

**U.S. Senate Committee on Homeland Security and Governmental Affairs  
Hearing on “Fencing Along the Southwest Border”  
April 4, 2017**

**Ranking Member Claire McCaskill**

**Opening Statement**

Chairman Johnson, the title of today’s hearing is “Fencing Along the Southwest Border.” Although there are important lessons to be learned from the fencing that has already been constructed at the Southwest border, I think it’s important to remind everyone that President Trump isn’t talking about building a *fence*. It’s a **WALL**. It says so very explicitly in the President’s January 25 executive order. It says so in the Requests for Proposals that Customs and Border Protection released last month. And, so, before we get this hearing started, I hope we can all agree to speak frankly. This is not a *fence* we’re talking about. It’s a **WALL**.

Now, what will that wall look like? How much is it going to cost? Exactly how is Mexico going to reimburse American taxpayers for the billions of dollars they are already being asked to spend on the wall? The Administration has not provided the American people with answers to these important questions.

Since the beginning of this Congress, this Committee has been conducting ongoing oversight of the Department of Homeland Security and its plans to construct

a concrete border wall. I have asked my staff to report to this Committee and the taxpayers on the results of our oversight of The Wall to date.

Based on information provided by Customs and Border Protection officials to Committee staff, the wall that President Trump has promised could cost nearly \$70 billion. That works out to more than \$200 for every man, woman, and child in the United States. And I'm not sure that's a cost the American taxpayer is willing to bear, especially when we were told day after day that Mexico would be paying for the wall – not the American people.

The Department has told us that they plan to use funds intended to acquire remote video surveillance for prototypes of the concrete wall. I was down at the border in February and I spent a lot of time with Border agents. And I asked each Border Patrol agent, "What do you need from us? What will make you better able to do your job?" Time and time again, they told me they needed technology. Technology was the thing that was going to make them better at their job. And now the Department is taking money from video surveillance to use for wall prototypes.

And what about the cost of acquiring all of that land that's going to be needed to build the wall? Approximately two-thirds of the U.S.-Mexico border is private and state-owned land. Some of this land has been in people's families for generations. And I don't think President Trump realizes what a time-consuming – and expensive – process the land acquisition piece of this project is going to be.

According to CBP, along one stretch of the border – mostly in south Texas – 400 land acquisitions were needed to build some of the fencing that’s in place now. Of those 400 acquisitions, 330 condemnation lawsuits had to be filed by the Department of Justice. Most of the lawsuits were filed in and around 2008. And of those 330 condemnation cases, more than 90 are still pending today, nearly a decade later. This is not going to be the quick and easy process that President Trump says it’s going to be.

And it’s not going to be cheap either. According to CBP, the Government has spent about \$78 million on land acquisition for existing fencing. And those were the parcels that were the easiest to acquire. It’s going to take \$21 million or more to resolve the cases that are still pending. And nobody I’ve asked can tell me just how much it’s going to cost to seize the rest of the land that will be needed to build the wall that President Trump has ordered.

In the course of preparing for this hearing, my staff talked to a number of different landowners in south Texas who weren’t happy about how they were treated by the government back when existing fencing was being built a decade ago. One of those people is a gentleman from Brownsville, Texas, whose family runs a farming operation in the area. This person had the misfortune of living in a house that was too close to the Rio Grande River, which is the international border with Mexico in much of South Texas. In some cases, there’s a mile or two of land

between where fencing was built and the river, and that's how this man's house – and some of the most fertile land in the world – ended up on the wrong side of the fence.

When the government came knocking on his door in 2006, this Brownsville farmer was offered just a few thousand dollars for the narrow strip of land where an 18-foot-tall fence would eventually be built. He wasn't offered any money for the dozens of acres of farmland that would be trapped between the fence and the Rio Grande River. When he went to take out a loan to send his 3 girls to college, he wasn't able to do so – the fence had made his property virtually worthless.

In this particular case, in order to access the portion of his property that was south of the fence, including his house, he had to enter a code on a keypad and then a gate would swing open. Can you imagine having to pass through an 18-foot-tall fence just to access the land and the house that you own? Think how isolated you'd feel – how cut off from the rest of the country you would be. For this person in Brownsville, those concerns became very real just a few weeks ago when the house that he lived in burned to the ground. The Brownsville farmer told my staff that the fire marshal couldn't save his house from the flames because, despite the assurances of the federal government when the fence was built, the local emergency services department had never been given the code to open the gate in the fence.

Regardless of how you feel about President Trump's wall, Mr. Chairman, that's just not how people should be treated. American families need to be treated with dignity and respect, and they need to be fairly compensated for any land that is taken from them.

I'll be the first one to tell you that we need to enforce the immigration laws that we have on the books and provide DHS officials with the tools and resources they need to secure the border. And maybe that means they need a wall. But if we're going to pay to build this thing, we need to be honest about some of the true costs to the American people. Let's start today by speaking frankly about how much it's going to cost, how difficult it will be to acquire the land, and some of the impacts on American landowners on the border – and whether the benefits of a wall justify those costs.

Thank you Mr. Chairman, and I look forward to hearing from the witnesses.