



One Hundred Ninth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

June 21, 2006

The Honorable Peter T. King
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, DC 20515

Dear Chairman King,

I understand that the Republican House Leadership has tasked the Committee on Homeland Security with holding a series of field hearings on border and immigration issues, in lieu of moving forward with much-needed comprehensive legislation to address these important issues. While I am concerned that the genesis of these field hearings may be political in nature given the November elections, I am pleased that the House will finally be moving forward to examine the security gaps that remain at our nation's borders. As you may recall, I and other Democrats on the Committee have been calling for field hearings since the beginning of this Congress.

Many of the Democrats on this Committee have been intimately involved with border and immigration issues for years. Rep. Loretta Sanchez (D-CA), as you know, serves as the Ranking Member of the relevant Subcommittee. Rep. Zoe Lofgren (D-CA) is a former immigration attorney, immigration law professor, and has been a Member of the Judiciary Committee's Immigration, Border Security, and Claims Subcommittee for more than ten years. Rep. Sheila Jackson-Lee (D-TX) is the current Ranking Member of the Judiciary Committee's Immigration, Border Security, and Claims Subcommittee. These three Members hail from districts with thousands of immigrants, refugees, and asylees from around the world. Several other Democratic Members represent border states or territories and have a strong interest in securing our borders through a comprehensive plan.

Indeed, border security and immigration are issues that we have long wanted to address in a comprehensive fashion. During the last Congress under then-Ranking Member Jim Turner (D-TX), the Democratic staff released a report on border security issues, *Transforming the Southern Border: Providing Security and Prosperity in the Post-9/11 World*. Two years after the release of that report, many of the gaps identified still remain unaddressed.

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As the Committee moves forward with field hearings, I urge you to consider holding hearings on the following gaps, at a minimum, to protect our borders from the real terrorist threat facing America.

Fulfilling the 9/11 Promise

Among the Intelligence Reform and Terrorism Prevention Act's provisions for enhancing border security were sections increasing the number of border patrol agents, expanding the number of detention beds, and increasing the number of immigration and customs enforcement investigators. It would be negligent to ignore the staffing and resource needs at our land borders. The failure to fully fund these enforcement priorities has resulted in the President having to send an already-overstretched and overworked National Guard to our borders. These failures must be examined in field hearings. Specifically, I believe that hearings in Artesia, New Mexico and Brownsville, Texas are in order.

- *Investigative Field Hearing at the Border Patrol Academy, Federal Law Enforcement Training Center, Artesia, New Mexico*

The Border Patrol Academy is the main location where Border Patrol agents are trained. The Academy simply does not have the capacity necessary to train the agents needed to secure our border. Additionally, it is critical for us to understand what the long term border patrol staffing needs are in order for Congress to better understand the number of agents to authorize each year. An investigative hearing is merited to examine the hiring, training, and retention of border patrol agents. This hearing should not only include the personnel involved in the training, but at minimum, the National Border Patrol Council, the primary organization that represents border patrol agents.

- *Investigative Field Hearing About Additional Detention Bed Space in Brownsville, Texas*

Sufficient Immigration and Customs Enforcement (ICE) detention facilities are critical to ensuring border security. As Congressman Solomon Ortiz (D-TX), a former Sheriff in the Texas border region has noted, there is a critical need to increase the number of detention beds in order to truly eliminate the Department's practice of "catch and release" of immigrants crossing the border illegally. Mr. Ortiz has long been interested in how the failure to detain "special-interest" migrants affects our national security. Brownsville, Texas in the Rio Grande Valley is a border city that knows all too well the problems resulting from inadequate detention facilities. I believe that Mr. Ortiz would be more than willing to help us organize a field hearing on this matter.

Forgotten Lands and Third Border

As you know, long stretches of our Southern and Northern borders cross the lands of Tribal Nations. Along these stretches, there is a significant amount of smuggling of

drugs, people, and illicit materials. I have spoken at length, for example, with the Tohono O'odham Nation's leaders and am dismayed to hear how the inaction of the federal government has left the Nation in dire need of support. I understand that the St. Regis Akwesasne Nation in New York faces similar problems. Likewise, I understand that little is being done to protect our third border in the Caribbean region. Committee Member Rep. Donna Christensen (D-VI) has long been an advocate for enhanced security measures to protect America's assets in that region.

In order to address these inadequacies, the following hearings are merited:

- *Southern Tribal Border: Tohono O'odham (Arizona)*

The Tohono O'odham reservation is located along 75 miles on the US-Mexico border. This is the longest international border of any Tribe in the United States. The Tribe is one of two Nations in the U.S. that cross the international border. The Tohono O'odham have faced many challenges maintaining the unity, culture, and language of their Tribe as well as defending themselves against coyotes, gangs, and unauthorized border crossers.

Historically, National border plans have overlooked the Tohono O'odham and, in the process have inadvertently directed unauthorized border crossers towards the Reservation. The Tohono O'odham Police Department has documented incidents of border crossers burglarizing homes in search of food, clothing, and shelter, and many members of the Nation live in fear of these encounters. Some of the estimated 700 daily border crossers also transport illegal narcotics through the reservation land, and abandon close to 2,000 vehicles annually. The Nation spends upwards of 65% of its law enforcement manpower and over half of its law enforcement budget on homeland security and border security matters. Because of a quirk in the Department of Homeland Security's charter, Tribes are ineligible for direct funding from the Department.

The Tohono O'odham face the unique challenge of creating a system that allows free unencumbered travel by its members, but also protects their land and people from unauthorized border crossers. This can only be achieved through a degree of cooperation with the Department of Homeland Security that is currently lacking.

I know I have raised the idea of a field hearing to the Nation in the past and think if that if we do hold any field hearings this summer, the Committee's appreciation of our border security challenges would be severely diminished unless we examine this serious problem along our Southern border.

- *Northern Tribal Border: The St. Regis Mohawk/Akwesasne Nation (New York)*

The other Tribe that crosses the border is the St. Regis Mohawk/Akwesasne Nation in New York. The geographic terrains of the Northern border can be manipulated by smugglers to mask the travel of terrorists, contraband goods, and nationals from

countries of interest. The pending House legislation does little to assure that the St. Regis Mohawk/Akwesasne Nation has the capacity and assets to secure their part of the border and a field hearing examining the issue faced by the St. Regis is necessary.

- *A Risk Ignored (St. Thomas, United States Virgin Islands)*

Despite the attention to the Southern border, little attention has been paid to the contraband and human smugglers entering through the southeast and Caribbean points. As such a hearing in St. Thomas is necessary to examine the flow of drugs, other contraband, and human smuggling into the U.S. territories. This hearing should examine the methods by which smugglers move from the Virgin Islands onto the mainland United States, the risks created by this smuggling, and possible methods to secure these borders. In addition, the hearing should evaluate the need for a Border Patrol unit dedicated to the U.S. Virgin Islands.

- *Standing Guard: The United States Southern Command (Florida)*

A field hearing to the United States Southern Command in Florida is necessary to further evaluate the trends in drug and human trafficking and the steps necessary to secure the Third Border region. This hearing should evaluate the partnering between Southern Command and the Department of Homeland Security on border security issues, especially those relating to non-land entry into the United States. We have several Members on this Committee from Florida, including Rep. Kendrick B. Meek (D-FL), who represents the Miami area.

Technological and Infrastructure Challenges to Border Security

To secure borders as long and rugged as ours, we must do much more than just increase “boots on the ground” or build a wall. Real border security will require the effective use of technology, an area the Committee should explore in field hearings. This will allow the Committee to understand firsthand the challenges and limitations of the infrastructure at existing border crossings. This perspective will be critical, as we assess the Secure Border Initiative, under development at the Department.

- *The Rugged Northern Border (Washington State)*

While much attention has been paid to the Southern border, little attention has been paid to the much more vulnerable northern border. In the northwest, there are large unguarded stretches of border. Currently, approximately 1,000 Border Patrol agents are assigned to the northern. At any given time, little more than ¼ of that number are actually on patrol. The arrest of an active terrorist cell in Toronto earlier this month is a stark reminder that our northern neighbor also has terrorist challenges it must address. Here in the United States, much of the 5,000 mile northern border is unguarded. There are many challenges to deploying technology in varied terrains and harsh climates and if we leave this vulnerability unexamined, the nation will be unprotected.

- *Stretched to the Breaking Point (San Ysidro, California)*

As we secure our borders, we must ensure that centuries-old trade and commerce routes continue to operate efficiently. If a security proposal shuts down commerce along our borders, then new national security risks will emerge. In addition, there could result economic devastation to those border communities who rely on the cross-border commerce. In addition, businesses throughout the nation that rely on “just in time” inventories could be shut down. To evaluate this issue, I recommend a hearing be held at the San Ysidro, California Port of Entry. Among the issues that should be examined are the limitations of the current infrastructure, the difficulty in expanding some ports of entry, and the difficulty of incorporating new technology and new infrastructure into a 24/7 operation without adversely impacting commerce and flow of traffic. In addition, this hearing would provide an excellent opportunity to examine the impact of busy ports of entry and/or proximity to international borders on the probability of terrorist threats to urban centers. I know that Rep. Susan Davis (D-CA) is very interested in such a hearing and would be happy to host the Committee.

- *Truck Traffic Across the Peace Bridge (Buffalo, New York)*

I also believe the Committee needs to take a look at the difficulties of screening commercial truck traffic at the northern border, in particular at the Peace Bridge in Buffalo, New York. The Department is charged with securing the borders without unduly burdening commerce. A report produced by the Ontario Chamber of Commerce found that the \$1.2 billion in trade that crosses our border with Canada each day supports about 5 million jobs in the U.S. alone. Nearly 60% of those goods move via the Buffalo-Niagara corridor. In 2005, 6.9 million vehicles crossed the Peace Bridge in Buffalo, New York. Trucks accounted for about 660,000 of the 2005 vehicle traffic. The status quo situation, where there are constant delays at the Peace Bridge disrupts the free flow of goods. According to the Ontario Chamber of Commerce’s projections these delays could result in 17,000 lost jobs by 2020 and 90,000 lost jobs by 2030. Every hour of delay costs the U.S. \$471,000. Annually, that’s \$4.1 billion, a staggering figure that translates to nearly half a million dollars lost each hour trucks are stuck idling at the border. Over the years, there have been bi-national discussions about inspecting and screening truck traffic on the Canadian side of the border, as there is more space there but little progress has been made diplomatically or otherwise to bring about a change. The Committee needs to see, for itself, the infrastructure and screening challenges at Buffalo and I am confident that Rep. Louise Slaughter (D-NY) will be happy to assist us in that endeavor.

- *Security Challenges Posed by Additional Traffic (Blaine, Washington)*

I believe that the Committee should also visit the border crossing with British Columbia at Blaine, Washington. The Committee needs to understand the present needs of this border crossing and what steps are being taken to ensure that it can handle the expected exponential growth in truck and car traffic associated with the preparation and

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execution of the 2010 Winter Olympics. The border crossing at Blaine already sees the third highest volume of passenger traffic and the fourth highest volume of commercial trucks along the entire US-Canada border. In fact, over the past decade, commercial traffic has increased 85% with up to 2,000 trucks using the highway each day. With the ramp up to the Olympics, we need to understand what this border community will need from the Department of Homeland Security to partner effectively to keep America secure during this anticipated event of national significance. I am certain that Reps. Rick Larsen (D-WA) and Norman D. Dicks (D-WA) would be able to assist us as we seek to assess the resources and infrastructure challenges at Blaine.

Intelligence: A Force Multiplier

Just as an army is blind without good intelligence, so too is the federal government in securing the borders. But the best information is useless if the people who can best use it either do not learn it, or learn it too late. Indeed local law enforcements officers have informed this Committee that they receive timely and critical intelligence more often from their Canadian counterparts than from our own federal law enforcement agencies who often had the same information. This deficiency in intelligence sharing needs to be promptly addressed.

- *Intelligence Sharing: Federal, State, Local, and International (Lake of the Woods County, Minnesota)*

An investigative field hearing to Lake of the Woods County, Minnesota is merited to evaluate the unaddressed vulnerabilities at the Northern border. My understanding is that this area has had a tremendous drug and human smuggling problem compounded by geographic boundaries (the Northwest Angle). Reports indicate that local law enforcement often obtains better intelligence data about this activity from their Canadian counterparts than CBP, ICE, and other federal agencies in the area. Notably, Lake of the Woods County has seen a number of persons of interest crossing into the United States. Some of them had computer equipment and similar materials in their possession when intercepted. Still others were observed on the American side of the border taking pictures of local resort facilities before they were taken into custody. All that stood in their way at the border, moreover, is a voluntary border crossing kiosk through which Americans and Canadians call a CBP station 50 miles away to record their trip – and only when the kiosk is actually working. This certainly is a system that would-be terrorists can easily subvert, and there are no other enforcement mechanisms for many miles in either direction. The hearing should look at this open border issue, as well as the lack of resources at our Northern border. In addition, there are issues relating to ineffective information sharing between the federal government and state and local officials that merit investigating. From a homeland security perspective, the failure to secure the Northern border leaves our nation at risk from another 9/11 attack.

- *Where Intelligence Meets Operations (El Paso, Texas)*

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As you know, Rep. Silvestre Reyes (D-TX) spent 26 ½ years with the Border Patrol before running for Congress. He is a significant resource to Members on both sides of the aisle on these important issues. I have spoken to him about the field hearings and he has indicated that at field hearing to the El Paso Intelligence Center to examine intelligence sharing among government agencies, how intelligence is used to tailor operations and trends in drug, contraband, and human smuggling is in order. While in El Paso, the Committee should also meet with officials from the Border Patrol Field Intelligence Center and JTF-North, both based in El Paso, and both essential entities that must be given the resources necessary to protect our nation against terrorists, smuggler, and drug trafficking.

I look forward to hearing from you on these proposed field hearings. I believe that they would be helpful both to the Members of our Committee and to the country as a whole as it considers important issues of border security. I have enjoyed the bi-partisan spirit in which we have worked in the past, and hope that we can pursue these hearings in the same manner. I would welcome the opportunity to discuss this proposal with you further.

Best wishes,

A handwritten signature in black ink that reads "Bennie G. Thompson". The signature is written in a cursive, flowing style with a large initial "B" and "T".

Bennie G. Thompson
Ranking Member
Committee on Homeland Security