

Hearing Transcript

Senate Homeland Security and Governmental Affairs Committee Hearing on the Southwest Border Fence

Tuesday, April 4, 2017

JOHNSON:

Good morning. This hearing will come to order. I want to welcome the witnesses, thank you for your testimony, looking forward to your oral testimony and answering a lot of questions we're going to have.

This hearing is obviously called Fencing Along the Southwest Border. I have asked unanimous consent for my written statement to be entered in the record, but I do want to make a couple of, you know, relay a couple of quotes, they were in my written testimony.

One came from Secretary Kelly and Secretary Kelly testified before this committee in January. He said, quote, "The number one threat to the nation is that we do not have control of our borders. Without control, every other kind threat, drugs, illegal immigrants, counterfeit manufactured goods and pharmaceuticals, diseases, terrorist, and the list goes on, and enter at will, and it does."

Further, Chief Morgan, the chief of U.S. Border Patrol under President Obama testified before this committee on November of 2016, "The fencing does work and we need more of it."

I was -- I was in Israel shortly before Christmas and we inspected their fence along the southern border, 143 miles, they constructed in about two years. Total cost, about \$2.9 million per mile. According to Israeli officials, they cut their illegal immigrant crossings from 16,000 to 1-8, to 18. So, yeah, I think there's ample evidence that the fencing when put in the right places, when it's properly designed, absolutely works.

The purpose of this hearing knows to lay out the reality. We obviously have limited resources, President Trump has issued a couple of executive orders. The Border Security and Immigration Enforcement Executive Order says -- instructs the administration to take all appropriate steps to plan, design, and construct physical wall, identifying plan for long-term funding requirements, release study on security at the border within 180 days.

Now, what I'm focusing on that is -- on that is the planning, designing, identify plan, release study on border security within 180 days. To me, Congress has a real role here. And the purpose of this hearing is to lay out the reality, take a look at, you know, where fencing will work, what's the best type of fencing.

When I was in Israel talking to Prime Mr. Netanyahu, he said, you know, the problem with fencing -- he said, "Actually, there are three problems with fencing, tunnels, tunnels and tunnels." So, it's

not a panacea. It requires a layered approach. But, you know, this is our 22nd hearing on securing our borders. This is the top priority of this committee. I think -- I'm hoping every member on this committee realize that there's real risk, there's real danger in not having a secured border. And we've held hearings on some the victims of people coming in this country illegal because we don't have a secured border.

So, I hope we can agree that we do need to provide far greater border security. We have to make that commitment to do it, but also that we can agree that, you know, there's a lot of different opinions. There's a lot of challenges to building that border security, to building walls, to building fences, and that's really kind of what this hearing is all about. It's to kind of lay out the reality and discuss those challenges so we can have informed public policy in terms of what we needed to do to secure our borders.

So, with that, I'll turn it over to my Ranking Member, Senator McCaskill.

MCCASKILL:

Thank you, Mr. Chairman. Let me publicly apologize both to the witnesses, to the chairman of the committee for me being tardy this morning. That's rude and I apologize.

There is no one on this committee -- I don't think there's anyone in the Senate or in America that doesn't want our borders to be secured. I think we can all agree on that, but the other interesting point is, I've not met anyone, either Border Patrol agent, fellow members of Congress, who actually have said, they think the most effective way to do that is to build a continuous concrete wall along the entirety of the southern border. I have not anyone who says that is the best use of our resources in terms of securing our border.

And the only one who keeps talking about it is President Trump, and I want to point out that while this hearing is called fencing along the Southwest border you never hear President Trump talk about the efficacy of fencing. You never hear President Trump indicated in his executive orders or anywhere else that he wants to look at this in a complex, holistic fashion to figure out what is the combination of things we need to do, is it more resources at the ports of entry, is it more resources in terms of Border Patrol, is it more resources in terms of ICE, is it more technology, is it some sections of wall and maybe some sections of fencing.

I think all of us are open to a variety of ways, and I think the thing we should be doing is listening to the people who are tasked with securing the border, and they're the first ones to tell you that it makes no sense to do a continuous wall along our southern border.

So with that beginning, I think it's important at this hearing that we stay focused on a couple of basics. What's the wall that the president is proposing going to look like, what's it going to cost, how is Mexico going to reimburse the American taxpayers for the billions of dollars they're being asked to be spent on the wall.

Since the beginning of this Congress, the committee has conducted ongoing oversight of the Department of Homeland Security and its plans to construct a concrete border wall -- excuse me -

I've asked my staff to report to this committee and the taxpayers on the results of our oversight of the wall today.

Based on information provided by Customs and Border Protection officials to the committee staff, the wall that President Trump has promised could cost nearly \$70 billion. That works out -- works out to more than \$200 for every man, woman and child in the United States of America. I'm not sure that the cost American taxpayers willing to bear, especially when they were told that Mexico would be paying for the wall, not the American people.

The department has told us, they plan to use funds intended to acquire remote video surveillance for the prototype of the concrete wall. The \$20 million they're using to do the prototype came out of the very fund that all the Border Patrol agents told me they needed more of. In fact, it was to buy the remote video surveillance equipment that they proudly showed me they had put together themselves that allow them to see a more broad area along the Rio Grande River and allow them to be more effective in catching the smugglers they were bringing people across the river illegally.

When I asked Border Patrol agents over and over again, what do you need? They told me they needed technology, yes, some additional fencing, and I think the chairman and I agree to some additional fencing/wall may be appropriate. But they definitely said they needed technology more than they needed additional wall. And so, it's ironic that the prototypes for the wall is coming out of the very fund, they say they need the most.

And what about the big question that I would like to spend some time on today, the cost of acquiring the land that is going to be needed to build the wall. Two-thirds of the U.S.-Mexico border is private and state-owned homeland. Some of this land has been in people's family for generations. I'm not sure everyone realizes what a time-consuming process this would be.

According to CBP, along one stretch of the border, mostly in South Texas, 400 land acquisitions were needed to build some of the border fencing and security that is in place now. Of those, 400 acquisitions, they had to file 330 condemnation lawsuits, eminent domain, which by the way you say that word in rural Missouri and you better run because somebody is going to have their shotgun out. It is really controversial for the government to be seizing land and that's what this is about, the government seizing private land.

The lot -- 300 condemnation lawsuits were filed, most of them were filed in and around 2008. And of those 330 condemnation cases, more than 90 of them are still pending today, nearly a decade later. This is not going to be quick and it's not going to be easy and it is going to be very expensive.

According to CBP, the government spent \$78 million on land acquisition for the existing fencing and those were the parcels that were the easiest to acquire. Going to people who don't have a lot of money and trying to buy them off, that's the easy part. The harder part, are people that own thousands of acres of expensive farmland and what that means to them.

Nobody can ask me -- nobody can tell me how much it's going to cost to seize all the land that they will have to be seized to build what President Trump has promised the American people. It's going to take \$21 million or more just to resolve the pending cases left over from 2008.

In the course of prepping for this hearing, we talked to a lot of different landowners in South Texas who were not happy about how they were treated by the government back when the existing fencing was built a decade ago. One of these people is a gentleman from Brownsville, Texas. His family runs a farming operation in the area. He had the misfortune of living in a house that was too close to the Rio Grande River, which is the international border.

In some cases, there's a mile or two of land between where fencing was built in the river and that's how this man's house and some of the most fertile land in the world ended up on the wrong side of the fence. When the government came knocking on his door, this Brownsville farmer was offered just a few thousand dollars for the narrow strip of land where an 18-foot tall fence would have eventually be built. He wasn't offered any money for the dozens of acres of farmland that would be trapped between the fence and Rio Grande River.

When he went to take out a loan on his valuable land to send his three girls to college, the bank told him that his farmland was now worthless, and they would not lend him any money for his children's education. The horrible part of this story is not only does he have to pass through a gate every time to go home, it's an 18-foot fence. He's got to go through a gate to just to go to the house. Think how isolated you would feel.

But here is the worst part. A few weeks ago, the house caught on fire. The Brownsville farmer told my staff the fire marshal couldn't get through the fence to save his house from the flames and it burnt to the ground, even though he had been promised that local emergency services would have the code to the gate. So, he lost the value of his land, and now, he has lost his home because of the fence or the wall.

Regardless of how you feel about President Trump's wall, Mr. Chairman, that's not how we should treat people that are landowners in this country. American families need to be treated with dignity and respect and need to be fairly compensated for any land that is taken from them.

I'll be the first one to tell you that we need to enforce the immigration laws we have on the books and provide DHS officials the tools and resources they need to secure -- they need to secure the border. And maybe that means they need some portions of a wall built in some places.

But if we're going to pay to build this thing, we need to be honest about some of the true cost of the American people. Let's start today by speaking frankly about how much it's gonna cost, how difficult it will be to acquire the land, how long that will take, and the impacts on the American owners along the border, and whether all of those costs justify the benefit that we will receive.

Thank you, Mr. Chairman. I look forward to hearing from the witnesses.

JOHNSON:

Thank you, Senator McCaskill. As I mentioned, there will be challenges. By the way, those cases that were unresolved, 92 of those are because we couldn't identify who the owners are. So, yeah,

there are all kinds of challenges, which is what the purpose of this hearing is, to lay out these realities.

The tradition of this committee is to swear the witnesses, so if you all rise and raise your right hand. Do you swear that the testimony you'll give before this committee will be the truth, the whole truth, and nothing but the truth so help you God? Please be seated.

Our first witness is Mr. David Aguilar. Mr. Aguilar is a former acting commissioner and U.S. customs -- of U.S. Customs and Border Protection. Mr. Aguilar served as chief of the U.S. Border Patrol from 2004 to 2010, and is acting Commissioner CBP from 2011 to 2012. Mr. Aguilar.

AGUILAR:

Good morning. Thank you. Mr. Chairman, Ranking Member McCaskill, distinguished members of the committee, I am honored to appear before you today to testify on issues associated with securing the southern border of the United States to include what has obviously taken center stage in the ongoing border security discussion construction of a physical wall along the Southwest border, what I will refer to mostly as infrastructure required along selfless border.

My testimony is informed by my 35-year career as a border enforcement officer and Department of Homeland Security executive. I served as an agent in multiple Border Patrol sectors including as the chief of the Tucson Sector, at a time when unlawful entries into the United States across our border with Mexico were at an all-time high.

My views also reflect my experience as a former acting commissioner of U.S. Customs and Border Protection, deputy Commissioner of CBP, and the national chief of the United States Border Patrol. It was during my tenure as national chief that we developed and implemented our nation's first-ever National Southwest Border Strategy, doubled the size of the Border Patrol, constructed over 650 miles of border infrastructure, and initiated and organized the application of technology along the entirety of the southwest border with Mexico.

Maintaining a safe and secure environment along the U.S.-Mexico border is absolutely critical. A safe and orderly border that is predicated on a strong rule of law deprives criminal organizations, drug cartels, and criminal individuals the opportunity to thrive is absolutely important. It also provides a solid foundation for trade and economic development between Mexico and the United States and provides for improved security and quality of life in our border communities and throughout our nation.

Illegal border crossings have dropped dramatically. Our border communities are some of the safest cities and communities in the United States. Trade between our two nations is thriving. The barriers and infrastructure built and expanded between 2005 and 2011 along the border played an absolutely large part in the enhanced control of the southwest border.

Now, we have done much to secure the border, but there is still much more to do. Borders are dynamic, significant challenges remain, and new ones are developing. Drug trafficking into the United States is still a major problem as is the illegal flow of bulk cash and firearms to Mexico

from the United States. These criminal activities are the principal causes of the violence afflicted Mexico.

Border fences, walls, and tactical infrastructure are absolutely a definitive part of the border security solution. Those of us with first-hand knowledge and security experience at the U.S.-Mexico border understand that infrastructure, technology and personnel are critical aspects of the solution that will ensure enhanced control over the entire border. Walls, fences and vehicle barriers are an integral part of a border enforcement system.

Their purpose is to impede, deter, slowdown the illegal flow of people and vehicles across our land borders between the ports of entry. Properly designed, properly placed and supported, this type of physical infrastructure creates an environment which enhances the Border Patrol's enforcement capabilities in its efforts to detect, deter, identify, classify, respond to and resolve illegal border activity.

There is no restriction that would bar DHS from constructing additional fencing or other barriers along the border provided that the secretary concludes such construction is necessary to achieve control of the border. Congress has also provided the secretary broad authority to waive all legal requirements that may impede construction of border barriers and roads.

Many issues that we have to be taken into account, federally- protected lands, private lands, Native American lands, and environmental concerns. But it is important to note that there is nothing more destructive to environmentally sensitive land and acquired communities than the uncontrolled illegal flow of people, smugglers, vehicles and criminal organizations.

The placement of fences and deterrent infrastructure in previously uncontrolled parts of the border have actually allowed for the rejuvenation of areas that have previously been devastated -- devastated due to heavy illegal pedestrian and vehicular traffic. Fences, barriers, walls, technology have been instrumental to the Border Patrol's successes on the border, but we must not forget that personnel and technological capabilities are an absolute vital part of integrative border control strategies.

Barriers and infrastructure along with significant increases in Border Patrol personnel improve detection and surveillance capabilities and the strategic development -- deployment of resources to support iterative border control strategies that have gotten us to where we are, improved control of the border. But again, I reiterate more needs to be done.

President Trump has directed the Secretary of DHS to develop a strategy to obtain and maintain complete operation and control of the southern border. I believe walls and fences and border infrastructure will definitively be a part of what the Border Patrol will be identifying as current requirements. The secretary's findings should inform the types of barriers that should be constructed, where they should be constructed, and construction priorities.

There are multiple threats that must be addressed at the U.S.- Mexico border. These include trafficking of drugs, trafficking of arms, contraband within legal trade, and money-laundering. The

criminal organizations that work to defeat our border enforcement efforts are too often solely looked upon as drug and human smuggling organizations.

These same organizations will provide illegal access into our country for anyone willing to pay the going price. Our military men and women are fighting the enemy on foreign ground. We have hardened our airports and ports of entry, making it extremely difficult to get to us by air, but we must act responsibly in addressing our borders.

Ladies and gentlemen, since the Border Patrol began building infrastructure, fences, walls, legal barriers along our nation's border, there has been an endless debate on its value. Border Patrol agents and the Border Patrol is an organization all agree, properly constructed, placed and supported physical infrastructure is essential to border security.

Thank you for this opportunity and I look forward to answering any questions that you might have of us.

JOHNSON:

Thank you, Mr. Aguilar. Our next witness is Mr. Ron Colburn. Mr. Colburn is a former deputy chief of U.S. Border Patrol. Mr. Colburn served in that role from 2007 to 2009. He helped oversee the efforts to double sized Border Patrol and the deployment of more than \$1 billion worth of technology and tactical infrastructure designed to bolster border enforcement efforts. Prior to being named deputy chief, Mr. Colburn served as chief patrol agent of the Yuma Sector where he made significant improvements toward securing that sector. Mr. Colburn?

COLBURN:

Thank you and good morning, Chairman Johnson, Ranking Member McCaskill, and distinguished members of the committee. I am honored to be here today and humbled to be invited by you to testify before the committee on homeland security and governmental affairs regarding fencing along the southwest border.

I'll begin by describing some of my experience and knowledge of the history of tactical infrastructure, also known as fences and barriers, pertaining to the international boundary between United States and Mexico. Thirty-five years ago, in Southeastern Arizona, I was building border fence with a post hole digging tool, a wire stretching tool, and a heavy coil of barbed wire, and a very good pair of leather gloves.

Alone and with no backup, my partner and I dug post holes, strung wire in Douglas, Arizona, standing just inches from Mexico. Three or four strands of barbed wire would not halt people from crossing or stop the smugglers from defeating our own efforts the very next night with a simple pair of wire cutters, but it marked a border, it was our land in the sand.

We've come a long way since the days of steel posts and strings of barbed wire. In 1995, a U.S. Army construction battalion replaced expanded metal and chain-linked fencing in another Arizona border town where I found myself in command. That year, we arrested an astounding 116,000

foreign-born nationals illegally attempting to cross the border in just that station area alone. Countless tens of thousands got away from our sparse staff of 62 agents. That was our thin green line.

Then came 9/11/2001, after the horrendous deadly attacks on American soil by foreign-born terrorists, the American people strongly communicated to Congress, to the administration, and to the media that they wanted our nation protected first and foremost at our borders.

In 2005, I found myself serving as the chief of the Yuma Sector in Southwestern Arizona in the very Southeastern portion of California. About 458 agents covered that approximate 125 mile stretch of the border. They were working 8 to 12-hour shifts, overlapping, covering the border 24/7. During my first year as chief, we arrested 138,000 foreign-born nationals attempting to cross the border illegally from Mexico.

They cross during the cover of darkness, during broad daylight, they cross in vast and overwhelming numbers. They crossed into Yuma, in the urban centers, where they can escape quickly. They were led by unscrupulous smugglers who brought them across the Colorado River, a water boundary, remote desert, and towering mountains where the temperatures can skyrocket to 120 degrees or more.

We seized nearly 36 thousand pounds of drugs that were driven or backpacked into the U.S., just in Yuma alone. There were over 200 attacks by border bandits recorded by us that year. We counted 1,800 victims, mostly from Mexico. The criminal gangs and lone bandits from Mexico preyed on her own, robbing, raping, murdering fellow countrymen, including women and children.

Many of these people were stating to enter from Mexico or in the process of entering illegally led by guides. They were actually working in concert with the bandits, ensuring to take from those robberies and assaults. Assaults on border law enforcement personnel numbered in the hundreds just in that stretch of the border.

Yuma had become the most dangerous stretch of the border at that time. So in response to this, Yuma sector became the proof of concept that America can protect and control its border. With the proper mix of resources are placed almost instantaneously, the secretary of Homeland Security prudently and thoughtfully exercised his legislative waiver authority in consideration of certain environmental regulations, which posed a hindrance to construction initiatives. Nine hundred men and women from the National Guard supporting operation jumps -- operation jumpstart descended upon the border in the Yuma area.

We built border barriers, fence along the entire stretch of the Yuma Sector. The Army Corps of Engineers and contractors built double pedestrian fencing, vehicle barriers, and what is known as floating fence in the Imperial Sand Dunes Park region. The style and material all used depended on the geographic and demographic challenges.

We doubled the Border Patrol agent manpower and we added sensors and communications technology. Violent bandit activity went from that record 200 attacks the year before and over

1,800 victims to 0 after the fence was built in Yuma. The number of violent assaults on Border Patrol agents also declined drastically.

Before the fence, Yuma Border Patrol recorded 2,706 drive-throughs in a one-year period. This is where smugglers load up vehicles with their contraband, be it drugs or people or weapons, and simply drive across open, unfettered border. They cross the river in shallow places, destroying wilderness landscape along the way. They lose themselves in urban areas and traffic once reaching paved roads.

And of those, 2,706 drive-throughs, we recorded a mere 13 captures and turn backs, all the rest got away and we don't know what they brought into the United States. But after fence, the next year, only six vehicles even attempted to enter the United States other than the designated port of entry, and none of them got away. We captured or turned back all of them. So, from 2,706 down to 6, impressive.

By 2008, Yuma Sector arrests of illicit border crossers and traffickers have dwindled from that over 138,000, my first year there as chief, down to 8,363. The known attempts to enter and the got aways dwindled to an equally minimal number compared to the hundreds of thousands that entered and evaded arrest in the previous years.

I do encourage you to ask those Border Patrol agents in the field; they know. I recently completed a comprehensive tour of the border myself in South Texas receiving robust state of the border briefings and updates by several Border Patrol chiefs and their staffs. I have spoken with majority of the Border Patrol leadership that covers the southwestern border in recent days.

The bottom line, when I asked them about fence, every one of them responds, "Yes, build new barriers where needed. Improve existing fence and maintain timely repairs when breached by criminals or damaged by the elements." Threats change. The transnational criminal organizations simply will not go away. They try methods to defeat the fence, but it persistently impedes their ease of entry and their ability to quickly address into border communities in the interior of the United States.

It gives the protectors of our borders the time to detect and respond to that illegal activity. It preserves the environment in the border wild lands. This system of systems approach implemented broadly and rapidly is what makes tactical infrastructure and border fence so valuable as a part of the solution.

Thank you esteemed members of the committee. God bless the men and women of the U.S. Border Patrol. And I remain ready to continue this dialogue.

JOHNSON:

Thank you, Mr. Colburn. Our final witness is Mr. Terrence M. Garrett, Dr. Garrett. Dr. Garrett currently serves as the president and chairman of the Public Affairs and Security Studies department at the University Texas Rio Grande Valley. He has authored numerous publications on

eminent domain. Dr. Garrett is a military veteran and received the National Defense and Air Force Achievement Medals for service. Dr. Garrett?

GARRETT:

Good morning and thank you Chairman Johnson and Ranking Member McCaskill and the rest of the distinguished senators on the committee for inviting me here today to speak to you about the topic of fencing along the southwest border. Please note that my testimony and other remarks today before you are my responsibility, not -- may or may not reflect the views and are independent of my employer, the University Texas Rio Grande Valley.

So, one of the things I'm interested in discussing first off is this cost to the U.S. taxpayer for the border wall itself. I've seen reports anywhere between a few billion dollars up to \$40 billion or MIT story that was printed in the -- by the New York Times. USA's public is not in favor. Pew Center shows that 39 percent of those polled were in favor of fence, thought -- thought that the wall was important to build, while 59 percent did not think the wall was important.

The final cost to U.S. taxpayers for the construction of the Trump's border wall remains to be seen. It will be up to you, of course. This will likely have to be extended and they have been for wall building contractors to develop a clear understanding for, you know, government officials in charge of the project.

And I can tell you directly about past experience with the building of the wall in the Rio Grande Valley as an example of this. In past government contracts of nonexistent border fence placements, we now illustrate how corporations have benefited from the building a border fence. Boeing SBI-Net, for example, received \$7.5 million per mile out of the 110 miles for constructing an 18-foot high fence in the Rio Grande Valley during period of 2006 to 2009.

In South Texas, the border fence was placed in areas where wildlife refuge, landowners, farmers and ranchers were located, resulting in properties being apprehended by provisions of the Secure Fence Act of 2006 that they made reference.

OK. So, the next thing I talked about is the account of eminent domain issues at the university I was previously, the University Texas, Brownsville and Texas Southmost College. I have actually Dr. Julia Garcia's personal statement archived at the University of Texas. I'm going to read some pieces from it.

The president of the University of Texas Southmost College, Dr. Julia Garcia refused to sign U.S. customs and border protection document requesting right of entry in October -- in October 2007. She did not sign the document for the following reasons. Number one, there was a risk to our property investment because the government sought access to land that levies to buildings in the very heart of our campus, adjacent to the student union and the life and health sciences building.

The right of entry was meant to support preparations for the building of fence that would jeopardize campus security. And I can -- on that point, Mr. Ben Reyna, former U.S. marshals service was our advisor of this. There had been no opportunity for genuine public input, UTB-TSC has become a

key player in the promotion of industry, especially ecotourism and reclamation of important wildlife areas, inclusive of thousands of acres of the Rio Grande area. Many have worked for decades to design a campus that is respectful of the natural and rich environment of this special ecological zone.

Finally, the right of entry jeopardized important historical heritage of the campus. The university campus encompasses several significant historical sites including historic Fort Brown and Fort Texas. In January 2008, UTB-TSC was sued in federal court by the federal government. July 31, 2008, a final agreement was reached with DHS. CBP dropped the condemnation actions. The university enhanced its own fencing, a 10-foot high fence with high-tech devices paid for by the state of Texas, by the way, and agreed to establish a center to study border issues including security.

I was part of President Garcia's strategies team -- and we went to Rancho El Cielo, which is a biological research station 300 miles south of Brownsville, Texas and Gomez Farias, Mexico. Along with UTB- TSC faculty and administrators and UT system attorneys, we considered what we had accomplished in terms of winning a victory we thought, as being in the best interest of students, faculty, and citizens of South Texas. However, other citizens along the Rio Grande did not fare as well.

The DHS produce a document entitled, Environmental Impact Statement for Construction and Maintenance and Operation of Tactical Infrastructure for the Rio Grande Valley Sector dated November 2007. This document laid out the strategy for lot and land condemnation proceedings against the citizens of the Rio Grande Valley. The fence went primarily in areas where landowners were economically mostly citizens whose primary language was Spanish and who had lower levels of educational attainment.

Wealthy landowners whose primary language were English and had higher educational levels were spared, and this is brought out in the Washington Post report. And we had a faculty, Jude Benavides and Jeff Wilson, who conducted the 2010 demographic study on disparities associated with the proposed U.S.-Mexico border wall in Cameron County, Texas and Southwestern geographer in 2010, and they found that there were a collusion to actually go after the poor that that would not resist.

Judge Hannon, as mentioned previously, 320 eminent domain cases wound up in his court, 91 remain open. When Trump signed his executive order last month calling for his big beautiful wall, Hannon knew what that would mean, as he said to a national public radio, "What I thought was, oh, this is going to be a lot more work for us," Hannon said. "It's going to be a lot of headache. The people in South Texas, there's a lot of hard feelings about the wall."

My time is running out, but I'm going to -- a few quotes here. "You show me a 50-foot wall and I'll show you a 51-foot ladder at the border. That's the way the border works," Janet Napolitano, former governor of Arizona 2005.

The deputy spokesman for the National Border Patrol Council and Local 3307 Rio Grande Valley, Chris Cabrera's recall recently, "We came with this 18-foot wall. In the very next day, they had 19

foot ladders. It got to the point where we had so many ladders at the station that told us to stop bring the ladders in. It was just insane the number of ladders we had, hundreds upon hundreds.

Cameron County Sheriff, Omar Lucio, says, "It's a waste of money. It's not going to work. I don't care what Trump is saying."

So, I'll stop at this point.

JOHNSON:

Thank you, Dr. Garrett.

MCCASKILL:

Thank you.

JOHNSON:

Let me -- let me first start with cost. I mean, I hear a lot of estimates. And again, they're all projections, but let's take a look at some actual cost. Again, I'll refer people to our committee's report on my trip to Israel, 143 miles for the fence constructed between 2011 and 2013, average cost \$2.9 million per mile. Now we can have some inflation cost increase of \$2.9 million per mile, pretty effective fence, 16,000 crossings down to 18, 1-8.

And by the way, if you'd like your minority report to enter the record, happy to do so. I know you're talking about the 270 acres of land being purchased average cost about 42,600, depending on how you purchase that land, whether you do it the, you know, furlough versus change 660 feet x 66 or square acres, somewhere the cost per mile of acquiring that land based -- and that would be 340,000 to 1 million. So, tuck on 1 million to 2.9, you know, total cost of 2,000 mile long -- I don't think anybody here in this hearing room is -- maybe there are -- suggesting 2,000 miles. We're looking at the right kind of fencing in the right place. But even that would be less than \$8 billion, you know, somewhere between 5 and 8.

So, again, I just want to be talking real costs. Mr. Aguilar, the 650 miles of current fencing -- and again, I'm waiting on the study and this is -- it will be interesting when we have real information from DHS talking about their evaluation and what the real recommendation will be.

Can you just give me your evaluation of the current fencing, about 350 miles of that is pedestrian fencing, about 300 miles is vehicle fencing, how good is it? I mean, how much needs to be replaced? In your estimation, how much more would need to be built?

AGUILAR:

So, the existing fence right now has been absolutely critical to get us to where we are today at the level of control that exists along our border with Mexico. But again, I need to reiterate that it is the fence, the technology and the personnel in order to be responsive to any kind of breaching attempt

that is done, whether it was the 19-foot ladder or otherwise. Otherwise, being the tunneling, the Ultralights flying overhead, the catapulting that's happening, the bridging of the -- of the fences, all of these things are in fact happening.

We cannot forget though, that the purpose of the fence is to deter, to impede, to basically create more time and distance for the officers to be able to responsibly react and take the actions necessary. So, of the existing fence that is out there now, there is quite a bit of it that needs to be replaced. And the reason for that is what Chief Colburn and I and other Border Patrol agents did, we actually built those fences, back when we were -- we didn't have the support of the American public, as I put it.

So, a lot of it needs to be replaced. Now, as to how much is required, that is going to depend on the chiefs that are in the field right now, which is exactly the position that we took, that I took as a national chief of the Border Patrol, that I was going to the chiefs in the field asking them what they needed, where they need it, or what the type of fencing was and what the purpose of rationale was. Taking into account the very difficult decisions that we knew we're going to be taking place, eminent domain, heart wrenching.

I was born, bred and raised in Texas, not unlike Montana, not unlike Oklahoma, not unlike Missouri, where some of these are very touching situations and very hard. But I have to say that the oath that people like Mr. Colburn and I took was not to Texas, was not to South Texas, was not to Southern Arizona, it was to the country. It was what was best needed to be done to protect the country, the United States, in the best way that we could. That is what we're looking for now to go to move forward.

JOHNSON:

You talked about the goal being to impede, to deter. In Israel, there is this about a 15-foot fence and the whole design -- first of all, you can through it, which is an important design consideration. I think that is important. But the whole purpose was to give them about a five-minute response time.

AGUILAR:

Exactly.

JOHNSON:

They have a five-minute response time. So, it's built in a very thick rebar, it can't be cut through, it can't just be clipped, you'd have to have a pretty good saw. It takes time, so, you have enough time for the Border Patrol in Israel to respond. I mean, is that basically what you're -- the primary goal of the fencing?

AGUILAR:

Absolutely. It is to deter -- to deter and impede the flow and create that time and distance that's critically important. Now, depending on where you're building the fence, it could be minutes, it could be hours. In some cases, it could be longer than that the Border Patrol needs to impede in order to take the appropriate action.

JOHNSON:

You're talking about the specific challenges in Texas. I'm not going to identify the members of Congress, but I've spoken with Texas Congress -- members of the House who say that levies, you know, would really work well and are actually supported by the public. Can you speak to that as part of the solution?

AGUILAR:

That was a very unique situation that we took in Texas. The levees, as we probably all heard, are critically important for the flooding of the Rio Grande. And actions that we took as part of the Board Patrol back then, the sitting chiefs, basically identify the Rio Grande at South Texas requiring fencing. We worked with the local community on an ongoing basis and spoke to them at length about what we could be do and done.

What we literally did, is took the existing dirt levees, cut them down the middle, and against them reinforced the existing levees with concrete, in some areas as high as 20-30 feet. Above those levees after we set that abutted concrete, we built the walls that needed to be built on top of that to continue the deterrence perspective. It worked very well. It was a community effort, community of the locals, community about the Border Patrol as an organization and DHS.

JOHNSON:

So, do you think that would be a solution in larger areas of Texas?

AGUILAR:

There will be some areas that can be accommodated like that. One of the things that I am absolutely sure that DHS, CBP, and especially the Border Patrol will be doing going forth on this is working with the local communities as we did back then. Dr. Julieta Garcia, I worked with her personally on an ongoing basis. I met with her three or four times at the University of Texas in Brownsville on building and accommodating what the -- what we actually -- eventually built at UTB.

JOHNSON:

Mr. Colburn, in your testimony, you're relating direct experience, similar to Israel 16,000 to 18, similar types of dramatic numbers in terms of, you know, fencing barriers actually work. I'll just give you -- I've got little time left -- the 650 miles, how much do you think needs be replaced, how much more do you think has to be built? I mean just -- we're not going to hold you to it, because we're going to wait for the DHS study, but just, you know, some sort of general feel.

COLBURN:

I'll answer in two parts. First, the collection of Chiefs of the South -- nine southwest border sectors all jointly say they need more fencing as well as repairs and improvements on existing. That said, just to name some mileage in Yuma sector, the sector that I served for a period of time as chief when the fence was started, they currently have over 63 miles of primary fence, 9 miles of what is called secondary fence behind some of the primary fence. They have over 28 miles of all-weather roads.

So, when we talk about infrastructure, sometimes it's not just a barrier, it's to give access. We added nearly 9 miles of permanent lighting, which you actually the community of San Luis Rio Colorado Mexico was very appreciative of. It -- crime went down in Mexico as well. And we added 44.5 miles of the permanent vehicle barriers of a couple different styles and then we even had 9 miles of tertiary fence in the flanks of the San Luis Port of Entry, three rows of fencing.

That just gives an example of what is necessary. I think that the gates and bridges that were built along the Colorado River where there are also ditches in the irrigation usage out of the water for farming, we added to 18 vehicle gates and one bridge to the bridge that's already existing. We even added water wells for access by the agricultural plan users.

JOHNSON:

But basically we just trail of there, and what I have in my briefing about a couple hundred miles of different forms of fencing out of how long is Yuma Sector in total?

COLBURN:

125 miles.

JOHNSON:

OK.

COLBURN:

So, because it's overlapping, it exceeds that. And uniquely, the Imperial Sand Dunes National Monument area has the floating fence. And I know you probably -- you can go online and see. It's quite unique and quite effective. It -- in 2008, we lost a brave Border Patrol agent, Luis Aguilar, because there was no fence. I was quoted by the Corps of Engineers when they posted a book on fencing on the front cover saying that will never happen again there because of that floating fence.

JOHNSON:

All right, Israel has technology for sands as well, it works quite well. Senator McCaskill?

MCCASKILL:

Thank you. I think additional fencing is essential and repairing fencing that is in place is essential, but a couple of things came out in the chairman's questions. And one is the issue of situational awareness that if you can't see through and you don't have the technology to look over, then you are really handcuffing, in my opinion, and I would like to know if you, Mr. Aguilar, and you, Mr. Colburn, would agree that you're handcuffing the Border Patrol agents because they can't see and respond quickly enough if in fact this is a concrete wall that you can't see through and can't see over. Would that be a fair assessment as to why we need to be aware of situational awareness as we make these decisions?

AGUILAR:

Situational awareness at the border regardless of what kind of infrastructure is built south of the border, in the case of Mexico, is absolutely essential for the safety of the officers, for reactionary time, for planning, and for taking the appropriate actions of the right time. That is why you will hear every Border Patrol agents saying there will definitely be need for infrastructure supported by personnel supported by technology.

MCCASKILL:

Technology.

AGUILAR:

There is technology now that can give us that overhead capability. There are tethered drones that will stay up for weeks at a time, that will give you not to view just not of the wall but North and South as to what is coming at you, the actions to take, and the safest actions to take.

MCCASKILL:

And when they can't fly, they can use is elevated night vision goggles even at night to get the situational awareness they need.

AGUILAR:

That is correct.

MCCASKILL:

That's the technology we're talking about. I would point out that the prototypes that are being built are walls. We're now -- we took \$20 million out of the technology fund that would have provided more of that situational awareness and we're building prototypes of walls, not fencing, but walls. And that's what I'm concerned about, is that we're headed down a path towards an outcome without fully considering what would be the most effective use of the American taxpayer dollar as it relates to securing the border, and that's what I try to hammer on and I think the chairman and I agree on a lot of that.

Let me talk to Dr. Garrett for a moment about land acquisitions. Is the government likely to run into resistance if they attempt to condemn more property from Texas landowners?

GARRETT:

Almost certainly. In fact, as I -- I didn't get all the way through, but you're talking about River Bend Golf Course, which is a retirement community with hundreds of homes and very valuable. We called Winter Texas, they come down. And they will probably fight it even though they came on the Washington Post and said -- the owner said, "Well, we're going to -- we try to work with the -- with the CBP but, you know, basically the implication was we'll fight them."

So, they have the resources to fight. That was kind of the point where I was going with university. Let's all -- there are other places along the borders, several on development in the south of Mission, Texas, that they didn't the -- the -- previously, did not get the wall. So -- and also, you're are talking about hundreds of more miles with private landowners that have yet to be...

MCCASKILL:

And they're all entitled to a jury trial?

GARRETT:

And they're all entitled to a jury trial. And if I can say something on the levees, if I can add something, Christian Hernandez in the monitor, he looked at the costs and he actually quotes Representative Michael McCaul, the chairman of the of the house committee, that basically -- first of all, Ramon Garcia, the county judge and the mayor of above McAllen came out with a letter that said in effect, "We're against the wall. However, if you're going to build a wall, we would like to have levee infrastructure similar to what we had in 2007."

Now, we're talking about 30 -- over 30 miles of levee infrastructure according to the article, and it would cost \$12 million per mile for a total cost of \$378.93 million out of President Trump's \$2.6 billion proposal.

MCCASKILL:

And that's just for levee and that one ...

GARRETT:

That's just for the levee sections in Hidalgo County.

MCCASKILL:

OK. Historically, has the government underestimated the time and the expense of land acquisition when it comes to acquiring the land necessary to build barriers?

GARRETT:

Yes. Absolutely. It's really -- it's been over -- Judge Hannon has had many, many years of cases before him. I was asked by Time Magazine a few years ago about it, and it hasn't -- the needle hasn't moved very much.

And the problem for the judge is, OK, eminent domain cases take a lot of his time and it appears to me that he also deals with criminal activities along the border. Why is he spending time and taxpayer money defending lawsuits -- working with lawsuits defenses on behalf of -- you know, for the plaintiffs when in fact shouldn't he be better spending his time dealing with people who are apprehended and engaged in criminal activities on the border?

MCCASKILL:

What can you tell me -- has -- has the fencing that has been installed in Brownsville it's right on the southern tip of Texas. It must be obviously a dangerous place because it is so close to the Mexican border. What is the security situation like in Brownsville?

GARRETT:

Brownsville itself is the least criminal-ridden or violent community in all of Texas according to Texas Tribune. They looked at U.S. Department of Justice data, and actually, corresponding roughly with -- about the time with the war in Mexico on drugs by President Calderon, that the border cities began to see a precipitous drop in violence within those communities.

So, that's -- you know, fence -- you know, how can you prove the fence works when in fact we had a partner, in Mexico, right, dealing with some of these criminal organizations. And what has happened is crime has dropped on the U.S. side of the border.

MCCASKILL:

When you were Commissioner of Customs and Border Protection, Mr. Aguilar, I think you ranked personnel first, infrastructure second, and technology third. It's my understanding that you would now rank it technology first, personnel second, and infrastructure third.

AGUILAR:

The ranking now is technology definitively first just about anywhere along the border...

MCCASKILL:

Right.

AGUILAR:

Infrastructure and personnel will be going back and forth depending on the area...

MCCASKILL:

Where you are.

AGUILAR:

... where you're going to be placing it.

MCCASKILL:

Would you agree with that assessment, Mr. Colburn?

COLBURN:

Yes. To borrow a famous two-word term from many lawyers, it depends. It really does depend on the topography, the demographics, and the geographic, and also the climate. So, there are times when manpower has the greatest value assigned, other times where the technical infrastructure does, and other times when it's technology.

It is a chain that cannot be broken though. So, without the tech and infrastructure, we will know - - we will still not have accomplished border security. With it, along with technology and manpower, I feel that we will finally see that light at the end of the tunnel and we can secure all of the border, not just Yuma, not just other stretches, but all of it.

MCCASKILL:

Thank you. Thank you all.

JOHNSON:

Senator Lankford?

LANKFORD:

Thank you, Mr. Chairman.

MCCASKILL:

I just want to -- can I ask that the report be entered into the record, when you reference?

JOHNSON:

Sure. Without objection.

MCCASKILL:

Thanks. Sorry, I forgot.

LANKFORD:

Mr. Colburn, you had a unique experience that you were at a location in Yuma, saw the high crime rate, saw the large number people crossing illegally, saw the vehicular traffic and do anything about it. Wall goes up and then saw the very significant drop in illegal crossings at that spot as well as the vehicles and people.

Let me get -- let me get some specific questions to you on some of this. What did you see as far as delays? There's been a lot of conversations about land acquisition, we have delays in constructions and permitting, road access, and such. What did you see in delays? What were the causes of those delays? And did construction move in other areas while they were working at the delays in other spots?

COLBURN:

The delays in Yuma were not as significant to compare them, say, to South Texas. And significantly, a lot of that has to do with the fact that along that 125-mile stretch of the border, 96 percent of the land adjoining Mexico on the U.S. side is federally publicly stewarded lands.

So, the Bureau of Reclamation within the Department of Interior, it was National Park Service -- it was Bureau of Land Management. It was Department of Defense with the Barry M. Goldwater Bombing Range. So, it's a variety of federal and publicly stewarded. That does bring in environmental considerations, but when I mentioned earlier about rapidly layering on manpower, technology and tactical infrastructure, that's what made Yuma that case in point, was we were able to get that together quickly.

There are places where because of private ownership, as we've been discussing, they're more challenging as well as there are places where the terrain, geographic, and climate will be more costly. Levees will cost more than some of the barriers that we were putting in Yuma at the tune of 1 million to 1.1 million a mile. So, compared to the 5 million per mile in South Texas, it was rather efficient in the desert areas of Yuma for much of that that part of it.

Not everywhere though. We do -- we do have a roughly 20 miles of river boundary, people forget, they think of Arizona as all land boundary, the Colorado River does separate not just the state of California and Arizona but also Baja California Norte and Sonora. So, it's -- it is an international boundary marked by water.

What the smugglers were doing there, were building bridges with sandbags, and their engineering was amazing overnight, very squared, very level and just inches below the surface of the water so that the bridges cannot be detected off the reflecting angle of the sun in the early morning hours. They could drive a number of vehicles laden with drugs across in the early darkness hours. They were building those in one night. Talk about sometimes you don't have a technical solution.

Well, now, they have technology that can detect it, and they have barriers that can keep them from freely driving over the levees and across the bridges. But we still had to wade into the river with machetes and slit each bag of sand because they built it during the night and we tore down during the day. And that's what finally defeated them, it became a too cost inefficient for this organized crime groups to continue building one overnight. So, sometimes rudimentary forced muscle waiting in the river with a knife, and slitting open bags is the solution.

As both the chief and I have mentioned, this -- it's not a cookie-cutter solution anywhere along the border. Each sector, even within each sector, we find different combinations of resources that solve that problem. But certainly, in Yuma, we had it easier because of publicly stewarded lands.

LANKFORD:

Mr. Aguilar, talking about the technologies, that's one of the prime areas to be able to innovate on first. What technology is needed and what do we have that we need more of or what do we not have that we need to put in place?

AGUILAR:

The technology would be an absolutely critical part of anything you do anywhere along the border. The type of technology that we're talking about is the technology that will give you situational awareness, persistent situational awareness of anywhere that agents are going to be interested as to what's happening along the border.

Today, we have IFTs, Integrated Fixed Towers, which started way back when Chief Colburn and I were in the field. We have remote video surveillance system, we have mobile surveillance abilities systems ...

LANKFORD:

Hold on, slow down. Towers are frequent -- let's get more specific as we're talking through this. When you talk about towers, how frequently do you need those? You got a 2,000-mile border. Is that every 2 miles? Is that every 5 miles? Is that every 500 feet?

AGUILAR:

Let me step back. Not the towers because, basically, again, it gets to the type of geography as to where we are deploying the kind of capability we're looking for. In Arizona, for example, when I was the chief of the Border Patrol, we lined out the exact number of towers that had a view shed that had a capability to cover an entire area.

But along with that, we had some problems because we have, for example, at the Tohono O'odham nation, 75 miles of the border of the Tucson Sector, where I was chief -- bottom line is we were not allowed because of the sovereignty of the nation, the Tohono O'odham nation to build that type of technological capabilities.

But today, there are technological capabilities that could now basically give that site same type of situational awareness, drones, tethered drones that basically are going to have eye view or view sheds of 7 or 8 miles wide, maybe even a bit higher. So, areas where we cannot put an integrated fixed tower or a remote video surveillance system -- and by the way, the integrated fixed towers does have capability of a view shed of 8, 10, 12, 13 miles, depending on where they're placed, line of sight, line of sight for infrared capability, line of sight for Doppler radar, line of sight for cameras, very high quality, high fidelity cameras.

So, it all depends on where you're going to be placing it. There is -- there are plans in place by the Border Patrol for the entirety of the Southwest border. Now, we also have to take into account that as an example integrated fixed towers, which work very well in Arizona, will not work as well in South Texas. The reason for that is the vegetation, the density, the triple canopies, so all those things need to be taken into account, but the chiefs are aware of what they need. There are designs out there that basically have been put in place for that.

LANKFORD:

Great. Thank you.

JOHNSON:

Chairman Carper?

CARPER:

Thanks. Gentlemen, welcome this morning, particularly Mr. Aguilar, Mr. Colburn. Thank you for your service to our country in many, many different roles. Dr. Garrett, again, welcome. We're delighted that you're here.

I'm chatting with my father this morning. My dad used to say to my sister -- when we do some boneheaded stunt he used to say, "Just use some common sense. Just use some common sense." We didn't have much of it, he said it a lot.

I'm also chatting with a woman who once came to one of my Town Hall meetings years ago when I was a congressman, and it was on budget, how do we reduce budget deficit, which was \$1.4 trillion about eight years ago. Today, it's over \$400 billion, 1.4 trillion down to about \$400 billion, still way too much, as we're talking about spending money for a wall that we really don't have.

But I remember in this Town Hall meeting, a woman who said to me, she said, we're talking about whether or not revenues could be a part of the deficit reduction plan issue, "I don't mind paying more taxes. I just don't want you to waste my money." I just don't want you to waste my money. And I'm very mindful of that as we think about the combination of tools that we use to make our borders more secure.

Another one of my guiding principles in life is find out what works and do more of that. Find out what works and do more of that. And I think that one of the common theme that comes from this discussion here this morning is there's no one answer. There may be several answers. There may be several answers to the same area of the border.

Another point that have mentioned, one of the reasons why I think we saw, Mr. Colburn, that precipitous drop in illegal immigration in the Yuma Sector is the folks from Mexico are no longer coming to the U.S. in such great numbers. In fact, as you know, there're more people going back into Mexico from the U.S. than there were Mexicans coming in to the U.S., which is a big help. And that says to me, well, what are some ways that we can convince the people who are mostly illegal immigration is coming from today, what can we do to convince people in Guatemala, Honduras and El Salvador not to come up here and what are the things we could do?

As the chairman notes, that the reason why they come to this country is because their lives are miserable, they're lives were unsafe, the conditions of misery, we're complicit in their misery because of all the drugs that we buy that are trafficked through countries. Well, why don't we do something to help in that regard?

There is help on the way that's called Alliance for Prosperity and it's literally, take Plan Columbia, something that has worked over the last 20 years, and replicate it with respect to those three countries. The funding for the plan is, I don't know, about 500 million to \$600 million, \$700 million a year. We're talking -- if we would just take half the money that we're talking about spending for a wall, we could fund the Alliance for Prosperity for the next two decades, which is how long we have been funding Plan Columbia, which has worked.

The last thing I want to say is illegal immigration reform -- immigration reform. I'm not interested in basically say the people here illegally. Well, you can just say, "We'll just provide immunity for you guys to let you say." I'm not interested in doing that. Most Americans are not interested in doing that.

We passed comprehensive immigration reform here in the Senate -- oh, gosh -- five, six, seven or eight years ago. That did not do that, but actually did give people who were here played by the rules, got a line, worked, pay taxes, spoke English, who gave them pathway to true legal status. I think that probably makes him some sense. I think a guest worker program makes some sense.

And Senator Johnson and I talked about this morning a few times the idea -- most -- a lot of people down there, they want to want to come here and go to work, want to be able to go back home, maybe for good, and we don't give them a very good opportunity to do that because when you get over here they get stuck and they can't go back.

I'll react to some of what -- the last thing I want to say is force multipliers. We've mentioned some of the force multipliers that make sense and I've been down in the border from San Diego, where I used to be staged in the Navy, all the way almost to the Brownsville, where I used to fly to Brownsville and Kingsport, but I've talked to hundreds of Border Patrol officers and say what he think we ought to be doing.

And I'm just going to mention some of the answers they've given me and some of them we've heard here today. Oh, yeah, not just helicopters but helicopters are great. Not just drones, drones can be great. Not just fixed wing aircraft, they can be great. But at least make sure they have the right kind of surveillance equipment inside the aircraft.

VADER system, which is actually one of -- a number of packages that works very well, but I used to go out in Navy P-3 airplanes out in the ocean with my crew, a 13-man crew. We come for people that are lost ships, that were sunk, or whatever with binoculars. Good luck. Good luck. And when we have a great system like VADER and we have the aircraft, the drones, and fixed wing aircraft, for God sake, let's make sure the surveillance aircraft is equipped with those technologies.

OK. What have I heard that works, drones properly -- with proper surveillance packages. Horses in areas with high -- high grass. And helicopter, I mentioned earlier, motion detector sometimes make a lot of sense, mobile and stationary observation towers with the right kind of observation surveillance equipment on board, better intelligence. We've not talked about better intelligence, but that's certainly a good point, mobile and stationary observation towers, cooperative agreements planned along the border. Someone has mentioned lighting, those are all things that work, some place along the border. And I've just given you a scream of conscious here. Mr. Aguilar, just react very briefly on some of what you heard? Does any of that make sense?

AGUILAR:

Everything that you have just lined out there plus more, Senator, is exactly what any Border Patrol agent that has served on our southern border or our northern border for that matter will identify as needs and requirements. It is how you put that package together that is critically important. It is those capabilities added a place against the requirements that the agents in the field have.

So, yes, absolutely all of those things plus other things are constantly and developed, situational awareness, for example, situational awareness capabilities that exist that should be applied so that the terrain changes, as an example. From an intelligence perspective, agents need to know that in a remote or very rural area of operation the terrain change has occurred to notify them that they need to be paying attention to this and taking those kinds of efforts.

CARPER:

Good. Thanks. Mr. Colburn, one thing I didn't mention, walls work. I've been in Israel, they work. But they caused to be tunneled under and climbed over. Fences work. And as we gotten -- gone along, we figured out how to make better fences. So, I'm not saying those are bad ideas. In some places, they work great. But 1,900 miles of walls? Really? Mr. Colburn, I'm almost out of time, please briefly.

COLBURN:

One of the items that I ...

CARPER:

I just want you to react to my three new consciousness ideas, force multipliers.

COLBURN:

You've listed the very good ones and your source is being the Border Patrol agents, as I said in my opening remarks, ask the agents and they will tell you. Consequences, system of consequences is extremely important. If there are no consequences for illegal acts, then it encourages deterrence. The end game, of course, in the end is to make the criminal organizations that now own the movement of people along border and drugs and weapons and cash and creates an environment where they believe they can no longer get away with it.

CARPER:

OK.

COLBURN:

You can do that through all of all of those kinds of resourcing in the right amount of it and right place.

CARPER:

Thanks. Very briefly, Dr. Garrett, please just react to what I -- the diatribe I just went through.

GARRETT:

Yes. I would say I've got a colleague, Dr. Carea Cabrera, who was over at the Woodrow Wilson Center. Last year, she was on a \$200,000 U.S. State Department grant studying human trafficking route on the Eastern route from El Salvador, Guatemala, Honduras through Mexico.

She is a great expert. She actually interviewed traffickers in prisons in those countries and provided a report to the U.S. State Department. That kind of intelligence, getting to your point, is very, very valuable. I would think in terms of understanding and the connections between transnational criminal organizations, which have begun diversification, which is another one of our specialty areas and drug trafficking, human trafficking, and petrochemicals, hydrocarbons.

So, you know, it seems to me we're doing our country a disservice if we don't utilize resources like that, like the Wilson Center, like U.S. State Department grants. Those are kinds -- those are the kinds of things that we need to have to improve our intel.

CARPER:

OK. I'm out of time. Thanks, Dr. Garrett. I'll just say in conclusion, Mr. Chairman, and colleagues, we got a lot of tools in our toolbox, we need to be using them. A wall and a fence, is that part of

the toolbox? Yes, it is. But to spend \$15 billion to \$25 billion at the time we have a budget deficit of over \$400 billion is unwise, it's unneeded, and it's unaffordable. Thank you so much.

JOHNSON:

Just real quick. As I stepped out a couple of minutes, in your stream of consciousness diatribe, your words not mine, did you mention cutting down vegetation like Carrizo cane? Is that part of the -- OK.

CARPER:

I didn't know, that's one of the -- I think it's Mr. Aguilar, somebody said there are other ideas and that's I think in many places ...

JOHNSON:

That's definitely a good one.

CARPER:

Yes.

JOHNSON:

Senator Heitkamp ...

CARPER:

Let's not use Agent Orange. They have done that.

JOHNSON:

We'll use some good tools.

CARPER:

Very good.

HEITKAMP:

Thank you, Mr. Chairman. Let me first start out by saying there has been -- we have had a number of kind of hearings and discussions. There's been no one who has become before this body suggesting that we need to build a concrete wall completely across the border, no one. Not one person, no matter what political persuasion, no matter how they represented their political thoughts in the last election.

So, I just wish we could get beyond it so we could actually talk about what we need to do on the border because all of us share the same goal, which is border security. Border security protects not only this country but has a way of protecting people to the south. I don't think there's any doubt about it.

And so, I have visited the southern border. Actually, I get -- I'm known kind of on this committee as being the person always reminds people that we have a very large northern border that we need to prepay attention to, but I have spent a lot of time on the southern border. And I've talked to locals and people on the southern border who think that this is crazy, what we do here, because no one really engages the local people who see it everyday and talks to them about strategy and what needs to be done.

And so, I want to just make that point that as Senator McCaskill, the ranking member, I think eloquently in her opening comments talked about talking to the personnel who actually are responsible for border security. We need to spend a lot more time with the people who live on and who study the southern border.

And to that end, I have a couple pieces of testimony that I would like to submit for the record. One is from that Tohono O'odham tribe, which has people on both sides, and you know well the work that has been done to build relationships there. They're deeply concerned about whether those traditional collaborations will in fact be disrupted. They have some great ideas on helping with roads and with other infrastructure on the reservation that will help them help the Border Patrol and Department of Homeland Security secure the border.

I also have a statement from Howard G. Buffett, who has done a tremendous amount of work not only as a rancher down there but also looking at border security and trying to understand all the dynamics. And so, I'd ask that that these two documents be submitted for the record.

JOHNSON:

Sure. Without objection. But I also just want to interject, when you say nobody's talking to them, this is what this hearings is about. And we have Howard Buffet testified for this committee as well, so, we're definitely trying to do exactly...

HEITKAMP:

There's no one on this panel who actually at the southern border...

JOHNSON:

Well, again, we've had 22 hearings on this.

HEITKAMP:

Right.

JOHNSON:

So, we definitely are talking to them and we'll be doing that.

HEITKAMP:

But would the chairman agree that not one person has come in front of this committee suggesting that we build a wall on the entire length of the border?

JOHNSON:

Again, we're discussing the challenges involved here...

(CROSSTALK)

HEITKAMP:

We keep dancing around, but the reality is...

JOHNSON:

And we are talking to people, you know, on the border as well because we had Howard Buffet testified for us.

HEITKAMP:

We go a lot further if we -- if we actually just acknowledge that there is a -- there are other ways to secure the border than simply building a wall. So, I have a couple of questions. How much private land will need to be secured by eminent domain to build the wall along the entire southern border? Do we know?

AGUILAR:

As far as mileage goes, I don't think any one of us would put a number on that. I can tell you that in Texas it would be quite a bit. In places like Arizona, a lot of it is going to be going to be federally-owned land, state-owned land. So, we would work in coordination with them.

HEITKAMP:

I think we have talked a lot already about how barriers can slow the development created deterrence, but we know that there needs to be additional assets, especially personnel and technology. And I think, you know, until we see the report, I don't think that we really will have a clear idea on how we deploy all those resources and I think you, Mr. Colburn and Mr. Aguilar, I think -- I think both of those factors have come up completely in your testimony, which is take a look at the terrain, take a look at where you are, take a look at what is possible, what isn't possible,

and make sure that we have a border strategy that is smart, that doesn't spend money where we don't need to spend money because we promise something during the political campaign.

Finally, I think one thing that hasn't been talked about here is what is the role of Mexico. You know, I think we all understand Mexico is not going to pay for this wall, if it gets billed. And so - - but there is a critical role that our neighbor to the south plays in terms of border enforcement. And so, I'm curious about how you see Mexico playing in border enforcement because it seems to me that Mexico must be a critical partner in any effort on our shared border. The migration spikes that we're seeing are originating in Central America as Senator Carper pointed out, not Mexico, but people are traveling to Mexico to get there.

So, what do we need from Mexico that they're not doing now to forge a relationship to stop the traffic? And I would include not only migration of people but also on drug enforcement.

AGUILAR:

So, as it relates to Mexico, first and foremost, I think, I would say that Mexico -- the relationship between Mexico and the United States is unprecedented. We have never had the level of relationship that we have with Mexico now in a very positive way. As we speak today, the relationships, the strategies being put forth, the efforts, the joint intelligence, the sharing, the liaison, all of those things have been improved dramatically.

Now, as with Canada, we need to do more of that. Those relationships need to be continued to be solidified even beyond.

HEITKAMP:

But you would agree that relationship, law enforcement to law enforcement, with Canada is far different relationship law enforcement ...

AGUILAR:

Oh, absolutely. Look. Not too long ago, Senator, Mexico uses a treat us more like you treat Canada not like you Mexico. I think we're getting closer to that because of the evolution of where we were to where we have gotten. I often say that when I first came in to the Border Patrol in 1978, the last people that you would think about calling was a Mexican when something happened on the border. Today, they are the first ones we call when we have situation.

And you're absolutely right in that Mexico is pretty much at the place that we were 30 years ago with our southern border. Their southern border is getting overrun, not by people that want to stay in Mexico but want to get to the U.S.. There is absolutely more that needs to be done by them with our assistance on their southern border. There is more that needs to be done by the U.S. and Canada in Guatemala, El Salvador and Honduras in order to increase the rule of law, civil society, health, education, all of these things.

So, that's exactly what we should be talking about, but we constantly focus on the wall as we should be focusing on our borders, but it needs to be a very systematic approach across the entire breath of what is causing the problems.

HEITKAMP:

I certainly look forward to the Department of Homeland Security's report and I hope they do include a strategy for collaboration with tribal entities that are served by both sides of the border but also the Mexican officials, you know, but we need to be realistic about that relationship and it's not Canada. I think we can all agree on that.

AGUILAR:

If I might, because I think this is critically important, first and foremost, talk to the agents, talk to the Border Patrol, and I assure you that they are absolutely engaged with the communities.

Now, they can't please everybody within the communities. But if there's any -- especially federal law enforcement agency, that has their thumb on the feel of what's going on with the communities, it is the Border Patrol. We spent a lot of time making sure that we dealt with them, that we understood their needs, understood their concerns, and building the relationships. So, when the tough decisions were being made, all of those things were being taken into consideration.

JOHNSON:

And just to point out, we had a hearing last week with the heads of the unions of the agents. We got on a bipartisan basis a group of staff going down and talking right down with the folks with their boots on the ground. But Senator Heitkamp, you know, when you talk about the insecurity of the Mexican Central America border, I remember Art Cordell (ph) in Guatemala where you basically walked across the boat -- you know, we're here at the Border Patrol entry point and you can basically walk across the boats.

HEITKAMP:

You're right. You know, they're swimming across. So, I mean that -- but I also, Mr. Chairman, want to remark at the great work that the Department of Homeland Security is doing in those communities to try and provide technological solutions, stopping buses, all of the issues, especially as relates human trafficking. So, that was a great trip. Hope we can do something like that ...

JOHNSON:

Of course, our guide was General Kelly. So, he knows what he is talking about. Senator Harris?

HARRIS:

Thank you. Mr. Aguilar, thank you for your service. According to the strategic plan from 2012 through 2016 of the CBP, my understanding is that the priorities include, in this order, preventing

terrorist and weapons from entering the United States. Second would be managing the risk, which includes adoption of technology and all you talked about in terms of situational awareness. And third would be disrupting integrating TCOs, Transnational Criminal Organizations.

Before I was senator, I was the attorney general of California. And one of the first trips that I took after being elected back in 2011 was down to the border with Mexico. I surveyed the tunnels and the border. I saw photographs of tunnels with walls as smooth as the walls of this committee room, lined with air conditioning and lighting, which made an obvious point very clear that there is a large investment of money by the Transnational Criminal Organizations. We estimated up to \$3 billion a year in creating an infrastructure for them to be able to do their business, which is the trafficking of guns, drugs, and human beings. Would you agree with that?

AGUILAR:

Absolutely. Yes.

HARRIS:

And in fact, I commissioned a report shortly thereafter, which, Mr. Chairman, I would like to submit in the record...

JOHNSON:

Without objection.

HARRIS:

... Gangs Beyond Borders, which highlights the concern that California has about the Transnational Criminal Organizations. One of the things that we learned and documented in this report is the trafficking takes place because there has been an investment in that as we have discussed, but trafficking includes not really necessarily things coming across the border on foot, but tunnels and by air. In fact, we document hundreds of Ultralight aircraft flights for the purposes of trafficking.

So, back to the point then of this wall, you know, we also document, for example, the use of Panga boats. And Mr. Colburn, you talked about the waterways that are used for trafficking. Do you agree that if the United States invest billions of dollars in wall infrastructure that the cartels will simply invest more in underground tunnels and water and areal approaches?

AGUILAR:

Yes. Yes, they will. And that gets to the issue of what is making them do that.

HARRIS:

Right.

AGUILAR:

It's the dollars, it is the draw, it is the draw of illegal immigrants into this country. It is the draw of people seeking asylum and political refugees. It is a draw of narcotics coming into this country.

HARRIS:

Well, let's be clear about that. When we're talking about the trafficking of guns, of drugs, and human beings.

AGUILAR:

Yes.

HARRIS:

There have been many people including I believe the secretary of the Department of Homeland Security that has acknowledged a major draw, especially in terms of the trafficking of drugs, is America's insatiable appetite for narcotics. Would you agree with that?

AGUILAR:

Absolutely.

HARRIS:

Right. So, that's not about immigrants creating that appetite. The appetite exists in the United States and just basic principles of capitalism tell us that wherever there is a demand there will be a supply. Don't you agree with that?

AGUILAR:

Absolutely.

HARRIS:

So, when we're talking about this and we're looking at the amount of money that it takes in terms of our need to keep our borders secure from the trafficking of drugs and guns and human beings, can you tell me what you believe the priority should be in terms of the government funding, CBP, and its noble effort to keep our border secure, and in particular, secure from the trafficking of illegal substances and to the United States that harm Americans in a very direct way.

AGUILAR:

Well, if you took a look -- take a look at funding specifically through a silo of CBP and that's all we're talking...

HARRIS:

Yes. Yes.

AGUILAR:

... CBP prioritization

HARRIS:

Yes, please.

AGUILAR:

Because if you go beyond that, there's other priorities before CBP.

HARRIS:

Sure.

AGUILAR:

But as it relates to CBP right now, given the current environment that we face on the border, it is technology and depending on where you go from there it is infrastructure and personnel. Now, Senator, one of our primary examples of success is in fact California when it comes to infrastructure. As young agents, we both worked an area known as the soccer field.

HARRIS:

Oh, yeah.

AGUILAR:

It was a soccer field. It was American territory that was seeded to Mexico. We couldn't go in there as a two-man team. We had to literally go in there with a tremendous amount of support because we had seeded smugglers operated there. Today, the soccer field, we have multimillion dollar homes. We have thriving commercial business. We have malls in that area. And what...

HARRIS:

Right. But this is because of the work that happened many years ago.

AGUILAR:

Yes.

HARRIS:

And I applaud you for that work, but I think we agree, and your testimony has made clear times have changed...

AGUILAR:

Absolutely.

HARRIS:

... because of the re-ordered priorities, which have been quite successful. Tell me something, the last major hiring surge in CBP agents occurred during your tenure.

AGUILAR:

Yes.

HARRIS:

And that surge and corresponding rise in tactics of cartels to infiltrate the CBP led Congress, while you're there, I believe, to institute polygraph testing for new border agents. Is that correct?

AGUILAR:

That is correct.

HARRIS:

And in August 2012, you testified to the House Committee on Oversight and Government Reform about CBP's efforts to present and detect corruption and misconduct in its workforce and specifically you said, quote, "Background and periodic investigations as well as polygraph examinations are consistent with and formed the basis of a comprehensive workforce integrity plan." Do you still believe that to be true?

AGUILAR:

Yes.

HARRIS:

And so, President Trump issued this executive order mandating the hiring of 5,000 new Border Patrol officers, which would result in a 25 percent force increase. Wouldn't it be a threat to officers safety and public safety to loosen the processes by which we determine who should be eligible and qualified to enter the force?

AGUILAR:

There is not a law enforcement officer, not just a Border Patrol agent, that would not say that lowering qualifications or lowering standards unacceptable.

HARRIS:

Right.

AGUILAR:

Now, we have learned a lot from that timeframe where we basically doubled the size of the Border Patrol. The Border Patrol is much larger, they have the benefit of all the hard lessons learned, The School of Hard Knocks, there are things that can be implemented. There are things that we did right, things that we could have done much better.

What you are referring to, I believe, Senator, is taking a look now, which I actually applaud, leadership taking a look at what it is that has been done in the past and what can we do better. But at the forefront of that, we should not in any way reduce standards or qualification requirements.

HARRIS:

Thank you. I appreciate that. And I know you know one of the concerns that we have is given the amount of money that the Transnational Criminal Organizations, Sinaloa, and other cartels have invested in making sure that they can profit from their legal -- illegal activities, is to do a number of things being creative around how they will get over and underground to be able to transport their wares, but also they have in the history and based on their business model a real incentive to compromise agents at the border.

And so, we have to make sure that we have the highest standards so that we can make sure that we are hiring agents such as yourself and Mr. Colburn when years before you were being creative and helping to secure our borders. I thank you for your service. Thank you.

AGUILAR:

We're latched up on that, Senator.

HARRIS:

Thank you.

JOHNSON:

Thank you, Senator Harris. I just had to point out based on what you said that there's probably far more areas of agreement on this committee, which is what we're trying to do. I'll refer you before

you became Senator. On November 23, 2015, we issued a report after 13 hearings, 3 roundtables on border security, our key finding in the report -- I'm just going to read it -- America's insatiable demand for drugs, you know, the same words you use. America's insatiable demand for drugs coupled with smuggler's insatiable demand for profits is one root cause, perhaps the root cause, to prevent the achievement of the secured border.

HARRIS:

Yes.

JOHNSON:

So, I'm totally agreeing with you. It's our insatiable demand for drugs that's destroying public institutions in Central America, crime ridden, the impunity, the corruption, that's something we really have to address. This is incredibly a complex but -- I mean, there are a lot of areas of agreement, I think, we're finding that today in this hearing, what we need to do is secure our border but also understanding, you know...

(CROSSTALK)

JOHNSON:

... when we see the enemy, it's us, right?

HARRIS:

Thank you. I appreciate that.

JOHNSON:

Senator Hoeven?

HOEVEN:

Thank you, Mr. Chairman. I'd ask that each of the witnesses talk for just a minute in terms of this balance or mix of infrastructure, meaning a wall, technology, and personnel. Talk about your perception of strengths and weakness of each and the steps you would take to address it right away and in what priority? Mr. Aguilar, if you want to start.

AGUILAR:

Sure. Thank you, Senator. Technology at the current time, current environment, current needs is going to be the highest needs that the Border Patrol has. Several reasons, it gives you situational awareness, it gives you intelligence, immediate geographical intelligence, and it gives you the capability to respond in an effective manner and in a safe manner.

HOEVEN:

And what -- when you said that you mean unmanned aerial systems, do you mean sensors, communications, define some of those...

AGUILAR:

It is a combination of those things dependent on what area of the border you're talking about. We have areas, for example, that both of us worked in Nogales, Arizona, where the canyons are basically so close together that an IFT tower won't work -- won't work, Integrated Fixed Tower.

A remote video surveillance system won't work. But a helicopter -- but a helicopter can only fly for -- I think it's two hours, our Blackhawks, two to three hours; whereas, a drone, a tethered drone can stay up for weeks at a time or if you place a relocatable tower with capabilities that has a Doppler radar to detect movement, that has a high fidelity camera that can go seven or eight miles and detect a person whether he is carrying a bundle, a gun, a weapon, a long arm, and so forth, these are the things that come into play. So, it is the packaging of those capabilities that do exist by the way of technology, identifying what best fits the area or border that's of interest from an operational perspective and placing it.

Now, part of that going to be also does that package of technology require infrastructure to do that slowdown, if you will, and create that effort of time and distance, and in addition to that, the personnel to respond it...

HOEVEN:

Right.

AGUILAR:

... respond to it. And by the way, that personnel response may be in a Blackhawk because of the area that was so remote and rural. So, it's all of these things. As the chairman said, it's very complex. There is not a one size fits all for the border.

HOEVEN:

So, it's Homeland Security, General Kelly, and the planners, are they approaching this in that holistic way?

AGUILAR:

I can assure that they are doing that. Absolutely. That is what we have historically done, that's what they will continue to do.

HOEVEN:

And then throwing the metrics piece too, measuring results, knowing, you know, what our success rate is out there?

AGUILAR:

Absolutely. And that, again, is part -- is going to be a big part of the technological capabilities because it will give you that situational awareness of what is happening, when it happened, what the results were, and what the actions needed to take, any continued interest in that area of operations.

HOEVEN:

And you need those metrics to know where you have to adjust, improve, strengthen your efforts, right?

AGUILAR:

Absolutely. Yes, sir.

HOEVEN:

Mr. Colburn, your thoughts on the same question and how you'd manage -- I mean this is a huge logistics challenge. So, how would you -- if you're king of the world and running it, how you're going to do it?

COLBURN:

Risk of being a bit redundant with Chief Aguilar. We actually work together off and on through the about three decades. So, sometimes we tend to think a lot alike. But I'll take strengths first and just say simply the right mix rapidly deployed and that is all of the above that we've discussed. So, rather than elaborating further, when it comes to strengths, it's all of the above.

The weaknesses, the missing link, without tactical infrastructure, then it is too weak. Without the right amount of manpower, it's too weak. And without the right mix of technology, it's too weak. It has to be -- the links in the chain have to be equally strong and has to be the right mix and it's not going to be the same in San Diego as it is in Rio Grande Valley South Texas.

Lastly, we talked about the Transnational Criminal Organizations have created their own business flexibility models. They are not the old, as we used to call them, mom and pop smugglers of 30 years ago. Now, the TCOs, the cartels own the border. They are the gatekeepers, they are the plaza watchers. And they control who applies their trade there through a hierarchy of smuggling and gang systems that report up their chain in them, very much like a large corporation or a government.

That said -- and we talked about CBP and what they need in the silo of CBP. One thing I have confidence in, Secretary General Kelly as well as the chiefs in the Border Patrol and leadership of

CBP is they will not ask for more than what they need, but they do need to be given exactly what they need to secure the border. And that was my challenge in you and that's the way I put it to both the American people, the administration. And Congress at that time was not about empire building. It was about asking for the right mix, but bringing it on and bringing it on quickly and it made the difference, but out of 2,000 miles, that was 125 miles.

HOEVEN:

Again, how do you know when you know the right mix?

COLBURN:

You go to the pros in the field and they'll walk it yard by yard, as they have done, they assess it and they identify what they think they need compared to the kind of foliage for the training radar didn't exist in 2005 to the capabilities or uses of the Border Patrol that exist now. So, when we talked about next year's technology and we talked about the challenges of, say, towers in South Texas versus say in Arizona. Now, they have created foliage penetrating radar at the ground level, not just from the air.

So, fortunately for all of us, the technology evolves. And I know you'll hear this from the secretary himself is, if you can get the right combination, less expensive is always better. I'm a taxpayer too. That's why I said just what you need and not more than what you need and of the shelf and integratable, it has to be integratable so that it can be replaced or added to and have an impact that way, whether it's in South Texas or California these could be integrated.

HOEVEN:

Right. And you have to have a way to measure results, you know, something that we agreed to so you know whether you've got the right asset mix out there and the right deployment level, and so forth, right? I mean, that's really the way; you can have experts tell you what you should do, but you got to have somebody measure what you are doing.

COLBURN:

Some of the metrics are easy, some of them are not so easy and that's what I have found in the law enforcement world in general. I remember speaking to an organization in Arizona, the ACOPA, the Arizona Chiefs of Police Association, a few years ago. And at the end of my presentation at the state of the border in Arizona, one of the municipal chiefs, the largest municipality in Arizona, raised his hand during the question-and-answer period and said, "So, Chief Colburn, when will you finally get absolute control of your border in Yuma?" And I said, "Chief, when you finally stop all the crimes in Phoenix." And he thought about that for a minute and says, "Now, I get it." Crime will never go away. They will not stop trying. But we can create a deterrent set -- stature that will stop them. We've already -- we've come a long way.

HOEVEN:

But to create good policy in the whole immigration area, we need to understand exactly what we're doing on the border. We need to have some agreed on metrics so that everybody doesn't come in with a different story about what the results area. I mean, get some kind of baseline, some kind of agreement on what's going on. And that's why it's -- the metrics are very important part of doing this.

COLBURN:

Yes. And you're absolutely right. They have to be universally the same and consistently measure that way or they're useless.

HOEVEN:

Right.

COLBURN:

And the chiefs demand that...

HOEVEN:

And to foster some understanding in the public, right? We need it so that they really know what's going on there. I think it's not only important in terms of national security but in terms of creating and building support for good policy. And Professor, I wanted to get to you. I would just -- I know I'm over my time, and you know, we have a pretty rough chairman on this committee, so I have to be careful here. But just a thought or two...

JOHNSON:

Yes, you do.

GARRETT:

OK. I want to kind of turn it around a little bit and look at it slightly differently. Obviously, I can't address what they had. However, what about economic security on the U.S. side of the border? When we escalate the trade war or when we put it in front of the actual physical barrier, the wall, in front of Mexicans that come over to South Texas, California, and other places, I can tell you, the last time the wall went up, we lost millions in the valley in terms of people coming over directly. That's the fear this time around. In fact, the mayor of South Padre Island is just terrified that Mexicans will not come over this upcoming week for Santa Semana. We're going to lose all kinds of money because of fear of coming over because of the rhetoric coming out from President Trump primarily.

And also, the mayor of McAllen, he's the same thing. He says, "The effect of a trade war with Mexico would cascade beyond lost jobs in the U.S. plans. Downtown stores would lose business,

lay off workers, and close up shop. Mexican investors would likely sell off their U.S. properties leading to plummeting real estate values."

I mean, McAllen, Texas, are all along the valley, because of what's happened since 2006, lots of Mexican nationals have bought property on the U.S. soil along the Rio Grande. And in particular, about one-half of South Padre Island, a resort community that depends heavily on tourism from Mexico, half of the properties there are owned by Mexican nationals. So, the idea is if we terrify the Mexican sufficiently, they will -- it could cause a real problem for us on a -- along the Rio Grande border. Thank you.

JOHNSON:

Senator Daines?

DAINES:

Thanks, Mr. Chairman. I was -- I was struck by this press release that came out from U.S. Customs and Border Protection March 8th that mentioned that we saw a 40 percent drop in illegal southwest border crossings from January to February. My understanding is that was far outside normal seasonal trends. So, there's something -- it's not just a -- within the statistical variation. Something has changed in the process, the system.

Typically, the Jan, the Feb changes in the -- is actually an increase of 10 percent to 20 percent, and yet, the numbers forwarded by CBP says it's a 40 percent drop. That breaks a 20-year trend. I'm curious, Mr. Aguilar, why?

AGUILAR:

This has actually happened before, Senator. And let me just update that March 8, I believe.

DAINES:

Yes.

AGUILAR:

As of 31st of March, five days ago, whatever it is, there was -- it was actually up to 67 percent drop...

DAINES:

So, these are the...

AGUILAR:

... compared to last year.

DAINES:

... February numbers updated further?

AGUILAR:

Yes.

DAINES:

OK. So, now -- so if you issue another press release we've -- you'd say you've updated the February numbers...

AGUILAR:

Right.

DAINES:

... it wasn't a 40 percent drop. It's now a 67 percent drop?

AGUILAR:

Right.

DAINES:

And that -- was that going to come out for another release?

AGUILAR:

I'm sure it will.

DAINES:

OK.

AGUILAR:

I'm sure it will It should. But...

DAINES:

Well, I mean, my interest has even more peaked, let's say.

AGUILAR:

Right. Absolutely. And we have lived this before. This has happened before when -- as it relates especially to immigration, when the U.S. stands strong and take certain actions, substantive actions, substantive maybe something as primarily the current administration saying we're going to do this and something substantive happens to do that. This administration said, "We're going to address illegal immigration." ICE has started working in the interior unlike other times. So, that message resonates.

The problem is that it doesn't hold for long unless those substantive actions continue. We saw this under IRCA, under President Reagan, when IRCA was passed, it dropped overnight. We saw this on the border, when we took effective actions in California, we built infrastructure, we added Border Patrol agents, we threw them in; a little overnight, there was a shift over to Arizona. We saw this in Arizona when we added agents to Nogales, we were both there, and they shift it over to New Mexico and El Paso. But then what happens?

When you can't maintain that, it defaults right back to where it was. In the Border Patrol specifically, when we started down the path of strategic application or resources, three things that we talked about. We had to go into an area and gain the control that is needed. Once you gain the control that is needed by way of metrics, then it is you have to be able to maintain and sustain that control and then continue the expansion. So, it's gain, maintain, and expand. So, there has to be substantive actions, substantive decisions to hold what it is that you're doing.

DAINES:

So, what would be -- what are the one or two things we need to do now to ensure that we do hold this, maintain as you said, this dramatic decrease in illegal crosses?

AGUILAR:

Well, what we're talking about is address the border, the needs of the border, the needs of the Border Patrol as identified by the current chiefs in the field, technology, infrastructure, and personnel in the right mix, in the areas that they -- that they needed.

In addition to that, and this is a whole another hearing, Senator Johnson, you and I have talked about this. The supporting entities to the Border Patrol, what happens when another unaccompanied alien child is apprehended by the Border Patrol or a family unit? There has to be a system in place where it can be handed off so they can get right back to the border. But now, that is not the case. And then our EOIR system, our immigration judges are overwhelmed -- overwhelmed with their docketing cases 8, 10, 15 years from now on people that want to -- that need to have immigration hearings. It is all of these things combined.

DAINES:

So, we're here today talking about physical infrastructure or wall. Clearly, a wall and some kind of, you know, physical barriers are a means to an end, the end is to reduce the number of illegal

crossings. If you were to prioritize -- I'm going to ask all of you this question, think about it. If you were to prioritize, where this committee or Congress should place its efforts because you mentioned, for example, the backlog with judges is one part of this equation, what would you tell us? What -- and I recognize we need to be able to do more than just one thing at a time. There -- but if there were two or three things we should prioritize in stack ranked order to reduce the number of illegal crossings, what would it be?

AGUILAR:

Prioritize and -- this is the way I would answer that question. Prioritize a system that can have the impact. That system has to begin with the Border Patrol given the current environment. There are things happening now that have to be addressed. So, begin with the Border Patrol, its needs as requirements, and then take a look at the supporting entities for the Border Patrol.

And by the way, somewhere in that system and this is up to this body and the House, you have to take a look at what it is we do from an immigration requirement of this country, is it comprehensive immigration reform. All of these things are part of that systematic approach that needs to be taken to.

But if we're going to look at the immediate border, its Border Patrol-centric requirements and supporting entities to the Border Patrol. By that, I mean, ICE support, HHS support, OR&R support, EUIR support. Those right there would be a system -- a border-centric approach that would make a world of difference. It's not the entire solution, by the way, because it is so much more that needs to be done.

DAINES:

Thank you. And then -- I'm going to run out of time. There's so much to talk about here. Back to the topic at hand as it relates to physical barriers on the border, what is left for Congress to do to get this infrastructure built?

AGUILAR:

Fund. Fund, appropriate, and ...

DAINES:

So, the authority exists.

AGUILAR:

Authority exists.

DAINES:

We have all the legal authorities. The constraint is funding.

AGUILAR:

Funding and identification from the Border Patrol, CBP, and DHS as what the requirements are, yes. And fund those requirements.

DAINES:

I'm out of time. Mr. Chairman, thank you. I know you probably -- I want to answer the top three, right?

JOHNSON:

I mean, go ahead and answer, you know, but then we'll put it at that.

DAINES:

OK. But Chairman I want to give everybody a chance to...

GARRETT:

Can I answer?

DAINES:

Go ahead. Mr. Colburn, do you want to answer as well?

COLBURN:

Yes, please.

DAINES:

OK. Please.

GARRETT:

I would say that we need to have a hemispheric policy first and foremost. We need to stem the flow of migrants coming across. I think that's far more important than trying to staunch the bleeding once they come into this country. So, if we were able to use diplomacy, use resources, economic and political to stabilize these regimes and to -- and secondly, I would say to reduce drug consumption in the U.S., I think we've all touched on that today on this side of the border, which is a driving economic reason. So, I would -- I would give you those as the two top...

DAINES:

And that's why I'm very encouraged by Secretary Kelly when he thinks about -- as he thinks the southern command leadership he brings a much more systemic view of this. And when you talk about the southern border, Secretary Kelly said, "Well, it starts 1,500 miles of the south."

GARRETT:

Absolutely, yes

DAINES:

... under the point you're making out here. Mr. Colburn, please.

COLBURN:

Thank you. The question that you post to us actually, I asked just recently during my comprehensive border tour, in which I was able to get state of border briefings by a number of chiefs, not all nine of the southwest border chiefs but most of them. And every one of them said relatively the same thing in speculation. There is historically predictably a surge in crossings come January or mid- January forward if you mark back decades and you have that it didn't occur this year.

DAINES:

Right.

COLBURN:

They said that the Senate -- they thought it was actually a psychological impact, but there is this symbolic holding of once breath by the Transnational Criminal Organizations and by the governments of Mexico, Guatemala, El Salvador, and Honduras because of the new administration in place and that it doesn't mean that they want at some point decide, OK, I think we can continue applying our illegal trade, but there is this -- I'll call it symbolic or symptomatic holding of ones breath across -- corporately across the organizations and they've slowed down. They're watching and waiting to see if Congress and the American people and the administration have the will to follow through with completing it. And if we do, then we may see this as a continuing down trend of crossing ...

(CROSSING)

DAINES:

Yes, it's - there's early reasons for hope right now, but I know many, many Americans are just so frustrated by this fundamental lack of enforcing the rule of law. And perhaps that change in tone and tenor will be -- again, it's a complicate system. We've talked about it at length, there's multiple variables here, but let's just say I think we're off to a better start.

COLBURN:

If I may -- sorry. Another thought occurred to me just now. Something else that is historically unprecedented has occurred over the last two years where Mexico deported more Central Americans, Guatemala, Honduras, El Salvador than the United States did. That's very symbolic.

And my personal history with Mexico is sending teams to train those protectors, Grupo Beta, the rescuers. It was always easier to call the Mexican people and their government leadership as a constituency. So, it's always easier to provide support from the United States of America's government when it's saving lives or rescuing people. So we always started that way with Grupo Beta and rescuing.

But actually, the late Deputy Assistant Attorney General, I believe, his name is Nemesio Lugo, who has since been assassinated by the cartels turn to me over lunch one day and said, "You know, we have a real problem on the southern border because they're remaining in Mexico and looking for work in Mexico instead of going forward." So, Mexico is beginning to experience the economic drive that since there are 7 billion people in the world and 5 billion of them want to come to America because of that economic drive, and Mexico is beginning to experience that too. So, I think that we can continue to partner with them and the other countries. And as General Kelly said, it starts beyond our borders.

DAINES:

Yes. Thank you for your candid and insightful comments today, much appreciated. Thank you, Mr. Chairman.

JOHNSON:

Thank you, Senator Daines. Yes. I would just kind of summarize kind of what I'm hearing. You know, Dr. Garrett, you said stem the flow. You know, overall, I think you have to end the incentives for illegal immigration. There's a host of them, you know, our insatiable demand for drugs. I mean, the fact that people coming here for the opportunity of America. So, have a functioning guest worker program.

I would say end the length of adjudication problem, incentivizing children from Central America to take the very dangerous journey, you know. We had a flow -- surge of flow from Brazil and Secretary Chertoff sent those folks right back and ended the flow. So, I think you focus your attention on how do you stop the incentives for illegal immigration.

I just have one final point in your question because Dr. Garrett talked a little bit about the reduction in crime in the border streets or border cities. You know, in Wisconsin, you had -- Al Capone had a really nice vacation spot in an island and he did a pretty whole of crime out there. He wanted to keep the law enforcement's attention off of him. And as I've been on the border and I've talked to sheriffs, that's kind of their explanation too. I was actually surprised that there's not a whole lot of crime at the border because, again, they really don't want law enforcement paying a whole lot of attention to what they're -- what they're doing in those towns.

You know, I just asked Mr. Aguilar and Mr. Colburn, is that an accurate assessment?

AGUILAR:

The sheriffs know their areas, but I lived the chaotic borders of the late 90s -- late 80s, early 90s and so forth. Crime was rampant. Crime was absolutely rampant, and everything from stolen vehicles. Senator Hoeven asked about metrics. One of the things -- one of the metrics that we actually used, which may sound a little ridiculous, but these are things we're watching.

Ladies could not put clothing out to dry in their backyards because it was stolen. That was -- when that stopped happening, we said, "Wow. Something is happening here." Merchants couldn't keep their doors open in the stores because the smugglers were taking over the stores, that's a localized metric. The associated criminal activity with an uncontrolled border is very high. Breakings into homes and the rancher's homes, these things went on and on and on.

JOHNSON:

So, what happened? I mean, why is crime reduced then?

AGUILAR:

The increase in personnel, Border Patrol personnel, the increase in infrastructure, and the increase in technology, those are the things that basically lowered the criminal activity.

JOHNSON:

Mr. Colburn, you want to chime in on that at all or is that...

COLBURN:

Just to add, I remember 30 years ago patrolling the border and I was the new guy as the supervisor just arrived in one of the 10 duty stations. As we're patrolling the border, we come across what I would describe now as a palatial estate, high walls around it, on the U.S. side just within view of Florida. And as we drove by the German veteran agent that was riding with me said, "Yes. That's the house that dope built."

A lot of those that are investing in America are the cartels. A major shootout in San Diego a few months ago was cartel on cartel in a bedroom neighborhood. So, part of the risk, of course, is as they're killing each other in Mexico and right across from the McAllen, Texas in the Rio Grande Valley South Texas, some of the most violent warfare like fighting going on as we speak were gun battles last 8, 10, 12 hours, overnight, blockading and burning vehicles...

JOHNSON:

Which by the way is exactly what we hear from the people on the border that they're hearing all that gunfire...

(CROSSTALK)

COLBURN:

It's mostly what I get. I'm still a member of the -- as a private citizen and consultant in retirement from the Border Patrol, I'm a member of the Intelligence and Information Community, but I get open source. And what is going on in Mexico, the violence of the cartels makes the Columbians of the 80s look like amateurs. It makes ISIS and the Talibans look like amateurs. That's how brutal they are. It's almost a contest to see who can out brutalize each other ...

JOHNSON:

You don't -- I don't want to mention the brutality effort. Dr. Garrett, I'll let you close it out here.

GARRETT:

OK. So, perhaps in UTB, we've -- our campus has actually been hit by three bullet rounds, but they were from the Mexican Army in a shootout. We were actually in an academic affairs committee meeting when Tony Tormenta was taken out by the Gulf Cartel by the Mexican military. The Mexican military has been very, very instrumental in terms of battling the groups very, very violently. That's where the violence is taking place, it's not taken place over in the U.S. side primarily. Most of it is in Mexico, unfortunately.

JOHNSON:

Again, I'll attribute that to the -- I'll call it the Al Capone syndrome. Senator McCaskill, do you have anything else? Again, I want to thank the witnesses. I think this has been an incredibly interesting hearing, again, our 22nd. We're going to keep laying out these realities, and I appreciate you contributing to that effort.

The hearing record will remain open for 15 days until April 19th at 5:00 p.m. for the submission for statements and questions for the record.

This hearing is adjourned.