

Congress of the United States
Washington, DC 20515

April 18, 2013

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

We are writing to request information on the Department of Homeland Security's (DHS or "the Department") apparent decision to provide the Customs and Border Protection (CBP) preclearance operations to the United Arab Emirates' Abu Dhabi International Airport.

As you have remarked in recent Congressional testimony, this expansion is an effort to "push out" the borders of the United States. While we support generally efforts to make CBP operations more risk-based, we are concerned that establishing a CBP Preclearance facility in Abu Dhabi sets the dangerous precedent of deploying customs resources based on the availability of third-party financing – not national security, common sense, or the needs of traveling taxpayers.

Given limited resources and a shortage of CBP officers, preclearance locations should be chosen in a risk-based manner, where the Department can ensure the highest return on the significant expense of stationing an officer overseas.

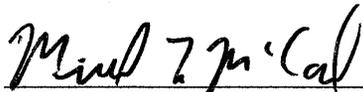
With that in mind, we request that the Department provide answers in writing to the following questions:

1. Why, specifically, did DHS decide to extend to Abu Dhabi the opportunity to take part in the CBP Preclearance program?
2. What additional security benefit – beyond the current high-level of cooperation between the United States and the United Arab Emirates – is gained by adding a preclearance operation at Abu Dhabi?
3. Did CBP officials take part in the negotiations on the Abu Dhabi preclearance agreement? If not, why not?
4. With only three flights a day from Abu Dhabi International Airport to the United States, does this truly represent the most cost-effective expansion of this program?
5. Presuming there is a security benefit to preclearance at Abu Dhabi, why is no preclearance operation proposed for Dubai, where the volume of US-bound international travelers is much higher?
6. Are there other locations globally where preclearance would offer a greater security benefit, using a risk-based model?
7. Before proposing to expand the number of preclearance facilities overseas, what are DHS and CBP doing to address ongoing CBP officer staffing shortages at major commercial airports in the United States, which are detrimental to U.S. global competitiveness and tourism?

8. The Consolidated and Further Continuing Appropriations Act, 2013 specifically prohibits the Department from using third party funds to pay for the establishment or expansion of "U.S. Customs and Border Protection services outside of the United States." You recently indicated, however, that the cost of the facility in Abu Dhabi would be fully reimbursed by the government of the United Arab Emirates (UAE). During a recent a briefing with Committee staff, DHS officials indicated that a maximum 85% of preclearance operations at Abu Dhabi could be reimbursed. How do you explain this discrepancy?
9. Additionally, we ask for a narrative explanation of the rationale for allowing a foreign government or entity to pay for our security operations and potential risks associated with such an arrangement, along with the estimated annual cost for operating this facility, the agreed upon contribution by the third party entity and a copy of the agreement signed by the United States and the third party entity.

We are dedicated to making sure that CBP's Preclearance program is managed responsibly, cost effectively, and with American national security as its primary concern. The development of a facility in Abu Dhabi, however, raises a number of concerns that must be addressed immediately. We look forward to your response to these questions by April 25, 2013. Thank you for your attention to this matter.

Sincerely,



MICHAEL T. McCAUL
Chairman
Committee on Homeland Security



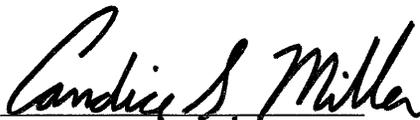
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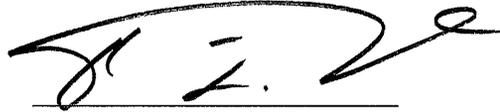
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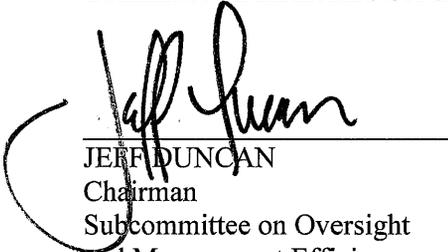
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Subcommittee on Oversight
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