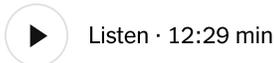


Noem's Spending Rule Causes Delays at Homeland Security Dept.

The secretary's requirement that she personally approve any expense over \$100,000 has created a backlog of "mission critical" contracts, records show.



By Maxine Joselow, Alexandra Berzon and Eli Murray

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The new rule came down from Kristi Noem, the homeland security secretary, in June — a decree that she would crack down on wasteful spending by personally approving any expense over \$100,000.

But Ms. Noem has been slow to sign off on new spending requests, including hundreds of projects that officials have deemed critical to protecting national security and advancing President Trump's immigration agenda, according to internal documents reviewed by The New York Times.

As of July 30, the most recent date reflected in most of the documents, at least 530 spending requests were awaiting Ms. Noem's approval, while more than 1,500 other spending requests were awaiting review by lower-level officials before they could land on her desk, according to the documents. And while Ms. Noem said in a June memo that her reviews of the requests could take five days, in many cases they are taking weeks, the documents show.

A Department of Homeland Security spokeswoman said that as of Monday, Ms. Noem did "not have a single contract on her desk awaiting signature" — a statement that could not be independently verified. But what is clear, from

documents and interviews with people briefed on the spending requests, is that the bottleneck in the approval process has halted some operations while threatening further disruptions across the sprawling department, which includes more than a dozen agencies and divisions focused on issues as varied as immigration enforcement, airport security and disaster response.

At the Transportation Security Administration, for example, a contract for airport screening equipment that helps detect fake passports expired in early July while awaiting approval. A lapse in the contract “increases the likelihood of bad actors boarding aircraft using fraudulent identification,” T.S.A. officials wrote in the internal documents.

T.S.A. officials’ description of a contract for screening equipment

“Failure to award this contract action will significantly impact TSA’s ability to monitor and analyze vulnerabilities across the agency’s field information systems. ... The most affected system will be TSA’s Credential Authentication Technology which checks passenger identification and Secure Flight vetting status. During an outage, Secure Flight data cannot be fed to the system, thereby requiring Transportation Security Officers to use less secure, manual methods for verifying passenger identification. This increases the likelihood of bad actors boarding aircraft using fraudulent identification and severely impacts passenger throughput at checkpoints.”

The company that provides the screening service furloughed its employees after receiving a stop-work order, according to a person briefed on the matter who spoke on the condition of anonymity for fear of retaliation. If the contract is not renewed soon, T.S.A. agents could be forced to manually inspect passports and driver’s licenses, leading to long waits at airports nationwide, the person said.

The documents reviewed by The Times included internal D.H.S. spreadsheets listing the numbers and purposes of hundreds of contracts, including both new contracts and existing ones that needed to be renewed or modified. The

spreadsheets specified whether the spending requests were awaiting approval from Ms. Noem or still pending with lower-level officials. Some agencies also included descriptions of why officials considered contracts “mission critical.”

The approval process threatens to create slowdowns as the Homeland Security Department prepares to vastly expand immigration enforcement, with President Trump’s newly enacted policy bill devoting tens of billions of dollars to accelerating the administration’s immigration crackdown.



As of July 30, the most recent date for which data was available to The Times, at least 530 contracts were awaiting approval by Kristi Noem, homeland security secretary,

while more than 1,500 other contracts were awaiting review by lower-level officials before they could land on her desk. Haiyun Jiang/The New York Times

At Immigration and Customs Enforcement, more than 60 contracts were pending with Ms. Noem's office and 18 others were pending with top ICE officials as of July 30, according to the documents. Several of the pending contracts covered detention facilities and local jails housing immigrants, the documents show.

In one case, a roughly \$500,000 payment for a contract to house ICE detainees at a jail in Boone County, Ky., was delayed for around two weeks in July, said Jason Maydak, the county jailer. The delay had a minor impact, but "if it becomes a habit, we'll reach out with D.H.S. and try to figure out some ways to streamline some things," he said.

At Customs and Border Protection, one of the 180 pending contracts described in the documents would help administer polygraph tests to applicants for law enforcement positions. The contract was supposed to start on July 28 but was still pending with Ms. Noem's office on July 30, the documents show.

"Any lapse in services" would undermine "an administration priority" of increasing staffing levels, C.B.P. officials wrote in the documents. The administration plans to hire 3,000 new Border Patrol agents and 10,000 new ICE agents using funds from Mr. Trump's policy law.

C.B.P. officials' description of a contract for polygraph tests

"As required by the 2010 Anti Border Corruption Act, all applicants for Customs and Border Protection law enforcement positions must complete and pass a polygraph examination. Without the support this contract provides, Customs and Border Protection would be unable to efficiently and effectively schedule and document required examinations to maintain current authorized law enforcement positions that are an Administration priority."

The documents reviewed by the Times were last updated on July 30 for most of the agencies that make up the Homeland Security Department. One exception was the T.S.A., for which the data was last updated on July 23, when the agency had more than 120 spending requests awaiting approval from Ms. Noem or lower-level officials. Because of that timing discrepancy, The Times did not include T.S.A. data in its tally of at least 530 spending requests that were pending on July 30.

It was not clear whether the spending requests listed in the documents might have been approved since the end of July. But a second batch of documents reviewed by The Times showed that as of Wednesday, officials from the Federal Emergency Management Agency estimated that the agency had at least 200 spending requests awaiting approval from Ms. Noem or other D.H.S. officials. One of the pending FEMA contracts would provide inspections of an estimated six million homes damaged in disasters, those documents show.

Tricia McLaughlin, a D.H.S. spokeswoman, declined to provide up-to-date data for all agencies but said the \$100,000 policy had been a success, ensuring that “money goes precisely where it’s needed most” and not to “greedy fat cat contractors.”

“It is stunning that for years career bureaucrats were unilaterally signing off on hundred-million-dollar contracts leading to massive waste, fraud and abuse of U.S. taxpayer dollars,” she said.

Ms. McLaughlin did not dispute that there were some delays at the divisions within the department, placing blame for them on a “lack of process and accountability that has plagued these components for decades.” But she rejected the notion that the policy had caused delays at Ms. Noem’s office, saying that “Secretary Noem reviews all contracts within 24 hours.”

However, the documents showed that Ms. Noem took significantly longer to review FEMA contracts. Of the 215 contracts that FEMA sent to the department for review by July 30, 96 were still awaiting her approval after a week, and two were still pending after more than two weeks.

Ms. McLaughlin also said that Ms. Noem’s “cost accountability process” had resulted in the termination of 492 contracts and had saved taxpayers more than \$1 billion overall. The Times was unable to verify these figures because Ms. McLaughlin did not provide a list of the canceled contracts, nor did she offer examples of fraud that had been uncovered inside the agency.

Federal contractors play a critical role in the day-to-day operations of the U.S. government. Even massive departments like Homeland Security, which has more than 260,000 employees, rely on thousands of contractors each year to provide crucial goods, services and personnel.

Experts on federal contracting said they agreed with Ms. Noem that more could be done to prevent wasteful spending across the department, which encompasses separate agencies that government audits have long found could more efficiently work together. But they said the \$100,000 threshold was far too low for a department that routinely incurs far greater costs.

Under both Republican and Democratic administrations, D.H.S. officials have required that extremely large or high-profile projects — in some cases over roughly \$100 million — undergo review by high-level officials, experts said. But reviews by the homeland security secretary at such a low dollar amount could invite not only delays but also the appearance of political interference, they said.

“You keep little things away from principals to isolate them from any accusation of being partial or manipulated,” said Rafael Borrás, the department’s former chief acquisition officer under President Barack Obama and the chief executive of a D.H.S. contractor trade association.

Ms. McLaughlin rejected the idea that the policy could create the specter of political interference. She said that contracts reviewed by Ms. Noem did not include the names of the companies.

Some of the delayed contracts are already having impacts.

At the Coast Guard, an aviation training center in Mobile, Ala., was shut down for two weeks last month because the contract for its cafeteria, housekeeping, laundry and janitorial services had expired on July 15. Forced out of the training center, around 50 pilots stayed at hotels, drove rental cars and got a per diem rate of \$74 for meals, costing the government about \$10,000 per day, according to a Coast Guard employee who spoke on the condition of anonymity for fear of retribution.

The contract was ultimately renewed on July 30, and “there was no impact on operations or previously planned training,” Ms. McLaughlin said.

The \$100,000 requirement also delayed FEMA’s response to the catastrophic floods that roared through Central Texas last month, The New York Times previously reported. FEMA did not answer nearly two-thirds of calls to its disaster assistance line on July 6 — two days after the floods hit — because Ms. Noem had not yet renewed a contract for hundreds of workers at call centers.

The threshold for contracts requiring Ms. Noem’s signature has dramatically decreased in recent months. It went from \$25 million in March to \$20 million in May to the current \$100,000 limit in June, the documents show. Ms. McLaughlin did not respond to a question about why the limit had declined.

At FEMA, responding to a natural disaster like a hurricane, wildfire or flood can cost as much as \$1 billion per month, according to a FEMA employee briefed on the agency’s spending.

FEMA officials were almost forced to close an office in Maui, Hawaii, that has continued to assist survivors of the deadly wildfires that raged through the town of Lahaina two summers ago, according to a FEMA employee briefed on the matter. Ms. Noem renewed the lease for the Maui office just two days before it was set to expire, the employee said.

The \$100,000 requirement also delayed FEMA's response to the catastrophic floods that roared through Central Texas last month. Jordan Vonderhaar for The New York Times

Top FEMA officials have privately acknowledged that Ms. Noem's policy is stalling some work, and they have established a "contracting task force" to try to fast-track spending requests. The task force comprises roughly 30 employees, some of whom were reassigned from their jobs working on the National Flood Insurance Program. It has been charged with compiling a list of contracts that are set to expire by the end of the fiscal year and sending that information to D.H.S. officials.

In addition to Ms. Noem's reviews, many contracts are also facing scrutiny from the Department of Government Efficiency, the cost-cutting initiative once led by Elon Musk. In some cases, DOGE members have asked for reductions in the price or scope of contracts before they are sent to Ms. Noem's office, the documents show.

The Department of Homeland Security is not the only agency that has imposed the \$100,000 requirement under Mr. Trump. Howard Lutnick, the commerce secretary, issued a memo in March stipulating that he must personally approve every contract or grant over \$100,000, while a lower-level political appointee must review every contract or grant under that amount. That directive has prompted concerns about the possible loss of data used by National Weather Service forecasters, Axios reported.

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