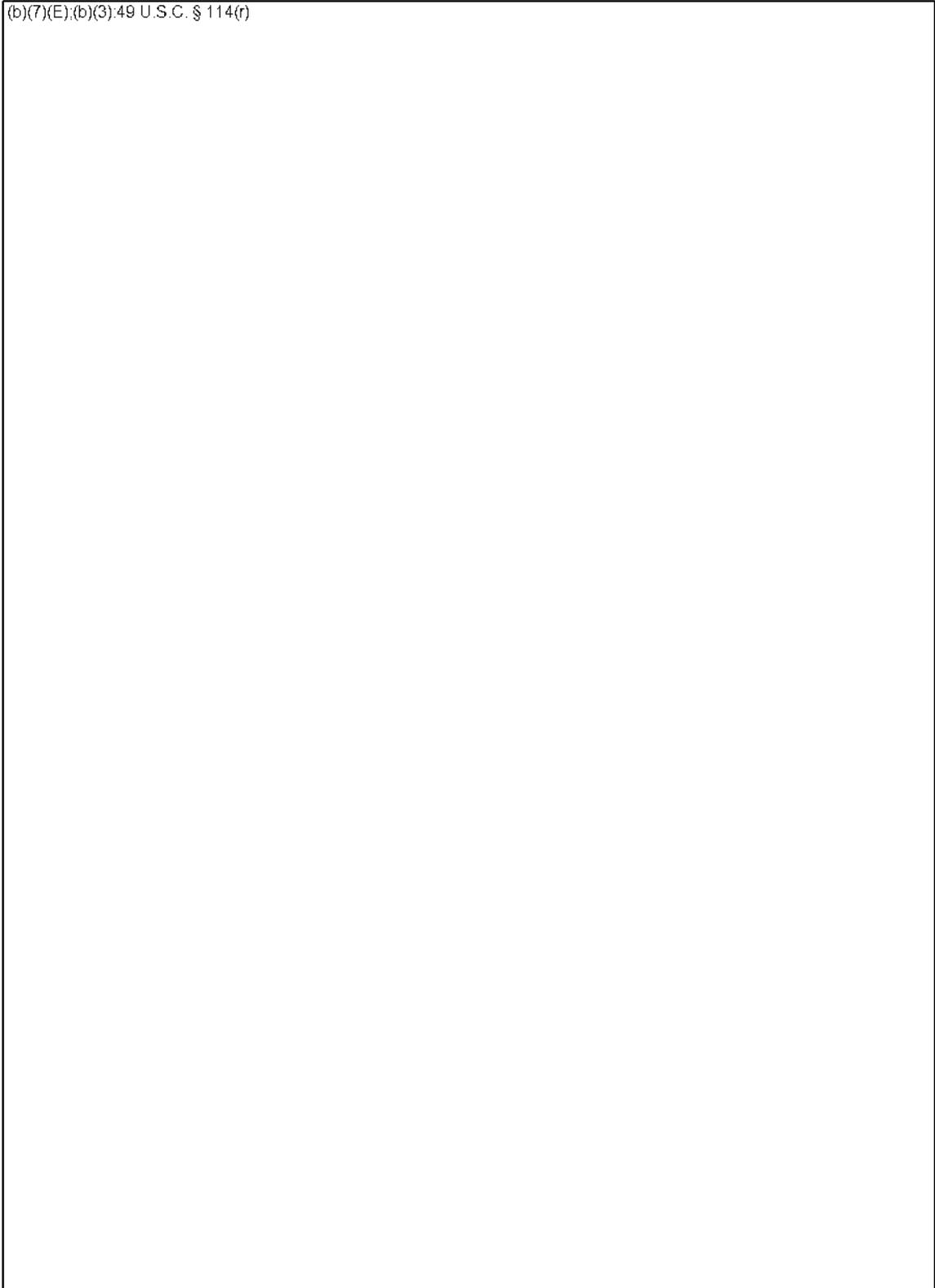
(b)(7)(E);(b)(3);49 U.S.C. § 114(r)



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CBP U.S. Border Patrol and Air and Marine Operations Force Laydown

(b)(7)(E);(b)(3);49 U.S.C. § 114(r)



CBP Office of Trade Regional Structure

(b)(7)(E);(b)(3) 49 U.S.C. § 114(r)

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CBP International Force Laydown

CBP International Footprint

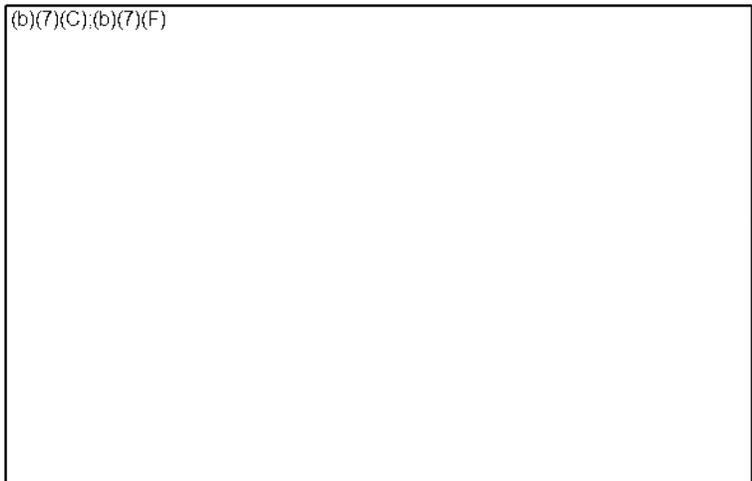
(b)(7)(E),(b)(3);49 U.S.C. § 114(r)

CBP Operational Assets

(b)(7)(E)



(b)(7)(C);(b)(7)(F)



U.S. Customs and Border Protection Air and Marine's Tethered Aerostat Radar System (TARS) provides long-range detection of low-flying aircraft and limited maritime/ground traffic. TARS operates along the U.S./Mexico border, Florida straits, and Puerto Rico. Photo Provided by: U.S. Customs and Border Protection.



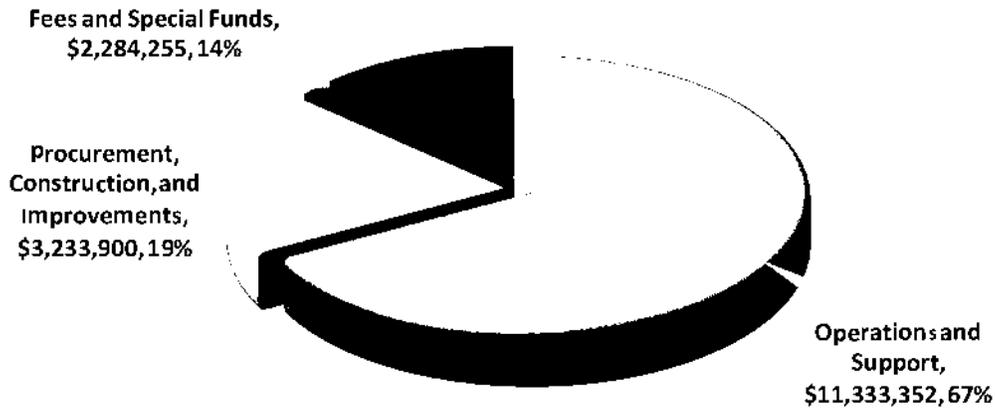
U.S. Border Patrol Agents conduct cold weather operations the Wellesley Island, Alexandria Bay, and Clayton region of New York along the United States - Canada border. Photo Provided by: U.S. Customs and Border Protection.

Budget

CBP - Total Budget Authority		
\$13,254,127,000	\$13,940,997,000	\$687,870,000

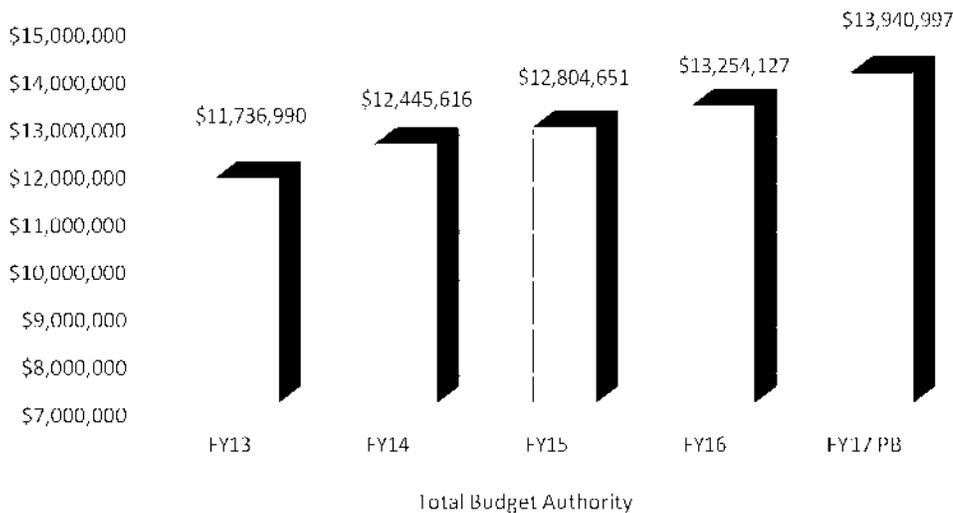
FY17 President's Budget

Dollars in thousands



Customs and Border Protection - 5-year Funding Trend

Dollars in thousands

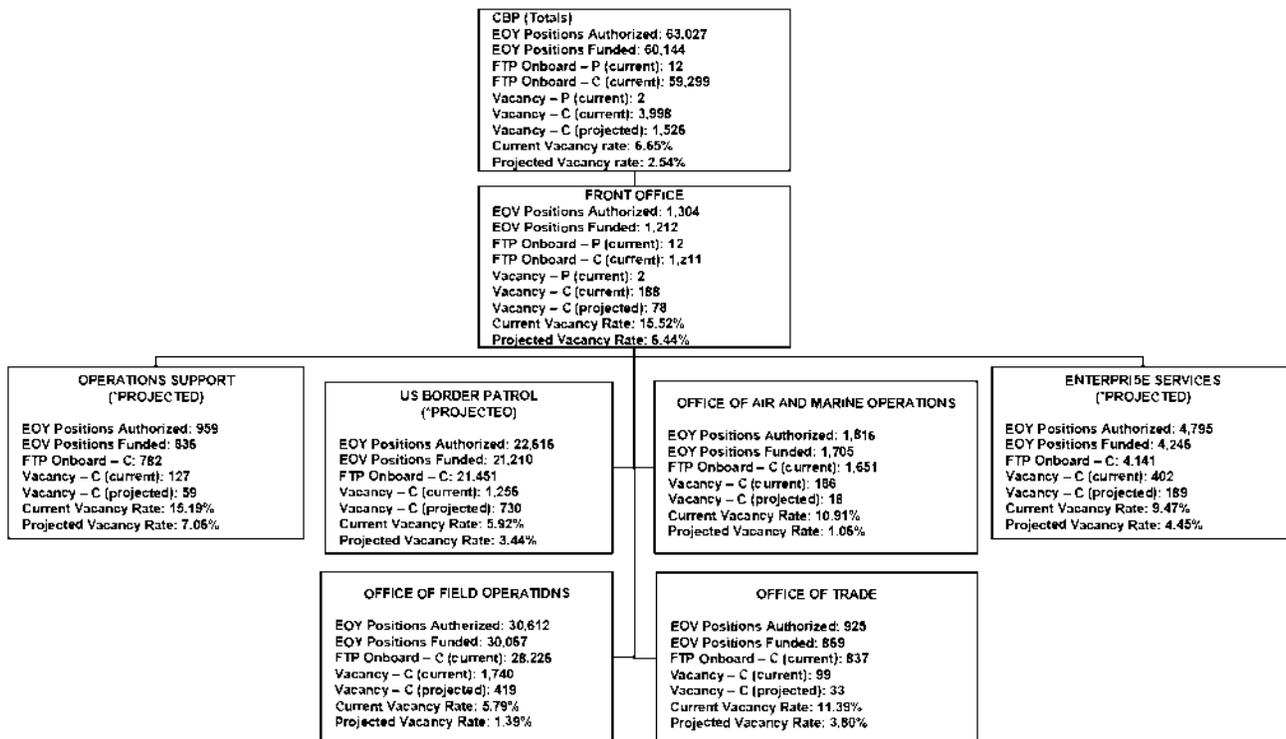


Workforce

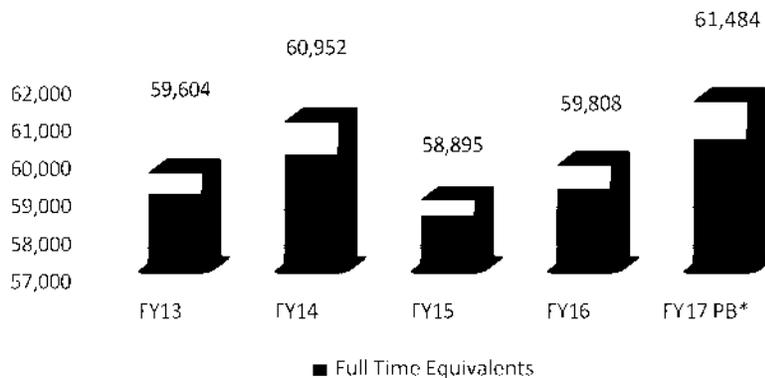
63,027	59,309	3,998/6.65%
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* FY 2016. Does not include reimbursable, working capital, or revolving account employees.

CBP Workforce Chart data as of 5/14/16



Customs and Border Protection - 5-year Workforce Trend



* The FY15 FTE reduction represents the impact of additional costs associated with standardizing CBP Officer and BP Agent journeymen to GS12 and a revised method of calculating user fees which translated to reduced total FTEs.

Strategic Priorities

- Strengthening the Public Trust through a Culture of Integrity and Transparency - Maintaining the trust of the American people is critical to carrying out CBP's mission. As the Nation's largest law enforcement organization, CBP must be transparent with the public on critical issues such as use of force. Therefore, CBP will continue, as appropriate, to release information about total uses of force as well as the specific uses of force reviewed by the National Use of Force Review Board. CBP will continue to vigorously investigate allegations of misconduct against our employees and use proactive strategies to ensure the integrity of our workforce. These efforts and others will be informed by the work of the CBP Integrity Advisory Panel (IAP) which was a subcommittee of the Homeland Security Advisory Committee (HSAC). Requested by CBP, the IAP, made up of experts from Federal, state, and local law enforcement, developed a number of recommendations on integrity, use of force, investigations, camera technology, and public engagement.
- Strengthening CBP's Counter-Network Capabilities – The United States continues to face a diverse array of traditional and asymmetric threats to the security of our Nation. More than ever, our adversaries are sustained by interconnected networks intent on destroying or exploiting American interests. The evolution of these threats demands a well-informed, highly agile, and integrated community of partners and stakeholders to inform and enhance operational activities. CBP — at the center of the international trade and travel lifecycles — occupies a unique position to illuminate insights about these networks. CBP is intent on maximizing the use of information and intelligence products to analyze risk, prioritize threats, and counter evolving trends. CBP will enable interagency actions against these illicit networks through collaboration and integration, utilizing risk-based prioritization of threats, being intelligence-driven, and identifying vulnerabilities. In addition, CBP will continue expanding key partnerships with Federal, state, international, and local agencies — developing a comprehensive counter-terrorism policy document to synchronize efforts with partners to direct targeting efforts and to guide personnel.



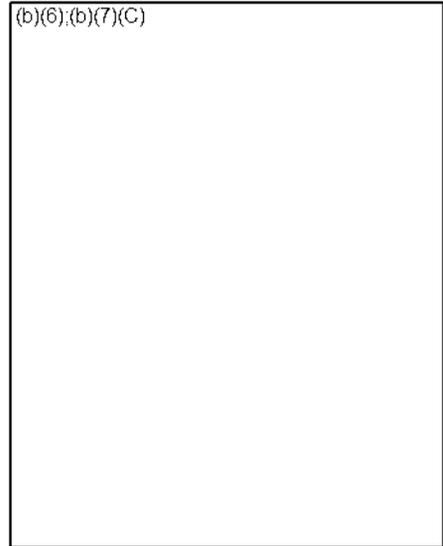
with the use of a Global Entry kiosk located at the Ronald Reagan building in Washington, D.C.

Photo Provided by: U.S. Customs and Border Protection.

- CBP Global Engagement – Travel through U.S. ports of entry continues to increase and CBP expects this trend to continue. Through global partnerships, CBP addresses threats to U.S. safety, security, and prosperity at the earliest point possible, while also facilitating the international trade and travel that is critical to health and competitiveness of the U.S. economy. CBP continues to expand preclearance and place U.S. law enforcement professionals at foreign last points of departure to identify and address potential security and terrorism

threats before they reach the United States. CBP will also continue to promote global border security through law enforcement training, capacity building, and technical assistance programs with global partners.

- Improve Process & Procedures for Hiring Law Enforcement Officers – CBP’s success depends on our ability to recruit, train, and retain exceptional people. CBP is developing staffing plans and executing the actions required to complete the hiring surge of CBP Officers and achieve the staffing floors set by Congress for Border Patrol Agents, while promoting an increase in the number of female agents and officers. CBP will leverage direct hiring authority and incentives to attract qualified candidates for certain hard-to-fill positions. Additionally, CBP is executing its recruiting and outreach strategy including participating in a wide range of recruitment events, developing marketing and advertising plans, and coordinating with operational program office local area recruiters. CBP is expanding recruitment capabilities by increasing our outreach to and recruitment of transitioning service members; this includes collaboration with the Department of Defense to work directly with six military bases with the highest average number of transitioning service members.



A U.S. Customs and Border Protection U.S. Border Patrol Agent patrols the border on horseback in the rough South Texas terrain. Photo Provided by: U.S. Customs and Border Protection.

- Implement the Trade Facilitation and Trade Enforcement Act – Globalization and accelerated growth in trade require CBP



U.S. Customs and Border Protection provides assistance to unaccompanied alien children (UAC) after they have crossed the border into the United States at the South Texas border. Photo Provided by: U.S. Customs and Border Protection.

to reorganize resources to more effectively detect, disrupt, and deter illegal trade activity while facilitating legal commerce. This effort includes maturing the Centers of Excellence and Expertise, integrating trade targeting and the counter-network strategy for trade; in addition to pursuing legislative proposals to increase CBP’s enforcement authority on steel imports and other goods subject to antidumping and

countervailing duty orders. CBP also utilizes technology and improved business processes to automate revenue collection, trade processes, passenger operations, and passport control. As we continue pilot testing emerging biometric technologies in existing operational

environments and to further passenger processing efforts, CBP is redoubling efforts to incorporate biometric exit capabilities into our comprehensive entry/exit system.

- Refining Border Management – CBP works in a dynamic air, land, and sea border environment that requires constant adaptation to respond to emerging threats and changing conditions. Recent increases in the number of unaccompanied alien children and Family Unit Aliens reflect the challenge CBP faces along the southwest border. CBP utilizes a risk-based approach to securing and managing the border between the ports of entry; this method requires resource allocation to the areas with the greatest known flow and associated risk. CBP conducts periodic assessments to ensure appropriate resources are applied in the areas where needed. (b)(5);(b)(7)(E)

(b)(5);(b)(7)(E)

(b)(5);(b)(7)(E)

With the strategy and people in place, CBP recognizes the need for relevant performance measures to verify the effectiveness of our operations and assets. However, due to the sheer size of the air, land, and sea borders, and the motivation of individuals to illegally enter the United States, challenges still exist to measure our success. Furthermore, as border security operations become increasingly integrated, the ability to quantify individual contributions to shared outcomes becomes increasingly complex. CBP will continue to collaborate with internal and external partners to enhance current metrics and develop new metrics that provide meaningful outcome-focused measurements of illegal activity, trends, and effectiveness.

Key Partnerships/Stakeholders

Interagency	
Partner	Description
Intelligence Community: <ul style="list-style-type: none"> • National Security Agency • National Geospatial Intelligence Agency • Central Intelligence Agency • Defense Intelligence Agency • Office of the Director of National Intelligence 	Communication and collaboration with these agencies assists in preventing and curtailing illegal cross-border trafficking and facilitates interdiction. Additionally, it enhances DHS's situational awareness of terrorist activities and criminal threats.
FBI Joint Terrorism Task Force	CBP has (b) (7)(C) Task Force Officers (TFOs) assigned to the FBI's JTTF throughout the United States who play a critical role in support of the nation's law enforcement efforts to investigate and mitigate national security threats by performing a variety of duties in support of the counterterrorism (CT), counter intelligence (CI), and counter proliferation missions.
Federal Government Partners: <ul style="list-style-type: none"> • Department of State • Department of Defense • Department of Commerce • Department of Justice • Department of Agriculture 	This list provides a small sample of the federal government partners with whom CBP works. CPB enforces more than 400 laws at the border for more than 60 Federal agencies. CBP and many of its federal partners have a shared vision of protecting the Homeland through an active, layered structure, enabled by a "whole of government" approach to detect, deter, and defeat threat to the United States.

Stakeholder Groups and Federal Advisory Committees (FACA)	
Partner	Description
State, Local, Tribal and Territorial Partners (Government): <ul style="list-style-type: none"> • State governments • City and County governments (including Sheriffs' Departments) • Tribal governments • Territorial governments 	CBP coordinates and collaborates with government officials to inform them on CBP operations that may impact their communities. Additionally, CBP works with government officials to ensure appropriate facilities and infrastructure are in place for CBP to fulfill its mission efficiently and effectively.

Stakeholder Groups and Federal Advisory Committees (FACA)	
Partner	Description
State, Local, Tribal and Territorial Partners (Associations): <ul style="list-style-type: none"> • National Association of Governors • Hispanic American Police Command Officers Association • International Association of Chiefs of Police • Major County Sheriff's Association 	This list provides a small sample of the associations with whom CBP works. CBP works with various Sheriffs' Departments, state, local and tribal law enforcement agencies nationwide to prevent terrorism and enhance security, to provide law enforcement support and/or assistance as needed, and to provide investigative and intelligence information on subjects apprehended to determined lawful status of entry into the United States.
Non-governmental Organizations (NGOs) For example: <ul style="list-style-type: none"> • Northern Border Coalition and affiliated organizations / Southern Border Communities Coalition and affiliated organizations • American Immigration Council • Border Action Network • National Immigration Forum • Women's Refugee Commission 	This list is a small sample of the NGOs with whom CBP engages. These partnerships ensure consistent constructive dialogue with civil society stakeholders regarding issues of concern, improve transparency and foster trust in CBP's policy-making and operations.

Industry / Public-Private / Academia	
Partner Name	Description
Travel Industry: <ul style="list-style-type: none"> • Airlines for America • Airports Council International – North America • American Association of Airport Executives • U.S. Travel Association • User Fee Advisory Committee (UFAC) 	This list provides a small sample of the travel industry stakeholders with whom CBP engages. Regular communication and collaboration with these organization ensures bi-directional education and access to information from subject matter experts in the industry.
Trade Industry: <ul style="list-style-type: none"> • Commercial Customs Operations Advisory Committee (COAC) • American Association of Importers and Exporters (AAEI) • National Association of Manufacturers (NAM) • National Customs Brokers and Forwarders Association of America • U.S. Chamber of Commerce 	This list provides a small sample of the trade industry stakeholders with whom CBP engages. Regular communication and collaboration with these organization ensures bi-directional education and access to information from subject matter experts in the industry.

International Engagements	
Partner	Description
International Partners: <ul style="list-style-type: none"> • Mexican Government • Canadian Government • World Customs Organization • B5 Countries- Australia, New Zealand, United Kingdom, and Canada 	This list provides a small sample of the international partners with whom CBP engages. CBP works regularly with international governments and organizations to partner and assist in the execution of CBP's missions as well as those of our international partners.

Organized Labor / Advocacy Groups	
Partner	Description
Unions: <ul style="list-style-type: none"> • National Treasury Employees Union (NTEU) • National Border Patrol Council (NBPC) 	CBP recognizes that participation of employees, through their elected representatives, in the formulation and implementation of policies and practices affecting the conditions of their employment can contribute to increased organizational performance. As a result, CBP is committed to developing and maintaining a constructive relationship supportive of the employees and the mission they fulfill.

Legislative Priorities

- Hiring Flexibilities - CBP is seeking additional recruitment, retention, and relocation incentives and flexibilities that would enhance our ability to hire and maintain critical staffing levels in remote and hard-to-fill locations. (Proposals have not yet undergone interagency review or OMB clearance)
- User Fees -

○ (b)(5)

○

- Electronic Visa Update System (EVUS) Fee – This is a new program to collect biographic and travel-related information from travelers before their travel to the United States. This program complements the existing visa application process. The system was developed for non-immigrant travelers from China who are issued 10-year, multiple entry B1, B2, or B1/B2 visas for business and tourism. CBP proposes a user fee to fund the costs of establishing and administering the system. (FY 2017 President's Budget)

- (b)(5)
- Expand Preclearance - DHS currently has Preclearance agreements with 15 airports in six countries, and is planning a significant expansion of the program to allow for preclearance of 33% of all travelers to the United States by 2021. As part of that expansion, DHS and Canada issued a joint statement in March 2016 agreeing in principle to expand preclearance to four new locations in Canada, including two rail locations. To accommodate these plans, and to ensure that rail preclearance operations are eligible for reimbursement to the same extent as CBP's air preclearance operations, CBP is seeking authority to obtain reimbursement for the provision of immigration inspection services from railroad companies by extending reimbursement authority to all modes of transportation. Current law (section 286(i) of the Immigration and Nationality Act (8 U.S.C. 1356(i)) authorizes such reimbursement only from airport and seaport authorities. (Proposal has not yet undergone interagency review or OMB clearance)
- Anti-Border Corruption Act (ABCA) of 2010 - The ABCA mandates that candidates for frontline positions be required to undergo a polygraph examination as part of the pre-employment process. Congress maintains an interest in CBP's implementation of the ABCA and may wish to refine the Act in FY 2017 upon CBP's reporting of effectiveness. Concepts include: providing the Commissioner with the authority to waive the polygraph for Department of Defense and federal law enforcement officers who hold a current security clearance, a current Single Scope Background Investigation (SSBI), and have at least three years of service in good standing; providing the Commissioner the authority to waive the polygraph for a veteran or federal law enforcement officer who has cleared and is current with a polygraph administered by a federally certified polygraph examiner; to enable OPM to create a Polygraph Examiner Position that provides for Law Enforcement Coverage and a 4-year degree requirement as defined by the National Center for Credibility Assessment; and, to make CBP exempt from any Title 5, USC, Part II issues related to the implementation of the Act. (Proposals have not yet undergone interagency review or OMB clearance)

**Government Accountability Office / Office of the Inspector General
Audits**

GAO Audits			
Title	Report Number	Description	Final Report Due
DHS's Biometric Exit System and Overstays		To review the progress DHS has made in developing and implementing a biometric exit system and the resources DHS has expended on these efforts; and, how DHS has used the data from various data systems to calculate, report, and address potential overstays.	10/31/2016
Border Patrol's Layered Security Strategy		To determine the effectiveness of interior checkpoints, including data integrity, quality, and performance measures; Review policies determining the operation of interior checkpoints, including policies pertaining to the use of such checkpoints in inclement weather; Determine the economic and security risks faced by border residents, ranchers, and other business owners as a result of the layered security strategy; Review the effectiveness of forward operating bases in proximity to the international land and maritime borders of the United States; and, Review the effectiveness of interdiction efforts in close proximity to the international land and maritime borders of the United States, including the number of apprehensions and seizures of illicit drugs or other contraband.	TBD

GAO Audits			
Title	Report Number	Description	Final Report Due
Southwest Border Technology Plan		GAO will evaluate the implementation of DHS's Southwest Border Technology Plan. GAO's objectives are to review the extent CBP has deployed technologies under its Southwest Border Technology Plan and how DHS and CBP manage and oversee the Plan; and, review how the Border Patrol is using these technology programs and the extent the programs meet operational and performance requirements.	TBD
Arizona Border Surveillance Technology Plan: Additional Actions Needed to Strengthen Management and Assess Effectiveness	GAO-14-165SU/GAO-14-368 (public)	GAO initiated this review in September 2012. The objectives/key questions for this review were to determine how DHS strengthened plans and cost estimates for its border surveillance technology; to what extent do DHS' plans address SBInet performance issues, and how does DHS plan to assess the performance of newly deployed technologies; and to what extent has DHS implemented controls to monitor acquisition, deployment, and implementation of border surveillance technologies under its plan? GAO issued a final report in March 2014. The report contained six recommendations, four with which CBP concurred (Recommendations 1, 3, 5, and 6) and two with which it non-concurred (Recommendations 2 and 4).	March 2014

OIG Audits			
Title	Report Number	Description	Final Report Due
(b)(5)			

DHS Transition Issue Paper

Response to Biological Threats

OVERVIEW

- The nation faces risks from biological attacks or accidental releases of pathogens with the potential to produce destabilizing effects and greatly impact Department of Homeland Security (DHS) operations and the American public.
- The United States and its allies face ongoing and ever evolving threats from violent extremist groups or individuals inspired by these groups. The global reach of groups like Islamic State (IS) and the widespread availability of biological materials and expertise increase the risk of a terrorist attack using a biological Weapon of Mass Destruction (WMD).
- DHS's goal is to prepare our communities and our workforce to prevent, detect, mitigate, respond to, and recover from biological incidents quickly in order to save lives and minimize wide-spread or cascading impacts.
- The following trends are impacting the biological threats issue area, and will require changes in operational posture, policy, and/or resource allocation:
 - The threat continues to evolve. The biological weapons threat has expanded from large State-sponsored programs to include global terrorist groups and lone wolf violent extremists.
 - Government Accountability Office (GAO) reviews have found that programs for biological early warning must evolve to meet today's threats and provide the advanced warning needed to save lives. To achieve these ends the Department must foster increased cooperation across multiple partners and stakeholders, both within and outside the Department—to include various Federal partners.

DETAILED DISCUSSION

The Department's biological threat-focused efforts span across all five mission areas of prevention, protection, mitigation, response, and recovery. Additionally, DHS is responsible for protecting our workforce against biological threats, and ensuring essential DHS missions are not adversely impacted by these types of events.

- The Office of Health Affairs (OHA) is DHS's principal authority for all medical and health issues. OHA leads DHS activities with respect to workforce health and medical services, and publishes occupational health advisories to inform the DHS workforce about health threats. OHA maintains programs in early warning for biological threats (e.g. BioWatch and the National Biosurveillance Integration System). In addition, OHA has assigned responsibilities to support DHS components with medical guidance for the Department's personnel programs and provides operational support to components through contributions to deliberative and crisis action planning.
- U.S. Customs and Border Protection (CBP) WMD Program provides CBP with a unified approach to develop and maintain the agency's intelligence, interdiction, prevention, response, and mitigation posture to counter biological threats at the U.S. borders and ports of entry.

- DHS S&T's Chemical and Biological Defense Division (CBD) works to strengthen the nation's security and resiliency by providing knowledge products and innovative technology solutions to enhance National preparedness against both current and future biological threats. CBD does this through research and development programs in threat characterization, advanced agent/disease surveillance, agent detection, event attribution and post-event response and restoration support.
- The National Biodefense Analysis and Countermeasures Center (NBACC), managed by DHS S&T and operated by Battelle National Biodefense Institute (BNBI) under federal government contract, provides the scientific basis for the characterization of biological threats and analysis to support attribution of their planned or actual use. NBACC provides an around-the-clock national security biocontainment laboratory capability to identify biological threats. NBACC provides safe and compliant operations for Biological Safety Level (BSL) 2, 3, and 4 laboratories and supports the S&T's Chemical and Biological Defense Division.
- Under the *Project BioShield Act of 2004*, DHS is involved in accelerating the research, development, purchase, and availability of priority medical countermeasures to protect the U.S. population from the effects of chemical, biological, radiological, and nuclear (CBRN) threat agents. Specifically, the Secretary of Homeland Security is responsible for 1) Performing assessments of current and emerging CBRN threats (including Material Threat Assessments and Terrorism Risk Assessments), 2) Making a determination of which CBRN agents present a material threat against the United States population sufficient to affect national security, and 3) With the Secretary of Health and Human Services, authorizing release of money from the special reserve fund.
- The U.S. Coast Guard is actively updating its Chemical, Biological, Radiological, and Nuclear (CBRN) and Hazardous Materials (HAZMAT) Programs to ensure that Coast Guardsmen are able and equipped to respond to the full spectrum of CBRN threats and incidents in a maritime environment. The Coast Guard Teams with these capabilities include the National Strike Force (NSF), which responds to maritime HAZMAT incidents as part of the USCG's role as the Lead Federal Agency for maritime disasters, the Maritime Security Response Team (MSRT), and the Maritime Safety and Security Teams (MSSTs) which respond to CBRN threats, including terrorism, that approach U.S. jurisdiction by boat and vessel. Through its statutory Captain of the Port responsibilities, the Coast Guard is responsible for screening, targeting, and inspecting vessel traffic arriving in U.S. maritime ports of entry from overseas. As part of this process, the Coast Guard monitors biological threats and responds as appropriate. USCG Captains of the Port have the authority to hold vessels offshore, control their movement through U.S. waters, and coordinate response actions with other government agencies to safeguard the American public against potential threats to health and safety in the port environment.
- The Federal Emergency Management Agency (FEMA) views biological preparedness as a subset of overall preparedness, and biological emergency response leverages all hazard core capabilities in place in all communities. The FEMA Administrator serves as the principal emergency management advisor to the President and the Secretary. The Administrator would coordinate federal support to state, local, tribal, and territorial (SLTT) governments during biological incidents that have been declared major disasters or emergencies by the President of the United States under the Stafford Act. In addition,

FEMA may provide support to Lead Federal Agencies (LFAs) and other responsible agencies in non-Stafford Act biological incidents consistent with law and policy (as embodied in presidential directives, the National Response Framework, and the National Disaster Recovery Framework).

- FEMA also operates the Chemical, Ordnance, Biological, and Radiological Training Facility (COBRATF) at the Center for Domestic Preparedness, which is the Nation's only toxic agent training facility for civilian responders (more than 50,000 since 1998) that allows them to train using military nerve agents and live biological materials in a safe and realistic environment.
 - Procedures and responsibilities to guide the overall Federal response to biological threats and incidents are outlined in the Draft Biological Incident Annex (BIA) to the Response and Recovery Federal Interagency Operations Plans (FIOPs), which are under expedited review by the NSC.
- In an effort to enhance the Nation's capabilities, FEMA plays a central role in increasing National preparedness for biological threats through its National Preparedness Directorate, which supports SLTT partners through exercise development/conduct and training opportunities.

Issue Background

- Nation-state and terrorist efforts to develop or acquire weapons of mass destruction (WMD), their delivery systems, or their underlying technologies constitute a major threat to the security of the United States, its deployed troops, and allies. Biological technologies, almost always dual use, move easily in the globalized economy, as do personnel with the scientific expertise to design and use them. The latest discoveries in the life sciences also diffuse rapidly around the globe.
- The risk to the lives of Americans from a biological attack has never been greater than it is today. A single release of a biological agent could have devastating consequences, including the deaths of tens of thousands if not millions of Americans, the destabilization of the U.S. economy, and damage to the nation's critical infrastructures. Full recovery from this level of disruption would take years. As stated by the Blue Ribbon Study Panel for Biodefense: "We have reached a critical mass of biological crises. Myriad biological threats, vulnerabilities and consequences have collectively and dramatically increased the risk to the Nation."
- For biological events, better information as early as possible allows informed decisions that can save American lives and mitigate consequences. For example, early warning of a biological attack enables public health officials to deploy life-saving medical countermeasures in the critical moments before people even begin to show symptoms.
- Two DHS OHA programs, BioWatch and the National Biosurveillance Integration Center (NBIC), work toward the goal of providing early warning of biological events to the nation's decision-makers and communities. BioWatch provides early detection of a bioterrorism event and helps communities prepare a coordinated response. NBIC enables early warning and shared situational awareness of acute biological events and support better decisions through rapid identification, characterization, localization, and tracking. However, these OHA programs must continue to evolve to meet the threats of tomorrow.

- In August 2013, the President issued PPD-25 to address identified deficiencies in National counterterrorism policy and ensure a holistic National response to specific terrorist threats requiring a time-sensitive response, including WMD threats. This policy sets an expectation that Federal operations in response to such threats will incorporate capabilities to counter and prevent any attack, as well as to mitigate and respond, as necessary, to the effects of such an incident. The policy requires the activation, deployment, and application of these capabilities be coordinated through existing NSC crisis response processes—specifically the Counterterrorism Security Group and the NSC Deputies Committee. To achieve these ends the FEMA Administrator leads the coordination of Federal pre-incident consequence management operations in response to an identified threat or actual incident and advises the President, NSC, and the Secretary on their execution.
- Additionally, DHS Components work every day to stop dangerous items, including pathogens and biological weapons, from crossing our borders.

Courses of Action

- **Status Quo:** Currently, DHS has large equities across the biological threat space. Component programs are meeting their missions, but must evolve to meet tomorrow's threats.
- **Focus Area 1: Enhance biosurveillance and biodetection capabilities to provide early warning of biological events affecting homeland security.** Planned enhancements to NBIC will allow the Center to move from basic informational summaries to robust analytic reports that integrate additional data streams and predictive analytic tools to better assess the likelihood of future scenarios and their potential impacts on the operations of DHS and other federal and SLTT agencies. Success will require increased cooperation and data sharing from external stakeholders, including federal partners. Planned improvements to the BioWatch system, including technology enhancements, are intended to provide better, faster coverage of U.S. cities, and will allow the system operate in additional indoor environments. These enhancements to both programs will allow DHS to meaningfully address critical program gaps identified in recent GAO and Blue Ribbon Study Panel on Biodefense reports.
- **Focus Area 2: Strengthen programs to protect first responders against biological threats.** OHA is in the early planning stages for a First Responder Vaccine Initiative (FRVI) that will deliver vaccine from the Strategic National Stockpile to first responders who volunteer to add this layer of protection against biological threats. FRVI's first effort is the Anthrax Vaccine Pilot, which will test the viability of delivering the anthrax vaccine to self-selected first responders in two trial states.

Key Partnerships

- The most prominent federal partner in this space is the Department of Health and Human Services, including the Centers for Disease Control and Prevention. However, all federal agencies are impacted by these threats and nearly all have plans in place to deal with related issues.
- State and local partners include a wide array of SLTT health departments and other public health officials, the full range of emergency response entities across the country, and law enforcement partners.

SAFE THIRD COUNTRY DESIGNATION

U.S. Customs and Border Protection (CBP) continues to be at the forefront of the apprehension of a substantial number of non-citizens who arrive at the Southwest border, including unaccompanied alien children (UACs) and family units. The current surge has resulted in a number of operational challenges for the Ports of Entry (POE) and Border Patrol operations. This issue paper discusses the application of Safe Third Country designation as a tool to mitigate the challenges of foreign nationals arriving at the Nation's borders and seeking asylum.¹

RELATED STATUTE:

The Immigration and Nationality Act (INA) provides that any alien may apply for asylum in the United States. INA § 208(a)(1), 8 U.S.C. § 1158(a)(1). However, an individual, other than a UAC, may not apply for asylum in the United States if the Secretary of Homeland Security determines that the individual may be removed to a safe third country pursuant to a bilateral or multilateral agreement.² *Id.* § 208(a)(2)(A). For purposes of this provision, "safe third country" means any country (other than the country of the alien's nationality, or in the case of any alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection. *Id.* The Secretary may nevertheless determine in such cases, however, "that it is in the public interest for the alien to receive asylum in the United States." *Id.*

This provision of the INA has, to date, only been applied to Canada, and only for individuals arriving at land border POEs, through the U.S.-Canada Safe Third Country Agreement, which became effective as of December 29, 2004.³ The agreement requires an asylum applicant arriving at a POE on the U.S.-Canada land border to claim asylum in the country from which he arrived, subject to certain exceptions. Both Canada and the United States have adopted regulations implementing this agreement. *See* 8 C.F.R. §§ 208.30(e)(6), 1003.42(h), 1240.11(g). The United States-Canada agreement outlined above reflects two key factors necessary for the United States to designate a Safe Third Country: (1) the United States has to determine the country is a safe third country; and (2) the United States needs to enter into a bilateral or multilateral agreement with the subject country, consistent with the requirements of INA § 208(a)(2)(A).

¹ Norway, facing a migration crisis in 2015 along its 122-mile land border with Russia, addressed the crisis by declaring Russia a safe country and refusing migrants who were fleeing conflict but had already reached a safe country like Russia. After Norway passed legislation, it dramatically cut the flow of migrants, with many migrants settling in Russia.

² Asylum status also may be terminated if it is determined that the alien may be removed to a safe third country pursuant to a bilateral or multilateral agreement. *See* INA § 208(c)(2)(C), 8 U.S.C. § 1158(c)(2)(C). The statute exempts unaccompanied alien children from the safe third country bar to asylum eligibility. *See* INA § 208(a)(2)(E), 8 U.S.C. § 1158(a)(2)(E).

³ *See* <http://www.cic.gc.ca/english/department/laws-policy/safe-third.asp>.

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There are many issues that need to be considered with respect to determining a safe third country. "Safe" in this context does not mean safe from any harm. Rather, it generally means in this context that the country will not return an individual to a country in which he would be persecuted on account of a protected ground (e.g., religion, political opinion).⁴ See INA § 208(a)(2)(A).

In addition, the ability for a country to meet the standards described above may require partnership with the national government, as well as non-governmental agencies, to build that country's capacity. If foreign assistance funding is required, the Department of State (DoS), under its Title 22 authority, would be the primary agency for administering capacity building funding absent a change in legislation.

In addition to funding, DoS delegates negotiating authority under Circular 175 (C-175), which establishes procedures developed by the DoS to ensure international agreements for the United States are carried out within constitutional and legal limits, and with appropriate involvement by the DoS. The typical C-175 request is an action memorandum generated by DIIS, one of its Components, or another partner government agency requesting authority from DoS to negotiate, conclude, amend, extend, or terminate an international agreement with a foreign partner.

It should also be noted that the U.S.-Canada Safe Third Country Agreement requires reciprocity. Meaning, if a third country national arrived in the United States and subsequently claimed asylum in Canada at a land border POE, Canada could potentially return the individual to the United States for consideration of his or her protection claim. It should be expected that the same requirement would be an element of any agreement reached between the United States and another country.

⁴ This non-return or "*non-refoulement*" obligation is embodied in Article 33 of the 1951 Convention Relating to the Status of Refugees: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."



DHS Presidential Transition Office Tasking 16:

What is the total number of apprehensions YTD – families, UACs, and adults and how does that compare to last 5 years?

U.S. Customs and Border Protection defines Unaccompanied Alien Children (UAC) by statute, 6 U.S.C. § 279(g)(2), as ‘Any child under the age of 18 with no lawful immigration status in the United States for whom there is no parent or legal guardian available to provide care and physical custody in the United States.’ Furthermore, a Family Unit (FMUA) consists of a child or children who is/are traveling or detained along with their mother and/or father and/or legal guardian.’

As shown in the charts below, the number of apprehensions of Inadmissible Aliens identified as FAMU, UAC, and Single Adults has fluctuated, sometimes significantly, from year to year (c.g., FY2014 to FY2015). It is important to note the Office of Field Operations (OFO) did not start tracking Family Units until March 2016. Based on data gathered from March 2016 to November 2016 it is anticipated OFO will significantly surpass the FY2016 apprehension totals in FY2017.

USBP saw the highest apprehensions of Inadmissible Unaccompanied Alien Children in FY2014. Based on data gathered during the first two months of FY2017, the apprehensions of UACs are on a path to surpass the FY2014 numbers for the USBP this year. OFO has seen a steady increase in apprehensions since FY2012 with a notable increase in FY2016. Based on data for the first two months of FY2017, apprehensions are expected to exceed the FY2016 total.

United States Border Patrol				
	Family Unit Apprehensions	Unaccompanied Children	Single Adult	TOTAL
FY2012	11,241	24,481	329,046	364,768
FY2013	15,056	38,833	366,900	420,789
FY2014	68,684	68,631	349,336	486,651
FY2015	40,053	40,035	257,029	337,117
FY2016	77,857	59,757	278,202	415,816
*FY2017 TD	28,745	14,105	51,521	94,371

* Fiscal Year 2017 is October 1, 2016 to November 30, 2016.

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Office of Field Operations				
	Family Unit Apprehensions	Unaccompanied Children	Single Adult	TOTAL
FY2012	0	2,539	187,001	189,540
FY2013	0	3,019	192,210	195,229
FY2014	0	4,705	200,194	204,899
FY2015	0	4,642	210,340	214,982
FY2016	**28,067	11,113	219,997	231,110
*FY2017 TD	12,099	3,368	38,273	53,740

* Fiscal Year 2017 is October 1, 2016 to November 30, 2016.

** OFO Family Unit measures started in March 2016 which accounts for the difference in the totals.

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DHS Presidential Transition Office Tasking 17:

(b)(7)(E)

The priority mission of the United States Border Patrol (USBP) is the prevention of terrorists and their weapons from entering the United States; achieved while preventing the illegal entry of people and contraband across the border, between official ports of entry. To accomplish this, the Border Patrol focuses efforts on patrolling the 1,993 miles of international border with Mexico, 3,987 miles of international border with Canada and 2,627 miles of coastal waters which measure from the Texas-Louisiana state line around the Florida Keys to the Florida-Georgia state line. Operations are conducted within the 20 USBP sectors, 24 hours a day, in all types of terrain and weather conditions. The 20 sectors are as follows:

Southwest Border (SBO), from east to west:

1. Rio Grande Valley (RGV)
2. Laredo (LRT)
3. Del Rio (DRT)
4. Big Bend (BBT)
5. El Paso (EPT)
6. Tucson (TCA)
7. Yuma (YUM)
8. El Centro (ELC)
9. San Diego (SDC)

Northern Border (NB), from east to west:

1. Houlton (HLT)
2. Swanton (SWB)
3. Buffalo (BUN)
4. Detroit (DTM)
5. Grand Forks (GFN)
6. Havre (HVM)
7. Spokane (SPW)
8. Blaine (BLW)

Coastal Border (CB), from east to west:

1. Ramey (RMY)
2. Miami (MIP)
3. New Orleans (NLL)

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U.S. Customs and
Border Protection

(b)(7)(E)



DHS Presidential Transition Office Tasking 18:

What is the status of Operation Stonegarden? Current funding level? Is it working?

EXECUTIVE SUMMARY:

The Operation Stonegarden (OPSG) Program provides state, local, and tribal law enforcement agencies funding via Federal grant to support joint efforts in securing the United States' borders. Additionally, it supports enhanced cooperation and coordination among U.S. Customs and Border Protection (CBP), United States Border Patrol (USBP), and Federal, state, local, tribal, and territorial law enforcement agencies.

- OPSG is working and has proven successful. Its funding supplements USBP border security operations by extending the local law enforcement presence using overtime at the state and local level.
 - As a result of OPSG funding during FY 2016, 108,104 (8 hour) days of overtime were worked, and 5,818,745 miles of border were patrolled by partner agencies.
- FEMA-Grant Programs Directorate (GPD) operates the administrative and financial mechanisms for the OPSG grant allocations. USBP is responsible for tactical deployments of overtime and equipment purchased through the grant process to augment border security operations.
- Operation Stonegarden is available to counties and federally-recognized tribal governments in states bordering Canada, Mexico, and states or territories with international water borders. 20 states and 2 U.S. territories are eligible to receive funding.
 - A total of 146 counties were funded in FY2016.
- USBP Sectors provide oversight to convert OPSG funds into tactical resources based on Sector's border security requirements, law enforcement presence, situational awareness, and intelligence collection and dissemination.
- All applicants (Law Enforcement Agencies) must have active, ongoing operations with USBP coordinated through a USBP sector office to be eligible for OPSG funding.
- Historical funding amounts:

Fiscal Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Annual Amount	\$15M	\$0	\$60M	\$90M	\$60M	\$54.9M	\$46.6M	\$55M	\$55M	\$55M	\$55M
Operation Stonegarden FY06-FY16 Total						\$546.5M					

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CURRENT STATUS:

- Total FY 2016 OPSG funding remained at \$55,000,000.
- FY 2016 Regional funding distribution: 80% (\$44M) to Southern Border, 14% (\$7.7M) to Northern Border, and 6% (\$3.3M) to Coastal Borders.
- Development of a web based data management system in MAX.gov, funded by USBP, provides increased oversight, accountability, and efficiency.
- Current OPSG funding is set at the discretion of the DHS Secretary as a carve-out under the FEMA Homeland Security Grant Program.

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DHS Presidential Transition Office Tasking 021:

Provide a list of all apprehensions since FY2009 by fiscal year, with accompanying dispositions (country, year, percentage report on dispositions)

The following tables include apprehensions of Mexican citizens and the top five Other than Mexican (OTM)¹ countries which make up the overwhelming majority of United States Border Patrol (USBP) apprehensions each year.² The numbers provided reflect removable/deportable aliens only.

Generally, the dispositions below indicate the alien was:

- Returned to Mexico by USBP
 - Dispositions of alien with an existing Order of Removal (Bag and Baggage), Expedited Removal, Expedited Removal with Limited Review (a review of the ER based on a claim of U.S. Citizenship, LAPR status, etc), Reinstatement (of a prior order of removal/deportation), and Voluntary Return
- Transferred to Immigration and Customs Enforcement / Enforcement and Removal Operations (ICE/ERO)
 - All Apprehensions
 - Dispositions of Administrative Deportation, Expedited Removal with Credible Fear, Visa Waiver Removal, and Warrant of Arrest/Notice to Appear
 - OTMs
 - Dispositions of Bag and Baggage, Expedited Removal, Expedited Removal with Limited Review, and Reinstatement (OTMs have to be transferred to ERO for removal)
- Released by USBP
 - Dispositions of (b)(7)
(E) Notice to Appear/Release on Own Recognizance, Paroled, and Released (ex. Non Presidential Enforcement Priority cases, non-priority apprehensions, etc.)
- Other
 - 95% of aliens in this category were “Turned Over To” (TOT) other law enforcement agencies (ex. aliens being charged criminally in the U.S., etc.).

*It should be noted that OTM refers to Other Than Mexican, which isn't restricted to South American Countries. It includes *all deportable aliens from countries other than Mexico*.

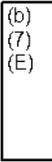
¹ OTM is not restricted to Central or South American countries, but includes all deportable aliens from countries other than Mexico.

² Apprehensions of citizens from all other countries (exceeding 150 countries in some years) make up approximately 5% of total apprehensions. The data set for these populations is available, but extraordinarily large compared to the proportion of total apprehensions.



USBP Nationwide Apprehensions of Mexico and Top 5 OTM Citizenships FY2009 - FY2017TD through November

Data includes Deportable Aliens Only
FY09 - FY17TD as of 12/8/16 FY10-FY16 as of End of Year Dates



Data Source

FY2009		
CITIZENSHIP	APPS	% OF TOTAL
MEXICO	503,346	90.5%
GUATEMALA	15,550	2.8%
HONDURAS	14,629	2.6%
EL SALVADOR	11,660	2.1%
CHINA PEOPLES REPUBLIC OF	1,496	0.3%
ECUADOR	1,312	0.2%
TOTAL APPREHENSIONS	555,944	

FY2010		
CITIZENSHIP	APPS	% OF TOTAL
MEXICO	404,365	87.3%
GUATEMALA	18,406	4.0%
EL SALVADOR	13,723	3.0%
HONDURAS	13,580	2.9%
ECUADOR	1,777	0.4%
DOMINICAN REPUBLIC	1,330	0.3%
TOTAL APPREHENSIONS	463,382	

FY2011		
CITIZENSHIP	APPS	% OF TOTAL
MEXICO	286,154	84.1%
GUATEMALA	19,061	5.6%
HONDURAS	12,197	3.6%
EL SALVADOR	10,874	3.2%
INDIA	2,576	0.8%
ECUADOR	1,264	0.4%
TOTAL APPREHENSIONS	340,252	

FY2012		
CITIZENSHIP	APPS	% OF TOTAL
MEXICO	265,755	72.9%
GUATEMALA	36,204	9.7%
HONDURAS	30,953	8.5%
EL SALVADOR	22,158	6.1%
ECUADOR	2,289	0.6%
DOMINICAN REPUBLIC	1,044	0.3%
TOTAL APPREHENSIONS	364,768	

FY2013		
CITIZENSHIP	APPS	% OF TOTAL
MEXICO	267,734	63.6%
GUATEMALA	54,692	13.0%
HONDURAS	46,865	11.1%
EL SALVADOR	37,149	8.8%
ECUADOR	4,027	1.0%
NICARAGUA	1,435	0.3%
TOTAL APPREHENSIONS	420,789	

FY2014		
CITIZENSHIP	APPS	% OF TOTAL
MEXICO	229,178	47.1%
HONDURAS	91,475	18.8%
GUATEMALA	81,116	16.7%
EL SALVADOR	66,638	13.7%
ECUADOR	4,819	1.0%
NICARAGUA	1,862	0.4%
TOTAL APPREHENSIONS	486,651	

FY2015		
CITIZENSHIP	APPS	% OF TOTAL
MEXICO	188,122	55.8%
GUATEMALA	57,160	17.0%
EL SALVADOR	43,564	12.9%
HONDURAS	33,848	10.0%
ECUADOR	2,593	0.8%
INDIA	2,578	0.8%
TOTAL APPREHENSIONS	337,117	

FY2016		
CITIZENSHIP	APPS	% OF TOTAL
MEXICO	192,969	46.4%
GUATEMALA	75,246	18.1%
EL SALVADOR	72,018	17.3%
HONDURAS	53,402	12.8%
INDIA	3,668	0.9%
BRAZIL	3,252	0.8%
TOTAL APPREHENSIONS	415,816	

FY2017TD		
CITIZENSHIP	APPS	% OF TOTAL
MEXICO	33,736	35.7%
GUATEMALA	21,442	22.7%
EL SALVADOR	19,434	20.6%
HONDURAS	16,122	17.1%
BRAZIL	900	1.0%
INDIA	537	0.6%
TOTAL APPREHENSIONS	94,370	



U.S. Customs and
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USBP Nationwide Apprehensions of Mexico and Top 5 OTM Citizenships
FY2009 - FY2017TD through November

Data Source: (b)(7)(E) *Data includes Deportable Aliens Only*
FY09, FY17TD as of 12/8/16; FY10-FY16 as of End of Year Dates

FY	CITIZENSHIP	USBP RETURN	TRANSFERRED TO ICE ERO	USBP RELEASE	OTHER	TOTAL	CITIZ % OF TOTAL APPS
FY2009	MEXICO	478,340	18,329	1,130	5,547	503,346	90.5%
	GUATEMALA		14,964	129	457	15,550	2.8%
	HONDURAS		14,295	74	260	14,629	2.6%
	EL SALVADOR		11,260	93	307	11,660	2.1%
	CHINA, PEOPLES REPUBLIC OF		1,329	25	142	1,496	0.3%
	ECUADOR		1,249	12	51	1,312	0.2%
FY2010	MEXICO	381,653	16,035	1,005	5,672	404,365	87.3%
	GUATEMALA		17,856	132	418	18,406	4.0%
	EL SALVADOR		13,359	108	256	13,723	3.0%
	HONDURAS		13,276	61	223	13,580	2.9%
	ECUADOR		1,703	20	54	1,777	0.4%
	DOMINICAN REPUBLIC		1,206	20	104	1,330	0.3%
FY2011	MEXICO	265,120	15,748	912	4,374	286,154	84.1%
	GUATEMALA		18,777	75	209	19,061	5.6%
	HONDURAS		11,960	53	184	12,197	3.6%
	EL SALVADOR		10,703	61	110	10,874	3.2%
	INDIA		2,540	20	16	2,576	0.8%
	ECUADOR		1,242	12	10	1,264	0.4%
FY2012	MEXICO	251,040	10,296	1,205	3,214	265,755	72.9%
	GUATEMALA		34,901	177	126	35,204	9.7%
	HONDURAS		30,655	200	98	30,953	8.5%
	EL SALVADOR		21,890	158	110	22,158	6.1%
	ECUADOR		2,258	11	20	2,289	0.6%
	DOMINICAN REPUBLIC		908	17	119	1,044	0.3%
FY2013	MEXICO	256,658	6,791	1,635	2,650	267,734	63.6%
	GUATEMALA		54,364	256	70	54,692	13.0%
	HONDURAS		46,358	403	104	46,865	11.1%
	EL SALVADOR		36,739	315	95	37,149	8.8%
	ECUADOR		3,985	31	11	4,027	1.0%
	NICARAGUA		1,404	17	14	1,435	0.3%
FY2014	MEXICO	217,970	7,176	1,583	2,449	229,178	47.1%
	HONDURAS		66,550	2,786	139	91,475	18.8%
	GUATEMALA		79,721	1,292	103	81,116	16.7%
	EL SALVADOR		64,915	1,632	91	66,638	13.7%
	ECUADOR		4,777	35	7	4,819	1.0%
	NICARAGUA		1,805	50	7	1,862	0.4%
FY2015	MEXICO	176,660	6,021	2,788	2,433	188,122	55.8%
	GUATEMALA		56,359	669	132	57,160	17.0%
	EL SALVADOR		43,179	323	62	43,564	12.9%
	HONDURAS		33,286	471	91	33,848	10.0%
	ECUADOR		2,572	20	1	2,593	0.8%
	INDIA		2,534	42	2	2,578	0.8%
FY2016	MEXICO	163,131	4,543	3,062	2,233	192,969	46.4%
	GUATEMALA		73,473	1,445	326	75,246	18.1%
	EL SALVADOR		71,133	543	342	72,018	17.3%
	HONDURAS		52,328	720	354	53,402	12.8%
	INDIA		3,613	51	4	3,668	0.9%
	BRAZIL		3,025	211	16	3,252	0.8%
FY2017 TD	MEXICO	32,061	683	447	345	33,736	35.7%
	GUATEMALA		20,997	319	126	21,442	22.7%
	EL SALVADOR		19,130	161	143	19,434	20.6%
	HONDURAS		15,819	143	160	16,122	17.1%
	BRAZIL		856	32	12	900	1.0%
	INDIA		516	21		537	0.6%

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DHS Presidential Transition Office Tasking 22:

Task: Provide detailed data about RGV and other sectors on the southern border experiencing a high volume of crossings.

Southwest Border Apprehensions

Apprehensions along the Southwest Border have steadily increased since Fiscal Year (FY) 2015. The month of October 2016 experienced the highest number of apprehensions since summer of 2014.

Southwest Border Apprehensions Total: FY2009-FY2016

SECTOR	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
San Diego	118,721	68,565	42,447	28,461	27,496	29,911	26,290	31,891
El Centro	33,521	32,562	30,191	23,916	16,306	14,511	12,820	19,448
Yuma	6,951	7,116	5,833	6,500	6,106	5,902	7,142	14,170
Tucson	241,673	212,202	123,285	120,000	120,939	87,915	63,397	64,891
El Paso	14,999	12,251	10,345	9,678	11,154	12,339	14,495	25,634
Big Bend	6,360	5,288	4,036	3,964	3,684	4,096	5,031	6,366
Del Rio	17,082	14,694	16,144	21,720	23,510	24,255	19,013	23,078
Laredo	40,569	35,287	36,053	44,872	50,749	44,049	35,888	36,562
Rio Grande Valley	60,989	59,766	59,243	97,762	154,453	256,393	147,257	186,830
Totals	540,865	447,731	327,577	356,873	414,397	479,371	331,333	408,870

Southwest Border Apprehensions: Comparison FY2015/FY2016

FY2015 Totals		FY2016 Totals		% Change
Sector	Total APPs	Sector	Total APPs	Percent
San Diego	26,290	San Diego	31,891	21%
El Centro	12,820	El Centro	19,448	52%
Yuma	7,142	Yuma	14,170	98%
Tucson	63,397	Tucson	64,891	2%
El Paso	14,495	El Paso	25,634	77%
Big Bend	5,031	Big Bend	6,366	27%
Del Rio	19,013	Del Rio	23,078	21%
Laredo	35,888	Laredo	36,562	2%
Rio Grande Valley	147,257	Rio Grande Valley	186,830	27%
Total	331,333	Total	408,870	23%

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Other than Mexicans (OTM) Apprehensions

Nationally, from Fiscal Year 2015 to 2016, total apprehensions increased by 23.7%; the number of apprehensions of individuals from countries other than Mexico increased by a total of 49.6% during the same timeframe. The table below reflects OTM apprehensions along the Southwest Border.

Southwest Border OTM Apprehensions: Comparison FY2009-FY2016

SECTOR	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
San Diego	1,494	1,306	1,166	1,154	1,273	2,040	2,021	6,511
El Centro	919	858	717	1,405	1,165	2,000	1,500	5,087
Yuma	405	411	417	581	820	1,655	3,297	10,657
Tucson	11,628	16,281	11,311	17,697	19,847	19,045	14,481	18,397
El Paso	1,112	1,057	712	763	1,062	2,435	3,818	11,974
Big Bend	787	534	415	547	510	932	2,854	3,638
Del Rio	4,262	4,101	4,447	9,316	9,505	14,059	8,139	10,125
Laredo	8,738	7,330	6,922	13,130	17,977	17,509	10,122	11,225
Rio Grande Valley	15,938	19,034	20,890	49,939	96,829	192,925	99,084	140,496
Totals	45,283	50,912	46,997	94,532	148,988	252,600	145,316	218,110

Southwest Border OTM Apprehensions: Comparison FY2015/2016 OTMs

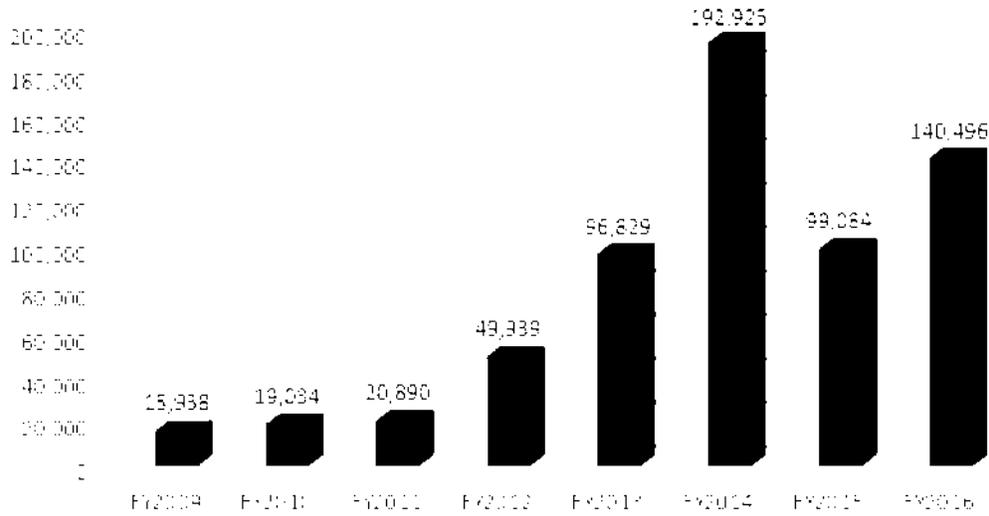
FY2015 Totals		FY2016 Totals		% Change
Sector	Total OTMs	Sector	Total OTMs	Percent
San Diego	2,021	San Diego	6,511	222%
El Centro	1,500	El Centro	5,087	239%
Yuma	3,297	Yuma	10,657	223%
Tucson	14,481	Tucson	18,397	27%
El Paso	3,818	El Paso	11,974	214%
Big Bend	2,854	Big Bend	3,638	27%
Del Rio	8,139	Del Rio	10,125	24%
Laredo	10,122	Laredo	11,225	11%
Rio Grande Valley	99,084	Rio Grande Valley	140,496	42%
Total	145,316	Total	218,110	50%

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Southwest Border OTM Apprehensions: RGV FY2009-FY2016

RGV OTM Stats

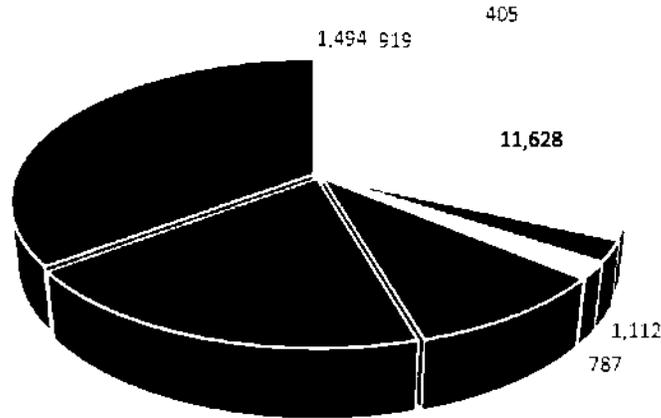


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Southwest Border OTM Apprehensions: RGV Comparison with Rest of SWB FY2009-

FY2009



- San Diego
- Tucson
- Del Rio
- El Centro
- El Paso
- Laredo
- Yuma
- Big Bend
- Rio Grande Valley

FY2016

FY2010



- San Diego
- Tucson
- Del Rio
- El Centro
- El Paso
- Laredo
- Yuma
- Big Bend
- Rio Grande Valley

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Southwest Border OTM Apprehensions: RGV Comparison with Rest of SWB FY2009-FY2016 – (continued)

FY2011



- San Diego
- Tucson
- Del Rio
- El Centro
- El Paso
- Laredo
- Yuma
- Big Bend
- Rio Grande Valley

FY2012

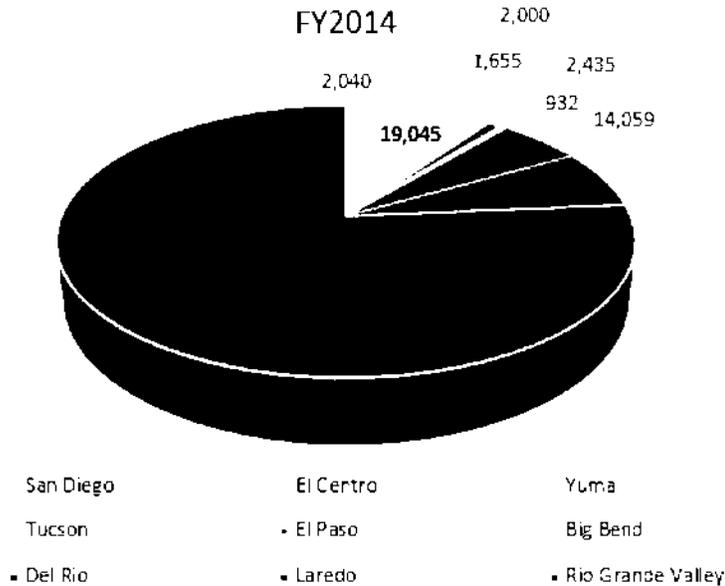
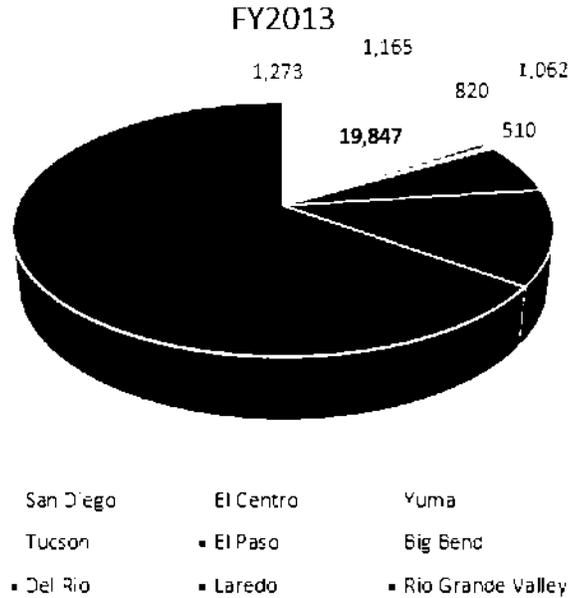


- San Diego
- Tucson
- Del Rio
- El Centro
- El Paso
- Laredo
- Yuma
- Big Bend
- Rio Grande Valley

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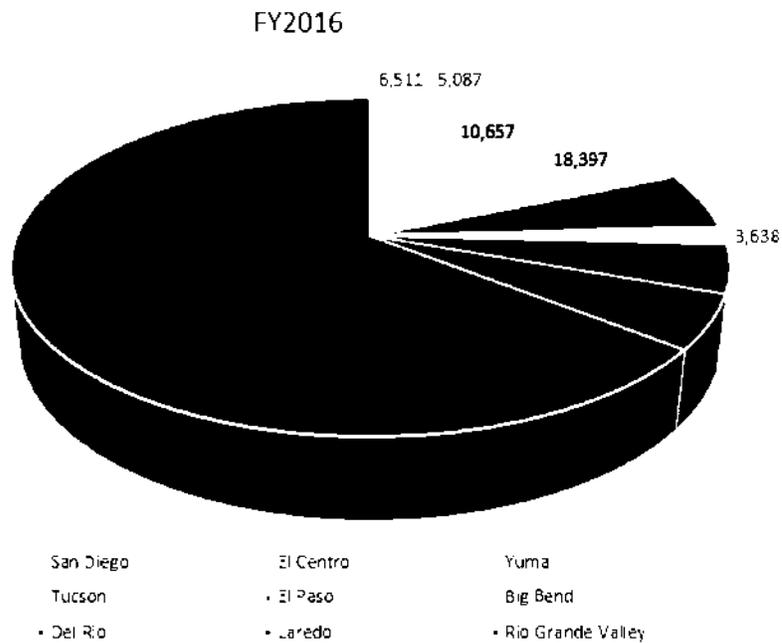
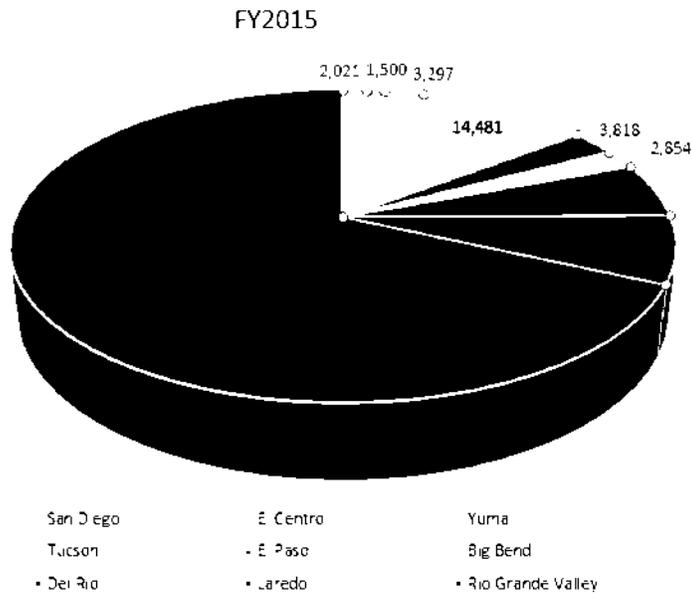
Southwest Border OTM Apprehensions: RGV Comparison with Rest of SWB FY2009-
FY2016 – (continued)



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Southwest Border OTM Apprehensions: RGV Comparison with Rest of SWB FY2009-FY2016 – (continued)



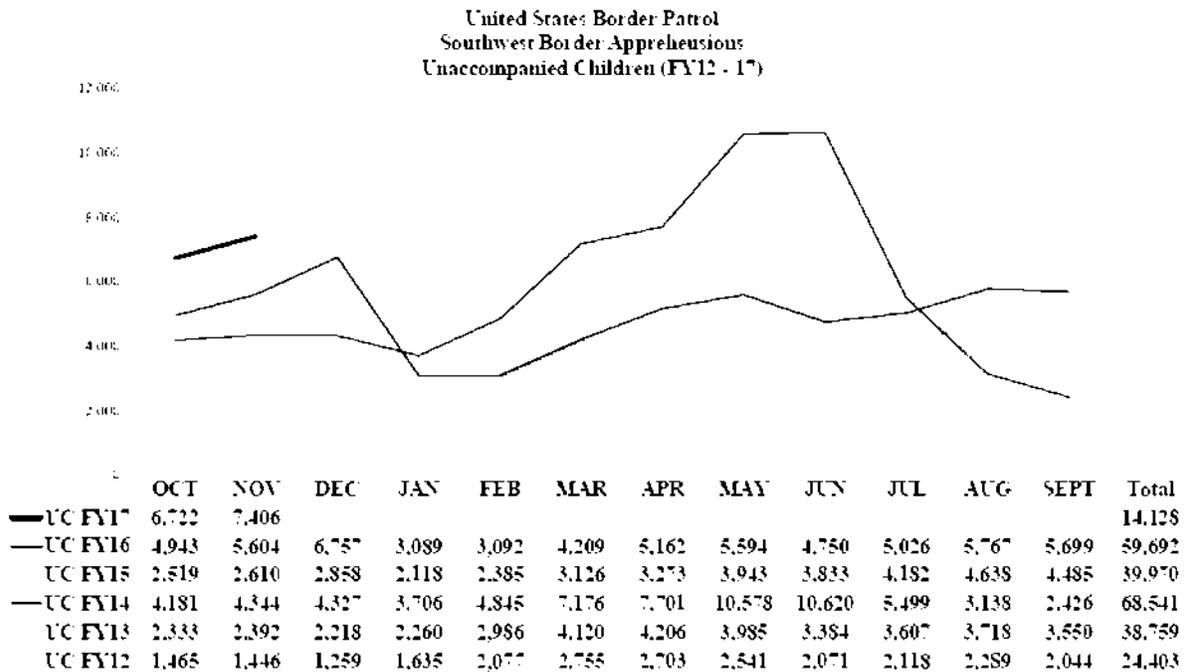
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Southwest Border Unaccompanied Children (UAC) and Family Unit Aliens (FMUA)

While FY2015 saw a marked decrease in the number of UAC and FMUA apprehended along the Southwest Border, FY2016 saw an increased level of apprehensions for both populations. In FY2017 through November, UAC apprehensions increased by 34% over FY2016 for the same time frame. Apprehensions of FMUA during FY2017 through November increased 130% over FY2016 for the same time frame. The most common nationalities of those apprehended remain from the Northern Triangle countries (Guatemala, Honduras, and El Salvador) and Mexico. The increase in apprehension levels among this demographic has taxed ICE/ERO capacity, resulting in diminished throughput.

Southwest Border Unaccompanied Children: FY2012-November 2017



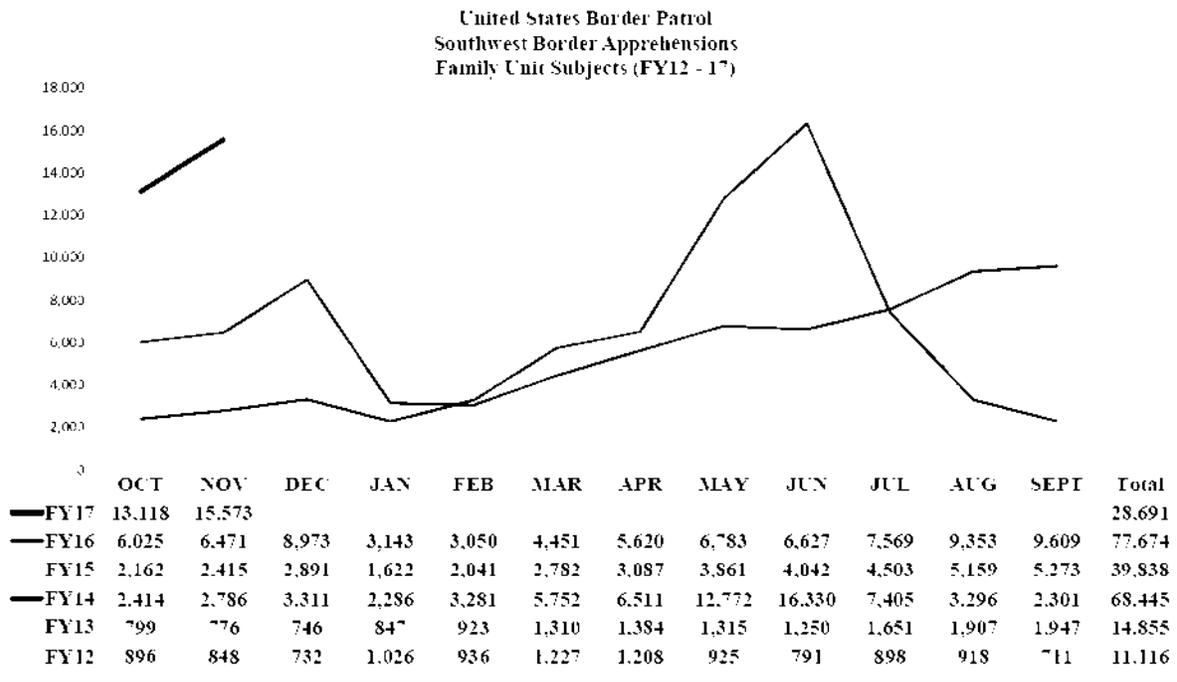
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Southwest Border Unaccompanied Children Apprehensions: Comparison FY2015/FY2016

FY2015 Totals		FY2016 Totals		% Change
Sector	Total UAC	Sector	Total UAC	Percent
San Diego	1,084	San Diego	1,553	43%
El Centro	668	El Centro	1,379	106%
Yuma	1,090	Yuma	3,266	200%
Tucson	6,019	Tucson	6,302	5%
El Paso	1,662	El Paso	3,885	134%
Big Bend	839	Big Bend	951	13%
Del Rio	2,285	Del Rio	2,689	18%
Laredo	2,459	Laredo	2,953	20%
Rio Grande Valley	23,864	Rio Grande Valley	36,714	54%
Total	39,970	Total	59,692	49%

Southwest Border Family Unit Alien Apprehensions: FY2012-November 2017



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Current and Ongoing Initiative

On the Southwest border, both land ports of entry and between the ports of entry continue to experience extraordinary levels of apprehensions as thousands of single adults, UAC, and FMUA attempt to enter the United States via a Central American land route. (b)(7)(E)

(b)(7)(E)

To address the current immigration surge, CBP has established a Crisis Action Team (CAT) to mitigate impacts to mission and essential functions. The CAT is monitoring the current immigration surge and coordinating Agency-wide efforts to facilitate operational decision making with CBP component field offices, Headquarters level leadership, and external stakeholders.

CAT responsibilities include:

- Providing data and input for operational decision-making and strategic planning processes.
- Centralizing communication with CBP component field offices, Headquarters level leadership and external stakeholders.
- Collecting statistical data and developing migration-related analysis.
- Generating daily immigration reports based on statistical data and analysis.
- Managing Continuity of Operations within the scope of applicable laws and regulations.
- Disseminating leadership decisions to all affected stakeholders.
- Strategizing and planning for future evolving situations.

U.S. Customs and Border Protection
RFI 023 -BIOMETRIC EXIT

Question: Provide a description of biometric exit implementation efforts.

Executive Summary:

- In 2013, Congress transferred the biometric exit mission to U.S. Customs and Border Protection (CBP). In 2016, to support CBP's implementation of a comprehensive biometric exit solution, Congress temporarily increased certain visa fees and authorized CBP to use up to \$1 billion of collected fees on a biometric exit solution.
- CBP has undertaken multiple biometric exit tests since 2013 to develop a successful, comprehensive concept of operations for biometric exit. Beginning in December 2016, CBP will implement the first fully operational facial biometric exit solution at Hartsfield-Jackson Atlanta Airport (ATL).
- Components of the biometric exit system have been implemented. Currently, some travelers are biometrically verified as they depart the United States utilizing facial recognition. (b)(7)(E)
- Although CBP has been faced with infrastructural, operational, and logistical challenges during the initial deployment of the biometric exit program, we have developed an achievable vision and realistic plan for implementation.
- CBP's vision utilizes biometrics as the transformative agent in improving security, while facilitating legitimate travel. CBP uses the term "Biometric Pathways" to reflect this vision, and leverages public-private partnerships in the airport environment to achieve the desired end result.
- CBP will implement biometric exit in the air environment in three phases beginning with a limited deployment of an operational facial recognition system. In phase two, CBP will build out the enterprise services and end-state biometric exit solutions. Phase three will include scaling the data infrastructure to support full biometric exit.

Background:

While CBP has implemented biometric entry, exit has been much more complicated because the United States' border, aviation, and immigration infrastructure was not built with exit processing in mind. Consequently, U.S. ports of entry (POE) do not have departure control areas designated exclusively for travelers leaving the United States. Currently, in the airport environment, departing travelers are recorded biographically using outbound passenger manifests provided by commercial carriers. In the land environment, travelers arrive at land POEs via various modes of transportation, including cars, trains, buses, ferries, bicycles, trucks, and by foot. As a result, there are major physical infrastructure, logistical, and operational hurdles to collecting an individual's biographic and biometric data upon departure.

CBP has already deployed, and learned from, several biometric exit pilot programs, which have allowed CBP to establish a foundation for a nationwide deployment of biometric exit in the air environment.

- Biometric Exit Mobile (BE-Mobile) – At the top ten gateway airports, as part of existing law enforcement operations, outbound inspection teams are using mobile devices to collect fingerprints from certain foreign travelers. The biometrics collected from these in-scope travelers are recorded by CBP as a biometric exit record. In FY16, these outbound operations generated 37,640 biometric exit records, representing 0.09% of total international air departures at the top ten airports.
- Departure Information Systems Technology Test In June 2016, at ATL, CBP began utilizing facial comparison technology at a single departure gate to verify the identity of travelers departing the United States. By comparing a picture taken at the gate with photographs of the specific traveler previously captured by DHS and/or the Department of State, CBP is able to biometrically verify the identity of the travelers as they depart the United States.
- Operationalization of Biometric Exit – In December 2016, CBP will transition the ATL test to a fully operational biometric exit solution by adding real-time matching responses, recording biometric confirmations, and verifying that the travelers departed from the United States. (b)(7)(E)
(b)(7)(E)
(b)(7)(E) Altogether, this system of operations lays the framework for biometric exit in the air environment.

The Consolidated Appropriations Act of 2016 made changes to existing fees levied on certain visa petitioners, and created a new fee fund for biometric exit. A portion of these fees are deposited into the biometric fee fund for up to 10 years, between FY16 and FY25, with deposits to the fee fund terminating once a total of \$1 billion has been deposited. With this fee, CBP will begin implementing a biometric exit system, which will commence in Calendar Year 2017.

Current Status:

Working in partnership with the air travel industry, CBP is leading the transformation of air travel using biometrics as the key to enhancing security, unlocking benefits, and dramatically improving the entire traveler experience. CBP is re-architecting data flows and data systems to pre-stage biometric data throughout the travel process. CBP will use facial biometrics as the primary way of confirming travelers' identities and facilitating their entry to, and exit from, the United States. (b)(7)(E)

In sum, this will create an opportunity for CBP to transform air travel by enabling all stakeholders in the travel system to match travelers to their data via biometrics, thus unlocking benefits that continue to address CBP's border security mandate and enhance the entire traveler experience.

Future State/Next Steps:

To successfully achieve the Biometric Pathway, CBP will need to accomplish the following: reengineer and re-design CBP data handling; build a back-end communication portal to connect with partners; develop new inbound software that leverages one-to-many biometric searching; and implement a mechanism to provide wayfinding and lane assignments prior to entry. Importantly, CBP will also ensure that all legal and privacy requirements are met as we continue to implement biometric exit.

CBP's plan is to implement biometric exit in the air environment in three phases:

- Phase One: Operationalize the ATL test by initiating real time biometric matching at the boarding gate, resulting in a biometric confirmation being written into existing crossing records.
- Phase Two: Build the enterprise services and end-state biometric exit solution. CBP will re-architect back-end systems and services to sort advance passenger information differently for both outbound and inbound traveler processing: outbound data by flight and inbound data by airport or terminal. This will enable the retrieval of all associated biometrics from DHS biometric holdings and segregate it to a manageable amount for expedited processing. This will fuse the biometric and biographic information together and allow for the biometric to be the key to matching a traveler with the advanced data. This same architecture will be used to transform the entry process. Phase Two will complete the technical back-end, enabling airlines and airports to plug into the CBP Biometric Pathway.
- Phase Three: Transition to a scalable data infrastructure that can support the onboarding of the front-end capture solutions of other stakeholders, including the airlines.

In addition to building the air environment Biometric Pathway, CBP will utilize the fee fund to support ongoing programmatic and operational needs. This will include stakeholder on-boarding and an all-encompassing communications plan. Additional officers will be required for exception processing and to provide a law enforcement response, as required. Innovation and future advancements in biometrics will continue to be pursued in additional environments, including land and sea.



DHS Presidential Transition Office Tasking 024:

Provide all documents used as rationale to determine the need for the creation and implementation of the EVUS system for Chinese nationals. Provide a list of countries for which EVUS is expected to be implemented.

The concept and decision to create the system now known as the Electronic Visa Update System (EVUS) was discussed and created as a result of the interagency process managed by the National Security Council in 2012 to deal with the request to expand the visa validity of visas for Chinese nationals. (b)(5);(b)(7)(E)

(b)(5);(b)(7)(E)

CBP respectfully requests that this request for information be re-delegated to Department of State and the NSC. They were the responsible entities for the development of EVUS policy.

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U.S. Customs and
Border Protection

NOV 16 2016

Commissioner

The Honorable Brian P. McKeon
Under Secretary of Defense for Policy
Office of the Secretary of Defense
The Pentagon
Washington, DC 20021

Dear Mr. McKeon: *Brian*

This letter serves to identify those Department of Defense activities most critical to Department of Homeland Security (DHS) Border Security Operations.

Over the last decade, Congress has consistently appropriated Department of Defense (DoD) funds to the Army National Guard and other supporting elements for the express purpose of assisting U.S. Customs and Border Protection in securing the Southwest border. I believe this support, whether under Operation Jump Start, Operation Phalanx, or other DoD activities, has continued to provide tangible benefits to border security both in countering illegal immigration and in preventing the flow of drugs and other illicit goods. Your support contributes to increased situational awareness and operational effectiveness across the entire Southern land border.

Given the likelihood that Congress will again appropriate DoD dollars for this purpose in Fiscal Year 2017 (FY17), I wanted to provide you with a general prioritization of those rotary-wing assets that have proven most critical to supporting our operations.

Specifically, I wanted to provide this list in order to help your planners and Commanders as they allocate resources towards this critical mission. Specifically, the allocation of appropriated resources for rotary wing operations in the following manner will most positively impact our operations:

- (b)(7)(E)
-
-
-

I sincerely appreciate Secretary Carter's intent to use DoD's (b)(7)(E) initiative as an additional means for providing support to DHS law

The Honorable Mr. Brian P. McKeon

Page 2

enforcement activities. I have directed this Agency to work closely with DoD Commands to maximize the potential impact of these incidental training activities in conjunction with other DoD law enforcement support activities, including National Guard, U.S. Northern Command, and U.S. Southern Command funded counter-narcotics operations.

I support DoD's desire to transition this process from a calendar year to a fiscal year basis.

(b)(5);(b)(7)(E)

(b)(5);(b)(7)(E)

Finally, I look forward to our Agencies' combined efforts to coordinate (b)(7)(E) and other DoD activities along the Southwest Border to make the most of the funds appropriated for this purpose and thank you for your continuing partnership in securing and defending the Homeland. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



R. Gil Kerlikowske
Commissioner



Homeland Security

November 30, 2015

MEMORANDUM FOR: Ashton Carter
Secretary, Department of Defense

FROM: Jeh Charles Johnson 
Secretary, Department of Homeland Security

SUBJECT: **Request for Department of Defense support of Department of Homeland Security Border Security Mission**

Over the last decade, the Department of Defense (DoD) has provided significant personnel and equipment to assist the Department of Homeland Security (DHS) in securing our Nation's Southwest land border. I greatly appreciate this support and value the partnership between our Departments in tackling the many challenges that threaten our homeland and our interests abroad.

As I mentioned when we met in October, DHS has been moving forward in a number of areas that will enhance our performance and improve our ability to operate and interact with DoD over the long term. Our new Joint Task Forces (JTFs) are up and running, as is our new Joint Requirements Council. The DHS Deputy's Management Action Group meets regularly to tackle the difficult budget and organizational challenges facing the Department. Through these efforts we are making significant progress at DHS, and I intend over the next year to break ourselves of some of the conventional ways of doing business that no longer make sense.

The Nation's border security requirements are vast, and given my Department's budget outlook, DHS will continue to look to DoD for support, whether through the DoD "Leveraging Military Training" initiative or counter-narcotics funded activities, when and where it makes sense to do so. Through our new Southern Border and Approaches Campaign, as orchestrated by our JTFs, DHS is on the verge of being able to make more definitive statements about which capabilities are needed and where, and how those capabilities are positively impacting the border security outcomes we are trying to achieve.

As a bridge to get DHS to where I want to be, and assuming the current security needs along the border persists, I request that DoD continue to provide support along the Southwest land border, but at a level fifty percent lower than that of the last few years.

As Secretary, I am committed to investing the Department's resources in the most effective and efficient way possible. And I am committed to doing the same when asking for assistance from our partners. As we transition away from existing border security support operations, like Operation Phalanx, I will require that my staff ensure DHS border security operational needs are considered internally within our new joint requirements and force management processes before we request assistance from DoD. And when we ask for assistance, I will require that we provide DoD with sufficient and thorough information to allow you to continue to justify this support while you work through your own challenging fiscal realities.

Thank you for considering this reduced DHS request for border security support along the U.S. Southwest land border from January 1, 2016 through December 31, 2016. I request that support commence as soon as possible to avoid gaps during the transition from CY 2015 to CY 2016.

- **Overall Requested Needs:**

- 3,850 hours of persistent Aerial Detection, Situational Awareness and Monitoring Capability
 - DHS requests detection, rapid response and tracking capabilities that are able to provide field commanders greater situational awareness of the operational environment.
 - Potential capabilities may include, but are not limited to, rotary aircraft, fixed-wing aircraft and unmanned aerial surveillance platforms.
 - All requested platforms will require infrared and video capability along with real-time downlinked communications that can integrate with Customs and Border Protection command centers and personnel.
 - Request radar or other technology through DoD excess property program capable of detecting cross-border traffic traversing through air, land, or subterranean.

- **Needs by State:**

- *Arizona* (Tucson Sector)
 - Persistent Aerial Detection, Situational Awareness and Monitoring: Request support from aerial platforms (with Forward Looking Infrared Radar - FLIR) that when integrated with capabilities will provide greater detection of illicit cross-border traffic to facilitate interdiction efforts to cover an area of about 114 miles to address adaptive and emerging threats.
- *Texas* (Rio Grande Valley Sector and Laredo Sector)
 - Persistent Aerial Detection, Situational Awareness and Monitoring: Request support from aerial platforms (with FLIR) that when integrated with DHS capabilities will provide detection of illicit cross-border traffic to facilitate interdiction efforts to cover an area of about 100 miles to address adaptive and emerging threats.



Homeland Security

June 13, 2016

MEMORANDUM FOR: Ashton Carter
Secretary, Department of Defense

FROM: Jeh Charles Johnson 

SUBJECT: Request for Supplemental Department of Defense Support for
Southwest Border Flight Hours

On November 30, 2015, I requested, and you subsequently approved, 3,850 flight hours in support of border security for calendar year 2016. This was half the amount that we had requested in 2015 and prior years. I noted at the time that this request was predicated on the persistence of current security needs along the border. Since then, we have witnessed an increase in apprehension activity on the Southwest Border over our earlier projections. We are also experiencing lower than anticipated operational availability, and resulting maintenance backlogs, for DHS aviation assets. In addition, I am increasingly concerned about the activity of criminal networks involved in the smuggling of so-called "Special Interest Aliens" from outside the Western Hemisphere.

To address the current situation, and after having consulted with DHS' Joint Task Force – West (JTF-W) and U.S. Customs and Border Protection, I am requesting 1,975 flight hours of supplemental support for Southwest Border operations from DOD for calendar year 2016, in addition to what you already approved.

Obviously, border security is a top priority. Please know this supplemental support will help DHS meet its mission requirements in light of evolving conditions on the ground. I intend to reevaluate the need for any potential additional support throughout the summer – historically, our peak season for Southwest Border activity.

Thank you for considering this additional request for border security support along the Southwest Border. I request that the support commence as soon as possible to avoid any disruption to operations.





February 1, 2016

The Honorable Jeh Charles Johnson
Secretary
U.S. Department of Homeland Security
108 Federal Office Building
Washington, D.C. 20502

Dear Secretary Johnson:

It has come to our attention that for calendar year 2016 the Department of Homeland Security (DHS) requested 3,850 hours of persistent aerial detection, situational awareness and monitoring capability support for Operation Phalanx from the Department of Defense (DOD). This request was fifty percent lower than that of recent years. Given the recent surge of migrants from Central America and Cuba along the southern border, we believe DHS should request more surveillance and security resources, not fewer. Moreover, Texas requested additional aerial observation resources in a September 30, 2015, letter that went unanswered by your department. The fact that DHS now appears to be taking the opposite approach is unsettling.

Any decrease in aerial observation is not only imprudent, but contradicts the very mission of border security enforcement. In order to ensure we are doing everything possible to effectively secure the border, we request immediate information on the metrics used to determine that a 50 percent reduction in aerial resources would be sufficient to support this important border security operation. Additionally, we request detailed plans on how the cuts will impact staffing, resource allocation, and operation levels in the three support sectors (Laredo, Rio Grande Valley and Tucson). If these decreases continue, what resources will DHS utilize to backfill any gaps this reduction presents?

Border security is a top priority for our state, and since 2005, Texas has committed nearly \$1.7 billion in state funds for border security. In addition, the State of Texas provides extensive manpower, resources and oversight in support of Operation Phalanx through the Texas National Guard. It is our expectation that the federal government similarly fulfill its obligation when it

The Honorable Jch Charles Johnson

February 1, 2016

Page 2

comes to securing the border. As you know, Congress, in the Fiscal Year 2016 Omnibus Appropriation bill, fully funded DOD to support Operation Phalanx at a level similar to that of years past.

We appreciate all the important work you and your department do for our nation. We want to ensure Customs and Border Patrol is adequately resourced and provided every necessary tool to efficiently and effectively secure the border.

Thank you for your prompt attention to this issue.

Sincerely,



Greg Abbot
Governor of Texas



Henry Cuellar
Member of Congress



Homeland Security

February 22, 2016

The Honorable Greg Abbott
Governor
State of Texas
P.O. Box 12428
Austin, Texas 78711

Dear Governor Abbott:

Thank you for your February 1, 2016 letter.

Border security remains a top priority for the Department of Homeland Security (DHS), and is a centerpiece of the efforts I have made during my time at the Department. I have increased the focus on the border by approving a comprehensive, cross-Component Southern Border and Approaches Campaign, which includes the development of three pilot DHS Joint Task Forces (JTF)---JTF-West, JTF-East, and JTF-Investigations.

The change in the overall strategic border environment over the last decade, combined with investments in increasingly sophisticated situational awareness technologies, the way we distribute resources based on changing need, and the new unified way of doing business, are at the heart of our border security resource and operational decision-making. This includes our decision to change our request for aviation flight hour support from the Department of Defense (DOD) for 2016. I would like to express my appreciation for the Texas National Guard, which provided outstanding support to the Department's border security mission in Operation Phalanx, and before that in Operation Jump Start.

Since 2005, DOD has provided significant support to the Department, enabling DHS to develop and enhance our own border security capabilities. In 2010, the Department's request for DOD border security support transitioned from the predominantly "boots on the ground" capability associated with Operation Jump Start to one of air and analytic support in Operation Phalanx.

The Department has significantly increased its border security capabilities by adding thousands of Border Patrol agents, and making substantial investments in infrastructure, situational awareness, and screening technology. The Department also redistributed personnel and aircraft to areas of increasing challenge. In South Texas, we

have increased personnel and aircraft presence by over 50 percent, and increased the availability of flight hours in that area in excess of 80 percent over the last several years.

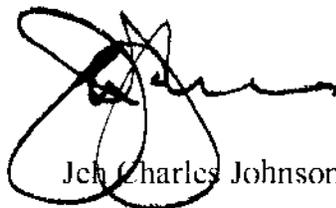
I believe this shift in border security resources and overall border security management has significantly contributed to the estimated 90 percent decrease in the overall illegal flow of people across the southwest border over the last 10 years. I also believe our current approach to addressing border security challenges was successful when we responded to the increase in unaccompanied children and families in 2015. I am proud of the Department's response to this surge. We were more prepared to address this surge than we were in 2014.

These factors, in totality, led to my decision to move away from the rote, year-over-year Operation Phalanx requests we have made to DOD in the last few years to an approach that reflects the Department's significantly increased capabilities, the way we utilize those capabilities, and the overall reduction in estimates of illegal entrants across the southwest border. In consultation with Secretary Carter, the change I requested reflects a five percent reduction of the total aviation flight hours available to the Department—not the 50 percent reduction reported by the media. In the event conditions on the ground change, I will adjust the Department's operational posture, based on guidance I receive from my operational leaders, to get the needed capabilities to the necessary location. If at some point, DHS expects that its capabilities may be overwhelmed, I will not hesitate to reach out to Secretary Carter for increased DOD assistance.

I take my responsibility to secure our borders seriously. I will continue to look for opportunities to sensibly invest and focus DHS resources, supplemented by our interagency partners, as necessary, in the most effective and efficient way possible to meet the Nation's border security needs.

Thank you again for your letter and interest on this important issue. Representative Cuellar, who co-signed your letter, will receive a separate, identical response. Should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John Charles Johnson". The signature is stylized with a large, looping initial "J" and a long, horizontal flourish extending to the right.

John Charles Johnson

U.S. Customs and Border Protection

Issue: Presidential Transition Office Task #025 regarding Operation Phalanx.

Task: Provide information regarding the allocation of resources and expenditures in connection with Operation Phalanx, beginning from its inception in July, 2010, including an explanation for reduction in aerial surveillance assets provided by the National Guard components in support of the operation beginning in or about January, 2006.

Background:

- Pursuant to a Request for Assistance (RFA) in May, 2010 from the Department of Homeland Security (DHS) to the Department of Defense (DOD), the President authorized the temporary use of National Guard (NG) assets on the Southwest border under *Operation Phalanx*.
- Operation Phalanx commenced in July, 2010 as a joint venture, whereby NG personnel assisted DHS in detection and monitoring / border security missions along the U.S. Southwest border.
 - *Operation Jump Start* (May, 2006 - July, 2008) was Phalanx' predecessor. In May, 2006, President George W. Bush initiated Operation Jump Start under which, similarly, the NG assisted DHS with its border security missions.
- Annually, since 2010, DHS has requested extensions from DOD to continue border security support through Operations Phalanx. Currently, Phalanx is authorized and funded through Calendar Year 2016.
- DHS requested a reduction in flight hours as outlined in the November 30, 2015 memorandum ~~from Secretary Jeh Johnson to the Secretary Ashton Carter~~ DHS to the Department of Defense, after dialogue with DoD regarding available assets and funding and recognizing an increase in DHS capabilities for air surveillance in high-risk areas on the Southwest Border.
- In November, 2016 CBP submitted a letter to DOD identifying the DOD activities most critical to DHS border security operations and highlighted the following points:
 - ~~CBP addressed the likelihood that Congress would again appropriate DOD funding for border security support efforts in Fiscal Year 2017.~~
 - Pending appropriations, CBP identified by geographic areas, where the allocation of DOD resources would be most impactful, including air surveillance flight hours.

U.S. Customs and Border Protection

- CBP expressed interest in the potential for maintaining a portion of the aviation and associated support capabilities until FY 2017 funding was available.

Phalanx Resources 2010 - 2016:

The following information identifies what DHS requested from DOD and what DOD provided DHS since 2010.

- **2010 – 2011 Operation PHALANX Support**

The President agreed to provide funds under Title 32 for National Guard deployment for one year: 1 July 2010 to 30 June 2011.¹

DHS Secretary Napolitano requested DOD to support the planned counter narcotics operations of CBP and Immigration and Customs Enforcement (ICE) in high priority corridors within California, Arizona, New Mexico, and Texas.²

(b)(7)(E)

(b)(7)(E)

On 17 June 2011, the Secretary of Defense extended National Guard support through September 2011.³ On 9 September 2011, Operation PHALANX was extended through December 2011.⁴

- **2012 Operation PHALANX Support**

¹ Assistant to the President for Homeland Security and Counterterrorism Memorandum (005097), "Southwest Border Security Augmentation Planning," no date

² Annex B (Public Affairs Communication Plan) to the 2010 Southwest Border Security Augmentation Implementation Plan, 1 September 2010

³ Congressman Henry Cuellar Statement on National Guard Extension Along Southwest Border Statement, 17 June 2011;

⁴ Joint Statement from Congressmen Henry Cuellar and Michael McFaul on National Guard Extension Along Southwest Border, 9 September 2011

U.S. Customs and Border Protection

DHS submitted its RFA for CY12 on 21 October 2011. The RFA did not identify specific CBP and ICE requirements for 1 January – 30 June 2012. It requested (b)(7)(E) [National Guard] Troops in current locations, conducting current missions through 1 July 2012.” The tables for 2012 through 2014 identify CBP and ICE requirements in separate rows.

The RFA identified the following as “current DOD support:”

- (b)(7)(E)
-
-
-
-

The DHS CY12 RFA identified specific requirements for CBP and ICE for July through December 2012 as identified in the following table. The DHS CY12 RFA identified an aggregate number of analysts for Texas and Arizona during this period; it did not breakout the number for CBP and ICE.

DOD’s memorandum dated 30 November 2011 approved extending (b)(7)(E) (b)(7)(E) deployment to mid-January 2012 and then began drawing these troops down to zero by (b)(7)(E). The memo did not identify specific CBP or ICE requirements it would support from March through December 2012.

DOD replaced the (b)(7)(E) (b)(7)(E) (b)(7)(E). The DOD memorandum stated this deployment would end on 31 December 2012.

U.S. Customs and Border Protection

DHS Requested		DOD Provided
CBP	<p>CBP requested (b)(7)(E)</p> <p>(b)(7)(E)</p> <p>CBP requested Intelligence Analysts to provide specific intelligence reports regarding historical, investigative, and predictive analysis related to targeted Transnational Criminal Organizations (TCOs) and other cross-border activity.</p> <p>The RFA identified an aggregate number of analysts for Texas and Arizona; it did not breakout the number for CBP and ICE for these states.</p> <ul style="list-style-type: none">• (b)(7)(E) <p>○ Air Mobility capability to (b)(7)(E)</p>	<p>DOD provided aviation support to CBP:⁸</p> <ul style="list-style-type: none">• (b)(7)(E)•

(b)(7)(E)

⁸ These numbers come from a CBP AAR on Operation PHALANX for CY12.

U.S. Customs and Border Protection

DHS Requested		DOD Provided
	(b)(7)(E)	
ICE	(b)(7)(E)	

(b)(7)(E)

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U.S. Customs and Border Protection

○ 2013 Operation PHALANX Support

DHS submitted its RFA for CY13 on 30 November 2012; it identified support requirements for CBP and ICE. DOD responded in a memorandum dated 28 December 2012.

The DOD Memo dated 28 December 2012 stated it would provide up to (b)(7)(E) (b)(7)(E) personnel to provide criminal analysis and aviation detection and monitoring support. The Memo did not specify the support provided to CBP or ICE, as the DHS CY13 RFA had identified.

DHS Requested		DOD Provided
CBP	(b)(7)(E)	DOD provided aviation support to CBP: ¹³ <ul style="list-style-type: none">(b)(7)(E)
	<ul style="list-style-type: none">(b)(7)(E)	

(b)(7)(E)

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U.S. Customs and Border Protection

DHS Requested		DOD Provided
	(b)(7)(E)	
ICE	(b)(7)(E)	

- **2014 Operation PHALANX Support**

DHS submitted its RFA for CY14 on 22 August 2013; it identified support requirements for CBP and ICE. DOD responded in a memorandum dated 20 December 2013.

The DOD Memo identified support to CBP as follows (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

U.S. Customs and Border Protection

DHS Requested		DOD Provided
CBP	(b)(7)(E)	Aviation support to CBP: <ul style="list-style-type: none">• (b)(7)(E)•
(b)(7)(E)		

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U.S. Customs and Border Protection

DHS Requested	DOD Provided
<ul style="list-style-type: none"> • California: (3) • Arizona: (10) • New Mexico: (1) • Texas: (11) 	<div style="border: 1px solid black; padding: 2px;">(b)(7)(E)</div>

○ **2015 Operation PHALANX Support**

DHS submitted its RFA for CY15 on 9 October 2014; it identified support requirements for CBP and ICE. DOD responded in a memorandum dated 16 December 2014.

The DOD Memo dated 16 December 2014 stated it would support

(b)(7)(E)

(b)(7)(E)

DHS Requested	DOD Provided
<p>CBP</p> <div style="border: 1px solid black; padding: 2px;">(b)(7)(E)</div>	<p>DOD provided aviation support to CBP:¹⁶</p> <ul style="list-style-type: none"> • (b)(7)(E) •

¹⁶ Army National Guard Summary Report for December 2015

U.S. Customs and Border Protection

	DHS Requested	DOD Provided
	of approximately 100 miles	
ICE	(b)(7)(E)	

○ **2016 Operation PHALANX Support**

DHS submitted its RFA for CY16 on November 30, 2015; it identified support requirements for CBP and ICE. DOD responded in a memorandum dated 18, December, 2015 stating it would support (b)(7)(E) (b)(7)(E)

DHS submitted a supplemental RFA for CY16 on 13 June, 2016; it identified support requirements for an additional (b)(7)(E) DOD responded in a memorandum dated 19 July 2016 stating it would support (b)(7)(E) and reaffirmed DOD support to DHS for flight hours for Operation Phalanx will terminate at the end of the 2016 calendar year.

	DHS Requested	DOD Provided
CBP	(b)(7)(E)	
		DOD provided aviation support to CBP: ¹⁷ <ul style="list-style-type: none"> • (b)(7)(E) •

¹⁷ Army National Guard Summary Report for December 2016

U.S. Customs and Border Protection

DHS Requested		DOD Provided
	(b)(7)(E)	

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From: (b)(6)
Sent: 11 Jan 2017 15:08:31 -0500
To: (b)(6)
Cc: (b)(6)

Subject: RE: PTO - RFI #014-031: Landing Team Question List (Multiple Subjects)

(b)(6)

We can mark this one as delivered. No further action on this response is necessary.

(b)(6) You may recall I clarified the focus of this question a couple of weeks ago and (b)(6) provided me the response over the phone, which I conveyed directly to the requestor who was satisfied with the response.

(b)(6) please go ahead and archive this as drafted by CBP and update the tracker as completed and delivered.

Thanks.

(b)(6)

From: (b)(6)
Sent: Wednesday, January 11, 2017 2:42 PM
To: (b)(6)
(b)(6)

Subject: RE: PTO - RFI #014-031: Landing Team Question List (Multiple Subjects)

(b)(6) sorry, I think this one fell through the cracks on our end. Attached has edits from PLCY and CRCL.

(b)(6)

From: (b)(6)
Sent: Friday, December 9, 2016 10:04 AM
To: (b)(6)
Cc:

(b)(6)

Subject: RE: PTO - RFI #014-031: Landing Team Question List (Multiple Subjects)

(b)(6)

Attached please find the response for RFI 28. This response was cleared by (b)(6) COS to CBP Deputy Commissioner (b)(6) and the CBP Office of the Chief Counsel.

Thanks!

(b)(6)

From: (b)(6)

Sent: Wednesday, December 07, 2016 2:32 PM

To: (b)(6)

Cc: (b)(6)

(b)(6)

Subject: PTO - RFI #014-031: Landing Team Question List (Multiple Subjects)

Importance: High

CBP Team,

As discussed, here is the formal tasking for the list provided at the brief.

The DHS Presidential Transition Office (PTO) has received the following request for information (RFI) from the President-elect's Landing Team. Please provide a coordinated answer, internally cleared at the Chief of Staff level or above within 24 hours of receipt unless additional time is negotiated with the PTO. Operational Components, please also ensure answers are cleared by your General Counsel. HQ Directorate and Office answers will be cleared by OGC. When you submit your answer to the PTO, please include the attached General Record of Disclosure form for PTO approval. Please use this email chain only for questions and responses related to this RFI. If you need to forward internal emails related to this request, please do so as attachments to this email chain, so as to keep the subject consistent for tracking purposes. Please let us know if any other office should be the lead on this request or if you have any questions.

#014: How many Haitians is OFO processing daily? Are they paroling them, NTA-ing them, what?

#015: How many of those Haitians are being released into the interior rather than being taken into ICE custody?

#016: What is the total number of apprehensions ytd – families, UACs, and adults and how does that compare to last 10 years?

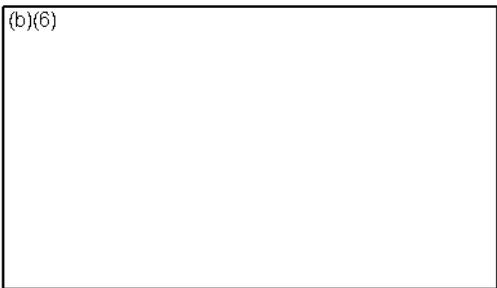
- #017: Provide a comprehensive picture of the border as it stands today (areas where fencing exists, types of fencing – primary, secondary, tertiary, vehicle, etc), other technologies including IFTs, maps.
- #018: What is the status of Operation Stonegarden? Current funding level? Is it working?
- #019: List all resources available that could be used for wall/barrier construction including details about specific accounts, account balances, etc.
- #020: Provide a detailed list of all USBP “detention” (facilities with holding capability) facilities – permanent or temporary – with holding capacity, and resources available to expand capabilities.
- #021: Provide a list of all apprehensions since FY2009 by fiscal year, with accompanying dispositions (country, year, percentage report on dispositions)
- #022: Provide detailed data about RGV and other sectors on the southern border experiencing a high volume of crossings.
- #023: Provide a description of biometric exit implementation efforts.
- #024: Provide all documents used as rationale to determine the need for the creation and implementation of the EVUS system for Chinese nationals. Provide a list of countries for which EVUS is expected to be implemented.
- #025: Provide all information regarding allocation of resources and expenditures in connection with Operation Phalanx, beginning from its inception, including an explanation for reduction in aerial surveillance assets provided by the National Guard components in support of the operation beginning in or about January 2016.
- #026: Provide a list of CBP personnel currently assigned overseas including position, title, program alignment, and time the incumbent has been in the position.
- #027: Provide a list of CBP HQ personnel detailed to other posts within the United States. Provide their original CBP job title, detailed position and title, and time the incumbent has been in the position.
- #028: Have TECS or other records been deleted or amended for any reason to include alleged privacy or civil rights or civil liberty concerns?
- #029: Provide a list of all CBP activities related to implementation of the October 2011 “Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States.”
- #30: What analytic tools are available to support new investment planning; lessons learned and experiences from previous investment initiatives (such as SBI); and what tools or processes will CBP use to plan for a new border security initiative in 2017?
- #31: Provide all preparatory work that DHS and CBP have produced or conducted (e.g., operational plans, surveys, investment analyses, requirements documents) that would support the new Administration in developing 2017 initiatives.

Due date: Please provide your estimated soonest delivery date for all questions.

Note: Two questions related to large document development have been omitted from this tasker. A secondary tasker will be issued when the PTD receives feedback from the Landing Team.

V/R,

(b)(6)



DHS Presidential Transition Office Tasking 029:

Provide a list of all CBP activities related to implementation of the October 2011 “Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States.”

CBP ACTIONS UNDER THE STRATEGIC IMPLEMENTATION PLAN

- CBP supports Strategic Implementation Plan (SIP) implementation by regularly engaging with other federal entities, state, local, tribal, and territorial governments and non-governmental organizations to increase communication, collaboration, and coordination on border security issues. Although CBP is not the lead for any actions under the SIP, the following activities support implementation of the SIP.
 - CBP is an active participant in community engagement meetings held by DHS’s Office for Civil Rights and Civil Liberties (CRCL) in Houston and Seattle. The CRCL meetings focus on and respond to community concerns, and provide information on Department programs, activities, and issues.
 - CBP’s National Targeting Center assisted in the vetting of CVE grant applicants in support of the overall effort led by the DHS Office of Community Partnerships and DHS Office of Intelligence & Analysis.
 - CBP participates in Building Respect in Diverse Groups to Enhance Sensitivity (BRIDGES) meetings in Detroit, Buffalo, and Boston. BRIDGES is a forum to address issues of mutual concern and to foster better understanding between law enforcement and the Arab, Muslim, and Sikh communities. BRIDGES primarily addresses issues such as border crossings, no-fly lists, charitable giving, cultural sensitivity, hate crimes, law enforcement policies and procedures, and immigration, issues relevant to CVE.

ANALYTIC TOOLS FOR NEW INVESTMENT PLANNING

QUESTION

- What analytic tools are available to support new investment planning; lessons learned and experiences from previous investment initiatives (such as SBI); and what tools or processes will CBP use to plan for a new border security initiative in 2017?

CBP RESPONSE

Planning for a new border security initiative in 2017:

- CBP adheres to the DHS acquisition process, which informs all of its major investment decisions. The process begins with identifying capability gaps and mission needs, which is the responsibility of CBP's operational offices. Once mission needs and initial concept of operations (CONOPS) are identified, a formal Analysis of Alternative (AoA) may be completed to provide decision makers with the relative benefits, costs, and risks associated with the potential solutions. CBP uses the AoA and other critical factors (urgency or priority of need, the budget, related efforts or programs within the department, etc.) to ultimately make final recommendations on an investment solution. CBP OA has the processes, methods, and analytical tools to: a) identify alternative approaches, b) investigate the potential impact (on Border Security) of the alternative approaches, and c) assess the potential cost / benefit of the alternatives. Once a specific investment has been identified, Office of Acquisition has the processes, methods, and analytical tools to: a) generate, analyze, and manage requirements, b) conduct detailed performance analyses of proposed technical solutions, c) perform detailed cost analyses of proposed solutions, d) manage risk, quality, and configuration throughout the life cycle of the acquired capability, and e) perform detailed technical analyses, as needed, for technology issues, upgrades, and refreshes.

Analytic Tools/Processes Available:

- CBP Operational Offices use a variety of assessment methods to determine the appropriate capabilities to pursue:
 - *Capability Gap Analysis Process (CGAP)*. CGAP is the United States Border Patrol (USBP) and Air and Marine Operations (AMO) internal process to assess, define, document and prioritize capability gaps. CGAP is a scenario based, operator executed process to identify capability gaps by assessing, at the tactical (local) level, adversary tactics versus friendly capabilities and identifying appropriate courses of action to minimize risk.
 - *Manpower Needs Assessment*. Manpower assessment processes and tools are utilized to understand how investment in manpower can improve mission accomplishment.

ANALYTIC TOOLS FOR NEW INVESTMENT PLANNING

- CBP Office of Acquisition (OA) supports the CBP operational offices (e.g., USBP) with the acquisition of major investments. Several of the tools used are outlined below:
 - *Cost Estimating and Schedule Management:* The cost estimating and schedule management group within CBP OA assists several of CBP's acquisition programs with their cost estimating and scheduling needs. The following tools support new investment planning (i.e., planning via cost estimating and planning via scheduling) and they will be used for planning future investments:
 - **ACEIT:** Automated Cost Estimating Integrated Tools (ACEIT) enables CBP to build cost estimates, build Work Breakdown Structures (WBS), enter data and equations, normalize cost information into the proper base year dollars and units, incorporate Learning Curve Analysis if applicable, import cost estimating methodologies/data from available libraries and databases, and phase results over time.
 - **Oracle Crystal Ball:** Crystal Ball is a spreadsheet-based application for predictive modeling, forecasting, simulation, and optimization. CBP uses this tool for gaining insight into the critical factors affecting risk. With Crystal Ball, it is possible to make the right tactical decisions to reach objectives and gain a competitive edge under even the most uncertain market conditions.
 - **Microsoft Project:** Utilized for development and maintaining acquisition program schedules.
 - **Deltek Risk+:** Utilized for executing schedule risk assessments.
 - **Steelray Project Analyzer:** Utilized for schedule health assessments.
 - **KIDASA Milestones Professional:** Utilized for high-level schedule program management reviews.
 - *Programming and Budgeting:* The programming and budgeting group within CBP OA currently supports the U.S. Border Patrol in budgeting for its new and existing investments. The following tool supports funding programming/budgeting activities:
 - **BFX:** Budgeting Formulation Execution (BFX) system assists CBP offices in allocating and tracking all funding (for FTE, investments, etc.).
 - *Systems Engineering:* The systems engineering group within CBP OA assists several of CBP's acquisition programs with their systems engineering needs. In the past, this group has contributed to providing manpower estimates to support new investment acquisition. The manpower models created by the systems engineering group are based on guidance from the Office of Personnel Management and the GAO Cost Estimating and Assessment Guide. In addition, the system engineering group uses the following tools when assisting with the systems engineering work of CBP acquisition programs:
 - Requirements Generation Processes and tools
 - Imaging and non-imaging sensor performance analysis processes and tools
 - Imaging and non-imaging sensor coverage analysis processes and tools
 - Radio frequency communications analysis tools
 - Requirements management processes and tools

ANALYTIC TOOLS FOR NEW INVESTMENT PLANNING

- Risk management processes and tools
- Software (code) analysis tools

Lessons Learned and Experiences from Previous Investment Initiatives (such as SBI):

- From *SBI*, CBP learned that the appropriateness of technologies for each area of the border depends on the nature of each area. There is not a “one-size-fits-all” solution to border security, which contradicted the idea proposed under the *SBI* program. After *SBI* was cancelled, the Department decided to utilize existing, proven technology solutions tailored to the distinct terrain and population density of each border region. CBP has carried this lesson forward in its acquisition of border security technologies and tactical infrastructure.
- CBP conducted several analyses to look at the effectiveness of technology and other investments (including fencing). Those analyses tended to confirm that the investments did, in fact, enhance our ability to increase the security of the border. However, they also reinforced the difficulty in establishing comprehensive quantitative metrics that could conclusively measure the effectiveness.
- Measuring the effectiveness of technology is complicated by the fact that different types of technologies have different “qualities” or “capacities.” It’s not enough to measure how much technology—the “how much” must be augmented with information about “for what” (since technology can simultaneously perform many roles) and “how well.” This, in turn, complicates decisions that must balance the effectiveness of a technology against its cost.

Strategic Partnerships

- In addition to organic tools/capabilities, CBP relies on many partnerships to support the analytical efforts necessary make investment decision on capabilities.
 - The DHS Science and Technology Directorate supports CBP in conducting analytical studies and executing capability exploration efforts to improve the understanding of state-of-the-art technologies in border security applications.
 - DHS Joint Requirements Council reviews and validates CBP acquisition documents and analyzes material and non-material alternatives.
 - DHS Acquisition Review Board provides a cross-component evaluation of acquisition’s progress and status over its lifecycle.
 - DHS Management Directorate (CFO, CPO, PARM, CIO) provides oversight of CBP’s acquisition programs related to funding, procurement/contracting, and risk management.
 - Federally Funded Research and Development Centers (FFRDCs) and University Affiliated Research and Development Centers (UARCs) provide analytical tools, personnel, and processes to support the capability analysis efforts.
 - Industry partners frequently engage with CBP to improve/sustain our understanding of how the commercial market is progressing which supports our decision making. Also, contracted partners support our offices with industry best practices (tools and processes) and personnel to support the analytical efforts of our mission support and operational offices.

Request for Information

RFI #:	168
Question:	Copies of contracts for fence and integrated fixed towers, including contract modifications and task orders.
Date Submitted:	12/15/16
Landing Team Requestor:	(b)(6)
Assigned Component/Office:	CBP
Received By/Date:	(b)(6)

The Department is unable to provide a response to the request for all CBP contracts related to fence construction due to procurement sensitive information contained in the documents. The information is compiled and will be provided to incoming leadership as directed.

**DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION**

INTERAGENCY AGREEMENT

PART I

U.S. Customs and Border Protection	Agreement No.	HSBP1012X00125	Modification No.	P00003
	Option No.		Task Order No.	
Statutory Authority ECONOMY ACT OF 1932, (31 U.S.C. 1535)		Requisition No. 0020068568	Date Prepared 05/29/2013	
Name and Address of Customs Organization (Office or Division Responsible for Agreement) DHS - Customs & Border Protection Customs and Border Protection (b)(6)		Performance Location See Attached Delivery Schedule		
Participating Agency	Agreement No.		Modification No.	
	Option No.		Task Order No.	
Statutory Authority		Requisition No.	Date Prepared	
Name and Address of Participating Organization (Office or Division Responsible for Agreement) FAA LOGISTICS CENTER (b)(6)		Performance Location SEE ATTACHED DELIVERY SCHEDULE		

PART II

All acquisitions made under this Agreement shall comply with the Competition in Contracting Act, P.L. 98-369, and regulations pertaining thereto.

Scope of Work: The purpose of this IAA Modification is to: 1) Increase the total obligated amount by (b)(4) from (b)(4) to \$11,507,751.92 in support of the CBP RVSS relay towers and facilities. All other terms and conditions remain unchanged and in full affect.	Period of Performance: From 06/04/2013 To 09/30/2013	
	Base Price of Funded IA:	(b)(4)
	Amount of this Modification:	
	Overhead:	\$0.00
	Total Price of IA:	\$11,507,751.92
Attachments:	<input type="checkbox"/> Terms and Conditions of Agreement <input type="checkbox"/> Statement of Work <input type="checkbox"/> Quantity and Unit Price <input type="checkbox"/> Determinations and Findings <input type="checkbox"/> Option Period Dates <input type="checkbox"/> Form 236A <input type="checkbox"/> Market Research Findings <input type="checkbox"/> Other _____	

PART III

Special Instruction: U.S. Customs and Border Protection Interagency Agreement Number and Project Code must be referenced on every invoice/voucher.

PARTICIPATING AGENCY FUNDING	Include in accounting strip: PROJECT CODE/NO. - APC - BFY - FUND - BUDPLN - ORG - PROG - OCC - TOTAL
	GRAND TOTAL <u>\$11,507,751.92</u>
U. S. CUSTOMS AND BORER PRDTECTION FUNDING	Include in accounting strip: PROJECT CODE/NO. - APC - BFY - FUND - BUDPLN - ORG - PROG - OCC - TDTAL
	6100.2532USCSGLCS0928040500ZFM104129HQ0101021900 100522532 6100.2532USCSGLCS0928040500ZFM105129HQ0101021900 100522532 6100.2532USCSGLCS0928040500ZFM106129HQ0101021900 100522532 6100.2532USCSGLCS0928040500ZFM107173SB021101AG00 100522532 6100.2532USCSGLCS0928040500ZFM108173SB021101AG00 100522532 6100.2532USCSGLCS0928040500ZFM110173SB021101AG00 SB5092532 6100.2532USCSGLCS0928040500ZFM111173SB021101AG00 SB5092532 6100.2532USCSGLCS0928040500ZFM112173SB021101AG00 SB5092532 6100.2532USCSGLCS0928040500ZFM113463SB021101AG00 SB5092532 TREASURY ACCOUNTING SYMBOLS (TAS): 70X0532, 70X0533, 702/40533, 703/50533 GRAND TOTAL <u>\$11,507,751.92</u>

PART IV

Check Appropriate Boxes: Transfer Appropriation Billing for actual cost incurred
 Other _____
 Monthly Quarterly Semi-Annual Annual Advanced Reimbursable Direct Fund Cite

BILLING / PAYMENT	PARTICIPATING AGENCY		U.S. CUSTOMS AND BORDER PROTECTION	
	Agency Locator Code: 69001104		Agency Locator Code: 70050800	
	BPN No.: DUNS# 809772007		BPN No.: DUNS# 879824324	
	Address: FEDERAL AVIATION ADMINISTRATION ATTN: (b)(6) (b)(6)		Address: DHS - Customs & Border Protection National Finance Center PO Box 68908 Indianapolis IN 46268	
	Point of Contact: (b)(6)		Point of Contact: (b)(6)	
	Telephone No.: (b)(6)		Telephone No.: (b)(6)	
	FAX No.:		FAX No.:	
	E-Mail Address:		E-Mail Address:	

APPROVALS

		PARTICIPATING AGENCY		U.S. CUSTOMS AND BORDER PROTECTION	
PROGRAM OFFICE	Name:	(b)(6)		Name:	(b)(6)
	Title:	AML-20 MANAGER		Title:	DIRECTOR, TACTICAL INFRASTRUCTURE
	Telephone No.:	(b)(6)		Telephone No.:	(b)(6)
	FAX No.:			FAX No.:	
	E-Mail Address:	(b)(6)		E-Mail Address:	
	Signature:	(b)(6)	Date:	5/30/13	Signature:
Date:				Date:	6/5/13
C O T R	Name:	(b)(6)		Name:	(b)(6)
	Title:	AML-2000 MANAGER		Title:	DIRECTOR, COR
	Telephone No.:	(b)(6)		Telephone No.:	(b)(6)
	FAX No.:			FAX No.:	
	E-Mail Address:			E-Mail Address:	
	Signature:	(b)(6)	Date:	5-30-13	Signature:
Date:				Date:	6/5/13
PROGRAM BUDGET OFFICE(R)	Name:	(b)(6)		Name:	(b)(6)
	Title:	PGM DIR OF BUDGET & MGT AMB-I		Title:	DEPUTY DIRECTOR, BUSINESS OPERATION
	Telephone No.:	(b)(6)		Telephone No.:	(b)(6)
	FAX No.:			FAX No.:	
	E-Mail Address:	(b)(6)		E-Mail Address:	
	Signature:	(b)(6)	Date:	5/30/13	Signature:
Date:				Date:	
BUDGET DIVISION (for 2X only)	Name:			Name:	
	Title:			Title:	
	Telephone No.:			Telephone No.:	
	FAX No.:			FAX No.:	
	E-Mail Address:			E-Mail Address:	
	Signature:		Date:		Signature:
Date:				Date:	
CONTRACTING OFFICER	Name:	(b)(6)		Name:	(b)(6)
	Title:			Title:	CONTRACTING OFFICER
	Telephone No.:			Telephone No.:	(b)(6)
	FAX No.:			FAX No.:	
	E-Mail Address:			E-Mail Address:	
	Signature:		Date:		Signature:
Date:				Date:	

INSTRUCTIONS

Instructions are provided for only those items that need explanation and clarification. Enter N/A where an answer is not applicable.

PART I - ADMINISTRATION

- Agreement Number - Interagency Agreement (IA) number is assigned by U.S. Customs and Border Protection Procurement Division.
- Option Number - Include if the IA contains options and an option is being exercised or modified.
- Task Order Number - Include if referenced in the Statement of Work.
- Statutory Authority - Define under what authority the IA is authorized.
- Requisition Number - The Program Office assigns this number when appropriate.

PART II - AGREEMENT

- Scope of Work - Briefly summarize the statement of work. If the agreement is being modified, describe why the modification is being issued **(not the accounting strip)**
- Attachments - Check the appropriate boxes to indicate documents attached to CF236.

PART III - FUNDING

- (1) Include line item numbers, accounting strips, and price for each.
- (2) For modification show how the prices are changed for the line items and show the revised total.
- (3) Include in the price adjustments, for all prior modifications, (under the currently funded IA) to show logic of changes to the price of the IA.
- (4) Insert in the Grand Total block the total amount, or revised total of the funded IA.

PART IV - BILLING/PAYMENT

This part is self-explanatory.

PART V - APPROVALS

- U.S. Customs and Border Protection - Provide complete information for all required Approving Officials.
- Participating Agency - Include information requested only for those Approving Officials that are required by your organization.

**ATTACHMENT INFORMATION
FOR
AWARD/ORDER/IA MODIFICATION: HSBP1012X00125P00003**

I.1 SCHEDULE OF SUPPLIES/SERVICES

ITEM #	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXT. PRICE
10	FAA IAA for TMRP M&R	1.000	AU	(b)(4)	
20	IAA RVSS M&R	1.000	AU	(b)(4)	
30	IAA RVSS M&R	1.000	AU	(b)(4)	
40	IAA RVSS M&R	1.000	AU	(b)(4)	
50	IAA RVSS	1.000	AU	(b)(4)	
60	Reinforcing Eight (8) Monopoles	1.000	AU	(b)(4)	
70	IAA RVSS	1.000	AU	(b)(4)	
80	IFT T402-1 Tower Improvements-Nogales	1.000	AU	(b)(4)	
90	IFT T402-1 Tower Improvements-Naco	1.000	AU	(b)(4)	
100	IFT T402-1 Tower Improvements-Douglas	1.000	AU	(b)(4)	
110	IFT T402-1 Tower Improvements-Yuma	1.000	AU	(b)(4)	
120	IFT T402-1 Tower Improvements-Shelters	1.000	AU	(b)(4)	
130	Laredo Sector HQ	1.000	AU	(b)(4)	
140	FAA IAA for TMRP	1.000	AU	(b)(4)	
150	FAA IAA for TMRP	1.000	AU	(b)(4)	
160	FAA IAA for TMRP	1.000	AU	(b)(4)	
170	FAA IAA for TMRP	1.000	AU	(b)(4)	
180	FAA IAA for TMRP	1.000	AU	(b)(4)	
190	FAA IAA for TMRP	1.000	AU	(b)(4)	
200	FAA IAA for TMRP	1.000	AU	(b)(4)	
210	FAA IAA for TMRP	1.000	AU	(b)(4)	
220	FAA IAA for TMRP	1.000	AU	(b)(4)	

Total Funded Value of Award:

\$11,507,751.92

I.2 ACCDUNTING and APPROPRIATION DATA

ITEM #	ACCOUNTING and APPROPRIATION DATA	AMOUNT
10	6100.2532USCSGLCS0928040500ZFOP12173SB0201031900 SB5092532	(b)(4)
20	6100.2532USCSGLCS0928040500ZFM109173SB0201031900 100522532	(b)(4)
30	8100.2532USCSGLCS0928040500ZFM107173SB0201031900 100522532	(b)(4)
40	6100.2532USCSGLCS0928040500ZFM108173SB0201031900 100522532	(b)(4)
50	6100.2532USCSGLCS0928040500ZFM112173SB0201031900 SB5092532	(b)(4)
60	6100.2525USCSGLCS0928040500Z80A12173SB0201031900 SB5092525	(b)(4)
70	6100.2532USCSGLCS0928040500ZFM112173SB0201031900 SB5092532	(b)(4)
80	6999.3222USCSGLCS0929030000Z02112173SB031101AI00 SB0623222	(b)(4)
90	6999.3222USCSGLCS0929030000Z02112173SB031101AI00 SB0623222	(b)(4)
100	6999.3222USCSGLCS0929030000Z02112173SB031101AI00 SB0623222	(b)(4)
110	6999.3222USCSGLCS0929030000Z02112173SB031101AI00 SB0623222	(b)(4)
120	6999.3222USCSGLCS0929030000Z02112173SB031101AI00 SB0623222	(b)(4)
130	6999.3192USCSGLCS0935207000Z71113400BN0111010200 BPC903192	(b)(4)
140	8100.2532USCSGLCS0928040500ZFM104129HQ0101021900 100522532	(b)(4)
150	6100.2532USCSGLCS0928040500ZFM105129HQ0101021900 100522532	(b)(4)
160	6100.2532USCSGLCS0928040500ZFM106129HQ0101021900 100522532	(b)(4)
170	6100.2532USCSGLCS0928040500ZFM107173SB021101AG00 100522532	(b)(4)
180	8100.2532USCSGLCS0928040500ZFM108173SB021101AG00 100522532	(b)(4)
190	6100.2532USCSGLCS0928040500ZFM110173SB021101AG00 SB5092532	(b)(4)
200	6100.2532USCSGLCS0928040500ZFM111173SB021101AG00 SB5092532	(b)(4)
210	6100.2532USCSGLCS0928040500ZFM112173SB021101AG00 SB5092532	(b)(4)
220	6100.2532USCSGLCS0928040500ZFM113463SB021101AG00 SB5092532	(b)(4)

I.3 DELIVERY SCHEDULE

DELIVER TO:	ITEM #	QTY	DELIVERY DATE
Customs and Border Protection 1301 Constitution Av, NW Washington, DC 20004	10	1.000	09/30/2013
	20	1.000	09/30/2013
	30	1.000	09/30/2013
	40	1.000	09/30/2013
	50	1.000	09/30/2013
	70	1.000	09/30/2013
	140	1.000	09/30/2013
	150	1.000	09/30/2013
	160	1.000	09/30/2013
	170	1.000	09/30/2013
	180	1.000	09/30/2013
	190	1.000	09/30/2013
	200	1.000	09/30/2013
	210	1.000	09/30/2013
	220	1.000	09/30/2013
Customs and Border Protection Rio Grande Valley Sector 4400 S. Expressway 281 Edinburg, TX 78539	60	1.000	09/30/2013
Customs and Border Protection 1300 Pennsylvania Avenue N W Washington, DC 20229	80	1.000	09/30/2013
	90	1.000	09/30/2013
	100	1.000	09/30/2013
	110	1.000	09/30/2013
	120	1.000	09/30/2013
Customs and Border Protection Laredo Sector HQ 207 W Del Mar Blvd Laredo, TX 78041	130	1.000	08/18/2013

Rec'd 17 Mar 15
 USACE Mod #0003
 Rec'd 19 Mar 15
 signed from CBP

**DEPARTMENT OF HOMELAND SECURITY
 U.S. CUSTOMS AND BORDER PROTECTION
 INTERAGENCY AGREEMENT
 (IAA)**

1. Agreement No. HSBP1013X00127	2. Modification No. P00002	3. Order No.	4. Requisition No. 0020076095
5. Period of Performance From 08/29/2013 To 09/30/2016		6. Statutory Authority ECONOMY ACT (31 U.S.C. 1535)	7. Date IAA Prepared 01/27/2015
8. Requesting Agency Agency Name: DIIS - Customs & Border Protection Office/Division: (b)(6) POC: (b)(6) Address: 1901 South Bell Street Arlington (b)(6) POC Phone No.: (b)(6)		9. Servicing Agency Agency Name: (b)(6) Office/Division: PDC: Address: POC Phone No.:	

10. Scope of Work

- The purpose of this action is to accomplish the following:
 - Decrease (b)(4) from (b)(4) a decrease of (b)(4) as a result of USACE DD Form 448-2, dtd 15 OCT 14.
 - Add (b)(4) the amount of \$500,000.00 for the Big Bend Modular Purchase Project
- The (b)(4) decrease of (b)(4) and (b)(4) addition of (b)(4) This modification amount applied to the total contract amount of (b)(4) results in (b)(4) increase.
- The period of performance is changed from 08/28/2015 to 09/30/2016.
- The Contracting Office is changed from Clarence Abernathy to April Dunchie.
- The RWA remains \$1,439,600.08.
- The Statement of Work (SOW) is revised to address the Project.

11. Delivery/Shipping Schedule

See Attached Delivery Schedule

12. IAA Amount		13. Billing and Payment	
Base Price of IAA	(b)(4)	Requesting Agency	Servicing Agency
Modification Amount		Locator Code: 70050800 DUNS #: DUNS# 879824324 Address: DHS - Customs & Border Protection Commercial Accounts Sect.	Locator Code: DUNS #: Address:
Assisted Acquisition Servicing Fee	\$0.00	(b)(6)	
Total IAA Price	\$2,679,470.00	POC: POC Phone #: POC Fax #: POC Email:	POC: POC Phone #: POC Fax #: POC Email:

14. Requesting Agency TAS No.		15. Servicing Agency TAS No.	
10	703/70532	10	00000000
20	702/60532	20	00000000
30	703/70532	30	00000000
40	703/70532	40	00000000

14. Requesting Agency TAS No. (Continued)	15. Servicing Agency TAS No. (Continued)
50 704/80532_____	50 _____00000000_____
60 _____07020152019_0532000_____	60 _____00000000_3122_____

16. Invoice/Payment Method

- Requesting Agency Initiate IPAC
 Servicing Agency Initiate IPAC
 Credit Card
 Other (explain below)
- _____

17. Billing Frequency

- Monthly
 Quarterly
 Semi-annually
 Annual
 Advanced Payment (explain below)
 Other (explain below)
- _____

18. Requesting Agency Accounting and Appropriation Data

10	6100.2525USCSGLCS0928040500ZFOP13461FM011602ALFC 105202525 TAS# 703/70532
20	6999.3211USCSGLCS0928040500Z94R12139FM011602ALFC 105203211 TAS# 702/60532
30	6100.2525USCSGLCS0928040500Z20613461FM011602ALFC 105202525 TAS# 703/70532
40	6100.2525USCSGLCS0928040500Z20713461FM011602ALFC 105202525 TAS# 703/70532
50	6999.3221USCSGLCS0928040500Z94K14461FM011602ALFC 105203221 TAS# 704/80532
60	6999.3222USCSGLCS0928040500Z1PG15461FM011602ALFW 105203222 TAS# 07020152019 0532

19. Approvals

Program Officials	Requesting Agency	Servicing Agency
Name	(b)(6)	(b)(6)
Title	PROGRAM MANAGER	Director, ESCO
Telephone No.	(b)(6)	(b)(6)
Fax No.		
Email	(b)(6)	(b)(6)
Signature	(b)(6)	(b)(6)
	Date:	Date: 3/15/2015
Funding Officials		
Name	(b)(6)	for (b)(6)
Title	FINANCIAL MGMT BRANCH CHIEF(ACTING)	Budget Analyst
Telephone No.	(b)(6)	(b)(6)
Fax No.		
Email	(b)(6)	
Signature	(b)(6)	(b)(6)
	Date:	Date: 20 Mar 15
Contracting Officials		
Name	(b)(6)	
Title	Contracting Officer	
Telephone No.	(b)(6)	
Fax No.		
Email	(b)(6)	
Signature	(b)(6)	
	Date: 3/19/15	Date:

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION

INTERAGENCY AGREEMENT
(IAA)

INSTRUCTIONS

Block 1: Insert IAA number (automatic system populated).

Block 2: Insert modification number of the IAA (automatic system populated).

Block 3: Insert IAA order number (automatic system populated).

Block 4: Insert IAA requisition number (automatic system populated).

Block 5: Insert period of performance for the IAA.

Block 6: Insert statutory authority for the IAA.

Block 7: Insert date the IAA was prepared (automatic system populated).

Block 8: Insert requesting agency information.

Block 9: Insert servicing agency information.

Block 10: Insert a brief description of the IAA requirements (scope of work) and list the applicable attachments in this block. At a minimum, the attachments should include the IAA terms and conditions, statement of work, and analysis of alternative, if applicable.

Block 11: Insert the delivery and/or shipping schedule for the IAA or indicate where the delivery/shipping schedule may be found.

Block 12: Insert the base price of the IAA, modification amount, assisted acquisition servicing fee, and total IAA price--automatic system populated.

Block 13: Insert the billing and payment information for the requesting and servicing agency (requesting agency information automatic system populated).

Block 14: Insert the requesting agency TAS number for each line item (automatic system populated).

Block 15: Insert the servicing agency TAS number for each line item (automatic system populated).

Block 16: Check the invoice/payment method for the IAA and explain if "other" is selected.

Block 17: Check the billing frequency for the IAA and explain if "advanced payment" or "other" is selected.

Block 18: Insert the requesting agency accounting and appropriation data per line item (automatic system populated).

Block 19: Insert IAA approval information for the requesting and servicing agency pertaining to program officials, funding officials, and contracting officers. Include the date for each signature.

**ATTACHMENT INFORMATION
FOR
AWARD/ORDER/IA MODIFICATION: HSBP1013X00127P00002**

I.1 SCHEDULE OF SUPPLIES/SERVICES

ITEM #	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXT. PRICE
10	USACE MCA&Repair IAA - Change Mgmt	1.000	AU	(b)(4)	
20	Install Canopy @ H277 N CP	1.000	AU		
30	Eagle Pass N BPS - Relevel, replace floo	1.000	AU		
40	Uvalde BPS - Processing area noise contro	1.000	AU		
50	ELP STN MCA - install range baffle syste	1.000	AU		
60	BBT CON Add Three Modulars at SHQ	1.000	AU		
60 cont.	12/22/2014 Line 90 BBT CON Add Three Modulars at SHQ				

Total Funded Value of Award:

\$2,679,470.00

I.2 ACCOUNTING and APPROPRIATION DATA

ITEM #	ACCOUNTING and APPROPRIATION DATA	AMOUNT
10	6100.2525USCSGLCS0928040500ZFOP13461FM011602ALFC 105202525 TAS# 703/70532	(b)(4)
20	6999.3211USCSGLCS0928040500Z94R12139FM011602ALFC 105203211 TAS# 702/60532	
30	6100.2525USCSGLCS0928040500Z20613461FM011602ALFC 105202525 TAS# 703/70532	
40	6100.2525USCSGLCS0928040500Z20713461FM011602ALFC 105202525 TAS# 703/70532	
50	6999.3221USCSGLCS0928040500Z94K14461FM011602ALFC 105203221 TAS# 704/80532	
60	6999.3222USCSGLCS0928040500Z1PG15461FM011602ALFW 105203222 TAS# 07020152019 0532000	

I.3 DELIVERY SCHEDULE

DELIVER TO:	ITEM #	QTY	DELIVERY DATE
Customs and Border Protection 1301 Constitution Av, NW Washington, DC 20004	10	1.000	08/28/2014
Customs and Border Protection Highway 277 North Del Rio, TX 78840	20	1.000	08/28/2014
Customs and Border Protection 2285 Del Rio Blvd Eagle Pass, TX 78852	30	1.000	08/28/2014
Customs and Border Protection 30 Industrial Park Uvalde, TX 78801	40	1.000	08/28/2014
Customs and Border Protection 300 Madrid St Marfa, TX 79843	50	1.000	08/28/2015
	60	1.000	09/30/2016

**INTERAGENCY AGREEMENT
STATEMENT OF WORK
BETWEEN
U.S. CUSTOMS AND BORDER PROTECTION AND
THE U.S. ARMY CORPS OF ENGINEERS
Revision 2**

I. AUTHORITY

The authority of the Department of Homeland Security, U.S. Customs and Border Protection and the U.S. Army Corps of Engineers to enter into this Interagency Agreement (IA) is the Economy Act of 1932 (31 U.S.C. 1535), resulting in an assisted acquisition.

II. OBJECTIVE/PURPOSE

This Interagency Agreement (IAA) between the U.S. Army Corps of Engineers (USACE) and the Department of Homeland Security, U.S. Customs and Border Protection (CBP), Office of Administration, Facilities Management and Engineering (FM&E) Border Patrol Facilities & Tactical Infrastructure (BPFTI) Program Management Office is for the purpose of obtaining the technical expertise of the USACE to assist CBP in performing minor construction and alteration life-cycle activities necessary to deliver requirements-driven facilities to the Border Patrol – on time and within scope and budget. The technical expertise required across the planning, design, and construction phases of each minor construction and alteration project includes program management, project management, acquisition, cost estimating, engineering and architectural design, real estate acquisition, environmental planning, construction, construction management, and commissioning.

III. SCOPE

This Statement of Work describes the comprehensive scope of support services for CBP's minor construction and alteration life-cycle activity requirements. Minor construction and alterations is defined as modifications, installations, rehabilitation, maintenance, repairs, and services in support of facilities. It may include work on building interiors and exteriors, including, but not limited to, architectural, civil, structural, electrical, mechanical, plumbing, environmental, landscaping, and fire protection (detection and suppression).

The following table is provided to demonstrate the types of minor construction and alteration requirements that CBP will require support for under the IAA. However, it is not intended to be representative of all requirements:

MINOR ARCHITECTURAL WORK	MINOR MECHANICAL WORK
<ul style="list-style-type: none"> • Roofing, flashing, and trim • Windows and doors • Ceiling • Floor covering • Lab casework • Sealing, caulking, masonry restoration • Painting • Framing/sheathing/partitions • Repair or replacement of fences and gates • Demolition (preparation for remodeling) • Asbestos removal • Greenhouse benches • Plastering and stucco • Tile work • Screenhouse • Structural systems 	<ul style="list-style-type: none"> • Water wells • Irrigation system • Stock watering system • Packaged A/C-computer area • Ductwork extensions or modifications • Government-furnished equipment with contractor installation • Pipe repairs, insulation • Sprinkler system • Fuel systems • System repairs (such as HVAC units) • Mechanical systems • Plumbing repairs, equipment and fixture installation • Any direct replacement • Safety and protective systems and devices
MINOR ELECTRICAL WORK	MINOR CIVIL WORK
<ul style="list-style-type: none"> • Fixture/relocations/conversions • Additional outlets or switches • Detection/security systems • Intercom systems • Electrical systems 	<ul style="list-style-type: none"> • Paving and surfacing • Concrete repair, sealing • Site clearing for new construction, grading • Manholes, vaults • Drainage • Post Best Management Practices

During the Base Period, USACE will use its best efforts to provide the following services either by contract or by in-house efforts:

- a. Provide **program and project management support and expertise** in support of minor construction and alteration activities (using either in-house or contractor resources), including but not limited to :
 - 1) Support program management requirements in accordance with the processes and procedures set forth in the CBP/USACE Program Management Plan (PgMP) dated May 9, 2011.
 - 2) Provide program and project management services in accordance with the CBP/USACE Memorandum of Agreement for Comprehensive Nationwide Project Management Services dated November 1, 2009.
 - 3) Development of PRDs, preparation of rough order of magnitude cost estimates and preliminary schedules, risk identification, risk analyses, and mitigation strategies, project monitoring and control, and performance of other preparatory work before project-specific funding is available.
 - 4) Project scoping, studies, investigations, evaluations, consultations, conceptual design, value engineering, and operation, monitoring, and topographic survey services.

- 5) Track project progress and provide progress reporting and updated schedules through regular reporting, periodic reviews, and maintaining current data in the Facilities and Infrastructure Tracking Tool (FITT) database.
 - 6) Analyze project, cost and schedule risk and develop mitigation strategies to minimize the impact to the project.
- b. Provide **planning phase support**, including but not limited to:
- 1) Support for site selection, site reconnaissance, including conducting market surveys, and obtaining legal access for further onsite investigations, such as land surveys, geotechnical evaluations, and environmental investigations.
 - 2) Support for advanced planning, programming, studies, investigations, sustainability and LEED™ analysis and documentation, sustainable infrastructure assessments, life cycle cost analysis, simplified total energy program (STEP) analysis, resource conservation, interior design services, leak detection surveys and assessments, and energy studies.
 - 3) Environmental and real estate compliance support, including:
 - a) Support environmental compliance requirements such as the preparation of environmental assessments, environmental reviews, environmental impact statements, Findings of No Significant Impact, Records of Decision, mitigation plan(s), Socioeconomic Impact Analysis Studies, and other associated documentation requirements in compliance with the National Environmental Policy Act (NEPA) of 1969, DHS Directive 023-01, Environmental Planning Program and CBP policies and procedures for land acquisition. Additional activities include support on data identification, collection (including site visits and interviews), development, and interpretation; sampling and analysis; and human health risk and environmental impact evaluations and reports.
 - b) Support real estate compliance requirements in accordance with the procedures and services set forth in the CBP/USACE Support Agreement to Conduct Real Estate Services dated November 21, 2010.
- c. **Acquisition Services:** USACE Contracting Officer(s) will award and administer contract in accordance with DOD regulations and the FAR council.
- d. Provide technical, contractual, and project management experience to develop and execute **acquisition strategies**, including, but not limited to:
- 1) Design-Bid-Build (DBB), Design-Build (DB), or other recommended acquisition vehicles and/or approaches.
 - 2) As required, develop Requests for Proposals, Invitation to Bids, Independent Government Cost Estimates, Acquisition Plans, Statements of Work (SOW), and other necessary acquisition documentation in support of CBP minor construction and alterations requirements.
- e. Provide program management, real estate, environmental, and A/E support and expertise during the **design phase** that encompasses the preparation of designs including plans, drawings, design analyses, specifications and cost estimates required to execute a site-

specific construction project (including studies and surveys). This support will also include conducting design charrettes, evaluating existing building condition plans, structural interior design (SID), comprehensive interior design (CID), landscaping, value engineering, as well as reviews of all of the above products and services. Other design phase support includes but is not limited to:

- 1) Participating as members of the Project Development Team (PDT).
 - 2) Providing civil, mechanical, structural, electrical, plumbing and geotechnical services to support design requirements for facilities based on the most current version of the BPFTI Facility Design Standards.
 - 3) Supporting DBB requirements, including developing statements of work (SOW) for design services, acquiring A/E design services, conducting design charettes, developing designs, developing SOWs for construction services, acquiring construction services, and constructing the project.
 - 4) Supporting DB requirements, including conducting government-only design charettes, developing SOWs for DB services, acquiring DB services, and designing and constructing the project.
 - 5) Providing support for the commissioning process, including obtaining a third-party commissioning agent as required.
 - 6) Ensuring all environmental and real estate requirements are satisfied before the construction phase begins. Identifying any environmental concerns and additional real estate interests (not identified during the planning phase) that may be required to access construction, utilities, and other needs.
- f. Provide support during the **construction phase** of projects, including but not limited to:
- 1) Monitoring contract execution by ensuring construction contract requirements are met, overseeing contractor progress, validating compliance with Davis-Bacon Act wage rates, reviewing and evaluating changes that originate from the contractor, reviewing progress payments, and performing quality assurance.
 - 2) Reviewing, evaluating, and incorporating change requests.
 - 3) Performing environmental monitoring and cultural surveying and applying BPFTI construction Best Management Practices (BMP) as required.
 - 4) Performing building commissioning to include 3rd party advanced commissioning and measure and verification activities if requested by CBP.
 - 5) Coordinating and conducting final inspections and walkthroughs prior to acceptance to identify any deficiencies that must be corrected.
 - 6) Coordinating Requests for Information (RFIs) with the Designer of Record (DOR) should DOR support be required to respond to and resolve RFIs in a timely manner
- g. Provide support during the **post-construction** phase of projects, including but not limited to:

- 1) Supporting project closeout activities to ensure that all obligations, expenditures, and USACE and contractor vouchers are finalized and executed, excess funds are deobligated, and financial records for the project are properly closed out.
- 2) Assisting in resolving warranty issues should the contractor refuse to address these items.
- 3) Submitting closeout and project documentation through FITT, to include Record Drawings (as built drawings), drawing sets, notification of completion, real estate documents, titles, deeds, warranties, manuals, acceptance forms, formal punch list, etc. (as applicable)

IV. REQUIREMENTS/TASKS:

CBP:

- a. Provide the USACE with CBP primary and alternate point of contact to include the name, phone number, and email address for each facility project. The primary contact will work with the USACE through-out the planning, design, and construction phases of each project.
- b. Provide the USACE with a preliminary list of CBP FM&E facilities that will require minor construction and alterations under this Agreement.
- c. CBP must assist the USACE in identifying and developing facility requirements and establishing minor construction and alteration project priorities.
- d. Provide the USACE with a list of CBP personnel or other designated Government Officials who will be authorized to submit a request for the USACE to provide services or otherwise obligate service order funds under this Agreement.
- e. CBP shall pay all costs associated with USACE's provision of services under this IAA in accordance with the provisions of the Economy Act and hereby certifies the availability of funds necessary to accomplish the work described in this IAA.
- f. CBP shall obtain for USACE and its contractors all necessary real estate interests where real estate services have not been assigned to USACE, access to all work site and support facilities.
- g. Within five (5) calendar days after receiving notice of USACE's intent to award or publicly announce the award of a contract for the performance of services under this IAA valued in excess of \$1,000,000.00, CBP shall notify the House and Senate Committees on Appropriations of the pending contract award or public announcement.
- h. Provide USACE with a copy of standards and requirements to be followed in support of construction activities (i.e. Border Patrol Facilities Design Standards, real estate requirements, environmental and NEPA compliance, and other requirements).
- i. Provide direction on specific deliverables required to satisfy requirements in this SOW and accompanying PRDs.

USACE:

- a. Provide a Project Manager from an USACE district office to deliver design and construction services for each project.
- b. Project Manager to deliver acquisition management services for the project.
- c. Enter data and documents into FITT for each project. FITT can be accessed at <https://www.borderfitt.com>. Utilize the Document Review and Checking System within ProjNet (Dr. Checks) to manage quality and maintain control over design and document reviews.
- d. The USACE Project Manager must keep the CBP Project Manager apprised of progress, scheduling conflicts, and other potential problems and issues effecting the execution of this Agreement.
- e. Provide necessary resources to execute the tasks specified in this Agreement.
- f. The USACE must provide procurement services and support (i.e., Contracting Officer, Contracting Officer Technical Representative) to oversee the award and management of contracts for CBP minor construction and alteration services.
- g. The USACE must investigate and pursue, where appropriate, claims and/or legal action against contractors and AE firms, damages arising from professional negligence in contracts awarded by the USACE. The USACE will assist and provide the CBP documentation, factual investigations and assistance with claims and/or legal actions arising against AE firms where the design contract has been awarded by the CBP. The USACE will develop and provide the CBP lessons learned from USACE awarded contracts in order to enable both the USACE and the CBP to develop strategies and contracts to avoid the incurrence of professional design issues in future actions.
- h. The USACE must immediately notify CBP of any litigation actions that may impact construction activities, and must assist with coordination of CBP's Office of Chief Counsel to determine the legal ramifications of the litigation to CBP. The USACE remains primarily responsible for defending such actions awarded by the USACE.
- i. USACE shall enter the DHS Funding Agency and Funding Office Identification Codes in the Federal procurement Data System when reporting any contract that results from this IAA.
- j. USACE shall notify CBP of its intent to award or publicly announce the award of any contract for the performance of services under this IAA valued in excess of \$1,000,000.00 at least ten (10) calendar days in advance of the award or public announcement.

V. ESTIMATED COST BREAKOUT (INCLUDING APPLICABLE FEES):

Table 1 below depicts the current on-going and new projects receiving additional funding under this IAA.

	RWA #	Funded Value	RWA Balance*	RWA Value
--	--------------	---------------------	---------------------	------------------

10 - Change Management Reserve	N/A	(b)(4)	
20 - DRT DRS MCA Install canopy @ H277 N CP	20069865		
30 - Eagle Pass N BPS – Re-level Bldgs, replace floors	N/A		
40 - Uvalde BPS - Processing area noise control	N/A		
50- ELP STN MCA Install range baffle system	20069811		
DRT EGT MCA Study/Repair Flood Potential	20069868		
EPT OBP CON Install generator @ SOG	20058865		
60- BBT CON Add Three Modulars	N/A		
Total			\$2,679,470.00

Table 1: On-Going and New Projects Requiring Additional Funding

**Current balance as of 7/17/13*

Note: CLIN structure includes all expected projects and the approved structure but does not necessarily depict the order of which each project will appear in the financial documentation.

The Base Period amount includes all costs for all work included in the scope of this IAA plus the project management costs charged by USACE for the Base Period. Actual USACE costs are dependent on the work performed. This budgetary estimate is based on a summation of all the labor, contract and other direct costs assumed to be required to fund the portfolio of projects executed during the Base Period through contract closeout. Additional supporting documentation on the basis of the cost estimates is available in the Project Requirement Documents (PRD).

VI. DELIVERABLES:

The USACE must provide an electronic version of each report and schedules/milestones.

- Monthly expense burn rate report
- Monthly progress report

VII. PLACE OF PERFORMANCE

The place of performance for this requirement shall include but not be limited to the Southwestern U.S. international border, specifically within the State of Texas.

VIII. PERIOD OF PERFORMANCE

This Agreement is effective on August 29, 2013 through September 30, 2016.

IX. FUNDING

The initial value of the IAA base year is \$2,679,470.00. Any modifications resulting from a CBP approved change request will be funded from the change management reserve contract line item number (CLIN) 10. Use of the change management reserve funding CLIN 10 is only authorized after receipt of a CBP approved change request. Funding will be provided by CBP BPFTI PMO to the USACE. Funding for this agreement shall be established by individual Project Requirements Documents issued under the authority of this document. Additional funding may be added to respond to emergency repairs and support of additional new minor construction and alteration requirements as required.

CBP shall pay all actual costs incurred by USACE relative to the provision of goods or services under this IAA. USACE may bill CBP in advance and CBP shall provide the necessary funds in advance. Alternatively, USACE may bill CBP monthly for costs actually incurred, using Standard Form (SF) 1080, Voucher for Transfers between Appropriations and/or Funds, and CBP shall reimburse USACE within 30 days of receipt of an SF 1080.

If USACE forecasts its actual costs under this IAA to exceed the amount of funds available, it shall promptly notify CBP of the amount of additional funds necessary to complete the work and the reason for the exceeded amount. CBP shall either provide the additional funds to USACE or direct the reduction of the scope of work to that which can be paid for by the then available funds or direct termination of work.

Within 90 days of completing the work, USACE shall conduct an accounting to determine the actual costs of the work. Within 30 days of completion of this accounting, the USACE shall return to CBP any funds advanced in excess of the actual costs as then known, or CBP shall provide any additional funds necessary to cover the actual costs as then known. Such an accounting shall in no way limit CBP's duty to pay any costs, such as contract claims, or other liability, which may become known after final accounting.

This IAA and modifications to it may be incrementally funded to accomplish the various program elements:

Specific funding information is as follows:

Fund: 06129
Org Code: 10520
Budget Plan: 2525
Project Code: ZFOP

X. POINTS OF CONTACT

CBP:

(b)(6)

Division Director
Facilities Division
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Phone: (b)(6)
E-mail: [redacted]

CBP Acquisitions:

(b)(6)

USACE:

(b)(6)

Director, Engineering and Construction Support for Others
USACE, Ft Worth

Phone: (b)(6)
E-mail: [redacted]

(b)(6)

Chief, Facilities Branch
USACE, Ft Worth

Phone: (b)(6)
E-mail: [redacted]

(b)(6)

Chief, Planning, Program & Technical Branch
USACE, Ft Worth

Phone: (b)(6)
E-mail: [redacted]

(b)(6)

Chief, Program Control Section
USACE, Ft Worth

Phone: (b)(6)
E-mail: [redacted]

(b)(6)

Budget Analyst
USACE Ft Worth
Phone (b)(6)
E-mail (b)(6)

(b)(6)

Budget Analyst
USACE Ft Worth
Phone (b)(6)
E-mail (b)(6)

XI. PARTICIPATING AGENCY INFORMATION

Specific Agency information is as follows:

Full Agency Name: U.S. Army Corps of Engineers, Fort Worth District

Full Agency Address: 819 Taylor St, Rm 3A14, Fort Worth, TX 76102

Telephone Number: (b)(6)

Fax Number: 817-886-6440

Tax Identification Number (b)(6)

DUNS Number: 068112791

Agency Locator Code: 00008736

XII. OTHER CONSIDERATIONS

Constraints: Resource availability, USACE Customer priorities, site location, additional staff training and logistics may initially impact the USACE from fully supporting this new agreement. The customer will be kept informed of progress made to mitigate these obstacles.

XIII. ADDITIONAL INFORMATION

a. APPLICABLE LAWS. This IAA and all document and all actions pursuant to it shall be governed by the applicable statutes, regulations, directives, and procedures of the United States. Unless otherwise required by Law, all contract work undertaken by USACE will be governed by those policies and procedures to which USACE is subject.

b. CONTRACT CLAIMS AND DISPUTES. All claims and disputes by contractors arising under or relating to contracts awarded by the USACE pursuant to this IAA shall be resolved in accordance with Federal Law and the terms of the individual contract. USACE shall have dispute resolution authority for these claims in consultation with CBP. Any contracting officer's final decision may be appealed by the contractor pursuant to the Contract Disputes Act of 1978 (41 U.S.C 601-613). The Armed Services Board of Contract Appeals (ASBCA) is designated as the appropriate board of contract appeals. In lieu of appealing to the ASBCA or its

successor, the contractor may bring an action directly to the United States Court of Federal Claims.

c. DISPUTE RESOLUTION. The parties agree that, in the event of a dispute between the parties, CBP and USACE shall use their best efforts to resolve that dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the parties. The parties agree that, in the event such measures fail to resolve the dispute, they shall refer it for resolution to the Office of Management and Budget or such other entity as may be appropriate, such as Office of the Secretary of Defense.

d. RESPONSIBILITY FOR COSTS. If liability of any kind is imposed on the United States relating to USACE's provision of goods or services under this IAA, CBP shall remain responsible as the program proponent for providing such funds as necessary to discharge liability, and related costs for which they are responsible.

Notwithstanding the above, this IAA does not confer any liability upon CBP for claims payable by USACE under the Federal Torts Claims Act. Provided further that nothing in this IAA is intended or will be construed to create any rights or remedies for any third party and no third party is intended to be a beneficiary of this IAA.

e. PUBLIC INFORMATION. Justification and explanation of the IAA Programs before Congress and other agencies, departments, and offices of the Federal Executive Branch shall be the responsibility of CBP except to the extent specifically assigned to USACE in this IAA. USACE may provide, upon request, any assistance necessary to support CBP and justification or explanations of the CBP programs conducted under this IAA. In general, CBP is responsible for all public information. USACE may make public announcement and respond to all inquiries relating to the ordinary procurement and contract award and administration process. CBP or USACE shall make its best efforts to give the other party advance notice before making any public statement regarding work contemplated, undertaken, or completed pursuant to this IAA.

f. MISCELLANEOUS.

1. **Other Relationships or Obligation.** This IAA shall not affect any pre-existing or independent relationships or obligations between CBP and USACE.

2. **Survival.** The provisions of this IAA that require performance after the expiration or termination of this IAA shall remain in force notwithstanding the expiration or termination of this IAA.

3. **Severability.** If any provision of this IAA is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.

g. AMENDMENTS, MODIFICATIONS, AND TERMINATIONS. This IAA may be modified or amended only by written, mutual agreement of the parties. Either party may terminate this IAA by providing written notice to the other party. The termination shall be

effective 180 calendar day following notice, unless a later date is set forth. In the event of termination, CBP shall continue to be responsible for all costs incurred by USACE under this IAA and for the costs of closing out or transferring any ongoing contracts. Modification to the IAA option period cost estimates will require an amendment to the IAA.

h. EFFECTIVE DATE. This IAA is effective upon signature by CBP and USACE representatives.

ACCEPTANCE OF CUSTOMER ORDER

1. TO (Requiring Activity Address) (Include ZIP Code) BUREAU OF CUSTOMS AND BORDER PROTECTION REAL PROPERTY BRANCH 6650 TELECOX DRIVE, SUITE 100 INDIANAPOLIS IN 46278	2. CUSTOMER ORDER NO. HBBP1019X00127	3. AMEND NO. 00002	4. REV XAK
	5. DATE (Signature Date) 15-OCT-2014		6. AMOUNT (b)(4)

7. The CUSTOMER ORDER identified above is accepted and the items requested will be provided as follows:
(Check as Applicable):

a. ALL ITEMS WILL BE PROVIDED THROUGH REIMBURSEMENT (Category I)

<input type="checkbox"/> AUTOMATIC REIMBURSEMENT TFO	<input type="checkbox"/> FUNDED REIMBURSEMENT TFO	ACCEPTED AS
<input type="checkbox"/> AUTOMATIC REIMBURSEMENT NON-TFO	<input type="checkbox"/> FUNDED REIMBURSEMENT NON-TFO	ECONOMY ACT ORDER
<input type="checkbox"/> AUTOMATIC REIMBURSEMENT IPAC	<input checked="" type="checkbox"/> FUNDED REIMBURSEMENT IPAC	SENT ELECTRONICALLY? <input type="checkbox"/> N

b. ALL ITEMS WILL BE PROCURED BY THE DIRECT CITATION OF FUNDS (CATEGORY II)

<input type="checkbox"/> DIRECT FUND CITE TFO
<input type="checkbox"/> DIRECT FUND CITE NON-TFO

c. ITEMS WILL BE PROVIDED BY BOTH CATEGORY I AND CATEGORY II AS INDICATED BELOW

d. THIS ACCEPTANCE, FOR CATEGORY I ITEMS, IS QUALIFIED BECAUSE OF ANTICIPATED CONTINGENCIES AS TO FINAL PRICE. CHANGES IN THIS ACCEPTANCE FIGURE WILL BE FURNISHED PERIODICALLY UPON DETERMINATION OF DEFINITIZED PRICES, BUT PRIOR TO SUBMISSION OF BILLINGS.

8. CUSTOMER ORDER NUMBER(S) IDENTIFIED IN BLOCK 14, (REMARKS) IS NOT ACCEPTED (IS REJECTED) FOR THE REASONS INDICATED.

9. TO BE PROVIDED THROUGH REIMBURSEMENT CATEGORY I			10. TO BE PROCURED BY DIRECT CITATION OF FUNDS CATEGORY II		
ITEM NO. a.	QUANTITY b.	ESTIMATED PRICE c.	ITEM NO. a.	QUANTITY b.	ESTIMATED PRICE c.
40		(b)(4)			
g. TOTAL ESTIMATED PRICE		(b)(4)	g. TOTAL ESTIMATED PRICE		

11. ANTICIPATED DATE OF OBLIGATION FOR CATEGORY II ITEMS

12. GRAND TOTAL ESTIMATED PRICE OF ALL ITEMS (b)(4)

13. FUNDS DATA (Check if Applicable)

a. ADDITIONAL FUNDS IN THE AMOUNT ARE REQUIRED (See Justification in block 14)

b. FUNDS IN THE AMOUNT OF \$5,426.01 ARE NOT REQUIRED AND MAY BE WITHDRAWN

14. REMARKS This order is accepted under the provisions of 31 USC 1535 (Economy Act).

RA TECHNICAL POC: (b)(6) RA FINANCIAL POC: (b)(6)

PA TECHNICAL POC: PA FINANCIAL POC:

FINANCING APPROPRIATION: 096 NA X 2014 3122 000 0000 GWDINS CB 2455 96412 COS: 999

15. ACCEPTING ACTIVITY (Complete Address) BUDGET AND MANPOWER BRANCH US&F, FORT WORTH CEBWF-RM-B 819 TAYLOR ST, RM 3A33 FORT WORTH, TX 76102-0300	16. TYPED NAME AND TITLE OF AUTHORIZED OFFICIAL (b)(6) (b)(6) BUDGET ANALYST	
	17. ELECTRONICALLY SIGNED BY (b)(6)	18. DATE 15-OCT-2014

Date rec'd in ECSO: 19 Mar 15

Date to RM-B: 19 Mar 15

RWA #: HSBP1013X00127.3

Title: Facilities Minor Const/Repair, Big Bend Modular Purchase Project

Amt: (b)(4) _____

Environmental? Y _____ N X _____

PA/phone #: CS-1598 _____

Remarks: New Li-60 Big Bend Add 3 Modulars at SHQ (b)(4)

Total IAA \$2,679,470.00 _____

tech
20 Mar 15
CS

P2: 449649 _____

FWI: 227LC5 _____

Source Appropriation: 70 5/9 0532 expires 30 Sep 2019 _____

**DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION**

140
27 Sep 13

INTERAGENCY AGREEMENT

PART I

U.S. Customs and Border Protection	Agreement No.	HSBP1013X00140	Modification No.	
	Option No.		Task Order No.	
Statutory Authority		Requisition No.	Date Prepared	
		0020076098		
Name and Address of Customs Organization (Office or Division Responsible for Agreement) DHS - Customs & Border Protection Department of Homeland Security 1300 Pennsylvania Ave, NW Procurement Directorate - NP 1310 Washington DC 20229		Performance Location See Attached Delivery Schedule		
Participating Agency	Agreement No.		Modification No.	
	Option No.		Task Order No.	
Statutory Authority		Requisition No.	Date Prepared	
Name and Address of Participating Organization (Office or Division Responsible for Agreement) (b)(6)		Performance Location		

PART II

All acquisitions made under this Agreement shall comply with the Competition in Contracting Act, P.L. 98-369, and regulations pertaining thereto.

Scope of Work: This Interagency Agreement (IAA) between the U.S. Army Corps of Engineers (USACE) and the Department of Homeland Security, U.S. Customs and Border Protection (CBP), Office of Administration, Facilities Management and Engineering (PM&E) Border Patrol Facilities & Tactical Infrastructure (BPFTI) Program Management Office is for the purpose of obtaining the technical expertise of the USACE to assist CBP in obtaining construction life-cycle activities in support of tactical infrastructure (TI) projects and maintenance and repair activities, on time and within scope and budget. The technical expertise required across the planning, design, and construction phases of each TI construction project includes program management, project management, acquisition * See SOW, Page 8, Section VIII	Period of Performance: * From 09/17/2013 To 03/16/2014	
	Base Price of Funded IA:	\$3,800,048.95
	Amount of this Modification:	\$0.00
	Overhead:	\$0.00
	Total Price of IA:	\$3,800,048.95
Attachments:	<input checked="" type="checkbox"/> Terms and Conditions of Agreement <input checked="" type="checkbox"/> Statement of Work <input type="checkbox"/> Quantity and Unit Price <input checked="" type="checkbox"/> Determinations and Findings <input type="checkbox"/> Option Period Dates <input type="checkbox"/> Form 236A <input type="checkbox"/> Market Research Findings <input checked="" type="checkbox"/> Other _____	

PART III

Special Instruction: U.S. Customs and Border Protection Interagency Agreement Number and Project Code must be referenced on every invoice/voucher.

PARTICIPATING AGENCY FUNDING	Include in accounting strip: PROJECT CODE/NO. - APC - BFY - FUND - BUDPLN - ORG - PROG - OCC - TOTAL	
	GRAND TOTAL \$3,800,048.95	
U. S. CUSTOMS AND BORDER PROTECTION FUNDING	Include in accounting strip: PROJECT CODE/NO. - APC - BFY - FUND - BUDPLN - ORG - PROG - OCC - TOTAL	
	<p style="text-align:center;">Treasury Account Symbol(s) [TAS]</p> <p>Line 10 TAS 70X0533</p> <p>Line 20 TAS 70X0533</p> <p>Line 30 TAS 70X0553 70X0533</p> <p>Line 40 TAS 70X0553 70X0533</p> <p>Line 50 TAS 70X0553 70X0533</p> <p>Total</p>	<div style="border: 1px solid black; width: 150px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> (b)(4) </div> <p style="text-align:right; padding-top: 20px;">GRAND TOTAL \$3,800,048.95</p>

PART IV

Check Appropriate Boxes: <input type="checkbox"/> Transfer Appropriation <input type="checkbox"/> Billing for actual cost incurred <input type="checkbox"/> Other		
<input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annual <input type="checkbox"/> Annual <input type="checkbox"/> Advanced <input type="checkbox"/> Reimbursable Direct Fund Cts		
BILLING / PAYMENT	PARTICIPATING AGENCY	U.S. CUSTOMS AND BORDER PROTECTION
	Agency Locator Code:	Agency Locator Code: 70050800
	BPN No.:	BPN No.: DUNS# 879824324
	Address:	Address: DHS - Customs & Border Protection National Finance Center PO Box 68908 Indianapolis IN 46268
	Point of Contact:	(b)(6)
	Telephone No.:	
FAX No.:		
E-Mail Address:		

APPROVALS

PROGRAM OFFICE	PARTICIPATING AGENCY		U.S. CUSTOMS AND BORDER PROTECTION	
	(b)(6)		(b)(6)	
	Title: Director ECSD Division		Title: DIVISION DIRECTOR	
	Telephone No.: (b)(6)		Telephone No.: (b)(6)	
	FAX No.:		FAX No.:	
COTR	E-Mail Address: (b)(6)		E-Mail Address: (b)(6)	
	Signature: (b)(6)		Signature: (b)(6)	
	Date: 19 SEP 13		Date: 9/20/13	
	Name:		Name: ABEL ANDERSON	
	Title: COR		Title: DIVISION DIRECTOR	
PROGRAM BUDGET OFFICE(R)	Telephone No.:		Telephone No.: 202-344-2753	
	FAX No.:		FAX No.:	
	E-Mail Address:		E-Mail Address: (b)(6)	
	Signature:		Signature: (b)(6)	
	Date:		Date: 9/20/13	
BUDGET DIVISION (for 2X only)	Name: (b)(6)		Name: (b)(6)	
	Title: BUDGET OFFICER		Title: Financial management for agency chief (A)	
	Telephone No.:		Telephone No.: (b)(6)	
	FAX No.:		FAX No.:	
	E-Mail Address:		E-Mail Address: (b)(6)	
CON- TRACTING OFFICER	Signature: (b)(6)		Signature: (b)(6)	
	Date: 29 Sep 2013		Date:	
	Name:		Name: LEE SULLIVAN	
	Title:		Title: Contracting Officer	
	Telephone No.:		Telephone No.: 317-298-1119	
FAX No.:		FAX No.: 703-740-1919		
E-Mail Address:		E-Mail Address: (b)(6)		
Signature:		Signature: (b)(6)		
Date:		Date: 9/27/2013		

INSTRUCTIONS

Instructions are provided for only those items that need explanation and clarification. Enter N/A where an answer is not applicable.

PART I - ADMINISTRATION

- Agreement Number - Interagency Agreement (IA) number is assigned by U.S. Customs and Border Protection Procurement Division.
- Option Number - Include if the IA contains options and an option is being exercised or modified.
- Task Order Number - Include if referenced in the Statement of Work.
- Statutory Authority - Define under what authority the IA is authorized.
- Requisition Number - The Program Office assigns this number when appropriate.

PART II - AGREEMENT

- Scope of Work - Briefly summarize the statement of work. If the agreement is being modified, describe why the modification is being issued *(not the accounting strip)*
- Attachments - Check the appropriate boxes to indicate documents attached to CF236.

PART III - FUNDING

- (1) Include line item numbers, accounting strips, and price for each.
- (2) For modification show how the prices are changed for the line items and show the revised total.
- (3) Include in the price adjustments, for all prior modifications, (under the currently funded IA) to show logic of changes to the price of the IA.
- (4) Insert in the Grand Total block the total amount, or revised total of the funded IA.

PART IV - BILLING/PAYMENT

This part is self-explanatory.

PART V - APPROVALS

- U.S. Customs and Border Protection Provide complete information for all required Approving Officials.
- Participating Agency Include information requested only for those Approving Officials that are required by your organization.

**ITEMS AND PRICES, DELIVERY SCHEDULE AND ACCOUNTING DATA
FOR
INTERAGENCY AGREEMENT: HSBP1013X00140**

I.1 SCHEDULE OF SUPPLIES/SERVICES

ITEM #	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXT PRICE
10	USACE TI PROJECTS IAA 2	1.000	AU	(b)(4)	
20	PF225 Real Estate Additional Funding	1.000	AU		
30	PF225 Real Estate Additional Funding	1.000	AU		
40	PF225 Real Estate Additional Funding	1.000	AU		
50	PF225 Real Estate Additional Funding	1.000	AU		

Total Funded Value of Award:

\$3,800,048.95

I.2 ACCOUNTING and APPROPRIATION DATA

ITEM #	ACCOUNTING and APPROPRIATION DATA	AMOUNT
10	6100.2525USCSGLCS0928040500ZFOP11173SB021101AG00 SB5092525	(b)(4)
20	6999.3222USCSGLCS0928040500Z20U07173SB031101AG00 SB5023222	
30	6999.3222USCSGLCS0928040500Z20U08173SB031101AG00 SB5023222	
40	6999.3222USCSGLCS0928040500Z20U10173SB031101AG00 SB5023222	
50	6999.3222USCSGLCS0928040500Z20U09173SB031101AG00 SB5023222	

I.3 DELIVERY SCHEDULE

DELIVER TO:	ITEM #	QTY	DELIVERY DATE
Customs and Border Protection 1301 Constitution Av, NW Washington, DC 20004	10	1.000	03/16/2014
	20	1.000	03/18/2014
	30	1.000	03/16/2014
	40	1.000	03/16/2014
	50	1.000	03/16/2014

HSBP1013X00140

LIST OF ATTACHMENTS

Attachment (1) Statement of Work (12 pages)

Attachment (2) Office of Federal Procurement Policy (OFPP) Part A (19 pages)

Attachment (3) OFPP Part B (5 pages)

Attachment (4) Economy Act Determination and Findings (2 pages)

**INTERAGENCY AGREEMENT
STATEMENT OF WORK
BETWEEN
U.S. CUSTOMS AND BORDER PROTECTION AND
THE U.S. ARMY CORPS OF ENGINEERS**

I. AUTHORITY

The authority of the Department of Homeland Security, U.S. Customs and Border Protection and the U.S. Army Corps of Engineers to enter into this Interagency Agreement (IAA) is the Economy Act of 1932 (31 U.S.C. 1535), resulting in an assisted acquisition.

II. OBJECTIVE/PURPOSE

This Interagency Agreement (IAA) between the U.S. Army Corps of Engineers (USACE) and the Department of Homeland Security, U.S. Customs and Border Protection (CBP), Office of Administration, Facilities Management and Engineering (FM&E) Border Patrol Facilities & Tactical Infrastructure (BPFTI) Program Management Office is for the purpose of obtaining the technical expertise of the USACE to assist CBP in obtaining construction life-cycle activities in support of tactical infrastructure (TI) projects and maintenance and repair activities, on time and within scope and budget. The technical expertise required across the planning, design, and construction phases of each TI construction project includes program management, project management, acquisition, cost estimating, engineering and architectural design, real estate acquisition, environmental planning, construction, and construction management.

III. SCOPE

This Statement of Work describes the comprehensive scope of support services for CBP's construction life-cycle activity requirements for TI projects. The USACE will provide the technical expertise, materials, equipment, and program oversight to support the CBP FM&E BPFTI TI project requirements. TI consists of roads and bridges, fences and gates, drainage structures, lighting and electrical components not associated with a facility, and vegetation and debris removal.

During the Base Period and, if exercised, in each Option Period, USACE will use its best efforts to provide the following services either by contract or by in-house efforts:

- a. Provide **program and project management support and expertise** in support of TI construction project activities (using either in-house or contractor resources), including but not limited to:
 - 1) Support program management requirements in accordance with the processes and procedures set forth in the CBP/USACE Program Management Plan (PgMP) dated May 9, 2011.

- 2) Provide program and project management services in accordance with the CBP/USACE Memorandum of Agreement for Comprehensive Nationwide Project Management Services dated November 1, 2009.
 - 3) Development of PRDs, preparation of rough order of magnitude (ROM) cost estimates (using the project cost estimation spreadsheet) and preliminary schedules, risk identification and mitigation strategies, and project monitoring and control.
 - 4) Project scoping, studies, investigations, evaluations, consultations, conceptual design, value engineering, and operation, monitoring, and topographic, geotechnical, and environmental survey services.
 - 5) Track project progress and provide progress reporting and updated schedules (including construction schedules provided by contractors) through regular reporting, periodic reviews, and maintaining current data in the Facilities and Infrastructure Tracking Tool (FITT) database from project initiation to project closeout.
 - 6) Analyze project, cost and schedule risk, risk analyses, and develop mitigation strategies to minimize the impact to the project over the lifecycle of the project. Provide cost trends and analysis, and generate cost reports and life cycle cost estimates as applicable.
 - 7) Providing detailed reports of costs incurred.
 - 8) Providing Request for Proposals (RFP), and any modifications (as applicable) for tracking and reporting purposes.
 - 9) Participate in regular status updates (i.e., Weekly Calls and Program Management Reviews) as required.
- b. Provide **planning phase support**, including but not limited to:
- 1) Support for site selection, site reconnaissance, including conducting market surveys, and obtaining legal access for further onsite investigations, such as land surveys, geotechnical evaluations, and environmental investigations.
 - 2) Support for advanced planning, programming, studies, investigations, sustainability analysis and documentation, sustainable infrastructure assessments, life cycle cost analysis, simplified total energy program (STEP) analysis, resource conservation, surveys and assessments, and energy studies.
 - 3) Environmental and real estate compliance support, including:
 - a) Support environmental compliance requirements such as the preparation and review of biological and cultural survey reports, environmental assessments, environmental stewardship plans, biological resource plans, environmental stewardship summary reports, environmental impact statements, Findings of No Significant Impact, Records of Decision, mitigation plan(s), and other associated documentation requirements in compliance with the National Environmental Policy Act (NEPA) of 1969, DHS Directive 023-01, Environmental Planning Program and CBP policies and procedures for land acquisition. Additional activities include support of data identification, collection (including site visits

and interviews), development, and interpretation; sampling and analysis; and human health risk and environmental impact evaluations and reports.

- b) Support real estate compliance requirements in accordance with the procedures and services set forth in the CBP/USACE Support Agreement to Conduct Real Estate Services dated November 21, 2010.
- c. Provide technical, contractual, and project management experience to develop and execute **acquisition strategies**, including but not limited to:
 - 1) Design-Bid-Build (DBB), Design-Build (DB), or other recommended acquisition vehicles and/or approaches.
 - 2) During acquisition strategy discussions, identify available contracting vehicles in other USACE districts.
 - 3) As required, develop Requests for Proposals (RFP), Invitation to Bids, Independent Government Estimates (IGE), Acquisition Plans, Statements of Work (SOW)/Statements of Objectives (SOO)/Statements of Need (SON), and other necessary acquisition documentation in support of CBP TI construction requirements.
- d. Provide program management, real estate, environmental, and A/E support and expertise during the **design phase** that encompasses the preparation of designs including plans, drawings, design analyses, specifications and cost estimates required to execute a site-specific construction project (including studies and surveys). This support will also include landscaping, value engineering, as well as reviews of all of the above products and services. Other design phase support includes but is not limited to:
 - 1) Providing civil, mechanical, structural, electrical, and geotechnical services to support design requirements for TI based on the most current version of the BPFTI TI Design Standards.
 - 2) Supporting DBB requirements, including developing statements of work (SOW) for design services, acquiring A/E design services, developing designs, developing SOWs for construction services, acquiring construction services, and constructing the project.
 - 3) Supporting DB requirements, including developing SOWs for DB services, acquiring DB services, and designing and constructing the project.
 - 4) Ensuring all environmental and real estate requirements are satisfied before the construction phase begins. Identifying any environmental concerns and best management practices (BMPs) and additional real estate interests (not identified during the planning phase) that may be required to access construction, utilities, and other needs.
- e. Provide support during the **construction phase** of projects, including but not limited to:
 - 1) Monitoring contract execution by ensuring construction contract requirements are met, overseeing contractor progress, validating compliance with Davis-Bacon Act wage rates, reviewing and evaluating changes that originate from the contractor, reviewing progress payments, and performing quality assurance.

- 2) Purchasing materials (including water) and services in support of testing, surveys, and oversight for Military Deployment Construction projects
 - 3) Reviewing, evaluating, and incorporating change requests, and providing notification of any field modifications
 - 4) Providing resident engineering expertise and participating in weekly construction progress meetings
 - 5) Performing environmental monitoring and cultural surveying, addressing environmental issues, conducting environmental and real estate stakeholder outreach, and applying BPFTI construction BMPs as required throughout the entire construction phase.
 - 6) Coordinating and conducting final inspections and walkthroughs prior to acceptance to identify any deficiencies that must be corrected.
- f. Provide support during the **post-construction** phase of projects, including but not limited to:
- 1) Supporting project closeout activities to ensure that all obligations, expenditures, and USACE and contractor vouchers are finalized and executed, excess funds are deobligated, and financial records for the project are properly closed out.
 - 2) Assisting in resolving warranty issues should the contractor refuse to address these items.
 - 3) Submitting closeout and project documentation through FITT, to include as built drawings, warranties, O&M manuals, acceptance letter, final inspection notice, final punch list, etc. (as applicable)

IV. REQUIREMENTS/TASKS:

CBP:

- a. Provide the USACE with CBP primary and alternate point of contact to include the name, phone number, and email address for each TI construction project. The primary contact will work with the USACE throughout the planning, design, construction, and closeout phases of each project.
- b. Provide the USACE with a preliminary list of CBP FM&E TI projects that will require construction life-cycle support under this Agreement.
- c. CBP must identify and develop TI construction requirements and establishing project priorities for the USACE.
- d. Provide the USACE with a process and a list of CBP personnel or other designated Government Officials who will be authorized to submit a request for the USACE to provide services or otherwise obligate service order funds under this Agreement.
- e. Provide USACE with a copy of standards, requirements, and templates to be followed in support of TI construction activities (i.e. TI Standards, real estate requirements, environmental and NEPA compliance, PRD templates, and other requirements).

- f. Provide direction on specific deliverables required to satisfy requirements in this SOW and accompanying PRDs.
- g. CBP shall pay all costs associated with USACE's provision of services under this IAA in accordance with the provisions of the Economy Act and hereby certifies the availability of funds necessary to accomplish the work described in this IAA.
- h. CBP shall obtain for USACE and its contractors all necessary real estate interests where real estate services have not been assigned to USACE, access to all work site and support facilities.
- i. Within five (5) calendar days after receiving notice of USACE's intent to award or publicly announce the award of a contract for the performance of services under this IAA valued in excess of \$1,000,000.00, CBP shall notify the House and Senate Committees on Appropriations of the pending contract award or public announcement.

USACE:

- a. Provide a Program Manager from the USACE ECSO and necessary support personnel from other district and area offices to deliver lifecycle construction support and services for each project.
- b. Enter data and documents into FITT for each project in accordance with the Deliverables section of the SOW. FITT can be accessed at <https://www.borderfitt.com>.
- c. Utilize the Document Review and Checking System within ProjNet (Dr. Checks) to manage quality and maintain control over design and document reviews.
- d. The USACE Project Manager must keep the CBP Project Manager apprised of progress, scheduling conflicts, and other potential problems and issues effecting the execution of this Agreement.
- e. At project initiation, provide a cost estimate utilizing the Project Cost Estimation spreadsheet that outlines the expected level of effort and cost of all aspects of the project, including construction, construction oversight, design, environmental, real estate, and project management. Any deviation from the agreed upon cost estimate must be approved via the change request process.
- f. Provide necessary resources to execute the tasks specified in this Agreement.
- g. The USACE must provide procurement services and support (i.e., Contracting Officer, Contracting Officer Technical Representative) to oversee the award and management of contracts for CBP TI construction services.
- h. The USACE must investigate and pursue, where appropriate, claims and/or legal action against contractors and AE firms, damages arising from professional negligence in contracts awarded by the USACE.
- i. The USACE will develop and provide the CBP lessons learned from USACE awarded contracts.
- j. The USACE must immediately notify CBP of any litigation actions that may impact TI construction activities, and must assist with coordination of CBP's Office of Chief

Counsel to determine the legal ramifications of the litigation to CBP. The USACE remains primarily responsible for defending such actions awarded by the USACE.

- k. USACE shall enter the DHS Funding Agency and Funding Office Identification Codes in the Federal procurement Data System when reporting any contract that results from this IAA.
- l. USACE shall notify CBP of its intent to award or publicly announce the award of any contract for the performance of services under this IAA valued in excess of \$1,000,000.00 at least ten (10) calendar days in advance of the award or public announcement.

V. ESTIMATED COST BREAKOUT (INCLUDING APPLICABLE FEES):

Table 1 below depicts the current on-going and new projects receiving additional funding under this IAA.

CLIN/Project Title	Current Balance	RWA	Current Balance	Current Balance
10 - Change Mgmt Reserve	(b)(4)	N/A	(b)(4)	
20 - EPT Crossovers		20054451 ✓		
20 - EPT Crossovers		20050072 ✓		
30 - 19 Canyon		20035374 ✓		
40 - LRT Boat Ramp		20057171 ✓		
50 - PF225 Real Estate	(b)(4)			(b)(4)
Total				

Table 1: On-Going and New Projects Requiring Additional Funding

*Current balance is what is reflected in the CBP financial system SAP as of 7/26/13.

Note: CLIN structure includes all expected projects and the approved structure but does not necessarily the order of which each project will appear in the financial documentation.

In addition to the projects stated above, this Agreement also includes Reimbursable Work Authorizations (RWAs) where work is currently being performed under fully funded RWAs. Modifications to existing RWAs are prohibited with the exception of deobligation once projects are complete. The authority for any additional funding associated with the projects in this agreement lies with the CBP Contracting Officer. The referenced RWAs under this Agreement (depicted in Table 2) include:

CLIN/Project Title	RWA	Current Balance	Current Balance
A-1 West Access Road SDC 7101-2 All Weather Road	20059042 ✓	(b)(4)	
Nogales TCA 7701-2 D5 Access Roadway (Zone 20)	20060188 ✓		
RGV Gates	20056380 ✓		
Riverbend Roads Re-Vegetation	20056469 ✓		
Total			

Table 2: On-Going Projects Fully Funded

*Current balance is what is reflected in the CBP financial system SAP as of 7/26/13

Total CLINS + Fully Funded RWAs	\$71,228,245.01
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Base Year: The Base Period amount includes all costs for all work included in the scope of this IAA plus the project management costs charged by USACE for the Base Period. Actual USACE costs are dependent on the work performed. This budgetary estimate is based on a summation of all the labor, contract and other direct costs assumed to be required to fund the portfolio of projects executed during the Base Period through contract closeout. Additional supporting documentation on the basis of the cost estimates is available in the Project Requirement Documents (PRD).

The estimated cost for Option Period 1 is based on a change management reserve fee to cover any modifications that may be required in the out years, and the RGV Gates Phase 2 project costs. Option Periods 2 - 4 are based on a change management reserve fee to cover any modifications that may be required in the out years.

Option Years: The Option Years are presented below. The following tables show the estimated costs during the Option Years:

CLIN	Option Year 1 Cost
10 - Change Management Reserve	(b)(4)
20 - EPT Crossovers	
30 - 19 Canyon	
40 - LRT Boat Ramp	
50 - PF225 Real Estate	
60 - Baboquivari Road Construction	
70 - RGV Gates Phase 2	
Total	

CLIN	Option Year 2 Cost
10 - Change Management Reserve	\$5,183,594.39
Total	\$5,183,594.39

CLIN	Option Year 3 Cost
10 - Change Management Reserve	(b)(4)
Total	

CLIN	Option Year 4 Cost
10 - Change Management Reserve	(b)(4)
Total	

Option year estimated costs will be revalidated by USACE 60 days in advance of the current IAA period expiration. The revalidated costs will incorporate the latest BPFTI forecast of work to be completed within the option period. If necessary, an amended IAA with updated funding will be provided no later than fifteen days in advance of the IAA expiration.

VI. DELIVERABLES:

The USACE must provide an electronic version of each report and schedules/milestones.

- Detailed Reports shall be provided with invoices via IPAC system.
- Monthly data update in FITT
- Monthly Schedule transfer to BPFTI

VII. PLACE OF PERFORMANCE

The place of performance for this requirement shall include but not be limited to the Southwestern and Northern U.S. international borders, areas within the Continental United States (CONUS), and Puerto Rico.

VIII. PERIOD OF PERFORMANCE

This Agreement is effective on September 17, 2013 through March 16, 2014. There will be four option years, through 2018 or until earlier terminated by the parties. Option years are as follows:

- Option 1: March 17, 2014 through March 16, 2015
- Option 2: March 17, 2015 through March 16, 2016
- Option 3: March 17, 2016 through March 16, 2017
- Option 4: March 17, 2017 through March 16, 2018

Each option will be exercised, if necessary, no later than fifteen days in advance of the IAA expiration.

IX. FUNDING

The initial value of the IAA base period is \$67,428,195.06. Four option years will be funded for (b)(4) Any modifications resulting from a CBP approved change request will be funded from the change management reserve contract line item number (CLIN) 10. Use of the change management reserve funding CLIN 10 is only authorized after receipt of a CBP approved change request. Funding will be provided by CBP BPFTI PMO to the USACE. Funding for this agreement shall be established by individual PRDs issued under the authority of this document. Additional funding may be added to respond to emergency repairs, support additional new TI M&R requirements, and to fund unforeseen changes to the project requirements (via the change management reserve CLIN 10) as deemed necessary.

CBP shall pay all actual costs incurred by USACE relative to the provision of goods or services under this IAA. USACE may bill CBP in advance and CBP shall provide the necessary funds in advance. Alternatively, USACE may bill CBP monthly for costs actually incurred, using Standard Form (SF) 1080, Voucher for Transfers between Appropriations and/or Funds, and CBP shall reimburse USACE within 30 days of receipt of an SF 1080.

If USACE forecasts its actual costs under this IAA to exceed the amount of funds available, it shall promptly notify CBP of the amount of additional funds necessary to complete the work and the reason for the exceeded amount. CBP shall either provide the additional funds to USACE or direct the reduction of the scope of work to that which can be paid for the then available funds or direct termination of work.

Within 90 days of completing the work, USACE shall conduct an accounting to determine the actual costs of the work. Within 30 days of completion of this accounting, the USACE shall return to CBP any funds advanced in excess of the actual costs as then known, or CBP shall provide any additional funds necessary to cover the actual costs as then known. Such an accounting shall in no way limit CBP's duty to pay any costs, such as contract claims, or other liability, which may become known after final accounting.

This IAA and any modifications to it may be incrementally funded to accomplish the various program elements:

Specific funding information is as follows:

Fund: BSFIT



X. POINTS OF CONTACT

CBP:

(b)(6)

Division Director
TI Division
Border Patrol Facilities and Tactical Infrastructure
Program Management Office

Phone (b)(6)
E-mail

CBP Acquisitions:

Contracting Officer
US Customs and Border Protection/DHS
Phone:
Email:

[CS]

USACE:

(b)(6)

Director, Engineering and Construction Support for Others

USACE, Ft Worth

Phone: (b)(6)
E-mail: [Redacted]

(b)(6)

Chief, Facilities Branch

USACE, Ft Worth

Phone: (b)(6)
E-mail: [Redacted]

(b)(6)

Chief, Planning, Program & Technical Branch

USACE, Ft Worth

Phone: (b)(6)
E-mail: [Redacted]

(b)(6)

Chief, Program Control Section

USACE, Ft Worth

Phone: (b)(6)
E-mail: [Redacted]

(b)(6)

Budget Analyst

USACE, Ft Worth

Phone: (b)(6)
E-mail: [Redacted]

(b)(6)

Budget Analyst

USACE, Ft Worth

Phone: (b)(6)
E-mail: [Redacted]

USACE for FITT

(b)(6)

Phone: (b)(6)
E-mail: [Redacted]

XI. PARTICIPATING AGENCY INFORMATION

Specific Agency information is as follows:

Full Agency Name: U.S. Army Corps of Engineers, Fort Worth District

Full Agency Address: 819 Taylor St. Rm 3A14, Fort Worth, TX 76102

Telephone Number: (b)(6)

Fax Number: 817-886-6440

Tax Identification Number: (b)(6)

DUNS Number: 068112791

Agency Locator Code: 00008736

XII. OTHER CONSIDERATIONS

Constraints: Resource availability, USACE Customer priorities, site location, additional staff training and logistics may initially impact the USACE from fully supporting this new agreement. The customer will be kept informed of progress made to mitigate these obstacles.

XIII. ADDITIONAL INFORMATION

a. **APPLICABLE LAWS.** This IAA and all document and all actions pursuant to it shall be governed by the applicable statutes, regulations, directives, and procedures of the United States. Unless otherwise required by Law, all contract work undertaken by USACE will be governed by those policies and procedures to which USACE is subject.

b. **CONTRACT CLAIMS AND DISPUTES.** All claims and disputes by contractors arising under or relating to contracts awarded by the USACE pursuant to this IAA shall be resolved in accordance with Federal Law and the terms of the individual contract. USACE shall have dispute resolution authority for these claims in consultation with CBP. Any contracting officer's final decision may be appealed by the contractor pursuant to the Contract Disputes Act of 1978 (41 U.S.C 601-613). The Armed Services Board of Contract Appeals (ASBCA) is designated as the appropriate board of contract appeals. In lieu of appealing to the ASBCA or its successor, the contractor may bring an action directly to the United States Court of Federal Claims.

c. **DISPUTE RESOLUTION.** The parties agree that, in the event of a dispute between the parties, CBP and USACE shall use their best efforts to resolve that dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the parties. The parties agree that, in the event such measures fail to resolve the dispute, they shall refer it for resolution to the Office of Management and Budget or such other entity as may be appropriate, such as Office of the Secretary of Defense.

d. **RESPONSIBILITY FOR COSTS.** If liability of any kind is imposed on the United States relating to USACE's provision of goods or services under this IAA, CBP shall remain responsible as the program proponent for providing such funds as necessary to discharge liability, and related costs for which they are responsible.

Notwithstanding the above, this IAA does not confer any liability upon CBP for claims payable by USACE under the Federal Torts Claims Act. Provided further that nothing in this IAA is intended or will be construed to create any rights or remedies for any third party and no third party is intended to be a beneficiary of this IAA.

e. **PUBLIC INFORMATION.** Justification and explanation of the IAA Programs before Congress and other agencies, departments, and offices of the Federal Executive Branch shall be the responsibility of CBP except to the extent specifically assigned to USACE in this IAA. USACE may provide, upon request, any assistance necessary to support CBP and justification or explanations of the CBP programs conducted under this IAA. In general, CBP is responsible for all public information. USACE may make public announcement and respond to all inquiries relating to the ordinary procurement and contract award and administration process. CBP or USACE shall make its best efforts to give the other party advance notice before making any public statement regarding work contemplated, undertaken, or completed pursuant to this IAA.

f. **MISCELLANEOUS.**

1. **Other Relationships or Obligation.** This IAA shall not affect any pre-existing or independent relationships or obligations between CBP and USACE.

2. **Survival.** The provisions of this IAA that require performance after the expiration or termination of this IAA shall remain in force notwithstanding the expiration or termination of this IAA.

3. **Severability.** If any provision of this IAA is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.

g. **AMENDMENTS, MODIFICATIONS, AND TERMINATIONS.** This IAA may be modified or amended only by written, mutual agreement of the parties. Either party may terminate this IAA by providing written notice to the other party. The termination shall be effective 180 calendar day following notice, unless a later date is set forth. In the event of termination, CBP shall continue to be responsible for all costs incurred by USACE under this IAA and for the costs of closing out or transferring any ongoing contracts. Modification to the IAA option period cost estimates will require an amendment to the IAA.

h. **EFFECTIVE DATE.** This IAA is effective upon signature by CBP and USACE representatives.

Interagency Agreement
PART A – General Terms & Conditions

A.1. Purpose

This Part of the IA (hereinafter "Part A") describes the terms and conditions that govern the provision of acquisition assistance between U.S. Customs and Border Protection (CBP), hereinafter "the Requesting Agency" and the U.S. Army Corps of Engineers (USACE), hereinafter "the Servicing Agency."

No fiscal obligations are created through the execution of this Part A. A fiscal obligation arises when the Requesting Agency demonstrates a bona fide need, provides the necessary requirements and funding information to the Servicing Agency and both parties execute a funding document using Part B of this IA or an alternate funding document. In this instance, the CBP 236 also contains the required funding information.

A.2. Authority

The parties' authority to enter into this interagency agreement is (check applicable box):

- The Economy Act (31 U.S.C. 1535)
- Franchise Fund (e.g., 31 U.S.C. 501 note) or Revolving Fund (e.g., 40 U.S.C. 321)
Identify specific statutory authority _____
- Other (Identify specific statutory authority or authorities)

A.3 Part Identifier

HSBP1013X00140

A.4. Scope

a. Organizations authorized to request acquisition assistance

The following organizations in the Requesting Agency are authorized to obtain assistance from the Servicing Agency.

- (1) CBP Procurement Directorate (PD)
- (2) CBP Facility Management and Engineering Directorate (FM&E)

b. Organizations authorized to provide acquisition assistance

The organizations in the Servicing Agency authorized to provide assistance to the Requesting Agency are U.S. Army Corps of Engineers (USACE), Director of Construction Support for Others, Fort Worth, Texas.

c. Types of products or services that may be acquired

The following types of services or products may be acquired through interagency acquisition pursuant to this IA.

USACE will provide support for tactical infrastructure projects to support CBP, as described in the statement of work, page one (1), paragraph III, entitled Scope.

d. Limitations

None

A.5. Period of Agreement

From the date appropriate officials from CBP and USACE sign the IAA document through March 16, 2014.

A.6. Rules & Responsibilities of Servicing Agency & Requesting Agency

1. Determine needs and develop requirements document

a. Requesting Agency

- i. Determine requirement;
- ii. Conduct market research;
- iii. Develop an independent government cost estimate;
- iv. Determine that it's in the Government's best interest to pursue an assisted acquisition;
- v. Provide documentation to Servicing Agency such as a Statement of Work, and any specific requirements;
- vi. Initiate acquisition planning as soon as possible after a need is identified;
- vii. Identify the Contracting Officer's Representative;
- viii. Identify the Contracting Officer;
- ix. Determine when the need must be met, i.e. date of deliverables, or performance period;

b. Servicing Agency

- i. Assist the Requesting Agency in refining the requirements documents package, including the description of key project objectives, unique project requirements, and performance expectations;
- ii. As applicable, assist the Requesting Agency in acquisition planning

2. Prepare a funding document

See the CBP Form 236 and OFPP Part B.

a. Requesting Agency

- i. Work with the Servicing Agency to prepare funding document (OFPP Part B -- Requirements and Funding Information of the IA). Also, work with the Servicing Agency to provide:

- (1) Description of the specific products or services required and the acquisition activities to be performed by the Servicing Agency that is adequate to demonstrate a bona fide need and can be recorded as an obligation (31 U.S.C. 1501, 1502);

- (2) Information on performance or delivery requirements along with projected milestones. See OFPP Part B, Section B.7, page 2 of 5, attached to this IA.
- (3) Data required for the proper transfer and obligation of funds; and,
- (4) Information on any agency-unique acquisition restrictions or limitations applicable to the funding provided.

ii. For all funding documents (OFPP Part B) and CBP Form 236 executed under this IA, assign a financial point of contact who is a "certifying official" as that term is used in 31 U.S.C. § 3528. The funds certifying official shall: (a) timely execute all financial documents required for a valid funding request to show funding meets purpose, time and amount; and (b) ensure funds are certified and legally available for the specified acquisition.

b. Servicing Agency

- i. Work with the Requesting Agency to prepare a funding document (Part B of the IA).
- ii. Do not accept the funding document unless it: (1) identifies proper funds, including the type of funds to be used, shows the period of availability, and a funds citation; (2) identifies the funds certifying official and (3) adequately describes a bona fide need of the Requesting Agency.
- iii. Assist the Requesting Agency in complying with the bona fide needs rule by:
 - A. managing funds according to the Requesting Agency's guidance;
 - B. recording transactions in a timely fashion; and
 - C. implementing and exercising controls to ensure compliance with all applicable statutory and regulatory fiscal requirements.

3. Develop acquisition strategy

a. Requesting Agency

- i. Provide the Servicing Agency with information on project objectives, deliverables, and schedule milestones.
- ii. Work with the Servicing Agency to:
 - A. Build on initial acquisition planning and market research that was conducted to develop requirements documents (e.g., share any information gathered on product/service requirements, characteristics, acceptance criteria and any independent cost estimates) and establish a formal acquisition plan, where required; and

- B. Ensure sufficient time has been built into the acquisition schedule to maximize competition and encourage contractors to provide quality proposals.

b. Servicing Agency

- i. Conduct market research.
- ii. Depending on the size and complexity of the acquisition, establish a formal acquisition plan addressing technical, business, management and other significant considerations that will control the acquisition.
- iii. Select an appropriate contract type based on the nature of the requirement and the associated risk.
- iv. Advise the Requesting Agency of the risk associated with the acquisition strategy and contract type.
- v. Provide the Requesting Agency with the opportunity to concur on the contract type as well as with the acquisition plan, when required.

4. Prepare, or finalize, statement of work (SOW) and/or specifications

a. Requesting Agency

- i. Work with the Servicing Agency to ensure:
 - A. requirements are clearly defined so offerors may make informed business decisions on whether to respond and perform the due diligence necessary to propose the best solutions; and
 - B. suitable performance standards are established against which results may be effectively measured.
- ii. For contracts or orders with award fees, work with the Servicing Agency to develop appropriate award fee criteria and composition of the award fee board, if one is to be established.

b. Servicing Agency

- i. Prepare and/or finalize SOW/SOO/PWS/specs based on requirements documents (or initial SOW/SOO/PWS/specs) provided by the Requesting Agency, discussions with Requesting Agency stakeholders -- including program and project managers, contracting, fiscal, legal, and others participating in the acquisition process - market research, and other acquisition planning efforts.

- ii. Ensure requirements are clearly defined and suitable performance standards are established against which results may be effectively measured.
- iii. Provide the Requesting Agency with the opportunity to concur on SOW/SOO/PWS/specs before finalizing.
- iv. For contracts or orders with award fees, develop award fee criteria that are tied to identifiable acquisition outcomes, defined in terms of cost, schedule, and performance outcomes.

5. Develop quality assurance requirements

a. Requesting Agency

- i. Assist the Servicing Agency in developing the QASP, where required, including identification of the work requiring surveillance and the method of surveillance.
- ii. Provide trained personnel (e.g., contracting officer's technical representative) to perform monitoring where monitoring is required.

b. Servicing Agency

- i. Consult with Requesting Agency to identify work requiring surveillance and the method of surveillance.
- ii. Ensure the selected surveillance method, including costs and required resources, are appropriate for the risk associated with the acquisition.
- iii. Consult with the Requesting Agency on the strategy for developing quality assurance (QA) documents (e.g., government develops QA plan (OAP) as part of SOW or QASP as part of the PWS; offerors propose QASPs in response to SOO).
- iv. In preparing QA documents:
 - A. Consider drafts developed by the Requesting Agency.
 - B. If offerors are required to submit proposed QASPs, review the proposal to ensure the plan meets the government's surveillance needs.
 - C. Review proposed QASPs with the Requesting Agency.
- v. Provide the Requesting Agency with an opportunity to concur on the QASP or OAP before finalizing.

6. Identify official to assist contracting officer with contract administration

a. Requesting Agency

- i. Provide qualified, trained, available, and willing individuals to be designated or appointed by the Contracting Officer to serve as the Receiving Official or Contracting Officer's Representative (COR).
- ii. CORs must be qualified individuals with technical expertise and with appropriate acquisition training in accordance with OFPP Federal Acquisition Certification standards for CORs. All CORs must complete 40 hours of initial acquisition training prior to their appointment. This training must have occurred in the two years prior to their appointment. In addition, CORs must complete at least 40 hours of acquisition training every two years to maintain currency.

b. Servicing Agency

- i. For each requirement, determine the required level of contract administration. For simple acquisitions, designate a Receiving Official to accept delivery and verify invoice payment. For complex acquisitions, appoint a qualified and trained COR before contract performance begins.
- ii. If the selected contract-type involves a fee or incentive, appoint a fee determination official before contract performance begins.

7. Comply with competition requirements

a. Requesting Agency

- i. Ensure enough time is built into the acquisition strategy to foster competition (e.g., allow the Servicing Agency to develop reasonable response time considering the complexity, commerciality, availability, and urgency of the need).
- ii. Participate in the development of technical evaluation criteria.
- iii. If an exception to competition is required and justified (including exceptions to the fair opportunity process for multiple award contracts and exceptions recognized under FAR Subpart 8.4 for Multiple Award Schedule contracts), develop

supporting rationale through market research and due diligence and provide appropriate documentation to the Servicing Agency.

b. Servicing Agency

- i. Develop technical evaluation criteria in consultation with Requesting Agency.
- ii. Seek competition unless an exception is justified.
- iii. Require Requesting Agency to furnish supporting rationale and documentation to support an exception to competition.
- iv. Review sufficiency of justification and documentation before approving and proceeding with a non-competitive action.

8. Comply with customer-unique laws and policies

a. Requesting Agency

- i. Apprise the Servicing Agency of all terms, conditions, and requirements to be incorporated into the contract/order as necessary to comply with the statutes, regulations and directives that are unique to the Requesting Agency (e.g., funding restrictions).
- ii. Provide information and timely clearance on security requirements applicable to the IA.

b. Servicing Agency

- i. Ensure the Requesting Agency-unique laws or restrictions and data collection and reporting requirements that have been identified by the Requesting Agency are followed.
- ii. Work with the Requesting Agency to mutually agree to appropriate contract clauses addressing customer-unique laws and policies.

9. Ensure price reasonableness

a. Requesting Agency

- i. Provide input to Servicing Agency to assist in determination of whether proposed contract prices are fair and reasonable.

b. Servicing Agency

- i. Ensure appropriate price reasonableness and best value determination is conducted and documented at time of award. Consider the agreed-upon terms and conditions, promised quality, and delivery schedule. Request and consider any input from Requesting Agency, including its independent cost estimate, if one was prepared.

10. Conduct source evaluation and make award

a. Requesting Agency

- i. As needed, may, with collaboration with the Servicing Agency, provide necessary resources for technical evaluation of proposals or quotes and participation in activities that require technical expertise.
 - A. As needed, may attend oral presentation and technical evaluation discussions.
 - B. As needed, may conduct or assist with technical evaluations.
- ii. As needed, may review the evaluation plan and generally have representation on the source evaluation board.
- iii. Provide the correct funding -agency code needed for accurate reporting to the Federal Procurement Data System (FPDS).

b. Servicing Agency

- i. Appoint the source selection authority and the source evaluation board.
- ii. Ensure source evaluations are conducted fairly and proposals are evaluated based solely on the factors and subfactors in the solicitation.
- iii. Ensure award decisions are properly documented, including the rationale for any tradeoffs made or relied on by the source selection authority.
- iv. ~~Consult with the Requesting Agency prior to making a final decision.~~ *BC*
- v. Execute the award decision and debrief offerors as necessary.
- vi. Ensure the funding agency code provided by the Requesting Agency is entered into Federal Procurement Data System (FPDS).

11. Conduct inspection, acceptance, and surveillance

a. Requesting Agency

- i. Ensure deliverables are received and quality is acceptable. Inspect work for compliance with contract requirements, reporting any issues and or concerns to the Servicing Agency..
- ii. Conduct appropriate surveillance, which may include site visits, pre-planned inspections, random unscheduled inspections, review of contractor reporting requirements (e.g. progress reports, shop plans, and blueprints), and periodic meetings with Servicing Agency officials.
- iii. Perform duties in a timely manner. Advise the Servicing Agency's CO immediately of any circumstances that affect performance by the contractor, including failures to comply with technical requirements of the contract or to show a commitment to customer satisfaction, particularly if the contractor does not make corrections.

b. Servicing Agency

Ensure that personnel who have been appointed to perform contract administration are carrying out responsibilities related to inspection, acceptance, and surveillance and reporting back in a timely manner.

Ensure appropriate surveillance is conducted. The type and extent of surveillance should be commensurate with the criticality of the service or task and the resources available to accomplish the surveillance. Surveillance should ensure that the government receives the value for which it contracted.

Work with the Requesting Agency, as necessary, to identify respective roles for other applicable contract administration responsibilities identified in FAR 42.302.

Take appropriate and timely actions to address performance problems, typically, problems will be identified by the COTR.

12. Determine when contract modifications are required

a. Requesting Agency

- i. Work with the Servicing Agency to evaluate proposals for changes. If requested by the Servicing Agency's CO, participate in negotiation of changes, modifications, and claims.

- ii. Ensure agency is not authorizing work (making commitments or promises, issuing instructions to start or stop work, directing changes), changing any contractual documents, modifying the scope of work (including the period of performance), authorizing accrual of costs, or otherwise providing direction to the contractor, except as expressly authorized in an appointment by the Servicing Agency's CO.

b. Servicing Agency

- i. **Work with Requesting Agency to evaluate proposals for changes.**
- ii. **Ensure that any modifications to the requirements or price of the order or contract remain within the overall scope of the contract or order.**
- iii. **Work with Requesting Agency to develop funding document (i.e, Part B of IA), or addendum to existing funding document, to cover contract modification.**

13. Prepare contractor performance evaluations

a. Requesting Agency

- i. Track, measure, and report to the Servicing Agency CO on the performance of the contractor.

b. Servicing Agency

- i. Evaluate the contractor's performance, taking into consideration data provided by the COTR/COR and (b) the end users from the Requesting Agency.
- ii. Provide evaluations to the contractor as soon as practicable after completion of the evaluation. Review performance with the contractor in accordance with FAR 42.1502.
- iii. Document performance in the contract file. (The ultimate conclusion on the performance evaluation is a responsibility of the Servicing Agency.)
- iv. Input data into the Contractor Performance Assessment Reporting System (CPARS).

14. Review and approve invoices and make payment

a. Requesting Agency

i. Reserved.

b. Servicing Agency

Ensure the contract/order addresses the appropriate processes for invoice submittal and approval and identifies the payment office, which typically is the Servicing Agency.

Work with the appointed COTR, or *Receiving Official* responsible for invoice review, to facilitate accurate and timely review and payment to the contractor.

Approve or disapprove payment in accordance with the contract. Regardless of the funding source, the Servicing Agency CO retains the authority to stop payment when necessary.

Pay non-disputed invoice and bill the Requesting Agency for reimbursable services,

Return improper invoice within specified time periods (e.g., in accordance with the Prompt Payment Act where, applicable).

Do not authorize payment if the work being invoiced is disputed or the invoice is otherwise found to be improper.

15. Perform contract closeout

Requesting Agency

Support contract close-out functions, to include providing appropriate funding to satisfy settlement agreements and/or claims.

Take appropriate actions to retrieve unexpended balances.

b. Servicing Agency

Close out contract/order upon ensuring that all contract/order requirements and administrative actions have been completed.

Return unused balance of the funds to the Requesting Agency.

16. Track contract activity

a. Requesting Agency

- i. Ensure that correct data is provided in a timely manner to the Servicing Agency to facilitate accurate and complete data reporting.
- ii. Provide the correct funding agency code to the Servicing Agency needed for accurate reporting to FPDS.

b. Servicing Agency

- i. Ensure accurate contract data reporting into the applicable government-wide database - e.g., report use of competition for placement of task and delivery orders and contract awards in FPDS; report contractor performance assessments in CPARS, consistent with Requesting Agency's threshold for reporting; and ensure contractor is reporting required subcontracting data into the Electronic Subcontracting Reporting System (ESRS).

If this is an Assisted Acquisition, the Servicing Agency must do the following:

(a) All contracts or orders awarded must comply with the provisions of the Competition in Contracting Act (CICA), Public Law 98-369; and

(b) When awarding any new contract (does not include orders or modifications to contracts/orders) in excess of \$1,000,000 or change in contract scope in excess of \$1,000,000, which results from this Interagency Agreement:

(1) Delay any contract award(s) and any public announcement(s) of such pending award(s) as needed to ensure that the Requesting Agency complies with its requirement to notify the Committees on Appropriations in the House and Senate at least five (5) full business days in advance of such contract award(s) and public announcement(s); and

(2) Enter the Servicing Agency's Funding Agency and Funding Office Identification Codes in the Federal Procurement Data Systems (FPDS) when reporting any contract (or order) award(s). [Note: The Funding Agency ID is "7014" (CBP- Customs and Border Protection); the Funding Office Identification Codes are "CS001" (Procurement Directorate, DC) or "CS002" (Procurement Directorate, Indianapolis)]

Actions under (b) (1) must be coordinated with the Requesting Agency's Contacting Officer. Proof of actions under (b)(2) shall be provided to the

Requesting Agency's Contacting Officer.

- ii. Confer with Requesting Agency if funding agency code has not been provided.
- iii. In accordance with FAR Subpart 34.2, for contracts involving significant development work, provide earned value management report to project manager.
- iv. Ensure proper socio-economic credit is assigned to the requesting agency.

A.7. Billing & Payment

(a) Procedures

The Servicing Agency will pay contractor invoices for acquisitions under this IA on a reimbursable basis. The Servicing Agency will present an itemized statement to the Requesting Agency for reimbursement of incurred contract costs and assisted services support costs. The Requesting Agency will pay reimbursable billings to the Servicing Agency.

Reimbursable billings are delinquent when they are 30 or more calendar days old (from date of the billing). When billings remain delinquent over 30 calendar days and the Requesting Agency has not indicated a problem regarding services, the Servicing Agency may choose not to award any new contract/orders or modifications to existing contract/orders for the Requesting Agency (or the client within) and termination of existing services will be considered and negotiated with the Requesting Agency.

(b) Service charge

There is no service charge. The Servicing Agency will be reimbursed for all costs related to performing the work.

(c) Prompt payment interest

The Requesting Agency shall be responsible for interest owed under the Prompt Payment Act.

(d). The Servicing Agency is limited to recovery of only actual costs incurred. The Servicing Agency shall notify the Requesting Agency's COTR/Program Manager in writing when the costs incurred, together with costs of any outstanding

commitments, total 80 percent (%) of the obligated estimated cost ceiling of this Interagency Agreement.

The Servicing Agency shall make no other commitments or expenditures beyond 100% of the funds obligated and shall be excused from further performance of the work unless, and until, the Requesting Agency's Contracting Officer (CO), or other authorized official, increases the total obligation by modification to the Interagency Agreement.

~~The Requesting Agency shall not pay the Servicing Agency fees~~ *BE*

(e) Special Terms for One-year Funding

The total amount to be reimbursed shall not exceed the total amount obligated for the current fiscal year. If this Interagency Agreement is issued under the authority of the Economy Act (31 U.S.C. 1535 and 1536) and the Servicing Agency uses in-house resources to perform part or all of the agreement, work must stop on September 30th of the current fiscal year, and any unexpended funds must be deobligated. In-house work to continue to the next fiscal year must be funded effective October 1st with the new fiscal year's funds. If the Servicing Agency obligates the annualized funds by awarding a contract or an order prior to the expiration of the fiscal year, the funds will be protected and do not need to be deobligated after September 30.

(f) Special Terms for Greater Than One-year Funding

For longer than one-year (e.g., two-year, no-year) funding availability, the dates are extended appropriately.

(g) Billing Instructions and Support Documentation for Expenditures

Billing and reimbursement may be handled through the intra-governmental Payment and Collection (IPAC) system, or the Servicing Agency may submit invoices when the work is completed or as otherwise authorized by the Requesting Agency. The Interagency Agreement number (Payable IGT number), the Agency Locator Codes, appropriate accounting code(s), and associated dollar amounts must be referenced on all IPAC transaction or invoices.

If IPAC is used, the Servicing Agency shall provide documentation supporting all charges to the Requesting Agency's COTR or Program Manager. In the event that advance payment is requested and authorized, the Servicing agency shall furnish expenditure reports to the COTR or Program Manager on a quarterly basis.

If invoices are used, the invoices, along with supporting documentation, shall be submitted to the Requesting Agency's payment office as shown on the Interagency Agreement form, with a copy furnished to the COTR or Program Manager. Per the Economy Act and Federal Acquisition Regulation Subsection 17.505, bills or requests for advance payment will not be subject to audit or certification in advance of payment.

Both agencies agree to promptly discuss and resolve issues and questions regarding payments. The Servicing Agency will promptly initiate year-end and closeout adjustments once final costs are known.

(h) Travel

All travel under this Interagency Agreement shall be in accordance with the Federal Travel Regulation.

A.8. Small Business Credit

See paragraph 16, Track Contract Activity, page 13.

A.9. Contract Termination, Disputes and Protests

If a contract or order awarded pursuant to this IA is terminated or cancelled or a dispute or protest arises from specifications, solicitation, award, performance or termination of a contract, appropriate action will be taken in accordance with the terms of the contract and applicable laws and regulations. The Requesting Agency shall be responsible for all costs associated with termination, disputes, and protests, including settlement costs, ~~except that the Requesting Agency shall not be responsible to the Servicing Agency for costs associated with actions that stem from errors in performing the responsibilities assigned to the Servicing Agency.~~ ^{bt} The Servicing Agency shall consult with the Requesting Agency before agreeing to a settlement or payments to ensure that the Servicing Agency has adequate time in which to raise or address any fiscal or budgetary concerns arising from the proposed payment or settlement. Any contracting officer's final decision may be appealed by the contractor pursuant to the Contract Disputes Act of 1978 (41 U.S.C. 601-613). The Armed Services Board of Contract Appeals (ASBCA) is designated as the appropriate board of contract appeals. In lieu of appealing to

the ASBCA or its successor, the contractor may bring an action directly to the United States Court of Federal Claims.

A.9. A. Disputes between the Requesting Agency and Servicing Agency

This paragraph A.9.A is deleted in its entirety.

A.10. Review of Part A

The parties agree to review jointly the terms and conditions in Part A at least annually if the period of this agreement, as identified in Section 5, exceeds one year. Appropriate changes will be made by amendment to this agreement executed in accordance with Section 11. The parties further agree to review performance under this IA to determine if expectations are being met and document a summary of their assessment. The responsible reviewing official at each agency shall sign and date the assessment.

The performance assessment will consider, at a minimum, the quality of each party's overall execution of responsibilities assigned under this IA, including each party's responsiveness to requests made by the other party. Information to be evaluated will be obtained through a sampling of records and interviews.

A.11. Amendments / Modifications

- (a) Any reference to amendments or modifications, are used synonymously in this paragraph
- (b) Any material amendments to the terms and conditions in Part A shall be made in writing and signed by both the Servicing Agency and the Requesting Agency.
- (c) When appropriate, a unilateral administrative modification will be issued by the Requesting Agency, e.g., to add funds with no change to the Statement of Work, to change a COTR or Program Manager designation, etc. A written bilateral modification (i.e., agreed to and signed by authorized officials of both parties) will be issued to make changes to the work covered under the Statement of Work or renew the agreement for optional periods of performance such as successive fiscal years.

A.12. IA Termination

This IA may be terminated upon One Hundred Eighty (180) calendar days written notice by either party. If this agreement is cancelled, any implementing contract/order may also be cancelled. If the IA is terminated, the agencies shall specify the terms of the termination, including costs attributable to each party and the disposition of awarded and pending actions.

If the Servicing Agency incurs costs due to the Requesting Agency's failure to give the requisite notice of its intent to terminate the IA, the Requesting Agency shall pay any actual costs incurred by the Servicing Agency as a result of the delay in notification, provided such costs are directly attributable to the failure to give notice.

A.13. Interpretation of IA

If the servicing Agency and Requesting Agency are unable to agree about a material aspect of either Part A or Part B of the IA, the parties agree to engage in an effort to reach mutual agreement in the proper interpretation of this IA, including amendment of this IA, as necessary, by escalating the dispute within their respective organizations.

If a dispute related to funding remains unresolved for more than sixty (60) calendar days after the parties have engaged in an escalation of the dispute, the parties agree to refer the matter to their respective Agency Chief Financial Officers with a recommendation that the parties submit the dispute to the CFO Council Intragovernmental Dispute Resolution Committee for review in accordance with Section VII of Attachment 1 to the Treasury Financial Manual, Volume 1, Bulletin No. 2007-03, Intragovernmental Transactions, Subject: Intragovernmental Business Rules, or subsequent guidance.

A.14. Signatures

REQUESTING AGENCY OFFICIAL:

Signature: _____ Date: _____

Name: _____

Title: _____

Agency: _____

Address: _____

Phone: _____

E-mail & fax: _____

SERVICING AGENCY OFFICIAL:

Signature: _____ Date: _____

Name: _____

Title: _____

Agency: _____

Address: _____

Phone: _____

E-mail & fax: _____

See the CBP Form 236 for signatures of appropriate CBP and USACE officials.

Interagency Agreement

PART B --- Requirements & Funding Information

B.1. Purpose

This Part of the IA (hereinafter "Part B") serves as the funding document. It provides specific information on the requirements of The U.S. Customs and Border Protection (CBP), (Requesting Agency), sufficient to demonstrate a bona fide need and identifies funds associated with the requirement to allow the U.S. Army Corps of Engineers (USACE), the Servicing Agency, to provide acquisition assistance and conduct an Interagency acquisition.

B.2. Authority

The parties' authority to enter into this Interagency agreement is (check applicable box):

- The Economy Act (31 U.S.C. 1535)
- Franchise Fund (e.g., 31 USC. 501 note) or Revolving Fund (e.g., 40 U.S.C. 321)
Identify specific statutory authority _____
- Other (Identify specific statutory authority of authorities)

B.3. Part B Identifier

HSBP1013X00140

General Terms & Conditions

Activities undertaken pursuant to this document are subject to the general terms and conditions set forth in Part A, Document Number HSBP1013X00140, Part A is located at (check applicable box):

- [insert location]
- Attached.

B.5. Project Title

BPFTI Program Management Office/Office of Border Patrol Requirements-Driven Facilities Services

B.6. Description of Products or Services / Bona Fide Need

Funds in the amount of \$3,800,048.95, are hereby obligated under this IAA. Additional funding was previously provided under Reimbursable Work Authorizations (RWAs) as shown in the statement of work to this IAA. The \$3,800,048.95 is comprised of the line item numbers 10 through 50 shown in the schedule of Supplies/Services shown on page 5 of 6 of the IAA.

If the goods and/or services to be acquired are described in an attachment, check the box below and describe the attachment.

Description of goods or services are shown in the Statement of Work, Attachment (1) to the IAA.

B.7. Projected Milestones

USACE agrees to provide CBP with project milestones when they are available.

Event	Projected Data
IA Fully Executed	
Requirements Documents Finalized	
Solicitation Issued	
Award Date	
Delivery Date or Period of Performance	

B.8. Billing and Payment

The Servicing Agency will pay contractor Invoices from amounts identified in section 13 on a reimbursable basis. The Servicing Agency will present an itemized statement to the Requesting Agency for reimbursement of incurred contract costs and assisted services support costs. The Requesting Agency will pay reimbursable billings to the Servicing Agency from funds identified in the CBP Form 236. See Section 7 of OFPP Part A for additional terms and conditions addressing billing and payment.

B.9. Description of Acquisition Assistance

The Servicing Agency will provide the following services to the Requesting Agency.

The Servicing Agency will provide cradle-to-grave acquisition support services to the Requesting Agency. These services shall include preparing a solicitation, conducting a competition, including evaluation of offers and source selection, and invoice processing and payment. The Servicing Agency's specific roles and responsibilities of the Requesting Agency.

B.10. Fees

There are no service charges or fees applicable to this transaction. CBP does agree to reimburse USACE reasonable administrative costs for performing the work associated with this IAA. *h*

B.11. Obligation Information

Servicing Agency and Requesting Agency shall complete the table below.

Common Agreement Number	Requirement	Type of Requirement (Product / Severable Service / Non-severable service)
HSBP1013X00140	Tactical Infrastructure (TI) Projects	Non-Severable Services

B.12 Requesting Agency Funding Information

THIS INFORMATION IS SHOWN ON THE CBP FORM 236

Basic appropriation symbol (Treasury account symbol)	
Amount obligated (contract costs plus assisting agency's service fee)	
Fund citation (line of accounting)	
Appropriation expiration date	
Unique restrictions on funding (if any)	
Business event type code	
Agency location code (8-digit) for IPAC	
DUNS / BPN number (Business Partner Network or BPN #)	
Funding agency code	
Funding office code	

Requesting Agency Funds Certifying Official	
I certify that the funds cited above are properly chargeable for the purposes set forth in paragraphs B. 4 and B.11 of this IA	
Signature	Date
Printed Name	
Title Accountant / Budget Officer	
Office Office of Finance & Budget	

B.13. Servicing Agency Funding Information

The Servicing Agency shall complete the table below.

Basic appropriation symbol (Treasury account symbol)	
Fund citation (line of accounting)	
Business event type code	
Agency location code (8-digit) for IPAC	
DUNS / BPN number (Business Partner Network or BPN #)	

B.14. Description of Requesting-Agency Specific Restrictions

None

B.15. Small Business Credit

The Servicing Agency shall use the information in OFPP Part A, page 13, paragraph 16.

B.16. Amendments

Any amendments to the terms and conditions in Part B shall be made in writing and signed by both the Servicing Agency and the Requesting Agency.

B.17. Contact Information

See the Statement of Work and CBP Form 236 for contact information for CBP and USACE officials:

Servicing Agency Contracting POC	Requesting Agency Program Office POC

B.17. Signatures

By signing this document, the Requesting Agency confirms that a bona fide need exists and that funds are for the designated purpose, meet time limitations, and are legally available for the acquisition described in this document; that all unique funding and procurement requirements, including all statutory and regulatory requirements applicable to the funding being provided, have been disclosed to Servicing Agency; and all internal reviews and approvals required prior to transferring funds to the Servicing Agency have been completed. The Servicing Agency's acceptance of this document creates an obligation on the part of the Requesting Agency.*

See the CBP Form 236 for applicable signatures	

* Note: If the transaction is subject to the Economy Act, a warranted contracting officer or another official designated by the agency head, must approve a Determination and Finding.

DETERMINATION AND FINDINGS

Authority to Enter into an Interagency Acquisition under the Economy Act Between:

U.S. Customs and Border Protection and U.S. Army Corps of Engineers

Based on the following determination and findings, in accordance with the authority of the Economy Act (31 U.S.C. 1535), as implemented in subpart 17.5 of the Federal Acquisition Regulation (FAR), the Requesting Agency, Department of Homeland Security, U.S. Customs and Border Protection, intends to enter into an interagency acquisition (IA) with the Servicing Agency, U.S. Army Corps of Engineers (USACE).

FINDINGS

1. The Requesting Agency has a need for the Servicing Agency to provide comprehensive construction life-cycle activities in support of tactical infrastructure (TI) projects and maintenance and repair (M&R) activities, on time and within scope and budget. The technical expertise required across the planning, design, and construction phases of each TI construction project includes program management, project management, acquisition, cost estimating, engineering and architectural design, real estate acquisition, environmental planning, construction, and construction management. To meet this need, the Requesting Agency must convert multiple Reimbursable Work Authorizations (RWAs) (previously issued to the USACE) to a single IA. This strategy is necessary to limit CBP's exposure to invalid obligations, effectively address any issues related to improper payments linked to invalid obligations, produce an effective process for enhancing the overall administration of interagency acquisitions with the USACE, and provide an effective process of ensuring that applicable funding is issued to USACE on a timely basis. The total cost of the base period of the IA is estimated to be \$71,228,245.01. The period of performance is September 17, 2013 through March 16, 2014.

Option years are as follows:

Option 1: March 17, 2014 through March 16, 2015.

Option 2: March 17, 2015 through March 16, 2016.

Option 3: March 17, 2016 through March 16, 2017.

Option 4: March 17, 2017 through March 16, 2018.

2. The supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source because choosing another source would negate the technical knowledge and expertise possessed by the USACE, and the advantages to be gained by utilizing the USACE's ability to respond to TI construction life-cycle requirements on a national scale. As construction project management is one of the USACE's core capabilities, they have access to multiple vendors nationwide and have the in-house technical expertise, as well as the capability of awarding the appropriate contract based on similar requirements of this nature (i.e., MATOC, SATOC) that will enable an expedited preaward and award process. Using the USACE's expertise in this area is resource advantageous, because alternatively, CBP FM&E would be required to solicit, award and manage multiple contracts, which would necessitate an increase in cost and staff, and could potentially lead to delays in delivering the necessary tactical infrastructure to the Border Patrol.
3. Nothing in this requirement conflicts with the authority of the Servicing Agency.

DETERMINATION AND FINDINGS
Authority to Enter into an Interagency Acquisition under the Economy Act

The Servicing Agency has capabilities or expertise to enter into a contract for such supplies or services, which is not available within the Requesting Agency.

4. It is in the best interest of the Government to issue an IA since the supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source for the reason(s) stated in Block 2 above.
5. The requesting agency shall furnish a copy of the D&F to the Servicing Agency with the order.

DETERMINATION

Based on the above findings, I hereby determine that it is in the best interest of the Government to enter into an IA with the Servicing Agency.

Name of Contracting Office (b)(6)

Signature: (b)(6)

Date: 09/27/2013

Date rec'd in AERC: 27 Sep 13

Date to RM-B: 28 Sep 13

RWA #: HSBP1013X00140

Title: TI Projects + Maintenance + Repair

Amt: \$ 3,800,048.95

Environmental? Y N ✓

PA/phone #: CS-1598

Remarks: Line items per page 2 of 6

P2: 143875

FWI: 357150

Source Appropriation: 70 X 0633 No year

tech
28 Sep 13

**DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
INTERAGENCY AGREEMENT
(IAA)**

1. Agreement No. HSBP1015X00122		2. Modification No. P00002		3. Order No.		4. Requisition No. 0020084880	
5. Period of Performance From 09/26/2015 To 09/25/2017				6. Statutory Authority ECONOMY ACT OF 1932, (31 U.S.C. 1535)		7. Date IAA Prepared 09/07/2016	
8. Requesting Agency Agency Name: DHS - Customs & Border Protection Office/Division: Customs and Border Protection POC: (b)(6) Address: (b)(6) POC Phone No.: (b)(6)				9. Servicing Agency Agency Name: (b)(6) Office/Division: (b)(6) POC: (b)(6) Address: (b)(6) POC Phone No.: (b)(6)			
10. Scope of Work The purpose of this IAA modification is to: 1) Add Line Item 70, additional funding in the amount of (b)(4) for TACCOM maintenance and repair Option Year 1 (OY1). 2) Add Line Item 80, additional funding in the amount of (b)(4) adding installation of pre-fabricated, relocatable helipads to the SOW. 3) Add Line Item 90, additional funding in the amount of (b)(4) for IIT M&R SON Station & Communication Tower Improvements. 4) Revise the Billing Frequency (Block 17) of this agreement to reflect the authorization of Advanced Payment, required under the Franchise Fund. 5) Change the CBP COR from (b)(6) This modification hereby increases the total funded amount by (b)(4) from (b)(4) to \$14,899,128.49. FAA funds subject to Public Law 104-205. All other terms and conditions remain unchanged and in full effect.							
11. Delivery/Shipping Schedule See Attached Delivery Schedule							
12. IAA Amount				13. Billing and Payment			
Base Price of IAA		(b)(4)		Requesting Agency		Servicing Agency	
Modification Amount				Locator Code: 70050800		Locator Code: 69001104	
Assisted Acquisition Servicing Fee		\$0.00		DUNS #: DUNS# 879824324		DUNS #: 809772007	
Total IAA Price		\$14,899,128.49		Address: DHS - Customs & Border Protection Commercial Accounts Sect. 6650 Telecom Drive, Suite 100 Indianapolis IN 46278		Address: Federal Aviation Administration Logistics Center 6500 S. MacArthur Blvd. Oklahoma City OK73169	
				POC: (b)(6)		POC: (b)(6)	
				POC Phone #: (b)(6)		POC Phone #: (b)(6)	
				POC Fax #: (b)(6)		POC Fax #: (b)(6)	
				POC Email: (b)(6)		POC Email: (b)(6)	
14. Requesting Agency TAS No.				15. Servicing Agency TAS No.			
10	07020152017_0533000			10	00000000_4562		
20	07020152017_0533000			20	00000000_4562		
30	07020142016_0533000			30	00000000_4562		
40	07020142016_0533000			40	00000000_4562		

14. Requesting Agency TAS No. (Continued)		15. Servicing Agency TAS No. (Continued)	
50	_____07020152017_0533000_____	50	_____00000000_4562_____
60	_____07020152017_0533000_____	60	_____00000000_4562_____
70	_____07020162017_0533000_____	70	_____00000000_4562_____
80	_____070_____X0533000_____	80	_____00000000_4562_____
90	_____07020152017_0533000_____	90	_____00000000_4562_____

<p>16. Invoice/Payment Method</p> <p><input type="checkbox"/> Requesting Agency Initiate IPAC</p> <p><input checked="" type="checkbox"/> Servicing Agency Initiate IPAC</p> <p><input type="checkbox"/> Credit Card</p> <p><input type="checkbox"/> Other (explain below)</p> <p>_____</p>	<p>17. Billing Frequency</p> <p><input type="checkbox"/> Monthly</p> <p><input type="checkbox"/> Quarterly</p> <p><input type="checkbox"/> Semi-annually</p> <p><input type="checkbox"/> Annual</p> <p><input checked="" type="checkbox"/> Advanced Payment (explain below)</p> <p style="margin-left: 20px;">Required under the Franchise Fund</p> <p>_____</p> <p><input type="checkbox"/> Other (explain below)</p> <p>_____</p>
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18. Requesting Agency Accounting and Appropriation Data

10	6100.2525USCSGLCS0928040500ZFOP154B2SB021101A100 SB5062525 TAS# 07020152017 0533
20	6100.2525USCSGLCS0928040500Z00015463SB021502A600 SB7992525 TAS# 07020152017 0533
30	6100.2525USCSGLCS0928040500ZFOP14463SB021101AX00 SB07B2525 TAS# 07020142016 0533
40	6100.2525USCSGLCS0928040500ZFOP154B3SB021101A100 SB5062525 TAS# 07020142016 0533
50	6100.2525USCSGLCS0928040500ZFOP15463SB021101AX00 SB07B2525 TAS# 07020152017 0533
60	6100.2525USCSGLCS0928040500ZFOP15463SB021101AX00 SB07B2525 TAS# 07020152017 0533
70	6100.2525USCSGLCS0928040500Z00016457SB021502A600 SB7992525 TAS# 07020162017 0533
80	6999.3222USCSGLCS0928040500Z00011173SB021502A600 SB7993222 TAS# 070 X0533000
90	6100.2525USCSGLCS0928040500ZFOP15463SB021101A100 SB06B2525 TAS# 070 X0533000

19. Approvals			
Program Officials	Requesting Agency		Servicing Agency
Name	(b)(6)		(b)(6)
Title	DIRECTOR, BPFTI		AML-20 MANAGER
Telephone No.	(b)(6)		(b)(6)
Fax No.			
Email	(b)(6)		(b)(6)
Signature			Date: 9/15/16
Funding Officials			
Name	(b)(6)		(b)(6)
Title	BRANCH CHIEF, FINANCIAL MANAGEMENT		PGM DIR OF BUDGET & MGT AMB-1
Telephone No.	(b)(6)		(b)(6)
Fax No.			
Email	(b)(6)		
Signature			Date: 9/16/16
Contracting Officials			
Name	(b)(6)		(b)(6)
Title	CONTRACTING OFFICER		DIVISION MANAGER AMI-2000
Telephone No.	(b)(6)		(b)(6)
Fax No.			
Email			
Signature			Date: 9-16-16

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION

INTERAGENCY AGREEMENT
(IAA)

INSTRUCTIONS

Block 1: Insert IAA number (automatic system populated).

Block 2: Insert modification number of the IAA (automatic system populated).

Block 3: Insert IAA order number (automatic system populated).

Block 4: Insert IAA requisition number (automatic system populated).

Block 5: Insert period of performance for the IAA.

Block 6: Insert statutory authority for the IAA.

Block 7: Insert date the IAA was prepared (automatic system populated).

Block 8: Insert requesting agency information.

Block 9: Insert servicing agency information.

Block 10: Insert a brief description of the IAA requirements (scope of work) and list the applicable attachments in this block. At a minimum, the attachments should include the IAA terms and conditions, statement of work, and analysis of alternative, if applicable.

Block 11: Insert the delivery and/or shipping schedule for the IAA or indicate where the delivery/shipping schedule may be found.

Block 12: Insert the base price of the IAA, modification amount, assisted acquisition servicing fee, and total IAA price-- automatic system populated.

Block 13: Insert the billing and payment information for the requesting and servicing agency (requesting agency information automatic system populated).

Block 14: Insert the requesting agency TAS number for each line item (automatic system populated).

Block 15: Insert the servicing agency TAS number for each line item (automatic system populated).

Block 16: Check the invoice/payment method for the IAA and explain if "other" is selected.

Block 17: Check the billing frequency for the IAA and explain if "advanced payment" or "other" is selected.

Block 18: Insert the requesting agency accounting and appropriation data per line item (automatic system populated).

Block 19: Insert IAA approval information for the requesting and servicing agency pertaining to program officials, funding officials, and contracting officers. Include the date for each signature.

**ATTACHMENT INFORMATION
FOR
AWARD/ORDER/IA MODIFICATION: HSBP1015X00122P00002**

I.1 SCHEDULE OF SUPPLIES/SERVICES

ITEM #	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXT. PRICE	SOA #
10	RVSS Maintenance and Repair	1.000	AU	(b)(4)		SO29534
20	TACCOM M&R Funding	1.000	AU			SO29533
30	Tower M&R NCO, DGL, and YUS	1.000	AU			SO29534
40	RVSS Maintenance and Repair	1.000	AU			SO29534
50	NCO - Main NwTwrs	1.000	AU			SO29534
60	DGL - Main NwTwr	1.000	AU			SO29534
70	TACCDM Civil Maintenance	1.000	AU			SO29533
80	FRP FAA TC HLT HLT Install Helicopter Pa	1.000	AU			SO29540
90	IFT M&R SON Station & Comm Twr Improvmt	1.000	AU			SO29539

Total Funded Value of Award:

\$14,899,128.49

I.2 ACCOUNTING and APPROPRIATION DATA

ITEM #	ACCOUNTING and APPROPRIATION DATA	AMOUNT
10	6100.2525USCSGLCS0928040500ZFOP154B2SB021101A100 SB5062525 TAS# 07020152017 0533000	(b)(4)
20	6100.2525USCSGLCS0928040500Z00015463SB021502A600 SB7992525 TAS# 07020152017 0533000	
30	6100.2525USCSGLCS0928040500ZFOP14463SB021101AX00 SB07B2525 TAS# 07020142016 0533000	
40	6100.2525USCSGLCS0928040500ZFOP154B3SB021101A100 SB5062525 TAS# 07020142016 0533000	
50	6100.2525USCSGLCS0928040500ZFOP15463SB021101AX00 SB07B2525 TAS# 07020152017 0533000	
60	6100.2525USCSGLCS0928040500ZFOP15463SB021101AX00 SB07B2525 TAS# 07020152017 0533000	
70	6100.2525USCSGLCS0928040500Z00016457SB021502A600 SB7992525 TAS# 07020162017 0533000	
80	6999.3222USCSGLCS0928040500Z00011173SB021502A600 SB7993222 TAS# 070 X0533000	
90	6100.2525USCSGLCS0928040500ZFOP15463SB021101A100 SB06B2525 TAS# 070 X0533000	

I.3 DELIVERY SCHEDULE

DELIVER TO:	ITEM #	QTY	DELIVERY DATE
DHS - Customs and Border Protection (b)(6) 1901 S. Bell Street Arlington, VA 20598	10	1.000	09/25/2016
	20	1.000	09/25/2016
	30	1.000	09/25/2016
	40	1.000	09/25/2016
	50	1.000	09/25/2017
	60	1.000	09/25/2017
	70	1.000	09/25/2016
	80	1.000	09/25/2016
	90	1.000	09/25/2017

**DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
INTERAGENCY AGREEMENT
(IAA)**

1. Agreement No. HSBP1015X00163		2. Modification No. P00001		3. Order No.		4. Requisition No. 0020087788	
5. Period of Performance From 09/25/2016 To 09/24/2017			6. Statutory Authority ECONOMY ACT OF 1932, (31 U.S.C. 1535)			7. Date IAA Prepared 09/13/2016	
8. Requesting Agency Agency Name: (b)(6) Office/Division: POC: Address: POC Phone No:				9. Servicing Agency Agency Name: (b)(6) Office/Division: POC: Address: POC Phone No:			
10. Scope of Work The purpose of this IAA modification is to: 1) Execute Option Year 1, to extend the period from 9/24/2016 through 9/24/2017. 2) Add additional funding in the amount of (b)(4) for the BLM and Starr Ranch Tower Access Road project. 3) Add additional funding in the amount of (b)(4) for the Imperial Beach Station Tower project. 4) Add additional funding in the amount of (b)(4) for the communication Shelter at Red Mountain Project Sonoma. 5) Add additional funding in the amount of (b)(4) for the management funds C2 Red Mountain/Sonoma. This modification hereby increases the total funded amount by (b)(4). FAA funds subject to Public Law 104-205. All other terms and conditions remain unchanged and in full effect.							
11. Delivery/Shipping Schedule See Attached Delivery Schedule							
12. IAA Amount				13. Billing and Payment			
Base Price of IAA		(b)(4)		Requesting Agency		Servicing Agency	
Modification Amount		Locator Code: 70050800 DUNS #: DUNS# 879824324 Address: DHS - Customs & Border Protection Commercial Accounts Sect. (b)(6) POC: POC Phone #: POC Fax #: POC Email:		Locator Code: 69001104 DUNS #: 809772007 Address: (b)(6) POC: POC Phone #: POC Fax #: POC Email:			
Assisted Acquisition Servicing Fee	\$0.00						
Total IAA Price	\$6,727,635.00						
14. Requesting Agency TAS No.				15. Servicing Agency TAS No.			
10	070	X0533000		10	00000000	4562	
20	070	X0533000		20	00000000	4562	
30	070	X0533000		30	00000000	4562	
40	07020142018	0532000		40	00000000	4562	

14. Requesting Agency TAS No. (Continued)	15. Servicing Agency TAS No. (Continued)
50 _____07020142016_0533000_____	50 _____00000000_4562_____
60 _____07020142016_0533000_____	60 _____00000000_4562_____

16. Invoice/Payment Method

- Requesting Agency Initiate IPAC
- Servicing Agency Initiate IPAC
- Credit Card
- Other (explain below)

17. Billing Frequency

- Monthly
 - Quarterly
 - Semi-annually
 - Annual
 - Advanced Payment (explain below)
- Required under the franchise fund
- _____
- Other (explain below)

18. Requesting Agency Accounting and Appropriation Data

10	6100.2525USCSGLCS0928040500ZFOP11173SB031101AX00 SB07B2525 TAS# 070 X0533000
20	6999.3222USCSGLCS0928040500ZFOP09173SB031101AX00 SB07B3222 TAS# 070 X0533000
30	6999.3222USCSGLCS0928040500ZFOP11173SB031101AX00 SB07B3222 TAS# 070 X0533000
40	6999.3221USCSGLCS0928040500ZFRP14461FM011602ALFQ 105203221 TAS# 07020142018 0532
50	6100.2525USCSGLCS0928040500ZFOP14463SB031101A100 SB06B2525 TAS# 07020142016 0533
60	6100.2525USCSGLCS0928040500ZFOP14463SB031101A100 SB06B2525 TAS# 07020142016 0533

19. Approvals			
Program Officials	Requesting Agency		Servicing Agency
Name	(b)(6)		(b)(6)
Title	DIRECTOR, BPFTI WESTERN DIVISION		AML-20 MANAGER
Telephone No.	(b)(6)		(b)(6)
Fax No.			
Email	(b)(6)		
Signature			Date: 9/19/16
Funding Officials			
Name	(b)(6)		(b)(6)
Title	BRANCH CHIEF, FINANCIAL MANAGEMENT		PGM DIR OF BUDGET & MGT AMB-1
Telephone No.	(b)(6)		(b)(6)
Fax No.			
Email			
Signature			Date: 9/19/2016
Contracting Officials			
Name	(b)(6)		
Title	CONTRACTING OFFICER		DIVISION MANAGER AMI-2000
Telephone No.	(b)(6)		
Fax No.			
Email			
Signature	(b)(6)		Date: 9/20/16

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION

INTERAGENCY AGREEMENT
(IAA)

INSTRUCTIONS

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**ATTACHMENT INFORMATION
FOR
AWARD/ORDER/IA MODIFICATION: HSBP1015X00163P00001**

I.1 SCHEDULE OF SUPPLIES/SERVICES

ITEM #	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXT PRICE	SOA#
10	NCO/DGL LegTwrUpg Ph2	1.000	AU	(b)(4)		50-29536
20	NCO 14-BLM & Str Ranch-FY09 funds	1.000	AU			50-29543
30	NCO14-BLM & Star Ranch - FY15 funds	1.000	AU			50-29543
40	FAA (IAA) SDC IMB StationTower	1.000	AU			50-29541
50	IFT Son C2 CEN Shelter Relocation	1.000	AU			50-29542
60	CMR IFT Son C2 CEN Shelter Relocation	1.000	AU			50-29542

Total Funded Value of Award: \$6,727,635.00

I.2 ACCOUNTING and APPROPRIATION DATA

ITEM #	ACCOUNTING and APPROPRIATION DATA	AMOUNT
10	6100.2525USCSGLCS0928040500ZFOP11173SB031101AX00 SB07B2525 TAS# 070 X0533000	(b)(4)
20	6999.3222USCSGLCS0928040500ZFOP09173SB031101AX00 SB07B3222 TAS# 070 X0533000	
30	6999.3222USCSGLCS0928040500ZFOP11173SB031101AX00 SB07B3222 TAS# 070 X0533000	
40	6999.3221USCSGLCS0928040500ZFRP14461FM011602ALFQ 105203221 TAS# 07020142018 0532000	
50	6100.2525USCSGLCS0928040500ZFOP14463SB031101AI00 SB06B2525 TAS# 07020142016 0533000	
60	6100.2525USCSGLCS0928040500ZFOP14463SB031101AI00 SB06B2525 TAS# 07020142016 0533000	

I.3 DELIVERY SCHEDULE

DELIVER TO:	ITEM #	QTY	DELIVERY DATE
DHS - Customs and Border Protection	10	1.000	09/24/2016
(b)(6)	20	1.000	09/24/2017
	30	1.000	09/24/2017
	40	1.000	09/24/2017
	50	1.000	09/24/2017
	60	1.000	09/24/2017

**ATTACHMENT INFORMATION
FOR
AWARD/ORDER/IA MODIFICATION: HSBP1015X00163P00001**

I.1 SCHEDULE OF SUPPLIES/SERVICES

ITEM #	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXT. PRICE	SOA#
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20	NCO 14-BLM & Str Ranch-FY09 funds	1.000	AU			SO 29543
30	NCO14-BLM & Star Ranch - FY15 funds	1.000	AU			SO 29543
40	FAA (IAA) SDC IMB StationTower	1.000	AU			SO 29541
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60	CMR IFT Son C2 CEN Shelter Relocation	1.000	AU			SO 29542

Total Funded Value of Award:

\$6,727,635.00

I.2 ACCOUNTING and APPROPRIATION DATA

ITEM #	ACCOUNTING and APPROPRIATION DATA	AMOUNT
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20	6999.3222USCSGLCS0928040500ZFOP09173SB031101AX00 SB07B3222 TAS# 070 X0533000	
30	6999.3222USCSGLCS0928040500ZFOP11173SB031101AX00 SB07B3222 TAS# 070 X0533000	
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50	6100.2525USCSGLCS0928040500ZFOP14463SB031101AI00 SB06B2525 TAS# 07020142016 0533000	
60	6100.2525USCSGLCS0928040500ZFOP14463SB031101AI00 SB08B2525 TAS# 07020142016 0533000	

I.3 DELIVERY SCHEDULE

DELIVER TO:	ITEM #	QTY	DELIVERY DATE
DHS - Customs and Border Protection	10	1.000	09/24/2016
(b)(6)	20	1.000	09/24/2017
	30	1.000	09/24/2017
	40	1.000	09/24/2017
	50	1.000	09/24/2017
	80	1.000	09/24/2017

FOR OFFICIAL USE ONLY

Presidential Transition Office Tasking 171

- Copies of interagency agreements and supporting documents to engage the Army Corps of Engineers in border security work, including but not limited to, fence construction and management.

CBP is submitting documentation to address the request above. We are submitting the following Inter-agency Agreements (IAAs):

1. HSBP1012X00125 P0003
2. HSBP1015X00163 Mod P00001 Executed
3. HSBP1015X00122 Mod P0002 Executed
4. HSBP1013X00140 TI CON 1 FINAL SIGNED 093013
5. HSBP1015X00127 P0002 sig 032015
6. RWA20028710

These are for Pedestrian Fence (PF) 225, PF70, and Vehicle Fence 300 and is not an exhaustive list. If you require additional support documentation, please advise and CBP can provide additional documentation.

FOR OFFICIAL USE ONLY

Warning! This document, along with any attachments, contains NON-PUBLIC INFORMATION exempt from release to the public by federal law. It may contain confidential, legally privileged, proprietary or deliberative process inter-agency/intra-agency material. You are hereby notified that any dissemination, copying, or further distribution of this information to unauthorized individuals (including unauthorized members of the President-elect Transition Team) is strictly prohibited. Unauthorized disclosure or release of this information may result in loss of access to information, and civil and/or criminal fines and penalties.

REIMBURSABLE WORK AUTHORIZATION
(See instructions on Page 3)

Unless specified otherwise, the authority for this agreement is 40 U.S.C. §592(b)(2).

1. DATE OF REQUEST 06/18/2010		2. RWA NUMBER (GSA Use Only) 20028710		3. TYPE OF REQUIREMENTS (GSA Use Only) <input type="checkbox"/> SEVERABLE <input type="checkbox"/> NON-SEVERABLE <input type="checkbox"/> GOODS	
4. AGENCY AND BUREAU NAME Department of Homeland Security, Customs & Border Protection				5. WORK LOCATION US Department of Homeland Security Customs and Border Protection Sectors on the Southern Border	
6A. AGENCY CONTACT NAME (b)(6)				6E. AGENCY CONTACT'S ADDRESS (b)(6)	
6B. AGENCY CONTACT'S TELEPHONE NUMBER (b)(6)					
6C. AGENCY CONTACT'S E-MAIL (b)(6)					
6D. AGENCY CONTACT'S FAX NUMBER (b)(6)				7. DESCRIPTION OF REQUIREMENTS Please amend the existing RWA by adding additional funding for CBP line 3050 for PF225 EPT-FHT-1 SBI 2018-1 CR288 in the amount of \$4,000.00. End balance: \$1,078,967,580.44.	
8. AMENDMENT RWA amendment provided to change total authorized amount by (b)(4)		9A. BILLING TYPE		9B. BILLING TERMS	
10A. AGENCY LOCATION CODE 70050800		10B. FISCAL STATION NUMBER (OOO ONLY)		10C. REQUESTION IDENTIFICATION NUMBER 20028710	
13A. AGENCY ACCOUNTING DATA (Limited to 130 characters) See attached continuation sheet (page 3)			13E. AGENCY FUND YEAR 2009		
13C. FUND TYPE Please check Fund Type. If applicable, also check RECOVERY ACT - see instructions. <input type="checkbox"/> ANNUAL APPROPRIATION <input checked="" type="checkbox"/> NO-YEAR APPROPRIATION <input type="checkbox"/> MULTIPLE YEAR APPROPRIATION <input type="checkbox"/> RECOVERY ACT			13D. EXPIRATION DATE OF OBLIGATIONAL AUTHORITY		
13E. AGENCY/CUSTOMER BUSINESS PARTNER NETWORK/DATA UNIVERSAL NUMBERING SYSTEM NUMBER (BPN/DUNS) 879824324		13F. AGENCY/CUSTOMER ORDER NUMBER 9840002408			
15A. CREDIT CARD NUMBER		15B. EXPIRATION DATE		15C. TYPE OF CARD	
15D. NAME OF CARD HOLDER		11. REQUESTED WORK DATES A. START B. COMPLETION		12. AGENCY CERTIFIED AMOUNT \$1,078,967,580.44	
13G. TREASURY ACCOUNT SYMBOL 70X0533		14A. AGENCY BILLING CONTACT E-MAIL ADDRESS			
14B. AGENCY FINANCE BILLING OFFICE CBP National Finance Center					
14C. STREET ADDRESS 6650 Telecom Drive					
14D. CITY Indianapolis			14E. STATE IN		14F. ZIP CODE 46278

By its signature below, the Requesting Agency certifies (a) that all special funding and procurement requirements of the Requesting Agency, including statutory or regulatory requirements applicable to the funding being provided by the Requesting Agency, have been disclosed to GSA; (b) that all internal reviews/approvals required by the Requesting Agency prior to placing this RWA with GSA have been completed; (c) that the Requesting Agency has a bona fide need in the current fiscal year for the work described in this RWA; and (d) that the funds identified by the Requesting Agency in this RWA are legally available for further obligation and expenditure by GSA in furtherance of the work described in this RWA. Further written assurances regarding funding availability may be required depending on the facts and circumstances of individual requests (e.g., RWAs in amounts exceeding GSA's statutory prospectus thresholds).

16A. SIGNATURE OF FUND CERTIFYING OFFICIAL (b)(6)			16B. DATE 6/18/10		
16C. NAME OF FUND'S CERTIFYING OFFICIAL (b)(6)			16D. CERTIFYING OFFICIAL'S E-MAIL ADDRESS (b)(6)		
16E. TELEPHONE NUMBER OF CERTIFYING OFFICIAL		PHONE NUMBER (b)(6)		EXTENSION	

GENERAL SERVICES ADMINISTRATION INTERNAL CUSTOMER OR INTERFUND CUSTOMER ONLY

17. FED CODE	18. PEGASYS DOCUMENT NUMBER	19. PEGASYS ACCOUNTING LINE NUMBER	20. FUND CODE	21. INTERFUND YEAR
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NOTE: The General Services Administration will bill in accordance with Federal Management Regulation (41 CFR) Section 102-85.195. It is anticipated that the Agency Certified Amount provided in Block 12 will be sufficient to complete the work requirements of the Requesting Agency. If it is determined that the funds provided by the Requesting Agency will be insufficient to complete the work requested under this agreement, GSA will seek an amended RWA from the Requesting Agency for additional funding prior to incurrence of costs above the Agency Certified Amount.

PAGE 2 Continuation Sheet for RWA 20028710

Line Item on CBP's Purchase Requisition	Line Item Description	Amount Funded	Fund	Funds Ctr	Funct Area	Rec. Cost Ctr	Material Group	WBS Element	Z Code
PREVIOUS FUNDING									
10	PF 225-PROGRAM PLANNING/OVERSIGHT	(b)(4)	07173	10052	SB03	901604000	25CI	1745-7000-1	Z20U
20	PF 225-ENVIRONMENTAL COMPLIANCE	(b)(4)	07173	10052	SB03	901604000	25CI	1745-7000-2	Z20U
30	PF 225-PRELIMINARY DESIGN	(b)(4)	07173	10052	SB03	901604000	25CI	1745-7000-4	Z20U
40	PF 225-PRELIMINARY DESIGN	(b)(4)	07173	10052	SB03	901604000	25CI	1745-7000-4	Z20U
50	PF 225-REAL ESTATE ACQ.	(b)(4)	07173	10052	SB03	901604000	3211	1745-7000-3	Z20U
60	PF 225-REAL ESTATE ACQ.	(b)(4)	07173	10052	SB03	901604000	3211	1745-7000-3	Z20U
70	PF 225-REAL ESTATE ACQ.	(b)(4)	07173	10052	SB03	901604000	3211	1745-7000-3	Z20U
80	PF 225 RE & ENVIRONMENTAL	(b)(4)	07173	10052	SB03	901604000	25CI	1745-7000-2	Z20U
PREVIOUS FUNDING (AMENDMENT-1 AND 4)									
90	PF225 PHASE 1 PROG PLANNING/OVERSIGHT	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-1	Z20U
100	PF225 PHASE 1 CONSTRUCTION OVERSIGHT	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-6	Z20U
110	PF225 PHASE 1- TAC-AJO-1/SBI 2008-1	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
120	PF225 PHASE 1- TAC-AJO-2/SBI 2008-2	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
130	PF225 PHASE 1- TAC-NGL-1/SBI 2010-1	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
140	PF225 PHASE 1- TAC-NCO-2/SBI 2011-2	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
150	PF225 PHASE 1- TAC-DGL-1/SBI 2012-1	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
160	PF225 PHASE 1- EPT-DNIM-2/SBI 2013-2	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
170	PF225 PHASE 1- EPT-STN-1/SBI 2014-1	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
180	PF225 PHASE 1- EPT-STN-2/SBI 2014-2	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
190	PF225 PHASE 1- EPT-STN-3/SBI 2014-3	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
200	PF225 PHASE 1- EPT-EP-1/SBI 2015-1	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
210	PF225 PHASE 1- EPT-EP-2/SBI 2015-2	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
220	PF225 PHASE 1- EPT-EP-3/SBI 2015-3	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-2)									
230	PF225 PHASE 1- TCA-NCO-1/SBI 2011-1	\$24,296,770.00	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-3)									
240	PF225PHASE1-TAC-AJO-1/SBI2008-1 ADD FUND	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
250	PF225PHASE1-TAC-AJO-2/SBI2008-2 ADD FUND	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
260	PF225PHASE1-TAC-NGL-1/SBI2010-1 ADD FUND	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-5)									
270	PF225PHASE1-TAC-AJO-1/SBI2008-1 ADD FUND	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-6)									
290	PF225PHASE1-ENVIRONMENTAL COMPLIANCE	(b)(4)	07173	10052	SB03	901604000	25CI	1745-7000-2	Z20U
PREVIOUS FUNDING (AMENDMENT-7)									
300	PF225 PHASE 1 PROG PLANNING/OVERSIGHT	(b)(4)	07173	10052	SB03	901604000	25CI	1745-7000-1	Z20U
310	PF225 PHASE 1- EPT-STN-1/SBI 2014-1 ADD FUND	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
320	PF225 PHASE 1- EPT-STN-2/SBI 2014-2 ADD FUND	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
330	PF225 PHASE 1- EPT-STN-3/SBI 2014-3 ADD FUND	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-8)									
340	PF225 PHASE1-EPTDNM2/SBI 2013-2 ADD FUND	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
350	PF225PHASE1 EPT-STN-1/SBI2014-1 ADD FUND	(b)(4)	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U

360	PF225PHASE I-EPT-STN-2/SBI2014-2 ADD FUND	299,569.68	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
370	PF225PHASE I-EPT-STN-3/SBI2014-3 ADD FUND	37,083.00	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-9)									
380	PF225PHASE I-TAC-AJO-1/SBI2008-1 ADD FUND	725,000.00	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-10)									
390	PF225PHASE I-EPT-STN-1/SBI2014-1 ADD FUND	572,592.79	07173	10052	SB03	901604000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-12)									
400	PF225 PHASE 1 PROG PLANNING/OVERSIGHT	(b)	08173	10052	SB03	901607000	25C1	1745-7000-1	Z20U
410	PF225PHASE I-ENVIRONMENTAL COMPLIANCE	(4)	08173	10052	SB03	901607000	25C1	1745-7000-2	Z20U
420	PF225PHASE I-TAC-AJD-1/SBI2008-1 ADD FUND		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
430	PF225 PHASE 1 - TAC-DGL-1/SBI 2012-1 ADD FUND		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
440	PF225 PHASE II-ELC-CAX-1/SBI2006-1		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
450	PF225 PHASE II-ELC-CAX-2/SBI2006-2		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
460	PF225 PHASE II-YUM-CAX/YUS-1/SBI2007-1		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
470	PF225 PHASE II-YUM-YUS-2/SBI2007-2		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-13)									
500	PF225 PHASE II - SDC-BRF-1/SBI2001-1	(a)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-14)									
510	PF225 PHASE II - SDC-BRF-1/SBI2001-1	(a)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
520	PF225 PHASE II- EPT-STN-4/SBI 2014-4		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-15)									
530	PF225 PHASE II- TAC-NCO-1A/SBI 2011-3	(b)	07173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
540	PF225 PHASE II- TAC-NGL-2/SBI 2010-2	(4)	07173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
550	PF225 PHASE II- TAC-NGL-3/SBI 2010-3		07173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-16)									
560	PF225 PHASE II- MAR-PRS-1/SBI 2020-1	(b)	07173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
570	PF225 PHASE II- EPT-YST-1/SBI 2016-1	(4)	07173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
580	PF225 PHASE II- EPT-YST-2/SBI 2016-2		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
590	PF225 PHASE II- MAR-PRS-2/SBI 2020-2		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
600	PF225 PHASE II-EPT-FBN-1/SBI 2017-1		07173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
610	PF225 PHASE II-EPT-FBN-1/SBI 2017-1		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-17)									
620	PF225 PHASE II- EPT-YST-1/SBI 2016-1 ADD FUND	(b)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
630	PF225 PHASE II- MAR-PRS-1/SBI 2020-1 ADD FUND	(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
640	PF225 PHASE II- MAR-PRS-2/SBI 2020-2 ADD FUND		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
650	PF225PHASE I-TAC-AJO-1/SBI2008-1 ADD FUND		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-16)									
860	PF225 Phase II EPT-YST-2 SBI 2016-2	(b)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
670	PF225 Phase II EPT-YST-2 SBI 2016-2	(4)	07173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-19)									
680	PF225 Phase II EPT-YST-2 SBI 2016-2	\$112,960.00	8173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-20)									
690	PF225 - ENVIRONMENTAL COMPLIANCE		08173	10052	SB03	901607000	25C1	1745-7000-2	Z20U
700	PF225 Phase II DRT-DRS-1 SBI 2021-1	(b)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
710	PF225 Phase II DRT-EGT-1 SBI 2022-1	(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
720	PF225 Phase II DRT-EGT-2 SBI 2022-2		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
730	PF225 Phase II SDC-BRF-2 SBI 2001-2		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
740	PF225 PHASE II SDC-ECJ-1 SBI 2002-1		08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U

750	PF225 PHASE II SDC-ECJ-2 SBI 2002-2	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
760	PF225 PHASE II SDC-ECJ-3 SBI 2002-3	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
770	PF225 PHASE II SDC-ECJ-4 SBI 2002-4	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
780	PF225 PHASE II SDC-ECJ-5 SBI 2002-5	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
790	PF225 PHASE II SDC-CAO-4 SBI 2002-6	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
800	PF225 PHASE II SDC-CAO-1 SBI 2003-1	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
810	PF225 PHASE II SDC-CAO-2 SBI 2003-2	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
820	PF225 PHASE II SDC-CAO-3 SBI 2003-3	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
830	PF225 PHASE II SDC-BLV-1 SBI 2004-1	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
840	PF225 PHASE II SDC-BLV-2 SBI 2004-2	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
850	PF225 PHASE II SDC-BLV-3 SBI 2004-3	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
860	PF225 PHASE II SDC-BLV-4 SBI 2004-4	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-21)									
870	PF225 PHASE I TAC-NGL-1/SBI 2010-1 ADD FUND	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
880	PF225 PHASE I TAC-NCO-2/SBI 2011-2 ADD FUND	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-22)									
890	PF225 PHASE II TAC-NCO-1A/SBI 2011-3 ADD FUND	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-23)									
900	PF225 PHASE I EPTDNM2/SBI 2013-2 ADD FUND	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-24)									
910	PF225 PHASE II MAR-SBT-1 SBI 2019-1	(b)(4)	07173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-25)									
920	PF225 CONSTRUCTION OVERSIGHT	(b)(4)	08173	10052	SB03	901607000	25C1	1745-7000-6	Z20U
930	PF 225-REAL ESTATE ACQ.	(b)(4)	08173	10052	SB03	901607000	3211	1745-7000-3	Z20U
PREVIOUS FUNDING (AMENDMENT-27)									
940	PF225 PHASE II EPT-YST-4 SBI 2016-4	(b)(4)	07173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
950	PF225 PHASE II EPT-YST-4 SBI 2016-4	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
960	PF225 PHASE II EPT-FHT-1 SBI 2018-1	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-28)									
970	PF225 PHASE II EPT-DNM-2/SBI 2013-2 ADD FUNDS	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
980	PF225 PHASE II EPT-STN-4/SBI 2014-4 ADD FUNDS	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
990	PF225 PHASE II EPT-YST-1/SBI 2016-1 ADD FUNDS	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1000	PF225 PHASE II EPT-YST-2/SBI 2016-2 ADD FUNDS	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-29)									
1010	PF225 PHASE II EPT-YST-3/SBI 2016-3	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-30)									
1020	PF225 Phase I EPT-EPS-3 SBI 2015-3	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1030	PF225 Phase II RGV-HRL-1 SBI 2025-3	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1040	PF225 Phase II RGV-HRL-2 SBI 2025-4	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1050	PF225 Phase II RGV-HRL-5 SBI 2026-2	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1060	PF225 Phase II RGV-HRL-6 SBI 2026-3	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1070	PF225 PHASE II YUM-YUS-2/SBI 2007-2 (add funds)	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-31)									
1080	PF225 Phase II RGV-HRL-3 SBI 2025-5	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1090	PF225 Phase II RGV-HRL-3A SBI 2025-6	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1100	PF225 Phase II RGV-FTB-2 SBI 2027-2	(b)(4)	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-32)									
1110	PF225 CONSTRUCTION OVERSIGHT	(b)(4)	08173	10052	SB03	901607000	25C1	1745-7000-6	Z20U
1120	PF225 PHASE II TAC-NCO-1A/SBI 2011-3 ADD FUND	\$2,865.00	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT-33)									
1130	PF225 Phase II RGV-HRL-4 SBI 2026-1	\$29,537,000.00	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1140	PF225 Phase II RGV-BRP-1 SBI 2026-4	\$7,928,957.00	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1150	PF225 Phase II RGV-BRP-2 SBI 2026-5	\$8,308,808.00	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U
1160	PF225 Phase II RGV-BRP-3 SBI 2026-6	\$12,279,239.00	08173	10052	SB03	901607000	3222	1745-7000-5-2	Z20U

1170	PF225 Phase II RGV-BRP-4 SBI 2027-1	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1180	PF 225-REAL ESTATE ACQ.	08173 10052	SB03 901607000	3211	1745-7000-3	Z20U
1190	PF225 CONSTRUCTION OVERSIGHT	08173 10052	SB03 901607000	25C1	1745-7000-6	Z20U
	PREVIOUS FUNDING (AMENDMENT-34)					
1200	PF225 Phase II EPT-EPS-1 SBI 2015-1	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1210	PF225 Phase II ELC-CAX-3 SBI 2006-5	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-35)					
1220	PF225 PHASE II SDC-ECJ-5 SBI 2002-5 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-36)					
1230	PF225 PHASE II-EPT-STN-4/SBI 2014-4 ADD FUNDS 2	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-37)					
1240	PF225 PHASE II SDC-BLV-3 SBI 2004-3 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-38)					
1250	PF225PHASEII-TAC-NCO-1A/SBI2011-3 ADD FUND	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-39)					
1260	PF225 PHASE II-EPT-YST-3/SBI 2016-3 add'l funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1270	PF225 PHASE II-YUM-CAX/YUS-1/SBI2007-1 add funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-40)					
1280	PF225 PHASE II-TAC-NGL-2/SBI 2010-2 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1290	PF225 PHASE II-TAC-NGL-3/SBI 2010-3 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1300	PF225 PHASE II SDC-BLV-1 SBI 2004-1 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1310	PF225 PHASE II SDC-BLV-2 SBI 2004-2 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1320	PF225 PHASE II SDC-ECJ-2 SBI 2002-2 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1330	PF225 PHASE II SDC-ECJ-3 SBI 2002-3 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1340	PF225 PHASE II SDC-ECJ-4 SBI 2002-4 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1350	PF225PHASEII-TAC-NCO-1A/SBI2011-3 ADD FUND	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-41)					
1360	PF225 Phase II DRT-DRS-1 SBI 2021-1 add'l funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1370	PF225 Phase II DRT-EGT-2 SBI 2022-2 add'l funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1380	PF225 Phase II RGV-BRP-1 SBI 2026-4 add'l funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-42)					
1390	PF225 PHASEII MAR-SBT-1 SBI 2019-1Add'lFunds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1400	PF225 Phase II DRT-EGT-1 SBI 2022-1 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1410	PF225 Phase I EPT-EPS-3 SBI 2015-3 Add'l Funds	06173 10052	SB03 901607000	3222	1746-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-43)					
1420	PF225 PHASE II - SDC-BRF-1/SBI2001-1 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-44)					
1430	PF225 Phase II DRT-DRS-1 SBI 2021-1 add'l funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-45)					
1440	PF225 Phase II EPT-YST-2 SBI 2016-2 Add'l funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1450	PF225 Phase II EPT-FHT-1 SBI 2018-1 Add'l funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-46)					
1460	PF225 Phase II EPT-EPS-1 SBI 2015-1 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1470	PF225 PHASE II-EPT-YST-2/SBI 2016-2 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1480	PF225 PHASEII EPT-FHT-1 SBI 2018-1 Add'l Funds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-47)					
1490	PF225 PHASEII MAR-SBT-1 SBI 2019-1Add'lFunds	08173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-48)					
1500	PF225 PHASEII MAR-SBT-1 SBI 2019-1Add'lFunds	\$67,000.00 08173	SB03 901607000	3222	1745-7000-5-2	Z20U
1510	PF225 PHASE II-EPT-YST-2/SBI 2016-2 Add'l Funds	\$86,000.00 08173	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-49)					
1520	PF225 PHASE II-EPT-YST-1/SBI 2016-1 ADD FUND	\$545,987.00 07173	SB03 901607000	3222	1745-7000-5-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-50)					
1530	PF225 PHASE II-EPT-YST-2/SBI 2016-2 Add'l Funds	\$20,509.00 07173	SB03 901607000	3222	1745-7000-5-2	Z20U

1540	PF225 PHASE II- MAR-SBT-1/2019-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT-51)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1550	PF225 Phase II EPT-EP-1 SBI 2015-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT-52)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1560	PF225 Phase II EPT-EP-1 SBI 2015-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT-53)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1570	PF225 Phase II RGV-HRL-4 SBI 2026-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT-54)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1580	PF225 PHASE I EPT-DNM-2/SBI 2013-2 Addl Funds	PREVIOUS FUNDING (AMENDMENT-55) (4)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1590	PF225 Phase I EPT-EP-3 SBI 2015-3 Addl Funds	PREVIOUS FUNDING (AMENDMENT-56)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1600	PF225 PHASE II- MAR-SBT-1/2019-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT-57)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1610	PF225 PHASE II- MAR-SBT-1/2019-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT-58)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1620	PF225 -ENVIRONMENTAL COMPLIANCE	PREVIOUS FUNDING (AMENDMENT-59) \$	09173	10052	SB01 901607000	25C1	1745-7000-2	Z20U
	PREVIOUS FUNDING (AMENDMENT-59)	Deobligation of funding from lines 390, 910, 1070-1090						
1630	PF225 PHASE II- EPT-YST-3/SBI 2016-3 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 60)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1640	PF225 Phase II RGV-HRL-4 SBI 2026-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 61)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1650	PF225 PHASE II- MAR-SBT-1/2019-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 62)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1660	PF225 PHASE II-EPT-FBN-1/SBI 2017-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 63)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1670	PF225 Phase II DRT-EGT-2 SBI 2022-2 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 64)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1680	PF225 Phase II RGV-HRL-4 SBI 2026-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 65)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1690	PF225 PHASE II- EPT-YST-1/SBI 2016-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 66)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1700	PF225 Phase II RGV-HRL-6 SBI 2026-3 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 67)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1710	PF225 PHASE II- EPT-YST-1/SBI 2016-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 68)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1720	PF225 PHASE II- EPT-YST-3/SBI 2016-3 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 69)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1730	PF225 PHASE II- EPT-YST-4 SBI 2016-4 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 70)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1740	PF225 Phase II RGV-BRP-1 SBI 2026-4 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 71)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1750	PF225 Phase II RGV-HRL-2 SBI 2025-4 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 72)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1760	PF225 Phase II RGV-HRL-3 SBI 2025-5 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 73)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1770	PF225 Phase II RGV-BRP-1 SBI 2026-4 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 74)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1780	PF225 Phase II RGV-BRP-2 SBI 2026-5 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 75)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1790	PF225 Phase II RGV-BRP-3 SBI 2026-6 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 76)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1800	PF225 Phase II RGV-BRP-4 SBI 2027-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 77)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1810	PF225 PHASE II- MAR-SBT-1/2019-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 78)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1820	PF225 PHASE II EPT-YST-2 SBI 2016-2 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 79)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1830	PF225 PHASE II-YUM-CAXYUS-1/SBI 2007-1 Add Fund	PREVIOUS FUNDING (AMENDMENT - 80)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1840	PF225 Phase II RGV-HRL-6 SBI 2026-3 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 81)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1850	PF225 Phase II EPT-FHT-1 SBI 2018-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 82)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1860	PF225 PHASE II- EPT-YST-3/SBI 2016-3 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 83)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1870	PF225 Phase II DRT-DRS-1 SBI 2021-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 84)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1880	PF225 PHASE II- MAR-SBT-1/2019-1 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 85)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1890	PF225 PHASE II- EPT-YST-3/SBI 2016-3 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 86)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1900	PF225 Phase II RGV-BRP-2 SBI 2026-5 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 87)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1910	PF225 Phase II RGV-BRP-3 SBI 2026-6 Addl Funds	PREVIOUS FUNDING (AMENDMENT - 88)	07173	10052	SB03 901607000	3222	1745-7000-5-2	Z20U

PREVIOUS FUNDING (AMENDMENT - 65 & 66)						
1920	PF225 Phase I EPT-EP-1 SBI 2015-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1930	PF225 Phase II DRT-DRS-1 SBI 2021-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1940	PF225 PHASE II - SDC-BRF-1/SBI2001-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1950	PF225 Phase II RGV-BRP-1 SBI 2026-4 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT - 67)						
1960	PF225 PHASE II - MAR-SBT-1/2019-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1970	PF225 Phase II EPT-FHT-1 SBI-2018-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1980	PF225 Phase II RGV-HRL-3 SBI 2025-5 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
1990	PF225 Phase II RGV-HRL-3A SBI 2025-6 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2000	PF225 PHASE II - SDC-BRF-1/SBI2001-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2010	PF225 Phase I EPT-EP-1 SBI 2015-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2020	PF225 Phase I EPT-EP-3 SBI 2015-3 Addl Funds	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2030	PF225 Phase II RGV-HRL-1 SBI 2025-3 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2040	PF225 Phase II RGV-HRL-5 SBI 2026-2 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2050	PF225 Phase II RGV-HRL-6 SBI 2026-3 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2060	PF225 Phase II EPT-YST-2 SBI 2016-2 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2070	PF225 PHASE II-EPT-FBN-1/SBI 2017-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2080	PF225 PHASE II-EPT-FBN-1/SBI 2017-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2090	PF225 PHASE II - EPT-YST-4 SBI 2016-4 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2100	PF225 PHASE II - SDC-BRF-1/SBI2001-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2110	PF225 Phase I EPT-EP-1 SBI 2015-1 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2120	PF225 PHASE II - EPT-YST-3/SBI 2016-3 Addl Funds	07173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2130	PF225 CONSTRUCTION OVERSIGHT	09173 10052	SB03 901607000	25CI	1745-7000-6	Z20U
2140	PF225 Phase II DRT-EGT-1 SBI 2022-1 Addl Funds	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2150	PF225 Phase II DRT-EGT-2 SBI 2022-2 Addl Funds	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2160	PF225 Phase II RGV-HRL-3 SBI 2025-5 Addl Funds	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT - 68)						
2170	PF225 PHASE II - SDC-BRF-1/SBI2001-1 CR 184	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2180	PF225 PHASE II - EPT-YST-3/SBI 2016-3 CR 199 r	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2190	PF225 Phase II RGV-HRL-1 SBI 2025-3 CR 208	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2200	PF225 Phase II RGV-HRL-5 SBI 2026-2 CR 208	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2210	PF225 Phase II RGV-HRL-1 SBI 2025-3 CR 212	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2220	PF225 Phase II RGV-HRL-2 SBI 2025-4 CR 213	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2230	PF225 Phase II RGV-FTB-2 SBI 2027-2 CR 214	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT - 69)						
2240	PF225 EPT-YST-2 SBI 2016-2 K-2A CR 217	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2250	PF225 CONSTRUCTION OVERSIGHT	09173 10052	SB03 901607000	25CI	1745-7000-6	Z20U
PREVIOUS FUNDING (AMENDMENT - 70)						
2260	PF225 EPT-EP-1 SBI 2015-1 K-1A CR 150f	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2270	PF225 RGV-HRL-1 SBI 2025-3 O-11 CR 224	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2280	PF225 RGV-HRL-4 SBI 2026-1 O-14 CR 224	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT - 71)						
2290	PF225 RGV-HRL-2 SBI 2025-4 O-12 CR 221	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2300	PF225 DRT-DRS-1 SBI 2021-1 M-1 CR 118f	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT - 72)						
2310	PF225 RGV-FTB-2 SBI 2027-2 O-21 CR 225	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2320	PF225 DRT-EGT-1 SBI 2022-1 M-2A CR 226	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2330	PF225 DRT-EGT-2 SBI 2022-2 M-2B CR 228	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT - 73)						
2340	PF225 RGV-HRL-1 SBI 2025-3 O-11 CR 186	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
PREVIOUS FUNDING (AMENDMENT - 74)						
2350	PF225 RGV-BRP-3 SBI 2026-6 O-19 CR 233	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U

2360	PF225 RGV-BRP-1 SBI 2026-4 O-17 CR 234	PREVIOUS FUNDING (AMENDMENT - 75)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2370	PF225 RGV-BRP-3 SBI 2026-6 O-19 CR 234	PREVIOUS FUNDING (AMENDMENT - 75)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2380	PF225 RGV-HRL-1 SBI 2025-3 O-11 CR 186r	PREVIOUS FUNDING (AMENDMENT - 76)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2390	PF225 RGV-FTB-2 SBI 2027-2 O-21 CR 237	PREVIOUS FUNDING (AMENDMENT - 76)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2400	PF225 RGV-FTB-2 SBI 2027-2 O-21 CR 242	PREVIOUS FUNDING (AMENDMENT - 76)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2410	PF225 ENVIRONMENTAL COMPLIANCE CR 239	PREVIOUS FUNDING (AMENDMENT - 76)	(b)(4)	09173 10052	SB03 901607000	25C1	1745-7000-2	Z20U
2420	PF225 RGV-BRP-2 SBI 2026-5 O-18 CR 239	PREVIOUS FUNDING (AMENDMENT - 76)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2430	PF225 RGV-BRP-2 SBI 2026-5 O-18 CR 244	PREVIOUS FUNDING (AMENDMENT - 77)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2440	PF225 RGV-BRP-3 SBI 2026-6 O-19 CR 241	PREVIOUS FUNDING (AMENDMENT - 77)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2450	PF225 RGV-FTB-2 SBI 2027-2 O-21 CR 238	PREVIOUS FUNDING (AMENDMENT - 77)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2460	PF225 REAL ESTATE ACQ. CR 244	PREVIOUS FUNDING (AMENDMENT - 77)	(b)(4)	09173 10052	SB03 901607000	3211	1745-7000-3	Z20U
2470	PF225 SOC-BRF-1 SBI 2001-1 A-1 CR 250	PREVIOUS FUNDING (AMENDMENT - 78)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2480	PF225 Real Estate Acq	PREVIOUS FUNDING (AMENDMENT - 78)	(b)(4)	09173 10052	SB03 901607000	3211	1745-7000-3	Z20U
2490	PF225 ENVIRONMENTAL COMPLIANCE	PREVIOUS FUNDING (AMENDMENT - 78)	(b)(4)	09173 10052	SB01 901607000	25C1	1745-7000-2	Z20U
2500	PF225 EPT-EPS-1 SBI 2015-1 K-1A CR 249	PREVIOUS FUNDING (AMENDMENT - 79)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2510	PF225 RGV-BRP-3 SBI 2026-6 O-19 CR 245	PREVIOUS FUNDING (AMENDMENT - 79)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2520	PF225 RGV-FTB-2 SBI 2027-2 O-21 CR 254	PREVIOUS FUNDING (AMENDMENT - 79)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2530	PF225 Real Estate Acq	PREVIOUS FUNDING (AMENDMENT - 80)	(b)(4)	09173 10052	SB03 901607000	3211	1745-7000-3	Z20U
2540	PF225 PROGRAM PLANNING/OVERSIGHT	PREVIOUS FUNDING (AMENDMENT - 81)	(b)(4)	09173 10052	SB03 901607000	25C1	1745-7000-1	Z20U
2550	PF225 PRELIMINARY DESIGN	PREVIOUS FUNDING (AMENDMENT - 81)	(b)(4)	09173 10052	SB03 901607000	25C1	1745-7000-4	Z20U
2560	PF225 CONSTRUCTION OVERSIGHT	PREVIOUS FUNDING (AMENDMENT - 81)	(b)(4)	09173 10052	SB03 901607000	25C1	1745-7000-6	Z20U
2570	PF225 RGV-BRP-3 SBI 2026-6 O-19 CR 257	PREVIOUS FUNDING (AMENDMENT - 82)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2580	PF225 RGV-BRP-1 SBI 2026-4 O-17 CR 258	PREVIOUS FUNDING (AMENDMENT - 82)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2590	PF225 SBI 2018-2 K-5A	PREVIOUS FUNDING (AMENDMENT - 83)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2600	PF225 RGV-BRP-2 SBI 2026-5 O-16 CR 260	PREVIOUS FUNDING (AMENDMENT - 83)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2610	PF225 CONSTRUCTION OVERSIGHT	PREVIOUS FUNDING (AMENDMENT - 83)	(b)(4)	09173 10052	SB03 901607000	25C1	1745-7000-6	Z20U
2620	PF225 EPT-EPS-2 SBI 2015-2 K-1A CR 248	PREVIOUS FUNDING (AMENDMENT - 84)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2630	PF225 RGV-HRL-2 SBI 2025-4 O-12 CR 222r	PREVIOUS FUNDING (AMENDMENT - 84)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2640	PF225 RGV-BRP-1 SBI 2026-4 O-17 CR 255	PREVIOUS FUNDING (AMENDMENT - 84)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2650	PF225 RGV-BRP-1 SBI 2026-4 O-17 CR 264	PREVIOUS FUNDING (AMENDMENT - 84)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2660	PF225 RGV-BRP-2 SBI 2026-5 O-18 CR 259	PREVIOUS FUNDING (AMENDMENT - 84)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2670	PF225 RGV-BRP-3 SBI 2026-6 O-19 CR 261	PREVIOUS FUNDING (AMENDMENT - 84)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2680	PF225 RGV-FTB-2 SBI 2027-2 O-21 CR 262	PREVIOUS FUNDING (AMENDMENT - 84)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2690	PF225 RGV-HRL-1 SBI 2025-3 O-11 CR 186r	PREVIOUS FUNDING (AMENDMENT - 85)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2700	PF225 RGV-HRL-1 SBI 2025-3 O-11 CR 266r	PREVIOUS FUNDING (AMENDMENT - 85)	(b)(4)	09173 10052	SB03 901607000	3222	1745-7000-5-2	Z20U
2710	PF225 RGV-BRP-2 SBI 2026-5 O-18 CR 265	PREVIOUS FUNDING (AMENDMENT - 86)	(b)(4)	09173 10052	SB03 928040500	3222	1745-7000-5-2	Z20U
2720	PF225 RGV-HRL-6 SBI 2026-3 O-16 CR 266	PREVIOUS FUNDING (AMENDMENT - 87)	(b)(4)	09173 10052	SB03 928040500	3222	1745-7000-5-2	Z20U
2730	PF225 RGV-BRP-1 SBI 2026-4 O-17 CR 267	PREVIOUS FUNDING (AMENDMENT - 87)	(b)(4)	09173 10052	SB03 928040500	3222	1745-7000-5-2	Z20U
2740	PF225 RGV-HRL-3A SBI 2025-6 CR 266 O-13A	PREVIOUS FUNDING (AMENDMENT - 87)	(b)(4)	09173 10052	SB03 928040500	3222	1745-7000-5-2	Z20U
2750	PF225 Real Estate Acq	PREVIOUS FUNDING (AMENDMENT - 87)	(b)(4)	09173 10052	SB03 928040500	3211	1745-7000-3	Z20U

2760	PF225 SBI 2018-2 K-5A CR 269	PREVIOUS FUNDING (AMENDMENT - 88)	(A) 07173	SB400	SB03	928040500	3222	1745-7000-5-2	Z20U
2770	PF225 RGV-BRP 1-SBI 2026-5 O-18 CR 244f	PREVIOUS FUNDING (AMENDMENT - 89)	(b) 09173	SB400	SB03	928040500	3222	1745-7000-5-2	Z20U
2780	PF225 RGV-BRP 3-SBI 2026-6 O-19 CR 275	(b) (4)	09173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2790	PF225 RGV-FTB 2-SBI 2027-2 O-21 CR 271		09173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2800	PF225 RGV-FTB 2-SBI 2027-2 O-21 CR 272		09173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2810	PF225 RGV-FTB 2-SBI 2027-2 O-21 CR 273		09173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2820	PF 225 RGV-BRP 1-SBI 2026-4 O-17 CR 274		09173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2830	PF 225 EPT-YST-2 SBI 2016-2 K-2a CR 276	PREVIOUS FUNDING (AMENDMENT - 90)	(A) 09173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2840	PF 225 RGV-FTB 2-SBI 2027-2 O-21 CR 272	PREVIOUS FUNDING (AMENDMENT - 91)	(A) 09173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2850	PF 225 RGV-BRP-4 SBI 2027-1 O-20 CR 278	PREVIOUS FUNDING (AMENDMENT - 92)	(A) 09173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2860	PF 225 Environmental Compliance CR 277	PREVIOUS FUNDING (AMENDMENT - 93)	(A) 09173	SB140	SB01	928050400	3222	1745-7000-2	Z20U
2870	PF 225 RGV-HRL-2-SBI 2025-4 O-12 CR279	PREVIOUS FUNDING (AMENDMENT - 94)	(A) 09173	SB400	SB03	928050400	3222	1745-7000-2	Z20U
2880	PF225 RGV-BRP-4-SBI 2027-1 O-20 CR280	PREVIOUS FUNDING (AMENDMENT - 95)	(A) 09173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2890	PF225 EPT-FHT-2 SBI 2018-1 K-5A CR281	PREVIOUS FUNDING (AMENDMENT - 96)	(b) 07173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2900	PF225 EPT-FHT-2 SBI 2018-1 K-5A CR282	(b) (4)	07173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2910	PF225 Environmental Compliance	PREVIOUS FUNDING (AMENDMENT - 97)	(b) 09173	SB140	SB01	928050400	25C1	1745-7000-2	Z20U
2920	PF225 Construction Oversight	(A)	10173	SB400	SB03	928050400	25C1	1745-7000-6	Z20U
2930	PF225 DRT-EGT-2 SBI 2022-2 M-2c		10173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2940	PF225 RGV-FTB-2 SBI 2027-2 O-21a		10173	SB400	SB03	928050400	3222	1745-7000-5-2	Z20U
2950	PF225 Real Estate Acq		10173	SB400	SB03	928050400	3211	1745-7000-3	Z20U
2960	PF225 Preliminary Design		10173	SB400	SB03	928050400	25C1	1745-7000-4	Z20U
2990	PF225 Program Planning/Oversight	PREVIOUS FUNDING (AMENDMENT - 98)	(A) 09173	SB400	SB03	928050400	25C1	1745-7000-1	Z20U
3000	PF225 Preliminary Design		09173	SB400	SB03	928040500	25C1	1745-7000-4	Z20U
3010	PF225 EPT-YST-2 K SBI 2016-2 K-2A CR 217	PREVIOUS FUNDING (AMENDMENT - 99)	(A) 09173	SB400	SB03	928040530	25C1	1745-7000-5-2	Z20U
3020	PF225 Environmental Compliance K-1b	PREVIOUS FUNDING (AMENDMENT - 100)	(A) 09173	SB140	SB01	928040530	25C1	1745-7000-2	Z20U
3030	PF225 EPT-EPS-2 SBI 2015-2 K-1b		10173	SB400	SB03	928040530	25C1	1745-7000-5-2	Z20U
3040	PF225 RGV-FTB-2 SBI 2027-2 O-21 CR 285	PREVIOUS FUNDING (AMENDMENT - 101)	(A) 09173	SB400	SB03	928040530	25C1	1745-7000-5-2	Z20U
3050	PF225 EPT-FHT-1-SBI 2018-1 K-5a CR 288	CURRENT FUNDING (AMENDMENT - 102)	(A) 09173	SB400	SB03	928040530	3222	1745-7000-5-2	Z20U

Total for PF225 - 20028710 \$1,078,967,580.44

CBP RFI 173: Documentation related to why and how the type and placement of fence was decided by CBP under the Secure Fence Act of 2006, or any other fence constructed since 2006.

Response: We note that the Secure Fence Act (SFA) is not the primary authority under which CBP has constructed fence. Rather, Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), as amended, 8 U.S.C. § 1103 note, has been and remains the key authority. There were two key provisions in the SFA. Section 2 of the SFA set out a requirement that the Secretary of Homeland Security (the Secretary) achieve and maintain operational control of the border. Public Law 109-367, § 2, 8 U.S.C. § 1701 note (Oct. 26, 2006). In Section 3 of the SFA, Congress amended Section 102(b) IIRIRA to require that the Secretary construct hundreds of miles of new fencing in specific locations that were identified by Congress in the actual text of the statute. Public Law 109-367, § 3, 120 Stat. 2638 (Oct. 26, 2006). In 2007, however, Congress repealed Section 3 of the SFA. Congress replaced Section 3 of the SFA with the current language in Section 102(b) of IIRIRA, which directs that the Secretary, among other things, construct additional fencing and infrastructure on the southern border where it would be most practical and effective. Public Law 110-161, Div. E, Title V, § 564, 121 Stat. 2090 (Dec. 26, 2007). The full text of Section 102 of IIRIRA, which sets forth the Secretary's general authority to build fence and the waiver authority, is found at 8 U.S.C. § 1103 note. To date, CBP has completed 654 miles of fencing, with the majority of mileage completed between 2008 and 2009.

Each segment of the border is unique. Numerous operational challenges exist for Border Patrol agents to gain access to patrol the border and provide border security. U.S. Customs and Border Protection (CBP) constructed border fencing in locations based on a risk and vulnerabilities assessment completed by the U.S. Border Patrol (USBP). The decision process is complex. The operational needs of law enforcement remains a primary consideration. Assessments by USBP based on current and historic illegal crossing patterns and extensive field experience – have identified places along the border where physical fence construction would be most effective in providing persistent impedance. CBP takes into account many other factors, such as terrain, floodplain, waterways, cultural sites, cost, migration patterns, and other important geographical and environmental concerns.

Four main factors contribute to final fence location decisions:

- Border Patrol operational assessments; where USBP identified critical, high-risk areas in dire need of the appropriate infrastructure to provide persistent impedance
- Constructability - engineering assessments, which include the cost to construct;
- Real estate and environmental considerations; and
- Stakeholder input to include, but not limited to, other federal agencies (National Park Service, Department of Interior, U.S. Fish and Wildlife Services, U.S. Forest Service), state and local governments, state parks, private land owners, tribes, and non-government organizations

These analyses yielded an overall assessment, and CBP takes appropriate steps to ensure these factors are incorporated into the final decision. Once fencing is chosen as a solution, CBP

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determines the type of fence (pedestrian or vehicle, along with which design will be most effective). The purpose is to make informed decisions that provide agents with the right resources to effectively perform their priority homeland security mission, while taking into consideration the needs of those who live in border communities.

Please note that while tactical fencing provides a persistent method to impede illegal cross-border activity, it is not the only solution to mitigate capability gaps. Rather it is one element of a system making up USBP's multilayered approach to national security. This system is inclusive of material solutions such as tactical infrastructure, fences and other physical barriers, tactical and permanent checkpoints, all-weather roads to gain border access, lighting and surveillance technology, and staffing enhancements. These not only serve as force-multipliers, but also greatly enhance officer safety. Non-material solutions include training, common sense policy, and modifications to enforcement postures, which are all part of the full-spectrum requirement solutions. All efforts are geared towards attaining maximum situational awareness, operational efficiency, and a safer environment for USBP agents.

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ENTRY/EXIT | TECHNICAL BACKBONE FOR THE BIOMETRIC PATHWAY

Through the development and implementation of the technical backbone, CBP can accelerate entry/exit biometric deployment. FOUO – Not for Public Disclosure

OVERVIEW
 CBP will transform the way it identifies travelers by shifting from biographic to biometric identifiers to realize new facilitative benefits.

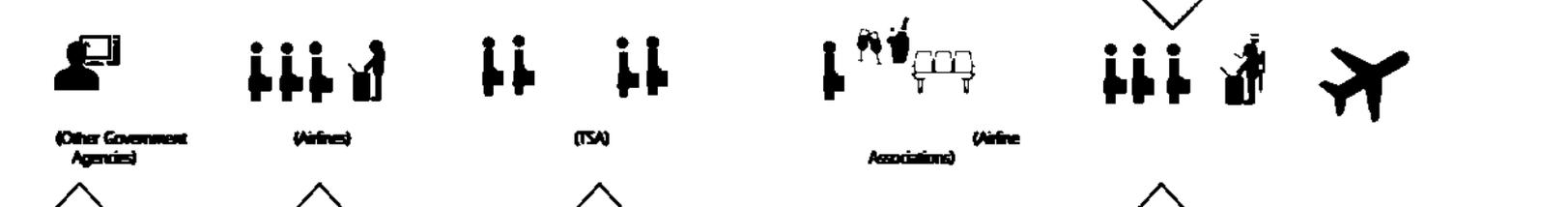
STRATEGY

1. Enables partnerships
2. Scalable
3. Standards Driven
4. Leverage existing capabilities/data
5. Speed of execution via parallel development
6. Proactive privacy & policy compliance

PHASE 1 | Q1, 2017 – Q2, 2017 | OPERATIONAL DEPARTURE INFORMATION SYSTEMS
Matching happens locally at the Atlanta airport

1. Real-time matching with visual indicator on device
2. Outbound biometric confirmation in TECS and ADIS
3. Alert to CBP Officer on mobile device (i.e. Biometric Exit - Mobile Air (BEMA))
4. EWI, Overstay and biometric watch list matches elevated to Port Analytics Units (PAU) outbound host

● Utilize Existing Information



PHASE 2 | Q3, 2017 – NLT Q3, 2018 | BUILD ENTERPRISE SERVICES AND END-STATE BIOMETRIC SOLUTION
Expand on Phase 1 by building out the backend services & defining standards

1. Matching moves from tablets to servers and photo capture shifts from CBP to airlines/partners
2. Implement CBP testing rigs at five airports (ATL, JFK, MIA, ORD, LAX)
3. Evaluate and determine response times, considering local versus cloud matching strategy
4. Collaborate with partners and airlines to develop the data exchange protocol
5. Build services to create manifest photo gallery, match photos from airlines and provide responses
6. Provide mobile solution for officers responding to non-matches
7. Support PAU outbound processing

● Reengineer and redesign CBP data handling

● Build backend communication portal to connect with partners

● Develop software that leverages one-to-flight manifest biometrics matching

Server Matching

PHASE 3 | START NLT Q4, 2018 | FULL SCALE READY

1. Prepared for full scale deployment in the cloud
2. Establish connections to, and onboard airlines
3. Ready for Airport of the Future

● Indicates goal of the Exit Biometric Pathway Vision Document

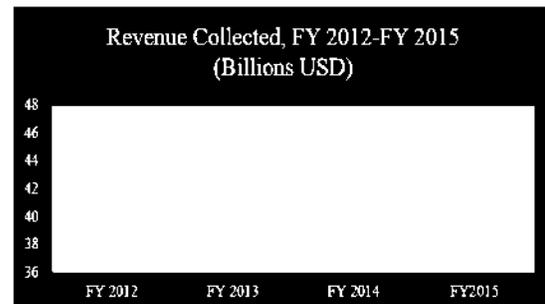
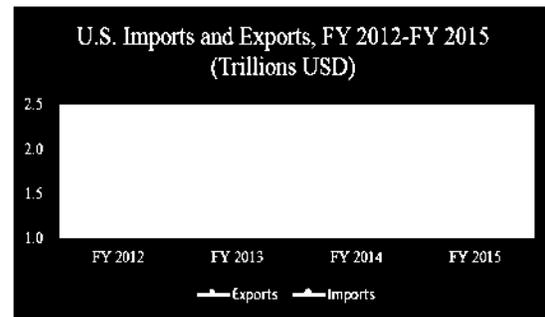
DHS Transition Issue Paper

Trade Security, Facilitation, and Enforcement

I. Overview

With the creation of the U.S. Department of Homeland Security (DHS) by the Homeland Security Act of 2002, U.S. Customs and Border Protection (CBP) assumed responsibility for enabling legitimate trade and enforcing trade laws at the United States border, including its Ports of Entry (POEs). Additionally, U.S. Immigration and Customs Enforcement (ICE) assumed responsibility for the investigation of U.S. importers, companies, and other entities that attempt to circumvent lawful trade mechanisms, including payment of required duties. Finally, the U.S. Coast Guard (USCG) assumed responsibility for ensuring a secure international supply chain by performing security assessments of anti-terrorism measures at the ports of approximately 150 countries that conduct maritime trade with the United States.

CBP is the primary U.S. Government component charged with monitoring, facilitating, and regulating the flow of goods imported through coordinated border management at our 328 POEs. Key challenges that CBP faces with the 21st century global supply chain include the exponential increase in use of e-commerce, the next generation of just-in-time delivery capabilities, and the ever-increasing complexity of the international trade environment. As the volume of international trade increases and technology advances, CBP must accommodate this growth while continuing to facilitate safe and legitimate trade in a timely manner. CBP meets these challenges through the following three distinct but interrelated efforts: *Trade Security, Trade Facilitation, and Trade Enforcement*.



ICE is the largest investigative component within DHS, with an extensive portfolio of enforcement authorities, including those related to commercial fraud. ICE aggressively pursues crimes and investigations related to dumping and countervailing duty evasion schemes, pharmaceutical smuggling, tobacco smuggling, and other border related trade crimes. Additionally, ICE investigates intellectual property violations involving the illegal importation and exportation of counterfeit merchandise and pirated works, as well as associated money laundering violations.

Recognizing the need to work with other law enforcement, as well as stakeholders, ICE leads various coordination efforts, such as the National Intellectual Property Rights Coordination Center (IPR Center), which brings together 23 partners in a task force setting. CBP holds a Deputy Assistant Director position at the IPR Center, and together, the two components work to enhance economic competitiveness, protect American consumers and the U.S. economy, and enforce laws and regulations against trade fraud in an increasingly complex international trade environment.

Customs laws and recent legislative developments, namely the enactment of the **Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA)**, enhance DHS' authorities and impact the balance of trade security, facilitation, and enforcement. TFTEA, enacted on February 24, 2016, is the first comprehensive authorization of CBP since DIIS was created in 2003. TFTEA strengthens CBP's ability to protect Intellectual Property Rights and Antidumping and Countervailing Duty laws through improved enforcement capabilities, prohibits the import of products made by forced labor, and supports CBP's facilitation and enforcement initiatives such as the establishment of the Centers of Excellence and Expertise and the implementation of the Automated Commercial Environment (ACE). TFTEA supports DHS' efforts to *protect U.S. economic security* through trade enforcement; *collaborate with the private sector* through direct industry engagement; and *streamline and modernize processes* through business transformation initiatives to meet the demands and complexities of a rapidly evolving global supply chain.

II. Detailed Discussion

Where do DHS missions align with or impact this issue? DHS Mission Two (2), as defined in the *DHS FY 2014-2018 Strategic Plan*, outlines the following three goals, which directly align with the issue of this paper, *Security, Facilitation, and Enforcement of Trade*.

DHS Mission 2 Goals	CBP, ICE, and USCG Action
Goal 1: Secure U.S. air, land, and sea borders and approaches.	Trade Security: <ul style="list-style-type: none"> • CBP protects the American consumer from illegal goods to safeguard the nation from threats to economic security and public safety. • ICE contributes to the security of the air, land, and sea borders by conducting criminal investigations that prevent fraudulent trade practices and the importation of counterfeit goods. • USCG enhances the security of the international supply chain through its foreign port assessments and through identification of potential offshore risk and implementation of security measures to reduce those risks.
Goal 2: Safeguard and expedite lawful trade and travel.	Trade Facilitation: <ul style="list-style-type: none"> • CBP facilitates the smooth flow of safe and legitimate trade in a complex global trade environment. • ICE safeguards lawful trade by working with law enforcement partners and industry to stop activities that undermine legitimate trade.
Goal 3: Disrupt and dismantle transnational criminal organizations and other illicit actors.	Trade Enforcement: <ul style="list-style-type: none"> • CBP enforces and sanctions bad trade actors and safeguards the safety of the American people. • ICE, through its criminal investigations, disrupts and dismantles transnational criminal organizations and illicit actors.

1. Trade Security – Protecting the American People and Borders from Illegal Import and Entry of Goods

Each year, approximately 25 million cargo containers arrive at U.S. POEs. DHS works closely with the trade community through its security efforts to ensure that the contents of each container do not pose risk to the health and safety of the American people and economy.

All cargo that enters into the United States from any foreign territory may be subject to physical examination by the U.S. Government to verify its admissibility. DHS protects the United States against terrorists, weapons of mass destruction, and products that may harm the American consumer. For example, DHS uses an intelligence assessment to determine if a foreign country has effective anti-terrorism measures at their ports, and in cases where DHS determines that the international security standard is not met, the USCG makes a public notification through a Port Security Advisory and a Federal Register Notice and imposes Conditions of Entry on vessels arriving from those ports, requiring those vessels to take additional security measures to prevent them from bringing potential terrorists or weapons of mass destruction into the United States. All cargo flown on passenger aircraft is subjected to screening for explosives in accordance with a

robust assortment of Transportation Security Administration (TSA) regulations that were implemented in response to the 9/11 act.

DHS also uses targeting and predictive analysis to identify associated risks with each import, and based on that analysis, the agency selects high-risk shipments for cargo screening and inspection. If selected for inspection, the importer is responsible for presenting the merchandise for examination and paying any associated costs. DHS has undertaken a number of Non-Intrusive Inspection (NII) initiatives (e.g., X-ray and gamma imaging, sensors, video surveillance, and radiation detection devices) to more effectively screen and inspect containers without compromising the flow of legitimate trade into the U.S. economy. Physical unloading and examination of shipments is sometimes necessary based on DHS' risk assessments, in which case CBP or the appropriate Partner Government Agency will conduct the inspection and take appropriate action.

DHS' trade security efforts are not limited to the physical examination of cargo at U.S. ports. DHS also relies on intelligence from a number of its programs to identify high-risk shipments and to better concentrate agency resources:

Container Security Initiative (CSI)

CSI aims to ensure that all containers that pose a potential risk for terrorism are identified and inspected at foreign ports before they are placed on vessels destined for American ports.

Customs-Trade Partnership Against Terrorism (C-TPAT)

C-TPAT is a voluntary public-private sector partnership program through which CBP works with thousands of importers to strengthen international supply chains by incentivizing importers with trade-related benefits.

Trusted Trader Program

The Trusted Trader program is designed for a continuum of activity providing consistent engagement between the trade and regulatory government partners which demonstrates the highest level of commitment to security, compliance, and partnership within the global supply chain.

DHS contributes to the security of the air, land, and sea borders by conducting criminal investigations that prevent fraudulent trade practices and the importation of counterfeit goods. By stopping the organizations that facilitate these crimes, DHS prevents the flow of violative goods and practices from reaching our borders. Recognizing that these goods have the potential to harm the public and jeopardize American businesses, ICE conducts national operations that aim to protect health and safety, secure the global supply chains, and uphold the economy.

2. Trade Facilitation – Facilitating Safe and Legitimate Trade in a Complex Global Trade Environment

To better facilitate trade, DHS established 10 industry-specific Centers of Excellence and Expertise (Centers) within CBP. These Centers strengthen America's economic competitiveness and security through integrated industry knowledge and expertise, innovative trade processing procedures and trend analysis, and strategic and impactful trade enforcement actions. The Centers strengthen partnerships with industry sectors, as well as enable DHS to better work with importers and filers on compliance, detecting anomalies, and other facilitation matters.

On an average day, DHS is responsible for processing approximately \$6.7 billion of merchandise, which must undergo the process of being declared in a manifest, classified, appraised, and assigned an admissibility determination based on internal risk-based strategies. DHS has developed and

deployed an automated system to facilitate the electronic importing and exporting of all goods. ACE is the backbone of the U.S. Government's "Single Window" system of imports and exports, transmits the trade industry's import/export data to 47 Partner Government Agencies. Through ACE development, DHS has worked to eliminate manual processing and paper, and to simplify, streamline, and modernize the process of importation.

To assist in the development and implementation of the "Single Window" that streamlines the import/export process for America's businesses, the Border Interagency Executive Council (BIEC) was established and charged with improving coordination among the Partner Government Agencies with import and export requirements. The BIEC is the lead for the One U.S. Government at the Border effort, which is an initiative to enhance interagency coordination and management across the border.

3. Trade Enforcement – Disrupt and Dismantle Transnational Criminal Organizations and Other Illicit Actors

DHS utilizes a proactive, aggressive, and dynamic trade enforcement approach to protect the American people against illicit or fraudulent trade. DHS uses all of its authorities and focuses critical resources to combat trade fraud by detecting high-risk activity, deterring non-compliance, and disrupting fraudulent behavior to ensure U.S. industry can compete on a level playing field.

A variety of tools are used by DHS to execute its trade enforcement approach. To identify violators, DHS uses an integrated targeting approach, which employs a vast network of specialists across the country, and provides targeting and analysis expertise that supports trade compliance, security, and field enforcement operations – including information intake, analysis, targeting, investigative case support, and operational assessments. DHS provides the trade community the opportunity to submit electronic allegations to report violators. The trade remains a crucial partner in DHS' enforcement efforts, providing valuable industry intelligence that can lead to identification of potential high-risk activities and illicit trade.

DHS coordinates with U.S. industries, Partner Government Agencies, and foreign governments to detect anomalies, trends, and violations in the global supply chain to target high-risk shipments and promote compliance. DHS investigates and aggressively seeks prosecution of noncompliant importers, exporters, manufacturers, brokers, counterfeiters, and others who commit related crimes that violate U.S. trade and intellectual property laws and international agreements. DHS conducts criminal investigations of those engaged in, or benefiting from, dumping or receiving foreign government subsidies and countervailing duty investigations of noncompliant importers attempting to circumvent payment of required duties. For example, CBP and ICE collaborate to develop cases, affect civil penalty actions (i.e., monetary fines), and prosecute criminal violations with a range of enforcement actions used to punish criminal violators to the fullest extent of the law. CBP and ICE are also focused on preventing the importation of goods manufactured using forced, child, or convict labor, working with domestic and international stakeholders to ensure importer compliance with this law.

Outreach and training is also an essential component of DHS' enforcement efforts. Through outreach, public engagement, and private/public partnerships with the trade community, DHS raises awareness of the dangers of trade-based violations, and promotes informed compliance, which is the shared responsibility between CBP and the trade community. Through the principle of informed

compliance, CBP effectively communicates compliance requirements to the trade community so that they may conform to all U.S. trade laws and regulations.

4. Private Sector Engagement

DHS maintains a collaborative relationship with private sector entities and the public, as they play an instrumental role in the global economy and lend their considerable expertise to DHS. Through partnerships with industry leaders, DHS links its processes with modern business practices, which results in enhanced compliance with trade laws and improved DHS facilitation and enforcement efforts. TSA, for example, conducts ongoing engagement with air cargo industry stakeholders in an effort to facilitate continuous enhancement of cargo security measures. A key instrument to DHS' efforts to ensure accurate, timely, and consistent information and to solicit private sector industry feedback is the Commercial Customs Operations Advisory Committee (COAC). The COAC is comprised of private sector members whose operations are affected by the commercial operations of CBP. DHS also works through various informal and formal groups, such as the Trade Support Network, to identify opportunities to provide information to its external stakeholders.

DHS Transition Issue Paper

Watchlisting

OVERVIEW

- Homeland Security Presidential Directive (HSPD) 6: *“Integration and Use of Screening Information to Protect Against Terrorism.”* called for the establishment and use of a single consolidated watchlist to improve the identification, screening, and tracking of known or suspected terrorists (KST).
- The Terrorist Screening Database (TSDB) is the U.S. Government’s consolidated terrorist watchlist.
 - The TSDB contains unclassified identifiers for international and domestic terrorism subjects who meet the reasonable suspicion standard and minimum identifying watchlisting criteria. The TSDB points to – but does not contain – the underlying derogatory information, which is held in other U.S. Government Systems.
 - The TSDB is managed by the Terrorist Screening Center (TSC), a multi-agency organization administered by the Federal Bureau of Investigation (FBI).
- The TSDB is supported by the Terrorist Identities Datamart Environment (TIDE), the U.S. Government’s central repository of classified and unclassified information on individuals who have a nexus to international terrorism. TIDE records that meet certain watchlisting criteria are exported to the TSDB.
 - Additional TIDE records that do not meet the KST watchlisting criteria for export to the TSDB, but which do have certain links to terrorism or terrorists, are exported to DHS and the Department of State for use in immigration and other screening activities.
 - The National Counterterrorism Center (NCTC) manages TIDE.
- All nominations to the TSDB are thoroughly reviewed against established standards at each stage of the nominating process.
 - Any federal agency can nominate an individual for terrorist watchlisting.
 - TSC reviews all nominations to the TSDB for compliance with watchlisting criteria and determines which of the various screening and law enforcement agency systems should receive the TSDB record.
- The No Fly List, Selectee List, and Expanded Selectee List are subsets of the TSDB, which DHS uses to identify possible threats to civil aviation, the maritime domain, and/or national security.
- The interagency uses special considerations and procedures for U.S. Persons (USPERS) nominated for terrorist watchlisting. Cases involving USPERS comprise less than 1 percent of the TSDB. USPERS may not be nominated solely for engaging in constitutionally-protected activities, including First Amendment-protected activities.

DETAILED DISCUSSION

Role of DHS

- DHS is a nominator of terrorist identities and terrorism information to TIDE and is the largest consumer of information exported from the TSDB in support of its mission activities, including vetting domestic and international air travelers (TSA and CBP); travelers crossing

the border (CBP); international maritime travelers (USCG); transportation workers and credentialed populations (TSA); and applicants for immigration benefits (USCIS).

- The DHS Watchlist Service (WLS)¹ is an information technology tool that provides a single gateway of TSDB information from TSC to DIIS.
- DHS interacts with and gathers information from individuals during law enforcement, transportation security, and immigration and border screening operations. DHS also contributes this information to the watchlisting efforts in the form of intelligence and encounter reports and nominations to TIDE.
- DHS operates the public portal for redress on behalf of the watchlisting community. The DHS Traveler Redress Inquiry Program (DHS TRIP) is a single point of contact for individuals who have inquiries or seek resolution regarding difficulties they experienced during their travel screening at transportation hubs, like airports and train stations, or crossing U.S. borders.

Issue Background

Litigation related to Watchlisting

- Numerous lawsuits have been filed against DHS and other federal agencies asserting constitutional and related Administrative Procedure Act challenges to the purported placements of individuals on the No Fly or Selectee Lists and the redress procedures that are afforded them.
- To address due process concerns, the U.S. government revised its procedures for U.S. persons seeking redress because they were denied boarding due to their alleged placement on the No Fly list.
- In addition to amending redress procedures for U.S. persons on the No Fly list, the U.S. Government has had some recent success in litigation challenging an individual's alleged placement on the selectee list. Nevertheless, substantive due process challenges to the No Fly List, Selectee List, Expanded Selectee List, or use of the TSDB, if successful, could impede the U.S. Government's ability to use these mechanisms for screening.

Transparency in Watchlisting

- In response to recent lawsuits involving challenges to the terrorist watchlisting process and use of the TSDB, DHS has advocated to enhance transparency and public engagement regarding the U.S. Government's watchlisting activities.
- DIIS is also working with interagency partners, as part of the Watchlisting Advisory Council, to examine various watchlisting issues. This includes a proposal to make portions of the Watchlist Guidance publicly available to further enhance transparency.

Expansion of Watchlisting

- DHS is participating in an interagency pilot initiative, led by the TSC, to test whether the counterterrorism watchlisting knowledge and screening architecture can be leveraged to enhance information sharing on transnational organized crime (TOC) individuals.

¹ DIIS ALL-030 Use of the Terrorist Screening Database System of Records April 6, 2016, 81 FR 19988; DIIS-ALL-PIA-027(e) Watchlist Service May 2016.

- The TOC Watchlisting Pilot is currently underway, and an initial six-month evaluation report will be provided to a Sub-Interagency Policy Committee in November of 2016. Future direction of the pilot will be determined at the senior policymaker level.

Courses of Action

- The overall framework and policies governing the watchlisting and screening process is included in the interagency Watchlisting Guidance. This document, which is regularly updated, is vetted through the interagency and includes review by federal departments and agencies' legal, privacy, and civil rights and civil liberties officials to ensure that constitutional, privacy and civil liberties concerns are fully considered.
 - The Watchlisting Guidance is approved by the Deputies Committee and published by the TSC.
- The Watchlisting Guidance standardized the terrorist watchlisting and screening policies and processes related to nomination, screening, and encounters processes.
 - The Watchlisting Guidance is reviewed every three years, or more regularly as needed, to ensure consistency, accuracy, and that it appropriately addresses the needs and concerns of the watchlisting community.
- In response to recent lawsuits and the National Security Council directive, DHS led the development of the Terrorist Watchlisting Transparency Information document.
 - The program information content was developed under the auspices of the Interagency Policy Committee on Watchlisting and Screening, Transparency Working Group (TWG) convened by the National Security Council. The TWG was charged with developing content designed to enhance transparency and public engagement regarding the U.S. Government's watchlisting activities.

Key Partnerships

- The TSDB supports multiple U.S. Government programs in effectively and efficiently assessing risk for the issuance of credentials, border security, immigration purposes, travel, and access to critical infrastructure. The TSDB is shared with agencies for the following purposes:
 - DHS's uses include: U.S. Customs and Border Protection (CBP) for securing the border, including inspections at ports of entry; TSA for air passenger screening (using the No Fly, Selectee, and Expanded Selectee lists); and for credentialing benefits related to transportation and critical infrastructure; U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) for visa applicant screening, vetting, and pre-adjudication under the Visa Security Program; and USCIS for immigration benefits.
 - Department of State for passport and visa screening;
 - Department of Defense for base access and screening; and
 - FBI for assisting with State and local law enforcement screening.
- The U.S. Government has arrangements with foreign partners to exchange terrorism screening information. Foreign partners receive subsets of the TSDB through regular exports, which can be incorporated directly into the country's screening systems and used to screen for immigration and border purposes.

- Conversely, foreign partners provide information on their known terrorist identities to the TSC, for inclusion in the TSDB.