THE WHITE HOUSE WASHINGTON

June 22, 2010

Dear Madam Speaker:

I ask the Congress to consider the enclosed amendments to Fiscal Year (FY) 2010 proposals in my FY 2011 Budget for the Departments of Homeland Security and Justice.

These amendments would support efforts to secure the Southwest border and enhance Federal border protection, law enforcement, and counternarcotics activities.

The amounts requested would be partially offset by cancelling \$100 million from a lower priority program within the Department of Homeland Security. The proposed budget authority for FY 2010 would, therefore, increase by a net total of \$500 million as a result of these amendments.

This request responds to urgent and essential needs. Therefore, I request these proposals be considered as emergency requirements. The details of this request are set forth in the enclosed letter from the Director of the Office of Management and Budget.

Sincerely,

The Honorable Nancy Pelosi Speaker of the House of Representatives Washington, D.C. 20515

Enclosure



EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET WASHINGTON, D.C. 20503

June 22, 2010

The President
The White House

Submitted for your consideration are amendments to Fiscal Year (FY) 2010 proposals in your FY 2011 Budget. The amendments include proposals for the Departments of Homeland Security and Justice.

These amendments would support efforts to secure the Southwest border and enhance Federal border protection, law enforcement, and counternarcotics activities. This request responds to urgent and essential needs, and therefore, the specific amendments are being requested as emergency requirements.

The amounts requested would be partially offset by cancelling \$100 million from a lower priority program within the Department of Homeland Security. The proposed budget authority for FY 2010 would, therefore, increase by a net total of \$500 million as a result of these amendments, which are described below and in more detail in the enclosures.

Department of Homeland Security

These amendments would provide \$399 million for the Department to support increased Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) operations along the Southwest border. The request includes \$297 million to hire 1,000 new Border Patrol agents, \$37 million for two new unmanned aerial detection systems, \$52.5 million for 160 new ICE agents, \$6.5 million for 30 new CBP officers, and \$6 million for 20 new CBP canine teams. Although not a part of this request, an additional \$100 million of existing resources in the Border Security Fencing, Infrastructure, and Technology account shall be repositioned to higher priority replacement and repair of fences to enhance physical infrastructure along the Southwest border.

In addition, an amendment is provided to cancel permanently \$100 million from the FY 2010 enacted appropriation for the Customs and Border Protection's Border Security Fencing, Infrastructure, and Technology account. While the Department of Homeland Security is striving to improve the current technology assets at the border, the funds in the Border Security Fencing, Infrastructure, and Technology account will not be used pending a Department-wide review.

Department of Justice

These amendments would provide \$201 million for the Department to surge Federal law enforcement officers in the Southwest border region and the temporary deployment of personnel to high crime areas. Specifically, Justice funding would increase the presence of Federal law enforcement in the Southwest border districts by adding seven ATF Gunrunner Teams, five FBI Hybrid Task Forces, additional DEA agents, equipment, operational support, and additional attorneys and immigration judges and to support additional detention and incarceration costs for criminal aliens in coordination with Department of Homeland Security enforcement activities. The amendments would also provide funding to support Mexican law enforcement operations with ballistic analysis, DNA analysis, information sharing, technical capabilities, and technical assistance.

Recommendation

I have carefully reviewed this request and am satisfied that it is necessary at this time. Therefore, I join the heads of the affected agencies in recommending that you transmit this proposal to the Congress.

Sincerely,

Peter R. Orszag

Director

Enclosure

Agency: DEPARTMENT OF HOMELAND SECURITY

Bureau: IMMIGRATION AND CUSTOMS ENFORCEMENT

Heading: Salaries and Expenses

House Doc. 111-101

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$52,500,000

FY 2010 Revised Supplemental

Request: \$52,500,000

(In the appropriations language under the above agency, insert the above new bureau and heading and the following new language immediately following the heading "Immigration Examinations Fee" and just before the bureau heading "United States Coast Guard":)

For an additional amount for "Salaries and Expenses" for necessary expenses for emergency hiring of new Criminal Investigators related to Southwest border enforcement, \$52,500,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would allow the Department of Homeland Security to hire and deploy 160 new Immigration and Customs Enforcement Criminal Investigators. The additional agents will be positioned in the highest risk locations along the Southwest border and it is estimated the 160 additional agents would yield 2,720 new enforcement actions (arrests, indictments, convictions, seizures, fines, or penalties) each year against the most significant criminal organizations involved in narcotics, alien, firearm, and bulk cash smuggling and trafficking.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$52.5 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF HOMELAND SECURITY

Bureau: CUSTOMS AND BORDER PROTECTION

Heading: Salaries and Expenses

House Doc. 111-101

Page: 15

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$309,500,000

FY 2010 Revised Supplemental

Request: \$309,500,000

(In the appropriations language under the above agency, insert the above new bureau and heading and the following new language immediately following the newly inserted bureau and heading "Immigration and Customs Enforcement, Salaries and Expenses" and just before the bureau heading "United States Coast Guard":)

For an additional amount for "Salaries and Expenses" for emergency hiring of new Border Patrol agents, Customs and Border Protection Officers, and K-9 teams for Southwest border activities, \$309,500,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$309.5 million for enhanced Southwest border enforcement Customs and Border Protection (CBP) personnel, including \$297 million to hire and deploy 1,000 new Border Patrol agents and the related support costs – for a total staffing level of over 21,000 agents – and allow CBP to establish a flexible surge force of approximately 500 agents. The amendment also provides \$6.5 million for CBP to hire 30 new CBP Officers at the ports of entry and \$6 million to add 20 new CBP K-9 Teams.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$309.5 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF HOMELAND SECURITY

Bureau: CUSTOMS AND BORDER PROTECTION

Heading: Air and Marine Interdiction, Operations, Maintenance, and

Procurement

House Doc. 111-101

Page: 15

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$37,000,000

FY 2010 Revised

Supplemental

Request: \$37,000,000

(In the appropriations language under the above newly inserted bureau, insert the above new heading and the following new language immediately following the newly inserted heading "Salaries and Expenses" and just before the bureau heading "United States Coast Guard":)

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" for the procurement, operations and maintenance of unmanned aircraft systems to be deployed along the Southwest border, \$37,000,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$37 million to fund the procurement, operations and maintenance of two unmanned aircraft systems for use along the Southwest border. These systems will be deployed to monitor the Southwest border and assist in the interdiction of aliens and goods moving illegally into the United States.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$37 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF HOMELAND SECURITY

Heading: GENERAL PROVISION

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: Language

FY 2010 Revised Supplemental

Request: --

(In the appropriations language under the above agency, insert the above new heading and the following new language immediately following the newly inserted heading "Air and Marine Interdiction, Operations, Maintenance, and Procurement" and just before the bureau heading "United States Coast Guard":)

SEC. 1. Of the funds appropriated in Public Law 111-83 under the heading "Border Security Fencing, Infrastructure, and Technology", \$100,000,000 are hereby permanently cancelled.

This provision would cancel permanently \$100 million from the FY 2010 enacted appropriation for the Customs and Border Protection's Border Security Fencing, Infrastructure, and Technology account. While the Department of Homeland Security is striving to improve the current technology assets at the border, the funds in the Border Security Fencing, Infrastructure, and Technology account will not be used pending a Department-wide review.

This proposed decrease will be used to partially offset proposed increases to fund the President's comprehensive enforcement strategy by strengthening ports of entry with additional inspectors; expanding Immigration and Customs Enforcement drug, cash and arms smuggling investigations; and enhancing law enforcement resources in the Department of Justice, a key component in overall Southwest border law enforcement and prosecutions, as described in the accompanying amendments.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would decrease by \$100 million as a result of this amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: GENERAL ADMINISTRATION

Heading: Administrative Review and Appeals

House Doc. 111-101

Page: 16

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$2,118,000

FY 2010 Revised Supplemental

Request: \$2,118,000

(In the appropriations language, insert the above new agency, bureau and heading and the following new language just after the Bodoni dash and immediately before the heading "Department of State":)

For an additional amount for "Administrative Review and Appeals" for necessary expenses for increased administrative review proceedings related to Southwest border enforcement, \$2,118,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$2.1 million for Department of Justice Administrative Review and Appeals. These funds would be used to provide additional resources to support an increase in caseload related to Southwest border enforcement activities.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$2.1 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: GENERAL ADMINISTRATION

Heading: Detention Trustee

House Doc. 111-101

Page: 16

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$7,000,000

FY 2010 Revised Supplemental

Request: \$7,000,000

(In the appropriations language under the above newly inserted agency, insert the above new heading and the following new language just after the newly inserted heading "Administrative Review and Appeals" and immediately before the heading "Department of State":)

For an additional amount for "Detention Trustee" for necessary expenses for increased criminal detention expenses related to Southwest border enforcement, \$7,000,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$7 million for the Detention Trustee account. These funds would be used to mitigate an increase in criminal detention workload related to Southwest border criminal enforcement activities.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$7 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: FEDERAL PRISON SYSTEM

Heading: Salaries and Expenses

House Doc. 111-101

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$20,000,000

FY 2010 Revised

Supplemental

Request: \$20,000,000

(In the appropriations language under the above agency, insert the above new bureau and heading and the following new language just after the newly inserted heading "Detention Trustee" and immediately before the heading "Department of State":)

For an additional amount for "Salaries and Expenses" for necessary expenses for increased incarceration costs related to Southwest border enforcement, \$20,000,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$20 million for Department of Justice Federal Prison System. These funds would be used to provide additional resources to support an increase in incarceration of prisoners related to Southwest border enforcement activities.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$20 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: LEGAL ACTIVITIES AND U.S. MARSHALS

Heading: Salaries and Expenses, General Legal Activities

House Doc. 111-101

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$3,862,000

FY 2010 Revised Supplemental

Request: \$3,862,000

(In the appropriations language under the above agency, insert the above new bureau and heading and the following new language just after the newly inserted heading "Salaries and Expenses" and immediately before the heading "Department of State":)

For an additional amount for "Salaries and Expenses, General Legal Activities" for necessary expenses for increased criminal prosecutorial and civil litigation expenses related to Southwest border enforcement, \$3,862,000, to remain available until September 30, 2011:

Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$3.9 million for the General Legal Activities Salaries and Expenses account. These funds would be used to provide additional resources for the Criminal Division and the Civil Division to mitigate an increase in the prosecution workload related to Southwest border enforcement activities.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$3.9 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: LEGAL ACTIVITIES AND U.S. MARSHALS

Heading: Salaries and Expenses, United States Attorneys

House Doc. 111-101

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$9,198,000

FY 2010 Revised

Supplemental

Request: \$9,198,000

(In the appropriations language under the above bureau, insert the above new heading and the following new language just after the newly inserted heading "Salaries and Expenses, General Legal Activities" and immediately before the heading "Department of State":)

For an additional amount for "Salaries and Expenses, United States Attorneys" for necessary expenses for increased investigations, operational and prosecutorial support and other expenses related to Southwest border enforcement, \$9,198,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$9.2 million for the United States Attorneys Salaries and Expenses account. These additional prosecutorial resources and contractor support will enhance Southwest border enforcement capabilities.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$9.2 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: LEGAL ACTIVITIES AND U.S. MARSHALS

Heading: Salaries and Expenses, United States Marshals Service

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$29,651,000

FY 2010 Revised

Supplemental

Request: \$29,651,000

(In the appropriations language under the above bureau, insert the above new heading and the following new language just after the newly inserted heading "Salaries and Expenses, United States Attorneys" and immediately before the heading "Department of State":)

For an additional amount for "Salaries and Expenses, United States Marshals Service" for necessary expenses for increased investigations, operational and prosecutorial support and other expenses related to Southwest border enforcement, \$29,651,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$29.7 million for the United States Marshals Service Salaries and Expenses account. These funds would be used to provide additional resources for investigations, prisoner transportation and production in the southwest border region.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$29.7 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: LEGAL ACTIVITIES AND U.S. MARSHALS

Heading: Construction, United States Marshals Service

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$8,000,000

FY 2010 Revised Supplemental

Supplemental

Request: \$8,000,000

(In the appropriations language under the above bureau, insert the above new heading and the following new language just after the newly inserted heading "Salaries and Expenses, United States Marshals Service" and immediately before the heading "Department of State":)

For an additional amount for "Construction" for necessary expenses for renovation of space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and associated support related to Southwest border enforcement, \$8,000,000, to remain available until expended: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$8 million for the United States Marshals Service Construction account. These funds would be used to provide for renovation and/or projects for United States Marshals Service space at courthouse facilities in the Southwest border districts.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$8 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: INTERAGENCY LAW ENFORCEMENT

Heading: Interagency Crime and Drug Enforcement

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$21,000,000

FY 2010 Revised

Supplemental

Request: \$21,000,000

(In the appropriations language under the above agency, insert the above new bureau and heading and the following new language just after the newly inserted heading "Construction, United States Marshals Service" and immediately before the heading "Department of State":)

For an additional amount for "Interagency Crime and Drug Enforcement" for necessary expenses for increased investigations, operational and prosecutorial support and other expenses related to Southwest border enforcement, \$21,000,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide an additional \$21 million for Organized Crime and Drug Enforcement Task Force prosecutor-led Strike Force operations, including the immediate and temporary deployment of additional federal law enforcement agents and prosecutors to the Southwest border region to help address violence and criminal activity.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$21 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: FEDERAL BUREAU OF INVESTIGATION

Heading: Salaries and Expenses

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$25,262,000

FY 2010 Revised

Supplemental

Request: \$25,262,000

(In the appropriations language under the above agency, insert the above new bureau and heading and the following new language just after the newly inserted heading "Interagency Crime and Drug Enforcement" and immediately before the heading "Department of State":)

For an additional amount for "Salaries and Expenses" for necessary expenses for increased investigations, operational support, and other expenses related to Southwest border enforcement, \$25,262,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$25.3 million for the Federal Bureau of Investigation's Salaries and Expenses account. These funds would be used to establish five new hybrid investigation teams and FBI SWAT deployments, as well as operational costs associated with increased investigations along the Southwest border, including wiretapping and fingerprint capture equipment.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$25.3 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: DRUG ENFORCEMENT ADMINISTRATION

Heading: Salaries and Expenses

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$35,805,000

FY 2010 Revised

Supplemental

Request: \$35,805,000

(In the appropriations language under the above agency, insert the above new bureau and heading and the following new language just after the newly inserted bureau and heading "Federal Bureau of Investigation, Salaries and Expenses" and immediately before the heading "Department of State":)

For an additional amount for "Salaries and Expenses" for necessary expenses for increased investigations, operational support, and other expenses related to Southwest border enforcement, \$35,805,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide an additional \$35.8 million to the Drug Enforcement Administration's (DEA's) Salaries and Expenses account to address violence and criminal activity in the Southwest border region. This amendment would fund additional Federal drug enforcement agents, the next iteration of DEA's drug flow attack strategy, increased human intelligence gathering, and Mexican law enforcement support, and technology enhancements to monitor, track, analyze and share intelligence data.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$35.8 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.

Agency: DEPARTMENT OF JUSTICE

Bureau: BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND

EXPLOSIVES

Heading: Salaries and Expenses

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FY 2010 Pending Supplemental

Request: ---

Proposed Amendment: \$39,104,000

FY 2010 Revised

Supplemental

Request: \$39,104,000

(In the appropriations language under the above agency, insert the above new bureau and heading and the following new language just after the newly inserted bureau and heading "Drug Enforcement Administration, Salaries and Expenses" and immediately before the heading "Department of State":)

For an additional amount for "Salaries and Expenses" for necessary expenses for increased investigations, operational and prosecutorial support and other expenses related to Southwest border enforcement, \$39,104,000, to remain available until September 30, 2011: Provided, That Congress designates this amount as an emergency requirement for these specific purposes.

This amendment would provide \$39.1 million for the Bureau of Alcohol, Tobacco, Firearms and Explosives Salaries and Expenses account. These funds would be used for deployment of seven Project Gunrunner Impact Teams to combat firearms trafficking along the Southwest border. Funding also would support increased firearms tracing and upgrade ballistics information systems.

The proposed total budget authority for FY 2010 in the FY 2011 Budget would increase by \$39.1 million as a result of this amendment. This increase is partially offset by a proposed reduction to a lower priority activity within the Department of Homeland Security, as described in an accompanying amendment.