

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

March 7, 2017

The Honorable John Kelly
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave. NW
Washington, DC 20016

Dear Mr. Secretary:

On February 16, 2017, I sent you a letter regarding a report released by the Government Accountability Office (GAO), which raises serious questions about the construction and deployment of fencing along the Southwest border.¹ On February 24, 2017, the Department of Homeland Security (DHS) announced that Customs and Border Protection (CBP) would issue a solicitation on March 8, 2017, for the design and build of several prototype wall structures in the vicinity of the United States border with Mexico.² I request that DHS provide a briefing for the Committee regarding DHS' acquisition process and funding for this requirement. I request that DHS provide the following information and documents at or before the briefing:

- (1) The appropriated funds and fiscal year funds that have been identified to fund this phase of the requirement within and outside of DHS;
- (2) The programs that have been identified to receive funding cuts or be completely eliminated, as a result of any potential repurposing of appropriations for CBP or DHS as a whole, and what the size of those funding cuts will be;
- (3) Whether DHS has requested permission from the appropriate appropriations committees to repurpose existing funds;
- (4) The funding vehicle that DHS has decided to use;
- (5) A copy of the Life Cycle Cost Estimate for this acquisition and the planned follow up acquisitions;
- (6) Whether any interagency agreements were used to finance this requirement, and if so what agencies were involved and the transfer authority used;

¹ Government Accountability Office, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations and Provide Guidance for Identifying Capability Gaps* (GAO-17-331) (Feb. 2017).

² FedBizOpps.Gov, *Design-Build Structure* (Feb. 24, 2017) (online at https://www.fbo.gov/index?s=opportunity&mode=form&id=b8e1b2a6876519ca0aedd748e1e491cf&tab=core&_cview=0).

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- (7) A copy of the Independent Government Cost Estimate;
- (8) A copy of the market research report;
- (9) Whether there was a request for information already conducted with industry to assess the current state the art on fencing/wall technology a copy of the responses to the RFI;
- (10) If there is a sensor/technology component to the design/build proposal, the level of IT security risk that DHS has assigned to this acquisition;
- (11) A copy of the cost estimate provided to the Department of Homeland Security regarding the total cost of building a border wall referenced in a February 9, 2017, article by Reuters, and the name of the entity that conducted the estimate;³
- (12) A copy of the analysis of alternatives;
- (13) Any other report, business case, or analysis prepared by DHS in preparation for the solicitation;
- (14) If any of the above referenced reports was completed by a contractor, the name of the contractor, and a copy of the contract charged for completion of the report, for each of the referenced reports;
- (15) Whether any of these funds being used are prior funds appropriated to fund the SBINet Program or projects; and
- (16) A list of projects/deliverable elements that SBInet was going to provide that continued as a level 3 acquisition at CBP.

I request that the briefing be scheduled on or before March 13, 2017. The information requested in this letter is in addition to the information I requested on February 16th for which we are still waiting a response. Please contact Tim Brennan at (202) 224-1839 or Tim_Brennan@hsgac.senate.gov with any questions. Please send any official correspondence relating to this request to Amanda Trosen at Amanda_Trosen@hsgac.senate.gov. Thank you in advance for your attention to this matter.

Sincerely,



Claire McCaskill
Ranking Member

cc: Ron Johnson
Chairman

³ *Exclusive – Trump Border “Wall” to Cost \$21.6 billion, Take 3.5 Years to Build: Internal Report* Reuters (Feb. 9, 2017) (online at www.reuters.com/article/us-usa-trump-immigration-wall-exclusive-idUSKBN15O2ZN).