

**THE BORDER SECURITY CHALLENGE: RECENT  
DEVELOPMENTS AND LEGISLATIVE PROPOSALS**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON BORDER, MARITIME,  
AND GLOBAL COUNTERTERRORISM  
OF THE  
COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED TENTH CONGRESS  
SECOND SESSION

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MAY 22, 2008  
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# **THE BORDER SECURITY CHALLENGE: RECENT DEVELOPMENTS AND LEGISLATIVE PROPOSALS**

**Thursday, May 22, 2008**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL  
COUNTERTERRORISM,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:06 a.m., in Room 311, Cannon House Office Building, Hon. Loretta Sanchez [chairwoman of the subcommittee] presiding.

Present: Representatives Thompson, Sanchez, Harman, Lofgren, Jackson Lee, Christensen, Langevin, Cuellar, Carney, Green, Souder, Reichert, Bilirakis, and Rogers.

Ms. SANCHEZ [presiding]. The Subcommittee on Border, Maritime, and Global Counterterrorism is meeting today to receive testimony on the border security challenge, recent developments and legislative proposals.

Good morning. Today our first panel consists of a distinguished panel of our colleagues, Members of Congress who have introduced proposals to enhance and respond to America's border security challenge.

Our second panel will give the subcommittee a chance to hear from the agency representatives who operate and direct the frontlines of our border security operations.

I look forward to discussing and assessing the staffing and resources needed to ensure that our homeland is safe and secure.

Thank you to all of our witnesses for being here today.

This is the 11th border security hearing that this subcommittee has held this Congress, and we welcome the opportunity to continue our examination of the challenges we face in securing our borders and implementing real, comprehensive reform of the immigration system.

In developing a strategy to secure our border and reduce illegal immigration, we must also create strategies and reforms to holistically address the important commercial, humanitarian and environmental issues involved in border security and immigration reform.

Many of the agents on the frontlines of our border have to consider combinations of these issues every day, and it is our responsibility to make sure they have the adequate training and resources to do that job.

The 110th Congress has increased border security funding by \$2.4 billion between fiscal years 2007 and 2008, far surpassing the administration's proposed funding levels.

So I look forward to hearing how the U.S. Customs and Border Protection is using this ample and increased funding to enhance our Nation's border security. I believe that these funds can help address some of the issues that were recently reported.

For example, the U.S. Customs and Border Protection Agency has struggled to retain and recruit qualified officers. Also, in recent weeks, we have heard of overworked customs officers and reports of poor working conditions for these officers. This situation has even resulted in a picket at one of our countries, major ports of entry.

In addition, a recent report from the Government Accountability Office expressed concerns that many ports of entry have serious security gaps due to low and inadequate staffing levels, as well as some infrastructure problems.

There is no silver bullet, or perfect bill that will completely solve all of our Nation's border security challenges.

Everything that happens on our Nation's borders and at our Nation's ports of entry is related to the overarching supply and demand issues that really, in my opinion, can only truly be addressed by having some comprehensive immigration reform.

However, in terms of the jurisdiction of this subcommittee, we must provide comprehensive training and support for our personnel in order to ensure that they are prepared as well as possible to do the difficult jobs that we task them with.

We particularly need to retain experienced Border Patrol agents who can help guide and provide ongoing supervision and training to the large number of new agents who have joined the Border Patrol in just the last few years.

In addition, we must continue to invest in equipment and infrastructure that will act as force multipliers for the personnel at our ports of entry and on our borders.

Once again I thank our witnesses for being here today.

I would like to at this time ask unanimous consent that the gentleman, Mr. Carney from Pennsylvania, be authorized to sit for the purpose of questioning witnesses during the hearing today.

So be it.

Once again, I thank the witnesses.

I yield to my ranking member, Mr. Souder, for his opening statement.

Mr. SOUDER. Thank you, Madam Chair.

Securing our Nation's borders is one of our most important tasks. Over the past 7 years, and especially since the creation of the Department of Homeland Security, a great deal has been done to increase resources and activities along the border and in the interior of the country.

I have had the opportunity to travel a good portion with both borders and have seen for myself that, despite the huge increases in resources that have been provided over the past few years, there is a lot more to be done.

One area in particular where more needs to be done is our national parkland located on or near the border. I am also looking for-

ward to discussing CBP efforts to work with the Park Service to enhance security in those areas, particularly in Texas.

Related to that, I am concerned with legislative proposals that result in limiting Border Patrol access to Forest Service areas of the border by declaring illegal transit routes as wilderness areas. Not only would that degrade the wilderness area, but it would severely restrict our ability to stop illegal activities.

We cannot afford to back down or scale back our efforts along the border. We need to move forward with getting agents into the field and not limiting their actions. We need to complete fencing projects and find technology that will actually work for the Secure Border Initiative.

We need to make sure that we eliminate invasive species like chorizo cane and salt cedar that block the ability to see the illegal activities. We need to maintain the catch-and-return policy, and not revert back to releasing illegal aliens.

Additionally, more needs to be done on our interior enforcement programs, especially related to cooperation with State and local law enforcement and reforming our immigration court system.

There are initiatives we need to be moving forward with, rather than granting, mass amnesty and repeating the mistakes of the past.

As important as I believe it is for this Congress to pass legislation to provide tools and authorities to the Department of Homeland Security to gain operational control over the border, it is better to do no legislation than bad legislation.

I would like to thank our colleagues from the House, who have volunteered their time to provide some insight into existing legislative proposals to address border security and interior enforcement challenges.

I hope this hearing is the first step in moving forward with bipartisan border security legislation. To that end, I would like to point out several other bills that have been introduced by Republican members of the Homeland Security Committee and ask the Chair to commit to considering these proposals, should the committee move forward with any border security legislation.

H.R. 2954, Secure Border First Act of 2007, is sponsored by Ranking Member Peter King. Resolution 499, expressing the sense of the House that U.S. immigration laws should be enforced, is sponsored by Representative Lamar Smith, a senior member of this committee.

H.R. 3916, to provide for the next generation of border security technology, is sponsored by Representative Ralph Hall and Representative Michael McCaul of this committee.

H.R. 2561, Fast and Secure Travel at the Borders Act of 2007, is sponsored by Representative Dent of this committee. H.R. 3496, Border Patrol and Contractor Accountability Act of 2007, is sponsored by Representative Ginny Brown-Waite of this committee.

H.R. 2490, to conduct a pilot for the mobile biometric identification in the maritime environment, is sponsored by Congressman Bilirakis of this committee, as is H.R. 4517, the Visa Security Improvement Act.

I think it is important that we work how to move legislation forward, and not get it bottlenecked in the committee. I look forward

to working with you on this issue and hope that we can give fair consideration to the variety of bills discussed here today and others that have been referred to by this committee, especially those by committee members.

One additional issue that I believe the committee urgently needs to consider, and I hope is discussed during this hearing, is the current plan to end the deployment of the National Guard along the southwest border, referred to as Operation Jumpstart, in July.

I am very concerned from visits on the border and talking with the Border Patrol directly that we will not have the Border Patrol agents in place to cover the missions, and this is the wrong time to open any new weaknesses along the border, when we are in fact trying to brag about what we have done. To back down and retreat—this is not the time to do that.

Thank you for yielding the time. I yield back any remaining.

Ms. SANCHEZ. I thank the gentleman. We have worked together, I think, very well on many of these issues before this. I would just say that we have a good faith panel in front of us of our colleagues with bills, and if we would have included everybody from this committee in front of us, we would have nobody to ask questions but you and I.

So we will start with this, and we will see how we get through the rest of the bills, because I know there are quite a few. Of course, many of those bills really don't stand to the jurisdiction of this committee. This committee is really about border security, not about immigration reform, visas and other issues of that type.

But having said that, the Chair now recognizes the Chairman of the full committee, the gentleman from Mississippi, Mr. Thompson, for an opening statement.

Mr. THOMPSON. I will overlook the demotion. Thank you, Madam Chairman, and I look forward to the testimony today.

Securing America's borders is a significant challenge for our Nation. The unique features of our geographically diverse land and maritime borders present a number of issues that cannot be solved with a one-size-fits-all mentality.

We must recognize that securing our borders requires a multifaceted approach. I am pleased to be a part of this morning's hearing, because I believe that the best way to develop effective border security proposals is by going through the legislative process and holding hearings with Members engaged in informed discussion.

Everyone here today is united in their desire to address the challenges presented at our borders. Our dedicated border security professionals need our support, because their service is critical to the security of our borders and the health of our economy. That is why this Congress appropriated \$14.8 billion to DHS' border and immigration enforcement programs in fiscal year 2008.

That act funded included \$1.225 billion for border infrastructure and fencing, \$507 million for additional helicopters and marine interdiction units, \$200 million to identify and begin removal proceedings for incarcerated aliens, and funding for an additional 4,500 detention beds and 3,000 Border Patrol agents.

Despite this unprecedented investment in border security, more remains to be done. I have long said that the Department needs



a comprehensive strategy for border security. The current piecemeal approach is not the answer.

I look forward to a constructive discussion about how best to secure our Nation's borders and to working with my colleagues on both sides of the aisle to develop effective, common-sense border security solutions.

[The statement of Mr. Thompson follows:]

PREPARED STATEMENT OF HONORABLE BENNIE G. THOMPSON

Securing America's borders is a significant challenge for our Nation. The unique features of our geographically-diverse land and maritime borders present a number of issues that cannot be solved with a "one-size-fits-all" mentality.

We must recognize that securing our borders requires a multi-faceted approach. I am pleased to be a part of this morning's hearing because I believe that the best way to develop effective border security proposals is by going through the legislative process and holding hearings where Members engage in informed discussion.

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I look forward to a constructive discussion about how best to secure our Nation's borders and to working with my colleagues on both sides of the aisle to develop effective, common-sense border security solutions.

Ms. SANCHEZ. Thank you, Mr. Chairman.

Other members of the subcommittee are reminded that, under committee rules, opening statements may be submitted for the record.

Now to our witnesses. I welcome our first panel of witnesses.

Our first witness, Representative Silvestre Reyes, is chairman of the House Permanent Select Committee on Intelligence. Before he was elected to Congress, he served for 26 years in the Border Patrol, including as chief of the McAllen and El Paso sectors from 1984 to 1995. He has represented the El Paso, Texas, area in Congress since 1996.

Our second witness is Representative Brian Bilbray, of the 50th congressional district of California, which includes a portion of the San Diego area. In addition to serving on the House committees on Oversight and Government Reform, Veterans Affairs, and Science and Technology, Representative Bilbray chairs the House Immigration Reform Caucus.

Our third witness is Representative Ginny Brown-Waite, from the 5th congressional district of Florida, which is situated along the Gulf of Mexico. Congresswoman Brown-Waite is serving her third term in Congress, sits on the House Financial Services, the Homeland Security Committee, and the Veterans Affairs Committee.

Our fourth witness is Representative Gabrielle Giffords, from the 8th congressional district of Arizona, which includes a 114-mile border with Mexico. Representative Giffords was elected to the

110th Congress. She serves on the House Armed Services, the Science and Technology, and the Foreign Affairs Committee.

Our final witness on our first panel is Representative Heath Shuler, from the 11th congressional district of North Carolina. Representative Shuler was elected to the 110th Congress and serves on the House Small Business, Transportation and Infrastructure, and Natural Resources Committee.

Welcome to all of you.

At this point I would ask unanimous consent that the gentlewoman from the Virgin Islands, Ms. Christensen, be authorized to sit for the purpose of questioning witnesses during this hearing.

So be it.

Okay. Mr. Reyes, please summarize your testimony for us in 5 minutes or less. Welcome.

**STATEMENT OF HON. SILVESTRE REYES, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF TEXAS**

Mr. REYES. Thank you, Madam Chairwoman. Thank you for holding this hearing—both you and my good friend, Ranking Member Souder.

I would also like to thank the Chairman of your committee, Mr. Thompson, because he has been to my district and to other parts of the border with me and knows and has an appreciation of just how challenging border security issues are.

As you mentioned, before coming to Congress, I spent 26½ years in the Border Patrol. Part of those 26½ years, I worked 4 years as an inspector at the international bridges in El Paso.

The reason that I am here today is because of legislation that I have brought that primarily deals with bringing forth the second part of what I think is vitally important. We have done quite a bit in between the ports of entry with Customs and Border Protection.

Now I think it is important that we focus on the ports of entry, the part that often gets overlooked, but also is an important and integral part of our whole border security function.

I also want to commend the Committee on Homeland Security for recognizing this need to ensure that economic security of our Nation is taken into account when we work to secure our Nation's borders.

At the beginning of the year, as I mentioned, Chairman Thompson held a field hearing in my district in El Paso to examine the many different challenges that we are facing today at our land ports of entry and the long waiting times being experienced by our constituents.

After participating in many hearings with border residents and listening to the testimony at the hearing and consulting with my former colleagues and current leadership at DHS on port challenges, we crafted the bill, H.R. 5662, which we titled Putting Our Resources Toward Security Act, or for short, PORTS Act.

This bill increases the number of customs and border protection officers by 5,000 over the next 5 years, which is sufficient to cover the vacancies on both the southern border, the northern border, and a significant part of airports and seaports.

But this legislation doesn't just stop there. It also takes into account the need for support personnel positions, which, in my expe-

rience, has been often overlooked by Congress. It also addresses a very critical shortage in agricultural specialists.

The PORTS Act would provide a 30 percent increase in the number of customs and border protection officers across the Nation. In discussion with customs and border protection personnel, this increase, as I said, would fully staff our ports of entry.

This PORTS Act also would authorize \$5 billion in funding to the General Services Administration to allow for reconstruction and repair of the Nation's land border ports of entry.

We must look at the current state of our Nation's ports of entry and commit, I think, as a Congress to properly fund, in terms of staffing and infrastructure, our ports in order to provide security for our Nation.

Being understaffed and underfunded all these years is simply unacceptable and not good policy in terms of our challenges faced on both security and commerce.

The current administration has focused up to now their attention on in between the ports of entry, but this legislation is intended to correct a very critical part, and the part that we examined in the field hearing in El Paso with Chairman Thompson with the challenges that our ports are facing in terms of facilitating trade and commerce and the movement of people along our border communities.

In closing, Madam Chairwoman, I appreciate the opportunity to come before your subcommittee. I am willing to answer any questions you might have about this legislation or other efforts.

The last point I will make is that it is critically important that in the legislation that we take into account and consult with Customs and Border Protection and the Department of Homeland Security. Thank you very much.

[The statement of Mr. Reyes follows:]

PREPARED STATEMENT OF HONORABLE SILVESTRE REYES

MAY 22, 2008

I would like to begin by thanking Chairwoman Loretta Sanchez and Ranking Member Mark Souder for holding this very important hearing today.

Before coming to Congress, I served for 26½ years in the U.S. Border Patrol. Half of that time I was a Border Patrol Sector Chief, first in McAllen, then in El Paso. As the only Member of Congress with a background in border enforcement, I have first-hand knowledge of what we need to do in order to secure our Nation's borders and protect the American people.

During my tenure with the INS, I spent 4 years at the El Paso international bridges where I helped facilitate the free flow of trade into our country. Security for our country does not just mean curtailing illegal immigration. But allowing the flow of trade critical to both border communities and our national economy is vital to the security of our country as well.

I want to commend the Committee on Homeland Security for recognizing this need to ensure the economic security of our Nation is taken into account when we work to secure our Nation's borders. At the beginning of the year, the Chairman Thompson held a field hearing in my district of El Paso, Texas to examine the challenges facing our Nation's land ports of entry.

After participating in many meetings with border residents and listening to the testimony at the hearing, I crafted H.R. 5662, the Putting Our Resources Toward Security Act, or for short, the PORTS Act. The bill would increase the number of Customs and Border Protection Officers by 5,000 over the next 5 years. But the bill does not just stop there.

It also takes into account the need for support personnel positions which are often overlooked, as well as increases in agricultural specialists who ensure that our Na-

tion's food supply coming from outside the United States meets the national standards.

The PORTS Act would provide a 30 percent increase in the number of Customs and Border Protection Officers across the Nation. In discussions with Customs and Border Protection, the increase will be sufficient to fully staff all ports of entry—land, sea and airports. This would ensure that officers will not be pulled from one station in order to service another category of port experiencing insufficient staffing levels.

The bill also authorizes \$5 billion in funding for the General Services Administration to allow for reconstruction and repair of the Nation's land ports of entry.

We must look at the current state of our Nation's ports of entry and commit to properly fund, in terms of staffing and infrastructure, our ports in order to provide security for our Nation. Being understaffed and underfunded is unacceptable.

The current administration has focused their efforts on the areas between ports of entry and have shied away from providing needed resources to support efficient legal crossing at our Nation's international bridges.

Don't get me wrong, as a former Border Patrol agent, I know firsthand the need for added resources and additional agents. However, I firmly believe the border must be seen in its totality and not focus on a single area. Every single mile of the Northern and Southern border needs the proper attention in order to secure our homeland. We need a holistic approach to border security.

While we have been pumping millions of dollars into technology that is supposed to be protecting our Nation's security between the ports of entry, a Government Accountability Office (GAO) report showed during fiscal year 2006, Customs and Border Protection officers failed to stop 10 percent of illegal immigrants, drugs and weapons violators from entering the United States through airports and land border crossings.

While I strongly believe we need a proper balance between agents on the ground, technology at our borders, and tactical infrastructure, we cannot forget all the agencies securing the border along with Border Patrol. The GAO report speaks to this exact point. Our Nation's international bridges have been neglected, causing bridge wait times to swell up to 3 hours.

Beyond the strain those wait times put on our economy and border residents, ports of entry which are inadequate and understaffed put our national security at risk.

Thank you for allowing me to address your committee about the need for the provisions in the PORTS Act. I look forward to answering any questions you might have.

Ms. SANCHEZ. Thank you, Mr. Reyes. We certainly are the better here in Congress for having someone who has direct experience there on many of our land borders. So we appreciate you coming before our committee.

I will remind everybody that without objection the witnesses' full statements will all be inserted into the record.

I now recognize Representative Bilbray, of my home State of California, to summarize his statement for 5 minutes.

**STATEMENT OF HON. BRIAN P. BILBRAY, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. BILBRAY. Thank you, Madam Chair. I appreciate being here, and I appreciate being here with the authors of the bills before you. I guess I am here as the B team as a sponsor of each one of these bills.

I come from a background of born and raised at the border. I was also privileged to be able to be a child of an immigrant into this country. But growing up on the border and spending most of my leisure time south of the border, I look at this issue from a different perspective than most people do—more looking up at it, rather than down at it.

I think that one of the critical things we need to remember is, as we face the challenges of securing our borders, we need those

resources along our ports of entry. San Diego is known as a great port city, but it is not well-known that our southern part of San Diego has the largest port of entry in the world—land port of entry in the world—called San Ysidro.

Watching the activities along the border my entire life, I have come to the conclusion that, while we need to study, as Ms. Giffords pointed out, how to be more efficient in our resources—and I strongly support the concept of Congressman Reyes' bolstering of the resources, especially ag inspection along the border—we need to talk about issues like Ms. Brown-Waite and Mr. Shuler's issue that if you are going to secure the border, you have got to stop the illegal activity that is happening at the border.

The sheer numbers of those illegal activities—and I think just this week we saw the cartel and the violence that is happening along the border. It may surprise you, but I strongly support military aid to Mexico to address that fight that the people of Mexico are having to defend their sovereignty against the drug cartels, because that threat is our threat, too.

We should work together at fighting while it is still on Mexican soil, before it ends up on U.S. soil. In fact, it is already done on San Diego soil. We have got murders and kidnaps in San Diego.

So that aside, Madam Chair, we have got to remember, though, that just as we cannot stop drug trafficking at the border if we just try to do it all at the border, the other activities, such as illegal immigration, are contributing not just to the problem of immigration.

But the fact is that terrorism and the bad guys, who want to do us harm and are crossing the border specifically to attack the American people with harm, hide among those elements that may want to smuggle drugs or just come here for illegal employment.

Until we reduce the number of that—all illegal activity along the border—we will never be able to secure the American neighborhoods in the interior from the threat from overseas until we address that.

That is why it becomes essential that we not only have the resources along the border, but that we also have a plan that can be conceived that actually addresses the source of the problem.

Just as we have addressed the fact that we can't stop illegal drug activity just at the border, and we have interior enforcement—we do have our local law enforcement arresting people who are illegally in possession of drugs, we do crack down on the drug dealers in the cities and homes in America who are actively pursuing these pursuits—we also need to finally do the tough thing, when it comes to illegal employment and illegal immigration.

Let us be frank about it. The source of illegal immigration, No. 1, overwhelmingly, is illegal employment. But it is so much easier for us politically in Washington to point fingers at the border, but not tell our friends, "Stop hiring these people, because they are creating the problems that we are seeing along the border."

Madam Chair, I would ask that we just take a look at the fact that we have a very moderate with Mr. Shuler that just says you use e-verification. The fact is that system has been proven over the years, over a decade, to work very well.

In fact, that is why Members of Congress—and short of some procedural small percentage of problems—if we can't come together with Mr. Shuler's bill, where you have 49 Democrats, over 100 Republicans, let us not go back to the people of America and say we are really willing to secure our borders and our neighborhoods, because we don't want to work together.

I would ask for the record that DHS' leadership journal on the e-verification by Stewart Baker be included in the record specifically on this item.

I strongly support Mr. Reyes' upgrade of the Social Security card, which hasn't been upgraded since 1937, Madam Chair. Why in the world has the Federal Government not upgraded its No. 1 document for employment, except for the fact that we don't want the system to work on interior enforcement?

I will close just by saying this. There were 85 people who pleaded guilty in Iowa this week. Seventy-seven of them are going to prison, because they used somebody else's Social Security number. I would like to know what is happening to the employer.

If we had used e-verification here, those 77 people would not be going to prison today. They would have been turned back and gone home, where they should have. That is the kind of thing we ought to be working together with.

Thank you very much, Madam Chair.

Ms. SANCHEZ. Thank you. I thank my colleague from San Diego, and I would just remind him that the e-verification system and the Social Security card really aren't under the jurisdiction of this subcommittee.

It really falls under the jurisdiction of Ways and Means. I think they have held a recent hearing, and I wasn't there that day, so I don't know if they went over those issues. But this committee has jurisdiction more to the border, not to Social Security items.

I would now like to recognize for 5 minutes or less our representative from Florida, Ms. Brown-Waite.

**STATEMENT OF HON. GINNY BROWN-WAITE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA**

Ms. BROWN-WAITE. Thank you very much, Chairman and Ranking Member Souder and members of the committee, for allowing these bills to be heard.

I am pleased to speak on behalf of my bill, H.R. 3531, and join my colleagues, who have taken steps to confront our Nation's border security and immigration crisis.

H.R. 3531, the Accountability in Enforcing Immigration Laws Act of 2007, would ensure America's immigration laws are actually upheld. It would also serve as a critical deterrent to illegal entry, an invaluable border enforcement tool.

This bill was drafted after, in this very room, I asked Secretary Chertoff if he had the authority to deny Homeland Security funds to sanctuary cities or municipalities that took steps to provide sanctuary to illegal immigrants.

Such practices certainly negate any effectiveness of our immigration laws or border security measures. We cannot have local leaders refusing to assist in managing the growing law-breaking population of our Nation.

In response to my question about sanctuary cities, Secretary Chertoff said, "I don't know that I have the authority to cut off Homeland Security funds, if I disagree with a city's policy on immigration."

Well, many think that it is time to give him that authority. First, this bill clarifies that law enforcement has the inherent authority to investigate, apprehend, arrest, detain and transfer to Federal authorities any illegal immigrant apprehended in the course of routine duties.

The bill revokes 25 percent of non-emergency Homeland Security funding for sanctuary cities within 6 months of enactment and gives the secretary authority to cut up to 50 percent.

If a city isn't willing to uphold our laws, why should DHS provide that city with additional funding?

Besides holding sanctuary cities accountable, this bill would also make illegal entry into our country a felony.

In addition to these two fundamental measures, H.R. 3531 prescribes several other attempts to confront illegal immigration. In an effort to improve protection of critical infrastructure, the bill requires annual immigration checks for airport employees and other critical infrastructure site employees.

As I have mentioned before in the mark up of the Chemical Facilities Bill, Americans deserve to know those who are working on our critical infrastructure sectors are here legally and that they are authorized to work and not that they have overstayed their visas, as did the majority of the 9/11 hijackers.

Second, the strain of dealing with illegal aliens while waiting for ICE is squeezing law enforcement resources. Accordingly, my bill requires ICE to take illegals into custody or pay State or local governments a per diem rate to detain the aliens until the individual is removed.

Finally, the encourage enforcement of immigration laws, H.R. 3531 includes several provisions to provide financial assistance for an increasing cooperation with State and local law enforcement officials.

The bill specifically authorizes the State criminal alien assistance program an additional \$1 billion a year and authorizes a bonus program for State and local law enforcement agencies for assisting in enforcing immigration laws under the 287(g) program.

It is time, clearly, to address the immigration crisis facing our Nation, and this proposal, such as this and Congressman Shuler's SAVE Act, along with I just yesterday signed onto Representative Reyes' bill for additional law enforcement along the border—it certainly is time that we really get serious about enforcing our Nation's immigration laws.

I look forward to discussing all these issues today and welcome the committee's questions.

Thank you, Madam Chairwoman.

[The statement of Ms. Brown-Waite follows:]

PREPARED STATEMENT OF HONORABLE GINNY BROWN-WAITE

MAY 22, 2008

Thank you Chairwoman Sanchez, Ranking Member Souder, and Members of the subcommittee.

I am pleased to speak on my bill, H.R. 3531, and join my colleagues who have taken steps to confront our Nation's border security and immigration crisis.

H.R. 3531, the "Accountability in Enforcing Immigration Laws Act of 2007," would ensure that America's immigration laws are upheld.

It would also serve as a critical deterrent to illegal entry and a valuable border enforcement tool.

This bill was drafted after I asked Secretary Chertoff if he had the authority to deny Homeland Security funds to "sanctuary cities"—or municipalities that took steps to provide sanctuary to illegal immigrants.

Like so many Americans, I am disturbed by the growing trend of cities and localities instructing law enforcement to ignore immigration status in the course of routine duties.

Such practices negate any effectiveness of our immigration laws or border security measures; we cannot have local leaders refusing to assist in managing the growing lawbreaking population in our Nation.

In response to my question about sanctuary cities, Secretary Chertoff said, "I don't know that I have the authority to cut off all Homeland Security funds if I disagree with the city's policy on immigration."

Well, it's time Congress granted him authority.

First, H.R. 3531 clarifies that law enforcement has the inherent authority to investigate, apprehend, arrest, detain, or transfer to Federal authorities, any illegal immigrant apprehended in the course of routine duties.

The bill also revokes 25 percent of non-emergency Homeland Security funding for sanctuary cities within 6 months of enactment, and gives the Secretary authority to cut up to 50 percent.

If a city is unwilling to uphold our laws, why should DHS provide that city with additional funding?

Besides holding sanctuary cities accountable, H.R. 3531 would also make illegal entry into our country a felony.

This provision acknowledges a simple truth when it comes to border security: there has to be a real penalty for illegal entry into the United States.

More agents, fencing, and technology is important, but the greatest deterrent is the knowledge that illegal entry comes with the risk of mandatory detention and substantial jail time.

In addition to these two fundamental measures, H.R. 3531 prescribes several other steps to confront illegal immigration.

In an effort to improve protection of critical infrastructure, H.R. 3531 requires annual immigration status checks for airport employees and other critical infrastructure site employees.

As I have mentioned before, in the markup of the Chemical Facilities bill, Americans deserve to know that those working in critical infrastructure sectors are here legally—that they are authorized to work and have not overstayed their visas, as did the majority of the 9/11 hijackers.

Second, the strain of detaining illegal aliens while waiting for ICE is squeezing local law enforcement resources.

Accordingly, my bill requires ICE to take illegals into custody, or pay State and local governments the per diem rate to detain the alien, until that individual is removed.

I am aware that there is an expensive proposal, but if we are ever really going to be serious about securing the border and enforcing our laws, it is essential to ramp up ICE resources.

Finally, to encourage the enforcement of immigration laws, H.R. 3531 includes several provisions to provide financial assistance for, and increase cooperation with, State and local law enforcement.

The bill:

- authorizes the State Criminal Alien Assistance Program (SCAAP) at \$1 billion per year,
- and authorizes a bonus program for State and local law enforcement agencies for assistance in enforcing immigration laws under the 287(g) program.

Combined, the many provisions of H.R. 3531 would combat sanctuary cities, deter illegal entry into our country, and support State and local law enforcement as they uphold our Nation's immigration laws.

It is time to address the immigration crisis facing our Nation, and with proposals such as H.R. 3531 and Congressman Shuler's SAVE Act on the table, Congress has the ability to move forward and begin to solve the problem.

I look forward to discussing these issues today, and welcome the committee's questions.



Ms. SANCHEZ. I thank the gentlewoman from Florida. As we know, you are a Member of this committee, so you have, I think, a real deep understanding of what many of the issues are, so we welcome you before, and your testimony.

I now recognize Representative Giffords to summarize her statement for 5 minutes or less. Welcome.

**STATEMENT OF HON. GABRIELLE GIFFORDS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA**

Ms. GIFFORDS. Thank you, Madam Chair and Members of the committee. I appreciate the opportunity to testify before such a distinguished group of Members, and such a distinguished group of panelists as well.

I probably represent 9,000 square miles of a southeastern Arizona border district. I have 114 miles of the 2,000 U.S.-Mexico border. My community is directly on the frontlines of America's immigration crisis.

You can imagine immigration is just as polarizing and emotional in my district as it is right here in Capitol Hill. But in southern Arizona, where we are on the frontlines, we want Members of Congress to roll up their sleeves, roll up our sleeves, get to work, tone down the hysterics, tone down the rhetoric, and fix this broken system.

Along with most of the Arizona delegation, I support comprehensive immigration reform.

Chairwoman, you talked about that.

Mr. Chairman, you talked about that as well.

It is truly the only way that we are going to solve this very complex problem. I know that the topic of today's hearing is solely about border security, but I just want to lay that as a framework, because if we are going to really solve that problem, we need to focus on a comprehensive solution.

My district is unique. My district includes the Tucson sector of the Border Patrol, which is the most porous part of the U.S.-Mexico border. In fiscal year 2007, almost 400,000 apprehensions were made by the Tucson sector Border Patrol. Forty-four percent of all the apprehensions along the border happen within my district, so approximately 1,000 illegal crossings every day.

Over 950,000 pounds of the 2 million pounds of marijuana were seized in fiscal year 2007 in the Tucson sector of the Border Patrol. Illegal guns, violence from Mexican drug cartels, international criminals as well are making their way through my border ranches, through my communities, retirement homes, all through southern Arizona.

There are a lot of proposals out there. I am pleased to join with Mr. Cuellar in H.R. 1909, because funding the criminal immigration courts is important. I am also a co-sponsor of Chairman Reyes' Southwest Regional Border Authority Act, H.R. 2068, which is a very important piece of legislation as well.

But I have worked with Congressman Bilbray to introduce H.R. 5552, the Border Security Accountability Act.

Madam Chair, you talked about the billions of dollars being put toward border security. But we have to ensure that the taxpayers' dollars are effectively being spent. We need transparency, and we

need accountability within DHS. We need solid data on the apprehensions, detentions and the deportation process being implemented by the agency.

In addition, I believe that Congress needs—Members need—to have detailed information about the success rates, including exact distance apprehensions that take place from the border and the release rates for those apprehensions.

So while we continue to put millions and millions of dollars—billions of dollars—towards the border, I think we have to have a thorough assessment of the staffing, equipment, training and the policies for all of the border security functions.

As our legislation instructs, Congress must demand meaningful data from DHS on the effectiveness and the costly investments. So I am working as well to make sure that my constituents—that our taxpayers—have an opportunity to evaluate the structures, the operations, and to provide input into the planning of these processes.

If we had more input from people on the border, I don't believe that the failures we have seen with the Secure Border Initiative would happen, where there was no confrontation with the local authorities or with the Border Patrol right there on the frontlines.

Last December a bipartisan group of nine lawmakers from the House and Senate joined me as well to study the effectiveness, using a GAO study, of the checkpoints along the U.S.-Mexico border, because as we build more infrastructure, we have to assure taxpayers and residents that the infrastructure is actually working.

I am pleased to work closely with Chief Gilbert and his staff. We have had a variety of meetings up and down the border. I hope in the question-and-answer, we can get to this, because here, for example, are the meeting and notes with my ranchers on the front-line about what really happens when you have hundreds of thousands of people moving through your community.

So a lot is going on. Staff funding is something very unfunded. We should talk about that as well.

So, just in closing, Madam Chair, southern Arizona, I think like most Americans, expect their elected officials to tackle not just the easy problems, but the tough problems. The fact that immigration has become polarized—it has become ugly, radioactive—is a reason why Congress has to move.

It has become fashionable here on Capitol Hill to talk tough about immigration, but when it comes to the larger immigration crisis as a whole, it is shortsighted to look at an enforcement-only solution.

The fact remains that all of it—the border, the visas, the deportation, the citizenship, verification, the Social Security, the green cards—this all is the responsibility of the Federal Government.

We can't just wring our hands. We have to get to work. If this 110th Congress does not move forward on meaningful legislation coming out of your subcommittees, I think that this 110th Congress will be a failure.

Ms. SANCHEZ. Thank you, Ms. Giffords. I would just remind you that I wish we had all those pieces of jurisdiction, but the reality is ours is much more limited.

I think you are correct when we talk about staffing and accountability. I believe the second panel will give some of that information.

Two of our subcommittees just made a visit to your district recently maybe in the last 2 weeks—and I would just say, as someone whose parents are originally from your border, and I have family on both sides of that border, when I go there and I see what has become of your border, your area, as opposed to what it was like 30 or 40 years ago, people who live there really have a challenge.

We need to do as much as we can. So I appreciate your testimony.

We will now go to our last panelist, and that would be Representative Shuler, please, to summarize your testimony in 5 minutes or less. Mr. Shuler.

**STATEMENT OF HON. HEATH SHULER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA**

Mr. SHULER. Thank you, Madam Chair. Thank you so much for all the hard work that you—and Ranking Member Souder has also—and also having Chairman Thompson here.

Mr. Thompson, it is really good to have you here in our presence.

This year in November, I have been working, since I was first elected here, to do something about the problems that we had in my district—drug trafficking from Atlanta to Charlotte comes right through my district, through Knoxville, Tennessee, Interstate 40, 26, 85.

So we have truly had a tremendous amount of problems and issues with drug trafficking—the costs and expenses as it relates to incarceration, as it relates to education.

It was very strong that my district really wanted to do something about immigration, and it was the No. 1 topic. It far exceeded the issues with the war in Iraq. It was the No. 1 topic that was talked about. It continues to be the height of a lot of the problems and issues that we have in our district.

People say, “Why North Carolina?” Well, it is the No. 1 State for increase of illegal immigrants coming through our State—No. 1 in the United States. So we have worked several months with a lot of Members of the Congress, spent many hours talking to the Border Patrol, sending staff to the border to talk about the importance and the issues that they see—not just what happens up here in Washington, but actually talking to the people that are doing the job every day.

So much and so often, we look at it at 10,000 feet, when we really need to talk to the individuals who are participating. When they are having to—the lack of space. In some of the pictures that were taken from the some of the Border Patrol offices, the ceiling was falling in.

They were having to trade out their guns. They didn’t have their own equipment. The vehicles that they were using they were having to trade out. Some of them are broken down.

So I commend this subcommittee and the committee as a whole, that the amount of authorization money that we hope to be able to get through what seems to be a fight with the administration

talk about wanting to be strong on security, when in fact this administration has allowed the influx of illegal immigrants coming to this country for many years now.

So I introduced the SAVE Act. It had 44 Democrats, 46 Republicans as original co-sponsors. Now there are 243 Members of the Congress and 44 States represented on the bill.

We realized that people are coming here for work and to better their families. I respect that people want to better lives and to better their families. That has been the American way.

So many people who have gone through the right paths, who have waited their time, and gone through the path of citizenship—those are the people in my district who spoke out first about the time that they had stood in line in their country, waited in the line in order to become an American citizen and have the opportunity to come here.

H.R. 48 increases Border Patrol agents by 8,000 Border Patrol agents, provides funding for new technology and infrastructure. It doubles the funding for the Tunnel Task Force, a special enforcement program to stop human and drug smuggling.

It creates a blueprint. I know there has been so much money spent, but it is a blueprint on recruiting new agents, incentives, retention, and just to name a couple, relocation bonuses, student loan payoffs as some way to actually some of the better and more qualified folks to go to some of the desolate areas on our border.

The second part, obviously, doesn't pertain to this committee, but I think it is probably the most important thing. If you cut off the job magnet, you are going to stop the numbers of people who are coming here for jobs.

E-verify would be a mandatory program. Take the liability off the employer. That way they don't have to be document experts. Presently right now, one out of eight new hires in the United States—employees that go through that are newly hired—go through E-Verify.

Our entire staff—I don't know if Members of Congress have gone through E-Verify. I have. I got clearance in less than 2 seconds. It took less than 3 minutes to fill out the form online. But all Federal employees go through E-Verify.

For every 1,000 workers that go through, 942 instantly have verification by the system. Five successfully contest the dis-match, which basically is primarily when a woman is married, and her name is changed. Then the other, obviously, we have 53 who don't contest. Fifty-three that do not contest, and typically where the research has found that they are here illegally.

So we have interior enforcement. I know my time is up, but in my district we had two people who were here illegally for trafficking drugs. They were in Clay County, North Carolina, and they were arrested. They served their time. They called the ICE. The sheriff called the ICE agency in Charlotte and said, "I have two people that are here illegally, and they have been trafficking drugs."

They said simply, "When you get a busload, call me. We will come." Out the door they were released. Three days later they were arrested again for methamphetamines in our district.

We have got problems. We have got issues. What is the cost of protecting our borders?

Madam Chair, thank you for all your hard work, your dedication.

To all my colleagues, all that they have done in trying to protect America and making sure our borders are secure, and to everyone involved, thank you.

[The statement of Mr. Shuler follows:]

PREPARED STATEMENT OF HONORABLE HEATH SHULER

MAY 22, 2008

Madam Chair, Members of the subcommittee, last November I introduced H.R. 4088, the bipartisan SAVE Act, with 44 Democrats and 46 Republicans committed to stopping illegal immigration through improved border security, employment verification and increased interior enforcement.

Today, 243 Members of Congress from 44 States have joined their constituents in calling for a debate and a vote on the SAVE Act in one form or another.

All of us agree that illegal immigration is one of the most pressing issues facing America today and that we cannot continue ignoring this problem by passing it on to future Congresses and future Presidents.

U.S. Customs and Border Protection estimates that over 12 million people are currently here illegally and as many as 6,000 illegal aliens are breaching our borders every day.

The vast majority of these individuals come to our country in good faith to find work and a better life for their families.

The SAVE Act recognizes that America is a nation of immigrants and a nation of laws—Madam Chair, these are not opposing values.

Yet while our country must have a welcome mat to those who come here legally, we must also consider the rules of entry, the costs illegal immigration place on local and State governments, and the effect on millions of American citizens who are unemployed.

While the SAVE Act has a strong emphasis on border security and interior enforcement, the real thrust of my legislation deals with employment verification.

Dishonest employers who seek to exploit low-skilled immigrant labor are the primary cause for the rapid increase in our illegal population.

In most cases, the jobs they offer act as a magnet, drawing people over 20-foot walls and through inhumane desert conditions to find work.

Two decades ago, our government sought to stop illegal hiring through the use of the Form I-9 for all new employees hired after November 1986.

While employment verification is current law, Form I-9 compliance alone requires business owners to be document experts as they determine if an ID is valid—this places serious liability upon them if they make a mistake.

To deal with these concerns, Congress created the Basic Pilot Program in 1996 that is now known as E-VERIFY.

The SAVE Act would expand this pilot program Nation-wide over a 4-year period, affecting 40,000 larger businesses in the first year and slowly including smaller businesses in the final 3 years.

E-VERIFY is a Web-based system that electronically verifies whether or not an individual can legally work in the United States.

E-VERIFY is free, easy to use, and it allows participating employers to successfully match 94 percent of new hires to DHS and SSA databases in less than 5 seconds.

Of the remaining 6 percent that are not matched, less than 1 in 6 of those employees bother to contest the result.

There are currently more than 65,000 employers representing 240,000 worksites using E-VERIFY.

More than 1,000 employers are enrolling each week.

The system has the capacity to process 25 million queries per year and is currently being updated and expanded.

E-VERIFY outlines fair and proper methods of using the system in multiple languages to protect employees from discriminatory hiring practices.

E-Verify gives employers the tools they need to follow our Nation's immigration laws and to avoid the penalties that result from hiring illegal aliens.

Madam Chair, I have the utmost confidence in this program, as does the Republican Secretary of Homeland Security and the Democratic Governor of Arizona, who

recently signed into law legislation making E-VERIFY mandatory for all employers in the State.

Every Congressional staffer and employee of a Federal agency has passed through the E-VERIFY system over the past decade.

E-VERIFY is required by law in varying degrees in Arizona, Colorado, Georgia, Idaho, Minnesota, Utah, Mississippi, Oklahoma, and my home State of North Carolina.

Prior to each State making this effort, several interest groups warned of impending disaster if E-VERIFY became law.

Yet a spokeswoman for the Arizona Chamber of Commerce, a group that opposed E-VERIFY in its State legislature last year recently said:

- fewer problems have been reported than originally feared;
- companies have not left the State in reaction to E-VERIFY; and,
- employers have not reported major problems with the database.

As of last week, DHS was unaware of one case since 1996 when a U.S. citizen was denied employment because of an error with the E-VERIFY system.

It is my belief that Congress must find the necessary funds to enforce immigration laws, secure the border, protect American workers and provide for retirees and the disabled.

Madam Chair, thank you for the opportunity to speak on the SAVE Act today.

I am pleased that your committee is taking on this vital issue with a common sense approach.

I am happy to answer any questions you might have.

Ms. SANCHEZ. Thank you, Mr. Shuler.

I thank all of the witnesses for your testimony.

I will remind each member that he or she will have 5 minutes to question the panel. I now recognize myself for questions that I have.

Mr. Reyes, your bill offers an increase in staffing for customs officers and improvements in infrastructure at ports of entry. I think these are needs that have been overlooked in almost any legislative piece that comes forward.

How important is it to maintain operable infrastructure and proper staffing levels at our Nation's ports of entry?

Mr. REYES. Well, Madam Chair, I think it is critical and vital. We are seeing the results of not focusing on this aspect of border security by the long waiting lines that impact our communities and that impact our business and our trade and our commerce.

I will give you an example. In El Paso, where Chairman Thompson held the field hearing, we are running consistently a vacancy ratio of Customs and Border Protection inspectors. Those are the ones that inspect vehicles coming back from Gaddes, from Mexico, of about 30 to 38 percent. That means three to four out of every 10 positions are vacant.

When we looked at the issue nationally, that is pretty consistent nationally. So I think it is critically important that we do the same thing for Customs and Border Protection at three ports that we have done for Customs and Border Protection in between the ports of entry.

Let us not forget that a tremendous amount of our economy comes through those ports of entry, whether you are talking about the southern border or the northern border. A lot of these bills that I have been asked to co-sponsor seem to all focus on the southern border.

From a national security perspective, we have to recognize that our northern border is left pretty much unprotected and untouched, even though it is critical for our trade and commerce as well.

Ms. SANCHEZ. I would agree with you on that northern border issue. We know that, for example, the millennium bomber who came to LAX was apprehended at the northern border, or the guy who had tuberculosis was coming through the northern border. We really haven't had any of those issues at the southern border.

So I think this committee is very cognizant, and we have held a couple of hearings up at the northern border, because they do need many, many resources. It is like a chain. Where the weakest link is is where—if I were a terrorist or I were a drug dealer, that is where I would pop in. So I think this committee is very cognizant of that, Mr. Reyes.

I would like to say that—and Mr. Bilbray knows this—I am a Californian. I have homes and friends and family on the southern side of his district, and crossing that border, even though there are 28 gates open at one time or whatever it is, sometimes can take you 2 or 3 hours. So I think we really do need to rethink and try to stock up for that.

Mr. Shuler, beyond the staff increases that you propose for Border Patrol agents, what resources does your bill give to the customs officials and personnel that operate our ports of entry to ensure drugs and weapons of mass destruction do not enter the United States?

Mr. SHULER. Well, obviously, the Tunnel Task Force—increase in the funding for that. Then we also, in the SAVE Act increases more than double the amount of northern Border Patrol agents to our northern border. So not only is it focused on the southern border, but also increases to our northern border as well.

So the most of the focus has been on the infrastructure, the tools that are necessary, and a pilot program for the Department of Homeland Security and the Department of Defense so they can utilize some of the equipment that is not used in theater, and that may be retired, that can be utilized in homeland security on the border patrol—humvees, vehicles, drones and other uses of equipment.

Ms. SANCHEZ. But doesn't the Tunnel moneys—you don't really have new resources or new thoughts on how to do weapons of mass destruction, those types of terrorist people coming across, whatever border it may be.

By the way, aside from the border that we have on the north and the south, we have an incredible amount of coastland on both sides of the continental United States—Puerto Rico, Virgin Islands, Hawaii. We have Alaska. We have a lot of coast also to cover.

Mr. SHULER. Yes, oh, absolutely, and I totally agree. I think there should be added funding. That is why, if you look at the funding that has been authorized from this committee, and we are hoping that the committee wins out and we get those budgets passed through, that we can have the security that we need.

Ms. SANCHEZ. Thank you, Mr. Shuler.

I see that my time is up, so I am going to defer to my ranking member for his 5 minutes.

Mr. Souder of Indiana.

Mr. SOUDER. Thank you, Madam Chairman. First I would like to point out for the record that all the bills that I read at the begin-

ning in my opening statement from Members of this committee have been referred to this committee, as has Mr. Shuler's.

The 9/11 Commission blistered Congress—blistered Congress—for having too many committees and no central jurisdiction. Under Republicans, we didn't get that done. Under Democrats, we didn't get that done. It is important that this committee lead, and that we should be the first out of the box, if there are joint referrals. Some of these things are joint referrals. But this committee leads, because we are the No. 1 homeland security committee.

I also want to share Chairman Reyes' concern about ports of entry. I believe that has become the big problem, because an agent is having to make decisions about the commerce in America and how much time he takes, because we simply don't have the resources and the infrastructure. Trucks get held up. It is on the north and the south border.

It isn't true to say that we haven't had terrorist intercepts on the south border. We are intercepting on both borders, and we just had the U.S.-Canada Parliamentary session.

We have one man who owns Ambassador Bridge, who quite frankly has been giving political contributions in both parties, that has held up infrastructure on the north border, and it is becoming—particularly at the Detroit area.

This is another question. Should private companies hold the chokepoint and then refuse to participate when the Federal Government needs to have additional? This has to be investigated on what is going on in Detroit. We have had some problems up in Buffalo as well.

I wanted to ask Congresswoman Brown-Waite. I have a problem in my district—not getting into whether people are getting arrested just for being illegal immigrants, but criminal. These have committed criminal acts.

One hundred forty-four, as of 2 weeks ago in my biggest county, Allen County, have been called in and not picked up, according to Sheriff Fries. In Noble County, a smaller county in the north, 40 have been called in and not picked up. These are people who have been arrested for other things.

In your bill you address some of this, and what I am wondering is that some critics say that this puts local police in conflict with immigrant communities, that this is too expensive to do. How do you respond to that?

Ms. BROWN-WAITE. I am beginning to think that you have the same problem that I have, and many other individuals who represent—senators and Congress have—and that is when ICE is called, they simply don't show up. Or they wait until there are enough to show up to maybe fill a van.

This clearly would have local law enforcement working, which—we can never have enough Federal officials. We need the cooperation of the local police, the sheriffs' offices. We need to be working hand-in-hand.

Many law enforcement officers want to help, but they also have strained budgets and want to be reimbursed. If they send their officers through the 287(g) program, obviously it is a couple of weeks that they are not working, but rather in training. That is a quest to a community.



They want to send them. My bill would actually have bonuses for those communities that are willing to step up and help the Federal Government in enforcing illegal immigration.

I have the same problem, and not only that, but when I wrote the Department, because they closed the detention center in my area, which, of course, forced more people into the local jails, I was told, "Don't worry, because we contracts with the local jails, and we are paying them."

The truth of the matter is the local jails had eliminated those contracts a long, long time ago, and I got misinformation. But I know my district. So I wrote back, and I challenged them. I said, "I don't know if you purposely lied to me, or you are just out of touch, or you got wrong information, but I am sorry. There are no contracts in my county to house illegal immigrants."

Mr. BILBRAY. Congressman, to reinforce your statement, though, if you go to ask the Border Patrol agents along the border, and you want to secure the border—and this is where it comes to Homeland Security—they will tell you, rather than sending us another Border Patrol agent we want, if it is a choice between an ICE agent in your neighborhood or a Border Patrol down in San Ysidro, they will say, "Send the ICE agent, because there is where you are addressing the problem that is not being looked at at this time."

Mr. SOUDER. One of our problems here is we need to adequately fund this. We need to pass the bills and adequately fund it, because right now even local law enforcement people who are asking for the training, it doesn't do any good, if nobody picks up them up and there is no detention center. These are criminal aliens beyond immigration law.

Mr. BILBRAY. Mr. Shuler's bill increases by 1,200 the availability of ICE agents for your neighborhood.

Ms. SANCHEZ. I now recognize for 5 minutes the Chairman of the full committee, Mr. Thompson of Mississippi.

Mr. THOMPSON. Thank you very much, Madam Chairman. Like you, I appreciate the interest of our colleagues in this matter.

One of the issues for a lot of us here is whether or not we have put together a plan for border security. Every one of your bills is part of a border plan.

We have tried to get the Department to come forward and produce a plan or strategy for border security that we can use as the framework to fund. Unfortunately, we have not been able to get such a strategy or plan from the Department.

So what we end up with is just like what you have presented to us for consideration as a committee. It is your idea of how we can address part of the problem. They all have merit, and I applaud you for that.

But the question is how can we successfully do it with a Department that first of all very rarely requests enough resources to do its job? Second, we give them resources to do the job. Then they either don't do the job, or they do it in such a reduced manner that we have to carry it over to the next fiscal year.

So my concern is if it is a matter of resources, can we provide the resources to a Department that is reluctant to train people? The record is clear that every time administration has requested individuals, Congress plussed-up the number to try to address it.

But when we look at who actually goes through the pipeline and actually gets into the field, the number is woefully inadequate.

So I am concerned whether or not we can do it as a Department, even if we gave the resources.

Mr. Reyes, could you tell the committee whether or not just giving more money to add personnel is the answer to part of what we are dealing with? Or what do you think, in your years of experience along the border, what your recommendation would be?

Mr. REYES. Well, I don't think money is the total answer. I hope in the next administration we start with a secretary of Department of Homeland Security that has experience or a basic understanding of what the challenge is. This is not a knock on any of the incumbent or the previous secretary.

But I think you have got to have a comprehensive understanding of the challenge of border security and interior enforcement, as Congressman Bilbray mentioned. I think you have got to pay attention to working in partnership with our two neighbors, Canada on the northern border and Mexico on the southern border.

I think we have got to get away from demonizing the southern border and ignoring the northern border. Mr. Shuler puts 80 percent of the Border Patrol agents on the southern border.

He made a statement that he doubles the number of agents on the northern border. Well, doubling the number of agents, you go from maybe 300 to 600, or 700 to 1,400, for over 3,000 miles of some of the most desolate area on both borders.

I think there is a fundamental responsibility of working in partnership between the administration and the Congress. Just giving money to an agency without proper oversight and accountability is not the answer.

You and I, Mr. Chairman, at a meeting saw where the contractor that got the virtual fence funding was trying to load up the Border Patrol with stuff they didn't need—overly complicated. All they need is a basic Chevrolet on the border, and they are being given a Cadillac or BMW or something else that really is not the answer.

I think there has to be a fundamental strategy, as you have discussed many, many times, to our border security.

Mr. THOMPSON. Thank you very much.

I yield back.

Ms. SANCHEZ. I thank the Chairman.

Mr. Reyes, I just have a follow-up question. You and I both serve on the Armed Services Committee. Being part of this committee, of course, I am very close to my law enforcement up and down the State of California.

One of the things we see is that we have a hard time finding new people who qualify, pass, get through the academy, even can enter the academy, these police academies we have. What we see is one department stealing from another, a lot of lateral transfers.

What we see in the military is that we have lowered our standards in recruiting, whether it is we have some felons now in the military, whether it is drug addiction, whether it is broader age group, physical standards lowered, et cetera.

They are also competing for the same type of person who would enter into the Border Patrol or my sky marshals or dozens of other law enforcement that we have got going around the country.

So are you seeing that also in Texas? Are you seeing that also, when you are looking at your intelligence work, and you are talking to law enforcement? Do you see the same thing I do, that how we find really new people to enter into law enforcement is one of the biggest problems we have versus just offering bonuses?

What I see is the price being driven up between one local agency to the next, because they are offering bonuses to take people from one department to the other.

Mr. REYES. That certainly is a challenge, maintaining the standards while at the same time—and I know you are going to have Chief Aguilar in the next panel, I believe—so I hope somebody asks him the question about the limitations to being able to shove *X* number of agents down the throats of any agency, because you have got to be careful and maintain a ratio of experience to trainee agents.

These are some of the most challenging jobs in law enforcement, because they work independently in remote areas. But it is a recruitment issue. It is the ability of DHS putting together a task force that can go out to the different parts of the country and do the recruit for the Border Patrol, for CBP, for any effort like that.

One solution that we are looking at and urging is to look at some of these wounded veterans coming out of the Iraqi and Afghanistan theater, who are very capable of doing support jobs that are able to dispatch agents and do the kinds of work that free up agents to actually work on the line.

But there are solutions out there. It is not rocket science. We just need to get somebody that can focus and put together a strategy that will work. It is a huge country. This is a time where the economy is shrinking, and there ought to be plenty of people out there that would be interested in very good paying jobs in DHS in many different capacities.

Ms. SANCHEZ. Thank you, Mr. Reyes.

I now recognize my good friend from Florida, Mr. Bilirakis, for 5 minutes.

Mr. BILIRAKIS. Thank you, Madam Chairwoman, and thank you for leading the delegation, along with Chairwoman Jackson Lee and Chairman Carney, to the southwest border. Very informative, very productive. Thanks so much.

I also want to congratulate Congressman Shuler for putting together a bipartisan border security bill that, in my opinion, will greatly improve both our frontline border defenses and interior enforcement, which I believe is a necessary prerequisite to gaining operational control over the borders.

This question is for the entire panel, if they wish to answer. Do you believe that the failure to remove incentives for illegal immigration, such as birthright citizenship, the promise of jobs and the prospect for amnesty, undermine our border security efforts?

Congressman Shuler, please.

Mr. SHULER. I think we will continue to see an increase of illegals coming across the border, based upon, quite frankly, the three people who have been running for president of the United States.

If you look at all their issues, whether it be McCain's bill or how Obama or Clinton has stood on those issues, and then the lack

there of this Congress to actually promote something to actually have enforcement and security on our borders, I think we will continue to see an increase.

We are at 6,000 people crossing our borders every day. I think it will continue to increase until we put a stop to it. I think the more opportunities that—the longer we wait, the more increase we are going to have.

Mr. BILIRAKIS. Anyone else like to address that?

Ms. BROWN-WAITE. I think until we get absolutely serious about doing something about illegal immigration, such as saying to cities that are sanctuary cities that they are going to have a cut in their DHS funding, along with taking away that attraction of the employer not verifying appropriately the status of the person applying for a job, those things, I think, will go a long way.

I support Representative Shuler's bill. I think it is a great, great bill. We also have a problem, because the verification system is about to expire in November, that is currently in this bill. So I know that there are some people who, like other pieces of legislation, have objections to it. Worst-case scenario, we don't want to be without that verification system.

Mr. BILBRAY. Congressman, we don't want to continue to give tax deductions to employers who are hiring people illegally. Mr. Shuler's bill just says, "From now on, we are not going to give you a tax deduction," which some people have estimated to be \$44 billion.

This is the kind of thing that has got people with us not doing something here in Washington, while we are dedicating Watermelon Month.

Mr. BILIRAKIS. Anyone want to address the issue of amnesty?

Mr. SHULER. Madam Chairwoman, if I may—

Ms. SANCHEZ. Mr. Bilirakis, I remind you that this committee does not have jurisdiction with respect to—

Mr. BILIRAKIS. Madam Chairman, this bill has referred to our committee. We can discuss the bill. Ultimately, the legislative portion of the bill is subdivided between different committees, but this bill has been referred to our committee, and we can discuss the bill that has been referred to our committee.

Ms. SANCHEZ. But amnesty was not discussed in this bill.

Mr. Souder.

Mr. BILIRAKIS. I will proceed with the next question.

Congressman Bilbray, I want to thank you for your work as chairman of the Immigration Reform Caucus and your commitment to stopping illegal immigration.

Given your expertise in this area, do you believe that we can have an orderly and enforceable temporary worker guest program—several programs—in the absence of true border patrol and the ability to determine whether those entering our country are leaving when they are supposed to?

Mr. BILBRAY. Sadly, no. I strongly support a true temporary work program, especially for ag. But the key is that you have got to stop illegal employment, or people are going to come here to pick our strawberries, take a look at the fact that drywall pays more, and shift over.

So it is essential that before we can put together a viable, true temporary work program that is not a formula for amnesty is the fact is that we can do it, but we have got to build on a foundation of true enforcement. That was part of the 1986 bill that never fulfilled its promise to the American people.

But we can do this, and I look forward to working with both Democrats and Republicans, of having a program so people come here, work, and go home—what they want to do. We will build a middle class in Latin America, rather than draining their brightest and hardest working.

We are able to cooperate with our neighbors to the north and the south, but it means we have to have employer verification. I strongly support Mr. Reyes' upgrade of the Social Security card, which doesn't even come up to the REAL ID standards that we set for States. But that has got to be the foundation, if we are going to make a temporary guest worker program work, Congressman.

Mr. BILIRAKIS. Thank you.

I know my time has expired. Thank you, Madam Chairwoman.

Mr. SOUDER. Madam Chairwoman.

Ms. SANCHEZ. Yes.

Mr. SOUDER. I think it is important that we establish that as a border committee deals with enforced borders and terrorism, that we are allowed to ask questions that we think impact the border, such as amnesty and other types of things, because clearly policy decisions of the United States impact our ability to control borders and port security.

Ms. SANCHEZ. I would say to the gentleman that we are trying to do as much as latitude as possible in this. However, as you know, this is our eleventh subcommittee hearing—

Mr. SOUDER. It is not appropriate for you to micromanage the questions of members.

Ms. SANCHEZ [continuing]. With respect to the border. I think this issue of staffing, which is the focus of this hearing, is an important one. I think we agree on that. To the extent possible, I really don't want to get bogged down in an amnesty discussion, quite frankly, in this committee, where it really doesn't fall under our jurisdiction.

I really would like to hear what the panelists have to say about that which we can work—I am trying to work toward a bill that would come out of this committee that would hopefully have some of these good ideas embodied in them.

I yield to the gentlewoman from California, Ms. Lofgren, who, by the way, is a member of the Judiciary Committee, which has much of the jurisdiction you all are talking about.

Ms. LOFGREN. I appreciate that. I did want to raise the point that the jurisdiction over the formulation of immigration laws is within the jurisdiction of the Judiciary Committee. We have been very careful on the Judiciary Committee not to wander into the jurisdiction of this subcommittee, and I appreciate your reciprocity on that point.

In fact, there are very strong views on the Immigration Subcommittee. Mr. Steven King is the Ranking Member, and a member of Mr. Bilbray's immigration caucus, so there is no need to

worry that viewpoints will not be adequately expressed in that subcommittee.

I mention this now just because I am so eager—I obviously appreciate our colleagues being here. I don't want to ask them a lot of questions. I am so eager to hear from the head of the Border Patrol, who is waiting in the audience.

I am hoping that we can quickly get to him, because he obviously wants to talk to us, but he has a big job to do. We don't want to keep him here all day.

So I thank the gentlelady from California.

Ms. SANCHEZ. I recognize Ms. Harman for her 5 minutes.

Ms. HARMAN. Thank you, Madam Chairwoman. After the comment of Ms. Lofgren, I feel slightly guilty about taking a few minutes. But I do think it is important to interact with our colleagues, who have come well prepared to discuss border issues and are authoring important legislation and are taking questions from this committee.

In my experience in seven terms in Congress, this is the first time I have been at a hearing where we could ask our own members questions. I applaud you for doing this.

It showcases the fact that we have a lot of competence in Congress—sometimes that is overlooked—and that on a bipartisan basis, people care intensely about tough issues like this. So I applaud you for the format of this hearing.

Let me agree with Chairman Thompson's opening remarks. He says one size does not fit all. We need a comprehensive approach. It is certainly true that this committee does not have jurisdiction over a comprehensive approach, but I happen to support that, and I support the legislation that Ms. Lofgren has been pursuing in the Judiciary Committee.

I would hope that the Judiciary Committee might have a panel of our colleagues, who would address some of the issues that members want answers to. Our colleagues should be active in this kind of format. I think it is good for Congress to do this.

Let me make a couple of other points. As the daughter of immigrants whose parents were the first in their families to go to college, I surely understand, as I think most Members do, the value of immigration to our country.

The point is to encourage immigration that is lawful. We want a diverse country. We benefit from it. Some of the Members on the committee and some of the members on the panel are immigrants or the children of immigrants themselves, and we value them as Members of Congress.

So let us not lose sight of this. Let us not demagogue this issue. Let us solve some of the problems around immigration. We need to remind ourselves of that, because I think the message all of us want to send is that we welcome diversity in this country, and America is a land of immigrants. I hadn't heard that mentioned this morning.

Let me also say, as many members have said, that this is not just a southern border problem, and it is not just a northern border problem. It is a coastal border problem, too.

As one who represents a coastal border in California, I know that the absence of adequate customs officers, for example, is creating

huge backlogs when people from foreign countries arrive at LAX, the international airport which my district surrounds.

LAX has twice been an intended target of attacks by Al-Qaeda, and it surely is not a good thing to have huge lines of people trying to get through customs into the airport into Los Angeles, or to have aircraft on the airfield waiting to unload passengers. This is just an invitation for disaster.

So I strongly support what Congressman Reyes is trying to do, which is to get more resources so that problems like this can be addressed.

Let me say further, though, that when we think about this, we need a strategy. It is not just that everyone trying to cross the border illegally is an equal problem.

I suggest we need a strategy, and this is my one question I want to ask, that prioritizes who we are looking for, that prioritizes people who are potential terrorists, people who are drug traffickers and are otherwise abusing other people.

No one has mentioned that issue, and I would just like to ask the panel whether you agree that there is a strategy we have to apply here in making certain that we make our resources and our efforts as effective as possible along our borders.

Mr. BILBRAY. Congresswoman, I think anybody who has worked at the border will understand. When somebody is crossing the border illegally, there is no way of really being able to differentiate those who are coming here just for illegal employment or those who are here just carrying a satchel full of drugs, which is a major problem—the cartels use illegals as their mules.

Or that satchel may not be of drugs. It may be some kind of weapon of mass destruction—that ability to separate these, that a tunnel that is dug for illegal immigration is also used for drug smuggling and can be used for terrorism, so the problem—I understand your thread and the challenge—but it is tough at the border to separate those.

Mr. REYES. If I can add, there should be a national strategy of border management. You cannot hope to seal the border, whether it is coastal, whether it is north or south.

From my experience, if we can manage the border at 85 percent success, I think we are able to do exactly what your question asks, and that is better prioritize those that would be coming in here to do us harm or bringing in something, whether it is narcotics, WMD or anything else, that ultimately would be harmful to our country.

That is why we have to cry out for a national strategy that gets us there, both in between the ports of entry and the ports of entry, the airports and the embassy ports, and, of course, the interior.

Ms. HARMAN. Madam Chair, my time has expired, and I don't want to abuse the time of others.

If anyone has an urgent comment, I would ask your—

Ms. SANCHEZ. Ms. Giffords for a few minutes. We are expecting a vote on the floor, so I am trying to get everybody in, hopefully, so that by the time we return from the floor, we can get to the second panel.

So, Ms. Giffords, but if you would be quick.

Ms. GIFFORDS. Madam Chair, Congresswoman Harman, briefly as I stated earlier, over 380,000 people were apprehended in the

Tucson sector of the Border Patrol in 1 year. From October 1 to about a month ago, we were at over 180,000 people. The vast majority—80 percent-plus—are coming here to work to feed their families.

If we can take care of the visa situation to pull those people off from crossing through the deserts, through the tractor-trailers, the semis, it is going to be a huge dent into this problem.

To figure out that guest worker program, get those people to work legally and safely and return back to their home country, it would free up the Border Patrol, free up Customs to do the work that they are really supposed to be doing. Thank you.

Ms. SANCHEZ. I will now recognize for 5 minutes for questioning, Mr. Reichert of Washington State.

Mr. REICHERT. Thank you, Madam Chair.

I appreciate all of you being here. I am anxious to ask some questions. I want to make a couple of quick comments.

First, I hope—anyway, most of you know my previous life here before coming here was as a sheriff in Seattle, 33 years in law enforcement. I know the frustrations and the heartaches and the headaches of trying to recruit people. I agree with Mr. Reyes there needs to be a strong recruitment in place to attract great candidates.

Sheriffs and police chiefs across the country are competing for the same pool as our men and women who serve in our armed forces. We don't lower our standards to hire drug addicts and criminals into our sheriff's office, and I don't know of others that do that, and I am sure that the Border Patrol does not do that.

The heart of a servant, really, is what we are looking for when we hire people into law enforcement fields—people who want to serve our country and know the dangers that they place themselves in, when they serve our country's police departments and law enforcement agencies across this Nation.

I salute the chief here, who is present today.

Mr. Reyes, for your past service also, and thank you so much.

I want to focus a little bit on the—also, I just want to make a quick comment, too. You are exactly right on the borders. We can manage them, but we are never going to seal them off.

It is like preventing a burglar from getting into your house. We can do all we can to come and assess and give you advice on how you might want to secure you home, but guess what? If the crook wants in, the crook is going to get in.

So we can only do the best that we can and know that some people are going to violate the law.

I heard some concerns, Mr. Shuler, from employers that this SAVE Act will create some concerns around litigation against employers. Would you agree that the inclusion of a good liability protection language for employers, who are required to use government systems, should be a part of any electronic verification system?

Mr. SHULER. Absolutely. That is why when we wrote the bill up, similarly the people that we talked to—the employers—had a very difficult time distinguishing between the documentation that they received and almost being document experts. If they received, and



they thought the information was correct, they could still have that liability placed upon them, if they hired someone illegally.

So going through E-Verify totally takes the liability off the employer. Once they use the E-Verify program, they go through, and they get the match correctly, it is a printed out piece of paper. Or it is actually mailed in or sent in from E-Verify that they have a hard copy, so if they are then checked to see if that person is here legally—and the error rate is 0.5 percent error rate on E-Verify—so it does take out the liability concerns from the employer's standpoint.

Mr. REICHERT. Would you agree, too, if employers can't verify, would that not then encourage people to continue to cross the border?

Mr. SHULER. Absolutely.

Mr. REICHERT. Would that not create more illegal immigrants in the United States? Would not that be some sort of form of amnesty and create a huge problem for the chief, as far as resources and managing those people then?

Mr. SHULER. Absolutely. I think that, as so many people have indicated, 80 percent—and I think it is more than 80 percent—of the people here are coming for work. So we have to cut up the job magnet. If we cut the job magnet up—we are talking about how to secure the borders and all this—we have to start with the jobs first.

So if you are having to deal with only 10 percent of the people coming across the border because of coming here for jobs, then we don't have to spend the millions and billions of dollars that we are spending, and we may not have to spend the amount of time and resources to be able to hire the people that are protecting our—

Mr. REICHERT. So the E-Verify system, then, really is trying to address the amnesty issue, right?

Mr. SHULER. Yes, it sure is.

Ms. GIFFORDS. Mr. Chairman, can I jump in for a second?

I come from Arizona, the State that now requires 100 percent participation for E-Verify. We had a hearing last week in the Ways and Means Committee, where we had employers coming out from Arizona. We had a lot of testimony on that.

This is not the place to get into it, but there are some real issues with E-Verify in the State of Arizona, when people are actually required to do it. So I want to make sure that you look at that testimony before—

Mr. REICHERT. One last question real quick here. My time is flying by, too. How can DHS ensure that employers will not illegally pre-screen workers? That has been a concern, too, that has been presented.

Mr. SHULER. Well, because E-Verify under the mandate would actually be not used as a tool of hiring someone. After a person hired, then they go through the E-Verify system. At that point in time, they receive a match. If they do not receive a confirmation of a match, then they continue to still be employed, and over the time period, they actually request—

Ms. SANCHEZ. The gentleman's time is up.

Mr. REICHERT. Okay.

Mr. SHULER. Doesn't pertain to the committee.

Ms. SANCHEZ. Mr. Cuellar? No.

Mr. Rogers? No.

Ms. Jackson Lee?

Ms. Lofgren, for 5 minutes.

Ms. LOFGREN. Thank you, Madam Chairwoman. I will try not to use 5 minutes. I just know that I appreciate every one of these Members being here. Clearly, they care very much about our country, have worked hard to put together what might be part of an answer.

As was mentioned by our colleague from Washington, there are some problems. It is impossible, as he has noted, to seal off completely the entire borders of the United States. That includes both sea coasts, a very long land border with Canada, as well as the southern border.

So I think it is important, as we discuss the subject that is important to the country, that we not lead the country to believe that anybody in any party could accomplish the impossible. What we need to do is have a management system that works much better than it does.

I want to especially raise two issues, maybe three. First is the matter of priorities.

I listened to you, Congressman Shuler, and we have talked about this before—the frustration that your citizens have, that you have got a meth dealer in the jail, and when we have a discussion about whether the busboy should be deported, nobody is arguing that the meth dealer should be deported. You can't get ICE to pick them up.

In the appropriations bill this year, the bill in December, we put together guidance for ICE, suggesting that there are priorities. We don't have limitless resources, so the top priority for ICE ought to be going to the jails and picking up the people who have been convicted of serious crimes and booting those guys out.

I think that is an area where we all agree, and yet we can't make them do that, because the easy hit for them is to go round up some nursing mothers in a field. It is numbers, but we have still got the meth dealers sitting in your jail and maybe being released.

We have already put the priority in the order in. I don't know that it is a legislative problem. It is an administrative problem in that they are not doing the smart thing, and they are also not following the instructions of Congress.

I want to talk about computer systems, and maybe I can ask Mr. Reyes.

The 9/11 hijackers, for the most part, were not admissible to the United States when they came and presented themselves for entry. They were not admissible, except that the officer who interviewed them didn't know that and could not know it, because the evidence of their inadmissibility was on a piece of microfiche in a bucket in Georgia, waiting to be input into a computer system.

So I have been after both ICE and USCIS to upgrade. In your judgment, do any of these bills, or any of the efforts we have made, really move that effort forward? You are an expert in this, Mr. Reyes.

Mr. REYES. Again, you have to go back to making sure we have got the leadership at DHS that fundamentally does two things: first, recognizes or assesses where we are, and second, where Con-

gress wants them to be, and then is able to articulate if you want to be at Point X, this is what we are going to have to have.

Ms. LOFGREN. It is a competence issue, really.

Mr. REYES. I get so frustrated—

Ms. LOFGREN. So do I.

Mr. REYES [continuing]. By so many experts that—you know, this is not rocket science. It just takes people that understand the system, understand the challenges, and are willing to put together a strategy.

Ms. LOFGREN. I wanted to follow up just briefly the comment you made on hiring returning warriors, some who have now disabilities, but it doesn't mean that they couldn't monitor computer efforts and do the like.

A big impediment I have heard—and you know better than me—to hiring in the Border Patrols, oftentimes these are remote locations. This is a hard job. Even if you are not out in the field with the harsh conditions, it involves relocating to a border community away from family and the like.

We have call centers in Iowa for tech companies in California. There is no reason why you couldn't have whole units to do the remote computer stuff. Would you suggest that we move in that direction, based on your experience, to just take some off the load off of the recruitment drag?

Mr. REYES. You and I have discussed many times there is no excuse for the long waiting list of people that are trying to naturalize to become citizens.

Ms. LOFGREN. Right.

Mr. REYES. CIS has to do a better job. That is a perfect example of where wounded warriors would fit in perfectly, because they would be in the major cities. They would be in major processing centers that would require computer skills that can be taught to wounded warriors and would facilitate those huge backlogs.

It is not a priority. It is not part of the strategy. It is part of what feeds the frustration against DHS.

Ms. LOFGREN. My time has expired, even though I didn't mean to use it all, Madam Chair. Thank you.

Ms. SANCHEZ. You are welcome, Ms. Lofgren.

I now recognize Mr. Green for 5 minutes.

Mr. GREEN. Thank you, Madam Chairwoman.

I thank the Ranking Member as well.

I thank my colleagues.

I must confess that I am impressed with the depth and breadth of knowledge that has been shared with us today.

I do have a caveat that I would like to share, and it is that we must be exceedingly careful, assuming that we do 100 percent of what we desire to do, we must be exceedingly careful—exceedingly so—such that we do not create a false sense of security, a false sense of security.

We have to make sure that we don't create in the minds of the public that this fence is going to secure this country. We have to understand that the southern border is really the Virgin Islands. We have to understand that the northern border poses challenges that we are not addressing.

We cannot create a false sense of security, as we construct or think along the southern border, the border with the United States and Mexico.

I am concerned about the lack of a plan that addresses all of the issues associated with border security, as opposed to some of the issues associated with border security. I think that when we take a piecemeal approach, we will get a piecemeal result.

Piecemeal results can have unintended consequences. An overall plan can address the consequences that we may not be considering.

If we seal the border between the United States and Mexico—that we have some control over it, greater control—we have to ask ourselves how will this impact other points of entry into this country and be prepared to deal with the impact that it will have on other points of entry into the country.

If we don't prepare ourselves for those other points of entry into the country, we will find ourselves again trying to respond, as opposed to having acted timely. I would invite colleagues to respond tersely, if you would, to what I have stated.

I see one colleague is ready, so I will yield to you, sir.

Mr. BILBRAY. Congressman, I, for one, am going down to Mexico the first week of June. If there is something I can tell you about if you are waiting for the perfect answer, I worked on border pollution problems. Everybody kept saying, "But it won't solve the whole problem to do this."

We have been able to make great leaps in the last 20 years of working on pollution and environmental problems at the border by doing what we can where we can when we can, and not finding excuses to walk around or to avoid addressing issues where you can.

I am going south next month for a big reason. The border is so violent now, Congressman, people are being killed on both sides of the border. Law enforcement officers in Mexico are being slaughtered. There are gunfights going on.

The degree of urgency in Washington, DC, both Republican and Democrats—and I will tell you, I am taking on my Republican colleagues about the fact that I hope they care enough about helping Mexico fight this problem and secure their border—

Mr. GREEN. Reclaiming my time, because I only have 34 seconds left, I concur with everything that you have said. But it does not cause me to conclude that we must not convey a message that this is going to secure the United States of America—

Mr. BILBRAY. We need to—

Ms. GIFFORDS [continuing]. And that, that—listen now; I am reclaiming my time—that is what you have to concern yourself with, too. We are talking about securing the United States of America. We are not talking about just the border between the United States and Mexico, and we don't want to create a false of security in so doing.

Ms. SANCHEZ. The gentleman's time has expired.

I now recognize the gentleman from Rhode Island, Mr. Langevin, for 5 minutes.

Mr. LANGEVIN. Thank you, Madam Chair, and I want to thank you for organizing this hearing.

It certainly speaks to your commitment, as does it speak to the commitment of the Members who are testifying here today about

the importance they place on immigration reform and also strengthening our security, which will obviously have to be a part of any immigration reform bill.

So thank you all for the work that you are doing.

I have a couple of questions for Chairman Reyes and also for Representative Shuler.

Chairman, as chairman of the Intelligence Committee, I know how hard you work every day, day in and day out, to make sure that we strengthen the national security of the United States. I am proud to serve with you on the Intelligence Committee.

With respect to ports of entry, our ports of entry are grossly understaffed, which leads to longer wait times at our borders and affects the ability of our CBP officers to effectively carry out their border security mission. The ports actually require CBP to hire at least 5,000 CBP officers and 1,200 agriculture specialists over the next 5 years.

What type of CBP staffing shortages have you seen at the El Paso ports of entry? What have been the consequences of understaffing at the El Paso ports of entry? How did you determine the staffing numbers required by the bill?

Additionally, as a former Border Patrol sector chief, you are clearly in a very unique position to share with us your first-hand experience in securing America's borders.

Looking at the different border security programs that the administration has proposed and are involved with, and proposals in Congress, what should the next administration's first priority be to get the border security right, such as E-Verify, sensing, virtual fencing, or worksite enforcement—if you could talk to those two?

For Representative Shuler, in my role on the House Intelligence Committee, as well as the chairman of the Emerging Threats Subcommittee on this committee, I spend a lot of time being concerned about terrorists smuggling in a nuclear device or weapons-grade nuclear material or radiological material.

According to a recent GAO investigation that determined a cross-border violator would likely be able to bring radioactive materials or other contraband undetected into the United States by crossing the U.S.-Canada border, what I wanted to ask you is does the SAVE Act address any of the vulnerabilities that our Nation faces along the northern border?

Do you agree that the northern border is equally susceptible to entry by terrorists and others wishing to do us harm?

I know the time is short, so if I could start with Chairman Reyes, and then we will go to Representative Shuler.

Mr. REYES. Thank you very much. I will answer your three questions quickly.

First of all, in El Paso, as I commented earlier, there exists a vacancy ratio of between 30 and 38 percent, which leads to longer waiting times, morale problems and detrimental to the trade and commerce that has to come through those ports of entry.

Second, the 5,000 figure of additional CBP officers and 1,200 agricultural specialists and 350 support positions were included in the first legislation as a result of about 9 months' worth of work and consultation with DHS and my former colleagues to improve not just staffing, but the infrastructure system—and I might also

add consultation with GSA, who has the responsibility for that infrastructure.

Third, as to what should the next administration do? I think priority No. 1 in security, in terms of homeland security, is make sure that a DHS secretary has a clear understanding, and preferably experience, in the issues facing our country in homeland security and has to come up with a national strategy that addresses all of these issues that your committee has been working on and that we have all collectively been expressing our concerns about.

Thank you.

Mr. LANGEVIN. Thank you, Chairman.  
Representative Shuler.

Mr. SHULER. The SAVE Act, H.R. 4088, will increase northern Border Patrol agents from 800 to 2,000.

But I think the most important thing to recognize is through the new technologies, and the funding through new technologies—the drones, the satellite surveillance because of the vast distance of our northern border, that distance—that is obviously be very, very porous, because we won't have enough manpower.

The reason why most of the Border Patrol agents increase has been to our southern border is because of the numbers of trafficking that is coming across our southern border.

So, obviously, I think we all recognize the importance of being able to protect both our northern and our southern border. The SAVE Act was actually endorsed by the Northern Border Caucus, and Mr. Stupak as well.

Mr. LANGEVIN. Thank you.

I yield back.

Ms. SANCHEZ. The gentleman's time has expired.

I now recognize Ms. Jackson Lee for 5 minutes.

I will remind everybody that we have votes on the floor—three of them. We will take Ms. Jackson Lee's 5 minutes, dismiss this panel, go and vote, and return thereafter from recess with the second panel.

Ms. Jackson Lee for 5 minutes.

Ms. JACKSON LEE. Madam Chairwoman, let me thank you very much.

Let me thank the witnesses very much for their insight and interest in this very important issue.

I would like to include in the record bill H.R. 4044, called the Rapid Response Border Protection Act of 2005. It is a bill that is being updated. I ask unanimous consent to submit that into the record.

Ms. SANCHEZ. Without objection.\*

Ms. JACKSON LEE. Thank you.

Chairman Reyes, it was one that we joined together on, and let me thank you for the leadership on your legislation.

But let me suggest that we took, for example, the large majority of the Members' bills, and I will ask pointed questions, and then added a component that dealt with—outside the jurisdiction of this committee, but just say that we handled the security, but then handled the benefits.

\*The bill is publicly available and has been retained in committee files.

Would that, from a Border Patrol officer's perspective, be an effective tool in which to really handle some of the crisis issues at the border, which is human trafficking and narcotics?

Mr. REYES. As it relates to your legislation that we discussed?

Ms. JACKSON LEE. If we took some of the legislation that is being presented to us today that deal with security, but then added the benefits part, which is not in the jurisdiction of this committee, but gave access to legalization from a Border Patrol agent, since you have experience of being at the border, would that be an effective approach in security and another component?

Mr. REYES. Absolutely.

Ms. JACKSON LEE. So as a law officer, you are telling us that, for example, the barrier that is now at the Tucson border that we visited—I understand it cost \$4.5 million per mile, and we have 7.5 miles—that that barrier focus on, even if we passed your legislation that provides us a reinforcement at our ports of entry—very important; I have been through a good number of them—we still need another component. Is that accurate?

Mr. REYES. Absolutely. I agree with the comments that Congressman Bilbray has made in terms of a comprehensive approach with interior enforcement.

Ms. JACKSON LEE. How poorly staffed do you believe our ports of entry are? How much of a crisis do we face in not moving forward on your legislation dealing with infrastructure?

Mr. REYES. Well, the lack of staffing is affecting efficiency and morale and our ability to promote trade and commerce through the ports of entry. On a national average, it is between 30 and 38 percent vacancy.

Congresswoman Brown-Waite, I, too, would like to pose the question. You have a very stiff initiative, because I believe that what you might wind up doing is making 6-year-olds felons, teenagers felons. I understand the impact or the thought behind it.

My question to you would be: Would you welcome a modification of your legislation, if it parallels—again, outside of our jurisdiction, because what you are talking about, you have a component in there that talks about individuals inside the country that relate to ICE internal enforcement.

Would you be willing to have a component of a process of documentation for those who are here, and then the enactment of your bill thereafter? Or would your bill move immediately now, which means that teenagers who are in high school, who have been here all of their life, could be established as felons?

Ms. BROWN-WAITE. Representative, I believe what you are talking about is amnesty for those who are here. Am I correct?

Ms. JACKSON LEE. No. What I am talking about is a pathway to legalization. But we can get into the—you might be opposed to amnesty. I just want to answer the specific question. I am not labeling it and wouldn't want you to commit to that.

But would you look to a process of legalization, and then to look to your legislation, which says anyone that didn't get in line certainly is here unstatused and could be held as a felon?

Ms. BROWN-WAITE. I would have to look at the language of it. I honestly cannot commit now. I would have to look at the language, because I can tell you that in not just my district, but so many dis-

tricts, what they want is they want to make sure that illegal aliens—and as you know, right now it is not a felony, but rather a misdemeanor—they want to make sure that the law is tough. So I would have to look at the language.

Ms. JACKSON LEE. I thank you.

Ms. BROWN-WAITE. I have never committed to anything without reading the language.

Ms. JACKSON LEE. I appreciate it.

Madam Chair, let me just end by thanking the Members and simply saying that border security, as you have offered today, is crucial, but we frankly cannot exist with a situation of making hard-working taxpaying individuals felons. So securing the border is crucial, but we must have another component of comprehensive immigration reform.

I yield back.

Ms. SANCHEZ. Thank you, Ms. Jackson Lee—also, obviously, a Member of the Judiciary Committee, because she has a lot of knowledge with respect to some of the issues which really don't touch our committee.

I would like to at this time dismiss the panel. Thank you for your testimony and for your answers to our questions. If there are more questions from our Members, or Members who weren't able to, that will be submitted in writing.

The committee stands in recess until about 15 minutes after the last vote.

For those on the second panel, that would be about 30 minutes from now.

[Recess.]

Ms. SANCHEZ. The committee is back in session, and I welcome the second panel of our witnesses.

Our first witness, Mr. Thomas Winkowski, was appointed assistant commissioner, Office of Field Operations, at U.S. Customs and Border Protection in August 2007. In that capacity he directs the activities of 24,000 employees and oversees programs and operations at field offices, ports of entry, container security initiative ports and pre-clearance stations.

Our second witness is Mr. David Aguilar, who became chief of the U.S. Border Patrol on July 1, 2004. Before his appointment, he was the chief patrol agent of Border Patrol's Tucson sector. Chief Aguilar began his Border Patrol service in June, 1978 in Laredo, Texas.

Our final witness, Major General Michael C. Kostelnik, USAF retired, is assistant commissioner of the Office of CBP Air and Marine. In that capacity he is responsible for approximately 550 pilots, 270 aircraft and 200 vessels. Before coming to CBP, the general served on active duty with the U.S. Air Force for 32 years.

So without objection, we will put the full statements into the record. I am told that the three of you are going to sort of do a tag team here.

We will start with Mr. Winkowski, please.



**STATEMENT OF THOMAS S. WINKOWSKI, ASSISTANT COMMISSIONER, OFFICE OF FIELD OPERATIONS, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY**

Mr. WINKOWSKI. Thank you. Good afternoon, Chairwoman, Ranking Member Souder and other members of the committee.

I am pleased to be here today with Chief David Aguilar and General Michael Kostelnik, representing the operation offices of U.S. Customs and Border protection. I am Tom Winkowski, and I am the assistant commissioner for the Office of Field Operations.

CBP employees are highly trained and professional personnel, resources and law enforcement authorities to discharge our mission of enforcing the laws of the United States at our borders. This important work is primarily done at official ports of entry, where legal goods and people are admitted into the United States, and at the land borders between those ports of entry.

We are responsible for protecting more than 5,000 miles of border with Canada, 1,900 miles of border with Mexico, and operating 326 points of entry. We station nearly 19,000 officers at air, land and sea ports, and throughout the world.

We deploy over 16,000 Border Patrol agents between ports of entry to prevent illegal entry. These forces are supplemented with air and marine officers, agriculture specialists and other professionals.

On a typical day in fiscal year 2007, Customs and Border Protection processed over 1.1 million passengers and pedestrians, 70,000 trucks, rail and sea containers, 251,000 incoming international air passengers, 304,000 incoming privately owned vehicles, and assessed over \$88 million in fees, duties and tariffs.

At the same time, we seized nearly 7,400 pounds of narcotics, made 70 arrests at the ports of entry, and 2,400 apprehensions between the ports of entry, and seized nearly 4,300 prohibited meat and plant materials.

We deploy over 1,200 canine teams, 10,000 vehicles, 267 aircraft and 175 watercraft.

In my capacity as the assistant commissioner for the Office of Field Operations, I represent the nearly 22,000 uniformed CBP officers, agriculture specialists and import specialists who work at our Nation's 326 ports of entry.

In fiscal year 2007, Field Operations processed more than 414 million pedestrians and passengers, 124 million conveyance, 30 million trade entries, and examined 5.6 million sea, rail and truck containers.

I know this committee is very familiar with our layered approach, and for the sake of time, I will be more than happy to answer questions about it, but I am going to skip that part.

But we are very happy to be here. We feel that this issue in securing our borders is extremely important, and we are looking forward to testifying today. Thank you.

[The joint statement of Mr. Winkowski, Mr. Aguilar, and Major General Kostelnik follows:]

JOINT PREPARED STATEMENT OF THOMAS WINKOWSKI, DAVID V. AGUILAR, AND  
MICHAEL C. KOSTELNIK

MAY 22, 2008

Chairwoman Sanchez, Ranking Member Souder, Members of the subcommittee, it is a privilege and an honor to appear before you today to discuss the work of U.S. Customs and Border Protection (CBP), specifically the tremendous dedication of our men and women in the field both at and between our ports of entry.

We want to begin by expressing our gratitude to the subcommittee for the strong support you have shown CBP. Your support has enabled CBP to make significant progress in securing our borders and protecting our Nation against terrorist threats.

Our testimony today focuses on border enforcement, and how the men and women on the front lines accomplish the goal of achieving control of our borders between the official ports of entry. We will also discuss our efforts to facilitate legitimate travel at our ports of entry. By way of background, CBP employs highly trained and professional personnel, resources, and law enforcement authorities to discharge our mission of enforcing the laws of the United States at our borders. This important work is primarily done at official ports of entry where legal goods and people are admitted into the United States and at the land borders between those ports of entry. CBP is the largest uniformed law enforcement agency in the country. We station over 19,000 officers at access points around the Nation—air, land, and sea ports—and around the world. We deploy over 16,000 Border Patrol agents between ports of entry to prevent illegal entry. These forces are supplemented with Air and Marine officers, agricultural specialists and other professionals.

As we work toward gaining control of our borders, we must also continue to perform our traditional missions, which include stemming the flow of illegal drugs and contraband, protecting our agricultural and economic interests from harmful pests and diseases, protecting American businesses from theft of their intellectual property, violations of textile agreements, import safety violations, the economy from monopolistic practices, regulating and facilitating international trade, assessing and collecting import duties, and enforcing United States trade laws. In fiscal year 2007, CBP processed more than 417 million pedestrians and passengers, 124 million conveyances, and 30 million trade entries, examined 5.7 million sea, rail, and truck containers, intercepted 877,000 illegal aliens between our ports of entry, seized more than 3 million pounds of narcotics and collected over \$33 billion in revenue.

## BORDER SECURITY BETWEEN THE PORTS OF ENTRY

On Wednesday, May 28, 2008, the U.S. Border Patrol will celebrate its eighty-fourth anniversary. Initially the Border Patrol was within the Bureau of Immigration of the Department of Labor, then with the Immigration and Naturalization Service within the Department of Justice. With the creation of the Department of Homeland Security in 2003 the Border Patrol moved under U.S. Customs and Border Protection. Throughout our history, the Border Patrol Inspectors of the past and the Border Patrol Agents of today have served this Nation with honor and integrity. From an initial force of only a few Patrol Inspectors in El Paso, Texas, the Border Patrol has grown to over 16,000 Border Patrol Agents, stationed throughout this Nation's southern, northern, and coastal borders. Our agents today perform this mission as they did in the past; on foot, in automobiles, by horse, and in watercraft. Over the decades we have incorporated new methods, learned different techniques, and created an evolution with the overarching mission focus on border security.

A national strategy to establish and maintain effective control of our Nation's borders has been brought to fruition. This strategy consists of five objectives: (1) Establish a substantial probability of apprehending terrorists attempting to illegally enter between ports of entry; (2) Deter illegal entries through improved enforcement; (3) Detect, apprehend, and deter smugglers of humans, drugs and other contraband; (4) Leverage "Smart Border" technology to multiply the effect of enforcement personnel; and (5) Reduce crime in border communities and consequently improve quality of life and economic vitality of targeted areas. The national strategy requires increasing our national security by augmenting enforcement resources along the northern and southern border. The proper balance in the deployment of personnel, equipment, intelligence, support, technology, and infrastructure is critical. Reducing our vulnerability to the entry of terrorists, illegal aliens and drugs by increasing personnel and resources, is the key to the successful implementation of this strategy.

The Border Patrol is charged with the protection of the border between established Ports of Entry and is guided by our national Strategy, which seeks nothing less than operational control of the border. With the proper mix of personnel, equipment, intelligence, support, technology, and infrastructure, the Border Patrol is

dedicated to achieving this goal. In the past, agents had to rely on skills, such as sign cutting, to track people who had surreptitiously and illegally entered the United States. Over time the Border Patrol agents honed their skills and while the Patrol added new methodologies to aid them in their charge. Support from Air and Marine assets and personnel have been and continue to be essential to our mission. The Border Patrol then developed and adopted new technologies such as infrared cameras, remote video surveillance, and unattended ground sensors which further aided us in our mission. In today's 21st century world, the Border Patrol has sought to further utilize technology to assist in border security.

The SBI Tactical Infrastructure program is constructing a total of 370 miles of pedestrian fencing and 300 miles of vehicle fencing along the southwest border sectors by the end of calendar year 2008. This provides physical infrastructure to areas along the border where such infrastructure can be most effective. As of May 16, 2008, 181 miles of pedestrian fencing have been built and 145 miles of vehicle fencing are now in place.

We know these efforts to secure our borders are showing effectiveness. Apprehensions on the southwest border are down approximately 20 percent from the previous year. One important, if troubling, measure is the current trend in border violence. As we make progress in stemming the flow of illegal aliens, drugs and contraband, those who traffic in this illegal activity are becoming more aggressive in their efforts. Border Patrol has experienced a consistent increase in violence against agents. Fiscal Year 2007 saw the number of incidents of violence increase to the highest levels recorded since 2001. In the first quarter of fiscal year 2008, 300 assaults were perpetrated against Border Patrol agents, accounting for a 44 percent increase in violence over the same period in fiscal year 2007. We are extremely concerned about this persistently high level of attacks.

While much of our initial focus is on the southwest border, DHS and CBP have taken many steps to improve security on the northern border. Additional Border Patrol agents have been deployed from the southwest border to the northern border, with 1,500 expected by September 2009 and more than 2,000 agents by 2010. Prior to September 11, 2001, the northern border was staffed with only 340 Border Patrol agents. We conduct joint operations with the Joint Task Force—North (JTF-N), continue pilot maritime technology projects incorporating ground-based radar and proof of concept multi-sensor systems, and seek increased liaisons with our Canadian partners through Project North Star and the Integrated Border Enforcement Teams (IBET). In addition, CBP is expanding Air and Marine operations on the northern border, including the deployment of Unmanned Aircraft Systems (UAS) such as the Predator.

To address known as well as potential threats at the northern border, we are creating a stronger, more proactive presence at and between ports of entry. Eight Border Patrol sectors encompassing 12 States stretch more than 4,000 miles from the Pacific, across the Rocky Mountains, Great Plains, and the Great Lakes, to the Atlantic. To best support our efforts, CBP Air and Marine has developed a plan to increase security along the northern border through the accelerated startup of operations at five locations. By late summer of 2008, Air and Marine will have established the following five air wings on the northern border: Bellingham, Washington; Plattsburgh, New York; Great Falls, Montana; Grand Forks, North Dakota; and Detroit, Michigan. Northern border locations were selected to provide an interdiction/law enforcement response within 1 hour flight time. In addition, the North Dakota Air Branch in Grand Forks was chosen to provide a strategic, centrally located air branch at the northern border that will have an expanded role, and is currently under review to certify its operational readiness for Unmanned Aircraft Systems (UAS) operations.

With the advent of *SBI<sub>net</sub>* and the P-28 proof of concept, the Border Patrol took a significant leap forward in accomplishing its mission by integrating proven methods with technology and infrastructure. The same tracking methods from the past, the technological deployments over the years, and new technologies, such as ground surveillance radar, unmanned aerial vehicles, and improved sensor capabilities, are the future of border security. The paradigm shift today is a compilation of data from various sources and the future resides with the Common Operation Picture (COP). The COP will now integrate the disparate elements from our mission and provide a high-fidelity virtual picture of the border world.

We have learned from the past and continue to improve upon our successes. A key element to this was allowing our ground agents to have full input into the next generation of border technology. Our agents' "feedback," which is their real-world and real-time input helps determine what is actually required, what will work, and most importantly what does not work. This ground-truth is being put to use today, building on P-28 with the next phases along Ajo-1 and Tucson-1. This new tech-

nology will be deployed in the near future and we will evaluate each area to deploy the proper mix of technology and infrastructure to fill the capability gap.

CBP has made significant progress in securing our borders between the ports of entry. Today, we are detaining 100 percent of Other Than Mexican (OTM) aliens apprehended along the southwest and northern borders that are subject to detention pending removal and are otherwise ineligible for release from custody under U.S. immigration law. This is a stark contrast to 2005, when only 34 percent were detained. The success of this effort has been primarily based on DHS enhancements in additional bed space and the streamlined process for removal of aliens, or “Expedited Removal.”

Our agents continue to attend a rigorous training academy, currently located in Artesia, New Mexico, where they learn immigration, nationality and criminal law, and receive defensive techniques training, firearms training, and Spanish language training. The academy training was modified to better suit today’s operating environment. Intern Agents now attend a rigorous 55-day academy where they learn the basics of the law enforcement profession. Upon successful completion, the agents are again tested in the Spanish language. Those agents who satisfactorily pass return to their duty station to begin their field training and work as Border Patrol Agents. Agents requiring further training in Spanish then attend a 40-day, intensive, task-based learning course in Spanish. Upon successful completion of this, these agents then return to their duty station to begin their field training.

We continue to improve on the quality and caliber of our agents. All of our agents are border patrol agents first and are capable of performing the multiple tasks required of an agent. Upon successful completion of a few years in service our agents may elect to try out for a number of specialty positions. Our canine teams are trained to detect both humans and narcotics and are an effective tool at immigration checkpoints, as well as in daily operations. The Special Response Teams and Tactical Units are specially trained for domestic and international emergencies. Our Search, Trauma, and Rescue teams provide humanitarian and rescue capabilities, performing countless rescues every year. But the one underlying element is that they are agents first and any function performed beyond that of an agent requires specialized training. This interchangeability of workforce is essential for maintaining a united Federal law enforcement entity and is key to our defense in depth philosophy.

The uniform nature of our training and work ethic are essential and as principles for our operations. Every agent from the upper management to the new agent on the line has had or will have similar experiences, leading to an understanding not well understood beyond our ranks. This is essential for the integrity of our organization. By having a workforce equally trained and broadly experienced, the Border Patrol will retain the necessary elements for national emergency call-outs and deployments. This was invaluable during the unified efforts with the deployment of agents to the relief efforts following the tornados of last year, Hurricane Katrina in 2005, the national emergency in 2001, the Olympic bombings in 1996, the Krome riots in the 1980’s, and the civil unrest of the 1960’s.

This interchangeable capability is all the more important with the increase in violence we have seen over the past years. We have taken steps to mitigate this increase in violence and are better equipped to prepare our agents for it. We have deployed the FN-303, a less than lethal pepper-ball launcher system; expanded our international outreach with the Integrated Border Enforcement Teams on the northern border, whose mission is to enhance border integrity and security by identifying, investigating and interdicting persons or organizations that pose a threat to national security or are engaged in other organized criminal activity; expanded the International Liaison Units on the southern border, both to improve our diplomatic and international relations with Canada and Mexico; and improved our intelligence capabilities by detailing agents to the Air and Marine Operations Center and to NORAD.

There is not an easy solution when it comes to border security and our agents are dedicated to performing our mission with honor and integrity. We will continue to explore new technologies and reassess our operational needs to appropriately address the vulnerability gaps. The border is a dynamic environment and we strive to meet the challenges of today, and tomorrow.

#### SECURING OUR BORDERS WHILE FACILITATING LEGITIMATE TRAVEL AND TRADE

CBP welcomes more than 400 million travelers into the United States annually. While security will always be CBP’s primary mission—and key to maintaining travelers’ confidence—we strive to make the process of entering the United States more streamlined, user-friendly and understandable.

CBP has worked very hard to improve our process for clearing and welcoming travelers into our country. In April 2007 we launched the Nation's first "Model Ports" at George Bush Houston Intercontinental and Washington Dulles International airports. Improved signage, multi-lingual explanatory videos and modernized procedures ease the process of arriving in the U.S. Both Houston and Dulles were chosen as initial model ports because they represent key gateway locations in the United States as major international hubs, and present unique infrastructure challenges and opportunities. In the coming years, the Model Ports Program will expand to a total of 20 airports and add 200 CBP officers. We believe this program helps to send the message that America remains a warm, welcoming nation.

While CBP seeks programs and improves processes to make international travel more welcoming, security will always be CBP's primary mission. An important aspect of CBP's security mission involves extending security beyond our physical borders. The Immigration Advisory Program (IAP) is an important element in this strategy, enhancing security by preventing terrorists and other high-risk passengers from boarding aircraft destined for the United States. The goal of the IAP is to protect air travel and improve national security by reducing suspected overseas threats prior to a flight's departure, thereby avoiding delaying, canceling, or diverting flights. Small CBP officer teams are deployed to work with foreign law enforcement and air carriers at key airports in host countries. The IAP program maintains deployment at nine foreign locations, adding a layer of enforcement and strengthening foreign partnerships while also providing financial savings for the U.S. Government and air carriers.

One important aspect of facilitating legitimate travel involves monitoring wait times for travelers at our airports and land border ports of entry. CBP's land border ports of entry processed just under 300 million people in 2007, spending an average of only 45-60 seconds with each person at the primary inspection booth. This process yielded approximately 20,000 arrests in fiscal year 2007. CBP created a Wait Time Advisory Committee that developed recommendations to address issues such as wait time measurement standards, processing times, facilities, staffing and community outreach. CBP facilities that were designed decades ago must house operations today and capacity is often exceeded. We continue to work with the General Services Administration (GSA) and local, State, and regional stakeholders to expand and upgrade port of entry sites and infrastructure to streamline processing times and better facilitate throughput. Our Trusted Traveler programs, including SENTRI, NEXUS and FAST, are being streamlined to increase enrollment among frequent travelers. However, CBP is limited by current facility restrictions that can inhibit the processing of legitimate trade and travel; thereby contributing to wait times. Although CBP has undertaken a number of initiatives to address wait times at our land border ports of entry, challenges still exist.

The Western Hemisphere Travel Initiative (WHTI) requires that travelers possess standardized, secure documents to allow CBP to quickly and accurately identify a traveler and their citizenship while shortening the inspection process. With funds requested in fiscal year 2009, CBP will complete the deployment of the radio-frequency identification (RFID) sensor and license plate reader technologies started in 2008 and add 89 new CBP Officers at our land border ports of entry.

CBP's Office of Field Operations (OFO) uses the Workload Staffing Model (WSM) to assist in requesting resources and aligning staffing levels at our ports of entry. The WSM was developed for CBP Officers focusing on all aspects of CBP processing for passengers and cargo in the air, land and sea environments. The model assesses staffing needs based on workload, processing times, complexity and threat levels, and provides an optimal level of staffing for each port of entry. The model is a decision support tool and is used as a guide in the allocation of available resources. It does not replace the judgment of experienced managers when making decisions on allocation of limited staff.

Technologies deployed to our Nation's sea, air, and land border ports of entry include non-intrusive imaging equipment, such as large-scale X-ray and gamma-imaging systems, as well as a variety of portable and hand-held technologies to include radiation detection technology. NII technologies play a key role in CBP's layered strategy and are viewed as force multipliers that enable us to screen or examine a larger portion of the stream of commercial traffic quickly, while facilitating the flow of legitimate trade, cargo, and passengers. An integral part of CBP's comprehensive strategy to combat nuclear and radiological terrorism is to scan all arriving sea containers with radiation detection equipment prior to release at domestic ports. Currently, CBP has 398 Radiation Portal Monitors (RPM) deployed at priority seaports in the United States, through which approximately 98 percent of all arriving sea-borne containerized cargo passes. CBP is forecasting the deployment of 93 additional seaport RPMs by the end of fiscal year 2009.

Additionally, we currently have 246 RPMs on the northern border, which provides CBP with the capability to scan 91 percent of truck cargo and 81 percent of personal-owned vehicles (POVs) for illicit radiological/nuclear materials. The current forecast calls for the deployment of an additional 337 northern border RPMs. This will give CBP the capability to scan approximately 100 percent of truck cargo and 100 percent of personal vehicles for illicit radiological/nuclear materials with RPMs. CBP will also increase the southern border RPM deployments (currently scanning 100 percent of all truck cargo and 95 percent of POVs). By the end of fiscal year 2009, CBP plans to deploy 51 additional southern border RPMs—providing CBP with the capability to scan approximately 100 percent of POVs.

To further our priority mission of preventing terrorists and terrorist weapons from entering the United States, CBP has partnered with other countries through our Container Security Initiative (CSI). Almost 32,000 seagoing containers arrive and are off loaded at United States seaports each day and under CSI, which is the first program of its kind, CBP partners with foreign governments to screen containers at foreign ports and then identify and inspect high-risk cargo containers at those foreign ports, before they are shipped to our seaports and pose a threat to the United States and to global trade.

#### CANINES

CBP's canine program is the largest and one of the most decorated and recognized canine programs throughout the law enforcement community.

The CBP canine program is also one of the most diverse programs throughout law enforcement. CBP canine disciplines include human detection, narcotic detection, explosive detection and search and rescue. Some of these disciplines are crossed-trained to provide cadaver detection and track and trail abilities. Explosive detection canines cannot be trained in other disciplines due to the required operational response to a positive detection. In order to properly provide this essential diversity of the program, CBP maintains two separate training facilities, one in Front Royal, VA and one in El Paso, TX. The one thing all CBP Canines have in common is the 100 percent detection rate as the standard by which they are tested.

Border Patrol canines work in a variety of environments which include desert and mountainous areas, most of their duties require working outdoors. OFO canines work in more controlled areas of the designated POEs, be it at an airport, seaport, or land border crossing. OFO and OBP are trained for their specific mission as it relates to the laws in which they are governed. Both OFO and OBP operate are subject to the Fourth Amendment. When using canines OFO usually operates under the "Border Search" exception to the Fourth Amendment's warrant and probable cause requirements, while OBP generally operates away from the border and thus under general Fourth Amendment rules.

The CBP Canine Program was the first law enforcement agency in the United States to train and deploy explosive detector canine teams with the capability to detect trace amounts of explosive on humans as well as searching conveyances, cargo, luggage, and mail. CBP remains on the cutting edge in development and implementation of this aspect of explosive detection capability.

Due to the legal requirements for canine law, CBP maintains the highest standards for their canines, handlers and the training curriculum. CBP Officers and Border Patrol Agents, who are to be Canine Team members, must successfully complete all training and certification with their canine partner, creating a bond and a trust that allows them to excel at their duties.

Over its history, the CBP Canine Program has continually demonstrated its ability to train and deploy professional detector canine teams to meet the diverse and demanding requirements of our deployed locations and work environments. The CBP canine program will continue to consistently adapt to meet the DHS/CBP mission while providing a more mobile and rapid response in order to lead the way into the future.

#### CONCLUSION

Madam Chairwoman, Members of the subcommittee, we have outlined several initiatives today that, with your assistance, will help CBP continue to protect America from the terrorist threat while fulfilling our other important traditional missions. While these initiatives are by no means the sum total of CBP's work between the ports of entry on either border, we believe they highlight the significant accomplishments and ongoing work of our men and women on the front lines and provide a strong foundation for ensuring the proper balance in reducing our vulnerability to the entry of terrorists, illegal aliens and drugs.

Thank you again for this opportunity to testify. We will be happy to answer any of your questions.

Ms. SANCHEZ. Thank you. I appreciate your testimony.  
Chief Aguilar.

**STATEMENT OF DAVID V. AGUILAR, OFFICE OF BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY**

Mr. AGUILAR. Good afternoon, Chairwoman Sanchez, and we appreciate that we can be here with you today.

Ranking Member Souder and the rest of the committee Members, it is always a pleasure to be able to testify in front of this committee, to continue talking about some of the challenges that we face, and especially some of the achievements that we think we have accomplished over the last couple of years, since we have ramped up our efforts along our Nation's southwest border, and, of course, also on the northern border.

I would just like to cover a couple of things—and then pass it on to my partner here from Air and Marine, General Kostelnik—the things that I think are important at this point, and that is the following.

We are coming up on the 84th birthday of the United States Border Patrol on the May 28, next week. We are going to celebrate it in El Paso, Texas.

We have come a long way from where the Border Patrol originated—from riding horseback to continue riding horseback today, but using the technology that is out there, integrating some of those technologies, some of which Members of this committee saw last week on the ground in Tucson.

That, plus the infrastructure that is being built, the personnel that is being added, the maturation of the organization, the added resources in the area of aerial platforms, has helped us dramatically.

One of the things that I think has made a tremendous difference also has been Operation Jumpstart, which is coming up at mid-July on a drawdown. But the difference being between now and when Operation Jumpstart started, I will share some facts with you, some figures with you.

When Operation Jumpstart started, we had about 11,581 Border Patrol agents on board. As of the 10th of this month, we have 16,321 Border Patrol agents on board. We have built over 100 miles of fence. We have built just under 100 miles of vehicle fence in addition to that also.

Today, as we speak, we have about 1,266 Border Patrol agents going through the United States Border Patrol Academy. We are meeting our recruitment challenges. We are currently a little below target, but not by much. We are heading toward the 18,319 Border Patrol agents that we are shooting for at the end of the calendar year.

Now, what does that translate to? It translates to a 39 percent reduction in apprehensions of illegal aliens, compared to fiscal year 2006. It also speaks to 15 percent reduction of alien apprehensions year to date, compared to last year—in addition to that, 1.8 million pounds of narcotics apprehended last year also.

So the achievements and the expansion of our efforts are dramatic in fact. We have brought a higher level of operation total to the border. We have a long ways to go, but we are making and gaining ground on the border, thanks to the administration, this Congress and other things that you have given us to work and continue working along our Nation's border.

With that, I look forward to any questions that you might have of us, and I pass it on to General Kostelnik.

**STATEMENT OF MAJOR GENERAL MICHAEL C. KOSTELNIK,  
USAF (RETIRED), ASSISTANT COMMISSIONER, OFFICE OF  
AIR AND MARINE, U.S. CUSTOMS AND BORDER PROTECTION,  
DEPARTMENT OF HOMELAND SECURITY**

Major General KOSTELNIK. Thanks, Chief.

Madam Chair, Ranking Member Souder, Congressmen, it is a very pleasure to be here with you and tell you a little bit about the least known of the three operational organizations that comprise the modern CBP.

Border Patrol is 84 years old, and Mr. Winkowski's heritage goes back 200 years to the original Customs Service. Air Marine is only 2.5 years old in the transition, and I think you all realize it was the combination of a legacy Border Patrol air marine aviation asset and the legacy Customs assets working a wide variety of missions.

While we are by far the smallest, the things we bring to the table are important elements and assets in the war on terror in the homeland and the various missions that we support.

Not only do we support chief Aguilar and the sector chiefs and Border Patrol sectors across the northern and southwest borders, we support the ports of entry and those areas in the southeast coastal regions as well, and run proper missions not only in the coastal regions and approaches to the country in the Caribbean and the eastern Pacific, but deployments in South America focus heavily on narcotics activity in the transit zone.

During the last 2 years, I think we have made tremendous progress in our transition. We have been working behind the scene to fit and fix important aviation assets that we have historically had—the P-3s.

Ranking Member Souder, you will know what a big contributor they are in the transit zone, and we did have big issues with cracks in the wing sets. These are aircraft more than 40 years old.

We have created a service life extension program with your help. That has gone very well. We are about to return most of our aircraft back to operational service this year. We went on contract for four new wing sets this year, so over the next decade we will re-wing and re-tail and keep these aircraft in operational service for the next 40 years.

We are actively recapitalizing our air force. We are adding new helicopters. We added the EC-120 last year. We are adding new A-Star law enforcement helicopters not only for border security missions, but the internal missions supporting ICE and their investigation activities within the country.

We just ordered new Army Blackhawks with their contract, which will appear in Homeland Security in about the 2010 time-frame, and taken the existing 16 Blackhawks we have and updat-



ing them through a similar service life extension program that we put the P-3s to.

We have a lot of work to go. We probably do not have enough aircraft to meet all the expectations and the need, but I think our transition has come a very long way.

Last month we opened our large training center at Oklahoma City. If any members happen to be traveling through Will Rogers and would like to see the new \$21 million hangar with your help that we put in this year, that is the seat of our training.

I know this was important in Congressman Shuler's bill—training and moving ahead and all these kinds of things in preparation for the war ahead. We have made a lot of progress in this area.

So I am pleased to be a supportive member. Our primary role in CBP is organize training and equipping for future missions. Like I say, we supported my colleagues here, but many other colleagues, not only ICE, internal to DHS, but also organizations like Secret Service, DEA and many other Federal and local agencies who ask us for help.

So I am pleased to be here. I know there won't be a lot of questions for A&M, but we are an important part of the supportive team, and I appreciate this opportunity to bring some of our Congressmen, over the past couple of years, to attention, and would welcome your questions.

Thank you, ma'am.

Ms. SANCHEZ. Thank you, General.

I will remind everybody that the testimony of the three gentlemen will be inserted into the record, and that each of my colleagues has 5 minutes to ask questions.

By the way, we have another series of votes coming up on the floor, so I am hoping we can at least get one round in before we get called up.

I think most people in the Congress have supported giving more assets, and particularly more border agents, in the last few years, up to a total—I think you mentioned—18,319, Chief Aguilar.

But there are those concerns about the consequences of getting people in, a large number of new agents in, and what effect they have on the culture and supervision, and if people have enough time, enough seasoning, if you will, to fill the supervisory positions and to really make a career out of the whole structure.

So my question to you is really what effect does a large number of relatively new people have on your organization? What are you doing, either through training or on the job or buddy system or supervising, to try to make sure that these new recruits are getting the culture and the real aspects of the job that only come through time?

I guess I would also ask you about recruiting and what it looks like and how many recruits it takes in order to really get one person that is going to be wanting to be out in Sasabe or Ajo or one of the other places we went to recently.

Mr. AGUILAR. All right. Yes, ma'am.

Madam Chairwoman, the recruitment efforts that we are currently undergoing right now are, in fact, challenging, but we are meeting those challenges, and we are meeting the numbers. As I said, we are a little bit below our goal, but not by much.

In fact, right now as we speak, the entry into the hiring pipeline is actually higher than what we require in order to maintain that pipeline. By that I mean that we have estimated that we require putting people into the hiring and recruiting pipeline at a rate of about 3,500 per week. We are doing about 4,300 right now.

The other challenge that we face is in fact what you spoke to, and that is the actual organizational integrity. When we refer to organizational integrity, we are taking many, many steps to ensure that we do everything that we can in order to ensure the proper ratio.

The ratio we take a look at right now is one supervisor to every seven Border Patrol agents. I am pleased to say that at this point in time we are right on that cusp. We are pretty much on target with that.

Now, we have changed the way that we train our people at the academy, which I think, and most of the chiefs, all of the chiefs believe, turns out a better trainee today than we were in the past, because of certain adjustments that we have made.

We have also taken certain efforts to include, for example, a mentorship program within the United States Border Patrol. It didn't exist before. What we are bringing back—we hired annuitants that did well in their careers, putting them into the sectors and using them to mentor the supervisors—first round supervisors—and the agents actually coming into the Border Patrol as we speak.

We have implemented a new field training officer program that in the past existed, but it was not as tight, if you will, as it is today. It has been enhanced. It has been augmented with a mindset that this is a new organization that is growing at a tremendous pace.

In addition to that, we have implemented a post-academy program. Both of those put together are about a 3½-month-long program that basically didn't exist to the degree that it exists today.

So those are some of the things that we are doing—beside that, supervisory schools, journeymen schools, ethics training, which is very important to us. We have even included polygraphing at the hiring end in recruitment, and also to ensure that the quality of trainee that we are getting is at a higher level.

But one thing we have not done is we have not in any way degraded the training of our people that are going through the United States Border Patrol Academy.

The recruitment, as I have stated, remains a challenge. One of the areas that we are covering in recruitment is diversity. It is making sure that the United States Border Patrol, to the degree possible, ends up as an organization that is reflective of the make-up of this country. We are working very hard in that area also.

Ms. SANCHEZ. Two of the bills that my colleagues have before the Congress are to increase even more your ranks. Can you give us an indication over the last 4 years how many new agents you have taken on?

What would you say to, for example, Mr. Shuler, who wants to augment another 8,000 people? Can you really take that pace? Or do you need time to sort of figure out where you are and what you

really need your people for, especially with the fact that we are still trying to get the fence and other things in place?

Mr. AGUILAR. Right. Well, first of all, I would offer my appreciation and thanks to Congressman Shuler and everybody else on the committee here for their interest in making sure that we are getting what we need.

I would start there. What we need at this current time is an opportunity to mature our organization. The reason I said that is I started early with Operation Jumpstart. When Operation Jumpstart started, we had about 1,321 Border Patrol agents. We are over now at 16,000. So it is that maturation process that is critical.

But in addition to that, in order to make the agents that we have hired over the last couple of years, over the last little over 2 years, more efficient, more effective, we need to balance those out with the infrastructure that some of you saw in the field last week, and the technology that will make them more efficient and more effective.

So I would urge a little bit of caution in adding too much of one thing—in this case we are talking about Border Patrol agents—before we balance out what the current Border Patrol agent cadre needs, and that is a balancing out by way of technology, infrastructure and maturation that has to occur.

A quick figure. Approximately 30 to 40 percent of the United States Border Patrol as an organization will be at a maturity rate of 2 years and under by this time next year.

It is an important figure, because when we take a look at the needs of the organization in order to move forward and properly equip those officers, that is our focus right now—maintaining the organizational integrity of the organization as a whole.

We cannot skew it too far in any one direction—infrastructure without personnel, personnel without technology and so forth. It is that right mix that we need in order to be as effective as we can and expand to the degree that we need to.

Ms. SANCHEZ. Thank you, Chief.

I will ask Mr. Souder for his 5 minutes of questions. I think after we do that, we will probably break to go and vote. There are two votes on the floor. Then rush back, I hope, in order for the rest of our members to get in some questions.

Mr. SOUDER. Thank you, Madam Chairwoman.

First, I want to say that it is—for those that don't think it has dramatically changed on the border, because we complain and complain about it, but it has dramatically changed. There is no question about that.

We are trying to accommodate trade the best we can, but there are more agents, we fence, we have electronic things that we never dreamed of having a few years ago.

In my frustrations and others' that it isn't sealed—and I personally think we haven't done this at a fast enough pace, which by the way, is a high degree of congressional funding hasn't followed through, nor has the administration requested adequate funding—not the people who are in front of us problem—but I do think that we do need to acknowledge that every day we become safer as a country.

That doesn't mean it is like we are one where we will be totally safe. I don't think we will ever be totally safe, but every day we are becoming safer as a country, and I think that is important to acknowledge.

I didn't like the way Project 28 started out, but, hey, we are making progress with it, and it is going to be an addition to the system. The UAVs along the border are just unbelievable. I saw that for the first time down at Fort Huachuca. The ability that it gives along the border is tremendous.

These hearings, however, aren't just to pat each other on the back. They are to basically probe where we have some concerns. Let me just ask this first, because Congressman Cuellar and I aren't sure on the chorizo cane. We have brought this up a number of times.

Has anybody looked at the ranches around Laredo and seen the kind of grass they are doing? Are we doing anything to cut it down? Your agents can't see. This invasive species—has anything been done since the last time we talked about this?

Other than bees, I want to know are they cutting down cane, because bees are a 3-year project that we have reservations about.

Mr. AGUILAR. I was just sharing earlier with some of the staff for Congressman Cuellar that this June we are going to start a four-pronged effort in a 1.6-mile area there in Laredo in order to basically test which one of those efforts is going to be the best approach, not only to immediately cut it down, but more importantly, to be able to maintain that chorizo cane to stay as low as possible.

In addition to that, we are going to continue with the biological agent, which is the wasp that you mentioned. So it is going to be a two-fold approach that we are taking a look at.

Once that first project takes off, and we determine which one of those four means is the best way to cut and maintain, we will start focusing on that in order to expand for the rest of the river.

Mr. SOUDER. I have a couple of questions for General Kostelnik, but I want to put this into the record. We do studies all the time. You have at least two ranches that we saw on different sides that have already tested this. I don't quite understand why past history can't be included to expedite a test. But I will continue to bring that up.

General Kostelnik, there are three questions I want to ask you. You probably won't have time to field them all.

But one, as you know, I have been concerned about tradeoffs that we make. One of the tradeoffs is the number of hours that are going to back up ICE now from CBP has dropped for 5 straight years. It was 10,349 before we merged. It is down to 3,761.

Now, the problem that we have in Congress is I am not necessarily saying that supporting Border Patrol missions as opposed to ICE missions is the way we can go, but I don't believe we have had it fully disclosed to us what tradeoffs are being made.

Does this mean that drug investigations aren't occurring? Does this mean we are not taking down networks? How did it get diverted, because your hours are up, but your total hours for ICE is dramatically dropping?

There are two parts to this. One is the deterrent part that we need to fund—basically, a fence with a drop back in the check-

points that the Border Patrol does to fend the investigations so that we can try to stop the flow in—if you can give a brief answer here.

A second thing is FAA is looking to go from long-range radar system to GPS tracking of aircraft. What impact will this have on your division? Will you not be able to see the planes as well, or track it?

How are we working on, because we know as we seal the land border, we are going to see more planes and boats coming in. We have to think what is the next step, in addition to the current step, which gets to Congressman Green's questions about do we have an overall plan?

The third is we have already heard we are having some trouble getting enough Border Patrol agents, yet it appears that we are spending a lot of time training Border Patrol how to fly, when in fact we may, as we drawdown in Iraq, get lots of pilots in, who are already trained to fly.

Are you looking at spending time bringing in trained pilots, rather than the number of hours that we are spending training pilots right now?

Mr. AGUILAR. Well, thanks for that. I will provide more coherent answers on the record for all three of those very good questions. I think you would be pleased with two of the scenarios you mentioned, the middle one being the more difficult one.

First, the matter of ICE support is truly hours are down—probably less than half of what they were at their peak. It is a very sophisticated analysis when you look at that, because when you operate an airport, 30 to 40 percent of your total time really isn't mission time anyway. It is overhead. It is training. It is test. It is evaluation. It is flight for a lot of different things.

So if you look at that story, we are caught kind of in the middle between A&M. We support the Border Patrol. We support internal CBP missions. We support external ICE missions. But we support them just the same. In credit to both ICE and CBP, we have crafted a very careful prioritization method of how we support.

In fact, if you looked at the ICE support statistic for 2007, you would find, depending on how you track the way, but in a fairly honest way, the support is very high. Somewhere between 75 to 80 percent of all the formal ICE requests were honored.

There were some ICE requests that were pulled back. Missions changed. Clearly, if you had ICE representation here, they would say some of their SACs or RACs just aren't asking. Well, that is a problem, but it is an ICE problem that they have to get over, because by asking, it tells us where the real requirement is.

So actually, if you look at those missions in ICE, which is the heart of your question, that were not supported, it is a matter of prioritization. In the last 2 years, there have only been three or four of those kinds of things. Prioritization issues over that mission actually come to the headquarter and are made at the top.

So I think you will find, when you honestly look at the ICE support, it is very good. It could be better, and clearly there are places the RACs and SACs do not ask, because we don't have a lot of infrastructure at key places within the country—places like Atlanta or Dallas.

We support those activities from the field, but as you know, many of those ICE missions require 1- or 3-hour response. But I would be pleased to provide our report from the last year on the record to give you a sense for that analysis.

Quickly, on the long-range radar, that is going to be an issue, because when we go to a cooperative system with the national air space, we and the FAA will know who chooses to cooperate, so it will be problematic for those that do not.

There is no technical solution to this, but we continue to work very closely with the FAA to maintain as long as we can until alternative technical means can be made available for the non-cooperative things to work that issue. That is a much bigger problem with a much longer-term solution.

Ms. SANCHEZ. I thank the gentleman.

We have got two votes on the floor, 2 minutes left on this vote. We are going to go over and vote.

I hope you gentlemen can stay. We will probably be back within 10 to 15 minutes, and we will continue on with the questioning.

We are now in recess.

[Recess.]

Ms. SANCHEZ. The subcommittee will now come back into session, and we will begin with 5-minute questioning from Ms. Lofgren of California.

Ms. LOFGREN. Thank you, Madam Chairwoman. Thanks for having this hearing.

First, let me thank the three of you for your service to our country and your hard work. I do have some questions.

I am going to hone in only one thing, Chief Aguilar, because I think it desperately needs clarification. I know that none of us can control in advance what each member of a large organization says. That is true for Members of Congress. Sometimes your colleagues say something, and you go, "How did they really say that?" That can happen in any large organization.

But I was tremendously concerned by the comments made in the Rio Grande Valley Border Patrol about hurricane evacuation.

For those who did not see the news articles, the report was that in evacuating for a hurricane, that people would be brought to bus points, loaded on buses to escape the coming disaster, and that, according to Dan Doty, the spokesperson for the valley sector, anyone who is not a citizen or legal resident would be held, he said, "in specially designed areas in the valley that are made to withstand hurricanes" and not evacuated.

Well, I have got a couple of problems with this. No. 1, I am not aware of any structure that would restrain hurricanes, and if they are, let us build a bunch, and we don't have to worry about evacuating anyone. I don't think that exists.

No. 2, a statement like that means that people who are at risk of their lives—let us say you are here without your papers, and you have got three U.S. citizen kids, if you know you are going to be picked up and pulled aside, you are likely to risk your life and the lives of your children not to evacuate. So really, just with that statement out there, you are putting lots of people at risk in the future.

Not just for the hurricane, but for fires, for natural disasters, anywhere where an evacuation is necessary, this statement puts people at risk.

Now, I understand and I do appreciate the staff briefing that was held for us yesterday that my staff attended, and I think many others did. I understand that there has been a clarifying statement.

I have got a copy of the clarifying statement that says, and I will quote again, "Our primary role in such events will be the safeguarding of life. No enforcement role will be undertaken that will in any way impede the safety and orderly evacuation."

But I don't think it is strong enough, given the background. You are well aware of what happened with the fires in Southern California.

For whatever reason, at a certain point—and they weren't all Border Patrol agents; there were local law enforcement officials who went out and used the opportunity of that catastrophe for an immigration enforcement experience, and that experience itself is going to chill evacuations in the future.

So I am asking you, Chief Aguilar. I know that you don't want people to die in a disaster. I imagine that this is of concern to you. Can you tell me what further clarification you might be able to provide either today or in the future?

Mr. AGUILAR. Well, the first clarification is that the statement that you have in front of you that we have raised to your staff is absolutely correct—that we would not in any way impede or interfere with any kind of evacuation, when and if we go to an evacuation mode.

If anything, the United States Border Patrol, in an area such as South Texas, would in fact probably be the largest law enforcement agency engaged in lifesaving and taking care of private property out there and assisting in the evacuation.

What we have already done is everybody, from the secretary, myself, Chief Vitiello in Rio Grande Valley, has very aggressively and very assertively put out that these statements that were unfortunately in the media are not correct—that we would not take that posture that was described, that in fact our primary duty would be in fact to protect life and property of the population within the South Texas area.

We would facilitate any kind of evacuation, and we would play the same role that the law enforcement community would be playing during that emerging type of situation. That message will continue to be going out.

In addition to that, I have personally contacted, with the exception of Congressman Ciro Rodriguez, to whom we haven't been able to connect, and assured the Congressman for that part of the country of what our true plans are and how we would actually respond to that kind of a situation.

I have spoken to Senator Cornyn. I am not connected yet with Senator Hutchison. We have spoken to Steve McGraw, who is the Homeland Security director for the State of Texas, Jack Colley, who is his emergent operations individual.

So we are very aggressively going out to clear the record on this, to make sure that the community understands that the Border Patrol has, will and will continue to do what it has done in the past

on so many occasions when the community requires that type of support.

Ms. LOFGREN. Chief, if I could just follow up. I think my time is just about over. I appreciate the efforts you have taken, but I just would like to suggest we might need to do a little bit more, because—

Mr. AGUILAR. Absolutely.

Ms. LOFGREN [continuing]. As you know, in a vulnerable population, people are here. Rumors travel like wildfire. So this statement, whether wrong or incorrect, is—I guarantee you—having an impact in Florida. It is having an impact in Georgia. It is having an impact in California.

I think there is a time and place for everything. We are against people who don't pay their child support, but we are not going to run something on the child support deadbeats—

Mr. AGUILAR. Right.

Ms. LOFGREN [continuing]. And say, "Well, we are going to collect before you get on the bus and escape the wildfire." There is a time and a place for everything, and as you are saying now, when it is that kind of emergency, the only thing we are looking at is saving lives, getting people out of there. But that statement needs to be everywhere.

Mr. AGUILAR. We are going to very aggressively do that, because unfortunately, it is really ironic that the men and women of the United States Border Patrol, who dedicate so much time, effort and focus on supporting the community and being a part of the community, have now been painted with this kind of a situation. That is just absolutely incorrect.

Ms. LOFGREN. I thank you, and I appreciate your efforts, and I would love to work further with you on it.

I yield back.

Ms. SANCHEZ. I thank my colleague from California.

We are going to try to get a second set of questions, and I know you have many more. We would like to do that for you.

I do believe it is my colleague from Indiana's turn for 5 minutes, if you have. Otherwise, we can—well, because you are the Republican. We can turn it over to—okay.

Mr. CUELLAR. First set of questions, so but I go in the first line of questioning? Thank you.

Ms. SANCHEZ. This matter has to go back and forth, Mr. Cuellar, but please—5 minutes.

Mr. CUELLAR. Mr. Souder.

Yes, thank you.

Let me just follow up on what Mark just mentioned a few minutes ago—and just one question to each.

Mr. Winkowski, Commissioner, the famous letter that we have been talking about. I understand it is at the secretary's office—could change this. Inform the secretary that I—and I am going to talk to Chairman Thompson also, because I think the last time he was before us he promised us that he was going to get that to us real quickly, and it has been literally months.

This is the letter that we are asking about, what is the true number of staffing needs that we have for customs and the infra-



structure needs. It is literally since last year that we have asked for this letter.

It is almost getting bar stamped—big supported role, but I know that some of you all have done the work, but it is still up at the secretary. So you could have him call us or call me? I would be happy to give you my personal cell number at the end of the meeting—No. 1.

No. 2, Major General, I appreciate it. I think I saw finally. We talked about bringing the Coast Guard down to the border, and the Coast Guard is talking about doing some patrol. It must have been coincident, but right after we made that announcement, the Laredo sector—and I was kidding Chief Carrillo about this—you all took a boat down there, actually one that I think could be very useful.

Since the Coast Guard is part of this big agency, you all will be working together. There are no turf battles on this, if they do come to doing patrolling the Rio Grande?

Major General KOSTELNIK. We are one of two aviation and maritime elements that provide a lot of assets for DHS, the Coast Guard being obviously the much older, better-known and more productive. Of course, it is up to them to determine the missions that they are best trained and equipped for.

Now, we support aggressively the Border Patrol mission in the riverine environment, and particularly the Rio Grande. As a part of our recapitalization plan, not only are we recapitalizing our aircraft fleet, we are recapitalizing our maritime fleet as well.

We have put a new generation of safe boats that were actually acquired from the U.S. Coast Guard into various Border Patrol sectors. This year we just designed and have acquired a new generation of airboats for specific use in the riverine environment and in shallow water, and have a wide variety of large and small boats that we continue to upgrade for Border Patrol missions from San Diego to McAllen, Texas.

It is up to the Coast Guard to determine whether that is a credible area and a focus and a mission set for them. It would be inappropriate for me to comment on that, but clearly we partner with the Coast Guard on many areas and many missions of support.

But we think over time that we would be able to provide organically the maritime assets in the riverine environment.

Mr. CUELLAR. Could I ask you to get together with the Coast Guard, because we did pass an amendment on the House floor over to the Senate, asking the Coast Guard to look at the needs for the Rio Grande needs.

Could I ask you all to get together with the Coast Guard? I will be calling you and the Coast Guard admiral to get together so we can talk about doing a joint mission together.

Major General KOSTELNIK. Okay. I would be happy to do that. In fact, in the small boat, the kind that would be riding the riverine, there has already a very wide-ranging cooperation set, both in training and acquisition and deployment in that same class of small boats between us and the U.S. Coast Guard. I think you will find it a pretty good story.

Mr. CUELLAR. Yes, sir. Like I said, we will call your office and set up an appointment with the Coast Guard also.

Mr. Aguilar, the question that Mr. Souder was talking—let me just follow up. I got the white paper that I think was in the works for I don't know how many months. It is one page and one paragraph—what I got. It is on the Laredo sector, the pilot program. I appreciate what you all are doing for selecting that area.

I have a couple of questions. It is supposed to be five phases composed of 16.1 miles. According to this, I think you said it might be a little larger.

It is supposed to be five phases, one phase per year starting 2008. If we go at this rate, to cover 1,250 miles, that might be over 100 years. I am sure we are not talking about 100 years going at this particular pace.

But the cost also does concern me. It is \$3.5 million, and I keep the getting folks down there in Texas, and surely one of the conservation folks and some of the other folks that Mr. Souder also talked to, and they are saying they can do this a lot cheaper. This is only \$3.5 million for 2.7 miles.

Are you all willing to sit down, and we can get some folks to come up here? But I don't want you to send me somebody that doesn't have the authority. I would love to sit down with you, and I would love to sit down with Mr. Souder also, and bring you some folks.

They keep saying they can do this cheaper and faster. I understand that there are certain hoops that you have all got to go through, but are you all willing to sit down, Mr. Aguilar and Chief?

But I don't want to meet with anybody. I really would like to meet with you or somebody who has some authority, so we can talk about some decisions where we can hopefully do this quicker, and hopefully we can do this cheaper also to the taxpayers.

Mr. AGUILAR. Absolutely. As a taxpayer, I would appreciate that opportunity, but more importantly for me and my 16,000 agents, we would jump on that opportunity. If there is a faster, easier way to do this, yes.

We did get some clarification on the pilot project up there. One of the reasons that it will take 4 years—it is what I am being told—is because of the requirement still for us to do an environmental impact statement. That still takes that amount of time.

Now, those are some of the additional built-in costs that may add up to the \$3.5 million cost. I will take that for the record, and I will come back to you with a full delineation of what those costs include. But, yes, I would absolutely look forward to a meeting.

Mr. CUELLAR. Thank you, sir.

Ms. SANCHEZ. Thank you, Mr. Cuellar.

I will not go to a second round, and I will ask my Ranking Member to go ahead for 5 minutes.

Mr. Souder.

Mr. SOUDER. Thank you.

I wasn't going to, but I want to follow up briefly on the cane, because it is pronounced at Laredo, but it is the whole border has a big percentage of it. It has salt cedar or other invasive species in it that anybody who thinks any fencing can be seen or any Border Patrol can see—as I have said before, we were at Laredo. One of your agents came with a dog, and there were two people standing

right next to your sector chief, and we didn't even see them in the brush.

Now, the question is if it is going to take environmental analysis, why can't they analyze some of the areas that have already done this? Why, then, if it is going to take so long to get it cleared, can't we clear for a bigger amount, so we are not held up and then have to go to the next area with it? It seems to me history can get then some, too.

Last, as a big believer that you can't incarcerate everybody—there should be work release programs—why can't some of the work release people cut the cane?

The key challenge we have had is how to keep the cane from coming back. That has been the biggest reason we don't cut it. We think that grass will work. But the key thing then is we have all this stuff along the border.

We are not going to be able to take trained Border Patrol agents and cut all this stuff. It might not take 100 years, but we are probably talking 10 or 15. We need some creative ways to accelerate this process.

But I have two additional comments, and then a couple of questions.

I am thankful for the P-3s. At one point we hardly had any of them flying. They are a critical part of our structure, and we need to continually upgrade.

My earlier concerns about ICE coverage—because I do believe from talking to people all along almost every sector, requests aren't coming in. There is a certain fatalism to it, concerns about it. I wasn't necessarily criticizing how resources are being used. I don't think you have enough resources.

I was alluding to before the hearing started—and I want to put this on the record—we have a short-term opportunity at Big Bend Amistad Lake. The National Park Service has funds. They are willing to work with that. They are trying to make decisions. They have been meeting to put Border Patrol housing on National Park land.

To have a joint operating center at Lake Amistad requires chaos, in political terms. It is two different agencies. There are funding streams in each agency. We have got to get clearance in appropriations. I have talked to Congressman Dicks, who is on both appropriations and this committee and works with National Parks in particular.

This is ridiculous that we can't get these kinds of things worked out, and it is the classic thing that the 9/11 Commission bashed us for. In the government there is this jurisdictional thing that seems to be slowing us down. I hope you will look into that and see, because it particularly is important to the Border Patrol, because we have huge sectors there.

One other thing related to Texas and the Border Patrol. It is outrageous in the Marfa sector that where you have a checkpoint that the State of Texas will not lower the speed limit before that checkpoint, endangering our Border Patrol agents.

Somewhere here we are going to have to some accommodation of what national security needs are in relationship to local authority

to put people trying to protect national security at risk. There has to be some way to address these questions.

I wanted to ask a few questions about the port entrance. You have been spared so far. These questions are actually—one is related to infrastructure. How do you prioritize? What are your current prioritizations for port of entry? What are some things that we should maybe looking at?

I know, for example, at Sault Ste. Marie, which is not a big crossing in the north border, there nobody is really saying, “Oh, we are going to build another bridge” or anything like Detroit or Buffalo, but is that because our truck area is jammed? The trucks go halfway over the bridge. They have enough to handle the cars, but the trucks are holding them up.

Another question is related to your staffing. We heard from Chairman Reyes that he is proposing 5,000 to 6,000 more people at the ports of entry. How would that help you, and where would you use them?

Mr. WINKOWSKI. Well, thank you very much for the question.

On infrastructure, this is extremely critical for us. Just by way of some facts here, our average facility is 42 years old. Twenty-seven of our land ports of entry inspection facilities were built before 1960, have never had major renovations or replacement.

Fifty-seven percent of our sites are over capacity, have no expansion options, or have site configurations that constrict or limit the flow of traffic, and 67 percent of our buildings are at or beyond capacity. This is a very, very critical issue for us.

I think it was Chairman Reyes that said this is not brain surgery, and I agree with him. To me there are three issues here. One is the technology piece. The other piece is the staffing piece, and then the infrastructure piece.

To me those are the three issues that we have got to get our arms around. Now, from the standpoint of infrastructure, I think this is extremely critical for us. But I believe what we need to do is move kind of off just the ports of entry. It is very, very critical that we remodel and renovate the ports of entry. They need it very, very badly.

However, Congressman, we also have to look at the roads going into the ports of entry and exiting the ports of entry. So in other words, if I still have a two-lane road coming into a port of entry that has five booths, and we built 10, I still have a two-lane road coming in.

When you look at it from the standpoint of cycle times and the issue of wait times, in field operations we have a balance, as you know. We are dealing with legitimate trade and travel, of which most of it is legitimate trade and travel.

We are also dealing with the violator. So it makes the job for our officers extremely critical. So on the infrastructure piece, just very, very big for us.

From the standpoint of our staffing, certainly if we received additional staffing, we can put them to work. There is no doubt about that. I think there are things that we are not doing that we need to do.

No. 1, we need to be able to staff all the booths. We do staff the booths during peak time, but often times what happens is that is

done on overtime. We have increased the overtime this year by over \$35 million to give our port directors the flexibility to deal with these peaking issues.

But also, you have got to be very, very careful here, because you start burning people out. People are on duty for too long. So we need that plus-up from the standpoint of staffing. Right now, we have 18,800 CBO that are on, and my target is about 20,000. So I am down about 1,100.

Now, we have made a lot of inroads, but we do have attrition rate issues here. So when we look at that total package here, additional positions certainly would assist us, but we need to come up with a better way of retaining people.

We are looking at about a 9 percent attrition rate. I believe the new retirement enhancement that was passed by Congress and signed into law that is going to be taking effect on July 6 will help us tremendously in retaining our officers.

Our officers will be receiving law enforcement retirement benefits. This is something that in my 33 years is one of the most important things that is happened in our career, because it is so critical that our officers who are out there enforcing laws and in harm's way have the right protection.

So I think that is going to help us from the standpoint of retention. Last year we lost 405 officers strictly to other agencies that had that special law enforcement retirement package.

So the infrastructure piece, but we have to think of the technology side of it as well, and certainly the staffing.

Ms. SANCHEZ. Ms. Lofgren, for 5 minutes.

Ms. LOFGREN. Thank you, Madam Chairwoman.

I know you were here this morning to hear our discussion with the first panel, and I have two questions for either you, chief, or whoever else can answer it.

First, we know that it is tough to recruit, train and retain officers. We had a discussion about taking a new approach with special outreach to our returning wounded warriors, people who might not be in a situation, because of their injuries, where they could go out and patrol, but they would be ready to computer monitoring and activities of that sort.

So, No. 1, do you think that is viable? If you do think it is viable, how could we help you accomplish it?

Then question No. 2. I have actually talked to people who have an interest in the agency, but if you live in San Jose, the concept of having to pull up stakes and move to South Texas is not necessarily an appealing one.

If you were able to do something on a remote basis through computers—we have got call centers all over the world servicing with technology. You don't need to be onsite, if you are doing that kind of job.

Do you think there is a potential to expand your workforce without the barrier of people having to relocate by utilizing technology?

Mr. AGUILAR. Let me begin here. The positions that I think you are referring to, Congresswoman, are what we call mission support positions—mission support positions that are absolutely critical to operations.

Within the Border Patrol, those mission support positions translate to the following: the mechanics, law enforcement communication positions that actually man cameras and things of that nature, HR specialists and things of that nature.

Within that universe there may be, and there probably could be, some positions that would lend themselves to that remote offsite type of support. We would welcome the opportunity to actually employ and work with our wounded warriors—absolutely.

In fact, right now here at the Ronald Reagan Building, we are going through that process of trying to engage as many of them as we can. We can do better, and we need to do better in that area.

But yes, there are in fact probably some positions that would lend themselves to that through technology connecting them to supporting our Border Patrol operations.

The area of living in South Texas and New Mexico—

Ms. LOFGREN. I don't mean to be dismissive about it, because those are wonderful places—

Mr. AGUILAR. Absolutely.

Ms. LOFGREN. It is just pulling up stakes is hard for people sometimes.

Mr. AGUILAR. For the most part—and again, I refer for the most part—in the Border Patrol, the majority of those positions are probably going to require that they be onsite because of the nature of the work. But those positions that could lend themselves to remote offsite, I think we would welcome the opportunity. We will do the research.

Mr. WINKOWSKI. From the field operations standpoint, Congresswoman, I really embrace this idea. I think we have some more flexibility from the standpoint of where our field offices and where our ports of entry are located.

We have ports of entry down on the southwest border, but as you know, we have 326, and 20 field offices scattered throughout the country. So I think I have some flexibility there. So I want to try and take that on.

Ms. LOFGREN. Good. If there is anything I can do, I am sure, or any of the committee members could, to assist, I would be eager to do so.

Just one quick follow-up question. Attrition rate now is running at what percent?

Mr. WINKOWSKI. For the CBPOs it is 8.9 percent. It was 8.9 percent last year.

Mr. AGUILAR. For the Border Patrol, once they reach the journeyman level, it is about 4.5 to 5 percent.

Ms. LOFGREN. So that is considerably lower than in past years.

Mr. AGUILAR. Well, actually it is maintained pretty steady for the journeyman level.

Ms. LOFGREN. I see.

Mr. AGUILAR. The reason I use that is because from entry into the Border Patrol, entering on duty to the time they get out of the academy and get past their journeyman, it can vary between 18 and 20 percent. That takes into account the academy, living in some of these places, and things of that nature.

Ms. LOFGREN. So once you have made it all the way through, you are going to have under 10 percent, but you are going to have a

fifth of them who are going to wash out to get to that point, pretty much.

Mr. AGUILAR. Yes.

Ms. LOFGREN. Okay.

Madam Chairwoman, I appreciate this opportunity. Thank you.

Ms. SANCHEZ. You can go ahead and say something.

Mr. SOUDER. About South Texas being beautiful—the commutes are really shorter to work, I understand, than some of various Californians.

Ms. SANCHEZ. Certainly, Mrs. Lofgren's does. Everybody wants to live there.

Ms. LOFGREN. I can drive from one end of my district to another without traffic in 10 minutes.

Ms. SANCHEZ. Yes, and when there is traffic?

Ms. LOFGREN. An hour.

Ms. SANCHEZ. I am trying to get from your airport just to your downtown, which isn't very far, and it can take hours.

Anyway, Mr. Winkowski, some of the legislation presented today only addresses the Border Patrol needs. What are your priorities for the resources that you need at your ports of entry and to secure our borders from your standpoint?

Can you give the subcommittee an update on your current staff levels, with an indication of whether you are on track for this year with respect to staffing? Do you need more? Are you on track? What are you doing right now? What are you trying to accomplish? Do you have enough? Do you need more? What does the future look like?

Mr. WINKOWSKI. As I had mentioned, currently as of the end of April, we had 18,834 CBP officers on board, and our target number, the number that we believe we can afford, is 20,009. So we are off about—we have about 1,100 vacancies that we are working through.

We certainly have a pipeline. We have 1,800 people that are on the list. We had 3,024 training seats at the academy. So we are working toward filling those positions.

As I mentioned earlier, one of the challenges that we have is attrition rates. Nine percent is very high. In some locations like Calexico, for example, it is higher. It is 18 to 20 percent. People don't want to live there.

We have taken some measures in there. We are working with OPM and modifying location codes so, for example, if we want you to go to Calexico, you put in for San Diego and Tecate and Calexico under that code, and then we call you up and say, "You got Calexico." People say, "I don't really want to go to Calexico. I want to go to San Diego."

So we are looking at a code that just addresses Calexico, so when a person says, "I want that code. I will go to Calexico," we don't get all the refusals that we have now.

That is the challenge. I think the other challenge that we have had is not having the law enforcement retirement package. Now that we have that, and it is effective July 6, we believe that we will slow down the attrition rates.

Last year, for example, 405 officers left Customs and Border Protection and moved on to ICE and other organizations that have the

6c law enforcement coverage. Some of these officers went from GS-12 to GS-7s to get it.

So that legislation was extremely important to us from the standpoint of retaining the best and brightest. It all fits into a border strategy. You need consistency. You need that well-seasoned individual, that veteran that is going to be out there safeguarding the homeland.

It is very hard when you have a high attrition rate, and you keep bringing people on. It is a revolving door. I think we are going to make some inroads here.

We have more challenges. Congresswoman, I know you have been down to El Paso and on the southwest border, and it is a tough job. It is a very, very difficult job, as you know, and it fits right into our whole issue of infrastructure.

We see some of the conditions that our officers work in, and we patch it together. But from the standpoint of infrastructure, and I had mentioned some facts there, we have got a real problem brewing. We are heading down a very, very dangerous path.

Think about it. The chief over here is hardening between the ports of entry. What is going to happen? They are not going to stop coming in and stop smuggling. They are going to start coming in through the ports of entry more than they are now. They are going to start blitzing the ports of entry. We have had those problems back earlier down in San Ysidro.

Our infrastructure is not prepared for that. It is inevitable. That balloon is going to go the other direction into the ports of entry. So the focus in on infrastructure is extremely, extremely critical for us.

From the standpoint of staffing, I was able to hand out additional overtime to help out port directors as we enter the summer peak periods. But there are things that we don't do as much as we should—outbound operations, for example, looking for ammunition and weapons going out, a big concern to the Mexican government.

Being able to address some staffing scheduling issues, being more creative in our ability to schedule. We have a whole different work force now. When I came in 33 years ago, I knew this was my career. I had a pension. No one has that anymore. You only have 401s.

These kids move on. They go on to other organizations. That is good, but we have got to be able to have the right package for them to retain them.

I think the enhanced retirement is a great step forward, but organizationally, we need to look at things—more creative scheduling, more 4/10's—but in order to do that, you have got to have the flexibility from the standpoint of staffing, because I can't leave those booths empty.

I am dealing with legitimate trade and travel, and I am dealing with the violators. Legitimate trade and travel—people don't want to wait in line. I don't blame them. I don't want to wait in line either.

So I think from the standpoint of the infrastructure piece, extremely critical; certainly from the standpoint of the staffing, having the best and brightest out there, having an attractive package. I believe we are on our way. I really appreciate the 6c coverage,



the enhancement retirement that these officers got, as well as the technology piece.

Ms. SANCHEZ. I don't think Callexico is such a bad place. Right across the way is Mexicali, where they have the best Chinese food in the world. It is just unbelievable.

We have read recent articles about the low morale, for example, of El Paso ports of entry. I think you have talked about how the new package is hopefully going to help with some of that.

But some of it seems to be the whole issue of being overworked. When you are overworked, sometimes things can slip through more easily than not. Certainly, we have seen that the Congress can make mistakes when we are pushing things a little too fast.

So how do we take care of this overtime problem that so many seem to have to do, especially in these land ports where it is not that much fun to live?

Mr. WINKOWSKI. Yes, and I think this is getting to the whole area of resources. I did listen to Chairman Reyes testify today, and I verified some numbers. For example, in the port of El Paso, they have 766. That is their target—766 officers—and they have 55 vacancies.

This is a very, very difficult issue for us. We have got to staff the booths. We have got to provide the trade community with services. One of the things that management was attempting to do in El Paso that brought on some of the picketing was looking at some different scheduling.

You get into some real quality of life issues for people. Working the midnights-to-eights and the different shift work, some like it, some don't like it. In our business as a CBP officer, it comes with the territory.

I personally spoke to the director of field operations, Gene Garza, about exactly what changes they were making, and a lot of the changes were workforce alignment changes and getting the right schedules in place. I think we are able to streamline, eliminate some of our what is being called free doubles, but not all of them.

It really comes down to having the right staffing numbers in place to be able to come up with some of these more creative scheduling.

Ms. SANCHEZ. My last question of the day is for the General. You have, I think, three unmanned aerial drones right now. Do you plan to get any more? Do you plan to get any more?

Don't you have the three down in the south, and you are putting one to the north? Can you explain a little bit about what you are doing there and what your future expansion plans, if any, would be?

Major General KOSTELNIK. Well, I appreciate the opportunity to do that, and I left that out of my introductory statements. We spent a lot of time recapitalizing the existing resources we have. Clearly, that effort was necessary, given the aircraft we have and their age, but really not sufficient for forward-thinking strategy.

The UAV program has been one of our major areas of investment, and it clearly is a technology push that, if you look at the way the military has used UAV systems—UASs—overseas, there is clearly a high performance.

In fact, in these unmanned aircraft that we fly, which is a Predator B—it is the same aircraft that the United States Air Force, Navy and several other countries around the world fly—this single aircraft can do things that none of my manned aircraft can do. In that lies the charm.

We currently have four operational aircraft in service today, as we speak. Those aircraft are all today located in Arizona. One is a dedicated training asset. We are currently and have been for the last couple of months actively training our own agents to operate these things.

You may or may not realize that most of the operators of these things that are flown overseas are actually flown by contractors, and then the military fly them up and away, but the contractors do the take-off and landing.

We are moving out to fly all of these assets ourselves to give us maximum flexibility, so they will be flown by law enforcement agents. We have funds in hand, or are in the process of finalizing a contract, for two additional aircraft that have identified tail numbers at the factory and will enter operational service with us this year.

So by the end of this calendar year, U.S. Customs will have six of these aircraft operational. One of those is a dedicated training asset and will probably be a test asset to support follow-on secure border technology developments in Yuma and in Tucson.

One aircraft is a dedicated northern border aircraft. That will deploy in the next month to Grand Forks, North Dakota. It will be hosted out of the Air Force base, where the North Dakota National Guard actually flies and has pilots to fly Predator-A models, and that will begin the first northern border deployment.

We have just completed, in concert with United States Air Force and with U.S. Coast guard, a maritime demonstration. There is not a variant of the Predator-B aircraft that does maritime surveillance.

In the transit zone, augmenting the P-3s, the DASH-8s and the U.S. Coast Guard C-130's—and clearly, with the large amounts of drug traffic we are seeing with these self-propelled semi-submersibles, we clearly need more surveillance capability in the transit zone.

So we conducted in the month of March a 3-week demonstration using aircraft prototype Predator-B with the developmental maritime radar on it, and we are proposing with the Coast Guard. We are having a joint requirements summit this summer in Miami.

From that, if our requirements for a variant are aligned—and we think that they will be, up for really the commandant and the Coast Guard to speak for themselves—we have money in hand in the 2009 budget and a plan to buy an additional system, and that aircraft would be the prototype to develop a joint maritime aircraft for us and the U.S. Coast Guard to operate simultaneously.

We have this year moved into flying through the satellite infrastructure, realizing that a couple of years ago our aircraft were flown line-of-sight. Today, we have procured two KU-band satellite systems with the control systems, and one is deployed to the AMOC in Riverside, California, and one is currently deployed in Sierra Vista.

From those two control sets, we can fly our six aircraft literally anywhere in the world. Clearly, our mission is in the continental United States and in the transit zone, but we will be able to fly missions anywhere in the country from those remote sites.

In fact, during our maritime demonstration a couple of months ago, with the test team and two UAVs deployed to Florida at Tyn-dall Air Force Base in the Gulf, and three aircraft remaining in Si-erra Vista, the test team and A&M assets flew the mission in Ari-zona from Florida simultaneously with the test team and other air agents in Arizona flying the mission in Key West, Florida, from Ar-izona.

These systems can fly 35 hours. They carry EO optics. They carry forward-looking infrared. They carry Synthetic Aperture Radar and the Lanbury maritime surveillance radars with the AIF tracking system in the maritime domain. They carry laser designa-tors, and they carry all the configuration to fly in the national air-space. This is indeed a very unique asset that is going to pay a big dividend.

I was talking to the Congressman earlier about North Dakota—why would we go to North Dakota?—and potential concerns the Ca-nadians might have. North Dakota is a good place, not because it is perhaps the highest for that area, but because of the remoteness.

Governor Hogan supports it. Both of the senators from that State support. You talk to the aviators in that State, and they are sup-portive. There are wide ranges of remote area with a lot of areas where we really honestly don't know what is going on.

A North Dakota deployment is an opportunity to learn more about what these systems can do. They can fly in these remote areas for extended periods of time, doing very area risky things for manned aviation.

They offer a unique local law enforcement aid, or humanitarian. You may recall last year or the year before when the people were lost in the mountains in Washington State. You could put this air-craft with a sensor on station for 30 hours, looking for some-thing. Or think about somebody in the water somewhere.

So this is a tremendous technology push that has kind of been going on behind the scenes, while we are still evolving. By the end of this year, the sixth operational aircraft in two co-located sites, and a full complement of Federal agents to fly these things—this will be a very unique asset for the border security mission.

Last year for the stand over North Dakota, we actually partnered with the Coast Guard to take one of our assets, box it up and transport it on real time with U.S. Coast Guard C-130's to North Dakota with a control set.

The plan was that today we have an agile Falcon capability with-in Department of Homeland Security, that if there was an issue somewhere in the country—natural or terrorist-related—today we could fly one of our aircraft and have the Coast Guard C-130 move a control set and fly overhead missions anywhere in the continental United States, same day with 30 hours overhead coverage from this vehicle, supporting assets on the ground.

Thinking about Katrina and other type scenarios, this is clearly a capability you would like to have. So there has not been a lot of talk about it. The secretary has been out and looked at these

things. We had the president out in Yuma last year to take a look at these things.

I think, Congressman, you have been out there.

I know that you have, too.

It is a great opportunity, and I would encourage members of this committee to come out to Sierra Vista or in your next visit to the AMOC to observe real time operations. It is a very important asset.

Ms. SANCHEZ. Thank you, General.

My colleague from Indiana has one quick question before I gavel this over.

Mr. SOUDER. We all have time pressures here, and we appreciate how long you have been here. This is just two quick yes and no, and if you want to submit additional for the record, for Chief Winkowski and Chief Aguilar.

Do you have the legal ability now in these tough—you are having people who don't want to stay there as long, or more turnover—do you have the ability to pay bonuses to get hard-to-cover sites?

Mr. WINKOWSKI. Yes, we have the ability to issue some bonuses, pay off college loans, things of that nature.

Mr. SOUDER. Chief Aguilar.

Mr. AGUILAR. There are some incentives there, yes.

Mr. SOUDER. So you answered my second one, which is you are using them, because that is what I would think the private sector would do—also for the shifts. If you are having trouble getting 12 to 8, then you pay a little bonus on the 12 to 8.

I also know in remote locations, you are looking at going four to three on some days. But we need some creative ways to look at this, because it is obviously a structural problem. If there are any things that we need to do, let us know.

Mr. AGUILAR. I appreciate that.

Ms. SANCHEZ. Good. I appreciate you gentlemen before us giving your testimony. Thank you so much. I am sure there will be more questions, especially from the Members who were not able to attend today and will submit those in writing to you, and hope that you will get back to us in a rather quick manner with the answers to that.

We thank you.

The subcommittee is adjourned.

[Whereupon, at 2:32 p.m., the subcommittee was adjourned.]

