

United States Senate

WASHINGTON, DC 20510

May 28, 2010

The Honorable Gabrielle Giffords
1728 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Giffords:

Thank you for your May 24, 2010 letter regarding the need for additional resources to help secure the U.S. - Mexico border.

You seem unaware of the legislation that we introduced on May 7, 2010 to implement a 10-point plan to combat illegal immigration, drug and alien smuggling, and violent activity along the border. This plan has been widely discussed among our colleagues in the Congress, as well as in the Arizona and national media.

Unlike H.Con.Res. 273, the non-binding Sense of Congress resolution you cosponsored which calls for unspecified steps to deal with border violence and the deployment of an undetermined number of National Guardsmen, our bill, S. 3332, would provide for the actual deployment of 3,000 more Border Patrol agents and 3,000 National Guardsmen to the Arizona border, as well as:

- Completion of the authorized 700 miles of fencing along the border, including double- and triple-layer fencing at appropriate locations;
- Full funding (\$950 million per year, as authorized by the Kyl-Feinstein SCAAP Act) to reimburse states for the costs of incarcerating criminal aliens, and a total of \$100 million annually for Operation Stonegarden, which reimburses state law enforcement for other costs associated with illegal immigration;
- Substantially increased funding for mobile surveillance systems, Predator B Unmanned Aerial Vehicles, fixed-wing aircraft and helicopters, and the money necessary for the Border Patrol to operate the equipment 24 hours a day, seven days a week;
- Increased funding for radio communications equipment and interoperability between the Border Patrol and state, local, and tribal law enforcement;
- Increased pay for Border Patrol agents assigned to high traffic areas to make sure we have well trained, well motivated personnel at the border;
- Additional funding to upgrade existing Border Patrol stations and build additional ones; and
- Funding to assist state, county, tribal, and municipal courts with the cost of prosecution and pre-trial detention of federally initiated criminal cases that federal attorneys might decline to prosecute.

Many of these provisions can be implemented with additional appropriations, so we offered a series of amendments when the supplemental appropriations bill came before the Senate this week:

1. The McCain-Kyl-Cornyn-Hutchison amendment would have provided \$250 million to deploy 6,000 National Guardsmen to the border, with 3,000 to be deployed in Arizona. Although the McCain amendment won bipartisan support and a majority of votes (51 to 46), it failed to win the necessary 60 votes to pass, with the majority of Senators from your party voting against it.
2. The Kyl-McCain amendment would have provided \$200 million to fully fund Operation Streamline in the Tucson sector and provide for the hiring of additional U.S. Marshals, construction of additional detention space, and additional judges and court staff, among other things. It, too, won bipartisan support and a majority of votes (54 to 44), but the majority of Senators from your party still voted no, depriving it of the 60 votes needed to pass.
3. The Cornyn- Kyl-McCain amendment would have provided \$3.1 billion for border security enhancements, including counterdrug enforcement, construction of ports of entry, hiring of border enforcement personnel, the acquisition of UAVs, and assistance to state and local law enforcement agencies. Again, it won bipartisan support and a majority of votes (54 to 43), but failed to win the necessary support from Senators on your side of the aisle.

We understand from your correspondence that you cosigned a letter to Speaker Pelosi requesting \$137.5 million for border security, but frankly the request is inadequate. The \$32.2 million you requested for the Border Patrol, for example, would fund only about 200 additional agents. By contrast, the House Appropriations Committee ultimately included \$208 million in the version of the supplemental it reported, and even that will fund only 1,200 additional Border Patrol agents, according to the Appropriations Committee. (We had filed an amendment to fund a full complement of 6,000 additional agents, but the Majority would not permit a vote on it.) When the supplemental reaches the House floor, perhaps you could sponsor amendments, similar to ours, to secure funding for the full number of additional agents and Guardsmen that are needed to secure the border effectively. Being in the Majority, you might be able to persuade your colleagues to approve full funding for Operation Streamline, border agents, and National Guardsmen, so that we can push for that amount in conference (given that we got bipartisan, majority votes in the Senate).

You may not be aware that we've been working on these issues for many years. As far back as 1996, for example, we succeeded in increasing the number of Border Patrol agents assigned to fight illegal immigration at the border. When our surge began, the number of Border Patrol agents totaled about 4,000 nationwide. By January 2010, the initiatives we supported increased that number to more than 20,000 nationwide.

We also won enactment of legislation to increase funding for the Customs Service, sending hundreds of additional, newly funded agents to Arizona's ports of entry. We won significant increases in funding for high-technology equipment for Arizona, including funding for the truck-size x-ray machines and other equipment that the Nogales and San Luis ports of entry personnel desperately needed, as well as funding for the Nogales and Douglas Border Patrol stations. We have strongly supported funding for new enforcement programs, like Operation Streamline, that have led to substantial reductions in illegal immigration where they have been implemented. We have met personally with President Obama to impress on him the need for more resources at the border, including the deployment of National Guardsmen. While his decision to deploy up to 1,200 Guard troops has been described as a "cave in" to Republicans – Frank Sharry, the executive director of America's Voice, accused the President of "giving in to McCain and Kyl" on the deployment – we would hope it represents a willingness to consider some of our other ideas as well and perhaps even be willing to increase the numbers.

We understand that you agree that the deployment of 1,200 troops is a start, albeit a weak one, and not nearly enough to satisfy Arizona's overwhelming need, so, perhaps we can work together to increase the numbers.

We will continue to fight for the necessary funding to secure the border and enforce the law and look forward to working with you on these important issues.

Sincerely,


JON KYL
United States Senator


JOHN MCCAIN
United States Senator