

BORDER SECURITY ON FEDERAL LANDS

OVERSIGHT FIELD HEARINGS

BEFORE THE

COMMITTEE ON RESOURCES U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

Saturday, August 5, 2006, in Santee, California
Monday, August 28, 2006, in Hamilton, Montana

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**OVERSIGHT FIELD HEARING ON BORDER
SECURITY ON FEDERAL LANDS: WHAT CAN
BE DONE TO MITIGATE IMPACTS ALONG
THE SOUTHWESTERN BORDER.**

**Saturday, August 5, 2006
U.S. House of Representatives
Committee on Resources
Santee, California**

The Committee met, pursuant to call, at 10:00 a.m., in the Auditorium, West Hills High School, 8756 Mast Boulevard, Santee, California, Hon. Stevan Pearce [member of the Committee] presiding.

Present: Representatives Radanovich, Pearce.
Also Present: Representative Bilbray.

STATEMENT OF THE HONORABLE STEVAN PEARCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Mr. PEARCE. The hearing will come to order. Before we start, we would like you all to join us in the pledge that is going to be led by Muriel Watson who is the founder of Light Up the Border and a true pioneer in immigration reform.

[Pledge of Allegiance.]

Mr. PEARCE. Before we get started, just a comment that today's hearing is a formal House hearing and, as such, there will be no testimony from the floor. We will accept written statements that will go into the official record but today we will concentrate on our panel and the panelists and the questions from the Members here.

I would like to say thanks to The Honorable Duncan Hunter for graciously hosting this hearing. As everyone knows, Representative Hunter has been a strong and effective advocate for border security.

On today's Congressional panel we have Mr. Bilbray from Southern California and then also Mr. Radanovich is on his way from the airport as his plane was delayed coming out of L.A. but he will join us. We should have a good hearing.

I have heard the comments from many saying that we are just having 27 hearings on immigration nationwide to draw attention away from something. For myself, I think we are doing the people's business. A year and a half ago I did 18 townhall meetings on

immigration throughout the 2nd District of New Mexico that I serve in. We did 20 townhalls on Social Security.

We went in senior citizen centers and talked to them about that. I did another 18 on the Medicare reform bill. For me this process is one that is very important. The only thing that I ask is why do we only have 27 of the hearings because I have been having 18 to 20. This past week I did eight townhall meetings on meth-amphetamines.

The problem is being exacerbated by an open border, and we will do another seven, eight, or nine of those next week. I am constantly doing these, and allegations that we are simply doing these for political reasons just don't have much standing or bearing.

We would like to additionally set the context for this hearing today by quoting former Secretary of the Interior Gale Norton who said that while the primary responsibility for border security rests with the Department of Homeland Security, the Department of Interior agencies have an obligation to protect natural resources and agency facilities.

As the Congressional committee that has oversight for the Department of the Interior, we also have an obligation to ensure America's Federal lands are not destroyed by the traffic that is crossing the border illegally. For decades illegal immigrants have crossed into the United States by the vast Federal lands along the southwestern border that encompasses California, Arizona, New Mexico, and Texas. The "conduits" created by this illegal immigration have endangered these national treasures and put lives in danger.

Notwithstanding the efforts by the Administration to deal with this tide of people crossing into the U.S. via Federal lands, the problems associated with illegal immigration continue to plague our National Parks, National Forests, Wilderness Areas and BLM lands. Trash, fires, abandoned vehicles and other debris still ravage the Federal lands.

As the Chairman of the National Parks Subcommittee, I visited a couple of months ago the Sequoia National Park in California and saw the marijuana groves that are growing inside our national park. Sometimes we are finding booby traps on the trails leading up to the areas that are infested with the illegal drugs that are being grown right there in our parks.

Tomorrow I am going to visit the Oregon Pipe National Monument in Southern Arizona where a fatality occurred four years ago with one of our rangers who was shot by an AK-47. One-third of that park has simply been decommissioned because of the illegal traffic that is coming across the border. Thus, it is clear that securing these borders is job one.

In the past, some have suggested that border security and sound stewardship of Federal lands were a mutually exclusive concept. For example, there was much consternation about the environmental impacts of border security measures here in San Diego County. Evidently the environmental doomsday scenario never materialized and, moreover, the security measures have vastly improved the lands they protect. Using environmental scare tactics to prevent secure borders is, at the very least, irresponsible.

This brings me to the point of this hearing. Today we are hearing about solutions. It is important for the Committee to hear what border security measures will be put in place as well as their benefits to all those who depend on Federal lands for their livelihood and recreation. The key to implementing these solutions is the legislation that ultimately passes Congress and is signed into law.

It is at this point where the House and the Senate depart ways. We passed a bill in the House that is primarily designed for border security leaving the two other issues of both legal and illegal immigration literally to be solved at a later date. The Senate took a different approach and brought in a bill that said we are going to try to solve the three aspects—border security per se, illegal immigration, and legal immigration. I don't think that we can do all three at one time.

Having said that, being one of the people on the Homeland Security Committee primarily responsible for the House border security bill, my office wrote much of that bill. I am the only member of the House Homeland Security Committee that is on the southern border. I understand the issues, I think, more than most.

Having gotten a very good bipartisan bill out of the House when it got to the Floor, the Judiciary Committee Chairman added three provisions which I thought detracted from the bill so I voted against the bill, one of about 50 Republicans to vote against that bill when it came to the House. I know there are things that we can and should do to that bill to make it more acceptable. As far as my perspective, we need to secure the border first, stop the problem from getting worse, and then take a quiet, patient look at how to unravel the problem of 15 to 30 million illegals who are here right now understanding that there is not one single solution that will affect all.

We are happy to have you all here today to listen to the discussion about the issues which our panel will testify on. Now I would like to recognize Mr. Bilbray for an opening statement.

I am cautioned to remind you that in formal Congressional hearings, which this is one, we encourage no applause on either side. It tends to enliven some and scare some. We are just here trying to get the facts and I appreciate that but if you would refrain it would facilitate my relationship with my bosses who want us to keep these things on formal terms.

Mr. Bilbray, thank you.

STATEMENT OF THE HONORABLE BRIAN BILBRAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. BILBRAY. Thank you very much, Mr. Chairman. I want to thank you for having this hearing here in San Diego. This is actually the third hearing here in our community. Some people may say why is San Diego having so many hearings. I think it is quite appropriate as somebody who is born and raised along the frontera. Those of us in San Diego have known for a long time a lot about the impacts of illegal immigration and have been rather frustrated with our fellow countrymen in Washington at being so naive as not to see what we see every day in our neighborhood.

I think it is quite appropriate that San Diego is the source of many of these hearings and that we are able to finally now tell the story, the very tragic story of the neglect of the Federal Government in enforcing our immigration policies and protecting our neighborhoods here in San Diego.

This hearing specifically talks about the impact on the environment, something that San Diegans are very sensitive to. It places huge burdens on us and our community to try to maintain our environment and then to have the Federal Government look the other way while those violating our national immigration laws destroy what we hold very precious in our natural environs is unacceptable.

Mr. Chairman, there are certain issues that I think we need to look out for and that is the history that we have seen along the border. Border Patrol agents will remember the days before Mr. Hunter built the fence when agents would catch illegals in Imperial Beach Sector with endangered least tern eggs in their pockets because they were going to eat them for breakfast. They didn't know any better but in an area where it was illegal for an American citizen to even walk, thousands of illegals were going through and destroying the habitat.

I remember the issue of the least Bell's vireo in the Tijuana Valley itself. There was a time before the temporary fence was built, as Ms. Powers will point out, that all our horse trails went north and south because the smugglers and the coyotes were cutting the trails at night in an area that equestrians were told they weren't allowed to ride in, but it was estimated tens of thousands of people were traipsing across all evening.

The fact is that when I authored a bill to create a wilderness area on Old Time Mountain, there were people in the environmental community in Washington and the Interior Department that were appalled at the fact that I had roads going through a wilderness area. In fact, I remember the national Sierra Club strongly saying that this would destroy the entire concept of a wilderness area and they strongly opposed it.

Gratefully, the local Sierra Club, who knew what needed to be done to protect the environment, supported my bill with the roads. In fact, I remember the Secretary of the Interior under Clinton actually flew out and was going to make a strong stand against the roads until he saw the absolute destruction caused by illegal immigration and completely reversed himself.

To this day, the Otay Wilderness Area has roads and helicopter pads because the immigration issue is so tough and so bad that it is essential to protect the environment. We have had to change the rules on things like wilderness and have those roads and those pads in there.

I would have to say, too, Mr. Chairman, that one thing I cannot go without bringing up and that is the fact that the impacts are not just along the border that degrade our environment. The neighborhoods and the canyons that we have preserved in San Diego County as part of being a San Diegan to stop the wall-to-wall urban sprawl that I have seen our neighbors to the north in the Los Angeles basin accept. San Diegans want to keep open space. The trouble is with illegal immigration these open spaces have

been an open invitation to set up housekeeping in what we call spider holes.

Those spider holes, those illegal dwellings in our open space, in our wildlife preserves have created not only major damage to the environment but is a major threat to the citizens that live adjacent to those areas. I think you will see when we talk about what just happened this week with the massive fire that occurred and it has occurred historically over a long period of time because of the lack of control at our border.

These are all issues that we hope you are able to take back to Washington to show that the immigration issue is not just an issue of people breaking the laws, not just the issue of people gaining benefit by hiring illegals. It is also an issue of destroying those things that the Federal Government has thought so important that we are willing to go in and restrict private property rights. However, are we willing to control our national sovereignty to be able to protect that?

Again, thank you very much for this. I look forward to asking questions specifically on issues like why are people still living in our neighborhoods knowing they are there and what is the Federal Government doing about going and getting them. Why are we having people that are living illegally in canyons and then going up to the Home Depot unable to stand on the street corner at the Home Depot.

People in my district are saying why isn't anybody at least checking those documents because they see that those people being hired at the Home Depot are the ones who are living in the canyons in the open space and we need to get to those sources to be able to protect our environment.

Thank you, Mr. Chairman. I yield back.

Mr. PEARCE. I thank the gentleman.

Mr. Radanovich will be joining us very shortly. He is en route from the airport. As we discuss this issue, it is important to remember that in Washington we have a saying, "If it ain't broke, fix it until it is."

I would like for you to all know who our panelists are today. First of all, to discuss the impacts of the Department of Interior lands is Steve Borchard, District Manager of the California Desert District, Bureau of Land Management. Thank you for being here today.

To talk about the interaction of border enforcement and resource management agencies is Victor Manjarrez, the Deputy Chief Patrol Agent, U.S. Customs and Border Protection, Department of Homeland Security.

Mr. Chris Ingram, the Vice President of Gulf South Research Corporation, has confirmed that he will be here. He was on vacation. I suspect negotiations with his wife took the same turn mine would if I were leaving vacation to do something like this.

We have Carolyn Powers, an equestrian and a member of the Tijuana River Valley Equestrian Association, who is going to discuss why border security measures on Federal land can be beneficial for those who use these lands for recreation. She joins us from nearby Jamul, California.

From the District of Southern New Mexico that I represent we have Judy Keeler who is the owner of Keeler Ranches and she discusses the issues that our constituents in the wide-open rural spaces of New Mexico see every day.

Jim McGarvie is going to tell us how the off-road vehicle community has been negatively impacted by the effects of illegal immigration on Federal land, particularly the BLM land.

And Ambassador Thomas Nassif, President of the Western Growers Association, will offer his perspective on ways illegal immigration can be slowed thus taking the burden off the Federal lands along the border.

We will go ahead and start hearing the panelists now with Mr. Borchard. I would just bring to mind we will put your entire written statement in. The lights here are just like the lights on the freeway. Green means go, yellow means go faster, and the red one means to stop. If you all would confine your comments to five minutes and then we will put the entire written testimony in. That way we have time for questions and answers.

Thank you very much, Steve. Appreciate you being here today.

**STATEMENT OF STEVE BORCHARD, DISTRICT MANAGER,
CALIFORNIA DESERT DISTRICT, BUREAU OF LAND
MANAGEMENT**

Mr. BORCHARD. Mr. Chairman and members of the Committee, thank you for the opportunity to appear here today to discuss border security on Federal lands and how we can mitigate impacts of illegal immigration on Bureau of Land Management managed lands in California. I am the District Manager for the California Desert District, and am responsible for the management of nearly 11 million acres of public land in southern California.

I would begin by pointing out that the Administration supports comprehensive immigration reform that increases border security, establishes a robust interior enforcement program, creates a temporary worker program, and addresses the problem of the estimated 11 to 12 million illegal immigrants that are already in the country. The range of activities on the public lands managed by the Bureau of Land Management is extremely diverse and requires the agency to balance multiple and potentially conflicting uses while protecting sensitive resources.

Given the proximity of many of these lands to the international border and the environmental degradation caused by illegal immigration across these lands, border security plays a critical role in helping us manage and protect these valuable resources. Many activities associated with illegal immigration can have a dramatic impact on public lands including immigrant trails, trash, abandoned vehicles, human waste, and wildland fires started by immigrant campfires.

When Operation Gatekeeper began pushing illegal immigration eastward in 1994, the fragile resources of Otay Mountain were at great risk. By 1999 Representative Brian Bilbray had helped create the Otay Mountain Wilderness Area crafting legislation that balanced the important wilderness values with a need for law enforcement and border interdiction efforts.

Beginning in the late '90s, the combined efforts of the Border Patrol, BLM, and other resource and law enforcement agencies resulted in a decrease in illegal immigration here in California. However, in the past three years those numbers have once again risen due to improved border infrastructure and security in our neighboring states.

Today the threats to public lands and the California border are escalating. We have found that working partnerships offer the most effective tool for mitigating the impacts to public land resources along the California border. As a result, BLM and California has increased its collaborative efforts by working with a multitude of agencies to provide for a more secure border and protection of natural resources.

Wildfires caused by illegal immigrant campfires and the resulting emergency fire suppression and law enforcement activities are clearly a threat to public land users and resources. In response to this threat the 42-member Border Agency Fire Council was established to address the dual mission of border security and national resource management. This group represents local, state, and Federal Government entities as well as representatives from the Republic of Mexico.

The BLM produced bilingual educational videos and public service announcements focusing on campfire safety for distribution to media, schools, and public institutions in both the U.S. and Mexico.

Another very effective partnership in which we participate is the Border Land Management Task Force. The Task Force brings together state, Federal, and local government agencies to address issues along the border in California including environment impacts of cross-border traffic, Border Patrol access and infrastructure, and public and employee safety concerns.

The group has been instrumental in expediting the installation of roads, vehicle barriers, and remote cameras along the border all of which serve to mitigate resource impacts and assist the border patrol in carrying out their important mission.

The BLM and the U.S. Border Patrol meet regularly to coordinate management decisions that might affect border operations taking into consideration such concerns as travel routes, species habitat, and wilderness issues. Border Patrol agents receive resource protection training jointly developed by BLM and other resource management agencies.

This training will also be provided for National Guard members joining in the border security effort.

BLM law enforcement closely coordinates with San Diego and Imperial County Sheriff's Department. The BLM law enforcement officers conduct routine patrols to safeguard BLM employees and visitors to the public lands, and to protect BLM managed natural resources and cultural resources. Their presence also serves as a deterrent to illegal immigration.

Another very important collaborative effort to address border security and resource management is the Department of the Interior's Border Field Coordinating Committee made up of representatives from all over the Department of the Interior agencies, as well as the Office of the Secretary.

The Field Coordinating Committee addresses resource protection and sustainable development in the border region and has made significant progress cooperating with Mexican officials to mitigate resource damages and protect natural and cultural resources.

In conclusion, border security is extremely important in managing natural and cultural resources on public lands, and protecting the safety of public land users. In southern California, it is a shared responsibility and the BLM continues to work collaboratively with a broad diversity of partners and in cooperation with our Congressional delegation to provide appropriate support to border security activities that assist in meeting our resource protection mandate.

Thank you for the opportunity to present testimony before the Committee today and I would be happy to answer any questions.

Mr. PEARCE. Thank you very much. The staff just pointed out that I failed to do the process our Resources Committee always does and that is to swear in the witnesses so, Mr. Borchard—

Mr. BILBRAY. You will have to give your testimony all over again. [Laughter.]

Mr. PEARCE. No, you will have to swear in the past tense. If I could get you all to stand with me.

[Witnesses sworn.]

Mr. PEARCE. Let the record reflect that the witnesses have answered in the affirmative. You can take your seats.

As you all can see in the audience, Mr. Ingram did join us. He was here all along actually. I appreciate your dedication to duty. I question your judgment. We will discuss domestic tranquility questions after the hearing.

[The prepared statement of Mr. Borchard follows:]

Statement of Steve Borchard, District Manager, California Desert District, Bureau of Land Management, U.S. Department of the Interior

Mr. Chairman and members of the Committee, thank you for the opportunity to appear here today to discuss the importance of border security on Bureau of Land Management (BLM)-managed Federal lands in California. I would first like to point out that the Administration supports comprehensive immigration reform that increases border security, establishes a robust interior enforcement program, creates a temporary worker program, and addresses the problem of the estimated 11 to 12 million illegal immigrants already in the country.

I am the District Manager, California Desert District, and am responsible for the management of nearly 11 million acres of public land in the southern California counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, and San Diego. The California Desert District is divided into five BLM field offices: Barstow, El Centro, Needles, Palm Springs/South Coast, and Ridgecrest.

Two of those field offices—El Centro and Palm Springs—manage approximately 3.3 million acres that are within the borderland zone, roughly within 100 miles of the United States border with Mexico. These Federal lands include Wilderness Areas, National Register cultural sites, and other special designations.

Our mandate from Congress through the Federal Land Policy and Management Act of 1976 is to manage the public lands for multiple uses and to sustain the health, diversity and productivity of these lands for the use and enjoyment of present and future generations. The range of activities on the public lands managed by the BLM is as diverse as the land itself. Responsible stewardship means the BLM must balance multiple and potentially conflicting uses, including increased demands for recreation and energy production, while protecting sensitive resources. Given the proximity of many of these lands to the international border and the environmental degradation caused by illegal immigration across these lands, border security, as I will further explain, plays a critical role in helping us manage and protect these valuable resources.

My testimony today will focus on recent and on-going cooperative efforts to address illegal border crossings in southern California and the impact illegal immigration has had on the public lands in the region. A brief overview of past illegal immigration impacts to public lands resources along the border will help clarify and provide a context for the current management situation.

In October 1994, the U.S. Border Patrol initiated Operation Gatekeeper, increasing interdiction efforts (including improved fencing, additional agents, and patrols) in southwestern San Diego County. Because Federal lands along the border, for the most part, are remote and isolated areas, they became a popular route for illegally entering the United States. The rugged terrain of Otay Mountain was once thought to present a natural barrier to illegal immigrants seeking access routes east of San Diego. However, illegal traffic across public lands dramatically increased throughout the 1990's, resulting in serious environmental impacts. By June 1996, over 300 wildfires caused by campfires of illegal immigrants posed a significant threat to human safety and natural resources. Illegal immigration also resulted in increased impacts to soils, vegetation, cultural sites, and other sensitive resources.

In response to this crisis situation, the first of three formal interagency, cooperative efforts to address the dual missions of border security and natural resource management was established. The Border Agency Fire Council (BAFC) was formed during the 1996 fire season with the goal of saving lives and property. The BAFC is now made up of 42 organizations, including local, State, and Federal fire protection, law enforcement, State and local legislators, Members of Congress, natural resource managers, and representatives of the U.S. State Department and the Republic of Mexico. The group meets every six to eight weeks and is currently chaired by the Fire Marshal of San Diego County.

The BLM took the lead for the BAFC in producing two videos and several public service announcements to discourage campfires and educate the public on fire safety and exposure. The BLM shot most of the footage and contributed \$25,000 to the California Association of Independent Commercial Producers to complete the project. The video was produced in both Spanish and English and distributed to media, schools, and various public institutions in the U.S. and Mexico.

Beyond the impacts of wildfires, resource problems occurred from trail and road damage, and litter left behind by groups and individuals crossing public lands as they entered the United States. Of special concern were the fragile resources on Otay Mountain—in Wilderness Study Area status during most of the 1990s—that were heavily impacted when illegal immigration moved east into that area. The Border Patrol and BLM joined with San Diego County and others to meet this threat. To further address the situation, in 1999, the Congress passed the Otay Mountain Wilderness Act of 1999 (Public Law 106-145), sponsored by Representative Brian Bilbray, which designated the 18,500-acre Otay Mountain Wilderness Area. This legislation balances important wilderness values with the need for law enforcement and border interdiction efforts that are necessary to curtail illegal immigration in the immediate area. The legislation recognized the land management need for Border Patrol, drug interdiction, and fire management authorities to continue to access the area, consistent with law, given the proximity of the area to the international border.

Beyond the resource issues posed by illegal immigration, the BLM is concerned about the number of immigrant deaths both at Otay Mountain and in the Imperial Desert, and the associated humanitarian and public safety concerns. In recent years, the Border Patrol has reported a steady increase in the number of deaths due to drowning in canals, dehydration, and exposure to the elements.

While the combined efforts of the Border Patrol, BLM, and other resource and law enforcement agencies resulted in a decrease in illegal immigration here in California, we have seen numbers rise again over the last three years as the infrastructure along the border in Arizona and elsewhere is put in place and border security is strengthened in those areas.

As a result, the threat and impacts to public land on the California border are once again increasing. Immigrant trails are increasingly being used, trash and human waste along these trails and at campsites is increasing, and escaped campfires lit by immigrants continue to be a major threat to wildlands along the border. The increased frequency of wildland fires is a primary issue for resource management along the border and is having a serious impact on our ability to sustain unique species, such as the Tecate Cypress found on Otay.

The BLM is committing more time and effort to the management of the public lands along the border. The BLM has increased its collaborative efforts by working with a multitude of agencies to provide for a more secure border and protection of natural resources.

In addition to the BAFC, a second formal collaborative effort of several State, Federal, and local government agencies is the Borderland Management Task Force (San Diego Chapter). The focus of this Task Force is to identify and discuss issues along the border in California, including environmental impacts of cross border traffic, access and infrastructure issues with Border Patrol, and public and employee safety concerns. The Task Force has been instrumental in expediting the implementation of infrastructure—such as fences, vehicle barriers, and remote cameras—along the border which serves the Border Patrol in carrying out their important border security mission. The BLM and the U.S. Border Patrol meet regularly to coordinate management decisions that might affect border operations, such as routes of travel, species habitat, and wilderness issues.

A special training program has also been developed for new and veteran Border Patrol agents developed by the BLM, the U.S. Fish and Wildlife Service, San Diego County, and the California Department of Fish and Game. In order to better manage the immigration issues now facing the Border Patrol and land managers, the training emphasizes local natural history, resource protection, agency missions and goals, the Endangered Species Act and the Wilderness Act, and low impact hiking skills. New Border Patrol agents receive this training, and refresher training is provided for senior agents and trainers. This training is being expanded to include newly assigned National Guard personnel joining in the border security effort.

The BLM and the U.S. Border Patrol have placed more than 100 signs warning migrants of the hazards associated with crossing the border illegally. The signs warn of the dangers from heat, fire, rugged mountains, drowning, and poisonous snakes.

The BLM law enforcement staff closely coordinates with the San Diego and Imperial County Sheriff's Departments to meet two major objectives: 1) to protect public land, resources and BLM facilities; and, 2) to maintain safe environments for public land users and BLM employees. When BLM law enforcement officers conduct routine patrols and provide information to visitors, their presence serves as a deterrent to illegal immigration. In addition, they provide support for volunteer groups and BLM employees conducting habitat restoration. They also assist with fire investigations and rescue stranded immigrants.

Due to the close proximity of the border to several major highways in the area (in one area the distance is less than 1,000 yards), illegal immigrant and drug trafficking is often intense. If these smugglers manage to reach the road, they often resort to excessive speed, driving without lights, or driving down the wrong side of the freeway to escape, resulting in vehicle accidents and serious injuries.

Vehicles that don't make it to the road are often damaged, resulting in fluid spills (gasoline, motor oil, radiator fluid, etc.) as well as hazardous objects (glass, torn sheet metal, etc.) that harm public land environments. Abandoned vehicles are often left in place and the burden for removing them falls on the BLM. If the vehicles are not removed quickly, they are often set afire by vandals, creating an even larger safety and environmental concern.

A third very important formal collaborative effort to address border security and resource management is the Department of the Interior's Border Field Coordinating Committee. The Field Coordinating Committee is made up of field representatives from the BLM, Bureau of Indian Affairs, Bureau of Reclamation, Minerals Management Service, National Park Service, U.S. Geological Survey, and U.S. Fish and Wildlife Service, as well as representatives from the Office of the Secretary of the Interior.

The Field Coordinating Committee addresses natural and cultural resources protection and sustainable development in the border region. Partnerships and agreements with Mexico's Secretariat for the Environment and Natural Resources, National Institute of Anthropology and History, National Institute of Statistics, Geography and Information, and other Mexican organizations have been fostered and maintained by the Field Coordinating Committee. These relationships have been invaluable in educating Mexican officials about the resource damages associated with illegal immigration, reinforcing the message that maintaining border security is a vital factor in protecting natural and cultural resources.

In conclusion, border security is extremely important in managing natural and cultural resources on public lands, and protecting the safety of public land users. In southern California, it is a shared responsibility and the BLM continues to work in close collaboration with a broad diversity of partners—and in cooperation with our Congressional delegation—to provide appropriate support to border security activities that assist us in meeting our resource protection mandate.

Thank you for the opportunity to present testimony before the Committee today. I would be happy to answer any questions.

Mr. PEARCE. Thanks a lot. Mr. Manjarrez, why don't you give us your five minutes and let us keep moving along. Thank you.

**STATEMENT OF VICTOR MANJARREZ, DEPUTY CHIEF PATROL
AGENT, U.S. CUSTOMS AND BORDER PROTECTION**

Mr. MANJARREZ. Good morning, gentlemen. Chairman Pearce and Congressman Bilbray. On behalf of the men and women of the Border Patrol welcome to San Diego Sector. It is an honor and a privilege to appear before you today to discuss our continuing efforts along the border in the interest of homeland security. The Department of Homeland Security and Customs and Border Protection are steadfast in our commitment to securing the homeland.

Operation Jump Start gives CBP an immediate short-term resource that allows an increase in border security while recruiting and training additional Border Patrol agents and implement the Secure Border Initiative. Operation Jump Start will greatly assist in moving forward with our mission as we continue to gain, maintain, and expand operational control of the border using the right combination of manpower, tactical infrastructure, and smart border technology.

Tactical infrastructure is a key component but not the only component of this mix of resources needed to accomplish our primary mission of preventing terrorists and terrorist weapons of destruction from entering the United States. Tactical infrastructure that is currently being built by National Guard Department of Resources along the southwest border is a great example of partnership with the Department of Defense. These projects include many along the southwest border including my area of responsibility, Tucson Sector.

Through Department of Defense and National Guard support today, which includes pre-Jump Start time periods, the southwest border has received 47 miles of all-weather roads, 75 miles of primary fencing, 54 miles of permanent vehicle barriers, and 57 miles of high-intensity lighting. Our efforts in these urban areas have already produced tangible results and we are expanding the support with the National Guard personnel as entry identification teams on the immediate border.

We recognize there are many challenges that lie ahead. We are concerned with the level of illegal activity in our remote border areas. Many southwest border locations have unique environmental concerns and lack road infrastructure conducive to efficient border enforcement operations. We must work toward an enforcement solution in these areas that promotes conservation of our natural resources. Yet, enhances our ability to secure the border.

As you know, an important key to the overall strategy of border enforcement is a collaborative effort among the law enforcement partners. An example of this effort is a memo of understanding was recently signed with the Department of Interior and the U.S. Department of Agriculture.

This MOU allows us to make significant strides toward providing access for Border Patrol agents in sensitive locations, improving coordination, joint training, and a greater understanding of each other's mission. We believe improved relations from this MOU and our day-to-day interactions will lead to a greater preservation of the

environment as well as a safer one. The Border Patrol with the Department of the Interior has implemented a National Public Land Liaison Officer Program to foster already strong and growing working relationships.

The purpose of this program is to increase interaction, closer relationships, and it is a vital requirement to gain greater operational control in remote border areas as we make gains in immediate urban areas. The men and women of the CBP and Border Patrol face challenges on a daily basis and are determined to protect the United States and its citizens. They place themselves in harm's way to protect us and to protect our way of life.

I would like to thank you for the opportunity to present testimony today and look forward to answering any questions that you may have.

[The prepared statement of Mr. Manjarrez follows:]

Statement of Victor Manjarrez, Deputy Chief Patrol Agent, Office of Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security

Chairman Pombo, Ranking Member Rahall, and other distinguished Members of the Committee, it is a privilege and an honor to appear before you today to discuss our latest efforts along the border, which include the critical role tactical infrastructure has in assisting the Department of Homeland Security (DHS), and especially U.S. Customs and Border Protection (CBP), in our mission of securing our Nation's borders.

Our immigration system is broken. Every day, thousands of people try to enter our country illegally. Most of these people are coming to America to work and provide a better life for their families. After all, in their home countries, they make only a fraction of what they could make in the United States. Our strong economy creates the demand for these workers, places tremendous pressure at the border, and makes our job of securing the border very difficult.

To most effectively secure our border, we must reform our immigration system to relieve this pressure. We need comprehensive immigration reform that provides additional resources for border security, establishes a robust interior enforcement program, creates a temporary worker program, and addresses the problem of the estimated 11 to 12 million illegal immigrants already in the country.

We are taking significant steps to secure the border—more than any other time in our history. Since 2001, funding for border security has increased by 66 percent. DHS, working in conjunction with its Federal partners, has apprehended and sent home more than 6 million illegal aliens. On May 15, President Bush announced his plan to increase the number of CBP Border Patrol agents by 6,000 by the end of 2008. This will bring the total number of Border Patrol agents to over 18,000, doubling the number of agents since the President took office in 2001. These additional agents will serve as a tremendous resource and will go a long way in helping us secure the border.

As interim measure, until CBP can hire and train these additional Border Patrol agents, the President ordered the Secretary of Defense to work with our Nation's Governors to deploy up to 6,000 National Guard soldiers to the Southwest Border. Since the President's Oval Office address, DHS and CBP have worked closely with the Department of Defense and National Guard Bureau to get these soldiers integrated in our efforts to secure the border. We are calling this mission Operation Jump Start.

As of July 27, there are nearly 5,000 National Guard troops on duty for Operation Jump Start and in the four Southwest border states. These troops are making a difference. Over the last several weeks, the National Guard, working in their support capacity, has contributed to over 1,200 alien apprehensions and helped seize over 12,200 pounds of Marijuana. Even if this infusion were not occurring, there would be hundreds of National Guard troops assisting DHS in our counter-narcotics mission. The Guard troops have also allowed us to move 263 Border Patrol agents from the back offices, where they were performing essential support functions and logistics jobs, to the front lines. These agents are now working every day on the border to detect and apprehend illegal aliens, and seize narcotics and other contraband.

The National Guard soldiers currently are, or will be, supporting the Border Patrol with logistical and administrative support, operating detection systems, providing mobile communications, augmenting border-related intelligence analysis efforts, building and installing border security infrastructure, and providing training. However, law enforcement along the border between the ports of entry will remain the responsibility of Border Patrol agents. The National Guard will play no direct law enforcement role in the apprehension, custodial care, or security of those who are detained. With the National Guard providing surveillance and logistical support, Border Patrol agents are free to concentrate on law enforcement functions of border enforcement. The National Guard engineering and technology support of tactical infrastructure has been a tremendous force-multiplier, expanding the enforcement capacity of the Border Patrol while freeing up additional agents who were performing some of these support tasks.

The Border Patrol has a history of nearly two decades working with National Guard and Reserve units to leverage their unique expertise, workforce, technology, and assets, in support of our mission and as a force-multiplier. We're proud to work shoulder-to-shoulder with our National Guard colleagues. They have given us a tremendous jumpstart on our overarching plan to secure the border—the Secure Border Initiative (SBI).

As I mentioned earlier, National Guard support will be an immediate, short-term measure that allows DHS to increase our deterrence and border security capabilities, while DHS trains additional Border Patrol agents and implements SBI which is a broad, multi-year initiative that looks at all aspects of the problem across the board—deterrence, detection, apprehension, detention, and removal. SBI, as envisioned by the Secretary and Commissioner, addresses the challenges we face with integrating the correct mix of increased staffing, greater investment in detection technology and infrastructure, and enhanced coordination with our partners at the Federal, state, local, and international levels for every segment of our Nation's borders. CBP Border Patrol's component of SBI, named SBInet, will integrate multiple state-of-the-art systems and traditional security infrastructure into a single comprehensive border security suite for the department. Under SBI, DHS wants to create a common operating picture for agents, via the use of integrated sensors and other interoperable technologies and systems. The technologies will help agents detect, identify and respond to illegal activities.

There is no stretch of border in the United States that can be considered completely inaccessible or lacking in the potential to provide an entry point for a terrorist or terrorist weapon. Stretches of border that in the past were thought to be impenetrable, or at least highly unlikely locations for entry into the United States, have in recent years, become active illegal entry corridors as other routes have been made less accessible to smugglers. We must consider all available information, including the vulnerability of our Nation's borders, when determining future infrastructure requirements and asset deployments.

SBI undertakes an integrated approach to the continuum of border security and future deployments of personnel, infrastructure and technology. The deployment of the various components will be risk based, considering, for example, current intelligence, operational environment and field commander's requirements. Under this approach, one portion of the border may require more technology in relation to personnel, while another portion may require more tactical infrastructure improvements than either personnel or technology. SBI will not be a "one-size-fits-all" deployment.

One part of SBI, is the placement of Tactical Infrastructure (TI), such as fencing, vehicle barriers, high intensity lighting, and road improvements. These infrastructure elements act as a force multiplier, helping agents to secure the border, with speed and flexibility of personnel redeployment made possible by shortened response times. TI elements are critical for the U.S. Border Patrol to achieve the proper balance between personnel, technology, and border infrastructure. But, TI alone will not secure the border.

We recognize the challenges that lie ahead. Our goal is nothing less than to gain, maintain, and expand operational control of our Nation's borders through the right mix of personnel, technology, and tactical infrastructure. The assistance of the National Guard and our Federal, state, local, and tribal law enforcement partners, will greatly enhance our ability to effectively and efficiently protect our Nation's borders.

The men and women of U.S. Customs and Border Protection face these challenges every day with vigilance, dedication to service, and integrity, as we work to strengthen national security and protect America and its citizens. I would like to thank you for the opportunity to present this testimony today. I look forward to responding to any questions that you might have.

Mr. PEARCE. Thank you very much.
Mr. Ingram.

**STATEMENT OF CHRIS INGRAM, VICE PRESIDENT,
GULF SOUTH RESEARCH CORPORATION**

Mr. INGRAM. My name is Chris Ingram. I am Vice President of Gulf South Research Corporation. I did convince her that I could come but I don't know what the cost is going to be.

GSRC is a small environmental services firm located in Baton Rouge, Louisiana, but we do provide environmental services to Federal agencies nationwide. Particularly we have been involved in environmental planning services for every border patrol sector along the southwest border.

I personally have been involved in planning tactical infrastructure along the southwest border for over 15 years starting with Joint Task Force 6 which was established in 1989 by the first President Bush.

I was also GSRC's project manager for the Environmental Impact statement for the border infrastructure here in San Diego. Our efforts on that project included wetland delineations, surveys for protected species, permit assistance, agency and public scoping meetings. In fact, we conducted well over 24 agency coordination meetings during the preparation of the BIS.

Our efforts also included mitigation planning and implementation. In fact, right now we have two major mitigation restoration programs ongoing here in San Diego County.

Although Secretary Chertoff signed the waiver last year, CBP and Border Patrol has still kept us involved in environmental planning for the continuation of the border infrastructure system here in San Diego.

The BIS that we prepared identified there were going to be significant impacts as caused by the construction of the border infrastructure system. However, Border Patrol consistently, continuously planned and designed the BIS and is still doing so in a manner to try to minimize the impacts. Although the mitigation plan presented in the BIS is no longer viable due to the waiver, I still believe that the long-term benefits are going to far outweigh the short-term adverse effects of construction of the BIS.

These benefits would be derived from the elimination of illegal traffic that cuts across Lichty Mesa, Spooner's Mesa, the Tijuana estuary and other sensitive areas trampling vegetation, discarding trash, disturbing sensitive wildlife. The BIS has also been designed to reduce the sedimentation from entering the Tijuana estuary from the current enforcement footprint.

There have been many lessons learned from the San Diego border infrastructure system that have been transferred to other border patrol sectors across the southwest border. I have personally seen a lot of the damage that has been caused by illegal foot and vehicle traffic in many of our national parks and wildlife refuge areas. I feel that with the proper planning, coordination, and mitigation the tactical infrastructure can be constructed to minimize the short-term adverse impacts and provide long-term benefits.

Thank you for the opportunity to speak to you. I will answer any questions that you might have.

[The prepared statement of Mr. Ingram follows:]

**Statement of Christopher John Ingram, Vice President,
Gulf South Research Corporation**

Gulf South Research Corporation (GSRC) is an environmental consulting firm located in Baton Rouge, Louisiana. We have been in operation under our current ownership for 13 years. GSRC provides environmental planning services, primarily for the Federal Government, throughout the Nation. GSRC has provided these services, including protected species surveys, wetland delineations, cultural resources surveys, environmental restoration, and impact analyses, to the Border Patrol for 8 years. These services have been provided to every Border Patrol Sector along the entire southwest border and in several northern border Sectors. Personally, I have been involved in planning Border Patrol projects for over 15 years.

I served as GSRC's Project Manager for the completion of the San Diego 14-mile Border Infrastructure System (BIS). GSRC was first contracted to participate in this project in May 2000 and we continue to be involved in the planning aspects, even though Secretary Chertoff signed an environmental waiver last year. GSRC was initially contracted to prepare the Environmental Impact Statement (EIS) for the completion of the BIS. However, that scope quickly expanded to include additional protected species surveys, wetland delineations, over 24 agency coordination and public meetings, permit assistance, and mitigation planning and implementation. Regarding the latter issue, we currently have mitigation programs on-going at Arnie's Point and Spring Canyon, west of Cactus Road. The mitigation at Arnie's Point is a 23-acre vernal pool restoration site. The Spring Canyon mitigation is a 16-acre site, which is being used to offset wetland impacts at Spring Canyon, Deadman's Creek, and Johnny Wolf Creek. The Spring Canyon mitigation program is in its infancy. However, the Arnie's Point mitigation program is in its 3rd year and has proven to be very successful, to the point that we have additional protected species which had not been reported at Arnie's Point and surrounding areas for many years.

While admittedly, the completion of the BIS would result in significant impacts, as indicated in the EIS, the BIS has been designed and will be constructed in a manner to minimize these effects. Although the mitigation proposed in the EIS is no longer viable or valid due to the waiver, I still believe that in the long-term, the BIS will provide substantial benefits to the area north of the BIS, particularly the Tijuana River Valley and estuary. The numerous illegal foot trails that cut across Lichty Mesa, Spooner's Mesa and the estuary will be eliminated and these trails will be revegetate naturally. Trash and illegal fires will also be reduced or eliminated. And, finally, the erosion and sedimentation that currently exits along the border roads in these areas will be ameliorated.

There were many lessons learned during this project and most of these lessons have been transferred to other OBP Sectors that are planning similar tactical infrastructure. With proper planning and coordination, such infrastructure can be constructed to minimize short-term adverse impacts and provide long-term benefits to the environment.

Mr. PEARCE. Thank you, Mr. Ingram.

Mr. Bilbray has notified me, Ms. Powers, that I have pronounced your town the way that I would expect it to be in Washington and he says it is the way we would do it in New Mexico, from Jamul, California. Thank you very much for being here today and let's hear from you.

Ms. POWERS. Thank you.

Mr. BILBRAY. Just to say how confusing it was, I remember the International Boundary and Water Commission called our community to the north up there, the back country, Hulan instead of Julian and he proceeded to lecture me on the fact that it is actually a Spanish name. I tried to remind him that it was named after a Julian from the American South who was a Civil War veteran. Just shows you we can confuse everybody.

Go ahead. I am sorry.

**STATEMENT OF CAROLYN POWERS, SPOKESPERSON/
HISTORIAN, TIJUANA RIVER VALLEY EQUESTRIAN
ASSOCIATION**

Ms. POWERS. Mr. Chairman and Congressman Bilbray, it is an honor to appear before you today to discuss the importance of the increased border security efforts on Federal lands to stem the flow of illegal immigration for a highly permeable border.

My name is Carolyn Powers and I am an equestrian. I have been a longstanding border resident and activist. I have two grandchildren to which I would like to leave a legacy of a safe and sane U.S./Mexican border area. The Tijuana River Valley has a history rich in diversity. The Kumeyaay Indians, Hernan Cortes, Juan Cabrillo and Father Serra and Kino have left their mark.

Representing the darker side of the sieve-like stretch of land we have endured rum runners during Prohibition, drug smugglers since the '60s, and a constant stream of "coyotes" or smugglers, and "pollos" or illegal immigrants, streaming across our borders.

Criminal acts such as rape, robbery and murder have impacted those border areas that are also recreational areas such as Smugglers Gulch, Goat Canyon, Soccer Field and Spooner Mesa. Due to the persistence of "Light Up the Border" advocate Muriel Watson who gave our pledge tonight, and the exposure given by ex-mayor and conservative talk show host, Roger Hedgecock, and the resolve of Congressman Duncan Hunter, most of the border between the San Diego/Tijuana border crossing and the Pacific is now lit up decreasing the frequency and severity of criminal activities.

Prior to "Operation Gatekeeper," it was not unusual to encounter 80 to 100 illegals running down our equestrian trails with Border Patrol in hot pursuit. Gatekeeper was characterized by high concentrations of agents working the border itself and requires a very extensive budget to maintain.

My horse would spook at the border action. I began carrying carrots and stopping the runners and asking them to please feed one to my horse, first in Spanish to the illegals and then in English to the agents. My horse now begs for carrots on the trail.

The pollos act subservient when met on the trail, stepping back to allow you to pass, but the smugglers do not. A typical group of six to eight hard-looking men burdened with identical backpacks, tell-tale tattooed tears on their cheeks (prison) and a bad attitude would block the trail and wait like trolls to be asked for permission to proceed.

They would look thoughtful as if reluctantly considering if you should be allowed, and then finally nod indicating you could ride by. A higher percentage of these arrogant empowered smugglers travel our trails now. It is frightening and grossly insulting to have this occur on American soil.

As Congressman Bilbray mentioned, we used to joke about the trails in the Tijuana River Valley all being north-south trails. The trails ran through farms, estuaries, ranches and homes avoiding the streets and the waiting Border Patrol. Congressman Bilbray can tell you about the time his old lifeguard skills were called upon when he and his family were awakened in the middle of the night by screams. He found that an illegal family had jumped his fence

and fallen into his swimming pool. They couldn't swim so Congressman Bilbray came to the rescue.

Not everybody had happy endings. Undocumented aliens startled a quarter horse worth \$40,000 in a valley ranch and the horse bolted, injured its leg and needed to be put down. Another property owner was successfully sued by an illegal who his dog had bitten as he trespassed in the middle of the night.

Every afternoon cast-off plastic bags were collected by workmen paid by the county and every morning there would be another mountain of plastic north of the river. They used the plastic bags as boots. They were sold by an entrepreneur vendor south of the river. There is an area that used to be called "Underwear Point" in a national estuary due to the amount of castoff muddy clothing.

There is also the cost of medical care to illegal aliens that is shouldered by county governments. Resources which should provide a safety net for our citizens have become inadequate. The recent "Horse Fire" in San Diego County, that, again, Congressman Bilbray mentioned, scorched over 17,000 acres which included some really prime recreational areas including our revered Horsethief Canyon. It has been gone for years.

Tijuana is the most violent cartel-oriented border city in Mexico. We are now plagued with a new kind of border violence. Beheadings are not just reserved for the terrorist activities abroad. This vile act has become part of the criminal cartel scene in Baja California. A headless body was recently discovered in Smugglers Gulch at the border. Many of the criminals and organized crime syndicates responsible for these types of heinous acts are known to operate on both sides of the border and lives of Americans are increasingly being placed in jeopardy.

Where infrastructure has been installed along the border crime rates have decreased, in some areas as much as 80 percent. Modern infrastructure such as electronic cameras, satellite surveillance, border lights, and a strong border fence are needed to protect us from criminal activities. We need our Government to protect us. We remember when it was not safe for motorists to drive down Interstate 5 because of a high number of illegals walking in the median of an interstate highway.

U.S. Border Patrol responsible for securing our borders and protecting the lives of Americans understand how grave the consequences may be if they fail to get it right every single time and the adversary gets it right only once.

Thank you for the opportunity to present this testimony today and I look forward to responding to any questions you might have.

[The prepared statement of Ms. Powers follows:]

**Statement of Carolyn E. Powers, Spokesperson/Historian,
Tijuana River Valley Equestrian Association**

Chairman Pombo and members of the committee, it is an absolute honor and privilege to appear before you today to discuss the importance of the presence of federal law enforcement agencies and increased border security efforts on federal lands.

My name is Carolyn Powers, and I am an equestrian and a long standing border resident and community activist. I have two daughters and two grandchildren to which I would like to pass along the legacy of a safe, sane and clean environment who live in and use the lands near the U.S./Mexican border.

The issues I have been involved with these last 15 years have included border security and sovereignty, recreational safety, wastewater collection and treatment

facilities, water quality, availability and flood prevention in the Tijuana/San Diego area with emphasis on the Tijuana River Valley.

In 1992 we started a political watch group, CARE, formed to monitor and improve conditions affecting border infrastructure, parklands and recreational access. We have hosted issue-oriented meetings for the Public, as needed, to address specific problem areas. I have educated legislators and their staff concerning border issues and agencies. I used to give a two day post election "classroom" for new community reps including a horseback tour of the Tijuana River Valley. You know the rap—"...but just what is an IBWC?"

I am a fund raiser for The Water Station, a volunteer oriented group dedicated to saving lives in the California-Arizona deserts by placing water at strategic locations. No Politics...just humanitarian kindness.

I am here now to talk to you about life as it exists today along the US-Mexican border and the threats we suffer due to illegal immigration and terrorist activities due to our highly permeable border.

The Tijuana River Valley has a history rich in diversity that has ranged from the Kumeyaay Indians clamming and fishing through the summer months along our beaches, explorations by Hernan Cortes and conquistador Juan Cabrillo through the spreading of the gospel according to Fr. Junipero Serra (in 1769) and Fr. Kino.

Representing the dark side of the sieve-like stretch of land considered our national border, we have suffered rum runners during Prohibition, drug smugglers since the 60s and a constant stream of "coyotes" (smugglers) and "pollos" (undocumented immigrants) streaming across our borders.

Criminal acts such as rape, robbery and murder have impacted those border areas such as Smugglers Gulch, Goat Canyon, Campos Ditch, the Soccer Field and Spooner Mesa. Due to the persistence of "Light Up the Border" advocate Muriel Watson, the exposure given same by ex-mayor and conservative talk show host, Roger Hedgecock and the resolve of Congressman Duncan Hunter most of the border between the San Diego/Tijuana crossing and the Pacific is now lit up, decreasing the frequency and amount of the criminal activities.

Prior to "Operation Gatekeeper" in the 1990s, it was not at all unusual to encounter 80-100 immigrants running down our equestrian trails. I was more often than not riding alone when encountering the northbound illegal immigrants. After Gatekeeper activities had begun, there were often Border Patrol agents in hot pursuit. Gatekeeper was characterized by high concentrations of agents working the border itself.

My horse tended to spook with the activities and the smell of fear in the air. In order to counter this reaction I learned to say "carrot" in Spanish and started to stop the runners and asked them to please feed my horse a carrot (I would hand them carrots), first in Spanish to the immigrants, then in English to the Border Patrol. Pretty soon, instead of spooking, when disturbed on the trail, my horse would beg for the carrots she had learned to expect.

The pollos have been relatively subservient in their demeanor when encountered on the trail, stepping back to allow our passage, but the smugglers are not. A typical group of 6 to 8 hard looking men burdened with identical backpacks, tattooed tears on their cheeks (denoting prison time) and a bad attitude would block the trail and wait for me to apologetically request passage. When I would acquiesce, they would nod their heads as if reluctantly considering allowing me to pass and finally nod their heads indicating that I could ride around them. It was pretty frightening and actually grossly insulting to have occurring on U.S. soil.

We used to joke about the trails in the Tijuana River Valley all being north-south trails. Most of the trails ran through farms, estuaries, ranches or residences avoiding the streets and the waiting Border Patrol. Congressman Bilbray can tell you about the time his old lifeguard skills were called upon when he and his family were woken in the middle of the night by screams from his backyard. When he investigated, he found that a Mexican family had jumped the fence and fallen into his swimming pool. They couldn't swim, so Congressman Bilbray to the Rescue.

Many residents' tales didn't have such happy endings. Immigrants startled a quarter horse worth \$40,000 in a valley rim ranch and the horse bolted, caught it's leg on some fencing and needed to be put down to end it's suffering. Another unlucky property owner was successfully sued by an immigrant who his dog had bitten as he trespassed on his property in the middle of the night.

Vendors used to sell plastic trash bags for a dollar apiece to use as boots to cross the Tijuana River. Every day the bags were collected by workmen paid by the County of San Diego and every morning there would be another mountain of plastic waiting on the north side of the river.

There is also the cost of medical care to illegal immigrants that is shouldered by County governments. Resources that should provide a safety net to U.S. citizens are

inadequate in border states due to the hit taken by those counties from our neighbors coming north to have their babies, collect welfare and treat their infirmities. Passing laws against illegal immigration does not enforce those laws. The Border Patrol does.

Throughout the north of the border zone there are inordinate signs of illegal trespass. The infamous north/south trails, frequently traveling through sensitive habitat, are littered with plastic bottles, disposable diapers, clothing and human excrement. In the Tijuana River National Estuarine Research Reserve there is an area that used to be called "Underwear Point" due to the castoff muddy clothing littering the estuary. The estuary itself is scarred with trails that will take years to revegetate, even though American citizens would be cited and fined for just being caught there. This is an environmentally sensitive area regarded nationwide as being a prime breeding site for fisheries and endangered wildlife alike.

The recent "Horse fire" in San Diego County which has razed over 17,000 acres is believed by fire investigators to have been the result of a campfire built by the immigrants and not extinguished. I was on alert for days lining up transportation and boarding facilities for friends and their animals. One of my very favorite trails, Horseshief Canyon has been totally wiped out by the fire. We continue to endure brush and forest fires regularly that have been set by coyotes to divert the Border Patrol.

A few years ago, when I was preparing to write a comment on an environmental impact report about making improvements to some access and patrol roads on BLM lands adjacent to the border in the Otay Mesa area, I requested a ride-a-long with a patrolling Border Patrol agent. There were individuals, NGOs and agencies that were contesting the plans to make the rutted dirt roads safer with grading plus regularly scheduled maintenance. The agent and I began our drive east of the Tijuana border crossing and ended up on Otay Lakes Road close to a popular camping site. I mentioned to the agent that I was used to riding my horse on long trail rides so that other than being cautious around cliffs (I do have a fear of heights) for him to carry on with his patrol as usual. The next day, I ended up with blood in my urine and a bump on the head from bouncing so hard that my head was hitting the vehicle roof, even with my seat belt in place. My ride only lasted 2 hours while normally, agents are patrolling for 4-6 hours a day. Efforts to improve border conditions would far exceed any negative impact that these activities may have on environmentally sensitive areas.

Tijuana is the most violent Mexican cartel-oriented border city in Mexico. We are now plagued with a new kind of border violence. Beheadings are not just reserved for the terrorist activities abroad. This vile act has become part of the drug cartel scene in Baja California and there has been a recent discovery of a headless body in Smugglers Gulch at the border. This reprehensible sight should not be tolerated for the sake of not only ourselves, but more brutally, our children and grandchildren who also ride these trails regularly.

Equally important is the killing of innocent civilians, government officials, and law enforcement officers, robberies, assaults, kidnappings, and extortion, which is becoming an all too familiar scenario in many cities just south of our border. Many of the criminal entities and organized crime syndicates responsible for these types of heinous acts are known to operate on both sides of the border and the lives of innocent Americans are increasingly being placed in jeopardy.

This is U.S. soil and we should not have to endure fear and danger while being or recreating near our border s.

When funding became available for the manpower required to implement "Operation Gatekeeper" in the 90s, illegal border passage decreased greatly. Gatekeeper required, however, consistent and expensive budgetary considerations to keep it going successfully. The operation was dependent upon a high number of Border Patrol agents maintaining visual and audible contact with each other across the stretch of border to be controlled. The Gatekeeper era became the safest period to recreationalists in many years.

The funding available for Border Patrol operations has proven to be extremely variable. I remember some years when agents were coming in to work on their vehicles on their days off because money was not available for mechanics. Because living expenses are so high, especially in California, many agents would leave their employment shortly after costly training, to work for other law enforcement agencies where they were paid more. The attrition rate has been deplorable. It has resulted in a higher percentage of arrogant, empowered smugglers on our trails and considerably more traffic in the U.S..

Where infrastructure has been installed at the border, crime rates have decreased, in some areas as much as 80%. Complaints about illegal crossers running through neighborhoods have decreased and overall community safety has increased.

Apprehension numbers in the San Diego Sector have dropped more than 75% from a high of over 500,000 per year in 1995 to less than 130,000 per year in 2005. The installation of the primary fence has almost eliminated vehicle drive-throughs and high-speed pursuits at the border.

Electronic camera and satellite surveillance, border lights, vibration detection sensors, a strong, safe border fence and a few additional agents should be prerequisites in, at least, high traffic areas. I realize that this isn't the answer to all of the problems associated with illegal immigration, but it is a step in the right direction and as citizens of the U.S., we need our government to protect us.

The all too recent terrorist activities of 9-11 should be strong reminders of just how vulnerable our Mexican borders really are. It is important that we take very seriously the ever-growing threat of terrorism and also recognize that individuals from other parts of this world would do harm to innocent Americans if they were only able to gain entry into the United States.

Without infrastructure in the border area of the Tijuana Estuary, the County Regional Park or the State Park, any trails or recreational plans will place users at a significant risk for criminal activity, robberies, assaults, theft and rapes. Infrastructure in the area south of the Tijuana Estuary will reduce the law enforcement operational footprint from almost 5,000 acres to about 200 plus acres. This will deter the uncontrolled foot traffic through the estuary, helping to protect the sensitive environment, and making it safe for recreational users of the park system.

We remember when it was not safe for motorists to drive down interstate 5 because of high numbers of illegal crossers walking or running in the median of an interstate highway. Billboards warning traffic along the freeway depicted families holding hands and running across the road.

The men and women of U.S. Border Patrol, who are responsible for securing our borders between the ports of entry and protecting the lives of Americans, understand how grave the consequences may be if they fail to get it right every single time and the adversary gets it right only once. If more isn't done to secure our borders, then our generation needs to be prepared to accept responsibility for placing the future of this great nation in a precarious and potentially unmanageable position.

I would like to thank you for the opportunity to present this testimony today and look forward to responding to any questions you might have.

Mr. PEARCE. Thank you very much.

Ms. Keeler, thank you for making the drive over from New Mexico. We appreciate you being here.

**STATEMENT OF JUDY KEELER, CO-OWNER, KEELER RANCHES,
ANIMAS AND HACHITA, NEW MEXICO**

Ms. KEELER. Thank you for letting me come and speak to you today.

My husband and I have two ranches. One is located 30 miles south of Animas and it has a unique problem in that there is a lot of drug trafficking going through it. The other ranch is five miles east of Hachita, New Mexico, and there we have a lot of illegal immigrants passing through on their way to I-10. Both ranches have their share of illegal activities and both illegal activities are killing our nation.

I am here today to tell you I have been raised on the border. I lived there all of my life. I have spent 50 plus years and I have a lot of friends, both Mexican-Americans and Americans, and this is not a racial issue. This is an issue dealing with people. There are atrocities happening not just to our public lands but to the people that are trying to cross the border and it needs to be noted in the records that Mexico is aware of what is happening but they are turning a blind eye to what is happening to their people.

For instance, July 3rd we were having a family gathering on the ranch and an individual that no one saw come in was in the corals. He fell to the ground in convulsions. We ran over to assist

him. He had been walking with a group of Mexicans coming into the U.S. and he had not been able to keep up with the rest of the group.

The coyote offered him some speed pills to help him keep up but it didn't work so they left him behind. He showed up in the corrals convulsing because he was dehydrated and the pills had a negative effect on him. We called the emergency services and they came as fast as they could. Of course, the Border Patrol showed up first and he was taken to the Silver City Hospital.

There was another incident just recently where a whole group was going through. They had three young children that were dehydrated and exhausted. We asked them if we could call the Border Patrol and have them come assist them but the group wouldn't wait and they went on and we have no idea what happened to these small children.

The human impacts, both to the Mexican people that are coming across and the impacts to the people in the United States, are tremendous. Not just that. There is also impacts to our wildlife and to our livestock operations and it is economically draining on the ranchers that are along the border. It is economically draining to the communities that are along the border and it is not a good deal.

New Mexico shares 186 miles of border and we have a lot of open space. Most of that consist of ranches. It is made up of public and Federal lands, state lands, and also public lands. In our ranch in Hachita we share five miles of the border with Mexico. Actually, we are still five miles north of the border but Highway 9 runs all the way from Rodeo, New Mexico to El Paso, Texas. In that area of five miles we have at least 20 to 30 foot paths that are going from Mexico to the interstate and each foot path carries at least six to 30 immigrants. This is on a daily basis.

They carry in their backpacks. We find backpacks. We find plastic bags. We find human feces. We find all sorts of things on our ranch. It is not healthy for us. It is not healthy for the livestock. One rancher reported that one of his calves had a plastic bag hung in its throat. It couldn't eat, couldn't spit it out, couldn't drink. He finally rescued the calf.

In another instance he had pasteurella show up in his livestock. The New Mexico vet was called in and, after researching, they determined that the illegal immigrants were congregating around our troughs and they have kept the livestock at a distance so that they couldn't get a drink of water. This had lowered their resistance and they were unable to fight off the disease.

If this is happening to our livestock, it is definitely happening to our wildlife as well. We have deer and antelope. We also have several threatened species, aplomado falcons. We haven't seen any but we have the habitat potential for it. BLM provided nets to go over three steel-rimmed tanks but the illegal immigrants cut the nets.

The Bureau of Land Management comes back, patches the net so that now it is just a patchwork of net. It was supposed to keep any aplomados or the eagles from drowning if they got into the nets. These are resources that our Government is putting out to protect these endangered species that are not being very effective and it is costing us money. It is draining our tax dollars.

The greatest tragedy in my mind is what is happening to the Mexican people and to the people. We need some relief. We need a fence. I don't know that a large tall fence is going to work. We do need a road. In New Mexico where I am at there is no road along the border so the Border Patrol patrols Highway 9 but it is not very effective and we have so much open space it is not even funny. It is hard for them to protect the area. It is hard for them to get there.

The local sheriff's department if you have a problem or anything like that, the response time to get to our ranch is usually four hours. If we have an emergency—and we did several years ago have 16 Chinese immigrants show up at our ranch in Animas—it took the Border Patrol and the state police and the local law enforcement agencies four hours to get down there.

In the meantime, the Chinese guys were very agitated. They were kicking their coyote, the guy that brought them across. It was a very frightening experience for my children because they weren't sure if they were going to overwhelm us and steal a vehicle or eat their cats. They were very concerned about their cats. These instances happen. It happens to people. That is what I am concerned about is the people that live down there and the wildlife.

Do I have any solutions? Yes. I think we need to put up a fence. I think we need to build a road. I think while we are building the road we should put in some fiber optics so that cameras can be put in that can monitor the traffic. This could be a great deterrent. I don't think a high wall is going to work. I don't think building a wall like China is going to work because people are going to get across.

I believe we need a guest worker program because there are a lot of people that need the help. And the people in Mexico need to be able to come here and get a job. That is my personal belief.

[Reaction from the crowd.]

Mr. PEARCE. I will remind you that you will not make comments. These people are trying to do their best to describe their viewpoint. You will please refrain.

Thank you, Ms. Keeler. Please continue.

Ms. KEELER. Well, we don't all have to agree but I do think that we need to work together to forge some solutions. I would like to suggest while I am talking that maybe the Border Patrol could do some sensitivity lessons and learn that the ranchers are not their enemies. We are their friends and we can work with them. This isn't across the board. There are sectors that work better with the people than other sectors do.

I do believe our biggest resource, our most important resource, is not our open spaces or our scenic rivers. It is our people and it is the people in Mexico and we need to treat them with civility. We also need to hold Mexico accountable for their actions. I do believe that they know what is happening to their people as they cross into the United States. We do need a border policy that we can all agree upon.

I am very proud to be an American and I just want to leave you with this thought. I don't blame the people for wanting to come across to this great land because we do have a great land. What other nation started by declaring that, "We hold these truths to be

self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights.” Rights that cannot be transferred to their government or another individual, the right to life, liberty, and the pursuit of happiness.

As Thomas Jefferson so eloquently stated, “Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are a gift of God?” We need to export not just our democratic form of Government. We need to export our constitution and our Bill of Rights and our Christian heritage. If Mexico would incorporate those into her democracy and treat her people like we treat our people, it would be a much better world for everybody. Thank you.

[The prepared statement of Ms. Keeler follows:]

**Statement of Judy Keeler, Co-Owner, Keeler Ranches,
Animas and Hachita, New Mexico**

Honorable Chairman Pombo, members of the House Committee on Resources, and especially our most honorable Congressman Steve Pearce from New Mexico. On behalf of my neighbors, family and myself, I thank you for holding this hearing on the importance of border security on federal lands, and for the opportunity to testify before you.

My name is Judy Keeler. My husband, Murray, and I own two ranches along the New Mexico/Mexico Border. One ranch is located 30 miles south of Animas, New Mexico. It's approximately 12 miles north of the Mexican border and 5 miles east of the Arizona border in what's called the Bootheel of New Mexico. The other ranch is 7 miles east of Hachita, New Mexico, 45 miles west of Columbus, New Mexico and 5 miles north of the Mexican border. Both ranches are comprised of federal, state and private lands. Both ranches have their unique challenges; one has a lot of Latin Americans passing through it, the other has a lot of drug traffic passing through it. Both activities are illegal and both are destroying our nation.

As I read through the Resources Committee's Disclosure Requirement I was struck by question 6—what professional licenses, certifications, or affiliation do I hold that are relevant to my qualifications to testify on this subject matter? I wrote, None.

In reality, however, I have 54 years of experiences living along the border. I serve on the Hidalgo County Public Land Advisory Committee, have served 9 years on the Jaguar Conservation Team for Arizona and New Mexico and belong to several ranching and civic organizations.

As a third generational New Mexican, and a 5th generational rancher, I grew up in the border lands, received my formal education in the border schools and enjoyed the border lands for recreation, as well as sustenance.

As a young, impressionable child I was blessed to have grown up in the small town of Hachita, NM. Before Hillary Clinton's book, *It Takes a Village*, was published, I lived the phenomenon of a totally integrated community. Our town was a composite of America.

I learned my first words in Spanish while tagging along with our Mexican worker as he built fences on our ranch. Although he never spoke English with anyone else, he taught me Spanish, using his broken English. He was a friend and a helper.

Many of my school mates were bilingual. I shared meals with them. Their parents watched over my brother and I, just as my Mother and Dad cared for their children. We learned quickly, at an early age, regardless of nationality, none of us could get away with any mischief in our community. It didn't matter what language we spoke, we were neighbors. No we were more than that, we were family.

Even today, my friends are from every race, color, creed and religion. That's how I was raised, that's how I live and that's the example I set for my children. It was to these friends and family members, many with Spanish surnames that I turned for advice when invited to speak. The testimony I'm giving today is a composite of their thoughts and suggestions, as well as my own.

I'm giving you this background in order to preface what I'm about to say. The solutions offered here are not developed from some racial bias. They come from our heart and are based on facts and personal experiences.

The problems along our southern border were not created in a single day and they won't be solved in a single day. They were not created by the Democrat Party or the Republican Party. They were created by imperfect human beings, irregardless

of their nationalities or party affiliations, trying to solve a problem from the top down. What I see happening along our border cannot compare to 50 years ago. Times have changed and I'm here to discuss those changes.

What are the problems along our southern border today?

When the flood of illegal immigration finally came to the attention of our national leaders, their first reaction was to provide additional personnel and protections in and around our urban areas. As a former resident of El Paso, Texas, I understood this emphasis and agree it needed to be done.

However, as border security tightened around the urban areas, the illegal traffic began to be funneled through the more open, rural areas of the border states, first in California, then Arizona and finally into New Mexico.

Now, in order to resolve this situation, we're going to have step up border security in the rural areas, just as we did around the urban areas.

We don't need more laws; we only need to enforce the ones that are already on our books.

Mexico certainly enforces her immigration laws. If you've ever visited Mexico, you know they have check points where you must show your permiso (permission) to visit the interior. If you're papers are not in order, you will be detained by the Federales until the matter gets resolved. Your living conditions won't be the most comfortable for the duration of the time you spend in that nation.

Why should the U.S. be expected to do anything less?

How many illegal immigrants are coming across our border? What is happening to our federal, state and private lands as a result of this immigration? And, how do we resolve it? These are the answers we seek today.

New Mexico shares 186 miles of border with Mexico. There are three (3) Border Patrol Sectors along this route: Las Cruces, Deming and Lordsburg. According to the Lordsburg Border Patrol Sector Chief, where our Animas ranch is located, one thousand (1,000) illegal immigrants are apprehended on a monthly basis. Although I tried to find out the apprehension rate for the Deming Sector, where our Hachita ranch is located, I ran into computerized answering machines and endless bureaucratic red tape.

However, since the Deming Sector contains the border towns of Palomas and Chiapas, Mexico where many illegal immigrants start their trek into the United States, in addition to about 50 miles of border, it's safe to assume they apprehend twice (2xs) the number of illegal immigrants.

It's the opinion of many that for every one illegal immigrant the Border Patrol apprehends; at least three (3) to five (5) pass through undetected. I hope you can envision what 3,000—10,000 people can do to the natural resources in one month.

I'm sure I don't need to remind you that ranches in the West are a checkerboard of federal, state and private lands. The destruction to the land is not limited to just the federal lands. It's happening across ownership boundaries.

Our ranch in Hachita has about 5 miles of frontage on New Mexico State Highway 9 which runs parallel with the Mexican border from Rodeo, New Mexico to Santa Teresa, New Mexico. It's not uncommon in that 5 mile radius to find 20 to 30 footpaths on a daily basis. Each footpath bearing anywhere from 6 to 30 individuals trekking northward from Mexico to Interstate 10, or other predestined pickup sights.

A neighboring rancher told me he built 4 1/2 miles of fence recently, in cooperation with the Bureau of Land Management (BLM). They did it through a cooperative project that used range improvement—8100 money—as its source. In that 4 1/2 miles he came across at least 60 trails. His concern before building the new fence was that it would be cut by the illegal immigrants as they passed through. He's been lucky; so far the fence is still intact.

The nets the BLM placed over his 3 steel rim tanks several years ago have not fared as well. Originally placed there to protect any Aplomado Falcons from drowning, these nets have been cut by the illegal immigrants and patched by the BLM so many times they are now just a mass of patches.

Border Patrol agents are not above cutting fences or laying them over when pursuing illegal immigrants. I can't begin to tell you how many times we've come across our fences cut, not just by the illegal immigrants, but by the Border Patrol themselves. We understand the need to pursue and capture the illegals, especially their coyotes, but it would be nice if the Border Patrol would repair the damage they create, or at the very least, contact us so we can make the repairs.

In fact, it would a lot of help if Border Patrol agents were given "sensitivity" classes and encouraged to befriend ranchers instead of taking an adversarial approach. Ranchers are not their enemies; we can assist them in their task if they won't talk down or berate us.

We live in a very tender desert environment that has been hard-hit by drought over the last 10 years. Additional human impacts only serve to further stress the land, our livestock, the wildlife and our limited resources.

One of our most limited resources is water. As one couple from Washington State observed as they walked the Continental Divide Trail in our area, "the only water we found was at the windmills". This always comes as a surprise to people that visit from the eastern and western coastal states.

Water is vital to every community and business, including the ranching industry. But it is very limited in the West. Wildlife and cattle are both dependent upon the permanent waterings ranchers provide. Most of these waters are found on private land where our predecessors developed windmills, troughs and dirt tank impoundments, and we, as modern-day ranchers, maintain and continue to develop additional ones.

These waterings are also utilized by the illegal immigrants. Unlike cattle and wildlife, humans can and do turn on valves and break floats draining the precious water onto the ground. They also defecate and bathe in these waters, cut nets that are supposed to protect the wildlife and continually stress our limited water resources.

In addition, they congregate near the waters to rest. Livestock and wildlife won't come to water when there are a lot of people around. One rancher in our area had an outbreak of pasteurilla in his calves. The state veterinarian was called in to find out how the outbreak originated. After a week of research, they determined the cattle were stressed by all the activity that kept them away from the water, which made them more susceptible to disease. If this is happening to our livestock, one can rightly surmise the wildlife are also impacted making them just as susceptible to diseases.

One of the biggest impacts from the illegal activity is the trash. All one has to do is drive along Highway 9 between Rodeo and El Paso, Texas to see the trash that has been dropped by the illegal immigrants. Plastic water jugs, plastic bags, paper and other items litter the area.

To really see the impacts, however, one needs to get off the road and walk through some of the draws and gulleys. My husband and I make it a habit of picking up the litter on our ranches, regardless of whether it's federal, state or private land. It always amazes me how many backpacks and water bottles we find. No one else cleans up after the illegal immigrants. In fact, the Border Patrol will often make the immigrants leave their water bottles, sacks of food and clothing or backpacks on the ground before loading them into their vehicles.

One rancher in our area reported he had a calf with a plastic bag hung in its teeth. The poor animal couldn't spit the bag out nor could he swallow it. No doubt he had a hard time eating and drinking until the rancher dislodged the bag. No telling how many other calves die before they can be found and rescued.

We also find human feces and toilet paper littering our ranches. This trash not only creates an eye sore for those who pass by, but a health hazard to livestock, wildlife and other human beings.

Reports tell us that many of the illegal immigrants are bringing invasive species, as well as diseases, into our country. An employee of the U.S. Fish and Wildlife Service reported that one reason the Chiricahua Leopard Frog is on the brink of extinction is because of a lethal fungus that can be transported from one water hole to another by wildlife and humans alike. Called the chytrid fungus it has been linked to amphibian deaths in places as far away as Australia and Costa Rica. It kills frogs by growing on their skin, making it hard for them to use their pores to regulate water intake. The frogs literally die of thirst in the water.

Archeological sites are also being impacted by this traffic. Perhaps not intentionally, but these sites are being destroyed by the increased human activity.

Our grasses are being trampled out where the trails cut across the land. In the places where large groups of illegal immigrants congregate to rest and regroup, vegetation becomes nonexistent. Fire can also have a negative impact on grasses. Several fires, started by illegal immigrants building campfires, have burned so hot they've destroy not just the grass, but the root systems so the grass can never grow back. As a rancher, we cannot afford to lose our grasses. Without them we have no livestock operation.

It's also costing our communities a lot of money to provide medical services for the illegal immigrants. On July 3rd we had an immigrant show up in our corrals during a family gathering. No one saw him walk in. But we did see him thrashing on the ground in convulsions and ran to his assistance. We called the border patrol and emergency services, which are very limited and not always available in our rural community. Until one of them arrived, we made him as comfortable as possible; offering him Gatorade and water to rehydrate him.

He told us he was from Oaxaca that's in the extreme southern portion of Mexico and had sold everything he owned to pay a coyote \$3,000 to bring him into the U.S. When he couldn't keep up with the rest of his group, the coyote gave him some pills to pep him up. When this failed to help, he was left behind. Lost, dehydrated and despondent, he found his way to our home.

The Border Patrol was the first to respond, placed him in the back of their vehicle and transported him. We learned the next day he was in the Silver City hospital with kidney failure.

In another instance my husband came across an illegal immigrant that had been beat up by his coyotes. They also stole the money he had in his pockets and left him to die. The poor guy wanted a ride into town, but my husband knew if he was caught transporting an illegal immigrant his vehicle could be impounded and he could be fined. Offering him some crackers and what water he had, he asked if it was okay to call the Border Patrol as soon as he was within cellphone service.

The man was afraid the Border Patrol was like the Federales in Mexico and begged him not to call. Murray assured him the federal agents were different in the U.S. and would take care of him. The guy finally agreed to let him call for help. We never heard whether the Border Patrol was able to find him.

A few weeks ago three illegal immigrants, a husband, wife and young native Indian girl from Mexico, came to our home in Hachita seeking help. The Indian girl had not been able to keep up with their group so the coyote had left them in the mountains. The couple was concerned that if they left the girl alone, she would die. Although they had sold everything they owned to buy their way into the U.S., and would return to their country destitute, they stayed to help their fellow human being. We called the Border Patrol. They picked them up.

Most recently we had a group with three young children pass through. The children were dehydrated and exhausted. Although we tried to persuade them to let the Border Patrol come get them, they trekked on. Only the Lord knows if they made it.

According to the Luna County Sheriff's Department, they find at least 10 illegal immigrants dead each year. These are the ones that are reported and they are able to find. Many go unreported and undiscovered. Although damage reports to property are down this year, the sheriff's office still has 5 to 6 reports each month that range from minor damage to broken water lines and valves to grand theft of guns, cash, and autos.

I could go on and on with my stories but my time to speak is limited. In my mind the human impacts; to both the residents that live along the border and the illegal immigrants that pass through, are the most tragic results of all this illegal activity. We're leaving a legacy to our children that won't be a positive one. No doubt my children and grandchildren will never forget the trash, resource damages, or our little friend from Mexico writhing in convulsions as he lay in our corrals fighting for his life.

I don't believe elected officials in Mexico are blind to the tragedies and indignities their people suffer in order to come to the United States. Many of my friends believe they turn a blind eye to this travesty and allow the United States to care for their downtrodden and poor.

NAFTA may have brought industrialization to northern Mexico, but it has not resolved the problems lurking farther south. Many of the illegal immigrants are from southern Mexico, as well as Central America. They hope to find a better life here. No one can fault them for this desire. But, they have no idea what ordeals they will pass through in order to achieve their dream.

One immigrant showed up at our ranch in Animas asking how far it was to Denver. We asked if he intended to walk there. When he responded affirmatively we told him it was about 600 more miles and it would take him at least a month to walk it. He let us call the Border Patrol. They returned him to Mexico.

What are our solutions? How can we resolve the situation?

The solutions will not be easy. There must be a many pronged approach, including a fence and a guest worker program.

We must show our neighbors to the south some tough love. Mexico has to acknowledge it has a problem. They must assume the responsibility to care for their people and own up to the failure of their country to meet those needs. The nation must be held accountable.

The U.S. needs to realize Mexico has a caste system. They have the haves and they have the have nots. There is no middle class even though it is nation rich in untapped natural resources and with a people that have tremendous potential. Under the present conditions individuals born into this caste system have no means of escape, except to come to the United States.

Have you ever wondered why we don't have an influx of immigration from Canada? Could it be because Canada does not have the abject poverty Mexico has? Mexico must stop shipping its poverty across the border. They must create opportunities for their people and give them hope for a future. How do they do this? They need to encourage and support small businesses other than illegal drugs. They also need to provide free education beyond the 8th grade. They must build trust between their government and their people. This is an awesome task that can only be accomplished by men of integrity and honor.

In the meantime, Mexico needs to reciprocate in securing the border.

I'm not a proponent of building a wall between the U.S. and Mexico. I believe it will be too expensive and ultimately it will not stop the illegal immigrants. But, we do need a fence. First, we need a law that clearly defines the border area, not the 50-150 miles zone as proposed in Border XXI, but a 60 foot easement where a road can be built along the border. And, the money to build a fence and road must be appropriated by Congress.

Fiber optics could be put in as the road and fence are built with well-placed cameras that can monitor illegal crossings. With the fiber optics this information could be sent to the nearest Border Patrol headquarter and monitored 24/7.

The fence does not have to be some colossal feat. It can be practical and achievable. It could be built with railroad ties set on 4 feet centers with 4 or 5 strands of wire that would allow the wildlife to migrate between the U.S. and Mexico. The cameras could act as the deterrent, not the fence.

We also need to define whose responsibility it will be to maintain this fence. I know ranchers that have gone to their grave trying to seek a solution to this issue with our federal government. It's time to get it resolved!

The Army can be very efficient in patrolling our borders. In October of last year they held maneuvers in the Hachita/Columbus area. They headquartered on the federal lands on our ranch next to Highway 9. In 10 days they assisted the Border Patrol in apprehending over 1,000 illegal immigrants. Although they slowed down the crossings during the month they were there, the illegal crossings resumed as soon as they left. In fact, a big celebration was held in Palomas, Mexico the evening the Army headed for Fort Bliss.

Their Strikers and some of their other heavy equipment tore up the land where they headquartered but we were impressed with their dedication to our country, their technology and their resolve to apprehend the illegal immigrants.

The Army is not a long-term solution, however. They need too much support personnel and equipment to carry out their job. It is estimated that for every one (1) Army personnel to watch the border, three (3) support personnel are required. They require sleeping quarters, food and other essentials while on deployment. This can be very expensive over an extended period of time. The Border Patrol does not require the same kind of support. They do need, however, the same technology that is available to our Army.

I understand the number of illegal immigrants apprehended has very recently dropped. No one knows why. The numbers began to fall about a week before the National Guard arrived. Some think it's because the Border Patrol might be doing a better job apprehending the coyotes that guide the immigrants across the border; others believe changes in the catch and release policy have kept a lot of the illegal immigrants from recycling.

No matter the reason, we are pleased President Bush has called up the National Guard. Their assistance will help the Border Patrol agents stay on task and alleviate some of the administrative details that so often bog them down.

New Mexico State Police have also had a physical presence along the New Mexico border for some time now; thanks to Governor Richardson. However, we also need to think about empowering our local law enforcement agencies. The local sheriff offices are all too often under-funded and understaffed. It's their job to respond quickly to their rural constituents. But, their resources are stretched to the max. They need additional officers, improved communications and support from our federal government. It would be nice if Congress would allow some of our tax dollars to trickle back down from Washington, D.C., to help out the local law enforcement agencies instead of building up the federal bureaucracy.

Although joint agency agreements may bring some of the federal money down to the local law enforcement level, all too often the federal hierarchy signing on to these agreements are rotated out of the local area so there's never any consistency in personnel or policy. Neither do they take the time to get acquainted with the local people, their customs, the rural roads or the land. All too often there is little accountability to the state and local law enforcement agencies; or the rural citizens. The usual response to mishaps and misunderstandings is CYA. We don't need more federal bureaucrats, just some financial help to do the job ourselves!!

In addition, we need to start penalizing big corporations that recruit and hire illegal immigrants. Our first bad experience with illegal immigration happened about 12 years ago. Nineteen (19) Chinese immigrants and their coyote showed up at our Animas ranch. They had been lost in the Peloncillo Mountains for three days without food or water. Visibly agitated and upset, they kept kicking and pushing their coyote and would not let him out of their sight.

Their behavior frightened my children. They were afraid the Chinese immigrants would overpower my husband, steal our vehicle, eat their pets; or worse yet, kill one of us. Gratefully, none of this happened. But it did take four hours before the law enforcement agencies arrived. In the meantime, the immigrants fought over the water hose to get a drink, cooked some pork from our freezer and fought over the spoon so they could lick the grease that was left in the pot.

Although we had a hard time communicating with them, we finally understood they wanted to use our phone. They called Van Nuys, California and the Bronx, New York. Sixteen other Chinese immigrants were discovered hiding on the Gray Ranch the next day. We found out later they were a part of a large group that had paid \$10,000 a piece to be transported into the United States. They came by boat from China to Columbia, crossed Mexico by bus, and were going to walk across the border mountains to Rodeo where they were to be picked up and transported to Phoenix, Arizona, then flown to New York city. There they would be indentured to their employer until the money was paid back. And some think slavery has been abolished in the United States of America. For sure it was too expensive for the U.S. to deport them back to China. I've always wondered what happened to them.

Our nation's greatest resources are not our old growth trees, pristine grasslands, scenic rivers or open spaces. Our greatest resource is the people who make up this great country. We need to know that we too are secure in our own freedoms so we can build a better future for ourselves, as well as our fellow human beings. Only then will all the resources of our world be protected and plentiful.

In my opinion, if all the nations in the world, starting with our sister nation Mexico, would adopt, not just our democratic form of government, but the precepts our Founding Fathers tried to instill in our nation, life would be much better for everyone. What other nation began by declaring that "we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights": Rights that cannot be transferred to their government or another individual; the right to life, liberty and the pursuit of happiness.

As Thomas Jefferson so eloquently stated: "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are a gift of God?"

I thank God for the Constitution of the United States of America and that I live here. Instead of exporting democracy, we should be exporting our Constitution, including our Bill of Rights and our Christian heritage! If we would all treat one another in the same way we want to be treated, what a better world we would all live in. It's such a novel concept!!

Until these human rights can be secured in other nations, we need some relief from the flood of people that our seeking what does not exist in their own countries.

In summary, there are no easy solutions to our border dilemma. It may take years to resolve these issues. Fences won't work. Diplomacy isn't working. Perhaps it's time we start thinking out of the box, put our head together and come up with solutions that will work.

Thank you for inviting me to give my testimony.

[NOTE: Pictures attached to Ms. Keeler's statement have been retained in the Committee's official files.]

Mr. PEARCE. Thank you very much.
Mr. McGarvie, appreciate you being here today.

**STATEMENT OF JIM McGARVIE, VICE PRESIDENT,
OFF-ROAD BUSINESS ASSOCIATION**

Mr. MCGARVIE. Thank you. I would like to respectfully object to the sequence of speakers. That is a difficult testimony to follow. She did a great job of personalizing the situation.

Good morning, Mr. Chairman, Congressmen Radanovich and Bilbray. Thank you for the opportunity to testify this morning.

My name is Jim McGarvie. I am Vice President of the Off-Road Business Association (ORBA), a nonprofit trade association of businesses in the off-highway vehicle recreation industry. Our members, the future profitability of our members businesses rely upon the continued existence of OHV recreational opportunity on public lands. I am also on the board of directors of the San Diego Off-Road Coalition, another nonprofit organization of end users, off-roaders gathered together to try to promote our sport in a responsible manner.

I am here not only representing those two organizations but speaking for the OHV recreation community in general. At first glance border security would seem to have little to do with OHV recreation. Certainly there are impacts from illegal immigration with far greater import than those impacting OHV recreation. Impacts to OHV recreation are not insignificant and are important.

I will break those impacts down into two broad categories, the impact of border security upon OHV recreation and the impact on OHV recreation when that border security fails.

The impact upon OHV recreation of border security. No one believes more strongly than I in the necessity of a strong border but there is always a price for security. Including in the negative impacts of a strong border are a few which effect OHV recreation. Probably the greatest of those are the closures of public lands to OHV recreation in the name of border security. There are dirt roads and trails in the Cleveland National Forest east of San Diego which used to be open to OHV recreation but are now closed to us in the name of Homeland Security.

There is a portion of the desert managed by the Bureau of Land Management between Interstate 8 and the Mexican border known as the Yuha Desert. In the Yuha, all privately owned motorized vehicles are required to remain on designated roads and OHVs, those not licensed for street use, are restricted to only three of those trails presumably to protect species that exist in that area.

If we violate those restrictions, we are subject to fines, vehicle confiscation and possible jail time. However, the Border Patrol frequently traverse the area in pursuit of illegal immigrants. We understand and sympathize with the mission of the Border Patrol but, in effect, the illegal immigrants are causing the area to be heavily utilized by vehicles in chase with the consequent impact upon the environment, while we cannot access the area with vehicles for recreation.

The impact on OHV recreation when border security fails. The border fencing in the San Diego area has proven quite successful in reducing illegal border crossings in that area, but has pushed the problem further east into public lands managed by the BLM and the Forest Service. A prime example is in the Imperial Sand Dunes Recreation Area (ISDRA) in Imperial County near the Arizona and Mexico borders.

This is one of the most popular OHV areas in the country, seeing as many as 200,000 off-roaders on a busy holiday weekend. The Mexican border is ill-defined where it crosses the dunes and impossible to fence in that area. It is relatively easy to violate the border without realizing it.

Because of the proximity to the border, the ISDRA, particularly that portion known as Buttercup Valley between Interstate 8 and the border has been the scene of armed robberies and shootings attributed to thieves entering the country illegally and then fleeing back across the border. I provided you gentlemen with a map of that area and a newspaper article about that particular incident.

There has also been drug smuggling reported in that area. Many off-roaders now stay away from the Buttercup area due to the risks involved. In fact, one BLM employee told me under the condition of anonymity that he would not take his family camping there. That tells you something.

Another example of lost OHV opportunity due to a less than secure border has been referred to a couple of times already this morning, the "Horse Fire," a wildfire which occurred in the mountains east of San Diego just last month. This fire consumed almost 17,000 acres, most of which are in the Cleveland National Forest including portions of two wilderness areas.

In addition to the terrific impact upon our natural resources as consequences of fire suppression efforts, as well as the fire itself, the OHV area closes to San Diego and the largest of only two legal OHV areas this side of the desert was largely consumed and will be closed for the foreseeable future.

What was the cause of this fire? According to a Cleveland National Forest press release, and I quote, "Based on the fire investigation, the cause of the fire was an abandoned campfire in a side drainage of Horsethief Canyon. Evidence collected at the scene suggest that the campfire was left by undocumented immigrants." More OHV opportunity lost, more recreational opportunity lost, more loss of profits for the OHV industry.

Thank you very much.

[The prepared statement of Mr. McGarvie follows:]

**Statement of James McGarvie, Vice President,
Off-Road Business Association**

My name is Jim McGarvie. I am Vice President of the Off-Road Business Association (ORBA), a nonprofit trade association of businesses in the off-highway vehicle (OHV) recreation industry. This is a huge and rapidly growing industry, estimated to contribute approximately nine billion dollars annually to the economy of the State of California alone. The future of this industry is directly related to the amount of OHV recreation opportunity available. As land open to OHV recreation shrinks, for whatever reason, industry profits shrink as well. The primary mission of ORBA is to prevent further loss of access to public lands. I am testifying today not only representing the Off-Road Business Association but representing OHV recreation in general.

At first glance, border security would seem to have little to do with OHV recreation. Certainly there are impacts from illegal immigration with far greater import than those impacting OHV recreation. But impacts to OHV recreation are not insignificant, and are important.

I will break those impacts down into two broad categories: The impact of border security on OHV recreation and the impact on OHV recreation when border security fails.

The impact upon OHV recreation of border security:

No one believes more strongly than I in the necessity of a strong border. But there is always a price for security. Included in the negative impacts of a strong border are a few which effect OHV recreation. Probably the greatest of those are the closures of public lands to OHV recreation in the name of border security. There are dirt roads and trails in the Cleveland National Forest and on BLM land east of San Diego which used to be open to OHV recreation, but have been closed to us in the name of Homeland Security.

There is a portion of the desert managed by the Bureau of Land Management (BLM) between Interstate 8 and the Mexican border known as the Yuha desert. In the Yuha, all privately-owned motorized vehicles are required to remain on designated roads—and OHV's are restricted to only three of those—presumably to protect species that exist there. If we violate those restrictions we are subject to fines, vehicle confiscation and possible jail time. However, the Border Patrol frequently traverses the area in pursuit of illegal immigrants. We understand and sympathize with the mission of the Border Patrol, but in effect illegal immigrants are causing the area to be heavily utilized by vehicles in chase, while we cannot access the area with vehicles for recreation.

The impact on OHV recreation when border security fails:

The border fencing in the San Diego area has proven quite successful in preventing illegal border crossings in that area, but has pushed the problem further east into public lands managed by the BLM and the Forest Service.

A prime example is in the Imperial Sand Dunes Recreation Area (ISDRA) in Imperial County near the Arizona and Mexico borders. This is one of the most popular OHV areas in the country, seeing as many as 200,000 off-roaders on a busy holiday weekend. The Mexican border is ill-defined where it crosses the dunes, and it is relatively easy to violate the border without realizing it.

Because of the proximity to the border, the ISDRA—particularly that portion known as Buttercup Valley between Interstate 8 and the border—has been the scene of armed robberies and shootings attributed to thieves entering the country illegally and then fleeing back across the border. There has also been drug smuggling reported in that area. Many off-roaders now stay away from the Buttercup area due to the risks involved. One BLM employee told me under the condition of anonymity that he would not take his family camping there.

Another example of lost OHV opportunity due to a less than secure border is the "Horse Fire," a wildfire which occurred in the mountains east of San Diego just last month. This fire consumed over 16,000 acres, most of which are in the Cleveland National Forest, including portions of two wilderness areas. In addition to the terrific impact upon our natural resources as a consequence of fire suppression efforts and the fire itself, the OHV area closest to San Diego—and the largest of only two legal OHV areas this side of the desert—was largely consumed and will be closed for the foreseeable future. What was the cause of this fire? According to a Cleveland National Forest press release, "Based on the fire investigation, the cause of the fire was an abandoned campfire in a side drainage of Horsethief Canyon. Evidence collected at the scene suggests that the campfire was left by undocumented immigrants." More OHV opportunity lost; more loss of profits for the OHV industry.

Solutions:

I don't have the answers to this problem. If I did I would probably be working in Washington, DC. From a layman's standpoint the fence seems to work well where it exists. Perhaps it would work even better if it continued further east. It seems to me that where there is a fence along the border, the work of the Border Patrol is made significantly easier. It is likely that, were the border fenced through the back country and desert east of San Diego, most if not all of the closures of areas of OHV opportunity could be reopened. Many of the risks to off-roading families would be eliminated. The number of illegal immigrants dying in their attempt to find work in the United States would be drastically reduced, as would the number of illegal campfires.

Thank you.

[NOTE: Attachments to Mr. McGarvie's statement have been retained in the Committee's official files.]

Mr. PEARCE. Thank you, sir.

Mr. Nassif, thank you very much.

**STATEMENT OF AMBASSADOR THOMAS A. NASSIF,
PRESIDENT, WESTERN GROWERS ASSOCIATION**

Mr. NASSIF. Thank you. Mr. Chairman, Congressmen Radanovich and Bilbray, first let me say how much respect and admiration we have for our Border Patrol, the job they do without the necessary tools to do it correctly, one of which is comprehensive immigration reform.

I am President and CEO of Western Growers and I appreciate the opportunity to testify before you today not only on behalf of Western Growers but on behalf of the Agricultural Coalition for Immigration Reform and the National Coalition of Agricultural Employers.

Western Growers is an agricultural trade association whose 3,000 members grow, pack and ship approximately 90 percent of the vegetable and 70 percent of the fruits and tree nuts in California and Arizona. That is about 50 percent of all the produce in the United States.

We grow the best medicine in the world. Our farms and ranches are the open space. We are the green space. Because we derive our living from the land, we are the best stewards of the land. Our members are committed to preserving those resources for future generations of Americans.

In summary, my testimony today will focus on the impact of immigration policy on the environment. In addition, we are deeply troubled by the fact that our current enforcement only approached immigration policy has forced determined migrants into the often-deadly deserts of the southwestern United States.

Hundreds of miles of illegal trails and roads have been created from undocumented aliens crossing through refuge lands. This proliferation of trails and roads damages and destroys cactus and other sensitive vegetation, disrupts revegetation efforts, disturbs wildlife and their habitat, and causes soil compaction and erosion.

Western Growers believes it is necessary to preserve the environmentally fragile desert lands along the southern border by opening legal channels to migration while securing our borders. At the same time, we recognize that as the border becomes more secure the human traffickers are forced to direct illegal aliens to areas of the border that have not been used previously for this traffic. This illegal traffic is increasingly moving toward and into very environmentally sensitive Federal and non-Federal lands and creating environmental havoc.

Illegal trails and roads carved by immigrants can destroy vegetation, wildlife habitat, and effect erosion patterns. Conservationists and biologists estimate that it could take over a century for fragile desert soils and plants to recover from this damage. Further insult to this precious land is caused by the trash and garbage strewn about by these traffickers.

It has been estimated that the average desert walking immigrant leaves behind eight pounds of trash during a journey that under the best-case scenario lasts one to three days. Assuming that half a million people cross the border illegally into Arizona annually, that translates to 2,000 tons of trash that immigrants dump each year.

According to a report released by Defenders of the Wildlife, one of the nation's most progressive advocates for wildlife and its habitat, establishing a simple and feasible guest worker program is the single most important reform that Congress can enact to protect our precious desert lands.

There is a sensible solution to this problem which will not only protect environmentally sensitive Federal lands in the southwest, but will also bolster the national security, benefit the U.S.

economy, and provide humanitarian relief. That is a simple, feasible guest worker program.

It is axiomatic that a program that allows workers to enter the United States legally directs those workers to enter and establish points of entry rather than the unforgiving southwest desert. The bottom line is that the U.S. economy needs additional workers to do many of the jobs that Americans will not do.

[Audience reacts.]

Mr. NASSIF. It is beyond dispute that no one in this audience raises their children to become farmworkers. The simple fact is our crops are going to be harvested by foreign workers. The only issue is whether or not the harvesting occurs in the United States where for every farmworker job we create 3.5 jobs Americans will do or whether some foreign economy will benefit from that labor.

Our members are reporting labor shortages in increasing numbers throughout California and Arizona. If our farmers cannot obtain an adequate labor supply, they will be forced to sell their farms to developers eliminating the open space, or alternatively they will move their production, as is happening today, to Mexico or other countries where those willing to do agricultural work are plentiful.

If our farmers cannot provide the supermarkets and food service companies with locally grown product when they need it, they will find it offshore in Mexico or China.

Mr. Chairman, it is hoped that this testimony will provide a pathway that secures our borders, preserves our delicate environmental resources both public and private, and benefits our economy for future generations. Thank you very much.

[Applause.]

[The prepared statement of Mr. Nassif follows:]

**Statement of The Honorable Thomas A. Nassif,
President and CEO, Western Growers**

Mr. Chairman, and Members of the Committee, thank you for the opportunity to testify today on behalf of Western Growers. It is very much appreciated that you are holding this important hearing here in California.

Western Growers is an agricultural trade association whose 3,000 members grow, pack and ship 90 percent of the fresh vegetables and nearly 70 percent of the fresh fruit and nuts grown in Arizona and California, about one-half of the nation's fresh produce. I like to say that we grow the best medicine in the world—fresh fruits, vegetables, and nuts. Western Growers is a member of the Agricultural Coalition for Immigration Reform (ACIR) and the National Coalition of Agricultural Employers (NCAE). Both are large national coalitions of agricultural employers who support comprehensive immigration reform. Western Growers, ACIR and NCAE strongly support reform of the H-2A temporary agricultural worker program, which currently is inaccessible to most farmers in California and Arizona. We also support an earned adjustment of status for experienced agricultural workers currently employed in agriculture. These experienced farm workers are necessary to maintain current levels of agricultural production.

My name is Tom Nassif. I am President and CEO of Western Growers. I first represented the agriculture industry as an associate, and then as a partner, in the law firm of Gray Cary Ames & Frye specializing in agricultural labor law. I represented the Imperial Valley Vegetable Growers Association and numerous growers and shippers in the Imperial Valley, Central Valley and Arizona on all kinds of agricultural labor law matters. I left the practice of law in 1981 to join the Reagan Administration, first as Deputy and Chief of Protocol for the White House, and then as Deputy Assistant Secretary of State for Near East and South Asian Affairs in the Office of Protocol in 1983 and in 1985. I was then named by President Reagan as his Ambassador to the Kingdom of Morocco.

Since joining Western Growers in 2002, our trade association has constantly dealt with a multitude of environmental and land issues on behalf of members. These issues include environmental regulation, such as pesticide regulation; water use and storage; and food safety and security, among other things. I have not received federal grants of any kind. Western Growers has received limited grants through market development programs (MDP) such as the Market Access Program (MAP) and other MDPs administered by the United States Department of Agriculture's Foreign Agricultural Service (FAS) program.

To help our members stay competitive in an increasingly fierce global marketplace, Western Growers provides a host of services on which our members rely, including representation in government affairs; communications and media relations; and international trade and transportation services, to name a few. Western Growers Assurance Trust (WGAT) is the largest insurer of benefits for the agriculture industry, offering a variety of health care, dental, vision service and life insurance plans, to farmers, their employees, and others affiliated with the agriculture industry. Today, more than 100,000 farm employees and their dependents receive employer sponsored benefits through WGAT. In addition, for over 30 years WGAT has contracted directly with doctors, dentists, pharmacies and hospitals in Mexico to provide seasonal farmworkers with access to healthcare in Mexico.

In summary, my testimony today will focus on immigration policy, and specifically, the impact of immigration policy on the environment. Our farmers and ranchers are the open space, we are the green space. Because we derive our living from the land, we're the best stewards of the land. Our members are committed to preserving those resources for future generations of Americans.

In addition, we are deeply troubled by the fact that our current enforcement-only approach to immigration policy has forced determined migrants away from official ports of entry into the forbidding and often deadly desert of the Southwestern United States. Hundreds of miles of illegal trails and roads have been created from undocumented aliens crossing through refuge lands. This proliferation of trails and roads damages and destroys cactus and other sensitive vegetation, disrupts re-vegetation efforts, disturbs wildlife and their habitat, and causes soil compaction and erosion. Moreover, hundreds of tons of debris, such as water bottles, diapers, and abandoned vehicles are jettisoned on federally protected lands by undocumented aliens. History clearly demonstrates that when legal channels to immigration are made available, illegal immigration plummets. The evidence is clear that a comprehensive approach to immigration reform, one that recognizes the economic realities of the needs of employers and foreign workers is crucial to reducing illegal immigration. The creation of a feasible and reliable guest worker program will drastically reduce illegal immigration, thereby preserving precious environmental resources.

Western Growers is Dedicated to Preserving the Environment

To put this issue into context, it is important to fully understand California's reliance on agriculture, and the country's reliance on California agriculture. California is the nation's leading agricultural exporter. Between 16-19 percent of California's agricultural production is exported to international markets annually, totaling more than \$6.5 billion in revenues.

California is the largest producer of specialty crops in the United States. These specialty crops provide 60 percent of America's daily nutritional value. California produces 99 percent or more of the following specialty crops: almonds, artichokes, clingstone peaches, dates, figs, kiwifruit, nectarines, olives, persimmons, pistachios, plums, dried (prunes), raisins and walnuts. The number one export is almonds.

Many Western Growers members are third and fourth generation farmers. It is not unusual to find fifth and sixth generation farmers among our members. Western Growers' Chairman, Will Rousseau's great-grandparents arrived in Arizona via covered wagon and began farming the land. Many have been farming the same exact same land that their grandfathers, great-grandfathers and great-great-grandfathers farmed so many years ago. Their longevity and fixedness is a testament to the environmentally friendly, sustainable farming practices that have been successfully implemented and improved upon for generations. This is the very definition of sustainable agriculture which refers to the ability of a farm to produce perpetually. An ever increasing number of our members are engaged in organic farming. The movement toward organic production is consistent with our members' ever-present desire to be more environmentally friendly, while also satisfying increasing consumer demand for organics.

Environmental protection is a priority for the conservation of precious natural resources, the continued health of our planet, and the continued viability of the fresh produce industry. Western Growers members recognize their responsibility as global

citizens and they continually strive to reduce the environmental impact of the work they do and the commodities they produce. Western Growers takes pride in the fresh produce industry's history of innovation and thoughtful food production practices. How our production practices impact the environment is of the utmost importance to us, and environmental considerations are integral to our members' business practices. From the time the soil is prepared for planting and throughout the food production and processing cycle, our members take care to keep their agricultural activities environmentally sound and our fruit, vegetable and nut products, nutritious and safe to eat.

Recognizing our role as an environmental leader and steward, in 1991 Western Growers adopted and implemented the Western Growers Environmental Code of Concern, which guides our members on environmental practices.

Increasingly, Western Growers and state and national agricultural groups are working more closely together because of a mutual recognition that California and Arizona agricultural fields, orchards and vineyards constitute the present and future green space and open space of these productive states. Consider these statistics about California agriculture:

- More than one-quarter of California's landmass is used for agriculture—about 27.7 million acres, including 5 million acres of federal grazing land.
- Roughly 1.5% of the state's total agricultural land (including a similar percentage of its cropland) was converted to urban uses between 1988 and 1998.
- Every year, 20,000 acres of California farmland is turned into housing developments.

Clearly, agriculture is one of the greatest industries of this great state. Our bountiful harvest supplies the nation and the world with the best fruits, vegetables and nuts in the world. However, if our growers can't find a dependable and legal workforce, they will have no choice but to shut down their operations or move production to Mexico and other foreign soils. This will necessarily expedite the paving over of precious farmland. And once a farm is paved over, it can never be converted back to green space.

Western Growers Believes it is Necessary to Preserve the Environmentally Fragile Desert Lands Along our Southern Border by Opening Legal Channels to Migration

Western Growers and its members support border enforcement in a clear recognition of the need to secure our nation. At the same time, it recognizes that as the border becomes more secure, it is forcing "coyotes" or human traffickers to direct illegal aliens to areas of the border that have not been used previously for this traffic. This illegal traffic is increasingly moving toward and into very environmentally sensitive federal and nonfederal desert land. This increased illegal traffic in fragile desert lands is causing environmental havoc.

The environmental destruction of such treasures as the Organ Pipe Cactus National Monument, a 330,000-acre park in the Sonoran Desert on the Arizona-Mexico border, is caused primarily by two distinct but diametrically opposed groups. First, the professional illegal human smugglers are traveling along these highly sensitive areas in increasing numbers. This coyote traffic consists of both foot and vehicular traffic, both of which trample the fragile desert flora. Illegal trails and roads carved by immigrants can destroy sensitive vegetation and wildlife habitat, and affect erosion patterns. Conservationists and biologists estimate that it could take over a century before fragile desert soils and plants recover from the damage.

Further insult to this precious land is caused by the trash and garbage strewn about by these traffickers. It has been estimated that the average desert-walking immigrant leaves behind 8 pounds of trash during a journey that, under the best case scenario, lasts one to three days. Assuming a half million people cross the border illegally into Arizona annually that translates to 2,000 tons of trash that migrants dump each year.

Migrant trash is especially vexing because it is scattered along remote areas where it is dangerous to grazing cattle and wildlife and difficult and expensive for waste management crews to reach and pick up.

According to a report released by Defenders of Wildlife, one of the nation's most progressive advocates for wildlife and its habitat, immigrant traffic and border patrol activities have left the following examples of damage:

- Vehicles abandoned by illegal immigrants are expensive to remove and towing them causes additional damage.
- Trash and human waste left behind by illegal immigrants affects soil and water quality.
- Low level helicopter flights by the Border Patrol disturb wildlife and habitat areas.

- Off-road vehicle patrols damage fragile regions vital to local wildlife. U.S. road, light, and fence-building projects disturb wildlife, destroy habitat and shift animal migratory patterns.

Thus, it is not just the coyotes and the human cargo that cause substantial damage to the habitats of the southwest. Federal, state, and local law enforcement groups and their volunteer counterparts travel over these same desert lands in an effort to apprehend those sneaking across the border. Law enforcement agencies along the border, as laudable as their mission is, use large motor vehicles that cause further damage to the desert environment. Moreover, the flow of migrants into the desert compels the necessary humanitarian efforts by U.S. citizens to journey into the dangerous desert to help save the lives of vulnerable migrants who become stranded in the desert. Again while noble of intention, the sensitive desert habitats become further harmed.

Western Growers Supports a Solution that Enforces our Borders, Enhances the Environment and Preserves Agriculture in California and Arizona

There is a sensible solution to this problem, which will not only protect the environmentally fragile federal lands of the Southwest, but will also bolster national security, benefit the U.S. economy, and provide humanitarian relief. The bottom line is the U.S. economy needs additional workers to do many of the jobs that U.S. workers will not do. It is beyond dispute that Americans do not raise their children to perform stoop labor or otherwise toil in the fields, vineyards, and orchards of our country's farms. The simple fact is: our crops are going to be harvested by foreign workers. The only issue is whether or not the harvesting occurs in the United States where our economy will benefit from the 3.5 jobs created upstream and downstream for every farmworker job, or whether another country will reap those economic benefits.

A reliable, legal guest worker program must be established so that workers can come legally to our country and become legally employed in jobs where there are insufficient domestic workers to do the job. In the past, there was a program that accomplished this and discouraged aliens from illegally entering the US. While the bracero program was much maligned because of a lack of labor law protections and perceived exploitation of foreign workers, today, there are ample laws in place to protect guest workers from unscrupulous employers.

I would direct the Committee's attention to several excellent and well-researched studies on topic. The first is by Douglas S. Massey, a professor at Princeton University, on behalf of the Cato Institute which concludes that the enforcement-only approach to immigration policy has not only failed, but has had the opposite of its intended effect. The study demonstrates how the last twenty years of enforcement only policy has driven migration flows into the desert. (The executive summary of the report, titled *Backfire at the Border: Why Enforcement without Legalization Cannot Stop Illegal Immigration*, is attached as Exhibit 1)

In addition, two studies by Stuart Anderson for the National Foundation for American Policy are also very illuminating. One is titled *The Impact of Agricultural Guest Worker Programs on Illegal Immigration*, and the other is *Making the Transition from Illegal to Legal Migration* (executive summaries attached hereto as Exhibits 2 and 3, respectively). The first report focuses on agricultural guest workers and concludes, among other things:

- "By providing a legal path to entry for Mexican farm workers the bracero program significantly reduced illegal immigration. The end of the bracero program in 1964 (and its curtailment in 1960) saw the beginning of the increases in illegal immigration that we see up to the present day.
- It is recognized that the number of INS apprehensions are an important indicator of the illegal flow and that, in general, apprehension numbers drop when the flow of illegal immigration decreases.
- In the 1950s and 1960s, senior law enforcement officials in the U.S. Border Patrol and elsewhere in the INS understood and promoted the use of market forces to reduce illegal immigration and control the Southwest border. A February 1958 Border Patrol document from the El Centro (California) district states, "Should Public Law 78 be repealed or a restriction placed on the number of braceros allowed to enter the United States, we can look forward to an increase in the number off illegal alien entrants into the United States."

It is axiomatic that a program that allows workers to enter the U.S. legally directs those workers to enter at established points of entry. Workers who are given the opportunity to enter the United States legally, do not have to, and do not want to, journey through the unforgiving Southwest desert. Establishing a simple and feasible guest worker program is the single most important reform that Congress can enact to protect our precious desert lands. Employers would embrace such a pro-

gram since they presently want to hire legal workers, but currently have no way to do so or verify they are doing so.

Currently, if a prospective employee presents identity and work authorization documents that appear valid on their face, the employer must accept those documents without further investigation or risk being sued for discrimination and bias. Establishing a feasible guest worker program, where guest workers would be provided a counterfeit-proof ID card, is key to protecting threatened federal lands, as well as preserving precious farmland.

Our members are reporting labor shortages in increasing numbers, throughout California and Arizona, due in part to the ever tightening enforcement of the Southwest border. If our farmers cannot obtain an adequate labor supply, they will be forced to go out of business and sell their farms to developers, or alternatively, they will move their production to Mexico or other countries where those willing to do agricultural work are plentiful. The marketplace has dictated that production must be moved out of the United States where there is not sufficient harvest labor. Consumers and, therefore, supermarkets demand a ready supply of the highest quality fresh fruits, nuts and vegetables. It is unacceptable for the producer to fail to deliver these products to market due to a shortage of harvest labor. If the supermarket can't get locally grown product when it needs it, it will rely on Mexico, China and other countries for its supply. As we import more produce, the United States will become increasingly dependent on foreign nations for its food. We will then be dependent on foreign countries for food as we are now dependent on other countries for oil. Thus, maintaining a safe, healthy and abundant domestic supply of fresh fruits, nuts and vegetables is a national security imperative.

Conclusion

Mr. Chairman, it is hoped that this testimony will help to provide a pathway that secures our borders, preserves our delicate environmental resources, both public and private, and benefits our economy for future generations. If our farm land is lost due to the lack of labor, the land will be developed, and that green space will be lost forever. The solution, a viable guest worker program, unites environmentalists, farmers, economists, and humanitarians, for the common good. Providing legal channels for immigration, channels that direct immigrants away from sensitive and lethal desert lands, to official ports of entry, is critical for the environment, the economy, and the future of this nation.

Thank you very much for the opportunity to share our views. I will be pleased to answer any questions you may have.

[NOTE: Attachments to Ambassador Nassif's statement have been retained in the Committee's official files.]

Mr. PEARCE. Thank you, Mr. Nassif. I appreciate your patience in view of the intolerance and lack of respect of some members of the audience.

Before we go to questions from the Committee, I would like to ask unanimous consent that the statement of Muriel Watson be included in the record. Without objection, so ordered.

[The prepared statement of Ms. Watson follows:]

Statement submitted for the record by Muriel Watson, Bonita, California, on behalf of LIGHT UP THE BORDER

Mr. Chairman and Members of this Committee:

Thank you for the opportunity to contribute to this hearing. It is a good use of our responsibilities as citizens. I have had my first experience back in El Paso, Texas before the Rodino committee in 1971.

At that time, I was petitioning for the continued use of the fleet of planes that was part of the U.S. Immigration deportation agenda. The planes were flown by bilingual, trained U. S. Border Patrol Agents who were highly skilled multi-engine pilots.

These flights went to Europe and Asia as well as all over our Country. The planes and Border Patrol crews were used by the Bureau of Prisons to move federal inmates from institution to institution to relieve gang tensions and maintain a level of calm within the prison walls. These same planes took Border Patrol Agents (who were also federal marshals) to Montgomery Alabama during the School integration events. These planes flew civil rights attorneys from State to State for the Justice Dept. in their Court appearances on behalf of the civil rights cases. These planes

flew the Attorney General of the United States when needed. These planes were stationed at Baltimore Airport for Congressional use as well as being stationed in El Paso, for deportation cases ordered by AG Robert Kennedy for New Orleans resident Carlos Marcelos. These planes moved illegal aliens back to their homelands quickly. On the trips to Europe these planes and crew rescued the Hungarian refugees after their revolution. This took several trips where the refugees were taken to an Army camp in New Jersey for processing and sent on their way.

I went to Washington to lobby the case for these planes that were being grounded. I had White House contacts and from Senator John Towers Office was informed that not only would the planes stay in use but that we would get some badly needed 'new ones.' These planes went down and I was called "A dangerous woman" by John Rooney of New York who hinted that I was lying. Richard White of El Paso backed me up but somewhere in the jungle of the Immigration service they wanted the planes down and go to 'bus service' for sending people home.

I also talked about more manpower and equipment for on the line at the border but according to press reports Mr. Rooney, chair of appropriations said that Ins Director didn't ask for more funds because they were not needed...We had 1600 U.S. Border Patrol Agents for the entire Country at that time and INS was at the DESIRED LEVEL OF CONTROL.

HERE IT IS 2006 and we are at the crossroads of a level of uncontrolled that is ravishing the security of the Country.

EVEN THE 1979 Event in Tehran, and when the hostages were taken the INS was the Agency that could not come up with an accurate figure for the number and place of the Iranian Students in the Country or where the other holders of 'student visas' were located. The Universities for the most part according to press reports didn't want that information revealed as a privacy issue. When it was stated by the Immigration service in March of 1980 that while our citizens were being held in Tehran almost 11,000 Iranian Students entered the Country despite the Presidents order to halt the reentry of people from Iran-Today, we are concerned about the impact of illegal aliens on our community especially after 9/11. Even the Congressional Hearings on 9/11 listed as a prime objective the 'security of our borders and the validity of our visa documents'

In my observations over the last three decades there has been a concerted effort to destroy the mission of the Border Patrol. This small agency was formed in 1924 by the Labor Dept. to protect our work force and the open borders outside the PORTS OF ENTRY. It has been shortchanged and manipulated to suit policy that declared that the DESIRED LEVEL OF CONTROL was being maintained.

Mr. PEARCE. Mr. Radanovich, sorry about the plane trouble. Glad you could make it here. Why don't you lead us off with the questions.

Mr. RADANOVICH. Thank you, Mr. Chairman. It is a pleasure to be here this morning. Sorry about that. Got stuck in Los Angeles on the way down for a little bit. It is good to be with my colleague Brian Bilbray here.

Is it your district, Brian?

Mr. BILBRAY. Close. It is Chairman Hunter's district.

Mr. RADANOVICH. OK. We like Duncan, too. I am sorry I didn't get to hear the testimony from all the panel members but I do have some questions regarding this issue, Mr. Manjarrez especially. I wanted to ask you some questions regarding the Bracero program which was in operation during the 1940s. I think it was from the 1940s to right around the 1960s.

That was a legal means for providing Mexican farm workers to come to the United States and harvest crops and leave. It was more of a migrant worker program. It had some warts but it was deemed to be fairly effective, I think, during that time. Does Border Protection have any opinion on the effectiveness of the program at the time or anything.

As I understand it, at the time this was in operation that illegal immigration in the United States was reduced to extremely low

levels and that after the program was appealed in the 1960s that illegal immigration along, I believe, the Mexican border was up about 1,000 percent. Do you have any comments on that program and how it may have contributed to preventing illegal immigration?

Mr. MANJARREZ. Congressman, certainly the dynamics have changed considerably since then. The world, in fact, has changed considerably on that. As you have heard, the proposal from the President calls for a comprehensive issue, or immigration issue to be able to address all this.

Obviously we are concerned with border security, immediate border security, but we know that is not the only facet or the aspect of immigration or the dynamic that we live along the southwest border. You would have to have interior enforcement and you have to have a method to relieve that pressure in the immediate border area so that we are not dealing with the numbers we are dealing with. We have reduced the number of clutter and really look at our primary mission, terrorists and weapons of mass destruction.

Mr. RADANOVICH. The way I see the immigration issue, too, is kind of in my view blocked in thirds. The first one, and the most important one, is border protection and sealing the border. I think that has got to be our first priority. There are other issues as well and that is the impact especially from the area of the state that I come from in the Central Valley, the impact of the loss of types of workers who will harvest crops and what it does to the economy of the area.

The third one is, I think, probably the most controversial and that is what did we do with the undocumented that are in this country already and those are just three very contentious issues. I guess my question for you was if we had border protection today, if the Congress finally got their act together and passed it, how long would it take for you to seal the border? How long would it take for you to implement a plan assuming it was just an order to seal up the border?

Mr. MANJARREZ. Well, the question is often asked how many Border Patrol agents do you need? It is not simply a case of a number of agents. We speak of the proper mix of resources from agents, technology, to tactical infrastructure. Those dynamics really change from environment to environment.

For example, in San Diego, an area that would classify as an urban environment, you will see more of the primary fence, the secondary fence, a large infusion of Border Patrol agents and technology. When you start getting to the rural areas, remote areas the dynamics—

Mr. RADANOVICH. So five years, 10 years, 20 years? What will it take? If you had all the resources that you needed, how long would it take?

Mr. MANJARREZ. Well, the Secure Border Initiative is a multi-year plan. It is as fast as resources come in. The number of Border Patrol agents will be by the end of calendar year '08. It is as fast as we can get technology, sir.

Mr. RADANOVICH. Say that again?

Mr. MANJARREZ. It is as fast as we can get technology and implement the tactical infrastructure. That can vary in time in terms of the tactical infrastructure in the field.

Mr. RADANOVICH. If the Congress passed a legal guest worker program today and all the resources that you want, how long would it take to implement something like that?

Mr. MANJARREZ. Under the Secure Border Initiative it is a multi-year plan. I believe the plans have ranged anywhere from four to five years to have the resources on the ground that have a definite impact. As quickly as we hire the agents and put them on board. That one piece, sir.

Tactical infrastructure is a second piece and technology. I think technology is probably going to be more longer term taking a little bit more time to develop and put out there because there are things out there that we simply don't know about but they are the whiz bang type of things that will also do the job efficiently.

Mr. RADANOVICH. So in either case, on border security or guest worker, each one of those you are saying multiple

years.

Mr. MANJARREZ. Multi-year, sir.

Mr. RADANOVICH. Multiple years. In the undocumented issue, if you had all the resources in the world, how long would it take to round up 12 million illegal immigrants and get them out of this country?

Mr. MANJARREZ. I certainly would not like to be the Immigration Enforcement, the ICE people, at that point. Again, that would be part of the Interior and Enforcement which is part of the plan under the Secure Border Initiative. It is going to be the application of those resources. It is not just one on the border. At the same time it is hiring additional personnel to do those things for interior.

Mr. RADANOVICH. All of them will take many years.

Mr. MANJARREZ. Yes, sir.

Mr. RADANOVICH. Mr. Chairman, just one more quick question, if I may.

You had mentioned that the issue is the pressure on the border in order to get border protection. Do you believe a guest worker program, a migrant worker program, a Bracero program would aid in helping us seal off the border?

Mr. MANJARREZ. I think any program that reduces the pressure on the border will assist in border security.

Mr. RADANOVICH. I thank you and I look forward to the next round of questions, Mr. Chair.

Mr. PEARCE. Thank you very much.

Mr. Bilbray.

Mr. BILBRAY. Thank you, Mr. Chairman.

Victor, I am going to get you in real trouble today. If there was a number one reason why we have illegal immigration, what would be that reason?

Mr. MANJARREZ. The difference in economy, sir.

Mr. BILBRAY. So there is a lack of capital and job opportunities south and there is a lack of labor and an overabundance of capital and investment in the north.

Mr. MANJARREZ. Yes, sir.

Mr. BILBRAY. In a word, is it fair to say that the number one source of illegal immigration is illegal employment? People willing to hire people who are here illegally?

Mr. MANJARREZ. Yes, sir.

Mr. BILBRAY. It is not that we lack fencing. It is not that we lack Border Patrol agents. It is that people are hiring people illegally in this country.

Mr. MANJARREZ. Yes, sir.

Mr. BILBRAY. Now, Steve said that the Administration's position is that we need robust interior enforcement. Is it fair to say that we have robust interior enforcement today?

Mr. MANJARREZ. No, sir. It is not fair to say that.

Mr. BILBRAY. Would it be fair for me to say that the greatest deficiency we have in immigration enforcement is not at the border, is not with fences, is not with Border Patrol agents at the border, but it is the lack of interior enforcement?

Mr. MANJARREZ. Yes, sir.

Mr. BILBRAY. With 40 percent of the people illegally in the country if we control every access between our port of entries, stop all illegal entries, will we ever be able to control illegal immigration without interior enforcement?

Mr. MANJARREZ. No. That is an important piece, sir.

Mr. BILBRAY. The Administration says its policy is for robust interior enforcement. What is stopping the Administration from doing that enforcement today?

Mr. MANJARREZ. I was waiting for the question that would get me in trouble and that is the one, isn't it, sir? Sir, the only way I can really answer is the immediate border area in terms of outlining our requirements on the immediate border area. There is an understanding not only with ourselves but, ask any Border Patrol agent that goes in the field, there is a magnet that here in the interior. If that magnet is either reduced or turned off or rechanneled or reprogrammed somehow, we will have at some point people making those attempts.

Mr. BILBRAY. I just have to tell you because some people say why have you been so outspoken on this, especially the areas with high populations of immigrants that I have represented over the last 30 years. Frankly, Mr. Chairman, I am one of the few people that serve in Congress who have rescued illegals when they are drowning. I have recovered their bodies when they haven't made it. I have seen them slaughtered on the freeway. I didn't read about them slaughtered on the freeway during the Bonsai charges. I saw it.

It is funny how people can be outraged at the users of drugs and relate that they are responsible for the deaths. I just want to tell you, Victor, the Border Patrol agents are not responsible for the deaths that have happened along the border for the last 30 years. Everybody who is hiring an illegal is personally responsible for those deaths. Here is what I am asking, is that my constituency, my citizens when they leave my district and they drive north up by 5, don't they have to go through a checkpoint with your agents in it?

Mr. MANJARREZ. Yes, sir.

Mr. BILBRAY. When my constituency goes up by 15, don't they have to go through the Border Patrol?

Mr. MANJARREZ. Yes, sir.

Mr. BILBRAY. They go out 8, God forbid, to go to New Mexico, they have to go through your agents?

Mr. MANJARREZ. Yes, sir.

Mr. BILBRAY. My citizens want to know if we are surrounded by agents, why aren't they at the Home Depot? Is there a reason why you cannot have your agents in the morning—when I drove down Alga Road this week, I almost rear-ended a car that was pulled alongside while people were standing there and everyone knows they are there.

Are you allowed to have your agents leave the checkpoint or leave the border for two or three hours and just come over and do the common decency of checking that these people are legally applying for jobs? Are you allowed to do that, Victor?

Mr. MANJARREZ. Congressman, I really can't speak on behalf of San Diego sector but it was a common practice to look at those areas and enforce those areas. I don't know what the current practice is on that.

Mr. BILBRAY. I will tell you what the current practice is. The fact is as soon as you did that, the general citizen, the general person out there, the average citizen did not call up and protest, did not call up and say, "I don't want these agents in my neighborhood because I want to hire these people." The average citizen didn't do it and the political pressure has been to look the other way.

Have you ever heard of the concept by the Border Patrol agents that they call the "hundred yard dash freebie?" If you get 100 yards north of the border, you are free. I am sorry to pick on you because when it comes down to it interior enforcement is where it is going.

I would like to go down to the other end, though, and ask the Ambassador if we create new Bracero program and we do a carve-out recognizing that you have truly a need for guest workers to come here, work, and then go home, if we create that and we do not have an interior enforcement to make sure those people don't walk away from your program and go start hanging drywall, don't you think you are going to have problems with the guest worker program if we don't have a viable interior enforcement program, that that is an essential part of making a guest worker program truly guest worker and not a back-door immigration policy?

Mr. NASSIF. We have always supported an aggressive interior enforcement at the job site. We have always supported a fraud proof identification card so that when we get a Social Security card or driver's license we don't have to be immigration cops to determine whether or not those are fraudulent or not. We would that people go through the border illegally through the port of entry using false documents and at the port of entry they can't even determine whether they are false or legal.

Many of those illegals come right through the port of entry. For agriculture we need to have people who come into this country to work in agriculture. That is why we support the Ag Jobs Bill because it provides that if these guest workers come over, they have to work in agriculture for a given period of time.

Mr. BILBRAY. Thank you very much. I have no more questions until the next round.

Mr. PEARCE. Thank you very much.

Mr. Manjarrez, I am not very tolerant of the burst of emotion from the audience but this is typical of what is happening because

people feel like the Federal Government basically hasn't done its job.

[Applause.]

Mr. PEARCE. Please, please. We are trying to work our way through an argument here, working our way through a discussion. How did we get to where we are today with regard to border enforcement? It has taken us 30 years to get to this point. Why?

Mr. MANJARREZ. You are absolutely right, sir. It has taken us decades on that. It is not going to turn on a dime without a real commitment. We haven't seen that commitment. We have seen the——

Mr. PEARCE. Where is the commitment lacking from?

Mr. MANJARREZ. Well, I think the commitment is coming, Chairman.

Mr. PEARCE. Where was it lacking from?

Mr. MANJARREZ. I think it was a will. Border Patrol agents have wanted to do the job and it is just to receive the appropriate funding to do so and the resources to do so. As you well know, we have through Congress been receiving additional and significant funds the greatest in our history. We have made some tangible gains. We are not done. We are not close to being done. We fully realize that, but I think we are on the right track.

I think the opportunity to continue on this right track, the support for the Secure Border Initiative which is an all-encompassing. Not just immigration but terrorism and everything that we deal with are methods and programs that are leading us down the right path to get to the point where——

Mr. PEARCE. Do you actually need legislation? We are all talking nationwide and we are all hyperventilating about what kind of legislation. Do you even need legislation to secure the border?

Mr. MANJARREZ. Absolutely, sir.

Mr. PEARCE. What legislation do you need? In other words, that is your mandate right now.

Mr. MANJARREZ. It is the legislation in terms of—well, it is the funding mechanisms.

Mr. PEARCE. Those funding mechanisms have been done. What we are still debating in Congress, in other words, we have 10,000 people headed your way. They are in the pipeline. They are training. They are going to be on the border. I think 5,000 or 6,000 in the first year and the next year will be another 5,000 or 6,000.

I am asking do you really need more justification to secure the border? That to me has been the problem in the past that the agency was not focused on the problem. With all due respect to your great service and the people in the field, somewhere it has gone wrong and I don't personally think we need legislation. I will let you think about that.

Ms. Keeler, you know the Johnson Ranch which is about 20 miles from you, I suspect. Thank you for your graciousness in not calling us every day but Mr. Johnson called us almost every day to update us on the new failures at the border. I appreciate him doing it because it kept us really in tune and wired pretty hard. We were having very difficult behind-the-scenes discussions with Border Patrol.

In my mind just either a lack of commitment in the agency or whatever. In the last three weeks we have seen different calls coming from Mr. Johnson. Tell me what you are seeing on your ranch in the last three weeks. Are you seeing a decrease or what?

Ms. KEELER. I had talked to Joe before I came here and he is seeing a decrease in the illegal immigrants coming across but we are not still where we are, although we have had a lot of activity recently by the Border Patrol which indicates that they are catching a lot more people in our area. We are not one of those that will complain.

We kind of complain to the locals, not to our sector chiefs or even to you because I hate to be a pain in the neck. It is decreasing. We can't figure out whether it is because possibly the catch and release policy that up until then they catch them and take them over to Columbus.

They release them into Palomas and then they come back the next day. We have changed that so that they are not just getting released back into Mexico. Possibly the National Guard presence there is helping a lot. Although the decrease according to Joe, he started seeing a decrease prior to the National Guard showing up.

I would like to say that we do have a presence and we have for almost a year now from the state highway or the state policy department that we really appreciate Governor Richardson sending them down to kind of patrol the area. They do get on track. We have a friend that works for the police department, the state police, and they do track the illegals going across. I like the cooperative manner.

I would like to see our Federal Government, our Federal agencies, our Border Patrol work closer with our local law enforcement agencies. There are a lot of things that we could do. I hate to put the burden completely on the Border Patrol because there are a lot of state and local law enforcement agencies that could help including the ranchers. If we were treated with respect and if we were given some means of communicating with these guys other than the phone because there is no phone service down there unless you are at the house.

Mr. PEARCE. Thanks. I appreciate it.

Mr. Radanovich.

Mr. RADANOVICH. Thank you, Mr. Pearce.

I wanted to kind of go into the employer issue and those that knowingly or unknowingly hires illegal immigrants to do their work for them because I think there are differences in employers and what they do. I want to start off by saying that 10 years ago I thought this was a great idea when I was in Congress. Then Governor Pete Wilson sent a bill to the President of the United States for \$3.5 billion which was the cost of the impact of illegal immigration on the State of California for one year.

It was a great concept because it outlined the cost of this problem that we have. I supported that. I voted for Prop 187. I am in strong support of the minutemen on the border because they have really finding got this issue to the Congress right now. The constituents that I have, the 660,000 people that I represent in the Central Valley, big agriculture, will tell you beyond a doubt that

our first job is to seal the borders, protect the borders and stop illegal immigration.

I will tell you that there is a difference in the kind of employers that in some ways depend on the illegal immigrants because there is no legal way to get workers to harvest crops and they are different than, say, what might be large employers. I hate to say box doors but I am not going to accuse anybody of hire illegals in large companies who do it because they can get them cheaper.

If they didn't, they would have to raise rates but they would probably find people to do those jobs. The difference between that and agriculture which is mainly seasonable which is during a very short time of the year you need a lot of workers and it is not pleasant work and the American people won't do that. If you raise your rates too high, you are competing on an international basis and it puts the price of your crops so high that you basically go out of business and need to go to a country where there is better labor.

These folks don't hire illegal immigrants because they are presented with documentation that looks like they are legal. There is a rule out there that if you question the legality of that document, you can't proceed to find out whether that person is an illegal or not. They are in between a rock and a hard spot because they need labor quick and they need labor that is willing to do the job.

They are willing to pay a fair rate but Americans will not do those jobs. Those are the people that I represent. Those are the folks that I need to find a way as we are trying to sort out this problem on illegal immigration to try to preserve so that our nation's food supply that Mr. Nassif talked about, 50 percent of the fresh produce in this country doesn't go to another country and become a strategic liability the way oil is.

That is where I am coming from. Now, there is a legal guest worker program in existence in the United States right now. It is called H2A. Mr. Nassif, a lot of my growers in my district are members of Western Growers and I am very pleased that you are here today. I do want to ask you if you would go into the H2A program and give me an idea of whether you think it works or not. Does it work for seasonable agriculture the way we have in the Central Valley and does it provide an adequate means to get workers?

Mr. NASSIF. No. The H2A program does need reform and that is part of the package that passed out of the Senate in the Ag Jobs Bill. The fact is if we want to bring in a foreign worker, the H2A program says you first have to go in the United States and advertise that job so we do that. We go to the Department of Employment, newspapers, and we ask for people willing to do the work.

When we don't get any workers, or if we get one or two workers, that obviously isn't going to fill our need. We then say to the Federal Government, "Here is what we have done. Tell us whether it is adequate or not and, if it is, can we now go to a foreign source?" They will determine whether that is true. Then if we hire someone from a foreign country, we have to pay for their transportation to the United States.

We have to pay for all of their food. We have to provide them housing. We cannot give them a housing allowance. We have to provide them with housing. Let's say California uses 400,000 farm workers. How are you going to find housing for 400,000 farm

workers in California? What city or county is going to allow us to build housing for 400,000 workers and how much will that cost with the increasing price of land today? So it is a very unworkable program that needs changing.

Mr. RADANOVICH. But you are in favor of housing allowance that allows them—gives them money to find lodging. Right?

Mr. NASSIF. Yes, we are.

Mr. PEARCE. Thank you. The gentleman's time has expired. With all due respect to my colleagues, we are going to try to get back on to the discussion of Federal lands and the impact of immigration. Otherwise, the speaker is going to ask us to do the same hearing again next week and I am not sure I can make it out next Saturday. I will go ahead and go to questions next.

Mr. Borchard, you have heard Ms. Powers discussing the impact to their recreational association or even her own attempts at recreational horseback riding through the closing of roads due to supposedly illegal immigration problems. Tell us a little bit about that because it sounds familiar to the same closing of roads up in the national forest and the BLM area back away from the border and we have a different reason there. Tell me a little bit about what your justifications are and what you are doing to get those areas that are not wilderness or should be accessible to our citizens back open.

Mr. BORCHARD. The BLM goes through a decisionmaking process when determining what routes to allow to remain open or to close. Some of the factors that are considered during that decisionmaking process include recreation both equestrian, hiking—

Mr. PEARCE. I understand. I don't need to hear about the process. I understand you have a process but you heard her testimony that actually trails are being shut down and so your process is coming up with an agreement that shuts it off.

Isn't that right, Ms. Powers? Isn't that basically what you said? There are areas that the trails have been closed down to just three trails? Was that your testimony or was it Mr. Ingram?

Ms. POWERS. It wasn't mine but I found that to be true at times. I have found that my working very carefully—

Mr. PEARCE. Turn your mike on if you would.

Ms. POWERS. Over the years I have worked very closely with the Border Patrol, for instance, with their infrastructure planning and I found a lot of good positive give-and-take considering our equestrian trails. With BLM that is not necessarily the truth.

Mr. PEARCE. OK. Mr. McGarvie, you maybe were involved in a little bit of this discussion that talked a little bit about the lack of access to normal citizens and the reason give is Homeland Security?

Mr. MCGARVIE. Yes, Mr. Chairman. I may not have been clear when I mentioned only three trails in the Yuha Desert which are open to off-highway vehicles. That is due to environmental concerns, not security. However, there are roads and trails within the Cleveland National Forest. Two that come to mind that are posted on their website is closed due to Homeland Security, Thing Valley Road and Kitchen Creek Road. I think there are others and I think there are also some on BLM land.

Mr. PEARCE. OK. Mr. Manjarrez, when we have a problem in a national park, who has jurisdiction? Is there even a question of jurisdiction? Who stops the problem of illegal immigration through the parks? I know it is a significant thing like I saw in Sequoia National Park, again Oregon Pipes. Who has jurisdiction and is that a big problem?

Mr. MANJARREZ. That is a good question. In the past, that was a big problem—the jurisdiction. That really is not an issue at this point anymore. Typically when we have activity of illegal immigration we are the first responder jurisdiction on that but that is always done in close coordination with our public land managers.

Mr. PEARCE. OK. So it is no problem today who pays the bill?

Mr. MANJARREZ. In terms of the enforcement, we pay the bill.

Mr. PEARCE. So you go on the national parks and you are responsible on national parks and you are responsible on national park boundaries and your agency is comfortable paying the bill because we had a hearing about a year ago where there was great disagreement between the park service and border patrol who actually paid the bill. The jurisdiction was actually clear but then there was the friction over whose budget it came out of. You are saying no problem now. Border Patrol recognizes it is your budget and your problem.

Mr. MANJARREZ. Well, again, it is the enforcement, sir. I am not sure if I am understanding your question. What additional costs are you talking about? When we enforce on a public land—

Mr. PEARCE. When you enforce on a national park, you don't have any problem paying the bill?

Mr. MANJARREZ. I think we have, sir. I think we have continued to pay that bill.

Mr. PEARCE. OK. Thank you. My time is about to elapse. Do you have more questions, Mr. Radanovich? I will come back to you if you do.

Mr. RADANOVICH. Not at this moment.

Mr. PEARCE. Mr. Borchard, you mentioned in your testimony that the border enforcement provision in Mr. Bilbray's Otay Wilderness bill. Should there be a similar provision included in all appropriate wilderness study areas along the border? Is that something that you would recommend? You mentioned the Bilbray provision or the enforcement provision in Mr. Bilbray's Otay Wilderness bill. Is that enforcement something that you would expect Congress to give the agency in all wilderness areas or WSAs?

Mr. BORCHARD. Yes, sir. I would consider wilderness areas where border—

Mr. PEARCE. If you could turn your mike on. These mikes need to either come on or go off. By the way, thanks to the West Hills High School for providing these services to us. The place is excellent. The auditorium is great. We just hope that the wolves that they represent are not on the endangered species list but thank you very much.

Go ahead, Mr. Borchard.

Mr. BORCHARD. Yes, sir. I would consider where border security issues are a concern in wilderness areas that Congress consider and take up and study the necessary actions that they feel and that public land managers advise them along with in cooperation

with Border Patrol advice that they would consider necessary to assist the Border Patrol in carrying out their mission of increasing the security as well as considered the mission of the public land agency in protecting those resources.

Mr. PEARCE. Mr. Bilbray, would you like to ask questions?

Mr. BILBRAY. Yes. Thank you, Mr. Chairman. Steve, I might just note it is sort of interesting on this side of the border how we always refer to Mexico as the Republic of Mexico. I don't know if it is a cultural thing from prior to the revolution. The last time I looked at the map it is the United States of Mexico but that is just an editorial note I always love to throw in.

Victor, back to where we were talking about interior enforcement. Is there a policy that—where are you based at again?

Mr. MANJARREZ. Tucson sector, sir.

Mr. BILBRAY. Are you guys allowed to go to areas in the neighborhood of—the vicinity of the border region and check for documentation or are you only allowed to work your checkpoints and your border? Are you allowed to do any interior enforcement in the area within 60 miles of the border?

Mr. MANJARREZ. Typically we don't do interior enforcement, sir. We will look at some of the urban areas like San Diego and places like Douglas, Nogales, and Naco, immediate town areas. Typically right on the border. We are doing border enforcement. If the question is do we go into businesses and check employment verifications? The answer is no. We simply don't do that type of enforcement.

Mr. BILBRAY. In Tijuana Valley sector we use extensive off-road vehicles for enforcement. The trails that are used by your agents are through habitat areas traditionally as has been pointed out a lot by the off-road vehicle people. What would be the impact of your enforcement capability if the Department of Interior, Fish and Wildlife, basically told you that you could not access those areas anymore?

Mr. MANJARREZ. It would be devastating. Access is a key. The closer we are to the border, the greater chance or problem we have to make that interdiction before they make the entry into the United States.

Mr. BILBRAY. So just as with the wilderness areas we have had to sort of change the rules and allow impact on an area that we normally would not allow with roads or off-road activity, with the area outside of the wilderness areas, it is your opinion that as long as we have as much illegal immigration as we do, we are going to have to maintain that impact and just accept it as part of the cost of protecting the rest of the area.

Mr. MANJARREZ. I don't think it is ever acceptable, sir. I think we always strive to be able to compress those areas that we are working. Even if there wasn't a single entry or any connectivity, we would still need an enforcement zone in the immediate border area.

Mr. BILBRAY. OK. Mr. Ingram, we are talking about you working on the Smugglers Gulch, Goat Canyon area?

Mr. INGRAM. Yes, sir.

Mr. BILBRAY. OK. One of the things I was very interested in is I saw the maps of the alternatives that were being proposed by people who claimed to be representing the environmental commu-

nity. Instead of doing a straight cut and fill, they were talking about doing a switchback.

Mr. INGRAM. Yes, sir.

Mr. BILBRAY. Am I wrong as a layman to look at their plan and see that their footprint of disturbing habitat was probably about three or four times larger than the footprint you are proposing with your cut and fill?

Mr. INGRAM. I think, if I remember correctly, Congressman, it was as large, if not larger. The main concern within Smuggler's Gulch in particular was that the surface area of the manufactured slopes were going to be greater in switchback alternative than in the embankment fill.

Mr. BILBRAY. OK. And the Goat Canyon area, how are we going to approach the trash problem? Do you have any way of engineering our problem with the siltation or problems that are already coming across the border and impacting the—this is the estuarine area. I mean, this is one of the largest Federal estuarine preserves in the country. It has been impacted severely. Are you able to design in there the siltation from Mexico that has obviously been a problem in the past in that region?

Mr. INGRAM. The designs that are currently on the border infrastructure system are designed to control the sedimentation runoff of the project footprint. They are not going to control sedimentation or trash coming north from Mexico. It will capture some of it but it will not—

Mr. BILBRAY. You know the photo of the Flucacho Channel, Ms. Powers? Do you have a comment on that question? Go ahead.

Ms. POWERS. Yes. I would just like to say that this really maybe isn't touching on today's subject but the sedimentation gets worse every year through Goat Canyon as well as Smuggler's Gulch because of the development on the Mexican side. Isn't there some way to put some kind of pressure on Mexico to do something to control the sedimentation there?

Mr. BILBRAY. Hopefully with our cooperative effort and border regional infrastructure things like international bank loans and everything else we can do that. I think there are so many related problems, so much of the trash we see down there people are thinking it is just coming from Tijuana and that may be a degree of it but massive amounts of that trash is directly related to the immigration issue.

As the lady from New Mexico pointed out, this one is going right into an estuarine sanctuary that 50 percent of my hometown was condemned because the Federal Government thought this property was so precious and so important to the Nation that it must be preserved. Almost to the day that the Federal Government condemned it, it has been polluted and trashed from a foreign country and it just seems like if it was that important to take half of my hometown, it should be important enough to make sure we have the resources to protect it.

Ms. POWERS. I know that the estuary fills up to almost in some years three feet of sedimentation in the estuary. It doesn't take long at all.

Mr. BILBRAY. Yield back, Mr. Chairman.

Mr. PEARCE. Mr. Radanovich.

Mr. RADANOVICH. Thank you, Mr. Chairman.

Mr. McGarvie, welcome to the Subcommittee. Thank you for being here. I have a question for you. What has been the financial impact of the ORV community from the closures related to illegal immigration? And can you add into that not necessarily off-roaders but those who were affected including part stores, food shops, and the like?

Mr. MCGARVIE. Congressman, I am sorry. It is difficult to quantify that cost. I think it is intuitive that there is a cost. If you carry it to extreme, the reduction in public lands open to motorized vehicles, it is obvious that eventually that market will go away and those businesses dedicated to that market would die.

How much does it cost the industry for every acre closed? I can't answer that question. It cost not only in terms of lost sales to our members, it also cost in terms of cramming more and more recreation into smaller and smaller areas with the obvious difficulties resulting from that situation.

Mr. RADANOVICH. Thank you.

Mr. Ingram, can you give me an idea of what are the environmental benefits to enforcing the border in your opinion?

Mr. INGRAM. As several folks have talked about, there is just a tremendous amount of discarded trash. There are illegal trails that have been created through the wilderness areas, not only here in East San Diego County but Arizona and New Mexico that has synergistic effects of increased erosion, sedimentation in streams and estuaries. The wildfires that have been caused, or inadvertently caused by my illegal alien campfires have destroyed just thousands of acres.

In addition, they have inadvertently destroyed some sensitive plant and animal species. Congressman Bilbray mentioned earlier that down at Imperial Beach at Monument Mesa, Butter Field State Park, before the primary fence was built there were thousands of illegal aliens coming across there. Least tern nests and snowy plover nests were destroyed. After the fence was constructed and enforcement had tightened up the terns and the plovers are coming back and nesting there.

Mr. RADANOVICH. Thank you, Mr. Ingram.

Mr. Nassif, are you familiar with a program that many years ago Senator Diane Feinstein had worked with some of the ag community groups in Central Valley on a pilot program called Welfare to Work. It was a program that tried to take people off of welfare and do some of the farm labor programs. Are you aware of that program that was done?

Mr. NASSIF. I am not very familiar with it, no.

Mr. RADANOVICH. It was begun in an effort to convince Senator Feinstein who thought that the Valley's unemployment rate could offset the need for workers in harvest programs. I believe there were about three people that showed up for work one day and probably lasted about two weeks. Can you tell me are we experiencing a worker shortage in agriculture right now?

Mr. NASSIF. Yes. I would say we just recently tried to do some studies to find out what the shortage is as of right now. It looks like there have been probably crop losses of over \$4 to \$5 million just in what is being harvested right now. We have another 10,000

acres that are moving out of California and moving into Mexico because the supermarkets do require 12 months every day stable supply of the same quality produce and you can't do that in any area.

No area can produce for 12 months so you have to go to different areas and sometimes fill the gap. I am getting calls for the first time from people who are saying, "No one is applying for jobs. No one is asking if I'm hiring. I'm unable to harvest crops because I don't have sufficient labor." When we don't harvest crops, it is because the market is so bad it isn't economically worth it. When we don't harvest a crops when it is a good market because we don't have a labor supply, that is economic capital punishment.

Mr. RADANOVICH. Thank you.

Mr. Chairman.

Mr. PEARCE. Thank you very much.

Ms. POWERS, you in your testimony talk about a long, long understanding of kind of the border areas and your riding out there and how the complexity has changed. Even the feeling of the people you interact with on the borders that are coming illegally. It is the same thing I hear from New Mexico that people have lived on the border for decades have said it used to be you didn't feel uncomfortable and now you do.

You have these gangs standing there wanting you to ask permission in our country to pass. How many riders just have given up on this? How many just don't go out there because of their fear? Can you give us some idea of how it has affected the recreational pattern of the equestrian community?

Ms. POWERS. I would say that out of the percentage of riders that are down there, a lot more of them are now riding in arenas, in event type oriented things rather than going out on the trail. They don't even know what the trails look like. In terms of loss of people using those trails, maybe as much as 20 percent in the daytime hours. We used to have beautiful moonlight rides. People weren't afraid to take their children out and about in the far reaches of it. I would say there is a lot of fear there now.

I am a little stupid. I don't get afraid of things like that so I still tend to go out by myself a fair amount. I know my horse can outrun them so it doesn't seem to bother me.

Mr. PEARCE. Right.

Ms. POWERS. I think the fear is reality based that there is a lot of danger out there.

Mr. PEARCE. Yes, there is. That is well documented.

Ms. POWERS. There are rapes and there are knife-point muggings.

Mr. PEARCE. Mr. Manjarrez, the testimony that I am hearing in the Second District of New Mexico as I travel around about the very potent, 90 percent potent methamphetamine is a huge problem. Do you as we look at the Federal lands, do you find the production of illegal drugs to be occurring or the growing of illegal drugs occurring in your jurisdiction or are you finding it anywhere out here or is it something that eases on up? Do you have a Sequoia set in your jurisdiction?

Mr. MANJARREZ. No, sir. We do have about 178 miles of the 262 in Tucson that are public lands.

Mr. PEARCE. So what are you finding as far as either the trafficking or the growing or the production or whatever?

Mr. MANJARREZ. Within Tucson sector we haven't really seen anything in terms of production. We do see in the eastern part of the state along the New Mexico state line the traffic going up to Highway 80 to get to the portal area and things of that nature where it is produced in Mexico being brought up in these remote areas. Quite frankly it gets into the interior of the United States but we rarely run into anything where there is production being made.

Mr. PEARCE. How about methamphetamine in general as a problem for the Border Patrol? Are they on the rise? Are they desperately high or just modestly high? What is the status?

Mr. MANJARREZ. Meth has always been rather small, sir. It is typically an issue that are at the ports of entry that we have seen. Marijuana is one of the largest narcotic. That has been on the rise. It is about 20 percent higher compared to last year in the same time frame. Cocaine is about 3 percent higher than last year. We are talking about 8,000 pounds for the year.

Mr. PEARCE. Mr. Borchard, any comments from you on the crossing of the public lands, the BLM lands?

Mr. BORCHARD. Yes, sir. Some drug smugglers as well as human smugglers do transport marijuana across the border on public lands.

Mr. PEARCE. Be sure and pull your mike up. We have people in the back of the room trying to hear.

Mr. BORCHARD. Yes, sir. Public lands are used by smugglers for both people and drugs. We have been successful in some of our interdiction efforts along the border in capturing drugs smugglers.

Mr. PEARCE. Does the BLM have its own enforcement division? How do you work that?

Mr. BORCHARD. Yes, sir. We have our own program with law enforcement officers here in the California desert district. We have about 45 officers on our staff.

Mr. PEARCE. Mr. Bilbray.

Mr. BILBRAY. I have no questions at this time.

Mr. PEARCE. Mr. Radanovich.

Mr. RADANOVICH. Mr. Chairman, I am done with my questions. Thank you very much.

Mr. PEARCE. Thank you very much. Which one of you would be most knowledgeable about the Endangered Species Act? I am sorry, the Historic Preservation Act?

Mr. Ingram, you are reaching for your microphone. Tell me a little bit about it because this is a problem we run into in New Mexico is trash that is being left there. There is trash right now. At what point does it become protected by American law?

Mr. INGRAM. I can't answer that.

Mr. PEARCE. I will answer it for you. In 50 years. In 50 years trash becomes protected so that in New Mexico a tin can that is more than 50 years old can't be moved and we can't do projects. I would just tell you, Ms. Keeler, that this trash that is being left there, Mr. Manjarrez, you in not sealing the border are putting her ranch at risk because 50 years from now she will not be able to graze over these areas.

In New Mexico we have had projects shut down in the last three weeks because a tin can is found that some vagrant left over 50 years ago. It seems ludicrous on the face of it but when you are dealing with it shutting down the industry of a community it is not quite so fun. What do you do, Mr. Manjarrez when you find trash and you find the people who are there with their backpacks? Do you have them leave it there? Do you have them clean up? We have our backpackers trained in this country if you pack it in, pack it out. What is your policy as an agency on the trash that you find?

Mr. MANJARREZ. The policy is very much like you described, sir. If we find a backpack, they brought it in, they take it with them.

Mr. PEARCE. OK. Ms. Keeler, do they get it off of your land?

Ms. KEELER. No. Unfortunately our experience has been the opposite. When they pick up a group of illegals they usually have them just leave everything that they have carried.

Mr. PEARCE. So, Mr. Manjarrez, does the agency have different rules in different sectors? Why would they be leaving that junk on her land that 50 years from now is going to impede her ability to sell that ranch, God forbid, or inherent the ranch or, at least, work the ranch?

Mr. MANJARREZ. We don't have different rules or policies.

Mr. PEARCE. So why would—

Mr. MANJARREZ. I would encourage any of the residents in any of the places to call. They need to bend the ear of that sector chief or that deputy chief.

Mr. PEARCE. I am sorry. Would you say that again? You encourage who?

Mr. MANJARREZ. Any of the residents.

Mr. PEARCE. Encourage the residents to take care of a problem that is brought on by the Federal Government because they can't secure the border and you expect them to get the dump trucks full and carry the stuff out of there? You encourage that? Sir, with all due respect, that is the reason these people are openly emotional about this issue, because the Federal Government keeps pushing the responsibility down to these people like this.

Mr. BORCHARD, what do you all do with the trash that you find on public lands?

[Participant reaction.]

Mr. PEARCE. Please. I am just asking. We are trying to get to some hard issues here.

Mr. BORCHARD. We pick it up when we have the capability. We also partnership with local communities and volunteers who will assist us in gathering trash on public lands.

Mr. PEARCE. When we have the capability. How much trash is on the land in your jurisdiction now? Is it significant or is it not visible to the human eye? How would that be?

Mr. BORCHARD. There is a significant amount of trash on public lands.

Mr. PEARCE. So what you are saying is we don't do much about it as a Federal Government. Is that more or less true? You said when we can get it and when we can we do it in a significant amount. I am assuming that we are not doing much about that.

Mr. BORCHARD. No, sir. We have picked up trash in the past and we will continue to address that problem in the future.

Mr. PEARCE. It is still going to build up because as I tour around I will find that the Oregon Pipes tomorrow will be about 30 percent shut down and I am going to find trash out there. I would guarantee it.

Mr. Ingram, you had talked about the fence and what you called the B—

Mr. INGRAM. The Border Infrastructure System.

Mr. PEARCE. So we have a Border Infrastructure System that is the government term for fence, I think. If it is a good solution, do you have problems with people tunneling under the fence? Do you have trouble with people going over the fence? Tell me a little bit about that because when I am in New Mexico, I hear stories about in San Diego that people are taking GPS units and they are starting a tunnel underneath a house in Mexico and they can tunnel to an exact house over here on the American side. How do we protect against that and is that just a rumor that is circulates around in the paranoid Second District of New Mexico or is that an actual happening?

Mr. INGRAM. According to the news reports that I read, there are definitely tunnels underneath the completed part of the Border Infrastructure System here in San Diego. As well as there are other tunnels throughout the southwest border whether there are fences there or not.

Mr. PEARCE. Staff tells me that we are joined today by the Grossmont Union High School District representatives Dr. Terry Rhine, the Superintendent.

Dr. Rhine, are you still with us? Ah, back there. Way in the back. Yes, sir. Thanks for having us in today. Evelyn Wills is the school board member who keeps him on while he does these sorts of programs on Saturdays. Thank you both for coming out today.

Ms. Keeler, let's just hope people in the audience are able to get a feel for both you and Ms. Powers because both of you seem very comfortable with the relationship between different races. I know in New Mexico you have 400 years of cultures working together. You have this very deep tension that is pulling at you. You see really a group of people that you have gotten along with your whole life and then you have this different pressure of the illegal things happening.

Then I sense from both Ms. Powers and Ms. Keeler that you just can't not respond. You gather funds for an organization that sets water out. There is the human condition of people coming through terrible circumstances and, yes, doing something illegal but, at the same time, they are human beings and how do you wrestle with that? So, I don't know. Do you have any closing observations? We are about to pull this to a close. Both Mr. Bilbray and Mr. Radanovich need to go so we will spend a couple minutes here and then we will start wrapping this thing up.

Ms. KEELER. Personally it goes back to in my eyes we have to hold Mexico accountable for her people. We can't take care of everybody from there. It is an economic difference but I don't think we are going to change it by shipping all the money from the United States down to Mexico. In my opinion it is a moral obligation Mexico has to her people and she needs to be accountable for it and we need to hold them accountable for it.

Mr. PEARCE. I agree 100 percent. The Ambassador of Mexico has decided, I think, because I am a rural district that borders on Mexico that they would establish a relationship with me. We have continually pressed him. We accept that we are friends as neighboring nations but you as good friends need to be acting a little bit better as a good friend than what you are right now. They give us assurances but sometimes it is hard to see those assurances. The last time the President went to Mexico I was happy to see him publicly for the first time say to Mr. Fox that Mexico needs to do more and we will assume with the new president in Mexico that those conversations will continue.

How has the illegal immigration impacted your ranch finances, Ms. Keeler? If you could make a guess, a decrease in percentage of revenues or whatever, what kind of financial impact do you get?

Ms. KEELER. I think we have been very lucky so far. We haven't seen a lot of economic impacts negatively to the ranch. We are out there daily. We are constantly watching the waters and taking care of the livestock. We know when a float is broken we are right there. We fix it immediately. I can't really say that economically we have been impacted. We could if we weren't as diligent and if we didn't constantly out there watching and taking care of it.

Mr. PEARCE. You believe Mr. Johnson when he tells me and he shows me pictures of the dead cattle who are afraid to come up to the water tanks that are on the vast open ranges, whether it is public land or private land, that the cattle are afraid to come up and drink the water because so many people are traveling through there. Is that accurate?

Ms. KEELER. Yes, it is definitely accurate. I would say that Mr. Johnson does have a lot more land to take care of than we do. Our ranch is just a 40-section ranch which people—

Mr. PEARCE. Just 40 sections?. That is from here to Los Angeles and there are just two people that live on it. You have to drive nine hours to get across it.

Ms. KEELER. Some of the people from California were asking me, "How large is your ranch?" I said, "We talk in sections. They said, "How many acres are in a section?" That is a relatively medium-size ranch. It is not a large ranch and we have a lot of roads going to it much to the chagrin of the BLM sometimes, but we are able to travel it quite well.

Now, our ranch in Animas is a much rougher ranch and not nearly as accessible. You do have to go by horse if you want to see most of it. There because of the roughness we have a lot of drug activity. The people that are bringing in the drugs like to stay up in the mountains where it is rough and where they can't be tracked by the Border Patrol.

Mr. PEARCE. The drug problem, I want to take just a second for both the panel and the people in the audience. The methamphetamines that are coming across, you get one shot. You use it and you are probably going to be hooked. This is 90 percent pure stuff that is coming across. Mr. Manjarrez, I am dealing with your agency right now. I am thinking about your agency and our inability to really secure our borders.

The reason people get so frustrated is 11 percent of the kids in the high schools in New Mexico, that is almost three times the na-

tional average, are going to be hooked. They are going to try meth one time this year and they are going to be hooked. The meth is destroying their lives. It is an extraordinarily violent drug. If you are hooked on heroin and you want to get off heroin, you have a 40 percent chance if you raise your hand and say, "I would like to get off heroin."

If you are hooked on meth and you want to get off, you have a 10 percent chance and of that 10 percent 75 percent will be back on it so we are developing an epidemic in this country. The very, very highly refined meth that we used to cook in basements around in homes in America now is coming across, I suspect, both borders. I don't live on the northern border so I don't know but it is definitely coming across the southern border somewhere, somehow.

I appreciate the dedication of your people but the answers need to be given of how to secure this border. It is going to affect the lives of every single individual in this country. The stories that we are hearing about the meth addiction tell us that we have a suburb problem. Now, in El Paso sector they tell us that almost 80 percent of their crime-related cases at the border are actually meth related.

That is a completely different picture than you paint. We have been too long overdue in curing the problems. Our Federal lands are being impacted at a dramatic rate. People are afraid to go hiking, walking, riding the off-road vehicles. It is unfortunate that we have allowed the problem to develop this far. We are sending help from the Congress.

We have 10,000 agents that are coming to the border but I will tell you that an agency—the field agents tell me when I go there, and they have told me this in front of their superiors, that they spend about 20 percent of their time out on the border and 80 percent of their time is spent doing paperwork.

An agency that can't figure out how to keep the most highly paid professionals on the border and contract out the paperwork or find somebody to do it at a cheaper rate is an agency that I think is asleep at the wheel. I think the American people are frustrated. They are expressing that frustration over and over again.

I think that we have an obligation in Congress to offer the oversight but you all have the obligation to look at your internal procedures that have simply said for decades, "Well, it's OK. It's not broken too badly." It is broken very badly, as your testimony said. I appreciate that honest straightforward evaluation. We look forward to working with you. We look forward to cooperating with you.

Mr. Borchard, as a manager of public lands in this particular part of California, I hope that you are hearing the frustration out here that people have with our inability to focus, to clean up, to secure the public lands that we have.

Mr. Ingram, I appreciate your testimony today.

Ms. Powers, Ms. Keeler, thanks for the personal insights that you bring to the issue.

Mr. McGarvie, always we tend to push the people in the recreation field off on the side and say, "Well, they don't really count." I will tell you that Americans are insistent that they have some ability to get away and get out onto open lands. It is one of the best and the most enjoyable kinds of recreation. If we do not do our

job here, then the people who are your constituents will not be able to have access.

Mr. Nassif, we appreciate your testimony today and understand long-term we need to deal with who is going to pick the crops. Those are issues that Mr. Radanovich keeps in front of us frequently. I as an employer and previous employer understand when you say you can't tell the people who steal Social Security cards. They are look like every one. We had just recently 25,000 Social Security cards stolen blank.

Somebody can fill them in and you as an employer can't know what is legitimate and what is not legitimate. Definitely we have tremendous problems to begin to unravel even if we secure the border. I think, gentlemen, that we must secure the border before we go into any of the other issues. I appreciate the participation of the panelists. Mr. Bilbray, thank you for coming over. Mr. Radanovich, thank you. We appreciate Mr. Hunter graciously allowing us to come into his district.

Thank you as an audience for caring. I have attempted to express several times during the Committee meeting that it was not proper for the outburst of emotion but I do understand it and I do believe that we as a nation are beginning to have strong opinions about our border. Thank you all very much for coming out today and helping us in this process.

[Whereupon, at 12:17 p.m. the Committee was adjourned.]

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OVERSIGHT HEARING ON BORDER SECURITY ON FEDERAL LANDS: THE IMPORTANCE OF SECURING THE NORTHERN BORDER

**Monday, August 28, 2006
U.S. House of Representatives
Committee on Resources
Hamilton, Montana**

The Committee met, pursuant to call, at 1:00 p.m., at the Bedford Building (City Hall), 223 South Second Street, Hamilton, Montana, Hon. Tom Tancredo [member of the Committee] presiding.

Present: Representatives Tancredo and Rehberg.

Mr. TANCREDO. Would everyone please take a seat. This hearing will come to order. By way of introduction, I am Congressman Tom Tancredo. Congressman Rehberg is joining me here. I want to express our appreciation for all the folks who put this together here, especially Mayor Randazzo who was responsible for helping us get the facility. It's an excellent one.

I'm now going to recognize Congressman Rehberg for some introductions.

Mr. REHBERG. If we might, and then I'll make opening comments after Chairman Tancredo makes his opening comments. But I just wanted to thank those of you who are in attendance now. And we'll begin by having the Boy Scouts of America, Troop 1976 of Hamilton, Montana, Present the Colors, David Rygmyr, who is the Scout Master. If you will all stand and, please, remain standing.

[The Colors were presented and the Pledge of Allegiance recited.]

Mr. REHBERG. And we'll have the invocation led by Rick Laible, State Senator.

Mr. LAIBLE. Before I begin, let me tell you a story about an old Cherokee and his grandson. He said, my son, the battle is between two wolves, and they all are inside of us. One is evil. It is anger, envy, jealousy, sorrow, regret, greed, arrogance, self-pity, resentment, inferiority, lies, false pride, superiority and ego.

The other is a good wolf. It is joy, peace, love, hope, serenity, humility, kindness, benevolence, empathy, generosity, truth, compassion and faith.

The grandson thought about it for a minute and asked his grandfather: Granddad, which wolf wins? The old Cherokee simply replied: The one you feed.

[The invocation was given.]

Mr. REHBERG. Again, thank you, Rick, and the Boy Scout troop, and I'll turn it back over to Tom Tancredo now.

**STATEMENT OF THE HONORABLE TOM G. TANCREDO, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
COLORADO**

Mr. TANCREDO. Thank you, Mr. Rehberg. I want to remind everyone that this is a Congressional hearing so, please, I must ask you to refrain from outbursts either in support of or in opposition to whatever you are hearing at the time.

I'd like to start this hearing by setting out the context for this Resources Committee review of the immigration issue. First of all, one thing about which everyone seems to agree today, or just about everyone—and it's hard to imagine that we can get agreement on a subject as difficult as this and it's challenging—but there is one thing that seems to be able to garner a majority of support or even a consensus, and that is, that we have a problem with regard to immigration; that the system is broken; that in some way or another it needs to be fixed. At that point there's a great deal of divergence as to exactly how to accomplish the task, and there are a number of different proposals out there for doing just that.

This committee's role, however, was best summed up by former Interior Secretary Gale Norton who said that while primary responsibility for border security rests with the Department of Homeland Security, the Department of Interior agencies have an obligation to protect employees, visitors, natural resources and agency facilities.

As a Congressional committee that has oversight of the Department of Interior we, too, have an obligation to insure that America's Federal lands are secure from the effects of illegal immigration. As an aside, I might add that it's incredible the amount of Federal land that does actually adjoin the borders and for which we have ultimate responsibility, especially, the parks system and wilderness areas and the like.

It's also amazing to me having observed both on the northern and southern borders the amount of environmental degradation that has gone on. It is amazing that we have not had a much louder outcry from the folks, who are rightly so, interested and motivated by that particular issue.

The current northern border strategy focuses on preventing terrorist activity and reducing instances of drug smuggling. Both of these crimes are often carried out by immigrants crossing into the—I should say, by the way, illegal immigrants—crossing into the United States from Canada via the vast and very unprotected Federal lands along the western part of the border.

Given the potential dangers from these activities, the importance of securing the northern border cannot be understated. Recall, that Ahmed Rassem was planning to blow up Los Angeles International Airport when he was arrested as he crossed through Olympic National Park in Washington State.

I'd also point out that the 9/11 Commission noted in their report that the northern border received little attention despite examples of terrorists entering from Canada. It's also important, I think, for us all to note and understand that as we place more and more

emphasis let's say on the southern border, it gets a lot of attention just simply because of the numbers. The numbers of people crossing on the southern border, of course, are much greater than along the northern border and, hence, a lot of the attention and focus of the Nation is on that particular area.

Nonetheless, when it comes to the issue of national security, we are only as strong as our weakest link. If we concentrate on the southern, the northern border becomes even more conducive to those who want to exploit our porous borders and to come into this country without our notice and under the radar, so to speak.

That brings me to the point of the hearing. Today's hearing is about solutions. It's important for the Committee to hear what border security measures will be put in place as well as their benefits to all who live near and work and depend on these lands in various ways.

Obviously, the key to implementing these solutions is legislation that ultimately passes Congress and is signed into law. The fact is that Congress has to a certain extent been hesitant to move on this issue because, of course, it is highly volatile. It is very, very controversial. And what you're seeing in a lot of states is they are taking up this mantle, and they are doing things about it themselves.

Today, as a matter of fact, over 30 states have passed some form of legislation dealing with immigration, most of it being not terribly relevant. I shouldn't say relevant, but not terribly significant. But, nonetheless, they are dealing with it. Georgia, on the other hand, has passed major legislation dealing with immigration and the effects of illegal immigration.

So it is happening and it is a natural response if the Federal Government does not do something when the people of this country are really very much interested in having something accomplished. It is that point where Congress is confronted with these two opposing points of view, but that's where we are today.

The House bill is, I think, correctly focused on security and enforcement. The Senate bill, I believe, unnecessarily ties these issues to a host of provisions that have little to do with border security.

To demonstrate how bad the Senate bill is, from my point of view, these add-ons have pushed the cost of the bill to over \$126 billion over the next decade according to the most recent CBO estimates, including \$50 billion in Federal benefits such as earned income tax and child tax credits, Medicaid and Social Security for those people that we would then make legal here or provide some sort of amnesty for. It's obvious that the Senate's idea of a solution may, in fact, bring more problems which will further erode our national security.

[The prepared statement of Mr. Tancredo follows:]

**Statement of The Honorable Tom Tancredo, a Representative in Congress
from the State of Colorado**

I'd like to start this hearing by setting out the context for the Resources Committee review of immigration issues. The Committee's role was best summed up by former Interior Secretary Gale Norton who said that while the primary responsibility for border security rests with the Department of Homeland Security, the Department of Interior agencies have an obligation to protect employees, visitors, natural resources and agency facilities. As the Congressional committee that has

oversight of the Department of Interior, we too have an obligation to ensure America's federal lands are secure from the effects of illegal immigration.

The current Northern border strategy focuses on preventing terrorist activity and reducing instances of drug smuggling. Both of these crimes are often carried out by immigrants crossing into the United States from Canada via the vast—and very unprotected—federal lands along the western part of the border. Given the potential dangers from these activities, the importance of securing the Northern border cannot be understated. Recall that Ahmed Rassem, who was planning to blow up Los Angeles International Airport, was arrested as he crossed through Olympic National Park in Washington State. I would also point out that the 9/11 Commission noted in their Report that the Northern border received little attention “[d]espite examples of terrorists entering from Canada.”

This brings me to the point of this hearing. Today's hearing is about solutions. It's important for the Committee to hear what border security measures will be put in place as well as their benefits to all live near, work and depend on those lands. Obviously, the key to implementing these solutions is legislation that ultimately passes Congress and is signed into law. It is at this point where the House and Senate depart ways. While the House bill is correctly focused on security and enforcement, the Senate bill unnecessarily ties these issues to a host of provisions that have little to do with border security. To demonstrate how bad the Senate bill is, these “add-ons” have pushed the cost of the bill to \$126 billion over the next decade, including \$50 billion in federal benefits such as the earned income and child tax credits, Medicaid, and Social Security. It's obvious that the Senate's idea of a “solution” may in fact bring more problems which will further erode our national security.

I want to now again recognize our host, Congressman Rehberg for any additional remarks he may have. As the “person on the ground” here in Montana, Congressman Rehberg has been a leader in educating all of us on the problems facing the Northern border.

Mr. TANCREDO. Now, I want to, again, recognize our host, Congressman Rehberg, for any additional comments he may have. He's the person on the ground here in Montana. Congressman Rehberg has been a leader in educating all of us on the problems facing the northern border, and I'm proud and happy to have Congressman Rehberg here today with us.

STATEMENT OF THE HONORABLE DENNIS R. REHBERG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA

Mr. REHBERG. Thank you, Tom. I want to thank Representative Tancredo for his leadership on the immigration issue in the U.S. Congress. It has been a very important issue for him personally and legislatively over the years. He's kept the issue out in front of us, and he has led the effort in the U.S. House to continue to get out and hear from the American public.

A number of months ago Speaker Hastert approached the Chairmen of various committees that have jurisdiction over the immigration issue, and asked that hearings occur over the course of the summer on areas within their jurisdiction. We're here today to talk specifically about the jurisdiction of the Resources Committee, something that doesn't get talked a lot about, but I felt it was necessary and lobbied to have a hearing in Montana as one of the 19 hearings that are occurring around the country in other areas in 12 different states.

The majority of the hearings are occurring probably along the southern border. There are other hearings in places like Indiana, but I felt it necessary to try and have a hearing in Montana, and he offered the Resources Committee. I used to be a member of the Resources Committee before I was taken off the Committee because

I was assigned to the Appropriations Committee. But I still attend quite a few hearings because of the resource issues.

And, again, today, we are talking specifically about the impacts of illegal aliens crossing the border and its impact on Federal properties and states that have Federal properties. Certainly, there are other issues in the bill that both the House and the Senate are debating, and I'll have an opportunity to vote yes or no, for or against, some of them. Those issues are amnesty, guest worker program, the impacts on schools and hospitals, whether a fence is going to be constructed along the southern border and, ultimately, the cost to the Federal taxpayer for issues such as Social Security, Medicare and Medicaid.

But Resources has the sole jurisdiction over management of Federal lands, and we are the ones within the Resources Committee responsible for the policy and legislative solutions.

Interestingly enough, there's about 4,000 miles of northern border. It touches 13 states, not including Alaska. There are parks. There are forests, and there are four Indian reservations. The greatest concentrations of those properties are in Washington, Idaho and in Montana.

It's ironic that one of the first criticisms or questions was, why Hamilton, Montana? My response is: Why not? Hamilton, Montana, is near Federal property. It's within the State of Montana. Montana was lucky to get the site for the Resources Committee hearing and is every bit as appropriate here. We probably would have been criticized if we would have had it in Malta, Havre or Scobey. But we're talking specifically about Federal properties and the impacts, specifically, to drug trafficking, terrorism and alien smuggling.

You'll hear today, perhaps—I've heard it in the past from the U.S. Marshal, from the Border Patrol, from Customs, from the Sheriffs and such—that we not only have a problem, we have a growing problem in drug smuggling, whether it's marijuana or meth. We're seeing the effects of the successful closing down of certain portions of the southern border. It's not affecting the northern border because they're finding a way to get across our remote and sparsely populated north.

We also heard from the U.S. District Court judges and our 9th Circuit Court of Appeals judge, Sid Thomas, about the problems of prostitution. Asians, Koreans in specific, coming across the Canadian border using our Federal sparsely populated forest properties to get across the border.

And so I thought it important to have the hearing for the location that has Federal properties, has a great deal of interest, and that's why Hamilton, Montana. So, again, I want to thank the Boy Scouts of America for being here today. I want to thank Sheriff Hoffman even though I didn't get a chance to introduce him before he gave the Pledge of Allegiance. And I want to thank all of you panel members for taking the time out of your busy schedules to travel to Hamilton to be with us today.

Mr. TANCREDO. Thank you, Denny. Now I'll introduce our panel. First up is Abigail Kimbell. She's the Regional Forester for Region 1 of the U.S. Forest Service. Next is Jeff Copp, Special Agent in Charge from the Denver Office of Immigration and Customs Enforcement. Following Mr. Copp is Chief Robert L. Harris, Customs

and Border Patrol. Chief Harris joins us from Spokane, Washington.

Glacier County Sheriff Wayne Dusterhoff will talk about the effects of immigration on local law enforcement. And Detective Sergeant Jeremy House, who heads up the Yellowstone County Drug Task Force, will discuss the drug trafficking that's crossing the northern border through the Federal lands.

It is the policy of the Resources Committee to swear in witnesses. So if you will stand and raise your right hand.

[Witnesses sworn.]

Mr. TANCREDO. Please, sit down. Let the record reflect the witnesses answered in the affirmative. Also, I would like to point out that there are lights in front of the table to control the time. Each witness has five minutes. When the light turns yellow, you have one minute. When it turns red, please wrap up.

Your full testimony will appear in the record. Keeping statements at five minutes will allow for more time for questions.

Mr. TANCREDO. So thank you all and let's go ahead and start with Abigail Kimbell, Regional Forester.

STATEMENT OF ABIGAIL KIMBELL, REGIONAL FORESTER, REGION I, U.S. FOREST SERVICE, ACCOMPANIED BY JONATHAN HERRICK, SPECIAL AGENT IN CHARGE, AND STEVE KRATVILLE, LEGISLATIVE AFFAIRS STAFF

Ms. KIMBALL. Good afternoon. Mr. Chairman and Mr. Rehberg. Thank you for the opportunity to appear before you today to discuss the impacts of illegal border activity on national forests, specifically, within the Forest Services' northern region in Idaho, Montana and North Dakota.

I'm accompanied today by Jonathan Herrick, Special Agent in Charge, and Steve Kratville from my Legislative Affairs staff.

Let me start off by saying that the Administration believes that in order to most effectively secure our border we must reform our immigration system. We need comprehensive immigration reform that provides for increasing border security, establishes a robust enforcement program, creates a temporary worker program and addresses the issue of the estimated 11 to 12 million illegal immigrants already in the country.

Mr. Chairman, understandably, the Committee has recently focused much attention on the impacts on Federal lands from border activity on the Mexican border. There are significant differences between the impacts on national forests along the southern and northern borders, and my testimony will focus on the Canadian border.

There are 22.3 million acres of national forest within 50 miles of the Canadian border, which includes those lands in Alaska. The national forests share 996 miles of national forest border with Canada, more than any other Federal land management agency.

In the northern region alone, Northern Idaho, Montana and North Dakota, we share 100 miles of boundary with Canada. The illegal border issues in Alaska are significantly different than those based in the lower 48 given the great remoteness and difficult accessibility. Individuals or contraband that enter the U.S. in Alaska can move to the lower 48 without customs or border protection.

The Forest Service has had a presence here in Montana and Idaho for over 100 years. Still, these bordered areas are sparsely populated. The terrain ranges from river basin to high elevation mountain ranges and includes wilderness areas and other remote unroaded areas.

The issue that we and the Forest Service have been most involved in regarding the border, aside from fire suppression—the cause for much of the smoke in the air today—is drug smuggling operations. Though the resource impacts are few, the potential for conflict between employees and forest visitors contacting an armed or desperate smuggler are increasing. This does concern me.

In the Northern Region I, we expect our 43 officers and special agents to aggressively pursue issues of resource use and damage, our public safety across our 25 million acres, and it is not possible to assign officers solely to support border operations.

Mr. Chairman, while the Forest Service is a land management agency, not a border security or drug enforcement agency, we know that illegal drugs, other forms of contraband, and undocumented aliens have been smuggled across the Canadian border, sometimes through public lands.

It is not acceptable or productive to perceive national forests as vulnerable by those who wish to enter or leave the country in violation of our laws. Likewise, our legal responsibility to manage the national forests is not an impediment to interagency cooperation and effective counter-terrorism or anti-smuggling operations along the boarder.

The events of September 11, 2001, significantly changed our Forest Service involvement in border security. Our law enforcement officers and special agents work with border security agencies to better secure our border to prevent terrorism and drug smuggling in a manner that also protects the national forests.

Our chief, Dale Bosworth, meets regularly with his counterpart with the U.S. Border Patrol. Additionally, we work cooperatively with other Federal agencies who have border security and drug enforcement responsibilities such as the Federal Bureau of Investigation, the Drug Enforcement Agency, the Department of Interior Land Management the agencies in the Department of Homeland Security Customs and Border Protection Border Patrol, Immigration and Custom Enforcement and the Coast Guard. We assist other agencies when requested as active participants in multi-agency efforts.

The Departments of Agriculture and Interior recently signed a Memorandum of Understanding with the Border Patrol with the overall goal of making the United States borders more secure. This Memorandum of Understanding outlines roles and responsibilities to be more effective and efficient in the way we address safety, security, emergency access and environmental protection necessitated by illegal border crossing or affecting public lands.

Finally, Mr. Chairman, in considering effective strategies for securing our borders and protecting the public lands along the border, the committees could evaluate the tools provided to the public land management agencies. It is my view that the Forest Services has been provided with sufficient legal authorities. That concludes

my testimony. I'd be pleased to answer any questions you may have.

Mr. TANCREDO. Thank you.

[The prepared statement of Ms. Kimbell follows:]

**Statement of Abigail Kimbell, Regional Forester,
Northern Region, USDA Forest Service**

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today to discuss the impacts of illegal border activity on National Forest System lands within the Forest Service's Northern Region (R1) in Idaho and Montana. I am accompanied today by Jonathan Herrick, Northern Region Special Agent in Charge.

Let me start off by saying that the Administration believes that in order to most effectively secure our border, we must reform our immigration system. We need comprehensive immigration reform that provides for increased border security, establishes a robust interior enforcement program, creates a temporary worker program, and addresses the problem of the estimated 11 to 12 million illegal immigrants already in the country.

Mr. Chairman, understandably, the committee has recently focused much attention on the impacts on Federal lands from illegal border activity along the United States border with Mexico. There are significant differences between the impacts on National Forest System lands along the northern and southern borders and my testimony will focus on the northern United States—Canada border.

There are more than 23.8 million acres of National Forest System lands within 50 miles of the international borders with Mexico and Canada. Of this, 22.3 million acres are adjacent to the northern border, including Alaska. There are 996 miles of National Forest System lands along the international border with 944 of those miles between Canada and the United States, more than any other Federal land management agency. National Forest System lands in Alaska have an additional 13,261 miles of coastline with the Gulf of Alaska and the Pacific Ocean. On the Ottawa, Hiawatha, and Huron-Manistee National Forests there are approximately 100 miles of common international border on the Great Lakes of Superior and Huron.

A significant portion of National Forest System lands potentially impacted by illegal border activities are in the Forest Service's Alaska Region (R10). The Forest Service is the primary land management agency adjacent to the Canadian border. Illegal border issues in Alaska are greatly different than those faced along the Canadian border with the lower 48 States and vastly different than the issues along the Southwestern border.

A unique issue with the international border in Alaska is that very little of it is accessible by automobile. Boat and aircraft are the primary modes of transportation in Southeast Alaska, which consists of numerous waterways and islands. Most of the border area is accessible by helicopter, ski or float plane. The border area, on both sides, is dotted with numerous remote landing strips which are maintained for continuous access and some are mere gravel strips along river drainages used on a regular basis. Individuals or contraband that enter the U.S. through Alaska, can then move to the lower 48 States without Customs and Border Protection or other agency intervention.

The Forest Service has had a presence on the United States northern border for almost a hundred years. These border areas, to a great extent, are sparsely populated and the ability to cross over the border on foot undetected is much easier than on the southern border. Additionally, there are several areas where it is possible to cross by motorized vehicles, including snowmobiles, off-highway vehicles and even full-sized vehicles. Terrain on these forests ranges from flat river basins, to mountain tops reaching over 10,000 feet above sea level, to flat rolling countryside. They include wilderness areas, roadless areas and other unpopulated backcountry.

The issue Forest Service law enforcement personnel have traditionally been most concerned with along the United States—Canada border is drug smuggling. The nature of smuggling operations along the border, however, generally results in few visible impacts on the resources.

The Forest Service manages almost 193 million acres of National Forests and Grasslands in the United States and Puerto Rico. National Forest System lands provide opportunities for over 211 million people who visit and use these lands each year. Law enforcement is integral to the Forest Service mission of protecting the public, our employees, the natural resources and agency facilities and property.

The Forest Service Law Enforcement and Investigation (LEI) program operates in national forests in 44 States through cooperation with Federal, State, Tribal and local law enforcement agencies and other Forest Service programs. The LEI staff:

- Provides high visibility uniformed patrol presence and prompt response to public and employee safety incidents and violations of law and regulation;
- Conducts criminal and civil investigations;
- Maintains strong relationships with cooperating law enforcement agencies, the Offices of the United States Attorney, and the Federal Court system;
- Works to reduce the cultivation, production and smuggling of cannabis and other controlled substances on NFS lands; and
- Coordinates and conducts anti-terrorist activities to provide a secure environment for the public and our employees and to protect public resources and facilities.

The demands on LEI are increasing. From Fiscal Year 2004 through Fiscal Year 2005, violations against people and property increased 15 percent across the National Forest System. In addition to handling minor infractions, petty offenses and misdemeanors, Forest Service law enforcement offices are asked to respond to:

- Events including environmental protests, threats and assaults on employees, and government property, domestic terrorist activity, large group gatherings, gang activity and fire-related emergencies;
- Crimes such as rape, homicide, domestic disputes, assault, robbery and other felonies;
- Calls to assist in traffic control, search and rescue, medical/emergency assistance, hazardous materials spills and other first responder incidents; and
- Deployment to assist in other national emergencies, such as the response of nearly half of our law enforcement workforce last year to Hurricane Katrina.

LEI has approximately 695 full-time positions, with 110 being classified as special agents assigned primarily to completing investigative work and 467 law enforcement officers primarily providing patrol work on national forests and who are usually the first points of contact for the public.

I know from personal experience that Forest Service line officers expect LEI personnel to aggressively pursue theft of forest products, protect wilderness and endangered species habitat, respond to potential criminal or public safety issues at Forest Service facilities, such as camp grounds, along with potential civil claims and a myriad of resource issues.

Forest Service law enforcement personnel numbers are limited and with only 43 officers and special agents in the Northern Region spread across 25,000,000 acres, it is not possible to assign agents and officers solely to support border operations. Border operations and activities take personnel away from other critical land management enforcement and investigation responsibilities.

Mr. Chairman, while the Forest Service is a land management agency not a border security or drug enforcement agency, experience shows that illegal drugs, other forms of contraband, and undocumented aliens have been smuggled across the border from Canada, sometimes through public lands.

It would be unacceptable and counterproductive for National Forest System lands to be perceived as vulnerable by those who wish to enter or leave the country undetected or in violation of our laws. Likewise, our legal responsibilities to manage the public lands should not be perceived by our line officers or our law enforcement partners as an impediment to interagency cooperation and effective counter terrorism or anti-smuggling operations in border areas.

The events of September 11, 2001, significantly changed Forest Service involvement in border security and have substantially increased the workload of our LEI personnel and line officers in working with law enforcement and border security agencies to better secure our border and prevent terrorists and drug smuggling in a manner that also protects the natural resources. That thinking goes to the top of this agency. Our Chief, Dale Bosworth, and our Director of Law Enforcement and Investigation, John Twiss, meet on a recurring basis with their counterparts in the U.S. Border Patrol.

Additionally, Forest Service LEI works cooperatively with other Federal agencies that have border security and concurrent drug enforcement responsibilities affecting the National Forest System on the Canadian border and coast environments, such as the Federal Bureau of Investigation, the Drug Enforcement Agency, Department of the Interior land management agencies, and agencies in the Department of Homeland Security, the Custom and Border Protection's Border Patrol, Immigration and Custom Enforcement (ICE), and Coast Guard.

Forest Service law enforcement officers and agents respond to reported National Forest border issues and assist other law enforcement agencies when requested as

active participants in multi-agency efforts. The most significant such effort on the northern border is Project North Star.

When Project North Star was created in 1989 as part of then-President Bush's National Drug Control Strategy, its singular focus was narcotics interdiction. In 1999, the U.S. Border Patrol assumed management of Project North Star. Currently, this project serves as a forum to provide support for law enforcement agencies from the United States and Canada who were involved in multi-agency operations to avoid unwarranted duplication and accidental interference between independent operations. Project North Star's scope was to provide managers a way to improve border-wide and regional strategies, intelligence, training, planning and to more effectively employ assets.

After September 11, 2001, all Federal agencies, including the Forest Service have begun to re-evaluate operational needs along the borders of the United States. Since 9/11, the focus and direction of Project North Star has changed from a singular item of narcotics interdiction to now include anti-terrorism, organized crime, drug trafficking, alien/contraband smuggling, money laundering, firearms trafficking, intelligence, and all other multi-national law enforcement issues that impact cross-border effectiveness on the United States—Canada border.

While the Department of Homeland Security has responsibility for patrolling the border and taking appropriate actions with cross-border violators, the Forest Service works in conjunction with other Federal land management agencies to respond to the effects of illegal activities on the public lands.

The Departments of Agriculture and the Interior have recently signed a Memorandum of Understanding with the Border Patrol with the overall goal of making the United States borders more secure. The MOU outlines roles and responsibilities in order for all agencies to become more effective and efficient in the ways they address safety, security, emergencies, access and environmental protection necessitated by illegal border-crossing on or affecting public lands.

Finally, Mr. Chairman, in considering effective strategies for securing our borders and protecting the public lands along the border, the committee could evaluate whether the tools provided to the public land management agencies are sufficient to the task. It is my view that the Forest Service has been provided sufficient legal authorities.

That concludes my testimony and I would be pleased to answer any questions you may have.

Mr. Tancredo. We will proceed with questions. The first I have for you is, you mentioned, Ms. Kimbell, that the Administration supports a "comprehensive immigration plan that includes guest worker provisions." Do you have any evidence, whatsoever, that suggests guest worker provisions would alleviate the problems that you're seeing on the border.

Ms. KIMBELL. The problems that we're seeing are—I believe addressed this—a lot of what's been reported in the news media and a lot of what Congress has been discussing in session and in sessions like these across the country, but in this part of the country is more the human access across those public lands is the greatest concern to us in the national forest.

Mr. TANCREDO. I agree. I am just wondering how, in fact, any sort of guest worker plan would alleviate that problem. If you're telling me—and, certainly, I agree, by the way, with what your emphasis is on what's coming across the border, the kind of smuggling activity that exists, the danger that exist to people in the parks that are recreating there. I must admit to you that I do not understand even a reference to the comprehensive plan as being anything that would alleviate any problems that you're seeing.

It was about three, maybe four years ago now—I can't remember for sure—the Forest Service along with the Border Patrol operated—and actually along with the Marines, 100 Marines—a detachment was sent to a little place north of—a place called Bonners Ferry, Idaho. And I had the great privilege of being able to go up

there and spend a weekend and listen to the folks talk about their concerns and to see whether or not the plan that they had constructed, which was to have 100 Marines on the border using three unmanned aerial vehicles—and these were, by the way, 1991 vintage UAVs. Sounded like a lawn mower was flying around up there. They're propeller driven, very loud, wasn't anything you could sneak up on anybody with. We are, of course, ten generations past that in terms of the technology that has developed.

But I had the opportunity to be there, as I say. And the 100 Marines, these three UAVs and two radar stations were put on the border to try to determine—actually, control 100 miles of that border. This was, I believe, if I remember correctly, an initiative of the Forest Service. There was a gentleman who had been involved with it for a long time, had been pushing it, and they finally agreed to a two-week exercise.

At the conclusion of that two-week period of time, I will tell you that I believe that nothing came across that border that we did not see. It didn't matter if it was deer in the middle of night or whatever. It was a very effective way of controlling the border.

What the Marines did, by the way, was to simply be the eyes and ears. They interdicted no one. They watched and what they saw was then reported to the Border Patrol who was stationed strategically behind various spots. They got in the helicopter. They flew over. They landed. When these people came through with drugs—usually it was on TV, carrying a bunch of drugs on their backs—as soon as they would come across, why, there was the Border Patrol to meet them. It was, "Hi, welcome to America, spread 'em." It worked out, from my point of view, just perfect.

Now, at the conclusion of that two-week exercise, I happened to ask—I was with the commander of that particular Marine detachment. He told me it was the best exercise they had ever had. He said No. 1, it was real time. No. 2, it was trying to stop people from coming into our country who weren't supposed to be coming into our country. No. 3, it was in the toughest, roughest terrain in the world, so it worked perfectly.

My question for you is: If that happened, which I know; I was there. I know; I observed. I know that the Forest Service was the primary mover in this thing. Do you know if there was ever any conclusions drawn by the Forest Service? Do you know if there's been a repeat of that particular exercise? Do you know whether or not there's the consideration of doing something like that in the future? And do you agree with the estimate that was raised of the—of the whole thing that was given to me by the commander of that detachment? You may, if you have somebody else that has the information to provide it, we can actually have them step forward or they can give it to you.

Ms. KIMBELL. I interpret the eyebrow movement to be that neither of us have any specific information about that exercise.

Mr. TANCREDO. He was shaking his head yes while I was speaking.

Ms. KIMBELL. This is Jonathan Herrick. Jon.

Mr. TANCREDO. Jonathan, do I have to swear you in?

Mr. REHBERG. The swear-in period is over.

Mr. HERRICK. The Regional Forester is correct in that I was not here during that time frame to be familiar with the operations that occurred. You are correct. There are highly successful operations. The problem is they are short-term duration, emphasis-type operations that we cannot support—we the Forest Service can support on a regular recurring basis.

We have 15 officers within 15 miles of the border, the entire 100 miles, and they have numerous other duties they're responsible for to the national forest effort. Putting them with 100 Marines full-time in that application is just not feasible.

Mr. TANCREDO. I understand that there's a resource allocation problem. In the Memorandum of Understanding that was referenced—you can return, Ms. Kimbell, thank you—in the MOU that was referenced with Interior and Homeland Security, is it working, and can you give us some examples of that, and could you consider what I've just described to be another part of that particular program? Or Mr. Harris.

Mr. HARRIS. I'm not familiar with that particular operation either, but I can tell you that we continue to work very closely with the military. As a matter of fact, from July 1st through—we just concluded a similar operation to the one that you just described. It was in the Pasayteni wilderness area.

Mr. TANCREDO. Was it with the Marines?

Mr. HARRIS. It was not with the Marines. It was with active duty military. It had some National Guard members, but it was a radar acquisition for 30 days that turned out to be very successful. To add on to what was said, they're short-term in nature, but they were not continuing to work very closely with the military.

Mr. TANCREDO. We'll bring this up again after your testimony.

Ms. KIMBELL. In fact, we are working with cooperating agencies, partner agencies to explore the further feasibility of using UAVs, and we're in the process of procuring some of this technology. We'll continue working in that very cooperative partnership with the other agencies who do have the significant responsibility for border security.

Mr. TANCREDO. We really are going to try to get into more about the use of the technology and who is really in charge and who knows how. For the time being, that's the end of my questions for you Ms. Kimbell. Mr. Rehberg.

Mr. REHBERG. Thank you. Maybe my question is more specifically for Doug, but I'll start with you. As I understand it, you have 43 people that are involved within the acreage that you're responsible for.

Ms. KIMBELL. I have 43 law enforcement officers and special agents who work in the Northern Region on the 25 million acres of national forest system service lands we're responsible for.

Mr. REHBERG. Now, these 43 are they responsible for beyond—you had mentioned 15 miles within the border. The only reason I ask that question is having visited many of the ports along the north with the Border Patrol, one of the questions I asked: Why aren't you getting on Amtrak anymore? I know that a Pakistani was on there and got caught. Their point to me was, as long as they're not on the border, they're not catching people under their

responsibility on the border. Is your responsibility for those 43 throughout the entire millions of acres or is it border security only?

Ms. KIMBELL. No. The 43 officers that I spoke of have responsibility for those national forest system that are north of the Salmon River include the whole State of Montana, those lands on the Wyoming border and the Idaho border and clear over onto the Minnesota border to the Cheyenne National Grasslands.

Mr. REHBERG. So they don't specifically stay close to the border? Or, do you have people that are specifically assigned to the border.

Ms. KIMBELL. I think Jonathan mentioned that we have 15 uniformed officers who are within—whose area of responsibility is within 50 miles of the Canadian border.

Mr. REHBERG. I'm not referring specifically to Idaho in that one event. You're talking about the whole Washington, Idaho—

Ms. KIMBELL. I'm referring to Idaho and Montana and up to North Dakota that I have 15 officers who are within 50 miles of that Canadian border through our area of responsibility. There is another 100 miles of common border between national forests and the Canadian border in the State of Washington. Across Idaho and Northern Montana there's also 100 miles.

Mr. REHBERG. You don't have any responsibility, then, within Glacier National Park or the reservations or you do?

Ms. KIMBELL. I do not. I do on the Flathead National Forests just adjacent to Glacier National Park.

Mr. REHBERG. Could you real quickly—and then we'll move on—work through what happens if you catch somebody or suspect somebody? In your Memorandum of Understanding do you immediately make contact with the Department of Homeland Security or Customs? What's the scenario as far as your law enforcement responsibilities?

Ms. KIMBELL. I'm going to need to ask Jonathan to talk about the exact protocol.

Mr. HERRICK. We have no immigration authority or jurisdiction, so the protocol is we work closely with our counterparts. If we were to stumble upon some people who came across the border, we would ascertain that they would be illegal and call the Border Patrol to get some other from of support there.

Mr. REHBERG. The last question is, I'm not asking you to criticize anyone other than the Congress. Is there any area of responsibility that you have not been given that you would like to see either expanded that you can't because of legislation? I think most, specifically, about getting the U.S. Attorney to prosecute those guys, and by God, when they pass a law make them do it, or something along that line. Is there some area that you can suggest that—other than the Memorandum of Understanding—that it's not their fault. It's not your fault. It's the system fault—to change it legislatively?

Mr. HERRICK. I think that the authority and the jurisdiction that we're given for our responsibility, what our primary mission out there is, I think we have sufficient authority and jurisdiction. It's working well with the cooperation of other agencies.

Just to comment, you asked specifically about Glacier National Park, we do have Memorandums of Understanding pending with many of our agencies that currently are not signed. We can't assist them. They can assist us across those lines.

Mr. REHBERG. Could I ask you, can everybody in the audience hear? Some are straining. Is it just you're trying to look at us? Can you hear us?

VOICE. No.

Ms. KIMBELL. Mr. Rehberg, there's one other piece that's in that, in the current legislation being considered, that's addressed to the Department of Interior but that's not addressed to the Department of Agriculture. So when you ask is there something that might be helpful, certainly, to include the Department of Agriculture.

Again, I've got miles of national forest and acres of national forest along the Canadian border. We think it's very important that the Department of Agriculture be considered in talking about border security.

Mr. TANCREDO. Thank you. We'll all try and speak up a little bit until we can address this issue.

Mr. TANCREDO. Mr. Copp, why don't you go ahead.

**STATEMENT OF JEFF COPP, SPECIAL AGENT IN CHARGE,
DENVER OFFICE OF IMMIGRATION AND CUSTOMS
ENFORCEMENT**

Mr. COPP. Mr. Chairman, Mr. Rehberg, thank you for the opportunity to speak with you today about the unique challenges the U.S. Immigration and Customs Enforcement of the Department of Homeland Security faces on the northern border.

Among the Department of Homeland Security, DHS law enforcement agencies, ICE has the most expansive investigative authority and the largest force of investigators. Working overseas, along the nation's borders and through the nation's interior, ICE agents and officers are demonstrating that the merged customs and immigration authorities constitute an effective mechanism to identify and disrupt and dismantle criminal organizations that violate the nation's borders and the nation's customs and immigration laws.

Using this combined authority ICE has built a robust enforcement program along the borders and within the nation's interior. It remains DHS's view, however, that effective dealing with the illegal immigration requires a comprehensive approach that combines border security measures, stronger interior enforcement, a new temporary worker program, a resolution of the status of illegal immigrants already in the country, and assimilation measures that honor the great tradition of this country as a melting pot.

The northern border of the United States is notably different than our border with Mexico. It has rugged terrain, sparse population and a more open border. To bolster northern border enforcement efforts, the U.S. and Canadian governments developed an integrated border enforcement team in 1996. IBET is a multiple agency law enforcement team that harmonizes U.S. and Canadian efforts to target cross-border criminal activity.

The IBET concept originally began when law enforcement agencies from British Columbia and the State of Washington worked together on cross-border criminal activity. Between 1996 and 1999 IBET grew from 2 to more than 20 individuals from four different agencies.

Formalized in April of 2001 IBET currently works in 15 regions with IBET officers in 23 locations across the northern U.S. border.

A good example of cross border cooperation between IBET and the IBET structure is the Operation FROZEN TIMBER, the joint ICE, U.S. Forest Service, National Park Service and IBET investigation that targets the Canadian drug smuggling organization based in the lower mainland of British Columbia.

The smugglers have utilized helicopters to transport drugs, bulk cash and firearms into the national forests and national park lands of Washington State. Operation FROZEN TIMBER aims to disrupt and dismantle these Canadian smuggling organizations through seizures, arrest and prosecutions that thwart the efforts of others using helicopters to smuggle contraband into the United States.

ICE is accomplishing this through extensive intelligence collection, analysis and exploitation, technical and physical surveillance, undercover and enforcement operations and prosecution of violators.

The national forest and national parklands that these organizations use provide multiple landing sites for helicopters, where discovery is difficult because of the remote, mountainous and forested nature of the terrain.

Since Operation FROZEN TIMBER began in November of 2004, 46 individuals have been arrested. The U.S. and Canadian law enforcement agencies have seized approximately 8,000 pounds of marijuana, 800 pounds of cocaine, three aircraft and \$1.5 million in U.S. currency.

Although ICE is a relatively new agency, we aggressively apply our unified immigration and customs authorities to identify and address vulnerabilities affecting the borders and the nation's homeland and national security. At the same time, we bring to these efforts the best of our former agencies' expertise, cultures, and techniques as we continue to improve the efficiency of this new Federal law enforcement agency.

In case after case, ICE agents, officers, analysts and other personnel are putting into practice on behalf of the American people the powerful advantages that flow from our unified authorities. The result is a strong and growing contribution to the nation's border, homeland and national security. Thank you. I'm glad to answer any question you may have.

[The prepared statement of Mr. Copp follows:]

Statement of Jeffrey Copp, Special Agent in Charge, Denver, Colorado, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security

Mr. Chairman, Ranking Member, and members of the Committee, thank you for the opportunity to speak with you today about the unique challenges that U.S. Immigration and Customs Enforcement (ICE) of the Department of Homeland Security faces on the Northern border. My name is Jeffrey Copp and I am the Special Agent in Charge of the ICE office in Denver. In addition to Colorado, the Denver office covers a significant area of the northern border and has sub-offices in Montana, Idaho, and Wyoming.

Among the Department of Homeland Security (DHS) law enforcement agencies, ICE has the most expansive investigative authority and the largest force of investigators. Our mission is to protect the American people by combating terrorists and other criminals who cross the Nation's borders and threaten us here at home. The men and women of ICE accomplish this by investigating and enforcing the Nation's immigration and customs laws. Working overseas, along the Nation's borders, and throughout the Nation's interior, ICE agents and officers are demonstrating that the merged customs and immigration authorities constitute an effective mechanism to identify, disrupt, and dismantle criminal organizations that violate the Nation's

borders and the Nation's customs and immigration laws. Using these combined authorities, ICE has built a robust enforcement program along the borders and within the Nation's interior. It remains DHS's view, however, that effectively dealing with illegal immigration requires a comprehensive approach that combines border security measures, stronger interior enforcement, a new temporary worker program, a resolution of the status of illegal immigrants already in the country, and assimilation measures that honor the great tradition of this country as a melting pot.

By leveraging the full enforcement potential provided by our unique blend of customs and immigration authorities, ICE agents and officers—together with our DHS and other federal counterparts and with the assistance of state, local, and tribal law enforcement entities—are making it more difficult for potential terrorists and transnational criminal groups to move themselves, their supporters, or their weapons across the Nation's borders through traditional human, drug, contraband, or financial smuggling networks, routes, and methods.

The Northern border of the United States is notably different from our border with Mexico. It has rugged terrain, sparse population, and a more open border. To bolster Northern border enforcement efforts, the U.S. and Canadian Governments developed the Integrated Border Enforcement Team (IBET) in 1996. IBET is a multi-agency law enforcement team that harmonizes U.S. and Canadian efforts to target cross-border criminal activity. The IBET concept originally began when law enforcement agencies from British Columbia and the State of Washington worked together on cross-border criminal activity. Between 1996 and 1999, IBET grew from two to more than 20 individuals from four different agencies. Formalized in April 2001, IBET currently works in 15 regions, with IBET officers in 23 locations across the Northern U.S. border. Partnerships are vital to the IBET framework. Personnel from participating agencies use an integrated approach to their activities, which ensures joint coordination of law enforcement and intelligence sharing.

A good example of cross-border cooperation within the IBET structure is Operation FROZEN TIMBER, a joint ICE, U.S. Forest Service, National Park Service, and IBET investigative operation that targets a Canadian drug smuggling organization based in the Lower Mainland of British Columbia. The smugglers have utilized helicopters to transport drugs, bulk cash, and firearms into and out of National Forest and National Park lands in Washington State.

Operation FROZEN TIMBER aims to disrupt and dismantle these Canadian smuggling organizations through seizures, arrests, and prosecutions, and to thwart the efforts of others using helicopters to smuggle contraband into the United States. ICE is accomplishing this through extensive intelligence collection, analysis, and exploitation; technical and physical surveillance; undercover and enforcement operations; and prosecution of violators.

The National Forest and National Park lands that these organizations use provide multiple landing sites for helicopters, where discovery is difficult because of the remote, mountainous, and forested nature of the terrain.

The targets of this investigation, most of whom are Canadian citizens with aircraft registered in Canada, are involved in a conspiracy that falls within both the Eastern and Western judicial districts of the State of Washington. Furthermore, the investigation has revealed 13 helicopters suspected of being used for smuggling. The ultimate distribution point for the smuggled narcotics is the Western District of Washington and the Interstate 5 Corridor in Oregon and California.

During the initial phase of Operation FROZEN TIMBER, U.S. and Canadian law enforcement agencies intercepted more than 17 drug loads, including one shipment in February 2005 consisting of five suitcases packed with more than 337 pounds of cocaine. This shipment constituted the largest single cocaine seizure in Washington State last year. Another significant seizure came in September 2005, when agents followed two couriers to a residence and recovered more than 1,100 pounds of marijuana.

More recently, in May 2006, ICE agents tracked a Bell Jet Ranger helicopter from Canada to a landing site in a remote wildlife area in Washington State. After witnessing the cargo being transferred to a waiting pick up truck, our agents, along with officers from the U.S. Forest Service and a local drug task force, stopped the vehicle, arrested two men inside, and recovered 329 pounds of marijuana. When the helicopter arrived back in Canada, the RCMP arrested the two Canadian pilots.

Since Operation FROZEN TIMBER began in November 2004, 46 individuals have been arrested. U.S. and Canadian law enforcement agencies have seized approximately 8,000 pounds of marijuana, 800 pounds of cocaine, three aircraft, and \$1.5 million in U.S. currency.

While the vast majority of smuggling activity we combat today involves an array of traditional criminal threats, illegal businesses are evolving in dangerous ways. The violators are better armed and more willing to use force. The stakes are getting

higher as we continue to strengthen the barriers against such activity. Because terrorists could potentially exploit this criminal activity and use border vulnerabilities to enter or attack the United States, the need to combat these threats through enforcement efforts like Operation FROZEN TIMBER is greater than ever.

Although ICE is a new agency, we aggressively apply our unified immigration and customs authorities to identify and address vulnerabilities affecting the borders and the Nation's homeland and national security. At the same time, we bring to this effort the best of our former agencies' expertise, cultures, and techniques as we continue to improve the efficiency of this new federal law enforcement agency. In case after case, ICE agents, officers, analysts, and other personnel are putting into practice, on behalf of the American people, the powerful advantages that flow from our unified authorities. The result is a strong and growing contribution to the Nation's border, homeland and national security.

We know the threats and we know the risks. Only through vigorous enforcement efforts against those who seek to use the Nation's borders against U.S. citizens can we ensure the security of the Homeland.

The men and women of ICE are grateful for the chance to serve the American people and, on their behalf, I thank you and your colleagues for your continued support of our operations. I hope my remarks today have been helpful and informative. Thank you for inviting me, and I would be glad to answer any questions you may have at this time.

Mr. TANCREDO. Just let me explain to staff, although I thought maybe it was apparent. What we're going to do is go—each individual will give their testimony, then we will question and then go to the next one. At the end we might have questions for everybody. We're going to trade off in the beginning. Mr. Rehberg.

Mr. REHBERG. Thank you, Mr. Chairman. Congratulations on FROZEN TIMBER. I'm particularly interested in that, but I can't miss the opportunity to at least make the point or ask the question: What does the guest worker program—because but you talked about it in your testimony—have to do with the FROZEN TIMBER or solving the issue that the Resources Committee is talking today about, specifically, about smuggling and drug trafficking?

Mr. COPP. That depends on what form it comes out of Congress. To us we look at the guest worker program as it would be easier for us to identify the people who are here if there's a way to identify them, so that will remove a population that we have to—

Mr. REHBERG. I guess I don't understand how you had any problem recognizing the helicopters coming across the border finding a landing site. Using your success story as an example, was that not apparent? Would a guest worker program have helped you better identify people coming across the border in a helicopter?

Mr. COPP. I think those are apples and oranges.

Mr. REHBERG. So do I, and that's why it was in your testimony—other than Mr. Tancredo and I recognized the President is doing a little lobbying publicly with you Ms. Kimbell and you Mr. Copp and you Mr. Harris. So we'll probably hear it in your testimony as well. That's not the purpose of the hearing today. We'll fight that battle probably in the Education and Labor Committee. But we're here specifically to talk about the Resource Committee, its jurisdiction. Again, I don't want to miss the opportunity to make the point that the guest worker program probably doesn't have a lot to do with drug trafficking as far as the Federal properties. A little admonishment perhaps.

Being a helicopter pilot myself, I guess I question or wonder about the necessity of even having to land on Federal properties. Why do they? When I fly a helicopter, I take the doors off. And if

I wanted to I'd just drop something out the door from a thousand feet. There is nothing that's going to blow up when I drop a bundle of marijuana or cocaine out my door. Why are they dumb enough to land and unload and get caught?

Mr. COPP. We've seen air drops from helicopters. We've seen them have cargo nets on the bottom. They actually hover over the trees and drop them into the forest. The area is so remote that you can land out there without someone watching you.

The reason we've been able to find these guys is through the excruciating work that's done and the intelligence that we have and tracking them through the landing sites that they are no longer using.

Mr. REHBERG. Is it mostly the technology that is available through the Border Patrol that's giving you that opportunity? Or, does the Homeland Security have the unique sensors and human assets different from—I guess, I want to ask the same question we asked Ms. Kimbell about the MOU and a level of cooperation. Because one of the things that drove us crazy about September 11th was the lack of communication, and so I guess I'd like to have you dwell a little bit on the joint or combined technology, shared resources and kind of give me a sense of how it's done.

Mr. COPP. We aren't getting too far on our leads and technique and stuff we use. A lot of it is just paper driven, tracking them through the paper, where they're living, renting certain platforms. We can identify the subjects, and then through surveillance we're tracking the subjects as they go to the national borders.

Mr. REHBERG. One last question, the same question I asked Ms. Kimbell. You being the new entity, is there something that you could suggest Congress has not provided to you that we ought to be looking at, specifically—other than the guest worker program of course—within the bill that we'll be passing specific to Federal lands and law enforcement?

Mr. COPP. One thing that we've seen from our combined authorities is that we're able to build a lot more complex investigations. That is tasking the U.S. Attorney's office. They don't have the personnel to prosecute the number of cases that we're taking to them.

One thing I would suggest, maybe, to add either special United States Attorneys that are assigned to us to prosecute our cases for us or give them more personnel to prosecute cases.

Mr. REHBERG. Thank you.

Mr. TANCREDO. Thank you, Mr. Rehberg. I must admit to you that I would love to see more people assigned to the U.S. Prosecutors' Office, and I would love to see the intention of the U.S. Attorney in this region to actually devote time and attention and resources to this thing.

I also have to tell you that, although when we have formal hearings and representatives of the various organizations are giving testimony, we have heard over and over again that there is, as you've said, a great deal of cooperation. This cooperation among agencies is working well.

But I have to also be candid with you that the minute you move out of this room and begin talking to people who are in the field and they are doing so—and people who are asking that their names not be used and that they not have to say any of this in public

because they are frightened of losing their jobs, they will tell you the exact opposite. I'm sure you've heard these kinds of things, generating up from the ranks, and that is that this cooperation doesn't really exist yet. And Legacy, Customs and other parts of the group, the 22 agencies that we tried to put together really have not found a way to overcome the problems that we hoped they would be able to overcome early on.

So I guess more than anything—I'm just telling you more than asking you—I'm just telling you what happens every time I walk away from one of these hearings. The e-mails start, calls from folks saying, I know they told you they're getting all this cooperation, but it's not—down here it's not happening.

Some of that's natural. They're not seeing it at the same level naturally, and maybe where they are, they just don't see the big picture or whatever. But I'm just telling you, there's an awful lot of frustration, an enormous amount of frustration in the various agencies that comes through indirect paths to certainly my office, and you must be aware of it. Again, it's a comment more than a question.

I wonder, could you tell me in terms of the actual amount of contraband whether we're talking drugs or when I—my Canadian counterparts they are always complaining about the amount of arms that are flowing into Canada from the United States, that's their big thing.

I read in some of the briefing papers here that cocaine is actually—more of that is moving south to north than north to south. Do you find that part of the problem here, at least in this area, the actual movement of arms, shipment of arms from the United States into Canada, clandestinely?

Mr. COPP. I haven't seen a large number of arms going into the United States, and we don't have any going into Canada. We did not received any intelligence from the outfits that we're working with concerning that. We did find some arms that they were taking back and forth with FROZEN TIMBER, but most of that was a personal-use arm. It wasn't large quantities of military weapons.

Mr. TANCREDO. I think that is perhaps more happening over on the eastern side around Detroit, Michigan, at least that's where we hear about it a lot, this movement of arms. I just wondered if any of that has gotten out here.

A question really to both you and Ms. Kimbell: The other thing that I have heard about recently is the tremendous amount of marijuana that's being grown in our forests. I don't know if the conditions are appropriate or right up here for much of it to grow in the national forests. But the fact is that there are not only ten national forests that have been identified where marijuana growth is occurring in huge amounts. I mean, huge, I'm talking about thousands of tons of it being harvested every year.

And not just is the harvesting going on, not just the growth inside our national parks going on and national forests but that people are stationed there to protect the crop, and they are often there with arms that are sophisticated with remote control, with radio communications that are, again, very sophisticated. And it's a very dangerous environment especially for some of the people in the Forest Services and Border Patrol. Can you comment on that?

Ms. KIMBELL. This has been a tremendous issue for a number of years in California and Oregon and, in fact, has moved north. We are blessed with a fabulous growing season here in Idaho and Montana and with plentiful water in very many places. Yes, we've seen an increase in the cultivation of. We've not yet experienced the same kind of drug cartel involvement that we see in California. We believe it to be right behind it.

Mr. COPP. Most of the stuff that we're seeing is actually B.C. Bud, which is grown in Canada and transported across.

Mr. TANCREDO. Again, a little aside, the two-week exercise I was telling you about, one evening a member of the Royal Canadian Mounted Patrol was chasing someone with a load of B.C. Bud into the United States and purposely called ahead. They called the Border Patrol station where I happened to be and said, look, we're chasing this guy.

The understanding was, by the way, that they would let him go to get into the United States because they knew if they caught him on the Canadian side, they stopped him on the Canadian side, there would be no prosecution. So they just let us know they were going to chase him down into the United States so we could catch him.

Mr. TANCREDO. Mr. Harris, please.

**STATEMENT OF ROBERT L. HARRIS, CHIEF,
CUSTOMS AND BORDER PATROL, SPOKANE, WASHINGTON**

Mr. HARRIS. Congressman Tancredo, Congressman Rehberg and other distinguished members of the Committee on Resources, on behalf of the men and women of the U.S. Border Patrol and Customs and Border Protection I want to extend our appreciation to the Members of Congress for your supported in working with us to secure our national borders. My name is Robert L. Harris. I am the Chief Patrol Agent of the Border Patrol, Spokane Sector.

The Spokane Sector's area of responsibility includes the 308 miles of international border with Canada from the Cascade Mountains in Eastern Washington all of Idaho and Western Montana to the continental divide in Glacier National Park, that area of responsibility depicted on the upper map (indicating).

Approximately 236 miles of our area of responsibility includes Federal lands along the international boundary, which is depicted in the map sitting on the floor. Our priority mission is to prevent the entry of terrorists and terrorist weapons from entering the United States between official ports of entry. In addition, we continue to carry out our traditional mission of arresting illegal aliens, smugglers, narcotics and other illicit contraband being smuggled across the remote areas of our border.

Over the past five years, the agents of the Spokane Sector have arrested 3,704 illegal aliens from 39 different countries and seized over 18,000 pounds of illicit narcotics. Due to the large expanses of border, the remote areas, rugged terrain and different operational challenges from the U.S./Mexico border, we greatly depend on a relationship with border residents, the U.S. Attorney's offices and other state, Federal, local and tribal law enforcement agencies, both on the U.S. and Canadian side to carry out our border security mission.

The following are some of the initiatives we have implemented in the Spokane Sector over this past year to enhance our relationships with border residents and expand our working relationships with area law enforcement. We have graduated over 100 border residents from seven citizen academies to educate the public about the Border Patrol mission and how to report suspicious activity near the border.

We have established an awards program to formally recognize citizens and law enforcement officers who report suspicious activity that results in an arrest or seizure. We have implemented a 1-800 outreach and border signage program to encourage reporting of suspicious activity near the border.

We have expanded our canine operations from one team to fifteen teams sector wide. All of our canine teams have dual detection, both narcotics and human capability as well as tracking capabilities.

We have expanded our horse patrol operations sectorwide to all seven stations to allow access to remote areas while being sensitive to the environment on Federal lands. And we have established a Border Patrol Youth Explorer Program to get community involvement and interest in border security.

In addition to these specific initiatives, the Border Patrol also is a primary participant in the U.S./Canada integrated border enforcement, or IBET teams, that now span 15 locations across the U.S./Canada border. The IBET teams consist of both U.S. and Canada law enforcement with a specific focus on border security.

Also, the Spokane Sector, like all Border Patrol sectors, has established a public lands liaison agent. The liaison agent is a Border Patrol agent position that is specifically assigned to enhance interaction and working relationships between the Border Patrol and land management agencies.

The responsibility of the liaison agent focuses on implementation of specific portions of a recently signed MOU between the Department of Homeland Security, Interior and Agriculture on national security and counter-terrorism initiatives on Federal lands along the international border.

To secure our borders, whether on Federal lands or otherwise, we need to deploy the proper balance of personnel, equipment, technology and border infrastructure to meet the different operational challenges of the border environment. Whether it is a smuggler on foot, in a car, on a horse, a snowmobile or low-flying aircraft we must establish the capability to detect, respond and interdict illegal, cross-border incursions before they reach the interior of the United States.

Nationally, the Border Patrol is attached with a very complex sensitive and difficult job, which historically has presented mixed challenges. Homeland security has become a top priority. The Border Patrol is proud to be the front line of defense for the very important mission.

The challenge is huge but one which we face every day with vigilance, dedication to service and integrity. I want to thank you both and the Committee for the opportunity to present this testimony today. I will be please to respond to any questions you may have.

[The prepared statement of Mr. Harris follows:]

**Statement of Robert Harris, Chief Patrol Agent, Spokane Sector, U.S.
Customs and Border Protection, Department of Homeland Security**

Chairman Pombo, Ranking Member Rahall, and other distinguished Members of the Committee, it is a privilege and an honor to appear before you today to discuss our latest efforts along the border, which include the critical role border security on Federal lands has in assisting the Department of Homeland Security (DHS), and especially U.S. Customs and Border Protection (CBP), in our mission of securing our Nation's borders.

The Spokane Sector's area of responsibility includes 308 miles of international border with Canada, from the Cascade Mountains in Eastern Washington, all of Idaho, and Western Montana to the Continental Divide. Approximately 236 miles of our area of responsibility includes Federal Lands along the international boundary.

Our priority mission is to prevent the entry of terrorists and terrorist weapons from entering the United States between official ports of entry. In addition, we continue to carry out our traditional mission of arresting illegal aliens, smugglers, narcotics, and other illicit contraband being smuggled across the remote areas of our border. Over the past 5 years the agents of the Spokane Sector have arrested 3,704 illegal aliens from 39 different countries, and seized over 18,055 pounds of illicit narcotics.

Due to the large expanses of border, the remote areas, rugged terrain, and different operational challenges from the U.S./Mexico border, we greatly depend on our relationships with border residents, and other state, federal, local, and tribal law enforcement agencies, both U.S. and Canada, to carry out our border security mission.

Also, the Spokane Sector, like all Border Patrol Sectors, has established a Public Lands Liaison Agent (PLLA). The PLLA is a Border Patrol Agent position that is specifically assigned to enhance interaction and working relationships between the Border Patrol and land management agencies. The responsibility of the Liaison Agent focuses on implementation of specific portions of a recently signed MOU between the Departments of Homeland Security, Interior, and Agriculture on national security and counter-terrorism initiatives on federal lands along the international borders.

In addition to this specific initiative, the Border Patrol is also a primary participant in the U.S./Canada Integrated Border Enforcement Teams (IBET) that now spans 15 locations across the border. The IBET teams consist of both U.S. and Canada law enforcement with a specific focus on border security.

Our immigration system is broken. Every day, thousands of people try to enter our country illegally. Most of these people are coming to America to work and provide a better life for their families. After all, in their home countries, they make only a fraction of what they could make in the United States. Our strong economy creates the demand for these workers, places tremendous pressure at the border, and makes our job of securing the border very difficult.

To most effectively secure our border, we must reform our immigration system to relieve this pressure. We need comprehensive immigration reform that provides additional resources for border security, establishes a robust interior enforcement program, creates a temporary worker program, and addresses the problem of the estimated 11 to 12 million illegal immigrants already in the country.

We are taking significant steps to secure the border—more than any other time in our history. Since 2001, funding for border security has increased by 66 percent. DHS, working in conjunction with its Federal partners, has apprehended and sent home more than 6 million illegal aliens. On May 15, President Bush announced his plan to increase the number of CBP Border Patrol agents by 6,000 by the end of 2008. This will bring the total number of Border Patrol agents to over 18,000, doubling the number of agents since the President took office in 2001. These additional agents will serve as a tremendous resource and will go a long way in helping us secure the border.

As an interim measure, until CBP can hire and train these additional Border Patrol agents, the President ordered the Secretary of Defense to work with our Nation's Governors to deploy up to 6,000 National Guard soldiers to the Southwest Border. Since the President's Oval Office address, DHS and CBP have worked closely with the Department of Defense and National Guard Bureau to get these soldiers integrated in our efforts to secure the border. We are calling this mission Operation Jump Start.

These troops are making a difference. Over the last several weeks, the National Guard, working in their support capacity, has assisted in reducing illegal activity across the Southwest border. Even if this infusion were not occurring, there would

be hundreds of National Guard troops assisting DHS in our counter-narcotics mission. The Guard troops have also allowed us to move over 360 Border Patrol agents from the back offices, where they were performing essential support functions and logistics jobs, to the front lines. These agents are now working every day on the border to detect and apprehend illegal aliens, and seize narcotics and other contraband.

The National Guard soldiers currently are, or will be, supporting the Border Patrol with logistical and administrative support, operating detection systems, providing mobile communications, augmenting border-related intelligence analysis efforts, building and installing border security infrastructure, and providing training. However, law enforcement along the border between the ports of entry will remain the responsibility of Border Patrol agents. The National Guard will play no direct law enforcement role in the apprehension, custodial care, or security of those who are detained. With the National Guard providing surveillance and logistical support, Border Patrol agents are free to concentrate on law enforcement functions of border enforcement. The National Guard engineering and technology support of tactical infrastructure has been a tremendous force-multiplier, expanding the enforcement capacity of the Border Patrol while freeing up additional agents who were performing some of these support tasks.

The Border Patrol has a history of nearly two decades working with National Guard and Reserve units to leverage their unique expertise, workforce, technology, and assets, in support of our mission and as a force-multiplier. We're proud to work shoulder-to-shoulder with our National Guard colleagues. They have given us a tremendous jumpstart on our overarching plan to secure the border—the Secure Border Initiative (SBI).

As I mentioned earlier, National Guard support will be an immediate, short-term measure that allows DHS to increase our deterrence and border security capabilities, while DHS trains additional Border Patrol agents and implements SBI which is a broad, multi-year initiative that looks at all aspects of the problem across the board—deterrence, detection, apprehension, detention, and removal. SBI, as envisioned by the Secretary and Commissioner, addresses the challenges we face with integrating the correct mix of increased staffing, greater investment in detection technology and infrastructure, and enhanced coordination with our partners at the Federal, state, local, and international levels for every segment of our Nation's borders. CBP Border Patrol's component of SBI, named SBInet, will integrate multiple state-of-the-art systems and traditional security infrastructure into a single comprehensive border security suite for the department. Under SBI, DHS wants to create a common operating picture for agents, via the use of integrated sensors and other interoperable technologies and systems. The technologies will help agents detect, identify and respond to illegal activities.

There is no stretch of border in the United States that can be considered completely inaccessible or lacking in the potential to provide an entry point for a terrorist or terrorist weapon. Stretches of border that in the past were thought to be impenetrable, or at least highly unlikely locations for entry into the United States, have in recent years, become active illegal entry corridors as other routes have been made less accessible to smugglers. We must consider all available information, including the vulnerability of our Nation's borders, when determining future infrastructure requirements and asset deployments.

SBI undertakes an integrated approach to the continuum of border security and future deployments of personnel, infrastructure and technology. The deployment of the various components will be risk based, considering, for example, current intelligence, operational environment and field commander's requirements. Under this approach, one portion of the border may require more technology in relation to personnel, while another portion may require more tactical infrastructure improvements than either personnel or technology. SBI will not be a "one-size-fits all" deployment.

One part of SBI, is the placement of Tactical Infrastructure (TI), such as fencing, vehicle barriers, high intensity lighting, and road improvements. These infrastructure elements act as a force multiplier, helping agents to secure the border, with speed and flexibility of personnel redeployment made possible by shortened response times. TI elements are critical for the U.S. Border Patrol to achieve the proper balance between personnel, technology, and border infrastructure. But, TI alone will not secure the border.

We recognize the challenges that lie ahead. Our goal is nothing less than to gain, maintain, and expand operational control of our Nation's borders through the right mix of personnel, technology, and tactical infrastructure. The assistance of the National Guard and our Federal, state, local, and tribal law enforcement partners, will greatly enhance our ability to effectively and efficiently protect our Nation's borders.

The men and women of U.S. Customs and Border Protection face these challenges every day with vigilance, dedication to service, and integrity, as we work to strengthen national security and protect America and its citizens. I would like to thank you for the opportunity to present this testimony today. I look forward to responding to any questions that you might have.

Mr. TANCREDO. Thank you, Mr. Harris. There are quite a few from me. First of all, you talked about the need to have some sort of cooperation with the tribal governments in order to fulfill your mission. How much cooperation is forthcoming?

Mr. HARRIS. I'll tell you, historically, the Border Patrol has—we coordinated the first two U.S. Border Security Conferences with tribal authorities along both the U.S./Mexico border and the Canadian border. We just recently hosted one of those conferences in Cornwall, Canada that included tribal representative from across the U.S. and Canada border.

In addition to that, this law enforcement officers reward program that I just mentioned to you, we just presented awards to 15 members of the Colville Tribe reservation for their support, participation and interdiction of a couple of aircraft and seizure of narcotics across the U.S./Canada border.

Mr. TANCREDO. Let me put the question another way to you: What are the biggest problems we have with tribal governments in getting them to cooperate with our interdiction program?

Mr. HARRIS. I think we have a very good working relationship with the tribal governments, very—primarily the concern that I hear from the tribal governments is the difficulty they have in obtaining grants. There's something about the grant process. I'm not overly familiar with it, but that is their primary concern.

Mr. TANCREDO. One of the reasons I ask you is because we had actually requested either participation or testimony from one of the tribes up here and were not able to obtain it for reasons I think have—well, I guess I should just end it there. We were not able to obtain it.

In your statement and testimony you talk about the importance of the collaboration of Canada and other Federal agencies. In addition to this, what are the most effective tactical infrastructure means for securing the northern border?

Mr. HARRIS. I'm just going to stay specific to my area, Congressman, if that's OK.

Mr. TANCREDO. That's just big enough. How are you going to secure that?

Mr. HARRIS. About 261 miles of our 308 miles of territory is on Federal lands, some wilderness area. We don't think we need border barriers or a road network up in these wilderness areas that would destroy this type of environment for everybody and, also, possibly serve as a facilitating mechanism for smuggling if we were to build roads in these areas.

We just need to have access to the border through pack trails or maybe changing a Kelly hump in a Federal land area, removing a gate, putting a lock on it, things like that. That's why we have this excellent working relationship with the Department of Interior and Agriculture so that we can work out those issues among ourselves.

But I don't think—it's a different operational challenge, as both of you well know, the U.S./Mexico border. We need a different type

of approach, techniques and infrastructure up here on the U.S./Canada border to address those.

Mr. TANCREDO. It does seem to me to be unique in that respect. We have problems that we can confront up here that are unique, and you've identified we've got the wilderness area, first of all to which it is very difficult to get our folks on motorized vehicles. But, of course, because that's the case, you have this great, wonderful opportunity for anybody who wants to smuggle something into this country, both human or goods, and that is in a wilderness area, because it's hard for you to get there.

They're smuggling, believe me—I guarantee on the southern border and thank God not yet up here—but the southern border has caused enormous damage to the wilderness area, because everybody knows that's the place we're not going to be watching. We can't get there. The horses—

Do you have to actually—I just heard about the other day on the southern border—it is the same up here? You have to actually quarantine your horses for a couple of weekends before you take them?

Mr. HARRIS. Not necessarily quarantine, it's special types of feed. It has not presented an operational challenge for us. But the key to northern border security is technology, relationships and intelligence to direct our enforcement efforts, just because we don't have the volume of illegal border incursions that we have along the U.S./Mexico border. So we need to rely on technology and intelligence to direct our enforcement efforts to the right place.

Mr. TANCREDO. I would certainly agree. I will tell you, however, I think also some sort of barrier that can both be erected without degrading the land and allow for maybe the movement of species in certain areas, that's required. I think it can also be helpful in that regard and this is a fairly low-tech device.

In terms of the high-tech devices that you're talking about, what is the ability of the Border Patrol—because, again, I've heard conflicting stories about this—but from your point of view, what is your ability to actually use the equipment that we have available to us even today? Some of this stuff is very sophisticated. Some of it is, of course, used primarily by the military. And one of the reasons why I have always encouraged use of the military on the border is because they could bring with them not just the technologies but the way to use it most effectively. Are you working with any part of the military to actually gain that kind of expertise?

Mr. HARRIS. I'll go back to the operation. It was Operation Outlook that we concluded at the end of July. It was a 30-day operation with forces of the active duty military and with the Nation Guard. What they did for us was they brought some radar and sensor platforms up to the area that allowed us to, in a small geographic area, allowed us to be able to monitor cross-border air penetration below the 500-foot level for a 30-day period of time, which is the prior threat that I believe that we have facing our area of responsibility right now, is this intersmuggling.

Mr. TANCREDO. How about UAVs?

Mr. HARRIS. UAVs, I'm not that familiar with what type of technology is on UAVs, not having worked in a sector that had one of those. If they will—if the UAV has the type of sensor platforms

that would allow us to be able to detect cross-border incursions below the 500-foot level, yes, we could use that type of technology.

Mr. TANCREDO. I guarantee you they can and do. They're really quite incredible. As I say, the stuff that I observed was 1991 vintage technology, and we're now ten generations past that. I'm hoping that will be in place here very soon. Thank you. Mr. Rehberg.

Mr. REHBERG. Thank you, Mr. Chairman. Let me begin by thanking you. I have the utmost respect for the Border Patrol and really appreciate the work you do, had a great working relationship with your organization and respect, especially, the daily activities along the southern border is incredible. I know you all have to do your time along the southern border before you get a chance to come up north to God's country.

I alluded to it earlier about my perhaps first misunderstanding or chastising the Border Patrol along the border, suggesting, hey, why don't you get on Amtrak. We know there are people that are riding that train. The answer that I was given was the right answer. That is, when you're not on the border, then you're not watching the border and more people get across the border.

First of all, I'd like to ask the question: How far south are you able to come or have you come to arrest people that are perceived to be terrorists?

Mr. HARRIS. Let me answer that in two quick parts: One is, we're not precluded from operating at what we call transportation hubs. If there's a transportation hub, whether it be an airport, whether it be an Amtrak station and that transportation hub is being used as a route of ingress or egress from the border, we can put Border Patrol agents there.

For example, I did have an agent full-time in the Kalispell airport, but the apprehension statistics did not support dedication of that type of personnel there because we were not catching any recent entry illegal aliens. So that answered the first part.

The second part is I do not define how far my agents can respond away from the border.

Mr. REHBERG. How far have they—have they gone down into the Grand Teton, as far south as—I'm trying to visualize where your area goes.

Mr. HARRIS. I'm going to say if you take, for example, Whitefish Station and a law enforcement officer called from Hamilton. He said, hey, I have a suspected illegal alien here. Can you respond to that? I'm probably not going to—I'm going to view that as the responsibility of a different component of Homeland Security.

At any given time across that 308 miles in order to run a 7/24 operation, I'll have about 15 agents covering about 308 miles. So does it make sense for me to pull an agent off of the line and bring him down that far to the interior?

But anywhere in the immediate border community, Whitefish, Kalispell, any of those towns where our agents live and operate on a normal daily basis, if another law enforcement officer called for support, we're going to back him up. If we've got somebody available, we're going to respond to that call.

Mr. REHBERG. Two weeks ago I was on a trade mission to both Korea and China, and I've now viewed the human trafficking from both directions. I'm on the appropriations subcommittee that deals

with foreign affairs and foreign operations, and the human trafficking is one of our areas of expertise and responsibility. Could you talk really quickly about how the human trafficking occurs on Federal properties between the Sweetgrass Hills and your area of responsibility.

I can see how they get people across the border to the south, because they—it's sophisticated in bringing workers across. As far as the prostitution stuff, I don't get it.

Mr. HARRIS. If you look at our farthest west station, which is Oroville and move east from there, the level of activity in Oroville is higher than it is anywhere else. As you move over toward Whitefish, the level of human activity is lower, not to say there's not stuff going on there. But in terms of activity, it's more busy farthest to the west, and that is because we have increased enforcement capabilities in the area. Consequently, some of that smuggling is now coming up into our area, and the biggest nationality that we arrest there are Korean, South Koreans. It's my understanding it's because they're going to be used for prostitution, indentured servitude and things of that nature.

Mr. REHBERG. The second part of my question: Is it as a result of a difference—maybe you can't answer this, maybe you can—maybe you can, Mr. Copp—difference in the laws of amnesty and visas as it relates to China and Korea to Canada versus the United States and is there a problem with the laws between the two different countries?

Mr. HARRIS. Definitely, I think there's a nexus, no question about it, that laws in Canada do somewhat facilitate people coming into the United States illegally.

Mr. COPP. I would agree with that, Mr. Harris. I think there's a nexus there. Once they get into the Canada, it makes it a lot easier to move south from Canada with the laws on the Canadian side.

Mr. REHBERG. So there would be something that we should be doing legislatively in Congress to address the Canadian/United States Memorandum of Understanding, or is that something that you might be able to do from an administrative standpoint?

Mr. COPP. We work hand in hand with RCMP up there as far as identifying groups of people moving south. The problem is not that. The problem is getting into Canada from Korea and they're able to get a foothold here makes it easier to smuggle.

Mr. REHBERG. Once they get into Canada, the ones that you're catching in Oroville or even in Montana—because what I heard from Montana was—the U.S. Marshal and the District Court Judges we have all of them—they said that was one of their main problems, within Montana and the District Court system of Montana, the Korean prostitution issue, human trafficking. How are they getting them across? The ones that you caught, how are you catching them?

Mr. COPP. They're being smuggled across.

Mr. REHBERG. Do they use buses and cars?

Mr. COPP. On foot, but they generally won't stray too far from a populated area. They'll stage on the north side of the border and then walk around near a port of entry and try to load up on the other side of the border.

But the issue of the visas is a political issue. I mean, Canadian law enforcement, RCMP, they understand the issue very well. It's not a law enforcement issue. It impacts law enforcement, but it's a political issue.

Mr. REHBERG. A political issue in the Federal system of Canada not necessarily Alberta, British Columbia?

Mr. COPP. Correct, yes. But all the smuggling that we've apprehended is in a car or on foot crossing the border illegally.

Mr. REHBERG. I might point out the first airplane I bought was a confiscated drug dealer airplane by the U.S. Marshal. He got caught before he got back to the airplane and snuck out.

Mr. TANCREDO. The Border Patrol took me through Coronado National Forest and put me on a horse. It was a horse that had belonged to a smuggler. They didn't tell me that when a helicopter approached, sounds of a helicopter, the horse went down. It had been trained, and I didn't know about it. It was an interesting and wild ride.

The issue with regard to the Canadian American border problem we have and the relationship we have, it is true, I said only half jokingly, I think it was on Canada television, there was quite an interesting response when I said Osama Bin Laden could shave off his beard, fly to Ontario, get out and call himself Omar the Tent Maker and say that he's a refugee. If you use that word, say the word "refugee," you get bucks. They tell you to walk and you can come back within six months or something.

We have—it's hard for us to throw stones, by the way. Our system isn't that great in terms of who we—how clearly we can identify illegal immigrants. But there is, of course, in trying to work toward the—by the end of the year having all air and sea ports, anyway, have the equipment in place, and have us able to use passports now for everybody coming into the United States through those areas through Canada and Mexico. And then by 2007 for all of our land, sea and airports, a passport.

The Canadians are very upset about this. Every time I meet—as I told you earlier, the Canadian counterparts all we do is argue. For years all we did was argue about softwood lumber, and now all we do is argue about whether or not these passports can be implemented, should be implemented. They are against it for the most part.

There is support in Congress, especially in the Senate, to postpone it, and I hope that some of our testimony that we gather here today that we can forestall that postponement and do away with it and get this implemented as soon as possible.

Mr. REHBERG. I'd like to ask Mr. Harris another question, and that is: Are you aware of the kind of people or organizations that are doing smuggling and is it a Korea Mafia, organized crime in America. Who is organizing it?

Mr. TANCREDO. Along with that can you give us any information as to how many people you are interdicting that are from countries of interest?

Mr. HARRIS. I can get that information for you on the last part. I don't have it here with me. I'll get that to you. As far as the first question, if I could, I'll defer to Mr. Copp, the ICE represent to answer that question.

Mr. COPP. We know these aren't ad hoc smuggling groups that are coming across. These are organized groups that are—there are predetermined places these prostitutes go to, so we know it's an organized group. We know that the smuggling groups they're smuggling marijuana from Canada are organized groups. We know which groups are controlling the majority of the smuggling.

Mr. REHBERG. Are they international groups, national groups or just—

Mr. COPP. They're international groups, because they're moving people from the Orient to Canada to the United States. There's connections all the way through.

Mr. REHBERG. You're also seeing Mexican organized crime in Canada coming into Montana, cartels?

Mr. COPP. They're trying to. If I could, I'd like to get back to you on that question.

Mr. TANCREDO. All right. Thank you. Do you have a station in Havre?

Mr. HARRIS. There's sector there. It's not in my area. There is a sector called the Havre Sector.

Mr. TANCREDO. About maybe two years ago I was up there. I got their information. A number of people coming across up there that they had interdicted who were from "countries of interest," was significant and it was quite startling. You know, Havre, Montana, a relatively small station, and yet it was several thousand that had been through there had been interdicted, and about 600—I'm now stretching my memory here—but it was amazing how many were from countries of interest. These are countries, by the way, that are state sponsors of terrorism or harbor terrorists.

Mr. HARRIS. I think in our area it's primarily Canadian, illegal Canadians, South Koreans, Indians, Pakistani are the largest apprehension numbers. We have seen no evidence of Mexican cartels crossing the border. The Mexican criminal organizations are operating in some of these communities, narcotics trafficking, all types of other criminal activities. But I haven't actually seen any in the border area, up in our area.

Mr. TANCREDO. Thank you, sir.

Mr. TANCREDO. Wayne.

**STATEMENT OF WAYNE DUSTERHOFF,
SHERIFF, GLACIER COUNTY**

Mr. DUSTERHOFF. Mr. Chairman and Congressman Rehberg, thank you for the opportunity to speak here. My reality is all of what you mentioned here. But in Glacier County, I have Glacier National Park, the Blackfeet Indian Reservation, and I have 90 miles of border, which I border with Canada. Of this 6,300 square miles within Glacier County the major problem or the major session that I have is three or four barbed wire fences, which covers the whole border.

There are three ports of entry into the United States, which that's not my problem in the half a mile of that. It's the other 89.5 miles that's unprotected that I don't have anything into.

The rest of the rural setting in Glacier County, to our knowledge, is very minimally detected or has any sensors or whatever, at least none that we're aware of. A large segment of this thinly manned

border is within the Glacier National Park, which presents a real problem in high foot traffic, mountain biking traffic of recent, ATVs and in the winter time snowmobilers coming into and out of the United States.

Having flown many times on the border within our area in helicopters, I can tell you, you can drive up to the border and you can see tracks on one side or the other and the fence is still there. So they're coming up and pushing the fence down and driving off.

Most of this does present a significant enforcement problem particularly with the back country area for us. There is little or no presence to deter these people from entering into the United States or out of the United States for us. In most cases, these persons enter the United States into or out of at nighttime, of which we have a group of people that is extremely attuned to our operations. Many times when we catch somebody, they can tell you our schedules. And they have better intelligence than we have.

Most of those cases these people have access to mobile radios, radio scanners, night vision goggles and many other items that help them do what they want to do. And most of the time they know our schedules as well as we do. Therefore, their chances of successful entry into the United States are very good, if they choose to do that.

My office has twelve officers including myself. Two are administrative. Two are assigned to the Federal narcotics task force, so that leaves me with eight officers to work that 90 mile stretch and provide assistance to the Federal agencies. Inside of this I must do that, provide service to my citizens also. I still have that obligation to provide that, but also to work closely with our Federal agencies.

In the 6,300 square miles that we provide responsibility to, recently one of the incidents within a Blackfeet Reservation we caught people coming across the border on four-wheelers. They were bringing their narcotics over on four-wheelers. We ended up in a chase with them were they were driving down a road throwing their dope out the window. Eventually, we caught them, and that was a 40-pound B.C. Bud seizure for us. Prior to that we had an 80-pound seizure of B.C. Bud that came in this very same method, only they drove a car across the border—or pickup across the border—and we chased them and caught them.

My communication dispatch center will receive numerous reports many times after these incidents have occurred, that there's people in these areas that shouldn't be there. And through the locals that's, basically, the only way that we get any assistance, with that knowledge of somebody into or out of the United States.

The fence in our particular area is a local joke. For years my wife, who is a Native American, didn't even know there was a border because she would cross back and forth. Well, now it has become the standing joke. Where do you want to go to, to cross.

Some of the solutions that are required today are better communications within our agencies, better decompartmentalization of this information. I've seen memos and had memos that come from the Federal agencies that say, do not disseminate outside this agency. What good is that intelligence to me or my officers that are on the ground trying to find what if it's compartmentalized?

We still don't have the communication ability to talk. I recently had a shooting in Glacier County that involved two customs agents. We had a horrible time communicating with them trying to get to where the location was, who was injured, who was shot and various other entities to get assets running to assist them.

Much of what I've heard here, I mean, this amount of time I could spend a day or two days talking about it. I would be happy to answer any questions that you might have.

[The prepared statement of Sheriff Dusterhoff follows:]

**Statement of Wayne Dusterhoff, Sheriff,
Glacier County Sheriff's Office, Cut Bank, Montana**

Glacier County has approximately ninety (90) miles of border with Canada. Glacier County constitutes approximately 6300 square miles of this area for law enforcement. The border barrier is principally only a 3-4 barbed wire fence. Within Glacier County there are three (3) Ports of Entry into the United States. Glacier County is one of the few counties in Montana that has multiple ports of entry into and out of the United States. My agency also provides services and assistance to the ports of entry when requested.

One of these ports is only open during the summer tourist months, and that is the Chief Mountain Port. This port is an access route into the United States into Glacier National Park from Canada.

The second port of entry is the Piegan Port, Babb, Montana, and this is considered the main entry port within Glacier County as it is open year around and the longest in time opening 0700 am until 2300 or (11:00) pm.

The third port of entry is at Del Bonita, Montana, and this port is normally open year around from 0900 a.m. until 1800 (6:00) p.m. This port's hours are extended throughout the summer months from 0600 a.m. until 2100 (9:00) p.m.

The rest of the border in our rural setting of Glacier County to our knowledge has very minimal border detection capabilities. A large segment of the thinly manned border is within Glacier National Park. This area presents a great capability for having undetected high foot traffic to enter the United States on the back country trails. This along with other types of traffic such as, mountain bikes, snowmobiles, four-wheeler traffic (which is illegal in its own essence) presents a significant enforcement problem. Also with this particular back country traffic area there is little or no law enforcement presence for deterrence to persons desiring to enter into the United States. In most cases these persons often enter or cross the border areas during the night times.

These persons are in most case extremely attuned and knowledgeable as to die law enforcement operations within the area. In many cases these people have access to Mobil radios, radio scanners, night vision goggles, and other items to help them in their entry attempts. Most times they know the officers' schedules and routes as well as the officers on duty do. Therefore, their chances of a successful entry are extremely good if they choose to illegally enter into the United States in this area.

My office has twelve (12) full time officers including me. Two (2) of these officers are administrative. Two (2) of these officers are assigned to a FBI Federal Narcotics Task Force. That means that I have eight (8) officers available for patrol duties, and to maintain our local detention facility. These eight (8) officers must cover the entire county during their assigned eight (8) hour duty shifts. We also have five (5) sworn Reserve Officers who are non-paid and come out to assist when they are available. With this manpower I must provide the citizens of Glacier County with Public Safety protection 24 hours a day, (7) days a week, 365 days a year. What this means is that many times there is only one (1) officer on duty during a shift and he must be available to respond anywhere within the 6300 square miles of Glacier County we are responsible for providing services in. I do not have the manpower or resources necessary to provide the increased visibility required to deter illegal narcotic or alien traffic along the border. In most cases the only way we are advised of illegal entry suspects or activity is by local residents who see persons or vehicles in areas they are not supposed to be in. We do not get this essential information from any electronic sensor notification means.

My communications dispatch center receives numerous reports, (many times after the incident has occurred) that there are or have been people and vehicles spotted by the local residents within areas that there should not be anyone except the local residents. Much of the northern border within our area has only a barbed wire fence to keep someone out. This never has, nor will be any type of a deterrent to someone

wanting to come into the country illegally for whatever reason. This fence is local joke as to where you need to pull it down and cross the easiest and fastest, and not get caught.

NOTE: Attachments to Sheriff Dusterhoff's statement have been retained in the Committee's official files.

A SOLUTION WILL REQUIRE THESE THINGS:

1. An improved cooperation and information-sharing process. Especially concerning those events that are ongoing or that may occur in the future within our local tress. This is especially important to those situations that impact local law enforcement and response agencies. Information many times is still extremely compartmentalized within the Federal Agencies with respect to the local law enforcement, that we are not informed. It Is principal requirement that we have a more effective intelligence communications relationship so that everyone is assisting in the ultimate goal of security of every citizen in the United States.
2. There must be improved Radio Communications of the Federal Radio system to be compatible with the local agency radios and radio communications centers. This must be improved Radio Interoperability Communications that is designed to integrate into the local area needs, and not that of Washington D.C., or the federal agencies only. Within Montana we have twelve (12) border counties, and four (4) Indian Nations who have a Memorandum of Understanding, and are currently involved with the communications project known as: NORTHERN TIER INTEROPERABILITY RADIO PROJECT. I am the Project Director for this endeavor which to date has been funded primarily through Homeland Security funds and some State of Montana funds that is approximately \$10-12,000,000. This is an essential radio communications project that must be completed not only for local response operations, but for national border operations as well. Yet, with all this being currently done, other Homeland Security agencies still cannot communicate effectively with us. A recent example of this is a short time ago in Glacier County I had a fatal shooting incident that involved Federal Agents. These agents were not able to communicate with us much of the time because of radio and communication dispatch inabilities. This created a very definite officer and other emergency responder safety issue for us to deal with by not having information on what was going on or where it was going on at.
3. There must be more over flight specifically by aircraft with thermal and infrared capabilities by utilizing the resources from the National Guard or Federal agencies who have these resources. We understand this is forthcoming from the ICE perspective with a stationing of aircraft and personnel in Great Falls, MT, in the near future. There must be increased availability of funding and resources to the local law enforcement so that we can assist in the enormous task: at hand of helping to secure the border situation. This funding will increase the assets available to local areas to react swiftly to any response requests from the flight operations and other essential requests. By increased funding to local law enforcement agencies this will help accomplish the mandated homeland security tasks, and will increase officer and public safety overall. This funding will also provide the necessary equipment such as Night Vision Goggles, Infrared heat detectors, and other necessary equipment to officers to work the border area safely.
4. More public and media awareness of law enforcement on the Northern Border and how important they are to our Local and National Security. We must be proactive and not reactive in nature to events that are essential to our citizens' security needs.
5. More Homeland Security funds for training the Law Enforcement Officers and Radio Communications Dispatchers on local levels on the importance of the goals, concerning the importance of properly doing the essential security tasks effectively and safely.
6. There must be a more concentrated effort to de-compartmentalize information and intelligence to the local agencies so that they can assist the Federal Agencies and agents, who many times are spread very thin within areas so as to be overwhelmed and sometimes ineffectively able to cover assignments. Many times they do not have the time to work effectively with the local law enforcement officers. In some cases they may feel that they do not have to include the local agencies in the loop of information.

A case in point my Undersheriff is a former Immigration officer, and many times when he was employed with the Immigration Department at the Ports of Entry in Glacier County he would read information and intelligence bulletins that stated on the bottom of the paper, "DO NOT DISSEMINATE OUTSIDE THE AGENCY"; What good does this information do to a local officer who may come upon this situation and be unaware of what is going on? This is a definite safety issue for the local law enforcement!

7. How can we as the local officer better help the Federal agencies accomplish their required missions? We are more than willing to undertake this task as an equal. There must be better interaction of all agencies in operations. It must be remembered by Federal Agencies that local agencies must work within their limited funding sources to also accomplish their required public safety mission to their local residents. Better cooperation and interfacing with all agencies will increase the necessary and required resources available to work to accomplish the essential security missions. More importantly cooperation will greatly expand the capabilities of all agencies to present a unified action and solution.
8. There have been many times in the past that Federal agencies have performed enforcement or intelligence operations within our local county and surrounding counties without even a consideration call as to the nature of the operation. This is a definite safety issue to local officers if they come upon an operation and do not know who or what is going on. There could be drastic consequences in the outcomes of these encounters. The locals must be kept informed what is going on in their vicinity; if for nothing else, principal safety concerns. We have had operations conducted within our area in the past, and in most cases many of the agents involved were not aware of the local routes, the area, the people, the assistance, etc. My officers, and other county Sheriff's Officers are fully aware of the local area access, people, and many times the hidden routes that can be traveled. This input would be invaluable if utilized. Again, communications and intelligence information sharing will eliminate this problem!
9. Place a local Federal Magistrate within our area; at present we must transport all federal prisoners 254 miles round trip to Great Falls, Montana which is the nearest Federal Magistrate that we must work with to have arrested prisoners arraigned for Federal Crimes committed within our area. This is especially important to the surrounding local governmental entities, and is also very important to the Federal agencies as they must also travel this great distance to arraign prisoners; which is a drain on manpower, time resources, and effectiveness!

Mr. REHBERG. First of all, thank you Sheriff for being here. We recognize that you've got unique problems in both the national park, the reservation, the county and private property. I want to ask the question: Do you find that you get better information from private property owners about activities going across their fences as opposed to—I don't know, the land ownership of the reservation on the border, whether it's leased property or deeded property along the border—where do you get the best information? Can there be an argument for human eyes, human watchers, people on the ground? And, usually, that's private property owners.

Mr. DUSTERHOFF. Very definitely. Our best intelligence comes from our local ranchers. I recently had one of our ranchers come up and tell me that two guys came to him. Their vehicle was stuck in a canal, which is going into Canada. He pulled them out, put them in his car. While they finished swamping through the acres, they stole his wallet and entered into Canada.

We don't get the intelligence from Federal agencies. It's very, very hard for us to get intelligence based upon what we need.

Mr. REHBERG. Have you been able to avail yourself of a 1033 program, that's the excess Federal—

Mr. DUSTERHOFF. Very much. If it wasn't for the 1033, my department would be very, very sorry. We use that extensively.

Mr. REHBERG. Are there other equipment needs that—certainly, you could get the Cabella's catalog out and—

Mr. DUSTERHOFF. If I can get permission to buy it.

Mr. REHBERG. Are there programs within Homeland Security—within Homeland Security appropriations there are no earmarks that you hear about? Because we take our guidance entirely from the Administration as far as what equipment they need. Are there grant programs within the Homeland Security that you could avail yourself of, equipment that you're aware of?

Mr. DUSTERHOFF. No. Most of the Homeland Security money that we get goes into the state. And right now I'm also the project director for the Northern Tier Radio Interoperability Project, which is border counties and four Indian Nations. Most of our money that we got was from Homeland Security, which was approximately \$7 million and the state kicked in 3.5 and we rounded up 1.2 million in additional grant fundings for us to work on this Interoperable radio communications. Because the local sheriffs and the Indian nations understand we have a problem with communication. We have a problem with being able to talk one-on-one with our individual officers.

Mr. REHBERG. Are you aware of any equipment opportunities that the southern border gets in local law enforcement that the northern is either being ignored or slighted or just hasn't taken advantage of? Do you belong to the National Association of Reserve?

Mr. DUSTERHOFF. I have no knowledge other than 1033 program, surplus military program. We don't have any contact with any of the Federal agencies to get us that.

Mr. REHBERG. It would probably be hard for you to answer the question. But legislatively is there anything Congress can do to make the Federal agencies better communicate with you? Something that Mr. Tancredo was talking about clear back at the beginning about we always here about the level of communication. And yet when we finally final get on the ground and talk to the locals, if there is that level of communication—and I'm not aware of it because it certainly isn't a two-way street—would it have to be to Memorandum of Understanding administratively or regulation or is there something Congress can do?

Mr. DUSTERHOFF. I don't know how to answer that question, because I think that the communications from 9/11 to now we're still looking at it doesn't work. Katrina showed we hadn't made any progress. And recently my shooting showed that we haven't made any progress in communications.

I'm not aware of Mr. Harris. I know their radio operations are run out of a central point. I think it's somewhere in Florida. I don't have any idea. But when you can't talk to the local agents, and you can't talk to the local Border Patrol agents, you have a real problem in many areas that it's a safety issue. These guys coming across, they have a purpose. They aren't shy about hurting us.

Mr. REHBERG. The farmer that pulled the guy out of the ditch, how long would it have taken one of your officers to respond if they had cell service and they called you and said, hey, I got a couple of suspects sitting in my ditch?

Mr. DUSTERHOFF. It's 47 miles from my dispatch center, so it would take—considering it's back country—an hour by the time I get there, providing I had an officer available.

Mr. REHBERG. On paved roads, right?

Mr. DUSTERHOFF. You're in the back country.

Mr. REHBERG. Thank you.

Mr. TANCREDO. Sheriff, there's a group of sheriffs in—your colleagues in Texas—that have formed an organization. I don't know if you know Sheriff Ziggy—Sheriff Gonzales is the primary mover of this organization. And there were 16 border sheriffs. I think there are now 19 that have combined their—well, really, formed for the purpose of trying to figure out how to deal with the situation, which is overwhelming their resources and all of their agencies.

I would really suggest just as it may be of help to you to get in contact with him and see whether or not a similar type of situation could even develop here, in terms of the other counties. Because it's not unique. Your situation isn't unique. Other sheriffs have the same problem. And if nothing else, what it really did is it brought a lot of pressure on Congress to have an organization of sheriffs come in, which they did, and say, look, we're overrun. This is a war. We're in an invasion. Where is the help from the Federal Government?

And so I know that that got a lot of attention and also perhaps is going to get a lot of resources as a result, just a suggestion to you.

Mr. DUSTERHOFF. I will look up and see if I can contact Mr. Gonzales.

Mr. TANCREDO. Great guy, Ziggy Gonzales. Thank you. Let's go ahead. I had some others.

Mr. TANCREDO. But I think what we've got to do is, first of all, thank you, Jeremy, for your patience and go ahead and take your testimony.

**STATEMENT OF DETECTIVE SERGEANT JEREMY HOUSE,
YELLOWSTONE COUNTY DRUG TASK FORCE**

Mr. HOUSE. I had a short statement, but I'm going to forego. What effects us is what's going down in Billings. The border is broken and the system is broken. We are overwhelmed, like you said. We're invaded by people bringing drugs in from both Mexico and Canada. We've seen a huge increase in the epidemic of methamphetamine and the purity of it, sometimes 99 percent pure.

B.C. Bud is—anywhere in Billings you want to buy B.C. Bud, you can buy it for \$5,000 a pound. Another big thing that has just come around last year is ecstasy, the pills. They look like baby Aspirin. They're pink, bright pink, bright green, blue, imprints of Playboy or the Devil on it or something.

It's being marketed to children, junior high, high school, college age kids. This is not being made in Montana. It's not being made in Billings or the United States. It's being made in European countries and Mexico and brought across to the border to our location.

I know the Border Patrol is doing a great job. Something has to be done more. I have 18 officers and agents in my office. We average 36 to 40 hours overtime every two weeks to control stuff, and

we're still overwhelmed. That is all I have to say about that, because right now it's frustrating, very frustrating.

[The prepared statement of Mr. House follows:]

**Statement of Sgt. Jeremy House,
Billings Police Department, Billings, Montana**

Sgt. House is a 14 year veteran of the Billings Police Department. He has extensive experience in patrol and investigative operations with an emphasis on proactive drug investigation and enforcement, having initiated and worked to successful conclusion hundreds of drug related contacts. He currently supervises the joint City of Billings/County of Yellowstone Special Investigations Unit (CCSIU) comprised of investigators from the Billings Police Department, Yellowstone County Sheriff's Office, and Laurel Police Department. As part of that function, he supervises the Big Sky FBI Safe Streets Task Force which is geared towards the long term investigation of street gang related criminal activity. In addition, Sgt. House supervises the Eastern Montana HIDTA Task Force (utilizing team members from CCSIU, ATF, DEA, ICE, and MT Dept. of Corrections) which focuses on criminal activity related to the trafficking of dangerous drugs with specific emphasis on methamphetamine. Finally, under House's direction CCSIU partners with the U.S. Marshal's Violent Fugitive Apprehension Task Force. Sgt. House has over one thousand hours of specialized law enforcement training, with approximately 300 specific to drug investigations.

The experience of CCSIU related investigations has shown that a large number of violent and drug related criminal participants have contacts and/or sources of supply that extend well beyond local boundaries. In fact, a significant number of high level investigations have been shown to cross international boundaries particularly into Canada and Mexico. CCSIU investigators have routinely partnered with agencies throughout the United States while engaged in multi-jurisdictional investigations that often have originating sources of supply in the countries mentioned. In numerous instances, those means of supply have been facilitated by the use of undocumented or illegal alien persons.

During the past several years, members of the Eastern Montana HIDTA have had and are currently involved in on-going cases where large amounts of methamphetamine and ecstasy have been seized in Montana. During the course of the investigations and subsequent prosecutions of involved participants it has been learned that sources of supply routinely originate in both Canada and Mexico. It has also been determined that the methods of transportation often utilized illegal aliens.

Local investigations continue to document cases whereby illegal aliens currently residing in the eastern Montana area are actively engaged in the trafficking and distribution of controlled substances. In fact, in many cases those individuals have established community and family ties which allow the ease of transition for additional group members to infiltrate the community.

The eastern Montana area encompasses the Crow and Northern Cheyenne Indian Reservations. Drug activity in both reservations is rampant, and is generally tied directly to participants identified in other investigations as described previously.

Mr. TANCREDO. Thank you. The people that you actually arrest that are either carrying the stuff or selling the stuff are these people, to the best of your knowledge, themselves, connected with drug cartels or are they the guy who has just been smuggled in here to the United States looking for the "job" that no American will do.

Mr. HOUSE. It's both. I have cases—local agents have cases that go through Colorado, Oklahoma, through Texas straight to the cartel in Mexico. We've been hindered by ICE in investigating those cases.

Mr. TANCREDO. Why?

Mr. HOUSE. I'd rather not go into the public forum to tell you about that. Mr. Copp and I have had communication on this. We've put presentations on before in meetings where some ICE representative states it's a good case. Keep on going with it. And it's shut

down in the Denver region for no reason. They have reasons, but it's not being communicated back to me.

Mr. TANCREDO. I would imagine that would make your job very frustrating.

Mr. HOUSE. It's very frustrating. I have two ICE agents, I should say, that are in my office. Both are afraid that I'm here right now testifying because of something coming back down on them. The last testimony of one of the agents was, out of the blue, he's going to Laredo for 90 days. You figure that one out.

Mr. TANCREDO. Mr. Copp, you hear, here now, something somebody is courageous enough to actually say in public in terms of both this cooperation that is supposed to exist, the coordination of efforts that's supposed to exist. I just want to tell you, sir, that, frankly, I'm not saying that you don't believe that it happens or that it exists. All that I'm telling you is what we just heard here, from Mr. House and the Billings Police Department, is what I hear almost every day from some other agency, sometimes within ICE. They are petrified, of course, because they are fearful of losing their job or being sent to some place else, probably not a choice assignment.

Certainly, I'm sure this is something that you've heard before. I just want to—I'm not asking you to respond to this. I'm not asking you to simply when you go back to tell your superiors what you have heard today, what we have been hearing for a long time. And this idea that you can just keep coming in front of committees and saying everything is OK. All this integration of agencies is working. I mean, we still don't have the ability for sheriff's departments to talk to the Border Patrol.

I mean, this has been—I can't remember how long we have been arguing about this one point, just the actual technology, the communications technology. Why we have not been able to get over that hump to this point in time is just amazing to me.

You can see why, I think in listening to Mr. House, you can see why local communities and states are saying, we're going to have to take this on ourselves because it's just not working. You know, I feel for them. We're here from the Federal Government. We're supposed to be here to help you, right?

And it feels like we're not doing what they need. If whether there's all of this interagency argument going on and agency jealousies and turf battles that are going on, they've got to be dealt with or we're going to have much bigger problems in the future, and states are going to have to take this on in ways we won't like.

Mr. REHBERG. To carry forward with that same line of conversation, sheriff, that's why I brought up the point about local watchers. I think you hear it now in Iraq as far as our intelligence was decimated over the years because we lost the human element at the local level. And you see it with the Administration with their appropriations requests eliminating the drug task force, or the opportunity or ability to have the Burns Grants as we knew them and liked them and what they accomplish.

I hope for those of you who have an involvement with the Federal Government—I know you didn't like your agency and you want to protect your own funding—but we implore and plead with you to recognize and go back and talk to your leadership about the

desire or the necessity to have local input and local communication as well. Because there are those of us at the Federal level that haven't lost sight of that and will do everything that we can to see that if you don't accept it, we'll make you accept it.

Mr. HOUSE, if it's at all possible for you to provide information to us, however you want to get it to us—or any of the rest of you either in the audience or local law enforcement as well—please share that information. We are smart enough to figure out how we got it, what to do with it, how sensitive it needs to remain. And we are a separate entity from the executive branch. I think we take that responsibility very seriously as well, and that's why we have Congressional hearings and oversight hearings and legislative hearings and the opportunity to hear from people recognizing how sensitive it is to sometimes highlight or identify some of the problems that exist.

One of the things I guess I want to ask the two of you, specifically, because one of the things I try and address as a Congressman in Washington is the most vulnerable within our society is one of the reasons I asked to be on the Resource Committee. It's one of our more vulnerable economic units, our Native American population.

Could you describe a little bit the impact that the border porousness of the border and the cartels and drugs are having on the Native American population. You probably need to speak specifically to Montana, because I can't really ask you to address the Navaho Reservation or any of the others. There are Congressman that would deal with that. We also have the responsibility for Native Americans in the Resources Committee. Perhaps, Wayne, you first and the Jeremy.

Mr. DUSTERHOFF. In the essence of agriculture, if that was to become a tool of terrorism it would decimate my entire county. That's essentially all we are is a rural, agricultural economy. There was something that came in and impacted and right now upon the English economy we have roughly 60 percent unemployment. The bulk of our standing is the rancher and the farmer. A lot of our Native American ranchers and farmers would be essentially wiped out if there was a—

Mr. REHBERG. Are they seeing within that population the brunt of the illegal drug trafficking? Is it stopping at the reservation or is it just passing through?

Mr. DUSTERHOFF. No. We're a funnel point. Because of the limited resources of law enforcement, we're a funnel point. We get it into us, and it goes to Havre to Great Falls to Billings to Helena.

Mr. REHBERG. With some usage along the way? Is it settling into the Native American population or getting it and asking the Native American population to help distribute? Do you find some of that?

Mr. DUSTERHOFF. We find a lot of it. The bulk of my drug task force work—we're on the Federal Narcotic Task Force—for instance, in the last six months we've had 24 major cases of narcotics within our county. 20 of those have been on the Blackfeet Reservation. 2 have been in the City of Cut Bank and 2 have been in the adjacent county of Toole County.

Mr. REHBERG. Jeremy, what do you see in Billings? I mean, is it—

Mr. HOUSE. We have the Crow Reservation in Yellowstone County, bordered by the Cheyenne. In fact, last week the FBI started a new Safe Trails Task Force out of Colstrip for the two reservations. It's so rampant down there right now.

My HIDTA Task Force has just receive another \$75,000 grant for overtime for my officers to go down and support the Federal authorities on that task force on the two reservations. We have the money. I just don't have the officers now.

Mr. REHBERG. Are the drugs coming from Canada?

Mr. HOUSE. It's coming from somewhere.

Mr. REHBERG. You don't know?

Mr. HOUSE. Not Billings, it's not being made in Billings. I've had two methamphetamine labs in Yellowstone County in the last year. It's not coming from my house. It's not coming from yours.

Mr. REHBERG. Maybe I could ask Mr. Copp. Do you know, specifically, the distribution points within your region.

Mr. COPP. We know a lot of the methamphetamine is coming from the Yakima sector over in Washington.

Mr. REHBERG. And then once in Yakima it's going to the major metropolitan areas?

Mr. COPP. It's spreading east across the country. We know there are large manufacturing groups that are working in that area. We haven't seen a whole lot of meth coming across the Canada border. Most of it is domestic or smuggled from Mexico to different parts of the United States and is distributed that way.

Mr. REHBERG. Do you find they're changing from the labs being in Mexico or Canada to having to do it even though they may get caught?

Mr. COPP. Just the opposite. Most of it is done in superlabs in Mexico. They can produce huge amounts of meth and smuggle the end product into the United States.

Mr. REHBERG. The stuff that's coming in from Canada then is up around Vancouver.

Mr. COPP. Right.

Mr. REHBERG. And then it's coming into Yakima and going—

Mr. COPP. Or it's coming in from Mexico to Yakima, because there's a large population there they can use to smuggle drugs across into the United States and then to the east.

Mr. HOUSE. I'd just like to make it clear, I'm not bashing the Federal system or the Federal Government. We are a Federally funded task force, and I really appreciate it. But it's got to come to the point that, like they said, it's superlabs in Mexico. And the ecstasy and B.C. Bud is being brought in from Canada. In the last year it's gone up 100 percent in all areas. Something is not stopping it.

Mr. REHBERG. We recognize that. You all have a good working relationship, and we don't want to get in the middle of that. All we try to do is nobody ever comes to us in Congress and asks us to fix something that's going right. They ask us to work on the things that aren't working as well as they should be.

We look for opportunities because you all know these issues better than we do. Again, we don't want to dwell on what's going wrong, but we also are charged with trying to fix things legislatively that we can. We have a major piece of immigration legisla-

tion moving forward, whether it's the Senate version or the House version or some combination thereof. We are just looking for opportunities to hear from you so that we can work out the kinks in the armor a little better.

Mr. TANCREDO. The staff asked me to make sure that we get one response from you, Ms. Kimbell, with regard to mechanized intrusion on the Forest Service lands that you mention in your testimony. Would you please, if you could very quickly, give us some idea about the best way to prevent that particular phenomenon.

Ms. KIMBELL. In fact, the Forest Service is currently going through some pretty comprehensive travel management planning across the national forests. We do have areas where we experience violation of different kinds of mechanized closures. We are dealing with that as best we can.

Again, I have 43 officers across Idaho, Montana and North Dakota and together with all the regular employees, with the 3,000 Forest Service employees in the northern region, we're working on identifying those areas most sensible. Actually, I'm heading to one today, not on the border, not on the Canadian but on the Idaho border, where there has been intrusion.

So we're putting a great emphasis on the management of motorized travel on national forests, not just on the border but all national forest system lands.

Mr. TANCREDO. How much of what you have control of can actually be—how much would a barrier, especially a vehicle barrier, protect?

Ms. KIMBELL. A vehicle barrier, depending on how—if it's well located, it can protect quite an expansive area, as was discussed earlier in the testimony. With a Memorandum of Understanding we are working with the other Federal land agencies to change some of those barriers to gates so that law enforcement does have a different kind of access, may have vehicle access if it's an area where that is warranted.

Mr. TANCREDO. Thank you. Well, I thank you all very much for your testimony. It is the time we need to bring this to a conclusion. I especially appreciate those of you that I know who have had to travel long distances for this. I do believe that we have garnered a lot of good information. I believe there will be more forthcoming.

Each one of you—by the way, we appreciate the testimony that you provided. Your written testimony will be going in the record, and we will use it for review. Congressman Rehberg, do you have any last comments?

Mr. REHBERG. Just a thank you to you again for taking the time to travel from Colorado to be a part of this hearing, for your interest in the immigration issue, the people of Ravalli County for graciously hosting us in your facility and taking the time out of your busy schedule to be in the audience.

There is plenty of opportunity between now and when this issue comes up again before the House of Representative and/or the Senate or conference committee to have input. Always feel free to contact my office. I do have offices in Missoula, Great Falls, Billings and Helena. I have two staff members here, actually three, one from Washington and two from Montana, both from the Missoula Office. Kelly, raise your hand.

Kelly is housed in the Missoula office. She has cards that she will make available to you. If you have comments, I have a web page, my e-mail address and toll-free number. You can mail it. You can call or you can access us through e-mail.

Tom Schultz out in the hallway, I saw him walk by. He also works in my Missoula office. And, Todd, please raise your hand. Todd is in my Washington D.C., office. I never want to be charged with not hearing comments, because that is one of the things I take very seriously. Please feel free to call me. I'll call you back. Write me. I'll write you back.

If you want another hearing, if you want another meeting within Ravalli County or anywhere in Montana, I do continue to travel to all 56 counties. I take that charge very seriously. To you for having travelled so far, I thank you. Sometimes it seems like the questions are a little combative. It's not intended to be. It's just trying to get to a solution to many of the problems that face our country. We've got some tough times ahead, and we'll just meet them head on and hope to solve those issues. So I do appreciate each and every one of you. Thank you for having responded and being invited. And, again, thank you, Tom, for being here.

Mr. TANCREDO. It's a pleasure. I want to thank the staff for all they've done to set this up. My only comment beyond that is to tell you that I can't leave today without expressing my great concern that two officers—two of the Border Patrol officers who are presently facing 5 to 20 years in prison for assault for what I believe is an act that was required by their duty, was part of their duty.

And for those of you that are not familiar with this, two officers were recently arrested and tried because they fired on someone who was bringing drugs into this country, coming across the southern border. That person went back into Mexico. The U.S. Attorney's Office received a complaint from another Border Patrol officer about the incident.

We actually—now, when we talk about the use of resources, and we can't get resources to our people here on the line, but we have the resources in the U.S. Attorney's Office to go to Mexico, to find the guy that had come into this country illegally, bring him back under a promise of immunity for that crime that he committed, only to find out that he, by the way, had come in, subsequently, doing the same thing, bringing drugs in. We gave him immunity for that crime if he would testify against these two Border Patrolmen. They are now facing sentencing, and could get 5 to 20.

I will tell you I am going to do everything I can. I have already written a letter to the Chairman of Homeland Security. But I just want you to take this message back to the Border Patrol. If anything is going to destroy the morale in that agency to an extent greater than has already happened, this kind of thing will do it.

I'm going to ask the Chairman of Homeland Security to have an oversight investigation into this. I am going to do whatever I can in terms of fund raising for the families of these people. I think it's a travesty of justice, and I cannot leave here without telling you that I'm absolutely disappointed, heartbroken by what has happened there and what must be happening to those folks and their families.

It is not the way to inspire confidence in the Border Patrol—the leadership of the Border Patrol. I know the guys on the line. They're great people. They work very diligently and very hard. But to operate under something like this, from the standpoint of this, your superiors, to make sure—as I said at some point in time, the morale has got to be lower than a snake's belly in the agency when something like this happens. At any rate, I couldn't leave this without mentioning my deep concern about that particular issue.

Once again, I want to end on a more positive note, and that is to thank you very much for your testimony and say I hope this leads to some improvements in the situation on all of your fronts, everything that can be done I hope will be done. We will do our best back in Washington. Thank you.

[Whereupon, at 2:50 p.m., the Committee was adjourned.]

