

REORGANIZATION PLAN MODIFICATION FOR THE
DEPARTMENT OF HOMELAND SECURITY

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REORGANIZATION PLAN MODIFICATION FOR THE DEPARTMENT
OF HOMELAND SECURITY, PURSUANT TO PUB. L. 107-296, SEC.
1502



FEBRUARY 4, 2003.—Referred to the Committee on Homeland Security
(Select) and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

THE WHITE HOUSE,
Washington, January 30, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1502 of the Homeland Security Act of 2002 (Public Law 107-296) (the "Act"), I submit herewith the enclosed Reorganization Plan Modification for the Department of Homeland Security (DHS), which represents a modification of certain aspects of the DHS Reorganization Plan I submitted to you on November 25, 2002. The modification involves organizational units within the DHS Border and Transportation Security Directorate. The enclosed Reorganization Plan Modification provides information concerning the elements identified in section 1502(b), and is itself subject to modification pursuant to section 1502(d) of the Act. In accordance with section 1502(a) of the Act, please transmit this Reorganization Plan Modification to the appropriate congressional committees.

Sincerely,

GEORGE W. BUSH.

**REORGANIZATION PLAN MODIFICATION FOR THE DEPARTMENT OF
HOMELAND SECURITY
January 30, 2003**

Introduction

This Reorganization Plan Modification is submitted pursuant to the Homeland Security Act ("the Act") of 2002. All elements of the Department of Homeland Security Reorganization Plan of November 25, 2002 ("the Plan") remain as submitted except for those modifications addressed herein.

Purpose of Modification

This modification of the Plan is to establish and specify organizational units within the Border and Transportation Security Directorate. This modification presents a structural change, but does not consolidate, discontinue, or diminish transferred agencies' current operations in the field.

Plan Modifications

- (a) Rename the "**Bureau of Border Security**" the "**Bureau of Immigration and Customs Enforcement.**" As required by the Act, this Bureau will be headed by an Assistant Secretary who will report directly to the Undersecretary for Border and Transportation Security.

This Bureau will include Immigration Naturalization Service (INS) interior enforcement functions, including the detention and removal program, the intelligence program, and the investigations program. At the same time, pursuant to this modification, the interior enforcement resources and missions of the Customs Service and the Federal Protective Service will be added to this Bureau. The mission of the Bureau is:

1. To enforce the full range of immigration and customs laws within the interior of the United States; and,
2. To protect specified federal buildings.

The Assistant Secretary will:

1. Establish and oversee the administration of the policies for performing the detention and removal program, the intelligence program, and the investigation program functions as are --
 - (a) transferred to the Under Secretary for Border and Transportation Security by Section 441 of the Act and delegated to the Assistant Secretary by the Under Secretary for Border and Transportation Security; or
 - (b) otherwise vested in the Assistant Secretary by law.

2. Advise the Under Secretary for Border and Transportation Security with respect to any policy or operation of the Bureau that may affect the Bureau of Citizenship and Immigration Services established under subtitle E of the Act, including potentially conflicting policies and operations.

- (b) Rename the "Customs Service" the "**Bureau of Customs and Border Protection**." This Bureau will be headed by the Commissioner of Customs and will report to the Under Secretary for Border and Transportation Security.

The Bureau will include the resources and missions relating to borders and ports of entry of the Customs Service, the INS, including the Border Patrol and the inspections program, and the agricultural inspections function of the Agricultural Quarantine Inspection program.

The Commissioner will:

1. Establish and oversee the administration of the policies for performing the Border Patrol and inspections program functions as are --

(a) transferred to the Under Secretary for Border and Transportation Security by Section 441 of the Act and delegated to the Commissioner by the Under Secretary for Border and Transportation Security; or

(b) otherwise vested in the Commissioner by law.

2. Advise the Under Secretary for Border and Transportation Security with respect to any policy or operation of the Bureau that may affect the Bureau of Citizenship and Immigration Services established under subtitle E of the Act, including potentially conflicting policies and operations.

IMPLEMENTATION DATE

March 1, 2003

ELEMENTS REQUIRED BY THE ACT TO BE SUBMITTED WITH MODIFIED PLAN

(1) Identification of any functions of agencies transferred to the Department pursuant to this Act that will not be transferred to the Department under the plan.

None.

(2) Specification of the steps to be taken by the Secretary to organize the Department, including the delegation or assignment of functions transferred to the Department among

officers of the Department in order to permit the Department to carry out the functions transferred under the plan.

See plan modifications above.

(3) Specification of the funds available to each agency that will be transferred to the Department as a result of transfers under the plan.

The table attached at Tab A provides estimates of the funds available to the agencies affected by this modification that will be transferred to the Department by operation of the Act. The table includes total funding (mandatory and discretionary including fees) and discretionary funding net of fees. The table provides the President's requested levels for 2003.

Because of the current state of the 2003 budget process, information concerning the funds that will be available to each transferring agency on the date of the proposed transfers is not currently available. As additional information becomes available, it will be provided as may be required in accordance with the procedures under the Act for modification of this Plan or other applicable law.

(4) Specification of the proposed allocations within the Department of unexpended funds transferred in connection with transfers under the plan.

The table attached at Tab B provides updated estimates of the unobligated balances as of September 30, 2002, for the agencies affected by this modification that will be transferred to the Department. Since October 1, 2002, these agencies have been operating under continuing resolutions, and, as such, have been spending these balances to maintain current operations. As additional information becomes available, it will be provided as may be required in accordance with the procedures under the Act for modification of this Plan or other applicable law.

(5) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations of agencies transferred under the plan.

There is no intention to dispose of property, facilities, contracts, records, and other assets and obligations of agencies transferred under this modification. All such assets and obligations will transfer with each agency pursuant to Section 1511(d)(1) of the Act.

(6) Specification of the proposed allocations within the Department of the functions of the agencies and subdivisions that are not related directly to securing the homeland.

The functions of the agencies affected by this modification that are not directly related to securing the homeland will continue to be performed by the bureaus formed by this planned reorganization.

Department of Homeland Security -- Major Components*
(budget authority in millions of dollars)

	<u>FY 2003</u>
	<u>Budget</u>
Border and Transportation Security -- Total Funding	
<u>Customs and Border Protection</u>	
Immigration and Naturalization Service (DOJ).....	3,387
Customs Service (Treasury).....	2,784
Animal and Plant Health Inspection Service (USDA).....	224
Total Funding, Customs and Border Protection.....	<u>6,395</u>
 <u>Immigration and Customs Enforcement</u>	
Immigration and Naturalization Service (DOJ).....	1,248
Border-related Detention Funding (DOJ/Detention Trustee).....	615
Customs Service (Treasury).....	429
Federal Protective Service (GSA).....	411
Total Funding, Immigration and Customs Enforcement.....	<u>2,703</u>
<hr/>	
Border and Transportation Security -- Net Discretionary Funding	
<u>Customs and Border Protection</u>	
Immigration and Naturalization Service (DOJ).....	2,809
Customs Service (Treasury).....	2,454
Animal and Plant Health Inspection Service (USDA).....	45
Total Funding, Customs and Border Protection.....	<u>5,308</u>
 <u>Immigration and Customs Enforcement</u>	
Immigration and Naturalization Service (DOJ).....	942
Border-related Detention Funding (DOJ/Detention Trustee).....	615
Customs Service (Treasury).....	380
Federal Protective Services (GSA).....	411
Total Funding, Immigration and Customs Enforcement.....	<u>2,348</u>

* Note: Component totals do not match estimates included in the original reorganization plan (dated 11/25/2002) due to revised estimates of discretionary and mandatory collections and revised expectations of programmatic splits between INS enforcement and services activities.

Department of Homeland Security -- Unobligated Balances

(agency estimates of unobligated balances as of September 30, 2002 in millions of dollars)

	<u>FY 2003</u>
	<u>Estimated</u>
Border and Transportation Security	
<u>Customs and Border Protection</u>	
Immigration and Naturalization Service (DOJ).....	185
Customs Service (Treasury).....	894
Animal and Plant Health Inspection Service (USDA).....	---
Total Unobligated Balances, Customs and Border Protection.....	<u>1,079</u>
 <u>Immigration and Customs Enforcement</u>	
Immigration and Naturalization Service (DOJ).....	96
Border-related Detention Funding (DOJ/Detention Trustee).....	---
Customs Service (Treasury).....	162
Federal Protective Service (GSA).....	10
Total Unobligated Balances, Immigration and Customs Enforcement.....	<u>268</u>