# United States Senate
### WASHINGTON, DC 20510-0309

February 28, 2022

The Honorable Patrick Leahy
Chairman
Senate Committee on Appropriations

The Honorable Richard Shelby
Vice Chairman
Senate Committee on Appropriations

The Honorable Chris Murphy
Chairman
Senate Committee on Appropriations
Subcommittee on Homeland Security

The Honorable Shelly Moore Capito
Ranking Member
Senate Committee on Appropriations
Subcommittee on Homeland Security

Dear Chairman Leahy, Vice Chairman Shelby, Chairman Murphy, and Ranking Member Capito:

As you consider the Fiscal Year 2022 (FY22) Department of Homeland Security (DHS) Appropriations bill, we urge you to include robust funding to improve border security at the Southwest border and to ensure a secure, orderly, and humane process to protect Arizona's communities during times of increased migration. Securing the border requires investments in advanced technology and staffing, upgrading ports of entry, and fencing and barriers where they make sense.

Specifically, we reiterate our requests for increased funding for personnel, recruitment, and retention; modernized and integrated border facilities; transportation networks; border technology, both at and between ports of entry; and community resources.

## Personnel Funding

The Southwest border has seen a significant increase in encounters, putting stress on U.S. Customs and Border Protection (CBP) resources and workforce. In order to secure the border, protect our communities, and treat migrants humanely, we need a strong border workforce. Appropriate efforts must be made to hire and retain sufficient staffing levels of Border Patrol Agents, Port Officers, support staff like Processing Coordinators, U.S. Citizenship and Immigration Services personnel and other DHS personnel to address the needs at the border. With unfilled staffing needs at many DHS offices and stations in Arizona and across the nation, staffing challenges will persist unless we make further investments to improve hiring and retention practices.

## Modernized and Integrated Border Facilities

DHS must invest in facility modernization to improve the flow and security of trade and travel and enhance processing capacity to ensure all migrants are treated fairly and humanely.

While the *Infrastructure Investment and Jobs Act (IIJA)* provided critical resources to fund the Land Port of Entry (LPOE) modernization projects on the current GSA/CBP 5-year plan, including those in Douglas and San Luis, there remains a significant backlog of port modernization projects. For example, the DeConcini Port of Entry, which connects the twin cities of Nogales that straddle the international border between the U.S. and Mexico, has not been updated in over 25 years and is not compliant with post-9/11 security measures. The first step in ensuring that this LPOE keeps up with modern traffic demands and security needs, is to obtain a feasibility study to determine what updates are needed. We support the inclusion of dedicated funding for a new feasibility study for the DeConcini port, and to maintain the full $655 million requested by CBP to fund port modernization projects not funded by *IIJA*.

It is equally critical to include funding for DHS to improve processing capacity to ensure the agency can effectively and efficiently manage migrant flows. Throughout 2021 and 2022, many border sectors, including the Yuma and Tucson Sectors in Arizona, have seen historically high numbers of migrant encounters. Improved facilities will help DHS successfully handle these migration levels while protecting the rights of migrants seeking refuge in the United States. Yuma saw a 1,200 percent increase in migrant processing between Fiscal Years 2020 and 2021, and Tucson saw a nearly 170 percent increase. While temporary authorities like Title 42 have limited the processing of migrants under Title 8 authority in Tucson, resulting in the expulsion of 81 percent of migrants encountered, the effect of such temporary authorities vary across sectors demonstrating an urgent need for more effective processing at the border. Congress must ensure DHS has sufficient processing resources that allow Border Patrol Agents and Port Officers to remain focused on their security missions while also effectively managing the processing of migrants in a fair, orderly, and humane manner.

### Transportation Networks

DHS needs access to sufficient transportation resources to transfer migrants encountered in remote desert areas along the Southwest border in a safe and timely manner. When DHS transportation resources are limited, local communities and nongovernmental organizations (NGOs) must fill the gaps and meet transportation needs. Reliable transportation resources are necessary to ensure a secure, orderly, and humane process for border communities and migrants.

### Border Technology

A secure border requires a combination of measures, including innovative technology, and barriers and fencing where they make sense. While we are working with DHS to consider the best way to close some gaps in border barriers and fencing along the Southwest border, we must also deploy the latest technology to secure the border. Technology serves as an invaluable force multiplier to Border Patrol Agents and CBP Officers for increasing situational awareness while patrolling the border and facilitates efficient and timely trade and travel through LPOEs. We urge the committee to ensure that robust funds for the following technologies and capabilities are included and/or retained in the FY22 appropriations bill.

FY22 appropriations should include funds for:

- **Surveillance Technology** allows agents to use radars and cameras such as Autonomous Surveillance Towers (AST) to monitor and secure the border.
- **Port of Entry** technology programs are important as most drug trafficking occurs at our ports. We must robustly fund these programs to address the critical drug epidemic raging in this country.
- **Non-Intrusive Inspection Technology (NII)** is an important component as we continue to modernize our LPOEs. We must provide additional funds for deployment of this beneficial technology to reach 100 percent screening and enhance CBP's effectiveness in detecting contraband while increasing the throughput of legitimate cargo and visitors.
- **Tunnel Technology** funding must be included for enhanced efforts to detect subterranean cross-border tunnels used by criminal organizations for drug and human trafficking and for the detection of movement in Underground Municipal Infrastructure (UMI), such as drainage pipes and sewer systems. Creating a healthy subterranean defensive posture is critical to the CBP's Cross Border Tunnel Threat (CBTT) program, and additional funding is required in FY22 to develop and deploy technology capable of detecting, classifying, and locating subterranean threats.
- **Agent Deployable Aerostat Platform Technology (ADAPT)** deployment would give Border Patrol layered surveillance technology defenses to combat transnational criminal organizations.
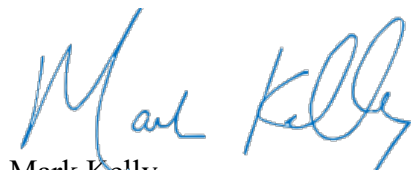
## Resources for Border Communities, Law Enforcement and Nonprofits

In order to ensure a secure, orderly and humane process at the border, resources for border communities, local law enforcement, and NGOs providing humanitarian and other services are critical. We urge the committee to ensure that Federal Emergency Management Agency (FEMA) programs that provide these critical funds to state and local entities are robustly funded, including increased funding for:
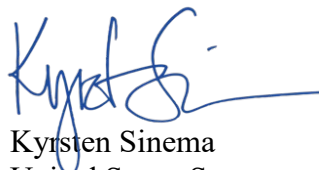
- Emergency Food and Shelter Program (EFSP), specifically the funds for NGOs assisting migrants;
- State Homeland Security Grant Program (SHSP), including for nonprofit security grants;
- Tribal Homeland Security Grant Program (THSGP);
- Operation Stonegarden (OPSG) program; and
- Port Security Grants.

Thank you for your leadership on this issue. We look forward to working with you in the coming year to continue investing in capabilities that increase safety for our border communities and ensure a secure, orderly and humane process at the border.

Sincerely,

Mark Kelly
United States Senator

Kyrsten Sinema
United States Senator