

United States Senate

WASHINGTON, DC 20510

August 25, 2010

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Secretary Napolitano and Attorney General Holder:

We have received the brief report from Customs and Border Protection Deputy Commissioner David Aguilar about Operation Streamline. We appreciate knowing that CBP is fully supportive of existing Operation Streamline programs and that the agency supports the program's expansion.

As you will recall, the 2010 Department of Homeland Security appropriations report required *"the Secretary of Homeland Security, in consultation with the Attorney General and the Administrative Office of the Courts...to submit a report that provides details about additional Border Patrol Sectors that should be utilizing Operation Streamline programs and resources needed from the Department of Homeland Security, the Department of Justice, and the Judiciary to increase the effectiveness of Operation Streamline programs at some Border Patrol sectors and to utilize such programs at additional sectors."*

Senator Kyl also raised this issue with both of you in early 2009 when you visited with him prior to your confirmation hearings, he raised it again as part of the formal confirmation process, and he has asked in each of your oversight hearings for complete answers about the resources needed to fully implement Operation Streamline.

The report sent to us, however, provides none of the quantifiable information needed to determine the kinds of resources that will be required to fully implement Streamline, as mandated by the DHS bill.

You had nearly a year to complete the report, which was due December 27, 2009. We had hoped that you were using those extra eight months to complete a robust analysis about how to make Operation Streamline fully operational, in particular in the Tucson Sector where *more than half* of all illegal immigrant apprehensions occur. Instead, the seven-page report amounts to an affirmation that CBP supports Operation Streamline and a collection of statistics that could easily be found on the Internet in a matter of minutes, not months.

We are disappointed that we waited a year for a report that completely fails to meet the requirements set forth by Congress. Please provide to us the following within the next 30 days: the resources, and concurrent dollar amounts, needed to fully implement Operation Streamline, including funding and resources needed for the United States Marshals Service (including the

number of additional Deputy U.S. Marshals), Administrative Office of the Courts courthouse renovation and holding space, administrative increases (that is, criminal clerks for each District to process additional cases), additional judges and U.S. Attorneys, additional CBP lawyers needed to assist U.S. Attorneys offices, detention space that would fall under jurisdiction of the Justice Department and the Administrative Office of the Courts, and other costs.

Thank you for your attention to this matter.

Sincerely,



Jon Kyl
United States Senator



John McCain
United States Senator