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U.S. SOUTHERN BORDER SECURITY—NATIONAL SECURITY IMPLICATIONS AND ISSUES FOR THE ARMED SERVICES

HEARING

BEFORE THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS
SECOND SESSION

HEARING HELD
AUGUST 2, 2006

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[There were no Questions submitted.]

U.S. SOUTHERN BORDER SECURITY—NATIONAL SECURITY IMPLICATIONS AND ISSUES FOR THE ARMED SERVICES

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Wednesday, August 2, 2006.

The Committee met, pursuant to call, at 1 p.m., in the Officer's Club, Marine Corps Air Station, Yuma, Hon. Duncan Hunter (chairman of the committee) presiding.

OPENING STATEMENT OF HON. DUNCAN HUNTER, A REPRESENTATIVE FROM CALIFORNIA, CHAIRMAN, COMMITTEE ON ARMED SERVICES

The CHAIRMAN. The Committee will come to order. It's good to be here in Yuma, and addressing a very critical, very important challenge for America, and we have got a good assembly of excellent witnesses and we look forward to the testimony today and to the questions from the Members of the Congress.

Before we do that, let me do one thing that I think is appropriate at this time, and that is that I was really struck last year when one of our great citizens, Yvonne Llanes, and I hope—is that the correct pronunciation, Yvonne Llanes.

Ms. LLANES. Yes.

The CHAIRMAN. Who is the wife of the great Gunnery Sergeant Llanes over here, had a very severe accident in a parking lot here in Yuma, and saving her life was a team of Marines, some retired, some active, and my wife Lynne and I had an opportunity to be present when weeks later in the hospital, in fact, one of the Marines came in with his family and saw—got a chance to reunite with the lady whose life he'd helped to save.

And, I thought it might be fitting to introduce them at this time, and I think Rick Van Curen is here, could you stand when I introduce you? He's now a Detective, he's a former Marine, now with the Department of Public Safety. Corporal James Christian is here, and Corporal Howard Martin, and they are standing next to Gunnery Sergeant Darrell Llanes, and, of course, Yvonne. So, ladies and gentlemen, let's give some great Marines, who have served this community so well.

Gentlemen, thank you for being with us today, and we hope you have the endurance to stay for this entire hearing. We really appreciate you, and I want to let you know that the values that you learn as United States Marines, to see those values manifested on the streets of Yuma, in an emergency situation, was really, really heartwarming, I think, not just to those of us who know about it

from knowing the people, but also all the people who read about it in the papers and saw the incident on television.

I think to a large degree that has inspired thousands and thousands of people, who when they see an accident, when they see somebody who is in trouble, when they see a neighbor who needs help, will move as quickly and as efficiently as you guys did.

So, your next job is to go out and recruit some more Marines, so that Gunny Sergeant Llanes can get his quota up this month. Thank you very much, appreciate it.

The Committee on Armed Services meets this afternoon to learn more about the complexity of providing border security along the Southwestern Border and how current border security challenges impact the United States armed forces, both active duty and National Guard. This is precisely why we decided to get out of Washington and hold today's field hearing at the Marine Corps Air Station in Yuma, Arizona, and I think it's clear now that Yuma is the focus of the entire country, because of the central position it takes with respect to this very important challenge.

The mission of the Air Station is to serve as one of the Marine Corps' premium and premier aviation training bases. In fact, the Air Station supports 80 percent of the Corps' air-to-ground aviation training. What's more, virtually every Marine Corps fixed wing squadron underwent pre-deployment training here prior to going to Iraq and Afghanistan.

However, illegal aliens routinely impact the Air Station's ability to perform its mission, by transiting the 2.8 million acre Barry M. Goldwater bombing and aviation training range, disrupting training operations, and I first learned about this several years ago while asking how the operations were going, and being told that they were being shut down intermittently because of folks who were moving through the range, and because of the safety implications of those excursions. The range runs along the U.S.-Mexican border for nearly 40 miles. The flow of illegal aliens is substantial—imposing real financial and readiness costs.

The National Guard is experiencing an additional impact of border security challenges. As you very well know, the President announced a five point immigration reform initiative in a nationally televised address on May 15th. One of those five points, and the most important in my view, is securing the border. To do that, the administration plans to increase the number of Border Patrol agents from about 12,000 to about 18,000, and make greater use of barriers and high tech surveillance on the border.

But until Border Patrol has the necessary personnel, training, and infrastructure, the President has asked the National Guard to step in and provide assistance. Today, we'd like to get an operational update on the troops deployed to the southern border, particularly in the Yuma sector. How has the partnership between National Guard and Border Patrol worked so far? What success has this partnership borne? What impediments has the National Guard or Border Patrol identified to ensuring the success of this activity and how might you address such impediments?

Yesterday, the Committee held a hearing on a similar subject at Selfridge Air National Guard Base outside of Detroit, Michigan. The Northern Border is very challenging in terms of geographical

size, terrain, and the volume of commerce passing between the U.S. and Canada. In fact, it's remarkable to look at that massive waterway and also the major bridges, where you have extraordinary traffic, and I thought we had extraordinary traffic between the U.S. and Mexico, but Canada does, in fact, have a very high volume of commercial traffic.

Yet, although the U.S.-Mexican border is smaller by some 2,000 miles than the border between the United States and Canada, but that notwithstanding:

The southwest border exceeds the northern border by nearly 300 percent with respect to the volume of travelers crossing it. On average, the southwest border accounts for over 94 percent of all illegal alien apprehensions each year. As a result, the Border Patrol currently deploys 90 percent of their agents along the border with Mexico and deploys a greater amount of technology.

Yet, despite the fact that 90 percent of the Border Patrol's agents are stationed along this border, the partnership with the National Guard reinforces a point that we can all agree on—the Border Patrol can't do it alone.

Today, we would like to hear how other, less traditional organizations such as the Civil Air Patrol (CAP) or Yuma's neighbors to the east, the Tohono O'odham Nation, might be able to assist in the effort. What issues does each organization face regarding policy, planning, resourcing, and contributing to border security?

This is an important topic, one that I have been following since the very start of my own career. I am grateful and enthusiastic to be able to learn more about this subject today. Thank you to the fine men and women here at the Marine Corps Air Station who have made this event possible.

We are very grateful for being hosted here, and I am also pleased to introduce our panel in a few minutes. I think we have assembled witnesses that will provide more than simply routine perspectives on this issue. And, before I introduce them, I would also like to thank the Members of the Committee who have traveled from their home districts to be with us today as we further explore this important topic.

Mr. Butterfield, thank you for joining us in Michigan and for staying with us as we traveled here today, far from your home in North Carolina. And, Mrs. Drake, you win the prize for endurance for traveling from Virginia Beach this morning for the hearing and returning home to your district this evening.

So, you are going to get some air miles today. We are fortunate to have an outstanding Member from Arizona on the Committee, Mr. Trent Franks, and a Member from my home state of California also on the Committee, Mr. Ken Calvert. And to our colleague from the full House, whose district we are in, Mr. Grijalva, welcome, sir, and thank you for being with us today also. Your constituents here have been every bit as accommodating as the folks in Michigan.

And finally, I know that my good friend, Silvestre Reyes, who is the great Chief of the Border Patrol in El Paso, and the author of the operation entitled, "Hold the Line," is not with us today, Silvestre really wanted to be here, but Silvestre had a very interesting experience in El Paso before he became an outstanding Member of Congress, and that is that one day he decided to stop

illegal immigration, and he did it without orders or permission from Washington, D.C., and he forward deployed all of his Border Patrol agents and, in fact, they held the line for a number of weeks in El Paso.

And, in talking to some of the Immigration officials in Washington, D.C., the impression I got was that they were just about ready to court martial Chief Reyes, and then they saw the people applauding, because after about a day and a half the auto theft rate in El Paso dropped by 50 percent, and all of a sudden the people were applauding, and Chief Reyes, instead of getting court martialed, got the Bronze Star instead.

So, for all you Marines, you know, sometimes there's a thin line between a court martial and a Bronze Star. Chief Reyes is an extraordinarily courageous gentleman and a great Member of Congress on the Democrat side of the aisle, and I wish he could be here with us today, but he's not here, and he's been to Afghanistan and Iraq about 12 times, so really an extraordinary record, but Mr. Butterfield has got his statement, we will enter that, Mr. Butterfield, into the record.

Mr. BUTTERFIELD. I think he wanted me to read it, would that be in order?

The CHAIRMAN. Absolutely. In fact, we will ask Mr. Butterfield to read Chief Reyes' statement.

Mr. BUTTERFIELD. Thank you.

The CHAIRMAN. But, first let me introduce our witnesses and then we will go down the line, and we will take his statement first.

Mr. BUTTERFIELD. All right.

The CHAIRMAN. Our witnesses today are Lieutenant General Steven Blum, who is the Chief of the National Guard Bureau. Thank you, General, you have got a lot of irons in the fire. You have got almost 350,000, by gosh, I rode out with you, I better get it right, about 342,000 Army National Guardsmen deployed, as well as lots of Air National Guard deployed, in the war fighting theaters.

At the middle of that, you had to send a lot of people, which you did very quickly and very effectively, to Katrina, the biggest natural disaster in our history. You are responding, literally, all over the world to military challenges and in this country as well, and now you have been tasked to assist the Border Patrol and the Department of Homeland Security on the border.

So, you are a gentleman with a lot of missions, and we greatly appreciate you being with us today.

Colonel Ben D. Hancock is a Commanding Officer, Marine Corps Air Station, Yuma, United States Marine Corps. Colonel Hancock, thank you for hosting us today, always good to be with you, and we always enjoy your presence. And, Congressman Rick Renzi also sends his hello to you from another part of Arizona, he hopes he can get together with you soon.

Deputy Chief Patrol Agent Jeffrey A. Calhoon, of the Yuma Sector Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, thank you, Chief, for being with us, we appreciate you.

And, Major General Antonio J. Pineda, National Commander of the Civil Air Patrol, who recently had been engaged in flying the border. In fact, a number of folks may know my brother John, who

saved people from dying in the desert by putting out water, and has done that studiously and with great exertion over the last many years, has very, very much applauded the fact that the Civil Air Patrol is out doing patrols on the border, so that these folks that come across when the Coyotes tell them that the road is only two miles to the north, and it is 20 miles to the north.

Pretty soon they are staggering around out in the desert, and when the Border Patrol gets to them quickly enough they save their lives, but having the Civil Air Patrol out there, where they can radio in to the Border Patrol when they see people out there, is, I think, a really excellent use of the Border Patrol, and I have talked to some of your people, we look forward to your testimony, but thank you for participating.

And, Chairwoman Vivian Juan-Saunders, Tohono O'odham Nation, is that a correct pronunciation, ma'am? Well, thank you for being with us.

Another thing that I'd like to do, and I need to do so that Representative Grijalva can ask questions, is simply ask unanimous consent that Representative Grijalva be allowed to participate with us and just ask questions in the regular order. So, without objection, so ordered, and, Mr. Grijalva, you are very much welcomed to the Committee, sir.

Mr. GRIJALVA. Thank you, Mr. Chairman.

The CHAIRMAN. So, at this time, what I'd like to do is to ask our Members of the Committee if anybody would like to make a statement. I have already made my statement, I'd like to ask Representative Butterfield if he would like to at this time read Silvestre Reyes' statement.

Mr. BUTTERFIELD. Thank you, thank you very much, Mr. Chairman.

Let me first join the Chairman in thanking the witnesses for coming forward this afternoon to give us your testimony. This is a very important day in the life of this Committee, and what you have to say to us this afternoon will be very valuable. So, thank you, thank you very much.

I represent the 1st District of North Carolina. I have only been in Congress for two years, and so this is a learning experience for me, and so I look forward to what you have to say.

We were in Michigan yesterday, and I learned so much, and, hopefully, we will do the same today.

It is good to see my friend to my left, he and I serve in Congress together, he's been a great friend and a great leader to me since I have joined the Congress.

But, I have come today to read a statement from Mr. Reyes. I am going to read it very quickly. It is about three pages, but he feels very passionately about this, and so I am going to read it and try to read it as verbatim as I can.

"Mr. Chairman, I am pleased to be here today to take part in this afternoon's hearing on border security and its implications for America's armed services. I also appreciate our panel of witnesses joining us today.

As you know, this hearing is one in a series scheduled by the House Republican leadership for the months of July and August on border security and immigration. I maintain that these hearings

are more about politics than policy, and that the American people would be far better served if Congress was instead working to reach a compromise on meaningful border security and immigration legislation.

However, as a 26 year veteran of the United States Border Patrol and a Member representing a congressional district on the U.S.-Mexico border, I believe I have a responsibility to share my experience with my colleagues, with the hope that almost five years after the terrorist attacks of 9/11 Congress and the Administration will finally do what needs to be done to secure our borders and keep America safe.

With that being said, I would like to touch on an issue of great importance to our national security, and that is the readiness levels of our military and particularly of the Army and the National Guard. The Guard has been doing exceptional things for this country. They have valiantly answered every call, and I know that they will continue to perform admirably and with great courage in the future.

I am concerned, however, that we are handicapping their other efforts by charging them with this border security mission. I am also troubled by the potential for degraded unit readiness and shortages of equipment and personnel, which could affect the ability of the National Guard to fulfill its mission now and in the future. I look forward to hearing from General Blum, in particular, on these important issues.

We also need to be mindful of the fact that to fund this new Guard mission, $1.9 billion has been redirected from other defense spending priorities. Of course, we would not be in this unfortunate situation if Congress had been adequately funding the Border Patrol, which is the agency charged with securing our Nation's borders, at the necessary levels over the years.

Since coming to Congress, I have consistently lobbied my colleagues for greater resources for border security, including additional Border Patrol agents, equipment, and technology; more immigration inspectors and judges; and thousands of new detention beds so we can end the absurd practice of catch-and-release of other-than-Mexicans, or OTMs, once and for all.

Yet in every instance, the President and the leadership in Congress have failed to deliver these necessary resources. Congress is already 800 Border Patrol agents and 5,000 detention beds short of just what was promised in the 9/11 Act. Clearly, almost five years after the terrorist attacks, the Administration and Congress have a lot of work still to do.

In response to our Nation's border security concerns, some people, including my good friend from California, Mr. Hunter, have suggested that we should construct several hundred or even thousands of miles of border fencing. I respectfully disagree.

When I was Chief of the El Paso Sector of the Border Patrol, I testified before the House Judiciary Committee, Subcommittee on Immigration and Claims, that limited, strategic border fencing can be an essential tool for curbing illegal entries in densely populated, urban areas of the border region. Since being elected to Congress almost a decade ago, I have supported Mr. Hunter's efforts to facilitate the construction of a border fence in the San Diego area.

Unfortunately, however, there are no one-size-fits-all solutions for border security, and that is why I oppose the 730-mile border fence provision included in the House-passed border security bill, as well as proposals for a nearly 2000-mile fence to run the entire length of the U.S.-Mexico border.

In communities with large numbers of people in close proximity to the border where there would otherwise be thousands of illegal entries per day, it makes sense to construct and maintain a physical barrier at the border. On the other hand, it is simply not worthwhile to build fencing through remote desert and other areas of tough terrain, where the number of attempted entries is comparatively much lower.

Instead of building 700 miles of fence at an estimated cost of $2.2 billion—an estimate that many believe to be very, very low—we should invest that money in the personnel, equipment, and technology that will provide a meaningful solution to our border security concerns. For example, that amount of money would be enough to recruit, train, equip, and pay the salaries of enough new agents to double the current size of the Border Patrol.

Not only would construction costs of a 700-mile fence be exorbitant, but to guard and maintain hundreds of miles of fencing often in remote areas would be a nightmare for the Border Patrol in terms of cost, personnel, and logistics. Furthermore, depending on the geography of an area, a wall can actually be a hindrance to the Border Patrol as they attempt to monitor who or what may be coming at them from the other side.

Also, all of the walls in the world would do nothing to address the somewhere between 30 and 60 percent or so of those currently in this country illegally who, like the 9/11 attackers, actually came to the U.S. legally on some kind of visa or through other legitimate means, and overstayed.

Instead, in these more remote areas our limited border security resources would be much better spent on additional personnel, equipment, and technology such as sensors to create what is often referred to as a virtual fence. A virtual fence could also be implemented more quickly and therefore could help us gain operational control of our borders sooner.

This approach is preferred by the Border Patrol. Congress needs to listen to their advice in these matters, since they are the ones with the boots on the ground in the border region and are the real-world experts in border security. A wall is not a panacea; there is much more that needs to be done to help keep America safe.

With that, I look forward to hearing from the other Members joining us today, as well as having the opportunity to talk to our witnesses about these issues."

Mr. Chairman, as I indicated, these are the remarks of my colleague, Mr. Reyes, and I thank you for your patience to allow me to read it into the record.

The CHAIRMAN. Oh, certainly.

Mr. BUTTERFIELD. And, I ask that—and also would like to associate myself with these comments, and ask that the statement be included.

I yield back.

[The prepared statement of Mr. Reyes can be found in the Appendix on page 51.]

The CHAIRMAN. Certainly, the comments will be taken into the record, and I can understand now why my old friend, Silvestre Reyes didn't want to personally come to deliver those, he didn't want to hear me tell him he was wrong, but I'm going to put him down as undecided.

Mr. Grijalva, do you have a statement you'd like to make?

Mr. GRIJALVA. Yes, if I may, Mr. Chairman.

The CHAIRMAN. Please, proceed, sir.

Mr. GRIJALVA. Very briefly, and thank you, and thank my colleagues on the dias for the opportunity to be engaged in this particular hearing. I appreciate it very much.

Colonel, thank you, and the fine men and women under your command, for their hospitality, logistics and support they have given to each of us individually, our staffs, and to this hearing, appreciate that very much. This hearing has a narrow focus, and I think the fine witnesses we will hear from today, we need to hear their perspectives, get the information from them, and that's appreciated.

But, I think I'd like to begin, if I may, sir, with the obvious, we have a dysfunctional and a broken immigration system, and the corresponding pressures that it places on all sectors of our Nation, not just our armed forces, not just our Border Patrol, not just the Native American communities that happen to be in the border, and four of those I represent in this district, but also the economic pressures that it's placing on our country, and the economic dependency that we have on this issue, the human factors, and I want to thank the Civil Air Patrol for the humanitarian work that they do on this issue. Four or 500 people die every year in District 7, and it's a tragedy, and thank you for what you do on that issue.

The political pressures that it places, and I want to associate myself with the comments that Congressman Reyes made, we should be about the business of crafting a workable, sustaining and fair resolution and solution to the issue of immigration, immigration reform, security and enforcement.

This issue, not only for myself, but I hope for everyone in this dias has been a complex, taxing, and all-encompassing issue. I would hope, I sincerely hope, that as we go through these hearings across this country that the objective is not to further divide, the objective is not to further harden positions, and that the objective is not to marginalize people, that the objective is to be secure, enforce the law, and at the same time come up with a solution that is workable, that involves earned legalization, and a guaranteed secure access to a work force.

We are in a unique community here. I am very proud to represent the border. Yuma lives on the border, its people work on the border, the interaction. I understand the focus today but I would have liked to hear from people in this community to talk about the economic realities, the cost realities, the human toll realities. I would have liked to hear from Lorena Magana about her perspective as a person involved in this issue. I would have liked to hear from Paul Mulhardt about the western grower association and what that issue means to the economy and the reality of this area.

We are not going to hear that but I think as we begin to try to craft common ground, sensible solutions in the future—and I hope we get to that point. I sincerely do and I pray we do—that we will hear from these people and that they will be part and parcel of crafting something realistic, something fair and, as I said before, something sustainable.

With that, Mr. Chairman, I yield back and thank you for the time.

The CHAIRMAN. Thank you, gentlemen. We will go to the gentlelady who has traveled from Virginia and is going back this very day to make an appearance at this important session, the gentlelady from Virginia Thelma Drake. Thank you for being with us. That is a long haul.

Ms. DRAKE. Thank you, Mr. Chairman. I would like to thank you, first, for having the meeting for House Armed Services Committee to come and to talk about the issues, to see what is happening here. The district that I represent in Virginia is bordered on the east by the Atlantic ocean so it is completely different than the issues you face here in Arizona. That is why it is important for us to come to hear your testimony, to see members of the public who are here.

Even though Virginia is not a border state, the issue of immigration is the top issue that I'm contacted by our citizens. I have had over 4,000 either e-mails, phone calls, letters in the year and a half that I have served in Congress. I think that shows you just a slice of how important this is to our nation, what a challenge the issue of immigration is. I believe first and foremost the role of government is to protect our citizens, defend our nation, and border security is certainly top on that.

I thank the panel for being here and look forward to your testimony as we continue to have this discussion across America. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Ms. Drake. Nobody does a better job on our committee. I know you have a lot of folks in Iraq and Afghanistan and lots especially Navy and Marine personnel. I know this is a diversion from your regular duties but an important thing and thanks for coming. Appreciate it.

Ms. DRAKE. Thank you.

The CHAIRMAN. The gentleman from Arizona, Mr. Franks, has been an outstanding member of the Committee. Thank you, Trent, for being with us and the floor is yours, sir.

Mr. FRANKS. Hello, Mr. Chairman. Am I on here?

The CHAIRMAN. You are on now.

Mr. FRANKS. Mr. Chairman, sometimes I think that is deliberate on somebody's part.

Let me just first say I want to express my own appreciation to you for your presence here. I think it is an indication of not only your understanding of the intrinsic connection between border security and national security, but it is also a statement on your part that you care about this state as the Chairman of the Armed Services Committee. It is a rare privilege to have someone of that stature in our state and we appreciate it very, very deeply.

That said, I believe it is appropriate that the Armed Services Committee would be here on this particular issue because, as Thel-

ma Drake so eloquently said, the first purpose of the Federal Government is to defend this nation against all external enemies. We live in a day where our traditional equation of defense has changed significantly since terrorists have become so prominent in our thinking.

Not so long ago the Cold War focused on an enemy that we understood their capability and it was very significant but their intent was still in question. We, in a sense, placed our security to some degree in their sanity. Today we face an entirely different equation with terrorism that we understand their intent all too well and it becomes our preeminent to responsibility to interdict and prevent their capability.

Consequently, I believe that Armed Services Committee being here to consider the issues related to border security and how it affects our national security are very simply. Terrorists would like nothing better than to exploit our porous border to the end that they might do us irrefutable kind of harm.

If terrorists were able to obtain a nuclear weapon from some malevolent source and were able to detonate, say, a nuclear weapon in one of our major cities, all of the discussion here would change completely. All of the ancillary issues would essentially be out of our mind and we would be focused on making sure that we protected our border against such terrorist incursion in the first place.

But at that point our markets would be damaged. Maybe tens of thousands, maybe hundreds of thousands of Americans would be dead, and our concept of weapon would be changed forever. We live in those golden hours, I believe, when there is time to prevent all of that. I think, as I say, very appropriate that this group of people has come together for the expressed purpose of making sure that we do.

I especially want to thank the National Guard and their presence here because it is very appropriate that the National Guard should guard the Nation and we appreciate you being here. Mr. Chairman, again, I just am grateful for your presence here and for making this all happen. Thank you very much.

The CHAIRMAN. Thank you, Mr. Franks.

Mr. Calvert is a great member of the Committee and, Ken, thank you for coming down from Riverside. The floor is yours.

Mr. CALVERT. Well, thank you, Mr. Chairman. I just wanted to very quickly thank the United States Marine Corps for hosting us here today and thank the witnesses. I want to hear their testimony. On the way over here I was able to fly over the All American Canal which we are going to be mining shortly which will help conserve water. And I went over here to the Yuma Desalter which you remember back in our younger days when they talked about building that and we are going to be firing that up again pretty soon. You have a nice day here in Yuma. I want to thank the people here in Yuma for hosting this.

I also want to thank my friends in the Marine Corps. I get to represent Camp Pendleton which is a little cooler than Yuma but the Marines here are fantastic and the military is doing a great job. I am just happy to be here and listen to our witnesses. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Calvert.

Let me just set the stage as we start out with General Blum because a great deal of what the National Guard is going to be doing, and is doing, is assisting with fence construction and fence repair. The border fence is associated with San Diego. I think it is important to tell the story of that fence.

Before we built the fence in San Diego, we have a 14-mile double fence there, we had what was described as a no-man's land. It was a place where armed gangs and many of them with automatic weapons would rob, rape, and murder mostly the illegal aliens coming across the border at night. It was a place that was so bad that Joseph Wambaugh, the best-selling author, wrote his book Lines and Shadows about the attacks that took place there in the evening as the drug people and the smugglers of people moved vast numbers of contraband across that border.

In fact, it was so bad that the San Diego police force had an undercover group led by Sergeant Lopez who dressed as illegal aliens and they would wait for these armed gangs to attack them and at that point they would have a conflict and perhaps have an arrest or an armed confrontation.

When we built the double fence we completely eliminated the drive-through drug trucks. We had 300 drug trucks a month streaming across bringing cocaine to America's children and we stopped those cold. We stopped the average of 10 murders a year and the countless rapes and attacks that took place on that border cold.

The reason we were able to stop them was because in putting the double fence up we took away the one thing that the border gangs needed to survive which was transborder mobility. In the old days if they were pursued by the border patrol from the north, they would go south and they would be safe.

If they were pursued by Mexican authorities from the south, they would go north, they would step over the line and they would be safe from them. So when we built the double fence we took their mobility away and we put them out of business and we saved lots of lives and we saved the tranquility not only of the southern neighborhoods of San Diego County, but also the northern Tijuana neighborhoods benefitted from that double fence.

Now, similarly we eliminated or we reduced by over 90 percent the smuggling of narcotics and people across that 14-mile smugglers corridor. When we did that, that was the most prolific smuggler's corridor in America. Lots of people talked about lots of ways to bring order to that part of the border but we never brought it until we built the border fence.

Now, what a smuggler has to do to get across the San Diego double fence is he has to cross the first fence. He has to then go across a wide border patrol, a high-speed border patrol road. He then has to sit down with his welding gear in plain site on the American side of the border and cut a hole. It takes quite a while to do that. If people are around and if they have sensors and if they see and if the border patrol is on the job, which it is, they are not successful at doing that.

Today we live in a post–9/11 world. We live in a world where over 155,000 of the people that we interdicted last year on this border coming across from Mexico weren't from Mexico. They came

from every country in the world including 1,100 of them from Communist China including people from North Korea, including people from Iran. We have discovered that people have television sets around the world and they have discovered that the way to get into the United States illegally now is not to come across or not to come into Los Angeles (LA) International Airport anymore as they sometimes used to do in the old days.

It is to come across the land border between the United States and Mexico. Together with that we now have a population of a quarter million criminal aliens. Those are people who have robbed, raped, murdered, committed crimes against people and against property in the United States and they are serving time in Federal penitentiaries who come from other countries of the world. Some of them are very dangerous gangs, so-called MS13s, for example. Some of them coming from countries that won't even take them back.

As we talk about fine tuning an immigration bill that may in some way solve immigration problems with respect to Mexico and the United States, it is clear today that is not the end of the problem. There are people that want to come to the United States to do harm to American citizens who don't want a job, who don't come from Mexico, and who don't have any interest in what type of legislation we may be passing with respect to immigration.

I think one thing is clear and I think it has been accepted by both major political parties, and that is we need to know two things in this country with respect to the border. We need to know who is coming across, who it is, and what they are bringing with them.

We don't have that ability today and our experience in San Diego when we use almost 75 percent of the entire border patrol for the Nation when that was the most prolific smuggler's corridor in America, our experience is that once we built the double fence, we were able to pull border patrol off that area, off that section of the border because the double fence leverages your personnel and allows you to patrol the border without having to have the thousands and thousands and thousands of people who otherwise if you had to have only a manpower system, only a so-called virtual fence would work.

The other aspect, and my friend Silva Reyes mentioned a virtual fence, and we are going to want our witnesses to comment on that, but in the old days when we would have 2,000 people rush across the border at a given time and maybe 25 or 26 border patrol agents would catch 25 or 26 people and the other 975 out of the 1,000 would make it across the border and disappear up the freeway, that made us realize that simply having sensors or bells that rings or whistles that go off or TV stations that you can monitor doesn't solve the problem.

If you have a virtual fence, which is recommended by some people, you have to have responders and you have to have responders in large number. For example, for the thousands of people who came across in those massive transits on a given signal, you would have needed thousands of border patrol agents at one place at one time and we didn't have them.

I think the case is being made that it is appropriate to have a fence across the southern border. Beyond that the National Guard is not just building fence. They've got some people that are dedicated to that but they are doing lots of other things. To those ends we have focused this hearing on how the Department of Defense, but particularly the National Guard, can assist in border enforcement.

We have General Blum with us today. It is interesting to travel with this gentleman because his eyes are on Iraq, Afghanistan, the Horn of Africa, lots of other places around the world and lots of issues. He has taken time from that important focus to focus on this southwest border of the United States.

General Blum, thank you for your service to America. Thanks to everybody that wears the uniform of the United States and particularly your folks in the National Guard. Tell us how the National Guard is supporting border enforcement.

STATEMENT OF LT. GEN. STEVEN BLUM, CHIEF, NATIONAL GUARD BUREAU, U.S. ARMY

General BLUM. Thank you, Chairman Hunter. Members of the Committee, thank you as well. It is my honor to come here today and discuss the most recent mission for the National Guard.

The CHAIRMAN. Pull that mic a little closer if you could, sir.

General BLUM. As you mentioned, Chairman Hunter, we are doing a lot of things around the world but nothing is more important that defending our nation here at home. The President and the Secretary of Defense have most recently tasked your National Guard to assist civilian authorities, in this case Customs and Border Protection Agency, to increase the security along our nation's borders. The National Guard's mission is not a military operation per se.

It is a military support operation to Federal and civilian law enforcement. The lead agency for this, the supported agency is the Customs and Border Protection Agency. The National Guard will perform a myriad of tasks to enhance the capability of the Customs and Border Protection Agency to do their job more effectively. The National Guard will not be performing a law enforcement function.

We will not do the Customs and Border Protection Agency's law enforcement job. We will do lots of military skill jobs that will free other law enforcement agents to do their job more effectively. We will provide the eyes and ears for the Customs and Border Protection Agency. We will help them with what they call tactical infrastructure which are fences, roads, barriers, lights, sensors, and other impediments to illegal traffic.

We are not militarizing our border. We are not trying to close our border. We are trying to secure our border from the illegal activity that you and your committee has alluded to so far. We see this National Guard participation as just one facet of the President's five point comprehensive immigration program. We are certainly not the solution.

We are part of the solution supporting an agency that is also part of the solution. Even the Customs and Border Protection Agency efforts is just a part of a larger comprehensive plan that has to deal with this complex problem of illegal activity in immi-

gration. We are not trying to stop immigration. We are trying to control the legal aspects of it.

We see this as a temporary mission. The Department of Defense has agreed to support the Department of Homeland Security and provide the guard to do this for up to two years. The first year the President has said very clearly that there will be up to 6,000 National Guardsmen, Army and Air, along the southwest border of this nation in support of this operation.

This morning I am pleased to say the President would like us to reach the 6,000 mark by the first of August. We exceeded that. We will ramp down very soon to 6,000 but today we have about 6,200 National Guard Army and Air citizen soldiers from 30 states around our nation that are in the states of California, Arizona, and New Mexico and Texas in support of the Customs and Border Protection Agency.

This is not a new mission for the National Guard. Those of you that live along the southwest border, as you alluded to, Chairman Hunter, was the California Guard that significantly contributed to the construction and the establishment of those double barrier fences and roads that you talked about that are so effective in San Diego sector.

We will do some of that work here. That will represent perhaps 25 percent of our total effort from California to Texas. The Yuma sector where we are today represents part of the main effort between Tucson and Yuma. Customs and Border Protection have asked us to weigh our effort on the Arizona sector so we have done that. About 40 percent of the force that we have deployed to the southwest border is here in Arizona.

About 50 percent of the troops that are in the Yuma sector, almost half, will be doing something called entry identification team work which will be increasing the eyes and ears of the Customs and Border Protection Agency. The first group that is in here is largely made up of soldiers from North Carolina and Virginia. I already have good reports back from Deputy Chief Calhoon that these are seasoned experienced soldiers.

Many have done this exact type of work on the borders in Afghanistan and in Iraq. They are not neophytes to this type of work and they will be hugely helpful in expanding the eyes and ears of the Customs and Border Protection Agency.

Our military readiness is a concern for all of us, especially those on your committee, sir, and those in the Pentagon. I give you my professional assurances that the military readiness of the National Guard will not be degraded by this mission. As a matter of fact, a very strong argument could be made that it will enhance the readiness of these units that are doing these type of operations, not only here at home but overseas.

It will give them real training and the training will have a lasting operational goodness and enduring positive effect on the Customs and Border Protection Agency. It won't be training for training sake. It will be actually routine training for us that contribute significantly to the capabilities of the Customs and Border Protection Agency.

The mission will be executed as a state and Federal partnership as I think it should be. The National Guard will be in U.S. Code

Title 32 status which, for those of you in the room that don't know exactly what that means, it means that the troops will use Federal equipment. They will use National Guard units that are completely 100 percent funded and resourced.

The pay and allowances and the operation and maintenance costs of this operation will be borne by the Federal Government in the Department of Defense and Department of Homeland Security. There will be no cost put on the backs of the southwest border states or the states that come in to assist in this mission. This will all be underwritten by the Federal Government.

What we have here are Federal resources applied against a Federal mission in support of a Federal law enforcement agency that has the rightful job of protecting the border. Yet, the flexibility is there between the president and the governors to let the governors command and control the military forces that are operating within their state to accomplish this mission. To me it's a model for the way we should be doing business here in the United States of America when it comes to homeland defense and support the homeland security.

It is important to also note that this mission will not impair our ability to respond to natural disasters, terrorist events, hurricanes, or any wildfires, flooding, or all the other myriad of normal activities that the Guard gets called out to do by their governors. For instance, a perfect example is many of the soldiers that are in the El Paso sector this morning have been diverted from their border patrol assistance mission to assist with saving lives and evacuating people in the recent flooding that is going on in the El Paso district.

As soon as that abates, they will go right back to their Customs and Border Protection Agency operation. This is a prudent use of the force and it doesn't put American citizens or the ability for governors to defend and protect their citizenry with their National Guard at risk.

Once again, your National Guard has been called on for the security of this nation and once again we will answer that call. We have successfully delivered on time and ahead of schedule 6,000 National Guardsmen to support Customs and Border Patrol. We are working California, Arizona, New Mexico, and Texas. This is a mission your National Guard can do. It is a mission your National Guard should do and we can do it well. I look forward to your questions, Mr. Chairman, and members of the Committee.

[The prepared statement of Lt. Gen. Blum can be found in the Appendix on page 53.]

The CHAIRMAN. Thank you very much, General.

Colonel Hancock, thank you for hosting us. The floor is yours, sir.

STATEMENT OF COL. BEN D. HANCOCK, COMMANDING OFFICER, MARINE CORPS AIR STATION, YUMA, U.S. MARINE CORPS

Colonel HANCOCK. Chairman Hunter, distinguished members of the Committee, Marine Corps Station, Yuma, Arizona, it is my pleasure to be here today to appear before you and discuss this vital issue for the Marine Corps, Department of Defense, and our nation.

Marine Corps Station, Yuma, is encouraged to operate to avoid security problems. They have also found some success in addressing these issues. My goal today is to discuss these issues and successfully have achieved a date. There were concerns and few solutions. I just want to address this form here, it was authored by the United States Marine Corps for use by all Armed Services and some foreign services as they trained marines. Currently there are no physical barriers separating the range. Numerous illegal aliens cross into the United States border areas of southern California mentioned before or parts of southeastern Arizona that essentially follows the undocumented alien deviation unmarked 47 miles of the border we share with Mexico and 52 miles from the base to the border.

Pedestrian and drug traffic is reported by Customs and Border Protection agents and military personnel. The enforcement agents are either make an apprehension or established a group of vehicles in the hazard areas. Historically it has resulted in a loss of range time and at times impacted their training events. While illegal pedestrian entries continue in high numbers for 2006, increased efforts in coordination with Marine Corps Station Yuma and Yuma sector have sharply reduced the impacts of training.

Also, coordination of the Border Patrol and increased resources allow us to detect alien presence early, coordinate Customs and Border protection response and thereby minimize the floor for errors. Marine Corps Station, Yuma has added range capabilities to coordinate border protection also with border patrol operating one sector, simultaneously while military aircraft would do training and range.

Customs and Border Patrol can also surge its operations in close coordination with the Marine Corps. They also support a large selection of signs in order to minimize the impacts of undocumented aliens (UDAs) on key training events that cannot be rescheduled due to events that were prior to 2.1f.

All have increased Customs and Border Protection efforts and coordination downturn vehicle entries and, in fact, training but there is more to be done. In close coordination with the Customs and Border Protection found through question one has been cooperating with the Customs and Border Patrol proposal for vehicle variance a virtual wall for intrusion detection technology, all-weather patrol improvements for timely response. Control plans have often been coordinated at the local level to further improve border security and fully address the Marine Corps concerns for combat readiness.

Military aircraft currently uses the entire area right down to the border. We work that airspace use agreement with the Customs and Border Protection to coordinate military traffic and Customs and Border Protection aircraft and helicopters to meet commission requirements. Any further control measures along the border or airspace strict military use of the airspace is a concern to us.

Marine Corps meets the standards of controlling the borders set by the Department of Homeland Security and have worked toward their responsibility. Operation control of the southern border, our border, on the way back military training through the Marine Corps. Marine Corps control of the border is a Department of Homeland Security permission and one of responsibility. We also

have responsibilities to secure training areas and to provide for public safety on the range. Marine Corps Station, Yuma also has other responsibilities like range control, law enforcement personnel, and environmental planning to assist the Department of Homeland Security in controlling the border to reduce or eliminate training defects.

Congress reserved our mandate for environmental stewardship, management and operational control with the Department of the Navy for 25 years up to 2024 under the military Lands and Control Act in 1999. Marine Corps Station, Yuma takes its environmental stewardship responsibility very seriously because departmental stewardship equates to range availability and military training on public lands.

Marine Corps has served the core of the issues that extend beyond the direct impacts of combat readiness to include potential impacts of the National Wildlife Refugee. Coordinated efforts for a fence, a virtual wall, and all-weather road access or any other form on the border may be successful in enforcing the range.

Some of the activity can lead to traffic and resulting Customs and Border Protection response to this activity may increase the impacts to National Wildlife Refuge and presumably the resident danger. Past experience has demonstrated the necessity of limiting impacts to our neighbor and land management agencies which addresses the home.

Second, I want to talk about the consequences to neighboring endangered species we afford protection through military training. The best measures can also be consquences with redirected border crossing, sound environmental planning, and continued coordination of all federal, state, and local stakeholders.

In conclusion, while border security remains a Department of Homeland Security responsibility, Marine Corps Station, Yuma will continue to support Customs and Border Protection in its mission to secure our southern border. Marine Corps Station, Yuma's approach has always been to balance the security needs of our nation and the Customs and Border Protection mission of our stewardship responsibilities for managing the west. Our best success has made these consultations result in close coordination with the U.S. Customs and Border Protection. Marine Corps will maintain its outstanding relationship with Customs and Border Protection to achieve our goals of a secure border with limited impacts. I will welcome any questions.

[The prepared statement of Colonel Hancock can be found in the Appendix on page 58.]

The CHAIRMAN. Okay. Colonel, thank you very much for a very full statement.

Deputy Chief Calhoon, thank you for being with us today and for your service and the service of all your personnel.

STATEMENT OF DEPUTY CHIEF PATROL AGENT JEFFREY A. CALHOON, YUMA SECTOR BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Chief CALHOON. Thank you. Chairman Hunter, Ranking Member Butterfield, and distinguished members of the Committee, on be-

half of the men and women of the Yuma sector, welcome to Yuma, Arizona.

I would like to thank Col. Ben Hancock for hosting this event. We truly do have an excellent group working relationship with Marine Corps Station, Yuma probably unheralded in the civilian law enforcement world with a Federal and military unit.

It is an honor and a privilege to appear before you today to discuss our continued efforts along the border in the interest of homeland security. The Department of Homeland Security and Customs and Border Protection is steadfast in our commitment to secure the homeland.

Operation Jumpstart, a partnership with the National Guard, gives CBP an immediate short-term resource that allows increased border security while we, the Border Patrol, recruit and train additional Border Patrol agents according to the President's plan, and implement a secure border initiative.

Operation Jumpstart will greatly assist us in moving forward with our mission as we continue to gain, maintain, and expand operational control of the border using the right combination of manpower, capital structure, and smart technology.

The key component in the midst of resources needed to accomplish CBP Border Patrol's primary mission of preventing terrorists and terrorist weapons from entering the United States. Infrastructure construction like currently being provided at the Yuma sector through our partnership with the Department of Defense, and the National Guard most recently, includes physical barriers, roadways, and other related projects.

Through the Department of Defense the National Guard support to date including three Jump Start projects, the Yuma sector has received six miles of all-weather roads, seven miles of primary fencing, three miles of permanent vehicle barriers, two miles of tertiary fencing, over one mile of high-intensity lighting. Our efforts in the Yuma sector have already produced tangible efforts and results.

We are expanding this support with the National Guard, as General Blum indicated, in the form of an entry identification team, National Guard Eye on the Border, looking in areas where we are not, for incursions.

Last fiscal year, 2,706 vehicles crossed illegally into the United States through the Yuma sector's area of responsibility. As a result, the Yuma sector was chosen as a pilot site for a permanent vehicle following system. This tactical infrastructure project combined with a significant increase in personnel and aircraft operations contributed to a 50 percent decrease in the number of vehicle incursions this year compared to the same period last year.

We recognize there are many challenges that lie ahead for us. We are concerned with the level of illegal activity in our border area east of Yuma, specifically the Barry Goldwater Bombing Range and wildlife area. In this eastern most extreme area of Yuma sector is almost four hours driving time from Yuma. The Barry Goldwater Range have unique environmental concerns and lack the road infrastructure conducive to efficient border enforcement operations.

We must work toward an efficient solution in these areas that promotes conservation of our natural resources, allow the Marine

Corps Air Station to train, and yet enhance our ability to secure the border. The men and women of the CBP Border Patrol face challenges on a daily basis and we are determined to protect the United States border between the ports of entry.

Our men and women place themselves in harms way to protect America, our local communities, and our way of life. I would like to thank you for this opportunity to present testimony today. I look forward to any questions that you might have. Thank you.

[The prepared statement of Deputy Chief Calhoon can be found in the Appendix on page 61.]

The CHAIRMAN. Thank you very much, Deputy Chief.

Now, General Pineda, thank you for being with us today. We greatly appreciate you and the floor is yours, sir.

STATEMENT OF MAJ. GEN. ANTONIO J. PINEDA, NATIONAL COMMANDER, CIVIL AIR PATROL

General PINEDA. Good afternoon Chairman Hunter, Congressman Butterfield, and members of the Committee. I am Major General Tony Pineda, the Civil Air Patrol National Commander. I am pleased to have this opportunity to testify on behalf of the Civil Air Patrol assets for humanitarian assistance, aerial reconnaissance and radio relay. In the course of these training missions if our aircrews observe individuals in distress, the this training missions supporting U.S. Southern Border Security Operations.

I would like to assure you Civil Air Patrol is the perfect fit to support this effort because of the skill, expertise, and experience this organization brings to the table.

Giving you a little bit of history of the Civil Air Patrol, first let me tell you who we are and what we do. The Civil Air Patrol was founded in December 1941, one week before the Japanese attack on Pearl Harbor. Fulfilling a wartime need, our organization of 150,000 volunteer citizen aviators helped halted the deadly, destructive attacks by Nazi U-boats operating in America's coastal waters.

On July 1, 1946, President Harry Truman established the Civil Air Patrol as a federally chartered civilian corporation, and Congress passed Public Law 557 on May 26, 1948, making the Civil Air Patrol the auxiliary of the new U.S. Air Force. Civil Air Patrol was and is still today charged with three primary missions: aerospace education, cadet programs and emergency services. Today I would like to concentrate my comments on the emergency services mission.

The Civil Air Patrol operates as an all-volunteer civilian community asset and the auxiliary of the U.S. Air Force with almost 57,000 members. It includes eight geographic regions consisting of 52 wings, one in each of the 50 states, Puerto Rico and the District of Columbia for a total number of units that exceeds 1,500. Civil Air Patrol operates one of the largest fleets of light aircraft in the world with 530 aircraft and our volunteer members fly nearly 110,000 hours each year.

Additionally, Civil Air Patrol maintains a fleet of nearly 1,000 emergency services vehicles for training and mission support.

Emergency services is our niche. Civil Air Patrol conducts 95 percent of all inland search and rescue in the United States, as tasked

by the Air Force Rescue Coordination Center at Langley Air Force Base, Virginia. The Civil Air Patrol also provides disaster-relief organizations and is equipped to provide near real-time damage assessment, light transport and communications support.

We perform aerial reconnaissance for Homeland Security and assist other Federal agencies in the war on drugs.

Finally, we maintain the most extensive emergency communications network in the Nation with over 16,000 radios nationwide with 65 years of experience and the ability to fly low and slow Civil Air Patrol crews and aircraft are the ideal observation platform. Federal and state agencies frequently call on the Civil Air Patrol to take vital damage assessment photos to search for crash victims. Our air crews are an ideal resource throughout the country because of their experience in search and rescue and their ability to provide aerial photos at such a low cost. Our customers, especially the U.S. military, pay a very small fee for the outstanding service we provide, generally less than $120 per flying hour.

Civil Air Patrol also supported the United States Homeland Security last year by taking part in several vital exercises at the request of the U.S. Air Force. As a result, Maj. Gen. M. Scott Mayes, 1st Air Force Commander, stated, "Civil Air Patrol has become an important partner in our homeland defense mission. Because of the cooperation between Civil Air Patrol and North American Air Defense Command (NORAD), we're better able to meet our nation's requirements for rapid response to any threat to our air sovereignty. This kind of teamwork is vital to our rapid-response capability. Together, when we're called upon, we'll be ready to act, and act fast."

The Arizona Border Mission. That same level of Civil Air Patrol commitment and cooperation continues today and is what we are here to discuss today. At the request of the Chief of Staff of the Air Force we have recently increased training in Arizona in the anticipation of follow-on taskings.

Civil Air Patrol is training in Search and Rescue, Aerial Reconnaissance and Radio Relay. In the course of these training missions, if our aircrews observe individuals in distress, appropriate authorities are notified. We are actively developing a Concept of Operations so that we can smoothly transition to support of the Border Patrol on both borders in north and south should the Department of Defense receive a request for assistance. The bottom line is the Civil Air Patrol is ready to do what we can do to help to protect lives along the border.

Civil Air Patrol began flying these missions along the Arizona border on Monday, July 17 through July 31. As you can see on Exhibit 1, the numerous locations of aircraft assets in the southwest region of our country. Now, taking a closer look at Exhibit 2, it shows our southern border mission bases. Our initial task was to fly a mission from six locations in Arizona and that would be Yuma, Glendale, Goodyear, Chandler, Tucson, and Fort Huachuca.

As of July 25, 2006 Civil Air Patrol volunteers have flown 100 sorties for a total of more than 300 flying hours at a cost of about $30,000 using Civil Air Patrol Cessna C–182 aircraft, you see here in Exhibit 3 along with the descriptions of the capabilities.

Beginning July 26, the Civil Air Patrol's New Mexico wing joined the effort by providing two additional Cessa 182 aircraft and one Gippsland GA8 aircraft with aircrews to supplement the work being performed by the Arizona wing of the Civil Air Patrol. While we have not found any individuals in distress, we discovered possible suspicious activity that was reported to the Border Patrol authorities.

For example, on Saturday, July 22, Civil Air Patrol aircrews identified two late model vehicles with doors open in close proximity to improved roads. They also identified 8 to 10 individuals near the border and alerted a nearby Border Patrol ground team. Further, on Sunday, July 23, aircrews sighted a number of abandoned vehicles which they reported to Border Patrol personnel.

Finally, on Monday, July 24, Civil Air Patrol aircrews identified a sport utility vehicle (SUV) and two or three suspicious persons in wash areas at two different locations. Again, both sightings were reported to Border Patrol. Exhibits 4 and 5 are samples of the aerial photo samples from several of these missions. Note the abandoned vehicle shown here in the first photo and the makeshift border camp shelters shown in the second photo.

Some of our aircraft are equipped with equipment that we can transmit these photos in real time from the aircraft to the Border Patrol agents if they have computers in the vehicles or in their offices so they can see what is going on. That will enable them to also contact our aircraft. The majority of them also have global telephones that they can talk right to the pilots and send them to other areas if they need to.

The rainy weather pattern in southern Arizona has been a challenge to fly aircraft at low altitude. We believe this current weather pattern may be aiding in the safe transit and survival of people attempting the border crossings and has decreased the number of sightings of people in distress.

In conclusion, as Civil Air Patrol celebrates 65 years of service we are fully prepared for the challenge yet to come. Whatever dangers or opportunities lay ahead, our volunteers are ready to answer the call with the same patriotic spirit that has always distinguished Civil Air Patrol's missions for America. I can tell you that Civil Air Patrol is the right fit for this mission and remains committed to assisting border security operations for long as is needed and will be ready when called. However, a couple of issues that may limit our effectiveness must be addressed.

First, as agencies work together on a mission such as this one, the effectiveness and outcome of the effort will be enhanced by placing one agency in a position of overarching authority. This lead agency could then most efficiently and effectively orchestrate and direct all operational and support activity to accomplish the mission.

Second, since Civil Air Patrol is a private non-profit corporation and the Air Force Auxiliary, should "Posse Comitatus" apply to operations such as this one? That could create a problem because we are limited as to how far we can follow any vehicles or illegal activity that may be happening.

CAP has raised the level of aircraft technology. One additional technology is tailor made for border admissions which will likely

take place at night and will enhance our ability would be the existing infrared technology used by many law enforcement aircraft today. That particular equipment can also be installed in our aircraft to be used on the border.

I would like to extend my sincere thanks to the members of this Committee for your strong and devoted support of Civil Air Patrol. As National Commander of this outstanding group of citizen volunteers, I encourage you to recognize the fact that Civil Air Patrol continues to provide an irreplaceable, professional and highly cost-effective force multiplier to America.

Through the voluntary public service of nearly 57,000 members, Civil Air Patrol makes a priceless and positive impact in communities by performing disaster relief and search & rescue missions, and also by providing aerospace education and cadet programs. Civil Air Patrol serves as a guardian of the skies and a skilled resource on the ground, wherever the call and whatever the mission. Thank you so much.

[The prepared statement of General Pineda can be found in the Appendix on page 67.]

The CHAIRMAN. General, thank you very much.

Chairwoman Juan-Saunders, thank you for being with us today. We appreciate it.

STATEMENT OF HON. VIVIAN JUAN-SAUNDERS, CHAIRWOMAN, TOHONO O'ODHAM NATION

Ms. JUAN-SAUNDERS. Thank you, Chairman Hunter and members of the Committee. My name is Vivian Juan-Saunders, Chairwoman of the Tohono O'odham Nation. I appreciate the opportunity to testify today about our challenges and efforts to protect the southern border. The Tohono O'odham Nation is located in southern Arizona and comparable to the state of Connecticut. If you will look at the map identifying the waterways. Directly to the right of that map is the Tohono O'odham Nation. Double the 37 miles and add one mile and you will have the Tohono O'odham Nation.

We also have aboriginal lands that are part of the area there. We also have aboriginal lands that extend into Mexico. We have 28,000 enrolled members and 1,400 enrolled members in Mexico. The current southern border cuts into the heart of the aboriginal lands of our people so consequently we have members who reside in Mexico which creates barriers of positive influence.

Also I would like to mention that 75 miles of our nation is the largest stretch of miles of any Indian tribe in the United States. There are 35 capital tribes located on or near international boundaries with Mexico and Canada and the Tohono O'odham Nation has the largest stretch.

I would like to emphasize the importance of recognizing the Tohono government as we discuss border policies and formulating policies. In 1993 we experienced an effect created by Federal policy known as the Gatekeeper policy that increased enforcement in Arizona, New Mexico, Texas, and California. Consequently, this created a funnel effect for our 75-mile stretch experiences 1,500 undocumented immigrants a day 16 percent of our law enforcement tried to curb this. Today we have security officers I have with me

assistant police chief Raul Chiprador who has served 15 years with the police department.

We have no jurisdiction over border issues. All we can do is detain and wait for Customs and Border Protection. They have been on our reservation for over 30 years. Prior to the Department of Homeland Security and under its umbrella organizations, Customs was operating on our reservation for the last 25 years. I would like to share that we are part of the western corridor. We are in Congressman Raul Peral's congressional district. Border Patrol has reported that we are one of the busiest court orders on illegal immigration.

I would like to emphasize that we neither have permission, manpower, or the resources to adequately address this crisis on our nation. We have worked diligently and cooperatively with the Armed Services in supporting their work in protecting the southern border.

Currently we spend $3 million annually of our own travel resources addressing these issues. We spent $10 million so far. We have received less than $1.8 million of Federal resources. When you compare that to what we spent certainly it doesn't measure to what we would like to see.

Tohono O'odham Nation does support the current interest. We also recognize that people historically who have traveled to the Tohono O'odham nation we have welcomed and we have provided assistance. However, today in the 21st century we are experiencing the impact and it has become a burden and we are caught in the middle of this whole problem.

On the one hand we have undocumented immigrants heading north. We have law enforcement heading south and we are caught in the middle. It creates a very high stress level for people. I certainly have respect for the years that we have survived in this capacity.

Tohono O'odham Nation does support the establishment of two substations on the east and west end of our reservation. Otherwise, it would have taken an act of Congress to support the efforts of Customs and Border Protection to establish the substations that are shared by our police department.

We have also supported the construction of illegal barriers and they are constructed to combat the illegal immigration and the illegal use of motor vehicles in the furtherance committed on our lands.

Tohono O'odham Nation is comprised of 11 political districts. The two district that are adjacent to the international border have supported barriers of fencing. We also support the Department of the National Guard. Just recently over a month ago the tribal council approved the deployment of 90 National Guard troops to be deployed. Currently we have 40 who are operating on Tohono O'odham Nation.

One of their tasks will be to help prevent vehicle barrier threats. If the Customs and Border Protection erected this fence, it would cost $3 million a mile so how can the National Guard erect a fence that we are looking at a cost of $400,000 per mile. Border Patrol engaged in direct consultation with the Nation on securing the necessary right-of-way easement and culture resource for emphasis

and we developed behind construction processes and enforcement techniques to prevent illegal entry on the Nation's land.

The 75-mile stretch that I'm referring to has over 93 archeological sites as well as the already planned national monument because it is part of our aboriginal territory we are concerned about the 110 archeological sites that we have on the property.

The Tohono O'odham Nation also developed a government-to-government relationship understanding with Luke Air Force Base. The Air Force Base currently uses air space to train F16 military pilots. We recently visited the base and spoke to the commander before he left for Iraq. He served as a vital role in training not only pilots from the United States but from the Philippines and Italy.

The Tohono O'odham Nation continues to demonstrate its commitment to working cooperatively with the Armed Services and their mission to protect the border. In return we request respect for our people, respect for our land, and respect for our laws. We commend the Committee as you consider ways to formalize or institutionalize consultations between Armed Services and their relations and interactions with Indian tribes.

The request I would like to make is further discussions on institutionalizing consultation between the Armed Services and the military. The air force base model is one that I would like to recommend highly as a model to use with the Department of Homeland Security.

In closing, on behalf of the Tohono O'odham Nation, I thank the Committee for holding this important field hearing and for extending the invitation to share our views. I would be happy to answer any questions that you may have. Thank you.

[The prepared statement of Ms. Juan-Saunders can be found in the Appendix on page 70.]

The CHAIRMAN. Thank you very much, Chairwoman. I'm going to wait for the second round of questions. I think I will yield my time to the lady who traveled the farthest today to be here, the gentlelady from Virginia, Thelma Drake. The gentlelady is recognized.

Ms. DRAKE. Thank you, Mr. Chairman. I would like to point out to you that Langley Air Force Base, which is your headquarters for the Civil Air Patrol, is in the 2nd District of Virginia so it is very nice to have you here telling us what they do.

Chief Calhoon, I think in everything we have heard of how everyone is interacting together, it just makes me think that this really falls on you. I mean, you are the one that is responsible for border security so I have a couple of questions for you.

First of all, how is the interaction going? How are you able to interact with the various groups and is there anything we need to do to make that a more seamless interaction?

Chief CALHOON. Well, as I said previously, we have an exceptional long-term relationship with the Marine Corps Air Station. We impact them at significant border areas. Their range wardens communicate on our radio frequencies with our agents assisting protecting illegal entries of all pedestrians. Couldn't ask for a better relationship.

The National Guard presence here is relatively new since about June. The first augmentation of that will be long-term support of

personnel that have worked in what we would call a non-law enforcement role in our communication centers helping us fix our vehicles. That is working very well.

Most recently, as the General indicated, in North Carolina and I understand Virginia guarding here what we call local entry identification teams which are deployed on the border. That was an outstanding product on the part of that unit. Having experience in the Iraq operating border they value the benefits of training exercises as well as taking part in assisting us at the border with the local law enforcement agencies and our local Indian reservations, the Quechan Indian Reservation.

Ms. DRAKE. Mr. Chairman, our Virginia Guard who are here are volunteers because we are a coastal state and this is hurricane season so we are very proud of them that they have volunteered to come and deal with this important issue.

One thing that we have talked about in Congress, too, is whether you should have the authority to look at a border patrol auxiliary on the order of Coast Guard auxiliary or Civil Air Patrol. Is that something you think you would like to look at or you would like us to tell you?

Chief CALHOON. A decision like that would be made at a much higher level than I actually hold at the present time. However, the United States Border Patrol values citizen input. We rely on sightings and tips from citizens that are phoned into us. It's a very valuable tool. We are agreeable to all forms of assistance.

Ms. DRAKE. Mr. Chairman, before I yield back, because I know there are a lot of questions, I just wanted to stress that we would like to know if there is something we can do better because you are the one who is one the front line and you are the one that is responsible. I think we think things are working well, when we put them in place but we need to know if they are not, if there are things that we can do that make it easier to accomplish your job.

Chief CALHOON. We are looking forward to the arrival of the new 6,000 personnel getting them through the system. We really appreciate and need the assistance of the National Guard helping us to expand our enforcement capabilities. We are also looking forward to the implementation of the secure border initiative. Whatever that new technology will be will greatly enhance our effectiveness. Whatever the Committee could do to support those roles would be greatly appreciated.

Ms. DRAKE. Thank you. Mr. Chairman, I yield back.

The CHAIRMAN. I thank the gentlelady.

The gentleman from North Carolina, Mr. Butterfield, has made the long run with us here. He was up with us in Michigan and did yeoman work up there and came down today. We really appreciate your efforts and your dedication to this set of hearings. The gentleman from North Carolina, Mr. Butterfield.

Mr. BUTTERFIELD. It has been a long two days, Mr. Chairman and it has been a pleasure traveling with you. You are a man of enormous energy. That is a private joke. We won't get into anymore detail.

General Blum, I have said to you privately and I will now say to you publicly thank you for your service to our country. You are

an extraordinary military man and I thank you so much, as well as the other members of the military here assembled.

General, you mentioned today that we are now up to 6,200 guardsmen. That's the official figure as of today. Is that correct?

General BLUM. Yes, sir.

Mr. BUTTERFIELD. All right. So you have essentially met the deadline that was imposed on you by the Commander in Chief?

General BLUM. Yes, sir. In fact, we have exceeded a little bit and now——

Mr. BUTTERFIELD. You can level out to the 6,000?

General BLUM. We will do that in the next few days.

Mr. BUTTERFIELD. All right. Am I correct to assume that the Guard will in no way engage in law enforcement activities?

General BLUM. You are absolutely correct. Our orders from the Department of Defense is that we will not engage in law enforcement activities. Every governor receiving troops and every governor controlling troops here has signed on a memorandum of agreement to that effect. While we are in operation in this Title 32 status while we could do that by law, by policy we will not do that.

Mr. BUTTERFIELD. Do you see your mission changing from year to year or do you think it will remain the same?

General BLUM. I think our mission will change probably even more quickly than that and more dramatically. I think as we put infrastructure on the border and capability on the border in support of the Customs and Border Protection Agency, the patterns of illegal activity will alter and change and we will certainly adjust to provide support to the Customs and Border Protection Agency as they see the need to restack the capabilities or relocate the troops and the infrastructure to places where the main effort may change over the next two years. What we do, I expect, will change somewhat but I do not at anytime see us doing law enforcement activities.

Mr. BUTTERFIELD. Would you allocate for me the roles that the 6,000 personnel will play?

General BLUM. Yes, sir. There are about 16 major categories where we will be supporting the Customs and Border Protection Agency. Some will be, as was alluded to earlier, fence construction, road construction, road maintenance, some transportation. Entry identification teams makes up in this sector in Yuma almost 50 percent of our effort.

Of the forces that are here in this sector, and they are considerable, half of those, almost exactly half of those, will be expanding the eyes and ears of the Border Patrol. Some will be highly visible so that they have a deterring effect. Other will be invisible so that they are very effective in catching illegal activity and reporting it to the legitimate law enforcement agency, Customs and Border Protection, so that we can observe and report both day and night, 24 hours, seven days a week, in places where the Customs and Border Patrol were unable to observe and unable to communicate so we will be providing some communications, augmentation so that can be effected. Aviation support to move our people to do aerial surveillance both day and night, and also to assist the border patrol in some of their movements, engineer work.

Mr. BUTTERFIELD. No searches and seizes?

General BLUM. None at all. None whatsoever.

Mr. BUTTERFIELD. Even though you have the authority to do it?

General BLUM. We have the authority lawfully to do it but by policy and the agreement of the Border Patrol and Department of Defense, the National Guard will not arrest, apprehend, take into custody, process, or handle detainees or people that are arrested or yield by the Customs and Border Patrol.

What we may do in an extremist condition is self-protect ourselves because many of our soldiers will be armed if they are in a mission profile that would require them to be able to self-protect themselves, or to offer protection to the Customs and Border Patrol agents that tend to operate in small numbers. They could encounter a situation where one of our entry identification teams actually sees a Customs and Border Patrol member in duress or having his life threatened. If that were to happen, we would, in fact, intervene and take appropriate action as any other citizen would have the right to do.

Mr. BUTTERFIELD. Are you familiar with the July 20 directive from the Commissioner of Customs and Border Protection? That is, the provision that gives the authority to designate border patrol agents as Customs officers with the right to make searches and seizures?

General BLUM. Yes, sir, I am. That authority, if I understand it correctly—help me out there, Deputy Chief. That is Article 19. Is that what that is?

Chief CALHOON. Yes, Title 19.

General BLUM. Title 19. Congressman, what that is that allows the access——

Mr. BUTTERFIELD. Let me just read it to you. I don't want to catch you off guard here. "Authority is delegated to the Chief of Border Patrol and to the Chief Patrol Agents assigned to the southwest border to designate Border Patrol Agents as Customs Officers under 19, thereby vesting such agents with the authority under the Custom laws to, among other things, make searches and seizures. The exercise of this authority shall be confined to Operation Jumpstart."

General BLUM. The reason that was done, first of all, that will not be universally applied. Certain states have decided not to allow that to happen. What that is for is to allow us to have the National Guard have legal access to private landowners to be able to transit their land or travel on their land and this allows us to do that under the umbrella of the Border Patrol. In some states that will, in fact, be used in three of the states that will not be used. They will seek and obtain the land use or the land transit permits from the landowners themselves. That is a decision made between the Border Patrol sector chiefs and the governors of the states where they are operating.

Mr. BUTTERFIELD. Finally, let me ask you this, General. Of the 6,200 personnel who are now in the region, do they fall in all of the 16 categories or just some?

General BLUM. The general answer would be all of them. In every sector we will be doing entry identification team work which is observed and reported. The magnitude is about 50 percent of the effort. It does vary within the nine Border Patrol sectors. In the

Yuma sector it is about half of the force doing that because of the topography and geography and the lack of fencing or roads.

We need to get eyes and ears out there where we can't do it in a mobile fashion or have it channelized by barriers and fences right now. Aviation is in all of the sectors. Medical is in all of the sectors. Communication support is in all of the sectors. General maintenance is in all of the sectors. Engineer work is in all of the sectors. Brush removal is only being done in one sector. I am trying to be as honest and as specific as I can be. The percentages of what we do is driven by the nine Border Patrol sector chiefs. They established a priority of the assistance that they want. It is not the same in any sector. The size of the force is not the same in any sector and the task list and the percentage of troops assigned to those tasks varies by sector because this border is not homogenous. It is quite different. In fact, even the 37 miles that we are looking at in this Barry Goldwater Range about 30 of those miles are open desert and about seven miles pretty rough restricted terrain.

What we do and how we operate there will be quite different and the type of fencing and barriers we employ there will probably be modified to the terrain to be effective for the terrain. All of that would be decided, frankly, by the Barry Goldwater Range and by the Customs and Border Protection Agency. The National Guard will try to satisfy the supported agencies that we are tasked to support.

Mr. BUTTERFIELD. Thank you. I would hope that if you add a seventeenth category of search and seizure, and I hope that you don't, but if you decide to expand the authority of the Guardsmen, I hope that we would not read about it in the newspaper first, that this Committee would have advance notice that you are going to do that.

General BLUM. Sir, if that decision is made, it will be made at the Department of Defense level. It will be made at the highest level of policy development in the Department of Defense and maybe perhaps even higher than that. Right now that is where the policy guidance that I have been issued is the National Guard will not engage in search and seizure. It will not engage in apprehension. It will not do law enforcement per se. It will only perform tasks that enable the lawful licensed badge-carrying law enforcement officers to more effectively do their job and actually serve as——

Mr. BUTTERFIELD. But necessity may call upon us to change.

General BLUM. If that is the case——

Mr. BUTTERFIELD. If that happens, I would like for this Committee to know.

General BLUM. Oh, absolutely. I will personally inform this Committee if that were to happen.

Mr. BUTTERFIELD. Yes. Thank you.

I yield back, Mr. Chair.

Chief CALHOON. Mr. Chairman, could I clarify that?

The CHAIRMAN. Absolutely. Go right ahead.

Chief CALHOON. I believe the purpose of that memorandum was to grant authority under Title 19 within 25 miles for the purpose of patrolling the border. California opted to use the Border Patrol to allow Guardsmen on private property rather than seek right of

entry grievance with the owner. I believe that is what that memorandum is addressing, not necessarily conferring arrest authority to the Guard.

The CHAIRMAN. Thank you. I thank the gentleman from North Carolina. The gentleman from California, my nearby seat mate from Riverside, Ken Calvert.

Mr. CALVERT. Thank you, Mr. Chairman.

General, how are you distributing your men and women across the border from California down to Texas roughly?

General BLUM. Congressman, off line and not for a public hearing I can give you detail to where every soldier is and what task they are performing in what geographic region of the border. Because we don't want to arm illegals who may use that against us for an unintended purpose, let me just say that we have taken the request of the Border Patrol per the nine Border Patrol sectors that exist along the southwest border and they have prioritized our effort and they have guided us where they want our capabilities, where they think it will best amplify their ability to do their job.

Mr. CALVERT. So roughly it is based on need?

General BLUM. Yes, sir. It is based on need as determined by the people who are here to support the Customs and Border Protection Agency.

Mr. CALVERT. The next question, with the fencing that was put in California as Chairman Hunter described, the double fencing and other fencing that was primarily put in California first because of the diligent work of the Chairman of this Committee. I have known him for many years. We affectionately call it Hunter's Fence down there along the border. Did that move a substantial part of the problem east?

General BLUM. Who are you asking?

Mr. CALVERT. For the record I will ask the Chief.

Chief CALHOON. Yes.

Mr. CALVERT. Now, from your perspective would you like to see that fencing continue to move down the border?

Chief CALHOON. Yes. In fact, we are working on fencing here in Arizona.

Mr. CALVERT. So from the information you have that fencing is effective?

Chief CALHOON. Fencing by itself requires some agents.

Mr. CALVERT. Absolutely. But, I mean, the fencing does work as an impediment from the people crossing the border?

Chief CALHOON. It does. Its greatest value is the build-up of urban areas. It does work.

Mr. CALVERT. Representative Franks brought up an issue of people other than from South America or Central America coming across the border. What individuals have you picked up other than from South America across that border that you mentioned in open session?

Chief CALHOON. In the Yuma sector we have apprehended aliens from about 35 different countries from primarily Central and South America.

Mr. CALVERT. Anyone from outside of Central and South America?

Chief CALHOON. Yes. There are European and Communist countries that are occasionally apprehended.

Mr. CALVERT. Anybody from, let's say, Syria, Iran?

Chief CALHOON. I would have to get back to you on that issue. It is only my 45th day in the position and I am kind of weak on Yuma this week.

Mr. CALVERT. If you can get back to us. Maybe some gentlemen here in the back have some information. The individuals that you have apprehended, were they here across the border to get a job picking tomatoes?

Chief CALHOON. No indication that they were going to pick tomatoes.

Mr. CALVERT. Do you have a standard interrogation process of individuals like that that come across the border?

Chief CALHOON. A Syrian would be referred to the joint index center and be interviewed by an FBI agent and an ICE agent as to what is intent is, who he is, who he might be associated with because he would be an alien from a special interest country.

Mr. CALVERT. And that information has not been made public as far as the amount of individuals, the purpose or reasons why they attempted to come into the United States?

Chief CALHOON. Not to my knowledge. I am not aware of a public statement made regarding that.

Mr. CALVERT. I would like to pursue that. The other issue is, I co-chair the Methamphetamine Drug Caucus in the House which means that we are trying to stop the utilization of meth in the United States. It used to be much of the methamphetamine that was consumed in the country was made in small drug labs throughout the United States.

We understand now that upwards to 90 percent of all methamphetamine now is coming across the border into the United States. These drug gangs are getting more and more dangerous. Can you describe for the Committee what kind of weapons that these drug gangs are using that come across the border?

Chief CALHOON. In the Yuma sector we have encountered smugglers with handguns as large as 44 caliber,. some long-arms and some shotguns.

Mr. CALVERT. Now, in some other sectors you may be familiar with are they using fully automatic weapons?

Chief CALHOON. I was stationed in Nogales, Arizona last year when two agents were shot by narco traffickers. The investigation revealed they were shot by 30 caliber semi-automatic rounds.

Mr. CALVERT. Okay. I have gone over my five minutes but one other question that maybe both the Civil General you could answer and also General Blum. You mentioned "Posse Comitatus." Since 9/11 there are some people who think we ought to relook at Posse Comitatus and maybe amend it in some way or change it in some way based upon today's reality. Do you think that is something we should look at?

General PINEDA. Absolutely. No doubt in my mind.

Mr. CALVERT. General Blum?

General BLUM. I have a differing opinion. I have consistently said we have 460,000 citizen soldiers that are trained and disciplined and are not subject to Posse Comitatus. That can be used

in this country to do law enforcement. If the President and the Secretary of Defense so decided, you could take the entire National Guard and put them in Title 32 anywhere in this nation and use them as a law enforcement officer under the laws of each of the states and territories of our nation. In my mind unless we have a situation that would require more than a half a million armed and trained soldiers and airmen in support of civil law enforcement, I would not change a law that has served this nation well for nearly 150 years.

Mr. CALVERT. Thank you.

The CHAIRMAN. Will the gentleman yield on that question?

Mr. CALVERT. Yes.

The CHAIRMAN. I saw, General, where you said you thought this law—for people who don't know what the Posse Comitatus is, it is a law that was derived after the Civil War that said that military forces could not perform civilian law enforcement functions; namely, arresting people. I have heard the issue that some people have said the Civil Air Patrol can't be flying over the border looking for people on the basis that somehow violates this ancient law.

We have looked at that and when the military got into the drug war because the drug smugglers were overwhelming Customs at one point because they had the faster airplanes, they had the automatic weapons, they had the sensors, they had the communication, we brought the military in. Our lawyers looked at this thing carefully and we came to the conclusion that a military aircraft, a Black Hawk helicopter, can follow a drug plane down and follow him even as he taxies to a halt on some remote air strip.

As long as a Customs agent or a Border Patrol agent gets out and makes the arrest, the driver of that Black Hawk helicopter can be a military guy. I think that a pretty strained argument has been made by some people that don't want you folks participating if they claim that flying a thousand feet above the earth taking a picture with a camera is arresting somebody.

You are certainly not arresting somebody. You are not coming in any contact with them. You are not exerting any force on them. General Blum, do you have any opinion on that? Do you think that would fall under that restriction just for flying over and basically——

General BLUM. No, sir. I don't, but I would also caution and say that is my best professional opinion. I think it would probably be best to get somebody trained in law a little bit further than I am. I am very familiar with Posse Comitatus and the provisions of it. The National Guard is not restricted when it is under the command and control of the governor by Posse Comitatus. What I am saying is you have about half a million people that could augment civilian law enforcement local, state, or Federal on any given day.

What you are describing is not really hands-on law enforcement work. It is really you are observing and reporting. It is just like we are doing with these entry identification teams. We are observing and reporting and we are not arresting. We are not apprehending. We are not searching. We are not seizing or any of those things.

We are strictly in a support position so that we can provide that information to the lawful licensed law enforcement agency to go out and make the arrest, make the apprehension, detain the individ-

uals, take them into custody, and then process them so the chain of custody and the rights of the individual are protected in that process.

The CHAIRMAN. And one reason we wanted you folks to make these border surveillance runs is to also if you saw the people, the 400 people who die in the desert each year from dehydration and sunstroke, if you could see people in distress—I know you didn't mention that because that was tasked to you during this training—you could report that back. Thankfully you didn't see any people in this last couple of weeks but we certainly don't want some legal argument keeping you from flying what also is a humanitarian mission.

General PINEDA. Absolutely. I would like to make a clarification.

The CHAIRMAN. It is Mr. Calvert's time so go right ahead.

Mr. CALVERT. I would be happy to let you continue.

General PINEDA. If I may, I would like to make a clarification. I agree with General Blum when it comes to that. In my civilian life I am a 35-year-old law enforcement officer so far. In two years hopefully I will be able to retire but right now I have to agree with him that it is going to take quite a bit of training to do that part.

When I said "absolutely" I was referring to the ability of the Civil Air Patrol to be able to perform those humanitarian missions. Right now if we see persons crossing from Mexico, we can follow them 25 miles into the United States. If we see the same persons on the United States side, we can't follow them anywhere. All we can do is just fly over, report them to the U.S. Border Patrol, and leave the area. That is what I am talking about. But I do agree with the General, the other way will take a lot of training and a lot more complex.

Mr. CALVERT. Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman.

The gentleman from Arizona, Mr. Grijalva.

Mr. GRIJALVA. Thank you, Mr. Chairman. I will move around with some questions. I hope my questions are as brief as some of the answers and we will take it from there.

There was a report that was done, a recent report that was done, on border security to the Select Committee on Homeland Security in the House. There was a statement in there that said, "Like squeezing a balloon. The policy has moved illegal immigration from one sector to another without decreasing the overall volume of illegal crossings."

I mention that because I think we are talking about some hindsight issues, if I may, in terms of the military and their relationship to Homeland Security and Border Patrol. That is, that the collaboration happens, I think, while policy is being developed so that like the Barry Goldwater Range.

We are not dealing with the consequence of undocumented crossings when we knew that was an unintended consequence of shifting certain enforcement prerogatives in certain areas. I comment because I think that is a part that this learned Committee could look at is how are you going to coordinate and how are you going to have that collaboration prior to and not deal with the consequences after the fact. I mention that.

The other issue I was going to ask General Blum. In a newspaper, and that gives you the opportunity every time I say newspaper quote. Unfortunately I am quoted correctly but you might not have been so I'll give you that opportunity. "More than two-thirds of the Army National Guard 34 brigades are not combat ready." That was the beginning of the story. "'It will cost up to $21 billion to correct the top National Guard,' the General said Tuesday." That dealt with equipment shortages primarily. "Further behind or even more dire situation than the active Army but we both have the same symptoms. I just have a higher fever."

You said earlier in your testimony that in some way this deployment of 6,200 is not affecting readiness and could potentially enhance that. Is there a contradiction between what is written in the press and what you just told the Committee?

General BLUM. Well, what is written in the press was taken out of context and it could lead you to a wrong conclusion.

Mr. GRIJALVA. That is why I asked the question.

General BLUM. It is well documented and I have said many times, in fact, in front of Chairman Hunter's Committee, that the National Guard as a deliberate policy or strategy was under-resourced for about four decades when we were a strategic reserve. We are an operational force and have been for the last at least six years and will probably be for the foreseeable future.

How we resource the National Guard, how we provide money and equipment to the National Guard has to be done in a different manner than it was done for the previous time when we were strategic reserve. Now that we are deployed overseas and deployed back here at home, we have to make sure the soldiers and airmen have the equipment they need to do the job overseas and that is being done superbly well.

We also need to put that same kind of attention into equipment that is back here at home that will be needed tonight or in the next 10 minutes if a tsunami or a hurricane or forest fire or we have to respond to some terrorist event here in the United States. Having said that, I am glad I had the opportunity to correct the record or make it more clear.

Everyone knows that the National Guard is at least $21 billion under-funded to purchase the equipment it does not have. If the Army redistributes equipment, I don't need that much money. I only need the money to buy what they do not provide the National Guard in kind. In other words, if I need three trucks and they give me two trucks, I need the money to buy the third truck. Right now to buy down the list of what the National Guard actually needs over the next few years or the next five years is $21 billion.

The Army understands that, the Army accepts that, and the Army has rolled up our requirements within the total Army's requirements so that its active guard and reserve requirements. I realize this is a little bit outside of what this hearing is about but since you asked, I wanted that cleared up.

Mr. GRIJALVA. No. The point being that this deployment of 6,200 of your troops along the border, my question was to extend that readiness to them as well.

General BLUM. Let me put it in perspective. 6,200 people is less than 2 percent of the force. We are doing that not by mobilizing

them and taking them away from their homes for a year or a year and a half. They have to pull two weeks of annual training and two to three weeks every year. What we have done is said, you know what, to come all the way to the border——

Mr. GRIJALVA. And the percentage. Could you break it out for percentages for me? What percentage of that troop deployment of the National Guard ends up in the Yuma Tucson sector?

General BLUM. Forty percent of the 6,000 the first year initially will go into the Tucson Yuma sector. Whether that will stay that way will largely be determined by how the illegal activities react to that deployment. If all nine sector chiefs say, "Yes, we have it about right," we will probably leave it that way. But if Deputy Chief Calhoon comes in and says, "We can reduce the force in Tucson. We need to move more to Yuma," then we will do it.

Mr. GRIJALVA. Let me just reclaim my time. July, that is not the peak month in terms of the activity you have to deal with. September and October, those months become peak months. That is my understanding. Correct me.

Chief CALHOON. Yes, the summer is inactive. The previous two fiscal years in Yuma were record Julys and not according to the trend. Last July was a record month.

Mr. GRIJALVA. While I have you, let me just ask you one question. The Chief of U.S. Boarder Patrol, Mr. Aguilar, testified at a hearing before this Committee in response to a question by the Chairman about the need for border fencing. Chief Aguilar said, "If what I'm being asked is that a fence has to be across an entire 2000 mile border with Mexico, the answer is no. I have repeatedly advocated for giving the Border Patrol the right mix of resources given the situation sector needs and priorities." Do you concur with that statement?

Chief CALHOON. That is correct.

Mr. GRIJALVA. And you also said that tactical infrastructure alone, in your written testimony, will not secure the border. Can you amplify on that a little bit?

Chief CALHOON. Our fences have continually been compromised on the border for decades. It still requires agents behind that fence to assure that those people that circumvent get apprehended. A fence by itself requires agents. Otherwise, it would be useless.

Mr. GRIJALVA. If I may ask, Mr. Chairman, just for indulgence for a second just to ask the Chairwoman one question. With your tribe being the most prominent in terms of the responsibility they carry in terms of the 75 miles. Other tribes are being impacted as well but not to the degree.

One of the suggestions have been to Homeland Security and potentially the Department of Defense if that there be a straight funding mechanism established that deals with sovereign nations and their cooperation and work and consultation and resources and expenditures that they are utilizing out of their coffers to deal with this issue of border security. That has been a conversation people have had and I would just like your reaction to that.

Ms. JUAN-SAUNDERS. We currently do participate in regional groups in the state of Arizona. However, we have initiated legislation to provide required funding to each tribes' respective locations. That is some of the recommendations that we have allocated with

different notary individuals while we were in Washington this week.

Mr. GRIJALVA. Mr. Chairman, thank you. Let me just take time to thank you for your courtesy and the Committee for allowing me to be part of this meeting and this hearing and also to welcome you. I didn't do that at the initiation to Yuma and to District 7 and southern Arizona. Thank you very much.

The CHAIRMAN. Well, Mr. Grijalva, thank you for hosting us here. Speaking of hosting us, I see Mayor Larry Nelson. I have got to tell everybody that Mayor Nelson went with myself and a number of other people, a quarterback for the Chargers and Roy Tyler here of Tyler's Taste of Texas, and one or two other folks to Louisiana on a rescue mission with rescue task force.

The Mayor and I went in an airboat through the city passing out food to the National Guard and to the people that were having problems there. The Mayor personally carried many beds—helped to pay for many beds that went into the refugee center. Mayor Larry Nelson, thank you for your contribution. I do want to note that the Mayor and I competed with Roy Tyler.

We were trying to rescue people off roofs. We didn't rescue any people in our airboat but we did rescue a Cocker Spaniel and I got an assist. Roy Tyler over here, though, got two points for rescuing the Cocker Spaniel. He did leave the Pit Bull behind. Good choice. Mayor Nelson, I don't know why I digress like that but I saw you there and Mr. Grijalva in mentioning the Yuma reminded me. Thank you for letting us be in your great city.

At this time let me go to Trent Franks, also a great members of the Committee. Trent, do you have any questions you would like to ask?

Mr. FRANKS. Thank you, Mr. Chairman. Again, I would just express appreciation for all of you being here and for what you do. Is my microphone doing that again, Mr. Chairman?

The CHAIRMAN. It is a conspiracy.

Mr. FRANKS. I told you it was a conspiracy when we started. Again, I express that appreciation.

Colonel Hancock, if it is all right, I will start with you. You are sort of a hero to Arizona. You have been involved in so many different things. You have flown in the Blue Angels. You have kind of carried on a family tradition of the military service. I want you to know we all appreciate it very, very much.

Having said that, you know, one of the things that struck me was not only a cooperation it seemed like between the Marine Corps and the Homeland Security Department but almost a comraderie between you and the representatives there. That said, I know there have been a lot of reports related to illegal immigration impacting the various missions supported by the Barry M. Goldwater Range whether it be Luke Air Force Base or the Marine Corps Air Station. Can you put that in some kind of perspective for us?

Colonel HANCOCK. Sir, about 2003 we started to see a pretty significant impact. 2002 to 3 and 4 were pretty significant years as far as total numbers of aliens crossing the Barry M. Goldwater Range. Last year we had about 17,500 aliens attempted to cross the Barry M. Goldwater Range. We started a pretty good impact

on training because of the lack of range time. The range was open 24 hours a day and seven days a week. We saw a pretty significant chuck of that, 12 percent, I think, 2004, or 15 percent as far as range time lost.

We can't use the range 24 hours a day, seven days a week as far as military. The reason we exist is because of the ranges. Ranges out in the west provide for training. Everybody comes out here who wants to train. Everyone nationwide if they are going to Iraq, the Marine Corps units and National Guard units come to Yuma, Arizona to train in survival. The impact to training was we saw last year 45 events, actual training events, impacted due to direct union aid activity or the result of law enforcement.

Most of our aerospace out there we don't drop bombs. When we serve hazard areas we use weapons, lasers, etc. We are mostly and mostly concerned with folks on the ground whether American citizen recreation, folks lost, in the wrong area, etc., or aliens or law enforcement to get along with. We saw the peak of that about 45 events affected.

A new concern for us is to continue the course since then and get better coordination from the Boarder Patrol that have been here and the Air Department, too, and better collaboration, better support of arms and ranges, increase in communication suites where the Border Patrol is at, where the agents are at. We are more likely to shut down certain portions of the range where they are operating if we know they are out there. Aircraft will continue to fly while supporting the range.

To see that impacts 45 events last year, now this Task 1 for the month of July just ended one training event in that group for the month of July. Since December of 2005 a substantial range operation center which gives us better support for Border Patrol, real-time coordination. We have seen a significant decrease in training events. Less than 1 percent of sorties in six months have been affected. It has been very significant with the dual efforts of the Customs and Border Protection and Marine Corps getting control.

Mr. FRANKS. That is good that there is a little good news once in a while. Thank you, Colonel. Thank you for your family's service and for your personal service to the country.

Deputy Chief Calhoon, let me just ask you, sir, I had the privilege of touring this Yuma sector here about two months ago with the President of the United States. At that time, if my memory serves me correctly, there was an indication that about 160 individuals had been interdicted between January or the first of the year and approximately two months ago. The indications were that they were from countries that either supported or performed terrorism. Does that meet with your—you said that you might not have those exact numbers but that seems significant to me.

Chief CALHOON. That actually seems like a national figure. I'm not sure. The Yuma sector is smaller than 160 special interest interdictions.

Mr. FRANKS. What percentage of 160 be of your total interdictions?

Chief CALHOON. It would be about 10 percent. I'm sorry, about 1 percent.

Mr. FRANKS. Okay. Related to that, if you have an interdiction, what is your assumption of how many people come over without being interdicted? Is it about two to one?

Chief CALHOON. These days we have a proactive intelligence gathering network where we actually estimate how many people enter, how many people are apprehended, and how many people get away. We are more efficient this year than we were last year. We are arresting more people, turning back more aliens, and interdicting more vehicles than we did last year. For the month of June we were down nearly 50 percent in apprehensions while we were 26 percent above last year's average in the second quarter of this year. Since June there has been a dramatic impact in tracking illegal activity on the border. The border is more secure and we are more efficient on the border today.

Mr. FRANKS. Let me just ask this last question then. It is kind of two-part. What you attribute that to is it partly General Blum's fault over here? If there is any one thing that the Congress could do either some sort of statutorial action or whatever else might be of support to you, what can we do to make the job of the entire panel more effective and successful?

Chief CALHOON. To address the first part of your question, there are multiple events occurring that probably impacted illegal activity on the border during the month of June and July. The biggest impact we believe was the news worthiness of the headlines. My boss here believes that was a big factor was the Army National Guard being deployed.

Mexico just went through an election that was highly contested and they are still debating. It is very possible that detained people in Mexico who might have crossed, as well as some recent trends. Let me go into the history. The traditional way that someone would pay for being smuggled into the country was after the fact.

After he got to where he was going he would work and pay it off. There are some indicators now that gangs and smugglers are requiring some money up front so that is a new occurrence. Also, that illegal aliens could contribute to a hike in the crime rate. That could also be directly related to the difficulty to cross or whether the National Guard on the border are much more efficient Yuma sector Border Patrol.

Mr. FRANKS. Thank you. Mr. Chairman, it sounds like that spells a little bit of progress to me. Maybe I am just not hearing carefully here.

The CHAIRMAN. I thank the gentleman. I think it does.

Mr. Butterfield, did you have any further questions you would like to ask?

Mr. BUTTERFIELD. Yes.

The CHAIRMAN. Okay. Go right ahead.

Mr. BUTTERFIELD. Very briefly. General, I want to get back briefly and I am not going to dwell on much longer but the 6,200 personnel that we have been talking about, and you are going to try to get it down to 6,000, do they include any personnel in transition? That is what I am trying to get settled.

General BLUM. Oh, yes, sir. I am sorry. I may have missed the intent of your question.

Mr. BUTTERFIELD. I am not sure I know what "in transition" means. I know there is a category for in transition.

General BLUM. For instance, I am counting the Virginia National Guard, the Maryland National Guard that is arriving while we are speaking as part of that 6,200 that are here today. They obviously will not be working for the Border Patrol today. It will take them a couple of days to get oriented and briefed and make sure they understand the rules of the use of force, make sure they understand that they are briefed on the cultural sensitivities of this mission and that will be done by the Border Patrol people and our permanent party people or our duration party people here in Arizona to make sure that everybody gets the same orientation. They are coming from the middle Atlantic states. They are unfamiliar with the——

Mr. BUTTERFIELD. Has my state arrived yet?

General BLUM. Your state is already working. Your state is already receiving laudatory comments from Deputy Chief Calhoon because they were ready to go. They arrived sooner. They have gone through what I have just described there in place and they are out there doing their job now. Of the 6,200 a great proportion, the great majority of the soldiers have already transitioned and are under their command and control performing the missions, the 16 major task missions that I described earlier in direct support of the Customs and Border Patrol. As the others move out of the training and orientation classes, they will be picked up and taken by their chain of command and placed in the sectors to perform the missions that the Customs and Border Patrol has asked them to perform.

I would say any time you come down here from now until the end of this mission there will be some people that are going out, some people that are coming in, some are performing a mission, some are being oriented, some are being processed to either come into the mission or to leave the mission. That is why my intent is to make sure that 6,000 soldiers are in support of the Customs and Border Patrol on any given day throughout this operation. That is it.

There will be about 800 people that are never going to be in direct support of the Customs and Border Patrol that perform functions that enable the rest of the force to be here to be able to be sustained to make sure they are logistically supported, administratively supported, and the liaisons and the planners are not in direct support of the Border Patrol because they are not absolutely doing tasks that the Border Patrol request them to do but without that overhead which is extremely lean.

Eight hundred out of the 6,200 to perform that function is a very lean overhead to put your headquarters and your sustaining force in there and that is what we have done. Basically five out of every six soldiers that are down here are indirect support of the Border Patrol. The others that are down here are absolutely essential to being able to perform this operation so they honestly are in indirect support of the Customs and Border Patrol.

If it weren't for this operation, they wouldn't be here. Now, that is a long answer but I wanted to make it absolutely transparent and clear exactly what we are doing. The numbers are really the wrong thing to focus on, Congressman. We were asked to bring

about 6,000 people down here. Six thousand random people is not the answer.

The answer is to bring in the right capabilities, the right skill sets, the right kind of equipment, the right kind of units to make them more effective. That is what we work very hard to do with the Customs and Border Patrol. We have tried to do this so it isn't one size fits all. We have done this with each of the nine sector chiefs and we have also done it with the Commissioner and with David Aguilar, the Chief of the Border Patrol.

At the Washington level they are aware of what we are doing. It was bottom-up built by the sectors. They built their menu of what they wanted. The force cap was provided by the Department of Defense and within that 6,000 we are giving them all of the capabilities we possibly can generate within those numbers.

Mr. BUTTERFIELD. Let me conclude by going back to the readiness issue that was brought up a few minutes ago.

General BLUM. Yes, sir.

Mr. BUTTERFIELD. Let me talk to you about the nondeployed units in the continental U.S. Are you comfortable with their readiness level? I know you talked about the challenges that you face.

General BLUM. I am extremely comfortable with their personnel fill and the quality and professionalism. We probably have the youngest force, most experienced force, most committed force. Probably the best human resource National Guard this nation has ever had.

What I am concerned about and will continue to be concerned about until I get all of the equipment that is required to perform our military support jobs as well as our homeland defense missions as well as our support to Homeland Security missions, what is traditionally called state missions which means respond to weather pattern storms or natural disasters, but we also have to be ready for a WMD event or multiple WMD events or counter-terrorist events and that requires the National Guard to have in their hands trucks, radios, night vision goggles, aviation.

Mr. BUTTERFIELD. It is our job to give it to you unless it is reallocated from the other service.

General BLUM. Right, sir. We are working very hard. I want to be very open with this. The Army is working diligently with us in a collaborative manner to identify what our shortfalls are and come up with a strategy near-term, not long-term, that they are sincere about this. The Army has already moved new equipment that was not supposed to come to the Guard in hurricane states to better prepare us in North Carolina, South Carolina, Georgia.

In fact, right in your home state, Congresswoman. We have moved equipment that we would not have normally gotten because we have the retention on this issue. Frankly, they have deferred fielding it to active duty units here that don't perform that mission to make that happen. That having been said, we are still $21 billion necessary to buy the equipment that comes to us, or the equipment must come to us either from returning it overseas and basically rejuvenating equipment, resetting the equipment, and then reissuing it to us.

It is not an easy question to answer. It is a complex issue but here is what I can say. The senior leadership of the Army is com-

mitted to working with us to fix that problem and I know the Congress is committed to working with us to fix that problem.

I just don't want to throw a bill on the table without having exhausted the strategies to reduce that bill for the American taxpayer. When I come before the Chairman's Committee and say this is what the National Guard needs, I want to do that after we have exhausted some other alternatives to pay that bill down for the American public.

Mr. BUTTERFIELD. We have got to work in a bipartisan matter to make that happen.

Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. I thank the gentleman.

The gentlelady from Virginia, Ms. Drake, had another question.

Ms. DRAKE. Thank you, Mr. Chairman. Just two things quickly for Chief Calhoon. First of all, is there any coordination at all with Mexican law enforcement? Are they working with you on this issue? The second one deals with the issue of human trafficking. Is that something that we are able to identify? Are we seeing more of it and determining if someone is a victim rather than voluntarily crossing?

Chief CALHOON. On the issue of working with the Mexican government, we have several program in place. In the Yuma sector we maintain a daily dialogue with our Mexican liaison people and various Mexican law enforcement entities who share information, talk about particular personnel who are very apprized about what is going on operationally in Mexico.

We are setting up a checkpoint and what the focus of that checkpoint is all about. That works very well. We are also able to work with the local Mexican police department during incidents if there are shots fired. We can call them directly on the phone line. That is a very good working relationship.

We have a prosecution program in place where we target Mexican guide smugglers and drivers. The acronym for it is OASISS. It is a program where we can prosecute in Mexico people who have been identified in the United States who do not meet the criteria for prosecution in the United States. That program has been in effect for several years now and we were able to prosecute people in Mexico in essence for a crime that was orchestrated in the United States but impacted Mexican citizens.

That is the legal nexus for that prosecution. That has been very effective. We have actually removed guides and smugglers and drivers from the organization for quite a lengthy period before then. That does impair the ability of the smuggling organizations operations. Human smugglers is not an accurate title. The smugglers in general may choose to smuggle human cargo based on its profitability. Some alien smuggling organizations have branched out and become narcotic smuggling organizations based on increased investigation. Human smuggling, as I alluded to before, the cost.

Ms. DRAKE. I don't mean someone who is voluntarily hiring them to come over. I mean where they are actually trafficking people. Have you seen much of that on the border against their will?

Chief CALHOON. Oh, against their will.

Ms. DRAKE. Against their will.

Chief CALHOON. Very little incidence of people being smuggling against their will unless you're talking about infants that are being brought in.

Ms. DRAKE. No, people that are actually duped into it or taken for the purpose of human trafficking.

Chief CALHOON. No. The investigating agency that would have responsibility for that is the Immigration and Customs Enforcement Agency. Most of those crimes that you are talking about would fall into their purview. The Border Patrol in general——

Ms. DRAKE. It is not something you see.

Chief CALHOON. You are basically talking about slavery.

Ms. DRAKE. Slavery.

Chief CALHOON. We rarely encounter that. That is a crime that is fully developed once they get to their destination and found in the basement of a restaurant where they are being forced to work for a pittance.

Ms. DRAKE. Okay. Thank you.

Thank you, Mr. Chair.

The CHAIRMAN. I thank the gentlelady.

I think we have had a very constructive hearing today. Let me follow up with something that I was informed us as we started the hearing. That was that the Senate has appropriated or has taken an amendment into their appropriations bill I believe by Senator Sessions of Alabama that $1.8 billion for some 350 miles of fence. He was the author of the fence amendment on the Senate side while I offered the amendment on the House side. I think a fence is coming. A very substantial large fence construction. I think that is going to be the will of Congress. That is my take on that. And the American people.

Chief Calhoon, when we built the fence in the San Diego sector, at the time we built it we had a border patrol of about 8,000 people. Between 6,000 and 8,000. It came up slightly as we were building the fence. We had at one point almost two-thirds of all the border for the entire United States, southern border and the Canadian border in San Diego County in that number one smuggler's corridor.

That is when we had no impediments and you could watch smugglers bringing people across and military formations sometimes by the thousands, trucks ramming the border. We built the fence and now we totally eliminated the drug drive-thrus. We reduced the smuggling of people and narcotics by more than 90 percent. Totally eliminated the border gangs.

My question to you is this. As we construct this fence across the southwest, in your estimation if we accompany that construction with an appropriate number of border patrol agents to man it, and the point I was making with the San Diego sector was after we built the fence we were able to pull agents off that section because we didn't need as many and that was the whole point of the design of the fence by one of our national laboratories that said you need an impediment.

You have to have something that stops people, that slows them down so the border patrol can do its job. If we construct this fence across the southwest border, presuming that we accompany it with an appropriate number of new border patrol agents. Will it be ef-

fective? Will that be an effective impediment to the penetration of our borders by people who are coming across without authorization?

Chief CALHOON. Yes, it will.

The CHAIRMAN. Do you think in light of the fact that we now have in our Federal penitentiaries and our state and local penitentiaries and jails some 250 criminals from other countries around the world who come to the United States to ply their trade, most of them coming across the land border, that would have a reducing effect on that population?

Chief CALHOON. Access or ability to cross the border?

The CHAIRMAN. Yes, the ability to come in and commit crimes.

Chief CALHOON. Right. Clearly found in the Yuman sector. We are getting another of the nine Border Patrol sectors with that technology. As we alluded to before, we are going to probably shift back to controlling cross-border traffic.

The CHAIRMAN. So wouldn't you agree that the key then if we agree that building a border fence is effective and it tends to shift traffic, the key is to building the fence in a complete way and to have a border that is, in fact, a complete border. Would you agree with that prospect?

Chief CALHOON. As one solution to the problem. It would be the longest solution in a time frame scenario. There are other ways to do that.

The CHAIRMAN. Well, let me ask you this. I have heard virtual fence utilized by the Department of Homeland Security. If you have a 1,000 people rush the border at the same time in a fairly limited area, assuming you have got the greatest set of sensors in the world and you have whistles and bells that will go off in your office until it drives you crazy but you have only got a limited number of personnel to handle that huge influx of people who come across with no impediment, no fence, how are you going to handle then with a virtual fence?

How do you handle what your people used to call the so-called bonsai attacks where thousands would come across at one signal? How do you do that when you only have 25 to 30 agents in that sector?

Chief CALHOON. I think our difference is a matter of semantics. I would agree that by analyzing and finding an effective tool it sounds like perhaps maybe you will get 300 miles of good border security. Those rural areas where there is less traffic where agents are able to respond to longer distances around the border, technology whether that is sensor or whether that is stoplight imagery, whether it is an aircraft with infrared radar. That is quick to come on and will continue to be utilized.

The CHAIRMAN. Okay. Can we say that we agree on the first 350 miles?

Chief CALHOON. Not sure.

The CHAIRMAN. We are going to put you down as not undecided on that. That is as good as I can do. Can you cross-examine him a little more, Trent?

Thank you very much, Chief.

General Pineda, we would like to see you keep flying. That is my personal feeling. I don't know how Mr. Butterfield and the other

members feel but you have this Civil Air Patrol capability. You have got good visual. Obviously good optics in your aircraft. Good communication. I was hoping because we put the first part of the house built passed in the House of Representatives had a humanitarian component.

That humanitarian component was to have interlocking cameras on this section between Calexico, California and Douglas, Arizona, about 392 miles, by May 31st. The reason we put that down while we were building the fence was to try to get some help before the hot season got here, before the 400 or so people who die every year in the desert started to expire.

The last time we checked, in fact, I think my brother sent me the statistics a couple weeks ago, it was 77 people had died in the desert. Our thoughts were that perhaps the Civil Air Patrol could have as well as sending critical information to the Border Patrol with their high-tech capability on these small aircraft, send them information on smuggling operations. They could also save some lives so I think it is important to get you folks back in the air.

You have now finished this training mission. From my perspective I think you have demonstrated you can do it and I am going to work with the Air Force and work with DOD to try to keep you in the air. I think that helps us from a humanitarian point of view. That will save some lives. I think it will also assist the Border Patrol.

You folks in the Border Patrol, Chief, you have used CAP before, haven't you?

Chief CALHOON. Yes.

The CHAIRMAN. Have you always had a good relationship with them, a good working relationship?

Chief CALHOON. They are not at odds with us.

The CHAIRMAN. From the Chief that is a yes.

General Blum, anything else you would like to tell us here?

General BLUM. No, sir. I just thank you for your attention and your very pointed questions, very germane questions. They help clarify exactly what the National Guard is doing and what the National Guard is not doing and was never intended to do in this mission. That has been helpful if for no other reason to have this hearing.

The CHAIRMAN. Thank you. I think you have clarified mission effectively.

Let me ask are there any other members of the panel who would like to ask anymore questions?

Mr. Grijalva, do you have anything more?

Mr. GRIJALVA. Yes. Thank you, Mr. Chairman. Just a couple of follow-ups. Based on the Senate action——

The CHAIRMAN. Before you go, Mr. Calvert has got to leave. I just want to say publicly thank you, Ken, for coming down. We greatly appreciate your attendance and we will see you soon. See you on the floor.

Mr. CALVERT. Thank you, sir.

The CHAIRMAN. Mr. Butterfield, you are leaving, too?

Mr. BUTTERFIELD. Yes.

The CHAIRMAN. Is it something I said?

Mr. BUTTERFIELD. No, you are still my friend, Mr. Chairman.

The CHAIRMAN. Okay. Thank you so much. You have made the long-run with us all the way from North Carolina to Michigan to here. We appreciate you, Mr. Butterfield.

Mr. Grijalva, go right ahead, sir.

Mr. GRIJALVA. Yeah, very quickly. If I may, Colonel, and also I think this is a pertinent question perhaps for the Chairwoman as well. As the Chairman said, the Senate has taken action on the emergency supplemental to the Department of Defense. I think it is earmarked $2 billion for fencing along the U.S./Mexico border primarily. I don't know yet how much that translates into miles. Given Federal spending it could be three miles but it possibly could be more than that.

Nevertheless, my question is the training mission and responsibility that you have, Colonel, and the issue of building that kind of barrier infrastructure be it a fence, be it a wall, be it those kinds of things, short-term impact, long-term impact on that mission if any. Just to get a comment on that.

Colonel HANCOCK. Sir, we believe that the collaborative effort among all land managers and, if I could point out again, we are the land managers for Barry Goldwater West. The U.S. Air Force Base is the manager for the Barry Goldwater East. The Department of Interior, Wildlife Service agency have been working with us also. Again, also got the Arizona Game and Fish Department involved. All stakeholders involved with a pretty good plan in place because the Department of Interior has been diligent.

We don't squeeze out protection for only 37 miles. There is a gap again maybe at which has a second impact on endangered species Froghorn which may force the Department of Interior Fish and Wildlife Service to begin to restrict other activities that also impact the environment. If we don't do this in coordination with other agencies, we build a fast and long effort of events along our portion of the range. It maybe solves a lot of issues with production. Then we see restrictions over the available air space on a daily basis. That is our concern. It has to be coordinated so we don't squeeze it in somebody else's area of responsibility.

Mr. GRIJALVA. And I do want to thank you.

Mr. Chairman, I think what the Colonel and his predecessors have done in setting up a cooperative collaborative stewardship of that land balancing some very delicate environmental issues with the overall mission of the services I think is phenomenal and I would suggest that be looked at very closely as a model because it is very difficult work.

Madam Chairwoman, any response to the issue of a fence, the 75 miles that you have contiguous, what it means or doesn't mean to the people you represent?

Ms. JUAN-SAUNDERS. We would support a fence which could be constructed. We initially supported a smaller fence but later found out they changed it to a larger design and then came back to consult with us regarding those changes. The other concern we have is we are not in support of elaborate ceremonies so the transborder crossing issues are limited. There is also a concern about the type of fence found from Customs and Border Protection regarding those concerns.

Mr. GRIJALVA. Thank you.

If I may, Chief, we have talked about all the security issues and given you are 45 days here but your experience in Nogales as well on the border community. There is a need in this part of the region being a border community particularly with agriculture for a reliable, secure, consistent availability of workers to deal with 40 percent of what we eat in vegetables in this country given a period of time.

Without compromising your mission, your opinion on how we continue to work and assure a reliable work force for the economic vitality of this particular region. It is an open-ended question but I think everybody that has worked here and works in this sector understands that is part and parcel of the mission that you have without compromising the overall mission but dealing with this reality.

Chief CALHOON. Our primary mission under the Homeland Security is the prevention of terrorists and weapons of mass destruction from entering the United States. Immigration is a secondary issue there. We would support issues that would make the border a safer environment. It would remove people who might be there for economic purposes and make our ability to identify and/or arrest and seize those instruments.

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

The CHAIRMAN. I thank the gentleman and to everyone.

Colonel, did you have a final——

Colonel HANCOCK. There is concern also the Air Force Base. Again their are almost simultaneously in cooperation with each other. It is not just the impact on the base but anybody that would make it through the Air Force portion of the range. Those are very important. The bombing range is live impact high-explosive bombing ranges that the Air Force operates and the Marine Corps and the Navy, too the Air Force ranges, extremely impact the ranges which also is a danger in that area.

The CHAIRMAN. Thank you, Colonel. We need to look at the detail as we work this plan for the range.

Thanks to everyone that is here. Chairwoman, I want to let you know also Ed Pastore was your champion in making sure that you had an opportunity to be here and talk about your part of the border. That is a very important issue and Ed did a good job of that.

I want to thank all the members for participating and our great panel. We have a challenge here and it is a challenge that requires us to balance our humanitarian concerns and the humanitarian ethic with the need to secure our borders. I think it is clear that post 9/11 border security is no longer simply an immigration issue. It is a national security issue and the House of Representatives has moved out to answer to the American people and meet this challenge and we are going to do it by building an enforceable border.

I think the details on how you do that and how you do it effectively and efficiently are still being worked and put together. I think the American community is coming together in consensus on this major proposition that we need to secure our border. We need to know who is coming across and what they are bringing with them. Your testimony today has contributed, I think, greatly to the solution that we will be working over the next many months.

Thanks a lot. A lot of you came from a long way and it was inconvenient to be here but we appreciate your. We appreciate all the great people of Yuma for being with us and Congressman Grijalva for hosting us here in your district. Colonel, thanks for letting us come on this great base. Your folks serve this country so well and so courageously. Please let all of your people in uniform know that we really appreciate being here. I think it is the first time the Armed Services Committee has held a hearing here.

The last thing, the major part of this base is named after Bob Stump, my great predecessor who is Chairman of the Armed Services Committee. He joined the Navy at the age of 17. Actually 15. I think he was 16 when he got in. He was a rodeo cowboy, state legislator and a U.S. Congressman, head of the Veteran's Committee and the Armed Services Committee. His seat is now held by Trent Franks who is I think filling those shoes very effectively. What a wonderful guy you are, Trent.

Bob Stump had one model and that is, "Let's serve this country." That is what we have to do with this policy of border patrol. Let's serve out country and let's do the right thing for America. Thank you and the hearing is adjourned.

[Whereupon, at 3:47 the Committee was adjourned.]

A P P E N D I X

August 2, 2006

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

AUGUST 2, 2006

STATEMENT OF REP. SILVESTRE REYES (D-TX) ON

"U.S. SOUTHERN BORDER SECURITY NATIONAL SECURITY:

IMPLICATIONS AND ISSUES FOR THE ARMED SERVICES"

HOUSE ARMED SERVICES COMMITTEE

YUMA, ARIZONA

AUGUST 2, 2006

Mr. Chairman, I am pleased to be here to take part in this afternoon's hearing on border security and implications for America's armed services. I also appreciate our panel of witnesses joining us today.

As you know, this hearing is one in a series scheduled by the House Republican leadership for July and August on border security and immigration. I maintain that these hearings are more about politics than policy, and that the American people would be far better served if Congress was instead working to reach a compromise on meaningful border security and immigration legislation.

However, as a 26 ½ year veteran of the United States Border Patrol and a member representing a congressional district on the U.S.-Mexico border, I believe I have a responsibility to share my experience with my colleagues, with the hope that almost five years after the terrorist attacks of September 11, 2001, Congress and the Bush Administration will finally do what needs to be done to secure our borders and keep America safe.

With that being said, I would like to touch on an issue of great importance to our national security, and that is the readiness levels of our military and particularly of the Army and the National Guard. I will be the first to say that the National Guard has been doing exceptional things for this country. They have valiantly answered every call, and I know that they will continue to perform with admirable courage in the future.

I am concerned, however, that we are handicapping their efforts with this border security mission. I am also troubled by the potential for degraded unit readiness and shortages of equipment and personnel, which could affect the ability of the National Guard to fulfill its mission now and in the future. I look forward to hearing from General Blum, in particular, on these important issues.

We also need to be mindful of the fact that to fund this new Guard mission, $1.9 billion has been redirected from other defense spending priorities. Of course, we would not be in this unfortunate situation if Congress had been funding the Border Patrol, which is the agency charged with securing our nation's borders, at the necessary levels.

Since coming to Congress, I have consistently lobbied my colleagues for greater resources for border security, including additional Border Patrol agents, equipment, and technology; more immigration inspectors and judges; and thousands of new detention beds so we can end the absurd practice of catch-and-release of other-than-Mexicans, or OTMs, once and for all.

Yet in every instance, the President and the leadership in Congress have failed to deliver these necessary resources. Congress is already 800 Border Patrol agents and 5,000 detention beds short of just what was promised in the 9/11 Act. Clearly, almost five years after the terrorist attacks of September 11, 2001, the Administration and Congress have a lot of work yet to do.

Over eleven years ago, while I was still Chief of the El Paso Sector of the Border Patrol, I testified before the House Judiciary Committee, Subcommittee on Immigration and Claims, about the border security strategy we implemented successfully in

El Paso known as Operation Hold the Line. At that time, in response to a question from my friend from California, Mr. Hunter, I testified that border fencing can be an essential tool for curbing illegal entries in communities like El Paso or San Diego and other densely populated, urban areas of the border region. Since being elected to Congress almost a decade ago, I have consistently supported Mr. Hunter's efforts to facilitate the construction of a border fence in the San Diego area.

Unfortunately, however, there are no one-size-fits-all solutions for border security, and that is why I oppose the 730-mile border fence provision included in H.R. 4437, as well as proposals for a nearly 2000-mile fence to run the entire length of the U.S.-Mexico border.

In communities with large numbers of people in close proximity to the border where there would otherwise be thousands of illegal entries per day, it makes sense to construct and maintain a physical barrier at the border. On the other hand, it is simply not worthwhile to build fencing through remote desert and other areas of tough terrain, where the number of attempted entries is comparatively much lower.

Instead of building 700 miles of fence at an estimated cost of $2.2 billion-an estimate that many believe to be very low—we could invest that money in the personnel, equipment, and technology that will provide a meaningful solution to our border security concerns. For example, that amount of money would be enough to recruit, train, equip, and pay the salaries of enough new agents to double the current size of the Border Patrol.

Not only would construction costs on a 700-mile fence be exorbitant, but to guard and maintain hundreds of miles of fencing often in remote areas would be a nightmare for the Border Patrol in terms of cost, personnel, and logistics. Just to put the amount of fencing we are talking about into perspective, that would be like watching over and maintaining a fence built from Chicago to Atlanta.

Furthermore, depending on the geography of an area, a wall can actually be a hindrance to the Border Patrol as they attempt to monitor who or what may be coming at them from the other side of the border.

Instead, in these more remote areas our limited border security resources would be much better spent on additional personnel, equipment, and technology such as sensors to create what is often referred to as a "virtual fence." A virtual fence could also be implemented more quickly and therefore could help us gain operational control of our borders sooner.

The virtual fence is the approach preferred by the Border Patrol. The Chief of the Border Patrol, David Aguilar, recently testified before the House Armed Services Committee, of which I am a member, in opposition to a border-wide fence and in support of the right mix of personnel, physical barriers, and technology to create a virtual fence at the border. The Acting Chief of the Laredo Sector, Reynaldo Garza, gave similar testimony earlier this month at a field hearing I attended in Laredo, Texas. Congress needs to listen to the advice of the Border Patrol in these matters, since they are the ones with the boots on the ground in the border region and are the real-world experts in border security.

It is also important to remember that addressing our border security infrastructure is only one part of what we need to do to fix our country's border security and illegal immigration problems. That is why I have long supported providing the resources required to enforce immigration laws in our nation's interior, including tough sanctions against employers who hire undocumented workers. If it were harder for an undocumented worker to get a job, fewer of them would try to enter this country illegally, which would allow the Border Patrol to focus on those who may be trying to come here to do us harm.

Also, all the walls in the world would do nothing to address the somewhere between 30 and 60 percent or so of those currently in this country illegally who, like the 9/11 attackers, actually came to the U.S. legally on some kind of visa or through other legitimate means, and overstayed. A wall is not a panacea; there is much more that needs to be done to help keep America safe.

DOD CLEARED

STATEMENT BY

LIEUTENANT GENERAL H STEVEN BLUM
CHIEF, NATIONAL GUARD BUREAU

BEFORE THE

HOUSE ARMED SERVICES COMMITTEE

SECOND SESSION, 109TH CONGRESS

ON
U.S. SOUTHERN BORDER SECURITY OPERATIONS

AUGUST 2, 2006

FIELD HEARING
YUMA, ARIZONA

NOT FOR PUBLICATION
UNTIL RELEASED BY THE
COMMITTEE ON HOUSE ARMED SERVICES

Mr. Chairman, members of the Committee, it is my honor to come before you today to discuss OPERATION JUMP START and the support being provided by the National Guard to assist U.S. Customs and Border Protection to strengthen the security of our Nation's borders.

Since colonial times, the free citizens of this land have trained and prepared themselves as organized militia so that they could work their jobs, care for their families, yet be ready to muster and respond when threats arose. That tradition continues in the modern National Guard.

Today, the citizen-soldiers and citizen-airmen of the National Guard are answering this most recent call to duty just as we have in recent years whether threats were terrorists, tyrants or tornadoes.

The President has stated his intention to bolster the security of our Nation's borders. Under his plan, up to 6,000 Guardsmen will provide assistance to the Department of Homeland Security to stem illegal immigration. The Department of Homeland Security remains primarily responsible for this mission as it always has. The National Guard is simply providing the help which the Department of Homeland Security specifies.

Members of the National Guard are employed in support of OPERATION JUMP START in the states of Texas, New Mexico, Arizona and California. They are performing missions for which the Department of Homeland Security has requested National Guard assistance. As the personnel requirements necessary to fulfill those mission requests change, the number of Guardsmen supporting the operation will likewise change.

The National Guard is first and foremost a military reserve component for the Army and the Air Force, yet the Guard is also well-suited to do this mission. We have the experience, the skills, the capabilities, and the available, highly trained people which can help the Department of Homeland Security.

This will be a temporary mission. Border security is and should remain a civilian law enforcement responsibility. The Bureau of Customs and Border Protection is responsible for securing the U.S borders. The National Guard's temporary support will assist the Border Patrol until it is able to increase its ranks.

This is not an entirely new mission for the National Guard. For two decades, the National Guard has assisted state and federal law enforcement agencies through the National Guard Counterdrug program. Under this program, authorized in section 112 of title 32 of the United States Code, National Guard personnel operating under the command and control of their State governors, provide support to counternarcotics law enforcement; local,

state and even federal agencies. In the border States, this effort has often focused on drugs coming across the borders. In the aftermath of 9/11, our counter drug assets performed additional border security duty. So, as we head into this newest mission, it will be familiar duty for many of us. Additionally, National Guard engineers have in the past provided various forms of support to border security. In the past, this support has included building tactical infrastructure such as bollard fencing, low water crossings in areas that are very inaccessible to the Border Patrol, and other forms of engineering support. This provides the accessibility and mobility in rural and remote border areas which the Border Patrol needs to do its work. At the same time, this Innovative Readiness Training has provided our engineer units with valuable and unique construction experience. In summary, the National Guard has a long and successful past track record of employing our military capabilities under state control to partner with federal agencies to strengthen border security. We are now building on that past successful experience to provide additional cooperative support under OPERATION JUMP START.

Military readiness will not be degraded by this mission. The counterdrug program is structured to function without negatively affecting the National Guard's ability to provide units ready for mobilization. We will perform this new mission with the same philosophy in mind. There will be *no* degradation of the National Guard's capability to meet the requirements of our federal military mission. As far as possible, the tasks our Guardsmen perform in this operation will build upon the individual and unit skills used in an overseas deployment.

The support our National Guardsmen will bring to this mission includes: Engineering, Surveillance and Reconnaissance, Training, Linguistics, Command & Control, Transportation, Logistics, Aviation, Medical, and Maintenance.

This mission will be executed as a State-Federal partnership.

As stated earlier, the National Guard has a long history of successfully employing forces under state control to partner with the federal government to conduct not just training but actual operations to accomplish missions of a shared state and federal interest.

National Guard soldiers and airmen under command of their governors have worked in coordinated partnerships with federal counterparts to provide security at the Nation's airports after 9/11, at the Winter Olympics in 2002, at the 2004 G-8 summit meeting in Georgia, and at both political party conventions. This model is currently used with great effect by our counter-drug program mentioned previously. Finally, the massive and successful

National Guard operation in response to Hurricane Katrina was accomplished in this manner.

OPERATION JUMP START is also employing National Guardsmen under State command and control to partner with U.S. Customs and Border Protectionl to accomplish this mission which is so important to both the federal and state governments. The States receive funding, coordination and guidance from the federal government through the National Guard Bureau in close consultation with the Department of Homeland Security.

The mission is being accomplished by a combination of having National Guard units and personnel perform their two week annual training period, and similar, short to medium length tours of duty along the border. This approach allows us to accomplish the mission without the need for a lengthy mobilization. Impact on the lives of Guardsmen will generally be no more than normally caused by annual training. Every National Guardsman knows they have a two or three week annual training period that they will have to perform during the year. Guardsmen that will be on border duty longer than that will be volunteers.

To ensure continuity and unity of effort we have long-term leadership in place in each State in the form of a State Joint Task Force Headquarters which is receiving and employing units as they rotate in and out. Our intention will be that the equipment required for the mission will be identified, deployed and then remain in place. Units will rotate in and out to make use of that equipment. This is a model we have employed successfully in the past and will not be entirely new.

The Adjutants General are working closely with the Border Patrol to integrate planning and ensure that resources are employed effectively.

The initial commitment will be for up to 6,000 Guardsmen on a rotational basis for a period of up to 12 months. Military support will not exceed 3,000 personnel during a possible second year of deployment. The process began in June.

This mission will not impair the National Guard's capability to respond to natural disasters. Even though States are providing troops to support this operation, Governors retain sufficient National Guard capability to accomplish state missions including disaster preparations. If a disaster strikes in any State while we are performing the border mission, there will still be plenty of National Guard forces available to respond. If one state needs more Guard capabilities than it has on its own, States can shift forces and equipment under the Emergency Management Assistance Compact. The men and women of the National Guard did a great job in responding the Hurricane Katrina. This year, we will be even MORE prepared because we have more

troops available, more equipment, and more experience than we did last year.

Conclusion

Once again, your National Guard has been called on for the security of the Nation. Once again, we are answering that call. This is a mission the National Guard can do ...and do well. I look forward to your questions.

UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
BOX 99100
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IN REPLY REFER TO

July 25, 2006

From: Commanding Officer, Marine Corps Air Station Yuma
To: The Honorable Duncan Hunter, Chairman, Armed Services Committee, U.S. House of Representatives, 2265 Rayburn House Office Bldg, Washington D.C. 20515
Via: Commanding General, Marine Corps Installations West, PO Box 555200, Camp Pendleton, CA 92055-5200

Subj: WITNESS STATEMENT FOR HOUSE ARMED SERVICES COMMITTEE HEARING ON U.S. SOUTHERN BORDER SECURITY OPERATIONS ON 2 AUGUST 2006

Ref: (a) Ltr from Representative Duncan Hunter of 24 Jul 2006

1. Hearing Purpose: To educate members on the impacts border security has had on the military (both military installations and the National Guard) and an overview of border security challenges along the Southern Border. The following is summary written testimony from MCAS Yuma regarding impact to military training and USMC concerns on this border issue.

2. MCAS Yuma manages all of the airspace that comprises the Barry M. Goldwater West (BMGR West) range. We are also responsible for the management of the land that lies underneath the airspace, with the exception of the land that comprises the Cabeza Prieta National Wildlife Refuge (CPNWR). The CPNWR is managed by the U.S. Fish and Wildlife Service (USFWS) under the Department of the Interior (DOI). The BMGR West is located within the Yuma Border Patrol Sector and shares a 37 mile border with Mexico. The BMGR West is operated by the U.S. Marine Corps for use by all services as an aviation training range. Currently, there is no infrastructure separating the range from Mexico, and numerous illegal aliens cross into the United States via the BMGR West. Hardening of other border areas in southern California and southeastern Arizona has resulted in a funneling of undocumented aliens (UDAs) through the unhardened 37 miles of BMGR border and 52 miles of CPNWR border with Mexico. When pedestrian or drive through traffic is reported on the BMGR by Customs and Border Protection (CBP) agents or military personnel, a portion of the range is temporarily closed until CBP agents either make an apprehension or establish that the group or vehicle is clear of the hazard areas. Historically, the presence of illegal aliens has resulted in a loss of range time. While illegal pedestrian entries into the BMGR West continue in high numbers for 2006, increased efforts and coordination on the part of MCAS Yuma and CBP have sharply reduced the impacts to training. Only specific areas of the BMGR are closed for the minimum time required. Currently, MCAS Yuma range control is able to coordinate CBP on the BMGR West apprehending illegal aliens in one sector while military aircraft are training in other portions of the range. Due to increased CBP efforts and coordination with DoD, vehicle entries and impacts to military training trends are down significantly in the past six months.

3. The Marine Corps has the same desired end-state as DHS: operational control of our border with little to no impact on military training in the BMGR. The Marine Corps understands that control of the border is a DHS mission and responsibility. Congress appropriates funds to DHS for this purpose. Accordingly, DOD funds are not available for this purpose. DOD assists DHS through the coordination of our various activities. MCAS Yuma has an excellent operational relationship with the Yuma Sector CBP.

Subj: WITNESS STATEMENT FOR HOUSE ARMED SERVICES COMMITTEE HEARING ON U.S. SOUTHERN BORDER SECURITY OPERATIONS ON 2 AUGUST 2006

4. Congress reserved the BMGR West for military purposes, vesting full administrative authority for environmental stewardship, real estate management and operational control with the Department of the Navy (DON) for a period of 25 years ending 2024 under the Military Lands Withdrawal Act-99 (MWLA-99). Any desired "changes of use" for other-than-military uses for these withdrawn lands may trigger additional Endangered Species Act (ESA) consultation requirements with the USFWS. The MCAS Yuma approach has always been to balance the security needs and CBP mission with the stewardship responsibilities for managing the BMGR. Participating in the environmental processes reflects the balance needed to fulfill the Marine Corps responsibilities and grant CBP access for their requirements.

5. Creation of the CPB proposed 1.5 mile wide "Interdiction Zone" along the border would create conflict with management requirements. MCAS Yuma cannot delegate unfettered discretion to the CBP to conduct their activities and meet our environmental responsibilities. Under the MLWA-99, only SECNAV is responsible to the public and Congress for managing the resources and administering the licenses on the BMGR West. Execution of stewardship responsibilities will be recognized as a high priority requirement in retaining control and use of these public lands for mission needs in the future.

6. An "Interdiction Zone" is not required to meet the CBP and Marine Corps mission requirements, but would create additional risks to readiness. A critical Marine Corps position is that we not lose airspace over the BMGR West. MCAS Yuma and CBP have agreed on local procedures for CBP use of BMGR airspace including emergency use in hot pursuit. These local procedures are working as evidenced by the recent downturn in UDA impact statistics. Given this success of the local agreement, there is no reason to risk the loss of additional airspace to CBP. The lands were granted to DON administration through the MLWA-99, but the restricted airspace does not go with the land. As a practical matter, however, a relinquishment of the land to CBP for an "Interdiction Zone" would generate strong pressure for the overlying airspace to support the CBP ground activities permitted within the zone and impact upon the Marine Corps ability to maintain readiness.

7. The construction of an extensive border infrastructure, to include a pedestrian fence, may result in substantial environmental effects that could lead to imposition of restrictions on training activities thus affecting the overall readiness of Marine Corps Aviation assets. Execution of the pedestrian or hybrid (combination pedestrian and vehicle) fence proposal would require either a waiver of environmental laws or satisfaction of environmental planning obligations. DHS is empowered to waive the environmental requirements in the execution of its mission; DOD does not have this authority.

8. There are two species of animals that reside on the BMGR West/CPNWR that are of significant concern. The first is the Sonoran pronghorn antelope. This species is listed as an endangered species, which, as the name implies, requires it to be protected under the Endangered Species Act. The pronghorn habitat is located throughout the CPNWR as well as the northeastern portion of the BMGR West. It is also located on the Air Force-managed BMGR East. The second species is the Flat-tailed horn lizard (FTHL). The FTHL habitat encompasses a large portion of the western part of the BMGR West, to include the hazard areas (bombing and laser ranges). The FTHL is not currently on the Endangered and Threatened species list. However, there have been three lawsuits

brought by environmental organizations to have the FTHL 'listed'. These have been successfully defended by the USFWS in large part because the USFWS has convinced the courts that the Marine Corps and other cooperators are properly protecting the species.

9. The Marine Corps concerns extend beyond the direct impacts to readiness to include potential impacts to the Cabeza Prieta NWR. The proposed DoD/DHS personnel or hybrid fence, combined with the virtual wall will be successful in displacing UDAs to the unfenced sections on the border. Some of this UDA traffic and the resulting CBP responses may increase impacts to the Cabeza Prieta NWR and presumably, the resident endangered Sonoran pronghorn or other listed species. If during this time the pronghorn population declines from UDA activities or any other reason, USFWS may use their authorities to preserve the species. If they fail to exercise their authority, citizens may sue to force compliance. One of USFWS authorities requires them to order reconsultation and apply more terms and conditions to protect the species. When this occurs, any of the military activities now "permitted" over pronghorn habitat on the BMGR or within R-2301 could be terminated under ESA authority. This could include current over-flight rights by DoD aircraft. UDAs continuing north from the CPNWR will cross the BMGR and may impact training on either USMC or USAF ranges.

10. If DHS uses their waiver authority under the Real ID Act of 2005, CBP activities will escape the reach of USFWS ESA authority. DoD activities, and other Federal agencies using the BMGR, however, will bear the brunt of the mandatory terms and conditions to save the endangered species. The DHS solution to control the border must also address the military readiness impacts resulting from the indirect impacts to the Cabeza Prieta.

11. After three lawsuits, USFWS is currently evaluating the need to list the FTHL as endangered. Impacts from UDAs redirected west by an anti-pedestrian fence, CBP response to these areas, and the possible designation of an "Interdiction Zone" will all be evaluated in this listing decision, adding to the existing pressure calling for listing. If the USFWS refrains from using their authority to list additional species or ratchet down terms and conditions, the public may effectively sue to halt military activities. If the FTHL is listed, there could be additional limitations imposed on BMGR readiness activities. Again, CBP activities would be protected while military activities will be at the greatest risk.

12. In conclusion, the Marine Corps will continue to support DHS in its mission to secure our southern border. Border security is a DHS responsibility and affects USMC combat readiness training and range management responsibilities. The Marine Corps will maintain its outstanding working relationship with CBP to achieve our goals of both a secure border and little to no impact on military training that is vital to our Nation's defense.

B. D. HANCOCK
Colonel USMC

STATEMENT

OF

JEFFREY CALHOON
DEPUTY CHIEF PATROL AGENT

OFFICE OF BORDER PATROL
U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY

BEFORE

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ARMED SERVICES

REGARDING

NATIONAL SECURITY IMPLICATIONS OF BORDER SECURITY
ALONG THE SOUTHERN BORDER

AUGUST 2, 2006

YUMA, ARIZONA

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

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

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

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

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

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

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

multiplier, expanding the enforcement capacity of the Border Patrol while freeing up additional agents who were performing some of these support tasks.

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

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

There is no stretch of border in the United States that can be considered completely inaccessible or lacking in the potential to provide an entry point for a terrorist or terrorist weapon. Stretches of border that in the past were thought to be impenetrable, or at least highly unlikely locations for entry into the United

States, have in recent years, become active illegal entry corridors as other routes have been made less accessible to smugglers. We must consider all available information, including the vulnerability of our Nation's borders, when determining future infrastructure requirements and asset deployments.

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

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

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

The men and women of U.S. Customs and Border Protection face these challenges every day with vigilance, dedication to service, and integrity, as we

work to strengthen national security and protect America and its citizens. I would like to thank you for the opportunity to present this testimony today. I look forward to responding to any questions that you might have.

STATEMENT BY
MAJ GEN ANTONIO J. PINEDA
NATIONAL COMMANDER
CIVIL AIR PATROL

Before the

HOUSE ARMED SERVICES COMMITTEE
ON U.S. SOUTHERN BORDER
SECURITY OPERATIONS

August 2, 2006

Good afternoon Chairman Hunter and Members of the Committee. I am pleased to have this opportunity to testify on behalf of the Civil Air Patrol (CAP) on the use of CAP assets for humanitarian assistance, aerial reconnaissance and/or radio relay supporting U.S. Southern Border Security Operations. I would like to assure you CAP is the perfect fit to support this effort because of the skill, expertise, and experience this organization brings to the table.

History

First, allow me to enlighten the rest of the members on who we are and what we do. Civil Air Patrol was founded in December 1941, during a time of uncertainty and danger one week before the Japanese attack on Pearl Harbor that hurled America into global conflict. In America's time of wartime need, CAP's fledgling organization of 150,000 volunteer citizen aviators halted the deadly, destructive designs of Germany's Nazi U-boats in America's coastal waters. Under the jurisdiction of the Army Air Forces, CAP pilots flew more than one-half million hours, were credited with sinking two enemy submarines and rescued hundreds of crash survivors during World War II. On July 1, 1946, President Harry Truman established CAP as a federally chartered benevolent civilian corporation, and Congress passed Public Law 557 on May 26, 1948, making CAP the auxiliary of the new U.S. Air Force. CAP was and is still today charged with three primary missions—aerospace education, cadet programs and emergency services. I will focus my comments today on the emergency services mission.

CAP operates as an all-volunteer civilian community asset and the auxiliary of the U.S. Air Force with almost 57,000 members. It includes eight geographic regions consisting of 52 wings, one in each of the 50 states, Puerto Rico and the District of Columbia for a total number of units that exceeds 1,500. CAP operates one of the largest fleets of single-engine piston aircraft in the world with 530 aircraft and our volunteer members fly nearly 110,000 hours each year. Additionally, CAP maintains a fleet of nearly 1,000 emergency services vehicles for training and mission support.

Emergency Services is our niche. CAP conducts 95 percent of all inland search and rescue in the United States, as tasked by the Air Force Rescue Coordination Center at Langley Air Force Base, Virginia, and other agencies. All Air Force-assigned missions are coordinated through the CAP National Operations Center at Maxwell Air Force Base, Alabama. We are called upon to perform aerial reconnaissance for homeland security. CAP also provides disaster-relief support

to local, state, and national disaster relief organizations which may include transporting time-sensitive medical materials, blood products, and body tissues. CAP is also equipped to provide near real time damage assessment, light transport, communications support, and low-altitude route surveys for the U.S. Air Force. We also assist federal agencies in the war on drugs. Finally, we maintain the most extensive emergency communications network in the nation with over 16,000 radios.

As has been a tradition for over 60 years, CAP pilots and aircraft are highly valued for their ability to fly low and slow making them the ideal observation platform. Federal and state agencies have regularly called on CAP pilots and observers to take vital damage assessment photos or search for crash victims. CAP aircrews are an ideal resource throughout the country because of their experience in search and rescue and their ability to provide aerial imagery in a cost-effective manner. Its customers, especially the U.S. military, pay a very small fee for the outstanding service CAP provides. When the U.S. Air Force assigns a mission to CAP, it generally costs less than $120 per flying hour.

This past year highlighted the phenomenal bravery, sacrifice and patriotism of CAP's Everyday Heroes. Our rapid response to Hurricanes Katrina, Ophelia, Rita and Wilma was the organization's most extensive ever. During the relief efforts CAP deployed 1,800 members from 17 states who served over 50,000 volunteer hours; flew over 1,000 air missions and logged over 2,000 flight hours; provided more than 2,000 time-critical aerial images of the affected areas; distributed 30,000 pounds of relief supplies; ground teams visited over 4,000 homes, contacting over 8,500 residents. CAP's great work didn't stop with hurricane relief efforts. Additionally, members carried out over 2,500 search and rescue missions and saved 73 lives. In conjunction with many other organizations, CAP helped reduce illegal drug activity by more than $637 million. Whether searching for a missing hunter in Oregon, seeking missing or overdue helicopters in Louisiana and Arkansas, providing flood relief in Pennsylvania or assessing tornado damage in Kentucky, CAP members were there performing missions for America.

In 2005, CAP aviators and other members continued to support U.S. homeland security taking part in several vital exercises at the request of the U.S. Air Force. As a result, Maj. Gen. M. Scott Mayes, 1st Air Force Commander, stated, "CAP has become an important partner in our homeland defense mission. Because of the cooperation between CAP and NORAD, we're better able to meet our nation's requirements for rapid response to any threat to our air sovereignty. This kind of teamwork is vital to our rapid-response capability. Together, when we're called upon, we'll be ready to act, and act fast."

The Arizona Border Mission

That same level of CAP commitment and cooperation continues today. At the request of the CSAF, CAP commenced increased training in Arizona in the anticipation of follow-on taskings. These mission rehearsals began on 17 July. CAP is training in Search and Rescue, Aerial Reconnaissance and Radio Relay. In the course of these training missions, if CAP aircrew members observe individuals in distress, appropriate authorities are notified. Concurrently, USAF staff members are actively developing a Concept of Operations so that we can smoothly transition to support of the Border Patrol, should the Department of Defense receive a request for assistance. The bottom line need was to protect lives along the border.

CAP volunteers started flying these missions along the Arizona border on Monday, July 17, 2006. The tasking was to initially fly missions from six locations in Arizona. They were Yuma, Glendale, Goodyear, Chandler, Tucson, and Fort Huachuca. As of July 25, 2006 CAP volunteers have flown 51 training and demonstration sorties for a total of more than 187 flying hours at a cost of only $27,000 using CAP Cessna C-182 aircraft. Beginning July 26, the New Mexico Wing will provide an additional two C-182 aircraft and one Gippsland GA8 aircraft with aircrews to supplement the Arizona Wing's assets. While crews have reported no individuals in distress in the areas searched, they have however, discovered several instances of possible suspicious activity which were reported to border patrol authorities. For example, on Saturday, July 22, CAP aircrews identified two late model vehicles with doors open in close proximity to improved roads. They also identified 8 to 10 individuals near the border and alerted a nearby Border Patrol ground team. Further, on Sunday, July 23, aircrews sighted a number of abandoned vehicles which they reported to Border Patrol personnel. Additionally, on Monday, July 24, CAP aircrews identified a late model SUV and 2-3 suspicious persons in wash areas at two different locations. Again, both sightings were reported to Border Patrol through the CAP mission base.

The usual monsoonal weather pattern in southern Arizona has been a challenge, however, as rain, wind and turbulence make flying light aircraft at low altitude a definite hazard especially later in the day. As a result, most missions are being flown in the early morning taking advantage of weather conditions that allow for safe flight operations. We believe the current weather pattern may be aiding in the safe transit and survival of those who are attempting border crossings and decreasing the number of possible aircrew sightings of people in distress.

Conclusion

As CAP celebrates 65 years of service, it prepares for challenges yet to come in an increasingly complicated world. Whatever dangers or opportunities lay ahead, CAP's volunteers are poised to heed the call with the same patriotic spirit that has always distinguished CAP's missions for America. In that light, CAP is the right fit for this mission and remains committed to assisting border security operations if called upon to continue or expand its role. However, several issues that may limit our effectiveness must be addressed. First, as various federal, state, or local agencies come together to work on a mission such as this one the overall effectiveness and results of the total effort may be enhanced by placing one agency in a position of overarching authority. This lead agency could then most efficiently and effectively orchestrate and direct all operational and support activity to accomplish the mission. Secondly, since CAP is a private non-profit corporation and the Air Force Auxiliary, should "Posse Comitatus" apply to operations such as this one? CAP stands ready to address and assist in resolving these and any other issues if you wish to continue utilizing us in this role.

I would like to extend my sincere thanks to the members of this committee for your strong and devoted support of Civil Air Patrol. As National Commander of this outstanding group of citizen volunteers, I encourage you to recognize the fact that CAP continues to provide an irreplaceable, professional and highly cost-effective force multiplier to America. Through the voluntary public service of nearly 57,000 members, CAP makes a priceless and positive impact in communities by performing disaster relief and search & rescue missions, and also by providing aerospace education and cadet programs. CAP serves as a guardian of the skies and a skilled resource on the ground, wherever the call and whatever the mission.

HOUSE ARMED SERVICES COMMITTEE
FIELD HEARING ON

U.S. SOUTHERN BORDER SECURITY – NATIONAL SECURITY IMPLICATIONS AND ISSUES FOR THE ARMED SERVICES

STATEMENT OF THE HONORABLE VIVIAN JUAN-SAUNDERS
CHAIRWOMAN OF THE TOHONO O'ODHAM NATION-ARIZONA

YUMA, ARIZONA
August 2, 2006

I. INTRODUCTION

Good afternoon Chairman Duncan and Members of the Committee. Thank you for the invitation to appear here today. I'm Vivian Juan-Saunders and I serve as the Chairwoman of the Tohono O'odham Nation. My statement will inform the Committee of the unique border security challenges we face in the protection of our stretch of the international border, our interaction with the U.S. Customs and Border Patrol and the National Guard, and related policy, planning, and resources issues. Before I address these issues in detail, I will first provide the Committee background information.

II. BACKGROUND

The Tohono O'odham Nation ("Nation") is a federally recognized Indian tribe located in southern Arizona with a population of over 28,000 members. The Nation has a land base of 2.8 million acres, comparable in size to the state of Connecticut, and has 75 miles of shared international border with Mexico.

The O'odham people have occupied our territory since time immemorial, long before European contact. In 1848 the United States and Mexico negotiated the terms of the Treaty of Guadalupe Hidalgo, which included establishing the southern boundary of the United States. The Treaty placed the aboriginal lands of the O'odham in Mexico. In 1854 through the Gadsden Purchase, the United States and Mexico further defined the southern boundary at its present location, cutting into the heart of our aboriginal territory. The establishment of the boundary displaced the O'odham on both sides of the international border bisecting O'odham lands thereby separating the Nation's people from relations, cultural sites and ceremonies, and ultimately blocking access to much needed health care, housing, and transportation. Not surprisingly, neither the United States nor Mexico consulted with the O'odham during the Treaty negotiations in 1848 and 1854.

Notwithstanding, for hundreds of years, the O'odham have been the sole protectors of our lands and were largely left alone due to the difficult desert terrain and climate. With the development and implementation of modern day Federal policies to secure the southern border, beginning with the Operation Gatekeeper plan, the Nation began to experience increased illegal immigration including the adverse impacts of drug and human smuggling and other criminal

elements. This policy was implemented by extensively increasing manpower and resources at ports of entry and located at popular entry points such as San Diego (CA), Yuma (AZ), and El Paso (TX). Rather than comprehensively preventing illegal immigration into America, this policy created a funnel effect causing the flow of undocumented immigrants, drug traffickers, and other illegal activity to shift to other less regulated spots on the border, including the Tohono O'odham Nation.

III. IMPACT ON ARMED SERVICES

Due to the lack of adequate Federal border security resources and attention to the specific challenges in protecting the Nation's 75 miles stretch of the international border, illegal immigration through the Nation has become a prime avenue of choice for undocumented immigrants and alien smuggling into the United States. This has created urgent challenges to protect against possible terrorists coming through a very vulnerable location on the Nation and has resulted in an increase in crimes, gangs and violence. Although the Nation has neither sufficient manpower nor the resources to adequately address this crisis, it continues to be the first line of defense in protecting America's homeland security interests in this highly volatile and dangerous region. In doing so, the Nation has worked diligently and cooperatively with the Customs and Border Patrol and the National Guard. The Nation also entered into a Memorandum of Understanding with Luke Air Force Base.

In March 2004, the Tohono O'odham Nation Legislative Council approved Resolution No. 04-095, entitled "*Supporting Vehicle Barriers and All-weather Road Project Along the International Boundary Within the Tohono O'odham Nation*" to combat the illegal immigration, narcotics trafficking, and the use of motor vehicles in the furtherance of these crimes on our lands. In approving the resolution, the Nation recognized that the U.S. Border Patrol (USBP), Tucson Sector, is responsible for enforcing homeland security within the U.S., including the Tohono O'odham Nation, and therefore supported the construction of vehicle barriers - an essential tool to homeland security.

Thereafter, the USBP engaged in direct consultation with the Nation wherein we encouraged USBP to obtain any necessary right-of-way easements and cultural resource clearances from the Nation. We also worked jointly with USBP to develop designs, construction processes, and enforcement techniques to prevent and deter illegal entry into the Nation's lands. USBP presented their proposed barrier installation plans to the Nation for review and approval, which was subsequently approved by the Nation. USBP plans to begin construction of the barrier this September and will utilize United States military units in order to complete the project. The Nation will continue our cooperative efforts to assist in the process and will monitor and assess the impacts, those both beneficial and which pose challenges, to the Armed Services. The Nation will apprise the Committee on our ongoing progress in this process.

Furthermore, in support of the President's deployment of National Guard troops to protect the southern border, on June 21, 2006 the Tohono O'odham Nation Legislative Council approved Resolution 06-428, entitled "*Supporting National Guard Deployment in a Manner that Furthers Government to Government Relations Between the Nation, Federal Border Enforcement Agencies, and the National Guard.*" On June 22, 2006 I signed the resolution into law. The

resolution specifically authorizes the U.S. Department of Defense to operate on the Nation in accordance with the Department's deployment of National Guard personnel from various states to the U.S.-Mexico border area in Arizona as part of "Operation Jump Start" under its Memorandum of Understanding with Arizona Governor Janet Napolitano. Such approval is conditioned upon both the USBP's and the National Guard's continued effort to consult the Nation on various issues. Pursuant to the resolution, approximately 90 National Guard personnel will be deployed on to the Tohono O'odham Nation in non-patrol positions to support Border Patrol and other federal agencies. National Guard personnel will perform non-law enforcement duties, including communications, border vehicle barrier installation, camera operation, vehicle maintenance, and fence repair.

The Nation also has a long history with the U.S. Air Force because of the Air Force's use of air space over our lands as well as their use of the Barry M. Goldwater Range, which is located on the Nation's aboriginal lands. Since 2001, the Nation has worked with the Armed Forces in a government-to-government relationship under its October 2001 Memorandum of Understanding (MOU) with the 56th Fighter Wing of the U.S. Air Force at Luke Air Force Base. The 56th Fighter Wing is directly responsible for managing and controlling all use of the air space known as the "Sells MOA" (Sells Military Operations Area), which requires airspace and lands adjacent to the Nation and uses the eastern half of the Barry M. Goldwater Range.

The purpose of the MOU with DoD is to provide the framework for the commitment of both parties to work together to protect both public and tribal lands, as well as cultural and natural resources. It further establishes the lines of communication and the basis for protocols to be developed between the Nation and the 56th Fighter Wing to examine and resolve issues involving over-flights, education, resource protection, exchange of information, and other areas of mutual concern. It did not obligate either the Nation or the 56th Fighter Wing to expend appropriations or enter into any contract or other obligations, although anything involving reimbursement or contribution of funds between the parties would be authorized under separate document. The MOU is up for renewal at the end of this year. It is in the best interests of both the Nation and the U.S. Air Force to continue the agreement particularly in light of the need to protect our international borders.

IV. RELEVANT CHALLENGES: NEED FOR ADEQUATE RESOURCES AND CONTINUED INVOLVEMENT AND COOPERATION BETWEEN THE TOHONO O'ODHAM NATION AND THE ARMED SERVICES

The Tohono O'odham Police Department (TOPD) provides primary border security law enforcement services in addition to public safety within the Nation itself. However, there are at least 160 known illegal crossing sites along the Nation's 75-mile shared border with Mexico, in 36 locations, requiring TOPD Officers to travel in excess of 200 miles per shift or a yearly total of 48,000 miles. In an effort to combat these unique border security issues and the impact on our lands, the TOPD has expended scarce resources to increase border security, reduce crime on the Nation, and to improve the quality of life for its residents and visitors. In fact, the Nation spends approximately **$3 million annually** from tribal revenues, over half the TOPD budget, to meet the United States' border security responsibilities. As a result, the Nation has sustained a loss of millions of dollars annually to provide much-needed manpower, increase public safety, health

care, sanitation, and address theft and destruction of our property and lands from the relentless flow of illegal immigration. Equally devastating is the adverse impact on our cultural resources and traditions as our Tribal elders no longer gather ceremonial plants in the desert for fear of their safety. For example:

- The Nation loses approximately $2 million annually from its allocation of Indian Health Care funding due to emergency health care treatment of undocumented immigrants taken to our health clinic.
- The Nation is forced to address the 6 tons of trash a day that is littered on the Nation's lands by fleeing undocumented immigrants. This predicament has caused serious environmental problems and contributes to the 113 open pit dumps on the Nation's lands that need to be cleaned up.
- In 2003, sixty-nine people died while crossing the border through the Nation's lands, leaving the Nation to pay for the burial and related costs. The Nation pays for autopsy costs at $1,400.00 per body out of tribal police funds.

Homeland Security, including the need to address alien smuggling, is clearly a federal responsibility. However, TOPD has stretched its resources to the limit. On average, each TOPD officer spends 60% of his or her time working on border related issues, decreasing the amount of time spent on public safety and threatening not only our members but threatening the safety of the United States as well. Currently, more than half the TOPD budget is expended on border security, thereby reducing law enforcement resources available for community policing and implementing crime prevention measures to serve the Nation's members. To date, the Nation has **spent more than $10 million dollars** in tribal resources on Homeland Security issues. Despite the Nation's position on the front line of this crisis, we do not receive any funding from the federal government. The Nation is unable to receive resources directly from the Department of Homeland Security and monies available from the Bureau of Indian Affairs are strictly limited to law enforcement. The Nation's efforts instead are complemented by the USBP, which has increased its presence on our lands, and the Armed Forces. However, the financial need is overwhelming and for the most part, the Nation has not received any significant federal funding to address our law enforcement/border security activities, notwithstanding 9-11.

Under the Department of Homeland Security organic legislation, Indian Nations are not eligible to obtain direct funding for homeland security purposes. This barrier is particularly unfair to the Nation given our unique circumstances in protecting the 75-mile international border with Mexico on our lands and the increase in crime and violence as a direct result of alien smuggling and other border issues. The lack of access to direct funding has strained the Nation's Government-to-Government relationship with the United States placing us in a difficult and untenable position of having to react to policy decisions as opposed to proactively working together in a unified fashion with the proper respect accorded to the Nation's sovereign status. Therefore, the Nation respectfully requests the Committee's support in securing legislative reform to authorize the Nation to directly receive funding and other resources to support our efforts in providing homeland and border security for America.

The Nation further requests that a uniform government-to-government consultation policy be institutionalized within the Department of Homeland Security. While we look forward to continuing to work with the USBP, the National Guard, and the 56th Fighter Wing of the U.S. Air

Force in the development and implementation of federal border security initiatives, there is a real need for the institutionalization of one policy. Our concern is that the officials we have developed good working relationships with will move on and leaving us faced with the same challenges of re-educating new officials on communication and consultation needs, as well as funding needs.

V. CONCLUSION

In closing, on behalf of the Tohono O'odham Nation, I appreciate the opportunity to present this statement to the Committee. The Nation remains committed to doing as much as we can in assisting the Armed Services in its role protecting America's southern border. However, the Nation has been dealing with the border security crisis affecting our lands, resources and people, and respectfully requests Congress to provide additional and immediate funding and resources to help us offset the continued and escalating adverse impacts we fact on a daily basis. If you have any questions, please do not hesitate to contact me at (520) 383-2028, or your staff can contact our legal counsel in Washington D.C., Shenan Atcitty at (202) 457-7128. Thank you.

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