

Congresswoman Ginny Brown-Waite
Testimony Before the
Committee on Homeland Security
Subcommittee on Border, Maritime, and Global Counterterrorism
Hearing: *"The Border Security Challenge: Recent Developments and
Legislative Proposals"*
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Thank you Chairwoman Sanchez, Ranking Member Souder, and Members of the Subcommittee.

I am pleased to speak on my bill, H.R. 3531, and join my colleagues who have taken steps to confront our nation's border security and immigration crisis.

H.R. 3531, the "Accountability in Enforcing Immigration Laws Act of 2007," would ensure that America's immigration laws are upheld.

It would also serve as a critical deterrent to illegal entry and a valuable border enforcement tool.

This bill was drafted after I asked Secretary Chertoff if he had the authority to deny Homeland Security funds to "sanctuary cities" - or municipalities that took steps to provide sanctuary to illegal immigrants.

Like so many Americans, I am disturbed by the growing trend of cities and localities instructing law enforcement to ignore immigration status in the course of routine duties.

Such practices negate any effectiveness of our immigration laws or border security measures; we cannot have local leaders refusing to assist in managing the growing lawbreaking population in our nation.

In response to my question about sanctuary cities, Secretary Chertoff said, "I don't know that I have the authority to cut off all Homeland Security funds if I disagree with the city's policy on immigration."

Well, it's time Congress granted him authority.

First, H.R. 3531 clarifies that law enforcement has the inherent authority to investigate, apprehend, arrest, detain, or transfer to federal authorities, any illegal immigrant apprehended in the course of routine duties.

The bill also revokes 25% of non-emergency Homeland Security funding for sanctuary cities within 6 months of enactment, and gives the Secretary authority to cut up to 50%.

If a city is unwilling to uphold our laws, why should DHS provide that city with additional funding?

Besides holding sanctuary cities accountable, H.R. 3531 would also make illegal entry into our country a felony.

This provision acknowledges a simple truth when it comes to border security: there has to be a real penalty for illegal entry into the United States.

More agents, fencing, and technology is important, but the greatest deterrent is the knowledge that illegal entry comes with the risk of mandatory detention and substantial jail time.

In addition to these two fundamental measures, H.R. 3531 prescribes several other steps to confront illegal immigration.

In an effort to improve protection of critical infrastructure, H.R. 3531 requires annual immigration status checks for airport employees and other critical infrastructure site employees.

As I have mentioned before, in the markup of the Chemical Facilities bill, Americans deserve to know that those working in critical infrastructure sectors are here legally – that they are authorized to work and have not overstayed their visas, as did the majority of the 9/11 hijackers.

Second, the strain of detaining illegal aliens while waiting for ICE is squeezing local law enforcement resources.

Accordingly, my bill requires ICE to take illegals into custody, or pay state and local governments the per diem rate to detain the alien, until that individual is removed.

I am aware that there is an expensive proposal, but if we are ever really going to be serious about securing the border and enforcing our laws, it is essential to ramp up ICE resources.

Finally, to encourage the enforcement of immigration laws, H.R. 3531 includes several provisions to provide financial assistance for, and increase cooperation with, state and local law enforcement.

The bill:

- authorizes the State Criminal Alien Assistance Program (SCAAP) at \$1 billion per year,
- and authorizes a bonus program for state and local law enforcement agencies for assistance in enforcing immigration laws under the 287 (g) program.

Combined, the many provisions of H.R. 3531 would combat sanctuary cities, deter illegal entry into our country, and support state and local law enforcement as they uphold our nation's immigration laws.

It is time to address the immigration crisis facing our nation, and with proposals such as H.R. 3531 and Congressman Shuler's SAVE Act on the table, Congress has the ability to move forward and begin to solve the problem.

I look forward to discussing these issues today, and welcome the Committee's questions.

