



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

October 12, 2011

The Honorable Jeb Hensarling  
Co-Chair  
Joint Select Committee on Deficit  
Reduction  
129 Cannon House Office Building  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Patty Murray  
Co-Chair  
Joint Select Committee on Deficit  
Reduction  
448 Russell Senate Office Building  
U.S. Senate  
Washington, DC 20510

Dear Co-Chairs Hensarling and Murray:

I write to emphasize Democrats support for reasonable deficit reduction that does not put our nation at greater risk for a terrorist attack; our belief that job creation is the most effective means of promoting economic recovery and reducing the deficit; and our insistence that any efforts to reduce the deficit represent a balanced approach that includes increased revenues.

As you are aware, Title IV of Public Law 112-25, the Budget Control Act of 2011, provides that by not later than October 14, 2011, each committee of the House of Representatives may transmit to the Joint Select Committee on Deficit Reduction (JSC) its recommendations for changes in law to reduce the deficit. To date, the Majority for the House Committee on Homeland Security has failed to consult with the Minority regarding a submission of recommendations in accordance with Title IV of Public Law 112-25. Accordingly, I am submitting my recommendations for potential changes in law within the Committee's jurisdiction that would result in cost savings for the American taxpayer.

**UNOBLIGATED BALANCES AT CBP:**

The Government Accountability Office (GAO) discovered that U.S. Custom Border Protection (CBP) has a \$639.4 million unobligated balance in its Customs User Fee Account as a result of excess collections from a temporary fee increase and elimination of North American Free Trade Agreement country exemptions from January 1, 1994, to September 30, 1997.<sup>1</sup>

POTENTIAL SAVINGS:

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<sup>1</sup>Government Accountability Office, "Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue" [GAO-11-318SP] at 324.

Clarifying the availability of unobligated balances in CBP's Customs User Fee Account could enable Congress to revise the agency's future appropriations, thereby producing a savings of up to \$639.4 million.

### **MERGE BORDER COLLABORATION PROGRAMS ON THE NORTHERN BORDER:**

Today, the Department of Homeland Security (DHS) has two major overlapping and duplicative border information sharing programs where DHS personnel and other Federal, state, local, tribal, and Canadian law enforcement partners (responsible for securing this border) work together to address border threats. The Integrated Border Enforcement Teams (IBET) are composed of U.S.-Canada law enforcement agencies that operate twenty-four strategic locations along the northern border of the U.S.<sup>2</sup> The Customs Enforcement's Border Enforcement Security Task Force (BEST) initiative, a series of multi-agency teams that identify, disrupt and dismantle criminal organizations posing threats to border security, currently has 22 locations around the U.S. and in Mexico.<sup>3</sup> Merger of the IBET<sup>4</sup> and BEST programs would effectively integrate border operations and leverage scarce resources.<sup>5</sup>

#### POTENTIAL SAVINGS:

In 2010, Immigration and Customs Enforcement's costs for maintaining the BEST program were approximately \$1.5 million to \$6.3 million per BEST location and costs for participating in IBETs ranged from almost \$480,000 to about \$2 million per IBET location (dedicated personnel, facilities, and equipment). CBP does not specifically track its costs of participating in IBETs or BEST, but a CBP official responsible for patrolling the border estimated that its fiscal year 2010 cost averaged \$100,000 for one BEST location and \$182,000 for IBET.<sup>6</sup>

### **ELIMINATE REDUNDANT SECURITY ASSESSMENT STANDARDS:**

The Transportation Security Administration's (TSA) security assessments for hazardous material trucking companies overlap with efforts conducted by the Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA), and as a result, government resources are not being used effectively.

#### POTENTIAL SAVINGS:

According to GAO, If TSA limits its reviews to trucking companies that are not covered by FMCSA's program; more than \$1 million over the next 5 years could be saved.<sup>7</sup>

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<sup>2</sup> Royal Canadian Mounted Police, *IBETs Across Canada*, Retrieved on Oct. 11, 2011, from <http://www.rcmp-grc.gc.ca/ibet-eipf/map-carte-eng.htm>.

<sup>3</sup> U.S. Immigration and Customs Enforcement, *Fact Sheet: Border Enforcement Security Task Force (BEST)*, Retrieved on Oct. 11, 2011, from <http://www.ice.gov/news/library/factsheets/best.htm>.

<sup>4</sup> Run by U.S. Customs and Border Protection, IBETs focus on national security, organized crime, and other criminal activity between ports of entry.

<sup>5</sup> Government Accountability Office, "Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue" [GAO-11-318SP] at 96.

<sup>6</sup> GAO-11-318SP at 98.

<sup>7</sup> GAO-11-318SP at 105.

## **STREAMLINE FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT APPLICATIONS:**

The Federal Emergency Management Agency (FEMA) does not compare and coordinate grant applications across its seventeen preparedness programs to identify potential duplication. In addition, FEMA has not established measurable goals or performance measures for preparedness capabilities to identify gaps to assist in effectively prioritizing national investments through preparedness grant programs.<sup>8</sup>

### POTENTIAL SAVINGS:

While the savings that could be realized from requiring FEMA to coordinate grant applications across preparedness programs is uncertain, the savings have the potential to be significant given that from fiscal year 2002 through 2010, Congress appropriated over \$34 billion for homeland security preparedness grant programs.

## **INFRASTRUCTURE INVESTMENTS TO ENHANCE SECURITY, STIMULATE JOB GROWTH AND FACILITATE COMMERCE:**

Aging infrastructure at our nation's ports of entry needs to be updated to accommodate increased traffic and modern security technologies. To be competitive in today's economy, we must invest in infrastructure that serves to expedite the flow of legitimate trade and travel. Cross-border commerce is essential not only to border communities, but to our economy as a whole. Canada and Mexico are critical trading partners and represent the two largest markets for U.S. exports. Congestion at our nation's ports of entry serves as a hidden tax on both the American consumer and business interest. Infrastructure investments at our nation's ports of entry would create jobs, enhance security and facilitate commerce.

## **CONGRESSIONAL REDUNDANCIES:**

The National Commission on Terrorist Attacks upon the United States (9/11 Commission) concluded in *The 9/11 Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* that DHS needed a permanent standing principal point of oversight and review for homeland security. The status would be analogous to what the Departments of Justice and Defense have as principal points of oversight and review—the House Judiciary Committee and the House Armed Services Committee, respectively.<sup>9</sup> To date, the House of Representatives has failed to implement this 9/11 Commission recommendation and consolidate jurisdiction over DHS within the House Committee on Homeland Security. According to the recent testimony of

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<sup>8</sup> On October 18, 2010, the President signed the “Redundancy Elimination and Enhanced Performance for Preparedness Grants Act”(Cuellar, P.L. 111-271) into law which calls for the FEMA administrator to identify redundant reporting requirements for recipients of certain grants and regularly report to Congress on efforts to eliminate identified redundancies; submit a plan for developing performance metrics for the grants; and conduct an assessment of the grant programs.

<sup>9</sup> Ch. 13.4 Unity of Effort In *The Congress* pp. 419-423.

9/11 Commission Vice Chair Lee Hamilton, consolidation of jurisdiction would avoid the duplication of having DHS respond to more than 100 congressional committees and subcommittees that have overlapping jurisdiction over the Department. In 2009 and 2010, DHS provided more than 3,900 briefings and DHS witnesses testified more than 285 times. This amounted to many thousands of hours of work, often duplicating efforts, and cost taxpayers tens of millions of dollars.<sup>10</sup>

In closing, I urge the JSC to be mindful that the responsibility for keeping our nation safe from terrorist attacks is a shared responsibility. We must all do our part to ensure that our citizens and critical infrastructure are secure from an attack launched by a dedicated, innovative and evolving adversary. Similarly, the debt, deficit and stubbornly high unemployment figures our nation faces serve as threats to our country's stability. Especially vulnerable are working class Americans who have been hit hardest by the economic downturn. Accordingly, I join my fellow Democrats in insisting that any efforts to reduce the deficit represent a balanced approach that includes increased revenues.

Thank you for your prompt attention to this request. Should you or your staff have any further questions on this matter, please contact me or Mr. I. Lanier Avant, Staff Director of the Committee on Homeland Security, at x6-2616.

Sincerely,



Bennie G. Thompson  
Ranking Member

cc: The Honorable Max Baucus  
The Honorable Xavier Becerra  
The Honorable Dave Camp  
The Honorable James Clyburn  
The Honorable John Kerry  
The Honorable Jon Kyl  
The Honorable Rob Portman  
The Honorable Pat Toomey  
The Honorable Fred Upton  
The Honorable Chris Van Hollen

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<sup>10</sup> Prepared testimony of Congressman Lee Hamilton, Co-Chair of the National Security Preparedness Group at the Bipartisan Policy Center (p. 4); House Committee on Homeland Security Hearing—"The Attacks of September 11<sup>th</sup>: Where We Are Today." September 8, 2011.