



Committee on the Judiciary
Testimony of Representative Henry Bonilla
November 10, 2005

I represent more than 700 miles of the Texas/Mexico border. A few years ago the only people worried about border security were those living on the border. Times have changed. If you live in America and you're not worried about border security, you should be.

It takes only one terrorist to slip into our country and increase the risk of a terrorist catastrophe. The threat is real. Hundreds of illegal aliens invade our border communities each day. Recent intelligence gives frightening insight into terrorist plans on the U.S./Mexico border. The Washington Post reported this month that Abu Ali, a man indicted in a plot to assassinate President George W. Bush, admitted his plan to bring members of an al Qaeda cell into the U.S. through Mexico. Just this spring U.S. officials revealed that Abu Musab al-Zarqawi, mastermind of several Iraq terrorist attacks, may be planning U.S. attacks and entering through the southern border. As long as our nation's borders are porous, we have an increased chance of terrorism on our own soil. Known terrorists, ruthless members of drug cartels and free loaders from around the world now use the southwest border as a revolving door.

While many crossing the border are seeking work and a new life, many are also bringing violent crime and drugs into these small towns that are ill equipped to deal with the problem. Analysis of the latest Census data indicates Texas' illegal immigrant population is costing the state's taxpayers more than \$4.7 billion per year for education, medical care and incarceration. Even if the estimated tax contributions of illegal immigrant workers are subtracted, net outlays still amount to more than \$3.7 billion per year.

- Approximately 11.9% of children in the Texas public school system are illegal aliens.
- Texan taxpayers pay approximately \$520 million a year for health care of illegal aliens.
- Finally, the uncompensated cost of incarcerating illegal aliens in Texas state and county prisons amounts to about \$150 million a year. This figure does not include local jail detention costs, related law enforcement and judicial expenditures, nor the monetary costs of the crimes that led to their incarceration in the first place.

The problem is very immediate and personal to border communities. My

proximity to the border gives me a first-hand appreciation of the problem. My border communities are small and rely on cross border commerce. Some of my constituents have family and friends on both sides of the border. Efficient LEGAL border crossings are essential to this region, but illegal border crossing have become an excessive burden.

As of last month, an estimated 146,000 Non-Mexican Illegal Aliens (NMIAs) illegally crossed the US-Mexico border so far this year. Gangs and drug traffickers can easily overwhelm small, local law enforcement departments. Increased crime rates require the diversion of limited local funds from other important local needs impacting these communities economically and overburdening other social services. Imagine if this was happening in your town. You might feel under siege.

I recognize there is no quick-fix. The issue must be addressed from several angles. That's exactly what I have been championing for years, and is the basis for a series of legislative initiatives that I been rolling out over the summer and this fall.

The first step toward a safer, more secure border is basic preparedness. You can't secure a border without man-power, equipment and facilities. We've made great advances in this arena. Over the last year our Congress has added 1500 Border Patrol agents and 568 Immigration and Customs Enforcement (ICE) agents to the force. We've also funded \$61 million for border security technology, including surveillance and unmanned aerial vehicles. I can't deny that these are fantastic advances, but we cannot stop here.

One of the border's largest pitfalls has been the amount of detention bed space. Border Patrol agents are doing their job by capturing illegal immigrants. But once captured they are almost immediately set free because there is not room for detention. Additional bed space allows our immigration system to do its job by keeping illegal immigrants behind bars and holding them until they can be properly deported. A major accomplishment occurred this past year when Congress funded 3870 detention beds for the U.S./Mexico border. This is a tremendous step toward filling a gaping hole in our system.

However, 3,870 new detention beds will not fix the problem, and we need help now. Until your expedited removal program is fully implemented, DHS could erect temporary detention facilities using tents, and stop releasing illegal NIMAs immediately. This is not an untested idea either. Tents were used for temporary detention facilities in the mid-1980's in Southern Texas (McAllen Sector) and it was a huge success. Three things happened as soon as the tents went up.

- 1) The morale of the Border Patrol officers improved.
- 2) Assurance of detention had a dramatic deterrent effect and attempted illegal

border crossings went way down.

3) There was a resulting back-up of NIMAs on the Mexican side of the border which caused the government of Mexico to take action to reduce the number of NIMAs that they allowed into their country. The bottom line is that the number of illegal NIMAs reduced so much that the temporary detention facilities could be removed in just over a year.

Once the enforcement infrastructure is in place, the next step is reducing the backlog of illegal immigrants awaiting trial. This will be accomplished by streamlining the justice system for adjudication and removal of the illegal immigrants. Part of my legislative package will include funding for additional immigration trial attorneys and judges. The shortage of attorneys and judges is appalling. By filling these slots and making more available we can expedite the adjudication process and eliminate a log jam that has existed for years.

The final phase of my border security proposal is to facilitate the deportation of illegal immigrants. Secretary Chertoff has pledged to implement an expedited removal program in all Border Patrol sectors. Expedited removal would allow the vast majority of illegal immigrants to be repatriated within days, rather than months and reduce judicial back-log. Although an expedited removal system was authorized last year, only three Border Patrol sectors have been approved by DHS to use the program so far. This simply is not enough. The Department of Homeland Security must make it a priority to implement an expedited removal program in every sector. Additionally, Secretary Chertoff recently wrote me a letter expressing concern over what he calls, "an overstuffed removal pipeline." Delays in country clearances and related repatriation issues must be fixed to ensure the success of the expedited removal programs.

The bottom line is that we live in an age where a porous border is a danger not only to border states, but to our entire nation. Every day that our border security is ignored, gangs, criminals and terrorists are finding new ways to exploit the weaknesses of our security systems. Terrorists are no longer playing by the same rules and neither should we.

Ignoring this problem is like ignoring the war against terrorism. Those of us who live near the border cannot fight this war on our own. We must stand together as a nation to regain control of our border.