Congress of the United States
Washington, DC 20515

January 31, 2013

The Honorable Leon E. Panetta
Secretary
Department of Defense
The Pentagon
Washington, DC 20301

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Nebraska Avenue Center, NW
Washington, DC 20528

The Honorable Jeffrey D. Zients
Deputy Director for Management
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Secretary Panetta, Secretary Napolitano, and Mr. Zients:

We write to respectfully request that the Administration's Fiscal Year 2014 budget enable the Department of Homeland Security to assume full responsibility from the Department of Defense for the Tethered Aerostat Radar System, commonly known as the TARS program, without any disruption or degradation in its services. In the event that the budget does not propose funding to allow the Department of Homeland Security to commence administration of the TARS program, we ask that it provide for continued administration of the TARS program by the Department of Defense.

TARS is an aerostat-borne surveillance program that, for over two decades, has provided critical intelligence data to federal law enforcement agencies working to interdict drugs and other contraband along the Southwest border with Mexico, in the Florida Straits, and in the Caribbean. There are eight TARS operational sites: (1) Yuma, Arizona; (2) Fort Huachuca, Arizona; (3) Deming, New Mexico; (4) Marfa, Texas; (5) Eagle Pass, Texas; (6) Rio Grande City, Texas; (7) Cudjoe Key, Florida; and (8) Lajas, Puerto Rico. Pursuant to a contract with the Department of the Air Force, a single contractor operates all eight sites and conducts aerostat maintenance at a facility in El Paso, Texas.

According to a recent briefing provided to Congress by the Department of Defense, a January 2012 Resource Management Decision directed the Department of Defense to coordinate the transfer of the TARS program to the Department of Homeland Security or to terminate the program. Although coordination meetings between DOD and DHS took place throughout 2012, little progress appears to have been made in effectuating the transfer. Earlier this month, DOD

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issued a request for proposals to conduct a four-phase termination of the TARS program, with all aerostat operations to cease by March 15, 2013—less than two months from today—and all sites to be closed and personnel separated by September 30, 2013.

We are deeply concerned by the failure, to date, to ensure a seamless transfer of responsibility for the TARS program from DOD to DHS. Our concern is heightened by the fact that TARS is an important surveillance and command-and-control resource, particularly with respect to the detection, monitoring and interdiction of suspicious low-flying aircraft. We believe that termination of the program will substantially degrade counternarcotics operations because a suitable alternative to TARS has not been identified. In this respect, we note that House Report 112-492, accompanying H.R. 5855, the *Homeland Security Appropriations Act, 2013*, which was approved by the House on June 7, 2012, states:

> [T]he Committee is aware that interagency discussions are again underway related to the administration of the Tethered Aerostat Radar System (TARS) program. TARS surveillance data is used by CBP and by the Joint Interagency Task Force-South in support of border security and counter-drug operations. The aerostats, which are owned and operated by the Air Force, have not been maintained for a number of reasons. *However, the Committee does not believe that an alternative means of supporting operational needs for surveillance data has been deployed.* For that reason, the Committee is concerned about the reduced capability, particularly in the Caribbean, and encourages CBP to work with DOD and other interagency partners to develop a short term solution to address reduced capability as well as the right long term solution—whether that is transfer of the assets, DOD repair of current assets, replacement with other technology or capability, or other solutions. (Emphasis added).

We look forward to working with you to address this important budget priority and welcome your leadership in ensuring that responsibility for the TARS program is transferred from DOD to DHS as part of the Fiscal Year 2014 budget request to Congress. At a minimum, if the budget does not propose funding to enable DHS to assume responsibility for this program for Fiscal Year 2014 and beyond, the budget should provide for DOD to continue administering this program in the short term until a long-term solution can be identified.

Thank you for your attention to this matter.

Sincerely,

Michael T. McCaul
Member of Congress

Pedro R. Pierluisi
Member of Congress

Ron Barber
Member of Congress

Lamar Smith
Member of Congress

Trent Franks
Member of Congress

G.K. Butterfield
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Michelle Lujan Grisham
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Mark Takano
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Chris Stewart
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Member of Congress