

Current Border Policies Jeopardize National Security

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The March 27 murder of Arizona rancher Rob Krentz in Cochise County, 20 miles from the U.S. - Mexico border made headlines in Arizona, sparked significant unrest in border communities, and, in part, led to the enactment of the new controversial illegal immigration law in that state.

Although catalyzed by the killing of Mr. Krentz, Arizona's rebellion has its roots in failed federal policies and a woeful neglect of federal responsibilities. The new Arizona law aimed at controlling illegal immigration is an understandable response to the failures of the federal government to secure our borders and protect our national security.

What has incensed so many is the baffling reality that our porous borders are not the result of neglect or lack of resources. Rather, they're unsecured because the federal government currently prioritizes protecting ecosystems and wildlife along the border over controlling access and preventing illegal entry. In effect, current policy allows other federal agencies to obstruct the Department of Homeland Security's mission.

The Mexican drug smuggler who shot Mr. Krentz on his ranchlands entered the U.S. from Mexico using a heavily trafficked trail in the San Bernardino National Wildlife Refuge (SBNWR)

which sits 25 miles east of border town of Douglas. Everyone in Cochise County knows that route is used regularly by smugglers, many of whom are armed. What angers and instills fear in local residents as much as the murder itself is the harsh reality that residents are powerless to do anything about the situation.

At the highest levels our federal government is jeopardizing out national security by not adequately resolving the well documented disputes between federal agencies over the U.S. Department of Homeland Security's (DHS) ability to patrol the border on federally owned lands. Essentially, the U.S. Department of the Interior (DOI) is encouraging and assisting illegal entry by restricting and obstructing DHS Customs and Border Patrol access to federal lands - as a matter of official policy.

By law, Customs and Border Patrol has unrestricted access to private lands within 25 miles of the border with the exception of private dwellings. However, on public lands managed by the National Forest Service, the Fish and Wildlife Service, the National Park Service, or the Bureau of Indian Affairs, the Border Patrol must negotiate access agreements with those "sister agencies."

The SBNWR has no pedestrian fence barring smugglers from entering the U.S. across its international border. The reason there is no barrier is that DOI continues to assert the priority of its mission of protecting wildlife as a priority over the need to prevent unlawful entry.

Not only is there no barrier on the international border, Border Patrol is expressly prohibited from doing routine patrols within designated wildlife areas including the SBNWR and may only enter for certain limited purposes, such as “life threatening circumstances.” Pursuing or apprehending unauthorized border trespassers is not one of the approved purposes.

Appallingly, the U.S. Fish and Wildlife Service recently spent over \$200,000 of “stimulus funding” to upgrade eleven miles of perimeter fencing to keep Border Patrol out of the SBNWR. Just this past month, a high-ranking Border Patrol officer told a local rancher that their access to the area has never been worse.

Similar policies and interagency agreements restrict Border Patrol access to other federal lands across the southern border. Drug smugglers, human traffickers, and even potentially terrorists have free entry into a hundred square miles of national forest land --- and the towns and cities beyond.

This problem is not new. In 2002, an internal DOI report, “Public Lands Threat Assessment,” documented the dangers and degradation to the public lands caused by unlawful traffic by drug smugglers and tens of thousands of unlawful entrants. The report was buried, never distributed to agency managers, and never acted upon.

To address this stunning problem of misaligned federal priorities, I have co-sponsored legislation recently introduced by Congressman Rob Bishop of Utah. The bill, H.R. 5016,

would prohibit the Department of the Interior and the Department of Agriculture from taking actions on public lands which would impede the activities of the Department of Homeland Security to secure the border on such lands.

It is up to the federal government to prioritize securing our homeland and protecting our borders. The federal government is failing to secure our borders, failing to protect our national security, and failing to pick the right priorities. Congress needs to act and pass H.R.5016 to ensure securing our borders is a top priority. The killing of Mr. Krentz and the subsequent enactment of Arizona's new law are but two consequences of those federal government failures.

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