United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510–6250

January 24, 2018

The Honorable Mick Mulvaney
Director
Office of Management and Budget
725 17th St. NW
Washington, DC 20503

Dear Mr. Mulvaney:

A whistleblower recently provided my staff with a document titled "Department of Homeland Security Fiscal Year 2019 Budget and Policy Guidance." The document communicated—through the Office of Management and Budget (OMB)—the President's discretionary budget and policy priorities for the Department of Homeland Security (DHS) in Fiscal Year (FY) 2019.[1]

The OMB guidance deviated from the Department's own FY 2019 budgetary priorities in several key ways. For example, the OMB guidance rejected approximately $175 million in specific DHS funding requests for border security technology and equipment and, instead, instructed the Department to seek $1.6 billion for border wall construction in the Rio Grande Valley of Texas—a $700 million, or 78%, increase over DHS's own request for border barrier construction. The OMB document indicated this discrepancy was a result of "Presidential priorities" and made no reference to operational requirements.[2]

Additionally, the OMB guidance reduced funding for multiple counterterrorism programs by amounts exceeding the Department's self-identified budgetary needs. Funding for Visible Intermodal Prevention and Response (VIPR) teams, which assist with security operations at airports, mass transit terminals, and high-profile events, was eliminated, and OMB instructed DHS to seek $11 million in additional cuts to the Domestic Nuclear Detection Office (DNDO). With these cuts, along with those to counterterrorism grant programs such as the Port Security Grant Program and Public Transportation Security Assistance, OMB has instructed DHS to make an additional $44 million in cuts to DHS counterterrorism programs in FY 2019.[3]

OMB also overruled DHS budget requests on a number of personnel issues. Specifically, OMB instructed DHS to hire 1,000 more Immigration and Customs Enforcement (ICE) agents in FY 2019 than the Department requested. OMB did not accept DHS's proposed funding increase for the Office of Field Operations, which employs U.S. Customs and Border Protection (CBP)

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[1] Office of Management and Budget, *Department of Homeland Security Fiscal Year 2019 Budget and Policy Guidance* (Nov. 28, 2017).

[2] *Id.*

[3] *Id.*

officers at ports of entry. It also rejected the Department's request for an FY 2019 pay raise for Border Patrol agents, ICE agents, CBP officers, and other civilian DHS employees.[4]

In order to better understand President Trump's priorities for DHS and your office's justification for modifying departmental funding requests, I ask that you provide answers to the following questions:

Border Security

1. Why did OMB propose a $700 million, or 78%, increase to DHS's request for border wall construction funding in FY 2019?

   a. What data and metrics were used, and what, if any, cost-benefit analyses were conducted to inform this decision?

2. Why did OMB recommend reducing the Department's request for Remote Video Surveillance Systems by $44.6 million given its statement in the guidance document that "surveillance in the [Rio Grande Valley] Sector is a continued priority"?

   a. What data and metrics were used, and what, if any, cost-benefit analyses were conducted to inform this decision?

3. Why did OMB reject DHS's $2.2 million request for Tethered Aerostat Radar System acquisition planning and the purchase of a spare hull?

   a. What data and metrics were used, and what, if any, cost-benefit analyses were conducted to inform this decision?

4. Why did OMB propose delaying the Department's $14.8 million request to purchase 15 Coastal Interceptor Vessels in FY 2019?

   a. What data and metrics were used, and what, if any, cost-benefit analyses were conducted to inform this decision?

5. Why did OMB recommend reducing the Department's request for a P-3 aircraft technology refresh by $7.9 million, Multi-Role Enforcement Aircraft by $28.4 million, UH-60 medium lift helicopters by $15.4 million, aircraft sensor upgrades by $7.8 million, and Vehicle and Dismount Exploitation Radar technology by $11 million?

   a. What data and metrics were used, and what, if any, cost-benefit analyses were conducted to inform these decisions?

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[4] *Id.*

6. Why did OMB instruct DHS to reduce its request for Border Patrol Enforcement System maintenance by $18.8 million?

   a. What data and metrics were used, and what, if any, cost-benefit analyses were conducted to inform this decision?

7. Why did OMB disregard the Department's request for $25 million in additional funding for High Risk Internal Cybersecurity Remediation?

   a. What data and metrics were used, and what, if any, cost-benefit analyses were conducted to inform this decision?

Counterterrorism Programs

8. Why did OMB instruct DHS to eliminate funding for the VIPR team program in FY 2019?

   a. What data and metrics were used, and what, if any, risk and cost-benefit analyses were conducted to inform this decision?

9. Why did OMB recommend reducing the Department's funding request for the Federal Air Marshal Service (FAMS) by $27 million in FY 2019?

   a. What data and metrics were used, and what, if any, risk and cost-benefit analyses were conducted to inform this decision?

   b. Why did OMB instruct DHS to achieve the elimination of VIPR personnel through attrition at FAMS while simultaneously reducing DHS's funding request for FAMS?

10. Why did OMB recommend reducing the Department's funding request for the DNDO by nearly $11 million?

    a. What data and metrics were used, and what, if any, risk and cost-benefit analyses were conducted to inform this decision?

11. Why did OMB recommend cutting an additional $44 million from DHS counterterrorism programs in the FY 2019 budget?

    a. What data and metrics were used, and what, if any, risk and cost-benefit analyses were conducted to inform this decision?

DHS Personnel

12. Why did OMB instruct DHS to hire 1,000 more ICE law enforcement officers in FY 2019 than the Department requested?

    a. What data and metrics were used, and what, if any, cost-benefit analyses were conducted to inform this decision?

    b. How will OMB ensure that ICE has the resources it needs to recruit, vet, and hire these additional officers?

13. Why did OMB reduce the Department's funding request for the Office of Field Operations by $88 million?

    a. What data and metrics were used, and what, if any, risk and cost-benefit analyses were conducted to inform this decision?

14. Please explain OMB's rationale for proposing a pay freeze for all civilian federal employees, including law enforcement officers, in FY 2019.

I ask that you respond to this letter at your earliest convenience but in no event later than February 14, 2018. If you are unable to meet this deadline, or should you have any questions, please contact Joel Walsh at (202) 224-2627 or Joel_Walsh@hsgac.senate.gov. Please send any official correspondence related to this request to Lucy Balcezak at Lucy_Balcezak@hsgac.senate.gov. Thank you in advance for your attention to this matter.

Sincerely,

Claire McCaskill
Ranking Member

cc: Ron Johnson
       Chairman