

Fiscal Year 2010 Budget Estimates

Defense Technology Security Administration

(DTSA)



May 2009

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**DEFENSE TECHNOLOGY SECURITY ADMINISTRATION
Operation and Maintenance, Defense-Wide
Fiscal Year (FY) 2010 Budget Estimates**

Operation and Maintenance, Defense-Wide Summary (\$ in thousands)

Budget Activity (BA) 4: Administration and Service Wide Activity

	<u>FY 2008</u> <u>Actuals</u>	<u>Price</u> <u>Change</u>	<u>Program</u> <u>Change</u>	<u>FY 2009</u> <u>Estimate</u>	<u>Price</u> <u>Change</u>	<u>Program</u> <u>Change</u>	<u>FY 2010</u> <u>Estimate</u>
Agency	23,256	774	9,355	33,385	753	187	34,325

* The FY 2008 Actual, FY 2009 and FY 2010 columns contain no supplemental Funding.

I. Description of Operations Financed: The Defense Technology Security Administration (DTSA) promotes and defends the United States (U.S) national security interests by protecting critical technology while building relationships and interoperability with friends and allies. The DTSA's mission is to guard against critical technology exports that threaten national security objectives and undermine U.S. foreign policy. The DTSA is the principal defense agency responsible for providing direction and stewardship of technology security policies and making informed, coordinated recommendations on the national security implications of international transfers of controlled technology, goods, and services subject to the licensing requirements of the Departments of Commerce and State under DOD Directive 5105.72. The DTSA coordinates the DoD review of Department of State License applications for the export of defense-related goods and services under the International Traffic in Arms Regulations (ITAR) and Department of Commerce license requirements regarding the export of sensitive dual-use goods and technologies under the Export Administration Regulations (EAR).

The performance of these activities assists in setting policies and regulations to help achieve the DTSA goals to:

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I. Description of Operations Financed: (continued)

- Preserve the U.S. defense edge by preventing the proliferation and diversion that could prove detrimental to U.S. national security.
- Engage U.S. allies and partners to increase interoperability and protect critical technology.
- Facilitate the health of the U.S. industrial base.
- Align and utilize resources to support DTSA's mission.

<u>Policy Directorate:</u>	<u>FY 2008 Actual</u>	<u>FY 2009 Estimate</u>	<u>FY 2010 Estimate</u>
	4,971	4,852	5,457

The Policy Directorate (PD) focuses on regional issues, negotiations and liaison, capabilities and systems, and intelligence assessments. Directorate personnel support, lead, and develop DoD and USG technology security policies for assigned activities. These activities ensure that technology security concerns are integrated into DoD policy decisions and reflect broader national security policies and decisions. The PD is responsible for conveying interagency technology security arguments to the policy community and policy considerations to DTSA technical staffs. Examples of these activities are:

- The Wassenaar Arrangement (WA) - DTSA is the DoD lead for the development and implementation of policy positions relating to the WA. Representatives from PD and other DoD offices send representatives to express DoD's viewpoint and preserve our equities by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations. The U.S. considers WA a critical component of the nonproliferation

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I. Description of Operations Financed: (continued)

strategy and export control. The WA is the primary mechanism for DoD to impose export control requirements on emerging technologies. The Department encourages participating States' representation to foster international security viewpoints.

- Trade Security Controls (TSC) Program - prevents illegal acquisition or other unauthorized transfers of DoD property, by or to individuals, entities, and/or countries whose interests are adverse to U.S. national security. The commodities controlled include technology, goods, services and munitions contained on the U.S. Munitions List (USML) and Commerce Control List (CCL). The PD maintains the policy guidance and chairs a Working Group to review policies, monitors implementation, and addresses and resolves any issues.
- Sanctions on Foreign Governments - PD had lead responsibilities for coordinating export control-related activities with regard to sanctions on foreign governments or entities.
- Committee on Foreign Investment in the United States (CFIUS) - Performing a lead function for the Department in determining risks of a transaction and the required risk mitigation measures, DTSA must consider many aspects such potential effects on the sale of military goods, equipment, or technology to a country that supports terrorism or proliferates missile technology, chemical or biological weapons; potential effects on U.S. technological leadership in areas affecting U.S. national security and critical infrastructure; and whether the acquirer is controlled by, or acting on behalf of, a foreign government.

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- United Nations Register of Conventional Arms - PD serves as the OUSD(Policy) point of contact to this international arms transparency effort that supports openness in the import and export of conventional weapons.
- Bilateral Outreach - PD conducts bilateral outreach to partners who have acquired U.S. technology, thus building relationships and emphasizing the importance of proper protection of defense technology. DTSA/PD's program of education and interaction increases partner understanding of technology security requirements as well as partner willingness to properly protect the technology they acquire.
- Other duties - PD will represent Combatant Commanders, Military Services, and the Joint Staff technology security positions in bilateral and multilateral forums. This function ensures that U.S. national security concerns are properly articulated and integrated into international technology security efforts. The PD also drafts specific control or technology security policies for specific technologies and commodities.

<u>Technology Directorate:</u>	<u>FY 2008</u> <u>Actual</u>	<u>FY 2009</u> <u>Estimate</u>	<u>FY 2010</u> <u>Estimate</u>
	6,631	7,152	8,123

The Technology Directorate (TD) is the primary source of advice on technical matters pertaining to international transfers of defense-related commodities and technologies. The TD's primary responsibility is defining the point at which technology becomes critical from a national security perspective, and assuring that international transfers of military technology, defense articles, and/or dual-use commodities meet partnership needs. The TD staff engineers and scientists provide the knowledge and defense-related technical expertise foundation to shape technology security policy development and

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I. Description of Operations Financed: (continued)

implementation. The TD staff provides technical evaluations and recommendations of international technology transfers consistent with U.S. national security interests and DoD technology security objectives. The TD is the only source for engineering and scientific analysis for critical military technologies, defense article capabilities, and balancing between military and civil applications of dual-use commodities.

- The TD provides technical analysis and recommendations for the international transfer of defense-related commodities and technologies as follows:
 - o 12,000 munitions export license applications
 - o 5,000 dual-use export license applications
 - o 1,100 public release security reviews
 - o 170 Committee on Foreign Investment in the U.S. filings
 - o 100 Exception to National Disclosure Policy requests
 - o 90 international agreement reviews
 - o 20 Freedom of Information Act requests commensurate with U.S. national security interest and DoD technology security policies.

This international technology transfer evaluation includes identifying all militarily critical technologies, validating the viability of the stated end use, and identifying relevant foreign availability. All this while ensuring the impact on legitimate defense cooperation with foreign friends and allies and the health of the U.S. defense industrial base is considered in order to maintain the balance between national security concerns and appropriate business opportunities.

- TD ensures the scientific and technical quality of DoD proposals submitted by the U.S. Government for international consideration to the Wassenaar Arrangement, the Missile Technology Control Regime, the Australia Group, and other multilateral

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organizations. The staff reviews proposals from other control regime member countries and has established a technical negotiating strategy that advances DoD technology security interests in both U.S. Government interagency and international negotiations. They ensure that technically robust arguments are prepared to negotiate new and updated export controls with both U.S. Government interagency and international technical experts, to ensure that DoD equities are satisfied and effectively implemented in international export control.

- TD scientifically and technically reviews and validates changes to the International Traffic in Arms Regulations and the Export Administration Regulations to ensure the revisions are credible, adequate, efficient, and justified.
- TD initiates and directs independent research, studies, and analysis of militarily critical technologies and develops strategies for control of emerging munitions and dual-use technology exports, with a primary emphasis on U.S. and allied national security, economic and trade issues.

<u>License Directorate:</u>	FY 2008	FY 2009	FY 2010
	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
	5,682	6,163	6,912

The Licensing Directorate (LD) is the DoD entry and exit point for all actions related to the USG's review of direct commercial sales and licenses related to the export of controlled goods and technology. The LD is the principle source of advice on licensing and regulatory issues pertaining to international transfers of defense-related commodities and technologies. The LD's critical role is identifying the national security concerns related to exports; developing and adjudicating DoD positions that effectively

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address these concerns; and assuring exports of military technology, defense articles, and/or dual-use commodities align with partnership needs. (Note: Dual use technology can be used to develop legitimate commercial products or can also be used to improve the overall defense industrial base of a country).

The LD coordinates, develops and adjudicates the DoD position on licenses, rules, and regulations. They perform reviews on disclosures from the Departments of Commerce (DOC) and State (DOS) to obtain DoD recommendations on whether to support technology security policies, address warfighter protection, and prevent the diversion of sensitive technology and proliferation of WMD capabilities to programs or entities of national security concern. The LD is responsible for providing coordinated DoD responses to requests with regard to national security and DoD export control policies. The LD's two divisions analyze either DOS Munitions licenses or DOC Dual-Use export cases.

- Munitions - The Munitions Division reviewed and adjudicated approximately 36,000 export license applications and commodity jurisdiction requests received from the DOS last year. This was a 50 percent increase in the number of cases from 2007. Over the past 10 years, the number of export licenses from DOS has increased from 14,000 in 1999 to 35,976 in 2008. Additionally, DTSA supports DOS law enforcement officials in identifying Defense articles and determining the impact of Arms Export Control Act (AECA) violations on U.S. National Security. This review process is governed by the AECA, the International Traffic in Arms Regulations (ITAR) and its U.S. Munitions List (USML), as well as mandated by National Security Presidential Directive (NSPD) 56. As the final arbitrator of the DoD position, DTSA's role in this process is absolutely critical. License decisions developed by DTSA/LD support vital DoD weapons programs (e.g., Joint Strike Fighter, Missile Defense, Future Combat Systems).

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- Dual-Use - The Dual-Use Division adjudicates the national security review of over 18,000 export license requests received from the DOC. Since 1999, the number of DOC licenses reviewed by the DoD has steadily increased by 4 percent per year. Exports requiring the review of pertinent DoD services and support agencies are staffed for the appropriate technical, policy and intelligence analysis, and evaluation in order to identify any concerns raised by the transaction. The final recommended position must be staffed, reviewed, and analyzed within the EO 12981 30 day suspense, for consistency with U.S. national security objectives and DoD technology security policies. The review process is governed by the Export Administration Act (EAA) implemented by the DOC Bureau of Industry and Security (DoC/BIS) via the Export Administration Regulations (EAR) and Executive order 12981. Although the Export Administration Act (EAA) expired on August 20, 2001, Executive Order (EO) 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of August 15, 2007, 72 FR 46137 (August 16, 2007), continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. In December 1995, EO 12981 outlined procedures for interagency coordination and adjudication of dual-use export license applications submitted to the DOC.

<u>International Security Directorate</u>	FY 2008	FY 2009	FY 2010
	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
	916	1,097	1,191

The International Security Directorate (ISD) classifies military information that requires protection in the interest of national security as described in EO 12958 and under DoD's control or jurisdiction. The ISD functions are established pursuant to U.S. law, treaty, and international agreements and are in direct support of the Arms Export Control Act, EO 12958, National Security Decision Memorandum 119, and the National

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Disclosure Policy (NDP-1) Presidential Directive on Information Sharing with Australia, Canada and the United Kingdom. The ISD carries out the authorities in DoD Directive 5111.1, concerning disclosure of classified information to foreign governments and international organizations, and the security aspects of all international cooperative programs. The ISD activities include:

- Responsibility for all matters concerning the security aspects of international bilateral and multilateral cooperative programs;
- Formulating, implementing and overseeing of national and defense international security policy;
- Administering and operating of the interagency National Disclosure Policy Committee (NDPC). This committee is responsibility for developing and promulgating policy governing the disclosure of classified military information and material to foreign governments and international organizations (National Disclosure Policy (NDP-1));
- Developing, coordinating, and issuing the U.S. Government's position on requests for exceptions to NDP-1;
- Developing and promulgating DoD security policies, procedures, and standards necessary for effective implementation of NDP-1 throughout the DoD;
- Establishment of policy governing the foreign release of classified military information and materiel involved in security assistance and arms cooperation and other international cooperative programs;
- Providing policy guidance on required security arrangements for these programs, and intelligence and geospatial arrangements with foreign governments;
- Preparing and initiating negotiations for General Security Agreements (GSAs) and Industrial Security Agreements;

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- Arranging for on-site security assessments of foreign governments' security programs to ascertain and monitor the capability of governments which the United States has established bilateral GSAs to protect U.S. classified information;
- Hosting foreign government security officials during the conduct of reciprocal security assessments;
- Establishing security requirements for bilateral and multilateral cooperative programs with foreign governments to protect U.S. security interests;
- Serving as the U.S. Security Authority to NATO and the DoD Designated Security Authority for international cooperative programs;
- Representing the United States on the NATO Security Committee and its working groups;
- Developing the interagency coordinated U.S. position on NATO security matters;
- Developing policies for and provides oversight to the Defense Personnel Exchange Program (DPEP), the Foreign Liaison Officer (FLO) Program, the Cooperative Program Personnel (CCP) Program, and the Foreign Visits Program;
- Developing and providing policy oversight of international security training programs for the DoD and Defense industry and represents the United States on the Multinational Industrial Security Working Group (MISWG).

<u>Management Directorate</u>	FY 2008	FY 2009	FY 2010
	<u>Actual</u>	<u>Estimate</u>	<u>Estimate</u>
	4,244	4,756	4,380

The Management Directorate (MD) plans, directs, and implements services in support of senior DTSA Executives and staff in the areas of Human Capital Programs; Planning, Programming and budgeting; Security; Information Technology; and general administrative

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support. Execution of these activities will ensure DTSA fulfills its technology security mission and meets its strategic goals.

The MD responsibilities include oversight of personnel and manpower (military and civilian); financial execution; Defense Travel System (DTS) utilization; acquisition and contract administration; physical and personnel security; Anti-Terrorism/Force Protection, information security; information technology and network operations mission system; facilities management; government-owned vehicle management; property accountability; internal management control programs; and strategic planning.

<u>Security Policy Automation Network (SPAN)</u>	<u>FY 2008 Actuals</u>	<u>FY 2009 Estimate</u>	<u>FY 2010 Estimate</u>
	812	9,365	8,262

The SPAN is a group of systems and applications that automates many of the technology security actions. The six SPAN systems maintained by DTSA include the following:

- USXPORTS - Provides case management and workflow tracking of DoD's disposition for munitions and dual-use license applications received DOS and DOC
- Spacelink - Provides a functional IT application to support statutory Space Monitoring mission. The system provides a web-based, collaborative environment for DoD and Industry to share and review all documentation associated with a foreign launch of U.S. technology.
- Foreign Visits System - The system is a multi-application infrastructure to request, approve, and confirm visits by foreign nationals to DoD facilities and

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organizations.

- Foreign Disclosure System - Provides an infrastructure to track various disclosures of classified military information to foreign governments.
- National Disclosure Policy System - Provides an infrastructure to support the functioning of the inter-agency National Disclosure Policy Committee, to include records of decisions on exceptions to national disclosure policy.
- ELISA - Provides an electronic mechanism for industry to obtain the current status on dual-use and munitions license applications.

The SPAN is currently supported by contractors in the areas of software design, development, deployment, maintenance, and documentation. The contractor also supports SPAN infrastructure requirements including technical support for networks, server support, mail and messaging, archiving, and database administration. This also includes SPAN system design and integration for networks and servers, design and implementation of mail and messaging solutions, technical solutions for certification, technical solutions to meet Federal archiving requirements for automated records, and technical personnel for operations requirements in these areas. The SPAN system is currently being evaluated and DTSA has initiated a plan to improve the oversight of contractor service and acquire those services more effectively, and in-source contractor services where it is more appropriate and efficient to do so.

II. Force Structure Summary: N/A.

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III. Financial Summary (\$ in thousands)

	FY 2009						
	FY 2008 <u>Actuals</u>	Budget <u>Request</u>	<u>Congressional Action</u>			Current <u>Estimate</u>	FY 2010 <u>Estimate</u>
			<u>Amount</u>	<u>Percent</u>	<u>Appropriated</u>		
A. <u>BA Subactivities</u>	23,256	33,468	-83	-.2	33,385	33,385	34,325

* This Agency received no Emergency Supplemental or Bridge funds.

<u>B. Reconciliation Summary</u>	<u>Change FY 2009/FY 2009</u>	<u>Change FY 2009/FY 2010</u>
Baseline Funding	33,468	33,385
Congressional Adjustments (Distributed)		
Congressional Adjustments (Undistributed)	-68	
Adjustments to Meet Congressional Intent	-15	
Congressional Adjustments (General Provisions)		
Subtotal Appropriated Amount		
Fact-of-Life Changes (CY to CY Only)		
Subtotal Baseline Funding		33,385
Anticipated Supplemental Reprogrammings		
Price Changes		
Functional Transfers		753
Program Changes		187
Current Estimate		34,325
Less: Wartime Supplemental		
Normalized Current Estimate	33,385	34,325

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III. Financial Summary (\$ in thousands)

<u>C. Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Totals</u>
FY 2009 President's Budget Request		33,468
1. Congressional Adjustments		-83
a. Distributed Adjustments		
b. Undistributed Adjustments		
c. Adjustments to meet Congressional Intent		
d. General Provisions - Sec 8081 - Economic Assumptions	-68	
e. Congressional Earmarks -	-15	
FY 2009 Appropriated Amount		33,385
2. War-Related and Disaster Supplemental Appropriations		
3. Fact of Life Changes		
FY 2009 Baseline Funding		33,385
4. Reprogrammings (requiring 1415 Actions)		
Revised FY 2009 Estimate		33,385
5. Less: Item 2, War-Related and Disaster Supplemental Appropriations		
FY 2009 Normalized Current Estimate		
6. Price Change		753
7. Functional Transfers		
8. Program Increases		2,195
a. Annualization of New FY 2009 Program		
b. One-Time FY 2010 Increases		
c. Program Growth in FY 2010 - Civilian Pay increased to cover the additional FTEs programmed in FY 2010 and a lower than normal vacancy rate (FY 2009 Base: \$17,892)	2,195	
9. Program Decreases		-2,008
a. Annualization of FY 2009 Program Decreases		

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III. Financial Summary (\$ in thousands)

<u>C. Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Totals</u>
b. One-Time FY 2009 Increases		
c. Program Decreases in FY 2010 - Decreased contracts, travel, training cost to cover the additional FTEs programmed in FY 2010. (FY 2009 Base: \$3,879)	-2,008	
FY 2010 Budget Request	34,325	34,325

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IV. Performance Criteria and Evaluation Summary

Technology Security Actions (TSAs) represent work accomplished by the DTSA. A typical TSA represents a unit of work, which allows for the tracking and analysis of our business activity. The composite number of such actions actually counted represents the application of resources to achieve all mission, regulatory, statutory goals, and objectives. Some TSAs are devoid of precise performance or time measurement. For example, the development of an International Agreement may take months of work, negotiation, and coordination before actual implementation, where the review of a license is measured and tracked daily.

TSA Category	FY 08	FY 09	FY10	FY11
License Reviews	48,567	49,538	50,529	51,540
End User Assessments	23,138	23,601	24,073	24,554
Patent Application Reviews	17,685	18,039	18,399	18,767
TD Opinions on Licenses	17,037	17,378	17,725	18,080
PD Opinions on Licenses	7,358	7,505	7,655	7,808
MTEC/SNEC/Shield	3,929	4,008	4,088	4,169
TD Security Reviews	1,072	1,093	1,115	1,138
Exemption Certifications	188	192	196	200
CFIUS Transactions	186	190	194	197
Bilateral/Multilateral Actions	149	152	155	158
Outreach	106	108	110	112
Exceptions to National Disclosure	91	93	95	97
International Agreements/DOPs	106	108	110	112
Foreign Military Sales Actions	65	66	68	69
Regulation Reviews	31	32	32	33
CFIUS Mitigation Agreements	15	15	16	16
Undercovers	8	8	8	8
	119,731	122,126	124,568	127,059

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V. <u>Personnel Summary</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>Change FY 2008/ FY 2009</u>	<u>Change FY 2009/ FY 2010</u>
<u>Active Military End Strength (E/S)</u>	23	19	12	-4	-7
Officer	14	12	9	-2	-3
Enlisted	9	7	3	-2	-4
<u>Civilian End Strength</u>					
U.S. Direct Hire	143	168	174	+25	+6
Total Direct Hire	143	168	174	+25	+6
Memo: Reimbursable Civilians Included	29	38	38	+9	0
<u>Active Military Average Strength (A/S)</u>	23	19	12	-4	-7
Officer	14	12	9	-2	-3
Enlisted	9	7	3	-2	-4
 <u>Civilian FTEs</u>					
U.S. Direct Hire	143	168	174	+25	+6
Total Direct Hire	143	168	174	+25	+6
Memo: Reimbursable Civilians Included	29	38	38	+9	0
Average Annual Civilian Salary (\$ in thousands)	153.3	143.3	156.5		

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VI. OP 32 Line Items as Applicable (Dollars in thousands):

<u>OP 32 Line</u>	FY 2008 <u>Actuals</u>	Change <u>FY 2008/FY 2009</u>		FY 2009 <u>Estimate</u>	Change <u>FY 2009/FY 2010</u>		FY 2010 <u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
101 Exec, Gen'l & Spec Scheds	17,472	664	491	18,627	462	2,195	21,284
199 Total Civ Compensation	17,472	664	491	18,627	462	2,195	21,284
308 Travel of Persons	445	9	-4	450	9	0	459
399 Total Travel	445	9	-4	450	9	0	459
673 Def Fin & Accounting Svc	147	-7	23	163	-8	11	166
699 Total Purchases	147	-7	23	163	-8	11	166
771 Commercial Transport	35	1	0	36	1	-1	36
799 Total Transportation	35	1	0	36	1	-1	36
912 GSA Leases	1,056	26	-42	1,040	26	-5	1,061
914 Purch Communications	140	3	382	525	11	0	536
917 Postal Svc (USPS)	1	0	5	6	0	0	6
920 Supplies/Matl (non fund)	174	3	-11	166	3	0	169
932 Mgt Prof Support Svcs	453	9	-104	358	7	-131	234
933 Studies, Analysis & Eval	68	1	83	152	3	0	155
987 Other IntraGovt Purch	1,150	23	7,750	8,923	178	-904	8,197
989 Other Contracts	2,114	42	781	2,937	59	-978	2,018
998 Other Costs-Interest/Divs	1	0	1	2	2	0	4
999 Total Other Purchases	5,157	107	8,845	14,109	289	-2,018	12,380
Total	23,256	774	9,355	33,385	753	187	34,325