

<DOC>

[106 Senate Hearings]

[From the U.S. Government Printing Office via GPO Access]

[DOCID: f:63522.wais]

S. Hrg. 106-441

THE NEED FOR ADDITIONAL BORDER PATROL AT THE NORTHERN AND SOUTHERN
BORDERS

=====

HEARING

before the

SUBCOMMITTEE ON IMMIGRATION

of the

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

on

THE NEED FOR ADDITIONAL BORDER PATROL AT THE NORTHERN AND SOUTHERN
BORDERS OF THE UNITED STATES TO FURTHER DETER ILLEGAL IMMIGRATION AND
DRUG SMUGGLING

APRIL 27, 1999

Serial No. J-106-20

<SNOWFLAKE>

U.S. GOVERNMENT PRINTING OFFICE

63-522 CC

WASHINGTON : 2000

Printed for the use of the Committee on the Judiciary

SENATE COMMITTEE ON THE JUDICIARY

ORRIN G. HATCH, Utah, Chairman

STROM THURMOND, South Carolina
CHARLES E. GRASSLEY, Iowa
ARLEN SPECTER, Pennsylvania
JON KYL, Arizona
MIKE DeWINE, Ohio
JOHN ASHCROFT, Missouri
SPENCER ABRAHAM, Michigan
JEFF SESSIONS, Alabama
BOB SMITH, New Hampshire

PATRICK J. LEAHY, Vermont
EDWARD M. KENNEDY, Massachusetts
JOSEPH R. BIDEN, Jr., Delaware
HERBERT KOHL, Wisconsin
DIANNE FEINSTEIN, California
RUSSELL D. FEINGOLD, Wisconsin
ROBERT G. TORRICELLI, New Jersey
CHARLES E. SCHUMER, New York

Manus Cooney, Chief Counsel and Staff Director

Bruce A. Cohen, Minority Chief Counsel

Subcommittee on Immigration

SPENCER ABRAHAM, Michigan, Chairman

ARLEN SPECTER, Pennsylvania
CHARLES E. GRASSLEY, Iowa
JON KYL, Arizona

EDWARD M. KENNEDY, Massachusetts
DIANNE FEINSTEIN, California
CHARLES E. SCHUMER, New York

Lee Liberman Otis, Chief Counsel

Melody Barnes, Minority Chief Counsel

(ii)

C O N T E N T S

STATEMENTS OF COMMITTEE MEMBERS

	Page
Abraham, Hon. Spencer, U.S. Senator from the State of Michigan...	1
Grassley, Hon. Charles E., U.S. Senator from the State of Iowa...	4
Kyl, Hon. Jon, U.S. Senator from the State of Arizona.....	4, 6
Feinstein, Hon. Dianne, U.S. Senator from the State of California	11

Schumer, Hon. Charles E., U.S. Senator from the State of New York 21

CHRONOLOGICAL LIST OF WITNESSES

Statement of Gus de la Vina, chief, U.S. Border Patrol,
 Immigration and Naturalization Service, Washington, DC..... 12

Panel consisting of Ron Sanders, chief, Chief Patrol Agents
 Association, U.S. Border Patrol, Tucson, AZ; Hon. Gail Griffin,
 State Representative, Sierra Vista, AZ; and Robert Lindemann,
 Senior Patrol Agent, Detroit Sector, and Union Steward,
 National Border Patrol Council, Detroit, MI..... 27

ALPHABETICAL LIST AND MATERIAL SUBMITTED

Griffin, Ms. Gail:
 Testimony..... 30
 Prepared statement..... 32

Kyl, Hon. Jon: Article from the Los Angeles Times: Migrants,
 Border Town Feel the Squeeze, dated Apr. 26, 1999..... 8

Lindemann, Robert E.:
 Testimony..... 33
 Prepared statement..... 34

Sanders, Ron:
 Testimony..... 27
 Prepared statement..... 29

de la Vina, Gus:
 Testimony..... 12
 Prepared statement..... 14

APPENDIX

Additional Submissions for the Record

Letter to Senator Abraham and Committee Members, from Les
 Thompson, Chairman, Cochise County, AZ, Board of Supervisors,
 dated Apr. 26, 1999..... 43

Public Law 104-208--Sept. 30, 1996: Title I, Subtitle A--Improved
 Enforcement at the Border, from 1996 Immigration Act (IRIIRA).. 45

Article by Michelle Mittelstadt, Associated Press: Border Patrol
 Won't Make Goal of Adding 1,000 Agents This Year, dated Apr.
 27, 1999..... 46

Various Articles to the Editor..... 49

THE NEED FOR ADDITIONAL BORDER PATROL AT THE NORTHERN AND SOUTHERN BORDERS

TUESDAY, APRIL 27, 1999

U.S. Senate,
Subcommittee on Immigration,
Committee on the Judiciary,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:30 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Spencer Abraham (chairman of the subcommittee) presiding.

Also present: Senators Grassley, Kyl, and Schumer.

OPENING STATEMENT OF HON. SPENCER ABRAHAM, A U.S. SENATOR FROM
THE STATE OF MICHIGAN

Senator Abraham. We will begin the hearing, and I welcome you all to this hearing on the U.S. Border Patrol and the need for additional personnel.

I apologize for our arrival time here. Senator Kyl and I were on the floor, as were most of the members of the Senate, to observe a moment of silence in tribute to and in remembrance of the students and teacher who were killed in Littleton, CO last week. We appreciate everybody's patience with us today, and I would just like to begin with a brief opening statement. Senator Kyl has a statement, I believe, as well, and if we are joined by other members, we will certainly provide them the opportunity to comment further.

Welcome to today's Senate Immigration Subcommittee hearing on the need for additional border patrol at the northern and southern borders. Illegal immigration and drug smuggling are serious problems in America. Our U.S. Border Patrol is the first line of defense to deter illegal entry. The job it does is critical.

In 1998, the Border Patrol made more than 1.5 million apprehensions. It also made more than 6,600 drug seizures that year, including 871,417 pounds of marijuana and 22,675 pounds of cocaine. Despite these efforts, according to the INS, there still are an estimated 250,000 or more new illegal immigrants in the United States each year. The majority come across our borders surreptitiously or otherwise. This is an intolerably high amount and I am committed, as I know this subcommittee is committed to provide the support required to bring it down.

In border communities and States like Arizona, Texas, and California, the impact of illegal immigration is felt more severely than anywhere else in the United States. One manifestation of this impact: people are entering the country illegally by racing across privately-owned property, sometimes in large numbers. The property owners have been seeking help from the Federal Government to prevent this kind of

trespassing, but to no avail. Like many other Americans, they want the Federal Government to do more to stop this illegal conduct, and they want that help as soon as possible.

This committee has tried to help, but in my judgment at least, the Administration has not done its part. Despite a specific mandate from this committee this year, the President has failed to request funding for a single additional border patrol agent, and in my judgment that is wrong.

Three years ago, Senator Kyl took the lead, and I supported his efforts through an amendment to the 1996 Immigration Bill to include a provision that mandated a net increase of 1,000 new border patrol agents a year in each of the following fiscal years through fiscal 2001. But in only one of those years, fiscal year 1999, did the President's budget even ask for the funds necessary to hire the required agents.

In response to that request, this year's appropriations bill includes enough money for 1,000 new net hires. Unfortunately, I am advised, that the INS apparently will not be able to meet this objective, this 1,000 net new agent mark by the end of the year. Furthermore, to repeat, the President's budget for the upcoming year, fiscal year 2000, does not request funds for a single new border patrol agent.

We will hear today from witnesses who will tell us what is happening on our southern border and the substantial problems people are confronting there every day. That is just one reason to increase the border patrol. The lack of adequate manpower is not a southern border problem alone. In Detroit, fewer than 20 border patrol agents in the Detroit sector are expected to be responsible for four large midwestern States: Michigan, Ohio, Indiana, and Illinois, an area covering hundreds of miles of border. This small number of border patrol agents also must assist INS investigators in responding to local law enforcement requests in these four States. In addition, overall there are fewer than 300 border patrol agents responsible for the nearly 4,000-mile-long border the United States shares with Canada.

I appreciate that this year the INS has announced that, for the first time in a decade, it will add an additional seven agents in Detroit as part of an increase of 22 agents at the northern border. It remains to be seen whether these agents will, in fact, materialize in light of the INS's difficulties in meeting the recruitment goals. However, even if they do, they will not even fully make up for the agents Detroit has lost over the last 10 years.

In any event, the small number of new agents is just a start, and in my judgment, just a drop in the bucket. I do not see how we can possibly expect our border patrol agents, no matter how hardworking they may be, to cover areas this immense with so little manpower. This is like having two referees for

the entire National Football League or one ticket taker for the entire University of Michigan football stadium.

Simply put, the time has come to add more border patrol agents. The time has also come to allocate a significant net increase in the number of agents on the northern border. Moreover, the additional agents at both borders must come with the additional vehicles and equipment essential for these agents to perform their vital functions. Attracting and retaining border patrol agents, particularly in a strong economy, is a challenge, and I understand that. The committee is interested in hearing more about the nature and the causes of difficulties with both.

I have heard reports of attrition rates of border patrol agents that are very alarming. Particularly in law enforcement where men and women are expected to confront dangerous situations, we do not want to lose officers just as they gain more experience and are at the peak of their performance. If that is where the problem lies, then it is time to solve it.

So today I am calling on the INS and the Office of Personnel Management to work together to establish a new salary structure for border patrol agents that is more comparable with those of other law enforcement agencies at the Federal level. There is ample support in Congress in providing the resources needed to hire more border patrol agents, and I have called this hearing today to find out what else we can do.

But even a very supportive Congress cannot force this approach on an unwilling administration. We need cooperation and solutions. With the President's cooperation, I am confident that we can recruit, hire, and retain the border patrol agents necessary to provide a much stronger deterrent to illegal immigration and the importation of illegal drugs.

Finally, let me just say that this is the subcommittee's first hearing this session to address border patrol hiring issues. I know I speak for many of my colleagues when I say that unless Congress begins to receive better answers and an indication of more progress from the Administration on this front, I do not think it will be our last. In fact, I can guarantee it will not be our last.

And I say all of this as a prelude to our first panel, and I want to make it very clear that I know I speak for the other members here that this subcommittee has great confidence in the men and women in the border patrol, from the top on down. The frustration we have is the problems continue to occur, as the incidents continue to occur, and as the constituent complaints continue to increase; and as Congress continues to try to do what we believe are the required steps for us to take to address the problem, it is extraordinarily frustrating to feel that we are not making any progress. And so what we are trying

to do today is to figure exactly why we cannot address this and what we need to do beyond what has already happened in order to do so.

So I hope we can have a good start here today and find out from both of our panels exactly what the nature of the problems are that we confront, as well as where we go from here, and certainly, as I said, this does not have to be by any means the last hearing on this topic if it does not prove to fully address or satisfy the concerns that we have.

And so with that said, let me turn--I see we have been joined also by Senator Grassley. So as the next ranking member, I will turn to you if you would like to make an opening statement, and then we will go to Senator Kyl, who I know has a statement.

STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE
STATE OF IOWA

Senator Grassley. I do not have a formal opening statement, and my State obviously is not on the border, as anybody who knows American geography can tell you. But what the border patrol does on the border affects who and what gets to my State, so I am interested in this hearing.

And from that standpoint, I point out that methamphetamine is a growing epidemic in areas of the midwest. Most of this drug is coming from Mexico, although too much of it is also produced in very dangerous homemade labs in the respective States. It has been a little difficult for us to get a handle on how and to what extent the cartels use illegal aliens to transport these drugs. I would like to get some idea from this hearing of how this process works, how the border patrol is involved in stopping it, and what if anything more needs to be done on our part to stop this illegal activity.

And then I would point to the fact that I had a hearing in the International Drug Caucus, which I chair, regarding corruption on the border, and Commissioner Meissner was very responsive in attending that hearing. The Border Patrol numbers have doubled in the last 4 years, and there is a major problem that was brought out in our hearing, that many new agents have had to be absorbed and promoted in such a short time that there are many people in posts of authority who have relatively little experience; and she was speaking obviously about INS, but we have also had a lot within the Border Patrol to absorb, and how is the agency dealing with this problem of lack of experience and training in supervisory positions.

So those might be some things that can be addressed at this hearing. Thank you.

Senator Abraham. Thank you very much, Senator Grassley.

Senator Kyl has been taking the lead on many of these issues for some time on the subcommittee and in the Senate in particular. As I indicated, I was the chief sponsor of the amendments which included in the 1996 legislation to increase the Border Patrol, and so I know he has considerable interest in this hearing and has been a major reason why we are here today, because we have been talking about it, and he has certainly been urging this committee to focus on these issues.

So I want to thank Senator Kyl for the leadership he has had on this and turn to him now for his statement.

STATEMENT OF HON. JON KYL, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator Kyl. Thank you. Mr. Chairman, I very much appreciate your willingness to hold this hearing to highlight the problems. I would like to ask unanimous consent that my statement be presented in the record, since I will deviate from that.

Senator Abraham. Without objection.

Senator Kyl. As well as a recent article from the Los Angeles Times about Douglas, AZ. It is entitled 'Migrant Border Towns Feel the Squeeze', and it describes the situation in some detail; and a member of our own state legislature, Gail Griffin, will be testifying more about that in a moment.

Also, to quickly acknowledge what you said, our concern about what is happening on the border has nothing to do with the quality of our Border Patrol and the fine agents and the other officials that assist on the border. They do a tremendous job under very difficult circumstances, and I know that they all appreciate the fact that they have the support of the Congress.

Let me quickly reiterate what you said, Mr. Chairman, about the amendment that you and I and Senator Feinstein sponsored that was added to the Immigration Bill of 1996 which called for--which mandates the addition of 1,000 agents for 5 years to try to build our strength up to the level that we need. President Clinton signed the bill and yet has requested the funding for the agents only once since the bill went into effect, and the current budget, as you point out, did not propose for any funding for increase either in Customs Service agents or Border Patrol agents. So it is going to be very difficult for us to find the funding in this year's bill to appropriate the money for the training of those agents.

In a recent Appropriations Committee hearing, INS Commissioner Doris Meissner confirmed that her original fiscal year 2000 budget request did, in fact, include the funding for the 1,000 agents, but the funding was rejected by the

President's budgeting office. Our Nation's drug czar, Barry McCaffrey, has often stated the need for 20,000 agents nationwide. In Tucson, AZ, Sector Chief Ron Sanders, who will testify today that the Chiefs Association supports 20,000 agents nationwide, the same as Barry McCaffrey.

A newly released study by the University of Texas Center for U.S.-Mexico Research said that 16,133 agents are needed on the southwestern border to effectively curtail illegal immigration and drug smuggling. That is just on the southwestern border. Now we have currently about half that many. Board Patrol strength is approximately 8,000 agents, so we have a long way to go.

The situation with respect to the U.S. Border Patrol is that it is responsible for 93 percent of INS's illegal immigrant apprehensions, and with respect to drugs coming into the United States in the 1998 fiscal year, the border patrol was responsible for 51 percent of total marijuana seized on the border, 36 percent of cocaine seized, and 25 percent of methamphetamine. Incidentally, last month 28,000 pounds of marijuana was seized, a record, just one month, just in the Tucson sector alone.

The State Department estimates that 60 percent of the cocaine entering the United States enters through the southwest border, and an estimated 16,000 lives are lost every year in the United States as a result of illegal drug use.

Mr. Chairman, two of the witnesses today, Ron Sanders and Gail Griffin, are going to testify about conditions on the Arizona border, and my statement here contains some material relative to that, but let me just put it in fairly specific terms. Last month, in just the Tucson sector on the border in Arizona, 60,000 apprehensions. Now, that is 2,000 a day. Those are apprehensions. The rule of thumb is at least 2 or 3 times as many people cross without being apprehended.

Now, let us just stop and think about that for a moment. Here is one sector in one State on the border. Two thousand people every day are apprehended. Think about that. And maybe 2 or 3 times that many are not apprehended. This Los Angeles Times article notes that 1 day last month 600 illegal immigrants massed and started to cross the border all at once in broad daylight. Fortunately, the border patrol agents were able to apprehend some and disperse the rest.

But I do not think people in the Congress who are not acquainted with border issues can fully appreciate the assault on the community and on the families and on the schools and the ranches nearby that this kind of challenge presents. It is not being handled. It cannot be handled with the kind of manpower we see.

As a result, what is happening? People are taking matters

into their own hands. Ranchers are rounding up these suspected illegal aliens. Calls for putting the National Guard on the border are increasing. All of this is not the way to handle the problem, obviously. We need to hire the agents, as you pointed out.

I am very hopeful that this hearing will shed light here in Washington on the problems that the lack of protection for our borders has caused in our communities. Commissioner Meissner testified that now is not the time to beef up manpower on the border, that the INS needs to take a breather. Well, Mr. Chairman, when 2,000 illegal aliens are apprehended every day in just one sector, and when 600 illegal aliens attempt to cross the border in mass in broad daylight, it is clear that no one at the border is taking a breather. The Federal Government cannot afford to take a breather either.

Thank you very much for holding this hearing.

[The prepared statements and article of Senators Kyl and Feinstein follow:]

Prepared Statement of Senator Jon Kyl

Mr. Chairman: I appreciate your holding this hearing today to focus on the need for additional Border Patrol resources on our nation's borders, and particularly in Arizona. I am particularly grateful that the subcommittee will devote some time to the situation currently facing the citizens of southern Arizona. Three years ago my proposal, cosponsored by Senators Abraham and Feinstein, to add 1,000 new Border Patrol agents to our nation's borders each year between 1997 and 2001 was unanimously accepted by the Senate Judiciary Committee and became part of the Immigration Reform Act of 1996. President Clinton signed this landmark legislation into law, yet he has requested the full 1,000 agents only once since then, and his fiscal year 2000 budget does not propose any increase in Border Patrol agents. As a result, it will be harder than ever to find the funding this year to help Congress comply with the law.

The need for 1,000 agents in fiscal year 2000 has been established by the Immigration and Naturalization Service. In a recent Appropriations Committee hearing, INS Commissioner Doris Meissner confirmed that her initial fiscal year 2000 budget request did include funding for 1,000 agents, but the funding was rejected, by the President's budgeting office. Our nation's drug czar, Barry McCaffrey, has often stated the need for 20,000 agents nationwide. Tucson, Arizona, Sector Chief Ron Sanders will testify today that the Chiefs Association supports 20,000 agents nationwide. A newly released study by the University of Texas Center for U.S.-Mexico Research said that 16,133 agents are needed on the southwestern border to effectively curtail illegal immigration and drug smuggling. Current Border Patrol strength is approximately 8,000 agents.

An increase in manpower at our borders is important for the entire nation, not just the southwestern states. The U.S. Border Patrol is responsible for fully 93 percent of the INS' illegal immigrant apprehensions.

Regarding the importation of drugs into the United States, in fiscal year 1998, the Border Patrol was responsible for 51 percent of total marijuana seized on the border, 36 percent of the cocaine seized, and 25 percent of the methamphetamine seized. The State Department estimates that 60 percent of the cocaine entering the United States enters through the Southwest border, and an estimated 16,000 lives are lost every year in the U.S. as a result of illegal drug use.

Increasing the Border Patrol is also critical to the state of Arizona. Our two Arizona witnesses will provide testimony about Arizona's increasingly difficult border situation in Cochise County. Arizona Representative Gail Griffin will provide details about how failing to secure the border has harmed Arizona. This reminds me of the situation that erupted in Santa Cruz County, Arizona, in and around Nogales, directly south of Tucson, in late 1993. When that occurred, I wrote the U.S. Attorney General 10 times, and met with her, to detail the need for additional resources for the Tucson sector. After months of letters and meetings, the administration started to send additional resources to Nogales, where the bulk of the illegal crossings were taking place. And positive results were quickly felt.

Our current situation in Arizona invokes Yogi Berra's ``deja vu all over again''--I first wrote Attorney General Reno way back in 1996 to let her know that the situation in Douglas, Arizona was going to become much like the Nogales situation. I also wrote Commissioner Meissner in early 1998 about conditions in Douglas, and to request additional resources, including funding for a new Border Patrol station and for an extension of the recently completed fence there. I never received a response from the INS. Attached to my testimony today is a recent article from the Los Angeles Times that describes the situation in Douglas.

Mr. Chairman, I am hopeful that this hearing will shed light here in Washington on the problems that a lack of protection for our borders has caused in our border communities. Commissioner Meissner testified that now is not the time to beef up manpower on the border--that the INS ``needs to take a breather.'' When 600 illegal aliens attempt to cross the border together in broad daylight, it is clear that no one at the border is taking a breather. The federal government cannot afford to take a breather either. Thank you.

[GRAPHIC] [TIFF OMITTED] T3522.001

[GRAPHIC] [TIFF OMITTED] T3522.002

[GRAPHIC] [TIFF OMITTED] T3522.003

Prepared Statement of Senator Dianne Feinstein

I thank the Chairman for holding this hearing today. Adequate staffing of Border Patrol remains a pivotal, ongoing need on the Southwestern border of the United States. The Border Patrol has multiple, demanding responsibilities including reducing the influx of illegal narcotics into our country. We need to make sure that the Border Patrol has adequate personnel to do this critical job right.

The President's fiscal year 2000 budget increases funding for border patrol by 14 percent from \$917 million in fiscal year 1999 to \$1 billion in fiscal year 2000, of which \$50 million would be allocated for additional enforcement technology at the border. However, I am dismayed that there is no funding for the 1,000 new border patrol agents authorized under the 1996 Immigration Act (IRIIRA).

IRIIRA requires the hiring of 1,000 new Border Patrol agents each year between 1997 and 2001. If the President's proposal remains unchanged, this will be the first year that the Federal government has shirked its responsibility under IRIIRA.

Without adequate staffing at the Southwest border, we will continue to make little headway against the flow of drugs into our country.

Fifty to 70 percent of illegal drugs enter the U.S. through the Southwest border. In fact, narcotics intelligence officials continue to warn that an estimated 5 to 7 tons of cocaine enter this country every single day of the year. Simply put, the Southwest border is a ``main-street'' thoroughfare for international narcotics trafficking.

Barry McCaffrey, the Director of the Office of National Drug Patrol Policy, says the current level of Border Patrol personnel is ``completely'' inadequate to patrol the 2000 miles of the U.S. border with Mexico. A study by the Population Research Center at the University of Texas supports General McCaffrey's position. The study estimates that 16,133 Border Patrol Agents are needed to Patrol the 1,782 miles along the U.S.-Mexico border.

Right now, we have only 9,000 border patrol agents. Of even more concern, the Border Patrol is losing excessive numbers of officers through attrition. In just the San Diego region, the Border Patrol has lost 163 patrol officers since the beginning of the fiscal year through attrition. This loss, coupled with the practice of transferring agents from San Diego to help reinforce other border sectors is detrimental to our overall border enforcement operations.

The situation in the El Centro sector east of San Diego, is particularly critical. The area is second in the nation in terms of illegal activity but ranked seventh in resources. There are 445 officers assigned to the area now, with an immediate need for another 423 to help cover the 76 miles of border the sector is responsible for. We need to bolster the numbers of our border Patrol, and keep the ones already serving.

A shortage of vehicles is also hampering the agents' enforcement efforts. At some stations, agents must wait for agents in the field to

drive in with their vehicles so they can relieve them. The wait is sometimes up to two hours. That means that part of our border is unprotected, which again is counterproductive. When we assign additional personnel to an area, they must be given the equipment they need to do their job.

In California, we are preventing more drugs from crossing the border, but these increased efforts have placed an extraordinary burden on border personnel.

For example, federal officers at California's five southern border stations seized over 188 tons of drugs valued in excess of \$308 million during fiscal year 1998 for an increase of 44 percent over the previous year.

INS and Customs inspectors made 5,127 seizures totaling 376,325 pounds of narcotics at the ports of entry compared to 3,356 seizures totaling 261,111 pounds the previous year, according to Customs sources. Meth seizures were up 93 percent from fiscal year 1997 and the volume of meth seized was up by a staggering 342 percent.

Despite this overwhelming tide of enforcement activity, the Administration's budget requests only 80 additional inspectors and 32 additional investigative agents.

I am committed to bolstering resources for our border Patrol agencies so they can do their work effectively. I look forward to hearing the testimony of the witnesses.

Senator Abraham. Thank you, Senator. We will now begin with our first panel. For all the witnesses, I would mention that we have our little clock here. The green indicates the beginning of the session. I know that people bring longer statements, and we will be happy to enter full statements into the record, but we like to keep these statements to approximately 5 minutes. And so the orange indicates 1 minute left, and the red indicates time is up. We are usually pretty flexible with respect to concluding thoughts and sections of speeches at that point, but I hope that we can at least stay relatively close to the time today.

Our first witness will be Gus de la Vina who is chief of the U.S. Border Patrol. And I want to stress again my points, and I know the other Senators share them, with respect to the pride we have in the Border Patrol and the men and women who serve in it from the top on down. Our purpose here today is to figure out how to give the Border Patrol the help it needs and the support it needs to get the job done that we all want to see accomplished.

So we welcome you here today and appreciate your being with us to testify.

STATEMENT OF GUS DE LA VINA, CHIEF, U.S. BORDER PATROL,
IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, DC

Mr. de la Vina. Thank you very much. I have a prepared statement.

Good afternoon, Mr. Chairman and members of the subcommittee. I am pleased to have the opportunity today to discuss with you the Immigration Naturalization Service's efforts to control the Nation's borders.

I would like to begin by assuring you that the INS commitment to effective border management remains unwavering. With the strong support of Congress, we have more than doubled the number of border patrol agents to 8,000 since fiscal year 1993. This unparalleled growth in personnel has been accompanied by record increases in equipment and technology.

To ensure that these unprecedented resources are deployed in the most efficient and effective manner possible, we developed the current comprehensive strategies that establish enforcement priorities. As a result, we have strengthened significantly the enforcement of the Nation's immigration laws at our border. Nowhere else is the success of the strategic approach more evident than along the southwest border.

In 1994, Attorney General Reno and Commissioner Meissner announced a multi-year strategy to strengthen enforcement and to shut down the traditional illegal immigration corridors along the southwest border. By strategically deploying new personnel in one or two areas each year and backing them up with equipment and infrastructure improvements, INS has achieved considerable success in restoring integrity and safety to the 2000-mile frontier.

We have been implementing our strategy through well-laid-out, multi-year operations such as Operation Gatekeeper and Rio Grande. The initial phase of these operations typically result in an increase in apprehensions reflecting the deployment of more agents and in enhanced technology, however as the deterrent effect takes hold, the number of apprehensions declines, and perhaps most important for those who live in border communities, so do local crimes.

We can continue to concentrate resources on critical operational areas of the southwest border, and we are adjusting our deployments to reflect shifts in illegal crossing patterns. As part of our expansion of Operation Safeguard, for example, we detailed 45 Border Patrol agents to the Nogales area in January and more detail agents are being added. The Tucson sector will receive 350 additional out of the 1,000 funded this year.

The infusion of agents in Arizona and elsewhere is being backed by force-multiplying equipment and technology including the ISIS, the Integrated Surveillance Intelligence System. By integrating day and night vision cameras with underground

sensors, this system allows a single agent in a central command center to monitor vast terrain. Currently ISIS is being installed in Nogales, El Paso, and Laredo, and we plan to deploy 58 additional ISIS sites this year, including some along the northern border.

Even with the most sophisticated high-tech tools, however, you cannot build successful enforcement strategies unless you have a solid foundation of high caliber personnel. The Border Patrol has been fortunate in recent years to attract some of our Nation's best and brightest, but it is an increasingly difficult task. Over the past 3 years, we hired more than 5,000 new agents, which taking attrition into consideration, has resulted in a net gain of more than 3,000 agents. In fiscal year 1998 alone, we hired close to 2,000 agents, more than 4 times the fiscal year 1994 total.

We have been able to meet and even exceed our hiring goals, even as we raise recruitment standards and strengthen training programs. The extremely high standards for Border Patrol recruits are reflected in the fact that last year only 4 percent of the some 49,000 people who applied were hired. This year we anticipate the need to hire 2,000 agents to meet our goal of adding 1,000 agents to our staff. Midway through fiscal year 1999, we now estimate that we will fall short of this goal, but not for a lack of effort.

The greatest barrier we face is a strong economy with a low unemployment rate that affords applicants job opportunities. The INS is not the only agency experiencing difficulty meeting the staffing goals. We understand, for example, that some or all of military services are having trouble meeting their recruitment objectives.

In response to the tight labor market, we have intensified our recruitment. Traditionally, we have drawn most of our agents for our southwest border States. This year, we have hired an advertising firm to increase awareness of Border Patrol job opportunities in the rest of the United States. As part of our recruiting blitz, we will participate in about 200 job fairs, community festivals, and other events. We are also expanding our work on college campuses, targeting a 120-school base on student demographic and on law enforcement curriculum.

Most of the effect on the recruiters are current Border Patrol agents. That is why I have committed up to 200 agents to outreach and recruitment activities on college campuses and military installations. Our agents are also actively involved in deployment of advertising public service announcements. We are deeply committed to fulfilling our recruitment needs.

There is one thing we will not do, sacrifice quality. We are intent on maintaining recruiting and training standards that are amongst the highest in law enforcement, and with you

and your continued support, I am confident that we will be able to do so.

Thank you, Mr. Chairman. I would be happy to answer any questions that you or the members of the subcommittee may have.

[The prepared statement of Mr. de la Vina follows:]

Prepared Statement of Gus de la Vina

Mr. Chairman, members of the subcommittee, thank you for the opportunity to appear before you today to discuss Border Patrol operations, hiring, recruitment and retention. The Border Patrol is the uniformed enforcement arm of the U.S. Department of Justice, Immigration and Naturalization Service responsible for the prevention, detection, and apprehension of those illegally entering the United States, as well as intercepting drug smugglers between the legal ports-of-entry. With your support, the Border Patrol has, since 1993, more than doubled in size and received record increases in equipment and technology. We have supported these unprecedented resources with coherent strategies that ensure our resources are deployed in the most efficient and effective manner possible. As a result of these efforts, we have strengthened significantly the enforcement of immigration law at our borders.

border management

In the area of border management, we have achieved more in the past five years than had been accomplished in decades. Nowhere else is the success of our strategic approach to enforcement more evident than along the Southwest border. Before 1993, there was no comprehensive plan for controlling this 2,000-mile frontier--and it showed. The number of Border Patrol agents was insufficient to get the job done, and those we did have were ill-equipped. As a result, illegal immigrants came across the border undeterred, as did illicit drugs.

To bring integrity and safety to the Southwest border, we developed a comprehensive, multi-year Southwest border strategy in 1994. Its goal is clear: a border that works; one that deters illegal migration, drug trafficking, and alien smuggling, while facilitating legal traffic through the ports-of-entry. Simply stated, the strategy is to regain control of the border by focusing new resources on those areas where most of the illegal crossings occur. To meet this goal, we initiated unparalleled growth in personnel and resources. Since fiscal year 1993, we have more than doubled the number of Border Patrol agents to approximately 8,000, as of February 13, 1999, with the vast majority stationed along the Southwest border. To reach this level, we hired 1,900 agents in fiscal year 1998 alone and trained them at facilities in Charleston, SC and Glynco, GA. These new agents have been backed up by infrared scopes, underground sensors and other force-multiplying equipment and technology, as well as by infrastructure improvements.

As the Border Patrol Strategic Plan has matured, the Border Patrol's strategic efforts have been directed to areas of operational

focus along the Southwest border. Our border management efforts from 1993 to 1996 concentrated on El Paso, Texas and western San Diego county in California. In 1997, we began to expand our focus to eastern San Diego county and Imperial county, south Texas, Arizona, and New Mexico. ``Operation Rio Grande,'' launched in August 1997 in Brownsville, Texas, was a special multi-year operation designed to gain and maintain control of specific border areas through a combination of new technology and additional staffing. At the start of the operation, 69 Border Patrol agents were detailed to Brownsville in August of 1997 to intensify existing enforcement efforts. In September 1997, we began deploying special response teams to those ports-of-entry where we expected increased numbers of fraudulent entry attempts. In fiscal year 1998, 260 new Border Patrol agents were added to McAllen Sector and 205 to Laredo Sector. An important feature of ``Operation Rio Grande'' has been the integration of a broad range of INS enforcement operations. Border Patrol agents, Inspectors at ports-of-entry, Investigators, Intelligence analysts, and Detention and Deportation Officers are all contributing to the operation. We are seeing lower apprehension and reduced local crime rates as a result of the operation, indicating the effectiveness of our deterrence strategy. The crime rate in Brownsville alone dropped by more than 20 percent in fiscal year 1998, and the overall apprehensions for McAllen Sector decreased by 17 percent compared to the previous year.

In fiscal year 1998, INS extended ``Operation Gatekeeper'' through the El Centro initiative to address changes in smuggling and illegal crossings occurring along the border in El Centro Sector. The initiative includes detailing additional agents to the immediate border areas of Calexico and El Centro, California, to deter alien smuggling operations in those areas. The El Centro Sector has been allocated an additional 78 new agents from the fiscal year 1999 budget to bolster the efforts of the 134 new agents deployed in fiscal year 1998. As an indication of the positive effect on border control already attributable to this initiative, during the first quarter of fiscal year 1999, the sector experienced its first quarterly drop in apprehensions after four straight years of continuous increases. While the rate of apprehensions is still fluctuating up and down, this is to be expected in the early stages of improved border control in any area. But it is clear that the initiative is having an impact, in both deterrence and control.

``Operation Safeguard'' encompasses the area of the Tucson Sector. Tucson Sector was the busiest sector on the Southwest land border in fiscal year 1998, and that trend continued as apprehensions increased by 21,240 or 41 percent in the first quarter of fiscal year 1999. Some part of the increase in apprehensions is attributable to an improved enforcement capability made possible by adding agents, better equipment and enforcement infrastructure to the Tucson Sector. Once the 350 agents allocated in the fiscal year 1999 budget are on-board in Tucson, 1,087 agents will have been added to the Tucson Sector since 1994.

In the areas where we have concentrated our efforts, we have demonstrated that deterrence can work even in the most difficult conditions. We continue to concentrate resources on critical operational areas of the Southwest border, in support of this strategy. Once we gain control of the Southwest border, the strategy's emphasis will broaden to include the coastal and Northern border sectors.

There is no doubt that agent staffing and other enforcement resources are a critical part of gaining control of the border. The Border Patrol is developing a management tool, the Resource and Effectiveness Model (REM), to assist planners in making decisions regarding allocation of resources to the Border Patrol Sectors and Border Patrol stations, and to determine the optimal mix of agents and technology. The model does not provide the definitive number of agents needed, but it does provide planners with important information regarding the appropriate mix of resources given varying sets of conditions.

The latest revised REM (software/equipment) is now being deployed to all Sectors. Sectors are scheduled to complete entering Sector-specific information (such as number of agents, vehicles, apprehensions, local roads, geography, topography, weather) into the Sector REM database this summer. When completed, planners will be able to use the Resource Effectiveness Model to assist in designing resource mix and allocation plans that yield the highest return.

automation and technology

Technology improvements have also played a key role in the success of Border Patrol enforcement functions. Our technology investments make our agents more effective in every phase of border enforcement from deterrence to apprehensions to case processing. For example, the IDENT system, a database based on fingerprints of apprehended aliens, allows agents to positively identify criminal aliens and repeat crossers previously apprehended.

In fiscal year 1998, INS began installing ISIS, the Integrated Surveillance Intelligence System, a state-of-the-art force-multiplier. This field-tested technology consists of poles to which day and night vision cameras are attached, which are linked to centrally located command centers equipped with video monitors allowing a single agent to monitor a vast area of terrain. The ISIS system also includes ground sensors which, when triggered, send a signal to a designated camera. The video-monitoring site is alerted and can immediately view the site. This technology significantly enhances Border Patrol's ability to maximize effectiveness and agent safety. The camera may reveal anything from armed drug smugglers requiring immediate dispatch of agent teams, to animals requiring no response at all. ISIS is now being deployed to Nogales, El Paso and Laredo, with 58 additional sites planned this year. Other high tech tools include personal night vision equipment, long range infrared scopes, encrypted radios and GPS, Global Positioning System locators.

construction

The fiscal year 2000 construction budget request includes approximately \$34 million for 7 Border Patrol facility construction projects. Since fiscal year 1995, INS has initiated 25 major construction projects in support of expanding operations along the Southwest border, with an estimated cost in excess of \$110 million. Eight additional projects, estimated at over \$47 million, will be under construction in fiscal year 1999. Additionally, over \$20 million has been spent to address safety and health problems, including the clean-up and replacement of leaking underground fuel tanks, and for needed renovations at existing facilities, and the repair and improvement of border barriers, such as fences, lights and roads.

recruitment and hiring

The President's fiscal year 2000 budget maintains Border Patrol staffing at the fiscal year 1999 authorized level of nearly 9,000 agents, which represents a 126 percent increase and approximately 5,000 agents over the fiscal year 1993 level of 3,965 agents.

We have met our hiring goals for the past four years and in fact exceeded them for the past two years. Over the past four years, we have hired over 6,100 new agents which, taking into consideration all losses, has resulted in a net gain of more than 3,500 agents. In fiscal year 1998 alone, we hired 1,900 new agents. In fiscal year 1996, we established a satellite basic training facility in Charleston, South Carolina, and we continually expand it to meet our training needs. With this enormous influx of new agents, we have maintained the quality of our training while raising our recruitment standards.

This year, we anticipate the need to hire 2,000 agents to meet our hiring goal of increasing staffing by 1,000 agents. Through mid-year, we had 8,038 agents on board against an end-of-year goal of 8,947. Unfortunately, we estimate that we will fall short of this goal. The many reasons for this include a strong economy and low unemployment rate affording applicants multiple job opportunities. The INS is not the only agency experiencing difficulty in meeting its staffing goals. We understand, for example, that some or all of the military services are having trouble meeting their recruitment objectives.

Over the years, we have developed a strong, effective hiring and recruiting program that has met the ambitious Border hiring goals, while maintaining extremely high standards for our recruits. In fiscal year 1998 only 4 percent of those who applied were actually hired (49,000 applied, and 1,971 hired). Many applicants after signing up for our test choose not to take it, and our strict screening process eliminates many more candidates.

Because of the tight labor market and the sheer number of applicants needed, a single approach or targeting one group of potential applicants will not work. We continue to institute new means by which we can attract candidates. For instance, we are focusing our efforts on increasing public awareness of job opportunities in the Border Patrol. There is often little public awareness of the Border Patrol occupation outside of the Southwest border states. With the help

of a professional advertising agency, we hope to increase awareness of Border Patrol job opportunities in the rest of the United States, as well as continue our efforts in the Southwest border states. By increasing awareness, we hope to attract a diverse group of well-qualified candidates.

We have stepped up efforts in the home states of successful candidates. We track all of our ads with extension codes to determine which ads draw candidates. We are also tracking which colleges our new officers graduate from, the major they pursued, and the magazines they read. All of this information helps us better understand where we need to build awareness of Border Patrol careers and where we currently have strong recruiting success.

This fiscal year, we held special hiring events in El Paso, Tucson, and New York with another event scheduled in May in San Diego. Additionally, for these locations, we conducted a media blitz. For example, in Tucson we placed a Border Patrol ad in eight major papers on two weekends in both the classified and sports sections, and in two minority targeted publications and Military Base papers. We also aired a radio ad 14 times on two Tucson stations, and placed a color ad in the Arizona Highway Patrolman and Tucson Star Citizen. For San Diego, we have ads scheduled to appear this month in nine major papers. Additionally, INS recruits at military bases, colleges and universities in or near San Diego, Phoenix or Tucson.

In fiscal year 1999 we will participate in 200 events including job fairs, career days, employer workshops, transitioning military seminars, classroom presentations, conference exhibits and community events (e.g. fairs, festivals, Native American celebrations, etc.).

We are also actively recruiting on college campuses. We plan to recruit at 120 key colleges identified based on student demographics and/or law enforcement curriculum. INS has already participated in four interactive student events (sponsored by Sports Illustrated) where we attracted thousands of students from all academic disciplines. Also, we will target recruitment efforts at key military bases identified by installation population and the number of separations each month, and 40 organizations identified based on the mission and target audience of the organization.

New Border Patrol classified and display ads have been developed and placed in hundreds of newspapers (classified and sports sections), college placement manuals, Black Collegian and Newsweek magazines (metro NYC edition) and a wide variety of other journals and magazines. In addition, we routinely fax job vacancy flyers to campus career planning and placement offices, criminal justice faculty, military base transition offices, and INS offices nationwide.

The INS created a new Border Patrol Careers Website, and is starting to increase Internet advertising with links to this Website. In fiscal year 1998, nearly 50 percent of our applicants applied to take the test on-line and the other 50 percent used the Telephone Application System. This year, the number of candidates applying over

the Internet has increased to 70 percent. We are pursuing the installation of a free job information line so applicants can call to get more information on the Border Patrol. We also started a direct mail campaign to separating military service members through the use of the DOD Transition Bulletin Board and Defense Outplacement Referral Service. As of April 14th, we will have job postings on 11 Internet recruitment sites.

We are significantly increasing the number of Border Patrol agents involved in recruiting. I have committed up to 200 agents, who on a collateral duty basis will be involved in outreach and recruitment activities on college campuses and military installations. To back up this local recruiting initiative, we will increase our advertising, including the development of public service announcements for radio.

In order to translate recruits into actual hires, we have revamped our hiring process by decreasing the amount of time it takes to go through the process from approximately 26 weeks to as little as 16 weeks. This makes the Border Patrol more attractive to candidates and decreases the likelihood that they will accept another job during the hiring process.

pay reform

We are working to address recruitment and retention issues by looking at how we compensate our enforcement personnel, particularly Border Patrol agents. For the past several years, the INS has been working to address numerous challenges in the compensation arena. These challenges include: (1) achieving pay equity within INS for enforcement occupations; (2) achieving overtime pay parity with other Federal law enforcement agencies; (3) streamlining and simplifying administration of overtime pay; and (4) establishing a portable overtime pay system (carried back and forth between occupations and minimizing loss of benefits) for its enforcement occupations.

Within the INS, the grade levels for experienced officers, also known as the journey level, in the various law enforcement occupations (Border Patrol agents, criminal investigators, detention officers, detention and deportation officers, and pilots, for example) differ based on the duties of these positions and the application of government wide Office of Personnel Management classification standards. The current journey level grade for Border Patrol agents is GS-9. Approximately thirty percent of the INS' Border Patrol agents are at the GS-11 level based on performing senior level duties. In contrast, the journey level for criminal investigators, deportation officers, and detention and deportation officers is GS-12. This internal difference results in losses from the Border Patrol occupation as agents move to these other occupations (within INS and other law enforcement agencies) for career growth.

In addition, INS law enforcement officers (with the exception of criminal investigators) are paid a form of annual premium pay called Administratively Uncontrollable Overtime (AUO). This form of overtime is discretionary with the agency, and we continually examine how it is

utilized. The INS continues to be subject to significant scrutiny into the proper use of AUO. Since AUO is discretionary and criteria bound (i.e., the work cannot be administratively controlled), those law enforcement officers earning AUO are constantly concerned that the pay can, and may, be revoked when they no longer meet the criteria. This greatly hampers career development for law enforcement officers earning AUO, including Border Patrol agents, who potentially are penalized by the loss of AUO for accepting assignments to law enforcement positions in headquarters or regional offices, or at the INS training academies. Criminal investigators, on the other hand, are paid Law Enforcement Availability pay, which is a guaranteed 25 percent annual premium pay, regardless of the assignment to training duties or duties at regional or headquarters offices. The guaranteed versus discretionary aspect of the two overtime pay systems is another motivating factor for Border Patrol agents to leave the occupation for criminal investigator positions.

To address these challenges, the Commissioner is studying various alternative approaches to achieve a unified, comprehensive reform package for INS enforcement officers, including Border Patrol agents and Immigration Inspectors. Change in the pay and benefits for our officers requires careful consideration of the impact any such change will have on our workforce. We must also be mindful of the costs of any change. The nuances of pay and the interrelationship between the various forms of overtime pay that constitute what an employee brings home and his or her retirement benefits are not easily explained nor simplified.

conclusion

I look forward to continuing to work with the Subcommittee. With your support, we can carry forward our recent improvements. We have made great strides in addressing problem areas. I want to work with you as we continue our efforts to improve our nation's immigration system.

Senator Abraham. Thank you. I am going to ask Senator Kyl to preside briefly while I meet with some constituents.

Senator Kyl, you can start the questions, and I will follow up.

Senator Kyl [presiding]. Thank you. It is my understanding, based on your testimony, that you said that the Tucson sector will receive 350 of 1,000 agents provided for this year; but that is not really going to happen, is it?

Mr. de la Vina. At the present time, based on the time of the year that we are, the 1999 deployment which called for the 1,000 agents, we will not be able to fill those numbers. We probably will be looking at about 200 to 400 out of the 1,000.

Senator Kyl. Two hundred to four hundred out of the 1,000?

Mr. de la Vina. That is correct.

Senator Kyl. So instead of 350, the Tucson sector might get how many?

Mr. de la Vina. It would be difficult to say. We have two priorities established for the--based on our strategy, and that would be Tucson and McAllen, TX.

Senator Kyl. So instead of 350, do you think maybe someplace in the area of 100 to 150 might be a closer guess?

Mr. de la Vina. It would be somewhere in that vicinity.

Senator Kyl. So half as many as were expected?

Mr. de la Vina. That is correct.

Senator Kyl. And I gather that the 350 were based upon your idea of what was important or necessary to deploy; is that correct?

Mr. de la Vina. That is absolutely correct.

Senator Kyl. Now, for about a month and a half Senator Hutchinson and I have been requesting information from INS on ways to help with recruitment and retention to meet the problem that you just testified to. We just passed the Soldiers and Sailors Relief Act, as the first bill that Congress passed in this session, to ensure that we could recruit members for the military.

As you pointed out, INS has to face that same kind of a challenge. So we thought we would get a good start on this. We would introduce legislation. We would increase salaries. We would provide for more benefits. We thought it would be a good idea to check with INS first to see what suggestions they would have. Three times now INS has canceled meetings with my staff. We cannot get any information. None.

Yesterday, we had thought that we were finally going to get some information on border patrol salaries, and the officials called to say they could not provide the information. Can you help me out?

Mr. de la Vina. Yes, sir. Pay reform is critical to us, needless to say.

Senator Kyl. Well, you have got two people that have said they are willing to do it. For a month and a half we have been trying to help, and we get stiffed by the INS.

Mr. de la Vina. I know that I have had conversations with Commissioner Meissner, and I know that we are studying, and she has commissioned the HRD or human resource program to look at the feasibility of moving the journeyman level or the journey level from GS-9 to a GS-11, which would help us tremendously as far as the retainment of our agents.

We are also looking at the feasibility of increasing the salary of those who are entering in. I know that this is ongoing. I do not know why they have not met with you, sir.

Senator Kyl. Well, anything you can do to help. We are going to, meanwhile, just go ahead and introduce the bill to raise it from 9 to 11 since that seems to be everybody's idea of what ought to be done, and later on we can change it if INS

finally decides that they want to get engaged in this.

Now, one of the reasons--after recommending 1,000 agents, Doris Meissner, Commissioner Meissner, testified to the Appropriations Committee in a variety of ways as to why INS really needed to take a breather, even though she herself later acknowledged that she had, in fact, recommended 1,000 agents. But among the reasons was the fact that there are a lot of inexperienced agents now. The Tucson sector, as you acknowledge, is probably the top priority, but at a minimum, one of the two top priorities for adding new agents.

My figures show that in the Tucson sector, 80 percent of the agents have 2 years or more of experience. So you do not have--I mean there may be a problem of inexperienced agents at some places along the border, perhaps in the San Diego region, but in the Tucson sector, you could hire a lot of agents and still have plenty of people who have been there, with 2 or more years of experience, to help train them.

So you have got a sector that needs the infusion of new agents. You have got 80 percent or more that have 2 or more years of experience. So why would that be an excuse for not putting more agents in the Tucson sector now?

Mr. de la Vina. Sir, we need Border Patrol agents. I do not think you are going to find a Border Patrol agent say that we do not need additional Border Patrol agents, including myself. We do need the agents. I think that there is a concern, and I will express the same concern, not at the expense of not having Border Patrol agents, but we have grown tremendously. We have added a lot of additional personnel.

One of our problems is, and specifically in your area of Douglas, I cannot put up an infrastructure as far as a building. We have grown from 63 agents to over 300 agents. I don't have parking places for the agents to park.

Senator Kyl. But they will not accommodate it. You are exactly right, and so we have an Administration that puts zero money in the budget for this year for the new Border Patrol station at Douglas.

Mr. de la Vina. These are some of the issues that, you know, we are looking at. As far as the----

Senator Kyl. Let me just say we have got to stop looking and start doing, because I have indicated a willingness to fund these things. We requested the money for the Douglas Border Patrol station. We have requested the money for the agents.

The Administration just created a brand new \$600 million local COPS program, announced with great fan fare. I do not know where the money came from, but there is about \$600 million missing from Customs and INS. Now, the Federal Government--and I am not directing this at you, but you can tell that I am frustrated as heck. I know you are too. I know Chief Sanders

is, but the President makes a big announcement about this brand new COPS program.

Now, the people in Tucson and Douglas and Nogales and Phoenix and of all of other communities in the country care about their local citizens and their cops. It is their responsibility. The Federal Government can provide some support for that, but that is a shared responsibility at best and certainly first and foremost a local responsibility.

The Federal border is the Federal Government's responsibility, and so when money is taken out of the INS and Customs budget and put in these other programs that may have a little bit more political appeal around the country, it is very frustrating to me, and when we say, well, we are going to have to study where we are going to get the money for a new Border Patrol station in Douglas, and not having the new station is one reason why we do not employ more agents there even though everybody recognizes we need them, it just seems to me that our priorities are really wrong here.

And by our, I do not mean the Congress. I do not mean this subcommittee. I mean the Administration, and we really need spokesmen with the agency that are willing to plead our case. Any further comment on that?

Mr. de la Vina. This is--in 1994, we developed the national strategy. It is an integrated incremental control of our border. Some of the frustrations that you feel are some of the frustrations that a lot of us felt in 1993, between 1990 and 1993, especially in the San Diego area.

San Diego was apprehending over half a million illegal entrants on a yearly basis, where Tucson is doing 2,000 arrests on a daily basis. San Diego, in the mid nineties, early nineties, was doing 3,000 to 4,000 arrests. We had a tremendous, tremendous influx of illegal entries in the San Diego area. Back then, we had absolutely no resources. Back then, the possibility of controlling the border was, at best, totally remote. We were being totally overrun.

Since 1994, we developed a national strategy. It is incremental control. It took us a considerable amount of effort, technology, equipment, support from the Congress to get San Diego under control. San Diego today, from the half a million arrests that were being registered in 1993, 1994, have now been reduced to 248.

We have another success story in El Paso, TX. El Paso, TX was the second hottest spot along the southwest border. Apprehensions--back then it was Chief Reyes, now the chief in San Diego. He was the chief in El Paso--we registered close to 200,000, 300,000 arrests on a yearly basis. Again, with the support, with the strategy that was developed, those apprehensions have been reduced considerably where El Paso now

is registering 125,000 per year.

Senator Kyl. Can I just make a point here? The application of fences, technology, and manpower makes a big difference.

Mr. de la Vina. Absolutely.

Senator Kyl. It could really resolve the problem, can it not?

Mr. de la Vina. Very much so.

Senator Kyl. Thank you.

Mr. de la Vina. We anticipated that as we were moving with the strategy or infrastructure which consisted--the corner stone of the strategy basically is deterrents. With that, we have three major components: personnel, equipment and technology. We applied that in both locations. It worked.

We anticipated there would be another hot spot. We have identified two spots, primarily Tucson in Arizona, which encompasses basically the whole state of Arizona, and the areas in Texas. We are presently focused in these two locations. We initially--when I say incremental, it took San Diego 4 years and approximately an additional 1,200 agents to bring that under control.

We started addressing Tucson several years ago with the infrastructure in Nogales. This is where the biggest concentration of people entering were located. We concentrated resources, sent additional people to those stations, built lights--I mean we brought lights. We build fences, sent additional resources. That area is now getting under very good control.

As we anticipated, a shift occurred. It is occurring in the Douglas, AZ area. We are--based on what we anticipated would happen, we started working on Douglas over a year ago, building an infrastructure there. We started with fences near the point of entry. We are bringing in lights, additional resources, getting prepared for what we are seeing right now that is happening.

One of the things that normally happens when you move into an operation of this magnitude with additional resources, the apprehensions will go sky high. It takes a while for it to level out. We know what we need to do in Douglas, AZ. We are getting there as fast as we can. Additional resources are required. Right now, of the 1,000 agents, 400 agents, totally, were assigned to the Arizona area because of that specific priority. We are doing everything we possibly can. Unfortunately it does take some time.

Senator Abraham. We have been joined by Senator Schumer.

Senator if you would like to make an opening statement, or if you have some questions, or a little of each.

STATEMENT OF HON. CHARLES E. SCHUMER, A U.S. SENATOR FROM THE

STATE OF NEW YORK

Senator Schumer. Well, thank you, Chairman Abraham, and I appreciate your holding this hearing and the opportunity to say a few words, and my concern obviously is the northern border. We have a large border in New York State, as you know, and we need more help there.

I have always supported an increase in border agents, because I have realized the problems for the 18 years I have been in the house. But when you look at the total number of people on the northern border, it is appallingly low. I believe there are only 300 agents on the entire northern border, and you have stepped up efforts, as you should, which I fully support, on Mr. Kyl's border, on the southern border.

Mr. Abraham and I and others on the northern border are seeing an increase in people trying to come across the border, the northern border, as the southern border gets some more attention. Just to give you some numbers, the northern border is 3,900 miles. The southern border is 1,800 miles. So it is a much longer area, and again this is not an either/or situation. We have more agents and we need some help.

There are 8 to 12 hours a day when the northern border is unwatched, and some experts actually suggest that 500 to 600 agents would be more appropriate for a 24-hour watch. Now, given the fact that there are 8,000 agents and the illegal immigration reform and Immigrant Responsibility Act mandates you to hire another 1,000 by the year 2001, we think we can get a little help.

So a few more points about it: Buffalo, for instance in my area which is one of the busiest, I think the second busiest general crossing point for the northern border, has become a focus for some who are smuggling in aliens. We need more help there. I would make a request that we need it.

Now, I want to thank INS Commissioner Meissner for suring up another part of our border. You know the region--we did get an additional 22 agents between Massena in the north country and Vermont, but even there, from what I am told, that has not been enough to do the whole job. And so I would ask two things: No. 1, that we fully fund the Border Patrol, and I think we definitely should be doing that, and to increase the number of agents in New York throughout from Plattsburgh all the way to our western New York border in Buffalo and help us there.

I know that Operation Over the Rainbow, which successfully targeted some of those smuggling Chinese nationals across the New York border, was a big success, but it shows something. It shows that we needed the help, and since that was just one operation, I think we should make it permanent that we have the kind of help we need. I mean, I think there is no better

testimony to the fact that we need more INS resources on the New York-Canadian border than this.

And just one other point not related to your direct jurisdiction, but if you would bring it back to Commissioner Meissner, we also have a problem with INS agents. These are not Border Patrol, but INS agents on our northern border, because we have huge backups and, as you know, to regulate that border, we have alternating--we have Customs agents, INS agents, Custom agents, INS agents. The backups are huge.

In western New York and the northern frontier, we depend on commerce by Plattsburgh and Massena, because it comes down by Montreal by Buffalo because of Toronto, the two biggest population areas of Canada, and in recent years the increase and prosperity and everything else has made those borders much busier, and the backups are enormous.

Commissioner Kelly was nice enough to visit Buffalo and Niagra Falls with me last Friday and graciously committed to add 25 new agents at peak hours to help. I would ask that you convey a similar request to Commissioner Meissner, again for our whole northern border frontier, because the backups are enormous and we are losing out in terms of business, in terms of traffic and everything else.

So I guess three requests: One, fully fund the border patrol; two, on Border Patrol, give the northern border its fair share. Three hundred agents out of 8,000 is a pretty small ratio, particularly given that Operation Over the Rainbow shows that we have an increased need; and No. 3, pass up to the top-- I am going to convey this myself directly, but it cannot hurt to have it internal and external--to the commissioner and the Attorney General that we need more agents as well, because our commerce is getting backed up, particularly at certain times to a point where it is really harming us.

Mr. de la Vina. I would be happy to, Senator.

Senator Schumer. Thank you.

Senator Abraham. Thank you, Senator Schumer. For every one he gets, I want two.

I have to say there is a certain kind of ironic, I suppose, quality to this hearing in the sense that throughout Capitol Hill, the hearings are held in which people come from the agencies to tell us that they need more support to get their job done and try to persuade sometimes reluctant authorizers and appropriators to give them support. Here it is almost like we have the opposite happening, which is we have all the sort of desire, it seems, on this community on both sides of the aisle to give the support that is needed and, frankly, go beyond what we have done already if we are told that that is not enough to get the job done, and yet a resistance seems to be there, and I am not--you know, I do not want to get into all

the nuances of this, but I at least want to have a discussion here about the challenge you confront and what we can do to try to help it.

I am not going to get into the internal challenges that may be confronted. That we may deal with at another time. But you are saying as I understand it, that essentially this coming year or during this fiscal year the expectation is that you will add 200 to 400 agents?

Mr. de la Vina. Out of the 1999 deployment, yes, sir.

Senator Abraham. Is that a net increase?

Mr. de la Vina. That would be a net increase.

Senator Abraham. OK. And so we are going to be somewhere between 600 and 800 short of the goal that the authorization in the 1996 bill set. What can we do? I mean what in terms of help. I understand an ad campaign can be helpful and so on, but is the pay grade a problem here?

Mr. de la Vina. Pay reform is, as Senator Kyl has pointed out, something that definitely would help. I think that with the direction and the commitment that the commissioner has given the HRD program to come with pay reform, I think that we are going to see some good things come out of that one. I think we are going to increase our entrance pay as well as the upgrade that the Senator has mentioned between the GS-9 and GS-11. That is going to be a big help for retention purposes.

Right now we have a retention rate of about 10 percent. So we are losing people. There is no two ways about it. San Diego has lost----

Senator Kyl. Excuse me. You said a 10 percent a year loss?

Mr. de la Vina. Yes. So we do lose quite a few agents, and we do not have--we are not comparable to, say, a GS-12 investigator. It is not that we are losing them a lot to outside agencies. We are losing them internally to investigations, which is a journey level of a GS-12.

So if you feel any reluctance, Senator, as far as requests or what have you, you have to understand I have been in the Border Patrol for 29 years, and it has been very--it has been a rocky road. I was the chief in San Diego from 1990 to 1995, and those early years from 1990 to 1993, we were operating with no resources. We had nothing. I mean, we did not have--we kept our vehicles running with baling wire and chewing gum. I had 800 agents to handle close to a half a million apprehensions that were being registered. The best technology we had was a pen.

In 5 short years, I mean with your help, with the support, we have grown tremendously. So it has been like Christmas in July for the Border Patrol. Yes, we are still a long way from the mark, but I have got to tell you, we have come a heck of a long way, and any help is absolutely, you know, requested and appreciated.

We handle the toughest border entry point along the southwest border. San Diego, CA was impossible to control, and I think Senator Feinstein will verify to that. I mean, yes, we would catch maybe 2,000, 3,000, 4,000 people. We were losing a heck of a lot of people. You go down there now. The strategy has worked. It took us time. It took the personnel equipment and resources.

So you are not going to hear us say that we are reluctant to accept any help because you have helped us tremendously, and in order to control this border, we have proven that we can get a foothold on the border. We have taken care of the two hottest locations traditionally, historically, along the 2,000 miles, and we can do that.

Senator Abraham. In order to meet the goal, though, of 1,000 new agents per year, I guess you are indicating that we need to basically recruit about 1,800 new people then? Hire 1,800 new to get 1,000 net?

Mr. de la Vina. Well, actually it is going to be more than that, Senator. Right now, I think with the 1998 figure, we had to hire 5,000 to show a net of 3,000 agents. We have to make at least 120,000 contacts to come up with the 2,000 figure for next year.

What we are--I think one of the biggest things that we are coming up with right now, and it is going to be at a sacrifice in cost, would be the recruitment efforts that the Border Patrol is going to initiate. I have assigned close to over 150,000 agents that will be devoted to doing this recruitment and targeting these locations that I have mentioned, but it is a tough market right now, very tough.

Senator Abraham. In terms of the issues that relate to compensation and so on, is there anything--do you see any impediments or potential problems to this occurring?

Mr. de la Vina. I think it is a win-win all the way around. I think with pay reform, it would solve a lot of our problems. I do not see any deterrents that say--the instructions or the direction that I have gotten, so I know this is what is happening, is that the commissioner will not--wants to increase and does not want to hurt any agent, or let us say any category of agents, or personnel in any capacity on this pay reform issue.

Senator Abraham. Where does it stand exactly? Just to clarify for us, what has to still happen for that to----

Mr. de la Vina. I met with HRD yesterday on this specific issue, and I think they are close. I think they have got--you know, they are still working. I hate to say that, that they are still working on it, but unfortunately that is what it is. They have got some of the issues resolved, and I think that if I had to give you a time frame, we are a heck of a lot closer than we

were a year ago.

Senator Abraham. Who should we speak to if we wanted to get more information?

Mr. de la Vina. I would be happy to convey that. If not, you can--you know, to the commissioner.

Senator Abraham. OK. Does this involve OPM as well as INS?

Mr. de la Vina. Yes, it is a combination. In order to sustain--in other words, in order to sustain that GS-9 level, our HRD program must make sure that the classification is correctly certified and that they meet this criteria that OPM has established. That is a difficult process to do. That takes a considerable length of time, but it is beginning to look a lot better, or I feel that it is beginning to look a lot better.

Senator Abraham. Senator Kyl, do you want to ask some more questions?

Senator Kyl. No, just two quick observations. Our bill is in counsel right now, I am informed, so hopefully we will have it introduced by tomorrow or at least by the end of the week, and if you have any suggestions after it is introduced as to how to improve it, I will expect that you or the commissioner will get those to us.

Mr. de la Vina. Thank you, Senator.

Senator Kyl. And second, I would just reiterate something. I appreciate everything you have said about the work that you did in San Diego. I am well aware of it. Duncan Hunter used to tell me all about the great work you were doing there, and I know when we put the fences up. When we got the agents there, it made all the difference in the world.

We have done the same, to some extent, in Texas. It has been squeezed to Arizona. That is where they are coming through now, and the Representative from Arizona--I just cannot remain silent with an Administration that recognizes the nature of this problem and then requests zero funding. You do not hire any new agents with zero funding. We will have to try to find the money to put it back in, but in the meantime, I think we have to tell the truth.

Thank you, Mr. Chairman.

Senator Abraham. Senator, thank you. I just echo the statements, and from a perspective of the northern border, as Senator Schumer has indicated and as I mentioned in my opening remarks, when we are dealing with a small number of agents trying to cover that wide an area, happily they are not the hot spots that you have referenced in the southern border, but it is still a challenge; and I guess the thing I want to leave you with is the following:

One of the things that has been a little frustrating to me in the time that I have had this chairmanship, is it seems

like--and I do not want to characterize it. It seems like a resistance. It seems like people keep telling us well, if we only could do X or Y or Z, then something might happen or we will get the results we want, and I guess what I want to leave you with is the following request. If there are other things you need, we need to know about it. We cannot guess. I mean, we are not experts--you are--as to the resource requirements, and so what I would hope is that if we somehow address the pay grade issue, that we would not then be told, well, now the problem is that we have inadequate training facilities or that the next thing we would hear is that, well, there are not enough parking spots.

I understand that, but let us get it all out on the table at one time. Let us not sort of move from one impediment to another so that we never solve the problem, because it is clear to me that to assimilate that large a number of new people does require other resource allocations, whether it is for vehicles or for communication equipment or for even parking spots, but I do not want to hear about it piecemeal, because then I know nothing will ever get done. We will keep just sort of moving from one to another of these individual problems, and therefore never have a comprehensive solution.

And so I think I speak for Senator Kyl and I in saying let us--you know, we like the blueprint, not just the problem of the day, because the problem of the day can be addressed, but then we have got another set of hearings to figure out what the next impediment is. So I urge you and I urge everybody at the INS to try to give us the full blueprint, because I am struck by the extent of Congressional support to provide assistance in this one area.

It is the one area where there does not seem to be the slightest debate and controversy of either a partisan sort or of a monetary sort or anything else, but what is frustrating people, and I think what is eroding confidence here a little bit, is the sense that, you know, even when sort of there is a desire, there does not seem to be a blueprint to get to the finish line.

So for today, we will at least bring down the curtain, but I hope you will let us know comprehensively what it is that would make the package complete, not just the pay, but the other things that would have to also be part of a successful solution; and with that, I want to thank you. I know it is a lot easier to come up here and hear other news, but I think it is important that we kind of get these issues ventilated a little as well. We appreciate your being here.

Mr. de la Vina. Thank you very much.

Senator Abraham. Thank you.

We will now have our second panel join us. We are going to

hear in this second panel from three witnesses, if you would all come forward. Joining us on this panel is, first, Ron Sanders, who is the chief of the chief patrol agents association as well as the Border Patrol sector chief for the Arizona border with Mexico; Gail Griffin, who is a State Representative from Sierra Vista, AZ; and Robert Lindemann, who is a senior patrol agent in the Detroit sector and a 15-year veteran, as well as the union steward for the National Border Patrol Council.

Before we go any further, I do not know, Senator Kyl, if you want to make any additional introductory remarks.

Senator Kyl. Well, I might just with respect to Gail Griffin. Actually, since I do not know Mr. Lindemann, I cannot say anything nice about him.

Mr. Lindemann. I used to live in your area.

Senator Kyl. Is that right?

Mr. Lindemann. How is that?

Senator Kyl. In that case, I will say why did you leave? No, I am sure you got transferred.

I will just make this very brief statement. Ron Sanders has been enormously helpful to me. Every time I want information, we are able to get it. We go to the border, he is there to point out things to us. He represents his people very, very well. He has given us a lot of good suggestions. He has answered a lot of questions, and I think he tells the truth when he is describing the situation on the border. He has made a big difference there.

Gail Griffin, a member of our state legislature has been thrust into the limelight here because her constituents have been beating a path to her door in a way that--well, let us put it this way: It has gotten everyone's attention, and she has had to juggle the problem of angry constituents who want answers to questions now and with the professionals who are clearly tasked with the job of controlling the border with a Federal Government that I am sure she is a bit frustrated with, wondering why we cannot get some relief, and perhaps the last panel suggested some of the problems for Representative Griffin.

But I am delighted there at least two Arizona and one former Arizona constituents on this panel here today. Thank you.

Senator Abraham. Thank you all very much. I sort of went through the clock explanation already. So we will turn to each of you now for opening statements.

Chief Sanders.

PANEL CONSISTING OF RON SANDERS, CHIEF, CHIEF PATROL AGENTS ASSOCIATION, U.S. BORDER PATROL, TUCSON, AZ; HON. GAIL GRIFFIN,

STATE REPRESENTATIVE, SIERRA VISTA, AZ; AND ROBERT LINDEMANN,
SENIOR PATROL AGENT, DETROIT SECTOR, AND UNION STEWARD,
NATIONAL BORDER PATROL COUNCIL, DETROIT, MI

STATEMENT OF RON SANDERS

Mr. Sanders. Good afternoon, Mr. Chairman and distinguished members of the subcommittee. I appreciate the opportunity to share with you the views of the membership of the Chief Patrol Agents Association on the need for additional Border Patrol agents. We appreciate your past efforts to provide the Border Patrol with the support and resources necessary to strengthen the enforcement of our Nation's immigration laws.

During this fiscal year, it is anticipated that the Border Patrol will arrest 1,600,000, and we will seize 1,200,000 pounds of marijuana. Our arrests and seizures, coupled with the hundreds of thousands of violators that we do not catch, clearly indicate we need additional resources.

On February 25, 1999, former chief patrol agent and current representative Sylvester Reyes testified that his staff has met with all five Texas Border Patrol chiefs and they stated that they desperately need more agents. He indicated that he thought the response would be the same if every Border Patrol chief were asked the same question.

I have spoken with the 21 Border Patrol chiefs, and 20 of the 21 believe that they desperately need more agents. The chief patrol agent in San Diego feels confident that he has the personnel necessary to maintain the control that has been established in his sector, however attrition is a major concern. San Diego lead the nation in attrition, and at the current time, loses one agent every day or some 365 agents per year.

Other sectors have similar problems. I have spoken to Senator Kyl about this problem. He is very interested in finding ways that this agency can maintain a highly trained professional work force. The Border Patrol has a growing need for additional high caliber agents. It does not make sense to spend large sums of money training these agents, only to lose them to other agencies and private industry. We look forward to working with Senator Kyl and other members of Congress to solve this costly problem.

During July 1998, the Population Research Center at the University of Texas at Austin completed a study entitled ``An Estimate of the Number of Border Patrol Personnel Necessary to Control the Southwest Border''. The study estimated that 16,133 Border Patrol agents would be needed to control the 1,782 miles along the U.S. border. In addition, we believe that the northern border and interior locations should be staffed with a

force of 4,000 Border Patrol agents. We should strive to have an on-duty force of 20,000 Border Patrol agents if we are to be effective in our mission of controlling the borders of the United States.

In 1994, the Border Patrol developed a strategic plan to control illegal immigration along the southwest border. This plan called for sending most of the enhancement personnel to areas that had the heaviest volume of illegal immigration entries. At that time, those areas were El Paso, TX and San Diego, CA. The strategy was successful in shifting large numbers of illegal aliens into other sectors, however we have not received sufficient resources to deal with the increases of illegal entries brought on by this strategy.

We are witnessing a dramatic increase in the number of complaints received from ranchers, farmers, local law enforcement agencies, and providers of social services that have been impacted by these shifts in illegal immigration patterns. The plan has not been revised since it was implemented in 1994. This association has asked that the plan be updated on a quarterly basis.

A strategy that works in San Diego may not be the best strategy for Tucson. The terrain, social, and political climates are not the same at each location, and the local sector chiefs need the ability to manage the unique problems that they face in their individual sectors. We do not feel that we have a strong interior enforcement program, and the illegal alien population inside the United States is growing at an alarming rate.

The true judge of the enforcement success of this agency will be the report card provided by the Census Bureau in the Year 2000. We believe that several Congressional districts will be changed based on population shifts caused by large concentrations of illegal aliens in the interior of the United States.

In order to be successful, we need an organizational structure that will enable us to focus on our enforcement mission. As you move forward with your work in the area of reorganizing the INS, we ask that you provide us with an organizational structure that will enable us to focus on a single mission of enforcing the immigration laws of the United States.

Mr. Chairman and members of the subcommittee, the sector chiefs and the agents of the U.S. Border Patrol are proud to be serving their country and are proud to carry out the immigration laws that have been passed by Congress. I thank you, and I would be happy to answer any questions that you might have.

[The prepared statement of Mr. Sanders follows:]

Prepared Statement of Ron Sanders

introduction

Good Afternoon Mr. Chairman and distinguished members of the Senate Subcommittee on Immigration. I appreciate the opportunity to share with you the views of the membership of the Chief Patrol Agent's Association on the ``The Need for Additional Border Patrol Agents at the Northern and Southern Borders''. We appreciate your past efforts to provide the Border Patrol with the support and resources necessary to strengthen the enforcement of our nation's immigration laws along the borders of the United States.

need for additional border patrol agents

During this fiscal year it is anticipated that the Border Patrol will arrest 1,600,000 individuals that enter the United States in violation of law. In addition we will seize 1,200,000 pounds of marijuana. Our arrests and seizures coupled with the violators that we do not catch clearly indicate we need additional resources to effectively enforce the immigration laws of the United States.

On February 25, 1999, former Chief Patrol Agent and current Representative Silvestre Reyes testified before the Committee on the Judiciary Subcommittee on Immigration and Claims. He stated that his staff had met with all five Texas Border Patrol Chiefs and they all stated that they desperately need more agents. He indicated that he thought the response would be the same if every Border Patrol Chief were asked the same question.

I have spoken with the twenty-one Border Patrol Chiefs and twenty of the twenty-one believe that they desperately need more agents and associated support resources. Since 1993, the San Diego Sector has received unprecedented increases in personnel, equipment, and advanced technology. The Chief Patrol Agent in San Diego feels confident that he has the personnel necessary to maintain the control that has been established in his sector. However, attrition is a major concern. San Diego leads the nation in attrition and at the current time loses one agent per day (i.e., over 365 agents per year). The other sectors along the southern border have similar problems with attrition. I have spoken to Senator Kyl about this problem in the Border Patrol and he is very interested in finding ways that this agency can maintain a highly trained, professional work force. The Border Patrol has a growing need for additional high caliber agents and it does not make sense to spend large sums of money training these agents only to lose them to other agencies and private industry. The Chief Patrol Agent's Association looks forward to working with Senator Kyl and other members of Congress to solve this costly problem.

During July 1998, the Population Research Center at the University of Texas at Austin completed a study entitled An Estimate of the Number of Border Patrol Personnel Necessary to Control the Southwest Border. We believe that this comprehensive study presents the best estimate of

the staffing levels required to control and deter unauthorized crossings at the U.S.-Mexico border that we have seen to date. The study estimated that 16,133 Border Patrol Agents would be needed to control the 1,782 miles along the U.S.-Mexico border. In addition we believe that the northern border and interior locations should be staffed with a force of 4,000 Border Patrol Agents, thus the Association of Chief Patrol Agents believes that we should strive to have an on duty force of 20,000 Border Patrol Agents if we are to be effective in our mission of controlling the borders of the United States.

border patrol strategic plan

In 1994, the Border Patrol developed a strategic plan to control illegal immigration along the southwest border. This plan called for sending most of the enhancement personnel to areas that had the heaviest volume of illegal immigration entries. At that time those areas were El Paso, Texas and San Diego, California.

The strategic plan called for controlling certain geographic areas thus shifting the flow of illegal aliens into other areas along the southwest border in the short term. As the flow of illegal aliens was shifted, additional personnel were needed to apprehend the aliens that were using the newly created entry corridors.

The strategy was successful in shifting large numbers of illegal aliens into Border Patrol Sectors located in El Centro, California; Yuma, Arizona; Tucson, Arizona; Del Rio, Texas; Laredo, Texas; and McAllen, Texas. However, we have not received sufficient resources to deal, with the increases of illegal entries brought on by the strategy. Therefore, we are witnessing a dramatic increase in the number of complaints received from ranchers, farmers, local law enforcement agencies, and providers of social services that have been impacted by these shifts in illegal immigration patterns.

The 1994 Border Patrol Strategic Plan has not been revised since it was implemented in 1994. This Association has asked that the plan be updated on a quarterly basis and that the strategy be flexible enough to accommodate the different political, social, and economic conditions that exist in the different sectors. A strategy that works in San Diego may not be the best strategy for Tucson. A strategy that works in El Paso may not be the best strategy for Del Rio. The terrain, social, and political climates are not the same at each location and the local sector chiefs need the ability to manage the unique problems that they face in their individual sectors.

We believe that once illegal aliens flow through newly created corridors provided to them by an, as yet, incomplete execution of the national strategy, we must have a strong interior enforcement posture to deal with those that avoid arrest on the border. We do not feel that we have a strong interior enforcement program at the present time and the illegal alien population inside the United States is growing at an alarming rate. The true judge of the enforcement success of this agency will be the ``report card'' provided by the Census Bureau in the year

2000. We believe that several congressional districts will be changed based on population shifts caused by large concentrations of illegal aliens in the interior of the United States.

enforcement structure

In order to be successful we need an organizational structure that will enable us to focus on our enforcement mission of securing and protecting the borders of the United States from illegal entries. A well-managed border will enhance our national security and safeguard our immigration heritage while restoring our Nation's confidence in the integrity of the border.

As you move forward with your work in the area of reorganizing the INS, we ask that you provide us with an organizational structure that will enable us to focus on a single mission of enforcing the immigration laws of the United States.

closing

Mr. Chairman, and Members of the Subcommittee, the sector chiefs and the agents of the United States Border Patrol are proud to be serving their country and are proud to carry out the immigration laws that have been passed by members of congress.

I thank you for allowing me the opportunity to appear before you today and I would be happy to answer any questions that you might have.

Senator Abraham. Thank you very much, Chief.

Representative Griffin, welcome.

Ms. Griffin. Thank you.

Senator Abraham. We will hear from you at this time.

STATEMENT OF MS. GRIFFIN

Ms. Griffin. Thank you, Mr. Chairman and distinguished members of the subcommittee. Thank you for the opportunity to speak to you today about this important issue.

I have the honor of representing District 8 which is the southeastern Arizona border that starts at Nogales and runs east to the New Mexico border. The majority of my district includes the Immigration and Naturalization Service, Tucson sector. The challenges and difficulties of illegal immigration has never involved such tremendous fear as the situation as it exists today. I share my constituents' frustrations as they continue to be overwhelmed with no end or solution in sight.

The only analogy I can draw to describe the feelings is one of utter helplessness. You can only imagine placing a 911 emergency call, only to be told there is no help available. The safety of the citizens of the United States, the enforcement of our laws, and the protection of our borders is a duty and obligation we cannot shirk.

Officials from multiple levels of government are involved in the efforts to deal with this impending crisis. City,

county, and State officials have reported tremendous strain on their law enforcement, medical services, and their criminal justice system. Our local law enforcement officials are unable to turn the tide of vandalism, theft, and increasing confrontations. The need for immediate intervention of Federal law enforcement is emergent.

The result of border incursions have been an increased flow of illegal narcotics, trespassing, destructive vandalism, home invasions and thievery. It is any wonder that residents, and particularly those who live in the remote areas, are searching for other self-help methods to protect their families and their property. Many area ranchers are third and fourth generation Arizonans and are respectful stewards of the land. They well know and appreciate the benefits of our close relationship to Mexico and our Mexican brothers and sisters. My district includes one of the most culturally diverse regions in all of America, and we are proud of our heritage and respectful of our neighbors and responsibilities.

I am also concerned for the safety of the illegal entrants who are attempting to cross the border to seek work and are simply trying to better their lives and are migrating to the United States with good intentions. If steps are not taken to stem this crisis, I am fearful many more will be wrongly encouraged to attempt this very dangerous trip in border crossing.

Area ranchers and residents describe the siege mentality they are living under on a day-to-day basis. Things that we take for granted such as a trip with our spouse to town must be planned to allow one person to remain at home to protect personal belongings. Trash is strewn across fields as if a rock concert had been hosted the night before. Equipment, trucks, cars are stolen and destroyed and fences are cut. Livestock are stolen and killed. One rancher lost 13 cows in 1 year. They are shot, butchered and left to rot. Homes are broken into. Residents are afraid to go out at night. One rancher tells of being beaten almost to death by illegals. Residents are afraid to sleep. They are prisoners in their home.

Committee members, my constituents are pleading for help. What are they to do? We do not know who is coming across the border. Are they dangerous? Are they criminals? Terrorists? Are they simply trying to better their life styles? Are they smuggling drugs or people? Do they need medical attention? Who are they?

Several residents have asked why their Nation seems to be willing to protect others in the world before it protects its own. The Federal Government's actions suggest that citizens on or near the border are a lower priority than the international stories currently grabbing headlines. I believe their questions

deserve answers. What are they to do? What are their rights?

This is not just a local problem, a county problem, or an Arizona problem. It is a national problem. A recent newspaper article reported 1,000 illegal immigrants within 10 days were caught at the Phoenix airport with airline tickets to Chicago, Atlanta, and other destinations.

Something must be done now. We must stop the illegal influx of individuals crossing our border. We must enforce existing laws and employer sanctions. We must put smugglers of drugs and people behind bars. We must consider and implement guest working visa programs, and we must increase resources on the border.

Thank you once again for allowing me to testify, and thank you for your efforts to help our situation. Senator Kyl, thank you for bringing our--successfully communicating our needs in our area.

[The prepared statement of Ms. Griffin follows:]

Prepared Statement of Ms. Gail Griffin

Senator Abraham and distinguished members of the subcommittee, thank you for the opportunity to speak to you today on this important issue.

I'm Gail Griffin. I have the honor of representing District 8, which is southeastern Arizona, it includes the southern border from Nogales and extends east to the New Mexico border. A majority of my district includes the Immigration and Naturalization Service's Tucson Sector.

The challenges and difficulties of illegal immigration has never involved such tremendous fear than the situation as it exists today. I share my constituents' frustrations as they continue to be overwhelmed with no end or solution in sight. The only analogy I can draw to describe the feelings is one of utter helplessness. You can only imagine placing a 911 emergency call, only to be told there is no help available.

The safety of the citizens of the United States, the enforcement of our laws, and the protection of our borders is a duty and obligation we can not shirk.

Officials from multiple levels of government are involved in the efforts to deal with this impending crisis. City, county, and state officials have reported tremendous strain on law enforcement, medical services, and our criminal justice system. Our local law enforcement officials are unable to turn the tide of vandalism, theft, and increasing confrontations.

The need for immediate intervention of federal law enforcement is emergent. The result of border incursions has been an increased flow of illegal narcotics, trespassing, destructive vandalism, home invasions, and thievery. Is it any wonder that residents, and particularly those

who live in remote areas, are searching for other self-help methods to protect their families and their property?

Many area ranchers are third and fourth generation Arizonans and are respectful stewards of the land. They well know and appreciate the benefits of our close relationship to our Mexican brothers and sisters. My district includes one of the most culturally diverse regions in all of America, and we are proud of our heritage and respectful of our neighbors and responsibilities.

I am also concerned for the safety of the illegal entrants who are attempting to cross the border to seek work and are simply trying to better their lives and are migrating to the United States with good intentions. If steps are not taken to stem this crisis, I am fearful many more will be wrongly encouraged to attempt this very dangerous trip and border crossing.

Area ranchers and residents describe the ``siege mentality'' they are living with under each and every day. Things that we all take for granted, such as a trip with our spouse to town, must be planned to allow for one person to remain at home to protect personal belongings. Trash is strewn across fields, as if a rock concert had been hosted the night before. Equipment, trucks, and cars are stolen or destroyed and fences are cut. Livestock is stolen or killed. One rancher lost 13 cows in one year. They were shot, butchered, and left to rot. Homes are broken into. Residents are afraid to go out at night. One rancher tells of being beaten almost to death by illegals. Residents are afraid to sleep. They are prisoners in their homes.

Committee members, my constituents are pleading for help. What are they to do?

I am awed by reports that the Tucson Sector set a record by apprehending 60,537 illegal immigrants in March of this year alone. Those numbers are nothing short of staggering. When a mass of six hundred illegal individuals recently attempted to move all at once across the border near Douglas, my constituents asked how they might be able to protect their families and homes if they were faced with a similar situation. Unfortunately with the limited law enforcement resources that currently exist in the area, there is little they could do.

We don't know who is coming across the border. Are they dangerous? Are they criminals, terrorists? Are they simply trying to better their lifestyles. Are they smuggling drugs or people? Do they need medical attention? Who are they?

Several residents have asked why their nation seems to be willing to protect others in the world before it protects its own citizens. The federal government's actions suggest that citizens on or near our borders are a lower priority than the international stories currently grabbing headlines. I believe their questions deserve answers. What are they to do? What are their rights?

This is not just a local problem, a county problem, or an Arizona problem. This is a national problem. A recent newspaper article

reported 1,000 illegal immigrants, within ten days, were caught at the Phoenix airport with airline tickets to Chicago, Atlanta, and other destinations. Something must be done, NOW!

We must stop the illegal influx of individuals crossing our borders!

We must enforce existing laws and employer sanctions!

We must put smugglers of drugs and people behind bars!

We must consider and implement guest working visa programs!

We must increase resources on the border!

Thank you once again for allowing me to testify and for your efforts on our behalf. Senator Kyl, thank you for successfully communicating our urgent call on this issue. I am happy to answer any questions. Thank you.

Senator Abraham. Thank you very much.

We are now joined by Mr. Robert Lindemann who is an agent in the Detroit office of the Border Patrol, and I want to welcome you here today and thank you for the hard work that you and your fellow agents do in our part of the world. We appreciate it very much and appreciate your time to be with us at this hearing.

STATEMENT OF MR. LINDEMANN

Mr. Lindemann. Thank you, sir. As the Senator said, my name is Robert E. Lindemann, and I am steward for the National Border Patrol Council of the Detroit Local. I have been an agent for close to 15 years, and the Detroit sector Border Patrol covers over 800 miles of border and has enforcement responsibilities for four midwestern States. We do this or at least attempt to do it with no more than 19 field agents and one detention officer.

Since 1988, we have continuously lost agents. Still, we continue to make more arrests. Right now, arrests are up over 40 percent over last year at this time and keep in mind that for most of this fiscal year, we have had little or no detention or operations funding. Several years ago, the INS commissioner, Doris Meissner, laid out of 5-year strategic plan to control our borders and increase interior enforcement through resource enhancements allocated by Congress.

The southwest border has received most of those resources. The response to the northern border was to slash operational and detention funding. Months ago, she offered northern sectors just 21 additional Border Patrol agent positions to help patrol over twice the amount of border than the southwest border occupies. Currently, the northern sectors have less than 289 agents assigned to it, compared to over 7,000 in the southwest border.

Since the INS has stepped up enforcement to the southwest border, arrests and drug seizures on the northern borders have increased. Conversely, our funding and manpower has decreased. Illegal alien street gangs are also a problem that has exploded in the last few years in the Detroit area. Lack of detention money allows illegal alien gang members to roam the cities and streets unchecked, and their numbers have increased.

Patrol operations are sporadic and ineffective. Agents are often tied up doing detention work or on other details away from sector. This allows for only a handful of agents on duty at any given time. Frequently, agents have no backup and must rely on an antiquated radio system to call headquarters in emergent situations. This prospect is a gamble at most times, because our radio system covers little of our patrol area.

When we do locate criminal or illegal aliens, they have to be released. The funding deficiencies also cause equipment that should have been replaced decades ago to remain in service. A recent request to replace nine older vehicles with excessive mileage was previously approved by INS headquarters. But only days after our union president testified before the House Immigration Claims Subcommittee regarding law enforcement problems in the northern border, funding was pulled and the request for replacement denied. Reason: other operational commitments.

The bottom line is there are not enough agents or accompanying resources along the northern border that will provide any deterrent for anyone attempting illegal entry, contraband smuggling, or any criminal act. The INS proposal of adding 21 agents to the northern sector is laughable and insulting. A Detroit sector partnership study conducted a few months ago concluded that there was a need of 104 additional agents including critical support staff. This would afford 24-hour protection at each of the five Detroit stations, Detroit sector stations.

The U.S. Government has an obligation to provide for a safe and secure border. The United States, through its government, also has the right to determine its own immigration policy based on lawful, orderly, and proscribed procedures, not whenever anyone feels the urge to enter and for whatever reason, as is the case throughout our border regions.

Part of this endeavor requires a vigilant border patrol. For the last several--for the past several decades, this notion has been flaunted by illegal immigrants, drug smugglers and other foreign criminal elements residing in the United States.

I strongly urge the members of this committee to implore the INS to rethink their current strategy of border enforcement and immigration enforcement in general on the northern border. They should retain the funding that was given to them by

Congress and carry out their mandate to make more secure our Nation's borders. We as citizens of this great nation deserve no less.

Thank you, and if you have any questions, I will answer them as best as possible.

[The prepared statement of Mr. Lindemann follows:]

Prepared Statement of Robert E. Lindemann

Good afternoon, I am Robert E. Lindemann, Steward for the National Border Patrol Council Detroit Sector Local 2499. I have been a Border Patrol Agent for close to 15 years now. I am also a member of the Border Patrol Tactical Unit. I want to thank Senator Abraham for inviting me here and for his national leadership on this issue.

introduction

The Detroit Sector covers over 800 miles of border and has enforcement responsibilities for four mid-western states. We do this, or at least attempt it with no more than 19 field agents and 1 detention officer. Since 1988 we have continuously lost agents; still we continue to make more arrests. Right now arrests are up 40 percent over last year at this time. Keep in mind that for most of this fiscal year, we have had little or no detention or operations funding.

response

Several years ago the INS commissioner, Doris Meissner, laid out a 5 year strategic plan to control our borders and increase interior enforcement through resources enhancement allocated by congress. The southwest border has received most of those resources. Her response to the northern border enforcement was to slash operational and detention funding. Months ago she offered northern sectors just 21 additional Border Patrol Agent positions to help patrol over twice the amount of border than the southwest border occupies. Currently, the northern sectors have less than 289 agents assigned to it, compared to over 7,000 on the southwest border. Since the INS stepped up enforcement to our southwestern border, arrests and drug seizures on the northern borders have increased. Conversely our funding and manpower has decreased.

impact of reduced funding-personnel

Recent budget cuts and reductions in manpower to the Detroit Sector over the last decade have negatively impacted patrol operations and trashed the morale of local personnel. Response times to police and citizen complaints regarding illegal aliens or criminal aliens have increased or gone unanswered. Aliens who were once detained and deported, now have to be released. Why? Because there is no money--nor is there any nearby INS detention facility. For example, just a week ago USBP Grand Rapids Station had to release two Mexican nationals whom were arrested and convicted of drug smuggling. The reason--No Money. It was all taken away in late December 1998. Illegal alien street gangs are also a problem that has exploded in the last few years in the

Detroit area. Lack of detention money allows illegal alien gang members to roam city streets unchecked and their numbers have increased.

patrol operations

Patrol operations are sporadic and ineffective. Agents are often tied up doing detention work or on other details away from sector. This allows for only a handful of agents on duty at any given time. Often times and at night, there are only 2 agents on duty sector wide. Frequently agents have no back up and must rely on an antiquated radio system to call headquarters in emergent situations--this prospect is a gamble most times because our radio system covers little of our patrol area. Furthermore, it is physically impossible for 19 agents to patrol 804 miles of border and simultaneously respond to police or citizen reports of illegal aliens or other crimes.

When we do locate criminal aliens as was the case only weeks ago they have to be released. Only days ago Patrol Agents located two alien aggravated felons. These aliens were considered an extreme risk to our communities and once arrested should have been detained without bond according to statute. Instead they were left free to roam the country. The reason--the local INS Deportations Branch had no money to detain them. This serious lapse occurred as of Friday April 23, 1999.

outdated equipment

Funding deficiencies also cause equipment that should have been replaced decades ago to remain in service. A recent request to replace 9 older vehicles with excessive mileage was previously approved by INS Headquarters, but only days after our Union president testified before the House Immigration & Claims Subcommittee, regarding law enforcement problems on northern border, funding was pulled and request for replacement denied. Reason: other operational commitments.

Reduced funding also impacts other resources such as, communications and intrusion alarms. These systems are decades old and rarely work or are unreliable when they do. Most all Southwest Border Patrol sectors are on 3rd generation radios and enhanced communications systems, we rely on repeater systems put up in the mid 1970's. Our radios range from 10 to 20 years in age.

For example our radio repeater system, if we are lucky and conditions are perfect, affords us radio coverage in about a quarter of our sector. Generally it is only operational in the Detroit area. This is a serious officer safety problem for our lives depend on dependable two-way communications. It has been this way for decades and we only now have recent indications that INS will survey the problem for later repair-date unknown.

Our sensor systems are decades old technology and unreliable at best in their current configuration they should have been upgraded years ago. That may be a moot point due to manpower limitations--timely responses to intrusions are impossible with current staffing.

retention of employees

One of the more recent problems with attracting and retaining agents has been entry-level and the journeyman grade. The entry-level

grade, GS-5, which is about \$23,000 per year for a college graduate. Most Police departments and Federal agencies start prospective officers at a much higher rate. The majority of Border Patrol Agents are GS-9, less than 50 percent are GS-11 grade. We have received a large number of college graduates in the last 5 years and many leave and go to other agencies that have journeymen grade levels set at GS-12 and GS-13. How can we compete with that? We can not.

We are a patrol agency but the work we do certainly should qualify us for GS-11 grade pay. We boast the toughest academy and post academy training of all federal agencies. We are the only federal agency that requires a second language as well as law and language exams during our probationary year. Failure of these exams means termination. Many other agencies offer GS-12 level journeymen grades with no subsequent testing after academy completion. This issue will have to be addressed or attrition will continue.

potential threats from abroad

As a matter of fact, the Canadian government has more relaxed immigration policy than the US; this affords citizens from many countries to enter Canada with nothing more than a passport. A new trend currently being seen on the northern border is the illegal entry from Canada into the US by Mexicans. Under NAFTA, Mexicans no longer are required a visa to enter Canada, simply a Mexican passport.

Just over 2 weeks ago, two Mexican nationals were arrested by BP Agents entering the United States near Detroit from Canada. They stated that due to increased enforcement efforts by USBP on the Southwest border, it was much easier, less costly to enter Canada by commercial aircraft and later enter the United States across the Northern Border. They also stated that the word on the street in Mexico that BP presence on the Northern Border was small and that nobody was being sent back or detained. They were right. After a short interview and processing both were released with no bond posted. No forwarding address was recorded. They were instructed to show up for their immigration hearing and they laughed as they walked out of the station. As pressure increases on the Southwest border we can only expect a flood of illicit activities along our northern border.

Also they would be required to sign a form stating they would abide by US laws while awaiting trial. This may sound like an extreme example, but it is what's happening on a daily basis in the Detroit Sector when other aliens are arrested. I'm sure it occurs in other northern border patrol sectors as well.

conclusion

The bottom line is there are not enough agents or accompanying resources along the northern border that would provide any deterrent for anyone attempting illegal entry, contraband smuggling or any criminal act. The INS proposal of adding 21 agents to northern sectors is laughable and insulting. A Detroit Sector partnership study conducted a few months ago concluded that there was a need of 104 additional agents, not including critical support staff. This would

afford 24 hour protection at each of the 5 Detroit Sector stations. They should also be planning for and building more detention facilities to relieve local law enforcement from the burden of caring for incarcerated aliens and relieving the taxpayers from the expense of renting space at high prices for detaining these same aliens at state and local facilities.

The US Government has an obligation to provide for safe and secure borders. The United States through its government also has the right to determine its own immigration policy based on lawful, orderly and proscribed procedures, not when ever any one feels the urge to enter and for whatever reason as is the case throughout our border regions. Part of this endeavor requires a vigilant Border Patrol. For the past several decades this notion has been flaunted by illegal immigrants, drug smugglers and other foreign criminal elements residing in the US.

I strongly urge the members of the committee to implore the INS to rethink their current strategy of border enforcement and immigration enforcement in general on the northern border. They should retain the funding that was given to them by Congress and carry out their mandate to make more secure our nations borders. We as citizens of this great nation deserve no less! Thank you and if the committee has any questions for me I will answer them as best as possible.

Senator Abraham. Thanks very much, Mr. Lindemann.

Well, let me just begin.

Mr. Sanders, Chief Sanders, you indicated that you believe that a force of approximately 20,000 is really the level that it will take to make a significant impact on the reduction of illegal immigrants; is that correct?

Mr. Sanders. Yes, sir, that is correct.

Senator Abraham. So as I calculate it here, that means we need to add somewhere in the vicinity of between 11,000 to 12,000 to the border patrol from what we currently have at current levels. And I was just doing a little calculation. At the rate of 200 per year, it will take 55 years for us to have the number that you require.

So here is my question. What do you think we can do? And I will also ask Agent Lindemann the same. What can we do? What other ideas beyond addressing the pay issue? Do you really feel that it is going to be that difficult to find people to meet your needs? Because that seems to be a problem. What recommendations do you have to address the short fall?

Mr. Sanders. In October of last year, the patrol agents met with Commissioner Meissner in Denver at her conference there, and we told her we believed that we had a serious problem in recruiting. We could tell from the individuals that were entering on duty. Our classes were not full. Notification was not being received in sufficient time. Some agents were only-- some new hires were only getting 2 days notice before they

reported in. All these things presented problems.

As time has gone on, we believe that one of the best solutions is to turn the recruiting over to the Border Patrol. Get it out of human resources. Let us do our recruiting. We have a system now that where the Office of Personnel Management is very much involved in the recruiting. This would be similar if the Office of Personnel Management recruiting for the army, for example. As you know, the army has their own recruiting. They are responsible for their own recruiting. I think we need to do that. I think the agency is finally coming around and realizing that we would be the best recruiters and not the Human Resources Department.

Senator Abraham. So, No. 1, you think that it would be helpful for the Border Patrol to recruit its own, handle recruitment or oversee it itself?

Mr. Sanders. Yes, sir.

Senator Abraham. What else?

Mr. Sanders. The pay issue. I laughed when we talked about the GS-11 issue. I left the Border Patrol in 1975 because we were promised a GS-11. It is kind of like your scenario of taking 55 years. So many of us left at that time. Twenty-some years have passed, and we are still talking about the same thing.

We meet on a regular basis with Mr. de la Vina and Mr. Pearson, and about 4 times a year with Commissioner Meissner. We repeatedly stated that the Border Patrol from the chief patrol agents on down are the most undergraded agents in the Federal Government. It is just that simple.

The position descriptions have not been rewritten. We have requested that they look at the chief patrol agents positions. Many of those, including Detroit--the chief in Detroit is a much lower level than his counter parts with the FBI, the Customs, and so on. This has been going on for 3 years, and we have seen very little movement in that regard. So we have offered to help rewrite those position descriptions, but once again, we must work through Human Resources, and it is very, very time consuming.

Senator Abraham. I am not going to ask you to go through everything, but I would ask you, perhaps in writing, to supply us with a comprehensive list of recommendations that you and your colleagues would have as to things that would help to beef up the service to meet the authorizations that we have agreed to.

Mr. Lindemann, do you want to add anything to that?

Mr. Lindemann. Yes, sir. Specifically, it is the pay grade. People with college degrees and prior military are coming on board, hired at GS-5, and they have only a hope of becoming a GS-11. I think 20 percent of the U.S. Border agents are GS-11

patrolmen. The remainder are GS-9, and these guys are, you know, 2 to 3, 4 years in a border sweating like, you know, never before, working hard every day. They are looking at FBI, DEA, and ATF, and their agents are almost automatically given-- not given. They earn it--GS-12 and GS-13 grades for their journeyman level, and that, by and large, is our biggest impediment to retaining people.

Senator Abraham. And you are losing--I mean the attrition we heard about, which I know is accurate, you are losing them to other law enforcement agencies right in the Federal Government. Is this basically what you are saying happens?

Mr. Sanders. Yes, sir. I have lost 55 individuals since October 1, and a majority of those have gone to other agencies, Secret Service, ATF, FBI. They love to hire our people. They are trained in two languages. They have a very extensive academy, some 26 weeks of very intense training. So we make good recruits for them.

Senator Abraham. Mr. Lindemann, let us go over the numbers again for Detroit.

Mr. Lindemann. Yes, sir.

Senator Abraham. Exactly how many agents sign to the Detroit region?

Mr. Lindemann. We have 19 field agents in the Detroit sector and one detention officer.

Senator Abraham. Tell us how large that sector is again.

Mr. Lindemann. We cover--we have interior responsibilities to four States and about 800 miles of border, and that is spread out--and those 19 agents are spread out through five stations. So we are just unable to mount any serious enforcement effort almost at any given time. It is impossible with one or two agents on duty in a car, working the City of Detroit, for example, which I am familiar with. We get a call or a alarm intrusion, and traffic is so heavy by the time we get there, everything is over with.

Senator Abraham. It is a small city. It is only about a million people.

Mr. Lindemann. Exactly. Exactly.

Senator Abraham. Two of you ought to be able to handle it. I can imagine.

Obviously, you want more.

You indicated some numbers that seemed to be the kind of level to provide the sort of support you need. Would you go over those again?

Mr. Lindemann. Yes, sir. A joint partnership with the union and our local management with Chief McLafferty recommended or concluded that we have at least 104, and that, I do not believe, includes support personnel. Again, with one detention officer, you can only do so much, and he has got to drive

across the state constantly picking up prisoners, and because there is one of him, we normally end up doing those duties as well, taking away from the time that we actually spend doing enforcement activities.

Senator Abraham. So the number has--so we are 85 short based on what you have calculated?

Mr. Lindemann. Yes, sir.

Senator Abraham. And given that very few of the new agents get assigned there, again, we are talking about a very significant shortfall, essentially, for as far as the eye can see.

You also mentioned that there are other impediments such as antiquated equipment, things of that sort that have made it much harder to perform your duties; is that right?

Mr. Lindemann. Yes, sir. Our radio system, for example, works in probably a quarter of our area, and that is usually only in the City of Detroit. We have one repeater that services like--you know, like a 65-square-mile area, and sometimes you can hit it, and sometimes you cannot. It is not uncommon to be chasing somebody on foot, and you cannot get out on the radio. You know, you cannot talk to headquarters on the radio. You cannot call backup. Fortunately the City of Detroit has provided us with City of Detroit radios to provide assistance to us.

Senator Abraham. Would you say that this is--I mean, you probably know people in the other northern border sectors. Is this the same basic challenge they all have?

Mr. Lindemann. Identical. Identical. Manpower, lack of radio coverage, lack of vehicles, lack of--no detention officers. In Detroit, we have no INS detention facility. We have to rely on local law enforcement to lodge our prisoners at an exorbitant rate, and so in turn, we arrest them. We give them a piece of paper, and they walk out the door because there is no money, and that happens every day.

Senator Abraham. I would just say for the record that we have requested information on detention needs as well, and I hope that we will get a little bit more thorough information from INS as to their needs. Again, I think this is an area where Congress would be willing, if we were given a sense of needs more specifically than we have so far, not only for the detention of people apprehended but for the detention of criminal aliens who are incarcerated to be detained for purposes of having deportation proceedings conducted.

We still cannot get all the information we need there, and I know there are people from INS here today, and I would urge them to send back the message that it is all part of the same concern we have, and the needs that we have have not changed on that front.

I have gone over my time. So I will turn to Senator Kyl.

Senator Kyl. Well, thank you, Mr. Chairman. Your questioning has just brought out so many important things, the needs both on the northern and southern borders, some good suggestions that I hope we will get; and by the way, if there is any hint of retribution from either of the two of you, I hope you will let the two of us know, because it is against the law, and we will see to it that the situation is resolved properly.

I have one question, Chief Sanders, of you. Is it true that the estimates based on footprints, infrared technology, and other techniques suggest that approximately three illegal aliens get away for every one that is caught or apprehended; is that correct?

Mr. Sanders. Yes, sir, that is true.

Senator Kyl. So at 1.6 million apprehended in the Tucson sector. If you multiply by three, that is a 4.8 million were not apprehended; is that correct?

Mr. Sanders. Yes, sir.

Senator Kyl. That just gives you a little bit of an idea of the order of magnitude. This is for one sector now in 1 year.

Gail Griffin, I wanted to perhaps add two points that are, I think, very important to make for the record, and Chief Sanders, I think will bear us out on both of these.

One of the concerns that you raised was the fact that there is a significant danger to the people attempting to cross, as well as to some of the America citizens. It is my understanding that during the hot summer months, some of these agents, in short supply to begin with, are deployed to the remote, hot desert areas of our border--the Barry Goldwater Gunnery Range, where our pilots practice gunnery. There is nothing much there, and there is certainly not any water there--for the sole purpose of saving lives of illegal immigrants who choose to avoid the urban areas and therefore cross the desert, and that each year there are numerous illegal aliens who die and many more that are saved by those agents. Is that your understanding?

Ms. Griffin. Yes, in fact, a couple of weeks ago the headlines in the paper was ``Baby Born in Desert''.

Senator Kyl. And Chief, I am catching you off guard here, but any idea of the number of people who die per year?

Mr. Sanders. In Arizona, the statistics that we have, it is approximately 30, and we consider ourself to be very fortunate, because nationwide during that same period of time, it was probably in a 3-year period, somewhere over 500. By expanding those patrols into that remote desert area, we have been very successful, but we have to take coverage from other places to save those human lives.

Senator Kyl. That is exactly the point I was going to make. In order to save the lives, you have to then degrade your performance in other areas. Also, I know in the City of Nogales where you first put the agents, there was a huge crime rate, and I know, Representative Griffin, you made the point that not all, by any means--in fact, only a minority of the people crossing the border are criminal. The rest are simply seeking a better opportunity.

But there are criminals within them, and I think, Chief Sanders, you would agree that there is an increasingly dangerous criminal element, more weapons used, more protection of the drugs that are being smuggled across, but my recollection is that you told me that once you got a pretty good tranche of agents on the ground in Nogales, the crime rate plummeted. I know the people in the community stopped complaining to me about both the petty theft, the burglary, and the assaults that they were experiencing, the break-ins and so on, and the situation there has calmed down significantly, again making the point that Chief de la Vina made, which is that once you get the application of agents on the border, you can reduce crime as well as make apprehensions significantly; is that correct?

Mr. Sanders. Yes, sir. I would like to point out that we successfully prosecuted 3,500 individuals in Arizona last year for committing crimes, and it is important to realize that the U.S. attorneys in the state of Arizona prosecuted 7,000. So the U.S. Border Patrol provided half of the criminals that they prosecuted.

So when we talk about an enforcement strategy, we need to talk about prosecutors. We need to talk about U.S. Marshals, and we need to talk about bed space. It is a total package. What we do in the Border Patrol as our arrests go up, it creates problems for those other agencies.

Senator Kyl. Mr. Chairman, that is a very good point. I am glad Chief Sanders made it. The U.S. Attorney for Arizona, Jose Jesus Rivera, was in my office last week. He is going to be there again this week talking about this exact problem. When you increase the number of agents, then, of course, you need to increase the number of prosecutors, public defenders, magistrates, judges, jail space, vehicles, all up and down the line. It is not just one matter.

And then a final point, I know that, Representative Griffin, you are also carrying a message from some of the residents including one of the mayors of one of the communities you represent, urging a greater use of the H-2 programs or a more liberalized H-2 program; is that correct?

Ms. Griffin. The guest visa work program?

Senator Kyl. Yes.

Ms. Griffin. Yes.

Senator Kyl. And I would note to the chairman, last year Congress responded to a specific need for high-technology guest workers, people who could program computers and the like, and we increased substantially the number of people that could come into the country for that purpose. I think that the need for unskilled labor ought to also be addressed so that we could at least provide a safe environment for some of the people who seek to come across, and I hope that that issue is not forgotten in this overall discussion as well, Mr. Chairman.

And I am already late for another meeting, and I have got to run, but I want to personally thank Representative Griffin for being here and also Chief Sanders.

And Mr. Lindemann, I am with you too. I guess when you have got a patient who has got a broken leg and is bleeding to death, you try to stanch the bleeding, but you have got to take care of the broken leg too.

Mr. Lindemann. Eventually.

Senator Kyl. I mean relatively speaking, it is as bad on the northern border as it is on the southern.

Thank you, Mr. Chairman.

Senator Abraham. Senator Kyl, as I said at the outset, we need to keep these issues on the front burner of our subcommittee, and clearly we intend to keep them there. I think the last comments that were made go, again, to some of the things I was trying to suggest earlier, which is we really do need to get a broader, not a nearer focus on impediments, because I do not want 6 months from now, if we started increasing the numbers, to be told, well, now the problem is U.S. attorneys or anything else. We want to know what all the challenges are because I think there is a real desire to try to address them, and certainly that goes for the northern border as much as it is for the chief hot spots that we confront.

I want to thank everybody on the panel and our audience for being with us. We are trying to be constructive here, and I emphasize that. So we want to certainly work with INS and with all the affected agencies to address these problems, but we are going to spend a lot of time in this Congress figuring out what we can do to try to make some progress.

Thank you very much. The hearing is adjourned.

[Whereupon, at 3:59 p.m., the hearing was adjourned.]

A P P E N D I X

Additional Submissions for the Record

Board of Supervisors,
County of Cochise, AZ, April 26, 1999.

Re: Undocumented Aliens on Cochise County/Republic of Mexico Border

Senator Spencer Abraham and Committee Members,
Chairman, Senate Judiciary Subcommittee on Immigration,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

Dear Senator Abraham and Committee Members: Cochise County is under siege. With approximately 80 miles of boundary with the Republic of Mexico, Cochise County is experiencing the impacts of thousands of undocumented aliens, primarily from Mexico, Central and South America, who are crossing the Mexican border into Arizona each month. In fact, Border Patrol statistics show that there are approximately 30,000 apprehensions in Cochise County each month. If this statistic represents only the number of persons apprehended, imagine how many persons are illegally crossing the border without being detected. Consider the magnitude of this invasion--as many people are being detained each month as live in a medium sized city.

It would be one thing if these persons came in an orderly manner and proceeded to a destination where they can legally work. They are instead led by ``mules'' at all hours of the day and night at many points along the border. They are scared and hungry and desperate. They destroy fence lines, enter onto ranches and other private property looking for food. They litter their paths with garbage and debris, which is then left for the property owner to remove. Cattle are slaughtered to provide a small amount of food for undocumented persons passing through, and the carcasses are left to rot. Other livestock die from eating diapers and other debris left by these persons. A number of them commit property crimes as they travel through the area. Illegal drug traffic takes place along that same border, and that activity poses tremendous safety risks for our residents. Cochise County is no longer a safe place for its residents. Families are hostages on their own property. They fear leaving their property unattended lest they return to find their houses broken into and property taken.

The Federal Government has the responsibility to protect its citizens from invasions of its borders. Its policies of tightening security along other reaches of the border have funneled this level of activity into Cochise County. Local law enforcement, with approximately 77 deputies to patrol 6,200 square miles of area, is ill-equipped to stop this invasion. They have their hands full providing the normal range of law enforcement activities for its citizens. Our jail houses a substantial number of undocumented aliens who commit crimes in Cochise County, and only partial reimbursement is received. Our court system also bears the pressure of these international activities. In addition,

there are substantial public health costs faced by border counties. The responsibility is the Federal Government's, and, at least in Cochise County, it has not been met to date.

A disturbing trend is occurring, and you need to be aware of it. The frustration level of American citizens in Cochise County is increasing substantially. Citizens want to know what they can do to protect themselves. The potential for conflict is increasing dramatically, and if nothing is done soon, there is a strong likelihood of violence. If our Government is not going to protect the people, then vigilantism will grow and people will take steps to protect themselves. Do you really want this in the United States of America?

Something must be done and done immediately. Your committee must take the first steps to provide adequate security for this area. We strongly encourage you to pass legislation and appropriate adequate funds to add appropriate security along the Cochise County border.

While we support this funding to provide for the short-term security of our residents, we also encourage you to look for longer-range solutions to the problems of immigration. Otherwise, persons from poorer nations who do not have jobs will find a way to get into the United States. We would ask you to also contemplate programs to allow for limited, lawful work status for aliens and tougher enforcement of laws against United States employers who hire undocumented aliens.

Again, in closing, on behalf of the residents of Cochise County, please take immediate steps to provide funding to address this crisis.

Sincerely,

Les Thompson,
Chairman, Cochise County Board of Supervisors.

[GRAPHIC] [TIFF OMITTED] T3522.004

[GRAPHIC] [TIFF OMITTED] T3522.005

[GRAPHIC] [TIFF OMITTED] T3522.006

[GRAPHIC] [TIFF OMITTED] T3522.007

[GRAPHIC] [TIFF OMITTED] T3522.008

<greek-d>
<ALL>