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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

April 17, 2020

The Honorable Chad Wolf
Acting Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Acting Secretary Wolf,

We write today to express our frustration with the fact that we have yet to receive the Border Security Improvement Plan (BSIP), originally due eight months ago. We ask that you transmit the report to Congress as soon as possible. The BSIP has become more urgent due to the administration's decision to pursue border wall construction, wholly undeterred by the current global pandemic. The administration's pursuit of border wall construction during a global pandemic puts workers and communities at risk, and possibly violates state and local public health guidance to further prevent the spread of the coronavirus. With nearly 4,500 federal employees either quarantined or infected with the Coronavirus in the Department of Homeland Security (DHS) alone, this is a real and evolving concern. Americans deserve to understand any potential impact a border wall might serve in fighting the coronavirus, if any.

Border wall expansion has occurred while Congressional requirements for a comprehensive plan for border security have not been fully met. These requirements have been outlined in statute for nearly three years. Since that time, a total of \$15.2 billion of American taxpayer funds are being used to build a wall without a comprehensive plan, of which \$4.5 billion has been appropriated by Congress and another \$10.7 billion raided from the Department of Defense and Treasury Forfeiture Fund. If the administration can pursue new border wall construction, and continue building during this global crisis, there should be no excuse for the continued delay in transmitting the BSIP to Congress.

As you know, in 2017, Congress approved funds for a portion of the border wall provided that the administration developed a "risk-based plan for improving security along the borders," among other requirements.¹ The initial BSIP submitted by the Administration was incomplete and much of the information included in the plan is now out of date. In 2018, Congress renewed its request for a comprehensive border security plan, and additionally, required an assessment of the plan by the Government Accountability Office (GAO).

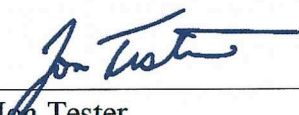
On December 21, 2018, approximately 180 days after the report was due, the administration finally transmitted a version of the BSIP to Congress. GAO reviewed the BSIP, as Congress

instructed, and identified a series of significant flaws.ⁱⁱ The GAO noted that the BSIP “did not include many...required elements [as Congress requested], or provide information on why these elements were...not included in the plan.”ⁱⁱⁱ GAO noted that the BSIP did not even provide estimates for the planned obligation of funds, failed to contain completed and planned life cycle cost estimates, provided only limited information on alternatives analyses it is conducting (or has conducted), and importantly, neglected to identify how the BSIP would “address the highest priority border security needs” as Congress instructed,^{iv} Congress again renewed its request for a comprehensive plan in two subsequent appropriations acts. To date, Congress has yet to receive the BSIP. The plan required in fiscal year 2019 was due on August 14, 2019, over 8 months ago.

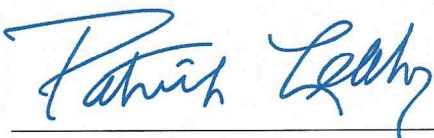
In short, the information contained in the first BSIP is now out of date and, as GAO concluded, was missing critical information. We should not have to wait years for a comprehensive border security plan that meets the requirements set forth by Congress and fully accounts for the billions of dollars being dedicated to this endeavor. American taxpayers, not Mexico, have been asked to foot the bill for the border wall. At a time when Americans are struggling financially and state and local communities are asked to shoulder the burden of the federal government’s failure to respond to this pandemic in any cohesive way, the administration plows ahead with its head in the sand burning through \$15 billion of taxpayer funds. At a minimum, the administration should comply with federal law and transmit the BSIP immediately, so that the American taxpayers and policymakers, can make an adequate judgement about the effectiveness of the border wall.

We are growing increasingly impatient with the continued delay in producing the BSIP, particularly when we read nearly daily news accounts detailing the President’s sheer obsession with the border wall completion and the eagerness to complete the wall despite the pandemic. The rapid construction of the border wall while so many Americans are suffering is unnerving, and may be dangerous for workers and communities alike. We have a duty to ensure that American taxpayers have their hard earned dollars working wisely, and the Department’s failure to produce the BSIP is frustrating our ability to fulfill our constitutional obligations. Thank you for your attention to this matter.


Sincerely,



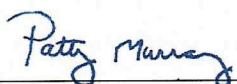
Jon Tester
Ranking Member
Subcommittee on Homeland Security



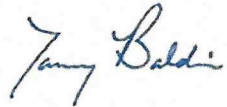
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ⁱ Consolidated Appropriations Act, 2017. P.L. 115-31, div. F, tit. VI (May 5, 2017), <https://www.congress.gov/115/plaws/publ31/PLAW-115publ31.pdf>.

ⁱⁱ Government Accountability Office. 2019. *Border Security: Assessment of the Department of Homeland Security's Border Security Improvement Plan*. (GAO Publication No. 19-538R Border Security), Washington D.C., U.S. Government Printing Office, <https://www.gao.gov/assets/710/700459.pdf>.

ⁱⁱⁱ *Id.*

^{iv} *Id.*