

FENCING THE BORDER: CONSTRUCTION OPTIONS AND STRATEGIC PLACEMENT

JOINT HEARING

BEFORE THE
SUBCOMMITTEE ON ECONOMIC
SECURITY, INFRASTRUCTURE PROTECTION, AND
CYBERSECURITY

OF THE
COMMITTEE ON HOMELAND SECURITY
[Serial No. 109-92]

WITH THE
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG
POLICY, AND HUMAN RESOURCES

OF THE
COMMITTEE ON GOVERNMENT REFORM
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Thursday, July 20, 2006

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON ECONOMIC SECURITY,
INFRASTRUCTURE PROTECTION, AND CYBERSECURITY,
WITH THE
COMMITTEE ON GOVERNMENT REFORM,
SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY, AND HUMAN RESOURCES,
Washington, DC.

The subcommittees met, pursuant to at 2:07 p.m., in room 2118, Rayburn House Office Building, Hon. Mark E. Souder, chairman of the Criminal Justice, Drug Policy, and Human Resources Subcommittee presiding.

Present: Representatives Souder, Lungren, McHenry, Schmidt, Cummings, Linda Sanchez, Norton, Loretta Sanchez, Dicks and Thompson.

Staff Present: J. Marc Wheat, Staff Director and Chief Counsel; Dennis Kilcoyne, Counsel; Jim Kaiser, Counsel; Scott Springer, Congressional Fellow; Mark Fedor, Congressional Fellow; and Kimberly Craswell, Clerk.

Mr. SOUDER. Subcommittees will come to order.

This is a generally unorthodox hearing, in a sense. It was sponsored by two different subcommittees, the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the House Government Reform Committee as well as the Border Subcommittee of the Homeland Security Committee; and we are not in either of our rooms. We are in the Armed Services Committee room that we are going to function where it makes most sense under the committee rules where it best applies.

The Homeland Security rules are that opening statements are done by the chairman and ranking member of the subcommittee plus the chairman of the full committee or ranking member of the full committee if they are there.

We are also going to follow some of the guidelines in how we do the witness panels in Homeland Security. Some of the witnesses will be sworn in, like the Government Reform Subcommittee requires in our bylaws.

I am going to start with my opening statement.

Good afternoon and thank you all for coming today for our hearing on Fencing the Border: Construction Options and Strategic Placement. I would like to thank chairman Dan Lungren of the

Subcommittee of Economic Security, Infrastructure Protection and Cybersecurity for sponsoring this very important joint hearing. This represents our first formal inquiry into this pressing subject. It is vital that we approach it as seriously and thoughtfully as we can.

Though the question of whether we should have more border fencing has occasionally generated more heat than light, the fact is that this proposition is more or less settled in Congress. The immigration bills passed by both Houses call for a substantial expansion of fencing, at least 380 miles in the Senate bill and at least 700 miles in the House bill. So in our hearing today we seek to move beyond the question of whether to expand the fence and on to question of what kind of fencing, where should it go, what kind of challenges we should anticipate, and so forth.

While many are understandably impatient to secure our very porous southwest border, the fact is that we don't get many chances to do it right, and we had better be prepared in this as thoroughly as possible. To do that, many questions have to be asked and many obstacles have to be foreseen and overcome. Through this hearing, we seek to make a significant step forward in that process.

From the Pacific coast along San Diego to the southernmost tip of Texas along the Gulf of Mexico, the southwest border is over 2,000 miles long. Much of the terrain is unfriendly, though not impassable, to human beings. A variety of topography, from mountains to hot deserts, can make for very dangerous journeys, though obviously not hazardous enough to sway the estimated nearly one million immigrants who are in our country illegally from Mexico every year.

In addition, there are many urban and semi-urban areas along the border which, when there is little or no fencing, allow many immigrants to blend into the local population immediately after making illegal entry. Near San Diego, Yuma, Nogales, Douglas, El Paso, Del Rio, Laredo and Brownsville are many opportunities for immigrants, with the aid of spotters and human smugglers, to make their way into this country in violation of our laws and sovereignty.

Since the threat of illegal entry along the southwest border has long existed, it is not surprising that fencing the border has become an historical part of seeking an effective solution. In 1991, the Office of National Drug Control Policy decided it needed a comprehensive picture of southwest border security, given that the majority of illegal drugs entering the country cross the Southwest border.

The result was delivered in January 1993, and was entitled Systematic Analysis of the Southwest Border. This exhaustive report covered far more ground than we can touch on today, but it did contain critical analysis and proposals regarding the subject of fences on the southwest border. The study concluded that aliens attempting to illegally enter from Mexico had shown remarkable resourcefulness in overcoming and destroying obstacles in their path, including single layer-fences. For this reason, one of the top recommendations was to erect lighted, three-layer fences in urban areas and for at least a mile on each side of every port of entry. The long-term strategy behind the expanded fence concept was to

deflect immigrants away from urban areas where they blend in quickly with the local population. The immigrant flow, it was hoped, would then head to more rural areas where border patrol would have a tactical advantage over them.

At the time of the study, perhaps the worst situation for border security existed in the San Diego sector. Estimates were that some 6,000 illegal immigrants were crossing the border there every night. Consequently, an effort was launched to fence the border adjacent to San Diego with the first layer consisting of 14 miles of 10-foot-high steel plates welded together. These were nothing more than surplus landing mats used by the military since World War II for the quick construction of airplane landing strips in remote locations. Though this first layer was demonstrably helpful in some respects, by itself it was not enough to adequately discourage determined immigrants. It also came with environmental costs, as those who breached the fence and sought to evade detection were often pursued by border patrol agents in environmentally sensitive areas.

Fencing the border in precise areas proposes particular challenges. On December 16, 2005, the U.S. House of Representatives passed a new immigration bill, H.R. 4437. More specifically, the Hunter amendment, House Amendment 648, mandates the construction of 854 miles of double-layer, security-specific fencing—not vehicle barriers—including lights and cameras, along the southwest border.

It requires the Secretary of Homeland Security to provide at least two layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras sensors, at five specified locations. Moreover, on May 17, 2006, the Senate voted 83 to 16 on S. 2611 to construct, within 2 years, 370 miles of triple-layer fencing and 500 miles of vehicle barriers in areas along the Southwest border that DHS determines are most often used by smugglers and illegal aliens attempting to gain illegal entry.

These proposals demand serious investigation into the construction options in the challenges that may arise.

I have visited nearly every sector of the Southwest border at least once, many multiple times, have been exposed to something new and unexpected every time. One thing I learned is that the challenges which we will confront as we expand the fencing are almost more complex and varied than we will expect. Fencing must be altered with respect to water rights, livestock and wildlife mitigation, environmental concerns, recreational interests, irrigation infrastructure, floodplain consequences and so on. And there are ever-present problems of topography and soil composition, which can cause enormous headaches for contractors. For instance, we may determine that there are some remote areas needing fencing which are miles away from any road needed for transporting construction equipment and materials.

The likely and dramatic increase of fencing along the southwest border is complicated and not without controversy. This hearing seeks to initiate a constructive dialogue with the Federal departments and agencies that will be responsible for the construction of all approved fencing and its integration into a sound border security strategy.

We have an excellent line-up of witnesses today. Our first panel consist of Congressman Duncan Hunter, who will address the history of the California fence and share his insight in what lessons it can teach us. He will be joined by Congressmen Steve Pearce and Silvestre Reyes.

Panel II will feature Mr. Kevin Stevens of Customs and Border Protection to inform us on many aspects of all current fencing along the Southwest border.

Panel III will feature Congressman Steve King of Iowa; Mr. Douglas Barnhart, who is President of Douglas Barnhart, Incorporated, as well as Vice President of the Association of General Contractors; Mr. Carlton Mann, Chief Inspector of the Office of Inspections and Special Reviews of the Department of Homeland Security, Office of Inspector General; Mr. Art Mayne, specifications writer for Merchants Metals; Mr. Don Williams of Roadrunner Planning and Consulting, who is a consultant for Power Contracting, Inc.; and Mr. T.J. Bonner, who is President of the National Border Patrol Council.

Mr. SOUDER. Now yield to the ranking member on the Homeland Security Subcommittee, Ms. Sanchez.

Ms. Loretta SANCHEZ of California. Thank you, Mr. Chairman; and thank you to the witnesses for being before us today and for your testimony.

I am sure you have all heard much about border security over this past year. It certainly is a topic that many of us have been taking a look at for quite some time.

Last year in the fall—this past fall, we actually spent a lot of time on the Homeland Security Committee, Chairman King and subcommittee Chairman Lungren, on the Homeland Security bills to improve our Nation's border security. It was called H.R. 4312. We marked up that legislation in Homeland Committee; and while we did not agree on every issue or every amendment, we did establish substantial points of consensus.

For example, section 107 of that bill identified the clear need for more border patrol agents and required the Secretary of Homeland Security to act quickly to hire and train 2,000 additional border patrol agents every year from fiscal year 2006 to fiscal year 2010, as authorized under this section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 which we passed.

Additionally, in section 302 of the bill—I am speaking of the one that we marked up in the fall—funds were authorized to add 8,000 additional detention beds every year from fiscal year 2006 to fiscal year 2010, again, as dictated in the Intelligence Reform and Terrorism Prevention Act of 2004, which the Congress passed.

Unfortunately, neither the administration nor the Republican leadership of this Congress kept the promise that they made in that Intelligence Reform and Terrorism Protection Act of 2004 to make necessary increases to protect our border.

The administration and the leadership of this Congress now want us to forget about border patrol agents, detention beds, immigration agents that I think would actually help to improve our border security. Now they want us to forget about all the time that they voted against critical increases. So here we are talking about

a fence, a one-size-fits-all solution to a very difficult, complicated, multifaceted problem.

Building a fence on the southern border of the United States will only push illegal activities and border crossings to other areas. That is what we have seen, time and time again. And while we are spending billions of dollars over the next years to build that southern fence, what are we going to do about the northern border? Or about our ports like Miami, where people come in every day and nothing is stopping them? We cannot hope that just building a fence is going to solve this immigration problem.

I hope that today we will discuss the reality of our Nation's border security challenges and the need for the increases in border patrol agents and detention beds and immigration agents so that we can truly address the security that we need, not just at the southern border but at our ports, at our airports, at our maritime ports and on the northern border.

Thank you, Mr. Chairman. I yield back.

Mr. SOUDER. Thank you.

I now recognize Chairman Lungren.

Mr. LUNGREN. Thank you very much, Mr. Chairman.

I would like to join in this bipartisan spirit of consideration of matters here and express my appreciation to you for inviting our subcommittee to join with you on this important meeting today, particularly in this room. I hope Chairman Hunter will be here to join us, because I would like to congratulate him on this room. You can tell how long ago one was a chairman by the size of their portrait here, and I am just thinking if the portraits get any larger we going to have to start painting the ceiling, sort of like the Sistine Chapel. But it is a nice room in here that Armed Services has.

This seems hard to believe, but 20 years ago I was a floor manager on the Republican side for the Simpson-Mazzoli bill as we tried deal with an immigration bill at that time and thought we had a bipartisan bill and a balanced solution. In my judgment, it wasn't because—not because of the bill but because of the lack of enforcement, and that is not Democrat or Republican. That has been Democratic and Republican administrations and Democratic and Republican Congresses. And so we are trying to deal with that problem once again.

Fence projects in San Diego, El Paso and other cities along the southern border have demonstrated that border barriers work in deterring illegal entry, improving the quality of life in border communities and facilitating border enforcement actions. I do not in any way believe it is the silver bullet. There is no silver bullet in this. We have to have a comprehensive approach. But I happen to believe that, with the work of Congressman Hunter and Congressman Reyes, that we have proven that a key border enforcement tool is the fence.

Along with additional fencing, appropriate staffing and resources and technology are essential for a complete border security system. I am not convinced we have to reinvent the wheel. I am convinced that there are some off-the-shelf technologies and off-the-shelf pieces that could be put together if we integrate this to create, in some cases, a physical fence, in some cases, a virtual fence that would allow us to do a far better than job than we have done.

If anybody is going to say we are going to ever perfectly, totally, hermetically seal our border, they are wrong, but that should not be an excuse for us to fail to do a better job. And we can do a better job.

In less than a year, both bodies of Congress have passed legislation that require additional fencing along the Southwest border. While I have some serious concerns with some of the limitations in the Senate legislation, namely that it includes only half the fencing of the House bill and that it requires consultation with Federal, State and local officials in Mexico before beginning any construction along the border, and the problem I see with that is not that we ought not to reach out to our friends on the other side of the border but that we put in legislation that we are prohibited from acting unless we get a foreign government to agree to it.

I am surprised the Senate would give veto power to a foreign government. They have trouble enough with the veto power the President has.

But I do believe that both the Senate and the House having fencing in their bills represents a paradigm shift. A survey conducted in January 2005, shows the majority of the American people support additional infrastructure along our border, and that is not just Americans in the southwest as some might expect. The survey showed the 74 percent in Alabama and Mississippi and 65 percent in New Jersey support that position. This is a position the American people have come to support, and it seems to me it is something that we ought to make sure is implemented.

The debate in Congress has matured to recognize the national security importance of fencing and a shift in determining where fencing is most appropriate and what type. So I am looking forward to the testimony today.

It is great to welcome our colleagues who represent districts on or near the southwest border. As I said before, Congressman Hunter has worked tirelessly. I remember a quarter century ago when he started talking about a fence, took him a while to get that in; and I remember when Congressman Reyes was working with Border Patrol and was one of those who led the fight to see that we could install fencing in the El Paso area, not every single centimeter of the 1,960 mile southern border but in those parts where it does make sense.

Congressman Pearce represents one of the most open areas along the border, a little different there than it is in San Diego or El Paso. That is in the metropolitan areas, those open areas.

So I hope that all of you will be able to provide important testimony on appropriate security measures along this unique corridor; and I look forward to the other panels, particularly the representative of the Border Patrol as we go forward on this.

I thank you, Mr. Chairman.

Mr. SOUDER. Yield to the ranking member of the Criminal Justice, Drug Policy Subcommittee, Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman; and I want to thank you for holding this joint hearing today on the issue relating to proposed expansion of the border fence to prevent illegal entry into the United States from Mexico.

The Government Reform and the Homeland Security Committees share oversight responsibilities with respect to the agencies and initiatives that we will discuss today, and I look forward to exploring the important matters before us with our colleagues who serve on the Homeland Security Subcommittee on Economic Security, Infrastructure Protection and Cybersecurity.

As ranking member of the Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources, I take a particular interest in the ramifications of border security for illegal drug trafficking. Nearly all of the cocaine and heroin consumed in the United States originates south of the border, predominantly in Colombia. Drugs from Colombia that are destined for the west, Midwest and parts of the eastern United States are smuggled along routes that cross the United States-Mexico border. Recently, we have also seen a large increase in the amount of methamphetamine originating in Mexican super labs.

Given that more than 20,000 Americans lose their lives to illegal drugs, drug abuse each year, Mr. Chairman, the drug problem alone justifies our interest in securing our southern border. The alarming possibility that terrorists might be able to exploit weaknesses in border security the same way that people who smuggle drugs and humans do further justifies this interest.

But protecting Americans from threats that originate beyond our borders requires a comprehensive strategy. I note that the topic of today's hearing is framed narrowly in terms of, "construction options and strategic placement", of an expanded fence along the southern border. Essentially, we are talking about how to implement a provision in still-pending House-passed legislation, a provision that would mandate a major expansion of fencing on the southern border. It is important to discuss whether this proposal would be effective before going forward with it.

In that regard, I think it is necessary to observe that addressing the problems of illegal immigration and border insecurity requires consideration of more than the composition and placement of a proposed fence. More than half of illegal immigrants in the United States today are individuals who entered the United States legally but who overstayed their visas. As we all know, the 9/11 hijackers entered the United States on legitimate student visas and attacked us from within our borders.

Jose Padilla, convicted of plotting terrorist acts in the United States, was an American citizen who reentered the United States from Pakistan at Chicago's O'Hare airport. The so-called millennium bomb suspect convicted of plotting an attack on Los Angeles International Airport was apprehended in the United States-Canada border. And Canada has been a major source of marijuana and a key transit country for the illegal importation of other illicit drugs, precursor chemicals for meth and other contraband. It is clear then that an expanded fence on the southern border addresses only part of the problem.

Moreover, any strategy that focuses too narrowly on putting up physical barriers to entry is destined to fail if the initiatives for entering the United States illegally are not addressed directly and effectively. Certainly we know that the great majority of illegal immigrants who cross the southern border do so to pursue livelihoods

that will allow them and their families to escape the grip of extreme poverty. A bigger, better fence will accomplish little if we fail to address the market for undocumented workers.

As the Coalition for Immigration Security, comprised of former high-ranking DHS officials, argue in a recent statement, and I quote, some have portrayed the immigration debate as one between those who advocate secure borders and those who advocate liberalized employment opportunities. This is a false dichotomy. The reality is that stronger enforcement and a more sensible approach to the 10 to 12 million illegal aliens in this country today are inextricably interrelated. One cannot succeed without the other. Without reform of laws affecting the ability of temporary migrant workers to cross our borders legally, our borders cannot and will not be secure. Indeed, the existing fence that has had the effect of simply rerouting traffic to more remote areas, it has not reduced the volume of illegal traffic. Moreover, the fence has been breached in many areas by tunnels, ladders and blowtorches.

Finally, Mr. Chairman, individuals who attempt to cross the border are deterred. They do so at enormous risk to their own safety, and many die making the effort. I am concerned about the very real possibility, if not likelihood, that expanding the fence may increase the risk of starvation, rape and murder facing those who cross the border illegally. Those who are not deterred will become increasingly dependent upon profit-minded coyotes and criminal traffickers in order to cross the border in remote areas or to penetrate a fortified fence in more populated areas.

With that, Mr. Chairman, I look forward to hearing from our witnesses; and I thank you.

Mr. SOUDER. As you heard, we have two votes. Let me just briefly do two committee process things. I ask unanimous consent that all members have 5 legislative days to submit written statements and questions for the hearing record. Any answers to written questions provided by the witness also be included in the record.

Without objection, so ordered.

I also ask unanimous consent that all exhibits, documents and other material referred to by members may be included in the hearing record and that all members be permitted to revise and extend their remarks; and, without objection, it is so ordered.

The subcommittee issued previously a border report. We have held hearings in San Diego, two in Arizona, one in Las Cruces, New Mexico, one in El Paso. The purpose of this particular hearing is to focus as one part of a larger immigration debate. But I agree, as all of us do, that it takes a comprehensive approach.

I appreciate your patience, Mr. Reyes and Mr. Pearce. If you can come back after the vote, we will go right to your testimony.

With that, the subcommittee stand in recess.

Congressman Pearce, is it my understanding you can't come back down to try to do your testimony?

Mr. PEARCE. Yes, I would shorten it greatly. I do have a commitment in the Senate.

Mr. SOUDER. Subcommittee is reconvened for Mr. Pearce's statement. We will insert your full statement in the record.

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

Mr. PEARCE. Thank you very much, Mr. Chairman.

The issue is vitally important in the Second District of New Mexico. As you know, we have about 180 miles of very open border. Columbus, New Mexico, lies on the border with Paloma, 796 residents. Basically, we are on the front Lines of the border question.

Too often, we want to talk about immigration and we put border security, illegal immigration and legal immigration into the same discussion and it makes it somewhat more difficult to arrive at a conclusion. But, as far as border security goes, the law enforcement officers and the district attorneys in my district have been uniformly agreeing that a fence per se will do very little good. We already face the prospect of ranchers in that remote area putting up their fence, and at night the fence simply goes away and disappears into Mexico. Without constant monitoring, the belief is that we will face the same problem with a fence of any sort. If we are going to do constant monitoring, then the idea is why don't we use the constant monitoring and that is the greatest deterrent.

We are finding already with the Border Patrol being augmented by the National Guard that just the presence of the National Guard is beginning to decrease the flow of activity at the border. We know that increased presence would work. We think that the vehicle barrier, that is the 4-inch pipe that is cemented into the ground, laid across the border, that is more permanent and does not disappear overnight, that has been proven.

But, basically, what the National Guard is bringing right now is increased technology, new surveillance techniques that the Border Patrol does not have, increased presence and increased ability to interdict.

Many of the times Border Patrol agents in the Second District tell me these are the guys in the field, that they have 2 to 3 hours in the field each day. The rest of their time is on paperwork.

So as we move through the next 2 years, keep in mind that the Federal law enforcement training facility is actually in the Second District, the Southern District of New Mexico, and they are well on a path to have the 10,000 additional agents trained in if not the next 2 years then certainly by the third year. So we believe that the increased presence of the vehicle barrier, a graded road right along the border and new technology would be more than adequate, would forestall the requirement to sit and monitor a fence day in and day out.

Border security is an absolute must. We cannot leave this session this year in my opinion without achieving something significant on border security. I just don't think in the wide open spaces, and especially the Southern District of New Mexico, that a fence will do what we expect and want it to do, and we will invest several years in chasing that particular technology.

That summarizes all that I had, and I have given the chairman thanks for the ability to go ahead and testify.

Mr. SOUDER. Mr. Reyes, are you going to be able to return?

Mr. REYES. I will be back, yes.

Mr. SOUDER. Thank you very much.

With that, the subcommittees stands in recess.

[Recess.]

Mr. SOUDER. Subcommittees will come to order.

I now move to Congressman Silvestre Reyes from the 16th District of Texas. We look forward to your testimony.

Mr. REYES. Thank you, Mr. Chairman.

As my colleague from California was saying, this is a beautiful, beautiful room. And I will be honest with you. I am more comfortable up there sitting, and this is a different perspective from down here. But I would be happy to defer to my chairman if he wants to go first.

Mr. HUNTER. I want to listen to Silve Reyes' remarks, but, first, Mr. Chairman, just to say that he sat in a hearing like this in 1996 when we proposed a fence in San Diego. As a Border Patrol chief from El Paso, and I think the greatest Border Patrol Chief in our history, Mr. Reyes sat there with the Director of INS, who was opposed to his position, and other folks from the administration, from the Clinton administration hounding him.

I had an opportunity to ask him if he thought that the border fence would work in San Diego, with certain people just glaring daggers at Silve Reyes. So this guy who was on active duty—not like an admiral who is retired and comes in and tells you what to do when there is no danger or pressure—said I think the fence will work, and it did work.

We built that fence. We pulled border murders down from 10 a year to zero. We pulled down the drive-through drug smuggling from 300 drug trucks a month ramming that border to zero. We pulled down smuggling of narcotics and people by more than 90 percent. The fence did work. It took us a while to get it up; and, as you know, we just got this waiver to finish smugglers gulch, that last gap in the San Diego border fence.

I guess my best—my real job here is to introduce Silve Reyes. But, Mr. Chairman, let me just tell you I think the greatest Border Patrol chief that this country has ever had, Silve Reyes.

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

Mr. REYES. Well, that is a tough act to follow; and my mom always told me when something like that happens just shut up and sit down and don't say anything because you can only go downhill from there.

But I really appreciate the comments of a very good friend and colleague and fellow Vietnam veteran, I might add. We have been friends a long time, and I think the feelings are mutual and reciprocal in terms of the esteem and high regard that I hold for my good friend, my chairman, Duncan Hunter. So I really appreciate those comments.

I will tell you, back when that situation happened, it was a situation that was tough. Because when you come here to testify—and I see some of my former colleagues in uniform here, and they are going to be testifying. Back when I was a chief, you had certain parameters that you were told you were going to stay between those lines.

This was across the line, but when a Member of Congress asks you for your opinion you give it, and so I was happy to do that, about the very issue that we are talking about this afternoon. So I appreciate the invitation to be here and be here with you all that I consider friends and talk about the issue of border security.

As you know, Mr. Chairman, this hearing is one of a series that has been scheduled by the House leadership for July and August on border security and immigration. Regrettably, I maintain that these hearings are more about politics than policy; and I believe—strongly believe—that the American people would be far better served if Congress were trying to work out a compromise on comprehensive border security and immigration legislation with the Senate. I think that is what we ought to be doing.

But as a 26½ year veteran of the United States Border Patrol and a Member representing a congressional district on the U.S.-Mexico border, I believe that I have a responsibility to share my experience with my colleagues, with the hope that, almost 5 years after a terrorist attack on September 11th, Congress and this administration will finally do what needs to be done to secure our borders and to keep our country safe.

In fact, I have testified, as my good friend mentioned, on issues of border security and border enforcement many times before Members of Congress. Over 11 years ago, as my chairman said, while I was still chief at the El Paso sector of the Border Patrol, I testified before the Judiciary Committee on the issue of border security and the strategy that we implemented in El Paso, which was known as “Operation Hold the Line.”

At that time, in response to a question that was asked by my good friend—although at the time I was wondering if he was my good friend, putting me on the spot like that—but I testified that border fencing can be an essential tool for curbing illegal entries in communities like El Paso and San Diego and other densely populated areas. Urban areas of the border region need special kinds of tools such as barriers and fencing.

Since being elected to the Congress almost a decade ago, I have consistently supported and continue to support Mr. Hunter’s efforts to facilitate construction of a border fence in the San Diego area. Unfortunately, however, there are—my opinion—no one-size-fit-all solutions for border security. That is why I am in opposition to the provision in this bill for a 730-mile border fence that is in H.R. 4437, as well as some other provisions for fencing 2,000 miles on the southern border and 3,000 plus miles on the northern border, because I think it wastes money. I think it is not good investment of taxpayer dollars.

I also believe very strongly that if you want to know what works in that particular area, as my friend from New Mexico mentioned, you go on the chief of that sector. In fact, I have recommended many times that what we ought to be doing is holding field hearings, bringing in the chief of that area and saying, what do you need? If it is fencing, the chiefs will tell you. If it is something else such as technology, some other kind of infrastructure support, construction and things like that, they ought to be given that opportunity.

Not that headquarters people don't know what they are talking about, but the person that is in charge of the area that you are trying to address is the best one to tell you what he or she needs in that area.

I think that it is important for us to remember that instead of investing—and the latest figure that I have, the figure that—and this is a figure that is contested by different people, but \$2.2 billion, which is what we figure 700 miles of triple fencing will cost, with that same \$2.2 billion you can recruit and train and equip and provide the technology support to double the United States Border Patrol.

The Border Patrol today has about 12,000 agents. You can hire another 12,000 along with the vehicles, the equipment, the technology to support them, the radio communications, equipment to be able to double that force.

As a former chief I can tell you, boots on the ground, an individual there with the proper force multiplier such as cameras that can see in day and nighttime operation, sensors, both infrared and magnetic and other sensors that are available today, in today's technology arsenal, unmanned air vehicles can be very, very useful and very helpful to the enforcement presence along that border region.

So I think that is a much better investment of taxpayer dollars.

I believe that when we are talking about a strategy, when we are talking about investing and when we are talking about what works, let's listen to people like Chief David Aguilar, the national chief of the Border Patrol, who we had—much to the credit of my chairman here, we had him testify in our committee; and he was asked several times, will a fence work? And he testified that he would rather spend the money on other things.

Just a couple of weeks ago when we were in Laredo, the same question was asked of Chief Garza, who was in charge of the Laredo sector, about fencing; and he said, sure, there are some areas in the heavily populated areas where we both have mentioned already where fencing is a good idea, but certainly fencing all through the Laredo sector was not money well spent.

So I am here to share with you and provide the benefit of 26½ years as a Border Patrol agent, the last 13 years as a chief in both south Texas, in McAllen and El Paso, where I had responsibility and jurisdiction over west Texas and all the State of New Mexico, so I know the area that my friend Congressman Pearce was talking about. I very much appreciated his testimony, and I promised him that I would give him my testimony, because I think we have to work together.

I think we have to understand that there is an obligation that we all share that we have to do a good job in protecting this country, especially 5 years after 9/11. I find it unconscionable that we are still wrestling with this issue 5 years after September 11, and when we continue to have information that our country is still under the threat of terrorism.

So I am pleased to be here. I am particularly honored to be here with my good friend and chairman, Duncan Hunter, because I know in his heart he wants to do what is right. I know sometimes politically we don't agree, but I am hoping that working together,

finding out what is best by talking to the chiefs that are in those sectors, that we will come up with a solution that we can all support.

So, with that, Mr. Chairman, I appreciate the opportunity. I will be happy to answer any questions.

Mr. SOUDER. Thank you very much.

Mr. SOUDER. Now I would like to recognize the chairman of the Armed Services Committee. Thank you for letting us your use room today. I appreciate it very much. I look forward to your testimony. Mr. San Diego, you are the father of the fences.

STATEMENT OF THE HONORABLE DUNCAN HUNTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUNTER. Thank you, Mr. Chairman. I hope we can get a strong endorsement from my colleague for the 700-mile Silvestre Reyes fence.

Mr. REYES. Please—I want to be reelected.

Mr. HUNTER. And I might mention one other thing about Silvestre Reyes. I think of all the Members of Congress he by far he has been to Iraq more than 10 times.

Last time we were there together we had the unique experience as Congressmen of being mortared into the church. We had a couple of mortars coming into the lodge; and our escort officer said, quick, get into this building. We rushed into it. It was an old Saddam Hussein movie theater. He said, no, get all the way inside.

We opened up the doors, and it was surreal. We walked in, and they were having a 400—about 400 GIs were in there having a big Baptist revival. So we sat through the church service. I think it was very instructive for us. We asked if we could leave; and they said, no, you have to wait until the mortar attack was finished. We were kept there by the attack.

Mr. Chairman, let me tell you why I think—first, why I have explained that the first section of the Silvestre Reyes fence has been so good, but I want to give you the genesis of that fence, too, from the analytical point of view.

San Diego was then a no mans land when we built that fence. It was so bad we had armed gangs roaming the area between Tijuana and San Diego, some of them with automatic weapons; and they would accost the people coming in illegally. They would often rape the women. They would rob people, because people typically have cash on them when they are coming north. They brutalized people.

It was so bad that Joseph Wambaugh, the best-selling author, wrote the book *Lines and Shadows* about the San Diego undercover team who dressed like illegal aliens and hung out on the border waiting to be attacked or confronted by the gangs. They would obviously be well-armed, and they would confront the gangs and either have shoot-outs or arrests. It was that bad when we built the fence.

The Sandia Laboratory in New Mexico came up with the idea of doing a triple fence, and the reasoning was this. They said, you are not going to be able to interdict people coming across the border or narcotics—and their thing was directed mainly toward—it was

done under the funding for the narcotics interdiction program—unless you have an impediment. They said you can't just have people. You have to have an impediment.

So their first design was a fence that was right on the border, then a Border Patrol road, then a second fence, which was really kind of the stopper, the primary fence, then a second Border Patrol Road and finally a third fence.

The point was, by having those impediments, you would—as long as you had a few people manning those fences and driving between them, patrolling between them, a smuggler would have to come across the first fence, go across the Border Patrol road on American soil. If you only had one fence, he could sit in Mexico with impunity, and he could cut a hole with his welding gear, and there is nothing you could do about it. If he had to come over on American soil, cross the first Border Patrol road, sit down with his welding gear, cut a hole, proceed through there, go to the next, cross another Border Patrol road and cut another hole, then if you had a minimum of manning on the border you would be able to interdict him; and, in fact, that is what has happened where we have the triple fence.

In fact, the Clinton administration, we passed the law that, in 1996, that said you have to have a fence, you have to build a triple fence in that first 14 miles. They said, you know, we really would rather not have to build a triple, will a double fence do? And we had a meeting with him, and I talked with Silvestre. I said, let's try it. We did with the stipulation that if it worked we wouldn't have to put the third layer in which would cost more money and require more land being taken. And the double fence worked. It was that good, and it works today.

Now the reason that I disagree with my colleague and I think it is good to send it across urban—or desert areas as well as the city areas is this.

Right now, you have got people who are going to cross—come into the Arizona desert; and if we have the same number of deaths we had last year, we will have about 400 people die of dehydration or sunstroke in the desert. The figure that my brother gave me the other day—and you may know my brother is a well-known humanitarian who goes out and puts out water in the desert to keep people from dying of thirst—the figure he gave me the other day was 77 people had died so far up to about a week ago in the desert and had been found by the Border Patrol.

So if you have only the urban areas fenced and you have the desert unfenced you are going to continue to have people to go across. Coyotes, they tell abandoned people, once they have gotten their cash from them, the road is only 2 miles to the north; and it may be 20 miles to the north. So the sun comes up and you see this group of people out desperately trying to find the road or find the guy that was supposed to pick them up. They can't find them, and they end up dying in the desert.

So you have a need. You have a need to have a secure border. When Sandia Laboratory did an analysis of how you secure a border, you can secure it with personnel, but they found that it was so massively labor intensive, if you have no impediment whatsoever, you have to have more personnel. They predicted that if we

had the impediment, that is, if we had the border fence, we would be able to pull people off that section of the border, and we would be able to do the job with fewer people.

Now I remember one time the San Diego sector was so bad—and primarily that first 14 miles—I think it was the number one smuggling corridor in America where most of the narcotics were smuggled and most of the people were smuggled. It was so bad at one time—and, Silvestre, correct me, correct me if I'm wrong—but I think 25 percent of the entire Border Patrol in the United States was in the San Diego sector.

Mr. REYES. Close.

Mr. HUNTER. Is that roughly accurate?

We have been able—since we have been put the fence in, we have been able to pull border patrolmen off that sector. Because you have the impediment. So the initial analysis by Sandia that by having a fence allows you to effectively leverage your personnel is, I think, accurate.

I think because you have so many people now coming across in the desert—and let me give you one other example. We have the Yuma testing range in Yuma. In fact, we are going to be holding our hearing out there on how the National Guard is doing in backing up the Border Patrol and supporting them here in a week or two. But there is 37 miles of Yuma testing range which coincides with the border.

We have had to stop, according to the military, a lot of training and testing at the Yuma testing range because you will get reports that people have come through, come across, come across the border from Mexico. You don't want them to get hurt, so you stop the training and the testing.

This is where we are training folks that are going to Iraq and Afghanistan. That is where we test important equipment. Both the Air Force and Marines have lost millions of dollars of training time each year.

I think also there is probably a health problem and an accident problem that relates to that, but that is another reason to have that fence on that 37 miles of border.

If that testing range was in the interior of the United States—let's say it was up by Salt Lake City, and you had people wandering into the testing range. The first thing you do is what? You would fence it.

So what I went to do, I think the 700 miles of fence, the first section between Calexico, California, and, Douglas, Arizona, which is the area in which most of the people who day of dehydration and sunstroke will die this year, our language in our bill provided for that to be sewed up first. And the first thing we require—because we knew we couldn't have a fence in that 392 miles quickly. But when we put this thing together and it was adopted on the floor in an amendment, it provided for interlocking cameras to be in place by May 31st; and we did that because that is the start of the hot season. We figured if we had those in place at least you would have cameras that could pick up people coming across and you could move Border Patrol out very quickly to those areas. They could intercept them. So the cameras would help provide interception and then have the fence done by the end of the year.

Now just one thought. I know that—and I agree very strongly with Silvestre Reyes—that Border Patrol chiefs have lots of insight, and they know in many cases how to custom-make an interdiction operation in their particular area. But as I recall, except for Silvestre Reyes, who was from El Paso, when we got the San Diego fence in, as I recall, we didn't have much support from the San Diego sector. So you would have folks say, well, at San Diego, we talked to Border Patrol people in San Diego. They don't think the fence is going to be good. But it took a guy from El Paso to stand up for this thing under enormous political heat and support it.

So I think the fence is good.

And there is one last reason why I think you have to have it. I think in this age of terrorism you have to know who is coming across our border and what they are bringing with them.

We have got a criminal population of about 250,000 people in Federal, State and local jails, many of whom move back and forth across the international border. Those folks don't care about a guest worker program, they don't care about any type of regulation that regulates the front door of our country, they only care about being able to move back and forth. Like the criminal gangs that used to exist in San Diego, they use that border region where they could go south if pursued from the north and go north if pursued from the south. They use that as a safe haven.

You are going to have—no matter what kinds of policies we have over the years with respect to immigration, you are going to have that criminal population; and we have now a terrorist population to be concerned about.

So I think the fence is well-advised. I have seen figures that say it is going to cost up to \$3 million a mile, \$4 million a mile. I remember when we got the first 14 miles of fence we had a bid for \$1.4 million a mile. That ended up being a lot more money because we ran into environmental problems. We now have an environmental waiver, and we couldn't solve Smugglers Canyon or Smugglers Gulch for some 6 years because of environmental problems and the courts that were inclined to keep us from building that border fence.

So I think the fence is proven to have worked in San Diego. I think because you have people going across the desert in large numbers, many of whom are dying in the desert—if you had 400 high school kids a year drowning in a canal, the first thing you do is fence the canal. You wouldn't care if the canal was in the country or in the city. You would put that impediment up.

I think that having a fence, if we put—if we accompany that fence with sensors and we accompany it with a modicum of personnel, we will gain great leverage from having either a triple fence or a double fence.

So put me down as a strong proponent of the fence and put my good friend, Silve, down as undecided.

Mr. SOUDER. Thank you very much.

Before yielding to Chairman Lungren to begin the questions, let me point out again that this subcommittee—this is one of many hearings we have held on the southwest border in San Diego and places in Arizona.

Thank you very much. Before beginning to yield, let me point out I have been to a lot of the places in Arizona and New Mexico, in Texas at multiple locations. In addition to the northern border, we've been north at Blaine, Washington, in Detroit, in Niagara Falls, Buffalo and upstate New York and in upstate Vermont looking at both borders over a period of 5 years, that is in addition to Homeland Security. Obviously, it is a complex problem, but when you're dealing with the complex problem, you have got to separate into unit we are covering today is the fencing unit.

I would like to yield to Chairman Lungren.

Mr. LUNGREN. Thank you very much. And our subcommittee is going to be holding a hearing up on the northern border up on the State of Washington. I would be interested, Congressman Reyes, I was not one that immediately jumped to support of the fence concept that Duncan Hunter had when I was here the first time around. I thought we might try some other things. I was down and I remember the soccer field we used to have down there as well as the other parts and was on the Immigration Subcommittee at that time, but I am convinced from the experience we had in San Diego that he was right and you were right at that time.

My question is why do you have—agreeing with you that I don't think it makes sense to do the whole border, why do I detect some reluctance on your part to support the idea of replicating the San Diego experience in other parts of the southern border?

Mr. REYES. And I don't. At the time I was chief, I advocated that there was a strip right outside of El Paso in the New Mexico side called Sunland Park where trains would come right adjacent to the border from here to that wall right there. We had a tremendous problem with these criminal gangs that burglarized the trains. They would pop the air hose. It would come to a stop, and they'd dump the merchandise, and it would be stolen back into Mexico.

So I advocated very strongly for a fence in that area. I am not opposed to fencing. I am opposed to using fencing as a solve all for the whole border. At that time I was advocating for that fence. I was asked by a number of reporters how much fencing do we need, and at the time I guessed probably less than—less than 10 percent of our border needs to be fenced. My thinking is in the heavily populated areas, you remember that the chairman here mentioned the Yuma testing facility and it was 37 miles, I think. I am all for that to fence that, fence that area. And that is why I am saying go to the chief, get his recommendation, his or her recommendation, look at what the enforcement challenges are.

I agree with my colleague from New Mexico, Congressman Pearce, that what in some of those areas where it is easy for narcotics smugglers to drive across the border because there are those areas that that is happening right now, bury those 4-inch pipes with a 1-inch cable where they are not able to do that. If you do that and if you slow them down with a physical barrier and then you have the cameras, that is why I advocate technology. You have the cameras that will tell you what is going on. You have a sensor. You have a camera and you have an infrastructure deterrence, that is all you need.

I just find it a waste of money to put either a double or triple fence in the areas that Steve Pearce was talking about because it

is totally unnecessary. You can have sensors out there that are—that alert the Border Patrol that can—that you can monitor with cameras that you can—you can have agents strategically placed that will respond to those areas and catch people that are trying to enter that area illegally.

Mr. LUNGREN. Let me ask you because of your experience in the past, and I know your continuing relationship with people who are in what we now call CBP, are you satisfied that we have integrated the equipment that is already available to CBP in ways to create virtual fences where that may make sense?

Mr. REYES. We haven't done a good enough job to give now CBP, formally Border Patrol, the technology and the equipment that is available to do exactly this, to have technology out there, such as cameras that can see in the day and the night, that sensors that alert those cameras to focus in a specific areas where Border Patrol units can respond to, we have not. I mean, the equipment is available, the technology is available, but we haven't provided that kind of support as a Congress.

Mr. LUNGREN. I know you mentioned boots on the ground, and I support—we all support here, I think, increased number of Border Patrol personnel but man, the only way we succeed on the battlefield is not only boots on the ground, but with our application of technology. I mean, that is where we lead the world, and I just don't think we are leading the world on our southern border. And I support the idea of a fence, but I support the idea of a virtual fence, and I support the idea of a physical fence where necessary.

Mr. REYES. Exactly.

Mr. LUNGREN. And I don't know. I have just heard enough things that suggest to me that, you know, cameras aren't that, I mean, that is not rocket science, and some of the software necessary needed to integrate these systems is not rocket science. Where are we on that?

Mr. REYES. Because we haven't funded and we haven't prioritized my way, in my opinion, the way we should. When I came to Congress here 10 years ago, almost 10 years ago, I felt very confident that with my experience I would be able to convince individuals like Duncan Hunter that I have known for 20 years, I guess Lamar Smith, Henry Bonilla, Charley Rangel, who I first met because he was heading a task force on narcotics trafficking when I was chief in McAllen.

I figured it would be easy to convince them that we ought to be hiring between 1,000 and 1,500 agents a year till we get to a threshold of about 20,000, re-evaluate and see where we need to be. I also, having used the equipment, figured it would be easy to convince Members of Congress with the authority to put cameras out that I know work and worked 10 years ago, so the technology has gotten much better now.

Sensors that we use, the technology where the sensor goes off and the camera is looking this way, but that sensor goes off and it turns and investigates where that sensor went off; all of these things that have been available, we haven't done. I mean, I have tried time after time after time to put that kind of technology, to put those kinds of resources into different bills and have been basically voted down.

The overriding reason is always resources. We don't have the money. Well, I'll tell you what, we didn't have the money prior to September 11th to do a better job of screening passengers and look what it cost us. It cost us over \$300 billion plus over 3,000 lives. I just think as a Congress, we owe it to the American people to do a better job of putting those resources out there. I have been infuriated that we are building whole neighborhoods in Iraq. We are providing brand new garbage trucks and we don't prioritize the same kind of technology for our border communities. We don't need garbage trucks, but we do need this kind of infrastructure support and spending those \$2.2 billion on additional Border Patrol agents just makes sense.

Mr. SOUDER. Mr. Cummings.

Mr. CUMMINGS. Thank you very much. I want to thank both of you for your testimony. And I wanted to talk to you very briefly, Congressman Hunter, and you know, I have often stated in my political career that we have one life to live and this is no dress rehearsal and this is the life. And that so many—and this immigration issue is a very, very difficult one and very complex, when you look at the fact that people are trying to get to America for a better life. And they have that one life to live and when they are well willing to risk it, that says a whole lot.

But having said that, I am wondering when we look at the tunnel, first of all, and I want to thank you for something else. I have never heard such a great explanation of the fencing, the triple fencing, double fencing and it makes sense what you said. It makes a lot of sense.

But there are some things that concern me.

First of all, we have not addressed the issue—you all did not address and maybe address it before I got here, but San Diego has had some tunneling problems; is that correct?

Mr. HUNTER. Yeah.

Mr. CUMMINGS. Now, how do we deal with the tunneling problem as it relates to the fencing? Does that mean we have to dig deeper, do the walls have to be thicker? How is that affected by the things that you all said, and you may want to address that also Mr. Reyes.

Mr. HUNTER. We have got some capability to detect tunnels. Some of it is—is open technology. Some of it is classified technology. And we found you know as you know we discovered recently a big tunnel in San Diego. But if you look at the tunnel we found in San Diego, costs arguably millions of dollars to dig and that has been a response to the fact that they can't do what they did in the old days, which was just to drive over with drug trucks, for example, 300 a month were just going right through the sage brush and ramming the border, and when we put the fence up, that stopped that. So you—so like crime the smuggling industry, and it is an industry can never be totally eliminated.

What you can do like crime is make it extremely inconvenient. So when in the old days, a cocaine smuggler who could simply get in a pickup with a load of cocaine in the back of that truck and just put it in third gear and roll off right over Ota Mesa, he is now stopped by the double fence. So he's now got to invest a lot of money, get a warehouse on this side, a warehouse on this side and

go through a very laborious process of digging a tunnel and have it, perhaps, for a very short period of time before it is discovered.

So he's got to make a very massive investment, and that is kind of the definition of law enforcement is you make crime very inconvenient. You can never totally wipe it out. But I think to a large degree, the tunnel and the tunnels that we found and we found them in Texas, also, to some degree, there is a reflection of the success of the fence that you can't just go across anymore.

So we have to keep working on those and we have got technology that we have been using to go after tunnels.

Mr. REYES. When I was first appointed chief in McAllen, which is in south Texas, and I got to McAllen sector, one of those common ways that smugglers were using to introduce narcotics into our country through south Texas was to fly it in. They would fly it below the radar screen, which meant flying low at night without lights. It wasn't unusual. My officers would tell me that they'd be out on operations along the river, and they would hear these aircraft that would come in, they couldn't see them because they didn't—they ran without lights but they would come in and drop their cargoes off just north of our checkpoints, which were about 50 miles north of the border.

We solved that by putting up the aerostat balloons with a radar that looked down and we could detect and that problem stopped just like that. They stopped doing that.

It is like a game of chess. You see what the smuggler is doing. You counter that and then they are going to do something else. It's not hard to figure that if we find a virtual fence and a combination of different resources on the southern border, to stop people from smuggling either people or narcotics, that will render the seacoast vulnerable. I mean, they will start coming up with fast boats along the gulf coast and along the southern California coast and try to get around that way, which means then we will have to beef up the Coast Guard and maybe give them assets to be able to address that.

But that is going to go on as long as it is profitable for people to smuggle narcotics and as it relates to people, I think the solution is much simpler and I've been banging my head up against the wall telling you, my colleagues, that we ought to be enforcing employer sanctions. If you remove the magnet for why people are coming here, you are going to stop.

In 1986, when the Immigration Reform and Control Act passed that everybody now derides the amnesty that we gave back then, but I will tell you, the most effective tool we had was the publicity that was generated to tell potential illegal entrants that they weren't going to be able to get a job because employers were going to be checked.

Well, what happened? We passed the law but we didn't give INS Border Patrol the resources to enforce it. Where we had the resources along the border region because I did employer sanctions work. My agents did that. It worked very effectively. The reason people today say that employer sanction has never worked is because we never gave them the resources. If I had been President Bush several months back when he announced the National Guard going to the border, I submit to you it would have been much more

effective and it would have been dramatically more meaningful if he had said that he was directing the Secretary of Homeland Security to identify 1,000 officers that were going to fan out around the country and start enforcing employer sanctions. That one aspect would have been much more effective than the 6,000 or 10,000 or 8,000 National Guard troops that he did announce, which, by the way, are also absurdly expensive at a time when we can't afford.

Mr. HUNTER. Let me, if I could respond to that last point that was made. I support employer sanctions, but we still need to have a fence and we still need to have roads and lights and sensors and lots of border patrolmen, which I also support, and the reason for that is this: No matter how we adjust what I would call the front door with our immigration policy, the idea of having a—having a way where an employer can verify if his people are legally in the United States and having sanctions for people who willfully abuse that and willfully break the law and don't—and ignore the law on that, you are still going to have this massive population, 250,000 criminal aliens, quarter of a million in Federal, State and local penitentiaries, who come across and could care less about whether they are employed or not. They come across to commit crimes and they do move back and forth across the border.

Additionally, we have learned one thing, and that is that everybody watches television. Around the world they watch television. And people around the world now know that if you want to get into the U.S. illegally, you don't come through L.A. International Airport no more. You come across the land border between the U.S. and Mexico, or perhaps the land border between the U.S. and Canada.

Now if you have a virtual fence only that is cameras, the virtual fence only works if you have a response force very close by that can move very quickly, and Mr. Chairman, I would ask that the Sandia Report that was done by our national laboratory, the guys who design our nuclear weapons incidentally, that that be included into the hearing because I think it is very instructive and that they looked at this thing, and they said you have to be able to slow people down physically.

You have to have an impediment, and if you have the impediment, that gives that much more leverage to your people, to your border patrolman. So you don't need as many patrolman, and I think if you look at the numbers of Border Patrol that we had in the San Diego sector, 25 percent of the entire force for the entire Nation was in this sector, that is only about 15 miles, because we didn't have the impediments. When we put the impediments in place, the fence, we were able to pull border patrolman out of there and leverage them, the other place where sensors don't work.

So sensors only work where you have a force that can immediately come in. The other place they don't work when we watch the so-called Banzai attacks that was the name given by the National Guard where thousands of people on a given signal would come across the border at once. You'd have 25 border patrolman waiting to catch some people. They would each catch a person or two and the thousands of others would rush by them and hit the freeways and get into cars or disappear into the brush, and so there were ways for people unless you have the impediment, and

Sandia looked at this carefully, the idea of having only sensors or only cameras with the responsive force does not work.

And I know we all like sensors. We all like cameras. But when we have a place like an important military base and we don't want people to come on to that base, we always have a fence.

Mr. SOUDER. Mr. Dicks.

Mr. DICKS. As I think the gentlemen knows, I serve as the ranking Democrat minority member on the Appropriations Committee. And we had a hearing just the other day, and I think for the—for my time here, I wanted to just mention this because all of the great efforts in El Paso and in San Diego have created a disaster in Arizona. And a disaster to our national parks and wildlife refuges. Let me give you a few of the facts here.

Mr. HUNTER. We thought you were going to complain about Washington.

Mr. DICKS. We have got a problem up there.

Illegal cross border trafficking activities cause significant impacts on the department of interior, forest service and tribal lands. Interior has four bureaus with law enforcement responsibilities on the southwest border totaling 755 miles or 38 percent. I think, what is it, 1,949 miles on the border. So there are seven fish and wildlife refuges on the southwest border, totaling 162 miles or 8 percent. There are 1.1 million acres of Federal wildlife acres of refuges along the border which provide habitat for endangered species, migratory birds and wildlife. There are 8 national park units, a total of 1.2 million acres on the southwest border totaling 354 miles or 18 percent.

There are 155 miles of public land managed by the Bureau of Land Management, or 8 percent in the southwest border area. Land impacted within 100 miles of the border that are managed by BLM include 3.7 million acres in Arizona, 1.8 million acres in New Mexico, and 3.3 million acres in California. There are five Indian reservations in the southwest border, totaling 75 miles. There are two national forests. Portions of the Cleveland National Forest are within 5 miles of the Mexican border. The Coronado National Forest, Arizona has 60 miles of common border with Mexico. And let me just talk a little bit about the environmental degradation that is occurring on the border as we speak. And I don't think people fully recognize this, this is why I am trying to take my time here today to point out the environmental consequences on the border which are very severe.

During the last 10 years, many formally pristine areas along the border lands have been extensively degraded by unprecedented levels of undocumented immigration and the increasingly intensive enforcement efforts of the Border Patrol. This degradation began when the Border Patrol started to focus its operations as immensed on major border cities such as San Diego, California and El Paso, Texas purposefully shifting undocumented immigration and other illegal activities to less patrolled and more remote areas, as has been mentioned here, especially lands along the Arizona border.

As a result, the once negligible levels of immigration across Arizona's formidable desert and mountains rapidly increased. By 2003, agents and the border patrols, Tucson sector alone had appre-

hended more than 365,000 migrants attempting to illegally enter the United States.

This high level of human traffic has taken a heavy toll throughout the Arizona border lands, especially in the easily scarred western deserts where migrant and drug smugglers have created miles of illegal roads, abandoned scores of vehicles, damaged rare desert springs and wetlands and left behind huge amounts of trash. The Border Patrol has attempted to deter illegal immigration within Arizona by applying the same tactics used in the major border cities.

Adding thousands of additional agents bolstering off-road vehicles and air patrols and constructive and extensive infrastructure of fences, walls, lighting systems and roads. These actions have only resulted in further degradation to the already stressed national natural environment.

And some would say that a number of these species which are endangered need to have the land on both sides of the border. I mean, I know it strikes one as well, just build a fence all the way across the southern border and we will take care of this problem, but there would be a lot of other consequences to doing that, and one of them is in the environmental area.

And so as the ranking Democrat on the Interior Appropriations Subcommittee, which has responsibility here, I want to point out to my colleagues that this is a major environmental issue and if you guys want to comment, I would be delighted.

Mr. HUNTER. If we could, maybe if Larissa from my staff, our border lady, could put our poster up, I have got a poster that shows my good colleague the before and after of a—of the border fence in San Diego County. There it is beforehand and—put the first one up there and get it up high where they can see that. That is a segment about 3 miles east of the Pacific Ocean, and that as you can see, all of those trails that have been hammered into the ecosystem there by the smugglers and also lots of trash thrown there. And if you look, take a look at that my good colleague, and now take that down, Larissa, that is the same stretch with the—with the fence in place. It looks a lot nicer.

Doesn't have any trash and you can see that the trails have started to heal. In fact, we have got a—we have got a marshland, an estuary just north of that where the trails by the smugglers have been pounded so badly that environmentalists say it will take hundreds of years for those trails to heal.

So stopping the smuggling, whether it's people or narcotics by having a fence has had a salutary effect on the—

Mr. DICKS. What you have done is save San Diego and as the Congressman from San Diego, I am sure you are quite proud of that, but what has happened is you have shifted all of the traffic out to these desert areas, and now we are destroying Arizona and New Mexico and the public land out there.

Mr. HUNTER. That is why we want to help them with a fence. Then we are going to head to Washington State.

Mr. REYES. Well, the comment that I wanted to make was I originated the policy of deterrence away from apprehension which is what created the first picture.

And when I wrote my after-action report, that is one of the things that I made a recommendation is that as we are—as we effectively managed the heavily populated areas because when I got El Paso, we were—we were seeing 10,000 entries a day, 10,000 and that is that is tremendous in a 20-mile area. When I implemented operation Hold a Line, those entries went down to less than 500. In fact, most days they were around 200 entries, which is a lot more manageable.

Congressman Hunter made mention of the Banzai charges. We had those in El Paso. We solved that by putting the agents right on the border and it, believe it or not, it took a couple of months, but you reeducate people that you are not going to come through and then whatever force you are coming, you are going to respond equally and it's not going to be acceptable and you do because today El Paso is dramatically different, just like that picture there of San Diego.

But the point that I wanted to make is that we have never followed through and the fault goes right here, if we want to see whose fault it is, all we have to do collectively, as Members of Congress, is look in the mirror, because we have left the patrol, the Border Patrol in a lurch by demanding a comprehensive long-term strategy that involves all the things that I have already testified to. By not having chiefs come and tell us or us go ask them what is it that will work in your area, and yes, by protecting the border.

And, you know, one other part of this thing that hasn't been said, and I will say it, is that we have got to put pressure on Mexico to help with their end of the border. Now the conversations that I have had as a member of the interparliamentary is that today they are much more willing to help and we have got to keep that pressure. The new administration, the past administrations have not been required to come up and step up and work with us on their side of it.

Let me tell you. The cities of El Paso and Juadis, that is an area that has almost 3 million people. I will tell you. It is a better managed border today than the chaos that I found prior to September 1993. You go on either side of the border and the residents of those two cities tell you that that border is better managed today.

Now are there economic implications, and have other things been impacted? Yeah. But you have to do stepping stone, stepping stone-type process to make sure that as the flow shifts, two things very important. One, the flow is not going to shift in the same numbers. In other words, when I stopped the 10,000 entries in the 20-mile section between Juadis and El Paso, 10,000 people didn't rush out to New Mexico to go through that area.

It was significantly reduced, and I am talking about better than 9,000 decided, you know, I am just going to—I am just going to stay in Juadis and not go back and forth. So there are those kinds of consequences, but we simply, as a Congress, have to—if we are really serious and I submit it is deadly serious with the threat that we are facing with terrorism, we have to, on a bipartisan basis, we have to be serious about that and give the Border Patrol, the Customs and Border Patrol today the tools that they need and the support that they require by working with Mexico to come up with these solutions.

It's in everybody's best interest.

Mr. SOUDER. I thank the gentleman from Texas.

We are going to move ahead to the second panel. I didn't get a chance to question on the first panel either. Chairman Hunter had to leave at 4 o'clock.

Mr. REYES. I have one request. I would like to submit my prepared text for the record, and I know Chairman Hunter also had a prepared text that he wanted to go into the record.

Mr. SOUDER. Yes, we will be happy to submit both for the record. Also he referred to the Sandia Report, which is 700 pages. We will get an update on that. Thank you very much for participating.

Mr. LUNGREN. I just want to mention the pictures that Mr. Hunter have are very instructive about before and after, but as a southern California native, I must say in a manner of full disclosure the after picture looks like it was taken in December, and the before picture looks like in August and while the fences helped a great deal, I don't think it greened up the setting there.

Mr. SOUDER. Thank you very much.

Our second panel, Mr. Kevin Stevens, Senior Associate Chief of Customs and Border Protection here on behalf of CBP and if you will remain standing.

[Witness sworn.]

Mr. SOUDER. Let the record show that witness responded in the affirmative.

**STATEMENT OF KEVIN STEVENS, SENIOR ASSOCIATE CHIEF,
CUSTOMS AND BORDER PROTECTION**

Mr. SOUDER. Thank you very much for your patience with the vote and along with the first panel. I look forward to your testimony and to questions as to what the Border Patrol has done in the fencing area in the Marlboro states.

Mr. STEVENS. Thank you, Chairman Souder.

Chairman Souder, members of the subcommittee, I appreciate the opportunity to testify before you today on behalf of Custom and Border Protection and the Border Patrol. I am Kevin Stevens. I am the senior associate chief for Southwest Border Operation for the Border Patrol. I've been in the patrol for 26 years. I've been a field agent both on the southwest border and on the Canadian border. I've been a field commander, tactical officer, and I've been a strategic planner, and in my present position, I am responsible for strategic planning and deployment of resources to the southwest border on behalf of the Border Patrol.

I have, as a field commander and a field agent, I have lived the issues. I am very familiar with fences. I was the patrol agent in charge of the Nogales Border Patrol in Arizona for 2½ years, and I understand the dynamics of tactical infrastructure of technology, the proper mix of personnel and technology as it is employed.

And I understand both the strengths and the weaknesses of fencing and other tactical infrastructure.

The long and the short of it for me is that border security is about counterterrorism. Border security is about preventing narcotics from coming across the border. Border security is about preventing criminals and people who will do us harm from entering the United States.

Border security is about maintaining our economic security and facilitating trade. Border security is about preventing us—preventing diseases from crossing the border and coming to this country that can harm us, either diseases carried by people, plants, animals.

Border security is an all-threats issue. I have heard of a lot of things discussed today related to the issues related to a chaotic border to include the environmental issues.

Border security is a major step towards resolving many of those. Those issues are mitigated by virtue of a controlled border.

In our planning, as we have moved forward, the key elements of border control have been, and continue to be that we must be able to detect the entries when they occur. We must be able to identify the threat and classify it. We have got to know who we've got coming across, what they are doing and where they've headed. We have got to have the capability to respond and effectively respond to intrusions and bring them to appropriate law enforcement resolutions.

Meeting the elements of border control will require this appropriate mix of personnel, infrastructure technology, rapid mobility, and enforcement capability. The mix of those different components of the border control or border security mix will depend on the terrain, the activity levels. Urban environments are going to require a different mix of those sources than maybe the more remote or rural environments.

Where we have the tactical advantage, and I have heard that mentioned already today, we may be able to apply a different mix of the resources. But ultimately, the goal is to make our officers and our agents as effective and efficient as possible in as safe a border environment as we can provide for them to gain, maintain and expand control of our Nation's borders as rapidly as we are able to do so.

I am not going to spend a significant amount of time talking because I would expect you have many questions for me as a strategic planner and responsibility for the southwest border of the country for the border patrols operation. And a lot of what I probably would have talked about has been discussed in a variety of levels today. So with that, I am going to close out with we are committed to securing this Nation's borders. We understand what it is going to take to do so. And I open it up to questions.

[Prepared statement of Kevin Stevens follows:]

PREPARED STATEMENT OF KEVIN STEVENS

Chairman Lungren, Chairman Souder, Ranking Member Sanchez, Ranking Member Cummings, and other distinguished Members of the subcommittees, 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. Our strong economy creates the demand for these workers and the migrants happily supply the labor. After all, in their home countries, they make only a fraction of what they could make in the United States. This demand for cheap labor creates tremendous pressure at the border—making our job to secure 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, and creates a temporary worker program.

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 and we have 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 18, there are over 3,800 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 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 183 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 long-term plan to secure the border—the Secure Border Initiative.

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 the Secure Border Initiative (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 *SBI_{net}*, will integrate multiple state of the art systems and traditional security infrastructure into a single comprehensive border security suite for the department. Under SBI, DHS wants to create a common operating picture for agents, via the use of integrated sensors and other interoperable technologies and systems. The technologies will help agents detect, identify and respond to illegal activities.

There is no stretch of border in the United States that can be considered completely inaccessible or lacking in the potential to provide an entry point for a terrorist or terrorist weapon. Stretches of border that in the past were thought to be impenetrable, or at least highly unlikely locations for entry into the United States, have in recent years, become active illegal entry corridors as other routes have been

made less accessible to smugglers. We must consider all available information, including the vulnerability of our Nation's borders, when determining future infrastructure requirements and asset deployments.

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

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

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

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

Mr. SOUDER. Before I start questioning, and don't start the clock, let me express, first, my disappointment because we had asked Customs and Border Protection to talk about fencing. They had lengthy discussions about talking about fencing. Yesterday, the Education Committee talked about work visas and how you do work permits and immigration. Judiciary is talking about all sorts of internal things. We have had multiple hearings talking about all of the types of electronics and other types of things.

This hearing is about fencing. I was hoping that you would say something since that you have fencing in San Diego, fencing in El Paso, fencing in Nogales, fencing in multiple places, about what you have learned works and doesn't work in fencing.

So if we could kind of start over here. Could you tell us a little bit about what you have learned, some of the costs that you have run in to, some of the difficulties why you would say in urban areas you know, why you use some kind of fencing in some areas. I would like to hear from Customs and Border Protection about what you have learned from fencing. Quite frankly, if you are not prepared to talk about it, we might as well go to the third panel.

Mr. STEVENS. I am prepared to talk about that. We have today, fencing about 75 miles of it across the—across our southwest border. It's placed in specific areas where we have heavy urban population. Where we have many people that will attempt to cross as pedestrians. Typically, a smuggler is going to attempt to exploit the urban infrastructure. The urban infrastructure provides the easy access, urban areas provide them with a tactical advantage and puts us at a significant tactical disadvantage. That, sir, is where we find pedestrian fencing to be extremely valuable, the pedestrian fencing in concert with the appropriate level of personnel, the technology, does, in fact, deter traffic away from those areas where we don't have the tactical advantage. They will move off, they will

move off to areas where we have a greater tactical advantage over terrain and we can address it through a different mix. But the 75 miles of fence that we have today in place in specific strategic locations that are tactically employed to address the pedestrian dynamic places where people are going to want to cross is very successful for us.

Again, we experiment, and successfully, with additional enhancements, even to our fencing. We have some areas where we have a single landing mat fence, for example, in Nogales, Arizona where I was the agent in charge, I had a single landing mat fence because at that time, that was all we had room to place. It is all the land that we had capability to deploy on. So we enhanced the fence with super structure on top of it to further deter and further slow down and delay the entry of people trying to come across the border.

And in addition to our patrols, on the line we had our cameras overlooking the fence. On those cameras we deployed what we referred to as deterrence technology, high intensity lighting that could be turned on and turned off by the camera operators. If they supported somebody trying to come across the border, we were able to use the combination of that fence to delay them and deter them and the cameras to spot them and then the high intensity lighting to let them know that they'd been detected.

And we found that we were able to manage the same area with that proper set of infrastructure support with far fewer Border Patrol agents per mile. The agents could respond and react to what was spotted by the cameras. Many of the people were deterred by the fact that they—while they were struggling to get over the fence or trying to get through it, we were able to let them know that they had been detected in doing so and then they would move off to areas that provided us with a greater tactical advantage. We were able to move agents out to those areas and expand our operations in support of that.

San Diego, the same or similar situation, it was a significant overrun area. Chaotic border environment. We expanded our fencing capabilities. We expanded with single fence, double fence and triple fence, as was discussed earlier today. And we put lights in there, we put patrol roads, we put border toll road agencies in there. Initially it took more Border Patrol agents to bring it under control as the deterrence impact of the infrastructure took hold, then we were able to reduce the number of Border Patrol agents deployed to those areas. We are now moving forward with adding detection capabilities to that mix. And we are exploring again deterrence technologies, we refer to it, that will further support through the technology that is available to us or will become available to us the benefit that the fence brings us.

We have fences in areas such as the Laredo sector even though the Laredo sector is along the Rio Grande River, the aliens will cross that river in some areas and they will move to come in. The—if it is problematic, again, in an area where once they have been able to breach whatever natural barrier is provided, if the time that they have to be able to move in to an urban center or an urban community is short and we don't have the tactical advantage, the pedestrian fence provides us the tactical advantage of

time and the ability to respond more effectively and more efficiently to that.

There are areas that we would look at today and say that possibly another solution set might be viable where mother nature has provided us with the barriers. But in those areas that where we have urban populations where we don't have the tactical advantage of time to react, the fencing structure and the fencing systems are absolutely viable and critical to our operations.

Mr. SOUDER. I am still looking for a couple of things but let me ask some questions to see if I can draw some of this out.

Is it fair to say that San Diego started as an urban fence but you continued to move east into less urban areas?

Mr. STEVENS. Chairman, it is. What we find, again, in an area where we have a larger population, if you will, of pedestrian traffic attempting to cross where they can access even in a not heavily urbanized area, if they move out to a certain distance and still want to cross afoot, then extending the fence out to that limit is important.

Mr. SOUDER. So you felt that it also worked in the less urban areas if there was not a physical barrier, because doesn't the San Diego fence go all the way to the mountains.

Mr. STEVENS. Yes. In that area chairman, yes. Again, we are dealing with a major population center. The real key—

Mr. SOUDER. Isn't it also true in El Paso that going towards New Mexico that with the exception of where the road comes up to the river you basically have fencing out until it goes to the mountains going north and west from El Paso it stops as it goes into the hills, and then the fence picks up again over where the road is by Sunnyland and goes out into the rural areas? In other words, it isn't just an urban fence that you currently have. It goes out into the rural areas as long as that is contiguous until you run into what was assumed a topography barrier?

Mr. STEVENS. Chairman, it's not necessarily based on topography in this case.

Mr. SOUDER. Let us take the example of Nogales then. Why does the fence stop at each end in Nogales?

Mr. STEVENS. The fence stops at each end of Nogales because it is against—when we get beyond the ends of the fence, we get to the point where it's more likely that somebody is going to try to come across by vehicle, the time that it would take for them to cross the border and get into the community begins to become extended and we begin to achieve a tactical advantage of terrain. Not necessarily a physical barrier, but a tactical advantage of them not being able to get into the community infrastructure as quickly as they can from within the community.

El Paso, there is a lot of community to be able to access even in what is deemed to be maybe suburban or rural areas. But once we get away from the area where—it is a matter of time for us, Mr. chairman. If they have the tactical advantage of time and can get to a road, can get to a community, can get into the smuggling infrastructure and escape us, then we need to delay them by whatever means possible. And if they are doing so on foot, then a pedestrian fence is appropriate.

Again, it's not based specifically on terrain. It is based for us on time and tactical advantage that can be obtained by that.

Mr. SOUDER. Would you say that certain kinds of fences have an easier—what have you learned starting with barbed wire fences, they clearly were cut and moved, for example, in Arizona, knocked down. That is kind of passe at this point. That in certain fences in San Diego and others, clearly they are cutting them on a regular basis. Have you evolved in your thinking of making fences that are more secure and less able to penetrate?

Mr. STEVENS. Yes. We have experienced with a variety of different fence styles. We began at one time, of course, we mentioned the barbed wire. There are areas where we use chain link fence for a period of time. That is easily cut through. If it's a chain link fence, particularly if it's applied directly at the border where they can sit on the Mexican side or the foreign side and cut it, then it's not going to work well for us.

We moved in to utilizing what we have referred to as the landing mat fence, a structure using the landing mat material that the military provided us for a variety of reasons. One was it was free in terms it was donated to us by a fellow agency or department. And it was solid. Even with the landing mat fence as we have been able to get that in line, we have discovered that there are some issues with that. The landing mat fence, it is opaque. So if the landing mat fence is sitting in an area where you don't have it heavily patrolled or if you don't have cameras to look over the top of it to observe people and their activity, they have time. They have time sitting on the foreign side to be able to attempt to defeat it.

Even with the landing mat fence, as they attempted to cut through it with torches and take actions of that nature, we discovered that by putting a small section of landing mat up, 4 inches into the fence and filling it with cement, cutting torches wouldn't work. The landing mat fence is still viable as long as we apply the appropriate systems to it.

Other things that we found were that people were climbing over the top of the landing mat fence depending on the height of it or, in some cases, they would put ladders up against it and come over the top. One of the things I experienced when I was in Nogales was people who were not really physically capable of climbing the fence on their own, they would get assistance to climb the fence and then not be able to handle their own weight when they came over the top of the fence and we would have people losing fingers on the fence, we would have people breaking ankles coming to the ground with compound fractures. That was among the things that we were faced that prompted us to place an additional structure on top of the fence that even with assistance, somebody who was not physically strong would not be able to negotiate the fence.

It stopped those people from even trying and significantly delayed even the most able.

Once we also applied an ability to let them know that they had been detected trying to breach that fence by using the deterrence technology, then that further improved the capability of that system.

What we have found as we have moved forward we have experiments with what we call a Bollard style fence, which is a series of

cement bollards set at very close intervals to one another. We can look through those and see the other side. There is some limited visibility that we found, but that was an effective though somewhat expensive process at the time. We found that it was useful in areas, for example, where we have water that is flowing and we don't want to impede the water flow, or we don't want to damage the land as a result of water backups. The bollard fence is very useful in those types of areas.

And it is difficult to breach. They've got to chip away at the cement structure to make that happen. We have also moved to a system metal bollard built very much the same way, close interval to one another that we are finding it very useful. Again, we can see activity on the other side of it and we can observe what they are doing. It is difficult to tamper with and it's very good for water crossings and water flow areas that we are operating in.

We use, in California, for example, a system of the landing mat material as the primary fence. We are deploying the cameras to get a better visibility of it. We have a lighted area that we can patrol in between the primary and the secondary fence. The secondary fence we will use the Sandia type fence which is expanded metal. Again, we can see activity. We can tell if somebody is tampering with that fence and we found that be a very viable fence as well.

There are a wide variety of different types of systems that we can employ in single fences, multiple barrier systems, in one area we may move through where we put a particular landing mat system in place as a Sandia backup. If we have got low water, we will move to a Ballard for that purpose, long enough to get through that section and then revert back to the landing mat fence again when we move out from there.

So we have experimented with a variety of different types of fence. We have found that some are more tamper resistant than others. But the long and the short for us is that a fence does, in fact, deter some and it definitely delays even those that won't be deterred giving us that tactical advantage that we wouldn't otherwise have without that system in place.

Mr. SOUDER. Thank you. Mr. Cummings.

Mr. CUMMINGS. Thank you very much. Chief, let me ask you this. We have, in House Resolution 4437, an amendment that is part of the bill now that says it mandates construction of 854 miles of double layer fencing. Are you familiar with that? You are familiar with—are you familiar with what was passed by The House?

Mr. STEVENS. Yes, I am, sir.

Mr. CUMMINGS. And were you consulted on that? In other words, were you consulted by the Republicans with regard to that amendment?

Mr. STEVENS. I can't say that I was personally consulted.

Mr. CUMMINGS. All right. Well, that is fine.

Do you—can you look the American people in the eye and say that this is something that is needed and it is, in other words, in order to effectively stop folks from coming over on our southwest border, we need an 854-mile double layered fence. And is that the most practical use of our taxpayer dollars, in your opinion? I mean, you are on the ground; is that right?

Mr. STEVENS. No. I am here in Washington now.

Mr. CUMMINGS. No. No. But you were on the ground; is that right?

Mr. STEVENS. Yes.

Mr. CUMMINGS. And you spent some time when you first sat down talking about your experience, and I do admire you and I thank you for that experience.

What I am getting at, though, is our President has consistently talked about Iraq, and when he talks about Iraq he says we ought to listen to the people who are on the ground. I want to listen to you on the ground. What is it that we need? You have to deal with this. You have got men and women who are risking their lives every day. We are the Congress of the United States of America, and it is our duty and our responsibility to work with you to help you do your job.

Our constituents are screaming for help from—and all kinds of help saying look, protect our borders. And all I am asking you as one who has dedicated some 20 some years to protecting our borders, what is it that you would say to the Congress of the United States which is responsible, by the way, for allocating money, putting money out there to help you help us and our Nation, what is it that would best serve you? What kind of policies? This is your day.

Mr. STEVENS. We need, for border control, for border security, we need that appropriate mix. It's not about fences. It's not about Border Patrol agents. It's not about technology. It's about all of those things. And the appropriate mix must be determined by our planners and our field commanders. I don't want to sit here, sir, and give you a dollar figure or a mile figure for any of these components. I want to be very dependent on our field commanders. I was personally involved in establishing a planning process within the Border Patrol that would bring that information to us from our field commanders. And that information, even as it comes to us today, is revised, depending on the dynamics of the operation.

But I would ask for the support to accelerate the effort to allow us to continue our gain, maintain and expand process using this proper mix, and not concern ourselves with whether it's 800 miles of fence or 300 miles of fence. That is not the issue in my mind as a planner. The issue is deploying the appropriate mix as our field commanders and our field planners deem appropriate to their strategic and tactical solution on the ground.

Mr. CUMMINGS. I want you to understand I am not asking you for dollar figures, and I really appreciate your being very candid and open with me on what you just said. But let me take it one step further so that we will be clear as to what you mean by the mix.

And I realize it is fluid but can you just give me the elements of the mix? I realize that there may be one mix for one area there may be another mix for another. But just list the mix type things that you are talking about. Would one of them be, for example, making sure that employers are penalized and checked if they are employing people who you are trying to stop from coming across the border? Would that be one?

Mr. STEVENS. As a Border Patrol agent, I have experienced the angst, if you will, of being on the line and being frustrated by the

fact that we look to border security, we look to border control when there is, in fact, a deeper issue at hand.

If you are asking me to talk policy. If you are asking me to talk the political issues regarding illegal immigration that is—I definitely have an opinion about that.

Mr. CUMMINGS. Let me tell you what I am trying to do so you'll be very clear. I am not trying to play any games. What I am saying to you is that I just want to know—I have a job and these folks up here have a job. We are elected by over 600,000 people each to serve and do those things in their best interests. You are an agent of those same people. And all I am asking you, as one who is paid by the Government of the United States of America, one who is our agent, one who is an expert who is on the ground who—and you may be in Washington now, but at one point, you were on the ground. We may not have as much access to information as you do, and all I am asking you is what will best allow us to help you accomplish what you accomplish every day.

Your men are being—and women are being placed on the line and we are trying to figure out what is this mix. You keep saying a mix. And the only thing I want to know is what is a mix and Mr. Chairman, I would appreciate it if you would let him answer the question.

Mr. STEVENS. The mix, again, there is—what we are talking here philosophically is the mix what you are asking me for border security as an enforcement role. Are you asking me for a mix of a border policy and political decision?

Mr. CUMMINGS. Let me help you. You said fencing is one thing, is that right, things that help us keep people out of this country that should not be here. That is what I am asking for.

Mr. STEVENS. On the line for border security for border control, we need Border Patrol agents. We need response capability. We need vehicles. We need aircraft. We need tactical infrastructure. We need fences where they are appropriate. We need roads to be able to get to the people when they come across in areas where we don't have access today. We need air mobile capability to fly to those areas where we don't have, or maybe don't want to put roads. We need the technology solution. We need the ability to be able to detect that entry, as I mentioned earlier, to identify and classify the threat.

The greatest threat today to a Border Patrol agent in a remote area of operation, in my mind, is the fact we identify the level of threat, we learn what we are up against at the point of interdiction. When we step up behind that bush to take those people into custody, that is when we learn whether these people are narcotic smugglers, criminals, how many there are, we need to have, again, that mix of enforcement resources, but enforcement force multipliers, the response capability that brings us that enforcement capacity to be more than a nuisance to smugglers on the border but an overwhelming enforcement force that they don't wish to come up against.

Mr. CUMMINGS. Thank you very much, and we thank you and the men and women who serve with you, because we know it is a very risky job, very dangerous and we just thank you very much.

Mr. SOUDER. Chairman Lungren.

Mr. LUNGREN. Thank you. Thank you very much for your service, Chief, and thank you for your children's service. From what I understand from your resume, you have a daughter that is in the Border Patrol?

Mr. STEVENS. I do, sir.

Mr. LUNGREN. And you have a son that is serving in the Army?

Mr. STEVENS. In Iraq.

Mr. LUNGREN. And you have a son that is serving in the Arizona Department of Corrections?

Mr. STEVENS. I do.

Mr. LUNGREN. So you have family boots on the ground.

Mr. STEVENS. Yes, I do.

Mr. LUNGREN. We thank you for that and we appreciate your service. A couple of things. You talk about the mix. Boots on the ground is part of the mix.

Mr. STEVENS. Boots on the ground is absolute.

Mr. LUNGREN. Technology is part of the mix.

Mr. STEVENS. Bricks and mortar, tactical infrastructure, the fences, the vehicle barriers, the roads.

Mr. LUNGREN. Let me ask you this.

Mr. DICKS. Will the gentleman yield for 10 seconds?

Do you have enough of those things you just talked about to do the job?

Mr. STEVENS. Today we do not.

Mr. LUNGREN. Let me ask you a question on that then. How many cameras do you have in your inventory that are not deployed right now?

Mr. STEVENS. I would have to get back to you on that answer, sir.

Mr. LUNGREN. You can you submit that for the record.

Mr. STEVENS. Yes, we will.

Mr. LUNGREN. Can you tell me whether the Border Patrol has software which allows for—I don't know if I call it artificial intelligence, but allows, without you to be constantly monitoring it, to be able to detect through the cameras whether it's an animal versus a person versus a vehicle, identify particular objects of concern?

Mr. STEVENS. We have—I assume what you are—what you are describing is a camera that would identify the difference and then alert an operator?

Mr. LUNGREN. Right.

Mr. STEVENS. No, we don't. Not today.

Mr. LUNGREN. Are you aware if ICE has that?

Mr. STEVENS. I am not aware whether they do.

Mr. LUNGREN. If you were aware—if it were the case that ICE had that and you were to make a request to have that transferred to Border Patrol, is that possible within your agency, your department?

Mr. STEVENS. Within the Department of Homeland Security? I would believe it is. It would depend on what ICE is presently using it for.

Mr. LUNGREN. What if it's not using it? What if it's sitting on the shelf somewhere?

Mr. STEVENS. Then we would definitely make the request.

Mr. LUNGREN. You said you had 75 miles of fencing right now. And you said that it would be the determination of those chiefs of the various sectors, their recommendations that would indicate to you to help you make a decision as to how many more miles it would be effective, correct?

Mr. STEVENS. Yes.

Mr. LUNGREN. Has there been preliminary investigation of that and preliminary planning of that in anticipation of us passing some legislation in view of the fact that both the House and the Senate have mandates for additional fences?

Mr. STEVENS. Yes, we do have the preliminary information and have a pretty solid handle on what we think in today's information flow.

Mr. LUNGREN. With that solid handle, can you tell me, is this primarily in the urban areas and if it is primarily in the urban areas, do you also have it extending in non-urban areas, that is, initial planning?

Mr. STEVENS. For fences specifically, yes, it is primarily in the urban areas and it does extend to some of the less urban areas where we have, for example, an issue of time. Tolerance to how deep we will allow them or can allow them to move inland before we need to take them into custody is a key issue. And if the tolerance to entry, even if it's a rural or remote area, if tolerance, distance wise, is very short, then that chief would employ that type of resource.

Mr. LUNGREN. What lessons—I presume if you look at this in anticipation of the possibility that we are going to pass legislation and mandate that at least some fences be built, what lessons have you learned or what—I assume you have done an analysis of how effective or ineffective the San Diego fencing has been. Can you give us any idea of what lessons you have learned, that is the Border Patrol has learned from the experience in San Diego?

Mr. STEVENS. Yes. The San Diego experience has taught us that one, fences do work in these environments in the appropriate areas. It has taught us that in some cases we may need to go with the secondary fence in order to assure the deterrence impact.

But one other thing that we have learned, and that is to make the most efficient use of our agent resources, the people that we train, pay and employ to do the job. The addition of the deterrence technology, the technology call systems is another benefit that allows us to reduce the number of agents we are using in a particular given area, give that agent more mobility and allow for expansion out to the more rural areas where we can use that agent to exploit the tactical advantage that times gives us.

Mr. LUNGREN. Have you made any judgment with respect to the utility of unmanned aerial reconnaissance vehicles?

Mr. STEVENS. We have employed unmanned aerial reconnaissance vehicles. We initially employed in the Tucson sector during the time that I was there as an assistant chief. We found that any aerial platform is valuable to us and the UA system was a—and is a good system. We are employing them now as a result of those initial tests.

What we found is that if we can establish the high ground, virtual or otherwise, that is a technology advantage we have that pro-

vides us the situational awareness to exploit the tactical advantages that the terrain will give us in those areas where we can employ it.

Mr. LUNGREN. Thank you very much, Mr. Chairman.

Mr. SOUDER. We heard earlier that the boots on the ground, so to speak, opposed to San Diego fence that you are now saying works and that while Congressman Reyes spoke out, in fact, the Border Patrol opposed the El Paso fence that now works. What was the experience in Nogales?

Mr. STEVENS. The experience in Nogales, Mr. Chairman, was that we believed it would work and when we employed it, it did work. By that time we had learned a valuable lesson and we turned the corner from what was previously a mindset of apprehending people as opposed to try to deter them.

Mr. DICKS. How many people are coming across the border today? On an average day, what is the number?

Mr. STEVENS. I can tell you what we are apprehending in a year. At this point, I can't tell you with any certainty how many people are actually coming across the border, sir.

Mr. DICKS. How many are you apprehending?

Mr. STEVENS. We arrested last year 1.2 million people.

Mr. DICKS. 1.2 million.

Mr. STEVENS. Yes, we made 1.2 million arrests. I should clarify that point. The 1.2 million arrests were a variety of incidents, some people being apprehended more than once because there were multiple attempts.

Mr. DICKS. Let's go back to the mix. You said you are short. I have been up here. I have had chance as a member of the Appropriations Committee to vote on a number of amendments to increase the funding that have been voted down, unfortunately, by the majority party and I try to approach this job in a very non-partisan way, but I want to make that point. There have been efforts in the Congress to add money for border patrols, there have been for detention beds and immigration agents. All of these amendments have been voted down by the people who are now holding these hearings, which bothers me somewhat because if we had put them, if we had passed the amendments we might not be having these hearings today because you would have the resources necessary.

Now, how much short, you know—and in fact the majority party voted for the Intelligence Reform Act of 2004 in which—and they are now short 800 Border Patrol agents, 5,000 detention beds and 500 immigration agents of the very bill that they passed.

So not only have they—they have authorized it but when they cut down the funding—and we are in a tough financial situation. Everybody recognizes that. But they haven't funded these programs.

And how short are you on border agents? How many are you short?

Mr. STEVENS. We have initial estimates that would take us upwards of 19 to 20,000, but these are only initial estimates and will

Mr. DICKS. How many do you have now?

Mr. STEVENS. We are around 12,000 now.

Mr. DICKS. So 19 to 20,000. How many detention beds are you short?

Mr. STEVENS. I don't have a number on detention beds.

Mr. DICKS. Can you give us one for the record? How many immigration agents are you short along the border?

Mr. STEVENS. Again I don't have that number. The detention beds and the immigration agents are with our sister agency ICE.

Mr. DICKS. We have to get those from ICE. So you are at present about 7,000 to 8,000 agents short of what you need to do the job, is that correct?

Mr. STEVENS. Our initial calculations as they stand today but, again, sir, allow me to reiterate it is not just about agents.

Mr. DICKS. How much are you short on technology?

Mr. STEVENS. We are still working through that. We have several miles, in fact several hundred miles of border that need to be surveilled. We need detection capability.

Mr. DICKS. Do you have any numbers or estimates on that? How much?

Mr. STEVENS. I don't have those with me. We are still working those numbers to, again with, in conjunction—

Mr. DICKS. Third amount was fencing. Are there ways of blocking—

Mr. STEVENS. Tactical infrastructure in general, which involves fencing, barriers, roads. It can be helicopter landing pads, it can be boat ramps. Tactical infrastructure is a variety of different systems that we employ. Forward operating bases fall within that. It depends on the tactical situation in the area. And also as we move forward, looking toward the Secure Border Initiative and *SBI*net, we intend to clarify working with industry partners the actual figures, the actual numbers and develop the final solution.

Mr. DICKS. Now you heard my comments about the impact on the environment, on our parks and our wildlife refuges and BLM land. What is the strategy to try to minimize the impact on our national parks and our wildlife refuges which are also important to the American people?

Mr. STEVENS. We are working very closely with the Department of Interior, with our environmental partners. Just as a personal note, the Director of their enforcement entity was actually assigned for a period of time with Office of Border Patrol and assigned to my division when I was in operations planning and analysis for strategic planning. We partnered with them to identify where the greatest impacts and work together to mitigate the impacts. We recognize collectively that the chaotic border environment, particularly in our southwest border in these sensitive areas, is devastating to those lands.

Our goal is to work with them to establish the systems that be that will allow us to reduce the traffic flow in those areas and ultimately allow those areas to recover.

Again this gets into the different mix. The personnel, infrastructure and technology in those areas is going to vary depending on the tolerance for how far these people can go. We may have a day to apprehend them in a remote area, but that doesn't mean we want to take a day to apprehend them. We are going to employ the resources that allow us to apprehend them as close to the point of

entry as is practical under the circumstances. Not necessarily right on the border, but as close to the point of entry as is practical.

It will save the environment. It will save potentially their lives in these remote areas if we can catch them before they get into distress. And it will send a strong deterrence message that we are looking for. And so we are working very closely with our partners in the Department of Interior and other agencies involved for protecting our lands and understanding that, again, border security in those areas is as much about environmental protection as it is about the other categories that I mentioned in my opening remarks.

Mr. DICKS. Thank you. Thank you, Mr. Chairman.

Mr. SOUDER. What is the average salary of a Border Patrol agent? I don't want just the starting because if people get hired they are not going to be just starting. What would you say is an average salary? In other words, starting and ending, some kind of a approximation.

What is the starting salary?

Mr. STEVENS. I don't have those figures with me. I can get that to you. I have got, I can get the entire schedule.

Mr. SOUDER. I would like both an estimate of the starting and then if there can be some kind of an averaging. I know you get an aging, but I am looking for a rough figure. Also what the cost, any company that does a cost doesn't just look at the salary. They look at what are the benefits that go with that, the health costs, the pension costs. So we get an idea of if we plus up 8,000, if we plus up higher, what are the costs we are looking at? What are the trade-offs?

Do you believe if you had more fences that you would have less agents like you have had now? In other words, I am not arguing less than 12,000, and personally I believe that 20,000 will not cover the border, that you have to have lots of other things because I see lots of single unit, pretty much all single unit agents right now out in the middle of nowhere with drug trucks coming at them often heavily armed. It is not clear in these open areas, as we move into these open areas and away from the ports of entry, that they can actually engage or get enough support fast enough. At one point there was a group of seven SUVs that shot their way through with a Blackhawk on them. The Border Patrol managed to take down a number of those. But the lead vehicle got through with tons of narcotics, and this is a complex challenge. We don't put policeman on the street with just one to a car.

Part of the reason we need to look at fencing and whether it is electronic or other types of air vehicles, to track, is that we are, as we make it harder, and the pressure gets greater, I am not arguing for a decline in the number of Border Patrol agents here. We are trying to figure out what can fencing do with gaps in those fencing so you can kind of manage the flow more, slow them down, look where you have the irrigation breaks, where you have to pull off of fish and wildlife, where the Rio Grande floods. Would you feel that if there was a higher than 780 miles of the border fenced you would need fewer agents than 20,000 or do you feel that you need the fence plus the additional 8,000 agents?

Mr. STEVENS. The fencing, and again I am reluctant to talk miles, but the fencing is part of that mix based on the calculations that we have today, would not replace but would augment the agents that we are looking for. I would not anticipate that we need fewer agents than what I have mentioned if we began to apply more fencing to the solution.

Mr. SOUDER. And I have emphasized without the 700 miles you are going to need 30 or 40,000 agents because it is going to become more violent and more pressure.

Have you looked at Neely's Crossing? Most of the maps and proposals I have seen, anybody that goes down there sees that the Rio Grande is not a free flowing river there. To the degree it is free flowing it is very shallow at Neely's Crossing, you have a gravel base. Maybe you can explain for the American people a little bit what we face there that when we do put up, as you have put up, barriers that they get knocked down and why and do you have proposals in particular for that area?

Mr. STEVENS. Yes. It is a unique coincidence that I began my career in Fort Hancock Station. I am familiar with that area specifically because I spent 4 years as a Border Patrol agent on the line out there. The river in that section of Texas is very shallow. It can be driven across in many spots, waded across in most.

An area like Neely's Crossing where you have not much distance, again the entry point of the United States and the nearest road that somebody can access and begin to move out, Neely's Crossing is an example of a place where you don't see a lot of pedestrians trying to come across, but they will try to come across in vehicles as occurred in the incident that you are making reference to, Mr. Chairman.

Mr. SOUDER. Where a truck attempted to cross with anywhere between 4 and 5 tons of marijuana? We sit here talking about street busts. We sit here talking about whether or not somebody can smuggle a little bit of chemical-biological-nuclear coming across. They have trucks coming across with 5 tons. Would you like to talk about the bulldozer on the other side that activated itself when I was out there 2 weeks ago?

Mr. STEVENS. I am not familiar with the bulldozer situation.

Mr. SOUDER. There is a bulldozer in the woods on the other side that plows through our berms and knocks down some of the types of barriers we put up. Does this not suggest that this might want to be an area that is a priority?

Mr. STEVENS. Yes. And we are looking hard at what type of solution will be the appropriate solution out there.

Any area where we are that is remote, they are going to use systems that are going to have, again, if a barrier, whatever system we place, is in place on the border and we don't have the detection capability to observe it to know if somebody is approaching it to tamper with it, then we are going to be at a disadvantage. As long as they can tamper with it to try to defeat it from the foreign side without our knowledge, that is going to be an issue and those are the things that we ask our field commanders to look at, what solution would work for this given area, and it varies significantly from area to area.

Mr. SOUDER. The implication today has been that the rural areas aren't a good place to put a fence where I would tend to almost think the opposite because what one of the challenges you are facing there is that as we get better at interdiction at ports of entry in those intensive areas and more surveillance and so on, while we may not move the same numbers—although that is not clear from the illegal immigration from the United States, the rise in meth now coming across the border. They are coming through somewhere and as we saw in Arizona they weren't going through the Tohono O'odham Indian Reservation and all of a sudden they are pouring through the Tohono O'odham Reservation. Douglas, Arizona became the big news hotspot. What I understand from some of your numbers, New Mexico is starting to see the next rise. We are pushing them into the next zone if we squeeze a little in El Paso. The problem here is unless you have a holistic border question, that all you do is move to the next gap and in fact you put the most dangerous criminals and the drug runners and terrorists, anybody who is going to smuggle something; in other words, more high value contraband or humans into those high risk areas where we are weakest. Why wouldn't we be to some degree fencing there since that is actually probably our highest risk population? If you are immigration only question, then you have a little bit different strategy than when you look at in these open areas.

We have had open testimony in our committee and in Homeland Security—I believe this was a Homeland Security hearing—from Mr. Garcia, when he was there, that New Mexico was the primary place where smuggling of Middle Eastern people occur. \$30,000 for a package was public testimony.

That would to me suggest that that becomes a priority, that needs a mixing because when we squeeze one area we move to another. And to the degree you make it harder in those areas they will move back towards the urban areas. What is wrong with that scenario? Everything else seems to concentrate in urban, and we push them to the rural. We now wind up pushing them to the rural and they are harder to get at. Why wouldn't we try to do something where we can push them back towards the points of entry?

Mr. STEVENS. Mr. Chairman, I don't feel that they are harder to get in the urban areas than they are in the rural. The rural areas, provided we have the capability to deploy, we have the response capability, we have the access to the area, the reason that as a strategic planner and as a tactical planner—and again I am going to speak a generality here for purposes of this. As I mentioned earlier, it is going to depend even some rural remote areas we may look, depending on our tolerance, to how deeply we allow the entry to occur, to move to a different type of system. But in general terms, when people move to the remote areas, they are more likely not to come across on foot. They are likely to bring a vehicle, to try to cross in a vehicle. They are moving away from the urban hub that the smugglers are using as their infrastructure, as their staging areas. It becomes expensive for them to move out here. They tend to want to carry more people. A vehicle brings with it the ability to carry more people. It brings high speed access across the terrain, the ability to carry weapons, narcotics. The vehicles are used as weapons against our agents. So if we can get the vehicle out of the

mix and make that not part of the equation, provide us with the vehicles, the aircraft, the response capability to respond effectively and efficiently, then we have placed ourselves in a tactical advantage where we don't necessarily have to fence or even be there on the line shoulder to shoulder trying to defend that line and we can more effectively use our available resources, our personnel resources in a mobile capacity.

Mr. SOUDER. Mr. Cummings.

Mr. CUMMINGS. Just two real quick questions, Chief, and I want to thank you for your patience. Some of your Border Patrol agents have informed me that fences can potentially leave them vulnerable to ambushes at fenced gates. Are you familiar with that at all? Can you explain this phenomena? In other words, an ambush at a fenced gate, is that—are you familiar at all?

Mr. STEVENS. I can't say I am familiar with that particular dynamic. A fence on the border that doesn't provide us visibility to the other side of the fence either through cameras, technology or direct visibility does tend to put our agents in a position where if they don't know what is on other side, we experience a lot of rocking incidents as a result of that. They will stand on one side of a fence and lob rocks over the top at our agents. Our cameras help us with that to let the agents know you have got somebody there. That ambush capability exists anyplace where we don't know what we are walking into or driving into.

And some styles of fences, again, that gets to the lessons learned, need to be augmented with the technological capability and in some cases the fence that we can actually have visibility through is critical to us.

Mr. CUMMINGS. And just as we close out here, I just want to make sure I am clear what you are saying. It sounds like you are saying something similar to what Mr. Reyes said. First of all, apparently fences are needed everywhere, is that accurate? Along the border?

Mr. STEVENS. I would say that is accurate.

Mr. CUMMINGS. And they are various based upon the terrain and the circumstances surrounding the area. You have—you need certain things, so a fence can be one of the most effective and efficient tools to achieve your goals at some points but at other points it may be something, a combination of things that don't include a fence, is that correct?

Mr. STEVENS. Yes, that's correct.

Mr. CUMMINGS. And one of the things that Mr. Reyes said is that some of the best people to talk to are the Border Patrol commanders—I think that is the word he used—who are—since you have had the experiences you had, would you say that is accurate? In other words, folks who actually deal with that area, does it make sense to say OK, how do we help you be most effective and efficient and provide you with what you need for, so that you can achieve what we have asked you to do?

Mr. STEVENS. Yes. The field commanders—ultimately, it is the Border Patrol agent on the line who is going out there every day who knows the solutions and will provide the input to our command, and our command will put these resources together and let us know what is needed. And yes, the field, there is the chiefs, I

call them the field commanders because we have agents in charge as well that we depend on very heavily for the information, but the chief patrol agent in a given area we consider the ultimate strategic and tactical authority for the determination of what is needed to perform the mission of the Border Patrol in that area.

Mr. CUMMINGS. To his credit Chairman Souder has spent a phenomenal amount of time on this issue. And one of the things he said, and this shall be my last question, one of the things he said just about 7 minutes ago was something to the effect that if we do not have 700 or so miles of fencing, that instead of needing 20,000 agents—and I am not trying to put words in his mouth, this is what I remember—we would probably need 30,000.

Mr. SOUDER. Or 40.

Mr. CUMMINGS. Or 40. We will deal with the 40, 30 to 40,000.

Do you agree with that? You are on the ground. Well, you were on the ground.

Mr. STEVENS. Again I can't say that specific to fences. I can say that if we don't have the technology, the tactical infrastructure to support our agents, yes, the number of agents we would need would be significantly higher.

I liken it to, and I may be dating myself here but if we try to do it with without technology and tactical infrastructure, we are going to be playing a game of red rover where we have to stand our agents on the border and that is not a good use of a highly trained Federal officer.

Mr. CUMMINGS. Thank you very much.

Mr. SOUDER. I thank you for your testimony today and thank each of the agents. There is an incredible frustration among American people on all fronts right now. One is in spite of the dedication of agents in the field, the fact is that illegal immigration has not declined, that in spite of the incredible efforts of the agents in the field, whether it is—and you don't include the ports of entry, just in between the ports of entry—we have seen a rise in illegal narcotics coming through particularly that border.

And we just had testimony 2 weeks ago in Colorado from DEA, as we had in Washington, that crystal meth has gone from 65 percent to 80 percent. As I go down to the border I continue to hear from Customs and Border Protection as well as from ICE that they are not finding it and yet we have the same agencies in Washington and at field hearings telling us, well, it is Mexican crystal meth coming across the border.

Clearly, the border is not working. Clearly there needs to be an internal as well as an external and we are working—and I didn't mean to say that that wasn't part of the solution. But you can't have every agency pointing to the other agency saying you have got to do this part because quite frankly while the border is hard, internal enforcement will be incredibly hard.

Most of the people that I have been trying to work with, how you would do a work permit if you did it? You try to look at employer sanctions. A high percentage of these people aren't even in an above ground economy or they are contract people working for subcontractors or working in a cash economy. It isn't any magic solution there either.

Plus if we do do work permits and you don't have the border security you are just going to have more pour in after. It has got to be multi-faceted.

And one thing we are trying to do here is focus on how much would fencing vis-a-vis other costs and how much fencing would help, because I believe if you just say oh, the administration takes a position, oh, with this much more, we are going to seal it, and then as we work internally we are going to have a repeat. Only we are going to then come back to the Border Patrol and you will say, you said you were going to fix this and you will need—yes, it needs to be blocked, but we all here know—and this is very important for the record that what comes out of the Department has to be cleared by OMB and the administration. What comes from a sector chief, if they want to be promoted, has to reflect the opinions of their superiors. What is on the ground is the attitude as far as fencing is not necessarily in agreement with the official positions. I am not saying that it has to be everywhere. That is something we are debating because there is different costs and certainly there needs to be technology and certainly you need more agents. And I commend every one of them because it is not the most exciting job in the world all the time. It is a very frustrating job. People go right back in again and you have to face the same people.

So we thank every person in the agency and thank you for your testimony. We are all frustrated, but I know the individual agents are at least as frustrated as the politicians and the American people because its a tough challenge. Thank you very much.

Mr. STEVENS. On behalf of our agents, thank you.

Mr. SOUDER. If the third panel could come forward and once against thank you very much for your patience. Congressman Steve King of Iowa is the first witness. Normally he would have been in the first panel with the other members but because this is a very specific fencing panel, he agreed and has been very patient to give his testimony here.

The second witness is Douglas Barnhart, who is President of Douglas E. Barnhart, Inc., as well as Vice President of the Association of General Contractors. Mr. Carlton Mann, Chief Inspector of the Office of Inspections and Special Reviews of the Department of Homeland Security's Office of Inspector General. Mr. Art Mayne, Specification Writer for Merchants Metals. Mr. Don Williams of Roadrunner Planning and Consulting, who is a consultant for Power Contracting, Inc., and Mr. T. J. Bonner, who is President of the National Border Patrol Council, frequent witness both to Homeland Security and to our committee.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that all the witnesses responded in affirmative. Once again thank you for your partial or full statements already in the record, any documents you refer to. You have heard a lot of discussion already. We will start with Mr. King. Thank you for coming. Thank you for your leadership on the fence question.

**STATEMENT OF THE HONORABLE STEVE KING, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA**

Mr. KING. Thank you, Mr. Chairman. I appreciate the privilege to be here and also the privilege to hear the testimony this afternoon. As a member of the Judiciary Committee and also the Subcommittee on Immigration, I came here to speak about the necessity and the practicality of a fence and in fact a wall. And I had one brought along that was a design that I put together.

But to lay a little bit of background for that, first would be we are needing to stop at the border first people, and that would be migrants, the general definition of the term, then illegal drugs, then terrorists, then criminals. And that is kind of the four categories we are working with here. And I have been on the border four times in the last year, sometimes a guided tour from the Border Patrol. Sometimes I go down there alone and simply show up at certain places to see what I can learn. I have been known to sit down there until 2:30 in the morning—at least my body clock—listening to Border Patrol agents who would only talk to me in obscure places where their identity could be confidential, and I will certainly keep it that way.

I believe that we need to mark the border first, miles and miles of border that aren't even identified. And it is important for two reasons, and one of them is symbolism. 58 percent of Mexicans believe they have a right to come to the United States, 46 to 48 percent want to come here, 56—excuse me, 58 percent believe they have a right to come here. And so we should at least get a fence on the border.

I put in first there, a 10-foot high chain link fence and I put a sign on the other side, Don't Enter Here. But here is how to apply for citizenship. That is the first important thing.

But I want to focus this—I am a problem solver. I spent my life in the construction business, building things, designing things and making things work and not getting paid unless they do. And my view is we should start with the idea of 100 percent efficiency. My constituents want to stop all illegal immigration. So the testimony about getting down to tolerable levels doesn't sit very well with me. And I am looking for a 100 percent solution here. I don't submit we get it all the first year with the first mile of fence, but I believe we need to build one.

As I watched them build vehicle barriers, the vehicle barriers with the 5 by 5 steel bar at headlight level, that is good to keep vehicles off that are smuggling drugs across, but doesn't keep the 50-pound pack of drugs that get thrown through the fence, put on the back and carried across the deserts by the burros in groups of 10 or 12 or even up to 100. They will find a way. 11,000 people a day, 4 million a year perhaps, and it is always going to be an estimate, but according to DEA about 3 weeks ago their number, \$65 billion worth of illegal drugs, \$65 billion. That is a powerful, powerful force. And whatever we might do to shut off the jobs magnet, which I support, that will not shut off the force of that commerce, the illegal business of \$65 billion worth of illegal drugs.

So as I sit on that border, sit there in the night and listen to us being infiltrated and contemplate what it takes, my view is this.

We should do whatever is necessary to force all traffic through the ports of entry.

If we can do that, then we can look at the manpower and the technology necessary to do even a better job at the ports of entry. But I think we need to force the traffic through the ports of entry. And being a problem solver, I have designed this wall, I hoped to just construct it for you here and give you a look at what it looks like.

This represents the desert floor, just a little sand here and a little dirt and kind of thing that I work in. And then we have—back in my neighborhood we have a company that builds a lot of different machines, grade trimming machines and slip form machines. As I looked at this, if we can pour concrete in a slip form we can just sock a trencher into the ground and then, as we pull that trencher along, we will have a slip form built right into the trencher and we can pour concrete right in the trench and shape a notched footing and it would look like this, Mr. Chairman, and ranking member. And from the end. And it would be about 5 feet in the ground. This will be the bottom of it and then we will have a notch in the top about 16 inches so we can drop in pieces of precast concrete panels.

And so as we dug the trench this way we pour the concrete in behind it, it would flow in right behind the trencher and in a couple of days it would be cured so you could begin to build a wall.

And now, you just simply drop it in, one panel at a time. This would be about 10 feet wide, and a little over, about 13½ feet long and 6 inches thick of concrete panel. They weigh about 9,800 pounds. You pick them up with a crane, lift them up and just drop them in.

Just this simply. One at a time. And in fairly short order, end up with a—you end up with a wall that would be quite effective and relatively economical compared to a number of the other models that I have seen.

Because of visibility and time I won't build the rest, but you can see how this goes. But I sat down and run this by engineers I work with and priced this through other contracting companies and of course we do the kind of work, the structural concrete work, flat concrete work, earth moving work and pipe work so this is something that I have a background in.

But then as another piece of solving this issue I would put a little wire right on top and, provided it stays in there for this demonstration purpose, you can see what a section of this would be like.

Now, this isn't going to work everywhere down on the border because we know we have mountains and we know we have rocky places. But we also have hundreds of miles where it lays real good and one could lay a lot of this fence in and set it up quickly. I call it fence, or call it a wall. Roughly maybe you could build a mile a day of it but the costs that I put together—and it is not with the road. It is not with anything except building the concrete and putting the panels in—would run about \$1.3 million a mile. And this is one of the components I think that we need to have to be looking at seriously for a solution, a solution to the problem we are trying to get to, 100 percent solution, and it is frustrating to me to know

that there hasn't been a business case made that I can see for other types of alternatives.

And as I listened to the testimony here earlier, the answer to do you take more or less people if you had a fence as well, it wouldn't take less. Certainly it would take less or you get more good out of those that are working out there. And I am for expanding the Border Patrol and giving them all the technology that they need. But I am for 100 percent solution, one that we can make a business case for and a business model for. And today, if you take the \$1.9 billion the President has asked to add to our budget on our southern border, that comes to \$8 billion to protect our southern border. That is \$4 million a mile.

And a lot of that is personnel and depreciable machinery and equipment that goes in down there. This would be a one-time investment of \$1.3 million a mile. It would stand there for perhaps 100 years if it was necessary, and if we did that, that single one-time investment, that means either it takes fewer people to enforce the border or those that we do have that enforce the border can be more effective.

But I believe our focus needs to be—and the other piece would be as we push people out around the end of our Border Patrol they do go through the more remote areas.

And I go and look at those areas and you find track after track of people and I have sat down there in the dark and listened to them infiltrate around me. You will not stop this human traffic unless you put a fence and a wall there. The force of humanity that wants to come here looking for a better job is miniscule in comparison to the powerful force of the \$65 billion worth of illegal drugs, and they will find a way to get across that desert. They have people that are carrying drugs 25 miles across the desert and more today, 50-pound packs of marijuana on their backs. They will get there if we don't shut that off and direct them through the ports of entry.

And I agree with the earlier testimony that they will come on boats and try to come in another way. Well, let's raise their transaction costs and let's keep the drugs and illegals and the terrorists out of America.

This is one component to the overall plan, not the whole solution by any means, not the solution for every mile by any means, but I think it is a solution for many of the miles that we should consider, and I simply conclude my testimony at that point and be open for any questions, and thank you for the privilege to testify before your committee, Mr. Chairman and Ranking Member.

Mr. SOUDER. Thank you.

Mr. Barnhart.

**STATEMENT OF DOUGLAS BARNHART, PRESIDENT OF
DOUGLAS E. BARNHART, INC., VICE PRESIDENT OF
ASSOCIATION OF GENERAL CONTRACTORS**

Mr. BARNHART. Thank you, Mr. Chairman, and ranking member for the opportunity to be here. My name is Douglas Barnhart, CEO of the Barnhart Corporation, which was incorporated in February 1983 in San Diego, California and has constructed various projects for the Federal Government since that period of time. Barnhart is

ranked 90th in the engineering news record of the top 400 contractors in the Nation and has revenue in excess of a half a billion a year.

My company and I have extensive experience working for the Federal Government on both military and civilian projects and have experience working on structures on the U.S.-Mexico borders, such as the Calexico border crossing station, which we constructed.

I am here today to provide a realistic cost estimate for the construction of the fence on the U.S.-Mexico border and provide a time line for the construction process. At the same time I would like to highlight some of the potential problems that might be encountered.

Presented today is the final accumulation of knowledge gained in preparing three estimates for the border fence construction. In preparing the estimate of cost we, my estimators, utilized local knowledge of the climate conditions, local industry capability, as well as work experiences gained during construction of projects such as at the Calexico border station. This local experience was combined with Barnhart historical cost data and cost scheduling information provided by trade contractors all located in the southern California-Arizona area to develop an expected cost of performance.

In final preparation for the cost I personally went to the border with my Vice President of Estimating and Preconstruction to view the fence and talk to U.S. military personnel that were present and discuss maintaining the current fences.

Scope of work considered for pricing purposes were rough and fine grading for 40 linear miles of 20-foot wide all weather road, composition of the road consists of 12 inch thick recycled class 2 aggregate base, which is very similar to the road conditions observed during my site visit.

Labor costs to install government furnished materials for 1 fence line with 14 feet high steel mesh with a 2.5 foot overhang concrete work associated with 7 feet deep, 2-foot diameter flagpole footage complete with a fence post PVC sleeve—which actually turns out to be a fairly important component in maintenance, and 1 foot wide 4 feet below grade wall to provide below grade entry barrier.

The scope does not include a fence, lighting, surveillance cameras, buried motion detectors, landscaping agency permits and fees, design fees, underground storm drainage. If required these could add significant costs.

Permits for building structures on new alignments are always time consuming. I know from my agency experience building a highway on a new alignment can take 7 to 12 years just to get through the environmental process.

Dependent on the project delivery method utilized, design fees and contract plans and specifications may be required.

To accommodate the differentiation in terrain along the vast border I included some contingencies, for instance, in areas where the slope to the fence dictates it will be necessary to add a secret swale to prevent water run off from washing out the fence. If we do get—it does rain in the desert and when it rains you do get washouts. At the ends of the swale rock rubble will be needed to disseminate the water energy before it is released into natural water channels. The estimate of costs includes the linear foot costs for this work,

but until each side is investigated it is impossible to estimate exactly how much of this will be required.

As for schedule, in discussion with U.S. military personnel, I was informed that the past rate of progress of the fence erection was about 100 to 110 linear feet per day. At this production rate it will take over 7 years to construct 40 miles of fence utilizing the 5-day workweek. To obtain an acceptable schedule, a multi-prime format was considered with division of the work into 10 4-mile segments.

The work would be surveyed to establish horizontal and vertical control points for each segment. Road construction would proceed followed by fence construction. I think that is also important because you have to establish the work platform to build fences and those sorts of things. Such an approach would result in significant but bondable work segments for local trade contractors and would reduce the overall construction time to 6 months or less depending on the workweek utilized.

There are other significant factors to consider in this construction. Mobilization of the workforce and materials to the site will be difficult in remote areas. Having constructed in Calexico I know security of materials is a consideration.

To combat losses, a mobile erection platform system is anticipated, which will also serve for transportation of materials to and from a construction base operation center.

While remote areas can expose your workforce to dangers, I had no personal security issues during the construction of Calexico border crossing station, our current project I have going in Calexico today. So I have considered none in this estimate.

As noted in the attached border fence expansion budget estimate report, the price for fence construction is estimated to be \$1,441,687.82 per mile. Add to this government furnished materials, which the thing I got from the government was 1998 pricing and is inadequate. We updated that to what we thought current dollars would be and it works out to 675,000 per mile.

Thank you for the opportunity to testify before your subcommittee on criminal justice, drug policy and human resources.

Mr. SOUDER. Thank you very much for the time you put into this, and we will insert and make sure that the materials you referred to as supplement will be in the record as well.

Mr. Mayne, thank you for coming.

Mr. Williams is next, excuse me.

STATEMENT OF DON WILLIAMS, ROADRUNNER PLANNING & CONSULTING, CONSULTANT TO POWER CONTRACTING, INC.

Mr. WILLIAMS. Hello. My name is Don Williams, and I am the general manager of Roadrunner Planning and Consulting, consulting for Power Contracting, and I would like to say it has been very interesting and my actual formal statement will really be addressing some rapid deployment issues that we will be talking about.

On behalf of Roadrunner Planning and Consulting, I would like to thank the subcommittee for the opportunity to share our experience and knowledge gained from consulting on the installation of the 4-mile permanent vehicle barrier project in both Yuma, Arizona

and Columbus, New Mexico. Roadrunner is a consultant to the contractor that is doing the actual installation work along the border.

As a consultant we have been deeply involved in the implementation of this innovative approach which has allowed this 4-mile section to be completed in record time in a cost competitive manner.

We have also been involved in looking at new innovative ways to expedite installation of the 3 layered fence system proposed for strategic locations along the border.

We have had a firsthand opportunity to visit many locations along the border and have major environmental issues, limited access and washout areas that have created ease of access into the United States.

During those visits, we have evaluated the locations from a constructive building standpoint, considering the accessibility, soil conditions, topography, equipment needs, raw material delivery challenges and comprehensive rate of production. And all times, we viewed the overall proposed project from a common sense feasibility perspective.

During our observations, we were extremely sensitive to the environmental issues surrounding PVB installation in this proposed fence project.

We had an opportunity to meet with some of the wildlife officials to discuss ways to limit equipment and manpower. This approach did and would lessen the total footprint needed for construction and thus reduce the overall environmental impact during the course of installation of PVBs in fencing.

By using a common sense innovative approach and available technology, the government can accomplish this necessary project with minimal environmental impact.

A specific example of the attention given to the environmental environment during construction was the monitoring plan which was put in place to protect the flat tailed horn lizard during installation in the Yuma Arizona.

This plan included awareness training of installation crews to increase their conscious understanding and knowledge of the species and the continued effort to stay inside of the designated work areas. This approach was enhanced and enforced by a flat tail horn lizard biological monitor. This individual was onsite daily and worked just in front of the installation crews.

I would like to expand a moment on each of the previous mentioned areas we evaluated.

Access. In many cases, access roads are underdeveloped and are usually impassable. The building of access roads to facilitate the movement of equipment and construction process would be costly. The Army Corps of Engineers has identified a system which we have utilized specializing equipment to install the PVB system in a timely effective manner.

This provides the ability for rapid deployment of the proposed fence and would eliminate the need and the cost to develop access roads to these locations. This would allow the deployment of the PVB system and the 3 layered fence system in the most remote areas along the border in the most cost effective manner and also very environmentally friendly.

Next would be soil conditions. We have found a wide range of soil conditions from silty sand to caliche rock. Whatever system is used it must have the flexibility to be installed in these wide range of soils. The variation in the soil types may be the most significant challenge this project faces as it pertains to constructibility. The Army Corps has utilized a system that will work in any and all soil conditions along the Southwest border.

Topography. The topography of this region is extremely diverse and as a result creates a huge challenge. Washout areas also create significant construction challenges. We are researching methods which may be used to permanently fill these washout areas and eliminate the potential for further washouts. For such a solution to be economically feasible and practical, it would have to lend itself to the creation of a road for Border Patrol personnel to travel along and also allow the construction/installation of border fence and PVB in concurrent lines rather than huge drive-arounds which are presently under construction.

Equipment needs. The method of installation would determine how much and what type of equipment is needed to complete this project.

Roadrunner recommends that each area be evaluated for the most feasible application and ability to address the access problems.

Further, the solution with the smallest footprint and the ability to address access should be considered in the deciding factor.

Raw material delivery challenges. The delivery of raw material to the most remote areas will also be challenging. The areas we visited such as Ajo/Why, Arizona are mountainous and have limited road access. It is anticipated that the process used in these types of areas must be self-contained and only need limited resources to install the PVBs, fences and fill mentioned for the washouts.

It is my hope that I have shared with you some of my experiences as it pertains to construction options and strategic placement for the PVBs and the fences. Thank you very much.

[Prepared statement of Mr. Williams follows:]

PREPARED STATEMENT OF DON WILLIAMS

On behalf of Road Runner Planning & Consulting (RRPC), I would like to thank the sub-committee for the opportunity to share our experience and knowledge gained from consulting on the installation of the four mile Permanent Vehicle Barrier (PVB) project in both Yuma, AZ and Columbus, NM. Road Runner is a consultant to the contractor that is doing the actual installation work along the border.

As a consultant, we have been deeply involved in the implementation of this innovative approach which has allowed this four mile section to be completed in record time and in a cost competitive manner. We have also been involved in looking at new and innovative ways to expedite the installation of the three-layer fence system proposed for strategic locations along the border.

We have had a first hand opportunity to visit many locations along the border that have major environmental issues, limited access and wash-out areas that have created easy access into the United States. During those visits, we evaluated the location from a constructability standpoint-considering the accessibility, soil conditions, topography equipment needs, raw material delivery challenges and comprehensive rate of production. At all times we viewed the overall proposed project from a common sense feasibility perspective.

During our observations, we were extremely sensitive to the environmental issues surrounding PVB installation and this proposed fence project. We had an opportunity to meet with some of the wildlife officials to discuss ways to limit equipment and manpower. This approach did and would lessen the total foot-print needed for

construction and thus reduce the overall environmental impact during the course of installing PVB's and fencing. By using a commonsense, innovative approach and available technology, the government can accomplish this necessary project with minimal environmental impact.

A specific example of the attention given to the environment during construction was the monitoring plan which was put in place to protect the Flat-Tailed Horned Lizard during installation in Yuma, AZ. This plan included awareness training of installation crews to increase their consciousness, understanding and knowledge of the species and the continued effort to stay inside of the designated work areas. This approach was enhanced, and enforced, by a "Flat-tailed Horned Lizard Biological Monitor." This individual was on site daily and worked just in front of the installation crews.

I would like to expand a moment on each of the previously mentioned areas we evaluated.

ACCESS:

In many cases, access roads are underdeveloped and are usually impassable. The building of access roads to facilitate the movement of equipment and construction process would be costly. The Army Corps of Engineers has identified a system which utilizes specialized equipment to install the PVB System in a time-effective manner. This provides the ability for the rapid deployment of the proposed fence and would eliminate the need, and cost, to develop access roads to these locations. This would allow the deployment of the PVB system and three-layered fence system in the most remote areas of the Southwestern border in the most cost effective and environmentally friendly manner.

SOIL CONDITIONS:

We have found a wide range of soil conditions from silky sand to caliche rock. Whatever system is used, it must have the flexibility to be installed in these wide ranges of soils. The variations in soil types may be the most significant challenge this project faces, as it pertains to constructability. The Army Corps has utilized a system that will work in any and all soil conditions along the Southwest border.

TOPOGRAPHY:

The topography of this region is extremely diverse and, as a result, creates a huge challenge. Wash-out areas also create significant construction challenges. We are researching methods which may be used to permanently fill these wash-out areas and eliminate the potential for future wash-outs. For such a solution to be economically feasible and practical, it would have to lend itself to the creation of a road for Border Patrol personnel to travel along and also allow for the construction/installation of the Border Fence and PVB in concurrent lines rather than the huge drive-arounds which are presently under consideration.

EQUIPMENT NEEDS:

The method of installation will determine how much and what type of equipment is needed to complete this project. Road Runner recommends that each area be evaluated for the most feasible application and ability to address the access problems. Further, the solution with the smallest foot-print and the ability to address access should be the deciding factors.

RAW MATERIAL DELIVERY CHALLENGES:

The delivery of raw material to the most remote areas will also be challenging. The areas we visited such as Ajo and Why, AZ are mountainous and have limited road access. It's anticipated that the process used in these types of areas must be self contained and only need limited resources to install the PVB'S, fence and fill mentioned for the wash-outs.

It is my hope that I have shared with you some of my experience as it pertains to the construction options and strategic placement of the PVB's and fences.

I am open for questions.

Mr. SOUDER. Thank you very much.
Now Mr. Mayne.

**STATEMENT OF ART MAYNE, SPECIFICATIONS WRITER,
MERCHANTS METALS**

Mr. MAYNE. Thank you, Mr. Chairman, for the opportunity to speak to the subcommittee on this critical issue of border fence. My name is Art Mayne. I have been involved as a specification expert

in the security field for over 25 years. I write specifications for a wide variety of fencing and other security products. I am employed by Merchants Metal, a leading manufacturer of fencing products. In addition, I am a member of the Technical Committee of the Chain Link Fence Manufacturing Institute, CLFMI, and I am active in the Construction Specification Institute, CSI, and other professional groups.

My experience with enhanced security goes back to the 1980's and 1990's when I taught perimeter security at the Physical Security School started by the Navy in Norfolk, Virginia. At the Physical Security School, I instructed security professionals from the Pentagon, the FBI, and also the CIA.

As a result of my long involvement with the designing security fencing and other security systems, I have an in-depth knowledge of a vast—of a wide variety of security fence products, including chain link, expanded metal, ornamental and welded wire mesh.

I am here today representing the CLFMI and my company, Merchants Metals. But I want to make it clear that the views I am expressing are my own based on years of experience with comprehensive security technology.

Each of the many fencing opportunities available to secure American borders have advantages and drawbacks, and I would like to briefly share with you my views regarding these products.

Fencing products such as welded mesh, which I have a sample here and I will be happy to let anyone take a look at it, and also expanded metal, offers a very high level of security and deterrence and have been used successfully in certain security applications.

However, both are rigid product. They are very rigid and that means a costly grading and landscaping is required prior to installation.

Landing mesh, which has been among the first material used for border fencing because of their high strength, these have been effective in limited areas. One of the drawbacks, however, is that the material is costly and difficult to work with.

In addition, like other rigid products, installation can be costly, particularly in irregular terrain. Each panel must be attached to supporting posts at each of these points with bands and bolts necessary to attach the panels, provides additional opportunity for breaching the system.

Security grade chain link fence is another option available. It is much more flexible than the landing mesh, welded mesh or expanded metal, and this results in a lower site preparation and installation costs.

In contrast to landing mesh it offers the advantage of being a see-through material, which we heard earlier is a very critical area that the Border Patrol—one of the areas that they really appreciate.

On the negative side, chain link does not in itself have the strength of some of the other options, although its strength can be augmented by the use of cables and other devices. Also chain link fence does not provide the deterrent to tunneling that rigid metal products can provide if installed below ground.

In conclusion, I have worked with these various metal fence options. In my opinion, a border fencing system using a combination

of security grade chain link fences augmenting where necessary by welded mesh, expanded metal, or landing mats would be the most cost effective solution.

A recent survey of fencing manufacturers and professional fence installers indicated that the approximate cost for a security grade chain link fence, border fence built to recognized specification would be \$525,000 per mile for material and 775,000 miles for installation.

This reflects a much faster installation product than for rigid fence products. A full description of this type of border fence is set forth in the white papers on security fencing, which I am submitting for the record now.

[Prepared statement of Mr. Mayne follows:]

PREPARED STATEMENT OF ART MAYNE

Thank you, Mr. Chairman, for this opportunity to speak to the Subcommittee on the critical issue of a border fence. My name is Art Mayne. I am here today representing the Chain Link Fence Manufacturers Institute (CLFMI) and my company, Merchants Metals, but I want to make it clear that the views I am expressing are my own, based on years of experience with comprehensive security technology.

The Chain Link Fence Manufacturers Institute is a 46-year old trade association whose members represent approximately 85% of the chain link fence products manufactured in the U.S.A have agreed to speak on behalf of the CLFMI today because I believe an optimal border fence should include anti-intrusion/anti-climb chain-link fencing such as I have designed specifically for this purpose.

I have been involved as a specifications expert in the security field for over 25 years. I write specifications for a wide variety of fencing and other security products. In addition to my involvement with CLFMI, I have been active in the Construction Specifications Institute (CSI) and other professional groups. My experience with enhanced security systems goes back to the 1980's and 90's when I spent time teaching perimeter security at the Physical Security School, started by the Navy in Norfolk, Virginia. At the Physical Security School, I instructed security professionals from the Pentagon, FBI and Central Intelligence Agency.

As a result of my long involvement with designing security fencing and other security systems, I have an in-depth knowledge not only of chain-link but also all other security fencing products, including expanded metal, ornamental and welded wire mesh.

Mr. Chairman, in November of 2001, CLFMI's members, at their annual meeting, voted to redirect the institute's resources to assisting the enhancement of security efforts in both the private and public sectors. As part of that effort, CLFMI has worked with various entities to develop comprehensive systems that will meet these increased security needs. CLFMI has worked closely with the American Society of Testing and Materials (ASTM), Army Corps of Engineers, Sandia Labs, FAA, Pentagon and Consumer Product Safety Commission in an effort to promote safety and the efficient use of chain-link fence products.

An excellent example of this is the anti-intrusion/anti-climb fencing that is described in the CLFMI's White Paper on security fencing, which I ask to be submitted for the record. (pause) Thank you, Mr. Chairman. By using the technology and innovative weaving processes, this chain-link fence system is the most versatile, cost-effective tool to reduce the flow of drugs and illegal intrusions into the U.S. across its Mexican and Canadian borders.

The chain-link system's strengths are reflected in the four objectives the DHS identifies as critical: detect, deter, delay and deny. The fence is constructed with a tightly woven metallic coated steel wire mesh (as Congressman Hunter exhibited earlier), and when combined with an angled or curved 6-foot overhang, presents a deterrent that is extremely difficult to climb and even harder to cut through. The fence framework is designed to withstand the forces of a 90 MPH windload applied against the wind-resistant small mesh.

For the border fence, I would recommend a double-row of fencing, one with the angled top and one vertically to further deter the intruder. Burying expanded metal, welded wire mesh or ornamental panels between the framework post's concrete footings can easily deter tunneling.

Perhaps the most important advantage this type of fence offers is its see-through nature, which protects our personnel in border areas. Even with smaller mesh, bor-

der patrol professionals can obtain visual contact before and during any intrusions. With a solid fence, it is impossible to know what is happening on the other side. Knowing what or who is on the other side helps protect the law enforcement officer while exposing the intruders.

To my knowledge, anti-intrusion/anti-climb chain-link is the most economical and cost-effective of all the building materials that can do this job. In response to a Congressional request, the CLFMI provided a cost estimate for materials and labor (actual costs will vary depending on locale, specifications, and competitive circumstances). We realize that this Committee is determined to spend taxpayer dollars wisely and my design reflects your prudence.

Chain-link is versatile, and can be adapted to virtually any terrain without costly and time-consuming landscaping and grading. This fencing is durable and inexpensive to maintain.

In addition, chain-link is strong enough to support additional surveillance equipment, and when combined with certain cabling devices, it is an effective vehicle restraint barrier to meet the State Department's K4, K8 or K12 crash Ratings. Moreover, chain-link fencing can conduct an electric current which will alert the Border Patrol that a breach may be in progress in specific sections.

This newer, smaller gauge chain link has proven its ability to enhance security in numerous applications. Many correctional facilities have upgraded their deterrence system by installing anti-climb chain-link fencing. This technology is also applicable to nuclear power plants, oil refineries, embassies, military bases and sea ports.

Mr. Chairman, a full description of the value of this anti-intrusion, anti-climb fence system is included in our White Paper. The Chain Link Fence Manufacturers Institute is prepared to assist the Government by providing not only the materials but also the technical expertise and consulting services necessary to design, build, and install a fencing system that will protect our borders.

Thank you again for this opportunity to testify. I look forward to your questions.

A White Paper from the
Chain Link Fence Manufacturers Institute



How Anti-Intrusion, Anti-Climb Chain Link Fencing Systems Can Help Protect America's Borders

High security, anti-intrusion, anti-climb chain link mesh is manufactured in dozens of mesh and wire gauge configurations, many of which have been developed in recent years. These new chain link anti-intrusion, anti-climb fences can be designed to suit the needs of multiple applications, and to solve the problems the U.S. Customs and Border Protection Service (CBP) has identified as priorities in securing America's borders.

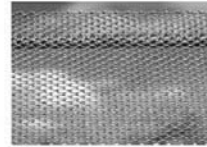
Specifically, anti-intrusion, anti-climb chain link fence can be used as:

1) A **Primary Fence** in remote areas

- **Flexibility**- Chain link fabric flexibility makes it *uniformly easy to install in virtually all terrains* as it flexes to follow the terrain, *making installation more uniform and safer*.
- It acts as **deterrent to intruders** who may have expended much energy reaching the border through desolate and hostile environments
- It **supports surveillance equipment** that allows *timely intervention* by CBP personnel
- It is (by far) the most **cost effective** fencing material
- It's anti-climb features **delay access** to U.S. territory

2) A **Secondary Fence** in a two-or three-layer fencing system

- Properly designed anti-intrusion, anti-climb fences can assist in **controlling and screening authorized entries** into a secured area by **detering entry** elsewhere along the boundary.
- It **supports surveillance, detection, assessment, and other security functions** by providing a zone for installing intrusion detection equipment and closed-circuit television (CCTV).
- It **deters intruders** from penetrating a secured area by presenting various types of barriers, which require escalating levels of overt action to breach.
- It **causes a delay to obtain access** to a facility or area, thereby increasing the possibility of detection.
- It **creates a clear zone** with enough room to effectively integrate components, while the two fences maintain constant separation and allow for sensors.



3) A **Tertiary Fence** in a three-layer fencing system.

- Several variations of **cabling systems**, including a K 8 anti-vehicle cable barrier combined with security-grade chain link fences, have been tested as effective in **delaying and deterring vehicular breaches**, as well as limiting (due to its flexibility) the risk of vehicles sliding under/over the barrier (i.e. Arresting Cable Vehicle Barrier Report, Sandia National Laboratories, April 25, 2003 and DOE).
- **Visibility**- even with smaller mesh sizes chain link allows for visual detection of intruders.
- **Technology support** – chain link fabric and framework can be combined into versatile, strong platforms for mounting cameras, sensors and listening devices and other surveillance equipment
- **Cost effectiveness** – even with upgraded materials, chain link fence is usually 10-20% less costly than alternative fencing systems. In addition, the **installation of a chain link system is usually substantially less than other systems** (ref: U.S. Corps of Engineers Life-Cycle Cost Comparison Study of Barrier Fencing Systems).
- **Versatility** - chain link can be used in combination with other fencing and barrier systems to provide varying levels of security. Chain link fabric flexibility makes it **much more versatile to install on uneven terrain** as it flexes to follow the terrain, providing a more secure installation.

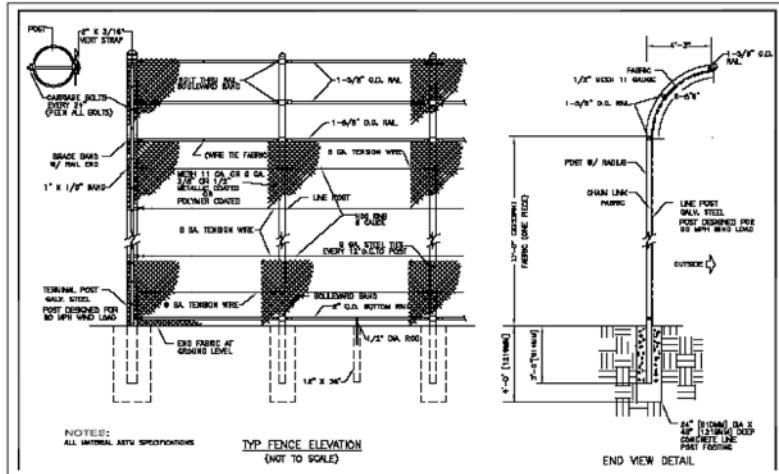
Here are the key values of an effective anti-intrusion, anti-climb chain link fence.

1. **ANTI-INTRUSION, ANTI-CLIMB CHAIN LINK SECURITY MESH** is available in 1/2" & 3/8" mesh with 11 gauge wire (0.102' dia.) or 9 gauge wire (0.148' dia.). This mesh is extremely **difficult to climb and penetrate**, resulting in **increased delay time**. It does not provide a finger or foot hole for climbing and **would require multiple cuts to breach**. It also has vital **"see through" capability** which provides **enhanced safety for CBP personnel**.
2. **CORROSION RESISTANCE**: Anti-intrusion security mesh is available with a galvanized zinc coating, an aluminized coating and color polymer coating.
3. **SPECIFICATION COMPLIANCE**: Anti-intrusion, anti-climb security mesh is specified and complies with **ASTM** (American Society of Testing and Materials) **specifications**.
4. **AVAILABILITY**: Multiple manufacturers produce the anti-intrusion security mesh so **availability is not an issue**.
5. **FLEXIBILITY**: Just like all other chain link mesh the anti-intrusion security mesh is **flexible and follows the uneven terrain**. No stepping of panels or spaces under the fence!
6. **INSTALLATION**: Chain link fabric has **been installed in the United States for over 80 years and is still the mainstay of security fencing**. There are many excellent installation contractors with well-trained installers **capable of handling the border fence conditions**.
7. Chain link mesh is a woven mesh produced in rolls. The rolls are woven together during the installation process resulting in **one secure length**. Once woven together, stretched and secured the mesh absolutely **cannot be unwoven by cutting one picket and weaving it out!** Panel fencing is required to be secured to every post providing a possible weak point.
8. Chain link fence is supported by steel framework. All **chain link framework** complies with ASTM and FEDERAL SPECIFICATION RR-F-191 material specifications including the galvanized zinc coating and additional polymer color coatings. Framework is readily available to **withstand the WIND-LOAD and SECURITY requirements** for the anti-intrusion security mesh. Framework is readily available from multiple manufacturers.
9. Chain link **gates and fittings** are specified within ASTM and Federal Specification RR-F-191. Gates and fittings are available using **heavier sizes and gauges to comply with various levels of security**.
10. All material referenced is available from U.S. manufacturers and **complies with the Buy America Act**.

CONCLUSIONS

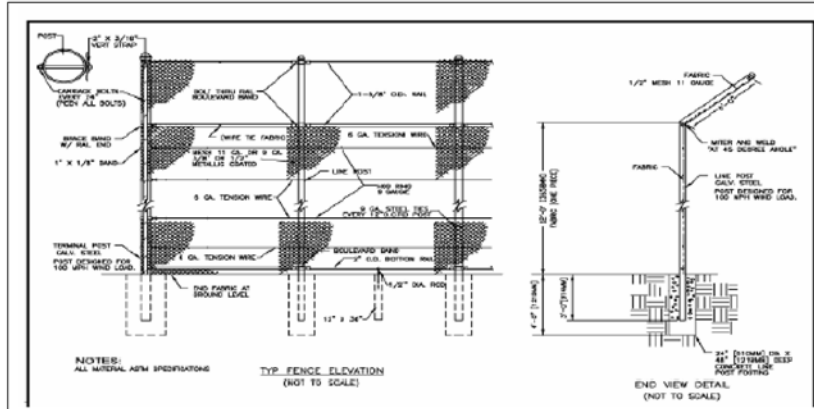
Anti-intrusion chain link fencing systems should be considered an indispensable part of the CBP's battle to regain and maintain control of the U.S. border. When used in conjunction with other fences and barriers, anti-intrusion chain link fence provides a **cost-effective** and **versatile** way to help track and substantially reduce the flow of illegal traffic into the United States. Anti-intrusion chain link fencing can help deter, delay, and detect border intrusions while allowing precious human and financial resources to be allocated to other immigration and border priorities.

The Chain Link Fence Manufacturers Institute and its member companies stand ready to provide not only the materials and services but also the technical and operational consulting needed to help protect America's borders



Anti-intrusion, Anti-climb Chain Link Fence Design Specifications

An effective anti-intrusion, anti-climb chain link fencing system requires the suggested vertical portion and overhang as shown in the drawings to arrive at an overall height of 16' 3". The overhang portion fabric can be of a lighter gauge. Bottom rail to be secured in the center by threading the rail through an eye bolt manufactured of 1/2 inch diameter galvanized steel rod set in a concrete footing. All bolts to be 3/8 inch carriage bolts peened to prevent removal of the nut. Alternate additional security should be included by adding buried fabric. The mesh should be tied to the framework with 9 gauge steel ties at a maximum of 12 inches on center.



Mr. SOUDER. Thank you. We will make sure all those materials are in the record.

Mr. MAYNE. Thank you again for the opportunity to testify, and I look forward to your questions.

Mr. SOUDER. Thank you very much. Now Mr. Bonner, President of the National Border Patrol Council.

STATEMENT OF T.J. BONNER, PRESIDENT, NATIONAL BORDER PATROL COUNCIL

Mr. BONNER. Mr. Chairman, Ranking Member Cummings, thank you very much for the opportunity to present the views of the front line Border Patrol agents. I myself have 28 years of experience as

a Border Patrol agent, and I would like to share some of that experience with you.

As a younger officer back in the late 1980's, I was part of a special task force in the San Diego sector assigned to patrol the border and look for bandits who were preying upon illegal immigrants. I was frankly appalled at the number of people who would gather on the United States side of our border. There were no fences at the time. People would just wander across. Literally thousands of people would be on the United States side of the border awaiting the opportune moment to move north and on an unspoken command literally thousands of people would push northward, generally at shift change, and our officers would manage to apprehend perhaps a few hundred of those several thousand. And I am talking upwards of 5 to 10,000 people along that 14-mile stretch of border.

That changed when fencing was put into the area. It pushed the traffic elsewhere. It didn't stop the traffic, it pushed it elsewhere.

It took a long time for that traffic to push, however. It wasn't just the fencing, because the fencing started in September of 1990. The traffic did not move for 7 years. By the time the traffic moved, we had 2,100 Border Patrol agents assigned where we previously had 800.

The traffic after about a year settled into Tucson, Arizona and, until very recently, it remained in the Tucson sector.

By the time the traffic moved out of the Tucson sector we had increased manpower up to 2,400 agents to patrol that 261 miles of border. And now, triple fencing, double fencing, has been installed in most of that 14 miles of San Diego, yet we are seeing a marked increase in traffic. First 9 months of this year, traffic increased 23 percent in San Diego, proving conclusively that it is not fencing that stops people from coming across the border. It is boots on the border.

If we don't have Border Patrol agents in place to respond to the traffic, then no amount of fencing is going to make a difference.

But I would like to focus on a larger problem—well, before I hit the larger problem, let me talk a little bit about some of the problems with the multiple layered fencing.

Sandia Labs came up with the proposal that you have a triple fence and they made three predictions. One, it would dramatically decrease the amount of traffic. Two, it would make it very simple for the people who dared to cross through the multiple layers of fencing, make it very simple to apprehend them. And, three, it would push the remaining traffic out to remote areas where it would be very easy for the Border Patrol to apprehend these people.

They could not have been more wrong on all three counts. Illegal immigration today is just as high as if not higher than when we started the big crackdown at the border, invested billions of dollars on additional agents, fences, technology, which brings me to the real reason that people come across the border.

Most people are coming across the border looking for jobs. I suggest that what we need to do is build an invisible fence, not the virtual fence that the Department of Homeland Security talks about, an invisible fence that turns off the jobs magnet. I compare it to the system that we have of banking in this country. We have

automated teller machines all over the country. In this city alone there are thousands of them. I can take my credit card, put it into that machine, put in my personal identification number, access my account, a phone call is made through a modem, it accesses my account, says that I do have money to take out. If I don't it won't allow me to take out any of my money. But yet when it comes to employment verification, we are in the Stone Age.

We allow someone to come up with any one of about 100 different paper documents to prove who they say they are. And we are not getting much closer to the solution with the basic pilot program. That would be like an ATM machine that doesn't require a card but just requires a series of numbers, punch in the account number, punch in an access code, and yet anyone could compromise that because what we have in effect right now is millions, tens of millions of Social Security, name, number, date of birth combinations that have been compromised, and that is the only information required by the basic pilot program.

Until we come up with a single counterfeit proof document to establish a person's eligibility to work in this country, we are going to have millions of people breaching our border every year in search of employment.

In effect, we are transforming otherwise honest people into criminals. We are holding out the lure of jobs in America, much as if we took away the ATM machines and just put cardboard boxes of money out on every street corner and said we are going to do this in the honor system. How many people can resist? When you have impoverished people who are making on average less than \$5 a day knowing they can come to the United States and make 15 to 50 times that amount of money, you can't blame them for coming across the border. And as long as you have those millions—yes, millions—of people coming across the border every year—because we catch 1.2 million. And our agents on the ground estimate that for every person that we catch, two or three get by us.

Mr. BONNER. As long as those millions of people are coming across the border, it makes it extremely difficult for us to concentrate on the criminals, the drugs and, yes, even the terrorists who are exploiting the weaknesses of our border.

We really have to change the whole dynamic if we hope to gain control of our borders. Fencing to a limited degree can be effective. It can channel traffic around. But it's not going to turn off the lure that causes people to come across the border. These are people that when they initially launched Operation Gatekeeper in San Diego, they said people will not cross through the deserts because it is so—the climate and the terrain is so forbidding. They severely underestimated the level of desperation of people coming across the border. They will find ways to go over fences, under fences, around fences, or through fences. I don't care how impenetrable you think that fence is, you still have gaps at every designated port of entry. And I am sure the image is burned into the minds of every Member of Congress, if not most of the American public, of hundreds of people streaming through the port of entry at San Ysidro, California. There are many ways to defeat these barriers. What we need to do is eliminate the reason that people are coming into this country illegally, which will allow the Border Patrol to focus its limited re-

sources on the criminals and terrorists who are exploiting the weaknesses of our border.

And before I close, one final thing that I have neglected to talk about. Our agents in these multiple layers of fencing are being trapped in between, rocks are thrown at them, gunfire is ringing out. It is an untenable situation. These were designed to trap the aliens in there, and what they have done is endangered the lives of our brave men and women who are out there enforcing immigration laws. Multiple fencing is not effective. Barriers can be very effective at stopping vehicles from coming across. A single layer of fencing can channel traffic away from heavily populated areas, but the longer you build that fence, the more likely it is you are not going to move the traffic. They are going to figure out ways over, under, or around, or through. And when I say around means through that port of entry as well.

Thank you very much for the opportunity once again to hear from the men and women who are actually out there doing the job, and hopefully our opinion will weigh heavily in this matter.

[Prepared statement of Mr. Bonner follows:]

PREPARED STATEMENT OF T.J. BONNER

The National Border Patrol Council appreciates the opportunity to present the views and concerns of the 10,500 front-line Border Patrol employees that it represents regarding border fencing options and related issues. In order to determine what types of physical barriers should be placed at the border and the extent to which they should be utilized, it is essential to evaluate their intended purposes, the effectiveness of the various types that are in use, and the reasons that they have succeeded or failed.

The United States Border Patrol is responsible for interdicting people and contraband that illegally cross our land borders between designated Ports of Entry. Every year, Border Patrol agents apprehend more than one million illegal aliens and seize more than one million pounds of marijuana and other illegal drugs. Front-line agents estimate that for every person they apprehend, two or three manage to slip by them, and also acknowledge that they only seize a small fraction of the drugs being smuggled across the border. Although there is an increasing trend for the same criminal organizations to be involved in smuggling both people and contraband, the appropriate preventive measures and responses for each differ considerably.

During the past 15 years, the Federal Government has spent billions of dollars on various initiatives to curb the smuggling of people and drugs across our Nation's borders. When these efforts began, the majority of the illegal traffic was concentrated along the westernmost 14 miles of border, just south of San Diego, California. Within that small stretch of border, thousands of illegal aliens would gather just inside the United States on a daily basis, waiting for the opportune moment to proceed north. Bandits frequently preyed upon them, sometimes raping and/or murdering their helpless victims. Drug smuggling was rampant as well. Anarchy reigned, and there was no semblance of control over that section of the border.

In 1990, Representative Duncan Hunter began facilitating the construction of fencing fashioned from surplus military steel landing mats, as well as the placement of stadium lights, along most of those 14 miles of border. Although these measures dramatically reduced the amount of crime, they did little to diminish the number of illegal crossings in that area. While drug seizures tapered off within several years, apprehensions of illegal aliens in the San Diego Border Patrol Sector continued to average about one-half million annually for the next six years.

In September of 1993, Representative Silvestre Reyes, who at the time was the Chief Patrol Agent of the El Paso Border Patrol Sector, launched Operation Blockade, later renamed Operation Hold-the-Lie. Additional Border Patrol agents were temporarily reassigned from nearby locations and deployed at strategic crossing points along the Rio Grande River just north of Mexico to disrupt smuggling routes and prevent criminals from crossing the border. The results were immediate and dramatic. Cross-border crimes plummeted almost immediately. The following year,

apprehensions of illegal aliens dropped about 72%. Unfortunately, the smuggling traffic did not disappear; it merely shifted to other areas along the border.

Encouraged by this limited success in El Paso, the Border Patrol attempted to export the Strategy to San Diego the following year. However, significant differences in geography and demographics thwarted the initial efforts to replicate the results of Operation Hold-the-Line. While El Paso and Ciudad Juárez are separated by the Rio Grande River, which has few crossing points, San Diego and Tijuana are separated by land, and there are few natural barriers that deter people from crossing. Moreover, while many of the people crossing into El Paso illegally had been day laborers who returned home to Mexico every night, most of San Diego's traffic consisted of people who intended to travel to interior locations and remain there for long periods of time. San Diego remained the smuggling corridor of choice until 1997. At that point, Border Patrol staffing in the San Diego Sector had increased to about 2,100 agents, compared to about 800 in 1990.

At about the same time that a significant portion of the illegal alien traffic shifted away from San Diego, construction began on triple fencing in that area. This coincidence caused some confusion about the precise reason(s) for the displacement of the traffic. The triple fence concept was originally advocated in a January 1993 report issued by Sandia National Laboratories entitled *Systematic Analysis of the Southwest Border*. The study recommended placing a triple layer of fencing along approximately 90 miles of the Southwest border's urban areas. It predicted that these multiple barriers would significantly reduce the number of illegal crossings; allow for early detection and easy apprehension of the few who attempted to cross through the multiple barriers; and channel the remainder of the traffic to remote areas where it could be readily apprehended. Experience has proven all of these forecasts to be extremely inaccurate. Even worse, these barriers have been responsible for a dramatic increase in the number and intensity of assaults against Border Patrol agents. Smugglers have adopted tactics that take advantage of agents' vulnerabilities as they patrol between these barriers, ambushing them with barrages of rocks and even gunfire. Although the Border Patrol meticulously tracks the number and types of assaults against its agents, there is no separate category for those that occur between the multiple layers of fencing. Given the large number of such assaults, this statistical gap is both puzzling and troubling.

Experience in San Diego and other parts of the border has conclusively proven that additional staffing, not fencing, is responsible for modifying smuggling patterns. When the Tucson Border Patrol Sector's area of operations became the favored smuggling corridor in 1998, only about 900 agents were assigned to patrol its 261 miles of border. By the time the smuggling traffic started to shift away from the Tucson Sector this year, staffing had increased to about 2,400. Although total nationwide apprehensions are only slightly higher this year compared with last year, they have increased about 25% in the San Diego, despite the fact that most of the westernmost 14 miles of border now has multiple layers of reinforced fencing. Staffing in San Diego has declined substantially, however, with 500 fewer agents at the present time than there were in 1997.

While barriers and fences are not the panaceas that some had predicted or hoped, they nonetheless can play a legitimate role in border security if the proper types are strategically placed in suitable locations. Barriers can be extremely effective in preventing vehicles from driving across the border between designated Ports of Entry. Such vehicles often contain large quantities of illegal drugs, and their drivers generally speed away from law enforcement officers when they are encountered. Thus, it is extremely important to prevent these types of incursions. Roads and terrain on the other side of the border will dictate where these barriers are needed most, and as some areas are secured, others will certainly emerge as problems that need to be addressed.

Additionally, strategically placed reinforced single-layer fencing can serve to channel smuggling traffic away from relatively small areas, such as heavily-populated cities. The overuse of such fencing will only cause smugglers to seek ways to circumvent it, however, by going over, under, around, or through it. These counter-strategies are already being employed in areas such as San Diego:

- Makeshift ladders welded from reinforcing steel bars, commonly known as rebar, are often used south of the border fences to assist illegal aliens in climbing over them. Numerous illegal aliens are injured when they drop from these tall fences onto the U.S. side of the border. Border Patrol agents are instructed not to ascertain whether injured people are illegal aliens so that the Federal Government does not have to pay for their medical expenses or assign agents to guard them at hospitals. Criminal aliens are well aware of this unwritten policy and exploit it by feigning injury to gain entry into the United States without being fingerprinted and having their criminal records checked.

- It is no coincidence that almost all of the dozens of cross-border tunnels that have been discovered within the past decade run underneath reinforced border fencing. Large quantities of people and contraband can be moved through these tunnels without being detected. The potential use of these tunnels by terrorists and other criminals greatly concerns law enforcement authorities.
- Hundreds of illegal aliens walk around existing fencing every day as they cross our borders. Even if a “continuous” fence were built from the Pacific Ocean to the Gulf of Mexico, it would nonetheless require openings at designated Ports of Entry for legitimate cross-border traffic. It was once common for large groups of illegal aliens to run north through the lanes of traffic at the San Ysidro Port of Entry. This strategy would undoubtedly resurface if long stretches of fencing were built.
- Steel fencing is easily cut with a blowtorch. A hole large enough to drive a vehicle through can be cut in a ten-foot high steel fence in just a few minutes. Of course, the repairs take considerably longer.

To the extent that the current illegal immigration debate focuses on how much fencing is necessary to secure the borders, it distracts the discussion from the root cause of the problem, and delays the implementation of meaningful solutions. As long as illegal aliens can readily obtain employment in the United States, neither barriers nor increased staffing will discourage millions of impoverished people from illegally crossing our borders annually. At best, such measures will only serve to push the problem from one location to another. The only effective way to solve the illegal immigration crisis is by eliminating the employment magnet. The only sure means of achieving this goal is by implementing an employment verification system that enable employers to easily and reliably determine who has a right to legally work in this country, at the same time facilitating the punishment of those employers who choose to disregard or disobey the law. H.R. 98, the “Illegal Immigration Enforcement and Social Security Protection Act of 2005,” achieves both of these objectives, and would be infinitely more effective at stopping illegal immigration than any amount of fencing or even additional staffing. In effect, this system would act as an “invisible fence,” providing a powerful disincentive for people to cross our borders illegally. Without the ability to work in the United States, people will simply not undertake the expensive and dangerous journey across our borders. Instead of being overwhelmed by several million illegal aliens annually, the Border Patrol would be able to concentrate its scarce resources on the thousands of criminals and handful of terrorists who are currently exploiting the weaknesses of our unsecured borders. Of course, the Border Patrol would still need substantial increases in staffing, equipment and technology in order to secure the borders against these very serious threats. H.R. 4044, the “Rapid Response Border Protection Act of 2005,” would provide many of these resources, and would also facilitate recruitment and retention efforts.

In summary, recent experience has amply demonstrated that geographic fluctuations in border smuggling activity are almost exclusively influenced by the amount of law enforcement personnel assigned to an area rather than by the length or type of fences and barriers. However, even with significant increases in staffing, the overall level of smuggling activity has grown and will continue to do so until the root cause of illegal immigration is addressed. As long as destitute illegal aliens can find work in the United States, millions of them will cross our borders every year. The failure to effectively confront this crisis leaves our borders unacceptably vulnerable to infiltration by criminals and terrorists. The security of our Nation demands swift and decisive action.

Mr. SOUDER. Thank you.
Mr. Mann.

STATEMENT OF CARLTON MANN, CHIEF INSPECTOR, OFFICE OF INSPECTIONS & SPECIAL REVIEWS, OFFICE OF INSPECTOR GENERAL, DHS

Mr. MANN. Good afternoon, Mr. Chairman, Ranking Member. Thank you for inviting me to testify at this hearing this afternoon. My testimony will be slightly different from what you have heard so far.

Both border security and contract management continue to be major challenges for the Department of Homeland Security. The Office of Inspector General has paid and is paying close attention

to both issues. Last November, the Department announced a multi-year strategy to secure the administration's borders called the Secure Border Initiative, or SBI.

SBI includes *SBI_{net}*, the *SBI_{net}* program, which replaced America's Shield Initiative. *SBI_{net}* is much more complex than its predecessor programs and will present a greater challenge with Customs and Border Protection to manage the procurement and acquisition processes. We have not fully assessed the organizational SBI activities. However, we are paying more attention to their procurement.

Last month the Office of Inspector General initiated a review of *SBI_{net}*'s acquisition strategy to determine whether the Department had applied lessons learned from its experience with other major acquisition programs and to forewarn the Department of potential contract pitfalls before a significant expenditure of time, resources and money occurs.

We are focusing on two critical areas: First, operational requirements, which is the ability to maintain effective border security and, two, organizational capacity, the Department's ability to manage complex procurement activities.

Earlier this year, the Department issued a request for proposal to select a system integrator for *SBI_{net}* using an indefinite quantity, indefinite delivery performance-based acquisition strategy. Requirements are described in a broad statement of objectives to the bidders providing the flexibility for them to propose innovative solutions. It remains to be seen whether the proposed solutions fully address the Border Patrol's needs, what measurements or performance or effectiveness can be applied to the contract, how soon the program can be implemented and a reliable estimate of cost.

We see evidence of early risks manifesting themselves in *SBI_{net}*. For example, the Department has set a tight deadline of September 2006 for contract award, requiring Customs and Border Protection to press hard to meet that deadline while mitigating risk and avoiding mistakes.

Next, a statement of objectives type contract is made high risk by broadly defined performance requirements. Scoping a series of task orders over a number of years will entail not only vigilant contract administration but also continuing program decisions, system engineering efforts, business case analysis and making a substantial program management office.

Third, the lack of defined stabilized and validated requirements increases the likelihood of program changes, interoperability problems, and excessive costs. A broadly defined statement of objectives approach coupled with undefined requirements leaves a program vulnerable to failure and cost overruns.

And finally, building a program management office entails not only recruiting and contracting for qualified acquisition managers and technical experts, but also establishing comprehensive business processes. With a new start program, a myriad of tasks such as developing staffing plans, providing facilities, and setting office procedures distract from the mission's accomplishment, but nevertheless must be done.

The Office of Inspector General will continue to monitor these developments closely and provide our recommendations to Customs and Border Protection and the Department.

Mr. Chairman, Ranking Member, this concludes my statement. I look forward to answering your questions.

[Prepared statement of Mr. Mann follows:]

PREPARED STATEMENT OF CARLTON MANN

Good afternoon Chairman Lungren, Chairman Souder, and Members of the Subcommittees. Thank you for inviting me to testify before the joint committee hearing today on "Expanding the Border Fence."

The Department of Homeland Security (DHS) Office of Inspector General (OIG) has paid and is paying close attention to the issues of border security and DHS contract management, and I appreciate the opportunity to discuss our work in these areas.

In a recent report outlining the major management challenges facing DHS, we emphasized that both border security and contract management continue to be major challenges for the Department.¹

Contract Management Continues to Present Major Challenges to DHS

We have identified a number of issues related to the challenge of building an effective contract and acquisition management infrastructure for the significant level of contracting activities in the Department. Excluding credit card purchases, in fiscal year 2004, DHS processed almost 60,000 procurement actions and purchased almost \$9.8 billion worth of goods and services.²

We view the Department's lack of an institutional capacity for managing major investment programs as the primary factor in the string of failed, delayed, and over cost programs. Certainly a sense of urgency has prevailed to date in making the Department's investment decisions. Moreover, the urgency of the Department's mission will continue to demand rapid pursuit of major investment programs. To meet urgent schedule demands, the Department needs to develop a cadre of skilled acquisition management personnel, as well as, robust business processes and information systems to have the capacity to move forward quickly and effectively implementing programs and initiatives.

More Comprehensive Acquisition Guidance Needed

In our reports, we noted a general need for more comprehensive acquisition guidance and oversight and recommended that DHS (1) require expanded procurement ethics training for senior program and procurement officials; (2) ensure that procurement and program management oversight processes monitor departmental procurement activities for potential standards of conduct violations; (3) create and staff a DHS organization to develop program management policies and procedures; (4) provide independent technical support to DHS senior management and organizational component program managers on an as-required basis; and (4) identify and foster best practices.³

In response to our reports, management began action to correct many of these deficiencies. Specifically, the Office of the Chief Procurement Officer is developing a training class on procurement ethics for senior program and procurement officials that is emphasizing real examples of procurement fraud in addition to teaching applicable regulations. The Office of the Chief Procurement Officer issued a DHS management directive on the Acquisition Oversight Program in December 2005 and is hiring additional staff to conduct oversight of other acquisition offices.

More Procurement Management and Contract Management Personnel Needed

We have reported that both the Chief Financial Officer and Chief Procurement Officer need more staff and authority to effectively carry out their general oversight responsibilities.⁴ The Government Accountability Office (GAO) reported in 2005 that the Office of the Chief Procurement Officer had only two people to conduct oversight on the eight separate procurement offices, which handled nearly \$10 billion in pro-

¹DHS OIG, *Major Management Challenges Facing the Department of Homeland Security (Excerpts from the FY 2005 DHS Performance and Accountability Report)*, Office of Audits, OIG-06-14, December 2005, at pages 112 and 116.

²DHS OIG, *Department of Homeland Security's Procurement and Program Management Operations*, Office of Audits, OIG-05-53, September 2005, at page 2.

³DHS OIG, *Department of Homeland Security's Procurement and Program Management Operations*, Office of Audits, OIG-05-53, September 2005.

⁴DHS OIG, *Major Management Challenges Facing the Department of Homeland Security (Excerpts from the FY 2005 DHS Performance and Accountability Report)*, Office of Audits, OIG-06-14, December 2005

curement activity during fiscal year (FY) 2004.⁵ GAO recommended that DHS provide the Office of the Chief Procurement Officer with sufficient resources and enforcement authority to enable effective department-wide oversight of acquisition policies and procedures. We made a similar recommendation.

Integrated Surveillance Intelligence System Procurement

The procurement of cameras for border surveillance is an example of contracting difficulty. In our report on Border Patrol's remote surveillance technology, our primary objective was to review Border Patrol's use of remote surveillance technology, including Remote Video Surveillance equipment, rather than audit its procurement practices.⁶ Nonetheless, while conducting our review, we encountered certain contract management issues that adversely affected the timely installation of Remote Video Surveillance equipment.

The Border Patrol, a part of Customs and Border Protection (CBP), is the primary federal law enforcement organization responsible for detecting and preventing illegal aliens, terrorists, and contraband from entering the U.S. between official ports of entry. Border Patrol used a Blanket Purchase Agreement through the General Services Administration (GSA) with a contractor to install Remote Video Surveillance equipment. We reported that Border Patrol's oversight of Remote Video Surveillance equipment contract activities was ineffective, Border Patrol certified few contractor invoices prior to payment, and contract accountability was confused.

Border Patrol's Oversight of Remote Video Surveillance Equipment Contract Activities was Ineffective

To test the adequacy of contracting oversight, we reviewed procurement documents for a sample of seven Remote Video Surveillance installation Technical Directives, six issued under the Blanket Purchase Agreement and one issued prior to the Blanket Purchase Agreement. Weak project management and contract oversight, exacerbated by frequent turnover of program managers, resulted in Remote Video Surveillance camera sites being incomplete, leaving large portions of the border without camera coverage. Additionally, completed work was not finished in a timely manner.

For example, according to our analysis of Border Patrol and GSA records, most contractor invoices were paid without Border Patrol certification. Procedurally, Border Patrol should have certified correct and properly supported invoices, thereby accepting services, and returned the certifications to the contractor, who would forward the invoices and certifications to GSA for payment. Border Patrol was obligated to certify invoices; but there was minimal evidence that it fulfilled that obligation. This resulted in payment to the contractor for unverified goods and services. As of August 2005, Border Patrol was certifying invoices after the invoices had been paid.

Contract Accountability was Confused

The involvement of both the Border Patrol and GSA in the Blanket Purchase Agreement created confusion. GSA agreed that, in practice, there was confusion about the responsibilities of the two agencies and, as the project grew and became more complex, and pressure to keep on schedule increased, so did the potential for error.

For example, Border Patrol did attempt to bring the contractor into compliance with the Blanket Purchase Agreement. The Integrated Surveillance Intelligence System program manager wrote a detailed letter to the contractor citing inefficient financial tracking and cost control, inefficient inventory control, a failure to meet required deadlines and deliverable due dates, and a failure to notify the government of impediments to installations. The letter made several recommendations for remediation.

Meanwhile, GSA concluded that Blanket Purchase Agreement could not be used for construction-related items. The GSA contracting officer wrote a letter to the contractor instructing the company not to submit any invoices for non-information technology (IT) related work and to disregard Border Patrol's letter. (The GSA contracting officer is the only authority who can provide contractual direction.) Despite GSA's correspondence, GSA continued to pay invoices for non-IT related work that

⁵ GAO, *Homeland Security Successes and Challenges in DHS's Efforts to Create an Effective Acquisition Organization*, GAO-05-179, March 2005, at page 15.

⁶ DHS OIG, *A Review of Remote Surveillance Technology Along U.S. Land Borders*, Office of Inspections and Special Reviews, OIG-06-15, December 2005. However, in a series of audit reports beginning in early 2003, the General Services Administration OIG identified inadequate management controls and numerous improper contract activities on the part of GSA's Federal Technology Service, including activities related to Remote Video Surveillance installations and contracting. See: GSA OIG *Compendium of Audits of the Federal Technology Service Client Support Centers*, December 14, 2004.

the contractor submitted after this letter was sent. In essence, the letter from the GSA contracting officer was a stop work order because installing the cameras and related infrastructure was impossible without the non-IT related work.

Border Security Remains a Major Challenge Facing the Department

A primary mission of DHS is to reduce America's vulnerability to terrorism by controlling the borders of the U.S. This mission is shared by a number of agencies within the Department, with the Border Patrol as the primary agency responsible for preventing illegal aliens, terrorists, and contraband from entering the U.S. between official ports of entry from entering the U.S. To accomplish its mission, Border Patrol uses a mix of agents, information, technology, and equipment.

The technology Border Patrol uses includes cameras and sensors to detect and identify illegal border intrusions. Last year we conducted an analysis of remote surveillance technology used by the Border Patrol to detect illegal entry into the U.S.⁷ Border Patrol's technology is managed under the auspices of the Integrated Surveillance Intelligence System. We determined that more than 90 percent of the responses to sensor alerts resulted in "false alarms"—something other than illegal alien activity, such as local traffic, outbound traffic, a train, or animals. On the southwest border, only two percent of sensor alerts resulted in apprehensions; on the northern border, less than one percent of sensor alerts resulted in apprehensions.

Border Patrol agents are spending many hours investigating legitimate activities because sensors cannot differentiate between illegal activity and legitimate events and because there are too few operational Remote Video Surveillance camera sites, consisting of cameras mounted on poles or other structures, available for Border Patrol personnel to evaluate the cause of an intrusion alert remotely. According to Border Patrol officials, the Remote Video Surveillance system currently deployed provides approximately five percent border coverage given an average tower height of 70 feet and viewing range of 1.5 miles.

DHS faces several formidable challenges in securing U.S. borders. These include development of an effective, automated entry-exit system (US-VISIT); disruption of alien smuggling operations; identifying, locating, detaining, and removing illegal aliens; fielding effective border surveillance technologies; providing timely, accurate, and complete intelligence to support border security operations; and developing effective overseas operations, including improved controls over the Visa Waiver Program and lost and stolen passports.

A further challenge for DHS was the difficulties CBP and ICE experienced coordinating and integrating their respective operations. When DHS was formed, CBP and ICE did not come together to form a seamless border enforcement program. Their operations had significant interdependencies that created conflict between the two agencies. Jurisdictional, operational, and communication gaps existed between the two organizations that had to be addressed by DHS leadership.⁸ The Department has recognized these problems and, through its "Second Stage Review" initiatives, has reorganized to address them. We are now following up to evaluate whether the reorganization has improved coordination and integration.

Secure Border Initiative

On November 2, 2005, the Department of Homeland Security announced a multi-year strategy to secure America's borders and reduce illegal immigration, called the Secure Border Initiative (SBI). SBI includes the SBInet program, which replaced the America's Shield Initiative, but is much more complex, presenting a greater challenge to CBP. We have not fully assessed the organizational structure for SBI procurement activities. However, we are paying close attention to the SBI procurement. Last month (June 2006), our Office of Audits initiated a review of the SBInet acquisition strategy to determine whether the department has applied lessons learned from its experience with other major acquisition programs.

The purpose of our ongoing review is to alert the Department of potential contracting pitfalls before a significant expenditure of time, resources, and money is made. We are focusing on two critical areas: (1) operational requirements and (2) organizational capacity.

SBI Procurement Risks

The Department issued a Request For Proposal to select a system integrator for SBInet using an indefinite quantity/indefinite delivery performance-based acquisi-

⁷DHS OIG, *A Review of Remote Surveillance Technology Along U.S. Land Borders*, Office of Inspections and Special Reviews, OIG-06-15, December 2005.

⁸See: DHS OIG, *An Assessment of the Proposal to Merge Customs and Border Protection with Immigration and Customs Enforcement*, OIG-06-04, November 2005.

tion strategy. Requirements are described in a broad statement of objectives to the bidders, providing the flexibility for them to propose innovative solutions. It remains to be seen whether the proposed solutions fully address the Border Patrol's needs, what measures of performance and effectiveness can be applied to the contract, how soon the program can be implemented, and what a reliable estimate of the program's cost would be. We anticipate scrutinizing the program's performance management plan, acquisition program baseline, schedules, cost controls, and cost estimates when they are prepared. We will also assess the effect on the program and its costs as CBP's operational requirements are set and adjusted after award. CBP faces some tremendous challenges and risks in pursuit of SBInet. These challenges and risks include:

Acceleration: The Department has set a tight deadline of September 2006, requiring CBP to press hard to meet tight deadlines while mitigating risks and avoiding mistakes. The urgency underscores the need for institutional capacity, including a cadre of acquisition management personnel and robust business processes, to accomplish the tasks needed to set-up a new program and ensure the program office is ready to implement the program, administer the contract, and establish cost/schedule/performance control.

Loose contract requirements: High-risk acquisition strategies call for mitigators and controls. A Statement of Objectives type of contract is made high-risk by broadly defined performance requirements. We have reported on previous DHS major acquisitions with similar strategies that have failed. Will the SBInet contract have the incentives, penalties, and metrics to ensure performance? Scoping a series of task orders over a number of years, will entail not only vigilant contract administration, but also continuing program decisions, systems engineering efforts, and business case analyses necessitating a substantial program management office.

Unstable operational requirements: Lack of defined, stabilized, validated requirements increases likelihood of program changes, interoperability problems, equitable adjustments, and cost overruns. A broadly defined Statement of Objectives approach coupled with undefined requirements leaves programs vulnerable to failure and cost overruns.

Lack of Organizational Capacity: Building a program management office entails not only recruiting and contracting for qualified acquisition managers and technical experts, but also establishing robust business processes. With a new program, a myriad of tasks, such as developing staffing plans, providing facilities, and setting office procedures, distract from mission accomplishment, but they, nevertheless, must be done.

This concludes my prepared remarks. I would be happy to answer any questions.

Mr. SOUDER. Thank you all very much and for your patience.

Mr. Barnhart, the Calexico offense that you talked about, was that—

Mr. BARNHART. The Calexico border crossing station constructed by my company, yes, sir.

Mr. SOUDER. What type of fence was that?

Mr. BARNHART. We just used regular chain link fence at the border crossing. Well, you know, at that particular location the All American Canal runs through there and don't be confused with the word "canal." Because I know when my estimators brought it, I thought the canal like 12 or 10 feet wide. We were going to bridge cross this thing. So I go down there and it is the Colorado River that we have actually herded in there to irrigate all of that land. So you have a pretty substantial, in that particular area where the border crossing is, a pretty substantial water barrier there. It's not like the Rio Grande at Texas.

Mr. SOUDER. You said—and is it a single fence or triple fence? I can't remember.

Mr. BARNHART. At Calexico? It is the regular—the Calexico border station was a GSA job and, you know, just had the regular GSA government specifications.

Mr. SOUDER. So if you estimated that that given the number of miles would take an extensive period of time, how much does that change the cost estimates, do you think?

Mr. BARNHART. Well, my estimates were not based off of Calexico. My reference to Calexico, to border crossings and the jobs we currently do in Calexico is you are going to get a good work force out of San Diego along the coast. You are going to pay people and you are going to pay them subsistence and travel and everything else to work when it is 117 degrees out there in the summer, when they can work on the coast and it's 77 in San Diego. So my only point in bringing that up is anyone who happens to be working somewhere else and thinks they are going to go out in the middle of the California desert and life is going to be wonderful and going to find a great work force and everything else better wake up and smell the coffee.

Mr. SOUDER. Have those of you who have worked with fences, do you believe there is sufficient labor if we accelerated this process that you would be able to meet these kind of demands?

Mr. BARNHART. Well, that is what they did. The estimators contacted about 10 or 12 companies that are in the business of erecting fences. Now we are a large and general engineering contractor. So if we have—now we have concrete crews and those kind of crews for the barrier wall and for the flagpole footings and all of that. The actual fence erection, if you use a steel fence, it is probably—you are probably going to use some steel workers or you are going to use somebody that is a fence—depending on the labor classification code that that is going to come under. So they went to about 10 of those companies.

Now I am not surprised we got 10 different prices, right? So, and they ran the gamut. And so what the estimators did was they used a blended production rate, and what I did on my visit now when I talk to the Army personnel down there, when I was asking them what their production rate was and I was asking them some general questions well, how many people did you do this with and kind of that, what I was really trying to do was double check my own estimators and what this information that they had received from these, you know, from these fencing companies.

So the rate that you see in here is actually a blended rate, a blended erection rate of those 10 companies.

Mr. SOUDER. Thank you for putting that together.

Mr. Williams, I wanted to ask you a question on the New Mexico barrier fence.

When I went out and looked at that, it was just completed, what, 3 weeks ago?

Mr. WILLIAMS. New Mexico was completed very recently. In fact, we are now engaging in a brand new 3-mile sector in the Yuma area that is beginning August 1st.

Mr. SOUDER. When you looked at the locations, in your testimony you seemed to imply that there were many variances but one of the primary variables was where you could put the fence as opposed to where the greatest risk of illegal activity was going to be. What kind of blend do you look at in that area? There is one barrier fence that is the lowest type of style and they are looking for a more effective barrier fence.

Give you a couple combinations of questions here. One is does that mean we only had money for 1 mile because you only built 1 mile there? Does it mean that you felt it will only sustain 1 mile? And what is your reaction to Congressman King's proposal for a more full fence that would also affect illegal immigration, not just vehicles.

Mr. WILLIAMS. A couple of things. I would like to kind of address your initial question as far as manpower. The system that we are presently using that you saw in New Mexico is anchored by what we call metal thin pipe foundation. This application along with a, what we call "push it" machine lessens the number of people per crew per manpower that you'd have to get for each one of the crews that you install. This would be very important when you get into some of the areas where you're in mountainous terrain. You are in the most remote areas. And that is what I was referring to with easy access because the equipment actually will go into places where you really don't have to go to build a road. You don't have to bring concrete. You don't need concrete trucks. You don't need all of that type of stuff with this particular system and it makes it more conducive.

Back to your initial question about the 1 mile. The original project we did was a pilot project in that we did 3 miles in Yuma and that was done in more of a sandy/silty area and then we were asked to do a mile in New Mexico to see how the reaction would be with the different walks and different multi-soles in that area. So it wasn't necessarily as an evaluation what was applicable, but it was an area that we really started right after; and I think you saw that right after the original, what we call traditional permanent vehicle barriers, and then we did the PVB with the metal pipe foundation.

We have also found, as I indicated in my statement, that the rate of production with the metal thin pipe foundation is a tremendous savings both in the three layered fence proposals and also in the permanent vehicle barrier proposals, and that part of what you do with the manpower and the equipment that does the work really is the rapid deployment that the system allows us to do. And rapid deployment in this whole thing I heard today hasn't been talked about much. How long does this really take? How long are we really, you know, we are talking about the different types of methods of things. I think the really important—one of the important factors is, you know, feasibly common sense wise, how long is this really going to take to stop what we all have been talking about, the diversion of once you seal off one area, then they go to another area. That is normal. That is going to happen.

So I think some of the research, we have done—some of the products that we have here that have really been on the ground level really have worked. That barrier that I'm referring to that you saw also prevents a 40 mile per hour vehicle from ramming it. It won't move at all. It's been jammed and that is really some of these things we are talking about, making sure the drugs won't come through in a big truck or, you know, people won't get smuggled through. I think that this method is very conducive to helping some of the problems and, as everyone said, one is not the total solution but this is really a solution that will help out.

Mr. SOUDER. Congressman King, you led off this panel. You heard all of the witnesses. Do you have additional comments?

Mr. KING. Reflecting I think particularly on Mr. Bonner's testimony and I just can't—I can't accept the idea that having a solid barrier that prohibits human traffic of all kinds wouldn't become something that would allow the officers on the ground to be far more effective, and I asked that question, I know, down in Laredo of the sector chief down there, I believe it was Mr. Reynaldo Garza at a hearing we had 2 or 3 weeks ago, if it would take more or less people to defend the border if we had the kind of barriers that I described here and his answer was less, although I will say that it wasn't something that came forth eagerly.

I wanted to point out a couple of things. I have got a couple of visuals if I could add that I think might help the panel. And like if you could put up the one first on the bollards that were spoken to by the chief officer right behind you there to the left. And just so that I can describe what that is.

I think that is a very good design. This exists, I took that picture, some place down around Organ Pipe Cactus and that is those steely beams that are set up in kind of a double layer that let the water through that let some of the wildlife through like snakes and that kind of thing, but it is a defective way where we have got an arroyo in our waterway that needs to be handled. I want to define that.

And also I have another picture that has to do with the environmental issues that I wish Mr. Dicks were here to see. I think it really lays out something and makes the case very well, and this is the issue on the—let's see, Cabeza Prieta National Wildlife refuge in Arizona. This is where endangered species of bat, the long-nosed bat, they only nest in four caves that we know of. This is one of them. And the illegals were coming into the national refuge and using that cave, and they scared the bats out and so for several years the bats wouldn't nest in the cave. So we built a fence, our taxpayers built a fence around that bat cave at the cost of about \$75,000. It has kept the illegals out of the cave and now the bats have returned. So that is an idea of that, we are looking at fences do work. They keep the—at least in this particular case they do.

And I want to emphasize this issue of what is the business model. I mean we always revert back to illegal immigrants and the focus on cutting back on illegal immigrants, but I want to emphasize this. \$65 billion worth of illegal drugs, how powerful is that force? I don't know if any of us can estimate how powerful that is. But shutting off the jobs magnet is important. Cutting down on that huge human haystack of humanity is important. But if we leave an open border, that is not even marked across most of New Mexico, for example, you are going to have people hauling drugs across there one way or another, if they are burros with 50 pounds of marijuana on their back or if they are coming across there on motorcycles or horses or burros or whatever it might be. Until we make it more difficult to cross there than somewhere else, they are going to do the thing that is at least difficult and the most efficient for them.

And this business model, the model of \$8 billion on our southern border, \$4 million a mile, no one here at this panel has brought a

number per mile that exceeds, I don't believe, half of that \$4 million a mile. And this is a one-time expenditure for all of these structures that are here. And if we are going to look at raising the numbers of border patrol people from 12,000 to 20,000, maybe 30,000, as Mr. Cummings said, or 40,000, as you mentioned, those figures need to be plugged in here.

If I am looking at this from a business model and I have to sit here and look at the miles where I live out on rural land, what if someone gave me the responsibility to control, say, the two miles right there where I happen to live that I know and love. And if I had that responsibility and if I would bid that like the contractor that I am or like some of my colleagues here on the panel, you see the best business model by asking business people to come forward and to put out an RFP for the best business model on how we can ensure the real true border control. And I would submit that business model is going to include the kind of structure that allows you to cut down on the numbers of manpower because the initial upfront investment in a solid fixture, a series of them, returns every single year after that. And more and more people on the ground, increasing that number.

We have done that. I am willing to continue doing that, but I am not seeing the results. 1.2 million arrests on our southern border. Many of them came right back again. And if I agree with Mr. Bonner's testimony, that perhaps stopping one out of three or one out of four, but when I asked the people on the ground in those meetings that I mentioned earlier, those private quiet meetings off at obscure ranch houses or sitting there till 2:30 in the morning, and I asked them what percentage are you stopping and you know the most consistent number I got was 10 percent, I am not sure they have the full picture either.

So I don't want to say I think that is right, but I am not hearing people that are on the line saying it is a number even 25 percent. So I think it's a huge problem. I don't think we can measure the people that are here in this country. I think we must get a handle on it for the four reasons I said.

People smuggling, the most important difficulty is going to be \$65 billion worth of drug smuggling. Terrorists that come in like the needles in the haystack of humanity and the criminals that are associated with all of them. And so that's the questions that are on my mind, and I appreciate the privilege to give testimony.

Mr. SOUDER. Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. I am just sitting here trying to take all of this in and I must tell you that I have a lot of mixed feelings about this testimony.

As a lawyer and as one who has heard a lot of testimony over the years, I am trying to figure out if I am an American citizen who is watching this, do I harken back to Katrina and the way we spent our money and what we have gotten for it? Do I think about companies like that, and I have only named companies that have spent money of the United States' citizens, many of them in my district, hard working Americans who are watching this probably right now and thought they were getting one thing and then to have companies basically admit that they were not doing the things that they

were supposed to be doing over in Iran and—I mean Iraq and Afghanistan.

I mean, these are key questions and the reason why I raise it is mainly because of Mr. Bonner's testimony. See, the President and I agree on this to a degree. And I think, Congressman King, you alluded to it. You talk about the people that you listen to. I have a tremendous, tremendous respect, as I know all of us do, for law enforcement. I do believe that it is a thin, a very thin blue line. And when I hear somebody like a Bonner, Chief Bonner, say what he said, I do believe that he's—and I heard what was said in the earlier panel with the Chief who spoke. I do believe that they are on the ground. They are trying to figure it out. They are talking—they are not directly on the ground. They are talking to people who are on the ground dealing with the problem every day. And then I hear them say that well, you know, there are different things that we need and I hear Bonner saying well, if you can stop the employment situation, that is get to the employers, that will make a major difference. But yet and still we seem to be putting that aside to a large degree and not dealing with that, and I agree with you, Congressman King, that we also have to deal with the drugs. After all, that is the subject matter of my subcommittee, the one that Congressman Souder chairs. So we are concerned about that.

But it seems like there is a disconnect. And if I am an American citizen and I am sitting here and I am listening to this, I am saying to myself OK, the plans sound nice, but are we going to solve our problems? And Mr. Barnhart, I appreciate your testimony. You were very, very clear, but one of the things that you said that Chairman Souder even went back to, and that is you talk about the permitting process and that it would possibly take 7 to 12 years to get through this. And let us assume that 4 million people come into the country every year. I mean, in other words, let us assume two million. Take it even lower than that. Let us assume one in 7 years. That is 7 million people. And it seems to me that if I am just a regular fellow, a lady, just got home from work, and I turned on C-SPAN, I would just do a little bit of math. And I said now wait a minute, hold it. One of the major concerns is employment. My Congressman is up there, they are talking about fences, all kinds of fences and, you know, that is good. But why aren't they what about dealing with this job situation?

Mr. SOUDER. We don't have any jurisdiction—

Mr. CUMMINGS. Mr. Chairman, you have got to hear me out. I was patient with you. Please be patient with me. I am going somewhere with this.

And so we just heard the Border Patrol Chief talk about how there was—and this is the relevance. He talked about a list of items that he needed to do his job. I specifically asked him what that list was, and he named all kinds of things, and the reason why I am bringing all of this up is that I want to make sure that whatever we do is practical because I am telling you at the rate we are going, and any logical thinking person would ask the question, you know, are they wasting their time because it seems as if it's kind of hard to get to the solution that we are looking for that is keeping people who are not supposed to be in this country out at the rate we are going with the fence proposal.

Now Mr. Bonner, Chief Bonner, let me just go back to you for one moment. I think Congressman King made an excellent point that you have got four different reasons why people may come into this country illegally. And the whole idea is well what about the drug smugglers. What about them? And I am just following up on testimony you have already given. What about them? And you talked about employment stopping and you thought that would be great, but he makes a very good point. And I am just trying to speak up for the person who just got home from work and turned this on.

Mr. BONNER. Congressman King makes an excellent point. We need to focus on those drug dealers, those drug smugglers; but what is happening right now, Congressman, is the same people who smuggle drugs have transitioned over and are smuggling illegal aliens and using them as decoys. They will send a group of 50 illegal aliens, knowing it is going to take 3 or 4 hours of our time to round them up, guard them, process them and send them back and in the meantime the border is wide open for that load of drugs that they want to get through.

As long as we are dealing with this haystack of illegal workers, we are not going to get to the point where we can intercept most of the drugs coming across. We know that we are highly ineffective in intercepting drugs. You can go on any street corner in America, look at the price of drugs. It is staying flat, which means that the supply is very plentiful. It's outpacing the demands. Otherwise the price would be going up.

We are doing a terrible job of intercepting illegal drugs at the border and the coastlines. You know, we have 95,000 miles of coastline; also, that if we crack down at the border, we know it is going to flow up to those areas. But, you know, let us get to the point at least where we can control our borders. And in order to do that, we have to turn off the job magnet, eliminate those millions of people coming across who are looking for work.

Mr. CUMMINGS. The fencing that we were talking about here. Did you listen to all of this testimony? I am wondering are you saying that we should not have fencing or are you saying we should have fencing in certain places? What are you saying?

Mr. BONNER. I am saying there is a strategic use for fencing. Barriers that stop vehicles from driving through are essential on the roads that the drug smugglers are using because once they hit the American highways they know that they have the upper hand. The Border Patrol, for example, has a policy that prohibits its agents from chasing people who break traffic laws unless we get supervisory approval, which is generally not forthcoming. I have been involved in incidents where you could see the bales of marijuana. You knew that this was a truck with a camper shell laden down with probably a ton of marijuana and the agents were told to back off because the driver of that vehicle hit the accelerator and was breaking traffic laws.

So there was a ton of drugs that made it into the streets of America because of the crazy policies of the Border Patrol. But once those vehicles come into the country, much more difficult to get them stopped. Why not stop them before they can get into the country? I wholeheartedly support barriers in strategic locations. I

think that fencing has a place in limited areas, strategically placed to channel the traffic away. But I think if you try to build a fence from one part of—from the Pacific Ocean all the way to the Gulf of Mexico, all you are going to do is encourage more tunnels, more people to climb over those fences.

One of the problems we are experiencing now in San Diego, at least as people drop across the fence, many people are injured, as Chief Stevens testified. We are also finding that criminals are exploiting that. They know that we won't take them, that we won't run record checks on them because the Federal Government doesn't want to bear that expense of hospitalizing the people and guarding them. So criminal aliens fake injuries so that they get taken to a hospital and then they are released into the streets of the United States of America. It is appalling.

Mr. CUMMINGS. Who are the best folks to determine where fencing should go?

Mr. BONNER. The best folks are the people working right there at the border. Chief patrol agencies are generally political appointees. They are going to say whatever they are told to say. If you want to know where the fencing should go, ask the men and women who patrol that every day. They have the best sense of what it is going to take to deal with the situation. But give them some help. Cut off the job magnets so they are not dealing with millions of people every year. Pare it down to a number that we can deal with, and I believe it would take probably somewhere between 25 and 30,000 Border Patrol agents just to stop the other types of traffic, leaving the workers, those millions of workers out of the equations.

Mr. CUMMINGS. Mr. Barnhart, let me ask you this, your example. Mr. Barnhart? Is that Mr. Barnhart? I don't have my glasses on.

Mr. Barnhart, you talked about the structure. How deep does that go into the ground, the one that you proposed?

Mr. BARNHART. The cutoff wall? 4 feet. That is what it is now. What I did was I looked at what they were doing now. You know, they've been doing this for quite a while. There is a sergeant down there that's been down there many, many years, and I found him. Because when I went down and looked at the fence, I had all kinds of questions: Why this, this, and that and that? And along come a car and had three Army personnel in it and I flagged them down. I said talk to me about this fence. They said oh, you need to go talk to—I have got his name written down in my office—Sergeant so and so. He knows everything about this. So I did. I hunted him down. I walked right in his office and then started asking him questions. And so we basically mirrored what they were doing then and what he has done over the past years, you know. They've adapted to make the fence more efficient.

Mr. CUMMINGS. Speaking of efficiency, the reason why I asked you that is that have you looked at the problems with the tunneling and how would that design help with regard to tunneling? In other words, people that tunnel under.

Mr. BARNHART. Well, the tunneling that I saw, and I only saw it on the television screen in San Diego, they started in one house on the border on the Mexican side and then tunneled under and then came up on the U.S. side. And certainly, if you want to go into

a rural area, but I don't think that is the way they will do it. The reason they went to the sleeves in these flagpole footings, because I was amazed when I saw that. I saw these steel posts and these 7-foot deep flagpole footings and we put millions of these in place for basketball poles or whatever you want to do. And they had a plastic sleeve around it and I was curious. What is that plastic sleeve doing? So when I got over to the sergeant, I asked him and the testimony referred to it. They come across with torches and they actually just take the post out. So rather than tunnel under, they just burn that baby out and then go on in. And what the sleeve does is they lift—it is a maintenance thing. They just let the new post in, bolt that baby back up and the repair is much quicker.

So to answer your question, yes, you can tunnel it under but that is not what they'll do. They will come in and cut the post out with the cutting torch and then you'll be in there maintaining it and whatever fence you build, that is not the end of it. Get ready for a maintenance crew.

Mr. CUMMINGS. Mr. Bonner, just one last question. I mean at the rate we are going, one of the things I am always concerned about is I believe this is our watch. This is our watch. We are the ones who are responsible today. We are the ones that must prepare this country for the future. And I often wonder whether when under our watch we are doing the right thing so that future generations look back and say they did the right thing.

And I am just wondering, I mean, what do you—I mean, looking at the lay of the land, the fencing proposals, everything that we have seen so far, we continue to do what we are doing right now, right now, what do you see for the future?

Mr. BONNER. If we continue along the road that we are following, I foresee us 20 years from now having this same discussion. Not you and I. It will probably be different players, but I see the problem being intractable as long as we continue to pursue the same so-called solutions. We are not focusing on the root of the problem. We are just focusing on the symptoms. And to the extent that we do that, we will push the traffic from—we have already pushed it from San Diego to Tucson, and now we are seeing it go to New Mexico into Texas.

But just picture one of those long skinny balloons. What we are doing is squeezing the balloons. We are not deterring people despite what the Border Patrol claims. People aren't staying home. The number of people coming across the border in fact is probably increasing. Why? Because there are jobs that pay so much more in the United States compared not just to Mexico but to a number of developing nations throughout the world.

Mr. CUMMINGS. Congressman King, I hope you understand what I am saying. You know, I want us to—I really want us to find a solution to the problem. You know, I mean I listen to the folks on—and I know you do and you have been going to the border and sitting there and it has got to bug you too—but I am just trying to make sure that whatever we do that we use the taxpayer dollars efficiently and effectively and when I have got some folks who are saying—border patrol types who say, well, maybe we should have fencing here and there and maybe we should do something else here, you know, that to me, I mean, I can't just discard that kind

of testimony as—I just can't. If I can trust my police officers in any city to say this is what we need from the Federal Government, will you help us, you know, they are the ones who are putting their lives on the line. You might want to comment, but I want you to understand what my concerns are.

Mr. KING. Well, I especially appreciate the in-depth questions you have asked and the tone that you bring and the concern. I know every bit of it is absolutely sincere. And I've been sitting here trying to rationalize this all myself and trying to think of what if someone had an invention that they could lay out on the border that was a hundred percent certain to shut off all the traffic and put it all through the ports of entry. How many border patrols would we need then? And my answer would be of course a lot less than we are at least proposing we need, and we know we would have a lot of problems at the ports of entry because that would focus that human traffic there.

My effort is to put some kind of structure in place so we can be more efficient with the humanity that we have, and I cannot accept the argument that having a wall like I have designed and a fence like these gentlemen have designed is not going to cut down on that need for boots on the ground, at least the numbers, or make those numbers more efficient. So that is where I come with this, but if we are going to fix this thing—and Mr. Bonner is absolutely right on shutting off the job market. I am with that a hundred percent. I have introduced legislation called the New IDEA Act that would allow the IRS to come in and do an audit and then deny Federal deductibility for wages and benefits paid to illegals and give safe harbor for using the basic pilot program. If we did that, that is another deterrent to turn off the job market, and there is quite a few co-signatures on that.

But in the end we are this. With the illegal drug portions of it, we do interdiction and we do rehabilitation. But in the United States of America we do a lousy job of providing incentives for deterrence from becoming drug addicts and that is where, if I am already up to this, the magic wand, then I would do random testing in the workplace. I would do it in the educational field and I would do it on welfare. If we could do that, we would shut down that force of the drug. But it still comes back to if we shut off the drug magnet, if we shut off the demand for illegal drugs, then we only have criminals and terrorists that want to come across the border.

So it is a much larger problem than we can address with one single thing. I do agree with that.

But I want to focus on the big problem that we have. We have this huge bleeding at the border, this 11,000 a day and perhaps 12,000. Santa Anna's army was 6,000 when they came across. They split in half to take the Alamo. That gives you an idea how big this is. Every time a baby is born in the United States, an illegal comes across our southern border, and that doesn't include the 300 to 350,000 anchor babies that start here, that start the chain migration as well.

So with that 46 to 48 percent of Mexicans who want to come to the United States and with a Senate bill over there that would essentially legalize anyone who wants to come here within the next generation, that empties out Mexico. And I had a conversation with

the Ambassador from Mexico to the United States just last week, a long in-depth conversation and very meaningful one. And he agrees that there is no solution for Mexico if we open our borders to all of those who want to come here. They need their best people down there to help recover themselves.

So it is a North American problem. It's a drug problem. It is a criminal problem, and it is a terrorist problem.

And some of the other testimony that we saw was that, let's see, we had I believe it was the GAO that ran a couple of chests to try to bring in radioactive material through our ports of entry. They were successful in the northern and the southern border. So even if we seal off our border and we can be successful in our ports of entry, we still have a lot of work to do. And some of the testimony I have received in the other hearings indicate that actual—that more drugs come through the ports of entry than come across the border in between the ports of entry. But as I went down to Ajo/Why, Arizona at the border patrol station there, the border station, the port of entry there, I was informed that there are illegal crossings on either side of that port of entry that get more traffic every day than our legal port of entry does. And while I was there, there was a knifing just across the border in Mexico. They brought him across in a Mexican ambulance and airlifted him out of Tucson wherein that hospital loses about \$14 million in billings every year providing health care for illegals. And this particular individual was legal. He was paroled into the United States but we paid for all that health care, \$14 million a year, and that is the only trauma center there in southern Arizona that covers all of Arizona.

This case gets bigger and bigger. I wanted to say one more brief comment and then conclude.

With the tunnels, to be concerned about the tunnels I think that some—a concern in the urban areas where you can tunnel from a building to a building, but if you are going to dig a tunnel out into the open areas, you have to go with your dirt somewhere. So unless it is a very short tunnel, just underneath and up again, it is going to be very hard for anyone to conceal that excavation because you have a dirt pile coming out the other end. So I am not as concerned about that. I agree with Mr. Barnhart that it is going to take maintenance, but the stronger you build it the less maintenance it takes, and we can still use the UAVs, we can use infrared. We can use vibration sensors. We can set up all of that and be very effective and keep our Border Patrol as efficient as they can be.

Mr. SOUDER. Mr. Mayne, could you comment on the blow torch? We have heard a lot about the blow torches in your fence. You had several variations of your fence. Are some of those easier to cut? How long does it take a blow torch to cut through? Isn't that fairly visible? If we expand the number of Border Patrol agents, aren't they going to be better able to see that? If we have central systems, aren't they going to be able to see that quicker? Is that something that can be done easily? The chain link is done differently.

Mr. MAYNE. The particular chain link that we are proposing, what we call a mini-maze, which I have here, this is a 9-gauge zinc coated product and you can see the number—well, someone mentioned about standard chain link. This is a piece of standard chain link. This is what you see in the industrial areas. This is 9-gauge.

So you can see there is not very much steel here. But when you get into the mini-mesh, which is also a 9-gauge, this has a minimum 199-pound break load on. To take a blow torch and cut this, it would obviously, there is no question you can cut this with a blow torch, any type of metal fencing you can certainly burn through it.

Because of this method that we attach this chain link, you need a much larger hole to burn through, and hopefully with the sensitive devices we have available now someone will realize that someone is burning a hole through this. To my knowledge we have never done an actual test on how long it would take. I know I heard some numbers from the landing mat and how long it took to burn through that. I think the advantage someone has in burning a hole through the landing mat is because no one can see that. They are on the other side. With this type of fencing, because it is open, you know, any one out there burning, you know, people, it is going to be very, very highly visible.

But to answer your question, Mr. Chairman, I have no numbers that would tell you how long it would take to burn a hole in it.

Mr. SOUDER. You also seem to think that a double layer fencing is more efficient than a triple. Does that depend on the area? What did you mean by the comment in your testimony? Is that a financially driven thing to say go down to two because you couldn't afford three?

Mr. MAYNE. Or—I'm sorry?

Mr. SOUDER. Was it financially driven, because we can't afford three, go down to two?

Mr. MAYNE. I think the double fence obviously, as we heard testimony earlier from the Border Patrol, that they are looking for something that will delay entrance. Obviously they are looking to deter the 4-gauge which is very popular with the Homeland Security: Detect, deter, delay, and deny. But the double fence I think is really critical because I don't know of any type of fence that you can't get through. So the longer you delay, and as we heard testimony from the Border Patrol, they certainly recommend the double fence because once you penetrate one, you have got them in this clear zone, and it gives them a better opportunity to make the arrest and to stop them. So I think that a double fence would certainly do the job in keeping out the drug dealers.

Mr. SOUDER. Well, I thank you all very much for your patience today. It's been a long hearing process. I tried, not very successfully at times, to keep this focused on the fence. There are many hearings going on on many subjects. There has never been a hearing where we have actually looked at the details of the fence before in any congressional committees. That is why you have to take each part like we are looking at IDs, why we are looking at—we have had multiple hearings looking at driver's licenses, all that type of thing in the United States. This is trying to focus on the fence.

As you reflect on what you heard today, if you have any additional information you want to submit, any additional statements you want to submit, but I do want to make a couple of comments.

One is we have heard in this committee one of the difficulties, we obviously need to go to watermarks, probably fingerprints on our IDs in the United States. You know what? The States that are

already moving on that. Guess what? No police car has a machine that can read it. No agency has a machine that can read it. We are talking 7, 10 years if we accelerate this and put the money in to even get that type of system in place. Everything takes time. Everybody looks at everybody else. If you did this over here, there is the magic bullet. You can't play magic bullet. Do your own zone.

The fact is that it is unconscionable that we don't have control of our southwest border better. It doesn't mean we are going to stop everybody. It is unconscionable that we have millions, 12, 18 million people wandering around. We don't know who they are in the United States, that clearly we are going to have to deal with the work question of trying to figure out where people are working, and we are already moving in that direction. States are moving in that direction. You start to get to realize it isn't the main building contractor. It is the subcontractor, and they are going to the job site and you don't have an easy way to track it even if 5 years from now, 2 years from now, 3 years from now, we get a secure ID system, that that is a huge challenge.

And then we have a multi-billion dollar, tens of billions of dollars underground economy, and that it's the cash transaction business in America that grows as we increase taxes. That underground economy is huge. It is the plumber who shows up with an assistant and does a cash deal and that isn't going to be found in FICA. It's not going to be found in a driver's license. It's not going to be found in a work permit. That the idea that somehow we are going to suddenly eliminate the jobs magnet when you talk about the rich and poor, you have got to have some kind of border in there to attempt to manage that and you don't say because there is a dog that is tempting to somebody, don't build a fence. That you don't say because the TV and the neighborhood has a lot of welts in it let us don't build a fence around it. Let us eliminate the welts. Let us eliminate the dog. It's not a logical construct. It doesn't mean it is going to stop it. It doesn't mean we don't work with the work permit, but you can't get rid of the magnet which in America is a fast growing economy. So we have to have some kind of combination of fencing with the other.

I know every Border Patrol agent I have ever met talks about the jobs magnet. We do need to do that. Everybody who is on the ground talks about the ID. But you know what, other people are working on those parts. ICE is partially responsible for that. It will not fix the problem. They still have to work on the border with the fencing. And I don't believe—I believe some types of fencing are harder to get through than other types of fencing, but the bottom line is you still have to have a second tier defense in the border. We are going to have to tighten up the ports of entry. We are going to have to have other people working in the next tier behind the ones that get through because in terrorism we are looking at near zero tolerance, whereas we have always had in illegal immigration and narcotics, a different battleground. Here one nuclear piece through there, we are all dead. Or at least a big sector is dead and this is a huge challenge. And fencing has to be a part of it. Now how much, what type, where, is a legitimate question and we've had the opportunity today to participate in a discussion because it is clearly going to be part of the solution, as is electronics.

And Mr. Mann, I don't think there is anything more frustrating than the Government Reform Committee and in Homeland Security or in Armed Services of when we try to do something and then have contractors or others take advantage of the necessity, particularly when we are having a speed pressure like we are having. And people who don't do that so all of us, while sometimes it's not good news for Congress that's what an inspector general is supposed to do. Keep the heat on because sometimes when you are trying to go fast, you put pressures to cut corners all over the place. We need to do it right. We need to make sure people are responsible. Thank you for adding that to the testimony, too.

Mr. King, did you—it looked like you wanted to say something here at the end before I close.

Mr. KING. It will just be thank you, Mr. Chairman.

Mr. SOUDER. Anybody else have a comment?

Mr. WILLIAMS. I just wanted to say one more thing about the rapid deployment and the speed that you were just talking about. I think there is the technology and methods there available for the correct officials to take a look at that can do rapid deployment with minimum crews to get this fence accomplished. So I am just a proponent. I have some information. I am going to submit it to be part of my testimony.

Mr. SOUDER. Thank you. That would be very helpful. Any others who would talk about how we would do that? What kind of cost structure? That was some of what we run into when we do a big transportation bill and do a bump-up, it changes the cost estimates, too, and legitimate. That is a legitimate cost question, is how much does this change the cost structure. You are out in hard areas to work. We only touched here on that.

Mr. WILLIAMS. I would like to submit that also.

One other thing about the breaching of the fences. We found some material that is basically used in the airplane or the aircraft industries that limits the ability to burn, which makes the breaching of these particular products very difficult. So that type of information on the granule level I would like to submit with my proposal to try to help out to show there is some ways that this can get accomplished in a very expeditious manner and a cost efficient manner with the new technology.

Mr. SOUDER. Mr. Mayne.

Mr. MAYNE. Yes, sir, Mr. Chairman. I would like to respond to Mr. Barnhart's comment earlier about how you—why they put the PVC sleeve over the post. Because of easy repair. One feature you'll see as I am unweaving this section of fence, the same principle here is if you get someone comes out and burns a hole, you can go out there and we have a new section of fence there and restretch it. So it becomes very cost effective. It's not as if you come out and replace whole sections of solid fencing or something if someone burns a hole through it. So this is a very positive thing as far as the chain link fence.

Mr. SOUDER. I thank you, and the importance of being able to see through and if you do have a more solid fencing sensors on the top and kind of break areas that the border patrol can move through because we do not want to repeat what happened in San Diego where we got Border Patrol agents trapped on the wrong side

outarmed and many of them on single patrols. I think that is one of the scariest things right now as you see the intensity of the drug battles and the potential terrorist battles. If somebody has got a real high value product and you have been out there and you have been sent all by yourself to go take them down, this is a challenge we have to do, and I think we are going to have to start to calculate that in.

That means if we can get this human picket fence adjusted where the Border Patrol is doing more skilled and team-type pressure points because I think we are going to see much more sophistication in moving human trafficking, high value targets for terrorism, high value contraband, and that is a different challenge for the Border Patrol than the traditional kind of human fence that we have had and quite frankly, a different type of level of skill in the agents which hopefully will be compensated, which is another whole question that we have on the Border Patrol.

Mr. KING. Thank you, Mr. Chairman.

Kind of as an afterthought, I've been to Israel to visit the fence and the wall that they've built there and for them it is life or death. Much of what they have is what we have proposed here. It has worked for them 95 percent effective and they are alive today because it worked. They've got more at stake than we do.

Mr. SOUDER. I thank you all again. With that, our joint subcommittee stands adjourned.

[Whereupon, at 6:40 p.m., the joint subcommittee was adjourned.]

FOR THE RECORD

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

Thank you Chairman Lungren and Chairman Souder for holding this important hearing today.

Though I do not serve on either of your distinguished subcommittees, as a member of the Homeland Security Committee, I could not pass up the opportunity to participate in this discussion about immigration reform.

When my mother was really mad, I always heard her say "I'm so angry, I could spit nails." Every time I hear about the Senate's proposed immigration bill, I think the same thing. Since the Senate passed their flimsy excuse for immigration reform, citizens have had to take matters into their own hands and help guard our borders. Because my constituents know the House has a real border security fence included in our version of immigration and security reform, some of them have sent me bricks to suggest that they go to help build a wall on our border. I am sure many of you have received these bricks as well. When constituents have to step in so Congress will do its job, we know we have a problem.

Like most Americans, I see the Senate bill as granting a free pass to law breakers. Our friends, parents, or ancestors all jumped through immigration hoops to become citizens the right way. These people are angry that those who snuck in through the "back door" will get preference over those patiently waiting in line—and they are right to be angry. If Congress condones the crime of crossing our borders illegally, then what have those who have been protecting them been fighting for? If the United States does not enforce our current laws, why have laws on the books at all?

We need to examine these issues today. The Senate touts that their bill includes a fence along the Mexican border. What they don't tell the American people, however, is that their fence would be subject to approval by the Mexican government. When I read that, I was in total disbelief. How much more outrageous can the Senate bill get? Making our border security subject to approval by a foreign government borders on insanity. Frankly, it makes me wonder whether my colleagues in the Senate started representing Mexico instead of their American constituents.

I visited the border not long ago with several of my colleagues and saw firsthand the daily struggle our law enforcement faces there. Many of the sheriffs told us what a difference a fence has made in stopping the flow of illegal immigration. We need to seriously examine the House and Senate fence provisions and hear from our first responders what would make a legitimate difference for them. I appreciate the opportunity to do that today.

Thank you Chairman Lungren and Chairman Souder, and I look forward to hearing from our witnesses today on this vital issue.

