

**Statement by  
The Honorable Chad Foster  
Mayor of Eagle Pass, Texas and  
Chairman of the Texas Border Coalition  
House Interior Subcommittees on National Parks, Forests and Public Lands and  
Fisheries, Wildlife and Oceans  
April 28, 2008**

Chairman Grijalva, Chairwoman Bordallo and subcommittee members, I am Chad Foster, mayor of Eagle Pass, Texas and Chairman of the Texas Border Coalition. I am speaking today on behalf of 2.1 million Americans in 14 border counties of the 1,250-mile Texas-Mexico border. Ours is a region of contrasts, exhibiting differences and similarities of language, culture, tradition, and economy. The multi-national, multi-cultural nature of our communities on both sides of the international boundary gives our region a distinct sense of place.

You are in a place today where the blending of cultures is unique, where Brownsville and Matamoros played central roles in shaping the history of our continent. Two civil wars occurred simultaneously right here, and created such cross-cultural alliances and enmities that we could spend days rediscovering them. Welcome to our home.

The Texas Border Coalition thanks you for your leadership in exploring the issues related to the border wall and the waivers of federal law executed by Department of Homeland Security Secretary Michael Chertoff to expedite the wall's construction.

The proposed fencing for the Texas-Mexico border has been built on a false premise that one-size fits all. The reality is that Texas is the only southern state with a natural international boundary in the Rio Grande.

Farmers irrigate from the river, ranchers water their herd in the river, and children are baptized in the river. It truly is a river of life. That's why any physical barriers must first take into consideration how to minimize impact on private landowners as well as the many municipalities that hug the banks of the river. To this date, this has not been the case.

The Texas Border Coalition supports smart and effective measures that will achieve true border security, such as the Vega Project in Webb County, the Eagle Pass Park project, the Brownsville Weir and Reservoir project, and the clearing of the banks of the Rio Grande – north and south – of vegetation such as carrizo cane and salt cedar that provide hiding places for illegal border-crossers. We support physical barriers in areas where they make sense and are agreed to by elected county and municipal officials. We support smarter, more effective solutions where fences won't work that include radar, cameras, sensors and more effective deployment of Border Patrol personnel.

The Texas Border Coalition believes that Congress committed a strategic error in the approval of the Secure Fence Act and then compounded that error in providing the

Secretary of Homeland Security with the unilateral authority to waive – in effect repeal – all federal laws to expedite construction of the wall. We support repeal of the unconstitutional waiver-repeal authority and urge the repeal of the Secure Fence Act in favor of measures that will provide our region with real security.

Illegal border crossing arrests at the Texas-Mexico border have been falling for more than two years, without a wall, a great tribute to the deterrence of our Border Patrol and Border Protection agents. Arrests this year along the southern border are likely to be roughly half the nearly 1.6 million during the peak in 2000.

We are winning control of the border between the ports of entry, and that puts our ports under greater stress. According to the Government Accountability Office, we need 4,000 new officers to secure the ports of entry. We need \$4 billion in infrastructure and technology. If the goal is security, and that is the one of the main concerns of the Texas Border Coalition, we need your help to fund these priorities that are ignored by the president's budget.

Let me remind you that the 9-11 terrorists entered the United States through ports of entry. Most undocumented aliens enter the United States through ports of entry. Most of the illegal drugs entering the United States come through ports of entry. No border wall will solve those problems.

It is that context that we question whether the DHS commitment to secure the border is no more than hollow promise that depends on ineffective measures. We have recommended alternatives both at the ports of entry and between them that will provide for a safer border region, a safer America. We need more boots on the ground with the equipment required to provide for commerce and security. The Administration has developed a pattern of rejecting these practical, effective solutions in order to pursue a misguided policy. That pattern has reached a logical, ridiculous extreme with the waivers executed by Secretary Chertoff.

We've met with Secretary Chertoff to share our concerns, which he acknowledged but said Congress tied his hands. He told us to change the law. Our delegation did just that, repealing restrictive portions of the Security Fence Act and authorizing him flexibility, all in the fiscal 2008 Comprehensive Appropriations Act. He has chosen to ignore the new law in pursuit of the strategy he devised to accomplish the old statute.

In their headlong rush to achieve an arbitrary deadline to erect an ineffective wall, the Administration has chosen to abandon our nation's laws that commit us to preserving our environment, our culture, our history and our religious liberties.

These waivers will affect the natural movement of animal species, including the larger mammal species that are on the threatened or endangered species lists and cause irreparable harm to the unique eco-systems and bio-systems located along the Rio Grande River. They will provide carte blanche for the destruction of cultural and religious artifacts that are irreplaceable to our heritage. The avoidance and mitigation of these

damages is not an inconvenience to the government. They are essential elements of our national fabric, guaranteed to the people of the United States under Articles I and II of the Constitution. We don't demand the enactment of new law. We've already achieved that. We demand that Congress require the enforcement of our commitment to being a nation of laws.

The Texas Border Coalition believes we can do better. Based on our experience, the only way to restore the rule of law is to repeal the secretary's waiver authority. We need change and to achieve it we also urge your subcommittees to support the repeal the Secure Fence Act in favor of measures that will provide our region with real security.