



**Testimony of Laura Peterson, Senior Policy Analyst for Taxpayers for Common Sense
before
the House Subcommittee on National Parks, Forests and Public Lands and House
Subcommittee on Fisheries, Wildlife and Oceans
hearing on
“Walls and Waivers: Expedited Construction of the Southern Border Wall and Collateral
Impacts to Communities and the Environment”**

April 28, 2008

Good morning, and thank you for inviting me to testify today on the proposed southern border wall. I am a senior policy analyst at Taxpayers for Common Sense, a non-partisan budget watchdog that serves as an independent voice for American taxpayers. Our mission is to expose and end wasteful and harmful spending and subsidies in order to achieve a more responsible and efficient government that operates within its means.

TCS supports the federal government working with local landowners and border communities to achieve sound, cost-effective border control solutions that protect our nation. Unfortunately, evidence indicates that building a wall across hundreds of miles of diverse borderland is not a good investment for taxpayers. The border wall as currently envisioned by the Department of Homeland Security will cost billions of dollars in construction and maintenance alone while failing to adequately block the illegal entry of people and contraband into the United States and exposing taxpayers to future liabilities in the bargain.

We simply cannot afford to waste money on feel-good, ineffective measures – in homeland security or anywhere else. Our overall budgetary challenges are immense. Our nation is in the midst of fiscal crisis: the economy is in a tailspin, we have a budget deficit of more than \$400 billion and our national debt tops \$9 trillion. We spend hundreds of billions each year just on interest payments to service that debt. And that doesn't even consider the looming financial challenges of Social Security and Medicare. We cannot afford to waste a dime, much less billions of dollars. Yet the procedural shortcuts the border wall strategy is taking in the name of speedy deployment virtually guarantees poor spending decisions.

Border security is unquestionably a high national priority, but that doesn't make Mother's adage that "haste makes waste" any less true.

Big Bucks, Little Bang

U.S. border control initiatives have historically been exercises in high expense and low effectiveness. The federal government has appropriated \$3.7 billion for border patrol construction since 1996 and more than \$1 billion on fence construction alone, according to the Congressional Research Service.¹ The cost of making an illegal-entry arrest jumped from \$300

¹ "Border Security: Barriers Along the U.S. International Border," Congressional Research Service, January 8, 2008

in 1992 to \$1,700 in 2002, according to one economist.² While the number of illegal immigrants entering the United States is notoriously difficult to quantify, border patrol statistics show that the number of apprehensions remained relatively flat during the same period.³ Investment in border infrastructure has increased by a factor of 100 in the past six years from \$6 million in 2002 to \$647 million in 2007: Apprehensions, however, hovered around 100,000 per year.⁴

The fence constructed along 14 miles of the San Diego border over the past twenty years is often portrayed as proof of wall effectiveness, but evidence for that claim is inconclusive at best. The initial fence, constructed of 10-foot steel landing mats welded together, did little to stanch the illegal flow of people across the border: It was only the increase of border patrol manpower and resources under Operation Gatekeeper in 1994 that made an impact, as the Congressional Research Service notes.⁵ And though apprehensions in San Diego continued to decline over the next decade, the decline was mirrored by a dramatic increase in illegal crossings in Arizona as migrants moved further east.⁶

Moreover, the San Diego project exposes the potentially budget-busting pitfalls of fencing solutions. To increase its effectiveness, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) authorized another two layers of fence construction in San Diego at a total cost of \$12 million. However, DHS now says the fence will cost \$127 million by the time it is completed—more than 10 times the initial estimate.⁷ In the final analysis, the San Diego fence will cost more than \$10 million per mile when maintenance costs are included. Yet the fence was breached almost immediately: CBP officers have found numerous tunnels--some fortified with concrete flooring and electricity--running underneath the fence to San Diego county that have consumed significant financial and labor resources to seal.⁸ Maintenance costs have also far exceeded estimates for the San Diego fence as well as installations in Nogales, Arizona and El Paso, Texas. In El Paso, a four-man maintenance crew is required to weld and fill the 15-20 holes ripped through the fence each day.⁹

The 2006 Secure Fence Act directed DHS to construct 850 miles of fencing along the 2,000 miles of the southwestern U.S. border, which Congress reduced to 700 by language in the 2008 consolidated appropriations bill. The 2008 bill also gave the Secretary of Homeland Security wide latitude in determining the type of fencing to install along various portions of the border, stating that he does not have to use any particular deterrent if he decides it isn't optimal for gaining "operational control."¹⁰ Further, Congress withheld border security funding until DHS submitted an expenditure plan and an analysis of each 15-mile border segment that compares

² Douglas Massey, "Backfire at the Border: Why Enforcement Without Legalization Cannot Stop Migration," CATO Institute Center for Trade Policy Studies, June 13, 2005

³ Department of Homeland Security 2006 Yearbook of Immigration Statistics

⁴ "Border Security: Barriers Along the U.S. International Border," Congressional Research Service, January 8, 2008; Department of Homeland Security 2006 Yearbook of Immigration Statistics

⁵ "Border Security: Barriers Along the U.S. International Border," Congressional Research Service, January 8, 2008

⁶ "Border Security: Barriers Along the U.S. International Border," Congressional Research Service, January 8, 2008

⁷ DHS FY2006 and 2007 budget justifications, as cited by CRS

⁸ <http://www.globalsecurity.org/security/systems/mexico-wall.htm>

⁹ Alicia A. Caldwell, "Fixing Holes in the Border Fence is a Never Ending Task for U.S. Agents," Associated Press, August 8, 2007

¹⁰ PL 110-161, sec. 564, Div E, Title II

approaches based on factors such as cost and “possible unintended effects on communities.”¹¹ Though DHS has reportedly submitted the analysis, the document has not been made public.

In fact, DHS has not presented taxpayers with any cost estimates to date. Some baseline costs can be estimated using the price of fencing materials. Three types of fencing are currently under consideration: landing mat fencing, which utilizes steel airplane landing mats welded together; bollard fencing, consisting of concrete-filled metal tubes; and Sandia fencing, a 10-foot steel mesh fence topped with an angled panel. Landing mat fencing costs around \$400,000 per mile to install and \$15,000 per mile to maintain; Sandia fencing, \$800,000 per mile to install and \$7,000 to maintain; and bollard fencing, \$2 to \$4 million per mile to install and \$1,000 to \$15,000 to maintain (depending on style). Sandia fencing has so far only been used to backstop primary fencing on 10 miles of the San Diego border, so would likely be an additional rather than primary fencing cost.

Other costs include funding for the Army Corps of Engineers, which provides engineering expertise, construction management and machinery under a memorandum of understanding with DHS Customs and Border Protection (CBP). The Corps of Engineers received roughly \$40 million from the Department of Defense for this purpose over the past decade.¹² Though some fence installation labor has been provided by state National Guard troops at no expense to CBP, labor has also been provided by the military, the U.S. Border Patrol, and private contractors, as was the case with the San Diego border fence.

Using the cost of the San Diego fence as a baseline, simple multiplication produces the oft-cited price of \$7 billion for the 700 miles required under the Secure Fence Act. The Corps of Engineers has estimated that maintaining the fence over 25 years would range from \$16.4 million to \$70 million per mile, though that figure would be increased by breaches such as tunneling. The Corps estimate also does not include the costs of acquiring land or labor, which could be substantial if private contractors are retained. The Congressional Budget Office has estimated border fencing at \$3 million per mile for construction and an additional 15 percent, or \$450,000, for maintenance per year.¹³

These figures only address the costs of physical fencing, however, not the fiscal sinkhole that is the “virtual fence.” Previous DHS attempts to establish high-tech virtual fences have been fraught with problems. In 1997, the Immigration and Naturalization Service deployed more than 10,000 sensors and 200 camera towers along the northern and southern borders under a program called the Integrated Surveillance Intelligence System (ISIS). Unfortunately, the databases installed to analyze information from the cameras and sensors were never integrated, meaning they couldn’t share information. Further, the cameras broke down in bad weather and were difficult and expensive to maintain.¹⁴ These problems were not helped by the fact that the General Services Administration, tasked with managing the camera component, conducted

¹¹ PL 110-161, sec. 564, Div E, Title V

¹² “Border Security: Barriers Along the U.S. International Border,” Congressional Research Service, January 8, 2008

¹³ “Border Security: Barriers Along the U.S. International Border,” Congressional Research Service, January 8, 2008

¹⁴ “Border Security: Key Unresolved Issues Justify Reevaluation of Border Surveillance Technology Program,” GAO report 06-295, February 22, 2006 pg 29

“inadequate contractor oversight, insufficient competition, and incorrect contracting actions.”¹⁵ ISIS moved to DHS after its creation in 2002 and was incorporated two years later into America’s Shield Program (ASI) after an investment of more than \$340 million.¹⁶ ASI also suffered from poor management and integration with DHS, costing taxpayers \$2.5 billion before it was absorbed by the Secure Border Initiative in 2006.

That year, the Secure Border Initiative launched the operational successor to ISIS and ASI, another networked system of cameras, sensors and unmanned vehicles called SBInet. SBInet became the subject of Congressional scrutiny from the moment the six-year contract was awarded to Boeing in September 2006 because of its reliance on contracting practices that have led to severe cost and schedule overruns in other DHS and DoD contracts. Representative Henry Waxman (D-CA) held a hearing on SBInet in February of this year at which he revealed that two-thirds of the individuals that designed the SBInet acquisition plan were contractors, and that the parties evaluating the bids were outsourced as well. DHS blamed chronic shortfalls in procurement personnel as justification for contracting out acquisition and oversight capacities.

SBInet lived up to expectations: Shortly after the contract was awarded, the DHS inspector general raised its estimate for the project’s cost from \$2 billion to as high as \$30 billion. Boeing missed its June 2007 deadline to deliver the contract’s first task order to secure 28 miles of the Arizona border, saying coordination of the numerous technologies was proving more difficult than anticipated. Though DHS accepted the “Project 28” task order in February, paying Boeing its \$20 million fee, it announced just last week that it will scrap the SBInet installation there and start over.

Cut Corners Now, Increase Costs Later

The REAL-ID Act in 2005 authorized the DHS secretary to waive any federal law in order to expedite border fence construction. Since then, DHS has waived more than 30 laws to proceed with construction in San Diego, Arizona and southern Texas. Laws waived include the National Environmental Policy Act (NEPA), the Comprehensive Environmental Response, Compensation and Liability Act and the Resource Conservation and Recovery Act, along with several laws protecting historic monuments, antiquities and Native American lands.

Many of these laws—specifically NEPA—require an environmental review process which, in both intent and practice, can protect taxpayers from potentially serious and costly future liabilities. By identifying environmental impacts and assessing reasonable alternatives, NEPA's process brings potential project costs to light and explores potential solutions. Waiving hazardous waste management and cleanup laws like RCRA and CERCLA does nothing to prevent possible environmental contamination that may take place (or be discovered) in the course of construction. Rather, waiving hazardous waste laws simply guarantees that the costs of any clean-up would be left to the taxpayers, letting the responsible private parties off the hook.

¹⁵ “Border Security: Key Unresolved Issues Justify Reevaluation of Border Surveillance Technology Program,” GAO report 06-295, February 22, 2006

¹⁶ “Border Security: Key Unresolved Issues Justify Reevaluation of Border Surveillance Technology Program,” GAO report 06-295, February 22, 2006 pg 18

Similarly, waiving wildlife management laws does not minimize potential harms to habitat or protected species. There may be a short-term savings in the form of deferred mitigation costs, but those burdens would simply be transferred to other public and private land owners. And in the absence of a NEPA environmental assessment, those costs will be hidden. Waivers also devalue the millions of dollars the federal government has invested in wildlife refuges. Finally, with their inherent review procedures, environmental laws provide an important set of checks and balances to federal agency and private action. Doing away with those review processes in their entirety increases the chances of waste, fraud and abuse.

Smart Solutions

CBP officers have told Congress that fences are only effective as part of a “mix” that includes manpower, technology and other resources.¹⁷ In fact, patrolmen have testified that while fencing is most effective in urban areas, it is actually counterproductive in open borderlands because it obstructs vision and requires significant maintenance and repair.¹⁸ They also noted that a cogent immigration policy should be part of this mix: A border patrol chief told the House Homeland Security Committee in 2006 that he was “frustrated by the fact that we look to border security (for solutions) when there is, in fact, a deeper issue at hand.”¹⁹

Support and intelligence from local residents is another valuable resource, one that the current wall proposal does not adequately develop. Here in Texas, owners of land gained through Spanish land grants and handed down over generations reportedly face the possibility of walls in their backyard, while golf courses and luxury housing developments just miles away remain untouched.²⁰ It’s hard to know just what the DHS approach to fencing options is since the agency has not made its analysis for each segment of the border public, which would allow residents to see plans for their neighborhoods and contribute potentially valuable input.

American voters and lawmakers clearly agree that preventing potentially harmful people and contraband from entering America’s borders is a top national security priority. However, the current border fence plan is more likely to siphon precious resources away from that goal and pump money into an expedient but ineffective, expensive and potentially damaging project. The stakes are too high to line our border with expensive sugar pills.

¹⁷ “Fencing the Border” hearing before the House Homeland Security Committee, July 20 2006

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²⁰ <http://www.texasobserver.org/article.php?aid=2688&print=true>