

News from Congressman David Price (NC-04)

Chairman, House Appropriations Subcommittee on Homeland Security

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OPENING STATEMENT OF CHAIRMAN DAVID PRICE ***Border Security Hearing, 9:30 am***

Today, we welcome Ralph Basham, Commissioner of U.S. Customs and Border Protection, to testify on efforts to gain control of our borders, including airport ports of entry. Seated with him are U.S. Border Patrol Chief David Aguilar; Michael Kostelnik, Assistant Commissioner for Air and Marine; Robert Jacksta, Deputy Assistant Commissioner for Field Operations; and Gregory Giddens, Executive Director of the Secure Border Initiative. Robert Mocny, Director of U.S. Visitor and Immigrant Status Indicator Technology, will testify about efforts to improve US-VISIT biometric and exit functions. And Richard Stana, Director for Homeland Security and Justice Issues with the Government Accountability Office, will describe challenges in carrying out DHS' border security mission. Welcome all.

We must move quickly to gain operational control of all of our borders – north and south, air and sea – but we must not allow haste to force us into repeating the mistakes of the past. Whether we are talking about the technology challenges facing the Project 28 effort in Arizona or decisions about where to place border fencing, it is important not just to do it, but to get it right.

That is why this Committee put language in the FY 2008 Appropriations Act to require that Border Security, Fencing, Infrastructure, and Technology funding be allocated to the highest priority needs and used as efficiently as possible. For fencing, the law requires DHS to back its decisions with detailed evaluations of border security solutions for each segment of 15 miles or less, and to compare fencing with alternative ways to achieve operational control.

The law requires that DHS consult with federal agencies, local officials, law enforcement, and landowners to gain a complete picture of the true costs and benefits from proposed border infrastructure. Based on testimony we heard a few weeks ago from border sheriffs, mayors and landowners, it appears that work remains to be done to satisfy the consultation requirements we set for you. I have seen the list of outreach events CBP provided to staff, but I have questions about whether the kind of consultation represented by that outreach permits the full sharing of information and is conducive to reaching consensual outcomes.

This Committee has acted to plug gaps in border inspection and enforcement efforts. At the border last year we heard about CBP's problems in recruiting and retaining CBP Officers, and we decided to do something about it. We included language in our House bill to convert CBP Officers to Law Enforcement Officer status, and we enhanced that provision in the Omnibus Act. As CBP's own spokesman said, "the '08 omnibus act appropriately recognized CBP

officers for what they do — protecting America’s people and enforcing its laws.” Yet the budget proposes to reverse this gain by repealing and defunding the conversion.

The 2008 Appropriations Act also increased airport staffing for Model Ports of Entry, and conditioned Western Hemisphere Travel Initiative funding on performance of pilot efforts to ensure the most effective implementation of a new document policy. And since we need to know who enters, remains in, and departs from our country, the 2008 Appropriations Act funded US-VISIT biometric capacity upgrades and a kick start for a practical exit solution, contingent on getting a sensible plan.

Commissioner Basham and Director Mocny, I look forward to learning how you are implementing the requirements contained in the FY08 Appropriations Act.

Now, let me quickly make some observations about your 2009 request. CBP’s \$9.5 billion discretionary request is less than 1 percent over 2008. Within that is \$775 million to fund Border Security Fencing, Infrastructure, and Technology, \$450 million below FY 2008. This would bring total BSFIT funding to \$3.5 billion.

The Border Patrol would grow under this request – to exceed 20,000 agents – more than double the FY 2001 on-board number. However, the number of Border Patrol agents on the Northern Border actually fell in 2006, and has not kept up with requirements of law.

Funding for Air and Marine programs would fall 7% (to \$528 million) under the proposed budget, although Air and Marine’s fleet is being modernized and its mission has grown as the need to protect our Northern Border has been recognized.

Secretary Chertoff, in a New York Daily News interview last month, said he frets over Europe and Canada more than Mexico. He is quoted as saying that “more than a dozen” people linked to Al Qaeda, Hezbollah and other extremists have tried to enter the U.S. through ports of entry on the northern border, while there have been almost no such attempts at U.S.-Mexico checkpoints. So I question why the Department’s Northern Border efforts and the budget before us don’t reflect that understanding.

In addition, we should not forget that most cargo, persons and contraband enter and leave this country through its ports of entry, not in-between them. In addition to the proposed repeal of CBP Law Enforcement Officer conversion, funding to support overall CBP efforts at ports of entry is flat in the 2009 request.

The US-VISIT request includes \$55.5 million – 300% over fiscal 2008 – to complete a biometric exit solution at air and sea ports of entry. Seven years after the events of 9/11, and after appropriating \$2.2 billion, we expect to see exit solutions that will work.

To summarize, Mr. Commissioner and Director Mocny, we want to know how you will achieve all of the objectives Congress has set for you. How will you secure our land borders, consult effectively with those who live on our border, and, in particular, how will you do that with an essentially flat budget?

I look forward to your testimony and a lively discussion of DHS efforts to secure our borders.
Let me turn now to the distinguished Ranking Member, Mr. Rogers, for his comments.

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