

U.S. BORDERS: SAFE OR SIEVE?

HEARING
BEFORE THE
COMMITTEE ON FINANCE
UNITED STATES SENATE
ONE HUNDRED EIGHTH CONGRESS
FIRST SESSION

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JANUARY 30, 2003
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Printed for the use of the Committee on Finance

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U.S. GOVERNMENT PRINTING OFFICE

86-584—PDF

WASHINGTON : 2003

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U.S. BORDERS: SAFE OR SIEVE?

THURSDAY, JANUARY 30, 2003

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC.

The hearing was convened, pursuant to notice, at 10:16 a.m., in room 215, Dirksen Senate Office Building, Hon. Charles E. Grassley (chairman of the committee) presiding.

Also present: Senators Lott, Kyl, Thomas, Bunning, Baucus, Graham, Bingaman, and Lincoln.

OPENING STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM IOWA, CHAIRMAN, COMMITTEE ON FINANCE

The CHAIRMAN. I would like to convene the Finance Committee now for our hearing. This hearing is to examine the security of our Nation's borders.

We should all understand how important this is, and we should have understood this even before the attacks of September 11th, that terrorists had exploited loopholes in our immigration system and our lax security at ports of entry to gain entry into the United States.

If we are serious about protecting this country from new attacks, then we have to get serious about border security. So we are here to do some oversight and find out if our borders are safe or whether our borders are like a sieve.

As the Chairman and Ranking Member of the Finance Committee, both I and Senator Baucus are concerned about illegal transport of currency, especially counterfeit money, or money that can be used for terrorism activity, as it comes into the United States over our borders.

We all know that this currency can cause enormous damage by undermining our markets and by supporting the drug trade and terrorism. This will be a candid hearing about the security of our borders.

I have a particular concern about INS enforcement. If we do not secure the borders, the consequences affect the whole country. More and more, my State of Iowa is becoming a byway for smugglers and illegal immigrants.

The INS enforcement problems have real consequences, not just for national security, but for immigrants who are often duped by smugglers.

For example, last year it was nationwide news that 11 immigrants became trapped in a railroad boxcar that ended up near

Denison, and these folks had been dead for weeks before their bodies were discovered.

Just a few weeks ago, nine people died in a van that was full of immigrants when that van crashed on Interstate 80 near the little town of Menlo, Iowa.

We need better enforcement to prevent these tragedies. I think that the INS office in the Quad Cities, which I have requested for some time, might help with that effort.

We may hear criticism today, but do not let that distract anybody from the purpose of the hearing. We are here to improve security. I think that Congressional oversight is one of the best ways to make sure that our constitutional systems of checks and balances work the way it was intended. We have to find out what is not working so we can make it work.

The timing of this hearing is important as well. The new Department of Homeland Security is becoming operational, and that department faces big challenges. I think border security is going to be one of those biggest problems.

This hearing attempts to find out what is going on with the agencies responsible for the border: the INS, the Customs Service, the Interior Department. The Department of Homeland Security can take lessons from this, and I hope that they are implemented.

I hope that this sends a message to any public servants at the Interior Department who stand in the way of law enforcement reform and border security. That message is, quite simply, forget your turf and power and think about people's lives.

I want to thank all of you who are here today, and thank you for coming to the table as you have now. I especially want to thank the General Accounting Office and Interior Department Inspector General Devaney for the excellent oversight work that they have done, and Agent Dan Wirth of FLEOA for giving us the ground-level view of the border situation. I thank INS, Customs, and the Interior Department for sending representatives to testify.

The first part of our hearing will focus on ports of entry, the responsibility of the INS and Customs. Senator Baucus and I asked the General Accounting Office's Office of Special Investigations, the OSI, to test our borders to find out how easy it is for people using bogus IDs to carry undeclared money and credit cards across that border.

The investigations took place on the northern border, the southwest border, and at a major international airport by way of the Caribbean. The border was tested by sea, by air, by car, and on foot. In every instance, our borders were penetrated.

Sometimes the investigators did not even need to use their fake IDs. In every instance, undercover agents carried undeclared cash or credit cards across that border.

The results should trouble all of us. Today, we will hear from the GAO team that carried out this investigation. I know that we will find all of their testimony captivating, and very disturbing. Shortly after this investigation concluded, the INS and the Customs Service were briefed on the exact details of the investigation.

After the General Accounting Office's agent speaks, we will hear from the INS and Customs officials about how this happened, and what steps are being taken to improve border security.

The second focus is the Interior Department's border responsibilities. The Interior Department is in charge of 37 percent of the southwest border because of National Parks and other public land.

In the spring of last year, I launched an investigation into law enforcement problems at Interior. My investigation was triggered by an Inspector General report, issued at the request of Secretary Norton, calling for massive reform of the Interior law enforcement.

My oversight investigators found that the hardening of ports of entry by INS and the Customs Service has pushed drug smugglers and illegal aliens to desolate and rugged Interior Department land. So the result of the squeeze at the port of entry is a bulge at the more remote borders controlled by Interior.

This bulge puts Americans and Interior law enforcement personnel at risk. Last summer, Ranger Chris Eggle was killed by a fugitive drug smuggler from Mexico while he was patrolling Arizona's Organ Pipe Cactus Monument Park.

I know an investigative report is forthcoming. I am concerned about whether rangers like Ranger Eggle are getting proper training, proper support to defend our borders, or even to defend themselves.

I know that Ranger Eggle's murder and the border problems in Arizona is a concern of a very important member of this committee, Senator Kyl, who I think will be here today and will help us with this hearing.

Earl Devaney, the Inspector General, is here to testify. I expect that he will describe the nature of the problems in the 4,000-plus law enforcement force, the third-largest in the Federal Government. He will also be able to describe problems at the borders and how reforms would help solve those problems.

I hope that the Inspector General can also tell us about a new whistle-blower protection program in his office, because whistle blowers are so important to our oversight, making sure that law is followed, making sure that money is well-spent.

We also have with us Dan Wirth, who is speaking as the representative for Park Service Federal agents to the Federal Law Enforcement Officers Association. Agent Wirth is the border coordinator for the Interior Department in Tucson, Arizona. He can give us a view from the front line and help us understand just what is going wrong there at the southwest border.

I understand that Agent Wirth will be showing us some alarming night-vision footage of unidentified illegal aliens crossing the southwest border through family campgrounds. I look forward to seeing that footage.

Finally, we will hear from Don Murphy, Deputy Director of the Park Service. Mr. Murphy can bring us up to date on the state of reform at Interior, and along with Mr. Devaney and Agent Wirth, help us discuss solutions to border problems within the Department of Interior.

So I look forward to a very constructive hearing, and I again thank all of our witnesses. I believe that we will accomplish much by this hearing.

I call on Senator Baucus at this point and thank him for his cooperation, while he was chairman, in helping us institute this study that we requested.

**OPENING STATEMENT OF HON. MAX BAUCUS, A U.S. SENATOR
FROM MONTANA**

Senator BAUCUS. Well, thank you very much, Mr. Chairman. This hearing could not be more timely. Just two nights ago, President Bush spoke to the Nation and reminded us about the war on terror and how high the stakes are.

In his reference to the war on terrorism, he said, "As we fight this war, we will remember where it began: in our own country." He said, "We have intensified security at the borders and our ports of entry," something that is very necessary.

The primary function of government is protecting the homeland. Americans depend upon border security personnel to ensure their safety and protect their freedoms. They expect them to be vigilant, they expect them to be thorough.

Border security agencies have played a considerable role in the history of our country. In 1853, members of Teddy Roosevelt's Rough Riders secured our southern borders. Securing our borders today has become even more complex and more challenging.

Our southern border with Mexico is 2,000 miles. Our northern border with Canada is 5,500 miles. The terrain varies, from the deserts of Arizona to the mountains in Montana. Every day, more than 1.5 million people cross into the United States. They have different rules of entry depending upon their citizenship and where they are coming from.

Americans can use a variety of means to establish their citizenship, including driver's licenses and birth certificates. Today's hearing is not about closing our borders, but rather protecting our borders against those who mean us harm.

Montana has the longest international border in the country, 550 miles. Border security has been a concern of mine for many years, and last year I held a series of hearings in my State with the many citizens living in our border communities.

They are concerned. They have lots of concerns. They run the gamut, all the way from the commercial concerns back and forth, to security concerns. Frankly, they are not convinced that our government is doing enough to secure the borders for their safety.

That is why I, along with Chairman Grassley, requested the GAO to investigate the security of our borders, as well as our ports of entry. GAO's findings raise many questions about whether we are doing enough.

I see three issues. First, we must identify and address the availability of fictitious documents to any individual seeking entry into the United States.

Let us just consider an entrant who claims to be a U.S. citizen. They can use a birth certificate or driver's license as proof of citizenship. More than 8,000 State and local offices issue driver's licenses, birth certificates, and documents that can establish residence or identity.

But there is no standardized document for entry. Our border security officers do not have a checklist of authorized State driver's license formats. They are not consistently checking the embedded holograms in the license as proof of authenticity.

Anyone with a personal computer and the right software, and materials from an arts and crafts store, can create a birth certifi-

cate. More troubling, for \$12 you can get a copy of someone's birth certificate over the Internet. Even more troubling, someone could go to an international airport and buy an Affidavit of U.S. citizenship for five bucks.

Second, talk is cheap. Securing our borders is not. As a Nation, we continue to talk about the urgency of security our Nation's borders from further terrorist attacks, but the resources are not getting to their targets fast enough.

For example, in Montana, our U.S. Border Patrol has been approved for three new Border Patrol substations along our 550-mile border. Three. Now, in Montana, we regard that as exciting news.

On the other hand, it will take 4 to 5 years for those offices to become operational, due to lengthy approval procedures. I believe that this does not exemplify the urgency of the situation.

Third, homeland defense is not just about securing ports of entry, but also about the vast spaces of land in between ports of entry. In Montana alone, we have 13 Federal jurisdictions responsible for security the border in and between the ports, yet only 5 of those 13 are part of the Department of Homeland Security.

The spaces in between are policed not only by the U.S. Border Patrol, but also the Bureau of Land Management, the Park Service, the Bureau of Indian Affairs, and tribal law enforcement.

Border security is about coordination, about cooperation, and communication. It is essential that a fully comprehensive and streamlined approach to border security be developed to allow all policing agencies access and communication with other agencies.

I remain deeply concerned that our Nation's progress to secure its borders is inadequate. The terrorist attacks of September 11th were over 16 months ago. Clearly, we can, and must, do better. We should stop the fraud, commit the necessary resources, and work together.

President Bush recently said that this government has a responsibility to confront the threat of terror wherever it is found. I agree, and much of that threat is at our borders.

The Millennium bomber drove across the U.S. border in December, 1999. He had links to Al-Qaeda and bomb-making materials similar to those used at the embassy bombings in Africa and the 1993 World Trade Center bombing.

Almost 3 years later, GAO's agents crossed the same border. They expected tight security, expected to be stopped. They expected that lessons were learned. They were surprised by the lack of enforcement, and so am I. This hearing will further investigate what the state of play is, and perhaps what we can do to accelerate solutions.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank you very much.

Now we will go to testimony. Mr. Cramer is going to testify for the General Accounting Office. We are going to give him 12 minutes to testify.

For Mr. Williams, Mr. Jacksta, Mr. Devaney, 5 minutes each; Mr. Wirth, because of showing some film, 10 minutes; and Mr. Murphy, 5 minutes. Usually we have just 5-minute rules, but because of the extra time that some witnesses needed, that is the way

we divided it up. I hope that is not contrary to what an you have been told.

Mr. Cramer, I will let you proceed as you feel prepared to proceed at this point.

**STATEMENT OF ROBERT J. CRAMER, MANAGING DIRECTOR,
OFFICE OF SPECIAL INVESTIGATIONS, GENERAL ACCOUNTING
OFFICE, WASHINGTON, DC, ACCOMPANIED BY RONALD
D. MALFI, DIRECTOR, AND JOHN W. COONEY, ASSISTANT DI-
RECTOR, OFFICE OF SPECIAL INVESTIGATIONS, GENERAL
ACCOUNTING OFFICE, WASHINGTON, DC**

Mr. CRAMER. Thank you, Mr. Chairman, members of the committee. Good morning. I am here today to discuss the results of our work, which is described in a report we have submitted to this committee entitled "Weaknesses in Screening Entrance Into the United States."

This work was completed in response to your request that agents of the Office of Special Investigations attempt to enter the United States from Canada, Mexico, and Jamaica at land, air, and sea-ports of entry using fictitious identities and counterfeit identification.

The purpose was to test whether U.S. Government officials conducting the border inspections would detect the counterfeit documents.

I am accompanied here today by two of the agents who participated in this work, Director of Investigations Ronald Malfi, and Assistant Director John Cooney.

To perform these tests, we created fictitious driver's licenses and birth certificates using ordinary personal computers and off-the-shelf computer software that is available to any purchaser.

Reproductions of the counterfeit ID we created appear on the poster board right behind me here. You can see that there are three driver's licenses that appear to be issued by the State of West Virginia, one birth certificate that appears to be issued in West Virginia, and one birth certificate that appears to be issued by the State of New York.

In addition, we obtained and carried credit cards in the fictitious names that the agents used. Our agents entered the United States from Canada, Mexico, and Jamaica using the fictitious names and the counterfeit identification documents you see.

U.S. Government officials conducting inspections at the border never questioned the authenticity of the identification documents. Our agents encountered no difficulty in entering the country using them.

On two occasions, border inspectors did not ask for, or inspect, any identification when our agents entered the country. On another occasion, an agent was able to walk into the United States from Canada across a major border crossing and was not stopped or inspected by any government official.

INS regulations require that all persons who arrive at a U.S. port of entry be inspected by a government official. A U.S. citizen traveling inside countries in the western hemisphere, such as Canada, Mexico, and Jamaica, is not required to present a passport

when reentering the United States, but is required to prove citizenship.

INS accepts as proof of citizenship documents such as birth certificates, baptismal certificates, and picture identification such as driver's licenses.

However, the law does not require that U.S. citizens present any documents to prove citizenship when they enter this country. INS, therefore, permits travelers to establish citizenship by oral declaration alone.

The first border crossing by our agents occurred when two agents entered the United States through a seaport of entry from Canada. On that occasion, the agents were not asked to produce any identification at all.

On a subsequent occasion, two agents, driving a rented car with Canadian license plates, using fictitious names and counterfeit documents, crossed the border into the United States at a land border crossing.

A U.S. Customs inspector asked for identification and was provided the counterfeit documents. After reviewing the documents, the inspector permitted our agents to enter into the United States.

During the Canadian land border crossing, the agents discovered a further potential security problem. A park straddles the U.S.-Canadian border at that location. One of our agents was able to walk through that park from Canada into the United States without being stopped or questioned by any government authority.

Later, that agent again walked back into Canada from the United States through the park, and again was not questioned by any government authority.

There is a photo here of this particular border crossing. I will ask Mr. Malfi, who actually was the agent who did this crossing, to explain to the committee what he did.

Mr. MALFI. After we did the crossing using the counterfeit identification, we realized that there appeared to be a security problem with the layout of the location at this border crossing.

Myself, Agent Cooney, and another agent were together on this assignment. We decided to see if we could actually penetrate going through the border from Canada into the United States without being detected, and then to try and return back into Canada.

What we did, was after we did the crossing with the fictitious documents, we stayed in the United States for a while. We then returned, myself and another agent, went through the checkpoint, the Customs/Immigration checkpoint at this location here. We used our real identification—my passport, the other agents, through identity—and were allowed to cross back into Canada.

Once we made the crossing, this is a road. One road goes south, one road goes north. We were able to make a U-turn into a parking lot on the Canadian side. At that time, the agent waited in his car parked at that location. I got out of the car, and Agent Cooney was parked in a parking lot on the U.S. side. Both of us got out of our vehicles and we met in the middle of this park area here.

The day we did the entry, the weather was very bad. It was raining. So we were really the only ones in the park at that time. I made my way from the parking lot on the Canadian side. I walked down past some restrooms, some other historical sites that they

had for that park. I crossed over the road. I walked through the middle of the park, and that is where I met up with Agent Cooney.

At that time, we milled around a little bit. We started walking back. There were other restrooms in this area. We went towards this location. We then crossed back and got into the vehicle where Agent Cooney's car was parked on the U.S. side.

We were the only car in the parking lot at the time. There were two Border Patrol cars that were there. As we were pulling out, one of the Border Patrol cars came up to us and asked us what we were doing there.

At that time, Agent Cooney was going to get out his driver's license, and the Border Patrol agent saw Agent Cooney's badge. At that time he asked who we were with, and Agent Cooney said we were with OSI.

I asked the fellow why we were stopped. He said, well, he was just wondering what we were doing there at that time. I then said to him, "Well, I don't understand it. Neither one of us went into the Canadian side. Why would you stop us?" He said, "No, I know that." He said, "we had you on camera, both of you, getting out of the car on the U.S. side."

He then asked about another individual who was in the park, and we said to him that the only other person we saw was somebody walking their dog. He then stated that he realized who that individual was, that he was a local that was in the park most of the time. At that time he said, "No problem." We got in the car and we drove away.

I guess about 15, 20 minutes later, Agent Cooney brought me back to the parking lot. I got out of the vehicle and followed basically the same path back, went back into Canada, hooked up with the agent that was waiting for me in the parking lot on the Canadian side. We then pulled out of the parking lot, made a turn, and got back onto the highway and headed into Canada. Thank you.

Mr. Cramer?

Mr. CRAMER. The second series of border crossings were from Mexico. On one occasion at a land border crossing, after our agent informed the border inspector that he was a U.S. citizen and was not bringing anything into the United States from Mexico, the inspector allowed him to proceed into the country without asking for any identification.

On a subsequent occasion at that same land crossing, two agents were asked by the border inspectors for identification. They produced the counterfeit identification and were permitted, thereafter, to enter into the United States.

The third set of border crossings were from Jamaica. Two agents traveling on one-way tickets from Jamaica to an airport in the United States presented to border inspectors, upon arrival in the United States, counterfeit driver's licenses and birth certificates.

The inspectors appeared to examine the identification presented carefully, but they did not recognize them as counterfeit and permitted the agents to enter into the United States.

Senator BAUCUS. Where was the point of entry?

Mr. CRAMER. That particular one was at Miami Airport.

In sum, we recognize that weaknesses in inspection processes for people entering the United States raise complex issues. GAO is

currently performing an evaluation of those processes, which will be reported to the Congress in the coming months.

Although INS inspects millions of people who enter into this country every year and detects thousands of people who attempt to enter illegally, the results of our work indicate: (1) people who enter the United States are not always asked for identification; (2) security to prevent unauthorized from entering the United States from Canada at the border park we visited is inadequate; and (3) border inspectors are not readily capable of detecting counterfeit identification documents.

We plan to discuss with INS options for better training of their inspectors in recognizing counterfeit identification.

Mr. Chairman, that completes my statement. We would be happy to answer any questions that you or other members of the committee may have.

The CHAIRMAN. We are going to hear all of the testimony. I thank Mr. Malfi and Mr. Cooney.

[The prepared statement of Mr. Cramer appears in the appendix.]

The CHAIRMAN. We now go to Mr. Williams. He is Executive Associate Commissioner for Field Operations with the INS.

Mr. Williams?

STATEMENT OF JOHNNY N. WILLIAMS, EXECUTIVE ASSOCIATE COMMISSIONER FOR FIELD OPERATIONS, IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, DC

Mr. WILLIAMS. Thank you. Good morning, Mr. Chairman and members of the committee. I would like to thank you for the opportunity to appear here today before this committee to discuss our commitment to combatting terrorism.

First, I want to say—and I know the members of this committee know this—that the INS mission has, and continues to have, at its center our Nation's security. That national security focus became our number-one priority after the attacks on America.

I would add that, never before in my more than 30 years-plus of law enforcement experience have I seen enforcement agencies throughout this country come together so quickly.

We in INS responded to the September 11th terrorist attacks with an immediate and sustained effort, providing identification and intercept capabilities, increasing our security at the border, supplying essential intelligence information, and engaging in our own investigation detention and removal functions, and more.

In coordination with our Customs partners, we immediately began conducting significantly higher-level inspections at our ports of entry. We partnered with Coast Guard and other agencies to safeguard our seaports.

We sent more than 300 Border Patrol agents to nine of the country's busiest airports within 36 hours of the attack. We also dedicated about 900 special agents—about half of our special agent workforce—to the investigation of the September 11th attacks. We quickly deployed additional staff, including 100 Border Patrol agents and aircraft, to our northern borders.

I would like to mention something else as well about September the 11th. The men and women of INS stepped up to the call to

duty. Our inspectors, for example, began working double shifts, and sometimes 6 and 7 days per week. They really stepped up to the plate to protect America in its time of need. That continues today, and I must say I am so very proud of each and every one of them.

On a more permanent basis, I want to thank Congress for giving us the resources to add some 500 new officer resources to the northern border. About half of those are Border Patrol agents and the other half inspectors.

Most all of the Border Patrol agents authorized are now in place, and we hope to have the inspectors there by the end of the year. That will go a long ways to boosting our capacity there and capabilities, and I thank you for that.

We realized all along that the INS possesses some of the most unique tools that can help protect America. For instance, when Operation Tarmac was designed to enhance security at our Nation's airports, we, along with other Federal agencies, investigated the hiring practices of companies employing individuals at our airports who specifically had access to commercial aircraft and other secure areas in the airport.

We inspected tens of thousands of worker documents and arrested over 900 aliens with access; 680 of them charged with criminal violations. Most recently, we used these same tools in San Diego for preparation of this year's Super Bowl, certainly a high-risk event.

We checked employment records of some 1,100 security and transportation workers and arrested nearly 100 aliens in violation of our immigration laws in that operation.

Our special agents have been active in joint terrorism task forces in the field. We have 150 agents in 50 locations throughout the country, working hand-in-hand with other agencies. We have conducted some 7,000 joint interviews with FBI since 9/11.

Many times, it was the INS charges that provided the means for law enforcement agencies to further those investigations or to remove them from the United States.

We are working hard now to create the national entry/exit systems as envisioned by Congress. As a first step to that goal, we have implemented the National Security Entry/Exit Registration System.

The NSEERS program requires certain non-immigrant aliens from designated countries to be fingerprinted, interviewed, and photographed and INS ports of entry as they apply for admission into the United States.

NSEERS registration allows us to check the fingerprints of certain aliens against databases of suspected terrorists and known criminals, and later determine whether that alien has maintained the status under which they were admitted, and to make certain they are not violating the laws of the United States.

Overall, 61,000 individuals have been registered, 34,500 during regular registrations at our ports of entry. These registrations have resulted in our arrest or denial of admission of some 340 aliens, and found them inadmissible.

Our domestic registration, those who have been called in, there have been a total of 27,000, 2,800 of them have been found in violation of the law, 80-some odd remain in custody. More importantly,

I think you will be interested, NSEERS has led to the identification and apprehension of seven suspected terrorists.

In conclusion, the INS mission of deterring illegal immigration and combatting immigration-related crime has never been more critical to our Nation's efforts and the safety of the American public.

As you know, the INS will transition to the new Department of Homeland Security on March 1. Once there, the INS will be merged between its service and enforcement components and the organization, INS, will cease to exist.

The men and women of the INS are preparing for the significant opportunities offered by our new department and its mission. One thing is certain. What will not change is our determination to secure our borders and make our Nation safe.

Thank you.

The CHAIRMAN. Thank you, Mr. Williams.

[The prepared statement of Mr. Williams appears in the appendix.]

The CHAIRMAN. Now, Mr. Jacksta?

**STATEMENT OF ROBERT W. JACKSTA, EXECUTIVE DIRECTOR,
BORDER SECURITY AND FACILITATION, CUSTOMS SERVICE,
WASHINGTON, DC**

Mr. JACKSTA. Senator Grassley, members of the committee, good morning. Thank you for this opportunity to testify.

I would like to discuss today the efforts of the U.S. Customs Service to secure our borders against terrorism and other criminal threats.

Prior to full integration into the Department of Homeland Security, Customs has historically shared the responsibility of protecting the borders with multiple agencies. Our closest partner in this endeavor has been the Immigration and Naturalization Service.

All people and goods entering the United States must enter legally through one of our 301 ports of entry. In fiscal year 2002, more than 400 million people passed through these border ports of entry. In addition, Customs processes approximately 57,000 trucks or containers on a daily basis.

I would like to add that we also have a close working relationship with other Federal agencies: the Department of Agriculture's Animal and Plant Health Inspection Service, and the new Transportation and Security Administration.

Customs and INS have been working very closely on a number of important initiatives in support of the efficient and effective screening of travelers. We have been working very closely on very important programs to help our efforts.

One program, is the Advanced Passenger Information System, called APIS, the Dedicated Commuter Lane, DCL, and license plate reader programs.

I would like to outline some of these current programs which utilize a combination of advanced information, prescreening and enrollment of compliant frequent travelers, and the use of biometric technology to aid in the cross-border processing effort.

Customs and INS have developed a Dedicated Commuter Lane program to allow compliant, pre-screened land travelers to be processed expeditiously by both agencies. Applicants are interviewed and queried against our enforcement databases.

A biometric—in this case, a fingerprint—is captured and checked against the INS identification database, then stored in our database. These programs are called the Nexus program on the northern border, and on the southern border they are called the Sentry program.

Separating compliant land travelers under these programs allow Customs and INS to concentrate efforts on non-compliant travelers.

Another program is Fast and Secure Trade, which is often referred to as the FAST program. The FAST program is an automated cargo release system at northern border locations designed to expedite the processing of highly-compliant importers and drivers.

Drivers participating in this FAST program are required to undergo a background review. If approved, the driver will be required to carry a FAST identification card that indicates the driver's registration status. The card has unique identifiers to allow for expeditious identification and processing of the driver.

In cooperation with the INS and the airline industry, Customs developed the Advance Passenger Information System in 1988. APIS is an enforcement tool that automatically queries airlines and sea passenger biographical information against enforcement databases.

APIS allows Customs and INS to facilitate law-abiding citizens, and identify those travelers, in advance of arrival, who may be attempting to introduce contraband into the United States or pose a terrorist threat.

APIS is currently capable of capturing 100 percent information on people entering and exiting the United States.

Customs has also been working closely with the Canadian Customs and Immigration on the Nexus program. This project takes positive steps in addressing the needs of expediting air passengers as they go through the airports.

Program eligibility is assessed through queries against enforcement databases, interviews, and background checks that review the employment and address histories of the applicant.

With congressional support, Customs has also been able to strengthen northern border ports of entry with the additional of several hundred new inspectors, agents, and installation of technology and infrastructure improvements. In addition, we are continuing to upgrade ports of entry on the southern border.

Finally, Customs and INS are utilizing various technologies at its ports of entry. One of the most widely used technologies is a document reader, which reads information from a magnetic strip which is contained on a passport, a visa, or a border crossing card.

This information is then downloaded and run against our law enforcement databases. In addition, it allows us to keep track of people entering and exiting the United States.

These are just a few of the programs that Customs has put in place to provide better security at our ports of entry. Thank you again, Chairman Grassley and members of the committee, for giv-

ing the Customs Service the opportunity to testify today. I would be happy to answer any questions you may have.

The CHAIRMAN. Thank you, Mr. Jacksta.

[The prepared statement of Mr. Jacksta appears in the appendix.]

The CHAIRMAN. Now, Mr. Devaney?

**STATEMENT OF EARL DEVANEY, INSPECTOR GENERAL,
DEPARTMENT OF THE INTERIOR, WASHINGTON, DC**

Mr. DEVANEY. Mr. Chairman and members of the committee, we appreciate the opportunity to testify today on law enforcement concerns of the Department of Interior, with a particular emphasis on the U.S. borders.

I would especially like to thank you, Mr. Chairman, for your tireless efforts to champion accountability in Federal law enforcement, and for your attention to the concerns we raised in our January, 2002 report on law enforcement in Interior entitled "The Disquieting State of Disorder."

In that report, we made 25 separate recommendations that, with few exceptions, were endorsed by Secretary Norton and incorporated into a decision memo for bureau heads to implement.

I regret to inform you that progress in implementing many of these other recommendations is moving at glacial speed. Three of these recommendations are particular germane to the subject of today's hearing. These are the issues of law enforcement supervision, staffing, and the most important of all of our recommendations, officer safety.

Although our report was very critical of Interior's law enforcement hierarchy, we fully acknowledge that the overwhelming majority of law enforcement professionals at Interior are capable and loyal officers who recognize that their programs are in need of considerable change.

Unlike any other Federal law enforcement component, the National Park Service holds fiercely to the notion that non-law enforcement managers can adequately supervise law enforcement agents and rangers who have the power of arrest and are authorized to use deadly force.

Our recommendation to bring these officers under the direct supervision of professional law enforcement managers was rejected out of hand by the Park Service as an attempt to stovepipe, and as a return to the command-and-control era.

We also do not consider a superintendent who has taken a 2-week course in law enforcement at the Federal Law Enforcement Training Center in Georgia to be a professional law enforcement manager.

It is as if these enlightened bureaucrats missed all of the hearings this Congress held in the recent past on the inadequacies of law enforcement accountability by managers, managers who actually were all law enforcement professionals.

We first met the superintendent of the Organ Pipe Cactus National Monument in July of 2001, a year before the murder of Ranger Chris Eggle. At that time, the superintendent told us that he had eight rangers, six permanent and two seasonal. He fully ac-

knowledged the recent explosion of drug smuggling and the flow of illegal aliens at his park.

One year later, when Ranger Eggle was killed, the park had a protection staff of five. Inexplicably, today, even after last August's tragedy, there are only three permanent law enforcement rangers at the park supplemented by rangers on temporary details.

Even more disturbing is the statement the superintendent made to our assessment team, that he often assigned non-law enforcement duties to a small cadre of rangers so that they would not become "too much like cops." Just last week, the L.A. Times quoted the same superintendent as saying "the public does not want park rangers with the same hard edge as FBI agents. Instead, what the public wants is the park ranger to be cut from the same cloth as a Boy Scout." Unfortunately, he is not alone in his thinking.

While on the border we also heard, and later verified, that another border superintendent deliberately left law enforcement rangers vacant because he did not want to unbalance his workforce. That is, he did not want too many law enforcement rangers in proportion to other professionals at his park.

Even more egregious are the occasional reports we hear about superintendents, who order their rangers not to carry their weapons because it might somehow offend park visitors.

Mr. Chairman and members of the committee, we would submit to you that law enforcement is a dangerous, full-time job and those superintendents and chief rangers who do not understand this fundamental principle of modern policing should not be approving, supervising, or managing law enforcement offices.

Today, there are only 13 permanent law enforcement rangers serving in the national parks along our borders. The rest are seasonal and temporary hires. Clearly, with the dire situation that exists on our borders, any credible staffing model would call for more than a mere 1 percent of the total number of law enforcement rangers available to be assigned to these parks.

In contrast, the brave men and women who serve at our Nation's borders know well the countless dangers they encounter each and every day. It makes the problems down there their problem, one which they are desperate to solve.

However, the dangers posed at the borders also exists for the visiting public. Despite this fact, to our knowledge, no warning signs have been posted that would warn visitors about these dangers.

Finally, Mr. Chairman, I would like to touch on a subject on which I know you have a longstanding interest. We regularly receive feedback and source information from working rangers in the field. These communications are often made by rangers who have a genuine fear of retaliation if they are caught talking to the IG.

For instance, during our assessment, one group of eight Park Service law enforcement professionals met us in a neutral city to avoid detection from Park Service management. Among the things they told us was about the frequent misuse of law enforcement monies being diverted by park superintendents for non-law enforcement activities.

To signal our commitment to protection of these sources and our absolute promise to investigate each and every claim of retaliation that comes to our attention, I have appointed a senior investigator

to the newly-created position of Associate Inspector General for Whistle Blower Protection. He will report directly to me and my deputy, and will have broad authorities to carry out his duties.

Mr. Chairman and members of the committee, I have served in Federal Government for a little over 32 years. I have never seen an organization more unwilling to accept constructive criticism or embrace new ideas than the National Park Service.

Any new idea falls victim to yet again another Park Service workgroup, charged by the National Leadership Council, to defend the status quo from those of us "who just do not understand the complexities of being a ranger."

That concludes my oral remarks, and I would be glad to answer any questions.

The CHAIRMAN. You made a very decisive statement. I guess we will not put you down for "undecided" on any issue you brought up.

Mr. DEVANEY. No. No one has ever accused me of that, sir.

The CHAIRMAN. All right.

[The prepared statement of Mr. Devaney appears in the appendix.]

The CHAIRMAN. Mr. Wirth, you have some extra time for what you wanted to do here to present us some evidence. We will hear your testimony now.

STATEMENT OF DANIEL WIRTH, PRESIDENT, TUCSON CHAPTER OF THE FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION AND AGENCY PRESIDENT, NATIONAL PARK SERVICE, TUCSON, AZ

Mr. WIRTH. Mr. Chairman, distinguished members of the Finance Committee, ladies and gentlemen, thank you for allowing the Federal Law Enforcement Officers Association to testify today on the border situation.

My name is Daniel Wirth. I am the president of the Tucson Chapter of the Federal Law Enforcement Officers Association and the Federal Law Enforcement Officers Association agency president for the National Park Service.

The Federal Law Enforcement Officers Association is a voluntary, nonpartisan, professional association representing exclusively the interests of over 19,000 members of Federal law enforcement.

I am employed as a special agent for the National Park Service, and stationed at the Arizona High-Intensity Drug Trafficking Area in Tucson, Arizona since 1996.

I have also been detailed to the Department of Interior's Office of Law Enforcement and Security as its border security coordinator since 1997.

The Federal Law Enforcement Officers Association respectfully asserts that the public lands on our borders are in a state of crisis. The safety of the public, our officers, and their families is at risk.

The resources that we are entrusted to protect are being destroyed at alarming rates. This situation exists because our poorest border is conducive to smuggling by international criminal organizations. This is a Federal problem, this is a homeland security problem.

The Department of Interior is the primary land management agency in our government, responsible for 23 percent of the United States, including 10 percent of the Canadian border and 40 percent of the Mexican border.

The Department of Interior has four bureaus with law enforcement authority. They include the Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and the U.S. Fish and Wildlife Service.

These bureaus employ approximately 4,000 Federal officers with law enforcement and homeland security responsibilities for national infrastructures, borders, dams, gas and oil pipelines, electric transmission lines, national icons, and the protection of natural, cultural, and historic resources.

The Department of Interior has experienced a significant escalation in border impacts from smuggling. These impacts are decimating public resources and putting the safety of our visitors and employees at risk.

This is a result of the success of increasing the allocation of Border Patrol assets around the ports of entry, which force smuggling away from those ports of entry and out through our rural, remote, public lands. This is well-documented.

Along the Mexican border, 80 percent of drug smuggling occurs between the ports of entry. The northern border is now starting to experience similar trends.

The Bureau of Indian Affairs' mission is unique in that it serves a resident population of approximately 1.5 million tribal members. The jurisdiction of the Bureau of Indian Affairs includes lands in many States and along the international borders of Mexico and Canada.

Mexican national drug organizations are developing extensive ties within Indian country and are producing and moving large amounts of controlled substances across the borders and throughout Indian country.

Thousands of trails and hundreds of roads have been illegally created by smuggling across our public lands. This proliferation of trails and roads damages and destroys vegetation, wildlife, and causes soil compaction and erosion.

Tons of trash and high concentrations of human waste are left behind, impacting wildlife, vegetation, and water quality. The international border fence is repeatedly cut down and torn down in most locations. Vehicles from Mexico can drive unimpeded across most of our border.

Many Department of Interior lands can no longer be used safely by the public or employees, due to pervasive smuggling. Staff exposure while conducting resource management activities is a serious safety concern.

Federal land managers must now send staff to the field in teams to ensure employee safety along the border, or totally restrict employee presence in certain border areas due to the potential for unsafe encounters. Visitors have been subjected to carjacking, assault, and robbery from armed smugglers.

Within the 789 miles of the Department of Interior's jurisdiction on the Mexican border, there are only 30 officers. The Department

of Interior has the highest assault rate on its officers of any government agency.

They work in remote areas with poor communication and little, if any, back-up, and, if you can believe this, for managers that may have no background or understanding of professional law enforcement. This is not an acceptable situation.

Our officers are doing their jobs by defending our borders, our National security, and have been intimidated, threatened, assaulted, shot at, and murdered by organization crime. These sophisticated international organizations conduct surveillance and counter-surveillance on our officers day and night. They utilized encrypted radios, night-vision equipment, armed escorts, and routinely resort to deadly violence. We are outmanned and outgunned in a war zone. We need help. We need your help.

The Department of Interior has taken decisive steps to address their responsibilities for border security. The Federal Law Enforcement Officers Association thinks Secretary Norton is the best thing that has happened to the Department of Interior.

As a former attorney general, she possesses the professional ability to analyze the department's deficiencies and has taken a course of action to correct them.

But Secretary Norton needs Congressional support to carry out her reforms. Congress and the Office of Management and Budget must recognize that the Department of Interior has a mandated responsibility for border security. Her plan of action, without the corresponding appropriations, will not result in productive outcomes.

Mr. Chairman and committee members, the question must be asked: what can be done, and what will be done to rectify the crisis of our public lands and our borders?

If I could take a moment, on behalf of the Federal Law Enforcement Officers Association, I want to sincerely thank Senator Grassley for his continued support of Federal agents on the front line, and for his expressed concern for their welfare.

Now, Mr. Chairman, if I may, I have some video footage that you may appreciate that depicts the situation along our international borders.

[Showing of videotape.]

Mr. WIRTH. The video that you are viewing right now is shot from a camera that is infrared film, so it just shows body heat. What you are seeing is in Organ Pipe Cactus National Monument. There is a group of approximately 100 undocumented illegal immigrants that have walked up from Mexico.

This campground is about 5 miles from the Mexican border. These are our campers in the national park. This group is walking right through the middle of the campground in the middle of the night.

The last seven of these people that came across were backpackers, and they were backpacking 300 pounds of marijuana. They backpacked it right into the campground and loaded it into one of the RVs.

But I would ask, would it not be just as easy to be carrying precursors for biological weapons and loading them and carrying them through?

The CHAIRMAN. Let me, before we go on, just ask a quick question in explanation of that. The campground is a campground of American citizens, or Americans camping for recreation. Is that correct?

Mr. WIRTH. That is correct. It is in a national park, a campground right in the park.

The CHAIRMAN. Do you have more to show?

Mr. WIRTH. Yes, I do. There are three clips altogether.

[Showing of videotape.]

Mr. WIRTH. This next video, again, is still with a FLIR, a Forward-Looking Infrared. It is actually on an OH-58 National Guard helicopter. We are flying up over the horizon.

This is in Coronado National Memorial in southern Arizona. There is a group of approximately 200 illegal immigrants that have come across. They were holed up there for a while. When we came over the horizon, they dispersed and started running back to Mexico.

But I would again ask if any of the distinguished members of the committee can pick out the five Al-Qaeda cell members in that group of 200. This is just one little geographic location on one particular night.

We are just getting a snapshot of what is happening all across our borders every single night. We have thousands of people crossing our public lands, destroying and decimating the resources.

[Showing of videotape.]

Mr. WIRTH. This last one is actually in Buenos Aires National Wildlife Refuge in Sassabee, Arizona, which is also where there is a port of entry. This is a group of backpackers that had come up from Mexico who were backpacking across the National Wildlife Refuge.

Again, with the infrared camera you can see their backpacks.

Senator LINCOLN. Those backpacks are pretty large.

Mr. WIRTH. Yes, they are. They carry 50 to 75 pounds of marijuana on their backs. These guys are in very good shape, and I can attest that they are very difficult to catch when they drop those backpacks and start running.

You can see the backpacks here, where you can actually see the marijuana in it. The last individual in line actually has a pistol on his waistband. We were able to identify the take-down officers of that.

But, again, this is the type of situation in which they could be backpacking anything, any type of contraband, money, whatever they want to be backpacking, across the international border. One small shot of what is going on all along our borders every single night.

Thank you once again for allowing the Federal Law Enforcement Officers Association to come before you today and testify on this critically important issue.

The CHAIRMAN. Thank you, Mr. Wirth.

Now, Mr. Murphy.

**STATEMENT OF DONALD W. MURPHY, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, WASHINGTON, DC**

Mr. MURPHY. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, I am Donald Murphy, Deputy Director of the National Park Service.

The National Park Service's practices and policies are dedicated to preserving its natural resources in providing a safe, clean, and secure environment for its workforce and visitors. We have initiated programs and studies and undertaken actions to address many of the concerns and needs in these areas.

The NPS has park police and ranger forces who manage the law enforcement resource protection and emergency needs of both people and parks.

The following programs were identified as already in place or put into effect. Drug enforcement funding, initiated in 1982 as a specific line item in the NPS budget, has a base of over \$9.5 million.

Currently, all but \$2.1 million is located in the budgets of the parks and the U.S. Park Police; \$2.1 million is allocated annually for a central source to the individual parks and regional office to address emergency issues.

For example, in September, 2002, this funding was used in an investigation of marijuana gardens in Sequoia National Park, which resulted in the removal of over 100,000 plants and led to 20 indictments.

The National Park Service has recently received funding from several regular and supplemental appropriations between 1998 and 2001 to cover the costs of anti-terrorism expenditures.

Initial funding in the construction appropriation in 1998 provided surveillance and monitoring equipment, perimeter fencing, physical barriers, and communication equipment at Mt. Rushmore National Memorial, the National Mall, Independence National Historical Park, and the Jefferson National Memorial.

The NPS, as you know, and has already been clearly stated, manages seven national parks along the United States-Mexican international border. To the north, Glacier National Park shares approximately 40 miles of international border with Canada.

The U.S. Border Patrol's Spokane and Havre sectors cover approximately 20 miles each along the international border with Glacier National Park and Canada's Waterton National Park.

The Border Patrol, along with the Royal Canadian Mounted Police, conducts routine foot and air patrols in these areas of responsibility along the international border between these parks.

Through the Interagency Border Enforcement Team, of which Glacier National Park is a member, we share information, intelligence, communications, and resources to detect illegal entries and contraband along the international border.

Although the NPS has a variety of law enforcement responsibilities within national parks, it is not the sole Federal agency responsible for international border security.

Nevertheless, illegal border activity can threaten park visitors, as you have just seen, and employee safety, and damage natural and cultural resources within national parks.

Hundreds of miles of illegal roads and trails have been created, and huge amounts of trash and debris litter the landscape, while the few sources of natural water have been polluted or drained.

In 2001, the Border Patrol estimates that approximately 250,000 undocumented migrants entered the country through parklands, with over 200,000 through Organ Pipe, which you just saw, alone.

Tragically, you are all aware of the incident that occurred with Ranger Chris Eggle and his death. The incident underscores the need to make changes to better protect our parks and our employees.

While the NPS has the responsibility to enforce Federal laws within the borders of its parks, the NPS's sole mission is not international border security. The Department of Homeland Security is the primary Federal agency responsible for international border security.

To better meet the responsibilities of these respective agencies, I believe the NPS can develop closer lines of communication and cooperation with the Department of Homeland Security and other State, local, and Federal agencies.

Increased preparedness was provided through appropriations in 1998, 2000, and 2001. Base increases allowed for additional park patrol facilities, trained operators of security equipment, dispatch staff, and training at parks such as Mt. Rushmore National Park, Independence, Jefferson Memorial, and at the Statue of Liberty.

The NPS has proposed the following law enforcement reform implementation strategies to improve law enforcement effectiveness and safety throughout all parks in the National Park Service, as well as those along the border.

A new senior SES-level leadership position entitled the Associate Director for Resource and Physical Protection has been established. This is the chief law enforcement position in the department, and addresses the IG's concern about centralized management and accountability at the agency level.

A Protection Ranger Leadership Board has been established. The reporting system for special agents has been changed so that they report directly to law enforcement supervision. Regional officers will conduct audits in parks of all of our law enforcement investigative operations.

These are but a few of the changes that we are making within the National Park Service. We have both the statutory and the moral responsibility to ensure that the 388 units in the National Park Service are well cared for for this, and future, generations.

National park rangers have always been seek as a critical element in that mission. We also have an obligation to work with sister agencies at all levels to support their missions and legal responsibilities.

Park staff should be able to expect that there is an effective presence to meet our obligations, that the service is proactive in identifying and solving problems, and that if help is needed, it will be available.

Like many other agencies, the NPS will have to use available resources more effectively to improve our law enforcement programs, and we intend to do so.

Reviewing and managing our priorities, both human resources and natural and cultural resources, identifying problems, and seeking out creative solutions that involve neighbors and partners will go a long way towards protecting our parks.

Mr. Chairman, that concludes my testimony. I look forward to answering all of your questions.

[The prepared statement of Mr. Murphy appears in the appendix.]

The CHAIRMAN. Thank you very much.

We will take five-minute turns. The Chairman, the Ranking Member, and now Mrs. Lincoln, are the only ones here. But if other staff want to know the order we would take people if they came back on first-come, it would be Grassley, Baucus, Snowe, Graham, Thomas, Lincoln, and Bunning. So, keep the lights going, would you please?

I would ask, Mr. Williams, just a general—but when I say a general question, be as specific as you can—question from the standpoint of the INS being briefed on the General Accounting Office investigation. You have had that briefing, plus hearing this testimony. So, I would like to have any responses.

I think it is appropriate that we would give you an opportunity to respond at this point before we go into more specific questions.

Mr. WILLIAMS. Thank you, Mr. Chairman.

Let me first say that we certainly welcome the GAO report, and certainly the oversight that you have mentioned in the beginning. We look forward to working with the GAO IG on the details of this investigation, and we welcome the criticism.

I would say, though, in that context, it might be helpful for me to talk about how inspections take place. First of all, as Mr. Cramer mentioned, U.S. citizens coming from the western hemisphere are not required to have documents.

In fact, our inspectors rely heavily on their experience. Some people call it a sixth sense, or a gut feeling. What that really is, is with the tens of thousands of experiences those inspectors have had over the years, a half a billion inspections a year, they are very keen and very professional in what they do.

With the volume that we experience, it is usually five or six people back when they are making that decision on who they are going to talk to, who they are going to talk further with.

When they meet someone, as these investigators, there is no consequence to pay for making a false claim of being a U.S. citizen. It does not key up all of the ingredients that go with the recipe of further interrogation. They are looking for voice inflection, they are looking for nervousness, behavioral techniques. The document is one of those ingredients if suspicion is raised.

But, necessarily, for U.S. citizens, usually the decision is made on the totality of an interview or the intercourse that takes place at that interview time. Again, we look forward to making progress, but that is how an inspection takes place.

Last year, our officers made over 750,000 intercepts of people coming through our ports of entry, 75,000 documents were intercepted from people that were trying to make illegal entries into the United States.

Again, we take that seriously. But it is the whole totality of that experience. If, for instance, our officers had become suspicious of one of these ingredients in this encounter and one of the investigators would have had a mannerism or a quirk that they have seen so many times that would telescope this activity, they would have

talked with them further, and perhaps a more intense review of that driver's license or that birth certificate would have taken place. But, nevertheless, at the end of the day, if the person was a U.S. citizen, they would, of course, been admitted.

As far as the entry across the Peace Arch Park, I am very concerned about that. In fact, during my review of it I have asked for a security assessment to begin immediately and we look at any enhancement that might ought to take place there. The Peace Arch Park has been there for a long time.

It was my understanding, though, however, and I do not take an issue with it, that when that particular encounter took place, there was an interaction between the Border Patrol agent, who is a fully-empowered enforcement officer.

He did have a discussion with them and had an opportunity to listen to their voices, talk to them. I do recall that a badge was displayed. Not dismissing the fact that they were able to cross that border. We need to look at that, and look at it carefully.

On the day of the Miami inspections, again, just talking about that particular day, there were over 1,000 people referred to Miami to secondary. So our officers were, in fact, doing their enforcement duties. Again, not minimizing the fact that we halve work to do to make sure things like this and our security is increased.

Again, and I will just close the answer, and say we look forward to working on the details and talking about the absolute in-the-weeds kinds of things that occurred.

The CHAIRMAN. It might be appropriate if I would ask Mr. Cramer or Mr. Malfi if you would want to respond to anything that Mr. Williams just now said, and then I will go to Senator Baucus before I ask a second question.

You heard what Mr. Williams just now said in response to my question about the GAO report. Would you want to enter anything into the record by voice now in response to what he just told us?

Mr. CRAMER. I would just say that we recognize that this is a complex and difficult problem. But just focusing on the results of our work, it seems that some very simple steps could be taken to address the specific problems that have been exposed here: asking for identification, giving some basic training in recognizing counterfeit identification documents, and, of course, as Mr. Williams stated, addressing the problems at the park.

The CHAIRMAN. Well, let me ask Mr. Malfi. The statement about relying upon voice, and whether you are nervous, and not relying upon documents. From your experience, would you respond to that?

Mr. MALFI. I have been in law enforcement for probably about 27 years now, 28 years. Mr. Williams is right. Law enforcement agents do develop a sixth sense. But in today's day and age, with the high technical things that are available to us—they talk about retina scans, biometrics, tons of different things. I am not saying that this should be implemented.

It seems to be a little short-sighted to just rely on somebody's gut instinct of, is this person an American citizen or not, or if this person's credentials or documents that they are using are counterfeit or not. I think that it is hard to ask somebody that is an Immigration inspector or Customs inspector, with the vast amount of documents are out there, to be proficient in recognizing all of them.

Possibly, from what we have seen, if it was narrowed down to one item that is used by people to cross back and forth over the border, for example, a passport, that it would be easier to train these individuals to recognize a counterfeit passport. The more they would see them, the more proficient they would get at it.

I also saw that when a passport was used by an American citizen, it actually expedited their movement through Immigration. But these are problems that we saw. These cannot be fixed with just a knee-jerk reaction. Some thought has to go into this to try and cover all the parameters and to make sure these types of things do not happen again.

Senator BAUCUS. What about that, Mr. Williams? What about that? That is the point, that with the development of modern technology and off-the-shelf computer software and off-the-shelf computers, you can manufacture all these new documents. It is very hard to detect whether they are counterfeit or not.

Does that not put a lot more pressure on agents, INS personnel, that they probably do not want to have? That is, they do not want to have to rely only on their sixth sense, my guess is. They would like to have something to back them up with.

Mr. WILLIAMS. Yes, sir, Senator. I will respond to that. Of course, as you heard Mr. Jacksta respond, we have come a long way on a lot of the documents and have added biometrics, have added scanning capabilities. Databases have been enhanced. The sixth sense or gut reaction, I would like to respond to for just a moment. That has gone by a little too quickly.

That really means what a really capable law enforcement officer experiences. When they come out of the academy, that computer between their ears has been formatted with law, et cetera. Over the months and years of experience, they have all of these experiences at hand.

That is what the gut reaction is. It is not simply things that are invented, they are many years of experience. I agree with you that new documents, biometrics, facial recognition technology are things that we are looking at. We must increase those kinds of documents to help us move the low-risk traffic out of the way so we can spend more time on the high-risk.

I just recently came back from the border in San Diego and saw a month's worth of passports that had been confiscated at San Ysidro. They covered a full table. Passports where pages had been removed and placed back, pictures had been changed. It was those inspectors that found those documents. But, certainly, biometrics would be an enhancement in some of those documents.

Senator BAUCUS. All right.

Mr. Cramer, in your investigation, how many agents were involved in this operation? How many were stopped, how many were not stopped?

Mr. CRAMER. There were three agents who came in using the counterfeit identification.

Senator BAUCUS. You only used three agents?

Mr. CRAMER. Yes. Three different agents. Other agents were along, but they were not using the counterfeit identification.

Senator BAUCUS. Well, I am no great expert in this subject, but it just seems to me just a little common sense that, if we are going

to make, if not an indictment, at least a criticism, that a few more agents going back and forth might increase the degree to which we could understand how many are being stopped and not being stopped, would you not think? This reads a little bit isolated, does it not?

Mr. CRAMER. It is a small number, but we were responding to the request we had and believed that we would be able to perform the tests with that number. But I agree with you, certainly, if we wanted to expand the scope of it, we could do that. Sure.

Senator BAUCUS. In North America, you do not have to have a passport. You just show your driver's license or birth certificate when you come into the United States. Is that right?

Mr. CRAMER. Yes.

Senator BAUCUS. Do you recommend the requirement of a passport?

Mr. CRAMER. We have had some discussions with INS and other people about possible solutions here. We are not in the position to make a recommendation.

Senator BAUCUS. But you can guess. You are a person. You have been around.

Mr. CRAMER. I do know that this is not an easy fix because there are certainly interests out there that are opposed to requiring Americans using passports to come into the country.

Senator BAUCUS. What is the argument in opposition?

Mr. CRAMER. Frankly, I do not know. I do not well understand it. But I know it is an important argument, and one that has to be taken seriously.

Senator BAUCUS. Anybody here want to take a crack at that? Why not require passports?

[No response.]

Senator BAUCUS. Anybody disagree with requiring passports?

[No response.]

Senator BAUCUS. Anybody have any reservations? Anybody hear of a legitimate reservation?

[No response.]

Senator BAUCUS. I see nobody wishing to venture forth here.

What do we do about these porous borders? Before going to that, I would like Mr. Devaney to respond to some of the points that Mr. Wirth, and particularly Mr. Murphy, made about the Park Service. I have got to tell you, guys, my general impression is in considerable agreement with Mr. Devaney.

I mean, the Park Service, to me, comes across like they think they are special. They are not quite subject to the same standards and attitudes that the rest of the government agencies, particularly domestic agencies, should be subjected to.

I am trying to avoid the word arrogance, but there is a touch of that, I found, frankly, in the Park Service, generally. So when I hear Mr. Devaney saying what he said, it rings true with me.

I would like, first, Mr. Devaney to respond to what they said, to what Mr. Murphy said, particularly, about what they are trying to do.

Mr. DEVANEY. Well, Senator, I really do not know what they are going to be doing because they have been very long in telling the rest of us in Interior, and for that matter the Secretary, exactly

what they are planning on doing to respond to both my recommendations and her directive.

All of the other bureaus, at this point, are making significant progress in implementing the Secretary's directive to do that. The Park Service sort of stands alone as dragging their feet, quite frankly. They need to move out smartly and get this done.

This is a serious issue. People's lives are in danger. They cannot study this, as they like to study other issues. This has to go to the top of the pile. We do, for instance, assessments on a regular basis of the icon parks that the Park Service is guarding for our Nation's homeland security.

Once again, there is this lack of a sense of urgency about what they are doing. They just do not move as quickly as almost any other Federal law enforcement agency I have ever been familiar with.

Senator BAUCUS. Mr. Murphy?

Mr. MURPHY. Sure. Our report of the things that we are implementing was due yesterday.

Senator BAUCUS. Again, the goal here is to try to protect our Nation's security. We are not here to get into an argument, we are just trying to find a solution here.

Mr. MURPHY. That is absolutely right. We are responding, Senator, and have responded. As I mentioned earlier, one of the Inspector General's first priorities for the National Park Service was to get accountability and leadership at the national level, and we have done that.

We have just finished interviews yesterday. The Deputy Assistant Secretary for Law Enforcement participated in those interviews, and that person will be in place by the 15th.

Officer safety. Our National Leadership Council, which the Inspector General just referenced in his testimony, committed several million dollars to putting in place a field training officer program to address officer safety, a field training program which is long overdue and should have been instituted long ago. That has happened and that will be fully up and running in October. I think that is extremely important.

One of the other problems we were having, is getting qualified law enforcement officers into the National Park Service. Towards that end, we have instituted a bridge training program to bring non-Federal law enforcement officers into the National Park Service in a seamless way so we can get officers on the ground.

This whole issue about homeland security. One of the other things we were charged with doing, is hiring a full-time security manager. We have identified the person. He works for the Air Force. He has consented to coming on board on a detail for 120 days while we hire a person full-time in that position. I think that is a major step forward for the National Park Service.

Let me address this issue of apparent arrogance on the part of the National Park Service. I think it really stems from a venerable organization that has been very proud of its history and its traditions. It is slow to change, like organizations like that often are.

However, I have been there just a year. I spent my entire career as a law enforcement officer running the park system in the State

of California. We did things a little bit different there. All of our rangers and superintendents were law enforcement officers.

I have a little bit of a different take on it, but I also recognize the tradition of the ranger, where it has come from, and its history, and recognize that because of that the National Park Service may be a little bit slow in adjusting.

But times have changed. I think there is a clear recognition now that things have to be done differently. As long as I am here and on board, I want to be held accountable for making sure that those changes do take place.

It is going to take some time, because you have got an organization with a huge history and a long history, but I am committed to working with the Inspector General to see that those changes are made.

Senator BAUCUS. What is a reasonable period of time within which to have made those reasonable changes? Say, if we are going to have this hearing again at a later date to check up and see whether things have pretty much been taken care of, what is a reasonable date?

Mr. MURPHY. Well, as I stated earlier, some of them are already under way. I would say, if we were back here in 6 or 8 months, the next fiscal year, even additional changes will be made. They will be incremental. If we are back in a year, significant changes will have been made in the National Park Service.

But I really have to address this issue of the superintendents, too, and some of the decisions that they make. Some of these decisions are motivated by pressures that result from a lack of resources.

When a superintendent has to decide what a ranger does or does not do, whether it is search and rescue, whether it is doing a campground hike, walk, or tour, they have to ask themselves, within the limited resources that we do have, what are we going to have our staff do? So it is not always motivated by a lack of concern about law enforcement.

Senator BAUCUS. I agree with that. So how much is the President's budget going to be increased to take care of your concerns?

Mr. MURPHY. Well, as you saw from my testimony, I mainly addressed the budget that we know we have. But the 2003 budget will have some increases.

Senator BAUCUS. It is the 2004 budget.

Mr. MURPHY. Well, we have not passed a 2003 budget.

Senator BAUCUS. But we are talking about the President's budget proposal for 2004.

Mr. MURPHY. Well, I know that the 2003 and 2004 budget include additional increases, both for security for our icons and additional staffing, as we complete our assessment.

I can talk specifically right now about Organ Pipe. I think that one of the significant things the National Park Service has done out of this year's budget, and redirection of resources, is currently recruiting for additional rangers at Organ Pipe.

I mean, that is right now, in this budget, where we will, on the ground, have an additional 19 rangers once this recruitment is completed. That means that we can have three full-time, rotating,

24-hour shifts to address the kinds of problems that Mr. Wirth showed you on his video clips.

Senator BAUCUS. Well, I, along with Senator Grassley, was in the House chambers when the President spoke Tuesday night about the need for greater homeland security. I hope the President lives up to his words. I mean, it is one thing to talk the game. It is something else to produce.

Mr. MURPHY. I agree.

Senator BAUCUS. It is up to the President and his budget to provide the resources that you all need. Now, he says in his statements that we are going to provide these resources, but we will find out when he presents his budget to the Congress.

Words are one thing, deeds are another. I very much hope that the President, as it is his responsibility as commander-in-chief and the chief executive officer, to provide the resources, or suggest the resources.

You can be doggone sure that if the President suggests the appropriate resources, Congress will approve them. There is no doubt of that. There is no doubt of that whatsoever.

But if the President does not suggest in his budget the appropriate resources, it is going to be difficult, in tight budget situations, for the Congress to find additional money to put back in.

But the President is the main person here. He is the man. It is up to him to decide whether or not he wants to put the appropriate resources in his budget.

The CHAIRMAN. Senator Lincoln, before you ask your series of questions, just let me follow up on the second previous question that Senator Baucus asked.

Mr. Devaney, is it not true that we have appropriated some money in past years to do some of these recommendations in law enforcement, and has not the Interior Department redirected it away from what Congress intended?

Mr. DEVANEY. Mr. Chairman, we encounter, on almost a daily basis, stories about superintendents who take monies that have been dedicated for law enforcement and used them for other purposes.

The budget formulation process is very exact and everything is accounted for by the penny. But when the budget comes to the Department of Interior, it almost goes out in a shoebox, if you will, to the components, and superintendents get one of those boxes that contains the monies for everything.

If a superintendent decides, for instance, that the money that was dedicated for the purchase of some new law enforcement vehicles could be better used to purchase a tractor for the maintenance section of his park, that is what happens that given year.

So one of the good news stories here, is the Department is moving very quickly to something called activity-based costing, which is going to now track the monies as it goes out to the superintendents and as it is spent.

Law enforcement has been designated as one of the early pilots, so I have some hope that the Department is going to get a grip on this. But, in the past, I think it is very fair to say that law enforcement monies have been spent for non-law enforcement purposes.

The CHAIRMAN. Senator Lincoln?

Senator LINCOLN. Thank you, Mr. Chairman. We certainly appreciate your leadership on this very critical issue.

Thank you to all of you gentlemen here who are willing to work with us in solving this problem. I think, certainly from your testimony and the presentations that were made, we do have a very serious problem on our hands.

We need to take, I think, some very critical action in making sure that we correct some of the things that, for many years in this country, we have taken for granted, that our Nation is a place whose borders have been a welcoming sight to a lot of people. Unfortunately, there is great abuse.

I would just say that, clearly, the GAO investigation reveals weaknesses in our border security network. My curiosity is in the question that Senator Baucus asked, which was, why is it that we do not require passports in the western hemisphere or in North American travel. I personally like to have one just in case there are questions.

I guess my other question would be, none of you all disagree with that. What is, really, the deterrent from requesting that?

The other thing is, if you are able to use a driver's license and you do not have to be a citizen to have a driver's license, how is it a valid documentation of citizenship? Are there States that indicate on their driver's license whether you are an actual citizen or not? In State programs, do they have that?

Mr. JACKSTA. Senator, I will take a couple of those. I would just mention, as far as the passports are concerned, the recent legislation passed by Congress under the Patriot and Border Security Act included statutory provisions against adding any new documentary requirements for U.S. citizens.

I would also add, just to balance that, that we also encounter counterfeit U.S. passports as well. So, our documents are counterfeited by these criminals as well.

Senator LINCOLN. Is a counterfeit passport easier to detect than a counterfeit birth certificate?

Mr. JACKSTA. Yes.

Senator LINCOLN. It is?

Mr. JACKSTA. I would say that that would be true. Again, it would go back to the totality of that event, the discussion our inspectors had.

Senator LINCOLN. Sure.

Mr. JACKSTA. It would be one piece of that.

Drivers' licenses do not confer U.S. citizenship. That is something that ought to be clear. Fifty different States issue driver's licenses in different formats, with different criteria.

Senator LINCOLN. Sure.

Mr. JACKSTA. It is a license to drive, not a license to be a citizen. It is a form of identity that is taken in content with your Nationality. As part of an investigation or an inspection, our officers might use some of the data to see if you were familiar with it and cross-check it with some other parts of the interview. But a driver's license does not confer U.S. citizenship.

Senator LINCOLN. But you are allowed to cross the border with that as identification.

Mr. JACKSTA. You are also allowed, as a U.S. citizen, to cross the border without it.

Senator LINCOLN. All right. Thank you.

Does anybody else have comments on that, the use of that kind of information, whether it is enough or not enough?

[No response.]

Senator LINCOLN. Going back to the question of resources, in terms of our borders between ports of entry and the national parklands, clearly, there are resources that are needed in order for us to put you all in a position to do the job that you really need to do in light of our current circumstances.

Does anybody here have estimates in terms of the level of additional resources, whether they be human or financial, to prevent the unimpeded traffic that comes across our borders? We have talked about the President's budget, what our hopes are, and what the President's budget will present us.

Do any of you all have recommendations in your own agencies where we could be more efficient with other things that you do in order to allow you to redirect some of your current resources towards that?

Mr. JACKSTA. Senator, I will start again, because between those ports of entry is our primary responsibility. I would start out just thanking the Chairman, and all of you in Congress, for providing the resources for us to begin the work.

Our border strategy, if you will, is a strategy in progress. It is a strategy that now has many success stories. I was the chief in San Diego when we did Operation Gatekeeper, when some of these pictures that you saw were occurring there when we stamped that out, along with drug smuggling.

In Arizona, where we just saw the pictures, we are making progress there, in Nogales, where we have "taken the city back," if you will, and in Douglas. These unscrupulous smugglers, as Chairman Grassley mentioned, the 11 in the boxcars and the 9 in the van, the blood on the hands of smugglers who are trying to outmaneuver law enforcement, who are driving the prices up from smuggling. When I went to San Diego, it was \$130 to be smuggled to L.A. That price is now \$2,000, \$2,500. We know we are having an impact.

We also know that we have to meet this smuggling activity head-on with hefty prosecutions, with the resources that you are applying to the budget that is ready to be passed now, and we look forward to putting those on the border and doing even better.

Senator LINCOLN. Well, I would just encourage you all, if there is any possible way in any of your agencies where there is room for us to allow you to be more efficient with a task that you already have that would help you free up some resources for what I see as a more dire and immediate problem that needs more immediate action, and probably more resources, both human and financial.

I am not a border State, but I am right next to them. I see some of the problems we have in dealing with many of your agencies, which is really documentation, paper shuffling, and some other things where you have already got background checks, you have already done everything, it is just the re-initiation of a process where we might could make some more efficiencies there that free you up,

both in human resources and financial resources, to be more active on the borders and with criminal aspects of what is going on out there. So, thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

We will take a second round of questioning now.

I want to go back to something that Senator Baucus touched on a little bit, but I want to be a little more specific to Mr. Murphy.

In July, Secretary Norton ordered that all special agents report to a law enforcement boss. My staff have obtained a draft Park Service implementation strategy that I have here that has special agent investigative units reporting to park superintendents, and that has regional directors overseeing agents. To me, this is clearly not following orders. I think it is ignoring the Secretary's clear directive.

So, very forthright, why is the Park Service ignoring the Secretary's reform orders? In your position, could you fix this, would you fix it, and how do you deal with this and other problems with implementation strategy?

Mr. MURPHY. Well, I have already fixed it. I mean, I am not sure which draft you have there, what it is dated. So, if you would let me know. We just submitted our revised implementation strategy.

The CHAIRMAN. January 26, 2003.

Mr. MURPHY. If it shows agents reporting to superintendents, that is not correct. There should be an organizational chart that shows special agents reporting to special agents, then the special agent-in-charge reporting on up to Washington here. There is a dotted line that should go to the regional director who just coordinates overall park and regional resources.

But we have made it clear, and stated unequivocally, that special agents will report to special agent-in-charges, who will, in turn report to the Washington office.

The CHAIRMAN. Well, I think it is simple. Would you give us a copy of that that you just described?

Mr. MURPHY. Absolutely.

The CHAIRMAN. Then we would ask Mr. Devaney to get a copy of it, and then maybe privately, or through written response, you could give us your response to that.

Mr. DEVANEY. Sure.

The CHAIRMAN. To you, Mr. Devaney. I have been told that many career public servants at Interior, and specifically the National Leadership Council at the Park Service, are resisting these law enforcement reforms. Could you tell me your sense of the bureaucracy's embrace of reform, and tell me what you know about the National Leadership Council's role at the Park Service?

Mr. DEVANEY. I would be glad to tell you what I know about it, Mr. Chairman. Mr. Murphy sits on that; he might have something to say about this as well.

The National Leadership Council is about 17 or 18 senior members of the National Park Service, including the Director, the two Deputy Directors, Associate Directors, Regional Directors, sort of the cardinals of the Park Service, if you will.

I am sure, years ago when that body was formed, the intention was to provide advice and counsel to the political leadership that came and went through the Park Service.

Today, though, my observation is that any new idea, or any reform, for that matter, has an awful tough time getting through that National Leadership Council. They are fiercely defendant of the status quo, and their strategy to defend that status quo is to study things to death.

They will form a workgroup and it will go off into that workgroup for, literally, months. That is essentially what happened to some of these law enforcement reforms that came out from my office over a year ago, from the Secretary's office in July.

They have been studying and proffering drafts which have been sort of rejected, and they have gone back again, and again, and again. I do not know if the new draft is different from the one that I as well saw dated January 26.

But, far from embracing reform, I view them as an impediment to progress in reform. It is very tough to get a new idea through this group.

The CHAIRMAN. Let me commend you on another point, but also to ask a question. I know that you have set up an office, or some sort of arrangement, for whistle-blowers to report to.

This follows on my respect for the very good work that you do, and I wish you would send my commendations to your staff through you, but also for you. I know we need every IG to be effective in doing work protecting the taxpayers' money.

But in regard to the whistle-blower position, could you please describe this office? Also, tell me whether any other IGs have similar offices.

Mr. DEVANEY. I would be glad to. The whistle-blower protection position I have established is going to be filled by a very senior investigator with over 20 years of law enforcement experience.

The idea here is to follow whistle-blowers from cradle to grave, from the first time they come in and talk to us about an issue, to ensure that no retaliation takes place against them.

Not only during the matter that we might have under investigation, but even 6 months or a year afterwards, we are going to go back there and find out if something has happened to those folks.

We are going to get involved in training the department on whistle-blower protection laws and rules, the No Fear Act, and other laws that you, yourself, have been involved in passing, and bring to the attention of Interior managers that retaliation will not be tolerated.

When we find it, I am going to address it immediately with the Assistant Secretaries. If I cannot get the results from the Assistant Secretaries, I will go directly to the Secretary.

I have spoken to the Secretary about this. She is very supportive of this and concurs with me that there should be no retaliation at the Department of Interior for someone who brings these matters to our attention.

With respect to your second question, I think we are the only IG that has started this program. I have talked to some of my colleagues about it. They are interested in it. I would hope that, if it works well, that we could export this to some other IGs.

The CHAIRMAN. Senator Baucus, then Senator Kyl.

Senator BAUCUS. Yes. Thank you.

Mr. Malfi, could you describe at, I guess, Miami International Airport where you were denied getting a boarding pass because you did not have a second piece of identification, but almost immediately the airline representative referred you to the luggage office to obtain something called an "Affidavit of Citizenship" for \$5. Could you describe what happened there and how that works?

Mr. MALFI. Sure. Actually, it was not myself, it was the other agent that was accompanying me. He inadvertently left his real birth certificate and did not have it with him.

Senator BAUCUS. You were boarding where, now?

Mr. MALFI. From Miami to go to Jamaica.

Senator BAUCUS. Right.

Mr. MALFI. The airlines check to see what type of identification you have. It is like the first screening type process. She realized that he did not have his birth certificate or any other proof of citizenship.

We told her we had to get to Jamaica, it was important. She then sent us to a luggage storage facility that was located in the airport.

She said, "This is common." She said, "What you do, is you go there, you talk to them, you show them your driver's license, and you will get an Affidavit of Citizenship which will be accepted in Jamaica as a proof of citizenship."

Senator BAUCUS. Proof of U.S. citizenship.

Mr. MALFI. That is correct. So the agent went to the location. It was a luggage storage facility. He spoke to the clerk there and told them that he was sent there to get some sort of affidavit of citizenship.

The clerk knew exactly what it was and said she had no problem. She gave him a form which he filled out. We have a copy on one of the boards, which I will show you. He filled the form out.

After he filled the form out and signed it, he gave it to her. She notarized it. Prior to notarizing it, she looked at his driver's license and basically looked to see that the picture was the same as the person that was presenting the affidavit.

He went back to the airlines. They accepted that and put us on the flight, and that was actually accepted by the Jamaican Government as proof of American citizenship.

When we returned back into Miami, we were very curious, because we had just learned about these affidavits. After we cleared through Immigration and Customs, we both went to this location, and using the false driver's licenses, the counterfeit driver's licenses, gave them the same story, that we were flying to Jamaica, we did not have our birth certificates, we needed to get out of the country, and could we obtain an affidavit of citizenship.

The clerk said, "No problem." Again, same routine. We filled out the two forms, we paid her the \$5, she checked our driver's licenses, which were counterfeit. She gave us the affidavit, it was stamped, and we left at that time.

We have three copies of the actual affidavits on the board here. The one in the middle was the actual one that was originally used by the agent. The two on either side were the ones that we ob-

tained after we arrived back into the country with our fictitious driver's licenses.

The last copy on the righthand side is a copy that our agency, the person that does the work for us in regards to putting the counterfeits together, screened this and showed how easy it was to duplicate it.

So she took one of the originals that we had, put it in the computer, scanned it, took off the writing that was on there, and produced a blank sheet that is exactly like the original sheet for an affidavit.

Senator BAUCUS. So you are, in effect, saying that for five bucks you can show a fictitious driver's license and make or manufacture an affidavit of citizenship.

Mr. MALFI. That is correct.

Senator BAUCUS. Do you know whether this practice is still continuing?

Mr. MALFI. As far as I know it is, yes.

Senator BAUCUS. Do you think that is a good idea?

Mr. MALFI. Absolutely not.

Senator BAUCUS. I do not, either.

What is being done about that, Mr. Williams? That is INS, is it not?

Mr. WILLIAMS. No, sir. I believe what I heard, was it was presented to Jamaica for entrance, not the United States.

Senator BAUCUS. The airline.

Mr. WILLIAMS. It would not be a document we would accept.

Senator BAUCUS. But you have been briefed on these findings.

Mr. WILLIAMS. Yes, sir. No. I said, I believe what I heard was that the affidavit was presented to Jamaican officials, not U.S. officials.

Senator BAUCUS. That is correct. That is correct.

Mr. WILLIAMS. But on the return trip, an affidavit such as this would not be a document that we would accept as proof of citizenship.

Senator BAUCUS. Mr. Malfi, with your experience, any sense of that?

Mr. MALFI. We did not use these to try and get back into the country. But if Agent Ryan was coming back in under his real name, that would have been the only proof of citizenship that he would have had on him. So we do not know if Immigration would have accepted these or not on the return trip.

Senator BAUCUS. I would like to ask Mr. Williams, if I can, very briefly.

The CHAIRMAN. Sure. Let us just see if my staff was told right in briefings, and I think this is to Mr. Williams.

Mr. Williams, Congressional Affairs of your office, or of INS, said that those documents can be used to bring people into the country.

Mr. WILLIAMS. No, sir.

The CHAIRMAN. All right. Then at least that is the point of my question. So then they were wrong by saying that to them.

Mr. WILLIAMS. Yes, sir.

Senator BAUCUS. Mr. Williams, a question for you. On September 6, 2001, before 9/11, border security personnel were flown from Montana to Washington, DC to brief Washington on their analysis

of increased border crossings, a very significant increase of border crossings, by Arab nationals. They were brought back for that briefing.

That is, U.S. officials were brought back on September 6 because they had previously been reporting over the prior several months a very significant increase, a suspicious increase, in the number of Arab nationals crossing the border into the unsubsidized.

We have asked for a briefing from the INS of what happened, what was done with that information, et cetera. So far, your agency has not responded.

Could you tell us today whatever you can appropriately tell us about that September 6 report?

Mr. WILLIAMS. Senator, I just learned of it myself last night, that the request had been made when I talked to your staff before the hearings today.

We will arrange for a briefing for you on the entire border situation. I am not familiar with it today. I do not have that. I respect your question, and I would like to get back to you in writing or in person.

Senator BAUCUS. Chairman Grassley tells me he supports the request to get the information as quickly as we possibly can.

I am just very concerned about not only our border sites, but the vast area between entries. How many people, first, enter the United States daily?

Mr. WILLIAMS. Let me put it this way. Last year, the U.S. Border Patrol and the SS within the INS made just under a million arrests.

Senator BAUCUS. A million arrests?

Mr. WILLIAMS. A million arrests.

Senator BAUCUS. Last year?

Mr. WILLIAMS. Last year.

Senator BAUCUS. But how many enter the United States? How many people come into the United States every day?

Mr. WILLIAMS. We inspect over 1.5 million people a day.

Senator BAUCUS. All right.

How many people do you think come into the United States that are not inspected?

Mr. WILLIAMS. We believe that, in the border strategy, we are doing a better job than ever.

Senator BAUCUS. Oh, that is not the question I asked. I asked, how many people do you think—and maybe Mr. Wirth has got a sense, and Mr. Devaney has a sense to answer that question. But how many people do any of you think, best guess, are coming to the United States uninspected and/or get through the system? How many who are not checked, but get through it, a day?

Mr. WILLIAMS. We know half of the illegal population came to the United States legally and then abandoned or violated their status. We know that from our studies. But anything else would be certainly a guess on my part.

Senator BAUCUS. That is what I am asking. I am asking for a guess. Frankly, I am a bit surprised that you do not know how many people come into the United States unchecked.

Mr. WILLIAMS. Unchecked?

Senator BAUCUS. Unchecked. Come across our borders daily.

Mr. WILLIAMS. Without being apprehended between the ports?

Senator BAUCUS. Yes. Without being apprehended or checked.

Mr. WILLIAMS. Again, Senator, I would say that that would be an educated guess.

Senator BAUCUS. Well, you are an educated man and you certainly are able to guess.

Mr. WILLIAMS. I was saying that, in my experience, just leaving the San Diego sector as the chief there, we went from guesses of apprehending 2 or 3 out of 5 or 10. Our efficiency rates now are in the 85 and 90 percent level, so we are doing much, much better.

Senator BAUCUS. Well, wait a minute, now. That is a bit inconsistent. You are contradicting yourself. How do you know what your efficiency rate is if you cannot tell me how many come in?

Mr. WILLIAMS. I have told you that I cannot give you that answer on the whole border situation.

Senator BAUCUS. Oh, but wait a minute. Come on. We are here together to try to find an answer to some of these problems. We have a responsibility, we in the Congress, just as you do.

This is an oversight hearing to try to get some answers to help Americans. For us to do our work and to help you do your work, it would be helpful if we had an idea how many people come into the United States daily unchecked, on average. Or weekly. I do not care. Is it 1,000? Is it 2,000? What is it?

Mr. WILLIAMS. I respect your question, Senator, and I will try to get back with you with a better answer.

Senator BAUCUS. You do not know today?

Mr. WILLIAMS. I do not know the specific answer.

Senator BAUCUS. Somebody is watching some of this on television in the country. Would they not find that a little bit alarming that INS does not know, or cannot even give an educated guess?

Mr. WILLIAMS. I could not answer that, Senator.

Senator BAUCUS. My guess is, people would be a bit concerned that you cannot give us an educated guess.

That leads me to another setting. Mr. Murphy?

Mr. MURPHY. I was just going to say, at least on the parklands, our estimate, as I said in my testimony, is, on an annual basis, we have 250,000, a quarter of a million, people coming through our parklands. That is just through parklands.

Of that quarter of a million, about 200,000 of those come through Organ Pipe alone. Those were estimates were asked for as we were trying to do an analysis of what we needed to do to get the proper staffing at Organ Pipe and along our borders.

Senator BAUCUS. But that leads, clearly, to another set of questions. What criteria do you use as to whether or not you are effective in your job? What are the criteria? I mean, how do you know whether you are doing a good job at the borders? How do you know? That is a pretty basic question. Do you have numbers? Do you have standards? Do you have criteria? Do you have benchmarks? Do you have data? Have you got dates?

Or, and I am not being critical, do you tend to, as some Federal agencies do, some private agencies do, just kind of go through the motions? We are trying, we are doing these things, but we really do not know how effective we are.

We need some kind of criteria here, I would think, so that when we have this hearing again in 6 months, seven, 8 months, a year from now, we know jointly together whether we are doing a better job or not.

Mr. MURPHY. Well, I can respond a little bit. I mean, one of the glaring problems of the National Park Service has been not having an incident reporting system so that you know exactly what incidents have been taking place in parks and whether or not your responses over time have cut down on those incidents, so you have data to collect.

So we just invested in a system, working with the Department of Interior, to put in a new, sophisticated incident reporting system, because that was a glaring lack, not having that data. We recognized that. Before, it was basically our best guess what we had. That is just absolutely not acceptable. We have taken steps to do that.

But, I mean, in our criteria, we ask the questions in terms of visitor safety, employee safety, and resource protection. We can collect data on crimes that are happening against visitors, incidents that involve employee safety or where our employees are hurt, then we can look at our resources and see to what extent they are being damaged, measure that, and then get some sense of what our needs are to prevent that from happening. This incident reporting system is going to be critical in helping us do that.

Senator BAUCUS. My time has expired.

The CHAIRMAN. Senator Kyl?

Senator KYL. Thank you, Mr. Chairman, and thank you, Senator Baucus, for the point that you have raised. I am going to expand on that a little bit. I think you are right on target.

Let me, first, ask to be introduced into the record a National Geographic news piece entitled, "Arizona Park Most Dangerous in U.S." They are talking, of course, about Arizona's Organ Pipe Cactus National Monument.

The CHAIRMAN. Without objection, it will be entered.

Senator KYL. Thank you, Mr. Chairman.

[The article appears in the appendix.]

Senator KYL. Thank you, Mr. Chairman.

I would like to welcome Dan Wirth, a special agent from Tucson, who has coordinated with the Arizona HITA. I welcome you here to this panel today.

I appreciate all of you being here. I had not intended to make this comment, but since Senator Baucus raised it, perhaps it is a good way to begin to ask the question.

According to the Tribune newspaper in Arizona, reporting on INS numbers—I guess, Mr. Williams, this would be for you—the number of border crosses apprehended in Arizona. This is just Arizona. In 1999, 563,837. In the year 2000, 725,093. In the year 2001, 528,060. Then I think there are incomplete figure for 2002, 376,302.

Based upon your knowledge, having been at INS for a long time, do those numbers sound accurate to you?

Mr. WILLIAMS. They do.

Senator KYL. So those are arrests just in Arizona.

Now, is it true—any of you can comment on this, but I think maybe you are in the best position, Mr. Williams—that at least on the border there is a rule of thumb spoken of, an educated guess, that for every apprehension there are about two people who get into the United States illegally that are not apprehended. Is that not correct?

Mr. WILLIAMS. Senator, I would just answer that there are a number of those that you might hear in different places by different people. But I have heard that.

Senator KYL. All right.

Would you have any reason to think that that is significantly wrong?

Mr. WILLIAMS. I would say that it is significantly a guess. It may be incorrect. I do not know that.

Senator KYL. According to this article, more than a million people tried to get into the United States illegally in 2001. This is crossing the border from Mexico. I am assuming that is an INS number, but it is not stated here in the newspaper.

Mr. WILLIAMS. Yes, sir. Just under a million people were arrested by our Border Patrol last year.

Senator KYL. So you have got the estimate of about 200,000 just in Organ Pipe Cactus National Monument alone. Now, there is a long border there and it is an area that is not very highly patrolled, so you can imagine people trying to cross there.

But it is a dangerous place to cross, too. We have had a lot of deaths in the State of Arizona. I think there were 145 last year, 102 the year before, and so on.

So this is a very serious problem. I know that you are here today to talk more about the kind of document fraud that can enable people to get across either border by just changing documents.

But in order of magnitude, the number of people just trying to cross illegally is much more significant. Would anybody argue with that proposition?

[No response.]

Senator KYL. This is not to diminish the problem of illegal documents, but those numbers are less. Is it not also true—and again, Mr. Williams, I think I have to ask you this. But if anybody else can answer it, it is fine, too—that it is also routine at border entry points, like Nogales, Arizona and Douglas, Arizona, for Mexican vehicles, frequently ambulances but sometimes mere passenger cars, to come to the border from Mexico with people who are allegedly sick and in need of emergency health care, and that those people are routinely waved through without inquiry by Border Patrol, or INS, or Customs because they are not medically trained and therefore could not evaluate the case involved. They are routinely waved through, and those people then receive medical care in hospitals of the United States.

Mr. WILLIAMS. I would say that emergency vehicles that arrive at ports of entry in Arizona and elsewhere, if there is a critical medical emergency that appears to need that kind of attention, we usually make the decision, based on humanitarian needs, depending on the case at hand. If it does look like it is a dire situation, we usually do produce a waiver for those people to proceed to the hospital.

Senator KYL. And, Mr. Chairman, the reason I bring that out here, is that you focused, rightly, in this hearing—and I want to commend you for holding this hearing because it illustrates the fact that there are a lot of different ways to utilize our system to get into the country illegally, including through the use of fraudulent documents.

I really wanted a little time to get into that, and I am sorry I am off target here, but I am going to get back to that.

But it also illustrates the fact that that is the tip of the iceberg, that by far and away the largest numbers of people simply come across illegally by crossing a border fence someplace, and that in addition to that there are many people who are routinely waved through by Customs, INS, Border Patrol at ports of entry like Douglas, Arizona and Nogales, Arizona because there are perceived cases of medical emergency.

Those people then go to American hospitals for that emergency care. That is documentable, by the way, with very specific numbers. I will provide those numbers to you, Mr. Chairman, and to the committee.

We met recently at Tucson Medical Center in Tucson, Arizona with representatives of TMC and the University Medical Center Hospital, and they had the exact numbers of people who were waved across the border at Nogales and Douglas each year for the past several years, and the cost of that care that is provided unreimbursed. That is a number that I know the Chairman would like to get for later uses.

So, again, I think all of these things are important, but I would suggest, Mr. Williams, that it would be useful if you could provide the committee in writing, after you go back and put these numbers together, with answers to the question that Senator Baucus was really trying to get at here. We do know that half of the people who are here illegally, approximately, came here legally and overstayed.

Mr. WILLIAMS. Yes, sir.

Senator KYL. But we also know how many people are arrested each year at each border point of entry, and returned through our border points of entry. We have that exact number for each year. We also have some general understanding of how many people we are not catching.

So, I think it would be useful if you would get those numbers together and add them up and present them for each year, say for the last five or 6 years, for the committee's use. Can you do that?

Mr. WILLIAMS. I would be happy to do that.

Senator KYL. Thank you.

Now, Mr. Chairman, my 5 minutes is up. But could I now get to the subject of the hearing?

The CHAIRMAN. Go ahead.

Senator KYL. Thank you. I appreciate your willingness to let me proceed.

Just one last thing. Let me insert this, too. These are common. This is today's Arizona Republic. We see it almost every day. "Smugglers Hold 60 Illegal Immigrants as Hostages." Mr. Chairman, the point of this story is—and I have had the Phoenix Police Department report this to me—61 illegal immigrants were held

hostage in a West Phoenix home while smugglers tried to extort more money from their families, police said.

“Several men were pistol-whipped and a woman was sexually assaulted twice, police said. The stash house was discovered Tuesday after one man escaped and called police,” et cetera, et cetera.

What sometimes happens, is that the police get a call—and this particular area of town is where this frequently happens—that there is a disturbance of some kind demanding police attention. They are given the address. The police show up at the house and they open the front door, and there could be 200, 300, or even more illegal immigrants stashed in the house, a safe house.

The police do not want to take these people into custody. They try to find out, through a system that we will talk about here in a minute, whether there are any felons in the group or any people who are wanted.

But, basically, these are simply illegal immigrants who are trying to get elsewhere in the United States after having found their way up to Phoenix, usually by a coyote, or smuggler, who has gotten them there.

Most of the time the reason the call was made to police, was because the coyote needed to clean out that stash house because he has another load coming in tonight, and he is willing to compromise these people after robbing them, raping them, beating them.

It is a horrible situation. And we are condoning it in the United States of America every day because we do not have the will to enforce our laws, or commit the resources to enforce the laws.

I want to commend all of you here at the dias. Each one of you has a responsibility to help in one of the areas that we are dealing with to try to protect our borders and enforce our laws. I know that you, and the people that work with you, work very hard at that. Convey our appreciation to them.

Now, sometimes we make mistakes. I have been very critical, and will continue to be critical, of the effort of INS, frankly, over the years. I am sure we could point the finger at everybody at one time or another.

Congress bears a lot of the blame, as do administrations, past and present. We are all in this together, and finger-pointing is not the object here.

My point is, bad things happen to people every day. People are dying in the desert. Every year, 145, 102, 106 people, just in the last 3 years, on just the Arizona part of the border, mostly in Mr. Murphy’s area there. This is a bad situation from many different standpoints and we are not committing ourselves to solve the problem. So, I will insert this story in the record as well.

[The article appears in the appendix.]

Senator KYL. Now, partially to try to get at this, Congress has passed several laws to try to put into place some enforcement techniques to get ahold of the situation.

Mr. Williams, I guess I am picking on you today, but let me ask you about three questions here. One has to do with the Border Security Act’s requirements that scanners and readers for border crossing cards be in place by October 26, 2004. There were two dates previous to that that things were supposed to happen as well.

Let me just ask you how we are coming along. Where is INS on installing these readers? Congress appropriated \$11 million last year to get enough readers on the southwest border and other relevant crossing points.

How are we doing just with respect to these particular readers or scanners at our points of entry to read these biometric visas and other documents?

Mr. WILLIAMS. I will answer part of that, Senator Kyl.

Senator KYL. And by the way, excuse me. If others should want to address that, please, just jump in.

Mr. WILLIAMS. We are installing those readers at ports of entry now across the country. The exact number, you may have. I did not bring that exact number with me, but I would be glad to provide that to you. But they are being installed in ports of entry as we speak.

Senator KYL. Could you give us a report in writing so we can include it in the record of this hearing, as quickly as possible, just on where you are on that right now?

Mr. WILLIAMS. Yes, sir.

Senator KYL. Great. Thank you very much.

Any other comments?

Mr. JACKSTA. I was just going to add that we are trying to make sure that we have document readers for the airline so that they can make sure that the documents are reviewed.

We are giving them, also, to the sea passenger environment, commercial shipping lines, and we are also using them in our secondary areas to assist. So, there is an effort to put them out there because we feel they are a very important tool.

Senator KYL. Yes. We have been slow on the up-take on this, so we need to get that done. My staff informs me that there are already six locations, and that 155 imposters have already been caught. I am sure it will be only more, and more, and more as these readers get put into place.

The Attorney General and Secretary of State are supposed to have these tamper-resistant biometric visa readers in place by October 26, 2004, as I said. So, we need to get that done.

Another thing that the law required, the Border Security and Visa Entry Reform Act, is the Chimera system, this interoperable data system that is supposed to integrate all of the databases and systems that contain information on non-American citizens.

This law requires the system to be a component of a government-wide, interoperable system that was due to be put into place October 26, 2002. I know that has not been done. But there is a Commission on Interoperable Data Sharing that was required to be in place by October 26.

My first question is, is that commission in place? Second, there was supposed to be a report on the status of this. What is the status of that report? I think that was due in March of this year, and we provided money for that report. Can anybody tell me the answer to those two questions?

Mr. WILLIAMS. Senator, I will say that I did not come equipped, again, today to answer that in great detail. But it is my information that those discussions have taken place.

I am not sure if the actual committee is in place, and I am also not familiar with who is responsible for the report. But, again, we would be glad to take the responsibility of updating you on that.

Senator KYL. Well, the commission was supposed to be in place October 26 of last year. I know the Justice Department was given authority to draw down what we call the working capital fund in order to provide that, a technology fund, for that purpose. If you would go back to whoever would be able to provide that information to us, I think that is important to have for the record.

Then, finally, I would like to get a report on the IDENT system, integrating IDENT and IAFIS. This is the FBI's Most Wanted fingerprint list, and what is called the Integrated Automated Fingerprint Information System.

I think we provide \$5.75 million in last July's emergency supplemental for that, and I would like to get a report on where we stand on that.

Mr. WILLIAMS. I would be glad to provide that in writing as well, Senator. I will report that the implementation of that is in progress, that there have been new sites added. I would also add that it has been a very positive influence on our enforcement initiatives. So, I would like to thank you for that funding as well.

Senator KYL. All right.

Then, finally, to just illustrate that we are all human, we all make mistakes. I made a mistake last week and I did not catch something in the omnibus appropriation bill, that there was a little provision that zeroed out temporarily the funding for the NSEERS program. Yet, I signed onto that, and had I know that, I would not have. Obviously, we need to restore that funding. It is in conference, and hopefully we can do that.

But if any of you would like to respond to this question. Why do we need NSEERS? Has it been successful, and should we be restoring that funding?

Mr. WILLIAMS. I will respond to that, Senator. In my opening testimony, I talked about NSEERS and the results we have had, and I will repeat part of that for you.

We have now accomplished some 60,000 registrations, both at the port of entry and the domestic call-ins. At our ports of entry, we have had about 360 enforcement actions as a result of NSEERS.

We have also had, on the call-ins or the domestic NSEERS, registered about 27,000. About 2,800 of them were found to have been in violation of the law, most certainly the Immigration law, and about 84 of them are in custody today.

I think, most importantly, the new news is that the NSEERS system has also led to the identification and the apprehension of seven suspected terrorists.

Senator KYL. Mr. Chairman, I think that is very, very important. I will just conclude by saying that, as we consider what we are going to be doing with the perhaps 10 million illegal immigrants who are in the United States today, there is not a single idea about how to deal with those people here, or workers under a guest worker program, that would not require an absolutely fraud-proof system of identification.

What all of you have talked about here today illustrates the ways in which it is possible today to defraud our system under the document and other systems that we have in place.

So, again, Mr. Chairman, I think your holding this hearing is important for a lot of reasons, and it just illustrates to me that, until we have fraud-proof identification that can be really applied to all of us—and I am perfectly willing to utilize it myself—to ensure that everybody who is in this country can be properly identified when they apply for a job, for example, or when they apply for entry into the country, until we get to that point, we are not going to have an enforceable rule of law.

So, your exposure of the deficiencies in our current system, I think, is a useful exercise here to demonstrate to us the amount of work that we have to do to get to that point. Thank you again. Thank you to all of the members on the panel.

The CHAIRMAN. As Chairman of the committee, I would associate myself with your request for answers to the three or four questions you have asked to have submitted, and will do that for the record. You do not have to respond to me separately, but I want to encourage an adequate response. I will let the Senator from Arizona be in judgment of the adequacy of the response. I am glad that he asked those questions.

Mr. Williams, I am going to follow up because I do not think I was very clear in the last statement I made in regard to something Senator Baucus brought up about these documents that are displayed there coming back into the country.

So let me state it clearly this way. If Mr. Malfi left with the affidavit of citizenship that would be the only proof of citizenship that he would have upon his return, then we are led to believe, because that is the only document he has, again, as I said by our briefing from Congressional Affairs, that the INS would accept those documents when American re-enter the country.

Now, I need an answer to that, yes or no. If those are the only documents they have when they leave, then those are the only documents they have when they come back. Would they be accepted?

Mr. WILLIAMS. I would just say, in the totality of that inspection, that if someone that we had no suspicion of had that document and they had proved to us they were an American citizen, they would be admitted. Someone that we did not believe to be a U.S. citizen that we had suspicions about and had that document would not be admitted.

The CHAIRMAN. I think what you just said would be accurate. But that would be true of any document.

Mr. WILLIAMS. That is correct.

The CHAIRMAN. On another point for Mr. Cramer, Mr. Williams, Mr. Jacksta. I would like to start with Mr. Williams and Mr. Jacksta, then Mr. Cramer, maybe, to respond, or maybe anybody from GAO.

I know that we have increased the manpower all along our borders since 9/11, and obviously that is spending money and people, in a sense, spending money and hiring people to solve a problem. Sometimes that does not always solve a problem.

It seems to me, beyond just more money and more people, we have to be smarter about securing our borders. I think that is what Mr. Cramer's investigation report showed.

So, Mr. Williams and Mr. Jacksta, could you tell me, when people enter the country, what are inspectors and agents at ports of entry doing differently now than they did pre-9/11?

Mr. WILLIAMS. I guess I will start. We are, as I mentioned in my opening statement, doing elevated inspections. When our inspectors are at our land border ports, for instance, we not only now inspect each and every individual, we do elevated inspections of the vehicles. We have enhanced databases as tools for them to leverage technology in their inspection.

When opportunities exist, we do, if you will, blitzes and we inspect random samplings of all the cars in totality. We refer more people into secondary, those kinds of things. We are doing a lot of different things, along with technology, along with enhanced inspections, that we did not do before 9/11.

Of course, as we just talked about, the NSEERS system is one enhancement, and the Data Share system that we announced not long ago is yet another one.

I think another technology that my partner in Customs mentioned is the Nexus and the Century projects, which help us, if you will, sequence the lower-risk people into a different lane so we can spend more enforcement time on those higher-risk travelers.

Mr. JACKSTA. Mr. Chairman, the Customs Service, working with INS right after September 11th, took immediate action to increase enforcement at the border. One of the things that we required our inspectors to do at the ports of entry was to immediately begin to process every vehicle that comes across the border and have its license plate read to make sure that there are no problems with the vehicle.

We have also instituted procedures where we have asked our inspectors to pay attention to the documentation, ask additional questions to make sure that they are sure that the person is admissible into the United States.

If there are any questions regarding the person at the primary inspection, then those individuals are to be referred to the secondary area where we do a more intensive inspection of the vehicle, the individual, or the actual documentation.

Since September 11th, we have also worked with trying to improve our enhanced databases, working with other Federal agencies to get additional information, making sure that the watch lists are in the system so that the inspectors, when they query an individual at the border, receive the information.

We are working on automated targeting systems in the air environment and sea environment, where we use the information that is collected about a person's travel record in and out of the United States to make decisions on whether further inspections are necessary.

In addition to that, we have also done additional training of our inspectors to bring the awareness to them about weapons of mass destruction, as well as issues regarding documentation alerts, things that we need to pay attention to when we are at the border. So, there are a couple of actions that we have taken.

Mr. WILLIAMS. I would just add, before we abandon the microphone, that in your opening statement you mentioned the requirement of advance passenger information. That, linked into Passenger Analysis Unit, has been really a big enhancement for our people.

So, we are inspecting people in the air before they arrive at our airports. We are looking at that, we are checking databases. That has been a big enhancement as well.

The CHAIRMAN. Mr. Cramer or anybody else in your shop want to respond to the testimony that was just given by Mr. Williams and Mr. Jacksta?

Mr. CRAMER. Mr. Chairman, I am at a disadvantage here because the only work that we have done in this area is this work. We have no basis for comparison prior to September 11, 2001.

The CHAIRMAN. That is satisfactory.

Then I would ask this question of anyone would like to answer, and this will be my last question. It is kind of a question of who is in charge, but more basically from those of you who are challenged with responsibility about who comes into the country.

Does it concern, particularly INS and Customs, from testimony that you have heard today, that we have heard, that the door is wide open on Interior Department land, public land, in other words. Does that affect the success of your mission?

Mr. WILLIAMS. I will take that first, Senator. I would just say that, apart from the testimony by the Park Service, et cetera, I would just remind us that we are very good partners as well, with BLM and other law enforcement entities on the border. They share the border with us.

We are in like task forces, we share information, we go about that together. We look for even more enhanced possibilities under homeland security, and I can tell you now that we will work hard with our partners on that border to do a better job.

The CHAIRMAN. Mr. Jacksta?

Mr. JACKSTA. Mr. Chairman, I would also agree that what we need to do is to make sure that we provide assistance to each other. It is a very difficult job out there, and at times we need to make sure that we are assisting other agencies when necessary to ensure that they have the proper equipment, and that the Customs Service, working with the other Federal agencies at this desk here, have been working with them to try to provide them with the proper equipment or resources necessary to do their job.

The CHAIRMAN. Well, let me be a little more specific. The problem is, if it is not effective under the jurisdiction of the Interior Department, then in a sense that makes your job much, much more difficult.

The extent to which Interior is not doing their job, then that creates greater problems for you, not only at the border—particularly INS—after people get into the country.

Mr. DEVANEY. That is correct. I do think, again, just underscoring the fact that these partnerships are more important than ever. When we began, for instance, the border strategy, as we did our planning, we at times omitted, if you will, the impact, the unintended consequences that that might have on parks or on our National Park Service.

We have learned better than that now. We learned that working together, for instance, in that far part of California, that working together, actually, the enforcement operation resulted in better conditions at the park.

I recall, at Porterfield State Park in San Diego, the hatch rate of the Leas tern increased, like, four-fold. The forest on Old Time Mountain regrew, resulting from fires that were impacted. So, we have learned that the best way for Federal law enforcement is working together in a partnership and planning together.

The CHAIRMAN. Senator Baucus? I am done with my questions.

Senator BAUCUS. Mr. Williams or anybody else, where is the co-operation working best, which agencies, in which areas? The second question is, where does it need to be worked on, improved upon? I am assuming it is not exactly the same all the way across the border everywhere with all agencies.

Mr. WILLIAMS. I will tell you, Senator, just reflecting on your State as well, I think, as I mentioned in my statement, 9/11 galvanized enforcement. We came together quickly. Things about funding and who is going to provide what went to the wayside, for the most part. We will get back to that, I am sure, but not to the degree we had before 9/11. Not only partners on our side, but on the Canadian side as well.

Senator BAUCUS. Are you going to answer my question?

Mr. WILLIAMS. I would say that our cooperation, for instance, with Customs has increased. They are big partners.

Senator BAUCUS. No, that is not the question I asked. The question I asked is, where is it working best today, which agencies, what areas? That is my first question.

The second question is, what agencies, which areas do we need to work on so we kind of do better?

Mr. WILLIAMS. I will just finish by saying, concentrating on the positive, I think our relationship with our Customs partners at the port of entry is probably the best.

Senator BAUCUS. All right.

Where is it the worst?

Mr. WILLIAMS. I am really at a loss to think where that might be.

Senator BAUCUS. Where is it? On a scale of 1 to 10, maybe not a 10, but a 9?

Mr. WILLIAMS. I would say the 10's are certainly with our Customs partners. Truly, I think law enforcement around this country are getting along at that level.

Senator BAUCUS. Well, it used to be—and I do not know what it is like now—that a lot of law enforcement agencies used to just be so upset with the FBI. They just thought they were gods, above everybody. They would not cooperate with local law enforcement, for example. I do not know about other agencies. I just say that as background.

Would anybody else like to take a crack at that? I am going to go down the line here. I will start, first, with you, Mr. Murphy.

Mr. MURPHY. Sure.

Senator BAUCUS. Mr. Murphy, where is it working, where is it not working?

Mr. MURPHY. I think there is a very good relationship with the Border Patrol, to my knowledge, at Organ Pipe. I would say that is one place that is working best. We support the agents there and they certainly do support us. Where it is working the worst, I think, there is probably a need for just better coordination with all of the Federal agencies.

You mentioned the FBI, but now we have the Joint Terrorism Task Force. So, all of these groups actually come together and they talk, and that has been a very good vehicle for us solving our law enforcement problems. I am not hedging at all. It is hard for me to know, not being in the field any more, where it would be the worst. But I halve gotten very good feedback from Mr. Wirth.

Senator BAUCUS. All right.

Mr. Wirth, why do you not take a crack at that?

Mr. WIRTH. All right. As Mr. Williams said, after 9/11, everybody is pulling together. A good example of that is at the HIAs, the Arizona HIAs, because you do not get just the Federal air involvement, you also get the State and local, which is critical.

Senator BAUCUS. That is right. We have finally got a HTA in Montana and we really like it.

Mr. WIRTH. Yes. The HIAs are very important. They work very effectively. The operation COBIA, which is a byproduct of the HIAs, is very effective. The BCI initiatives. We are partners with them. We are affiliated with them and we work very closely with that.

The geographics of the situation, is all these resources and allocations around the ports of entry. If you go down to a port of entry such as Nogales, you will see a huge landing mat wall, you have got stadium lighting, you have got new roads, you have got a Border Patrol unit every quarter mile, you have got sensors. They have done a tremendous job at stopping crime and immigration in those areas.

You go 5 miles away out into the rural areas, and in Nogales' case you hit the Forest Service first before you hit our lands, it is wide open. They do not have enough resources to spread across the entire border, so when you come out to our lands, there is nothing.

As an example, the Totem Nation. I fly over there routinely and you will see Border Patrol units. They are at their X spots. They are at San Miguel Gate, Christmas Gate, and Manager's Den. That is where they park. Then the rest of the people that are on, the other three people, are going to respond to incidents that happen.

There is no way they can cover that geographic distance. Us, with our 30 officers with other duties—our primary duties with land management—we do not have the time to patrol the border, per se. We are responding to incidents and we are being utterly overwhelmed.

Senator BAUCUS. Thank you.

Mr. Devaney?

Mr. DEVANEY. I am a little at a loss as to who the Border Patrol and Immigration would actually liaison with in Interior. I mean, the resources on the border are minimal, at best, as I have indicated today. The other point I would like to make, is not all problems need to be solved by new money.

There can be some reassignments of rangers from the Park Service to those border points, reassignments of rangers from Fish and Wildlife to the Fish and Wildlife refuges next to Organ Cactus, reassignment of BIA forces to the Indian reservations next to the Organ Pipe Cactus, and not everything gets solved with new money.

It is not a new problem and I do not think that the only answer is to ask for additional money. I think the law enforcement components of Interior need to look to themselves and prioritize this new burgeoning problem as their number-one problem.

Senator BAUCUS. So you would say one area to work on is prioritization.

Mr. DEVANEY. Absolutely. And something else gets not done next year.

Senator BAUCUS. Yes. I appreciate that.

Mr. Jacksta?

Mr. JACKSTA. Sir, I think there are a number of areas where we are actually working very well. The first one, is obviously the port of entry where the inspectors from Customs and Immigration work very closely. We have been sharing information. We have daily meetings, musters, to make sure that everyone is familiar with what is happening at that port of entry.

Before we actually had this committee, we have been working on a joint training effort for Immigration officers and Customs officers to make sure that they are aware of the Customs responsibilities, and we are aware of the Immigration responsibilities.

We have also been working here in Washington, DC with other Federal agencies. We have been working with Department of State regarding their class system and their visa application process, and how can we use that information to provide better information for us.

Senator BAUCUS. All right.

Mr. JACKSTA. So there are a couple of areas that I think we need to work on. One area, probably, is that we need to make sure that we get the right information to our inspectors and to the Border Patrol agents so that they can make the right decisions when they get to someone.

Senator BAUCUS. Mr. Williams, I have already spoken with you.

Mr. Cooney?

Mr. COONEY. Senator, having taken part in the investigation, my observation was that the Customs inspectors and the INS inspectors were very professional at the border crossings that we utilized. However, they were unable to determine our counterfeit identification. Other than that, they did their job and were very professional and did their mandated work.

Senator BAUCUS. But you do not have any experience or cannot comment on what happens between the ports of entry.

Mr. COONEY. No, Senator, I cannot.

Senator BAUCUS. Right.

Mr. Malfi?

Mr. MALFI. I cannot comment on their relationships or their problems.

Senator BAUCUS. Just your feel. What works? What is working?

Mr. MALFI. My feeling is, the committee should realize one thing that we have not touched on, but what I think is very, very important, is the fact that these checks that are done at the borders in these various systems that are put in are all negative checks.

None of these systems would have picked up what we did here. Our names were entered in certain locations. We saw them type in information from the fictitious driver's licenses.

But if the name is fictitious and there is no record of those names or those identifiers and it is not someone that has a record using that name, nothing is going to bounce out of these computers. These are all negative checks, not positive checks.

Senator BAUCUS. That is a good point.

Mr. MALFI. I think that is important.

Senator BAUCUS. That is a good point. Yes.

Mr. Cramer?

Mr. CRAMER. I have nothing to add. I think Mr. Malfi said it all.

Senator BAUCUS. All right. Yes. That is a very good point, Mr. Malfi.

Turning to Montana, I do not know who should properly answer this question. But the U.S.-Canada Smart Border initiative. It has been under way for about 13 months. There are supposed to be 13 actions included in the plan. Joint U.S.-Canada border crossing facilities are being considered for Opime, Montana. Does anybody know anything about that?

Mr. JACKSTA. I know that the Canadian agreement is that we were looking at various locations to establish what we are calling the Nexus program, as I mentioned earlier, and we are looking at a number of places.

We just opened up one additional one up in Detroit this week. Our plan is to move out to try to get as many locations as possible, with the understanding that this allows us to get the low-risk traveler through the process and allows us to focus in on the high-risk traveler.

Senator BAUCUS. I appreciate that.

As you also know, at least Customs knows, there is a concern. Two questions. A lot of the commercial interests in our country are concerned that, with the creation of Homeland Security and Customs being transferred to Homeland Security from Treasury, that a lot of the commercial operations will not be very efficient because the emphasis will be so much on enforcement and not so much on the commercial side of Customs.

Could you comment on that, briefly, Mr. Jacksta?

Mr. JACKSTA. Well, I would state that the Customs Service has had a strong commitment to working with the trade industry since the very beginning of the Customs Service.

I believe very strongly that the President, as well as the new Secretary, are going to make sure that the Customs Service continues making that effort to work in partnerships with industry to ensure the expedited flow of traffic and trade across the borders.

Senator BAUCUS. And I know you are very sensitive to this, but I would just encourage you to be quite sensitive to it, because a lot of the commercial interests are very concerned and feel that they are going to be given short shrift because of the transfer.

Mr. JACKSTA. Yes, sir.

Senator BAUCUS. Which raises another point. That is, the Treasury Secretary has the authority to decide whether or not to transfer the Customs collections systems to Homeland Security.

None of you are from Treasury here, but I think the Chairman of the committee joins me in saying that we believe that that would be inappropriate, that all revenue collection should remain in the jurisdiction of the Treasury Department just to facilitate revenue matters. But, again, something is going to have to be worked out.

Well, I have no further questions. I just appreciate the long time you spent this morning. Clearly, we are making progress, and clearly, people sense, you all and your agencies, the sense of urgency. But, clearly, there are a lot of problems yet to be solved.

Mr. Chairman, I do not know what your intention is, but my recommendation would be, at some appropriate future date, maybe get the same folks back again and see where we are.

The CHAIRMAN. Well, I have a note down here for the audience, as well as for the people that are on the panel and their respective departments about the next time we meet. I have not set a time for that. I will work that out with you.

But I think your admonition is very correct to follow up, just to make sure, and keep on top of it, particularly involved in securing the homeland and war on terrorism, generally.

With the ongoing projects they are, it would be wrong for this committee not to pay proper attention to it. I think we have heard some disturbing news today about the questions that we asked about, how safe is our border, how porous are they. Are they sieves or are they really sound? You cannot help but get the view that the door to America is very wide open.

I think that there have been some changes made, but I think we still have to draw the conclusion that major improvements are very much needed, that we must have better news the next time we meet. I look forward to that opportunity, hopefully, to hear that better news.

I thank all of you for your kind attention, the 3 hours you have given us. I am finished. I say thank you. Senator Baucus would like to say something.

Senator BAUCUS. It is a huge challenge we have here, because we are known as an open country. It is part of what has made America great. It is the melting pot.

People around the world know there is great opportunity, and so forth. But, at the same time, we have got to keep some bad guys out and it is a challenge. I know a lot of this comes down to personal judgment and sensitivity on the part of various officers on a one-on-one situation, and so forth.

I thank you for all you do, and particularly the people in the field do, because I know it is tough, dangerous work. I know Americans very much appreciate what you do. Thank you very much.

The CHAIRMAN. Thank you all very much, and thank Senator Baucus.

[Whereupon, at 12:54 p.m. the hearing was concluded.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF ROBERT J. CRAMER

Mr. Chairman and Members of the Committee:

I am here today to discuss the results of our work described in our January 30, 2003, Limited Official Use report to this Committee entitled *Weaknesses in Screening Entrants into the United States* (GAO-03-425R).¹ This work was completed in response to your request that agents of the Office of Special Investigations (OSI) attempt to enter the United States from Canada, Mexico and Jamaica at land, air, and sea ports of entry using fictitious identities and counterfeit identification documents. The purpose was to test whether U.S. government officials conducting inspections at the port of entry would detect the counterfeit identification documents.

I am accompanied this morning by Ronald Malfi, Director for Investigations, and Assistant Director John Cooney.

In summary, we created fictitious driver's licenses and birth certificates using off-the-shelf computer graphic software that is available to any purchaser. In addition, we obtained and carried credit cards in the fictitious names that were used in these tests. Our agents entered the United States from Canada, Mexico, and Jamaica through ports of entry using fictitious names and these counterfeit identification documents. Immigration and Naturalization Service (INS) and U.S. Customs Service officials never questioned the authenticity of the counterfeit documents, and our agents encountered no difficulty entering the country using them. On two occasions, INS officials did not ask for or inspect any identification documents when our agents entered the United States. On another occasion an agent was able to walk across a major border checkpoint and was not stopped or inspected by any government official.

INS regulations require that all persons who arrive at a U.S. port of entry be inspected by a government official. A U.S. citizen traveling inside countries in the Western Hemisphere, such as those we visited for purposes of these tests, is not required to show a passport when entering the United States but is required to prove citizenship. INS accepts as proof of citizenship documents such as a U.S. state or federally issued birth certificate or a baptismal record, and photo identification such as a driver's license. However, since the law does not require that U.S. citizens present documents to prove citizenship when entering the United States, INS also permits travelers to establish U.S. citizenship by oral statements alone.

U.S. Border Crossings from Canada

The first border crossing by OSI agents occurred when two of our agents entered the United States through a sea port of entry from Canada. On that occasion, the agents were not asked to show any identification. On a subsequent occasion, two agents, driving a rented car with Canadian plates, using fictitious names and counterfeit documents, crossed the border into the United States at a Canadian land border crossing. A U.S. Customs inspector asked for identification and was provided the counterfeit documents. After the inspector reviewed the documents, the agents were allowed to cross the border.

During the Canadian land border crossing, the agents discovered a further potential security problem. A park straddles the U.S. and Canada at this border crossing. One of our agents was able to walk across this park into the United States from Canada without being stopped or questioned by any U.S. government official. Later

¹The Immigration and Naturalization Service designated our report as "Limited Official Use."

that agent walked back to Canada through this park without being inspected by Canadian authorities.

U.S. Border Crossing from Mexico

The second series of border crossings were from Mexico. On one occasion, at a land border crossing, an INS inspector asked our agent if he was a U.S. and whether he had brought anything across the border from Mexico. After the agent responded that he was a U.S. citizen and that he was not bringing anything into the United States from Mexico, the inspector allowed him to proceed without requiring any proof of identity.

On a subsequent occasion at the same border crossing, two of our agents were asked by INS inspectors for identification. Both agents presented counterfeit driver's licenses and were allowed to cross into the United States.

U.S. Border Crossing from Jamaica

The third set of border crossings were from Jamaica. Two of our agents traveling on one-way tickets from Jamaica arrived at an airport in the United States. Each agent presented to INS inspectors counterfeit identification documents. The INS inspectors did not recognize any of the documents presented as counterfeit and allowed the agents to enter the United States.

Conclusion

We recognize that weaknesses in inspection processes for entrants into the United States raise complex issues. We are currently performing an evaluation of those processes pursuant to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 that will be reported to Congress in the coming months. Although INS inspects millions of people who enter the United States and detects thousands of individuals who attempt to illegally enter the United States each year, the results of our work indicate that (1) people who enter the United States are not always asked to present identification, (2) security to prevent unauthorized persons from entering the United States from Canada is inadequate at the border park we visited and (3) INS inspectors are not readily capable of detecting counterfeit identification documents. We plan to discuss further with INS options for better training of inspectors in detecting counterfeit documents.

Mr. Chairman, this completes my prepared statement. We will be pleased to respond to any questions you or other members of the Committee may have at this time.

PREPARED STATEMENT OF HON. EARL E. DEVANEY

Mr. Chairman and Members of the Committee: We appreciate the opportunity to testify today on law enforcement concerns at the Department of the Interior with a particular emphasis on the U.S. Borders. I would especially like to thank you, Mr. Chairman, for your tireless efforts to champion accountability in Federal law enforcement and for your attention to the concerns we raised in our January, 2002 report on law enforcement at Interior entitled, "A Disquieting State of Disorder."

Our assessment of law enforcement was undertaken at the specific request of Secretary Norton who, as the former Attorney General of Colorado, is no stranger to the complexities of law enforcement. Initially we shared a mutual concern that Interior's law enforcement units were all operating independently of one another with no common policies, guidance or operational practices. During the course of our assessment, 9-11 occurred, which served to not only bring into sharper focus the inadequacies of law enforcement in the Bureaus but also the critical need for a headquarters Office of Law Enforcement to serve as a single point of contact for internal and external coordination of Interior's law enforcement programs.

Ultimately, we made 25 separate recommendations that, with few exceptions, were endorsed by the Secretary and incorporated into a decision memo for Bureau Heads to implement. I am happy to report that Interior now has an Office of Law Enforcement and Security and that it is headed by a very capable Deputy Assistant Secretary who has an extensive Federal law enforcement background. However, I regret to inform you that progress in implementing many of our other recommendations is moving at "glacial speed" Simply stated, despite the critical role law enforcement plays in our Nation's Homeland Security efforts, Interior's Bureaus are not placing any sense of urgency on law enforcement reforms. While I consider all of our recommendations critical to the ultimate success of Interior's law enforcement program, there are several recommendations that are particularly germane to the subject of today's hearings. These are the issues of law enforcement supervision, staffing, and the most important of all of our recommendations, officer safety.

Although our report was very critical of Interior's law enforcement hierarchy, we fully acknowledged that the overwhelming majority of law enforcement professionals at Interior are capable and loyal officers who recognize that their programs are in need of considerable change. Given the predominance of the National Park Service law enforcement program on the borders and the fact that the Service's law enforcement workforce comprises 50% of all Department of the Interior law enforcement personnel, I will limit my comments on these recommendations as they specifically relate to the Park Service.

Unlike any other Federal law enforcement component, the National Park Service holds fiercely to the notion that non-law enforcement managers can adequately supervise law enforcement agents and rangers who have powers of arrest and are authorized to use deadly force. Our recommendation to bring these officers under the direct supervision of professional law enforcement managers was rejected out of hand by Park Service management as an attempt to "stovepipe" and as a return to the command and control era. We also do not consider a Superintendent who has taken a two week course in law enforcement at the Federal Law Enforcement Training Center in Georgia to be a professional law enforcement manager. It is as if these enlightened bureaucrats missed all of the hearings this Congress held in the recent past on the inadequacies of law enforcement accountability by managers—managers who actually were all law enforcement professionals.

We first met with the Superintendent of the Organ Pipe Cactus National Monument in July 2001, a year before the murder of Ranger Kris Eggle. At that time, the Superintendent told us that he had eight (8) rangers—six permanent and two seasonal. He fully acknowledged the recent explosion of drug smuggling and flow of illegal aliens at his Park. One year later, when Ranger Eggle was killed, the Park had a protection staff of five. Inexplicably, today, even after last August's tragedy, there are only three (3) permanent law enforcement rangers at the Park, periodically supplemented by seasonal rangers.

Even more disturbing is the statement the Superintendent made to our assessment team that he often assigned non-law enforcement duties to his small cadre of rangers so they would not become "too much like cops." Just last week, the LA Times quoted this same Superintendent as saying that the public does not want park rangers with the same hard edge as FBI agents but instead "what the public wants is the park ranger to be cut from the same cloth as a boy scout." Unfortunately, he is not alone in his thinking. While on the border, we also heard about—and later verified a that another border Superintendent deliberately left law enforcement ranger positions vacant because he did not want to "unbalance" his workforce. That is, he did not want too many law enforcement rangers in proportion to other professionals at his Park. Even more egregious are the occasional reports we hear about Superintendents who order their rangers not to carry their weapons because it might somehow offend park visitors. Mr. Chairman and Members of the Committee, we would submit to you that law enforcement is a dangerous full-time job and those Superintendents and chief rangers who do not understand this fundamental principle of modern policing should not be approving, supervising or managing law enforcement officers.

We also recommended that each of Interior's law enforcement programs develop staffing models when we learned that, unlike any other state, local or Federal law enforcement program in America, Interior's Bureaus lacked any discernable staffing methodologies. In fact, in their report on the National Park Service's law enforcement program, the International Association of Chiefs of Police described law enforcement staffing at the Park Service as "patently illogical and erratic." Simply stated, we are advocating putting the rangers where the crime is.

Today there are only thirteen (13) permanent law enforcement rangers serving in the seven (7) National Parks along our borders. Clearly, given the dire situation that exists on our borders, any creditable staffing model would call for more than a mere 1% of the total number of law enforcement rangers available to be assigned to these Parks. Perhaps the Park Service management's philosophy about the crisis at the borders is best summed up by relating a comment of a Park Service Associate Director. Shortly after touring the Southeast border by helicopter he reportedly stated to his law enforcement hosts, "It's not our problem."

In contrast, the brave men and women who serve at our Nation's borders know full well that the countless dangers they encounter each and every day makes it their problem, one which they are desperate to solve. However, the dangers posed at the borders also exist for the visiting public. Despite this fact, to our knowledge no warning signs have been posted that would warn visitors about these dangers. Every time we ask why not, Park Service officials tell us that they fear increased liability if they were to post warning signs. One ranger at the border told our assessment team that he does not even bother to write up crime reports because "no-

body ever asks for them.” Culturally, we simply do not believe that the Service can bring itself to publicly say any National Park is dangerous.

Out of 25 recommendations, we only used the word “immediate” once to describe the urgency of a needed reform. This was with regard to our recommendation that staffing shortages which pose a clear safety risk to law enforcement officers be identified—immediately. Over a year has passed since that recommendation was formally made and, to our knowledge, no serious attempt has been made by the Park Service to complete this task.

Finally Mr. Chairman, I would like to touch on a subject in which I know you have a long standing interest. I have mentioned several times during my testimony today that we regularly receive feedback and source information from working rangers in the field. These communications are often made by rangers who have a genuine fear of retaliation if they are caught talking to the IG. For instance, during our assessment, one group of eight Park Service law enforcement professionals met us in a neutral city to avoid detection from Park Service management. They reported the misuse of monies appropriated for law enforcement being diverted by Park Superintendents for non-law enforcement activities. They also chronicled several instances of past retaliation against rangers who had “rocked the boat” or dared to challenge the status quo. Since our report was issued we have been gratified by the number of working rangers who have called or e-mailed us with their support for our conclusions and the courage to report additional waste and abuse by Park Service management. Many of these matters warrant follow-up investigation.

To signal our commitment to the protection of these sources and our absolute promise to investigate each and every claim of retaliation that comes to our attention, I have appointed a senior investigator to the newly created position of Associate Inspector General for Whistleblower Protection. He will report directly to me and my Deputy and will have broad authorities to carry out his duties.

Mr. Chairman and members of the committee, I have served in Federal government for a little over 32 years. I have never seen an organization more unwilling to accept constructive criticism or embrace new ideas than the National Park Service. Their culture is to fight fiercely to protect the status quo and reject any idea that is not their own. Their strategy to enforce the status quo is to take any new idea, such as a law enforcement reform, and study it to death. Thus any IG recommendation or, for that matter, Secretarial directive, falls victim to yet another Park Service workgroup charged by their National Leadership Council to defend the status quo from those of us who just do not understand the complexities of being a ranger.

That concludes my prepared remarks. I would be glad to answer any questions you may have.

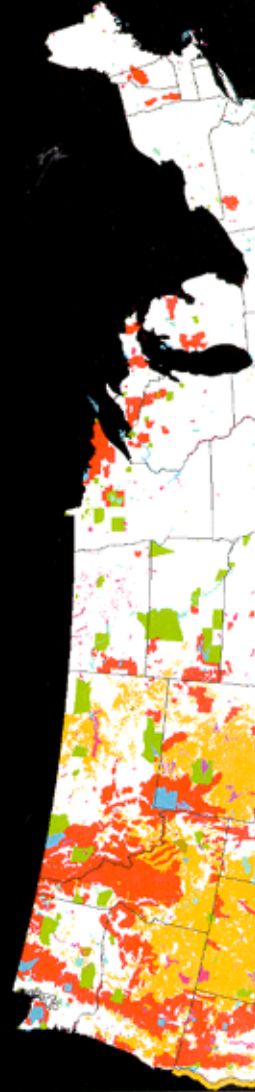




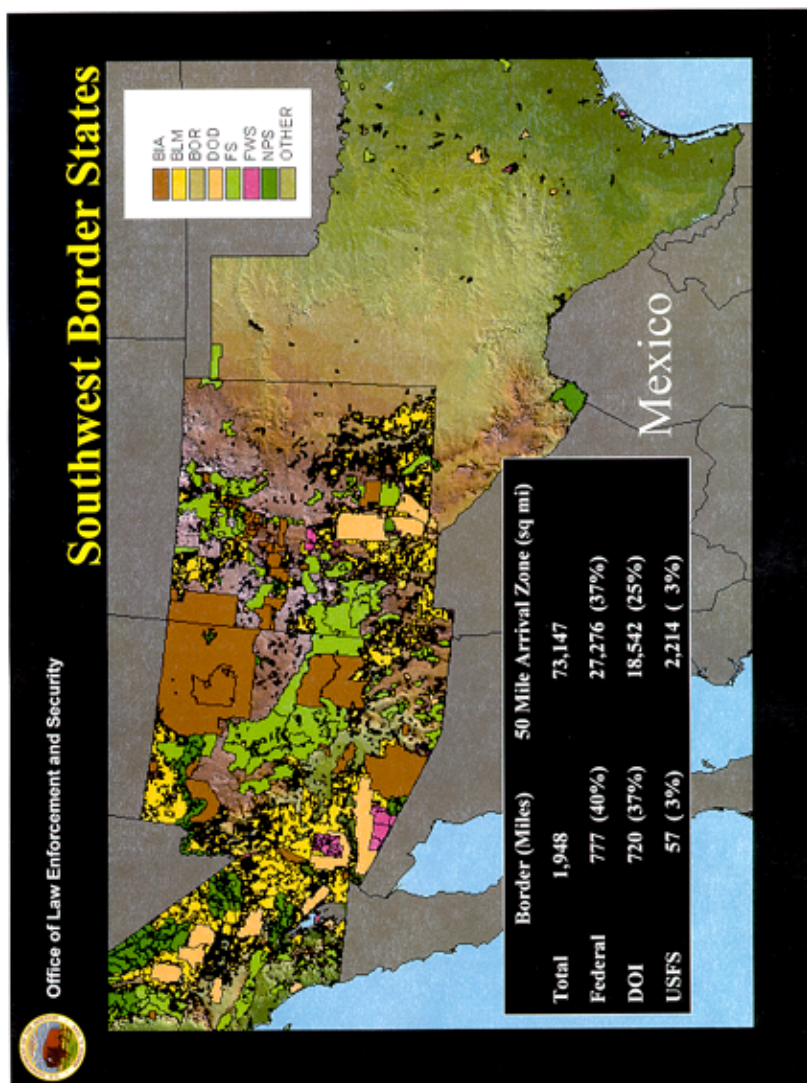
Office of Law Enforcement and Security

Total linear miles – 5,525

DOI border miles – 568



DOI is responsible for 10.2% of the northern border



Threat Assessment for Public Lands



2002-2003

LEA SENSITIVE

PUBLIC LANDS THREAT ASSESSMENT FOR FY 2002

Supporting Agencies: Bureau of Indian Affairs (BIA)
Bureau of Land Management (BLM)
National Park Service (NPS)
U.S. Fish and Wildlife Service (USFW)
AZ HIDTA and Associated Agencies
Arizona National Guard

Address: Arizona HIDTA
Daniel Wirth, DOI Border Security Coordinator

Telephone: 1750 East Benson Highway
Tucson, Arizona 85714
(520) 746-4435

About this report: The events discussed in this Threat Assessment are summaries of information received at the various DOI agencies, as well as the Arizona HIDTA Intelligence Center. Additional information on all the subject matter discussed above is available from the DOI Border Security Coordinator. Specific questions about this report can be addressed to Command Sergeant Major Michael E. Holmes, Arizona Army National Guard through the DOI Border Coordinator

Situation

This Threat Assessment exclusively outlines the Department of the Interior's (DOI) responsibility for addressing the border security threat along the Mexico Border. This threat consists of possible terrorist transshipment points, the drug movement threat and the movement of large numbers of undocumented Mexican Nationals across Department of the Interior Land that borders Mexico.

The Department of the Interior is the primary land management agency in our government, responsible for 23 percent of the land in the U.S. including 10 percent of the Canadian border and 40 percent of the Mexican border. The Department of the Interior has four Bureaus with law enforcement authority. They include the Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service. These bureaus employ approximately 4,000 federal officers with law enforcement and homeland security responsibilities for national infrastructures, borders, dams, gas and oil pipelines, electric transmission lines, national icons and the protection of natural, cultural and historic resources.

The Department of the Interior has experienced a significant escalation in border impacts from smuggling over the last four years these impacts are decimating public resources and putting the safety of our visitors and employees at serious risk. This is a result of the success of increasing the allocation of Border Patrol assets around the Ports of Entry which forced smuggling away from the Ports of Entry and through our remote rural public lands. This is well documented along the Mexican border where over 80 percent of drug smuggling occurs between the Ports of Entry. The northern border is now starting to experience similar trends.

The jurisdiction of Bureau of Indian Affairs includes lands in many states and along the International borders of Mexico and Canada. The Bureau of Indian Affairs mission is unique in that it serves a resident population of approximately 1.5 million tribal members. Mexican National drug organizations are developing extensive ties within Indian Country and are moving large amounts of controlled substances across the borders and throughout Indian Country.

Thousands of trails and hundreds of roads have been illegally created by smugglers across our public lands. This proliferation of trails and roads damages and destroys vegetation, wildlife, and causes soil compaction and erosion. Tons of trash and high concentrations of human waste are left behind impacting wildlife, vegetation and water quality. The international border fence is repeatedly cut or torn down in most locations. Vehicles from Mexico can drive unimpeded across most of our border.

Many Department of the Interior lands can no longer be used safely by the public or employees due to pervasive smuggling. Staff exposure while conducting resource management activities is a serious safety concern. Federal land managers now must send

staff to the field in teams to ensure employee safety along the border or totally restrict employee presence in certain border areas due to the potential for unsafe encounters.

Smugglers driving vehicles at high speeds cause a significant safety risk to the public, law enforcement staff and other employees. Visitors have been subjected to carjacking, assaults and robbery from armed smugglers.

Within the 789 miles of Department of the Interior's jurisdiction on the Mexican border there are only 30 officers. The Department of the Interior has the highest assault rate on its officers of any government agency. They work in remote areas with poor communications and little if any backup.



This shows the DOI lands along the Southwest border with Mexico. This includes Bureau of Indian Affairs, National Park Service, US Fish and Wildlife, and Bureau of Land Management

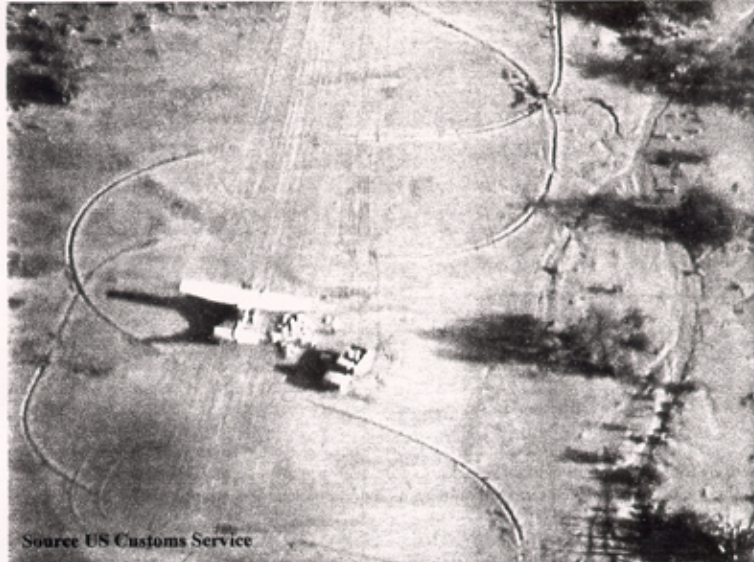
The United States Border Patrol operations and change of strategy over the past three years have put the vast majority of their agents in and around the border towns, with fewer agents working the outlying, more remote areas. These changes in strategy and manpower usage have disrupted how the undocumented Mexican National entering the United States. These changes also have caused Drug trafficking organizations to use other more remote smuggling routes. Many of these routes are in land entrusted to the DOI. Most of the DOI land is considered prime crossing areas, for both undocumented workers, as well as smugglers. These areas are remote and mostly uninhabited but have an extensive network of roads that cross the International Boundary.

This document will describe the terrain, the border security threat, methods of smuggling, trends and recommendations to address the recent threat on DOI Lands.

SEQUENCE OF EVENTS FOR SMUGGLING IN ARIZONA:

Sequence of events that threaten Department Interior Lands bordering Mexico and the United States.

Most cocaine smuggled into the United States through DOI lands originate from South American countries - primarily Columbia. Well established drug cartels keep a firm hold on the drug trade in that portion of the world. Once the cocaine reaches Mexico it is separated into smaller loads, in most cases. It is then moved by air, rail, or highway to destinations just south of the US/Mexico border. Huge amounts of marijuana grown in southern Mexico are also moved the same way into the US.

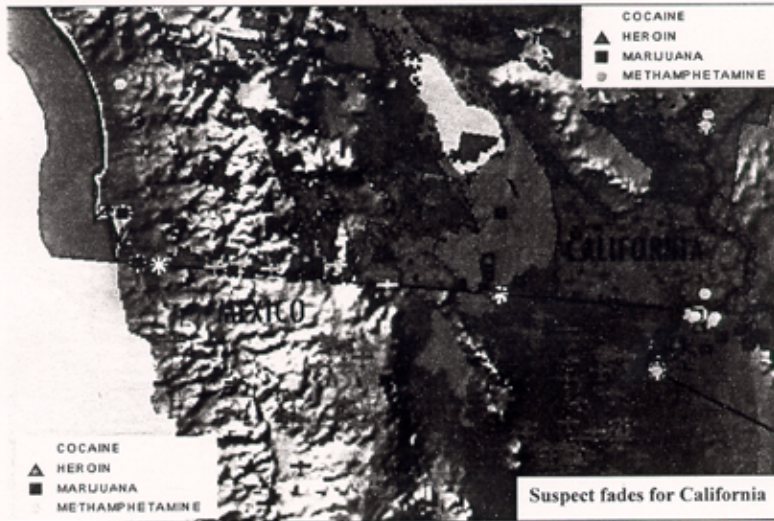


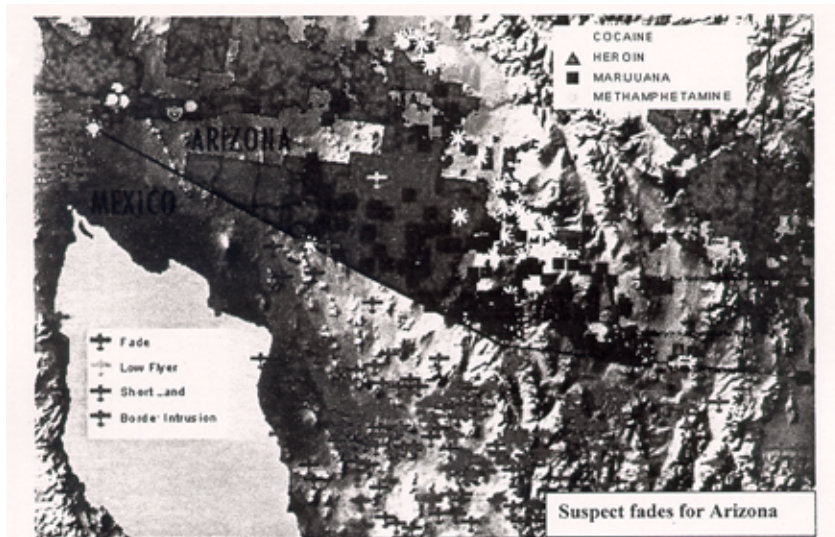
Source US Customs Service

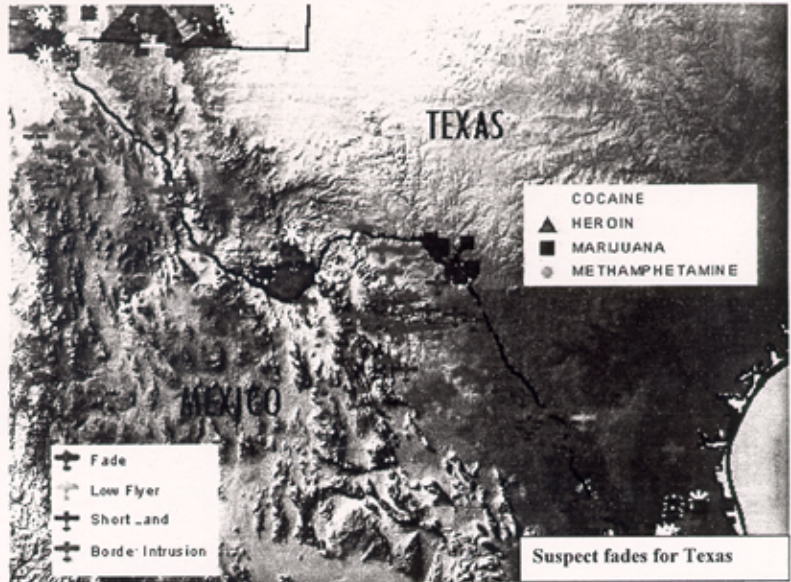
This plane and the narcotics were seized at a ranch in Mexico, near Organ Pipe National Monument, known to store and transship drugs. US Customs Air and Mexican Federal Police seized these narcotics in a joint operation.



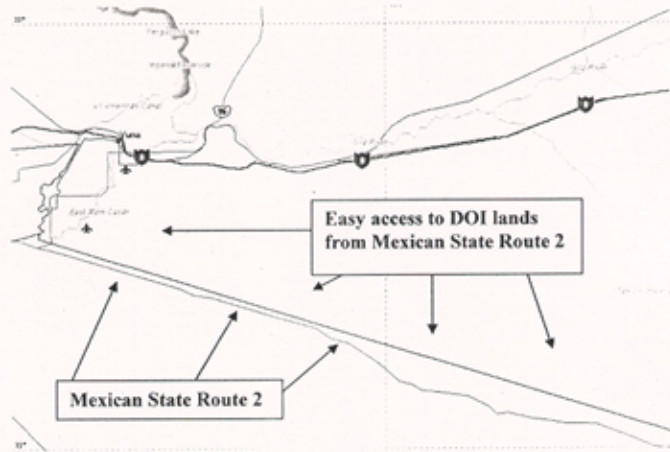
A wide variety of planes are used to smuggle drugs. This plane - used for crop dusting - was modified to carry narcotics, in this case, cocaine. This plane was being unloaded at a ranch near Yuma, Arizona - after crossing the border from Mexico.





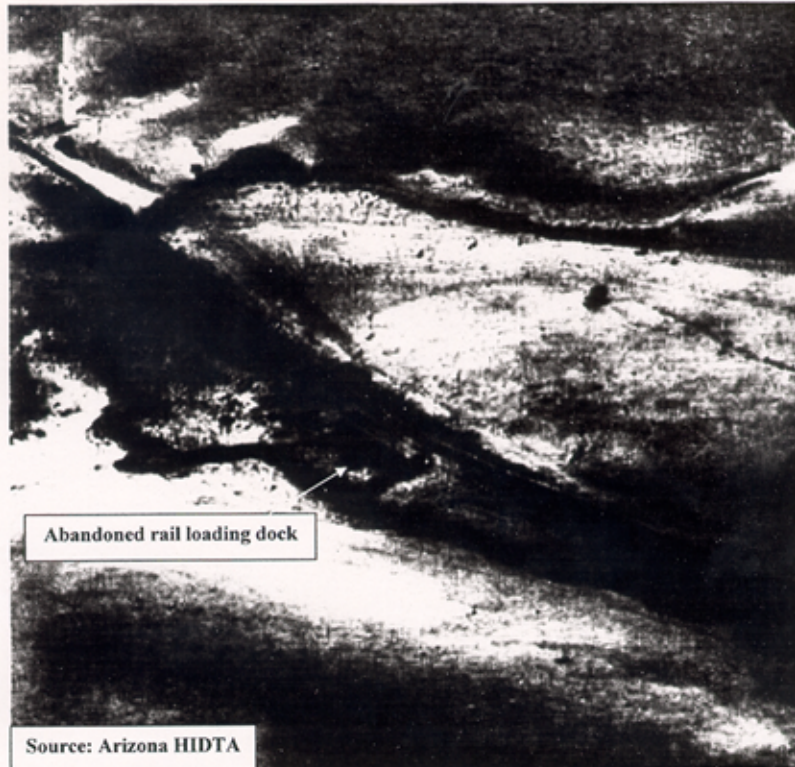


Notice that the vast majority of air fades to northern Mexico occur along the Arizona border, as in rail and contraband moved by interstate highway, drugs are separated once off loaded. They are usually stored for only a few days prior to movement across the US/Mexico border.



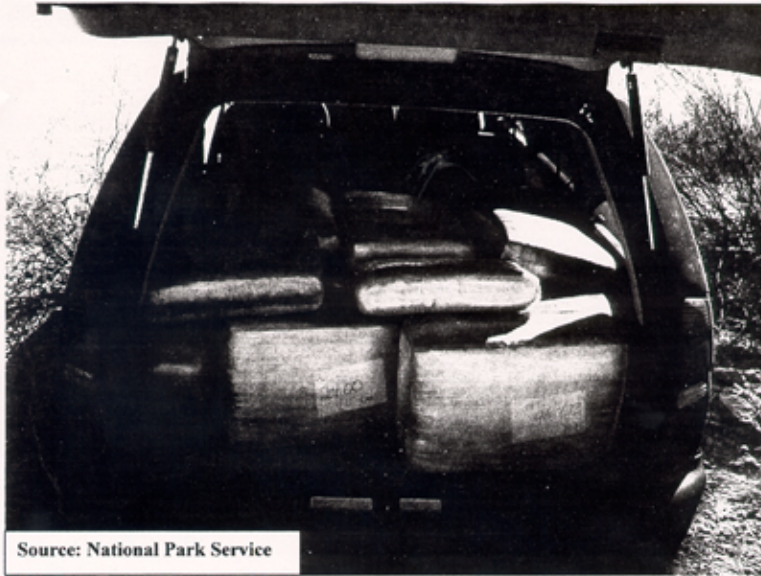


Notice the close proximity of Mexican State Route 2 to the US border. State Route 2, almost exclusively, borders US Federal lands along the international boundary.



Source: Arizona HIDTA

This abandoned rail yard in Mexico is used for the unloading and smuggling of narcotics through the Coronado National Memorial and the Coronado National Forest. This rail yard is located 8 miles from the US/Mexico border, adjacent to the Coronado National Memorial.



Source: National Park Service

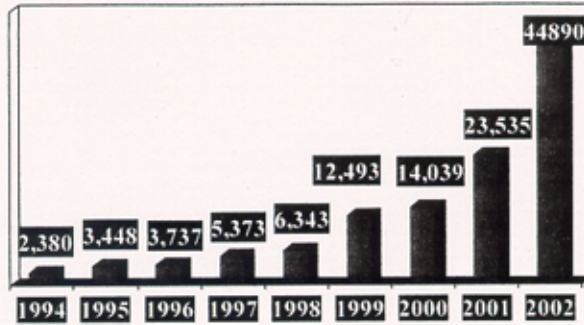
If moved by vehicle, the drugs are 'stuffed' into a vehicle and the vehicle then enters the United States. These vehicles can enter almost anywhere along the border onto DOI lands. In most cases, the only obstacle is a 3-strand barbed wire fence. The drugs seized in this vehicle were entering the Organ Pipe National Monument and is indicative of the packing or 'stuffing' of drugs into vehicles.



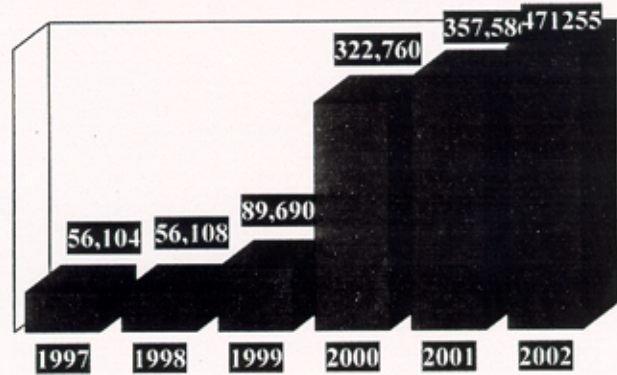
Source: US Fish & Wildlife

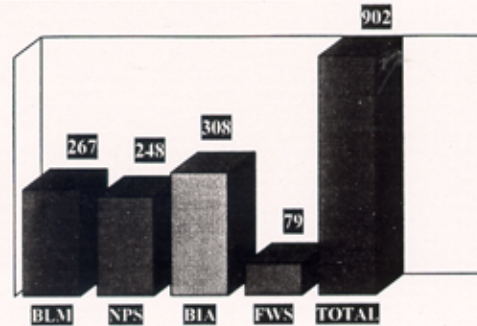
This section of fence is typical of what is found along the US/ Mexican border on DOI lands.

NPS Marijuana Seizures in Southern Arizona in pounds



Marijuana seized on DOI Lands on U.S./MEXICO Border in pounds



US /MEXICO DOI 2002 ARRESTS**TERRORIST THREAT**

Virtually all of the lands managed by Department Of The Interior (DOI) along the Arizona/Mexico border are sparsely populated with easy access into the United States from Mexico. Terrorist wishing to smuggle nuclear - biological - or chemical (NBC) weapons into the United States from Mexico could use well-established smuggling routes over DOI managed lands. Since the fall of the Soviet Union in 1991 terrorist have been able to acquire not only components for weapons of mass destruction, but also have been able to acquire shoulder held ground to ground, and surface to air missiles. These types of items to include NBC and conventional weapons are available from the former Soviet Republics, such as Kazakhstan, Uzbekistan, Kyrgyzstan and Tajikistan, through "black market" methods, as well as conventional weapons from nation states that support terrorism such as Iran, Iraq, Libya and North Korea. The wide-open spaces of DOI lands along the Arizona-Mexico border will invite smuggling "weapons of terrorism". Smuggling through the International Airports in the United States, and the United States Ports of Entry along the Arizona-Mexico International Border has become more difficult. The increase in man power and technology to the United States Airport, and Border Ports of Entry will create additional incentives for International Terrorist Groups, such as Al-Qa`ida, Hizballah, Al-Jihad and HAMAS to use DOI lands as smuggling corridors into the Continental United States. It would be a short trip for terrorists to travel by vehicle, air, or rail to any of the thousands of smuggling points along the US/Mexico border.

A major area of concern is between the Tohono O'odham Indian Nation and the Gila Bend, Barry Goldwater Air Force Bombing Range. This area has become very active with smuggling and encrypted radio traffic. The Goldwater Range is being used as a smuggling route at an ever-increasing rate. This would be an ideal area to smuggle a weapon of mass destruction.

The increase of encrypted radio traffic near the Tohono O'odham Nation, the Organ Pipe NM, and especially the Cabeza Prieta Refuge should cause concern. The large increase of illegal activity in these areas, as well as the ability of the criminals to successfully use encrypted communications and smuggle contraband could easily lend itself to the smuggling of weapons of mass destruction.

Undocumented Border Crossers

The use of Department of the Interior (DOI) lands for illegal border crossings have been increasing because of the successes of the Immigration and Naturalization Service (INS), and the United States Customs Service (USCS) at the Ports of Entry. The United States Border Patrol's (USBP) change in strategy with operations such as "Gatekeeper" and "Hold the Line" have also impacted the DOI managed lands by forcing illegal border crossings away from border towns, and into more remote areas.

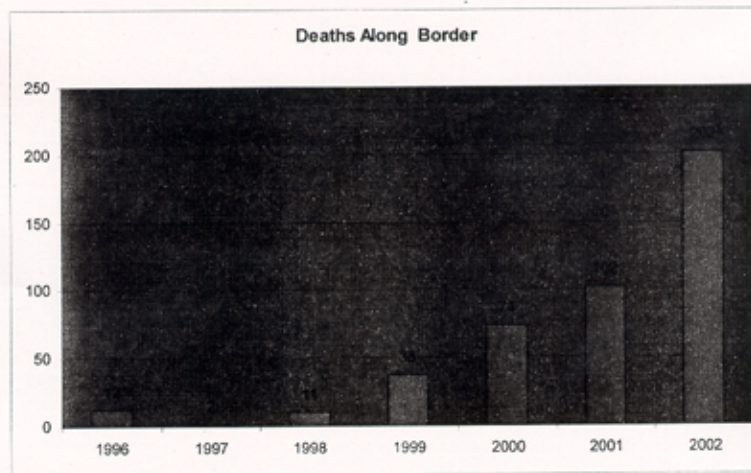
Since September 11, 2001 there has been a marked increase in funding and hiring authorization for INS, USBP and USCS. These increases, along with strategy changes by the INS and USBP, have forced illegal border crossers into areas of extreme heat and few water sources. This has resulted in the destruction of DOI managed lands, an increase in drug smuggling across these lands, and large amounts of trash and other materials left on DOI lands at campsites. The successes of INS/USCS/USBP has caused illegal border crossers into areas they are less familiar with, causing an increase in deaths by dehydration and heat stroke on DOI managed lands. In FY 2001 a record 75 illegal border crossers died in the Arizona desert, attempting to enter the United States illegally. The number for FY 2001 is over 102 deaths, an increase of over 60% in only 12 months.



Notice the 1 gallon water bottles carried by smugglers to cross the desert. In addition, water is stashed along the route to assist in the smuggling effort. These containers are often wrapped in burlap to protect them.

DEATHS OF ILLEGAL BORDER CROSSERS IN ARIZONA

This chart covers the area from the Arizona/New Mexico border to the Cabeza Prieta Wildlife Range/Berry Goldwater boundary. Notice the additional 100 deaths in FY 2002, compared to the number of deaths from the previous year.





DRUG THREAT



Drugs grown or produced in Mexico, as well as numerous South American Countries, use Arizona as a transshipment corridor into the Continental United States for distribution to the interior of the US. The drugs most commonly smuggled into the United States from Mexico are marijuana, cocaine, black tar heroin and methamphetamines, with its derivatives. The smuggling routes currently used by Drug Trafficking Organizations (DTOs) are the same routes used for the past 200 years to smuggle contraband into this Country. There are literally thousands of smuggling routes, criss-crossing over each other, that start in Mexico and cross into the United States, using Department of Interior land. There are hundreds of known gangs and DTOs using DOI lands to smuggle narcotics into the US with further distribution across the country. The Major DTOs such as the Coro-Quintero, The Carrillo-Fuentes and the Arellano-Felix organizations have taken advantage of the open spaces that are sparsely patrolled by Law Enforcement for the movement of large amounts of illegal narcotics across DOI lands.

Violence and corruption to protect drug loads, contraband, and illegal alien smuggling have proven effective and is on the increase. Shots fired at law enforcement, vehicles used as assault weapons, and intimidation factors such as pointing guns and laser pointers at law enforcement are rampant. Other intimidating factors such as rock throwing are very common with DTOs and human alien smugglers. Scouts tell the people being smuggled to throw rocks at law enforcement, if confronted.

The United States Border Patrol operations and change of strategy over the past three years have put the vast majority of their agents in and around the border towns, with fewer agents working the outlying, more remote areas. These changes in strategy and manpower usage have disrupted how the undocumented Mexican nationals enter the United States. These changes also have caused drug trafficking organizations to use other more remote smuggling routes. Many of the DOI lands are considered prime crossing areas, for both undocumented workers, as well as smugglers. These remote areas also could be used by terrorist smuggling either conventional weapons or weapons of mass destruction. These areas are remote and mostly uninhabited, but have an extensive network of roads that cross the International Boundary. This document will describe the terrain, the border security threat, methods of smuggling, trends and recommendations to address the recent threat on DOI lands.

LINEAR MILES COINCIDENT WITH THE U. S. - MEXICO BORDER			
STATE	Miles	Total Linear Miles	
Total linear miles along US/Mexico border			1916.7 Miles
TEXAS			1223.3 Total Texas Border Miles
U. S. FISH AND WILDLIFE SERVICE			
Santa Ana National Wildlife Refuge	5.2		
Lower Rio Grande Valley NWR	47.1		
International Falcon Reservoir	28.7		
	81	81	
U. S. NATIONAL PARK SERVICE			
Aristed National Recreation Area	83.5		
Big Bend National Park	245		
Chamizal National Memorial	1		
	329.5	329.5	
Total Linear Miles of Texas		419.5	34 percent of Texas Border
NEW MEXICO			179.2 Total New Mexico Border Miles
Bureau of Land Management (BLM)	85.9		
Total Linear Mile of New Mexico		85.9	48 percent of the NM Border
ARIZONA			374.1 Total Arizona Border Miles
U. S. FISH AND WILDLIFE SERVICE			
San Bernardino National Wildlife Refuge	3		
Buenos Aires National Wildlife Refuge	5.2		
Cabrera Prieta National Wildlife Refuge	54.5		
Barry M. Goldwater Air Force Range	1.5		
Conservation Area	64.5	64.5	
NATIONAL PARK SERVICE			
Organ Pipe Cactus National Monument	31		
Concepcion National Memorial	3		
	34	34	
Bureau of Land Management	15	15	
BUREAU OF INDIAN AFFAIRS	61.7		
Tohono O'odham Indian Reservation	2.5		
Cocopah Indian Reservation	64.2	64.2	
Total Linear Miles of Arizona		177.7	47 percent of the Arizona Border
CALIFORNIA			140.1 Total California Border Miles
BUREAU OF INDIAN AFFAIRS			
Fort Yuma Indian Reservation	11.1		
Campo Indian Reservation	6		
		16.1	
BUREAU OF LAND MANAGEMENT			
BLM	66.7	66.7	
Total Linear Miles of California		82.8	59 percent of California Border
Total DOI miles on Border		789.1	41 percent of the SWB

Destruction by Foot and Vehicle Traffic

Lands managed by Department of the Interior (DOI) Agencies along the US/Mexico border face a variety of environmental problems from different sources. Drug traffickers and Illegal Mexican Nationals crossing the US/Mexico Border (both on foot and by vehicle) across DOI managed lands have forced this agency to contend with this increasing threat. Large amounts of garbage, foot and vehicle traffic from Mexico, have caused destruction of this fragile environment – to include plants and animals protected by the endangered species act. These animals and plants face destruction of their habitat, putting additional stresses on these endangered species. With some of the areas receiving only 4 inches of rain annually, it could take years for the environment to reestablish itself after heavy vehicle or foot traffic. Illegal crossings for both foot and vehicle traffic have already negatively effected this fragile environment!



Groups of 100 or more illegal crossers are not uncommon on DOI managed lands

Toxic Waste Dumping

Because of the vast open areas, DOI managed land along the US/Mexico border is very susceptible to toxic waste dumping. Some illegal dumpers of toxic waste will dump these waste pollutants at the nearest available place. Others illegal dumpers frequently use illegal roads to more remote areas to dump their waste. Still others, to include producers of the drug methamphetamine will use abandoned mine shafts for their illegal drug production or the dumping of toxic waste. The dumping of waste and pollutants into vertical mine shafts is exceptionally dangerous because in many cases these pollutants are never found and will contaminate ground water for decades. This type of dumping is a long term threat to ground

water and kills many animals that use these shafts for shelter, notably bats, snakes and lizards.

Plant – Animal Smuggling

Additional stress on these fragile environments is caused by personnel using these areas to fill request from all over the world for exotic plants and animals. Lizards, snakes, horned lizards, and desert toads are among the fauna with a high demand in the international illegal animal trade. Plants, especially cacti, are at great risk, not only from the professional smuggler of plants, but also by the legitimate visitor that thinks “It will not hurt” to take one little cactus. Trapping animals is one way these traders do business; another way is to travel on paved roads at night, looking for these animals and capturing them off of the warm asphalt.

Wildfires

Another area of concern is the amount of wildfires caused by undocumented Mexican Nationals that enter the United States across DOI and U.S. Department of Agriculture lands. Undocumented Mexican Nationals were suspected of causing 8 major wildfires (of 100 acres or more) and destroying 68,413 acres or 108 square miles of public lands in FY 2002. Hundreds of other wildfires, less than 100 acres, (usually 1-5 acres) were also caused by undocumented Mexican nationals entering the United States through DOI and USDA lands. The majority of these fires are caused by carelessly discarding cigarette butts or camp fires burning out of control. Most of these fires are distinguished by local authorities or fire departments.



Source: USFS

Wildfires such as this are common in the summer months along the US/Mexico border. Most fires are started by discarded matches or cigarettes, or from a campfire carelessly left burning as smugglers and illegal Mexican Nationals enter across federal lands.

Trash Dumping

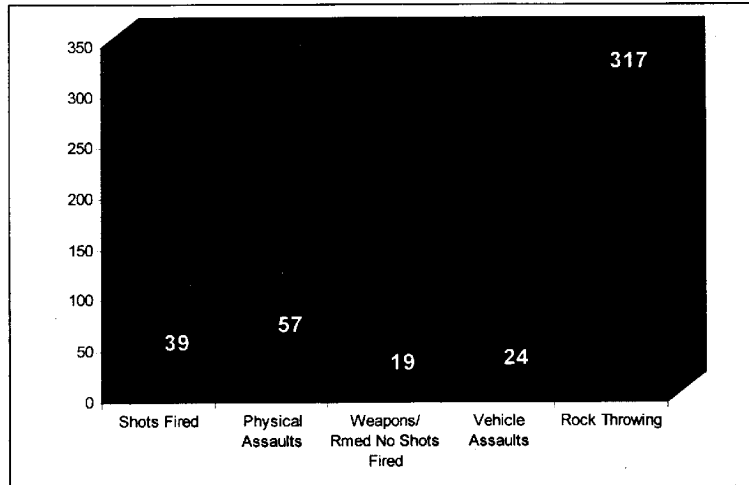
Illegal dumping of trash by undocumented Mexican nationals, as well as by U.S. Citizens that live near the borders of DOI lands is also a major threat. This illegal dumping effects wildlife negatively, destroys wild habitat and causes increases in disease carrying insects such as flies and mosquitoes. Mosquitoes are a major problem where old tires and other refuse that holds water are illegally discarded on DOI land. Disease carrying mosquitoes are a threat to both human and animals in and around DOI land.



Sites such as th **Source: NPS** ommon on federal lands, as more smuggling and illegal aliens use DOI lands for entry into the United States.

Introduction of Non – Native Species

None native animals and plant life create a major problem on DOI lands. Animals such as horses, donkeys and wild cattle destroy and over graze delicate habitat that supports native species such as deer, antelope, desert and big horn sheep, to name but a few of these native species. Another problem is that U.S. citizens buy desert species of reptiles from other parts of the world, both legally and illegally, and let them go in the Arizona desert when they (reptiles) are no longer wanted. The same holds true for fish, non-native fish inhabit many of the creeks and waterholes on DOI lands, as well as on the Coronado National Forest and the Barry Goldwater Bombing Range that belongs to the Department of Defense. This is occurring all along the US/Mexico border, especially on federal lands.

Border Violence Towards Law Enforcement**Rock Throwing**

Border Violence has increased dramatically over the past 10 years along the Arizona/ Mexico Border. In 1995 there were only 26 incidents of Law Enforcement agents being pelted by rocks, thrown by Mexican Nationals in Arizona. By 1999 this number had increased to 99. In the past 24 months there have been 317 incidences of Law Enforcement Agents having to "take cover" because of rocks being thrown at them. Many LEAs have been injured because of this tactic. Scouts("coyotes") that guide undocumented Mexican Nationals and narcotic smugglers across the Arizona/Mexico Border have told the immigrants to throw rocks at LEA's if stopped or approached. This tactic has worked to some extent, allowing people to escape or return into Mexico with contraband.

(9) Vehicle Assaults for the Department of the Interior/United States Forest Service.

Shots Fired

Scouts and enforcers of drug loads are much more likely to shoot at law enforcement officers today, than just a few years ago. In the past 24 months Federal law enforcement officers have been shot at no less than 39 times. Threats against drug law enforcement from narcotic trafficking organizations are common place and are increasing as DTOs attempt to intimidate American law enforcement. Drug smuggling organizations are much more violent today than just a few years ago. Murder, assassination, and threats are commonplace in the Mexico drug trade with whole families being assassinated over smuggling areas, or drug/money disputes. This violence has spilled over into the United States as drug trafficking organizations have become extremely aggressive at protecting their drug loads.

Their violence culminated in the death of a Federal Agent assigned to The National Park Service in August of 2002.

Physical Assaults

Physical assaults are also on the increase with both smugglers and undocumented workers becoming much more violent. Smugglers are becoming more violent toward protecting their loads. Illegal immigrants, that have paid up to \$1500.00 per person for passage into the United States view law enforcement as a major threat to achieving their work goals in the United States. Most of these immigrants have saved for several years to be able to afford their illegal passage into the United States. These illegal immigrants know that they will not be able to afford another attempt at entering the United States, and for this reason have become more violent toward our law enforcement officers. When confronted as they cross the international boundary between Mexico and the United States, the scouts (coyotes) have instructed the illegal immigrants to throw rocks at the law enforcement officers then flee.

Weapons assault-brandishing weapons at DLEAs

In attempts to hold Federal, State, and Local Law Enforcement officers/agents at bay, the brandishing of weapons have increased as a way for smugglers to return to Mexico with their contraband, once detected and confronted by United States Law Enforcement. This puts Law Enforcement officers at great risk. In the past 24 months there have been 19 separate incidents when suspected Mexican Nationals have brandished weapons at LEA's while officers are attempting to apprehend the suspects. There have been 46 lasers spottings towards law enforcement officers over the past 12 months. This is an intimidation technique used to hold law enforcement officers at bay.

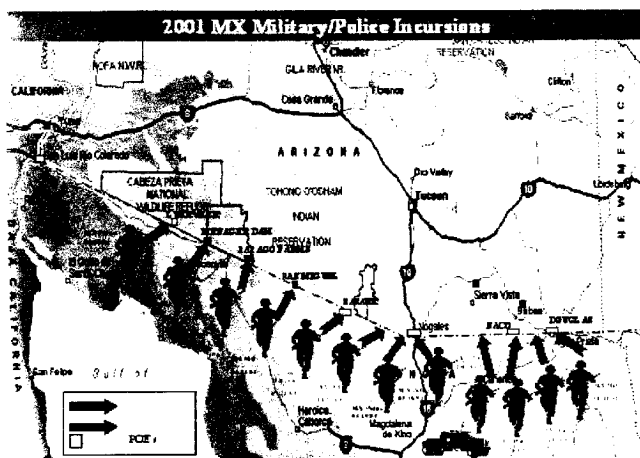
Vehicle Assaults Against Law Enforcement Agents

Using vehicles as a weapon against Law Enforcement is an ever-increasing threat toward officers. In the past 24 months, there have been 48 vehicle assaults against drug law enforcement agents in Arizona. This is more than two vehicle assault per month. Vehicle assaults are when a vehicle was used to ram a LEA vehicle, attempt to run a LEA vehicle off the road, or attempt to run over or hit a Law Enforcement Officer with a vehicle. Vehicle assaults usually occur when a vehicle is transporting illegal Mexican Nationals, or when a vehicle is used during drug smuggling attempts.

Vehicle Assaults Against State and Local Law Enforcement

These statistics do not include these vehicles on State and Interstate roads in Arizona where vehicles refuse to pull over for a traffic stop when carrying suspected illegal Mexican nationals. These often result in vehicle chases and accidents that cause death and injury to both innocent bystanders, people in other vehicles and occupants of the fleeing vehicle. A very large portion of these incidents involve Mexican Nationals that originated on DOI

Mexican Militar/Police Incursions



There have been many documented incursions by Mexican Military and Police into the State of Arizona. The presence of these Mexican armed personnel usually accrue during drug or undocumented aliens smuggling activities. This presents a major threat to Law Enforcement Officers in Arizona, who's duty it is to stop the trafficking of humans and drugs. In almost every case the United States law enforcement personnel are heavily outgunned. Mexican Military and Police almost always have machine guns such as MAC-10's, used by Grupo Beta, a Mexican anti-smuggling squad, and A-K 47 and M16 used by the Mexican military. If a United States Law Enforcement personnel attempted to arrest any Mexican Military or Police personnel they would be at a huge disadvantage because United States Law Enforcement officers usually only carry side arms (9mm pistols) and are almost always out manned.

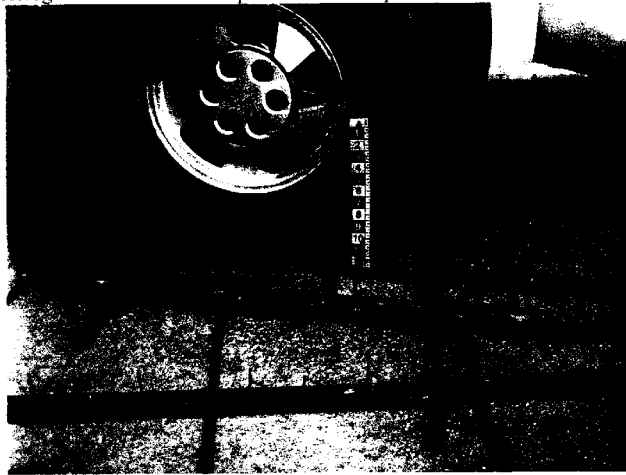
It has long been suspected that elements of both Mexican police and military are contracted by major Drug Trafficking Organizations to protect drug loads being smuggled into the United States through Arizona. Mexican military and police have repeatedly guarded these loads for several miles after entering the United States

HOME MADE TIRE SPIKES

Home made spike sticks, commonly known as tire spike sticks, are being used as a way for the criminal element to stop vehicles on Department of the Interior lands with the intent of

robbing the occupants. These home made spike sticks have also been used to stop Law enforcement when responding to acts of criminal violence.

Criminal elements counter law enforcement vehicles by using these spikes, then fleeing back into Mexico. These methods take on an added importance when you considering the threat of terrorism and the added possibility of smuggling weapons of mass destruction such as nuclear, biological and chemical weapons or their components.



The OPNM has the highest rate nationwide of spike incidents by Law Enforcement Agencies for the purpose of stopping felons from fleeing. They are also unique in the fact that law enforcement on the DOI lands are also spiked by the smugglers. These are some of the retrieved spikes also being used on law enforcement and civilians for the purpose of robbing civilians visiting DOI lands.

VIOLENCE AGAINST CIVILIANS ON DOI LANDS

Violence against civilians that visit the Department of Interior Lands is on the increase. As successful United States Border Patrol operations in and around border towns cause large decreases in violence amid theft in those areas, the violence has moved to more remote areas. As violence such as robbery, home invasions, car jackings and theft decrease because of Border Patrol operations in border towns, violence such as car jackings, shootings, robberies and theft are becoming much more common in more remote lands. These acts of violence are directed toward civilians visiting our Parks and Federal lands along the US/Mexico border.

There is a direct "cause and effect" between Border Patrol saturation operations in border towns, and the increase of narcotic smuggling, and violence, against both LEAs and civilians, as well as undocumented Mexican Nationals dying in the deserts attempting illegal entry on DOI controlled lands.

METHODS USED AGAINST CIVILIANS ON DOI LANDS**+ Car Jacking and Robbery:**

Getting vehicles to stop on Department of the Interior lands while on both main roads, side roads and dirt roads is a tactic of Border criminals. Some ways that criminals accomplish this is by using various types of barricades as ways to get this vehicle to stop.

+ Rocks:

On several occasions, rocks have been stacked on roadways, both paved and improved dirt roads to get traffic to stop. Once stopped, vehicle occupants are robbed or the vehicle is stolen, and in most cases taken into Mexico.

+ Official Looking Barricades:

On several occasions during this fiscal year barricades have been placed on highways and used to stop vehicles to rob the occupants or steal the vehicle. In one incident this year a suspected Mexican National used a barricade in an attempt to stop three women in a vehicle. When the women did not stop and went around the barricade the suspected Mexican National fired shots at the women tourists. Barricades are becoming more prevalent as a method for criminals to stop visitors on our National Parks.

Trees Blocking the Roads

Another way criminals stop visitors on DOI lands is the use of trees to block the roads. Some of these trees are old, dead trees. Others are freshly cut. In this picture, the visitor saw the blockade and immediately turned around before reaching it. He then informed Park Rangers of the incident.



Tactics like this are used to stop visitors to public lands. The intent is to rob, car jack, or possibly something worse.

Cactus Blocking the Road

Cacti, mainly saguaro, are cut down and dragged across the road to force Park visitors to stop. This picture was taken after a visitor was assaulted by suspected Mexican nationals and robbed. The suspects then fled back into Mexico.



This type of tactic not only destroys the fragile environment, these tactics are used with criminal intent toward citizens utilizing public lands.

CUTTING DOWN OF CACTUS

The cutting down of cactus creates two hazards to Department of the Interior lands. One hazard is to the public that visit the parks. Cactus mainly Sahuaro cactus are cut down to make a barricade to stop park visitors for criminal reasons, such as rape, robbery, vehicle theft and in a few cases worse. The other problem is the environmental effect on the parks once a cactus is cut down. In many cases these cactus are several hundred years old. This effects water erosion, the vegetation and the animals that live in the area. One resent event involving cactus being used as a vehicle blockade resulted in an elderly man being robbed of his money and watch, and then needlessly beaten before the suspected Mexican National fled into Mexico.



Cacti are cut down to use as barricades to stop visitors (usually on remote roads on public lands). Once stopped, the visitors can then be robbed, beaten, carjacked, or worse. They are also cut down for the water content by undocumented Mexican Nationals illegally entering the United States. This tactic is used to rob Park visitors of their valuables. As the vehicle approaches the cactus is pushed over and forms a barrier to stop park visitors.



CORONADO NATIONAL MEMORIAL

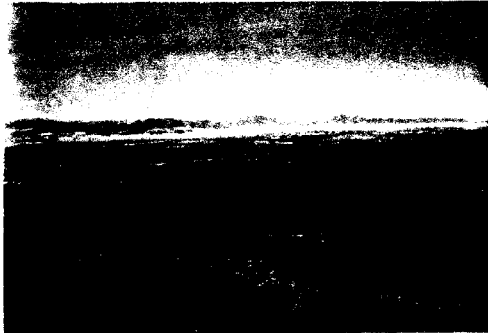
SOURCE: Department of Interior
View from Montezuma's Pass, CNM

GENERAL INFORMATION:

The Coronado National Memorial was established in the year 1952 to commemorate the crossing point into what is now the United States by the Francisco Coronado expedition in 1540. The monument is located on the southeast side of the Huachuca Mountains, and borders Mexico on the southern end and the US Forest Service lands on the north and west ends. The memorial is approximately 3.5 x 3.0 miles. Although there is no permanent water on this memorial, ample water in the Huachuca Mountains, year round, makes this area a prime smuggling point for both contraband and illegal Mexican nationals trying to enter the United States.

TERRAIN:

The terrain along this portion of the US/Mexico border affords easy concealment for illegal entry into Arizona because of topography. There are many arroyos and gullies that are masked by mountains in this area. Smugglers use this concealment for large scale smuggling of narcotics and other contraband. Within these 3 miles, the elevation varies some 2,700 feet. This makes observation from both ground and air very difficult, and very attractive to smugglers. Once inside the park, smugglers move either north or northeast into USFS land and the Huachuca Mountains for up to a three-day hike to state route 82. There are over 70 regularly used trails to smuggle over the Huachuca's. There are also countless game trails that are often used. Other smugglers make a "dash" for the open and flat grassland to the east of the park and state route 92. This area is known to be frequently used by the Yolanda Molina de Hernandez Organization



Notice flatlands, as well as mountains in this area.

SMUGGLING:

Threat to the Coronado National Memorial

Not only does the topography lend itself to smuggling in this area, there are excellent transportation arteries in Mexico that make movement of contraband on the Mexican side very easy. The roads within the Coronado National Memorial are also a challenge. There is only one road that goes through the monument and movement throughout the monument by vehicle is not easy because of the steep terrain, gorges, and arroyos. Law enforcement must stop and exit the vehicle to check for illegal entry into the monument. There are numerous ranches with rail access and abandoned rail yards in Mexico adjacent to the Coronado National Memorial that makes movement of drugs up to the Arizona border easy and very inexpensive to the DTOs. Abandoned rail yards and ranches next to rail tracks make unloading drugs very easy for these DTOs. The rails in this part of Mexico are infrequently used and it is common for trains to stop at ranches and unload supplies necessary for the legitimate operations of these ranches. Drug trafficking organizations take advantage of this system and smuggle drugs onto these trains and unload them within easy moving distance of the US/Mexico border. Much of these drugs, and other contraband are smuggled through the Coronado National Memorial or through US Forest Service land adjacent to the monument.



This Mexican ranch, across from the Arizona/Mexico border, is believed to be regularly used by DTOs to ship illegal drugs from Southern Mexico up to the Arizona border. This ranch is only 14 miles from the Coronado National Memorial. There is a clandestine airstrip on this ranch.

AERIAL THREAT:

The area adjacent to the Coronado National Memorial in Mexico is extremely active with suspect flights being among the highest in all of Mexico. Several ranches that are within a few miles of the Coronado National Memorial and the Coronado National Forest are being used as transshipment sites for illegal drugs. Most of these ranches have access to good paved roads, have clandestine airstrips, and access to the rail system. The Coronado National Memorial sits between the towns of Nogales and Douglas Arizona. This 82-mile stretch is among the most heavily used drug smuggling corridors for marijuana and cocaine in the United States. There are over 30 heavily used clandestine Mexican airstrips within 10 miles of the US/Mexico border along this 82-mile stretch of land. In addition, paved or hard packed roads are also frequently used with DTO blocking off areas of the road and planes landing with drug loads.

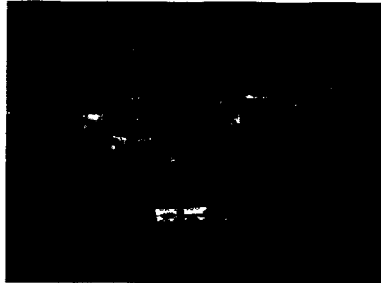


This plane and its drugs were seized in Mexico after the Mexican police and the US Customs Service responded to a suspect flight in Mexico. This plane landed less than 10 miles from the Coronado NM between Naco, AZ and Coronado National Memorial.

VEHICLE AND FOOT TRAFFIC:

Once the contraband is driven, flown or railed to the suspect ranches it is then stashed at these ranches awaiting transshipment across the US/Mexico border. Drug trafficking organization need to move this contraband, usually in the form of drugs as quickly as possible. For economic reasons drugs are usually shipped within 5 days of being delivered to the stash house ranches. These drugs are then shipped through or between the Ports of Entry. Drugs that are being planned for shipment through the Ports of Entry are stashed into wheeled vehicles usually at the stash ranch house. A wide array of techniques, concealment methods and equipment are used to hide narcotics in vehicles.

Vehicles used to transport narcotics between the Ports of Entry are usually not as well prepared with narcotics concealment techniques. It is not uncommon for pick-up trucks to fill the bed of the truck with narcotics in plain view, then cross the US/Mexico border. These drugs have a pre-determined stash area, usually several miles inside the United States where it is unloaded and "mules" pick up the drugs, or other vehicles hide the drugs in trunks, trailers, motor homes, etc. for delivering somewhere in the US. The added problem with these types of illegal drug crossings is the destruction of DOI lands all across the Arizona /Mexico border. Wildlife and vegetation are destroyed as new dirt roads are being made by DTOs into the DOI lands.

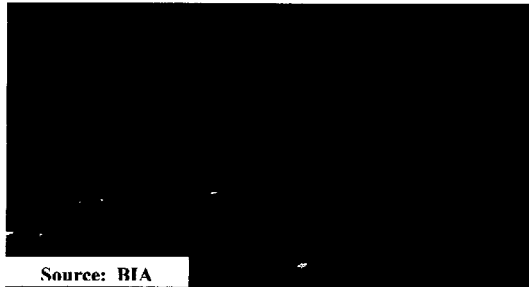


This is typical of how drugs are move across DOI lands at night. These drugs were to be unloaded at a designated site, then packed into trunks, under seats, and into other hiding places within vehicles.



SOURCE: DOI

Vehicles like this tear up DOI lands and are then left abandoned after drugs or other contraband have been delivered.



Source: BIA

t. Notice the barbed wire fence and the amount of illegal traffic that has moved between Mexico and the Organ Pipe National Monument.

Tohono O'odham Nation

Land owned by the Tohono O'odham Indian Nation represents a unique problem to the war on drugs and terror. Many tribal members have relatives that live on the Mexican side of the border. Many of the tribal members do not recognize the US/Mexico boundary and the paperwork requirement for entry into and exit from the United States. Family members move freely between the two countries. For hundreds of years the Tohono O'odham (formerly the Papago) Indian Nation spanned an area that covered vast areas on both sides of the border. Some tribal members on the Arizona side of the border feel that their relatives on the Mexican side of the border are entitled to unrestricted movement and the use of US government facilities to include: medical, dental, and access to government subsistence, to name a few. Both sides of the Tohono O'odham Nation speak the same language and share the same culture. There are no reservations in the Republic of Mexico. The attitude of many tribal members creates a very difficult situation for federal, state, and local law enforcement agencies and officers.

The tactics used by US law enforcement during our counter-drug operations, coupled with the added counter-terrorism operations, do not have the complete support of the Tohono O'odham Nation, as a whole. This is due to the international boundary issues and the cross-border family issues.

The Tohono O'odham Nation has long been a major smuggling area for drugs and contraband into the United States. The boundary between Mexico and Arizona on the Tohono O'odham Nation is not much more than a three-strand barbed wire fence. Often there is no fence at all to separate Mexico from the tribal lands.

There are hundreds of smuggling routes between the two countries on this reservation that have been used for over 200 years. This area is vast. It is the second largest reservation in the country with 2,855,992 acres. This area covers more than 61 miles of the 372 miles of the Arizona/Mexico border. The western boundary is adjacent to the Organ Pipe Cactus National Monument and is also under the jurisdiction of the Department of Interior. The northern part of the nation extends up to Interstate 8 with the northeast extending almost to Interstate 10, making smuggling attractive in this area.

The population of the nation is 21,000 tribal members, with only 9,800 living on the reservation. The reservation is very sparsely populated, with widely separated villages. The greatest concentration of inhabitants, approximately 3,200, live in Sells, Arizona. This town supports all of the administrative functions for the nation, to include medical, social services, construction, police, and fire departments.

The terrain varies widely from arid desert plains to mountains towering over 7,700 feet. Temperatures during the summer months can reach 120 degrees. This puts additional stresses on the already undermanned law enforcement agencies because many rescue operations are required during the summer. Every year scores of Mexican nationals are found dead because of heat related injuries received while trying to illegally enter the United States.

Drug Smuggling and the Terrorist Threat

Most of the drugs smuggled into the US on the Tohono O'odham reservation are smuggled between the legal ports of entry (POE). Major Drug trafficking organizations (DTOs) and those criminal organizations that traffic in human misery by smuggling undocumented aliens into the U.S. use the Tohono O'odham reservation for the following reasons:

- Sparsely patrolled by law enforcement
- Easy access to major road arteries (I-10 and I-8)
- No formidable boundaries between the two countries
- Terrain lends itself to easy concealment from both land and air observation
- Very sparsely populated, with enough villages to give smugglers access to water
- Very cheap labor for smugglers. Drug carriers, known as mules, receive as little as \$10 per day, will carry up to 50 pounds of drugs. These mules are often only paid if they are not apprehended.
- Family connections between both countries

This easy access to smuggling of drugs and Mexican Nationals also could just as easily be used to smuggle weapons of mass destruction into the United States from Mexico. Nuclear, biological and chemical weapons, or components of these weapons could be smuggled into the US using the Tohono O'odham Nation as an entry point. Mules do not care, or want to know what they are smuggling, they only care that it is successfully smuggled and they receive their \$10.00 a day. These human transporters will ask no questions regardless of what they smuggle.

- **FLYING AT NIGHT**

Flying at night represents a majority of the fads. It is illegal to fly a private plane at night in the country of Mexico. Therefore, most of these flights are suspected of carrying contraband. Pilots would not risk losing their plane by having it confiscated by the Mexican government for flying at night unless illegal activity is involved.

- **INTELLIGENCE ON THE FLIGHT**

Numerous American intelligence agencies; CIA, DIA, DEA, etc., relay intelligence on drug movements to agencies inside the United States.

- **OBSERVATION**

This is personnel observation from either ground or air.

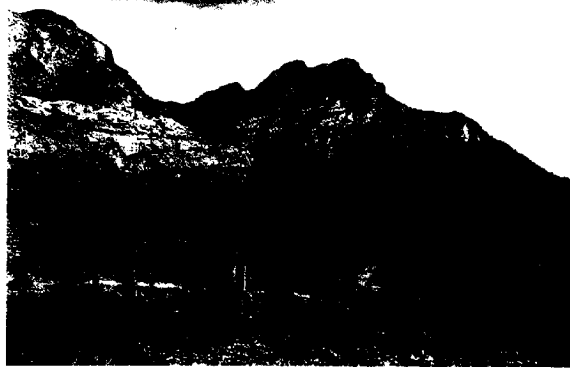
- **PERSONNEL INTELLIGENCE**

Received from law enforcement personnel working inside major drug trafficking organizations.

- No flight plan
- There has been no flight plan authorized by the Mexican government and the planes are flying without transponder being turned on.

Types of planes commonly used are:

- Cessna 210, high wing with super engine
- Cessna 207, high wing with super engine
- Any twin engine, such as the D-18



ORGAN PIPE NATIONAL MONUMENT

GENERAL:

Organ Pipe National Monument is a desert reserve located in south central Arizona and shares a 56-mile border with Mexico. This area is a notorious drug smuggling area with the Tohono O'odham Indian Nation paralleling the monument to the East and the Cabeza Prieta National Wildlife Refuge to the West. State route 85 runs through the center of the Monument making this area ideal for smuggling. The rough terrain in this area has countless ravens and arroyos easily concealing the movement of drugs by backpack, horse, or vehicles across the US/ Mexico border.

Drug smuggling activity in and through the monument has steadily increased since 1995. In 1995 there was only about 500 lbs of marijuana and very few smuggling cases associated with Organ Pipe National Monument. By the year 2000, just five years later the number of marijuana had increased to 5000 lbs seized and over 100 drug cases prosecuted. By the year 2002, there was 10,845 pounds of marijuana seized by National Park Service rangers, with over 190 separate cases involving drugs.

TACTICS USED BY SMUGGLERS:

Major drug trafficking organizations use Organ Pipe National Monument for illicit drug smuggling because of the easy movement of contraband across the border, sparse law enforcement in the area, easy lines of communications and easy access back into Mexico if observed or confronted by US law enforcement officers. Smugglers of contraband, mainly narcotics, are moved into the monument by backpackers, horses, or vehicles. The drugs are then stashed and later broken down into smaller amounts and put into trunks of cars, under back seats and other concealment places in vehicles and moved out of the monument. Some of these operations are done close to the US/Mexico border with others traveling completely through the park to stash areas on Route 86, outside the park.



SOURCE: NPS

Notice the amount of water transported by these smugglers

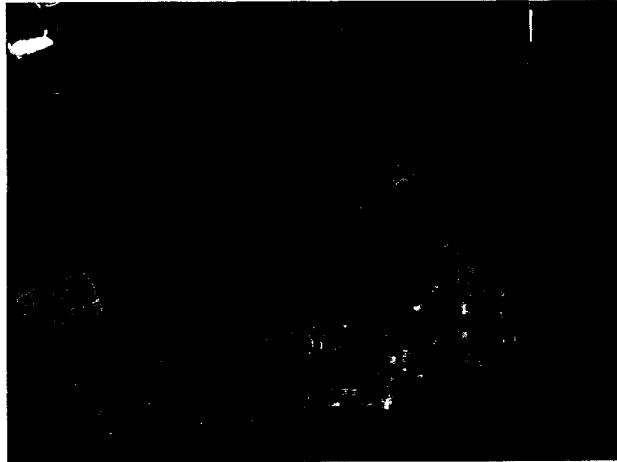
Drug traffickers use many of the same routes undocumented Mexican workers use when entering the United States. Water is stashed all along these routes and are used by both smugglers of undocumented workers and illegal drug trafficking. These one gallon water plastic jugs are wrapped in burlap to help cushion the water jugs and absorb shock when hitting rocks and trees. These jugs, wrapped in burlap are also stashed along the routes for future drug smuggling. If shielded from the sun, and wrapped in burlap, these jugs can be hidden and then used for up to a year.



SOURCE: NPS

This one-gallon jug of water was stashed along a known drug route. It was to be used during a later drug smuggling operation.

Caches of food and water are routinely placed at strategic intervals all along drug smuggling routes. Smugglers will often times use pack animals or backpackers to “walk the trail” and stash caches of supplies for future smuggling operations through areas such as the Organ Pipe NM, Tohono O’odham Nation, and the Cabeza Prieta National Wildlife Refuge. All of these areas are the responsibility of the Department of Interior and cover an area with Mexico extending some 170 miles of uninterrupted wilderness with Mexico.



Source: NPS
Seized food from a cache used by smugglers

Drugs are easily moved up to the Organ Pipe NM/ Mexico border using Mexico Route 8 and 2. These are numerous roads leading off of these routes to ranches suspected of illegal narcotic trafficking. Drugs are moved to these ranches by air or vehicle, with further breakdown into smaller vehicles, backpacks, or pack animals. They are then moved across the border.



Source: USFS

This is typical of how vehicles are loaded with narcotics when entering the OPNM. Drugs are then dropped off and hidden in trunks and under seats of waiting vehicles for better concealment.

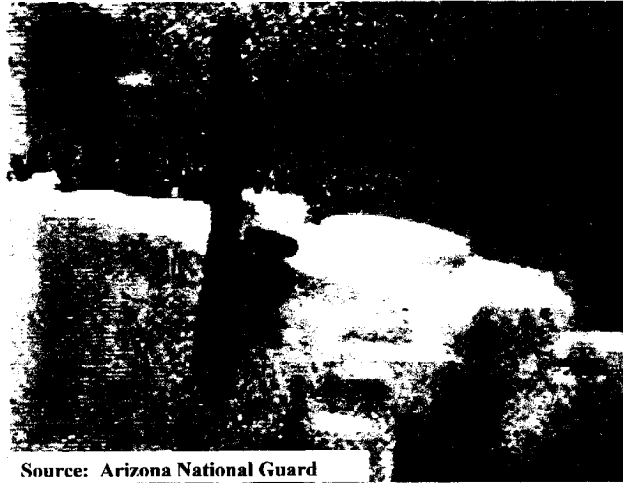
There are hundreds of smuggling trails all along the boundary of Organ Pipe NM and Mexico. All along this boundary there is only a three-strand barbed wire fence or no fence at all separating the two countries.



This shows the extent of the problem that Organ Pipe has with illegal traffic from Mexico into the US.

VIOLENCE ON THE MONUMENT:

Violence against the general public and law enforcement on DOI lands is on the increase. Physical violence, robberies and shootings are becoming commonplace. The smuggling of narcotics and undocumented Mexican laborers presents a very real threat that impacts on public safety within the monument. Public camping areas are frequently used as routes and places for resupplying water for all types of smuggling. Smugglers also know that public campgrounds are not sensoried, thereby giving them free movement through these camping areas. This puts the public in direct contact with Mexican Nationals that are in the act of committing crimes, both in narcotics and in trafficking of undocumented workers. These are felony crimes and the public visiting our parks are in an immediate threat of possible violence against both themselves and law enforcement responding to this smuggling activity.



Source: Arizona National Guard

Notice the people in the campground. These are undocumented workers with drug smugglers taking up the rear. This picture is from a thermal imaging camera.

During recent events on the Organ Pipe Monument officers responding to crime have been shot at, attempting homicide by vehicles on numerous occasions, had rocks thrown at them and one law enforcement Park Ranger was shot and killed by a Mexican criminal entering the United States, while fleeing from Mexican police.

An accidental encounter by the general public or Park Rangers stumbling upon illegal drug trafficking could easily result in their death by these criminals. With the increase of violence to protect their drug loads an immediate increase of law enforcement is needed within the monument. Rival drug trafficking organizations and their violence have crossed over into the US. A Mexican national, suspected of running drugs was found burned to death in the vehicle he was smuggling drugs in. There are also reoccurring gun battles on both sides of the border involving the drug trade. With the increase of violence and death, drug runners using camp sites for water and free unrestricted movement, and border bandits are increasingly robbing US citizens. The monument has become an increasingly dangerous place for both the general public and law enforcement.

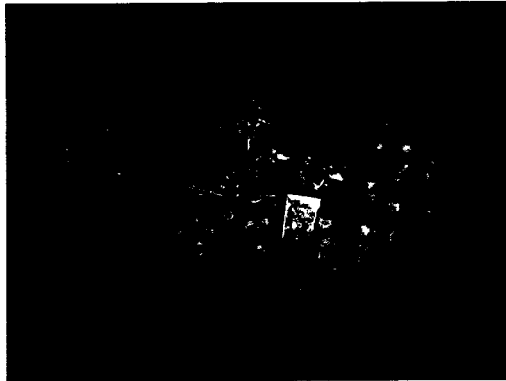
ENVIRONMENTAL THREAT TO OPNM:

As smugglers use the monument to move drugs and undocumented nationals it puts increasing stress on the natural state of the plants and animals. Natural resources are quickly being depleted by the massive amount of Mexican nationals crossing into the US using the monument as both a movement and staging area for human workers and drugs entering the US.

In addition, cactus are being cut down, not only for their water supply but also to be used as barriers to stop the public as they drive through the monument on established dirt roads. These cacti are being used as barriers to stop park visitors for criminal intent, usually to rob them or car jack their vehicle.

Desert trees are also cut down and used as barriers. The few areas with water during parts of the year are used by drug and illegal alien smuggling, depriving wildlife such as the desert sheep and deer of this extremely limited resource. Small slow animals such as the desert tortoise are being used as food, putting additional stress on this already endangered species. As wood is used for campfires in the winter, animals such as rodents, lizards, snakes and insects are deprived of their natural living habitat.

Trash creates not only an unsightly presence, but also negatively effects wild animals as they eat leftover food and become ill because of previously unknown bacteria; virus and germs from processed human food.



This cache of food was found on the monument, hidden to logistically support future smuggling operations.

CONCLUSION:

- Criminal activity is increasing on the Organ Pipe National Monument.
- Violence by robbery, vehicle ramming, and shootings are on the increase.
- Additional law enforcement is needed on the monument, immediately!
- Environmental threats are increasing as the Organ Pipe is increasingly being used as drug and human smuggling routes
- There is an ever increasing stress on the wildlife as it is threatened by smugglers invading the natural habitat and using wild animals and plants as food. More and more litter dump sites are being discovered all across the monument.
- Public camp grounds are increasingly being used as smuggling routes and water supply stations.
- Border Patrol saturation operations near border towns will force an increase of narcotics smuggling, contraband and illegal aliens attempting to enter the United States through Organ Pipe NM.



CABEZA PRIETA NATURAL WILDLIFE REFUGE

GENERAL:

The Cabeza Prieta National Wildlife Refuge is a desert wildlife refuge located in South Central Arizona and shares a 54.5-mile border with Mexico. To the West and North this refuge shares its border with the US Air Force Barry Goldwater Bombing Range. It's Eastern boundaries are shared with Organ Pipe National Monument and the Tohono O'odham Indian Nation. The bombing range to the East is a restricted area because of military ordinances. This does not detour narcotics traffickers as they routinely move drugs over the Air Force bombing range to I-8 with further transshipment to California and Phoenix and to the interior of the United States. The Cabeza Prieta NWR and the bombing range to the West would also lend itself to smuggling weapons of mass destruction or components of these weapons. Movement through the wildlife refuge is reasonably easy because of flat land with shallow to moderate arroyos that lend to concealment when moving contraband. The valley has some steep hills but movement is still relatively easy. These are illegal four-wheel drive roads that crisscross the refuge assisting in the movement of drugs.



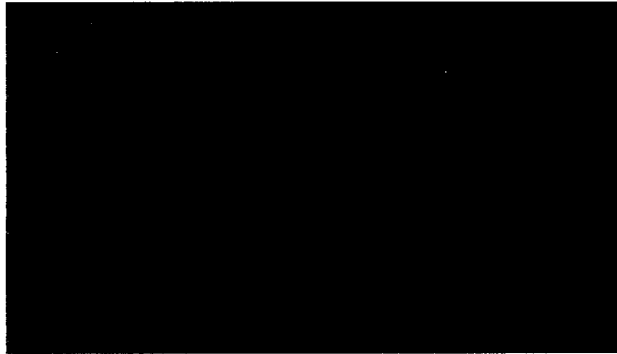
This picture illustrates the remoteness of this refuge, as well as how hard it is to track down smugglers.

Like the Organ Pipe NM, smugglers stash large caches of food and water in advance and to logistically support the periodic movement of large drug loads, across this refuge.

Drug activity through this refuse is sporadic, but is believed to be on the increase. Intelligence reports of drug movement and the huge increase of encrypted radio traffic just South of Cabeza Prieta indicate that this area is becoming a much more active smuggling route. Other indicators are the successes LEAs are having in seizing drug loads to the east and the increase of food and water caches found recently on the Cabeza Prieta.

TACTICS USED BY SMUGGLERS:

As in the Organ Pipe NM, supply caches of both food and water are placed in advance of the smuggling operations. This tactic logistically supports the smugglers and allows them to carry more contraband and less required supplies. It is not uncommon for DTOs to move these drugs up to 30 miles inside the refuge before further breakdown is done by putting these drugs into vehicles. On the far West end of the refuge smugglers will move the drugs or contraband all the way to I-8, a distance of 35 miles across the desert. Routes used will be scouted for up to a week by Mexican Nationals prior to the movement of contraband across the border. If confronted by law enforcement the mules will scatter and move back across the border.



Notice the continuous upward trend on the amounts of marijuana seized in this remote area.

On many occasions drug smuggling in this area will follow groups of illegal aliens to see the response of law enforcement, or send these aliens ahead a day or two and see if they are apprehended. If not, then they feel they have found a sensor free, non-patrolled route.



Source: USCS

Notice how the backpacks of narcotics are used, as demonstrated by this law enforcement officer.

Movement of drugs up to the Cabeza Prieta is extremely easy for DTOs and others that would want to use this corridor into the United States. The use of Mexico state route 2 follows the Arizona/ Mexico border across from the refuge. Movement of contraband up to the Arizona border by vehicle is easier here than on other parts of the Arizona/ Mexico border. The remoteness of this area makes illegal activities easy and human intelligence harder to get in a timely manner.

Drugs are also flown into ranches that support operations along the Cabeza Prieta and the Mexico border.

Drugs are stashed at the ranches until time to move the drugs to the border for transshipment into the United States. Organizations using these ranches smuggle drugs and other contraband through Department of Interior (DOI) lands to both the East and West of Cabeza Prieta, as well as through this refuge. Drugs are usually moved within a few days of being delivered to these Mexican ranches.

VIOLENCE ON THE REFUGE:

Violence against the general public and law enforcement is not as common on the Cabeza Prieta as on other DOI lands. One reason is that less illegal activity is conducted on this refuge. Another reason is that road structure in the refuge is almost non-existent compared to other DOI lands making accidental encounters less frequent. If criminal activity such as violence is thrust upon law enforcement officers, it is much harder for the smugglers to get back into Mexico before Customs Air, or USBP Air responds.

There is always the real possibility of an accidental encounter between the public or law enforcement and scouts hired to protect drug loads. Violence has occurred in the past and there are continuous reports by civilian visitors to the refuge of illegal immigration activities as well as illegal drug operations.

ENVIRONMENTAL THREAT:

As on the Organ Pipe NM smugglers and undocumented workers pose a real threat to this fragile environment. New trails, use of natural resources, trash, and abandoned vehicles are always present. In addition, the use of seasonal water holes by DTOs and undocumented workers denies these natural resources to the wildlife. Vegetation on this refuge is extremely vulnerable to vehicle and foot traffic, taking decades for small trees and cactus to grow only a few feet.

Endangered species such as the Desert Tortoise are used as food. Dead trees and plants that are used by wild animals for habitat are burned by smugglers to cook food and stay warm. Trash left behind by these smugglers negatively effect the environment and the wildlife.

Abandoned vehicles on refuge land create a problem of removal. Vehicles required to be towed away the abandoned vehicle must cross fragile ground creating an additional threat to this environment. Many vehicles are burned upon abandonment to hide the evidence of this illegal activity.

CONCLUSIONS:

- This area will be increasingly used as a smuggling route in the future.
- This area is much more susceptible to any negative environmental impact because of the sparse vegetation, low rainfall, and slow growth rates of vegetation.
- Additional law enforcement and park rangers are needed to protect this environment.
- The environmental threat on the Cabeza Prieta will continue to increase until adequate law enforcement and park rangers are present.
- Successes for smuggling through this area is higher than in other areas, but logistically harder for the smugglers. This causes a threat to human life as smugglers and illegal Mexican workers miss judge the amount of required water for crossing this very remote desert.
- A continuing increase in human deaths will occur on this desert as USBP operations concentrate on border towns, forcing illegal activities into more remote areas such as the Cabeza Prieta.

PREPARED STATEMENT OF HON. CHARLES E. GRASSLEY

Good morning and thank you all for coming.

I called this hearing to examine the security of our nation's borders. We should all know how important this is. Even before the attacks of September 11, terrorists had exploited loopholes in our immigration system and lax security at ports of entry. If we're serious about protecting this country from new attacks, then we have to get serious about border security. So we're here to do some oversight and find out if our borders are safe, or like a sieve.

As the chairman and ranking member of the Finance Committee, both I and Senator Baucus are worried about the illegal transport of currency—especially counterfeit money or terrorism funds—through our borders. As you all know, this currency can cause enormous damage by undermining our markets, or supporting the drug trade and terrorists. So I am looking forward to a candid hearing about the security of our borders.

I have a particular concern about INS enforcement. If we don't secure the border, the consequences affect the whole country. More and more, my state of Iowa is becoming a byway for smugglers and illegal immigrants. The INS enforcement problems have real consequences not just for national security but for immigrants who often are duped by smugglers. For example, last year, 11 immigrants were trapped for weeks in a railroad box car near Denison and died. And just a few weeks ago, nine people died when a van full of immigrants crashed in Menlo. We need better enforcement to prevent these tragedies. I think an INS office in the Quad Cities, which I've been asking for, might help with that.

We may hear some criticism today, but that's not the point. We're here to improve our security. I think Congressional oversight is one of the best ways to do that. It's a crucial part of our Constitutional system of checks and balances. We have to find out what's not working so we can make it better.

The timing of this hearing is important. The new Department of Homeland Security is becoming operational and faces big challenges. I think border security is going to be one of the biggest problems. So we're going to find out what's going on with the agencies responsible for the border—the INS, Customs Service and the Interior Department.

The Department of Homeland Security can take lessons from this, and I hope they are implemented. And I hope this sends a message to any bureaucrat at the Interior Department who stands in the way of law enforcement reform and border security—that message is: Forget about your turf and power, and think about people's lives.

I want to thank all of you for being here. I especially want to thank GAO and the Interior Department Inspector General Devaney for the excellent oversight work they've done, and Agent Dan Wirth, with FLEOA for giving us the ground-level view of the border situation.

And I thank INS, Customs and the Interior Department for sending their representatives.

The first part of our hearing will focus on ports of entry, the responsibility of the INS and Customs. Senator Baucus and I asked the GAO's Office of Special Investigations, the OSI, to test our borders to find out how easy it is for people using bogus IDs to carry undeclared money and credit cards across the borders. The investigation took place on the Northern border, the Southwest border, and at a major international airport by way of the Caribbean. The border was tested by sea, by air, by car, and on foot. In every instance, our border was penetrated—sometimes the investigators didn't even need their fake IDs. And in every instance, undercover agents carried undeclared cash or credit cards across the border.

These results should trouble all of us. Today, we will hear from the GAO team that carried out the investigation. I know that we will all find their testimony most captivating, and most disturbing.

Shortly after this investigation concluded, the INS and the Customs Service were briefed on the exact details of the investigation. After the GAO agents speak, we will hear from INS and Customs officials about how this happened and what steps are being taken to improve border security.

The second focus is the Interior Department's border responsibilities. The Interior Department is in charge of 37 percent of the Southwest Border with national parks and other public land. In the Spring of last year, I launched an investigation into law enforcement problems at Interior. My investigation was triggered by an IG report, issued at the request of Secretary Norton, calling for massive reform of the Interior law enforcement force.

My oversight investigators found that the hardening of ports of entry by INS and the Customs Service has pushed drug smugglers and illegal aliens into desolate and rugged Interior Department land. So the result of the squeeze at the port of entry is a bulge at the more remote borders controlled by Interior.

This bulge puts Americans and Interior law enforcement personnel at risk. Last summer, Ranger Chris Eggle was killed by a fugitive drug smuggler from Mexico while he was patrolling Arizona's Oregon Pipe Cactus Monument Park. I know an investigative report is forthcoming, but I'm concerned about whether rangers like Ranger Eggle are getting proper training and support to defend our borders, or even themselves. I know that Ranger Eggle's murder, and the border problem in Arizona, is a concern for Sen. Kyl, who is a member of this committee.

Earl Devaney, the Inspector General, is here to testify. I expect that he will describe the nature of the problems in the four thousand plus law enforcement force, the third largest in the federal government. He will also be able to describe problems at the border, and how reforms would help solve those problems. I hope Inspector General Devaney can also tell us about a new whistleblower protection program in his office, because whistleblowers are so important for oversight.

We also have with us Dan Wirth, who is speaking as the representative for Park Service federal agents to the Federal Law Enforcement Officers Association. Agent Wirth is the border coordinator for the Interior Department in Tucson, Arizona. He can give us a view from the front lines, and help us understand just what's going wrong at the Southwest border.

I understand that Agent Wirth will be showing us some alarming night-vision footage of unidentified illegal aliens crossing the Southwest border through family campgrounds. I look forward to seeing that footage and know you all will too.

Finally, we will hear from Don Murphy, Deputy Director of the Park Service. Mr. Murphy can bring us up to date on the state of reform at Interior, and, along with

Mr. Devaney and Agent Wirth, can help us discuss solutions to the border problem at Interior.

So I look forward to a very constructive hearing, and I again thank all the witnesses for your time and effort. I believe Senator Baucus may have some remarks. Senator Baucus.

PREPARED STATEMENT OF ROBERT JACKSTA

Senator Grassley, Members of the Committee, thank you for this opportunity to testify. I am Robert Jacksta, Executive Director of Border Security and Facilitation, Office of Field Operations. I would like to discuss today, the efforts of the U.S. Customs Service to secure our borders against terrorism and other criminal threats while efficiently processing people, cargo, and conveyances at our ports of entry.

Prior to full integration into the Department of Homeland Security, Customs has historically shared the responsibility of protecting our borders with multiple agencies, our closest partner in this endeavor being the Immigration and Naturalization Service (INS). All people and goods entering the United States must legally enter through one of over 300 land, air, or sea ports, which are controlled points of entry into the U.S. from foreign countries. In fiscal year 2002, more than 400 million people passed through these ports into the United States. I would like to add that we also have a close working relationship with the Department of Agriculture's Animal and Plant Health Inspection Service. APHIS monitors both people and cargo to prevent the entry of foreign pests and diseases that could harm both agriculture and people.

Customs, INS, and other agencies jointly manage the borders of the United States. INS controls the entry of persons, and Customs controls the entry of merchandise (cargo).

Customs and INS have been working very closely on a number of initiatives in support of the efficient and effective screening of travelers and conveyances entering and leaving the United States. Examples of these initiatives include the Advance Passenger Information System (APIS), Dedicated Commuter Lane (DCL), and License Plate Reader (LPR) programs. I would also like to recognize the Transportation Security Administration's efforts in these areas.

Customs is also a member of the Data Management Improvement Act (DMIA) Task Force that was established in part to assess how the U.S. can improve the flow of travelers at airports, seaports, and land border ports of entry.

Customs is committed to programs aimed at efficiently and reliably identifying compliant travelers while ensuring that all travelers are screened appropriately. I would like to outline current programs which utilize a combination of advance information, prescreening and enrollment of compliant, frequent travelers, and biometric technology to aid in cross border processing.

NEXUS and SENTRI

Customs and INS have developed the Dedicated Commuter Lane (DCL) program to allow compliant, pre-screened travelers to be processed expeditiously by both agencies. Applicants are interviewed, queried against enforcement databases and watch lists, and a biometric (fingerprint) is captured, checked against the INS IDENT database, and maintained as part of the applicant's file. These programs are called NEXUS on the U.S.-Canada Border and Secure Electronic Network for Travelers (SENTRI) on the U.S.-Mexico Border. Separating compliant travelers under the NEXUS and SENTRI programs allows Customs and INS to concentrate efforts on non-compliant travelers.

Free and Secure Trade (FAST)

Another program is "Free and Secure Trade," which is often referred to as the FAST program, an automated cargo release system designed to expedite the processing of highly compliant importers and drivers. Drivers participating in the FAST program are required to undergo a background review by Canadian Customs and Immigration and U.S. Customs and Immigration. If approved, the driver will be required to carry a FAST identification card that indicates the driver's registered status. The card has unique identifiers to allow for expeditious identification and processing of the driver.

Advance Passenger Information System (APIS)

In cooperation with the INS and the Airline Industry, Customs developed the Advance Passenger Information System (APIS) in 1988 to provide carriers with an electronic means of collecting and transmitting passenger and crew biographical

data to Customs and INS. APIS is an enforcement selectivity tool that automatically queries passenger information against enforcement databases. APIS allows Customs and INS to facilitate law-abiding passengers and identify those passengers who may be attempting to introduce contraband into the United States. APIS is currently capable of capturing 100% of air/sea passenger/crew data both inbound and outbound.

Air NEXUS

Customs has also been working closely with Canadian Customs and Immigration on the NEXUS-AIR project. This project takes positive steps in addressing the need for expedited processing of travelers deemed to be compliant based on various risk assessment tools. The project will encompass some form of technology (biometric) to validate identity. Program eligibility is assessed through queries against enforcement databases, interviews, and background checks that review employment and address histories.

Northern Border Ports

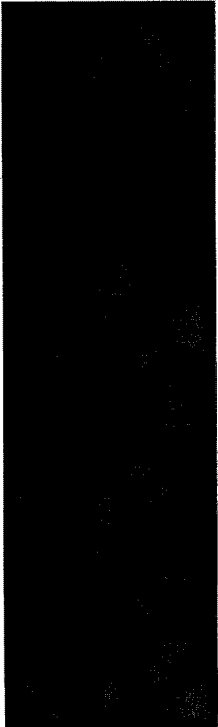
With Congressional support, Customs has been able to strengthen northern border ports with the addition of several hundred new inspectors, agents and the installation of technology and infrastructure improvements. In addition, we are continuing to up-grade ports of entry on the southern border.

Equipment/Technology

Finally, Customs and INS are utilizing various technologies at its ports of entry. One of the most widely used technologies is the document reader, which reads information from a magnetic strip on certain documents (Passports, Visas, and Border Crossing Cards), and then downloads the information into a system that creates an automatic enforcement database query and a record of the traveler.

Thank you again, Chairman Grassley and members of the Committee, for giving the Customs Service this opportunity to testify. I would be happy to answer any questions you may have.

the park from the Mexican state of Sonora.



Eggle grew up in northern Michigan on his family's 130-year-old farm and was a track star, an Eagle Scout, and his high school's valedictorian. The death of this quintessential all-American boy turned ranger focused attention on how dangerous the park ranger's job has become, and how poorly the tradition-bound Park Service has adapted to meet 21st-century circumstances. Critics say rangers are under-trained, under-staffed, and under-equipped to deal with their new front-line role in the wars on drugs and illegal immigration. Across the nation, park rangers are assaulted more often than any other federal law enforcement officers.

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Rangers say it was only a matter of time before tragedy struck in one of the five national parks and monuments along the U.S.-Mexican border, where shoot-outs occur with alarming frequency. Some of these problems are unique to the border-region parks, but critics say that others—declining budgets, manpower shortages, and long-festering crises in management and identity—have put all rangers and the park-going public in harm's way, and accelerated the destruction of America's natural heritage. Meanwhile, a highly critical Interior Department report says that the department's law enforcement program is in disarray, and that the Park Service suffers from extreme organizational dysfunction.

Smuggling People and Drugs

Though Organ Pipe is a backwater in the National Park system, it almost certainly leads the Park Service in number of backcountry stays. On any given night, rangers estimate, up to 1,000 people are inside the park. Nearly all of them have entered illegally across the park's 31-mile (50-kilometer) southern boundary, which also happens to be the dividing line between two nations—one with jobs, the other with people who need them.

Many cross the border with expectations of quicker profits: Last year, Organ Pipe rangers

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seized some 13,000 pounds (4,850 kilograms) of marijuana, one-third of the total seized in all national parks and monuments combined.

In the park's rugged backcountry, migrants and smugglers have cut hundreds of new trails, trampled plants, and strewn water jugs and other garbage through the once-pristine desert. They have disrupted the habitat of the park's population of endangered Sonoran pronghorn antelope, a shy and reclusive species already gravely stressed by a drought.

On many mornings, rangers track marijuana smugglers in 116-degree-Fahrenheit (47-degree-Celsius) heat, looking more like G.I. Joe than Smokey the Bear in their full-camouflage and weaponry. It's a dangerous cat-and-mouse game that often includes high-speed chases, shoot-outs, and rangers put in harm's way by unworkable policies set thousands of miles away.

Now that American immigration policy has pushed the wars on drugs and immigration into the desert wilderness, it has suddenly become the ranger's job to hold the line. Before Eggle's death, Organ Pipes former chief ranger, Dale Thompson, realized that his rangers were outmanned and outgunned by the drug traffickers, with their growing infrastructure of communications and surveillance systems, automatic weapons, and even support from elements in the Mexican police and military. He called for reinforcements, but his requests for more resources got little more than sympathy in Washington. Budgets were frozen, and in the wake of September 11, trained rangers were being

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siphoned off by other federal law-enforcement agencies, who could pay more.

"Our budget isn't considered part of homeland defense, so it wasn't a priority," Thompson said, as he drove past the 20-foot (6-meter) hole in the border fence that Eggle's killer drove through. "But how long will it be until someone figures out that you could easily drive a semi-truck with a nuclear device through here?"

Repairs to the existing fence have been an exercise in futility, as mended segments are often torn down within hours. Thompson had concrete barriers installed across popular smuggling routes, but the smugglers either drove around them, damaging more terrain, or cut the cables and towed them aside.

"It's like predator-prey co-evolution," said Peter Rowlands, the park's chief of natural and cultural resources. "We come up with a measure, they come up with a countermeasure."

Training Deemed Inadequate

Traditionally, a ranger is expected to be a master of many trades. But park rangers enforce a broader range of laws than almost any other law-enforcement agency in the country—game laws, drug laws, health codes, the entire gamut of people crimes. In a place like Organ Pipe, they become de facto DEA, Customs Service, and Border Patrol agents.

The nature of park policing has changed, but critics say that ranger training has not kept up. Eggle had only been out of the academy for a

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couple of months, and unlike Customs Service or Border Patrol officers, he wasn't given the advantage of intensive field training or mentoring with an experienced officer.

Eggle's father, who was an infantry commander in Vietnam, says it all sounds wrenchingly familiar: the misguided policies, the muddled objectives, the government that sends its soldiers out without the resources to do their jobs.

"In Vietnam I faced political constraints that cost me a lot of young guys," Bob Eggle said. "My son also went into combat for his country—and because of politics he lost his life."

Eggle's parents say Kris should have been backed up by the military or trained in SWAT or special operations tactics, given the warlike conditions he faced every day.

In the wake of Eggle's death and the Interior Department report, Park Service officials say they are considering an array of changes aimed at protecting rangers and park visitors.

In July, Interior Secretary Gale Norton hired Larry Parkinson, a former FBI assistant director, as a deputy assistant secretary to shape law enforcement across the department. National Park Service Director Fran Mainella is planning to streamline the chain of command and patch holes in the ranger's ranks that she said are nearing critical proportions.

This month, the Park Service said it plans to construct an anti-vehicle barrier along the border in Organ Pipe Cactus National Monument, which

was named the most dangerous park in the nation by the National Park Rangers Lodge of the Fraternal Order of Police.

The department also is preparing to ask Congress for more money to hire law enforcement officers, and revamp training. Under a proposed program, a graduating ranger would be assigned to a field training officer for a period of several months before being permanently assigned as a law-enforcement ranger. Under the new plan, rangers would also become more specialized: law-enforcement rangers would concentrate on crime, while interpretation and resource management rangers would perform more traditional duties.

Kris Eggle's mother, Bonnie Eggle, said that if Congress had answered earlier pleas for more rangers and resources, and a stronger border, her son might still be alive.

The Park Service's new deputy director, Donald Murphy, acknowledges that much of the criticism of park service policies is on target.

"We're understaffed, our training is substandard, and we haven't developed an understanding, among management and the general public, of what today's park ranger does. This is a wonderfully complex and rewarding job. Yes, park rangers are the good guys in the Smokey Bear hats who lead hikes and campfire talks. But they also risk their lives on a daily basis."

Read National Park War Zone, Tom Clynes's feature-length article on Organ Pipe National Monument and the crisis facing the U.S.

National Park Service in the February 2003 issue of National Geographic Adventure magazine. [Preview >>](#)

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Smugglers hold 61 illegal immigrants as hostages

By Judi Villa
The Arizona Republic
Jan. 30, 2003

WEST PHOENIX - Sixty-one illegal immigrants were held hostage in a west Phoenix home while smugglers tried to extort more money from their families, police said.

Several men were pistol-whipped and a woman was sexually assaulted twice, police said. The "stash house" was discovered Tuesday after one man escaped and called police. Detective Tony Morales said the immigrants were taken Monday to the home in the 6200 block of North 27th Drive.

One of the suspected smugglers, Fabian P. Franco, 21, was arrested and accused of kidnapping and sexually assaulting a 32-year-old woman.

Three other suspected smugglers were turned over to Immigration and Naturalization Service authorities. INS also took custody of the 61 illegal immigrants.

Morales said smuggling has reached "epidemic proportions," and holding people to extort money is becoming increasingly common. Victims, however, rarely call police because they fear deportation and retaliation.

"This type of violence is commonplace during these types of operations," Morales said. "It just does not get reported. In this particular case, we were lucky."

Reach the reporter at (602) 444-8048.

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PREPARED STATEMENT OF DONALD W. MURPHY

Mr. Chairman, thank you for the opportunity to present the efforts being made by the National Park Service (NPS) to protect visitors and resources in national parks.

The NPS practices and policies are dedicated to preserving its natural resources and providing a safe, clean, and secure environment for its workforce and visitors. We have initiated programs and studies and undertaken actions to address many of the concerns and needs in these areas.

The National Parks Omnibus Act of 1998, P.L. 105-391, Section 801 directed the Secretary to conduct a study to fully evaluate the needs, shortfalls, and requirements of NPS law enforcements programs. A study team of national park rangers and U.S. Park Police officers was assembled in February 1999 and the final report, *The National Park Service Law Enforcement Programs Study*, was presented to Con-

gress on March 8, 2000, in two volumes. One addressed the U.S. Park Police and the other addressed the field protection rangers. Included in the study are suggestions to address shortfalls, justifications for all suggestions, and a statement of adverse impacts should identified needs remain unmet. The NPS is implementing a number of those suggestions as well as a series of law enforcement reforms directed by the Secretary in July 2002.

The NPS has Park Police and ranger forces who manage the law enforcement, resource protection and emergency needs of both people and parks. The following programs were identified as already in place or were put into effect:

- Drug enforcement funding, initiated in 1992 as a specific line-item in the NPS budget, has a base of over \$9.5 million. Currently all but \$2.1 million is located in the budgets of the parks and the U.S. Park Police. The \$2.1 million is allocated annually from a central source to individual parks and regional offices to address emergency issues. For example, in September 2002 this funding was used in an investigation of marijuana gardens at Sequoia National Park, which resulted in the removal of over 100,000 plants and led to 20 indictments.
- The NPS has received funding from several regular and supplemental appropriations between 1998 and 2001 to cover the costs of anti-terrorism expenditures. Initial funding in the construction appropriation in FY 1998 provided surveillance and monitoring equipment, perimeter fencing, physical barriers, and communication equipment at Mount Rushmore National Memorial, the National Mall, Independence National Historical Park and Jefferson National Expansion Memorial. Funds were provided in FY 2001 in the Park Police appropriation for one-time costs associated with the design on a visitor screening facility and a key system for the Washington Monument, as well as for the installation of alarm systems and closed-circuit television at other monuments on the Mall. Total funding provided was \$9.9 million.

The NPS manages seven National Parks along the United States-Mexico international border, including Organ Pipe Cactus National Monument, Coronado National Memorial, Amistad National Recreation Area, Big Bend National Park, Chamizal National Memorial, Palo Alto Battlefield National Historic Site and Padre Island National Seashore. These national park units share approximately 365 miles of the international border with Mexico and 72 miles of seashore. They hosted more than 2,780,000 visitors in 2000. Other parks nearby including Saguaro National Park, Chiricahua National Monument, Fort Bowie National Historic Site and Tumacacori National Historical Park also feel the effects of this increase in illegal border activity.

To the north, Glacier National Park shares approximately forty miles of international border with Canada. The United States Border Patrol's Spokane and Havre sectors cover approximately 20 miles each along the international border with Glacier National Park and Canada's Waterton National Park. The Border Patrol, along with the Royal Canadian Mounted Police, conducts routine foot and air patrols in their areas of responsibilities along the international border between these parks. Through the Inter-Agency Border Enforcement Team (IBET), of which Glacier National Park is a member, we share information, intelligence, communications, and resources to detect illegal entries and contraband along the international border.

Although NPS has a variety of law enforcement responsibilities within national parks, it is not the Federal agency responsible for international border security. Nevertheless, illegal border activity can threaten park visitor and employee safety and damage natural and cultural resources within national parks. Hundreds of miles of illegal roads and trails have been created and huge amounts of trash and debris litter the landscape, while the few sources of natural water have been polluted or drained. In 2001, the Border Patrol estimates that approximately 250,000 undocumented migrants entered the country through parklands with over 200,000 through Organ Pipe Cactus National Monument alone. Rangers interdicted over 30,000 pounds of drugs in 2002, up from 20,000 pounds in 2000. In the summer of 2001, over 20 undocumented migrants died from exposure in or shortly after traveling through Organ Pipe Cactus National Monument.

One of the most recent incidents concerning employee safety in national parks located on the United States-Mexico border was the tragic murder of Ranger Kris Eggle. On the afternoon of August 9, Organ Pipe Cactus National Monument received a call for assistance. Mexican police were chasing a truck that then crossed the border from Mexico into the park. National park rangers responded to the call along with agents from U.S. Customs and the Border Patrol. Kris Eggle, a 28-year old ranger, was one of them. When the truck stalled out, the occupants ran. Ranger Eggle discovered a fugitive attempting to hide. While approaching the man to arrest him, Ranger Eggle was shot by an AK-47 automatic rifle. Kris Eggle died before an ambulance could get him to a hospital.

This incident underscores the need to make changes to better protect park employees. While the NPS has the responsibility to enforce Federal laws within the borders of its parks, the NPS's mission is not international border security. The Department of Homeland Security is the primary Federal agency responsible for international border security. To better meet the responsibilities of these respective agencies, the NPS can develop closer lines of communication and cooperation with the Department of Homeland Security and other Federal, state, and local agencies. The NPS can create lasting partnerships so that each agency can accomplish its mission in the most logical and cost-effective manner. We look forward to working with the new Department of Homeland Security to establish plans of action and responsibility for ensuring appropriate border security in parks along the border.

Increased preparedness was provided through appropriations for operations in 1998, 2000, and 2001. Base increases allowed for additional patrol of facilities, trained operators of security equipment, dispatch staff, and training at parks such as Mount Rushmore National Memorial, National Capital Parks, Independence National Historical Park, Jefferson National Expansion Memorial, Statue of Liberty National Monument, Boston National Historical Park and border parks such as Coronado National Monument and Organ Pipe Cactus National Monument. These costs were annually recurring and totaled \$4.8 million. A portion of the increased operational funding (about \$700,000) was used to purchase surveillance equipment, vehicles and bomb-sniffing dogs. This portion of the operational funding was non-recurring in the NPS budget.

- Through a FY 2002 Supplemental Appropriation, the NPS received funding of \$36.5 million for preparedness in the wake of the September 11, 2001 incident.
- \$6.1 million was provided for operational security at icon parks such as Statue of Liberty National Monument, USS Arizona National Memorial, Independence National Historical Park and Jefferson National Expansion Memorial. This funding was requested to be recurring in the FY 2003 budget.
- \$25.3 million was provided to the U.S. Park Police for operations and security improvements in the Washington, D.C. and New York City metropolitan areas. \$12.6 million of this amount was requested to be recurring in the FY 2003 budget.
- \$5.1 million was provided for physical facility and perimeter security and law enforcement equipment at selected icon park sites. This funding provided non-recurring improvements.

The NPS has proposed the following Law Enforcement Reform Implementation Strategies to improve law enforcement effectiveness and safety. These strategies are one part of a broader initiative to improve law enforcement and security throughout the Department of the Interior. These strategies include:

- A new senior SES-level leadership position, entitled Associate Director for Resource and Visitor Protection, has been established to provide oversight of the Service-wide law enforcement, investigative, and emergency services functions.
- A Protection Ranger Leadership Board has been established to provide expert advice and counsel to the NPS Directorate.
- The reporting system for special agents will be restructured to create a separate line organizational system where field, regional and Washington special agents report to special agent managers.
- Regional offices will conduct program audits of all park law enforcement and investigative operations.
- The NPS is committed to implementing an Activity-Based Costing/Management system for law enforcement programs.
- Regional offices, working through parks, will conduct assessments of protection ranger staffing needs. Assessment data will be incorporated into park specific or region specific base increase requests utilizing the NPS Operations Formulation Systems with a goal of achieving staffing levels that meet the critical law enforcement needs.
- The NPS will enhance law enforcement training programs to address officer safety.
- A Field Training Evaluation Program will be established and implemented by FY 2004.
- A "bridge training" course will be established that provides a means for qualified non-NPS federal law enforcement personnel to transition into the protection ranger series.
- All NPS managers with line authority over NPS law enforcement programs will be required to attend the national "Law Enforcement for Managers" course presented by the Federal Law Enforcement Training Center.

- Special operations training, incident management team training, and special event team training have proven to be effective tools in responding to local, regional, and national emergency needs and will continue to be supported.
- A Security Manager position will be established within the Washington Division of Law Enforcement and Emergency Services. The potential for terrorist acts against park resources is an emerging concern that requires a new approach for assessing risks and vulnerability of park facilities and resources.
- A new Service-wide incident reporting system to replace the current Case Incident Reporting System will be implemented immediately.

We have both the statutory and the moral responsibility to ensure that the 388 units in the NPS are well cared for, for this and future generations. National park rangers have always been seen as a critical element to that mission. We also have an obligation to work with sister agencies at all levels to support their missions and legal responsibilities. Park staff should be able to expect that there is an effective presence to meet our obligations, that the Service is proactive in identifying and solving problems, and that if help is needed, it will be available. Like many other agencies, the NPS will have to use available resources more efficiently to improve our law enforcement program. Reviewing and managing our priorities—both human resources and natural and cultural resources—identifying problems and seeking out creative solutions that involve neighbors and partners will go a long way to protecting our parks.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you or other members of the committee may have.

PREPARED STATEMENT OF HON. OLYMPIA J. SNOWE

Thank you, Mr. Chairman, for holding this hearing to look at the issues of border security as we begin the integration of many disparate agencies into one unified agency under the Department of Homeland Security.

As America goes about re-forming its governmental structure to address the challenges of the 21st century, we are in the unique position of being able to forge a *single* agency focused on the security of our borders as it goes about the business of expediting the flow of legitimate commerce and people into the U.S. Indeed, the strength of our nation and this new agency is defined by our country's motto: *E Pluribus Unum*—out of many, one.

But there are also significant challenges in such a venture. How to maintain continuity within an agency? How to avoid dilution of traditional duties? How to ensure proper staffing throughout the agency? How to strengthen the whole rather than weaken the parts?

I thank the panel members for appearing to give us their testimony on these risks so that we can gain further perspective on some of the issues confronting individual agencies as they prepare to meld into the Department of Homeland Security. Only through open and frank discussions will we be able to ensure the success of this venture.

Last week, Mr. Hutchinson, who will head the Border and Transportation Directorate, appeared before the Commerce Committee and affirmed the need for such candor noting that "frequent open communications with the American people regarding BTS [Border and Transportation Security] operations is the only way to build the public trust in our ability to secure the nation."

I look forward to hearing about the relationship between those agencies designated to go into the Department of Homeland Security and those other federal agencies which have officers on the line at our borders, such as the National Park Service. We must ensure that as we structure our new intelligence gathering and information sharing centers we do not disenfranchise other Federal, state and local officers particularly those on the frontlines of our nation's defense, who each day patrol the vast expanse of our borders.

We must provide them with the technology, the tools and the information they need so that they are not alone out there but are instead fully connected and fully supported by every national asset so that they can, in turn, alert us to danger and ensure the integrity of our borders.

For example, given that our longest land border is with Canada—and Maine's is the longest of any northern border state—I believe it is critical we continue to meet the increased staffing needs along our northern border in order secure our points of entry and restrict the flow of illegal aliens and contraband. Clearly, in the wake of September 11, the days of porous borders must be over.

The signing of the U.S.-Canada Smart Border declaration and the associated 30-point action plan is one example of an approach that is working to enhance the se-

curity of our shared border through innovative technologies, joint programs and management policies. I believe that such initiatives are the model for the establishment of an international system that will eventually push our borders outward and away from the homeland.

Another initiative, the Nexus alternative inspection program, allows pre-screened, low-risk travelers to use a dedicated lane at busy border crossings between the US and Canada. This visionary use of technology provides a solution to the logjams created by post 9/11 security requirements and may eventually lead to related programs at smaller border crossings.

So, we are beginning to see the application of technologies to solve problems on the border such as monitoring for radiation, sensing foot traffic in remote areas, and large scale scanning of vehicles. I have no doubt that there are many American companies both large and small waiting for the chance to apply their ideas and products to solving border security issues. We need to make sure that these companies are aware of border security requirements and we need to make sure that border security personnel are aware of the products available to them.

The bottom line is that confronting our homeland security challenges requires a "must-do" attitude. We can't let ourselves off the hook with excuses about what "can't be done." I recognize that some of the deadlines in the homeland security law are very ambitious, and rightly so. That is why it is vital that we learn *now* where the holes are on our borders and in our security posture.

Because we can't afford to take any chances. We can't afford to assume that time is on our side. Again, I thank the panel for their candor and look forward to hearing their testimony and their proposals for securing our borders.

Thank you, Mr. Chairman.

PREPARED STATEMENT OF JOHNNY N. WILLIAMS

Good morning Mr. Chairman and Members of the Committee. Thank you for the opportunity to appear before this committee today to discuss the Immigration and Naturalization Service's (INS) commitment to combating terrorism.

The INS responded to the September 11, 2001, terrorist attacks with an immediate and sustained dedication of effort by performing direct law enforcement activities, providing identification and intercept capabilities, increasing border security, supplying intelligence information, completing investigative and detention functions with the goal of strengthening national security, and working even more closely with our fellow law enforcement agencies.

Allow me briefly to describe how, since September 11th, INS is strengthening border security, enhancing our interior enforcement efforts, and working in coordination with the new Department of Homeland Security.

Ports-of-Entry

INS along with other federal law enforcement agencies are responsible for 368 land, sea, and air Ports-of-Entry (POEs) covering more than 8,000 miles of land and coastal borders. Our lead role in the admissibility and control of aliens is fundamental to the security of the United States, so, one can understand the magnitude of INS' responsibility. Since September 11th Immigration Inspectors at our POEs have focused on providing heightened security, at first with INS' Threat Level One operating procedures and now with our color-coded Alert Level operating guidance. Threat Level One commitments included: staffing all small and remote land ports 24 hours a day, 7 days a week; completing record checks of those seeking admission; completing enhanced checks of vehicles as they cross the land borders; and working with the U.S. Coast Guard and other agencies to safeguard our seaports.

Because of September 11, 2001, there was an increased focus on our Northern Border POEs, this resulted in more than 250 Inspectors, an increase of nearly 55%, being added along our Northern Border.

In order to support and sustain last year's Threat Level One operations in terms of monitoring and securing our land POEs, we requested and received support from the Department of Defense (DoD). This request was supported through \$34 million provided in the first Counter Terrorism Supplemental Appropriation passed by Congress.

The DoD supplied National Guard personnel and equipment to land border POEs to provide a heightened security presence, assisted INS officers in physical inspection of vehicles, and helped perform traffic management and pedestrian control duties. Between the POEs, the DoD supplied logistical and technical support to sector intelligence centers, helicopters in six sectors, and assistance in deploying sensing and surveillance equipment. INS has effectively used this partnership to maintain

Threat Level One antiterrorism operations to protect the integrity and security of our border.

Most recently, INS has implemented the National Security Entry Exit Registration System (NSEERS). The NSEERS program requires certain nonimmigrant aliens from designated countries to be fingerprinted, interviewed and photographed by the INS at POEs at the same time they apply for admission to the United States. In addition, other aliens who are identified from intelligence sources or who match certain pre-existing criteria determined by the Attorney General or Secretary of State may also be enrolled in NSEERS.

NSEERS promotes several important national security objectives:

- It allows the United States to run the fingerprints of aliens seeking to enter the U.S. or present in the U.S. against a database of known terrorists.
- It enables the INS to determine instantly whether such an alien has overstayed his/her visa.
- It enables the INS to verify that an alien is living where he said he would live, and doing what he said he would do while in the United States, and to ensure that he is not violating our immigration laws.

During the enrollment process, specific biographic information, itineraries and addresses are collected. If aliens registered at POEs remain in the United States longer than 30 days, they must return to an INS office for an interview to confirm their address and activities in the United States. Registrants must also complete a departure check when they leave the country.

In addition to the POE enrollment process, there is another class of aliens subject to special registration, known as "Domestic Registrants." Domestic Registrants are certain nonimmigrant aliens who were admitted to the United States prior to the inception of the new registration program, have since remained and who, when designated by the Attorney General, must report to an INS office to be registered. The purpose is to gather the same information that may have been collected at the POEs had those aliens arrived after the effective date for NSEERS. These requirements do not apply to United States citizens, lawful permanent residents, refugees, asylees, certain asylum applicants or aliens who entered without inspection. The goal of NSEERS is to secure our borders, by intercepting terrorists and criminals at the POEs, by identifying aliens who deviate from their stated purposes once they enter the country, and by identifying instantly aliens who overstay their visas. The process has operated effectively with participation of more than 74,000 temporary foreign visitors from more than 151 countries. INS officers have made every effort to minimize any delay or inconvenience to those individuals required to register under this program. Currently, our average processing time for registration at the port of entry is only 18 minutes.

As of January 23, 2003, NSEERS has led to the identification and apprehension of 7 suspected terrorists. In addition, under the NSEERS program, we have apprehended or denied admission to more than 341 aliens at our ports of entry who present law enforcement threats due to felony warrants or prior criminal or immigration violations rendering them inadmissible. These individuals would have entered the country had NSEERS not been in place.

Thus far, 26,334 individuals have been registered through the domestic enrollment program and 2,776 of those individuals have been charged with status violations. 84 of these individuals remain in custody and 21 have serious criminal histories. Among these individuals are an alien from a state sponsor of terrorism who was here illegally and had been convicted three times of assault with a deadly weapon and an alien from a state sponsor of terrorism who was here illegally and had been convicted twice of child molestation. In addition, as a result of evading the 30 day reporting requirement, we investigated and apprehended a Saudi Arabian flight student in Florida, who has now been placed in removal proceedings.

Effective border enforcement starts overseas. Through an initiative with the Department of State, we have deployed more than 100 immigration officers, most of them Inspectors, to consulates and airports abroad to aid local authorities in identifying and intercepting individuals attempting to enter the United States by means of fraud.

As part of our ongoing efforts to enhance public safety and national security, the INS announced this month that it will require all commercial carriers to submit detailed passenger manifests to the INS electronically before an aircraft or vessel arrives in or departs from the United States. Section 402 of the Border Security and Visa Entry Reform Act of 2002 requires the submission of Advanced Passenger Information (API) on all passengers arriving by sea or air. Passenger information that must be submitted in advance includes: complete name; date of birth; citizenship; gender; passport number and country of issuance; country of residence; U.S. visa number, date and place of issuance (where applicable); alien registration number

(where applicable); address while in the United States; and such other information the Attorney General, in consultation with the Secretary of State and the Secretary of Treasury, determines to be necessary for the enforcement of the immigration laws and to protect safety and national security. The advance submission requirement will help the INS verify the identities of individuals being transported and enforce U.S. immigration laws. This program will assist inspectors in our Passenger Analytical Units (PAUs) in reviewing passenger manifests prior to an aircraft or vessel's arrival. These units generate useful information for Inspectors engaged in determining whether an alien seeking admission to the United States is in fact admissible. Using the Advanced Passenger Information System (APIS) in conjunction with the Interagency Border Inspection System (IBIS), INS PAU Inspectors are able to analyze precisely the passenger arrival and departure information.

Combined with other passenger information systems or information obtained through on-line airline reservation systems, Inspectors can make associations between suspected fraud and smuggling activity and, through link analysis, identify individual enforcement targets before they arrive in the United States for inspection. This critical work assists the INS in identifying illegal aliens, criminals, and terrorists prior to their arrival at a U.S. POE.

We have worked with the State Department to expand data sharing to ensure that Immigration Inspectors have access to the issued visa information in the Consolidated Consular Database. Because of this cooperative effort, an alien's photograph from the time of visa issuance and visa information is now available in INS Secondary Inspection to help determine if an alien is engaging in fraudulent conduct. We will continue to work with the Department of State to expand our exchange of information.

In the aftermath of September 11th, INS worked with other agencies and the Office of Homeland Security to develop 7 interagency security enhancements initiatives for the refugee program. These heightened security enhancements included additional databases, records and fingerprint checks, and pre-flight notification to the FBI. By implementing these measures, we balanced protecting ourselves against people who seek to harm the United States with our commitment to provide resettlement to those in need of protection.

The INS, other Department of Justice components, and the State Department developed new criteria for scrutinizing visa applicants, which are now in place. Together, we are reassessing the eligibility of certain countries to participate in the Visa Waiver Program (VWP). For example, the Attorney General terminated Argentina's participation in the VWP in February 2002, and we have joined with the State Department to tighten regulations regarding various entry procedures that under ordinary circumstances facilitate travel, but which could be exploited to do harm to the United States. Current law, states that U.S. citizens do not need passports to travel in the Western Hemisphere, except to Cuba.

Immigration Enforcement with the United States

INS has always emphasized, and will continue to emphasize national security by protecting our country's borders and through enforcement of our immigration laws. In late 1997, INS designated a Counter Terrorism Coordinator for the INS' involvement with other agencies in the federal effort against international terrorism. In 1999, the National Security Unit (NSU) was formally created within the Office of Field Operations. In 2000, the Office of the General Counsel created the National Security Law Division to work hand in hand with the NSU. This Division is charged with the coordination of legal advice for all national security cases, programs and law enforcement actions performed by the Immigration and Naturalization Service. These two offices work together to ensure that alien terrorists, human rights abusers and other noncitizens that pose a threat to the security of the United States are placed in removal proceedings and removed from the country. The NSU Office of Field Operations was designated on September 14, 2001 within the Office of Field Operations to coordinate the investigation and possible detention of individuals related to the attacks of September 11th. The attacks on September 11th refocused the INS' strategic approach to its interior enforcement responsibilities. The INS is committed, as the highest priority of its interior enforcement strategy, to ensure domestic security using all the immigration law enforcement tools at its disposal. There are several notable examples of this approach.

As a result of a new emphasis on worksite enforcement targeting national interest industries and infrastructure, there has been a significant increase in employer-related case completions. Specifically, soon after September 11th, the INS launched Operation Tarmac, an operation designed to enhance security at our nation's airports. Operation Tarmac has been undertaken in cooperation with a variety of Federal agencies, as well as airport authority management officials. Operation Tarmac

consists of proactive worksite enforcement investigations into the hiring practices of companies employing individuals who work at airports and who have direct access to commercial aircraft and other secure areas. It is designed to ensure that these individuals are authorized to work in the United States and that employers are complying with the employment eligibility verification requirements. Particular attention is devoted to companies that provide security at major airports throughout the United States.

Operation Tarmac has proven to be an important enforcement operation. For example, the INS has audited more than 224,000 Employment Eligibility Verification Forms (Forms I-9) at more than 3,000 airport businesses; and, to date, over 900 unauthorized aliens have been arrested, and over 680 have been charged with criminal violations of law. Operation Tarmac has resulted in the prosecution of individuals who have violated criminal immigration statutes and in the removal of unauthorized aliens from airport worksites. Operation Tarmac also provides fraudulent document training to security officials responsible for granting access badges to secure areas.

INS also initiated Operation Glowworm, using the same goals and methodologies to enhance the security of our nation's nuclear power facilities. INS field officers have already investigated 89 nuclear plants and facilities and 65,000 permanent and contract employees with direct plant and facility access.

With international interest on Super Bowl XXXVII at San Diego, California, the INS launched Operation Game Day in support of public security and safety. Operation Game Day targeted the Security Guard and transportation (Taxi, Limousine and Shuttle Drivers) industries in the San Diego area that had close or unrestricted access to Super Bowl activities including Qualcomm Stadium. The INS reviewed employment authorization records of approximately 11,000 security guards and checked indices for approximately 3,500 licensed taxi drivers working in the San Diego area. Operation Game Day resulted in the arrest of 45 security guards and 24 taxi or limousine drivers from countries all over the world for either criminal or immigration violations of law.

The INS Anti-Smuggling Program is focused on dismantling smuggling organizations with links to terrorism and other smuggling organizations that pose a risk to the national security of the United States. Information available to the INS indicates terrorist organizations often use human smuggling organizations to move around the globe. Investigations of these organizations play a vital role in the INS' overall homeland security efforts.

Our efforts to focus our anti-smuggling resources on domestic security led to the initiation of Operation Southern Focus. In January 2002, the INS initiated a multi-jurisdictional enforcement initiative targeting significant alien smuggling organizations specializing in the movement of U.S.-bound aliens from countries that are of interest to the national security of the United States. The INS believes that alien smuggling organizations may wittingly or unwittingly be utilized to clandestinely smuggle terrorists around the globe. Many targets of Operation Southern Focus were believed to be responsible for smuggling hundreds of aliens. Since the inception of this operation, eight significant alien smugglers have been arrested and charged with alien smuggling violations, and significant alien smuggling pipelines have been severely crippled.

INS participation in the Joint Terrorism Task Forces (JTTFs) continues to be one of the key elements in the INS' efforts to combat international terrorism in the interior of the United States. The INS has 153 agents stationed at 55 JTTF locations. JTTF agents serve as a critical component in the effort to root out terrorists and their supporters. INS Special Agents working with the JTTFs have played a significant role in recent terrorist investigations nationwide. Working closely with the FBI and other agencies within the multi-agency task forces, INS Special Agents serve the United States' security efforts by proactively investigating, targeting, and arresting known terrorists, terrorist organization leaders, members, and associates. The INS' Special Agents assigned to the JTTFs have conducted approximately 6,800 joint INS/FBI interviews since September 11, 2001 and play a critical role in our domestic security efforts.

On January 28, 2002, the INS initiated the Absconder Apprehension Initiative (AAI). The AAI is an aggressive strategy to locate and apprehend aliens with unexecuted administrative final orders of deportation or removal who have failed to appear for scheduled immigration proceedings or have failed to surrender for removal as ordered.

The first phase of this initiative is focused on apprehending, interviewing, and removing approximately 5,900 aliens from countries where al Qaeda is known to operate or recruit. The second phase of this initiative is focused on the apprehension and removal of more than 300,000 aliens with unexecuted final orders of removal. In

order to help locate these aliens, we are entering their names into the National Crime Information Center (NCIC) so that we add the weight of other Federal, state, and local law enforcement officers to this mission.

Ensuring that foreign students comply with the terms of their visas is also critical to our nation's security. To accomplish this, we have developed and deployed the Student and Exchange Visitor Information System (SEVIS). It is an Internet-based system that integrates and incorporates information directly from schools, exchange programs, INS systems, and Department of State data. This system will greatly improve our ability to track foreign students. In fact, schools are required to report the failure of a foreign student to enroll within 30 days after the school's registration deadline. Additionally, starting today, January 30, 2003, any new foreign student must be entered and issued forms from SEVIS, and only INS or Department of State approved schools or programs can access SEVIS. SEVIS will enable us to track foreign students in the United States with far greater speed and accuracy by maintaining critical, up to date information about foreign students and exchange visitors, and ensure that they are properly maintaining their status during their stay in this country.

The Border Patrol

Following the events of September 11th, the Border Patrol undertook a number of enforcement initiatives to assist in supporting and augmenting U.S. national security. Upon the initiative of the INS, 317 Border Patrol Agents were detailed to 9 airports across the country within 36 hours of the attack. As all of you know, September 11, 2001, also resulted in a renewed focus on our Northern Border and its security. The Border Patrol responded by detailing additional agents and air assets to the 8 Northern border sectors to augment existing capabilities and expand coverage within the sectors' areas of responsibilities. The Border Patrol worked in cooperation with the U.S. Coast Guard conducting joint operations on the Great Lakes and surrounding waterways to deter illegal entry and apprehend violators.

On the Northern Border, the Border Patrol is working with the Royal Canadian Mounted Police (RCMP), Citizenship and Immigration Canada, Canada Customs and Revenue Agency and U.S. Customs to establish Integrated Border Enforcement Teams (IBETs) at several key locations. IBET teams serve as a "force multiplier" by combining team personnel, resources and technology from many agencies, both Canadian and American, to enhance border integrity and security at our shared border. IBETs operate as intelligence-driven teams to address terrorism and identify and arrest persons who pose a threat to national security or who engage in other criminal activity. For the first time in INS history, a permanent Border Patrol Agent position has been authorized to be assigned to RCMP headquarters in Ottawa, Ontario in Canada. Understanding the critical need for permanent staffing and equipment increases to strengthen security on our Northern Border, with your support, we increased the number of remote video surveillance cameras, fixed-wing airplanes, and helicopters to our list of "force multipliers" along the Northern Border. We have also added 245 experienced Border Patrol Agents to the Northern Border, an increase of over 70% since September 11, 2001, in addition to the more than 250 Inspectors added to Northern Border POEs that I mentioned earlier.

The INS is actively engaged in direct cooperative actions with both Canada and Mexico to secure our collective borders. Last December 2001, INS actively engaged in an Office of Homeland Security-led international conference in Ottawa, Canada, that included representatives from the Departments of Justice, Transportation, Defense, State, and of the Treasury. An important product of that conference was a Smart Border Declaration signed by then Homeland Security Director Tom Ridge and Canadian Deputy Prime Minister John Manley. The Declaration includes 30 initiatives aimed at enhancing security along our shared border. The INS was a major contributor to this agreement. Turning to our southern border, in the context of 20 meetings held in Washington, Mexico City and Monterrey, since September 11, U.S. and Mexican representatives have developed a comprehensive and unprecedented dialogue on border safety, regularization and other border security issues.

On March 22, 2002 then Governor Ridge, the then INS Commissioner Ziglar, and other senior Administration officials traveled to Mexico City, Mexico to develop broad-based proposals for strengthening our joint security and to build on recent cooperative efforts with the Mexican government. At that meeting, we signed the U.S.-Mexico Border Partnership. The 22-point U.S.-Mexico Border Partnership Action Plan focuses on three areas: infrastructure development, the secure flow of people, and the secure flow of goods. INS is working with the Department of State and other agencies to provide appropriate law enforcement training, technical and material foreign assistance to Mexican authorities in implementation of the Action Plan. This agreement affirms our commitment and cooperation to safe and orderly borders

by endorsing a series of specific actions intended to serve our common security in the years to come. By working together, the United States, Canada and Mexico will ensure more secure borders. We will continue to deploy agents, technology and support resources to meet our long-term border management objectives to maintain and extend control along the Southwest Border and increase control along the Northern Border.

Conclusion

The INS' mission of deterring illegal migration and combating immigration-related crime has never been more critical to our nation's efforts to ensure the safety of the American public. As you know, the INS will transition to the new Department of Homeland Security on March 1, 2003. Once there, the INS will be divided between its service and enforcement components, and the organization we all know as the INS will cease to exist. The new agencies that carry out our nation's immigration mission will be different. The men and women of the INS are preparing for this significant change. One thing is certain, what will not change is the determination and dedication of the men and women of the INS to secure our borders and make our nation safe.

PREPARED STATEMENT OF DANIEL WIRTH

Mr. Chairman, distinguished members of the Finance Committee, ladies and gentleman. Thank you for allowing the Federal Law Enforcement Officers Association to testify today on the border situation.

My name is Daniel Wirth. I am the president of the Tucson Chapter of the Federal Law Enforcement Officers Association and the Federal Law Enforcement Officers Association Agency President for the National Park Service. The Federal Law Enforcement Officers Association is a voluntary, non-partisan, professional association representing exclusively the interests of over 19,000 members of federal law enforcement.

I am employed as a Special Agent for the National Park Service and stationed at the Arizona High Intensity Drug Trafficking Area in Tucson, Arizona since 1996. I have also been detailed to the Department of the Interior's Office of Law Enforcement and Security as its Border Security Coordinator since 1997.

The Federal Law Enforcement Officers Association respectfully asserts that the public lands on our borders are in a state of crisis. The safety of the public, our officers and their families are at risk. The resources that we are entrusted to protect are being destroyed at alarming rates. This situation exists because our porous border is conducive to smuggling by international criminal organizations.

This is a federal problem.

The Department of the Interior is the primary land management agency in our government, responsible for 23 percent of the land in the U.S. including 10 percent of the Canadian border and 40 percent of the Mexican border. The Department of the Interior has four Bureaus with law enforcement authority. They include the Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service. These bureaus employ approximately 4,000 federal officers with law enforcement and homeland security responsibilities for national infrastructures, borders, dams, gas and oil pipelines, electric transmission lines, national icons and the protection of natural, cultural and historic resources.

The Department of the Interior has experienced a significant escalation in border impacts from smuggling over the last four years. These impacts are decimating public resources and putting the safety of our visitors and employees at serious risk. This is a result of the success of increasing the allocation of Border Patrol assets around the Ports of Entry which forced smuggling away from the Ports of Entry and through our remote rural public lands. This is well documented. Along the Mexican border over 80 percent of drug smuggling occurs between the Ports of Entry. The northern border is now starting to experience similar trends.

The Bureau of Indian Affairs mission is unique in that it serves a resident population of approximately 1.5 million tribal members.

The jurisdiction of Bureau of Indian Affairs includes lands in many states and along the International borders of Mexico and Canada. Mexican National drug organizations are developing extensive ties within Indian Country and are moving large amounts of controlled substances across the borders and throughout Indian Country.

Thousands of trails and hundreds of roads have been illegally created by smugglers across our public lands. This proliferation of trails and roads damages and destroys vegetation, wildlife, and causes soil compaction and erosion.

Tons of trash and high concentrations of human waste are left behind impacting wildlife, vegetation and water quality.

The international border fence is repeatedly cut or torn down in most locations. Vehicles from Mexico can drive unimpeded across most of our border.

Many Department of the Interior lands can no longer be used safely by the public or employees due to pervasive smuggling. Staff exposure while conducting resource management activities is a serious safety concern. Federal land managers now must send staff to the field in teams to ensure employee safety along the border or totally restrict employee presence in certain border areas due to the potential for unsafe encounters. Visitors have been subjected to carjacking, assaults and robbery from armed smugglers.

Within the 789 miles of Department of the Interior's jurisdiction on the Mexican border there are only 30 officers. The Department of the Interior has the highest assault rate on its officers of any government agency. They work in remote areas with poor communications and little if any backup and if you can believe this, for managers that may have no background or understanding of professional law enforcement.

This is a not an acceptable situation.

Our officers who are doing their jobs by defending our borders, and our national security, have been intimidated, threatened, assaulted, shot at and murdered by organized crime. These sophisticated international organizations conduct surveillance and counter-surveillance on our officers day and night; they utilize encrypted radios, night-vision equipment, armed escorts, and routinely resort to deadly violence. We are out manned and outgunned in a war zone. We need help. We need your help.

The Department of the Interior has taken decisive steps to address their responsibilities for border security. The Federal Law Enforcement Officers Association thinks Secretary Norton is the best thing that has happened to the Department of the Interior. As a former attorney general, she possesses the professional ability to analyze the Department's deficiencies and has taken a course of action to correct them. But Secretary Norton needs congressional support to carry out her reforms. Congress and the Office of Management and Budget must recognize that the Department of the Interior has a mandated responsibility for border security. Her plan of action without the corresponding appropriations will not result in productive outcomes.

Mr. Chairman and committee members, the question must be asked. What can be done and what will be done to rectify this crisis on our public lands and borders?

If I can take a moment, on behalf of the Federal Law Enforcement Officers Association I want to sincerely thank Senator Grassley for his continued support of the federal agents on the front line and for his expressed concern for their welfare.

Thank you once again for allowing the Federal Law Enforcement Officers Association to come before you today on this critically import issue. Subject to your questions, this concludes my testimony.

