



Homeland Security

Privacy Office, Mail Stop 0655

October 16, 2009

Mr. Thomas Schatz
Citizens Against Government Waste
1301 Connecticut Ave., NW
Suite 400
Washington, DC 20036

Re: **DHS/OS/PRIV 09-627**

Dear Mr. Schatz:

This is a partial response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated May 12, 2009, and received by this office on May 19, 2009. You seek all correspondence, to include any DHS response, between Members of Congress and their staff regarding the expenditure of funds made available by the American Recovery and Reinvestment Act (PL 111-5), to include minutes and/or agendas of meetings between Members of Congress and HDS regarding the expenditure of funds.

As stated in our July 16, 2009, letter to you, a search of the DHS Office of the Executive Secretariat (ESEC) for documents responsive to your request produced a total of 41 pages. Of those pages, 3 were found to be under the purview of the Federal Emergency Management Agency (FEMA), and were referred to FEMA for processing and direct response to you. For an update as it relates to those pages, please contact FEMA by writing to Federal Emergency Management Agency, 500 C Street, S.W., Room 840, Washington, D.C. 20472 or via telephone at 202-646-3323.

In processing your request, it was determined that 5 pages of responsive records, submitted by The City of Margate, contain information that DHS has reason to believe may be protected from disclosure under FOIA Exemption 4 as confidential business information.

Executive Order 12600 (June 23, 1987) and the DHS FOIA regulations at 6 C.F.R. § 5.8(f) require that a government agency provide pre-disclosure notification to the submitter of business information whenever confidential commercial information has been requested under the FOIA. The business submitter is afforded ten (10) working days within which to provide the Department of Homeland Security with a statement of objection to disclosure. If this office decides to disclose business information over the objection of the business submitter, we must notify the business submitter in writing of the specified disclosure date, which is ten (10) working days after the notice of the final decision to release the requested information has been mailed to the submitter.

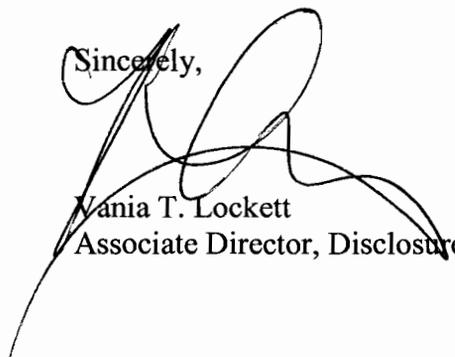
Due to the above requirements, you should anticipate some delay in receiving a final response to your request. However, this should not be construed as a denial of access. Upon receipt of the above information, the documents will be processed in accordance with the Freedom of Information Act and mailed to you upon completion.

As it pertains to the remaining 33 pages, it was determined upon further review that 12 pages are unresponsive to your request. These pages have been removed from the release package. Of the residual 21 pages, I have determined that they are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(2)(low) and (b)(6). FOIA Exemption 2(low) protects information applicable to internal administrative personnel matters to the extent that the information is of a relatively trivial nature and there is no public interest in the document. FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy.

You have a right to appeal the above withholding determination. Should you wish to submit an appeal, however, we ask that you hold your appeal in abeyance pending the issuance of a final response to your request. Your agreement to hold your appeal in abeyance will not preclude your right to file an appeal within 60 days from the date of our final response. Your appeal should be submitted to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

We appreciate your patience as we continue to process your request. If you need to contact our office about this matter, please refer to **DHS/OS/PRIV 09-627**. This office can be reached at 703-235-0790.

Sincerely,


Vania T. Lockett
Associate Director, Disclosure & FOIA Operations

Enclosure: As stated, 21 pages

814703

**COMMITTEE ON
EDUCATION AND LABOR**

CHAIRMAN, SUBCOMMITTEE ON HIGHER EDUCATION,
LIFELONG LEARNING, AND COMPETITIVENESS
SUBCOMMITTEE ON EARLY CHILDHOOD,
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AND CONSUMER CREDIT

COMMITTEE ON FOREIGN AFFAIRS

SUBCOMMITTEE ON EUROPE
SUBCOMMITTEE ON ASIA, THE PACIFIC,
AND THE GLOBAL ENVIRONMENT



House of Representatives
Rubén Hinojosa
15th District, Texas

WASHINGTON OFFICE:
2463 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-2631
FAX: (202) 225-5688

EDINBURG OFFICE:
2884 WEST TRENTON ROAD
EDINBURG, TX 78539
PHONE: (956) 682-6545
FAX: (956) 682-0141

BEEVILLE OFFICE:
107 SOUTH SAINT MARY'S
BEEVILLE, TX 78102
PHONE: (361) 358-8400
FAX: (361) 358-8407

Rep.Hinojosa@mail.house.gov
www.house.gov/hinojosa

January 21, 2009

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Madame Secretary:

Congratulations on your confirmation as the new Secretary of the Department of Homeland Security. I was very pleased with your appointment, as I know you understand the challenges that border states and communities face in trying to balance security and the free flow of trade and people.

As Customs and Border Protection works with the General Services Administration to prioritize projects for funding under the stimulus bill and the FY10 appropriations bill, I respectfully ask for your consideration of \$25 million in funding for commercial facilities at the Donna/Rio Bravo International Bridge in Donna, Texas.

This new land port is currently under construction and is scheduled to open at the end of 2009 or early in 2010, depending on when federal inspection facilities are completed. This new bridge is intended to alleviate commercial traffic at the Pharr International Bridge. However, current federal funding will only allow the bridge to operate with non-commercial traffic. The City of Donna is a very small rural community which has heavily invested their scarce resources in this project. They have donated the land to GSA for the federal facilities and even paid for the federal engineering and design studies in an effort to complete this project more quickly. Paying these federal costs has required them to borrow additional funds for the project.

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RECEIVED

Honorable Janet Napolitano

January 21, 2009

Page 2

The City of Rio Bravo is the largest border town in Mexico without a crossing and the Mexican government has placed this project at the top of its priority list. The bridge ties into the new Rio Bravo/Monterrey Loop project that is being constructed as part of Mexico's long-term transportation plan. Construction of the Mexican portion of the bridge has also begun.

It is estimated that this project will create over 7,000 sustainable jobs and bring \$500 million in annual economic impact to this depressed region. The bridge is located in the largest Tax Increment Reinvestment Zone in Hidalgo County, which comprises 940 acres with a private-public investment of over \$950 million. It is the last piece of the regional development of this "Golden Triangle" that includes the cities of Donna, Mercedes and the Delta region of Hidalgo County. Already the City of Mercedes has opened a hugely successful outlet mall. Before Christmas we opened the Delta Mercado, a farmer's market funded by the Economic Development Administration. The Donna Bridge is the final economic development piece that will bring the unemployment rates in this portion of the county out of double digits and down to the levels enjoyed by the rest of the county.

While I appreciate the work that has been done by the federal government to expedite this project, this port was always intended to be a commercial crossing. The Presidential Permit initially awarded allows commercial traffic. The General Services Administration has designed both the non-commercial and commercial facilities. The port will not be financially viable without commercial traffic. Although the city agreed to allow the bridge to open without commercial traffic, the assumption was that commercial traffic would be allowed in the very near future so that the city would have the means to repay their loans. I, therefore, request that CBP approve the construction of commercial facilities at this port so that stimulus money or FY10 appropriations funding can be used for this project.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to let me know and I would be glad to provide any additional information you require.

Sincerely,



Rubén Hinojosa
Member of Congress

APR 01 2009



**Homeland
Security**

The Honorable Rubén Hinojosa
U.S. House of Representatives
Washington, DC 20515

Dear Representative Hinojosa:

Thank you for your letter of January 21, 2009, regarding funding for commercial facilities at the new port of entry currently under construction in Donna, Texas. Unfortunately, after careful review, the Department of Homeland Security is unable to move forward with your request at this time.

Beginning in 2003, U.S. Customs and Border Protection (CBP), in partnership with the U.S. General Services Administration (GSA), undertook a thorough assessment of all 163 existing land ports of entry along the northern and southern borders. Based on this information, CBP has outlined a multi-year strategy to modernize every land port facility to address outmoded configurations and years of physical deterioration.

CBP, in conjunction with GSA, will employ the resources provided through the *American Recovery and Reinvestment Act of 2009* (ARRA) to modernize existing land ports of entry along both border regions. The funding provided directly to DHS for ports of entry may only be applied to those facilities owned by CBP and because the Donna port of entry is GSA owned, CBP may not expend its funds for that purpose. Both organizations have targeted the GSA, ARRA, and proposed fiscal year 2010 funds toward the ports in greatest need of modernization. Unfortunately, CBP cannot address every need within this critical inventory, but thanks to the resources provided, we have made great strides towards making the Donna port of entry a reality, as evidenced by the \$23.4 million appropriated for construction in GSA's FY 2008 budget.

I appreciate your interest in this matter and look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,

A handwritten signature in black ink, appearing to read "Chani Wiggins", written over a large, stylized flourish.

Chani Wiggins
Assistant Secretary



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

March 17, 2009

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, D.C. 20528

817203

PETER T. KING, NEW YORK
RANKING MEMBER

RECEIVED BY DHS EXEC SEC
2009 MAR 17 PM 4:32

Dear Secretary Napolitano:

I write regarding the recently enacted American Recovery and Reinvestment Act (Act) (P.L. 111-5). This law provides nearly \$3 billion to the Department of Homeland Security (Department) for infrastructure improvements, grants to States and localities, and technology procurement and deployment.

As I am sure you will agree, the Department must work to ensure that these funds are distributed and used in a manner that best enhances security and most efficiently and effectively stimulates the economy. To that end, I would appreciate a response to the following questions.

1. Aside from the \$5 million provided to the Department's Office of Inspector General, what other mechanisms have you put in place to ensure this funding is spent appropriately?
2. The Act provides a total of \$300 million for the Port Security Grant Program and Transit Security Grant Program. How will these funds be distributed? Will you work to ensure that these funds are provided based on risk to grant recipients with "shovel ready" projects? How will the \$210 million in grants for the construction and improvement of fire stations be distributed?
3. The Act provides \$100 million for border security technology on the Southwest border. The Department has experienced significant difficulty with SBInet, the technology component of the Secure Border Initiative, including cost overruns and inoperable equipment. How will you ensure that the border security technology procured using this funding will meet the needs of personnel at the border?
4. The Department recently announced that the \$1 billion for aviation security in the Act will create more 3,000 jobs¹ and the Transportation Security Administration has notified 17 airports that they will receive funding for checked baggage explosive detection systems. How did you determine which airports would receive funding? Are the airports that will receive funding ready to begin work on these projects immediately?

¹ Press Release, Department of Homeland Security, DHS Recovery Act Aviation Projects to Create 3,000 Jobs (March 5, 2009).

5. The Act provides \$420 million for land port of entry construction and modernization. With aging infrastructure across both our Nation's Northern and Southern borders how will you determine which ports of entry will receive new or updated facilities?
6. Section 1114 of the Act passed by the House of Representatives required recipients of funding under this Act to participate in E-Verify. However, this provision was removed from the enacted version. What will you do to ensure that funding under this Act is not provided to employers that employ individuals in the United States illegally?
7. Except in certain circumstances, the Act requires the Department to comply with the Buy America Act. What steps have you taken to ensure that the Department complies with this provision? What impact will this have on the Department's procurement efforts? Does that Department have staff that is appropriately trained in this area?

Many of the provisions of the Act require you to provide expenditure plans to the House and Senate Appropriations Committee by April 9, 2009. I respectfully request that you also provide these plans to the Committee on Homeland Security to better enable our oversight efforts.

Thank you for your consideration of this request. I look forward to working with you to ensure that there is appropriate oversight over the expenditure of these funds.

Sincerely,



GUS M. BILIRAKIS
Ranking Member
Subcommittee on Management, Investigations,
and Oversight

cc: The Honorable Chris Carney, Chairman, Subcommittee on Management, Investigations, and Oversight

The Honorable Bennie G. Thompson, Chairman, Committee on Homeland Security

The Honorable Peter T. King, Ranking Member, Committee on Homeland Security

APR 17 2009



**Homeland
Security**

The Honorable Gus Bilirakis
Ranking Member
Subcommittee on Management, Investigations,
and Oversight
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20510

Dear Representative Bilirakis:

Thank you for your March 17, 2009, letter outlining questions related to the Department of Homeland Security's (DHS) use of funds allocated in the recently enacted *American Recovery and Reinvestment Act* (ARRA) (Public Law 111-5). DHS has taken extraordinary efforts to ensure the proper application and stewardship of the \$2.76 billion appropriated under the ARRA. Our responses to your seven questions are provided below:

1. *Aside from the \$5 million provided to the Department's Office of Inspector General, what other mechanisms have you put in place to ensure this funding is spent appropriately?*

The Department has designated the Senior Counselor to the Secretary as the Agency Accountable Official, thereby placing responsibility as close to the Secretary as practical. The Senior Accountable Official is directly assisted by a career Senior Executive from the Office of the Chief Procurement Officer (CPO) responsible for coordinating both guidance and reporting of ARRA requirements.

In addition, DHS headquarters has assembled a team with participants from the Office of the Chief Financial Officer, Office of the Chief Information Officer, CPO, and the Office of Public Affairs dedicated to ensuring that the transparency requirements of the ARRA are met or exceeded. In addition, each of the DHS Components has identified a senior official who is accountable to the departmental official for the programmatic application of the Components' programs. Ongoing examinations and discussions with the Components at each stage of the program's progress towards announcement, award, and administration will provide multiple opportunities to ensure that guidance is being followed and proper execution of each program is maintained. Finally, the Senior Accountable Official and the DHS Inspector General (IG) have established an open and ongoing dialogue with one another through regularly scheduled weekly conferences to ensure each party is kept up to date on the other's activities, any documentation requested by the IG is promptly provided and well explained and understood by both parties, and cooperative and proactive solutions are applied in process.

- 2. The Act provides a total of \$300 million for the Port Security Grant Program and Transit Security Grant Program. How will these funds be distributed? Will you work to ensure that these funds are provided based on risk to grant recipients with "shovel ready" projects? How will the \$210 million in grants for the construction and improvement of fire stations be distributed?*

The Federal Emergency Management Agency (FEMA) is working very closely with the Transportation Security Administration (TSA) and the United States Coast Guard (USCG) to determine how these programs should be administered. For the Transit Security Grant Program (TSGP), FEMA and TSA believe there is over \$50 million in unfunded projects from the fiscal year (FY) 2009 cycle that could be applied against the ARRA monies. This would allow for an immediate action for part of the monies and simplify the process for a number of grantees. TSA and FEMA are working closely to develop a new grant guidance package for the remaining TSGP monies, and have met with congressional staff to ensure that DHS is on the right track as related to the report language.

Because there were no "carryover" funds from the FY 2009 Port Security Grant Program (PSGP), FEMA and USCG are developing new grant guidance and an application kit package for the ARRA funds. This ARRA grant guidance will continue efforts supporting and building capabilities and protocols that enhance local and regional collaboration.

FEMA is currently consulting with the Fire Service constituent groups to gather their feedback on ways to administer grant funds for fire stations. In all of the grant packages, FEMA will consider the ability to start and complete projects in a short time frame.

- 3. The Act provides \$100 million for border security technology on the Southwest Border. The Department has experienced significant difficulty with SBInet, the technology component of the Secure Border Initiative, including cost overruns and inoperable equipment. How will you ensure that the border security technology procured using this funding will meet the needs of personnel at the border?*

The initial demonstration of the Secure Border Initiative (SBInet) technology was deployed along 28 miles of the U.S.-Mexico border in Tucson, Arizona. This project, known as P-28, was a proof-of-concept demonstration that provided valuable operational, technical, and acquisition lessons relative to implementing an integrated land-based sensor system for cost-effective surveillance and control of the border. Even though P-28 was intended to only be a proof-of-concept demonstration, it continues to be used by U.S. Customs and Border Protection's (CBP) Office of Border Patrol as a valuable technological tool to assist agents with detection of illegal border incursions.

The lessons learned from P-28, along with additional testing in a representative operational environment (Playas, New Mexico), have enabled CBP to facilitate the development and planned deployment of future SBInet projects. The lessons learned included satellite communications shortcomings and the design challenges of using off-the-shelf hardware to develop a complex new system. The importance for complete and comprehensive engineering and operational tests was identified to confirm the technical design, before putting the system in the hands of the end user for actual operations. CBP continues to effectively address these critical lessons learned and has adopted an evolutionary spiral

development strategy to ensure that the SBInet program meets reasonable and achievable capability goals and the expectations of CBP personnel at the border. In addition, CBP agents and officers will be directly involved in identifying operational requirements and the most efficient technological tools to assist them in their critical mission.

4. *The Department recently announced that the \$1 billion for aviation security in the Act will create more than 3,000 jobs and the TSA has notified 17 airports that they will receive funding for checked baggage explosive detection systems. How did you determine which airports would receive funding? Are the airports that will receive funding ready to begin work on these projects immediately?*

The airports were selected to mitigate risk, in consideration of other factors in the aviation system, and consistent with the intent of the law to fund projects most ready for execution. Specifically, TSA's airport prioritization list was derived from an established selection process that includes a risk-based Airport Prioritization Model ranking, percent of cost sharing the airport is willing to assume, scoring of the airport's application (including technical designs), and the readiness of the airport to apply funding (i.e., schedule). Only airports that apply for facility modification projects through the formal application process and complete the requirements of the application process are included in the prioritization list. This ensures that only airports ready to initiate work are selected.

5. *The Act provides \$420 million for land port of entry construction and modernization. With aging infrastructure across both our Nation's northern and southern borders how will you determine which ports of entry will receive new or updated facilities?*

In 2003, CBP, in partnership with the U.S. General Services Administration, undertook a thorough assessment of all 163 existing land ports of entry along the northern and southern borders. Based on this information, CBP has outlined a multiyear strategy to modernize every land port facility to address outmoded configurations and years of physical deterioration.

The ARRA provided CBP \$420 million to modernize CBP-owned land ports of entry. CBP will employ these resources to modernize existing CBP-owned land ports of entry along both the northern and southern borders, based on operational priorities, facility assessments, and project risk analyses. While CBP cannot address every need within this critical inventory with the ARRA funds, they will allow us to make significant progress in the Land Ports of Entry modernization program.

6. *Section 1114 of the Act passed by the House of Representatives required recipients of funding under this Act to participate in E-Verify. However, this provision was removed from the enacted version. What will you do to ensure that funding under this Act is not provided to employers that employ individuals in the United States illegally?*

DHS developed and deployed the E-Verify system, which is an electronic system for employers to use to verify the authorization of their employees to work in the United States. While use of the E-Verify system is not mandatory for all employers or all government contractors, it is used by many to strengthen their efforts to validate I-9 information provided to them by new hires. DHS has established a procurement policy to

give preference in source selections to prospective contractors under competitive DHS acquisitions based on the extent to which they use the E-Verify system. Under this approach, a contractor is more likely to receive an award if it demonstrates that it uses E-Verify to ensure its workforce consists of workers who are legally authorized to work in the United States.

7. *Except in certain circumstances, the Act requires the Department to comply with the Buy America Act. What steps have you taken to ensure that the Department complies with this provision? What impact will this have on the Department's procurement efforts? Does the Department have staff that is appropriately trained in this area?*

The CPO is taking a multi-pronged approach to ensure that DHS properly complies with this *Buy America Act* (BAA) requirement. First, CPO is preparing an Acquisition Regulatory Advisory that will go to each contracting professional in the Department to describe the new policy and to provide guidance on how to comply. Second, CPO will conduct refresher training events to keep DHS procurement professionals current on the new requirements and on how to implement them. Third, DHS has developed a specific online training course on the BAA and trade agreements. This course is expected to become available during the next quarter of FY 2009 and it should substantially improve the understanding of and compliance with BAA policies within DHS.

With respect to the impact on DHS procurement efforts, the BAA requirements of the ARRA may increase the cost of some contracts and the associated procurement processes will be more complex and harder to use than existing policies. This is due to the unique nature of the application of provisions such as U.S. Steel and the even more unique application of the textiles provision directed solely at TSA. Those and other Department- or Component-unique procurement provisions mean that CPO must provide specific training for even the most experienced acquisition professionals that are hired from other agencies or transfer from one DHS Component to another.

An identical letter has been sent to the courtesy copy recipients of your letter, which includes the Chairman of the House Homeland Security Committee Subcommittee on Management, Investigations, and Oversight, the Chairman of the House Committee on Homeland Security, and the Ranking Member of the House Committee on Homeland Security.

I appreciate your interest in the Department of Homeland Security's distribution of the ARRA. Should you need further assistance, please contact Jeff Readinger, Office of Legislative Affairs, at (202) 447-5890.

Sincerely,



Chani Wiggins
Assistant Secretary
Office of Legislative Affairs

United States Senate

WASHINGTON, DC 20510-7012

March 18, 2009

The Honorable Janet Napolitano
Secretary
United States Department of Homeland Security
Washington, DC 20528

Dear Madam Secretary:

I am writing to you today regarding the implementation of the American Recovery and Reinvestment Act (ARRA, P.L. No. 111-5). Many local governments, nonprofits, businesses, and individuals in Nevada are confused about what funding the act makes available and how to access it.

To help Nevadans better understand the programs included in the act, I am planning an American Recovery and Reinvestment Act Workshop, to be held in Las Vegas, Nevada on April 16, 2009. The event will include representatives from state and federal agencies to answer questions about what programs are available through the ARRA and how funds can be accessed as quickly as possible.

It is my hope that a member of your agency will be present at the event to provide details on your agency's ARRA programs. My grant specialist, (b) (6) can provide you or your staff with any additional information you may need about the workshop. He can be reached at (b)(2)(low), (b)(6) Thank you for your time and consideration.

Sincerely,



HARRY REID
Majority Leader
United States Senate-Nevada

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Congress of the United States
Washington, DC 20515

March 23, 2009

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The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

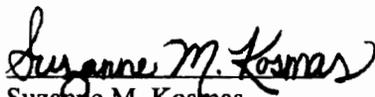
Congratulations on your confirmation as Secretary of Homeland Security. Your appointment signals a new era in the Department of Homeland Security and highlights President Obama's commitment to ensuring that the most qualified people lead our nation.

With the recent enactment of the *American Rescue and Reinvestment Act of 2009*, the Department of Homeland Security has received funding to improve our country's critical border security programs. This is an important step in the effort to protect our nation.

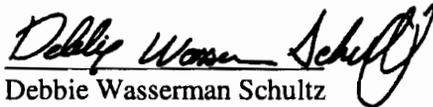
As you begin the bidding process for the projects funded in this bill, I ask that you support the federal set aside mandate to contract with 8(a) women- and minority-owned firms. It is important that as we work to stimulate our economy, we pay particular attention to these types of small businesses. Many women- and minority-owned businesses across the nation, and especially in our state of Florida, offer the expertise necessary to meet the goals of your department and should be considered whenever possible.

Thank you for your attention and we look forward to working with you in the future.

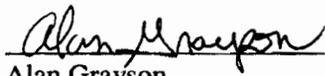
Sincerely,



Suzanne M. Kosmas
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Alan Grayson
Member of Congress

APR 29 2009



Homeland
Security

The Honorable Alan Grayson
Member of Congress
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Grayson:

Thank you for your March 23, 2009, letter regarding the Department of Homeland Security's (DHS) plans for setting aside contracting projects for 8(a), women, and minority-owned businesses, particularly in your state of Florida. You have asked that we pay particular attention to 8(a) business development program participants as well as women and minority-owned small businesses under the *American Recovery and Reinvestment Act of 2009*.

DHS is a dedicated supporter of the Small Business Administration's (SBA) programs and has been very successful meeting and exceeding their goals. The Department will continue to include all of the socio-economic groups in contracts utilizing funding from the American Recovery and Reinvestment Act. Opportunities will be maximized for small businesses at the prime and subcontract levels and current processes for identifying potential actions for the socio-economic programs will continue to be successful for contract awards.

Each acquisition with an estimated value of \$100,000 or more will be reviewed for potential inclusion in the socio-economic programs, as required by the Homeland Security Acquisition Procedures. This review is documented on a Small Business Review Form, which is signed by the contracting officer and the small business specialist. Requirements of \$2 million or more are also reviewed by the Small Business Administration Procurement Center Representative assigned to DHS.

The actions that will be awarded using the *American Recovery and Reinvestment Act of 2009* funds will be posted in FedBizOps, as required by the Act and the Office of Management and Budget's implementing guidance. DHS is committed to reaching our goals for all small business categories and believe this approach provides the best opportunity for the small business community.

Thank you for your interest in this matter. An identical letter has been sent to Congresswomen Kosmas and Schultz. If there are any further questions, please contact my office at (b)(2)(low), (b)(6)

Sincerely,

A handwritten signature in black ink, appearing to read "Elaine C. Duke".

Elaine C. Duke
Under Secretary for Management

APR 29 2009



Homeland
Security

The Honorable Suzanne M. Kosmas
Member of Congress
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Kosmas:

Thank you for your March 23, 2009, letter regarding the Department of Homeland Security's (DHS) plans for setting aside contracting projects for 8(a), women, and minority-owned businesses, particularly in your state of Florida. You have asked that we pay particular attention to 8(a) business development program participants as well as women and minority-owned small businesses under the *American Recovery and Reinvestment Act of 2009*.

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Thank you for your interest in this matter. An identical letter has been sent to Congresswoman Schultz and Congressman Grayson. If there are any further questions, please contact my office at (b)(2)(low), (b)(6)

Sincerely,

A handwritten signature in black ink, appearing to read "E. Duke".

Elaine C. Duke
Under Secretary for Management

APR 29 2009



Homeland
Security

The Honorable Debbie Wasserman Schultz
Member of Congress
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Schultz:

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DHS is a dedicated supporter of the Small Business Administration's (SBA) programs and has been very successful meeting and exceeding their goals. The Department will continue to include all of the socio-economic groups in contracts utilizing funding from the American Recovery and Reinvestment Act. Opportunities will be maximized for small businesses at the prime and subcontract levels and current processes for identifying potential actions for the socio-economic programs will continue to be successful for contract awards.

Each acquisition with an estimated value of \$100,000 or more will be reviewed for potential inclusion in the socio-economic programs, as required by the Homeland Security Acquisition Procedures. This review is documented on a Small Business Review Form, which is signed by the contracting officer and the small business specialist. Requirements of \$2 million or more are also reviewed by the Small Business Administration Procurement Center Representative assigned to DHS.

The actions that will be awarded using the *American Recovery and Reinvestment Act of 2009* funds will be posted in FedBizOps, as required by the Act and the Office of Management and Budget's implementing guidance. DHS is committed to reaching our goals for all small business categories and believe this approach provides the best opportunity for the small business community.

Thank you for your interest in this matter. An identical letter has been sent to Congresswoman Kosmas and Congressman Grayson. If there are any further questions, please contact my office at (b)(2)(low), (b)(6)

Sincerely,

A handwritten signature in black ink, appearing to read "E. Duke".

Elaine C. Duke
Under Secretary for Management

March 31, 2009

2009 APR 24 AM 10:37

The Honorable Janet A. Napolitano
Secretary
U.S. Department of Homeland
Security
Washington, D.C. 20528

Dear Secretary Napolitano:

In accordance with the provisions of Section 202(b), Public Law 601, 79th Congress (codified at 2 U.S.C. §72 a (b)), this Staff has been directed by the Committee on Appropriations to monitor the progress and performance of programs funded with economic recovery dollars.

Please designate an appropriate point of contact to arrange for obtaining the data pertinent to this inquiry and notify my office by telephone within three business days of the receipt of this letter. If there are any questions regarding this matter, I can be contacted on (b) (6)

Sincerely yours,

David M. Pomerantz
Director
Surveys and Investigations Staff
House Committee on Appropriations

cc - Office of the Inspector General

✓ 09-00-13
2 - Ervin/Harris
1 - Special Projects
6/lcv

JUN 15 2009



Homeland
Security

The Honorable Robert Wexler
2241 Rayburn House Office Building
Washington, DC 20515

Dear Representative Robert Wexler:

Thank you for your letter of April 17, 2009 regarding the City of Margate's interest in possible funding opportunities made available by the American Recovery and Reinvestment Act of 2009 (ARRA). The Department of Homeland Security (DHS) is currently finalizing the various program plans which ensure the ARRA funding has been aligned to the DHS Strategic goals. Unfortunately, the proposed project of installing a precast concrete wall along the perimeter of the city's waste water treatment plant does not fall within the purpose of ARRA funding provided for DHS. ARRA funding was provided for DHS contracts and grants specifically for certain programs, e.g. Aviation Security, Port Security, Fire Station Construction, etc. As a result, we do not anticipate funding opportunities for this project. Detailed information concerning the DHS ARRA funding can be found at www.recovery.gov.

Thank you for your interest in the Department. If you need any further assistance, please contact (b) (6) DHS Coordinator for ARRA, at (b) (6)

Sincerely,

A handwritten signature in black ink, appearing to read "Elaine C. Duke".

Elaine C. Duke
Under Secretary for Management

JUL 10 2009



**Homeland
Security**

The Honorable Hilda L. Solis
Secretary of Labor
Washington, DC 20210

Dear Secretary Solis:

Thank you for your May 7, 2009 memorandum regarding the Occupational Safety and Health Administration (OSHA) Workplace Activities related to the *American Recovery and Reinvestment Act (ARRA) of 2009*. I have shared this information with my senior occupational safety and health managers throughout the Department of Homeland Security (DHS). These managers will ensure the information is communicated throughout their organizations. On behalf of the DHS, I thank OSHA for offering technical assistance and the creation of training opportunities.

The Department's ARRA projects are involved with occupational safety and health monitoring through its participation in the Federal Advisory Council on Occupational Safety and Health where the Department's Designated Agency Safety and Health Official serves as a management representative. DHS is in communication with the General Services Administration's (GSA) Fire Protection and Life Safety Office to coordinate occupational safety and health on GSA projects performed for the Department.

I look forward to our continued partnership as we carry out this critical initiative.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Duke".

Elaine C. Duke
Under Secretary for Management

United States Senate

WASHINGTON, DC 20510

May 12, 2009

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528-0001

Dear Secretary Napolitano:

We write to express our concern about the way in which your Department has selected contractors for the Land Ports of Entry upgrades funded by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). We helped write the Recovery Act because we believed that smart investments in our infrastructure would have a positive impact on job creation all over the country, but particularly in rural America.

We were proud to announce recently to the people of Montana that five ports of entry along Montana's northern border with Canada will receive an estimated \$77 million in funding from the Recovery Act. The \$77 million could be a critically important boost Montana's economy by creating jobs and is also an important investment in the ports of entry that keep America safe and facilitate cross-border commerce. As you know, the money will be used to refurbish, remodel or, in some cases, perhaps rebuild the ports of entry in Scobey, Wild Horse, Del Bonita, Morgan, and Whitetail.

However, we believe that the decision to award design contracts for these projects to large national firms is a significant misstep. We are deeply disappointed that Montana companies have been left only with an opportunity to subcontract with large national firms such as J.D. Abrams, Overland, RKJ, ITSI and MCC/Catamount Company. The Border Patrol stations built in Glasgow, Plentywood, Scobey, Malta were all designed and built by Montana architects and construction companies.

As you discussed directly with Senator Tester, the Recovery Act will only be effective if it creates jobs everywhere – not simply at a few large companies. While we understand the need to move funds quickly, it is not clear that this is the most efficient use of taxpayer funds. We have long been advocates of providing additional security for the northern border and have each had the chance to discuss the importance of such projects in meetings with you earlier this year. It is troubling to see Homeland Security neglect the opportunity to create jobs with in places hit hard by the economic downturn. We therefore request a response to the following questions:

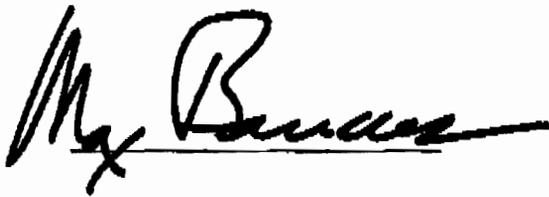
May 12, 2009

Page 2

1. Why was Montana know-how and skill not even given a chance to be considered for planning and engineering work on the port upgrades funded by the Recovery Act?
2. Why were small businesses not at the table when the contracts were negotiated for the planning and design work at these ports?
3. What steps are you taking to ensure that small companies in Montana and across the country can perform the important port upgrades? What actions will your Department take to ensure that small businesses are aware of any subcontracting opportunities that may be available on these contracts?
4. What was the rationale used to select, in a non-competitive manner, large national firms to perform work funded by Congress as part of an economic stimulus package?
5. What data do you have to demonstrate that this process was an effective way to quickly and economically execute these port upgrades?
6. Will small contractors have a seat at the table when future work is contracted for DHS projects funded in the jobs bill?

Thank you for your timely consideration of these important questions. We look forward to working with you to ensure that the jobs bill meets the critical needs of your Department, the great state of Montana, and all of the American people.

Sincerely,

Handwritten signature of My Baines in black ink, written over a horizontal line.Handwritten signature of Jon Peters in black ink, written over a horizontal line.

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

June 26, 2009

The Honorable Jon Tester
United States Senate
Washington, DC 20510

Dear Senator Tester:

Thank you for your May 12, 2009 letter regarding the selection of contractors for the land ports of entry upgrades funded by the *American Recovery and Reinvestment Act* (ARRA). I appreciate your desire to assist the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) with the critical task of facilities modernization. Senator Baucus, who co-signed your letter, will receive a separate, identical response.

The ARRA provided CBP and the U.S. General Services Administration (GSA) with a capital infusion of \$720 million for land ports of entry modernization. Of the \$720 million appropriated by Congress through the ARRA, \$300 million was designated for GSA-owned land ports of entry and \$420 million for CBP-owned land ports of entry. With the funds provided by ARRA, CBP will execute 20-23 major construction projects along the northern and southern borders using proven service providers. To meet Congress' goals of timely project execution and a streamlined positive economic impact, CBP is working with a multi-agency team comprised of GSA, U.S. Army Corps of Engineers (USACE), state and local officials, and a myriad of other stakeholders. Further, CBP plans to award a number of projects in the first half of fiscal year 2010 that will be set aside completely for competition among small business prime contractors.

I have enclosed answers to the specific questions raised in your letter. I appreciate your continued support of our efforts to ensure that ARRA funds will help CBP meet today's homeland security demands. Should you need additional assistance, please do not hesitate to contact me at (b)(2)(low), (b)(6)

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a long horizontal flourish extending to the right.

Janet Napolitano

Enclosure

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

June 26, 2009

The Honorable Max Baucus
United States Senate
Washington, DC 20510

Dear Senator Baucus:

Thank you for your May 12, 2009 letter regarding the selection of contractors for the land ports of entry upgrades funded by the *American Recovery and Reinvestment Act* (ARRA). I appreciate your desire to assist the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) with the critical task of facilities modernization. Senator Tester, who co-signed your letter, will receive a separate, identical response.

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Yours very truly,

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Janet Napolitano

Enclosure