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HENRY CUELLAR
U.S. HOUSE OF REPRESENTATIVES

SENIOR WHIP

June 19, 2013

The Honorable Gene L. Dodaro
Comptroller General of the United States
GAO Headquarters
441 G Street NW
Washington, D.C. 20548

Dear Mr. Dodaro:

As Chairman of the Committee on Homeland Security and a Member of the House Appropriations Committee representing Texas, we are writing to request the Government Accountability Office (GAO) to conduct a review of federal government efforts to identify and address property damage to private lands and infrastructure that occurs along the United States-Mexico border, as a result of illegal immigration and contraband smuggling. Law enforcement pursuits of undocumented immigrants contribute to damages of private property, as seen by reports of bailout events, where the suspect vehicle crashes into a fence or other property and the occupants of the vehicle run away on foot. Illegal human and vehicle traffic, waste, and trash discarded by illegal immigrants and other cross-border violators visibly and significantly impact the land.

During the 82nd Legislature, the State of Texas passed H.B. 3422 to allow compensation for property owners for damages that occurred on their property as a result of law enforcement actions. The bill states that, "*A county law enforcement agency may use funds received from the sale of a motor vehicle abandoned as a result of a vehicular pursuit involving the law enforcement agency...to compensate property owners whose property was damaged as a result of the pursuit*". While this program has provided some landowners with compensation, the program is imperfect.

The South Texans' Property Rights Association (STPRA) is an organization that works with public and government officials to protect the rights of property owners in South Texas. The STPRA has sought to remedy property owners for damages that occurred on their property as a result of bailout events. The STPRA has been monitoring and gathering statistics on bailout events in South Texas (Brooks, Cameron, Duval, Goliad, Jim Hogg, Jim Wells, Hidalgo, Kenedy, Kleberg, Webb, Starr and Zapata counties). Texas Department of Public Safety data shows a total of 984 bailouts in the Del Rio, Laredo, Rio Grande Valley, and Coastal Bend sectors during 2012.

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The Department of Homeland Security (DHS) has also taken steps to address this issue. In 2005, the U.S. Customs and Border Protection (CBP) established the Public Lands Liaison Agent (PLLA) program. Under this program, the Office of Border Patrol designates an agent within each station, dedicated to interacting with organizations and agencies involved in land management issues. The ranch liaison position has been a cooperative effort between Border Patrol and ranchers, who meet regularly to coordinate the agency's efforts on border issues, including drug smuggling and illegal immigration from Mexico.

Therefore, we are seeking GAO's assistance in providing answers to the following questions:

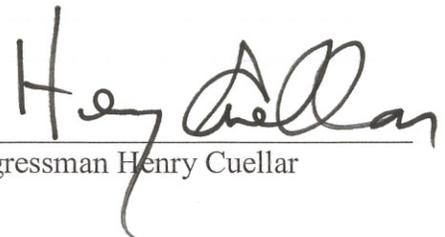
1. In incidents where the private property of landowners is damaged during a law enforcement pursuit, what entity is responsible for assessing the damage that resulted from that pursuit?
2. From where do funds for compensation to affected landowners originate? (appropriated, fines or forfeitures, grants, etc.)?
3. Under what circumstances, if any, are funds in asset forfeiture accounts available to be used to compensate private landowners for damages caused by illegal border crossers or federal agencies conducting border enforcement operations?
4. How often does a law enforcement pursuit of an undocumented immigrant result in property damage?
5. When a pursuit results in property damage, what is the cause of that damage?
6. Are proceeds from the sale of seized vehicles in border pursuits sufficient to compensate landowners for property damage? If so, what methods are in place for compensation?
7. What efforts are being made to provide compensation for landowners?
8. What changes could be made to law enforcement policies and procedures (federal, state and/or local) to prevent the occurrence of destructive bailouts?
9. Is there existing legislation that would provide monetary assistance to landowners as a result of damage to lands and infrastructure caused by illegal immigration and contraband smuggling?

Thank you very much for your consideration of this matter. For further information about this request please contact Legislative Fellow Alvin Delarosa at Rep. McCaul's office at Alvin.Delarosa@mail.house.gov and Legislative Fellow Patricia Inglima at Patricia.Inglima@mail.house.gov at Rep. Cuellar's office.

Sincerely,



Congressman Michael T. McCaul



Congressman Henry Cuellar

HC:pmi