

THE EXECUTIVE PROCLAMATION DESIGNATING
THE ORGAN MOUNTAINS-DESERT PEAKS A NA-
TIONAL MONUMENT: IMPLICATIONS FOR BOR-
DER SECURITY

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT
AND MANAGEMENT EFFICIENCY

OF THE

COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

JULY 10, 2014

Serial No. 113-77

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PRINTING OFFICE

91-449 PDF

WASHINGTON : 2015

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON HOMELAND SECURITY

MICHAEL T. MCCAUL, Texas, *Chairman*

LAMAR SMITH, Texas	BENNIE G. THOMPSON, Mississippi
PETER T. KING, New York	LORETTA SANCHEZ, California
MIKE ROGERS, Alabama	SHEILA JACKSON LEE, Texas
PAUL C. BROUN, Georgia	YVETTE D. CLARKE, New York
CANDICE S. MILLER, Michigan, <i>Vice Chair</i>	BRIAN HIGGINS, New York
PATRICK MEEHAN, Pennsylvania	CEDRIC L. RICHMOND, Louisiana
JEFF DUNCAN, South Carolina	WILLIAM R. KEATING, Massachusetts
TOM MARINO, Pennsylvania	RON BARBER, Arizona
JASON CHAFFETZ, Utah	DONALD M. PAYNE, JR., New Jersey
STEVEN M. PALAZZO, Mississippi	BETO O'ROURKE, Texas
LOU BARLETTA, Pennsylvania	FILEMON VELA, Texas
RICHARD HUDSON, North Carolina	ERIC SWALWELL, California
STEVE DAINES, Montana	VACANCY
SUSAN W. BROOKS, Indiana	VACANCY
SCOTT PERRY, Pennsylvania	
MARK SANFORD, South Carolina	
CURTIS CLAWSON, Florida	

BRENDAN P. SHIELDS, *Staff Director*
JOAN O'HARA, *Acting Chief Counsel*
MICHAEL S. TWINCHEK, *Chief Clerk*
I. LANIER AVANT, *Minority Staff Director*

SUBCOMMITTEE ON OVERSIGHT AND MANAGEMENT EFFICIENCY

JEFF DUNCAN, South Carolina, *Chairman*

PAUL C. BROUN, Georgia	RON BARBER, Arizona
LOU BARLETTA, Pennsylvania	DONALD M. PAYNE, JR., New Jersey
RICHARD HUDSON, North Carolina	BETO O'ROURKE, Texas
STEVE DAINES, Montana, <i>Vice Chair</i>	BENNIE G. THOMPSON, Mississippi (<i>Ex Officio</i>)
MICHAEL T. MCCAUL, Texas (<i>Ex Officio</i>)	

RYAN CONSAUL, *Subcommittee Staff Director*
DEBORAH JORDAN, *Subcommittee Clerk*
TAMLA SCOTT, *Minority Subcommittee Staff Director*

CONTENTS

	Page
STATEMENTS	
The Honorable Jeff Duncan, a Representative in Congress From the State of South Carolina, and Chairman, Subcommittee on Oversight and Management Efficiency	1
The Honorable Ron Barber, a Representative in Congress From the State of Arizona, and Ranking Member, Subcommittee on Oversight and Management Efficiency	3
WITNESSES	
PANEL I	
Hon. Stevan Pearce, A Representative in Congress From the State of New Mexico:	
Oral Statement	5
Prepared Statement	7
PANEL II	
Mr. Brandon Judd, President, National Border Patrol Council:	
Oral Statement	11
Prepared Statement	12
Mr. Todd Garrison, Sheriff, Sheriff's Office, Doña Ana County, New Mexico:	
Oral Statement	13
Prepared Statement	16
Mr. Marc R. Rosenblum, Deputy Director, U.S. Immigration Policy Program, Migration Policy Institute:	
Oral Statement	24
Prepared Statement	25
FOR THE RECORD	
The Honorable Ron Barber, a Representative in Congress From the State of Arizona, and Ranking Member, Subcommittee on Oversight and Management Efficiency:	
Statement of Billy G. Garrett, Chairman, Doña Ana County Commission, NM	44
APPENDIX I	
The Honorable Ron Barber, a Representative in Congress From the State of Arizona, and Ranking Member, Subcommittee on Oversight and Management Efficiency:	
Statement of John Cornell on Behalf of the New Mexico Wildlife Federation	57
Letter	58
APPENDIX II	
Questions From Ranking Member Bennie G. Thompson for Brandon Judd	61
Questions From Ranking Member Bennie G. Thompson for Todd Garrison	62
Questions From Ranking Member Bennie G. Thompson for Marc R. Rosenblum	63

THE EXECUTIVE PROCLAMATION DESIGNATING THE ORGAN MOUNTAINS-DESERT PEAKS A NATIONAL MONUMENT: IMPLICATIONS FOR BORDER SECURITY

Thursday, July 10, 2014

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT AND MANAGEMENT
EFFICIENCY,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 2:00 p.m., in Room 311, Cannon House Office Building, Hon. Jeff Duncan [Chairman of the subcommittee] presiding.

Present: Representatives Duncan, Barletta, Hudson, Barber, Payne, and O'Rourke.

Also present: Representatives Bishop, Salmon, Schweikert, and Gosar.

Mr. DUNCAN. The Committee on Homeland Security Subcommittee on Oversight Management Efficiency will come to order. The purpose of this hearing is to receive testimony regarding the border security implications of the Organ Mountains-Desert Peaks National Monument. I will now recognize myself for an opening statement.

On May 21, 2014, President Obama designated the Organ Mountains-Desert Peaks area in southern New Mexico as a National monument. The President's action ignored legislation introduced in both chambers of Congress which had buy-in and support from a broad coalition of State and local stakeholders and constituencies.

Specifically, Congressman Steve Pearce introduced H.R. 995, which would have established an area in the Organ Mountains as a National monument, while granting law enforcement and other emergency personnel unfettered access to the monument.

His bill had letters of support from the Governor of New Mexico, the Las Cruces Hispanic Chamber of Congress, Western Heritage Alliance, the Doña Ana Soil and Water Conservation District, Mesilla Valley Sportsmen's Alliance, and the National Association of Former Border Patrol Officers. I could go on and on, a lot of support for that legislation.

Instead of allowing the legislative process to proceed, the President ignored the concerns of State and local law enforcement, ranchers, sportsmen, and others. He chose to designate the Organ Mountains-Desert Peaks area a monument with a stroke of a pen.

Due to the President's designation the U.S. Border Patrol, as well as State and local law enforcement officers will be prevented from having full access to nearly 500,000 acres of land near the Mexican border. The Border Patrol must now comply with the requirements of several Federal land management laws, including the National Environmental Policy Act, the Wilderness Act, the Endangered Species Act, some of which will limit access to the monument, except for on foot or on horseback.

Absent exigent circumstances such as an emergency or active pursuit of suspects, the Border Patrol will need to coordinate Federal land management agencies when agents undertake operations such as maintaining roads and installing surveillance equipment on Federal lands.

According to Border Patrol a 2006 Memorandum of Understanding between the Departments of Homeland Security, Agriculture, and the Interior provides a necessary guidance for its activities on Federal lands. However, a Government Accountability Office, GAO, report from 2010 showed that this approach resulted in delays and restrictions of Border Patrol's monitoring and patrolling operations.

Given that we are facing a major crisis along our Southwest Border, any decision that creates yet additional vulnerability is unacceptable. Human and drug smugglers have used the area for smuggling in the past. The Doña Ana County Sheriff's Office has apprehended drug smugglers, confiscated stolen cars used for human and drug trafficking, rescued injured individuals left by their smugglers.

Due to the designation of the National monument, law enforcement at the local level and the Border Patrol will be restricted to the few paved surface roads, none of which traverse the entire 500,000 acres. The designation also prohibits the use of all-terrain vehicles off of paved road surfaces. The lack of roads throughout and access to all Federal lands of the monument creates a potential vulnerability for criminals and others to go unchecked.

As a result, this newly-designated monument is practically an invitation to drug runners and human smugglers, as if they needed one. I have not even mentioned the possibility that those who would seek to harm the United States, including vicious drug cartels, transnational gangs and terrorist groups like Hezbollah or others who could try to breach our sovereignty in order to carry out possible heinous acts. It is critical for Border Patrol and State and local law enforcement to work together to determine how they will reduce the likelihood that this area becomes a sanctuary for these groups.

In addition, despite the good intentions of trying to protect important environmental areas, this designation may have the opposite effect of harming this land. I doubt seriously that smugglers will protect it from pollution. Those patrolling will have less access to help prevent such abuse.

It is truly ironic that President Obama said in 2008 that "the biggest problem that we are facing right now has to do with George Bush trying to bring more and more power in the Executive branch and not go through Congress at all. And that is what I intend to reverse when I am President of the United States of America."

He ignored Congress in this issue. Despite his hope and change rhetoric the President's aggressive unilateralism continues. The President's policies along the border continue to undermine Federal, State, and local efforts to secure the border and enforce the laws of the land. The President continues to take Executive Actions such as this to circumvent the Congress without considering the legitimate concerns of the very Americans living with the daily threats along the border.

I have got a map here. I just wanted to show the audience. This is the area that we are talking about in red, right behind you there, Lou.

It does not include the part at the bottom. It is just the area outlined in red, 500,000 acres. It is an original wilderness designated area right now under the border. But it is contiguous. I believe it is on the screen as well.

El Paso, Texas is here. This is the area that we are talking about today. This line is the Southern Border with Mexico and New Mexico.

I appreciate that. The Chairman will now recognize the Ranking Member of the subcommittee. The gentleman understands a very similar situation at a National monument in Arizona. The gentleman from Arizona, Mr. Barber, for any statement he may have.

Mr. BARBER. Well, thank you, Mr. Chairman. Thank you for convening this hearing.

Let me start by giving some commendation. I am really pleased to know that in our second panel, Mr. Chairman, Mr. Brandon Judd, who is the president of the National Border Patrol Council is with us and will be talking with us shortly.

One of the things that all too many Americans do not appreciate is the work that our men and women of the Border Patrol and the Customs Agents do every single day to protect their communities and to protect the country. Our Border Patrol Agents in particular work in very harsh terrains, some of the terrain that we are talking about today.

Around every canyon is the potential of a smuggler heavily-armed, ready to do battle. The men and women of the Border Patrol are courageous in doing their job every single day without regard to their own safety in many cases.

Unfortunately, right now many of them have been pulled off this front-line duty. They are working as child-care providers in Texas and in Arizona. They are not on the line supporting the mission, carrying out the mission of border security.

They are changing diapers and chasing kids around and bringing in their own toys and books to take care of these children. That has to be addressed. It can't be that we isolate that issue from what we are talking about here today.

In today's hearing we have an opportunity to discuss the relationship between National monument designations that include land on or near the border, and the impact it might have on border security. On May 24—21 rather, 2014, the President, as the Chairman said, designated the Organ Mountains-Desert Peaks as a National monument. This proclamation includes, as you can see from the map, nearly 500,000 acres of Federal land in New Mexico.

It is important, I think we would all agree, that we preserve our Nation's lands in a responsible manner and that we are good stewards of the natural God-given resources and lands that we have, particularly in the areas that I represent and that Congressman Pearce represent, the southwest with its long history of native peoples who have lived there.

Arizona in particular has a proud legacy of protecting and conserving our natural resources for current and future generations. It is both vital to our local economy and to our environment and to our history. It is also critically important, absolutely critical, that we protect our borders.

The district I represent makes up about 83 miles of this border with Mexico. I am one of only nine Members of Congress who represent a district bordering Mexico. It is my job to ensure that the people who live and work along the border feel safe and secure in their homes and on their land.

Unfortunately, compared to other sectors, the Tucson sector has a reported apprehension rate of 28 percent of people and 49 percent seizure rate of drugs. These are some of the highest levels in the entire country. The system as it stands is just not working.

When I go to border communities that I represent, and talk to ranchers and farmers and business owners and other people who live and work along the border, I hear the very real concerns that they have about feeling safe and secure in their homes. Many ranchers have told me that they won't go to town without taking their children with them because they are concerned about their safety at home.

So we must do more to secure our borders, including developing measurements for how the border security is progressing. We must provide our agents with the tools they need, with a pay system that makes sense, and to ensure that they have the resources they need to effectively do their job.

I want to make sure that as we think about and talk about a National monument we think about the agents and what they have to do and the security of our Nation. I look forward, Mr. Chairman, to hearing from our witnesses about the Organ Mountain-Desert Peaks National Monument and to get the facts about the monument, its rationale for creation or establishment, and how it affects or may affect border security.

Thank you, Mr. Chairman. I yield back.

Mr. DUNCAN. I thank the Ranking Member.

I ask unanimous consent that the following Members be permitted to sit on the dais and participate in today's hearing. The gentleman from Utah, Mr. Bishop is with us. We may be joined by the gentleman from Arizona, Mr. Salmon, Mr. Schweikert, and Mr. Gosar. Without any objection, so ordered.

Our first panel today consists of the Honorable Steve Pearce. Steve represents the Second Congressional District of New Mexico, which covers the region being designated as a National monument.

First elected in 2002, Rep. Pearce served until 2009 when he decided to run for the United States Senate. He returned to the House in 2010. Prior to coming to Congress, Rep. Pearce spent time in the New Mexico House of Representatives.

Thank you for being here. Your full written statement will appear in the record. But I will now recognize Mr. Pearce for 5 minutes to testify.

**STATEMENT OF HON. STEVAN PEARCE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW MEXICO**

Mr. PEARCE. Thank you, Chairman Duncan and Ranking Member Barber, for the invitation here to discuss the very real National security threats that can arise from the restrictive land management policies.

I would also like to join Mr. Barber in recognizing the work of the Border Patrol. They work very difficult circumstances, and we all salute them here.

I would also like to recognize behind me Sheriff Todd Garrison. He is Doña Ana County sheriff. Appreciate your invitation for him to testify today. He is a fourth generation resident of Las Cruces, NM area, and has been a great sheriff. I am pleased to call him friend. We worked together on many of the issues that affect the second district.

The issue of security along the border that arises from restrictive land management policies is one that is often overlooked here in Washington. People are removed from the situation, don't see it every day.

Again, these big, wide open areas that Congressman Barber and I represent are very, very difficult to secure. The situation doesn't just exist on the Southern Border. The problems of security exist on the Northern Border, as well.

When you get to the Federal lands along the border then the situation becomes even more difficult. I believe that history is going to give us some insight as to potential for security threats within the lands that have been recently designated and the surrounding communities, the threats that they are going to face.

For years the Organ Pipe Cactus National Monument in southern Arizona has been a human and drug smuggling corridor. In 2002 a park ranger, Kris Eggle, was killed in the monument by drug smugglers.

While a vehicle barrier was constructed around the monument after Ranger Eggle's murder, the border south of the monument is nowhere near secure. I would put up Slide 1 for you to take a look at. That slide shows the signs that warn American citizens not to go beyond the certain point in these areas that are inside the U.S. jurisdictional boundaries that they lie in the monuments where it is more difficult for Federal agents or Federal officials to patrol.

Large portions of the monument are either not accessible to the public, or only accessible when traveling with armed park rangers. On the Organ Pipe Cactus Monument website, the Park Service states that illegal border crossings and activities, including drug smuggling, occur daily.

Slide 2, if we see that, in some areas you will find backpacks, abandoned clothes, and trash left behind from people crossing the border illegally, usually carrying substances that we don't like to invite into this country, drugs, or whatever. I don't think that this is what President Franklin Roosevelt envisioned when he designated that monument in 1937.

On Slide 3, in the eastern half of Arizona sits Chiricahua National Monument. While it lies north of Douglas, Arizona, a decent stretch north of the U.S.-Mexico border, it is also a haven for drug traffickers.

Last year a Park Service employee was the victim of a brutal assault by a drug smuggler in broad daylight. The victim was bludgeoned with a rock until she passed out and nearly died. The suspect stole her vehicle and luckily was arrested the next day for drug smuggling.

The Chiricahua Monument is known to have cartel lookout points to signal the optimum time for a smuggler to make his or her way through the monument. Is this what President Coolidge had in mind for violators and Park Service—for visitors and Park Service personnel when he designated this monument?

Keep in mind that many of these nightmare scenarios have occurred despite a 2006 Memorandum of Understanding between the Department of the Interior, Department of Homeland Security designating the facilities better Border Patrol access. These stories are all too common on Federal lands near the border. I am afraid that history will repeat itself in the newly designated Organ Mountains-Desert Peaks National Monument.

If we put up Slide 4 at this point, as the following map shows, all 180 miles of New Mexico's Southern Border are designated as High-Intensity Drug Trafficking Areas by the Department of Justice. The Southwest Border is of course where the vast majority of people coming across the border illegally are apprehended and narcotics shipments are seized.

Then finally on Slide 5, the Portrillo Mountains, a part of the Organ Mountains-Desert Peaks National Monument, closest to the border on the map, currently has restrictions on motorized vehicle use. Local and State officials express strong objections to the President's unilateral monument designation because of the Federal Government's questionable law enforcement record in protected areas.

This is why I offer the legislation that would have created a smaller monument footprint, far away from the border, with guaranteed unfettered access for law enforcement personnel.

I fear that what we have seen on the border in Arizona will happen in New Mexico. My constituents fear that also. There must be guaranteed access for all law enforcement personnel, including the ability to chase a suspect while off road—with an off-road vehicle.

Mr. Chairmen and Members of the committee, again I thank you for looking into this issue. Many places on our borders are in precarious and volatile situations, for our tourists and residents. It is not a matter of partisanship, simply a reality. The safety of these people visiting our treasured landscapes is a paramount issue for the Federal Government to manage and take seriously.

We all want this pristine area protected for generations to come. But those who have the privilege of visiting the Organ Mountains and other protected areas have a right to be protected. I hope that today's hearing will shed some light on how those who would do harm to our communities take advantage of restricted access for the public and law enforcement. Yield back.

[The prepared statement of Mr. Pearce follows:]

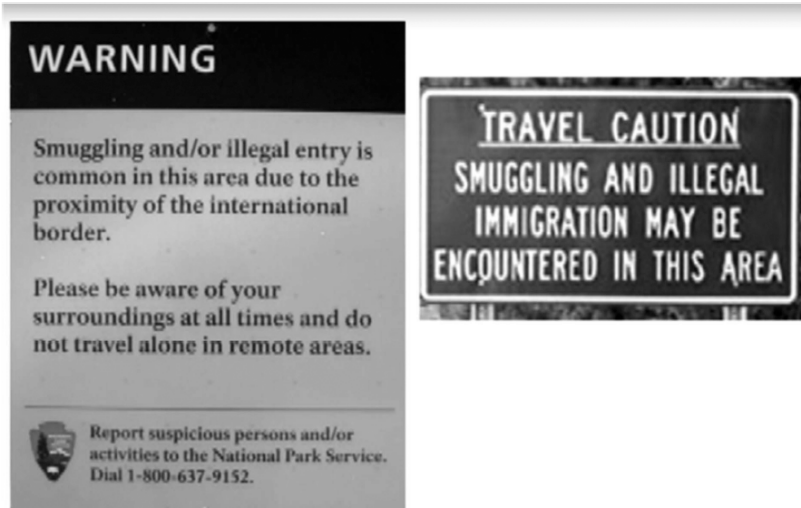
PREPARED STATEMENT OF HON. STEVE PEARCE

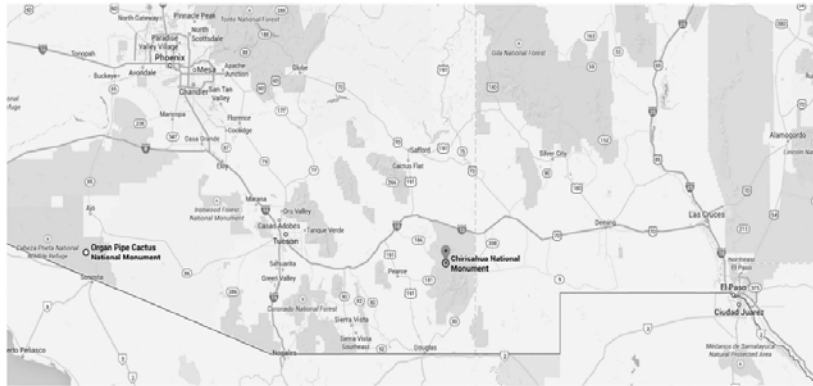
JULY 10, 2014

Chairman McCaul, Ranking Member Thompson, Members of the committee: Thank you for inviting me here today to discuss the very real National security threats that can arise from restrictive land management policies. I'd also like to extend my appreciation for your invitation to Doña Ana County Sheriff Todd Garrison. He's a fourth-generation resident of the Las Cruces, NM area, and a great sheriff. I am honored to call him a friend.

This issue is often overlooked by people in Washington, who are far removed from the reality of the security situation on our Southern Border. It goes without saying that both our Northern and Southern Borders are not secure, and this is even truer on Federal lands near the border, especially in areas that deserve protective status. I believe that history will give us some insight as to the potential for security threats within these lands and surrounding communities.

For years, the Organ Pipe Cactus National Monument in Southern Arizona has been a human and drug smuggling corridor. In 2002, Park Ranger Kris Eggle was killed in the Monument by drug smugglers. While a vehicle barrier was constructed around the monument after Ranger Eggle's murder, the border south of the monument is nowhere near secure. (Slide 1) Signs warn American citizens not to go beyond certain points, and large portions of the monument are either not accessible to the public, or are only accessible when traveling with armed Park Rangers. On the Organ Pipe Cactus Monument website, the Park Service states that "illegal border crossings and activities, including drug smuggling, occur daily." (Slide 2) In some areas you find backpacks, abandoned clothes, and trash left behind from people crossing the border illegally. Is this what President Franklin Roosevelt envisioned when he designated the monument in 1937?





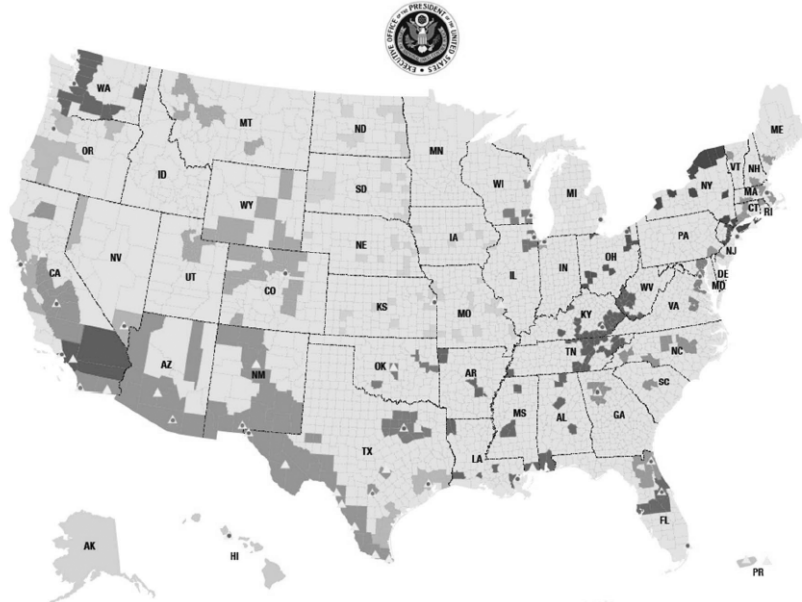
(Slide 3) In the Eastern half of Arizona sits the Chiricahua National Monument. While it lies north of Douglas, AZ, a decent stretch north of the U.S.-Mexico border, it's also a haven for drug traffickers. Last year, a Park Service employee was the victim of a brutal assault by a drug smuggler in broad daylight. The victim was bludgeoned with a rock until she passed out, and nearly died. The suspect stole her vehicle, and luckily was arrested the next day for drug smuggling. The Chiricahua Monument is known to have cartel lookout points to signal the optimum time for a smuggler to make his or her way through the Monument. Is this what President Coolidge had in mind for visitors and Park Service personnel when he designated this monument?



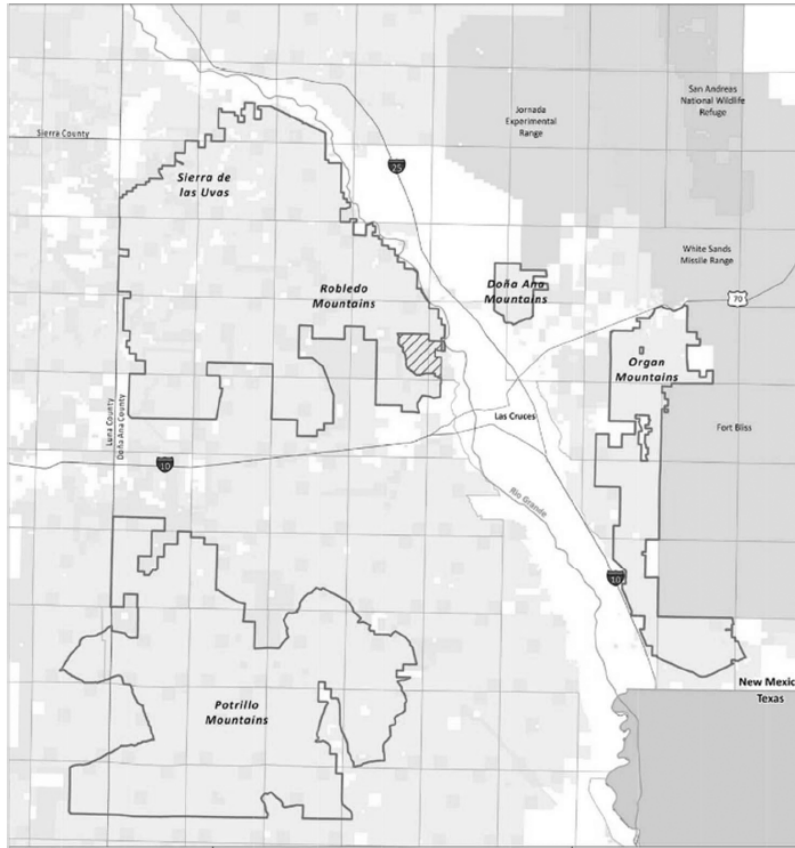
Keep in mind that many of these nightmare scenarios have occurred despite a 2006 Memorandum of Understanding between the Department of the Interior and Department of Homeland Security designed to facilitate better Border Patrol access. These stories are all too common on Federal lands near the border, and I am afraid that history will repeat itself in the newly-designated Organ Mountains-Desert Peaks National Monument. (Slide 4) As the following map shows, ALL 180

miles of New Mexico's Southern Border are designated as High Intensity Drug Trafficking Areas by the Department of Justice. The Southwest Border is of course where the vast majority of people coming across the border illegally are apprehended, and narcotics shipments are seized.

High Intensity Drug Trafficking Areas Program Counties 2011
with Intelligence and Information Sharing Initiative Locations



(Slide 5) The Potrillo Mountains, the part of the Organ Mountains-Desert Peaks National Monument closest to the border on the map, currently has restrictions on motorized vehicle use. Local and State officials expressed strong objections to the President's unilateral monument designation because of the Federal Government's questionable law enforcement record in protected areas. This is why I offered legislation that would have created a smaller monument footprint far away from the border with guaranteed, unfettered access for all law enforcement personnel. I fear that what we've seen on the border in Arizona will happen in New Mexico. There must be guaranteed access for all law enforcement personnel, including the ability to chase a suspect with an off-road vehicle.



Mr. Chairman and Members of the committee, I again thank you for looking into this issue. Many places on our borders are in a precarious and volatile situation for tourists and residents. This isn't a matter of partisanship—it's simply reality. The safety of the people visiting our treasured landscapes is a paramount issue for the Federal Government to manage, and take seriously. We all want this pristine area protected for generations to come, but those who have the privilege of visiting the Organ Mountains and other protected areas have a right to be protected. I hope that today's hearing will shed some light on how those who would do harm to our communities take advantage of restricted access for the public and law enforcement.

Mr. DUNCAN. Mr. Pearce, thank you for your testimony today. The committee greatly appreciates it. You offer a lot of insight into this issue. I appreciate the legislation you put forward, which I am sure will be discussed today. So I thank you for that.

Before I call up the next panel, the Chairman will also ask unanimous consent. I welcome the gentleman from Pennsylvania, Mr. Barletta, a Member of the full committee, who will sit on the dais with us today and participate.

One thing I skipped over, other Members of the subcommittee are reminded that opening statements may be submitted for the record. You can do so, as needed.

So, Mr. Pearce, thank you so much. We will call up the second panel.

Since the time—while you gentleman continue to get seated we will go ahead, and I will introduce each of you and then I will recognize you in turn.

Mr. Brandon Judd is the president of the National Border Patrol Council and has over 17 years of Border Patrol experience. National Border Patrol Council, NBPC, is a professional labor union representing more than 17,000 Border Patrol Agents and support staff. The NBPC was founded in 1967. Its executive committee is comprised of current and retired Border Patrol Agents.

Our second panelist is Sheriff Todd Garrison, the sheriff of Doña Ana County, New Mexico, a position he has held since 2005. The monument is located within the sheriff's county, and the Sheriff's Office has led efforts to apprehend drug and human smugglers, rescue injured illegal immigrants left behind by the smugglers, and countered drug cartel violence that has been prevalent in the area.

The third panelist, Dr. Marc Rosenblum, is the deputy director of the Migration Policy Institute's Immigration Policy Program where he works on U.S. immigration policy, immigration enforcement, and U.S. regional migration relations. Dr. Rosenblum returned to MPI where he had been senior policy analyst after working as a specialist to Immigration Policy at the Congressional Research Service.

Thank you guys for being here today. The Chairman will now recognize Mr. Judd to testify first for 5 minutes.

STATEMENTS OF BRANDON JUDD, PRESIDENT, NATIONAL BORDER PATROL COUNCIL

Mr. JUDD. Chairman Duncan, Ranking Member Barber, Members of the committee. On behalf of the 16,500 rank-and-file Border Patrol Agents whom I represent, I want to thank you for holding this hearing.

During my years in the Border Patrol I have seen how decisions made in Washington can directly affect border security. For that reason I am pleased to offer my thoughts on the impact of designating the Organ Mountains-Desert Peaks area as a National monument.

Two things need to be in place for border security. The first is sufficient manpower in the way of trained Border Patrol Agents in a given area of operation. The second is the ability to deploy a full suite of border security technology. This includes seismic sensors, cameras, communication equipment, fencing, and even aircraft.

Currently about 40 percent of the 1,900-mile Southwest Border is owned by the Federal Government. Border Patrol Agents need access to the land to track and find illegal aliens and narcotics smugglers. However, our ability to access Federal lands has been varied. The level of cooperation we receive from the Departments of Interior and Agriculture have been dependent on the attitude and resources of the individual land managers.

As a law enforcement officer I am fully cognizant that we are a Nation of laws. The 16,500 Border Patrol Agents know that there are numerous environmental regulations governing access to Federal land. However, a balance must be struck between border security and requirements for environmental protection required under

the National Environmental Policy Act, the Wilderness Act, and the Endangered Species Act.

Several negotiations ultimately led to a 2006 Memorandum of Understanding between USDA, Interior, and DHS that resulted in improved access and better interagency cooperation in more recent years. However, the Government Accountability Office found in 2011 that about half of the Border Patrol stations that are assigned to patrol Federal lands experienced delays, some lasting more than 6 months, in accessing USDA and Interior land. This kind of delay is unacceptable, and its impact on Border Patrol operations are real.

In terms of how we can improve the current system, I would offer the committee two thoughts.

The first is that it has been suggested that Border Patrol Agents be allowed to use its own funds to conduct any environmental assessments needed as required under various environmental regulations. In theory I support this, but understand that under sequestration we have 5 percent less manpower on the board than we did last year.

In addition, we do not have enough money for gasoline and we have resorted to agents riding two to a vehicle instead of patrolling individually, as we have always done to maximize coverage. This is a budgetary reality we are in today. I would not support funding being diverted from manpower to conduct environmental assessments.

The second comment is that USDA and Interior land managers need to better balance the impact the Border Patrol's presence has on Federal land against the potential impact from illegal immigration and narcotic smuggling. We are often told that no access to Federal land is possible due to environmental concerns.

However, Border Patrol Agents go onto Federal land with the single purpose of tracking illegal aliens. We try to accomplish this mission as quickly and as efficiently as we can, with as little disturbance to the environment as possible. I have personally seen from my time in Arizona how pristine landscapes can be quickly destroyed after illegal encampment covered in trash and waste.

What will be the impact to this National monument designation on the border security? The honest answer is, I don't know. That will largely depend on the attitude of the monument's land manager, whether he or she has the proper resources to respond to Border Patrol's request, and whether this committee will hold the Department of Interior accountable.

Again, I want to thank you for having this hearing and inviting me to testify.

[The prepared statement of Mr. Judd follows:]

PREPARED STATEMENT OF BRANDON JUDD

JULY 10, 2014

Chairman Duncan, Ranking Member Barber, Members of the committee, on behalf of the 16,500 rank-and-file Border Patrol Agents whom I represent, I would like to thank you for holding this hearing.

My name is Brandon Judd and I am the president of the National Border Patrol Council. I have been a Border Patrol Agent for 17 years and I am currently assigned in Maine. Most of my career however has been spent in the El Centro, California and Tucson, Arizona sectors.

During my years in the Border Patrol, I've seen how decisions made in Washington can directly affect border security. For that reason I am pleased to offer my thoughts on the impact of designating the Organ Mountains-Desert Peaks area as a National monument.

Two things need to be in place for border security. The first is sufficient manpower in the way of trained Border Patrol Agents in a given area of operation. The second is the ability to deploy a full suite of border security technology. This includes seismic sensors, cameras, communication equipment, fencing, and even aircraft.

Currently about 40 percent of the 1,900-mile Southwest Border is owned by the Federal Government. Border Patrol Agents need access to the land to track and find illegal aliens and narcotics smugglers. However, our ability to access Federal lands has been varied and the level of cooperation we receive from the Departments of Interior and Agriculture has been dependent of the attitude and resources of individual land managers.

As a law enforcement officer, I am fully cognizant that we are a Nation of laws. The 16,500 Border Patrol Agents know that there are numerous environmental regulations governing access to Federal land. However, a balance must be struck between border security and the requirements for environmental protection required under the National Environmental Policy Act, the Wilderness Act, and the Endangered Species Act. Several negotiations ultimately led to a 2006 Memorandum of Understanding between USDA, Interior, and DHS that resulted in improved access and better inter-agency cooperation in more recent years.

However, the Government Accountability Office found in 2011 that about half of the Border Patrol stations that are assigned to patrol Federal lands experienced delays, some lasting more than 6 months, in accessing USDA and Interior land. This kind of delay is unacceptable and its impact on Border Patrol operations are real.

In terms of how we can improve the current system, I would offer the committee two thoughts. The first is that it has been suggested that Border Patrol be allowed to use its own funds to conduct any environmental assessments needed, as required under various environmental regulations. In theory, I support this but understand that under sequestration we have 5 percent less manpower on the border than we did last year. In addition, we do not have enough money for gasoline and we have resorted to Agents riding three to a vehicle instead of patrolling individually as we have always done to maximize coverage. This is the budgetary reality we are in today. I would not support funding being diverted from manpower to conduct environmental assessments.

The second comment is that USDA and Interior land managers need to better balance the impact the Border Patrol's presence has on Federal land against the potential impact from illegal immigration and narcotics smuggling. We are often told that no access to Federal land is possible due to environmental concerns. However, Border Patrol Agents go onto Federal land with the single purpose of tracking illegal aliens. We try to accomplish this mission as quickly and as efficiently as we can, with as little disturbance to the environment as possible. I have personally seen from my time in Arizona how pristine landscapes can be quickly destroyed after illegal encampment, covered in trash and waste.

What will be the impact of this National Monument designation on border security? The honest answer is that I do not know. That will largely depend on the attitude of the Monument's land manager, whether he or she has the proper resources to respond to Border Patrol's requests, and whether this committee will hold the Department of Interior accountable.

Again, thank you for the opportunity to testify and I would be happy to answer any questions that you might have.

Mr. DUNCAN. Thank you for your testimony.

The Chairman recognizes Sheriff Garrison for 5 minutes.

**STATEMENT OF TODD GARRISON, SHERIFF, SHERIFF'S
OFFICE, DOÑA ANA COUNTY, NEW MEXICO**

Sheriff GARRISON. Mr. Chairman, Chairman Duncan, Ranking Member Barber, and Members of the committee, thank you for letting me speak with you today. Also, I am the sheriff of Doña Ana County and also the chairman of the Southwest Border Sheriffs' Association.

I come before you to illustrate a beautiful part of the country that I have called home since the day I was born, and for which I have been elected by my constituents to protect. Unfortunately, in my opinion, the safety and welfare of the people in our part of the country is at risk following the President's designation of the Organ Mountains-Desert Peaks National Monument.

Doña Ana County is where you will find some of the Nation's most treasured assets. Some would call an agricultural contradiction: Fertile desert that produces pecans, cotton, alfalfa, onions, cabbage, and arguably the best green chili in the world.

We are home to the pristine gypsum dunes of White Sands, El Camino Real, or the royal highway upon which Don Juan de Oñate led a group of settlers during the Spanish Conquest in the 16th Century. We are also home to some of the most picturesque mountain ranges of the southern-most tip of the Rockies.

The Doña Ana County Sheriff's Office has protected this area from criminal activity along the border, something we have been doing day and night since 1852. I feel this designation is a very real threat, not only to what we are doing, but to our National security and the safety of the public.

In 2007, in response to an increase in cross-border criminal activity, the Doña Ana County Sheriff's Office created a task force dedicated to regular patrols of nearly 51 miles of Doña Ana County that skirt the U.S.-Mexico border.

One of our most valuable assets is Operation Strongwatch, a mobile eye-in-the-sky surveillance unit with night vision, GPS-position tracking, and 6-mile camera range that has capability to take both still pictures—or still photos and video recordings. This task force has apprehended and documented several examples of what I have referred to as criminal activity, criminal border activity.

We have intercepted mules, or individuals who use themselves as cargo carriers to transport illegal drugs from Mexico to the United States. Our interdiction teams have made significant busts, arresting suspects who utilize the remote areas of our county because they think they are the roads less traveled. They use whatever they can to get the job done. If not on their own person, disguised in bags or hidden compartments of their vehicles.

Aside from bringing drugs across the border, these transnational networks are also moving human cargo. Sometimes we discover the bodies of those who have fell victim to the relentless elements of the desert. Sometimes we find evidence that they have been there, dumping their supplies along the way, and trading out traceable footwear for crude carpet shoes that allow them to go undetected through the desert.

All of this activity happens in the very area that is now Federally-protected at a cost to National security, known as the Organ Mountains-Desert Peaks National Monument. The current administration placed this project on priority status in 2009. Twice New Mexico Senators Tom Udall and Martin Heinrich brought the proposition to the people of Doña Ana County and the people rejected the idea. Twice legislation was introduced in Congress and twice it was voted down.

Congressman Steve Pearce introduced legislation to protect the Organ Mountains, which I completely supported. But the two Sen-

ators went around the Organ Mountains bill and straight to the President to overrule the will of the people by deception to create the monument. Now why do you think these two Senators would do that?

I have tried asking them personally, extending an invitation for a guided tour of our area. The Senators have never taken me up on that offer. In fact, they have never stepped foot in my office to discuss with me the mounting threats to public safety this designation will create.

But they haven't ignored the scores of environmental groups that aggressively seek extra protection for Federal lands along the U.S.-Mexico border, and the accessed interest of transnational criminals that utilize drug and alien smuggling corridors in the United States on Federally-protected land. Areas like the one contained in the President's newly-designated National monument in Doña Ana County.

This so-called groundswell of support for a National monument was backed by U.S. Senators, State representatives, county commissioners, the city mayor and city council, some of which are employed by Wilderness Alliance groups. Is there anyone here who wouldn't agree that taking a paycheck from an environmental group with an agenda is a conflict of interest?

Just next door to us in Arizona, and it bears a similar name, the Organ Pipe Cactus National Monument. This vast area along the U.S.-Mexico border in Arizona is now a haven for criminals, so much that signs greet park visitors warning them that the dangers that lurk in these Federally-protected lands. It has now caught the attention of the one faction of international commerce that needs minimally-patrolled areas to conduct their business, the Mexican cartels.

Both Senators Heinrich and Udall say that they will continue to grant the Sheriff's Office access to patrol. But I can't honestly believe that to be true when neither one of them have given me the opportunity to discuss with them what is needed on the border to provide adequate protection of the National monument designations made. It has already been signed into law.

We cannot continue to rely on the past practices of the U.S. Government to predict future performance when it comes to National parks and monuments. As an elected official who is accountable to my constituents, I have to ask this question for them. What segment of the population will this monument be available to, the American citizens or Mexican cartels?

The average person doesn't understand the very real and very dangerous implications of a National monument designation on the border. By protecting this land by way of a National monument we have essentially exposed the people of Doña Ana County and the rest of the Nation to the pitfalls of criminal activity along the border.

This designation flies in the face of what the U.S. Government is already doing to secure the border, adding more Border Patrol Agents along the U.S.-Mexico border and pumping millions of dollars of Federal grant money to local law enforcement agencies like Doña Ana County Sheriff's Office to put more patrols in the area to mitigate criminal activity.

I would ask: What are the criteria for a National monument? Are we meeting it? I don't think so. As a New Mexico sheriff and the sitting chair of the Southwest Border Sheriffs' Association, I am going on record saying there appears to me a nexus between environmental groups aggressively seeking extra protections for these Federal lands.

We have seen this in many of our wilderness and monument areas in California, Arizona, Montana, New Mexico, and in other States where people can go and hide from law enforcement. They have created clandestine drug-growing areas in these Federal lands, hosting criminals to protect their drug business from whatever comes their way.

In my opinion, the ones who are benefitting the most from this area we are protecting for our future generations are the transnational criminals who have learned to take advantage of the fact that these areas are remote, they are limited to vehicular traffic, and they are now at risk of becoming limited to local law enforcement that has been sworn to protect it.

Sir, I thank you for this time, and will stand for any questions. [The prepared statement of Sheriff Garrison follows:]

PREPARED STATEMENT OF TODD GARRISON

JULY 10, 2014

Chairman Duncan, Ranking Member Barber, and Members of the committee, thank you for letting me speak with you today.

My name is Sheriff Todd Garrison. I am a certified law enforcement officer sworn to protect the citizens of Doña Ana County since I took office in 2005. I also serve as the chairman of the Southwest Border Sheriffs' Association.

I come before you to illustrate a beautiful part of our country that I've called home since the day I was born, and for which I have been elected by my constituents to protect. Unfortunately—and in my opinion—the safety and welfare of the people in our part of the country is at risk following the President's designation of the Organ Mountains Desert Peaks National Monument.

Doña Ana County is where you will find some of the Nation's most treasured assets. Some would call us an agricultural contradiction—a fertile desert that produces cotton, alfalfa, onions, cabbage, and arguably the best green chile in the world. We are home to the pristine gypsum dunes at White Sands and the Camino Real, or the Royal Highway upon which Don Juan de Oñate led a group of settlers during the Spanish Conquest in the 16th Century. We are also home to some of the most picturesque mountain ranges at the southernmost tip of the Rockies.

Those mountain ranges—the Organs, the Doña Anas, the Las Uvas, the Potrillos and the Robledos—are part of the newly-designated Organ Mountains Desert Peaks National Monument. I'm not before you today to dispute the value of those beautiful treasures to our generation and to future generations. I agree they should be protected. My testimony is how the Doña Ana County Sheriff's Office has protected this area from criminal activity along the border—something we've been doing day and night since 1852—and how this designation is a very real threat, not only to what we are doing, but to our National security and the safety of the public.

In 2007, in response to an increase in cross-border criminal activity, the Doña Ana County Sheriff's Office created a task force dedicated to regular patrols of nearly 51 miles in Doña Ana County that skirt the U.S./Mexico border. It is a rugged, remote area that is extremely difficult to patrol. The conditions in that part of the desert are harsh on both personnel and equipment. One of our most valuable assets at our disposal is Operation Strongwatch (1), a mobile "eye in the sky" surveillance unit with night vision, GPS-position tracking and a 6-mile camera range that has the capability to take both still photos and video recordings.



(1) Operation Strongwatch is a mobile surveillance unit used to detect criminal border activity day and night.

This task force has apprehended and documented several examples of what I've referred to as criminal border activity. We have intercepted mules (2), or individuals who use themselves as cargo carriers to transport illegal drugs from Mexico to the United States.



(2) An example of a "mule" or smuggler who use themselves as cargo carriers in Doña Ana County.

Our interdiction teams have made significant busts, arresting suspects who utilize the remote areas of our county because they think they are the roads less traveled (3).



(3) This recent cache of marijuana was made near the newly-designated Organ Mountains Desert Peaks National Monument, an area that has long been attractive to smugglers.

They use whatever they can to get the job done—if not on their own person, disguised in bags (4) or in hidden compartments of their vehicles.



(4) Bags filled with illegal narcotics are smuggled through the desert when suspects think they can go undetected.

Aside from bringing drugs across the border, these transnational networks are also moving human cargo. Sometimes we discover the bodies of those who fell victim to the relentless elements of the desert.



(5) Food supplies and clothing is often dumped in the desert when illegal aliens are transferred from one human smuggler to the next on their journey.

Sometimes we just find evidence that they've been there, dumping their supplies along the way (5) and trading out traceable footwear for crude carpet shoes that allow them to go undetected through the desert. (6)



(6) These carpet shoes were discovered by a Doña Ana County Sheriff's deputy on regular patrol near the U.S./Mexico border.

Some of our discoveries are historic to the area. Part of our unique heritage is the fact that our deserts were once used as bombing ranges for target-practicing pilots of the World War II era. Unexploded ordnance can still be found in the area, as evidenced by our task force. (7,8)



(7).



(8).

All of this activity happens in the very area that is now Federally-protected at a cost to National security—known as the Organ Mountains Desert Peaks National Monument. Most of you know this history of this issue. The current administration placed this project on priority status in 2009. Twice, New Mexico Senators Tom Udall and Martin Heinrich brought the proposition to the people of Doña Ana County and the people rejected the idea. Twice legislation was introduced in Congress and twice it was voted down. Congressman Steve Pearce introduced legislation to

protect the Organ Mountains (9[a])—which I completely supported—but the two Senators went around the Organ Mountains Bill and straight to the President to over-rule the will of the people by deception to create the monument.



(9[a]) The Organ Mountains are an iconic symbol of the Mesilla Valley and Doña Ana County. Their protection has never been disputed by the Doña Ana County Sheriff's Office.

Now, why do you think the two Senators would do that? I've asked myself that same question countless times. I've tried asking them personally, extending an invitation for a guided tour of the area. The Senators never took me up on that offer. In fact, they've never stepped foot in my office to discuss with me the mounting threats to public safety that this designation will create. They have essentially ignored it.

But what they haven't ignored are the scores of environmental groups that aggressively seek extra protections for Federal lands along the U.S.-Mexico border and the access interests of the transnational criminals that utilize drug and alien-smuggling corridors into the United States on Federally-protected land—areas like the one contained in the President's newly-designated National monument in Doña Ana County. This so-called groundswell of support for the National monument was backed by U.S. Senators, State Representatives, county commissioners, the city mayor, and city council—some of which are employed by the Wilderness Alliance Group. Is there anyone here who wouldn't agree that taking a paycheck from an environmental group with an agenda is a conflict of interest?

Ironically, we've seen this type of land-grab before, just next door to us in Arizona, and it bears a similar name—the Organ Pipe Cactus National Monument. This vast area along the U.S.-Mexico border in Arizona is now a haven for criminals. So much that signs greet park visitors warning them of the dangers that lurk in these Federally-protected lands (9[b]).



(9[b]) Although the Organ Pipe Cactus National Monument in Arizona is open to the public, sightseeing and travel are heavily discouraged due to active drug smuggling, human trafficking, and armed criminals within the Federally-protected lands.

This area sees much of the same cross-border activity that Doña Ana County does, but now on a much bigger scale (10) because of the Federal protections U.S. Government has given it. It's now caught the attention of the one faction of international commerce that needs minimally-patrolled areas to conduct their business—the Mexican cartels.



(10) Arroyos in the Organ Pipe Cactus National Monument have become littered with trash left behind by human smuggling networks.

As we sit here today, one lone BLM ranger is tasked with patrolling and protecting the southern region of New Mexico. One ranger. How can anyone argue that one ranger can properly protect a monument of this size—in addition to what they are already patrolling? Both Senators Heinrich and Udall say they will continue to grant the sheriff's office access to patrol, but I can't honestly believe that to be true when neither one of them have given me the opportunity to discuss with them what's needed on the border to provide adequate protection if a National monument designation is made. And it's already been signed into law.

We cannot continue to rely on the past practices of the U.S. Government to predict future performance when it comes to National parks and monuments. As an elected official who is accountable to my constituents, I have to ask this question for them: What segment of the population will this monument be available to—American citizens or Mexican cartels? The average person doesn't understand the very real—and very dangerous—implications of a National monument designation on the border.

By protecting this land by way of a National monument, we have essentially exposed the people of Doña Ana County and the rest of the Nation to the pitfalls of criminal activity along the border, and this designation flies in the face of what the U.S. Government is already doing to secure the border—adding more Border Patrol Agents along the U.S.-Mexico border, and pumping millions of dollars in Federal grant money to local law enforcement agencies like the Doña Ana County Sheriff's Office to put more patrols in the area to mitigate criminal activity.

National Monuments should be reserved for pristine, unfettered areas. This designation includes an area that is absolutely not pristine—it is rugged, remote, and brutal to anyone who is not familiar with harsh desert conditions. It doesn't fall into the quintessential Yellowstone/Yosemite/White Sands monuments. These areas within the Organ Mountains Desert Peaks National Monument have been used for ranching, recreation, and a bombing range. What are the criteria for a National monument? Are we meeting it? I don't think so.

As a New Mexico sheriff, and the sitting chair of the Southwest Border Sheriff's Association, I am going on record saying there appears to me a nexus between environmental groups aggressively seeking extra protections of these Federal lands. We have seen this in many of our wilderness or monument areas in California, Montana, and New Mexico—and in other States where people can go and hide from law

enforcement. They have created clandestine drug-growing areas in these Federal lands, posting criminals to protect their drug business from whoever comes their way. In my opinion, the ones who are benefitting the most from these areas we are protecting for our future generations are the transnational criminals who have learned to take advantage of the fact that these areas are remote, they are limited to vehicular traffic, and they are now at risk of becoming limited to local law enforcement that are sworn to protect it.

I thank you for your time and welcome any questions.

Mr. DUNCAN. Sheriff, thank you so much.

I will now recognize Dr. Rosenblum. I will remind Members that votes have been called. There is about 8 minutes on the clock.

So Dr. Rosenblum, we are going to take your testimony then we will recess. But you are recognized for 5 minutes.

**STATEMENT OF MARC R. ROSENBLUM, DEPUTY DIRECTOR,
U.S. IMMIGRATION POLICY PROGRAM, MIGRATION POLICY
INSTITUTE**

Mr. ROSENBLUM. Thank you. Chairman Duncan, Ranking Member Barber, Members of the subcommittee, good afternoon. I am Marc Rosenblum, deputy director of the Immigration Policy Program at the Migration Policy Institute, an independent, non-partisan think tank in Washington that analyzes U.S. and international migration trends and policies. Thank you for the opportunity to testify today.

As you know, there is a bipartisan Congressional consensus in favor of creating an Organ Mountains-Desert Peaks National Monument, and President Obama recently created a monument there by Presidential proclamation.

What is in dispute is how much land should be protected in this way. The President's proclamation matches legislation introduced by Senators Udall and Heinrich to protect approximately 500,000 acres, while a bill by Congressman Pearce to protect about 50,000 acres.

A second set of questions concerns how CBP and other agencies may access the protected areas for law enforcement purposes. Under the President's proclamation, CBP access will continue to be governed by the existing Memorandum of Understanding between DHS and the Department of Interior.

The President's proclamation also leaves in place about 240,000 acres of existing wilderness study area within the monument. Under the Wilderness Act, this land enjoys stricter statutory protection than other Federal lands.

The Senate bill would supplement the existing MOU by permitting CBP to conduct specified law enforcement activities within parts of the protected area, including wilderness areas near the border. The House bill would supplement the MOU by allowing any Federal, State, or local law enforcement personnel to conduct all types of law enforcement activities within its smaller monument. But the House bill does not address the border wilderness area.

How large should the monument be? What type of access should law enforcement agencies have? The answer ultimately depends on how important it is to protect the environment and ensure sustainable public access to this region, and on the severity of border threats there.

I am not an expert on the environmental and cultural attributes of this location. But one point I want to emphasize is that southern New Mexico is not characterized by particularly acute border threats. It doesn't look like Arizona.

The Organ Mountains Monument falls in the middle of the Border Patrol's El Paso sector, which is generally a Border Patrol success story. The agency averages fewer than 12,000 apprehensions per year in the entire El Paso sector. That is about 5 percent of the level observed during the early 1990s. I don't know if we can show that picture. But I have a figure that will show you that.

A second consideration is that the existing MOUs between DHS and DOI are considered a good model for managing the diverse policy goals that exist on Federal border lands. Historically certain public lands were vulnerable to illegal border crossers because CBP had limited access to these areas, and DOI does not have a border security mission. The MOU requires that DOI and CBP develop management practices to give CBP access to DOI roads and trails, among other provisions.

A 2011 GAO study that we have discussed today of border security on Federal lands concluded that the MOUs provide a successful framework for DOI and CBP to negotiate access rules. Most CBP station chiefs reported that Federal environmental laws had not affected border security in their areas of operation. This assessment has been echoed in previous CBP Congressional testimony.

The monument size and access rules are questions that get at real tradeoffs between border security and other goals that we also care about at the border, such as protecting the environment, preserving historical and cultural landmarks and permitting public access and tourism. In general, many of the concrete actions that strengthen border security, such as installing fencing and other infrastructure, and conducting patrols, can conflict with other goals, such as environmental preservation and sustainable tourism.

The solution to this tension is to incorporate workable policies into CBP's enforcement practices. Having National monuments and wilderness areas and restricting certain enforcement practices in ways that still permit law enforcement to carry out its mission are mechanisms to ensure that the competing priorities are part of the equation.

In conclusion, CBP's own statements, as well as GAO findings suggest that CBP and DOI have worked together in other cases to strike an appropriate balance between border security and conservation. In light of the relatively low level of illegal traffic in the El Paso sector, existing MOUs should provide an appropriate framework for the agencies to secure the new Organ Mountains-Desert Peaks Monument, as well.

Mr. Chairman, this concludes my testimony. I thank you for the opportunity and would be pleased to answer any questions.

[The prepared statement of Mr. Rosenblum follows:]

PREPARED STATEMENT OF MARC R. ROSENBLUM

JULY 10, 2014

Chairman Duncan, Ranking Member Barber, and Members of the subcommittee: Good afternoon. I am Marc Rosenblum, deputy director of the U.S. Immigration Policy Program at the Migration Policy Institute, an independent, non-partisan think

tank in Washington that analyzes U.S. and international migration trends and policies. Thank you for the opportunity to testify today.

As you know, there's broad, bipartisan Congressional consensus in favor of creating an Organ Mountains-Desert Peaks National monument, and President Obama recently exercised his authority to create a monument there by Presidential proclamation. What is in dispute is how much land should be protected in this way. Legislation introduced by Senators Udall and Heinrich (S. 1805) would protect approximately 500,000 acres, while a bill by Congressman Pearce (H.R. 995) would protect an estimated 50,000 acres. The President's proclamation sets aside about 500,000 acres.

A second set of questions concerns what type of access U.S. Customs and Border Protection (CBP) and other Federal, State, and local agencies should have to protected areas for law enforcement purposes. Historically, some border enforcement operations on certain Federal lands have been compromised because the Department of Interior (DOI) Bureau of Land Management (BLM) and other Federal land managers prioritize conservation and their own core missions over the Department of Homeland Security's (DHS) law enforcement goals. In an effort to remedy this, DHS and DOI, along with the U.S. Department of Agriculture (USDA), signed a series of Memoranda of Understanding (MOUs) between 2006 and 2009 that established policies and procedures for inter-agency coordination on Federal lands.

Under the proclamation issued by President Obama, CBP access to the new Organ Mountains-Desert Peaks National monument would be governed by these existing MOUs. The Senate bill would supplement the MOUs by explicitly permitting CBP to conduct certain specified law enforcement activities within parts of the protected area. The House bill would take the additional step of allowing any Federal, State, or local law enforcement personnel to have unfettered access to the entire monument for all types of law enforcement activities.

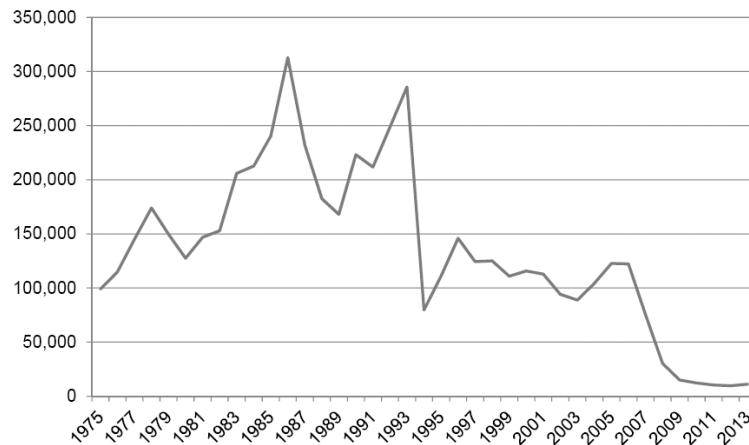
The House and Senate bills and the Presidential proclamation also differ in terms of how they handle National wilderness areas located within the monument. In general, wilderness areas enjoy stricter environmental protection than other parts of the monument because wilderness areas are closed to motorized vehicles. The Senate bill would convert most of the existing Wilderness Study Area within the new monument into a permanent wilderness area, but would create special rules within a 5-mile strip of wilderness near the border to permit unfettered border security operations in that area. The House bill, in creating a smaller monument, does not address this border wilderness area, and the President is not permitted to do so by proclamation.

How large should the monument be, and what type of access should CBP and other law enforcement agencies have to the protected areas?

The answers to these questions depend on how preservation and public access to this area are valued, as well as how we assess the severity of border threats in this region.

I'm not an expert on the environmental and cultural attributes of this location, but one point I want to emphasize in my testimony is that southern New Mexico is not characterized by particularly acute border threats. The Organ Mountains-Desert Peaks region falls in the middle of the Border Patrol's El Paso Sector, which is generally seen as a Border Patrol (USBP) success story. Between the early 1980s and the early 1990s, an average of more than 230,000 migrants per year were apprehended in the El Paso Sector. In 1994, Border Patrol Sector Chief Silvestre Reyes initiated Operation Blockade, moving a large number of agents and infrastructure up to the border line. Apprehensions fell by two-thirds that year, and entered a period of sustained declines over the next 2 decades after a brief increase in 1995-96. In the last 5 years, the Border Patrol has averaged fewer than 12,000 apprehensions per year in the entire El Paso Sector, about 5 percent of the level observed during the 1980s and early 1990s (see Figure 1).

Border Patrol Apprehensions: El Paso Sector



Source: MPI analysis of U.S. Border Patrol data, Apprehensions by Sector

Source: Migration Policy Institute (MPI) analysis of U.S. Border Patrol data, "Illegal Alien Apprehensions, by Fiscal Year," www.cbp.gov/newsroom/media-resources/stats.

The El Paso Sector remains both heavily fortified and relatively safe, even as apprehensions have increased significantly in other Texas sectors in the past few years. For the last 3 years, El Paso has ranked 2nd or 3rd among the nine Southwest Border sectors in terms of the number of Border Patrol Agents, while it has ranked 7th in terms of the number of people apprehended, 5th in number of people prosecuted for border criminal offenses and between 4th and 9th in drug seizures (see Table 1). While the Mexican city of Juárez, right across the border from El Paso, has been one of the most dangerous cities in the world, its Texas neighbor is consistently ranked among the two or three safest large cities in the country.

Focusing on the Organ Mountains area in particular, the scale of illegal activity is also held in check, to a degree by the region's remoteness and by its tough desert terrain. Thus, there is nothing about this section of the border that makes it stand out as particularly vulnerable to border threats.

TABLE 1.—EL PASO SECTOR PROFILE AND RANKINGS AMONG ALL NINE SOUTHWEST BORDER SECTORS, 2011–2013

	USBP Agents	Rank	Apprehen- sions	Rank	Marijuana (Pounds)	Rank	Cocaine (Pounds)	Rank	Prosecutions	Rank
2013	2,631	3	11,154	7	66,940	4	215	4	8,503	5
2012	2,718	3	9,678	7	39,933	6	206	7	7,086	5
2011	2,738	2	10,345	7	43,667	8	116	9	6,906	5

Source.—MPI analysis of U.S. Border Patrol data, “Sector Profile, FY2011–FY2013,” <http://www.cbp.gov/newsroom/media-resources/stats>.

My second point is that the existing MOUs between DHS, DOI, and USDA appear to be a successful model for managing diverse policy goals on Federal border lands. Prior to developing the MOUs, certain public lands were particularly vulnerable to illegal border crossers because CBP had limited access to these areas and other Federal land managers do not have a border security mission. Before turning to the MOUs' effectiveness, let me explain that in general, they require that Federal land managers and CBP develop management practices to ensure that CBP has access to DOI and USDA roads and trails, as well as minimize the adverse impact of border infrastructure construction, encourage the sharing of information about law enforcement activities in border regions, and conduct certain joint training programs, among other provisions. In short, the goal of the MOUs is to ensure that land managers and CBP work together to balance conservation and border security on public lands.

Turning now to the question of the effectiveness of the MOUs, a 2011 Government Accountability Office (GAO) study of CBP access to Federal lands evaluated how the agreements have worked in practice. GAO reached the following conclusions:

- In general, DHS, DOI, and USDA have used the National-level MOU and established interagency liaison mechanisms to successfully negotiate DHS access to Federal lands and the installation of border infrastructure in several different locations.¹
- A majority of Border Patrol station chiefs (17 out of 26) reported some type of delay or restriction in obtaining access to certain Federal lands in their jurisdictions, but an even larger majority (22 out of 26) reported that such delays had not affected border security in their areas of operation.²
- GAO found, in some cases, that when the Border Patrol faces delays in adding infrastructure, such as fencing and other tactical infrastructure, the agency can mitigate wait times by assigning USBP resources to work directly with partner agencies to expedite environmental reviews. USBP did not always dedicate the resources to do so because many of the stations experiencing delays were in remote border regions where CBP did not perceive pressing border security threats.
- Overall, scarce Border Patrol resources were seen as more fundamental constraints on DHS's ability to secure the border than were requirements imposed by Federal environmental and other laws. Border Patrol station chiefs interviewed by GAO reported that the most important factors influencing their ability to secure Federal lands near the border were the number of Border Patrol Agents and the availability of adequate surveillance technology and tactical infrastructure. GAO concluded that these investments in border security per se were more important for controlling the border than were limitations on DHS' access to Federal lands.³

This assessment has been echoed in DHS Congressional testimony, as Border Patrol officials have told Congress that the existing MOU allows the Border Patrol to adequately carry out its border security mission.⁴

Similarly, CBP has described the Organ Mountains-Desert Peaks monument designation as "in no way limiting" CBP's ability to perform its border security mission, and giving the agency "important flexibility" to do so.⁵

Finally, it's important to emphasize that the monument's size and access rules are questions that get at real trade-offs between border security and other goals that we as a Nation also care about at the border, such as protecting the environment, preserving historical and cultural landmarks, and permitting public access and tourism. In general, many of the concrete actions that strengthen border security—such as installing fencing and other physical infrastructure and conducting high-profile

¹U.S. Government Accountability Office (GAO), *Southwest Border: Border Patrol Operations on Federal Lands*, GAO-11-573T (Washington, DC: GAO, 2011), 8, www.gao.gov/products/GAO-11-573T.

²Ibid., 9.

³Ibid., 17.

⁴Statement of U.S. Border Patrol Deputy Chief Ronald Vitiello before the House Committee on Oversight and Government Reform, Subcommittee on National Security, Homeland Defense and Foreign Operations, 112th Cong., 1st. sess., April 15, 2011, <http://naturalresources.house.gov/uploadedfiles/vitiellotestimony04.15.11.pdf>. At the hearing, Deputy Chief Vitiello described in detail how U.S. Customs and Border Protection (CBP) collaborates with the Department of the Interior (DOI) and U.S. Department of Agriculture (USDA) to fulfill CBP's border enforcement responsibilities while respecting and enhancing the environment.

⁵Phil Taylor, "National Monuments: DHS Says Organ Mountains Designation Won't Impede Border Security," E&E Publishing, May 21, 2014, <http://www.eenews.net/stories/1059999955/print>.

patrols—can conflict with other goals, such as environmental preservation and sustainable tourism.

In light of the fact that U.S. policy at the border must grapple with this more diverse set of concerns, the solution is to develop workable policies and tools that can be incorporated into the enforcement practices of CBP and other agencies. Creating a National monument and restricting certain enforcement practices within the monument—in ways that still permit law enforcement to carry out its missions—are mechanisms to ensure that these competing priorities are part of the equation.

In conclusion, CBP's own statements as well as GAO findings suggest that CBP and BLM have worked together in other cases to strike an appropriate balance between border security and conservation—including in border sectors with higher levels of illegal activity. In light of the relatively low level of illegal traffic in the El Paso sector, existing MOUs between DHS and DOI should provide an appropriate framework for the agencies to secure the new Organ Mountains-Desert Peaks monument as well. Congress may wish to consider additional changes to existing wilderness areas, which could further strengthen law enforcement activities in the border region.

Mr. Chairman, this concludes my testimony. I thank you for the opportunity to testify and would be pleased to answer any questions.

Mr. DUNCAN. I thank you for that.

Unfortunately votes were recently called on the House floor. So without objection the subcommittee will stand in recess subject to call of the Chairman. Subcommittee will reconvene approximately 10 minutes after the conclusion of the last vote.

[Recess.]

Mr. DUNCAN. Subcommittee on Oversight Management Efficiency will come to order. Thank you guys for bearing with us through votes. I know that was a long vote series. I will now recognize myself for 5 minutes.

Let me first off say that I have in my lifetime enjoyed a lot of the wilderness areas and National parks. Just last week I was in Montana Glacier National Park, another area that is like a wilderness area near Terriot Pass on the Canadian border. So I understand the significance of setting aside some of this Federal land for future generations and protecting it against development and just conserve these wild and scenic places.

But I noticed in Mr. Rosenblum's statement that historically some border enforcement operations on Federal lands have been compromised because of the Department of Interior and Bureau of Land Management and other Federal land managers prioritize conservation and their own core missions over the Department of Homeland Security's law enforcement goals.

Now we have got a situation, as exemplified in Arizona, as we heard, where these wild and scenic places are being violated by smugglers and human traffickers and others that are coming through. Mr. Pearce showed on the screen a picture of piles of dirty diapers and refuse that has been dumped over and over and over.

We have people from Arizona. I was talking with Mr. Schweikert from Arizona earlier and he said you know civic organizations would go down and they would work with CBP, who would actually be there with them, and they would police the area and they would clean up all the garbage through these canyons. When they were talking to the CBP officers they said this will last for about a week, last for about a week.

Mr. Judd, have you or any of your agents that you represent ever encountered human or narcotic smuggling groups or any other

group of illegal aliens that made an effort to protect the environment?

Mr. JUDD. No, sir.

Mr. DUNCAN. Don't you think, and wouldn't you agree with me that the members of Customs and Border Protection, Border Patrol that are trying to do their job working within the jurisdiction of other agencies, don't you think they would do all in their power to make sure that these significant areas where there might be some sort of flora or fauna that is sensitive, wouldn't they try to make every effort to protect that?

Mr. JUDD. Yes, sir. In fact, we just had an agent out of Ojo that was issued an accommodation for finding pottery and not spoiling the area that was estimated to be a couple hundred years old. This just happened 2 weeks ago I believe. So yes, we take every effort to——

Mr. DUNCAN. Drug cartels are going to take the path of least resistance if they are trying to evade and escape from law enforcement and get into this country and bring their wares in. Wouldn't you agree?

Mr. JUDD. Well, you just have to look at Arizona to see that that is what is happening.

Mr. DUNCAN. So should the public expect to see an area like Organ Mountain and Desert Peaks, should they expect to see increased pollution as a result of Border Patrol's reduced presence?

Mr. JUDD. If you take out law enforcement from any area you can expect to see crime go up.

Mr. DUNCAN. Let me ask you this. In the 2006 Memorandum of Understanding with the Department of Interior and Agriculture, all parties acknowledge that CBP operations and construction within the 60-foot Roosevelt Reservation of May 27, 1907. It is along the U.S.-Mexico border. And the 60-foot Taft Reservation of May 3, 1912, and that is along the U.S.-Canadian border, 60-foot-wide strip.

Is that consistent? It is consistent with the purpose of those reservations and that any CBP activity, including but not limited to operations in construction within the 60-foot reservation is outside the oversight and control of Federal land managers. That is a fact, okay. The Memorandum of Understanding states that.

Let me ask you this: Is 60-foot enough to effectively ensure and secure the U.S.-Mexican border?

Mr. JUDD. Absolutely not.

Mr. DUNCAN. Do you think that—well let me ask you this. What is wide enough? Is it a mile? Is it 5 miles? What sort of exclusion zone should we have along——

Mr. JUDD. Well, every area is different. But what you have to have is you have to have a series of roads that allows us to get ahead of the trafficking. Because again, if we are reduced to 60 feet, once they get past us then we are pushing from behind them. If we can't get ahead of them we don't even have the opportunity to arrest them. They are going to be what we call got-aways.

Mr. DUNCAN. Right.

I am going to get back to the National monument there, and ask Sheriff Garrison, which I appreciate your efforts. I appreciate you being willing to come here, sheriff.

Shortly after the National monument designation by President Obama you were quoted by the Associated Press as saying “We have no ability to patrol that area. Crime is going to increase. It will be akin to the Organ Pipe National Monument in Arizona. I wonder how many years it will be before we have to post signs that say ‘Enter at Your Own Risk’.”

Those are your words. So can you explain the similarities between Organ Pipe in Arizona and the Organ Mountain in New Mexico and what we may or may not see?

Sheriff GARRISON. Thank you, sir. I think the only thing I can say is you know I have learned from my experience in seeing what has happened there in Organ Pipe because the way it is set up and because of its proximity to the border and everything else. I believe the same thing is going to happen in the Organ—in the new one that was just created.

It is close to the border. It has the same kind of nexus to the border with the criminal activity going on the same. It is not as much as in Arizona, but I believe it will grow stronger and become more as time goes on.

So speaking with some of the city council and county commissioners in my community, I told them the same thing. They said, well that is in Arizona, that is not here. I said, but it is the same thing.

Mr. DUNCAN. You have been patrolling—you and your deputies have been patrolling this area for years before——

Sheriff GARRISON. Yes, sir.

Mr. DUNCAN [continuing]. It had the Federal designation. You know the area. You know the routes that may be used. Do you feel like your efforts will be hampered by the closure of this to your entry?

Sheriff GARRISON. I do. I feel like the local law enforcement is the only law enforcement that has never been at the table in these conversations. I think Federal—the Border Patrol and other Federal agencies have been at the table whenever they discuss these things.

My problem with that is—I don’t have a problem with the Border Patrol. We work hand-in-hand with each other. We help each other out. We have backed up a number of Border Patrol and they come and help us out at times.

But when a crime happens on this land, Border Patrol doesn’t take care of that. That falls into the hands of the Sheriff’s Office. If there is a murder or a dead body in the desert, we have to respond to that.

So if we lose access to this land, I don’t know how we are supposed to get out there to do it. I do believe that the patrols that we have been doing out there have curbed the criminal activity down some.

There are always going to be those people who get through, hauling drugs or other people. But the fact that we are out there as much as we are, I believe that we have kept them pushed over into Arizona and into Texas.

Mr. DUNCAN. Do you believe that this area will become—that the drug cartel recognize this open area where there is a void of law enforcement and it will become a corridor for human smuggling,

drug trafficking, and illegal immigration issues through this corridor?

Sheriff GARRISON. Yes, sir, I do. You have right across the border is Juárez, Mexico, and has been one of the most deadliest cities in the world for quite some time. With all the criminal activity and the cartel activity over there being one of the largest heroin producers, I believe that this corridor will open that up and it will get worse. Yes, sir.

Mr. DUNCAN. Thank you. My time is up.

I will yield to and recognize the Ranking Member, Mr. Barber.

Mr. BARBER. Well thank you, Mr. Chairman. Thank you all for your testimony. As I said in my remarks, I am really here today to get the facts about what the problems really would be or are. I appreciate what you have shared so far.

I have a few questions. But first before I ask a question of you, Mr. Judd, I want to associate myself with your remarks about the Department of Homeland Security's budget. We can't afford to put any more burden on that budget with a budget that is cut back that is reducing over time for agents that is really struggling to get the job done.

I fully agree with you that we shouldn't be using the Department's funds for environmental impact studies. There are other ways to do that.

But I have a question for you, Mr. Judd, because as an agent you have been on the ground. You know what it is like day in and day out. A lot of people you know talk about the border but have never been there and you have been there. So have the men and women you represent.

You talked about the MOUs, Memorandum of Understanding with the Department of Interior and Department of Agriculture. As a practical matter, how does it work? I mean if you—your agent—you are part of a team. You are pursuing illegal activity, be it smuggling of humans or drugs. You see someone going into an area that is under the jurisdiction of these departments. How do you get access under this MOU? How difficult is it, given your experience?

Mr. JUDD. Theoretically we should have complete access to the lands without having to call and ask for permission. But what you have is you have a series of locks. If there are areas that are not accessible to the public, you have a series of locks.

Those locks, if you don't set—because each agency will have their own lock for security purposes on these gates. If you don't lock it right you could lock some other agency out. Like I could lock the Sheriff's Department out if I placed the lock on there incorrectly.

So it can be frustrating to try to get access to the land. But the major problem that we have is the number of roads that are provided to us in these areas. Again, we might have one. We might have two roads. We have always got one. But we might have two roads.

If we don't have more roads to be able to interdict the smuggling that is taking place, they are going to get away. They are going to use these lands over and over.

Buenos Aires, Organ Pipe. Buenos Aires was shut—down 3,500 acres. The Federal Government shut 3,500 acres of taxpayer land down because it was too dangerous for citizens to go on that land.

So it becomes very difficult when we add extra restrictions.

Mr. BARBER. With the MOUs in place do you as an agent, or if you are on the ground, do you have to call somebody? Or is it a given that you know what the rules of procedure are of getting onto the land, the locks notwithstanding?

Mr. JUDD. It is a given. It is a given. We already know the rules. The rules are given to us and we operate within those rules.

Mr. BARBER. Thank you. Again, thanks to your men and women for all that they do for us. I am a real fan.

Sheriff Garrison, I also want to thank you for your service as a law enforcement leader in your community and for being here today. I wanted to go to a similar question I just asked Mr. Judd about access.

Given that the monument is established and these MOUs are in place obviously for the Border Patrol and I would assume other Federal entities, are you a party to those MOUs? Do you have the same access or same ability to get on that the Border Patrol would have?

Sheriff GARRISON. Sir, at the current time we are not part of the MOUs.

We utilize the roads that are there and the roads that go up and down through this area now. We have used them for a number of years.

These roads have been around. I don't know. Some of them have been around 30, 40, 50, 60 years. I don't know that they are—how long ago they have been put out there or were out there. But the roads that we are using now are the ones that are currently in place.

Having seen the maps that this monument would entail, I believe most of those roads would be shut down. The only road I know of that has east-to-west traffic is one road that I think Border Patrol would have access to with a locked gate.

There is no north-to-south traffic, or no north-to-south roadways. We are talking areas that span 15, 20 miles in certain areas that you know if we have to get out there to some of these places I don't know how we would get out there.

Mr. BARBER. Before I run out of time I just want to ask Mr. Rosenblum to respond to that question.

Is it your experience from what you know about how these lands are protected that roads would be shut down? Or what do you know about how these MOUs have actually worked as a practical matter?

Mr. ROSENBLUM. Sure. So there is nothing in the President's—in the designation of the monument that would cause any of the roads to be shut down. What will happen now that the monument—so it is all already Department of Interior land that has been made into the monument. So it is already governed by the MOU.

What will happen now that the monument has been created is that DOI will create a management plan. That is—I mean that is a public process that Border Patrol and local law enforcement are invited to participate in. So they will decide you know if they should change the roads.

But the President's declaration and the MOUs both permit you know road construction for public safety purposes. So they will just sit down and make a plan about, well where do we need roads in light of our public safety needs and in light of our environmental concerns. So they will make a plan to specifically manage that monument.

So there is nothing that we have seen so far, and nothing in the existing rules that would cause roads to be taken away, although that could be considered.

Mr. BARBER. Okay. Thank you, Mr. Rosenblum.

I yield back. I have just run out of time.

Mr. DUNCAN. I thank the Ranking Member.

The Chairman will now recognize the other committee Member, Mr. O'Rourke, for 5 minutes.

Mr. O'ROURKE. Thank you, Mr. Chairman for holding this hearing and working to determine whether or what the implications for border security are here in this new National monument. I would also like to welcome Sheriff Garrison.

You said you were born and raised in Doña Ana County. I was born and raised in the neighboring county of El Paso County. For those who don't know, Doña Ana, El Paso, and Juárez all come together at a point right in between where the sheriff and I live, so good to see you up here.

We welcome you to Washington, DC. I have appreciated hearing your testimony so far. I agree with you about the power and the flavor of the green chilies in Doña Ana County. They are just awesome.

I guess my question for the sheriff and for Mr. Judd is what are you doing today, or what were you doing prior to the designation of this monument that you will not be able to do going forward, precisely, specifically? Maybe I will start with Mr. Judd and then we will take Sheriff Garrison.

Mr. JUDD. Prior—well, first off we don't know what the rules are concerning this land that was just designated by the President. So I really couldn't say what the difference is right now. Frankly I don't know that there will be any differences.

All I want to let you know is we have to have access. If you want to designate the land, designate the land. Just give me the access that I can do my job.

Mr. O'ROURKE. Great.

Mr. JUDD. I want to be able to do my job.

Mr. O'ROURKE. Yes. Message received. I couldn't agree more with you.

Sheriff.

Sheriff GARRISON. Yes, sir. I would say the same thing. I believe that it has been my experience whenever dealing with things like this that access is taken away, that we lose access to some of the roads that we have had access to.

At one time, I think in 2006 or 2007 there was a 1-month stretch there where we took off 25 vehicles that were stolen out of this area that we are talking about that were used to haul drugs through that area. That was just 1 month. That is when we really started patrolling this area a lot more and since that time have really curbed that stuff down.

I believe that if we lose access to that area to be able to do the patrols we do now, that the same thing will come back.

Mr. O'ROURKE. Dr. Rosenblum, is it your understanding that the land designated for the National monument is already, prior to its designation, Federal land, either BLM land or Department of Interior land?

Mr. ROSENBLUM. That is correct. Yes.

Mr. O'ROURKE. So it is not like we are taking land and some other designation, local-owned land, or State-owned land, or private-owned land and converting it to Federally-owned land. We are going from Federal to Federal, staying within the Federal department.

I have got to tell you, as I mentioned, I am from the area, very familiar with the places in question. In fact I was just there on Sunday. I hike in Dripping Springs Canyon on the Organ Mountains. I have been to the Portillo Mountains, to Mount Riley on the road to Columbus right along the border.

I live there. Our family plays there. We hike there. We camp there. I have got to tell you the illusion was brought that we are somehow going to create a dangerous corridor. We are projecting fears based on things that might have happened in your district, Mr. Barber, that we might be afraid of from a distance.

But I live on the border and I live in the safest city, not just on the border, not just in Texas, but in the United States, El Paso, Texas. Thanks to the men and women of the Border Patrol. Thanks to the men and women of local law enforcement. Frankly, thanks to the general population that lives there, that does a great job of keeping our communities safe.

I don't, from my perspective, from living there, from being there—

Mr. DUNCAN. And former mayor, right?

Mr. O'ROURKE. What is that?

Mr. DUNCAN. And former mayor of El Paso.

Mr. O'ROURKE. I was on the city council.

Mr. DUNCAN. Oh, okay.

Mr. O'ROURKE. Yes.

Mr. DUNCAN. City council. I am sorry.

Mr. O'ROURKE. I will take the promotion, but—so I got to tell you. I definitely understand the concern.

To the Chairman, that is our No. 1 job, is protecting the homeland and identifying these threats before they develop and affect the people that we represent. But I really don't see the problem here.

I am certainly open to any different information than what has been presented today. But I don't think anything is going to change.

But, Mr. Judd, if any agents within the Border Patrol, or Sheriff Garrison, if any of your deputies encounter locks through which you can't pass, roads that were open to you yesterday and are closed to you tomorrow, please let me know. I would love to be an advocate for law enforcement in that area to make sure that you have the same access yesterday—that you know you should have that today, going forward, and tomorrow.

So thank you all for being here, for the testimony. I am a big supporter of this designation. I think it is great for the area, great for the country, and is not a danger to the homeland.

So with that, Mr. Chairman, I yield back.

Mr. DUNCAN. I thank the gentleman.

The Chairman will now recognize Mr. Bishop, from Utah.

Mr. BISHOP. Thank you, Mr. Chairman. Being able—in my other job I am chairman of the Subcommittee on Public Lands and Environmental Regulations, Committee on Natural Resources. So this is all on public land. This is all normally—if it had not been done by an Antiquities Act designation, this would have gone through our committee and our subcommittee. So I appreciate that.

Let me talk first to Sheriff Garrison. Mr. Judd pointed out that our access issues are not really based on need, not even the MOU. It is actually based on the personality of the land manager. We have seen examples where the land managers have either cut off access because they have quibbled about the definition, or waited months before they actually managed or actually allowed a movement or a change within it.

So, Sheriff Garrison, I think in your answer to Mr. Barber you said that you don't have in local law enforcement any guarantee of access in the MOU.

Sheriff GARRISON. No, sir, we don't.

Mr. BISHOP. So I am assuming that if we are going to do something about this, and both the two Senate Democrats from New Mexico as well as Congressman Pearce over on our side, they both had an area they wanted to have designated for a buffer zone and an area for access. It would be essential then to allow State and local governments to have that same kind of access, but it would have to be put into statute I am assuming.

Mr. Judd, you have seen how quickly and dramatically border traffic can shift. If you allow actually with inside this monument, or underneath the monument, which is a wilderness study area, which has the same problems as far as access. If you have less access for law enforcement, does that anticipate a change in activities?

Mr. JUDD. My main concern is simply that what is great about this is I can get on the phone and I can call a Border Patrol Agent right now and ask him: Hey, what is going on? In fact I did that right before—while we were on break.

I asked an agent, I said: Hey, is it more difficult to arrest smugglers on the Organ Pipe as opposed to the public lands? The agent, who is one of the most senior agents at the Ojo station, he said it is a lot more difficult to arrest a smuggler on the National parks as what it is on the public land because there just isn't the same access.

Mr. BISHOP. It is a change of the designation of what you are allowed to do, especially if it is wilderness lands. That is the problem you have underneath this one that goes down to the border itself.

So here is the difference. In the Senate language it didn't say—it allowed access for exigent circumstances. In the designation the President did it allowed access for emergencies. We haven't defined that. That is what is going to go in the land management process

that will start from here on in, what it actually means by emergencies.

But in the Pearce bill, what he wanted to provide is patrol access. How is patrol access different, Mr. Judd, than exigent circumstances or hot pursuit?

Mr. JUDD. Well patrol access allows us to ensure that the crimes don't take place. Exigent circumstances means that we are already responding to something bad that has happened.

Mr. BISHOP. All right. So I assume if we are going to rewrite something else to allow border security, patrol access really is a key element to allow that to stop issues from going forward.

I have got 2 minutes. I am going to get this done very quickly. That will never happen.

Sheriff Garrison, do you make the assumption that there would be community support for Mr. Pearce's approach to provide that buffer zone and that patrol access not only in the monument itself, but also in the WSA below the monument?

Sheriff GARRISON. To that, sir, I am not sure. I know there has been a lot of community support for it. Then I hear of other things against it. But I don't know who is from where anymore whenever it comes to that in the community.

Mr. BISHOP. Sheriff, I am going to give you a minute to tell me your experience as far as the public meeting that was held down there to get public input before this monument was designated. But I do want to say one thing to Mr. Rosenblum first.

In your written statement you have made an inaccuracy. On Page 3—and you also said it orally as well—you wrote down that an even larger majority, 22 out of the 26 reported—sectors reported that such delays had not affected border security in their areas of operation. You are misquoting the GAO report.

On the first page it said 22 of the 26 agents in charge reported the overall security status of their jurisdiction was not affected. That means they were not downgraded. But unfortunately four of those who said their status was downgraded happen to be in this area we are talking about in New Mexico. That was one of those.

They also went on to say 17 of the 26 said there were delays. Fourteen went on to say what those delays were. In this particular area of New Mexico they had an 8 month's delay in allowing the agency, the Border Patrol was trying to move a—shoot. I am looking at my time here.

They had an 8 month's delay in allowing the Border Patrol for moving a mobile surveillance device from one point to another. You had to bring in three different groups to access the road that you wanted to go in as far as the Border Patrol.

In the footnote of that report it also said that even if BLM gives you that access, and they do all the ports by bringing in a reality specialist and a biology specialist, an archeological specialist. They don't always designate the entire road, only a section of the road where you will actually be. If you want to change that again you have to go through that entire process again.

I didn't even give you your minute to tell me what happened to you down there in your public meeting. I apologize for going on. I am over time.

Mr. DUNCAN. I will allow a little more leeway. I do want to—this is a fact-finding hearing. So—

Mr. BISHOP. I would never do that.

Mr. DUNCAN. I appreciate Mr. Bishop yielding back. I appreciate him being on the committee. The reason we talked about this is he serves on Natural Resources Committee as well, and the National monument, National park, wilderness areas all fall under the jurisdiction of the Natural Resources Committee here.

So we have worked on that a lot. I knew you would bring a lot of experience to this.

So if you would reset the clock to 5 minutes and I am going to recognize Mr. Gosar. You can yield to Mr. Bishop.

Mr. BISHOP. Well maybe what I could ask is if you could tell Mr. Gosar what happened to you as you tried to attend the public hearing, the only public hearing they had. If you could keep it to a minute I would—he would be grateful.

Sheriff GARRISON. Yes, sir. Thank you.

I received word from Senator Udall that they were going to have a public meeting in Las Cruces regarding this monument area, and that Secretary Jewell would be there. I also received an invitation to meet and greet with her before that time.

I arrived 30 minutes early and the parking lot was so full that security was turning people out and wouldn't let anybody into the parking lot. There were a number of parking spots open, but we weren't allowed to go in there. They said those were for employees.

I told them I was the sheriff and I had a meeting there, and I needed to talk to her. They said sorry, you can't come in. So I drove around until I found a spot, parked. Every business around there had signs up saying don't park here because they knew what was going to happen.

I found a place, walked about 15 minutes to get back to the building. By the time I got there the meeting was over. Then was at the—met at the front door by security stating that I couldn't go into the general meeting that was being held. Not the meet-and-greet with Secretary Jewell, but the meeting that was going to be held, because it was already packed and that the fire marshal had already exceeded the limits for the room.

I told him well I am going in anyways. I am the sheriff and I am going to go in.

I left probably 150, 200 of the country residents in the parking lot who could not go in. It is my understanding I saw the busses where a lot of people who were bussed into this area, said to be residents, but I didn't recognize them. The residents I did recognize were out in the parking lot. So.

Mr. GOSAR. So from—taking a little bit further, so it is a sham.

I mean you know when we start talking about wilderness designations it implies a whole different aspect. Doesn't it, Mr. Judd?

Mr. JUDD. It gives us different rules on how we have—

Mr. GOSAR. Well, I want to take those rules even further. Because I mean up around Flagstaff where I was from we had a wilderness area. We had a fire. You can't even go in with motorized vehicles without the pretense of getting permission.

So there is no difference in Flagstaff versus this National monument. Would you agree?

Mr. JUDD. I would. In fact I would take it one step further. Again the senior agent that I talked to, we have been trying to put a mobile surveillance scope in the most pristine area on the Organ Pipe and we can't get permission. We have been trying to get permission for a long time.

Mr. GOSAR. It is over and over again. What we see is, is this pronouncement by Mr. Rosenblum about that we will work out these MOUs. But they never work out for the local people ever, ever, ever.

There are these roadless remanagement plans. They have good intentions at the beginning. But all the sudden what they do is they restrict it over and over again.

So we see this time and time again in regards to wilderness areas and Federal designations. I am getting tired of this aspect where they don't work with local people. Local jurisdictions like Congressmen and Senators from the State of jurisdiction. It is over and over again.

That is why I want to make the comment, Mr. Chairman, because I am very happy that you brought this hearing because it brings to me that the President is overreaching his use of power granted to him by the Antiquities Act, plain and simple.

The 1906 law was enacted mostly to protect prehistoric Indian ruins and artifacts, collectively termed antiquities, which were found on Federal lands in the west. By definition these sites were to be the smallest area compatible.

Since given this power many presidents, Republicans, Democrats, have abused it. Today there are over 100 National monuments located in 26 States covering some 136 million acres. Due to its enormous size, many of these monuments fall outside, along the U.S.-Mexican border and become host to a range of illegal activities such as drug and human smuggling.

I want to ask you, Mr. Rosenblum, are you very familiar with the corridors and what they look like by the trash heaps?

Mr. ROSENBLUM. I am somewhat familiar with them.

Mr. GOSAR. You had better be very particularly. Is there trash there all the time? I mean you come here as a knowledgeable person here in regards to it. So I hope that you are a scholar about this. I mean there is lots of trash.

Mr. ROSENBLUM. Yes, sir.

Mr. GOSAR. Is that very environmental?

Mr. ROSENBLUM. I would just—I would—

Mr. GOSAR. I am asking a question, yes or no. Is that environmental?

Mr. ROSENBLUM. Obviously the trash is not environmental. It is not—

Mr. GOSAR. Do the people putting the trash there, are they environmentally sensitive?

Mr. ROSENBLUM. People who put trash in wilderness are not environmentally sensitive.

Mr. GOSAR. It seems like the corridor for these folks that are the illegal drug trafficking and human smugglers could care less about the corridors, do they?

Mr. ROSENBLUM. I don't think there is any evidence that the—

Mr. GOSAR. Oh, wait a minute. Come on, sir.

Mr. ROSENBLUM. I don't think there is any evidence——

Mr. GOSAR. If you would actually been in the corridor——

Mr. ROSENBLUM [continuing]. That the environmental designations cause illegal migration. People illegally migrate through Arizona because there is travel infrastructure that they take advantage of. There are smuggling routes that have operated through that region after the last decade——

Mr. GOSAR. This just only hides it even worse.

Mr. ROSENBLUM. I mean I think—I give some credit to environmental organizations that follow these issues. All of them that have endorsed this monument feel that on net this is going to protect those lands more than it is going to harm it. I don't think that the environmental groups that prioritize environmental protection would favor this designation if they anticipated it was going to cause additional environmental degradation.

So I, you know I find that to be an implausible——

Mr. GOSAR. I find it is a very——

Mr. ROSENBLUM [continuing]. That it is going to cause more traffic because traffic is driven by you know such a wide range of factors that smugglers take advantage of. The environmental designation, I mean we have got pretty good access to these areas.

So—and I will give you, you know just to respond to Mr. Bishop on the southwest New Mexico thing that the GAO talks about. It is a perfect example where this system exists, the MOU for the Border Patrol and DOI to sit down and talk about it.

In this particular case where there were delays, what the GAO reports is that the supervisory agent for the sector did not request additional access through that area for a road. What DOI said was that they would have been willing to work with Border Patrol to facilitate that access if requested.

So you know the point is to put a process in place that you can do the law enforcement mission and build the roads where you need to build them.

Mr. GOSAR. It seems to be a one-way street over and over and over again. The environmental community and DOI, the Federal Government always knows better.

I yield back.

Mr. DUNCAN. The gentleman's time is expired.

Chairman will now recognize Mr. Salmon from Arizona.

Mr. SALMON. Well thank you.

Congressman Schweikert, who was here when you initially made your testimony, asked that I share his experience. I guess he and his wife were called with a group of volunteers to go into the Arizona, the Organ—excuse me—what is it, Organ Mountain—yes, National Monument. They went to clean up a very terrible environmental situation where there was trash all over the place.

He said that the dirty diapers were you know just—his exaggeration was a mile high. But he was saying that it was just very prolific throughout there. I guess my point is, and I would like to ask Mr. Judd and Mr. Garrison. Do you think that the Border Patrol folks would be better environmental stewards than the drug cartel people?

Mr. JUDD. I know they are. Not that they would be, they are.

Mr. SALMON. Right. So, and Mr. Garrison, either one of you, would you believe that if you were allowed to do your job in those areas where—I mean the cartels aren't stupid, or the coyotes who traffic the humans. They are going to take the course of least resistance. If the law enforcement people are prohibited from doing their job in those areas, then the drug cartels take those over.

It is like a balloon. You squeeze it, that balloon goes over in this direction. Isn't that correct?

Mr. JUDD. Well, I have only got experience. But I can tell you that there is more smuggling taking place on the Organ Pipe and Buenos Aires, which are Nationally-protected lands, than what is taking place on the public lands.

Mr. SALMON. Well, if I was one of those drug cartel members it would be a no-brainer to me to take the place where you are forbidden to be. I guess my point I am trying to make is that if we really care about the environment—actually, we care about the environment and we care about protecting our borders.

But if we really care about our environment we would actually want our law enforcement people there making sure that the ones that actually are damaging the environment with all the trash they are leaving behind and walking over all the—you know, the plant life there. Mr. Garrison, what are your thoughts?

Sheriff GARRISON. Sir, I agree with you, sir. We currently have an MOU in place with BLM to help them patrol those lands because they have one ranger for that entire area——

Mr. SALMON. Right.

Sheriff GARRISON [continuing]. Who is often not around. We work that area as hard as we can for all those kinds of the same reasons he would be there.

Mr. SALMON. But do you think that if—you know if the land we are talking about in New Mexico is given the same designation that you might have the same problems that they are having in Arizona?

Sheriff GARRISON. Yes, sir, I believe we would.

Mr. SALMON. You believe you would?

Sheriff GARRISON. Yes, sir.

Mr. SALMON. So it actually is going to be not only harmful to our border activities, but it is going to be harmful to the environment, isn't it?

Sheriff GARRISON. Yes, sir, I believe it will.

Mr. SALMON. I guess that is a point that is getting lost on a few of us.

I am going to yield back my time.

Mr. DUNCAN. Gentleman yields back.

We have got time, if the panel doesn't mind, to go through another series of questions because this is an important issue to me personally and I know to the other Members on the committee.

So, let me just say this. I recognize myself for 5 minutes.

I don't totally disagree with the comments of the gentleman from Texas earlier. This is a special place or it never would have been Federal land in the first place. It never would have been set aside as a National monument. I get that.

As I said in my earlier statement, I appreciate these wilderness areas and these National parks and National monuments. I have enjoyed them, just recently even.

But I do believe that past performance predicts future results. I don't think that is just a saying you hear on a stock performance commercial or whatever. I believe that to be the case.

What I don't want to see is Organ Mountains-Desert Peaks National Monument area experience the same kind of abuse. That is the word that comes to mind that we have seen over in Organ Pipe in Arizona. The refuse you were talking about earlier the folks in Arizona have experienced, I don't want to see that happen at Organ Mountain.

I want the O'Rourke's of the world to be able to continue to use that without run-ins and signs that say hey, you may encounter drug smugglers, illegal aliens, folks that don't speak English and other things, because the signs and the warnings are there.

I can talk about the websites for the Fish and Wildlife Service National Refuges in Arizona. I can talk about the signs that are—and the warnings on the website for Organ Pipe. They are real realities for those areas. Americans are having to deal with that. I don't want them to have to deal with that necessarily in, or ever at Organ Mountain.

So I hope we can facilitate ways, and that is the reason I think this hearing is so important, I hope we can facilitate ways for the CBP and local law enforcement to work with these Federal agencies to make sure that they can do their jobs. To protect this country from smuggling, protect this country from illegal immigration and to protect this country for any other illicit activity whether it is U.S. citizens conducting that activity on this Federal land or whether it is other foreign nationals coming across.

You got to be able to do your job. I think that is important. I think that is why Mr. Bishop's legislation that I am reviewing may give us an avenue for that. I hope something good comes out of this that enables the CBP Officers to be able to do their jobs, but also protecting, Mr. Rosenblum, protecting those sensitive areas.

I can tell you this. I don't believe that the smugglers and the cartel will necessarily protect those areas. They haven't. Past performance predicts future results.

So let's find a way, a segue to make sure that we do protect these areas but also make sure that our country is protected as well, that our citizens are protected in these counties. That is why it is so important.

I had another question but I am about out of time. So what I would like to do is just yield to the Ranking Member for 5 minutes.

Mr. BARBER. Thank you, Mr. Chairman. Again, thanks to the witnesses and our colleagues for being here today.

Mr. Chairman, I just received a document that I haven't had a chance to read other than the final statement on it. It is from the Doña Ana County Commission in New Mexico. It was dated July 10, which is today. It is a resolution adopted, it appears to be adopted unanimously by the commission, which I assume is the governing body for the county in question, which is supporting the designation of the monument. So without objection I would like to submit that for the record, Mr. Chairman.

Mr. DUNCAN. Without objection so ordered.
[The information follows:]

STATEMENT OF BILLY G. GARRETT, CHAIRMAN, DOÑA ANA COUNTY COMMISSION, NM

JULY 10, 2014

Chairman McCaul and Ranking Member Thompson, my name is Billy Garrett and I am the chairman of the Doña Ana County Commission in New Mexico. Doña Ana County was established in 1852, before New Mexico Statehood, and is the second-most populated county in the State with approximately 213,500 residents in 2013. We are also home to one of the fastest-growing communities in the United States, the city of Las Cruces. Our quality of life is characterized by a strong sense of community that is enhanced by a multicultural heritage and beautiful desert setting—portions of which are included in the Organ Mountains-Desert Peaks National Monument. As the subcommittee examines the implications of the designation of this new monument, I appreciate the opportunity to provide information and a local perspective for your consideration.

Doña Ana County has supported both legislative and executive protections for the areas now included in our Nation's newest monument. Residents have been studying and advocating for designation since the 1970's, and strong local support has continued to build over the decades. Local governments such as Doña Ana County, the city of Las Cruces, the town of Mesilla, and even the city of El Paso, TX; tribal governments; and the All Pueblo Council of Governors have passed a series of unanimous resolutions in support of designation to maximize opportunities for the preservation of the natural, cultural, and historical resources entrusted to us as Americans; education and scientific inquiry about these resources; recreation; and economic development.

While some of these resolutions have called on Congress to pass legislation to this effect, we have also passed a number of resolutions requesting that President Obama use the authority delegated to him by Congress in the Antiquities Act of 1906 to permanently protect the Organ Mountains-Desert Peaks. (Please see Doña Ana County's resolution below.) Doña Ana County has also written to President Obama and visited administration officials and staff in Washington, DC to provide information from the local point of view and to request Executive Action.

In addition to understanding the high level of support of my constituents through their communications with me, recent polls show that strong, bipartisan majorities of both Doña Ana County residents (72–83%) and New Mexicans (82%) support National monument designation in the areas President Obama included in the establishing proclamation. In a poll conducted after designation, 75% supported the President's action.

This past January, our community was pleased to host a visit from Secretary Jewell. Senators Udall and Heinrich held a public meeting while she was here to hear from constituents about the proposed National monument. More than 750 constituents attended the meeting. Congressman Pearce was invited to participate, along with a diverse set of stakeholders, and many views were represented in the form of both presentations and public comments. During that meeting, the public showed overwhelming support for the creation of a monument like the one established by President Obama. Veterans, local businesses, sportsmen, faith leaders, and culturally-based organizations have all embraced the idea of such a monument; many specifically requested that Executive Action be used to establish the monument. Editorial boards of our newspapers have also supported the Organ Mountains-Desert Peaks National Monument and the use of the Antiquities Act to create it.

Everyone in Doña Ana County cares deeply about keeping our communities safe. After talking with and hearing from the Bureau of Land Management (BLM), Border Patrol, and local law enforcement officers, I am confident that the Organ Mountains-Desert Peaks National Monument will not impede law enforcement and border security operations. Nothing has changed with respect to Federal, State, or local law enforcement authorities, jurisdictions, responsibilities, or access since designation.

Local law enforcement agencies continue to have the same jurisdiction over the types of activities in the monument that they handled before. They continue to have exactly the same access to the area to conduct routine patrols (via motor vehicle and other methods) and respond effectively during exigent circumstances as they did before designation. No prior notification to BLM is required to even drive or land aircraft off-road if necessary during an emergency, including for search-and-rescue and body recoveries. It would be highly unusual for road access to change in the man-

agement plan, and the proclamation also specifically allows for new roads to be constructed if needed for public safety.

It is worth noting that while the monument designation as outlined in the proclamation does not hinder law enforcement activities, all entities will have multiple opportunities to share their precise concerns and needs to ensure that they are addressed in the monument management plan. Mitigation has also not been an issue here in Doña Ana County and the BLM policy on mitigation will not change with designation.

If local law enforcement agencies feel clarification on management and continued cooperation is helpful, they are still welcome to pursue interagency agreements with the BLM. To my knowledge, the Doña Ana County Sheriff's Office has never felt the need for a formal agreement with the BLM, and has not pursued one post-designation. Our colleague to the west, Luna County Sheriff Raymond Cobos, has been confident and supportive of Organ Mountains-Desert Peaks designation, sharing the following thoughts with the press: "After learning more about national monuments, I am satisfied that the President's action on 19 May 2014 will not hamper the ability of the Luna County Sheriff's Department to enforce applicable New Mexico statutes within the area covered by the proclamation. I am comfortable with the manner in which local law enforcement jurisdiction and authority is preserved. I am always glad to see protection of our environment balanced by the safety of New Mexicans particularly in my jurisdiction."

In addition to the work of local law enforcement, the success of Federal law enforcement activities, especially that of the U.S. Border Patrol along our border with Mexico, is critical to our county. President Obama's proclamation honors the careful work done by the New Mexico delegation—first with our Border Patrol stations and sectors, and later with Customs and Border Protection (CBP) headquarters. The boundaries of the monument take into account the Border Patrol's operational planning and long-term strategies.

The language of the proclamation also makes clear that the terms of the Memorandum of Understanding (MOU) between the Department of Homeland Security (DHS), Department of Interior, and Department of Agriculture Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' borders are not changed in any way and still apply. This MOU specifically allows for work in and access to public lands, including those such as National monuments. While the MOU is signed by Federal agencies, the BLM has extended its provisions to all law enforcement entities, including non-Federal agencies such as Sheriff's offices and others. I have been assured that the MOU is working well in New Mexico, and that the Border Patrol is very comfortable with the establishment of the new monument.

The Border Patrol has a long history of working well with the Bureau of Land Management in the area designated, and the El Paso Sector is used to working with the National Park Service in and around White Sands National Monument, which has existed since the 1930's. As well, sensors and other infrastructure can continue to be used and new infrastructure installed if necessary, although the areas cited by Border Patrol as critical for infrastructure flexibility and other key areas have been purposefully excluded from the monument. Secretary Jewell and BLM Director Neil Kornze also had the opportunity to tour some of these areas and those proposed for legislative designation with local Border Patrol Officers and field agents in January. They discussed the challenges on the border, access needs in the area, as well as "the productive working relationship" the BLM has with DHS and local law enforcement.

For these reasons, CBP has officially supported efforts to designate the Organ Mountains-Desert Peaks since 2010, and the National monument specifically since January of this year as demonstrated by Acting Commissioner Winkowski's letter (below) and the administration's decision to move forward with establishment of the monument. After designation, CBP Spokeswoman Jenny Burke provided the following statement: "This designation will in no way limit our ability to perform our important border security mission, and in fact provides important flexibility as we work to meet this on-going priority. CBP is committed to continuing to work closely with the Department of the Interior and the U.S. Forest Service to maintain border security while ensuring the protection of the environment along the border." As well, the Truman National Security Project; Ron Colburn, retired National Deputy Chief of the U.S. Border Patrol during the George W. Bush Administration; and 68 retired generals—including seven four-star generals—from the U.S. Armed Service (see below) have also been supportive and cite that security concerns have been adequately addressed.

As a county commissioner, I value the ability for agencies, landowners, and managers, and stakeholders at all levels to work cooperatively to secure our border. The

New Mexico Borderland Management Task Force, regularly attended by BLM, DHS, the Doña Ana County Sheriff's Office, and other local entities, has been very helpful in this regard. New Mexico's task force is one of the most successful in the Nation in fostering good relationships, communication, and collaboration. As well, the Border Security Task Force (BSTF) was convened in 2003 to facilitate agencies working together with the public to keep our border safe. This forum continues to address related issues—both small and large—to ensure that the missions of law enforcement are executed as effectively as possible while the needs of those living and working on the border are met. When the opportunity for open dialogue on the monument was offered at the BSTF meetings, the discussions have been generally positive or neutral. Discussion will also continue at these meetings.

Finally, we can all agree that decisions should be made based on the facts of each situation and place. We need to pay attention to the special circumstances in each of our communities and landscapes rather than use sweeping ideology or one-size-fits-all approaches. Comparisons have been made between the Organ Mountains-Desert Peaks and other areas in other States. While we should certainly learn from experience elsewhere, the comparisons made here are neither constructive nor accurate. The El Paso Sector has more miles of border than the Tucson Sector, for example, and yet has had dramatically lower apprehensions than the Tucson Sector. The El Paso Sector has also had significantly greater rates of decrease in apprehensions and incidents than the Tucson Sector as more work has been done and resources provided to bring the border under control in the last decade or so.

In the area specifically in and near the Organ Mountain-Desert Peaks, the lack of infrastructure (such as major roads heading north), rugged topography with strategically high ground on the U.S. side and features forming natural barriers to crossing, fence completion, and history of proactive border enforcement distinguish it from other areas and allow it to be a relatively quiet stretch of the border. The area closest to the border has also been a Wilderness Study Area since 1980, established by the Reagan administration and recommended for full wilderness designation by the George H.W. Bush administration. National Monument status does not change these factors, nor invite additional illegal activity.

I would also ask subcommittee members to look at "security" in terms of the overall health of our communities. This is what county commissioners are tasked to do every day. Doña Ana County may lie on one side of an international boundary, but we share economic, social, cultural, and environmental interests with our Mexican counterparts. Those of us who live along the border are well aware of the benefits and potential threats of this relationship. We also share a common perspective that the border is not so much a line as it is a place of great vitality, significant challenges, and National importance. Building on this vitality, addressing the challenges, and recognizing the importance of this area is essential to regional well-being. In this sense, public safety cannot be separated from the social, economic, and physical conditions of our region.

Development within the borderland ranges from large cities to small communities, widely-distributed homesteads, ranches, and other isolated facilities. Many of the families living in this region get by on incomes well below the poverty level. We live with the very real threat of flooding from summer thunderstorms, substandard housing, inadequate utilities, insufficient job opportunity, and rapidly deteriorating roads. A trip to the doctor or to shop for groceries or to participate in a parent-teacher conference can be a major challenge.

The borderland is also an important center for international trade and regional business activity. To stay at the forefront of job creation and entrepreneurial initiatives, substantial investments are needed in education, utilities, and transportation systems. And it goes without saying that ports of entry must be sufficient in size, number, and staffing to safely and efficiently move materials, products, and people across the border—in both directions. Looked at in terms of distribution networks, trade through southern Doña Ana County can be linked to business interests throughout the United States.

Tourism and related business development is also an important component of economic opportunity here. An independent economic impact study on the Organ Mountains-Desert Peaks National Monument estimates that Doña Ana County and the Paso del Norte region stand to earn more than \$7.4 million in additional economic activity each year and \$560,000 more in State and local tax revenues. The report also projects that jobs related to tourism and outdoor recreation will double based on increased spending at privately-owned hotels, restaurants, and retail establishments. These projections are consistent with the positive economic benefits already being realized in northern New Mexico in the first year following establishment of the Rio Grande del Norte National Monument. As we saw during the Government

shutdown last October, National parks and monuments are important to local economies.

Not only does Doña Ana County's new monument celebrate our borderland history and the unique enterprise of the United States that is our public lands, but I strongly believe that the monument will support the kinds of change described above that are essential to strengthening the borderland as a whole.

Resolution of Doña Ana County

Resolution No. 2012-35

A RESOLUTION

WHEREAS, the Doña Ana County Board of Commissioners is tasked to represent and address the needs of its residents, and

WHEREAS, Doña Ana County contains a number of areas of exceptional historic and scientific value associated with the Chihuahuan Desert, Southwestern pre-history, life on the American frontier, and emergence of the United States as an international power, and

WHEREAS, in response to continued and growing public interest, a diverse coalition of community leaders, citizens, and civic organizations have developed a proposal to protect these important lands within the framework of a National Monument, and

WHEREAS, the Organ Mountains/Desert Peaks National Monument would protect the ecological values of the Organ Mountains, Potrillo volcanic field, Kilbourne Hole, Broad Canyon, and the Doña Ana, Robledo, and Sierra de las Uvas Mountains, and

WHEREAS, the Organ Mountains/Desert Peaks National Monument would also protect thousands of petroglyphs and other archeological sites, features associated with El Camino Real de Tierra Adentro, the Butterfield Stagecoach Trail, historic ranching, and other places of historic interest, and

WHEREAS, protection of these rich landscapes and their history will support multicultural traditions within the Mesilla Valley, enhance understanding of New Mexico and the American West, and benefit all communities within Doña Ana County by fostering tourism, strengthening outdoor recreation, and preserving the qualities that make this area a desirable location for retirement and business development,

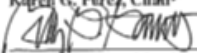
NOW THEREFORE, the Doña Ana County Board of Commissioners does hereby resolve to support creation of the Organ Mountains/Desert Peaks National Monument in order to preserve areas within our county of historic, scientific, and scenic value for current and future use, benefit, and enjoyment by the public, and respectfully requests that the President of United States use his authority under the 1906 Antiquities Act to establish the Organ Mountains/Desert Peaks National Monument as a public legacy in this the centennial year of New Mexico statehood.

PASSED, APPROVED AND ADOPTED this 22nd day of May, 2012

Board of County Commissioners
Doña Ana County, New Mexico

Board of County Commissioners for Doña Ana County, New Mexico

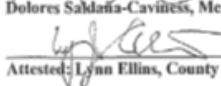
 _____ x yea _ nay
Karen G. Perez, Chair

 _____ x yea _ nay
Billy G. Garrett, Member

 _____ yea _ nay
Patricia Duarte-Benavidez, Member

 _____ yea _ nay
Scott A. Kraling, Vice-Chair

 _____ x yea _ nay
Dolores Saldaña-Caviness, Member

 _____
Attested: Lynn Ellins, County Clerk





U.S. Customs and
Border Protection

Commissioner

JAN 22 2014

The Honorable Tom Udall
United States Senate
Washington, DC 20510

Dear Senator Udall:

I write to thank you for your efforts to address border enforcement concerns in S. 1805, the Organ Mountains-Desert Peaks Conservation Act. The provisions of this bill would significantly enhance the flexibility of U.S. Customs and Border Protection (CBP) to operate in this border area.

As you know, the existing wilderness study area along the south boundary of the West Potrillo Mountains provides CBP with 1/3 of a mile in which to perform its activities. This bill would provide five miles between the U.S.-Mexico border and the area with full wilderness protections. Three miles of this zone would allow normal public access, and an additional two miles would allow restricted use by the public. Throughout the entire buffer zone, CBP could operate motor vehicles, build infrastructure, and carry out other activities as it would on any non-wilderness Bureau of Land Management land.

I also appreciate other security-focused portions of this bill, including:

- Explicit provision to allow the East-West way, which will be closed to the public, to be accessible to CBP and other law enforcement personnel;
- Clarification that no provision of the bill would restrict CBP from pursuit of suspects within the wilderness area, including the use of motorized vehicles in hot pursuit; and
- Clarification that nothing prevents CBP from conducting low-level overflights above the wilderness area.

I look forward to continuing to work with you on efforts to enhance border security.

Sincerely,


Thomas S. Winkowski
Acting Commissioner

JUNE 18, 2014.

The Honorable BARACK OBAMA,
The White House, 1600 Pennsylvania Avenue, NW Washington, DC 20500.

DEAR PRESIDENT OBAMA: We extend a sincere thank you and congratulations for the designation of the Organ Mountains-Desert Peaks National Monument on public lands in New Mexico.

As you know, this region is filled with natural wonders and incredible hunting and recreational opportunities. Its protection will ensure that future generations will be able to enjoy diverse mountain ranges and expanses of Chihuahuan desert, a rich archaeological record, and numerous important historic sites, all while supporting new jobs and economic activity far into the future.

From a veterans' perspective, we understand the importance of protected public lands as a place for men and women serving in our armed forces to recreate after

returning from strenuous overseas missions to recuperate and reconnect with family and friends. Three significant military installations (Fort Bliss, Fort Huachuca, and White Sands Missile Range) and a large population of military personnel and retirees live within a 2-hour drive to the monument, and we are convinced the monument will directly contribute to the health and well-being of these veterans and their families. And we are pleased that the new monument protects some of the Deming Bombing Targets, where World War II military history unfolded as bomber pilots and crew practiced using the Norden bombsight technology.

We also appreciate that Interior Secretary Sally Jewell, U.S. Senators Tom Udall and Martin Heinrich, and others worked diligently to establish the monument in a manner that does not, in any way, hinder the ability of U.S. Customs and Border Protection to do their job of securing our Nation's borders.

A vocal minority continues to make false claims that the designation of the new monument poses a threat to border security; to the contrary, we believe the designation of the new National monument has no bearing on our Nation's security. The portion of the Organ Mountains-Desert Peaks National Monument near the U.S.-Mexico border—the Potrillo Mountains—has not been a problem area for illegal border crossings, and will similarly not be one in the future. Highway 9, which runs just north of the border in this area, is paved, well-maintained, and well-patrolled, enabling Border Patrol to react quickly to any incursions. In addition, this area is remote, dry, and wild country where covering large distances on foot is very difficult.

Protecting this area as a National monument ensures that there is no encroachment of businesses, residences, or facilities in the area. It is our experience, minimizing human activity in any area makes the area easier to monitor and effectively keep secure.

According to the *Albuquerque Journal*, the Santa Teresa station of Border Patrol's El Paso Sector apprehended only 13 illegal immigrants south of the Potrillo Mountains in fiscal year 2009. This was 0.1 percent of the 14,999 total apprehensions in the El Paso Sector, which covers the entire State of New Mexico and the two western-most counties in Texas.

We appreciate that your monument proclamation specifically addresses the issue by stating, "Nothing in this proclamation shall be deemed to affect the provisions of the 2006 Memorandum of Understanding between the U.S. Department of Homeland Security, the U.S. Department of the Interior, and the U.S. Department of Agriculture regarding 'Cooperative National Security and Counterterrorism Efforts on Federal Lands Along the United States' Borders.'"

Confirming this, a spokesperson for the U.S. Customs and Border Protection said: "This designation will in no way limit our ability to perform our important border security mission, and in fact provides important flexibility as we work to meet this on-going priority."

Moreover, Sheriff Raymond Cobos of Luna County, New Mexico, home to some of the new monument lands near the border, has said: "I am satisfied that the President's [monument proclamation] will not hamper the ability of the Luna County Sheriff's Department to enforce applicable New Mexico statutes within the area covered by the proclamation. I am comfortable with the manner in which local law enforcement jurisdiction and authority is preserved. I am always glad to see protection of our environment balanced by the safety of New Mexicans particularly in my jurisdiction."

Thank you for responding to local communities and the need to protect our shared heritage, and preserving the Organ Mountains-Desert Peaks National Monument. This designation will help our veterans recover from the impact of over a decade of continuous warfare, stimulate the local economy, preserve our history, and protect a beautiful part of our Nation—all while allowing Border Patrol to continue doing their job keeping these public lands among the most secure along the Southwest Border.

Sincerely,

GEN. CHARLES CAMPBELL,
Shreveport, LA, 40 years of service.

GEN. JOHN COBURN,
Lorton, VA, 38 years of service.

GEN. PAUL KERN,
Arlington, VA, 38 years of service.

GEN. LEON LAPORTE,
San Antonio, TX, 37 years of service.

GEN. LEE SALOMAN
Gulfport, FL, 37 years of service.
 GEN. THOMAS SCHWARTZ,
Spring Branch, TX, 38 years of service.
 GEN. JOHNNIE WILSON,
Fort Belvoir, VA, 38 years of service.
 LIEUTENANT GEN. STEVEN ARNOLD,
Huntsville, GA, 35 years of service.
 LIEUTENANT GEN. STEVEN BOUTELLE,
Arlington, VA, 36 years of service.
 LIEUTENANT GEN. JOHN CALDWELL,
Washington, DC, 36 years of service.
 LIEUTENANT GEN. JOHN CASTELAW,
Washington, DC, 35 years of service.
 LIEUTENANT GEN. CHRIS CHRISTIANSEN,
Alexandria, VA, 35 years of service.
 LIEUTENANT GEN. DANIEL W. CHRISTMAN,
Alexandria, VA, 38 years of service.
 LIEUTENANT GEN. ROBERT DAIL,
Reston, VA, 35 years of service.
 LIEUTENANT GEN. TONY JONES,
Charleston, SC, 35 years of service.
 LIEUTENANT GEN. WILLIAM LENNOX,
Alexandria, VA, 35 years of service.
 LIEUTENANT GEN. CLARENCE "MAC" MCKNIGHT,
McLean, VA, 35 years of service.
 LIEUTENANT GEN. WILLIAM MORTENSEN,
Southport, NC, 35 years of service.
 LIEUTENANT GEN. RICHARD NEWTON (USAF),
McLean, VA, 33 years of service.
 LIEUTENANT GEN. DAVID OHLE,
Fairfax, VA, 35 years of service.
 LIEUTENANT GEN. NORMAN SEIP,
McLean, VA, 35 years of service.
 LIEUTENANT GEN. STEPHEN SPEAKES,
Cibola, TX, 34 years of service.
 LIEUTENANT GEN. MITCHELL H. STEVENSON,
Fairfax, VA, 35 years of service.
 LIEUTENANT GEN. THEODORE STROUP,
Arlington, VA, 35 years of service.
 LIEUTENANT GEN. GUY SWAN,
Arlington, VA, 35 years of service.
 LIEUTENANT GEN. ROSS C. THOMPSON,
Alexandria, VA, 35 years of service.
 LIEUTENANT GEN. DAVID VALCOURT,
Potomac, MD, 35 years of service.
 LIEUTENANT GEN. DAVID WEISMAN,
Fort Lee, VA, 35 years of service.
 MAJOR GEN. VINCENT BOLES,
Huntsville, GA, 34 years of service.
 MAJOR GEN. GUY BOURNE,
Arlington, VA, 33 years of service.
 MAJOR GEN. JAMES CHAMBERS,
San Antonio, TX, 32 years of service.
 MAJOR GEN. JOHN DEYERMOND,
Pelham, NH, 32 years of service.
 MAJOR GEN. JANNETTE EDMUNDS,
Alexandria, VA, 33 years of service.
 MAJOR GEN. WILLIAM N. FARMEN,
Fairfax, VA, 34 years of service.

MAJOR GEN. YVES FONTAINE,
Rock Island, IL, 33 years of service.

MAJOR GEN. JERRY HARRISON,
Manassas, VA, 33 years of service.

MAJOR GEN. DUANE JONES (USAF),
Denver, CO, 32 years of service.

MAJOR GEN. THOMAS KANE (USAF),
Purchase, NY, 34 years of service.

MAJOR GEN. MICHAEL LALLY,
Bothell, WA, 33 years of service.

MAJOR GEN. KEVIN LEONARD,
Greenville, SC, 33 years of service.

MAJOR GEN. LARRY LUST,
Olathe, KS, 33 years of service.

MAJOR GEN. JOHN MACDONALD,
Arlington, VA, 34 years of service.

MAJOR GEN. TIMOTHY MCHALE,
Alexandria, VA, 34 years of service.

MAJOR GEN. JOHN MCMAHON,
Seoul, South Korea, 32 years of service.

MAJOR GEN. HAMP MCMANUS,
Fort Mill, SC, 32 years of service.

MAJOR GEN. NORDIE NORWOOD (USAF),
Alexandria, VA, 33 years of service.

MAJOR GEN. ROBERT RADIN,
Charleston, SC, 34 years of service.

MAJOR GEN. JAMES ROGERS,
Huntsville, GA, 32 years of service.

MAJOR GEN. BRUCE C. SCOTT,
Alexandria, VA, 33 years of service.

MAJOR GEN. RANDY STRONG,
Washington, DC, 33 years of service.

MAJOR GEN. KEITH THURGOOD,
Washington, DC, 32 years of service.

BRIGADIER GEN. STEVEN M. ANDERSON,
Arlington, VA, 31 years of service.

BRIGADIER GEN. STEPHEN C. CHENEY,
Washington, DC, 33 years of service.

BRIGADIER GEN. THOMAS DICKINSON,
Atlanta, GA, 30 years of service.

BRIGADIER GEN. BARBARA DOORNINK,
Alexandria, VA, 30 years of service.

BRIGADIER GEN. ROBERT FLOYD,
Fairfax, VA, 32 years of service.

BRIGADIER GEN. WILLIAM FORRESTER,
Huntsville, GA, 31 years of service.

BRIGADIER GEN. URI FRENCH,
Fairfax, VA, 30 years of service.

BRIGADIER GEN. REBECCA HALSTEAD,
Charlottesville, VA, 30 years of service.

BRIGADIER GEN. JEFFREY HORNE,
Alexandria, VA, 32 years of service.

BRIGADIER GEN. MICHAEL KELLEHER,
Atlanta, GA, 30 years of service.

BRIGADIER GEN. THOMAS LANDWERMAYER,
Clifton, VA, 33 years of service.

BRIGADIER GEN. ANN McDONALD,
Arlington, VA, 29 years of service.

BRIGADIER GEN. DAVID REIST (USMC),
Alexandria, VA, 31 years of service.

BRIGADIER GEN. GUY SANDS,
Alexandria, VA, 32 years of service.

BRIGADIER GEN. DOUGLAS SATTERFIELD,
Washington, DC, 31 years of service.

BRIGADIER GEN. E.J. SINCLAIR,
Huntsville, GA, 32 years of service.

BRIGADIER GEN. PAUL WENTZ,
Dallas, TX, 32 years of service.

Mr. BARBER. Here is my take on this. Border security priority No. 1 with me. It has to be because the people I represent still don't feel safe on their land. Anything that we do to impair the ability of Border Patrol to do their job is not okay with me.

That said, I hope that protecting the environment and protecting our homeland are not mutually exclusive. It doesn't have to be, I believe, an either-or situation. The challenges may be difficult for us to work out, but I hope we can.

Priority No. 1 is border security. Border Patrol needs to have access. Local law enforcement needs to have access to chase the bad guys and to capture the bad guys.

I hope that when all is said and done that we will find a way for you to be able to do your job and your members' job, Mr. Judd and Sheriff Garrison the same for you and your deputy sheriff associates. So while we have I think it appears, have had some difficulties and challenges with implementing these MOUs, we need to find a way to resolve them.

I want to associate myself with Mr. O'Rourke when he says that you know if you see a challenge where people are stopping you or delaying you from getting onto these lands, we need to know about it. Because I will fight tooth and nail to make sure you get what you need, because border security is very important to me and to the people I represent and to the homeland.

With that, I yield back. Thank you, Mr. Chairman.

Mr. DUNCAN. All right. Thank the Ranking Member.

The Chairman will recognize Mr. O'Rourke for 5 minutes.

Mr. O'ROURKE. Thank you, Mr. Chairman. I want to follow up on the spirit of the hearing, as you stated, to find the facts and make sure that we understand the situation.

For Mr. Judd, the El Paso sector within which is this new National monument. Tell us how big that sector is, from where to where east to west.

Mr. JUDD. Wow. That is a very large sector. We are talking all of New Mexico extending into Texas going all the way over to the Big Bend area. It is a huge sector.

Mr. O'ROURKE. How many miles if you had to guess—

Mr. JUDD. I—

Mr. O'ROURKE [continuing]. From point to point?

Mr. JUDD. Honestly, I really couldn't guess. But I will tell you. I believe land-wise I believe it is the biggest sector and it is the biggest sector by a large margin on the Southwest Border.

Mr. O'ROURKE. Yes. I also understand and believe it is the largest sector in El Paso, along with Ciudad Juárez on the other side, it was mentioned earlier by the sheriff, form the largest binational community. If you take Doña Ana County and you take El Paso County and you take Ciudad Juárez we are talking about 3 million

people there; 22 million legitimate, legal, proper documents crossings at the El Paso ports of entry every year.

From 2008 to 2013 there were fewer than 12,000 apprehensions per year in that entire sector, which we have agreed is the largest sector with the largest population base next to one of the largest cities in Mexico. We heard this from one of our experts earlier that by way of contrast, in the early 1980s to early 1990s we saw somewhere around 230,000 apprehensions per year.

So it is safe, I think relative to other parts of the border. It is safe relative to where it was 20 or 30 years ago. It is safe relative to Washington, DC, to South Carolina, to Arizona. Pick a point in this country. El Paso and the El Paso sector are the safest part of the country.

I am sorry that you have constituents who don't feel comfortable leaving their kids at home. Hopefully their kids are at an age where they—you know it is okay to leave them at home. But you know El Paso is a place where you can do that.

So I want to make sure, because we have been the recipient of so much bad public policy based on bad information and misplaced fears and anxiety, sometimes purposefully, sometimes unwittingly stoked from Washington, DC, when really the truth and the facts should prevail and determine what we do.

The facts as I understand them are El Paso and the El Paso sector in Doña Ana, thanks to the great sheriff we have there, are among the safest places in the country. We have record low apprehensions in that area.

We are not taking down any Border Patrol or law enforcement facilities that are on this land. We are not transferring this land from local, county, or State control to Federal control. It is going from Federal to Federal.

Access, which I have heard from the sheriff and Mr. Judd, are the biggest issues. As far as I can tell there is no change in the access today.

So this ridiculous proposition that we are somehow going to take this land away from Border Patrol access and give it to cartel access is just completely false and ridiculous. There is absolutely no truth to it.

Let me read this. This comes directly from CBP's commissioner, January of this year. "Throughout the entire buffer zone CBP can operate motor vehicles, build infrastructure—build new infrastructure, and carry out other activities as it would on any non-wilderness Bureau of Land Management Land."

Furthermore, the southernmost tip of the monument that we are talking about today is 50 miles away from this very safe border relative to other parts of the border.

So again, I appreciate the legitimate concern about protecting the homeland. I want to make sure that we operate with the facts. When we don't we get things like SBI where we spend a billion-plus dollars on a solution that doesn't work to patrol a part of the border that we do. The Arizona High Tech Border Initiative with these fixed towers, hundreds of millions of more wasted.

When we should be supporting the men and women of the Border Patrol and law enforcement and allowing them access, which we are going to do, and making sure that we make the best evidence

and fact-based decisions. Based on the facts that we have today, we do not have a problem.

Should we have one, Mr. Judd and Sheriff Garrison, as my colleague has said here, come to us. We will be your strongest and most forceful advocates to ensure that any access that has been denied is reopened. But I do not see a problem based on the evidence today.

With that, I yield back. Thank you.

Mr. DUNCAN. I thank the gentleman. Gentleman yields back.

I recognize Mr. Bishop for 5 minutes.

Mr. BISHOP. Thank you.

Let me just ask two questions of Mr. Judd and then show a map and give the quotes from the retired sector chief that is down there who is now teaching, and then go through what I think is the basis of the issue.

So first of all, Mr. Judd, I was at a meeting—panel with a member of the Center for Biological Diversity, University of Arizona, who said that we should not allow greater access to the Border Patrol because the Border Patrol would devastate this special land. How would you react to that?

Mr. JUDD. It is upsetting.

Mr. BISHOP. That is a good-enough word.

Let me do a second one. I should never ask a question without knowing the answer, but I am going to do it this time. If a Border Patrol Agent complains about the land manager, what impact does that have on the future and the career of the Border Patrol Agent?

Mr. JUDD. It depends—the level of the agent. I have seen some very, very good managers. In fact I am currently fighting to keep the job of a very good manager that when they voice their opinion they lose their job.

I am very concerned any time that I am testifying in a hearing with a high-level manager because they can only say what the administration wants them to say, whether that is a Republican administration, whether that is a Democratic administration. They have to stick to the line that the administration wants them to say.

Mr. BISHOP. That is an overriding problem that we have had in—unless you talk to people who are retired or sometimes the union.

I think the map here says something significant as we are talking about what Border Patrol can and cannot do. The red is public lands. The white is private property.

So when we are talking about Texas, you don't have a whole lot of public lands there that are making a difference here. In New Mexico it is almost all public land. It is not just the monument that will be created. There is also a wilderness study area underneath that monument that has the same restrictions as the monument will have.

Once again, the monument has to be reorganized. The bottom line is the issue of what we are going to do with those public lands.

Let me give a quote from the retired sector chief that was there when he said, "This leads me to believe there is nothing in the MOU that guarantees anything to the Border Patrol."

"We need to learn from our previous mistakes of designating protected land anywhere near the border. Those protected lands just

become a conduit for transnational criminal organizations every time and in every place.”

“Only a person who does not care about the border security would even consider designating or expanding a protected area near the international border,” which was seen in the Pearce bill, which provided a patrol access buffer. It was seen in the Senate bill where both Senators provided a patrol access border area.@

It was not done in the President’s declaration. Therein lies the potential problem. The President did not do that. Had the President actually gone through the NEPA process, as we talked about before, in which he invited public comment, these are the kinds of comments that should have been taken and should have been part of that particular declaration.

So what is necessary in this area to ensure future viability is: No. 1, there needs to be patrol access. Not just emergency, exigent circumstances, but patrol access. It needs to be for the Border Patrol and for local government.

The Senate Democrats had that concern. They recognized it. The President did not. That becomes the significant aspect that needs to as we go forward.

If you are going to make sure that this area is going to be protected in the future, you need that kind of designation, and you need it to be done legislatively, because right now it is done by an MOU that has been in place for what, 12, 8 years now? There are documents after documents, including a GAO report which shows all the problems that have taken place with the conflicts between that.

Homeland Security, I am sorry, is at a disadvantage in this MOU. The MOU should definitely be redone and redone significantly. There is I think abundant evidence to illustrate that.

I am rambling on again here. I apologize for that. But I stayed under the 2 minutes. I am done. I yield back.

Mr. DUNCAN. I thank the gentleman.

Mr. Salmon is recognized for 5 minutes.

Mr. SALMON. Well thank you. Actually I just—I believe I would like to make a couple points.

First of all, I think that our job as overseers of public policy is to make sure that we at least provide a mechanism to make sure that we do get it right. I don’t like the idea of waiting until we have a crisis to come back and try to fix the problem.

I think that the gentleman from Utah has made some very, very important and cogent comments about our role. Our role is not to leave it to chance. Our role isn’t to, you know, pass the buck onto somebody else. Our role is to try to get it right.

We represent the people. We are the people’s House. We have seen in the Arizona, comparable to the New Mexico National designated lands, that we have had some severe problems with trash and with things that have screwed up the environment. I think it is just prudent for us to make sure that we have a mechanism to provide our law enforcement the ability to do their jobs.

I think that is being good stewards of the environment. I think it is also being good stewards of our border. So I would just like to echo the comments made by the gentleman from Utah. I think

that is a very modest proposal. I think it is reasonable. I would encourage the Obama administration to take those things to heart.

I yield back.

Mr. DUNCAN. I thank the gentleman.

I want to thank the witnesses for their valuable testimony and the Members for their questions. The Members of the subcommittee may have some additional questions for the witnesses, and we ask you to respond to these in writing.

I hope you are right, Mr. O'Rourke. I would love to see the El Paso best practices put in place in Brownsville and in McAllen and elsewhere, areas that aren't as safe as El Paso. If it works in El Paso, let's make it work other places.

I hope that Organ Mountain doesn't follow the Organ Pipe National Monument example. So we are going to continue to oversight. I think that is the responsible act of Congress and I think that is why this hearing was so important for us today.

I want to thank the other Members of Congress for participating, because I know it is a vested concern for the folks in Arizona, and the gentleman that understands National parks and National monuments has a vested concern for the Nation.

So that will conclude this subcommittee hearing. Without objection the subcommittee will stand adjourned.

[Whereupon, at 4:56 p.m., the subcommittee was adjourned.]

APPENDIX I

STATEMENT OF JOHN CORNELL ON BEHALF OF THE NEW MEXICO WILDLIFE FEDERATION

JULY 10, 2014

Chairman McCaul and Ranking Member Thompson, my name is John Cornell and I am a sportsman organizer for the New Mexico Wildlife Federation. I am submitting this statement for today's hearing on behalf of the 19,000 New Mexico sportsmen and sportswomen we represent.

The New Mexico Wildlife Federation was established in 1914 by Aldo Leopold and other conservation-minded sportsmen concerned about the future of hunting and fishing in our State. Our organization helped rebuild decimated populations of elk, antelope, bighorn sheep, and wild turkeys. We convinced our State Legislature to create a professional, apolitical Department of Game and Fish to manage our wildlife. We helped establish the world's first wilderness area, the Gila Wilderness. Over the course of a century we have remained true to our roots, working to protect New Mexico's wildlife, habitat, and our hunting and fishing traditions.

Sportsmen in southern New Mexico have been involved in discussions about protecting crucial hunting areas around Las Cruces for more than 20 years. In the early 1980s, the Bureau of Land Management identified wilderness study areas in the region including the Potrillo Mountains, Robledo Mountains, Organ Mountains, and Sierra de Las Uvas. Many of our members who grew up in Las Cruces learned to hunt in these areas and knew them inside and out, including where they were likely to find dove, quail, mule deer, javelina, and the occasional pronghorn antelope.

Most hunters embraced the idea of permanently protecting these areas to ensure that future generations could hunt, hike, and camp on public lands close to Las Cruces, which today is New Mexico's second-largest city. We did have concerns about access to some of the areas, but after working with the offices of then-Senators Pete Domenici and Jeff Bingaman the wilderness proposal was amended to our satisfaction.

After many years of trying unsuccessfully to get wilderness designation for these areas through Congress, sportsmen agreed to push instead for a National monument. We helped shape the monument proposal, as well, working with other stakeholders to craft a plan that had wide-spread support in our community. We supported the National monument legislation introduced by Sens. Tom Udall and Martin Heinrich, and applauded the decision by President Obama to use his Executive authority to designate Organ Mountains-Desert Peaks National Monument in May.

Border security is not our field of expertise, but after attending more than 20 years of meetings about all aspects of the wilderness and monument proposals, sportsmen have not yet heard anything that convinces us border security will be compromised by designation of Organ Mountains-Desert Peaks National Monument. Claims have been raised about how the monument could limit access by law enforcement agents and increase illegal activity, but after listening to both sides in the discussion we believe those concerns have been fully answered by the U.S. Customs and Border Patrol.

Furthermore, those of us who actually drive these roads and hike the hills and valleys know how tough the monument area is and what kind of activity occurs there. We spend more time in that country than any other group and know from decades of experience that illegal border activity is not an issue. Unlike some portions of the U.S.-Mexico border, sportsmen around Las Cruces have no fear about camping, hiking, and hunting in the areas that are now part of Organ Mountains-Desert Peaks National Monument. When representatives of the U.S. Customs and Border Patrol say the agency can protect the integrity of our border, we believe them.

In summation, sportsmen in southern New Mexico strongly support designation of the Organ Mountains-Desert Peaks National Monument because it will protect areas that we have hunted in for generations. We do not have any concerns about border security.

LETTER SUBMITTED BY HONORABLE RON BARBER

JULY 10, 2014.

The Honorable JEFF DUNCAN,
Chair, House Homeland Security Subcommittee on Oversight and Management Efficiency, H2-176 Ford House Office Building, Washington, DC 20515.

The Honorable RON BARBER,
Ranking Member, House Homeland Security Subcommittee on Oversight and Management Efficiency, United States House of Representatives, Washington, DC 20215.

DEAR CHAIRMAN DUNCAN AND RANKING MEMBER BARBER: The Wilderness Society, on behalf of our over 500,000 members and supporters from across the country, would like to submit the following testimony to be entered into the record for the July 10, 2014, hearing entitled “The Executive Proclamation Designating the Organ Mountains-Desert Peaks a National Monument: Implications for Border Security.”

The Wilderness Society supports the protection of the Organ Mountains-Desert Peaks and President Obama’s proclamation protecting the area as a national monument. The President’s proclamation came as a direct response to requests from the local community to protect the area as a national monument as part of over a decade of local input.

The decision to protect the Organ Mountains-Desert Peaks area as a national monument was not arrived to in haste and has been thoroughly vetted by the local community. The effort to officially protect this stunning landscape began with former Senator Jeff Bingaman almost a decade ago and was continued by Sens. Tom Udall and Martin Heinrich. During the process of crafting the legislation, the community was substantially involved and key stakeholders—including law enforcement and border experts—were consulted and offered opportunities to provide input. The local community strongly supported the Senators efforts to protect the area as a national monument, with polling consistently showing almost 3 out of 4 local residents supportive of the proposal. Protecting the area as a national monument has also been endorsed by over 200 local businesses as well as numerous local governments including the Doña Ana County Commission, and the city and town councils of Las Cruces, El Paso, and Mesilla.

The President’s proclamation creating the Organ Mountains-Desert Peaks National Monument was created based on this widely supported and locally-driven legislation. Polling conducted following the President’s proclamation showed that New Mexico residents continue to support protecting the area, with 75% of residents supportive of the President’s action.

I was involved with the effort to protect this area for several years and personally grew up hiking and exploring these public lands, and this new monument status preserves the outdoor heritage of the area and ensures continued access for hunting, grazing, and outdoor recreation. I personally witnessed the substantial public involvement that went into creating the Organ Mountains-Desert Peaks National Monument, a decision that will boost southern New Mexico’s economy and protect our culture and way of life for generations to come.

While The Wilderness Society is not an expert on border security, we can defer to those who are. U.S. Customs and Border Protection—the agency responsible for patrolling and securing our border—sent a letter to Senator Heinrich thanking him for his border security efforts in the legislation and stating “the provisions of this bill would significant enhance the flexibility of U.S. Customs and Border Protection to operate in this border area”. Following the President’s proclamation U.S. Customs and Border Protection reiterated their position by issuing a statement saying that “this designation will in no way limit our ability to perform our important border security mission, and in fact provides important flexibility as we work to meet this on-going priority . . . CBP is committed to continuing to work closely with the Department of the Interior and the U.S. Forest Service to maintain border security while ensuring the protection of the environment along the border.”

Additionally, the monument proclamation signed by President Obama clearly states, “Nothing in this proclamation shall be deemed to affect the provisions of the 2006 Memorandum of Understanding between the U.S. Department of Homeland Security, the U.S. Department of the Interior, and the U.S. Department of Agri-

culture regarding 'Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders'."

Local law enforcement officials such as Sheriff Raymond Cobos of Luna County, New Mexico, have already stated publicly that the Organ Mountains-Desert Peaks National Monument will not create security issues or hinder law enforcement personnel from doing their jobs. Third-party groups with national security expertise have also weighed in to support the national monument including the Vet Voice Foundation and Truman National Security Project. Additionally, on June 18th a letter praising the designation and refuting these false border security attacks was sent the President on behalf of 70 retired generals from various military branches.

There is not currently an issue in this area with illegal immigration and trafficking. According to the Albuquerque Journal, the Santa Teresa station of Border Patrol's El Paso Sector apprehended only 13 illegal immigrants south of the Potrillo Mountains in Fiscal Year 2009. This was 0.1 percent of the 14,999 total apprehensions in the El Paso Sector, which covers the entire state of New Mexico and the two western-most counties in Texas. In the same year the Tucson sector had 241,673 apprehensions. Comparing this sector to the Tucson sector would be inaccurate and misleading. The area south of the Potrillos has been protected as a Wilderness Study Area since the Reagan administration and nothing in this designation will change the ability of U.S. Customs and Border Protection to conduct their current level of security activities. The fact is, this region has never been a major security risk and nothing in the management plan for the newly designated national monument will change this reality.

The Organ Mountains-Desert Peaks National Monument protects incredible scenic, natural, and historic sites including the petroglyph-lined canyons of the Sierra de las Uvas Mountains and the sites of numerous well-known western historical figures and events including Billy the Kid, Geronimo, and the Camino Real and Butterfield Stage Coach Trails. Protecting this area as a national monument was a victory for the local community.

Over the course of the past decade the community has worked with then-Senator Jeff Bingaman and Senators Tom Udall and Martin Heinrich to arrive upon a consensus for appropriate boundaries that adequately protect the natural and cultural areas important to the community while maintaining security and access for ranching, law enforcement and other existing uses. The community has also had the opportunity to discuss the proposal with Interior Secretary Sally Jewell during a public meeting in January 2014 attended by nearly 1,000 local residents. This local input process resulted in an overwhelmingly locally-supported proposal that is endorsed by the local elected officials responsible for the well-being of local constituents as well as the agency responsible for securing our border.

This overwhelming local support and statements of support from the U.S. Customs and Border Protection, Truman National Security Project, Vet Voice Foundation, military leaders, and relevant local governments including the Doña Ana County Commission would be impossible if this action were in any way detrimental to the safety and security of our border and local communities.

Efforts to use false border security "concerns" are a transparent attempt to use fear-mongering tactics as a way to attack a locally-driven conservation victory. We urge this committee to respect the analysis of U.S. Customs and Border Protection and wishes of the local community by refusing to engage in unnecessary and inflammatory rhetoric based on false arguments.

Sincerely,

MICHAEL CASAUS,
New Mexico Director, The Wilderness Society.

APPENDIX II

QUESTIONS FROM RANKING MEMBER BENNIE G. THOMPSON FOR BRANDON JUDD

Question 1a. Mr. Judd, how many Border Patrol Agents from the El Paso Sector are assigned to patrol the Organ Mountains-Desert Peaks Monument?

Answer. Response was not received at the time of publication.

Question 1b. Should the number of existing agents either be increased or decreased, and why?

Answer. Response was not received at the time of publication.

Question 2a. Is there a specific Border Patrol station in the El Paso Sector that is significant in protecting the Organ Mountains-Desert Peaks Monument?

Answer. Response was not received at the time of publication.

Question 2b. Does the designation of the National monument call for increased resources from the El Paso Sector to facilitate border security?

Answer. Response was not received at the time of publication.

Question 3. How does the President's designation differ from other legislative proposals that have been offered by Representative Pearce who introduced H.R. 995, and by Senators Heinrich and Udall who introduced S. 1805?

Answer. Response was not received at the time of publication.

Question 4. Can the Border Patrol's law enforcement's efforts at the Organ Mountains-Desert Peaks National Monument be influenced by the Department of Interior's management of the monument under its general authorities, including those in the Federal Land Policy and Management Act of 1976?

Answer. Response was not received at the time of publication.

Question 5. New Mexico and Arizona do not have the same issues in managing illegal border crossings, especially on Federal lands, yet the difference in attempted border crossings has been stated otherwise. What evidence can be presented to the committee to indicate that New Mexico, specifically the Organ Mountains-Desert Peaks National Monument is at risk for increased illegal border crossings and other activities?

Answer. Response was not received at the time of publication.

Question 6. How does the President's designation affect border security in the Organ Mountains-Desert Peaks region?

Answer. Response was not received at the time of publication.

Question 7. How does border security in southern New Mexico compare to other regions of the Southwest Border?

Answer. Response was not received at the time of publication.

Question 8. How might the establishment of the Organ Mountains-Desert Peaks National Monument influence the southbound movement of money and weapons into Mexico?

Answer. Response was not received at the time of publication.

Question 9a. How does the designation of the Organ Mountains-Desert Peaks National Monument affect the level of interagency cooperation necessary to patrol the land it includes?

Answer. Response was not received at the time of publication.

Question 9b. Or, will the monument's designation improve, impede, or have no impact on fostering interagency efforts between DHS and the Departments of Agriculture and the Interior?

Answer. Response was not received at the time of publication.

Question 10. In what way might the designation of the Organ Mountains-Desert Peaks National Monument further limit the cross-deputization of Federal agents?

Answer. Response was not received at the time of publication.

Question 11. Are there particular environmental protections or rules granted by Organ Mountains-Desert Peaks' designation as a monument that could constrain the Border Patrol's activity in the area?

Answer. Response was not received at the time of publication.

QUESTIONS FROM RANKING MEMBER BENNIE G. THOMPSON FOR TODD GARRISON

Question 1. Sheriff Garrison, in what ways might the designation of the Organ Mountains-Desert Peaks National Monument change the policing environment in this area?

Answer. From the beginning, our agency has asked for clarification on this very subject. My answer to this is: I do not know yet. I have asked to meet with Senators Heinrich and Udall to ensure that our agency will continue to have unfettered access to the areas that we currently patrol—up to and including the monument area.

Question 2. Sheriff Garrison, how were local and State law enforcement agencies able to patrol the area prior to the lands' designation as a National monument?

Answer. The Doña Ana County Sheriff's Office has a patrol division and a special projects division that utilized motorized vehicles and off-road ATVs to properly patrol the area and monitor for cross-border illegal activity. Our access to these areas is critical to monitor this activity; historically we know that what affects our county today will affect other areas in the United States within 24 hours.

Question 3. How does the President's designation differ from other legislative proposals that have been offered by Representative Pearce who introduced H.R. 995, and by Senators Heinrich and Udall who introduced S. 1805?

Answer. Geography is the best example of the differences between both proposals. Originally, Rep. Pearce suggested the Organ Mountains—the spherical, iconic peaks that have been used in video campaigns for this designation—desperately needed to be protected from further development. No one has disputed this. Since that proposal, Senators Heinrich and Udall have taken the Organs and added to them every other mountain range in Doña Ana County: The Robledos, the Las Uvas, the Potrillos, and the Doña Ana mountains. Most of those areas fall within our jurisdiction, but we have not been included in any of the discussions on how the monument designation would affect our agency's ability to continue protecting the public. The Potrillos already enjoyed a wilderness designation—the highest level of protection you can give to an area from public access.

Question 4. Can the Border Patrol's law enforcement efforts at the Organ Mountains-Desert Peaks National Monument be influenced by the Department of Interior's management of the monument under its general authorities, including those in the Federal Land Policy and Management Act of 1976?

Answer. Response was not received at the time of publication.

Question 5. New Mexico and Arizona do not have the same issues in managing illegal border crossings, especially on Federal lands, yet the difference in attempted border crossings has been stated otherwise. What evidence can be presented to the committee to indicate that New Mexico, specifically the Organ Mountains-Desert Peaks National Monument is at risk for increased illegal border crossings and other activities?

Answer. As was presented to the House Homeland Security Subcommittee on Oversight and Management Efficiency on July 10, 2014, our agency has intercepted many pieces of evidence that suggests illegal cross-border activity is still a very real problem in the desert areas we patrol in Doña Ana County. We have every reason to believe that this monument designation will provide an unmonitored corridor for this type of activity to skyrocket, much as it has done in Arizona in the Organ Pipe Cactus National Monument. Why would it not? This is what everyone on the southern side of the U.S./Mexico border wants: A straight shot into the United States that is free from law enforcement security.

Question 6. How does the President's designation affect border security in the Organ Mountains-Desert Peaks region?

Answer. See question 1. I can say that without the ability to effectively patrol this border area (with unfettered access), all one has to do is look at what is currently happening in the other border designated areas in TX and AZ. I believe this designation would be no different; we will experience the same problems.

Question 7. How does border security in southern New Mexico compare to other regions of the Southwest Border?

Answer. Our proximity to Ciudad Juárez, Mexico is one very real difference. Once ranked as the most dangerous city in the world, we have been proactive in maintaining front-line patrols in our desert regions to prevent cross-border fallout from that part of Mexico. We also have private ranches along the U.S./Mexico border that have been impacted by illegal cross-border criminal activity.

Question 8. How might the establishment of the Organ Mountains-Desert Peaks National Monument influence the southbound movement of money and weapons into Mexico?

Answer. Response was not received at the time of publication.

Question 9. How does the designation of the Organ Mountains-Desert Peaks National Monument affect the level of interagency cooperation necessary to patrol the land it includes?

Or, will the monument's designation improve, impede, or have no impact on fostering interagency efforts between DHS and the Departments of Agriculture and the Interior?

Answer. Response was not received at the time of publication.

Question 10. In what way might the designation of the Organ Mountains-Desert Peaks National Monument further limit the cross-deputization of Federal agents?

Answer. Response was not received at the time of publication.

Question 11. Are there particular environmental protections or rules granted by Organ Mountains-Desert Peaks' designation as a monument that could constrain the Border Patrol's activity in the area?

Answer. Response was not received at the time of publication.

Question 12. Given that the Organ Mountains-Desert Peaks monument designation does not greatly alter the on-going management of these Federal lands, and the monument's southern boundary is about 5 miles from the United States' border with Mexico []

Answer. I'm not sure what this question is asking? However, please do not be fooled by the 5-mile expanse from the border to the monument, this will not make things better. As it is now, people are able to cross the border and can easily drive or be driven to the boundary of the monument from El Paso, TX, "one of the safest cities around", as stated by Congressman Beto O'Rourke.

Using GPS, a low-flying ultra-light can easily drop a load of drugs in the desert which is then picked up and carried to its destination.

A load of people can be driven to the boundary of the monument and then walk, crossing the monument to their destination.

The real problem is without active patrols in the monument, criminals will continue to be the ones with unfettered access and the 5-mile buffer will stop nothing.

QUESTIONS FROM RANKING MEMBER BENNIE G. THOMPSON FOR MARC R. ROSENBLUM

Question 1a. Dr. Rosenblum, how might the establishment of the Organ Mountains-Desert Peaks National Monument influence the threat posed by transnational criminal organizations smuggling drugs into the United States?

In what ways might the monument's designation make it either easier or more difficult for transnational criminal organizations to smuggle drugs or other contraband into the United States?

Answer. Response was not received at the time of publication.

Question 1b. Would Mexican transnational criminal organizations experience either an advantage or disadvantage as a result of the monument?

Answer. Response was not received at the time of publication.

Question 2. Dr. Rosenblum, how could the Organ Mountains-Desert Peaks National Monument potentially affect the actions of Mexican transnational criminal organizations?

Answer. Response was not received at the time of publication.

Question 3. How does the President's designation differ from other legislative proposals that have been offered by Representative Pearce who introduced H.R. 995, and by Senators Heinrich and Udall who introduced S. 1805?

Answer. Response was not received at the time of publication.

Question 4. Can the Border Patrol's law enforcement's efforts at the Organ Mountains-Desert Peaks National Monument be influenced by the Department of Interior's management of the monument under its general authorities, including those in the Federal Land Policy and Management Act of 1976?

Answer. Response was not received at the time of publication.

Question 5. New Mexico and Arizona do not have the same issues in managing illegal border crossings, especially on Federal lands, yet the difference in attempted border crossings has been stated otherwise. What evidence can be presented to the committee to indicate that New Mexico, specifically the Organ Mountains-Desert Peaks National Monument is at risk for increased illegal border crossings and other activities?

Answer. Response was not received at the time of publication.

Question 6. How does the President's designation affect border security in the Organ Mountains-Desert Peaks region?

Answer. Response was not received at the time of publication.

Question 7. How does border security in southern New Mexico compare to other regions of the Southwest Border?

Answer. Response was not received at the time of publication.

Question 8. How might the establishment of the Organ Mountains-Desert Peaks National Monument influence the southbound movement of money and weapons into Mexico?

Answer. Response was not received at the time of publication.

Question 9. How does the designation of the Organ Mountains-Desert Peaks National Monument affect the level of interagency cooperation necessary to patrol the land it includes?

Or, will the monument's designation improve, impede, or have no impact on fostering interagency efforts between DHS and the Departments of Agriculture and the Interior?

Answer. Response was not received at the time of publication.

Question 10. In what way might the designation of the Organ Mountains-Desert Peaks National Monument further limit the cross-deputization of Federal agents?

Answer. Response was not received at the time of publication.

Question 11. Are there particular environmental protections or rules granted by Organ Mountains-Desert Peaks' designation as a monument that could constrain the Border Patrol's activity in the area?

Answer. Response was not received at the time of publication.

