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IMPROVING SECURITY AND FACILITATING COMMERCE AT THE SOUTHERN BORDER

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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IMPROVING SECURITY AND FACILITATING COMMERCE AT THE SOUTHERN BORDER

THURSDAY, JANUARY 31, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
San Diego, CA.

The subcommittee met, pursuant to notice, at 9:15 a.m., in Central Public Library Auditorium, 820 E Street, San Diego, CA, Hon. Mark E. Souder (chairman of the subcommittee) presiding.

Present: Representative Souder.

Also present: Representative Filner.

Staff present: Christopher Donesa, staff director and chief counsel; Nick Coleman, counsel; Conn Carroll, clerk; and Jim Rendon, U.S. Coast Guard.

Mr. SOUDER. The subcommittee will come to order. Good morning and thank you for all coming. We wanted to make sure that we held this hearing on the coldest night of the year in San Diego. But it sure has been beautiful weather. We came in yesterday and appreciate being here.

Today our subcommittee will explore the status of the border across the San Diego region. Even before the terrorist attack of September 11, 2001, the subcommittee was considering ways to improve both security of our Nation's borders and the efficient flow of international commerce, travel and tourism.

Continuing problems with illegal immigration and the smuggling of drugs and other contraband over the Southern and Northern borders and the threat of terrorism prompt the call to hire more Federal law enforcement officers and to expand the physical and technological infrastructure needed to allow those officers to work effectively.

The attacks of September 11th and the heightened scrutiny over the last 4 months have emphasized the urgency of dealing with the terrorist threat as well as the problems of narcotics interdiction and illegal immigration. At the same time, long delays at some border crossings and a reduction in commercial and commuter traffic from the increased security measures put in place after September 11th have raised concerns about the effect of these policies on trade, tourism and travel.

Congress has been considering numerous proposals to deal with these problems, and just last week President Bush outlined his plan to significantly increase the personnel and resources at the

borders and ports of entry. By the way, I think 55 percent of the homeland security budget is related to the border.

Our subcommittee is supportive of these efforts, and we are open to exploring all of the various proposals. However, finding and implementing solutions is much more difficult than simply identifying problems. For example, the House of Representatives and the Senate, last year passed anti-terrorist legislation that, among other measures, authorizes the tripling of the number of Border Patrol agents, INS inspectors and Customs inspectors along the Northern border.

It is unclear, however, how quickly any of these agencies can meet these requirements. Moreover, it is unclear what the impact of the new emphasis on anti-terrorism will be on personnel decisions at each of these agencies. In the rush to protect our Nation's borders form terrorists, we must not hamper our ability to protect the citizens from other dangers.

This hearing is part of a series of field hearings which this subcommittee is holding at border crossing and ports of entry throughout the United States. We have already held three hearings on the Northern border. This is our first hearing on the Southern border. At each location, the subcommittee is assessing the problems facing the Federal agencies, local lawmakers and community and business leaders with respect to border policy.

We will focus on what new resources are needed for the Federal Government most effectively to administer the border crossing, as well as what new policies could be pursued to ease the burden that is being placed on commerce, travel and tourism. We will also explore how the new emphasis on preventing terrorism may affect the ability of these agencies to carry out their other vital missions.

These issues are all very important and extremely urgent. I look forward to hearing from our witnesses today about ways to address them. We have invited representatives of agencies primarily responsible for protecting our borders in this region; namely, the U.S. Customs Service, the Immigration and Naturalization Service and the U.S. Border Patrol to testify here today. The subcommittee is vitally interested in ensuring the effective functioning of these agencies, and we will continue to work with them and their employees to ensure the continued security and effective administration of our Nation's borders.

We welcome Mr. Rex Applegate, Assistant Director of Mission Support and Field Operations of the southern California Customs Management Center; Ms. Adele J. Fasano, District Director of INS San Diego District Office; and Mr. William T. Veal, Chief Patrol Agent of the U.S. Border Patrol, San Diego Sector.

When examining border policies, we must of course also seek the input of representatives of each local community whose livelihood is directly affected by the changes at the border. We therefore welcome Ms. Dianne Jacob, the San Diego County Supervisor; Mr. Monty Dickenson, president of the U.S. Marine Repair West; Mr. Roger Hedgecock, former Mayor of San Diego and currently a radio commentator for KOGO Radio; Ms. Viviana Ibanez, International Affairs Coordinator at the San Diego Chamber of Commerce; Ms. Donna Tisdale, Chairman of the Boulevard Sponsor Group; and

Ms. Murial Watson, Founder of Light Up the Border and former Public Information Officer of the Border Patrol Council.

We also attempted—this was put together relatively at the last minute—to talk to some of our Mexican counterparts and their Parliament, as we have been doing in the Canadian Parliament. And one of the goals of this committee, as we review our border crossings, is to make sure that we also work with the groups across the border, and we have done so in the Northern border hearings. We will continue to do that as we move through Arizona and Texas for South border hearings as well.

We thank everyone for taking the time this morning, it is afternoon in Washington time, to be with us. With that, I would also ask unanimous consent to insert into the record a statement from Congresswoman Susan Davis who cannot be with us this morning. Hearing no dissent, I will order that.

[The prepared statement of Hon. Mark E. Souder follows:]

Opening Statement
Chairman Mark Souder

"Improving Security and Facilitating Commerce at the Southern Border: Field Hearing at San Diego, California"

Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Committee on Government Reform

January 31, 2002

Good morning and thank you all for coming. Today our Subcommittee will explore the status of the border crossings in the San Diego region. Even before the terrorist attacks of September 11, 2001, this Subcommittee was considering ways to improve both the security of our nation's borders and the efficient flow of international commerce, travel and tourism. Continuing problems with illegal immigration and the smuggling of drugs and other contraband over the Southern and Northern borders, and the threat of terrorism, have prompted calls to hire more federal law enforcement officers and to expand the physical and technological infrastructure needed to allow those officers to work effectively.

The attacks of September 11 and the heightened scrutiny over the last four months have emphasized the urgency of dealing with the terrorist threat as well as the problems of narcotics interdiction and illegal immigration. At the same time, long delays at some border crossings and a reduction in commercial and commuter traffic from the increased security measures put in place after September 11 have raised concerns about the effect of these policies on trade, tourism and travel. Congress has been considering numerous proposals to deal with these problems, and just last week President Bush outlined his plan to significantly increase the personnel and resources at the borders and ports of entry. Our Subcommittee is supportive of these efforts, and we are open to exploring all of the various proposals. However, finding and implementing solutions is much more difficult than simply identifying problems. For example, the House of Representatives and the Senate last year passed anti-terrorist

legislation that, among other measures, authorizes the tripling of the number of Border Patrol agents, INS inspectors, and Customs inspectors along the northern border. It is unclear, however, how quickly any of these agencies can meet these requirements; moreover, it is unclear what the impact of the new emphasis on anti-terrorism will be on personnel decisions at each of these agencies. In the rush to protect our nation's borders from terrorists, we must not hamper our ability to protect the citizens from other dangers.

This hearing is part of a series of field hearings which this Subcommittee is holding at border crossings and ports of entry throughout the United States. We have already held three hearings on the Northern Border; this is our first hearing on the Southern Border. At each location, this Subcommittee is assessing the problems facing the federal agencies, local lawmakers, and community and business leaders with respect to border policy. We will focus on what new resources are needed for the federal government most effectively to administer the border crossing, as well as what new policies could be pursued to ease the burdens being placed on commerce, travel and tourism. We will also explore how the new emphasis on preventing terrorism may affect the ability of these agencies to carry out their other vital missions.

These issues are all very important and extremely urgent, and I look forward to hearing from our witnesses today about ways to address them. We have invited representatives of the agencies primarily responsible for protecting our borders in this region, namely the U.S. Customs Service, the Immigration and Naturalization Service, and the U.S. Border Patrol, to testify here today. The Subcommittee is vitally interested in ensuring the effective functioning of these agencies, and we will continue to work with them and their employees to ensure the continued security and effective administration of our nation's borders. We welcome Mr. Rex Applegate, Assistant Director of Mission Support and Field Operations of the Southern California Customs Management Center; Ms. Adele J. Fasano, District Director of the INS' San Diego District Office; and Mr. William T. Veal, Chief Patrol Agent of the U.S. Border Patrol's San Diego Sector.

When examining border policies, we must of course also seek the input of representatives of the local community whose livelihood is directly

affected by changes at the border. We therefore welcome Ms. Dianne Jacob, the San Diego County Supervisor; Mr. Monty Dickenson, President of United States Marine Repair West; Mr. Roger Hedgecock, former Mayor of San Diego and currently a radio commentator for KOGO Radio; Ms. Vivana Ibanez, International Affairs Coordinator at the San Diego Chamber of Commerce; Ms. Donna Tisdale, Chairman of Boulevard Sponsor Group; and Ms. Murial Watson, Founder of Light Up The Border, and former Public Information Officer of the Border Patrol Council. We thank everyone for taking the time this afternoon to join us for this important discussion.

Mr. SOUDER. And I would now like to recognize my colleague in Congress, former next door neighbor in the Cannon Office Building, Filner, for an opening statement.

Mr. FILNER. Thank you, Mr. Chairman, and thank you for coming to San Diego. I thought you might change your mind when for the first time in history Washington had a warmer winter day than we had in San Diego. But thank you for being here, and we do appreciate also your deciding to have your hearing right here so more people can see the need for a new downtown library. And we all thank you for those efforts.

And thank you also for the courtesy of me being here. I am not a member of the committee, and it is only through the chairman's courtesy that I can be here and be a part of the hearing.

I appreciate in your opening statement, Mr. Chairman, that you said that we have to do two things. We have to have the security that America demands in the wake of September 11th, but we also have to have an efficient flow for business and tourism and the things that keep our binational community going.

In my district in the south county, for example, we have suffered tremendously economically as a result of the new security measures, with not concomitant resources to match them. Something like $3 or $4 billion a year is spent in San Diego County from shoppers in Mexico. Much of our border economy is dependent on that cross border through family and education. Cultural relationships depend on an efficient flow. So I appreciate your focus on how to get the resources here to do both, and I am glad that that is the focus of this hearing.

If I may restate a popular Mexican saying, we in San Diego feel that we are so close to God but so far away from Washington, DC. That is, we feel nobody understands our problems here and to get us the resources we need. So we are very grateful in your coming to San Diego. Thank you, Mr. Chairman.

Mr. SOUDER. Thank you very much. Congressman Duncan Hunter as well as Congressman Issa both expressed their regrets they couldn't be here. We have a Republican retreat that I chose to come and do border issues, and tomorrow will be in Los Angeles Port, but they had already made a commitment not knowing that I was going to do this hearing. And I appreciate Gary Meeks' help here. I have been twice over the last few years down to San Ysidro and other ports of entry here, but I have not held a hearing and wanted to make sure that we got this into the record.

Before proceeding I would like to take care of a couple of procedural matters.

Mr. FILNER. I am so glad that the Republicans have decided to retreat.

Mr. SOUDER. That is what the Democrats call it, too. I should have chosen my words more carefully.

Before proceeding I would like to take care of a couple of procedural matters: first, that all members have 5 legislative days to submit written statements and questions for the record; that any answers to written questions provided by the witness will also be included in record. Without objection, so ordered.

Second to that, all exhibits, documents and other materials referred to by members and the witnesses may be included in the

hearing record; that all members be permitted to revise and extend their comments. Without objection, so ordered.

Finally I ask unanimous consent that members present be able to participate in the hearing. It is a longstanding policy of congressional committees that government witnesses representing the administration testify first.

So our first panel consists of those witnesses. We are a Government Reform and Oversight Committee, and we always swear our witnesses in because of the oversight function.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses answered in the affirmative. You will each now be recognized for opening statements. We will ask that you summarize your testimony in 5 minutes, particularly since we have so may witnesses today. You can insert your full statements in the record as well as any other documentation that you would like to give.

It is my privilege to first recognize Ms. Fasano. You are recognized for your opening statement on behalf of the Immigration and Naturalization Service.

STATEMENTS OF ADELE J. FASANO, DISTRICT DIRECTOR OF INS, SAN DIEGO DISTRICT OFFICE; REX APPLEGATE, ASSISTANT DIRECTOR OF MISSION SUPPORT AND FIELD OPERATIONS, SOUTHERN CALIFORNIA CUSTOMS MANAGEMENT CENTER; AND WILLIAM T. VEAL, CHIEF PATROL AGENT, U.S. BORDER PATROL, SAN DIEGO SECTOR

Ms. FASANO. Good morning. Thank you, Chairman Souder and Congressman Filner, for your invitation to appear before you today on behalf of the U.S. Immigration and Naturalization Service. I will focus on the work of the San Diego INS District, with emphasis on security at our six land border crossings here on the California-Mexico border, especially our post-September 11th environment.

The San Diego District's largest program is inspections, where one-half of the district's 1,200 staff work on the front line of the border checking immigration documents and citizenship of pedestrians and motorists. In fiscal year 2001 we conducted a record 99 million inspections at our six ports.

As Operation Gatekeeper has established tighter control over illegal immigration in the areas between the ports, smugglers have begun to target the ports of entry. The major types of violators we encounter are document fraud and concealment in vehicles. We are working hard to respond to an alarming increase in a particularly dangerous activity that involves specially outfitted compartments such as hollowed out gas tanks, engines, dashboards, trunks and floorboards. We even found a man sewn into a seat.

Last year we arrested 56,000 violators, of which 12,000 were found concealed in vehicles. To deter illegal immigration at this major smuggling corridor, we use a multi-pronged port enforcement strategy. Our top priority is the criminal prosecution of the most egregious cases, such as convicted felons who attempt reentry to the United States after deportation and ruthless smugglers who profit from the desperation of migrants. We completed 900 prosecutions last year.

Second, we initiate civil court proceedings to remove repeat offenders, and the majority of our enforcement resources are used to administratively remove these individuals.

I would now like to turn to the San Ysidro Port of Entry, the busiest port of entry in the world, which has 24 vehicle primary lanes, and 8 pedestrian booths. In fiscal year 2001 some 50 million inspections were completed at that location. We have several innovative initiatives to deter illegal immigration and expedite the processing of legitimate crossers. I will summarize two enforcement initiatives.

Under Operation Triple Play, INS special agents and Border Patrol agents generate leads for further investigation of smuggling organizations linked to fraudulent document rings. As a result of this operation, document fraud in our pedestrian lanes has decreased by 25 percent.

We have also initiated an innovative binational joint prosecution initiative with the Mexican government where certain smugglers who we apprehend at the border are prosecuted in the Mexican judicial system. The lives of thousands of border crossers who live and work on both sides of the border are affected by our port operations. To this end, the Century Automated Inspection Program now operates at both the San Ysidro and Otay Mesa ports of entry.

The system is very popular with our community. Since September 11th applications have increased by more than 100 percent, and we have currently 12,000 border crossers enrolled in the program.

In response to the September 11th terrorist attacks, all of our ports were placed on a Level one security alert. Security operations include special roving teams that search inside vehicles, the use of magnetometers and x-ray machines in pedestrian walkways, afterhours officer presence at our less than 24-hour ports, photo identification requirement of all border crossers and extensive computer inquiries using our interagency border inspection system.

We also continue to assign two of our INS special agents to the Joint Terrorism Task Force. They provide a vital link to sharing intelligence and interview individuals with national security interests.

There have been three significant effects of heightened border security. One, though unfortunate, is the lengthening of border crossing wait times. The reason wait times have increased is that inspection procedures have been intensified.

Second, longer border waits tend to result in a lower number of crossings, especially in the pedestrian area.

Third is the beneficial effect that heightened border security has had on deterring illegal immigration. Prior to September 11th, the average weekly apprehensions at San Ysidro were 1,000. Today the average is 350. This is a 75 percent reduction.

The average wait is now 45 minutes in our vehicle lanes, which is a significant reduction from 2 hours and more that we faced during the initial weeks following the attacks. Pedestrian delays are longer. They have increased from an average wait of 15 minutes before September 11th to about 45 minutes presently.

Gradually vehicle crossings are returning to the pre-September 11th levels. They now number about 40,000 compared to a previous

average of 43,000. Pedestrian numbers remain at a 50 percent reduced level.

Heightened security at our land border crossings has provided a strong defense against terrorists seeking entry into the United States. We have done an outstanding job maintaining the highest level of security possible at the busiest international border crossing in the world. In doing so, we have achieved a reduction in illegal immigration. Our top priorities remain heightened border security, effective enforcement to deter illegal immigration and efficient processing of legitimate travelers.

Mr. SOUDER. Thank you very much.

Mr. Applegate.

Mr. APPLEGATE. Chairman Souder, Congressman Filner, thank you for your invitation to testify and for providing me the chance to appear before you today. I would like to discuss the efforts of the U.S. Customs Service to address the terrorism threat and the challenges that exist along the U.S.-Mexican border in the southern California Customs Management Center, also known as the CMC.

In the southern California CMC, the majority of our resources are focused on processing traffic through the ports of entry along the California-Mexico border of Imperial and San Diego Counties. In fiscal year 2001, this traffic included over 31 million private vehicles, 23 million pedestrians and 1.2 million commercial trucks.

From this traffic our officers seized a record 244 tons of narcotics, an increase of almost 19 percent by weight over fiscal year 2000. The amounts seized accounted for over 36 percent of narcotics confiscated on the southwest border, and almost 29 percent of all drugs seized by Customs nationwide.

In addition, $168 million in Customs duties was collected in the processing of 525,000 commercial importations with a total value of $22 billion.

This performance resulted from the skillful operation of a multilayered strategy of risk management and targeting to sort out suspicious persons and goods from legitimate travel and trade. The layers of this strategy include vigorous automated and manual prescreening systems, the dedicated efforts of Customs officers, National Guardsmen, and canines and utilization of a wide array of state-of-the-art detection technology.

Another major component of this strategy has been partnerships with other involved governmental and private interests on both sides of the border. These include the Border Cooperative Initiative with the U.S. Immigration and Naturalization Service, industry partnership programs with commercial importers, and ongoing coordination with trade groups, community Chambers of Commerce and governmental organizations.

Immediately following the terrorist attacks of September 11th, Customs went to a Level one alert. Level one requires sustained intensive anti-terrorist initiatives and includes increased inspections of travelers and goods at every port of entry. We remain at Level one alert today. The activities under Level one do not constitute new or unfamiliar work for Customs, but rather an intensification of what we already do, with a pivot from anti-smuggling to anti-terrorism. This change in focus is supported on the southwest border by a greater utilization of existing resource. In other words, we

are working longer and harder. Several related issues bear discussion.

First, state the obvious. Failing to catch a terrorist crossing the border can have serious consequences. We have to be tighter, we have to do better. The Level one alert brings us closer, but we have more to do.

Second, in the southern California CMC, our officers are working 17 percent more overtime on top of what was already a heavy overtime burden.

Finally, we have existing strategies in place that are being adapted and redirected to the higher risk of the terrorist threat. I will discuss one of those in a minute. Since September 11th, the southern California CMC has received 24 additional Customs officer positions, a 3.8 percent increase, that is just now beginning to relieve some of the overtime pressures on our work force.

Recent passage of emergency supplemental appropriations for counterterrorism have provided additional resources which project out to 20 to 30 additional positions for the CMC. We are hopeful that this will allow us to reach a point where the current level of operations can be sustained indefinitely.

Operationally, we currently employ a wide variety of means to sift out threats from the vast flows of legitimate travel and trade, but in the wake of September 11th it is obvious that we must do more. In trade processing, we must do more to push our hemisphere of activities outward from U.S. points of entry to foreign points of origin. The recently implemented Customs-Trade Partnership Against Terrorism does just that. In this program we are working with importers in developing information such as where the goods originated, physical security and integrity of their foreign plants and suppliers, the background of their personnel, the means by which they transport goods, and those who they have chosen to transport their goods into our country.

At the same time Customs will provide incentives to companies who partner with us to improve our national security against terrorist threats. Those companies that adopt or have programs that meet these security standards will be given the fast lane through border crossings.

The Customs-Trade Partnership Against Terrorism is one of a varied and growing inventory of approaches Customs has adopted to tighten security of our borders. All of these efforts are driven by the reality that knowledge is a force multiplier, that the more we know about the people and companies who travel and import, the better we will be able to identify and interdict threats to our national security.

I want to thank you, Mr. Chairman, Congressman Filner, for this opportunity to testify. U.S. Customs Service will continue to make every effort possible, working with our fellow inspection agencies, with the administration, with congressional leaders, our Mexican counterparts and the business community, to address your concerns and those of the American people.

I would be happy to answer any questions you may have.

[The prepared statement of Mr. Applegate follows:]

STATEMENT OF REX APPLEGATE, ASSISTANT DIRECTOR, MISSION SUPPORT, FIELD OPERATIONS
SOUTHERN CALIFORNIA CMC, UNITED STATES CUSTOMS SERVICE
BEFORE THE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
SAN DIEGO, CALIFORNIA
JANUARY 31, 2002

Chairman Souder, thank you for your invitation to testify and for providing me the chance to appear before you today. I would like to discuss the efforts of the U.S. Customs Service to address the terrorism threat and the challenges that exist along the U.S. – Mexican border in the Southern California Customs Management Center (CMC).

Challenges on the Southern Border

In the Southern California CMC the majority of our resources are focused on processing traffic through the five ports of entry along the California-Mexico border in Imperial and San Diego counties. In fiscal year 2001 (October 1 through September 30), this traffic included over 31 million private vehicles, 23 million pedestrians and 1 million commercial trucks.

From this traffic our officers seized a record 244 tons of narcotics worth $783 million, an increase of almost 19 percent by weight over fiscal year 2000. The

amount seized accounted for over 36 percent of all narcotics confiscated on the southwest border and almost 29 percent of all drugs seized by Customs nationwide. Also, $168 million in Customs duties was collected in the processing of 525,000 commercial importations with a total value of $22 billion.

This performance resulted from the skillful operation of a multi-layered strategy of risk management and targeting to sort out suspicious persons and goods from legitimate travel and trade. The layers of this strategy include vigorous automated and manual pre-screening systems, dedicated individual efforts of Customs Officers, National Guardsmen (and Canines); utilization of a wide array of state of the art detection technology, and sophisticated computer assisted risk assessment.

Another major component of this strategy has been partnerships with other involved governmental and private interests on both sides of the border. These include the Border Cooperation Initiative (BCI) with the U.S. Immigration & Naturalization Service, Industry Partnership Programs with commercial importers, and on-going coordination with trade groups, community Chambers of Commerce and governmental organizations such as the San Diego Association of Governments (SANDAG).

The New Challenge of Terrorism

Immediately following the terrorist attacks of September 11 Customs went to a Level 1 alert here and across the country. Level 1 requires sustained, intensive anti-terrorist initiatives, and includes increased inspections of travelers and goods at every port of entry. We remain at the Level 1 alert today.

The activities under Level 1 do not constitute new or unfamiliar work for Customs, but rather an intensification of what we already do with a pivot from anti-smuggling to anti-terrorism. This change in focus is supported on the Southwest Border by greater utilization of existing resources. In other words, we are working longer and harder. Several related issues bear discussion.

First, to state the obvious, failing to catch a terrorist crossing the border can have serious consequences. We have to be tighter. We have to do better. The Level 1 alert brings us closer, but we have more to do.

Secondly, in the Southern California CMC our officers are working 17% more overtime on top of what was already a heavy overtime burden.

Finally, we have existing strategies in place that are being adapted and re-directed to the higher risks of the terrorist threat. I will discuss two of these in a minute.

Facing the Challenge

Since September 11th the Southern California CMC has received 24 additional Customs Officer positions, a 3.8% increase, that is just now beginning to mitigate some of the overtime pressure on our workforce. Recent passage of emergency supplemental appropriations for counter-terrorism has provided additional resources, which project out to 20-30 additional positions for this CMC. We are hopeful that this will allow us to reach a point where the current level of operations can be sustained indefinitely.

The Port of San Ysidro, the busiest land border crossing in the world, has reached capacity and has no room for further expansion. Discussions continue regarding various alternatives, but no concrete action is planned at this time.

Operationally, we currently employ a wide variety of means to sift out threats from the vast flows of legitimate travel and trade. But in the wake of September 11th it is obvious that we must do more.

In trade processing we must do more to push our sphere of activities outward, from U.S. points of entry to points of origin abroad. The recently implemented Customs-Trade Partnership Against Terrorism (C-TPAT) does just that. In this program we are working with importers in developing information such as where their goods originated; the physical security and integrity of their foreign plants

and suppliers; the background of their personnel; the means by which they transport goods; and those who they have chosen to transport their goods into our country.

At the same time, Customs will provide incentives to companies who partner with us to improve our national security against the terrorist threat. Those companies that adopt or have a program that meets security standards will be given the "fast lane" through border crossings.

On the Southwest Border the weakest link in this type of commercial pre-screening has been, and remains, the carrier. Anti-drug carrier initiatives have been very effective enhancing security for air, sea and rail carriers. For truckers crossing the border, however, the large and constantly changing population of small companies (many of them just one truck) has made progress more difficult.

For this reason we are exploring an approach that involves combining facial recognition technology with Dedicated Commuter Lane (DCL) concepts and applying it to individual truck drivers. In this program, truck drivers would be subject to the extensive background checks utilized for DCL applicants and, if found acceptable, issued a tamper proof smart card keyed to facial recognition technology that would provide positive proof of identity. If successfully implemented such a program would greatly advance the goals of C-TPAT on the Southwest Border.

In passenger processing on the Southwest Border we already have a system in place that incorporates the pre-screening methodology of C-TPAT. The DCL program (also known as the Secure Electronic Network for Travelers' Rapid Inspection – SENTRI) was developed jointly with the Immigration and Naturalization Service and is in operation at two of our larger Ports of Entry – Otay Mesa and San Ysidro. It works fine, but currently only 2.5% of total traffic crosses through our DCL lanes.

This suggests that we have some more work to do on this program. The DCL concept, which is essentially C-TPAT for people, cannot have a substantive impact until a much large proportion of regular crossers are enrolled. Various approaches to accomplishing this are being studied. These include waiving or substantially reducing the $129 annual fee, providing faster processing of applications and improved marketing to potential users. In the interim the DCL program remains important only in terms of its potential contribution to border security.

The C-TPAT and DCL strategies are two of a varied and growing inventory of approaches Customs has adopted to be tighter – to do a better job. All of these efforts are driven by the reality that knowledge is a force multiplier – that the more we know about the people and companies who travel and import the better we will be able to identify and interdict threats to our national security.

Conclusion

I want to thank you, Mr. Chairman, for this opportunity to testify. The U.S. Customs Service will continue to make every effort possible, working with our fellow inspection agencies, with the Administration, with Congressional leaders, our Mexican counterparts, and the business community to address your concerns and those of the American people. I would be happy to answer any questions you might have.

Mr. SOUDER. Thank you very much. Good to see you again.

Mr. Veal. The last time we had a great lunch at McDonald's. You may begin.

Mr. VEAL. Mr. Chairman, Representative Filner, thank you for the opportunity to be here. Mr. Chairman, as you said, I have had the opportunity to take both you and Representative Filner down to the border. You personally have seen what we have achieved here.

Prior to 1995, San Diego was the absolute worst place on the border. For the 30 years prior to 1995, every year San Diego, 66 miles of our almost 2,000-mile border with Mexico, accounted for 50 percent of all of the arrests made along that whole border. Clearly this area was completely out of control.

In fiscal 1995, with the strong support of the Congress, we embarked on a course to change that. We commenced Operation Gatekeeper. Operation Gatekeeper was the systematic application of technology and resources to control our border. Today San Diego is the success story on our border. It is the template for what we want to achieve across the entire Southern border and also replicate on the Northern border.

Mr. Chairman, you remarked that the President has expressed an intent to significantly expand the Border Patrol. I would caution that we do that in a manner whereby that growth is controlled. We can't—the annals of law enforcement are ripe with tales of police agencies that tried to grow too quickly. When you do that, you run the risk of diluting the culture of the organization and not bringing new members in who understand exactly what it is that is expected of them.

And the ratio of new people to seasoned officers is a factor. It is something that we need to be mindful of. I would also suggest something that we need to redress, certainly at the national level, is that unique to San Diego also is the fact that we suffer significant officer attrition here. It is primarily due to the fact that the Federal law enforcement pay scale has not kept up with, for example, the California law enforcement pay scale, so that officers at the State and local level here enjoy significantly higher benefits than their Federal counterparts. And this has facilitated a migration of Federal law enforcement officers to State and local agencies, and I would urge that at some point the Congress redress this, as it clearly is costly for us. Last year we suffered 282 officer attritions. It is a significant training cost for us, and we would sure like to keep those folks within our ranks.

Again, I would welcome any questions that I could possibly answer for you.

[The prepared statement of Mr. Veal follows:]

U.S. Department of Justice
Immigration and Naturalization Service
U. S. Border Patrol
San Diego Sector

STATEMENT OF

WILLIAM T. VEAL
CHIEF PATROL AGENT
SAN DIEGO BORDER PATROL SECTOR
IMMIGRATION AND NATURALIZATION SERVICE
DEPARTMENT OF JUSTICE

BEFORE

COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY, AND HUMAN RESOURCES
U.S. HOUSE OF REPRESENTATIVES

CONCERNING

BORDER CONTROL AND SECURITY IN SOUTHERN CALIFORNIA

9:00 A.M.
JANUARY 31, 2002
SAN DIEGO, CALIFORNIA

Mr. Chairman and Members of the Subcommittee, I am Chief Bill Veal of the San Diego Border Patrol Sector. I am pleased to testify concerning our law enforcement initiatives that are effectively addressing alien and drug smuggling in Southern California. First, I will discuss the Border Patrol deterrent strategy along the immediate border. Second, I will describe our post-September 11 cooperative enforcement efforts to enhance security along our borders.

Let me begin by thanking you and your colleagues in Congress who have worked diligently to provide the Immigration and Naturalization Service and specifically the U.S. Border Patrol with the essential resources to gain control of the border against the illegal entry of aliens, drugs and other contraband.

BORDER PATROL ENFORCEMENT

I am very proud of the agents of the San Diego Sector. Their hard work, dedication and professionalism have made possible the success we have achieved so far. Today, apprehensions of undocumented migrants are at a 28-year low. Order has been restored in key areas once considered dangerous and out of control. Crime has dropped significantly in the border area as the rule of law has been restored. Smugglers and other criminals no longer rule the night. The border area in San Diego is a much safer place today for the residents of both the U.S. and Mexico. In Fiscal Year 1995, the first year of Operation Gatekeeper, the San Diego Sector seized 1,735.5 pounds of cocaine and 77,289 pounds total of marijuana. That fell in Fiscal Year 2001 to 64 pounds of cocaine and 26,562 pounds of marijuana. Our agents have made life much more difficult for the overwhelming number of drug and alien smugglers who frequented the border area and who, before Operation Gatekeeper, brought their wares across our borders with virtual impunity.

Border Patrol Enforcement Mission

The U.S. Border Patrol is the primary federal agency tasked with the interdiction of illegal aliens and narcotics between our ports of entry. The San Diego Border Patrol Sector maintains a highly visible presence on the U.S.-Mexico border and also covers 7,000 square miles of land and water boundaries. Sixty-six linear miles of the southwest U.S. border are the responsibility of this Sector, where the Border Patrol is 1,927 agents strong.

The Bush Administration continues to make border control and security a top priority. Over the past six years, Congress has provided the Immigration and Naturalization Service with the resources necessary to develop and implement an effective border enforcement strategy. That deterrent strategy has made a difference and now must sustain itself over time—a solid and permanent strategy that will result in our borders being controlled in the future. Our mission is a focused, phased approach toward attaining a border that deters drug traffickers, illegal aliens and alien smugglers.

Smugglers are equal opportunity entrepreneurs. They move unauthorized workers, terrorists, children, narcotics of all kinds, and other contraband.

The Border Patrol employs a multi-faceted strategy in conducting enforcement activities in order to deter or apprehend alien and drug smugglers along our border with Mexico. At the immediate border we deploy agents in highly visible positions. We utilize fences, high-powered lighting, electronic sensor systems, infrared night vision scopes, low light TV cameras, horse patrols, boat patrols, all-terrain vehicles, and bicycle patrols. We also employ a system of checkpoints situated along major roads and highways leading away from border areas to further deter the movement of and to intercept both illegal aliens and drugs. We work directly with the

Inspections and Investigations branches of the San Diego INS District Office as well as with other federal, state and local law enforcement agencies.

Operation Gatekeeper

In October 1994, the San Diego Sector initiated Operation Gatekeeper with its deterrent strategy. Given the unique and differing terrain of traditionally favored crossing areas, Gatekeeper combines an immediate, highly visible border presence with an improved infrastructure consisting of all-weather border roads, improved fencing, stadium lighting, night vision scopes and electronic sensors. It also maintains pressure on smugglers by operating the aforementioned checkpoints leading north to Los Angeles and other interior destinations.

Since Gatekeeper began, illegal entries in the Imperial Beach area—historically the most heavily trafficked illegal entry corridor in the United States --have dropped 92 percent. Overall apprehensions in the Sector have fallen by 76 percent during this period, Fiscal Year 1994 to Fiscal Year 2001. Local law enforcement officials attribute the decrease in crime in several communities to Operation Gatekeeper. Felony arrests for narcotics, marijuana and other dangerous drugs in San Diego County declined by 28.6 percent from 1994 to 2000.

Prior to 1992, there was inadequate primary fencing along the first 14 miles of the U.S.-Mexico border from the Pacific Ocean east. In some places, paved Tijuana streets paralleled the border, and at weak spots in the fencing, single and multiple truckloads of undocumented aliens and drugs crossed over and raced north to blend into the regular vehicle traffic on Otay Mesa roadways, often endangering the motoring public. The landing mat border fence erected by the California National Guard and other military engineering units changed this dramatically. Construction of border security roads have allowed us to patrol close to the primary fence and monitor for attempts to cut it or ramp vehicles over it. While we have had some "banzai" runs by

drug smugglers through the Otay Mesa Port of Entry, we no longer have vehicles illegally entering the country between the ports and attempting to evade pursuing Border Patrol Agents.

However, the traffickers still try. Our permanent and temporary checkpoints plus the agents who monitor traffic on East County back roads continue to discover narcotics loads that were brought in either in San Diego or Imperial County.

Technology as a Force Multiplier

Technology has vastly improved our detection and resource deployment. A large portion of Border Patrol drug seizures and a tremendous amount of "real-time" intelligence are the direct result of the use of electronic sensors placed along smuggling routes in the remote border area. These sensors that function as infrared, seismic or metallic detection devices are monitored by computer. The computer database, the Intelligent Computer Aided Detection System (ICAD), provides data on sensor activation and apprehension patterns.

The San Diego Sector uses long range, infrared night scopes positioned to provide maximum coverage of land border crossing points as well as the Pacific Coast close to the border. This night vision equipment has discovered backpackers, suspicious load vehicles, and even lone smugglers in wet suits with marijuana lashed to surfboards.

The Enforcement Case Tracking System (ENFORCE) and the INS Biometric Identification System (IDENT) are computer identification systems that enable agents to easily photograph, fingerprint and gather information about aliens whom we apprehend. We have ENFORCE terminals at every Border Patrol station, checkpoint and processing point in the Sector. These systems provide agents with a real-time, "look-out" system for known criminals and other aliens who attempt illegal entry after formal removal proceedings. The IDENT

cumulative database tracks repeat offenders and helps us identify smuggling guides among apprehended groups.

Our Brown Field Station is the pilot site for developing the IDENT interface with the Integrated Automated Fingerprint Identification System (IAFIS) that allows us electronically to take ten-print fingerprints, transmit them to the FBI's National Criminal Information Center, and receive confirmation as to past criminal records and pending arrest warrants. This automated system provides a response within 2-5 minutes. It has identified as past offenders or wanted individuals an added number of criminals beyond those discovered by our IDENT database.

Our Canine Program has 28 dogs in the San Diego Sector trained to locate concealed people and narcotics. They operate throughout the Sector with the majority at our checkpoints. During Fiscal Year 2001, these canines accounted for drug seizures valued at $4,518,218. Our canine units also respond to requests from other law enforcement agencies.

After climbing steadily from 1993 to 1995, Sector drug seizures have fallen in the last five fiscal years. However, the relentless drug smugglers keep employing new methods of smuggling and search for vulnerabilities.

POST SEPTEMBER 11th SECURITY OPERATIONS

The attacks on the World Trade Center and the Pentagon brought immediate changes to our operations. Agents at all stations went on heightened alert. Knowing the areas of greatest smuggling activity, we moved additional agents to the East County zones, where the varied terrain and limited road network increase the difficulty of our work. Placing additional agents very visibly on the immediate border resulted in a reduction in observed attempted entries and turn backs as well as apprehensions.

The 24 agents trained for the Sector's Marine Boat Patrol immediately joined in the U.S. Coast Guard's Operation Picket helping to check every vessel entering San Diego harbors. Later they boarded countless ships as part of the Coast Guard's Sea Marshal program checking the papers of crewmen and searching for stowaways and/or contraband.

Within 24 hours of the attacks on the World Trade Center and the Pentagon, 100 Border Patrol Agents from San Diego Sector were flown to San Francisco, New York, Newark, and Boston to provide heightened security at international airports in those cities.

In the immediate post 9/11 setting, special agents from the Sector Anti-Smuggling Unit assisted the local FBI office. The Unit cooperated with the San Diego FBI and Los Angeles Joint Terrorism Task Force in obtaining a Middle Eastern confidential informant. Finally, an Arabic-speaking Intelligence Research Specialist continues to interview mala fide aliens from Middle Eastern countries intercepted at the San Ysidro and Otay Ports of Entry and make referrals to the Joint Terrorism Task Force and FBI.

The Sector Intelligence staff has also been heavily involved with the FBI and Joint Terrorism Task Force since September 11. They have analyzed the Other Than Mexican (OTM) nationals in Sector custody, followed up on leads, and performed records checks in support of the other agencies.

Twenty Border Patrol Agents spent 60 days assisting INS and Customs inspectors at the San Ysidro Port of Entry. Taking one week of special training, they both conducted primary inspections themselves and walked the lanes in pre-primary looking for and alerting the inspectors to suspect individuals and vehicles. Twenty other agents were detailed to the Blaine (WA) Port of Entry to assist with security during November and December.

After September 11, agents went on high alert throughout the Sector. Both at the immediate border and at our interior checkpoints illegal migrants were given added scrutiny. The special details outside of the Sector have required more from the agents remaining here.

COORDINATION WITH AND DIRECT SUPPORT OF PORTS OF ENTRY

Heightened Border Patrol enforcement between the ports has an immediate impact on the ports themselves. This occurred with the onset of Operation Gatekeeper and has been seen routinely as enhanced Border Patrol operations have been initiated along the Southwest Border. The San Diego Sector has regularly assisted and coordinated its activities with enforcement in the ports of entry.

Border Coordination Initiative

The Border Coordination Initiative (BCI) is a comprehensive border management strategy between the U.S. Customs Service and INS to increase cooperation among federal agencies along the Southwest border to more efficiently interdict drugs, illegal aliens and other contraband. While the BCI is particularly focused on port-of-entry enforcement, the San Diego Sector cooperates in the sharing of intelligence, controlled deliveries, investigation, and maritime interdiction.

Operation Doorstop

Operation Doorstop began in August 2000 as a coordinated effort between the INS San Diego District and the San Diego Sector. It consists of joint intelligence gathering and cooperative enforcement efforts at the San Ysidro Port of Entry and adjacent interstate highways in support of the Border Coordination Initiative and the Border Safety Initiative/Alien Endangerment Program. Its three objectives are:

- Deterring pedestrian port runners at the San Ysidro Port of Entry

- Identifying and targeting foot guides (smugglers) used by the port runners
- Apprehending and prosecuting these guides.

Prior to the initiation of Operation Doorstop, the Port experienced several incidents daily of undocumented aliens running north through the southbound lanes of the Port of Departure and continuing up Interstate 5. Their guides would endanger them and the public by taking them through the lanes of traffic, ultimately directing the aliens into drainage tubes along the highway or neighborhoods in the vicinity of the Port. Intelligence units of the Port and the Sector developed information on the techniques of the smugglers and prepared posters with pictures of the foot guides. Plainclothes agents monitored and then conducted enforcement activities away from the Port on the guides and port runners. Liaison with the Office of the U.S. Attorney ensured that guides would be prosecuted for the reckless endangerment of aliens. The Border Patrol arranged for Justice Alien Transportation System flights to take guides to detention and removal hearings in Arizona and to repatriate at a distance the Mexican nationals given voluntary return.

The results have been progressive. Prior to September 2001, 116 undocumented aliens had been apprehended and 34 guides identified. Nine percent were prosecuted for smuggling or reentry after removal. Another 38 percent were placed in removal proceedings or had removal orders reinstated.

CONCLUSION

In summary, let me say that since September 11 the mission of the Border Patrol has remained the same: To secure our national borders working in cooperation with other agencies.

Our enforcement posture is based on:

- Prevention through deterrence expressed through high visibility presence at the immediate border,
- Redeployment of personnel and resources to key border areas,
- Flexibility to address vulnerable areas employing a comprehensive strategy,
- Technology as a force multiplier, and
- Cooperation with other law enforcement agencies.

The Border Patrol has established effective control of our border with Mexico in the San Diego area. Our illegal alien apprehensions in Fiscal Year 2001 were the lowest since 1974. We have secured areas of the border where seven years ago illegal aliens entered our country with near impunity. We have shut down traditional illegal entry routes, forcing alien smugglers to lead illegal crossers to remote and rural regions. Illegal aliens and smugglers are now exposed to longer and more arduous entry routes and are subjecting themselves to greater risk of apprehension. In short, the Border Patrol has successfully raised the cost and difficulty of entering the United States illegally.

These efforts have also disrupted former routes for importing illicit drugs. They have forced smugglers to attempt to utilize ports-of-entry and untraditional routes to further their illegal activity. Operation Gatekeeper has also pushed smugglers into increased marine smuggling efforts. The Operation Gatekeeper strategy has been implemented and is showing results in Imperial County and in Arizona and Texas as well.

The September 11th attacks reemphasized the importance of gaining effective control over our borders. No single initiative or program can achieve the goal. We appreciate the attention of this Subcommittee to the problems we face. Again, we thank the Congress for its support of our enforcement efforts.

This concludes my written testimony. I will be glad to answer any questions.

Mr. SOUDER. Well, thank you all very much for your statements. Let me start with a few questions. I will be ready for Mr. Filner, who will probably have a few.

And let me start with your last point first, Mr. Veal. And I apologize in your statement if it is written, but probably good to state it verbally. To get 282 agents, how many people do you usually have to interview?

Mr. VEAL. For us to get one seat filled at the Border Patrol Academy, we have got to start by testing 50 people.

Mr. SOUDER. So it is a multiplier of 50?

Mr. VEAL. Yes.

Mr. SOUDER. In the 282, did most of those go to other law enforcement agencies? Do you know?

Mr. VEAL. Yes, sir, they did.

Mr. SOUDER. One of the problems that—we have run into this. Let me ask you another question. Since the Airline Security bill has become implemented, have you had any people move there? Are they moving to the Air Marshals? Have you seen extra acceleration of this trend?

Mr. VEAL. Sir, there are 2,200 officers assigned to the San Diego Sector. In the last 2 months we had 25 of those officers transfer to the Air Marshal Program.

Mr. SOUDER. One of the things that really prompted a lot of response in Congress was when Mr. Ziglar told us when we were in the process of addressing that information, we were losing and you have to address those pay questions. Let me ask another question related to this.

Do you have in your written testimony the differentiation in California, or could you roughly give that—what your agents make compared to California law enforcement?

Mr. VEAL. Probably the most significant differences is police and firefighters for the most part in California have gone to a 3 percent a year retirement equity, meaning that after 20 years of service they would have accrued 60 percent retirement equity. The national law enforcement standard is 2½ percent. So after 20 years the officer would be at a 50 percent rate. The California State officer would be at the 60 percent rate.

Mr. SOUDER. Are there regional pay variables in the Border Patrol for cost of living?

Mr. VEAL. Yes, sir. I believe it was in 1993 that the Congress did visit the question. However, it is inadequate to the task. It has not been revisited since then.

Mr. SOUDER. Does that adjustment take into account other law enforcement, or is it just merely cost of living across the board?

Mr. VEAL. No, sir. I believe it was a cost of living study that was done by the National Commission in 1993.

Mr. SOUDER. Cost of living not compared to what the people would compete, but the general cost of living?

Mr. VEAL. Yes, sir.

Mr. SOUDER. On the Civil Service Subcommittee how to address this, it becomes fairly complicated in other areas of the government. And we tried to address it in the appropriations bill, but we couldn't get an agreement worked out because some of the health fields and other things, and Civil Service didn't want to single out

just one. But we are trying, if you can assure your agents. Congress, for the first time we are focused on this question in trying to figure out how to move something this year that will help address some of those, because it doesn't do any good for us to—if you can't get the personnel and we rob Peter to pay Paul, we are losing experience in the one area in order to get people in another area where we have to train them. So we are doubling our training costs as well as our payroll costs.

I have a question, Ms. Fasano. You gave the history that you are down 43 to 40, but you are almost back up on the car traffic. You said the wait times had gone from 2 hours post-September 11th down to 45 minutes now. What was the historic, do you know?

Ms. FASANO. Historically before September 11th—well, back to 1995, when there was the massive increases in budget increases for INS with Gatekeeper, the district also doubled in size, particularly our inspectors at the border, and the wait times back then were an hour to an hour and a half. We were able to get them down to about 20 to 30 minutes for a couple of years. Then some of the border crossing trends changed. We have peaking problems. People are crossing within shorter time windows. They did start to rise somewhat before September 11th.

Mr. SOUDER. They were closer to 30 at that time?

Ms. FASANO. They were getting closer to 30 or 40 minutes.

Mr. SOUDER. Why do you think the pedestrian has jumped so much more than the times in the car?

Ms. FASANO. It is a function of our inspection methods. We are doing a very intensified inspection. The major things we are doing there is we are checking most of the individuals who cross the border against our interagency data base. That is a time consuming process, particularly for U.S. citizens who are not required to carry a document. We have to manually input their names into the computer. That is extremely cumbersome for our inspectors.

Mr. SOUDER. Are there awareness programs to increasingly do that? The same thing at the Canadian border, people weren't used to carrying documents.

Ms. FASANO. They carry documents, but they typically are presenting a state-issued driver's license which is not compatible with our equipment. So it has to be manually input into the computer.

Mr. SOUDER. Mr. Applegate, on the Customs—on the trucking, is that, the wait patterns there, near what they were before and how much of a change in traffic?

Mr. APPLEGATE. There was basically very little change in traffic and very little change in wait time. In fact, none.

Mr. SOUDER. Do you suspect that some—so that was a pretty dramatic reduction in illegal immigrants caught, 1,000 down to 360 that you used in your testimony. Do you think that that is a function of obviously fewer people are coming right now because it is tightened, but it is moving to other parts? And I wanted to ask Mr. Veal to followup. Is it moving to other parts other than the prime border crossing? Is the illegal activity shifting? We are hearing this dramatically in Texas and Arizona?

Ms. FASANO. The information that I have for INS, for apprehensions both at the ports and between the ports are down significantly, so this is not unique to San Diego. And I am not aware of

any massive shift that is taking place to another location. The attempts at illegal entry are just down. The risks of being caught are extremely high right now and the smugglers are full aware of that.

Mr. SOUDER. I should have said there was a shift already occurring pre-September 11th. I do not have information. Mr. Veal, has it shifted more in other parts of the San Diego sector?

Mr. VEAL. Mr. Chairman, we have managed to continue that downward trend that commenced with Operation Gatekeeper. So far this fiscal year we are down about 20 percent from where we were at this point last year. Across the entire Southern border we are down on the magnitude of about 35 percent across the board.

Mr. SOUDER. Are you willing to say that you believe the amount, the number of apprehensions is not a reflection of lack of trying to catch people, it is a reflection of fewer people crossing?

Mr. VEAL. Yes, sir.

Mr. SOUDER. It is not how much of that—the same question. Some of that is probably because of commerce?

Mr. VEAL. Yes, sir. That is a fair statement.

Mr. SOUDER. One other question. Let me go to Mr. Filner now, and I will come back with a couple of questions.

Mr. FILNER. Thank you, Mr. Chairman. And again let me first start and thank you ladies and gentlemen in front of us. You are the people who they work for you and with you. This is the biggest border crossing between any two nations in the world, and they have a tremendous problem, tremendous challenge. And by and large, they meet it. We thank you for the service and we thank your men and women who work for you for that.

In the weeks—I would say extending today, Mr. Chairman, the businesses close to the border and then decreasing closing as you move away, were in a state of emergency. Business has dropped 90 percent. It is now down to probably around 50 percent. I asked the Governor and the President to declare a state of emergency for the areas because of this.

And the situation is still fairly bleak. It is not just the wait times. It is the uncertainty. If you don't know whether the wait time is going to be 40 minutes or 2 hours, you tend not to do discretionary crossings which may cause you problems. So I believe, as I said at the beginning, and I think you implied in your opening statement, that we can have both at this border the security that we demand in the light of September 11th and the efficient crossing that our economy and our culture and our family ties also demand. And that is, I think, our aim here, to try to do both.

I have had frequent discussion with Ms. Fasano about that. I just want to get on the record. We have 24 gates at San Ysidro. And how many are at Otay Mesa?

Ms. FASANO. Ten.

Mr. FILNER. That is the commercial crossing and San Ysidro is the noncommercial traffic. How many of those lanes—use the San Ysidro—are open? What is the average number of lanes open?

Ms. FASANO. The average number of lanes that we staff is a function of the volume of traffic. On a midnight shift we would only have about eight lanes open. During the high-peak periods, which is the morning rush hour and weekends, we have about 22 lanes open.

Mr. FILNER. I want to ask you, but I wanted to get on the record, and just to preface this, Mr. Chairman, there was an experiment a year or two ago where all 24 lanes were open 24 hours a day. And the wait times went below 20 minutes, if I recall. And for people in San Diego who depend on that, that was a pretty good time. That would be my goal. I don't know what it is, the agency's goal to get down to.

But I asked you what would you have to—so if we did open all of the gates at all hours, we could, with proper staffing, have the security and efficient movement. How many more people do you need, both Customs and INS, to accomplish that goal, if that were the goal, 24 hours, 24 gates open?

Ms. FASANO. Well, first let me say that with additional staffing, we obviously could open additional lanes. I think the benefits that would be significant would be in our pedestrian area, because we just don't have the staffing to open up all eight lanes. We do open close to all 24 lanes during the heavy traffic period. But we have a serious problem with our lack of sufficient infrastructure at the border. The 24 lanes is clearly not sufficient to process that mass volume of traffic, and we need to work toward expanding the capacity of the northbound vehicle traffic. And the process is moving extremely slow. And we look forward to some improvements in that area sometime soon.

In terms of staffing levels, we did receive an enhancement and I expect to receive further enhancements from some of the budget supplementals. We received 60 additional inspector positions. Most of those will be assigned to San Ysidro. But to have a significant impact on improving the efficiency of operation, we are talking about as much as a 50 percent increase in staffing to manage the large inspections program I have in this district.

Mr. FILNER. 50 percent more would be how much?

Ms. FASANO. About 300 positions. We have 600 currently. But that would cover all six border crossings, not just San Ysidro.

Mr. FILNER. In the budget we passed there were, just at INS, I think 1,000 new inspectors over 5 years. Those are for both borders. We don't know how they will be allocated.

Ms. FASANO. Largely to the Northern border.

Mr. FILNER. I had the opportunity, Mr. Applegate, to sit on the plane last night with your boss, the Commissioner of Customs. So I am hopeful that we will get more resources on the Southern border than the Northern border has had some publicity about.

It is not just the personnel that would help you, it is better technology, better—you described the thing which sounds to me like the Middle Ages, just because they don't have a certain document you can't input it. I mean, you would think that we could remedy that kind of quickly.

But it has been identified that out of all of those millions and millions of traffic inspections every year, a high percentage, something I would say close to 90 percent if I remember the figures, come from a relatively few number of crossings; something like a quarter million of crossings give us 90 percent of the crossings. Is that a roughly accurate figure?

Ms. FASANO. We don't have exact figures. But we have heard as many as 300,000 frequent crossers in this region.

Mr. FILNER. If, Mr. Chairman, there was some way technology through the kind of program we run, the Century program and others, to do—I mean that is a sizable number. But if we could—because they only have 12,000 in the Century program. But if we can move up the background checks and the ability to provide those frequent crossers with a way to get across quickly, SmartCard, CenturyCard, whatever you want to call it, we have solved a very big part of the problem it seems to me.

And if the Customs has done this with brass now—they have taken the major shippers, for example, done background checks, done criminal checks, they have the confidence that those folks can go through faster, with efficiency, and that is, I think, what we need to do with the individuals.

We can do this. I think we can maintain the security we need, but get those frequent crossers across very quickly. If I may just ask, I know my time is up, Mr. Chairman, you said there were 12,000 in the Century program. Do you have a goal for how many you would like to see there? What are you trying to do there?

Ms. FASANO. Well, we are constrained by the capacity. We only have two vehicle lanes that have the equipment for Century users. They have a capacity together of 24,000. Now, the enrollees don't necessarily cross the border every day. But we think we can only accommodate about 30,000 people with our current infrastructure. So we need the resources to expand the number of lanes. San Ysidro I am sure could clearly utilize four to six Century lanes. We also need the similar technology for our pedestrian crossers so they can have an expedited automated system as well.

Mr. FILNER. It is like medieval technology here for a 21st century number. If I may indulge the chairman with the time, Mr. Veal, thank you for your testimony. We should take it back to Washington. Mr. Chairman, not on the numbers which we generally talk about for border patrols and the others, the pay scales are extremely important. The work conditions—and Mr. Veal mentioned—I don't know if it is in his written testimony, but it is the quality of their work, that we ought to—the equipment that they use is not sufficient. They had radios they can't communicate with properly, especially in emergencies. Their bullet proof vests are—a couple of years ago were hardly bullet proof. They were really backward. That contributes to a lack of morale and a lack of ability to protect this Nation.

So I think we should take back to Washington Mr. Veal's testimony to heart. It is not only the numbers. It is pay. It is benefit, equipment, it is uniforms. And I would assume this is true for your agencies also. And the quality of life, we have spent some time with the military quality of life in recent budgets. We have recognized that our military folks need housing and they need, you know, proper pay, and they need the benefits to give them the morale to serve. And we have to think translate that to our civilian defense force, our Border Patrol, our Customs agents, our INS agents, and give them that sense that they are really part of our homeland security and reward them through pay and through work conditions that would reflect that.

I thank the Chairman.

Mr. SOUDER. Thank you. I am going to ask a few questions that we are uniformly asking along the border. I have two other quick ones before I get into that.

On almost all of the Northern border crossings right now we have met people who have been transferred north from the south border. How many agents have each of you had? Is that temporary or long term?

Mr. VEAL. Mr. Chairman, the San Diego Sector recently supplied 50 officers for details to the Northern border. Now those officers have since returned to San Diego.

Mr. APPLEGATE. U.S. Customs did not transfer anyone to the Northern border. We have maintained our staff.

Ms. FASANO. I also have not sent any staff to the Northern border, although I have supplied several special agents to assist in the World Trade Center investigation. We have actually been the recipient of additional resources. The Border Patrol has sent us 20 agents over a 60-day period. And we also have some inspectors at San Ysidro from other locations in the western region.

Mr. SOUDER. I am not going to be able to resist this comment from time to time today. I am from Indiana, and I have been in Mexico and South America several times in the last 6 years in working with the different governments there.

But we have for a long time heard from the north border that there can't be a different standard on the north border than the south border even though there weren't as many risks. I mean, as was eloquently said here, most of the narcotics is coming across at this point, more of illegal immigrants.

And now all of a sudden the shoe is on the other foot, and the fact is we are going to have to have similar policies on both borders just as we did on immigration, on narcotics, now on terrorism. And it is going to be interesting to see whether we can in fact get to a better targeting policy without having other types of overtones in those policies, because trying to do all of those things simultaneously on both borders is not going to lead to an efficient use of funds.

Let me ask a couple of particular questions. In the north, in particular, we focused some on the lack of people with multiplicity of languages. Do you see increased need for language bonuses? I assume a high percentage of our personnel can speak Spanish. Do you have anybody in the San Diego Sector who could deal with Farsi or——

Mr. VEAL. Mr. Chairman, all of our officers are required to be fluent in Spanish. We also have officers who are polylingual. We do have several officers who are fluent in several Middle Eastern languages.

Mr. APPLEGATE. You are correct. We have a sufficient number of employees who speak Spanish. We have an awards program so they do get reimbursed for using that language ability. As a matter of fact, recently we were queried regarding were any of our staff who are receiving these language awards fluent in Farsi or Arabic, and the answer was no, we do not have any.

Ms. FASANO. As part of INS, our officers again are required to be fluent in Spanish. They receive significant training in that area, and that is the predominant language of course they would use in

conducting their work here on the Mexican border, but with a large population of employees, of course, we have individuals that speak many different languages, including Middle Eastern languages.

Mr. SOUDER. One of the things that we have run into, for example, on the Quebec border, we had a man who grew up there in Quebec and French was his first language, but he could not pass the language test that the State Department requires. We may have some unrealistic expectations as far as what is needed on a border to deal with identifying certain packages. If you could talk to any of your employees and just kind of get some random sampling as to whether more would seek language courses if we either changed the bonus structure—there is some bonus structure now for that—or is a standard that was slightly different than the State Department standard for people who are working on the border rather than working in another nation in a Department of State office. We need to address this question.

Another question we have in this—we apparently put—I know from having been here a number of years ago there is more fencing and lighting in the border, down along the border. Do you believe that has been effective, has helped contribute to the declining number?

Mr. VEAL. Yes, Mr. Chairman. I think you have to look at everything as a package. It is not just the number of officers, it is important to have infrastructure. It is important to have the roads that go right to the border. It is important to have the border demarked. The fence served a significant purpose in that. So it is the fence, the light, the road, the officers all together. It all adds up to border security.

Mr. SOUDER. Mr. Applegate, if you could on the—I appreciated in your written testimony you had quite a bit on industry. It is clearly something that we are going to move toward, and I will have some further questions on that as we deal with the business groups. But one of the vulnerabilities that we really haven't focused on are on clearing rail traffic. Could you, I mean, maybe make a couple of comments on rail?

Mr. APPLEGATE. We do have some rail traffic here in the southern California CMC; that is, Imperial and San Diego Counties. Our biggest operation is in Calexico. They have one train per day, 30 to 40 cars. It is inspected almost on all occasions with Border Patrol assistance, with our canine officers there, and we have had numerous marijuana seizures. The main concealing method has been in the undercarriage or wedged in angle areas of the hoppers.

We also have been funded and are going to be installing a rail baccus, which is an x-ray machine that will be able to x-ray the entire railcar. So that is in addition. This is a very small operation in Tecate and here at San Ysidro we have rail coming across on occasion, exclusively empty rail cars.

And we also have, when we do those, they appear by appointment also, and we also have Border Patrol agents there for those. So rail here is not a major component of our commercial operation. It is growing, and as it grows we are making sure that we get the infrastructure that we need to deal with it properly.

Mr. SOUDER. Thank you. Clearly we need to move like your industry system on an accelerated path, on the NEXUS as far as in-

dividual car traffic. And I don't know how—but I assume that the NEXUS model could be used for walk across traffic to pedestrian traffic.

Ms. FASANO. Yes. The Immigration Service has a system called INSPASS at several international airports. We are anxiously waiting to see a system like that implemented at San Ysidro. It would be extremely helpful for our pedestrian traffic.

Mr. SOUDER. Any suggestions you have to us, this committee has very broad jurisdiction, not only do we have commerce first, narcotics, then we have all of the justice and commerce division, in trying to look at—in addition to other agencies, but in addition to trying to look at this question of whether the State and local law enforcement perhaps—I don't quite understand why driver's licenses don't work in this kind of—and I don't think it is going to be realistic to even get a passport or when I go across from Canada, which I do more frequently, than at the same time the idea of did you bring your birth certificate. I don't know where my birth certificate even is. This is not going to be functional. Some of us have some concerns about national ID cards. Clearly we're moving in that direction, Social Security is supposed to be that, but then people duplicate it.

But how to answer the question. The American public is not going to allow it. It is zero tolerance right now, particularly in the area of terrorism, it is a little tolerance on narcotics and a little broader on immigration, but not high in some parts of the country there. The question is how do we do this and how can we get the information on the suggestions you may have on how to integrate these information systems and yet not compromise them, would be very much appreciated.

If you can each pass through to your employees that around the country we are all integrated in trade any more, but literally in Indiana that when kids die on the street there or when someone commits a homicide, judges are telling me 70 to 80, 90 percent in our county, including civil, are drug and alcohol-related, lack of child support, bankruptcy cases. It isn't just violent cases. This is the biggest sector where those narcotics are coming across, continuing to see that in Indiana and elsewhere. We have made progress. It is not just terrorism. Last count we had a hard count, 18,000 people died of narcotics a year. In Seattle, there were zero on anthrax, 34 on homicide, and 64 on heroin overdoses.

And so we appreciate the hard work. I know it is a complicated thing. We are trying to figure out how to do the business side and we are also working on the Education Committee, too, in addition to this committee. We are meeting with the Drug Czar on how to do treatment and prevention programs. We have to do that, too.

So if you can take each of our people who work for you, thank them for those diligent efforts, because it comes down in most cases to the individual agent's ability to identify the risk and get them into the secondary.

Do you have anything further?

Mr. FILNER. Very briefly. Thank you for those last statements, Mr. Chairman. I think you are absolutely correct.

Just one more statement if you—I have been bending Chairman Boehner's ear on this for 5 years, poor guy. But on the morale of

our employees, many of—Mr. Applegate's and Ms. Fasano's agents are called inspectors. They are trained as law enforcement officers. They carry weapons. They face the risks. They have the scars to show that they perform law enforcement actions every day, and yet they were not classified by the rules that they have to follow as law enforcement officers.

That affects their pay but, more importantly, retirement benefits and morale. It turns out when any of these agents die in the line of duty we inscribe their names on the Law Enforcement Memorial in Washington.

So when they are dead we call them law enforcement officers. But when they are alive we don't. If you could look at that. I think the committee has had hearings on this once before. I would like to look at that.

And just finally to followup on Mr. Souder's comments. In the wake of September 11th, this whole society has had really a renewed respect for our fire fighters, our police officers, the men and women who every day protect us, and I would hope that that extends to your men and women, Border Patrol, Customs, INS agents and inspectors also, because they are the first line of defense in this new world, and we hope that you will communicate our appreciations for their service. I respect our folks and we hope that we can live up to those words with actions.

Thank you very much.

Mr. SOUDER. Thank you.

We are going to go ahead and start the second panel. Our first panelist is the Honorable Dianne Jacob, County Supervisor of San Diego Board of Supervisors, District 2. Thank you for joining us today.

STATEMENTS OF DIANNE JACOB, SAN DIEGO COUNTY SUPERVISOR; ROGER HEDGECOCK, FORMER MAYOR OF SAN DIEGO AND RADIO COMMENTATOR FOR KOGO RADIO; DONNA TISDALE, CHAIRMAN, BOULEVARD SPONSOR GROUP; AND MURIAL WATSON, FOUNDER, LIGHT UP THE BORDER PATROL COUNCIL

Ms. JACOB. Thank you, Mr. Chairman and members of the committee, for the opportunity to be here. I represent the Second Supervisorial District on the San Diego Board of County Supervisors, which is about 50 miles of our border shared with—and that is the eastern portion. The western portion is represented by Supervisor Greg Cox.

The Board of Supervisors over the last 8 years has taken no less than a dozen actions urging the Federal Government to take responsibility to secure our border and to pay for our costs as a result of illegal aliens. Two days ago the leader of our Nation reminded us that the war against terrorism has not ended and that the potential for another attack on our soil still remains. The question that many Americans and many San Diegians are asking is when and where could another attack take place? President Bush's reminder makes the timing of today's hearing on the subject matter all too important, and we thank you for that.

I don't think that you could find a more suitable location to hold this hearing given the difficult tasks San Diego County faces in se-

curing our border and protecting our residents. Without question, the features of this region could attract someone with questionable motives, and has, and possible expose us to a terrorist attack.

We have the busiest port of entry in the world, the largest contingent of military resources, an immense tourism industry, a thriving economy, a diverse population that is larger than 19 States, and a high level of foreign nationals residing here.

Inasmuch as our close proximity to the border poses a threat to our safety, it is also a vital component of our region's economy. The effects of September 11th have taken a toll on San Diego County's economy.

With the intense scrutiny that is being applied to international travelers, border-related commerce saw an immediate decline. We need to continue the promotion of economic prosperity through international trade, but not at the expense of national security.

There is a solution. Thoroughly check border crossers for accurate paperwork and authentic identification. Weed out suspicious persons in vehicles and release the stranglehold on the flow of traffic.

At the same time this can all happen. Technology exists today to check people coming across the border at our ports of entry whether they be on foot or in vehicles. But the question is, will the Federal Government invest the kind of money it will take to acquire this technology? Customs officials need laser scanners to read now border crossing visas, not just the ones on our border now but laser scanners that will read all of the information on these cards, which includes vital information as to whether a person has a criminal record or not.

The bottom line is this: The Federal Government has a responsibility to do it better and to do it faster, and there is no excuse. As we focus on traffic coming across ports of entry, we cannot forget about the flow of illegal immigration across vast stretches of border where there is limited restriction from coming across still today as we speak. It may be border traffic outside traditional ports of entry where our greatest challenge lies. Illegal immigration has been pushed further and further east, and we need to renew our efforts to secure every mile of the U.S.-Mexico border to stop illegal trespassers both on foot and drug smuggling.

The number of agents must be increased and more resources are needed to better patrol our borders to keep potential terrorists from entering American soil. San Diego County is a member of the United Senates-Mexico Border Counties Coalition. This is an organization that is made up of counties along the southwest border with Mexico that share many of the same interests and concerns. Immigration problems that have plagued counties in California, Arizona and Texas for years are now being experienced in all 24 counties along the border.

Each member of this coalition understands that this is not a small problem that can be easily solved overnight. But I would encourage you, as you have indicated with your presence here, to seek input from each of those counties that share a border with Mexico. It is with all of our insight and direction that the subcommittee, I believe, can make sound judgments on how to improve national security and facilitate local commerce.

Last October, Supervisor Greg Cox, who represents the South Bay Region and the western portion of our border, joined me in bringing forward a proposal before the San Diego County Board of Supervisors regarding our Nation's security. We concluded that San Diego County should serve as a test market for Federal initiatives to improve border security since every factor of our society that faces a possible attack can be found right here. In the action before the board we called upon the Federal Government to do basically four things: Add more agents and better technology for the U.S. Customs and Border Patrol. Install the scanning devices to read laser border crossing visas. Develop a tamper proof permanent Social Security card. After all, the driver's license that was once in paper form is now tamper proof. Why not do the same with our paper Social Security card? And fourth, to ensure that INS officials better track people with expired VISAS.

If those issues are not addressed, the potential for another attack will continue to increase. I have copies for you not of just my testimony, but of two recent board actions that we took, one that I mentioned and then another which indicates that we need more agents on our border and that we did not appreciate Border Patrol agents from our border and putting them on the Canadian borders. Both borders need to have an adequate number of border agents to secure both borders. Our public security, our national security and the lives of Americans depend on it.

Thank you very much, and I am happy to answer any questions you may have.

Mr. SOUDER. Thank you. Mr. Hedgecock.

Mr. HEDGECOCK. Mr. Chairman, thanks so much for the invitation to be here today. I am a former mayor of the city. I am a talk show host in town, and I have conducted what amounts to a 16-year debate on those border issues, because of the paramount importance to the listening audience to the issues, some of which you will hear from other speakers. And, based on that experience, Mr. Chairman, my conclusion is a grim one. The border is out of control here along the California-Mexican border. The sovereignty of the United States has been severely compromised, and our vulnerability to terrorism is acute.

Just this week there was an example of this. Ten illegal aliens were found to be working at the submarine base, the nuclear attack submarine base in Point Loma, the employees of a defense contractor that was doing work in and around the dry dock area and the dock area in which an attack nuclear submarine was tied up.

I am told along our harbor front it is not uncommon for defense contractors to be able to use illegals without fear that even the defense investigative agencies that are supposed to verify the citizenship and the applicability of those workers to be working there in secret areas that they have slipped people by in lists—simply submitting lists of here is our employees, here is what we are going to be doing, okey-dokey and they are on. This is obviously a warning sign, and clearly a warning sign.

Now I will couple it, Mr. Chairman, with another unbelievable statistic. I know you sat very patiently and discussed with the heads of these agencies what is going on. I discuss with the people

in the field nearly every day what is going on. It is quite a different story. One in 10 of the apprehended illegals in the San Diego sector of the Border Patrol, 1 in 10 are now from the Middle East. One in 10 coming across our border are now Middle Eastern young men.

This is no longer Mexicans seeking to work. This is no longer Central Americans in the upheaval of wars and revolutions. This is something much, much different.

Mr. Chairman, startling item No. 3: The truth is that the largest economic activity across the border with Mexico today, and it has been so for many decades, is the smuggling of illegal drugs and people. Every other economic activity of which you debate endlessly, and NAFTA and so forth pales into insignificance compared to the dollar value of the smuggled drugs and people, and the intertwined—as you get into this, the intertwined international conglomerates that run these businesses are billions and billions of dollars a month worth of activity going on.

It is a fact that needs to be faced that underground economy crossing the border is much more valuable and has much more impact than does the above ground economic activity. Where did we find this out most dramatically? Mr. Chairman, in the 2 weeks following September 11th, the folks who were sitting here on the previous panel were ordered to crack down and enforce the laws of the United States at the border. They did so. Drug smuggling stopped. Illegal alien smuggling stopped. Popular reports were aghast. You mean that the border could actually be secured if we wanted to? Yes. The answer is yes, as opposed to all of—whatever you have heard, Mr. Chairman, we now have a 2-week period following September 11th when this country demonstrated beyond a doubt that this border could be controlled with regard to illegal immigration and the drugs which are impacting Indiana and every other part of our country.

The fact that we now have that demonstration puts the lie to everybody else saying, well, it is impossible to do anything about this. Mr. Chairman, we have to bear part of the burden in the local community. I want to recognize this to you. Our police department, for example, for politically correct reasons has been ordered not to work with the INS, not to assist the INS in the enforcement of Federal law. When they come across someone that might be illegal, they don't call the INS.

We have had in our local community a media, a politically correct media, which has even for years now never even mentioned the words "illegal alien." they are some kind of immigrants. They are some sort of undocumented folks. No, they are not, they are breaking into our country. They are violating our laws, violating our laws, driving our emergency rooms out of business.

And, in this tidal wave of people, which I will assume for the moment, Mr. Chairman, are simply here for economic opportunity and to get a job, in this tidal wave of people who are breaking down our institutions, who are flooding our social services, there is in this tidal wave those little subsets of people that are far more dangerous, far more dangerous to our society, far more dangerous in terms of terrorism, far more dangerous as we have come to believe.

The Republic of Mexico, Mr. Chairman, finally, bears some burden in this as well. Congress has documented more than 50 armed

incursions by members of the Mexican military, in some cases firing at our Border Patrol agents with automatic weapons in order to protect drug dealers and illegal alien smugglers.

Mr. Chairman, the border is out of control. The sovereignty of our country is being compromised as we speak and has been since those early days in the 1960's, when the Brasio Program was discounted, and I trace our problems from that time. And today, we find ourselves—as Dianne Jacob has pointed out, we find ourselves in a situation not only trying to cope with that illegal alien tide, which is rising every day, but with the fact that now this terrorism issue has been added to it, and we feel frankly like sitting ducks.

[The prepared statement of Mr. Hedgecock follows:]

TESTIMONY OF ROGER HEDGECOCK

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES
OF THE COMMITTEE ON GOVERNMENT REFORM

SAN DIEGO, CALIFORNIA -- JANUARY 31, 2002

Chairman Souder, and distinguished members of the Subcommittee:

Thank you for the invitation to express my views on the state of the international border between the United States and the Republic of Mexico.

Based on the experience of my life growing up on this border, my service in local elected public office including as mayor of San Diego, and also based on sixteen years as the most listened to talk radio host in Southern California, I regret to tell you that this border is out of control, the sovereignty of the United States of America is greatly compromised, and the security of our nation is directly threatened.

Just last Sunday the Border Patrol detained ten illegal aliens while they were working for a defense contractor on a nuclear attack submarine at the supposedly secure submarine base in San Diego Bay. Five of the illegals carried base clearance cards which are supposed to be issued only after federal investigative agencies have cleared the individual for either a secret or top secret classification. The remaining five illegals had gained access to the base and were working in a secret area without any clearance or pass of any kind.

Here, as in countless thousands of other instances, we can comfort ourselves with the cover story that these are simply hard working individuals seeking opportunity. The reality is that the ease with which people can cross our border and penetrate our most secret and vital institutions renders this country open to further terrorism and compromises the very idea of our national sovereignty.

Over the last sixteen years, I have conducted a near-continuous discussion of the many aspects of our border situation. Over that long conversation I have formed the following conclusions:

1. Local and state government institutions have led the way to a de facto opening of our border.

   For example, the post-September 11 two-week crackdown at the border led to sympathetic press reports on the plight of Mexican students whose commute across the border the San Diego area public schools had become intolerably long. It turns out that thousands of Mexican citizens attend US public school at no charge despite a state law requiring that public school students reside within the school district they attend.

   For example, in the same post-911 semi-enforcement of border controls, protests were heard from Mexican citizen Medi-Cal patients residing in Mexico who found it difficult to get to their American taxpayer supported medical care in San Diego.

For example, following September 11, the San Diego Police Department and other law enforcement agencies pointedly announced they would continue their long-standing policies of non-cooperation with the INS in the enforcement of federal law at the border.

2. Politically correct media have consistently propagandized for a de facto open border and demonized critics who champion the sovereignty of the United States.

   For example, in literally hundreds of news articles in the San Diego Union Tribune, Border Patrol agents have been literally characterized as "baby killers" in even the minimum efforts allowed by the INS in border enforcement.

   For example, the tone and tenor of every television news report on the border consistently reflects a consensus that any critic advocating tougher border enforcement is a "racist".

3. The Republic of Mexico has condoned and supported a de facto policy of reconquista or reconquest of areas ceded to the United States under the Treaty of Guadalupe-Hidalgo following the War of 1848.

   For example, multi-billion dollar international human and narcotic smuggling rings are allowed to base in the Republic of Mexico because their profit is made in the corruption and destruction of our border and the illegal infiltration of millions of impoverished immigrants into our society. These illegals often become loyal American citizens but just as often remain islands of Mexican sovereignty in our midst. This tidal wave of illegal migration overwhelms our law enforcement agencies, serves as a cheap source of labor, and provides cover for the small groups of terrorists including the two hijackers of September 11 who lived, trained and were supported here in San Diego in the months preceding the attack.

   For example, when Border Patrol officers do their job, they are often confronted by armed incursions by the Mexican military into the territory of the United States. In one such instance, less than two years ago, Border Patrol agents were pinned down by automatic rifle fire from a Mexican military unit operating in the United States. As in every other instance of the more than fifty such instances documented by Congressman Duncan Hunter, in this invasion of the United States, the Border Patrol agents were ordered withdrawn and the invaders were allowed to slip back into Mexico. In each of these armed incursions, the apparent role of the invading Mexican military was to protect smugglers from Border Patrol interference.

   For example, the diplomatic efforts of the Republic of Mexico have evolved into direct interference in the internal politics of California. Consuls General have evolved from counselor officers assisting their nationals in our country to political advocates, appearing frequently on TV and in the press pushing for congressional amnesty legislation, California driver's licenses for illegal aliens, and reduced in-state tuition in California's universities for illegal alien students. Mexican government officials work through a myriad of political contacts and organizations in what is now a routine subversion of our democratic process.

Conclusion

The sovereignty of the United States of America has been under assault through illegal immigration along our border for the forty years since the bracero program was discontinued. In increasing numbers and increasing boldness this population of people who have broken into our country has been encouraged and led by domestic and foreign political interests to create a de facto open border between Mexico and the United States.

Whatever the merit or demerit of this open border – and there are many economic and diplomatic arguments made on the positive side – the net result of a de facto open border is an intolerable vulnerability to repeated acts of terrorism.

Our current vulnerability exposes the fact that not only is our border open but our border enforcement agency, the INS, has been rendered nearly ineffective.

Actions Taken by San Diego Citizens:

The citizens of San Diego will continue to take direct action in opposition to an open border, in support of our Border Patrol, and in demanding that the federal government carry out its primary function to defend the borders of our country.

Fourteen years ago we demonstrated along the border in a series of "Light Up the Border" events to draw attention to the lawlessness at the border and the ineffectiveness of our Border Patrol. These demonstrations produced immediate action by Congressman Duncan Hunter. In the following months an effective fence, adequate lighting, and increased Border Patrol staffing resulted in a huge drop in illegal alien smuggling activity.

The smugglers took their activities to the east to more remote and hazardous country, often deliberately leaving migrants to die without water in the desert so that their apologists on both sides of the border could blame the Border Patrol for these deaths.

Eight years ago listeners to my radio program alerted me to the fact that our airport had become a major shipping point for illegal aliens. I witnessed a late night Pittsburgh bound plane on which, at the last moment, a line of men from the interior of Mexico were led by their smuggler to board the airplane even though the illegals had no luggage, no identification, and the smuggler had paid for their tickets in cash. The illegals were not asked questions asked of any other passenger nor were they required to produce an ID. The obviously corrupt system of "airport security" would come back to haunt this country last September 11. At the time, we were called racists for raising the issue.

Action Required by the Federal Government

Mr. Chairman and members of this committee, please be assured that a huge and growing number of San Diegans want the border secured and the smuggling of drugs and people stopped. Only then, in an era of mutual respect between Mexico and the United States will lawful and mutually beneficial commerce be possible between our two countries. The current chaos is intolerable in itself and a gaping vulnerability through which terrorism can penetrate at will.

Mr. SOUDER. Thank you very much.

Ms. Tisdale.

Ms. TISDALE. Good morning. Thank you for inviting me to speak to your committee. My name is Donna Tisdale. I have lived at the Morning Star Ranch in Boulevard for 25 years; my husband has lived there for almost 40 years. Our ranch is located about 70 miles east of San Diego and about a mile and a half north of the Mexican border. My experience is with illegal border crossings in a rural county, because that is what I live with every day.

Back in 1995 we had over 1,000 illegal immigrants per month trampling across our ranch, damaging our fences and leaving a lot of trash and mayhem in their wake. Now we have 200 per month. While that is a major improvement, I doubt that any of you can claim that you have 200 trespassers per month violating your properties. I want you to understand my neighborhood is 45 miles from the nearest big town, population of 18,000, and about 8 miles from any town at all. We are literally in the middle of nowhere, and still we have all of this illegal trafficking going on.

One major improvement is the fact that most of our calls to Border Patrol now do get a response, which was not the case in years gone by.

This is a busy time of year. Several times this past week I have gone to bed with a helicopter and Border Patrol vehicles circling our ranch, and I have been awakened the next morning with more of the same. Every time I go down the road to get mail or go to the market, I see illegals or Border Patrol pursuing illegals. I am not exaggerating. I am not complaining. I am glad that the Border Patrol is there. I have lobbied for them to be there, and I am here today lobbying today for more agents.

When the government focuses attention on securing the major ports of entry, such as San Diego, Otay Mesa, and Calexico, that action pushes illegal traffic into our rural communities. Just like water, illegal traffic will seek the route of least resistance. The buildup of Border Patrol stations in Arizona and El Centro and the new fences in San Diego also pushes traffic our way.

I live in the Campo Sector Border Patrol, and my family does have a good working relationship with them. We come in and request agents on a regular basis and discuss the problems that we are all faced with. The Campo Sector is down about 100 agents right now. We have lost agents to Arizona, El Centro, even the Canadian border and to other government agencies. There is a lot of attrition and there is no backfill.

Campo has been approved for 303 agents, but they are waiting for funding. The Campo and El Cahon Sectors have to keep trading zones depending on who has the agents to do the patrolling.

Another problem our agents deal with is the need for new vehicles. Our agents are driving 1995 Broncos with well over 100,000 on them. If you drive by the Campo Division, you will see a lot of disabled Broncos gathering dust. These vehicles are all beaten up from bouncing over rough roads. Agents tell me they have to cannibalize parts off of one Bronco to try to get the others back on the road. All of the frames have stress fractures that can't be fixed, and Ford cannot replace them. Please try to direct some funding toward

new vehicles to get our agents back on the road. They also need funding for new roads and fence work.

Another unmet need in our area is for the installation of a remote video system. Technology is there to place remote cameras directly on the border. This camera system will allow a better view of the illegal activity going on at the border while saving manpower and freeing up agents to be directed to where they are needed rather than having them sit on an X. I think those cameras would pay for themselves quickly by improving apprehensions.

I would also like to go on record for being in favor of using our military in a supportive role for the Border Patrol. They would not have to be used to apprehend illegals, but could instead do reconnaissance, surveillance, and even rescue work to free up agents to do the apprehensions. Navy SEALS already train in the Campo area. Why not let them provide a service at the same time?

Our area of the county is not the only problem area. Other activists say that in Duluth Canyon, Ecandia Creek, the area in the north county is heavily impacted with illegal traffic which then floods into Riverside. Reportedly the Border Patrol is being pulled out of that area at night because it is too dangerous. My sources claim that agents have called them asking for citizen pressure to get them back in the area to do their job.

In closing, I want to solicit support for more enforcement of our immigration laws. Every day thousands of illegals get past our Border Patrol. When they do, they are literally home free. I also strongly urge that all amnesty and regularization be stopped. Every time amnesty is mentioned, more illegals flood the border trying to make sure that they get here in time to benefit. Those who have bypassed and flouted our laws should not be rewarded. I am not without compassion, but I feel that our country needs to stop winking and nodding at illegal immigration and needs to seriously limit legal immigration to 200,000 per year to give everyone time to adjust.

Overall, accepted immigration degrades the quality of life for Americans, all Americans, both old and new. I wanted to make one little comment that I didn't put in my written statement. Back in the days when our community was being flooded, we noted the threat that it has presented with terrorism. We were laughed at. Nobody wanted to take us seriously.

So I feel like it is kind of like the canary in the coal mine. We are out there.

Thank you.

[The prepared statement of Ms. Tisdale follows:]

STATEMENT OF DONNA TISDALE, CITIZEN ACTIVIST
THURSDAY, JANUARY 31, 2002
HOUSE OF REPRESENTATIVES COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES
SAN DIEGO CENTRAL PUBLIC LIBRARY

Thank you for inviting me to speak to your committee. My name is Donna Tisdale, I have lived at the Morning Star Ranch in Boulevard for 25 years. My husband has lived there for almost 40 years. Our ranch is located about 70 miles east of San Diego and about 1.5 miles north of the Mexican border. Today you are here to learn about San Diego's border crossings. My experience is with the illegal border crossings in rural East County.

Back in 1995 we had over 1,000 illegals per month trampling across our ranch damaging fences and leaving a lot of trash and mayhem in their wake. Now we have around 200 per month. While that is a major improvement, I doubt that any of you can claim to have 200 trespassers per month violating your properties. I want you to understand that my neighborhood is 45 miles from the nearest big town (pop. 18,000) and about 8 miles from any town at all. We are literally in the middle of nowhere and still we have all this illegal trafficking going on. One major improvement is the fact that most of our calls to Border Patrol now get a response, which was not the case in years gone by.

This is the busy time of year. Several times this week I have gone to bed with a helicopter and Border Patrol vehicles circling our ranch and have been awakened the next morning with more of the same. Everytime I go down the road to get the mail or go to the market I see illegals or the Border Patrol pursuing illegals. I am not exaggerating or complaining. I am glad the Border patrol is there. I lobbied for them to be there. And I am here today lobbying for more agents.

When government focuses attention on securing the major ports of entry such as San Diego, Otay Mesa and Calexico that action pushes the illegal traffic into our rural communities. Just like water, illegal traffic will seek the route of least resistance. The buildup of Border Patrol stations in Arizona and El Centro and the new fencing in San Diego also push traffic our way. I live in the Campo Sector of the Border Patrol and my family has a good working relationship with them. We come in contact with agents on a regular basis and discuss the problems that we are all faced with.

The Campo Sector is down about 100 agents right now. We have lost agents to Arizona, El Centro and even the Canadian border and other government agencies. There is a lot of attrition with no backfill. Campo has been approved for 350 agents but they are waiting for funding. The Campo and El Cajon sectors have to keep trading zones depending on who has the agents to patrol. Another problem our agents deal with is the need for new vehicles. Our agents are driving 1995 Broncos with well over 100,000 miles on them. If you drive by the Campo Station you will see lots of disabled Broncos gathering dust. These vehicles are all beat up from bouncing over rough roads. Agents tell me that they have to cannibalize parts off of one Bronco to try to get others back on the road. All the frames have stress fractures that can't be fixed and Ford can't replace them. Please try to direct some funding towards new vehicles to get our agents back on the road. Funding is also needed for road and fence work.

Another unmet need in our area is for the installation of a Remote Video System. The technology is there to place remote cameras directly on the border. This camera system will allow a better view of the illegal activity going on at the border while saving manpower and freeing up agents to be directed to where they are needed rather than sitting on an X. I think these camera systems would pay for themselves quickly by improving apprehensions.

I would also like to go on record for being in favor of using our military in a supportive role for the Border Patrol. They would not have to be used to apprehend illegals but could instead do reconnaissance, surveillance and even rescue work to free up agents to do the apprehensions. Navy Seals already train in Campo why not let them provide a service at the same time?

Our area of the county is not the only problem area. Other activists say the De Luz Canyon and Sandia Creeek area near Fallbrook in the North County is heavily impacted with illegal traffic which then floods into Riverside. Reportedly, the Border Patrol is being pulled out of that area at night. My sources claim that agents have called them asking for citizen pressure to get them back in the area to do their job.

In closing I want to solicit support for more interior enforcement of our immigration laws. Every day thousands of illegals get past our Border Patrol and when they do they are literally home free. I also strongly urge that all talk of amnesty or regularization be stopped. Every time amnesty is mentioned more illegals flood the border trying to make sure they get here in time to benefit. Those who have bypassed and flouted our laws should not be rewarded. I am not without compassion but I feel our country needs to stop winking and nodding at illegal immigration and needs to seriously limit legal immigration to 200,000 per year to give everyone time to adjust. Overall, excessive immigration degrades the quality of life for all Americans, both old and new. Thank you.

Mr. SOUDER. Thank you.

Ms. Watson.

Ms. WATSON. Yes, good morning, Mr. Chairman, Congressman Filner. I am glad to see you here. I am just sorry that we haven't had more attention to this area over the last several years.

I am a private citizen considered to be an advocate for the mission of the Border Patrol and an activist.

I just get up and do things. Like in 1971, I decided that Congress needed to hear about the Border Patrol problems in 1971. And I went to Washington on my own and lobbied Congress, and had the support of our local Congressman from El Paso, Texas at the time, who verified the things that I was saying.

However, like the canary, many of the Congressmen didn't believe me. And in fact John Rooney called me a dangerous woman, that I was lying. And, you know, for 30 years, we have been whistling in the dark here. And you heard from other areas. And it is a long sad story. And in 1971 I was appointed to the National Border Patrol Council as their Public Information Officer because I was somebody that was yelling and screaming. During that time we lobbied for funds and manpower and stressed the need for public attention to the growing problem of illegal entry.

Border Patrol noted that in 1971 the apprehension rate was 136,000 for our Western Region. And in 1976, it jumped to 438,000 for the Western Region, but we were still at the same staffing rate. The mission of the Border Patrol was failing and the morale of the agents were at rock bottom.

In 1979, my husband was appointed to be the officer in charge of the Chula Vista Station. This was the only station in town; one station for the 16 miles of border from the sea to Tin Can Hill. He had 295 agents for his 24-hour, 7-day-a-week mission.

The apprehension rate at that time for the Western Region jumped to 549,000 for the year. Came to our attention that for fiscal year 1979 $2 million of appropriated funds that we had been lobbying for was returned to the Treasury because they didn't know what to do with it instead of sending it on to the Border Patrol.

At that same time in 1979, the hostages were taken in Tehran, Iran, and the visas that staff of the State Department had distributed were being honored at ports of entry even as our citizens were being held. At that time, 11,000 Iranians were being allowed into the country.

I was able to get this story into the New York Times, and although it created quite a stir, nothing was done. The fact is that when spring break came the students went back to Iran, rioted in front of their embassies, death to Americans, and then came back and took their final exams at the local colleges; you know, the right hand not knowing what the left hand was doing.

All during the 1980's I launched a program called Remember the Hostages. We were very successful with the bumper stickers, and San Diego rose up in concern. We designed a billboard saying the same thing, and the executives of the Pacific Outdoor Advertising adopted the design and put up the billboards as a public service all over the country, Remember the Hostages.

All of this was a reflection of our out-of-control visa program and the lack of ability on the Immigration Service at the ports of entry

to even question the visa holders. It was a great moment when our people were released and they all came home.

Meanwhile, in the San Diego Sector the apprehension rate jumped from 59,000 in 1971, that is right here in the San Diego area, to 326,000 in 1981, creating horrific stress among the agents. They were robbed, they were shot at, they were pushed over cliffs and killed. And while they patrol the wide open international line, no one saw this as terrorist activity.

In December 1981, my husband passed away, so I resigned my position as the National Border Patrol Council spokesperson but continued to speak, speaking engagements, to inform the public about the mission of the Border Patrol. By the late 1980's the chaos at the border was astounding with people running through the port of entry and walking up the freeway to any point north. The State transportation system set up orange markers approximately 3 miles setting aside two lanes on the south side and two lanes on the north side for pedestrian traffic on one of the busiest freeways in southern California. It appeared to be an open invitation to run the border.

I decided the danger was not only for the people running but to the driving public, so I took a deck of cards and sat in the middle of the highway in the median stating if the State was establishing a park in the freeway I would use it, too.

Two days later, CHP and the Highway Patrol took down the stanchions and opened the freeway. As time went on I wracked my brain on what to do. I called on a few friends and neighbors to go with me to the border area along Dairy Mart Road, which is the first American street on this side of the border. I asked them to park their cars and when night fell to put on their headlights and let the Border Patrol agents know that they were supported by some of the public.

We started with 23 cars. So in November 1989 Light up the Border was born. We went 1 day a month and kept in touch by phone. Every one understood the rules for the meetings. The late afternoon would—come to the border in the late afternoon with a full tank of gas and to line up without blocking traffic. When the sun went down to turn on their headlights and stay in their cars. We would stay approximately 30 minutes and leave in an orderly fashion.

Our local Congressman, Duncan Hunter, heard about what we were doing and his aides attended a light-up. In the meantime a local radio talk show host heard about the demonstration and said he would spread the word. It was to support the border patrolmen. I was overwhelmed in March. We started in November. We had meetings in December, January, February. In March 1990 was a turnout of hundreds of cars and TV cameras. Not everyone liked what we were doing and we had protesters. The people who came to light up were great and stayed in their cars and ignored the anti-light up people.

Our local Congressman, along with Brian Bilbray and Duke Cunningham, went to work. They contacted the National Guard to start building a fence, contracts for lights were made and the whole idea got the attention of the public. Today, there are lights along the border, and in heavier corridors of smuggling fences. Unused

steel landing mats were shipped to the San Diego area. The National Guard engineering units were busy placing the fencing along the international line.

On January 24th, 1996, the FAA issued a security alert for all U.S. airports. It was a Level three alert that required all persons boarding any aircraft or checking in baggage to present two forms of identification, including a picture ID.

I co-founded a citizens group to walk through the airport and bring attention to the need for the commercial airlines to conform. We talked to one airline clerk and one security guard. Our mission was to watch and to see to it that all passengers were checked. We did not stop anyone. We did not point to anyone. And we even had a reporter and a cameraman walk along with us to see what we were doing.

This caused a stir and a local group rioted on the airport grounds. The Port Authority brought an injunction against me to be on the particular spot at the airport where in fact I could not see passengers check in or actually board a plane. We appealed the injunction and won the case.

We were informed by the court that if we wanted to watch the airport function under the new FAA regulations, it was our right to do so. Well, now the National Guard is doing this job and airport security is one of highest priorities of our government.

Illegal aliens have used the airport system for decades. The Border Patrol is there, another duty station for these overworked agents. But like everything else the mission of the Border Patrol, they haven't—in the mission of the Border Patrol, they haven't got the resources to do the job.

In spite of Federal laws, many States are affording known illegal aliens driver's licenses and relief from out-of-state tuition for our State colleges and universities.

And I thank you for your attention.

[The prepared statement of Ms. Watson follows:]

January 31,2002

SECURITY

IN 1971 MY HUSBAND WAS A PILOT FOR THE TRANSPORT DIVISION OF THE BORDER PATROL AND IN THAT CAPACITY WAS ABLE TO TALK TO MANY INS OFFICERS ALL OVER THE COUNTRY. HE ALSO WAS ABLE TO TALK TO THE PASSENGERS HE WAS MOVING FROM VARIOUS CITIES TO THE SOUTHERN BORDER FOR RETURN TO MEXICO. THESE PEOPLE TALKED ABOUT CROP FAILURE AND DROUGHT CONDITIONS THAT DROVE THEM TO LEAVE FAMILY AND FARMS NORTH ESPECIALLY TO CHICAGO, SPRINGFIELD,NEW YORK AND YAKIMA WASHINGTON. THERE WAS AN ALARMING INCREASE IN THE FLOW OF PEOPLE AND THE APPREHENSION RATE WAS GOING OUT OF SIGHT (DOCUMENT NUMBER 1)

MY LATE HUSBAND AND I TOOK OUR VACATION TIME TO TRAVEL TO WASHINGTON TO TALK TO MEMBERS OF CONGRESS. OUR LOCAL REPRESENTATIVE INTRODUCED US TO MANY OF THE MEMBERS AND SUPPORTED OUR MISSION. WE COULD NOT GET TO SEE THE CHAIRMAN OF THE JUDICIARY, WHO TOLD THE PRESS THAT I WAS NOT TELLING THE TRUTH AND THAT I WAS A DANGEROUS WOMAN.

IN EL PASO MR. RODINO HELD HEARINGS AND I HAD THE OPPORTUNITY TO SPEAK.I URGED ATTENTION TO THE LACK OF FUNDS AND MANPOWER FOR THE BORDER PATROL .

M.W

PAGE 2

I WAS APPOINTED TO THE NATIONAL BORDER PATROL COUNCIL AS THEIR PUBLIC INFORMATION OFFICER AND HELD THAT POSITION FOR APPROXIMATELY 10 YEARS.

DURING THAT TIME WE ALL TRIED TO LOBBY FOR FUNDS AND MANPOWER THROUGH THE PRESS AND STRESSING THE NEED FOR PUBLIC ATTENTION TO THE GROWING PROBLEM OF 'ILLEGAL ENTRY'(DOCUMENT NO 1) THE BORDER PATROL NOTED THAT IN 1971 THE APPREHENSION RATE WAS 136,000 FOR OUR WESTERN REGION TO 1976 WHEN IT JUMPED TO 438,000. WE WERE STILL AT THE SAME STAFFING RATE . THE MISSION OF THE BORDER PATROL WAS FAILING AND THE MORALE OF THE AGENTS WERE AT ROCK BOTTOM.

IN 1979 MY HUSBAND WAS APPOINTED TO BE THE 'OFFICER IN CHARGE' AT THE CHULA VISTA STATION WITH A FORCE OF APPROXIMATELY 295 AGENTS . THE APPREHENSION RATE AT THAT TIME HAD JUMPED TO 549,000. Western Reg.

IT CAME TO OUR ATTENTION THAT FOR FISCAL '79 2 MILLION DOLLARS OF APPROPRIATED FUNDS WAS RETURNED TO THE TREASURY.(DOCUMENT NO.2)

IN THAT SAME YEAR THE HOSTAGES WERE TAKEN IN TEHERAN, IRAN AND THE VISAS THAT THE STAFF OF THE STATE DEPARTMENT HAD DISTRIBUTED WERE BEING HONORED AT PORTS OF ENTRY,EVEN AS OUR CITIZENS WERE BEING HELD ,11,000 IRANIANS WERE BEING ALLOWED INTO THE COUNTRY.

I WAS ABLE TO GET THIS STORY INTO THE NEW YORK TIMES AND ALTHOUGH IT CREATED QUIT A STIR, NOTHING WAS DONE .

M.W.

PAGE 3

ALL DURING THE 1980'S I LAUNCHED A PROGRAM CALLED 'REMEMBER THE HOSTAGES'. WE HAD BUMPER STICKERS THAT WERE VERY SUCCESSFUL AND ALL OF SAN DIEGO ROSE UP IN CONCERN FOR THE HOSTAGES WHICH WAS REPEATED IN CITIES ACROSS AMERICA.(DOCUMENT NO.3 &4)

WE DESIGNED A 'BILLBOARD' SAYING THE SAME THING AND THE (EXECUTIVES OF THE 'PACIFIC OUTDOOR ADVERTISING' ADOPTED THE DESIGN AND PUT UP BILLBOARDS AS A PUBLIC SERVICE ALL OVER THE COUNTRY.

ALL OF THIS WAS A REFLECTION OF OUR OUT OF CONTROL VISA PROGRAM AND THE LACK OF ABILITY OF THE IMMIGRATION SERVICE AT THE PORTS OF ENTRY TO QUESTION THE VISA HOLDERS.

IT WAS A GREAT MOMENT WHEN OUR PEOPLE WERE RELEASED AND THEY ALL CAME HOME.

MEANWHILE IN THE SAN DIEGO SECTOR THE APPREHENSION RATE JUMPED FROM 59,000 IN 1971 TO 326,000 IN 1981 CREATING HORRIFIC STRESS AMONG THE AGENTS .THEY WERE ROCKED AND SHOT AT WHILE THEY PATROLLED THE WIDE OPEN INTERNATIONAL LINE.(PICTURE OF THE LINE AND LIST).

IN DECEMBER OF 1981 MY HUSBAND PASSED AWAY . I RESIGNED MY POSITION AS PIO OF THE NATIONAL BORDER PATROL COUNCIL BUT CONTINUED TO TAKE SPEAKING ENGAGEMENTS TO INFORM THE PUBLIC ABOUT THE MISSION OF THE BORDER PATROL. I STAYED IN TOUCH WITH MANY OF HIS PARTNERS TO KEEP ABREAST OF THE FACTS AND THE PROBLEMS

M.W.

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BY THE LATE 80'S THE CHAOS ON THE BORDER WAS ASTOUNDING WITH PEOPLE RUNNING THROUGH THE PORT OF ENTRY AND WALKING UP THE FREEWAYS TO ANY POINT NORTH. THE STATE TRANSPORTATION SYSTEM SET UP ORANGE MARKERS FOR APPROXIMATELY 3MILES SETTING ASIDE TWO LANES ON THE SOUTH SIDE AND 2 LANES ON THE NORTH SIDE FOR PEDESTRIAN TRAFFIC ON ONE OF THE BUSIEST FREEWAYS IN SOUTHERN CALIFORNIA. IT APPEARED TO BE AN OPEN INVITATION TO RUN THE BORDER. I DECIDED THAT THE DANGER WAS NOT ONLY TO THE PEOPLE RUNNING BUT TO THE DRIVING PUBLIC WHO IN MANY CASES WERE TOURISTS WHO WERE IGNORANT OF THE PROBLEM. SO I TOOK A DECK OF CARDS AND SAT IN THE MIDDLE OF THE HIGHWAY ON THE MEDIUM STATING THAT IF THE STATE WAS ESTABLISHING A PARK ON THE FREEWAY I WOULD USE IT ALSO.

IN NO TIME A CHP OFFICER PULLED UP AND SAID THAT IT WAS A VIOLATION OF STATE LAW TO BE A PEDESTRIAN ON THE FREEWAY AND IF I DIDN'T MOVE I WOULD GET TWO CITATIONS. ABOUT THAT TIME A GROUP OF ABOUT 20 PEOPLE PASSED US HEADING NORTH AND I ASKED THE OFFICER ABOUT THEM AND WAS TOLD HE COULDN'T TOUCH THEM. I LEFT. THREE DAYS LATER THE ORANGE CONES WERE PICKED UP AND A CHAIN LINK FENCE WAS BUILT ON THE MEDIUM . THE MASS PEDESTRIAN TRAFFIC CAME TO A HALT. HOWEVER, SADLY SOME FOLKS STILL TRIED TO CROSS OUR FREEWAYS ONLY TO BE KILLED OR INJURED. THERE ARE SIGNS ALONG THE WAY AS A WARNING.

MW

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AS TIME WENT ON I RACKED MY BRAIN ON WHAT TO DO . I CALLED ON A FEW FRIENDS AND NEIGHBORS TO GO WITH ME TO THE BORDER AREA ALONG DAIRY MART ROAD WHICH IS THE FIRST AMERICAN STREET ON THIS SIDE OF THE BORDER . I ASKED THEM TO PARK THEIR CARS AND WHEN NIGHT FELL TO PUT ON THEIR HEADLIGHTS TO LET THE BORDER PATROL AGENTS KNOW THAT THEY WERE SUPPORTED BY SOME OF THE PUBLIC. WE STARTED WITH 23 CARS AND IT WAS A BRIGHT SPOT AT LEAST IN ONE AREA OF THE BORDER LINE. SO ON NOVEMBER OF 1989 'LIGHT UP THE BORDER' WAS BORN. WE MET ONE DAY A MONTH AND KEPT IN TOUCH BY PHONE.TO BE SURE EVERYONE UNDERSTOOD THE RULES. MEET DURING THE LATE AFTERNOON WITH A FULL TANK OF GAS AND TO LINE UP WITHOUT BLOCKING TRAFFIC. WHEN THE SUN WENT DOWN TO TURN ON THEIR HEADLIGHTS AND STAY IN THEIR CARS. WE WOULD STAY APPROXIMATELY 30 MINUTES AND LEAVE IN AN ORDERLY FASHION. I HAD ALREADY CHECKED WITH THE SAN DIEGO POLICE AND WAS TOLD THAT AS LONG AS WE DIDN'T INTERRUPT TRAFFIC WE WERE WITHIN THE LAW. WE MET IN DECEMBER, JANUARY AND FEBRUARY WITH THE NUMBER OF CARS INCREASING TO ABOUT 200 IN FEBRUARY.

OUR LOCAL CONGRESSMAN DUNCAN HUNTER HEARD ABOUT WHAT WE WERE DOING AND HIS AIDES ATTENDED A LIGHT UP. IN THE MEANTIME A LOCAL RADIO TALK SHOW HOST HEARD ABOUT THE DEMONSTRATION AND SAID HE WOULD SPREAD THE WORD. IT WAS TO SUPPORT THE BORDER PATROLMEN.

M.W

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I WAS OVERWHELMED IN MARCH OF 1990 WITH A TURNOUT OF HUNDREDS OF CARS AND TV CAMERAS. OF COURSE NOT EVERYONE LIKED WHAT WE WERE DOING AND WE HAD PROTESTERS AT THE NEXT MEETING. THE PEOPLE WERE GREAT AND STAYED IN THEIR CARS AND IGNORED THE ANTI-LIGHT UP PEOPLE.

OUR LOCAL CONGRESSMAN DUNCAN HUNTER ALONG WITH BRIAN BILBRAY AND DUKE CUNNINGHAM WENT TO WORK. THEY CONTACTED THE NATIONAL GUARD TO START BUILDING A FENCE,CONTRACTS FOR LIGHTS WERE MADE AND THE WHOLE IDEA CAUGHT THE ATTENTION OF THE PUBLIC.

TODAY THERE ARE LIGHTS ALONG THE BORDER AND IN THE HEAVY CORRIDORS OF SMUGGLING FENCES (UNUSED STEEL LANDING MATS WERE SHIPPED TO THE SAN DIEGO AREA) THE NATIONAL GUARD ENGINEERING UNITS WERE BUSY PLACING THE FENCING ALONG THE INTERNATIONAL LINE.

ON JANUARY 24TH,1996 THE FAA ISSUED A SECURITY ALERT FOR ALL U.S. AIRPORTS. IT WAS A LEVEL THREE ALERT THAT REQUIRED ALL PERSONS BOARDING ANY AIRCRAFT OR CHECKING IN BAGGAGE TO PRESENT TWO FORMS OF IDENTIFICATION INCLUDING A PICTURE ID. I CO-FOUNDED A CITIZENS GROUP TO WALK-THROUGH THE AIRPORT AND BRING ATTENTION TO THE NEED FOR COMMERCIAL AIRLINES TO CONFORM TO THE FAA SECURITY ALERT. WE TALKED TO ONE AIRLINE CLERK AND ONE SECURITY GUARD. OUR MISSION WAS TO WATCH AND SEE TO IT THAT ALL PASSENGERS WERE

MW

CHECKED . WE DID NOT STOP ANYONE. WE DID NOT POINT TO ANYONE AND WE EVEN HAD A REPORTER AND CAMERAMAN WALK WITH US. THIS CAUSED A STIR AND A LOCAL GROUP RIOTED ON THE AIRPORT GROUNDS. THE PORT AUTHORITY BROUGHT AN INJUNCTION AGAINST US TO BE ON A PARTICULAR SPOT AT THE AIRPORT WHERE IN FACT WE COULD NOT SEE PASSENGERS CHECK IN OR ACTUALLY BOARD A PLANE.

WE APPEALED THE INJUNCTION AND WON THE CASE. WE WERE INFORMED BY THE COURT THAT IF WE WANTED TO WATCH THE AIRPORT FUNCTION UNDER THE NEW FAA REGULATIONS IT WAS OUR RIGHT TO DO SO.

NOW THE NATIONAL GUARD IS DOING THIS JOB AND AIRPORT SECURITY IS ONE OF THE HIGHEST PRIORITIES OF OUR GOVERNMENT. ILLEGAL ALIENS HAVE USED THE AIRPORT SYSTEM FOR DECADES .THE BORDER PATROL IS THERE ,ANOTHER DUTY STATION FOR THESE OVERWORKED AGENTS.

BUT LIKE EVERYTHING ELSE ABOUT THE MISSION OF THE BORDER PATROL THEY HAVEN'T GOT THE RESOURCES TO DO THE JOB.

IN SPITE OF FEDERAL LAWS MANY STATES ARE AFFORDING KNOWN ILLEGAL ALIENS DRIVERS LICENSES AND RELIEF FROM OUT OF STATE TUITION FOR STATE COLLEGES AND UNIVERSITIES.

M.W.

Mr. SOUDER. Well, thank you very much. Let me make a couple of comments related to some of the specifics on your testimony. First, is that what would be helpful for us? You made allusion in your statement, in your testimony that all 24 counties along the border, if you and Supervisor Cox and whoever could become—does the Congress of Counties have any kind of subtask force at this point on the border?

Ms. JACOB. I am not aware. The Border Counties Coalition was formed several years ago, because we all have similar problems.

Mr. SOUDER. To the degree that the Border Counties Coalition—I believe that the National Congress of Counties, that some on the north border could unite and give us some direction, where we see—because it is going to be variations between those in urban areas and where there are rural and suburban. When we push one we effect them all, but to the degree we can say this is supported kind of uniformly along the border, as opposed to it being seen as one subgroup.

Now, obviously making San Diego a model is a separate question from some of the broad principles. But the Governors are trying to do this, we are trying to do this with a parliamentary group and U.S.-Canada and U.S.-Mexico and work together as to how to deal with, because we are receiving so many different messages in. And we are—let's just say we have run out of money. It is not a question whether we are running out of money, we are going to run a deficit this year. And every single question has to be matched up with, are we going into Social Security? What is it doing to the economy as a whole? And yet we all realize this is important because we are going to have to prioritize it to the degree that we see different needs along the border unified in ranking order that will help.

Ms. JACOB. I am happy to do that and to work with our Border Counties Coalition, Texas, Arizona and California, and seek out and see what the others are doing, see if we can come up with a comprehensive package. Is that what you are asking for?

Mr. SOUDER. Yes, and some hierarchy inside that. Everyone getting their thing on the list is not helpful. Because, as you know, in the supervisors, if everybody gave you a list of—a wish list without any hierarchy of every single thing is good, the question is how do you decide which is the most important. And at least from the perspective of your organization, there is a lot of consensus developing, and the very tough question is how we share costs. The Federal Government is not going to bear all the burden. The local government shouldn't have to bear all of the burden, because the traffic is heading disproportionately at the border, but it heads into the whole country.

And then the second part of that is that we are going to have some user fees on those, like at the airports people have to pay $5 at each stop-over for additional security. It covers that at best, at best 20 percent of the cost. That is not counting Federal employee benefits which we will have to pay for. But there is going to have to be some cost related to the shippers and others, because we all realize we are going to need to have an ability to kind of counterbalance this, the trade questions and the security questions, and

the sharing of that is going to become more important as this heightens.

Ms. JACOB. If I may, Mr. Chairman, San Diego County calculated our costs across the board some years ago, and on an annual basis it is costing us about $65 million a year. A large part of that are criminal justice costs. But we are shouldering the burden of failed Federal policies in regards to illegal immigration, and that is a common problem around at least our Southern border that we share with other States and Mexico.

I understand what you are talking about, additional costs. But I just want you to know we have been shouldering a huge burden of those costs, and that is discretionary money that could be going into other services for legal residents of our region.

Mr. SOUDER. Let me just say, and I can say this. I am not running for office here.

Ms. JACOB. Nor am I.

Mr. SOUDER. And I am a friend of the general cause. But I am sure the next panel is going to stress the dollars in trade. Dollars in trade means you are getting sales tax extra, income extra, income tax extra that other people in other parts of the country aren't getting. The other—you are also getting the revenue benefits in the area. And not only the tax revenue benefits, you are getting revenue benefits in the sense of the employee who works at the places along the border that do the tourism that get other businesses. There are both sides. And that while you did get additional Federal costs, you also benefit from being along the border.

That is a fact of life, too. Part of the reason when people from the border areas ask why isn't Washington being more responsive, look, I have an MBA. There is a balance here. And often we are told about the cost of this, but it is—you also have a benefit. Realistically, you—at times when we put more pressure on, particularly if we reduce the revenue coming in and increase the cost, you get a disproportionate. We know we are going to have to bear more, but we have to have a realistic discussion.

Ms. JACOB. If I may, Mr. Chairman, there was a study done by two professors at San Diego State University several years ago that did calculate the economic benefit, those costs versus the actual costs of the illegal immigration in San Diego County, and we are still in a huge deficit situation.

Mr. SOUDER. I would appreciate the findings of that.

Mr. Hedgecock, first as a fellow conservative, we may not agree on all things, but as Mr. Filner knows, I am part of the right wing group in Congress, so I appreciate listening to you.

A couple of comments. Any particular documentation on one-tenth Middle Eastern? That is probably not the—does not count the daily back and forth people? In other words, those who come and stay.

Mr. HEDGECOCK. These are illegal apprehensions in this sector. And again, I am getting that from the agents. That is not getting into the statistics. Although I must tell you, Mr. Chairman, our heightened awareness in the week following September 11th, there were simultaneous revelations of groups of Middle Eastern men in that week trying to come across the border illegally. So we were in an even more heightened awareness during that week.

Those statistics I am not confident that you are going to get through the regular channels.

Mr. SOUDER. They may not be a long-term statistic.

Mr. HEDGECOCK. What is alarming to us in that regard is that it is increasing since September 11th.

Mr. SOUDER. The second part is the 10 subcontractors. One of the conservative dilemmas here, and Secretary Rumsfeld just started to address it, we were big for privatizing some of the contracts. Part of the conservative theory said, decentralize some of the Federal Government. Now we are seeing some of the dangers separating inside our movement, traditional conservatives, and libertarians.

And as we start to deal with this question it looks like we are going to tighten up Federal contracting and probably have the government take over some of those screening tests. We are wrestling with do we want maximum flexibility for the private sector, but the American people are not going to tolerate nuclear bases having illegals who haven't been screened getting on the base any more than they are at an airport.

And so we are trying to figure out the balance of a priority risk here, which is one of the things that really is missing right now from this whole terrorism discussion, is a logical risk assessment, and that it would be a lot tighter the more risky the situation is. Right now if you talk to people everybody in every city thinks that their libraries or school football game is at risk. But there are higher risks than others exponentially, ability to deliver terrorist acts, and we need to do something about that. But that was very disturbing.

Is what you said public record?

Mr. HEDGECOCK. Yes, sir. There was an article both in the L.A. Times and the San Diego Union on Monday of this week. We also—several of the Internet services carried this issue. And I think you can get confirmations of it from the INS. They released the 10 workers back into Mexico without further criminal investigation.

And, again, I will assume, Mr. Chairman, that they were simply workers looking for opportunity. But opening the door that they did certainly gives someone with the mentality of a Mohammad Atta an access that we would not want. And I would just urge liberals and conservatives to address the issue not with respect to doing away with the benefits of the contracting out, which we found here to be very good for everybody. It is a win-win situation to contract many of these services in the private sector here for flexibility, for cost, for a whole range of reasons.

But the idea that an employer could come on to what amounts to a top secret base like that with people who are illegally in the country is a failure of the intelligence and the security issues within the Navy Department. And I would suggest that all of us could agree that the Navy Department ought to be doing a lot more checking on those workers, and indeed they are supposed to be.

Mr. SOUDER. 15 percent of the security check were illegal, 80 percent were legal aliens. 15 percent were illegal. And one of the terrorists on September 11th was cleared at Dulles Airport. So it is problematic. Now partly when you have blatant risk, and not everybody is identified in the system at the same level of risk, these

are difficult questions we are working through. And I have as one of the conservatives in Congress had a tough time with this, because we need to crack down and identify better.

At the same time, depending on who is in charge and what they want to crack down on, I am a little nervous about how much the Federal Government should have in this type of thing.

That is why we have put a 5-year moratorium on it. It is not only the Democratic side voted for that, but a lot of Republicans. The second thing was you have to clear it and judge. Clearly we have to have people on a watch list. This is a tough balance in a civil libertarian question.

Let me move to Ms. Tisdale for a second. One of the references you made, and I know there is a lot of popular sentiment for this. We are not going to use the military for most things related to this issue, regardless of militia. A lot of people think the National Guard is actually military. They actually report to the Governor. They are militia. There are constitutional reasons why we did this.

You more specifically said rather an apprehension, some technology. I suspect that we will see some additional help in technology on the border. But one of the important things for the general public to understand is that as important as these issues are, that long-term constitutional separation between domestic law enforcement and defense, too often when we have a crisis we forget why we have certain laws. And as you watch other countries in Central and South America, in particular in a lot of the Middle Eastern countries, Pakistan being an example where the military seized power, we don't want to risk that in our country.

And that is why even though there is a lot of popular support for this right now, it just isn't going to happen on either side. How to share the technology is important and is done some, but should be done very carefully or we might create a situation long-term looking at this 20 years from now worse than our short-term problem.

Now first, I want to thank you for coming forward. It is not easy to come forward when you are right there in the front, and vulnerable at a personal level. I thank you for that, because without testimony of individuals as we have heard from time to time on this border, we—take one community that Mr. Hedgecock in a hearing in Arizona we actually had the—shortly after one of the most prominent DEA agents who had been shot by a Mexican Border Patrol person who was initially helping him apprehend, then realized they were chasing a narcotics guy, turned around and starting firing at our guys and shot one of them.

Let's just say our police departments aren't all clean either. We have had the problem on the border around, Miami being the most flagrant example over the years. But we are comparing maybe 5 percent penetration at extreme compared to some places along the border we have had as much as 80 percent, uncertain as to that.

We have worked with the Attorney General of Mexico, president—former president and now president Fox, who has worked hard, particularly in this corridor where DEA for a long time pulled our agents out of the other side that president Zedilla worked, because he had some Governors in some of the areas that he wasn't

even sure that they were clean. The drug czar of Mexico after all was in an apartment owned by one of the cartel people.

At the same time that is not to say that they aren't making an effort toward it, That there aren't individuals in those forces that aren't trying to clean it up. And we need to support those people and their government who are trying to do that. I believe at least at some levels there are. There is a lot of money passed on here, not only for drugs but for immigration.

I want to ask one thing. Does the fence come out as far as you live?

Ms. TISDALE. We have a single fence. It is mostly to stop vehicle entries. It does nothing to stop the foot traffic or the drug smuggling.

Mr. SOUDER. Let me mention one other thing. Clearly, everybody crossing the border should assume, on the north and south, that there is going to be increasing camera surveillance. We are not going to announce it, because it won't work once it is announced. It is going to have some mobility to it. I think your comments on the mobility were important. I have been to some of those points at night where you almost—particularly when you have the environmental orange marks where you can't go through, you can trample, but you can't have any U.S. Government agents trample on them, at least, that as we work through these kind of problems, and some of those areas where we have more of that in—in parts than others, it is—don't assume that we don't know and aren't doing it, and particularly those people who are coming around, this is one of the focuses of the border.

We are seeing more people than they think. What to do about it is another challenge. One of our problems here is if your only penalty is you get arrested and get to go back and try six more times during the week, we have to look at long-term immigration policy here, because that is not a penalty.

And let me make one other reference that other people alluded to. We have real problems. And, let's—while I agree that a lot of dollars, I am not sure it is the majority of dollars are narcotics related, a lot of dollars are narcotics related. It tends to come in a few shipments. Not to say that the majority of the commercial traffic is not legal traffic that is doing business, but that commerce is in fact important and likely to increase in importance, particularly as we expand the trade agreements, and trying to work through how we deal with this is not going to be easy.

It requires better targeting of high risk, and not only in narcotics, but of the groups that are running these large scale immigrant groups. And I wanted to relate one of those to the terrorist questions, and the degree of the ability to zero in on the highest risk target is really going to be our primary way of focusing. And yet to do that will require information that requires then execution.

You raised the question of INS, if they are reported, doesn't deport. What is clear in the United States is we are not going to implement a huge policy with it. What we have to do is have a higher degree of uncertainty. The fact is President Bush has backed off of this. We are all trying to figure out how to deal with this. But much of our economy in the United States would not be running. We probably have had unrealistically low numbers of legal immi-

gration. And we are going to have to figure out how to address it so they don't run through your link. There has to be a way to accommodate realistic numbers somehow. Inside that we would shut down the economy of the United States right now if we did that. We can't afford as taxpayers to pay for it throughout the system. It is overwhelming.

But there are some things——

Ms. TISDALE. We are already paying for it.

Mr. SOUDER. I understand what you are saying. I understand this is a difficult question in California. But I am trying to explain to some why it hasn't occurred. Some of the frustration of people, how come these policies haven't changed? Well, the dynamics of why they aren't changing are getting more difficult, that as more people move into the United States, more people are active from a multitude of countries, it is getting harder, not easier, and so we have to be realistic how we approach it.

And some of the first tests coming from September 11th are important. And on the Education Committee what we found is not only don't we track illegal immigrants, we didn't track people who are coming in from terrorist, militant nations. If students have knowledge—when we were doing our oversight on this committee on the Clinton administration, and following some of the Asian money, and Johnnie Chung from this region of the country was in front of our committee, and I was asking him some questions both in public and private and not sure how many were on the record and how many of them were off, but he had employed the son of General Chang, who transferred a lot of money into the Clinton administration, who was the head of the CIA there.

Now, quite frankly, I think it was 50/50. His wife wanted to be socially active. His son was a party person, in the sense he went UCLA and liked to party. But the truth was Johnnie Chung lost him, and all of our agencies lost him. We had the son of the head of the CIA of China and did not know where he was. When George Bush was head of the CIA, George W, if he had been in China I bet they wouldn't have lost him.

We have to figure out how, when there is a high risk—at the very least Congress is already moving forward on the student visa program, because we found that the universities weren't following through. Then the Universities weren't when they sent it in. INS wasn't following through. We are going to start with the terrorist list. Then we are going to start with countries that are havens for terrorism. We are going to start with other high risks, and we are going to try to do a better job with that.

I am trying to—realistically this is going to be a phase-in program, because to try to do the border and the enforcement and internally is difficult.

Ms. TISDALE. I live with this every day. I understand what you are saying.

Mr. SOUDER. We hopefully will make more progress than you have seen since September 11th, and partly coming forward and making statements like you did today will help us.

I yield to Mr. Filner.

Mr. FILNER. Thank you, Mr. Chairman.

Listening with great interest to the moral difficulties of the Republicans as they grapple with threat issues, I feel for you. And I wanted to thank this panel. Mr. Chairman, I look at the folks in front of you. They represent—and I don't agree with all of their ideas, but these folks have worked with the Border Patrol and worked with our agents to produce the results that the previous panel reported; that is, there is a defined border. There is a sense that there is a border there and there wasn't 10 years ago. And those folks have accomplished that. And I think that we have to—and the Congressman who isn't here today, Congressman Hunter, be given a lot of credit for that.

And if you go to the border you will see—you don't see the soccer field, where literally thousands of people were congregating just to come across anymore. And I thank Mr. Hedgecock for being here. I know your meter is expired. So I hope you didn't get a ticket here. I think Jimmy Valentine is here for you.

Mr. HEDGECOCK. So am I.

Mr. FILNER. I will pass up the incredible opportunity I had here of being up in front of this talk show host controlling his mike, and interrupting him. No, I will resist that temptation.

You know, I have—and Dianne, Supervisor Jacob, thank you so much for your recommendation. I think they are all right on. The money has been put in the budget, by the way, the homeland security budget to accomplish much of what you want. Me, and I hope Mr. Souder will join me, have to fight for the allocation that will come to the Southern border and to this area.

So there is money in the budget. I mean what we did in the last few months I think you will agree with me, and the amount of money that we have appropriated, I mean tens of billions of dollars have been voted on like that in the last couple of months. So the money is there. We just have to fight to make sure that they are allocated.

As I listened just—I will just be very brief, Mr. Chairman. I listened to all of the things that Murial has done over the years and the creativity and life that Ms. Tisdale has to lead and the place around here, and Roger and Dianne have been involved with so often. It seems to me there is an enormous waste of political and economic energy here in these issues.

That is if, for example, and as you know we have a new President of Mexico. He in his inaugural speech said, if I can produce a million and a half jobs in Mexico every year, you would not have the immigration problems that you are experiencing.

That is, we are fighting them and fighting this and fences and technology and hundreds of millions of dollars and you guys lives are all caught up in this. If we didn't have to deal with this issue because people don't want to leave their own country, we have the historical geographical interesting point, I think it is the only place in the world where a first and a Third World nation have such a long border together.

But if that developing nation was developing in a way that people saw a future for themselves, they don't want to cross the border to find opportunity. That is what they are doing.

And I just think, Mr. Chairman, and I would just like the reaction of Mr. Hedgecock and others, If we devoted some energy to

helping Mexico develop their economy in a way that would produce the jobs that would stop the immigration, it would seem to me that is a lot not only better, it is a lot cheaper too. But the money to help in foreign aid, for example, in ways—I think we wouldn't have the problems at the border that you all are dealing with and expending enormous capital on.

Anybody want to respond to that?

Ms. JACOB. Congressman Filner, that is a long-term solution that is going to take time. I think certainly very important, but at the same time we must not forget that the Federal Government has a responsibility to secure our borders. And while you are addressing a very important issue of those coming from Mexico trying to seek work to better their life, I mean that is their main goal. That is not going to stop a terrorist or terrorists from entering into this country through our borders.

And that is why I think the first priority has to be securing the border, as Mr. Hedgecock said earlier. Two weeks after September 11th, our border was secure. We know it can be done. My question to you, is there the will to do it on a consistent basis?

Mr. FILNER. I appreciate that. I think you are absolutely right. There is a long-term and a short-term thing. And I would like, though, some of us to spend some time on the long-term thing, otherwise there will never be a long-term solution.

Ms. WATSON. Mr. Filner, how long term does it have to be? I started my advocacy for the Border Patrol mission in 1971. Nothing, absolutely nothing has improved categorically from those 30 years? We just——

Mr. FILNER. You were nodding your head when I said, and I gave you a lot of credit for it, for the fact that the border was defined and that we have 10 or 20 or 50 times the number of border patrols that we had 30 years ago.

Ms. WATSON. Yes. My husband had 295 agents for the same place where there is now 2,200 agents.

Mr. FILNER. So to say nothing has been done is not accurate. Maybe not enough is done. But we have got to find a balance here.

Ms. WATSON. But we should have had 2,200 agents in 1980 and 1990.

Mr. FILNER. Well, now we do.

Ms. WATSON. But in the meantime we have absorbed all of the expense, and all of the illegal flow that has happened in those 20 years.

Mr. FILNER. I understand. I am not telling you to go give up your efforts.

Ms. WATSON. But when you say—when you have to look at the long term, we tried to get Congress to look at the long term in 1971. I testified before the Rodino subcommittee begging them.

Mr. FILNER. By the way, Mr. Souder being here is very important because, you know, Washington does not understand our issues here. And the county, the Border Counties Commission, we have an equivalent of border caucus in the Congress. You know, there is 15 of us Congress people who represent the Southern border areas. That is not a lot relative to—there is 420 who don't, who come from Indiana and elsewhere, that we are trying to educate. So it is a very difficult situation when you have so few people understanding

the situation. It is the most frustrating thing that I have had in Congress in the last 10 years.

Mr. Hedgecock has been so silent.

Mr. HEDGECOCK. I wanted to respond first of all in agreeing with you that the wonderful people of Mexico and the wonderful nation that they have, so full of natural resources, could obviously be a place in which the social and political institutions would allow a prosperity that might even exceed ours. If Singapore, with no natural resources, can do what they have done, as opposed to many of the other cities of the world, Hong Kong can do what they have done, without any natural resources, surely the Republic of Mexico could become a place where Americans would go to work because of the opportunities.

The sole reason that does not happen is they have not embraced capitalism and democracy. Were they to do so, were they to fully embrace a free market and free peoples, I am sure with the industry that they show individually, that those would be a people who would be an economic powerhouse in our world.

They are not for reasons internal to their political and cultural makeup, and I am sorry about that. But, in the meantime, I don't believe that the government of Mexico then has this right to use us as a safety valve for the younger generation with no opportunity to then come here. And maybe, Mr. Chairman, we have become dependent on, in my sectors, this source of labor for a variety of reasons internal to our culture, and that may be something you will have to wrestle with, is what is legal and what is illegal.

All I am telling you is by the current scheme of making most of these immigrants illegal, we have created a subterranean way for terrorists to come in to the most secret of our institutions, threaten our sovereignty and our very physical presence, particularly here in San Diego. It is time we got this out in the open.

Mr. SOUDER. Thank you. Furthermore, and there is going to be increasingly seen in the different terrorist organizations around the world, they are going to interconnect in their funding, predominately through narcotics and trafficking of children and illegal trafficking. As we see that nexus around the world, we are going to see more awareness of having to address these questions. And I just wanted to make sure the record reflects that the problem even here in your property, illegals coming through your property and across the San Diego border, is not just Mexico. It is Central America and down to Ecuador. A large percentage of the groups—I know a number of years ago when I was here and when I went out—when they were playing the soccer, and the Frisbees at one in the morning before the big rush, and it was an extraordinary thing to see, but that many of them in fact brought packages from way further south, that we have had unfortunately a couple of hurricanes in here. But the encouraging thing is in some of the Central American governments it is incredible to go down there and meet some of the new capitalists coming in. It is not impossible in our hemisphere with the President looking more south that even long established economies that have not had as much capitalism are not going to start to move in that direction.

That too, so people, just like people in the Midwest may not understand all of the problems that you face here, on the pressures

on your hospitals, on your schools, your roads, the entire system, it is not—I cast probably one of the most significant difficult votes I have on Fast Track, because Dana Corporation in my district just agreed to a 25 percent wage cut or they were going to transfer to Mexico. They have already transferred thousands of jobs from Dana alone to Mexico along the border here, which may help the economy here. It doesn't help the economy a whole lot in my area.

I went for a period of 3 years with never less than 2 weeks without a company announcing that they were moving to Mexico. We basically lost much of what we were going to lose. Now we have to figure out how to do the trade. We are picking up with Canada. Those questions are not easy, how to rebuild the economy. That means they are trading with us, and we are having some transference of jobs on where they are going to be located.

We have to look at these very difficult questions, and one of the good side points that came out of the terrible tragedy on September 11th is we are having to face them, and the American people are more interested in listening to us try to struggle throughout, because they sense that they may be at risk.

And so I appreciate your testimony today, from each of you. If you have further things, we will probably have some additional questions.

Ms. WATSON. Can I just add that over the last 20 years, Border Patrol agents have been shot, killed on duty, and yet day after day, night after night they still go out there in that dark foreboding land and patrol. And if we are talking about unsung heroes, I would say at this point in time the country needs to recognize that these men and women are actually unsung heroes trying to secure their country.

Mr. SOUDER. Thank you very much for your time.

Will the third panel come forward? There are two changes on this. Ms. Teresa Montano, Ms. Bertha Gonzalez. Mr. Steve Otto, who I should have mentioned in the initial—who I neglected to mention—from the San Ysidro Business Association, and Mrs. Viviana Ibanez.

Mr. SOUDER. I forgot to swear the last panel in, so I will have to make a written note. So when we start here I am going to swear you in. For the record most committees don't do it. Because we are Government Reform and Oversight. We are now part of the committee that did the China investigation, the White House Travel Office, the FBI files, Waco.

But because a lot of what we do, like on the Peruvian shootdown, where the plane was shot down, when we take that, we swear the witnesses in, because it is needed in documenting our record.

So it is nothing that really deals with you; it deals with the committee. But we appreciate you coming today. I think I will swear the three of you in and then we will get started.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses answered in the affirmative.

STATEMENTS OF TERESA MONTANO, HUMAN RESOURCES MANAGER, SOUTHWEST MARINE, UNITED STATES AND NORTH SAN DIEGO DIVISION, ON BEHALF OF U.S. MARINE REPAIR WEST; BERTA ALICIA GONZALEZ, VICE PRESIDENT, SAN YSIDRO CHAMBER OF COMMERCE; VIVIANA IBANEZ, INTERNATIONAL AFFAIRS COORDINATOR, SAN DIEGO CHAMBER OF COMMERCE; AND STEVE OTTO, EXECUTIVE DIRECTOR, SAN YSIDRO BUSINESS ASSOCIATION

Mr. SOUDER. Ms. Montano, would you start?

Ms. MONTANO. Sure. Distinguished committee members and Congressman Filner, it is my privilege to be here representing U.S. Marine Repair and our president, Monte Dickinson, who is on travel and regrets he could not be here.

U.S. Marine is America's largest non-nuclear ship repair and modernization conversion company. My name is Terri Montano, and I am Human Resources Manager for Southwest Marine, United States and North San Diego Division. Approximately 300 of our employees live across the border in Mexico and commute to work daily.

While it has always been a challenge to come across the border and arrive at work on time, the situation became almost impossible after September 11th. In the days following the attacks Susana Samaniego, one of my staff members, waited up to 8 hours to cross the border. She finally purchased a bike parked south of the border and peddled through the border crossing. This greatly improved her travel time. Several other Southwest Marine employees did the same, some borrowing their kids' bicycles. While everyone understood the reason for the delays, many feared for their jobs. In the months that have followed the travel situation at the border has improved.

Prior to September 11th there were only two lanes crossing into the United States open before 5 a.m. This made it very difficult to arrive at work by 6 a.m., the starting time for our production employees. Many of our employees who lived in Tijuana and the bordering towns had to leave their homes as early as 3 a.m. in order to arrive at work at 6 and 7 a.m. Their average wait time was between 45 minutes and 1 hour and a half.

Beginning this year there are now 14 lanes open before 5 a.m. Now the crossing times are a more reasonable 20 minutes.

Ysidro Gutierrez, a shipfitter in our Structural Department, is very happy about the change. She said that the fact that they have opened all 14 lanes is great. I hope they keep it that way.

We at Southwest Marine recognize the critical importance of our country's security, especially in these times. We are in the business of helping the government ensure security of our citizens by enhancing the readiness of the Navy's fleet of ships.

The border checks are critical to ensure our safety and stop the flow of drugs into this country. At the same time it is important to our economy to ease travel for those taxpaying individuals who enter the country legally for their livelihood.

The answer is not minimizing the scrutiny and security checks that individuals are subjected to when they cross the border. The answer, in our opinion, is continuing and possibly intensifying the

current practice of manning the border appropriately at peak commute times.

Thank you for your attention and for inviting me to speak on behalf of Mr. Dickinson and our employees.

[The prepared statement of Ms. Montano follows:]

Distinguished Committee Members,

It is my privilege to be here representing Southwest Marine and our President, Monty Dickinson. My name is Teresa Montaño. I am the Human Resources Manager for Southwest Marine's San Diego Division. As Human Resources Manager, I am aware that approximately 300 of our employees live across the border in Mexico and commute to work daily. While it has always been a challenge to come across the border and arrive at work on time, the situation became almost impossible after September 11th. In the days following the attack, Susana Samaniego, one of my staff members, waited up to eight hours to cross the border. She finally purchased a bicycle, parked south of the border and pedaled through the border crossing. This greatly improved her travel time. Several other Southwest Marine employees did the same, some borrowing their kid's bicycles. While everyone understood the reason for the delays, many feared for their jobs.

In the months that have followed, the situation at the border has improved. Prior to September 11th, there were only two lanes, crossing into the United States, open before 5:00 a.m. This made it very difficult to arrive at work by 6:00 a.m., the starting time for our production employees. Many of our employees, who live in Tijuana and the bordering towns, had to leave their homes as early as 3:00 a.m. in order to arrive at work at 6:00 & 7:00 a.m. Their average wait time at the border was between 45 minutes to 1 hour and a half. Beginning this year, there are now 14 lanes open before 5:00 a.m. Now, the crossing times are a more reasonable 20 minutes. Isidro Gutierrez, a Shipfitter in our Structural Department is very happy about the change. He said, "The fact that they've opened all 14 lanes is great! I hope they keep it that way!"

We at Southwest Marine recognize the importance of our country's security, especially in these times. The border checks are critical to ensure our safety and stop the flow of drugs into this country. At the same time, it is important to our economy to ease travel for those tax-paying individuals who enter this country for their livelihood. The answer is not minimizing the scrutiny that individuals are subjected to when they cross the border. The answer, in our opinion, is continuing with the current practice of manning the border appropriately at peak commute times. Thank you for your attention.

Mr. SOUDER. Thank you for coming.

Ms. Gonzalez.

Ms. GONZALEZ. My name is Berta Alicia Gonzalez. I am the vice president of the San Ysidro Chamber of Commerce in San Ysidro. I live in San Ysidro, and I have been in business for the last 42 years. My business is located about 500 feet away from the border, so I am very involved in the community. I am an advocate of businesses there and health, education, etc.

And the last—after September 11th, our business community was almost stopped. Nothing happened. It was very sad at that time to see my peers and I and everybody wondering, because we don't know, we were very sad, very sorry for what happened. At the same time we have no business to cover the expenses. I am talking about small businesses. So we reach out and call our Congressman, Mr. Filner, and he help us. He has helped us, and is helping us very, very much. The least he did is encourage us to continue to give us the strength to continue in our business.

We have formed together with San Ysidro Business Association. We have several hearings, and we are requesting from the Federal Government, from the President, to have—I always forget that word—to have a state of economic emergency for the businesses.

But we are not only asking for the business to be helped, but we like to have more security at the border and have support moneywise so we would have more agents in the immigration and customs in San Ysidro, but border—well, it doesn't matter—and to increase the crossing of the border.

You people there cannot recite—other people to live in San Ysidro cannot experience what we did. We are there with this day-to-day and we did experience that. Now, we are happy to see more cars in the street. And also, due to the fact that it was problems by crossing the border, I think that we have 24,000 bikes in our border. Also, we are requesting the use of the crossing with the Century, that card allows you to cross faster into the United States.

United States; San Ysidro, San Diego and Tijuana we are a region. I have relatives in Tijuana. My relatives come to visit me. And if you talk to nobody of Spanish descendants, we have that situation. They don't come only to visit us, they come to shop and we depend on the shoppers in San Ysidro and Tijuana to have our business. They shop at small stores like ours, but they also shop in bigger stores. They are neighbors and they use—we share cultural events, industrial, health, education, scientific. We have meetings constantly with these people that meet to exchange information.

Also we have the police. Different authorities meet together to solve the problems of traffic, drug traffic and other things. We are here today to let you know that we need your support when Mr. Filner goes to you in a presentation of San Diego. And please listen to him and you are listening to the people and this panel represents in this area. As more people—we are not—we don't have enough money, we have small businesses to make a living, not that to become rich, and it is the way we work.

I have five children and all of my children are professionals, thanks to my small business. And that is my will, to have my fam-

ily educated, my neighbors educated, to have more business, to have more integrated in society, Tijuana as well as San Ysidro, and we expect to have more security, and that transforms into money. Important in that respect. Thank you.

Mr. SOUDER. Thank you very much.

Ms. Ibanez.

Ms. IBANEZ. Good morning, Chairman Souder, Congressman Filner. My name is Viviana Ibanez, and I represent the San Diego Regional Chamber of Commerce. However, my comments this morning also represent those of the Altadena Chamber of Commerce.

Since the September 11th attacks our ports of entry have been on a heightened security alert. Heightened security during this time is necessary. However, because of long years of inadequate resources our ports of entry, these security measures have caused excessive delays at our borders, affecting our local businesses as well as those of Baja, California.

Residents of Baja, California are not crossing the border as often as they did in the past because of the long waits. Border waits were already at an all time high prior to the attacks, as lines of up to 180 vehicles and one and a half hour waits to cross the border were common.

We understand the current situation demands greater security af our ports of entry, but we are also aware of the tremendous impact the security is having on our businesses. In some areas the lack of Mexican shoppers has cost a decrease in store sales of up to 80 percent.

The majority of border crossings, slightly less than 70 percent, are by foreign nationals, most of whom are Mexican citizens. Border crossings total nearly 60 million annually. Stores in the south region of San Diego often have a bigger ratio of customers from Mexico. In total, sales to Mexican citizens represent $3 billion in retail sales for San Diego businesses, reflecting our inextricably linked economy.

The San Ysidro port of entry has 24 inspection gates for vehicles going northbound from Tijuana to California with an average of 16 to 17 gates open on a daily basis. According to the Immigration and Naturalization Service, one of the main reasons for these long lines is the lack of personnel. Recent studies showed that at least 100 officers are needed at the Otay Mesa and San Ysidro ports of entry to keep up with the demand of the growing and active region of Tijuana-San Diego.

With a population of almost five million people the, San Diego-Baja, California region constitutes the single largest urban area along the U.S.-Mexico border. If all 24 gates were functioning we would be able to maintain our security while expediting traffic and moving legitimate business people into and out of the country. Additional agents are required to fully staff the border and to carry out additional security activities.

The local offices of INS have been very successful in implementing the Century Program, also known as Dedicated Commuter Link. Applicants to the Century Program go through an extensive background check and are easily identified residents of the region. Pre-clearing these individuals liberates human and infrastructure resources of the ports of entry that can be better employed to focus

law enforcement procedures on nonfrequent users who are higher security risks.

Expanding the Dedicated Commuter Link Program is one of the best and most effective investments the government can make for improving security at the border. Individuals who register for the Century Program in San Diego are fingerprinted and undergo rigorous background checks. They are known and easily identifiable residents of the border area with family jobs and economic interests in the region.

We are certain that the purchase and implementation of technologically advanced equipment will assist in inspections so that time consuming and labor intensive searches can be minimized, at the same time that we have greater control of who enters the United States.

The importance of our southerly routes cannot be underestimated. We need to act and we need to do it quickly before our small business are affected in a deeper way. We ask that you please help us advocate for the appropriation of funding increases for additional inspectors at the world's busiest port of entry, the San Diego-Tijuana region.

Thank you very much.

[The prepared statement of Ms. Ibanez follows:]

By Viviana Ibañez

Since the September 11th attacks, our ports of entry have been on a heightened security alert. Heightened security during these times is necessary. However, because of long years of inadequate resources at our ports of entry, these security measures have caused excessive delays at our borders, affecting our local businesses as well as those of Baja California. Residents of Baja California are not crossing the border as often as they did in the past because of the long waits. Border waits were already at an all time high prior to the attacks. Lines of up to 180 vehicles and one and-a-half hour waits to cross the border were common.

We understand the current situation demands greater security at our ports of entry, but we are also aware of the tremendous impact this security is having on our businesses. In some areas, the lack of Mexican shoppers has caused a decrease in store sales of up to 80%. The majority of border crossings, slightly less than 70 percent, are by foreign nationals, most of whom are Mexican citizens. Border crossings total nearly 60 million annually. Stores in the South region of San Diego often have a bigger ratio of customers from Mexico. In total, sales to Mexican citizens represent $3 billion in retail sales for San Diego businesses, reflecting our inextricably linked economies

The San Ysidro port of entry has 24 inspection gates for vehicles going northbound from Tijuana to California, with an average of 16 to 17 gates open on a daily basis. According to the Immigration and Naturalization Service, one of the main reasons for these long lines is the lack of personnel. Recent studies showed that at least 100 officers are needed at the Otay Mesa and San Ysidro ports of entry to keep up with the demand of the growing and active region of Tijuana and San Diego. With a population of almost 5 million people, the San Diego-Baja California region constitutes the single largest urban area along the US-Mexico border.

If all 24 gates were functioning, we would be able to maintain our security alert while expediting traffic and moving legitimate goods and people into and out of the country. Additional agents are required to fully staff the border and to carry out additional security activities.

The local offices of INS have been very successful in implementing the SENTRI program also known as Dedicated Commuter Lanes.

Applicants to the SENTRI program go through an extensive background check and are easily identified residents of the region. Pre-clearing these individuals liberates human and infrastructure resources at the ports of entry that can then

be better employed to focus law enforcement procedures on non-frequent users who are higher security risks. Expanding the dedicated commuter lane program is one of the best and most effective investments the government can make for improving security at the border. Individuals who register for the SENTRI Program in San Diego are fingerprinted and undergo rigorous background checks. They are known and easily identifiable residents of the border area, with family, jobs and economic interests in the region. (SD Dialogue)

We are certain that the purchase and implementation of technologically advanced equipment will assist in inspections so that time consuming and labor-intensive searches can be minimized at the same time that we have greater control of who enters the United States.

The importance of our southern neighbors cannot be underestimated, we need to act and we need to do it quickly before our small businesses are affected in a deeper way. We ask that you please help us advocate for the appropriation of funding increases for additional inspectors at the world's busiest port of entry: the San Diego-Tijuana region.

Mr. SOUDER. Thank you. Mr. Otto. We gave the oath so if you can stand up.

[witness sworn.]

Mr. SOUDER. Let the record show that the witness responded in the affirmative. So the second panel I forgot, so we have to have them fill out forms that in fact what they said was factual.

Thank you for coming, and we will hear your testimony.

Mr. OTTO. Good morning, Mr. Chairman and Congressman Filner. My name is Steve Otto. I am the Executive Director of the San Ysidro Business Association. We are the Business Improvement District designated by the city of San Diego. I am here this morning representing our more than 500 business members. These are mostly small businesses.

As I begin my remarks, I am sorry to note that this most important congressional field hearing is not being conducted at the border itself, which is only 15 miles away.

Better yet, if all of you could observe, for example, from the air, what we in San Ysidro experience every day, located as we are at the busiest land border crossing in the world, you would see immediately how the border serves a region with over a million people on either side of the border, San Ysidro being located within a very narrow funnel right in the middle.

The importance of an efficient border crossing process cannot be overstressed, as cross-border traffic contributes at least $3 billion annually to the local San Diego economy. And this does not take in to account the large number of persons who reside in Tijuana who enter the United States legally every day to work all around San Diego County; the cooks at Denny's Restaurant, the maids in La Jolla, the landscapers working in Del Mar, etc.

As vital as the international port of entry is to all of San Diego, it is the single most important factor driving the economy of San Ysidro, with an estimated 60 percent, at least, of all of our business generated by consumers legally crossing from Mexico. This was an economic fact of life before September 11th, when the quite necessary additional security measures were taken.

The result, however, has been and continues to be unacceptably long waits both for vehicles and pedestrians. In several surveys taken from our membership after the September 11th disaster, business was off typically from 30 to 60 percent and has begun to recover only recently, a situation of such economic consequence that the city of San Diego in December declared its border communities as in a state of economic emergency. This declaration was communicated to both President Bush and Governor Davis.

Quite simply put, how long can it be expected that a Mexican consumer, legally entering the United States, will wait in line to cross over the border to buy shoes in San Ysidro? Certainly no more than 30 minutes waiting in their car, or 20 minutes waiting in line to cross on foot.

And here it must be mentioned again, that the border is a two-way connector within a single region, every bit as important for Baja, California to attract visitors from our country. We need to be mindful of the negative impact that long border waits have in quashing southbound border crossings.

Why go to all of the trouble to drive down first from Oceanside to cross the border, and stopping first in San Ysidro to buy Mexican insurance, when you have to wait so long to come back?

In terms of recommendations on the efficient flow of commerce, travel and tourism, the San Ysidro Business Association calls on the Federal Government, one, to increase the numbers of border inspection personnel, both INS and Customs, such that all 24 vehicular and 8 pedestrian inspection booths are open at all times. Now, invariably, as was mentioned, three or four both vehicle and pedestrian posts are not opened all of the time, and that is further increasing the wait time.

I would mention that from an economic point of view a very good return on investment. I have heard—the word has been a hundred additional inspectors would cost something like $6 million. With a $3 billion contribution to the San Diego economy, that is a very good return on investment. I realize several jurisdictions are involved, though.

Second, to develop and put in place improved technologies that will allow inspectors to quickly access all appropriate data bases, and further to develop a computerized identification system for pedestrians, not just for people crossing in vehicles, but for pedestrians, in a manner similar to the current Century system.

Thank you for your attention.

[The prepared statement of Mr. Otto follows:]

SAN YSIDRO BUSINESS ASSOCIATION

"Commerce Beyond Borders"

4630 BORDER VILLAGE ROAD, SUITE 202, SAN YSIDRO, CA 92173
PHONE (619) 428-5200/5300 FAX (619) 428-5400

MY NAME IS STEVE OTTO, AND I'M THE EXECUTIVE DIRECTOR OF THE SAN YSIDRO BUSINESS ASSOCIATION, THE "BUSINESS IMPROVEMENT DISTRICT" DESIGNATED BY THE CITY OF SAN DIEGO.

I'M HERE THIS MORNING REPRESENTING OUR MORE THAN 550 BUSINESS MEMBERS, MOSTLY SMALL BUSINESSES.

AS I BEGIN MY REMARKS, I'M SORRY TO NOTE THAT THIS MOST IMPORTANT CONGRESSIONAL FIELD HEARING IS *NOT* BEING CONDUCTED AT THE BORDER ITSELF, WHICH IS ONLY 15 MILES AWAY.

BETTER YET, IF ALL OF YOU COULD OBSERVE, FOR EXAMPLE, FROM THE AIR, WHAT WE IN SAN YSIDRO EXPERIENCE EVERY DAY, LOCATED AS WE ARE AT THE BUSIEST LAND BORDER CROSSING IN THE WORLD.

YOU WOULD SEE IMMEDIATELY HOW THE BORDER SERVES A *REGION*, WITH OVER A MILLION PEOPLE ON EITHER SIDE OF THE BORDER, SAN YSIDRO BEING LOCATED WITHIN A NARROW FUNNEL IN THE MIDDLE.

THE IMPORTANCE OF AN EFFICIENT BORDER CROSSING PROCESS CANNOT BE OVERSTRESSED, AS CROSS BORDER TRAFFIC CONTRIBUTES AT LEAST $3 BILLION DOLLARS ANNUALLY TO THE LOCAL SAN DIEGO ECONOMY, AND THIS DOES NOT TAKE INTO ACCOUNT THE LARGE NUMBER OF PERSONS WHO RESIDE IN TIJUANA WHO ENTER THE US LEGALLY EVERY DAY TO WORK ALL AROUND SAN DIEGO COUNTY: THE COOKS AT DENNY'S RESTAURANTS, THE MAIDS IN LA JOLLA, THE LANDSCAPERS WORKING IN DEL MAR, ETC.

AS VITAL AS THE INTERNATIONAL PORT OF ENTRY IS TO ALL OF SAN DIEGO, IT IS THE *SINGLE* MOST IMPORTANT FACTOR DRIVING THE ECONOMY OF SAN YSIDRO, WITH AN ESTIMATED 60% OF ALL BUSINESS GENERATED BY CONSUMERS LEGALLY CROSSING FROM MEXICO.

THIS WAS AN ECONOMIC FACT OF LIFE *BEFORE* SEPTEMBER 11TH, WHEN THE QUITE NECESSARY ADDITIONAL SECURITY MEASURES WERE TAKEN. THE RESULT, HOWEVER, HAS BEEN, AND CONTINUES TO BE, UNACCEPTABLY LONG WAITS BOTH FOR VEHICLES AND PEDESTRIANS.

IN SEVERAL SURVEYS TAKEN FROM OUR MEMBERSHIP AFTER THE "9/11 " DISASTER, BUSINESS WAS OFF TYPICALLY FROM 30 TO 60%, AND HAS ONLY BEGAN TO RECOVER RECENTLY-- A SITUATION OF SUCH ECONOMIC CONSEQUENCE THAT THE CITY OF SAN DIEGO, IN DECEMBER, DECLARED ITS BORDER COMMUNITIES AS IN A STATE OF ECONOMIC EMERGENCY. THIS DECLARATION WAS COMMUNICATED TO BOTH PRESIDENT BUSH AND GOVERNOR DAVIS.

QUITE SIMPLY PUT: HOW LONG CAN IT BE EXPECTED THAT A MEXICAN CONSUMER LEGALLY ENTERING THE US WILL WAIT IN LINE TO CROSS OVER THE BORDER TO BUY SHOES IN SAN YSIDRO?! CERTAINLY NO MORE THAN THIRTY MINUTES WAITING IN THEIR CAR OR TWENTY MINUTES WAITING TO CROSS ON FOOT!

AND HERE, IT MUST BE MENTIONED THAT THE BORDER IS A TWO-WAY CONNECTOR WITHIN A SINGLE REGION, EVERY BIT AS IMPORTANT FOR BAJA CALIFORNIA TO ATTRACT VISITORS FROM OUR COUNTRY. WE NEED TO BE MINDFUL OF THE NEGATIVE IMPACT THAT LONG BORDER WAITS HAVE IN QUASHING SOUTHBOUND BORDER CROSSINGS. WHY GO TO THE TROUBLE TO DRIVE DOWN FROM OCEANSIDE TO CROSS THE BORDER-- AND STOPPING *FIRST* IN SAN YSIDRO TO BUY MEXICAN INSURANCE, ETC.-- WHEN YOU HAVE TO WAIT SO LONG?!

IN TERMS OF RECOMMENDATIONS ON THE "EFFICIENT FLOW OF COMMERCE, TRAVEL AND TOURISM," THE SAN YSIDRO BUSINESS ASSOCIATION CALLS ON THE FEDERAL GOVERNMENT:

1. TO INCREASE THE NUMBERS OF BORDER INSPECTION PERSONNEL, BOTH INS AND CUSTOMS, SUCH THAT *ALL* 24 VEHICULAR AND 8 PEDESTRIAN INSPECTION BOOTHS ARE OPEN AT ALL TIMES. NOW, INVARIABLY, THREE OR FOUR OF BOTH VEHICLE *AND* PEDESTRIAN INSPECTION POSTS ARE ALMOST ALWAYS *NOT* OPEN ALL OF THE TIME, WHICH FURTHER INCREASES THE WAIT TIME.

2. TO DEVELOP AND PUT IN PLACE IMPROVED TECHNOLOGIES THAT WILL ALLOW INSPECTORS TO QUICKLY ACCESS ALL APPROPRIATE DATABASES, AND FURTHER TO DEVELOP A COMPUTERIZED IDENTIFICATION CARD SYSTEM FOR *PEDESTRIANS* IN A MANNER SIMILAR TO THAT NOW AVAILABLE FOR *VEHICLES* (I.E. THE SENTRI SYSTEM).

THANK YOU FOR YOUR ATTENTION.

Mr. SOUDER. Thank you very much.

Let me first state that for a variety of reasons we—but we attempted to have the hearing at the border. There were several things that impeded that; namely, we had to try to have them at a public facility and we were told that there was not one large enough. We also at the last minute, due to me, switched from Nogales to here, which meant that we didn't have as much timeframe. But we generally have them on the border, and we attempted to do this in San Ysidro.

The one reason it wasn't quite as urgent in some ways is because I and our committee staff have been at San Ysidro and along the California border several times, and obviously Mr. Filner has, too. But I think—I wanted to make sure that the record shows that we generally try to do that, and I appreciate the importance of that.

One of the questions we were kind of talking about on the last panel indirectly, but I would like to hear from your business groups, do you meet with your counterparts on the Mexican side of the border, one? Do you raise to them about how they are adjusting to September 11th in the sense of security?

Are they doing more pre-screening? Are they willing to help more closely with us in law enforcement? Are they willing to put political pressure on their side as well, because we have had problems in this zone before? Because it is truly mutually beneficial, and I wonder whether you have had discussions, what their reactions have been since September 11th.

Ms. IBANEZ. Yes, we do have, and we talk to the people in Tijuana, and they are working as hard as we are. They are being very selective. In fact, they have at the border some police, I would say policemen, they are officers, when we cross from Tijuana into the United States. They are also—the Chambers of Commerce in Tijuana is working very diligently not only Tijuana but also Rosarito, Ensenada, Tecate, Mexicali. They are working together to have a very much improvement in the relationship with the United States. They are working very diligently in that respect, and they have improved—and I think that security is more of—you can see it, the difference.

I don't know if I make sense. They are helping.

Mr. SOUDER. I understand what you are saying. You are seeing increasing recognition on their side of the border as well, because to the degree that there is a higher degree of confidence in—it is not their job to do our work, but, and I think it is important for us to recognize that the amount of dollars, particularly in the narcotics trade, but also quite frankly right now you can see at San Ysidro pharmacies lined up on both sides, and the prescriptions coming across too for American citizens. I don't want to underestimate the illegal dollars that move through, because they are huge.

But the number of people who are dependent on those illegal dollars are few. Those dollars can occasionally buy favors here and there, but most of the people have a legitimate business for them, and that they need to work with us to keep pressure on the Mexican side of the border, because the degree that there is the confidence that is less stuff coming across, there won't need to be the same type of pressures. We are having the same pressure—I was up in Ottawa meeting with the Canadian officials, because the de-

gree that they do a better job of screening, prescreening and control the border as well, it works both directions. And the business community is the most likely to have the connections back and forth across the border.

And your employees that move across daily, who choose to live in Mexico come and work, to the degree that they can speak to their officials, look, this can't all be the Americans doing all of this or we will tie up the borders and everybody's business will go down.

Ms. IBANEZ. I would like to comment on that question as well. As far as San Diego Chamber of Commerce goes, we have—actually it was only yesterday night that we came back from a trip to Washington, DC, precisely to advocate members of the Appropriations Committee for INS and U.S. Customs.

Prior to the trip, this trip had representation from the city of San Diego, from County Board of Supervisors, as well as several companies, private companies here in San Diego, such as Qualcom, Gateway, etc. But we extended invitations to the Governor of Baja, California, as well as the mayors of the five municipalities. Unfortunately, because of their budget process, etc., they were not able to join us. However, they said, if you need to mention our names, that we support you, that we are fully behind you on this, please do so, because they are aware of how it is not only affecting us but them as well.

I mean, San Diego and Tijuana are so interdependent on each other that when something happens to one city it immediately affects the other one, whether it is social, economic or whatever.

And also one of our meetings in Washington, DC, was with the Mexican ambassador to the United States. Same thing. He has had conversations with President Fox about the issue and they are concerned in looking at the best ways to improve it.

So the answer to all of your questions is yes at all levels, being State, local and Federal.

Mr. SOUDER. And one of the things that I strongly encourage you to raise directly with them is the pay levels of their law enforcement, that we are—you heard us talking about we know that we have to do it on our side, that is going to take up a certain amount of dollars out of the $11 billion in the border issue, in trying to do that as well as hire new agents.

But their law enforcement agents are paid so little, not only in Mexico but elsewhere, that the potential and confidence that we have in the corruption is difficult. I mean, it is—if you can't feed your family, you are going to look for other ways to do it. This is not Mexico, but in Guatemala the policemen have to pay their own gas and their own bullets, and they basically hide out. They take 60 percent of their gas allotment to get to the gas station, fill up, then they come back and they hide out. The good thing is they don't shoot a lot of people unnecessarily because they have to buy the bullets.

But it shows how poorly funded a lot of the law enforcement is, and the business community needs to see that if there is a squeezing of the revenues side because we don't have confidence, that there is a direct relationship to paying out in the area of law enforcement.

You are our best group to make that point, because you deal with them on a daily basis.

Ms. IBANEZ. Yes, and we are aware of the fact that the lower the wage is, probably the more tempted, you know, that they are to do these things. However, we are also in partnership with them. We have—on a program of housing for police officers. The Chamber has a Housing Committee among many others. But that is one of the issues that we are working on with them.

Mr. SOUDER. And we historically, and we need to look at creative ways to train and give assistance across the board. It is not that we are unwilling to help in their law enforcement areas like we do in other countries.

Mr. Filner.

Mr. FILNER. Thank you, Mr. Chairman.

The question you raised, by the way, is extremely important about Mexican cooperation, and many of us have been working—trying to work with our counterparts. As you know, the President of Mexico in his discussions with President Bush has indicated a new willingness to be involved in those issues. We here locally meet with the Governor of Baja, California, and mayors of the various cities and deputies who are our counterparts, and that is improving every day. And I think there is a recognition of just this issue that you raised.

I want to thank these folks again for coming to the panel. They are struggling every day with their business needs. You see before you, Mr. Chairman, the two panels. There is a schizophrenia in this region, the way the border is used, and therefore the first panel is not clear which way to go.

This is not just a resource question, but a political question in the broadest sense; that is, if the border becomes too convenient then the last panel comes in and has their demonstrations. Then it becomes too difficult, then these folks come in, and the Customs and INS are not sure which way to go. So until there is a real consensus, which of course political leaders, business leaders, community people are involved in, we need to have the sense that the border does have problems, which we need to recognize. And terrorism is one, but the opportunities for improvement are vast, and we have to work on those, too. That is the balance that we are creating.

And you see here—I mean, I think some of the employees that were mentioned are not just Mexican citizens who are legally working here, they are U.S. citizens who for one reason or another choose to live on the other side of the border. So we are talking about a truly binational community. And these folks represent the business areas. The families would testify the same way. The families on both sides of the border, cultural relationships, educational ties.

So I have tried to advocate on behalf of these folks the resources that are needed, and I think in the homeland security budget those resources have been provided. The question is how they are allocated, north, south, across the border, and I have been fighting to get the positions we need here.

Again, thank you very much for being here. I think the testimony you provided gives us education in Washington about the needs.

They recognize that security has to come first. They recognize they don't want terrorists here, but they need to conduct their business. They need to carry out—and their business is the business of America.

I mean what Southwest Marine is doing, as was stated, is for the security of the United States in their ship work. And the small businesses are the fabric of our American economy, as you would, I think, agree with me. So they are fighting for America in their daily work, and we need to help.

Thank you, Mr. Chairman. Thank you again for coming here. It is really—people here really appreciate it, being here today.

Mr. SOUDER. Thank you. I wanted to ask a couple of ones, follow-up on the—I can't remember, and I apologize, who said that. I think maybe it was you, Ms. Gonzalez, that you could live with 20 minutes, or maybe Mr. Otto, that there are—how long will people wait in a car? Obviously you would like no wait. The question is, where are realistic targets here?

Mr. OTTO. For the discretionary shopper, I think that was the issue. But the people crossing daily to work or to visit family is one thing, but the discretionary shopper, and rightly or wrongly our community is totally dependent, very overwhelmingly dependent on that business from Mexico.

So I think I might wait in line 15 minutes to buy shoes. But, gee, that time is money, as we say. I could—for an extra $2, I could get the shoes somewhere else, in Tijuana as well. So that is an issue.

Mr. SOUDER. Where I have some disagreement, but it will—it is not a disagreement that—let me state a couple of quick presumptions. Terrorism is not going to disappear, in fact it is actually going to increase. They may not be as successful in a dramatic way on our soil, but we have been getting hit every 6 months somewhere in the world. Different groups now see that they can succeed more. It is unclear whether the will of the American people or Congress, we kind of go in phases, we run to this issue, we run to that issue, depending on what the crisis is. But if we can sustain it, and indeed if the threat stays the same, that we may—I don't believe that we have enough money this year. That isn't a criticism of the President's budget or what we passed, because what we heard on the first panel is there is only so much we can absorb at a given time and not kind of—you have to have a logical ramp-up.

Some people wanted equipment at airports, which didn't seem unreasonable, that for example could have caught the one guy in Chicago with seven knives. Well, it takes a certain kind of equipment because while they already had some of the best equipment, but hard plastic is a different substance again. You can't walk down to Wal-Mart and buy these machines. It takes a while. This $11 billion that we have isn't a matter of how much is going to go to San Ysidro versus the Canadian border, and so on, and quite frankly up there they haven't had some of the equipment. Now that they are having to enforce the border a little tougher, they are a little further behind.

But to some degree these pieces of equipment, in addition to personnel, when you get the equipment, the intelligence screening behind it, we may not need as many new lanes if we can do as several of you suggested, different fast passes for pedestrian systems,

for cars, for trucks. Now we are starting to go exponentially in the cost of equipment, the implementation of the intelligence system behind it, the cards, with—Border Patrol is important, Customs agents on the border are important. But a lot of this money is going to get burned up and utilized in the infrastructure system, because our goal is to try to make—trying to find where is that reasonable wait time with the heightened security levels, and knowing that in a criminal sense if we squeeze at San Ysidro, we squirt it out, and therefore where is a reasonable wait so we don't just chase the problem. That is really what our struggle is.

Mr. OTTO. Just to followup on this fast pass thing, part of my plan was to advocate that just as strongly for pedestrians. Earlier on you were talking about user fees, not that I am advocating—because I basically—I believe the Century system for vehicles is—it pays for itself. And it seems to me that forms a kind of a model, because people that have that fast pass Century they come right across driving in a very few minutes. That is rather efficient. We are talking about an efficient border crossing. So the technologies can work for us, and the users could offset the cost.

Mr. SOUDER. And we agree. And we are—Mr. Filner earlier, jokingly I hoped, referred to me as an extremist. I want to show the record that I am a conservative. But whether he is more liberal, I am more conservative than he is, the fact is that both parties need to be working together to try to address these questions and working with the business community, with individual citizens, with workers, the degree that you can provide any additional testimony for this hearing record as we work toward our report, some specifics like you gave on the number of people who cross each day.

For example, in Detroit they hammered us with 1,400—between 12 and 1,600, but roughly 1,400 nurses a day cross to Detroit hospitals. When it went to 4 to 6 hours, all of a sudden hospitals weren't staffed. That—trying to figure out what is a workable time, and then to the degree that you can find other companies in your Chamber here that may have in San Diego and San Ysidro, in our communities, some specific examples like that that we can communicate the tradeoff, and then also in these times how it is different, because most of those people are going to cross at rush hour and not in between. People are working with scheduling patterns and trying to address that for even flow. We are probably not going to man every place 24 hours.

The question is if we can get those lanes open at the peak times when people are crossing, and what is this actually going to cost us, and then over time as we move to better clearance systems, as we move to more equipment that can—ideally we will get something in the car. Literally when we were at Detroit just the other week, they caught a SUV going through with—the second one went through, the guy, same story, caught him with his whole sides were full. Hey, I think this guy ought to go to secondary. And his whole SUV was jammed with BC bud marijuana. Now that sells on the streets for as much as cocaine because of its kick. This is just marijuana. This stuff sells for higher than cocaine because of the THC component, and it is wiping out people in towns. And his vehicle was loaded with it. To look at it, it was a rental, you would have never thought to pull it over.

To the degree we get better scanners, it won't take as long because you just go on through if you have the passes too, if the authorities on both sides of the border can do that.

The other thing, by the way, which I just want to have the record show, because we are going to have another hearing tomorrow up in Los Angeles, and we know when we squeeze the land border that they move along the ground farther east and depending how far down, they go even up through Eagle Pass, stories from ranchers where people were running through in the hundreds. But the water and boats can land anywhere on the coast or go to air. People think, well, LAX or San Diego. They go to these little airports. We haven't even begun to address how to deal with—like the kid in Tampa takes a plane and runs it into a building. We don't have any security process at those small airports. So this is a massive problem to the degree that at the largest land border we can use this as a model and show that you can indeed even use it in a large thing, mass border where you have the most people crossing.

Detroit has this at most commercial crossings. If we can make them work in those places we ought to be able to make it work elsewhere. Your testimony is a help in that. My sympathy goes out. Our family has had a small business since 1970, and I know the struggles. I know when you get a hit, this is like our equivalent of a winter storm where you go down 80 percent. You don't have that much stored away with which to survive. So I appreciate working with Mr. Filner and the Border Caucus.

Anything else you want to say?

Thank you for coming today. Your testimony will be in the record. We will make sure that you get copies of that. Anything else you want to insert, it would be helpful for us to have talking points. We would appreciate that.

With that, this hearing stands adjourned.

[Whereupon, at 12 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources
"Improving Security and Facilitating Commerce at the Southern Border"
San Diego, California

Question: For the record, what additional personnel do you need to manage each of the border crossings and ports of entry in your region effectively and how rapidly should they be added?

Answer: Resource needs are not unique to San Diego. The U.S. Customs Service has a national need for increased staffing to support our continuing efforts in combating drug smuggling and terrorism. In FY 2002 alone, we area adding approximately 840 new inspectional personnel to border crossings and seaports nationally. We expect to continue this staffing initiative in to FY 2003.

The Customs Service continues to work with the Administration and Congress to address and fund our staffing needs.

Question: Please provide us with data concerning the prior occupations of new recruits in your region, including the percentages of new recruits who come from other federal law enforcement agencies, from state and local enforcement agencies, and from the military.

Answer: We do not electronically maintain data on prior occupations of new Customs employees. However, historically, we would estimate that about 5% of recruits have been from other Federal agencies (principally INS and Border Patrol) and 20-25% have been from the military (all branches).

Question: In addition to new personnel, what new infrastructure and equipment will be required in your region?

San Ysidro Port of Entry
This Port of Entry is a 24-hour port and is the busiest land border crossing in the world. It has been operating beyond capacity for some time. There is "NO" expansion space available at this port of entry. On both sides of the border urban development has grown to surround the facility and lock it in. The only potential for expansion in the future might involve reuse of the vacated Virginia Avenue facility. The development of the Virginia Avenue facility could allow southbound traffic to be rerouted through that facility, thus allowing conversion of the existing southbound lanes at San Ysidro to northbound lanes. This would provide space for installation of additional northbound primary inspection booths for processing passenger vehicles.

Tecate Port of Entry
The Tecate Port of Entry was opened in 1933 and is open from 0600 to 2400 daily. The General Services Administration is in the contract bid process of a Capital Improvement Project for port expansion. This project will significantly enhance the ability for all FIS agencies to achieve operational goals. This project is scheduled to begin construction in late 2002. The first phase of construction is estimated for completion in December 2003. However, funding to complete the project has "NOT" been allocated.

Equipment:
We have a need for software, hardware and other support equipment for the installation of screening and area security systems based on biometrics/facial recognition technologies. This includes cameras, computers, fiber optic cabling and lighting improvements. Also, as new Inspectors come on board appropriate support equipment will be needed such as radios, gunlockers, firearms etc.

Question: During the hearing, we briefly discussed the efforts taken to screen passengers, luggage and cargo on trains crossing the border. For the record, please describe this process, and whether any changes are contemplated. Are any new rail VACIS units going to be added in this region?

Answer:

Passengers: Total rail passenger traffic consists of one train a week with approximately 200 passengers. This is a round trip tour from Campo to Tecate, Mexico and back. There is currently no passenger processing facility – all clearance procedures are accomplished on the train. TECS checks are done back at the Port of Tecate based on pre-arrival information provided by the railroad.

Cargo: The most significant rail operation in this CMC is at Calexico - one train per day (30-40 cars). Immediately upon arrival at the gate the training is stopped and Inspectors check crew documentation. Border Patrol is normally also present to assist. The train is then allowed to proceed at 5 mph so Inspectors and Border Patrol can visually inspect for persons or packages on the outside of the rail cars. If necessary the train can be stopped via radio communication.

The train proceeds to the rail yard ½ mile from the point of entry where Inspectors do a more thorough inspection such as climbing into hoppers and examining the interiors of gondolas and boxcars. It is also here where Canine screening takes place.

There have been numerous marijuana seizures, all of which were found concealed in the undercarriage or wedged in the angled areas of the hoppers.

At San Ysidro northbound traffic consists of empty rail cars only. Inspection procedures are as outlined above.

New Rail VACIS:
Rail VACIS installations are scheduled for Calexico and San Ysidro.

Question: Please describe how the border crossing in this region are participating in the development of Customs Automated Commercial Environment ("ACE").

Answer: The Customs Modernization Office (CMO) is working with a consortium of contractors called the e Customs Partnership (eCP) to plan, design and build the Automated Commercial Environment (ACE). ACE is a collaborative effort among Customs, Participating Government Agencies (PGAs), various segments of the tradecommunity, our oversight agencies, and Customs headquarters and field offices.

- ACE is a four year modernization program with early delivery of increased functionality, to include:
- Account Based Processing for efficiency to all parties, the trade community and government agencies;
- Automated Truck Manifest System to provide enhanced border security and better enforcement;
- e-Release Processing for expeditious release of compliant cargo and conveyances.

Customs has brought together several Subject Matter Experts (SMEs) from the field ,i.e., Customs Inspectors, Import Specialists, Entry Specialists and Account Managers, to assist in writing the requirements for these ACE deliverables. Approximately a third of these SMEs have worked in an operational capacity in Southern California field offices, including Los Angeles and San Ysidro.

Question: How effective has the predecessor to ACE, the Automated Commercial System ("ACS") been here? How widespread is the use of the Automated Manifest System component of ACS? How successful has it been? Could this program be improved and expanded? How many importers use customs brokers that participate in the Automated Broker Interface component of ACS? How successful has it been? Could this program be expanded or improved?

Answer: The Automated Commercial System has been extremely effective in Southern California. In the San Diego area, 97.66 percent of all entries are submitted to Customs electronically, using the Automated Commercial System.

In addition, 74 percent of all duty payments are made electronically, using the Automated Commercial System.

There are currently three automated manifest system applications within the Automated Commercial System. Their usage in the San Diego area is described below:

Ocean Manifest System:
Three major carriers regularly discharge cargo in the Port of San Diego, all three of who participate in AMS. Ocean AMS has been active in this port since October 2000.

Air Manifest System:
There are no AIR AMS carriers that have elected to automate in the Port of San Diego (2501). The four carriers who call in San Diego are automated in other Customs ports. However, it is probably not cost-effective for these carriers to automate in San Diego at this time due to low air waybill volume.

Rail Manifest System:
Rail AMS has been active in the Port of Calico since July 2001. There is one carrier who operates through this port and that carrier participates in AMS.

At this time, Customs feels that the trade community is taking advantage of the automated manifest systems in place and no expansion is needed.

A freeze has been placed on further enhancements to the Automated commercial System. Enhancements to or replacements of these systems will be made as part of the development of the Automated Commercial Environment (ACE).

Customs only keeps track of the number of entry filers. We do not capture the number of importers who use brokers versus the number of importers who self-file. However, as mentioned earlier, in the San Diego area, 97.66 percent of all entries are submitted to Customs electronically, using the Automated Broker Interface component of ACS.

The use of the electronic funds transfer within the southern California area could be expanded, since the participation level is 74 percent; on a nationwide basis, participation is at 81%.

Question: Are you seeing a significant amount of illegal smuggling of pharmaceuticals form Mexico? What kinds of pharmaceuticals are being brought here? Who is typically bringing them into the U.S., and how are they doing it?

Answer: We are seeing a large increase in over the counter pharmaceuticals being imported from Mexico. Many of these pharmaceuticals require a prescription from a physician in the United States but can be readily bought without a prescription in Mexico.

Travelers are importing a wide variety of pharmaceuticals that can be purchased in the Mexican pharmacies. Some common over the counter drugs that we see on a daily basis are painkillers, heart medicine, birth control pills, blood pressure medication, steroids and cancer treatment medications etc. These travelers are from both genders and cover a wide range of ages. They are legally importing their pharmaceuticals under the personal use exemption as set forth in the Chabot bill, which was passed in November 1998. The Chabot Bill allows U.S. residents to import up to a 90-day supply of prescription pharmaceuticals without a valid U.S. prescription and up to a 50-unit supply of a DEA schedule II through V pharmaceuticals without a valid U.S. prescription, provided that the pharmaceuticals are for the traveler's own personal use and the pharmaceuticals are in their original container.

We also encounter individuals who do not declare their medications and have them illegally concealed on their person, in their baggage and in their vehicles.

Question: What efforts does the Customs Service in your region take to keep local government, law enforcement, businesses and chambers of commerce informed of changes in policy at the border crossings and ports of entry?

Answer: Port and CMC managers and employees participate in a wide variety of meetings and collaborative efforts with staff from involved local government, law enforcement and business entities. These include:

Business Anti-Smuggling Coalition (BASC)
Chambers of Commerce (San Ysidro, Otay Mesa, Calexico)
Western Maquiladora Association (U.S./Mexico)
Consul General, Mexico (San Diego)
Consul General, USA (Tijuana)
Border Coordination Initiative (with INS).
Customs Brokers Associations (Otay Mesa, Calexico)

Also, US-Mexico Anti-Terrorism Negotiations have enhanced Customs Cooperation Initiatives:

Three Working Groups Established

- Border Working Group (Western Sub Group meets here in San Diego/Tijuana)
- Law Enforcement Group
- Technology Group

Briefing Paper

IDENTIFYING LOW RISK CROSSERS IN ORDER TO ENHANCE SECURITY AT PORTS OF ENTRY INTO THE UNITED STATES

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IDENTIFYING LOW RISK CROSSERS IN ORDER TO ENHANCE SECURITY AT PORTS OF ENTRY INTO THE UNITED STATES

Once low risk border crossers are identified, law-enforcement can be improved by exploring "alternative inspection systems that allow for facilitation of low risk travelers while focusing on high-risk travelers," as INS Commissioner James Ziglar has pointed out.[1] In other words, good, solid information on who is showing up at the border provides a better basis for law enforcement than trying to inspect thoroughly every vehicle and person when they show up at the ports of entry. Expediting the flow of low risk travelers across the border is also a boon to commerce and tourism.

Who Crosses the Border?

In 1994 San Diego Dialogue published the results of the only full-scale survey of border crossers that has been applied in the San Diego/Tijuana metropolitan region.[2] Close to 6,000 randomly selected interviews were held, in a manner that ensured that the survey population accurately reflected the flow of traffic. After the data were collected, wait times were obtained for the time of the survey's administration to develop a factor used to create a sample weight for each observation.

According to data from *Who Crosses the Border* provided by the INS and U.S. Customs Service at the time, northbound border crossings at the San Ysidro and Otay Mesa ports of entry were on average more than 5 million a month, making San Diego the most important port of entry into the United States. However, because of the extraordinary frequency with which a small group of citizens cross the border, many of them more than 20 times a month, it was calculated that the total number of crossers amounted to only 521,000 individuals, and the survey showed that these were distributed in the following manner:

Type of crosser	*Proportion of crossers*	*Number of crossers*	*Proportion of crossings*
Frequent crossers (4-19 times/month)	34.9%	182,000	96%
Very frequent (20 or more/month)	25.1%	131,000	
First time	17.3%	90,000	4%
Occasional (under one/month)	8.8%	46,000	
Low frequency (1-3 times/month)	13.8%	72,000	
TOTAL	100%	521,000	100%

Who Crosses the Border provided evidence that the vast majority of border crossings were made by only 300,000 or so residents of the San Diego/Tijuana region,[3] of which close to 40% where in

[1] Statement before the Senate Judiciary Committee. October 17, 2001.

[2] *Who Crosses the Border: A View of the San Diego/Tijuana Metropolitan Region.* A Report of San Diego Dialogue, April 1994.

[3] The number of frequent crossers that account for over 95% of all crossings might in fact be smaller than this. Social, commercial and economic trends suggest that the number of frequent crossers and the frequency of their crossings

fact American citizens. The survey also revealed that most of these travelers were willing to be investigated by United States federal agencies in order to receive pre-clearance for rapid access across the border.

The implications of these figures for law enforcement are great. If 150,000 frequent and very frequent crossers at the San Diego/Tijuana border could be enrolled into a preclearance and preenrollment program, the need for detailed inspections at the POEs could be reduced practically in half, which would generate a much greater capacity to address the inspection of high-risk travelers. If 300,000 frequent and very frequent crossers were enrolled, law-enforcement agencies would have detailed information, background checks and pre-clearance on border crossers accounting for more than 90% of all crossings, a fact that would greatly simplify and enhance border security.

These considerations were instrumental in the creation of the **Secure Electronic Network for Travelers' Rapid Inspection (SENTRI)** Program, which was designed by a team of law enforcement experts from the INS, U.S. Customs Service, Drug Enforcement Administration, Federal Bureau of Investigation, U.S. Department of Transportation, and the United States Attorney to the Southern District of California. The SENTRI Program identifies travelers who pose little risk to security in the San Diego-Mexico border, verifies their low risk status through extensive record checks, and screens approved participants and their vehicles, each and every time they enter the United States.

With the firm support of then San Diego Congresswoman Lynn Schenk, the United States Congress approved, in 1994, the implementation of the SENTRI lane program at Otay Mesa, which began the following year. The success of this pilot program led to the decision to expand the service to other U.S.-Mexico land ports of entry, most notably that in El Paso, Texas, and modified versions have been implemented at the border with Canada in Buffalo and in Detroit. To the satisfaction of the San Diego/Tijuana community, the SENTRI Program began operating at the San Ysidro port of entry starting in September of 2000.

The successful deployment of the SENTRI Program has confirmed to border authorities and community alike that dedicated commuter lanes are perhaps the best possible way of reconciling law enforcement and facilitation objectives, through the use of technology combined with a decentralized process of pre-clearing frequent users.[4] Experience has borne out the fact that applicants to the SENTRI Program are extremely low-risk for illegal activities, since they have to

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could have actually increased in the past 8 or 10 years, so that a smaller proportion of crossers at the San Diego/Tijuana border might now account for an even greater proportion of total crossings. In addition to this, recent statistics published by the U.S. Department of Transportation show that the combined number of crossings at San Ysidro and Otay Mesa are only around 4.2 million on average every month. This means that the total number of crossers today may be closer to only 400,000, of which fewer than 250,000 frequent and very frequent crossers would be responsible for over 95% of all crossings.,

[4] As Doris Meissner, commissioner of the INS throughout the Clinton administration, told the audience at the San Diego Dialogue Forum *Fronterizo* on December 13, SENTRI "is the best tool available and operational today to insure border security because it takes the guesswork away. It basically moves a vast majority of people who are lawful and law-abiding and allows the resources to be focused on the people who could be questionable, the people that are first time crossers, the people who are high risk...The SENTRI lanes really represent the wave of the future in this new era."

go through an extensive background check and are easily identified residents of the region. Pre-clearing these individuals liberates human and infrastructure resources at the ports of entry that can then be better employed to focus law enforcement procedures on non-frequent users who are higher security risks.

Security at the Border Can Best be Obtained by Expanding the Dedicated Commuter Lane Program and Introducing a Pedestrian Frequent Crosser Program

Expanding the dedicated commuter lane program is one of the best and most effective investments the government can make for improving security at the border. Individuals who register for the SENTRI Program in San Diego are fingerprinted and undergo background checks more rigorous than any they would be likely to face at a port of entry. They are known and easily identifiable residents of the border area, with family, jobs and economic interests in the region.

The SENTRI Program has been tried and shown effective. It is, however, expanding at a much slower rate than would be desirable for it to have a real impact on improving security and facilitation at the border. Only 12,500 people have been able to enroll in the program so far, and the rate of enrollment is approximately 560 a month.[5] SENTRI usage at San Ysidro has recently gone over the 70,000 vehicle crossings per month mark, but this is still a very small proportion – less than 6% - of the million and a quarter vehicles that on average cross this port of entry every month (see Appendix).

Long wait times of six months to apply for the Program and another three months or more to be approved, together with a cost of $129 per year, are a deterrent for potential users. Despite this fact, there is a long waiting list to join SENTRI. This suggests that a great number of border crossers are very interested in the program, and surely many more if the annual fee and the waiting time to enroll were to be reduced or eliminated.

The goal – to put it succinctly – should be to get all 300,000 or so low-risk frequent crossers into SENTRI or a similar program for pedestrians. This would do much to solve the security and the facilitation problems at the San Diego/Tijuana border and at many of the other ports of entry into the United States. To make participation in SENTRI more attractive, a reasonable goal would be to reduce the processing time for joining the program to a maximum of six weeks. The yearly fee should also be reduced or, alternatively, it should be made to count for five years instead of one, thereby cutting down on re-enrollment time and expenses.

The establishment of a Rapid Inspection Program for pedestrians would be as warranted and as effective as the SENTRI Program is in the case of passenger vehicle crossers. Pedestrian crossers have been particularly affected by enhanced security measures at the border after 9/11, and sometimes have to stand for two hours or more in unsheltered areas with no facilities. A frequent crosser program for pedestrians would be most successful if it is free of charge, as is the case with the INS Travelers' Rapid Inspection Programs in place for passengers at several U.S. airports.

[5] Nine thousand applicants have enrolled since September 2000, according to an INS report presented in early January of 2002.

Because of its experience with SENTRI and its high number of pedestrian crosser, San Ysidro is an excellent candidate to begin implementation of this type of program.[6]

There is no doubt that the crash enrollment program for SENTRI we are advocating will require more personnel, equipment and inter-agency cooperation. However, we are certain that the resources invested to expand programs like SENTRI will be more than compensated by the benefits of freeing part of the resources now being used for "normal" border inspections and by the enhanced capacity of law enforcement agencies to accomplish their mission.

Finally, it should be considered that the SENTRI Program is probably the best platform for developing the "fully automated and integrated entry-exit data collection system" that the INS is required to deploy at the 50 largest land ports of entry by the end of 2004 to "facilitate the lawful cross-border movement of persons and commerce without compromising the safety and security of the United States", according to the Data Management Improvement Act passed in 2000. To this end, the same technology used to identify SENTRI users on their way into the United States could be employed to register their departure from the country.

Legislation to Improve Border Security while Facilitating the Transit of Lawful Persons and Commerce

The San Diego community is very encouraged by new legislation presently being discussed in the United States Congress, particularly by the "Enhanced Border Security and Visa Entry Reform Act of 2001" recently approved by the House of Representatives (H.R. 3525) and currently being reviewed in the Senate (S. 1749). This proposed Bill recognizes the pivotal role that preenrollment and preclearance programs such as SENTRI can play in simultaneously improving border security and commerce. It does so by providing additional funds of $150 million each, to the INS and to U.S. Customs, for improving and expanding technology to enhance border security and facilitate the flow of commerce at the ports of entry, "including improving and expanding programs for preenrollment and preclearance" (Section 102).

In addition, the proposed Act would provide separate funds for installing equipment and software to allow biometric comparison of all travel documents issued to aliens at all ports of entry of the United States, no later than October 26, 2003.

We believe the biometric identification cards and scanners will go a long way towards solving the security and facilitation problems at the border, particularly in the case of pedestrian crossers. However, in the case of passenger vehicles, preenrollment and preclearance programs that utilize transponder technology should remain a high priority, given the benefits of segmenting the large flow of traffic which constantly arrives at the ports of entry.

Another feature of the proposed Act that we find attractive and in consonance with our own findings is the provision that "Federal agencies involved in border security may waive enrollment fees for tech-based programs to encourage alien participation in such programs". We could add that this will also encourage the participation of American citizens who, as was mentioned, may represent close to 40% of all frequent crossers in the San Diego border.

[6] The number of pedestrian crossings at San Ysidro in 2000 was over 7.5 million (see Appendix).

Legislation such as the *Enhanced Border Security Act* is needed to provide the SENTRI Program in our region a much needed boost. There is no better investment this country can make for improving border security and facilitating the lawful crossing of people and merchandise, than to enhance preenrollment and preclearance programs like SENTRI. And there is no better place than San Diego – birthplace of SENTRI and largest port of entry into the United States – for initiating the full expansion of this program and the incorporation of pedestrian frequent crossers into it.

Appendix: Border Crossing Statistics

Table 1. CROSSINGS INTO THE UNITED STATES THROUGH THE SAN YSIDRO AND OTAY MESA PORTS OF ENTRY: 1997-2000

	2000	1999	1998	1997
Otay Mesa, CA				
- Pedestrian crossings	648,756	684,047	619,158	621,517
- Passengers on buses	845,775	312,342	235,288	196,190
- Passengers in personal vehicles	10,659,498	9,856,055	9,518,925	8,362,058
Total Otay Mesa	12,154,029	10,852,444	10,373,371	9,179,765
San Ysidro, CA				
- Pedestrian crossings	7,542,450	7,558,174	6,909,382	7,046,923
- Passengers on buses	783,762	854,098	890,614	873,411
- Passengers in personal vehicles	31,025,343	33,593,034	31,844,311	29,069,523
Total San Ysidro	39,351,555	42,005,306	39,644,307	36,989,857
Otay Mesa + San Ysidro				
- Pedestrian crossings	8,191,206	8,242,221	7,528,540	7,668,440
- Passengers on buses	1,629,537	1,166,440	1,125,902	1,069,601
- Passengers in personal vehicles	41,684,841	43,449,089	41,363,236	37,431,581
Total Otay & San Ysidro	51,505,584	52,857,750	50,017,678	46,169,622

Source: U.S. Department of Transportation, Bureau of Transportation Statistics, based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

Table 2. VEHICLE CROSSINGS INTO THE UNITED STATES THROUGH THE SAN YSIDRO AND OTAY MESA PORTS OF ENTRY: 1997-2000

	2000	1999	1998	1997
Otay Mesa, CA				
- Personal vehicles	4,845,348	4,480,026	4,326,786	3,800,936
- Buses	47,683	46,142	26,978	18,586
- Trucks	688,340	646,587	606,384	567,715
San Ysidro, CA				
- Personal vehicles	14,106,704	15,269,561	14,474,686	13,213,420
- Buses	101,244	108,025	107,563	96,208

Source: U.S. Department of Transportation, Bureau of Transportation Statistics, based on data from U.S. Customs Service, Mission Support Services, Office of Field Operations, Operations Management Database.

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Waiting to cross

Technology can speed up border screening

As Congress returns to work this week, lawmakers are expected to turn their attention to security proposals that could have a significant impact on vehicular and pedestrian traffic at the San Diego-Tijuana border.

A measure sponsored by Rep. F. James Sensenbrenner, R-Wis., would require installation of high-tech document scanners for each U.S. port of entry (and exit) by October of next year. The bill passed the House last month by a unanimous vote.

Meanwhile, similar legislation has been introduced in the Senate by Dianne Feinstein, D-Calif., and Jon Kyl, R-Ariz. It calls for development of new fraud-proof "Smart-Visa" cards for foreign nationals; the card would include a person's fingerprints and other "biometric" identifiers.

Once the new biometric identification cards are required to cross the border, and once scanners are in place to read the biometric information on the new cards, the United States will have a thorough and accurate system of entry and exit control for the first time ever.

The biometric ID cards and scanners also can speed up screening of persons crossing the border. In fact, such a system is in place for pre-approved passengers arriving at immigration checkpoints at several airports around the country. These passengers place their hands on a screen (a hand-geometry reader) that biometrically confirms their identity. The process takes 20 seconds.

Better technology can speed up inspection of cars and trucks crossing the border, as well. Texas hopes to install 12 X-ray scanners along its southern border to see inside cars and trucks.

Imagine if such equipment could be installed at San Ysidro and Otay Mesa. The speedier processing would be a boon to cross-border commerce, which has suffered mightily since Sept. 11.

The legislation sponsored by Rep. Sensenbrenner and by Sens. Feinstein and Kyl would make it harder for terrorists to steal across the border, while also improving the flow of human traffic from Tijuana to San Diego. Unfortunately, lawmakers haven't given nearly enough attention to the flow of vehicular traffic from south of the border into the United States. It is an oversight that should be addressed not only by San Diego's congressional delegation, but also lawmakers representing other border states.