



## **Statement for the Record**

**U.S. Senate Homeland Security & Governmental Affairs Committee  
Hearing on**

**“Perspectives from the DHS Frontline: Evaluating Staffing Resources and  
Requirements”**

**March 22, 2017**

The National Immigration Forum (Forum) advocates for the value of immigrants and immigration to the nation. Founded in 1982, the Forum plays a leading role in the national debate about immigration, knitting together innovative alliances across diverse faith, law enforcement, veterans, labor and business constituencies in communities across the country. Coming together under the Forum’s leadership, these alliances develop and advocate for legislative and administrative policy solutions. Through our policy expertise and work with diverse constituencies, the Forum works to uphold America’s long-standing tradition as a nation of immigrants and builds public support for comprehensive immigration reform, sound border security policies, balanced enforcement of immigration laws, and ensuring that new Americans have the opportunities, skills and status to reach their full potential.

### Introduction

The National Immigration Forum thanks the Committee for the opportunity to provide its views and expertise on the matter of staffing resources and requirements at the Department of Homeland Security (DHS), particularly U.S. Customs and Border Protection (CBP). The Forum also thanks the dedicated men and women of CBP who work every day to keep our nation’s borders secure and facilitate commerce and travel into the United States. We acknowledge and appreciate the complexity and importance of CBP’s mission, which is charged every day with implementing a comprehensive approach overseeing customs, travel, immigration and border security responsibilities with a \$13.2 billion budget in fiscal year (FY) 2016 and more than 60,000 employees.<sup>i</sup> At the same time, we believe that creating a secure border takes more than just investing resources on one or a few components of CBP’s approach to border management and control. We urge the members of the Committee to address the on-going need to invest in a comprehensive approach to secure our borders and in policies that are humane, transparent, encourage commerce, and consider the impact these policies have on the tens of millions of Americans who live along our borders.

Congress should also consider the need to fix our broken and out-of-date immigration system. Leading national security officials agree that having a 21<sup>st</sup> century immigration system that promotes safety and security, benefits American workers and our economy, and provides earned legalization for otherwise law-abiding undocumented immigrants would have the most significant impact in promoting security at our borders.<sup>ii</sup> We must choose policies that keep us safe, but that also facilitate trade, tourism and the economic health of the United States. With a

21<sup>st</sup> century immigration system, we can develop effective border security policies that promote safety along our borders and improve border management, while staying true to our principles as a nation of immigrants, economic innovation and common-sense laws.

### Invest in Personnel and Infrastructure at Ports of Entry

CBP Office of Field Operations (OFO), which oversees the flow of commerce and immigrants at all 328 ports of entry in the United States, requires additional investments. CBP OFO plays a critical role in the economic health and national security of our country. In FY 2016, CBP OFO welcomed more than 1 million travelers each day – or 390 million for the year - and processed a total of nearly \$2.3 trillion in trade and more than 27 million cargo containers.<sup>iii</sup> Yet, through FY 2014, CBP OFO identified a shortage of 3,811 OFO officers.<sup>iv</sup> The magnitude of the shortage is amplified by the fact that adding a single CBP OFO officer to a port of entry would result in annual benefits of a \$2 million increase in our country's Gross Domestic Product (GDP), \$640,000 saved in opportunity costs, and 33 jobs added to the economy.<sup>v</sup> While staffing for the Border Patrol nearly doubled between FY 2004 and FY 2014 (increasing from 10,819 to 21,381), CBP OFO staffing at ports of entry increased less than 25 percent during this period (from 18,110 to 22,274).<sup>vi</sup> Investments to increase personnel levels at ports of entry can help better manage the flow of commerce and immigrants through our borders.

We also need to invest in infrastructure at our ports of entry to keep pace with increasing demand and security requirements. The revenue gained from trade at the border generates jobs for Americans – in fact, nearly six million American jobs depend directly on trade with Mexico.<sup>vii</sup> Yet, wait times to cross the border are often long, sometimes up to a 55 minute delay for commercial vehicles,<sup>viii</sup> which can detract from commerce and lead to billions of dollars in spoiled goods and opportunity cost. Furthermore, research shows that because enforcement resources have been so focused *between* ports of entry with Border Patrol agents, processing *at* ports of entry is often lacking. Individuals entering the United States without documentation through a land port have about a 1 in 4 chance of being apprehended, compared to 90 percent for those entering between ports of entry.<sup>ix</sup> The need to invest in infrastructure, combined with CBP OFO understaffing, leave our ports of entry more susceptible to transnational drug, weapons and human smuggling. We believe that investment at our ports of entry, including in personnel and infrastructure, is an important and pressing aspect of border security and management.

### Invest in Body-Worn Cameras for CBP

In addition, we encourage Congress to invest in funds to implement use of body-worn camera technology at CBP. The use of body-worn cameras in law enforcement has gained significant momentum in recent years as a best practice of 21<sup>st</sup>-century policing. CBP has already started the process of implementing body-worn cameras by requesting quotes to purchase 108 body-worn cameras.<sup>x</sup> By fully investing in body-worn cameras, Congress would allow CBP to finally fund its implementation of body-worn camera technology in the agency's operating environments and to develop an agency-wide policy on the technology. Overall, the implementation of body-worn cameras in the agency would provide an additional layer of protection for CBP agents and officers and the millions of Americans who live in communities across the border. The evidence indicates that body-worn cameras lead, in one study, to 88 percent fewer complaints against officers<sup>xi</sup> and fewer assaults,<sup>xii</sup> creating a win-win solution for the public and law enforcement. Not only could body-worn camera technology reduce complaints, but it could also reduce use-of-force incidents,<sup>xiii</sup> provide scenario-based training for future law enforcement agents and officers,<sup>xiv</sup> and quickly resolve officer-related incidents.<sup>xv</sup> The technology could also strengthen accountability and transparency on both sides, helping CBP to gain the

public's trust in border communities. CBP has a significant opportunity to be a leader in 21<sup>st</sup>-century policing by implementing body-worn cameras across the agency.

#### Invest in Fencing and/or Technology Where Effective

Congress should invest in funding to build barriers on the Southwest Border only where the use or placement of such a barrier is the most appropriate solution and fencing has not already been built. CBP has already built fencing or other physical barriers on the areas that they have determined are operationally necessary. In 2011, the Border Patrol identified a total of 652 miles of the Southwest Border as operationally necessary for fencing and barriers.<sup>xvi</sup> By 2015, the United States had built border fencing along 653 miles of the Southwest Border, including 353 miles of primary pedestrian fencing, 300 miles of vehicle fencing, 36 miles of secondary fencing behind the primary fencing, and 14 miles of tertiary pedestrian fencing behind the secondary fence.<sup>xvii</sup> As a result, it is important that Congress provide DHS with the discretion in consultation with local communities to determine whether a fence is the most appropriate option to secure any additional areas of the border, since constructing a wall spanning the entire Southwest Border would cost between \$25 billion to \$31.2 billion.<sup>xviii</sup> It is estimated that it would cost about \$274 million to maintain the fence already built along the Southwest border. A fence that is nearly three times longer is estimated to cost at least \$750 million a year to maintain.<sup>xix</sup> Congress should support barriers on the Southwest Border where DHS, with the input from local communities, determines it is appropriate.

Congress should also continue to provide appropriations for CBP to use modern technology to monitor areas on the Southwest Border and elsewhere in which a physical barrier is not the most appropriate solution to secure the border. CBP already relies heavily on technology, which at times serves as a better force multiplier than a fence, in order to secure the United States' borders and ports of entry. In 2015, CBP had at least 273 remote video surveillance systems with day and night cameras deployed on the Southwest Border.<sup>xx</sup> In addition, the agency used 49 mobile surveillance systems, which are truck-mounted infrared cameras and radar.<sup>xxi</sup> CBP also has applied mobile surveillance systems, remote video surveillance systems, thermal imaging systems, radiation portal monitors and license plate readers in the Southwest Border and operates at least 10 Predator B unmanned aerial drones, which provide surveillance of the border along Arizona, New Mexico and Texas.<sup>xxii</sup> Congress should continue to assess the effectiveness of these technologies and to invest in technology to monitor areas of the border where building a fence is not appropriate and such monitoring is necessary.

#### Invest in a Federal Program to Remove Carrizo Cane and Salt Cedar Plants

Another investment to ensure safety at our borders is to fund a federal program to eradicate the invasive and nonnative Carrizo cane and salt cedar plants along the Rio Grande Valley in Texas, which would provide the Border Patrol with greater visibility and access to the Rio Grande.<sup>xxiii</sup> As border community residents like Dennis E. Nixon, the CEO of International Bank of Commerce in Laredo, Texas, have noted before, the density of the Carrizo cane and salt cedar plants allows the plants to become a hiding place for immigrants and criminals who unlawfully enter the United States and, in that process, makes the Border Patrol and other law enforcement agents vulnerable to criminal groups.<sup>xxiv</sup>

These plants, which cover between 30,000 and 60,000 acres, must be removed from the riverbanks and re-populated with native prairie grasses that have limited growth potential and can be easily and economically maintained. Estimates indicate that it would cost approximately \$200,000 to remove 700 acres of the Carrizo cane and salt cedar plants. The total cost to remove

up to 60,000 acres of cane would be approximately \$17.1 million.<sup>xxv</sup> Once the Carrizo cane and salt cedar plants are eradicated, the Border Patrol will have access to patrol the riverbank and full view of the area. Furthermore, the Border Patrol's visibility of the riverbank can be enhanced with more investments in modern technology. Unlike a wall or obstructive fence, which would limit physical access to the riverbanks and block Border Patrol agents' visibility, eradicating the Carrizo cane and salt cedar plants is a faster, more affordable and more effective approach to patrol and control the Rio Grande. This approach grants Border Patrol agents the physical access and visibility to protect the border.

### Don't Change Security Standards

We urge Congress to maintain DHS' current security requirements related to the hiring and onboarding of new personnel. On February 20, 2017, DHS Secretary John Kelly issued a memorandum directing CBP to begin the process of "immediately hiring" 5,000 additional Border Patrol agents.<sup>xxvi</sup> This proposed hiring surge would be the largest since Congress doubled the number of Border Patrol agents from nearly 10,000 in FY 2001 to nearly 20,000 in FY 2008.<sup>xxvii</sup> During that hiring surge, the Border Patrol had trouble screening candidates, leading to a spike in internal corruption cases.<sup>xxviii</sup> In response, Congress passed the Anti-Border Corruption Act in 2010, which led to polygraph testing as a requirement for all Border Patrol agents.<sup>xxix</sup> CBP now adheres to established best practices to ensure those selected for duty can carry out the responsibilities that are expected of them. However, changes to the hiring process, such as loosening the requirement for polygraph examinations that candidates undergo as part of a background investigation, increase the risk for corruption. To assist the dedicated CBP agents who work every day to keep our nation's borders secure, we must maintain the current security requirements to help CBP regain the public trust and strengthen its ties with communities along the border.

### Carefully Examine Whether More Border Patrol Agents are Needed

Congress provided funds in FY 2016 to station 21,370 Border Patrol agents -- an all-time high level and more than double from FY 2000 -- along our country's borders.<sup>xxx</sup> Yet, on February 20, 2017, DHS Secretary John Kelly directed CBP to begin the process of hiring 5,000 additional Border Patrol agents.<sup>xxxi</sup> We urge Congress to carefully examine whether spending money to hire and station more than 21,370 Border Patrol agents along our country's borders is the most effective investment to secure our borders. At the moment, CBP has not hired the 21,370 personnel authorized by Congress. CBP had 19,828 Border Patrol agents in FY 2016, which means that the agency still has to hire an additional 1,542 agents with the funds already obligated by Congress last year.<sup>xxxii</sup>

In addition, investing in additional Border Patrol agents may not be the most appropriate use of American taxpayer funds. The Border Patrol's budget increased from slightly more than \$1 billion in FY 2000 to almost \$3.6 billion in FY 2016, or about 245 percent in fifteen years.<sup>xxxiii</sup> As the Border Patrol's budget expanded, the amount spent by the Border Patrol per apprehension at the border increased almost 1,300 percent from \$630 per migrant in FY 2000 to over \$8,760 per migrant in FY 2016.<sup>xxxiv</sup> Meanwhile, the average annual number of apprehensions for each border patrol agent dropped from 182 in FY 2000 to just less than 21 in FY 2016.<sup>xxxv</sup> Investment in additional Border Patrol agents to secure the border will not provide significant returns on border security, partly because the number of apprehensions at the border has dropped from about 1.6 million in FY 2000 to less than 416,000 in FY 2016, a 75 percent decrease.<sup>xxxvi</sup> We encourage Congress to carefully examine whether adding an additional 5,000 Border Patrol agents is the most effective solution for border management and control.

## Conclusion

We thank the Committee for holding this hearing and considering the best policies related to CBP staffing resources and requirements while facilitating trade, tourism and the economic health of the United States. We support investment in policies that are thoughtful, effective, and improve border management, including investments at ports of entry, in body-worn cameras for CBP agents and officers, in modern technology at the border, and in a program to remove Carrizo cane and salt cedar plants along the Rio Grande Valley in Texas. In conclusion, one of the most important and cost-effective aspects to ensuring that our borders are secure is to pass legislation that would create a [21<sup>st</sup>-century immigration system](#).

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<sup>i</sup> *Consolidated Appropriations Act of 2016*, Public Law No. 114-113, 129 Stat. 2242 (December 18, 2015): <https://www.congress.gov/114/plaws/publ113/PLAW-114publ113.pdf>.

<sup>ii</sup> Chertoff, Michael, Janet Napolitano and Tom Ridge, “8<sup>th</sup> Anniversary of the Department of Homeland Security (DHS) Roundtable,” interview by Andrea Mitchell, Georgetown University (March 2, 2011): <https://www.dhs.gov/news/2011/03/02/8th-anniversary-roundtable-transcript>.

<sup>iii</sup> “CBP Facilitates Record Level of Travelers and Modernizes Trade Systems in FY 2016,” U.S. Customs and Border Protection (January 12, 2017): <https://www.cbp.gov/newsroom/national-media-release/cbp-facilitates-record-level-travelers-and-modernizes-trade-systems>.

<sup>iv</sup> “U.S. Customs and Border Protection’s Workload Staffing Model,” Office of Inspector General, Department of Homeland Security (July 2014): 4, [https://www.oig.dhs.gov/assets/Mgmt/2014/OIG\\_14-117\\_Jul14.pdf](https://www.oig.dhs.gov/assets/Mgmt/2014/OIG_14-117_Jul14.pdf).

<sup>v</sup> “CBP’s Role in Strengthening the Economy,” U.S. Customs and Border Protection (May 2014): <https://www.cbp.gov/sites/default/files/documents/Fact%20Sheet%20ROS%20CBP%20Strengthening%20Economy.pdf>

<sup>vi</sup> “U.S. Customs and Border Protection: Trade Facilitation, Enforcement, and Security,” Congressional Research Service (June 22, 2015): 34, [https://www.everycrsreport.com/files/20150622\\_R43014\\_4c62b7d53f8bc6ad3353729a3c7697edd7c69e8b.pdf](https://www.everycrsreport.com/files/20150622_R43014_4c62b7d53f8bc6ad3353729a3c7697edd7c69e8b.pdf).

<sup>vii</sup> Alcocer, Sergio M., “Managing the Mexico-U.S. Border: Working for a More Integrated and Competitive North America,” *The Anatomy of a Relationship: A Collection of Essays on the Evolution of U.S.-Mexico Cooperation on Border Management*, Wilson Center Mexico Institute (June 2016): 25, [https://www.wilsoncenter.org/sites/default/files/anatomy\\_border\\_evolution\\_us\\_mexico\\_cooperation.pdf](https://www.wilsoncenter.org/sites/default/files/anatomy_border_evolution_us_mexico_cooperation.pdf).

<sup>viii</sup> Becker, Gary, “Move to Reduce Border Wait Times is Step Forward for Trade,” U.S. Chamber of Commerce (January 19, 2016): <https://www.uschamber.com/above-the-fold/move-reduce-border-wait-times-step-forward-trade>.

<sup>ix</sup> “Without Strategy: America’s Border Security Blunders Facilitate and Empower Mexico’s Drug Cartels,” Texas Border Coalition (January 12, 2012): 3, [http://www.texasbordercoalition.org/Texas\\_Border\\_Coalition/Welcome\\_files/TBC%20Report-Without%20Strategy-Final.pdf](http://www.texasbordercoalition.org/Texas_Border_Coalition/Welcome_files/TBC%20Report-Without%20Strategy-Final.pdf)

<sup>x</sup> “CBP Requests Quotes to Purchase 108 Body-Worn and 12 Vehicle-Mounted Cameras,” U.S. Customs and Border Protection (September 14, 2016): <https://www.cbp.gov/newsroom/national-media-release/cbp-requests-quotes-purchase-108-body-worn-and-12-vehicle-mounted>.

<sup>xi</sup> “Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned,” Police Executive Research Forum (2014): [http://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf](http://www.policeforum.org/assets/docs/Free_Online_Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf). Citing: Farrar, William, “Operation Candid Camera: Rialto Police Department’s Body-Worn Camera Experiment,” *The Police Chief* (January 2014): 20-25.

<sup>xiii</sup> Michael D. White, Police Officer Body-worn Cameras: Assessing the Evidence 6, Office of Justice Programs Diagnostic Center, Department of Justice (2014):

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<https://www.ojpdiagnosticcenter.org/sites/default/files/spotlight/download/Police%20Officer%20Body-Worn%20Cameras.pdf> .

<sup>xiii</sup> Ibid.

<sup>xiv</sup> “Implementing a Body-Worn Camera Program,” 8.

<sup>xv</sup> Lopez, James, Jacinta S. Ma and Josh Breisblatt, “Body Cameras and CBP: Promoting Security, Transparency and Accountability at Our Nation’s Borders,” National Immigration Forum (November 6, 2015): 13. <http://immigrationforum.org/wp-content/uploads/2015/11/Body-Cameras-and-CBP-Report-11062015.pdf> .

<sup>xvi</sup> Testimony of Michael J. Fischer, Chief of the U.S. Border Patrol, U.S. Customs and Border Protection, “Does Administrative Amnesty Harm our Efforts to Gain and Maintain Operation Control of the Border?” House Committee on Homeland Security, Subcommittee on Border and Maritime Security, 112<sup>th</sup> U.S. Congress, 1<sup>st</sup> session, (October 4, 2011): <https://www.dhs.gov/news/2011/10/04/written-testimony-cbp-house-homeland-security-subcommittee-border-and-maritime> .

<sup>xvii</sup> “Border Security: Immigration Enforcement Between Ports of Entry,” Congressional Research Service (April 19, 2016): 29-30, [https://www.everycrsreport.com/files/20160419\\_R42138\\_5d9af339acc2a9ee18553a8f72acd989648be04d.pdf](https://www.everycrsreport.com/files/20160419_R42138_5d9af339acc2a9ee18553a8f72acd989648be04d.pdf) .

<sup>xviii</sup> Nowrasteh, Alex, “A Tax on Remittances Won’t Pay for a Border Wall,” CATO Institute (January 24, 2017): <https://www.cato.org/blog/tax-remittances-wont-pay-border-wall> .

<sup>xix</sup> Kim, Seung Min, “Trump’s Immigration Tab: \$166 Billion,” *Politico* (August 19, 2015):

<http://www.politico.com/story/2015/08/donald-trumps-immigration-tab-166-billion-121500>

<sup>xx</sup> Breisblatt, Josh, “Border Security Is not Just More Fences and Technology,” National Immigration Forum (May 13, 2015): <http://immigrationforum.org/blog/border-security-is-not-just-more-fences-and-technology/> .

<sup>xxi</sup> Trevizo, Perla, “Officials: Past Border Tech Efforts Failed, But This One Won’t,” *Arizona Daily Star* (December 26, 2015): [http://tucson.com/news/local/officials-past-border-tech-efforts-failed-but-this-one-won/article\\_2192fa1f-47b6-5954-8575-8a74fc691820.html](http://tucson.com/news/local/officials-past-border-tech-efforts-failed-but-this-one-won/article_2192fa1f-47b6-5954-8575-8a74fc691820.html) .

<sup>xxii</sup> “Privacy Impact Assessment for the Aircraft Systems,” U.S. Department of Homeland Security (September 9, 2013): 4, <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp-aircraft-systems-20130926.pdf> .

<sup>xxiii</sup> Aguilar, Juan, “New Effort to Wipe Out Carrizo Cane Reignites Environmental Debate,” *The Texas Tribune* (April 5, 2016): <https://www.texastribune.org/2016/04/05/new-carrizo-eradication-effort-reignites-old-debat/> .

<sup>xxiv</sup> Nixon, Dennis E., “Common Sense Border Security: Thoughts from Dennis E. Nixon,” (January 2017): 3, <https://www.abc.com/en-us/Newsroom/Documents/Common%20Sense%20Border%20Security%20Solutions.pdf> .

<sup>xxv</sup> “Texas Spends \$800 Million on Border Security, But Shorts Carrizo Cane Eradication Project,” *The Texas Tribune* (June 15, 2016): <http://valleycentral.com/news/local/texas-spends-800-million-on-border-security-but-shorts-carrizo-cane-eradication-project> .

<sup>xxvi</sup> John Kelly, “Implementing the President’s Border Security and Immigration Enforcement Improvement Policies,” U.S. Department of Homeland Security (February 20, 2017): 3, [https://www.dhs.gov/sites/default/files/publications/17\\_0220\\_S1\\_Implementing-the-Presidents-Border-Security-Immigration-Enforcement-Improvement-Policies.pdf](https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Implementing-the-Presidents-Border-Security-Immigration-Enforcement-Improvement-Policies.pdf) .

<sup>xxvii</sup> “United States Border Patrol: BP Staffing FY 1992 to FY 2016,” U.S. Customs and Border Protection (October 2016): <https://www.cbp.gov/sites/default/files/assets/documents/2016-Oct/BP%20Staffing%20FY1992-FY2016.pdf> .

<sup>xxviii</sup> Rosenberg, Mica, “Former Border Patrol Officials Question Trump Plan to Add Agents,” *Reuters* (February 24, 2017): <http://www.reuters.com/article/us-usa-immigration-agents-idUSKBN163250> .

<sup>xxix</sup> *Anti-Border Corruption Act of 2010*, Public Law No. 111-376, 124 Stat. 4104 (January 4, 2011): <https://www.congress.gov/bill/111th-congress/senate-bill/3243/text> .

<sup>xxx</sup> *Consolidated Appropriations Act of 2016*; “United States Border Patrol: BP Staffing FY 1992 to FY 2016.”

<sup>xxxi</sup> Kelly, “Implementing the President’s Border Security and Immigration Enforcement Improvement Policies.”

<sup>xxxii</sup> “United States Border Patrol: BP Staffing FY 1992 to FY 2016.”

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<sup>xxxiii</sup> “United States Border Patrol: Enacted Border Patrol Program Budget by Fiscal Year,” U.S. Customs and Border Protection (2016): <https://www.cbp.gov/sites/default/files/assets/documents/2016-Oct/BP%20Budget%20History%201990-2016.pdf> .

<sup>xxxiv</sup> <sup>xxxiv</sup> “United States Border Patrol: Enacted Border Patrol Program Budget by Fiscal Year;” “United States Border Patrol: Total Monthly Apps by Sector and Area, FY 2000 to FY 2016,” U.S. Customs and Border Protection (October 2016): <https://www.cbp.gov/sites/default/files/assets/documents/2016-Oct/BP%20Total%20Monthly%20Apps%20by%20Sector%20and%20Area%2C%20FY2000-FY2016.pdf> .

<sup>xxxv</sup> “United States Border Patrol: BP Staffing FY 1992 to FY 2016;” “United States Border Patrol: Total Monthly Apps by Sector and Area, FY 2000 to FY 2016.”

<sup>xxxvi</sup> “United States Border Patrol: Total Monthly Apps by Sector and Area, FY 2000 to FY 2016.”