

February 4, 2010

The Honorable Chuck Grassley
Ranking Member, Senate Committee on Finance
135 Senate Hart Office Building
Washington, DC 20510

Dear Senator Grassley,

We are writing to you as the previous three Senate confirmed Commissioners of U.S. Customs and Border Protection (CBP) and the legacy U.S. Customs Service, representing both Republican and Democratic Administrations, to urge that the Committee on Finance and the full Senate take immediate action on the nomination of Alan D. Bersin to be the agency's next Commissioner. We are concerned about further delays in filling this critical national security position and the resulting uncertainty that it creates.

All of us are familiar with Mr. Bersin and his qualifications for the position. He was previously confirmed by the Senate and served honorably in the position of U.S. Attorney for the Southern District of California where he also coordinated Department of Justice border enforcement efforts across the Southwest. He has been serving as the Department of Homeland Security's Assistant Secretary for International Affairs for the better part of a year, during which time he has been intimately involved in border issues for Secretary Napolitano.

It is hard to imagine that the background and current experience of Mr. Bersin does not at least meet the threshold of deference to the President's choice of nominee sufficiently to merit a hearing and vote by the Committee in performance of the Senate's "advice and consent" role. Regardless of who the nominee for Commissioner was however, all of us believe the appointment deserves more focused attention and swift action in the manner of other critical national security nominations.

While we respect the jurisdictional prerogatives of the Committee on Finance regarding this nomination and the Committee's oversight of the revenue and trade functions of the agency, the job of Commissioner has changed to include many other important responsibilities such that the process of filling it should be accorded greater priority in the nomination process. Today, U.S. Customs and Border Protection is an over 50,000 person agency performing a vital security and law enforcement role at and beyond the U.S. border and is charged with preventing the entry of terrorists and terrorist weapons, illegal narcotics, aliens, criminals and illicit or non-compliant goods while facilitating legitimate commerce. CBP is too important in too many areas to be without a Commissioner for so long, and the timeline concerns us.

The first anniversary of the change of Administrations has already passed, and we are approaching the one year mark since the last appointed Commissioner retired. The Acting Commissioner who replaced him has also now retired. CBP is in the very capable hands of

senior career executives who are performing their jobs admirably keeping the agency focused on its day to day responsibilities. But they are constrained without Presidentially appointed and confirmed leadership at the head of the agency.

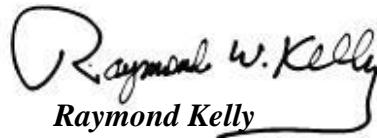
The current Administration is not blameless for the delay filling this vacancy since they are responsible for a personnel process that did not formally submit the nomination of Mr. Bersin until September. We are also aware of the Committee's busy calendar on major policy matters such as health care reform legislation. Nonetheless, the responsibility for action now rests with the Senate Finance Committee and the Senate. Having experienced the nomination process ourselves, we would hope that the "forest" of filling this critical position expeditiously is not getting lost in the "trees" of pre-hearing questions designed to elicit policy positions or parochial commitments from the nominee before he even has the benefit of knowing the agency from the inside.

We call on the Committee on Finance and the Senate to now act quickly on this nomination and schedule both a hearing and a vote on Mr. Bersin. The position of Commissioner, the nominee himself, the dedicated men and women of U.S. Customs and Border Protection, and the public they protect deserve nothing less.

Sincerely,



W. Ralph Basham
Commissioner, 2006-2009



Raymond Kelly
Commissioner, 1998-2001



Robert Bonner
Commissioner, 2001-2005

CC: Members of the Senate Committee on Finance
Senate Majority and Minority Leader
Senator Lieberman
Senator Collins