

PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU
“Border Security: Examining Provisions in the Border Security, Economic Opportunity, and
Immigration Modernization Act”
May 7, 2013

I'd like to thank the Chairman and Ranking Member for holding their third in a series of hearings on border security. It's especially timely as the Judiciary Committee begins markup proceedings this week on the Gang of Eight's comprehensive immigration reform legislation. Congress received the President's budget proposal for Fiscal Year 2014 last month, which includes relevant funding requests to patrol our borders, screen people and cargo at ports-of-entry, and investigate transnational crime. These functions are critical to our nation's security and prosperity, and I appreciate representatives from CBP and ICE being with us today to discuss their efforts.

I chaired a hearing on April 23rd in the Appropriations Committee on the Department's FY14 request including funding for border security and immigration enforcement. I intend to hold a separate hearing on the Gang of Eight's proposal, in order to quantify the costs of additional border security and immigration enforcement measures contained in the bill, and to ensure that the legislation provides sufficient revenues to offset those costs without undercutting other areas of the Department's budget, which has been reduced for the past 3 years in a row and is already stretched thin. I also plan to convene a roundtable later this month in the Small Business Committee to examine the bill's potential impacts on America's small businesses, including compliance with a mandatory EVerify regime, funding for STEM education and training, and technology transfer from the private sector to government agencies to improve border security. So I am very pleased to continue examining this important legislation through all 3 of these committees in the Senate.

I visited the southwest border in Arizona and California in 2011 with Senator Coats, my ranking member on the Homeland Security Appropriations Committee, and saw firsthand just how complex this challenge truly is. Smuggling networks have become increasingly sophisticated. We built a fence, and they devised methods to tunnel beneath it, fly UAVs over it, and send semi-submersible watercraft around it. Layered security, actionable intelligence, and interagency task forces are critical to addressing the problem, and the Coast Guard, National Guard, and U.S. Attorneys' Offices all play an important role in assisting CBP and ICE in their enforcement mission.

Border security can be assessed in terms of illegal crossings, border apprehensions, deployment of personnel and technology, arrests made and contraband seized at ports-of-entry, crime rates along the border, or effective facilitation of lawful travel and commerce. By any of these measures, the southwest border is more secure today than at any other time in our nation's history, thanks to a series of focused efforts and federal investments, including –

- 1) Doubling the size of the Border Patrol since 2000 from 9,212 to 21,444 agents and increasing its size seven-fold since the mid-1980s
- 2) Increasing the number of detention beds from 18,500 in FY05 to 34,000 now and ending the practice of “catch and release”
- 3) Conducting a record-high 400,000 deportations last year
- 4) Cracking down on criminal aliens by removing a record-high 225,000 last year, and increasing funding 25-fold since FY04 for DHS and DoJ programs that target criminal aliens for removal
- 5) Building 651 miles of secure fencing, installing vehicle barriers, and deploying networked cameras, sensors, radars, 24-hour lighting, and surveillance drones along the southwest border
- 6) Increasing the number of ICE investigators by 40% since 2000 to go after human traffickers, drug smugglers, and other criminal networks

- 7) Partnering with state and local law enforcement through the Secure Communities Program, which will be deployed nationwide by the end of this year, to check the immigration status of arrestees and automatically notify ICE so they can be placed in removal proceedings after local authorities process them according to laws
- 8) Increasing investigations into worksite violations, stiffening penalties for knowingly hiring illegal aliens, and expanding participation in E-Verify so businesses can confirm the legal status of new hires.

Apprehensions at the border have dropped by 79% since 2000 and recently hit a 40-year low. The undocumented population in the U.S. has actually declined in recent years, and outflows now exceed inflows. Increased security at the border, stiffer consequences for those who get caught, and fewer opportunities to work illegally in the United States have all contributed to better enforcement of our nation's immigration laws.

The Gang of Eight's legislation requires DHS to achieve continuous surveillance along the entire southwest border and a 90% effectiveness rate in every high-risk sector within 5 years, meaning that at least 90% of illegal entrants are apprehended or turned back. It requires DHS to develop a security strategy and fencing strategy within 6 months of enactment and provides \$4.5 billion to implement them both. If DHS fails to achieve its enforcement targets within 5 years, the bill provides an additional \$2 billion to establish a border commission and carry out its recommendations. Another \$1 billion is included to implement mandatory EVerify.

That totals \$7.5 billion for security and enforcement costs, paid for in part through the \$500 fine and \$1500 application fee outlined in the bill. I have concerns however about the long-term funding responsibility for 3,500 additional CBP officers and establishment of a potentially duplicative Bureau of Immigration and Labor Market Research within DHS when we already have a Bureau of Labor Statistics at the Department of Labor. I look forward to discussing potential costs with the Department to ensure that they're fully paid for within the bill and to cut wasteful spending where we can identify it.

We need to use our resources smartly. I want to make sure that the Department's "fencing strategy" also incorporates cost-effective technologies like UAVs, radar, motion sensors, and cameras so we don't address a 21st century problem with a 19th century solution and waste precious dollars on infrastructure that will not effectively stop smugglers from getting across the border. I'd also like to learn more about the proposed use of National Guard forces to support border patrols. The Guard brings considerable communications and surveillance resources to bear, but I'm not certain we should be using them for manual labor to construct fencing and border checkpoints instead of the private sector. I've reached out to the National Guard for their thoughts on this issue and look forward to examining it further.

The bill ties adjustment of illegal status to border security improvements by prohibiting undocumented immigrants from becoming "Registered Provisional Immigrants" and obtaining work authorization until DHS certifies it has begun to implement both the security and the fencing strategy. That's in addition to individual requirements they must meet related to background checks and payment of fines and back taxes. Furthermore, none of those individuals could adjust their status further to become Legal Permanent Residents until both strategies have been fully implemented, along with mandatory EVerify and a biometric exit system at U.S. ports-of-entry. Again, that's in addition to a series of individual requirements related to length of time living and working in the country, learning English and civics, and subsequent fees and background checks.

The security of our nation's borders is imperative from a security standpoint. We need to approach this mission in a cost-effective manner however and be mindful that in addition to 95,000 miles of coastline, our land borders stretch over 6,000 miles, and CBP is charged with staffing 329 ports-of-entry. Any security expert will tell you that it's not possible to completely *eliminate* risk across this entire frontier. We are facing declining federal budgets for the foreseeable future, and we need to develop an approach to border security that

doesn't choke off overland commerce with America's first and third largest trading partners. That means we have to spend smartly and learn to effectively *manage* our risk instead.

I look forward to the witnesses' testimony on their efforts to secure our borders, facilitate lawful commerce, and shut down criminal networks, and to working further with my colleagues on this committee and on the Small Business and Appropriations Committees to advance smart security and enforcement measures that are operationally effective for agents on the front lines, cost-effective for federal taxpayers, and workable for America's small business owners.