

**H.R. 1727; H.R. 5283; DISCUSSION DRAFT OF
H.R. ____, “TRASHED BORDER ACT”;
AND DISCUSSION DRAFT OF H.R. ____,
“ENSURING BORDER ACCESS AND
PROTECTION ON FEDERAL LAND ACT”**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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LEGISLATIVE HEARING ON H.R. 1727, TO AMEND THE CHESAPEAKE AND OHIO CANAL DEVELOPMENT ACT TO EXTEND THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION, “CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION EXTENSION ACT”; H.R. 5283, TO PROHIBIT THE USE OF FEDERAL FUNDS TO PROVIDE HOUSING TO SPECIFIED ALIENS ON ANY LAND UNDER THE ADMINISTRATIVE JURISDICTION OF THE FEDERAL LAND MANAGEMENT AGENCIES, “PROTECTING OUR COMMUNITIES FROM FAILURE TO SECURE THE BORDER ACT OF 2023”; DISCUSSION DRAFT OF H.R. ____, TO DIRECT THE SECRETARY OF THE INTERIOR AND THE SECRETARY OF AGRICULTURE TO SUBMIT TO CONGRESS A REPORT ON THE AMOUNT OF WASTE COLLECTED ON CERTAIN FEDERAL LAND ALONG THE SOUTHERN BORDER OF THE UNITED STATES, AND FOR OTHER PURPOSES, “TRASH REDUCTION AND SUPPRESSING HARM FROM ENVIRONMENTAL DEGRADATION AT THE BORDER ACT” OR “TRASHED BORDER ACT”; AND DISCUSSION DRAFT OF H.R. ____, TO DIRECT THE SECRETARY OF THE INTERIOR AND THE SECRETARY OF AGRICULTURE TO CONSTRUCT ROADS ON FEDERAL LANDS ALONG THE UNITED STATES BORDER WITH MEXICO, AND FOR OTHER PURPOSES, “ENSURING BORDER ACCESS AND PROTECTION ON FEDERAL LAND ACT”

Thursday, October 19, 2023
U.S. House of Representatives
Subcommittee on Federal Lands
Committee on Natural Resources
Washington, DC

The Subcommittee met, pursuant to notice, at 10:10 a.m. in Room 1324, Longworth House Office Building, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany, Fulcher, Bentz, Westerman; Neguse, Kamlager-Dove, Leger Fernández, and Peltola.

Also present: Representative Malliotakis.

Mr. TIFFANY. The Subcommittee on Federal Lands will come to order. My apologies for being late this morning.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to consider four bills: H.R. 1727 from Representative Trone; H.R. 5283 from Representative Malliotakis, the Protecting Our Communities from Failure to Secure the Border Act of 2023; my legislation, Discussion Draft of the Trash Reduction and Suppressing Harm from Environmental Degradation at the Border Act, or TRASHED Border Act; and a Discussion Draft offered by the Full Committee Chairman,

Chairman Westerman, the Ensuring Border Access and Protection on Federal Land Act.

I ask unanimous consent that Representative Malliotakis of New York be allowed to participate in today's hearing from the dais.

Without objection, so ordered. Welcome, Representative Malliotakis.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I will now recognize myself for an opening statement.

**STATEMENT OF THE HON. TOM TIFFANY, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. TIFFANY. 5.7 billion, that is the number of fatal doses of fentanyl that have flowed across our southern border in the past year. 5.7 billion, enough fatal doses to kill the entire U.S. population 17 times over.

The Biden administration's failed border policies have led to record numbers of migrant crossings and drug seizures reported this year. Since President Biden took office, more than 6 million illegal immigrants have crossed our southern border into the United States.

This crisis is now spilling onto our Federal lands, which make up approximately 35 percent of the total 1,965 miles along the border. Large piles of trash, unauthorized trails, wildfires, and even illegal marijuana grow sites are degrading our public lands and imperiling recreation and access for every American. Enough is enough.

The bills before us today will secure our porous border, halt environmental degradation caused by illegal immigration, and ensure our national parks and public lands remain places for public enjoyment, not camps for illegal immigrants.

I would like to highlight legislation we will consider during today's hearing that I am offering: the TRASHED Border Act. As somebody who has seen and been to our southern border many times, I can speak firsthand to the amount of trash that piles up as a result of illegal immigration. It is estimated that each illegal immigrant will discard between 6 to 8 pounds of trash as they illegally cross our border. Cartels are also discarding trash, toxic chemicals, and banned pesticides at illegal marijuana grow sites on Federal lands. Illegal immigration is harming wildlife, destroying habitat, and damaging our natural resources.

My legislation would direct the agencies to implement protocols to limit the amount of waste discarded on our border, as well as require public reports about the amount of trash collected to ensure there is greater attention and transparency brought to this issue.

I would also like to highlight Representative Malliotakis' legislation, which would prevent Federal land managers, including the National Park Service, from housing illegal immigrants on Federal lands. This bill is a continuation of the Committee's oversight on this issue, including our Full Committee hearing last month.

To those who may oppose this legislation, I ask you one simple question: If you are willing to let it happen in New York City, are you willing to let it happen in the Grand Canyon, in Yosemite, in national parks in your district? I certainly won't allow the National Park Service to set up new migrant camps at the Apostle Islands National Lakeshore in my district.

Each of these bills represents an important step in securing our border and protecting our parks, and I look forward to working with my colleagues to expeditiously move them through Committee.

Before I yield to the Ranking Member, I would like to express my disappointment at the empty chair at our witness table for the Department of the Interior, where they are supposed to be. Following standard practice, this Subcommittee gave the Department more than 2 weeks' notice for today's hearing, and we worked diligently to accommodate a witness from any of the Department's bureaus. Unlike the Forest Service, they chose not to be here today, and even went so far as to suggest that the bills on today's hearing, which affect lands under the Department's jurisdiction, would be best spoken to by agencies without jurisdiction over those lands. It is unacceptable.

This Committee and the American people will demand transparency from the Biden administration and senior officials like Secretary Haaland, particularly on topics of national importance such as securing our southern border.

Mr. TIFFANY. With that, I will now recognize Ranking Member Neguse for his opening statement.

**STATEMENT OF THE HON. JOE NEGUSE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF COLORADO**

Mr. NEGUSE. Thank you, Mr. Chairman. I am grateful to the witnesses for being here today and, of course, to members on both sides of the aisle for joining us for this important Subcommittee hearing.

I do want to first say, after the chaotic last few weeks, I am certainly pleased to be back in front of this Subcommittee, and I do appreciate the inclusion of a bill from one of my Democratic colleagues for this legislative hearing.

As the Chairman knows, when I chaired this Subcommittee, this Subcommittee produced hearings on more Republican and Democratic bills than any other Subcommittee in the U.S. House of Representatives. This Subcommittee has a long legacy and history of being bipartisan in nature. Of course, that was the case when I had the pleasure of serving with Ranking Member Fulcher. So, I want to thank the Chairman for, I hope, continuing that practice in upcoming hearings, and perhaps putting more bills from my colleagues on both sides of the aisle before this particular Subcommittee.

I am looking forward to hearing more about Representative Trone's proposal to reauthorize the Chesapeake and Ohio Canal National Historic Park Advisory Committee through 2034. The Commission works to ensure that local communities have a voice in the operation, maintenance, and restoration of the Chesapeake

and Ohio Canal National Park, which hosts more than 5 million visitors annually.

And again, these are the types of bills and solutions that I am proud we consider in this Subcommittee, common-sense legislation introduced by Republican and Democratic Members that ultimately ensures the continued collaboration of our communities.

I am concerned that some of the other bills that we are considering today, and this is in my humble view, seek to score political points, rather than ultimately solve problems. And I am even more concerned that some of these bills, I don't know if we can call them bills, because I believe they are discussion drafts, which is not something that this Subcommittee at least was engaged in customarily when I chaired the Subcommittee, putting forth bills that are not yet ready for prime time, but nonetheless asking witnesses, including Administration witnesses, to opine on them.

In any event, there are multiple bills that have no direct connection to the jurisdiction of this particular Subcommittee. And I want to be clear, because although we have different views as to the substance of Ms. Malliotakis' bill, I do believe her bill does have a connection to this Committee's jurisdiction. But the two discussion draft bills that we are considering certainly don't. And in my view, I would think that this Committee would have a litany of different issues germane to the jurisdiction of this Subcommittee that we should be considering.

I, of course, agree that we have a crisis at our southern border, and it is a policy issue and a funding issue that has long required comprehensive solutions and increased resources for our enforcement agencies. I have been disappointed that so many of my colleagues on the other side of the aisle, when faced with this crisis, have instead doubled down on calls from some Members of their conference to defund law enforcement, to defund the Department of Homeland Security, to defund the FBI, to defund the DEA. I certainly don't agree with the position that some of my colleagues on the other side of the aisle have taken in regards to that; I think we should be providing more resources to those law enforcement agencies.

I also think, to the extent that one is arguing, as I believe the Chairman of this Subcommittee and the Chairman of the Full Committee are arguing, that the National Park Service or the U.S. Forest Service should have some role with respect to these issues, that we shouldn't be cutting funding for those agencies either. Yet, that is exactly what the Republican House conference has proposed for the next Fiscal Year, drastic, deep, draconian cuts to the Department of the Interior, to the National Park Service, to the Forest Service, and yet simultaneously proposing, as I said, not bills, but discussion drafts that would impose a variety of different mandates that are unfunded in nature.

So, I am disappointed. I know the Chairman made note of the Department of the Interior and the fact that they don't have a witness here. I must say, I mean, I was hoping that I might be able to ask some questions of, I don't know, the Department of Homeland Security, since they have primary jurisdiction over our southern border, but they are not at this hearing either. Why? Well, because Republicans didn't invite them to this hearing, and

it makes sense. This isn't the Homeland Security Committee. This isn't the immigration subcommittee of the Judiciary Committee on which I actually have served.

I was hoping I might be able to ask some questions of Customs and Border Control. CBP might have something to say about the issues that we are discussing today. But my understanding from Democratic staff is that they weren't invited either. They found out about one of these discussion drafts from Democratic staff.

I know I am out of time, and I appreciate the Chairman's indulgence, as always. I would just simply say I am hoping that after we conclude this hearing we can get back to the way in which this Subcommittee has historically been run, and the way in which I think it has been run for much of this year.

With that, I yield back.

Mr. TIFFANY. Thank you to the Ranking Member. I will now recognize the Chairman of the Full Committee, Mr. Westerman.

STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. WESTERMAN. Thank you, Chairman Tiffany, for holding this hearing. Thank you to the witnesses for being here today. And the bills we are considering, including Chairman Tiffany's legislation, are of great importance not only to our Committee, but to our nation as a whole.

I want to read a quote to you. "There is presently an acute and immediate need to conduct physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States." You may be surprised that I am not quoting myself or any other Republican Member of Congress for that matter, but rather a Federal Register notice the Biden administration published exactly 2 weeks ago when they announced they would waive 26 Federal laws, including NEPA, ESA, and the National Historic Preservation Act to build roads and a wall along our border in Texas, including in the Lower Rio Grande Valley National Wildlife Refuge.

Any of you who have been to our southern border would know this Federal Register statement is an accurate one and, ironically, it is the current policies that this Congress and the Administration could change that have created this crisis in the first place.

I have been to the southern border, like Chairman Tiffany, many times, including our Federal borderlands. These are supposed to be some of our most protected places, wildlife refuges, national parks, and national monuments. Instead, they are littered with discarded trash. Unauthorized trails are cut through sensitive habitat, and they are some of the most targeted areas for criminals, drug smugglers, and human traffickers.

Last Congress, Committee Republicans held a forum on the environmental impacts of illegal immigration on our southern border. We heard testimony from Border Patrol agents who said that Federal borderlands are particularly susceptible to illegal crossings because they are remote, uninhabited, and less frequently patrolled. Border patrol agents also identified a lack of reliable

access as their top concern for securing our border and protecting the safety of agents and the public.

I remember the very first trip I made to the border, and I flew in a helicopter the entire Arizona border and other areas. And the remoteness of this area is what struck me. But also what struck me was the Border Patrol agents telling me their No. 1 concern was they had no access to the border, and especially on some of the Federal lands, where you couldn't have wheeled vehicles. So, there were places where our border was wide open, and the only way a Border Patrol agent could get there was to either be dropped in by helicopter, to ride a horse, or to hike. So, you can imagine what kind of lack of security those areas of the border have.

And according to the National Border Patrol Council, the inability to build proper border access roads in the Coronado National Forest diminished agent mobility while patrolling, and ultimately prevented agents from being as effective as they could be otherwise. That is why I am sponsoring the Ensuring Border Access and Protection on Federal Lands Act. This is a common-sense legislation that will secure our Federal border lands and stop putting Border Patrol agents in harm's way.

My friend, Mr. Neguse, I am not sure where he went, but if we are talking about building a road on Federal lands, I think that has a direct nexus to this Committee. Yes, it has Homeland Security implications, as well, but we are the Committee with jurisdiction over Federal lands. We are the Committee with jurisdiction over NEPA and the permitting process.

This is common-sense legislation. It would require Federal land managers to construct navigable roads along Federal lands, which make up 35 percent of the total miles along the border. The agencies would be required to work with the Department of Homeland Security to construct fencing, physical barriers, and surveillance technology to accompany these roads.

There are very tenuous borders around the world that are protected with high-tech fencing and roads, and it doesn't have to be a wall everywhere, but you have to be able to have access to get to these places.

The ironic thing about our legislation is that it requires the construction of these roads to comply with NEPA, one of the laws the Biden administration decided to waive this month for their own construction. You won't find anything in our bill that waives NEPA.

I look forward to discussion today on this bill, as well as Chairman Tiffany's and Representative Malliotakis' legislation.

I want to thank our witnesses again for being here, say hi to my friend, Troy Heithecker.

I am glad to see you up here, Troy, but we really miss you on the Ouachita National Forest back in Arkansas, where you did such a fine job. And I would also like to echo Chairman Tiffany's disappointment at the empty chair next to you that was reserved for the Department of the Interior. We are grateful the Forest Service decided to show up and answer questions about an important topic.

With that, I yield back.

Mr. TIFFANY. Yes, thank you, Chairman Westerman. We will move on to our first panel now, for Members who are sponsoring bills today. First, I want to recognize Representative Malliotakis for 5 minutes on H.R. 5283.

STATEMENT OF THE HON. NICOLE MALLIOTAKIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. MALLIOTAKIS. Thank you, Mr. Chairman, and I want to thank the Committee for holding this hearing on my legislation, H.R. 5283, Protecting our Communities from Failure to Secure the Border Act. And I would like to thank this Committee staff for working with my office in the drafting of this bill.

The Administration's failure to secure the border has resulted in an unprecedented number of individuals flooding into our country and ultimately finding their way to some of our most northern communities.

New York City Mayor Eric Adams wrongfully insists that a 1982 right-to-shelter court decree requires taxpayers to house an unlimited number of citizens from outside of New York and the nation. He has since taken over schools, parks, and assisted living facilities meant for our seniors.

As of the beginning of this month, New York City has taken on the burden of 118,000 migrants, and currently housing upwards of 64,000 individuals at tremendous expense and burden on the taxpayer, so much so that Mayor Adams said that it will "destroy" New York City, and proposed a 15 percent across-the-board cut of city services.

Instead of closing the border, this Administration has agreed to turn over our national park into a migrant encampment to accommodate 2,500 migrants at Floyd Bennett Field in Brooklyn, which is part of the Gateway National Recreation Area. This is lands under the jurisdiction of the National Park Service, doing so without going through the proper NEPA process the Department of the Interior is beholden to.

I want to thank Chairman Bruce Westerman for coming to Floyd Bennett Field last month and seeing firsthand the issue, and then subsequently holding a hearing on this.

The week following this Committee's hearing on the issue, heavy rains flooded Floyd Bennett Field, as much as 10 inches, proving the point that this is in no way the appropriate place to house anyone.

Created by an Act of Congress in 1972, 5 months before our friend, the late Don Young of Alaska, joined this institution, Gateway National Recreation Area was one of the first urban parks in the National Park System. I must also point out that with its creation, Congress prohibited the construction of a housing development at Floyd Bennett Field. Gateway National Recreation Area may not be to the scale of our more well-known parks out West, but it is one of our urban treasures in New York City.

The portion of Gateway National Recreation Area in my district contains Fort Wadsworth, which is one of the nation's oldest military installations, and it currently serves as a domicile and an operational base for members of the U.S. Coast Guard and the U.S.

Park Police who are tasked with patrolling not only the park lands, but also New York Harbor from potential national security threats. That park was also being proposed as a potential site to house migrants from other countries.

This is why my legislation, H.R. 5283, is so important and straightforward. This legislation prohibits the use of Federal funds to provide housing to migrants on any land under the administrative jurisdiction of the Federal land management agencies, specifically naming the National Park Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the U.S. Forest Service. This legislation protects our lands nationwide, not just those in New York City.

And before I close, I must remind my colleagues here of the mission of the National Park Service. The National Park Service preserves, unimpaired, the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The National Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world. Taxpayers of New York City and the United States of America preserve these lands for their public use, for their recreational activities and enjoyment.

And I thank you for your time and consideration of my legislation. I look forward to it moving through the Committee process. Thank you.

Mr. TIFFANY. Yes, thank you very much, Representative Malliotakis. We are now going to move on to our second panel, the four that are with us here.

Let me remind the witnesses that under Committee Rules, you must limit your oral statement to 5 minutes, but your entire statement will appear in the hearing record.

To begin your testimony, please press the "on" button on the microphone.

We use timing lights. When you begin, the light will turn green. At the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement at that time.

At this time, I would have liked to recognize Secretary of the Interior, Deb Haaland. As you can see, there is an empty seat at our witness table where she should be testifying. Therefore, I will move on and introduce Mr. Troy Heithecker, Associate Deputy Chief at the U.S. Forest Service.

Associate Deputy Chief Heithecker, thank you for being willing to be here today, and you are recognized for 5 minutes.

**STATEMENT OF TROY HEITHECKER, ASSOCIATE DEPUTY
CHIEF, U.S. FOREST SERVICE, WASHINGTON, DC**

Mr. HEITHECKER. Thank you and good morning, Chairman Tiffany.

Full Committee Chairman Westerman, good to see you, as well, and Ranking Member Neguse, if he returns, and other members of the Subcommittee. Thank you for the opportunity to testify today on the proposed legislation related to illegal entry and associated environmental concerns along the southern border.

My name is Troy Heithecker. I currently serve as an Associate Deputy Chief for the National Forest System. I have been a career employee with the Forest Service for over 25 years, and have worked from Alaska to Arkansas, and now here in Washington, DC.

The Forest Service manages 193 million acres of public lands in 44 states, the Virgin Islands, and Puerto Rico. These lands play a pivotal role in providing the public with myriad opportunities and benefits from recreation to forest products. Law enforcement is an integral part of our mission, and partnerships are fundamental to our ability to deliver that mission. These partnerships extend to the U.S. Customs and Border Protection by providing support to fulfill their mission to secure the nation's borders.

Border management issues are a significant concern for the Forest Service. There are 1.5 million acres of National Forest System lands within 50 miles of the southern border, and 60 miles of the Coronado National Forest in Arizona are contiguous with the Mexico border. The natural and cultural resources on the Coronado are of regional, national, and international importance. There are 12 separate and uniquely distinct mountain ranges, 8 designated wilderness areas, and approximately 174 threatened, endangered, or sensitive species in the Coronado. These remarkable lands welcome between 1.4 and 2.9 million visitors annually.

The Ensuring Border Access and Protection on Federal Land Act directs the Secretary of Agriculture and the Secretary of the Interior to construct roads on Federal Lands along the United States' southern border to prevent illegal crossings in areas of high illegal entry, and gain operational control of the border. Implementation of the bill would require the construction and reconstruction of 45 to 55 miles of roads along the Coronado National Forest and Mexico border on steep and rocky terrain, some not suitable for roads.

With the current annual budget for road construction, operations, and maintenance, it would be difficult to meet the proposed timelines it would add to the existing road maintenance backlog.

Additionally, there are sections of the border inside the boundaries of the Pajarita Wilderness Area, where the road construction is not allowed.

The bill also proposes limiting access to U.S. Customs and Border Protection personnel, law enforcement officials, emergency response personnel, and other personnel as determined by the Secretary of Agriculture. This is a popular area for public recreation, and maintaining public access is important.

In addition, the U.S. Customs and Border Protection has previously requested the Forest Service maintain public access to existing roads for purposes of not impeding their rapid access when needed.

USDA has concerns with this draft legislation, and welcomes the opportunity to work with the Committee to explain these concerns more fully.

The Protecting Our Communities From Failure to Secure the Border Act would prevent the Forest Service and other Federal agencies from providing Federal funds that might be used to provide housing to certain non-citizens. The Forest Service does not

provide funds to certain non-citizens for any purposes, including housing. USDA believes that H.R. 5283 is not necessary, given that the proposed provisions are already consistent with current Forest Service management practices. Therefore, USDA does not support this legislation.

The Trash Reduction and Suppressing Harm from Environmental Degradation at the Border Act would direct the Secretary of Agriculture to establish and implement policies and protocols to prevent and mitigate environmental degradation caused by certain non-citizens on NFS lands along the southern border. The Clean Water Act, Clean Air Act, and other laws already provide the authorities to protect the environment. The Forest Service currently prohibits activities such as littering, damaging property, and resource degradation under current regulations, and therefore does not believe this requirement in the bill is necessary.

We recognize that litter is a persistent problem on national forest lands and, despite trash collection efforts of Coronado National Forest employees, along with the help of partners and volunteers, the overall amount of trash continues to rise annually.

This bill would also direct the Secretary to submit to Congress a report on the amount of waste collected on NFS lands where certain non-citizens are being housed or sheltered, and on any sites on NFS lands where certain non-citizens have illegally cultivated controlled substances.

Nationwide waste deposition, illegal camping, and encroachment, illegal grow sites, and human-caused wildfires are caused by non-citizens and citizens. While the agency tracks the number and extent of human-caused wildfires, the agency does not currently track these damages by citizenships or legal statuses, and in many cases it would prove difficult or impossible to do so.

Section 4 of the bill also directs the Secretary to double the fines and penalties only for non-citizens for activities prohibited under applicable fire and sanitation regulations. USDA defers to the U.S. Department of Justice for its views on the provision.

USDA would appreciate the opportunity to continue to work with the Committee as it further drafts this bill.

Chairman Tiffany, members of the Subcommittee, this concludes my remarks and I look forward to answering any questions you may have.

[The prepared statement of Mr. Heithecker follows:]

PREPARED STATEMENT OF TROY HEITHECKER, ASSOCIATE DEPUTY CHIEF, UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE
ON DISCUSSION DRAFT OF H.R. ____, "ENSURING BORDER ACCESS AND PROTECTION ON FEDERAL LAND ACT",
DISCUSSION DRAFT OF H.R. ____, "TRASHED BORDER ACT",
AND H.R. 5283

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) on three bills pertaining to Southern border security on National Forest System lands.

As an agency in service to the American people, the Forest Service cares for shared natural and cultural resources in ways that promote lasting economic, ecological, and social vitality. The agency manages 155 national forests and 20 national grasslands, comprising 193 million acres in 41 states and Puerto Rico. To

accomplish our mission to sustain the health, diversity, and productivity of the nation's forests and grasslands, we engage in co-stewardship and cross-boundary partnerships with Tribes, and work with a wide range of stakeholders across all levels of government, communities, and non-profit and for-profit entities. These partnerships extend to our work with U.S. Customs and Border Protection (CBP) to provide support to CBP's efforts to secure the nation's borders while simultaneously fulfilling the agency's mission.

The Forest Service does not have jurisdiction over immigration policy and therefore we defer to the Department of Homeland Security regarding broader questions about immigration and border security policy. We are working with other government agencies, including the Department of the Interior, on a cohesive, cooperative approach to border security, while Congress and others work to comprehensively address immigration policies generally.

Discussion Draft of H.R. ____, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to construct roads on Federal lands along the United States border with Mexico

On H.R. ____, "Ensuring Border Access and Protection on Federal Land Act," a bill that seeks to improve security in our southern border, USDA has significant concerns with this draft legislation and welcomes the opportunity to work with the Committee to explain these concerns more fully.

H.R. ____ directs the Secretary of Agriculture and the Secretary of the Interior to construct roads on federal lands along the United States border with Mexico to prevent illegal crossings in areas of high illegal entry and gain operational control of the border within 5 years after the enactment of the Act. The roads would need to be contiguous, with line-of-sight visibility, no more than one mile from the southern border and accessible to passenger cars. It specifies road requirements, access, maintenance, fencing, surveillance, and other related technology. Accessibility would be limited to U.S. Customs and Border Protection personnel, law enforcement officials, emergency response personnel, and as otherwise determined by the Secretaries. It also requests compliance with all applicable laws, including the National Environmental Policy Act and the Fiscal Responsibility Act of 2023.

Currently, the Forest Service has approximately 22 miles of road along the Coronado National Forest and Mexico border that meet most of the bill requirements. The implementation of the draft bill would require the construction and reconstruction of 45 to 55 miles of roads on steep and rocky terrain not suitable for roads within a 1-mile visibility of the border and would require these roads to be contiguous. There are sections of the border inside the boundaries of the Pajarita Wilderness area in the southwest portion of the Coronado National Forest where road construction would not be allowed. An important consideration is the initial investment of over \$40-\$60 million and an annual maintenance cost of \$240,000-\$280,000.

The associated costs of proposed road construction, operations, and maintenance would exceed current financial and personnel capacity of the Agency to undertake and would add to the current maintenance backlog. In addition, the time required to conduct the road location analysis, design, and construction would likely exceed the time frame specified in the bill. Finally, we note that in accordance with the MOU entered between the Forest Service, Department of Homeland Security, and Department of the Interior, the identification, review, approval and maintenance of new roads along the southern border is managed by CBP, in coordination with the applicable land management agency.

The bill proposes limiting access to the area along the Coronado National Forest and Mexico border. However, it is a popular area for the public to recreate and maintaining public access is important. In addition, CBP has requested Forest Service not close existing roads to public access as they want quick access along these roads, which would be hindered by closures.

H.R. 5283

H.R. 5283, "Protecting Our Communities from Failure to Secure the Border Act of 2023," would prevent certain federal land management agencies, including the Forest Service, from providing federal funds that might be used to provide housing to certain noncitizens (as defined in section 101(a) of the Immigration and Nationality Act) on any land under their administrative jurisdiction, including through leases, contracts, or agreements. Section 2(b) defines the term "housing" as a temporary or permanent encampment used for the primary purpose of sheltering certain noncitizens.

USDA does not believe that H.R. 5283 would change the Agency's current management of public lands under its administrative jurisdiction. We do not believe it is necessary and therefore do not support this legislation.

Discussion Draft of H.R. _____, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to submit to Congress a report on the amount of waste collected on certain Federal land along the southern border of the United States

USDA shares the Committee's concerns with impacts associated with deposition of waste, illegal camping and encroaching, illegal grow sites, and human-caused wildfires. We would like to work with the committee to further discuss our concerns described below.

Section 2 of the draft bill would direct the Secretary of Agriculture to establish and implement policies and protocols to prevent and mitigate environmental degradation caused by certain noncitizens on NFS lands that share an exterior boundary with the southern border. The Clean Water Act, Clean Air Act, and other environmental laws provide the authorities to protect the environment. The Forest Service currently prohibits activities such as littering, damaging property, and resource degradation under current regulations (e.g., 36 CFR Part 261-Prohibitions) and therefore does not believe this requirement in the bill is necessary.

Only one National Forest, the Coronado National Forest, shares a boundary with the southern border. Sixty non-contiguous miles of the international border with Mexico are managed by the Forest. Law enforcement officers working on the Coronado National Forest conduct general patrols and investigations associated with national forest recreation and other uses. A considerable focus of their work is on wildfire prevention, wildfire investigation, and security details for fire management and wildland firefighting operations.

Litter is a persistent problem on National Forest System lands. Coronado National Forest employees collect trash periodically throughout the year with the help of partners and volunteers to address litter in the Forest. Despite these efforts, the overall amount of trash continues to rise annually.

Section 3 of this bill would also direct the Secretary to submit to Congress a report on the amount of waste collected on the Coronado National Forest, on sites on any NFS lands where certain noncitizens are being housed or are sheltering, and on sites on any NFS lands where certain noncitizens have illegally cultivated controlled substances. In addition, the report would include acres of wildlife habitat impacted by the waste, information on associated unauthorized trails and roads, and information on number of wildfires started by certain noncitizens.

Nationwide, waste deposition, illegal camping and encroachment, illegal grow sites, and human-caused wildfires are caused by both citizens and noncitizens. While the agency tracks the number and extent of human-caused wildfires, illegal grow sites, and pounds of waste removed from grow sites, the agency does not currently track and cannot determine with any certainty whether these damages are caused by citizens or noncitizens. In most cases it would be difficult or impossible to do so. Section 4 of the bill also directs the Secretary to double the fines and penalties—only for noncitizens—for activities prohibited under applicable fire and sanitation regulations. The Secretary would also be directed to submit a report detailing the total amount collected in penalties and fines under this section. The USDA defers to the U.S. Department of Justice for its views on this provision.

Chairman Tiffany and Ranking Member Neguse, that concludes my statement. I would be happy to answer any questions you may have.

Mr. TIFFANY. Thank you, Mr. Heithecker. I would like to now introduce Dr. George Lewis, the Chair of the C&O Canal National Historical Park Federal Advisory Commission.

Dr. Lewis, you have 5 minutes.

STATEMENT OF GEORGE LEWIS, CHAIR, C&O CANAL NATIONAL HISTORICAL PARK FEDERAL ADVISORY COMMISSION, JEFFERSON, MARYLAND

Dr. LEWIS. Thank you and good morning to the entire Subcommittee. I am Dr. George Lewis, Chair of the Chesapeake and Ohio Canal National Historical Park Commission, here today

in response to your kind invitation to testify on behalf of H.R. 1727, a bill which simply proposes to extend the Commission's life until September 2034.

The park is enormous in length, 184.5 miles, having been cobbled together way back in 1971 from private, state, and Federal holdings along the shoreline of the Potomac River. Congress at that time envisioned correctly that with this diverse acquisition would come considerable controversy. And Congress was right, and thus concurrently authorized a Commission that could provide the diverse jurisdictions bordering this new park a seat at the table on topics involving the park and its environs.

The Commission, therefore, is composed of local folks, is composed of 19 volunteers, 2 each from 4 Maryland counties bordering the park; 2 each recommended by the Governors of Virginia, West Virginia, Maryland, and the District of Columbia; and 3, including the Chair, are appointed directly by the Secretary of the Interior. Commissioners serve for 5 years or until replaced.

The Commission is apolitical, and its commissioners bring with them a vast treasure of public and private sector experience and expertise to draw upon when advising the Secretary of the Interior on matters involving the administration and the development of the park. The duties of the Commission are solely advisory. The Commission reports through the Superintendent of the C&O Canal Historic Park up its food chain to the Secretary of the Interior. The Commission holds public meetings, at best, two to three times a year to receive input from the public and to address public concerns as appropriate.

The Commission's high value to the Park Superintendent, the National Park Service, the Secretary of the Interior, and the park's neighbors, visitors, and congressional constituents lies not only in its vast experience and diverse expertise, but as well as in the Commission's ability to communicate successfully with each and all of these entities.

For your convenience, I have provided the Committee with three supporting documents: a brief description of the park, a brief description of the mission of the park, and very importantly, in my opinion, the professional expertise of each of the Commissioners. It is a multiple-page document, but it gives you a pretty good idea of all the expertise that we get free.

And each of these volunteers, they are associated with the park also by using it, whether it is hiking, biking, birdwatching, or whatever.

I envision this Commission as like the old Leatherman pocket knife, a multi-faceted, multi-tool that is there to be used in multiple ways, both as the Superintendent, as the Secretary of the Interior, as Congress, tools with screwdrivers that can unscrew things, can sharpen things, can file things, et cetera. And it is a tool that is easy to use by everyone.

I want to thank you for your consideration and your time. I encourage this august body to act favorably on H.R. 1727. I am now available to answer any questions you may have.

[The prepared statement of Dr. Lewis follows:]

PREPARED STATEMENT OF DR. GEORGE E. LEWIS, CHAIR OF THE CHESAPEAKE AND
OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION
ON H.R. 1727

Testimony

Good morning, I am Dr. George Lewis, Chair of the Chesapeake and Ohio Canal National Historical Park Commission, here today in response to your kind invitation to testify on behalf of H.R. 1727, a bill which simply proposes to extend the Commission's life until July 2034.

The park is enormous in length; 184½ miles, having been cobbled together in 1971 from private, state and Federal holdings along the shoreline of the Potomac River. Congress envisioned correctly that with this diverse acquisition would come considerable controversy, and thus concurrently authorized a commission that could provide the diverse jurisdictions bordering the new park a seat at the table on topics involving the park and its environs.

The Commission is composed of 19 volunteers (2 each from the 4 Maryland counties boarding the park, 2 each recommended by the Governors of Virginia, West Virginia, Maryland, and the District of Columbia, and 3—including the Chair—are appointed by the Secretary of the Interior). The Commission is apolitical and its Commissioners bring with them a vast treasure of public and private sector experience and expertise to draw upon when advising the Secretary of the Interior on matters involving the administration and development of the park.

The duties of the Commission are solely advisory.

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The Commission's high value to the Park Superintendent, the National Park Service, the Secretary of the Interior, and the park's neighbors, visitors, and Congressional constituents lies not only in its vast experience and diverse expertise, but as well in the Commission's ability to communicate successfully with each of these entities.

I encourage this august body to act favorably on H.R. 1727. Thank you for your time and consideration.

I am available to answer any questions you may have.

ATTACHMENT

Description of the Park

The Chesapeake and Ohio Canal (C&O Canal) began as a dream in the 1820s to access new fortunes in the West, at a time when U.S. prosperity depended on its waterways. Stretching 184.5 miles along the Potomac River from Rock Creek at Georgetown in Washington, DC, to Cumberland, Maryland, the canal served as a major transportation corridor. Construction on the canal began in 1828, which was intended to connect the Chesapeake Bay to the Ohio River. Falling short of the original vision for the canal, construction ended in Cumberland in 1850 and the canal remained in operation until 1924.

C&O Canal became a national monument in 1961, and in 1971, Public Law 91-664 established the Chesapeake and Ohio Canal National Historical Park "to preserve and interpret the historic and scenic features . . . and develop the potential of the canal for public recreation."

Today, the remnants of the C&O Canal route, the spirit of its builders and operators, and a legacy of outdoor recreation and educational opportunities endure in this national park unit. Spanning roughly 20,000 acres, the park provides a place for millions of annual visitors to explore one of the most biologically diverse natural areas in the national park system, recreate along its historic towpath or in watered sections of the canal, and experience the rich history of the Potomac River Valley.

Mission Statement

To preserve and interpret the 19th-century transportation canal from Washington, DC, to Cumberland, Maryland, and its associated scenic, natural, and cultural resources, and to provide opportunities for education and appropriate outdoor recreation.

Federal Advisory Commission

The Chesapeake and Ohio National Historical Park Federal Advisory Commission was established by Section 6 of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4). Public Law 91-664, January 8, 1971, as amended, and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2. The Commission is to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

Commissioners

Joseph A. Adkins, Frederick County, Maryland

Joseph A. Adkins is serving as the Deputy Director for Planning for the City of Frederick. Mr. Adkins is in charge for current and long-range planning for the city. Under his leadership, the city formed its first Sustainability Commission and started to have serious conversations about resource conservation. Mr. Adkins is very familiar with serving on boards being on the Heart of Civil War Heritage Area Commission since 1998. In addition to serving on HCWHAC, he has served on the State's Task Force on Sustainable Growth & Wastewater Disposal as a liaison for the Maryland Municipal League. In addition to the basic requirements for this position, Mr. Adkins have actively used the C&O Canal for past 45 years with such activities as camping with the Boy Scouts, running the JFK (completing it 4 times), family activities, fishing and preparing for his bike trip on the Allegheny Passage.

Thomas L. Birch, District of Columbia

Thomas L. Birch served for more than thirty years as counsel and legislative advisor in Washington, D.C. to a variety of nonprofit organizations, developing policy and directing advocacy efforts, primarily in cultural policy and on issues of child welfare. A former legislative counsel to members of the U.S. Senate and House of Representatives, he also held elected public office for fourteen years as an Advisory Neighborhood Commissioner in Georgetown. He was a Peace Corps volunteer for three years in Morocco and has served as a board member and officer for charitable organizations, including the DC Campaign to Prevent Teen Pregnancy, Friends of Georgetown Waterfront Park, Planned Parenthood of Metropolitan Washington, the American Humane Association, and the Ellington Fund of the Duke Ellington School of the Arts. He is the recipient of the American Psychological Association's Award for Distinguished Contribution to Child Advocacy (2003), the Citizens Association of Georgetown Belin Award for distinguished community service (2006), the Casey Family Programs Leadership Award (2006), and the National Assembly of State Arts Agencies President's Award for Outstanding Advocacy (2012). He holds a B.A. in American history from Lehigh University and a J.D. from George Washington University.

David Brickley, Commonwealth of Virginia

David Brickley is the President of the September 11th National Memorial Trail Alliance, a nonprofit organization developing a national 1,300-mile trail connecting the three national 9/11 memorials. Coming to Virginia from military service in Vietnam where he was awarded the Bronze Star as a captain in the U.S. Air Force, Mr. Brickley served as Assistant County Executive for Prince William County, followed by 22 years as a member of the Virginia House of Delegates. From 1998 to 2002 he was the Director of the Virginia Department of Conservation and Recreation which in 2001 received the National Gold Medal Award for the "Best Managed State Park System in America." That same year Mr. Brickley received Environment Virginia's Environmental Legacy Award. He is a former State Delegate and is the longest continuous serving member of the Virginia House of Delegates from Prince William County since it was founded in 1731. He is an attorney and holds a jurist doctorate from George Mason University's School of Law.

Mark T. Cucuzzella, State of West Virginia

Mark T. Cucuzzella is a Professor at West Virginia University School of Medicine. He is also a Lt Col in the US Air Force designing programs to promote health and better fitness in the military with the USAF Efficient Running Project. In his community and medical school he has been a tireless promoter of nutritional interventions in patients with any spectrum of the metabolic syndrome, introducing a low carb option for hospital patients. He was a lead writer of one of the first grants supporting education of Medical Students in nutrition and physical activity through the MEDCHEFS program, now in its 3rd year. Mark is also the lead on a large USDA

grant to double SNAP benefits at Farmers Markets—the goal is reducing food insecurity as a barrier to healthier eating. He’s also been a competitive runner for over 30 years—with more than 100 marathon and ultramarathon finishes—and continues to compete as a national-level Masters runner. He has won the Air Force Marathon twice. He is the race director of Freedom’s Run race series in West Virginia and director of the Natural Running Center, an education portal designed to teach healthier running. Mark is also the owner of Two Rivers Treads—A Center for Natural Running and Walking in his hometown of Shepherdstown, W.Va. Mark’s vision of medical care as it should be is housed in his site www.natureprescriptions.org. Mark’s innovative work and story has been featured in the New York Times, NPR, Outside Magazine, Running Times, Runners World, Air Force Times, the Washington Post, JAMA, Blue Ridge Outdoors, and other medical and media outlets.

George F. Franks III, Washington County, Maryland

George F. Franks III is the President of Franks Consulting Group and owner of Geo. Franks, Hatter, a global e-commerce business. He is a former technology executive with extensive international experience. George is the founder and President of the Battle of Falling Waters 1863 Foundation, Inc. and a member of the Board of Directors of the Heart of the Civil War Heritage Area. He is a Governor and former officer of the Company of Military Historians and the former President of the organization’s Chesapeake Chapter. George served as President of the Capitol Hill Civil War Round Table and is an active member of Hagerstown Civil War Round Table, Save Historic Antietam Foundation and the Civil War Trust. He is the author of *Battle of Falling Waters 1863: Custer, Pettigrew and the End of the Gettysburg Campaign* and lives in the 1830 Daniel Donnelly House on the battlefield—less than a mile from the C & O Canal. George was awarded the 2015 John Frye Historical Preservation Award by the Washington County (Maryland) Commissioners. He studied history at the U.S. Naval Academy and the University of Pittsburgh where he was graduated Magna cum Laude. AT&T selected George for the executive programs in marketing and international business at University of Virginia Darden School and Emory University Goizueta Business School.

Angela O. Hummer, State of Maryland

Angela O. Hummer began her career with the Maryland Park Service as a Law Enforcement Ranger in 1990. She worked as a ranger at Sandy Point State Park and Elk Neck State Park. She was promoted to Sergeant Area Manager at Greenbrier State Park in 1995. Angie spent 25 years of her career teaching Maryland State Park employees and volunteers First Aid and CPR. Angie retired as a Park Ranger Lieutenant from Maryland Park Service after 30 years in December 2019. Her last assignment was Park Manger at Fort Frederick State Park Complex. Angie holds a bachelor’s degree from Salisbury State University in Leisure Studies and a master’s degree from Frostburg State University in Park and Recreation Administration. Angie is active in her community. She is a life member of United Fire Company in Frederick, Maryland where she has served as Secretary for the past 16 years. She is the Vice President of the Friends of Fort Frederick. She serves on the Hagerstown Washington County Convention of Visitors Bureau Executive Board. Angie was born and raised in Elkton, Maryland. In her spare time Angie enjoys making wine and quilts and volunteering for Lab Rescue. Angie lives in Boonsboro, Maryland with her husband Karl and their two Labrador Retrievers Ranger and Tonto.

Stella M. Koch, Commonwealth of Virginia

Stella M. Koch has been a strong advocate for the protection and restoration of local streams, rivers, and the Chesapeake Bay for over 30 years. She presently serves as Chair of the Northern Virginia Regional Park Authority, Chair of the Fairfax County Environmental Quality Advisory Council (advisory to the Board of Supervisors), and Chair of the Virginia League of Conservation Voters Education Fund. She worked for Audubon Naturalist as their Virginia Conservation Advocate for over 25 years and prior to that taught Biology. She previously served on the Potomac River Keeper Board and the Choose Clean Water Coalition Steering Committee.

George E. Lewis, Chair, At Large

George E. Lewis is a Trustee Emeritus of Hood College, founder of the Catoclin Aqueduct Restoration Fund, and recipient of the 2014 Preservation Maryland Volunteer Award. As an early advisor to the C & O Canal Trust, a past director of the C & O Canal Association, and recipient of the Superintendent’s Award for

Excellence in Citizen Stewardship (C & O Canal National Historic Park), Dr. Lewis has demonstrated an abiding and effective commitment to preservation and promotion of the C & O Canal, its heritage, and its ongoing vitality. Dr. Lewis served with distinction in the U.S. Army as a Doctor of Veterinary Medicine for 30 years. He holds a bachelor's degree in Animal Science from the University of Florida, a Doctor of Veterinary Medicine degree from Auburn University, and Ph.D. in Microbiology from the University of Illinois. Dr. Lewis is a 2009 recipient of the Daughters of the American Revolution National Medal of Honor, and has twice been awarded the DAR Historical Preservation Medal.

Roderick C. Mackler, State of Maryland

Roderick C. Mackler is an active volunteer in the C&O Canal National Historical Park. He was appointed to the Park's federal advisory commission in July 2019. He has served as first vice president and chair of the environmental committee of the C&O Canal Association. A retired Foreign Service Officer, he brings an international perspective to the canal. He has attended 12 World Canals Conferences on three continents. Finally, he enjoys the opportunity to share his love of the canal with others, including giving presentations and writing articles for several canal journals.

Stephen D. Nelson, Allegany County, Maryland

Stephen D. Nelson is the owner of SD Nelson Marketing Solutions, a publishing and marketing firm in Western Maryland. Mr. Nelson is past president of the Allegany County Chamber of Commerce, YMCA of Cumberland, and Rotary Club of Cumberland. He currently is Chairman of the board of First Peoples Community Credit Union and serves as a director on the boards of the Rotary club of Cumberland, Boy Scouts of America Potomac District, and the Tri County Council of Western Maryland. Mr. Nelson is a Scout master for Boy Scout troop 9 and is the recipient of the 2012 Allegany County Chamber of Commerce Community Service award. He holds a Bachelor of Science degree from Geneva College. He enjoys the outdoor recreation opportunities available in Western Maryland including cycling on the C&O Canal where in addition to being a member of the bike patrol, has cycled the entire length 11 times! Walter S. Stull III, Frederick County, Maryland Walter S. Stull is a former member of the City Council of Brunswick, Maryland, where he served for 20 years. During his tenure, Mr. Stull served as liaison to the C&O Canal National Historical Park, commissioner with the Brunswick Planning Commission, and chairman of recreation and finance committees and is now a commissioner on the Brunswick Board of Appeals. Mr. Stull is a past chair and founding member of Canal Towns Partnership, whose mission is the economic vitality of towns along the C&O Canal. He was the Maryland Municipal League's representative to the Tourism Council of Frederick County and Transportation Services Advisory Committee of Frederick County. Mr. Stull is a past president of the Brunswick Heritage Museum which houses the C&O Canal Visitor Center. He is retired from the U.S. Department of Justice, Federal Bureau of Prisons.

Scott Walzak, District of Columbia

Scott Walzak obtained a dual Bachelor's and Master's Degree in Architecture from Roger Williams University. Scott practiced architecture at HOK, an internationally renowned architecture firm where he received multiple national and international design awards, to include Metropolis Magazine's "Next Generation Design Award" in 2011. In late 2014 Scott co-founded MakeDC, a Public Interest Design Firm focused on providing professional design services to underprivileged and underserved residents within the District of Columbia. Notable projects included: A Healing Garden for Joseph's House, a hospice facility for those experiencing homelessness with Aids and HIV; a mobile digital art gallery for Critical Exposure; and an award-winning concept design for Net-Zero affordable housing within the District. Scott further served as the Strategic Director at Engenium Group, a boutique engineering firm where he led the business development and assisted in growing the company by nearly 300% within three years. Scott joined Georgetown Heritage in 2017 as the Director of Planning & Project Management. As the owner's representative, Scott was tasked with ensuring a smooth and effective project development process, as well as leading the coordination and communications across the various project teams where he provided the day-to-day management of all design, engineering, and construction projects for Georgetown Heritage. Currently, Scott serves as an Architect, Project Manager for the Architect of the Capitol within the Office of the Chief Security Officer, Security Infrastructure division, where he designs and manages various projects addressing the security needs for the entire Capitol Campus.

Evelyn C. Williams, At Large

Evelyn C. Williams is currently serves as an Adjunct Professor at Frostburg State University, supervising their social studies student teachers. In July 2015, she retired from Washington County Public Schools (WCPS) where she served for 20 years as a high school teacher and then 15 years as an Administrator. Her last position with WCPS 2006–2015 was as the Supervisor of Social Studies for WCPS. Each year in that position she secured grants to provide buses for every fourth-grade class in Washington County Public Schools to visit the Cushwa Basin of the C&O Canal. Additionally, she helped develop educational materials and a panel of volunteers to support the trips. She serves on numerous boards in her local community including the Washington Historical Society, Washington Museum of Fine Arts and Washington County Department of Social Services. She is also a member of the Friends of Acadia and the C&O Canal Association where she volunteers as a level walker. She believes that one of the keys to foster conservation is through voter education. To this end she has long served on the Board for the Washington County chapter of the League of Women Voters, supporting their advocacy for environmental and conservation measures.

Francis “Champ” Zumbrun, Allegany County, Maryland

Francis “Champ” Zumbrun served as forest manager of Green Ridge State Forest (GRSF) until he retired in 2009 after 31 years working as a professional forester for the Maryland Department of Natural Resources. During his time at GRSF, Zumbrun also served as a fully commissioned law enforcement officer, Maryland Ranger, and as a natural resource manager in the state forest and park public lands system. Zumbrun holds a Bachelor of Science in Forest Resource Management, a master of science in Management; and graduated from the Eastern Shore Criminal Justice Academy. Zumbrun is a published author of a book and many articles about outdoor recreation and history of public lands management in Maryland. In 2009, Zumbrun received a national award for “Outstanding Field Forester” by the Society of American Foresters.

Mr. TIFFANY. Thank you, Dr. Lewis. I now recognize Mr. Simon Hankinson, a Senior Research Fellow at the Border Security and Immigration Center of the Heritage Foundation.

Mr. Hankinson, you have 5 minutes.

STATEMENT OF SIMON HANKINSON, SENIOR RESEARCH FELLOW, BORDER SECURITY AND IMMIGRATION CENTER, THE HERITAGE FOUNDATION, WASHINGTON, DC

Mr. HANKINSON. Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for inviting me to testify today regarding the impact on and use of Federal lands in our present border crisis.

In my former career as a Foreign Service officer, I interviewed thousands of foreign applicants for U.S. visas, from immigrants, to students, and visitors. I was required to uphold the law and to use my professional judgment as to whether each applicant was qualified.

Under the Constitution, Congress decides who is admitted into the country and under what conditions. However, the Biden administration has failed in its duty to enforce immigration law. For more than 2 years, over 150,000 foreign nationals have attempted to illegally cross our borders every month. This August saw 304,000 such encounters, the highest monthly total in U.S. history, and September will likely break that record. These huge numbers don't even include at least 1.7 million other aliens who are estimated to have entered illegally without being encountered or identified by U.S. authorities since January 2021.

The evidence is clear: the Administration's management of our borders has been disastrous. The Department of Homeland Security processes inadmissible aliens at a mass scale, and moves them quickly into the interior, either in nominal removal proceedings that will take years to conclude, or under made-up programs that pervert the meaning of immigration parole.

To justify its departure from historical precedent, the Biden administration has insisted that those whose asylum applications were denied would be removed from the United States, consistent with our laws. In fact, the Administration has removed fewer than 1 percent of the aliens released since January 2021.

President Biden's border policies have resulted in numerous failures.

The first failure is allowing illegal border crossers to enter and remain in the country. This undermines the rule of law. Millions of foreign relatives of U.S. citizens wait their turn in the legal immigration system. Allowing millions of others to short-circuit the process and take all the advantages of being a legal immigrant without any fee, any weight, or any background check is simply unjust.

Furthermore, the class-wide use of parole by the Biden administration violates the law. Immigration should be in the national interest, not just a political interest.

The second failure is releasing masses of aliens at the border when we know nothing about them, which results in preventable crime. There are already over 400,000 convicted illegal alien criminals walking free in our communities. The Administration's annual target for deporting them is under 30,000. President Biden thus asks Americans to run the risks posed by recidivist foreign criminals instead of their home countries.

The third failure is to make it easy for potential terrorists to enter the country. In Fiscal Year 2023, over 160 people on the terrorist watch list were caught crossing U.S. borders. Since 2021, 70,000 special interest aliens from countries known to harbor terrorists like Afghanistan, Syria, and Iran were encountered, and often released with no knowledge of their true histories.

In addition to these policy failures, the American taxpayer has been saddled with increased burdens, including \$78 billion a year for public schools and \$23 billion a year in excess medical expenses.

Today's hearing is about the use of Federal lands, which account for nearly 700 miles of the U.S.-Mexico border. Building roads along the border to regain operational control and deter illegal crossing is a judicious use of public land in the national interest. Assessing the environmental damage caused to Federal lands by illegal immigration and coming up with ways to prevent and mitigate that destruction is a valuable effort to conserve public property. However, using Federal lands to house inadmissible aliens would both subvert the public benefit for which the land was conserved and fail to solve the problem.

From El Paso to Boston, the U.S. cities are paying the price of mass illegal immigration. New York City alone is spending more than \$5 billion a year housing illegal aliens and, running out of space, New York now wants to use Federal land. Allowing such use would be a mistake.

Reports from Guatemala down to the Darien Gap indicate that mass migration facilitated by this Administration is only going to grow. With no effort to control the flow from the south, locals would be deprived indefinitely of the use of public land that is diverted for migrant shelters. Absent a change in national policy, U.S. localities like New York are going to have to deal with increasing flows for at least another year, and the downstream effects and costs for many years.

There will never be enough taxpayer money or Federal land to compensate cities and states for Biden's failed border strategy. The more that U.S. elected officials come to accept the current chaos as normal, the harder it is going to be to return to a more sustainable management of our borders. The Biden administration should reverse its reckless policies in the interests of national and local security. Legislation to physically secure the border, ameliorate environmental damage caused by unchecked illegal immigration, and to stop Federal lands being diverted for short-term Band-Aid solutions would move us in the right direction.

Thank you, and I am happy to take your questions.

[The prepared statement of Mr. Hankinson follows:]

PREPARED STATEMENT OF SIMON R. HANKINSON, CENTER FOR BORDER SECURITY AND IMMIGRATION, THE HERITAGE FOUNDATION

ON DISCUSSION DRAFT OF H.R. _____, "ENSURING BORDER ACCESS AND PROTECTION ON FEDERAL LAND ACT",

AND DISCUSSION DRAFT OF H.R. _____, "TRASHED BORDER ACT"

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, my name is Simon Hankinson. I am a Senior Research Fellow at The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

Introduction

Most Americans agree that legal, limited, and controlled immigration is of benefit to our economy and society. Conversely, it seems certain that the unprecedented, mass release of otherwise inadmissible aliens at the U.S. border since President Biden took office has had a deleterious impact, spreading from the immediate vicinity of the border to states and cities far inland.

Before discussing some of these effects, one should understand how we got here.

According to U.S. law, the Department of Homeland Security (DHS) is supposed to detain all inadmissible aliens—that is, foreign nationals without visas allowing them to request admission at a U.S. port of entry—who enter the country illegally between ports of entry. Illegal immigrants detained pending removal proceedings have a high chance of being deported, while those released are likely to remain indefinitely.¹ At various times in the past, DHS has responded to surges in the number of illegal aliens encountered at the border by releasing them on their own recognizance, having placed them in removal proceedings under U.S. immigration law.² Since January 2021, this formerly expedient and temporary tactic has become the strategic norm and has reached epic proportions. President Biden has added to the mass release policy by using the limited parole power in the Immigration and Nationality Act at an unprecedented scale and not for intended purposes.³

¹ Nadwa Mossaad, Sean Leong, Ryan Baugh, and Marc Rosenblum, "Fiscal Year 2021 Enforcement Lifecycle Report," U.S. Department of Homeland Security, Office of Immigration Statistics, November 2022, p. 13, https://www.dhs.gov/sites/default/files/2022-12/2022_1114_plcy_enforcement_lifecycle_report_fy2021.pdf (accessed October 16, 2023).

² Title 8 U.S. Code, Aliens and Nationality, <https://uscode.house.gov/browse/&edition=prelim> (accessed October 16, 2023).

³ *Texas et al v. Biden*, Case 6:23-cv-00007, United States District Court, Southern District of Texas, Victoria Division, Filed January 24, 2023.

From Deter, Detain, and Deport to Process, Parole, and Punt

The Biden Administration claims that today’s mass immigration is the result of unprecedented geopolitical and environmental circumstances.⁴ Their solution is, first, to use foreign aid and assistance programs to reduce the “root causes” of immigration in Latin America and then, while waiting for results, to replace the traditional border control model of deterrence, detention, and deportation of illegal crossers by creating what they call “lawful pathways” to allow “safe, orderly, and humane” entry of illegal immigrants and allowing them to apply for asylum protection thereafter. The result has been predictable: The easier it appears to be to enter the U.S. and be allowed to remain and work, the more people come. DHS has reported over 150,000 people at the border every month attempting to enter the U.S. illegally since January 2021. August 2023 saw over 304,000 encounters, the highest one-month total in U.S. history. September figures are almost certain to exceed it.

The Biden Administration’s “root causes” approach has not reduced illegal immigration flows as allegedly intended. Meanwhile, having fought to eliminate their own ability to remove illegal crossers expeditiously for public health reasons under Title 42, they came up with a “Comprehensive Plan to Manage the Border After Title 42.”⁵ The intention of the Rule was to expedite the removal of those who were less likely to qualify for asylum and who had not taken advantage of the Administration’s new parole programs using the CBP One application. However, as was widely predicted from the beginning, the Rule’s wide exceptions, including for families and certain nationalities, have made it nearly useless. Even with the new Rule’s demonstrable failure to reduce the flow of inadmissible aliens crossing the border, the Administration’s default position remained to let in as many aliens as could be processed and nominally put them into the backlogged asylum system. In most cases, illegal border crossers were released without any way to track them or ensure that they attended scheduled court appearances.⁶

In addition to this “catch and release” standard, the Administration has redirected tens of thousands of illegal aliens whom the Border Patrol would have “encountered”—that is, administratively arrested—crossing between ports of entry by inventing and expanding programs to allow inadmissible aliens to enter the United States on immigration parole.⁷ They are paroled on the premise that they are refugees fleeing persecution who will apply for asylum rather than economic migrants. The Administration has provided mass, class-wide parole programs for nationals of Afghanistan, Cuba, Haiti, Nicaragua, and Venezuela and additional “family reunification” parole for beneficiaries of immediate relative immigrant visa petitions from Colombia, Cuba, El Salvador, Guatemala, Haiti, or Honduras and their immediate family members.⁸ Over 50,000 more otherwise inadmissible aliens are now being welcomed every month into the country at air and land entry points by inspectors with the U.S. Customs and Border Protection Office of Field Operations.

The White House continues to maintain that mass release at the border and invented “lawful pathways” using parole are necessary “unless Congress comes together in a bipartisan way to address our broken immigration and asylum system.”⁹ However, what they appear to mean by “broken” is that the current laws do not admit the number of people they want, and by “address” they seek a mass

⁴“Los Angeles Declaration on Migration and Protection,” The White House, June 10, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/10/los-angeles-declaration-on-migration-and-protection/> (accessed October 16, 2023).

⁵“Fact Sheet: Biden-Harris Administration Announces New Border Enforcement Actions,” The White House, January 5, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/> (accessed October 16, 2023).

⁶Simon Hankinson, “‘Alternatives to Detention’ for Illegal Aliens: Effective with Mandatory Tracking for Entire Process,” Heritage Foundation *Background* No. 3767, May 12, 2023, https://www.heritage.org/sites/default/files/2023-05/BG3767_0.pdf.

⁷U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, “Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,” last reviewed/updated September 20, 2023, <https://www.uscis.gov/CHNV> (accessed October 16, 2023).

⁸U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, “Family Reunification Parole Processes,” last reviewed/updated October 3, 2023, <https://www.uscis.gov/FRP> (accessed October 16, 2023).

⁹Press release, “Border Encounters Remain Low as Biden-Harris Administration’s Comprehensive Plan to Manage the Border After Title 42 in Effect,” U.S. Department of Homeland Security, June 6, 2023, <https://www.dhs.gov/news/2023/06/06/border-encounters-remain-low-biden-harris-administrations-comprehensive-plan-manage#:~:text=Until%20and%20unless%20Congress%20comes,in%20migration%20at%20our%20border> (accessed October 16, 2023).

amnesty for those living here illegally, which would inspire millions more to enter illegally in the hope of benefiting in the future.

The Costs of Illegal Immigration in 2023

Legal immigration is the tradition and lifeblood of the United States, and most Americans support a reasonable amount of it annually. Illegal immigration has always occurred along with legal, but in the past two years, it has increased to levels that are both unprecedented and deleterious to the country as a whole.

I submit that there are five major ways in which illegal immigration hurts America.

Equity and Sovereignty. Allowing most illegal border crossers to enter and remain in the country, often on the basis of parole or before they are even placed into removal proceedings, undermines both the rule of law and our national sovereignty. Millions of foreign nationals, relatives of U.S. citizens, prospective investors, and skilled workers wait patiently in the orderly if slow process Congress has legislated and funded. To see millions of people—in just a few years—short-circuit this process and enjoy all the advantages of being a legal immigrant without any fee, wait, background check, or legal right sends the message abroad that breaking our laws will be rewarded. U.S. citizenship must have a value over non-citizenship, or the bonds of duty between government and governed will wither.

The abuse of parole by the Biden Administration also tests the separation of powers under the U.S. Constitution, which gives Congress the prerogative to decide who enters the country and on what terms. Immigration must be in the national interest, not just the political interest of each successive presidential Administration.

Economic. Open borders are fundamentally incompatible with a modern welfare state. One credible estimate is that illegal immigration costs \$150 billion a year. The societal costs are difficult to calculate.

Education. In addition to the hundreds of thousands of illegal alien families with children that have been allowed into the U.S. since January 2021, over 400,000 unaccompanied alien children (UACs) have also been released into the custody of family, guardians, or “sponsors.” Most will be attending school at taxpayer expense. Public schools are required to provide a free education to children who are residing in the United States illegally.¹⁰ There were around 4.8 million public school students in 2020, 6.5 percent of whom were either illegal aliens or the children of illegal aliens. Overall, federal and state funding for these children is estimated to cost around \$78 billion annually.

In addition, 5.1 million, or 10 percent, of all students in public schools have limited English proficiency (LEP). Because the federal government provides 7.9 percent of total public-school funding but only 1 percent of the cost for LEP students, the additional cost of specialist teachers for LEP falls on states and localities.¹¹

Crime. In the past two and a half years, the United States has allowed millions of people to enter the country who tend to be younger, more male, and more uneducated than the national population as a whole. Because many of those caught and released at the border do not provide identification documents to DHS when they are processed into the country, we have no way to know whether they have criminal records in their home countries or countries they have lived in or passed through on the way to our border. Even if inadmissible aliens do provide valid identification, DHS does not have access to the criminal records of most of these countries—assuming, of course, that such records exist in the first place. Thus, we have no real criminal vetting on any released illegal immigrant unless he or she has a record in the United States.

Based on per-country estimates of criminal activity per given population, we are probably letting in dozens of thieves,¹² a few murderers and rapists,¹³ and a dozen

¹⁰ *Plyler v. Doe*, 457 U.S. 202 (1982), <https://supreme.justia.com/cases/federal/us/457/202/> (accessed October 16, 2023).

¹¹ Federation for American Immigration Reform, “The Elephant in the Classroom: Mass Immigration Imposing Colossal Cost and Challenges on Public Education,” Research Report, September 2022, <https://www.fairus.org/sites/default/files/2022-09/FAIR%20Education%20Report%20Sept%202022%201.pdf> (accessed October 16, 2023).

¹² USA Facts, “Property Crime Rate (per 100,000 Persons),” <https://usafacts.org/data/topics/security-safety/crime-and-justice/crime-and-police/property-crime-rate-per-100000-persons/> (accessed October 16, 2023).

¹³ Wisevoter, “Crime Rate by Country,” <https://wisevoter.com/country-rankings/crime-rate-by-country/> (accessed October 16, 2023).

with suspected terrorist links¹⁴ every month along with the majority who are simply economic migrants looking to improve their lot. We find out sooner or later, as criminals tend to reoffend. A significant amount of crime is committed by a fairly small percentage of the population,¹⁵ often geographically concentrated in areas of our large cities. As Rafael Mangual writes, “the vast majority of American prisoners are violent, chronic offenders.”¹⁶

Mass release at the border results in preventable crimes. Secretary Mayorkas’s instructions to Immigration and Customs Enforcement to limit interior enforcement¹⁷ has significantly reduced arrest, detention, and deportation levels from prior years. There are more than 400,000 convicted illegal alien criminals free in our communities. The Biden Administration’s annual target for deporting them is under 30,000.¹⁸ President Biden thus asks Americans—not their home countries—to run the risks posed by recidivist foreign criminals. The steady stream of arrests by local and federal authorities of recidivist foreign criminals, often previously deported once or more than once, makes it clear: The ease with which aliens can cross the border undetected makes our entire country less safe.

Health Care. Total federal medical expenditures related to illegal aliens are estimated at \$23 billion this year. That is a combination of uncompensated federal hospital expenditures, Medicaid births, Medicaid fraud, and Medicaid for U.S.-born children of illegal aliens. The Medicaid costs for emergency medical services for illegal aliens went from roughly \$3 billion in FY 2020 to over \$7 billion in FY 2021.¹⁹ States like Illinois and New York that have large illegal populations have attempted to provide Medicaid for illegal alien seniors, causing their costs to balloon beyond initial estimates.

Cost by State and City

The border cities are hit by wave after wave of illegal immigrants released when DHS capacity is overwhelmed. In El Paso, Texas, twice in the past year, hundreds of released aliens have slept in the streets due to full shelters. Although the border bears the brunt of the initial crossings, the long-term costs mostly move further north.

In Chicago, there were over 400 illegal immigrants sleeping at O’Hare Airport as of early October. The city had received 10,000 migrants to add to its own homeless population, overwhelming shelter capacity. Chicago has spent over \$250 million this year to support illegal immigrants. City residents have complained about the use of schools as migrant shelters and about the disruptive and criminal behavior of some of the illegal aliens housed by the city.²⁰

New York City receives hundreds of illegal alien arrivals a week, adding to at least 120,000 who have arrived in the past two years. New York will spend more than \$5 billion housing illegal aliens in FY 2023, equaling the annual budget of the Fire, Parks, and Sanitation Departments combined. Mayor Adams has rented hundreds of hotels and opened dozens of emergency facilities from churches to parking lots to house illegal aliens.²¹ He has tried to pay private homeowners to house

¹⁴Julia Ainsley, “Number of people on terrorist watchlist stopped at southern U.S. border has risen,” NBC News, September 14, 2023, <https://www.nbcnews.com/politics/national-security/number-people-terror-watchlist-stopped-mexico-us-border-risen-rcna105095> (accessed October 16, 2023).

¹⁵Rafael A. Mangual, *Criminal (In)Justice: What the Push for Decarceration and Depolicing Gets Wrong and Who It Hurts the Most* (New York: Center Street/Hachette, 2022).

¹⁶Ibid., p. 12.

¹⁷Memorandum from Alejandro N. Mayorkas, Secretary, U.S. Department of Homeland Security, to Tae D. Johnson, Acting Director, U.S. Immigration and Customs Enforcement, et al., “Subject: Guidelines for the Enforcement of Civil Immigration Law,” September 30, 2021, <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf> (accessed October 16, 2023).

¹⁸U.S. Department of Homeland Security, *U.S. Immigration and Customs Enforcement Budget Overview Fiscal Year 2024, Congressional Justification*, p. 161, https://www.dhs.gov/sites/default/files/2023-03/U.S.%20IMMIGRATION%20AND%20CUSTOMS%20ENFORCEMENT_Remediated.pdf (accessed October 16, 2023).

¹⁹“Causes, Costs, and Consequences: Why Secretary Mayorkas Must be Investigated for His Border Crisis,” Committee on Homeland Security, Majority Report, June 14, 2023, <https://homeland.house.gov/wp-content/uploads/2023/09/CHSPreliminaryReport.pdf> (accessed October 16, 2023).

²⁰Kristine Parks, “Chicago residents sound off on illegal immigrants in neighborhood: ‘They disrespect us, rob us, harass us,’” Fox News, July 28, 2023, <https://www.foxnews.com/media/chicago-residents-sound-off-illegal-immigrants-neighborhood-disrespect-rob-harass> (accessed October 16, 2023).

²¹Carl Campanile, “Mayor Eric Adams eyes Aqueduct Racetrack, Creedmoor Center for new NYC migrant tent cities,” *New York Post*, July 16, 2023, <https://nypost.com/2023/07/16/eric-campanile/>

them,²² has handed out flyers at the border to dissuade them from coming, and in October went to visit countries in Latin America to try to stem the flow, but to no avail. With the federal government releasing nearly every illegal alien at the border as long as he or she is part of a family unit, and with New York's provision of free health care, food, schools, legal counsel, and even bicycles, there is no conceivable end to New York's liability without deliberate policy changes from the White House.²³

Washington, D.C.'s mayor has complained that the city's shelters for migrant families are full.²⁴ By September, the city had already spent \$55.8 million to house illegal immigrants in 2023, not including costs of education and health care. In New Jersey, the Biden Administration proposed sending illegal aliens from New York to Atlantic City International Airport.²⁵ In Massachusetts, the governor has deployed over 2,000 members of the National Guard to help process arriving illegal immigrants and help them apply for work permits. Massachusetts is spending \$45 million a month to shelter illegal immigrants in hotels and, like New York, has asked local people to house them.

Environmental Costs

A year ago, I visited Yuma, Arizona, to see for myself how easy it was for foreign nationals to cross illegally into the United States on foot. I spoke to local Americans, including farmers and ranchers, about the impact of large numbers of these people on their land. In the early months of the Biden Administration, illegal immigrants were walking through and camping in agricultural fields in Yuma, which produces 90 percent of U.S. salad and leafy greens from November to April. Because of strict food safety regulations, each human trace requires farmers to destroy all the crops in a given radius from any perceived human contamination, from mere footprints to feces and menstrual pads, causing millions of dollars in uninsured losses.

In March, I visited a gap in the unfinished border wall near the Morelos Dam in Yuma. At about 20 yards wide, it was supposed to be a vehicle gate when finished. President Biden ordered all work on the wall to stop shortly after taking office. Ever since, the Morelos Gap has been one of the most popular places for foreigners to enter the U.S. illegally on foot. It is one of many places in Arizona where the border is, for most intents and purposes, wide open. People of unknown identity from anywhere in the world can simply walk up and come in. Under Secretary of Homeland Security Mayorkas, the illegal arrivals are met by the Border Patrol or whatever DHS elements are available and channeled into a system that is designed to get them into the interior of the United States as fast as possible. Diverting DHS staff, including Border Patrol, from regular duty to providing administrative and social services leaves the border less guarded than usual, allowing even more illegal drugs, people, and goods into the country.

I visited the Morelos Gap during the day and again at 3:00 a.m. During the day, I saw clear signs of mass migration. In a few minutes looking in the sand, I gleaned coins from Mexico, Peru, and the Republic of Georgia. I picked up a passport from Cuba, debit cards from Mexico and Turkey, several Peruvian national identity cards, a Mexican refugee card belonging to an Ecuadorian, and a Polish bank card belonging to an Indian. Worldwide awareness of our open border, spread by family, friends, and alien smuggling criminals using social media, is the real "root cause" of the mass rush to the border since January 2021 according to journalists who have spoken with prospective illegal immigrants to the U.S. from many countries along the Panama-Mexico route.²⁶

At 3:00 a.m., I witnessed more than 100 people walking or running through the Gap to join a long line to be "processed." Border Patrol took their photos, starting

adams-eyes-aqueduct-racetrack-creedmoor-center-for-new-nyc-migrant-tent-cities/ (accessed October 16, 2023).

²² Haley Brown, Bernadette Hogan, and Emily Crane, "Adams floats idea of New Yorkers housing migrants in 'private residences,'" *New York Post*, June 5, 2023, <https://nypost.com/2023/06/05/adams-wants-new-yorkers-to-house-migrants-in-private-residences/> (accessed October 16, 2023).

²³ Lionel Shriver, "The problem with hotels for migrants," *The Spectator World*, August 1, 2023, <https://thespectator.com/topic/problem-hotels-migrants-new-york-britain/> (accessed October 16, 2023).

²⁴ Hector Alejandro Arzate, "D.C. Has Reached Hotel Capacity for Newly Arrived Migrants," *WAMU DCist*, May 3, 2023, <https://dcist.com/story/23/05/03/dc-migrants-hotel-capacity/> (accessed October 16, 2023).

²⁵ Jake Smith, "Wild West: Dem Gov Sounds Alarm Over Massive Influx Of Illegal Migrants," *Daily Caller*, September 1, 2023, <https://dailycaller.com/2023/09/01/new-jersey-illegal-migrants-phil-murphy/> (accessed October 16, 2023).

²⁶ Todd Bentsman, *Overrun: How Joe Biden Unleashed the Greatest Border Crisis in U.S. History* (Nashville: Bombardier Books, 2023).

the process that in most cases would have ended with their release into the U.S. interior a few days later. At one time or another, I have learned and spoken French, Slovak, Hindi, and Spanish in descending order of ability. That night, I spoke to people from Cameroon, China, Cuba, the Dominican Republic, Ecuador, Georgia, India, and Russia. When asked, the people in line told me they were here to look for work and opportunity. As a former consular officer who has interviewed thousands of visa applicants, it was surreal to see the same type of aspiring economic immigrants I had interviewed (and usually denied visas to) in embassies overseas now lining up for easier entry into the U.S. They get in with no application, no fee, no criminal background check, and none of the other inconveniences of having to qualify for a visa as our law requires before asking to be admitted into the United States.

After Yuma, I rode along with a Pinal County, Arizona, police officer in an area a few hours to the east. He showed us many spots where smugglers hide out with drugs and illegal migrants, waiting for their ride after trekking through the desert from the border. Illegal immigrants discard piles of carpet slippers (to hide footprints), backpacks, and plastic water jugs, thousands of which litter the fragile desert landscape. Those surrendering to Border Patrol are then placed in federally funded housing with sanitary facilities, but those attempting to evade detection on entry—informally called “gotaways”—defecate and litter all along their trail into the United States until being picked up by smugglers’ vehicles or disappearing into towns and cities. Last May, a thousand or so illegal border crossers built a camp in California’s Jacumba Hot Springs, an “arid wilderness,” while waiting for their free ride to be processed and released into the U.S. with a ticket to their favored destination. They came from Colombia, Brazil, Peru, India, Vietnam, Uzbekistan, and other countries. *The New York Times* reported that the migrants cut tree branches to make shelters and burn as firewood.²⁷

According to a report by the Center for Immigration Studies, each alien crossing illegally into the United States leaves behind six to eight pounds of trash on the U.S. side of the border. Taking into account the more than 7 million people who have crossed the border illegally in the past few years, that amounts to millions of pounds per year.²⁸ Between 2007 and 2018, the State of Arizona collected 460,000 pounds of trash discarded by illegal aliens along its 370-mile border with Mexico.²⁹ As I have seen for myself in visits to Arizona, the Rio Grande Valley, and areas of southern Texas used by alien smugglers, the landscape is littered with personal belongings like backpacks, clothes, and documents; prescription drugs; water bottles; and other detritus left by illegal immigrants.³⁰

The human waste and trash produced by the endless foot traffic not only pollutes crops, but also harms wildlife, taints water, and damages delicate desert environments. There are 693 miles of federal or tribally owned land along the U.S. border with Mexico.³¹ This includes ranches and farms, Indian reservations, and protected areas such as the Sonoran Desert National Monument, Big Bend National Park, and Buenos Aires National Wildlife Refuge. Mass illegal immigration exacerbates the environmental impact on these areas.³²

Federal lands are held in trust for the American people by the government. Almost 20 years ago, the manager of the Buenos Aires National Wildlife Refuge south of Tucson, Arizona, said his staff spent over a third of their time installing protective measures and mitigating damage from illegal border crossers and alien smugglers while “biologists spen[t] precious time documenting and mitigating resource damage.” According to the Fish and Wildlife official’s testimony, similar

²⁷ Soumya Karlamangla, “Scenes from a Migrant Camp at California’s Southern Border,” *The New York Times*, May 19, 2023, <https://www.nytimes.com/2023/05/19/us/migrants-title-42-jacumba-hot-springs.html> (accessed October 16, 2023).

²⁸ Hannah Davis, “Leftist Hypocrisy: Failing to Criticize Environmental Disaster of Biden’s Open Border,” Heritage Foundation Commentary, June 6, 2023, <https://www.heritage.org/immigration/commentary/leftist-hypocrisy-failing-criticize-environmental-disaster-bidens-open>.

²⁹ Arizona Department of Environmental Quality, “Arizona Border Trash,” <https://legacy.azdeq.gov/obep/waste.html> (accessed October 16, 2023).

³⁰ Simon Hankinson, “I Couldn’t Believe What I Saw at Biden’s Lawless Open Border,” *The Federalist*, March 31, 2023, <https://thefederalist.com/2023/03/31/i-couldnt-believe-what-i-saw-at-bidens-lawless-open-border/> (accessed October 16, 2023).

³¹ Memorandum to House Committee on Natural Resources Republican Members from Subcommittee on Oversight and Investigations Republican Staff; Sang Yi and Meghan Holland, “Subject: Republican Forum titled ‘The Biden Border Crisis: Environmental and Humanitarian Consequences,’” May 24, 2021, https://naturalresources.house.gov/uploadedfiles/2021-05-27_oi_border_forum_memo.pdf (accessed October 16, 2023).

³² Davis, “Leftist Hypocrisy: Failing to Criticize Environmental Disaster of Biden’s Open Border.”

damage was being done in other federal land along the border.³³ Given the current mass illegal migration at the border, it seems unlikely that the percentage of time that Department of the Interior staff spend mitigating the damage to federal lands caused by illegal immigrants and smugglers has decreased.

The millions of inadmissible aliens who have been released by DHS or who have been able to enter the United States illegally without detection over the past two years will add to the stress on our already depleted and stressed infrastructure: from roads to schools to hospitals to housing. By recklessly increasing the population in short periods, we can expect more urban sprawl, conversion of farmland to housing, and reduction of natural habitat. According to the National Wildlife Federation, the “rapid consumption of land could threaten the survival of nearly one out of every three imperiled species in the United States.”³⁴

Away from the border, using federal lands to house illegal aliens would fly in the face of the public benefit for which the lands were conserved, and it would fail to solve the problem. U.S. cities from El Paso to Boston are paying the price of mass illegal immigration. New York City alone is spending more than \$5 billion a year housing illegal aliens and, running out of space, has apparently arranged to lease federal land to house migrants.

Local officials have explained the difficulties of managing this particular facility,³⁵ but I would argue more broadly that using federal lands anywhere for the purpose of housing illegal immigrants would be a mistake. With no federal effort to control the flow from the south, there would be no predictable end to the period during which local people would be deprived of recreation areas for which they paid taxes. Reports from Guatemala to the Darien Gap indicate that mass migration facilitated by this Administration is only going to grow.³⁶

Absent a change in national policy, U.S. localities are going to have to deal with increasing flows for at least another year. They will ask Washington to compensate them for the costs, but there are no guarantees that money will be provided. This will leave cities and states stuck with semi-permanent encampments and no revenue for their maintenance.

Mr. TIFFANY. Thank you, Mr. Hankinson. I would like to now recognize Representative Malliotakis to introduce our next witness.

Ms. MALLIOTAKIS. My pleasure. Thank you again, Mr. Chairman. I am fortunate to have a good friend from New York City who is a Republican Councilwoman from Queens.

And to my colleagues, I would like to welcome my fellow New Yorker, City Councilwoman Joann Ariola, back to this Committee. She was here recently, where she testified regarding the use of Floyd Bennett Field being turned into a migrant encampment, which was last month, and we are happy to have her here again.

She is a lifelong resident of Queens in the district that she represents. She is a committed civic leader, a wife, a mother, a grandmother, and she has always focused her activism on forging positive relationships between the residents of Queens and government agencies to promote high-quality education for students,

³³Mitch Ellis, U.S. Fish and Wildlife Service, “The Impacts of Illegal Immigration on Public Lands,” statement before the Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, U.S. House of Representatives, June 15, 2006, <https://fws.gov/testimony/impacts-illegal-immigration-public-lands> (accessed October 16, 2023).

³⁴Reid Ewing and John Kostyack, *Endangered by Sprawl: How Runaway Development Threatens America's Wildlife*, National Wildlife Federation, Smart Growth America, and NatureServe, 2005, <https://www.nwf.org/-/media/PDFs/Wildlife/EndangeredbySprawl.pdf> (accessed October 16, 2023).

³⁵Kenneth Spencer, “Destroying America’s Best Idea: Examining the Biden Administration’s Use of National Park Service Lands for Migrant Camps,” statement before the Committee on Natural Resources, U.S. House of Representatives, September 27, 2023, https://naturalresources.house.gov/uploadedfiles/testimony_spencer.pdf (accessed October 16, 2023).

³⁶Mary Anastasia O’Grady, “How Colombia Abets the Migrant Crisis: A jungle smuggling operation could bring 500,000 aliens into Panama in 2023—and later into the U.S.,” *The Wall Street Journal*, October 16, 2023, <https://www.wsj.com/articles/how-colombia-abets-the-migrant-crisis-illegal-immigration-border-international-e376978> (accessed October 16, 2023).

improving the quality of life that residents deserve, and working with the NYPD on issues related to public safety.

She is a trusted representative for the communities within the 32nd Council District. She is someone who has worked across the aisle, both with Republicans and Democrats, to get things done. And she is also somebody who has engaged me as a Federal Representative to see ways that we can work together to improve New York City for the better. And I would like to take an opportunity to welcome my good friend, Councilwoman Joann Ariola.

Thank you for coming again to Washington.

**STATEMENT OF THE HON. JOANN ARIOLA, COUNCIL MEMBER,
NEW YORK CITY COUNCIL, NEW YORK, NEW YORK**

Ms. ARIOLA. Thank you, Chairman Tiffany, Ranking Member Neguse, and Full Committee Chairman Westerman, and, of course, Representative Nicole Malliotakis and the members of this Committee.

“Protection of public lands must not be a pendulum that swings back and forth depending on who is in office. It is not a partisan issue.” These words were spoken by President Joe Biden just 2 years ago. In the time since they were spoken, however, the protection of our public lands seems to have become a very partisan issue.

As a result of the grave mismanagement of the situation at our southern border, our cities have now become inundated with migrants for whom we have no room nor financial means to provide shelter to. In order to alleviate the situation, there are some in government who wish to place newcomers in our national parks, effectively closing those parks to the public and transforming them into housing compounds. This is something that we should all be united against.

We should all recognize that the thought of transforming a place like Yosemite National Park into a sprawling tent city is something that should never stand. It is something that we need protection against, and that is the protection that comes with H.R. 5283. This is a protection that would not only cover national parks like Yellowstone or the Grand Canyon, but it is one that would cover each and every national park in the country, as well.

As Barack Obama once said, it is not just the iconic mountains and parks that we protect, it is the forests where generations of families have hiked and picnicked and connected with nature. It is the park down the street where the kids play after school. It is the farmland that has been in the family longer than anybody can remember. It is the rivers where we fish. It is the forest where we hunt. Those words are especially true today, even if that national park is seen by some as just an old airport in Brooklyn.

That old airport in Brooklyn is Floyd Bennett Field, and it is especially important for the people of New York City, and to the people of my district, in particular. In a city which suffers from a lack of green space, Floyd Bennett Field draws, on average, nearly 1 million visitors each year to its meadows, fields, forests, and shorelines. Remote control aviation enthusiasts make use of the old runways. Students utilize the sporting fields and wait all year for field trips to the seasonal petting zoos and pumpkin patches. And

families make use of the campgrounds to enjoy the thrill of gathering around a campfire and sleeping under the stars without ever having to leave the five boroughs. Fishermen dot the shorelines, momentarily forgetting about the stresses of their home lives while they hope for the next big catch. And birdwatchers patrol the meadows in search of rare migrant bird species.

All of these things stand to be in jeopardy, should we allow Floyd Bennett Field to be transformed into a tent city for those crossing our southern border. Thousands of asylum seekers being placed in the middle of the park would mean that the many daily visitors who rely on this urban oasis to get a fleeting glimpse of the great outdoors would be unable to do so. Sections of the park would be completely sealed off from the public, converted into tents and support facilities. The campgrounds would be made into an administrative center for the new complex, the runway turned into living space, the meadows suddenly too busy for activity for birds to arrive.

The list of changes would go on and on, and would radically alter the park as it is known and enjoyed today. That is why it is so vital that we act to protect this space and all other national parks. These places were meant to be enjoyed by all, not turned into temporary housing as a result of a complicated immigration issue thousands of miles away. And that is why I urge everyone to sign on to H.R. 5283, so that we can ensure our parks remain protected, and that whatever fallout from any other political issues in the future do not jeopardize the amazing green spaces that are loved and enjoyed by millions of Americans all over the country.

Thank you, and I am willing to take any questions from the panel.

[The prepared statement of Ms. Ariola follows:]

PREPARED STATEMENT OF COUNCIL MEMBER JOANN ARIOLA, 32ND COUNCIL
DISTRICT, NYC CITY COUNCIL
ON H.R. 5283

“Protection of public lands must not become a pendulum that swings back and forth depending on who’s in office. It’s not a partisan issue.”

These words were spoken by President Joe Biden just two years ago. In the time since they were spoken, however, the protection of our public lands seems to have very much become a partisan issue. As a result of a grave mismanagement of the situation on our southern border, our cities have now become inundated with asylum seekers for whom we have no room nor financial means to provide shelter to. In order to alleviate this situation, there are some in government who wish to place newcomers in our National Parks, effectively closing those parks to the public and transforming them into housing compounds.

This is something that we should all be united against. We should all recognize that the thought of transforming a place like Yosemite National Park into a sprawling tent city is something that should never stand. It is something that we need protections against, and that protection comes in the form of H.R. 5283.

This is a protection that would not only cover national parks like Yellowstone or the Grand Canyon, but it is a one that would cover each and every National Park in the country as well. As Barack Obama once said, “it’s not just the iconic mountains and parks that we protect. It’s the forests where generations of families have hiked and picnicked and connected with nature. It’s the park down the street where kids play after school. It’s the farmland that’s been in the family longer than anybody can remember. It’s the rivers where we fish, it’s the forests where we hunt.” Those words are especially true today—even if that National Park is seen by some here as “just an old airport in Brooklyn.”

That “old airport in Brooklyn,” Floyd Bennett Field, is an especially important area for the people of New York City and to the people of my district in particular. In a city which suffers from a lack of green space, Floyd Bennett Field draws on average nearly one million visitors each year to its meadows, fields, forests, and shorelines. Remote control aviation enthusiasts make use of the old runways, students utilize the sporting fields and wait all year for their field trips to the seasonal petting zoos and pumpkin patches, and families make use of the campgrounds to enjoy the thrill of gathering around a campfire and sleeping under the stars without ever having to leave the five boroughs. Fishermen dot the shorelines, momentarily forgetting about the stresses of their home lives while they hope for the next big catch, and birdwatchers patrol the meadows in search of rare migrating bird species.

All of these things stand to be in jeopardy should we allow Floyd Bennett Field to be transformed into a tent city for those crossing our southern border. Thousands of asylum seekers being placed in the middle of this park would mean that the many daily visitors who rely on this urban oasis to get a fleeting glimpse of the great outdoors would be unable to do so. Sections of the park would be completely sealed off from the public, converted into tents and support facilities. The campgrounds would be made into an administrative center for the new complex, the runway turned into living space, the meadows suddenly too busy with activity for birds to arrive. The list of changes would go on and on, and would radically alter the park as it is known and enjoyed today.

This is why it is so vital that we act to protect this space, and all other national parks across the country. These places were meant to be enjoyed by all—not turned into temporary housing as a result of a complicated immigration issue thousands of miles away. And that is why I urge everyone to sign on to H.R. 5283, so that we can ensure our parks remain protected, and that whatever fallout from any other political issues in the future does not jeopardize the amazing green spaces that are loved and enjoyed by millions of Americans all over the country.

Mr. TIFFANY. Thank you very much, Councilman Ariola. We really appreciate you coming back down to DC to testify once again.

Next, we are going to recognize Members for questions, alternating between Majority and Minority, and first we will have the Chairman of the Full Committee.

Mr. WESTERMAN, you have 5 minutes.

Mr. WESTERMAN. Thank you, Mr. Tiffany. And again, thank you to the witnesses.

Councilmember Ariola, just over a year ago, on October 12, 2022, President Biden stated that national parks are “treasures and wonders that define the identity of us as a nation. They are a birthright that we pass down from generation to generation, and they unite us.” In your experience, do you think the recent actions to establish migrant housing on National Park Service land in New York City has lived up to President Biden’s ideas for national parks, and has this united your community in any way?

Ms. ARIOLA. It is completely contrary to his statement, and it has not united our community. It has really divided it in the fact that they will no longer be able to utilize that green space.

Mr. WESTERMAN. That is my assessment, as well.

Mr. Hankinson, as I mentioned in my opening statement, Federal lands are the areas that dangerous criminals and drug smugglers target because they know they are remote and under-patrolled. Your testimony touched on the impact that illegal aliens have on the country, including increased rates of crime. Can you expand on the effects that dangerous criminals who cross into our country on Federal lands have on our society?

Mr. HANKINSON. Thank you. I would say that criminality is pretty evenly spread among populations. The murder rate in the United States is about 5 in 100,000. The population crossing the border illegally skews younger and more male. And we have no records on them. If they don't have a criminal record in the United States, even if they surrender to Border Patrol and they get fingerprinted, we have no idea of what their history is.

And the fact is that if you get the daily CBP reports and ICE reports of arrests, many of these people that they are arresting who have committed crimes have been arrested multiple times and they have been deported once or more than once. And how do they get back in? They don't surrender at the border. They cross at one of the many places where it is easy not to be detected, and they disappear into that statistic of gotaways that I spoke about.

So, these are preventable crimes. You can't prevent all crime, but you can certainly make a difference by making an attempt to patrol the border and to catch people who are trying to come back in.

Mr. WESTERMAN. Thank you.

And Deputy Chief Heithecker, President Obama's Homeland Security Secretary, Janet Napolitano, wrote in 2009 that environmental laws and designations such as wilderness areas that she was talking about, she said, "Restrictions can impact the efficacy of Border Patrol operations and can be a hindrance to the maintenance of officer safety."

The Forest Service's own testimony cites wilderness restrictions as reasons why the construction of a patrol road, which would enhance border security and officer safety, would be prohibited. Does the Forest Service agree with President Obama's own Homeland Security Secretary that restrictive designations like wilderness areas along our southern border can hurt the efficacy of Border Patrol operations and endanger officers?

Mr. HEITHECKER. Thank you for the question, Mr. Chairman.

I would have to defer to CBP on efficacy of how they patrol those borders. As you know, that is not within our mission to respond to that.

Mr. WESTERMAN. I know you mentioned the terrain would prevent roads. But if you look at the draft of the legislation, we are talking about being able to construct roads even as far as a mile off of the border to account for terrain. And I know that where there is a will, there is a way you can build a road. We have built a lot of roads in some very treacherous terrain around the country. But if you don't have access, you are just having an open area with no way to enforce the laws that we have.

Mr. Hankinson, Chairman Tiffany mentioned in his statement the amount of fentanyl that is illegally flowing into the country, an astonishing 25,500 pounds, that is what we confiscated this last year. Under the Biden administration, we have seen record increases in fentanyl seizures. In your opinion, will we be able to stop the flow of fentanyl into this country if we don't secure our southern border?

Mr. HANKINSON. No. And I wouldn't suggest that we could ever stop 100 percent of the flow of contraband and drugs into the country, but we could make a tremendous improvement on the situation now, which is that not only are drugs being stopped at ports of

entry, but they are going around through individuals with backpacks right along the border, where it is easy to cross. It is a percentages question, and I don't believe we could do a whole lot worse than we are doing now.

Mr. WESTERMAN. Yes, and I actually was down there and saw migrants come across with three backpacks full of drugs, and the Border Patrol caught them. They dropped the drugs, and two of them made it back across before they could arrest them. And it happens every day. Every hour, it is happening there.

I yield back, Mr. Chairman.

Mr. TIFFANY. Thank you, Mr. Westerman. Next, Mrs. Peltola, you have 5 minutes for questioning.

Mrs. PELTOLA. Thank you, Mr. Chairman. Good morning.

This really is a serious issue, everybody in this room knows it. The viewing audience knows this. This issue did not invent itself in 2020. These immigration issues that we have with South America and south of our border have been going on since the 1980s, policies enacted in the 1980s or acted upon by the administrations of that time, and it has only gotten worse.

But aside from larger philosophical discussions on policy, I just want to ask Mr. Heithecker if he could elaborate a little bit on how this proposal pencils out in terms of both budget and timelines.

My understanding from your testimony is that the roads will cost \$40 to \$60 million. The estimated yearly maintenance costs would be about a quarter of \$1 million a year. And just recognizing that the major maintenance issues and deferred road maintenance issues that your Department has now totals \$7.66 billion. And I am sure the meter is still running with inflation costs and all of that, and I believe that that \$7.66 billion, already kind of piled-up need, pent-up need, is about 58 percent of your agency's entire deferred maintenance inventory. Can you explain that or elaborate on that, please?

Mr. HEITHECKER. Yes. Are you specifically asking about the percentage of our deferred maintenance budget that is—

Mrs. PELTOLA. Well, yes, and just the incongruity here of, this is an important issue, but in other committees there is talk about making cuts to your agency and having a stagnant budget because of continuing resolutions and inflation being the thief in the night. All of these things, and how it just doesn't pencil out.

Mr. HEITHECKER. Thank you for the clarification. As I mentioned in my opening statement, we take these border management issues very seriously. We obviously have problems that we need to deal with.

Currently, for road maintenance, we have 380,000 miles of road that we have to maintain. We are funded at about 20 percent of the level that we need to maintain those roads. So, adding additional roads just adds to that deficit across the board nationally.

Mrs. PELTOLA. Would the Forest Service be able to meet the requirements of ensuring border access and protection on Federal lands and maintaining the existing inventory without an additional appropriation?

And again, we all know this is not an appropriations committee, but if you could just speak to that.

Mr. HEITHECKER. Yes. As I mentioned, we only have about 20 percent of the budget necessary to maintain the roads that we currently have. So, we would just be adding to that additional maintenance backlog.

Mrs. PELTOLA. And could you talk about the timeline that is specified in the bill, and the actuality of meeting that?

Mr. HEITHECKER. As I mentioned, with the current resources we have that timeline would be a challenge. We have to go through NEPA, we have to go through consultation with federally recognized tribes. And depending on the level of analysis and the impacts that we recognize, we could be looking at anywhere from 4 to 7 years to try to get that road analysis and NEPA completed.

Mrs. PELTOLA. OK. There have been a couple of comments about how the Secretary of the Interior isn't here, and I just wondered if she had confirmed that she accepted the invitation to appear here, or if there might have been a scheduling conflict.

Mr. TIFFANY. All we know is that she is not here, and no representative from Interior is here. I am not sure how many employees there are in the Department of the Interior, but I suspect they should be able to find someone that would attend a hearing, especially an important hearing like this.

Mrs. PELTOLA. I am glad that the Forest Service is here, and you are under the purview of the Department of the Interior. So, I mean, I guess that is a good de facto person.

And I guess I am not always in favor of the actions taken or not taken by the Department of the Interior or the Secretary, but she is still a member of the Administration's Cabinet, and I just think it is good of us to maybe give her some grace in her absence. Thank you.

She might be in Alaska. There is a huge convention going on up in Alaska right now, so I know she will be there on Sunday, so it could just be that she is on the other side of the country.

Mr. TIFFANY. Sure. Part of the message we received also is that they have appeared before this Committee enough.

Mrs. PELTOLA. And maybe, and I am just guessing here, but it might also be the treatment when she does appear here, the hollering, name calling, and things like that.

Mr. TIFFANY. First of all, if it is before this Subcommittee, no one is hollering—

Mrs. PELTOLA. Yes, good point, thank you.

Mr. TIFFANY. No one is name-calling. Now, are there tough questions? No doubt about it. But there is a lot to be answered for, and I think that is the case here also.

Mrs. PELTOLA. Thank you, Mr. Chairman, and I digress in these comments, but I thought they were worthy.

Mr. TIFFANY. The gentlelady yields?

Mrs. PELTOLA. Thank you. I do yield.

Mr. TIFFANY. Thank you. I would like to recognize the gentleman from Idaho for 5 minutes, Mr. Fulcher.

Mr. FULCHER. Thank you, Mr. Chairman.

Ms. Ariola, thank you for the testimony, and welcome to the fight on the challenge to secure the southern border. New York has some geography between it and the southern border, and so does my home state of Idaho. And like you, we are impacted, as well.

And in my state, our governor recently designated a National Fentanyl Awareness Day, as opioid-related deaths have nearly doubled in Idaho over the last decade. In 2022, there were 358 overdose deaths, and 50 percent of those were from fentanyl. From July to August of this year, U.S. Customs and Border Protection seized more than 25,500 pounds of fentanyl, compared with 12,800 pounds over the same period in 2022. And just as a reminder, that is in Idaho. It is a fair distance from the southern border, but nevertheless, it is impacting us, as well. I can only imagine the drastic impact on states closer in proximity. I have been to the southern border, as well, and this is just a drastic situation that we have to do something about.

I do have a question for Mr. Hankinson.

In your testimony, you pointed out five major ways in which illegal immigration hurts America. I would just want to ask, with your research, and given the negative effects of fentanyl, like in my state, what are some of the steps that we can take to try to deal with that crisis?

Mr. HANKINSON. Well, one thing we could do is put the Border Patrol back on the border. And one of the reasons they are not there in large numbers is because they are being pulled off to do processing of illegal, inadmissible aliens who are then being moved into the rest of the country. So, we need to address that flow.

We know that about 85 percent of them are not going to qualify for asylum because they are here looking for a job, which you can't blame them for doing, but you can certainly ask them to wait their asylum process in Mexico, under the Migrant Protection Protocols, or in a country where they have previously gained asylum or protection, right the way down through South America. And when we dismantled that, and we accepted that every person asking to get in would be dealt with after they already were in the United States, we had to divert resources off the border.

So, one thing that could be done, a concrete thing, is to reinstate the Migrant Protection Protocols and safe third country agreements and ways in which to process people outside the United States so that Border Patrol can get back to patrolling the border.

Mr. FULCHER. Thank you for that. And I shared with you, Mr. Hankinson, just a little snippet about some of the impacts we have seen in Idaho. And I know you have looked into this in depth. Are we unique, or do you see similar ramifications in other local communities that have impacted other local communities?

Mr. HANKINSON. Well, New York is obviously the biggest example, but across our big cities—Washington, DC, there are over 1,000 people in Washington, DC shelters that are displacing people from Washington. There are tents all over this town. We have all seen them, including outside my apartment.

There are 400 people living in Chicago Airport's bus terminal who are inadmissible aliens who have been let into the country, presumably to claim asylum at some point. Chicago is scrambling to figure out what to do with them all.

El Paso has seen people released into its streets, sleeping on the sidewalks more than, I think, two or three times since this crisis started.

And then I was hearing yesterday that in Boise there is a homeless population down by some sensitive areas in the river that used to be recreational grounds that everybody could enjoy. And the homeless populations all over the country are being exacerbated enormously by indigent illegal immigrants coming to the country who have to be taken care of by local communities.

Mr. FULCHER. Thank you for that.

Mr. Chairman, I do have more questions, but I am going to use the rest of my time just for a statement because Mr. Hankinson kind of covered a portion of the next question that I had.

This is a result of this Administration's policy. No more, no less. Not only is it critically unfair to Americans, this is horrifically bad for the immigrants. We legally—legally—immigrate more than every other nation in the world combined on an annual basis. To take the border and open it up—I would argue absolutely for political purposes—is a travesty.

Mr. Chairman, I yield back.

Mr. TIFFANY. Thank you to the gentleman from Idaho, and now I will take 5 minutes for questions.

I just want to piggyback on what Mr. Fulcher just talked about, because it was said earlier that this was not invented, this issue was not invented in 2020. That is correct. But it has been put on overdrive here in America.

And yesterday, on the Floor of the House, I think Representative Cole said it very well, always in his measured tones. When he talked about Jeh Johnson, who was the Secretary during the Biden administration, he defined a crisis as 1,000 people a day coming across the southern border illegally. There are now 10,000 a day.

This is a direct result of January 20, 2021, when President Biden announced that there will be open borders to the world. And everyone heard that, and all the maladies that come with that are happening, including trashing our Federal lands down on the southern border, and in New York City and many other places. I mean, it is a direct result of one person's actions and one administration's actions.

Mr. Heithecker, why are you here today?

Mr. HEITHECKER. Well, you asked me to be here. That is one reason, and to represent the stance that the U.S. Forest Service has.

Mr. TIFFANY. To testify on behalf of the Forest Service, right?

Mr. HEITHECKER. Absolutely.

Mr. TIFFANY. And the Forest Service is testifying today because you received an invitation from this Subcommittee to be here today over 2 weeks ago, which you complied with. Correct?

Mr. HEITHECKER. Correct.

Mr. TIFFANY. Can you think of any reason why the Forest Service was able to show up and testify before us today when your colleagues at the Department of the Interior were unable to do so?

Mr. HEITHECKER. I can't speak to why the Park Service isn't here, but I am happy to be here and happy to answer your questions.

Mr. TIFFANY. Is the U.S. Forest Service housing illegal immigrants?

You said something about funds for housing that are being allocated from the Forest Service. Is the Forest Service using funds to house illegal immigrants?

Mr. HEITHECKER. No, we are not.

Mr. TIFFANY. Not even indirectly?

Mr. HEITHECKER. No.

Mr. TIFFANY. You said that some of this bill that we introduced, the TRASHED Act, is already provided under the law, that it is unnecessary, right?

Mr. HEITHECKER. [No response.]

Mr. TIFFANY. So, why isn't it being enforced?

Mr. HEITHECKER. If you look at our numbers of law enforcement, we have roughly 400, a little over 400 law enforcement officers in the field. That is over 193 million acres. You can do the math on the challenges there that they have in patrolling those lands. It is difficult.

Mr. TIFFANY. Does the Forest Service ever work with the Department of Homeland Security in any way?

Mr. HEITHECKER. We work very closely with Homeland Security, as well as Customs and Border Protection.

Mr. TIFFANY. You say it is already provided under the law. Shouldn't they be enforcing this if you can't?

Mr. HEITHECKER. Are you asking should Customs and Border Protection be providing protection over the environmental laws?

Mr. TIFFANY. Should they be enforcing the law to not allow people to be able to come across the southern border illegally on Federal lands that are under your jurisdiction?

Mr. HEITHECKER. Yes, they currently do, and that is part of an agreement that we have had in place for over 15 years now with Customs and Border Protection.

Mr. TIFFANY. So, they have control of the southern border?

Mr. HEITHECKER. They have jurisdiction to implement their laws that they follow on the southern border on National Forest System lands, yes.

Mr. TIFFANY. Because you are not saying what Secretary Mayorkas said, that yes, we have control of the southern border when the head of the Border Patrol said this year we no longer have operational control of the southern border. You wouldn't be making the same statement as Secretary Mayorkas, would you?

Mr. HEITHECKER. If I understand what you are asking correctly, no. We have acknowledged that there is a huge and significant border management issue down there.

Mr. TIFFANY. Thank you.

Ms. Ariola, how have things changed since the last time you were here? How long ago was that, was that 2 months ago?

Ms. ARIOLA. It was less. It was just a few weeks ago.

Mr. TIFFANY. Just a few weeks ago. Have things changed for the better in New York City?

Ms. ARIOLA. They have not. Our numbers have risen to 119,600 that we have in our care, and over 126,000 total if you count the gotaways.

Mr. TIFFANY. So, the situation is getting worse in New York City.

Ms. ARIOLA. It is getting worse every day. We are getting anywhere from 800 to 1,000 migrants per week.

Mr. TIFFANY. There was a representative from New York who said just last week that we should allow Palestinian refugees into America and, in particular, they would be welcomed in New York City. Do you think that is a good idea to do that at this time?

Ms. ARIOLA. I do not. There is no more room in New York City.

Mr. TIFFANY. Thank you. My time is up here.

I really appreciate that all of you would share your testimony. We have no other Members that are here that want to question, so thank you very much for your valuable testimony, and Members for your questions.

Members of the Subcommittee may have some additional questions for our witnesses today, and we will ask that they respond to these in writing. Under Committee Rule 3, members of the Subcommittee must submit questions to the Subcommittee Clerk by 5 p.m. on Tuesday, October 24, 2023. The hearing record will be held open for 10 business days for those responses, if you choose to do them.

If there is no further business, without objection, the Subcommittee on Federal Lands stands adjourned.

[Whereupon, at 11:16 a.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE HON. DAVID TRONE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MARYLAND
ON H.R. 1727

Thank you, House Natural Resources Committee Chairman Westerman and Ranking Member Grijalva, as well as Federal Lands Subcommittee Chairman Tiffany and Ranking Member Neguse, for bringing forth my bill, H.R. 1727, the Chesapeake and Ohio Canal National Historical Park Commission Extension Act, to be heard by the subcommittee. I was proud to introduce this bipartisan measure to ensure the C&O Canal National Historical Park Commission continues its critical role of preserving and supporting the C&O Canal.

The C&O Canal National Historical Park is 184.5 miles long and covers 20,000 acres winding north and west along the Potomac River from the heart of Washington D.C. to Cumberland, MD. The watered canal, contiguous towpath, hundreds of historic structures, and pre-Civil War-era towns all tell the story of how the C&O Canal once served as a crucial commercial link while highlighting the canal's lasting significance to the community. The park also preserves pristine views of the Potomac River.

First established in 1971, the Advisory Commission operates at a nominal cost, serving in a purely advisory role to the National Park Service. Every 10 years, Congress must reauthorize the Advisory Commission. The Commission has been reauthorized three times with overwhelming congressional support as the body plays a valuable role. I urge the subcommittee's support for H.R. 1727 and the safekeeping of the canal for years to come.

