

United States House Committee on Homeland Security

Field Hearing: Crisis on the Texas Border: Surge of
Unaccompanied Minors

Testimony of Governor Rick Perry
State of Texas

July 3, 2014

Good afternoon. I'd like to open my remarks by thanking and commending the members of this committee who made the trip down here. Chairman McCaul is demonstrating true leadership in elevating the visibility of what's happening along the border.

I would also like to recognize Chairwoman Granger, who is leading the Speaker's Working Group on the Humanitarian Crisis at the Southern Border, and other members of Congress who are here today in response to these ongoing crises.

And make no mistake, there is more than one crisis happening along the U.S. border.

The first is a humanitarian crisis, suffered by a growing number of individuals crossing our border illegally ... many of them just children.

Last week, I witnessed the difficult conditions these children are being housed in while they await action by Washington, whether it's the right decision to immediately deport them, or the shortsighted and tragic decision to essentially turn them loose in the United States.

Some might think allowing them to stay is a more humane option, I assure you, it is not.

Nobody is doing any of these children the slightest favor by delaying a rapid return to their countries of origin, which in many cases is not Mexico.

Allowing them to remain here will only encourage the next group of individuals to undertake the same life-threatening journey.

Those who have come must be sent back to demonstrate, in no uncertain terms, that risking their lives to cross Mexico and enter our country simply isn't worth it.

Even those who have survived the treacherous journey are still at risk.

We've already had one confirmed case of H1N1 in Texas, and have been informed by our federal partners of two additional cases of Type A influenza that are likely to be H1N1, in addition to reports of other illnesses at other detention facilities.

The second crisis is a crisis of national security.

The rapid influx of illegal immigrants has strained border resources that were already insufficient to the task at hand. Officials who should be guarding the border are dealing with the overflow instead of fulfilling their primary tasks.

As a result, the border between the U.S. and Mexico is less secure today than at any time in the recent past, which is why we ordered the new surge.

We know that drug cartels and transnational gangs are already seeking to take advantage of the situation, attempting to circumvent security and spread pain and suffering on both sides of the border through their criminal activities.

We're also in danger at the hands of those who might be slipping through from countries with known terrorist ties. With a range of potential threats facing us from abroad, this is not the time to turn our attention elsewhere.

That's why Texas has taken steps to supplement its law enforcement operations along the border.

Currently, we're directing \$1.3 million in additional funding per week to increase our law-enforcement efforts through at least the end of the calendar year. This is in addition to the more than \$500 million we've committed to border security since 2005.

Our current operations include increased DPS aircraft patrols, maritime operations, and the utilization of Ranger Recon teams, who are able to quickly respond to remote areas where suspected activity is taking place.

I welcome the funding President Obama has publically announced, but also ask the federal government for the following:

First, increase the Texas National Guard units involved in border security operations... That includes keeping the fleet of UH-72 Lakota aircraft in Texas to continue its vital missions.

Second, if the U.S. Border Patrol is going to release illegal immigrants into our communities to await a court date, every one should be medically screened to ensure their health and the health of our citizens.

Third, Texas should be reimbursed for the \$500 million we've spent securing the border over the past decade. We've been fulfilling a federal responsibility, and the hardworking people of Texas shouldn't have to shoulder that cost on their own.

And finally, secure this border once and for all. Invest sufficient resources to put an adequate number of Border Patrol agents on the ground permanently, and utilize existing technology, including drones, to help plug the gaps in security operations currently being filled by Texans.

Thank you again for the opportunity to appear before this committee. I am happy to answer any questions you may have.

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SUMMARY/ROLE BY TEXAS AGENCY

Dept. of State Health Services (DSHS):

DSHS, its health service regions, and local health departments in the Rio Grande Valley are monitoring the situation to evaluate the impact on public health in Texas. DSHS officials have visited U.S. Customs and Border Protection (CBP) shelters and ports of entry that hold UACs until they can be processed for placement with the federal Office of Refugee Resettlement (ORR). A sampling of conditions observed at CBP facilities includes: overcrowding; potential for infectious disease outbreak; lack of medical screening; lack of separation area; and extreme heat. These visits have informed the suggestions made to the federal government about what standard public health precautions need to be considered in CBP temporary detainment facilities. CBP has been provided with information about infectious disease, hygiene issues, and Texas communicable disease law. Texas has also offered its expertise to federal entities as they establish standard operating procedures and contingency plans for hurricanes and disease outbreaks.

- Costs Incurred: \$23,000 for 1,915 flu vaccines that were state-purchased. Texas will be reimbursed the full amount.
 - DSHS could incur future costs if there is an infectious disease outbreak.
- Anticipated Action if Border Crisis Continues: Texas has recommended the Centers for Disease Control (CDC) partner with DSHS to conduct inspections of facilities where children are being held to ensure mass shelter standards are applied. There will also be continued cooperation with locals to monitor health resource needs and direct calls offering volunteer medical services to locals.

Dept. of Family and Protective Services (DFPS):

DFPS' Residential Child Care Licensing (RCCL) division licenses, monitors, and investigates any allegations of abuse/neglect at private facilities who contract with ORR to provide placements for UAC.

- Costs Incurred: At this time, DFPS has not incurred any additional costs. The state has received requests for the agency to waive requirements from the state's minimum standards of care, on a short-term basis, for currently-licensed facilities who house minors. These requests have been absorbed into each region's normal workload. Examples of approved requests include allowing more than four children per room or allowing facilities to use cots instead of beds.
- Anticipated Action/Costs if Border Crisis Continues: RCCL - If ORR expands permanent capacity in Texas, the state will have an increased number of facilities to license, monitor, and investigate. CPS - The process for vetting the caregivers to whom these children are being released is unclear. If abuse/neglect does occur, these children or families could have contact with Child Protective Services.

Dept. of Health and Human Services (HHSC)/ Office of Immigration & Refugee Affairs (OIRA):

OIRA does not play a current role in the current border crisis because 1) state statute only authorizes OIRA to assist refugees and legal immigrants; and 2) the OIRA Program at HHSC is designated by the federal Office of Refugee Resettlement (ORR) to oversee services to refugees in Texas. OIRA is 100 percent federally funded by the ORR and funds are designated for refugee services.

- Costs Incurred: None.
- Anticipated Action/Cost if Border Crisis Continues: There is no anticipated action by OIRA in the future because in order to assist in the current border crisis OIRA would require a change in state statute to authorize OIRA to assist *illegal* immigrants and there would also need to be new state and/or federal funding to support any new services to illegal immigrants.

Dept. of Public Safety (DPS):

Texas has directed DPS to immediately begin law enforcement surge operations on the border to combat criminal elements taking advantage of our porous border and overwhelmed federal resources (due to Border Patrol being diverted from its security mission to process and care for the influx in illegal immigrants). Current operations include: Trooper Strike Teams, Ranger Reconnaissance Teams, aircraft patrols to identify criminal and suspicious activity, maritime patrols using shallow water interceptors equipped with automatic weapons, and additional resources.

- Costs Incurred: \$ 1.3 million per week for border surge operations beginning June 18, 2014.
- Anticipated Action/Costs if Border Crisis Continues: continue with enhanced DPS operations; \$36.4 million for a 28 week surge (June 18 - December 31); or \$67.6 million for a year.

Texas National Guard:

Lacking arrest authority, the Texas Military Department supports the border mission through target identification, personnel tracking and counter-drug operations. The National Guard and State Guard forces work closely with DPS and USBP, bringing expertise and equipment to the theater otherwise unavailable to law enforcement. Air assets have proven a critical capability for the National Guard on the border. There are currently 239 National and State Guard troops conducting border operations. Current operations, since 2012, air centric operations – heavily reliant on UH-72 Lakota aircraft – have resulted in an almost 70% increase in detection & interdiction compared to ground based operations.

- Costs Incurred:
 - There are six UH-72 Lakota aircraft in the Texas National Guard operated by Counter Drug for mission support on the border. The total cost to operate is \$8.3 million annually.
 - Task Force Liberty operates eight UH-72 Lakota aircraft stationed at the Border. The total cost to operate is \$15.5 million annually.
 - The 42 Texas State Guard stationed on the Border cost \$2.3 million per year, paid for with a contract with DPS.

- Anticipated Action/Costs if Border Crisis Continues:
 - Mission costs will continue to accrue as long as the National Guard has the funding and a relevant mission on the border.
 - As pressure at the border has increased, the Guard has had to limit its number of flight days due to inadequate funding and limited numbers of pilots. Operational safety requirements limit the number of hours per month a pilot may fly. Pilots are maxing out their flight hours earlier and earlier in the month because there is such high demand for their support.
 - Texas has requested the use of drone technology capabilities of the National Guard, which could be significantly expanded. Drones have longer loiter times, lower fuel and personnel costs, and allow for expanded border surveillance, better target observation, and improved apprehension support.

Border Sheriff's Coalition:

Texas Border Sheriffs have responded to the need for increased patrols to assure public safety, have coordinated with Customs and Border Protection as illegal immigrants turn themselves in to local law enforcement, and have participated in the humanitarian effort.

- Costs Incurred: None yet calculated.
- Anticipated Action/Costs if Border Crisis Continues: Border Sheriffs will need more resources and manpower to ensure public safety if the surge of illegal immigration continues.

Texas Education Agency (TEA):

TEA is currently not playing a role within the current border emergency because of the end of the school year. Come the start of the 2014 – 2015 school year TEA is anticipating impact from a continued border crisis, but cannot fully estimate impact until schools enroll students. A school district is required to educate any child enrolled in the school district. But the responsibility of enrolling is placed on the parent/guardian of that child. Any incarcerated child (previously this included federally detained children) is excluded from being required to attend school unless the facility makes accommodations with a local school district to enroll their children.

- Costs Incurred: None yet calculated.
- Anticipated Action/Costs if Border Crisis Continues:
 - State funding is reactionary and based on the number of students enrolled within a school. The Average Daily Attendance funding of approximately \$7,500 per student will be required from the state by the local school districts. Should a significant number of these children remain in Texas, and enroll in school, the state will face significant costs. Federal funding is based on the previous year's students served. There is little ability for the federal government to provide additional dollars quickly.
 - All students must be immunized before attending school, but homeless students are exempted. Again how these students are classified will weigh heavily on the requirements for their enrollment and DSHS would need to weigh in on this requirement.

HOW MUCH TEXAS HAS SPENT ON BORDER SECURITY:

Texas has had to fill in the gaps left by the federal government—allocating over \$500 million since 2005 for border security through new technology, improved communications equipment, law enforcement personnel, and other resources.

Breakdown by biennium:

- 2006-2007: \$2.4 million (border security operations center and technology)
- 2008-2009: \$110,274,772 (helicopters, new technology, increased state law enforcement officers on the border, & overtime for local law enforcement)
- 2010-2011: \$94,092,579 (boots on the ground, Texas Rangers, Texas Task Force II, narcotics enforcement, aircraft operations, border operations center, technology training, & crime lab)
- 2012-2013: \$153,689,712 (boots on the ground, vehicles, tools to identify cartels & gangs, surveillance aircraft, video link technology from helicopters to mobile command posts & patrol boats, operating costs for patrol boats, & joint operations & intelligence centers)
- 2014-2015: \$108,943,963 (boots on the ground, vehicles, computers, joint operations & intelligence centers, & marine unit tools)

*Note that the biennium figures do not reflect total increases in salaries and benefits for state law enforcement officers stationed along the border. In addition, the figures do not include certain other statewide funded items of which a portion goes to the border.

***Note that Texas has not been reimbursed for any costs*

SUMMARY - IMPACT THE CURRENT BORDER CRISIS HAS HAD ON TEXAS:

- Diverted Border Patrol from its security mission to processing and caring for the increased number of illegal immigrants apprehended, which has left our border even more exposed to criminal elements.
- Strained resources available to the State if a disaster were to occur, such as a hurricane. Contractors the state uses for disaster response are being contracted with by the feds to assist in the UAC border crisis.
- *Anticipated:* DFPS. Continued loss of foster care capacity. ORR pays on a per-bed basis and at a higher rate than the state. Residential Treatment Centers and Child Placing Agencies will turn their beds over to ORR, reducing the number available for children/youth in state foster care.
- *Anticipated:* DFPS – CPS The process for vetting the caregivers to whom these children are being released is unclear and may suffer abuse/neglect by these caregivers. If abuse/neglect does occur, they will have contact with Child Protective Services.

- *Anticipated:* Public Ed. Increased enrollment in schools because the UACs will be enrolled in local schools districts when they are placed with family or friends waiting for their immigration court date.

Border Apprehension Data

- From 2010 to 2013: 91% increase in apprehensions along the TX-Mexico border; 158% increase in apprehensions in the RGV sector.
- In the first 9 months of this fiscal year, U.S. border patrol has apprehended over 160,000 illegal immigrants in the Rio Grande Valley (RGV), surpassing the 154,453 apprehensions made in the preceding fiscal year in the RGV.
- In federal fiscal year 2013, 52% of those apprehended along the TX-Mexico border were from countries other than Mexico (OTM)
- This year, record high numbers of OTMs are crossing the U.S.-Mexico border:
 - So far this federal fiscal year, 181,724 OTMs have been apprehended along the entire U.S.-Mexico border, surpassing the 148,988 OTM apprehensions last FY.
 - So far this federal fiscal year, 137,181 of these OTM apprehensions occurred in Texas, compared with 125,883 last FY.
- Since May, Border Patrol has been apprehending over 1,100 illegal immigrants a day in the RGV-with over 200 a day being UAC (UACs are only 18% of those illegally crossing).
- UAC apprehensions along the U.S.-Mexico border have increased 99% from this same time last year (over 52,000 UAC apprehensions so far in FY 2014 compared to over 26,000 UAC apprehensions this same time last year).
- UAC apprehensions in the RGV border sector have increased 178% from this same time last year (over 37,000 UAC apprehensions so far in FY 2014 compared to over 13,000 UAC apprehensions this same time last year).
- U.S. Dept. of Homeland Security (DHS) projects total UAC apprehensions along the U.S.-Mexico border this FY will be a 132% increase from those in FY 2013 (90,000 UAC apprehensions this year vs. 38,759 last year); 142,000 projected for FY 2015.

Additional Border Security Data

- In 2013, the Texas Department of Public Safety (DPS) documented illegal border crossings by persons from countries with ties to terrorism, such as Bangladesh, Albania, Somalia, Syria, Pakistan, and Afghanistan.
- TX border sectors, combined, have 7 border patrol agents per border mile, while the other southwestern border sectors have 17 border patrol agents per border mile.
- Federal resources are overwhelmed as UACs and families fill federal detention facilities, requiring the diversion of a large number of USBP agents from their mission of securing our border to care for these people.

The Human Cost of Failed Border Policies
Texas Governor Rick Perry (op-ed)
June 25, 2014

The first thing I saw was a boy crying. Terrified and sobbing against the window of the holding cell, he couldn't have been more than 12 or 13. The room was full of other young boys, their curious eyes peering out at us as we walked by. These were the ones who made the trip alone.

The room next door was filled to overflowing with mothers and children, some covered in foil blankets, lying on the cement floor. The next room over, empty, except for the garbage that was being swept away in preparation for its next wave of occupants.

When we stepped outside, I heard a baby wailing over the hum of the industrial fans and the steady words of the federal official giving the tour. The sheer number of people in such a small space made it difficult to quickly pinpoint the source, but I finally spotted the baby being held by a young mother in the quarantine area taped off in the back. The otherwise quiet crowd simply stared back at us. The very real human consequences of our country's lax border security and muddled immigration policies huddled right there, under an open shelter in the stifling Texas heat.

This is the McAllen border patrol detention facility, where men, women and children of all ages who have illegally entered the U.S. are detained and processed. Some are caught attempting to cross the border, while some give themselves over willingly. Many are children from Central America traveling alone, who have paid coyotes to smuggle them through Mexico or made the trip on the tops of freight trains. All have quite literally risked their lives to set foot in our country.

It's impossible to see these children without wondering how many more were lost somewhere along the way. The desert's a dangerous place to begin with, even before the worst of summer's brutal heat arrives, and the border is trafficked by treacherous individuals who see fellow humans as an expendable means to turn a dollar.

What's happening along our southern border is a mounting tragedy, its root cause Washington's failure, diplomatically and strategically, to address our border security and illegal immigration problem.

To be clear, the federal officials who operate these facilities daily are doing the best they can with what they have, trying desperately to keep up with a seemingly unending tide of immigrants coming to our border because they've heard current U.S. policy will quickly reunite them with loved ones in our country.

This is a complex situation and a growing humanitarian crisis that will require a multifaceted solution. But it's a situation I fear our president will continue to brush off until he has seen it first-hand.

The U.S. needs to act decisively. First off, the federal government needs to make it crystal clear that attempting to cross our border illegally simply isn't worth the considerable risk. People in Guatemala, El Salvador, Honduras and elsewhere who are considering making the trip need to know that they will be immediately sent back to their country of origin when they're detained, not sent to various locations across the United States or placed in the care of loved ones.

Secondly, the United States government needs to send more resources to finally, once and for all, secure the border. Federal engagement was insufficient to begin with, and the crush of illegal entrants is draining what resources they had in the area. These gaping holes are just waiting to be exploited by drug cartels and transnational gangs, and create a national security issue as they could be used by people from countries with known terrorist affiliations.

That's why Texas has directed the state's Department of Public Safety to amplify its law enforcement operations along the border, targeting the criminals seeking to take advantage of this humanitarian crisis.

This is a problem, however, beyond the scope of just one state. We'll do what we can, but it's up to Washington to move quickly to ease the suffering I witnessed Monday afternoon, suffering that is mirrored in federal facilities across the border states.

Until they step up to the task, that suffering will continue, as will the tragedies we don't even know about taking place on both sides of this unsecured border.